



Exhibit D Professional Engineers, Planners & Land Surveyors

Avida

(f/k/a Oasis Cove RPD/CPD)

Administrative Amendment to Planned Development

Narrative of Request

Background

The applicant is requesting an administrative amendment to the approved Oasis Cove Residential Planned Development (RPD) and Commercial Planned Development (CPD), a 32.54± acre project located on the north side of Gladiolus Drive approximately 1,750 feet south of its intersection with Old Gladiolus Drive. The subject property is located in the Central Urban future land use category within the South Fort Myers Planning Community.

The current approval (Z-10-009) allows for 190 multi-family dwelling units, or a maximum of 160 units of assisted living facility (ALF)/continuing care facility (CCF), plus a maximum of 300 independent living units (ILU), or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land within the RPD. The CPD allows for a maximum of 100,000 square feet of commercial, including a maximum of 25,000 square feet of retail.

Request Summary

The applicant is seeking to administratively amend the planned development to allow for the following:

- Update the master concept plan to accommodate the revised site layout:

The applicant purchased the property on July 29, 2015 and has revised the proposed site layout—The master concept plan has been revised to demonstrate relocation of the proposed lake, reconfiguration of the proposed buildings and accessways within the RPD portion of the site, and reconfiguration of the lots and accessways within the CPD portion of the site. The development of the RPD and CPD will remain under unified control. The development will provide land leases in lieu of selling off parcels and will maintain unified

• SERVING THE STATE OF FLORIDA •

ownership. The master concept plan demonstrates the required parking for the RPD area located within the RPD. The master concept plan demonstrates overflow parking in the CPD area that will be accessible to either the RPD or the CPD, given the unified nature of the development. The CPD has been revised from 7 lots to 5 lots. There are no proposed changes to external access points or perimeter buffers.

- Revise property development regulations for waterbody setback and building separation:

The property development regulations are proposed to be revised to accommodate the new site layout as follows:

RPD for all uses:

- Setbacks: Water body: 20 feet or 0 feet where bulkheads or other hardened shoreline structures are provided and
- Minimum building separation: 10 feet for single-story buildings and 20 feet all other buildings.

- New deviation requests that are internal to the site and required as a result of the revised site layout and property development regulations and to provide clarification of the proposed overall unified development plan of both the RPD and CPD:

There is one existing deviation for the project for access connection separation that was previously approved and is proposed to remain. In order to accommodate the revised site layout and to clarify the unified development plan, the applicant has included 5 new deviation requests as outlined in the attached schedule of deviations and justifications. A summary of the deviations follows:

Deviation 2 is from LDC Section 34-935(b)(1) to allow a 0 foot perimeter setback for the RPD and CPD zoning lines

Deviation 3 is from LDC Section 10-416(d)(1) to allow no buffer between the RPD and CPD zoning districts

Deviation 4 is from LDC Section 34-935(e)(4) to allow for a minimum building separation of 10 feet for the proposed single-story buildings and a minimum building separation of 20 feet for all other development

Deviations 5 and 6 are both to allow for a minimum waterbody setback of 0 feet where bulkheads or other hardened shoreline structures are provided and 20 feet for the remainder of the lake perimeter

- Deviation 5 is from LDC Section 34-2194(b)
- Deviation 6 is from LDC Section 10-329(d)(1)a

Although a deviation was not previously requested and approved to allow no buffering between the RPD and CPD zoning lines, no buffers were shown on the approved master concept plan. The applicant has included a deviation to clarify that no internal buffering is required to accommodate the seamless, unified development plan.

- Request to amend the schedule of uses to add three uses that are similar in nature and intensity to those uses already permitted and update reference to renumbered CPD lots for existing Hope Hospice use:

The applicant is proposing to amend the schedule of uses for the CPD to add three uses and revise an existing use as follows:

- Add the following uses:
 - o Amphitheater
 - o Farmer's Market/Open Air Market
 - o Health Care Facilities, Group II, Limited to lots 1, 4 and 5. Limited to 50 beds
- Revise the following use to accommodate revised site layout:
 - o Hospice, Limited to lots 5 and 6 1, 4 and 5. Limited to 50 beds.

These uses are similar in nature and intensity to those uses already permitted on the site. The revised site layout reduced the CPD lots from 7 to 5. The previous lot 5 has been deleted due to the new lake layout and previous lot 6 has now been renumbered to lot 4 and the previous lot 7 has now been renumbered to lot 5.

- Remove previously approved impact to wetland and minor adjustment and increase in indigenous restoration/creation areas with updated Indigenous Restoration Plan exhibit and updated open space table:

The revised site layout also resulted in the preservation of the previously impacted 0.01 acre wetland on the western portion of the site. To accommodate the preservation of the wetland, the indigenous restoration/creation areas have been revised to provide an upland buffer around the preserved wetland. This revision has resulted in a proposed relocation of some of the creation/restoration areas resulting in a net increase in indigenous area. The attached revised Indigenous Restoration Plan depicts the 0.02 acre previously approved creation/restoration area that is proposed to be relocated and replaced with 0.1 acre of upland creation/restoration. This revision results in an increase of 0.8 acre of indigenous creation/restoration. An exhibit demonstrating these changes, as well as a revised Indigenous Restoration Plan exhibit are attached.

LDC Consistency/Minimal Modification

LDC Section 34-377(a)(5) in part provides that applications for administrative approval will be processed as administrative amendments in accordance with Section 34-380. This section also states that administrative amendments may be granted by the Director upon a finding that public health, safety, and welfare will not be adversely affected by the request. LDC Section 34-380(a) provides that amendments to an approved master concept plan or its attendant documentation may be requested at any time during the development of or useful life of a planned development. LDC Section 34-380(b) provides that the Director may approve any change to the interior of the development that does not increase height, density or intensity (i.e., number of dwelling units or quantity of commercial or industrial floor area). This section of the code further specifies that "the Director may not approve a change that will result in the substantial underutilization of public resources and public infrastructure committed to the support of the development." In addition, this section provides that "the Director may not approve changes that will result in a reduction of total open space, buffering, landscaping and preservation areas or that will adversely impacts on surrounding land uses."

The request is consistent with the administrative amendment requirements contained in LDC Section 34-380(b). The request is simply to accommodate the revised site layout and unified development plan for the RPD and CPD zoning districts. The request is specific to portions of the development located in the interior of the planned development. The request does not include any change to the allowable intensity so it will not increase height, density or intensity. The request will not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development. The request will not result in a reduction of total open space, buffering, landscaping or preservation areas, and will in fact increase the preservation areas. The proposed amendment will not adversely impact surrounding land uses. The requested amendment is the minimum necessary to the already approved planned development to allow the project to proceed with development.

Conclusions

The request increases development potential and economic viability of the site by adopting the new site design. The request will not increase height, density or intensity. The request will not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development. The request will not result in a reduction of total open space, buffering, landscaping or preservation areas and will not adversely impact surrounding land uses. The proposed amendment is the minimum necessary to the approved planned development. The proposed modifications do not change the fact that the project is consistent with the Lee Plan and the LDC. For these reasons, the applicant respectfully submits that this minor administrative amendment request should be approved.