

TO: Steven H. Rothstein, Esq., Special Magistrate

FROM: Mike Struve, AICP, Planning Team Coordinator *MS*

DATE: July 6, 2026

SUBJECT: Case Number APL26-000005: Appeal filed by the Lee County District School Board of a decision made by the Cape Coral Hearing Examiner that denied four landscape deviations for a new school at 214 NW 20th Avenue.

Background

This memo provides information on an appeal filed by the Lee County District School Board (the appellant) for property at 214 NW 20th Avenue. The School Board is appealing a decision made by the Cape Coral Hearing Examiner following a public hearing on May 19, 2026, that denied four (4) landscape deviations. The Hearing Examiner decision was rendered on May 22, 2026, and the School Board subsequently filed an appeal with the City on June 18, 2026. Appeals of Hearing Examiner decisions are heard by the Special Magistrate and are based on the record (Land Development Code, Section 3.1.14.C.). Information on the school site, applicable regulations, and timeline appear in this memo that includes a staff recommendation.

Property Information

The school site consists of Block 3731 and is about 0.6 miles northwest of the intersection of Embers Parkway and Chiquita Boulevard. The site is rectangular, has an area of 30.73 acres and is bordered by four local streets. Surrounding sites within 1,200 feet of the Block 3731 consist of platted residential lots that are sporadically developed.

The site has a Public Facilities Future Land Use Classification (FLUC) and Institutional (INST) zoning. Primary and secondary educational facilities are allowed as a permitted use in the INST District. Surrounding sites within 1,200 feet of the subject block have a Single Family and Multi Family FLUC and Single Family (R-1) zoning. The nearest non-residential use is Mariner Middle School that is about 1.2 miles to the northeast.

Applicable Regulations

LDC, Table 3.1.3. grants the Hearing Examiner the authority to consider landscape deviations that exceed 10% of the requirements of the landscape section. Deviations may be approved by the Hearing Examiner provided the deviation will not be contrary to the public interest and will be in harmony with the general intent and purpose of the landscape section and where either of the following applies:

1. Conditions exist that are not the result of the applicant, and when a literal enforcement of the regulations involved would result in unnecessary and undue hardship; or,
2. Literal conformity with the regulations would inhibit innovation or creativity in design.

The developer requests the four following deviations to the landscape code:

1. A deviation from LDC, Section 5.5.13.A. entitled, *"Tree planting requirements"*, that requires a minimum of one canopy tree for each 1,000 sq. ft. of gross land area. A total of 1,339 trees are required while the School Board proposes providing 118 canopy trees.
2. A deviation from LDC, Section 5.5.13.C.1. entitled, *"Foundation Landscaping"*, that requires landscaped areas to equal at least 10% of the gross ground floor area. The landscape area is estimated to be 15,950 sq. ft. and the School Board proposes no foundation landscaping.
3. A deviation from Section 5.5.13.C.3. entitled, *"Off-street parking and vehicle use areas"*, that requires landscaped areas to equal at least 5% of the off-street and vehicle use areas. The landscape area is estimated to be 11,798 sq. ft. and the School Board proposes no landscaping for these areas.
4. A landscape deviation from LDC, Section 5.5.13.C.5. entitled, *"Buffers"*, that requires landscape buffers along all four property lines of the site. The minimum plantings for this buffer are 237 canopy trees, 237 accent trees, and 3,128 shrubs while the School Board proposes installing 115 canopy trees, no accent trees, and no shrubs.

Timeline

- September 28, 2024: A site development plan (SDP) was submitted to the City for the Hector A. Caferatta Elementary School at 214 NW 20th Avenue.
- April 10, 2026: An application requesting four landscape deviations was submitted by the School Board to the City.
- May 19, 2026: A hearing was held by the Hearing Examiner to consider the four landscape deviations requested by the School Board. A decision to deny all four deviations was rendered by the Hearing Examiner on May 22, 2026.
- May 29, 2026: The SDP was issued by the City to the School Board.
- June 18, 2026: An application appealing the decision of the Hearing Examiner that denied the four landscape deviations was filed by the School Board.

Recommendation

The City followed proper procedures in processing, scheduling, and public noticing this case. Based on the School Board's claim of hardship as the reason for seeking each landscape deviation, staff analysis as provided in the case report found that the appellant failed to meet the LDC standards necessary for justifying each deviation. Likewise, the Hearing Examiner, after considering testimony from the School Board and Planning staff at the public hearing, rendered a ruling that denied each of the four requested deviations.

The current appeal is based on the record. As the Hearing Examiner ruled that each deviation failed to satisfy the deviation criteria set forth in LDC, Section 5.5.20.B., and that each deviation is inconsistent and non-compliant with the requirements of the Comprehensive Plan, Planning staff recommends the Special Magistrate affirm the earlier decision made by the Hearing Examiner in denying each of the four requested landscape deviations.

MS (DCD/Planning_Division_2009/Mike/Public Hearing Cases/Appeals/2026/Lee County School District/APL26-000005.docx)

Attachments (refer to list)

C: Amy Yearsley, AICP, Planning Manager
Cody Vaughan-Birch, Assistant City Attorney

ATTACHMENTS TO CASE NUMBER APL26-000005:
LANDSCAPE DEVIATION APPEAL INVOLVING A NEW SCHOOL AT 214 NW 20TH AVENUE
MEMO TO SPECIAL MAGISTRATE ROTHSTEIN JULY 6, 2026

1. Letter of Intent and Appeal Application
2. Boundary Survey.
3. Site Plan.
4. Landscape Plan.
5. Planning Staff Report (DEV26-000002).
6. Hearing Examiner Order (DEV HEX Order 2-2026).



The School District of Lee County

Robert Dodig, Esq.

School Board Attorney

2855 Colonial Boulevard, Fort Myers, FL 33966

O: 239.337.8511

June 18, 2026

Kimberly Bruns, MMC

City Hall

1015 Cultural Park Boulevard

Cape Coral, FL 33990

kbruns@capecoral.gov

RE: City of Cape Coral

LETTER OF INTENT TO APPEAL

On behalf of the School Board of Lee County, Florida

The School Board of Lee County, FL, hereby gives notice that it appeals from the Hearing Examiner's Order entered on May 22, 2026, in the above matter. It is the position of the Appellant that the City of Cape Coral lacks the jurisdictional authority to require the School Board of Lee County, Florida, upon the new construction of a school, to plant specific numbers and types of plantings and foliage per the City's Land Development Code. The subject property is the new Hector Cafferata K-8 school being built on NW 20th Avenue in Cape Coral.

The Appellant objects to the Hearing Examiner's conclusion that the "Applicant has voluntarily conformed to site-specific requirements imposed by the City's regulations," because the Appellant's legal basis for jurisdictional challenge under Florida law is not waived by participation in the administrative process. The action taken by the Appellant was at the behest and encouragement of City staff and should not operate as a waiver. The Appellant has not acquiesced in any way that the application of the Land Development Code to the Board in this instance is appropriate.

The Hearing Examiner's conclusion that "the mere fact that the Applicant voluntarily entered the quasi-judicial process by applying for the deviations waives any jurisdictional argument" implies that a co-equal governmental entity, if it disagrees, should disregard local processes and procedures to resolve a conflict.

Board Members: Armor Persons, District 5, Chair | William F. Ribble, Jr., District 3, Vice Chair
Samuel Fisher, District 1 | Melisa W. Giovannelli, District 2 | Debbie Jordan, District 4 | Jada Langford Fleming, District 6
Vanessa M. Chaviano, District 7 | Denise M. Carlin, Ed.D., Superintendent | Robert Dodig, Esq., Board Attorney



The School District of Lee County

Furthermore, it suggests that by engaging in this process, the Appellant forfeits the right to present a jurisdictional argument. This conclusion is flawed and unconvincing, as it contradicts the Florida Rules of Civil Procedure. The Hearing Examiner's reasoning may encourage agencies to bypass the rule of law and deter the resolution of conflicts through appropriate channels.

As a result, Appellant appeals the entire Hearing Examiner Order, including all findings, conclusions, and determinations adverse to Appellant.

Robert Dodig
School Board Attorney
Florida Bar No.: 0025593
2855 Colonial Blvd.
Fort Myers, FL 33966
(239) 337-8511
robertdo@leeschools.net



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

For Internal Use Only

Case _____

Date _____

Tel. (239) 574-0776

Fax (239) 574-0591

P.O. Box 150027

Cape Coral, FL 33915-0027

APPEAL APPLICATION

NOTE TO APPLICANT: The completed application must be legible, and all items must be provided at the time of submission.

APPEAL APPLICATION REQUIREMENTS

1. ☒ **Letter of intent stating the actual request and why the request is being made**
 - Actual Request
2. ☒ **Applicant's portion of request shall be typewritten, and signature notarized**
 - All forms must be filled out completely and legible.
 - All forms must be signed by the property owner(s) and must be notarized.
 - If the owner does not own the property in his/her personal name (e.g. LLC, trust, etc.), the owner must sign all applicable forms in his/her corporate capacity.
 - If the authorized representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney, and an Authorization to Represent Property Owner Form is not required.
3. ☐ **Certified survey done within past six (6) months MAY be required**
4. ☐ **If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners within the area within the area. The list must be prepared in label format and contain the following information; name, address, city, and zip-code.**
5. ☒ **Please refer to LDC Article 3 Section 3.1.14 (find section on page 7) for additional Information about the appeal process.**

NOTE TO APPLICANT: In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising costs will be billed and must be paid prior to public hearing. Following the approval of appeal, the applicant may be responsible for reimbursing the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

APPLICATION FEE: \$260.00. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Section 3.1.14. Appeals). Advertising costs will be billed and must be paid prior to hearing. Reasonable accommodation appeals do not require payment of application or advertising fees (ORD 2-17).



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Fax (239) 574-0591
P.O. Box 150027
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APPEAL APPLICATION

PROPERTY INFORMATION

Project Name: Hector Cafferata K-8 School
Location/Address 214 NW 20th Avenue, Cape Coral FL 33993
Strap Number 09-44-23-C4-03731 Unit _____ Block _____ Lot (s) _____
Plat Book _____ Page _____ Future Land Use Inst Current Zoning Inst.

PROPERTY OWNER (S) INFORMATION

Owner School Board of Lee County Address 2855 Colonial Blvd.
Phone 239-337-8511 City Fort Myers
Email robertdo@leeschools.net State FL Zip 33966

Owner _____ Address _____
Phone _____ City _____
Email _____ State _____ Zip _____

APPLICANT INFORMATION (If different from owner)

Applicant Dr. Denise Carlin, Superintendent Address 2855 Colonial Blvd.
Phone 239-337-8301 City Fort Myers
Email superintendent@leeschools.net State FL Zip 33966

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative Robert Dodig, Esq. Address 2855 Colonial Blvd.
Phone 239-337-8511 City Fort Myers
Email robertdo@leeschools.net State FL Zip 33966



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If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

(SIGNATURE MUST BE NOTARIZED)

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

School Board of Lee County, FL

CORPORATION/COMPANY NAME (IF APPLICABLE)

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

Dr. Denise Carlin, Superintendent

OWNER'S SIGNATURE

X

APPLICANT NAME (TYPE OR PRINT)

APPLICANT SIGNATURE

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

STATE OF Florida, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 18 day of June

2026, by Denise M. Carlin who is personally known or produced

as identification.



Exp Date: Jun. 4, 2027 Commission Number: HH 346333

Signature of notary Public:

Printed Name of Notary Public:

Jennifer Shaffer



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PLANNING DIVISION

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Fax (239) 574-0591
P.O. Box 150027
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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Robert Dodig, Esq.
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING EXAMINER AND CITY COUNCIL FOR:

Public Hearing

(Type of Public Hearing, PUD, Rezone, Special Exception, Vacation of Plat, Variance, etc.)

UNIT _____ BLOCK _____ LOT(S) _____ SUBDIVISION _____

OR LEGAL DESCRIPTION STRAP #09-44-23-C4-03731.0000

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

School Board of Lee County, FL

PROPERTY OWNER (Please Print)

X Denise M. Carlin
PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

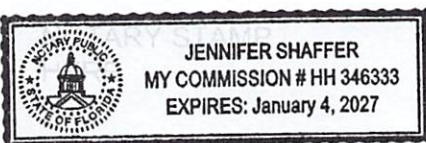
STATE OF Florida, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 18 day of June,

2026, by Denise M. Carlin who is personally known or produced

_____ as identification.

Exp Date: Jan. 4, 2027 Commission Number: HH346333



Signature of Notary Public:

Jennifer Shaffer

Printed Name of Notary Public:

Jennifer Shaffer



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Fax (239) 574-0591

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ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner and City Council.

I will have the opportunity at the hearing to present information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising and recording costs. All fees are to be submitted to the City of Cape Coral with the application.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the 18 Day of June, 2020.

School Board of Lee County, FL

Dr. Denise Carlin, Superintendent

CORPORATION/COMPANY NAME

OWNER'S NAME (TYPE or PRINT)

X Denise M. Carlin

OWNER'S SIGNATURE

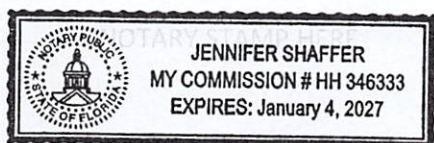
STATE OF Florida, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 18 day of June, 2020,

by Denise M. Carlin who is personally known or produced _____ as

identification.

Exp Date: Jun. 4, 2027 Commission Number: HH 346333



Signature of notary Public: Jennifer Shaffer

Printed Name of Notary Public: Jennifer Shaffer



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APPEAL REGULATIONS

Article 3 Section 3.1.14. Appeals.

A. Review by Department Directors.

1. Development Services Director review. Applicants for administrative permits and approvals may request a formal review by the Development Services Director of decisions made by Development Services Department staff within 30 calendar days of the date the administrative decision was made. The request for review shall be accompanied by any relevant documents related to the review as determined by the Development Services Director. Staff involved in the decision shall review the relevant standards and present a written finding to the Development Services Director. The request for review shall be considered by the Development Services Director within ten business days of submittal of a complete request. The Development Services Director may consult with the City Attorney's office on the matter.

The Development Services Director shall provide a written determination to reverse or affirm the staff decision, wholly or partially, modify the staff decision, with or without conditions, or respond to the applicant or staff requesting further information, documentation, or proceedings. The written determination by the Director shall be the final administrative decision.

2. Public Works Director review. Applicants for administrative permits and approvals may request a formal review by the Public Works Director of decisions made by Public Works Department staff within 30 calendar days of the date the administrative decision was made. The request for review shall be accompanied by any relevant documents related to the review as determined by the Public Works Director. Staff involved in the decision shall review the relevant standards and present a written finding to the Public Works Director. The request for review shall be considered by the Public Works Director within ten business days of submittal of a complete request. The Public Works Director may consult with the City Attorney's office on the matter.

The Public Works Director shall provide a written determination to reverse or affirm the staff decision, wholly or partially, modify the staff decision, with or without conditions, or respond to the applicant or staff requesting further information, documentation, or proceedings. The written determination by the Director shall be the final administrative decision.

- B. Administrative Appeals.** Appeals of Department Director decisions. An applicant desiring to appeal a decision of a Department Director for a decision based upon the Land Development Code, shall, within ten business days from the date of such decision, file a written Notice of Appeal with the Development Services Department. The appeal shall then be heard by the City Special Magistrate, following sufficient time to review the appeal and provide the required public notice. A staff or Department Director's recommendation is not a decision and is not appealable.



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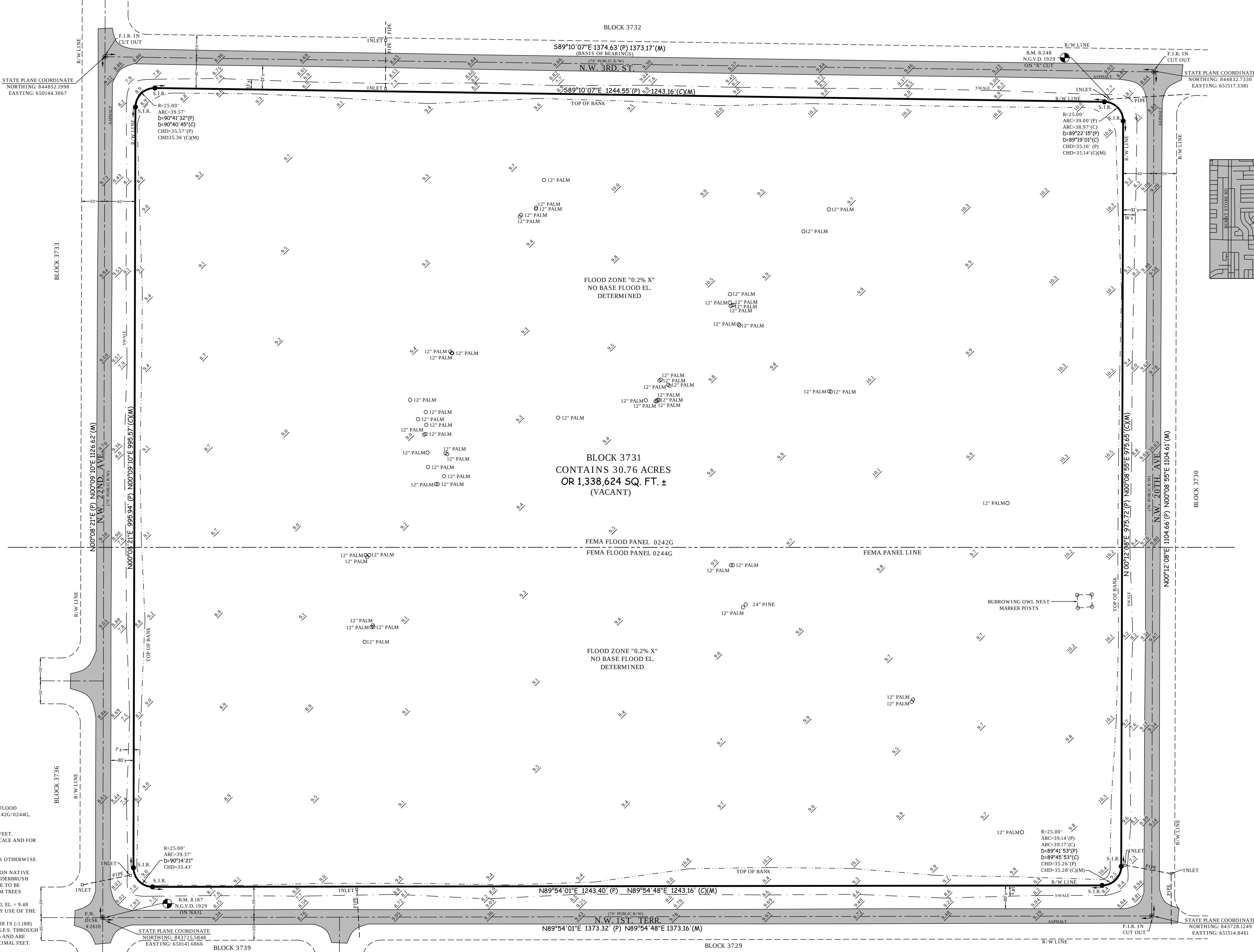
C. Appeals from decisions of the Hearing Examiner on Quasi-judicial matters. Any aggrieved party by a decision of the Hearing Examiner on a quasi-judicial matter may file an appeal to the City Special Magistrate within 30 calendar days by filing a written Notice of Appeal with the City Clerk. All such appeals shall be based on the record.

D. Appeals from Quasi-judicial decisions of the City Council. An action to review any decision of the City Council under these regulations may be taken by any person or persons aggrieved by such decision by presenting to the Circuit Court a petition for issuance of a Writ of Certiorari.

E. Stay of proceedings. An appeal shall stay all proceedings in the matter appealed from until the final disposition of the appeal by the City Special Magistrate . The pendency of an appeal shall toll all time periods applicable to the decision which is subject to appeal until final disposition of the appeal by the City Council with regard to the appeal.

LEGEND:
S.I.R. = SET 1/2" IRON ROD WITH CAP "GEN 3"
F.I.R. = FOUND IRON ROD
F.I.P. = FOUND IRON PIPE
S.N. = SET NAIL AND DISK "GEN 3"
F.N. = FOUND NAIL
F.N.D. = FOUND NAIL AND DISK
C.M. = CONCRETE MONUMENT
(M) = MEASURED DATA
(P) = RECORD PLAT DATA
(C) = CALCULATED DATA
D = DELTA
R = RADIUS
CHD. = CHORD LENGTH
CH.B. = CHORD BEARING
P.O.L. = POINT ON LINE
R/W = RIGHT-OF-WAY
F.F.E. = FINISHED FLOOR ELEVATION
* = LAST DAY IN FIELD
D.U.E. = DRAINAGE AND UTILITY EASEMENT
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
N.A.V.D. = NATIONAL AMERICAN VERTICAL DATUM
P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
L.P. = LIGHT POLE
C. = CONCRETE
P.C. = POINT OF CURVATURE
P.I. = POINT OF INTERSECTION
P.T. = POINT OF TANGENCY
C.L. = CENTERLINE
W.M. = WATER METER
FND = FOUND
T.O.B. = TOP OF BANK
O.H.U. = OVERHEAD UTILITIES
U.P. = UTILITY POLE
GUY = GUY WIRE
P.S.B. = PHONE SERVICE BOX
M.H. = MANHOLE
F.H. = FIRE HYDRANT
C.B. = CATCH BASIN
B.M. = BENCH MARK
CTV = CABLE TELEVISION
S.V. = SEWER VALVE
W.V. = WATER VALVE
W/CAP = WITH CAP
EL. = ELEVATION
L.B. = LICENSED BUSINESS
CONC. = CONCRETE
SPOT ELEVATION

--- DENOTES BOUNDARY LINE
WHERE APPLICABLE



SURVEYOR'S NOTATIONS:
1) ELEVATIONS ARE BASED ON N.G.V.D. 1929.
2) PER FEMA FLOOD MAPS: FLOOD ZONE "0.2% X", BASE FLOOD ELEVATION = N/A, COMMUNITY MAP #125095, PANEL 0242G/0244G, DATE PRINTED 11-17-22.
3) BEARINGS ARE BASED ON THE RECORD PLAT.
4) ALL DISTANCES AND ELEVATIONS ARE IN DECIMAL FEET.
5) SYMBOLS DEPICTED ON THIS SKETCH ARE NOT TO SCALE AND FOR INFORMATIONAL PURPOSES.
6) UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.
7) ALL DISTANCES ARE RECORD AND MEASURED UNLESS OTHERWISE NOTED.
8) TREES AND THEIR LOCATIONS ARE APPROXIMATE. NON NATIVE TREES, TREES UNDER 3.5 INCHES IN DIAMETER AND UNDERBRUSH HAVE NOT BEEN LOCATED. HERITAGE TREES IF ANY, ARE TO BE DETERMINED BY THE LOCAL GOVERNING BODY. ALL PALM TREES DEPICTED HEREON ARE SABAL PALM TREES.
9) BASE B.M.: NATIONAL GEODETIC SURVEY B.M. # A 790, EL. = 9.48 N.A.V.D. 1988 OR EL. = 10.668 N.G.V.D. 1929, CONVERTED BY USE OF THE N.C.A.T. TOOL.
10) STATE PLANE COORDINATES OBTAINED BY USE OF G.P.S. THROUGH THE FLORIDA PERMANENT REFERENCE NETWORK (FPRN) AND ARE BASED ON FLORIDA WEST NAD 83-(2011) DATUM IN DECIMAL FEET.

NOTE: THE UNDERSIGNED AND GEN 3 LAND SURVEYING, INC. MAKE NO WARRANTIES, GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAYS, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS, EXCEPT PLATTED EASEMENTS WHERE APPLICABLE. DETERMINATION OR RESEARCH FOR THE ABILITY OR INABILITY TO USE THIS PARCEL OF LAND FOR ANY PURPOSE IS NOT INCLUDED IN THIS SURVEY. THE SURVEY SKETCH AS SHOWN WAS MADE WITHOUT BENEFIT OF A TITLE REPORT UNLESS NOTED OTHERWISE. THIS SKETCH IS NOT VALID UNLESS IT BEARS AN ORIGINAL SIGNATURE AND AN EMBOSSED SURVEYOR'S SEAL. ANY ADDITIONS AND/OR DELETIONS TO THIS SKETCH, OR DUPLICATION OF THIS SKETCH, IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE UNDERSIGNED. THIS SURVEY IS PREPARED SPECIFICALLY FOR THE PARTY OR PARTIES LISTED ABOVE. USE OF THIS SURVEY BY OTHERS FOR LENDING, DESIGN, CONSTRUCTION, OR ANY OTHER REASON, WILL BE AT THE SOLE RISK OF THE USER, WHERE APPLICABLE. FLOOD ZONE INFORMATION HAS BEEN DETERMINED FROM THE FEMA FLOOD INSURANCE RATE MAPS AS A COURTESY TO THE CLIENT. IT IS THE RESPONSIBILITY OF THE CLIENT TO VERIFY THE FLOOD ZONE INFORMATION AND ANY APPLICABLE BASE FLOOD ELEVATION REQUIREMENTS WITH THE LOCAL GOVERNING BODY AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR A FINAL DETERMINATION, WHERE APPLICABLE. SPOT ELEVATIONS AND THEIR LOCATIONS ARE APPROXIMATE. UNLESS NOTED OTHERWISE, ONLY MINIMUM TOPOGRAPHY HAS BEEN OBTAINED. TOPOGRAPHY BETWEEN SPOT ELEVATIONS MAY VARY GREATLY. THIS SHOULD BE CONSIDERED IF SPOT ELEVATIONS ARE TO BE USED FOR DESIGN AND FILL CALCULATION PURPOSES. ADDITIONAL TOPOGRAPHY MAY BE NECESSARY.

BOUNDARY & TOPOGRAPHIC SURVEY PREPARED FOR:
LEE COUNTY SCHOOL BOARD
EXCEPTIONAL ENGINEERING, INC.

REVISION:	DATE:

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE "STANDARDS OF PRACTICE FOR SURVEYS" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 55-17, F.A.C. AND THE ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.022, FLORIDA STATUTES.

R.J. Strickland, Jr., P.S.M.
Florida Registration #6144
Digitally signed by R.J. Strickland, Jr., P.S.M. Florida Registration #6144
Date: 2024.06.26 15:51:04 -04'00'

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SHA AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

Gen³ LAND SURVEYING INC.

17840 TOLEDO BLADE BLVD, SUITE B, PORT CHARLOTTE, FL, 33948
info@gen3survey.com
(941)-629-6801 L.B. # 8460

DEVELOPMENT PLANS
FOR
HECTOR A. CAFFERATA, JR.
K-8 SCHOOL

SECTION 09, TOWNSHIP 44 SOUTH, RANGE 23 EAST
CAPE CORAL, FLORIDA

SURVEYOR:

GEN 3 LAND SURVEYING, INC.
17840 TOLEDO BLADE BOULEVARD, SUITE B
PORT CHARLOTTE, FLORIDA 33948
PH. (941) 629-6801

ARCHITECT:

RG ARCHITECTS
2070 MCGREGOR BOULEVARD, SUITE 1
FORT MYERS, FLORIDA 33901
PH. (239) 332-2040

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- OS-2 OFFSITE P & P STA. 43+76.71 - 48+95.68
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- OS-4 OFFSITE P & P STA. 43+76.71 - 38+10.38
- OS-5 OFFSITE P & P STA. 38+10.38 - 31+96.38
- OS-6 OFFSITE P & P STA. 31+96.38 - 30+03.39
- OS-7 OFFSITE P & P STA. 30+03.39 - 23+86.29
- OS-8 OFFSITE P & P STA. 23+86.29 - 20+33.39
- OS-9 OFFSITE P & P STA. 20+33.39 - 14+33.11
- OS-10 OFFSITE P & P STA. 14+33.11 - 8+18.98
- OS-11 OFFSITE P & P STA. 8+18.98 - 2+06.39
- OS-12 OFFSITE P & P STA. 2+06.39 - 0+00
- D-1 GENERAL NOTES & DETAILS
- D-2 GENERAL DETAILS
- D-3 TYPICAL SECTIONS
- D-4 CITY OF CAPE CORAL UTILITY DETAILS
- D-5 CITY OF CAPE CORAL UTILITY DETAILS
- D-6 CITY OF CAPE CORAL UTILITY DETAILS
- LS-1 LIFT STATION DETAILS
- SWP-1 SWP3
- SWP-2 SWP3 DETAILS

OFFSITE UTILITIES APPROVED UNDER SDPL25-000026



LOCATION MAP

OWNER:

LEE COUNTY DISTRICT SCHOOL BOARD
2855 COLONIAL BOULEVARD
FORT MYERS, FLORIDA, 33966

PROJECT LOCATION:

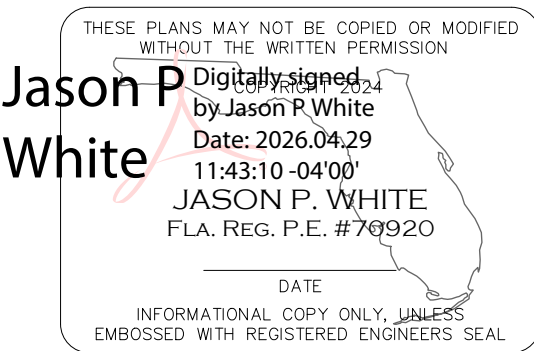
HECTOR A. CAFFERATA, JR.
K-8 SCHOOL
214 NW 20TH AVENUE
CAPE CORAL, FLORIDA 33993
STRAP# 09-44-23-C4-03731.0000

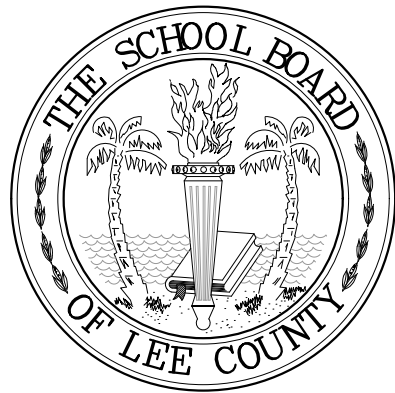
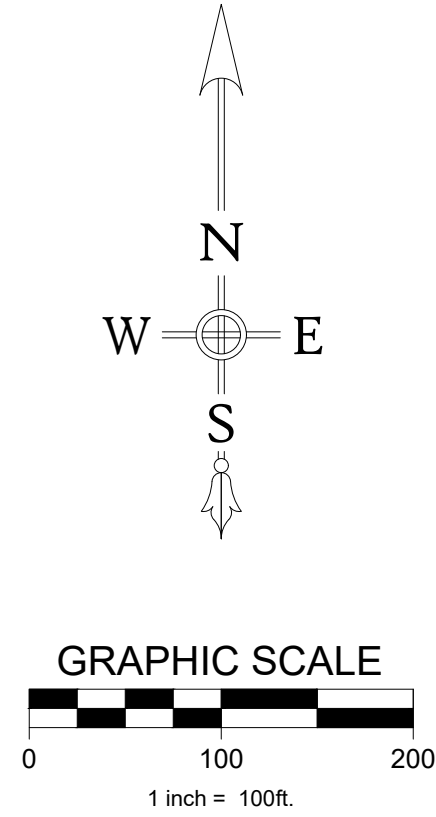
CONSULTANT:

Exceptional Engineering, Inc.
P.O. Box 2980, Ft. Myers, FL 33902
Tel. (239) 340-9816 | Fax. (239) 347-6992
JasonW@exceptionaleng.com
Business Cert # 25968
Contact: Jason P. White

Jason P. White, State of Florida, Professional Engineer, License No. 70920.
This item has been digitally signed and sealed by Jason P. White on the date indicated here.
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THE FIRE MARSHAL HAS REQUIRED, PER CODE, THAT A THIRD PARTY WILL VERIFY BEFORE (AT THE BUILDING REVIEW AS A MODEL) OR AFTER (PRIOR TO FIRE FINAL INSPECTION) CONSTRUCTION THAT THE BUILDING MEETS THE REQUIREMENTS OF NFPA 22, FOR RADIO SIGNAL STRENGTH. IF THE BUILDING IS NON-COMPLIANT, THE OWNER AND/OR CONTRACTOR IS RESPONSIBLE TO MEET THE CODE REQUIREMENTS, PER NFPA 1221, PRIOR TO THE FIRE FINAL INSPECTION.

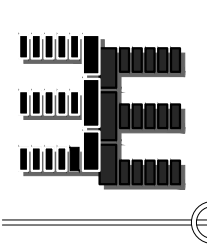




THE SCHOOL
DISTRICT OF
LEE COUNTY

HECTOR
CAFFERATA
K-8
SCHOOL

CONSULTANT:



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FBPE Business Registry
#25968

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REVISIONS

#	DESCRIPTION	DATE
4	ISS 01	03/12/25
5	QTY OF CAPE CORAL COMMENTS	10/08/25
6	ADDED F.D.C. LOCATIONS	02/05/26
7	CAPE CORAL UTILITY COMMENTS	03/27/26
8	QTY OF CAPE CORAL COMMENTS	04/01/26

DATE ISSUED: 01/02/25

REVIEWED BY: J.P.W.

DRAWN BY: J.R.B.

DESIGNED BY: J.P.W.

E.E.I. JOB #: 24-22

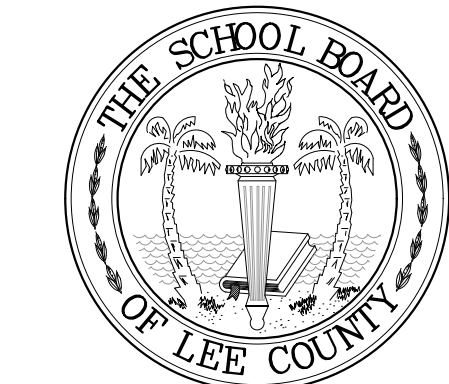
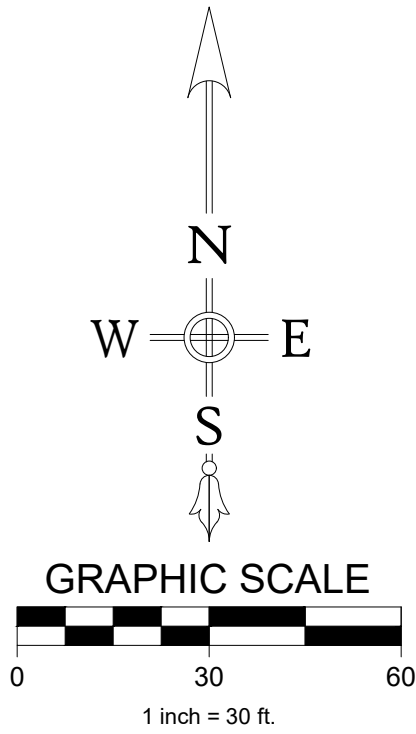
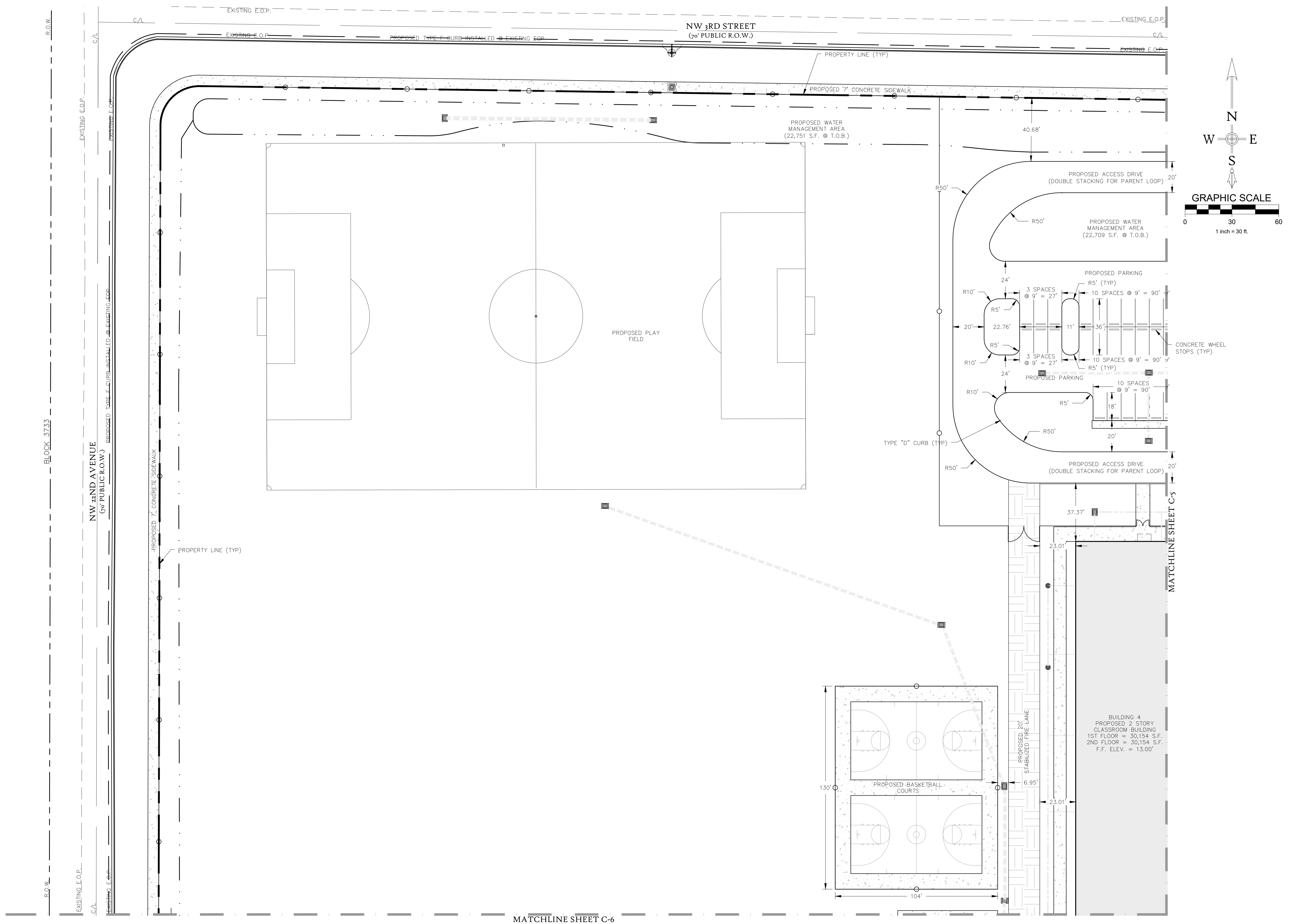
SHEET TITLE
AERIAL &
EXISTING
CONDITIONS
PLAN

SHEET #
C-2

EXISTING CONDITIONS ARE BASED UPON
INFORMATION PROVIDED BY GEN 3 LAND
SURVEYING, INC.

LEGEND

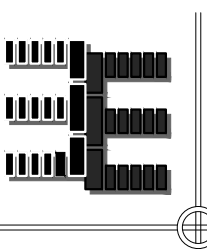
13.6'	EXISTING ELEVATION
---	PROPERTY LINE
---	EXISTING ROAD RIGHT OF WAY
---	EXIST. FEATURES (E.O.P., SIDEWALK, DRIVES, ETC.)
---	EXISTING WATER MAIN
---	EXISTING FORCE MAIN
---	EXISTING SANITARY SEWER



THE SCHOOL DISTRICT OF LEE COUNTY

HECTOR CAFERRERA K-8 SCHOOL

CONSULTANT:



Exceptional Engineering, Inc.

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Fort Myers, FL 33902
Tel. (239)-340-9816
Jasonw@exceptionaleng.com
FBPE Business Registry #25968

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#	DESCRIPTION	DATE
4	AS 01	03/12/25
5	CITY OF CAPE CORAL COMMENTS	10/08/25

DATE ISSUED: 01/02/25
REVIEWED BY: J.P.W.
DRAWN BY: J.R.B.
DESIGNED BY: J.P.W.
E.E.I. JOB #: 24-22

SHEET TITLE
SITE
PLAN
A

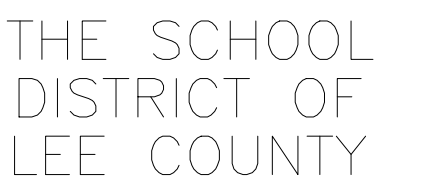
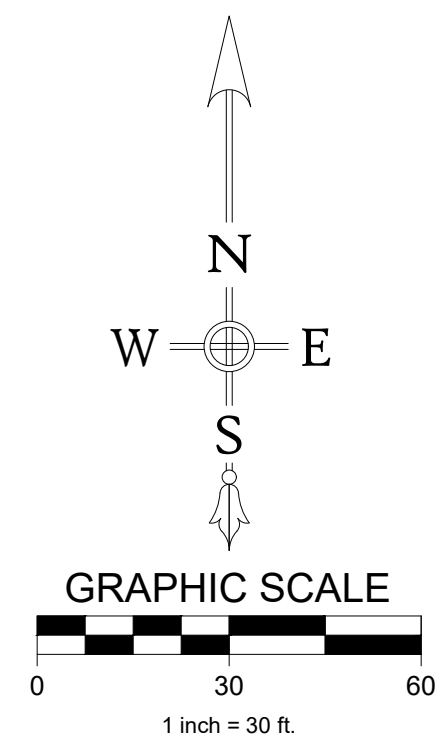
SHEET #
C-4

100% CONSTRUCTION DOCUMENTS

SEE ARCHITECTURAL PLANS FOR ALL COVERED WALKWAYS AND BUILDING DIMENSIONS.

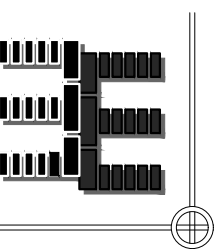
CALL BEFORE YOU DIG:
SUNSHINE STATE ONE CALL CENTER
PHONE: (800) 432-4770
(MINIMUM 48 HOURS NOTICE REQUIRED)

LEGEND	
	PAINTED HANDICAP PARKING SYMBOL
	PROPOSED PAINTED TRAFFIC CIRCULATION ARROW
	PROPOSED BUILDING
	PROPOSED COVERED ENTRY/SIDEWALK (SEE ARCHITECTURAL PLANS FOR DETAILS)
	PROPOSED SIDEWALK
	FDOT TYPE 'D' CURB
	PROPERTY LINE
	U-EAS EXISTING UTILITY EASEMENT
	EXISTING ROAD RIGHT OF WAY
	EXIST. FEATURES (E.O.P., SIDEWALK, DRIVES, ETC.)
	EXISTING LOT LINES
	EXISTING ROAD CENTERLINE



HECTOR
CAFERRETA
K-8
SCHOOL

CONSULTANT:



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REVISIONS		
#	DESCRIPTION	DATE
4	ASI 01	03/12/25
5	CITY OF CAPE CORAL COMMENTS	10/08/25

DATE ISSUED: 01/02/25
REVIEWED BY: J.P.W.
DRAWN BY: J.R.B.
DESIGNED BY: J.P.W.
E.E.I. JOB #: 24-22

SHEET TITLE
SITE
PLAN
B

SHEET #
C-5

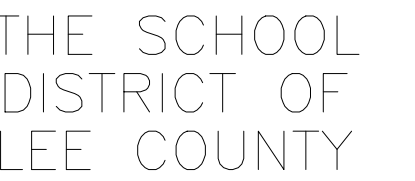
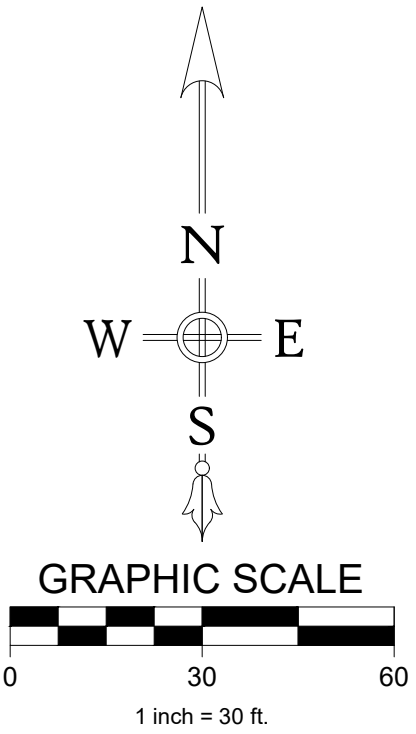
100% CONSTRUCTION DOCUMENTS

SEE ARCHITECTURAL PLANS FOR ALL
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CALL BEFORE YOU DIG:
SUNSHINE STATE ONE CALL CENTER
PHONE: (800) 432-4770
(MINIMUM 48 HOURS NOTICE REQUIRED)

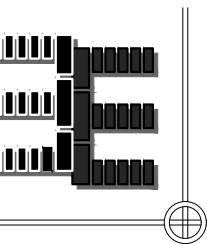
LEGEND

-  PAINTED HANDICAP PARKING SYMBOL
-  PROPOSED PAINTED TRAFFIC CIRCULATION ARROW
-  PROPOSED BUILDING
-  PROPOSED COVERED ENTRY/SIDEWALK
(SEE ARCHITECTURAL PLANS FOR DETAILS)
-  PROPOSED SIDEWALK
-  FDOT TYPE 'D' CURB
-  PROPERTY LINE
-  U-EAS
-  EXISTING ROAD RIGHT OF WAY
-  EXIST. FEATURES (E.O.P., SIDEWALK, DRIVES, ETC.)
-  EXISTING LOT LINES
-  EXISTING ROAD CENTERLINE



HECTOR
CAFERRETA
K-8
SCHOOL

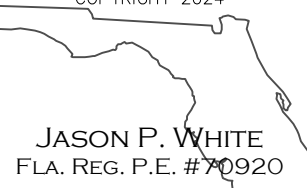
CONSULTANT:



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Fort Myers, FL 33902
Tel. (239)-340-9816
jasonw@exceptionaleng.com
BPE Business Registry
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REVISIONS		
#	DESCRIPTION	DATE
4	ASI 01	03/12/25
5	CITY OF CAPE CORAL COMMENTS	10/08/25

DATE ISSUED: 01/02/25
REVIEWED BY: J.P.W.
DRAWN BY: J.R.B.
DESIGNED BY: J.P.W.
E.E.I. JOB #: 24-22

SHEET TITLE
 SITE
 PLAN
 C

SHEET #
C-6

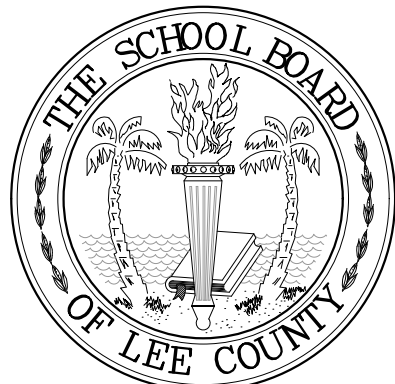
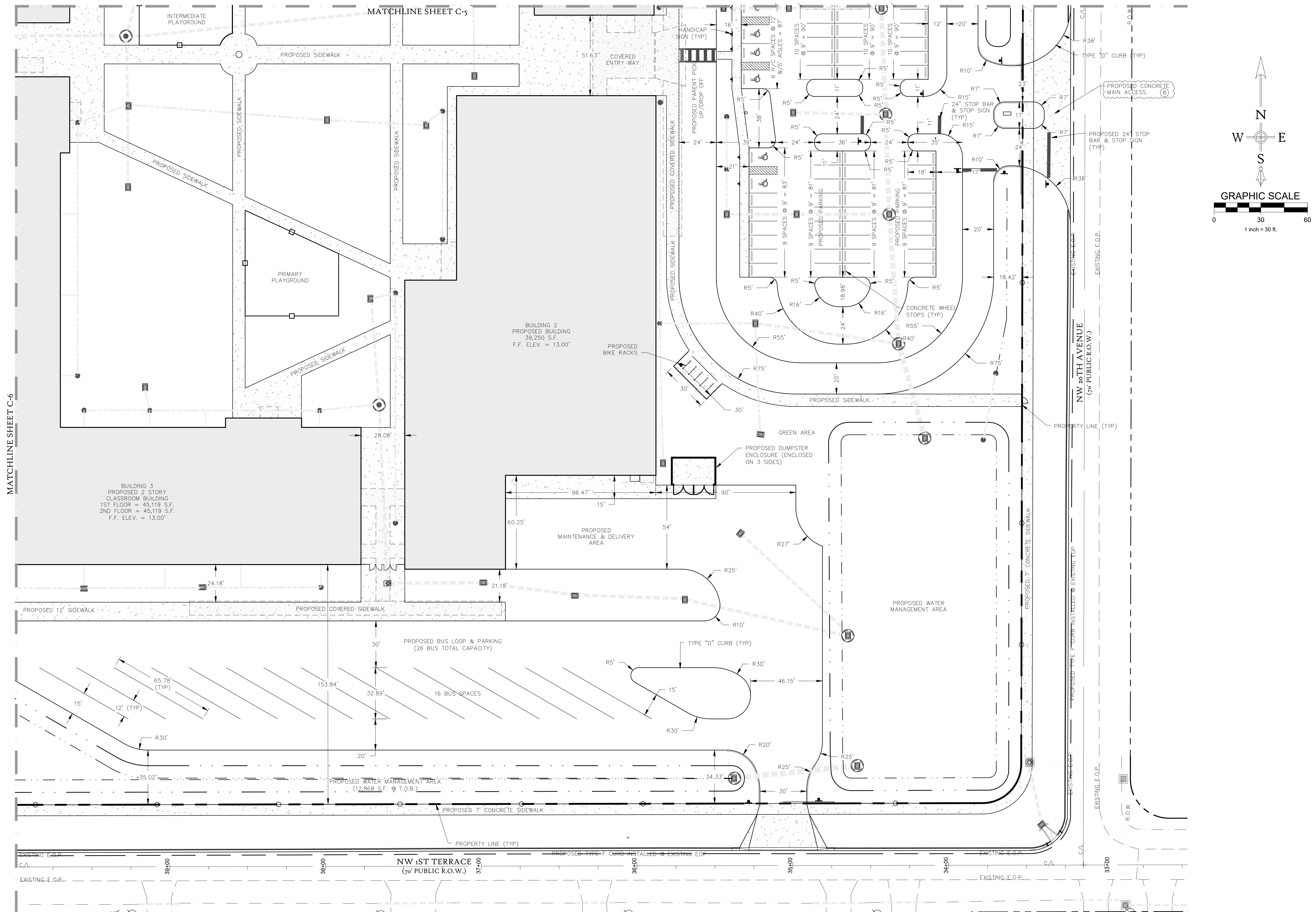
SEE ARCHITECTURAL PLANS FOR ALL
COVERED WALKWAYS AND BUILDING DIMENSIONS.

CALL BEFORE YOU DIG:

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LEGEND

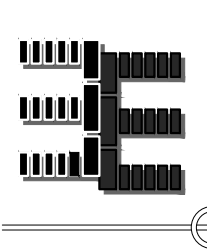
- PAINTED HANDICAP PARKING SYMBOL
- PROPOSED PAINTED TRAFFIC CIRCULATION ARROW
- PROPOSED BUILDING
- PROPOSED COVERED ENTRY/SIDEWALK
(SEE ARCHITECTURAL PLANS FOR DETAILS)
- PROPOSED SIDEWALK
- FDOT TYPE 'D' CURB
- PROPERTY LINE
- U-EAS ———— EXISTING UTILITY EASEMENT
- EXISTING ROAD RIGHT OF WAY
- EXIST. FEATURES (E.O.P., SIDEWALK, DRIVES, ETC.)
- EXISTING LOT LINES
- EXISTING ROAD CENTERLINE



THE SCHOOL
DISTRICT OF
LEE COUNTY

HECTOR CAFERRETA K-8 SCHOOL

CONSULTANT:



**Exceptional
Engineering, Inc.**

P.O. Box 2980
Fort Myers, FL 33902
Tel. (239)-340-9816
Jasonw@exceptionaleng.com
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#	DESCRIPTION	DATE
4	15' 01'	03/12/25
5	QTY OF CAPE CORAL COMMENTS	10/08/25

DATE ISSUED: 01/02/25

REVIEWED BY: J.P.W.

DRAWN BY: J.R.B.

DESIGNED BY: J.P.W.

E.E.I. JOB #: 24-22

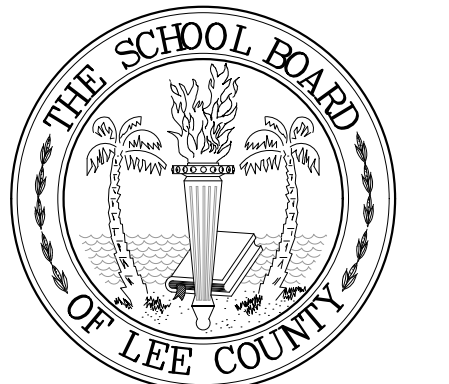
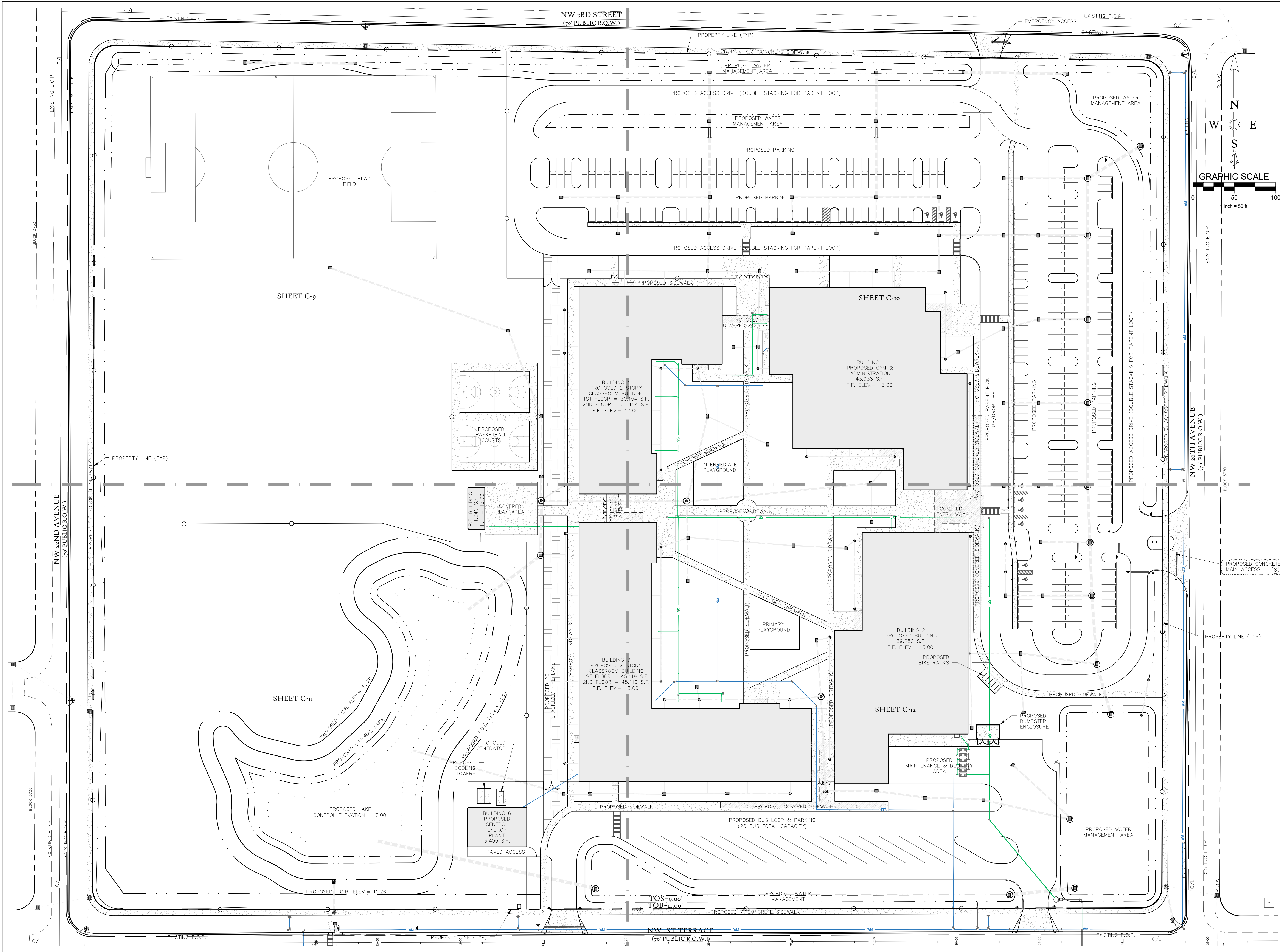
SHEET TITLE
**SITE
PLAN
D**

SHEET #
C-7

CALL BEFORE YOU DIG:

SUNSHINE STATE ONE CALL CENTER
PHONE: (800) 432-4770
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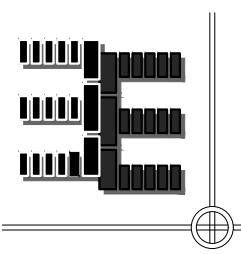
LEGEND	
	PAINTED HANDICAP PARKING SYMBOL
	PROPOSED PAINTED TRAFFIC CIRCULATION ARROW
	PROPOSED BUILDING
	PROPOSED COVERED ENTRY/SIDEWALK (SEE ARCHITECTURAL PLANS FOR DETAILS)
	PROPOSED SIDEWALK
	FDOT TYPE 'D' CURB
	PROPERTY LINE
	EXISTING UTILITY EASEMENT
	EXISTING ROAD RIGHT OF WAY
	EXIST. FEATURES (E.O.P., SIDEWALK, DRIVES, ETC.)
	EXISTING LOT LINES
	EXISTING ROAD CENTERLINE



THE SCHOOL
DISTRICT OF
LEE COUNTY

HECTOR CAFERRETA K-8 SCHOOL

CONSULTANT:



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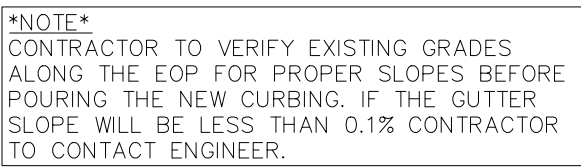
REVISIONS

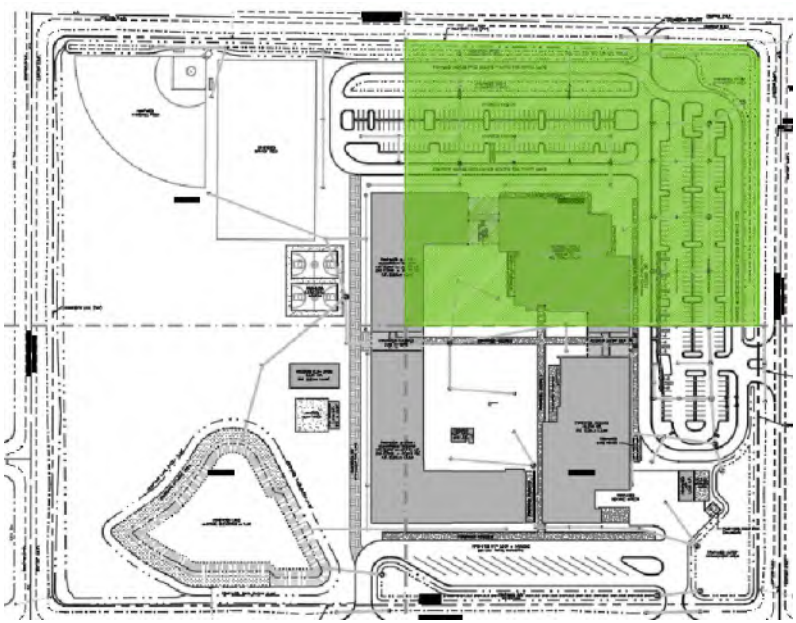
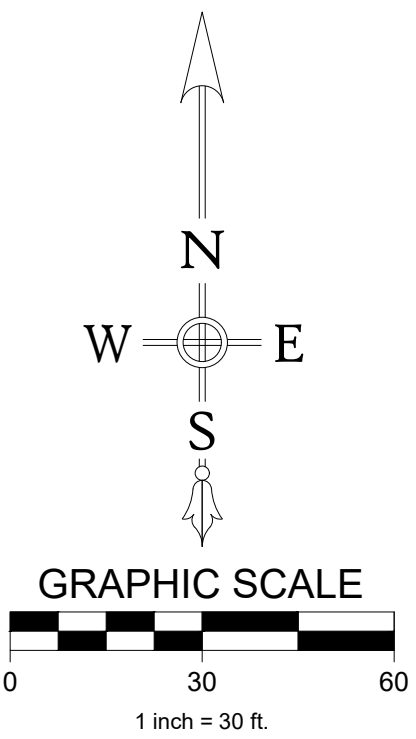
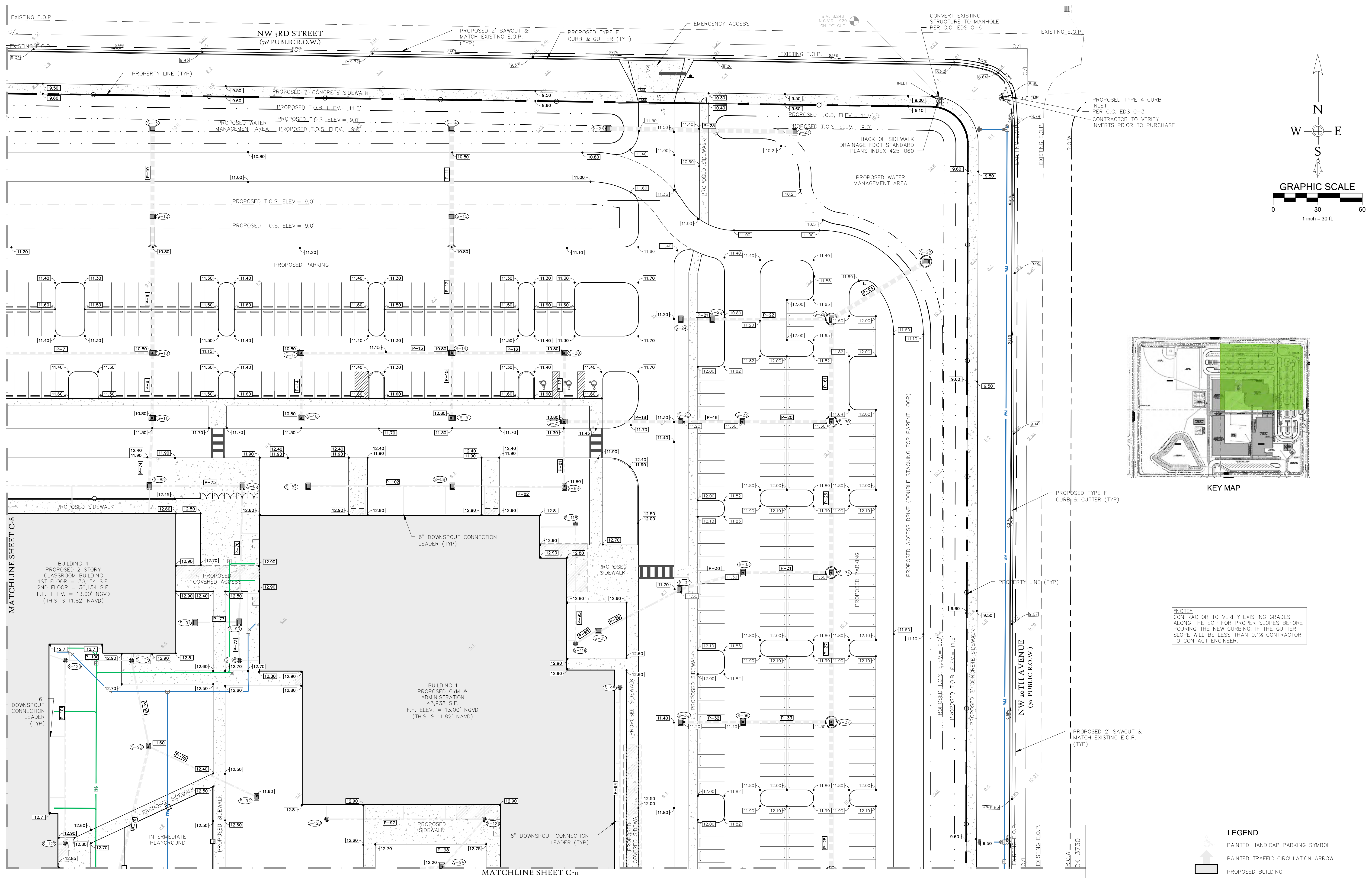
#	DESCRIPTION	DATE
4	AS 01	03/12/25
5	QTY OF CAPE CORAL COMMENTS	10/08/25

DATE ISSUED: 01/02/25
REVIEWED BY: J.P.W.
DRAWN BY: J.R.B.
DESIGNED BY: J.P.W.
E.E.I. JOB #: 24-22

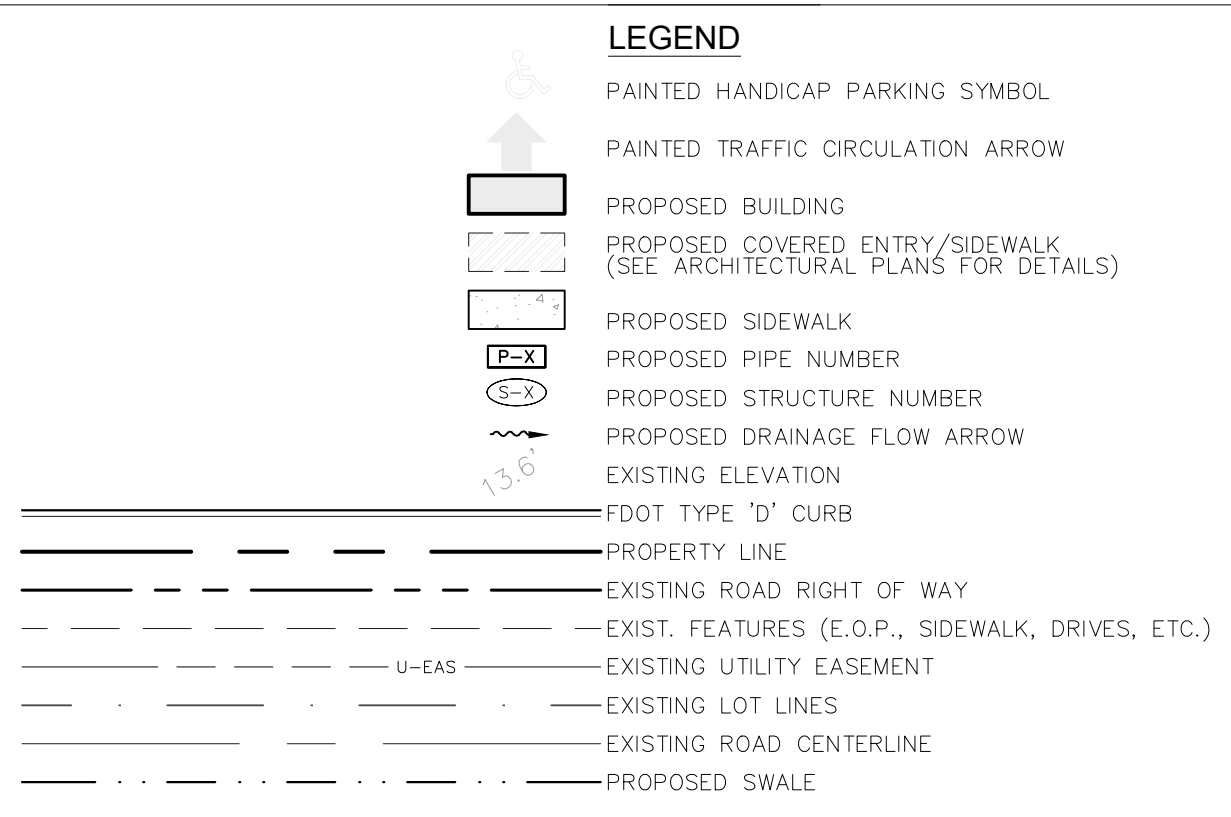
SHEET TITLE
MASTER
GRADING &
DRAINAGE
PLAN
SHEET #
C-8

100% CONSTRUCTION DOCUMENTS

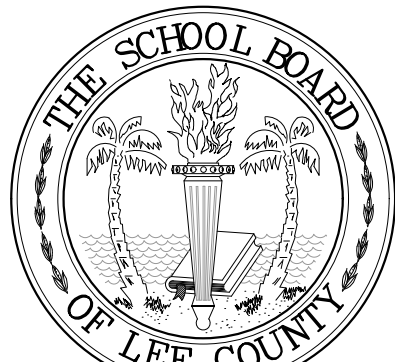




NOTE
CONTRACTOR TO VERIFY EXISTING GRADES
ALONG THE EOP FOR PROPER SLOPES BEFORE
POURING THE NEW CURBING. IF THE GUTTER
SLOPE WILL BE LESS THAN 0.1% CONTRACTOR
MUST BE VERIFIED ON ANY ELECTRONIC COPIES.



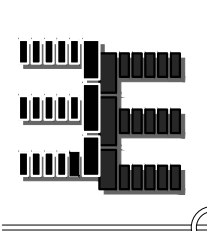
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(MINIMUM 48 HOURS NOTICE REQUIRED)



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LEE COUNTY

HECTOR
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K-8
SCHOOL

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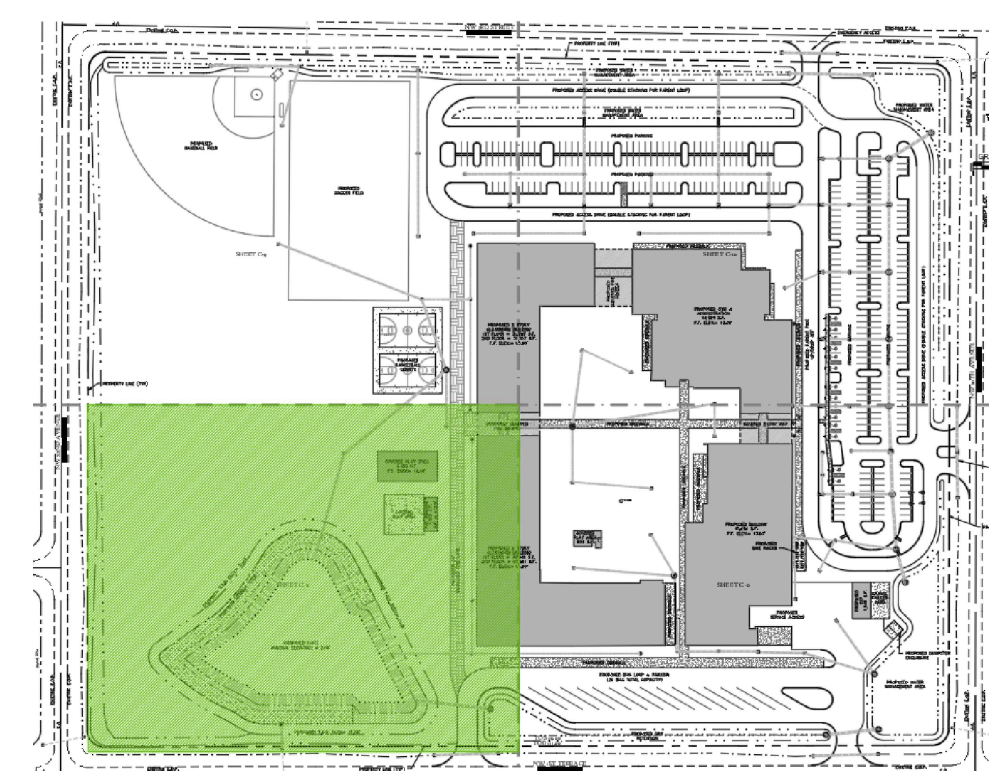
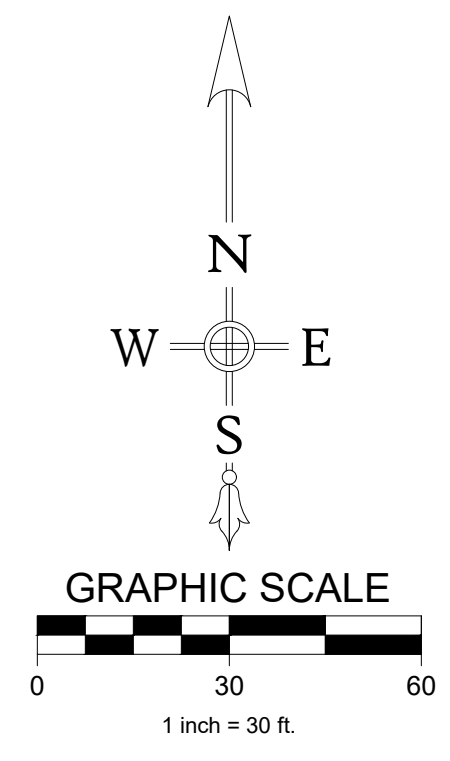
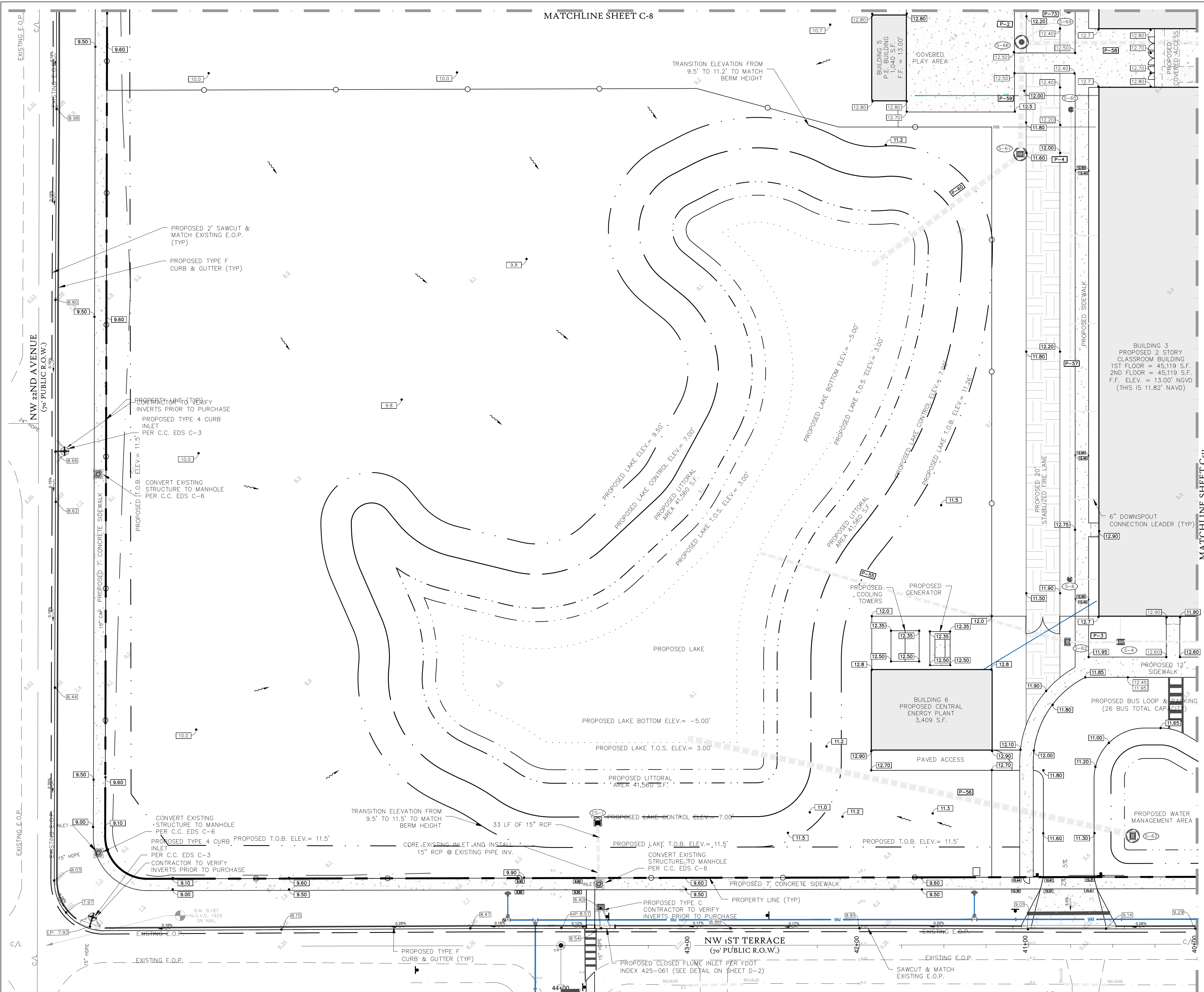
REVISIONS		
#	DESCRIPTION	DATE
4	45' 01'	03/12/25
5	QTY OF CAPE CORAL COMMENTS	10/08/25

DATE ISSUED: 01/02/25
REVIEWED BY: J.P.W.
DRAWN BY: J.R.B.
DESIGNED BY: J.P.W.
E.E.I. JOB #: 24-22

SHEET TITLE
GRADING &
DRAINAGE
PLAN B

SHEET #
C-10

100% CONSTRUCTION DOCUMENTS

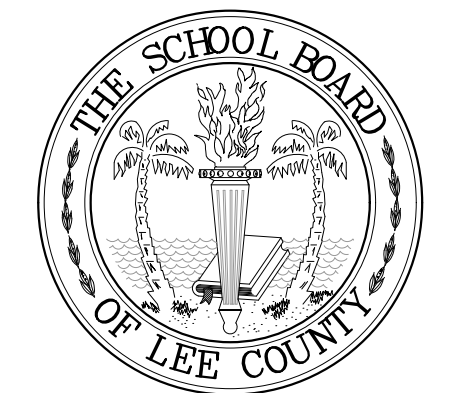


KEY MAP

NOTE
CONTRACTOR TO VERIFY EXISTING GRADES
ALONG THE EOP FOR PROPER SLOPES BEFORE
POURING THE NEW CURBING. IF THE GUTTER
SLOPE WILL BE LESS THAN 0.1% CONTRACTOR
TO CONTACT ENGINEER.

LEGEND	
	PAINTED HANDICAP PARKING SYMBOL
	PAINTED TRAFFIC CIRCULATION ARROW
	PROPOSED BUILDING
	PROPOSED COVERED ENTRY/SIDEWALK (SEE ARCHITECTURAL PLANS FOR DETAILS)
	PROPOSED SIDEWALK
	PROPOSED PIPE NUMBER
	PROPOSED STRUCTURE NUMBER
	PROPOSED DRAINAGE FLOW ARROW
	EXISTING ELEVATION
	FDOT TYPE 'D' CURB
	PROPERTY LINE
	EXISTING ROAD RIGHT OF WAY
	EXIST. FEATURES (E.O.P., SIDEWALK, DRIVES, ETC.)
	U-EAS
	EXISTING UTILITY EASEMENT
	EXISTING LOT LINES
	EXISTING ROAD CENTERLINE
	PROPOSED SWALE

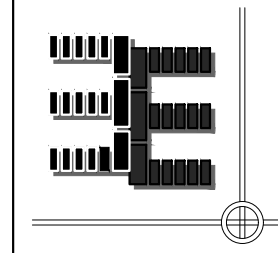
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LEE COUNTY

HECTOR
CAFERRETA
K-8
SCHOOL

CONSULTANT:



Exceptional
Engineering, Inc.

P.O. Box 2980
Fort Myers, FL 33902
Tel. (239)-340-9816
Jasonw@exceptionaleng.com
FBPE Business Registry
#25968

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OF THE ENGINEER
JASON P. WHITE
FLA. REG. P.E. #70920

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FLA. REG. P.E. #70920

DATE
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JASON P. WHITE,
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LICENSE NO. 70920.

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REVISIONS

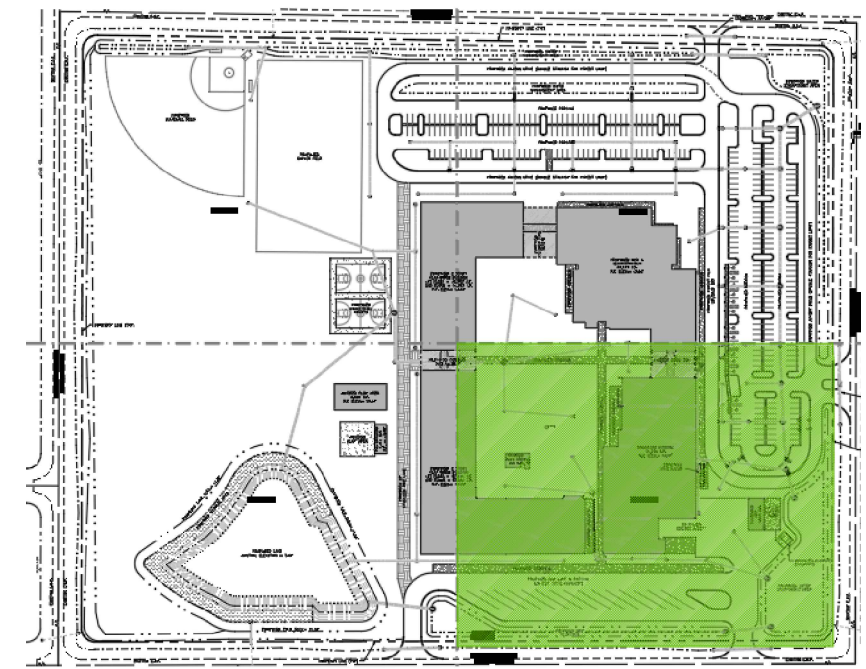
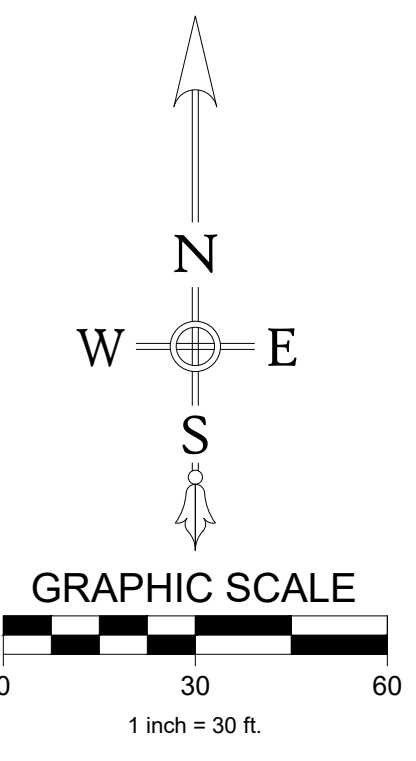
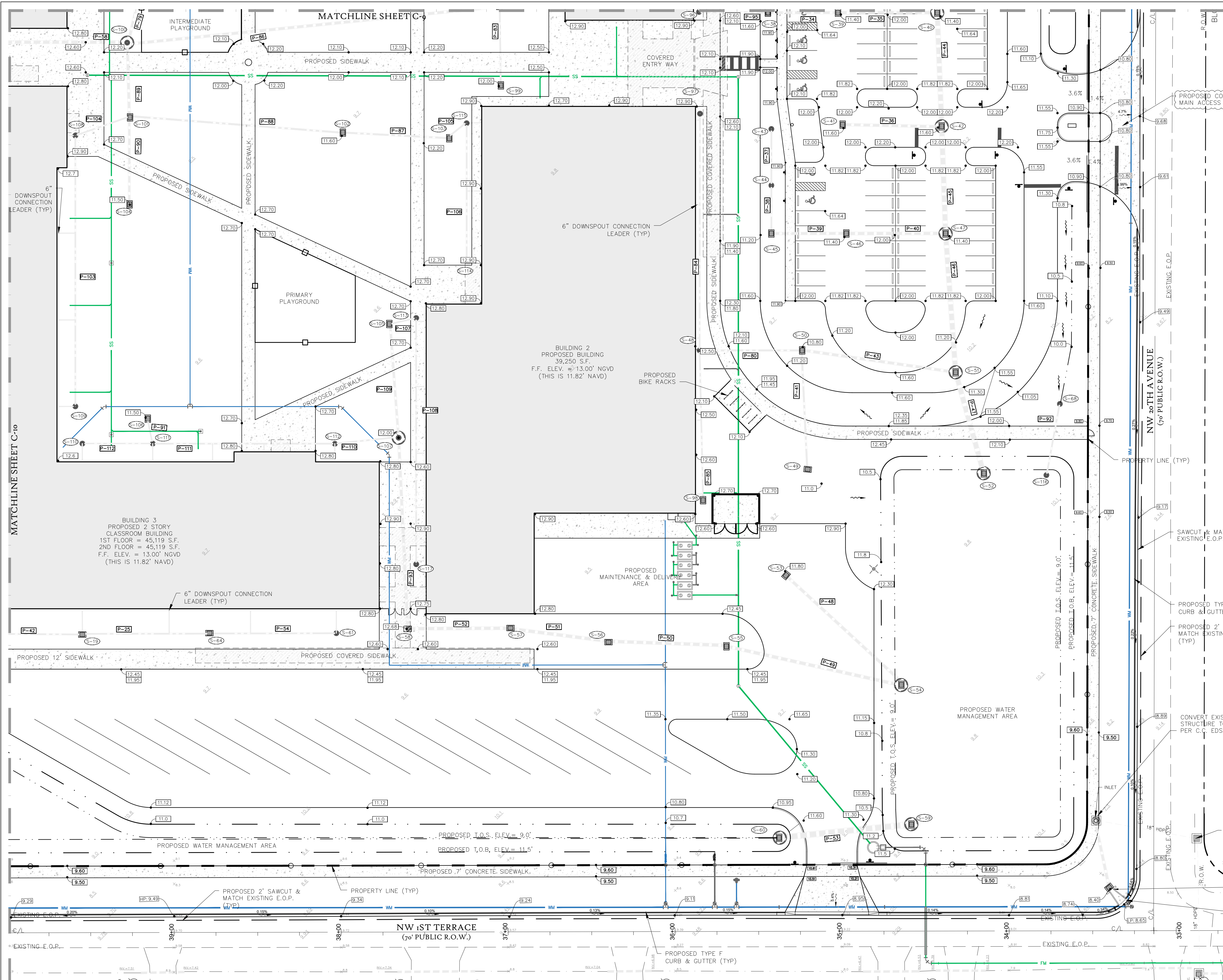
#	DESCRIPTION	DATE
4	AS 01	03/12/25
5	QTY OF CAPE CORAL COMMENTS	10/08/25

DATE ISSUED: 01/02/25
REVIEWED BY: J.P.W.
DRAWN BY: J.R.B.
DESIGNED BY: J.P.W.
E.E.I. JOB #: 24-22

SHEET TITLE
GRADING &
DRAINAGE
PLAN C

SHEET #
C-11

100% CONSTRUCTION DOCUMENTS

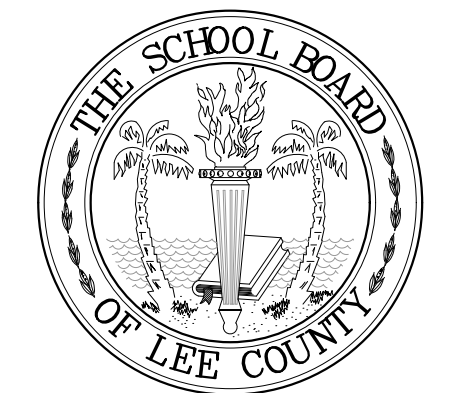


NOTE
CONTRACTOR TO VERIFY EXISTING GRADES
ALONG THE EOP FOR PROPER SLOPES BEFORE
POURING THE NEW CURBING. IF THE GUTTER
SLOPE WILL BE LESS THAN 0.1% CONTRACTOR
MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

PROPOSED TYPE C
CONTRACTOR TO VERIFY
INVERTS PRIOR TO PURCHASE
PROPOSED CLOSED FLUME INLET PER FDOT
INDEX 425-061 (SEE DETAIL ON SHEET D-2)

LEGEND	
	PAINTED HANDICAP PARKING SYMBOL
	PAINTED TRAFFIC CIRCULATION ARROW
	PROPOSED BUILDING
	PROPOSED COVERED ENTRY/SIDEWALK (SEE ARCHITECTURAL PLANS FOR DETAILS)
	PROPOSED SIDEWALK
	PROPOSED PIPE NUMBER
	PROPOSED STRUCTURE NUMBER
	PROPOSED DRAINAGE FLOW ARROW
	EXISTING ELEVATION
	FDOT TYPE 'D' CURB
	PROPERTY LINE
	EXISTING ROAD RIGHT OF WAY
	EXIST. FEATURES (E.O.P., SIDEWALK, DRIVES, ETC.)
	EXISTING UTILITY EASEMENT
	EXISTING LOT LINES
	EXISTING ROAD CENTERLINE
	PROPOSED SWALE

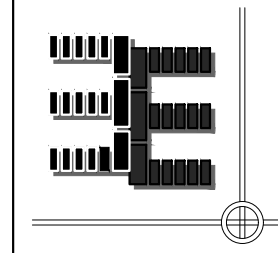
CALL BEFORE YOU DIG:
SUNSHINE STATE ONE CALL CENTER
PHONE: (800) 432-4770
(MINIMUM 48 HOURS NOTICE REQUIRED)



THE SCHOOL
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HECTOR CAFERRETA K-8 SCHOOL

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4	ADD 01	03/12/25
5	QTY OF CAPE CORAL COMMENTS	10/08/25

DATE ISSUED: 01/02/25
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SHEET TITLE
GRADING &
DRAINAGE
PLAN D

SHEET #
C-12

100% CONSTRUCTION DOCUMENTS

Estimated Utility Flows:

Potable Water and Sewer:

Hector K-8 School
18 GPD per student (Cafeteria & Showers Incl.), number of students= 1840 Students
15 GPD per instructor, number of instructors= 123 Adults
FROM CH. 64-E-6
FLOW FOR K-8 School= 34965 GPD

Total Flow for Project= 34965 GPD

BUILDING WILL BE OPEN = 18 HOURS PER DAY

Average Daily Flow=ADP=Q=FLOW/(HRS OPEN/60)= 32,375 GPM

PEAK FACTOR= 3.5

PEAK FLOW=Q=ADP*PEAK FACTOR= 114 GPM

Irrigation:

Open Space = 825633 SF

Average Daily Flow 385983.4 GPD (Based on 1.5" of irrigation per week)

Irrigation Hours 6 HOURS PER DAY 2 DAYS PER WEEK

PEAK FLOW=Q=ADP*PEAK FACTOR= 1072 GPM

Flow Test Results

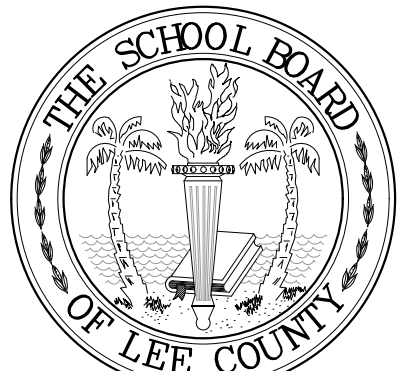
Date: July 25, 2024
Location: 214 NW 20TH AVE
RECIPIENT(S):
Exceptional Engineering Inc.
White, Jason
PO Box 2980
Fort Myers, FL 33902

Inspector: Machin, Daniel
Occupancy:
Time: 10:00am Static PSI: 62 Pilot PSI: 50 Residual PSI: 28
The formula used to compute the discharge is: $Q = 29.83 \text{ cfs} \cdot \sqrt{P} \cdot \sqrt{V}$
Example: $Q = 29.83 \text{ X } 90 \text{ X } 2.5 \cdot \sqrt{X} \cdot \sqrt{P}$

Hazen Williams formula used to compute flow available

82.00	- 20	= 62.00	to the power of .54	= 9.22	HR
Static PSI	Specific Residual	PSI			
82.00	- 28	= 4.00	to the power of .54	= 2.11	HF
Static PSI	Specific Residual	PSI			
1186.48	- 6.38	= 5212.42			Flow Available
Discharge GPM	h/ft				

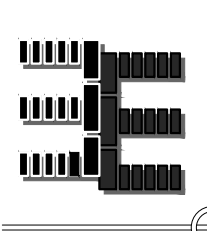
Inspector: Machin, Daniel



THE SCHOOL DISTRICT OF LEE COUNTY

HECTOR CAFERRETA K-8 SCHOOL

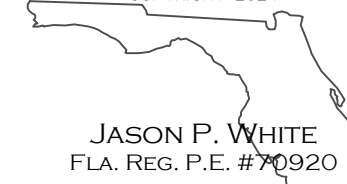
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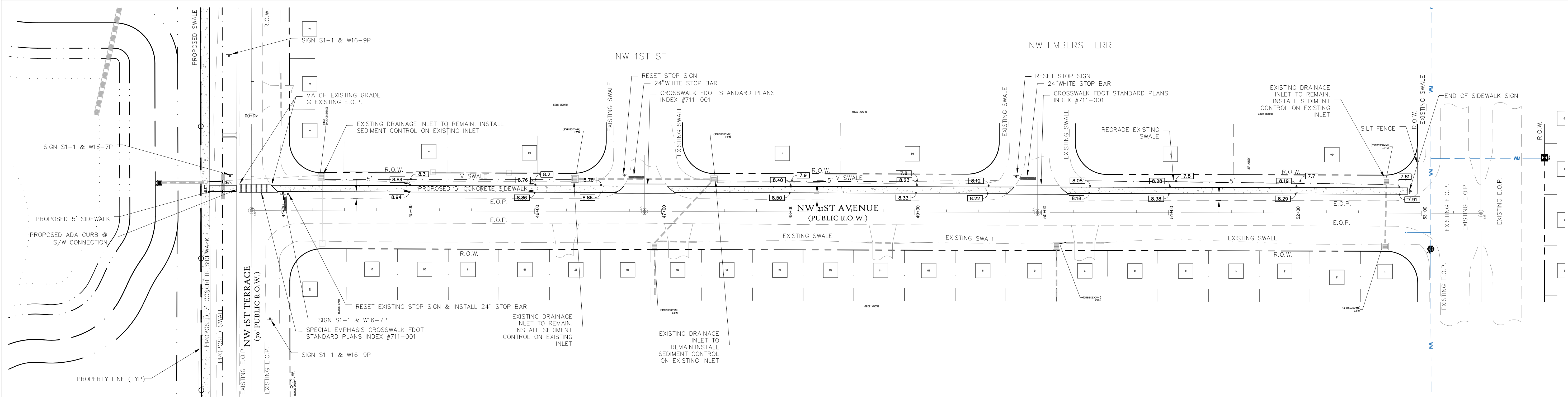
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SHEET TITLE

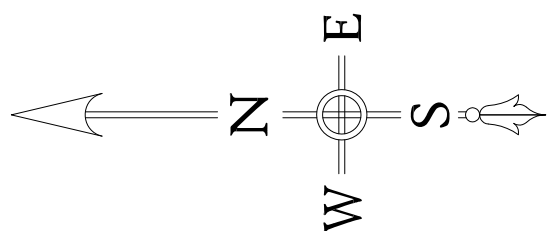
UTILITY PLAN

SHEET # C-13

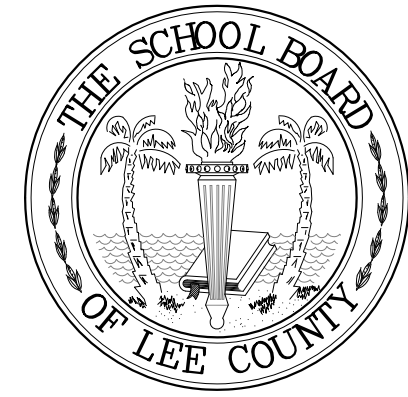
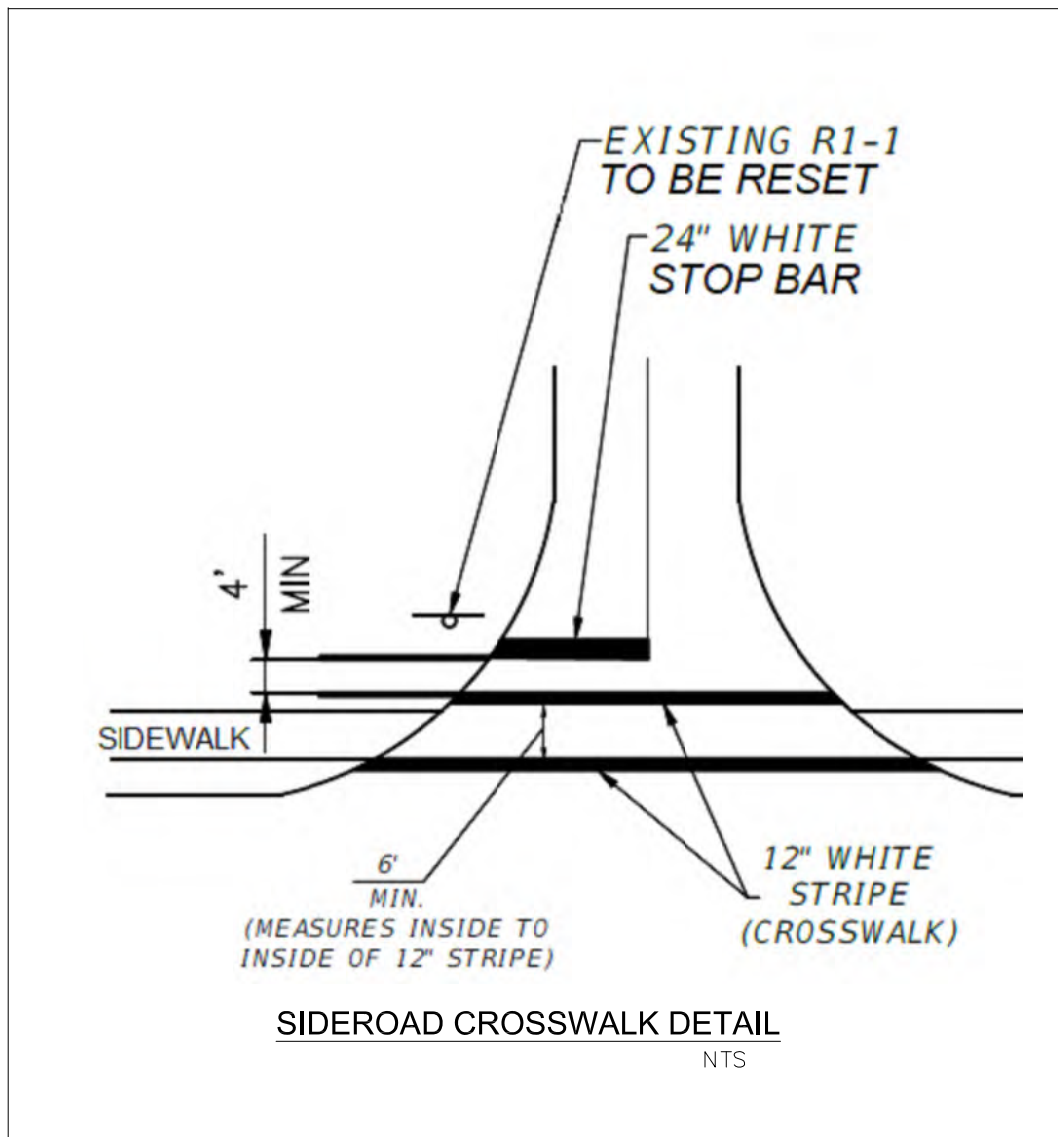
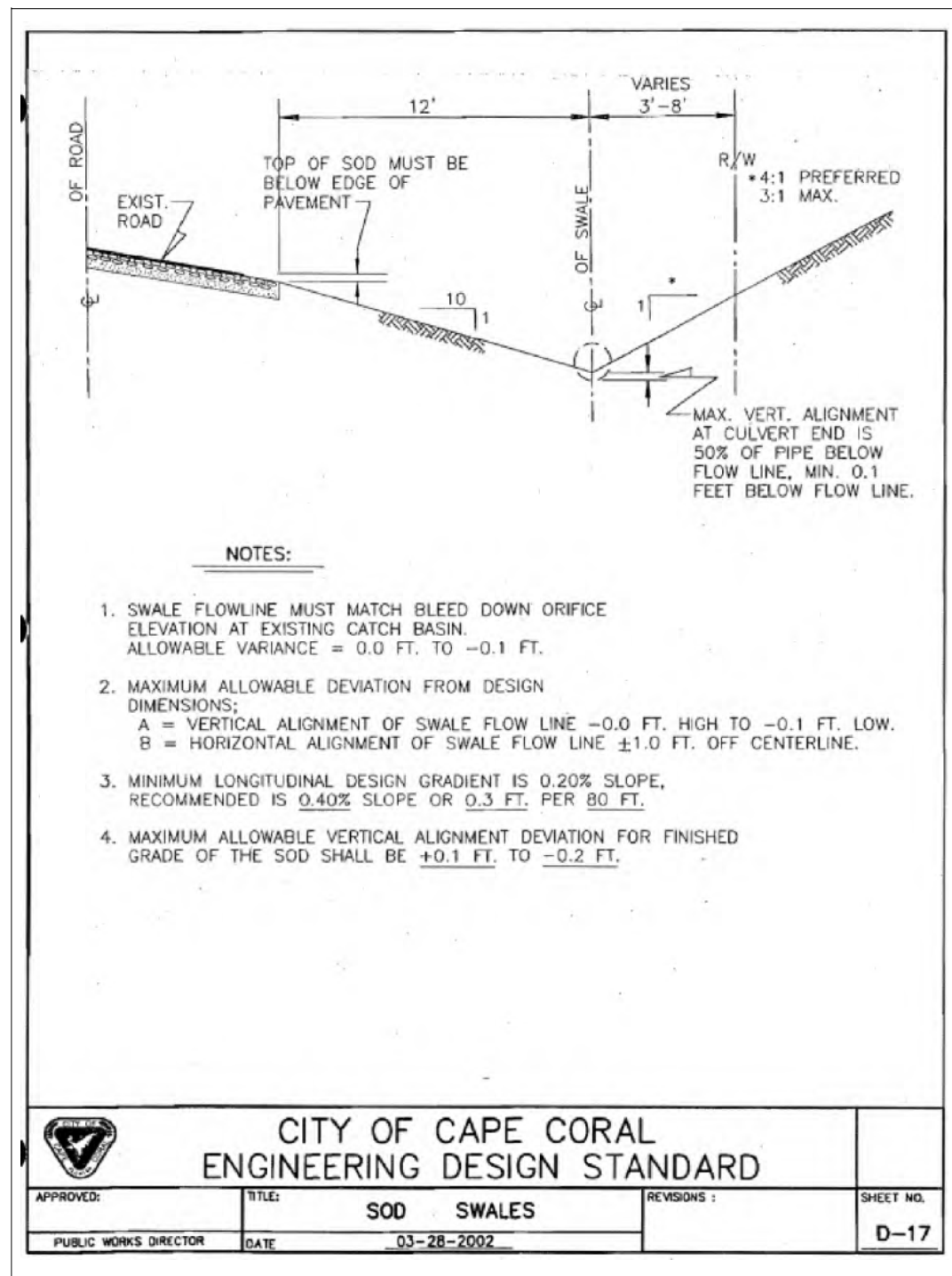
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ALL DISTURBED AREAS SHALL BE SODDED
SIDEWALK SHALL MEET FDOT STANDARD PLANS INDEX 522-001 SHEET 2 OF 2



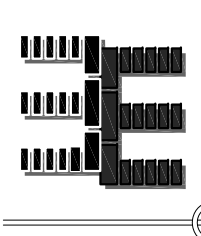
LEGEND	
	PROPERTY LINE
	PROPOSED WATER MAIN
	EXISTING ROAD RIGHT OF WAY
	EXIST. FEATURES (E.O.P., SIDEWALK, DRIVES, ETC.)
	EXISTING UTILITY EASEMENT
	EXISTING LOT LINES
	EXISTING ROAD CENTERLINE
	EXISTING WATER MAIN
	EXISTING FORCE MAIN
	EXISTING WATER MAIN



THE SCHOOL
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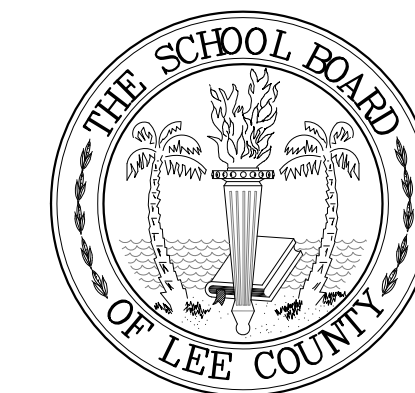
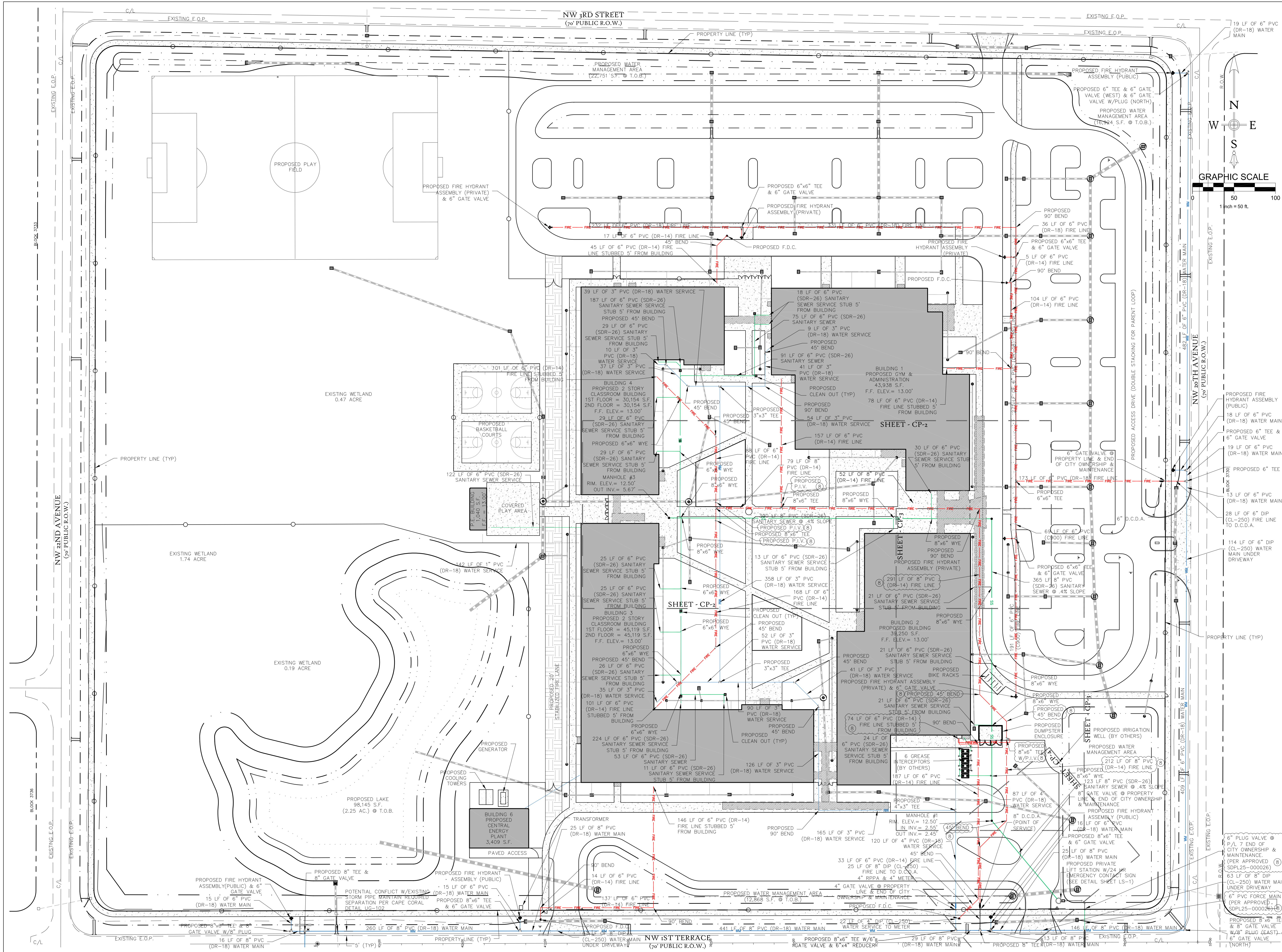
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SHEET TITLE
OFFSITE
SIDEWALK
PLAN

SHEET #
C-18

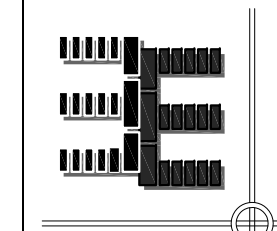
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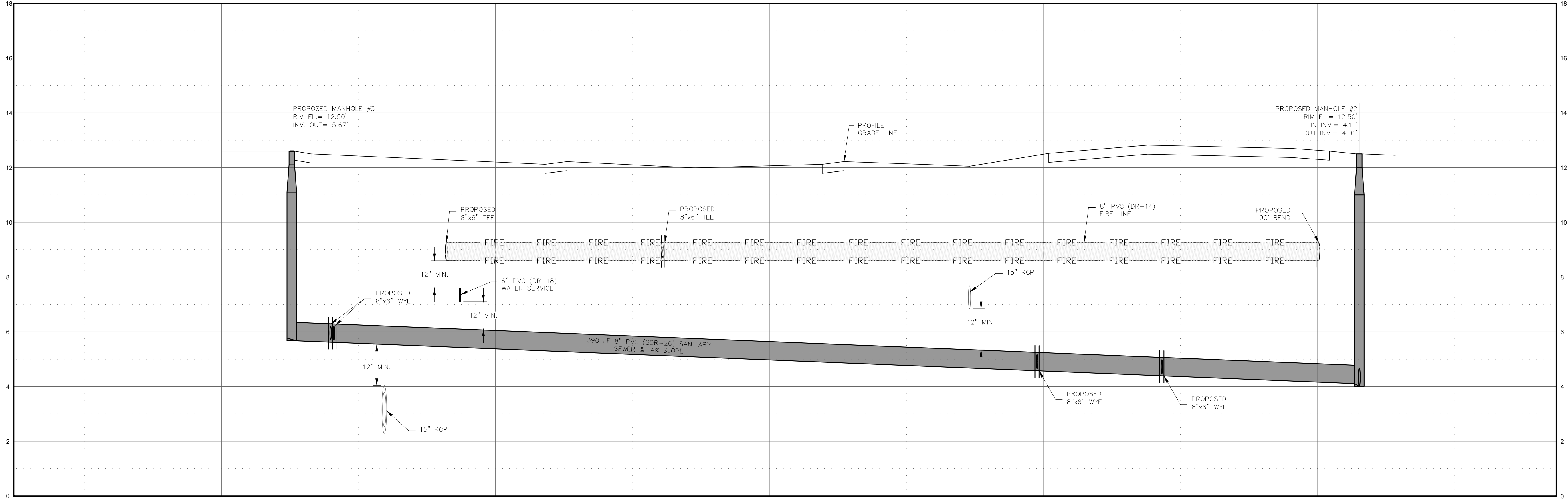
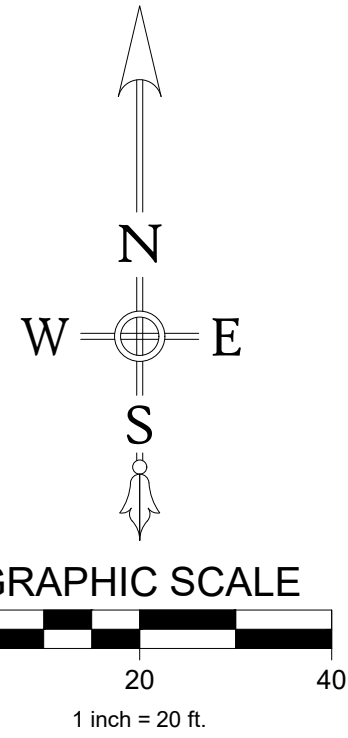
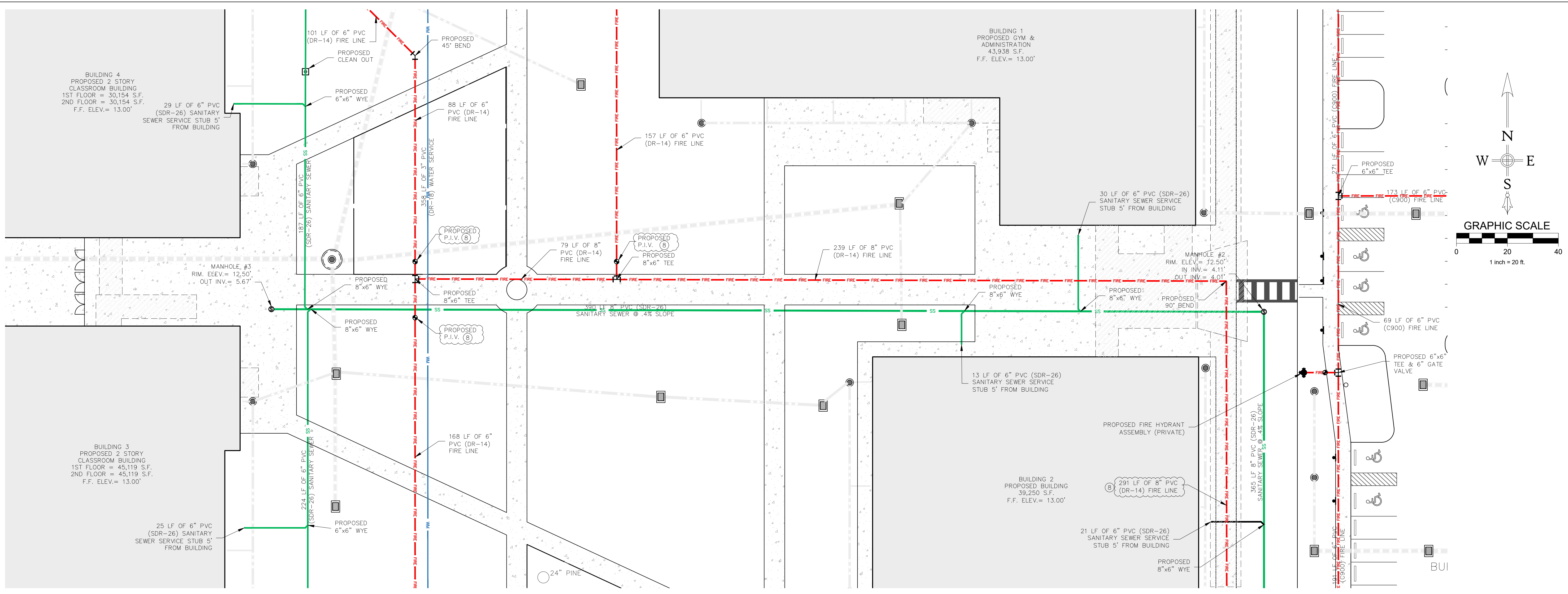
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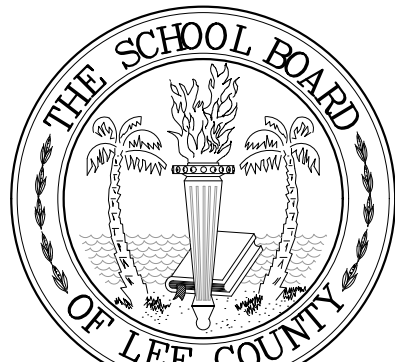
SHEET TITLE
PROFILE
KEY SHEET

SHEET #
CP-1

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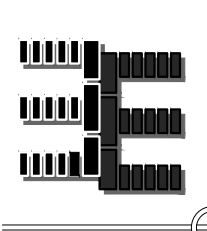
PROFILE SCALE:
1" = 20' (h)
1" = 2' (v)



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SHEET TITLE
PLAN &

PROFILE PLAN

MH #3 - MH #2

SHEET #

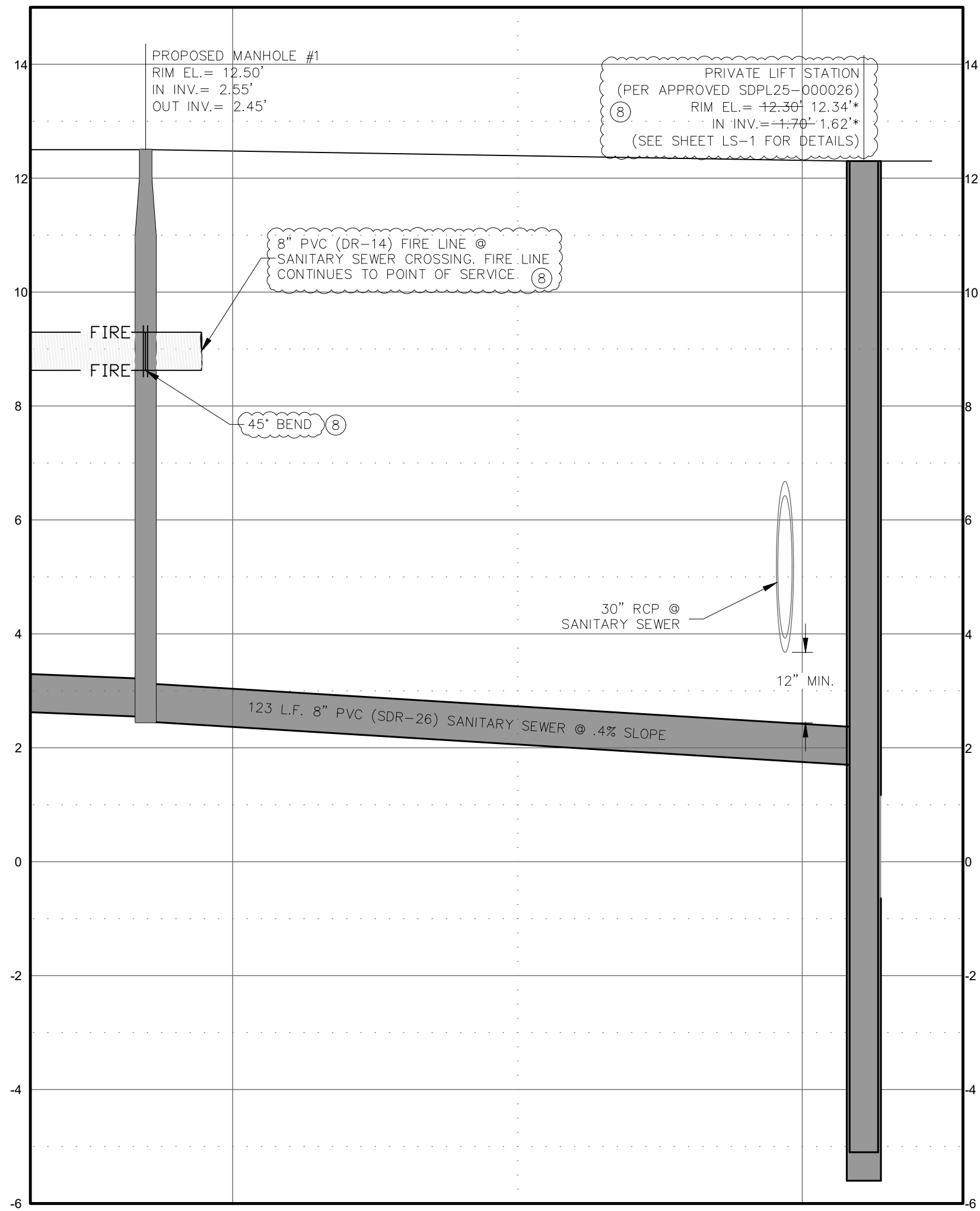
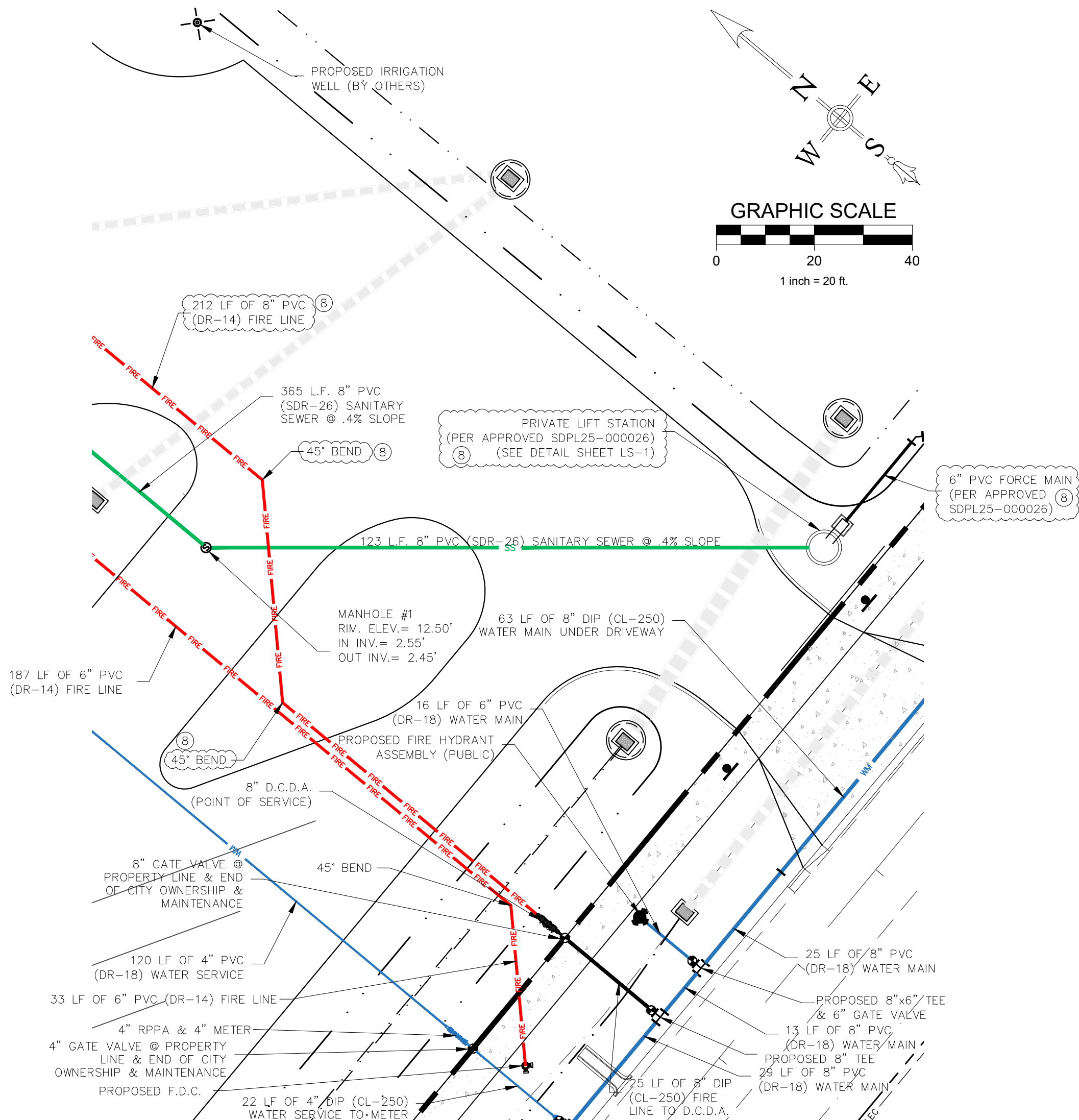
CP-2

CALL BEFORE YOU DIG:

SUNSHINE STATE ONE CALL CENTER
PHONE: (800) 432-4770
(MINIMUM 48 HOURS NOTICE REQUIRED)

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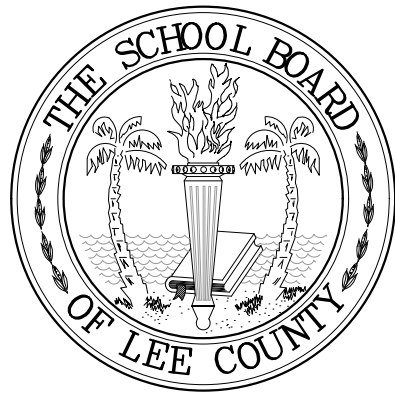


*UPDATED AS-BUILT INFORMATION
APPROVED SDPL25-000026

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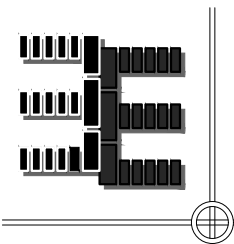
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SHEET TITLE
PLAN &

PROFILE PLAN

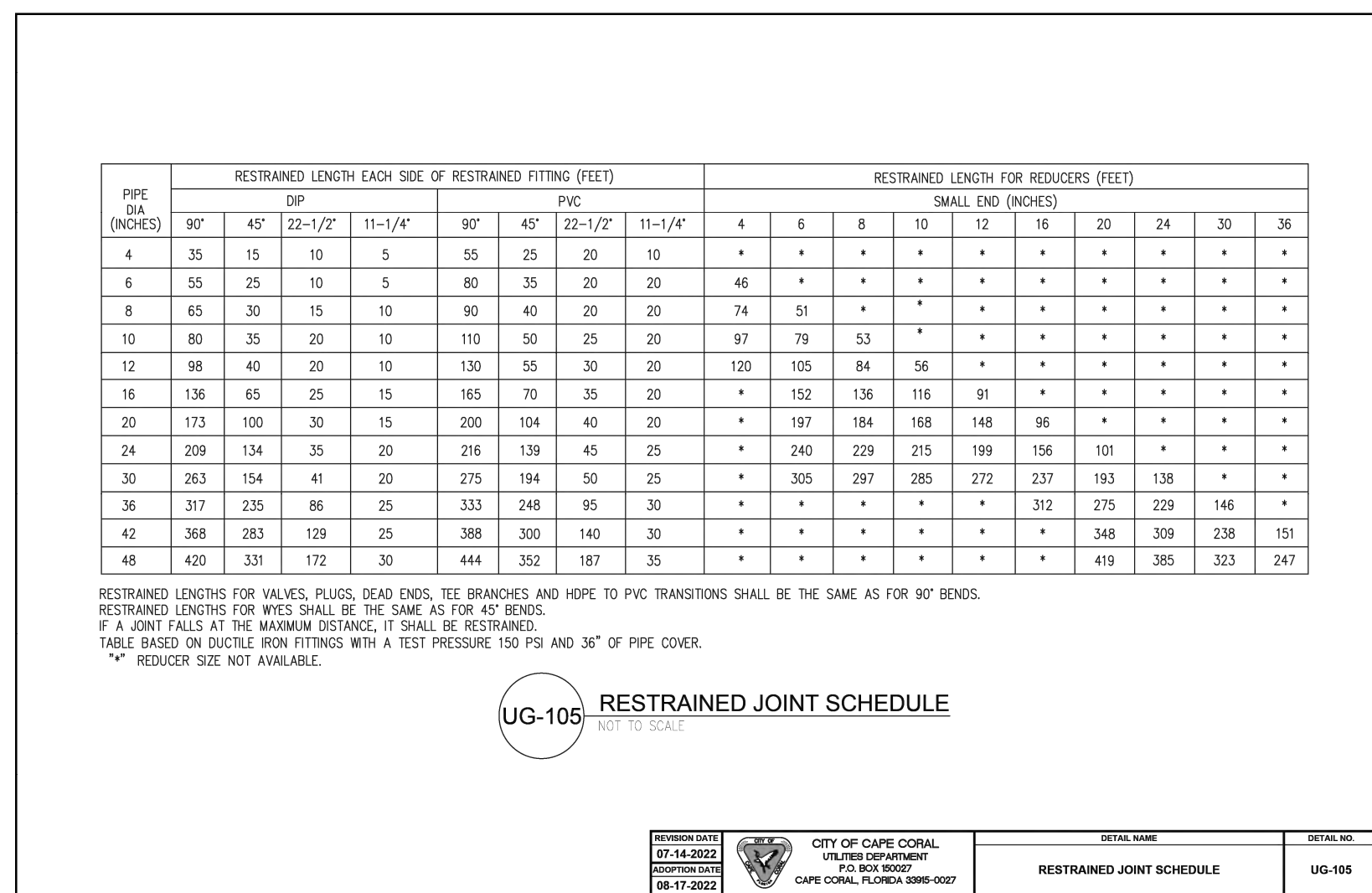
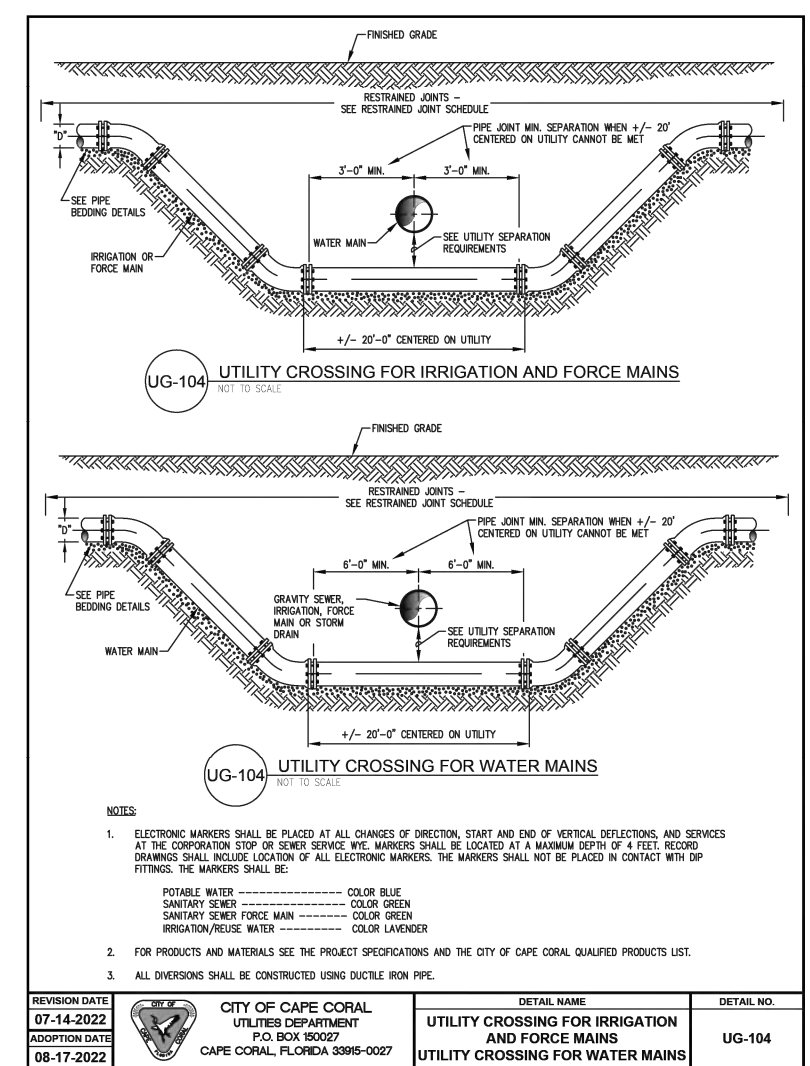
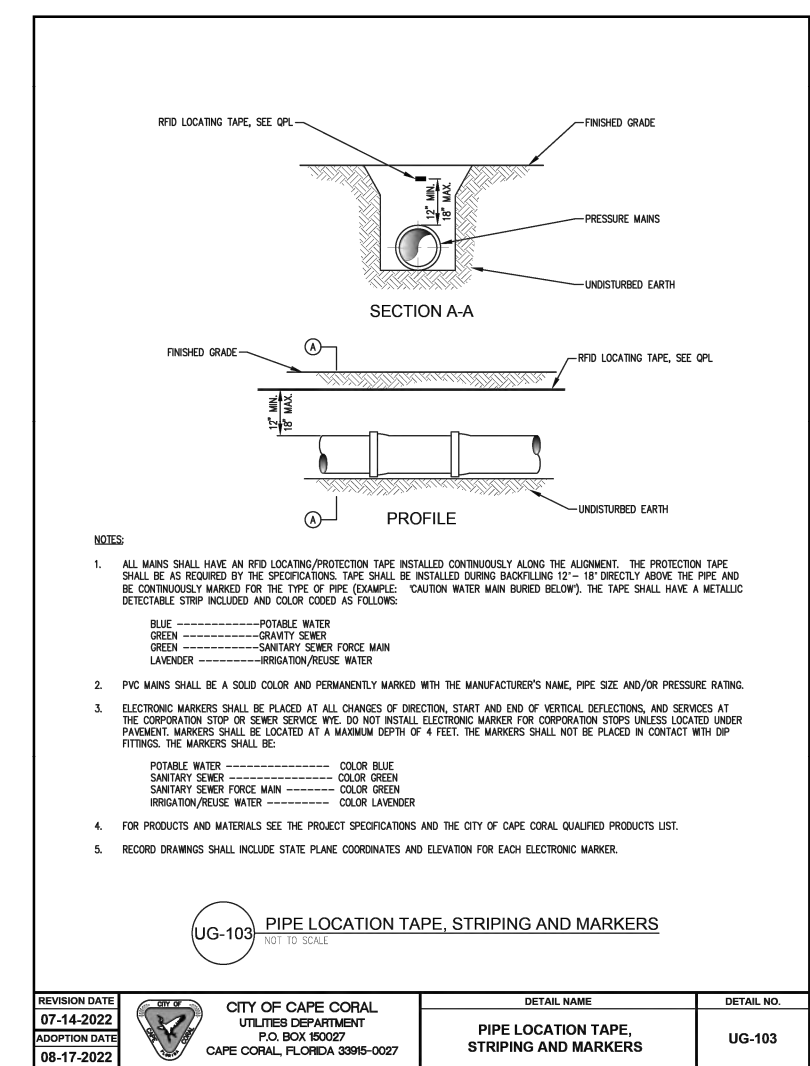
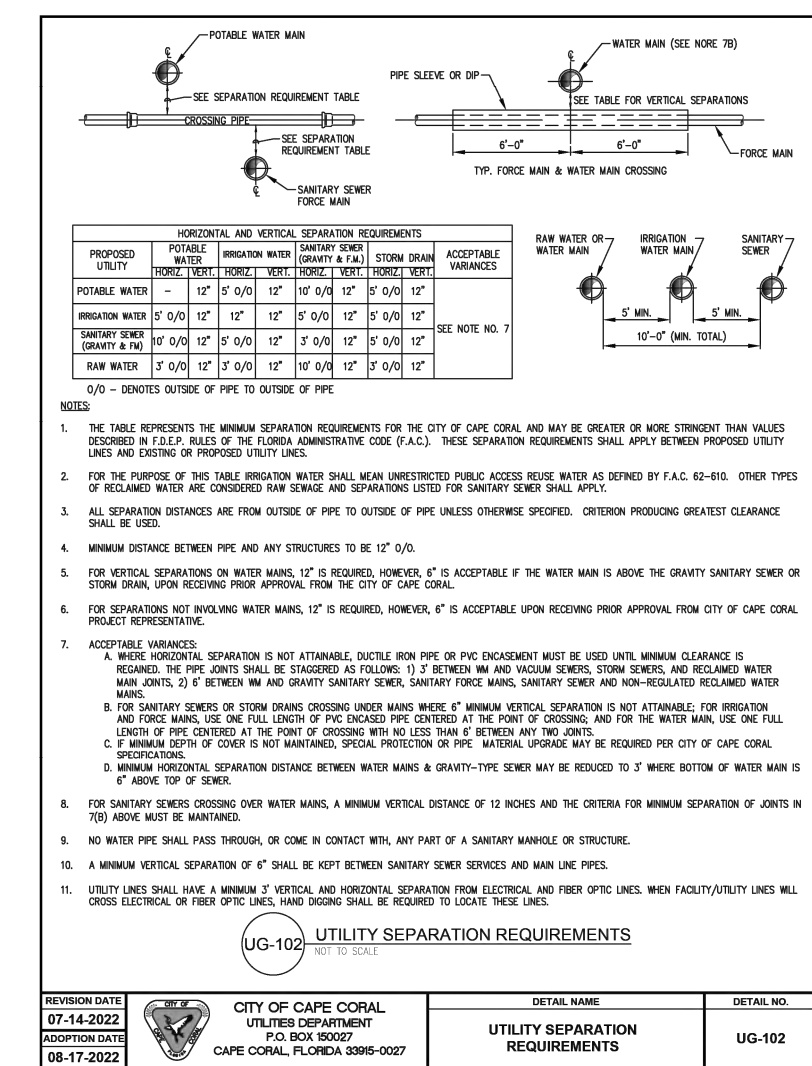
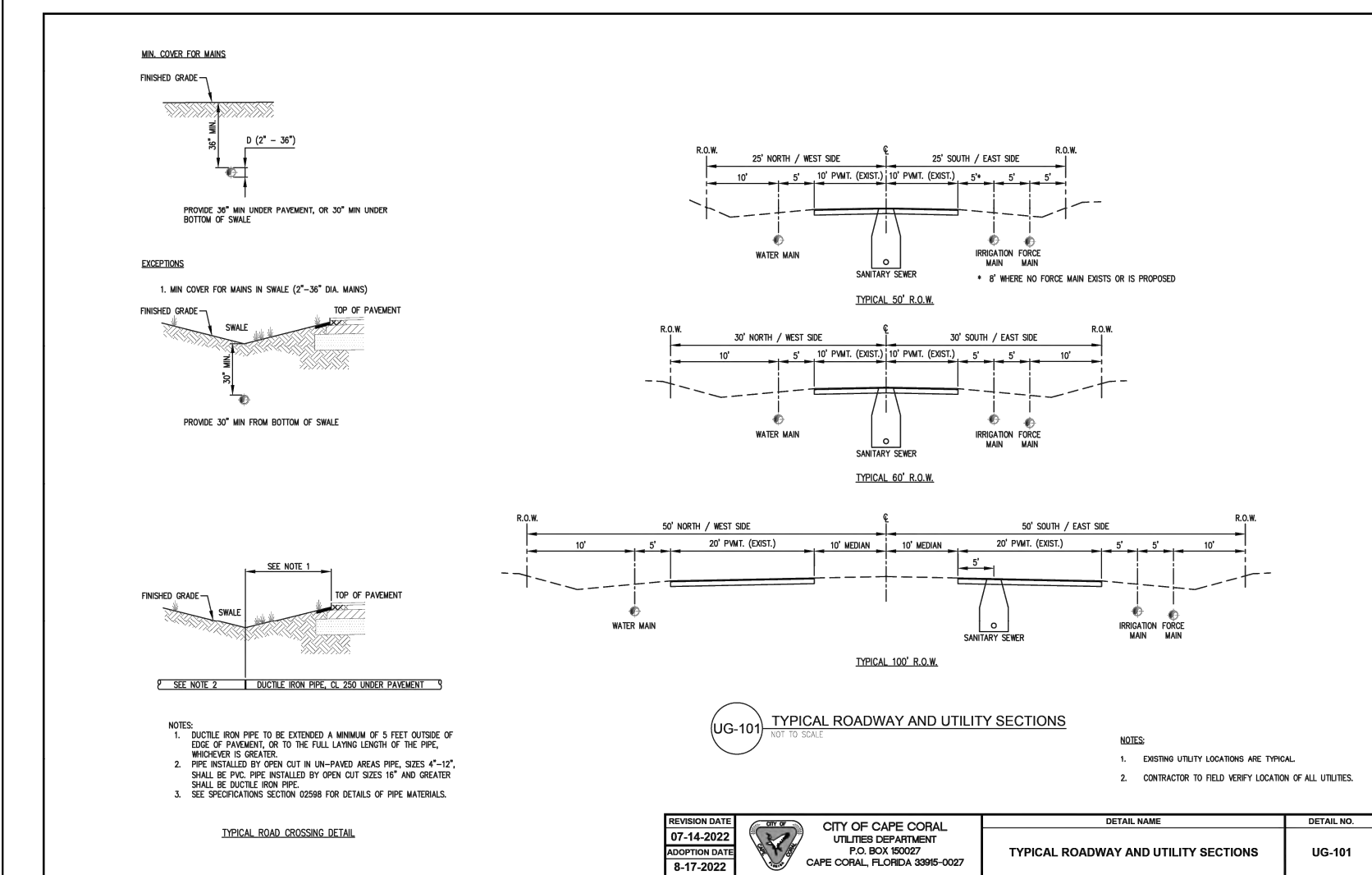
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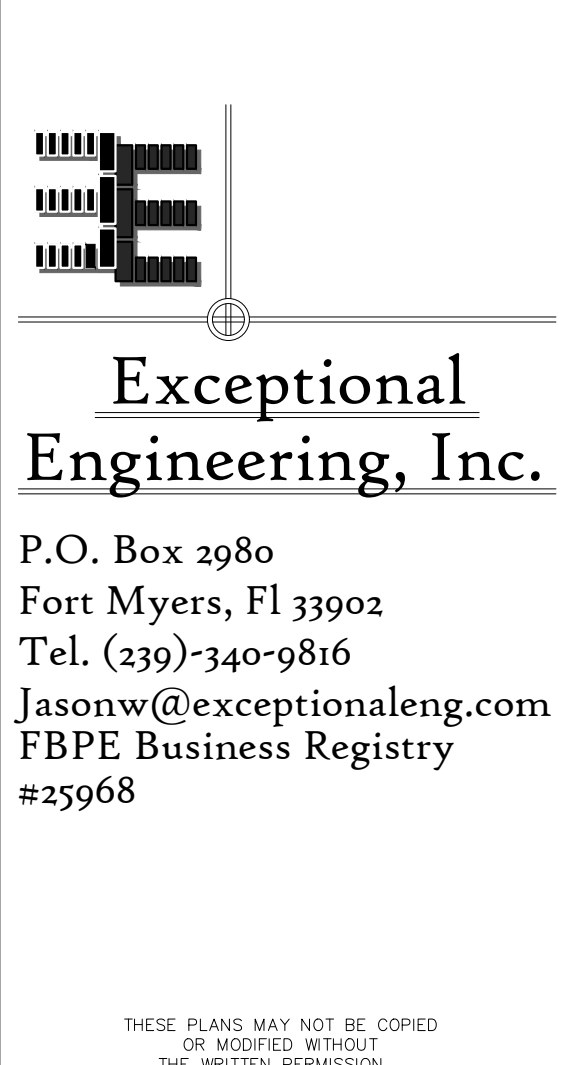
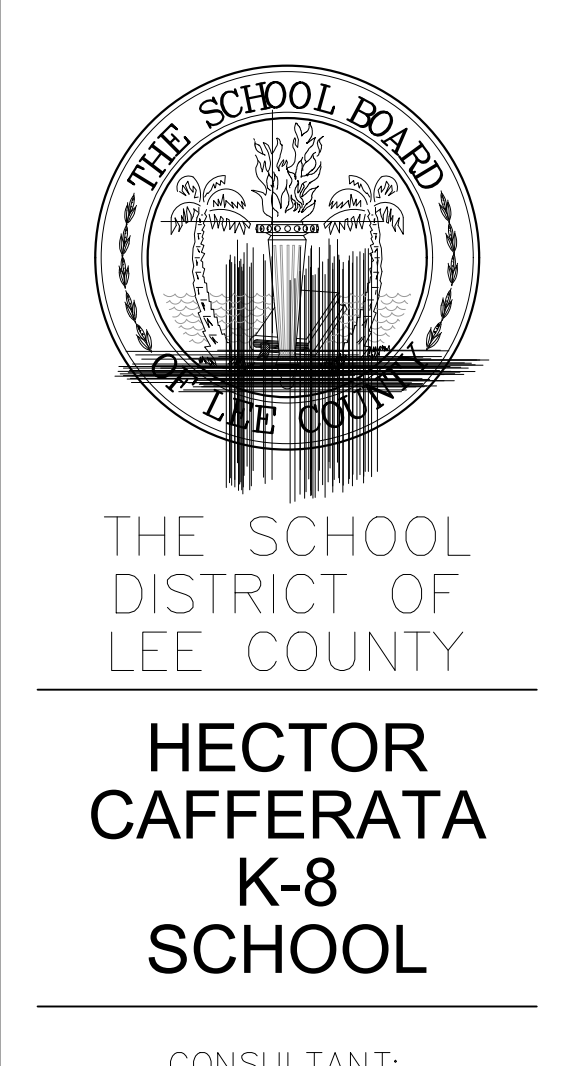
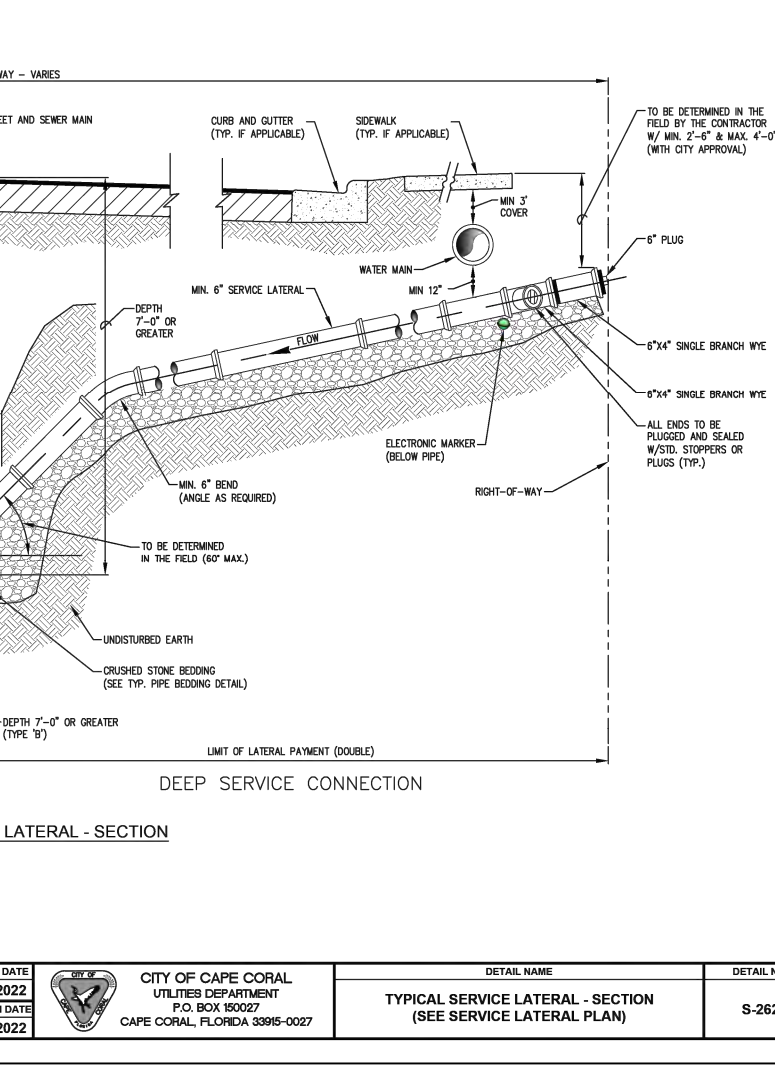
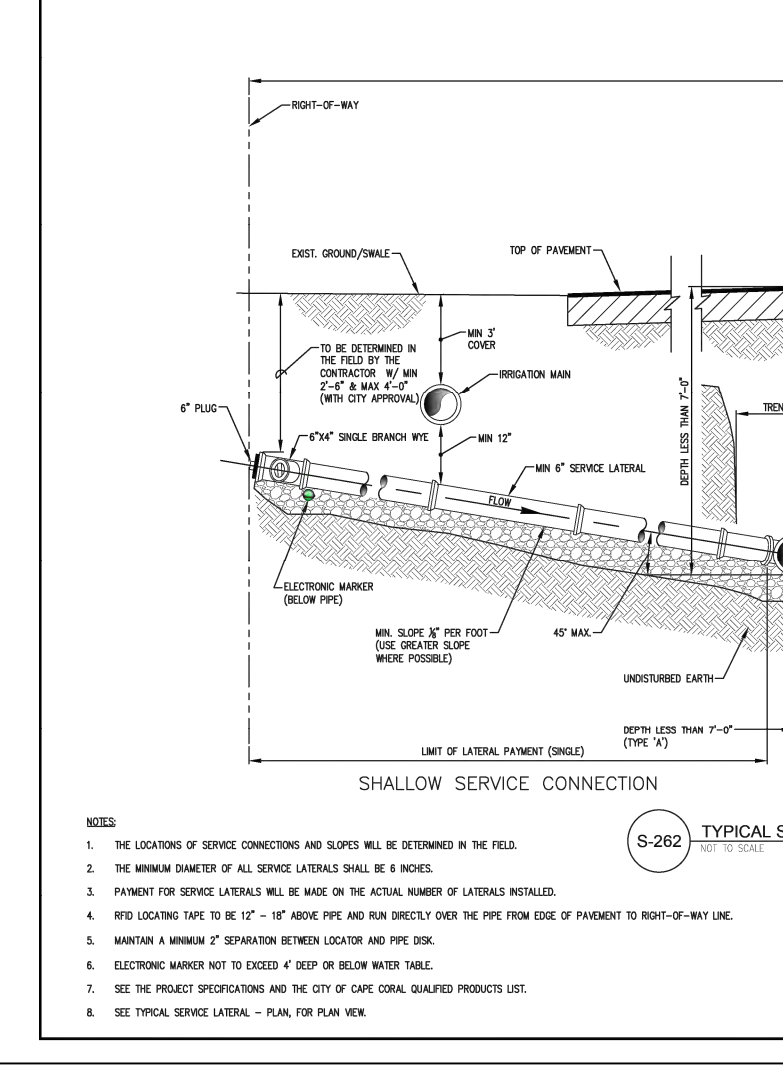
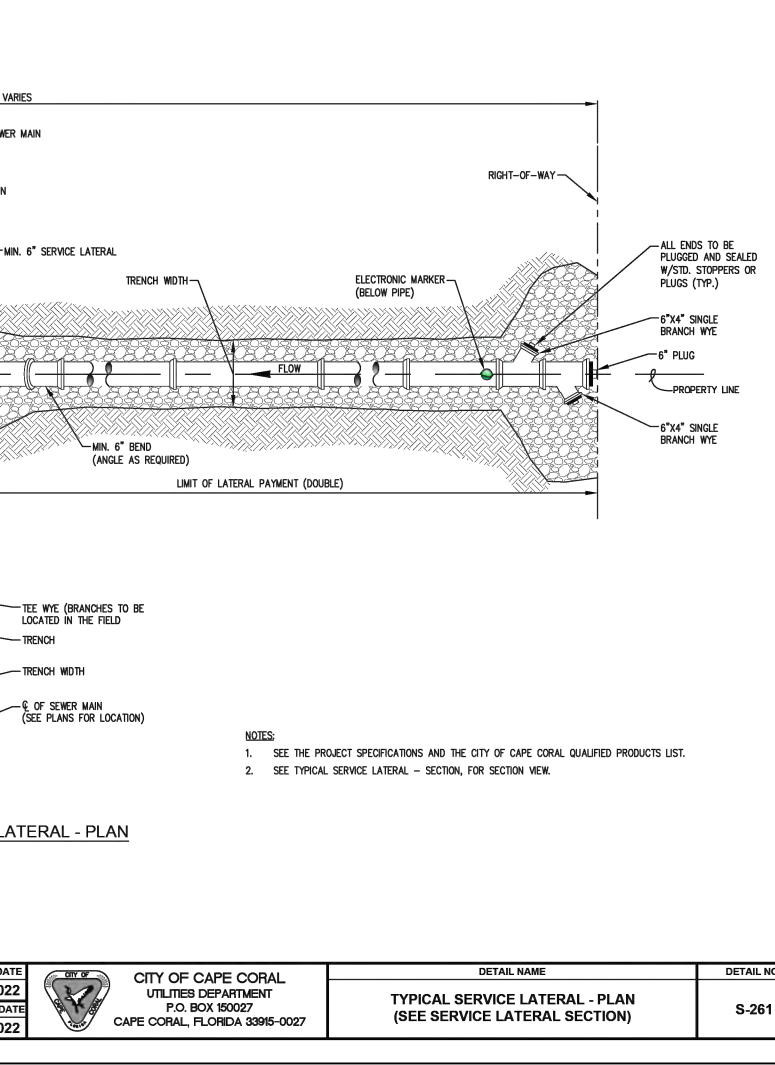
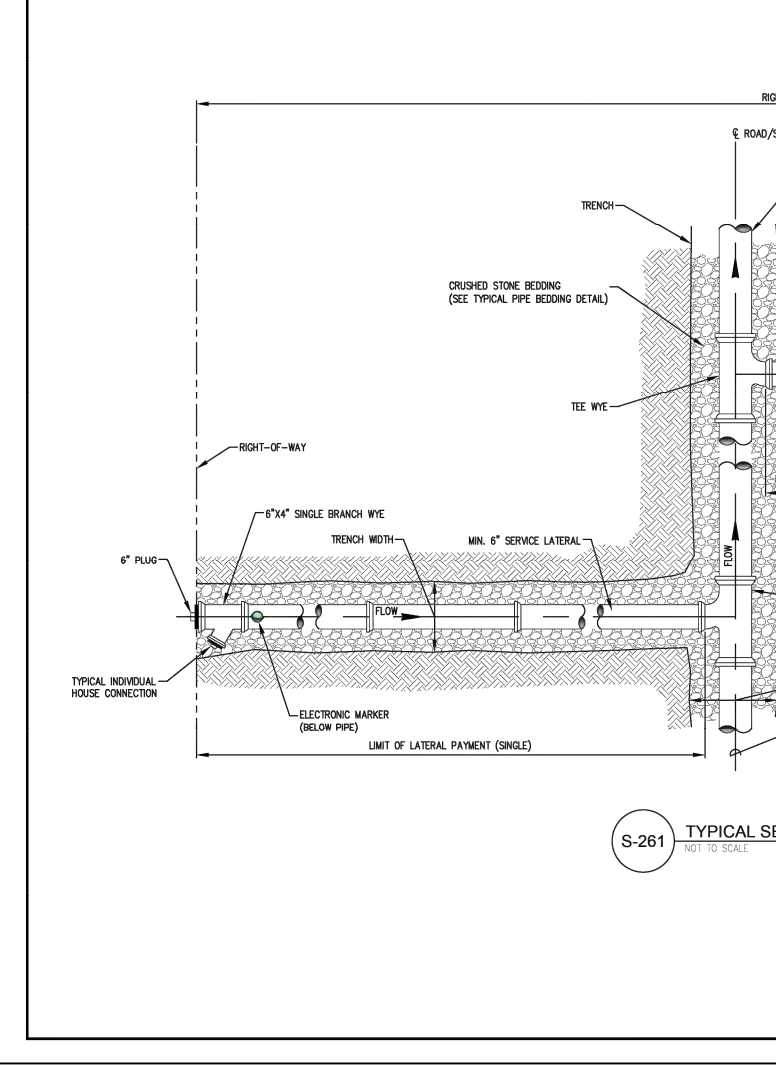
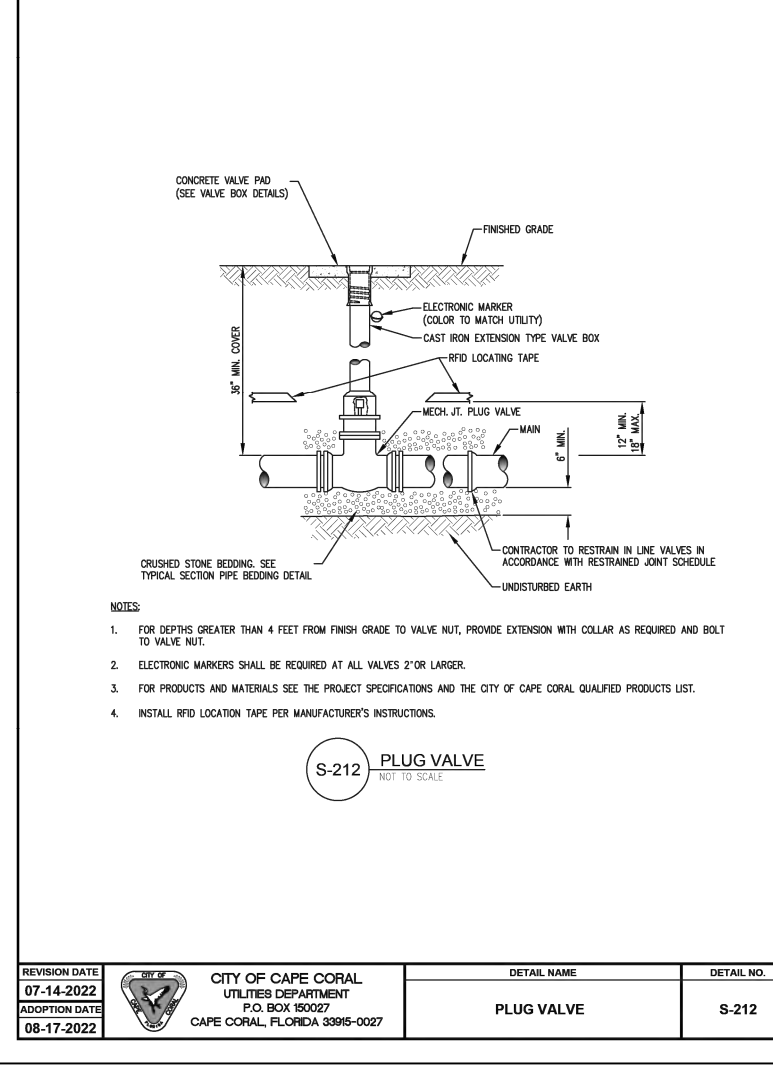
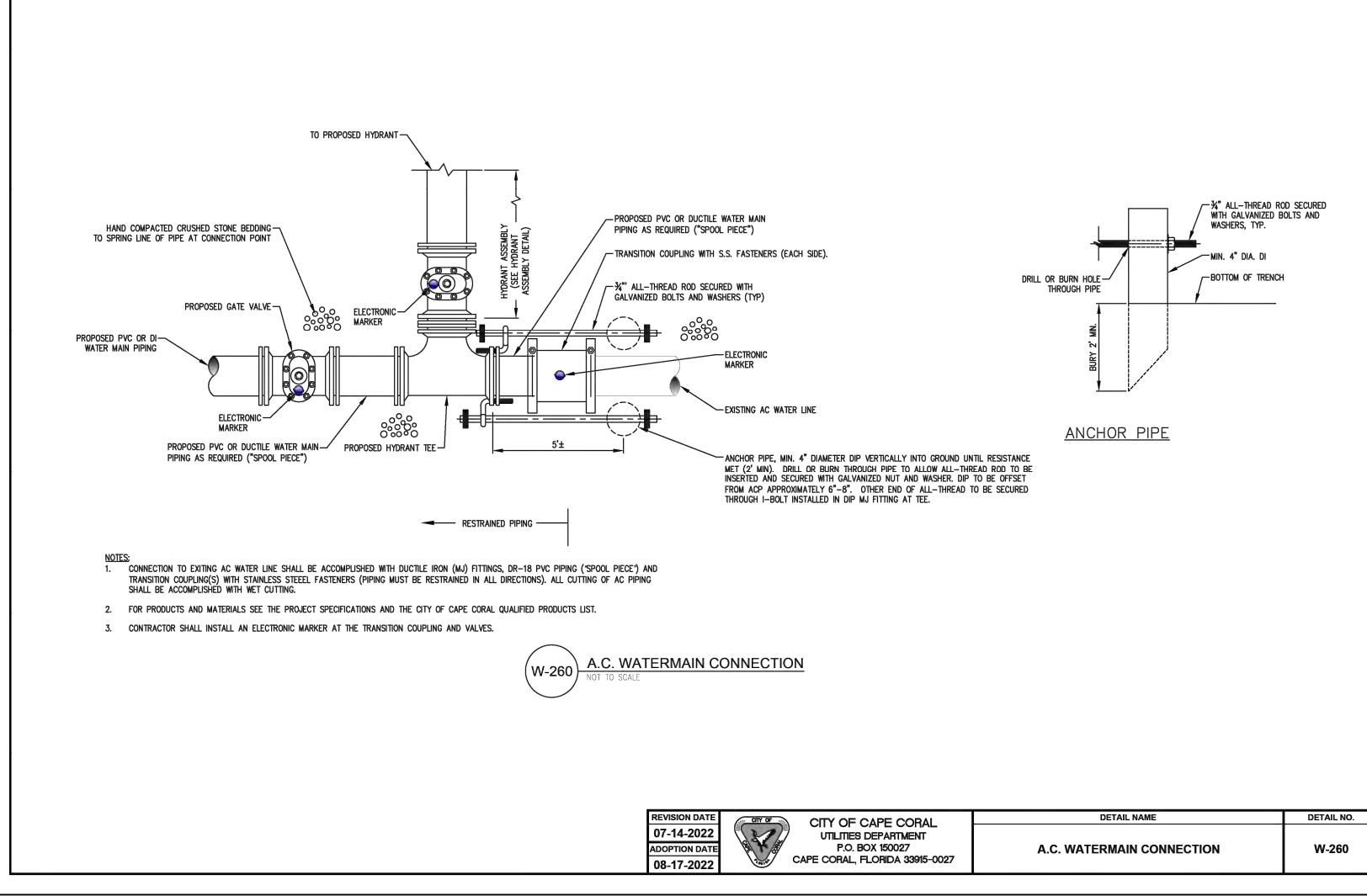
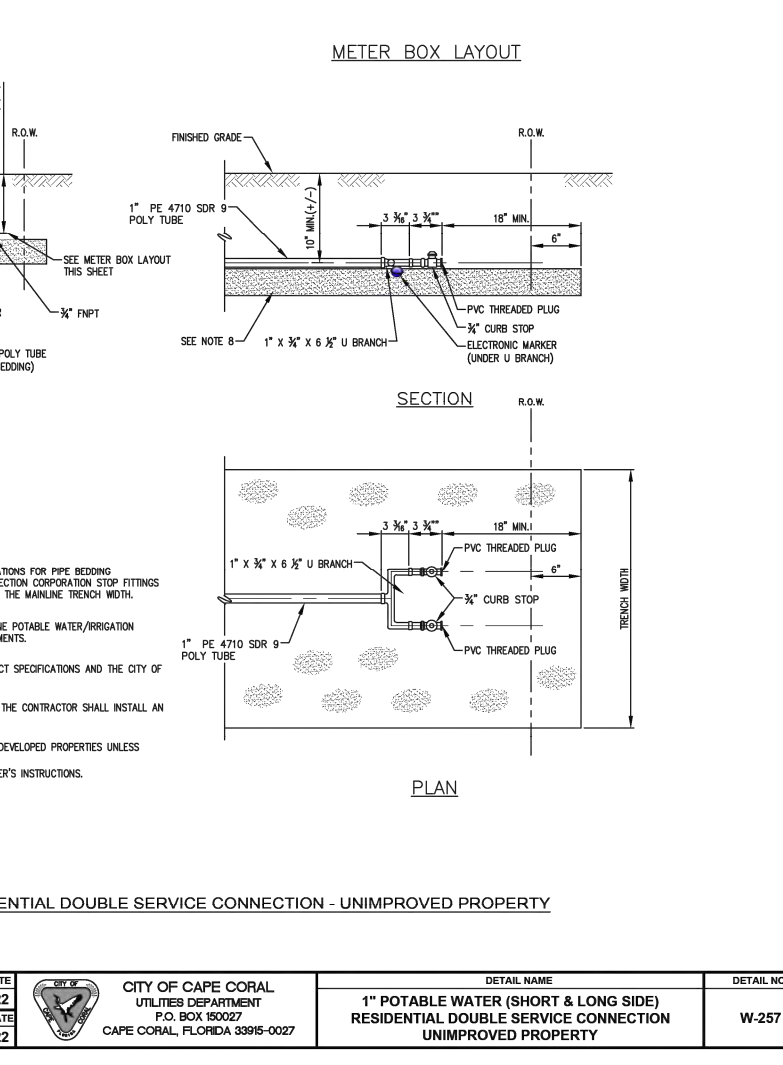
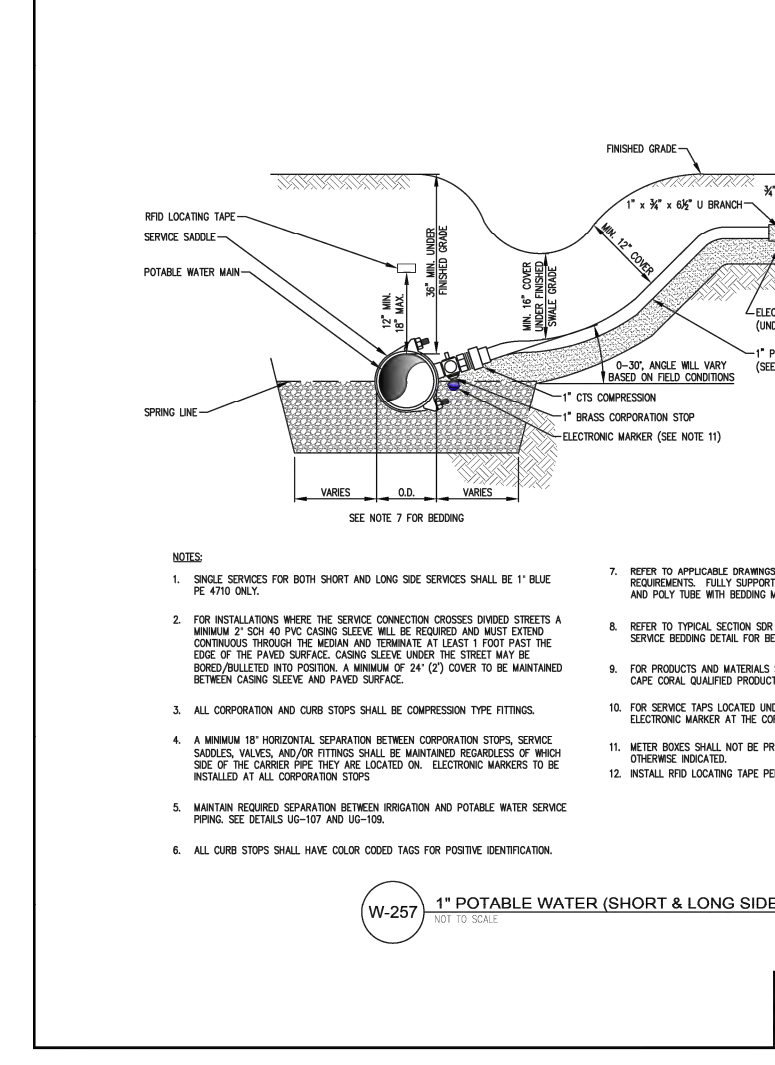
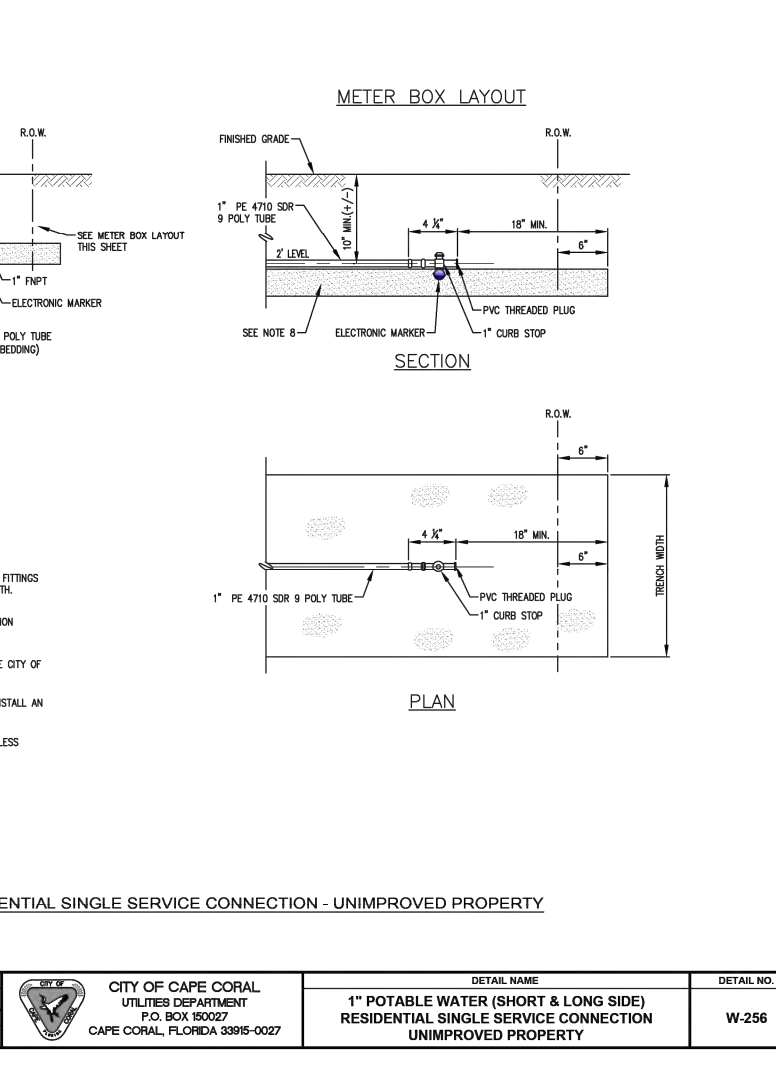
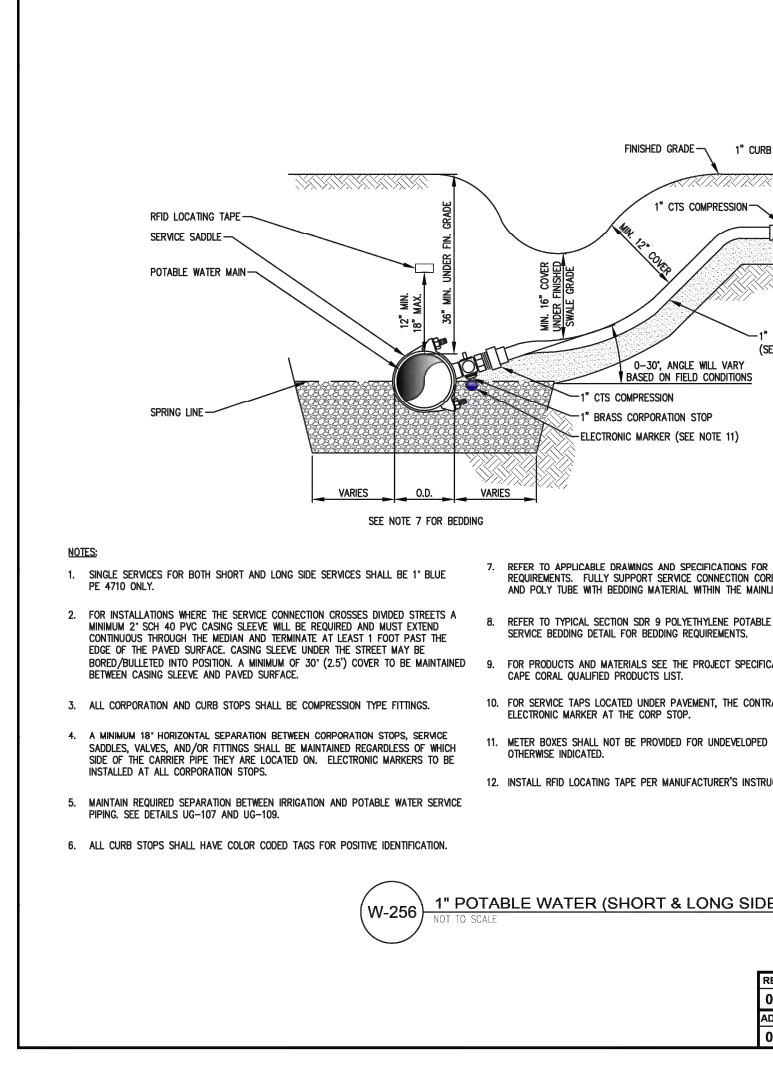
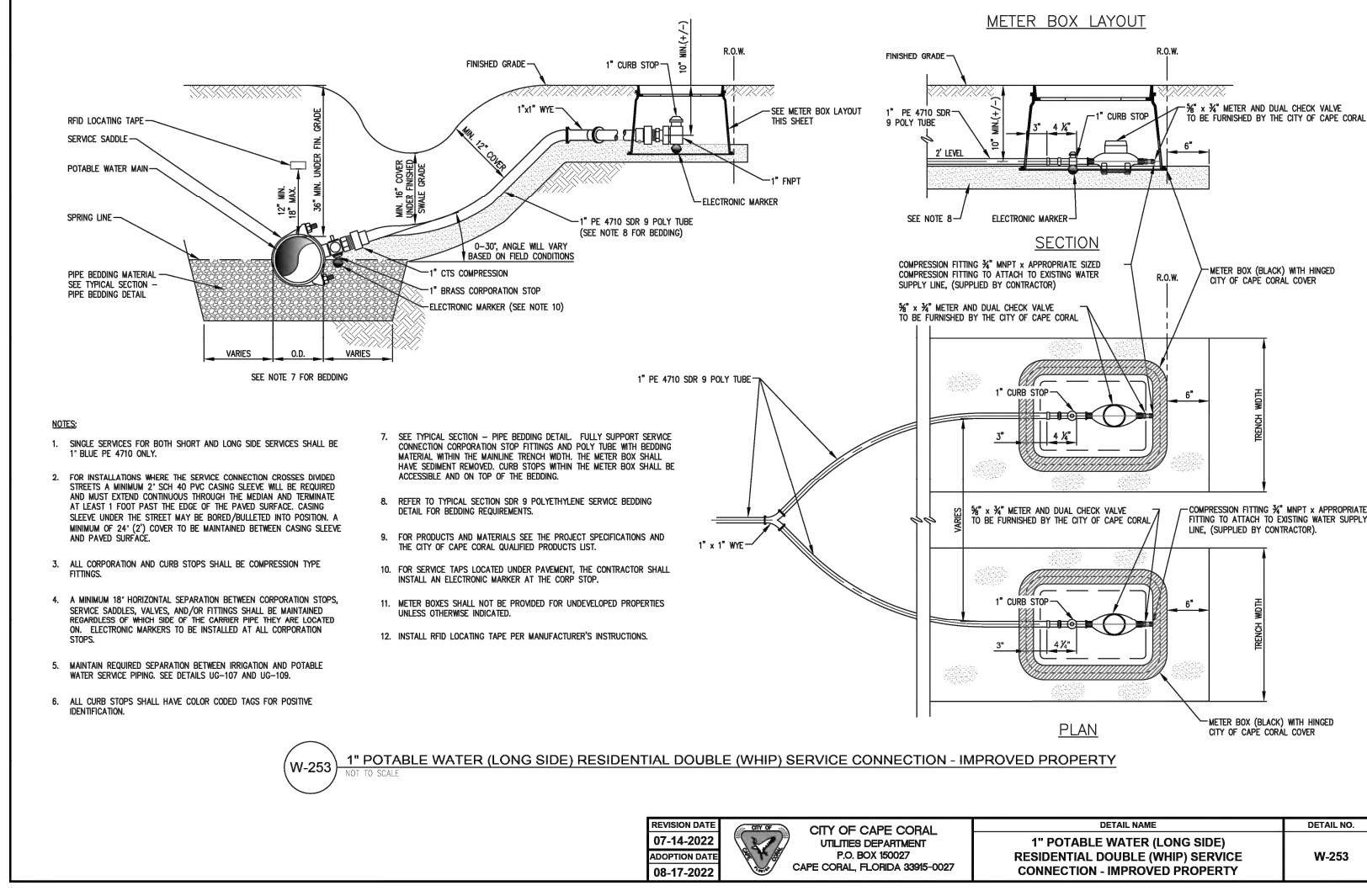
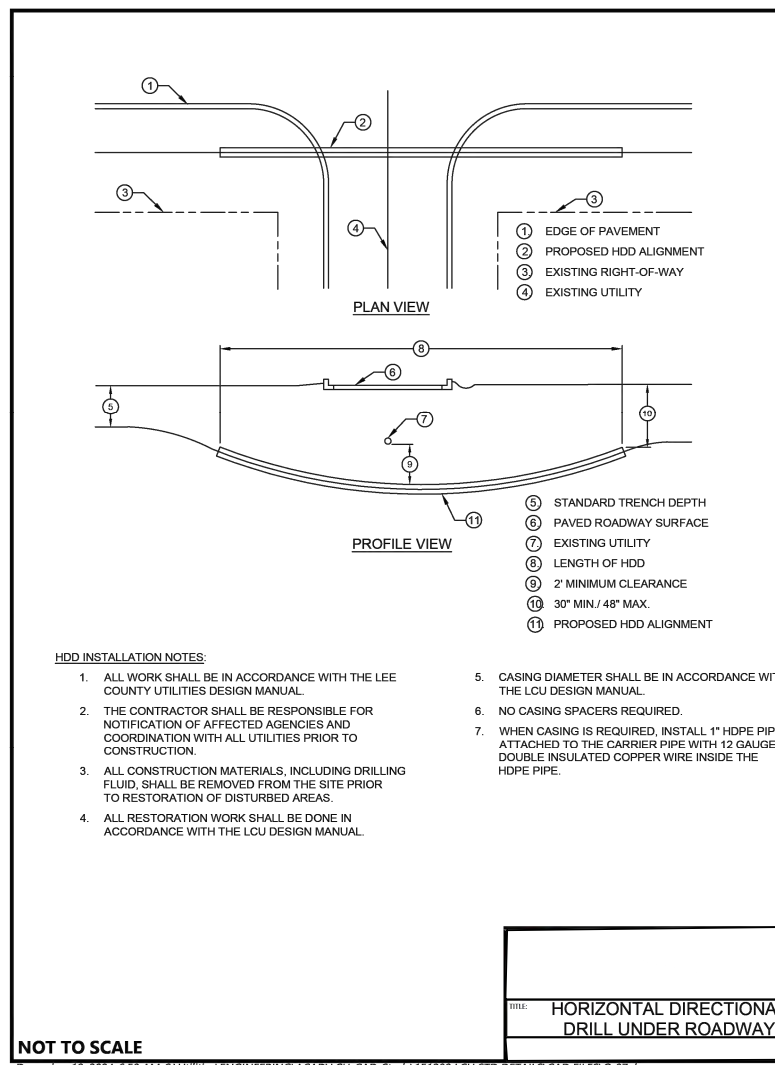
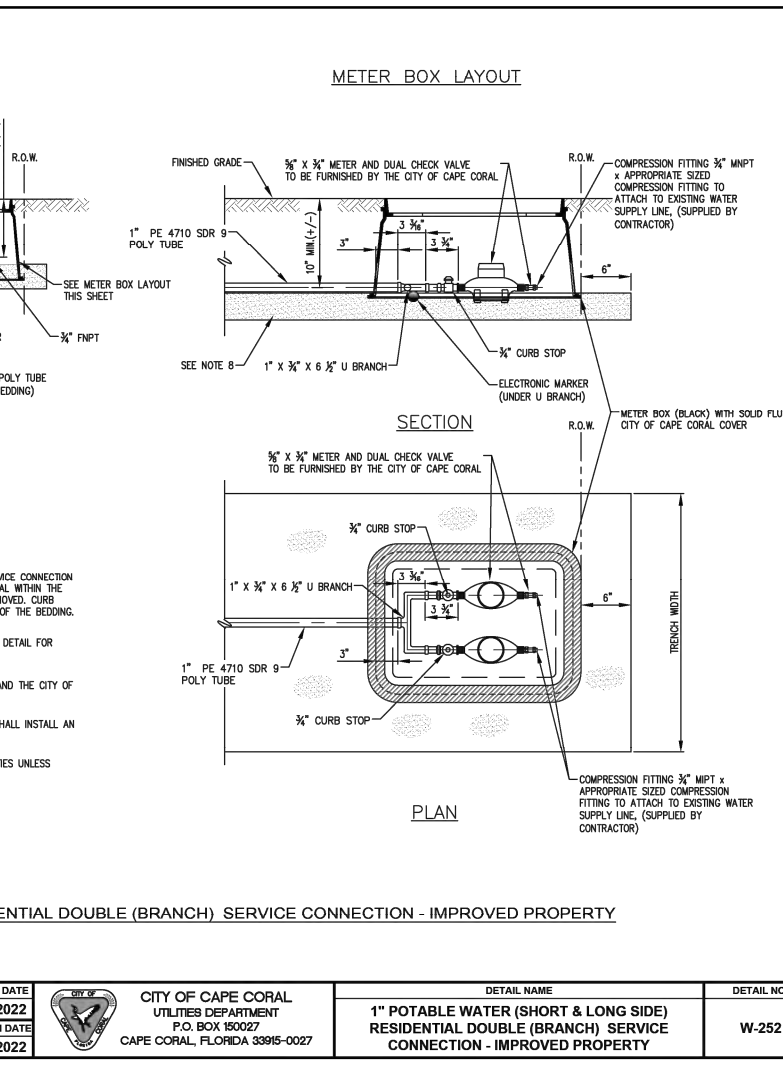
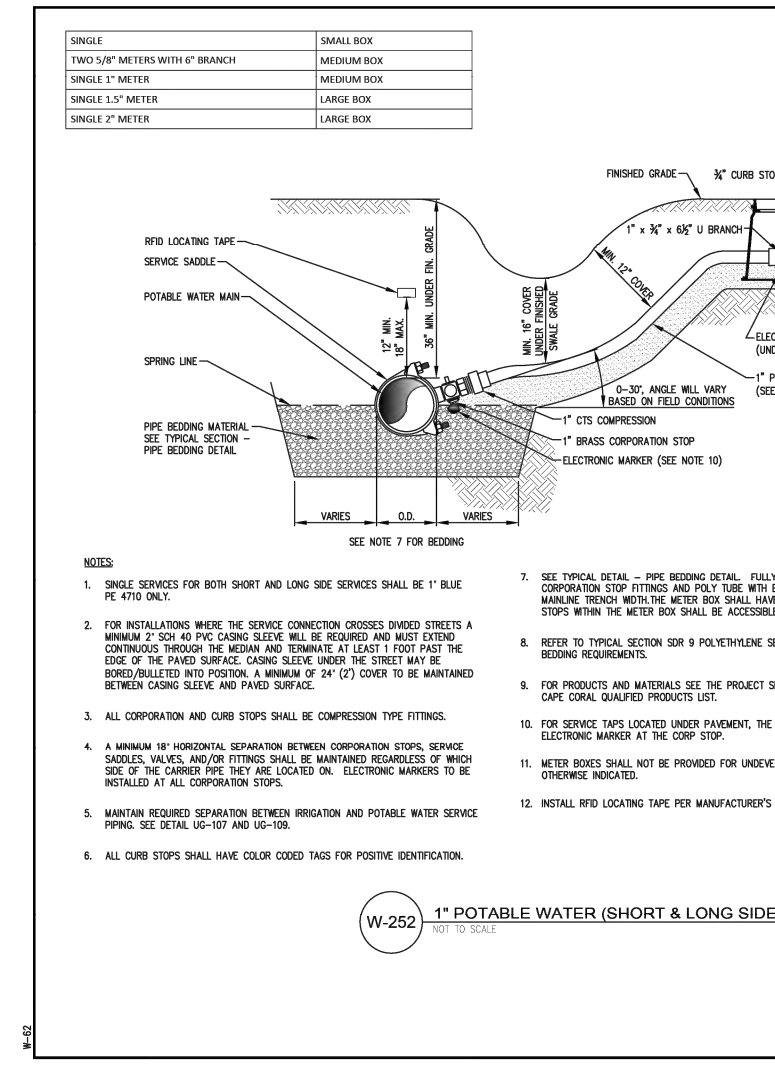
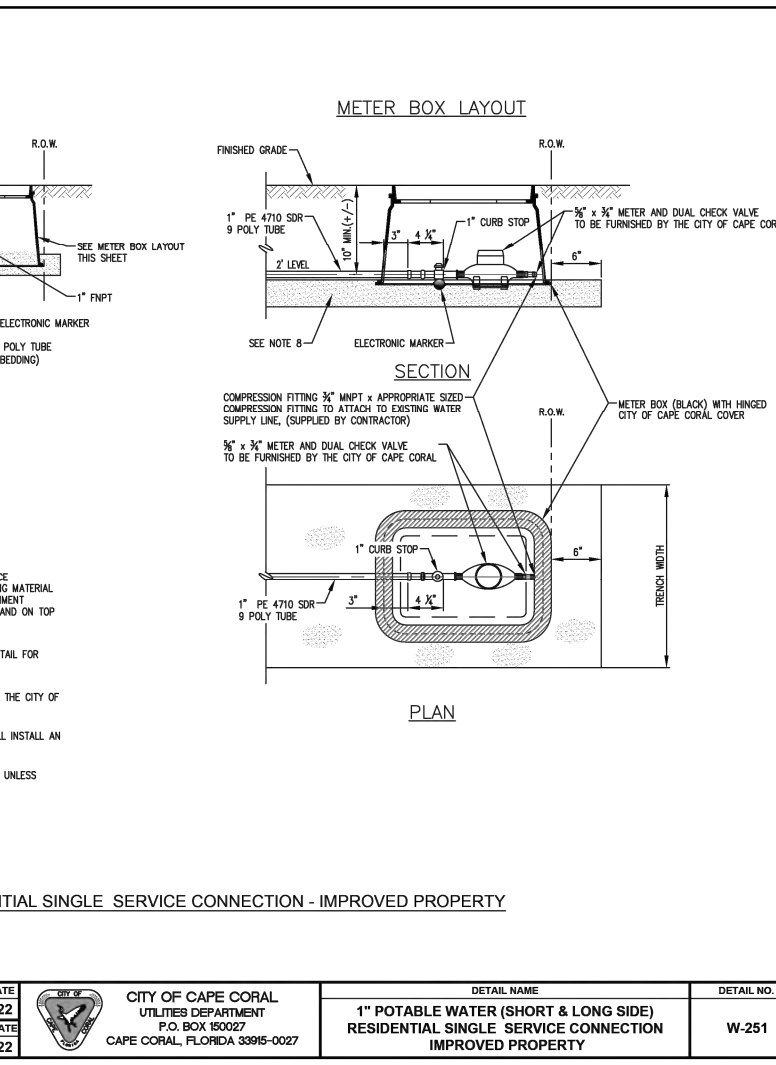
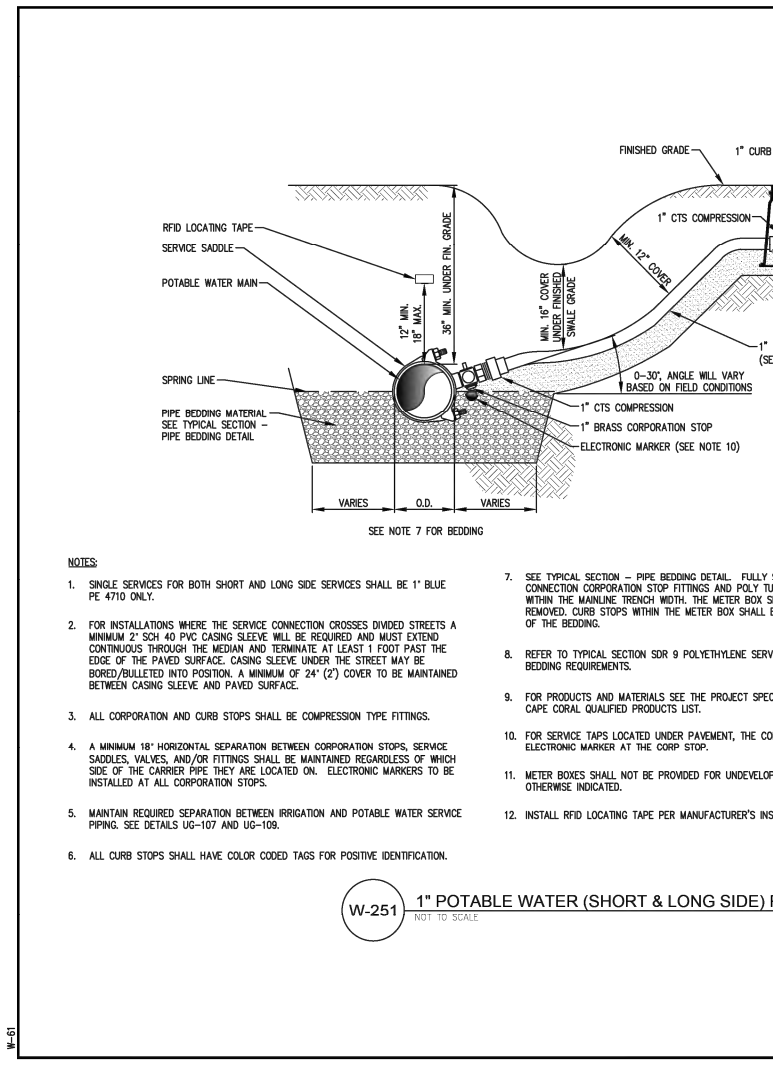
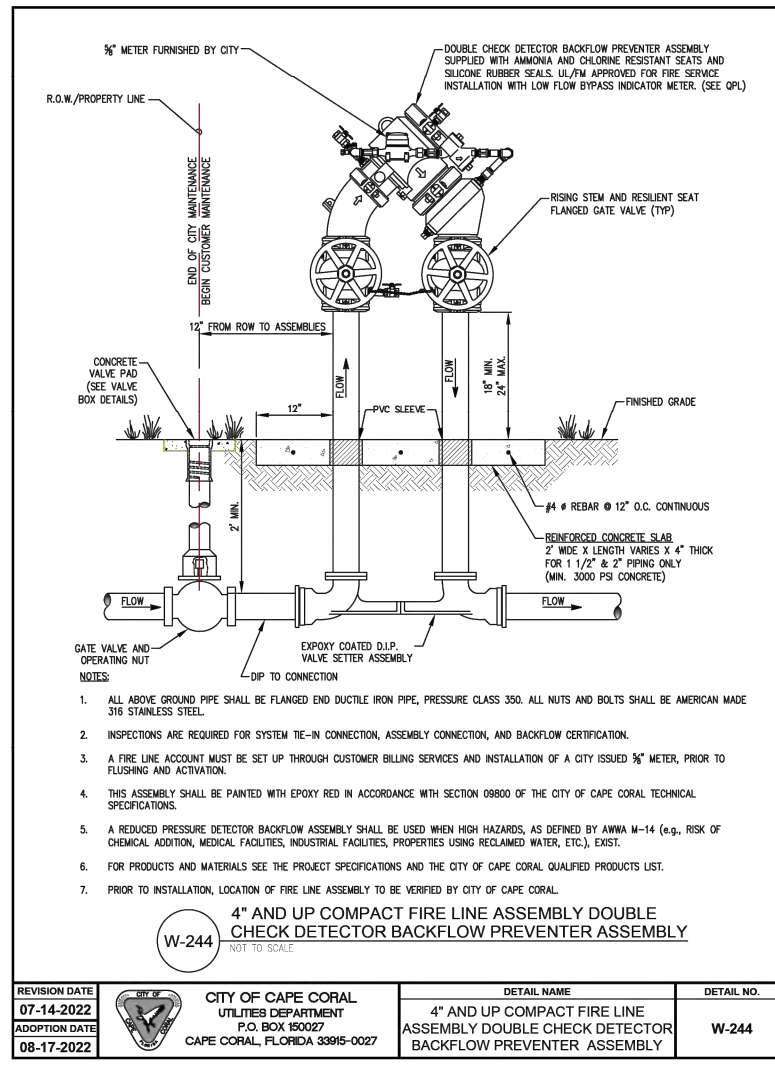
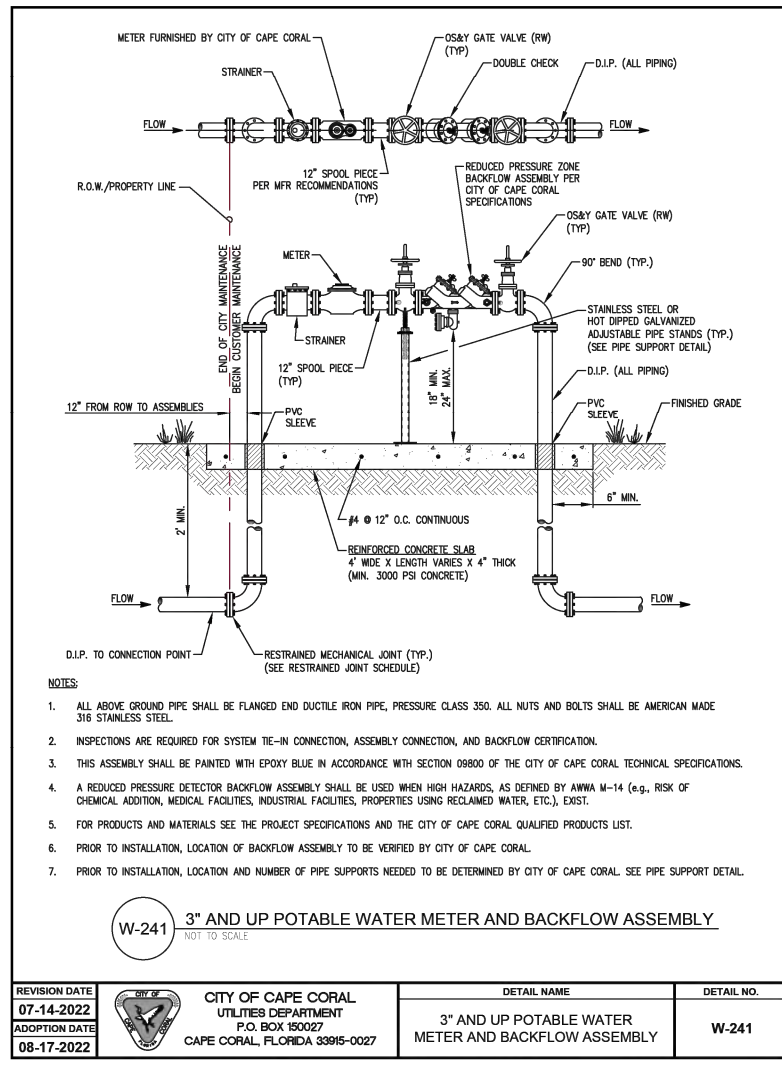
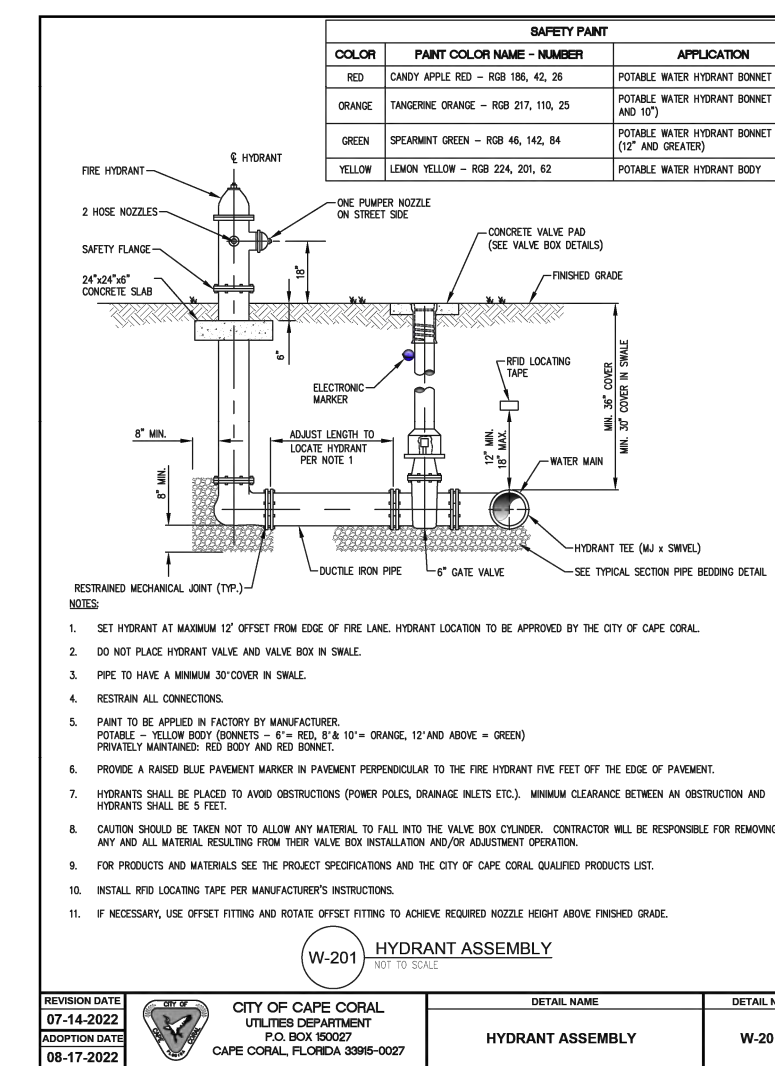
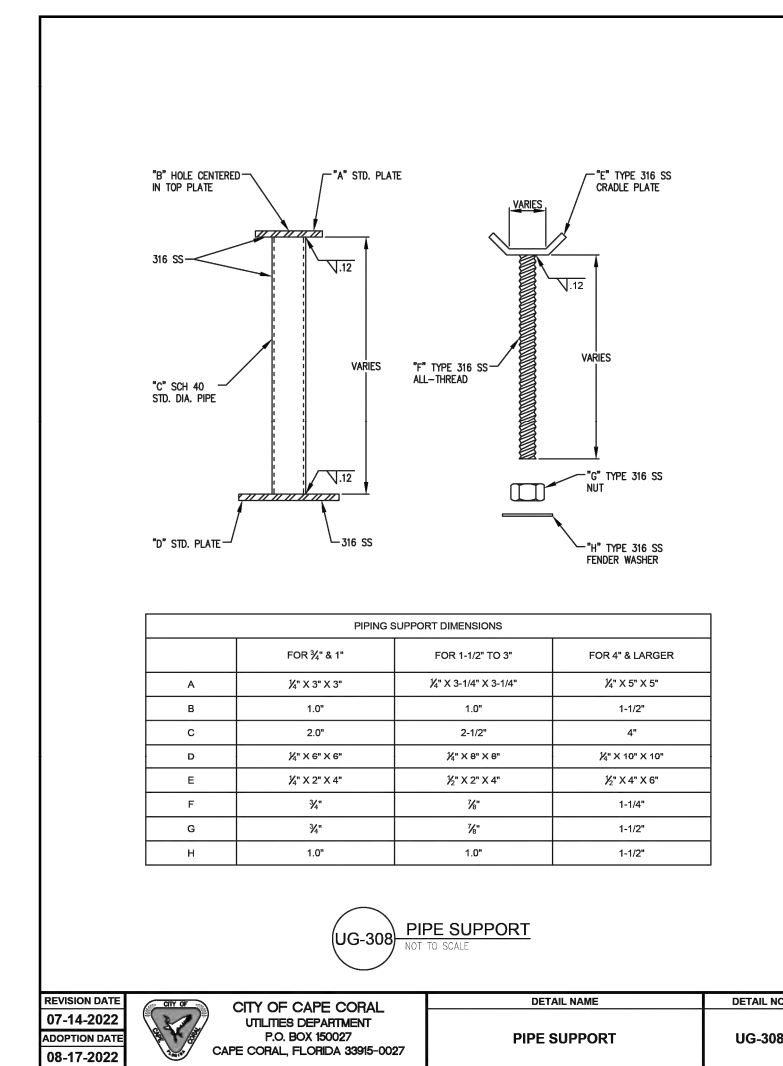
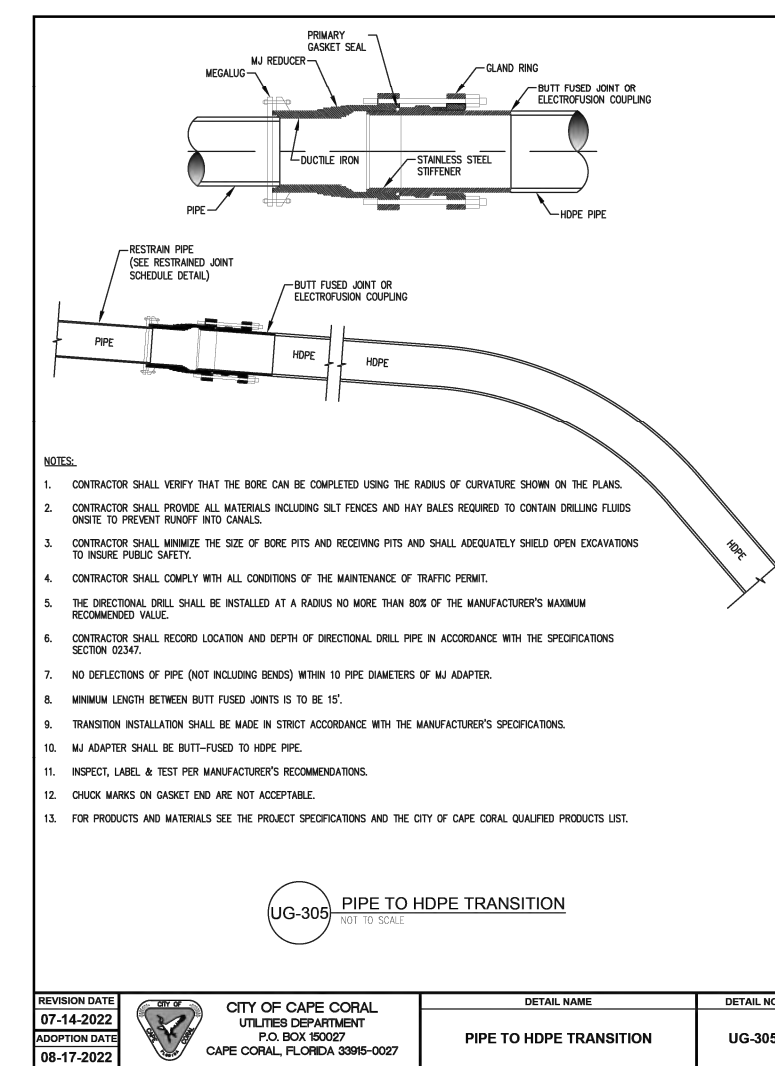
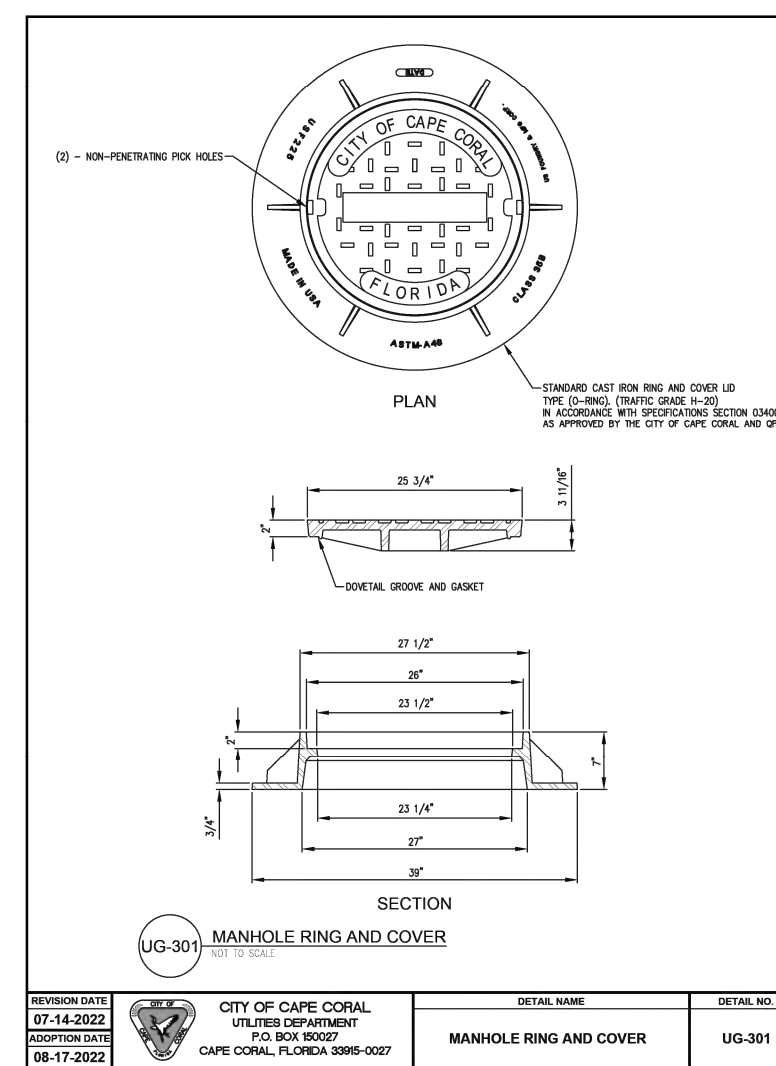
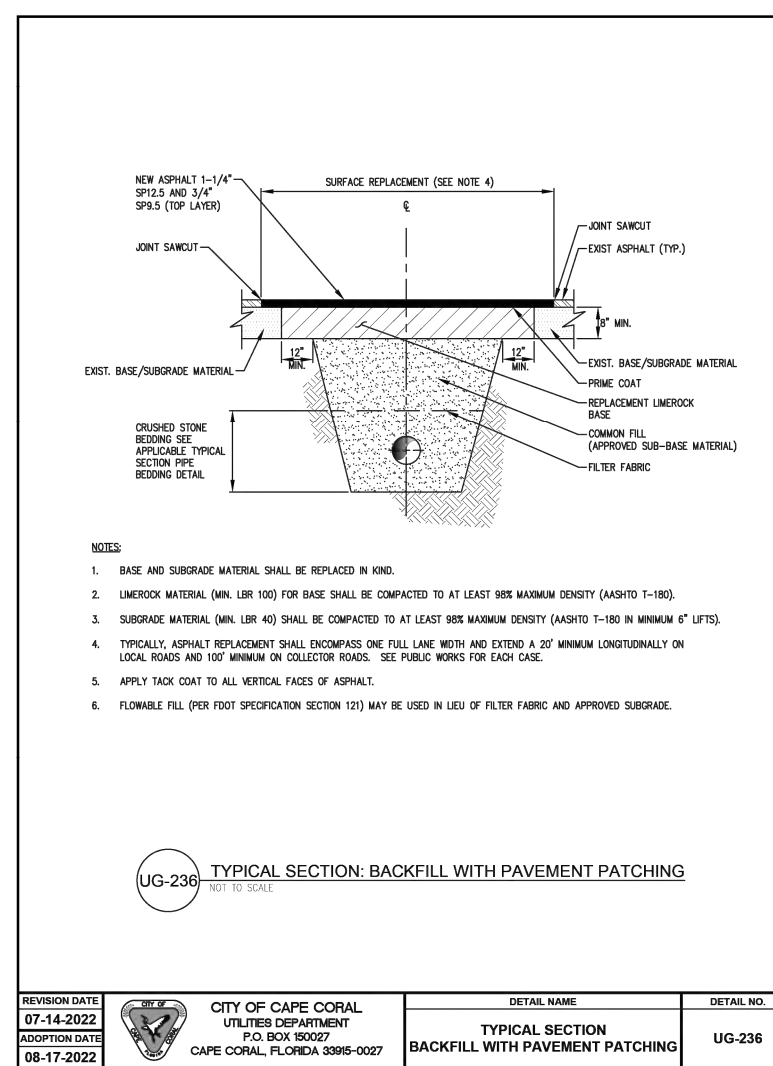
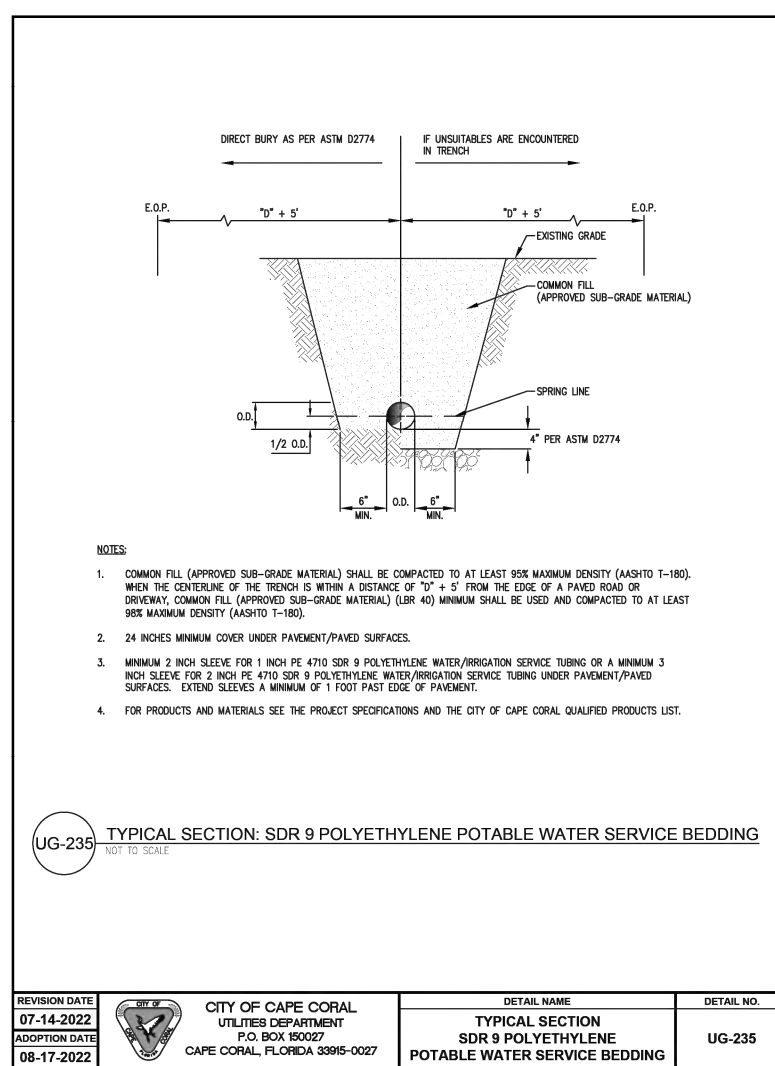
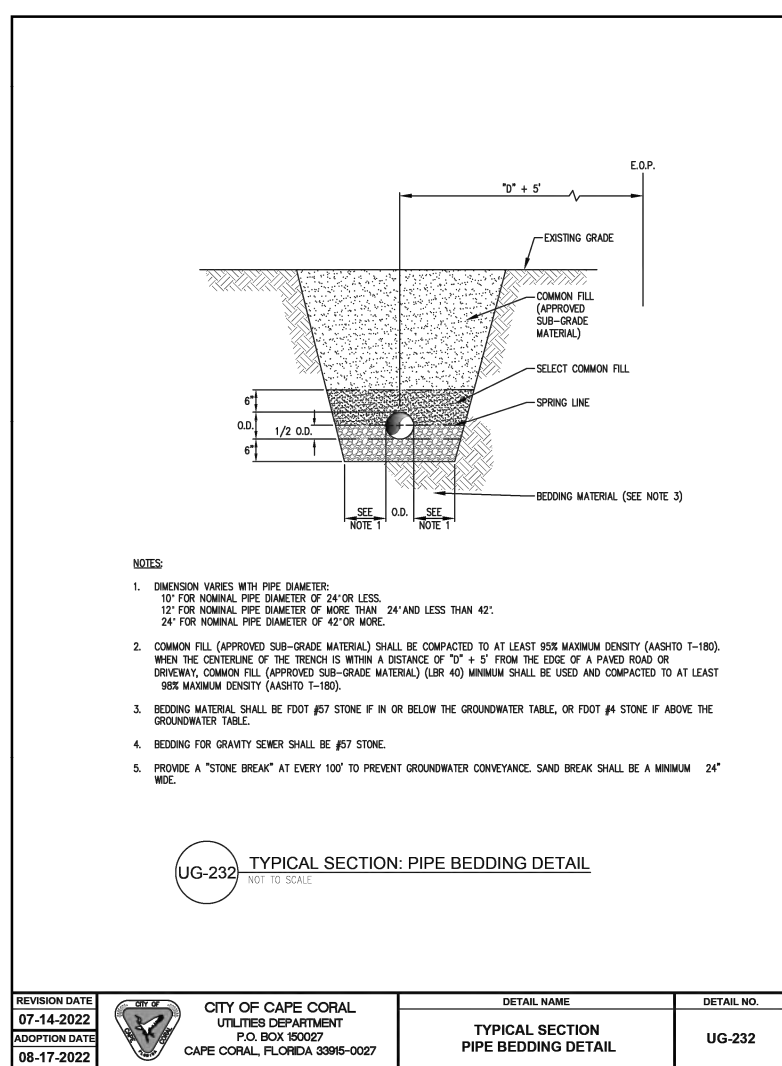
STATION

SHEET #

CP-4

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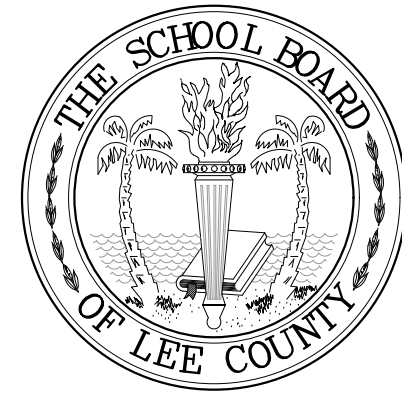
REVISIONS		
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7	CAPE CORAL UTILITY COMMENTS	03/27/26
8	CITY OF CAPE CORAL COMMENTS	04/01/26

DATE ISSUED:	01/02/25
REVIEWED BY:	J.P.W.
DRAWN BY:	J.R.B.
DESIGNED BY:	J.P.W.
F E I JOB #:	24-22

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SHEET TITLE
CITY OF
CAPE CORAL
UTILITY
DETAILS

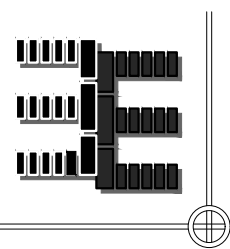
SHEET #
D-5



THE SCHOOL
DISTRICT OF
LEE COUNTY

HECTOR
CAFFERATA
K-8
SCHOOL

CONSULTANT:



Exceptional
Engineering, Inc.

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Jasonw@exceptionaleng.com
FBPE Business Registry
#25968

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REVISIONS

#	DESCRIPTION	DATE
4	ADD 01	03/12/25
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6	ADDED F.D.C. LOCATIONS	02/05/26
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8	CITY OF CAPE CORAL COMMENTS	04/01/26

DATE ISSUED: 01/02/25
REVIEWED BY: J.P.W.
DRAWN BY:
DESIGNED BY: J.P.W.
E.E.I. JOB #: 24-22

SHEET TITLE

PRIVATE
LIFT
STATION

SHEET #
LS-1

100% CONSTRUCTION DOCUMENTS

SPECIFICATION

DESIGN CONDITIONS

MODEL GRP117U/3-LGV104A-5*
H.P. 15-10*
VOLT 208/230 480*
PHASE 3
DISCHARGE 4*
IMPELLER -
GPM 80
TDH 130'

*UPDATED AS-BUILT INFORMATION
APPROVED SDPL25-000026

SUBMERSIBLE GRINDER PUMP PUMPS:

SUBMERSIBLE GRINDER PUMPS SHALL BE LIBERTY . THE PUMPS SHALL BE INSTALLED IN THE H-20 GRP FRP WETWELL UTILIZING A S SLIDE RAIL SYSTEM. THE GRINDER UNIT SHALL BE CAPABLE OF MACERATING ALL MATERIALS IN NORMAL DOMESTIC AND COMMERCIAL SEWAGE, INCLUDING FOREIGN OBJECTS SUCH AS PLASTIC, SANITARY NAPKINS, AND DISPOSABLE DIAPERS INTO A FIRE SLURRY WHICH WILL PASS THROUGH THE PUMP AND THE SCH-80 PVC DISCHARGE PIPING.

SINGLE PHASE MOTORS SHALL BE OF THE CAPACITOR START, CAPACITOR RUN TYPE FOR HIGH STARTING TORQUE. STATOR WINDING SHALL BE OPEN TYPE WITH CLASS F INSULATION AND SHALL BE HEAT-SHRINK FITTED INTO THE STATOR HOUSING. THE USE OF PINS, BOLTS, OR OTHER FASTENING DEVICES IS NOT ACCEPTABLE. A HEAT SENSOR THERMOSTAT SHALL BE ATTACHED TO THE TOP END OF THE MOTOR WINDING AND SHALL BE CONNECTED IN SERIES WITH THE MAGNETIC CONTACTOR COIL IN THE CONTOR PANEL TO STOP MOTOR IF WINDING TEMPERATURE EXCEEDS 140 C., BUT SHALL AUTOMATICALLY RESET WITHIN TEMPERATURE RETURNS TO NORMAL. TWO HEAT SNEOSOR THERMOSTATS SHALL BE USED ON THREE PHASE MOTORS.

H-20 LOAD RATED WETWELL WITH LIFTING LUGS:

THE FIBERGLASS WETWELL MUST BE H-20 LOAD RATED W/INTEGRAL LIFTING LUGS, AND CERTIFICATION OF THIS RATING MUST BE SUPPLIED AT TIME OF SUBMITTAL. THE WETWELL SHALL BE MANUFACTURED OF FIBERGLASS REINFORCED POLYESTER (FRP) OF DIAMETER AND DEPTH AS SHOWN ON THE LIFT STATION ELEVATION DETAIL. THE WALL THICKNESS SHALL BE ADEQUATE FOR THE DEPTH OF THE WETWELL TO MAINTAIN THE H-20 LOAD RATING. REINFORCING MATERIALS: THE REINFORCING MATERIAL SHALL BE COMMERCIAL GRADE "E" TYPE GLASS IN THE FORM OF MAT, CHOPPED OR ROVING FABRIC, HAVING A COUPLING AGENT THAT WILL PROVIDE A SUTABLE BOND BETWEEN THE GLASS REINFORCEMENT AND THE RESIN. ADDITIVES, SUCH AS THIXOTROPIC AGENTS, CATALYSTS, PROMOTERS, ETC., MAY BE ADDED AS REQUIRED BY THE SPECIFIC MANUFACTURING PROCESS TO BE USED TO MEET THE REQUIREMENTS OF THIS SPECIFICATION. THE RESIN SYSTEM SHALL BE SUTABLE FOR ATMOSPHERES CONTAINING HYDROGEN SULFIDE AND DILUTE SULFURIC ACID AS WELL AS OTHER GASES ASSOCIATED WITH THE WASTEWATER COLLECTION SYSTEMS. WET WELL SHALL BE A ONE PIECE UNIT MANUFACTURED BY L.F. MAUFACTURING, INC. OR AN APPROVED EQUAL. EACH WET WELL IS FACTORY SERIAL NUMBERED FOR QUALITY AND LOW GRADE TESTING AND TRACKING PURPOSES.

H-20 LOAD RATING

THE COMPLETE WET WELL SHALL HAVE A MINIMUM DYNAMIC-LOAD RATING OF 16,000 FT-LB WHEN TESTED. THE COMPLETE WET WELL SHALL NOT HAVE LEAKS, CRACKS, OR SUFFER FROM DELAMINATION, BLISTERS, WRINKLES, DRY AREAS, OR OTHER DAMAGES WHEN LOAD TESTED TO 40,000 FT-LBS. AND SHALL NO DEFLECT VERTICALLY DOWNWARD MORE THAN 1/4" AT THE POINT OF LOAD APPLICATION WHEN LOADED TO 24,000 LBS.

WATER TIGHT INTEGRITY

ALL WET WELLS ARE 100% WATER TIGHT PUMP MOUNTING BOLTS ARE INSTALLED FOR EASIER INSTALLATION AND TO INSURE BASIN WATERTIGHT INTEGRITY. AN INTEGRAL FIBERGLASS SLOPED BOTTOM CAN BE INSTALLED UPON REQUEST FROM CONTRACTOR OR ENGINEER LENGTH AND HEIGHT OF SLOPE CAN CHAGE DUE TO DIAMETER OF WET WELL AND SIZE OF PUMPS.

VALVE BOX

FIBERGLASS VALVE BOX INNER SURFACE SHALL BE EQUIPPED WITH GEL COAT TO PROVIDE A SMOOTH INNER SURFACE. ALUMINUM HATCH COVER SHALL BE DIAMOND PLATE 150 LB P.S.F. AND SHALL BE MANUFACTURED BY HALLIDAY PRODUCTS, INC. STAINLESS STEEL BOLTS, NUTS, AND HINGES WITH LOCKING STAPLE OR APPROVED EQUAL. VALVE BOX SHALL BE PRE PLUMBED USING ALL SCH 80 PVC PIPING AND FITTINGS AND SHALL INCLUDE: (3) 2" BRASS 1/4 TURN BALL VALVES, AND (2) BRASS SWING CHECK VALVES. (1) 2" BRASS 1/4 TURN BALL VALVE IS SUPPLIED AS AN EMERGENCY PUMP OUT. ALL VALVES TO BE FLANGED FOR QUICK AND EASY CHANGE OUT. AN INTEGRAL FIBERGLASS SLOPED BOTTOM SHALL BE SUPPLIED TO PREVENT STANDING WATER FROM SITTING IN VALVE BOX. STRENGTHENER RODS SHALL BE APPLIED TO OUTSIDE OF VALVE BOX TO INCREASE STRUCTURAL INTEGRITY. SYSTEM SHALL BE RATED FOR 150 PSI.

ALUMINUM HATCH COVERS

SHALL BE FABRICATED FROM 1/4" ALUMINUM DIAMOND PLATE AND BUILT TO WITHSTAND A LOAD OF 150 LB P.S.F. AND SHALL BE MANUFACTURED BY HALLIDAY PRODUCTS, OR EQUAL. STAINLESS STEEL BOLTS, NUTS, AND HINGES-W/LOCKING STAPLE

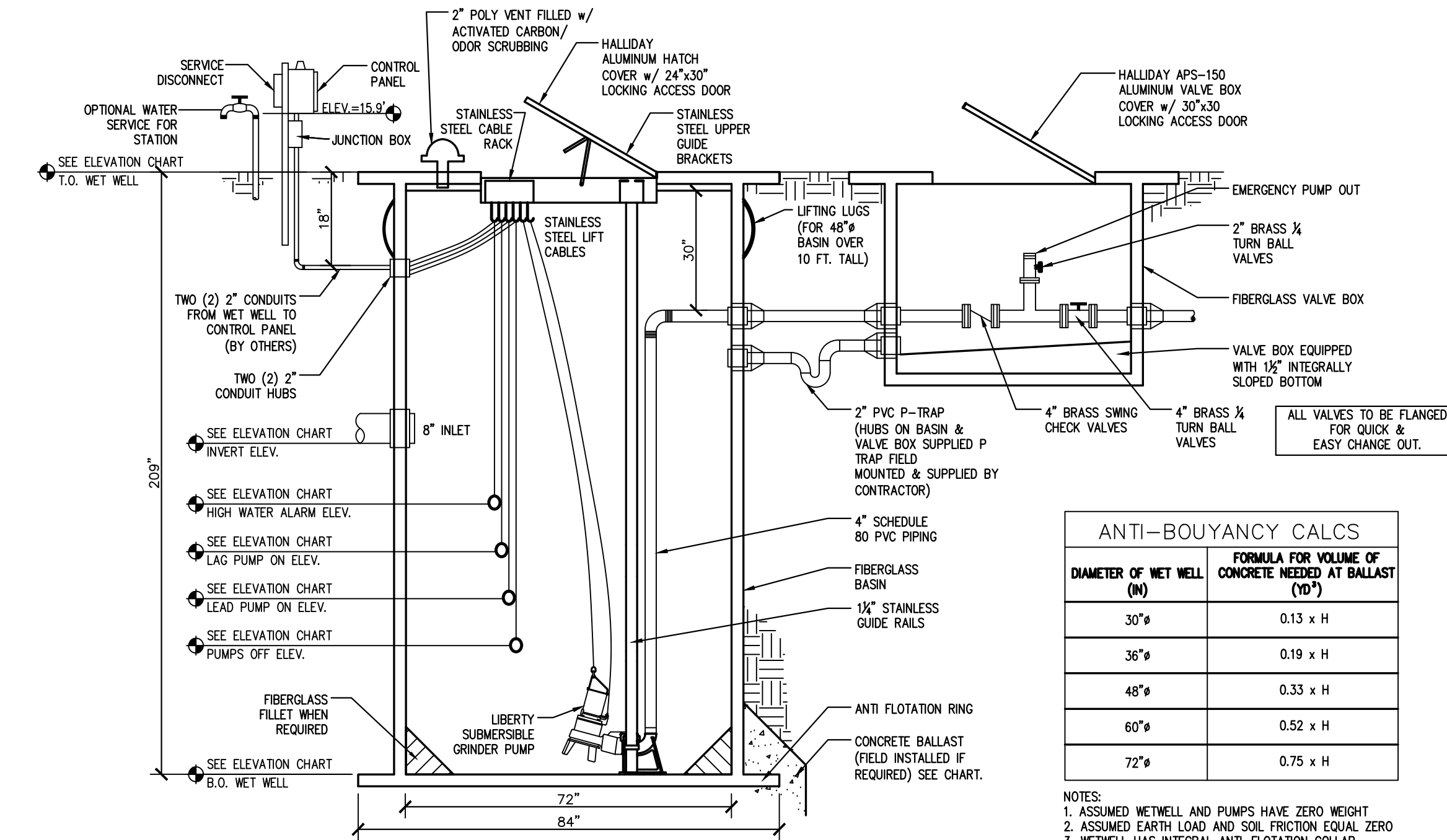
FLOATS

SHALL BE ANCHOR SCIENTIFIC POLYPROPYLENE FLOAT SWITCHES RATED AT 5 AMPS AT 120V, OR APPROVED EQUAL.

PUMP NOTE:

THE DEVELOPER SHALL DESIGN THE GRINDER PUMPS TO OPERATE IN A PRESSURE RANGE OF 5 PSI TO 70 PSI TO DELIVER THE REQUIRED WASTEWATER FLOW TO THE UTILITIES SEWER SYSTEM.

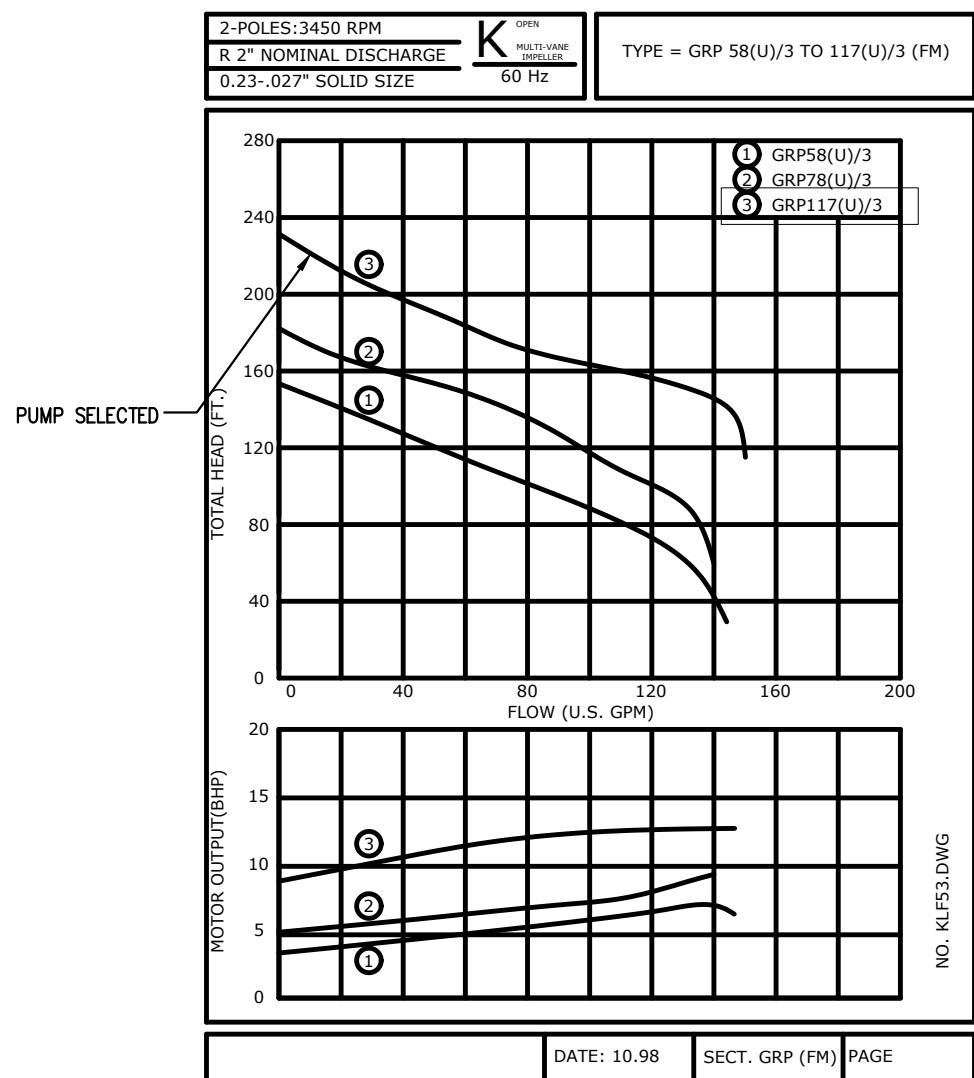
ELEVATIONS	
T.O. WET WELL	12.30' 12.34'*
INVERT ELEVATION	-1.70' -1.62'*
HIGH WATER ALARM ELEVATION	0.90'
LAG PUMP ON ELEVATION	0.04'
LEAD PUMP ON ELEVATION	-0.10'
PUMPS OFF ELEVATION	-3.10'
B.O. WET WELL	-5.10'



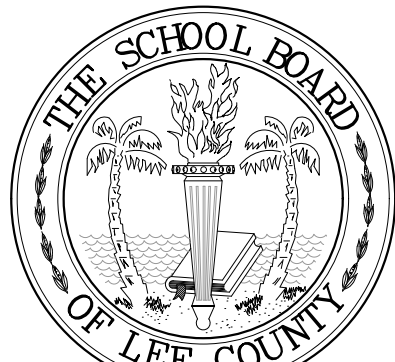
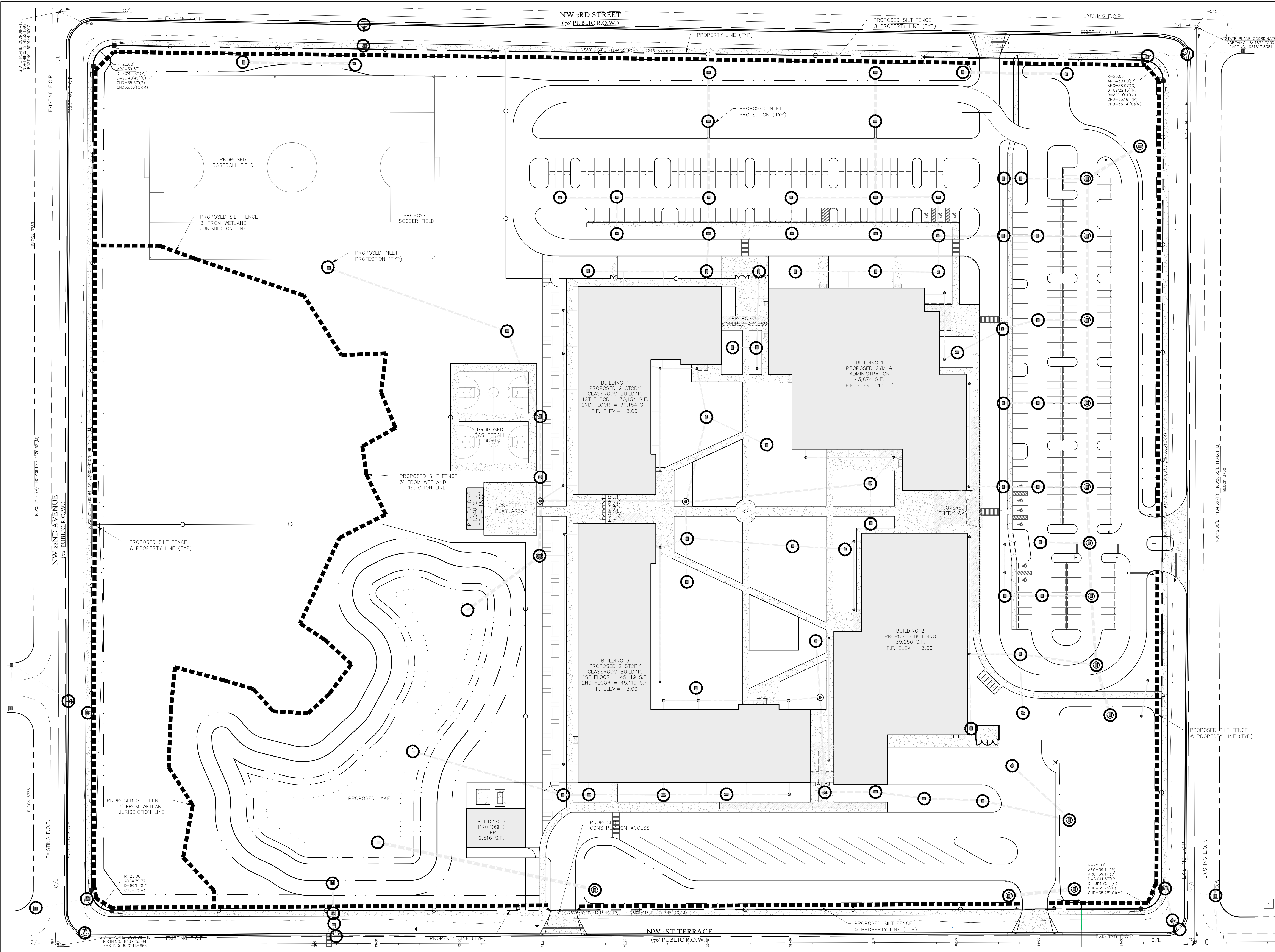
ANTI-BOUYANCY CALCS	
DIAMETER OF WET WELL (IN)	FORMULA FOR VOLUME OF CONCRETE NEEDED AT BALLAST (YD ³)
30"	0.13 x H
36"	0.19 x H
48"	0.33 x H
60"	0.52 x H
72"	0.75 x H

NOTES:
1. ASSUMED WETWELL AND PUMPS HAVE ZERO WEIGHT
2. ASSUMED EARTH LOAD AND SOIL FRICTION EQUAL ZERO
3. WETWELL HAS INTEGRAL ANTI-FLOTATION COLLAR
4. WHEN BALLAST EQUALS BUOYANCY, BASIN WILL NOT FLOAT AND SAFETY FACTOR HAS BEEN PROVIDED BY NOTES 1 & 2.
5. H= HEIGHT OF WETWELL

PUMP PERFORMANCE CURVE 3



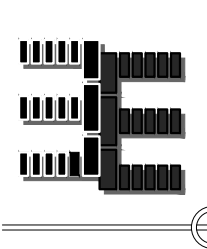
3 DAY - 25 YEAR ELEVATION = 11.26'
3 DAY - 100 YEAR ELEVATION = 11.94'



THE SCHOOL DISTRICT OF LEE COUNTY

HECTOR CAFERRA K-8 SCHOOL

CONSULTANT:



Exceptional Engineering, Inc.

P.O. Box 2980
Fort Myers, FL 33902
Tel. (239)-340-9816
Jasonw@exceptionaleng.com
FBPE Business Registry #25968

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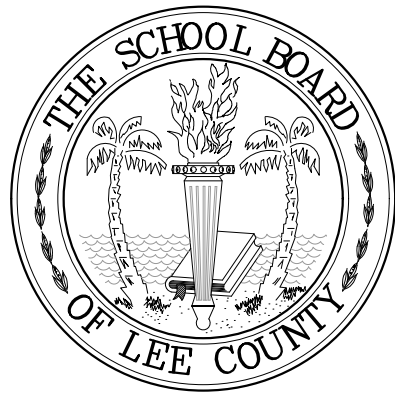
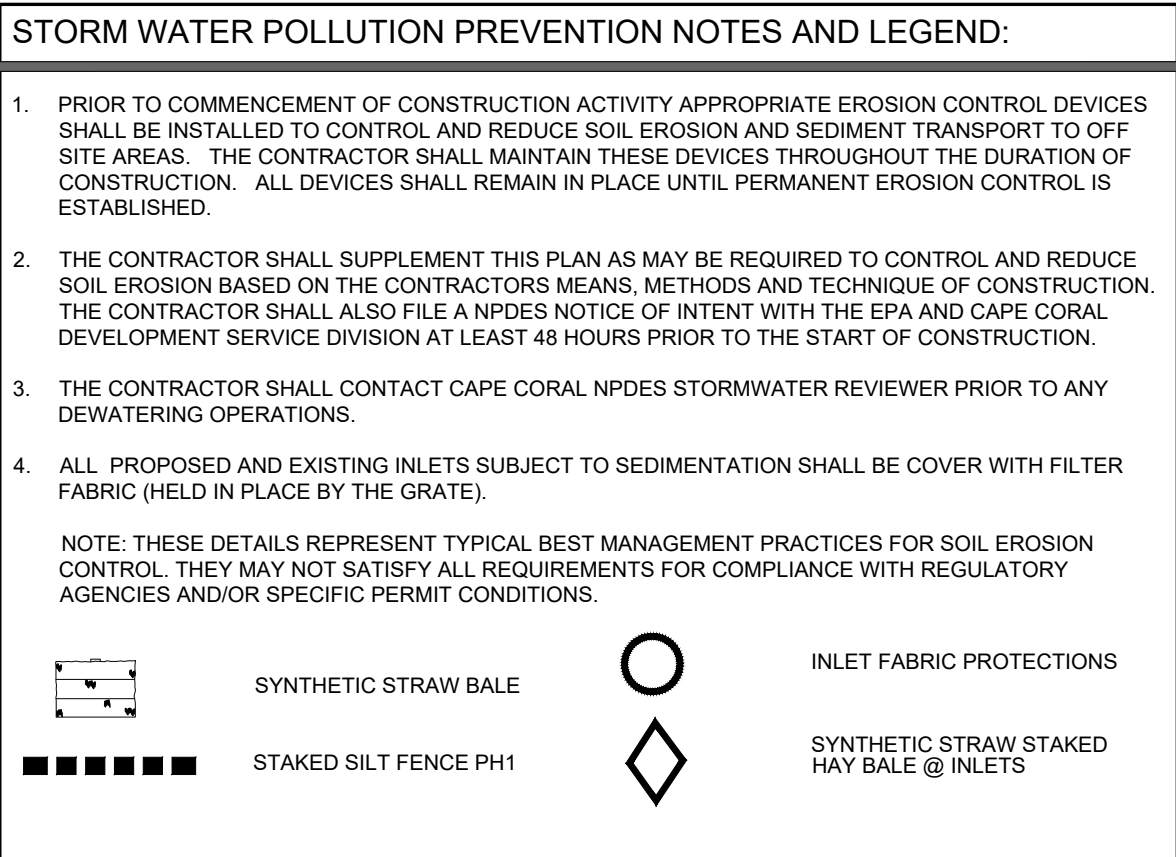
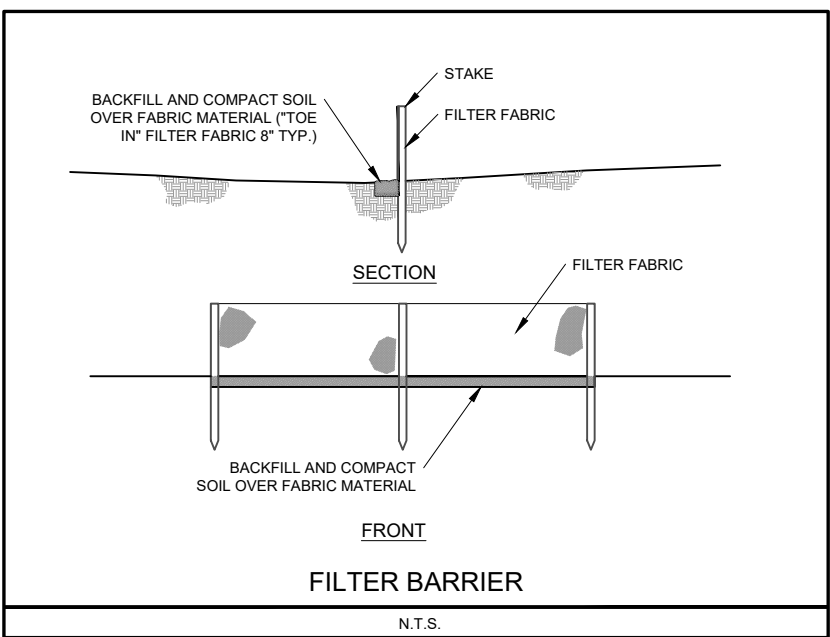
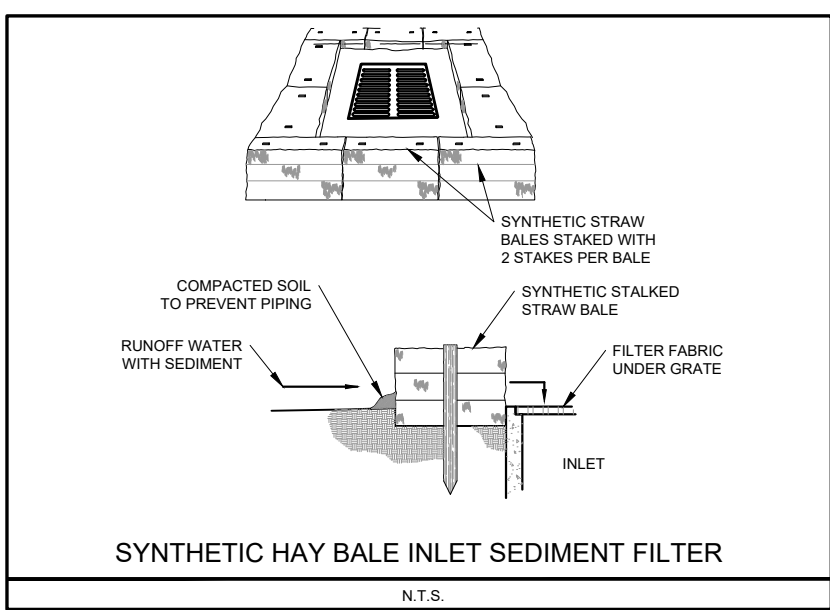
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REVISIONS		
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5	QTY OF CAPE CORAL COMMENTS	10/08/25

DATE ISSUED: 01/02/25
REVIEWED BY: J.P.W.
DRAWN BY: J.R.B.
DESIGNED BY: J.P.W.
E.E.I. JOB #: 24-22

SHEET TITLE
SWP3

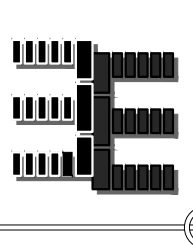
SHEET #
SWP-1



THE SCHOOL
DISTRICT OF
LEE COUNTY

HECTOR
CAFFERATA
K-8
SCHOOL

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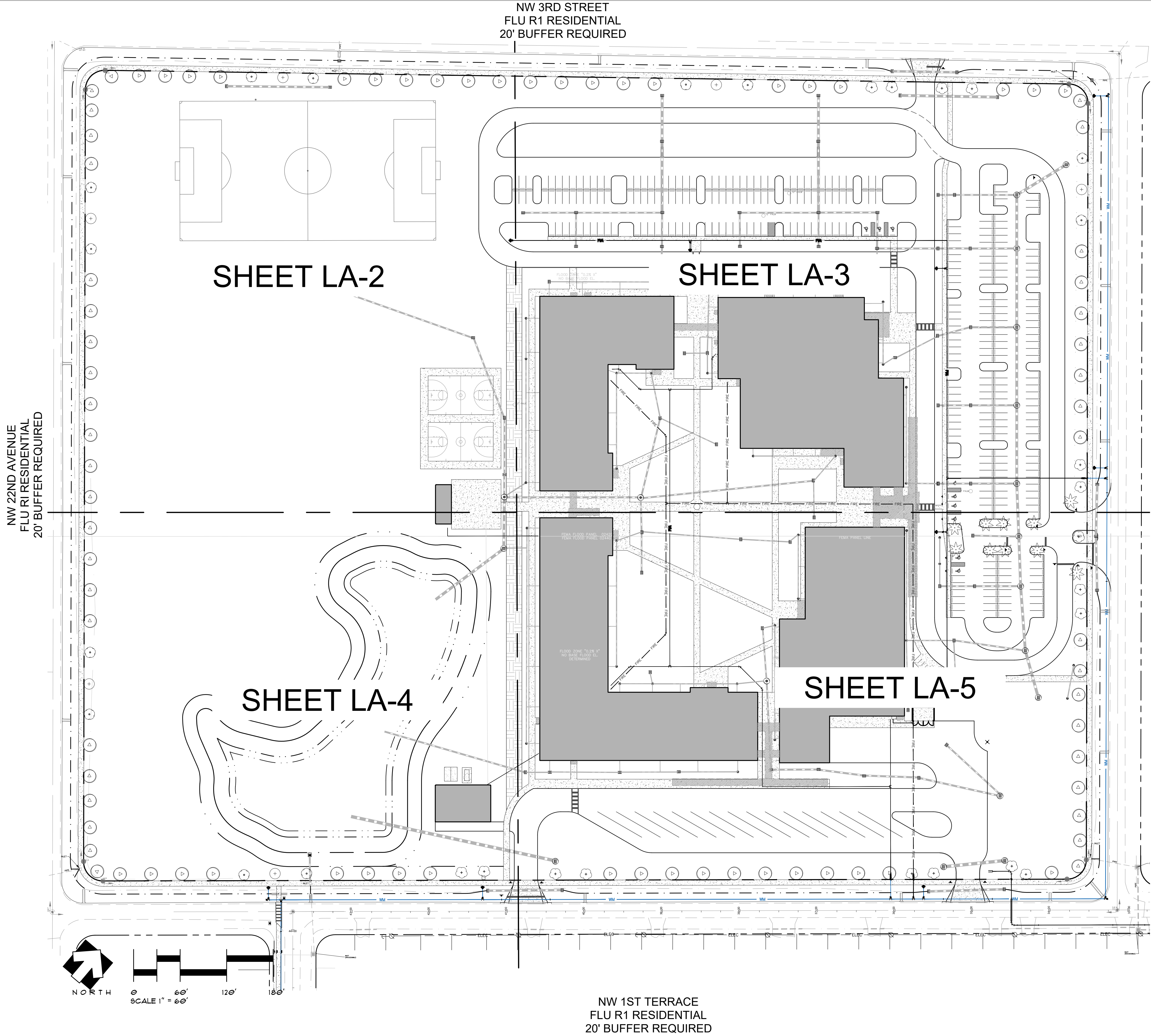
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SHEET TITLE
SWP3
DETAIL
SHEET

SHEET #
SWP-2



CITY OF CAPE CORAL LDR REQUIREMENTS

PROJECT INFORMATION			
PROJECT NAME	Hector K-8 School		
PROJECT ADDRESS	214 NW 20TH AVENUE		
PROJECT ZONING CLASSIFICATION	INSTITUTIONAL	INGT	
PARCEL ID#	09-44-23-C4-03731.0000		
LDR SEC 5.5.13.A.1 - TREE PLANTING REQUIREMENTS - GENERAL TREES			
TOTAL PROJECT AREA	1,340,341 SQFT		
GENERAL TREES ARE NOT REQUIRED BY VARIANCE AGREEMENT			
LDR SEC 5.5.13.C.1 - FOUNDATION LANDSCAPING			
BUILDING AREA	22,140 SQFT		
FOUNDATION PLANTINGS ARE NOT REQUIRED BY VARIANCE AGREEMENT			
LDR SEC 5.5.13.C.3 - UNCOVERED SURFACE PARKING AND VEHICLE USE AREAS			
UNCOVERED SURFACE PARKING AND VEHICLE USE AREA	183,636 SQFT		
VEHICLE USE TREES ARE NOT REQUIRED BY VARIANCE AGREEMENT			
LDR SEC 5.5.13.C.5 - BUFFER YARDS			
NORTH PROPERTY LINE			
ABUTTING USE	R-1A	SINGLE-FAMILY	
MODIFIED BY VARIANCE AGREEMENT	BUFFER WIDTH	WALL REQUIRED	
		20'	NO
BUFFER YARD LENGTH	1,320 LNFT		
REDUCED BY EASEMENTS OR DRIVES	45 LNFT		
VEGETATED LANDSCAPE LENGTH	1,275 LNFT		
CANOPY TREES REQUIRED	32 TREES		
CANOPY TREES PROVIDED	32 TREES		
SOUTH PROPERTY LINE			
ABUTTING USE	R-1A	SINGLE-FAMILY	
MODIFIED BY VARIANCE AGREEMENT	BUFFER WIDTH	WALL REQUIRED	
		20'	NO
BUFFER YARD LENGTH	1,320 LNFT		
REDUCED BY EASEMENTS OR DRIVES	90 LNFT		
VEGETATED LANDSCAPE LENGTH	1,230 LNFT		
CANOPY TREES REQUIRED	31 TREES		
CANOPY TREES PROVIDED	31 TREES		
EAST PROPERTY LINE			
ABUTTING USE	R-1A	SINGLE-FAMILY	
MODIFIED BY VARIANCE AGREEMENT	BUFFER WIDTH	WALL REQUIRED	
		20'	NO
BUFFER YARD LENGTH	1,050 LNFT		
REDUCED BY EASEMENTS OR DRIVES	76 LNFT		
VEGETATED LANDSCAPE LENGTH	974 LNFT		
CANOPY TREES REQUIRED	25 TREES		
CANOPY TREES PROVIDED	25 TREES		
WEST PROPERTY LINE			
ABUTTING USE	R-1A	SINGLE-FAMILY	
MODIFIED BY VARIANCE AGREEMENT	BUFFER WIDTH	WALL REQUIRED	
		20'	NO
BUFFER YARD LENGTH	1,050 LNFT		
REDUCED BY EASEMENTS OR DRIVES	0 LNFT		
VEGETATED LANDSCAPE LENGTH	1,050 LNFT		
CANOPY TREES REQUIRED	27 TREES		
CANOPY TREES PROVIDED	27 TREES		

MASTER PLANT LIST					
QUANTITY	COMMON NAME	NAME	SPECIFICATION	NATIVE	SPACING
CANOPY TREES					
76	LIVE OAK	QUERCUS VIRGINIANA	10'HT, 4"SPR, 2" CAL., MIN.	NATIVE	
12	BUTTERNWOOD	CONOCARPUS ERECTUS	10'HT, 4"SPR, 2" CAL., MIN.	NATIVE	
6	PINK TABABUA	TABEBUIA IMPETIGNOSA IPE	10'HT, 4"SPR, 2" CAL., MIN.	NATIVE	
21	PIGEON PLUM	COCCOLBA DIVERSIFOLIA	10'HT, 4"SPR, 2" CAL., MIN.	NATIVE	
10	ROYAL PALM	ROYSTONIA ELATA	14" CLEAR TRUNK	NATIVE	
GROUND COVERS					
500	BAHIA SOD	PASPALLUM NOTATUM	SAND GROWN, ROLLED		
MULCH	PINE STRAW	3" DEPTH, ALL PLANTINGS			
NOTE: CANOPY TREE MINIMUM CALIPER TO BE MEASURED AT 12" ABOVE THE GROUND. ACCENT TREE CALIPER MEASURED 6" ABOVE THE GROUND					

REQUIRED SPECIES MIX	
REQUIRED NUMBER OF TREES	MINIMUM NUMBER OF SPECIES
1-4	1
5-10	2
11-20	3
21-30	4
31+	5

CODE CALCULATION NOTES:
CREDIT FOR LARGER, CANOPY TREES. THE REQUIRED NUMBER OF CANOPY TREES MAY BE REDUCED BY ONE TREE IF AN EXISTING OR PROPOSED CANOPY TREE IS AT LEAST TWO INCHES OF INCREASED CALIPER ABOVE THE MINIMUM PLANTING SIZE SPECIFIED IN THIS CHAPTER.
REQUIRED CANOPY TREES SHALL NOT BE SPACED LESS THAN 20 LINEAR FEET ON CENTER PURSUANT TO LDC, SECTION 5.5.13.A
NO PARKING SPACE MAY BE MORE THAN 100 FEET FROM A TREE PER LDC, SECTION 5.5.13.C.3.C.
TREES USED FOR LANDSCAPING ADJACENT TO ROADS MAY BE PLACED IN ANY ARRANGEMENT WITHIN THE LANDSCAPE STRIP PROVIDED THAT THE SPACING BETWEEN TREE TRUNKS IS NO GREATER THAN 60 FEET PER LDC, SECTION 5.5.13.C.2.B.II.(A)

DATE

REVISION

DESCRIPTION

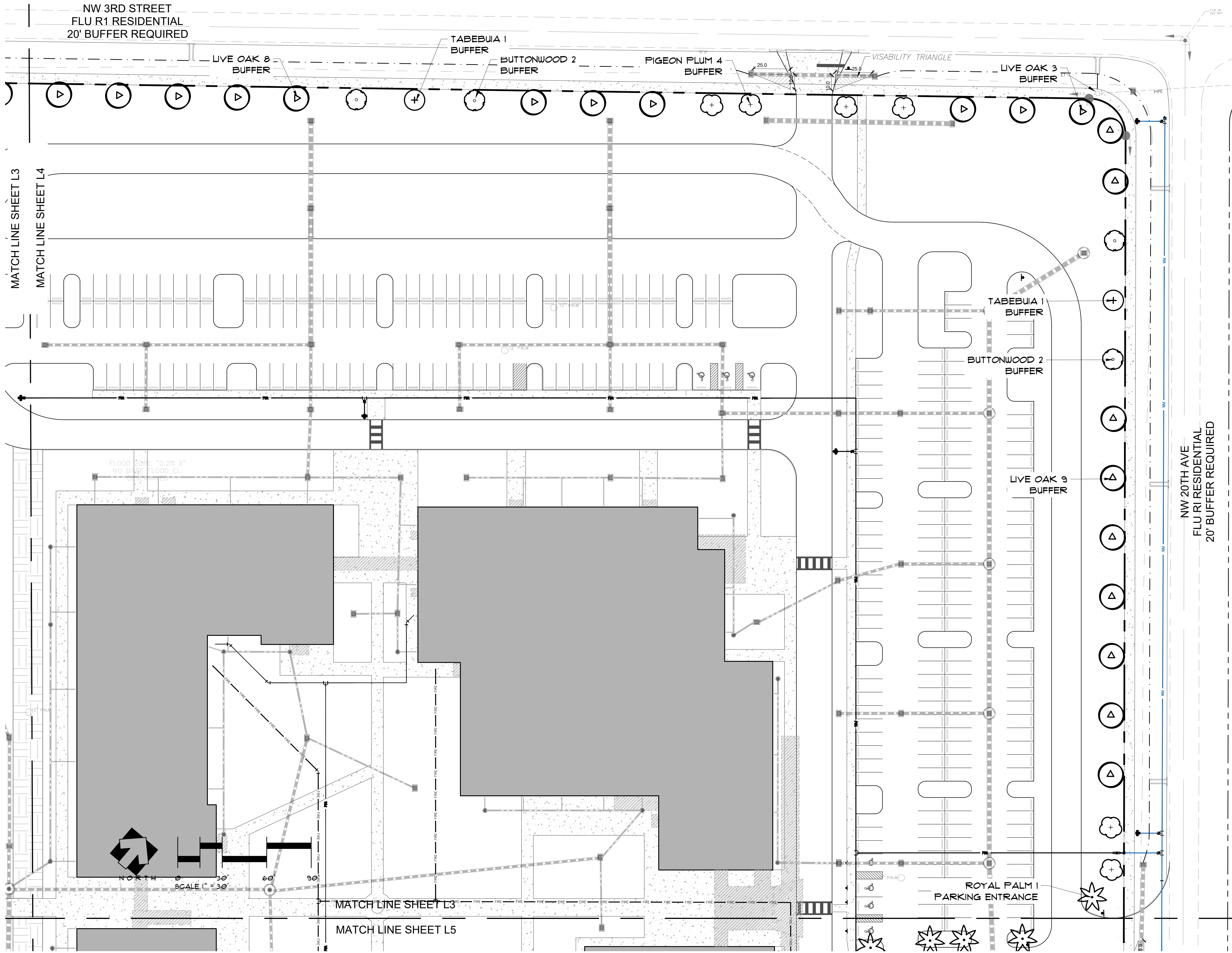
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Business Cert # 25968

CODE REQUIRED MINIMUM LANDSCAPE PLAN
HECTOR K-8 SCHOOL
CAPE CORAL, FLORIDA
LEE COUNTY SCHOOL DISTRICT
214 NW 20TH AVENUE

SHEET #
LA-1
JOB # 24-22



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Date: 2026.03.16 14:25:00
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Date : 08/14/2024
Scale :
Design: JHK
CAD :
Check : J.P.W.
File :

CODE REQUIRED MINIMUM LANDSCAPE PLAN
HECTOR K-8 SCHOOL
CAPE CORAL, FLORIDA
LEE COUNTY SCHOOL DISTRICT
214 NW 20TH AVENUE

SHEET #
LA-3
JOB # 24-22

1. IRRIGATION SYSTEM TO BE INSTALLED TO PROVIDE 100% COVERAGE (HEAD TO HEAD) TO COVER REQUIRED PLANTINGS.
2. IRRIGATION CONNECTION SHALL BE DETERMINED BY OWNER.
3. DRY RETENTION AREAS SHALL BE IRRIGATED FROM THE TOP OF BANK TO THE BOTTOM OF THE SLOPE ONLY.
4. PARKING ISLANDS AND BUILDING PERIMETER PLANTINGS SHALL HAVE SPRAY TYPE HEADS OR FLOOD SUBMERGE TYPE IRRIGATION.
5. CONTRACTOR TO DETERMINE IRIGATION LINE DELINEATION AND PIPE SIZING TO INSURE WATER VELOCITY SHALL NOT EXCEED 5 FEET PER SECOND THROUGH ANY PIPING OR IRRIGATION COMPONENT.
6. ALL IRRIGATION PIPING INSTALLED UNDER PAVEMENT SHALL BE INSTALLED IN SLEEVES EITHER EXISTING OR ADDED AS PART OF THE RENOVATION.
7. THIS PLAN IS SCHEMATIC IN NATURE. COMPONENTS ARE SHOWN FOR CLARITY. ACTUAL LOCATION OF COMPONENTS MAY VARY DUE TO FIELD CONDITIONS.
8. FUTURE DEVELOPMENT AREA SHALL NOT BE IRRIGATED.

NOT TO SCALE

SPRAY PATTERN OR ROTOR TRAVEL TO BE ADJUSTABLE TO BURNISH GROUND SURF ONTO BUILDING, PAVING, DRIVE, AND NATIVE VEGETATION AREA

TRIANGULAR LAYOUT TYPICAL, SPACING DEPENDENT OF PERFORMANCE, IRRIGATION AND AVAILABLE WATER SUPPLY

IRRIGATION HEAD TYPICAL

PIVC LATERAL PIPING (SIZE TO BE DEPENDENT OF FLUX REQUIREMENTS OF IRRIGATION ZONE)

ELECTRIC SOLENOID VALVE CONTROLLED BY AUTOMATIC THER TYPICAL

ADD IRRIGATION HEADS AS NEEDED

ADD REGULATION BAYS AS NEEDED

Diagram illustrating the cross-section of a tree trunk with various treatments and measurements:

- 8" SPREAD LEAVE:** Indicated at the top of the trunk.
- FRONTS TIED WITH ORGANIC SMALL TWIG:** Indicated on the left side of the trunk.
- TYPICAL "COAR" CUT HEAD:** Indicated on the right side of the trunk.
- N. SUPPER MONTHLY PLAC:** Indicated on the right side of the trunk.
- 1 IN. BAR OF 1/2 IN. ELECTRICAL MESH SOAK W/OT & BUD TO PROTECT FROM INSECTS:** Indicated on the right side of the trunk.
- TRUNK SHALL BE FREE OF SCARS OR CHAIN CUTS:** Indicated on the left side of the trunk.
- NO NAILS SHALL BE PUT INTO TREES:** Indicated on the left side of the trunk.
- 1/2" X 4" BATTENS SECURED WITH STEEL BANDS IN 2 PLACES:** Indicated on the right side of the trunk.
- 1/2" X 4" STAKE SET INTO TRUNK:** Indicated on the right side of the trunk.
- MUCH AS SPECIFIED:** Indicated on the left side of the trunk.
- BATTENING RING (REMOVE PRIOR TO FINAL ACCEPTANCE):** Indicated on the left side of the trunk.
- HOLE SHOULD BE 2 FEET LONGER THAN ROOT BALL:** Indicated on the right side of the trunk.
- UNLEASH IN CLEAN BARK PILE CASE WITH THE PAREN TO ELIMINATE AIR Pockets:** Indicated on the right side of the trunk.
- ROOT BALL SHOULD BE 2/3 TIMES LARGER THAN TRUNK:** Indicated on the left side of the trunk.
- LOOSEN SOIL IN BOTTOM OF HOLE AND PUT IN RENTZLER POREX COIL TREATING:** Indicated on the right side of the trunk.

NOTE: TREE PLYWOOD IS REQUIRED FOR BARKET. THE CONTRACTOR IS RESPONSIBLE FOR RAIN OR DAMAGE DUE TO IMPROPER IN LACKING OF TREE PLACES.

Diagram illustrating the components of a tree for identification and measurement:

- Canopy:** Shall be tapered during transport.
- Trunk:** Shall be free of square or chain bites.
- Branches:** Pruned as specified.
- Watering Ring:** (Remove prior to final acceptance).
- Root Ball:** Shall be covered with burlap during transport.
- Loose Soil:** In bottom of root ball.
- Washing:** Washed in clean water; shall have two elephant ear pocks.
- Identification:**
 - NOTE: ANTHERGARDS ARE TO BE USED ON ONLY VARIETIES WHICH ARE NEEDED BY SPECIFIC TREE SPECIES.
 - NOTE: TAGS ARE REQUIRED FOR SAFETY: THE

Diagram illustrating the correct planting technique for a tree:

- CROWN OF SHRUB TO BE PLACED 1" ABOVE FINISHED GRADE**
- MULCH AS SPECIFIED**
- HOLE SHOULD BE 2 TIMES LARGER THAN ROOT BALL**
- SOD LINE SHOULD BE AT THE DRIP LINE OF SHRUB**
- WATER** (indicated by arrows pointing to the hole)
- SHRUB** (the plant being planted)
- BACK FILL** (the soil around the root ball)
- LOOSEN SOIL IN BOTTOM OF HOLE AND MIX IN FERTILIZER (FURITEK COI MANURE)**

1. NO CANOPY TREES, ACCENT TREES, PALM TREES, OR SHRUBS REQUIRED BY THIS SECTION SHALL BE PLANTED WITHIN A PUBLIC DRAINAGE OR UTILITY EASEMENT WITHOUT APPROVAL OF THE CITY. IF THE CITY APPROVES THE PLACEMENT OF ANY PLANT MATERIAL INSTALLED TO MEET THE REQUIREMENTS OF THIS SECTION, THE CITY MAY REQUIRE THE PLANTING OF SUCH PLANT MATERIAL AS THE LANDSCAPE MAINTENANCE DEPARTMENT DAMAGED BY CONSTRUCTION OR MAINTENANCE OF DRAINAGE FACILITIES OR UTILITIES, THE PROPERTY OWNER SHALL REPLACE ALL SUCH PLANT MATERIAL WITHIN 30 DAYS OF THE COMPLETION OF THE DRAINAGE OR UTILITY WORK, IN ACCORDANCE WITH LDC, SECTION 9.5.11.
2. TREE STANDARDS:
a. CANOPY TREE SIZE: EXCEPT IN THE SOUTH CAPE DOWNTOWN DISTRICT, ALL CANOPY TREES REQUIRED TO MEET MINIMUM REQUIREMENTS SHALL HAVE A MINIMUM HEIGHT OF TEN FEET AND SHALL HAVE A MINIMUM CALIPER OF TWO INCHES MEASURED AT A HEIGHT OF 12 INCHES ABOVE THE GROUND. IN THE SOUTH CAPE DOWNTOWN DISTRICT, ALL CANOPY TREES REQUIRED TO MEET MINIMUM REQUIREMENTS SHALL HAVE A MINIMUM HEIGHT OF 12 FEET AND A MINIMUM CALIPER OF THREE INCHES MEASURED AT A HEIGHT OF 12 INCHES ABOVE THE GROUND AT PLANTING.
3. PALM TREE SIZE: PALM TREES REQUIRED TO MEET MINIMUM REQUIREMENTS SHALL HAVE A MINIMUM SIZE OF 16 FEET OVERALL, UNLESS LOCATED IN A CLEAR TRUNK OF A WALKWAY. IN WHICH CASE THEY SHALL HAVE A MINIMUM OF TEN FEET OF CLEAR TRUNK AT PLANTING. ACCENT TREE SIZE: ACCENT TREES REQUIRED TO MEET MINIMUM REQUIREMENTS SHALL HAVE A MINIMUM HEIGHT OF EIGHT FEET AND HAVE A MINIMUM CALIPER OF ONE AND ONE-HALF INCHES MEASURED AT A HEIGHT OF SIX INCHES ABOVE THE GROUND AT PLANTING.
4. SHRUB STANDARDS: EXCEPT AS OTHERWISE PROVIDED HEREIN, SHRUBS PLANTED IN RESIDENTIAL DEVELOPMENT SHALL BE A MINIMUM OF 18 INCHES IN HEIGHT AND BE IN AT LEAST A THREE-GALLON CONTAINER SIZE AT TIME OF PLANTING. SHRUBS PLANTED IN ALL NON-RESIDENTIAL AND MIXED-USE DEVELOPMENT MUST BE A MINIMUM OF 24 INCHES IN HEIGHT AND BE IN AT LEAST A SEVEN-GALLON CONTAINER SIZE AT TIME OF PLANTING. SHRUBS REQUIRED FOR BUFFER RYAD PLANTINGS MUST BE A MINIMUM OF 32 INCHES IN HEIGHT AND BE IN AT LEAST A SEVEN-GALLON CONTAINER SIZE AT TIME OF PLANTING. ORNAMENTAL GRASSES MAY BE USED IN LIEU OF 20% OF SHRUBS REQUIRED. SAW PALMETTO (SERENOA REPENS) AND COONIES (ZAMIA FLORIDANA) MAY BE USED AS SHRUBS, PROVIDED THEY ARE 12 INCHES IN HEIGHT AT TIME OF PLANTING.
5. ALL TREES INSTALLED IN RESPONSE TO THE REQUIRED INTERNAL LANDSCAPE AREAS, ALSO KNOWN AS "INTERNAL CANOPY TREES" SHALL BE LOCATED WHERE AND AS SHOWN ON THE DRAWINGS. PALMS MAY BE SUBSTITUTED ON A 3:1 BASIS AND CUSTODED.
6. EACH CANOPY TREE, ACCENT TREE, AND PALM TREE MUST HAVE ORGANIC MULCH NO LESSER THAN 36 INCHES BEYOND ITS TRUNK IN ALL DIRECTIONS. ALL MULCH SHALL BE KEPT AWAY FROM THE TRUNKS AND STEMS OF PLANTS SO AS TO AVOID CONDITIONS THAT MAY BE CONDUCTIVE TO COLLAR ROT, BASAL CANKER, OR OTHER FUNGI. THE USE OF CYPRRESS OR CEDAR MULCH IS STRONGLY DISCOURAGED.
7. CANOPY TREES SHALL NOT BE PLANTED WITHIN SEVEN FEET OF ANY ROADWAY, SIDEWALK, OR PUBLIC UTILITY UNLESS AN ACCEPTABLE ROOT BARRIER MATERIAL IS INSTALLED BETWEEN THE TREE AND THE ROADWAY, SIDEWALK, OR PUBLIC UTILITY. AN ACCEPTABLE ROOT BARRIER MATERIAL SHALL CONSIST OF ONE OF THE FOLLOWING: A MANUFACTURED ROOT BARRIER MATERIAL, INSTALLED IN ACCORDANCE WITH MANUFACTURER'S DIRECTIONS, REINFORCED CONCRETE WITH A MINIMUM DEPTH OF 16 INCHES, OR A CONTINUOUS SHEET OF ALUMINUM WITH A MINIMUM DEPTH OF 16 INCHES AND A MINIMUM THICKNESS OF 0.024 INCHES. WHERE A ROOT BARRIER IS REQUIRED, IT SHALL BE INSTALLED FOR A MINIMUM DISTANCE OF 20 LINEAR FEET.
8. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN THROUGH FINAL ACCEPTANCE (CERTIFICATE OF COMPLIANCE) A TREE PROTECTION BARRIER FOR ALL INDIVIDUAL OR MASSES OF INDIGENOUS PLANT MATERIALS BEING CREDITED AND/OR PRESERVED.
9. ALL OF THE FOLLOWING EXOTIC SPECIES ARE PROHIBITED AND MUST BE REMOVED FROM THE SITE AND MAINTAINED FREE OF REGENERATION IN PERPETUITY:

- | | |
|---|--|
| MELALEUCA
(MELALEUCA QUINQUENERVIA)
BRAZILIAN PEPPER
(SCHINUS TEREBINTHIFOLIUS)
AUSTRALIAN PINES
("ALL CAUSARINA SPECIES")
WOMANS TONGUE
(ALBETZA LEBBECK)
BISHOPWOOD
(BISHOVIA JAVONGCA)
CARROTWOOD
(CUPANOPHIS SPP.)
ROSEWOOD
(DALBERGIA BISSUL)
MURRY RED GUM
(EUCALYPTUS SPP.)
BENJAMIN FIG
(FICUS BENJAMINA)
AIR POTATO
(DIOSCOREA ALATA) | EARLEAF ACACIA
(ACACIA AURICULIFORMIS)
DOWNY RHODANTHUS
(RHODANTHUS TOMENTOSA)
TROPICAL SODA APPLE
(SYZIGIUM VARIUM)
CUBAN LAUREL
(FICUS RETUSA)
CHINESE TALLOW
(SAPIUM SEDIFERUM)
JAVA PLUM
(SYZIGIUM CUMINI)
ROSE APPLE
(SYZIGIUM JAMBOS)
CORK TREE
(THEBESIA SPP.)
WEDELIA
(WEDELIA TRILOBATA)
CLIMBING FERN
(LYGODIUM MICROPHYLUM)
CLIMBING FERN
(LYGODIUM JAPONICUM) |
|---|--|
9. IF ANY PROTECTED TREE DIES WITHIN THREE (3) YEARS FROM THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE (CC), THEY MUST BE REPLACED BY THE NUMBER OF TREE CREDITS TAKEN (NORMALLY 5) AND AT THE MINIMUM SIZE AND VARIETIES SPECIFIED BY CODE OR HEREIN.
10. PLANT MATERIAL PROVIDED IN COMPLIANCE TO THE CITY OF CAPE CORAL LDC MAY ONLY BE PRUNED TO PROMOTE HEALTHY, UNIFORM, AND NATURAL GROWTH OF THE SPECIFIC PLANT (EXCEPT WHERE NECESSARY TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE). PRUNING MUST BE IN ACCORDANCE TO AND ACCEPTABLE WITH THE "PRUNING STANDARDS" (LATEST EDITION) ISSUED BY THE "NATIONAL ARBORIST ASSOCIATION." SEVERELY PRUNED AND/OR DAMAGED TREES MUST BE REPLACED. "WAT-RACKING" PRACTICES ARE PROHIBITED.
11. PLANT MATERIAL PROVIDED IN COMPLIANCE TO THE CITY OF CAPE CORAL LDC SHALL BE AT A MINIMUM, MEET THE STANDARDS FOR FLORIDA NO. 1 AS DEFINED BY "GRADES AND STANDARDS, PARTS 1 & 2, FLORIDA DEPARTMENT OF AGRICULTURE, LATEST EDITION. SEE PLANT SCHEDULE FOR SPECIFIC QUALITY SPECS.
12. THE CONTRACTOR SHALL BE REQUIRED TO MAINTAIN SAFE SIGHT DISTANCE TRIANGLES AT ALL INTERSECTIONS AND VEHICULAR CONNECTIONS. SIGHT TRIANGLES MUST BE IN ACCORDANCE WITH THE ROADSIDE RECOVERY AREA PROVISIONS OF THE FDOT GREEN BOOK. ALL SIGHT TRIANGLES SHALL MAINTAIN A CLEAR ZONE BETWEEN THIRTY-SIX INCHES (36") AND EIGHT FEET (8'). CONTRACTOR TO VERIFY PRIOR TO FINAL ACCEPTANCE.

13. ALL PLANTING AREAS SHALL BE PROPERLY PREPARED TO RECEIVE PLANT MATERIAL PRIOR TO INSTALLATION. PLANTING AREAS WITH BOULDERS (OVER 4" IN DIA. AND BASE ROCK (LIMESTONE) WILL NOT BE ACCEPTED AND MUST BE RECTIFIED PRIOR TO CERTIFICATION. ALL FINISHED GRADES SHALL BE WITHIN TWO INCHES (2") OF ALL TRANSITIONS (E. WALKS, CURBS, ETC.) NO EXPOSED SURFACES AT FINAL GRADE GREATER THAN TWO INCHES (2") WILL BE ACCEPTED (SEE DETAIL) ONCE SOIL AND MULCH ARE APPLIED. ALL TRANSITIONS SHALL BE EVEN, SMOOTH, CONGRUENT, AND WITHOUT INTERRUPTION.

14. ALL EXOTIC PLANT SPECIES, HEREIN DEFINED, SHALL BE PHYSICALLY REMOVED FROM THE SITE. LARGE STUMPS ARE TO BE GROUND (MINIMUM 24" BELOW GRADE) OR REMOVED. SMALLER STUMPS (LESS THAN 6" DIA) MAY BE CUT TO GROUND LEVEL AND TREATED.

TO IMPROVE THE SURVIVABILITY OF REQUIRED LANDSCAPING, CULTIVATED LANDSCAPE AREAS MUST BE PROVIDED WITH AN AUTOMATIC IRRIGATION SYSTEM. ALL REQUIRED IRRIGATION SYSTEMS MUST BE DESIGNED TO ELIMINATE THE APPLICATION OF WATER TO IMPERVIOUS AREAS, INCLUDING ROADS, DRIVES AND OTHER VEHICLE AREAS. REQUIRED IRRIGATION MUST ALSO BE DESIGNED TO AVOID IMPACTS ON EXISTING NATIVE VEGETATION.

ALL NEW DEVELOPMENTS THAT HAVE REQUIRED LANDSCAPING MUST BE IRRIGATED BY THE USE OF AN AUTOMATIC IRRIGATION SYSTEM WITH CONTROLLER SET TO CONSERVE WATER. MOISTURE DETECTION DEVICES MUST BE INSTALLED IN ALL AUTOMATIC SPRINKLER SYSTEMS TO OVERRIDE THE SPRINKLER ACTIVATION MECHANISM DURING PERIODS OF INCREASED RAINFALL WHERE EXISTING IRRIGATION SYSTEMS ARE MODIFIED REQUIRING THE ACQUISITION OF A PERMIT. AUTOMATIC ACTIVATION SYSTEMS AND OVERRIDING MOISTURE DETECTION DEVICES MUST BE INSTALLED.

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES AND SERVICES BOTH UNDERGROUND AND OVERHEAD PRIOR TO THE COMMENCEMENT OF WORK. PROTECTION OF ALL UTILITIES AND SERVICES THROUGHOUT THE COURSE OF WORK IS EXPECTED.
2. SOD USED ON THIS PROJECT SHALL BE BAHIA (FASPALUM NOTATUM) AND BE PROVIDED THROUGHOUT. SEEDING MAY BE PROVIDED WHERE APPROPRIATE. ALL SWALES AND DRAINAGE SYSTEM BERM'S SHALL BE SODDED UNLESS OTHERWISE INDICATED ON THE DRAWINGS.
3. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO FINISH GRADE ALL LANDSCAPE AREAS ELIMINATING ALL BUMPS, DEPRESSIONS, ROCKS, STICKS, OR OTHER DEBRIS PRIOR TO THE INSTALLATION OF PLANT MATERIAL. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR MAINTAINING POSITIVE SHEET FLOW DRAINAGE AWAY FROM ALL STRUCTURES AND TO ALL DRAINAGE WAYS SHOWN OR IMPLIED ON THE DRAWINGS.
4. COORDINATE ALL WORK WITH ALL TRADES SO AS TO AVOID ANY CONFLICT WITH THE EXECUTION OF WORK BY OTHERS. OWNER SHALL NOT BE RESPONSIBLE FOR THE DAMAGE TO PLANT MATERIALS CAUSED BY OTHER TRADES OR SUBCONTRACTORS. THE CONDITION OF PLANT MATERIAL SHALL BE IN ACCORDANCE TO THE QUALITY STANDARDS DERIVED HEREIN AT THE TIME OF FINAL.
5. THE CONTRACTOR SHALL PROVIDE A GUARANTEE AND WARRANTY ALL WORKMANSHIP AND PLANT MATERIALS FOR A PERIOD OF NOT LESS THAN ONE (1) YEAR FROM FINAL ACCEPTANCE.

DATE	REVISION DESCRIPTION

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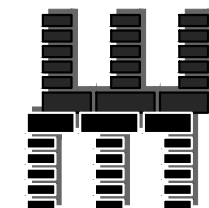
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CODE REQUIRED MINIMUM LANDSCAPE PLAN
HECTOR K-8 SCHOOL
CAPE CORAL, FLORIDA

LEE COUNTY SCHOOL DISTRICT
214 NW 20TH AVENUE

SHEET #
LA-6
JOB # 24-22

Review Date: April 23, 2026

Property Owner: Lee County District School Board

Owner Address: 2855 Colonial Boulevard
Fort Myers, FL 33966

Applicant: Scott Reichenbacher
3308 Canal Street
Fort Myers, FL 33916

Authorized Rep. Jason White, P.E.
Exceptional Engineering
P.O. Box 2980
Fort Myers, FL 33916

Property Location: 214 NW 20th Avenue
Cape Coral, FL 33993
All of Block 3731, Unit 51, Cape Coral Subdivision
Strap No. 09-44-23-C4-03731.0000

Request: The Lee County District School Board (referred to hereafter in this report as “developer”) requests the following deviations to the City landscape code appearing in Article 5, Chapter 5 of the Land Development Code (LDC).

1. A deviation from LDC, Section 5.5.13.A. entitled “*Tree planting requirements*” to allow a site with less than the required one canopy tree for each 1,000 sq. ft. of gross land area.
2. A deviation from LDC, Section 5.5.13.C.1. entitled “*Foundation Landscaping*” to allow a site with no required foundation landscaping.
3. A deviation from Section 5.5.13.C.3. entitled “*Off-street parking and vehicle use areas*” to allow a site with no landscaping associated with off-street parking and vehicle use areas.
4. A landscape deviation from LDC, Section 5.5.13.C.5. entitled “*Buffers*” to allow a site with 115 of the required 237 canopy trees and no accent trees and no shrubs.

Prepared By: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

Approved By: Amy Yearsley, AICP, City Planning Manager

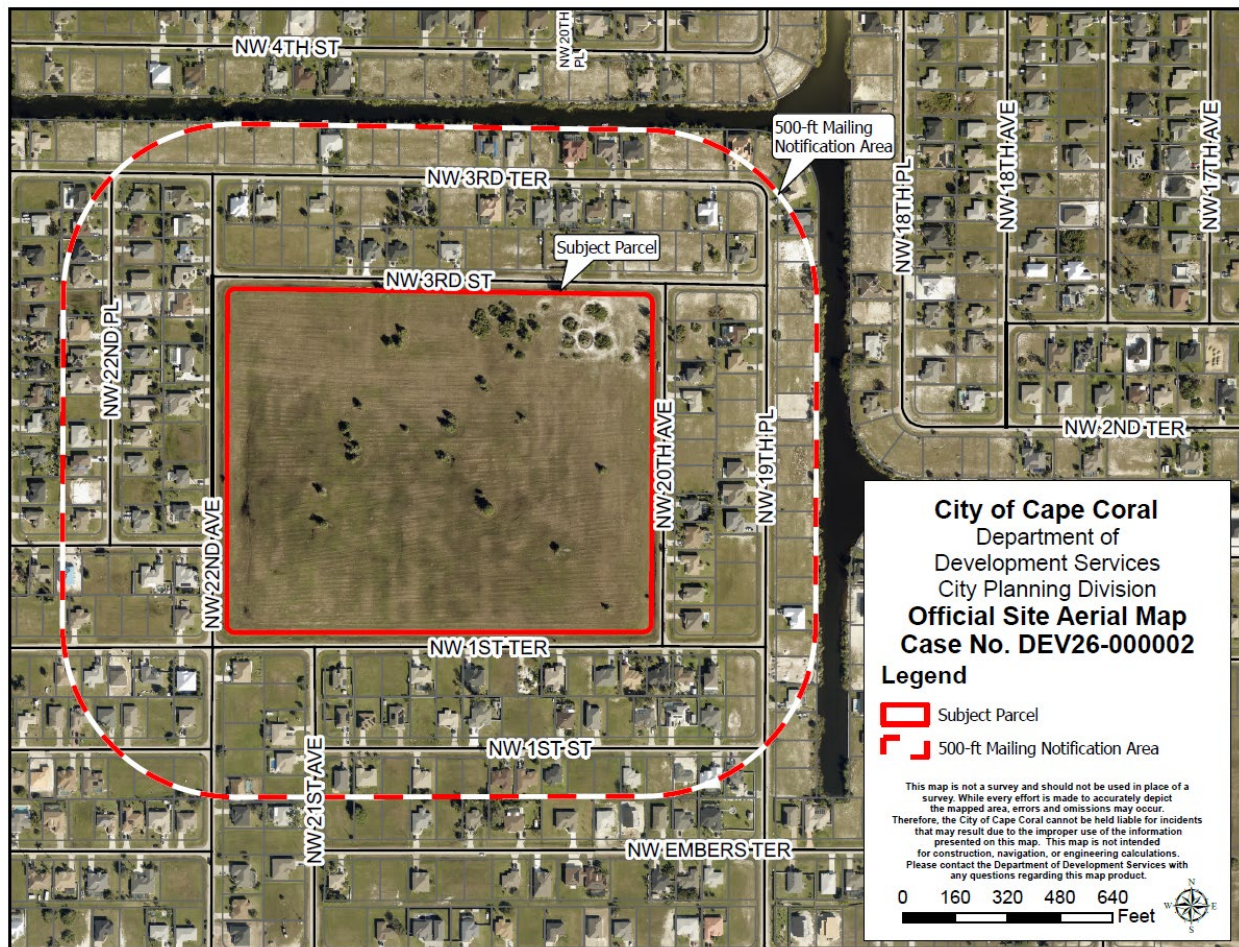
Recommendations: **Denial of all four requested deviations**

Urban Service Area: Reserve

PROPERTY DESCRIPTION

Block 3731 is 30.73 acres and is about 0.6 miles northwest of the intersection of Embers Parkway and Chiquita Boulevard. The site is rectangular and is bound by four local streets: NW 3rd Street to the north, NW 20th Avenue to the east, NW 1st Terrace to the south, and NW 2nd Avenue to the west (Figure 1). Surrounding sites within 1,200 feet of the subject block consist of platted residential lots that are sporadically developed.

Figure 1. Aerial map showing the location of the Hector Cafferata School site outlined in red.



The site has a Public Facilities Future Land Use Classification (FLUC) and Institutional (INST) zoning. Surrounding sites within 1,200 feet of the subject block have a Single Family and Multi Family FLUC and Single Family (R-1) zoning. The nearest nonresidential use is Mariner Middle School that is about 1.2 miles to the northeast.

BACKGROUND

The developer submitted a site development plan (SDP24-000054) for a primary educational facility on September 28, 2024. This school, known as the Hector A. Cafferata School, will provide education for kindergarteners through eighth grade. The site is currently under construction (Figure 2).

The site plan shows a development with four main buildings, ranging from 39,250 sq. ft. to 90,238 sq. ft. The perimeter of these four buildings forms a rectangle with two playgrounds located within the interior courtyard. A series of sidewalks within this plaza provide pedestrian connections among the four buildings. The site includes parking areas, drive isles, stormwater management areas, a soccer field, and basketball court. Access to the site is restricted to NW 20th Avenue although an emergency access that will be gated will be constructed along NW 3rd Street. About 63.7% of the 30.73-acre site will be pervious.

Figure 2. Photo of the north side of the Hector A. Cafferata School taken on April 17.



ZONING HISTORY

- The FLUC of Block 3731 was amended previously from Single Family and Multi Family to Public Facilities.
- The zoning of Block 3731 was amended from Multi-Family Residential (R-3) to Residential Development (RD) by Ordinance 61-90, and from RD to Institutional by Ordinance 4-19.

REQUESTS

The developer requests the following four deviations that are summarized in Table 1 below.

	Deviation #1	Deviation #2	Deviation #3	Deviation #4
LDC Section	Section 5.5.13.A.	Section 5.5.13.C.1.	Section 5.5.13.C.3.	Section 5.5.13.C.5.
Description	Total tree planting requirements	Foundation landscaping	Off-street parking and vehicle use areas ¹	Buffers ²
LDC standard & min. plantings or landscaped area required for the site	Minimum of one tree/1,000 sq. ft. of gross land area; 1,339 trees required	Landscaping must equal at least 10% of the building gross ground floor area. Min. landscape area is 16,291 sq. ft.	Landscaping must equal at least 5% of off-street parking and vehicle use areas. Min. landscape area is 11,798 sq. ft.	Buffers are required along each property line. 5 canopy trees, Min. of 5 accent trees, and 66 shrubs per 100 ft. of right-of-way. Equals 237 canopy trees, 237 accent trees, and 3,129 shrubs.
Applicant request	Provide the equivalent of 118 canopy trees	No foundation landscape plantings proposed.	No off-street and vehicle use area landscaping proposed.	115 canopy trees, no accent trees, and no shrubs.
Percent of standard	8.8%	0.0%	0.0%	48.5% of required canopy trees; 0.0% of required accent trees and shrubs.

ANALYSIS

Staff analyzed all four requests consistent with LDC, Section 5.5.20., “*Deviations.*” This subsection allows the Development Services Director to approve landscape deviations up to 10% of the requirements of this section. Requests that exceed 10% of a landscape standard must be approved by the Hearing Examiner.

Further, LDC, Section 5.5.20., states that deviations may be approved “*provided the deviation will not be contrary to the public interest and will be in harmony with the general intent and purpose of this section and where either of the following applies:*

1. *Conditions exist that are not the result of the applicant, and which are such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship; or*
2. *Literal conformity with the regulations would inhibit innovation or creativity in design.”*

The developer has requested four landscape deviations based on conditions that exist that are not the result of the applicant and which the literal enforcement of the regulations involved would result in unnecessary or undue hardship. Based on a hardship claim, staff utilized the five standards appearing in

¹ Off-street parking and vehicle use areas were estimated by subtracting the pavement area from the impervious area as reported on SDP24-000056 and multiplying this value by 5%.

² When a development abuts a public right-of-way, excluding any alleys, landscaping adjacent to roads is required by LDC, Section 5.5.13.C.2. However, for this particular development, the INST-zoned site is separated from residential-zoned sites on all four sites by local streets. As a result, landscape buffers are required by LDC, Section 5.5.13.C.5. Since the buffer requirements are more restrictive than the landscaping adjacent to roads provision, only the buffer requirements are administered in these situations.

Section 5.5.20.B. for evaluating the requested deviations. While there is no specific number of standards that need to be met, a deviation which fails to meet most of the guidelines would generally be considered a weak candidate for approval.

Under each of the five standards below, the four deviations are analyzed together. In situations where a particular deviation warrants special consideration or more detailed analysis, the requested deviation is identified and discussed separately.

1. Do site constraints exist such as shape, topography, dimensions, and area of the property exist? ***Staff analysis and recommended findings: The area of the site is large (30.73 acres) and is rectangular in shape. The topography of the site is flat. The site lacks natural features like large bodies of water, wetlands, or rock outcrops that would inhibit the planting and growth of trees. The site also lacks overhead powerlines within perimeter easements that might otherwise restrict or limit the types of canopy trees that could be planted in buffer areas adjacent to street rights-of-way. In summary, site constraints related to both the natural as well as the built environment are absent that would prevent compliance with the landscape code regarding all four requested deviations.***
2. Do other regulations exist that would impede or interfere with compliance of the subject landscape regulations? ***Staff analysis and recommended findings: The developer has claimed that a state exemption exists under Florida Statutes, Section 1002.33(18)a in their Letter of Intent that prohibits local governments from imposing site development restrictions that are more stringent than those established in the State Requirements for Educational Facilities (SREF) within the Florida Building Code. Furthermore, the developer asserts that the application of the City landscape code to the school site constitutes a development restriction that exceeds those established in the SREF and, therefore, these more stringent local requirements should not be administered.***

Planning staff's review of Section 1002.33(18) cited above shows this statute pertains to Charter Schools and not to land development regulations or construction standards.

Planning staff is aware of pre-emption language involving schools that appears in Florida Statutes 1013.371 that states educational facilities "... must conform to the Florida Building Code and the Florida Fire Prevention Code ... and ... are exempt from all other state building codes; county, municipal, or other local amendments to the Florida Building Code ... " In reviewing this statute, staff finds this language is specific and limited to the Florida Building Code and excludes from the statute any local requirements that include provisions found in a local government's Comprehensive Plan or Land Development Code. Further, a past Florida Attorney General interpretation (AGO 2004-42) on this same matter also differentiated between the Florida Building Code and local government land-use restrictions. In responding to the Hernando County School Board Attorney in 2004, the State Attorney General concluded:

"While Section 1013.371, Florida Statutes, expressly exempts education facilities constructed by a school board from any county amendments to the Florida Building Code and Florida Fire Prevention Code; building permits and the fee for those permits; and ordinances, no provision generally exempts school boards from the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161-163.3217, Florida Statutes. Rather the Legislature has made it clear that school districts and school boards are subject to local

land development regulations enacted to implement local comprehensive land use planning and development.”

Since the City landscape regulations appear in the LDC and are not part of the Florida Building Code or Florida Fire Prevention Code, staff concludes that public schools are not exempt from these local requirements.

Staff also reviewed LDC requirements during the SDP review of the project for potential conflicts. Staff found one conflict in the landscape code that involves two separate subsections; plantings adjacent to roads (Section 5.5.13.C.2.) and buffers (Section 5.5.13.C.5.). These two provisions potentially conflict with one another as each standard requires different planting schedules and planting widths along the perimeter of the site. However, in such cases, the City administers the landscape provision that is considered to be the more restrictive. LDC, Section 1.14.D.3. states that “In the event of a conflict, when limitations, restrictions, or standards apply to an individual lot, use, or structure, the more restrictive provisions shall apply.”

In summary, Planning staff concludes that regulations are absent that would impede or interfere with compliance of the landscape code.

3. Are other locational factors present that make compliance with the pertinent section of the landscape code impossible or impracticable? **Staff analysis and recommended findings: The developer states that deviations sought from the landscape code are necessary to provide a safe and secure site and to improve the functionality of the site. Both issues are addressed separately below.**

Safety and site security has been identified as a concern, presumably because the more landscaping on a site, the greater the potential exists for creating hiding places and concealment areas. Except for the landscape buffers that are required along the perimeter of the site, and trees associated with parking islands, the developer has considerable flexibility where other plantings can be placed.

According to a 2003 report authored by the Florida Department of Education entitled, Florida Safe School Design Guidelines – Strategies to Enhance Security and Reduce Vandalism”, several strategies can be employed involving landscaping to enhance safety and minimize threats from intruders.³ One such strategy involves providing access control of the perimeter of the site. This can be accomplished by utilizing landscaping to control physical access to the site and by clearly defining the property boundary. Installing a robust perimeter buffer can help achieve this goal.

Within the site, well-planned landscaping placement combined with regular maintenance can be employed to provide a safe school campus without reducing the number of required plantings. While shrubs are required for foundation landscaping, these shrubs can be located away from windows and doors that provide building access. These shrubs can be installed and maintained at a minimum height of 24 inches that provide little opportunity for intruders to hide. Trees can also be strategically placed on the site, and tree canopies maintained above eight feet as recommended in the Department of Education report, to ensure landscaping does not interfere with the natural surveillance of the school grounds.

³ Florida Department of Education. 2003. Florida Safe School Design Guidelines: Strategies to Enhance Security and Reduce Vandalism. Authored by the University of Florida School of Architecture.

Improving the functionality of the site was also identified as a reason for seeking a reduction in the number of plantings for the site. To evaluate this concern, staff estimated the total impervious area as well as areas of the site where landscaping would directly conflict with regularly planned activities or events. These areas included a play field in the northwest corner and playground areas in the middle of the site between the four main buildings. Adding the combined acreage of these two areas (3.6 acres) to the impervious area yielded a total of 14.8 acres that would not support landscaping. However, the remainder of the site, 15.9 acres (or 52% of the total), could be landscaped. As the applicant did not provide staff with a landscape plan that showed full compliance with the landscape code, staff is unable to determine how “dense” the landscaping on the site might be absent of a deviation approval. However, to the extent site constraints exist, the applicant has several options for reducing the total number of trees without requiring a deviation. These options include the following:

- a. Reducing the total number of trees required for a site up to a maximum of 30% upon approval by the Development Services Director under LDC, Section 5.5.13.A.3.*
- b. Utilizing tree credits for the site up to a maximum of 50% of the total number of trees required. For this particular development, a maximum of 670 tree credits could be utilized.*
- c. Reducing the number of trees required for a site, up to 30% of the total, and further reducing the number of trees by using tree credits (a combination of Options a. and b. above).*

Pervious or green area located immediately between the school buildings and parking areas on the site equals an estimated 3.6 acres. A minimum of 10% of this area would need to consist of foundation landscaping. Information was not provided by the developer that explained why compliance with this standard could not be achieved.

In short, justifications offered by the developer in supporting the requested deviations appear to be based on general concerns or assertions and do not result from the development of a code compliant landscape plan for the site that demonstrates how school facilities or activities would be negatively affected. As the burden falls on the developer to demonstrate such a hardship, staff finds this standard has not been met for the requested deviations.

4. What effect will the requested deviation have on community appearance? *Staff analysis and recommended findings: The requested deviations will result in a substantial decrease in canopy trees on the site. About a 50% reduction in the number of canopy trees required for the perimeter buffer is proposed, while a 91% reduction to the total tree planting requirement for the site is sought. Canopy trees required for off-street and vehicle use areas are absent from the landscaping plans. The landscape plans are also devoid of shrubs. The LDC requires shrubs for foundation landscaping and buffer yards. The minimum number of shrubs alone for complying with the landscape buffer requirements exceeds 3,000 plantings. Given the number of deviations sought coupled with the magnitude of these requests, all four deviations will have a negative effect on community appearance by contributing to a site that is largely devoid of landscaping. The lack of landscaping will be particularly noticeable given the area of the site, the large footprint and height of the school buildings, and the amount of street frontage.*

5. Would the approval of the deviation serve the intent of this section to protect the health, safety, and welfare of the public while ensuring a high level of overall aesthetic appeal and visual interest in the City. ***Staff analysis and recommended findings: The four deviations will be contrary to protecting the health, safety, and welfare of the public. Three of the deviations will collectively result in a substantial reduction of trees that would lead to an accompanying loss in canopy cover on this site. The landscape buffer deviation will substantially reduce the number of perimeter canopy trees, accent trees, and shrubs that will provide a weak transition between the school use and the surrounding low-density residential development in this area. The elimination of the foundation landscaping and off-street parking and vehicle use landscaping will contribute to a site that lacks aesthetic relief and visual appeal considering the collective mass of the school buildings and related improvements.***

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The following policies in the Comprehensive Plan are applicable to this deviation case.

Future Land Use Element.

Table 1 appearing in Policy 1.15.

Staff analysis and recommended finding: This request is consistent with Table 1 appearing in Policy 1.15. of the Future Land Use Element that identifies the INST District as consistent with the Public Facilities FLUC.

Policy 8.3: *Commercial development shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses. The design should ensure adequate screening of unsightly views of commercial developments (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas, and exterior storage) through the extensive use of landscaping, berms, fencing concealment, architectural features, open space, setbacks, and building orientation. Ensure that the placement of any noise generating activities such as ingress/egress, parking deliveries, air conditioning equipment, and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety, and overall maintenance of commercial properties should be carefully monitored.*

Policy 8.4: *The City shall encourage transitions from commercial uses to less intensive land uses and site design that considers the following preferred characteristics to attain compatibility with adjacent residential uses:*

a. Site Orientation

- i. Vehicular access should be from a collector, arterial, access street, or an alley if the subject uses are located within the Downtown Community Redevelopment Area.*
- ii. Pedestrian access should be designed to provide internal and external circulation from adjacent neighborhoods.*
- iii. Streets should be designed with elements to provide visual or physical buffering and may serve as boundaries between different intensities of land uses.*
- iv. Site improvements within commercial areas such as lighting, signs, and landscaping should be designed and coordinated in order to create a positive identity and visual image throughout the development area.*

- b. *Site design should promote the preservation and integration of mature trees, natural vegetation, and natural and environmentally sensitive areas whenever feasible.*
- c. *Screening and landscaping*
 - I. *Creative and extensive use of landscaping and berming techniques for natural transitions between differing intensities of land uses is encouraged.*
 - II. *Fences should not be used as a sole method of providing screening and buffering between differing intensities of land uses.*
 - III. *The City shall review and revise landscaping and signage standards for commercial development to enhance the visual and physical environment to foster its integration of other land uses...*

Staff analysis and recommended findings: The school site has INST zoning and is surrounded by properties with R-1 zoning. Policy 8.3 advocates for the extensive use of landscaping to buffer and screen commercial development from nearby residential uses. Structures that should be screened or buffered include loading areas, equipment, dumpsters, and parking areas. Policy 8.4 advocates landscaping as a means for providing an appropriate transition between nonresidential sites and less intensive residential uses. Canopy trees provide an important function towards achieving both goals. Foundation plantings provide aesthetic relief between buildings and off-street parking or vehicular use areas. Both foundation landscaping and canopy trees help create a positive identity and visual image of commercial development as mentioned in Policy 8.4. All four deviations requested by the developer are inconsistent with the goals these two policies aim to achieve.

SUMMARY

Based on the analysis provided within this report, staff recommends denial of all four requested landscape deviations. The number and magnitude of the deviations are such that approval of these requests would result in the developer providing about 9% of the total number of trees required for the site, and a property that was completely lacking shrubs. The degree of relief sought by the developer would result in a ±31-acre site that lacks an effective perimeter buffer, and elsewhere, is largely devoid of canopy trees and shrubs. As landscaping can provide an effective transition between land uses of varying intensities, the diminution of the landscape buffer as proposed would offer substantially less protection to the surrounding single-family residents by exposing them to activities and certain site improvements that would otherwise be obscured, if not concealed by the required plantings. The deviations proposed by the developer would also result in a site where building massing was pronounced due to the paucity of plantings, with parking areas lacking shading, and a development exhibiting less visual appeal.

The applicant may be entitled to limited relief from the landscape code. However, for the number and magnitude of the deviations requested, the developer has not provided a compelling case for the relief sought beyond providing general reasons for the deviations (e.g., security, safety, and site functionality). To illustrate, the submittal of a landscape plan meeting the City minimum requirements may have demonstrated more clearly specific safety-related concerns or where required plantings may interfere with specific school activities and functions. While a claim was made concerning a state pre-emption on the City's ability to administer landscaping regulations on public school sites, staff found no evidence of this, and to the contrary, is aware of a state attorney general opinion that contradicts this assertion.

The City landscape code also provides flexibility in several key aspects that include reducing the number of trees on a site without the need for a deviation. These options include seeking relief through an

administrative process or by using tree credits. Options that include thoughtful plant selection, placement, and maintenance can be tailored to design and maintain planting areas that will be congruent with the intended use of the site as suggested in a Department of Education report cited herein.

In summary, staff finds that all four requested deviations fail to meet those standards appearing in LDC, Section 5.5.20., and therefore recommends **denial** of each requested deviation.

Staff Contact Information

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OFFICE OF THE HEARING EXAMINER, CITY OF CAPE CORAL

HEARING EXAMINER ORDER
DEV HEX Order 2-2026

Lee County District School Board Deviation
DCD Case # DEV26-000002
Rendered May 22, 2026

APPLICATION FOR: Four (4) Deviations from City Landscape Code
(Tree Planting; Foundation Landscaping; Landscaping for
Off-Street Parking and Vehicle Use Areas; and Buffers)

DCD CASE NUMBER: DEV26-000002

PROJECT NAME: Hector Cafferata K-8 School

NAME OF OWNER: Lee County School District

NAME OF APPLICANT: Scott Reichenbacher

NAME OF APPLICANT'S REPRESENTATIVE: Jason White, P.E., Exceptional
Engineering

PROPERTY ADDRESS: 214 NW 20th Avenue, Cape Coral, FL 33993
Unit 51, Block 3731, Cape Coral Subdivision
STRAP # 09-44-23-C4-03731.0000

ZONING DISTRICT: Institutional (INST)

FUTURE LAND USE CLASSIFICATION: Public Facilities (PF)

URBAN SERVICE: Reserve

DATE OF HEARING: May 19, 2026

SUMMARY OF REQUEST:

Applicant requests four (4) deviations from the City's Landscape Code:

1. A deviation from LDC, §5.5.13.A. entitled "*Tree planting requirements*" to allow a site with less than the required one canopy tree for each 1,000 square feet of gross land area; and
2. A deviation from LDC, §5.5.13.C.1. entitled "*Foundation Landscaping*" to allow a site with no required foundation landscaping where a minimum of 16,187 square feet of foundation landscaping is required; and
3. A deviation from §5.5.13.C.3. entitled "*Off-street parking and vehicle use areas*" to allow a site with no landscaping associated with off-street parking and vehicle use areas; and
4. A landscape deviation from LDC, §5.5.13.C.5. entitled "*Buffers*" to allow a site with 115 of the required 237 canopy trees and no accent trees and no shrubs.

SUMMARY OF HEARING EXAMINER ORDER

The Hearing Examiner **denies** the requested four (4) deviations.

I. NOTICE OF HEARING

Based on the testimony of City Staff Patrick White, the Hearing Examiner finds that proper notice of this hearing was provided, pursuant to Article 3 (Development Review), Chapter 1, § 3.1.10 ("Public Hearing Scheduling and Notice Requirements") of the City of Cape Coral Land Development Code ("LDC").

II. PARTICIPANTS IN HEARING

APPLICANT'S REPRESENTATIVES: Jason White, P.E.
Scott Reichenbacher, Director of Construction for School District
Robert Dody, Esquire, School Board Attorney

CITY STAFF: Patrick White^{1 2}

CITY CLERK'S OFFICE: Sheri Rhine, Recording Secretary

PUBLIC TESTIMONY: Marshall Fisikelli (opposed to granting of any deviations)

Staff also received two telephone calls of inquiry regarding the Application.

III. REVIEW OF LDC REQUIREMENTS: GENERAL

Entirety of the Record/Standard of Review of Evidence. The Hearing Examiner's Order is based on whether the Application meets all applicable requirements of the Comprehensive Plan, the City Code of Ordinances, and the LDC, based upon the entirety of the record before the Hearing Examiner. The decision or Order of the Hearing Examiner must be based upon competent substantial evidence in the record. LDC Article 3 (Development Review), Chapter 1 (Development Review Procedures), § 3.1.11 (Public Hearing Procedures), LDC §3.1.11E

Presumption of Relevance and Materiality. Evidence related to an Application's consistency with the Comprehensive Plan, the City Code of Ordinances, or the LDC will be presumed to be relevant and material. LDC Article 3 (Development Review), Chapter 1 (Development Review Procedures), § 3.1.11 (Public Hearing Procedures), LDC §3.1.11F.4.

¹ Mr. White was accepted as an expert in land planning issues related to this Hearing, based upon his C.V. of record with the City and his prior testimony regarding issues similar to those contained in this Hearing.

² Mike Struve, AICP, LEED Green Associates, Planning Team Coordinator, prepared the staff report.

Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in court. LDC Article 3 (Development Review), Chapter 1 (Development Review Procedures), § 3.1.11 (Public Hearing Procedures), LDC §3.1.11F.5.

IV. LDC REQUIREMENTS: DEVIATION CRITERIA UNDER LDC§2.2.AND §3.4

Hearing Examiner's Authority The Hearing Examiner has the authority to approve or deny an application for a deviation (other than administrative deviations) pursuant to LDC Article 2 (Decision Making), Chapter 2 (Hearing Examiner), §2.2.3A.3:³

A Hearing Examiner shall hear, decide, and, when applicable, may impose any reasonable conditions or restrictions on the following:

.... 3. Applications for deviations

Minor Deviations: Purpose and Intent. LDC §3.4.2A. states as follows:

A. Purpose and intent. To grant relief from strict application of LDC requirements to allow minor deviations. LDC § 3.4.2A.

Accordingly, the Hearing Examiner must make a finding of fact as to whether the application constitutes a request for a "minor" deviation or not.

V. LDC REQUIREMENTS: DEVIATION CRITERIA UNDER LDC §5.5.20

Administrative versus Quasi-Judicial Jurisdiction over Deviations. LDC§3.1.2.A.10 and Table 3.1.3 provide that the Department Director is the "Decision Maker" for administrative deviations. LDC§3.3.6.A-C sets out administrative deviations in detail.

LDC§3.1.2.B.1 addresses the Hearing Examiner's jurisdiction as follows: "The following shall be treated as quasi-judicial decisions: *Deviations (other than Administrative Deviations)*," with Table 3.1.3 showing that the Hearing Examiner is the "Decision Maker" for these deviations.

Landscape Deviations: Hearing Examiner Authority. LDC§5.5.20.A-C sets forth review of landscape deviations in the context of administrative (Department Director), not quasi-judicial, deviations.

However, jurisdiction is conferred on the Hearing Examiner to consider landscape deviations which exceed the 10% administrative cap (and thereby to have jurisdiction to conduct a quasi-judicial hearing, notwithstanding the "administrative" language), by virtue of LDC §3.4.2B.3. which states:

³ This is also referenced in LDC Article 3, §3.1.2.B.1

"[Hearing Examiner] deviations may be granted for the following... Landscaping deviations in Article 5, Chapter 5, which do not qualify for an administrative deviation."

Landscape Deviation Criteria. The following standards are reviewed below by the Hearing Examiner as set forth in LDC § 5.5.20:

LDC § 5.5.20.A:

1. *Conditions exist that are not the result of the applicant, and which are such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship; or*
2. *Literal conformity with the regulations would inhibit innovation or creativity in design.*⁴

LDC § 5.5.20.B:

In determining whether a particular deviation request should be approved as the result of unnecessary or undue hardship, factors the [Hearing Examiner] shall consider include the following: site constraints such as shape, topography, dimensions, and area of the property, the effect other regulations would have on the proposed development, or other locational factors that may make compliance with this section impossible or impracticable, and the effect the requested deviation would have on the community appearance.

Additionally, the [Hearing Examiner] shall find that the approval of the deviation(s) would serve the intent of this section to protect the health, safety, and welfare of the public while ensuring a high level of overall aesthetic appeal and visual interest in the city.

LDC § 5.5.20.E:

For deviations to avoid unnecessary or undue hardship, the [Hearing Examiner] subject to these standards and criteria, shall approve only the minimum deviation from the provisions of this section.

VI. PRELIMINARY MATTERS

Staff Report and Exhibits.

Staff incorporated the Staff Report and previously supplied exhibits into the presentation by reference.

⁴ The Applicant requested a finding that this analysis be conducted under a "hardship" rubric rather than under "inhibition or creativity in design." Staff did not object. The Hearing Examiner finds that the correct analysis is under "hardship" pursuant to LDC § 5.5.20.A(1). Accordingly, the Hearing Examiner has not reviewed the Application under the alternative statutory provision, "Literal conformity with the regulations would inhibit innovation or creativity in design."

*Applicant's Letter of Intent and Applicant's Narrative and Explanation –
Landscape Deviation Request*

The Applicant's Representative provided a Letter of Intent dated April 9, 2026 and a separate Narrative and Explanation – Landscape Deviation Request, also dated April 9, 2026. Factual allegations and proposed legal conclusions set forth in the Letter and Narrative/Explanation are addressed in detail below.

Subject Property and Surrounding Properties

The Applicant's Representatives testified that Block 3731 is 30.77 acres in size and is located approximately 0.3 miles north of Embers Parkway West and 0.45 miles east of El Dorado Boulevard.

The Applicant failed to provide information regarding the Future Land Use Classification ("FLUC") and Zoning District of the subject property. The Applicant failed to provide testimony regarding the character of the immediately surrounding properties and their FLUC and Zoning District, as well.

Staff testified that the subject site is rectangular in shape and is bound by four local streets: NW 3rd Street to the north, NW 20th Avenue to the east, NW 1st Terrace to the south, and NW 2nd Avenue to the west.

Staff further testified that the FLUC of Block 3731 was amended previously from Single Family and Multi Family to Public Facilities, while the zoning of Block 3731 was amended from Multi-Family Residential (R-3) to Residential Development (RD) by Ordinance 61-90, and from RD to Institutional by Ordinance 4-19.

Staff also testified that surrounding sites within 1,200 feet of the subject block consist of sporadically developed platted residential lots with a Single Family and Multi Family FLUC and Single Family (R-1) zoning. The nearest non-residential use is Mariner Middle School, located approximately 1.2 miles to the northeast.

Application of F.S. 1002.38(18)(a) to This Request

Applicant states that Florida Statute 1002.38(18)(a) addresses this Application. The analysis involves interpretation of the following statutory prohibition set forth in F.S. 1002.38(18)(a):

*"The [City] shall not adopt or impose any local building requirements or **site-development restrictions** such as parking and site-size criteria.. that are addressed by and more stringent than those found in the State requirements for Educational Facilities of the Florida Building Code..." (Emphasis added).*

Applicant states "the City's landscape requirements, as applied to this educational facility, constitute a site development restriction that exceeds the requirements of

SREF [State Requirements for Educational Facilities]. As such, strict application of these standards would conflict with state-level regulations governing educational facility design. ”⁵

Were the Hearing Examiner to agree with Applicant's position that these landscape requirements are site development restrictions,⁶ she would then be required to apply the remainder of this statute (e.g., the statutory prohibition) and rule that the Hearing Examiner has no jurisdiction over the matter. If Applicant's position were to be correct, it would vitiate the Application, thereby rendering it void. ⁷

Secondly, the Applicant has voluntarily conformed to site-specific requirements imposed by the City's regulations. It clearly appears that Applicant's perspective is that the City does have the authority to impose site-development restrictions. This is directly contrary to its position herein.

Thirdly, the mere fact that the Applicant voluntarily entered into the quasi-judicial process by applying for the deviations waives any jurisdictional argument by Applicant, as it is deemed to have consented to the jurisdiction of the Hearing Examiner to review the Application and decide whether to grant or deny them.

It would be an impermissible gutting of the quasi-judicial process to think that Applicant is waiving its argument only if the ruling were to be in Applicant's favor. If Applicant truly believed there is no jurisdiction to deny the Deviations, Applicant would have taken that position prior to site development stage of City approvals.

The Hearing Examiner next turns to the City staff's analysis of the statute. She agrees with Mr. Struve/Mr. White that the plain language of the statute specifically limits its application to the Florida Building Code. It does not prohibit the imposition of local requirements found in the LDC and Comprehensive Plan. It is a prime (and basic) rule of statutory construction that the "Plain Language" doctrine⁸ is applicable when possible. This analysis is further supported by the AGO 2004-42, a 2004 Florida Attorney General's Opinion to the Hernando County School Board Attorney, holding that

"the Legislature has made it clear that school districts... are subject to local land development regulations enacted to implement local comprehensive land use planning and development."

In conclusion, the Hearing Examiner finds that the prohibitions set forth in F.S. 1002.38(18)(a) are irrelevant to consideration of this Application and sets aside any consideration thereof in her Decision.

⁵ Letter of Intent, p.3.

⁶ The Hearing Examiner does not agree with Applicant's position that the landscape requirements are "site development restrictions." This is addressed solely to show the internal inconsistency of Applicant's position.

⁷ Applicant could have raised the "site development restriction" statutory argument at the time the site development plan was presented to the City and Applicant could have refused to apply for the deviations.

⁸ "If it quacks like a duck...."

Applicant's Request and LDC Requirements⁹

	Deviation #1	Deviation #2	Deviation #3	Deviation #4
LDC Section	Section 5.5.13.A.	Section 5.5.13.C.1.	Section 5.5.13.C.3.	Section 5.5.13.C.5.
Description	Total tree planting requirements	Foundation landscaping	Off-street parking and vehicle use areas ¹⁰	Buffers ¹¹
LDC standard & min. plantings or landscaped area required for the site	Minimum of one tree/1,000 sq. ft. of gross land area; 1,339 trees required	Landscaping must equal at least 10% of the building gross ground floor area. Min. landscape area is 16,291 sq. ft.	Landscaping must equal at least 5% of off-street parking and vehicle use areas. Min. landscape area is 11,798 sq. ft.	Buffers are required along each property line. 5 canopy trees, Min. of 5 accent trees, and 66 shrubs per 100 ft. of right-of-way. Equals 237 canopy trees, 237 accent trees, and 3,129 shrubs.
Applicant request	Provide the equivalent of 118 canopy trees	No foundation landscape plantings proposed.	No off-street and vehicle use area landscaping proposed.	115 canopy trees, no accent trees, and no shrubs.
Percent of standard	8.8%	0.0%	0.0%	48.5% of required canopy trees; 0.0% of required accent trees and shrubs.

VII. APPLICANT'S FAILURE TO ADDRESS COMPREHENSIVE PLAN REQUIREMENTS

Every application must be consistent with the requirements of the City's Comprehensive Plan in order to be considered for approval. The Applicant failed to provide an analysis of how each deviation requested is consistent with the Comprehensive Plan.

Applicant's failure in this regard causes the Application to be denied, as Applicant is required to show that the Deviation is consistent with Comprehensive Plan requirements.

Staff presented the following Comprehensive Plan analysis regarding this Application.

[The remainder of this page is intentionally left blank.]

⁹ This Table appears on page 4 of the Staff Report.

¹⁰ Staff Comment: "Off-street parking and vehicle use areas were estimated by subtracting the pavement area from the impervious area as reported on SDP24-000056 and multiplying this value by 5%."

¹¹ Staff Comment: "When a development abuts a public right-of-way, excluding any alleys, landscaping adjacent to roads is required by LDC § 5.5.13.C.2. However, for this particular development, the INST-zoned site is separated from residential-zoned sites on all four sides by local streets. As a result, landscape buffers are required by LDC § 5.5.13.C.5. Since the buffer requirements are more restrictive than the landscaping adjacent to roads provision, only the buffer requirements are administered in these situations."

Future Land Use Element.^{12, 13}

Policy 8.3: *Commercial development shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses. The design should ensure adequate screening of unsightly views of commercial developments (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas, and exterior storage) through the extensive use of landscaping, berms, fencing concealment, architectural features, open space, setbacks, and building orientation. Ensure that the placement of any noise generating activities such as ingress/egress, parking deliveries, air conditioning equipment, and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety, and overall maintenance of commercial properties should be carefully monitored.*

Policy 8.4: *The City shall encourage transitions from commercial uses to less intensive land uses and site design that considers the following preferred characteristics to attain compatibility with adjacent residential uses:*

a. Site Orientation

- 1.[omitted as applicable only to within the Downtown Community Redevelopment Area].*
- 2. Pedestrian access should be designed to provide internal and external circulation from adjacent neighborhoods.*
- 3. Streets should be designed with elements to provide visual or physical buffering and may serve as boundaries between different intensities of land uses.*
- 4. Site improvements within commercial areas such as lighting, signs, and landscaping should be designed and coordinated in order to create a positive identity and visual image throughout the development area.*

b. Site design should promote the preservation and integration of mature trees, natural vegetation, and natural and environmentally sensitive areas whenever feasible.

¹² During testimony at the HEX Hearing, one of Applicant's Representatives indicated that the City's utilization of the word "Commercial" was inapposite, as the School District is not a commercial entity. The Hearing Examiner observes that the LDC Article 11, Definitions, Chapter 1, General Provisions, states that "Commercial" includes property zoned INST, as is the case here. As such, this is a term of art that was utilized by staff to cross-reference various City regulatory provisions with the current Application, rather than being a description of Applicant's legal status.

¹³ During testimony at the HEX Hearing, one of Applicant's Representatives indicated that the City's utilization of the word "Developer" was inapposite, as the School District is not a professional developer. The Hearing Examiner observes that LDC Article 11, Definitions, Chapter 1, General Provisions, defines "Developer" as "the person who is improving a parcel of land and who or may not be the owner of that property." As such, this is a term of art that was utilized by staff to cross-reference various City regulatory provisions with the current Application, rather than being a description of Applicant's legal status.

c. *Screening and landscaping*

- I. *Creative and extensive use of landscaping and berming techniques for natural transitions between differing intensities of land uses is encouraged.*
- II. *Fences should not be used as a sole method of providing screening and buffering between differing intensities of land uses.*
- III. *The City shall review and revise landscaping and signage standards for commercial development to enhance the visual and physical environment to foster its integration of other land uses...*

Staff, via the Staff Report, testified as follows:

The school site has INST zoning and is surrounded by properties with R-1 zoning. As set forth above, Policy 8.3 sets forth the proposition that extensive use of landscaping should be utilized to buffer and screen commercial development from nearby residential uses, with screening or buffering of structures such as loading areas, equipment, dumpsters, and parking areas.

Further, Policy 8.4 advocates the use of landscaping as a means for providing an appropriate transition between non-residential sites and less intensive residential uses, with the utilization of canopy trees providing an important function in achieving these goals. Finally, staff testified that foundation landscaping provide aesthetic relief between buildings and off-street parking or vehicular use areas.

Staff further testified that both foundation landscaping and canopy trees help create a positive identity and visual image of commercial (here defined as institutional) development as set forth in Policy 8.4.

Staff concluded by testifying that all four deviations requested by the Applicant are inconsistent with the goals these two policies aim to achieve.

The Hearing Examiner agrees with Staff's analysis of the application of the Comprehensive Plan provisions to this request for deviations.

Based on the foregoing staff analysis and the fact that the Applicant failed to address compliance with City Comprehensive Plan provisions, the Hearing Examiner finds that all four of the requested Deviations are **not in compliance** with Comprehensive Plan requirements and are **not consistent** with the Comprehensive Plan.

The Application for each of the four Deviations fails for this reason.

[The remainder of this page is intentionally left blank.]

VIII. APPLICATION OF LDC § 5.5.20 TO DEVIATION APPLICATIONS

The Hearing Examiner next reviews compliance of the Deviations with the standards set forth in LDC § 5.5.20. For the sake of simplicity, the four proposed Deviations have all been reviewed at one time under each standard.

Review Pursuant to LDC § 5.5.20. The following standards set forth in LDC § 5.5.20 were reviewed by the Hearing Examiner:

LDC § 5.5.20.A:

1. Conditions exist that are not the result of the applicant, and which are such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship...

LDC § 5.5.20.B:

In determining whether a particular deviation request should be approved as the result of unnecessary or undue hardship, factors the [Hearing Examiner] shall consider include the following: site constraints such as shape, topography, dimensions, and area of the property, the effect other regulations would have on the proposed development, or other locational factors that may make compliance with this section impossible or impracticable, and the effect the requested deviation would have on the community appearance. Additionally, the [Hearing Examiner] shall find that the approval of the deviation(s) would serve the intent of this section to protect the health, safety, and welfare of the public while ensuring a high level of overall aesthetic appeal and visual interest in the city.

1. DO SITE CONSTRAINTS SUCH AS SHAPE, TOPOGRAPHY, DIMENSIONS, AND AREA OF THE PROPERTY EXIST?

The Applicant testified that "The required landscaping standards significantly inhibit development of the site by conflicting with school safety and operational requirements. The inclusion of general trees and dense landscaping limits visibility and contradicts established safety principles for educational facilities, making strict compliance impractical."

However, the Florida Safe School Design Guidelines ("FSSDG"), provided as part of Applicant's submittal, directly contradict Applicant's statement:

Page 14-5 (page 82-83 of Applicant's submittal) of the FSSDG contains a schematic/drawing entitled "Landscape Elements Used to Delineate Exterior Space" which shows shrubs and trees with the statement "**low shrubs promote natural surveillance.**"

On that same page is the statement "**In Florida's climate, landscaping can become an essential ingredient in the design of outdoor spaces.**"

It further states that "Landscaping **can be used as a method of access control...** a row of trees incorporated **with low level plants** can define an edge that leads to an opening or entrance.... Trees can also provide comfort and relief from the heat of Florida's subtropical sun, **often far more economically than a built structure.** However, it is important to position trees away from exits, access roads and equipment areas..."

Staff testified that the area of the site is, flat, rectangular, and large (30.73 acres). Staff testified that the site lacks natural features like large bodies of water, wetlands, or rock outcrops that would inhibit the planting and growth of trees. The site also lacks overhead powerlines within perimeter easements that might otherwise restrict or limit the types of canopy trees that could be planted in buffer areas adjacent to street rights-of-way.

Regarding all four of the requested deviations, Staff testified that site constraints preventing compliance with the landscape code related to both the natural as well as the built environment are absent.

The Hearing Examiner agrees with the Applicant's submitted safety document, the FSSDG, and staff's analysis. If the required landscaping is placed carefully in conjunction with the above articulated FSSDG standards, the Applicant does not have a need for any of the four Deviations.

Each deviation requested by Applicant **fails to satisfy** this Standard.

2. WHAT EFFECT WOULD OTHER REGULATIONS HAVE ON THE PROPOSED DEVELOPMENT?

The Applicant focused the presentation on issues of safety for the students, teachers, administrative personnel, visitors and others. Obviously, the safety of all those on the school campus is of paramount importance.¹⁴

However, Applicant has failed to show that other regulations and recommendations regarding school construction require the complete elimination of foundation plantings and off-street and vehicle use area plantings and the severe reduction in total tree planting requirements as well as the severe reduction in buffering are necessary to provide such protection, as requested by Applicant.

To the contrary, Applicant's own submittals show that landscaping can aid in security concerns as well as reduction in budgetary costs.

¹⁴ Applicant has provided documentation regarding landscaping at schools outside the jurisdiction of Cape Coral: Gateway, Lehigh Acres (3 schools) and Alva. As these schools are the subject of an interlocal with Lee County, the governing entity, the Hearing Examiner finds that this documentation is irrelevant to consideration of this Application. As a result, she has not considered it in this Order.

In addition, this criterion is addressed in detail under Standard One immediately above and elsewhere. Those discussions are incorporated herein by reference.

The Hearing Examiner finds that Applicant has not met its burden of showing that its Application for each of the four deviations complies with this Standard.

Each of four Deviations requested **does not satisfy** this standard.

3. ARE THERE OTHER LOCATIONAL FACTORS THAT MAY MAKE COMPLIANCE WITH THIS SECTION IMPOSSIBLE OR IMPRACTICABLE?

The Applicant stated that

"Safety and security requirements associated with school design necessitate unobstructed visibility across the campus. The inclusion of general trees, shrubs, and dense landscaping conflicts with modern school safety and security best practices, including natural surveillance principles. Additionally, the need for large open play areas, operational efficiency, maintenance considerations, and hurricane recovery further limit the ability to comply with the prescribed landscaping standards. These conditions are not the result of the applicant and create unnecessary limitations if strict adherence were required." ¹⁵

Staff responded as follows:

The [Applicant] states that deviations sought from the landscape code are necessary to provide a safe and secure site and to improve the functionality of the site... Safety and site security has been identified as a concern, presumably because the more landscaping on a site, the greater the potential exists for creating hiding places and concealment areas. Except for the landscape buffers that are required along the perimeter of the site, and trees associated with parking islands, the [Applicant] has considerable flexibility where other plantings can be placed [on this 30+ acre site].

According to a 2003 report authored by the Florida Department of Education entitled, Florida Safe School Design Guidelines – Strategies to Enhance Security and Reduce Vandalism", several strategies can be employed involving landscaping to enhance safety and minimize threats from intruders.¹⁶

¹⁵ The Applicant also provided the following analysis as to the alternate review process under the deviation section; however, since they are proceeding under a "hardship" rubric, this analysis has not be considered in determination of this Order. "□ Innovation / Design Flexibility: The proposed plan balances safety, aesthetics, functionality, and cost. Landscaping is strategically concentrated at key locations, such as the main entrance, to provide visual interest, while the remainder of the site is maintained as open and visible to support safety and operational needs. This approach achieves the intent of the Code while allowing for a practical and secure school design."

¹⁶ Florida Department of Education. 2003. Florida Safe School Design Guidelines: Strategies to Enhance Security and Reduce Vandalism. Authored by the University of Florida School of Architecture.

One such strategy involves providing access control of the perimeter of the site. This can be accomplished by utilizing landscaping to control physical access to the site and by clearly defining the property boundary. Installing a robust perimeter buffer can help achieve this goal.

*Within the site, well-planned landscaping placement combined with regular maintenance can be employed to provide a safe school campus without reducing the number of required plantings. While shrubs are required for foundation landscaping, these shrubs can be located away from windows and doors that provide building access. These shrubs can be installed and maintained at a minimum height of 24 inches that provide little opportunity for intruders to hide. Trees can also be strategically placed on the site, and tree canopies maintained above eight feet as recommended in the Department of Education report, to ensure landscaping does not interfere with the natural surveillance of the school grounds. Improving the functionality of the site was also identified as a reason for seeking a reduction in the number of plantings for the site. To evaluate this concern, staff estimated the total impervious area as well as areas of the site where landscaping would directly conflict with regularly planned activities or events. These areas included a play field in the northwest corner and playground areas in the middle of the site between the four main buildings. Adding the combined acreage of these two areas (3.6 acres) to the impervious area yielded a total of 14.8 acres that would not support landscaping. However, the remainder of the site, 15.9 acres (or 52% of the total), could be landscaped. **As the applicant did not provide staff with a landscape plan that showed full compliance with the landscape code** [emphasis added], staff is unable to determine how "dense" the landscaping on the site might be absent of a deviation approval. However, to the extent site constraints exist, the applicant has several options for reducing the total number of trees without requiring a deviation. These options include the following:*

- i. Reducing the total number of trees required for a site up to a maximum of 30% upon approval by the Development Services Director under LDC, Section 5.5.13.A.3.*
- ii. Utilizing tree credits for the site up to a maximum of 50% of the total number of trees required. For this particular development, a maximum of 670 tree credits could be utilized.*
- iii. Reducing the number of trees required for a site, up to 30% of the total, and further reducing the number of trees by using tree credits (a combination of Options a. and b. above).*

*Pervious or green area located immediately between the school buildings and parking areas on the site equals an estimated 3.6 acres. A minimum of 10% of this area would need to consist of foundation landscaping. **Information was***

not provided by the developer that explained why compliance with this standard could not be achieved [emphasis added].

In short, justifications offered by the developer in supporting the requested deviations appear to be based on general concerns or assertions and do not result from the development of a code compliant landscape plan for the site that demonstrates how school facilities or activities would be negatively affected. As the burden falls on the developer to demonstrate such a hardship, staff finds this standard has not been met for the requested deviations.

The Hearing Examiner agrees and accepts the above-quoted staff testimony *in toto* and rejects Applicant's analysis under this Criterion.

Each of the four Deviations requested **does not satisfy** this standard.

4. **WHAT EFFECT THE REQUESTED DEVIATION WOULD HAVE ON THE COMMUNITY APPEARANCE?**

In their Letter of Intent, the Applicant's Representative stated that "the proposed deviations maintain the intent of the Land Development Code by... ensuring compatibility with surrounding properties and neighborhood character." The testimony provided at the Hearing by Applicant's Representative did not address this statement, and no evidence was presented to substantiate it. Rather, the Hearing Examiner finds that this is a conclusion rather than an allegation of fact.

Staff testified as follows:

*... the requested deviations will result in a substantial decrease in canopy trees on the site. About a 50% reduction in the number of canopy trees required for the perimeter buffer is proposed, while a 91% reduction to the total tree planting requirement for the site is sought. Canopy trees required for off-street and vehicle use areas are absent from the landscaping plans. The landscape plans are also devoid of shrubs. The LDC requires shrubs for foundation landscaping and buffer yards. The minimum number of shrubs alone for complying with the landscape buffer requirements exceeds 3,000 plantings. Given the number of deviations sought coupled with the magnitude of these requests, all four deviations will have a negative effect on community appearance by contributing to a site that is largely devoid of landscaping. **The lack of landscaping will be particularly noticeable given the area of the site, the large footprint and height of the school buildings, and the amount of street frontage** [emphasis added].*

The Hearing Examiner accepts the staff testimony as set forth above and disagrees with the very minimal statement by the Applicant regarding this criterion.

She finds that, were these deviations to be granted, the community appearance would be significantly negatively impacted. The Hearing Examiner agrees that

safety of students and others on the campus is vitally important, but finds it incomprehensible that on a thirty-acre site, the Applicant can find no safe place to put even one shrub. She is also disappointed that the Applicant failed to provide evidence to support its statement as set forth above.

Each of the four Deviation requested **does not satisfy** this standard.

5. *WOULD THE APPROVAL OF THE DEVIATION(S) SERVE THE INTENT OF THIS SECTION TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC AND ENSURE A HIGH LEVEL OF OVERALL AESTHETIC APPEAL AND VISUAL INTEREST IN THE CITY?*

The Applicant states multiple times that the 91% reduction in landscaping required by the City is absolutely necessary for the health and safety of students and others on the campus, as well as leading to protection of their welfare. The Applicant further states, without any evidence proffered, that the proposed deviations would ensure a high level of overall aesthetic appeal and visual interest as well as providing visibility for first responders and campus supervision. Rather, the Applicant states that the deviations will "provid[e] visually appealing landscaping where appropriate" but has failed to show a complete landscaping plan to back up this conclusion.

The Applicant has provided no documentation that the provision of appropriate landscaping on other local student campuses (including in Cape Coral) has impeded emergency responders, campus supervision, or blocked any safety concerns. The Applicant has provided no documentation alleging that school campuses throughout Lee County have been retrofitted to remove landscaping similar to the landscaping required by the City of Cape Coral. This failure leads to the conclusion that such required landscaping has not led to the safety problems outlined by Applicant here.

Upon inquiry, the Applicant's Representative testified that there are cameras on the facility structure which could be pointed to various areas on the campus for school personnel to monitor safety. Due to public record exceptions and concerns for student safety, there was no additional testimony regarding other locations on the campus (such as on light poles) where such monitoring devices could be placed to assist with safety concerns. The Hearing Examiner agrees that such information should be kept out of the public record, but brings this subject up solely to illustrate there are other, much less harsh, means of protecting those on these campuses.

Staff testified as follows:

"The four deviations will be contrary to protecting the health, safety, and welfare of the public. Three of the deviations will collectively result in a substantial reduction of trees that would lead to an accompanying loss in canopy cover on this site. The

landscape buffer deviation will substantially reduce the number of perimeter canopy trees, accent trees, and shrubs that will provide a weak transition between the school use and the surrounding low-density residential development in this area. The elimination of the foundation landscaping and off-street parking and vehicle use landscaping will contribute to a site that lacks aesthetic relief and visual appeal considering the collective mass of the school buildings and related improvements."

The Hearing Examiner accepts staff testimony as factual and rejects the information provided by the Applicant.

Each of the four Deviations **do not satisfy** this standard.

The Hearing Examiner finds that the Application for Deviation #1, Deviation #2, Deviation #3 and Deviation #4 fails to satisfy the deviation criteria set forth in LDC § 5.5.20.B.

LDC §5.5.20.E

For deviations to avoid unnecessary or undue hardship, the [Hearing Examiner] subject to these standards and criteria, shall approve only the minimum deviation from the provisions of this section.

As the Hearing Examiner denies all four Deviations requested, consideration of this LDC requirement is moot.

SUMMARY OF FINDINGS UNDER LDC§ 5.5.20.A.1

1. Conditions [must] exist that are not the result of the applicant, and which are such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship...

The Applicant's Representative testified that, were Applicant required to comply with all of the landscaping requirements without any deviations being granted, it would be cost-prohibitive, in that the cost would be approximately one million (\$1,000,000) dollars.

Upon inquiry by the Hearing Examiner, another Applicant's Representative testified that the overall construction budget for this school exceeds one hundred million (\$100,000,000) dollars. The landscaping cost, accordingly, represents approximately **one (1%) percent** of the budget. The Hearing Examiner finds that this expenditure is not a hardship, given the size of the overall budget and the proportionate cost for landscaping.

In addition, the Applicant has the ability to request an administrative deviation to reduce the obligation presented by these landscaping requirements, so Applicant is not closed out of all forms of possible relief.

As set forth in detail elsewhere herein, Applicant **has solely created** the conditions which give rise to this request. The Hearing Examiner finds that a literal enforcement of the regulations **would not result** in unnecessary or undue hardship.

The Application does not satisfy the requirements of LDC § 5.5.20 as to any of the four requested deviations.

IX. SUMMARY

The Hearing Examiner enters the following summary:

1. The requested Deviation #1, Deviation #2, Deviation #3 and Deviation #4 are all inconsistent and non-compliant with the requirements of the Comprehensive Plan, based upon staff testimony. In addition, the Hearing Examiner notes Applicant's failure to address consistency with the Comprehensive Plan, as required by the City.
2. The requested Deviation #1, Deviation #2, Deviation #3 and Deviation #4 each fails to meet the deviation criteria set forth in LDC §5.5.20.

X. CONCLUSION

Based on all the findings and conclusions set forth above, the Hearing Examiner concludes as follows:

1. For all the reasons set forth above, the Hearing Examiner finds that Deviation #1 as requested by Applicant is **not "minor."**
2. For all the reasons set forth above, the Hearing Examiner finds that Deviation #2 as requested by Applicant is **not "minor."**
3. For all the reasons set forth above, the Hearing Examiner finds that Deviation #3 as requested by Applicant is **not "minor."**
4. For all the reasons set forth above, the Hearing Examiner finds that Deviation #4 as requested by Applicant is **not "minor."**
5. The Deviation application for Deviation #1 **does not satisfy** the requirements of the City Comprehensive Plan, City Land Development Code and all other requirements of City ordinances and law.
6. The Deviation application for Deviation #2 **does not satisfy** the requirements of the City Comprehensive Plan, City Land Development Code and all other requirements of City ordinances and law.

7. The Deviation application for Deviation #3 **does not satisfy** the requirements of the City Comprehensive Plan, City Land Development Code and all other requirements of City ordinances and law.
8. The Deviation application for Deviation #4 **does not satisfy** the requirements of the City Comprehensive Plan, City Land Development Code and all other requirements of City ordinances and law.

ORDER

The Hearing Examiner considered the Application and all documentation submitted in accordance with City requirements, the City staff report and City staff's sworn presentation at Hearing, Applicant's Representatives' sworn verbal testimony at Hearing, Applicant's PowerPoint presentation and all documentation presented by Applicant's Representatives and Applicant, all other testimony at the Hearing, and the requirements of the City Comprehensive Plan and the Land Development Code.

Based upon the foregoing, the Hearing Examiner finds and concludes as follows:

The Hearing Examiner **DENIES THE APPLICATION FOR DEVIATION ONE (TREE PLANTING REQUIREMENTS)**

The Hearing Examiner **DENIES THE APPLICATION FOR DEVIATION TWO (FOUNDATION LANDSCAPING)**

The Hearing Examiner **DENIES THE APPLICATION FOR DEVIATION THREE (LANDSCAPING FOR OFF-STREET PARKING AND VEHICLE USE AREAS)**

The Hearing Examiner **DENIES THE APPLICATION FOR DEVIATION FOUR (BUFFERS)**

This Order takes effect on the date specified below.

HEARING EXAMINER OF THE CITY OF CAPE CORAL, FLORIDA



ANNE DALTON, ESQUIRE

May 22, 2026
DATE

ATTEST:

 5/26/2026

CITY CLERK