Post-it® eLabel 006 084 907

EXHIBITS

from HEX hearing

CASE #: DCI2006-00010

CASE NAME: Hemingway Pointe

Attach a copy of this form to the top of packet of the exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? ___YES ___NO

LOCATION OF BOARDS:

_____

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

MEMORANDUM

FROM THE

DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ZONING

LEE COUNTY HEARING EXAMINER

2006 OCT 25 PM 1:55

DATE: OCTOBER 25, 2006

TO: Lee County Hearing Examiner

FROM: Tony Palermo, Senior Planner, Zoning

RE: DCI2006-00014 HEMINGWAY POINTE RPD

Thank you for the opportunity to provide additional staff input for this case. As you requested, I am providing you a copy of the updated deviations (with conditions) followed by revised conditions of approval. I have included ALL of the deviation requests and only the conditions of approval that are being changed from the Sept. 25, 2006 staff report (as amended by the Oct. 5, 2006 from me).

You also have a revised master concept plan. Staff recommends approval of that plan.

Please contact me if there are other questions or concerns at #479-8325.

cc. Rob Spickerman, County Attorney
Kim Trebatoski, Environmental Sciences Division
Andy Getch, LCDOT
Matt Uhle, Knott Law Firm (for the applicant)

U:\200610\DCI20060.001\0\HEMINGWAY MEMO2.WPD

STAFF'S EXHIBIT # 3
DCI2006-00014
post hrg submitted

DEVIATIONS REQUESTED

Deviation 1A. Sec. 10-285(a) table 1 which requires a centerline connection separation for local roads of 125 feet to allow a minimum centerline connection separation of 99 feet for the private right-of-way where noted on the master concept plan.

Staff recommends approval with conditions.

1. Approval is limited to the three village green areas as shown on the approved master concept plan.
2. A minimum of 99 feet of separation be provided and shown on the local development order.

Deviation 1B. which requires a centerline connection separation for arterial roads of 660 feet to allow a minimum centerline connection separation of 450+/- feet for the proposed access onto buckingham road and existing drawdy court to the north.

Staff recommended denial. This deviation request was withdrawn by the applicant.

Deviation 2. Sec. 10-291(3) which requires more than one means of ingress or egress to allow one means of ingress or egress.

Staff recommends approval with one condition.

1. Approval must be consistent with Condition 10 "Access to Buckingham Road" above.

Deviation 3. Sec. 10-296(k)(1) which requires that dead-end streets, designed to be so permanently must be closed at one end by a circular turnaround for vehicles to allow dead-end streets where noted on the master concept plan. To allow for no cul-de-sacs.

Staff recommends approval with conditions.

1. Signage warning motorists of the lack of a turnaround lane be provided and shown on development order plans and must be approved by the Development Services Division.
2. Prior to issuance of a development order, the developer must provide written documentation from the Fort Myers Shores Fire District indicating that these turnaround points are acceptable and provide adequate access for emergency vehicles.

Deviation 4. Sec. 10-329(d)(1)a.2. which requires that water retention or detention excavations be setback 50 feet from any existing or proposed right-of-way line or easement for a collector or arterial street unless granted an administrative deviation in accordance with section 10-104. The setback may be reduced to not less than 25 feet if the developer provides for the protection of wayward vehicles through the use of guide rails, berm, swales, vegetation or other suitable methods as determined by the director to allow a setback of 25 feet from Buckingham Road.

Staff recommends approval with conditions.

1. Approval is limited to the 2 lakes shown on the approved master concept plan.
2. Enhanced buffering per this resolution must be provided including a berm and additional buffer plantings on Buckingham Road.

Deviation 5. Sec. 10-329(d)(1)a.3 which requires that water retention or detention excavating be setback 50 feet from any private property line under separate ownership unless granted an administrative deviation in accordance with section 10-104. The setback for an excavation from a private property line may not be less than 25 feet. The request is to allow a setback of 25 feet from the south property line.

Staff recommends approval with one condition.

1. Approval is limited to lake 4 as shown on the approved master concept plan.

Deviation 6. Sec. 10-416(d)(6) that requires that if roads, drives, or parking areas located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abuttng property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet.

In lieu of the buffer, the applicant will provide an unencumbered 15' plantable area containing planting size and count consistent with the type 'F' buffer.

Staff recommends approval.

Deviation 7. Sec. 34-935(e)(4) which requires where there are two or more principal buildings on a development tract. The minimum separation of buildings shall be one-half of the sum of their heights, or 20 feet, whichever is greater. The request is to allow a minimum building separation of 20 feet.

Staff recommends approval.

Deviation 8. Sec. 34-2015(2)(d) which requires that all parking lot spaces must be provided with sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion, to allow vehicles exiting residential off-street parking to back-out onto private roads.

Staff recommends approval.

Deviation 9. Sec. 34-2192(a) street setback for private road of 20 feet to allow a minimum front setback from the private road of 20 feet and a minimum side setback from the private road of 10 feet.

Staff recommends approval with conditions.

1. Approval is limited to *locations*, as shown on the approved master concept plan.
2. The building must be set back a minimum of 10 feet from the road right of way.

Deviation 10. Sec. 10-416(d)(3) which requires that proposed multi-family developments provide a type "B" buffer when abutting existing single-family development to allow a 5' wide planting area along the southern edge of the existing 50' FPL easement containing a double staggering hedge row of shrubs at a 48" minimum height at the time of installation. Plantings will be maintained at their natural height or to the maximum height allowed by FPL.

Staff recommends approval.

Deviation 11. Sec.10-418(1) that requires shorelines to be sinuous in configuration to provide increased length and diversity of the littoral zone. Sinuous is defined as serpentine, bending in and out, wavy or winding.

In lieu of the sinuous characteristic at the edge of water, the applicant will provide the desired sinuousity through increased littoral plantings of the individual lakes. Planting areas will constitute 15% of the lake aea with 50% coverage by plants spaced on three foot centers. Plantings under aforementioned conditions will be provided in place of the planting requirement of 1 plant per linear foot of lake shoreline called out in sec. 10-418(2)(b).

Please see Environmental Sciences comments and conditions.

RECEIVED
OCT 25 2006
ZONING

DEVIATIONS REQUESTED:

1. SEC. 10-285(a) TABLE 1
   A. WHICH REQUIRES A CENTERLINE CONNECTION SEPARATION FOR LOCAL ROADS OF 125 FEET TO ALLOW A MINIMUM CENTERLINE CONNECTION SEPARATION OF 99 FEET FOR THE PRIVATE RIGHT-OF-WAY WHERE NOTED ON THE MASTER CONCEPT PLAN.

   ~~B. WHICH REQUIRES A CENTERLINE CONNECTION SEPARATION FOR ARTERIAL ROADS OF 660 FEET TO ALLOW A MINIMUM CENTERLINE CONNECTION SEPARATION OF 450+/- FEET FOR THE PROPOSED ACCESS ONTO BUCKINGHAM ROAD AND EXISTING DRAWDY COURT TO THE NORTH.~~ **(DEVIATION REQUEST WITHDRAWN)**

2. SEC. 10-291(3) WHICH REQUIRES MORE THAN ONE MEANS OF INGRESS OR EGRESS TO ALLOW ONE MEANS OF INGRESS OR EGRESS..

3. SEC. 10-296(K)(1) WHICH REQUIRES THAT DEAD-END STREETS, DESIGNED TO BE SO PERMANENTLY MUST BE CLOSED AT ONE END BY A CIRCULAR TURNAROUND FOR VEHICLES TO ALLOW DEAD-END STREETS WHERE NOTED ON THE MASTER CONCEPT PLAN. TO ALLOW FOR NO CUL-DE-SACS.

4. SEC. 10-329(D)(1)a.2. WHICH REQUIRES THAT WATER RETENTION OR DETENTION EXCAVATIONS BE SETBACK 50 FEET FROM ANY EXISTING OR PROPOSED RIGHT-OF-WAY LINE OR EASEMENT FOR A COLLECTOR OR ARTERIAL STREET UNLESS GRANTED AN ADMINISTRATIVE DEVIATION IN ACCORDANCE WITH SECTION 10-104. THE SETBACK MAY BE REDUCED TO NOT LESS THAN 25 FEET IF THE DEVELOPER PROVIDES FOR THE PROTECTION OF WAYWARD VEHICLES THROUGH THE USE OF GUIDERAILS, BERM, SWALES, VEGETATION OR OTHER SUITABLE METHODS AS DETERMINED BY THE DIRECTOR TO ALLOW A SETBACK OF 25 FEET FROM BUCKINGHAM ROAD,

5. SEC. 10-329(d)(1)a.3. WHICH REQUIRES THAT WATER RETENTION OR DETENTION EXCAVATIONS BE SETBACK 50 FEET FROM ANY PRIVATE PROPERTY LINE UNDER SEPARATE OWNERSHIP UNLESS GRANTED AN ADMINISTRATIVE DEVIATION IN ACCORDANCE WITH SECTION 10-104. THE SETBACK FOR AN EXCAVATION FROM A PRIVATE PROPERTY LINE MAY NOT BE LESS THAN 25 FEET. THE REQUEST IS TO ALLOW A SETBACK OF 25 FEET FROM THE SOUTH PROPERTY LINE.

6. SEC. 10-416(d)(6) THAT REQUIRES THAT IF ROADS, DRIVES, OR PARKING AREAS LOCATED LESS THAN 125 FEET FROM AN EXISTING RESIDENTIAL SUBDIVISION OR RESIDENTIAL LOTS, A SOLID WALL OR COMBINATION BERM AND SOLID WALL NOT LESS THAN EIGHT FEET IN HEIGHT MUST BE CONSTRUCTED NOT LESS THAN 25 FEET FROM THE ABUTTING PROPERTY AND LANDSCAPED (BETWEEN THE WALL AND THE ABUTTING PROPERTY) WITH A MINIMUM OF FIVE TREES AND 18 SHRUBS PER 100 LINEAR FEET.

IN LIEU OF THE BUFFER, THE APPLICANT WILL PROVIDE AN UNENCUMBERED 15' PLANTABLE AREA CONTAINING PLANTING SIZE AND COUNT CONSISTENT WITH THE TYPE 'F' BUFFER.

7. SEC. 34-935(e)(4) WHICH REQUIRES WHERE THERE ARE TWO OR MORE PRINCIPAL BUILDINGS ON A DEVELOPMENT TRACT, THE MINIMUM SEPARATION OF BUILDINGS SHALL BE ONE-HALF OF THE SUM OF THEIR HEIGHTS, OR 20 FEET, WHICHEVER IS GREATER.THE REQUEST IS TO ALLOW A MINIMUM BUILDING SEPARATION OF 20 FEET,

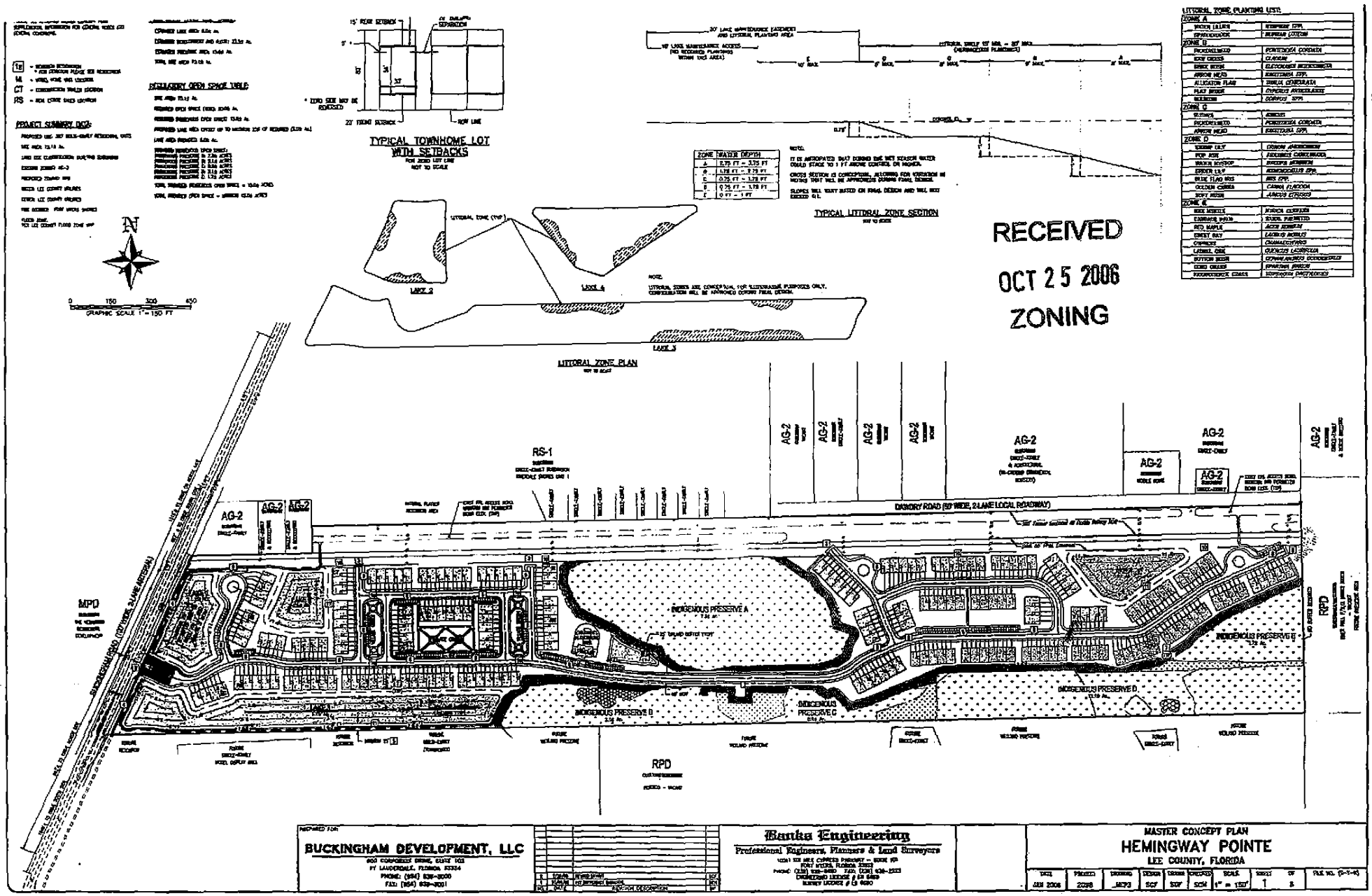
8. SEC. 34-2015(2)(d) WHICH REQUIRES THAT ALL PARKING LOT SPACES MUST BE PROVIDED WITH SUFFICIENT MANEUVERING ROOM TO ALLOW AN EXITING VECHICLE TO LEAVE THE PARKING LOT IN A FORWARD MOTION, TO ALLOW VEHICLES EXITING RESIDENTIAL OFF-STREET PARKING TO BACK-OUT ONTO PRIVATE ROADS.

9. SEC. 34-2192(a) STREET SETBACK FOR PRIVATE ROAD OF 20 FEET TO ALLOW A MINIMUM FRONT SETBACK FROM THE PRIVATE ROAD OF 20 FEET AND A MINIMUM SIDE SETBACK FROM THE PRIVATE ROAD OF 10 FEET.

10. SEC. 10-416(d)(3) WHICH REQUIRES THAT PROPOSED MULTI-FAMILY DEVELOPMENTS PROVIDE A TYPE "B" BUFFER WHEN ABUTTING EXISTING SINGLE-FAMILY DEVELOPMENT TO ALLOW A 5' WIDE PLANTED AREA ALONG THE SOUTHERN EDGE OF THE EXISTING 50' FPL EASEMENT CONTAINING A DOUBLE STAGGERED HEDGE ROW OF SHRUBS AT A 48" MINIMUM HEIGHT AT THE TIME OF INSTALLATION.

11. SEC. 10-418(1) THAT REQUIRES SHORELINES TO BE SINUOUS IN CONFIGURATION TO PROVIDE INCREASED LENGTH AND DIVERSITY OF THE LITTORAL ZONE. SINUOUS IS DEFINED AS SEPENTINE, BENDING IN AND OUT, WAVY OR WINDING.

IN LIEU OF THE SINUOUS CHARACTERISTIC AT THE EDGE OF WATER, THE APPLICANT WILL PROVIDE THE DESIRED SINUOUSITY THROUGH INCREASED LITTORAL PLANTINGS OF THE INDIVIDUAL LAKES. PLANTING AREAS WILL CONSTITUTE 15% OF THE LAKE AREA WITH 50% COVERAGE BY PLANTS SPACED ON THREE FOOT CENTERS. PLANTINGS UNDER AFOREMENTIONED CONDITIONS WILL BE PROVIDED IN PLACE OF THE PLANTING REQUIREMENT OF 1 PLANT PER LINEAR FOOT OF LAKE SHORELINE CALLED OUT IN SEC. 10-418(2)(B).



LITTORAL ZONE PLANTING LIST:	
ZONE A	
BUTTON BUSH	CEPHALANTHUS OCCIDENTALIS
SPATTERDOCK	NUPHAR LUTEUM
ZONE B	
PICKERELWEED	PONTEDERIA CORDATA
SOFT RUSH	JUNCUS EFFUSUS
BROAD RUSH	SCIRPUS CALIFORNICUS
ARROW HEAD	SAGITTARIA SPP.
ALLIGATOR FLAG	THALIA GENICULATA
FLAT SEDGE	CYPERUS ARTICULATUS
RUSH SEDGE	CYPERUS SPP.
ZONE C	
FLOWERS	VARIOUS
PICKERELWEED	PONTEDERIA CORDATA
ARROW HEAD	SAGITTARIA SPP.
ZONE D	
COMMON REED	PHRAGMITES AUSTRALIS
POP ASH	FRAXINUS CAROLINIANA
BROAD RUSH	SCIRPUS CALIFORNICUS
SPATTER LILY	NUPHAR LUTEUM
BLUE FLAG IRIS	IRIS SPP.
GOLDEN CANNA	CANNA FLACCIDA
SOFT RUSH	JUNCUS EFFUSUS
ZONE E	
RED MANGLE	RHIZOPHORA MANGLE
LEATHERWOOD	CYRILLA RACEMIFLORA
RED MAPLE	ACER RUBRUM
SWEET BAY	MAGNOLIA VIRGINIANA
CYPRESS	TAXODIUM SPP.
LARGE LEAF	QUERCUS LAURIFOLIA
BUTTON BUSH	CEPHALANTHUS OCCIDENTALIS
COMMON REED	PHRAGMITES AUSTRALIS

ZONE	WATER DEPTH
A	0.75 FT – 3.75 FT
B	1.75 FT – 2.75 FT
C	0.75 FT – 1.75 FT
D	0 FT – 1 FT

PREPARED FOR:
BUCKINGHAM DEVELOPMENT, LLC
400 CORPORATE DRIVE, SUITE 105
FT LAUDERDALE, FLORIDA, 33334
PHONE: (954) 938-3000
FAX: (954) 938-3001

Banks Engineering
Professional Engineers, Planners & Land Surveyors
10081 KELLY CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 936-0480 FAX: (239) 936-1023
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6630

MASTER CONCEPT PLAN
HEMINGWAY POINTE
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
JUN 2006	2036	MCP2	SCF	SCF	SCH	1" = 150'	1	5	

MEMORANDUM

FROM THE

DEPARTMENT OF COMMUNITY DEVELOPMENT

DIVISION OF ZONING

LEE COUNTY
HEARING EXAMINER

DATE: OCTOBER 25, 2006

TO: Lee County Hearing Examiner

FROM: Tony Palermo, Senior Planner, Zoning

RE: DCI2006-00014 HEMINGWAY POINTE RPD

Thank you for the opportunity to provide additional staff input for this case. As you requested, I am providing you a copy of the updated deviations (with conditions) followed by revised conditions of approval. I have included ALL of the deviation requests and only the conditions of approval that are being changed from the Sept. 25, 2006 staff report (as amended by the Oct. 5, 2006 from me).

You also have a revised master concept plan. Staff recommends approval of that plan.

Please contact me if there are other questions or concerns at #479-8325.

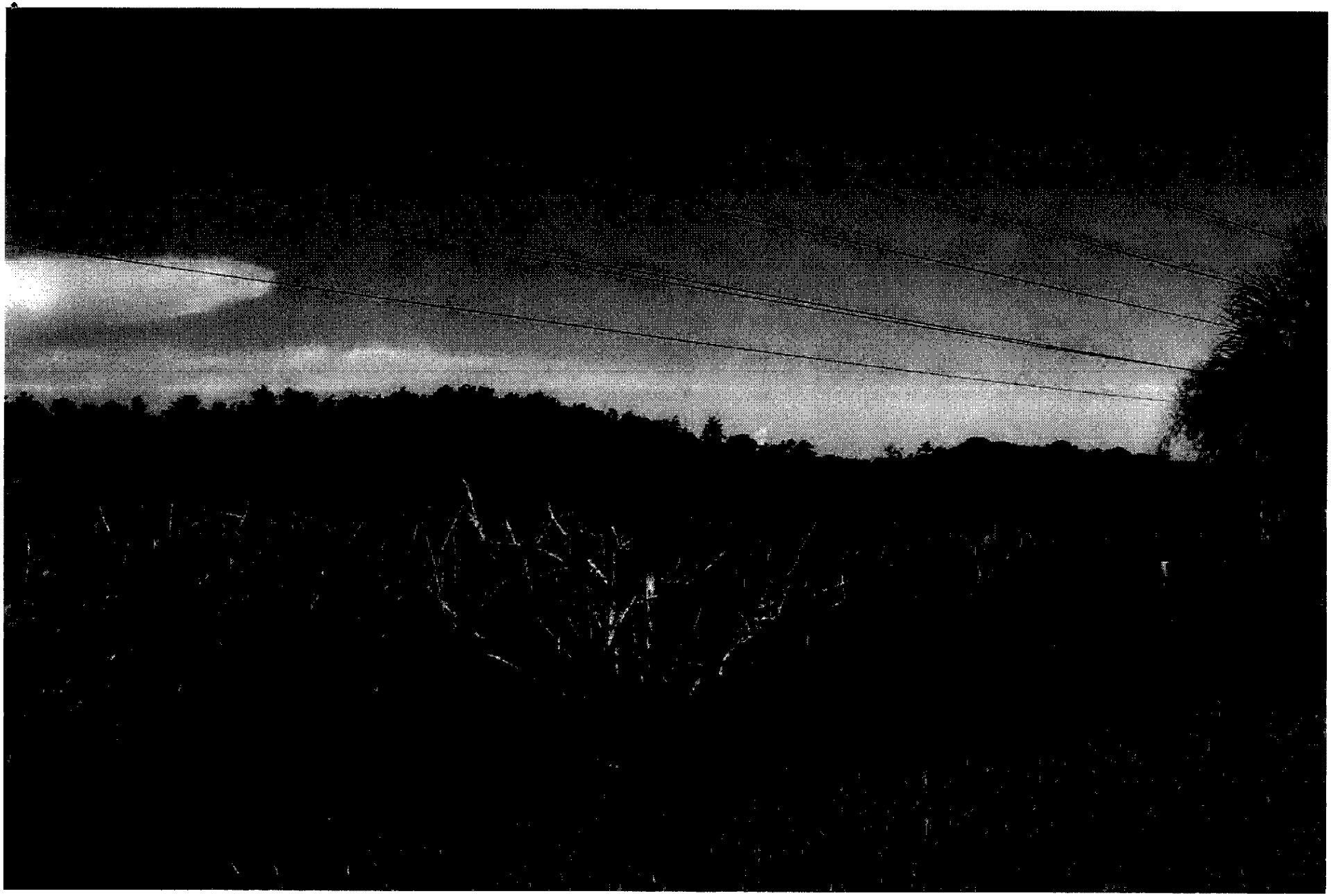
cc. Rob Spickerman, County Attorney
Kim Trebatoski, Environmental Sciences Division
Andy Getch, LCDOT
Matt Uhle, Knott Law Firm (for the applicant)

STAFF'S EXHIBIT #3
DCI2006-00014
written submission

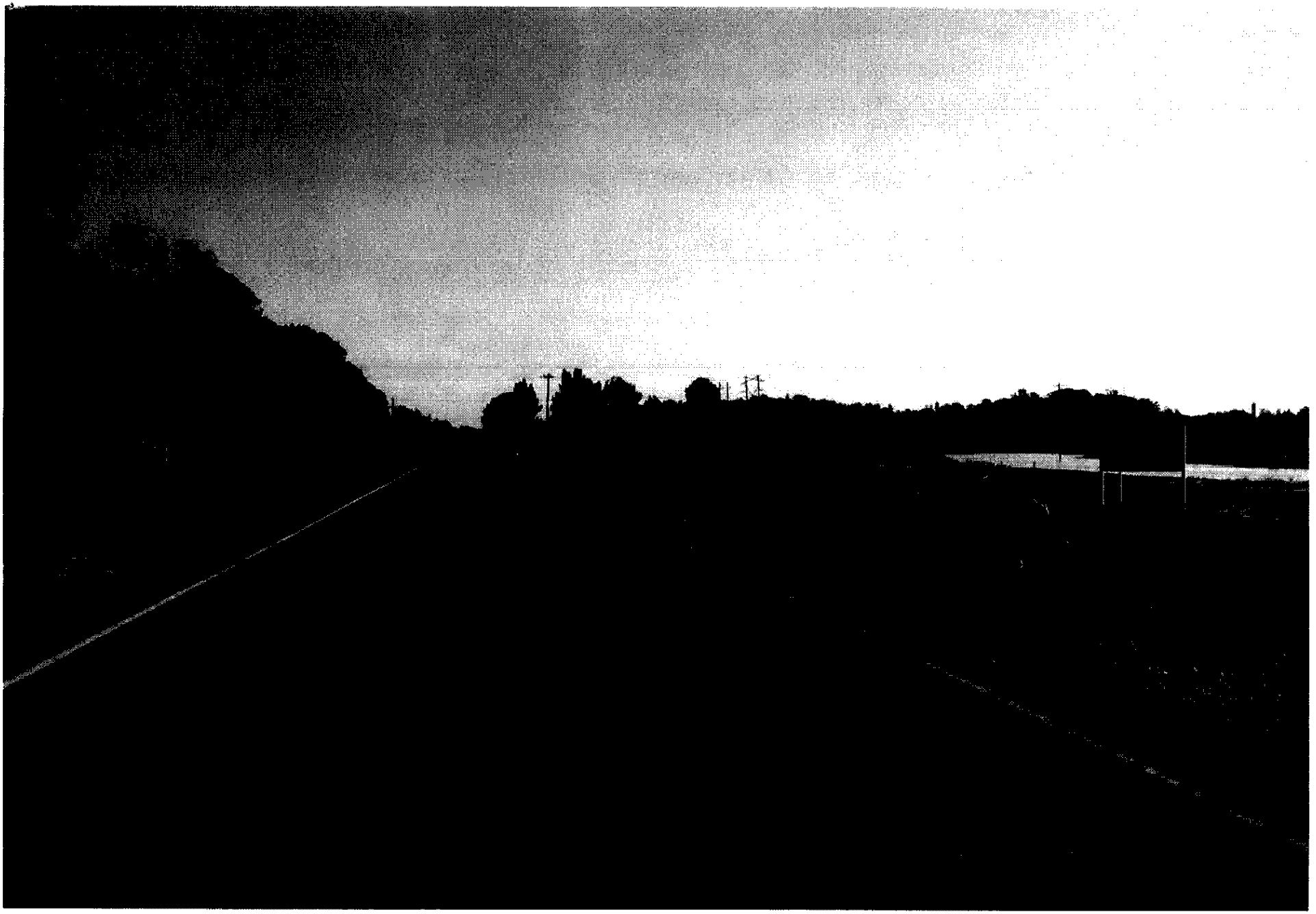
DCI2006-00014
HEMINGWAY POINT RPD



STAFF PHOTOS BY
TONY PALERMO



VIEW FROM THE NORTH (FPL EASEMENT)



VIEW FROM BUCKINGHAM ROAD, PORTICO TO THE SOUTH.

PLEASE SEE ATTACHED MASTER CONCEPT PLAN SUPPLEMENTAL INFORMATION FOR GENERAL NOTES AND GENERAL CONDITIONS.

[1g] = ELEVATION DESIGNATION
* FOR ELEVATION PLEASE SEE RESOLUTION.
M = MODEL HOME UNIT LOCATION
CT = CONSTRUCTION TRAILER LOCATION
RS = REAL ESTATE SALES LOCATION

PROJECT SUMMARY DATA:

PROPOSED USE: 257 MULTI-FAMILY RESIDENTIAL UNITS
SITE AREA: 75.1± Ac.
LAND USE CLASSIFICATION: OUTLYING SUBURBAN
EXISTING ZONING: AG-2
PROPOSED ZONING: RPD
WATER: LEE COUNTY UTILITIES
SEWER: LEE COUNTY UTILITIES
FIRE DISTRICT: FORT MYERS SHORES
FLOOD ZONE: PER LEE COUNTY FLOOD ZONE MAP

PROPOSED LAND USE TABLE:

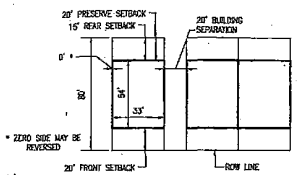
ESTIMATED LAKE AREA: 15.0± Ac.
ESTIMATED DEVELOPMENT AND ROWs: 23.5± Ac.
ESTIMATED PRESERVE AREA: 15.0± Ac.
TOTAL SITE AREA: 75.1± Ac.

REGULATORY OPEN SPACE TABLE:

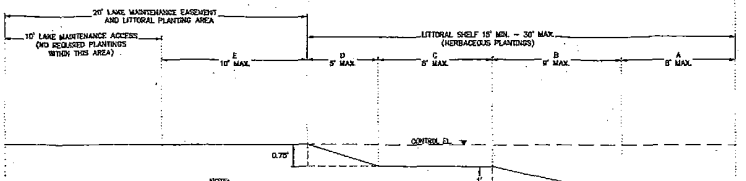
SITE AREA: 75.1± Ac.
REQUIRED OPEN SPACE (40%): 30.0± Ac.
REQUIRED INDIGENOUS OPEN SPACE: 15.0± Ac.
PROPOSED LAKE AREA OFFSET UP TO MAXIMUM 25% OF REQUIRED (5.0± Ac.)
LAKE AREA PROVIDED: 5.0± Ac.

PROVIDED INDIGENOUS OPEN SPACES:
INDIGENOUS PRESERVE A: 7.3± ACRES
INDIGENOUS PRESERVE B: 2.1± ACRES
INDIGENOUS PRESERVE C: 0.6± ACRES
INDIGENOUS PRESERVE D: 3.1± ACRES
INDIGENOUS PRESERVE E: 1.7± ACRES

TOTAL PROVIDED INDIGENOUS OPEN SPACE = 15.0± ACRES
TOTAL PROVIDED OPEN SPACE = MINIMUM 15.0± ACRES



TYPICAL TOWNHOME LOT WITH SETBACKS
FOR ZERO LOT LINE
NOT TO SCALE



ZONE	WATER DEPTH
A	2.75 FT - 3.75 FT
B	1.75 FT - 2.75 FT
C	0.75 FT - 1.75 FT
D	0.75 FT - 1.75 FT
E	0 FT - 1 FT

NOTE:
IT IS ANTICIPATED THAT DURING DRY SEASON WATER COULD STAGE TO 1 FT ABOVE CONTROL OR HIGHER.

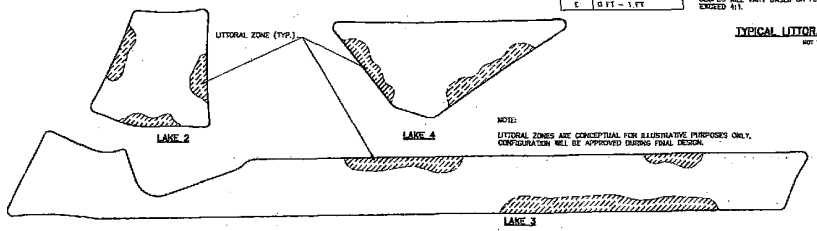
CROSS SECTION IS CONCEPTUAL, ALLOWING FOR VARIATION IN WIDTHS THAT WILL BE APPROVED DURING FINAL DESIGN.

SLOPES WILL VARY BASED ON FINAL DESIGN AND WILL NOT EXCEED 4:1.

TYPICAL LITTORAL ZONE SECTION
NOT TO SCALE

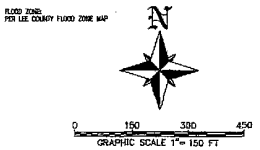
LITTORAL ZONE PLANTING LIST:

ZONE A	
WATER LILLIES	*NYMPHAE SPP.*
PICKERELWEED	*PONTEDERIA CORDATA*
SAW GRASS	*CLADIUM*
SPIKE RUSH	*ELEOCHARIS INTERSTINCTA*
ARROW HEAD	*SAGITTARIA SPP.*
ALLIGATOR FLAG	*THALIA GENICULATA*
FLAT SEDGE	*CYPERUS ARTICULATUS*
BULRUSH	*SCIRPUS SPP.*
ZONE C	
RUSHES	*JUNCUS*
PICKERELWEED	*PONTEDERIA CORDATA*
ARROW HEAD	*SAGITTARIA SPP.*
ZONE D	
SWAMP LILY	*CRINUM AMERICANUM*
PCP ASH	*FRAXINUS CAROLINIANA*
WATER HYSSOP	*BACOPA MONNIERI*
SPIDER LILY	*HYMENOCALLIS SPP.*
BLUE FLAG IRIS	*IRIS SPP.*
GOLDEN CANNA	*CANNA FLACCIDA*
SOFT RUSH	*JUNCUS EFFUSUS*
ZONE E	
WAX MYRTLE	*MYRICA CERIFERA*
CABBAGE PALM	*SABAL PALMETTO*
RED MAPLE	*ACER RUBRUM*
SWEET BAY	*LAURUS NOBILIS*
CYPRESS	*CHAMAECYPARIS*
LAUREL OAK	*QUERCUS LAURIFOLIA*
BUTTON BUSH	*CEPHALANTHUS OCCIDENTALIS*
CORD GRASS	*SPARTINA BAKERI*
PANAMATCHEE GRASS	*TRIPSACUM DACTYLOIDES*

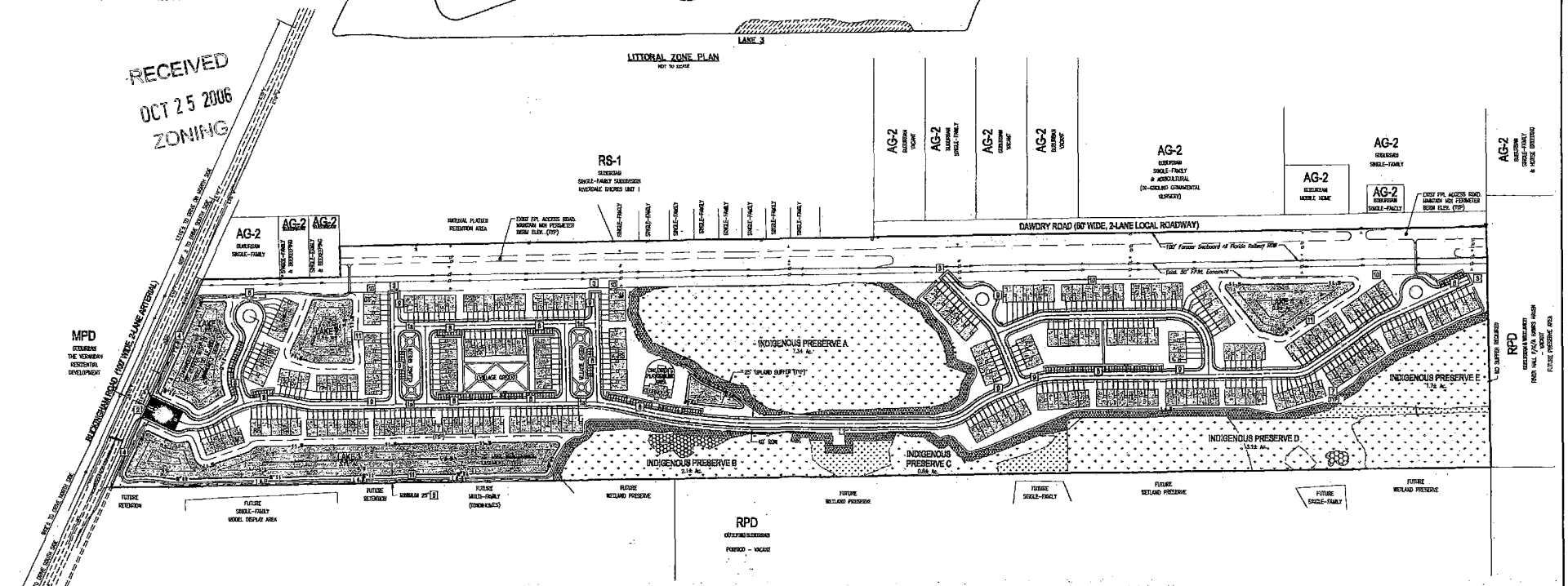


NOTE:
LITTORAL ZONES ARE CONCEPTUAL FOR ILLUSTRATIVE PURPOSES ONLY. CONFIGURATION WILL BE APPROVED DURING FINAL DESIGN.

LITTORAL ZONE PLAN
NOT TO SCALE



RECEIVED
OCT 25 2006
ZONING



PREPARED FOR:
BUCKINGHAM DEVELOPMENT, LLC
800 CORPORATE DRIVE, SUITE 102
FT LAUDERDALE, FLORIDA 33334
PHONE: (954) 839-8000
FAX: (954) 839-8001

NO.	DATE	REVISION DESCRIPTION	BY
2	9/22/06	REVISED LAYOUT	SCF
1	03/06/06	1ST SUFFICIENCY SUBMITTAL	SCM

Banks Engineering
Professional Engineers, Planners & Land Surveyors
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 0449
SURVEY LICENSE # LB 6990

MASTER CONCEPT PLAN
HEMINGWAY POINTE
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
JAN 2006	2086	_MCP3	SCF	SCF	SCM	1" = 150'	1	3	