

EXHIBITS

CASE # DCI2019-00019

CASE NAME: AMAVIDA RPD

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

ARE THERE ANY BOARD EXHIBITS? **YES** **NO**

LOCATION OF BOARDS _____

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

APPLICANT

a. 48-hour

#1 Power point presentation

#2 _____

#3 _____

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

STAFF

a. Response to Appl's KR-How

#1 Staff Report

#2 _____

#3 _____

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

OTHER EXHIBITS

NAME

NUMBER

DESCRIPTION

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____

Perez, Maria

From: Stacy Hewitt <SHewitt@BanksEng.com>
Sent: Monday, February 03, 2020 7:41 AM
To: Hearing Examiner
Cc: Danley Jr, Dirk; Workman, Elizabeth; Evans, Marcus; Dunn, Brandon; Boone, Tina; Schaefer, Lauren; Ervin, Michelle; Yury Bykau; Weigel, Zsuzsanna; Perez, Maria
Subject: [EXTERNAL] DCI2019-00019 - Amavida RPD
Attachments: DCI2019-00019-Applicant 48-hr notice.pdf

Good morning. I hope all is well. 😊

Attached please find the Applicant's 48 Hour Notice and Exhibit List for the above referenced case.

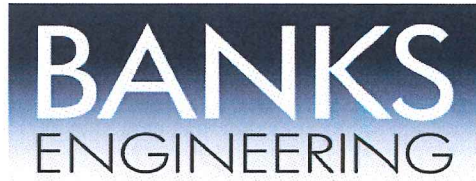
I look forward to the hearing Wednesday.

Thank you and hope you have a good week.
Stacy

Stacy Ellis Hewitt, AICP
Director of Planning



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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**, ~~tona/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.

https://beengineeringgroupinc-my.sharepoint.com/personal/shewitt_bankseng_com/Documents/Amavida/DCI2019-00019-Applicant 48-hr notice.doc

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- 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-04-034-043, 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} South Fort Myers, FL. (District #2), STRAP Numbers 35-45-24-00-00014.0000 and 35-45-24-00-00015.0000.

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 are 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.
- 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.

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



0 200
Feet

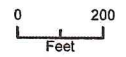




**DCI2019-00019
Zoning**

Legend

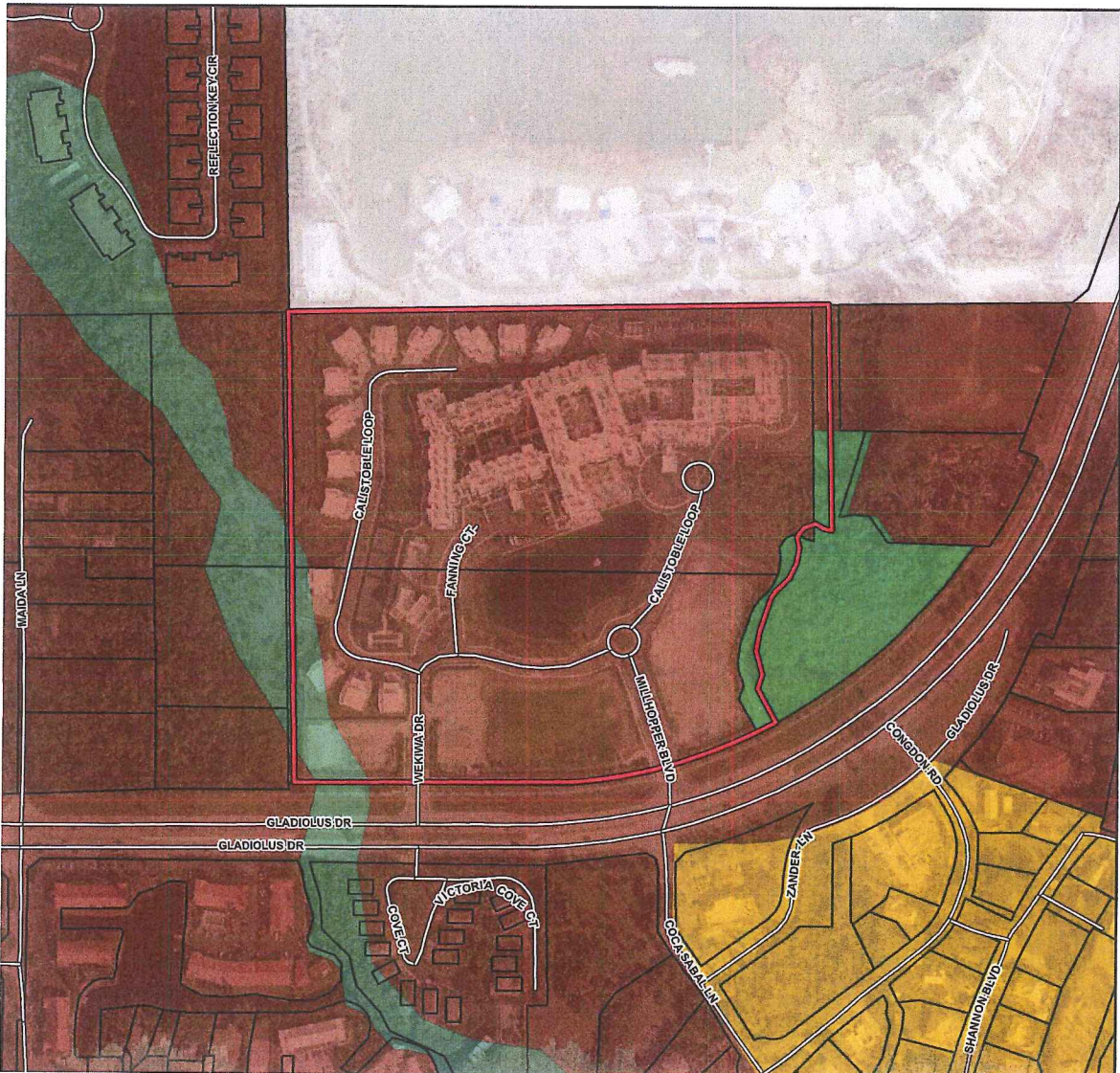
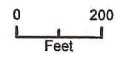
 Subject Parcel



DCI2019-00019 Future Land Use

Legend

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



Post Irma Photography

Not this project



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	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 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 Services** 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, if located between buildings and the east property line abutting the off-site County owned preserve; and
- c. Mercury vapor lamps/lights are prohibited.
Architectural sheets showing the building plans
- 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 & 5~~

Development Services ES

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.
- 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

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.

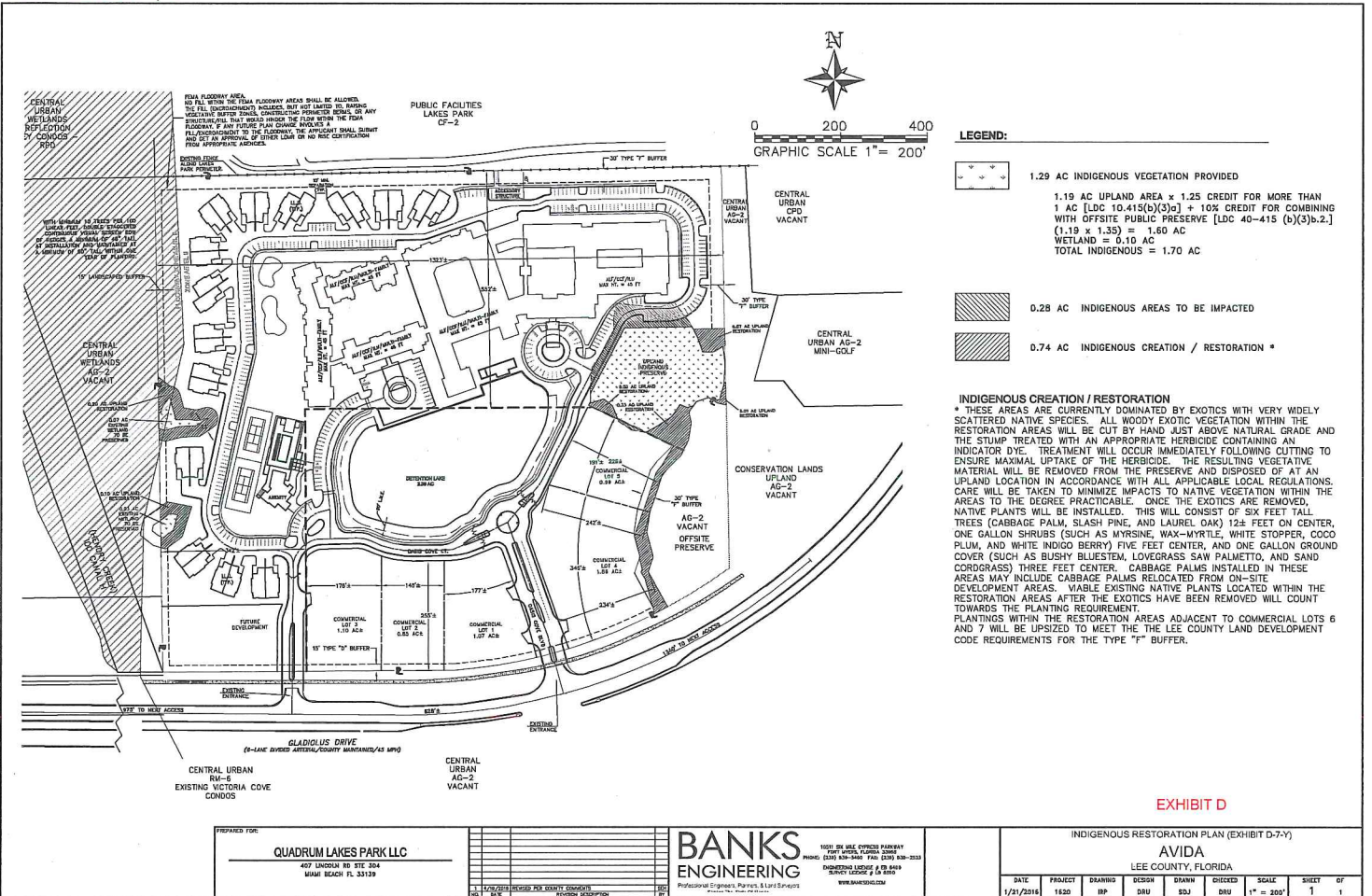


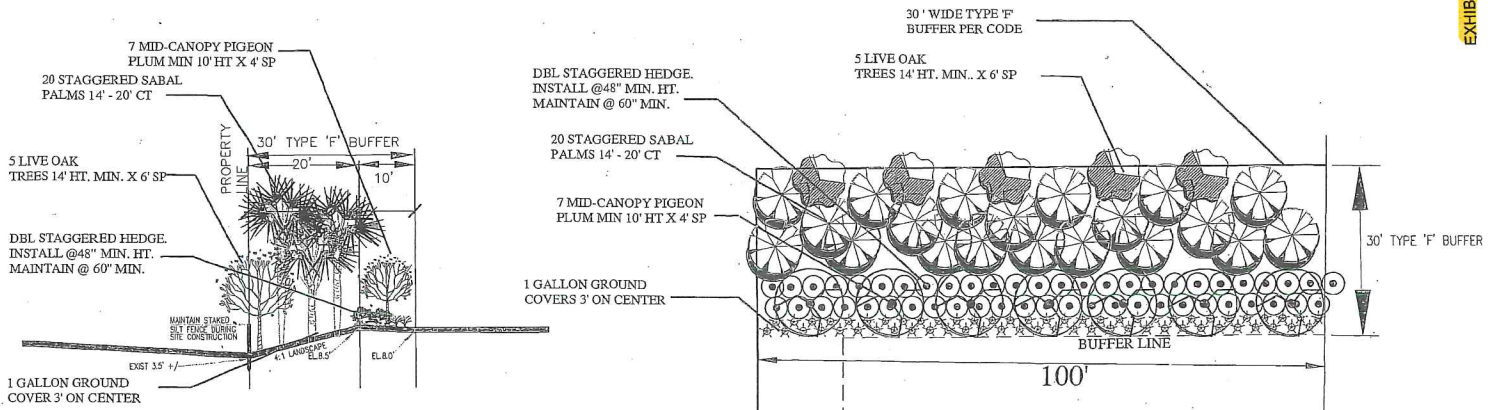
EXHIBIT D

PREPARED FOR:
QUADRAM LAKES PARK LLC
 407 LANDOLA RD STE 304
 MIAMI BEACH FL 33139

NO.	DATE	REVISION / DESCRIPTION
1	1/21/2016	ISSUED FOR PERMIT SUBMITTAL
2		
3		
4		
5		

BANKS ENGINEERING
 Professional Engineers, Planners & Land Surveyors
 10150 SW 15th Street, Suite 100, Miami, FL 33187
 PHONE: (305) 496-0444 FAX: (305) 496-0333
 DOROTHY L. BAKER, P.E. & P.L.S. 0018
 STATE LICENSE # 18,000

INDIGENOUS RESTORATION PLAN (EXHIBIT D-7-Y)									
AVIDA									
LEE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	
1/21/2016	1620	IMP	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 INC. RESERVES ITS COMMON LAW COPYRIGHT. THE SEAS, RECORDS 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



787 GLENDALE AVE NAPLES, FLORIDA 34110
 239 / 514-7209 239 / 504-8848 FAX

title: _____
 title: _____
 title: _____
 title: _____

BANKS ENGINEERING
 1051 Six Mile Cypress Pkwy
 Fort Myers, FL 33908
 (239) 939-5490

project location: LEE COUNTY, FLORIDA

designer: PJK	road #: _____	date: _____	sheet no: 1/1
project manager: PAUL J. KLENS, R.L.A.	project #: 08012	revisions: _____	
checked - date / by: _____ DATE	scope: AS NOTED		
approved for: DISCUSSION	new: LIMITS		

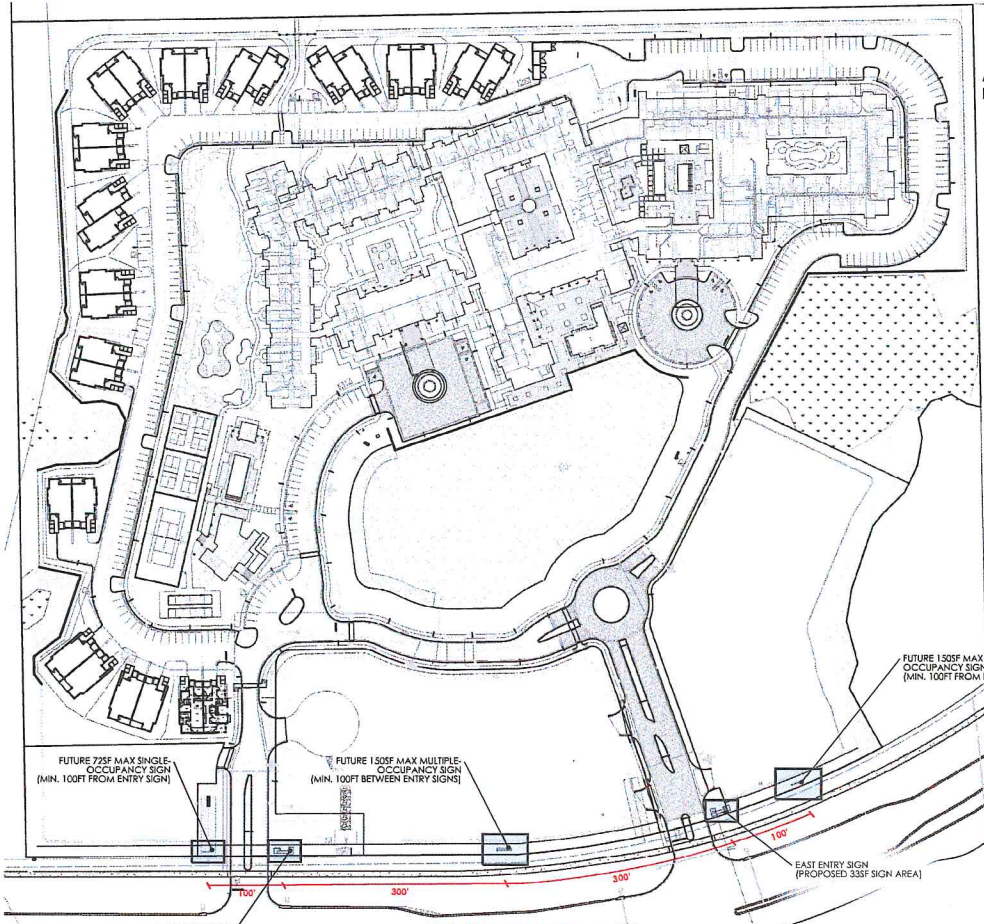


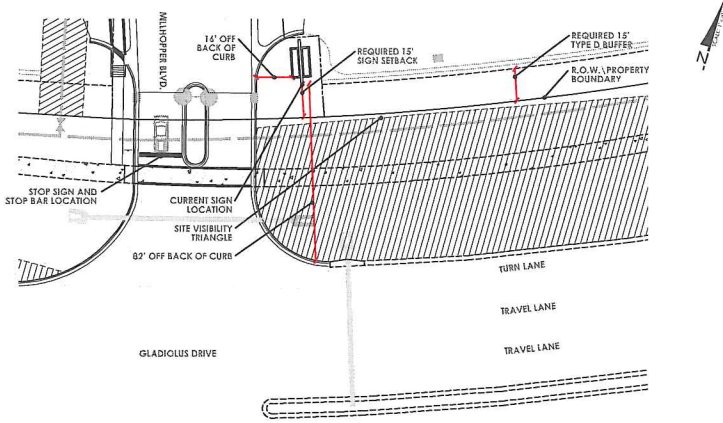
EXHIBIT F

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.

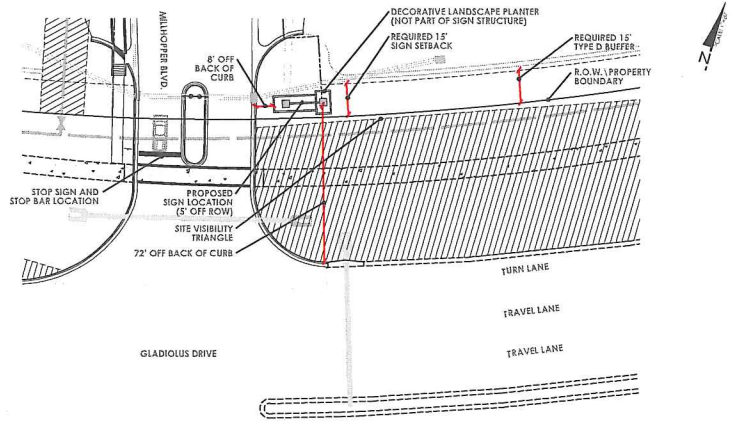
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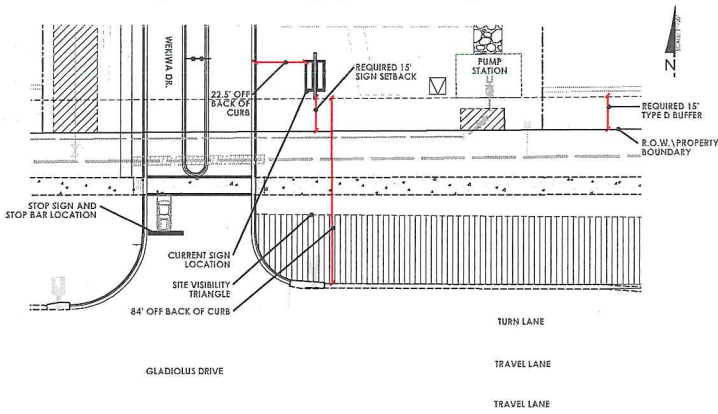
May 26, 2017



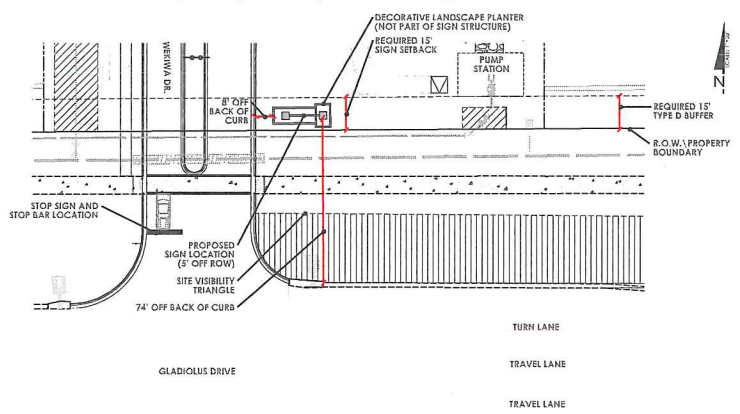
Development Order East Entry Sign Location: Millhopper Blvd.



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.

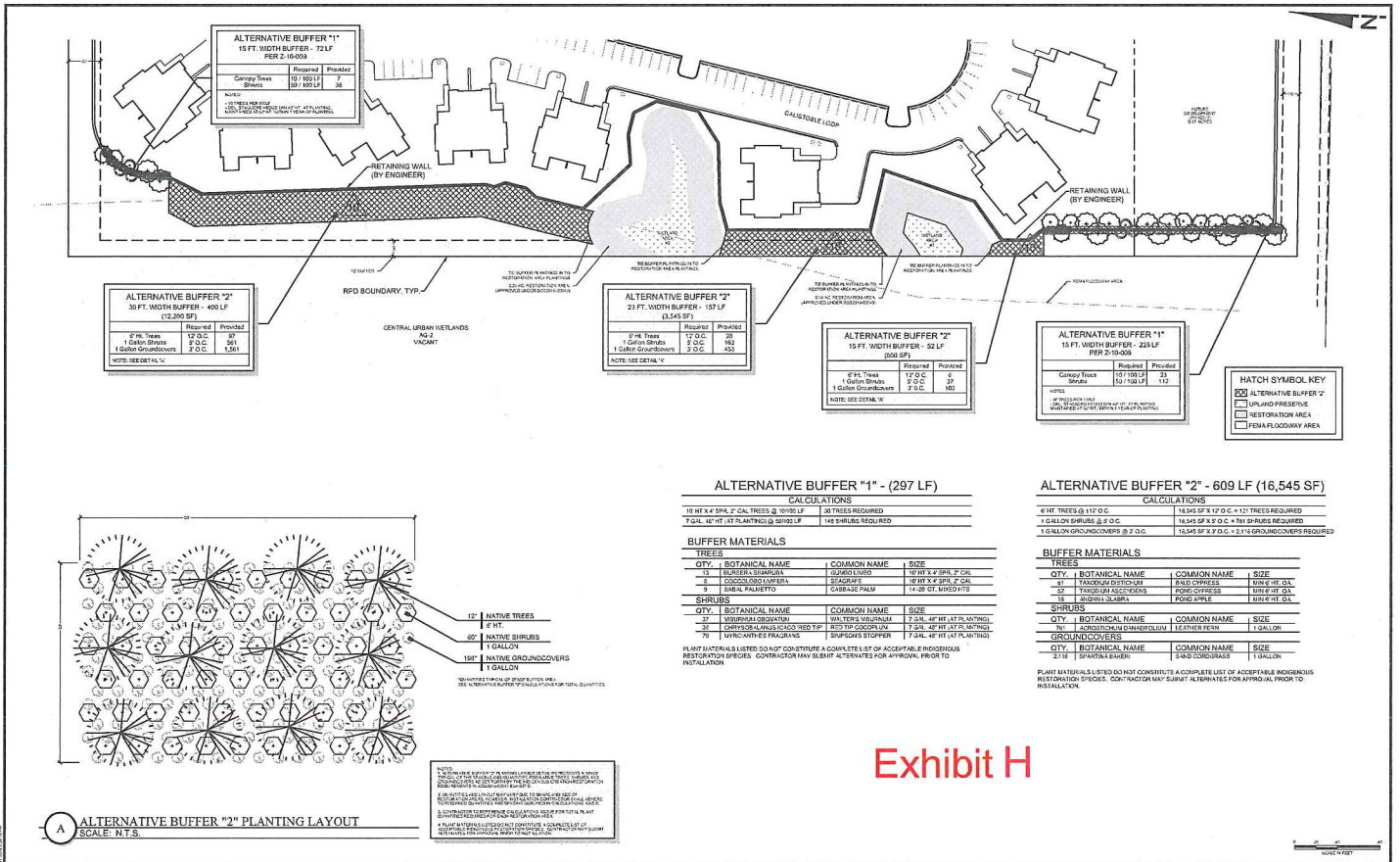


Exhibit H

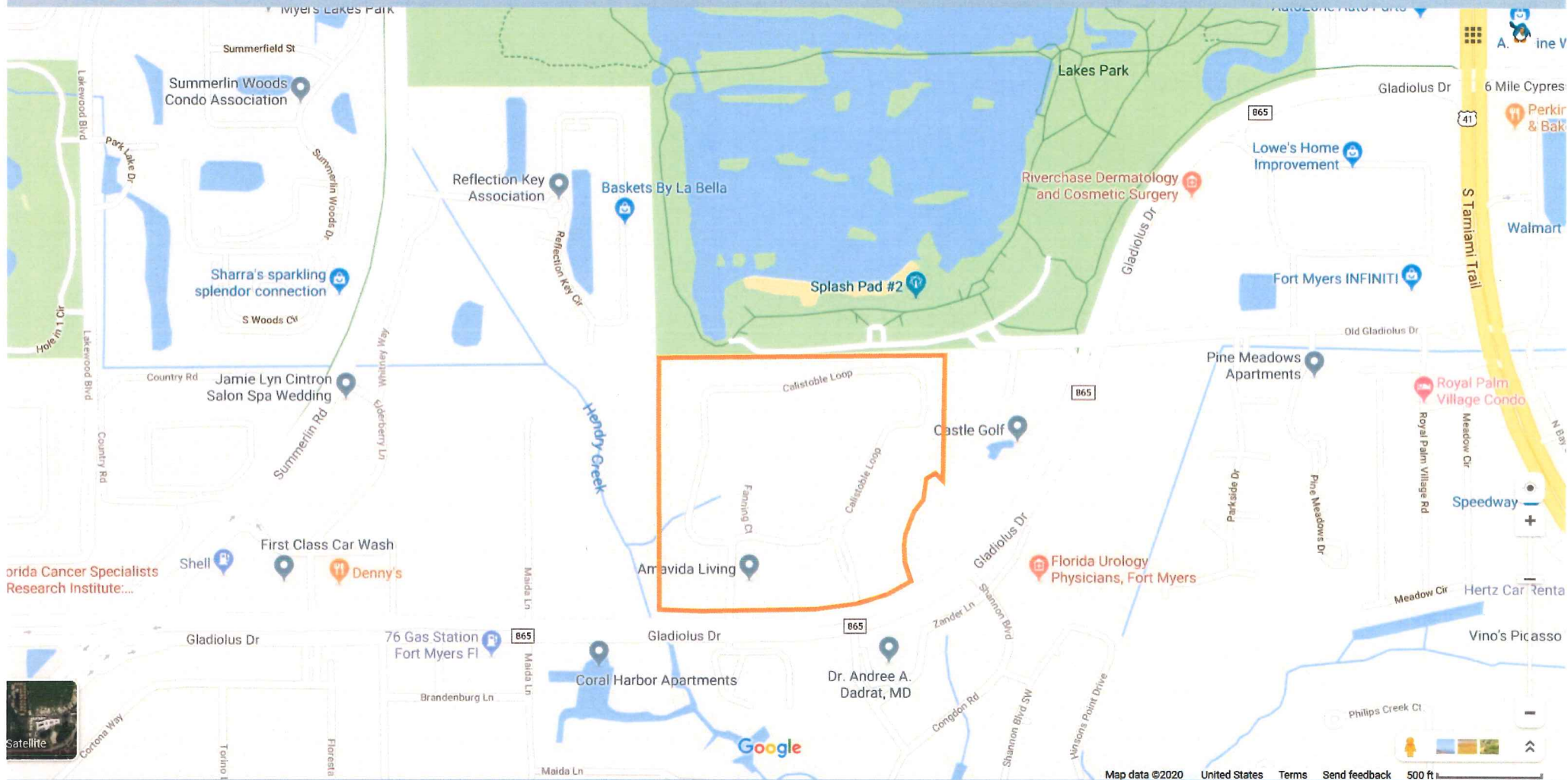


AMAVIDA RPD DCI2019-00019

Lee County Hearing Examiner Hearing
February 5, 2019



Project Location



Location: North side of Gladiolus Drive ±1/2 mile east of Summerlin Road – just south of Lakes Park

Introduction

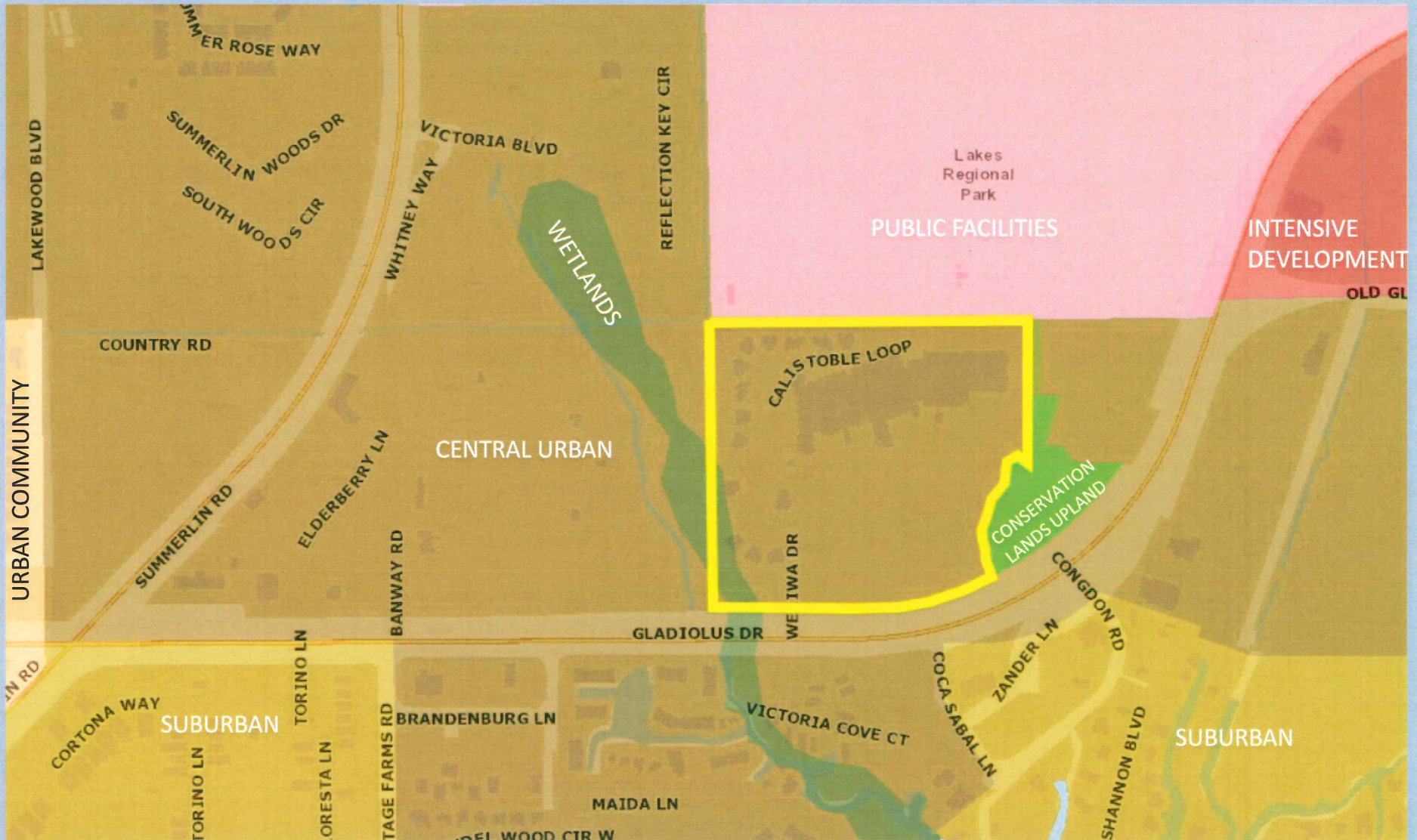
Applicant: Quadrum Lakes Park LLC

Request: Rezoning of ± 32.54 acres from RPD/CPD to RPD to remove 100,000 SF of commercial uses and to allow a total of 325 residential dwelling units, or an equivalent number of ALF, CCF or ILU (190 existing dwelling unit equivalents, plus an additional 135 dwelling unit increase requested).

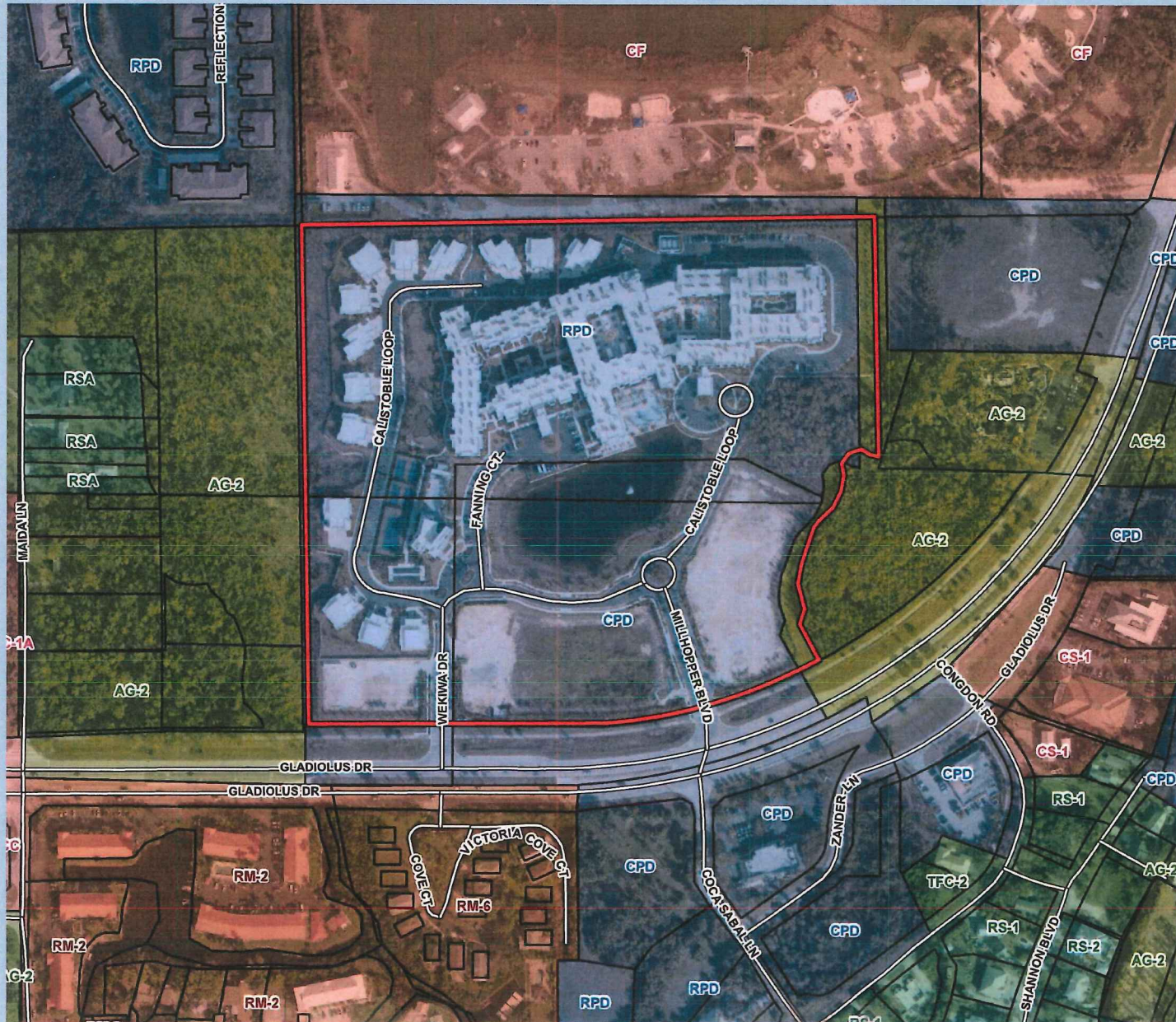
Planning Community: South Fort Myers

Future Land Use: Central Urban (± 32.44 acre) & Wetlands (± 0.10 Acre)

Future Land Use Map



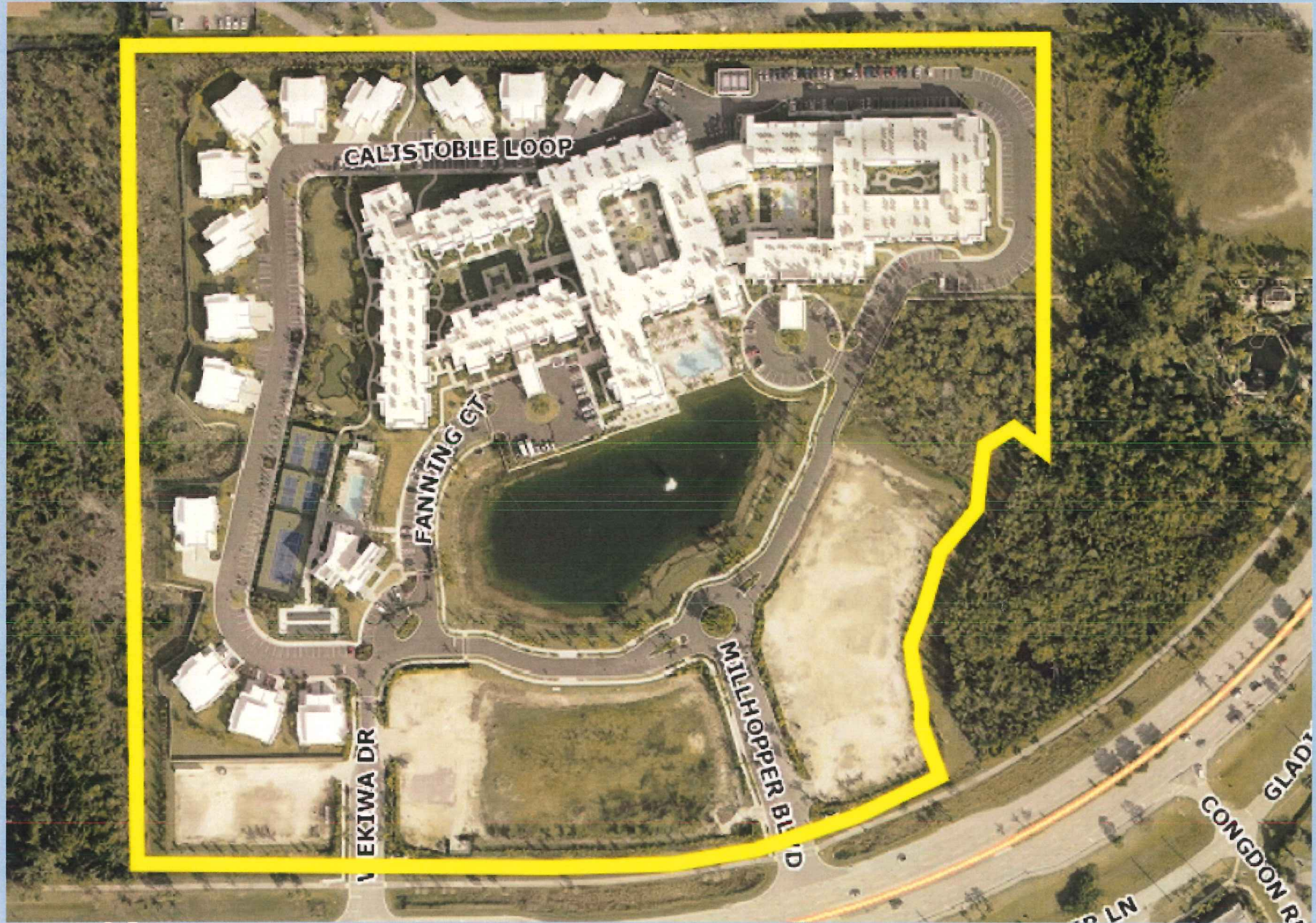
Zoning



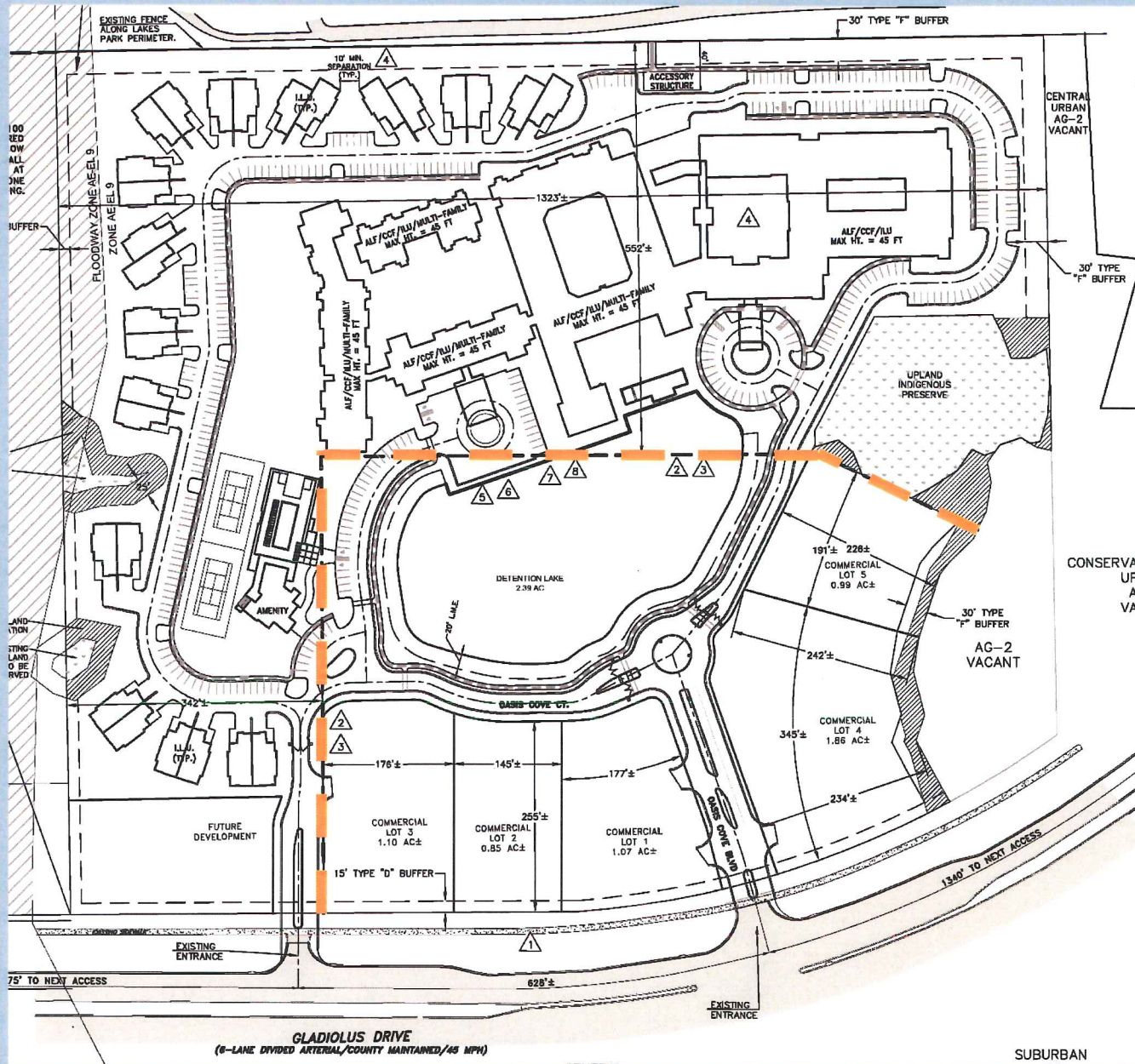
Staff Report/48-Hr Notice

- **Staff Recommends approval** of **324** dwelling units or equivalent ALF, CCF, ILU
 - **Reduction of 1 unit**
- **Applicant in agreement** with staff report and conditions as revised by Staff's response to Applicant's 48-hour notice.
- **Retaining 10** of 12 existing deviations
 - Deviations 2 and 3 were for CPD and no longer required

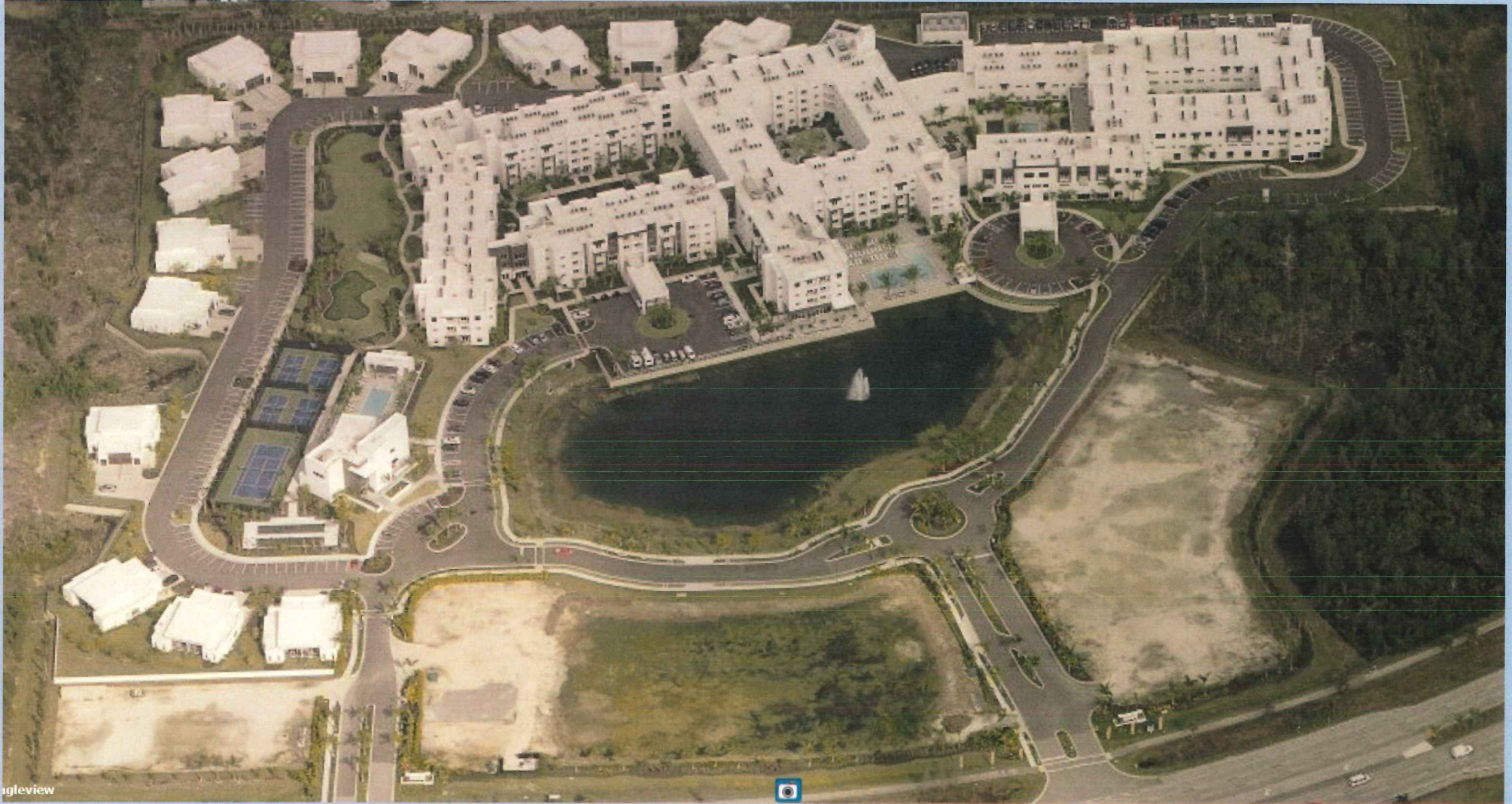
Aerial



Existing Master Concept Plan



Existing Development



Density

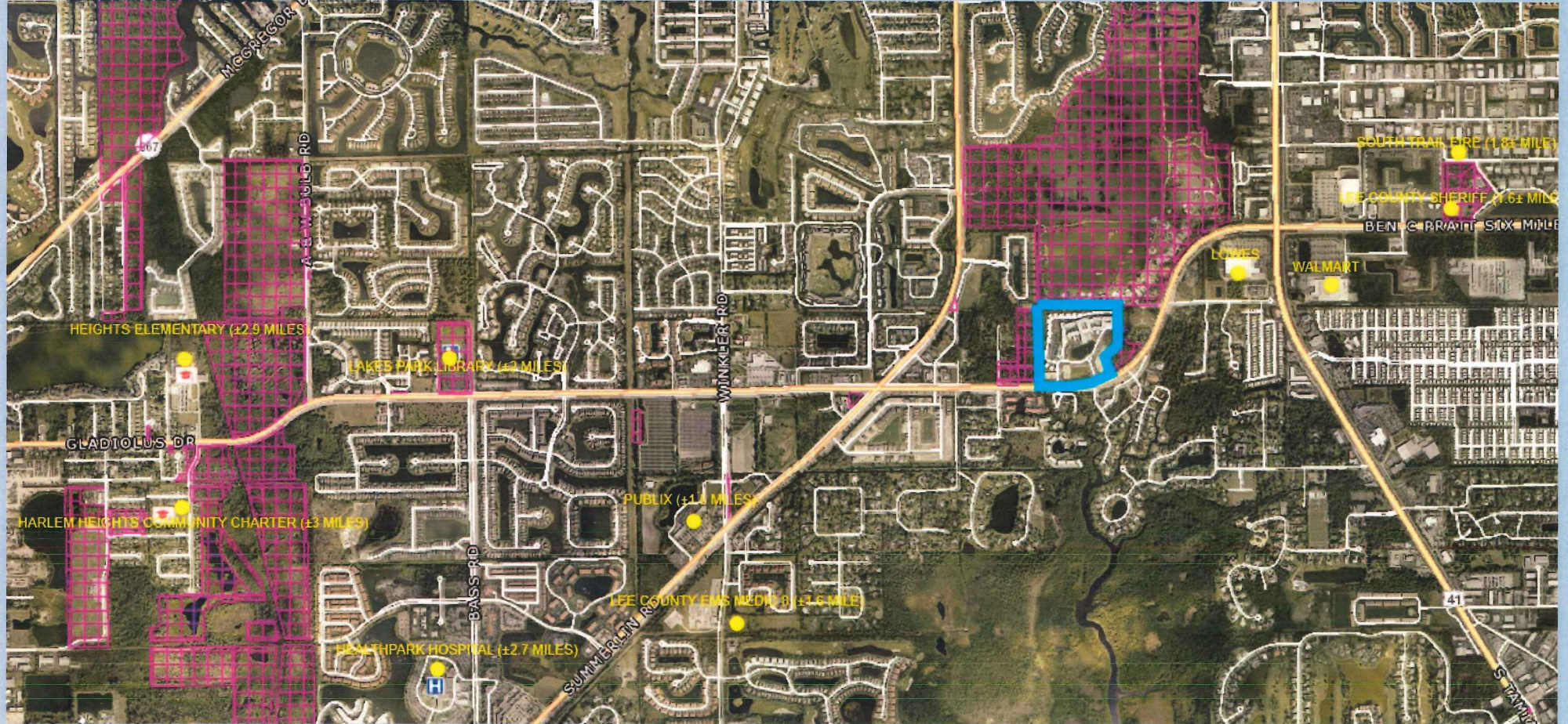
Z-04-043: 8.45 units per acre due to prior Lee Plan Policy 75.1.4 which is no longer in effect - 275 multi-family DUs on 32.54± acres (request was for 9 du/acre)

Z-10-009: 8.73 units per acre and commercial. 190 DUs on 21.75± or equivalent ALF, CCF or ILU & 100,000 SF commercial (includes 25,000 SF retail)

Request: 9.96 units per acre. 324 dwelling units on 32.54 acres

- Appropriate Infill Development in urban core
- Reduces traffic from current approval:
 - 55% AM Peak Hour, 56% PM Peak Hour, 57% entire workday
- Lee Plan allows up to 10 units per acre and up to 15 for affordable housing
- 2 access points directly on 6-lane arterial
- Located on evacuation route
- Condition 10 - On site shelter required/provided
- Condition 11 - Classes required
- Located at Eastern portion of Coastal High Hazard Zone
- High level of urban services in place
- Consistent with densities in area

Existing Community Services/Facilities



- South Trail Fire Station ±1.8 miles
- Lee County Sheriff Station ±1.6 miles
- Lee County EMS Medic 8 ±1.6 miles
- Near Hospital
- Pedestrian connection to Lakes Park
- Walkways/Bikeways along Gladiolus
- Near schools
- Near library
- Near shopping
- Transit connections ±1 mile west and ±3/4 mile east

Lee Plan Consistency

- **South Fort Myers Planning Community** – consistent with vision statement
- **Policy 1.1.3 – Central Urban** – consistent with density
- **Policy 1.5.1 – Wetlands** – existing wetland preserved and density not transferred to adjacent uplands
- **Policy 1.7.6 – Allocations** – 359 acres remaining for residential
- **Goal 2, Objective 2.1, Policy 2.1.1 – Development Location** – compact and contiguous growth pattern
- **Objective 2.2, Policy 2.2.1 – Development Timing** – adequate public facilities exist
- **Objective 4.1, Standard 4.1.1 & 4.1.2 – Water & Sewer** – letter of availability Attachment S
- **Standard 4.1.4 – Environmental Factors** – existing preservation areas per DOS2016-00049 – received certificate of compliance

Lee Plan Consistency

- **Policy 5.1.2** – adjusted design - on-site wetland and upland preservation, on-site hurricane sheltering, and access to evacuation routes
- **Policy 5.1.3** – near employment, shopping, parks, schools, bicycle and transit
- **Policy 5.1.5** – no impact on integrity of residential in area
- **Policy 5.1.6** – provides open space, buffers and recreation areas
- **Policy 101.3.2** – density only calculated from uplands
- **Policy 101.3.4** – Condition 11 requires hurricane plan and education
- **Policy 101.3.5** – Condition 10 requires on-site shelter

Findings Summary

34-145(d)(4)a.1.:

- a. The request **Complies** with the **Lee Plan**;
- b. The request **meets** the **LDC** and other applicable County regulations or **qualifies for deviations**;
- c. The request is **compatible** with existing and planned **uses** in the surrounding area.
- d. Will provide **access sufficient** to support the proposed development intensity;
- e. The expected impacts on transportation facilities will be **addressed by existing County regulations** and conditions of approval;
- f. Will **not adversely affect environmentally** critical or sensitive areas and natural resources; and
- g. **Will be served by urban services**, defined in the Lee Plan, if located in a Future Urban area category

Findings Summary

34-145(d)(4)a.2.:

- a. The proposed use or mix of **uses** is **appropriate** at the proposed location;
- b. The recommended **conditions** provide **sufficient safeguards** to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.
- c. If the application includes deviations pursuant to section 34-373(a)(9), that each **requested deviation**:
 - 1) **Enhances** the achievement of the **objectives** of the planned development; and
 - 2) **Preserves** and **promotes** the general **intent** of this Code to protect the public health, safety and welfare.

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

2020 FEB -3 PM 2:44
LEE COUNTY
HEARING EXAMINER

STAFF'S EXHIBIT
9

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

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.

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

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.

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

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 ~~40.45~~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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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.

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

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
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.

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

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 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 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 0.090.10 acre existing marsh wetland; and
 - (3) a minimum 0.670.74 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 identification 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.

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

LEE COUNTY
HEARING EXAMINER
2020 JAN 22 PM 4:19

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 Planning Community, Lee County, FL. (District #2), STRAP Numbers 35-45-24-00-00014.0000 and 35-45-24-00-00015.0000.

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.

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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.

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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.

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.
- 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.

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



0 200
Feet

DCI2019-00019 Zoning

Legend

 Subject Parcel



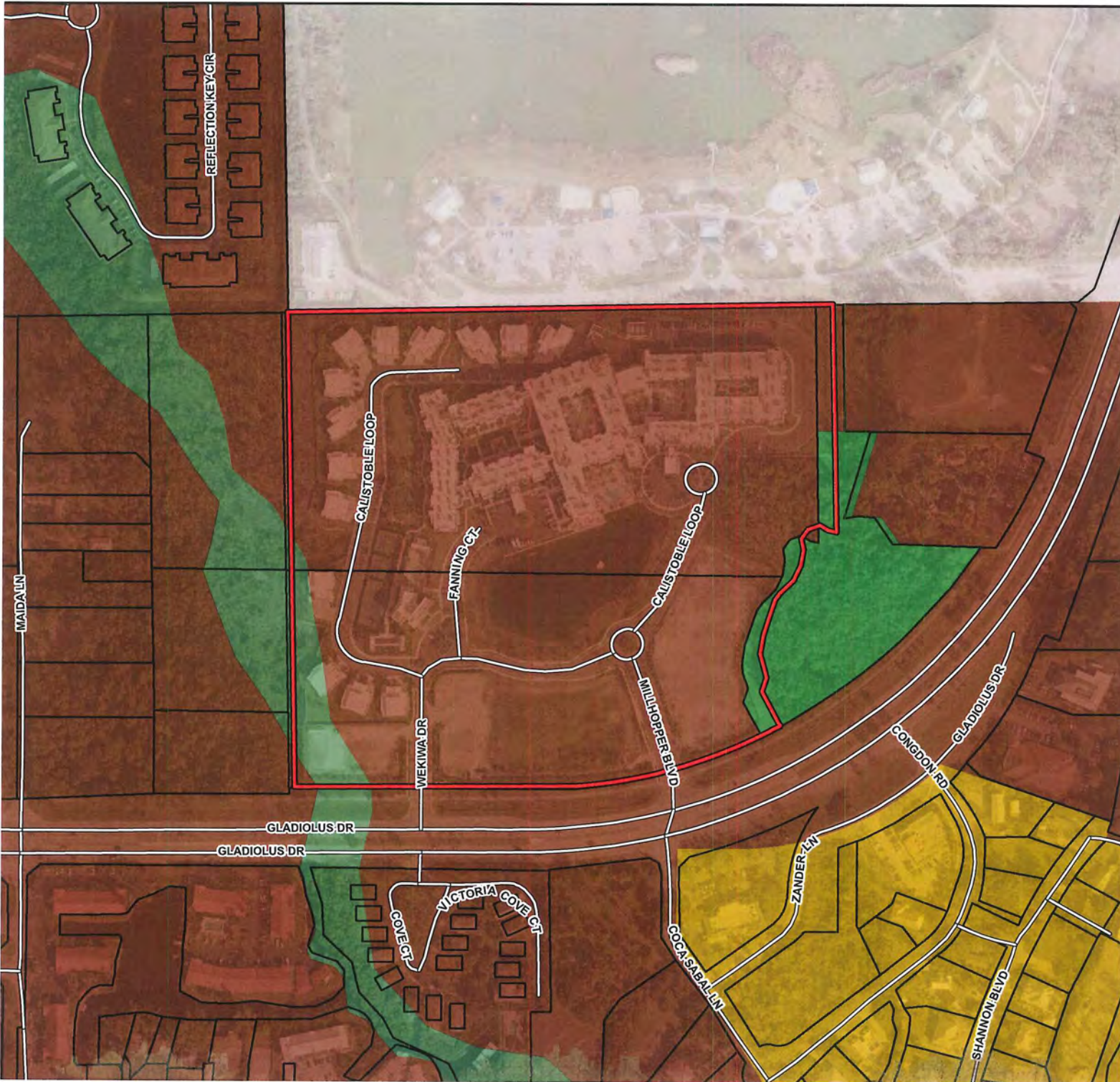
0 200
Feet



DCI2019-00019 Future Land Use

Legend

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



Post Irma Photography



© 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-04-034, Z-10-009 and Administrative amendments ADD2006-184, 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

<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

Minimum Lot Area:	10,000 square feet
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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.

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.

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.

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 acre existing marsh wetland; and
 - (3) a minimum 0.67 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.
- 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, 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.

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.

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This deviation is no longer necessary and recommended for WITHDRAWAL

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This deviation was previously APPROVED.



Professional Engineers, Planners & Land Surveyors



Amavida RPD (f/k/a Avida f/k/a Oasis Cove RPD/CPD) Narrative of Request

Request Summary

The applicant is requesting rezoning approval of ±32.54 acres from RPD/CPD to RPD to remove 100,000 SF of commercial, including 25,000 SF of retail approved in the CPD to allow a total density of 325 dwelling units or equivalent ALF, CCF or ILU (190 dwelling units existing + 135 dwelling units requested increase).

The request is for infill development that will allow expansion of the existing development on site while significantly reducing traffic impacts from that which is currently permitted by existing approvals.

Background

The applicant is requesting a rezoning to the approved Oasis Cove Residential Planned Development (RPD) and Commercial Planned Development (CPD) a/k/a Avida, a 32.54± acre project located on the north side of Gladiolus Drive approximately ½ mile east of its intersection with Summerlin Road. The subject property is located in the Central Urban and Wetland future land use categories within the South Fort Myers Planning Community.

The current approval (Z-10-009) allows for 190 multi-family dwelling units, or a maximum of 160 units of assisted living facility (ALF)/continuing care facility (CCF), plus a maximum of 300 independent living units (ILU), or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land within the RPD. The CPD allows for a maximum of 100,000 square feet of commercial, including a maximum of 25,000 square feet of retail.

ADD2016-00011(a) revised the Master Concept Plan, property development regulations for the RPD, added 7 deviations, amended the CPD schedule of uses and amended condition 19 indigenous preservation.

ADD2017-00094 added 2 signage deviations for area, quantity and setback.

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ADD2018-00094 added a deviation from tree size requirements to allow enhanced western buffer.

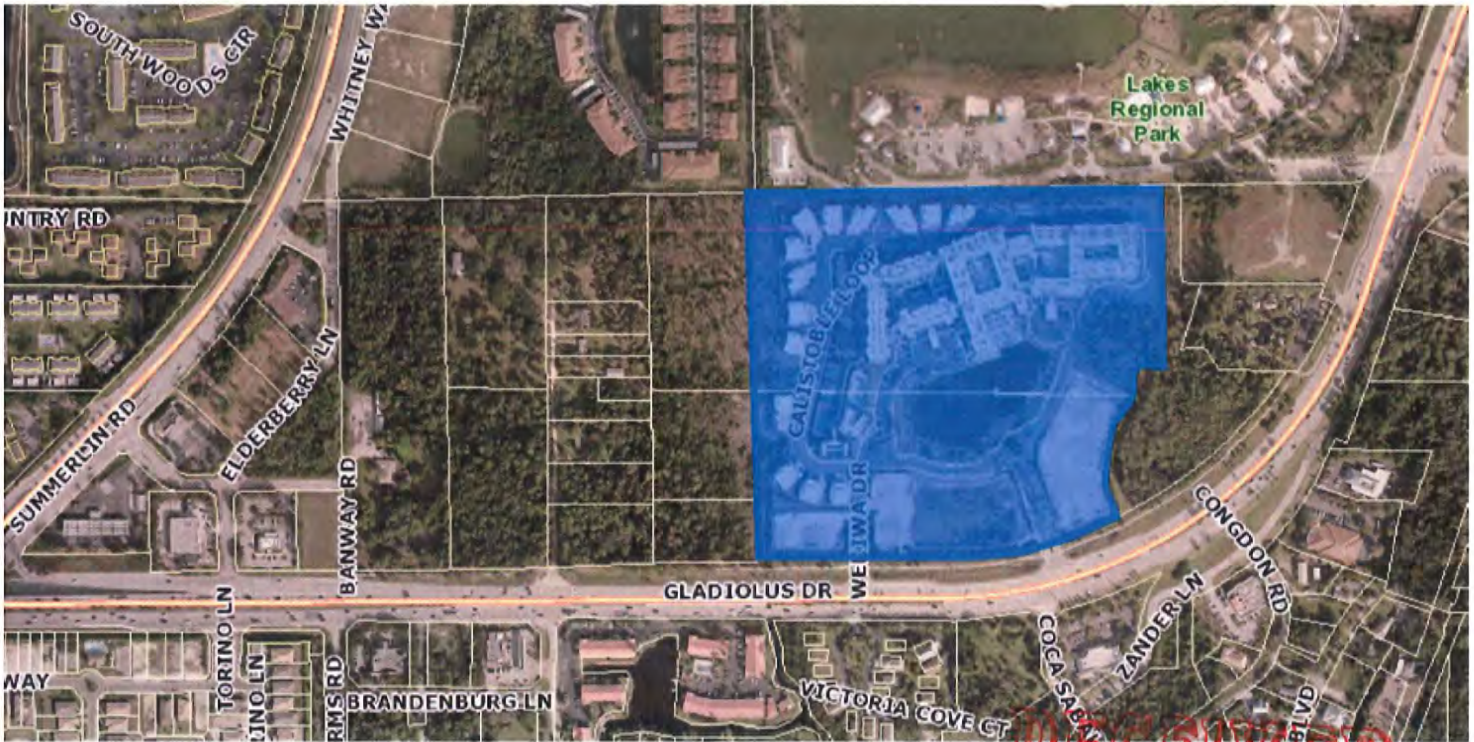
A table is provide on the following page demonstrating the existing future land use, zoning and use of the subject property as well as the surrounding properties which is also demonstrated on the proposed Master Concept Plan.

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	<i>Future Land Use</i>	<i>Zoning</i>	<i>Existing Use</i>
Subject Property Existing	Central Urban & Wetlands	RPD/CPD	300 Independent Living Units, 160 Assisted Living Units and amenities and vacant commercial lots
	<i>Surrounding Future Land Use</i>	<i>Surrounding Zoning</i>	<i>Existing Use</i>
East	Conservation Lands Upland & Central Urban	AG-2	Vacant Lee County lands then Mini golf
South	Suburban & Central Urban	CPD & RM-6	Medical Offices, Vacant commercial and residential condominiums
West	Central Urban & Wetlands	AG-2	Vacant Lee County lands
North	Public Facilities	CF	Lakes Park

Below is an aerial image with the subject property highlighted in blue.



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Comprehensive Plan Consistency Analysis

The subject property is located within the South Fort Myers planning community which is described in the Comprehensive Plan Vision Statement as follows:

South Fort Myers - This community is located in the center of Lee County. South of the City of Fort Myers, east of the Caloosahatchee River, west of the Six Mile Cypress Slough, and north of Gladiolus Drive. This community primarily has the higher intensity land use categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. This community contains one of the county's major hospitals, a baseball spring training facility, and the local community college. This community will be nearly built out by the year 2020. The South Fort Myers Community will continue to be a core area of the county providing office area for professional services in areas such as financial and medical. There will also be an increased amount of commercial activity along the US 41 corridor and light industrial uses will continue to expand along the Metro Avenue corridor north of Daniels Parkway. The amounts of commercial and industrial uses in this community are expected to double and most of the suitable land for these uses will be developed by 2030.

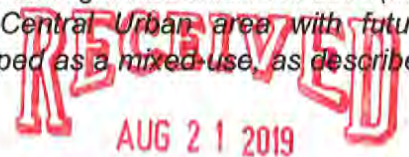
The residential areas of this community will also continue to develop through the year 2030 however the popularity of the residential opportunities to the south in the San Carlos/Estero and Bonita communities will continue to dominate this segment of the market.

The proposed minor RPD allows for infill development within the higher intensity Central Urban future land use category within ± 2.7 miles of Health Park hospital and ± 3.7 miles of Gulf Coast Medical Center and ± 2.9 miles of Florida Southwestern State College. The existing Amavida development on site contributes to providing alternate residential opportunities in the South Fort Myers planning community. The existing CPD has been zoned commercial since June 7, 2010 and has not been developed with commercial uses. The proposed rezoning to RPD is consistent with the South Fort Myers Vision Statement and will promote infill development.

Approximately 32.44 acres or 99.7% of the subject property is located in the Central Urban future land use category and 0.1 acre of preserved freshwater wetlands or 0.3% of the subject property is located within the Wetland future land use category.

The Comprehensive Plan describes the Central Urban and Wetland future land use designations as follows:

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described



in Objective 11.1, where appropriate. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.

Note 8 of Table 1(a) states in part, "Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site...: (b) Dwelling units may be relocated to developable contiguous uplands designated...Central Urban...from preserved freshwater wetlands at the same underlying density as permitted for those uplands..." The 32.44 acres of uplands and the 0.1 acre of preserved freshwater wetlands total 32.54 acres with a maximum standard density up to 10 units per acre or 325 dwelling units. The rezoning request is to remove the CPD's 100,000 SF of commercial which includes 25,000 SF of retail, to allow an additional 135 dwelling units or equivalent ALF, CCF or ILU units to the existing 190 dwelling unit equivalents for a total of 325 dwelling units or 10 units per acre which is consistent with the standard density range. The application does not include a request for bonus density. The subject rezoning requests is located in the urban core of the county with the greatest range and highest level of urban services existing and in place. The site has been deemed appropriate for residential and commercial development as evidenced by prior zoning approvals. There are existing commercial properties in the vicinity of the site and the requested rezoning to minor RPD will allow infill development along a major arterial roadway. The requested minor RPD is consistent with Policy 1.1.3 and Policy 1.5.1.

POLICY 1.7.6: The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:

1. For each Planning Community the county will maintain a parcel based database of existing land use. The database will be periodically updated at least twice every year, in September and March, for each Planning Community.

2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the project acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b), Acreage Allocation Table regardless of other project approvals in that

Planning Community. For limerock mining in Planning Community #18, see special requirements in Policy 33.1.4 regarding industrial acreages in Table 1(b).

3. At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, the county must conduct a comprehensive evaluation of Planning Community Map and the Acreage Allocation Table system, including but not limited to, the appropriateness of land use distribution, problems with administrative implementations, if any, and areas where the Planning Community Map and the Acreage Allocation Table system might be improved.

The residential acreage in the South Fort Myers Planning Community for the Central Urban future land use category is allocated at 3,140 acres with 2,781 existing and 359 acres remaining. The requested rezoning is consistent with Policy 1.7.6.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

POLICY 2.1.1: Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

The subject property is located on the north side of Gladiolus Drive between Summerlin Road and US 41 within a Future Urban Area that has been previously deemed appropriate for infill residential and commercial development. There are existing commercial uses in the vicinity that serve the traveling public and the existing commercial zoning has not developed in the 9 years since it received zoning approval. The request will promote development in a contiguous and compact growth pattern, providing infill development compatible with the existing development on-site and surrounding the property. There are pedestrian and bicycle facilities along Gladiolus Drive which provide connection from the subject property's existing internal sidewalks to the adjacent uses. The site has previously been found consistent with Objective 2.1 and Policy 2.1.1. The requested rezoning to minor RPD remains consistent with Objective 2.1 and Policy 2.1.1.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, F.S. and the concurrency requirements in the Land Development Code.

POLICY 2.2.1: Rezoning and Development of Regional Impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

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The subject property is located on the north side of Gladiolus Drive between Summerlin Road and US 41 within a Future Urban Area that has been previously deemed appropriate for infill residential and commercial development. There are existing commercial uses in the vicinity that serve the traveling public and the existing commercial zoning has not developed in the 9 years since it received zoning approval. The request will promote development in a compact and contiguous development pattern, providing infill development compatible with the existing development on-site and surrounding the property. The attached letter of availability demonstrates that Lee County Utilities has sufficient capacity to provide water and sewer services to the site. Solid waste currently services the site. The property has access to fire, EMS and schools and there is adequate service available to serve the property. The site is in close proximity to transit but is not located within the existing service area. The site has previously been found consistent with Objective 2.2 and Policy 2.2.1. The requested rezoning to minor RPD remains consistent with Objective 2.2 and Policy 2.2.1. The following table demonstrates the close proximity of available community facilities and services.

Facility Type	Name	Distance from site
Fire	South Trail Fire & Rescue Station 61	±4 miles
EMS	Lee County EMS Medic 8	±1.6 miles
Sheriff	Lee County Sheriff's Office	±1.6 miles
School	Heights Elementary School	±2.9 miles
School	Harlem Heights Community Charter School	±3 miles
School	Lexington Middle School	±3.1 miles
School	Cypress Lake High School & Middle School	±2.9 miles
College	Florida Southwestern State College	±2.9 miles
Library	Lakes Park Regional Library	±2 miles
Park	Lakes Park – pedestrian interconnect	0'
Hospital	HealthPark Medical Center	±2.7 miles
Park	Wa-Ke Hatchee Recreation Center	±2.8 miles
Walkways/Bikeways	Existing Shared Use Bikeway/Walkway along Gladiolus frontage, Wide outside lanes and planned shared use path on south side of Gladiolus and internal sidewalks	0
Transit	Routes 130 & 50 to west at Winkler Rd. & Gladiolus Dr.	±1 mile ±0.75 mile

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	Routes 140 & 240 to east at Old Gladiolus Dr. & US 41	
Shopping//Dining/Employment	Publix Shopping Center	±1.5 miles
Shopping/Dining/Employment	Walmart	±1.4 miles
Shopping/Dining/Employment	Gas stations	±0.2-0.6 mile
Shopping/Dining/Employment	Denny's	±0.4 mile
Medical Offices	Digestive Health, Children's Dentistry	±0.2-0.3 mile

OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.

STANDARD 4.1.1: WATER. 1 Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 62-550, F.A.C.).

STANDARD 4.1.2: SEWER. 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

The development will be served by Lee County Utilities providing potable water and sanitary sewer. A letter of availability has been provided with the application demonstrating that Lee County Utilities has sufficient capacity to service the development. The requested rezoning is consistent with Objective 4.1, Standard 4.1.1, and Standard 4.1.2.

STANDARD 4.1.4: ENVIRONMENTAL FACTORS. 1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

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The existing indigenous vegetation preserves consist of 0.1-acre of preserved freshwater marsh wetlands and 1.19 acres of pine-mesic oak upland preserve and that has received certificates of compliance through DOS2016-00049 along with upland restoration areas that meet or exceed the existing zoning conditions. These areas provided open space credits as demonstrated on the MCP. No changes are proposed to these areas. The subject property has previously been found consistent with the Lee Plan environmental policies and the requested rezoning remains consistent with Standard 4.1.4.

GOAL 5: RESIDENTIAL LAND USES. To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types.

OBJECTIVE 5.1: All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments.

The proposed rezoning provides additional land to allow additional development within the existing attractive and safe Amavida neighborhood which provides a variety of housing types for senior living. The proposed rezoning will allow additional housing types in the form of multi-family, ALF, CCF and/or ILU. The proposed minor RPD is consistent with Goal 4 as demonstrated above and is proposed as a minor residential planned development. The rezoning request is consistent with Goal 5, Objective 5.1, Policy 5.1.1.

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

Although the site is located within the Coastal High Hazard Area, it has two direct access points onto Gladiolus Drive which is an evacuation route and is situated towards the eastern edge of the CHHA. ALF, CCF and ILU developments require an on-site hurricane shelter, consistent with what is provided for the existing Amavida development. The design of the site has been adjusted accordingly by providing on-site shelter meeting LDC requirements for its location in the CHHA and by preserving the on-site wetland and upland areas to protect environmental features. The site has been deemed appropriate for residential development as demonstrated by prior zoning approvals. The proposed minor RPD is within the standard density range for the Central Urban future land use designation and provides infill development compatible with existing and surrounding developments. The requested minor RPD is consistent with Policy 5.1.2.

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

The site has multiple employment and shopping centers within close proximity to the site. There are gas stations, restaurants and medical offices within ½ mile of the site and Publix and Walmart shopping centers within ±1 ½ miles of the site. Lakes Park is adjacent to the north property line and accessible by an existing pedestrian interconnect. Wa-Ke Hatchee Recreation Center is ±2.8 miles from the site as well. Heights Elementary, Harlem Heights Community Charter School, Lexington Middle School, Cypress Lake Middle & High Schools and Florida Southwestern State College are all within ±3 miles of the site. There are existing pedestrian and bicycle facilities along the project frontage on Gladiolus Drive. The site is within close proximity to transit services with routes 130 and 50 approximately 1 mile to the west and routes 140 and 240 approximately ¾ mile to the east. The requested rezoning is consistent with Policy 5.1.3.

POLICY 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design.

POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space.

The existing Amavida development on site meets or exceeds the open space, buffering and landscaping requirements and provides ample recreation and amenity areas that are centrally located and meander throughout the site as demonstrated on the image on the following page. The recreation areas are functionally related to the existing development as well as the future development parcels and are interconnected throughout with sidewalks and internal accessways. The on-site pathways interconnect with Lakes Park to the north and to the existing public pathways along Gladiolus Drive. The future development will meet or exceed open space, buffering and landscaping requirements. The proposed rezoning to minor RPD is consistent with Policies 5.1.6 and 5.1.7.

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POLICY 5.1.10: In those instances where land under single ownership is divided into two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable density under this Plan will be the sum of the allowable densities for each land use category for each portion of the land. This density can be allocated across the property provided that:

- a. The planned development zoning is utilized; and*
- b. No density is allocated to lands designated as non-urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and*
- c. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and*
- d. The resultant planned development affords further protection to environmentally sensitive lands if they exist on the property.*

Approximately 32.44 acres or 99.7% of the subject property is located in the Central Urban future land use category and 0.1 acre of preserved freshwater wetlands or 0.3% of the subject property is located within the Wetland future land use category. The 32.44 acres of uplands and the 0.1 acre of preserved freshwater wetlands total 32.54 acres. Note 8 of Table 1(a) states in part,

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"Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site...: (b) Dwelling units may be relocated to developable contiguous uplands designated...Central Urban...from preserved freshwater wetlands at the same underlying density as permitted for those uplands..." The request is for RPD, the on-site wetlands are preserved, affording further protection to environmentally sensitive lands that exist on the property. The requested rezoning is consistent with Policy 5.1.10.

Land Development Code Analysis

The proposed rezoning complies with the general standards provided in the Land Development Code Section 34-411 as follows:

(a) All planned developments must be consistent with the provisions of the Lee Plan.

The proposed rezoning to minor RPD is consistent with the Comprehensive Plan as demonstrated above.

(b) All planned developments must be designed and constructed in accordance with the provisions of all applicable County development regulations in force at that time. Deviations from the general provisions of this chapter may be permitted if requested as part of the application for a planned development in accordance with section 34-373(a)(9) and approved by the Board of County Commissioners based on the findings established in section 34-377(b)(4). Pursuant to section 34-373(a)(10) the establishment of property development regulations for planned developments does not require deviations from articles VI and VII of this chapter. Amendments to approved master concept plans may be reviewed pursuant to section 34-380.

The minor RPD has been designed, constructed received certificates of compliance through DOS2016-00049 which complies with the existing zoning and which complies with applicable Lee County regulations, together with existing approved deviations which are proposed to remain.

(c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.

The proposed rezoning to RPD and the existing development is compatible with surrounding properties and is a down-zoning from the existing approved commercial uses. The site is of adequate size, configuration and dimension to accommodate the proposed uses, all required open space, recreational facilities, buffers, pedestrian ways, parking, access, utilities, storm water management and the existing approved preservation areas.

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(d) All planned developments must have access to existing or proposed roads. Access must comply with the requirements of chapter 10 and be located so that site-related industrial traffic does not travel through predominantly residential areas.

Please see Traffic Impact Statement provided with the application. The proposed minor RPD has access to Gladiolus Drive, a major arterial via the existing internal accessways. There will be no site-related industrial traffic.

(e) If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.

The site is not located within the Lee Tran public transit service area. The site is within close proximity to transit services with routes 130 and 50 approximately 1 mile to the west and routes 140 and 240 approximately ¾ mile to the east.

(f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.

The site has been developed and received certificates of compliance under DOS2016-00049. The proposed rezoning to RPD will not create any hazards to persons or property and will comply with applicable regulations.

(g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.

The existing indigenous vegetation preserves consist of 0.1-acre of preserved freshwater marsh wetlands and 1.19 acres of pine-mesic oak upland preserve and that has received certificates of compliance through DOS2016-00049 along with upland restoration areas that meet or exceed the existing zoning conditions. These areas provided open space credits as demonstrated on the MCP. No changes are proposed to these areas.

(h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.

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The infrastructure has been installed and received certificates of compliance through DOS2016-00049 consistent with the existing zoning which incorporates preservation areas and recreational areas reflecting creative use of the open space requirements and providing an architecturally integrated human environment. The proposed minor RPD does not propose any changes.

(i) Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.

The site has been designed, constructed and received certificates of compliance through DOS2016-00049 which complies with the existing zoning and was designed to minimize any potential negative effects on the surrounding properties and the public interest generally. The requested rezoning to minor RPD provides for compatible infill development on the future development parcels within the existing development.

(j) Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.

The existing development and the proposed minor RPD is surrounded by compatible development and the existing site design incorporates interconnects to Lakes Park to the north and the existing pedestrian network along Gladiolus Drive integrating the development with the existing development.

(k) Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.

Not applicable. The proposed minor RPD is surrounded by existing development with which it is compatible and of equivalent intensity.

(l) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.

The existing development and proposed minor RPD provides for an integrated community of internal neighborhoods connected by amenity areas and pedestrian ways which interconnect to Lakes Park and the existing pedestrian ways on Gladiolus Drive promoting pedestrian activity and community interaction.

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(m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.

There will be no conflicting uses within the planned development.

(n) Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.

The height and bulk of buildings on the existing developed portions of the property vary systematically throughout the planned development. The future development parcels where the proposed additional 135 dwelling units are proposed in place of the 100,000 SF of commercial are located along the major road frontage of Gladiolus Drive.

(o) Minimum parking and loading requirements are set forth in article VII, divisions 25 and 26, of this chapter. Where land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces, subject to the condition that the parking area is constructed and maintained so as to prevent erosion of soil. In all cases, sufficient parking must be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.

The existing development and the proposed minor RPD will meet the minimum parking and loading requirements set forth in the LDC.

(p) Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.

The existing development and proposed minor RPD have been developed with internally consistent signage, architecture and planting schedules and will continue to remain internally consistent.

The proposed amendment complies with the findings provided in the Land Development Code Section 34-145(d)(4)a.1 as follows:

a. Complies with the Lee Plan;

The request is consistent with the densities, intensities and general uses set forth for the Central Urban and Wetland future land use designations and is consistent with the Comprehensive Plan as demonstrated above.

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b. Meets this Code and other applicable County regulations or qualifies for deviations;

The site has been developed in compliance with the Comprehensive Plan, the Land Development Code with approved deviations, the existing zoning, and the existing development order.

c. Is compatible with existing and planned uses in the surrounding area;

The existing development and proposed minor RPD is compatible with surrounding existing development and is of equivalent intensity of use. The proposed development is consistent and compatible with the existing development and land use in the area.

d. Will provide access sufficient to support the proposed development intensity;

Please see Traffic Impact Statement submitted with the application. The proposed rezoning request will be a "down zoning" as it will remove the approved commercial component on the site and allow for development of an additional 135 dwelling units or equivalent ALF, CCF or ILU for a total of 325 dwelling units or equivalent on the site. The existing access is sufficient to support the requested density.

e. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

Please see Traffic Impact Statement provided with the application. The expected impacts will be addressed by existing County regulations. The Level of Service analysis in the TIS indicates Gladiolus Drive to operate above the minimum adopted Level of Service in 2024 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. The zoning amendment as proposed is consistent with the goals and objectives of the Lee County Comprehensive Plan and Goal 32 and in that there is sufficient roadway capacity projected to accommodate the anticipated development. Turn lane improvements at the site access drive intersections were previously evaluated and built based on the full build-out of the site with a more intense development scenario. No further turn lane improvements will be warranted as a result of the proposed "down zoning".

f. Will not adversely affect environmentally critical or sensitive areas and natural resources; and

The proposed rezoning will not adversely affect environmentally critical or sensitive areas. The existing indigenous vegetation preserves consist of 0.1-acre of preserved freshwater marsh wetlands and 1.19 acres of pine-mesic oak upland preserve and that has received certificates of compliance through DOS2016-00049 along with upland restoration areas that meet or exceed the existing zoning conditions. These areas provided open space credits as demonstrated on the MCP. No changes are proposed to these areas.

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g. Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

The subject property is located on the north side of Gladiolus Drive between Summerlin Road and US 41 within a Future Urban Area that has been previously deemed appropriate for infill residential and commercial development with existing urban services available to serve the site. The attached letter of availability demonstrates that Lee County Utilities has sufficient capacity to provide water and sewer services to the site. Solid waste currently services the site. The property has access to fire, EMS and schools and there is adequate service available to serve the property. A table demonstrates the close proximity of available community facilities and services is provided on pages 6 and 7. The site has multiple employment and shopping centers within close proximity to the site. There are gas stations, restaurants and medical offices within ½ mile of the site and Publix and Walmart shopping centers within ±1 ½ miles of the site. Lakes Park is adjacent to the north property line and accessible by an existing pedestrian interconnect. Wa-Ke Hatchee Recreation Center is ±2.8 miles from the site as well. Heights Elementary, Harlem Heights Community Charter School, Lexington Middle School, Cypress Lake Middle & High Schools and Florida Southwestern State College are all within ±3 miles of the site. There are existing pedestrian and bicycle facilities along the project frontage on Gladiolus Drive. The site is within close proximity to transit services with routes 130 and 50 approximately 1 mile to the west and routes 140 and 240 approximately ¾ mile to the east.

2. Planned Development Rezonings. The Hearing Examiner must also find:

a) The proposed use or mix of uses is appropriate at the proposed location;

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:

1) Enhances the achievement of the objectives of the planned development; and

2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The proposed rezoning to minor RPD is appropriate at this location. The appropriateness is demonstrated by the existing development on site and the lack of interest in commercially developing the future development parcels on site. The existing conditions as proposed to be amended with this application provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. The applicant intends to retain the existing approved deviations that are still applicable which enhance the achievement of the objectives of the planned development and preserve and promote the general intent to protect the public health, safety and welfare.

In conclusion, the applicant is requesting rezoning approval from RPD/CPD to RPD to remove 100,000 SF of commercial, including 25,000 SF of retail approved in the CPD to allow a total

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density of 325 dwelling units or equivalent ALF, CCF or ILU (190 dwelling units existing + 135 dwelling units requested increase). The request is for infill development that will allow expansion of the existing development on site while significantly reducing traffic impacts from that which is currently permitted by existing approvals. The request is in compliance with the Lee County Comprehensive Plan, the Land Development Code together with approved deviations, and other applicable codes and regulations; is compatible with existing and planned uses in the surrounding area; will provide access sufficient to support the proposed development intensity; the expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval; will not adversely affect environmentally critical or sensitive areas and natural resources; and will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category. The proposed use or mix of uses is appropriate at the proposed location; conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. The existing deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent to protect the public health, safety and welfare. For these reasons, the applicant respectfully submits that the rezoning request from RPD/CPD to minor RPD should be approved.

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ATTACHMENT E

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.



RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by DM 10/25/19

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O.R. 3396
PG. 4662

O.R. 1761, PG. 1263

NORTH LINE OF NORTHWEST QUARTER SECTION 35
S.88°56'00"W. 1322.88'

POINT OF BEGINNING
NORTH-EAST-CORNER
NORTHWEST QUARTER
SECTION 35

SKETCH OF DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

DESCRIPTION

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

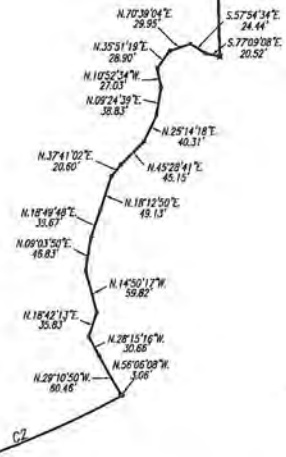
BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 198.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N.56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

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PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.


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SUBJECT PARCEL



CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

****THIS IS NOT A SURVEY****


 RICHARD M. RITZ
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 4009

THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
 -PREPARED JANUARY 14, 2009, REVISED JUNE 29, 2016.
 PREPARED BY:

Banks Engineering
 ENGINEERING, SURVEYING & LAND PLANNING
 10611 SIX MILE CYPRESS PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33908
 (239) 639-5490
 FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

Applicant's Legal Checked
 by DM 10/15/2019

O.R. 2697
PG. 564

O.R. 780
PG. 59

O.R. 760
PG. 58

LEGEND
 O.R. OFFICIAL RECORDS BOOK
 PG. PAGE
 C1 CURVE DATA NUMBER

619 09 51 02 100
 001 20 15 60 619

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4609



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D.R. 1386
PG. 4662

D.R. 1761, PG. 1263

NORTH LINE OF NORTHWEST QUARTER SECTION 35
S.88°56'00"W. 1322.88'

NORTHWEST CORNER
NORTHWEST QUARTER
NORTHWEST QUARTER

D.R. 2687
PG. 364

S.01°04'20"E. 1151.81'
WEST LINE OF NORTHWEST QUARTER SECTION 35

D.R. 760
PG. 59

D.R. 760
PG. 58

FORMER I.D. CANAL "A"
(0.00 PERCENT OF UNIMPROVED)
RELEASED BY LEE COUNTY 19 2019
PG. 29

NORTH RIGHT-OF-WAY LINE
N.89°37'57"E. 680.01'

GLADIOLUS DRIVE
(COUNTY ROAD 865)

Applicant's Legal Checked
by DM 10/25/2019

POINT OF BEGINNING
NORTH-EAST CORNER
NORTHWEST QUARTER
SECTION 35

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D.R. 2019
PG. 3165
COMMUNITY DEVELOPMENT

SKETCH OF DESCRIPTION

OF A
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LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
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PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

****THIS IS NOT A SURVEY****

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
PREPARED JANUARY 14, 2009, REVISED JUNE 29, 2016.
PREPARED BY:



1"=200'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
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LEGEND
D.R. OFFICIAL RECORDS BOOK
PG. PAGE
C1 CURVE DATA NUMBER

619 09 51 02 100
001 20 19 56 06 619



Professional Engineers, Planners & Land Surveyors

Amavida RPD
DCI2019-00019

Review of Conditions

The following is a review of the existing conditions of approval compiled from Z-10-009, ADD2016-00011(a), ADD2016-00139, ADD2017-00094 and ADD2018-00094 with strike-through/underline for proposed revisions to remove the reference to the CPD or commercial. Please refer to Schedule of Deviations for conditions related to Deviations.

- 1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "~~Oasis Cove A.K.A. Gladiolus RPD Amavida F/K/A Avida,~~" date stamped "~~Received Jun 08, 2010~~ Oct 18, 2019," attached hereto as Exhibit C, except as modified by the conditions below.

Development must comply with all requirements of the LDC at time of the local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The RPD is limited to a maximum of ~~490~~ 325 multi-family dwelling units, ~~or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILUs,~~ or any combination of equivalent ALF, CCF, or ILU units, so long as the project density does not exceed ~~490~~ 325 standard dwelling units on ~~21.75±~~ 32.54± acres of land.

~~The CPD is limited to a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail uses.~~

Zoning Resolution Z-75-145, Z-04-034, Z-10-009 and Administrative Amendments #ADD2006-00184, ADD2016-00011(a), ADD2016-00139, ADD2017-00094 and ADD2018-00094 are superceded 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

Commercial Planned Development

~~Accessory Uses and Structures~~

~~Administrative Offices~~

~~Animals—Clinic or Kennel—no outdoor runs, completely enclosed facilities.~~

~~ATM—Automatic Teller Machine~~

~~Auto Parts Store—no installation service~~

~~Bait and Tackle Shop—no outdoor storage or display.~~

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Banks and Financial Establishments, Groups I and II.
 Boats—limited to Boat Part Sales, no outdoor storage or display, no rental, storage, repair or service.
 Broadcast Studio, Commercial Radio and Television—does not include freestanding wireless communication facilities, Wall mounted and building mounted antennae may be approved per LDC § 34-1441, et seq.
 Business Services Groups I and II—Excluding bail-bonding.
 Cleaning and Maintenance Services.
 Clothing Stores, General
 Clubs: Commercial, Fraternal, Membership Organization, Private—Does not include consumption on premises indoors or outdoors.
 Consumption on Premises—See Condition #13.
 Contractors and Builders, Group I only (offices and indoor storage facilities, excludes any fabrication work or outdoor storage, other than parking of cars).
 Cultural Facilities.
 -Day Care, Child, Adult.
 Department Store
 Drive Through Facility for Any Permitted Use.
 Drugstore, Pharmacy.
 Entrance Gates and Gatehouse.
 EMS, Fire or Sheriff's Station.
 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 (including open air farmer's market)—Not including Group II (freezer and locker meat provisioner).
 Funeral Home and Mortuary—Without Crematory.
 Gift and Souvenir Shop.
 Health Care Facilities, Group III. And Group II. Limited to lots 1, 4 and 5. Limited to 50 beds
 Hobby, Toy and Game Shops—No outdoor storage or display.
 Hospice, Limited to lots 1, 4 and 5. Limited to 50 beds.
 Household and Office Furnishings, Groups I and II. Excluding Group III (hot tub and spas, swimming pools, prefabricated). No outdoor storage or display.
 Insurance Companies
 Lawn and Garden Supply Stores—No outdoor display or storage.
 Library
 Maintenance Facility, Government
 Medical Office
 Motion Picture Production Studio
 Nonstore Retailers, All Groups.
 Casino-style games are prohibited.
 Paint, Glass and Wallpaper—No outdoor display or storage.
 Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary.
 Personal Services, Groups I, II, III, IV—excluding Massage Parlors, Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card Readers, Tattoo Parlors.
 Pet Services—no outdoor runs, completely enclosed facilities.
 Pet Shop—no outdoor runs, completely enclosed facilities.

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Place of Worship
 Plant Nursery
 Post Office
 Printing and Publishing
 Real Estate Sales Office
 Recreation, Facilities, Commercial, Group I, Group III (including Amphitheater), Group IV—Casino style games are prohibited.
 Recreation Facilities, Personal, Private On Site, Private Off Site.
 Religious Facilities
 Rental or Leasing Establishments, Groups I, II and III. Excluding Recreation Vehicles and Utility Trailers.
 Repair Shops, Groups I and II.
 Research and Development Laboratories, Groups II and IV.
 -Restaurant, Fast Food—No stand alone fast food. No drive through for this use. Fast food permitted within a multi-occupancy building only.
 Restaurants, Groups I, II, III, IV
 Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use only.
 Schools: Commercial, Noncommercial
 Signs per Chapter 30 Lee County Land Development Code
 Social Services, Groups I and II
 Specialty Retail Shops, All Groups. Excluding Ammunition, Firearms, Hunters Equipment.
 Studios
 Temporary uses—limited to construction trailers, real estate sales offices and Seasonal farmer's market.
 Transportation Services, Group II (Automobile). No Group III (Bus).
 Used Merchandise Stores, Groups I and II only. —excluding pawnshops.
 No Group III (Automotive) and No Group IV (Building Materials)
 Warehouse, Miniwarehouse, Private, Public—limited to 10,000 square feet of floor area for the entire CPD.
 Wholesale Establishments, Groups I and III. Indoor establishments only. No open storage, display or Group IV wholesale establishments.

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 *

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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

Residential Planned Development:

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

RPD Area—21.75 Acres—————

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 or 0 feet

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)

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



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

Residential Planned Development:
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 or 0 feet

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.

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

Residential Planned Development:
Townhouse

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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 or 0 feet

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.

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

Commercial Planned Development:
Commercial Uses

CPD Area—10.79 Acres

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 15 feet

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Water body ————— 20 feet

~~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)~~

Maximum Lot Coverage — 60 percent

Maximum Height ————— 45 feet

3. 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 County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local development order

4. Traffic

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

5. Lee County Comprehensive Plan

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan (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 (for commercial uses),~~ as well as all other Lee County Comprehensive Plan provisions.

6. No Blasting

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. 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 and ~~within the GPD~~

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- d. Real estate sales within the RPD area will be limited to the sale of lots or units within the development only. ~~Real estate sales in the CPD area are not limited.~~
- 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. ~~Real estate sales in the CPD area are not limited.~~
- f. No dry models are permitted.

8. Water and Sewer

Development must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development proposed in the development order submittal.

9. Accessory Uses

Accessory uses must be located on the same tract, parcel, or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, or outparcel.

10. Sidewalks

Development must include internal sidewalks as a site-related improvement. These facilities must be included in local development orders as part of construction of the project's infrastructure.

11. Solid Waste/recycling

As part of any local development order approval for vertical development, the developer must include facilities in compliance with LDC §10 261 and Solid Waste Ordinance # 08 10 for the pick up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

12. Casino-style Games

Casino-style games are prohibited.

13. Consumption on Premises

- a. Consumption on Premises is limited to indoor seating in conjunction with a Group II ~~er-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.

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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 CPD and~~ 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.

14. 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.

15. 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.

16. FEMA Floodway Area

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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.

17. 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.

18. Open Space

Prior to local development order approval, the development order plans must delineate a minimum ~~12.99~~ 10.45 acres of open space.

19. 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 0.10 acre existing marsh wetland; and
 - (3) a minimum 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 as Exhibit D-7-Y.
- 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 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.
- d. development order plans must depict a minimum 20-foot building and accessory structure setback to indigenous preservation and creation/restoration areas.

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20. 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 the ES 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.

21. ~~DELETED AT THE PUBLIC HEARING~~

22. ~~DELETED AT THE PUBLIC HEARING~~

~~23.~~21. 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 RPD north 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.

24.22. 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

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- 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 within GPD Lots 4 and 5, if located between commercial buildings and the east property line abutting the off-site County owned preserve; and
- c. Mercury vapor lamps/lights are prohibited.
- d. Architectural sheets showing the building plans within the RPD/GPD 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 within the RPD parcel and on the eastern building facades facing the offsite County owned preserve within the GPD parcel Lots 4 and 5.

~~25-23.~~ 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.

~~26-24.~~ Building height will be measured from the minimum required flood elevation pursuant to Florida Building Code Section 1612.4.

25. 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.

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Professional Engineers, Planners & Land Surveyors

Amavida RPD
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Schedule of Deviations

Existing Deviation 1 approved by Z-10-009 is proposed to remain and be transferred to the new RPD:

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.

Existing Deviations 2 and 3 approved by ADD2016-00011(a) are no longer necessary and proposed to be withdrawn.

Existing Deviations 4-8 approved by ADD2016-00011(a) are proposed to remain and be transferred to the new RPD:

Deviation (4) is requested 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 building separation of 10 feet for single-story structures and a minimum building separation of 20 feet for other buildings.

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

Deviation (6) is requested 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 proposed lake.

Deviation (7) is requested 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.

Deviation (8) is requested 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 LME in areas as shown on the MCP and no LME where bulkhead and 0-foot setbacks are provided.

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Existing Administrative Deviation to Chapter 10 approved by ADD2016-00139 is proposed to remain and be transferred to the new RPD:

Administrative Deviation 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.

Existing Deviations 9 & 10 approved by ADD2017-00094 are proposed to remain and be transferred to the new RPD:

Deviation (9) is requested from LDC Sec. 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 sign area of 438 square feet along Gladiolus Drive.

Deviation (10) is requested from LDC Section 30-153(2)a.4 which requires identification signs to be set back a minimum of 15 feet from any right-of-way or easement; to permit the five (5) proposed identification signs to be constructed within five (5) feet of the Gladiolus Drive right-of-way.

Conditions:

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

Existing Administrative Deviation to Chapter 10 approved by ADD2018-00094 is proposed to remain and be transferred to the new RPD:

Administrative Deviation from LDC Section 10-420 that requires trees to be installed at ten feet in height and shrubs 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 a portion of the western buffer.

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 groundcover. 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.

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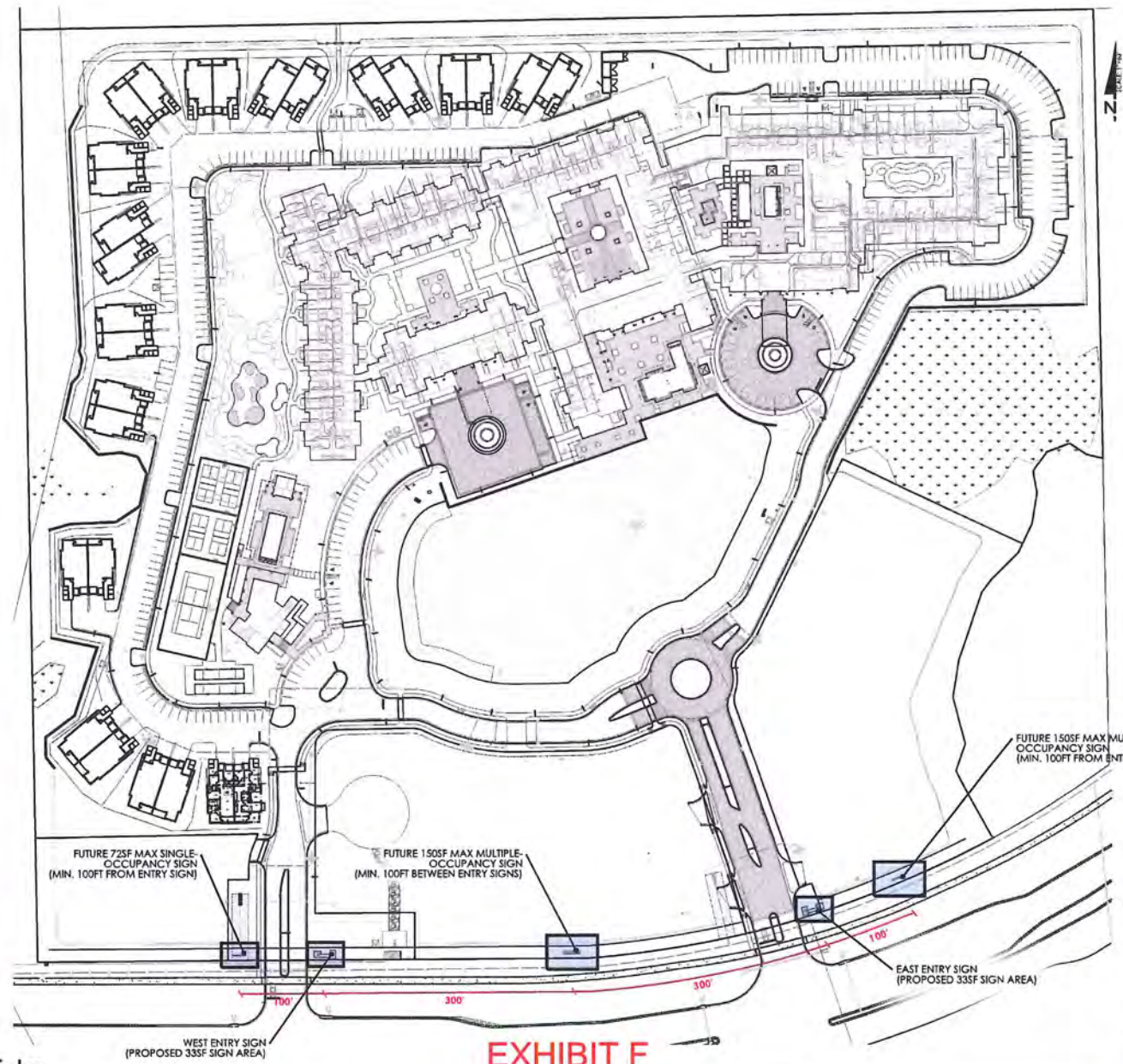


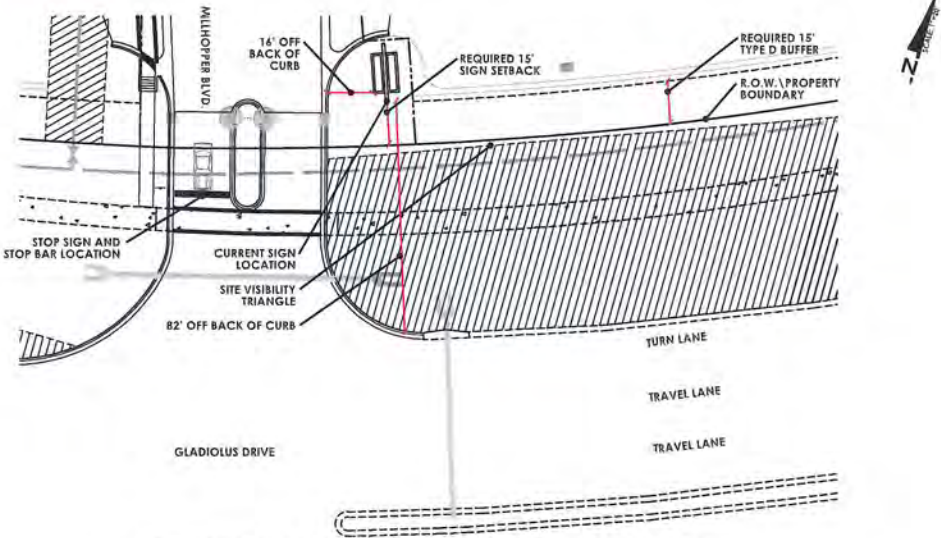
EXHIBIT F

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.

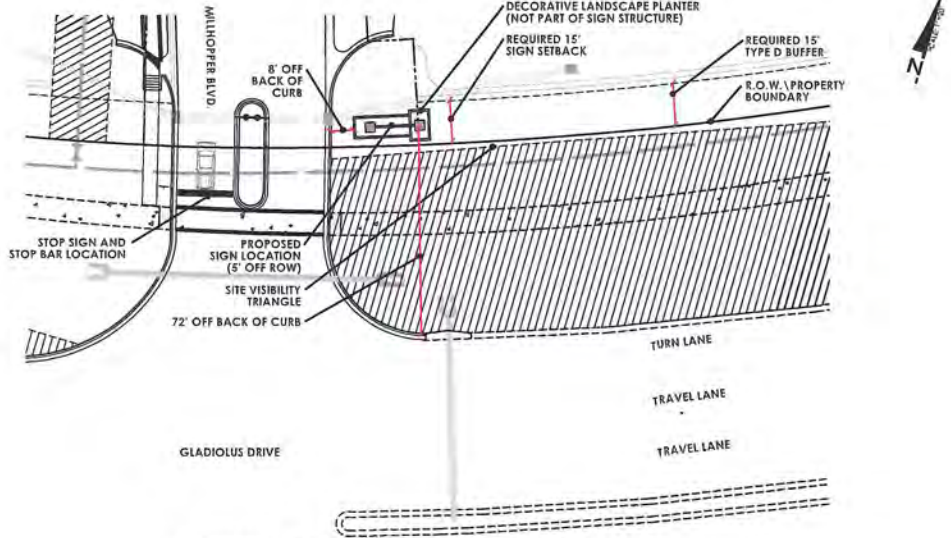
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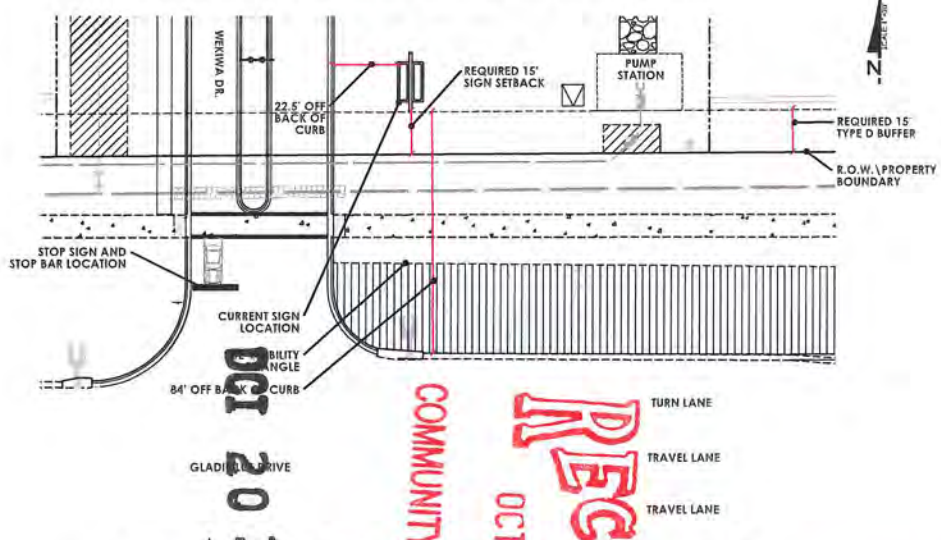
May 26, 2017



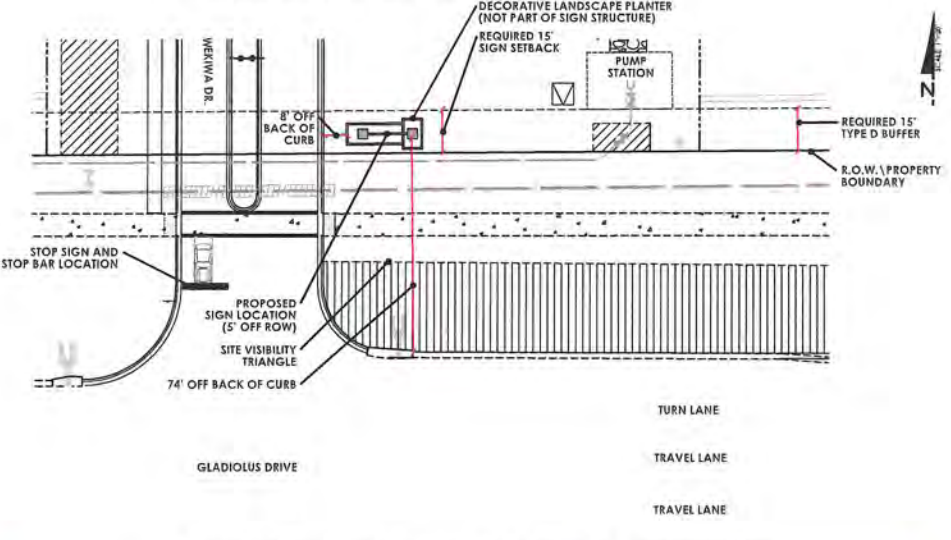
Development Order East Entry Sign Location: Millhopper Blvd.



Proposed Sign East Entry Location: Millhopper Blvd.



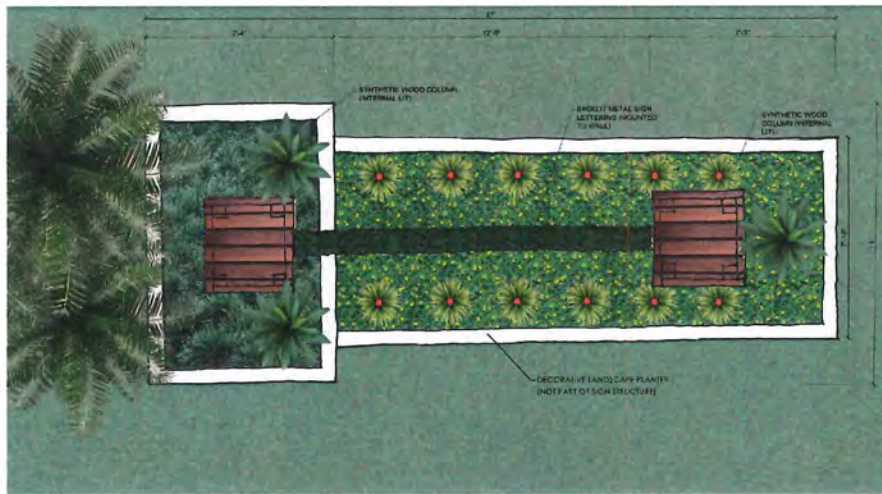
Development Order West Entry Sign Location: West Entry: Wekiwa Dr.



Proposed Sign West Entry Location: Wekiwa Dr.

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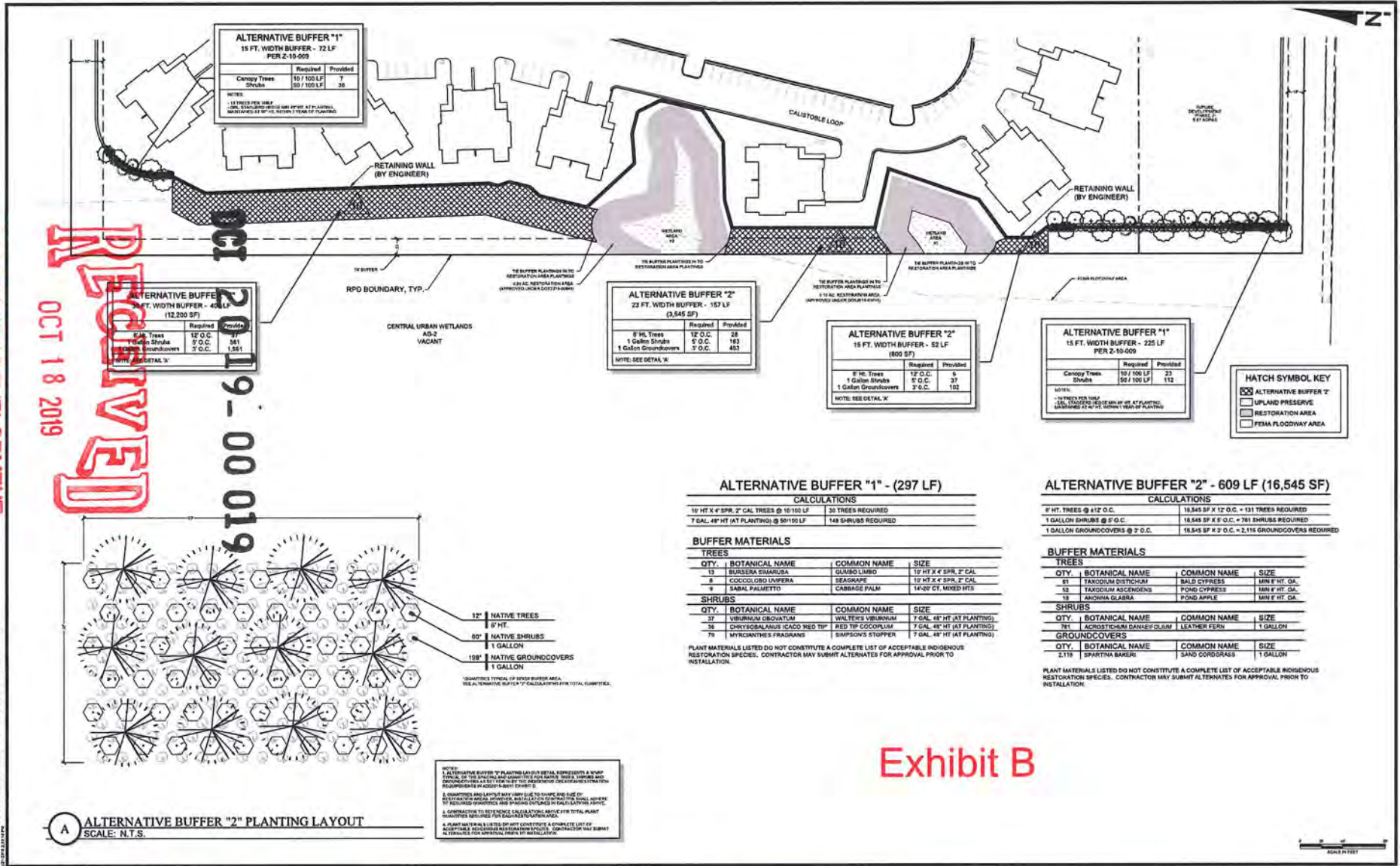
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ALTERNATIVE BUFFER "1" - (297 LF)

Calculations:
10' HT X 4" SPR. 2" CAL TREES @ 10/100 LF = 30 TREES REQUIRED
7' CAL. 48" HT (AT PLANTING) @ 50/150 LF = 148 SHRUBS REQUIRED

BUFFER MATERIALS

QTY.	BOTANICAL NAME	COMMON NAME	SIZE
13	BURSERA SIMARUBA	GUMBO LIMBO	10' HT X 4" SPR. 2" CAL
8	COCCOONIA UNIFERA	SEAKRAPE	12' HT X 4" SPR. 2" CAL
8	SABAL PALMETTO	CABBAGE PALM	14-20' CT, MIXED HTS
SHRUBS			
QTY.	BOTANICAL NAME	COMMON NAME	SIZE
37	VIBURNUM CRUCIATUM	WALTED VIBURNUM	7 CAL. 48" HT (AT PLANTING)
38	CHRYSOBALANUS SCADO REED TIP	RED TIP COCCORUM	7 CAL. 48" HT (AT PLANTING)
78	MYRTICANTHUS FRAGRANS	SIMPSON'S STOPPER	7 CAL. 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. = 13,845 SF X 12' O.C. = 131 TREES REQUIRED
1 GALLON SHRUBS @ 5' O.C. = 16,545 SF X 5' O.C. = 781 SHRUBS REQUIRED
1 GALLON GROUNDCOVERS @ 3' O.C. = 16,545 SF X 3' O.C. = 2,116 GROUNDCOVERS REQUIRED

BUFFER MATERIALS

QTY.	BOTANICAL NAME	COMMON NAME	SIZE
131	TAXODIUM DISTICHAP	BALD CYPRESS	MIN 6' HT. 0AL
53	TAXODIUM ASCENDENS	POND CYPRESS	MIN 6' HT. 0AL
13	ANONIA GLABRA	POND APPLE	MIN 6' HT. 0AL
SHRUBS			
QTY.	BOTANICAL NAME	COMMON NAME	SIZE
781	ACROSTICHUM DANAEFF CLAM	LEATHER FERN	1 GALLON
GROUNDCOVERS			
QTY.	BOTANICAL NAME	COMMON NAME	SIZE
2,116	SPARTINA BAKERI	SAND CORNDRASS	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.

Exhibit B

ATTACHMENT H

RESOLUTION NUMBER Z-04-043

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

WHEREAS, an application was filed by the property owners, Jack and Barbara Amar, to rezone a 32.54-acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Gladiolus RPD; and

WHEREAS, a public hearing was advertised and held on June 23, 2004, before the Lee County Zoning Hearing Examiner. Written submissions were requested by the Hearing Examiner at the close of the hearing with a due date of June 28, 2004. The Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2003-00059; and

WHEREAS, a second public hearing was advertised and held on August 30, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record, and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 32.54-acre parcel from AG-2 to RPD, to allow a maximum of 296 multi-family dwelling units with a maximum building height of 45 feet. Blasting was not proposed for the site. The property is located in the Central Urban and Wetlands Land Use Categories and is legally described in attached Exhibit A. The request is approved for 275 multi-family dwelling units with a maximum height of 45 feet subject to the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development of this project must be consistent with the one-page Master Concept Plan entitled "Master Concept Plan, Gladiolus RPD, Lee County, Florida," stamped received September 9, 2004, dated February 26, 2004, except as modified by the conditions below. Development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:
 - a. Schedule of Uses

COPY

Accessory Uses and Structures

Clubs, Private (maximum of 6,000 square feet) (No Consumption on Premises)
 Accessory Uses to include Administrative Offices for the Home Owner's
 Association and other directly related Club functions

Dwelling Unit:

Multi-Family

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I

Excavation: Water Retention

Fences, Walls

Home Occupation, with no outside help

Models: Model Units (Consistent with Condition 5)

Parking Lot: Accessory

Recreational Facilities: Private, On-Site

Signs in Accordance with LDC Chapter 30

Temporary Real Estate Sales Office (Consistent with Condition 5)

b. Site Development Regulations

	Public Street Setback	Private Street Setback	Side Set-back	Rear Set-back	Water Set-back	Bldg. Sep.	Max. Bldg. Ht.	Lot Width	Lot Depth	Lot Area
Multi-family/ Club-house/ Rec. Facility	25' min.	20' min.	10' min.*	15' min.*	20' min.	per LDC**	45' (3 stories) ***	100' min.	100' min.	10,000 sq. ft. min., 2,500 sq. ft. per unit min.

* Minimum 30-foot building perimeter setback on the boundaries of the subject property.

** Land Development Code Chapter 34-935(e)(4).

*** Maximum building height of 35 feet for the two (2) buildings in the northeast corner of the project

No structures may be placed within any required buffers.

Accessory uses and structures will be set back in accordance with Land Development Code § 34-1174. Also, no accessory structures may be placed within any required buffers.

c. A maximum total of 275 dwelling units.

3. Approval of this rezoning 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. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table.
5. Model Units and a Real Estate Sales Office are permitted uses, but must be consistent with the following conditions:
 - a. A maximum of eight (8) Model Units are permitted.
 - b. All Model Units and the Temporary Real Estate Sales Office must be located within the areas depicted on the MCP as areas for Model Units.
 - c. A maximum of one (1) Temporary Real Estate Sales Office is permitted.
 - d. Hours of operation for the Model Units and Temporary Real Estate Sales Office are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.
 - e. Each Model Unit must be a unique example. Multiple examples of the same unit are not permitted.
 - f. Temporary Real Estate Sales Office is limited to sales of lots, homes, or units within the development, and is valid for a period of time not to exceed three (3) years from the date the Certificate of Occupancy is issued for the sales office. The director may grant one two-year extension. Additional time will require a Special Exception approval.
6. Blasting is prohibited.
7. A 30-foot-wide Type "F" buffer, utilizing canopy trees, must be provided along the entire northern property boundary of the subject site. Fifteen (15) feet of this buffer may be utilized for the required 20-foot-wide lake maintenance easement.
8. A 20-foot-wide lake maintenance easement must be placed around the entire perimeter of the proposed lake.
9. Prior to local development order approval, the landscape plans must delineate 40 percent common open space.
10. The MCP must be modified prior to the execution of this resolution to reflect the approval of no more than 275 dwelling units.
11. A 15-foot-wide buffer must be provided along the eastern and western property boundaries. This buffer must consist of a minimum of 10 trees per 100 linear feet, a double staggered continuous visual screen row of hedges which must be a minimum of 48 inches tall at installation and must be maintained at a minimum of 60 inches tall within one year of planting. Seven and one-half feet of this buffer may be utilized for the required 20-foot-wide lake maintenance easement on the western side of the proposed site.

12. Prior to any resolution of approval being signed, the MCP must be revised to remove notes 1, 3, and 4, and to relocate the access road along the southwest portion of the subject property outside of the required 15-foot-wide Type "D" buffer along the right-of-way on Gladiolus Drive, and to properly label the full extent of this required buffer.
13. 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.
14. Proposed conditions regarding hurricane mitigation:
 - 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, 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 the Lee County Department of Emergency Management.
 - c. The developer will coordinate with the Division of Public Safety of the Lee County Emergency Management Department in determining and participating in a means to lessen its adverse impacts on the County's hurricane preparedness process and public safety and it will comply with the Hurricane Shelter Ordinance.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC § 10-239(d)(1)a.3. requirement to provide a setback for excavation from a private property line of 50 feet; to allow for a setback of 27.5 feet along the western property boundary and a setback 35 feet along the northern property boundary. Seven and one-half (7.5) feet of the buffer may be utilized for the required 20-foot-wide lake maintenance easement along the western property boundary. Fifteen (15) feet of the buffer may be utilized for the required 20-foot lake maintenance easement along the northern property boundary so long as adequate protection for wayward vehicles is provided. This DEVIATION IS APPROVED.
2. Deviation (2) - WITHDRAWN
3. Deviation (3) seek relief from the LDC § 10-285(a), Table 1, requirement to provide a 660-foot access spacing on an arterial roadway; to allow a 628-foot spacing on Gladiolus Drive to utilize the two existing access points that were previously constructed by Lee County on Gladiolus Drive along the project frontage. This DEVIATION IS APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description of the property

Exhibit B: Zoning Map (subject parcel identified with shading)

Exhibit C: Master Concept Plan stamped received September 9, 2004 and dated February 26, 2004

The applicant has indicated that the STRAP numbers for the property are: 35-45-24-00-00015.0000 and 35-45-24-00-00014.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the RPD rezoning limited to 275 dwelling units by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.
2. The RPD rezoning, as conditioned:
 - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities, and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The approval of this rezoning request satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan will be available and adequate to serve the proposed land use.

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

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

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

DULY PASSED AND ADOPTED this 30th day of August 2004.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Michelle B Cooper
Deputy Clerk

BY: John E. Albion
Chairman



Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

RECEIVED
MINUTES OFFICE
2004 SEP 22 PM 2:59

EXHIBIT "A"

LEGAL DESCRIPTION

Property located in Lee County, Florida

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ ANNA MARIA ISLAND
DESCRIPTION OF A PARCEL OF LAND

LYING IN

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

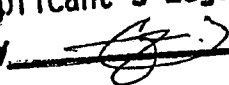
A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

Applicant's Legal Checked
by 

DCI 2003-00059

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

RECEIVED
NOV 21 2003

ZONING COUNTER

SURVEY PLAT

OF
 A TRACT OR PARCEL OF LAND LYING IN SECTION 33, TOWNSHIP 45
 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING FURTHER BOUND
 AND DESCRIBED AS FOLLOWS:
 THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION
 33 LYING NORTH OF GLADKUS DRIVE (COUNTY ROAD 883) LESS
 MITIGATION PARCEL 24 AS DESCRIBED IN OFFICIAL RECORDS BOOK 2488,
 PAGE 182 OF THE PUBLIC RECORDS OF SAID LEE COUNTY.

DESCRIPTION

A PARCEL OF TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, RANGHO 45
 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE S85°00'00"W ALONG
 THE NORTH LINE OF SAID SECTION FOR 1282.88 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE
 NORTHWEST QUARTER OF SAID SECTION; THENCE S01°00'00"W ALONG THE WEST LINE OF SAID SECTION FOR 1282.88
 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADKUS DRIVE (COUNTY ROAD 883) - 100.00 FEET WIDE; THENCE
 N68°00'00"E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 365.00 FEET TO AN INTERSECTION WITH A CURVE TO THE
 LEFT HAVING A RADIUS OF 1282.88 FEET AND TO WHICH POINT A RADIAL LINE BEARS S84°30'00"E; THENCE EASTWARD
 ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°00'00" FOR 308.44 FEET TO AN INTERSECTION WITH A CURVE
 HAVING A RADIUS OF 1282.88 FEET AND TO WHICH POINT A RADIAL LINE BEARS S33°00'00"E; THENCE THENCE
 WESTWARD ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°00'00" FOR 308.44 FEET TO THE POINT OF BEGINNING.
 BEARING AND BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 33 AS BEING ALTERNATE
 PARCELS CONTAINING 32.88 ACRES, MORE OR LESS.
 SUBJECT TO EASEMENTS, RESTRICTIONS, ENCUMBRANCES AND RIGHTS-OF-WAY OF RECORD.

LEGEND

PLAN FROM CORNER BOUNDARY
 P.C. POINT OF CURVE
 P.T. POINT OF TANGENCY
 P.I. POINT OF INTERSECTION
 P.M. POINT OF MISCLOSURE
 P.O.B. POINT OF BEGINNING
 P.O.C. POINT OF CURVE
 P.O.T. POINT OF TANGENCY
 P.O.I. POINT OF INTERSECTION
 P.O.M. POINT OF MISCLOSURE

STRUCTURE TABLE

NO.	TYPE	REMARKS
1	CONCRETE	...
2

CURVE TABLE

NO.	BEARING	ANGLE	...
1
2

SURVEYOR'S NOTES:
 THE PLAN IS PREPARED BY THE SURVEYOR OF THE PROPERTY OWNERS AND THE SURVEYOR'S OFFICE HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND IT TO BE ACCURATELY DESCRIBED AS SHOWN ON THIS PLAN.
 THE SURVEYOR'S OFFICE HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND IT TO BE ACCURATELY DESCRIBED AS SHOWN ON THIS PLAN.
 THE SURVEYOR'S OFFICE HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND IT TO BE ACCURATELY DESCRIBED AS SHOWN ON THIS PLAN.

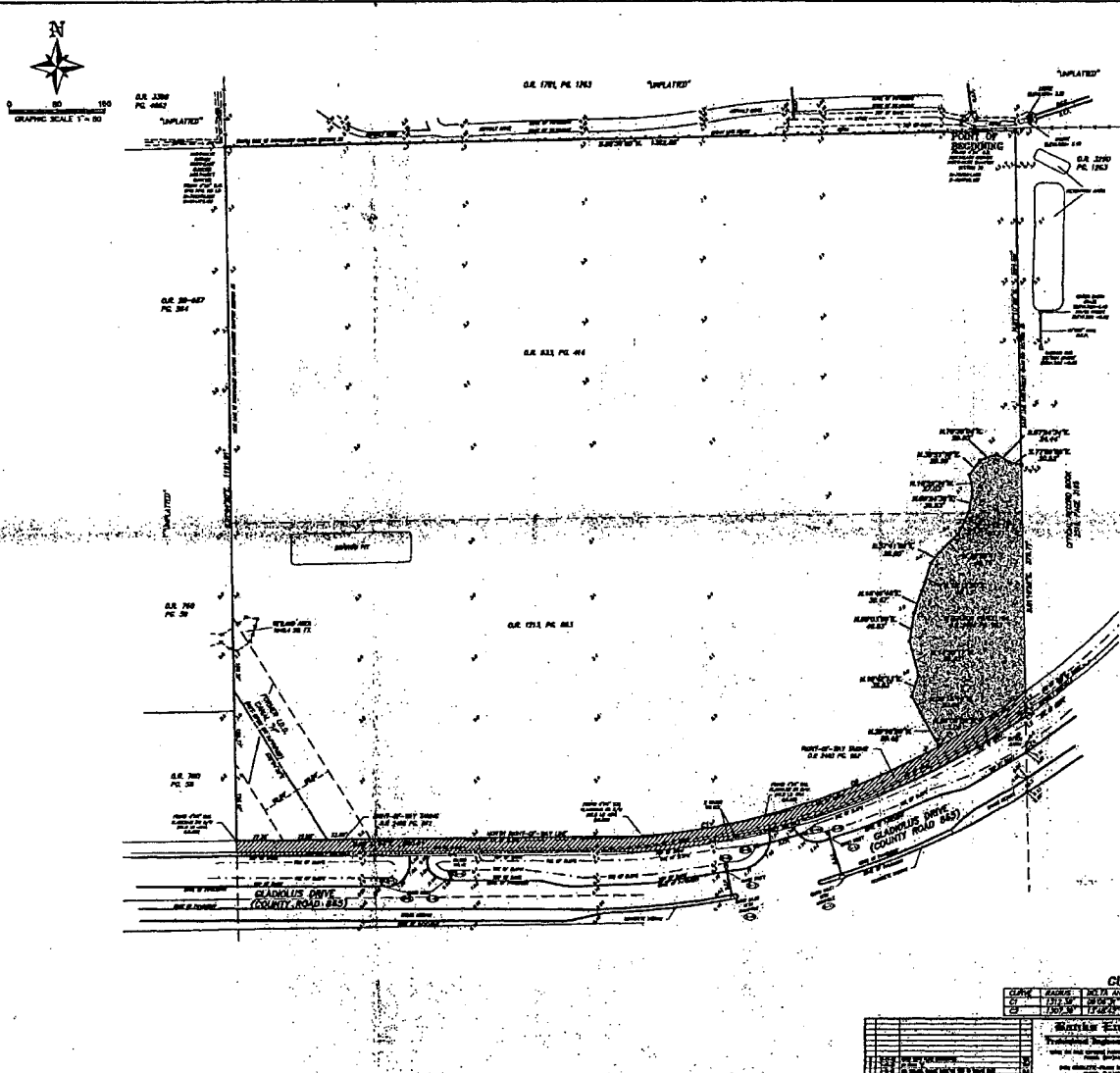
APPLICANT'S LEGAL CHECKED BY: *[Signature]*

DCI 2003-00059

RECEIVED
 NOV 21 2003

ZONING COUNTY OFFICE

FOCUS DEVELOPMENT GROUP
 LEE COUNTY, FLORIDA



ZONING MAP

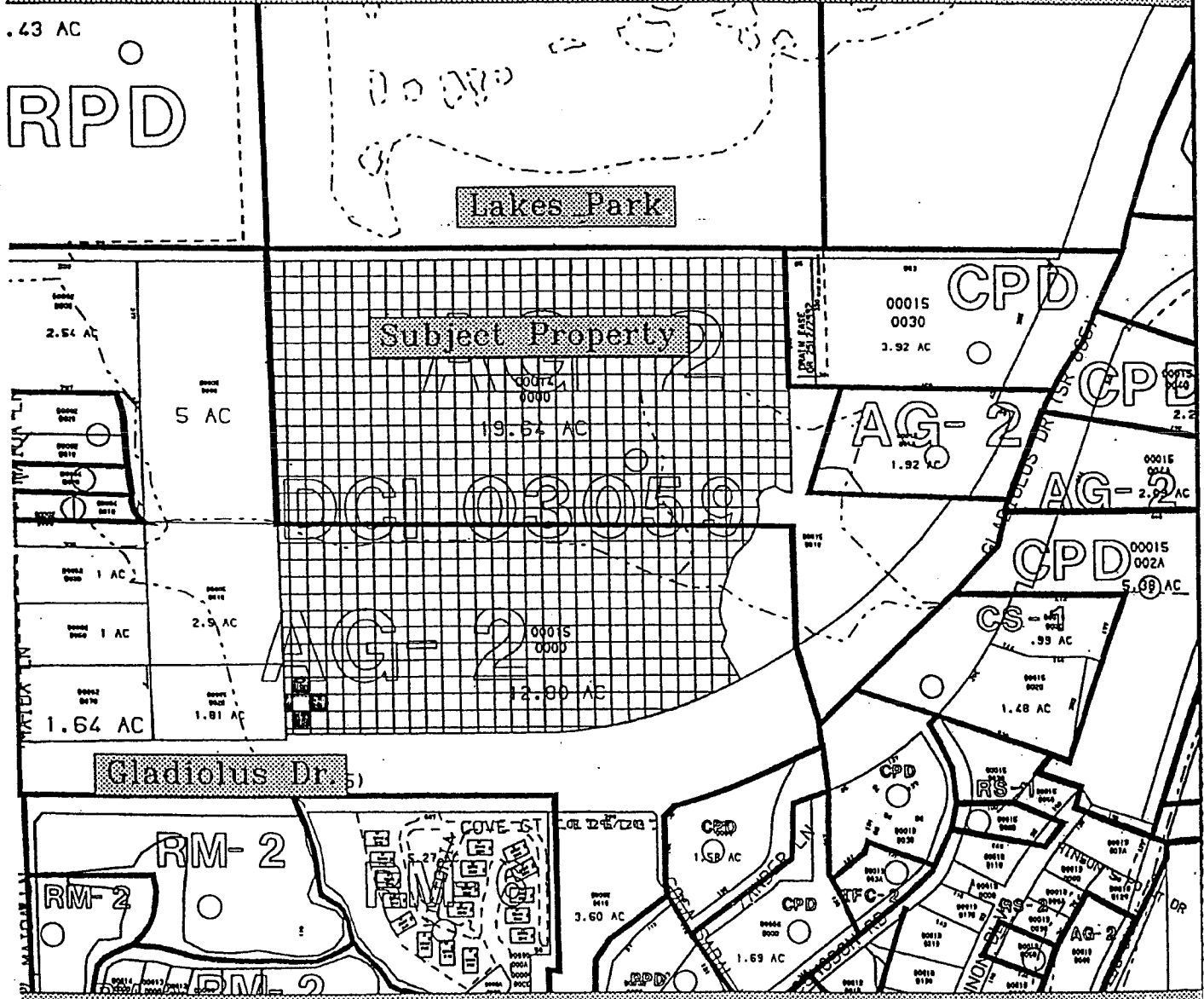
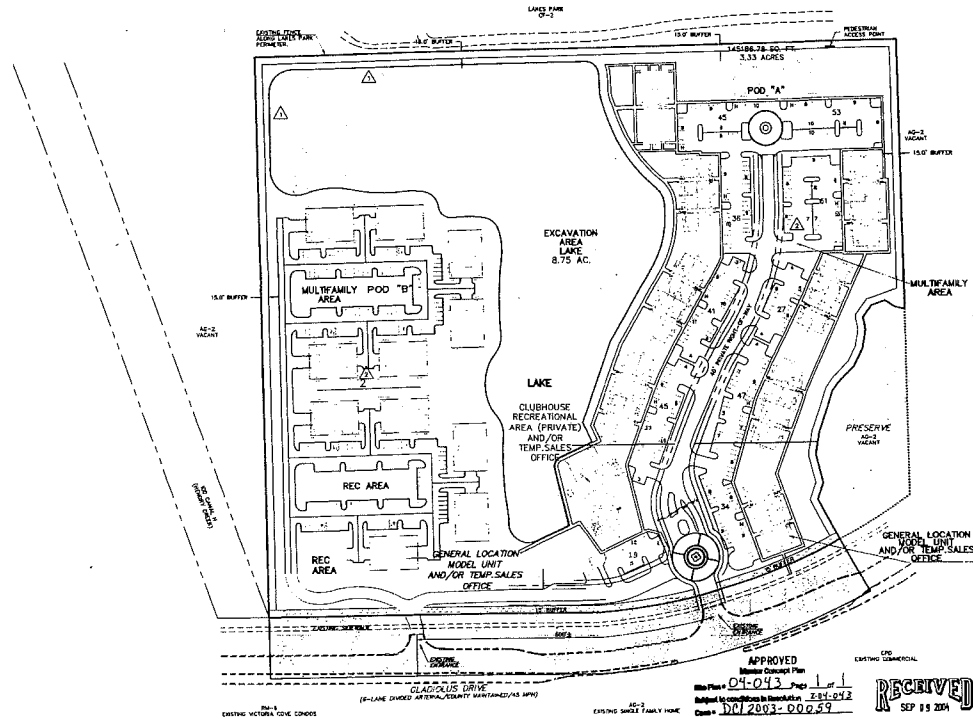
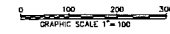
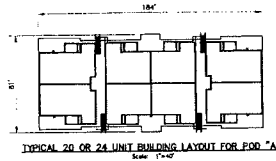
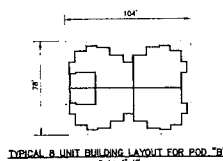


EXHIBIT B

PROJECT SUMMARY DATA:

NET SITE AREA: 32.54 ACRES
 ROAD R/W: 3.16 ACRES
 R. EDDIE P/W (GLADIOLUS)
 SITE AREA: 30.70 ACRES (+ OR -)
 TOTAL UNITS PROPOSED: 275 UNITS
 LAND USE CLASSIFICATION: CENTRAL URBAN
 EXISTING ZONING: AG-2
 PROPOSED ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RPD)
 OPEN SPACE: 40% MIN. COMMON OPEN SPACE
 WATER: LEE COUNTY UTILITIES
 SEWER: LEE COUNTY UTILITIES
 FIRE DISTRICT: SOUTH TRAIL FIRE DISTRICT
 FLOOD ZONE: A-14 (ELEV. 11) PER LEE COUNTY
 FLOOD ZONE MAP 125124 1825 C

SCHEDULE OF DEVIATIONS:
 PLEASE SEE RESOLUTION.



APPROVED
 Master Concept Plan
 Plan No: 04-043 - 1 of 1
 Subject to conditions in Resolution # 2003-022
 Date: 09/15/2004
 City: DCI 2003-00059
 RECEIVED
 SEP 15 2004
 PRINITY COUNTY

PREPARED FOR: FOCUS DEVELOPMENT GROUP 1500 Corporate Boulevard NW, Suite 238 Boca Raton, FL 33431	DATE: 02/26/04	PROJECT: 1620	DRAWING: MCP	DESIGN: DCP	DRAWN: DGP	CHECKED: TRL	SCALE: 1" = 100'	SHEET: 1	OF: 1	FILE NO.: 04-11-01	35-45-24
	PREPARED BY: DATE: 02/26/04	PROJECT: 1620	DRAWING: MCP	DESIGN: DCP	DRAWN: DGP	CHECKED: TRL	SCALE: 1" = 100'	SHEET: 1	OF: 1	FILE NO.: 04-11-01	35-45-24
PREPARED BY: DATE: 02/26/04	PROJECT: 1620	DRAWING: MCP	DESIGN: DCP	DRAWN: DGP	CHECKED: TRL	SCALE: 1" = 100'	SHEET: 1	OF: 1	FILE NO.: 04-11-01	35-45-24	

Banks Engineering, Inc.
 Professional Engineers, Planners & Land Surveyors
 FORT MYERS • NAPLES • SARASOTA
 10011 SW 46th STREET, SUITE 101
 FORT MYERS, FLORIDA 33907
 PHONE: (239) 939-3490 • FAX: (239) 939-2523
 ENGINEERING LICENSE # 33 0449
 SURVEYING LICENSE # 33 0440

MASTER CONCEPT PLAN
GLADIOLUS RPD
 LEE COUNTY, FLORIDA
DCI2003-00059

Exhibit C

ATTACHMENT I

ADMINISTRATIVE AMENDMENT (PD) ADD2006-00184

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Touse Homes, Inc. filed an application for administrative approval to a Residential Planned Development on a project known as Oasis Cove (formerly Gladiolus RPD) to allow the current developer to change the multi-family building types and add single story detached garages along with an administrative deviation to allow a street setback of 10 feet on property located at 7650 Gladiolus Dr., described more particularly as:

LEGAL DESCRIPTION: In Section 35, Township 45 South, Range 24 East, Lee County, Florida:

See Exhibit A

WHEREAS, the property was originally rezoned in case number DCI2003-00059 by Resolution Z-04-043; and

WHEREAS, the subject property is located in the Central Urban and Wetlands Future Land Use Category as designated by the Lee County Comprehensive Plan; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the approved Master Concept Plan by Resolution Z-04-043 was for a multi-family development with two (2) development areas identified as Pod A and B, with a maximum total of 275 dwelling units; and

WHEREAS, the Master Concept Plan shows Pod A to have buildings that are clustered in groups of three (3) buildings with 20 or 24 dwelling units per building and Pod "B" shows ten (10) buildings that each contain 8 dwelling units. The maximum building height is 45 feet (3 stories) high with the exception of the buildings located in the northeast corner of the project that are approved with a maximum building height of 35 feet; and

WHEREAS, the applicant has requested the amendment to allow the multi-family building types to be changed to one (1) building with 18 units in each building with a maximum building height of 45 feet with the exception of buildings 7, 8, and 9 located in the northeast corner; and add single story detached garages; and

WHEREAS, the addition of the detached garages requires an administrative deviation from the street setback of 20 feet to allow a 10 foot setback from the internal private access easement; and

WHEREAS, Development Services reviewed the addition of the detached garages and support the amendment with condition #4; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Residential Planned Development to allow a change to the multi-family building types and add single story detached garages is **APPROVED**.

Approval is subject to the following conditions:

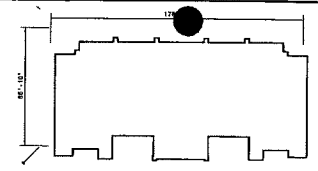
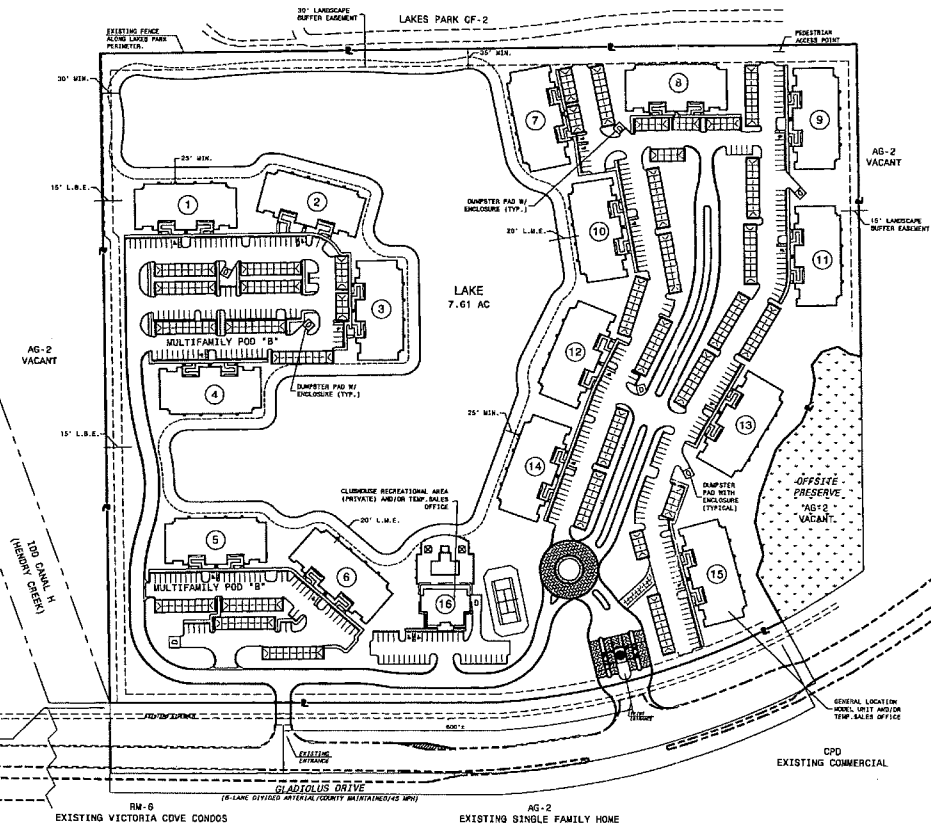
1. **The Development must be in compliance with the amended Master Concept Plan, dated stamped received January 5, 2007 and last revised on January 2, 2007. Master Concept Plan for ADD2006-00184 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**
3. **Buildings # 7, 8, and 9 are limited to a maximum height of 35 feet, all other buildings are limited to a maximum height of 45 feet per Resolution Z-04-043.**
4. **All garages must be constructed no less than ten (10) feet from any proposed building within the development. All proposed enclosed garages shall provide an eight (8) foot wide back-out apron in addition to the required twenty-four (24) foot wide parking lot aisle. Open carports without solid walls must not be required to provide any additional back-out area beyond the required twenty-four(24) foot wide parking lot aisle.**

DULY SIGNED this 4th day of April, A.D., 2007.

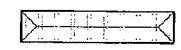
BY:

Pam Houck
Pam Houck, Director
Division of Zoning
Department of Community Development

S:\Joshi\60x1620\ENGINEERING\ZONING\1620_MCP.dwg, 9/20/2006 5:31:19 AM, Ethan Lesford



3 STORY 18 UNIT BUILDING, PODS A & B
 15' MAXIMUM BUILDING HEIGHT
 35' MINIMUM BUILDING SEPARATION
 SCALE: 1" = 40'



SINGLE STORY GARAGE
 15' MAXIMUM HEIGHT
 10' MINIMUM BUILDING SEPARATION
 SCALE: 1" = 40'

PROJECT SUMMARY DATA:

NET SITE AREA: 92.54 ACRES
 ROAD R/W: 2.18 ACRES
 1/2 ROAD R/W (GLADIOLUS):
 SITE AREA: 35.70 ACRES (+ OR -)

TOTAL UNITS PROPOSED: 270 UNITS (7.58 DU/ACRE)

LAND USE CLASSIFICATION: CENTRAL URBAN

EXISTING ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RPD) #2-04-043

OPEN SPACE: 40% MIN. COMMON OPEN SPACE.

WATER: LEE COUNTY UTILITIES

SEWER: LEE COUNTY UTILITIES

FIRE DISTRICT: SOUTH TRAIL FIRE DISTRICT

FLOOD ZONE: A-14 (ELEV. 11) PER LEE COUNTY
 FLOOD ZONE MAP 125124 0325 C

SCHEDULE OF DEVIATIONS:

PLEASE SEE RESOLUTION.

NOTES:

- A FIFTEEN (15) FOOT WIDE BUFFER MUST BE PROVIDED ALONG THE EAST AND WEST PERIMETER OF THE PROJECT PROPERTY LINES AND MUST BE PLANTED WITH A HEDGE AND A MINIMUM OF TEN (10) PALM TREES PER 100 LINEAR FEET. HEDGES MUST BE PLANTED IN DOUBLE STAGGERED ROWS AND BE MAINTAINED 90 AS TO FORM A 60-INCH HIGH CONTINUOUS VISUAL SCREEN WITHIN ONE YEAR AFTER TIME OF PLANTING.
- A THIRTY (30) FOOT TYPE 'F' BUFFER MUST BE PROVIDED ALONG THE NORTH PROPERTY LINE AND UTILIZE CANOPY TREES.
- A TYPE 'D' BUFFER WILL BE PLANTED ALONG THE RIGHT-OF-WAY.
- BUILDING SETBACKS FROM THE NORTH, EAST, AND WEST PERIMETER PROPERTY LINES ARE 30 FEET.
- LAKE SETBACKS FROM THE WEST PERIMETER PROPERTY LINE IS 27.5 FEET, AND 35 FEET FROM THE NORTH PROPERTY LINE.
- BUILDING LOCATIONS ARE APPROXIMATE.
- * MAXIMUM BUILDING HEIGHT IS 35' FOR BUILDINGS B AND 9.

PARKING:

REQUIRED:
 2 PER UNIT WITH 10% GUEST
 15 BLDGS x 18 UNITS = 270
 270 x 2 = 540 + (270 x 0.1) = 567

PROVIDED:
 OPEN PARKING 352
 COVERED PARKING 271
 TOTAL PARKING PROVIDED 623

RECEIVED

SEP 25 2006

ADD 2006-00184

PREPARED FOR:
TOUSA HOMES, DBA
ENGLE HOMES SOUTHWEST FLORIDA
 12550 NEW BRITANNY BOULEVARD
 SUITE 101
 FORT MYERS, FLORIDA 33907
 (239) 890-8152 FAX: (239) 590-0632

NO.	DATE	REVISION DESCRIPTION	BY

Banks Engineering, Inc.
 Professional Engineers, Planners & Land Surveyors
 FORT MYERS • NAPLES • SARASOTA
 19811 810 WILE CUMBER PROMENADE - SUITE 101
 FORT MYERS, FLORIDA 33912
 PHONE: (239) 838-5188 FAX: (239) 838-2322
 ENGINEERING LICENSE # 19 6488
 SURVEY LICENSE # 18 6922

MASTER CONCEPT PLAN									
GLADIOLUS RPD									
LEE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAMA	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-N)
02/26/04	1620	MCP	DDP	DDP	TFL	1" = 100'	1	1	35-45-24

EXHIBIT H-3.C



LEE COUNTY
SOUTHWEST FLORIDA

239-533-8585

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Tammy Hall
District Four

Frank Mann
District Five

Doug Meurer
Interim County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

December 03, 2012

**CHARLES J. BASINAIT
HENDERSON, FRANKLIN, STARNES A
1715 MONROE ST
FORT MYERS FL 33901**

Re: OASIS COVE
Senate Bill 2156 Extension (F)
DCI2012-00049

Dear CHARLES J. BASINAIT:

In accord with SB2156, development permits meeting certain criteria are entitled to an extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution, Z-10-009, DCI2009-00005, OASIS COVE, is hereby extended for the following:

APPROVAL OF AN MCP EXTENSION FROM JUNE 7, 2019 TO NOVEMBER 5, 2020 FOR OASIS COVE BASED ON FLORIDA STATUTE 252.363 AND EXECUTIVE ORDER NUMBER 12-140 (TROPICAL STORM DEBBY, AS EXTENDED BY EXECUTIVE ORDER NUMBERS 12-192 and 12-217) AND EXECUTIVE ORDER NUMBER 12-199 (TROPICAL STORM ISAAC).

No additional extensions under SB2156 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB2156, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning

Pam Houck
Director

ATTACHMENT J

ATTACHMENT J

RESOLUTION NO. Z-10-009

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

WHEREAS, an application was filed by Beck Group of Fort Myers, LLC, to rezone a 32.54±-acre parcel from Residential Planned Development (RPD), formerly known as Gladiolus RPD, to Residential Planned Development/Commercial Planned Development (RPD/CDP) in reference to a project known as Oasis Cove RPD/CPD; and,

WHEREAS, a public hearing was advertised and held on March 18, 2010, before the Lee County Zoning Hearing Examiner Richard A. Gescheidt, who gave full consideration to the evidence in the record for Case #DCI2009-00005; and,

WHEREAS, a second public hearing was advertised and held on June 7, 2010, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 32.54±-acre parcel from RPD to RPD/CPD to allow Assisted Living Facilities (ALF), Continuing Care Facilities (CCF), Independent Living Units (ILU), multi-family development, and commercial uses. The maximum density proposed is 190 Multi-family dwelling units, or an equivalent number of units in ALFs, CCFs, and ILUs. The maximum intensity of non residential proposed is commercial, office, and retail development, maximum 100,000 square feet including a maximum 25,000 square feet retail. The maximum permissible height 45 feet for both Residential and Commercial. Development blasting was not requested as part of this application. Development will connect to public potable water and sanitary sewer service.

The property is located in the Central Urban and Wetlands Future Land Use Categories and is legally described in Exhibit A, attached hereto.

The request is APPROVED, SUBJECT TO the conditions and deviation specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Oasis Cove A.K.A. Gladiolus RPD," date stamped "Received Jun 08 2010," attached hereto as Exhibit C, except as modified by the conditions below.

Development must comply with all requirements of the LDC at time of the local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The RPD is limited to a maximum of 190 multi-family dwelling units, or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILUs, or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land.

The CPD is limited to a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail uses.

Zoning Resolution Z-75-145, Z-04-034, and Administrative Amendment #ADD2006-00184 are superceded 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

Commercial Planned Development

Accessory Uses and Structures

Administrative Offices

Animals - Clinic or Kennel - no outdoor runs, completely enclosed facilities.

ATM - Automatic Teller Machine

Auto Parts Store - no installation service

Bait and Tackle Shop - no outdoor storage or display.

Banks and Financial Establishments, Groups I and II.

Boats - limited to Boat Part Sales, no outdoor storage or display, no rental, storage, repair or service.

Broadcast Studio, Commercial Radio and Television - does not include freestanding wireless communication facilities, Wall-mounted and building-mounted antennae may be approved per LDC § 34-1441, *et seq.*

Business Services Groups I and II - Excluding bail bonding.

Cleaning and Maintenance Services.

Clothing Stores, General

Clubs: Commercial, Fraternal, Membership Organization, Private - Does not include consumption on premises indoors or outdoors.

Consumption on Premises - See Condition #13.

Contractors and Builders, Group I only (offices and indoor storage facilities, excludes any fabrication work or outdoor storage, other than parking of cars).

Cultural Facilities.

Day Care, Child, Adult.
Department Store
Drive Through Facility for Any Permitted Use.
Drugstore, Pharmacy.
Entrance Gates and Gatehouse.
EMS, Fire or Sheriff's Station.
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 - Not including Group II (freezer and locker meat provisioner).
Funeral Home and Mortuary - Without Crematory.
Gift and Souvenir Shop.
Health Care Facilities, Group III.
Hobby, Toy and Game Shops - No outdoor storage or display.
Hospice, Limited to lots 5 and 6. Limited to 50 beds.
Household and Office Furnishings, Groups I and II. Excluding Group III (hot tub and spas, swimming pools, prefabricated). No outdoor storage or display.
Insurance Companies
Lawn and Garden Supply Stores - No outdoor display or storage.
Library
Maintenance Facility, Government
Medical Office
Motion Picture Production Studio
Nonstore Retailers, All Groups.
 Casino-style games are prohibited.
Paint, Glass and Wallpaper - No outdoor display or storage.
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary.
Personal Services, Groups I, II, III, IV - excluding Massage Parlors, Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card Readers, Tattoo Parlors.
Pet Services - no outdoor runs, completely enclosed facilities.
Pet Shop - no outdoor runs, completely enclosed facilities.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Real Estate Sales Office
Recreation, Facilities, Commercial. Group I, Group III, Group IV - Casino-style games are prohibited.
Recreation Facilities, Personal, Private On Site, Private Off Site.
Religious Facilities
Rental or Leasing Establishments, Groups I, II and III. Excluding Recreation Vehicles and Utility Trailers.
Repair Shops, Groups I and II.
Research and Development Laboratories, Groups II and IV.

Restaurant, Fast Food - No stand alone fast food. No drive through for this use.
Fast food permitted within a multi-occupancy building only.
Restaurants, Groups I, II, III, IV
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted
principal use only.
Schools: Commercial, Noncommercial
Signs per Chapter 30 Lee County Land Development Code
Social Services, Groups I and II
Specialty Retail Shops, All Groups. Excluding Ammunition, Firearms, Hunters
Equipment.
Studios
Temporary uses - limited to construction trailers, real estate sales offices.
Transportation Services, Group II (Automobile). No Group III (Bus).
Used Merchandise Stores, Groups I and II only. - excluding pawnshops.
No Group III (Automotive) and No Group IV (Building Materials)
Warehouse, Miniwarehouse, Private, Public - limited to 10,000 square feet of floor
area for the entire CPD.
Wholesale Establishments, Groups I and III. Indoor establishments only. No open
storage, display or Group IV wholesale establishments.

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 per Chapter 30 Lee County Land Development Code
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

**Residential Planned Development:
Assisted Living Facility (ALF)/Continuing Care Facility(CCF)/Independent Living Unit (ILU)**

RPD Area - 21.75 Acres

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

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)

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 LCD § 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)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

**Residential Planned Development:
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

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.

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

**Residential Planned Development :
Townhouse**

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
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.

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

**Commercial Planned Development :
Commercial Uses**

CPD Area - 10.79 Acres

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 15 feet

Water body 20 feet

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)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

3. 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 County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local development order

4. Traffic

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

5. Lee County Comprehensive Plan

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan (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 (for commercial uses), as well as all other Lee County Comprehensive Plan provisions.

6. No Blasting

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. 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 and within the CPD
- d. Real estate sales within the RPD area will be limited to the sale of lots or units within the development only. Real estate sales in the CPD area are not limited.
- 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. Real estate sales in the CPD area are not limited.
- f. No dry models are permitted.

8. Water and Sewer

Development must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development proposed in the development order submittal.

9. Accessory Uses

Accessory uses must be located on the same tract, parcel, or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, or outparcel.

10. Sidewalks

Development must include internal sidewalks as a site-related improvement. These facilities must be included in local development orders as part of construction of the project's infrastructure.

11. Solid Waste/recycling

As part of any local development order approval for vertical development, the developer must include facilities in compliance with LDC §10-261 and Solid Waste Ordinance # 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

12. Casino-style Games

Casino-style games are prohibited.

13. 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 CPD and 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. Open Space

Prior to local development order approval, the development order plans must delineate a minimum 12.99 acres of open space.

19. 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 acre existing marsh wetland; and
 - (3) a minimum 0.67 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.

- d. development order plans must depict a minimum 20-foot building and accessory structure setback to indigenous preservation and creation/restoration areas.

20. 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 the ES 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.

21. DELETED AT PUBLIC HEARING

22. DELETED AT PUBLIC HEARING

23. 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 RPD north 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.

24. 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 within CPD Lots 6 and 7, if located between commercial buildings and the east property line abutting the off-site County owned preserve; and
- c. Mercury vapor lamps/lights are prohibited.

Prior to local development order approval, development plans for buildings within the RPD/CPD must be reviewed by 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 within the RPD parcel and on the eastern building facades facing the offsite County owned preserve within the CPD parcel Lots 6 and 7.

SECTION C. 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 is APPROVED.

*This deviation was previously approved in the Gladiolus RPD, in Resolution Z-04-43. In an abundance of caution, the Hearing Examiner recommends its approval as part of this rezoning request.

SECTION D. EXHIBITS:

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

- Exhibit A: Legal description
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: Master Concept Plan
- Exhibit D: Indigenous Restoration Plan
- Exhibit E: Landscape Exhibit

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning to RPD/CPD by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.
2. The RPD/CPD rezoning, as approved:
 - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The RPD/CPD rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Hall. The vote was as follows:

Vacant	
A. Brian Bigelow	Nay
Ray Judah	Aye
Tammara Hall	Aye
Franklin B. Mann	Aye

DULY PASSED AND ADOPTED this 7th day of June 2010.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: T Hall
Tammara Hall, Chairwoman



Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's

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MINUTES OFFICE
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2010 JUN 17 PM 3:09

EXHIBIT A
Legal Description
Property located in Lee County, FL
Page 1 of 6

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

RECEIVED

DEC 18 2009

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN

COMMUNITY DEVELOPMENT

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(CPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET TO THE POINT OF BEGINNING; THENCE S.25°14'18"W. FOR 12.93 FEET; THENCE S.45°28'41"W. FOR 45.15 FEET; THENCE S.37°41'02"W. FOR 20.60 FEET; THENCE S.18°12'50"W. FOR 49.13 FEET; THENCE S.18°49'48"W. FOR 39.67 FEET; THENCE S.09°03'50"W. FOR 46.83 FEET; THENCE S.14°50'17"E. FOR 59.82 FEET; THENCE S.18°42'13"W. FOR 35.83 FEET; THENCE S.28°15'16"E. FOR 30.66 FEET; THENCE S.29°10'50"E. FOR 60.46 FEET; THENCE S.56°06'08"E. FOR 3.06 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,307.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.28°25'21"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,312.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.13°40'12"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°06'31" FOR 208.64 FEET; THENCE S.89°37'57"W. ALONG SAID RIGHT-OF-WAY LINE FOR 341.72 FEET; THENCE N.00°22'03"W. FOR 609.97 FEET; THENCE N.89°37'57"E. FOR 666.53 FEET; THENCE S.64°45'42"E. FOR 235.31 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

Applicant's Legal Checked
BY BJ 12-22-09

Richard M. Ritz
RICHARD M. RITZ,
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

SHEET 1 OF 3

S:\165_165 SURVEY\Description\1620_CPD_DESC.dwg

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

EXHIBIT A

DCI 2009-00005

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24
EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS
DESCRIPTION.

D.P. 2018
P.S. 3063

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 25°14'18" W	12.93'	L12	S 18°12'50" W	49.13'
L2	N 77°09'08" W	20.52'	L13	S 09°01'50" W	46.83'
L3	N 57°54'34" W	24.44'	L14	S 14°50'17" E	59.82'
L4	S 70°39'04" W	29.95'	L15	S 18°42'13" W	35.83'
L5	S 35°31'19" W	28.80'	L16	S 28°10'50" E	60.46'
L6	S 10°52'34" E	27.03'	L17	S 28°15'16" E	30.66'
L7	S 09°24'39" W	18.83'	L18	S 58°06'08" E	3.06'
L8	S 25°14'18" W	27.34'			
L9	S 45°28'41" W	45.15'			
L10	S 37°14'02" W	20.60'			
L11	S 18°12'50" W	38.67'			

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

- THIS SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER

- PREPARED DECEMBER 16, 2009.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

10311 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33606

(823) 830-6480
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8690



1"=200'

NORTHWEST CORNER
NORTHEAST QUARTER
NORTHWEST QUARTER
SECTION 35

INSTRUMENT
#2008000107475

INSTRUMENT
#2008000107475

WEST LINE OF NORTHWEST QUARTER NORTHWEST QUARTER SECTION 35

N 01°04'20" W 1151.81'

INSTRUMENT
#2008000131732

INSTRUMENT
#2008000131732

FORMER I.O.D. CANAL N.
WAS ABANDONED BY LEE COUNTY
RECEIVED BY THE COUNTY
ON 08/27/01, AS SHOWN
ON THE PLAN.

NORTH
RIGHT-OF-WAY LINE

RECEIVED
DEC 16 2009

COMMUNITY DEVELOPMENT

D.R. 1761, P.C. 1181

NORTH LINE OF NORTHWEST QUARTER SECTION 35
N 88°58'00" E 1322.08'

POINT OF
COMMENCEMENT
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 35

EAST LINE NORTHWEST QUARTER SECTION 35
S 01°11'00" E 554.86'

N 89°37'57" E 666.53'

POINT OF
BEGINNING

S 64°45'42" E
235.31'

SUBJECT PARCEL

CPD PARCEL
10.79± ACRES

N 00°22'01" W 609.97'

D.P. 2018
P.S. 3063

S 13°10'12" E
RADIAL LINE

S 24°52'12" E
RADIAL LINE

336.29'

S 89°37'57" W 341.77'

GLADIOLUS DRIVE
(COUNTY ROAD 865)

SHEET 2 OF 2

LEGEND

- D.R. OFFICIAL RECORDS BOOK
- O.B. DEED BOOK
- P.G. PAGE
- C1 CURVE 1 OF THE CURVE TABLE
- L1 LINE 1 OF THE LINE TABLE

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1307.35'	13°48'42"	315.16'	314.40'	S 86°29'00" W
C2	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W

Applicant's Less / Checked
By: B.S.G. 12-22-09

DCI 2009-00005

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

RECEIVED
DEC 18 2009

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD PARCEL)

COMMUNITY DEVELOPMENT

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

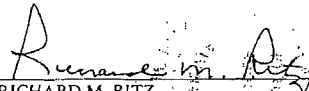
BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET; THENCE N.64°45'42" W FOR 235.31 FEET; THENCE S.89°37'57"W. FOR 666.53 FEET; THENCE S.00°22'03"E. FOR 609.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865); THENCE S.89°37'57"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 338.29 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE¼) OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE N.01°04'20"W. ALONG SAID WEST LINE FOR 1,151.81 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.88°56'00"E. ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW¼) FOR 1,322.88 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

Applicant's Logs Checked
BY EG 12-22-09


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4089

SHEET 1 OF 2

S:\66716\6671620\SURVEY\Description\61620_RPD_DESNC.dwg

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

DCI 2009-00005

EXHIBIT A
Page 3 of 6



INSTRUMENT #2006000107425

O.R. 1781, PG. 4481

1" = 200'

NORTHWEST CORNER
NORTHEAST QUARTER
NORTHWEST QUARTER
SECTION 35

NORTH LINE OF NORTHWEST QUARTER SECTION 35
N 88°56'00" E 1322.88'

POINT OF BEGINNING
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 35

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

RECEIVED
DEC 18 2009

COMMUNITY DEVELOPMENT

SUBJECT PARCEL
RPD PARCEL
21.75± ACRES

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N 01°10'59" W.
PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.
SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

12/22/09
12 22 09

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 77°09'08" W	20.52'
L2	N 57°54'34" W	24.44'
L3	S 70°39'04" W	29.95'
L4	S 35°51'19" W	28.90'
L5	S 10°52'34" E	27.03'
L6	S 09°24'39" W	38.83'
L7	S 25°14'18" W	27.38'

001 2009-00005 100

INSTRUMENT #2006000151713

INSTRUMENT #2006000151728

INSTRUMENT #2006000151720

WEST LINE OF NORTHEAST QUARTER NORTHWEST QUARTER SECTION 35

N 01°04'20" W 1151.81'

FORMING I.D.D. CANAL 44' WIDE AND 24' DEEP BY THE COUNTY ROAD 21.75 AC. SEE PG. 44

S 00°22'03" E 609.87'

338.29'

S 89°32'57" W 666.53'

235.31'
N 64°45'42" W

L1
L2
L3
L4
L5
L6
L7

O.R. 2518
PG. 3165

NORTH
RIGHT-OF-WAY LINE

GLADIOLUS DRIVE
(COUNTY ROAD 865)

LEGEND
O.R. OFFICIAL RECORDS BOOK
O.B. DEED BOOK
P.C. PAGE
L1 LINE 1 OF THE LINE TABLE

SHEET 2 OF 2

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

- THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
- PREPARED DECEMBER 16, 2009.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
10011 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33908
(336) 938-3480
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6860

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA • PORT CHARLOTTE

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

DCI 2009-00005


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

EXHIBIT A
Page 5 of 6

Applicant's Legal Checked
by CEJ 2-12-09



O.R. 2386
P.C. 4882

O.R. 1761, P.C. 1253

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

NORTHWEST CORNER
NORTHEAST QUARTER
NORTHWEST QUARTER

NORTH LINE OF NORTHWEST QUARTER SECTION 35
S.88°56'00"W. 1,322.88'

POINT OF BEGINNING
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 35

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24
EAST AS BEARING N.01°10'55"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.
SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS
DESCRIPTION.

O.R. 2667
P.C. 584

WEST LINE OF NORTHWEST QUARTER NORTHWEST QUARTER SECTION 35

SUBJECT PARCEL

DCI 2009-00005

COMMUNITY DEVELOPMENT

EAST LINE NORTHWEST QUARTER SECTION 35
N.01°10'55"W. 554.86'

O.R. 2618
P.C. 316

LEGEND
O.R. OFFICIAL RECORDS BOOK
P.C. PAGE
C1 CURVE DATA NUMBER

Applicant's Legal Checkby
By C.S. 2-16-09

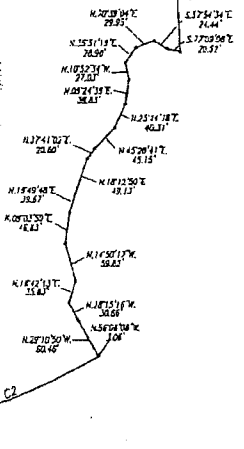
O.R. 750
P.C. 59

S.01°04'20"E. 1151.81'

GRAND L.D. CANAL BY
AND PART OF COUNTY D.A.
DECLARED BY THE D.C.
12/1/71, P.C. 120

NORTH RIGHT-OF-WAY LINE
N.89°37'57"E. 680.01'

GLADIOLUS DRIVE
(COUNTY ROAD 865)



CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.15'	314.40'	S 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

THIS IS NOT A SURVEY

Richard M. RTZ
RICHARD M. RTZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

THIS SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER

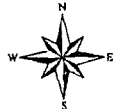
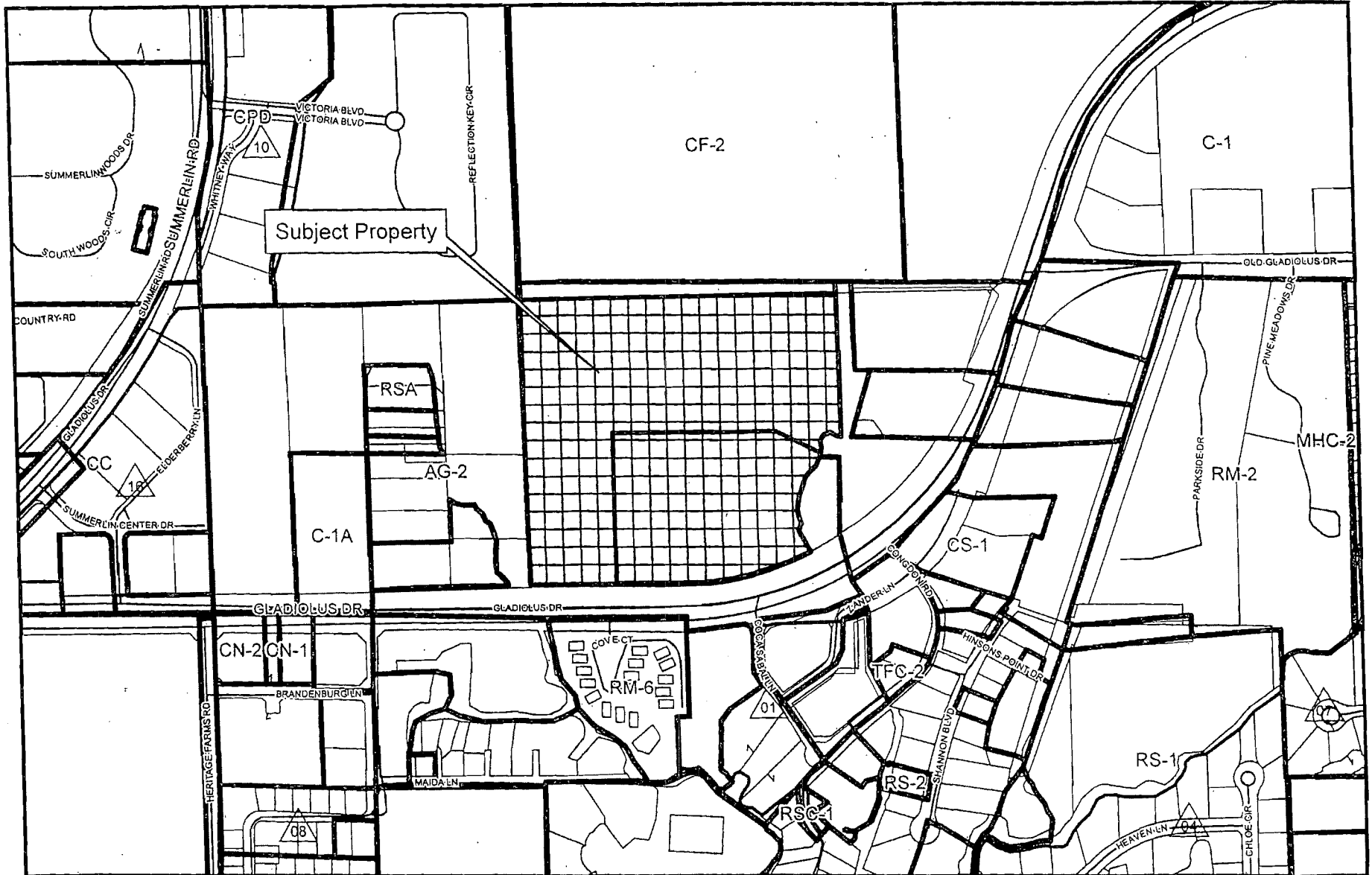
PREPARED JANUARY 14, 2009.

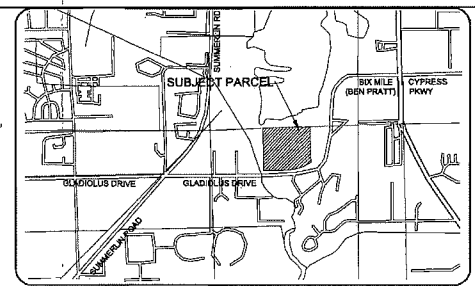
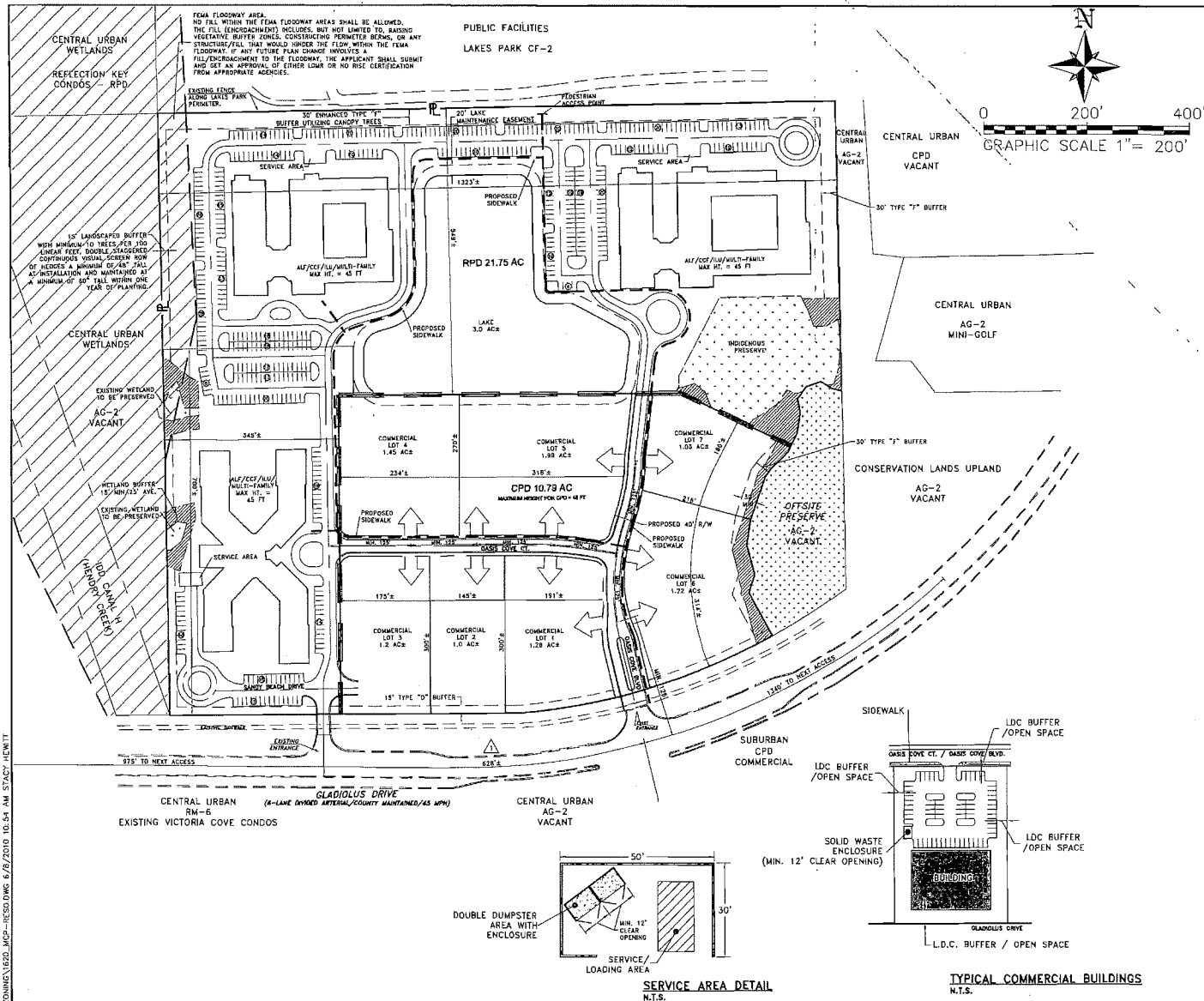
PREPARED BY:
Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
2215 NORTHBROOK PLAZA DRIVE - SUITE 200
HAPLES, FLORIDA 31119
(203) 897-2041
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8500

SHEET 2 OF 2

EXHIBIT B Zoning Map





SECTIONS 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
N.T.S.

OPEN SPACE TABLE:
 REQUIRED OPEN SPACE:
 RPD: 40% 21.75 @ 40% = 8.70
 CPD: 30% 10.79 @ 30% = 3.24
 TOTAL REQUIRED: 11.94 AC
 REQUIRED INDIGENOUS: 1.57 AC = (TOTAL INDIGENOUS PRESENT ON SITE)

PROVIDED OPEN SPACE:
 RPD:
 INDIGENOUS VEGETATION
 1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [LDC 10.415(b)(3)c] + 10% CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.]
 (1.19 x 1.35) = 1.60 AC
 WETLAND = 0.09 AC
 TOTAL INDIGENOUS = 1.69 AC
 25% PROVIDED BY LAKE = 2.99 AC
 BUFFERS/LAKE MAINTENANCE EASEMENT/FEMA FLOODWAY = 2.61 AC ±
 RESTORATION AREAS = 0.46 AC
 ADDITIONAL OPEN SPACE = 2 AC
 TOTAL OPEN SPACE PROVIDED WITHIN RPD: MINIMUM 9.75 AC/CR
 CPD:
 MINIMUM 30%/3.24 AC
 RESTORATION AREAS = 0.21 AC
 BUFFERS AND OTHER OPEN SPACE = 3.03 AC
 TOTAL OPEN SPACE PROVIDED = MINIMUM 12.99 AC/CR

RECEIVED
 JUN 08 2010

COMMUNITY DEVELOPMENT

LEGEND:
 - - - = PROPOSED SIDEWALK
 [Pattern] = INDIGENOUS PRESERVE
 [Pattern] = RESTORATION AREAS
 Δ = SPECIAL CONDITION/DEVIATION

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z 10-009

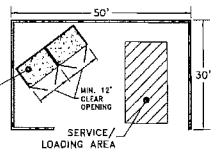
DCI 2009-00005
 EXHIBIT H-3.C

MASTER CONCEPT PLAN
OASIS COVE A.K.A. GLADIOLUS RPD
 LEE COUNTY, FLORIDA

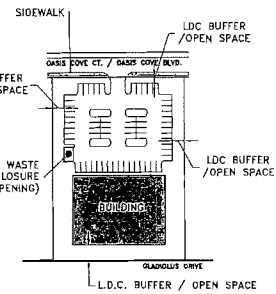
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
11/25/08	1620	MCP	DRU	MJK	DRU	1" = 200'	1	1

S:\WEB\1620\1620\ZONING\1620_MCP-RESO.DWG 6/8/2010 10:54 AM STACY HEWITT

EXHIBIT C



SERVICE AREA DETAIL
N.T.S.



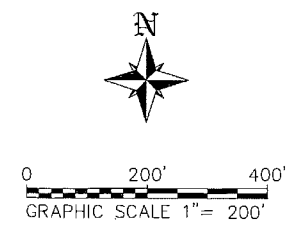
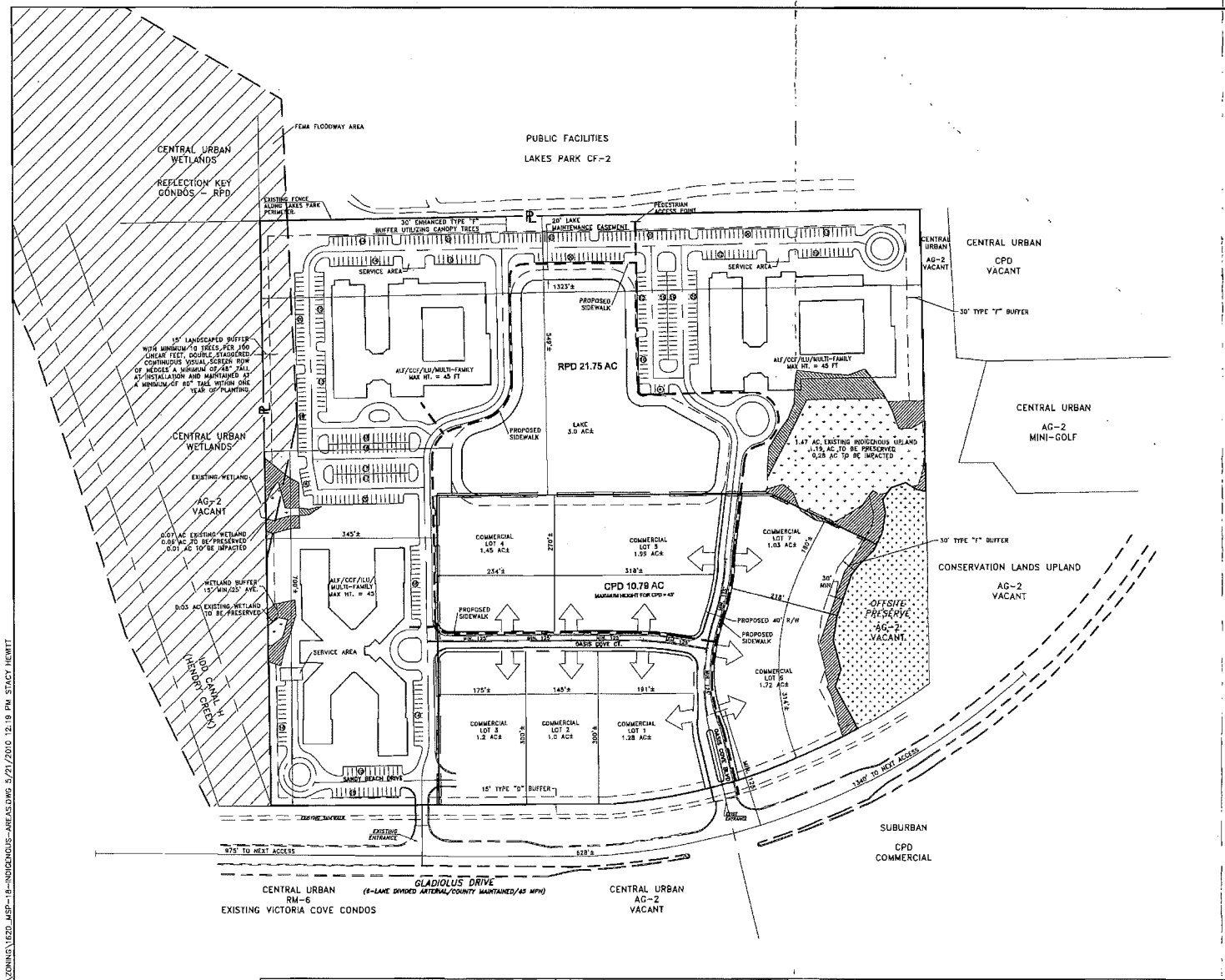
TYPICAL COMMERCIAL BUILDINGS
N.T.S.

PREPARED FOR:
BECK GROUP
OF FT MYERS LLC
 438 BAYFRONT PL
 NAPLES, FL 34102
 PHONE: (239) 648-8700
 FAX: (239) 454-6225

NO.	DATE	REVISION DESCRIPTION	BY
1	08/07/08	ISSUE PRELIMINARY	DRU
2	08/07/08	REVISE PER COMMENTS	DRU
3	08/12/08	REVISE PER COMMENTS	DRU
4	08/12/08	REVISE PER COMMENTS	DRU
5	08/12/08	REVISE PER COMMENTS	DRU
6	08/12/08	REVISE PER COMMENTS	DRU
7	08/12/08	REVISE PER COMMENTS	DRU
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48	08/12/08	REVISE PER COMMENTS	DRU
49	08/12/08	REVISE PER COMMENTS	DRU
50	08/12/08	REVISE PER COMMENTS	DRU

Banks Engineering
 Professional Engineers, Planners, & Land Surveyors
 FORT MYERS • PORT CHARLOTTE • SARASOTA
 1601 SW 8th Street, Suite 101
 Fort Myers, Florida 33902
 Phone: (239) 648-8700 Fax: (239) 454-6225
 Survey License # 6-4189
 www.bankseng.com

S:\065A\065A\065A\065A\INDIGENOUS-AREAS.DWG, 5/21/2010 12:18 PM STACY HEWITT



LEGEND:

- 1.28 AC INDIGENOUS VEGETATION PROVIDED
- 1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC (EQ. 16.41(1)(3)(b)) = 100 CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE (EQ. 40-415 (0)(3)(b)-2) (1.19 x 1.25) = 1.60 AC WETLAND = 0.09 AC TOTAL INDIGENOUS = 1.69 AC
- 0.28 AC INDIGENOUS AREAS TO BE IMPACTED (0.28 UPLAND)
- 0.67 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 GREATEST PRACTICABLE. ONCE THE EXOTICS ARE REMOVED, NATIVE PLANTS WILL BE INSTALLED. THIS WILL CONSIST OF SIX FEET TALL TREES (CARIBBEAN PALM, SLASH PINE, AND LAUREL DAW) 128 FEET ON CENTER, THREE CARIBBEAN PALM, SLASH PINE, AND LAUREL DAW) 728 FEET ON CENTER, CORNER CROCK AS BRUSH (BUXTON, LOWLAND SAW PALMETTO, AND SAND CORDONROSS) THREE FEET CENTER, CARIBBEAN PALMS INSTALLED IN THESE AREAS MAY INCLUDE CARIBBEAN PALMS RELOCATED FROM ON-SITE DEVELOPMENT AREAS. VISIBLE 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 USED TO MEET THE THE LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS FOR THE TYPE "T" BUFFER.

RECEIVED
 JUN 08 2010

COMMUNITY DEVELOPMENT

Approved as Exhibit D
 MCP Page 2 of 2
 Resolution # 2-10-009

DCI 2009-00005

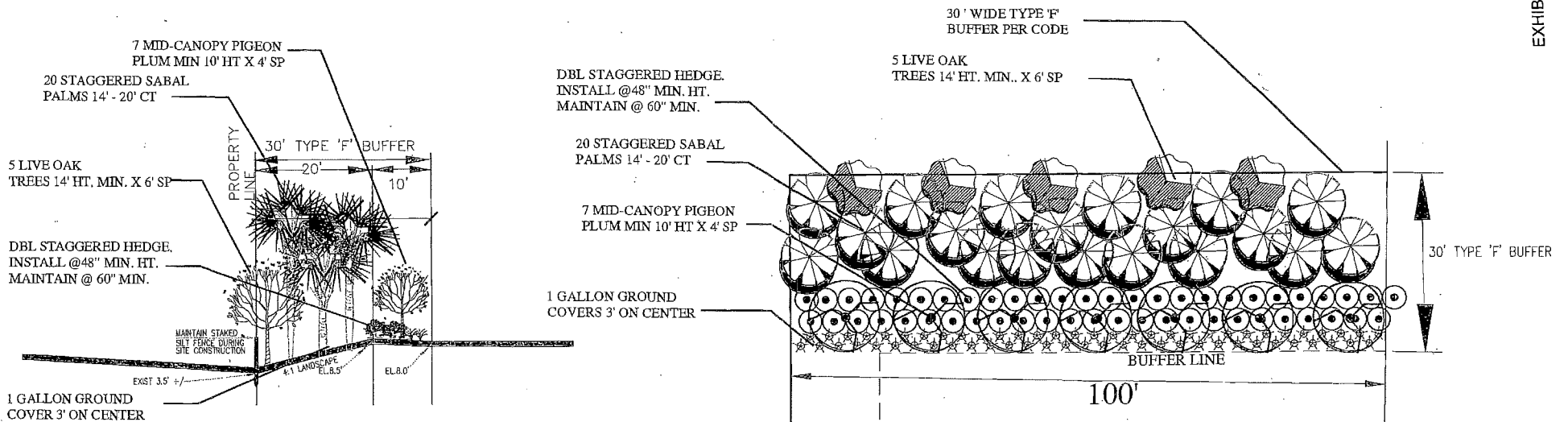
PREPARED FOR:
BECK GROUP
OF FT MYERS LLC
 436 BAYFRONT PL
 NAPLES, FL 34102
 PHONE: (239) 648-8700
 FAX: (239) 434-6225

NO.	DATE	REVISION DESCRIPTION	BY
1	05/18/10	ISSUE PERMITS (ISSUED FOR CONCEPTUAL SITE PLAN)	BSH
2	05/18/10	ISSUE PERMITS (ISSUED FOR CONCEPTUAL SITE PLAN)	BSH
3	05/18/10	ISSUE PERMITS (ISSUED FOR CONCEPTUAL SITE PLAN)	BSH
4	05/18/10	ISSUE PERMITS (ISSUED FOR CONCEPTUAL SITE PLAN)	BSH

Banka Engineering
 Professional Engineers, Planners, & Land Surveyors
 FORT MYERS ♦ PORT CHARLOTTE ♦ SARASOTA
 1001 N. GULF COAST PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33907
 PHONE: (239) 938-9888 FAX: (239) 938-2023
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 1001 N. GULF COAST PARKWAY - SUITE 101
 SARASOTA, FLORIDA 34236
 PHONE: (941) 552-2222 FAX: (941) 552-2222

INDIGENOUS RESTORATION PLAN (EXHIBIT D-7-Y)
OASIS COVE A.K.A. GLADIOLUS RPD
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
10/16/09	1620	MCP	DRU	SDJ	ORU	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:

project manager: PAUL J. KLENS, RLA

checked - date / by:

approved for:

PJK

DATE

DISCUSSION

acad #:

project #

scale: AS NOTED

view: LIMITS

date:

revisions:

sheet no:

1 / 1

ATTACHMENT K

LEE COUNTY, FLORIDA ZONING DIVISION

Administrative Interpretation

TYPE OF CASE: Administrative Interpretation for Oasis Cove RPD/CPD
Zoning Resolution Z-10-009

CASE NUMBER: ADD2012-00077

APPLICATION SUMMARY:

Applicant: Charles J. Basinait

Location: The subject property is located at 7210 Congdon Road and 7650 Gladiolus Drive, in S35-T45-R24, Lee County, FL. (District #2)

Request: Interpretation of Condition #1 of Resolution Z-10-009 regarding the types of units that could be developed and density ratio confirmation for Assisted Living units (ALF), Continuing Care Facility (CCF) and Independent Living Units (ILU).

Discussion:

This request for an interpretation is a two part request. The first part relates to Condition #1 of Resolution Z-10-009 and is in regards to the types of units that could be developed. The second part is confirmation of density ratios for various types of units.

Part #1

In reviewing the written record, the wording of Condition 1 was not an issue of controversy or much substantive discussion. It was generally agreed by all parties that a residential use, including all forms of assisted living products, was consistent with the Lee Plan, compatible with all surrounding uses, including Lakes Park, and raised no issues with concurrency such as traffic impacts or availability of utilities. Issues such as public safety and the Coastal High Hazard Zone were addressed through conditions, upon which there was agreement and consensus between the applicant and staff.

The condition in question reads, "The RPD is limited to a maximum of 190 multi-family dwelling units, or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILU units, or any combination of ALF, CCF, or ILUs, so long as the project density does not exceed 190 standard dwelling units on 21.75 +/- acres of land." This is consistent with the recommendation of the staff report and the Hearing Examiner recommendation.

During the sufficiency process and drafting of the staff report the applicant and staff discussed the mix of assisted living products. The residential density the applicant proposed was +/- 8.7 units per acre, slightly under the maximum allowed 10 units per acre (with no bonus density) in the Central Urban Future Land Use category. This equates to 190 standard dwelling units. A maximum of 160 ALF/CCF units plus 300 ILU units equates to 190 standard dwelling units for example. Staff agreed that the mix of dwelling units was not a substantive issue and drafted a condition to allow a maximum of flexibility. The 160 ALF/CCF and 300 ILU units was meant to serve as an example of a mix of units which would be permitted under this zoning resolution. The mix of units could include all ILU units, all ALF/CCF units, or any combination. Thus the language "any combination of ALF, CCF or ILU, so long as the project density does not exceed 190 standard dwelling units" was included specifically to provide maximum flexibility in

the mix of assisted living products. Any mix of these products would be permitted, given compliance with the LDC as determined during the Development Order process and adherence to the conditions per Z-010-009.

Part #2

This part is for confirmation of density for the various types of units approved by Resolution Z-10-009. The types of units approved were for Assisted Living Facilities (ALF), Continuing Care Facilities (CCF) and Independent Living Units (ILU).

Density equivalents for these uses are provided in the following sections from the LDC:

Sec. 34-1494 (b). Density equivalents.

- 1) Where health care, social service, adult living facilities (ALF), continuing care facilities, or other "group quarters" (df) are provided in dwelling units, wherein each unit has its own cooking facilities, density equivalents will be calculated on a 1:1 ratio.
- (2) Except as may be specifically set forth elsewhere in this chapter, where health care, social service, adult living facilities (ALF), continuing care facilities (CCF), or other "group quarters" (df) are provided in dwelling units or other facilities wherein each unit does not have individual cooking facilities and where meals are served at a central dining facility or are brought to the occupants from a central kitchen, density equivalents will be calculated at the ratio of four people equals one dwelling unit.

Sec. 34-1414. Continuing care facilities.

(c) Density. Density equivalents for a continuing care facility will be calculated for any assisted living facility units and nursing beds pursuant to division 12, subdivision II, of this article, and for independent living units on the basis of two independent living units equal to one residential dwelling unit.

This section provides criteria that must be met to be a CCF and if these criteria are met density may be calculated on the basis of two independent living units equal one residential dwelling unit.

- (1) A continuing care facility must provide housing for older persons pursuant to title VII USC.
- (2) A continuing care facility must provide full common dining facilities on the site. Individual units may be equipped with kitchens, but an average of at least one meal a day must be provided by the continuing care facility for all residents.
- (3) A continuing care facility must incorporate one or more resident services on the site, such as banking facilities, barbershops or beauty shops, pharmacies, and laundry or dry cleaning.
- (4) A continuing care facility must provide a shuttle bus service or similar transportation service for residents.

The term Memory Care Assisted Living Units (MCALU) is not a defined use in the Land Development Code (LDC). The description in your letter dated July 10, 2012 states the MCALU will not have individual kitchens but may have a kitchenette with a microwave, a small refrigerator and a cook top – none with requires a 220 volt outlet. The MCALU will have a central kitchen and serve 3 meals a day. Based on this description, the most similar use to a MCALU in the LDC is ALF which is defined as:

"a residential land use, licensed under chapter 58A-5, Florida Administrative Code, which may be a building, a section of a building, a section of a development, a private home, a special boarding home, a home for the aged or similar place, whether operated for profit or not, which undertakes

through its ownership or management to provide, for a period exceeding 24 hours, housing and food service plus one or more personal services for four or more adults not related to the owner or administrator by blood or marriage. A facility offering services for fewer than four adults may be within the context of this definition if it advertises to or solicits the public for residents or referrals and holds itself out to the public as an establishment providing such services. These facilities are not synonymous with the term "nursing home." For purposes of this definition only, the term "personal services" means assistance with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating, supervision of self-administered medications, restoration therapy and assistance with securing health care from appropriate sources."

Based on these descriptions, the density would be calculated at 4 ALF units equals one dwelling unit. There is no unit size requirement.

The term Congregate Care Facilities also is not defined in the LDC. Your letter described this use as units that will have individual kitchens but will have a central kitchen associated with the facility serving 3 meals a day. This is a similar use to a CCF. The LDC defines CCF as:

"a facility, licensed under F.S. ch. 651, which must be developed as a planned development (PD), which undertakes through its ownership or management to provide housing and food service to adult residents. The facility must meet the criteria for exemption from the Fair Housing Act Amendments of 1988, title VII USC."

Your letter further states a Congregate Care Facilities is not required to have a state license however it has many attributes of a CCF. The facility will provide housing for older residents pursuant to Title VII USC and will include services for the residents such as banking facilities, barbershops, beauty shops, pharmacies, laundry and dry cleaning facilities. A CCF is required to be licensed under F.S. ch. 651 and must be in a planned development zoning.

Sec. 34-620 of the LDC provides a mechanism for addressing such instances where a proposed use is not specifically listed in the use activities groups or in any of the use regulation tables based upon the placement of a similar listed uses. Section 34-933 goes on further to state, "Uses that are not specifically listed in Section 34-934 may also be permitted if, in the opinion of the director, they are substantially similar to a listed permitted use". The Director is authorized to determine that uses that are not specifically listed in the use activity groups or in any of the use regulation tables are permitted by right or by special exception in a particular zoning district based upon the placement of similar listed uses in the various districts.

Based on the description of the Congregate Care Facilities in your letter, the uses are similar to a CCF. The density for a CCF is two independent living units equal to one residential dwelling unit.

Your letter also defines a villa product that will have all the attributes of an independent living facility. The homes would be duplex format with individual kitchens. The residents would have access to the Congregate Care Facility with regard to the central kitchen, banking facilities, barbershops, beauty shops, pharmacies, laundry and dry cleaning facilities. The LDC defines ILU as

"a unit which is authorized only as a part of a licensed continuing care facility (CCF), which may be equipped with a kitchen."

Based on this description, the density would be calculated at two independent living units equal to one residential dwelling unit. There is no unit size requirement.

Findings and conclusions:

Part #1

Upon reviewing the written record, the language of Condition 1 was not an issue of controversy. The

developer could construct any combination of ALF, CCF or ILU units so long as the project density does not exceed 190 standard dwelling units. The applicant is correct in their interpretation of this condition.

Part #2

Based on the above findings, the density for each type of unit is as follows:

- Assisted Living Facility (Memory Care Assisted Living Unit, as described herein) - 4 ALF units equals one dwelling unit.
- Continuing Care Facility (Congregate Care Facility) - two independent living units equal to one residential dwelling unit.
- Independent Living Units (Villa product) - two independent living units equal to one residential dwelling unit.

Please be advised that the information provided herein is based on current regulations and may be subject to change as ordinances are enacted or amended.

Should you have further questions, please do not hesitate to contact our office.

DULY SIGNED this 10th day of August, A.D., 2012.

BY: Nettie Richardson
Nettie Richardson, Principal Planner
Department of Community Development
Zoning Division

cc: zoning file
Billie Jacoby
Tony Palermo, AICP

ATTACHMENT L

AMENDED ADMINISTRATIVE AMENDMENT (PD) ADD2016-00011(a)

AMENDED ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

NOTE: This amendment is to add a new Condition #26 regarding the building height measurement pursuant to Florida Building Code Section 1612.4.

WHEREAS, Quadrum Lakes Park LLC filed an application for an administrative amendment approved by Resolution Z-10-009, to Avida (fka as Oasis Cove), a Residential Planned Development (RPD) and Commercial Planned Development (CPD) for the following:

- Update the Master Concept Plan to revise the site layout;
- Revise the RPD site development regulations to include waterbody setbacks and building separation requirements;
- Add 7 new deviations for the following:
 - Reduced perimeter setback;
 - Eliminate buffer requirement between RPD and CPD zoning districts;
 - Reduced building separation requirement;
 - Reduced waterbody setback around bulkheads or other hardened shoreline structures;
 - Reduced excavation setback;
 - Allow 40% of hardened lake shoreline; and
 - Allow lake maintenance easements as shown on the MCP and allow no lake maintenance easements where bulkheads and 0 foot setbacks are provided;
- Amend the CPD Schedule of Uses to add Amphitheater, Farmer's Market, Health Care Facilities-Group II; and amend limitations on Hospice use;
- Amend Condition 19 to remove previously approved impact to wetlands and minor adjustment and increase in the indigenous restoration/creation areas, and update open space table;

on property located 7650 Gladiolus Dr & 7210 Congdon Road, described more particularly as:

LEGAL DESCRIPTION: In Section 35, Township 45 South, Range 24 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was rezoned by Resolution Z-10-009, with an Administrative Interpretation in case number ADD2012-00077; and

WHEREAS, the subject property is located in the Central Urban and Wetlands Future Land Use Category as designated by the Lee Plan; and

WHEREAS, Resolution Z-10-009 approved a maximum of 190 multi-family dwelling units, or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILUs, or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land on the RPD portion and a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail uses on the CPD portion; see Exhibit B; and

WHEREAS, ADD2012-00077 clarified the types of units that could be developed on the property and confirmed the density ratios for the various types of units; see Exhibit C; and

WHEREAS, the applicant purchased the subject property in July of 2015 and is seeking the administrative amendment to revised the approved project; see Narrative as Exhibit D; and

WHEREAS, the revisions to the MCP will include relocation of the proposed lake, reconfiguration of the proposed buildings and accessways in the RPD portion, and the reconfiguration of the lots (from 7 lots to 5 lots) and accessways in the CPD portion; see Exhibit E; and

WHEREAS, the amendment includes amending the CPD Schedule of Uses to add Amphitheater, Farmer's Market and Health Care Facilities – Group II with limitations; and revising the limitations on the Hospice use; and

WHEREAS, the 3 new uses are similar in nature and intensity to those uses already approved; and the revised site layout in the CPD requires the revision to the Hospice use; and

WHEREAS, the following RPD site development regulations are being revised and new deviation 4 and 5 are being added to allow:

- a 0 foot waterbody setback for buildings and accessways where bulkheads or other hardened shoreline structures are provided and 20 feet for accessways for the remainder of the lake perimeter; and
- a 10 foot building separation for single-story and 20 feet for all other buildings; and

WHEREAS, included in the amendment of the project are 7 new deviations which include the following:

- Reduced perimeter setback between the RPD and CPD zoning lines;
- Eliminate buffer requirement between RPD and CPD zoning districts;
- Reduced building separation requirement on the RPD portion only;
- Reduced waterbody setback around bulkheads or other hardened shoreline structures;
- Reduced excavation setback;
- Allow 40% of hardened lake shoreline; and
- Allow lake maintenance easements as shown on the MCP and allow no lake maintenance easements where bulkheads and 0 foot setbacks are provided;

WHEREAS, Condition 18 from Z-10-009 required a total of 12.99 acres of open space which is not being changed; however, the amount of open space being used from the lake, the restored indigenous, wetland and upland indigenous are all changing due to the layout reconfiguration; and

WHEREAS, Condition 19 from Z-10-009 is being amended which includes revision to wetland impact; and adjustment and increase in the indigenous restoration/creation areas; and an updated open space table; and

WHEREAS, the amendments have been reviewed by Lee County Environmental staff who offer no objections and recommends updated language to Condition 19 – Indigenous Preservation; and recommends revised language to Condition 24 – Migratory and Wading Bird; see Exhibit F; and

WHEREAS, the amendments were reviewed by Development Services who offer no objections; and

WHEREAS, an amendment to the ADD was requested after the original June 3, 2016 approval, to clarify the measurement of height pursuant to LDC Section 34-2171(a)(1), which states that the height of a building is the vertical distance from the minimum required flood elevation; see email as Exhibit G; and

WHEREAS, the minimum flood elevation is determined by the Florida Building Code Section 1612.4 in accordance with Chapter 5 of *American Society of Civil Engineers* (ASCE) 7 and with ASCE 24; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to Avida (fka as Oasis Cove), approved by Resolution Z-10-009 for an amendment to RPD/CPD is **APPROVED subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan. Master Concept Plan for ADD2016-00011 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit E.**
2. **The amendments to Resolution Z-10-009 are shown in underlined and strike-thru as follows:**

SECTION B. CONDITIONS

Schedule of Uses

Commercial Planned Development

Add Health Care Facilities – Group II. Limited to lots 1, 4 and 5. Limited to 50 beds
Add Temporary uses - limited to construction trailers, real estate sales offices and
Seasonal farmer's market.

And

Revise limitations for the following uses:

Food Stores, Group I (including open-air farmer's market) – Not including Group II (freezer and locker meat provisioner)
Hospice - Limited to lots 5 and 6 1, 4 and 5. Limited to 50 beds
Recreation Facilities-Commercial - Group I, Group III (including Amphitheater), Group IV – Casino-style games are prohibited

Site Development Regulations

Residential Planned Development:
Assisted Living Facility (ALF)/Continuing Care Facility (CCF)/Independent Living Unit (ILU)

Setbacks

Water body 20 feet or 0 feet

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

Residential Planned Development:
Multi-Family, Clubhouse, Recreational Facility

Water body 20 feet or 0 feet

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

Residential Planned Development:
Townhouse

Water body 20 feet or 0 feet

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

Amend Condition 19 – Indigenous Preservation

Prior to local development order approval:

a. development order plans must depict preservation in substantial compliance with the following:

- (1) Remains unchanged.
- (2) A minimum of ~~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 -7-Y.
- 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~~ 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.
- d. Remains unchanged.

Amend Condition 24 – Migratory and Wading Bird

- a. Remains unchanged.
- 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 within CPD Lots ~~6 4~~ and ~~7 5~~, if located between commercial buildings and the east property line abutting the off-site County owned preserve; and
- c. Remains unchanged.
- d. ~~Prior to local development order approval~~ Architectural sheets showing the development order building plans within the RPD/CPD 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 within the RPD parcel and on the eastern building facades facing the offsite County owned preserve within the CPD parcel Lots ~~6 4~~ and ~~7 5~~.

Add new Condition 25

25. 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.

Add new Condition 26

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

SECTION C. DEVIATIONS

Deviation (1) remains unchanged.

New 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.

New 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.

New Deviation (4) is requested 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 building separation of 10 feet for single-story structures and a minimum building separation of 20 feet for other buildings.

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

New Deviation (6) is requested 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 proposed lake.

New Deviation (7) is requested 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.

New Deviation (8) is requested 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 LME in areas as shown on the MCP and no LME where bulkhead and 0-foot setbacks are provided.

3. The terms and conditions of the original zoning resolutions remain in full force and effect.
4. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

Duly passed, adopted, and electronically signed on 8/31/2016 by

Audra Ennis, Interim Zoning Manager
Lee County Community Development

Exhibits:

- A – Legal description
- B - Resolution Z-10-009
- C - ADD2012-00077
- D – Narrative
- E – MCP
- F – Environmental
- G – Email request to amend

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA • PORT CHARLOTTE

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN

EXHIBIT A

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

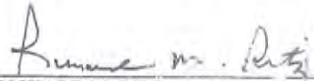
A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 354.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

APPROVED
ADD2016-00011
Chick Jakacki, Planner
Lee Co Division of Zoning
1/27/2016


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 1003

APPROVED ALL SIX PAGES



1" = 200'

O.R. 3396
PG. 1662

O.R. 1761, PG. 1263

NORTH LINE OF NORTHWEST QUARTER SECTION 35
S. 88° 56' 00" W. 1322.88'

NORTHWEST CORNER
NORTHEAST QUARTER
NORTHWEST QUARTER

POINT OF BEGINNING
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 35

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND

LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24
EAST AS BEARING N. 01° 10' 59" W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS
DESCRIPTION.

O.R. 2687
PG. 564

WEST LINE OF NORTHWEST QUARTER SECTION 35
S. 01° 04' 20" E. 1151.81'

EAST LINE NORTHWEST QUARTER SECTION 35
N. 01° 10' 59" W. 554.86'

O.R. 2508
PG. 305

SUBJECT PARCEL

LEGEND

O.R. OFFICIAL RECORDS BOOK
PG. PAGE
C1 CURVE DATA NUMBER

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09° 06' 31"	208.64'	208.42'	S 80° 53' 03" W
C2	1307.39'	13° 48' 42"	315.16'	314.40'	S 68° 29' 00" W
C3	1307.39'	07° 21' 30"	167.90'	167.79'	S 57° 53' 54" W

O.R. 760
PG. 59

FORMER L.D.D. CANAL "A"
CANYON OR IMPROVED
RELEASED BY LEE COUNTY D.D.
2-1, PG. 32

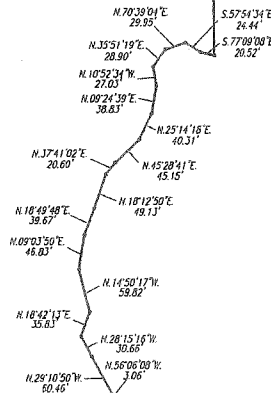
O.R. 760
PG. 58

NORTH RIGHT-OF-WAY LINE
N. 89° 37' 57" E. 680.01'

GLADIOLUS DRIVE
(COUNTY ROAD 865)

S. 04° 33' 41" E
RADIAL LINE

S. 14° 36' 39" E
RADIAL LINE



THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

— THIS SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND OFFICIAL RAISED SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER

— PREPARED JANUARY 14, 2025.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119

(239) 597-2061

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(CPD PARCEL)

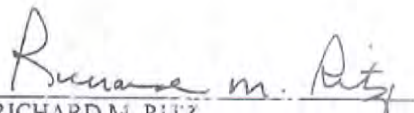
A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET TO THE **POINT OF BEGINNING**; THENCE S.25°14'18"W. FOR 12.93 FEET; THENCE S.45°28'41"W. FOR 45.15 FEET; THENCE S.37°41'02"W. FOR 20.60 FEET; THENCE S.18°12'50"W. FOR 49.13 FEET; THENCE S.18°49'48"W. FOR 39.67 FEET; THENCE S.09°03'50"W. FOR 46.83 FEET; THENCE S.14°50'17"E. FOR 59.82 FEET; THENCE S.18°42'13"W. FOR 35.83 FEET; THENCE S.28°15'16"E. FOR 30.66 FEET; THENCE S.29°10'50"E. FOR 60.46 FEET; THENCE S.56°06'08"E. FOR 3.06 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,307.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.28°25'21"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,312.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.13°40'12"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°06'31" FOR 208.64 FEET; THENCE S.89°37'57"W. ALONG SAID RIGHT-OF-WAY LINE FOR 341.72 FEET; THENCE N.00°22'03"W. FOR 609.97 FEET; THENCE N.89°37'57"E. FOR 666.53 FEET; THENCE S.64°45'42"E. FOR 235.31 FEET TO THE **POINT OF BEGINNING**.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

SHEET 1 OF 2

S:\Jobs-16\exc-1620\SURVEY\Descriptions\1620_CPD_DESC.dwg

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149



1" = 200'

INSTRUMENT
#2006000107425

O.R. 1761, PG. 1421

NORTH LINE OF NORTHWEST QUARTER SECTION 35
N 88°56'00" E 1322.86'

NORTHWEST CORNER
NORTHWEST QUARTER
NORTHWEST QUARTER
SECTION 35

POINT OF
COMMENCEMENT
NORTHWEST CORNER
NORTHWEST QUARTER
SECTION 35

EAST LINE NORTHWEST QUARTER SECTION 35
S 01°11'00" E 554.86'

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

NOTES:

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.01°10'59" W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

INSTRUMENT
#2006000151723

WEST LINE OF NORTHEAST QUARTER NORTHWEST QUARTER SECTION 35
N 01°04'20" W 1151.81'

INSTRUMENT
#2006000151752

INSTRUMENT
#2006000151752

FORMER I.D.D. CANAL "B"
(NO OPEN OR FLOWING)
RELOCATED BY LEI COUNTY
O.R. 271, PG. 12

NORTH
RIGHT-OF-WAY LINE

N 89°37'57" E 666.53'

POINT OF
BEGINNING

SUBJECT PARCEL

CPD PARCEL
10.79± ACRES

N 00°22'03" W 609.97'

338.29'

S 89°37'57" W 341.72'

GLADIOLUS DRIVE
(COUNTY ROAD 865)

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C2	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 25°14'18" W	12.93'	L12	S 18°12'50" W	49.13'
L2	N 77°09'08" W	20.52'	L13	S 09°03'50" W	46.83'
L3	N 57°54'34" W	24.44'	L14	S 14°50'17" E	59.82'
L4	S 70°39'04" W	29.95'	L15	S 18°42'13" W	35.83'
L5	S 35°51'19" W	28.90'	L16	S 29°10'50" E	60.46'
L6	S 10°52'34" E	27.03'	L17	S 28°15'16" E	30.66'
L7	S 09°24'39" W	38.83'	L18	S 56°06'08" E	3.06'
L8	S 25°14'18" W	27.38'			
L9	S 45°28'41" W	45.15'			
L10	S 37°41'02" W	20.60'			
L11	S 18°49'48" W	39.67'			

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

- THIS SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AS SET FORTH IN
- PREPARED DECEMBER 16, 2009.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

10511 SIX MILE CYPRESS PARKWAY - SUITE 101

FORT MYERS, FLORIDA 33966

(239) 939-5490

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8690

LEGEND

- O.R. OFFICIAL RECORDS BOOK
- D.B. DEED BOOK
- PG. PAGE
- C1 CURVE 1 OF THE CURVE TABLE
- L1 LINE 1 OF THE LINE TABLE

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(RPD PARCEL)

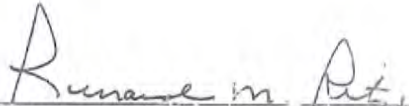
A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET; THENCE N.64°45'42" W FOR 235.31 FEET; THENCE S.89°37'57"W. FOR 666.53 FEET; THENCE S.00°22'03"E. FOR 609.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865); THENCE S.89°37'57"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 338.29 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE¼) OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE N.01°04'20"W. ALONG SAID WEST LINE FOR 1,151.81 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.88°56'00"E. ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW¼) FOR 1,322.88 FEET TO THE **POINT OF BEGINNING**.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

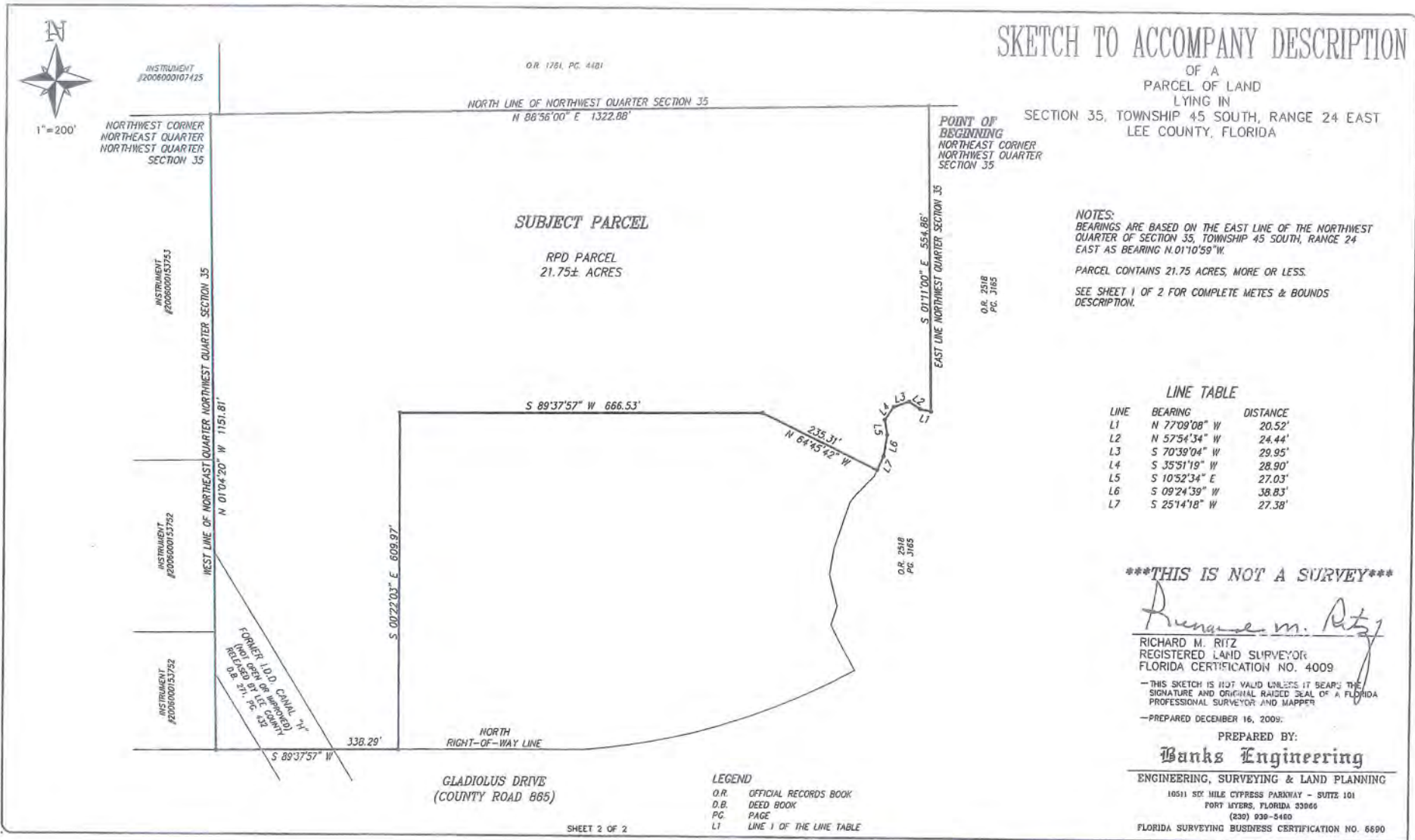

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4000

SHEET 1 OF 2

<:\jobs\16xx\1620 SURVEY\Descriptions\1620_RPD_DESC.doc

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149



SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24
EAST AS BEARING N.01°10'59" W.
PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.
SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS
DESCRIPTION.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 77°09'08" W	20.52'
L2	N 57°54'34" W	24.44'
L3	S 70°39'04" W	29.95'
L4	S 35°51'19" W	28.90'
L5	S 10°52'34" E	27.03'
L6	S 09°24'39" W	38.83'
L7	S 25°14'18" W	27.38'

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

- THIS SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER

- PREPARED DECEMBER 16, 2009:

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

10511 50' MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33966
(830) 939-5460

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-533-8585

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Tammy Hall
District Four

Frank Mann
District Five

Doug Meurer
Interim County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

Exhibit B

December 03, 2012

CHARLES J. BASINAIT
HENDERSON, FRANKLIN, STARNES A
1715 MONROE ST
FORT MYERS FL 33901

Re: OASIS COVE
Senate Bill 2156 Extension (F)
DCI2012-00049

Dear CHARLES J. BASINAIT:

In accord with SB2156, development permits meeting certain criteria are entitled to an extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution, Z-10-009, DCI2009-00005, OASIS COVE, is hereby extended for the following:

APPROVAL OF AN MCP EXTENSION FROM JUNE 7, 2019 TO NOVEMBER 5, 2020 FOR OASIS COVE BASED ON FLORIDA STATUTE 252.363 AND EXECUTIVE ORDER NUMBER 12-140 (TROPICAL STORM DEBBY, AS EXTENDED BY EXECUTIVE ORDER NUMBERS 12-192 and 12-217) AND EXECUTIVE ORDER NUMBER 12-199 (TROPICAL STORM ISAAC).

No additional extensions under SB2156 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB2156, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning

Pam Houck
Director

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

WHEREAS, an application was filed by Beck Group of Fort Myers, LLC, to rezone a 32.54±-acre parcel from Residential Planned Development (RPD), formerly known as Gladiolus RPD, to Residential Planned Development/Commercial Planned Development (RPD/CDP) in reference to a project known as Oasis Cove RPD/CPD; and,

WHEREAS, a public hearing was advertised and held on March 18, 2010, before the Lee County Zoning Hearing Examiner Richard A. Gescheidt, who gave full consideration to the evidence in the record for Case #DCI2009-00005; and,

WHEREAS, a second public hearing was advertised and held on June 7, 2010, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 32.54±-acre parcel from RPD to RPD/CPD to allow Assisted Living Facilities (ALF), Continuing Care Facilities (CCF), Independent Living Units (ILU), multi-family development, and commercial uses. The maximum density proposed is 190 Multi-family dwelling units, or an equivalent number of units in ALFs, CCFs, and ILUs. The maximum intensity of non residential proposed is commercial, office, and retail development, maximum 100,000 square feet including a maximum 25,000 square feet retail. The maximum permissible height 45 feet for both Residential and Commercial. Development blasting was not requested as part of this application. Development will connect to public potable water and sanitary sewer service.

The property is located in the Central Urban and Wetlands Future Land Use Categories and is legally described in Exhibit A, attached hereto.

The request is APPROVED, SUBJECT TO the conditions and deviation specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Oasis Cove A.K.A. Gladiolus RPD," date stamped "Received Jun 08 2010," attached hereto as Exhibit C, except as modified by the conditions below.

Development must comply with all requirements of the LDC at time of the local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The RPD is limited to a maximum of 190 multi-family dwelling units, or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILUs, or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land.

The CPD is limited to a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail uses.

Zoning Resolution Z-75-145, Z-04-034, and Administrative Amendment #ADD2006-00184 are superceded 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

Commercial Planned Development

Accessory Uses and Structures

Administrative Offices

Animals - Clinic or Kennel - no outdoor runs, completely enclosed facilities.

ATM - Automatic Teller Machine

Auto Parts Store - no installation service

Bait and Tackle Shop - no outdoor storage or display.

Banks and Financial Establishments, Groups I and II.

Boats - limited to Boat Part Sales, no outdoor storage or display, no rental, storage, repair or service.

Broadcast Studio, Commercial Radio and Television - does not include freestanding wireless communication facilities, Wall-mounted and building-mounted antennae may be approved per LDC § 34-1441, *et seq.*

Business Services Groups I and II - Excluding bail bonding.

Cleaning and Maintenance Services.

Clothing Stores, General

Clubs: Commercial, Fraternal, Membership Organization, Private - Does not include consumption on premises indoors or outdoors.

Consumption on Premises - See Condition #13.

Contractors and Builders, Group I only (offices and indoor storage facilities, excludes any fabrication work or outdoor storage, other than parking of cars).

Cultural Facilities.

Day Care, Child, Adult.
Department Store
Drive Through Facility for Any Permitted Use.
Drugstore, Pharmacy.
Entrance Gates and Gatehouse.
EMS, Fire or Sheriff's Station.
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 - Not including Group II (freezer and locker meat provisioner).
Funeral Home and Mortuary - Without Crematory.
Gift and Souvenir Shop.
Health Care Facilities, Group III.
Hobby, Toy and Game Shops - No outdoor storage or display.
Hospice, Limited to lots 5 and 6. Limited to 50 beds.
Household and Office Furnishings, Groups I and II. Excluding Group III (hot tub and spas, swimming pools, prefabricated). No outdoor storage or display.
Insurance Companies
Lawn and Garden Supply Stores - No outdoor display or storage.
Library
Maintenance Facility, Government
Medical Office
Motion Picture Production Studio
Nonstore Retailers, All Groups.
 Casino-style games are prohibited.
Paint, Glass and Wallpaper - No outdoor display or storage.
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary.
Personal Services, Groups I, II, III, IV - excluding Massage Parlors, Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card Readers, Tattoo Parlors.
Pet Services - no outdoor runs, completely enclosed facilities.
Pet Shop - no outdoor runs, completely enclosed facilities.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Real Estate Sales Office
Recreation, Facilities, Commercial. Group I, Group III, Group IV - Casino-style games are prohibited.
Recreation Facilities, Personal, Private On Site, Private Off Site.
Religious Facilities
Rental or Leasing Establishments, Groups I, II and III. Excluding Recreation Vehicles and Utility Trailers.
Repair Shops, Groups I and II.
Research and Development Laboratories, Groups II and IV.

Restaurant, Fast Food - No stand alone fast food. No drive through for this use.
Fast food permitted within a multi-occupancy building only.
Restaurants, Groups I, II, III, IV
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use only.
Schools: Commercial, Noncommercial
Signs per Chapter 30 Lee County Land Development Code
Social Services, Groups I and II
Specialty Retail Shops, All Groups. Excluding Ammunition, Firearms, Hunters Equipment.
Studios
Temporary uses - limited to construction trailers, real estate sales offices.
Transportation Services, Group II (Automobile). No Group III (Bus).
Used Merchandise Stores, Groups I and II only. - excluding pawnshops.
No Group III (Automotive) and No Group IV (Building Materials)
Warehouse, Miniwarehouse, Private, Public - limited to 10,000 square feet of floor area for the entire CPD.
Wholesale Establishments, Groups I and III. Indoor establishments only. No open storage, display or Group IV wholesale establishments.

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 per Chapter 30 Lee County Land Development Code
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

**Residential Planned Development:
Assisted Living Facility (ALF)/Continuing Care Facility(CCF)/Independent Living Unit (ILU)**

RPD Area - 21.75 Acres

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

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)

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 LCD § 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)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

**Residential Planned Development:
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

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.

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

**Residential Planned Development :
Townhouse**

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
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.

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

**Commercial Planned Development :
Commercial Uses**

CPD Area - 10.79 Acres

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 15 feet

Water body 20 feet

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)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

3. 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 County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local development order

4. Traffic

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

5. Lee County Comprehensive Plan

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan (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 (for commercial uses), as well as all other Lee County Comprehensive Plan provisions.

6. No Blasting

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. 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 and within the CPD
- d. Real estate sales within the RPD area will be limited to the sale of lots or units within the development only. Real estate sales in the CPD area are not limited.
- 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. Real estate sales in the CPD area are not limited.
- f. No dry models are permitted.

8. Water and Sewer

Development must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development proposed in the development order submittal.

9. Accessory Uses

Accessory uses must be located on the same tract, parcel, or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, or outparcel.

10. Sidewalks

Development must include internal sidewalks as a site-related improvement. These facilities must be included in local development orders as part of construction of the project's infrastructure.

11. Solid Waste/recycling

As part of any local development order approval for vertical development, the developer must include facilities in compliance with LDC §10-261 and Solid Waste Ordinance # 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

12. Casino-style Games

Casino-style games are prohibited.

13. 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 CPD and 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. Open Space

Prior to local development order approval, the development order plans must delineate a minimum 12.99 acres of open space.

19. 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 acre existing marsh wetland; and
 - (3) a minimum 0.67 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.

- d. development order plans must depict a minimum 20-foot building and accessory structure setback to indigenous preservation and creation/restoration areas.

20. 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 the ES 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.

21. DELETED AT PUBLIC HEARING

22. DELETED AT PUBLIC HEARING

23. 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 RPD north 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.

24. 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 within CPD Lots 6 and 7, if located between commercial buildings and the east property line abutting the off-site County owned preserve; and
- c. Mercury vapor lamps/lights are prohibited.

Prior to local development order approval, development plans for buildings within the RPD/CPD must be reviewed by 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 within the RPD parcel and on the eastern building facades facing the offsite County owned preserve within the CPD parcel Lots 6 and 7.

SECTION C. 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 is APPROVED.

*This deviation was previously approved in the Gladiolus RPD, in Resolution Z-04-43. In an abundance of caution, the Hearing Examiner recommends its approval as part of this rezoning request.

SECTION D. EXHIBITS:

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

- Exhibit A: Legal description
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: Master Concept Plan
- Exhibit D: Indigenous Restoration Plan
- Exhibit E: Landscape Exhibit

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning to RPD/CPD by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.
2. The RPD/CPD rezoning, as approved:
 - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The RPD/CPD rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Hall. The vote was as follows:

Vacant	
A. Brian Bigelow	Nay
Ray Judah	Aye
Tammara Hall	Aye
Franklin B. Mann	Aye

DULY PASSED AND ADOPTED this 7th day of June 2010.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: T Hall
Tammara Hall, Chairwoman



Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's

RECEIVED
MINUTES OFFICE
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2010 JUN 17 PM 3:09

EXHIBIT A
Legal Description
Property located in Lee County, FL
Page 1 of 6

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

RECEIVED
DEC 18 2009

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
COMMUNITY DEVELOPMENT
(CPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET TO THE POINT OF BEGINNING; THENCE S.25°14'18"W. FOR 12.93 FEET; THENCE S.45°28'41"W. FOR 45.15 FEET; THENCE S.37°41'02"W. FOR 20.60 FEET; THENCE S.18°12'50"W. FOR 49.13 FEET; THENCE S.18°49'48"W. FOR 39.67 FEET; THENCE S.09°03'50"W. FOR 46.83 FEET; THENCE S.14°50'17"E. FOR 59.82 FEET; THENCE S.18°42'13"W. FOR 35.83 FEET; THENCE S.28°15'16"E. FOR 30.66 FEET; THENCE S.29°10'50"E. FOR 60.46 FEET; THENCE S.56°06'08"E. FOR 3.06 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,307.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.28°25'21"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,312.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.13°40'12"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°06'31" FOR 208.64 FEET; THENCE S.89°37'57"W. ALONG SAID RIGHT-OF-WAY LINE FOR 341.72 FEET; THENCE N.00°22'03"W. FOR 609.97 FEET; THENCE N.89°37'57"E. FOR 666.53 FEET; THENCE S.64°45'42"E. FOR 235.31 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

Applicant's Legal Checked
By BJ 12-22-09

Richard M. Ritz
RICHARD M. RITZ,
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

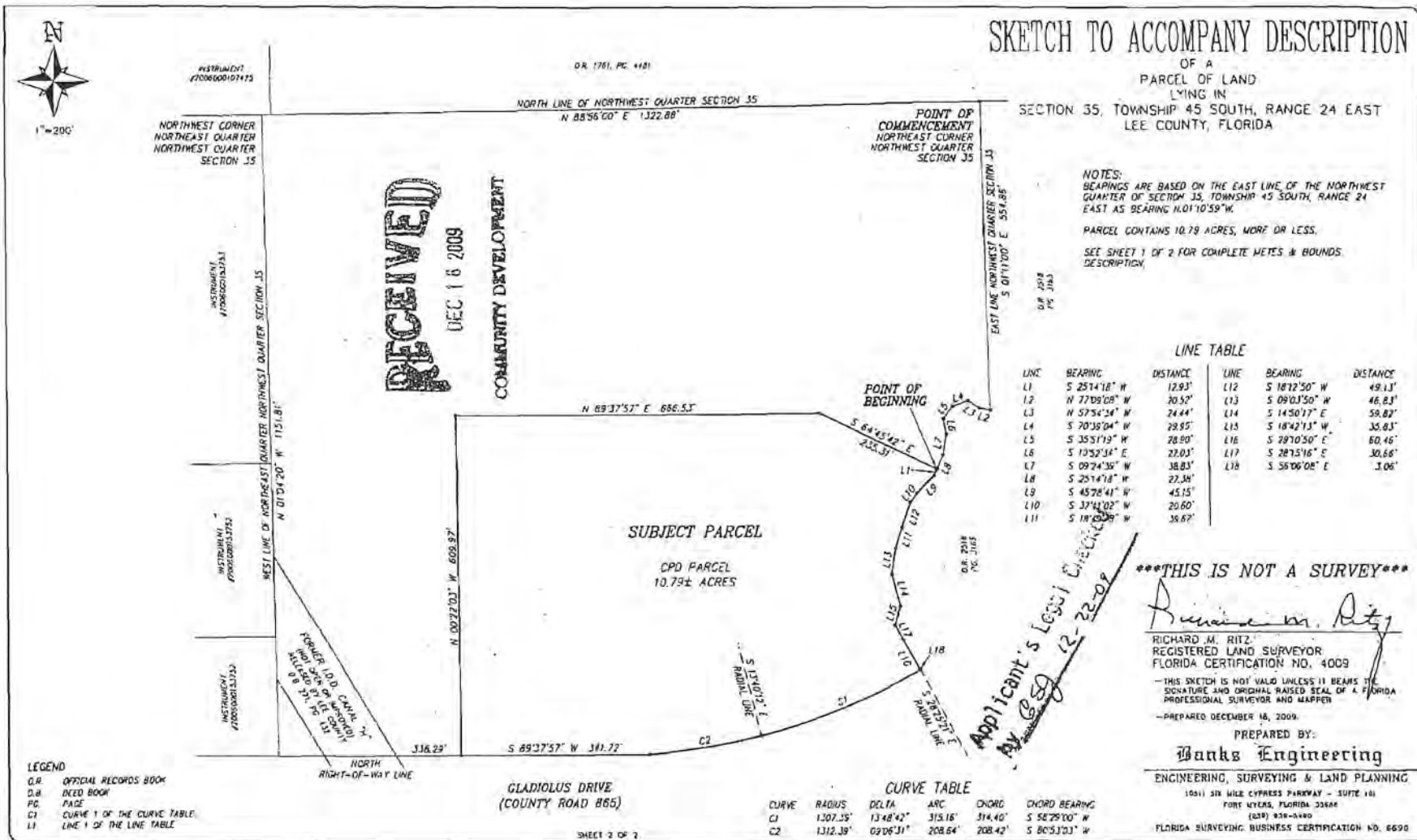
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Port Charlotte Office
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Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

EXHIBIT A

DCI 2009-00005



DCI 2009-00005

Banks Engineering

Professional Engineers, Planners & Land Surveyors

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Fax (239) 939-2523

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DEC 18 2009

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN

COMMUNITY DEVELOPMENT

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(RPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 354.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET; THENCE N.64°45'42" W FOR 235.31 FEET; THENCE S.89°37'57"W. FOR 666.53 FEET; THENCE S.00°22'03"E. FOR 609.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (w/wa COUNTY ROAD 865); THENCE S.89°37'57"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 338.29 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE¼) OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE N.01°04'20"W. ALONG SAID WEST LINE FOR 1,151.81 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.88°56'00"E. ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW¼) FOR 1,322.88 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

EXHIBIT A
Page 3 of 6

Applicant's Logs? Checked
by BG 12-22-09

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4088

SHEET 1 OF 2

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BCI 2009-00005

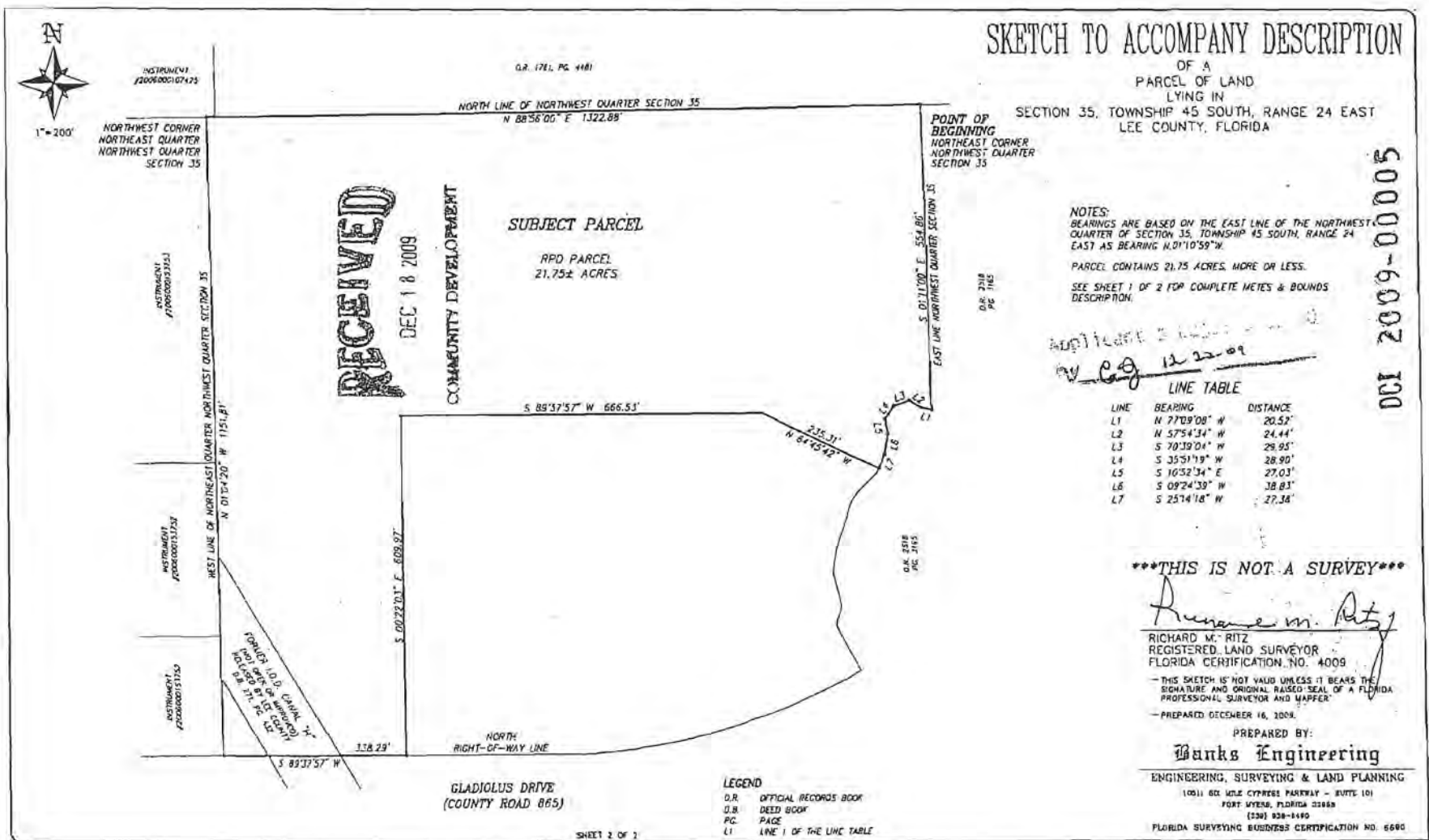


EXHIBIT A
 Page 4 of 6

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA • PORT CHARLOTTE

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

DCI 2009-00005

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

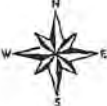
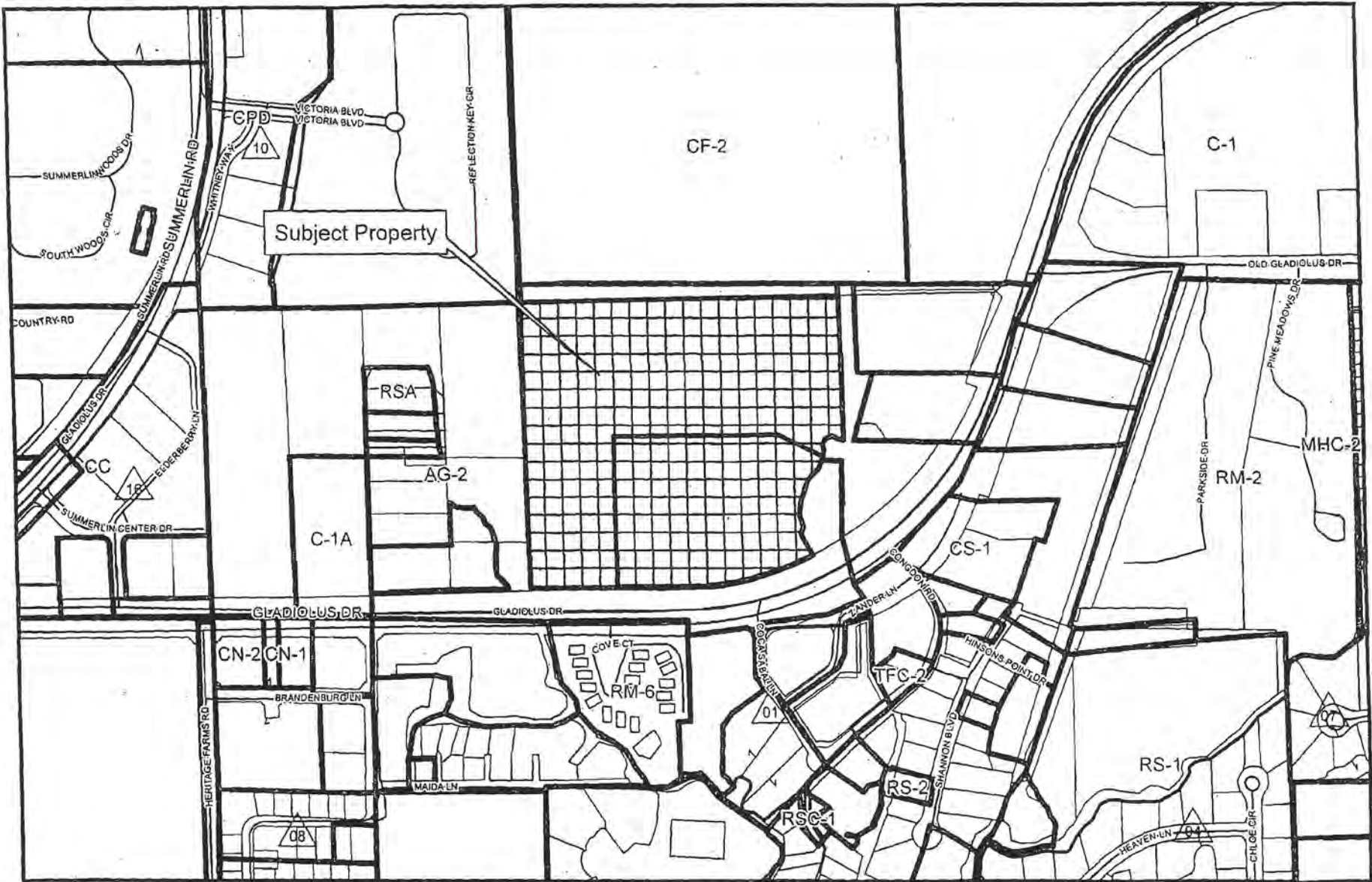
EXHIBIT A
Page 5 of 6

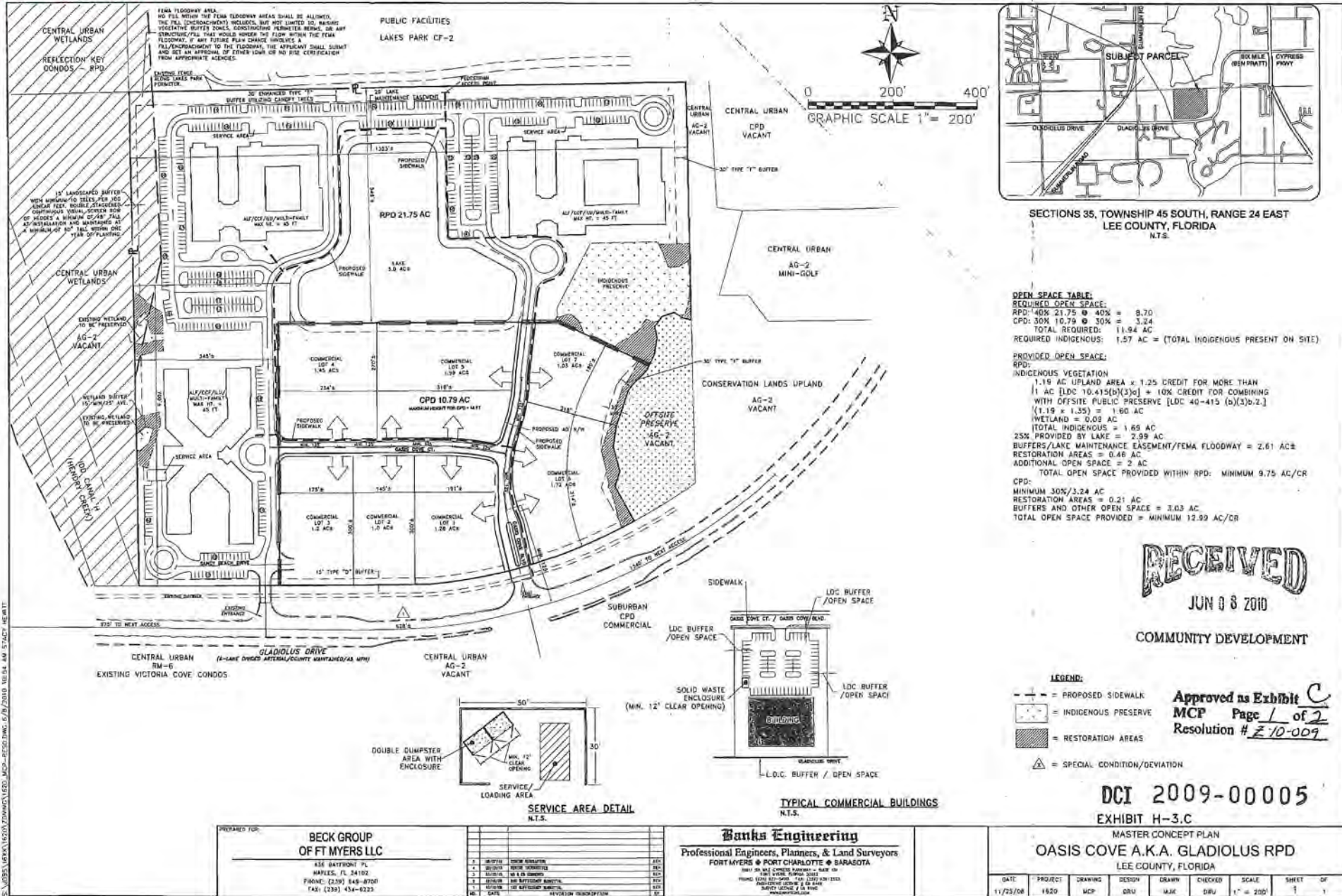
Applicant's Legal Checked
by CSJ 2-12-09

EXHIBIT B
Zoning Map

DCI2009-00005

1/26/2010





SECTIONS 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
N.T.S.

OPEN SPACE TABLE:

REQUIRED OPEN SPACE:
 RPD: 40% 21.75 @ 40% = 8.70
 CPD: 30% 10.79 @ 30% = 3.24
TOTAL REQUIRED: 11.94 AC

REQUIRED INDIGENOUS: 1.57 AC = (TOTAL INDIGENOUS PRESENT ON SITE)

PROVIDED OPEN SPACE:
 RPD:
 INDIGENOUS VEGETATION
 1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 11 AC [LDC 10.415(b)(3)] = 1.49 CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.]
 ((1.19 x 1.25) = 1.49 AC
 WETLAND = 0.09 AC
TOTAL INDIGENOUS = 1.65 AC
 25% PROVIDED BY LAKE = 2.69 AC
 BUFFERS/LAKE MAINTENANCE EASEMENT/FEMA FLOODWAY = 2.61 AC
 RESTORATION AREAS = 0.46 AC
ADDITIONAL OPEN SPACE = 2 AC
TOTAL OPEN SPACE PROVIDED WITHIN RPD: MINIMUM 9.75 AC/CR

CPD:
 MINIMUM 30%/3.24 AC
 RESTORATION AREAS = 0.21 AC
 BUFFERS AND OTHER OPEN SPACE = 3.03 AC
TOTAL OPEN SPACE PROVIDED = MINIMUM 12.99 AC/CR

RECEIVED

JUN 08 2010

COMMUNITY DEVELOPMENT

LEGEND:

- - - = PROPOSED SIDEWALK
- [Pattern] = INDIGENOUS PRESERVE
- [Pattern] = RESTORATION AREAS
- △ = SPECIAL CONDITION/DEVIATION

Approved as Exhibit C
MCP Page 1 of 2
Resolution # E-10-009

DCI 2009-00005
 EXHIBIT H-3.C

MASTER CONCEPT PLAN
OASIS COVE A.K.A. GLADIOLUS RPD
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
11/23/08	H320	MCP	DRU	WJK	DRU	1" = 200'	1	1

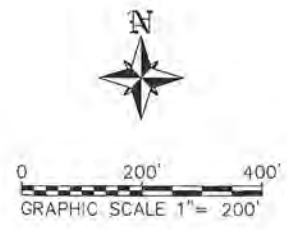
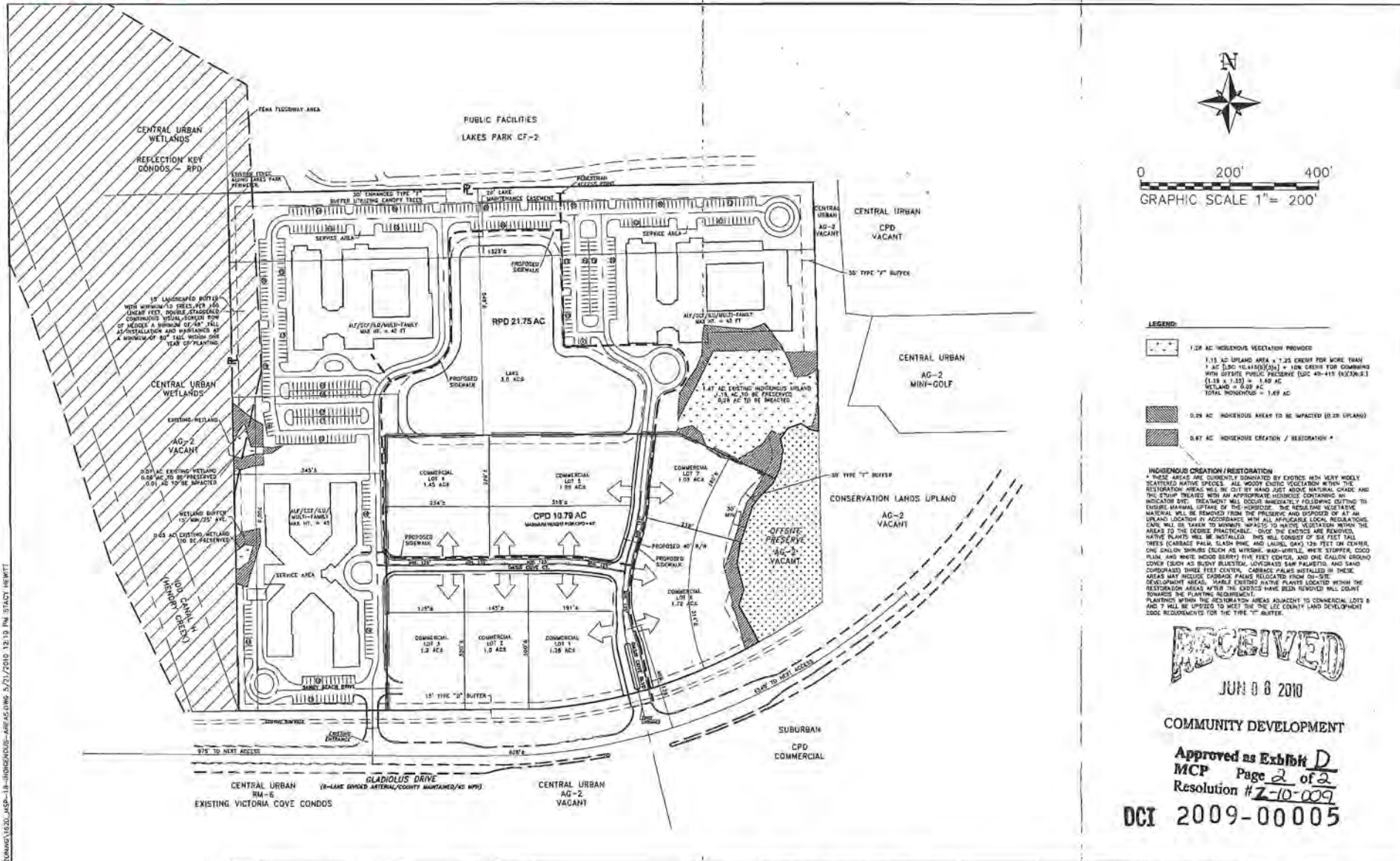
S:_00011\WORK\1203\TOWNSHIP\DCI_MCP-RESO.DWG: 6/8/2010 10:54 AM STACY HEWITT

EXHIBIT C

PREPARED FOR:
BECK GROUP
OF FT MYERS LLC
 436 BAYFRONT PL
 NAPLES, FL 34102
 PHONE: (239) 648-8700
 FAX: (239) 434-0223

NO.	DATE	REVISION/DESCRIPTION
1	05/27/10	ISSUE FOR PERMIT
2	06/01/10	ISSUE FOR PERMIT
3	06/01/10	ISSUE FOR PERMIT
4	06/01/10	ISSUE FOR PERMIT
5	06/01/10	ISSUE FOR PERMIT
6	06/01/10	ISSUE FOR PERMIT
7	06/01/10	ISSUE FOR PERMIT
8	06/01/10	ISSUE FOR PERMIT
9	06/01/10	ISSUE FOR PERMIT
10	06/01/10	ISSUE FOR PERMIT

Banks Engineering
 Professional Engineers, Planners, & Land Surveyors
 FORT MYERS • PORT CHARLOTTE • SARASOTA
 1201 STATE STREET, SUITE 100
 FORT MYERS, FL 33901
 PHONE: (239) 335-1111 FAX: (239) 335-1111
 WWW.BANKSENG.COM



LEGEND:

- 1.28 AC INDIGENOUS VEGETATION PROVIDED
- 1.15 AC UPLAND AREA + 7.25 CROWN FOR MORE THAN 1" AC (500' x 1440' / 500') + 10% CROWN FOR COMBINE WITH OFFSHORE PUBLIC PRESERVE (500' x 415' (500' x 1.1)) x 1.15) = 1.49 AC
- 0.28 AC INDIGENOUS AREAS TO BE IMPACTED (0.28 UPLAND)
- 0.67 AC INDIGENOUS CREATION / RESTORATION *

INDIGENOUS CREATION / RESTORATION

* THESE AREAS ARE CURRENTLY DOMINATED BY DISTURBED WITH VERY WOOLY 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 MANUAL UPTAKE OF THE HERBICIDE. THE RESIDUE VEGETATIVE MATERIAL WILL BE REMOVED FROM THE PRESERVE AND DISPOSED OF AT AN UPLAND LOCATION IN ACCORDANCE WITH ALL APPLICABLE LOCAL, REGULATORY, AND STATE REQUIREMENTS. NATIVE VEGETATION WITHIN THE AREAS TO BE RESTORED WILL BE PLANTED TO NATIVE VEGETATION WITHIN THE AREAS TO BE RESTORED IMMEDIATELY. THE PLANTING REQUIREMENTS WILL BE AS FOLLOWS: 1. ALL PLANTS WILL BE INSTALLED AT A 6' x 6' GRID. 2. ALL PLANTS WILL BE INSTALLED AT A 6' x 6' GRID. 3. ALL PLANTS WILL BE INSTALLED AT A 6' x 6' GRID. 4. ALL PLANTS WILL BE INSTALLED AT A 6' x 6' GRID. 5. ALL PLANTS WILL BE INSTALLED AT A 6' x 6' GRID. 6. ALL PLANTS WILL BE INSTALLED AT A 6' x 6' GRID. 7. ALL PLANTS WILL BE INSTALLED AT A 6' x 6' GRID. 8. ALL PLANTS WILL BE INSTALLED AT A 6' x 6' GRID. 9. ALL PLANTS WILL BE INSTALLED AT A 6' x 6' GRID. 10. ALL PLANTS WILL BE INSTALLED AT A 6' x 6' GRID.

RECEIVED

JUN 08 2010

COMMUNITY DEVELOPMENT

Approved as Exhibit D
 MCP Page 2 of 2
 Resolution # 2-10-009
 DCI 2009-00005

EXHIBIT D

PREPARED FOR:
BECK GROUP OF FT MYERS LLC
 436 BAYFRONT PL
 NAPLES, FL 34102
 PHONE: (239) 644-8200
 FAX: (239) 424-8225

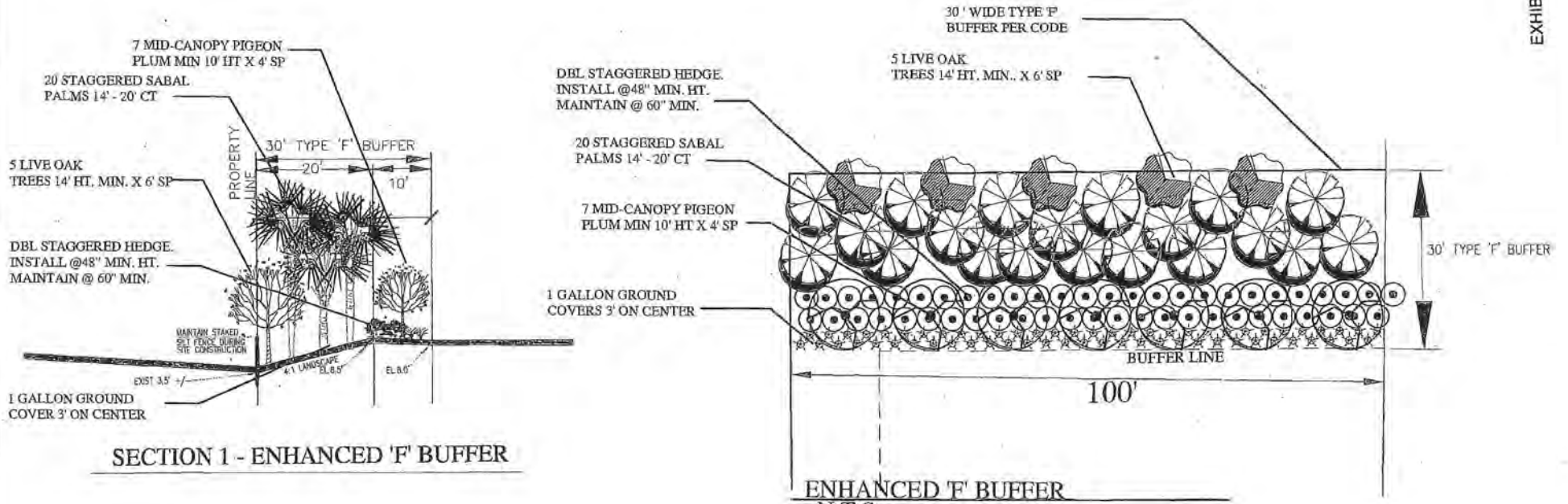
NO.	DATE	REVISION DESCRIPTION
1	06/16/09	ISSUE FOR PERMITS AND CONSTRUCTION PERMITS
2	06/16/09	REVISED PERMITS TO ADD PERMITS
3	06/16/09	REVISED PERMITS TO ADD PERMITS
4	06/16/09	REVISED PERMITS TO ADD PERMITS
5	06/16/09	REVISED PERMITS TO ADD PERMITS
6	06/16/09	REVISED PERMITS TO ADD PERMITS

Banks Engineering
 Professional Engineers, Planners, & Land Surveyors
 FORT MYERS • FORT CHARLOTTE • SARASOTA
 1001 W. GOLF COURSE BLVD. SUITE 100
 FORT MYERS, FL 33901
 PHONE: (813) 938-2444 FAX: (239) 938-2115
 WWW.BANKSENGR.COM
 LICENSE NO. 11670
 LICENSE NO. 11671
 LICENSE NO. 11672

INDIGENOUS RESTORATION PLAN (EXHIBIT D-7-Y)
 OASIS COVE A.K.A. GLADIOLUS RPD
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
10/16/09	1570	MCP	DBJ	DBJ	DBJ	1" = 200'	1	1

S:\PROJECTS\2009\20090615\2009-18-INDIGENOUS-AREAS.DWG, 5/21/2010 12:10 PM, STACY HEWITT



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

PAIL KLING LANDSCAPE ARCHITECTURE NOBRY RESERVES ITS DESIGN (AND COPYRIGHT), THE IDEAS, DESIGNS AND PLANS CONTAINED HEREIN ARE NOT TO BE REPRODUCED OR USED WITHOUT THE EXPRESS WRITTEN CONSENT OF PAIL KLING LANDSCAPE ARCHITECTURE.

PAUL J. KLENS, R.L.A.
 REG. # LA-0001619
 MARCH 5, 2010

	727 GLENDALE AVE. NAPLES, FLORIDA 34110 239 / 514-7209 239 / 594-8846 FAX	title: _____ date: _____	designer: _____ PJK project manager: PAUL J. KLENS, RLA checked - date / by: _____ DATE approved for: _____ DISCUSSION	acad #: _____ project #: 00012 scale: AS NOTED view: LIMITS	date: _____ revisions: _____ sheet no: 1/1
	BANKS ENGINEERING 1031 Six Mile Cypress Pkwy Fort Myers, FL 33966 (239) 539-5490	project location: LEE COUNTY, FLORIDA	approved for: _____	view: LIMITS	sheet no: 1/1

LEE COUNTY, FLORIDA
ZONING DIVISION
Administrative Interpretation

TYPE OF CASE: Administrative Interpretation for Oasis Cove RPD/CPD
Zoning Resolution Z-10-009

CASE NUMBER: ADD2012-00077

Exhibit C

APPLICATION SUMMARY:

Applicant: Charles J. Basinait

Location: The subject property is located at 7210 Congdon Road and 7650 Gladiolus Drive, in S35-T45-R24, Lee County, FL. (District #2)

Request: Interpretation of Condition #1 of Resolution Z-10-009 regarding the types of units that could be developed and density ratio confirmation for Assisted Living units (ALF), Continuing Care Facility (CCF) and Independent Living Units (ILU).

Discussion:

This request for an interpretation is a two part request. The first part relates to Condition #1 of Resolution Z-10-009 and is in regards to the types of units that could be developed. The second part is confirmation of density ratios for various types of units.

Part #1

In reviewing the written record, the wording of Condition 1 was not an issue of controversy or much substantive discussion. It was generally agreed by all parties that a residential use, including all forms of assisted living products, was consistent with the Lee Plan, compatible with all surrounding uses, including Lakes Park, and raised no issues with concurrency such as traffic impacts or availability of utilities. Issues such as public safety and the Coastal High Hazard Zone were addressed through conditions, upon which there was agreement and consensus between the applicant and staff.

The condition in question reads, "The RPD is limited to a maximum of 190 multi-family dwelling units, or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILU units, or any combination of ALF, CCF, or ILUs, so long as the project density does not exceed 190 standard dwelling units on 21.75 +/- acres of land." This is consistent with the recommendation of the staff report and the Hearing Examiner recommendation.

During the sufficiency process and drafting of the staff report the applicant and staff discussed the mix of assisted living products. The residential density the applicant proposed was +/- 8.7 units per acre, slightly under the maximum allowed 10 units per acre (with no bonus density) in the Central Urban Future Land Use category. This equates to 190 standard dwelling units. A maximum of 160 ALF/CCF units plus 300 ILU units equates to 190 standard dwelling units for example. Staff agreed that the mix of dwelling units was not a substantive issue and drafted a condition to allow a maximum of flexibility. The 160 ALF/CCF and 300 ILU units was meant to serve as an example of a mix of units which would be permitted under this zoning resolution. The mix of units could include all ILU units, all ALF/CCF units, or any combination. Thus the language "any combination of ALF, CCF or ILU, so long as the project density does not exceed 190 standard dwelling units" was included specifically to provide maximum flexibility in

the mix of assisted living products. Any mix of these products would be permitted, given compliance with the LDC as determined during the Development Order process and adherence to the conditions per Z-010-009.

Part #2

This part is for confirmation of density for the various types of units approved by Resolution Z-10-009. The types of units approved were for Assisted Living Facilities (ALF), Continuing Care Facilities (CCF) and Independent Living Units (ILU).

Density equivalents for these uses are provided in the following sections from the LDC:

Sec. 34-1494 (b). Density equivalents.

1) Where health care, social service, adult living facilities (ALF), continuing care facilities, or other "group quarters" (df) are provided in dwelling units, wherein each unit has its own cooking facilities, density equivalents will be calculated on a 1:1 ratio.

(2) Except as may be specifically set forth elsewhere in this chapter, where health care, social service, adult living facilities (ALF), continuing care facilities (CCF), or other "group quarters" (df) are provided in dwelling units or other facilities wherein each unit does not have individual cooking facilities and where meals are served at a central dining facility or are brought to the occupants from a central kitchen, density equivalents will be calculated at the ratio of four people equals one dwelling unit.

Sec. 34-1414. Continuing care facilities.

(c) Density. Density equivalents for a continuing care facility will be calculated for any assisted living facility units and nursing beds pursuant to division 12, subdivision II, of this article, and for independent living units on the basis of two independent living units equal to one residential dwelling unit.

This section provides criteria that must be met to be a CCF and if these criteria are met density may be calculated on the basis of two independent living units equal one residential dwelling unit.

- (1) A continuing care facility must provide housing for older persons pursuant to title VII USC.
- (2) A continuing care facility must provide full common dining facilities on the site. Individual units may be equipped with kitchens, but an average of at least one meal a day must be provided by the continuing care facility for all residents.
- (3) A continuing care facility must incorporate one or more resident services on the site, such as banking facilities, barbershops or beauty shops, pharmacies, and laundry or dry cleaning.
- (4) A continuing care facility must provide a shuttle bus service or similar transportation service for residents.

The term Memory Care Assisted Living Units (MCALU) is not a defined use in the Land Development Code (LDC). The description in your letter dated July 10, 2012 states the MCALU will not have individual kitchens but may have a kitchenette with a microwave, a small refrigerator and a cook top – none with requires a 220 volt outlet. The MCALU will have a central kitchen and serve 3 meals a day. Based on this description, the most similar use to a MCALU in the LDC is ALF which is defined as:

"a residential land use, licensed under chapter 58A-5, Florida Administrative Code, which may be a building, a section of a building, a section of a development, a private home, a special boarding home, a home for the aged or similar place, whether operated for profit or not, which undertakes

through its ownership or management to provide, for a period exceeding 24 hours, housing and food service plus one or more personal services for four or more adults not related to the owner or administrator by blood or marriage. A facility offering services for fewer than four adults may be within the context of this definition if it advertises to or solicits the public for residents or referrals and holds itself out to the public as an establishment providing such services. These facilities are not synonymous with the term "nursing home." For purposes of this definition only, the term "personal services" means assistance with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating, supervision of self-administered medications, restoration therapy and assistance with securing health care from appropriate sources."

Based on these descriptions, the density would be calculated at 4 ALF units equals one dwelling unit. There is no unit size requirement.

The term Congregate Care Facilities also is not defined in the LDC. Your letter described this use as units that will have individual kitchens but will have a central kitchen associated with the facility serving 3 meals a day. This is a similar use to a CCF. The LDC defines CCF as:

"a facility, licensed under F.S. ch. 651, which must be developed as a planned development (PD), which undertakes through its ownership or management to provide housing and food service to adult residents. The facility must meet the criteria for exemption from the Fair Housing Act Amendments of 1988, title VII USC."

Your letter further states a Congregate Care Facilities is not required to have a state license however it has many attributes of a CCF. The facility will provide housing for older residents pursuant to Title VII USC and will include services for the residents such as banking facilities, barbershops, beauty shops, pharmacies, laundry and dry cleaning facilities. A CCF is required to be licensed under F.S. ch. 651 and must be in a planned development zoning.

Sec. 34-620 of the LDC provides a mechanism for addressing such instances where a proposed use is not specifically listed in the use activities groups or in any of the use regulation tables based upon the placement of a similar listed uses. Section 34-933 goes on further to state, "Uses that are not specifically listed in Section 34-934 may also be permitted if, in the opinion of the director, they are substantially similar to a listed permitted use". The Director is authorized to determine that uses that are not specifically listed in the use activity groups or in any of the use regulation tables are permitted by right or by special exception in a particular zoning district based upon the placement of similar listed uses in the various districts.

Based on the description of the Congregate Care Facilities in your letter, the uses are similar to a CCF. The density for a CCF is two independent living units equal to one residential dwelling unit.

Your letter also defines a villa product that will have all the attributes of an independent living facility. The homes would be duplex format with individual kitchens. The residents would have access to the Congregate Care Facility with regard to the central kitchen, banking facilities, barbershops, beauty shops, pharmacies, laundry and dry cleaning facilities. The LDC defines ILU as

"a unit which is authorized only as a part of a licensed continuing care facility (CCF), which may be equipped with a kitchen."

Based on this description, the density would be calculated at two independent living units equal to one residential dwelling unit. There is no unit size requirement.

Findings and conclusions:

Part #1

Upon reviewing the written record, the language of Condition 1 was not an issue of controversy. The

developer could construct any combination of ALF, CCF or ILU units so long as the project density does not exceed 190 standard dwelling units. The applicant is correct in their interpretation of this condition.

Part #2

Based on the above findings, the density for each type of unit is as follows:

- Assisted Living Facility (Memory Care Assisted Living Unit, as described herein) - 4 ALF units equals one dwelling unit.
- Continuing Care Facility (Congregate Care Facility) - two independent living units equal to one residential dwelling unit.
- Independent Living Units (Villa product) - two independent living units equal to one residential dwelling unit.

Please be advised that the information provided herein is based on current regulations and may be subject to change as ordinances are enacted or amended.

Should you have further questions, please do not hesitate to contact our office.

DULY SIGNED this 10th day of August, A.D., 2012.

BY: Nettie Richardson
Nettie Richardson, Principal Planner
Department of Community Development
Zoning Division

cc: zoning file
Billie Jacoby
Tony Palermo, AICP



Exhibit D Professional Engineers, Planners & Land Surveyors

Avida

(f/k/a Oasis Cove RPD/CPD)

Administrative Amendment to Planned Development

Narrative of Request

Background

The applicant is requesting an administrative amendment to the approved Oasis Cove Residential Planned Development (RPD) and Commercial Planned Development (CPD), a 32.54± acre project located on the north side of Gladiolus Drive approximately 1,750 feet south of its intersection with Old Gladiolus Drive. The subject property is located in the Central Urban future land use category within the South Fort Myers Planning Community.

The current approval (Z-10-009) allows for 190 multi-family dwelling units, or a maximum of 160 units of assisted living facility (ALF)/continuing care facility (CCF), plus a maximum of 300 independent living units (ILU), or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land within the RPD. The CPD allows for a maximum of 100,000 square feet of commercial, including a maximum of 25,000 square feet of retail.

Request Summary

The applicant is seeking to administratively amend the planned development to allow for the following:

- Update the master concept plan to accommodate the revised site layout:

The applicant purchased the property on July 29, 2015 and has revised the proposed site layout—The master concept plan has been revised to demonstrate relocation of the proposed lake, reconfiguration of the proposed buildings and accessways within the RPD portion of the site, and reconfiguration of the lots and accessways within the CPD portion of the site. The development of the RPD and CPD will remain under unified control. The development will provide land leases in lieu of selling off parcels and will maintain unified

• SERVING THE STATE OF FLORIDA •

ownership. The master concept plan demonstrates the required parking for the RPD area located within the RPD. The master concept plan demonstrates overflow parking in the CPD area that will be accessible to either the RPD or the CPD, given the unified nature of the development. The CPD has been revised from 7 lots to 5 lots. There are no proposed changes to external access points or perimeter buffers.

- Revise property development regulations for waterbody setback and building separation:

The property development regulations are proposed to be revised to accommodate the new site layout as follows:

RPD for all uses:

- Setbacks: Water body: 20 feet or 0 feet where bulkheads or other hardened shoreline structures are provided and
- Minimum building separation: 10 feet for single-story buildings and 20 feet all other buildings.

- New deviation requests that are internal to the site and required as a result of the revised site layout and property development regulations and to provide clarification of the proposed overall unified development plan of both the RPD and CPD:

There is one existing deviation for the project for access connection separation that was previously approved and is proposed to remain. In order to accommodate the revised site layout and to clarify the unified development plan, the applicant has included 5 new deviation requests as outlined in the attached schedule of deviations and justifications. A summary of the deviations follows:

Deviation 2 is from LDC Section 34-935(b)(1) to allow a 0 foot perimeter setback for the RPD and CPD zoning lines

Deviation 3 is from LDC Section 10-416(d)(1) to allow no buffer between the RPD and CPD zoning districts

Deviation 4 is from LDC Section 34-935(e)(4) to allow for a minimum building separation of 10 feet for the proposed single-story buildings and a minimum building separation of 20 feet for all other development

Deviations 5 and 6 are both to allow for a minimum waterbody setback of 0 feet where bulkheads or other hardened shoreline structures are provided and 20 feet for the remainder of the lake perimeter

- Deviation 5 is from LDC Section 34-2194(b)
- Deviation 6 is from LDC Section 10-329(d)(1)a

Although a deviation was not previously requested and approved to allow no buffering between the RPD and CPD zoning lines, no buffers were shown on the approved master concept plan. The applicant has included a deviation to clarify that no internal buffering is required to accommodate the seamless, unified development plan.

- Request to amend the schedule of uses to add three uses that are similar in nature and intensity to those uses already permitted and update reference to renumbered CPD lots for existing Hope Hospice use:

The applicant is proposing to amend the schedule of uses for the CPD to add three uses and revise an existing use as follows:

- Add the following uses:
 - o Amphitheater
 - o Farmer's Market/Open Air Market
 - o Health Care Facilities, Group II, Limited to lots 1, 4 and 5. Limited to 50 beds
- Revise the following use to accommodate revised site layout:
 - o Hospice, Limited to lots 5 and 6 1, 4 and 5. Limited to 50 beds.

These uses are similar in nature and intensity to those uses already permitted on the site. The revised site layout reduced the CPD lots from 7 to 5. The previous lot 5 has been deleted due to the new lake layout and previous lot 6 has now been renumbered to lot 4 and the previous lot 7 has now been renumbered to lot 5.

- Remove previously approved impact to wetland and minor adjustment and increase in indigenous restoration/creation areas with updated Indigenous Restoration Plan exhibit and updated open space table:

The revised site layout also resulted in the preservation of the previously impacted 0.01 acre wetland on the western portion of the site. To accommodate the preservation of the wetland, the indigenous restoration/creation areas have been revised to provide an upland buffer around the preserved wetland. This revision has resulted in a proposed relocation of some of the creation/restoration areas resulting in a net increase in indigenous area. The attached revised Indigenous Restoration Plan depicts the 0.02 acre previously approved creation/restoration area that is proposed to be relocated and replaced with 0.1 acre of upland creation/restoration. This revision results in an increase of 0.8 acre of indigenous creation/restoration. An exhibit demonstrating these changes, as well as a revised Indigenous Restoration Plan exhibit are attached.

LDC Consistency/Minimal Modification

LDC Section 34-377(a)(5) in part provides that applications for administrative approval will be processed as administrative amendments in accordance with Section 34-380. This section also states that administrative amendments may be granted by the Director upon a finding that public health, safety, and welfare will not be adversely affected by the request. LDC Section 34-380(a) provides that amendments to an approved master concept plan or its attendant documentation may be requested at any time during the development of or useful life of a planned development. LDC Section 34-380(b) provides that the Director may approve any change to the interior of the development that does not increase height, density or intensity (i.e., number of dwelling units or quantity of commercial or industrial floor area). This section of the code further specifies that "the Director may not approve a change that will result in the substantial underutilization of public resources and public infrastructure committed to the support of the development." In addition, this section provides that "the Director may not approve changes that will result in a reduction of total open space, buffering, landscaping and preservation areas or that will adversely impacts on surrounding land uses."

The request is consistent with the administrative amendment requirements contained in LDC Section 34-380(b). The request is simply to accommodate the revised site layout and unified development plan for the RPD and CPD zoning districts. The request is specific to portions of the development located in the interior of the planned development. The request does not include any change to the allowable intensity so it will not increase height, density or intensity. The request will not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development. The request will not result in a reduction of total open space, buffering, landscaping or preservation areas, and will in fact increase the preservation areas. The proposed amendment will not adversely impact surrounding land uses. The requested amendment is the minimum necessary to the already approved planned development to allow the project to proceed with development.

Conclusions

The request increases development potential and economic viability of the site by adopting the new site design. The request will not increase height, density or intensity. The request will not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development. The request will not result in a reduction of total open space, buffering, landscaping or preservation areas and will not adversely impact surrounding land uses. The proposed amendment is the minimum necessary to the approved planned development. The proposed modifications do not change the fact that the project is consistent with the Lee Plan and the LDC. For these reasons, the applicant respectfully submits that this minor administrative amendment request should be approved.

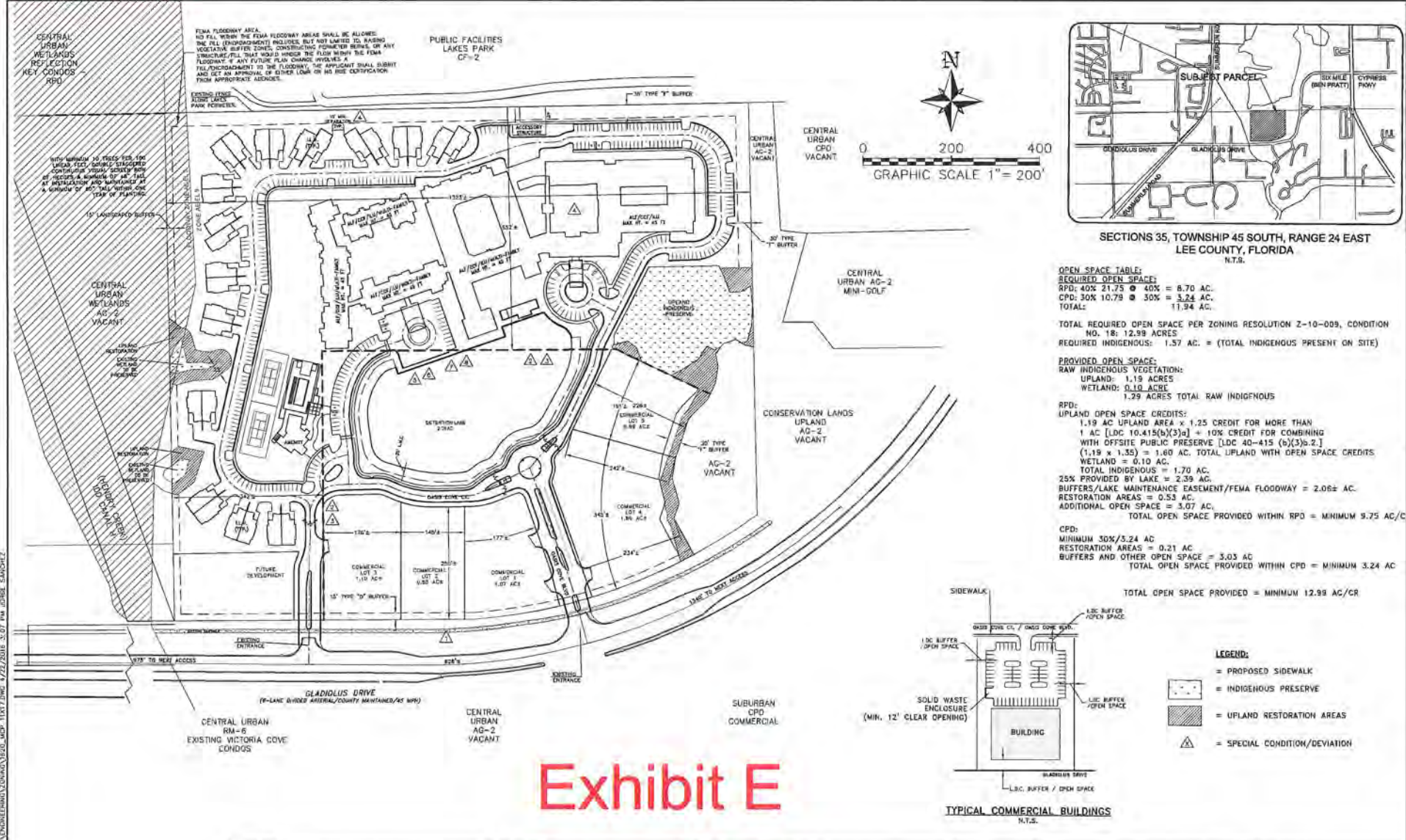


Exhibit E

OPEN SPACE TABLE:

REQUIRED OPEN SPACE:
 RPD: 40% 21.75 @ 40% = 8.70 AC.
 CPD: 30% 10.79 @ 30% = 3.24 AC.
TOTAL: 11.94 AC.

TOTAL REQUIRED OPEN SPACE PER ZONING RESOLUTION Z-10-009, CONDITION NO. 18: 12.99 ACRES

REQUIRED INDIGENOUS: 1.37 AC. = (TOTAL INDIGENOUS PRESENT ON SITE)

PROVIDED OPEN SPACE:

RAW INDIGENOUS VEGETATION:
 UPLAND: 1.19 ACRES
 WETLAND: 0.10 ACRE
1.29 ACRES TOTAL RAW INDIGENOUS

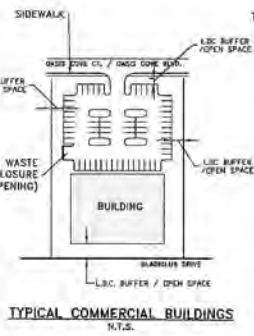
RPD:

UPLAND OPEN SPACE CREDITS:
 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 1.25) = 1.49 AC. TOTAL UPLAND WITH OPEN SPACE CREDITS
TOTAL INDIGENOUS = 1.70 AC.
 25% PROVIDED BY LAKE = 2.39 AC.
 BUFFERS/LAKE MAINTENANCE EASEMENT/FEMA FLOODWAY = 2.06± AC.
 RESTORATION AREAS = 0.53 AC.
 ADDITIONAL OPEN SPACE = 3.07 AC.
TOTAL OPEN SPACE PROVIDED WITHIN RPD = MINIMUM 9.75 AC/CR

CPD:
 MINIMUM 30%/3.24 AC
 RESTORATION AREAS = 0.21 AC
 RESTORATION AREAS = 0.53 AC.
TOTAL OPEN SPACE PROVIDED WITHIN CPD = MINIMUM 3.24 AC

TOTAL OPEN SPACE PROVIDED = MINIMUM 12.99 AC/CR

- LEGEND:**
- = PROPOSED SIDEWALK
 - = INDIGENOUS PRESERVE
 - = UPLAND RESTORATION AREAS
 - = SPECIAL CONDITION/DEVIATION



PREPARED FOR:
QUADRUM LAKES PARK LLC
 407 OCEAN RD. STE 304
 WASH BEACH FL 32139

BANKS ENGINEERING
 Professional Engineers, Planners, & Land Surveyors
 5601 SW 51st STREET, PALM BEACH, FLORIDA 33409
 PHONE: (561) 934-5900 FAX: (561) 934-8833
 ENGINEERING LICENSE # 28 5448 SURVEY LICENSE # 18 8482
 WWW.BANKSPE.COM

MASTER CONCEPT PLAN						
AVIDA						
LEE COUNTY, FLORIDA						
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	
1/21/2016	1620	MCP	SEN	JS	SEN	
					SCALE	SHEET
					1"=200'	1

51. L:\DRY\16000\ENGINEERING\2016\1620_MCP_11X17.DWG 1/22/2016 3:07 PM JORIE SANCHEZ



Department of Community Development
Zoning Division
Environmental Review

MEMORANDUM

Date: May 16, 2016
To: Nettie Richardson, Principal Planner
From: Beth Workman, Environmental Planner
239.533.8793
EWorkman@leegov.com
Subject: Avida (f/k/a Oasis Cove)
ADD2016-00011

Exhibit F

The applicant has submitted an Administrative Amendment (ADD) to the Residential and Commercial Planned Development to revise the layout of the lake, buildings, and access ways resulting in some changes to the open space.

The original zoning (Z-10-009) required a total of 12.99 acres of open space per Condition 18. The changes being requested as part of the subject ADD will not change this condition. However, the amount of open space being used from the lake, the restored indigenous, wetland and upland indigenous are all changing due to the layout reconfiguration.

OPEN SPACE CHANGES

The various components that make up the open space have changed slightly due to the reconfiguration of the site plan. Some acreages have increased and some of decreased. The following states what was previously approved as part of Z-10-009, what is being proposed, and the difference.

The lake was originally claiming 2.99 acres of open space and now is using 2.39 acres (-0.60 acres) since the proposed lake acreage has been reduced. The upland indigenous remains at 1.19 with 125% credit and 10% additional credit yielding 1.60 acres of upland indigenous with credits. The wetland indigenous changed from 0.09 acres to 0.10 acres (+0.01). The buffers/lake maintenance easement/FEMA flood has been reduced from 2.51 acres to 2.06 acres (-0.45 acres). The restoration area has increased from 0.46 acres to 0.53 acres (+0.07). The additional open space has also increased from 2.00 acres to 3.07 acres (+1.07). The result of the revisions is consistent with the 9.75 acres of open space with credits that was previously approved for the RPD portion of the project.



Department of Community Development
Zoning Division
Environmental Review

MEMORANDUM

The following is the strike-thru and underline to Condition 19. 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 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 ~~-7-Y~~.
- 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~~ 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.

ADDITIONAL CONDITON CHANGES

In addition to the changes to the indigenous conditions, ES zoning staff proposes the following changes to Condition 24 by adding (d) and condition 25:

Condition 24 – Migratory and Wading Bird

- 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 within CPD Lots ~~6~~ 4 and ~~7~~ 5, if located between commercial buildings and the east property line abutting the off-site County owned preserve; and
- d. ~~Prior to local development order approval~~ architectural sheets showing the development order plans buildings within the RPD/CPD 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



Department of Community Development
Zoning Division
Environmental Review

MEMORANDUM

awnings or similar treatments. This condition is applicable to the window and door panels on the northern building facades facing Lakes Park within the RPD parcel and on the eastern building facades facing the offsite County owned preserve within the CPD parcel Lots 64 and 75.

25. 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.

NEW DEVIATIONS

The applicant has request two new landscape deviations from Chapter 10. Deviation 3 is being requested from LDC 10-416(d)(1) requiring a buffer around the entire perimeter of a proposed development whenever the proposed development abuts a different use to allow no buffer between the RPD and CPD due to the entire project remaining under unified control through a property association agreement.

ES zoning staff approve this deviation request because the deviation applies internally to the site and will not affect the public.

Deviation 7 is being requested to deviate from LDC 10-418(3) that states hardened shorelines are limited to 20% of the lake shoreline to allow 40% of the lake shoreline to be hardened. The applicant states that the design of the vehicular network takes the roadways around the lake providing scenic views so the 40% hardened shoreline is necessary. Compensatory littoral plant shelves will be installed in the 20 foot littoral shelf as part of the lake littoral shelf instead of a five foot wide compensatory shelf.

ES zoning staff approve this deviation request because of the localization of the littorals that will be easier to maintain and have a larger area to spread and filter.

Exhibit G

Richardson, Nettie

From: Stacy Hewitt [SHewitt@BanksEng.com]
Sent: Tuesday, July 26, 2016 10:09 AM
To: Richardson, Nettie
Cc: Tom Lehnert; Charles "Chuck" Basinait, Esquire (charles.basinait@henlaw.com); Houck, Pamela; Ennis, Audra
Subject: Avida (f/k/a Oasis Cove) - ADD2016-00011
Attachments: ADD2016-00011 RESO.pdf; asce24_highlights_dec2010.pdf

Nettie,

Pursuant to the meeting Friday, please accept the below language as a proposed text amendment to add the following proposed condition 26 to the attached ADD2016-00011:

Add New Condition 26:

26. Building Height for this development will be measured from the minimum required flood elevation pursuant to Florida Building Code Section 1612.4.

This request is intended to clarify the measurement of height pursuant to LDC Section 34-2171(a)(1), which states that height of a building is the vertical distance from the minimum required flood elevation. The minimum required flood elevation is determined by Florida Building Code Section 1612.4, provided below:

1612.4 Design and construction.

The design and construction of buildings and structures located in flood hazard areas, including coastal high hazard areas, shall be in accordance with Chapter 5 of ASCE 7 and with ASCE 24.

Attached please find the Highlights of ASCE 24-05, of which page 4 contains the table determining the minimum required flood elevation. LDC Section 34-2171(a)(1) is also provided below for reference:

Subdivision II. - Height

- **Sec. 34-2171. - Measurement.**
- (a) Except as provided in this subdivision, the height of a building or structure is measured as the vertical distance from grade* to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs, and to the highest point of any other structure (excluding fences and walls).

* For purposes of this subdivision, grade is the average elevation of the street or streets abutting the property measured along the centerline of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage.

(1) In areas within the Coastal Building Zone and other flood prone areas (as defined in [Chapter 6](#) Articles III and IV of the LDC), height of a building is the vertical distance from the minimum required flood elevation to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof, to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

Please do not hesitate to contact me if you have any questions or require further information.

Thank you.

Stacy Ellis Hewitt, AICP
Director of Planning

ATTACHMENT M

ADMINISTRATIVE AMENDMENT (PD) ADD2016-00139

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Quadrum Lakes Park, LLC filed an application for an administrative amendment to a Residential Planned Development (RPD) and Commercial Planned Development (CPD) on a project known as Avida (fka Oasis Cove) for a deviation from Chapter 10-384(c)(2) which states watermains for all commercial buildings and for residential buildings with more than six dwelling units per building or more than two stories in height must be no less than 10 inches in diameter, and constructed in an external loop system with intersecting water mains installed every 2,000 feet to allow a proposed 12 inch watermain distribution system connecting to an existing 16 inch watermain with an external loop exceeding 2,000 feet on property located 7650 Gladiolus Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 35, Township 45 South, Range 24 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in Resolution Z-10-009 (with subsequent amendments in case number ADD2016-00011, and an Administrative Interpretation in case number ADD2012-00077); and

WHEREAS, the subject property is located in the Central Urban and Wetlands Future Land Use Category as designated by the Lee Plan; and

WHEREAS, Resolution Z-10-009 approved a maximum of 190 multi-family dwelling units, or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILUs, or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land on the RPD portion and a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail uses on the CPD portion; see Exhibit "B"; and

WHEREAS, ADD2012-00077 clarified the types of units that could be developed on the property and confirmed the density ratios for the various types of units, see Exhibit "C"; and

WHEREAS, ADD2016-00011 revised the Master Concept Plan, amended the CPD Schedule of Uses and revised limitations on Hospice Use, revised the RPD site development regulations, added seven new deviations, revised two previous conditions, see Exhibit "D"; and

WHEREAS, the request for a 12 inch watermain distribution system to connect to an existing 16 inch watermain with an external loop exceeding 2,000 feet will comply with the water service and fire protection criteria, see Exhibit "E"; and

WHEREAS, the request was reviewed by the Lee County Fire Officials and Lee County Utility department neither of which presented objections; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Residential Planned Development (RPD) and Commercial Planned Development (CPD) for a proposed 12 inch watermain distribution system connecting to an existing 16 inch watermain with an external loop exceeding 2,000 feet is **APPROVED, subject to the following conditions:**

1. **The amended Master Concept Plan as approved and adopted in ADD2016-00011 remains in full force and effect, attached within Exhibit D.**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**
3. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 1/6/2017 by

Audra Ennis, Zoning Manager
Lee County Community Development

Exhibits:

A - Legal Description

B - Z-10-009

C - ADD2012-00077

D - ADD2016-00011

E - Hydraulic Calculations

ATTACHMENT N

ADMINISTRATIVE AMENDMENT (PD) ADD2017-00094

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Quadrum Lakes Park, LLC filed an application for an administrative amendment to a Residential and Commercial Planned Development on a project known as Avida (fka Oasis Cove) to permit two deviations related to signage on property located 7650 Gladiolus Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 35, Township 45 South, Range 24 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was rezoned to allow Assisted Living Facilities (ALF), Continuing Care Facilities (CCF), Independent Living Units (ILU), multifamily development, and commercial uses by Resolution Z-10-009 (see Exhibit "B"); and

WHEREAS, an administrative interpretation to clarify the maximum permitted density and density equivalents for certain types of dwelling units was established by ADD2012-00077 (see Exhibit "C"); and

WHEREAS, the zoning on the subject property was subsequently amended to supplement the Schedule of Uses, revise the site layout and property development regulations, and clarify the method for measuring building height by ADD2016-00011(a) (see Exhibit "D"); and

WHEREAS, ADD2016-00139 approved a deviation from design requirements related to sizing and specifications of the proposed water distribution system on the subject property (see Exhibit "E"); and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category as designated by the Lee Plan; and

WHEREAS, a development order (DOS2016-00049) was issued for the first phase of construction of the approved development on October 20, 2016; and

WHEREAS, two (2) code-compliant identification signs were approved as part of DOS2016-00049; and

WHEREAS, the applicant is seeking administrative approval of two deviations related to signage; and

WHEREAS, the applicant requests a deviation from Section 30-153(2)a.1.ii of the Land Development Code (LDC), 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 sign area of 438 square feet along Gladiolus Drive (see Exhibit "F"); and

WHEREAS, the applicant requests a deviation from Section 30-153(2)a.4 of the LDC, which requires identification signs to be set back a minimum of 15 feet from any right-of-way or easement, to permit the five (5) proposed identification signs to be constructed within five (5) feet of the Gladiolus Drive right-of-way (see Exhibit "F"); and

WHEREAS, the subject property maintains approximately 1,204 feet of frontage on Gladiolus Drive; and

WHEREAS, the right-of-way line of Gladiolus Drive, which comprises the front lot line of the subject property, is located approximately seventy (70) feet from the edge of pavement of Gladiolus Drive (see Exhibit "G"); and

WHEREAS, the applicant's justification for the requested deviations identifies the need for additional signage and reduced setbacks to provide increased visibility to the traveling public in order to limit undesirable turn movements and to protect the traveling public (see Exhibit "H"); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans or a master concept plan's attendant documentation at any time during the development of or useful life of a planned development; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the requested deviations do not increase density or intensity within the development; do not decrease buffers or open space required by the LDC; do not underutilize public resources or infrastructure; do not reduce total open space, buffering, landscaping or preservation areas; and do not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Residential and Commercial Planned Development is **APPROVED subject to the following conditions:**

- 1. 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 hereto as Exhibit "F".**
- 2. 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 hereto as Exhibit "G".**

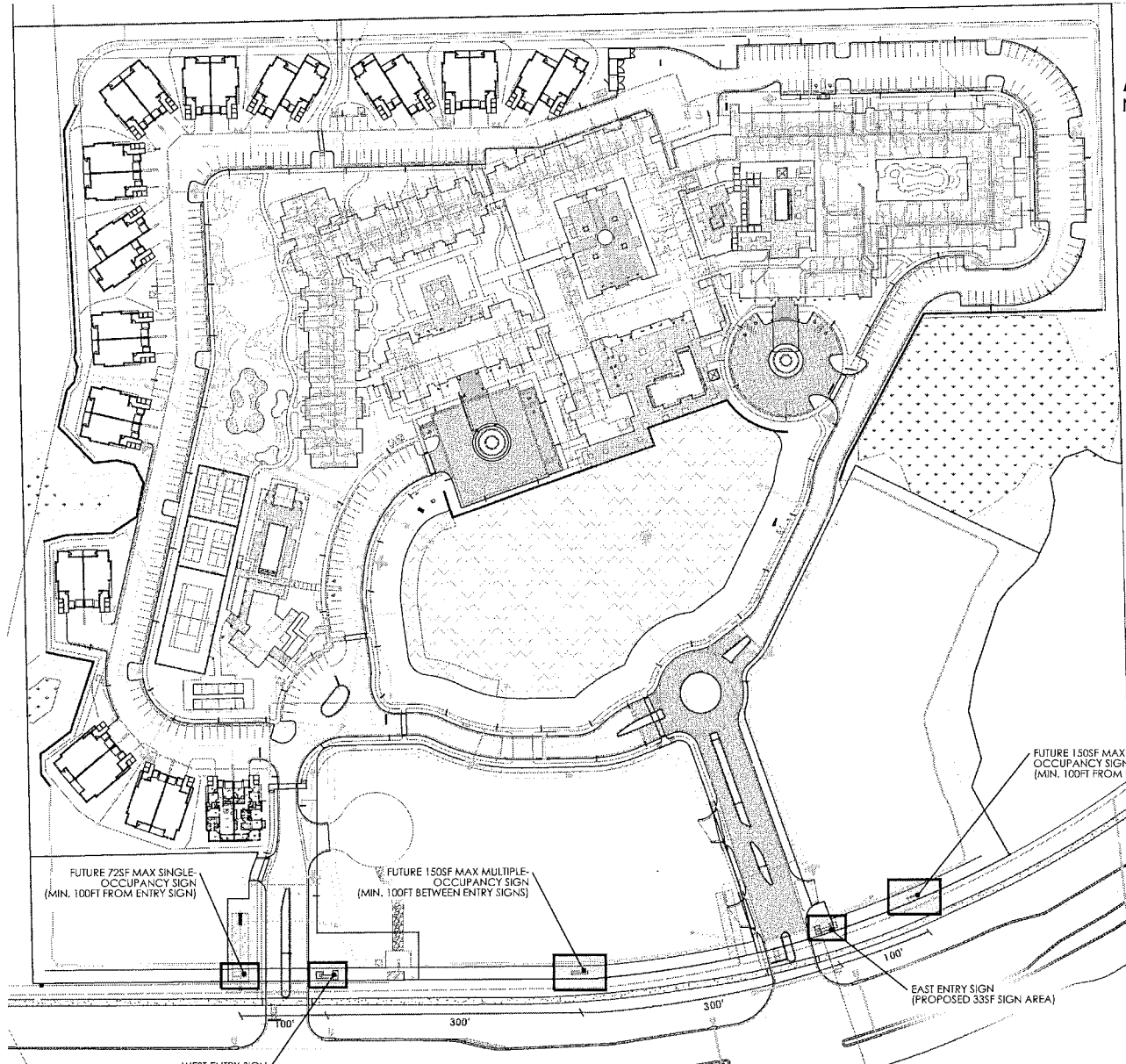
3. **The terms and conditions of the original zoning resolution and subsequent administrative amendments thereto remain in full force and effect.**
4. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 7/14/2017 by

Audra Ennis, Zoning Manager
Lee County Community Development

Exhibits

- A – Legal Description
- B – Resolution Z-10-009
- C – ADD2012-00077
- D – ADD2016-00011(a)
- E – ADD2016-00139
- F – Signage Monument Separation Plan Exhibit
- G – Signage Monument Location Exhibit
- H – Deviation Justification Narrative

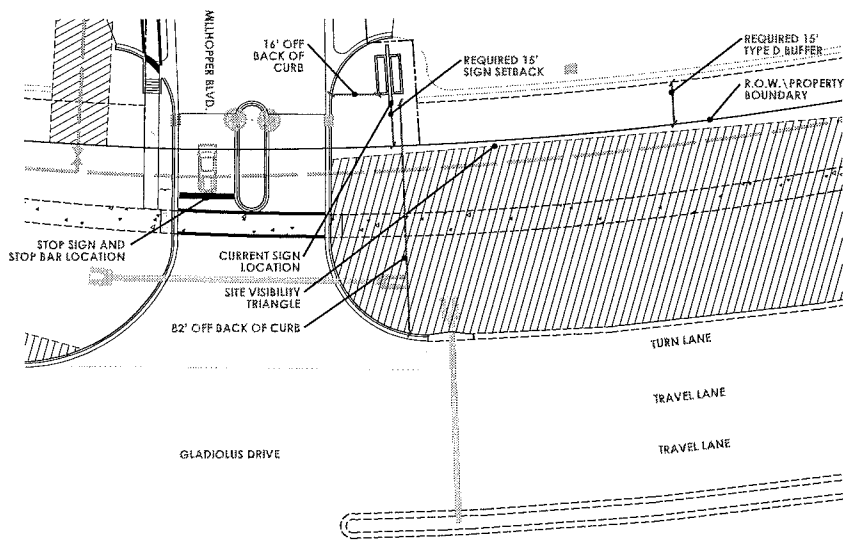


NOTE:
 THIS EXHIBIT IS FOR SUBSTANTIATION OF COMPLIANCE WITH THE MINIMUM DIMENSIONS OUTLINED IN THIS DEVIATION 9 AND DOES NOT NECESSARILY REPRESENT THE EXACT LOCATION OR PLACEMENT OF THE THREE FUTURE SIGNS.

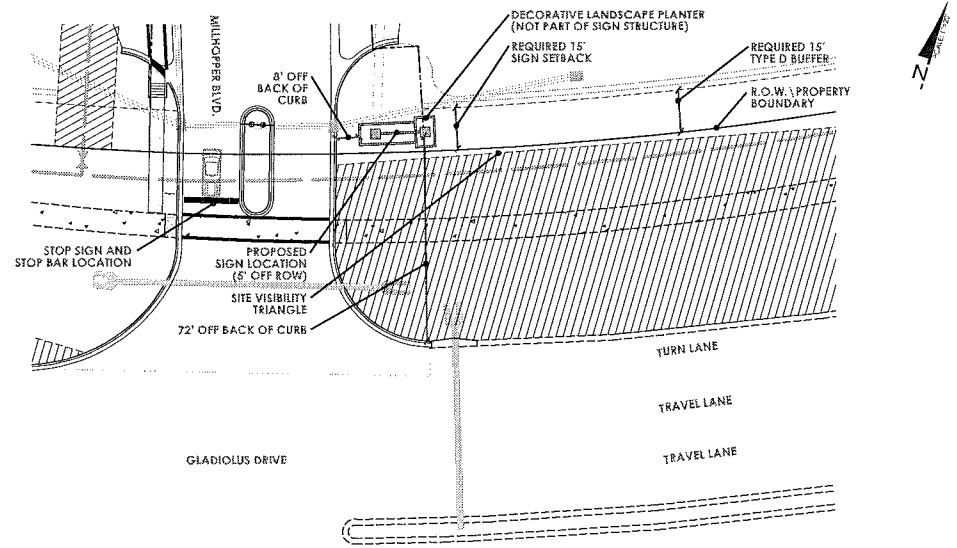
prepared for:



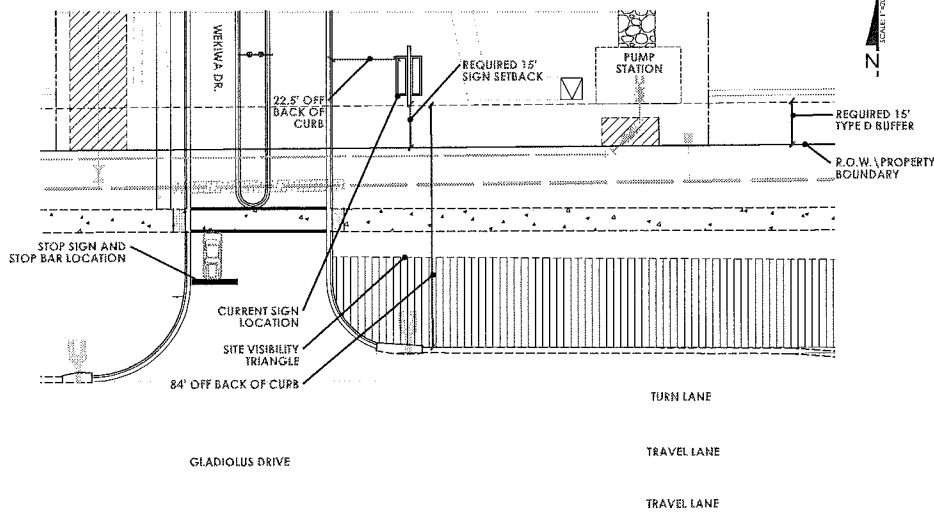
May 26, 2017



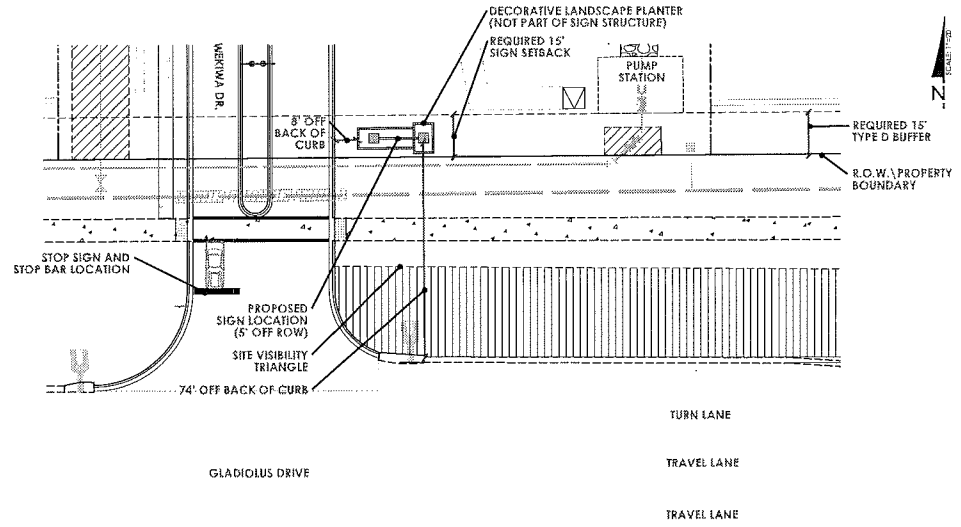
Development Order East Entry Sign Location: Millhopper Blvd.



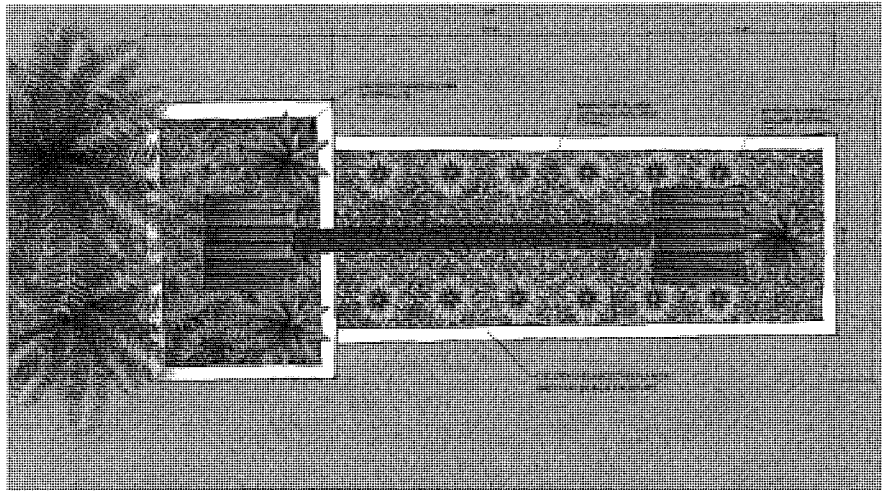
Proposed Sign East Entry Location: Millhopper Blvd.



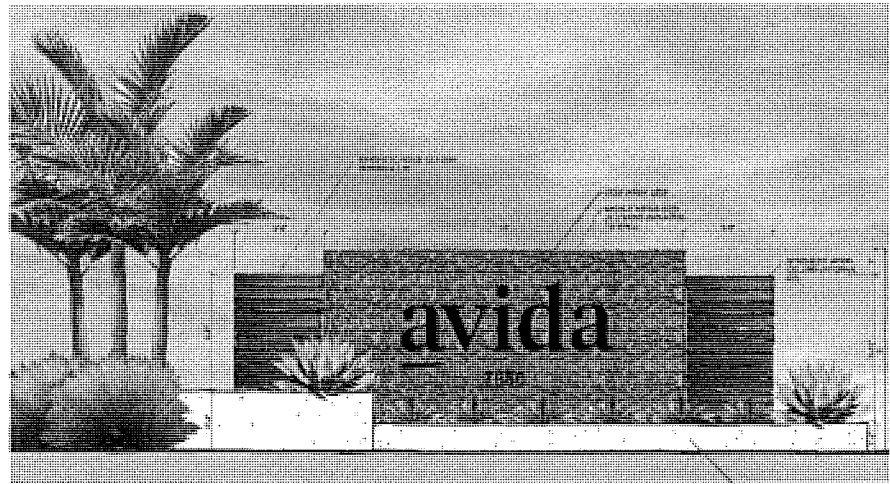
Development Order West Entry Sign Location: West Entry: Wekiwa Dr.



Proposed Sign West Entry Location: Wekiwa Dr.



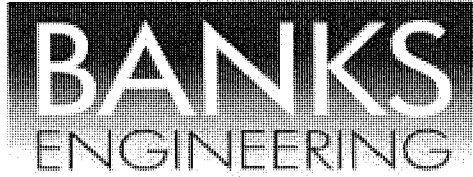
1. PLAN



2. ELEVATION

(NOT PART OF SIGN STRUCTURE)

EXHIBIT H



Professional Engineers, Planners & Land Surveyors



Avida

Schedule of Deviations and Written Justification

Existing Deviations 1 – 8 remain unchanged.

ADD2016-00139 Administrative deviation remains unchanged.

Deviation 9 is requested from LDC Sec. 30-153(2)a.1.ii. permanent signs in commercial and industrial areas, identification signs for multiple occupancy complexes with more than five establishments which allows 2 signs if street frontage is more than 330 LF and allows a total of 300 SF sign area; to allow more than 2 signs and greater than 300 limit to allow the 2 entry identification signs as proposed and to allow the following future signage with a minimum of 100 foot separation between signs as follows:

- West of western entry: 1 maximum 72 SF single tenant sign
- Between entrances: 1 maximum 150 SF multiple-occupancy sign
- East of eastern entry: 1 maximum 150 SF multiple-occupancy sign

JUSTIFICATION: This deviation is requested due to the amount of frontage for the parcel, the large right-of-way and the access location of the project immediately following a curve for the westbound traffic on a 6-lane arterial roadway (Gladiolus Drive) with a speed limit of 45 mph. The code allows 2 signs for frontage over 330 feet and the subject parcel has 1,204± LF of frontage which is almost four times this amount. If this parcel had been configured differently and had three parcels each with over 330 LF of frontage it could have conceptually had up to 6 signs. The applicant is only proposing a total of 5 signs. Although deviation 10 is requested for a 5' right-of-way setback, the proposed signs that are setback over 70 feet from the back of curb of the turn lane on Gladiolus. There are also landscape islands surrounding the signs which are not part of the sign structure, as discussed with meetings with Lee County staff. The signs are located well out of the visibility triangle at both entry locations. The requested signage deviation is necessary to allow better visibility to the traveling public. It should be noted that the development plan is a for a residential and commercial development under unified control consisting of assisted living units, memory care units, independent living units, amenities and future development areas so the signage is considered commercial for signage purposes only. Providing the signage deviation as proposed will assist with preventing undesirable U-turns from traveling public that is not aware of the entrance in time to get in the appropriate lane to exit traffic safely. Please also see attached letter of no objection from Florida Power & Light regarding the placement of the east entry sign in relation to their 5' easement. The requested deviation is the minimum request to provide adequate signage to the development. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

S:\Jobs\16xx\1620QG\Documents\Zoning\Administrative Deviation-Signage\1620QG_Deviation-justification.doc

· **SERVING THE STATE OF FLORIDA** ·

Deviation 10 is requested from LDC Section 30-153(2)a.4 requirement that for permanent signs in commercial and industrial areas, identification signs for multiple occupancy complexes with more than five establishments shall be setback a minimum of 15' from any right-of-way or easement; to allow the two proposed monument signs, as well as the 3 proposed future signs, to be constructed within 5' of the Gladiolus Drive right-of-way.

JUSTIFICATION: This deviation is requested due to the large right-of-way and the access location of the project immediately following a curve for the westbound traffic on a 6-lane arterial roadway (Gladiolus Drive) with a speed limit of 45 mph. The proposed east entry sign is located 5 feet from the right-of-way, which is approximately 72 feet from the back of curb of the turn lane. The proposed west entry sign is located 5 feet from the right-of-way, which is approximately 74 feet from the back of curb of the turn lane. There are also landscape islands surrounding the signs which are not part of the sign structure, as discussed with meetings with Lee County staff. The signs are located well out of the visibility triangle at both entry locations. The requested setback deviation is necessary to allow better visibility to the traveling public. It should be noted that the development plan is a for a residential and commercial development under unified control consisting of assisted living units, memory care units, independent living units, amenities and future development areas so the signage is considered commercial for signage purposes only. Providing the signage deviation as proposed will assist with preventing undesirable U-turns from traveling public that is not aware of the entrance in time to get in the appropriate lane to exit traffic safely. Please also see attached letter of no objection from Florida Power & Light regarding the placement of the east entry sign in relation to their 5' easement. The requested deviation is the minimum request to provide adequate signage to the development. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

ATTACHMENT O

ADMINISTRATIVE AMENDMENT (PD) ADD2018-00094

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Quadrum Lakes Park, LLC filed an application for an administrative amendment to a Residential Planned Development and Commercial Planned Development on a project known as Avida (fka Oasis Cove). The applicant has requested a deviation from Land Development Code (LDC) 10-420 that requires trees to be installed at ten feet in height and shrubs 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 a portion of the western buffer.

WHEREAS, the property is located 7778 Gladiolus Drive & 7661-7794 Calistoble Loope, described more particularly as STRAP Numbers 35-45-24-00-00015.0000 and 35-45-24-00-00014.0000

ATTACHED AS EXHIBIT "A"

WHEREAS, the subject property is located in the Central Urban Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the property was originally rezoned in case number Z-10-009 (with subsequent amendments in case number ADD2016-00139, ADD2016-00011, ADD2017-00094); and

WHEREAS, the approved Master Concept Plan (MCP), dated June 8, 2010, stated that the existing wetlands along the western property line would be preserved to connect to the offsite wetlands to the west; and

WHEREAS, the buffer areas in between the wetlands are required to be provide a 15 foot wide buffer with ten trees per 100 linear feet and a double staggered hedge row installed at 48 inches in height and maintained at 60 inches in height; and

WHEREAS, the northern portion of this buffer will be provided per the MCP condition, however the southern portion of the western buffer cannot meet the tree and shrub material specifications due to the wetland conditions and retaining wall conflict in this area per Exhibit B; and

WHEREAS, the applicant has requested a deviation to allow six feet in height trees and 24 inches in height shrubs within the 609 linear feet of Alternate Buffer 2 per Exhibit B; and

WHEREAS, the applicant has provided a buffer enhancement that will provide 131 trees, 761 shrubs, and 2,116 groundcover within Alternate Buffer 2 per Exhibit B; and

WHEREAS, the buffer enhancement provides 69 more trees, 461 more shrubs, and adding 2,116 groundcover plants exceeding what was conditioned on the MCP; and WHEREAS, the development must be in substantial compliance with Exhibit B that illustrates the locations, the planting plan, and plant specifications for the amendment, and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Residential Planned Development and Commercial Planned Development is **APPROVED**.

Approval is subject to the following conditions:

1. **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 groundcover. All plant material must be salt tolerant and native species.**
2. **The Development must be in substantial compliance with Exhibit B, dated May 23, 2018. Exhibit B for ADD2018-00094 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
3. **The terms and conditions of the original zoning resolutions remain in full force and effect.**
4. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 6/14/2018 by

Audra Ennis, Zoning Manager
Lee County Community Development

Attachments:
Exhibit A
Exhibit B

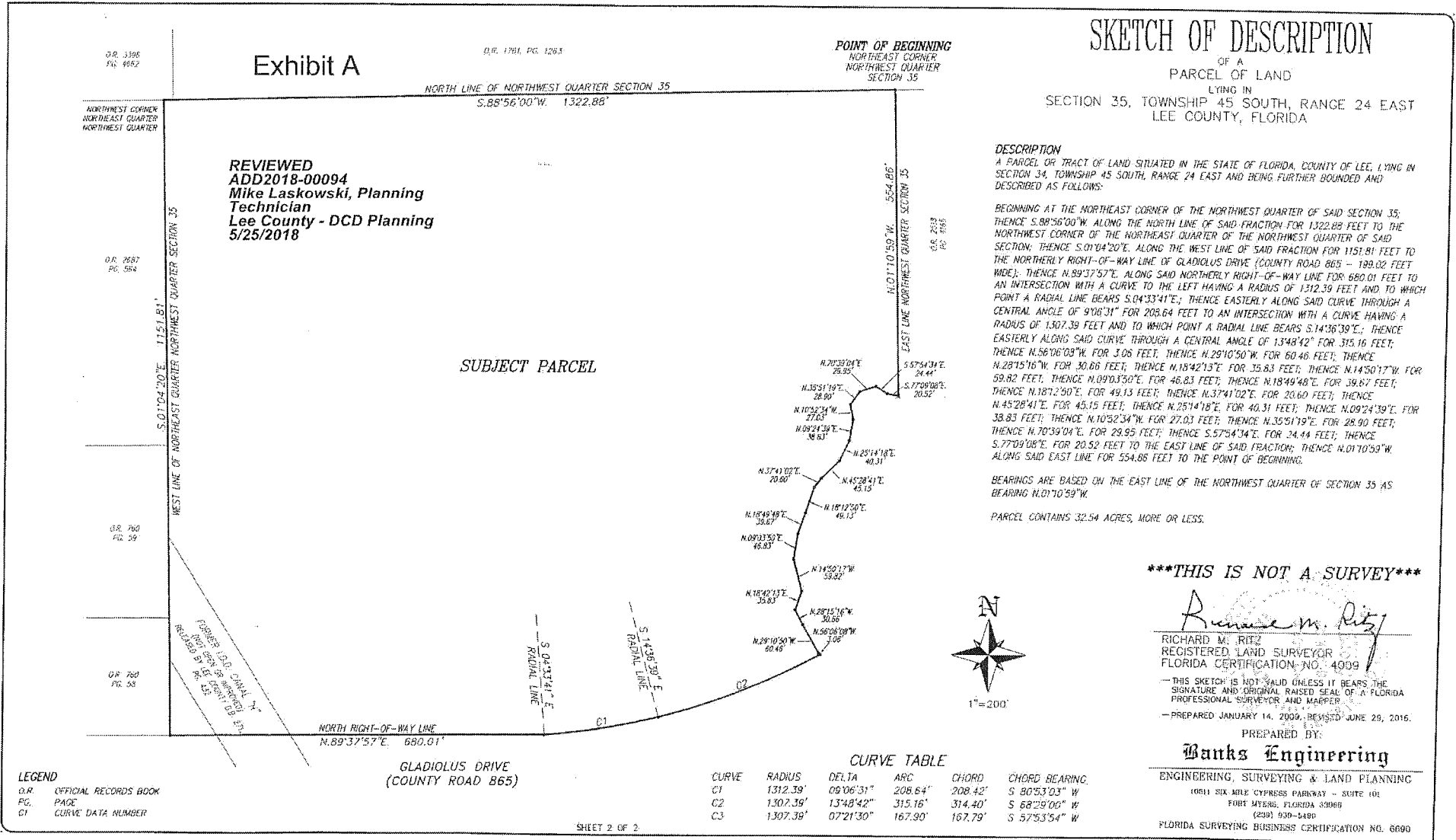


Exhibit A

REVIEWED
ADD2018-00094
Mike Laskowski, Planning
Technician
Lee County - DCD Planning
5/25/2018

SUBJECT PARCEL

POINT OF BEGINNING
NORTH EAST CORNER
NORTHWEST QUARTER
SECTION 35

SKETCH OF DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

DESCRIPTION

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°08'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N.56°06'03"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.86 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 34.87 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°34'39"E. FOR 38.85 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.39°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.88 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

— THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

— PREPARED JANUARY 14, 2009, REVISED JUNE 29, 2016.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

10911 SIX MILE CYPRESS PARKWAY - SUITE 101

FORT MYERS, FLORIDA 33909

(239) 930-5480

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°08'31"	208.64'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'06" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

LEGEND
O.R. OFFICIAL RECORDS BOOK
P.G. PAGE
C1 CURVE DATA NUMBER

GLADIOLUS DRIVE
(COUNTY ROAD 865)

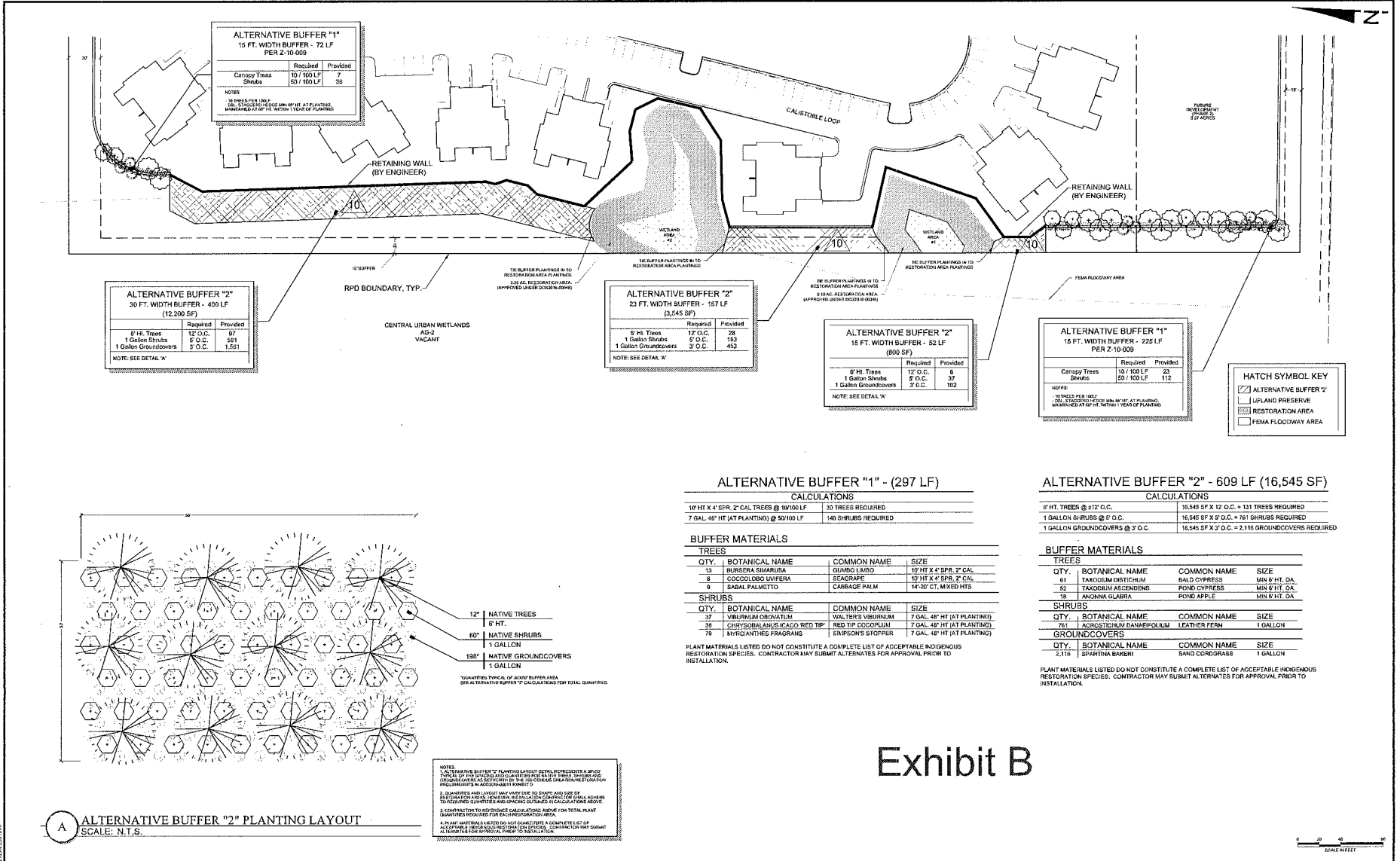


Exhibit B

ATTACHMENT P

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2009-00005
APPLICANT: BECK GROUP OF FORT MYERS, LLC,
in reference to OASIS COVE RPD/CPD
HEARING DATE: MARCH 18, 2010
WRITTEN SUBMISSION: MARCH 18, 2010 (NO ORDER ISSUED)

RECEIVED
MAY 04 2010
ZONING

I. APPLICATION:

This matter came before the Lee County Hearing Examiner as an Application for a Rezoning to a Residential Planned Development (RPD)/Commercial Planned Development (CPD) pursuant to Lee County Land Development Code (LDC).

Filed by BECK GROUP OF FORT MYERS, LLC., c/o KEVIN STONEBURNER and CHRIS CIOFFI, 436 Bayfront Place, Naples, Florida 34102 (Applicant/Owner); BANKS ENGINEERING, c/o STACY ELLIS HEWITT, DIRECTOR OF PLANNING, 10511 Six Mile Cypress Parkway, Suite 101, Fort Myers, Florida 33966; TR TRANSPORTATION CONSULTANTS, INC., c/o TED TREESH, 13881 Plantation Road, Suite 11, Fort Myers, Florida 33912; W. DEXTER BENDER & ASSOCIATES, INC., c/o TYLER KING, 4470 Camino Real Way, Suite 101, Fort Myers, Florida 33966 (Agents).

Request is to Rezone 32.54± acres from Residential Planned Development (RPD) to Residential Planned Development/Commercial Planned Development (RPD/CPD) for Assisted Living Facilities (ALF), Continuing Care Facilities (CCF), Independent Living Units (ILU), multi-family development and commercial uses. The maximum density proposed is 190 multi-family dwelling units, or an equivalent number of units in ALFs, CCFs, and ILUs and Commercial, Office, and Retail development, maximum 100,000 square feet including a maximum 25,000 square feet Retail. Maximum height 45 feet for both Residential and Commercial. No development blasting is requested. The development will connect to public potable water and sanitary sewer service.

The subject property is located at 7650 Gladiolus Drive and 7210 Congdon Road, South Fort Myers Planning Community, Section 35, Township 45 South, Range 24 East, Lee County, Florida (District #5).

II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Tony Palermo. The Staff Report is incorporated herein by this reference.

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request for a rezoning to Residential Planned Development (RPD)/Commercial Planned Development (CPD) for the real estate described in Section IX. Legal Description **WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:**

A. CONDITIONS:

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Oasis Cove A.K.A. Gladiolus RPD" stamped Received February 16, 2010, **Exhibit B** attached hereto, except as modified by the conditions below.

This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of the local Development Order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The RPD is limited to a maximum of 190 multi-family dwelling units; OR a maximum of 160 units of ALF/CCF units, PLUS a maximum of 300 ILUs or any combination of ALF, CCF, and/or ILU so long as the density does not exceed 190 standard dwelling units on +/- 21.75 acres of land.

The CPD is limited to a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail.

Zoning Resolution #Z-75-145, Zoning Resolution #Z-04-034 and Administrative Amendment #ADD2006-00184 are null and void as a result of approval of this zoning action, and are all superceded by this zoning resolution.

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

A. Schedule of Uses

Commercial Planned Development

Accessory Uses and Structures

Administrative Offices

Animals - Clinic or Kennel - no outdoor runs, completely enclosed facilities.

ATM - Automatic Teller Machine

Auto Parts Store - no installation service

Bait and Tackle Shop - no outdoor storage or display.

Banks and Financial Establishments, Groups I and II.

Boats - limited to Boat Part Sales, no outdoor storage or display, no rental, storage, repair or service.

Broadcast Studio, Commercial Radio and Television - does not include freestanding wireless communication facilities, Wall-mounted and building-mounted antennae may be approved per Lee County Land Development Code Sec. 34-1441 et. Seq.

Business Services Groups I and II - Excluding bail bonding.

Cleaning and Maintenance Services.

Clothing Stores, General

Clubs: Commercial, Fraternal, Membership Organization, Private - Does not include consumption on premises indoors or outdoors.

Consumption on Premises - See Condition #13.

Contractors and Builders, Group I only (offices and indoor storage facilities, excludes any fabrication work or outdoor storage, other than parking of cars).

Cultural Facilities.

Day Care, Child, Adult.

Department Store

Drive Through Facility for Any Permitted Use.

Drugstore, Pharmacy.

Entrance Gates and Gatehouse.

EMS, Fire or Sheriff's Station.

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 - Not including Group II (freezer and locker meat provisioner).

Funeral Home and Mortuary - Without Crematory.

Gift and Souvenir Shop.

Health Care Facilities, Group III.

Hobby, Toy and Game Shops - No outdoor storage or display.

Hospice, Limited to lots 5 and 6. Limited to 50 beds.

Household and Office Furnishings, Groups I and II. Excluding Group III (hot tub and spas, swimming pools, prefabricated). No outdoor storage or display.

Insurance Companies

Lawn and Garden Supply Stores - No outdoor display or storage.

Library

Maintenance Facility, Government

Medical Office

Motion Picture Production Studio

Nonstore Retailers, All Groups.
Casino-style games are prohibited.

Paint, Glass and Wallpaper - No outdoor display or storage.

Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary.

Personal Services, Groups I, II, III, IV - excluding Massage Parlors, Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card Readers, Tattoo Parlors.

Pet Services - no outdoor runs, completely enclosed facilities.

Pet Shop - no outdoor runs, completely enclosed facilities.

Place of Worship

Plant Nursery

Post Office

Printing and Publishing

Real Estate Sales Office

Recreation, Facilities, Commercial. Group I, Group III, Group IV -
Casino-style games are prohibited.

Recreation Facilities, Personal, Private On Site, Private Off Site.

Religious Facilities

Rental or Leasing Establishments, Groups I, II and III. Excluding Recreation Vehicles and Utility Trailers.
Repair Shops, Groups I and II.
Research and Development Laboratories, Groups II and IV.
Restaurant, Fast Food - No stand alone fast food. No drive through for this use. Fast food permitted within a multi-occupancy building only.
Restaurants, Groups I, II, III, IV
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use only.
Schools: Commercial, Noncommercial
Signs per Chapter 30 Lee County Land Development Code
Social Services, Groups I and II
Specialty Retail Shops, All Groups. Excluding Ammunition, Firearms, Hunters Equipment.
Studios
Temporary uses - limited to construction trailers, real estate sales offices.
Transportation Services, Group II (Automobile). No Group III (Bus).
Used Merchandise Stores, Groups I and II only. - excluding pawnshops.
No Group III (Automotive) and No Group IV (Building Materials)
Warehouse, Miniwarehouse, Private, Public - limited to 10,000 square feet of floor area for the entire CPD.
Wholesale Establishments, Groups I and III. Indoor establishments only. No open storage, display or Group IV wholesale establishments.

Resident 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 per Chapter 30 Lee County Land Development Code
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

Resident Planned Development:
Assisted Living Facility (ALF)/Continuing Care
Facility(CCF)/Independent Living Unit (ILU)

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

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)

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 Land
Development Code (LDC) Sec. 34-1174 et. seq. and Lee County Land
Development Code Sec. 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 Land Development Code (LDC) Sec. 34-2174(a) and
Sec. 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Residential Planned Development:
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

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 Land Development Code (LDC) Sec. 34-1174 et. seq. and Lee County Land Development Code Sec. 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 Land Development Code (LDC) Sec. 34-2174(a) and Sec. 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Residential Planned Development :
Townhouse

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

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 Land Development Code (LDC) Sec. 34-1174 et. seq. and Lee County Land Development Code Sec. 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 Land Development Code (LDC) Sec. 34-2174(a) and Sec. 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Commercial Planned Development :
Commercial 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	15 feet
Water body	20 feet

Accessory uses and setbacks must comply with the Land Development Code (LDC) Sec. 34-1174 et. seq. and Lee County Land Development Code Sec. 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 Land Development Code (LDC) Sec. 34-2174(a) and Sec. 34-935(e)(4)

Maximum Lot Coverage	60 percent
Maximum Height	45 feet

3. **CONCURRENCY**

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in Lee County Land Development Code Chapter 2 and the Lee County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local Development Order.

4. **TRAFFIC**

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 Lee County Land Development Code may be required to obtain a local Development Order.

5. **LEE COUNTY COMPREHENSIVE PLAN**

Approval of this rezoning does not guarantee local Development Order approval. Future Development Order approvals must satisfy the requirements of the Lee County Comprehensive 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 (for commercial uses), as well as all other Lee County Comprehensive Plan provisions.

6. **NO BLASTING**

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. **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 and within the CPD

D. Real estate sales within the residential area will be limited to the sale of lots or units within the development only. Real estate sales in the CPD area are not limited.

E. Hours of operation for model homes and real estate sales in the residential area are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m. Real estate sales in the commercial area (CPD) are not limited.

F. No dry models are permitted.

8. **WATER AND SEWER**

Development of this project must connect to both public water and public sewer. At time of local Development Order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development as proposed in the Development Order submittal.

9. **ACCESSORY USES**

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

10. **SIDEWALKS**

Development must include internal sidewalks, as a site-related improvement. Such facilities must be included in local Development Orders as part of construction of the project's infrastructure.

11. **SOLID WASTE/RECYCLING**

As part of any local Development Order approval for vertical development, the developer must include facilities in compliance with Lee County Land Development Code Section 10-261 and Solid Waste Ordinance # 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local Development Order application.

12. **CASINO-STYLE GAMES**

Casino-style games are prohibited in both the RPD and the CPD.

13. **CONSUMPTION ON PREMISES**

A. Consumption on Premises is limited to indoor seating in conjunction with a Groups II or III Restaurant with a 4-COP-SRX and/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 CPD and/or 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 (square footage, number of seats, proposed hours, distance to Lakes Park, outdoor entertainment, etcetera) consistent with the requirements of the Land Development Code.

14. **HURRICANE SHELTER**

An on-site hurricane shelter must be provided as part of any ALF, CCF, and/or ILU development on the subject property 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 Lee County Land Development Code:

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.

15. **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, 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 the Lee County Department of Emergency Management.

C. The developer will coordinate with the Division of Public Safety of the Lee County Emergency Management Department in determining and participating in a means to lessen its adverse impacts on the County's hurricane preparedness process and public safety and it will comply with the Hurricane Shelter Ordinance.

16. FEMA FLOODWAY AREA

No fill within the FEMA floodway areas will be allowed. 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 any future plan change involves a fill/encroachment to the floodway, the Applicant must submit and get approval of either a Letter of Map Revision (LOMR) or No-Rise Certification from appropriate agencies.

17. 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.

18. OPEN SPACE

Prior to local Development Order approval, the Development Order plans must delineate a minimum 12.99 acres of open space in compliance with the approved MCP Open Space Table.

19. INDIGENOUS PRESERVATION

Prior to local Development Order approval, Development Order plans must depict preservation in substantial compliance with the approved MCP to include:

- a minimum 1.19 acres existing pine-mesic oak upland (minimum 1.6 acres with credits taken); and
- a minimum 0.09 acre existing marsh wetland; and
- a minimum 0.67 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.

Prior to local Development Order approval, landscape plans must depict the indigenous creation/restoration areas to be planted per the approved Indigenous Restoration Plan

Prior to local Development Order approval, an Indigenous Management Plan for the indigenous preservation and creation/restoration areas meeting the requirements of Lee County Land Development Code Section 10- 415(b)(4) must be submitted for of Environmental Sciences Staff review.

Prior to local Development Order approval, Development Order plans must depict a minimum 20-foot building and accessory structure setback to indigenous preservation and creation/restoration areas.

20. PROTECTED SPECIES

Prior to local Development Order approval, American alligator and listed wading bird species management plans meeting the requirements of Lee County Land Development Code Section 10-474 must be submitted for review and approval by the Division of Environmental Sciences Staff. The management plans must include information for residents on the importance of the littoral areas and adjacent preserves for providing nesting and forging habitat. In addition, the Development Order plans must depict the appropriate locations and details of signage that identify alligators may be present and inform it is dangerous and illegal to feed or harass alligators.

21. INDIGENOUS RESTORATION PLAN

Prior to final adoption of a zoning resolution the Indigenous Restoration Plan (**Exhibit C hereto**) be revised for consistency with the approved MCP.

22. DELETED AT THE PUBLIC HEARING

23. BUFFER CONDITIONS

Prior to local Development Order approval, landscape plans must depict buffers provided in substantial compliance with the approved Master Concept Plan and Landscape Exhibit (**Exhibit D hereto**) and to also provide:

- 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
- If parking areas are proposed adjacent to the RPD north 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
- Required Type F buffer vegetation to be measured from the final grade of the on-site adjacent parking lot and/or roadway, if the buffer is abutting proposed parking area and/or roadway; and
- 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 than additional trees may be required; and
- Required Type F buffer trees and palms must not be pruned to reduce height or canopy spread.

24. LAKES PARK/WILDLIFE PROTECTION

Prior to local Development Order approval, Development Order plans must depict:

- Lighting of pedestrian and parking areas for any permitted use 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
- 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 must not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park and within CPD lots 6 and 7 if located between commercial buildings and the east property line abutting the off-site County owned preserve; and
- Mercury vapor lamps/lights are prohibited.

Prior to local Development Order approval, development plans for buildings within the RPD/CPD must be reviewed by ES staff for the utilization of window and/or architectural treatments to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window and/or 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/or door panels on the northern building facades facing Lakes Park within the RPD parcel and on the eastern building facades facing the offsite County owned preserve within the CPD parcel lots 6 and 7.

B. DEVIATION:

Deviation 1* requests relief from Lee County Land Development Code (LDC) Section 10-285(a) Table 1, which requires a 660-foot connection separation on an arterial road, to allow 628 feet of separation on Gladiolus Drive. This Hearing Examiner recommend **APPROVAL** of this request.

*This deviation and with the same access point was previously approved in the Gladiolus RPD, in Lee County Board of County Commissioners' Resolution Z-04-43. In an abundance of caution, the Hearing Examiner recommends its approval as part of this rezoning request.

IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone a 32.54-acre parcel, currently zoned as a Residential Planned Development (RPD), to a Residential Planned Development and Commercial Planned Development (RPD/CPD). The property is on the north side of Gladiolus Drive, between

Summerlin Road and Six Mile Cypress Parkway. This site is in the Urban Future Land Use Category¹ and the South Fort Myers Planning Community.²

North of the property is Lakes Park, a regional park. That 279-acre Park is a former rock quarry, with lakes that cover 158 acres of the park property. Northwest of the Applicant's property are the Reflection Key Condominiums, a multi-family housing and commercial complex in Residential Planned Development/Commercial Planned Development Zoning Districts (RPD/CPD). Access to that project is from Summerlin Boulevard.

East of the subject property is preservation land, owned by Lee County, the Fenway Fun Center, a miniature golf course, (approved by special permit), and vacant Commercial Planned Development (CPD). The Fenway Family Fun Center at Lakes Park CPD includes recreational facilities, restaurant and other uses. It is next to the entrance to Lakes Park on Gladiolus Drive.

South of the Applicant's property is Gladiolus Drive, a six-lane arterial road, across from that right-of-way are several parcels containing the Victoria Cove Condominiums, a vacant parcel (AG-2) and a Commercial Planned Development (CPD) containing medical offices. Also south of Gladiolus, is the Phoenix 90 CPD which was approved for low-intensity uses, such as commercial offices.

Finally, west of the subject site is vacant agriculturally zoned land, then Hendry Creek, and further west residential single-family uses on large lots.

The Applicant's Master Concept Plan is a 1-page document, stamped "Received, February 16, 2010, Community Development," and is attached as **Exhibit B**. The Plan depicts access

¹ **Lee County Comprehensive Plan Policy 1.1.3:**

The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre).

² **Lee County Comprehensive Plan Vision Statement:**

South Fort Myers - This Community is located in the center of Lee County. South of the City of Fort Myers, east of the Caloosahatchee River, west of the Six Mile Cypress Slough, and north of Gladiolus Drive. This community primarily has the higher intensity land use categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. This community contains one of the county's major hospitals, a baseball spring training facility, and the local community college. This community will be nearly built out by the year 2020. The South Fort Myers Community will continue to be a core area of the county providing office area for professional services in areas such as financial and medical. There will also be an increased amount of commercial activity along the US 41 corridor and light industrial uses will continue to expand along the Metro Avenue corridor north of Daniels Parkway. The amounts of commercial and industrial uses in this community are expected to double and most of the suitable land for these uses will be developed by 2030.

The residential areas of this community will also continue to develop through the year 2030 however the popularity of the residential opportunities to the south in the San Carlos/Estero and Bonita communities will continue to dominate this segment of the market.

from two points on Gladiolus Drive, the location of commercial development, and conceptual building areas for the residential development. It also reflects the buffers, lake, parking, internal roads, and wetland and indigenous preserve areas. On the north is a pedestrian access point to Lakes Park. There is a 10.79-acre commercial development, on the south of the property. Building details are shown as "Typicals," as are service area details. The 21.75 acre residential portion has conceptual locations for three buildings, which could either be assisted living or other multi-family products. Development regulations depicted on the Master Concept Plan, further dictate setbacks, buffers, and other elements to address substantive issues with the development.

The proposed Residential Planned Development is for multi-family complex, on 21.75 acres, with either assisted living or multi-family housing. The maximum number of multi-family dwelling units proposed is 190, resulting in a density of 8.73 units per acre. Alternatively, the Applicant proposes a maximum of 300 independent living units (ILU), plus a maximum of 160 assisted living facility/continuing care facility units (ALF/CCF), this is the equivalent of 190 standard dwelling units, pursuant to the Lee County Land Development Code (LDC). Assisted Living Facility/Continuing Care Facility units are calculated at a 4:1 equivalency ratio, while Independent Living Units are calculated at a 2:1 equivalency ratio.

Additionally, the Applicant also proposes a Commercial Planned Development (CPD), on the remaining 10.79 acre tract. This will contain a maximum of 100,000 square feet of commercial floor area, of which 25,000 square feet may be commercial retail. The maximum building height, for any use, is 45 feet.

This site is in the Coastal High Hazard Zone. It is also within a "Tropical Storm" storm surge area. The Lee County Land Development Code, at Section 2-485(b)(5), requires assisted living and continuing care facilities to provide a hurricane shelter for the residents their facilities. Staff and this Hearing Examiner have recommended conditions, for such a shelter, consistent with this requirement and consistent with protecting public safety.

The property is served by Lee County Utilities for both potable water and sanitary sewer service, and the Applicant will be required to connect to such services. The site is served by the South Trail Fire District, and of course, the Lee County Sheriff's Department..

The property was rezoned to a Commercial Planned Development and the Gladiolus Residential Planned Development in 2004. This permitted 275 multi-family dwelling units on 32.54+/- acres of land, or a density of 8.45 units per acre. The maximum building height approved was 3 stories/45 feet. A later Administrative Amendment was approved in 2007, to change the configuration of the buildings, limited height for some buildings, and provided for back-out parking. The prior commercial and residential planned developments will become null and void, with the approval of this application..

Issues with development of this property include compatibility with Lakes Park, buffering, the commercial schedule of uses, environmentally-sensitive lands, public safety issues with assisted living in the Coastal High Hazard Zone, and potential traffic issues on Gladiolus Drive. Staff recommends approval, with conditions which adequately address the issues identified.

The County Staff raised concerns regarding the potential impact of commercial uses near Lake Park. The Land Development Code requires a 15-foot Type "B" buffer for residential uses adjacent to an active park. The Applicant proposes a 30-foot Type "F" buffer with

enhancements. Staff is satisfied that the buffer and enhancements help address compatibility issues between uses and reduce the impacts of development on this property.

Staff and the Applicant agree that an assisted living facility will have a minimal impact on the park, and is a compatible use with Lakes Park. Multi-family is also a compatible use, but will have more impact on the park. The property currently has zoning for multi-family uses, and a condition is provided to address pedestrian access. Uses such as parks and residential development should have pedestrian interconnections.

The commercial portion of the property is approximately 500 feet from the park and 1,500 feet from the main entrance, to the east. Staff is supportive of office, business and retail uses which improve the mix of uses on Gladiolus Drive. The Applicant and Staff took a cautious approach in agreeing to the commercial uses, contained in the conditions hereto. They actively consulted with the Department of Parks and Recreation and the Department of Public Works staff for input on the schedule of uses, as well as other conditions. The proposed height (45 feet) is consistent with surrounding zoning and current zoning of the property. The proposed setbacks (75 feet for buildings of 45 feet in height and 100 feet for parking areas for multi-family uses) provide an additional measure of protection and physical separation from the park. Concerns with compatibility with Lakes Park have been adequately addressed. As conditioned, the proposed development is compatible with surrounding uses and zoning.

The Division of Development Services reviewed the Applicant's request and analyzed the Applicant's Traffic Impact Statement. They determined the proposed rezoning would generate a total of 517 new trips, in the PM peak hour (204 entering/313 exiting). This correlates to approximately 6,076 new trips over the course of a 24-hour period. The result is that Gladiolus Drive will operate at Level of Service "C" in 2014 (year of buildout) whether or not the project traffic is added to the roadways.

The Division of Environmental Sciences Staff also reviewed the application. They recommend conditions to address open space requirements, indigenous preservation, protected species, including alligators and wading birds, and buffers. They also included recommendations, provided by Lee County Parks and Recreation, to address concerns to environmental resources found in Lakes Park. All of those conditions have been incorporated by the Hearing Examiner in this recommendation.

Tony Palermo, Senior Planner, with the Department of Community Development evaluated this development based on 10 commonly accepted principles of Smart Growth, as follows:

Mix land uses. The proposed development of both commercial and residential uses is not true mixed use, but does add to the richness and variety of uses in the neighborhood and supporting the regional park. As is, only residential development is allowed. This request adds an assisted living option, as well as a mix of retail and office uses - with interconnections and pedestrian access. This request furthers and promotes this principle.

Take advantage of compact building design. The design of this development provides for an efficient use of land. The multi-story development makes sense to develop vertically rather than horizontally. Enhanced buffers and preserve areas, above and beyond the Lee County Land Development Code

requirements, require an efficient use of land. This request furthers and promotes this principle.

Create a range of housing opportunities and choices. The request does not provide for affordable housing. It does, however, add to the mix of housing choices by adding an assisted living option. This request furthers and promotes this principle.

Create walkable neighborhoods. The property provides an excellent opportunity to interconnect with a regional park, and utilizes existing sidewalks on Gladiolus Drive. Internal sidewalks will also provide for more walkability. This request furthers and promotes this principle.

Foster distinctive, attractive communities with a strong sense of place. Development of an assisted living facility, multi-family or commercial development will be per the Lee County Land Development Code and the conditions of this zoning resolution. Attractive landscaping and preserves are provided. The schedule of uses, as conditioned, is appropriate for this location and keeps in mind its location next to a regional park. This request furthers and promotes this principle.

Preserve open space, farmland, natural beauty, and critical environmental areas. Open space and environmental areas, such as wetlands and flow ways, are addressed by this development and protected. The nearby park is also protected by buffering, adequate setbacks and other conditions. This request furthers and promotes this principle.

Strengthen and direct development towards existing communities. This is infill development on an arterial road in proximity to a mix of commercial and residential land uses. As such, this request furthers and promotes this principle.

Provide a variety of transportation choices. Pedestrians and bike riders have access to the property via sidewalks on Gladiolus Drive. Lee Tran routes do not serve this road frontage, but are nearby on Route 50, 140, and 130. There are internal sidewalks proposed between uses and a pedestrian interconnection with the regional park. This request furthers and promotes this principle.

Make development decisions predictable, fair, and cost effective. Staff recommends approval with conditions, consistent with prior approvals for commercial and residential development nearby. The property currently has zoning for residential uses. Staff has identified issues and shared their concerns with the applicant consistently throughout the process. As such, this request promotes this principle.

Encourage community and stakeholder collaboration in development decisions. This development is within the South Fort Myers Planning Community. There are no Lee County Comprehensive Plan or Land Development Code requirements to meet with the community, although such meetings are encouraged with staff. Notice will be provided to

surrounding property owners, per Lee County Land Development Code requirements. The applicant has reached out to the Parks and Recreation and Public Works Department to try to address issues regarding Lakes Park and the development's potential impacts. This request furthers and promotes this principle.

The community in which the property is located is heavily settled, with access to all urban services. The density requested is under the maximum allowed, without bonus density, in the Central Urban Future Land Use Category. No bonus density is proposed. This rezoning request is consistent with Lee County Comprehensive Plan Policy 1.1.3. See Footnote 1.

The proposed development tries to incorporate preservation of existing wetlands to the maximum extent possible. One wetland is proposed to be impacted. Conditions are recommended to address wetland issues, as well as FEMA floodway issues. The proposed rezoning is consistent with Policy 1.5.1 of the Lee County Comprehensive Plan.³

The property is currently a Residential Planned Development (RPD) and in-fact an infill development, where development and infrastructure already exist. The site has access to water and sewer service, EMS, fire, police protection and other public facilities. It is compatible with surrounding uses, including a regional park and residential uses. This proposed rezoning is consistent with Objective 2.1 and Objective 2.2, Policies.,2.2.1, of the Lee County Comprehensive Plan.⁴

³ **Lee County Comprehensive Plan Policy 1.5.1:**

Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.

⁴ **Lee County Comprehensive Plan Objective 2.1:**

DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

Lee County Comprehensive Plan Objective 2.2:

DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in FS 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrence Management Ordinance.

Lee County Comprehensive Plan Policy 2.2.1:

Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

Lee County Comprehensive Plan Policy 4.1.1:

Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.

The proposed development is in close proximity to retail, office, parks and schools. It is adjacent to a regional park. It is close to bus routes. There are sidewalks on Gladiolus Drive, and interconnection to the park. The site is next to a preserve area, flow way, and regional park. Intensive office, retail, and residential uses are relatively nearby the property. The master concept plan includes adequate buffering, with conditions, to address nearby uses. The rezoning request is consistent with Lee County Comprehensive Plan Policies 5.1.2, 5.1.3, 5.1.5, 5.1.6 and 5.1.7.⁵

Staff has evaluated access issues traffic issues, and the applicant's Traffic Impact Statement. Staff has also evaluated the applicant's master concept plan and proposed buffering. As conditioned, traffic impacts are addressed adequately. As conditioned, buffering is adequate to protect surrounding uses, including Lakes Park. The property is in proximity to residential uses as well. Staff has some concerns about some of the more intensive commercial uses proposed and their impact on the surrounding area. As conditioned, there will be no deleterious impacts on surrounding uses (also see

Lee County Comprehensive Plan Policy 4.1.2:

Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development.

⁵ **Lee County Comprehensive Plan Policy 5.1.2:**

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

Lee County Comprehensive Plan Policy 5.1.3:

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

Lee County Comprehensive Plan Policy 5.1.5:

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

Lee County Comprehensive Plan Policy 5.1.6:

Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design.

Lee County Comprehensive Plan Policy 5.1.7:

Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space.

compatibility analysis below). The rezoning is consistent with Lee County Comprehensive Plan Policies 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.1.6 and 6.1.7 as conditioned.⁶

The property has access to potable water and sanitary sewer service, and the utility has the capacity to serve the proposed uses. This rezoning is consistent with Standards 11.1 and 11.2 of the Lee County Comprehensive Plan.⁷

⁶ **Lee County Comprehensive Plan Policy 6.1.1:**

All applications for commercial development will be reviewed and evaluated as to: Traffic and access impacts (rezoning and development orders); Landscaping and detailed site planning (development orders); Screening and buffering (planned development rezoning and development orders) Availability and adequacy of services and facilities (rezoning and development orders); Impact on adjacent land uses and surrounding neighborhoods (rezoning); Proximity to other similar centers (rezoning); and Environmental considerations (rezoning and development orders).

Lee County Comprehensive Plan Policy 6.1.2:

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

Lee County Comprehensive Plan Policy 6.1.3:

Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to: provide visual harmony and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and provide necessary services and facilities where they are inadequate to serve the proposed use.

Lee County Comprehensive Plan Policy 6.1.4:

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

Lee County Comprehensive Plan Policy 6.1.6:

The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

Lee County Comprehensive Plan Policy 6.1.7:

Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

⁷ **Lee County Comprehensive Plan Standard 11.1:**

WATER. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross loadable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, FAC.).

Lee County Comprehensive Plan Standard 11.2:

SEWER. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

The commercial portion of the project is at the entrance to Gladiolus Drive and the residential units are internal to the development. The development is designed to have traffic travel from higher intensity to lower intensity. This is consistent with Lee County Comprehensive Plan Policy 39.1.4.⁸

This Hearing Examiner also find that the Applicant's request is consistent with Goals 77, 107, 94, 105, 107, 110; and 114 Objectives 77.3, 105.1, 107.4, and 114.1; and Policies 77.3.4, 84.1.1, 107.2, 2, 107.1.4, 107.2.8, 107.2.10, 107.3.1, 107.4.3, 107.4.4, 105.1.5, 110.1.4, 114.1.1, 114.1.2, 135.9.5 and 135.9.6 of the Lee County Comprehensive Plan.⁹

⁸ **Lee County Comprehensive Plan Policy 39.1.4:**

Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided.

⁹ **Lee County Comprehensive Plan Goal 77:**

DEVELOPMENT DESIGN REQUIREMENTS. To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

Lee County Comprehensive Plan Goal 84:

REGIONAL PARKS. To preserve a portion of the county's natural environment to augment that which is set aside by the state of Florida and the federal government, in order to preserve natural habitats, protect the water supply, and preserve the natural heritage; and to make these natural resources available to the general public for resource-based recreational activities, enjoyment of nature, and educational enrichment.

Lee County Comprehensive Plan Goal 105:

PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS. To protect human life and developed property from natural disasters. (See also Goal 110.)

Lee County Comprehensive Plan Goal 107:

RESOURCE PROTECTION. To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

Lee County Comprehensive Plan Goal 110:

HAZARD MITIGATION. To provide through county plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes. (See also Goal 105.)

Lee County Comprehensive Plan Goal 114:

Wetlands. To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

Lee County Comprehensive Plan Objective 77.3:

New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process.

Lee County Comprehensive Plan Objective 105.1:

DEVELOPMENT IN COASTAL HIGH HAZARD AREAS. Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that

meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction.

Lee County Comprehensive Plan Objective 107.4:

ENDANGERED AND THREATENED SPECIES IN GENERAL. Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

Lee County Comprehensive Plan Objective 114.1:

The natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan. "Wetlands" include all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211.

Lee County Comprehensive Plan Policy 77.3.4:

The county encourages new developments to incorporate large, contiguous open space areas in the development design.

Lee County Comprehensive Plan Policy 84.1.1:

Regional parks will be resource-based facilities which preserve natural amenities. Lee County will avoid locating incompatible uses in regional parks

Lee County Comprehensive Plan Policy 107.2.2

Continue to provide regulations and incentives to prevent incompatible development in and around environmentally sensitive lands (as defined in Policy 107.1.1.4.b.).

Lee County Comprehensive Plan Policy 107.1.1.4.b.

Environmentally sensitive lands will include wetlands (as defined in Objective 114.1) important plant communities (as identified by Objective 107.2); critical habitat for listed wildlife species (see also Objective 107.8 and Policies 107.4.1, 107.4.2, 107.10.4, and 107.11.2); environmentally sensitive coastal planning areas (as defined in Policy 113.1.5); natural waterways; important water resources (as defined in Policy 117.1.1); storm and flood hazard areas; and Rare and Unique uplands (as defined in Objective 104.1).

Lee County Comprehensive Plan Policy 107.2.8:

Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, and public acquisition.

Lee County Comprehensive Plan Policy 107.2.10:

Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

Lee County Comprehensive Plan Policy 107.3.1:

Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

Lee County Comprehensive Plan Policy 107.4.3:

Require detailed inventories and assessments of the impacts of development where it threatens habitat of endangered and threatened species and species of special concern.

The Planning Community Year 2030 Allocations authorize 3,140 acres in the Central Urban Future Land Use Category for residential uses, and 2,781 acres have been assigned. Therefore, 359 remaining for residential uses in that future land use category. *The Planning Community Year 2030 Allocations* also indicate that 2,100 acres for South Fort Myers have been allocated for commercial uses. Currently, 1,462 acres of commercial uses have been

Lee County Comprehensive Plan Policy 107.4.4:

Restrict the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided.

Lee County Comprehensive Plan Policy 105.1.5:

Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services.

Lee County Comprehensive Plan Policy 110.1.4:

All new residential development of more than 100 units will be required to formulate an emergency hurricane preparedness plan; this plan is subject to the approval of the Lee County Division of Public Safety.

Lee County Comprehensive Plan Policy 114.1.1:

Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan, and except that owners of wetlands adjacent to Intensive Development, Central Urban, Urban Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnotes 8(b) and 8(c) of Table 1(a), Summary of Residential Densities.

Lee County Comprehensive Plan Policy 114.1.2:

The county's wetlands protection regulations will be consistent with the following: 1. In accordance with F.S.163.3184(6)(c), the county will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption. 2. No development in wetlands regulated by the State of Florida will be permitted by Lee County without the appropriate state agency permit or authorization. 3. Lee County will incorporate the terms and conditions of state permits into county permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures. 4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards. 5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies.

Lee County Comprehensive Plan Policy 135.9.5:

New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character.

Lee County Comprehensive Plan Policy 135.9.6:

Lee County will administer the planning, zoning, and development review process in such a manner that proposed land uses acceptably minimize adverse drainage, environmental, spatial, traffic, noise, and glare impacts, as specified in county development regulations, upon adjacent residential properties, while maximizing aesthetic qualities.

assigned in this community, leaving 638 acres as available. The request is therefore consistent with Policy 1.7.6 of the Lee County Comprehensive Plan.¹⁰

The undersigned Hearing Examiner finds that the requested rezoning, and deviation, meets the criteria necessary for approval, including consistency with the Lee County Comprehensive Plan and Lee County Land Development Code. The new zoning district is compatible with neighboring properties. Consequently, this Hearing Examiner recommends approval of rezoning the subject parcel to a Residential Planned Development/Commercial Planned Development (RPD/CPD), subject to the conditions and deviations set forth herein. In compliance with Section 3.1 of Lee County Administrative Code AC-2-6, the undersigned Hearing Examiner conducted a site visit to the subject real property prior to issuing this recommendation.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

- A. As conditioned, the applicant has proven entitlement to the Rezoning to RPD/CPD by demonstrating compliance with the Lee County Comprehensive Plan, the Lee County Land Development Code, and other applicable codes and regulations.
- B. The requested zoning, as conditioned:
 - 1) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - 2) is consistent with the densities, intensities and general uses set forth in the Lee County Comprehensive Plan.
 - 3) is compatible with existing or planned uses in the surrounding area; and
 - 4) will not adversely affect environmentally critical areas or natural resources.
- C. As conditioned, approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
- D. Urban services, as defined in the Lee Comprehensive Plan, are, available and adequate to serve the proposed land use, as conditioned.
- E. The proposed mix of uses is appropriate at the subject location, as conditioned.

¹⁰ Lee County Comprehensive Plan Policy 1.7.6:

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

- F. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
- G. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- H. The deviation requested, as conditioned:
 - 1. enhances the planned development; and
 - 2. preserves and promotes the general intent of the Lee County Land Development Code to protect the public health, safety and welfare.

VI. LIST OF EXHIBITS:

STAFF'S EXHIBITS

- 1 Aerial Photograph, depicting the subject property and surrounding area, with overlay, dated 2008, prepared by Lee County DCD, mapped February 2010 (color) [22" x 35"]
- 2 Two Aerial Photographs, depicting the subject property and surrounding area, with overlay, dated 2008, prepared by Lee County DCD, Printed January 2010 {one page} (color) [8.5" x 11"] {Composite}
- 3 Three photographs, depicting the subject property and Lakes Park, dated January 7, 2010 {three pages} (color) [8.5" x 11"] {Composite}
- 4 Trip Generation Comparison (Approved DCI vs. Proposed DCI) {one page} [8.5" x 11"]

Résumés of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

APPLICANT'S EXHIBITS

- 1 Power Point Presentation - CD; and hard copy {74 pages} (color) [8.5" x 11"] [Composite]
- 2 Revised Condition 24, regarding Lakes Park/ Wildlife Protection (one page) [8.5" x 11"]
- 3 Letter of Transmittal (one page) [8.5" x 11"]; and landscape exhibit - replacement page for Attachment "D" to the Staff Report/same as page 71 of PowerPoint Exhibit, prepared by Banks Engineering, Project Manger: Paul J. Klens, RLA, dated March 9, 2010 {one page} (color) [11" x 17"] [post hearing submittal] (Composite)

Résumés of Applicant's consultants are on file with the Hearing Examiner's Office and are incorporated herein.

VII. PRESENTATION SUMMARY:

The Hearing Examiner introduced the case for the record. As there were no members of the public present, no comments were made by the Chief Assistant County Attorney at that time.

The Hearing Examiner asked those with cell phones or pagers to turn them off so that the proceedings would not be interrupted.

He explained that since Florida law required that everything said in the hearing must be under oath, he would be placing them under oath en masse, which he did at that time. Then he asked them to please state their names, addresses, and indicate whether or not they had taken an oath when they came forward to testify.

Next, Charles Basinait, with Henderson Franklin Starnes & Holt, P.A., introduced himself for the record. He represented the Applicant, Beck Group of Fort Myers, LLC. He pointed out that Stacy Hewitt, a planner with Banks Engineering, David Underhill, an engineer with Banks Engineering, Ted Treesh, of TR Transportation Consultants, Craig Smith, with W. Dexter Bender and Associates, Inc., and Paul Klens, a landscape architect, were present along with him.

He planned to have Stacy Hewitt, Craig Smith, and Paul Klens testify. He explained that David Underhill and Ted Treesh were also available to answer specific questions if they arose. The presentation would be via PowerPoint presentation, with a hard copy and disc copy provided for the Hearing Examiner and the Court Reporter. It was noted that Staff was provided with only a hard copy. He offered the PowerPoint hard copy and disc copy as Applicant's Exhibit 1. After hearing no objection, it was accepted as such.

Mr. Basinait explained that their request was to rezone the subject property from Residential Planned Development to a combination Residential Planned Development/ Commercial Planned Development (RPD/CPD). The subject property was 32.54 acres in size.

They were requesting authorization to construct a maximum of 190 Multi-Family dwelling units on 21.75 acres of the site. He explained that it may be a combination of Multi-Family units, Adult Living Facility (ALF) units, a Continuing Care Facility (CCF), or Independent Living Units (ILU), so long as the equivalent of 190 Multi-Family dwelling units was not exceeded.

He pointed out that it should be noted that the equivalency factor for density purposes for an ALF was equal to four units per each single Multi-Family unit and two ILUs or CCF units, for each single Multi-Family unit.

They were also requesting up to a maximum of 100,000 square feet of Commercial use, of which up to 25,000 square feet, on the remaining 10.79 acres, may be Retail/Commercial.

The Commercial was located and fronted on Gladiolus Drive, while the Residential portion of it fronted on Lakes Park and certain portions of the east and west side of the site. Mr. Basinait indicated the property was located on the north side of Gladiolus Drive, west of

U.S. 41, and south of Lakes Regional Park. They had the opportunity to review the Staff Report and recommendation, with conditions.

He explained that they obviously agreed with Staff's recommendation of approval and they did not object to any of the conditions. However, they were requesting a modification to Condition 24, consistent with the 24-Hour letter furnished to the Hearing Examiner's Office on Tuesday of that week. At that point, he submitted a copy of that revised Condition 24 and asked that it be accepted as Applicant's Exhibit 2. After hearing no objection, it was accepted as such. Mr. Basinait asked that the record reflect that he had given a copy to the Court Reporter and to the County Staff.

After speaking with Tony Palermo, the zoning person for Lee County, it was Mr. Basinait's understanding that the County had reviewed Condition 24. Suzanne Derheimer had also reviewed it, and the County did not have any objections to the revisions as the Hearing Examiner would note, in Applicant's Exhibit 2.

He also requested that Condition 22 be deleted. He explained that there was an email from Ms. Derheimer to Ms. Hewitt, dated, March 16, 2010, which indicated Condition 22 could be deleted. He had a copy of that email to submit for the record if the Hearing Examiner wanted him to submit it. However, he suspected Ms. Derheimer would confirm his request without the necessity of submitting that email, because of an illustration they had submitted. He indicated that during the course of the hearing he would offer that illustration, which depicted the buffer area for the record.

The illustration included the species and sizes of the vegetation that were going to be used. It showed everything one would need to see in order to figure out what that buffer was going to look like. To their knowledge, there were no other issues with respect to conditions in this matter. He reiterated that they had reviewed the conditions and they didn't object to them. They obviously agreed with Staff's recommendation of approval.

Next, Mr. Basinait referred to the one deviation in the case. The deviation was previously accepted under the old zoning on the case. They were asking for it to be renewed. Staff was recommending approval of that particular deviation.

He indicated Ms. Hewitt would be going into it in more detail. There was an RPD that was approved previously on this particular piece of property for 275 Multi-Family units. According to Mr. Basinait that RPD was currently in existence, but the site was never developed as such.

Mr. Basinait explained that he would be calling upon Stacy Hewitt, a land use planner with Banks Engineering, to describe the request in more detail. Then he would be calling upon Craig Smith, an environmental expert with W. Dexter Bender and Associates, Inc., to speak. He would also be calling upon Paul Klens, a landscape architect, to talk particularly about the buffer line and the north side of the site that separated this project from Lakes Park. They were available to answer questions for the Hearing Examiner.

At that point, Mr. Basinait asked Ms. Hewitt to state her name, address, and occupation for the record. Stacy Hewitt, gave her address with Banks Engineering, which was 10511 Six Mile Cypress Parkway, Fort Myers, Florida 33966. She was the Director of Planning at Banks Engineering. Mr. Basinait asked if she had testified previously in this forum. She

answered that she had. He asked if she had been accepted as an expert in land use planning. She answered that she had.

At that point, Mr. Basinait offered Stacy Hewitt as an expert in land use planning for the purposes of this matter. After hearing no objection, she was declared to be an expert in land use planning. The Hearing Examiner asked if she had taken an oath. Ms. Hewitt indicated she was under oath.

Ms. Hewitt referred to the Location Map in the PowerPoint presentation. The site was located south of Lakes Park, west of U.S. 41, and east of Summerlin Road. The aerial photograph of the subject property showed its location relative to Lakes Park and the adjacent facilities.

The future land use in the area immediately on the site was Central Urban, as were the surrounding properties. To the west of the site there were Central Urban and Wetland land use designations. On the east was the Conservation Uplands designation, with Public Facilities to the north, and Central Urban and Suburban, south of Gladiolus Drive.

She referred to a larger view that showed Intensive Development close to the site and Suburban Community. The subject property was currently zoned RPD. To the north was zoned Community Facilities (CF-2). To the East, property was zoned Agricultural (AG-2), and CPD for the Fenway Family Fun CPD [sic - Fenway Family Fun Center at Lakes Park CPD]. She also pointed out AG-2 zoning, with an existing Castle Mini-golf facility. The County property was also zoned AG-2. To the west there were AG-2 zoned properties. To the south there were Residential Multi-Family (RM-6), AG-2, and also CPD zoning categories.

Next, she referred to the current entitlements on the subject property. It had RPD zoning for 275 Multi-Family dwelling units, which was approved by the Board of County Commissioners (BOCC) on August 30, 2004, in Zoning Resolution Z-04-043. In 2006, there was an Administrative Amendment to that zoning, which reconfigured some of the pods and also allowed for some carports for the multi-family dwelling units.

There was an existing South Florida Water Management District Environmental Resource Permit. A local Development Order was approved on May 4, 2007, and a Concurrency Certificate in conjunction with that Development Order, was also approved May 4, 2007.

Next, Ms. Hewitt referred to the Master Concept Plan (MCP), which was originally approved by the BOCC. On that MCP, there was no native preservation required. There was no wetland preservation required. The Federal Emergency Management Agency (FEMA) Flow way, which could be seen on the current proposed MCP was not in existence at that time.

She referred to the Administrative Amendment MCP that was approved and showed the reconfiguration of the pods. She explained that at that point, there was no native preservation required and there was limited wetland preservation of a minor wetland that was shown in a certain location. There was no restoration proposed, but there was an avoidance of impact in that wetland. There was no FEMA Flow way on the site at that time.

The existing South Florida Water Management District (SFWMD) Permit was permitted to impact all of the on-site wetlands. The current Development Order on the property was approved for 270 Multi-Family dwelling units. However, the zoning did allow for 275. There

was no indigenous preservation and there was also no enhanced buffer to Lakes Park, to the north.

Next, she referred to the Development Order site plan, which showed the wetland that was being impacted and the wetland that was being avoided. There was no native preservation that was required on the site, no FEMA Flow way, and limited wetland preservation.

She explained that the RPD portion of the request was for 21.75 acres, for a maximum of 190 dwelling units, which could be multi-family units, ALF equivalent, CCF equivalent, or ILU equivalent, or any combination of these uses, as long as it did not exceed the equivalent of 190 dwelling units.

The CPD portion of the request was for 10.79 acres, with a maximum height of 45 feet. The Commercial would include up to 25,000 square feet of retail, with an overall total for Commercial of 100,000 square feet. Medical Office and General Office uses were also included in the request.

Continuing, Ms. Hewitt explained that the original request that was submitted was for 125,000 square feet of Commercial, with a maximum of 60,000 square feet allowed for Retail. Mr. Basinait wanted clarification of what she meant when she said "original." She confirmed that she was referring to the original request for this particular case and not to the original zoning.

Ms. Hewitt explained that they had since revised the request and reduced it to a maximum of 100,000 square feet of Commercial, of which, a maximum of 25,000 can be Retail. Next, she referred to the proposed MCP shown in the PowerPoint presentation. She pointed out the accesses, which were off of Gladiolus Parkway [sic - Gladiolus Drive], noting they were actually currently constructed.

The CPD area was the portion to the south. The RPD ran in an "L-shape" on the property to the north and to the west. There were two wetlands that were being preserved and there was some upland buffering being proposed around those, as well as an indigenous preservation area, and some restoration areas. The environmentalists would be going into more detail about those.

To the north there was a proposed enhanced 30-foot buffer that the landscape architect would describe in more detail. She pointed out that the MCP currently showed the layout with the parking behind it. They had worked diligently with Staff to come up with some setback requirements in the conditions. They had come up with a required setback of 75 feet for buildings if they were a maximum of 45 feet in height, 50 feet for buildings if they were a maximum of 35 feet in height, and 40 feet for buildings if they were a maximum of 25 feet in height.

Another concern they had discussed with Staff and addressed with a condition, was that if the Multi-family units were developed on the site, there would be a concern with the parking areas being located adjacent to Lakes Park. They had also added another condition in the property development regulations that any common parking area may not be located closer than 100 feet to the property line for Lakes Park. She explained that condition would not apply if there were Residential units between the common parking lot and Lakes Park. Those were additional conditions that the Applicant had agreed to.

Mr. Basinait queried whether the parking lot setback only applied if multi-family units were constructed. She indicated that was correct. He also wanted her to indicate where the Flow way was located on that proposed MCP. Ms. Hewitt indicated it was located in the northwest corner of the site. The Applicant agreed not to put any fill into the Flow way area. There was a condition as such, in the Staff Report.

Mr. Basinait noted that for review, the differences between the proposed MCP and the original (current) MCP, which was approved previously, is that there was a Flow way in the proposed MCP and an indigenous area with buffer areas around the indigenous. Ms. Hewitt confirmed that was the case.

Next he wanted to know about the buffer area next to the preserve. She explained it was the County's off-site upland preserve. The Applicant was proposing to do some restoration and also extend that buffer along the property line. Within that buffer there was also indigenous restoration proposed. He wanted to know if one of the two wetland areas on the west side of the site was new in the proposed MCP. She indicated that the northern wetland was proposed to be impacted before and now it was going to be preserved to the maximum extent possible. Mr. Basinait noted there were buffer areas around those two preserves also. She confirmed that.

Next, Ms. Hewitt referred to the Lee County Comprehensive Plan Considerations and Policy 1.1.3 regarding the Central Urban areas. She explained that the proposed project was in compliance, as the proposed density was consistent with the standard density range. It included Commercial square footage, but they had also substantially reduced the Residential, compared to the current approvals. The proposed uses were consistent with Policy 1.1.3.

She referred to Objective 2.1 regarding compact and contiguous growth patterns, Objective 2.2, directing new growth to those portions of the Future Urban areas where adequate public facilities exist, and Policy 2.2.1, which indicated rezonings would be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities; and compatibility with the surrounding land uses.

She explained that it was particularly important in this area, because it was infill development, as Staff agreed in their Staff Report on page 23. It was close to the existing services and existing communities. There were adequate public facilities existing in the area. It had direct access to an arterial roadway that connected to U.S. 41 and Summerlin Road, which were also arterials.

Ms. Hewitt noted that it did promote compact and contiguous growth patterns with the existing development in the area.

Policy 4.1.1, regarded the natural features of the site and minimizing expansion and construction of street and utility improvements. The project was in compliance, as it was functionally related to the natural features on the proposed MCP maintaining the FEMA Flow way, the wetland preservation, and the indigenous preservation they had added to the request. It minimized the expansion and construction of improvements, because the adequate facilities currently existed.

Policy 5.1.2 addressed the hazards in the area. They were in compliance with that Policy, as they were reducing the density that was currently approved by a minimum of 85 dwelling

units. The ALF, CCF, and ILUs, required on-site hurricane shelter. They were on the edge of the Coastal High Hazard Area (CHHA) and they were located on Gladiolus Drive, which was on the evacuation route. They had adequate roadway capacity and the FEMA Flow way was being maintained.

Policy 5.1.3 addressed the density near employment and shopping centers, parks and schools, and mass transit and bicycle facilities. It was in compliance, as it was near employment. There were Retail, Medical Office, and Office uses in the area. It was directly adjacent to Lakes Park, a regional park, with a proposed connection point. It was close to schools (public, private, and Christian).

In regards to transit, it was in relative proximity to Lee Tran Routes 50, 130, and 140. It was also on the 2020 Financially Feasible Transit Network Map. There were existing bicycle facilities on Gladiolus Drive. Those sidewalks on Gladiolus Drive also connected to bicycle facilities mapped for U.S. 41 and Summerlin Road. The site was also proposing internal sidewalks that would bring a connection to Lakes Park.

Next, Ms. Hewitt referred to Policy 6.1.2, Commercial Site Location Standards, and noted they were located on an arterial and Oasis Cove Boulevard. The proposed access point to the east was proposed to be constructed to Lee County Standards for a Local Road. With that construction, there was qualification for Minor Commercial at each corner of that intersection, which was where they arrived at the original request for this application for 60,000 square feet of Retail. They had since reduced that to 25,000 square feet.

In accordance with Policy 6.1.6, they were providing adequate and appropriate landscaping, open space, and buffering. There would be an enhanced buffer along Lakes Park, which the landscape architect would describe in greater detail. There would also be additional indigenous preservation, the additional wetland preservation, and the FEMA Flow way.

She referred to Standard 11.1, regarding water and noted that Lee County Utilities had indicated in the submitted Letter of Availability that there was sufficient capacity for the proposed development. They also had a Letter of Availability showing sufficient capacity for what was proposed in regard to Standard 11.2, regarding sewer.

Next, she referred to Standard 11.3 - Traffic. She explained that Gladiolus Drive would operate at a Level of Service (LOS) "C," with or without the project in 2014. There were several roadway projects around the area that had also increased the flow of traffic in the area. That consisted of the Summerlin Road Fly-over, Summerlin Road six-laning, and the widening of Gladiolus Drive (six-laning west of Summerlin Road), which they were currently working on.

In reference to Objective 77.3, regarding preserving existing vegetation, they had enhanced buffering along Lakes Park, additional indigenous preserve, additional wetland preserve, and a FEMA Flow way, which showed consistency with that Policy.

Ms. Hewitt noted that Mr. Basinait had referred to a previously approved deviation in regard to the connection separation on the arterial road, which allowed a 628-foot separation. Those access points were currently constructed.

Next, she referenced compatibility. Lakes Park was located to the north. The request placed Residential uses adjacent to a regional park and it proposed an interconnect. The

enhanced buffering and setback provisions also improved compatibility with Lakes Park.

The proposed Commercial area was a minimum of 550 feet from the park. To the northwest was Reflection Key Condominiums. It was an RPD/CPD with access off Summerlin Road. Seven units per acre were approved. Higher density on the subject property that was previously deemed compatible with the area, remained compatible. The Residential density was relatively the same as was currently approved.

To the west there was vacant land, Hendry Creek, and a large lot - Single-Family Residential area. The proposal maintained the FEMA Flow way area, preserved more wetlands also along that area, and created indigenous uplands to buffer the wetlands. The buffering provided on the west side also exceeded the Lee County Land Development Code minimum requirements. To the south was Gladiolus Drive, which was a six-laned arterial roadway with sidewalks. They were proposing a Type "D" buffer, which was consistent with Planned Developments in the area.

Victoria Cove Condominiums were located South of Gladiolus Drive. There was also, some vacant land, and some Commercial uses. The internal sidewalks connected Gladiolus Drive to provide further connectivity for the community. To the east was County Preservation Land and some Commercial property. The request provided indigenous restoration in the Type "F" buffer adjacent to the County Preserve, as well as the additional upland preservation on-site for the indigenous area that was also abutting the County Preserve. The requested uses were consistent with Commercial uses already permitted within the area.

Ms. Hewitt pointed out that the request was consistent with Goal 105, regarding the CHHA. Staff agreed that the requested density was appropriate for the subject property. It was less than the maximum density that was allowed in the Central Urban land use category. She further explained that 10 units per acre were allowed with a maximum of 15 units per acre, if Bonus Density was requested in that land use category.

The request reduced the currently permitted Residential units from 275 dwelling units that could be constructed to 190 dwelling units. It was located on an evacuation route that had sufficient capacity. It was compatible with the existing uses in the area. Urban services were available. Several requests had been approved in the CHHA for higher densities and bonus densities.

The ALF and CCF Hurricane Mitigation had been recently adopted into the Code as a requirement and was included in a condition in the Staff Report. It required an on-site shelter that reduced the evacuation and shelter impacts by the proposed development. It exceeded the protection provided by County shelters that were in existence today. It would be required to be elevated to a storm surge from a Category "5" storm.

It would be constructed to withstand 200 mile-per-hour winds and it would have minimum exterior glass. Any glass would have impact protected glazed openings. It would be required to have emergency power and water supplies for up to five days, first aid medical equipment, and adequate ventilation, and sanitary facilities.

Mr. Basinait wanted to know if it was fair to say that while the subject property was located in the CHHA, it was located on the eastern extreme of the CHHA. She indicated that was correct. She also pointed out that when she mentioned that others had been approved in

the area, the CHHA was also reviewed with the availability of public services and the availability of roads. This site exceeded requirements in that area.

Lee County LDC Section 34-411 contained the design standards for planned developments. They were consistent with the provisions of the Lee County Comprehensive Plan. It would be designed and constructed in accordance with all applicable County Codes together with the approved deviation. It was compatible with existing uses. It was intended for the proposed listed uses and it was adequate size to accommodate structures and exceed open space requirements.

At that point, she wanted to mention a couple of things about the Schedule of Uses. They had worked very diligently with Staff to review them with Parks and Recreation and with Zoning Staff, to come up with a list of uses that they had all been in agreement with. There had been some conditions added to the Schedule of Uses, which helped Staff feel more comfortable, as it was adjacent to Lakes Park.

There were restaurants allowed on the site in the proposed Schedule of Uses and Consumption on Premises was limited to just restaurants and only indoors. If any outdoor seating was proposed, it would have to come through the public hearing process again, as either a Special Exception or an Amendment to this planned development.

There was access to Gladiolus Drive, a six-laned arterial, with sufficient capacity. The proposal would not create hazards to persons or property. There was a slight portion of the property in Archeological Sensitivity Zone 2, to the south of the property, but there were no known sites on the property.

Open space and preserve areas were utilized to produce an architecturally integrated human environment, and it was compatible with the adjacent uses. It would not have negative impact on the surrounding land and land uses as they had demonstrated with the proposed buffering and preservation areas. It was compatible with the surrounding development. It would be separate and mutually protected by the lakes, the roadways, and the preservation areas proposed on site, and the buffering from the different land uses.

The design promoted pedestrian activity and community interaction, as there were proposed sidewalks within the development that linked the RPD to the CPD and also to Lakes Park. There were no conflicting uses within the development and the concentration of intensity was varied throughout the site. Sufficient parking would be provided. Joint parking was not proposed and internal consistency would be encouraged.

Next, Ms. Hewitt referred to Lee County Land Development Code 34-145(c)(2)a. and e. and 34-145(d)3, the guidelines for decision making. The changing conditions in the area were the road improvements that they had discussed earlier and also the increasing demand for the ALF, CCF, and ILU uses.

It was consistent with the goals, objectives, policies, and intent of the Lee County Comprehensive Plan. They had proven entitlement to the rezoning, as it was compliant with the Lee County Comprehensive Plan and the Lee County Land Development Code. Performance and locational standards set forth for the uses would be met or exceeded. It was consistent with the densities, intensities, and general uses in the Lee County Comprehensive Plan. It was compatible with the existing and planned uses in the surrounding area. It would not place an undue burden upon existing transportation or

planned infrastructure facilities, as indicated in the LOS "C" and "B" and there were adequate facilities from Lee County Utilities.

It would preserve indigenous on-site. The proposed list of uses was appropriate at this location. The recommended conditions provided sufficient safeguards to the public interest and those recommended conditions were reasonably related to the impacts on the public's interest.

The deviation that was previously approved and was requested to be carried over, enhanced the achievement of the objectives of the planned development and preserved and promoted the general intent of the Lee County Land Development Code to protect public health, safety, and welfare. Urban services were available and adequate to serve the uses, as previously discussed.

Ms. Hewitt indicated she wanted to address some of the Smart Growth principles that were incorporated with the site. She referred to the mix of land uses and noted that currently only Multi-family uses were approved on the site. This request furthered the mix of uses by allowing opportunity for the ALF, CCF, and ILUs, as well as the Commercial component, which added to the Mixed Use nature of the community. The compact building design was demonstrated by the preservation on site of the existing indigenous areas and also using vertical versus horizontal development with multiple stories being proposed.

It created a range of housing opportunities and choices by furthering senior housing available on the site. It created a walkable neighborhood, as the internal sidewalks connected to the sidewalks on Gladiolus Drive and went throughout the development, connecting the RPD and the CPD. They also proposed an interconnect with Lakes Park to the north.

The enhanced landscaping and the preservation areas were provided and all development must comply with the design standards already contained in the Lee County Land Development Code. The Flow way was being maintained. The indigenous wetland and upland preserves were not required by the current approval, but it showed consistency with the Smart Growth Policy.

To strengthen and direct development toward existing communities, the development was urban infill and the request expanded the opportunities for development in the area to take place with existing development and services already in place. It provided a variety of transportation choices. Gladiolus Drive Sidewalks were located on the Bicycle Facilities map. It connected to U.S. 41 and Summerlin Road and also added a new connection to Lakes Park.

It was on the 2020 Financially Feasible Transit Network map and near routes 50, 140, and 130. In regard to making development decisions predictable, fair, and cost effective, the Staff and the Applicant had diligently worked together regarding any concerns that arose.

Ms. Hewitt referred to the next point: "Encourage community and stakeholder collaboration in development decisions." She explained that although they were not located in a planning community that required the public informational sessions, they had worked diligently with Parks and Recreation and the Public Works Department, and the Notice of the Public Hearing had been provided to the surrounding area.

At that point, Mr. Basinait asked Ms. Hewitt to go to slide number 68 in the PowerPoint presentation. He wanted to talk about the building heights and setbacks along the north side, which bordered Lakes Park. He wanted to know if it was accurate to say that in each instance, regardless of the heights of the buildings, there would be a 30-foot-wide landscape buffer. She indicated that was correct. So whether the buildings were 25, 35, or 45 feet tall, there would always be a minimum 30-foot-wide landscape buffer. She indicated that was correct.

He wanted to know in the case of a 25-foot-tall building, what the total building setback would be on the north side. She indicated it would be 40 feet. He noted that was made up of a 30-foot-wide buffer and a 10-foot additional setback. She indicated that was correct. He wanted to know if the building was 35 feet tall in that area, what the setback would be. She indicated it would be 50 feet, which included the 30-foot buffer, plus an additional 20 feet, to come up with the 50-foot building setback.

He wanted to know if the building was 45 feet tall what the setback would be. She indicated it would be 75 feet, which would include a 30-foot buffer and a 45-foot additional setback from that buffer.

Next, he asked her to refer to slide 65. He noted that she had previously mentioned that this was infill development. Based on her review of the aerial photograph, he wanted to know if it was fair to say that not only was there a large degree of development around Lakes Park, but the area they were talking about in general on the south side of Lakes Park, was primarily developed or being developed. She indicated that was correct.

Next, he asked her to go back to slide 64. Then he indicated that he had nothing further to address with this witness. There were no questions for Ms. Hewitt at that point.

Mr. Basinait called Craig Smith to the podium. He asked Mr. Smith to give his name, address, and occupation. Craig Smith introduced himself for the record. He worked as an ecologist for W. Dexter Bender and Associates, Inc., located at 4470 Camino Real Way, Suite 101, Fort Myers, Florida 33966. Mr. Basinait asked if he had testified previously before the Hearing Examiner as an ecological expert regarding Lee County regulations. He indicated he had. At that point Mr. Basinait tendered Mr. Smith as an expert in this field for purposes of this matter. After hearing no objection, he was declared to be an expert in the field indicated.

Mr. Basinait asked Mr. Smith if he was familiar with the project before him. He indicated he was. Then Mr. Basinait asked him to describe his involvement in this project. Mr. Smith explained that W. Dexter Bender and Associates, Inc., prepared the vegetation mapping, the List of Species Survey, and had worked with Banks Engineering and County Staff to come up with the Indigenous Management Plan for the site. Mr. Basinait asked him to go through his slides.

Mr. Smith indicated the aerial photograph was taken in 2008 and showed the location of the subject property just north of Gladiolus Drive and just south of Lakes Park. He pointed out that Lakes Park was bounded on most of its perimeter by fairly intensive existing development as well as major roadways. The southern and southeastern portions of Lakes Park were fairly intensely developed with recreational facilities, some of which could be seen on a panoramic photograph, which he referred to. He pointed out the approximate location that photograph was taken from while facing north.

He explained that Lakes Park had been an old limestone mine, which was donated to the County back in 1978. The majority of the 279-acre park was either open lake, which was the old pit that consisted of approximately 150 acres. Approximately 50 acres of fairly intense development was located along the south side.

Features of the park included pavilions, walking trails, boat rentals, concession stands, and a mini-train that provided rides. They held a number of events throughout the year, including summer camps and Halloween activities. They also had Christmas lights during that season.

Mr. Smith explained that given the uses on the park and the surrounding land uses, it would be fair to characterize Lakes Park as an active recreational park in an urban setting that was well utilized by the citizens of Lee County. The subject project shown on the 2008 aerial was dominated primarily by exotics, mostly Australian Pine and Melaleuca. There was approximately 1.6 acres of native vegetation, which consisted of two small freshwater marshes. He pointed out their locations. There was also a pine/oak area on the east property line. He also pointed out the location of a small borrow pit.

Mr. Smith explained that they had conducted a Listed Species Survey in July 2005. They didn't find any evidence of state or federally listed species using the site, which was not surprising, given the fact that it was a very poor habitat for wildlife in general and listed species in particular. However, with the presence of wetlands and borrow pits, there was always the chance for an opportunistic use of those areas by wading birds and alligators.

He noted that Ms. Hewitt had already gone through all of the previous approvals for the project, so he did not plan to go through that again. He pointed out that the 2004 zoning did not require any native vegetation preservation on site. The project evolved to the current proposal, which provided almost two acres of either preserves or restored native habitat.

The slide showed the locations of those features. The preserved indigenous was designated by light green hatch for a total of .09 acres of fresh water marsh and another area for a total of 1.9 acres [sic - 1.19 acres] of pine-mesic oak. As summarized in the Environmental Sciences (ES) memorandum, dated March 1, 2010, page 2 of 10, the site was required to provide 1.57 acres of indigenous preservation.

He explained that with the preservation of those three areas he had shown, and in taking into account the credits assigned for the width of the preserve and proximity to the County Preserve, they had actually provided 1.69 acres with those credits taken. Therefore, they met the indigenous requirements just with the preserves. However, they had added some additional upland restoration around the two wetlands, where they would be restoring native upland habitat.

In those areas they would be removing the exotics and planting the area with a mixture of Cabbage Palms, Slash Pines, and oaks, 12-foot on center; native shrubs five-foot on center; and native ground-cover species approximately three-foot on center. This would result in a total of 1.95 acres of either preserve or restored native habitats on site when the project was completed. That concluded his presentation. There were no questions for Mr. Smith.

Next, Mr. Basinait called upon Paul Klens. He asked him to give his name, address, and occupation. Mr. Klens introduced himself for the record. He was a Florida Registered Landscape Architect. His address was 727 Glendale Avenue, Naples, Florida 34110. Mr. Basinait asked if he had testified previously in this forum and as a landscape architect. He indicated he had. At that point, Mr. Basinait offered Mr. Klens as an expert in the field of landscape architecture for this matter. After hearing no objection, he was accepted as an expert in the field of landscape architecture.

Mr. Basinait wanted Mr. Klens to go through his slides and explain his involvement with the project. Mr. Klens began by pointing out the currently approved Type "F" buffer along the north property line that they had been referring to. It consisted of 10 canopy trees per 100 linear feet and 50 - 10-gallon shrubs installed at 48 inches and maintained at 60 inches.

He explained that in the currently approved buffer, only 10 feet of that 30-foot, Type "F" buffer, consisted of plantings. They were proposing to plant the entire 30 feet with a mix of canopy trees, palms, shrubs, and ground covers. He pointed out that they planned a row of hardwood canopy trees with staggered height palms in the middle and then they would plant another canopy species - Pigeon Plum. Pigeon Plum had been suggested by Staff. It was a very dense and relatively quick growing tree that was also relatively long-lived. He thought that it was a very good suggestion by Staff.

Under that there would be a double-staggered row of shrubs, set at the highest point in the buffer, and adjacent to that on the inside, as a further deterrent to foot traffic to the buffer, they were using native grasses in this exhibit, for this case, for ground cover. He pointed out the locations for the native grasses, the row of shrubs, the Pigeon Plum, the staggered palms, and the canopy trees. He explained there would be five canopy trees per 100 linear feet installed at 14 feet in height and a six-foot spread.

Mr. Klens indicated there would be seven mid-canopy trees (Pigeon Plums) per 100 linear feet installed at heights of 10 feet in height and a four-foot spread. There would be 20 Sabal palms per 100 linear feet that would range in height from 14 feet of clear trunk to 20 feet of clear trunk. There would be 50 - 10-gallon shrubs per 100 linear feet, to be installed at a minimum of 48 inches high. They chose a species to reach 60 inches (five feet) within a year. There would be 67 ground covers on the inside of the buffer.

He explained they would use 100 percent Florida native species (native to Lee County and Southwest Florida). They would all be water wise species, which meant that once the species were established, the irrigation could be pulled way back. They would all be pest resistant species, with relatively minor nutritional requirements. They were providing a variety of growth rates and screening in canopy, mid-story, and ground level, which far exceeded Code requirements.

He noted that the 14 to 20-foot clear trunk cabbage palms would provide them with immediate height. The height was varied to maximize vertical screening. He explained that the heads of those palms should break out in a year or less and provide them with screening at the high level. The double hedge to be installed at 48-inch minimum height, would be five feet tall and completely opaque within one year. They would be using the fast-growing Pigeon Plums installed at 10 feet initial height that would fill in the midstory and provide full opacity in three to five years.

There would be live oaks along Lakes Park on the very north side of that buffer, with 14-inch initial height. They would provide long term buffer height and dense screening. He described them as very long lived plants.

Next, he referred to the way the screening would work. He pointed out the example showing a six-foot-tall individual located 50 feet inside Lakes Park, with the canopy of the Sabal palms in the middle obscuring that individual's vision. He also pointed out the sight line on the exhibit, which in the depiction was going over the top of a 45-foot-high building with a 45-foot setback. The example showed that not much could be seen there either.

Mr. Basinait noted he referred to a 45-foot setback. He wanted to know if it was correct to say that it was a 45-foot setback plus the 30-foot-wide buffer area. Mr. Klens confirmed that was correct. It was 45 feet from the buffer, plus the 30 feet, for a total setback of 75 feet. Mr. Basinait wanted to know if 45 feet was the highest structure that could be built on the site. Mr. Klens confirmed that.

Mr. Klens pointed out that in all of the three examples shown with different building types, the buffer remained the same. He described a scenario with the building setback 20 feet from the buffer and the 30 feet, for a total setback of 50 feet. He pointed out it was the same visual situation. Mr. Basinait asked how tall the building was in one of the examples. Mr. Klens indicated it was 35 feet tall. Mr. Basinait asked what the total setback in that situation would be. Mr. Klens indicated it would be 50 feet.

The last example depicted a total setback of 40 feet. There would be a 30-foot Type "F" buffer and a 10-foot building setback from the buffer. He reiterated that the buffer situation remained unchanged. They were doing the same density with the same number of plantings. The depictions showed that for the "six-foot-observer" located 50 feet inside the park and that the sight line went well over the structure. Mr. Basinait wanted to know how tall the structure was in that particular scenario. Mr. Klens indicated the building was 25 feet in height. That concluded Mr. Klens presentation. There were no questions for Mr. Klens at that time.

Mr. Basinait referred to slide 71 of the PowerPoint exhibit and indicated that it replaced the current Exhibit D. Although, they did not have copies available at that time, they could offer them to the Hearing Examiner and to County Staff before the end of business that day. For clarification, Mr. Basinait confirmed for Ms. Collins that it would replace the current Exhibit D.

Ms. Collins wanted know which condition that was referenced in. Ms. Hewitt and Mr. Basinait indicated it was referenced in Condition 22. However, it was Ms. Collins understanding that Condition 22 would be deleted. Ms. Hewitt and Mr. Basinait indicated that it would be deleted.

Mr. Basinait thought that perhaps Condition 22 should be replaced with new language, which said that "the landscape buffer on the north side of the property will be consistent with the attached landscape exhibit Attachment 'D'." Ms. Collins wanted to know if he would be submitting that to the Hearing Examiner post hearing. He indicated they could do that.

Mr. Basinait believed Suzanne Derheimer had something to add at that point. Ms. Derheimer explained that Condition 23 actually referenced the landscape exhibit. Mr. Basinait explained that they should incorporate either "Exhibit D" or "Attachment D" in there.

Ms. Derheimer indicated it was listed in the overall Staff Report in Section V., Attachments, D., Landscape Exhibit, on page 32 of 32 of the Staff Report.

Mr. Basinait suggested that in Condition 23 of the Staff Report in the third line after the word "Exhibit," the following should be added in parentheses: "(Attachment D)." At that point, Ms. Collins confirmed that the replacement Exhibit D would be provided to the Hearing Examiner post hearing. Mr. Basinait indicated that was correct. It would be provided by the end of business that day. The Hearing Examiner noted that it would be page 71 of the PowerPoint exhibit.

Mr. Basinait indicated they had completed their presentation. He had closing remarks to make at the appropriate time, relative to some past zonings that had been approved in the CHHA and a few other matters. He indicated he could wait until after the County made its presentation.

Tony Palermo introduced himself for the record at that time. He was a Senior Planner with the Department of Community Development. He wished to be recognized as an expert in planning, zoning, and land use. After hearing no objection, he was declared to be an expert in planning, zoning, and land use.

Mr. Palermo indicated Ms. Hewitt had done an excellent job presenting the facts and analysis of the case. He planned to put his own analysis of the case on the record to show Staff's point of view.

He explained that it was an application to rezone an RPD to an RPD/CPD. Staff had received very few phone calls regarding the case. The number of letters of interest for the case was also very low. He noted interest by the Department of Parks and Recreation regarding Lakes Park, which he planned to discuss further.

Staff recommended approval of the rezoning with conditions. He noted that the Hearing Examiner had received the 24-hour letter from the Applicant. Mr. Palermo indicated it was accurate to describe that they were in agreement with all of the conditions and the suggested modification of one of the conditions. They supported the changes that were just talked about, in terms of the landscape buffering. He believed it turned out to be an easy case.

He wanted to personally thank Ms. Hewitt, Mr. Basinait, and Mr. Underhill, who worked diligently with Staff on this particular project. He added that although it was not an easy piece of property or an easy case, it had turned out to be an easy case.

He also wanted to thank Mike Pavese with the Department of Public Works, and Barbara Manzo, with Parks and Recreation. They had also put in a lot of time and effort on this case. Although there were some relevant issues and other issues, he thought they had worked them all out.

He mentioned that there were three steps to his presentation. The first step was the introduction of a few exhibits. The next step was addressing the facts and analysis of Staff's point of view, the consistency with the Lee County Comprehensive Plan compatibility with the surrounding land uses, and the concurrency issues as well as their Smart Growth criteria. The last step would be to place his concluding thoughts on the record.

First, he addressed the exhibits, which consisted of two packages. The first exhibit was a large and small aerial photograph, and the second exhibit was three photographs taken by him when he conducted his site visit. The first photograph was the site as seen from Gladiolus Drive. The second photograph was taken when he entered the property and discovered a bicycle in the middle of the woods. The third photograph was of Lakes Park, which they were very interested in protecting, and they believe that the Applicant has done an excellent job in terms of protecting the valuable resource.

The Hearing Examiner wanted to know if anyone had any objections to the introduction of these items into evidence. Hearing none, he entered the large aerial photograph into the record as Staff's Exhibit 1, the two aerial photographs contained on one 8.5" x 11" sheet of paper as Staff's Composite Exhibit 2, and the three photographs as Staff's Composite Exhibit 3.

Mr. Palermo mentioned that Staff received the subject application on February 9, 2009, and found it sufficient on January 22, 2010. This application was currently the Gladiolus Residential Planned Development as previously mentioned by the Applicant, and that was zoning resolution Z-04-043. It was indeed in the Central Urban future land use category although there was a small portion of the property that was in the Wetlands future land use category.

The current land use was vacant. There was no land use on the property. It was located on Gladiolus Drive, which was a six-lane arterial road. The property was served by Lee County Utilities for the water and sewer services. It was in the South Fort Myers Planning Community and north of the property was Lakes Park.

The Applicant was now proposing a new mix of uses, which include office and commercial uses and a mix of residential uses, which may be Assisted Living Facilities (ALF) product or Multi-Family product. The Applicant was proposing 8.7 units per acre on the residential portion of the project. This was consistent with the current zoning, which was 8.45 units per acre.

The Applicant was correct when mentioning that the commercial element has been significantly reduced throughout the process of reviewing this application, and they were now requesting 100,000 square feet of commercial uses and 25,000 square feet of retail uses. The proposed height was 45 feet, which was consistent with the current zoning regulations. It was in the Coastal High Hazard Zone, and it was also in the Tropical Storm Surge Zone, as was the case with the existing Residential Planned Development.

There were four issues, but he believes that the Applicant has done an excellent job in addressing them. The first issue was the compatibility to Lakes Park in terms of the buffers, the uses, and the pedestrian access. The second issue was the safety and security of the residents in the assisted living facility due to the property being in the high hazard area. The third issue was the traffic on Gladiolus Drive, and the fourth issue was the protection of the natural environment because of the existing wetlands on the site. There was also a conservation piece of property next to the subject property.

He wanted to address the conditions. He began with Condition 2 and noted that this condition limits the schedule of commercial uses in particular. Condition 12 prohibits casinos and gambling type uses, which was consistent with the zoning regulations. Condition 13 limits the consumption on premises in terms of where it may take place, for

example, in an indoor restaurant setting. If consumption on premises is desired outdoors, the Applicant would have to obtain approval through the public hearing process.

Next, he mentioned that Conditions 14 and 15 were also relevant because these conditions address the coastal high hazard issue. For example, Condition 14 addresses the hurricane shelter, and Condition 15 addresses the hurricane plans. He then wanted to inform the Hearing Examiner where these conditions came from because they were similar in nature to what was in the current, new portion of the Land Development Code.

He explained that these conditions were consistent with the Winkler 10 Residential Planned Development that was also in the Coastal High Hazard area. Some of these conditions were very similar to this previously approved case, and when these conditions were not part of the Land Development Code during that case, Staff worked closely with John Wilson of the Public Safety Division. Mr. Wilson has seen these conditions and had no objections in terms of meeting these conditions and being consistent with the Land Development Code, when it comes to aloft facilities in the Coastal High Hazard area. Therefore, these conditions are entirely acceptable to Staff.

Mr. Palermo wanted to distribute a copy of the Land Development Code, Section 2-485 that included the conditions regarding public safety. These conditions were relevant to this case and the proposed development would have to adhere to when obtaining their Development Order. At this point, the Hearing Examiner took judicial notice of Section 2-485 of the Lee County Land Development Code for the record.

Mr. Palermo noted that Condition 17 addresses the pedestrian access to the park, which the Applicant has included in their plans. He also noted that having a pedestrian access to the park was an asset. The Parks and Recreation Department agrees with the access and have included a condition that was satisfactory to Staff.

At this time, the Hearing Examiner wanted to know if it was the Applicant's obligation to lock the access gate as required in Condition 17. It was. Mr. Palermo continued his presentation by saying that Staff agrees with the Applicant in terms of consistency with the Lee County Comprehensive Plan and as indicated in their analysis on page of the Staff Report. The subject property was in the Central Urban future land use category.

The request was consistent with Policy 6.12 regarding the commercial site location standards, as the Applicant was proposing less than 30,000 square feet of minor commercial development. It was also consistent with Goal 84 in terms of protecting the regional part to the north, and Goal 105 regarding the Coastal High Hazard area. For that reason, Staff has included some conditions that include a shelter and a plan consistent with the Winkler Residential Plan Development.

Continuing, he stated that the request was also consistent with Goal 107 regarding the protection of the wetlands, therefore, an Environmental Staff person was present today to provide the Hearing Examiner with information regarding the subject case. Staff also agrees with the Applicant in terms of compatibility, and again, their analysis was on page 27. However, the major issue with compatibility was Staff's concern with Lakes Park. The Applicant has done a good job with the proposed enhanced buffer, and the height of the buildings was consistent with zoning and the surrounding uses.

Staff also agrees with the Applicant in terms of the Smart Growth Analysis, which may be found in page 30 of the Staff Report. He then wanted to note several points. The first point he wanted to express was that this request does indeed improve the mix of uses. The second point was that this project was an infill development. The third point was that this project provides more housing choice by providing the assisting living option. The fourth point was that the project encourages walking accessibility particularly to the Lakes Regional Park, and the fifth point was that the Applicant did include the Department of Parks and Recreation since their property was located in close proximity to the subject property and it would have an impact on this great county resource.

He mentioned that there were no concurrency issues. Lee County Utilities would be providing water and sewer to the proposed project, and a condition has been included to reflect this requirement. There are also no concurrency issues regarding traffic, and Mr. Rob Price, with Community Development, would address any issues regarding the Traffic Impact Study and the level of traffic on Gladiolus Drive.

Mr. Palermo wanted to conclude his presentation by saying that Staff was recommending approval. The proposed project was consistent with the Lee County Comprehensive Plan, as conditioned, and it was compatible with the park and other uses. Again, he mentioned that there were no concurrency issues. The project furthers smart growth and the zoning district of CPD and RPD. In conclusion, the proposed project was appropriate in its context. The Hearing Examiner wanted to know if Staff agrees that Condition 22 should be omitted, and if Staff agrees with the new Condition 24.. Mr. Palermo said yes.

Next, Suzanne Derheimer, with Environmental Science Division, introduced herself for the record. Her resume has been filed with the Hearing Examiner's office and wishes to be tendered as an expert witness in environmental planning for today's hearing. After hearing no objections from the Applicant's representative, she was accepted as such by the Hearing Examiner.

She began her presentation by saying she wanted to clarify what was presented by the Applicant in terms of Staff's considerations. In regard to Condition 22, she reviewed Slide 71 and it was consistent with what they agreed to prior to the hearing. Therefore, since it was consistent, Staff would agree to include Slide 71 and remove Condition 22.

She referred to the Applicant's 24 hour letter and the requested language change to Condition 24. Staff was in agreement with the language change to Condition 24, as submitted by the Applicant as Applicant's Exhibit 2.

Rob Price, with the Department of Community Development, introduced himself for the record. He wishes to be tendered as an expert witness in transportation, planning and traffic engineering for today's hearing. After hearing no objections from the Applicant's representative, he was accepted as such by the Hearing Examiner.

He began his presentation by saying that they have made a request to compare the current zoning on the site to what was being proposed from a traffic standpoint. He then referred to one of his exhibits and noted that there was an increase in traffic based on the proposed rezoning request, however, he wanted to point out that with the reduction from what was previously proposed, they feel comfortable that the abutting shrubs would have sufficient capacity, and there would not be any driveway issues.

The Hearing Examiner asked if anyone had any objections to the admission of the document entitled "Trip Generation Comparison." There were none, so the Hearing Examiner admitted the exhibit into the record as Staff's Exhibit 4. He then asked if anyone had any additional comments to make for the record.

Mr. Basinait reintroduced himself for the record and noted that it was his understanding that the level of service on Gladiolus Drive was a level of service C, both before and after the project. Mr. Price agreed. He then mentioned that it was also his understanding that there were no negative impacts or reduction in the level of service by virtue of this proposed project. Again, Mr. Price agreed.

Mr. Basinait noted that he was presuming that the level of service C would be a perfectly acceptable level of service in Lee County. Mr. Price also agreed with this statement. At this point, Mr. Palermo mentioned that Mr. Pavese, with the Department of Public Works, was in attendance.

Mike Pavese, with the Lee County Department of Public Works, introduced himself for the record and noted that he did not have anything to add, but he wanted to reiterate what Mr. Palermo previously stated in regards to Staff working with the Applicant on this request. He mentioned that they were comfortable with the conditions regarding the north property line as it relates to Lakes Park.

The Hearing Examiner asked if the Applicant's representative had any closing statements he may want to place into the record.

Mr. Basinait reintroduced himself for the record and stated that he wanted to reiterate the current versus the proposed rezoning request. He mentioned that there was a reduction in the number of units in the proposed request, although there was certainly an addition of the commercial square footage. There were also wetlands, buffer enhancements, and preservation areas that were being proposed under the current proposal versus the current approval.

Additionally, there were an indigenous area and buffers that were being preserved that were not in existence. There was also a Flow way area that was being preserved. A very enhanced buffer was being considered at Lakes Park because of the differences in the setbacks and the heights of the Buildings. The level of service was C before and after the project, and the property was located in the Coastal High Hazard area.

For the Hearing Examiner's identification, there have been a number of rezonings that have been granted for both maximum density, and in some cases, the bonus density has been granted in areas that were located in the Coastal High Hazard area. At this time, he wanted to go through some of these approved cases. He would also be submitted copies of resolutions and agreements for the record.

The first case was Club at Pine Ridge, which was located on Pine Ridge Road. This was a completed project in the RM-2 zoning designation. It was approved for high density under their Development Order plus bonus units. Ms. Collins was familiar with this project because they went through a couple of amendments to the bonus density contract, and it was sufficed to say that at the end of the day, there were still bonus density units allowed. He has a copy of the RM-2 zoning resolution and the two amendments to the bonus density contract.

The second case was zoning resolution Z-01-037, the Majestic Fountains RPD. This case was approved in November of 2001 to allow 430 units on 43.3 acres. This would represent 10 units per acres, and it was located in the Central Urban land use category. The third case was the Harbor Ridge RPD located on Pine Ridge Road. This project was approved in December of 2001 to allow 386 units on 38.6 acres. This would represent 10 units per acre in the Central Urban land use category.

The fourth case was Reflection Shores RPD located on Summerlin and Gladiolus, and it was approved to allow 296 units on 49.25, in the Suburban land use category. This represents six units per acre, which was a maximum density. The fifth case was the Heritage Isles RPD located on Pineridge Road. He believes that this case was approved in 2007 to allow 440 units on 44.24 acres. Again, this represented 10 units per acre and it was located in the Central Urban land use category.

The final case was Sunset Falls RPD located east of Pineridge and north of Summerlin. This case was approved to allow 608 units on 101.36 acres, and it was located in the Urban Community. All of these cases were within the Coastal High Hazard area in Lee County. He then recited the resolution numbers for all of these cases. He began with the Harbor Ridge case, which was resolution number Z-01-042, Reflection Shores was Z-01-050A, Heritage Isle RPD was Z-06-094, and the Sunset Falls RPD was Z-07-018.

At this time, he submitted the copies of the resolutions to the Hearing Examiner and asked for them to be entered into the record as Applicant's Exhibit 4. The Hearing Examiner believed it would be more appropriate if he took judicial notice of these documents numerated by the Applicant's attorney.

He concluded by saying that he did not have any further closing statement, but wanted to thank Staff and the County Attorney's Office for all of their assistance with this request. This was an interesting case and it was certainly a challenging one, but he believes that they have all worked very well together and has resulted in a positive result. The Hearing Examiner left the record open until close of business today or by 5:00 p.m., to allow the Applicant to submit a revised Attachment D, which was known as page 71 of the Applicant's power point presentation. However, he did not issue a written Order for this item, as it was submitted on the same date of this hearing. The hearing was then closed.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Paul Klens, Landscape Architect, 727 Glendale Avenue, Naples, Florida 34110
2. Craig Smith, c/o W. Dexter Bender & Associates, Inc., 4470 Camino Real Way, Suite 101, Fort Myers, Florida 33916
3. David R. Underhill, Jr. PE, c/o Banks Engineering, 10511 Six Mile Cypress Parkway, Suite 101, Fort Myers, Florida 33966

ADDITIONAL COUNTY STAFF:

1. Donna Marie Collins, Chief Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902

2. Suzanne Derheimer, Environmental Planner, Lee County Department of Community Development, Division of Environmental Sciences, P.O. Box 398, Fort Myers, Florida 33902
3. Michael P. Pavese, Principal Planner, Lee County Public Works Administration, P.O. Box 398, Fort Myers, Florida 33902
4. Robert Price, Senior Engineer, Lee County Department of Community Development, P.O. Box 398, Fort Myers, Florida 33902

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VII.):

For: NONE

Against: NONE

B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER RECOMMENDATION:

For: NONE

Against: NONE

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Lee County Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [Lee County Land Development Code Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the

unauthorized communication. [Lee County Land Development Code Section 34-52(b)(1)b.2.]; OR

A fine not exceeding \$500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [Lee County Land Development Code Section 1-5(c)]

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 4TH day of May, 2010. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

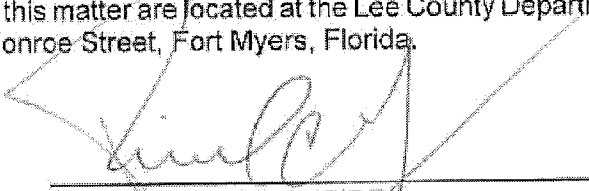
B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

C. The Board of County Commissioners will hold a hearing at which they will consider the record made before the Hearing Examiner. The Department of Community Development will send written notice to all hearing participants of the date of this hearing before the Board of County Commissioners. Only participants, or their representatives, will be allowed to address the Board. The content of all statements by persons addressing the Board shall be strictly limited to the correctness of Findings of Fact or Conclusions of Law contained in the recommendation, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the earlier hearing before the Hearing Examiner and not otherwise disclosed in the record.

D. The original file containing the original documents used in the hearing before the Hearing Examiner will be brought by the Staff to the hearing before the Board of County Commissioners. Any or all of the documents in the file are available on request at any time to any County Commissioner.

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

A verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.



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RECEIVED

DEC 18 2009

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN

COMMUNITY DEVELOPMENT

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(CPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET TO THE POINT OF BEGINNING; THENCE S.25°14'18"W. FOR 12.93 FEET; THENCE S.45°28'41"W. FOR 45.15 FEET; THENCE S.37°41'02"W. FOR 20.60 FEET; THENCE S.18°12'50"W. FOR 49.13 FEET; THENCE S.18°49'48"W. FOR 39.67 FEET; THENCE S.09°03'50"W. FOR 46.83 FEET; THENCE S.14°50'17"E. FOR 59.82 FEET; THENCE S.18°42'13"W. FOR 35.83 FEET; THENCE S.28°15'16"E. FOR 30.66 FEET; THENCE S.29°10'50"E. FOR 60.46 FEET; THENCE S.56°06'08"E. FOR 3.06 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,307.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.28°25'21"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,312.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.13°40'12"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°06'31" FOR 208.64 FEET; THENCE S.89°37'57"W. ALONG SAID RIGHT-OF-WAY LINE FOR 341.72 FEET; THENCE N.00°22'03"W. FOR 609.97 FEET; THENCE N.89°37'57"E. FOR 666.53 FEET; THENCE S.64°45'42"E. FOR 235.31 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

Applicant's Legal Checked
BY BJ 12-22-09


RICHARD M. RITZ,
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

SHEET 1 OF 2

S:\Jobs\1665-1620-SURVEY\Descriptions\1620_CPD_DES.CAD

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

EXHIBIT A

DCI 2009-00005



1"=200'

NORTHWEST CORNER
NORTHEAST QUARTER
NORTHWEST QUARTER
SECTION 35

INSTRUMENT
#2006000107425

INSTRUMENT
#2006000107425

WEST LINE OF NORTHEAST QUARTER, NORTHWEST QUARTER SECTION 35
N 01°04'20" W 1151.81'

INSTRUMENT
#2006000107425

INSTRUMENT
#2006000107425

FORMER L.D. CANAL "A"
NOT OPEN BY THE COUNTY
REG. 03-21-95, PG. 52

NORTH
RIGHT-OF-WAY LINE

RECEIVED
DEC 16 2009

COMMUNITY DEVELOPMENT

N 00°22'03" W 609.97'

GLADIOLUS DRIVE
(COUNTY ROAD 865)

O.R. 1761, P.C. 4481

NORTH LINE OF NORTHWEST QUARTER SECTION 35
N 88°56'00" E 1322.88'

N 89°37'57" E 666.53'

SUBJECT PARCEL
CPD PARCEL
10.79± ACRES

POINT OF COMMENCEMENT
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 35

EAST LINE NORTHWEST QUARTER SECTION 35
S 01°17'00" E 554.86'

O.P. 2018
P.C. 3105

Applicant's Legal Checked
By: G.S.G. 12-22-09

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24
EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS
DESCRIPTION.

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 25°14'18" W	12.93'	L12	S 18°12'50" W	49.13'
L2	N 77°09'08" W	20.52'	L13	S 09°03'50" W	46.83'
L3	N 57°54'34" W	24.44'	L14	S 14°50'17" E	59.82'
L4	S 70°39'04" W	29.95'	L15	S 18°42'13" W	35.83'
L5	S 35°51'18" W	28.90'	L16	S 29°10'50" E	60.46'
L6	S 10°52'34" E	27.03'	L17	S 28°15'16" E	30.66'
L7	S 09°24'38" W	38.83'	L18	S 56°06'08" E	3.06'
L8	S 25°14'18" W	27.38'			
L9	S 45°28'41" W	45.15'			
L10	S 37°41'02" W	20.60'			
L11	S 18°43'28" W	39.67'			

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

— THIS SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER

— PREPARED DECEMBER 16, 2009.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33909

(229) 939-0480
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

LEGEND
O.R. OFFICIAL RECORDS BOOK
D.B. DEED BOOK
P.C. PAGE
C1 CURVE 1 OF THE CURVE TABLE
L1 LINE 1 OF THE LINE TABLE

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1307.39'	13°46'42"	315.16'	314.40'	S 88°29'00" W
C2	1312.39'	03°06'31"	208.64'	208.42'	S 80°53'03" W

DOI 2009-00005

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

RECEIVED
DEC 18 2009

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

COMMUNITY DEVELOPMENT

(RPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

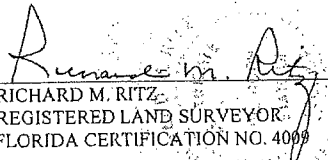
BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET; THENCE N.64°45'42" W FOR 235.31 FEET; THENCE S.89°37'57"W. FOR 666.53 FEET; THENCE S.00°22'03"E. FOR 609.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865); THENCE S.89°37'57"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 338.29 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE¼) OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE N.01°04'20"W. ALONG SAID WEST LINE FOR 1,151.81 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.88°56'00"E. ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW¼) FOR 1,322.88 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

Applicant's Legal Checked
by BG 12-22-09


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

SHEET 1 OF 2

S:\Mobile\620\SURVEY\Descriptions\1620_RPD_DFSC.doc

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

DCI 2009-00005



INSTRUMENT
#2006000107425

G.R. 1751, PG. 4481

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

1"=200'

NORTHWEST CORNER
NORTHEAST QUARTER
NORTHWEST QUARTER
SECTION 35

NORTH LINE OF NORTHWEST QUARTER SECTION 35
N 88°56'00" E 1322.89'

POINT OF BEGINNING
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 35

RECEIVED
DEC 18 2009

COMMUNITY DEVELOPMENT

SUBJECT PARCEL

RPD PARCEL
21.75± ACRES

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24
EAST AS BEARING N.01°10'59" W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.
SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS
DESCRIPTION.

Applicant's Legal Counsel
by *COJ* 12-22-09

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 77°09'08" W	20.52'
L2	N 57°54'34" W	24.44'
L3	S 70°39'04" W	29.95'
L4	S 35°51'19" W	28.90'
L5	S 16°52'34" E	27.03'
L6	S 09°24'39" W	38.83'
L7	S 25°14'18" W	27.38'

THIS IS NOT A SURVEY

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

— THIS SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER.

— PREPARED DECEMBER 16, 2009.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

10511 SIX MILE CYPRESS PARKWAY - SUITE 101

FORT MYERS, FLORIDA 33906

(509) 939-5480

FLORIDA SUBVSYSING BUSINESS CERTIFICATION NO. 6590

INSTRUMENT
#200600131703

WEST LINE OF NORTHEAST QUARTER NORTHWEST QUARTER SECTION 35
N 01°04'20" W 1151.61'

INSTRUMENT
#200600055752

INSTRUMENT
#2007000151759

FORMER L.O.D. CANAL "A"
(NOT PART OF IMPROVEMENT)
FILED IN B. 10, PG. 432
B. 10, PG. 432

338.29'

S 00°22'03" E 609.97'

S 89°37'57" W 666.53'

NORTH
RIGHT-OF-WAY LINE

GLADIOLUS DRIVE
(COUNTY ROAD 865)

LEGEND

O.R. OFFICIAL RECORDS BOOK
O.B. DEED BOOK
P.C. PAGE
L1 LINE 1 OF THE LINE TABLE

SHEET 2 OF 2

001 2009-00005

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

RECEIVED
FEB 04 2009
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

DCI 2009-00005

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CSJ 2-12-09



1" = 200'

O.R. 3306
PC 4042
NORTHWEST CORNER
NORTHEAST QUARTER
NORTHWEST QUARTER

O.R. 2667
PC 564

O.R. 750
PC 59

O.R. 780
PC 59

O.R. 1761, PG. 1293

NORTH LINE OF NORTHWEST QUARTER SECTION 35
S.88°55'00"W. 1322.88'

WEST LINE OF NORTHEAST QUARTER NORTHWEST QUARTER SECTION 35
S.91°04'20"E. 1151.81'

FORMER I.D.D. CANAL "A"
AS SHOWN BY THE COUNTY MAP
RECORDED IN PG. 152

NORTH RIGHT-OF-WAY LINE
N.89°37'57"E. 680.01'

GLADIOLUS DRIVE
(COUNTY ROAD 865)

SUBJECT PARCEL

DOI 2009-00005

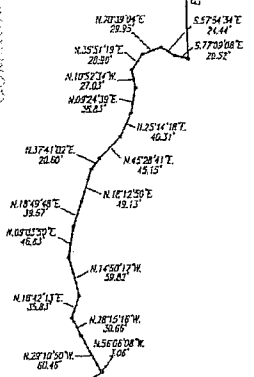
PROPOSED
FEB 16 2009

COMMUNITY DEVELOPMENT

POINT OF BEGINNING
NORTHWEST CORNER
NORTHWEST QUARTER
SECTION 35

EAST LINE NORTHWEST QUARTER SECTION 35
N.01°10'59"W. 554.86'

O.R. 2018
PC 3165



CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.84'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.01°10'59" W.
PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.
SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

LEGEND
O.R. OFFICIAL RECORDS BOOK
P.G. PAGE
C1 CURVE DATA NUMBER

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.84'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

THIS IS NOT A SURVEY

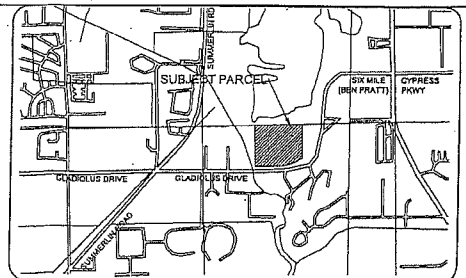
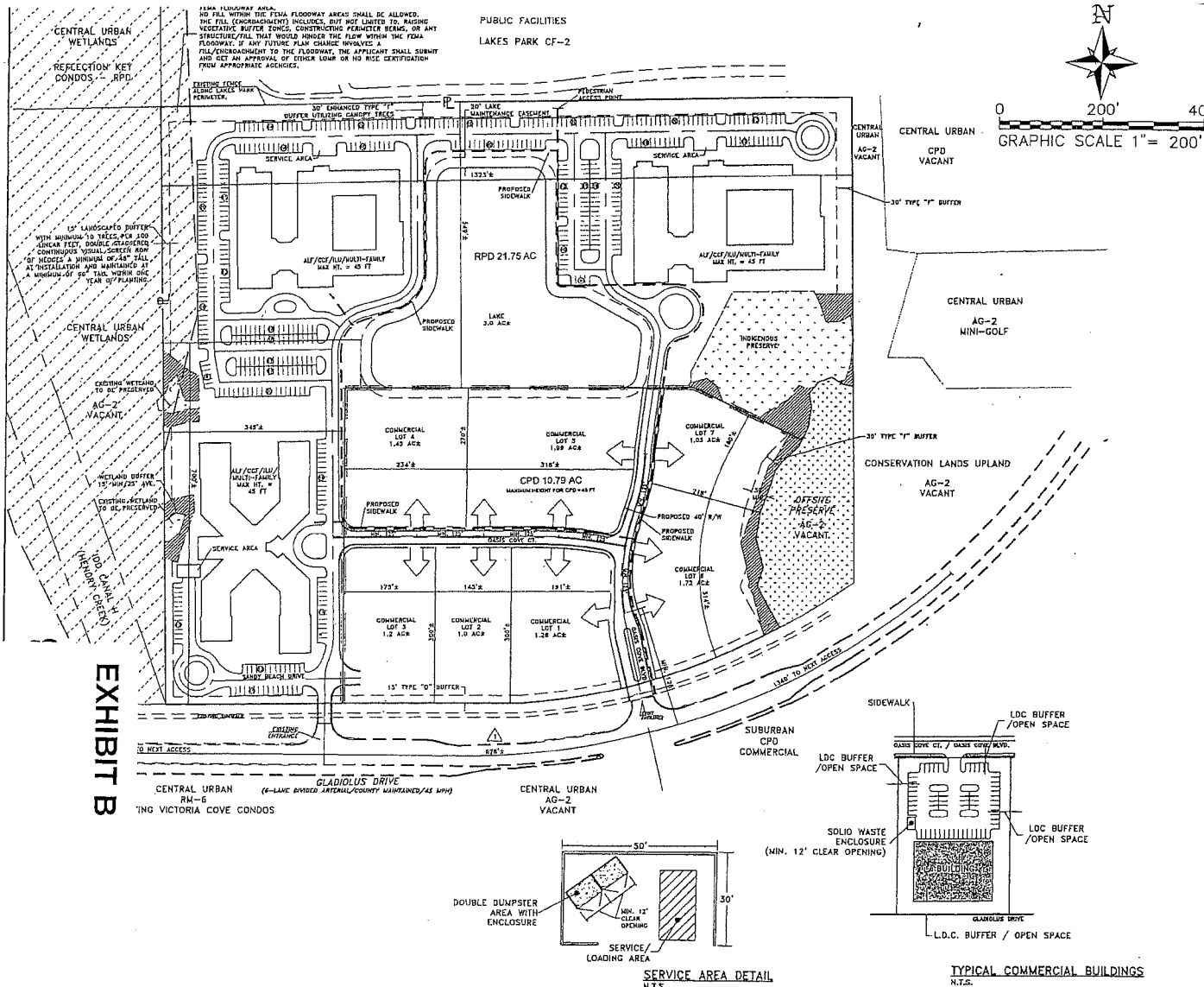
Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

— THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
— PREPARED JANUARY 14, 2008.

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
3515 NORTHBROOK PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(813) 567-8001
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6600

Applicant's Legal Checked
by *C.J.* 2-12-09



SECTIONS 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
N.T.S.

PROJECT SUMMARY DATA:
 SITE AREA: 32.54 ACRES
 LAND USE CLASSIFICATION: CENTRAL URBAN & WETLANDS
 EXISTING ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RPD) #2-04-043 (APPROVED FOR 275 MULTI-FAMILY UNITS)
OPEN SPACE TABLE:
 REQUIRED OPEN SPACE:
 RPD: 40% 21.75 @ 40% = 8.70
 CPD: 30% 10.79 @ 30% = 3.24
 TOTAL REQUIRED: 11.94 AC
 REQUIRED INDIGENOUS: 1.57 AC = (TOTAL INDIGENOUS PRESENT ON SITE)
PROVIDED OPEN SPACE:
 RPD:
 INDIGENOUS VEGETATION
 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 = 0.09 AC
 TOTAL INDIGENOUS = 1.69 AC
 25% PROVIDED BY LAKE = 2.99 AC
 BUFFERS/LAKE MAINTENANCE EASEMENT/FEMA FLOODWAY = 2.61 AC±
 RESTORATION AREAS = 0.46 AC
 ADDITIONAL OPEN SPACE = 2 AC
 TOTAL OPEN SPACE PROVIDED WITHIN RPD: MINIMUM 5.75 AC/CR
 CPD:
 MINIMUM 30%/3.24 AC
 RESTORATION AREAS = 0.21 AC
 BUFFERS AND OTHER OPEN SPACE = 3.03 AC
 TOTAL OPEN SPACE PROVIDED = MINIMUM 12.99 AC/CR
PROPOSED ZONING:
 CPD AREA = 10.79 ACRES
 (MAX 100,000 SF WITH A MAXIMUM OF 25,000 SF RETAIL)
 RPD AREA = 21.75 ACRES
 THE MAXIMUM ALLOWED NUMBER OF RESIDENTIAL DWELLING UNITS IS 190 UNITS.
DENSITY EQUIVALENTS:
 1 RESIDENTIAL DWELLING UNIT IS EQUIVALENT TO 4 ASSISTED LIVING FACILITY (ALF)/CONTINUING CARE FACILITY (CCF) UNITS
 1 RESIDENTIAL DWELLING UNIT IS EQUIVALENT TO 2 INDEPENDENT LIVING UNITS (ILU)

LEGEND:
 - - - = PROPOSED SIDEWALK
 [Pattern] = INDIGENOUS PRESERVE
 [Pattern] = RESTORATION AREAS
 Δ = SPECIAL CONDITION/OEVIATION

RECEIVED
 FEB 18 2010
 COMMUNITY DEVELOPMENT

DCI 2009-00005

EXHIBIT B

PREPARED FOR:
BECK GROUP OF FT MYERS LLC
 436 BAYFRONT PL
 NAPLES, FL 34102
 PHONE: (239) 649-8700
 FAX: (239) 434-6223

NO.	DATE	REVISION DESCRIPTION	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Wanka Engineering
 Professional Engineers, Planners, & Land Surveyors
 FORT MYERS ♦ PORT CHARLOTTE ♦ SARASOTA
 1616 W. ACE CORNER PLAZA - SUITE 101
 1011 GULF DR. SUITE 200
 PHONE: (888) 551-1111 FAX: (941) 551-1111
 WWW.WANKAENGINEERING.COM

EXHIBIT H-3.C
 MASTER CONCEPT PLAN
OASIS COVE A.K.A. GLADIOLUS RPD
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
11/25/08	1620	MCP	DRU	MJK	DRU	1" = 200'	1	1

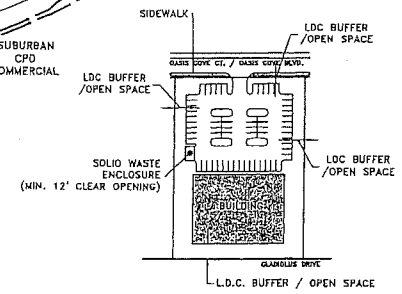
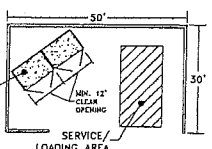
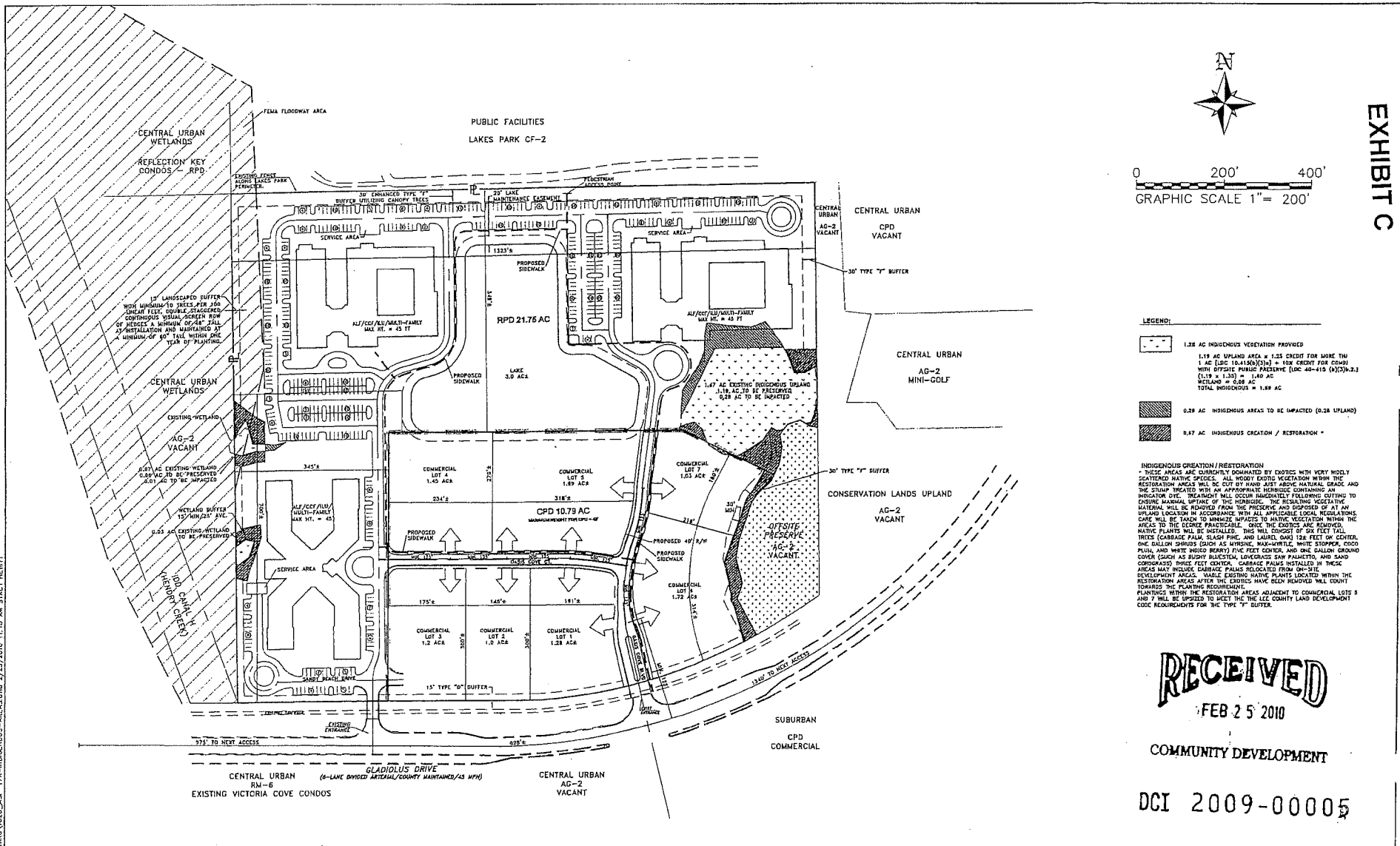


EXHIBIT C



- LEGEND:**
- 1.28 AC INDIGENOUS VEGETATION PROVIDED
 - 1.19 AC UPLAND AREA = 1.25 CREDIT FOR MORE THN 1 AC [LIC 10.4150(3)(b)] = 10% CREDIT FOR COAM WITH OFFSITE PRAIRIE PRESERVE [LIC 40-415 (A)(3)(9)-2.1] (1.19 x 1.35) = 1.40 AC WETLAND = 0.08 AC TOTAL INDIGENOUS = 1.48 AC
 - 0.29 AC INDIGENOUS AREAS TO BE IMPACTED (0.28 UPLAND)
 - 0.97 AC INDIGENOUS CREATION / RESTORATION *

INDIGENOUS CREATION / RESTORATION
 * THESE AREAS ARE CURRENTLY DOMINATED BY EXOTICS WITH VERY WOOLY SCATTERED NATIVE SPECIES. ALL WOOLY EXOTIC VEGETATION WITHIN THE RESTORATION AREAS WILL BE CUT BY HAND JUST ABOVE NATURAL GRASS AND THE STUMP TREATED WITH AN APPROPRIATE HERBICIDE CONTAINING AN INDICATOR DYE. TREATMENT WILL OCCUR IMMEDIATELY FOLLOWING CUTTING TO ENSURE MANUAL UPLAND OF THE HERBICIDE. THE REMAINING VEGETATION 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 GREATEST PRACTICABLE. SINCE THE EXOTICS ARE REMOVED, NATIVE PLANTS WILL BE INSTALLED. THIS WILL CONSIST OF SIX FEET TALL TREES (CARABEA PALM, SLASH PINE, AND LABEL OAK) 125 FEET ON CENTER, ONE GALLON SHRUBS (SUCH AS URINE, WAX-WHITE, WHITE STOPPER, COCO PLUM, AND WHITE WINDO BERRY) THE FEET CENTER, AND ONE GALLON GROUND COVER (SUCH AS BUSHY BILLETAL, LOWGROWING SAW PALMETTO, AND SAND CROCODRUS) THREE FEET CENTER. CARABEA PALMS INSTALLED IN THESE AREAS MAY INCLUDE CARABEA PALMS RELOCATED FROM ON-SITE DEVELOPMENT AREAS. NESTLE EXISTING NATIVE PLANTS LOCATED WITHIN THE RESTORATION AREAS AFTER THE EXOTICS HAVE BEEN REMOVED WILL COUNT TOWARDS THE PLANTING REQUIREMENTS. PLANTINGS WITHIN THE RESTORATION AREAS ADJACENT TO COMMERCIAL LOTS 8 AND 7 WILL BE UPLAND TO MEET THE LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS FOR THE TYPE 'T' BUFFER.

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 DCI 2009-00005

PREPARED FOR:
BECK GROUP OF FT MYERS LLC
 430 BAYFRONT PL
 NAPLES, FL 34102
 PHONE: (239) 649-8700
 FAX: (239) 434-8225

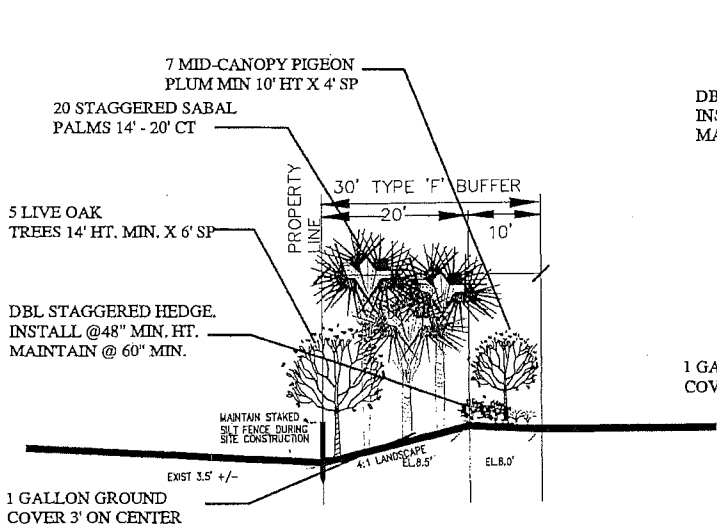
NO.	DATE	REVISION DESCRIPTION
1	10/16/09	ISSUE FOR PERMITS
2	11/17/09	REVISED TO SHOW
3	12/17/09	REVISED TO SHOW
4	01/15/10	REVISED TO SHOW
5	02/10/10	REVISED TO SHOW

Wanks Engineering
 Professional Engineers, Planners, & Land Surveyors
 FORT MYERS • PORT CHARLOTTE • SARASOTA
 1618 1/2 WALKER PARKWAY - SUITE 100
 FORT MYERS, FLORIDA 33901
 PHONE: (239) 939-8000 FAX: (239) 939-8002
 OPERATING LICENSE # 18,000
 LICENSE # 18,000
 WWW.WANKS-ENR.COM

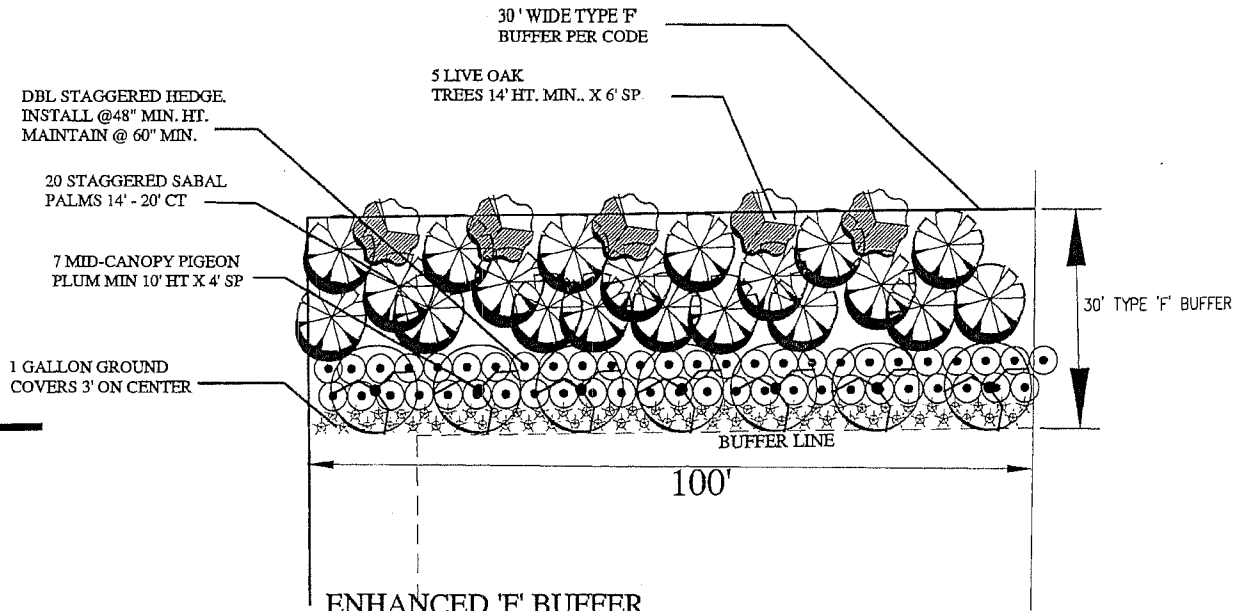
INDIGENOUS RESTORATION PLAN (EXHIBIT D-7-Y)
 OASIS COVE A.K.A. GLADIOLUS RPD
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
10/16/09	1620	NCP	DRU	SDJ	DRU	1" = 200'	1	1

S:\WORK\BECK\2009\2009\INDIGENOUS-AREAS.DWG 2/25/2010 11:18 AM STACY KENNY



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

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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) 539-5490

Title: _____

project location: LEE COUNTY, FLORIDA

designer: PJK	acad #: _____	date: _____
project manager: PAUL J. KLENS, RLA	project #: 09012	revisions: _____
checked - date / by: _____	scale: AS NOTED	view: LIMITS
approved for: DISCUSSION		

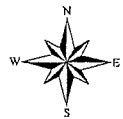
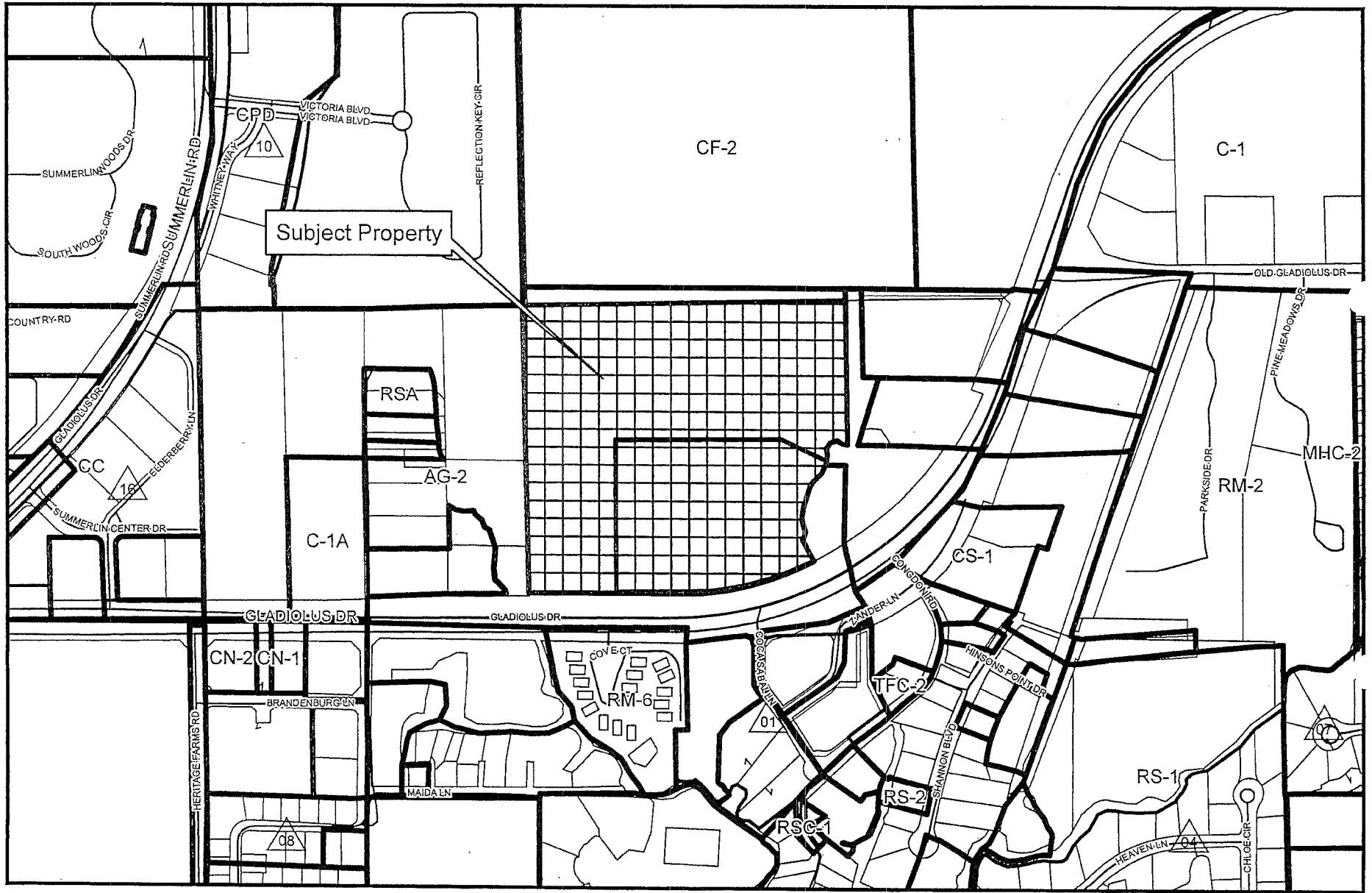
Sheet no:
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EXHIBIT D

Attachment "A" Zoning Map

DCI2009-00005

1/26/2010



TRAFFIC IMPACT STATEMENT

FOR

AMAVIDA RPD

(PROJECT NO. F1908.04)

PREPARED BY:

TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901-9356
(239) 278-3090

August 16, 2019

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DCI 2019-00019 COMMUNITY DEVELOPMENT

CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED DEVELOPMENT
- IV. TRIP GENERATION
- V. TRIP DISTRIBUTION
- VI. FUTURE TRAFFIC CONDITIONS
- VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS
- VIII. CONCLUSION

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I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking rezoning approval. The proposed development is located on the north side of Gladiolus Drive and approximately ½ mile east of its intersection with Summerlin Road in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

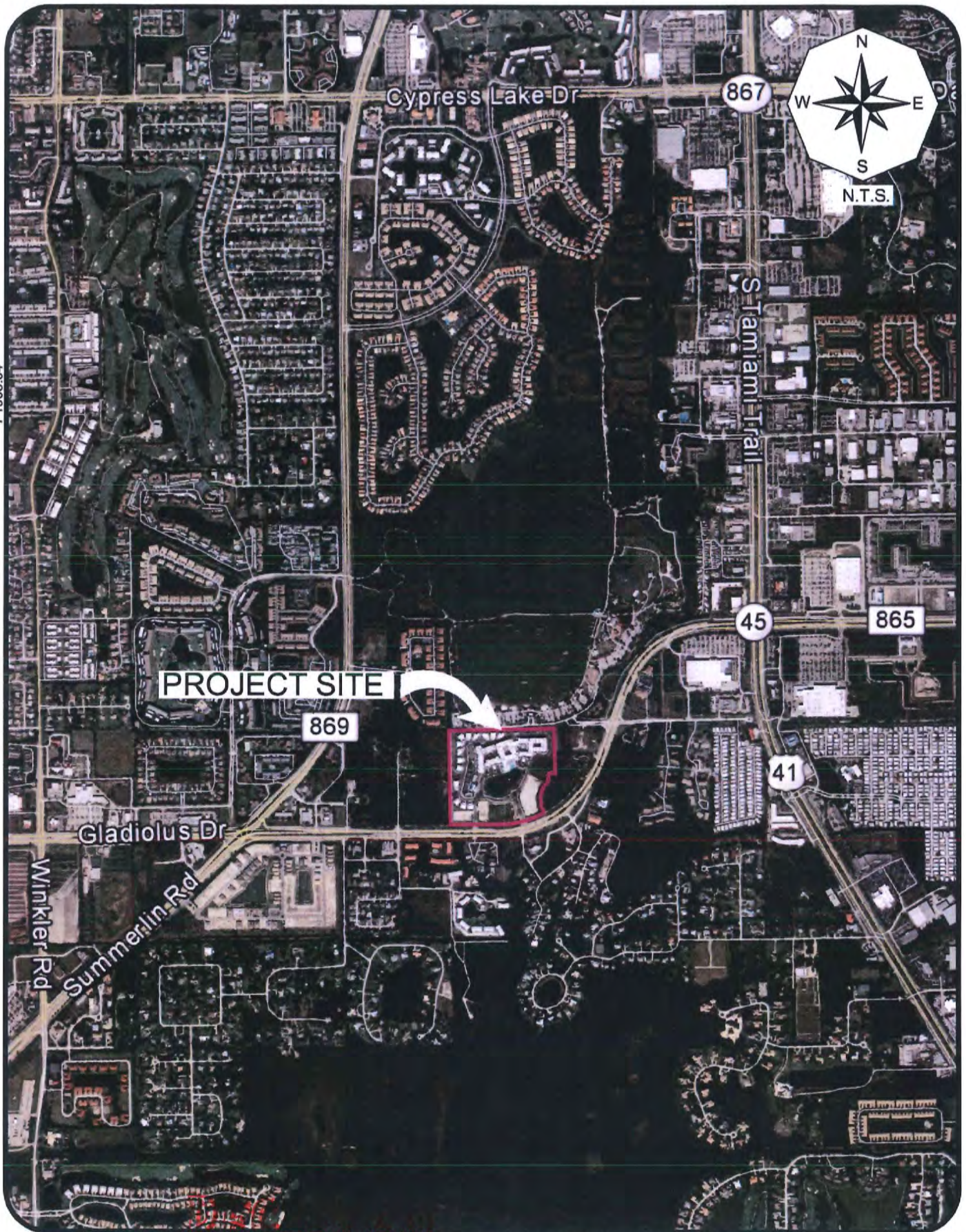
The approximate 32.54 acre subject site is governed by Zoning Resolution No. Z-10-009 as well as Administrative Amendment No. ADD2016-00011(a). The existing zoning on the site permits the RPD portion of the site to be developed with up to 190 multi-family dwelling units (including a combination of assisted living/independent living units) as well as up to 100,000 square feet of commercial uses (including 25,000 square feet of commercial retail) on the CPD portion of the site. The applicant is proposing to rezone the entire subject site to RPD to remove the commercial component on the site and allow a development of additional 135 multi-family dwelling units for a total of 325 multi-family dwelling units on the property. Access to the subject site will continue to be served via the existing two connections (Fanning Court & Millhopper Boulevard) to Gladiolus Drive. No new access connections are being proposed as part of this rezoning.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives were completed and an analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

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II. EXISTING CONDITIONS

The subject site is currently occupied by a mix of independent living/memory care/assisted living units. The overall site is bordered by Lakes Park to the north, Gladiolus Drive to the south, and by vacant land to the east and west.

Gladiolus Drive is an east/west six lane divided arterial the borders the subject site to the south. Gladiolus Drive has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

The applicant is proposing to rezone the entire subject site to RPD to remove the commercial component on the site and allow a development of additional 135 multi-family dwelling units for a total of 325 multi-family dwelling units on the entire site. **Table 1** summarizes the land uses utilized for the purposes of this analysis.

**Table 1
Land Uses
Amavida RPD**

Land Use	Approved Under Z-10-009	Proposed
Multi-Family Residential *	190 MF Dwelling Units	325 MF Dwelling Units (+135 MF Dwelling Units)
Retail	25,000 Sq. Ft.	N/A
Medical Office	75,000 Sq. Ft.	N/A

*Multi-family residential units can be converted to ALF or ILF units pursuant to Sec. 34-1414 of the Lee County Land Development Code.

Access to the subject site will continue to be served via the existing two connections (Fanning Court & Millhopper Boulevard) to Gladiolus Drive. No new access connections are being proposed as part of this rezoning.

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IV. TRIP GENERATION

The trip generation for the approved and proposed rezoning was determined by referencing the Institute of Transportation Engineer’s (ITE) report, titled *Trip Generation Manual*, 10th Edition. Land Use Code 820 (Shopping Center) was utilized for the trip generation purposes of the approved 25,000 square feet of retail uses. Land Use Code 720 (Medical-Dental Office) was utilized for the trip generation purposes of the approved 75,000 square feet of medical office uses. Land Use Code 220 (Multifamily Housing Low-Rise) was utilized for the trip generation purposes of the multi-family residential uses. Note, Land Use Code 220 is conservative in terms of trips generation when compared to the other Land Use Codes in the multi-family residential category (LUC 221-Multifamily Housing Mid-Rise & LUC 222-Multifamily Housing High-Rise). The trip generation equations utilized from these land uses are attached to the Appendix for reference.

Table 2 outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently approved. **Table 3** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently proposed.

**Table 2
Trip Generation – Approved
Avida RPD/CPD**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (25,000 Sq. Ft.)	102	62	164	94	101	195	2,342
Medical-Dental Office (75,000 Sq. Ft.)	135	38	173	72	184	256	2,794
Multifamily Housing Low-Rise * (190 Dwelling Units)	20	68	88	66	39	105	1,396
Total Trips	257	168	425	232	324	556	6,532

*Multi-family residential units can be converted to ALF or ILF units pursuant to Sec. 34-1414 of the Lee County Land Development Code.

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Table 3
Trip Generation – Proposed
Amavida RPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multifamily Housing Low-Rise * (325 Dwelling Units)	33	113	146	106	63	169	2,416

*Multi-family residential units can be converted to ALF or ILF units pursuant to Sec. 34-1414 of the Lee County Land Development Code.

Table 4 illustrates the trip reduction when comparing the trip generation of the approved uses to the trip generation of the proposed uses (Table 2 vs Table 3).

Table 4
Trip Generation Comparison– Approved Zoning vs Proposed Zoning
Table 2 vs Table 3

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Zoning	33	113	146	106	63	169	2,416
Approved Zoning	-257	-168	-425	-232	-324	-556	-6,532
Trip Reduction	-224	-55	-279	-126	-261	-387	-4,116

Note: Negative number represents a DECREASE in Trip Generation.

As can be seen from Table 4, the requested zoning will **REDUCE** the traffic impacts of the development by approximately 66% in the AM peak hour, 70% in the PM peak hour and approximately 63% over the entire weekday from what is currently approved. The proposed rezoning request will be a “down zoning” from what is currently permitted.

V. TRIP DISTRIBUTION

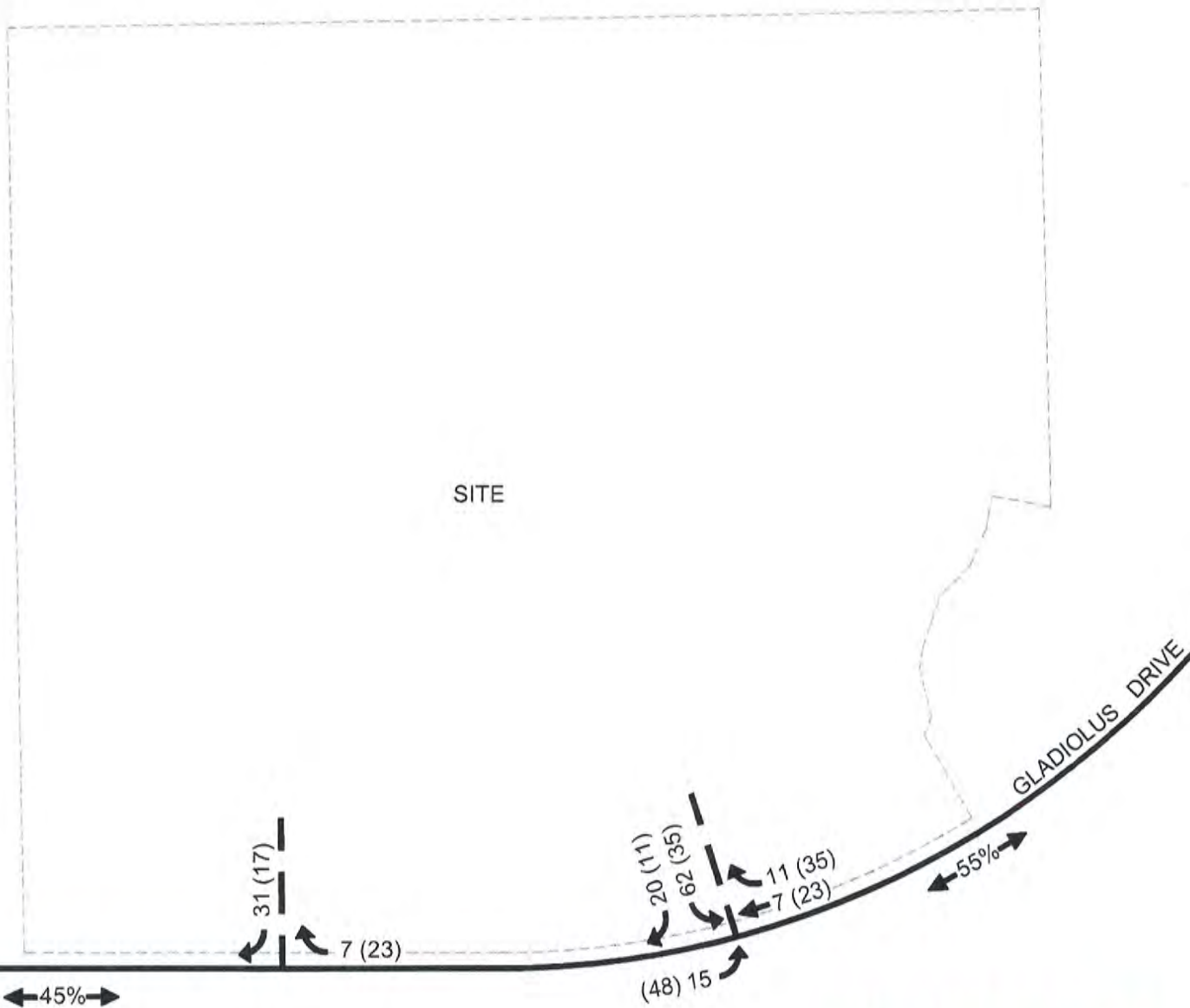
The trips as a result of the proposed development shown in Table 3 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is

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- ← 000 WEEKDAY AM PEAK HOUR SITE TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR SITE TRAFFIC
- ← 20% → PERCENT TRIP DISTRIBUTION

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shown on **Figure 2**. Also shown on Figure 2 is the site traffic assignment to the proposed site access drives.

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service “C” volumes. The Level of Service threshold volumes were obtained from the **Lee County Generalized Peak Hour Directional Service Volume Tables** (June, 2016). Based on Table 1A, no roadway segments in the study area are projected to be significantly impacted as a result of the proposed development. A copy of the Generalized Service Volume Table is located in the Appendix of this report for reference.

VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2024 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. The growth rates were obtained through comparisons of annual traffic data obtained from 2018 *Lee County Traffic Count Report*. Based on the project distribution illustrated on Figure 2, the link data was analyzed for the year 2024 without the development and year 2024 with the development.

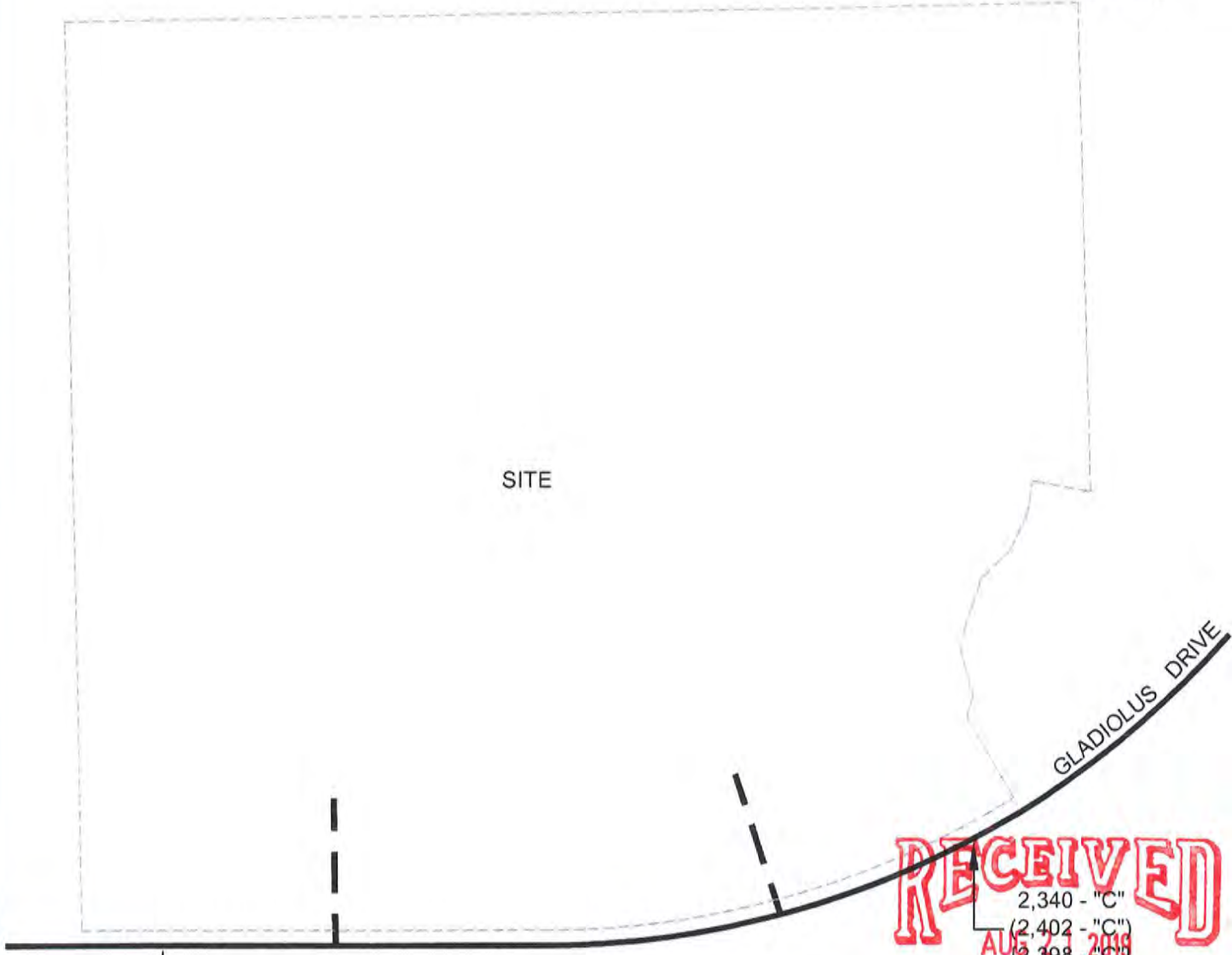
Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2024 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2018 *Lee County Public Facilities Level of Service and Concurrency Report*.

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Figure 3 indicates the year 2024 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development

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2,340 - "C"
(2,391 - "C")
[2,388 - "C"]

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2,340 - "C"
(2,402 - "C")
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[2,398 - "C"]

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- XXX - "X" 2024 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC AND LEVEL OF SERVICE DESIGNATION
- (XXX -"X") 2024 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS AM PEAK PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION
- [XXX -"X"] 2024 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS PM PEAK PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION

occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. This figure is derived from Table 2A contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In comparing the links' functional classification and calculated 2024 traffic volumes to the Service Volume Tables, it was determined that Gladiolus Drive is projected to operate above the minimum adopted Level of Service in 2024 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. As previously mentioned, the proposed rezoning request will be a “down zoning” from what is currently permitted.

Turn lane improvements at the site access drive intersections were previously evaluated and built based on the full build-out of the site with a more intense development scenario. No further turn lane improvements will be warranted as a result of the proposed “down zoning”.

VIII. CONCLUSION

The proposed development is located on the north side of Gladiolus Drive and approximately ½ mile east of its intersection with Summerlin Road in Lee County, Florida. The proposed rezoning request will be a “down zoning” as it will remove the approved commercial component on the site and allow a development of additional 135 multi-family dwelling units for a total of 325 multi-family dwelling units on the entire 32.54 acre property.

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The Level of Service analysis conducted as part of this report indicates Gladiolus Drive to operate above the minimum adopted Level of Service in 2024 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. The zoning amendment as proposed is consistent with the goals and objectives of the Lee County Comprehensive Plan and Goal 32 in that there is sufficient roadway capacity projected to accommodate the anticipated development.

Turn lane improvements at the site access drive intersections were previously evaluated and built based on the full build-out of the site with a more intense development scenario. No further turn lane improvements will be warranted as a result of the proposed “down zoning”.

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APPENDIX

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TABLE 1A & 2A

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**TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
AMAVIDA RPD**

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 146 VPH IN= 33 OUT= 113
 TOTAL PM PEAK HOUR PROJECT TRAFFIC = 169 VPH IN= 106 OUT= 63

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY CLASS</u>	<u>LOS A VOLUME</u>	<u>LOS B VOLUME</u>	<u>LOS C VOLUME</u>	<u>LOS D VOLUME</u>	<u>LOS E VOLUME</u>	<u>PERCENT</u>		
								<u>PROJECT TRAFFIC</u>	<u>PROJECT TRAFFIC</u>	<u>PROJ/ LOS C</u>
Gladiolus Dr.	E. of Site Access	6LD	0	400	2,840	2,940	2,940	55%	62	2.2%
	W. of Site Access	6LD	0	400	2,840	2,940	2,940	45%	51	1.8%

* Level of Service thresholds were obtained from the Lee County Generalized Level of Service Volumes on Arterials.

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**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
AMAVIDA RPD**

TOTAL PROJECT TRAFFIC AM = 146 VPH IN = 33 OUT = 113
 TOTAL PROJECT TRAFFIC PM = 169 VPH IN = 106 OUT = 63

ROADWAY	SEGMENT	PCS#	BASE YR ADT	LATEST ADT	YRS OF GROWTH	ANNUAL RATE	2017	2024		PERCENT			2024		2024	
							PK HR	PK HR	PK SEASON	PROJECT	AM PROJ	PM PROJ	BCKGRND	BCKGRND		
							PEAK DIR. ¹	PEAK DIRECTION	VOLUME	LOS	TRAFFIC	TRAFFIC	TRAFFIC	VOLUME	LOS	VOLUME
Gladiolus Dr.	E. of Site Access	46	35,900	41,500	9	2.00%	2,037	2,340	C	55%	62	58	2,402	C	2,398	C
	W. of Site Access	46	35,900	41,500	9	2.00%	2,037	2,340	C	45%	51	48	2,391	C	2,388	C

¹ Current peak hour peak season peak direction traffic volumes for all roadways were obtained from the 2018 Lee County Public Facilities Level of Service and Concurrency Report.

* AGR was calculated based the historical traffic data obtained from 2018 Lee County Traffic Count Report.

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**LEE COUNTY GENERALIZED
SERVICE VOLUMES TABLE**

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**Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas**

April 2016

c:\input5

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380
Arterials						
Class I (40 mph or higher posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940
Class II (35 mph or slower posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340
Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180
Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600

Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.

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**TRAFFIC DATA FROM THE 2018 LEE
COUNTY PUBLIC FACILITIES LEVEL
OF SERVICE AND CONCURRENCY
REPORT**

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Table 18 (cont.): Existing and Future Roadway LOS on County-Maintained Arterials in Unincorporated Areas

ROADWAY LINK				100TH HIGHEST HOUR DIRECTIONAL VOLUMES						NOTES
				STANDARD		2017		2022		
NAME	FROM	TO	TYPE	LOS	MAX	LOS	EXISTING	LOS	FUTURE	
CYPRESS LAKE DR	McGREGOR BLVD	SOUTH POINT BLVD	4LD	E	1,940	D	1,249	D	1,313	
	SOUTH POINT BLVD	WINKLER RD	4LD	E	1,940	D	1,249	D	1,313	
	WINKLER RD	SUMMERLIN RD	4LD	E	1,940	D	1,472	D	1,547	
	SUMMERLIN RD	US 41	6LD	E	2,940	D	2,008	D	2,112	
DANIELS PKWY	US 41	METRO PKWY	6LD	E	2,680	D	2,316	D	2,434	v/c = 0.86/0.91
	METRO PKWY	SIX MILE PKWY	6LD	E	2,680	D	2,109	D	2,520	Constrained
	SIX MILE PKWY	PALOMINO LN	6LD	E	3,040	F	3,060	F	3,359	Constrained
	PALOMINO LN	I-75	6LD	E	3,040	F	3,222	F	3,386	Constrained
	I-75	TREELINE AVE	6LD	E	3,260	B	3,234	F	3,339	Alico Connector as reliever v/c = 0.99/1.02
	TREELINE AVE	CHAMBERLIN PKWY	6LD	E	3,260	B	2,656	B	2,791	v/c = 0.82/0.85
	CHAMBERLIN PKWY	GATEWAY BLVD	6LD	E	3,260	B	2,589	B	2,721	v/c = 0.79/0.83
	GATEWAY BLVD	SR 82	4LD	E	2,160	B	1,853	B	1,997	v/c = 0.86/0.92 SKY Walk
DEL PRADO BLVD	US 41	SLATER RD	2LN	E	860	C	406	F	912	v/c = 0.47/1.06 Crane Landing
GATEWAY BLVD	DANIELS PKWY	GATEWAY LAKES BLVD	4LD	E	1,960	C	958	C	1006	DRI monitoring report count
	GATEWAY LAKES BLVD	SR 82	2LN	E	860	C	525	C	552	DRI monitoring report count
GLAD-IOLUS DR	McGREGOR BLVD	PINE RIDGE RD	4LD	E	1,840	C	581	C	611	
	PINE RIDGE RD	BASS RD	4LD	E	1,840	C	1,195	C	1,330	
	BASS RD	WINKLER RD	6LD	E	2,780	C	1,195	C	1,256	
	WINKLER RD	SUMMERLIN RD	6LD	E	2,780	C	1,195	C	1,256	
	SUMMERLIN RD	US 41	6LD	E	2,780	B	2,037	C	2,141	
GUNNERY RD	SR 82	23RD ST SW	4LD	E	1,920	B	965	B	1,060	
	23RD ST SW	LEE BLVD	4LD	E	1,920	B	965	B	1,014	
	LEE BLVD	BUCKINGHAM RD	2LN	E	1,020	C	799	C	934	
HANCOCK BRIDGE PKWY	NE 24TH AVE	ORANGE GROVE BLVD	4LD	E	1,880	B	1,286	B	1,352	
	ORANGE GROVE BLVD	MOODY RD	4LD	E	1,880	B	1,435	B	1,509	v/c = 0.76/0.80
	MOODY RD	US 41	4LD	E	1,880	B	1,435	B	1,509	v/c = 0.76/0.80
HOME-STEAD RD	SR 82	MILWAUKEE BLVD	2LN	E	1,010	D	637	E	807	
	MILWAUKEE BLVD	SUNRISE BLVD	2LN	E	1,010	D	637	E	670	
	SUNRISE BLVD	LEELAND HEIGHTS	2LN/4LD	E	1,010/2,960	F	1,580	D	1,661	4 lane under construction
	LEELAND HEIGHTS	LEE BLVD	4LN	E	2,960	D	1,580	D	1,676	
JOEL BLVD	BELL BLVD	18TH ST	4LN	E	2,120	B	768	B	978	Joel Blvd CPD
	18TH ST	SR 80	2LN	E	1,010	D	501	D	527	
LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	B	2,623	B	2,757	Alico Connector as reliever v/c = 0.92/0.97
	ALVIN AVE	GUNNERY RD	6LD	E	2,840	B	2,091	B	2,270	
	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	B	1,680	B	1,767	
	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	649	B	683	
	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	B	649	B	683	

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**TRAFFIC DATA FROM THE 2018 LEE
COUNTY TRAFFIC COUNT REPORT**

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DCI 2019-00019

UPDATED 3/5/19

Daily Traffic Volume (AADT)

STREET	LOCATION	Sta- tion #	Daily Traffic Volume (AADT)											
			2009	2010	2011	2012	2013	2014	2015	2016	2017	2018		
FORUM BLVD	N OF COLONIAL BLVD	629	4400											
FOWLER ST	E OF US 41	511	22500	19800					20700		23300		22100	
FOWLER ST	N OF AIRPORT RD	280	22300	22100										
FOWLER ST	N OF COLONIAL BLVD	278	22200	18400										
FOWLER ST	S OF MORENO ST	28	22700	19300	19000	19400	21700	23000	24500	23700	24900	23900		
FOWLER ST	N OF HANSON ST	282	18600											
FOWLER ST	S OF M.L.K. BLVD (SR 82)	279	13300											
GASPARILLA BLVD	S OF CHARLOTTE CO. LINE	510	6000	6600					6500					
GATEWAY BLVD	N OF GRIFFIN DR													
GLADIOLUS DR	E OF SAN CARLOS BLVD	284	7200	8900	10200		7600		13100		13100			
GLADIOLUS DR	E OF PINE RIDGE	283		13600										
GLADIOLUS DR	E OF A&W BULB RD	39			18600	19200	19800	20500	21900	22600	23000	22500		
GLADIOLUS DR	W OF WINKLER RD	285		21700										
GLADIOLUS DR	W OF US 41	46	35900	39100	37800	40800	37600	38900	40600	42000	42700	41500		
GREENBRIAR BLVD	W OF JOEL BLVD	476	1400											
GRIFFIN DR	S OF SR 82													
GUNNERY RD	N OF IMMOKALEE RD	290	14900	17700	17300	20200	17600	18300	19100	21500	20400			
GUNNERY RD	N OF LEE BLVD (CR 884)	289	9500	12700	14700	15800	13600	13600	15100	14800	15500	15800		
GUNNERY RD	S OF BUCKINGHAM RD								7800					
HANCOCK BRIDGE PKWY	W OF BEAU DR	17	21200	20700	20000	17900	18400	20600	21500	22000	22200	23700		
HANCOCK BRIDGE PKWY	W OF MOODY RD	291	21300											

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TRIP GENERATION EQUATIONS

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Multifamily Housing (Low-Rise) (220)

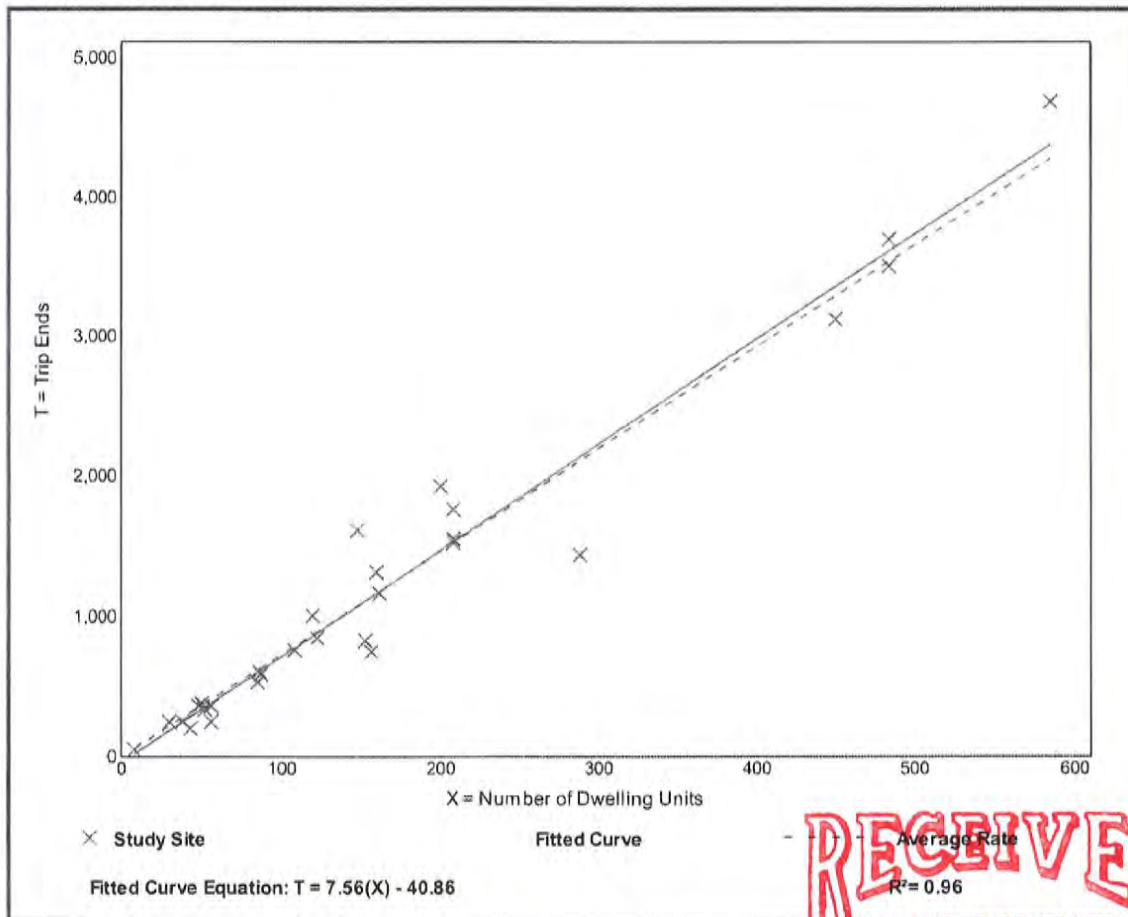
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 29
Avg. Num. of Dwelling Units: 168
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
7.32	4.45 - 10.97	1.31

Data Plot and Equation



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Multifamily Housing (Low-Rise) (220)

Vehicle Trip Ends vs: Dwelling Units
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.

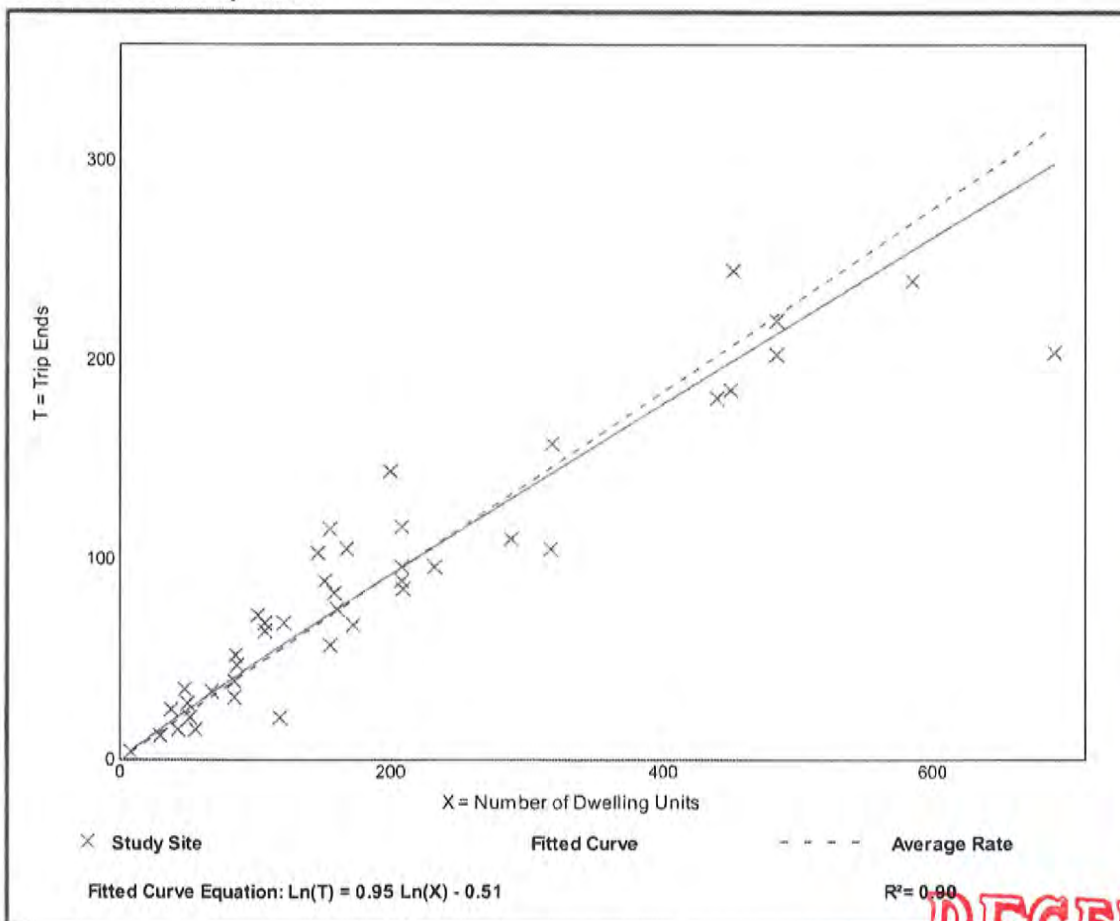
Setting/Location: General Urban/Suburban

Number of Studies: 42
 Avg. Num. of Dwelling Units: 199
 Directional Distribution: 23% entering, 77% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.46	0.18 - 0.74	0.12

Data Plot and Equation



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Multifamily Housing (Low-Rise) (220)

Vehicle Trip Ends vs: Dwelling Units
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 50

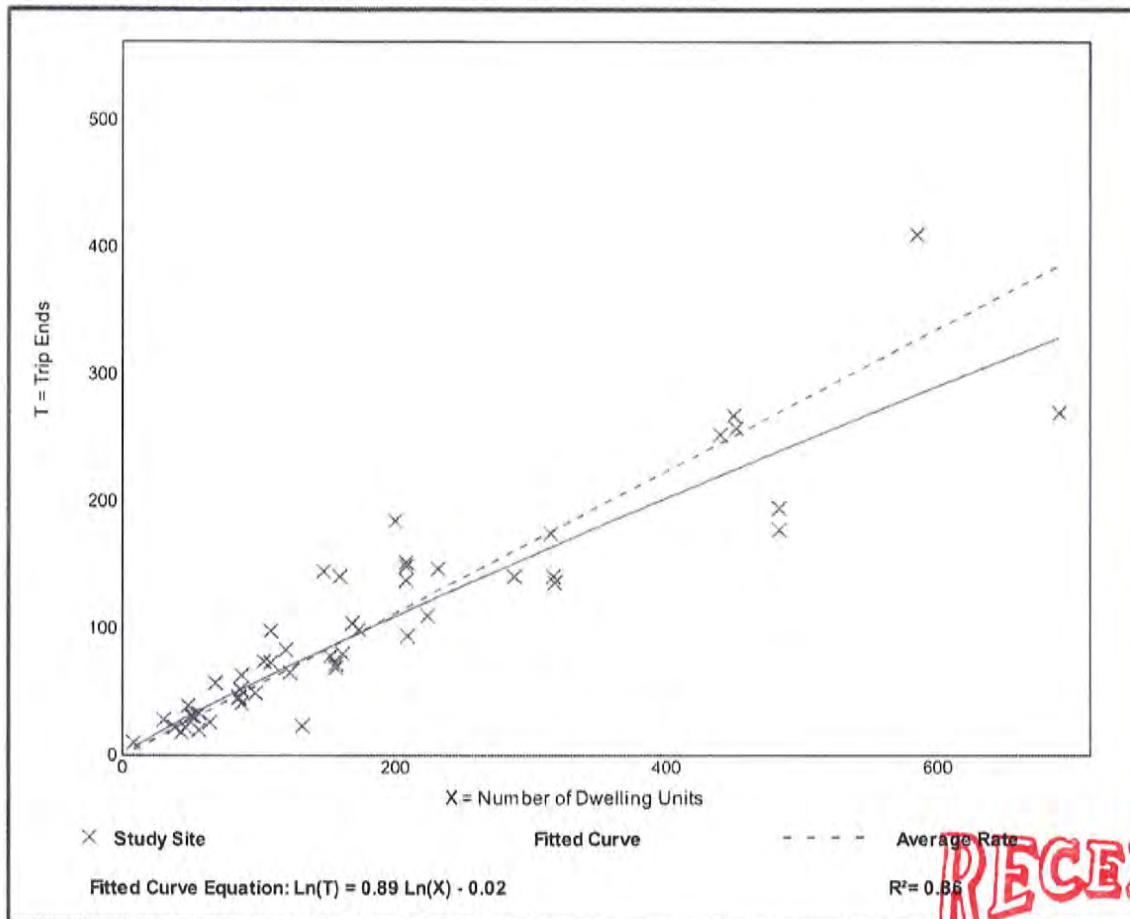
Avg. Num. of Dwelling Units: 187

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.56	0.18 - 1.25	0.16

Data Plot and Equation



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Medical-Dental Office Building (720)

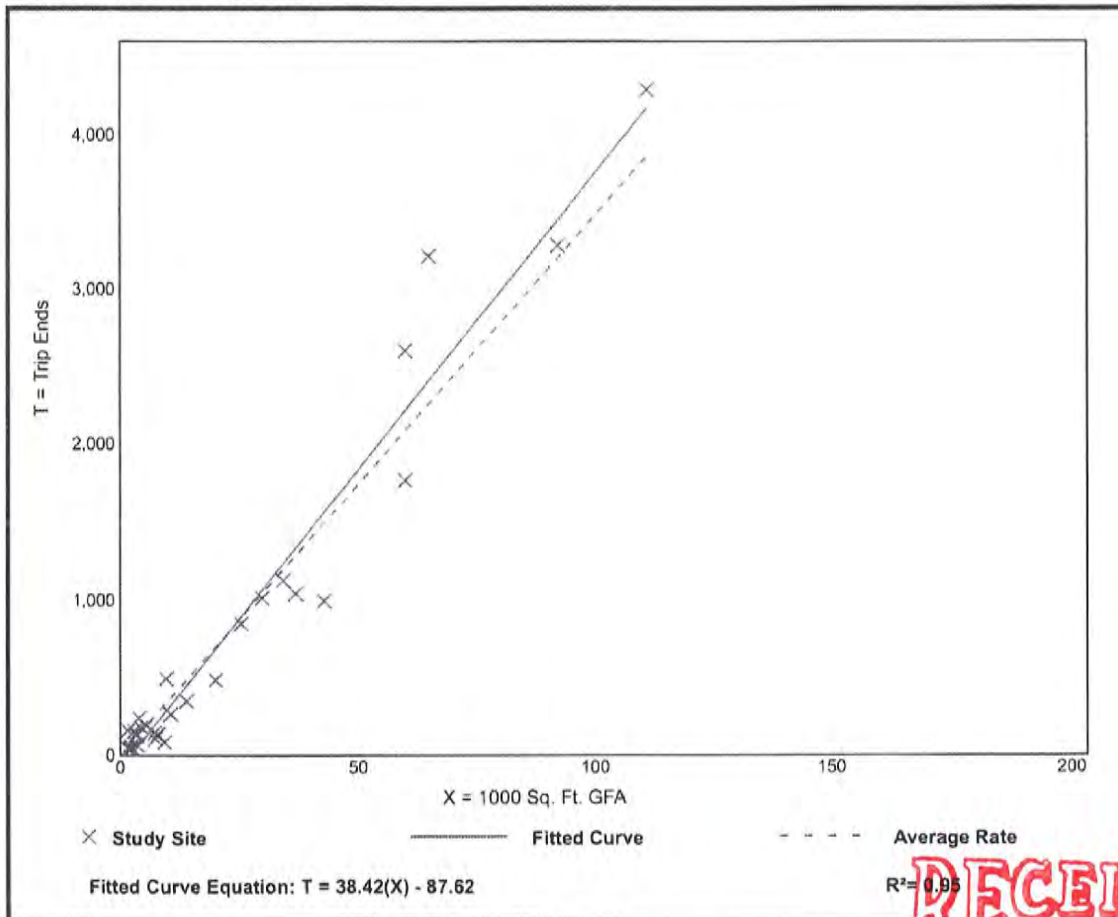
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 28
1000 Sq. Ft. GFA: 24
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
34.80	9.14 - 100.75	9.79

Data Plot and Equation



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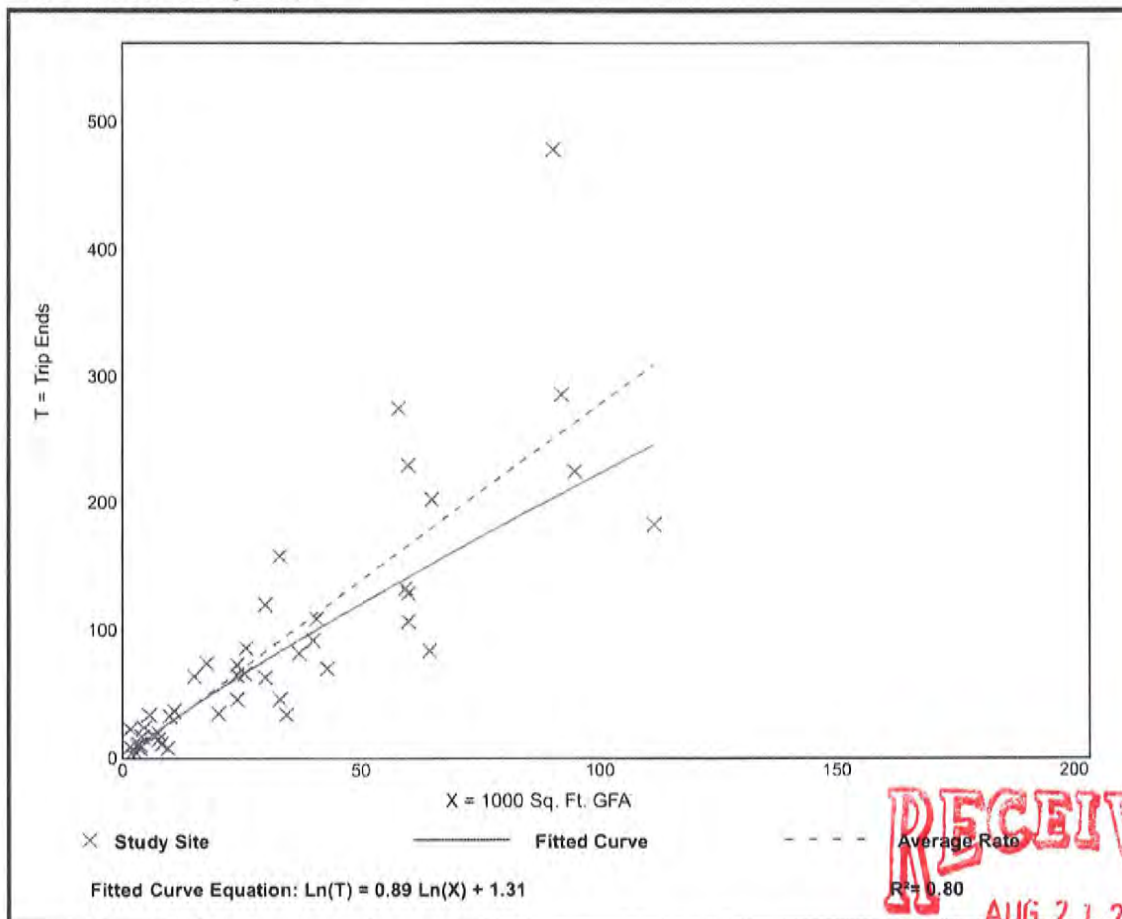
Medical-Dental Office Building (720)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 44
 1000 Sq. Ft. GFA: 32
 Directional Distribution: 78% entering, 22% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
2.78	0.85 - 14.30	1.28

Data Plot and Equation



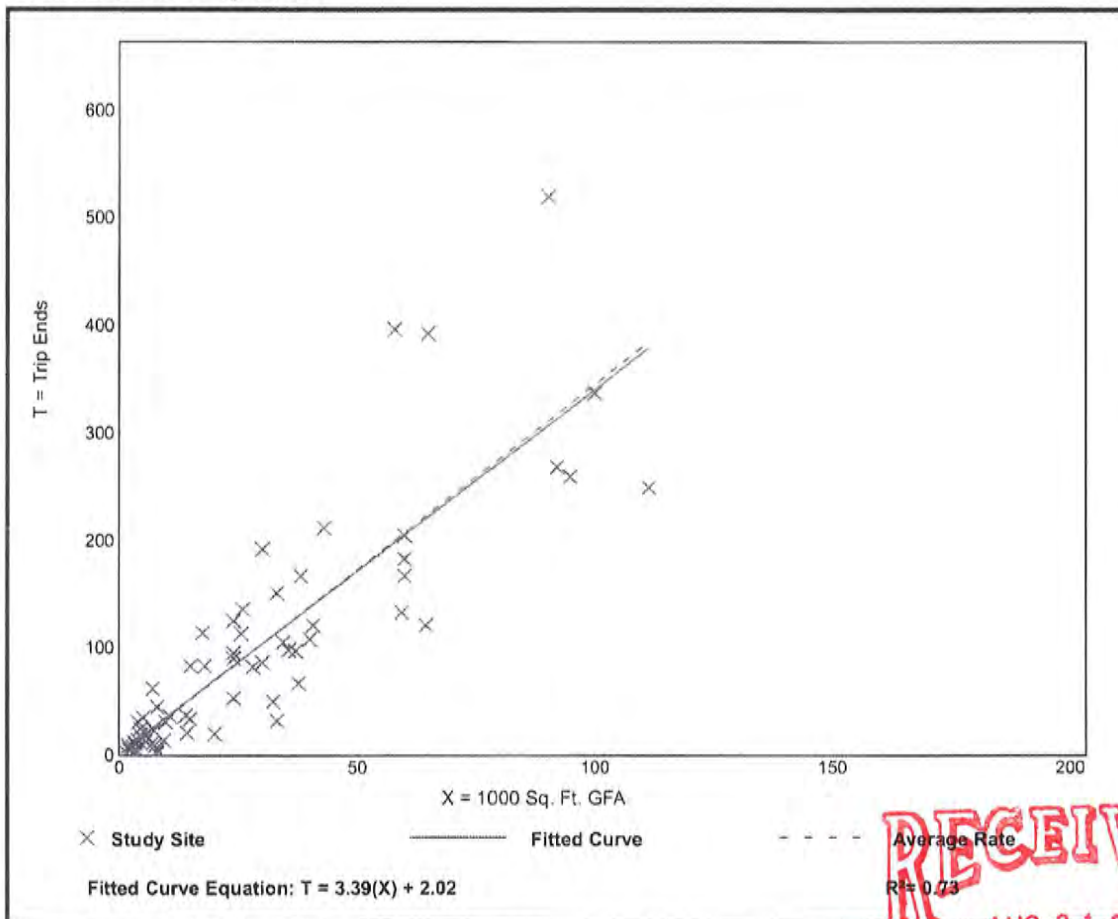
Medical-Dental Office Building (720)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 65
 1000 Sq. Ft. GFA: 28
 Directional Distribution: 28% entering, 72% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.46	0.25 - 8.86	1.58

Data Plot and Equation



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Shopping Center (820)

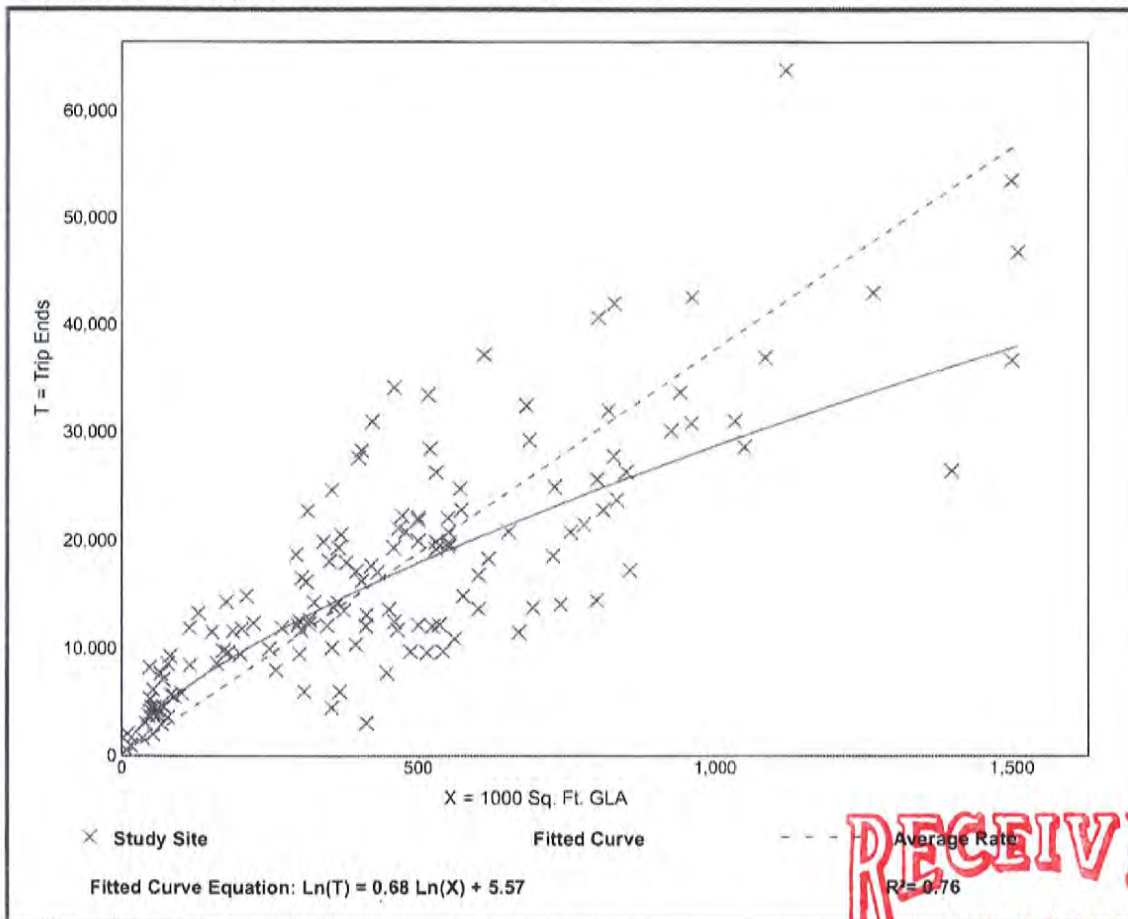
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 147
1000 Sq. Ft. GLA: 453
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.75	7.42 - 207.98	16.41

Data Plot and Equation



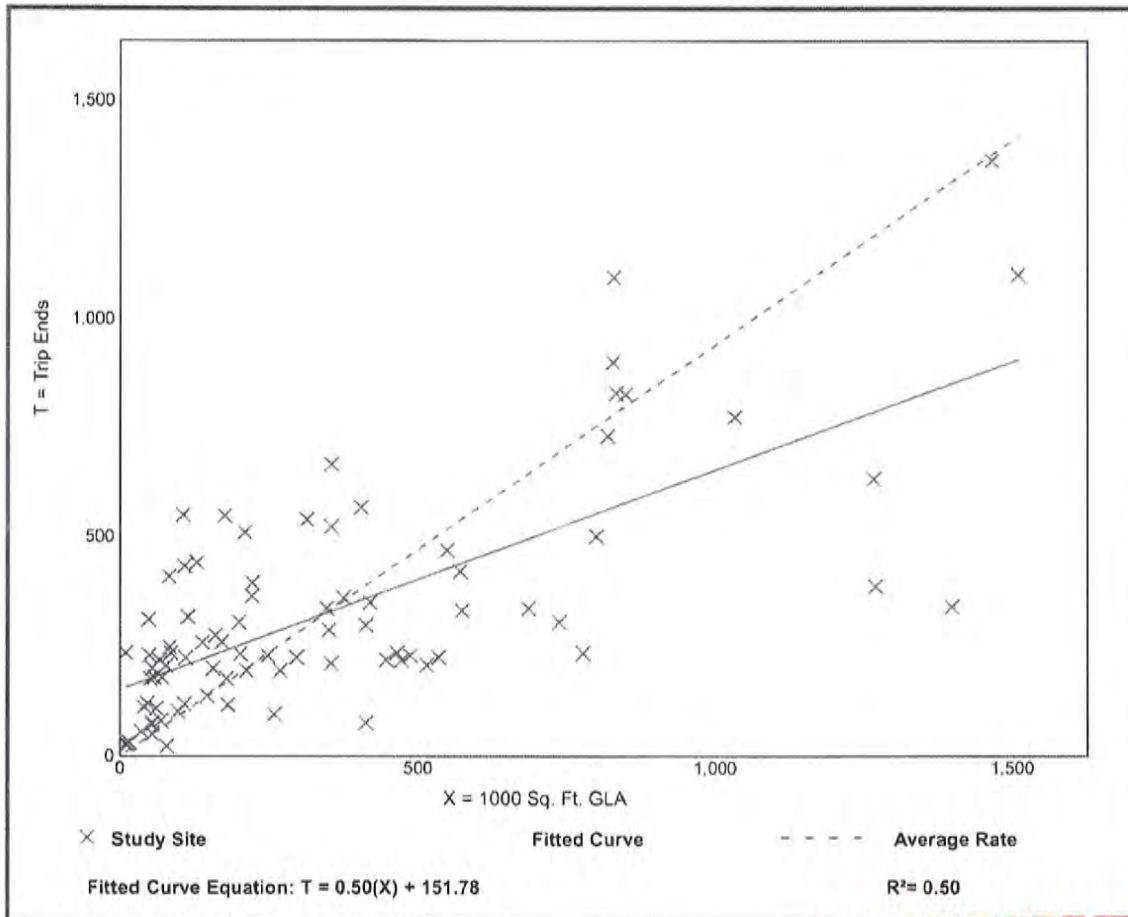
Shopping Center (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 84
 1000 Sq. Ft. GLA: 351
 Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.94	0.18 - 23.74	0.87

Data Plot and Equation



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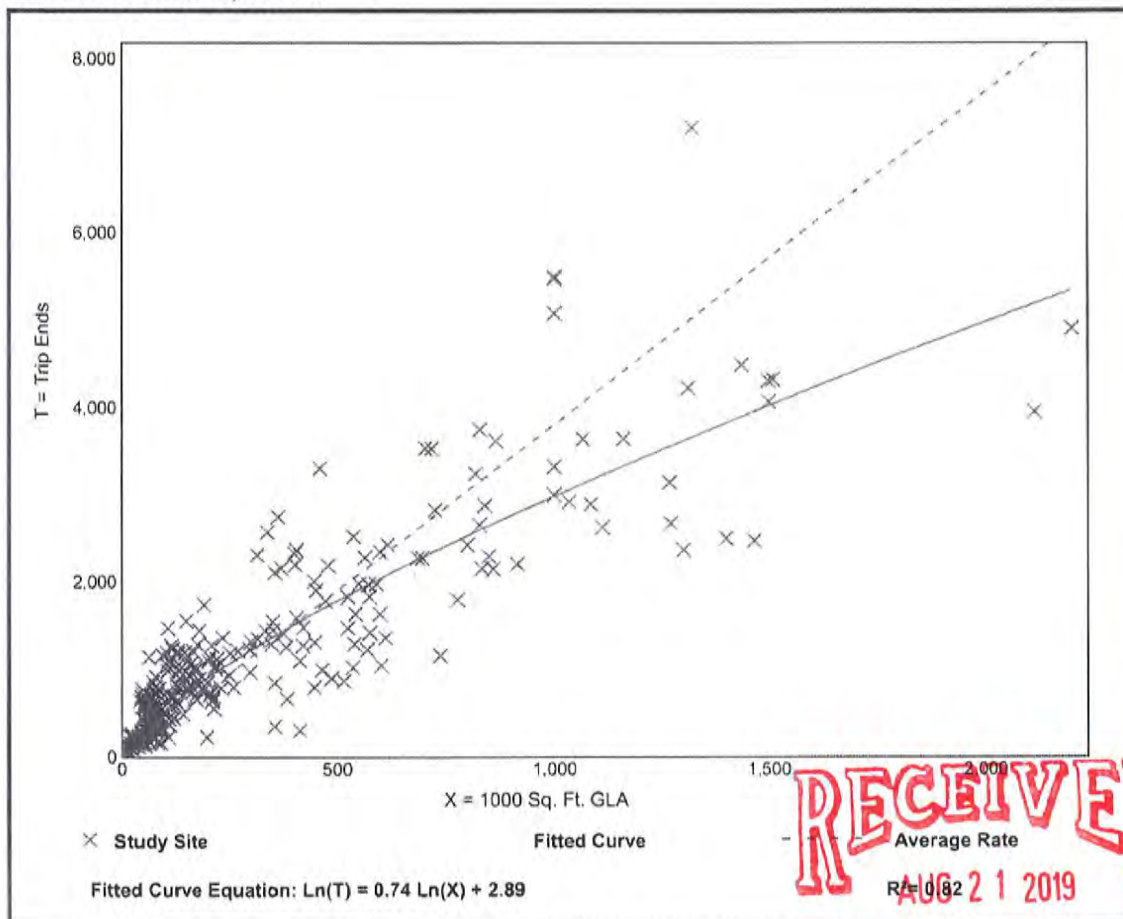
Shopping Center (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 261
 1000 Sq. Ft. GLA: 327
 Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.81	0.74 - 18.69	2.04

Data Plot and Equation



COMMUNITY DEVELOPMENT

October 4, 2019

Ms. Stacy Hewitt, AICP
Banks Engineering
10511 Six Mile Cypress Pkwy, Suite 101
Fort Myers, FL 33966

RE: Amavida RPD f/k/a Avida RPD/CPD
DCI2019-00019- Minor PD

Dear Ms. Hewitt:

TR Transportation Consultants, Inc. has reviewed the Traffic Impact Statement (TIS) comments issued by the Lee County Department of Community Development regarding the above project. The comments and TR Transportation's response to those comments are listed below for reference.

LC T.I.S. Application Sufficiency Checklist:

1. *The TIS does not appear to model development with the highest traffic-generating potential. Please justify how the proposed use generates more traffic than others listed in the proposed schedule of uses, specifically assisted living units (considering code-allowed density equivalents), and review and revise the TIS accordingly.*

The TIS report has been revised based on the proposed development of 540 assisted living units, which is the permitted density per residential conversion pursuant to Section 34-1414 of the Lee County Land Development Code (4:1 ratio). This represents the highest traffic generation potential for the proposed development. Note, the approved 190 multi-family residential units can also be converted to assisted living units per Section 34-1414. However, this would not change the result of the trip generation analysis since this conversion would have been applied to both Table 2 (Approved Trip Generation) and Table 3 (Proposed Trip Generation) of the TIS report.

2. *The master concept plan (MCP) does not appear to show the location of site access points in relation to non-site access points on both sides of the street within proximity of the site. See south side of Gladiolus Drive. Please review and revise the MCP accordingly.*

Acknowledged. The MCP has been revised to satisfy this comment.

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If you have any additional questions, please do not hesitate to contact us.

Sincerely,



Yury Bykau, E.I.
Transportation Consultant

Attachments

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2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

AMAVIDA RPD

(PROJECT NO. F1908.04)

PREPARED BY:

TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901-9356
(239) 278-3090

Revised:
October 4, 2019

DCI 2019-00019

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CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED DEVELOPMENT
- IV. TRIP GENERATION
- V. TRIP DISTRIBUTION
- VI. FUTURE TRAFFIC CONDITIONS
- VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS
- VIII. CONCLUSION

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I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking rezoning approval. The proposed development is located on the north side of Gladiolus Drive and approximately ½ mile east of its intersection with Summerlin Road in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

The approximate 32.54 acre subject site is governed by Zoning Resolution No. Z-10-009 as well as Administrative Amendment No. ADD2016-00011(a). The existing zoning on the site permits the RPD portion of the site to be developed with up to 190 multi-family dwelling units (including a combination of assisted living/independent living units) as well as up to 100,000 square feet of commercial uses (including 25,000 square feet of commercial retail) on the CPD portion of the site. The applicant is proposing to rezone the entire subject site to RPD to remove the commercial component on the site and allow a development of additional 135 multi-family dwelling units for a total of 325 multi-family dwelling units on the property. Pursuant to Section 34-1414 of the Lee County Land Development Code, the 135 multi-family units can be converted to 540 assisted living units which is a higher traffic generator than the multi-family residential use. Therefore, for the purposes of the analysis, the proposed development was assumed to consist of an additional 540 assisted living units. Access to the subject site will continue to be served via the existing two connections (Fanning Court & Millhopper Boulevard) to Gladiolus Drive. No new access connections are being proposed as part of this rezoning.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives were completed and an analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

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F1908.04



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II. EXISTING CONDITIONS

The subject site is currently occupied by a mix of independent living/memory care/assisted living units. The overall site is bordered by Lakes Park to the north, Gladiolus Drive to the south, and by vacant land to the east and west.

Gladiolus Drive is an east/west six lane divided arterial the borders the subject site to the south. Gladiolus Drive has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

The applicant is proposing to rezone the entire subject site to RPD to remove the commercial component on the site and allow a development of additional 135 multi-family dwelling units for a total of 325 multi-family dwelling units on the entire site. However, for the purposes of this analysis, the proposed development was assumed to consist of additional 540 assisted living units instead of 135 multi-family dwelling units. This represents the worst case scenario in terms of trip generation for the proposed development. **Table 1** summarizes the land uses utilized for the purposes of this analysis.

**Table 1
Land Uses
Amavida RPD.**

Land Use	Approved Under Z-10-009	Proposed
Multi-Family Residential *	190 MF Dwelling Units	190 MF Dwelling Units & 540 Assisted Living Units
Retail	25,000 Sq. Ft.	N/A
Medical Office	75,000 Sq. Ft.	N/A

*Proposed additional multi-family residential units were converted to ALF units pursuant to Sec. 34-1414 of the Lee County Land Development Code. This represents the worst case scenario in terms of trip generation.

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Access to the subject site will continue to be served via the existing two connections (Fanning Court & Millhopper Boulevard) to Gladiolus Drive. No new access connections are being proposed as part of this rezoning.

IV. TRIP GENERATION

The trip generation for the approved and proposed rezoning was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation Manual*, 10th Edition. Land Use Code 820 (Shopping Center) was utilized for the trip generation purposes of the approved 25,000 square feet of retail uses. Land Use Code 720 (Medical-Dental Office) was utilized for the trip generation purposes of the approved 75,000 square feet of medical office uses. Land Use Code 254 (Assisted Living) was utilized for the trip generation purposes of the proposed development. As previously mentioned, the proposed additional multi-family dwelling units were converted to assisted living units which represents the worst case scenario in terms of trip generation. Land Use Code 220 (Multifamily Housing Low-Rise) was utilized for the trip generation purposes of the approved multi-family residential uses. Note, Land Use Code 220 is conservative in terms of trips generation when compared to the other Land Use Codes in the multi-family residential category (LUC 221-Multifamily Housing Mid-Rise & LUC 222-Multifamily Housing High-Rise). The trip generation equations utilized from these land uses are attached to the Appendix for reference.

Table 2 outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently approved. **Table 3** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently proposed.

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**Table 2
Trip Generation – Approved
Avida RPD/CPD**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (25,000 Sq. Ft.)	102	62	164	94	101	195	2,342
Medical-Dental Office (75,000 Sq. Ft.)	135	38	173	72	184	256	2,794
Multifamily Housing Low-Rise (190 Dwelling Units)	20	68	88	66	39	105	1,396
Total Trips	257	168	425	232	324	556	6,532

**Table 3
Trip Generation – Proposed
Amavida RPD**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multifamily Housing Low-Rise (190 Dwelling Units)	20	68	88	66	39	105	1,396
Assisted Living * (540 Units)	65	38	103	53	87	140	1,404
Total Trips	85	106	191	119	126	245	2,800

*Proposed additional multi-family residential units were converted to ALF units pursuant to Sec. 34-1414 of the Lee County Land Development Code. This represents the worst case scenario in terms of trip generation.

Table 4 illustrates the trip reduction when comparing the trip generation of the approved uses to the trip generation of the proposed uses (Table 2 vs Table 3).

**Table 4
Trip Generation Comparison – Approved Zoning vs Proposed Zoning
Table 2 vs Table 3**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Zoning	85	106	191	119	126	245	2,800
Approved Zoning	-257	-168	-425	-232	-324	-556	-6,532
Trip Reduction	-172	-62	-234	-113	-198	-311	-3,732

Note: Negative number represents a DECREASE in Trip Generation.

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As can be seen from Table 4, the requested zoning will **REDUCE** the traffic impacts of the development by approximately 55% in the AM peak hour, 56% in the PM peak hour and approximately 57% over the entire weekday from what is currently approved. The proposed rezoning request will be a “down zoning” from what is currently permitted.

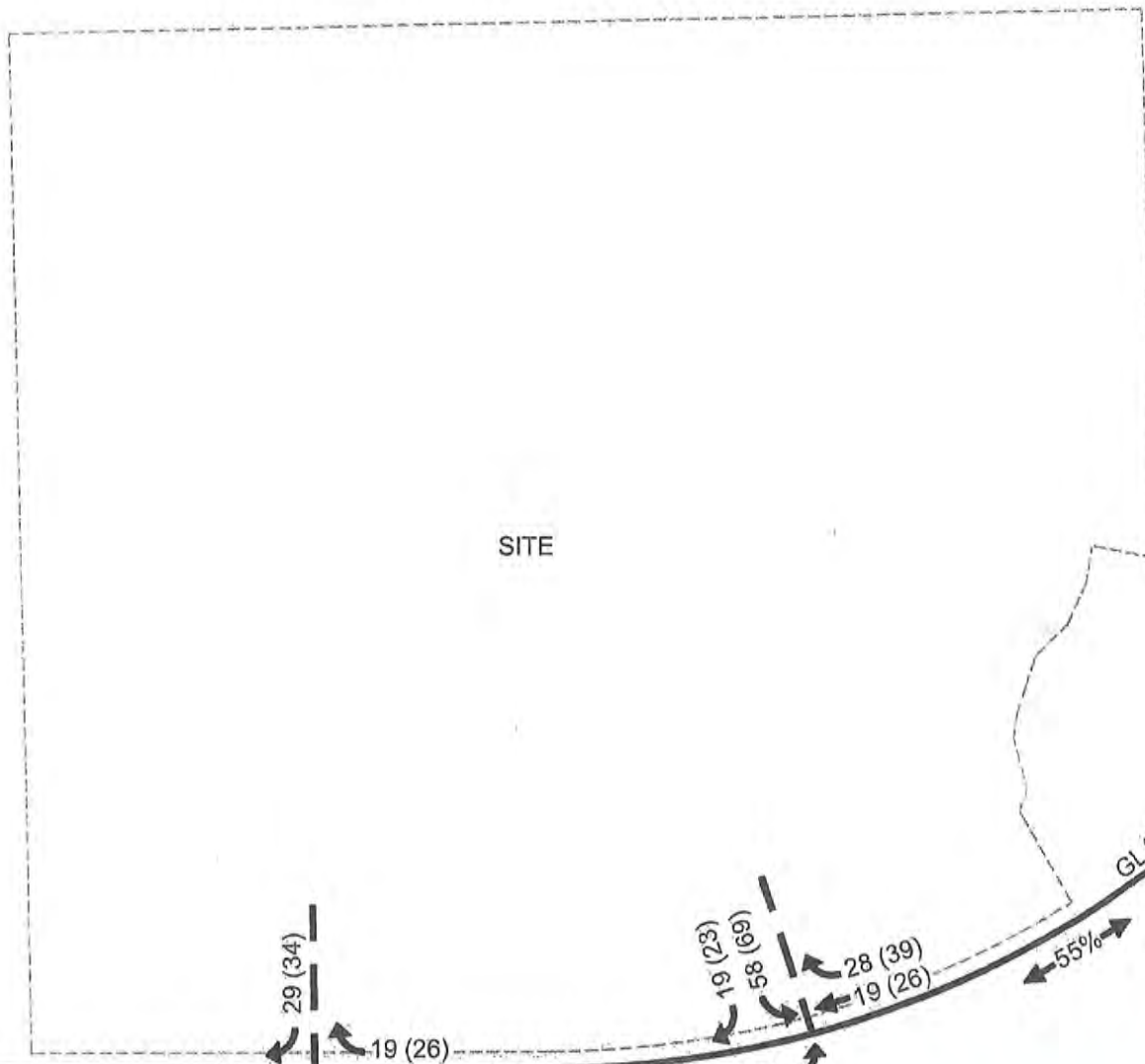
V. TRIP DISTRIBUTION

The trips as a result of the proposed development shown in Table 3 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown on **Figure 2**. Also shown on Figure 2 is the site traffic assignment to the proposed site access drives.

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service “C” volumes. The Level of Service threshold volumes were obtained from the **Lee County Generalized Peak Hour Directional Service Volume Tables** (June, 2016). Based on Table 1A, no roadway segments in the study area are projected to be significantly impacted as a result of the proposed development. A copy of the Generalized Service Volume Table is located in the Appendix of this report for reference.

VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2024 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. The growth rates were obtained through comparisons of annual traffic data



←45%→

29 (34)

19 (26)

19 (23)
58 (69)

28 (39)

19 (26)

(54) 38

←55%→

GLADIOLUS DRIVE

DCI 2019-00019

LEGEND

- ← 000 WEEKDAY AM PEAK HOUR SITE TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR SITE TRAFFIC
- ← 20% → PERCENT TRIP DISTRIBUTION

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obtained from 2018 *Lee County Traffic Count Report*. Based on the project distribution illustrated on Figure 2, the link data was analyzed for the year 2024 without the development and year 2024 with the development.

Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2024 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2018 *Lee County Public Facilities Level of Service and Concurrency Report*.

Figure 3 indicates the year 2024 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. This figure is derived from Table 2A contained in the Appendix.

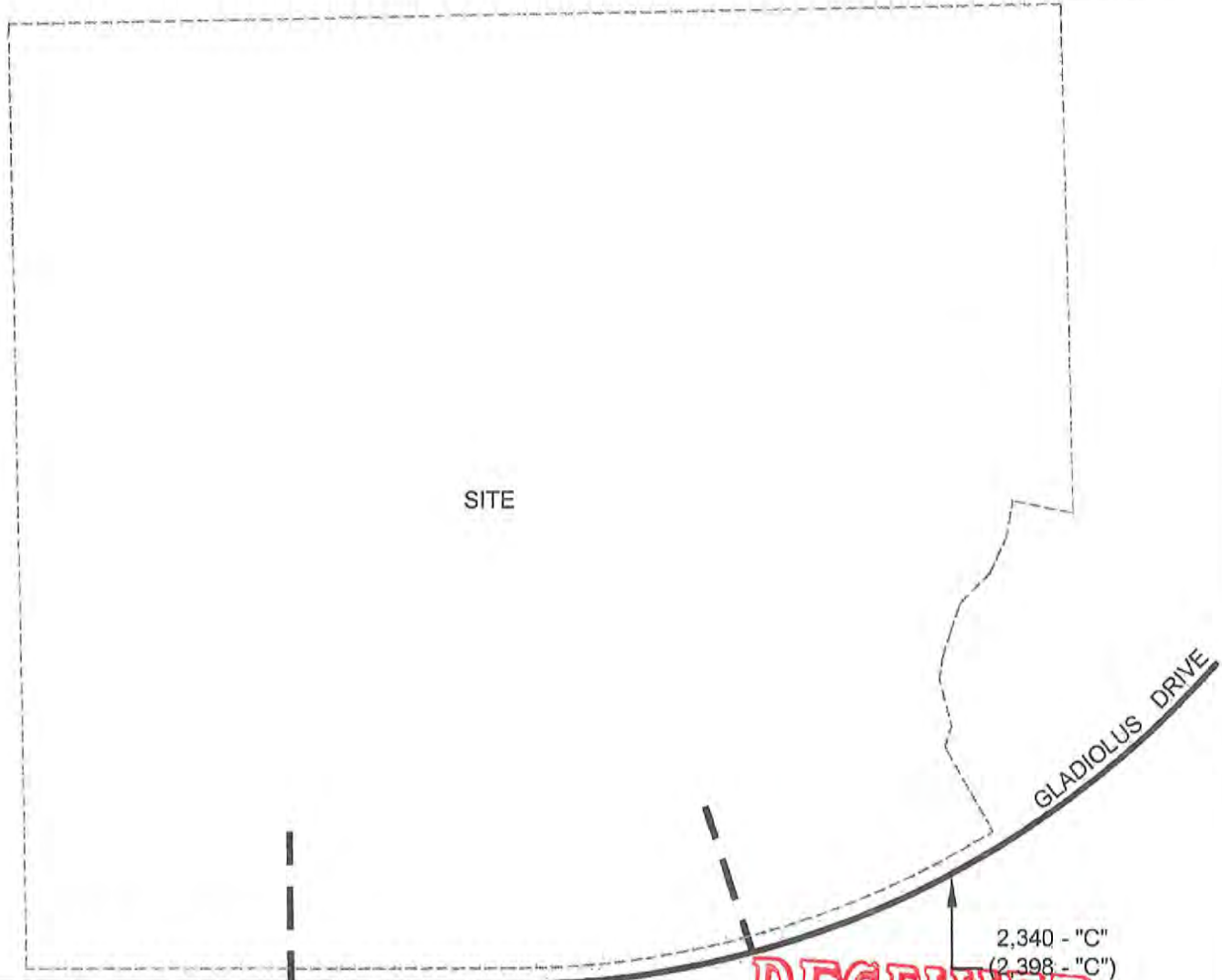
VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In comparing the links' functional classification and calculated 2024 traffic volumes to the Service Volume Tables, it was determined that Gladiolus Drive is projected to operate above the minimum adopted Level of Service in 2024 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. As previously mentioned, the proposed rezoning request will be a "down zoning" from what is currently permitted.

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OCT 20 19 - 00 019

F1908.04/Sufficiency



2,340 - "C"
(2,388 - "C")
[2,397 - "C"]

2,340 - "C"
(2,398 - "C")
[2,409 - "C"]

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- XXX - "X" 2024 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC AND LEVEL OF SERVICE DESIGNATION
- (XXX -"X") 2024 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS AM PEAK PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION
- [XXX -"X"] 2024 PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS PM PEAK PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION

Turn lane improvements at the site access drive intersections were previously evaluated and built based on the full build-out of the site with a more intense development scenario. No further turn lane improvements will be warranted as a result of the proposed “down zoning”.

VIII. CONCLUSION

The proposed development is located on the north side of Gladiolus Drive and approximately ½ mile east of its intersection with Summerlin Road in Lee County, Florida. The proposed rezoning request will be a “down zoning” as it will remove the approved commercial component on the site and replace it with a residential development for the entire 32.54 acre property.

The Level of Service analysis conducted as part of this report indicates Gladiolus Drive to operate above the minimum adopted Level of Service in 2024 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. The zoning amendment as proposed is consistent with the goals and objectives of the Lee County Comprehensive Plan and Goal 32 in that there is sufficient roadway capacity projected to accommodate the anticipated development.

Turn lane improvements at the site access drive intersections were previously evaluated and built based on the full build-out of the site with a more intense development scenario. No further turn lane improvements will be warranted as a result of the proposed “down zoning”.

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K: 2019 08 August 04 Amavida RPD Sufficiency 10-4-2019 TIS Report.doc

APPENDIX

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TABLE 1A & 2A

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**TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
AMAVIDA RPD**

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 191 VPH IN= 85 OUT= 106
 TOTAL PM PEAK HOUR PROJECT TRAFFIC = 245 VPH IN= 119 OUT= 126

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT		
								PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Gladiolus Dr.	E. of Site Access	6LD	0	400	2,840	2,940	2,940	55%	69	2.4%
	W. of Site Access	6LD	0	400	2,840	2,940	2,940	45%	57	2.0%

* Level of Service thresholds were obtained from the Lee County Generalized Level of Service Volumes on Arterials.

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**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
AMAVIDA RPD**

TOTAL PROJECT TRAFFIC AM = 191 VPH IN = 85 OUT = 106
 TOTAL PROJECT TRAFFIC PM = 245 VPH IN = 119 OUT = 126

ROADWAY	SEGMENT	PCS#	BASE YR ADT	LATEST ADT	YRS OF GROWTH	ANNUAL RATE	2017	2024		PERCENT		2024		2024		
							PK HR	PK HR	PK SEASON	PROJECT	AM PROJ	PM PROJ	+ AM PROJ	+ PM PROJ		
							PK SEASON	PEAK DIRECTION	TRAFFIC	LOS	TRAFFIC	LOS	TRAFFIC	LOS	TRAFFIC	LOS
Gladiolus Dr.	E. of Site Access	46	35,900	41,500	9	2.00%	2,037	2,340	C	55%	58	69	2,398	C	2,409	C
	W. of Site Access	46	35,900	41,500	9	2.00%	2,037	2,340	C	45%	48	57	2,388	C	2,397	C

¹ Current peak hour peak season peak direction traffic volumes for all roadways were obtained from the 2018 Lee County Public Facilities Level of Service and Concurrency Report.
 * AGR was calculated based the historical traffic data obtained from 2018 Lee County Traffic Count Report.

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**LEE COUNTY GENERALIZED
SERVICE VOLUMES TABLE**

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Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016

c:\input5

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380
Arterials						
Class I (40 mph or higher posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940
Class II (35 mph or slower posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340
Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180
Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600

Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.

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**TRAFFIC DATA FROM THE 2018 LEE
COUNTY PUBLIC FACILITIES LEVEL
OF SERVICE AND CONCURRENCY
REPORT**

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Table 18 (cont.): Existing and Future Roadway LOS on County-Maintained Arterials in Unincorporated Areas

ROADWAY LINK				100TH HIGHEST HOUR DIRECTIONAL VOLUMES						NOTES
				STANDARD		2017		2022		
NAME	FROM	TO	TYPE	LOS	MAX	LOS	EXISTING	LOS	FUTURE	
CYPRESS LAKE DR	McGREGOR BLVD	SOUTH POINT BLVD	4LD	E	1,940	D	1,249	D	1,313	
	SOUTH POINT BLVD	WINKLER RD	4LD	E	1,940	D	1,249	D	1,313	
	WINKLER RD	SUMMERLIN RD	4LD	E	1,940	D	1,472	D	1,547	
	SUMMERLIN RD	US 41	6LD	E	2,940	D	2,008	D	2,112	
DANIELS PKWY	US 41	METRO PKWY	6LD	E	2,680	D	2,316	D	2,434	v/c = 0.86/0.91
	METRO PKWY	SIX MILE PKWY	6LD	E	2,680	D	2,109	D	2,520	Constrained
	SIX MILE PKWY	PALOMINO LN	6LD	E	3,040	F	3,060	F	3,359	Constrained
	PALOMINO LN	I-75	6LD	E	3,040	F	3,222	F	3,386	Constrained
	I-75	TREELINE AVE	6LD	E	3,260	B	3,234	F	3,339	Alico Connector as reliever v/c = 0.99/1.02
	TREELINE AVE	CHAMBERLIN PKWY	6LD	E	3,260	B	2,656	B	2,791	v/c = 0.82/0.85
	CHAMBERLIN PKWY	GATEWAY BLVD	6LD	E	3,260	B	2,589	B	2,721	v/c = 0.79/0.83
	GATEWAY BLVD	SR 82	4LD	E	2,160	B	1,853	B	1,997	v/c = 0.86/0.92 SKY Walk
DEL PRADO BLVD	US 41	SLATER RD	2LN	E	860	C	406	F	912	v/c = 0.47/1.06 Crane Landing
GATEWAY BLVD	DANIELS PKWY	GATEWAY LAKES BLVD	4LD	E	1,960	C	958	C	1006	DRI monitoring report count
	GATEWAY LAKES BLVD	SR 82	2LN	E	860	C	525	C	552	DRI monitoring report count
GLAD-IOLUS DR	McGREGOR BLVD	PINE RIDGE RD	4LD	E	1,840	C	581	C	611	
	PINE RIDGE RD	BASS RD	4LD	E	1,840	C	1,195	C	1,330	
	BASS RD	WINKLER RD	6LD	E	2,780	C	1,195	C	1,256	
	WINKLER RD	SUMMERLIN RD	6LD	E	2,780	C	1,195	C	1,256	
	SUMMERLIN RD	US 41	6LD	E	2,780	B	2,037	C	2,141	
GUNNERY RD	SR 82	23RD ST SW	4LD	E	1,920	B	965	B	1,060	
	23RD ST SW	LEE BLVD	4LD	E	1,920	B	965	B	1,014	
	LEE BLVD	BUCKINGHAM RD	2LN	E	1,020	C	799	C	934	
HANCOCK BRIDGE PKWY	NE 24TH AVE	ORANGE GROVE BLVD	4LD	E	1,880	B	1,286	B	1,352	
	ORANGE GROVE BLVD	MOODY RD	4LD	E	1,880	B	1,435	B	1,509	v/c = 0.76/0.80
	MOODY RD	US 41	4LD	E	1,880	B	1,435	B	1,509	v/c = 0.76/0.80
HOME-STEAD RD	SR 82	MILWAUKEE BLVD	2LN	E	1,010	D	637	E	807	
	MILWAUKEE BLVD	SUNRISE BLVD	2LN	E	1,010	D	637	E	670	
	SUNRISE BLVD	LEELAND HEIGHTS	2LN/4LD	E	1,010/2,960	F	1,580	D	1,661	4 lane under construction
	LEELAND HEIGHTS	LEE BLVD	4LN	E	2,960	D	1,580	D	1,676	
JOEL BLVD	BELL BLVD	18TH ST	4LN	E	2,120	B	768	B	978	Joel Blvd CPD
	18TH ST	SR 80	2LN	E	1,010	D	501	D	527	
LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	B	2,623	B	2,757	Alico Connector as reliever v/c = 0.92/0.97
	ALVIN AVE	GUNNERY RD	6LD	E	2,840	B	2,091	B	2,270	
	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	B	1,680	B	1,767	
	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	649	B	683	
	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	B	649	B	683	

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**TRAFFIC DATA FROM THE 2018 LEE
COUNTY TRAFFIC COUNT REPORT**

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Daily Traffic Volume (AADT)

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STREET	LOCATION	Sta- tion #	Daily Traffic Volume (AADT)												
			2009	2010	2011	2012	2013	2014	2015	2016	2017	2018			
FORUM BLVD	N OF COLONIAL BLVD	629	4400												
FOWLER ST	E OF US 41	511	22500	19800					20700		23300		22100		
FOWLER ST	N OF AIRPORT RD	280	22300	22100											
FOWLER ST	N OF COLONIAL BLVD	278	22200	18400											
FOWLER ST	S OF MORENO ST	28	22700	19300	19000	19400	21700	23000	24500	23700	24900	23900			
FOWLER ST	N OF HANSON ST	282	18600												
FOWLER ST	S OF M.L.K. BLVD (SR 82)	279	13300												
GASPARILLA BLVD	S OF CHARLOTTE CO. LINE	510	6000	6600					6500						
GATEWAY BLVD	N OF GRIFFIN DR														
GLADIOLUS DR	E OF SAN CARLOS BLVD	284	7200	8900	10200		7600		13100		13100				
GLADIOLUS DR	E OF PINE RIDGE	283		13600											
GLADIOLUS DR	E OF A&W BULB RD	39			18600	19200	19800	20500	21900	22600	23000	22500			
GLADIOLUS DR	W OF WINKLER RD	285		21700											
GLADIOLUS DR	W OF US 41	46	35900	39100	37800	40800	37600	38900	40600	42000	42700	41500			
GREENBRIAR BLVD	W OF JOEL BLVD	476	1400												
GRIFFIN DR	S OF SR 82														
GUNNERY RD	N OF IMMOKALEE RD	290	14900	17700	17300	20200	17600	18300	19100	21500	20400				
GUNNERY RD	N OF LEE BLVD (CR 884)	289	9500	12700	14700	15800	13600	13600	15100	14800	15500	15800			
GUNNERY RD	S OF BUCKINGHAM RD								7800						
HANCOCK BRIDGE PKWY	W OF BEAU DR	17	21200	20700	20000	17900	18400	20600	21500	22000	22200	23700			
HANCOCK BRIDGE PKWY	W OF MOODY RD	291	21300												

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TRIP GENERATION EQUATIONS

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Multifamily Housing (Low-Rise) (220)

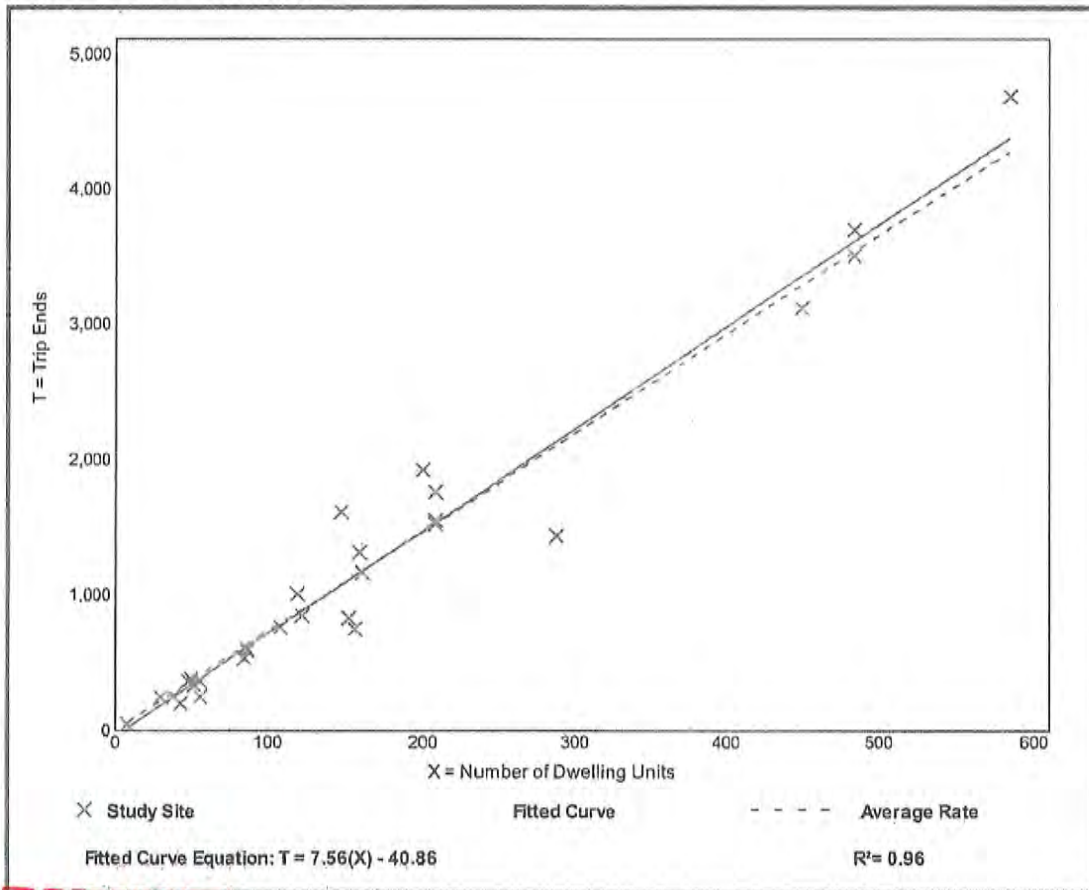
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 29
Avg Num. of Dwelling Units: 168
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
7.32	4.45 - 10.97	1.31

Data Plot and Equation



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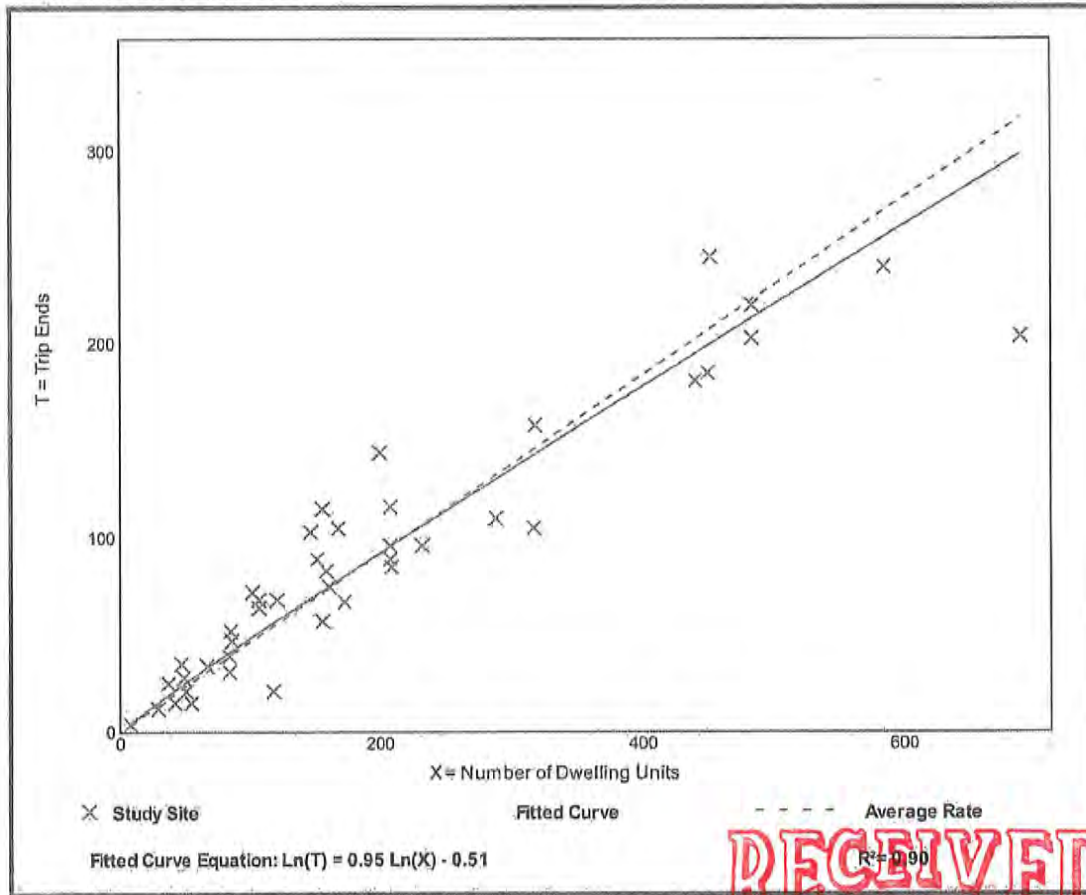
Multifamily Housing (Low-Rise) (220)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 42
 Avg. Num. of Dwelling Units: 199
 Directional Distribution: 23% entering, 77% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.46	0.18 - 0.74	0.12

Data Plot and Equation



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Assisted Living (254)

Vehicle Trip Ends vs: Beds
On a: Weekday

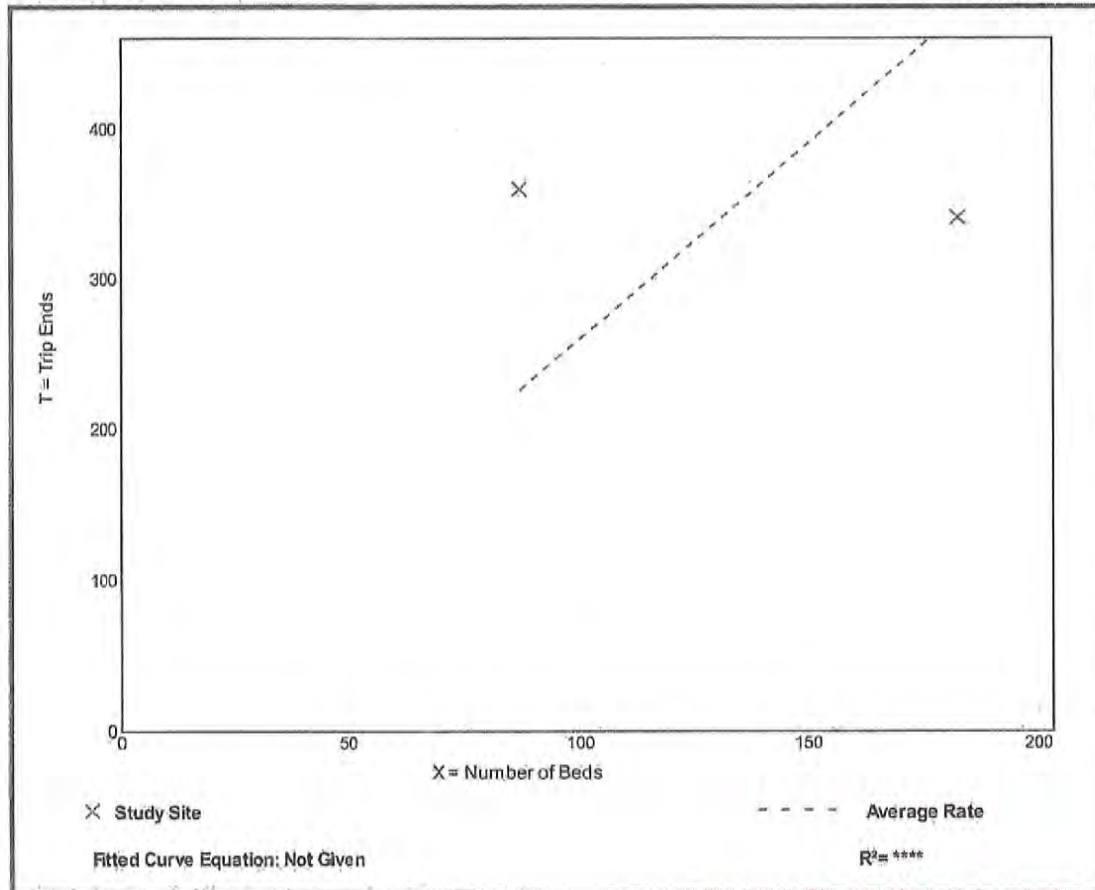
Setting/Location: General Urban/Suburban
Number of Studies: 2
Avg. Num. of Beds: 135
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Bed

Average Rate	Range of Rates	Standard Deviation
2.60	1.86 - 4.14	*

Data Plot and Equation

Caution – Small Sample Size



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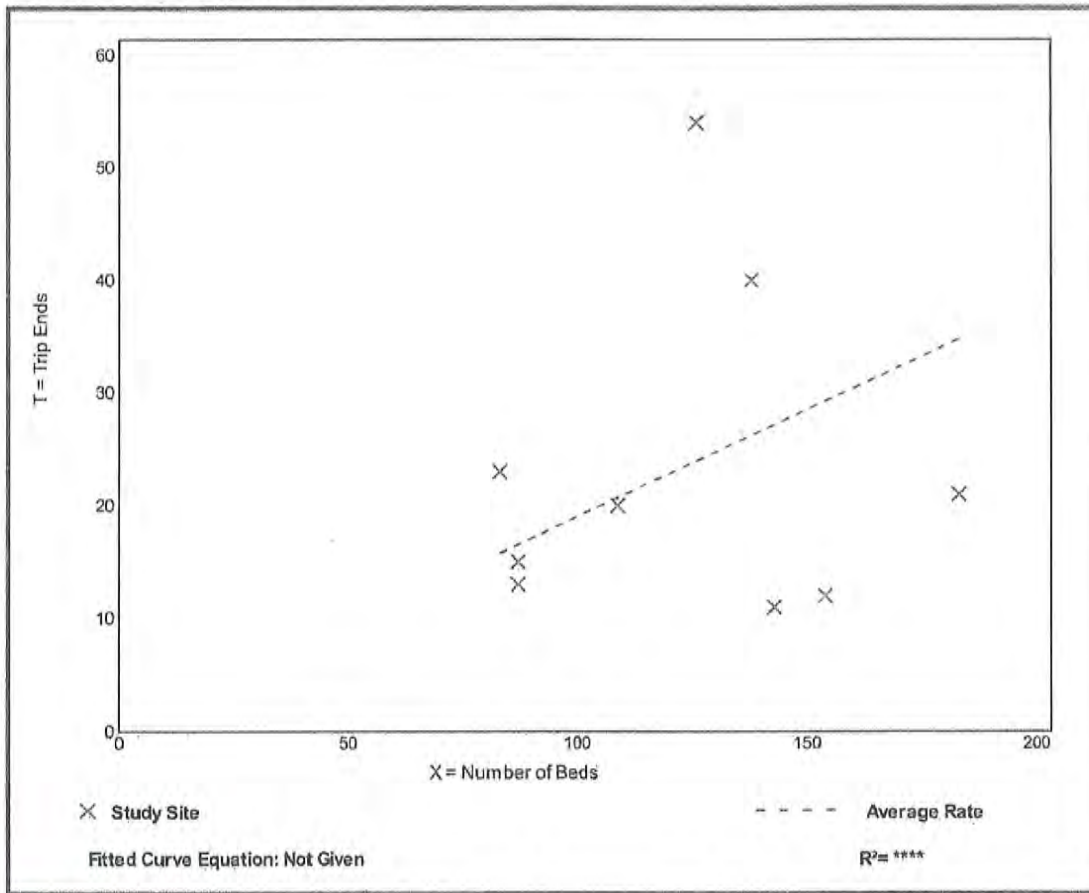
Assisted Living (254)

Vehicle Trip Ends vs: Beds
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 9
 Avg. Num. of Beds: 123
 Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Bed

Average Rate	Range of Rates	Standard Deviation
0.19	0.08 - 0.43	0.12

Data Plot and Equation



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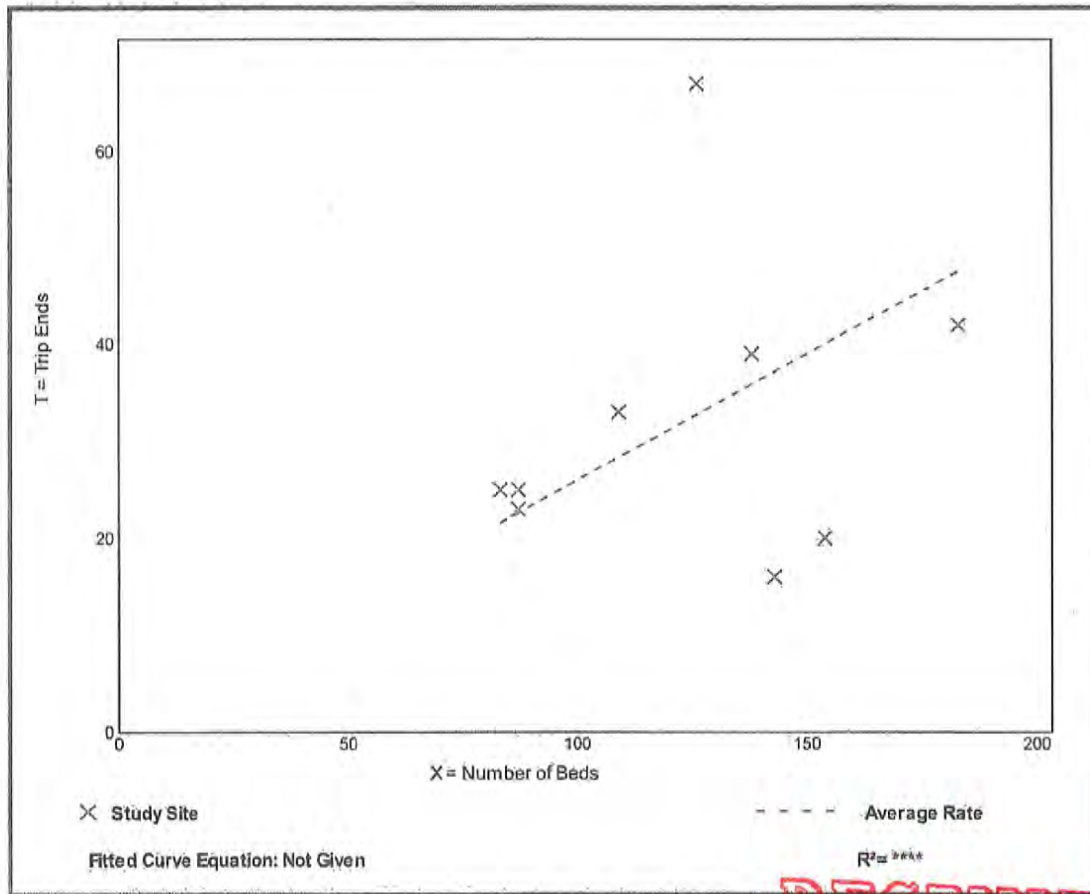
Assisted Living (254)

Vehicle Trip Ends vs: Beds
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 9
 Avg. Num. of Beds: 123
 Directional Distribution: 38% entering, 62% exiting

Vehicle Trip Generation per Bed

Average Rate	Range of Rates	Standard Deviation
0.26	0.11 - 0.53	0.13

Data Plot and Equation



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Medical-Dental Office Building (720)

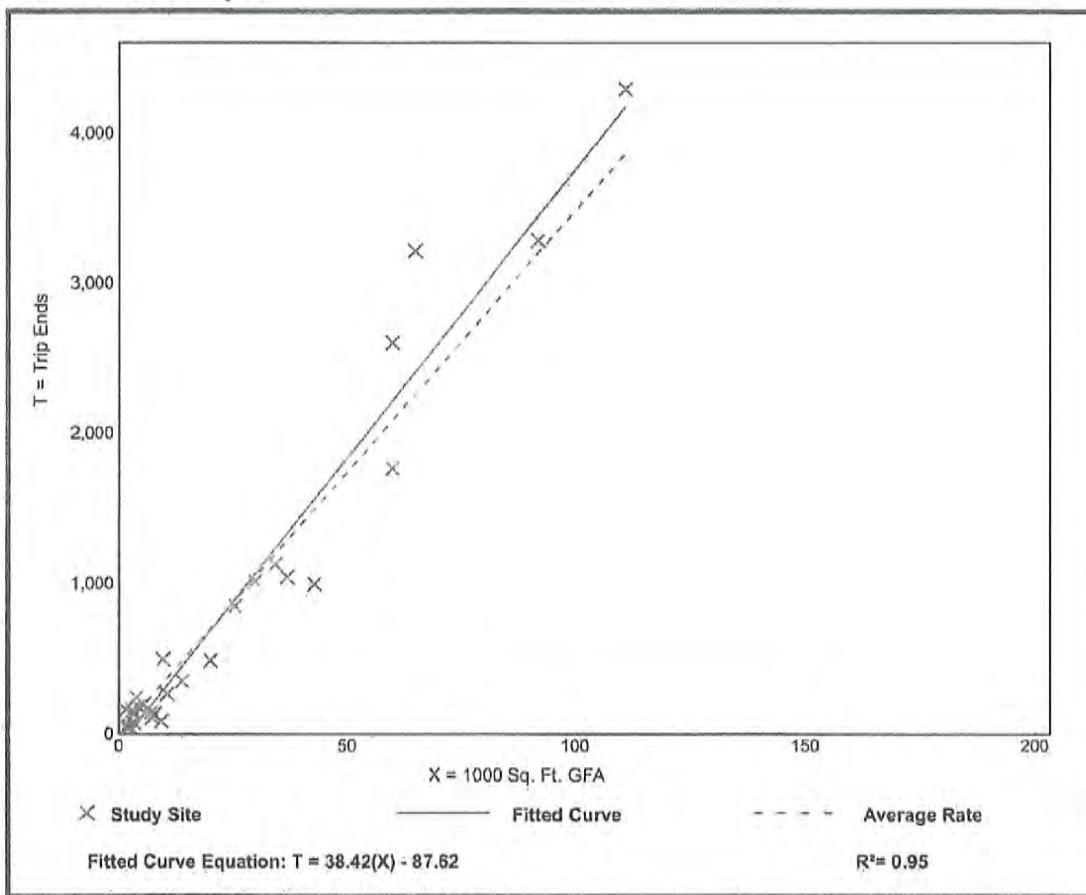
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 28
1000 Sq. Ft. GFA: 24
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
34.80	9.14 - 100.75	9.79

Data Plot and Equation



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152 Trip Generation Manual 10th Edition • Volume 2: Data • Office (Land Uses 700-799)

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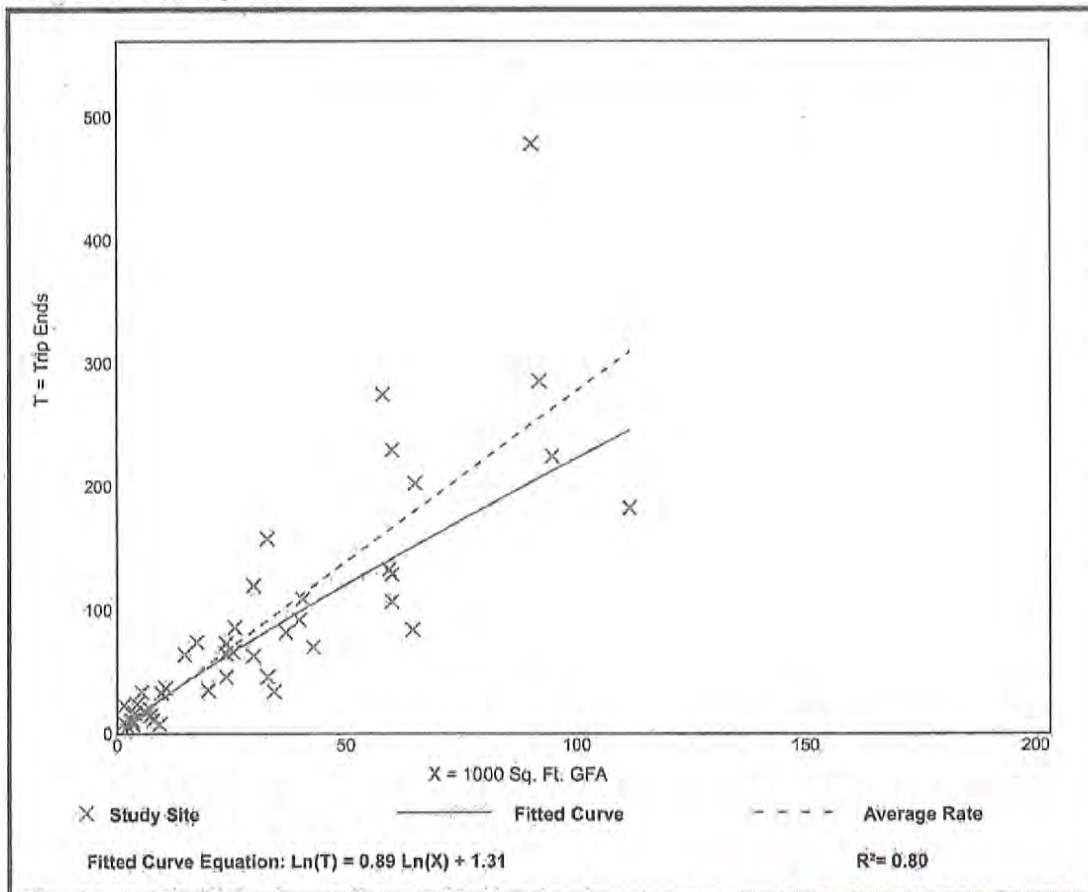
Medical-Dental Office Building (720)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 44
 1000 Sq. Ft. GFA: 32
 Directional Distribution: 78% entering, 22% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
2.78	0.85 - 14.30	1.28

Data Plot and Equation



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Medical-Dental Office Building (720)

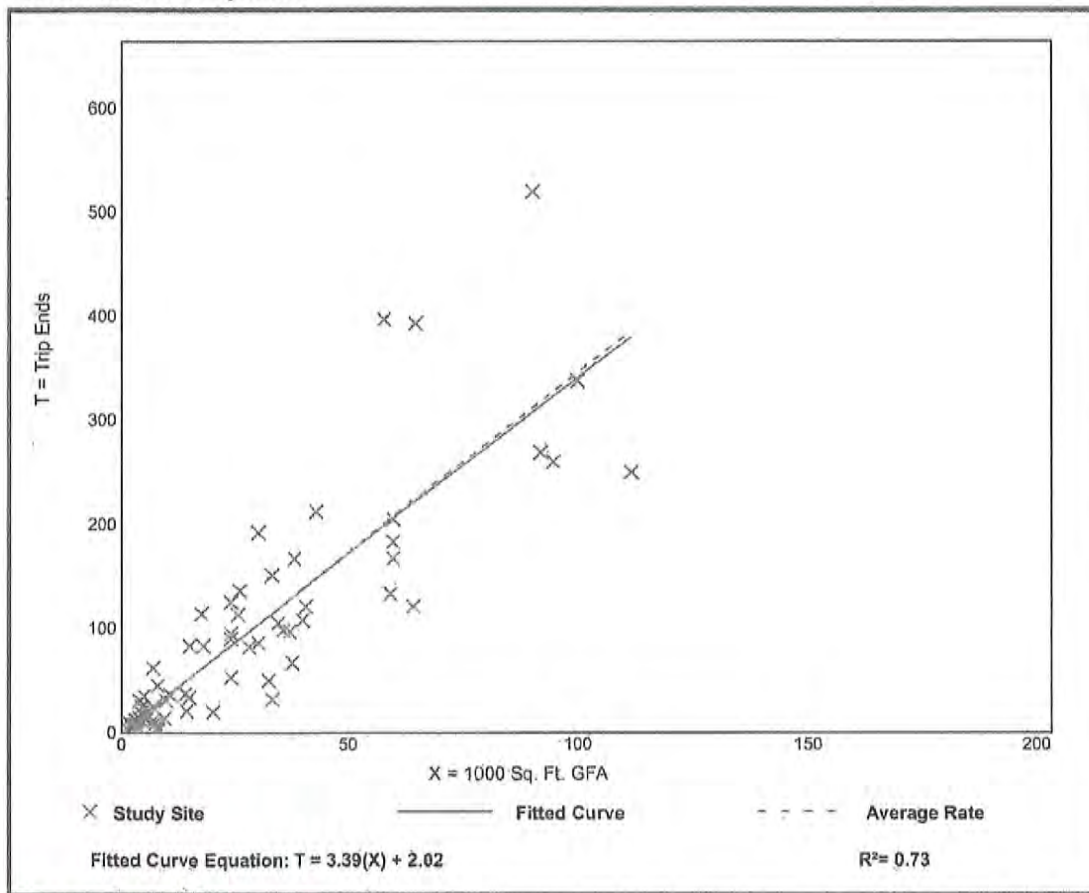
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban
 Number of Studies: 65
 1000 Sq. Ft. GFA: 28
 Directional Distribution: 28% entering, 72% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.46	0.25 - 8.86	1.58

Data Plot and Equation



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Shopping Center (820)

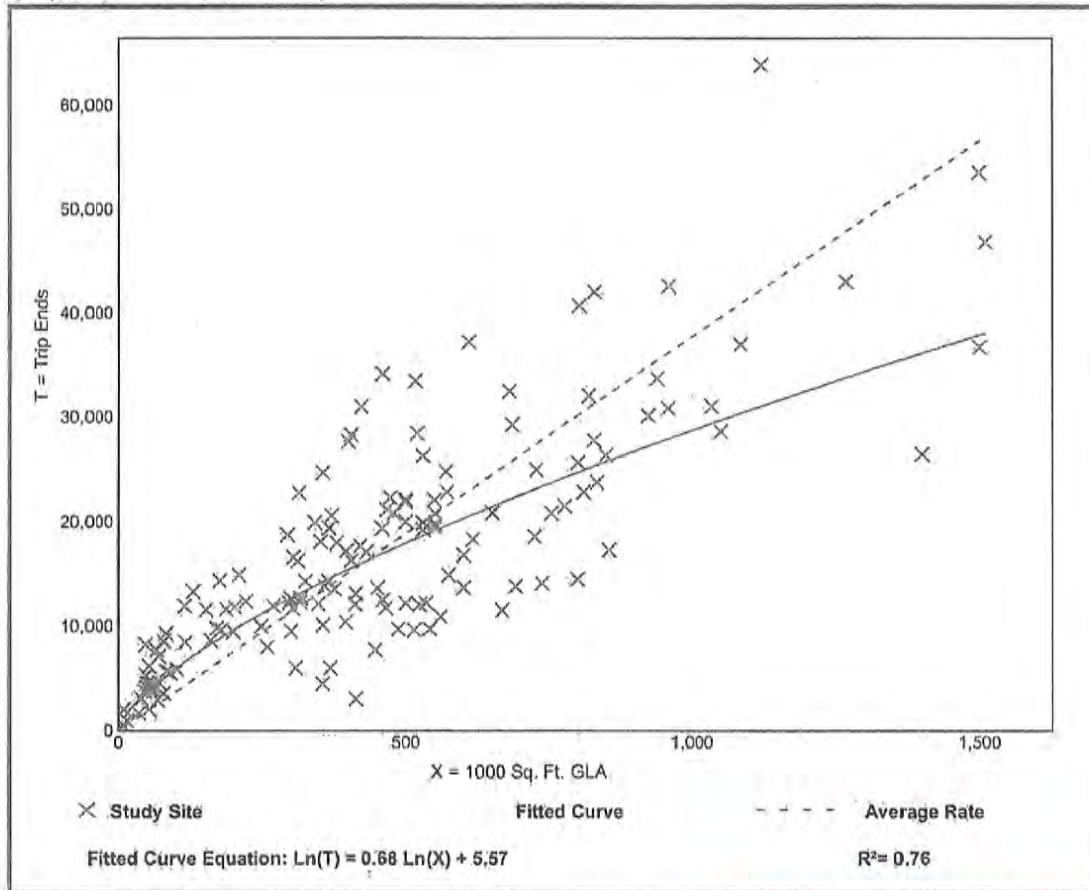
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 147
1000 Sq. Ft. GLA: 453
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.75	7.42 - 207.98	16.41

Data Plot and Equation



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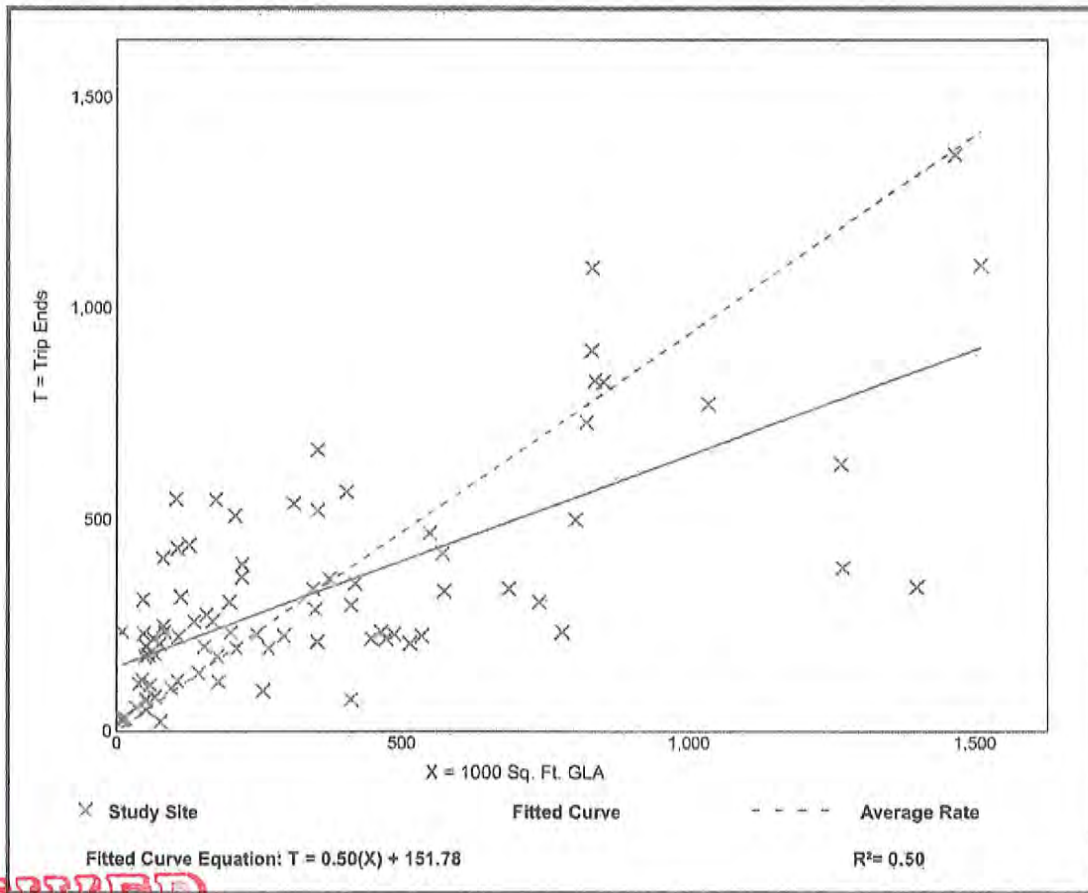
Shopping Center (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 84
 1000 Sq. Ft. GLA: 351
 Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.94	0.18 - 23.74	0.87

Data Plot and Equation



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OCT 20 19 - 00 019

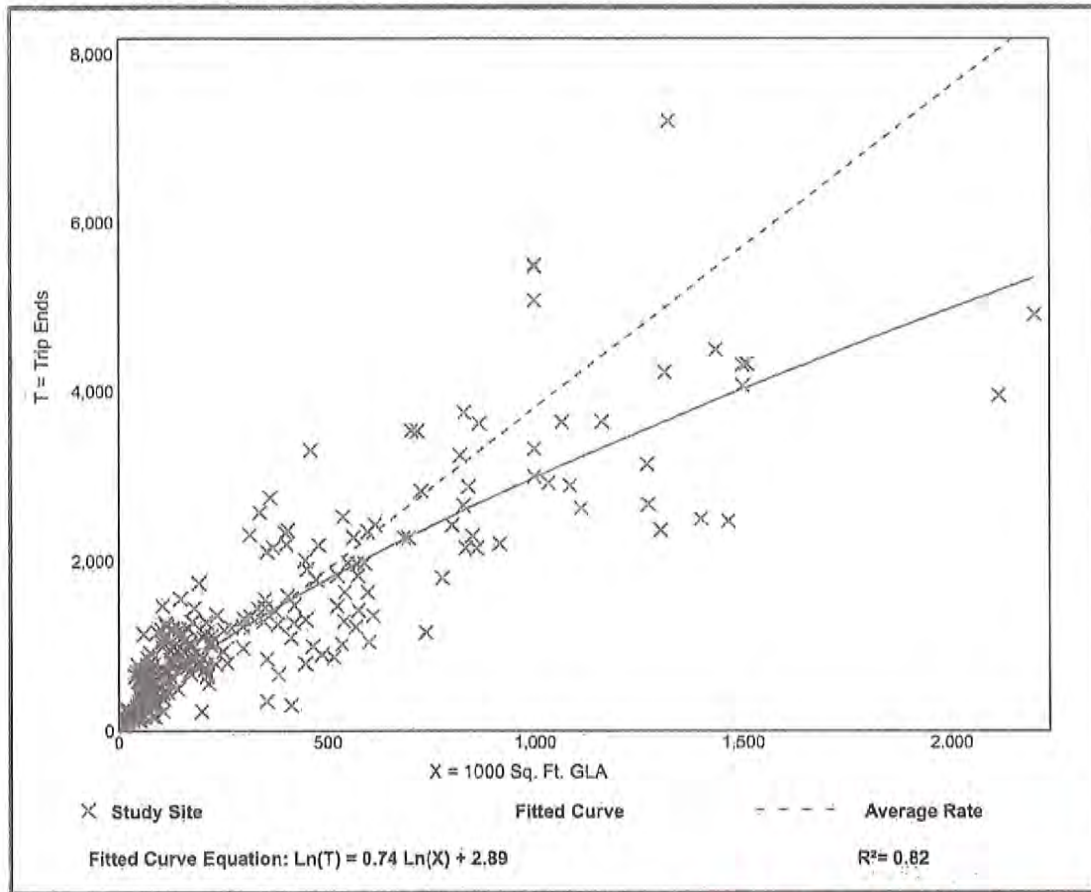
Shopping Center (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 261
 1000 Sq. Ft. GLA: 327
 Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.81	0.74 - 18.69	2.04

Data Plot and Equation



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ATTACHMENT R



DEPARTMENT OF COMMUNITY
DEVELOPMENT

Memo

To: Dirk Danley, Planner, Senior

From: Lili Wu, Planner, Senior

Date: Dec. 18, 2019

Subject: Amavida RPD (FKA Avida RPD/CPD) (DCI2019-00019) Transportation-Related Analysis

Proposed Development

This application is requesting a rezoning from RPD/CPD to RPD to remove 100,000 square feet of commercial to add 135 multi-family dwelling units for a total of 325 multi-family dwelling units (190 existing D.U) .

Site Location & Existing Conditions

The subject site is located on the north side of Gladiolus Dr and approximately 0.5 mile east of its intersection with Summerlin Rd. The subject site is currently occupied by a mix of independent living/memory care/assisted living units..

Site Access

Access to the subject site is served via two existing connections (Fanning Court & Millhopper Blvd) to Gladiolus Dr. No new access connections are being proposed as part of this rezoning.

Gladiolus Dr is an arterial maintained by County.

Trip Generation Review

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 10th Edition Report. Table 1 outlines the proposed project's trip generation for weekday A.M and P.M peak hour and daily traffic volumes. Table 2 outlines the anticipated weekday A.M and P.M peak hour and daily trip generation of development as currently approved.

**Table 1
Trip Generation
Proposed**

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-Way)
Multi-family (existing 190 D.U)	20	68	88	66	39	105	1,396
Assisted Living* (540 Units)	65	38	103	53	87	140	1,404
Total Trips	85	106	191	119	126	245	2,800

- Proposed additional multi-family residential units were converted to ALF units pursuant to Sec. 34-1414 of the Lee County Development Code. This represents the worst case scenario in terms of trip generation.

**Table 2
Trip Generation
Approved**

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-Way)
Avida RPD/CPD	257	168	425	232	324	556	6,532

This requested zoning will reduce the traffic impacts of the development by approximately 55% in the AM peak hour, 56% in the PM peak hour and approximately 57% over the entire weekday from what is currently approved.

Roadway Section Traffic Operation Level of Service Analysis

It was assumed that the proposed development would be completed by 2024 (build-out year). Therefore, the roadway links most impacted by the proposed development were analyzed for the 2024 projected traffic conditions without the proposed development and with the proposed development (Table 3).

**Table 3
Arterial/Collector Roadway Section(s) Adjacent to Site
Expected to be Most Impacted by the Proposed Development**

Roadway	Location	Significant Impact Expected	Level of Service		
			Existing	Future 2024	Future + Project
Gladiolus Dr	West of Project	No	C	C	C
Gladiolus Dr	East of Project	No	C	C	C

Conclusion

This requested zoning will not have a detrimental impact on the surrounding roadway system.

ATTACHMENT S



John E. Manning
District One

August 7, 2019

Via E-Mail

Cecil L. Pendergrass
District Two

Jennifer Sheppard
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

RE: **Potable Water and Wastewater Availability**
Amavida, 7778 Gladiolus Drive,
STRAP # 35-45-24-00-00015.0000 & 35-45-24-00-00014.0000

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Chief
Hearing Examiner

Dear Ms. Sheppard:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 540 unit ALF with an estimated flow demand of approximately 62,100 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Green Meadows Water Treatment Plant.

Sanitary sewer service will be provided by our our Fiesta Village Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

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P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111
lee-county.com

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

DCI 2019-00019

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Zoning only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING

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ATTACHMENT T



3401 Metro Parkway
Fort Myers, FL 33901
Phone: (239) 533-0233

John E. Manning
District One

November 13, 2019

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

Dirk Danley, Jr.
Plan Reviewer, DCD Development
1500 Monroe St
Fort Myers, FL 33901

RE: DCI2019-00019 Amavida RPD f/k/a Avida RPD_CPD

Dear Mr. Danley,

LeeTran has reviewed the development order to Rezone from RPD/CPD to RPD, remove 100,000 SF of commercial to allow a total of 325 dwelling units or equivalent ALF, CCF or ILU units. After reviewing the site and comparing the location with our existing and planned route locations according to the 2016 Transit Development Plan (TDP), the following has been determined:

- The identified site does not lie within the ¼ mile fixed-route corridor.
- The 2016 TDP does not identify the need for enhanced or additional transit services in the area.

Conclusion:

The parcel location is outside a one-quarter mile fixed-route corridor therefore, developer is not required to connect to or improve transit facilities.

Attached is a map of our route serves in relation to the site. If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0340 or JPuente@leegov.com.

Sincerely,

Jorge J. Puente

Jorge J. Puente

Service Planner, LeeTran Mobility Enhancement Team



REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS (indicate the appropriate application type)

- Public Hearing - General Requirements (34-202)
Public Hearing - Mining Excavation Planned Development (12-110)
Public Hearing - Additional Requirements for:
Development of Regional Impact (34-203(a))
Planned Developments (34-203(b))
Planned Development Amendment (34-203(b))
Rezoning other than Planned Developments (34-203(c))
Special Exceptions (34-203(e))
Variances (34-203(f))
Limited Amendment to Existing Mine Zoning Approval [12-121(j)]
Private Recreational Facilities Planned Development (34-941(g))
Development Order - Submittal Requirements (10-152)
Application Form and Contents (10-153)
Additional Required Submittals (10-154)
Limited Review Development Order - Submittal Requirements (10-152)
Required Submittals (10-175)
Administrative Action Application Requirements [34-204(a)]
State the Type of Administrative Application:

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PLEASE PRINT OR TYPE:

STRAP Number: 35-45-24-00-00015.0000 & 35-45-24-00-00014.0000
Name of Project: Avida

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Name of Agent: Stacy Ellis Hewitt, AICP - Banks Engineering
Street Address: 10511 Six Mile Cypress Parkway, Suite 101
City, State, Zip: Fort Myers, Florida 33966
Phone Number: 239-770-2527/239-939-5490 Email Address: shewitt@bankseng.com

Name of Applicant*: Quadrum Lakes Park, LLC
Street Address: 407 Lincoln Road, Suite 304
City, State, Zip: Miami Beach, Florida 33139
Phone Number: Email Address:

DCI 2019-00019

*If applicant is not the owner, a letter of authorization from the owner must be submitted.

LEE COUNTY COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET), FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

	Section Number	Requirement
#1	34-202(a)(2); 34-373(a)(4)a	Boundary Survey
#2	34-202(a)(3)	Title Certification
#3	34-373(a)(4)d.iv	Topography
#4	34-373(a)(4)b.v	Soils Map
#5	34-373(a)(4)c	FLUCCS Map
#6	34-373(a)(4)b.iii	Rare & Unique Habitat Map
#7	34-373(a)(4)b.v	Existing & Historic Flow-Ways Map
#8	34-373(b)(2)	Protected Species Survey
#9	34-373(b)(1)	Surface Water Management Plan - RPH
#10	34-202(a)(1)	Legal Description & Sketch

B. SCOPE OF PROJECT AND REASON(S) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

The applicant is preparing an application for an amendment to the existing Avida RPD/CPD to rezone to RPD to remove 100,000 SF of commercial and add 135 dwelling units or density equivalent of Assisted Living Facility, Continuing Care Facility or Independent Living Units. The overall legal description is included in the existing zoning approvals and remains the same. The site has been cleared and partially developed including the infrastructure. The waiver request is for items that exist in county zoning and development order records for this developed property and are not proposed to be revised. The property remains in the same ownership. Given the extent of information available in existing Lee County files, the applicant respectfully requests that the waiver be approved. The submittal of any of these documents would have no bearing on the review and processing of the application.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.



Signature of Applicant

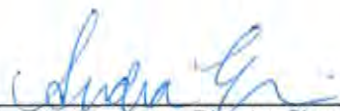
July 1, 2019

Date

.....
FOR STAFF USE ONLY

DIRECTOR'S DECISION:

- Request Denied #1, #2, #10
- Request Approved 3, 8, 9
- Request Approved Per Attached Comments



Director Signature

DCI 2019-00019

July 10, 2019

Date

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Avida

GEN2019-00230

9 Surface Water Management RDH/Development Services

No objection to waiver for surface water management system. Backbone system existing.

EAW/Environmental

Waiver #3 - #8 approved. Site has been cleared and infrastructure has been CC'd.

DIM/Legal

Waiver #1, 2 & 10 denied

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