

Daniels Parkway South
Mixed Use Planned Development
Schedule of Deviations

1. Deviation from Section 10 -329(d)(4) which requires the shorelines of excavations for retention and detention areas to be sloped at a ratio not greater than six horizontal to one vertical from the top of bank to a water depth of two feet below the dry season water table TO PERMIT the shorelines of excavations for retention and detention areas within the Airport Wildlife Hazard Protection Zone ("AWHPZ") to be sloped at a ratio of four horizontal to one vertical from the top of bank to a water depth two feet below the dry season water table with enhanced slope protection measures to be proposed by the project engineer at the time of development order to prevent erosion and scouring. Within the AWHPZ acceptable enhanced slope protection measures may include, but are not limited to, use of an appropriate geosynthetic turf reinforcement mat or similar shoreline stabilization technique and might include hardened structures such as those identified in Section 10-418(3). The design technique(s) used will be determined at the time of development order by the project engineer upon approval by the Director based upon evaluation of site specific conditions at that time.
2. Deviation from Section 10-418(2) & (3) which require a planted littoral shelf for all surface water management systems to mimic the function of natural systems TO PERMIT those surface water management systems within the Airport Wildlife Hazard Protection Zone to eliminate the planted littoral shelf requirement and to permit the substitution for 100% of the required littoral plantings for native wetland trees.
3. Deviation from Section 10-418(2)(d)(3) which limits substitution of native wetland trees may to 25 percent of the required number of herbaceous plants TO PERMIT substitution for 100 percent of the required number of herbaceous plants to be native wetland trees.
4. Deviation from Section 10-418(3) which limits Bulkheads, Geo-textile tubes, riprap revetments or other similar hardened shoreline structures to 20 percent of an individual lake shoreline and these structures cannot be used adjacent to single-family residential uses TO PERMIT that Bulkheads, Geo-textile tubes, riprap revetments or other similar hardened structures may be used for 100 percent of an individual lake shoreline and may be used adjacent to single-family uses.

Justification for all deviations 1-4: Section 34-1001, *et.seq.* establishes the Airport Compatibility District applicable to the lands encompassing and surrounding the Southwest Florida International Airport (SWFIA). Section 34-1003 defines the *Airport Wildlife Hazard Protection Zone* as the "area encompassing 10,000 feet from the nearest point of any SWFIA ... runway shown on the most recent Airport Layout Plan approved by the FAA to be used or planned to be used by turbojet or turboprop aircraft." Section 34-1012(a)(10) requires that "all water management ponds, lakes, canals, conveyances, and other features within 10,000 feet of any public airport are encouraged to be designed and built-in accordance with FAA recommendations."

A portion of the subject property is within the 10,000 foot *Airport Wildlife Hazard Protection Zone* for the Southwest Florida International Airport and that buffer zone area is shown on the Master Concept Plan.

FAA Advisory Circular 150/5200-33B published August 28, 2007, provides guidance on land uses that have the potential to attract hazardous wildlife on or near public airports. This advisory requires airports serving turbine-powered aircraft to ensure 10,000 feet of separation are provided from hazardous wildlife attractants. The advisory also states under the summary for “New storm water management facilities” that “to facilitate the control of hazardous wildlife, the FAA recommends the use of steep-sided, rip-rap lines,[and] narrow, linearly shaped water detention basins.” In addition, the summary states “all vegetation in or around detention basins that provide food or cover for hazardous wildlife should be eliminated.”

In an effort to comply with the intent of the published FAA guidance within the 10,000 foot *Airport Wildlife Hazard Protection Zone* buffer radius, the applicant is requesting to increase the slope of proposed stormwater management lakes to 4 to 1 in areas near residential development. The applicant is also requesting to eliminate the required planted littoral shelf and littoral zone plantings for the surface water management system lakes located within the 10,000 foot buffer in order to provide only native wetland trees consistent with those native wetland/aquatic tree-species acceptable to FAA/Airport guidance. The 4:1 slope will discourage herbaceous littoral vegetation establishment and decrease the potential for wildlife attraction within the 10,000 foot separation from the airport and therefore is supportive of public health, safety and welfare. However, the native wetland trees selected will provide some visual interest and enhancement plantings around the storm water management lakes consistent with other projects within the *Airport Wildlife Hazard Protection Zone* buffer and with the guidance issued by the FAA. The requested deviation to provide native trees will be reviewed by the Lee County Port Authority and Community Development. To ensure consistency with this deviation request, at the time of development order, the appropriate design of the lake bank slope and landscape plan will be presented to Development Services by the project engineer and landscape architect and reviewed to ensure that the slope protection measures proposed will prevent erosion and scouring and shrub species provided are appropriate. Additionally, at the time of development order, surface water from the 10,000 foot protection zone lakes will be designed to discharge into lakes outside of the 10,000 zone where water quality treatment will occur prior to discharging from water management system.

Section 10-418(2) specifies that the design requirements of the planted littoral shelf seek to promote the establishment of vegetation along the lake bank to “provide habitat for a variety of aquatic species, including wading birds and other waterfowl.” This design characteristic is intended to be a wildlife attractant (in direct conflict with the FAA guidance for new development within the 10,000 foot separation). In order to comply with the FAA guidance and to promote the public health, safety and welfare of communities around the SWFIA and of the air traveling public, the Application proposes a deviation within the 10,000 foot *Airport Wildlife Hazard Protection Zone* to allow a man-made mechanism (rather than enhanced plantings) consistent with Section 10-418(3) to stabilize 100 percent of the individual lake shoreline(and which may also be adjacent to single-family uses) to prevent scouring and erosion . Consistent with 10-329(d)(4) it is appropriate to evaluate these methods on a location specific basis at the time of development order.

As noted, these requested deviations will enhance the objectives of the Planned Development to provide a safe, well-designed community within the Airport Compatibility District and to reduce airport wildlife hazards from the existing surface water bodies in a manner consistent with the FAA regulations and Land

Development Code, which protects public life, health, safety and welfare and welfare for the public traveling from nearby SWFIA.

5. Deviation from Section 10-296(e)(3)e.4.iii which requires no sidewalk and open drainage to allow closed drainage and a sidewalk on one side of the roadway.

Justification for all deviation 5: The requested deviation is for the residential portion of the development only to promote a consistent roadway cross section across multiple future land use categories. The proposed community will be a private subdivision that will provide pedestrian connectivity and a central stormwater management system. The proposed residential cross section provides a 10 ft minimum travel lane and green space within the right of way consistent with the requirements for urban and non-urban local roadways outlined in 10-296. The cross section also proposes a sidewalk on one side of the internal road for residential to provide internal connectivity. This design is a deviation for the multi-family area proposed within the Intensive Development FLU; however, it is an enhancement within the DR/GR FLU. Reducing the residential cross section ensures that wetland impacts are not increased as a result of the supporting infrastructure required for the residential development. The proposed development pattern implemented by the property development regulations and roadway cross section includes 12 acres of wetland impacts, 10% of the property.

The requested deviation continues to provide the appropriate dimensions for the vehicular travel lanes as well as the opportunity for pedestrian connectivity, while also enhancing the planned development through the reduction of wetland impacts. As a result, the requested deviation will not negatively impact public health, safety and welfare.