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April 28, 2022

Brian Roberts, P.E.
Development Services Plan Reviewer
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

Response to 1st Comments

RE: **Kelly Road – 76 Unit**
ADD2022-00052 – Administrative Deviations

Dear Mr. Roberts,

The following is our response to staff's first review comments for above referenced project:

Development Services Comments:

1. The applicant has submitted the entire civil plan set. Please only submit a site plan and appropriate sections that depict the requested deviations. Please highlight the requested deviation in the plan with a triangle and number or similar notation that matched the deviation request.

RESPONSE: Pages 4, 5, 6, and 6A have been re-uploaded for clarity.

2. Please revise the Disclosure of Interest to remove Eduardo Perez-Orive from paragraph number 6 unless he is a Lee County employee, County Commissioner or Hearing Examiner.

RESPONSE: Disclosure of Interest has been revised.

3. Please revise the application in 9a to reflect that the property is currently vacant.

RESPONSE: The Application has been revised to reflect this.

4. In #16 of the application the applicant has checked Section 10-329(d)(4) for excavation bank slopes. Deviation #3 mentions 10-329 (no specific paragraph) and does not reference the lake bank slope requirements nor does the justification. Please clarify deviation #3 as it appears to request a deviation from two different code sections. Please clarify.

RESPONSE: Deviation #3 has been clarified and the application has been corrected.

5. Please reflect deviation (2) in the site plan. The applicant has asked for a deviation for connection separation from a connection point on the other side of Kelly Road but the plans do not show the requested distance nor connection point across the street. Please show the connection separation distance in accordance with the requirements in LDC 10-285.

RESPONSE: This has been revised for clarity purposes, as well as the deviation request found in the narrative. However, the driveway separation of 119' can be found on the site plan sheet (sheet 4) and was previously displayed on these plans.

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Environmental Comments:

1. Provide a narrative demonstrating how the request meets the criteria per LDC Section 10-104(c)(3).

RESPONSE: The justification document was our narrative, this has been renamed for clarity.

2. Provide a site plan depicting where each deviation being requested is located.

RESPONSE: The site plan has been marked up to indicate the areas where the deviations are being requested.

3. Provide the calculations (see LDC Section 10-104(c)(4)) for the planted littoral shelf per LDC 10-418(2)(d)(2).

RESPONSE: Calculations have been added to the GPD sheet (Sheet 5).

4. Provide the compensatory littoral calculations (see LDC Section 10-104(c)(4)) per LDC Section 10-418(3)(a or b).

RESPONSE: Calculations have been added to the GPD sheet (Sheet 5).

5. Provide a site plan depicting the planted littoral shelf and the compensatory littoral shelf. This may be combined but the site plan must depict separate hatched areas to recognize each type.

RESPONSE: Hatched areas have been added to the GPD sheet (Sheet 5).

6. If the compensatory shelf and the planted littoral shelf are located together, revise cross section K to depict each in the 20-foot planted littoral shelf depiction.

RESPONSE: Cross sections have been revised to distinguish the compensatory littoral shelf from the planted littoral shelves.

DOT Comments:

LCDOT staff has reviewed the information submitted on March 21st, 2022 and found it is insufficient to grant a deviation from LDC Section 10-285 (connection separation) to reduce the minimum standards for the separation distance for urban major collectors from 245 to 120 feet. The provided justification does not address the criteria for granting the requested deviation listed in LDC Section 10-104(b). Please provide explanation and justification demonstrating the following criteria have been met:

1. The alternative proposed to the standards contained herein is based on sound engineering practices, and

RESPONSE: See revised deviation narrative for justification.

2. The alternative is 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.

RESPONSE: See revised deviation narrative for justification.

Natural Resources Comments:

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1. Please provide an analysis of Lee Plan policy 125.1.2. Please detail how the compensatory littoral plantings will provide a water quality benefit within the analysis.

RESPONSE: These compensatory littoral plantings will help prevent erosion on the side slopes abutting the retaining wall for the pool area as well as providing additional water quality to the lake.

We trust this information is sufficient for you to complete your review. Please feel free to contact me should you have any questions or comments.

Sincerely,



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

