ADD2014-00218 Lee County ePlan

CIVIL ENGINEERING
TDM
CONSULTING, INC.

43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

Administrative Amendment to a Planned Development
Greenwood Villas
(f/k/a Villa Magnifica, The Preserve at San Carlos Park & Porro RPD)

Revised Schedule of Deviations with Narrative
Revised May 27, 2015

Deviation 1: Seeks relief from ***LDC § 10-291(3)***, which requires developments greater than five (5) acres in size to provide two access points. Per LDC Sec. 10-285(a), a separation distance of 660 feet must be maintained between two such access points on an arterial road. The site's frontage along US 41 measures 350 feet in length, and thus does not allow for a second access point. Furthermore, a second access point would significantly decrease the amount of indigenous area to be preserved.

Justification: This deviation was previously approved by the BOCC and is part of zoning resolution, Z-06-091. The applicant respectfully requests that Deviation #1 remain in effect as part of this Planned Development Amendment application.

Deviation 2: Seeks relief from ***LDC § 10-261***, provisions and all relevant language for refuse and solid waste disposal facilities. Request individual roll-out service for each townhome instead of a common on-site area for solid waste and recyclables.

Justification: This deviation was previously approved via Administrative Amendment ADD2007-00132. Trash chutes with roll out dumpsters were approved for the original 3-story condo buildings. This application is revising the residential development to utilize townhomes instead of multi-family condos. Per ***LDC § 34-2***, *"Townhouse means a group of three or more dwelling units attached to each other by a common wall or roof wherein each unit has direct exterior access and no unit is located above another, and each unit is completely separated from any others by a rated firewall or a fire and sound resistant enclosed separation or space, and wherein each dwelling unit is on a separate lot under separate ownership"*. And although townhomes are typically categorized as multi-family developments as they relate to ***LDC §10-261***, this particular development will function similarly to that of a two-family attached development, where each unit is located on a separate lot under separate ownership. This allows each home owner to roll out their trash cans and recycling bins to the end of the driveway, similar to one and two-family residential developments. A letter of approval from Lee County Solid Waste Division is included with this deviation request authorizing roll-out service for trash and recyclables for this townhome development. The applicant respectfully requests that Deviation #2 (as revised) remain in effect as part of this Planned Development Amendment application.

ADD2014-00218 Lee County ePlan

Deviation 3: Seeks relief from ***LDC § 10-416(d)(9)***, which requires developments abutting a natural waterway to provide a 50' wide vegetative buffer landward of non-seawalled natural waterways as measured from the mean high water line or top of bank, whichever is further landward. Request to be permitted to provide a minimum 25' buffer west of Mullock Creek, increasing to 34'± where appropriate at suitable locations, and providing a 50' buffer east of Mullock Creek.

Justification: This deviation was previously approved via Administrative Amendment ADD2012-00004. The applicant respectfully requests that Deviation #3 remain in effect as part of this Planned Development Amendment application.

Deviation 4: Seeks relief from ***LDC § 10-285(a),*** which requires a minimum connection separation distance of 660 feet on arterial roads. Request a minimum connection separation distance of 298 feet.

Justification: The property frontage is only 350 feet wide along US 41. Only one (1) access point is proposed (see Deviation #1), which is located as far south of the existing Gordon's Furniture driveway as possible. As measured per LDC 10-285(a) requirements, the distance between the access points is 298± feet. This deviation was either not required or overlooked during the original rezoning application (DCI2005-00094 and REZ2005-00034). With that said, a D.O. was issued Feb. 4, 2013 (DOS2011-00030) and FDOT issued a Driveway/Connection Permit April 10, 2012 (Permit #2012-A-192-12). The previous property owner had the driveway constructed per the approved D.O. and FDOT permits. A Letter of Final Acceptance of Permitted Improvements was issued March 26, 2014. The applicant respectfully requests approval of this deviation request.

Deviation 5: Seeks relief from ***LDC § 10-296(b) Table 3***, which requires privately maintained streets to have a minimum right-of-way or easement width of 40 feet for 2-way streets with closed drainage or inverted crown. Request the street easement width to be a minimum of 24 feet.

Justification: The property has an unusual configuration, compounded with the creek bisecting the property, requisite waterway buffers, and two indigenous preserves, dictating a very creative site plan. Due to the constraints of the property and compliance with the code requirements of Lee County Development Services, FDOT, and SFWMD, the right-of-way width has been decreased to 24 feet. The townhomes themselves are 48.5' in depth and 25' wide with a minimum driveway length of 20 feet. There isn't adequate room to also provide a 40' wide roadway easement within the constraints of the creek, the SFWMD berm, and property lines. Per Illustration 10-710(a) Private Local Streets with Closed Drainage, the roadway design is symmetrical, requiring a 12' pavement width, 2' wide closed drainage/curb, 5' wide optional sidewalk, with the remainder being shoulder/sod and varying in width to add up to 40'. The roadway for this development will be designed with a 12' pavement width and 0.5' wide curb on one side only. No sidewalks are proposed for this development except at the entrance because of the driveway locations (per development services suggestion). Increasing the width of the easement to 40' would encroach into the private driveways for each unit and the stormwater management system. The proposed 24' wide roadway easement allows for adequate vehicular access and roadway construction per the requirements of the LDC. Other relevant facts to consider regarding the roadway include: (1) the roadway is private and will be maintained by the POA; (2) is a dead-end street with no thru-traffic; (3) has a low traffic generation per the TIS (32 A.M. peak trips and 36 P.M. peak trips); and (4) will have a posted speed limit of 20 mph or less

ADD2014-00218 Lee County ePlan

within the gated community. Please see the attached exhibit from DOS2015-00011 resubmittal, Sheet 5 Site Dimension Plan, as reference. The applicant respectfully requests approval of this deviation request.

Deviation 6: Seeks relief from ***LDC §10-296(i)*** Street Design and Construction Standards in reference to ***§10-710(a)*** Private Local Streets with Closed Drainage. Request to permit a monoslope design instead of a raised crown and curbing on only one side of the roadway for drainage purposes.

Justification: Per the illustration provided by LDC §10-710(a), private local streets with closed drainage have a raised crown with curbs on both sides of the road. The civil engineer has used sound engineering practices pertaining to stormwater management as follows for this particular development. Stormwater will sheetflow from the townhome side of the development, across the roadway to the curb, and into the catch basin. As such, a monoslope with curbing on only one side of the roadway is the preferred design instead of a raised crown. The pavement is sloped with the high point on the townhome side of the road to allow stormwater to flow into the catch basin as designed. The roadway, as designed, provides a 2% cross-slope for adequate drainage and complies with SFWMD criteria for minimum road elevations. Please see the attached exhibits from DOS2015-00011 resubmittal, Sheet 6 Paving, Grading and Drainage and Sheet 7 Paving, Grading &Drainage Details, cross-section D-D, as reference. The applicant respectfully requests approval of this deviation request.

Deviation 7: Seeks relief from ***LDC § 10-296(i)(2)a***, which requires the pavement width of a Category B street with one-way traffic with curb and gutter drainage to be a minimum of 16 feet wide. Request to permit the pavement width of the one-way egress lane to be a minimum of 12' wide.

Justification: A Development Order (DOS2011-00030) was issued Feb. 4, 2013 for the original multi-family development. The approved plans clearly illustrated the one-way egress lane with a dimension of 12' wide. In addition, FDOT issued a Driveway/Connection Permit on April 10, 2012 (Permit #2012-A-192-12) for the same approved plans. It is our understanding that the previous review and approval was based on the understanding that this is actually a 2-lane road with a divided median at the entrance to the gated community. The design of the gated entrance and pavement width remains the same as previously approved – see DOS2015-00011. In addition, FDOT requires the pavement width for one-way private roads to be a minimum of 12' wide. As a result, the egress lane near the gated entry was designed to be 12' wide. Please note that Lee County Development Services, FDOT, and the Fire Department approved the proposed design for this project via DOS2011-00030. It would cause unnecessary changes/amendments if required to increase the pavement width to 16 feet. The applicant respectfully requests approval of this deviation request.

Deviation 8: Seeks relief from ***LDC § 10-296(p)(1)***, Culs-de-sac, which requires dead-end streets, designed to be so permanently, to be closed at one end by a circular turnaround for vehicles. Request that the two "dead-end" streets be permitted to utilize a 5' "stub-out" instead of a circular turnaround.

Justification: The two "dead-end" streets provide access to Buildings 5 and 7 on the MCP. The roadway segment in front of Building 5 is approximately 72' long and the roadway segment in front of Building 7 is approximately 66' long. The 55-unit development is relatively small, with no thru-traffic and minimal vehicular trips (32 A.M. peak trips and 36 P.M. peak trips per the

ADD2014-00218 Lee County ePlan

TIS). Per the attached MCP and the D.O. plans submitted concurrently (DOS2015-00011), only three units in Building 5 and three units in Building 7 are located along the roadway segments that "dead-end". And although cul-de-sacs aren't proposed, 20' x 5' "stub-outs" are proposed to accommodate turning movements. The unusual configuration and restrictions of the site necessitates a creative site design. The site design has gone through numerous revisions - trying to design around the creek, the waterway buffers, the indigenous preserves, and the requirements of FDOT, SFWMD, and Lee County. The site configuration doesn't conform well to the space required for a cul-de-sac. The subject parcel is only 9.24 acres. After deducting the creek, natural waterway buffers, indigenous preserves, detention areas and open space, less than half of the 9.24 acres remains for actual development. (Please refer to the open space calculations on the MCP.) Since cul-de-sacs aren't feasible or practical within the current design, Buildings 5 and 7 would lose three townhome units each if unable to comply with this code. For a small development, a loss of 6 dwelling units would be financially detrimental to the applicant. In addition, fire code requires a minimum of 150' from the fire hydrant to the back of the building. Fire trucks can park along the main road near the fire hydrants and easily reach the backs of each building without having to enter a "dead-end" street. Please see the attached exhibit from DOS2015-00011 resubmittal, Sheet 10 Utilities, as reference. The above justification provides sufficient safeguards to the public health, safety and welfare. The applicant respectfully requests approval of this deviation request.

Deviation 9: Seeks relief from ***LDC § 10-715*** Utility Placement in Local Streets, which requires a 10' wide P.U.E. on both sides of a local street right-of-way. Request to provide a 10' wide P.U.E. on only one side of the street easement.

Justification: The illustration labeled Typical Local Street Cross-Section Showing Utility Placement provided by ***LDC §10-715*** includes Note 1, which states that *a ten-foot-wide utility easement on each side of the road right-of-way may be used for power lines, telephone lines, cable television lines, and gas lines.* Since the potable water and sanitary sewer utility infrastructure will be privately owned and the roadway is privately maintained, a single 10' P.U.E. is adequate to accommodate all necessary utilities included in Note 1. In addition, letters of no objection from the utility providers are included with this request. The applicant respectfully requests approval of this deviation request.

Deviation 10: Seeks relief from ***LDC § 34-1748(5)***, which requires a paved turn-around having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Greenbook, current edition, to be provided on the ingress side of the gate. Request to permit the turning radius to be 5 feet.

Justification: A Development Order (DOS2011-00030) was issued Feb. 4, 2013 for the original multi-family development. The approved plans provided a 5' radius on the ingress side of the gate for U-turn movements. (The legend on Sheet 5 states that the radius is 5' unless otherwise noted.) The design of the gated entrance and turn-around remains the same as previously approved – see DOS2015-00011. The pavement width of the turn-around is 14' wide, the pavement width on the ingress side of the gate is 20' wide, and the pavement width on the egress side is 12'. The dimensions provided, with a 5' radius, are sufficient for a single-unit truck to make a U-turn if required. Please note that Lee County Development Services, FDOT, and the Fire Department approved the proposed design for this project via DOS2011-00030. In addition, revising the entrance to provide the 28.3' radius required by the AASHTO Greenbook would significantly impact the indigenous preserve adjacent to the roadway. As a result, the FDOT and

ADD2014-00218 Lee County ePlan

SFWMD permits that have already been issued would need to be amended along with the D.O., causing unnecessary delays and significant expense to the applicant. The applicant respectfully requests approval of this deviation request.

Deviation 11: Seeks relief from ***LDC § 34-2013(a),*** which requires parking lots to be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion. Request to permit the parking lot for the clubhouse to back out into the private street.

Justification: The roadway is a 24' wide private street that serves the 55-unit townhome development only. As a gated residential development, there is no thru-traffic, no outlet, and connections to future developments aren't proposed, nor would they be practical for a gated community. The posted speed limit associated with a private residential street is 20 mph or less. In addition, the traffic anticipated to be generated by the development is minimal – 32 A.M. peak trips and 36 P.M. peak trips per the TIS. A total of ten (10) parking spaces are provided for the clubhouse. As is typical in a gated community with a POA, only the residents and their guests are permitted to use the pool and clubhouse. Resident and guest parking is provided for each townhome, located within the attached garages and associated driveways. Parking for the clubhouse isn't provided in a typical parking lot with a distinct entrance, but located directly off the private road, which is common for smaller developments. The vehicles utilizing the clubhouse parking spaces will back out onto the roadway just like they do from the driveways. Any potential life-safety issues associated with backing out onto a roadway/easement are off-set by the facts listed above that are particular to this development. The applicant respectfully requests approval of this deviation.

Deviation 12: Seeks relief from ***LDC § 34-2020(a) Note 1***, which requires additional parking spaces equal to ten percent of the total required to be provided to accommodate guest parking in a common parking lot. Request guest parking to be provided in individual townhome driveways.

Justification: As mentioned previously, this is a townhome development where each unit is located on a separate lot under separate ownership. Two-car attached garages are proposed for each dwelling unit, allowing guests to park in the individual driveways. As such, a maximum of four (4) parking spaces per unit – two for the homeowner and two for guests - will be provided. Per ***LDC § 34-2020(a),*** a total of 11 (eleven) guest parking spaces is required. Utilizing the driveways for guest parking provides 110 parking spaces. It is reasonable and anticipated that guests will park in the driveways instead of a common parking lot located a distance away, similar to single-family residential developments. Multi-family developments with common parking lots are conducive to the type of guest parking required by ***LDC § 34-2020(a) Note 1***, but isn't applicable to a townhome development where each unit includes a 2-car garage and driveway. The applicant respectfully requests approval of this deviation.

ADD2014-00218 Lee County ePlan

LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

April 27, 2015

Veronica Martin
Senior Planner/Project Manager
TDM Consulting Inc.
43 Barkley Circle, Suite 200
Fort Myers, FL 33907

SUBJECT: **Villa Magnifica – DOS 2015-00011 – STRAP # 17-46-25-00-00002.0070**
Curbside Residential Garbage Collection
Letter of Availability

Dear Ms. Martin:

The Lee County Solid Waste Division grants the request for curbside garbage collection and recycling service based on your e-mail from April 23, 2015, in which you assured the Division that each of the units will have its own attached garage and the Right of Way of each unit is designed in such a way whereas no curbing and landscaping interferes with the collection of the waste materials. From the site plan you submitted it appears that the roadway is designed with sufficient width to accommodate collection trucks. Please ensure that the roadbed can withstand heavily loaded trucks.

Since these units will be receiving curbside garbage collections, it makes sense to include curbside recycling collections and bulk waste collections since the submitted site plan did not show a separate location for staging of these items.

Following actions must be accomplished:

- Before or during the permitting process each unit in Villa Magnifica will need to be identified as Residential for Solid Waste purposes.
- Prior to receiving the Certificate of Occupancy, the owner/builder of each unit will need to pay a prorated Solid Waste Assessment.
- Units must be individually strapped out with the Lee County Property Appraiser and must be designated a Residential "R" garbage category. The annual solid waste assessment is levied on the Property Taxes.

ADD2014-00218 Lee County ePlan

Curbside garbage and recycling collection service is provided through our franchised hauling contractors (Waste Pro USA, phone 337-0800). Disposal of the solid waste generated from the 55 dwelling units and the Clubhouse, Pool, and Fitness Club will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

Separate service agreements with Waste Pro must be put in place for waste generated at the Clubhouse, and the auxiliary buildings. Please ensure that sufficient space is available for the placement of garbage and recycling containers at those locations. I am attaching a copy of the pertinent page from Ordinance No. 11-27.

If you have any questions, please call me at (239) 533-8000.

Sincerely,

Brigitte Kantor

Brigitte Kantor
Operations Manager
Solid Waste Division

Cc: Allan Fleming
Ross Morgan
Jeff Ekiss, Waste Pro USA

ADD2014-00218 Lee County ePlan

Comcast

12600 Westlinks Drive
Fort Myers, FL 33913
Phone: 239-432-1805

June 3, 2015

TDM Consulting Inc.
C/O Veronica Martin
43 Barkley Circle, Suite 200
Fort Myers, Florida 33907

Re: Greenwood Villas

Dear Veronica Martin,

This letter will serve to inform you that Comcast has no objection on being on one side of the road at the address referenced above.

Should you require additional information or assistance, please feel free to contact me here at 432-1805.

Cordially,

Mark Cook
Project Coordinator