



Townlakes Storage CPD Amendment

Schedule of Deviations and Justifications

DEVIATIONS APPROVED UNDER Z-23-044 – DEVIATIONS 20 and 21 ADDED

1. Deviation (1) is WITHDRAWN.
2. Property Development Regulations. Deviation (2) seeks relief from the LDC § 34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the building heights or 20 feet, to allow a 10-foot minimum separation between buildings. This deviation is APPROVED by Z-99-022.
3. Property Development Regulations. Deviation (3) seeks relief from the LDC § 34-2222(1) requirement that corner lots have a 15-foot increased lot width, to allow for an increase of only 10 feet. This deviation is APPROVED by Z-99-022.
4. Property Development Regulations. Deviation (4) seeks relief from the LDC §10-328(a) requirement to provide a 20-foot-wide maintenance easement around water ways, to allow a 15-foot-wide maintenance easement. This deviation is APPROVED, SUBJECT TO the following condition:

The applicant/developer must submit suitable documentation of "no objection" to the reduced easement width from the South Florida Water Management District, prior to development order approval. This deviation is APPROVED by Z-99-022.

5. Property Development Regulations. Deviation (5) seeks relief from the LDC § 10-329(d)(1)a.3., requirement to provide a 50-foot-wide setback for water retention lakes from any private property line under separate ownership, to delete this requirement within the overall Town Lakes project boundaries only. This deviation is APPROVED, SUBJECT TO the applicant/developer establishing covenants pertaining to the continued maintenance and operation of the water retention areas, prior to development order approval. These covenants must be reviewed and approved by Development Services Staff and the County Attorney's Office prior to recording in the public records. Recording costs will be the developer's responsibility. This deviation is APPROVED by Z-99-022.
6. Deviation (6) is WITHDRAWN.
7. Property Development Regulations Deviation (7) seeks relief from the LDC § 10-421 (a)(5) [role citation is different than that shown on the MCP), provision prohibiting the placement of required trees or shrubs in any utility, power or street easement or right-of- way, to allow required trees or shrubs to be planted within an easement or right-of-way area. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. If any of the required buffer plantings that are installed within an easement have to be removed, the developer or property owner must replace these plantings with like size (at the time replacement is required) and species at no expense to Lee County. This requirement must be clearly stated in any deed restriction documents.
 - b. To avoid conflicts with overhead utility lines, only small trees, less than 20 feet in height at maturity, may be used directly adjacent to an overhead line.

This deviation is APPROVED by Z-99-022.

8. Property Development Regulations. Deviation (8) seeks relief from the LDC § 10-418(2) provisions setting forth the minimum requirements for native wetland herbaceous plants, to:

- a. Exempt the shoreline length of the northern boundary of George Canal and the large lake in the northwestern corner of the property from this requirement.
- b. Allow native wetland trees to be substituted for up to 50 percent rather than the required 25 percent of the total number of required herbaceous plants.
- c. Allow one tree or five shrubs to be substituted for fifty herbaceous plants rather than the required ten herbaceous plants.

This deviation is APPROVED, on the condition that up to 50 percent of the required littoral planting is provided by trees and/or shrubs, with one tree or two shrubs being substituted for every ten of the required herbaceous plants. This deviation is APPROVED by Z-99- 022.

9. Deviation (9) is WITHDRAWN.

10. Turn-around. Deviation (10) requests relief from the LDC § 34-1748(5), which requires a paved turn-around provided on the ingress side of the gate or gatehouse, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) as specified in the AASHTO Green Book current addition, to allow development of an alternate turn-around, as depicted on the site plan approved by ADD2010-00003. This deviation is APPROVED, SUBJECT TO the condition that the proposed access gate must be an electric gate opener that is acceptable to Lee County and the Lehigh Acres Fire Control & Rescue District, and the gate is subsequently maintained by the homeowner's association to permit access for the residents of the development and the fire district. This deviation is APPROVED by ADD2010-00003.

11. Buffers. Deviation (11) seeks relief from the LDC § 10-416(d)(3), which requires commercial use abutting a commercial use to provide a Type 'A' buffer between the uses, to allow no required buffers between tract/lots. This deviation is APPROVED by ADD2011- 00081.

12. Parking Deviation (12) seeks relief from the LDC § 34-2020(2), which requires minimum parking spaces for types of uses per development, to allow the parking calculations to be totaled not by tract/lot, but according to the overall parking for the entire CPD. This deviation is APPROVED by ADD2011-00081.

13. Street Access. Deviation (13) seeks relief from the LDC § 10-291(1), which requires street access designed so as not to create remnants and landlocked areas, unless those areas are established as common areas, to allow Tract D as a commercial lot. This deviation is APPROVED by ADD2011-00081.

14. Signs. Deviation (14) seeks relief from the LDC § 30-153(2)(c), which restricts individual occupants to have individual ground-mounted identification signs, to allow each lot to have one ground-mounted identification sign not to exceed 100 square feet and 10 feet in height. This deviation is APPROVED for Tract D only, SUBJECT TO Condition 17 by ADD2011-00081.

15. Outdoor Storage. Deviation (15) seeks relief from the LDC § 34-1352(c)(1), which requires all buildings and structures part of a development engaged in the outdoor storage of vehicles (for rent) be set back 50 feet from the street and 40 feet from the side yard, to allow the existing mini-warehouse building on the eastern border to remain set back at 15.87 feet and the existing building

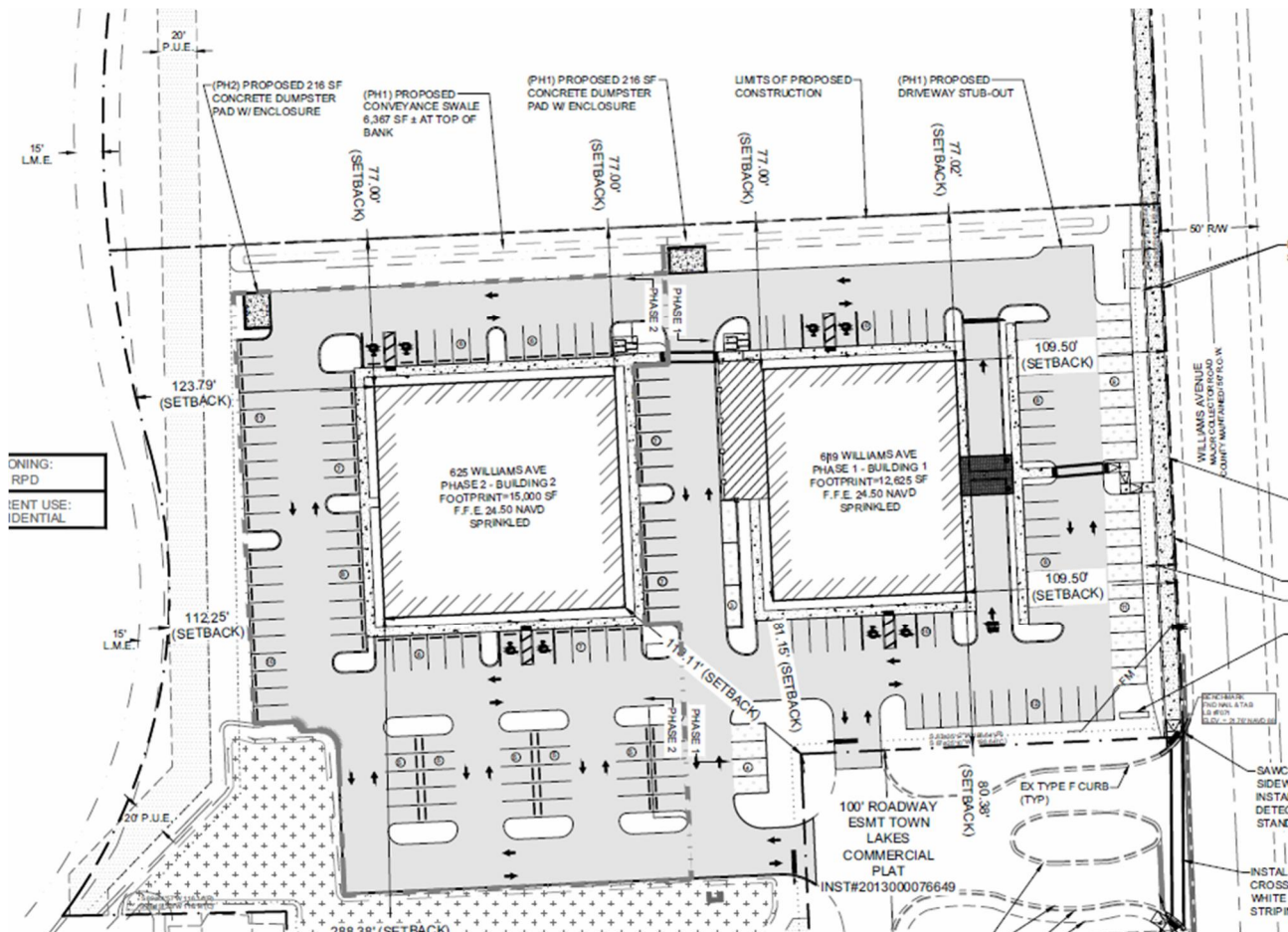
on the western border to remain setback at 27.67 feet. This deviation is APPROVED by ADD2014-00095.

16. Outdoor Storage. Deviation (16) seeks relief from the LDC § 34-1352(c)(3), which requires all buildings and items covered by this section that are displayed or offered for rent must be setback 100 feet from any existing residence or residentially zoned property, to allow the proposed open storage of rental vehicles to be located behind the 8-foot high wall at 81.41 feet from the abutting RPD to the north. This deviation is APPROVED by ADD2014- 00095.

17. Refuse and Recyclable Storage. Deviation (17) seeks relief from the LDC §10-261(a), which requires new construction of commercial businesses to provide 216 square feet for the first 25,000 square feet of building area plus 8 square feet for each additional 1,000 square feet of building area for placement of garbage/recyclable receptables, to allow a reduction based solely on the first 25,000 square feet. This deviation is APPROVED, SUBJECT TO the following conditions: The refuse area may be limited in size to support only the office operations. Development order submittals must include a copy of the lease agreement stating tenants are prohibited from using on-site dumpsters. This deviation is limited to warehouse use on Tract A-N.

18. Parking. Deviation (18) seeks relief from the LDC § 34-2020(b), which requires mini-warehouse uses to have one parking space per 25 storage units, to allow a five percent reduction in required parking spaces, pursuant to LDC § 34-2020(c)(3). This deviation is APPROVED.

19. Access. Deviation (19) seeks relief from the LDC § 10-285(a), which states lots in urban areas with access alternatives will not be granted access to an arterial or major collector, to allow an access on Williams Avenue and closure of the access on Fountain Mist Boulevard/Liriope Loop. This deviation is APPROVED, limited to Tract A-N.



20. Deviation (20) is WITHDRAWN.

21. Building Perimeter Plantings. Deviate from LDC §10-416(b) Building perimeter plantings which requires commercial buildings to provide building perimeter planting area equal to ten percent of the building ground level floor area to reduce the required foundation planting area for Building #2 by 50% with landscape required along all portions of the Building "B" perimeter that are not used for doors and foundation landscaping distributed along the west side of the drive aisle and the entrance drive.

JUSTIFICATION: The enhanced landscape plan shows 2% perimeter building plantings for Building "B" plus additional ground plantings in other areas.

Perimeter landscaping along commercial buildings is required to break up long expanses of blank building walls, create a softening effect and add visual interest. Landscaping is to be placed with emphasis on the sides most visible to the public, not including the loading areas.

In the case of Building "B", loading areas with overhead doors to access storage units are located along the majority of the building facades. The perimeter of Building "B" is 1,038 ft. and approximately 835 ft is covered by doorways (80%). To meet the planting area requirement when only 20% of the building perimeter can be used for landscape

would require excessively wide landscape beds. This deviation proposes using all available areas adjacent to Building “B” for planting as well as distributing foundation planting areas along the drive aisle west of Building “B” and along the entrance driveway.

The intent of the code is met as all available areas adjacent to the building are utilized to landscape the building façade. Additionally, Building “B” is almost completely screened from adjacent rights of way and the abutting properties by the exterior buildings. A reduction in the landscape area does not negatively impact the adjacent properties or the health, safety or welfare of the patrons or the general public and moving the planting areas will benefit the overall development as these areas are more visible from the adjacent roadways and neighboring property.

See attached landscape plan with Building “B” foundation planting areas highlighted.