

Reply to
Richard Akin
Direct Fax Number 239.344.1554
Direct Dial Number 239.344.1182
E-Mail: Richard.akin@henlaw.com

Lee County Hearing Examiner
1500 Monroe Street
Fort Myers, FL 33905
Sent via e-mail

January 8, 2024

**RE: RIVER HALL RPD/CPD
DCI2022-00026**

Dear Madam Hearing Examiner,

On behalf of the applicant for DCI2022-00026, I am pleased to submit the information required in the 48-Hour Notice and Exhibit List. The following is a list of applicant witnesses who we expect to be present and/or testify as well as the list of Exhibits that we intend to bring. The Applicant also attaches a copy of the memorandum regarding the River Hall Community Meeting held on August 9, 2023, at staff's request. Please note that the applicant is in general agreement with the staff report and proposed Conditions with the following additions/differences:

- Condition 2a – Schedule of Uses. The Schedule of Uses should be grouped into uses permitted within the RPD portion of the Project and the CPD portion of the project. The reference to the “Town Center” should be removed and the dwelling units should be removed from the CPD portion of the project. “Public School” and related accessory uses should be move to the RPD portion of the project.
- Condition 5a – Density. The allowable density table should be replaced with the density table provided on the top of page 4 in the staff report. The density table in condition 5a does not reflect density that may be derived from the preservation of wetlands. The staff report analyzes the density based on the table on page 4 of the staff report, also reproduced below:

Allowable Density		
FLU	Acreage	Gross Allowable Density
Suburban	92.93	557.58
Wetlands (Suburban)	21.14	126.84
Outlying Suburban	308.77	926.31
Sub-Outlying Suburban	275.59	551.18
Rural	1051.80	1051.80
Wetlands (Rural)	168.06	168.06
Impacted Wetlands	64.54	3.23
TOTAL:		3385.00

- Condition 5c – Density. The underlined language states that “Densities may not be shifted between Future Land Use categories unless a new public hearing occurs.” This language could be interpreted to mean that density cannot be utilized from preserved from wetlands. This language is a carry-over from condition 5b of the existing zoning. Nowhere in the conditions does it specifically call out max densities in each area. Replacing the density table and deleting the referenced language eliminates ambiguity. Language should also be added providing that “within River Hall II-2, a maximum density of 600 units is allowed within the southern 139.95 acres and a maximum density of 310 units is allowed within the northern 22.74 acres.”
- Condition 10. This condition should be deleted as it is unnecessary. The condition provides in part: “Upon completion of the traffic signal at SR 80 and River Hall Parkway, the applicant will provide the Director of Community Development a copy of the FDOT Final Acceptance Letter.” The traffic signal in question has been installed and in operation for approximately five years. This requirement (and all others provided by condition 10), is complete and the condition is therefore unnecessary.
- The staff report conditions reference the following attachments from the existing zoning conditions:
 - Exhibit A - Protected Species Management Plan for Schulman Parcel; American Alligator Management Plan; Gopher Tortoise Management Plan; and Scrubjay Management Plan
 - Exhibit B – Signage Exhibit
 - Exhibit C – Property Development Regulations

These exhibits are not attached. These should be attached to the conditions to avoid ambiguity. The Applicant has attached the property development regulations (reflecting prior administrative changes) hereto.

A. APPLICANT WITNESSES:

- *Jennifer Sapien, AICP, Land Use Planner, Sapien Site Planning, Inc.*
- *Carl Barraco, P.E., Project Engineer, Barraco and Associates, Inc.*
- *Stephen Leung, Transportation Consultant, David Plummer and Associates*
- *Shane Johnson, Ecologist, Passarella and Associates*
- *Kirk Martin, P.G., Water Science Associates*

In addition to the above witnesses, I will also be present.

B. APPLICANT EXHIBITS:

- Applicant's PowerPoint Presentation
- Full size MCP

Sincerely,

Richard Akin

Richard Akin

Cc: Jennifer Sapien
Carl Barraco
Dirk Danley, Lee County Community Development

	Min. Lot Area (SF)	Min. Lot Width	Min. Lot Depth	Max. Height	Max. Lot Coverage
Single Family	R-1: 5,400 R-2: 4,860	R-1: 45' R-1A: 40.5'	120'	45' / 3 stories	60%
Two-Family Attached and Zero Lot Line	3,960	33'	120'	45' / 3 stories	60%
Townhouse	1,800	18'	100'	45' / 3 stories	60%
Multi-family	10,000	75'	100'	45' / 3 stories	60%
Clubhouse, Amenity & Golf Maintenance Buildings	10,000'	100'	100'	Project Perimeter 35' / 3 stories	60%
Commercial	20,000	200'	100'	35' / 3 stories	45%

Minimum:	Road Setback (Palm Beach Blvd / Private Roads)	Side Setback	Rear Setback	Water Setback	Accessory Setback	Building Separation
Single Family	25'/20'	5'	15'	20'	Per LDC	10'
Two-Family Attached and Zero Lot Line	25'/20'	0'/5'	15'	20'		10'
Townhouse	25'/20'	N/A	10'	20'		10'
Multi-family	25'/20'	N/A	15'	20'		10'
Clubhouse, Amenity & Golf Maintenance Buildings	25'/20'	15'	15'	20'		20'
Commercial	25'/20'	15'	20'	20'		20'

Notes:

1. Minimum lot width for Cascades at River Hall, Phase I, Inst. Number 2005000166035, lots 148 and 149 is 44 feet.
2. Minimum lot depth for Cascades at River Hall, Phase I & II, lots 26, 27, 28, 38, 55, 302, 303, 304, 305, 306, 307, 344, 345, 346, 347, and 348 is 110 feet.
3. Minimum lot depth for Hampton Lakes at River Hall, Phase II, Inst. Number 2021000035440, lots 265, 266, 267, and 268 is 100 feet.
4. Minimum rear setback for Cascades at River Hall, Phase I & II, Inst. Numbers 2005000166035 and 2005000166038, lots 302-307 and 344-348 is 5 feet.
5. Minimum rear accessory setback for Cascades at River Hall, Phase I & II, Inst. Numbers 2005000166035 and 2005000166038 lots 302-307 and 344-348 is 6 inches.

6. Minimum building separation for Cascades at River Hall, Phase I, Inst. Number 2005000166035, between lots 117 and 154, 147 and 148, and 148 and 149 is 11 feet.
7. Minimum side setback for Hampton Lakes at River Hall, Phase I, Inst. Number 2005000153004, lot 4 is 4.5 feet.
8. Minimum single family dimensions for parcels 35-43-26-L4-08000.2650, 35-43-26-L4-08000.2660, 35-43-29-L4-08000.2670, and 35-45-26-L4-08000.2680, aka lots 265-268, Inst. Number 2021000035440 is as follows:
 - a. Width – 45'
 - b. Depth – 100'
 - c. Lot size – 5400 sf

MEMO

To: Dirk Danley, Jr., AICP
Principal Planner, Lee County Community Development

From: Jennifer Sapen, AICP

cc: Grady Miars
Richard Akin
Carl A. Barraco, P.E.

Date: 8-9-2023

Re: River Hall Community Meeting
DCI2022-00026

A community meeting was held August 7, 2023, at the River Hall Town Center to discuss DCI2022-00026. The meeting began at 6:00 pm and ended at 7:30 pm with approximately 75 attendees. Sign-in sheets are enclosed.

The applicant provided hand-outs which included the County's DCI reference number, general description of the zoning request, and contact information. The presentation was conducted using a 24" x36" mounted board of the Master Concept Plan (MCP), and information provided by the project's land planner, engineer and attorney (Jennifer Sapen, Carl Barraco, and Richard Akin). A representative of the property owner was also present to observe the discussion.

The applicant began by explaining the request: 3422 units and CPD at 5.55 acres with 15,000 sf commercial uses. Most of the meeting was an open forum of questions and answers from predominantly River Hall residents, with about half a dozen residents attending who own property north of River Hall and south of State Road 80.

The applicant's initial presentation is enclosed in outline form, including how the density request of 3422 units was formulated, and the next public hearing steps and notification of the hearings and opportunity for individual testimony at HEC and BoCC.

The applicant was contacted after the meeting via email from a resident in a leadership role for the community for a pdf of the MCP presented at the meeting and it was provided the same night. A copy of that email is enclosed.

The list below provides notes of questions and comments raised during the meeting. Duplicate comments are not included, and some discussions on detailed individual issues not related to the zoning request may not be included. For example, one gentleman had a question on timing to remove a landscape debris pile near his home by the southern access under construction. The list below is an assemblage of notes taken by the presenters, in no particular order.

ATTENDEE QUESTIONS/COMMENTS

1. What type of units are being built in the two shaded areas on the MCP? Will there be apartments by the entrance?
2. Is the southern shaded area where 9 more holes of golf was planned? Will there be 9 more holes of golf?
3. I can see how this is profitable for the developer. What do we get out of this?
4. Does the BOCC vote always follow HEX and staff recommendation?
5. Will the additional units use the existing amenities? If there are apartments, will they have their own amenities?
6. Your CPA was extended. This will require you to go back to LPA.
7. The traffic by the entrance is unsafe. People have died at the traffic signal with State Road 80. Traffic backs up in front of the fire station now and additional density will make that worse and the fire truck will not be able to get out. Will the county issue a stop work order for the project if we file a protective injunction?
8. How many of the future lots will be 40.5' wide?
9. Can we get another access to State Road 80?
10. When will the southern entrance that's under construction be completed?
11. When will the second southern entrance be constructed?
12. Will the southern access points be used for construction traffic?
13. The roads in Lehigh that will take traffic from the southern access need improved. Access onto Buckingham from Cemetery is difficult and nearly impossible in the morning.
14. The 10-acre additional parcel has already been classified as being entirely wetland. What has changed to make a triangle of upland? How is it decided what is an upland and what is a wetland?
15. Is the owner planning on purchasing more land and expand River Hall?
16. What will the buffer be to the wetland in the 10-acre parcel?

17. HEX is during the day. What if I work? Can I still speak at BoCC if I don't attend HEX?
18. Can a petition be used rather than in-person attendance at hearings?
19. Why weren't we better informed about this meeting?
20. What notifications will be given of Hex hearing?
21. When do you expect HEX hearing?
22. Will you ever ask to increase density again?
23. I bought here expecting boutique commercial at the entrance I would prefer that to more residential.
24. How tall is the multifamily?
25. How many units will be built in each community? (Cascades / Hampton Lakes / River Hall Country Club)
26. How many units have currently been built?
27. What communities will have access to the new southeast access?
28. Will the southern access points be gated? Will Lehigh residents be able to drive through River Hall?
29. Hurricane evacuation times will be reduced by additional units.
30. What is a unit? Home or number of people?
31. The back of my Hampton Lake lot floods. Will additional density make this worse?
32. I live north of River Hall and stormwater comes through my property. How will additional stormwater needs of additional units be accommodated?

APPLICANT'S RESPONSE

LDC section 33-1482(b) stipulates that the applicant provide "a proposal for how the applicant will respond to any issues that were raised" during the community meeting. Some of the of the residents' questions were related to information that is not contemplated in zoning actions (such as number of golf holes, densities of each community, and access to the various amenities at River Hall). Other questions were related to details that will not be known until Development Order permitting. As explained to the attendees, another community meeting will be held when the Development Order plans are ready. These future meetings will provide information on the types of dwelling units that will be built, where they will be built and what the density will be.

Some of the applicant's responses were to educate residents on the rezoning process, LDC terminology, and specifics within the zoning application. Responses were provided as follows:

- In order to speak at BoCC you must speak at HEX.

- Petitions might be accepted but do not carry the same weight as in-person attendance and are not considered testimony.
- Notifications for HEX (rezoning)
 - Letter to all River Hall residents and off-site residents within 500' of River Hall project boundary 10 days before hearing date
 - Onsite signs posted 15 days before hearing. Number of signs to be determined by Lee County. The applicant will place the signs where most visible and near entrances.
 - News-press ad 10 days before hearing
- Notification for BoCC (rezoning and CPA)
 - Scheduled after HEX report issued
 - Monitor website and BOCC calendar
 - News-press ad 10 days before
- BoCC often votes as recommended by HEX but not always.
- A dwelling unit refers to a residence, which may include more than one person.
- Multifamily is proposed at 45' tall and 3-stories. The MCP provides additional height stipulations in the northern portion where a lake would be required along the property boundary, should the building heights exceed 35-feet.

Several residents expressed concerns with traffic congestion as well as traffic safety near the entrance on State Road 80 and at the new fire station. However, several residents also expressed disappointment with the reduction of commercial square footage which would have increased traffic congestion and turning movements near the fire station. The Traffic Impact Statement included in the zoning application indicates that the proposed amendment will not trigger additional facility deficiencies than already anticipated without the proposed amendment. Additionally, Lee County Road Impact Fees will be paid to the County by the developer to mitigate its offsite transportation impacts. As part of the zoning process with any development, the appropriate entities review the proposed amendment for hurricane evacuation and other safety issues, and require deficiencies to be addressed.

Access was also separately discussed as follows:

- Additional access to State Road 80 is impossible due to existing improvements and various ownership of those improvements.
- The southern access that is under construction will be completed as soon as the County permitting process is finalized.
- The second southern entrance will not be constructed until after the zoning is approved, but ultimate timing depends on the pace of residential sales and the market.

- Construction access is undetermined at this time.
- Hampton Lakes and River Hall Country Club will both have access to the new southern access on the eastern side of the project.
- Both southern accesses will be gate controlled which will not be accessible by offsite residents, prohibiting cut-through traffic.

Questions on stormwater and the 10-acre additional parcel were discussed, but mostly tied to requirements of the South Florida Water Management District (SFWMD) and Environmental Resource Permit. Residents with concerns about the existing water management system were advised to contact the Community Development District, and it was explained that future development will provide additional stormwater treatment areas. As required by SFWMD, it was explained that wetlands will be required to be buffered by a 15' minimum / 25' average upland buffer, or by a structural buffer; and that wetland mapping is based on criteria set by SFWMD that includes soils, vegetation and the presence of water.

A few questions involved future predictions which the applicant was unable to answer with certainty, such as whether any additional land would be added to the project or if other amendments to the zoning would occur. It was explained that no additional land or density is contemplated at this time, but that no guarantee could be made.

One attendee expressed concerns with the notification process related to the companion comprehensive plan amendment. The applicant spoke with the Lee County Planning Manager after the community meeting, and it is the applicant's understanding that the County will be sending a letter to the residents to notify them of the comprehensive plan extension for CPA2021-00016.

PUBLIC NOTICE

RIVER HALL REZONING

PUBLIC MEETING DATE:

Monday, August 7th at 6:00 p.m.

LOCATION:

River Hall Town Hall Amenity Center, 3089 River Hall Parkway, Alva, FL 33920

APPLICANT:

Barraco & Associates, Inc.

PROJECT NAME:

River Hall Rezoning DCI2022-00026

ACTION REQUESTED:

Rezone River Hall RPD/CPD to decrease CPD and increase RPD density through additional 10 acres.

FOR MORE INFO:

Contact: Carl Barraco at Barraco & Associates, Inc. - CarlB@Barraco.net

The News-Press
media group
 news-press.com | A GANNETT COMPANY

Attn:

BARRACO AND ASSOCIATES, INC.
2271 MCGREGOR BOULEVARD, SUITE 100
FORT MYERS, FL 33901

State of Wisconsin, County of Brown:

Before the undersigned authority personally appeared

, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Legal Notices

In the Twentieth Judicial Circuit Court was published in said newspaper editions dated or by publication on the newspaper's website, if authorized, on:

07/28/2023

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 8th of August 2023, by legal clerk who is personally known to me.



Affiant



Notary State of Wisconsin, County of Brown

1-7-25

My commission expires

PUBLIC NOTICE

RIVER HALL REZONING

PUBLIC MEETING DATE:
 Monday, August 7, 2023 at 6:00 p.m.

LOCATION:
 River Hall Town Hall Amenity Center,
 3089 River Hall Parkway, Alva, FL 33920

APPLICANT:
 Barraco & Associates, Inc.

PROJECT NAME:
 River Hall Rezoning DCI2022-00026

ACTION REQUESTED:
 Rezone River Hall RPD/CPD to decrease
 CPD and increase RPD density through
 additional 10 acres.

FOR MORE INFO:
 Contact: Carl Barraco at Barraco &
 Associates, Inc. - CarlB@Barraco.net
 AD # 5782035 7/28/23

of Affidavits: 1

This is not an invoice

- Introduce team
 - Jennifer Saper; Saper Site Planning
 - Richard Akin; Henderson Franklin
 - Carl Barraco; Barraco & Associates
 - Grady Miars; Greenpointe
- Update of community meeting held Feb 9th, 2022
- Since that time two public hearings for companion CPA2021-00016
 - LPA Oct 24, 2022
 - BOCC transmittal Jan 18, 2023
- Changes since last community meeting
 - Density increased to 3,244 units and commercial reduced to 15,000 sf
 - Increase of 549 units from current zoning approval
 - CPD reduced to 5.55 acres (from 27 acres)
 - M.family removed from CPD
 - now includes fire station parcel and old sales center
 - Limit density at entrance to 310 units and south undeveloped area at 600 units
- No substantive changes to MCP (access, preserve, parcel configuration)
- Next steps – 2 public hearings
- Staff finalize current review and information from this meeting
- Hearing Examiner (rezoning)
 - Letter to all River Hall residents and residents within 500' of River Hall project boundary 10 days before hearing date
 - Onsite signs posted 15 days before hearing
 - News-press ad 10 days before hearing
- BOCC (rezoning and CPA)
 - Scheduled after HEX report issued
 - Monitor website and BOCC calendar
 - News-press ad 10 days before

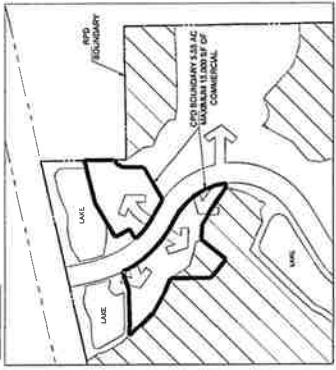
OPEN SPACE CALCULATIONS:

ENTIRE PROJECT	1,884.42 ACRES
TOTAL DEVELOPMENT	1,084.60 ACRES
INDIGENOUS OPEN SPACE PROVIDED	476.02 ACRES

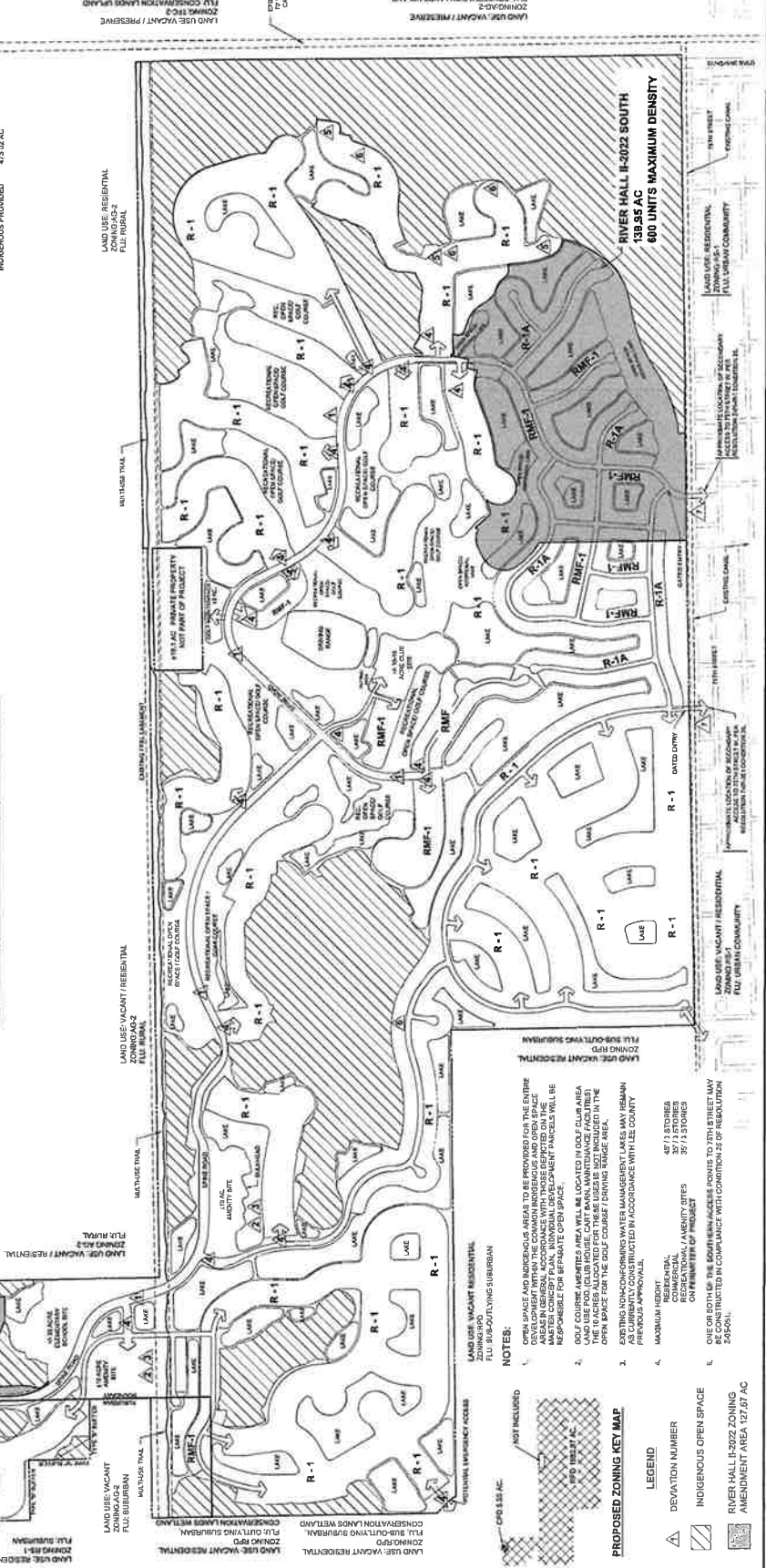
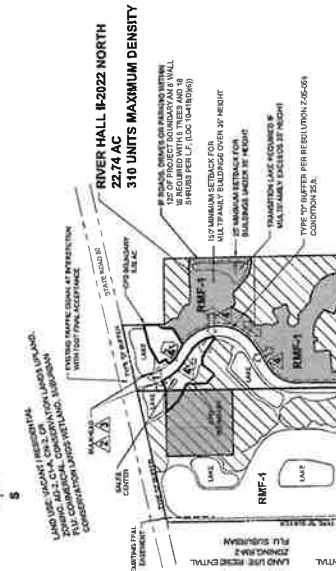
RPD	1,882.21 ACRES
TOTAL RPD DEVELOPMENT	792.15 ACRES
OPEN SPACE REQUIRED (MIN)	1,082.27 AC
OPEN SPACE PROVIDED	476.02 AC
INDIGENOUS OPEN SPACE PROVIDED	476.02 AC
COMMON OPEN SPACE	476.02 AC
INDIGENOUS OPEN SPACE PROVIDED	476.02 AC

DENSITY SUMMARY	
PROJECT TOTAL	MAXIMUM ALLOWED
RIVER HALL II-2022 NORTH	310 UNITS
RIVER HALL II-2022 SOUTH	600 UNITS
PROJECT TOTAL	3244 UNITS

CPD DETAIL



RIVER HALL II-2022 NORTH
22.74 AC
310 UNITS MAXIMUM DENSITY



AUGUST 7, 2023 AT 6:00PM

River Hall Town Hall Amenity Center
3089 River Hall Parkway, Alva, FL 33920

[illegible]

SIGN-IN SHEET

AUGUST 7, 2023 AT 6:00PM

RIVER HALL
Rezoning DCI2022-00026

River Hall Town Hall Amenity Center
3089 River Hall Parkway, Alva, FL 33920

PLEASE PRINT

	NAME	PHONE NUMBER	E-MAIL ADDRESS
19	Robert Stark	508 524 8634	Robert.Stark@comcast.net
20	Joe & Cathy Dommenick	586-337-3375	tohydomm@aol.com
21	Katrena Bisher	(839) 218-2873	Redarg@aol.com
22	William Bowns	(839) 994-3330	n/a.
23	Jeffrey + Mona Salerno	862-485-8810	jsalby@outlook.com
24	Conrad + Katherine Berg	570-350-9421	Cbiege1@ptd.net
25	Dan Wilmer	540 580 4500	dwilmer@rocomail.com
26	TONY + JULIE DUROSE	952-215-7214	JULIE.VITA.DUROSE@GMAIL.COM
27	William Wolfe	847-772-4999	dwjtw@sbcglobal.net
28	JOHN GARCELON	978-870-7238	JOHNGARCELON@MSN.COM
29	Tammy + David Lancy	239-878-7339	tbarrett1350@yahoo.com
30	Kathy Hmelak	612-816-8647	Kathya2ka@comcast.net
31	Kate + Dave Kozak	908 875-9066	
32	Cindy Maksymiw	585-447-8989	
33	Phil Abbott	603-731-0434	Goaliedad23@AOL.Com
34	GARY STILWELL	239-728-5015	gypat@comcast.net
35	PATTY + DALE STOBBER	520-424-1428	AZSTOBBER@GMAIL
36	JAN + JOE KAIN	630-732-1980	PRDJR@YAHOO.COM

AUGUST 7, 2023 AT 6:00PM

River Hall Town Hall Amenity Center
3089 River Hall Parkway, Alva, FL 33920

[illegible]

AUGUST 7, 2023 AT 6:00PM

River Hall Town Hall Amenity Center
3089 River Hall Parkway, Alva, FL 33920

[illegible]

AUGUST 7, 2023 AT 6:00PM

River Hall Town Hall Amenity Center
3089 River Hall Parkway, Alva, FL 33920

[illegible]

AUGUST 7, 2023 AT 6:00PM

River Hall Town Hall Amenity Center
3089 River Hall Parkway, Alva, FL 33920

[illegible]

RIVER HALL Deviations

The following deviations have been approved and will carry forward into the proposed zoning amendment.

1. Deviation from Section 10-385(d)(3)a requirement to provide a maximum fire hydrant spacing of 800 feet in the one- and two-dwelling unit area, to eliminate this requirement in areas along the "spine" road where no homes exist.
2. Deviation from Section 10-329(d)(4) requirement to provide lake banks to be sloped 4:1, to allow bulkheads for up to 25 percent of the shoreline of lake banks.
3. Deviation from Section 34-2194(b) requirement to provide a 25-foot setback from bodies of water, to allow 20-foot setbacks for the manmade lakes to be consistent with the existing development orders and permits.
4. Deviation from Section 30-152(2)c to allow a reduction in the minimum setback from residential subdivision entrance signage from 15 feet to 5 feet from the right-of-way.
5. Deviation from LDC Section 10-415(b)(1)c which requires a minimum setback of 20 feet from buildings and a 30 foot setback for indigenous plant communities subject to fire to allow a side setback of 17 feet for the following existing platted lots: river hall country club, phase two, block k, lots 29, 57, 76 and 77; Hampton Lakes at River Hall, Phase one, Lot 87.
6. Deviation from LDC Section 10-415(b)(1)c which requires a minimum setback of 20 feet from buildings and a 30 foot setback for indigenous plant communities subject to fire to allow a rear setback of 20 feet for all existing platted lots.
7. Deviation from LDC Section 10-296(e)(1)(i)(5) which requires a closed drainage cross-section for local roadways in the Urban Community Future Land Use category to provide an open drainage cross-section in accordance with LDC 10-296(e)(2)(h)(5) (iii)(b) which depicts an open drainage cross section in Suburban Future Land Use categories.

RIVER HALL Deviations

The following deviations have been approved and will carry forward into the proposed zoning amendment.

1. Deviation from section 10-385(d)(3)a requirement to provide a maximum fire hydrant spacing of 800 feet in the one- and two-dwelling unit area, to eliminate this requirement in areas along the "spine" road where no homes exist.
- ~~2. Withdrawn.~~
- 2 3. Deviation from section 10-329(d)(4) requirement to provide lake banks to be sloped 4:1, to allow bulkheads for up to 25 percent of the shoreline of lake banks.
- 3 4. Deviation from section 34-2194(b) requirement to provide a 25-foot setback from bodies of water, to allow 20-foot setbacks for the manmade lakes to be consistent with the existing development orders and permits.
- 4 5. Deviation from section 30-152(2)c to allow a reduction in the minimum setback from residential subdivision entrance signage from 15 feet to 5 feet from the right-of-way.
- 5 6. Deviation from LDC section 10-415(b)(1)c which requires a minimum setback of 20 feet from buildings and a 30 foot setback for indigenous plant communities subject to fire to allow a side setback of 17 feet for the following existing platted lots: river hall country club, phase two, block k, lots 29, 57, 76 and 77; hampton lakes at river hall, phase one, lot 87.
- 6 7. Deviation from LDC section 10-415(b)(1)c which requires a minimum setback of 20 feet from buildings and a 30 foot setback for indigenous plant communities subject to fire to allow a rear setback of 20 feet for all existing platted lots.
8. Withdrawn.
9. Withdrawn.
10. Deviation from LDC section 34-394 which permits dwelling units within a CPD when there are at least 50,000 square feet or more of commercial uses to allow dwelling units within the existing river hall CPD which was permitted for 45,000 square feet of commercial uses. *Withdrawn*
11. Withdrawn.
- 7 12. Deviation from LDC 10-296(e)(1)(i)(5) which requires a closed drainage cross-section for local roadways in the Urban Community Future Land Use category to provide an open drainage cross-section in accordance with LDC 10-296(e)(2)(h)(5)(iii)(b) which depicts an open drainage cross section in Suburban Future Land Use categories.