



AGENDA FOR THE HEARING EXAMINER

Tuesday, October 15, 2019

9:00 AM

Council Chambers

VIDEO

1. HEARINGS CALLED TO ORDER

2. HEARINGS

- A. Case # PDP19-0004*; Address: 2817 SW 3rd Lane; Applicant: City of Cape Coral

3. DATE AND TIME OF NEXT HEARINGS

- A. Tuesday, November 5, 2019, at 9:00 a.m., in Council Chambers

4. ADJOURNMENT

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons needing a special accommodation to participate in this proceeding should contact the City Clerk's Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0411 for assistance, if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (v) for assistance.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

PLEDGE OF CIVILITY

We will be respectful of each other even when we disagree.
We will direct all comments to the issues. We will avoid personal attacks.

The hearing shall, to the extent possible, be conducted as follows:

1. The Clerk shall read into the record the Ordinance or Resolution Title and Number, or the Applicant's name, file number, and the subject matter to be decided if there is no ordinance or resolution.
2. The Applicant, staff, and all Participants requesting to speak or present evidence or both the hearing shall be collectively sworn by an oath or affirmation by the Clerk.
3. Staff will testify regarding proper notice of the Hearing in accordance with City requirements.
4. The Applicant may waive the Applicant's right to an evidentiary hearing if Applicant agrees with the staff recommendation and no one from the audience wishes to speak for or against the application. The Hearing Examiner shall rule on the matter or make a recommendation, based upon the staff report and any other materials contained within the official file. Regardless of a waiver by the Applicant, a Public Hearing shall be held for all decisions requiring an ordinance or resolution.
5. If there is an evidentiary hearing, the order of the presentation shall be as follows, unless the Hearing Examiner, determines to proceed in a different order, taking proper consideration of fairness and due process:
 - The Applicant shall make the Applicant's presentation, including offering any documentary evidence, and introduce any witnesses as Applicant desires. The Applicant shall present the Applicant's entire case in thirty (30) minutes.
 - Staff shall present a brief synopsis of the application; introduce any appropriate additional exhibits from the official file that have not already been transmitted to the Hearing Examiner with the agenda materials, as staff desires; summarize issues; and make a recommendation on the application. Staff shall also introduce any witnesses that it wishes to provide testimony at the hearing. Staff shall present its entire case in thirty (30) minutes.
 - Participants in opposition to or support of the application shall make their presentation in any order as determined by the Hearing Examiner. Each Participant shall present their argument in 5 minutes.
 - The Applicant may cross-examine any witness and respond to any testimony presented.
 - Staff may cross-examine any witness and respond to any testimony presented.
 - The Hearing Examiner may choose to allow Participants to respond to any testimony if the Hearing Examiner deems the response to be necessary to ensure fairness and due process.
 - The Hearing Examiner, may ask questions of the staff, Applicant, and Participants.
 - Final argument may be made by the Applicant, related solely to the evidence in the record.
 - Final argument may be made by the staff, related solely to the evidence in the record.
 - For good cause shown, the Hearing Examiner may grant additional time to any of the hereinabove time limitations.
 - The Hearing Examiner's, decisions must be based upon Competent Substantial Evidence in the record.

Item Number: 2.A.
Meeting Date: 10/15/2019
Item Type: HEARINGS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Case # PDP19-0004*;Address: 2817 SW 3rd Lane; Applicant: City of Cape Coral

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan? No

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

Amending the PDP to eliminate the time restriction of the 4 modular units on the site.

LEGAL REVIEW:

EXHIBITS:

See attached backup materials

PREPARED BY:

Shawn Baker Division- Planning Department- Community Development

SOURCE OF ADDITIONAL INFORMATION:


Mike Struve, AICP, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

ATTACHMENTS:

Description	Type
▣ Backup Materials	Backup Material
▣ Staff presentation	Backup Material

CITY OF CAPE CORAL
DEPARTMENT OF COMMUNITY DEVELOPMENT
MEMORANDUM

TO: John Szerlag, City Manager

FROM: Vincent A. Cautero, Community Development Director 

DATE: May 13, 2019

SUBJECT: PDP Application for Amending the Christa McAuliffe Elementary School Project

The Cape Coral Charter School Authority approached the Department of Community Development to amend a PDP that approved the Christa McAuliffe Elementary School located at 2817 SW 3rd Lane.

The elementary school was originally approved by PDP Resolution 5-2005. The project was amended by Resolution 1-2010 to allow placement of two modular buildings on the site to increase the total number of modular buildings to four. The project was later amended by PDP3-2014 to extend the time in which the modular building could remain on the site (from April 7, 2014 to January 1, 2020).

The Cape Coral Charter School Authority requests this current PDP amendment to eliminate the time restriction governing the modular buildings. If approved, these buildings can remain indefinitely for classroom use, or until such time as resources are available for expanding the existing school building or constructing a new building on the site.

Since the school site is owned by the City, your notarized signature is required on the application where indicated.

The PDP application is attached for your signature. Please feel free to contact me or Mike Struve, Planning Team Coordinator at x.3255 if you have any questions.

VAC/RHP/mrs (PDP19-0004 application memo)

Attachment (PDP application)

C: Victoria Bateman, Financial Services Director
Mary Anne Moniz, Business Manager, Cape Coral Charter School Authority



May 17, 2019

Charter School
Administration
3519 Oasis Blvd.
Cape Coral, FL 33914

Phone: (239) 424-6100
Fax: (239) 541-1039

Mr. Vincent A. Cautero
Department of Community Development
City of Cape Coral
1015 Cultural Park Boulevard
Cape Coral, FL 33990

PROJECT: CAPE CORAL CHARTER ELEMENTARY SCHOOL
NORTH

SUBJECT: PDP AMENDMENT LETTER OF INTENT

Dear Mr. Cautero:

It is the intent of the property owner, the City of Cape Coral, to request approval of an amendment to Resolution PDP 3-2014, requesting the text change under Section III.A.1, General Considerations, by removing Item 1 in its entirety or to revise the text to eliminate the existing deadline in which the modular buildings are required to be removed from the site.

The site consists of 8.49 acres of developed property and is located at the intersection of SW 29th Avenue and SW 3rd Street, adjacent to Jim Jeffers Community Park. The school parcel is currently zoned RD (Residential District) and has a Future Land Use designation of PF (Public Facilities).

Resolution PDP 5-2005 amended the original Christa McAuliffe Charter Elementary School PDP by approving a 3,360 square foot increase to the allowable building square footage of 41,075 to allow for four (4) modular units on the site, for a maximum total building square footage of 44,435 sq. ft. This also allowed an increase in the number of allowable students from 600 to 704 to accommodate the much needed space and allowing additional students to attend the school.

Oasis High School
3519 Oasis Blvd.
Cape Coral, FL 33914
Phone: (239) 541-1167
Fax: (239) 541-1590

Oasis Middle School
3507 Oasis Blvd.
Cape Coral, FL 33914
Phone: (239) 945-1999
Fax: (239) 540-7677

Christa McAuliffe
Elementary School
2817 SW 3rd Lane
Cape Coral, FL 33991
Phone: (239) 283-4511
Fax: (239) 282-0376

Oasis Elementary School
3415 Oasis Blvd.
Cape Coral, FL 33914
Phone: (239) 542-1577
Fax: (239) 549-7682

www.CapeCharterSchools.org



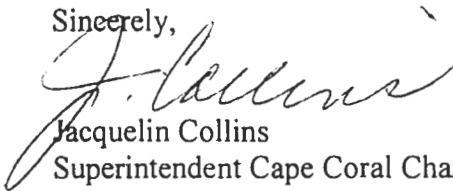
The school's original intent was to lease the units for five years, which continue to be used today to provide classroom space to the students. However, due to the economic downturn, the funding associated with the anticipated expansion was not available and the units were purchased by the Charter School Authority's prior governance in December of 2012, who was not aware of the previous condition on time limits.

The use of the modular units will allow the school to continue to serve the needs of the students and will allow the new members of the Charter School Authority adequate time to plan for a more permanent addition in the future.

Specifically, the amendment requests modifications to Resolution PDP 3-2014, by approving the text change noted above. Any and all previous requirements shall remain in effect.

Should you or your staff have any questions or require additional information, please feel free to contact me at (239) 424-6100 extension 447.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Collins", written in black ink.

Jacquelin Collins
Superintendent Cape Coral Charter School Authority

Enclosure:
PDP Application



PLANNED DEVELOPMENT PROJECT (PDP) APPLICATION

PROPERTY OWNER IS A CORPORATION, LIMITED LIABILITY COMPANY (LLC),
LIMITED COMPANY (LC), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

Project Name: PDP Amendment for Christa McAuliffe Charter Elementary School

Project Number: PDP19-0004

To help prepare this application, the applicant should obtain copies of the following:

- Land Use and Development Regulations (this document is linked)
 1. Land Development Regulations (Article 4)
 2. Parking Requirements (Article 5.1)
 3. Landscape Ordinance (Article 5.2)
 4. Sign Ordinance (Article 7)
- NFPA 1 Fire Prevention Code
- Engineering Design Standards

The advisory review is conceptual only and any staff comments are subject to change based on detailed information with an application to the City of Cape Coral. Formal review may result in additional changes not noted at this time. The final design or project must comply with the Land Use and Development Regulations, Engineering Design Standards, City Code of Ordinances, Comprehensive Plan and other applicable laws and regulations.

ACKNOWLEDGEMENT

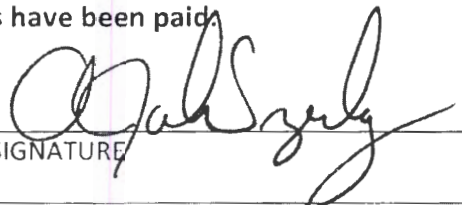
I, A. John Szerlag, as the owner of this property or the duly authorized Representative, agree to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State and County laws, and certify that all information supplied is correct to the best of my knowledge.

In addition, I understand that prior to the issuance of the Certificate of Occupancy for this development, the engineer of record must supply the Department of Community Development with record drawings and a letter of substantial compliance for the project.

In addition, I authorize the staff of the City of Cape Coral to enter upon the property for purposes of investigating and evaluating the request made through this application.

Please note: Advertising fees must be paid in full at least 10 days prior to public hearing or the item may be pulled from the agenda and continued to a future date once the fees have been paid.

*A. John Szerlag, Cape Coral City Manager
NAME AND TITLE (PLEASE TYPE OR PRINT)


SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

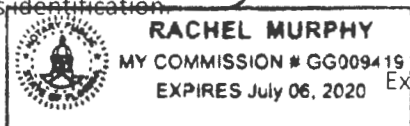
STATE OF

FL

COUNTY OF

Lee

Sworn to (or affirmed) and subscribed before me this 16 day of May 2019 by
John Szerlag who is personally known or produced
as identification.



Exp. Date:

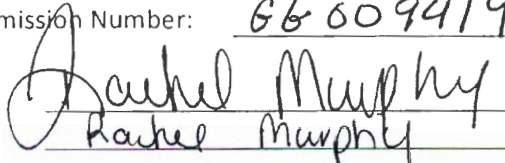
July 6 2020

Commission Number:

66 609419

Signature of Notary Public:

Printed name of Notary Public:


Rachel Murphy

*Please include additional pages for multiple property owners.

**Authorization to Represent Property Owner(s) –
Property Owner is a Corporation, Limited Liability Company (LLC),
Limited Company (LC), Partnership, Limited Partnership, or Trustee**

Please be advised that Cape Coral Charter School Authority staff
(Name of Authorized Representative(s))

is authorized to represent me in the appeal to the Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals and /or City Council for a Planned Development Project.

Unit 54 Block 3934 Lot _____ Subdivision _____

Or Legal Description: ☒ (described as an exhibit A in Microsoft Word format and attached hereto)

*A. John Szerlag _____ City Manager, City of Cape Coral
** Name of Entity (Corporation, Partnership, LLC, etc) _____ Title of Signatory

Signature

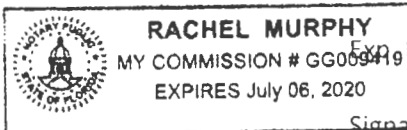
Name

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 16 day of May, 2019 by

John Szerlag who is personally known or produced _____
as identification.



Date: 7/6/20 Commission Number: GB 009419

Signature of Notary Public:

Printed name of Notary Public:

Rachel Murphy
Rachel Murphy

*Please include additional pages for multiple property owners.

****Notes:**

If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.

If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."

If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.

If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.

If the applicant is a trustee, then they must include their title of "trustee."

In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

PDP Applicant Checklist

Project Name: PDP Amendment for Christa McAuliffe Charter Elementary School

Applicant must submit the completed application and the associated documentation listed below, collated into 17 separate packets (one (1) original and 16 copies).

These are minimum requirements for all PDP applications. Based on the nature of your project, additional items may be required by staff.

Incomplete submittals will not be accepted

- X All application pages must be initialed by the property owner or their authorized representative
- NA 24" x 36" engineered PDP Development Plans, including landscape buffer areas and building elevations – See pages 7 – 10 for further information
- NA Certified Boundary Surveys, in NGVD 1929, completed within the last six (6) months showing elevations – See page 7 for further information
- X PDP application fees paid in full at time of application – See page 11 for further information
- X Letter of Intent (LOI) – See page 6 for further instructions
- NA Environmental Survey/Report – See page 7 for further instructions
- NA Warranty or Quit Claim Deed – Applicant shall provide a copy of Warranty or Quit Claim Deed for one hundred (100) percent of the property comprising the Planned Development Project.
- X Vacation of Plat requests must include letter of "No Objection" from the electric company, the telephone company, and the cable company – See page 9 for further instructions
- X Page 1 must be signed and notarized by either all property owner(s) or the authorized agent
- X The "Authorization to Represent Property Owners", page of the application, must be signed by all property owner(s) and notarized
- NA Properties owned by corporations, limited liability companies, limited partnerships, general partnerships, and trustees must provide legal documentation (For example, the Articles of Incorporation) listing persons authorized to sign for the entity and in these situations the property owner(s) must sign all applicable PDP forms in their corporate capacity.

As an alternative to submitting everything in paper format, the applicant may opt to submit the following:

N/A 11 sets of plans, in paper format, as described above

N/A 11 signed and sealed Boundary Surveys, in paper format, as described above

N/A One (1) copy of the application & all other documents you are submitting for review

N/A 1 CD/DVD with PDFs of documents you are submitting:

- o Each document you are submitting needs to be a separate PDF, appropriately identified by name. For example, the application will be one PDF, titled "Application", the Letter of Intent will be another PDF, titled "Letter of Intent", plans, boundary surveys, etc.

 authorized representative
or property owner's initials

GENERAL INFORMATION

Project Name: PDP Amendment for Christa McAuliffe Charter Elementary School

Applicant: Cape Coral Charter School Authority

Address: 3519 Oasis Boulevard, Cape Coral, FL 33914

Phone: 239-424-6100 x418 Fax: _____ E-Mail: _____

*Property Owner: City of Cape Coral

Address 1015 Cultural Park Boulevard, Cape Coral, FL 33990

Phone 239-574-0450 Fax _____ E-Mail _____

Authorized Representative Mary Anne Moniz, Business Manager

Address 3519 Oasis Boulevard, Cape Coral, FL 33914

Phone (239) 424-6100 Fax _____ E-Mail MaryAnne.Moniz@capecharterschools.org

Location

Unit 54 Block 3934 Lot(S) _____

Subdivision Cape Coral Strap Number(s) 17-44-23-C1-03934.0000

Legal Description ☒ (Described as Exhibit A in Microsoft Word Format and attached hereto)

Property Address: 2817 SW 3rd Ln, Cape Coral, FL 33991

Plat Book 19 Page 86 Current Zoning _____ RD _____ Future Land Use PF

This application includes the following requests: (Please check all that apply)

<input type="checkbox"/> Subdivision	<input type="checkbox"/> Special Exception	<input type="checkbox"/> Rezoning	<input type="checkbox"/> Variance
<input type="checkbox"/> Deviation to Landscaping	<input type="checkbox"/> Deviation to Non-residential Design Standards	<input type="checkbox"/> Deviation to Engineering Design Standards (EDS)	<input type="checkbox"/> All Other Deviation Requests
<input type="checkbox"/> Borrow Pit	<input type="checkbox"/> Vacation of Plat	<input checked="" type="checkbox"/> Other – Amend DO conditions	

*Please include additional pages for multiple property owners.

PROPERTY and PROJECT DEVELOPMENT DATA

- | | | | |
|----|--|-------------------------|-----------------|
| a. | Zoning District | <u>RD</u> | |
| b. | Future Land Use Class | <u>PF</u> | |
| c. | Area of Subject Property | <u>8.9</u> acres | |
| d. | Type of Development | <u>School</u> | |
| e. | Estimated Number of Employees | <u>N/A</u> | |
| | Number of Seats in Assembly | <u>N/A</u> | |
| f. | Parking Spaces Required | <u>Existing</u> | |
| g. | Parking Spaces Provided | <u>Existing</u> | |
| h. | Parking and Street Area | <u>Existing</u> sq. ft. | _____ % of Site |
| i. | Ground Floor Building Area (Portables) | <u>3,360</u> sq. ft. | _____ % of Site |
| j. | Total Floor Area | <u>44,435</u> sq. ft. | _____ % of Site |
| k. | Building Heights | <u>Existing</u> | _____ stories |
| l. | Total Proposed Impervious Surface Area | sq. ft. | % of Site _____ |
| m. | Permanent Open Space | sq. ft. | % of Site _____ |
| | Landscaped Area | _____ sq. ft. | % of Site _____ |
| n. | Recreation Area | _____ sq. ft. | % of Site _____ |

If the proposed project is a multifamily residential development, the following additional data shall be shown on the plans.

- | | | | |
|----|---|------------|--|
| o. | Number of Dwelling Units (du) | <u>N/A</u> | |
| p. | Gross Density (du/acres) | <u>N/A</u> | |
| q. | Number, Type, and Floor Area of each Dwelling Unit: | | |
| 1. | Efficiency | <u>N/A</u> | Floor Area <u>N/A</u> sq. ft. <u>N/A</u> |
| 2. | 1 Bedroom | <u>N/A</u> | Floor Area <u>N/A</u> sq. ft. <u>N/A</u> |
| 3. | 2 Bedroom | <u>N/A</u> | Floor Area <u>N/A</u> sq. ft. <u>N/A</u> |
| 4. | 3 Bedroom | <u>N/A</u> | Floor Area <u>N/A</u> sq. ft. <u>N/A</u> |
| 5. | 4 Bedroom | <u>N/A</u> | Floor Area <u>N/A</u> sq. ft. <u>N/A</u> |

LETTER OF INTENT

Please include a Letter of intent (LOI), stipulating your request, addressed to the Community Development Director. This letter must specify all applicable requests. Such requests may include any and/or all of the following:

- a. General purpose and intent of the PDP
- b. Subdivision requests – See Article 4.1 and 4.2.5
- c. Rezoning requests specifying the actual request and explanation of need for the rezoning
- d. Special exception requests and explanation of need for the special exception
- e. Variance requests specifying the actual request and explanation of need. All variance requests must address the five (5) criteria for the granting the a variance, per Land Use and Development Regulations, section 8.10. Note: Variances run with the land.
- f. Vacation of Plat as outlined in section 8.11 and explanation of vacation request
- g. Borrow pit requests as outlined in section 3.23, 4.2.5, and 8.3.2

DEVIATION REQUEST LETTER(S)

Applicant must complete a separate deviation request letter for each deviation type requested. Please ensure that proper justification for the requested deviation accompanies each request. Staff will not analyze any requested deviation that does not include justification for the deviation sought and this may result in a rejection of your application. Refer to the appropriate section of the LUDRs for guidance on the criteria for which a particular deviation may be sought. Note: Deviations do not run with the land.

- Landscaping Deviations shall be in accordance with Section 5.2.19
- Non-residential Design Standards Deviations shall be in accordance with Section 5.6.10 Deviation,
- Engineering Design Standards (EDS) Deviations in accordance with sheet 1, "Foreword" paragraph 5,
- All Other Deviation Requests, shall be in accordance with Section 4.2.4.K


TRAFFIC GENERATION ESTIMATE

The following will determine the need of a Traffic Impact Statement. Trip Generation Estimate, based on the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation manual:

ITE Code N/A Is estimate based on locally collected data? N/A

Regression equation (if used)	<u>N/A</u>
Independent Variable	<u>N/A</u>
Daily Two Way Trip Estimate	<u>N/A</u>
Peak Hour (of generator) Entering	<u>N/A</u>
Peak Hour (of generator) Exiting	<u>N/A</u>
Total Peak Hour (of generator)	<u>N/A</u>
Peak Hour Entering and Exiting trips greater than 300 trips	<u>N/A</u>

If the total peak hour traffic exceeds 300 trips, a Traffic Impact Statement (TIS) will be required. A methodology meeting with the City staff is required prior to submitting the TIS. The methodology meeting will be scheduled after the initial submittal of the PDP application.


authorized representative
or property owner's initials

GRAPHIC STANDARDS: GENERAL INFORMATION

Sheet # of submitted plans: The Development Plan shall be of sufficient scale to show all detail. The scale of the Plan shall be illustrated by a graphic scale on every sheet. The date and true north arrow shall be shown on every sheet. The following general information is required:

- N/A 1. Names and addresses of the owners, planner, architect, landscape architect Engineer and surveyor.
- N/A 2. A General Location and Vicinity Map (plat sheet). Please indicate the relationship of the proposed project site to surrounding existing land uses, zonings, future land uses, community facilities, major streets, utilities and any other principal buildings or physical features in and adjoining the subject property. These features shall be indicated for a distance of three hundred (300) feet from the outside boundaries of the subject property. Indicate all names and locations of adjoining subdivisions, development projects, unplatted properties, and streets within unincorporated Lee County.
- N/A 3. Certified Boundary Survey, completed within the last 6 months, meeting the Minimum Technical Standards as set forth in Chapter 5J-17, Florida Administrative Code.

EXISTING PROPERTY CONDITIONS

Sheet # of submitted plans:

- N/A 1. Acreage of land within property.
- N/A 2. Boundary lines of the project and their bearings and distances.
- N/A 3. Existing and proposed easements and their locations, widths and distance, as well as existing structures.
- N/A 4. Streets and waterways on and adjacent to the project, their names, widths and other dimensions as may be required.
- N/A 5. The location of all existing utilities connections available to the property site.
- N/A 6. Tree Survey: The location, quantity, diameter/caliper, botanical and common name, and native status of all heritage trees and other existing trees with a caliper of two inches or greater, and whether they are proposed to be preserved or removed. Trees to be removed, if any, shall be indicated on a separate sheet. Reference 5.2.6 of the City's Land Development Regulations. The City is a designated "Tree City" and tree retention is encouraged.
- N/A 7. Environmental Site Survey - see the City's guidelines for conducting an environmental survey
- N/A 8. Flood elevation data and flood zone boundary lines delineated, if applicable.
- N/A 9. Any other significant existing features, as may be required by the Director.

DEVELOPMENT PLANS

Sheet # of submitted plans: The Development Plan should be viewed as a conceptual plan and not construction drawings or a site plan. A high level detailed site plan with information not needed will be rejected at submittal. The Development Plan shall show the following information, as applicable to the type of project being proposed, including the proposed dimensions, size, location and arrangement of the following.

- N/A 1. Name of project, north arrow, date and scale.
- N/A 2. Elevations, (drawing of front, sides, and rear faces of buildings), and use of all proposed buildings and structures.
- N/A 3. Internal and peripheral landscaping locations showing landscape area sizes and overall dimensions of the various planting areas, providing calculations per Article 5.2.
- N/A 4. Approximate location of curb cuts, driveways, access roads, alleys, and parking areas indicating the number of spaces and all dimensions.
- N/A 5. Location of existing and proposed pedestrian walks, malls, yards, and open areas.
- N/A 6. Location, number, dimensions, character and orientation of all existing and proposed signs.
- N/A 7. Location and heights of all proposed buffers, fences, screens, and walls.
- N/A 8. Location of all existing and proposed buildings and structures with setback distances from the property lines and roadways.
- N/A 9. Location of all known existing and proposed water, sewer and irrigation mains including the point of connection to the existing system and buildings, if applicable, including:
 - a) Estimate of the average daily flow for potable water.
 - b) Estimate of the average daily flow of wastewater
 - c) Estimate of the average daily flow for irrigation water.
- N/A 10. Location of all known existing and proposed easements and /or right of way.
- N/A 11. Location of proposed outdoor lighting, showing direction, height and type.
- N/A 12. An exhibit providing the peak hour trip distribution at the project entrance and adjacent local streets out to a collector.
- N/A 13. Location and character of all outside waste disposal facilities and existing or proposed appropriate screening.
- N/A 14. Phasing Plan: Where a project will be developed in phases, a Phasing Plan shall be presented for review of the entire project. Proposed development phases shall be numbered in sequence, and shall indicate the density for residential and/or floor area for non-residential uses, as applicable, for each phase. The phasing plan shall identify size, location, sequence and timing of the various phases of the development.



ADDITIONAL INFORMATION

Sheet # of
submitted
plans:

N/A

1. **Landscape Maintenance:**

The proposed method of assuring the provision and permanent maintenance of areas required for landscaping, screening, and common uses, including a proposed statement of such assurance. The coordinated development of the site shall be compatible with the surrounding area.

N/A

2. **Maintenance Assurance:**

The proposed method of assuring the perpetual ownership and maintenance of areas within the project that area to be used for open space, recreation or other quasi-public purposes, including a detailed statement of such assurance, including covenants, agreements or other specific documents as required.

N/A

3. **Covenants:**

Copies of proposed restriction or protective covenants, if any.

N/A

4. **Economics:**

The Commission or City Council, as applicable, may also require that the applicant provide additional supporting data, such as economic justification, financing, and construction scheduling, topographic data or similar information when deemed necessary for project review.

N/A

5. **Vacation of Plat**

In the case of vacation of plats submitted in conjunction with a PDP, the following additional information shall be required:

- a. Affidavits of city and county tax collectors stating that all city and county taxes levied against land covered by the portion of the plat of which vacation is sought have been paid;
- b. Sketches and descriptions; and
- c. Letter of no objection from the following utilities:
 - i. Lee County Electric Cooperative, Inc (LCEC)
 - ii. Century Link Telephone Company
 - iii. Comcast Cable Company

SUBDIVISION, PER FLORIDA STATUTES, CHAPTER 177 – IF APPLICABLE

Sheet # of submitted plans	<p>The Subdivision Plan shall show the following information, as applicable to the type of project being proposed, including the proposed dimensions, size, location and arrangement of the following with accurate dimensions to the nearest one-hundredth of a foot. If flexibility is requested for property lines prior to Plat recording, this request must be requested in the Letter of Intent (LOI).</p>
<u>N/A</u>	1. Contours at an interval of not greater than one foot.
<u>N/A</u>	2. Access roads and their relationship to existing and proposed streets, alleys and other public ways.
<u>N/A</u>	3. Setback lines, permanent open space, recreation areas, separation strips, existing and proposed landscape areas and general land use activity areas.
<u>N/A</u>	4. Location of areas and their acreages, if any, to be reserved or dedicated for public parks, playgrounds, schools, or other public uses, including bikeways or walks.
<u>N/A</u>	5. Proposed lot numbers, lot lines, lot dimensions, lot areas, lot descriptions, lot locations, minimum yard requirements, and any other appropriate data and information for areas or parcels within the project property lines which have been designated for subdivision for any purpose or use.
<u>N/A</u>	6. Utility locations on and adjacent to the project showing proposed dimensions and connections to existing utility systems.
<u>N/A</u>	7. All dimensions, angles, bearings and similar data on the plan shall be tied to primary control points approved by the City Engineer. The location and description of said control points shall be given.
<u>N/A</u>	8. Approximate location of proposed and existing surface water management system components including treatment, storage, conveyance, and discharge locations.
<u>N/A</u>	9. Project boundary lines, right-of-way lines of streets, waterways, easements and other rights-of-way. Bearings or deflection angles, radii, arcs and central angles of all curves with dimensions to the nearest minute shall be provided for the center line of all streets and easements. Block corner radii dimensions shall also be shown.
<u>N/A</u>	10. Name of each street, waterway, easement or other right-of-way and the designation of all buildings, parking areas, access roads, permanent open spaces, recreation areas, separation strips, landscaped areas, dedication or reserved areas, and other land use activity areas by name, use, purpose or other appropriate method as well as by width, length, land area or floor area devoted to such use or purpose.
<u>N/A</u>	11. Certification of title and dedication, on plat, showing that the applicant is the owner and a statement by such owner dedicating streets, rights-of-way and any other sites for public use, if any.
<u>N/A</u>	12. Certification by the City Engineer, on plat, that a surety bond, certified check or other guarantee has been posted with the City in sufficient amount to assure completion of all such required site improvements.
<u>N/A</u>	13. Certificate of approval for recording, on plat, suitable to be signed by the Mayor as applicable, to indicate that the plan has been approved for recording.
<u>N/A</u>	14. Any other appropriate certification required by the Governing Body or Necessary to comply with Florida Statutes, Chapter 177.

Planned Development Project (PDP) Application Fees *

	Administrative Review	Fees	Your Costs
<input checked="" type="checkbox"/>	PDP - without Subdivision	\$2,525.00	\$
<input type="checkbox"/>	** Additional charge for PDP's in excess of ten (10) acres: _____ acres x \$55.00 for each acre or portion thereof in excess of 10 acres.	(with maximum cap of \$3,625.00 for additional acres)	\$
<input type="checkbox"/>	PDP - with Subdivision	\$2,815.00	\$
<input type="checkbox"/>	** Additional charge for PDP's in excess of ten (10) acres: _____ acres x \$55.00 for each acre or portion thereof in excess of 10 acres.	(with maximum cap of \$3,915.00 for additional acres)	\$
	Fire Review		
<input checked="" type="checkbox"/>	Fire review	\$104.00	\$
Public Hearing			
<input checked="" type="checkbox"/>	PDP - without Subdivision	\$665.00	\$
<input type="checkbox"/>	PDP - with Subdivision	\$1,415.00	\$
<input type="checkbox"/>	Zoning Amendment within PDP	\$1,165.00	\$
<input type="checkbox"/>	Vacation of Plat within PDP	\$880.00	\$
<input type="checkbox"/>	Variance/Deviation within PDP	\$1,250.00	\$
<input type="checkbox"/>	Special Exception within PDP	\$1,365.00	\$
<input type="checkbox"/>	Borrow Pit within PDP	\$1,725.00	\$
		Total	\$
			\$3,294.00

* Advertising fees will be due at time of advertising.

** PDP – Acres x \$55.00 for each acre or portion thereof in excess of 10 acres (i.e. A 20.2 acre of land is calculated as follows.

20.2 – 10.00 = 10.2, then the 10.2 acres is rounded up to 11 acres)

LEGAL DESCRIPTION OF SITE

A PORTION OF BLOCK 3934, UNIT 54, CAPE CORAL SUBDIVISION, CITY OF CAPE CORAL, LYING IN SECTION 17, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY FLORIDA, AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINE INTERSECTION OF SOUTHWEST 3RD STREET (70' WIDE) AND SOUTHWEST 29TH AVENUE (80' WIDE) AS RECORDED IN PLAT BOOK 19 AT PAGES 79 THROUGH 91, AMONG THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE RUN ALONG THE CENTERLINE OF SAID SOUTHWEST 3RD STREET S89°45'31"E A DISTANCE OF 70.04 FEET; THENCE DEPART SAID CENTERLINE AND RUN S00°14'29"W FOR A DISTANCE OF 40.00 FEET TO THE MOST NORTHWESTLY CORNER OF SAID BLOCK 3934, AS RECORDED IN SAID RECORDS, ALSO BEING THE POINT OF BEGINNING; SAID POINT ALSO BEING A POINT OF CURVATURE ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTHWEST 3RD STREET, (70' WIDE); THENCE RUN ALONG SAID SOUTH RIGHT-OF-WAY LINE S89°45'31"E A DISTANCE OF 449.36 FEET; THENCE DEPART SAID RIGHT-OF-WAY LINE AND RUN THROUGH SAID BLOCK 3934 THE FOLLOWING COURSES AND DISTANCES;

S00°20'06"W A DISTANCE OF 415.09 FEET; THEN S89°34'17"E A DISTANCE OF 45.52 FEET; THEN S00°20'06"W A DISTANCE OF 146.28 FEET; THEN S89°34'17"E A DISTANCE OF 99.27 FEET; THEN S00°20'06"W A DISTANCE OF 157.94 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SOUTHWEST 3RD LANE (70' WIDE), ALSO RECORDED IN SAID PLAT BOOK;

THENCE RUN ALONG SAID RIGHT-OF-WAY LINE N89°39'54"W A DISTANCE OF 592.64 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY 39.22 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°52'29" AND A CHORD OF 35.32 FEET TO BEAR N44°43'39"W, TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST 29TH AVE. (80' WIDE) ALSO RECORDED IN SAID PLAT BOOK; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE N00°12'35"E A DISTANCE OF 668.81 FEET TO A POINT OF CURVATURE; THENCE RUN 39.28 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°01'54' AND A CHORD OF 35.37 FEET TO BEAR N45°13'32"E TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 8.4901 ACRES MORE OR LESS;

SUBJECT TO EASEMENTS, RESERVATIONS, AND RESTRICTIONS OF RECORD THEREOF.

COUNCILMEMBER DAY

PDP 05-00800022

12/02/05

12/05/05

12/08/05

RESOLUTION PDP 5 - 2005

A RESOLUTION PURSUANT TO THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND DEVELOPMENT REGULATIONS, SECTION 4.2, PLANNED DEVELOPMENT PROJECT PROCEDURE, APPROVING A PLANNED DEVELOPMENT PROJECT IN THE CITY OF CAPE CORAL, FLORIDA ENTITLED "CAPE CORAL CHARTER ELEMENTARY SCHOOL NORTH"; PROVIDING FOR PLANNED DEVELOPMENT PROJECT APPROVAL FOR CERTAIN PROPERTY DESCRIBED AS A PORTION OF BLOCK 3934, UNIT 54, CAPE CORAL SUBDIVISION, LYING IN SECTION 17, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT THE INTERSECTION OF SW 29TH AVE AND SW 3RD STREET; GRANTING A SPECIAL EXCEPTION FOR A SCHOOL - GROUP I IN A RESIDENTIAL DEVELOPMENT (RD) ZONING DISTRICT; APPROVING A NINETEEN (19) FOOT DEVIATION TO THE TWENTY-FIVE (25) FOOT MINIMUM SETBACK FOR A FENCE AS REQUIRED BY SECTION 3.9.2, FENCES, IN ORDER TO ALLOW A FENCE TO BE LOCATED SIX (6) FEET FROM THE FRONT PROPERTY LINE; APPROVING A 427 SQUARE FOOT DEVIATION TO THE MAXIMUM 200 SQUARE FOOT AREA ALLOWED FOR A CONSTRUCTION TRAILER IN SECTION 3.2.2A(1), TO ALLOW A 627 SQUARE FOOT CONSTRUCTION TRAILER; GRANTING SITE PLAN APPROVAL FOR PURPOSES OF DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTION 4.2 OF THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR ACTION ON REQUEST AND CONDITIONS OF APPROVAL; PROVIDING FOR LEGAL EFFECT AND LIMITATIONS OF THIS PDP DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application from the City of Cape Coral has been received requesting approval of a Planned Development Project (PDP) for the Cape Coral Charter Elementary School North, requesting a special exception, deviations to the Land Use and Development Regulations, and site plan approval; and

WHEREAS, Cape Coral Planning and Zoning Commission/Local Planning Agency has specifically considered the requested PDP approval;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY OF THE CITY OF CAPE CORAL, FLORIDA:

SECTION I. PDP APPROVAL, SITE PLAN, SPECIAL EXCEPTION, DEVIATIONS TO LAND USE AND DEVELOPMENT REGULATIONS.

Pursuant to City of Cape Coral Land Use and Development Regulations, Article IV, Section 4.2, Planned Development Project Procedure Applicant's request for Planned Development Project is hereby approved including approval for a Special Exception for a School - Group I in a Residential Development (RD) zoning district; approving a nineteen (19) foot deviation to the twenty-five (25) foot minimum setback for a fence as required by Section 3.9.2, Fences, Shrubbery, Walls, in order to allow a fence to be located six (6) feet from the front property line; approving a 427 square foot deviation to the maximum 200 square foot area allowed for a construction trailer in Section 3.2.2a(1), to allow a 627 square foot construction trailer; granting site plan approval for purposes of development plan approval pursuant to Section 4.2 of the City of Cape Coral Land Use and Development Regulations per plan set entitled Cape Coral Charter Elementary School North, Sheets A-201, and Sheets 1 through 14, dated 6-29-05, prepared by Avalon Engineering, Inc., from the date of adoption of this resolution. Approval of the PDP shall be subject to the terms and conditions set forth below.

SECTION II. FINDING OF FACT/CONCLUSION OF LAW.

- A. The Cape Coral Charter Elementary School North development is a Public Facilities Planned Development Project (PDP). This development consists of a six-hundred (600) student elementary school on 8.49 acres of land located at the intersection of SW 29th Ave and SW 3rd Street. The proposed school will contain 41,075 square feet. The development will occur in one (1) phase with a build out in five (5) years.
- B. The name of the legal and equitable owner is the City of Cape Coral.
- C. The legal description of the property is as follows:

A PORTION OF BLOCK 3934, UNIT 54, CAPE CORAL SUBDIVISION, CITY OF CAPE CORAL, LYING IN SECTION 17, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINE INTERSECTION OF SOUTHWEST 3RD STREET (70' WIDE) AND SOUTHWEST 29TH AVENUE (80' WIDE) AS RECORDED IN PLAT BOOK 19 AT PAGES 79 THROUGH 91, AMONG THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE RUN ALONG THE CENTERLINE OF SAID SOUTHWEST 3RD STREET S89°45'31"E A DISTANCE OF 70.04 FEET; THENCE DEPART SAID CENTERLINE AND RUN S0014°29"W FOR A DISTANCE OF 40.00 FEET TO THE MOST NORTHWESTLY CORNER OF SAID BLOCK 3934, AS RECORDED IN SAID RECORDS, ALSO BEING THE POINT OF BEGINNING; SAID POINT ALSO BEING A POINT OF CURVATURE ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTHWEST 3RD STREET, (70' WIDE); THENCE RUN ALONG SAID SOUTH RIGHT-OF-WAY LINE S89°45'31"E A DISTANCE OF 449.36 FEET; THENCE DEPART SAID RIGHT-OF-WAY LINE AND RUN THROUGH SAID BLOCK 3934 THE FOLLOWING COURSES AND DISTANCES;

S00°20'06"W A DISTANCE OF 415.09 FEET; THENCE S89°34'17"E A DISTANCE OF 45.52 FEET; THENCE S00°20'06"W A DISTANCE OF 146.28 FEET; THENCE S89°34'17"E A DISTANCE OF 99.27 FEET; THENCE S00°20'06"W A DISTANCE OF 157.94 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SOUTHWEST 3RD LANE (70' WIDE), ALSO RECORDED IN SAID PLAT BOOK;

THENCE RUN ALONG SAID RIGHT-OF-WAY LINE N89°39'54"W A DISTANCE OF 592.64 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY 39.22 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°52'29" AND A CHORD OF 35.32 FEET TO BEAR N44°43'39"W, TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST 29TH AVE. (80' WIDE) ALSO RECORDED IN SAID PLAT BOOK; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE N00°12'35"E A DISTANCE OF 668.81 FEET TO A POINT OF CURVATURE; THENCE RUN 39.28 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°01'54" AND A CHORD OF 35.37 FEET TO BEAR N45°13'32"E TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 8.4907 ACRES MORE OR LESS;

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD THEREOF.

- D. The subject parcel has 8.49 acres within a zoning district of Residential Development (RD), pursuant to the authority of Chapter 166, Florida Statutes, and the Land Use and Development Regulations, Cape Coral, Florida, as amended. The subject parcel has a Future Land Use designation of Public Facilities.
- E. All existing and future structures and uses, population density, building intensity, and building height shall conform to the provisions of the Residential Development (RD) Zoning District of the Land Use and Development Regulations, Cape Coral, Florida, as same may hereafter be amended.
In addition, the development shall obtain all local development permits from the City of Cape Coral, Florida, and other governmental jurisdictions. Failure of this agreement to

address a particular permit, condition, term, restriction, or zoning regulation shall not relieve the Developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, restrictions, or zoning regulations.

- F. The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- G. The proposed development, as noted, is consistent with the adopted City of Cape Coral Comprehensive Plan, and the City of Cape Coral Land Use and Development Regulations.
- H. The term "Developer" for purposes of this development order, shall mean and refer to the City of Cape Coral, its successors in interest, lessees, and/or assigns.

SECTION III. ACTION ON REQUEST AND CONDITIONS OF APPROVAL.

NOW, THEREFORE, be it resolved by the Cape Coral Planning and Zoning Commission/Local Planning Agency of Cape Coral, Florida, in public meeting duly advertised, constituted and assembled, that the Planned Development Project application for Development Approval submitted by the City of Cape Coral, is hereby approved, subject to the following conditions, restrictions, and limitations deemed necessary for the public health, safety, and welfare.

A. DRAINAGE/WATER QUALITY

- 1. Prior to the issuance of any building permits, a general permit and stormwater discharge certification shall be obtained from the South Florida Water Management District (SFWMD). No construction permit shall be issued until the City has received a copy of the approved South Florida Water Management District permit.
- 2. With each individual site development submitted, the Developer shall be required to provide on-site stormwater runoff provisions, with either a letter of compliance, modification, or exemption, as applicable, from South Florida Water Management District.
- 3. At completion of construction, as required by the conditions imposed by SFWMD and prior to the issuance of a Certificate of Occupancy, the Developer will be required to provide certification by the Engineer of Record that all stormwater infrastructure and facilities have been constructed in accordance with the design approved by SFWMD and the City of Cape Coral, and should consist of the wording "Construction Compliance Certification".

B. ENERGY

Where feasible, the Developer shall incorporate at a minimum the following energy conservation measures into this development:

- 1. Use of energy efficient features in window design (e.g., tinting and exterior shading).
- 2. Use of operable windows and ceiling fans.
- 3. Installation of energy-efficient appliances and equipment.
- 4. Installation of energy-efficient lighting for streets, parking areas, and other interior and exterior public areas.
- 5. Cooperation in the location of bus stops, shelters, and other passenger and system accommodations for a transit system to service the project area.
- 6. Selection, installation, and maintenance of plants, trees, and other vegetation and landscape design features that have minimal requirements for water, fertilizer, maintenance, and other needs. A list of native plants best suited to the soil conditions of Cape Coral by section is available from the Department of Community Development.
- 7. Planting of shade trees to provide shade for all street and parking areas.

8. Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.
9. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.
10. Provision for structural shading (e.g., trellises, awnings, and roof overhangs), wherever practical when natural shading cannot be used effectively.
11. Provision of bicycle racks or storage facilities in recreational, commercial, and multi-family residential areas.

C. HURRICANE EVACUATION/SHELTERING

1. Prior to issuance of building permits, the Developer shall meet with the Lee County Emergency Management/Cape Coral Emergency Management officials to discuss and identify (if appropriate) any areas in the common portion of the project that may be utilized as public shelter.
2. The Developer shall incorporate the sheltering demands of the employees and their families, if possible, within their building design.

D. WETLANDS, VEGETATION, AND WILDLIFE

1. Ongoing control and removal of nuisance exotic plants on-site is required including but not limited to *Casuarina* sp. (Australian Pine), *Melaleuca quinquenervia* (melaleuca), and *Schinus terebinthifolius* (Brazilian Pepper), and all Category I invasive exotic plants listed by the Florida Exotic Pest Plant Council.
2. Required on-site landscaping and screening shall be maintained throughout the life of this development.
3. A protective barrier composed of stakes (or other scrap lumber) and rope or other suitable material shall be placed around all existing trees to remain as shown on Sheet 3 of 14 dated 5-25-05, prepared by Avalon Engineering, Inc., of submitted Scrape and Fill plans.
 - a. The protective barrier shall be erected prior to land preparation or construction activities.
 - b. The protective barrier shall be placed at or greater than the full dripline of all protected trees and shall be maintained and remain in place until all major construction activity is terminated.
 - c. No equipment, chemicals, soil deposits or construction materials shall be placed within such protective barriers.
 - d. Light construction activities after the removal of protective barriers shall be accomplished with light machinery or hand labor.
4. In the event all or a portion of the subject property is located within an Eagle Nest Management Zone, the developer shall comply with all City laws, regulations, and guidelines that are currently in effect or that may be hereafter adopted by the City concerning the protection and management of bald eagle nests including, but not limited to Chapter 23 of the City Code of Ordinances. No development shall occur on any portion of the subject property that is within an Eagle Nest Management Zone except in accordance with a Bald Eagle Management Plan that has been approved by the City. Once an Eagle Management Plan has been approved by the City for all or a portion of the property, the Developer's ability to develop in accordance with such Plan shall not be affected by any amendment to the City's regulations concerning eagle nests, so long as no additional or "new" eagle nest needs to be accommodated. In the event, however, that one or more eagle nests are hereafter established or determined to be active in locations that result in all or a

portion of the subject property being located in a new or expanded Eagle Nest Management Zone, then no development shall occur in such new zone except in accordance with an Eagle Management Plan that has been approved by the City for such zone.

E. FIRE PROTECTION

The Developer shall review site development plans with the fire department to incorporate fire protection design recommendations into the project.

F. WATER CONSERVATION

1. The Developer shall incorporate the use of water conserving devices as required by state law (Section 553.14, Florida Statutes).
2. For the purpose of non-potable water conservation, the development shall utilize Florida Yards and Neighborhoods (FYN), and other xeriscape principals where feasible, in the design and installation of the project's landscaping. FYN materials and assistance are available through the Planning Division and Environmental Resources Division.
3. Irrigation shall be accomplished in accordance with City Ordinance(s) or South Florida Water Management District mandate(s) as applicable.

G. SOLID WASTE

1. The Developer and tenants of the project shall utilize all methods of reducing solid waste volume generated at the project.
2. The Developer and tenants of the project shall identify to the City, the presence of and the proper on-site handling and temporary storage procedures for hazardous waste that may be generated on-site, in accordance with local, regional and state hazardous waste programs.
3. The Developer will require that an EPA/DEP approved holding storage tank be provided on-site along with the proper monitoring devices if a prospective user has the potential for producing toxic or industrial waste. These wastes will be disposed of off-site by a company licensed to dispose of such wastes.
4. The Developer shall inform the waste hauler and disposer of the nature of any hazardous waste on the site, to determine if, and the extent of, any special precautions that may be necessary.
5. No on-site solid waste disposal facilities shall be located on the site.
6. The Developer shall participate in recycling programs.
7. Solid waste disposal shall be provided through Lee County, Florida pursuant to Special Act, Chapter 85-447. Current and planned facilities have sufficient capacity to meet the demands of this development.

H. WASTEWATER MANAGEMENT

1. Wastewater service is not currently available to the site. Developer shall extend wastewater service to the site.
2. The Developer shall design, construct and install all improvements required by the City to connect to the City's wastewater system. Said design, construction, and installation shall be accomplished in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance.
3. Wastewater containing hazardous materials shall be segregated and handled in accordance with Florida Department of Environmental Protection (DEP) criteria.

Wastewater entering the City system shall meet quality limitations as specified by City Ordinance(s).

4. The Developer shall connect to City wastewater facilities as specified by City Ordinance.

I. WATER SERVICE

1. Water service is not currently available to the site. Developer shall extend water service to the site.
2. The Developer shall design, construct and install all improvements required by the City to connect to the City's water system. Said design, construction, and installation shall be accomplished in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance.
3. The Developer shall connect to City water facilities as specified by City Ordinance.

J. IRRIGATION SERVICE

1. Irrigation service is not available to the site.
2. When service becomes available, Developer shall connect to the City's irrigation system as prescribed by City Ordinance. The Developer shall design, construct, and install all improvements required by the City to connect to the City's irrigation system in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance.

K. AIR QUALITY

1. If the development creates a complex source of pollution as defined by Florida Department of Environmental Protection (DEP) rules, application shall be made directly to DEP for permitting.
2. The development will be required to comply with all federal, state and local laws and codes governing air quality and emissions.

L. HISTORICAL/ARCHAEOLOGICAL

During the life of the project, if any historical or archaeological sites are uncovered, work in the vicinity shall cease until the proper authorities can be contacted and an evaluation of the site carried out.

M. TRANSPORTATION

1. The traffic impacts of this development do not degrade roadway and intersection level of service (LOS) below LOS standards adopted in the City of Cape Coral Comprehensive Plan.
2. The Developer shall provide the City of Cape Coral all appropriate Road Impact Fees at the time of application for each building permit.

N. GENERAL CONSIDERATIONS

The Developer shall be solely responsible for removal of any fence, wall, or landscaping located in a public utility easement, as well as for any cost resulting from disturbance, damage, or destruction of the fence, wall, or landscaping resulting from work associated with utilities in such easement.

O. CONCURRENCY

The Cape Coral Charter Elementary School North PDP is concurrent for roads, sewer, water, drainage, solid waste, and parks based on the analysis of the proposed development and specific mitigation programs specified herein.

SECTION IV. LEGAL EFFECT AND LIMITATIONS OF THIS
DEVELOPMENT ORDER, AND ADMINISTRATIVE
REQUIREMENTS.

- A. This Development Order shall constitute a resolution of the City of Cape Coral, adopted by this Planning and Zoning Commission/Local Planning Agency in response to the Planned Development Project application for development approval filed for Cape Coral Charter Elementary School North.
- B. This Development Order shall be binding on the Developer.
- C. The terms and conditions set out in this document constitute a basis upon which the Developer and City may rely in future actions necessary to implement fully the final development contemplated by this Development Order.
- D. All conditions, restrictions, stipulations, and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorney's fees, shall be paid by the defaulting party.
- E. Any references herein to any governmental agency shall be construed to mean to include any future instrumentality which may be created and designated as successor in interest to or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.
- F. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the Developer to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval shall also not obviate the duty of the Developer to comply with any City Ordinance or other regulations adopted after the effective date of this Development Order.
- G. Subsequent requests for local development permits shall not require further review unless it is found by the Cape Coral Planning and Zoning Commission/Local Planning Agency, after due notice and hearing, that a substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans which create a reasonable likelihood of adverse impacts which were not evaluated in the review by the City, has occurred and/or would result from the issuance of the local development permit. Substantial deviations include but are not limited to:
 - 1. A greater than five (5) percent increase in the square footage of the development.
 - 2. Any change that requires a variance to code or other requirements over and above those specifically incorporated herein.
 - 3. An expiration of the period of effectiveness of this Development Order as herein provided.
 - 4. A failure to carry out Development Order conditions and/or Developer commitments incorporated within the Development Order to mitigate impacts to the extent indicated in the Development Order, or in accordance with the Development Order.

Upon a finding that any of the above is present, the City may order a termination of all development activity until such time as a new PDP Application for Development Approval has been submitted, reviewed and approved, and all local approvals have been obtained.

- H. The physical development authorized under this Development Order shall terminate in five years from the date of adoption of this Development Order, unless an extension is approved by this Council. The Council may grant an extension if the project has been developing substantially in conformance with the original plans and approved conditions, and if no substantial adverse impacts not known to Cape Coral at the time of their review and approval, or arising due to the extension, have been identified. For purposes of determining when the buildout date has been exceeded, the time shall be tolled during the pendency of administrative and judicial proceedings relating to development permits. All conditions

imposed on the subject development shall remain in full force and effect throughout the life of the development unless rescinded or amended by the City and shall not be affected by any termination of the authorization for physical development.

- I. The Director of the Cape Coral Department of Community Development or his/her designee, shall be the local official responsible for assuring compliance with this Development Order. Upon reasonable notice by the City and at all reasonable times, the Developer shall allow the City of Cape Coral, its agents, employees, and/or representatives, access to the project site for the purpose of assuring compliance with this Development Order.
- J. The Developer, or its successors in title to the undeveloped portion of the subject property, shall submit a report annually to the Planning and Zoning Commission/Local Planning Agency, the Director, and all affected permit agencies. This report shall describe the state of development and compliance as of the date of submission.


The first monitoring report shall be submitted to the Director not later than one (1) year from the effective date of this order, and further reports shall be submitted not later than annually thereafter. The Developer shall so inform any successor in title to any undeveloped portion of the real property covered by this Development Order. This shall not be construed to require reporting from tenants or owners of individual lots or units. Annual Monitoring Reports including Traffic Monitoring Reports shall be required until the project is complete, at which time; a final development report shall be submitted to the City.

- K. Within thirty (30) days of adoption of this resolution, this Development Order shall be recorded in the Office of the Clerk of the Circuit Court by the Developer or Authorized Representative, who shall thereafter return the original recorded Development Order to the City.

Section V. Effective Date.

This Resolution shall take effect immediately upon its adoption. Permits issued prior to or after the effective date of this Ordinance are obtained solely at the risk of the Developer.

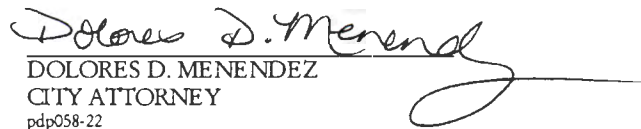
ADOPTED BY THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 20th DAY OF December, 2005.


EUGENE WOLFE, CHAIRMAN
PLANNING AND ZONING /
COMMISSION/LOCAL PLANNING
AGENCY

ATTESTED TO AND FILED IN MY OFFICE THIS 4th DAY OF January, 2006.


BONNIE J. VENT, CITY CLERK

APPROVED AS TO FORM:


DOLORES D. MENENDEZ
CITY ATTORNEY
pdp058-22

COUNCILMEMBER McGRAIL

PDP 10-0001

03/24/10

04/01/10

04/07/10

RESOLUTION PDP 1 - 2010

A RESOLUTION AMENDING RESOLUTION PDP 5-2005, WHICH APPROVED A PLANNED DEVELOPMENT PROJECT IN THE CITY OF CAPE CORAL, FLORIDA ENTITLED "CAPE CORAL CHARTER ELEMENTARY SCHOOL NORTH" FOR CERTAIN PROPERTY DESCRIBED AS A PORTION OF BLOCK 3934, UNIT 54, CAPE CORAL SUBDIVISION, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROPERTY LOCATED AT 2817 SW 3RD LANE; TO ALLOW FOUR MODULAR BUILDINGS TO BE ADDED TO THE SCHOOL; GRANTING DEVIATIONS FROM THE NON-RESIDENTIAL DESIGN STANDARDS TO ALLOW MODULAR BUILDINGS WITHOUT THE REQUIRED REPEATING ELEMENTS OR DESIGN ELEMENTS, WITHOUT BUFFERING EQUIPMENT, WITHOUT USING REQUIRED BUILDING MATERIALS, AND WITHOUT VARIATIONS IN ROOFLINES AND ROOF FEATURES; GRANTING A DEVIATION FROM THE REQUIREMENT THAT THE ENTIRE PROPERTY MEET THE LANDSCAPING REGULATIONS TO ALLOW THE PROJECT TO DEVELOP WITH ONLY THE NORTHWEST CORNER OF THE PROJECT MEETING THE LANDSCAPING REQUIREMENTS; GRANTING SITE PLAN APPROVAL FOR PURPOSES OF DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTION 4.2 OF THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR ACTION ON REQUEST AND CONDITIONS OF APPROVAL; PROVIDING FOR LEGAL EFFECT AND LIMITATIONS OF THIS PDP DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application from the CITY OF CAPE CORAL has been received requesting an amendment of Resolution PDP 5-2005, that approved a Planned Development Project (PDP) for "CAPE CORAL CHARTER ELEMENTARY SCHOOL NORTH", requesting deviations and site plan approval; and

WHEREAS, Cape Coral Planning and Zoning Commission/Local Planning Agency has specifically considered the requested PDP approval.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY OF THE CITY OF CAPE CORAL, FLORIDA:

SECTION I. PDP APPROVAL, DEVIATIONS, AND SITE PLAN APPROVAL.

Pursuant to City of Cape Coral Land Use and Development Regulations, Article IV, Section 4.2, Planned Development Project Procedure, Applicant's request for amendment of Resolution PDP 5-2005, "CAPE CORAL CHARTER ELEMENTARY SCHOOL NORTH" PDP, is hereby approved including approval for deviations from the following non-residential design standards requirements: Section 5.6.5.D.1. that requires all exterior sides of a building to include a repeating or varying pattern to allow the exterior sides of the four modular buildings to have no repeating or varying pattern; Section 5.6.5.D.2. that requires three design elements to be placed on either the exterior walls of the buildings or the roof, or both, to allow the four modular buildings to have no design elements on either the exterior walls or roof; Section 5.6.7 that requires certain building materials for exterior walls to allow the modular buildings to use a metal siding material that is prohibited; Section 5.6.8.C. that requires variations in rooflines, and two roof design features to allow the modular buildings to have no variations in rooflines and no required roof design features; and Section 5.6.9.A. that requires air conditioning and heating equipment to be located or screened so as not to be visible from any property line abutting a public street to allow the air conditioning units for the four modular buildings to be visible from the property line and not provide screening; and for a deviation from Section 5.2.3. that requires the landscape standards to apply to a site when there is an amendment to a site plan that increases the number of buildings on the site to allow the landscape standards to apply only to the northwest corner of the property rather than the entire site; granting Site Plan approval for purposes of Development Plan approval pursuant to Section 4.2 of the City of Cape Coral Land Use and Development Regulations per plan set titled "Construction

Plans for Modular Buildings at Cape Coral Charter Elementary School (North)", Sheets 1 through 6A, dated March 23, 2010, prepared by Avalon Engineering, Inc. from the date of adoption of this resolution. Approval of the PDP shall be subject to the terms and conditions set forth below.

SECTION II. FINDING OF FACT/CONCLUSION OF LAW.

- A. The "CAPE CORAL CHARTER ELEMENTARY SCHOOL NORTH" development is a Public Facility Planned Development Project (PDP). This development consists of 8.49 acres of land located at 2817 SW 3rd Lane. The extant Resolution PDP 5-2005 approved the construction of a 41,075 sq. ft., 600 student, charter elementary school. The charter elementary school building has been built and is not being amended in this resolution. Two additional modular buildings consisting of 1,680 sq. ft. were placed on the site in 2008. The additional square footage did not constitute a 5% increase in square footage and therefore did not require an amendment to Resolution PDP 5-2005. Two additional modular buildings consisting of 1,680 sq. ft. are now proposed to be added, resulting in a total of an additional 3,360 sq. ft. of modular buildings, thereby requiring an amendment to Resolution PDP 5-2005 for the placement of four modular buildings, with the limit of 600 students no longer in effect.
- B. The name of the legal and equitable owner is the City of Cape Coral.
- C. The legal description of the property is as follows:

A PORTION OF BLOCK 3934, UNIT 54, CAPE CORAL SUBDIVISION, CITY OF CAPE CORAL, LYING IN SECTION 17, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY FLORIDA, AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINE INTERSECTION OF SOUTHWEST 3RD STREET (70' WIDE) AND SOUTHWEST 29TH AVENUE (80' WIDE) AS RECORDED IN PLAT BOOK 19 AT PAGES 79 THROUGH 91, AMONG THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE RUN ALONG THE CENTERLINE OF SAID SOUTHWEST 3RD STREET S89°45'31"E A DISTANCE OF 70.04 FEET; THENCE DEPART SAID CENTERLINE AND RUN S00°14'29"W FOR A DISTANCE OF 40.00 FEET TO THE MOST NORTHWESTLY CORNER OF SAID BLOCK 3934, AS RECORDED IN SAID RECORDS, ALSO BEING THE POINT OF BEGINNING; SAID POINT ALSO BEING A POINT OF CURVATURE ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTHWEST 3RD STREET, (70' WIDE); THENCE RUN ALONG SAID SOUTH RIGHT-OF-WAY LINE S89°45'31"E A DISTANCE OF 449.36 FEET; THENCE DEPART SAID RIGHT-OF-WAY LINE AND RUN THROUGH SAID BLOCK 3934 THE FOLLOWING COURSES AND DISTANCES;

S00°20'06"W A DISTANCE OF 415.09 FEET; THEN S89°34'17"E A DISTANCE OF 45.52 FEET; THEN S00°20'06"W A DISTANCE OF 146.28 FEET; THEN S89°34'17"E A DISTANCE OF 99.27 FEET; THEN S00°20'06"W A DISTANCE OF 157.94 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SOUTHWEST 3RD LANE (70' WIDE), ALSO RECORDED IN SAID PLAT BOOK;

THENCE RUN ALONG SAID RIGHT-OF-WAY LINE N89°39'54"W A DISTANCE OF 592.64 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY 39.22 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°52'29" AND A CHORD OF 35.32 FEET TO BEAR N44°43'39"W, TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST 29TH AVE. (80' WIDE) ALSO RECORDED IN SAID PLAT BOOK; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE N00°12'35"E A DISTANCE OF 668.81 FEET TO A POINT OF CURVATURE; THENCE RUN 39.28 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°01'54" AND A CHORD OF 35.37 FEET TO BEAR N45°13'32"E TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 8.4901 ACRES MORE OR LESS;

SUBJECT TO EASEMENTS, RESERVATIONS, AND RESTRICTIONS OF RECORD THEREOF.

- D. The subject parcel has 8.49 acres within a zoning district of Residential Development (RD), pursuant to the authority of Chapter 166, Florida Statutes, and the Land Use and Development Regulations, Cape Coral, Florida, as amended. The subject parcel has a Future Land Use designation of Public Facilities (PF).
- E. All future structures and uses, population density, building intensity, and building height and any other dimensional regulations shall conform to the provisions of the respective zoning district of the Land Use and Development Regulations, Cape Coral, Florida, as same may hereafter be amended. In addition, the development shall obtain all local development permits from the City of Cape Coral, Florida, and other governmental jurisdictions. Failure of this agreement to address a particular permit, condition, term, restriction, or zoning regulation shall not relieve the Developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, restrictions, or zoning regulations.
- F. The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- G. The proposed development, as noted, is consistent with the adopted City of Cape Coral Comprehensive Plan, and the City of Cape Coral Land Use and Development Regulations.
- H. The term "Developer" for purposes of this development order, shall mean and refer to the City of Cape Coral, its successors in interest, lessees, and/or assigns.

SECTION III. ACTION ON REQUEST AND CONDITIONS OF APPROVAL.

NOW, THEREFORE, be it resolved by the Cape Coral Planning and Zoning Commission/Local Planning Agency of Cape Coral, Florida, in public meeting duly advertised, constituted and assembled, that the Planned Development Project application for Development Approval submitted by the City of Cape Coral, is hereby approved, subject to the following conditions, restrictions, and limitations deemed necessary for the public health, safety, and welfare.

A. DRAINAGE/WATER QUALITY

- 1. Prior to the issuance of any site plan approval for the construction of the surface water management system, a South Florida Water Management District (SFWMD) construction permit for the proposed improvements shall be obtained a copy provided to the City.
- 2. If the SFWMD construction permit plan differs from the plan submitted to the City for PDP approval, the Developer will not be required to amend the PDP unless a substantial deviation occurs as provided in Section IV.G.
- 3. At completion of construction of the required site improvements, the Developer shall provide certification by the Engineer of Record that all required surface water management infrastructure improvements have been constructed in accordance with the design approved by SFWMD and the City of Cape Coral. The certification shall include the wording "Construction Compliance Certification".

B. WETLANDS, VEGETATION, AND WILDLIFE

- 1. Ongoing control and removal of nuisance exotic plants onsite is required, including but not limited to, *Casuarina* sp. (Australian Pine), *Melaleuca quinquenervia* (melaleuca), and *schinus terebinthifolius* (Brazilian Pepper), and all Category I invasive exotic plants listed by the Florida Exotic Pest Plant Council.
- 2. All landscaping and screening required in the subject development by either this Development Order or the City Code of Ordinances or the City Land Use and Development Regulations shall be maintained in good condition throughout the life of this development.
- 3. A protective barrier composed of stakes and rope and/or other suitable material with good visibility and durability shall be placed around all existing trees to remain.

- a. The protective barrier shall be erected prior to land preparation or construction activities.
 - b. The protective barrier shall be placed at or greater than the full dripline of all protected trees and shall be maintained and remain in place until all major construction activity is terminated.
 - c. No equipment, chemicals, soil deposits or construction materials shall be placed within such protective barriers.
 - d. Light construction activities subsequent to the removal of protective barriers shall be accomplished with light machinery or hand labor.
4. The Developer shall comply with the State of Florida regulations pertaining to the protection of gopher tortoise burrows located on the site and a protective barrier composed of stakes, silt fence, and rope or other suitable materials shall be placed around all existing gopher tortoise burrows, including any that are discovered during the life of the project. This requirement shall be waived if the Developer provides the City with evidence of a funded incidental take/mandatory relocation permit prior to the issuance of a City of Cape Coral permit for the excavation, grading, clearing, or any similar disturbance of the ground. Entombment of tortoises is strictly prohibited at all times, regardless of the type of permit procured by the applicant.

When gopher tortoise burrows are located on the site, the Developer shall seek a gopher tortoise relocation permit from the State of Florida for some or all of the gopher tortoises that must be relocated on-site or removed from the site, and provide a copy to the City prior to issuance of a permit. In the event gopher tortoise relocation is off-site, then the Developer shall provide the City of Cape Coral with a signed letter(s) of acceptance from the owner(s) of the property upon which the gopher tortoises will be relocated. The letter must state the number of gopher tortoises each property owner is willing to accept in accordance with the State of Florida regulations in effect at the time of relocation.

5. In the event all or a portion of the subject property is located within an Eagle Nest Management Zone, the developer shall comply with all City laws, regulations, and guidelines that are currently in effect or that may be hereafter adopted by the City concerning the protection and management of bald eagle nests including, but not limited to Chapter 23 of the City Code of Ordinances. No development shall occur on any portion of the subject property that is within an Eagle Nest Management Zone except in accordance with a Bald Eagle Management Plan that has been approved by the City. Once an Eagle Management Plan has been approved by the City for all or a portion of the property, the Developer's ability to develop in accordance with such Plan shall not be affected by any amendment to the City's regulations concerning eagle nests, so long as no additional or "new" eagle nest need to be accommodated. In the event, however, that one or more eagle nests are hereafter established or determined to be active in locations that result in all or a portion of the subject property being located in a new or expanded Eagle Nest Management Zone, then no development shall occur in such new zone except in accordance with an Eagle Management Plan that has been approved by the City for such zone.

C. FIRE PROTECTION

1. Fire impact fees shall be paid as specified by City Ordinance.
2. The Developer shall review site development plans with the Cape Coral Fire Department to incorporate fire protection design recommendations into the project.

D. WASTEWATER MANAGEMENT

1. Wastewater (sewer) service is available to the site.
2. The Developer shall design, construct and install all improvements required by the City to connect to the City's wastewater system. Said design, construction, and installation

shall be accomplished in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance.

3. Wastewater containing hazardous materials shall be segregated and handled in accordance with Florida Department of Environmental Protection (DEP) criteria. Wastewater entering the City system shall meet quality limitations as specified by City Ordinance(s).
4. Sewer impact fees, betterment fees, and/or all other applicable fees shall be paid as specified by City Ordinance(s).
5. The Developer shall connect to City wastewater facilities as specified by City Ordinance.

E. WATER SERVICE

1. Water service is available to the site.
2. The Developer shall design, construct and install all improvements required by the City to connect to the City's water system. Said design, construction, and installation shall be accomplished in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance.
3. Water impact fees, betterment fees, and/or all other applicable fees shall be paid as specified by City Ordinances(s).
4. The Developer shall connect to City water facilities as specified by City Ordinance.

F. IRRIGATION SERVICE

1. Irrigation service is not available to the site. When service becomes available, Developer shall connect to the City's irrigation system as prescribed by Ordinance.
2. When service becomes available, Developer shall connect to the City's irrigation system as prescribed by City Ordinance. The Developer shall design, construct, and install all improvements required by the City to connect to the City's irrigation system in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance.
3. Irrigation betterment fees and/or all other applicable fees shall be paid as specified by City Ordinance(s).

G. GENERAL CONSIDERATIONS

1. The four modular buildings shall be removed from the Cape Coral Charter Elementary School location no later than four years from the date of approval of this amendment to the PDP.
2. All provisions and conditions contained in Resolution PDP 5-2005 shall remain in full force and effect for the life of the development, except as otherwise stated in this Development Order.
3. Developer shall have flexibility to locate landscaping as deemed appropriate to best buffer the modular buildings.

SECTION IV. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS.

- A. This Development Order shall constitute a resolution of the City of Cape Coral, adopted by this Planning and Zoning Commission/Local Planning Agency in response to the Planned Development Project application for development approval filed for "CAPE CORAL CHARTER ELEMENTARY SCHOOL NORTH" PDP.

- B. This Development Order shall be binding on the Developer.
- C. The terms and conditions set out in this document constitute a basis upon which the Developer and City may rely in future actions necessary to implement fully the final development contemplated by this Development Order.
- D. All conditions, restrictions, stipulations, and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorney's fees, shall be paid by the defaulting party.
- E. Any references herein to any governmental agency shall be construed to mean to include any future instrumentality which may be created and designated as successor in interest to or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.
- F. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the Developer to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval shall also not obviate the duty of the Developer to comply with any City Ordinance or other regulations adopted after the effective date of this Development Order.
- G. Subsequent requests for local development permits shall not require further review unless it is found by the Cape Coral Planning and Zoning Commission/Local Planning Agency, after due notice and hearing, that a substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans which create a reasonable likelihood of adverse impacts which were not evaluated in the review by the City, has occurred and/or would result from the issuance of the local development permit. Substantial deviations include but are not limited to:
 - 1. A greater than five (5) percent increase in the square footage of the development.
 - 2. Any change that requires a variance to code or other requirements over and above those specifically incorporated herein.
 - 3. An expiration of the period of effectiveness of this Development Order as herein provided.
 - 4. A failure to carry out Development Order conditions and/or Developer commitments incorporated within the Development Order to mitigate impacts to the extent indicated in the Development Order, or in accordance with the Development Order.

Upon a finding that any of the above is present, the City may order a termination of all development activity until such time as a new PDP Application for Development Approval has been submitted, reviewed and approved, and all local approvals have been obtained.

- H. The physical development authorized under this Development Order shall terminate in five years from the date of adoption of this Development Order, unless an extension is approved by this Council. The Council may grant an extension if the project has been developing substantially in conformance with the original plans and approved conditions, and if no substantial adverse impacts not known to Cape Coral at the time of their review and approval, or arising due to the extension, have been identified. For purposes of determining when the buildout date has been exceeded, the time shall be tolled during the pendency of administrative and judicial proceedings relating to development permits. All conditions imposed on the subject development shall remain in full force and effect throughout the life of the development unless rescinded or amended by the City and shall not be affected by any termination of the authorization for physical development.
- I. The Director of the Cape Coral Department of Community Development or his/her designee, shall be the local official responsible for assuring compliance with this Development Order. Upon reasonable notice by the City and at all reasonable times, the Developer shall allow the City of Cape Coral, its agents, employees, and/or representatives, access to the project site for the purpose of assuring compliance with this Development Order.

- J. The Developer, or its successors in title to the undeveloped portion of the subject property, shall submit a report annually to the Planning and Zoning Commission/Local Planning Agency, the Director, and all affected permit agencies. This report shall describe the state of development and compliance as of the date of submission.


The first monitoring report shall be submitted to the Director not later than one (1) year from the effective date of this order, and further reports shall be submitted not later than annually thereafter. The Developer shall so inform any successor in title to any undeveloped portion of the real property covered by this Development Order. This shall not be construed to require reporting from tenants or owners of individual lots or units. Annual Monitoring Reports including Traffic Monitoring Reports shall be required until the project is complete, at which time, a final development report shall be submitted to the City.

- K. Within thirty (30) days of adoption of this resolution, this Development Order shall be recorded in the Office of the Clerk of the Circuit Court by the Developer or Authorized Representative, who shall thereafter return the original recorded Development Order to the City.

SECTION V. EFFECTIVE DATE.

This Resolution shall take effect immediately upon its adoption. Permits issued prior to or after the effective date of this Ordinance are obtained solely at the risk of the Developer.


ADOPTED BY THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 7th DAY OF APRIL, 2010.


EUGENE WOLFE, CHAIRMAN
PLANNING AND ZONING
COMMISSION/LOCAL PLANNING
AGENCY

ATTESTED TO AND FILED IN MY OFFICE THIS 21st DAY OF April, 2010.


BONNIE J. POTTER, CITY CLERK

APPROVED AS TO FORM:


BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
res/pdp1-2010

PDP 14-0002
05/14/14
05/15/14
06/04/14

RESOLUTION PDP 3 - 2014

A RESOLUTION AMENDING RESOLUTION PDP 5-2005, AS AMENDED, WHICH APPROVED A PLANNED DEVELOPMENT PROJECT IN THE CITY OF CAPE CORAL, FLORIDA ENTITLED "CAPE CORAL CHARTER ELEMENTARY SCHOOL NORTH" FOR CERTAIN PROPERTY DESCRIBED AS A PORTION OF BLOCK 3934, UNIT 54, CAPE CORAL SUBDIVISION, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 2817 SW 3RD LANE; GRANTING THE EXTENSION OF A TIME RESTRICTION FOR MODULAR UNITS ON THE SITE; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR ACTION ON REQUEST AND CONDITIONS OF APPROVAL; PROVIDING FOR LEGAL EFFECT AND LIMITATIONS OF THIS PDP DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application from the City of Cape Coral has been received requesting approval of a Planned Development Project (PDP) for "Cape Coral Charter Elementary School North", requesting the removal of a time restriction; and

WHEREAS, Cape Coral Planning and Zoning Commission/Local Planning Agency has specifically considered the requested PDP approval.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY OF THE CITY OF CAPE CORAL, FLORIDA:

SECTION I. PDP APPROVAL.

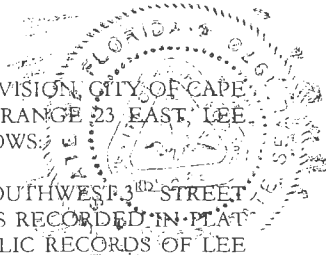
Pursuant to City of Cape Coral Land Use and Development Regulations, Article IV, Section 4.2, Planned Development Project Procedure, Applicant's request for amendment of Resolution PDP 5-2005, as amended by Resolution PDP 1-2010, "Cape Coral Charter Elementary School North" PDP, is hereby approved including approval for the removal of the condition set forth in Section III.G.1 of Resolution PDP 1-2010 that required all modular buildings to be removed within 4 years of the approval of Resolution PDP 1-2010 to allow the modular units to remain on the site from the date of adoption of this resolution. Approval of the PDP shall be subject to the terms and conditions set forth below.

SECTION II. FINDING OF FACT/CONCLUSION OF LAW.

- A. The "Cape Coral Charter Elementary School North" development is a Public Facility Planned Development Project (PDP). This development consists of 8.49 acres of land located at 2817 SW 3rd Lane. The extant Resolution PDP 5-2005 approved the construction of a 41,075 sq. ft., 600 student, charter elementary school. The charter elementary school building has been built and is not being amended in this resolution. Two modular buildings consisting of 1,680 sq. ft. were placed on the site in 2008. Resolution PDP 5-2005 was amended by Resolution PDP 1-2010 to allow the placement of two additional modular buildings for a total of four modular buildings consisting of 3,360 sq. ft., and provided that the modular buildings be removed no later than four years from the date of adoption, being April 7, 2014.
- B. The name of the legal and equitable owner is the City of Cape Coral.
- C. The legal description of the property is as follows:

A PORTION OF BLOCK 3934, UNIT 54, CAPE CORAL SUBDIVISION, CITY OF CAPE CORAL, LYING IN SECTION 17, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY FLORIDA, AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINE INTERSECTION OF SOUTHWEST 3RD STREET (70' WIDE) AND SOUTHWEST 29TH AVENUE (80' WIDE) AS RECORDED IN PLAT BOOK 19 AT PAGES 79 THROUGH 91, AMONG THE PUBLIC RECORDS OF LEE



COUNTY, FLORIDA, THENCE RUN ALONG THE CENTERLINE OF SAID SOUTHWEST 3RD STREET S89°45'31"E A DISTANCE OF 70.04 FEET; THENCE DEPART SAID CENTERLINE AND RUN S0014°29'W FOR A DISTANCE OF 40.00 FEET TO THE MOST NORTHWESTLY CORNER OF SAID BLOCK 3934, AS RECORDED IN SAID RECORDS, ALSO BEING THE POINT OF BEGINNING; SAID POINT ALSO BEING A POINT OF CURVATURE ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTHWEST 3RD STREET, (70' WIDE); THENCE RUN ALONG SAID SOUTH RIGHT-OF-WAY LINE S89°45'31"E A DISTANCE OF 449.36 FEET; THENCE DEPART SAID RIGHT-OF-WAY LINE AND RUN THROUGH SAID BLOCK 3934 THE FOLLOWING COURSES AND DISTANCES;

S00°20'06"W A DISTANCE OF 415.09 FEET; THEN S89°34'17"E A DISTANCE OF 45.52 FEET; THEN S00°20'06"W A DISTANCE OF 146.28 FEET; THEN S89°34'17"E A DISTANCE OF 99.27 FEET; THEN S00°20'06"W A DISTANCE OF 157.94 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SOUTHWEST 3RD LANE (70' WIDE), ALSO RECORDED IN SAID PLAT BOOK;

THENCE RUN ALONG SAID RIGHT-OF-WAY LINE N89°39'54"W A DISTANCE OF 592.64 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY 39.22 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°52'29" AND A CHORD OF 35.32 FEET TO BEAR N44°43'39"W, TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST 29TH AVE. (80' WIDE) ALSO RECORDED IN SAID PLAT BOOK; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE N00°12'35"E A DISTANCE OF 668.81 FEET TO A POINT OF CURVATURE; THENCE RUN 39.28 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°01'54" AND A CHORD OF 35.37 FEET TO BEAR N45°13'32"E TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 8.4901 ACRES MORE OR LESS;

SUBJECT TO EASEMENTS, RESERVATIONS, AND RESTRICTIONS OF RECORD THEREOF.

- D. The subject parcel has 8.49 acres within a zoning district of Residential Development (RD), pursuant to the authority of Chapter 166, Florida Statutes, and the Land Use and Development Regulations, Cape Coral, Florida, as amended. The subject parcel has a Future Land Use designation of Public Facilities (PF).
- E. All future structures and uses, population density, building intensity, and building height and any other dimensional regulations shall conform to the provisions of the respective zoning district of the Land Use and Development Regulations, Cape Coral, Florida, as same may hereafter be amended. In addition, the development shall obtain all local development permits from the City of Cape Coral, Florida, and other governmental jurisdictions. Failure of this agreement to address a particular permit, condition, term, restriction, or zoning regulation shall not relieve the Developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, restrictions, or zoning regulations.
- F. The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- G. The proposed development, as noted, is consistent with the adopted City of Cape Coral Comprehensive Plan, and the City of Cape Coral Land Use and Development Regulations.
- H. The term "Developer" for purposes of this development order, shall mean and refer to the City of Cape Coral, its successors in interest, lessees, and/or assigns.

SECTION III: ACTION ON REQUEST AND CONDITIONS OF APPROVAL.

NOW, THEREFORE, be it resolved by the Cape Coral Planning and Zoning Commission/Local Planning Agency of Cape Coral, Florida, in public meeting duly advertised, constituted and assembled, that the Planned Development Project application for Development Approval submitted by the City of Cape Coral, is hereby approved, subject to the following conditions, restrictions, and limitations deemed necessary for the public health, safety, and welfare.

A. GENERAL CONSIDERATIONS

1. The condition set forth in Section III.G.1 of Resolution PDP 1-2010 that required all modular buildings to be removed within 4 years from the date of approval of Resolution PDP 1-2010 is amended to provide that all modular buildings are to be removed by January 1, 2020.
2. All provisions and conditions contained in Resolution PDP 5-2005 and Resolution 1-2010 shall remain in full force and effect for the life of the development, except as otherwise stated in this Development Order.

SECTION IV. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS.

- A. This Development Order shall constitute a resolution of the City of Cape Coral, adopted by this Planning and Zoning Commission/Local Planning Agency in response to the Planned Development Project application for development approval filed for "Cape Coral Charter Elementary School North" PDP.
- B. This Development Order shall be binding on the Developer.
- C. The terms and conditions set out in this document constitute a basis upon which the Developer and City may rely in future actions necessary to implement fully the final development contemplated by this Development Order.
- D. All conditions, restrictions, stipulations, and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorney's fees, shall be paid by the defaulting party.
- E. Any references herein to any governmental agency shall be construed to mean to include any future instrumentality which may be created and designated as successor in interest to or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.
- F. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the Developer to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval shall also not obviate the duty of the Developer to comply with any City Ordinance or other regulations adopted after the effective date of this Development Order.
- G. Subsequent requests for local development permits shall not require further review unless it is found by the Cape Coral Planning and Zoning Commission/Local Planning Agency, after due notice and hearing, that a substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans which create a reasonable likelihood of adverse impacts which were not evaluated in the review by the City, has occurred and/or would result from the issuance of the local development permit. Substantial deviations include but are not limited to:
 1. A greater than five (5) percent increase in the square footage of the development.
 2. Any change that requires a variance to code or other requirements over and above those specifically incorporated herein.
 3. An expiration of the period of effectiveness of this Development Order as herein provided.
 4. A failure to carry out Development Order conditions and/or Developer commitments incorporated within the Development Order to mitigate impacts to the extent indicated in the Development Order, or in accordance with the Development Order.

Upon a finding that any of the above is present, the City may order a termination of all development activity until such time as a new PDP Application for Development Approval has been submitted, reviewed and approved, and all local approvals have been obtained.

- II. The physical development authorized under this Development Order shall terminate in five years from the date of adoption of this Development Order, unless an extension is approved by this Council. The Council may grant an extension if the project has been developing substantially in conformance with the original plans and approved conditions, and if no substantial adverse impacts not known to Cape Coral at the time of their review and approval, or arising due to the extension, have been identified. For purposes of determining when the buildout date has been exceeded, the time shall be tolled during the pendency of administrative and judicial proceedings relating to development permits. All conditions imposed on the subject development shall remain in full force and effect throughout the life of the development unless rescinded or amended by the City and shall not be affected by any termination of the authorization for physical development.
- I. The Director of the Cape Coral Department of Community Development or his/her designee, shall be the local official responsible for assuring compliance with this Development Order. Upon reasonable notice by the City and at all reasonable times, the Developer shall allow the City of Cape Coral, its agents, employees, and/or representatives, access to the project site for the purpose of assuring compliance with this Development Order.
- J. The Developer, or its successors in title to the undeveloped portion of the subject property, shall submit a report annually to the Planning and Zoning Commission/Local Planning Agency, the Director, and all affected permit agencies. This report shall describe the state of development and compliance as of the date of submission.

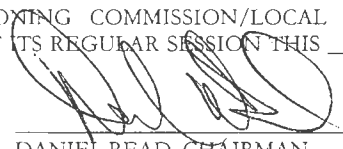
The first monitoring report shall be submitted to the Director not later than one (1) year from the effective date of this order, and further reports shall be submitted not later than annually thereafter. The Developer shall so inform any successor in title to any undeveloped portion of the real property covered by this Development Order. This shall not be construed to require reporting from tenants or owners of individual lots or units. Annual Monitoring Reports including Traffic Monitoring Reports shall be required until the project is complete, at which time, a final development report shall be submitted to the City.

- K. Within thirty (30) days of adoption of this resolution, this Development Order shall be recorded in the Office of the Clerk of the Circuit Court by the Developer or Authorized Representative, who shall thereafter return the original recorded Development Order to the City.

SECTION V. EFFECTIVE DATE.

This Resolution shall take effect immediately upon its adoption. Permits issued prior to or after the effective date of this Resolution are obtained solely at the risk of the Developer.

ADOPTED BY THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 4th DAY OF JUNE, 2014.


DANIEL READ, CHAIRMAN
PLANNING AND ZONING
COMMISSION/LOCAL PLANNING
AGENCY

ATTESTED TO AND FILED IN MY OFFICE THIS 24th DAY OF June, 2014.

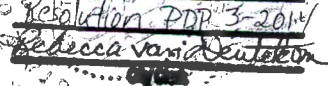

REBECCA VAN DEUTEKOM
CITY CLERK

APPROVED AS TO FORM:


BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
res/PLDP 14-2 Charter Elementary School

HEREBY CERTIFY that I am the duly appointed and qualified Clerk of the City of Cape Coral, Florida and the keeper of the records and corporate seal of said municipality; that this is a true and correct copy of DDP 14-002 (p. 4)

Resolution DDP 3-2014


REBECCA VAN DEUTEKOM

PROJECT SUMMARY

PROJECT:	Cape Coral Charter Elementary School North PDP Amendment
CASE NUMBER:	PDP19-0004
REQUEST:	Eliminate a condition in Resolution PDP 3-2014 requiring all modular buildings to be removed from the school site by January 1, 2020
SITE ADDRESS:	2817 SW 3 rd Lane
STRAP NUMBER:	17-44-23-C1-03934.0000
LEGAL DESCRIPTION:	A portion of Block 3934, Unit 54, Cape Coral Subdivision
PROPERTY OWNER:	City of Cape Coral
AUTHORIZED AGENT:	Cape Coral Charter School Authority
FUTURE LAND USE:	Public Facilities and Parks and Recreation
ZONING DESIGNATION:	Institutional (INST) ¹
URBAN SERVICE AREA:	Transition
CODE COMPLIANCE CASE:	N/A
PREPARED BY:	Mike Struve, AICP, Planning Team Coordinator
APPROVED BY:	Robert H. Pederson, AICP, Planning Manager
RECOMMENDATION:	Approval with conditions

PURPOSE

This document provides a single, consolidated review for a Planned Development Project (PDP) entitled "Cape Coral Charter Elementary School North." Within this report the following topics are addressed:

- Description of the project;
- Description of the project area;
- Zoning History;
- Need for the PDP Amendment;
- Request, analysis, and recommendation;
- General standards and requirements for PDPs;
- Concurrency review;
- Consistency with the City Comprehensive Plan;
- Project recommendation.

DESCRIPTION OF THE CAPE CORAL ELEMENTARY SCHOOL NORTH PROJECT

The applicant seeks to amend a PDP entitled "Cape Coral Charter Elementary School North." This project was approved by Resolution PDP 5-2005, and was amended by Resolutions PDP 1-2010 and PDP 3-2014. The site is at 2817 SW 3rd Lane.

Resolution PDP 5-2005

Cape Coral Charter Elementary School North Project approved the construction of Christa McAuliffe Charter Elementary School in 2005. Resolution PDP 5-2005 approved a 41,075 sq. ft. school. This school

¹ The site has Residential Development (RD) Zoning when the PDP amendment was filed with the City.

was designed to accommodate 600 students. In addition to site plan approval, this PDP approved the following:

- A special exception for a School – Group I use in the Residential Development (RD) District;
- A 19-foot deviation to the 25-foot setback to allow a fence to be six feet from a front property line;
- A 427-sq. ft. deviation to the maximum 200 sq. ft. area to allow a 627 sq. ft. construction trailer.

In 2008, two modular buildings with a combined area of 1,680 sq. ft. were constructed on the site. This action did not require a PDP amendment since the new building area was less than 5% of that previously approved (41,075 sq. ft.) by Resolution PDP 5-2005 and therefore did not constitute a substantial deviation.

Resolution PDP 1-2010

In 2010, two additional modular buildings were proposed for the site. The area of these two buildings (1,680 sq. ft.) combined with the area of the two modulares approved in 2008 yielded a cumulative total of 3,360 sq. ft. of new building area beyond that approved in 2005. Since the combined area of these four buildings exceeded 5% of the building area approved by Resolution PDP 5-2005, a PDP amendment was required. The resulting amendment, Resolution PDP 1-2010 approved the following:

- The addition of four modular buildings to the site;
- Deviations from the non-residential design standards;
- Deviations to the landscaping requirements to allow the project to develop with only the northwest corner of the project meeting the landscaping requirements;
- Site plan.

The increased area of the four modular buildings increased the maximum number of students served by the elementary school from 600 to 704.

This PDP amendment also included a condition appearing in Section III. G.1 that required the four modular buildings to be removed from the site no later than four years from the date of approval of the PDP amendment.

Resolution PDP 3-2014

The project was last amended in 2014 by Resolution PDP 3-2014. This amendment extended the period to which the four modular buildings could remain on the school site to January 1, 2020.

DESCRIPTION OF THE PROJECT AREA

The site is at 2817 SW 3rd Lane, about ¼ mile north of the intersection of Ceitus Parkway and SW 29th Avenue. The elementary school occupies the western 8.49 acres of a 27.0 acre site that includes Jim Jeffers Park (Figure 1). The main school building is centrally placed on the western part of the site with the four modulares placed about 75 feet north of the main school building. At their nearest point, the modular buildings are about 90 and 100 feet from the west and north property lines, respectively. Two rows of trees are between the group of four modulares and the two streets, SW 3rd Street (to the north) and SW 29th Avenue (to the west).

The school site has driveway access from SW 3rd Street and SW 29th Avenue and shares access with the park from additional driveways along SW 3rd Street and SW 3rd Lane. Parking lots are to the east and south of the main school building.

Figure 1. Aerial showing the Christa McAuliffe/Jim Jeffers Park site at 2817 SW 3rd Lane. The four modular buildings appear within the dashed red circle.



The school site has a Public Facilities Future Land Use Classification (FLUC) while Jim Jeffers Park has a Parks and Recreation FLUC. The entire 27-acre site has Institutional (INST) Zoning.

ZONING HISTORY

The FLUC of the western portion of Block 3934 that includes the school was changed from Single Family/Multi Family to Public Facilities by Ordinance 153-05.

The zoning of Block 3934 was changed from R-3 to RD by Ordinance 61-90. The zoning of the western portion of Block 3934 was changed from RD to INST by Ordinance 4-19.

NEED FOR THE PDP AMENDMENT

Since the applicant seeks to eliminate a condition of approval previously imposed by the Board of Zoning Adjustment and Appeals, this request requires a PDP amendment.

REQUEST

Background

The applicant requests a PDP amendment to eliminate a condition appearing in Section III.A.1. of Resolution PDP 3-2014 that states: *"The condition set forth in Section III.G.1. of Resolution PDP 1-2010 that required all modular buildings to be removed within 4 years from the date of approval of Resolution PDP 1-2010 is amended to provide that all modular buildings are to be removed by January 1, 2020."* Eliminating this condition will allow the four modular buildings to remain on this site indefinitely or until such time as funding becomes available to allow the Charter School Authority to authorize construction of a larger, more permanent facility.

The two modular buildings approved in 2008, like the main school building approved in 2005, occurred prior to the adoption of design standards for nonresidential buildings in the City. The modular buildings that were approved in 2010 occurred after the adoption of the design standards and were granted deviations from these architectural requirements.

The modular buildings are at the northeast corner of the school site, about 90 feet east of the SW 29th avenue and 100 feet south of SW 3rd Street. Both street rights-of-way have a width of 70 feet. Platted, residential lots surround the school site.

Each modular building is about 840 sq. ft. and 12 feet in height. Two rows of live oaks provide buffering between the modular buildings and the single-family dwellings to the north and west. The nearest developed single-family site is about 165 feet to the west of the closest modular building.

Figure 2. Aerial showing existing landscaping between the four modular buildings and the north and west property lines. Source: Lee County Property Appraiser website, January 11, 2019 image.



Analysis

The modular buildings are buffered by two rows of live oak trees that are between these buildings and residential sites to the north and west. While these buildings are visible, they are not particularly conspicuous due to several factors: the height and the canopy of the live oaks; the width of the buffer area (over 50 feet), the distance between the modular buildings and residential properties; and the low height of the modular buildings. As a result of these factors, the continued use of these buildings on this site should be not a detriment to the area or otherwise contrary to the public interest.

Recommendation

Staff recommends approval of the applicant's request that the condition appearing in Resolution PDP 3-2014 requiring the four modular buildings to be removed from the site by January 1, 2020 be eliminated.

GENERAL STANDARDS AND REQUIREMENTS FOR PDPS

This project was also evaluated for compliance with general standards and requirements found in LUDR, Section 4.2 that is provided below.

- A. *Environmental control standards:* This standard is not applicable as no improvements to the site are proposed by this PDP amendment.
- B. *Maintenance of improvements:* Resolution PDP 5-2005 included a condition requiring all landscaping and screening to be maintained in good condition throughout the life of the development.
- C. *Consistency with Comprehensive Plan:* This project is consistent with several policies in the Comprehensive Plan that are discussed in greater detail later in this report.
- D. *Financial Responsibility:* The project does not involve any mandatory improvements that the City requires securing with a bond or other similar financial instrument.
- E. *Dimensional requirements:* The Cape Coral Charter Elementary School North Project met the requirements of the RD District when the project was permitted in 2005. The school site now has Institutional (INST) Zoning. The project is compliant with the dimensional standards for the INST District that appear in Table 4.1.3.B. of the Land Development Code.
- F. *Maximum density:* This standard is not applicable as this project involves a nonresidential use.
- G. *Minimum parcel size:* The project is 8.49 acres and is in the City Urban Services Transition Area. There is not a minimum area requirement for this use or for projects in the Urban Services Transition Area.
- H. *Time limitation:* Substantial construction for the Cape Coral Charter Elementary School North Project was met when the City issued a building permit for the construction of the school in 2006.
- I. *Ownership requirements:* The City of Cape Coral owns 100% of the school site that is subject to this PDP amendment.

- J. *Special exceptions:* No special exceptions are sought as part of this PDP amendment.
- K. *Deviations:* No deviations are sought as part of this PDP amendment.
- L. *Underground Utilities:* This standard is not applicable as this amendment does not authorize new development on the site.

CONCURRENCY REVIEW

The Cape Coral Charter Elementary School North met concurrency requirements for roads, sewer, water, drainage, solid waste, and parks when the project was approved in 2005. Since this amendment does not authorize any additional construction, level of service standards will not be affected by this PDP amendment.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

This project is consistent with the policies listed below.

Conservation and Coastal Management Element

Policy 1.7.3: The City will commit to developing regulations that require the disconnection of private self-service well water supply lines from irrigation systems when City irrigation water is connected. **Staff comments:** The site is in the North 2 Utility Expansion Program Area. Reuse (irrigation) water is expected to be available to the site in the fourth quarter of 2019.

Future Land Use Element

Policy 1.15i: Public Facilities: The majority of the public facilities category consists of schools, public safety buildings, and religious establishments. **Staff comments:** The site has a Public Facilities FLUC and is developed with an elementary school. The RD Zoning that was in place with the PDP amendment was filed with the City, was consistent with the Public Facilities FLUC. The recently adopted INST Zoning of the site is also consistent with the Public Facilities FLUC.

Infrastructure Element

Policy 1.1.6: Provision by the City of centralized sanitary sewer and potable water service will be limited to the urban services infill and transition areas, as outlined in the adopted future land use map and amended annually via the plan amendment process... the extension of public water and sewer service to these areas will include the extension of dual water service, when feasible, using non-potable sources for irrigation purposes. **Staff comments:** The subject site, and surrounding properties, were brought into the Urban Services Transition Area in 2017 (LU16-0012). The school site is served by centralized water and sewer services; reuse water is expected to be delivered to the site during late 2019.

Public School Facilities Element

Policy 3.2: The City of Cape Coral, in conjunction with the Lee County School District, shall seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers,

as the need for these facilities is identified. **Staff comments:** The elementary school shares a site with a City park, Jim Jeffers Park. While Lee County Government is not involved, this co-location venture is consistent with this policy.

PROJECT RECOMMENDATION

Staff finds that this PDP amendment is consistent with the Comprehensive Plan and LUDRs. Staff recommends approval of the requested PDP amendment.

Staff Contact Information

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

PH: 239-242-3255

Email: mstruve@capecoral.net

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Christa McAuliffe Charter Elementary School

APPLICATION NO: PDP19-0004

STATE OF FLORIDA)
) §
COUNTY OF LEE)

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 7th day of October, 2019.

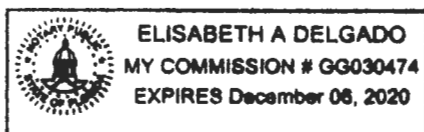


Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 7th day of October, 2019, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/16/20 Commission # GG030474



Elisabeth A. Delgado
Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

AERIAL MAP

Case No. PDP19-0004

LEGEND

 SUBJECT PARCEL



0 80 160 240 320 Feet

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product.

SUBJECT PARCELS



SW 1ST ST

CITY OF CAPE CORAL





Department of
Community Development
Planning Division

CURRENT ZONING MAP

500 Proximity Boundary

Case No. PDP19-0004

LEGEND

-  SUBJECT PARCEL
-  500' BOUNDARY
-  INST
-  R1



0 120 240 360 480 Feet

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SW 2ND TER

SW 2ND LN

SW 3RD ST

SW 3RD LN

SW 4TH TER

SW 4TH LN

SW 5TH ST

SW 1ST TER

SHADROE CA

SW 27TH AVE

SW 26TH PL

SW 26TH AVE

SW 25TH PL

SW 30TH AVE

SW 29TH PL

SW 29TH AVE

SW 28TH PL

SW 28TH AVE

SUBJECT PARCEL

500' BOUNDARY

ALEXANDER CANAL

CEITUS CANAL

CEITUS EL DORADO
PKWY

Owner Name	Mailing Address	Mailing City	Mailing State	Mailing Zip Code
1510 NE LLC	405 SW 29TH AVE	CAPE CORAL	FL	33991
3-D PROPERTIES OF SW FL LLC	3521 SE 17TH PL	CAPE CORAL	FL	33904
ACUNA NINFA E	4428 N NARRAGANSETT AVE	HARWOOD HEIGHTS	IL	60706
ALCIVAR JERRY	11809 150TH AVE	SOUTH OZONE PARK	NY	11420
ANDERSON EDWARD L + SUZANNE S+ANDERSON SCOTT L + VICTORIA A T/C	1404 SW 52ND LN	CAPE CORAL	FL	33914
ARAGON CRISTOFER R + MEAGAN D	2832 SW 2ND LN	CAPE CORAL	FL	33991
ARENCIBIA YONIEL PEREZ	322 SW 26TH PL	CAPE CORAL	FL	33991
ARIAS VENTURA EDWIN M + MEJIA ZELAYA YAMILETH M	1030 NE 33RD ST	CAPE CORAL	FL	33909
ARIASI INTERNATIONAL INC	3301 4TH ST SW	LEHIGH ACRES	FL	33976
ATWATER DORIS T	719 ATWATER RD	HOPEWELL	VA	23860
AZOY EMILIO	3149 SW 142ND CT	MIAMI	FL	33175
BAILEY GERARD A + ELLEN	268 TABETHA CT	BRICK	NJ	08724
BARBERO MATIAS J	328 SW 29TH PL	CAPE CORAL	FL	33991
BARNITZ JONNIE E	7004 FINIAN DR	WILMINGTON	NC	28409
BARTRA RICARDO IVAN	346 SW 28TH AVE	CAPE CORAL	FL	33991
BAUMANN DIETHELEM M + ANNELIES	FREIGUTSTR 24	8027 ZURICH	SWITZER LAND	
BELANIC ANTON & SVETISLAVA + BELANIC FLORIANA	340 SW 29TH PL	CAPE CORAL	FL	33991
BELLO ILEANA	303 SW 26TH PL	CAPE CORAL	FL	33991
BENTON STEPHEN D + SANDRA P	2639 SW 4TH LN	CAPE CORAL	FL	33991
BFI LLC	3520 DAVENPORT AVE	SAGINAW	MI	48602
BILINSKA-JABLONSKI MARLENA TR FOR MARLENA				
BILINSKA-JABLONSKI REVOCABLE TRUST	2708 SW 2ND LN	CAPE CORAL	FL	33991
BLANDON RAMON	7770 NW 50TH ST #401	LAUDERHILL	FL	33351
BLUE CAPE PROPERTIES LLC	1423 SE 10TH STE STE 1	CAPE CORAL	FL	33990
BLYDENBURGH MARK + LORI	353 SW 26TH PL	CAPE CORAL	FL	33991
BONA QUALITY CONSTRUCTION INC	2557 DEERFIELD LAKE CT	CAPE CORAL	FL	33909

BOUZA JULIO C + MARTINEZ EDWILLS	341 SW 28TH PL	CAPE CORAL	FL	33991
BOYEY MARK J + CYNTHIA M	838 SIMS AVE	SCOTCH PLAINS	NJ	07076
BRACKETT SCOTT	1364 N H ROUTE 175	CAMPTON	NH	03223
BREEN ONE LLC	8961 CONFERENCE DR STE 1	FORT MYERS	FL	33919
				LOA 1C0
BRIDGEMAN ANGELA + MATTUCCI PAUL & LYNDIA	1526 STEWART LINE	CAVAN	ON	CANADA
BRINKER DANA	30001 GOLDEN LANTERN	LAGUNA NIGUEL	CA	92677
BUILDERS GRADE LLC	1985 CEDAR BRIDGE AVE STE 1	LAKEWOOD	NJ	08701
BURNS JAMES R + LISA A	347 SW 26TH PL	CAPE CORAL	FL	33991
CADENILLAS ELI	1490 WILLIAM FLOYD PKWY	SHIRLEY	NY	11967
CANTRELL ROBERT V	2820 SW 2ND LN	CAPE CORAL	FL	33991
CANTU WILLIAM V & LINDA TR FOR CANTU TRUST	326 SW 26TH PL	CAPE CORAL	FL	33991
CAPE CORAL ACQUISITIONS LLC	2999 NE 191ST ST	MIAMI	FL	33180
CARDONA HELENE	2926 SW 40TH ST	CAPE CORAL	FL	33914
CARMEAN EDWARD	451 SW 22ND TER	CAPE CORAL	FL	33991
CARRILLO FAUSTINO + MARTA	914 W 70TH PL	HIALEAH	FL	33014
CARRIZO FERNANDO	3300 NE 191ST ST APT 612	AVENTURA	FL	33180
CATALAN DIANA	332 SW 29TH PL	CAPE CORAL	FL	33991
CEDRONE DANIEL C + KATHLEEN R	709 DEEP RIDGE RD	BEL AIR	MD	21014
CERBERUS SFR HOLDINGS L P	1850 PARKWAY PL STE 900	MARIETTA	GA	30067
CERNERO ANDREA E + CERNERO NICOLAS	25 MICHAEL DR	TINTON FALLS	NJ	07712
CHINYEEHOE LLC	728 PINE ISLAND RD # 4	CAPE CORAL	FL	33993
CHRONEOS ROBERT J + CHRONEOS BARBARA T/C	1560 LITTLE WHALENECK RD	MERRICK	NY	11566
CHUAH KIM SENG LLC	728 SW PINE ISLAND RD STE 4	CAPE CORAL	FL	33991
CHW 7TH LLC	728 PINE ISLAND RD STE 4	CAPE CORAL	FL	33993
COBRA 1965 LLC	136 MADISON AVE 4TH FL	NEW YORK	NY	10016
CONNOR RYAN & ATALI	1818 SW 28TH TER	CAPE CORAL	FL	33914
CORNEJO CLARA + TREJO LUIS T/C	6715 N KENDALL DR APT 716	MIAMI	FL	33156
	10541 BEN C PRATT SIX MILE			
D R HORTON INC	CYPRESS PKWY STE 100	FORT MYERS	FL	33966
DECURTIS ZORA + DECURTIS ANTHONY JOSEPH	26710 GRANDMONT ST	ROSEVILLE	MI	48066

DIEZ MARIO R + TERESA	2122 BLUFFTON LN	KATY	TX	77450
DOMINGUEZ ANTONIO	7822 W 10TH AVE	HIALEAH	FL	33014
DOMINGUEZ MARIO R	509 SW 25TH LN	CAPE CORAL	FL	33914
DOMINGUEZ MELISSA S	2623 SW 4TH TER	CAPE CORAL	FL	33991
			COLOMB	
E F AUTOS S A	CALLE 7 OESTE NO 2-140	CALI	IA	
E&L LOT HOLDINGS LLC	6360 CORPORATE PARK CIR #10	FORT MYERS	FL	33966
EASTERDAY NANCY A + EASTERDAY JON A TR T/C FOR JON +CHRISTINE EASTERDAY TRUST	304 SW 29TH AVE	CAPE CORAL 90587	FL	33991
			GERMAN	
EBERT RONALD + HEIDI	FASANENSTR 9	TUCHENBACH	Y	
EBSC 1105 LLC	709 CAPE CORAL PKWY W	CAPE CORAL	FL	33914
ECKL FRANZ	A-WURNSDORF 45	3658 POGGSTALL		AUSTRIA
EINZ 1404 LLC	728 SW PINE ISLAND RD STE 4	CAPE CORAL	FL	33991
EISENZIMMER LEONARD L + DEANNA	2725 SW 4TH TER	CAPE CORAL	FL	33991
ENGELBRECHT KEITH	2201 MIDWAY RD STE 302	CARROLLTON	TX	75006
ESTRABAO MARIA D	9225 SW 45 ST	MIAMI	FL	33165
ETTARI FRANK	206 SW 26TH AVE	CAPE CORAL	FL	33991
EXPOSITO AMARO DIDIER & GARCIA OTERO DIANCY	2620 SW 3RD LN	CAPE CORAL	FL	33991
FEINBERG DAVID	1423 SE 10TH ST STE 1	CAPE CORAL	FL	33990
FERROLI NICHOLAS + JOANNE	2550 VERDMONT CT	CAPE CORAL	FL	33991
FISHER GEO C JR + ELEONORA TR FOR GEORGE C + ELEONORA F FISHER TRUST	293 CARDINAL DR	BLOOMINGDALE	IL	60108
FLEMING MICHAEL + FOREMAN ASHLEY M	2705 SW 3RD ST	CAPE CORAL	FL	33991
		BOISSY ST LEGER		
FLEUTIAUX NORA	63 TER RUE DE MAISON BLANCHE	94700	FRANCE	
FORDHAM MATTHEW R & JACLYN	407 SW 28TH PL	CAPE CORAL	FL	33991
FSG RE HOLDINGS LLC	3364 PALM BEACH BLVD	FORT MYERS	FL	33916
GACAD ROBERT MICHAEL	207 SW 27TH AVE	CAPE CORAL	FL	33991
GEORGE LILY 168 LLC	728 PINE ISLAND RD STE 4	CAPE CORAL	FL	33993
GIRALDO DILSAN	2557 DEERFIELD LAKE CT	CAPE CORAL	FL	33909
GIVENS RONALD A JR + GATES JENNA C J/T	2700 SW 4TH TER	CAPE CORAL	FL	33991

GMK CORP	2410 SW 51ST ST	CAPE CORAL	FL	33914
GOETZ HERBERT TR FOR ATLANTIC COLONIAL REV LIVING TRUST	PO BOX 101700	CAPE CORAL	FL	33910
GOMPPER JOSHUA D + JESSICA M	2808 SW 2ND LN	CAPE CORAL	FL	33991
GOODMAN DANIEL + DIANNE	PO BOX 153003	CAPE CORAL	FL	33915
GOODWIN CONSTRUCTION CORP	2733 OAK RIDGE CT STE 101-102	FORT MYERS	FL	33901
GRENIER DENISE A + QUIGLEY CELESTE E	39 BAYVIEW RD	MARBLEHEAD	MA	01945
GRONWOLDT WILLIAM P	6 ROBINHOOD RD	DANBURY	CT	06811
GYPSICONS USA LLC	2475 VIRGINIA AVE NW APT 519	WASHINGTON	DC	20037
HAAS CATHY M + PAWELEK TIMOTHY J T/C	422 SW 45TH ST	CAPE CORAL	FL	33914
HARPER GARY H L/E	411 NW 83RD WAY	PEMBROKE PINES	FL	33024
HC 1029 LLC	728 PINE ISLAND RD # 4	CAPE CORAL	FL	33993
HCT 7TH LLC	728 PINE ISLAND RD STE 4	CAPE CORAL	FL	33993
HENRY-HERBST KELLY M & HENRY-HERBST ERIN S	2824 SW 2ND LN	CAPE CORAL	FL	33991
HERRINGBONE LLC	4807 FLAMINGO DR	SAINT JAMES CITY	FL	33956
HHNC 3RD LLC	709 CAPE CORAL PKWY W	CAPE CORAL	FL	33914
HIN HOLDINGS LLC	728 PINE ISLAND RD STE 4	CAPE CORAL	FL	33993
HOOD DAVID A + TERRI L	337 SW 29TH PL	CAPE CORAL	FL	33991
HORNING EMILY J	403 SW 29TH PL	CAPE CORAL	FL	33991
HOSSAIN LEILANI M L/E	2700 SW 3RD LN	CAPE CORAL	FL	33991
HUA LI 333 LLC	728 PINE ISLAND RD STE 4	CAPE CORAL	FL	33909
HUBICKI JASON C	341 SW 29TH PL	CAPE CORAL	FL	33991
		NORTH FORT		
HUFFINES CALVIN L + SANDRA TR FOR HUFFINES TRUST	115 LITTLE GROVE LN	MYERS	FL	33917
HUSKER FLORIDIAN LLC	605 E BROAD ST	FREMONT	NE	68025
JACOBS DRYWALL + CONTRACTING	1985 CEDAR BRIDGE AVE STE 1	LAKEWOOD	NJ	08701
JAMES PETER + DIANE	55 BRANDEN WAY	TOLLAND	CT	06084
				K1S 1C8
JIREH INVESTMENTS LLC	333 MAIN ST	OTTAWA	ON	CANADA
JOHNSEN LESLIE K CO TR + JOHNSEN SAMUEL E W CO TR				
FOR LESLIE K JOHNSEN TRUST	40 UAHAA PL	WAILUKU	HI	96793
JOHNSON DUANE A	4110 61ST ST	HOLLAND	MI	49423

JONES REBECCA R	4717 SW 13TH AVE UNIT 111	CAPE CORAL	FL	33914
JOTCAR INC	2110 PONDELLA RD	CAPE CORAL	FL	33909
JPL 6TH LLC	728 PINE ISLAND RD STE 4	CAPE CORAL	FL	33991
JYY 3RD LLC	709 CAPE CORAL PKWY W	CAPE CORAL	FL	33914
KAGO CORP 1/2 + GMK CORP 1/2 T/C	2404 SW 51ST ST	CAPE CORAL	FL	33914
KETINA LLC	728 SW PINE ISLAND RD STE #4	CAPE CORAL	FL	33991
		DEERFIELD		
KING DELIA Z	3421 PALLADIAN CIR	BEACH	FL	33442
KING MATTHEW E + THERESA M	2728 SW 4TH TER	CAPE CORAL	FL	33991
KLINE EDWARD C + LONI JEAN	221 SW 26TH PL	CAPE CORAL	FL	33991
KOZAK MARIE	PO BOX 387	GLEN MILLS	PA	19342
KOZIEL CHARLES + KOZIEL PHILIP	211 SW 27TH AVE	CAPE CORAL	FL	33991
		NORTH LAS		
KUEHNLE PASQUALINA	7379 PREEN ST	VEGAS	NV	89084
L H TRADE CORP	PO BOX 101700	CAPE CORAL	FL	33910
LALIMA CHARLES JR	10 OXFORD CT	NEW CITY	NY	10956
LAMBERTUS ERIKA JOHANNE TR FOR ERIKA LAMBERTUS-DUNN REVOCABLE LIVING TRUST	408 SW 28TH PL	CAPE CORAL	FL	33991
LCH 1229 LLC	709 CAPE CORAL PKWY W	CAPE CORAL	FL	33914
LEE 334 LLC	728 PINE ISLAND RD # 4	CAPE CORAL	FL	33993
LEE KWAN	385 LIVINGSTON ST	NORWOOD	NJ	07648
LEHMANN DAMIAN G	2731 SW 2ND LN	CAPE CORAL	FL	33991
		CH-8702	SWITZER	
LENDI A	RIETSTRASSE 28	ZOLLIKON / ZH	LAND	
LGS 230541 LLC	709 CAPE CORAL PKWY W	CAPE CORAL	FL	33914
LLERENA RAFAEL + REYES-LLERENA YSABEL H/W	2713 SW 4TH TER	CAPE CORAL	FL	33991
LMC 2732 LLC	728 SW PINE ISLAND RD STE 4	CAPE CORAL	FL	33991
LOBODY GAIL V + JOHN	207 SW 26TH PL	CAPE CORAL	FL	33991
LOPEZ DELFIN + MONTES AMANDA L	336 SW 29TH PL	CAPE CORAL	FL	33991
LOPEZ RUTILO & MARGARET	408 SW 26TH AVE	CAPE CORAL	FL	33991
LWF 201 LLC	728 PINE ISLAND RD # 4	CAPE CORAL	FL	33991

MACDONALD SHEILA LYNN	2858 GEORGE DAUPHINEE AV	HALIFAX	NS	B3L 3S6 CANADA
MAHER JOHN M	320 SW 29TH AVE	CAPE CORAL	FL	33991
MAPES DANIEL K + MAPES OLGA	2716 SW 2ND LN	CAPE CORAL	FL	33991
MARONDA HOMES INC	13038 US HIGHWAY 41 S	GIBSONTON	FL	33534
MARTIN REED K & TERESA	1242 SW 18TH AVE	CAPE CORAL	FL	33991
MARTIN STEVEN & CHRISTINE	2708 SW 2ND TER	CAPE CORAL	FL	33991
MATUTE SILVIA & YAFFAR ALDO E	5401 SW 74TH ST	MIAMI	FL	33143
MCLAUGHLIN ROBERT P	162 SW 48TH TER	CAPE CORAL	FL	33914
MEJIA CARLOS A + MEJIA GABREIL J/T	190 MORRIS AVE APT #2A	SPRINGFIELD	NJ	07081
MOLINA ELIUT & VILLALOBOS GUADALUPE TR FOR CUERNAVACA TRUST	3342 CROSSPOINTE CT	SIMI VALLEY	CA	93065
MONTENEGRO JOSEPH ANTHONY	8124 NW 163RD TER	MIAMI LAKES	FL	33016
MOORE JEFFREY W TR + MOORE JENNIFER ANN TR FOR MORRE TRUST	22 HAVENHURST DR	COTO DE CAZA	CA	92679
MOORE RONALD E & JOAN G	328 EMMETT ST	BALLSTON SPA	NY	12020
MORA IMELDA	8100 KOEHLER DR	ORLAND PARK	IL	60462
MORENO MARCELA M + SAGORAC JEFFREY L T/C	2627 SW 4TH LN	CAPE CORAL	FL	33991 L4J 4S8
MOYAL ARMAND + ESTHER	125 EDMUND SEAGER DR	THORNHILL	ON	CANADA
MSLIM 888 LLC	728 PINE ISLAND RD STE 4	CAPE CORAL	FL	33991
NGUYEN TOAN THANH	2602 W BORCHARD AVE	SANTA ANA	CA	92704
NICOING CORP	2540 SW 31ST LN	CAPE CORAL	FL	33914
NOLAN RUSSELL C + NOLAN KIM M	109 LAKE SHORE DR	ROCKAWAY	NJ	07866
NORRIS CHRISTINA L + BOARDMAN ANTHONY T/C	2214 SW 132ND AV	MIRAMAR	FL	33027
OLIVEIRA JOAQUIN C	12673 HEADWATER WAY	WELLINGTON	FL	33414
PAKULAK GLENN ALLEN + PAKULAK GAIL MARIE	400 SW 28TH AVE	CAPE CORAL	FL	33991
PAPIERNIAK WILLIAM D + ALMIRA	307 SW 26TH PL	CAPE CORAL	FL	33991
PHOENIX LINK LLC	728 SW PINE ISLAND RD STE 4	CAPE CORAL	FL	33991
PIGEON GAIL V	3200 VINTON ST	HOPEWELL	VA	23860
PITALUGA YHOAN	9062 NW 177TH TER	MIAMI LAKES	FL	33018

			GERMAN	
PLUG INGO	OBERBORSBACHERSTRASSE 5B	ODENTHAL 51519	Y	
POOLER BEARS LLC	728 SW PINE ISLAND RD STE 4	CAPE CORAL	FL	33991
PROCHETTE MAXEAU	2823 SW 2ND LN	CAPE CORAL	FL	33991
Q SMITH HOMES LLC	1985 CEDAR BRIDGE AVE STE 1	LAKEWOOD	NJ	08701
QUINONES RAMON CARLOS & QUINONES SARA MICHELLE	2815 SW 2ND LN	CAPE CORAL	FL	33991
		POMPANO		
RABINOVICH ISAK + RABINOVICH IRINA T/C	2206 S CYPRESS BEND DR APT 607	BEACH	FL	33069
REMESELNIAK ALBERT + WILMA	402 SW 29TH PL	CAPE CORAL	FL	33991
RITMAN WILLIAM A & FRANCO ROXANA	7427 BRISTOL CIR	NAPLES	FL	34120
RODAS MARIA	14 HUNTER CT	HOPATCONG	NJ	07843
	TECOBAR CALLE 37 ENTREN26 Y	BARQUISIMETRO	VENEZUE	
RODRIGUES JOSE MANUEL DA SILVA	27	EDO LARA	LA	
RODRIGUEZ LESSTER L	2809 SW 3RD ST	CAPE CORAL	FL	33991
ROEBUCK THEODORE R & LINCOLN MARGARET D	225 SW 26TH PL	CAPE CORAL	FL	33991
ROYAL SOUTHWEST HOLDINGS LLC	6306 BLUE LAGOON DR # 400	MIAMI	FL	33126
ROZNOWSKI DAVE J & ROZNOWSKI HEATHER A	2814 WENDELL AVE	LIMA	OH	45805
RUNGE DEAN J + PATRICIA L	6927 N 91ST ST	MILWAUKEE	WI	53224
SAGORAC JEFFREY L & SAGORAC MARCELA M	2627 SW 4TH LN	CAPE CORAL	FL	33991
SALIMBENE FRANK	312 SW 29TH AVE	CAPE CORAL	FL	33991
SALTER WILLIAM H + CAROL A	324 SW 29TH PL	CAPE CORAL	FL	33991
SANCHEZ DONNA MARIE	3149 GREER ROAD	PALO ALTO	CA	94303
SANCHEZ MEDARDO	11340 SW 52ND TERR	MIAMI	FL	33165
SANDOVAL FINANCIAL USA INC	4706 CHIQUITA BLVD STE 200	CAPE CORAL	FL	33914
SCALISI JOHN	2201 SE 10TH AVE	CAPE CORAL	FL	33990
		SOUTH OZONE		
SCARPA KATHLEEN	133-30 115 ST	PARK	NY	11420
SCHNEIDER RAYMOND + LINDA	PO BOX 151622	CAPE CORAL	FL	33915
SCHWENKER BRUCE T	2801 SW 2ND LN	CAPE CORAL	FL	33991
SHAUN 0910 LLC	728 PINE ISLAND RD STE 4	CAPE CORAL	FL	33991
SIADAK JEFFREY E & HOLLIE C	2804 SW 2ND LANE	CAPE CORAL	FL	33991
SICARD MARIE MARGARET	1352 NW 14TH AVE	CAPE CORAL	FL	33993

SJL 1ST LLC	709 CAPE CORAL PKWY W	CAPE CORAL	FL	33914
SLC 2ND LLC	709 CAPE CORAL PKWY W	CAPE CORAL	FL	33914
STRODS DAVID	PO BOX 101083	CAPE CORAL	FL	33910
TAMAR SFH LLC	20900 NE 30TH AVE # 514	AVENTURA	FL	33180
TARPON IV LLC	18305 BISCAYNE BLVD STE 400	AVENTURA	FL	33160
TEUTSCH WILLIAM A & TRACY L	210 SE 44TH TER	CAPE CORAL	FL	33904
TIERRA NUEVA INVESTMENTS I LLC	50 W MASHTA DR STE 3A	KEY BISCAYNE	FL	33149
TINOCO JORGE A + NURY R	405 SW 29TH AVE	CAPE CORAL	FL	33991
TOETENEL JOSHUA & MORAES RAFAELA	314 SW 26TH PL	CAPE CORAL	FL	33991
TRACEY RICHARD & RACHEL	1431 SW 40TH TER	CAPE CORAL	FL	33914
TREJO JONATHAN RODRIGO	6715 N KENDALL DR APT 716	MIAMI	FL	33156
TYLER LARRY J	400 SW 29TH AVE	CAPE CORAL	FL	33991
UP LEVEL LLC	3111 N UNIVERSITY DR STE 105	CORAL SPRINGS	FL	33065
VARGHESE JOHNSON + JOHNSON SUSAN V H/W	9503 PINE RD	PHILADELPHIA	PA	19115
VIETH KENNETH W JR	3121 TAYLOR RD	COLUMBUS	IN	47203
VILLASIN CHRISTINE	6483 N NORTHWEST HWY APT 304	CHICAGO	IL	60631
VILLEGAS ISABEL	2800 SW 3RD LN	CAPE CORAL	FL	33991
VOGT RONALD M + CAROLYN	2716 SW 4TH TER	CAPE CORAL	FL	33991
WANG YULEI	3995 CHASTATEE DR	DULUTH	GA	30096
WATERS RAE E	210 SW 26TH AVE	CAPE CORAL	FL	33991
WIADRO JACK & NANCY G	3468 DOMOSO CT	NAPLES	FL	34109
XJ 29TH LLC	728 SW PINE ISLAND RD STE 4	FORT MYERS	FL	33907
YSF 233 LLC	728 PINE ISLAND RD STE 4	CAPE CORAL	FL	33993
YSY 2017 LLC	728 PINE ISLAND RD STE 4	CAPE CORAL	FL	33991
ZELADA VICTOR M + ANA R	2249 SW 26TH ST	MIAMI	FL	33133
ZIEGLER SASCHA	TAUBEUWEG 21	ST LEON-ROT	GERMAN Y	

**Cape Coral Charter Elementary School
North PDP Amendment
PDP19-0004**

Cape Coral Hearing Examiner

October 15, 2019

PDP 19-0004

Owner: City of Cape Coral

Authorized Rep: Cape Coral Charter School Authority

Project: Public Facility PDP

Location: 2817 SW 3rd Lane

Area: 8.49 acres

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

AERIAL MAP

Case No. PDP19-0004

LEGEND

 **SUBJECT PARCEL**



This map is not a survey and should not be used as a basis for any survey. While every effort is made to accurately depict the subject area, some details may not be shown. The City of Cape Coral reserves the right to make changes to this map at any time without notice. The City of Cape Coral is not responsible for any errors or omissions. Please contact the Department of Community Development for any questions regarding this map product.

**Christa McAuliffe
Elementary School**

Jim Jeffers Park

SUBJECT PARCEL

Background

◎ Project approved in 2005

- SE for a School – Group I Use in the RD District
- Deviations for a fence setback and area for a construction trailer

◎ 2010 Amendment

- Approved four modular buildings
- Deviations to design standards & landscaping requirements
- Required removal of modulares by April 7, 2014

◎ 2014 Amendment

- Extended the period the modulares could remain to Jan. 1, 2020.

Purpose of the PDP Amendment

Eliminate a requirement in Resolution PDP 3-2014 requiring the four modular buildings to be removed from the site by January 1, 2020.



SW 3rd Street

SW 29th Avenue

SW 3rd Lane

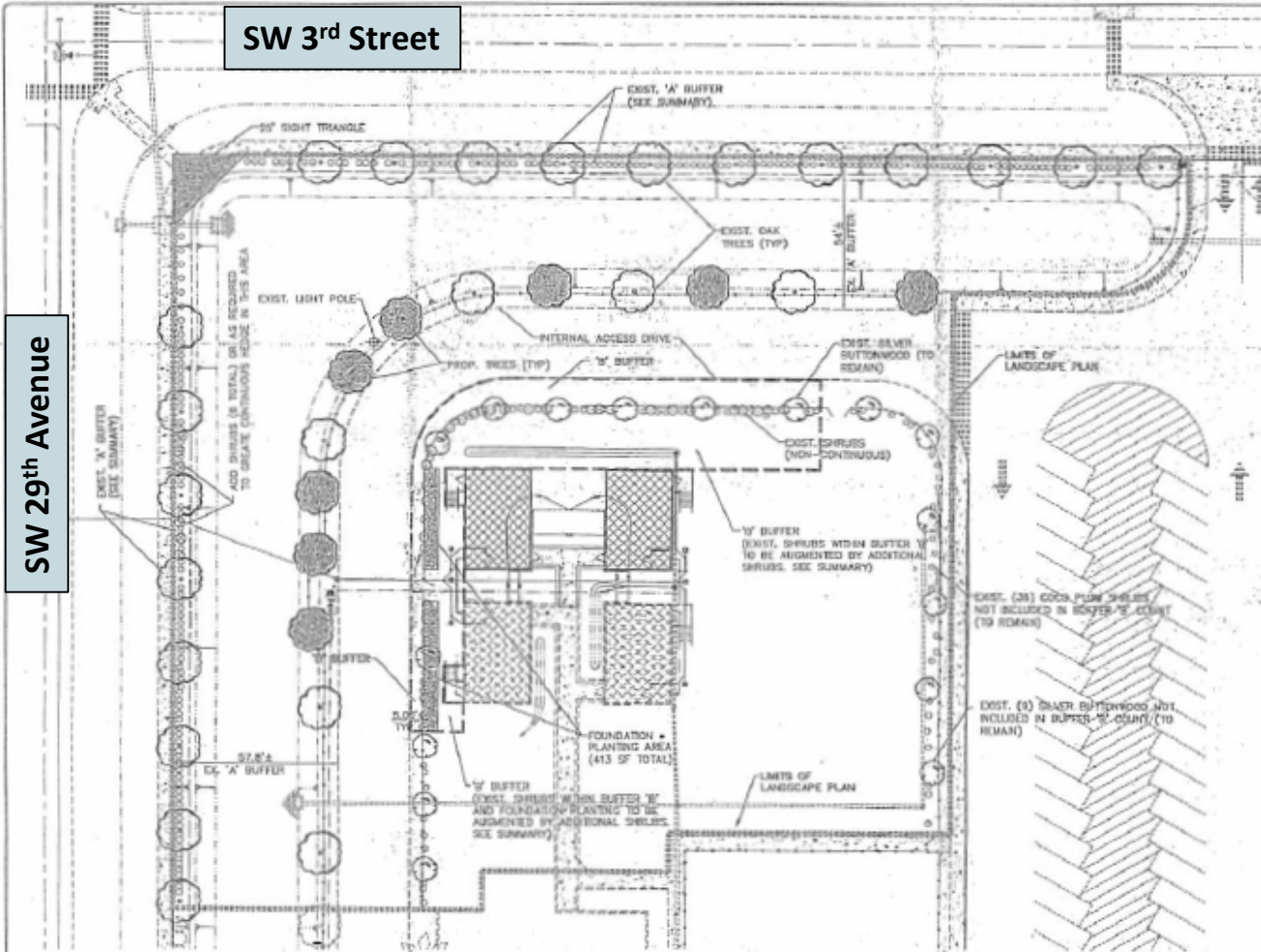
Source: LEEPA website, 01-11-19 image



Landscape Plan

SW 3rd Street

SW 29th Avenue



* SHRUBS IN BUFFER/FOUNDATION PLANTING AREA SHALL BE PLACED AT A MINIMUM OF 1 SHRUB PER 2.5' FEET. CONTRACTOR SHALL PLACE NEW SHRUBS OTHER IN OPEN SPACES WITHIN THE EXISTING SHRUB ROW OR IN A STAGGERED ROW IF NOT FEASIBLE. ALL SHRUBS REMOVED DURING MODULAR BUILDING INSTALLATION SHALL BE REPLACED.

PLANTINGS

"CANOPY" (MATURE HEIGHT EXCEEDS OF 10') MIN. HEIGHT OF (10') FEET, A MIN. DIAMETER OF (6") INCHES WHEN MEASURED AT A HEIGHT OF (10') INCHES ABOVE THE GROUND.
 "SHRUB" (MATURE HEIGHT EXCEEDS OF 6') MIN. HEIGHT OF (6') FEET, A MIN. DIAMETER OF (6") INCHES WHEN MEASURED AT A HEIGHT OF (6') INCHES ABOVE THE GROUND.
 "SMALL" (MATURE HEIGHT EXCEEDS OF 6') MIN. HEIGHT OF (6') FEET, A MIN. DIAMETER OF (6") INCHES WHEN MEASURED AT A HEIGHT OF (6") INCHES ABOVE THE GROUND.
 "TALL" (MATURE HEIGHT EXCEEDS OF 10') MIN. HEIGHT OF (10') FEET, A MIN. DIAMETER OF (6") INCHES WHEN MEASURED AT A HEIGHT OF (10') INCHES ABOVE THE GROUND.
 "SHRUB" SHALL BE 10' HEIGHT, (5) THREE GAL. MIN.
 "SMALL" IN BUFFER YARDS SHALL BE 30" HEIGHT, (7) SEVEN GAL. MIN.
 NOTE: SO TO COVER ALL BUFFERED AREAS EXCLUDING PAVEMENT AND PLANTING BEDS, ALL PLANTING MUST BE ORGANIZED INTO A RHYTHM OF 1' MIN.

BUFFER 'A' SUMMARY

EXISTING R/W LANDSCAPE BUFFER CONSTRUCTED PER LANDSCAPE REQUIREMENTS IN LUTECUT IN 2005.
 (1) BUFFER PER 2.5' OF (CONTINUOUS HEDGE)
 BUFFER WITH HEDGES FROM 8' TO 10' DEE, WITH A LENGTH OF 810'.
 PERCENTUAL CANOPY TREES AT FAR SIDE OF BUFFER.

EXIST. TREES/SHRUBS	Col.	Size	Quantity
LINE OAK (Quercus virginiana)	> 4" dia.	> 10' Hgt.	23 EXISTING
COCOPALM (Chrysalidocarpus lutes)	N/A	> 30' Hgt.	2302 EXISTING (WITHIN 'A' BUFFER)
PROP. TREES/SHRUBS	Col.	Size	Quantity
LINE OAK (Quercus virginiana)	> 4" dia.	10' Min. Hgt.	8 PROPOSED
COCOPALM (Chrysalidocarpus lutes)	7 Col. Min.	32" Min. Hgt.	8 PROPOSED

BUFFER 'Y' SUMMARY

BUFFER BETWEEN PUBLIC R/W AND MODULAR CLASSROOMS
 (EXISTING ASHUT, TREES AND SHRUBS ROW)
 (ADJACENT EXISTING SHRUBS TO 1' BUFFER PER 2.5' OF (CONTINUOUS SHRUB HEDGE) (800 LF / 2.5' B.C. = 320 SHRUBS REQUIRED)

EXIST. TREES/SHRUBS	Col.	Size	Quantity
SILVER BUTTWOOD (Conocarpus erubescens)	> 2" dia.	> 4' Hgt.	7 EXISTING (WITHIN 'Y' BUFFER)
COCOPALM (Chrysalidocarpus lutes)	N/A	> 30' Hgt.	32 EXISTING (WITHIN 'Y' BUFFER)
PROP. TREES/SHRUBS	Col.	Size	Quantity
COCOPALM (Chrysalidocarpus lutes)	7 Col. Min.	32" Min. Hgt.	98 PROPOSED

LANDSCAPE REQUIREMENTS (LANDSCAPE LIMITS: 1.69 AC)

GENERAL TREE REQUIREMENTS:
 (1) TREE PER 1,000 SQ. FT. AREA
 REQUIRED: 14 (BASED ON 1,000 SQ. FT.)
 PROVIDED: 82 (A/CREDIT)

BUILDING

TREE SUMMARY

FOUNDATION PLANTING

(ON GROUND BUILDING AREA)

(3' DIA. DIA. OF 1' DIA.)

REQUIRED: 236 OF PLANTING AREA

PROVIDED: 82 (A/CREDIT)

TOTALS

TREES REQUIRED: 14

TREES PROVIDED: 82 (84 TREES + 33 CREDITS)

SHRUBS PROVIDED: 402 SHRUBS (320 + 308 + 308 + 104)

PLANT LIST (WITHIN LANDSCAPE LIMITS)						
SYMBOL	COMMON NAME (Botanical Name)	HEIGHT (ft. or in.)	DIAMETER (in.)	AGE (years)	SHRUBS	TOTAL TREES
●	LINE OAK (Quercus virginiana)	10' / 4" dia.	10' - 40'	15		15
○	EXIST. LINE OAK (Quercus virginiana)	10' / 4" dia.	25' - 40'	10		10
○	EXIST. SILVER BUTTWOOD (Conocarpus erubescens)	10' / 2"	15	15		15
○	PROP. COCO PALM (Chrysalidocarpus lutes)				104	104
○	EXIST. COCO PALM (Chrysalidocarpus lutes)				2902	2902
TOTALS W/ CREDITS					82	402

W = 1 CREDIT



Looking south



Looking east





Analysis

- The nearest residential site is 165 ft from the closest modular.
- Two rows of live oaks are between the buildings and adjacent streets.
- Modular height is 12 feet; buildings appear well maintained.
- The buildings are visible but not conspicuous because of the live oaks, the buffer width, the distance between the buildings and the residential sites, and the height of the modulares.
- The continued use of the buildings should not be detrimental to the area or otherwise contrary to the public interest.

General Standards for PDPs

A. Environmental control standards: Not applicable as no improvements to the site are proposed.

B. Maintenance of improvements: Resolution PDP 5-2005 requires all landscaping and screening to be maintained throughout the life of the development.

C. Consistency with Comprehensive Plan: This project is consistent with several policies in the Comprehensive Plan.

D. Financial Responsibility: The project does not involve mandatory improvements that requires securing with a bond or similar instrument.

E. Dimensional requirements: The project met the requirements of the RD District when the project was approved in 2005. The project is compliant with the dimensional standards for the INST District.

General Standards for PDPs (continued)

F. Maximum density: Not applicable.

G. Minimum parcel size: The project is 8.49 acres and is in the Urban Services Transition Area.

H. Time limitation: This standard was met when the City issued a building permit for the construction of the school in 2005.

I. Ownership requirements: The City of Cape Coral owns 100% of the school site.

J. Special exceptions: The amendment does not involve a SE use.

K. Deviations: Deviations are not sought as part of this PDP amendment.

L. Underground Utilities: Not applicable – no new construction proposed.

Consistency with the Comprehensive Plan

Conservation and Coastal Management Element

Policy 1.7.3: The City will commit to developing regulations that require the disconnection of private self-service well water supply lines from irrigation systems when City irrigation water is connected. **Staff comments: The site is in the North 2 Utility Expansion Program Area. Reuse (irrigation) water is expected to be available to the site in the fourth quarter of 2019.**

Future Land Use Element

Policy 1.15i: Public Facilities: The majority of the public facilities category consists of schools, public safety buildings, and religious establishments. **Staff comments: The site has a Public Facilities FLUC and is developed with an elementary school.**

Infrastructure Element

Policy 1.1.6: Provision by the City of centralized sanitary sewer and potable water service will be limited to the urban services infill and transition areas ... the extension of public water and sewer service to these areas will include the extension of dual water service, when feasible, using non-potable sources for irrigation purposes. **Staff comments: The subject site, and surrounding properties, were brought into the Transition Area in 2017 (LU16-0012). The school site is served by centralized water and sewer; reuse water is expected to be available in late 2019.**

Public School Facilities Element

Policy 3.2: The City of Cape Coral, in conjunction with the Lee County School District, shall seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified. **Staff comments: The school shares a site with Jim Jeffers Park. While Lee County Government is not involved, this co-location venture is consistent with this policy.**

Project Recommendation

Staff recommends approval.

Correspondence

Three phone calls – all informational.

School Site Near SW 3rd Street and SW 29th Avenue





Before



After



Before



After

Item Number:	3.A.
Meeting Date:	10/15/2019
Item Type:	DATE AND TIME OF NEXT MEETING

**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL



TITLE:

Tuesday, November 5, 2019, at 9:00 a.m., in Council Chambers

REQUESTED ACTION:

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?
2. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION: