

Central Park MPD, Tract B

Administrative Amendment to Planned Development

Proposed Revisions to Z-05-064 Conditions

SECTION B. CONDITIONS:

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

1. The development of the 9.2 acre parcel must be consistent with the ~~1-page Master Concept Plan entitled "Park Center," stamped received November 29, 2005, last revised November 4, 2005~~ four (4) page amended Master Concept Plan, dated September 14, 2007 for Tract A², and the one (1) page amended Master Concept Plan, Revised 04-02-2024 for Tract B¹ except as modified by the conditions below.

The project is approved for a maximum of 58,200 square feet commercial office uses (22,000 medical office), and 166 residential units ~~in three buildings, in accordance with Condition 9 below¹. Future increase in the square footage will required a public hearing.²~~

~~In addition, development of the 9.2 acre parcel rezoned to MPD herein, must be consistent with the Cypress Lake Center DRI development order approvals.¹~~

2. The following limits apply to the 9.2 acre MPD parcel and uses (any Note referenced is taken from LDC §34-934):

- a. Schedule of Uses

TRACT A

Accessory uses and structures: Note (1), 34-1171 *et seq.*, 34-2441 *et seq.*, 34-2141 *et seq.*, & 34-3106

Administrative offices: Note (1)

ATM (automatic teller machine)

Banks and financial establishments (34-622(c)(3)): Groups I and II

Business services (34-622(c)(5)): Groups I and II

Computer and data processing services

Entrance gates and gatehouse (34-1741)

Essential services (Note 1, 34-1611, 34-1741)

Essential service facilities (34-622(c)(13)): Group I

Fences, walls (Note 1, 34-1741)

Health care facilities (34-622(c)(20)): Group III (subject to the 22,000 sq. ft. limit for medical office between Tracts A and B)

Insurance companies (34-622(c)(23))

Medical office

(limited to 22,000 sq. ft. of gross floor area between Tracts A and B)

Parking lot: Accessory

Personal services (34-622(c)(33)): Group I (34-3021)

Post office

Real estate sales office (Note 23, 34-1951, 34-3021)

Rental or leasing establishment (34-622(c)(39)): Groups I (34-1352, 34-3001 *et seq.*), II (34-1352, 34-3001 *et seq.*)

¹ Proposed with subject administrative amendment

² ADD2007-00167

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Schools: Commercial (34-622(c)(45))
 Signs (in accordance with chapter 30)
 Temporary uses (Note 1, 34-3041) limited to 30-3044, Temporary contractor's office and equipment storage shed

TRACT B

Accessory Uses and Structures: Note (1), 34-1171 *et seq.*, 34-2441 *et seq.*, 34-2141 *et seq.*, & 34-3106
 Administrative Offices: Note (1)
 ATM (Automatic Teller Machine)
 Banks and Financial Establishments (34-622(c)(3)): Groups I and II
 Business Services (34-622(c)(5)): Groups I and II
 Computer and Data Processing Services
 Dwelling Units (limited to 166): Multiple-Family Building (Note 28)
 Entrance Gates and Gatehouse (34-1741)
 Essential Services (Note 1, 34-1611, 34-1741)
 Essential Service Facilities (34-622(c)(13)): Group I
 Fences, Walls (Note 1, 34-1741)
 Health Care Facilities (34-622(c)(20)): Group III (subject to the 22,000 sq. ft. limit for Medical Office between Tracts A and B)
 Medical Office
 (limited to 22,000 sq. ft. of gross floor area between Tracts A and B)
 Models: Model Units (34-1951 *et seq.*)
 Parking Lot: Accessory
 Personal Services (34-622(c)(33)): Group I (34-3021)
 Real Estate Sales Office (Note 23, 34-1951, 34-3021)
 Rental or Leasing Establishment (34-622(c)(39)): Groups I (34-1352, 34-3001 *et seq.*), II (34-1352, 34-3001 *et seq.*)
 Schools: Commercial (34-622(c)(45))
 Signs (in accordance with chapter 30)
 Temporary Uses (Note 1, 34-3041) limited to 30-3044, Temporary Contractor's Office and Equipment Storage Shed

b. Site Development Regulations for the 9.2 acre MPD parcel

TRACT A

Minimum Lot Area and Dimensions:

Area	2.7 acres
Width	400 feet
Depth	200 feet
Maximum Building Height	45 feet

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TRACT BMinimum Lot Area and Dimensions:

Area	4.1 <u>6.44</u> ¹ acres
Width	252 <u>200</u> ¹ feet
Depth	40 ¹⁰ feet
Maximum Building Height	55 <u>100</u> or 120 feet <u>for building 1, all other buildings 45 feet</u> and one level of understory parking in accordance with Condition 9

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GENERAL TRACT A¹Minimum Building Setbacks:

Vector Avenue	25 feet
Internal Streets	10 feet
MPD perimeter	15 feet
Side (internal)	10 feet
Rear	25 feet
Water Body	25 feet

Accessory Structures	10 feet
Minimum Building Separation	15 feet
Maximum Lot Coverage	40 percent

GENERAL TRACT B¹Minimum Building Setbacks:

Vector Avenue	0 25 feet
Internal Streets	40 feet
MPD perimeter	<u>As shown on MCP</u> 15 feet
Side (internal)	40 feet
Rear	0 25 feet
Water Body	25 feet

Accessory Structures	40 feet
Minimum Building Separation	15 feet
Maximum Lot Coverage	<u>N/A</u> 40 percent

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3. Prior to local development order approval, the development order plans must demonstrate how the open space and indigenous preservation requirements will be met based upon the use of the property as follows:
- a. ~~If the entire planned development is developed as commercial uses then Tract A must provide 30 percent open space and Tract B must provide 20 percent open space since in Mixed Use Overlay or 2.76 acres of open space must be provided, of which 1.38 acres 50 percent of total¹ must be indigenous preservation.~~
-OR-
- b. ~~If the planned development is developed as commercial and/or residential above ground floor commercial uses, then 30 percent or 2.76 acres of open space must be provided, of which 1.38 acres must be indigenous preservation.¹~~
-OR-
- c. ~~If Tract A remains commercial, and Tract B is developed as residential uses, then 3.38 acres of open space must be provided of which 1.69 acres must be indigenous preservation. A total of 1.38 acres of indigenous preservation must be provided as shown on the MCP. The developer must demonstrate that the remaining 0.31 acres of indigenous preservation requirement can be met within the Central Park DRI with areas not used for open space or indigenous preservation for other portions of the DRI. If the 0.31 acres of indigenous preservation cannot be met with existing indigenous within the Central Park **DRIMPD**, then an indigenous restoration plan for 0.31 acres¹ within the Central Park MPD must be submitted for the Division of Environmental Sciences staff review and approval.~~
-OR-
- d. ~~If the entire planned development is developed as residential uses then 40 percent or 3.65 acres of open space must be provided, of which 1.83 acres must be indigenous preservation. 1.38 acres of indigenous preservation must be provided as shown on the MCP. The developer must demonstrate that the remaining 0.45 acres of indigenous preservation requirement can be met within the Central Park DRI with areas not used for open space or indigenous preservation for other portions of the DRI. If the 0.45 acres of indigenous preservation cannot be met with existing indigenous within the Central Park DRI, then an indigenous restoration plan for 0.45 acres within the Central Park MPD must be submitted for the Division of Environmental Sciences staff review and approval.¹~~
4. **DELETED.** Prior to local development order approval, the development order plans must delineate 20-foot-wide buffers to the west of Building C and to the south of Building A at least 10 feet of that 20-foot width must be outside any utility or drainage easement. The buffer plantings must include a staggered row of staggered height palms (planted 10-foot on center; 50 percent sabal palms and 50

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~~percent Washingtonian palms) and a continuous double staggered hedge of cocoplum. The sabal palms must have a minimum 10-foot clear trunk. The Washingtonian palms must have a minimum 20-foot clear trunk. The palms must be allowed to grow to their natural form and no trimming is permitted. The cocoplum must have a minimum 48-inch height, and be allowed to grow to its natural form with no trimming.¹~~

5. Commercial activities approved for Tract B are limited to the ground and/or the first habitable floor of a residential building or in a stand alone building. Should the applicant decide to develop Tract B with commercial, the applicant must submit a revised Master Concept Plan to Lee County for review¹.
6. 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.
7. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), ~~be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function¹~~, as well as all other Lee Plan provisions.
8. Development must comply with all of the requirements of the Lee County LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
9. ~~Deleted. The westernmost two buildings must not exceed 100 feet in height, and the easternmost building must not exceed 120 feet in height.¹~~
10. Blasting is not approved, nor permitted as part of this rezoning request.
11. Accessory uses must be located on the same tract, parcel or outparcel where the principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
12. ~~Deleted. Development of this parcel is also subject to the Seventh Amendment to the Cypress Lake DRI development order approved on October 31, 2005 in conjunction with this rezoning.¹~~
13. The applicant must replace the 2,800 square foot Type "A" buffer that was approved by Resolution Z-05-064 and located between Tract A (existing office uses) and Tract 8 (proposed residential component) with a 13 foot wide, 260 foot long buffer (totaling 3,380 square feet) along the northern property line as shown on the Master Concept Plan.²

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SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC§10-285(a) requirement to provide a ~~42560~~¹-foot intersection separation distance for local roads (Vector Avenue)in a future urban area, to allow a separation of ~~5016~~¹± feet measured by edge of pavement from the UTS/Sprint ~~Embarq~~ telecommunications facility service entrance to the north to existing Cypress Terrace Cir. This deviation is APPROVED ~~SUBJECT TO the condition that the ingress/egress to the subject property is right-in/right-out only as previously approved under Resolution Z-00-003.~~¹
2. Deviation (2) seeks relief from the LDC§10-416(d)(3) requirement to provide Type "A" buffers between commercially zoned lands, to eliminate buffer requirements on the northern boundary of the UTS/Sprint. This deviation is APPROVED for elimination of the Type "A" buffer on the northern boundary of the UTS/Sprint property.
3. Deviation (3) seeks relief from the LDC§10-416(d)(3) requirement to provide Type "A" buffers between commercially zoned lands, to eliminate buffer requirements for the northern property boundary abutting the existing Cypress Lake Center. This deviation is **APPROVED.**
4. Deviation (4) seeks relief from the LDC§10-296 requirement to provide the wearing surface specified in Table 4(7)(c)(2) for local access roads, to allow decorative pavers on private streets internal to the project. This deviation is APPROVED SUBJECT TO the condition that at the time of local development order review, the pavers are determined to not reduce the requirements of the road surface, but only seek to directly substitute, so that quality is not downgraded, only appearance is altered.
5. Deviation (5) seeks relief from the LDC §34-935(b)(1) requirement establishing building setbacks from development perimeter boundaries a distance equal to the greater of fifteen feet for residential and commercial portions of the development or one-half the height of the building or structure, to allow as shown on MCP. ~~a 20-foot setback along the southern and western property boundaries irrespective of building height. This deviation is APPROVED SUBJECT TO the condition that the Applicant installs the buffer described in Condition 4 along the southern boundary.~~
6. Deviation (6) seeks relief from LDC §10-261(a) requirement for a new multifamily residential development to provide sufficient on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit (589.5 square feet recycling area required/1,344 square feet for solid waste and recycling combined), to allow Tract B to provide space for a compactor and a minimum of 133 square feet for recyclable materials collection containers.
7. Deviation (7) seeks relief from LDC §10-421(a)(8) requirement that if a wall or fence is proposed, but not required, then the required buffer plantings must be installed on the exterior side (between the wall and the abutting property or street right-of-way) of the wall or fence; to allow the required vegetation to be installed behind the existing decorative fence on Vector Avenue for Tract B.