



Central Park MPD Tract B

Schedule of Deviations and Justifications

ADD2024-00029 – Revised April 2024

Existing Deviations 1 through 5 as approved by Z-05-064 are provided below with proposed revisions shown in strike-through underline text followed by explanation and/or justification. New Deviations 6 and 7 follows.

Existing Deviation (1) seeks relief from the LDC§10-285(a) requirement to provide a 425~~60~~-foot intersection separation distance for local roads (Vector Avenue) in a future urban area, to allow a separation of 50~~16~~± 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.**

Justification: This deviation request is to carry over existing approved Deviation 1 from zoning resolution Z-05-064 which was approved subject to a condition that the ingress/egress is right-in/right-out only. This section of the LDC has been revised since the original deviation was approved, resulting in a much lessor separation requirement from 125 feet measured by centerlines to only 60 feet measured by edge of pavement. The deviation is only for the existing connection separation between the onsite Cypress Terrace Circle to the existing Embarq telecommunications facilities which has very minimal traffic. The centerline separation is 42± feet and the edge of pavement separation is 16± feet. The existing access point to the car dealership to the south exceeds the minimum 60-foot connection separation. The prior limitation to right-in/right-out only is no longer required for the proposed infill development. The requested deviation is included in LDC Section 10-104(a)(3) list of provisions where the Development Services Director is authorized to grant administrative deviations. The deviation is necessary to allow the existing, previously approved access point to remain. The requested deviation enhances the achievement of the objectives of the planned development and will protect the public health, safety and welfare. The request is also consistent with the applicable criteria for administrative deviations contained in LDC Section 10-104(b): (1) The alternative proposed to the standards contained herein is based on sound engineering practices (2) The alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested; (3) not applicable; (4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and (5) not applicable; and (6) not applicable.

Existing 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.

Existing 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**.

Existing 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.

Existing 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.**

Justification: This deviation request is to carry over existing approved Deviation 5 from zoning resolution Z-05-064 which allowed reductions to the required PD perimeter setbacks. The original approval allowed a 120-foot tall building setback 20-feet from the south property line where 60-feet would have been required (67% reduction). The proposed building height along the south property line on the proposed MCP is now only 45 feet in height and requests a minimum 8.5-foot setback where 22.5-feet would have been required by code (62% reduction). A minimum 11.5-foot setback is requested to the Embarq property line for a 45-foot tall building where 22.5-feet would be required by code (49% reduction). The subject property is located within the Mixed-Use Overlay which allows 0-foot setbacks and reduced buffering requirements to encourage urban forms of development. The proposed perimeter setbacks are consistent with the urban form encouraged within the Mixed-Use Overlay property development regulations and will facilitate infill development of the project site. The previously provided buffer is no longer necessary since the Mixed-Use Overlay only requires buffers abutting rights-of-way and single-family residential uses. The requested deviation enhances the achievement of the objectives of the planned development and will protect the public health, safety and welfare.

NEW Deviation 6: LDC Section 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 113 square feet for recyclable materials collection containers.

Justification: The requested deviation is included in LDC Section 10-104(a)(1) list of provisions where the Development Services Director is authorized to grant administrative deviations. The request is to allow one location for the trash compactor and recyclable area instead of requiring multiple stops for solid waste collection throughout the development.

Consistent with LDC 10-261(d), sufficient space for the compactor and receiver is provided. LDC Section 10-261 (a) provides the breakdown between garbage and recyclable area for the first 25 dwelling units (DU), then combines the requirement for DU over 25. The recyclable calculation for the first 25 DU is 96 SF out of 216 SF total so 44%. 44% of 8 is 3.5 SF per unit for recyclable collection for each dwelling unit above 25.

First 25 DU =	96 SF
166 DU – 25 DU =	141 DU
141 DU x 3.5 SF =	493.5 SF
Total:	589.5 SF recyclable collection area required
Provided:	minimum 113 SF recyclable collection area provided (9.3±' X12.16±' dumpster enclosure)

According to Lee County's 2021 Concurrency Report, historic level-of-service demand for recyclables has consistently been 0.6 pounds/person/day for 2017 through 2020. According to U.S. Census bureau Population Estimates, July 1, 2021, the number of persons per household for 2016-2020 is 2.58 pph. 166 DU x 2.58 pph = 428.28 or 429 people 429x.6 lbs recyclables/person/day = 257.4 lbs/day * 365 = 93,951 lbs/year / 52 = 1,806.75 lbs/week. According to the following excerpts from the Volume-to-Weight Conversion Factors from U.S. Environmental Protection Agency Office of Resource Conservation and Recovery dated April 2016, commingled recyclables are estimated at 262 pounds per cubic yard. 1,806.75 lbs/262lbs per CY =6.9 CY. The minimum 9.3'X12.16 SF dumpster enclosure allows for an 8 CY dumpster and requires 113 SF for container storage area as proposed. The development will coordinate with Lee County Solid Waste regarding the frequency of service at the time of development.

Volume-to-Weight Conversion Factors
 U.S. Environmental Protection Agency
 Office of Resource Conservation and Recovery
 April 2016

Standard Volume-to-Weight Conversion Factors

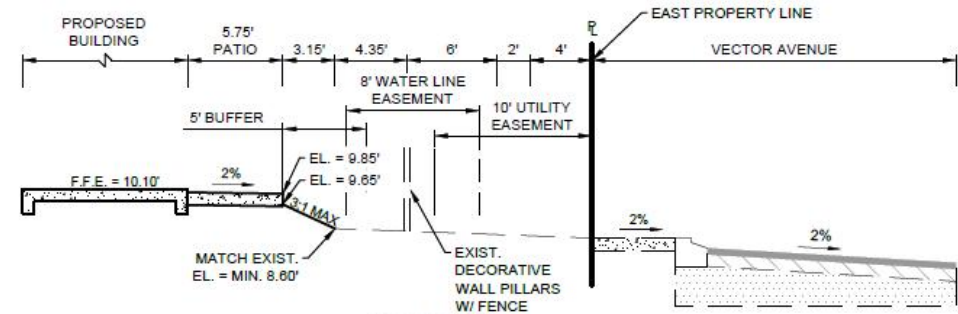
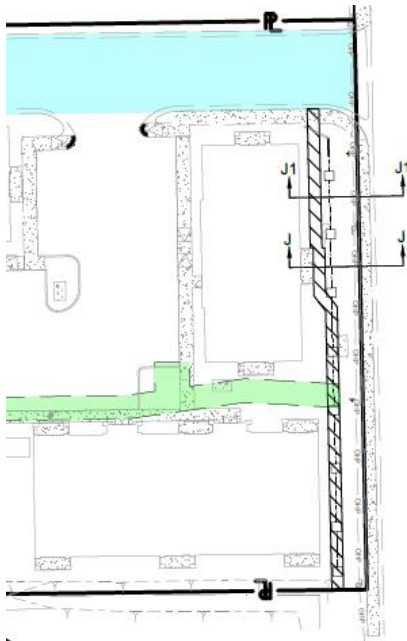
Recyclable Materials	Volume	Estimated Weight (lbs)
Containers (Plastic bottles, Aluminum cans, Steel cans, Glass bottles) and Paper		
Commingled Recyclables	cubic yard	262

Written approval from Lee County Solid Waste has been obtained and is included with the submittal package. This deviation has previously been approved for developments with over 300 dwelling units and has proven successful. The requested deviation is internal to the site and enhances the achievement of the objectives of the planned development and will protect

public health, safety and welfare. The provided collection area has been situated off the internal parking lot aisles. The solid waste collection area enclosure meets setbacks, consistent with LDC Section 10-261(e) requirement that enclosures may not be located within or encroach into the required perimeter landscape buffer width. The request is also consistent with the applicable criteria for administrative deviations contained in LDC Section 10-104(b): (1) The alternative proposed to the standards contained herein is based on sound engineering practices (2) The alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested; (3) not applicable; (4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and (5) not applicable; and (6) not applicable.

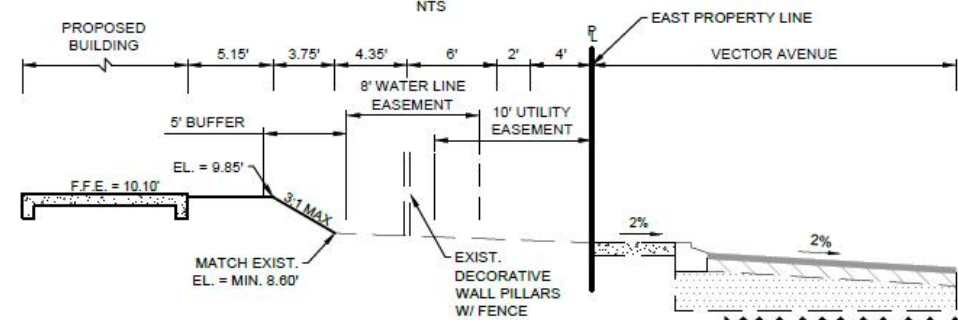
NEW Deviation 7: LDC Section 10-421(a)(8) requirement that if a wall or fence is proposed, but not required, then the required buffer plantings must be installed on the exterior side (between the wall and the abutting property or street right-of-way) of the wall or fence; to allow the required vegetation to be installed behind the existing decorative fence on Vector Avenue for Tract B.

Justification: This deviation is requested due to the location of the existing decorative wall pillars and fence that was previously installed on the site and the existing utility easements along Vector Avenue. There is an existing 10-foot utility easement along the entire frontage and an existing 8-foot waterline easement along the northern half of the frontage. The existing fence lies within the 8-foot waterline easement and just behind the 10-foot utility easement leaving no room for the buffer trees to be planted in front of the decorative fence. The Mixed Use Overlay requires 5 trees per 100 linear feet (total of 10 trees). The fence is an architectural embellishment that was installed as part of the prior commercial development proposed on the site and is not a residential project fence or wall. There is one carport where the 5-foot buffer encroaches slightly within the existing easements; however no trees will be planted in this area. Please see cross-sections, excerpt from proposed landscape plan, and picture showing existing fence, trees and overhead power lines on the following page. There are existing trees located along this area of the project. To keep the exiting trees as required in their current location is not recommended and not a professional Best Management Practice due to the growth habit of a Live Oak in close proximity to overhead power lines. The existing trees will likely result in poor pruning practices and potential power supply and distribution issues if the trees remain. Should any of the existing trees require removal and qualify as a heritage tree, they will be mitigated on site away from overhead powerlines. The requested deviation enhances the achievement of the objectives of the planned development and will protect the public health, safety and welfare.



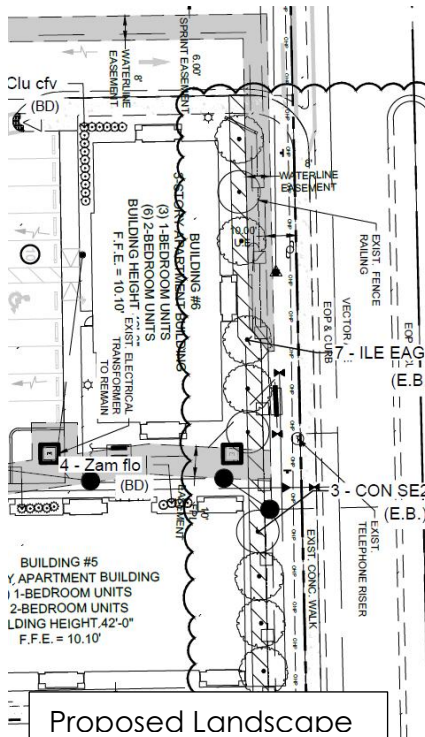
*NO BUFFER TREES TO BE PLANTED IN EASEMENT

SECTION J-J
NTS



*NO BUFFER TREES TO BE PLANTED IN EASEMENT

PREPARED FOR:



Existing fence/trees and overhead power lines