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Narrative for Requests for Deviations – Kelly Road 76 Units- ADD2022-00052

1. Deviation from LDC Section 10-329(d)(1)(a)(2) requirement that an excavation for a retention/detention lake be set back a minimum of 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 for an excavation from an existing or proposed right-of-way line or easement is requested to be reduced to 25 feet from the Northern property line.

JUSTIFICATION: This lake is to be incorporated into the water management system for nutrient loading and water quality purposes. This reduction in the setback will bring the value to the land by increasing the suitable fill material and maximizing the lake size within the constraints of the property for both water management benefits and aesthetic lake views for residents. As such, the proposed deviation will enhance the proposed development and will not be a detriment to the public health, safety and welfare. In addition, the proposed lake design is based on sound engineering practices and criteria from Section 10-329. We have also provided additional protection for wayward vehicles in the form of a berm separating the lake area from the roadway per LDC Section 10-329 (d)(1)(a)(2).

2. Deviation from Administrative Code 10-11 and LDC Section 10-285 requirement for an access roadway intersection separation of 245 feet along a Major collector roadway. The intersection separation is requested to be reduced to 115 feet for the proposed driveway to the existing driveway on the north side of Kelly Road near the subject property's NW corner.

JUSTIFICATION: This property is 4.98 acres in area which is nearly the 5 acres that typical engineering practices and design standards would warrant the need for two access driveways for the development Per LDC 10-291. Given the need for 2 means of ingress or egress, the proposed driveway locations are designed as optimally as possible to create as few conflicts as possible. Based on the driveways' current locations, the only conflict is a right in turn about 120' West from our proposed driveway on the opposite side of the road. Our proposed driveway will have minimum impacts on this entrance since a majority of the trips generated from our site will be utilizing the eastern part of Kelly Road as seen from the TIS (65%). In addition, the use of an additional driveway does not change the current level of service of Kelly Road, so it is no less consistent with the health, safety, and welfare of the abutting landowners and the general public than the standard that we are deviating from. Since this separation requirements between driveways of 245' cannot be met, we would like to request a deviation for the minimum requirements to be reduced to 115'.

3. The Deviation from LDC Sections 10-418 requirement of hardened shoreline structures may comprise up to 20% of an individual lake shoreline. The hardened shoreline is requested to be increased to 25% of an individual lake shoreline.

JUSTIFICATION: The proposed lake provides LDC requisite planted and compensatory littoral shelves/ plantings, the additional 5% of hardened shoreline is accommodated with additional compensatory littoral plantings. The proposed lake is limited in size and abuts the amenity pool area which is elevated to meet the minimum stormwater grading criteria. The resulting hardened shoreline required to meet this grade differential is only 5% greater or about 20 LF less than that allowed by the minimum 20% code and is offset by additional littoral plantings as shown on the landscaping plan. These additional plantings are no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. Also the granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision

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If you should have any questions or require additional information, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter M. Maastricht', written in a cursive style.

Peter M. Maastricht, P. E.
MAASTRICHT ENGINEERING, INC.

