PAVESE
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November 7, 2016
***Via Hand Delivery and Email Transmittal***

Ms. Donna Marie Collins
Lee County Hearing Examiner
1500 Monroe Street – Suite 218
Fort Myers, FL 33901

**RE: Blasingim Road RPD**
**DCI2016-00011**
**Applicant's 48-Hour Letter**

Dear Madam Hearing Examiner:

Please accept this as the Applicant's 48 hour letter. The applicant has considered the staff report and is generally in agreement. There are areas of disagreement and some areas where greater clarification is needed. The questions or concerns are as follows:

1. Condition 3. Conditions for Deviation 5

   A. Condition 3.i.a. The drainage canal on–site can and will be maintained by the applicant. The drainage canal off-site is a County owned drainage canal. The applicant should not be responsible for the maintenance of a County owned conveyance. The applicant had the title to the canal analyzed to confirm the County's ownership. The cost of maintaining a County drainage canal should not be placed on one landowner for the benefit of the County and all of the landowners who rely on the drainage canal.

   B. Condition 3.i.c. submits that the drainage calculations must reflect a reduction in the discharge rate to one that is lower than what is currently required per the Land Development Code. The applicant is concerned about the lack of certainty in the condition and whether the condition as worded will engender future discussions as to whether the discharge rate is sufficiently lower than what is required by the Land Development Code. The applicant is also concerned that future changes to the LDC could lower the discharge rate and create challenges. The established allowable discharge rate for this watershed is 64 CSM, the applicant would submit that the condition should establish a maximum allowable discharge rate of 50 CSM, which is a lower rate and a definitive rate. This condition is included because of the open space deviation. If the single family lots are greater than 6,500 square feet, and any two family attached lots are 3,750 square feet per unit, then this condition should not apply since there is no need for the open space deviation.

   C. The open space requirements are created by the inclusion of single family lots less than 6,500 square feet and two family lots with less than 3,750 square feet of open space per unit as a permitted use. If all of the single lots are developed at 6,500 s.f. or

greater and the two family attached lots are developed with 3,750 square feet per unit or greater the open space and indigenous requirements should be eliminated. The applicant submits that the conditions in Condition 3.i.b., 3.i.c., and 3.ii, should only be required if the single family lot sizes are less than 6,500 s.f. and the two family attached lots are developed with less than 3,750 square feet per unit.

D. Condition 3.ii.c. requires 50% of the general trees to be planted along Blasingim Road and the proposed lake. The applicant was seeking to consolidate the extra deep lake trees along Blasingim to provide greater screening.

2. Condition 5. Vehicular Access

A. Condition 5.a. provides that a notice to all future property owners must be recorded by the developer in the public records prior to the issuance of a local development order. The applicant does not object to recording the Declaration of Covenants at the time the plat is recorded. No lots can be sold until the plat is recorded so all future residents will be properly put on notice. There are no lots impacted by vehicular access until the plat is recorded. The applicant is concerned about recording any document prior to the approval of the development order as one wants to be certain the DO is going to be approved.

3. Condition 8. Northern Buffer
The applicant does not object to the required 15 foot right of way buffer, and the applicant does not object to the enhancements as long as the enhancements are only required if the project is developed with single family lots that are less than 6,500 s.f. and two family attached lots are developed with less than 3,750 square feet per unit.

4. Condition 9. Native Hedge
The applicant agrees to construct the hedge at the time of planting at 36" instead of 48" and to maintain it at 60" instead of 72"; and will provide the required enhanced buffering as long as the enhancements are only required if the project is developed with single family lots that are less than 6,500 s.f. and two family attached lots are developed with less than 3,750 square feet per unit.

5. Page 4 of 4, paragraph 6: Deviation from LDC Section 10-415(5) which requires a minimum preservation width of 40 feet.
The staff recommends granting the deviation to reduce the width from 40 feet to a width of 15 feet. The staff condition then states the recommendation is per Condition 8. The applicant requests a width of 8 feet instead of the 15 feet recommended by the staff. The applicant doesn't understand the reference to Condition 8 because Condition 8 does not address the deviation from Section 10-415(5). Condition 8 relates to the Penzance Blvd. right of way buffer.

6. Property Development Regulations
The applicant wants to be certain that the correct property development regulations are considered. Please find included herewith the most current property development regulations.

The Applicant's Witness List and the Applicant's Exhibit List are attached hereto.

Your consideration of this matter is greatly appreciated.

Sincerely,

Neale Montgomery

NM/kc

Attachments: Property Development Regulations
Applicant's Witness List
Applicant's Exhibit List

cc: Alvin "Chip" Block
Beth Workman
Marcus Evans
Jennifer Sapen
Tim Gavin
Ted Treesh
Shane Johnson
Ray Blacksmith
Joseph Cameratta
Nicholas Cameratta
Tony Cameratta

# Blasingim RPD
# Residential Planned Development
# Property Development Regulations

| | SINGLE FAMILY | TWO-FAMILY ATTACHED | AMENITY |
|---|---|---|---|
| Minimum lot Width: | 40' | 30' | 80' |
| Minimum lot Depth: | 125' | 125' | 125' |
| Minimum lot Area: | 5000 sf | 3750 sf | 10,000 sf |
| Max. Building Area | N/A | N/A | 7,000 sf |
| Max. Building Height: | 35' | 35' | 35' |
| Maximum lot Coverage | 60% | 60% | 40% |
| Minimum Setbacks: | | | |
| Front (right of way) | 20' (*) | 20' (*) | 20' |
| Side Yard | 5' | 5'/0' (**) | 6' |
| Rear Yard (principal) | 10' | 10' | 10' |
| Rear Yard (accessory) | 5' | 5' | 0' |
| Preserve (principal) | 20' | 20' | N/A |
| Preserve (accessory) | 15' | 15' | N/A |

**NOTE:** * **Setback shall be reduced to 15-feet for side entry garages.**
** **0-foot setback to apply to internal lot line.**

# BLASINGIM ROAD RPD

# DCI2016-00011

## HEX Hearing November 10, 2016
## Applicant's Witness List

1. Jennifer Sapen
2. Tim Gavin
3. Shane Johnson
4. Ted Treesh
5. Nicholas Cameratta
6. Ray Blacksmith
7. Joseph Cameratta
8. Tony Cameratta
9. Neale Montgomery

# BLASINGIM ROAD RPD

# DCI2016-00011

## HEX Hearing November 10, 2016
## Applicant's Exhibit List

- Applicant's PowerPoint Presentation (hard copy)