

EXHIBITS

CASE # DCI2021-00026

CASE NAME: HOMES AT 81 WEST RPD

REMAND

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? YES NO

LOCATION OF BOARDS

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

APPLICANT

9 2/8-Hour

#1 power point

#2

#3

#4

#5

#6

#7

#8

#9

#10

STAFF

#1 Staff Report

#2

#3

#4

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presentation

OTHER EXHIBITS

NAMENUMBERDESCRIPTION

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Lee County
Southwest Florida

DCI2021-00026

Homes at 81 West RPD (Remand)

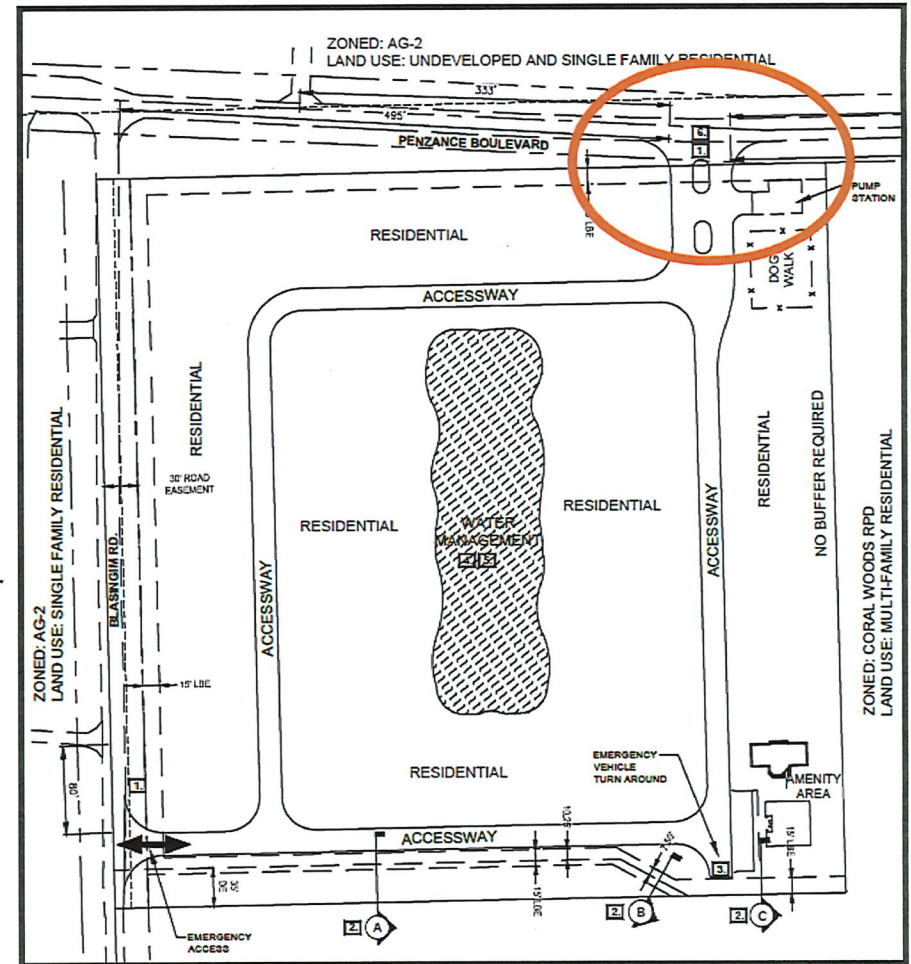
Staff Presentation

April 26, 2023

STAFF'S EXHIBIT #) 2

Purpose of Remand

- Reconsideration of project access from Blasingim Road (Local Road) to Penzance Boulevard (Major Collector)
- Requires deviation from LDC Sec. 10-285:
“All lots in urban areas with access alternatives will not be permitted direct motor vehicle access to an arterial or major collector.”

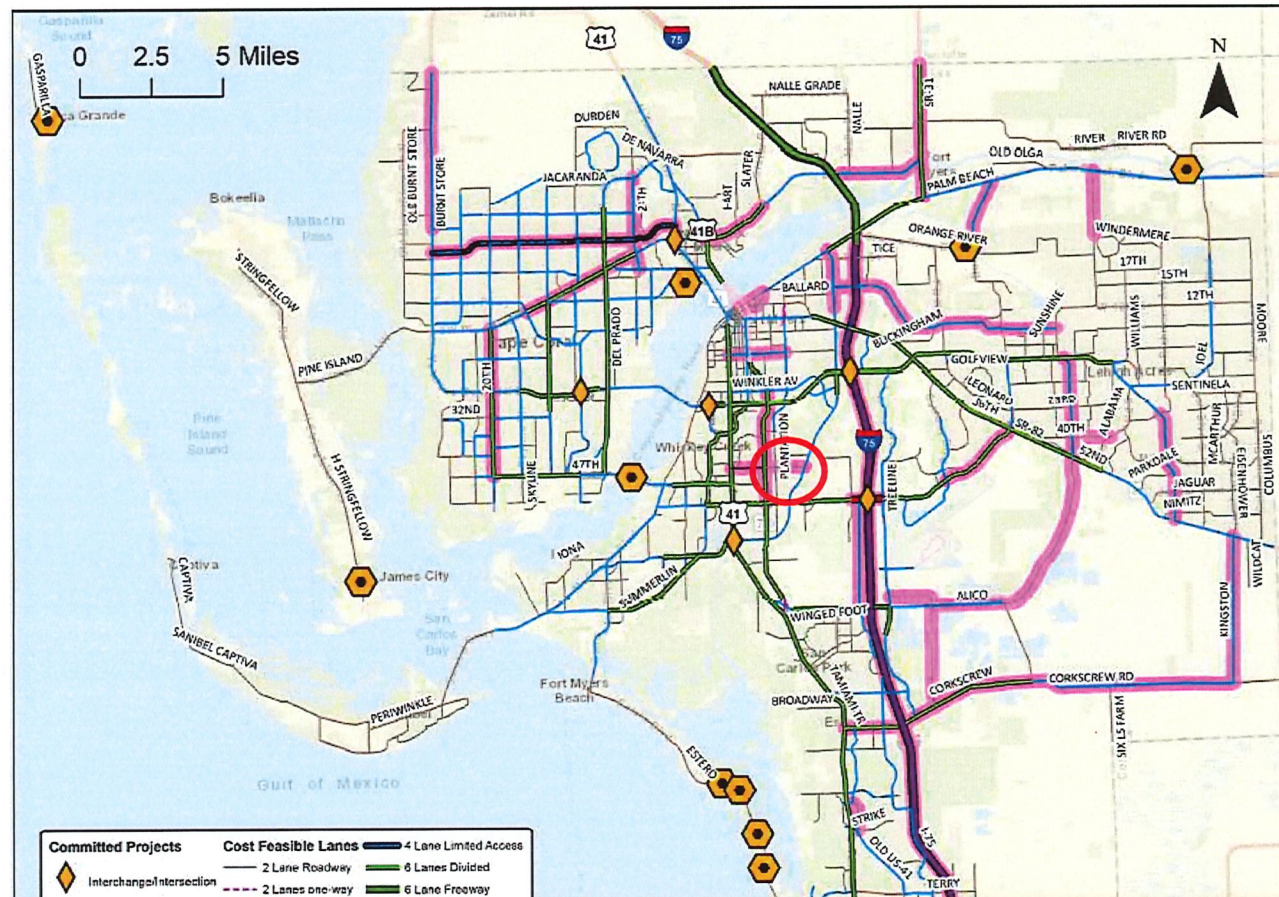


Required Deviation

- Staff recommends approval of the required deviation, subject to the following condition:

The project must construct one (1) access onto Blasingim Road in accordance with the requirements of LDC Section 10-296. The Blasingim Road access will be restricted to emergency use only and will remain as such until Blasingim Road is interconnected with the planned extension of Crystal Drive to Plantation Road. The emergency use access must be converted to a standard access to Blasingim Road upon the completion of the extension of Crystal Drive to Plantation Road. This condition does not prevent the construction of a residents/guests only access gate in compliance with LDC Section 34-1748 upon the termination of the emergency use only status.

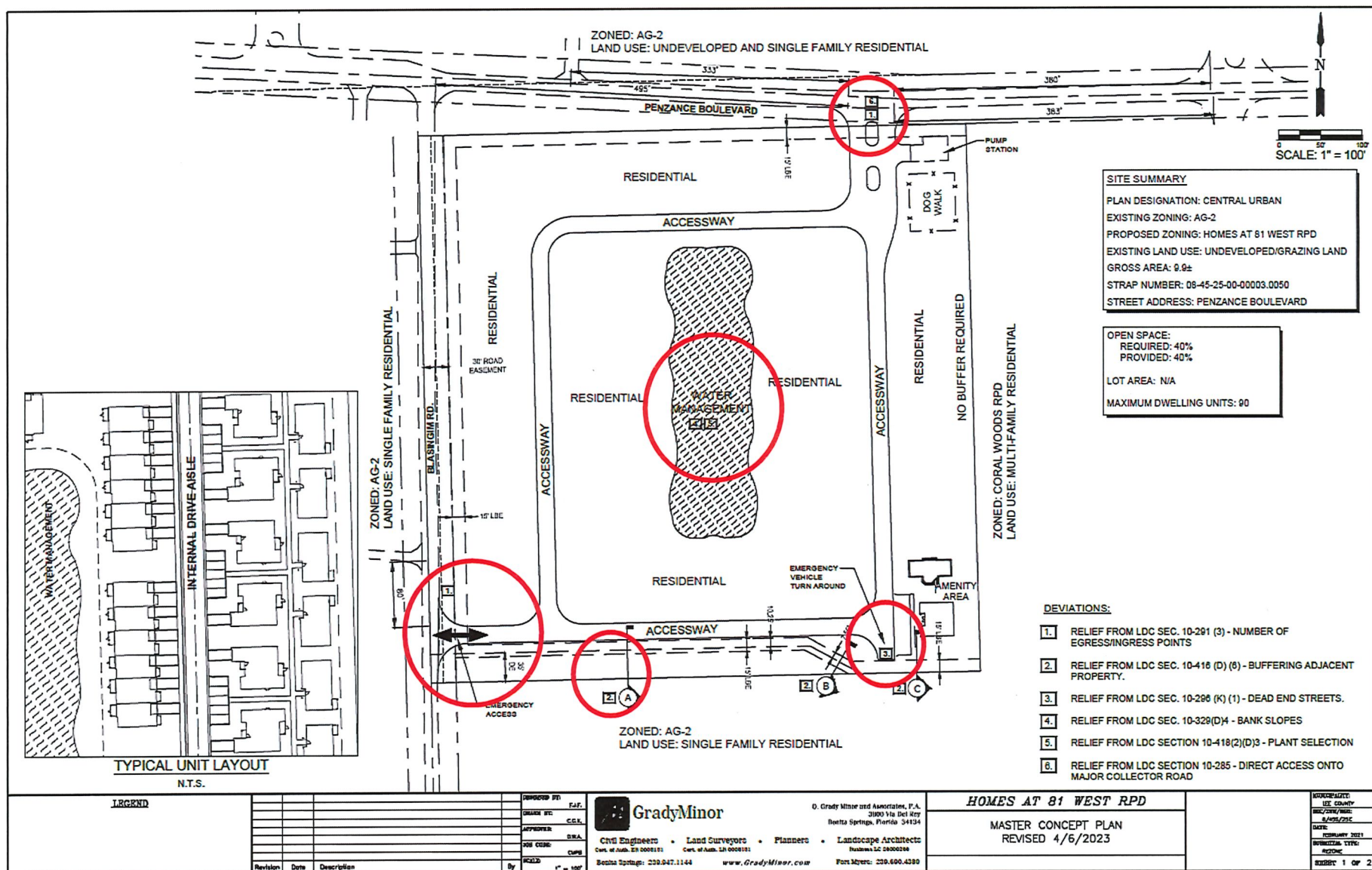
Map 5-2: 2045 Cost Feasible Roadway Projects



Project Identifier	Road Name	From	To	Improvement	Phase	2021-2025	2026-2030	2031-2035	2036-2045	Total Cost (YOE)	Total Cost (PDC)
LC17	Crystal Drive Extension	Plantation Road	Six Mile Cypress Pkwy	New 2L	PE/ROW/CST		\$0	\$12,730	\$0	\$12,730	\$8,075

2045 Transportation Plan





LEE COUNTY
HEARING EXAMINER
2023 APR 11 PM 2:35

**MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION**

**TO: Donna Marie Collins
Chief Hearing Examiner**

DATE: April 10, 2023

**SUBJECT: Supplemental Staff Report Memorandum
DCI2021-00026, Homes at 81 West RPD**

On March 8, 2023, the Board of County Commissioners remanded this case to the Hearing Examiner to consider the issue of relocating the proposed project access from Blasingim Road to Penzance Boulevard. Pursuant to Lee County Administrative Code 2-6, Board-directed remands are handled as if requested by the Department of Community Development. As a Department-requested remand, County Staff must prepare recommended changes responsive to the issues raised for remand. County Staff must provide the required response in the form of a revised Staff Report addressing the remanded issues. The forgoing response serves as the County Staff's revisions to its previously published Staff Report in response to the Board's remand.

Subsequent to the Board's remand of this case, Staff from the Lee County Department of Transportation (DOT) met with the applicant to discuss the relocation of the project access from Blasingim Road to Penzance Boulevard. The proposed project access relocation requires a deviation from the following provision of Land Development Code (LDC) Section 10-285:

All lots in urban areas with access alternatives will not be permitted direct motor vehicle access to an arterial or major collector.

The applicant, in response to the Board's remand and subsequent coordination with DOT, submitted a revised master concept plan and schedule of deviations to address the relief required to relocate the project's access as directed by the Board (see Attachments S1 and S2, respectively). The applicant's justification for the requested deviation notes that Penzance Boulevard is the only feasible access alternative to accommodate the Board's request and that the functional classification of Penzance Boulevard was changed from minor collector to major collector after the subject application was filed. Finally, the applicant's justification notes that the project's access on Penzance Boulevard, as shown on the revised master concept plan, meets the connection separation standards established in LDC Section 10-285.

STAFF'S EXHIBIT
1

The justification set forth by the applicant, in the context of the Board's remand, meets the criteria for approval of the requested deviation. The requested deviation will enhance the achievement of the objectives of the planned development by placing the project's principal access point in a location that provides adequate access to the County's roadway network. The requested deviation, as proposed, will also serve to protect public health, safety, and welfare. The revised access location meets the connection separation standards established in LDC Section 10-285 and limits the access on to Blasingim Road, which is currently a privately-maintained local road, to "emergency only;" therefore, staff recommends **APPROVAL** of the requested deviation.

It should be noted that Blasingim Road intersects the right-of-way of Crystal Drive approximately one-quarter mile south of the subject property. The extension of Crystal Drive from Ben C. Pratt/Six Mile Cypress Parkway to Plantation Road is identified as a cost-feasible project in the Lee County Metropolitan Planning Organization's Long Range Transportation Plan, which was adopted in 2020 and last amended in 2023 (see Attachment S4). As such, staff recommends the following additional condition of approval to require construction of the Blasingim Road access in a manner that meets the access design standards set forth by the LDC in order to facilitate access alternatives to the County roadway network for the subject property upon the completion of the extension of Crystal Drive to Plantation Road:

- *The project must construct one (1) access onto Blasingim Road in accordance with the requirements of LDC Section 10-296. The Blasingim Road access will be restricted to emergency use only and will remain as such until Blasingim Road is interconnected with the planned extension of Crystal Drive to Plantation Road. The emergency use access must be converted to a standard access to Blasingim Road upon the completion of the extension of Crystal Drive to Plantation Road. This condition does not prevent the construction of a residents/guests only access gate in compliance with LDC Section 34-1748 upon the termination of the emergency use only status.*

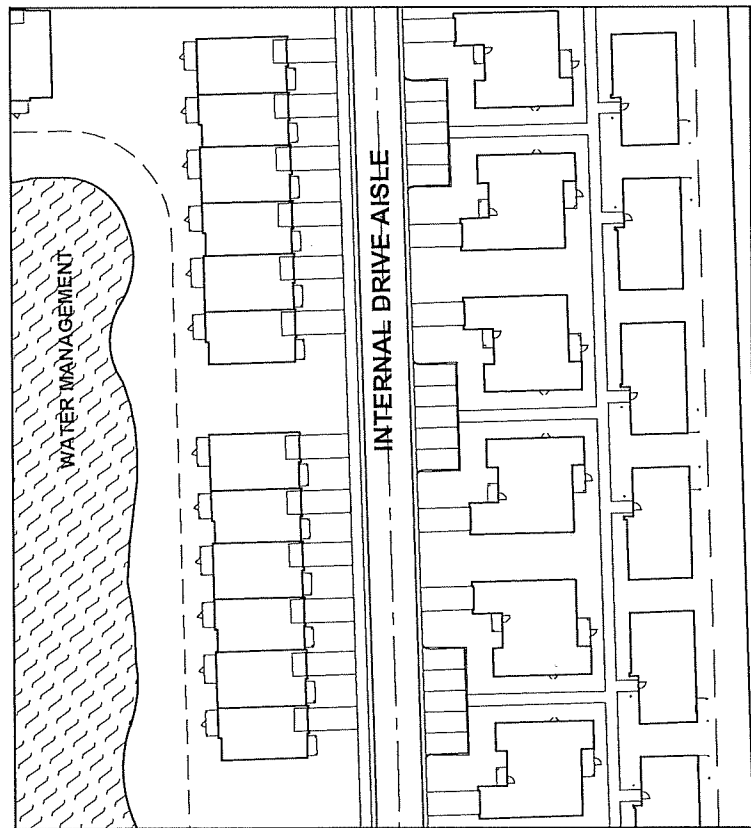
Attachments

S1: Revised Master Concept Plan dated April 6, 2023

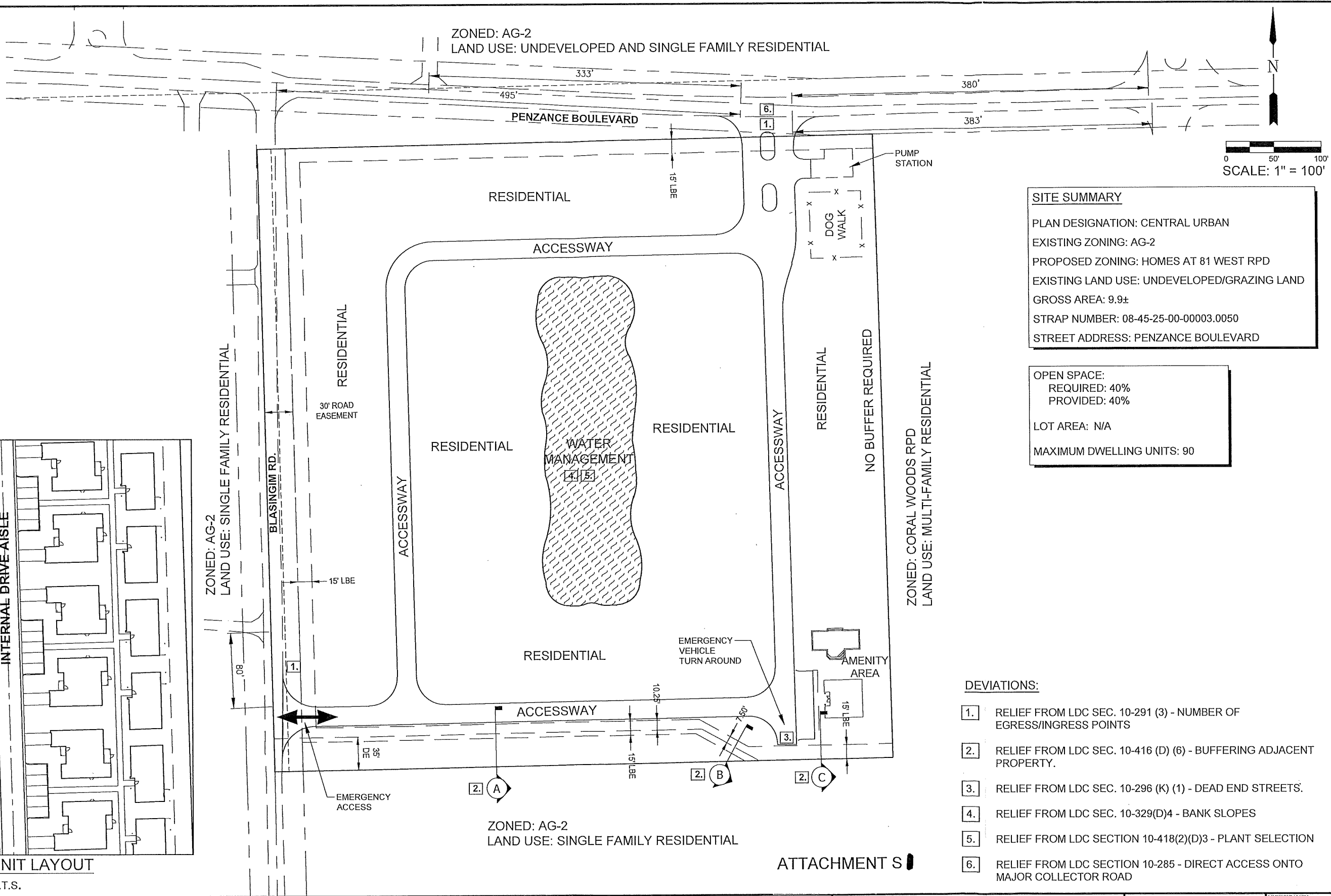
S2: Revised Schedule of Deviations and Justifications

S3: Revised Conditions and Deviations Document

S4: Excerpt from Lee County Metropolitan Planning Organization Long Range Transportation Plan



TYPICAL UNIT LAYOUT
N.T.S.



SITE SUMMARY
PLAN DESIGNATION: CENTRAL URBAN
EXISTING ZONING: AG-2
PROPOSED ZONING: HOMES AT 81 WEST RPD
EXISTING LAND USE: UNDEVELOPED/GRAZING LAND
GROSS AREA: 9.9±
STRAP NUMBER: 08-45-25-00-00003.0050
STREET ADDRESS: PENZANCE BOULEVARD

OPEN SPACE:
REQUIRED: 40%
PROVIDED: 40%

LOT AREA: N/A

MAXIMUM DWELLING UNITS: 90

- DEVIATIONS:**
- 1. RELIEF FROM LDC SEC. 10-291 (3) - NUMBER OF EGRESS/INGRESS POINTS
 - 2. RELIEF FROM LDC SEC. 10-416 (D) (6) - BUFFERING ADJACENT PROPERTY.
 - 3. RELIEF FROM LDC SEC. 10-296 (K) (1) - DEAD END STREETS.
 - 4. RELIEF FROM LDC SEC. 10-329(D)4 - BANK SLOPES
 - 5. RELIEF FROM LDC SECTION 10-418(2)(D)3 - PLANT SELECTION
 - 6. RELIEF FROM LDC SECTION 10-285 - DIRECT ACCESS ONTO MAJOR COLLECTOR ROAD

ATTACHMENT S

LEGEND				DESIGNED BY: F.J.F.				GradyMinor Civil Engineers • Land Surveyors • Planners • Landscape Architects Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380				HOMES AT 81 WEST RPD				MUNICIPALITY: LEE COUNTY			
				DRAWN BY: C.G.K.								SEC/TWN/RGE: 8/45S/25E							
				APPROVED: D.W.A.								DATE: FEBRUARY 2021							
				JOB CODE: CMPB								SUBMITTAL TYPE: REZONE							
SCALE: 1" = 100'												SHEET 1 OF 2							
Revision				Date				Description				By							

Homes at 81 West RPD

Deviation and Justification

1. Deviation 1 seeks relief from LDC Sec. 10-291(3) which requires residential projects of 5 acres or greater to provide more than one means of ingress or egress to instead allow a full access to Penzance Boulevard and an emergency ingress/egress to Blasingim Road, which may be converted in the future into a full access subject to a Blasingim Road/Crystal Drive interconnection.

Justification:

The single full point of ingress/egress to Penzance Boulevard is sufficient for the normal vehicular access to the property. The 90 proposed rental dwelling units do not generate a sufficient volume of traffic to warrant two full access points. However, the MCP also depicts an emergency access to Blasingim Road, which is a private Road. The emergency access to Blasingim Road, which may be converted in the future to a full access point when Blasingim Road interconnects with Crystal Drive will provide safe and convenient access for the RPD.

2. Deviation 2 seeks relief from LDC Sec. 10-416 (d) (6), which states If roads, drives, or parking areas associated with residential subdivisions or with a multi-family or non-residential use are located less than 125 feet from an existing single-family residential subdivision or single-family residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet or a 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property. Where residences will be constructed between the road, drive or parking area and the existing residential subdivision or lots, the wall or wall and berm combination are not required.

This deviation would instead allow installation of a 48-inch-high hedge and maintained at 60 inches in height within a 15-foot-wide buffer easement along the RPD southern property boundary as depicted on the Master Plan except where a street stub out terminates near the southern property boundary. At this location the buffer shall provide for a minimum planting width of 7.5 feet and include a solid 8 foot high wall with the hedge and trees planted on the external side of the wall (see sheet 2 of 2 of the Master Plan labeled "Deviation #2, Cross Sections").

Justification:

This deviation is warranted as the project is required to have a water management conveyance ditch near the southern property boundary which limits the width of available planting area. Due to the presence of the drainage conveyance, the required landscape buffer easement cannot overlay the required drainage easement to achieve the otherwise 30-foot landscape buffer area. The required vegetation can be installed and maintained within the provided 15-foot-wide landscape buffer easement at both location and containing landscaping material as otherwise required within the typical 30-foot-wide type "F" landscape buffer easement. Additionally, Cross Section 'B' shows a portion of the proposed drainage easement is within

ATTACHMENT S **2**



the 15 foot wide landscape buffer easement but a minimum 7.5 foot flat area will be maintained at the top of the berm.

3. Deviation 3 seeks relief from LDC Sec. 10-296(k) (1), which states dead-end streets, designed to be so permanently, must be closed at one end by a circular turn around for vehicles and constructed in compliance with the LDC.

This deviation would instead allow installation of hammerhead turn arounds at the terminal roads to allow a 3 - point turn for emergency vehicles and Lee County personnel at the Southeast and Northwest corners of the property.

Justification:

This deviation is warranted as the project is required to provide the ability for public safety and emergency vehicles to complete a turning motion to reverse direction without having to leave a paved surface. The internal drives are drive aisles and are not platted roadways. Due to site geometry limitations and the required ground elevations needed to meet stormwater treatment requirements, the use of two hammerhead turn arounds are an acceptable alternative for the local emergency services (South Trail Fire District). At the project Southeast corner, the hammerhead configuration is shown due to the existing water management conveyance ditch near the southern property boundary and the required landscape buffer along the southern property line as well. This has also been reviewed by the South Trail Fire District and found to be an acceptable alternative to a full cul-de-sac per the LDC.

ADDITIONAL DEVIATIONS DUE TO AIRPORT OPERATIONS

The site is within 10,000 feet from Page Field Airport and per the Federal Aviation Administration (FAA) Advisory Circular, if a development is within 10,000 feet from airport operations the surface water management areas must be steep-sided slopes and not littoral vegetation must be provided around the lakes. In addition, the landscape plantings must comply with the Lee County Port Authority Plant List (Attachment B). In order to comply with the Advisory Circular, deviations are necessary from lake bank slopes per LDC Section 10-329(d)(4) and LDC Section 10-418(2)(d)3.

Deviation #4

LDC-329(d)4 requires the banks of excavated lakes 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 allow four horizontal to one vertical slopes and provide enhanced slope protection measures and design techniques determined by the project engineer at time of development order.

(ES) staff recommend approval of this deviation.

Deviation #5

LDC Section 10-418(2)(d)3 allows native wetland trees to be substituted for up to 25 percent of the total number of herbaceous littorals required. One tree (minimum ten-foot-height; two-inch-caliper, and a four foot spread) may be substituted for 100 herbaceous littoral plants. Rees

must meet the minimum standards set forth in LDC Section 10-420. To allow 100 percent of the total number of herbaceous littorals required to be substituted with native wetland trees.

(ES) staff recommend approval with the following condition:

Prior to development order approval, all landscape plants must be in compliance with the Lee County Port Authority Non-Compatible and Compatible Plan List.

6. Deviation 6 seeks relief from LDC Sec. 10-285, Connection Separation, which indicates that all lots in urban areas with access alternatives will not be permitted direct motor vehicle access to an arterial or major collector, to instead allow the Homes at 81 West RPD to provide primary project access to Penzance Boulevard, which has been classified as a major collector roadway on the County's functional classification map.

Justification:

This deviation is warranted because the only other roadway that can provide access to the property is Blasingim Road, which is a privately maintained roadway, serving only a small number of single-family homes. At the time the original RPD application was filed with Lee County, Penzance Boulevard was classified as a minor collector and had been classified as such for the past 30+ years. After the application was filed, the road was then reclassified as a major collector, even though there had been no changes to the road. The Administrative Code 11-1 establishes criteria for the determination of the functional classifications for roadways and Penzance Boulevard is substantially more consistent with the criteria established for a minor collector roadway, versus the major collector criteria. This claim is further supported by the fact that Lee County had the road classified as a minor collector for over 30+ years. It should also be noted that there have been many other developments approved along the Penzance Boulevard that directly access Penzance Boulevard based on the minor collector standard. Approval of the deviation does enhance the planned development by placing the primary project access on the collector roadway, rather than a private roadway serving only larger lot single family homes. The proposed access location on Penzance Boulevard does not create any public safety or welfare concerns as the location of the access meets and exceeds the spacing criteria specified in the LDC for both a minor and a major collector classification. Further, the access location on Penzance Boulevard is consistent with the requests by area property owners expressed at a public hearing before the BOCC to place the access on the public roadway rather than the privately maintained Blasingim Road. In response to the residents, the Lee County BCC remanded the case back to the HEX for the reconsideration of whether the project's access should be directly on Penzance Boulevard. The BOCC instructed the Applicant to file the necessary deviations to achieve the desired result. In addition, and per the LDC, a secondary and emergency use only access will be provided on Blasingim Road, which is not expected to be opposed.

(A) Conditions

(1) Master Concept Plan and Development Parameters.

Master Concept Plan. Development of this project must be consistent with the two-page Master Concept Plan (MCP) entitled "Homes at 81 West RPD Master Concept Plan" prepared by Grady Minor, revised 4/6/2023~~9/12/2022~~, except as modified by the conditions below.

Compliance with Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC, except where deviations have been approved. Subsequent amendments to the Master Concept Plan, conditions, or deviations may be subject to additional development approvals.

Approved Development Parameters. Development is limited to a maximum of 90 dwelling units, with a maximum permitted building height of 35 feet.

(2) Schedule of Uses and Property Development Regulations.

(a) Schedule of Uses

Accessory Uses, Buildings and Structures

Administrative Offices

Dwelling Unit

Single-Family Detached

Duplex

Multiple-Family

Essential Services

Essential Service Facilities – Group I

Excavation, Water Retention

Fences, Walls

Recreation Facilities

Personal

Private–On-site

Signs

(b) Property Development Regulations.

Minimum Lot Area and Dimensions

Lot Width	N/A
Lot Depth	N/A
Lot Area	N/A

Minimum Setbacks

Internal Drive Aisle*	20 feet
PD Boundary	25 feet
Waterbody	20 feet
Attached Accessory Structure	15 feet

Minimum Building Separation 10 feet

Maximum Building Height 35 feet

Minimum Open Space 40 percent (10 ac x 0.40 = 4.0± acres)

*As measured from edge of pavement

(3) Compliance with Multifamily Development Standards.

Development order plans must demonstrate compliance with applicable regulations for multifamily development.

(4) Access to Blasingim Road Maintenance.

Staff note: Staff recommends a new condition requiring the conversion of the Blasingim Road access from emergency only to a full access upon the completion of the extension of Crystal Drive from Ben C. Pratt/Six Mile Cypress Parkway to Plantation Road as outlined in the supplemental staff report. This condition has also been revised to include the conditions of approval for Deviation 1 as recommended by staff in Attachment C to the staff report dated September 15, 2022.

- a. The project must construct one (1) access onto Blasingim Road in accordance with the requirements of LDC Section 10-296. The Blasingim Road access will be restricted to emergency use only and will remain as such until Blasingim Road is interconnected with the planned extension of Crystal Drive to Plantation Road. The emergency use access must be converted to a standard access to Blasingim Road upon the completion of the extension of Crystal Drive to Plantation Road. This condition does not prevent the construction of a residents/guests only access gate in compliance with LDC Section 34-1748 upon the termination of the emergency use only status.
- b. Prior to development order approval, the applicant must:
 1. Submit a copy of legal documents creating the legal mechanism to ensure the continuous maintenance of Blasingim Road along the property frontage;

2. Record a notice to all future property owners, in the public records, allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor ; and

[Relocated from Deviation 1]

3. Demonstrate that the emergency only access is equipped with an Emergency Vehicle Access Control (EVAC). [Relocated from Deviation 1]

(5) Development permits.

Issuance of a County development permit does not establish a right to obtain permits from state or federal agencies. Further, it does not establish liability on the part of the County if the developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

(B) Deviations

- (1) Access. Deviation 1 seeks relief from LDC §10-291(3), which requires residential projects of five acres or more to provide more than one means of ingress or egress, to allow one full access via Penzance Boulevard ~~Blasingim Road~~ and to allow a second access on Blasingim Road to function as "emergency only."

This deviation is APPROVED, subject to Condition 4, ~~the following conditions:~~

- ~~a. Prior to development order approval, the developer must record a notice to all future property owners, in the public records, allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.~~
- ~~b. Prior to development order approval, the applicant must demonstrate that the emergency only access is equipped with an Emergency Vehicle Access Control (EVAC) and provides a stabilized surface with sufficient structural capacity to support an ambulance and fire truck.~~

- (2) Buffer. Deviation 2 seeks relief from LDC §10-416(d)(6), which requires roads, drives, or parking areas associated with a multifamily residential use located less than 125 feet from existing single-family residential lots to be buffered by either:

- a. A solid wall or combination berm and solid wall not less than eight feet in height constructed no more than 25 feet from the abutting property with landscaping between

the wall and the abutting property containing a minimum of five trees and 18 shrubs per 100 lineal feet; or

- b. A 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property;

to allow a 48-inch-high hedge, to be maintained at a height of 60 inches, to be installed within a 15-foot-wide buffer easement along the southern boundary of the subject property, except where a proposed street stub out terminates near the southern property boundary. The proposed street stub out area will be buffered with an eight-foot-high solid wall with plantings consisting of hedges and trees located between the proposed wall and south property line as depicted on the master concept plan.

This deviation is **APPROVED**, subject to the following condition:

- a. Development order plans must depict a 15-foot-wide up to the terminal access stub, which may have a 7.5-foot-wide buffer. Landscape plans must depict ten trees per 100 linear feet and a double hedge row with hedges specified at 48-inches-in height to be maintained at 60-inches-in-height.

- (3) Turnaround. Deviation 3 seeks relief from LDC §10-296(k)(1), which requires permanent dead-end streets to be closed at one end by a circular turnaround for vehicles and be constructed in compliance with the LDC, to allow the use of hammerhead turnarounds at the terminal roads depicted on the master concept plan.

This deviation is **APPROVED**.

- (4) Lake Banks. Deviation 4 seeks relief from LDC §10-329(d)(4), which requires lake banks to be sloped at a ratio not greater than six horizontal to one vertical (6:1) from the top of bank to a water depth of two feet below the dry season water table, to allow slopes to be designed at a ratio of four horizontal to one vertical (4:1) with enhanced slope protection measures and design techniques determined by the project engineer at time of development order.

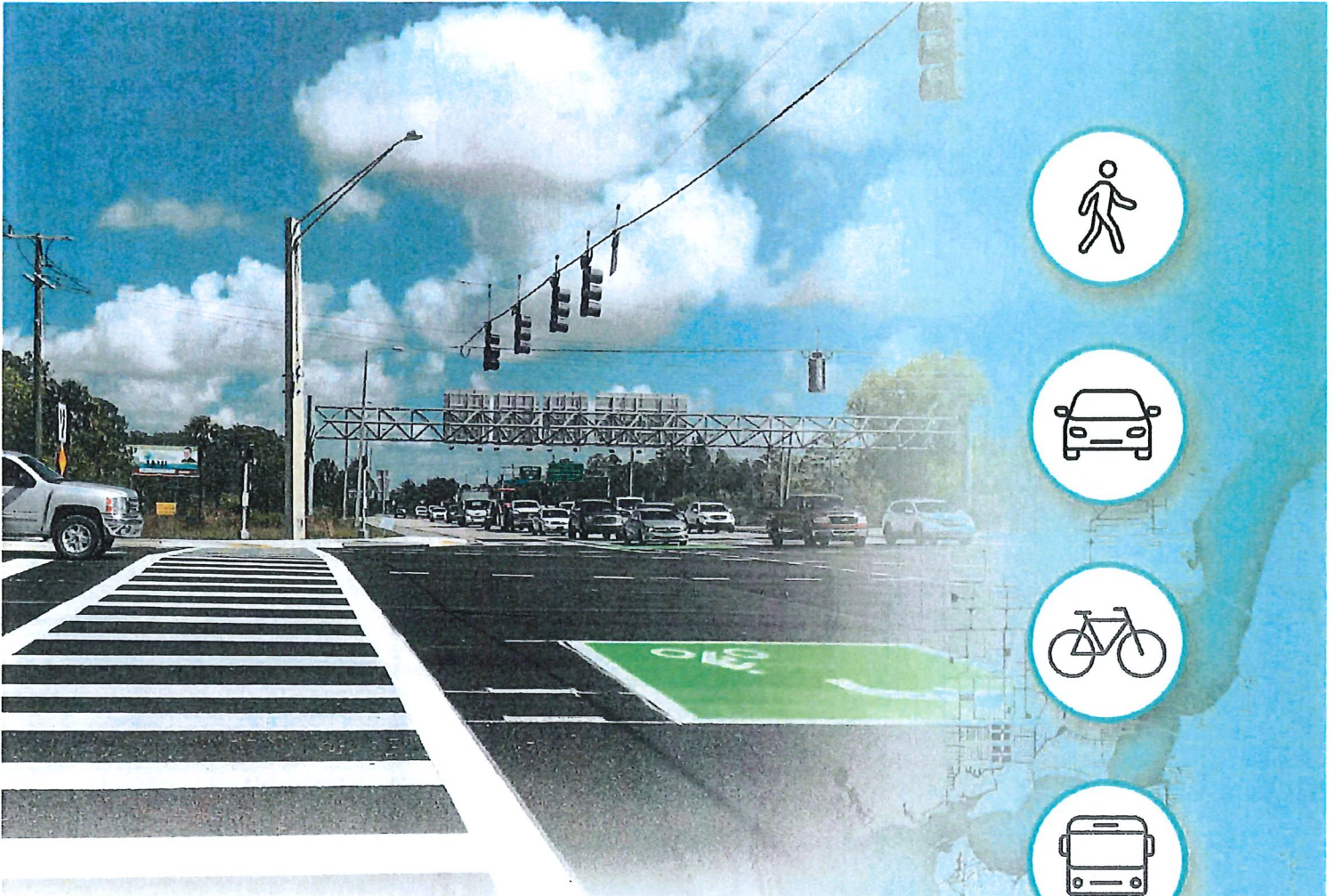
This deviation is **APPROVED**.

- (5) Littoral Plantings. Deviation 5 seeks relief from LDC §10-418(2)(d)3, which allows native wetland trees to be substituted for up to 25 percent of the total number of herbaceous plants required within planted littoral shelves, at a rate of one tree (minimum ten-foot height; 2 inch caliper, with a four-foot spread) per 100 herbaceous plants, to allow wetland trees to be substituted for 100 percent of the total required number of herbaceous plants.

This deviation is **APPROVED**, subject to the following condition:

- a. Landscape plants must be in compliance with the Lee County Port Authority Non-Compatible and Compatible Plant List.
- (6) Penzance Boulevard Access. Deviation 6 seeks relief from LDC §10-285, which prohibits lots in urban areas with access alternatives from having direct motor vehicle access to an arterial or major collector road, to allow a full access point on Penzance Boulevard as shown on the master concept plan.

This deviation is APPROVED subject to Condition 4.



Lee County Metropolitan Planning Organization

Long Range Transportation Plan

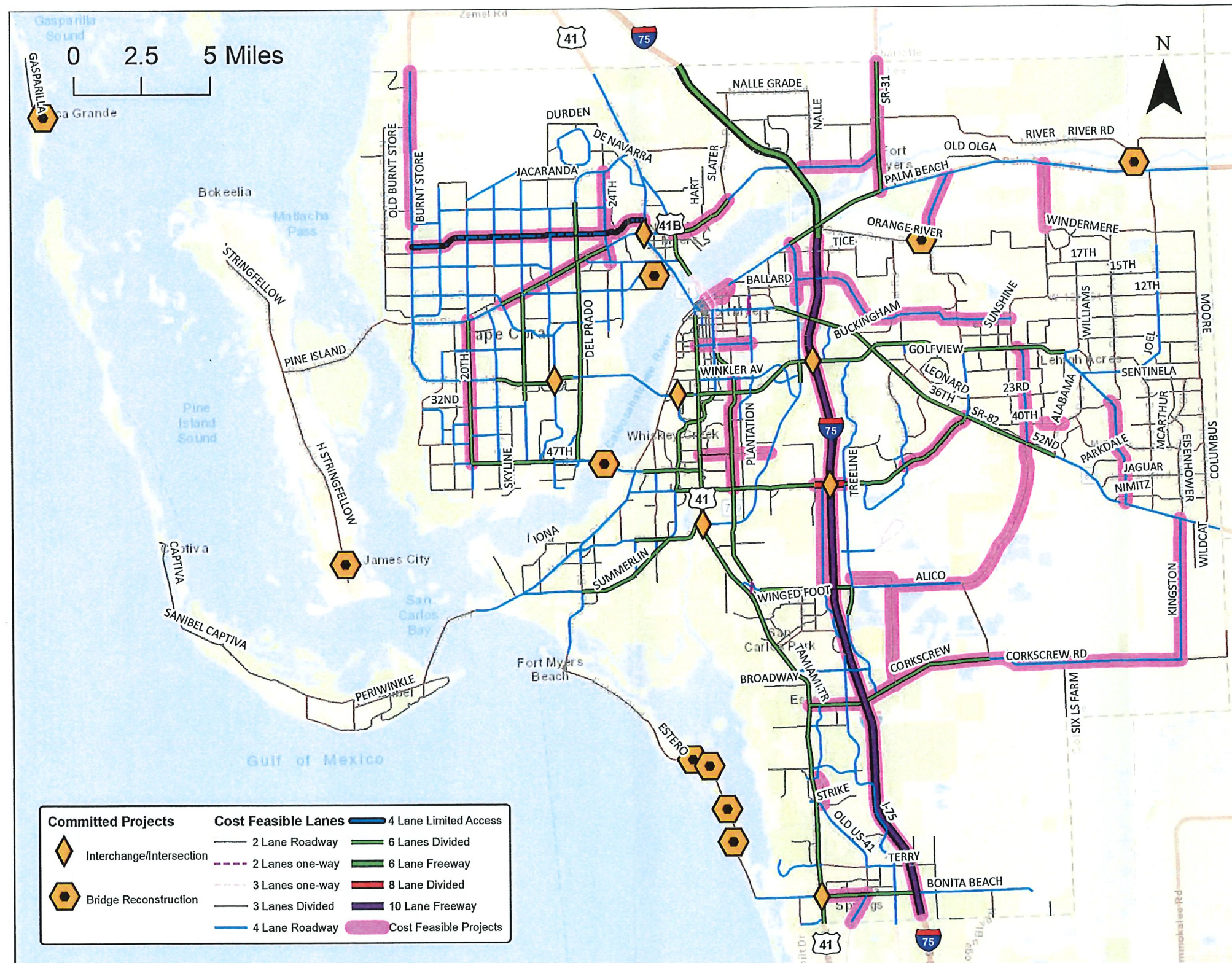
Adoption December 18, 2020

Amended: June 18, 2021

Amended: January 21, 2022

Amended: January 20, 2023

Map 5-2: 2045 Cost Feasible Roadway Projects



2045 Transportation Plan



Table 5-8: Cost Feasible Projects: Lee County Funded Road Projects (\$1,000)

Project Identifier	Road Name	From	To	Improvement	Phase	2021-2025	2026-2030	2031-2035	2036-2045	Total Cost (YOE)	Total Cost (PDC)
LC1	Big Carlos Bridge Replacement	N/A	N/A	Bridge	CST	\$45,138	\$0	\$0	\$0	\$45,138	\$45,138
LC2	Cape Coral Bridge Replacement	N/A	N/A	Bridge	PE	\$13,149	\$0	\$0	\$0	\$13,149	\$13,149
	Cape Coral Bridge Replacement	N/A	N/A	Bridge	CST		\$128,000	\$0	\$0	\$128,000	\$99,100
LC3	New Pass, Little Carlos and Big Hickory Bridges	N/A	N/A	Bridges	PE	\$6,527	\$0	\$0	\$0	\$6,527	\$6,527
	New Pass, Little Carlos and Big Hickory Bridges	N/A	N/A	Bridge	CST		\$59,000	\$0	\$0	\$59,000	\$46,716
LC4	Orange River Bridge Replacement	N/A	N/A	Bridge	PE/CST		\$0	\$3,820	\$0	\$3,820	\$2,420
LC5	Alva Bridge Replacement	N/A	N/A	Bridge	PE/CST		\$0	\$28,210	\$0	\$28,210	\$17,889
LC6	Harbor Drive Bridge Replacement	N/A	N/A	Bridge	PE/CST		\$0	\$3,220	\$0	\$3,220	\$2,044
LC7	Stringfellow Bridge Replacement	N/A	N/A	Bridge	PE/CST		\$0	\$2,760	\$0	\$2,760	\$1,751
LC8	Hancock Creek Bridge Replacement	N/A	N/A	Bridge	PE/CST		\$0	\$6,180	\$0	\$6,180	\$3,919
LC9	Alico Road/Connector	Airport Haul Road	SR 82	Widen 2L to 4L/New 2L	PE/ROW	\$10,759	\$0	\$0	\$0	\$10,759	\$10,759
	Alico Road/Connector	Airport Haul Road	SR 82	Widen 2L to 4L/New 2L	CST		\$124,000	\$0	\$0	\$124,000	\$96,881
LC10	Airport Haul Road Ext	Alico Road	Corkscrew Road	New 2L	PE		\$0	\$12,500	\$0	\$12,500	\$8,800
	Airport Haul Road Ext	Alico Road	Corkscrew Road	New 2L	ROW		\$0	\$0	\$32,940	\$32,940	\$15,000
	Airport Haul Road Ext	Alico Road	Corkscrew Road	New 2L	CST		\$0	\$0	\$109,920	\$109,920	\$59,260
LC11	Bonita Beach Road	US 41	Old US 41	4L to 6L	ROW/CST		\$0	\$33,900	\$0	\$33,900	\$25,700
LC12	Burnt Store Road	SR 78	Tropicana Pkwy	Widen 2L to 4L	CST	\$18,000	\$0	\$0	\$0	\$18,000	\$18,000
	Burnt Store Road	Van Buren Parkway	Janis Road	Widen 2L to 4L	CST	\$0	\$0	\$12,535	\$0	\$12,535	\$7,950
	Burnt Store Road	Janis Road	Durden Parkway	Widen 2L to 4L	CST	\$0	\$0	\$14,700	\$0	\$14,700	\$9,300
	Burnt Store Road	Durden Parkway	Charlotte Co/Line	Widen 2L to 4L	CST	\$0	\$0	\$15,900	\$0	\$15,900	\$10,100
LC13	Corkscrew Road	Ben Hill Griffin Parkway	Alico Road	Widen 2L to 4L	CST	\$41,385	\$0	\$0	\$0	\$41,385	\$41,385

Project Phases - PD&E: Project Development and Environment; PE: Project Engineering and Design; ROW: Right-of-way Acquisition; CST: Project Construction

Project Identifier	Road Name	From	To	Improvement	Phase	2021-2025	2026-2030	2031-2035	2036-2045	Total Cost (YOE)	Total Cost (PDC)
LC14	Buckingham Road	Orange River	Palm Beach Blvd	Widen 2L to 4L	PE		\$0	\$7,420	\$0	\$7,420	\$5,250
	Buckingham Road	Orange River	Palm Beach Blvd	Widen 2L to 4L	ROW		\$0	\$15,120	\$0	\$15,120	\$10,000
	Buckingham Road	Orange River	Palm Beach Blvd	Widen 2L to 4L	CST		\$0	\$0	\$64,930	\$64,930	\$35,000
LC15	Corkscrew Road	Three Oaks Pkwy	I-75	Widen 4L to 6L	PE		\$0	\$1,190	\$0	\$1,190	\$810
	Corkscrew Road	Three Oaks Pkwy	I-75	Widen 4L to 6L	ROW		\$0	\$3,020	\$0	\$3,020	\$2,000
	Corkscrew Road	Three Oaks Pkwy	I-75	Widen 4L to 6L	CST		\$0	\$0	\$8,350	\$8,350	\$4,500
LC16	Crystal Drive	US 41	Metro Parkway	Reconstruct/3L	PE/ROW/CST		\$0	\$16,160	\$0	\$16,160	\$10,250
LC17	Crystal Drive Extension	Plantation Road	Six Mile Cypress Pkwy	New 2L	PE/ROW/CST		\$0	\$12,730	\$0	\$12,730	\$8,075
LC18	Homestead Road	Milwaukee Boulevard	Sunrise Boulevard	Widen 2L to 4L	PE		\$2,810	\$0	\$0	\$2,810	\$2,250
	Homestead Road	Milwaukee Boulevard	Sunrise Boulevard	Widen 2L to 4L	ROW		\$0	\$6,050	\$0	\$6,050	\$4,000
	Homestead Road	Milwaukee Boulevard	Sunrise Boulevard	Widen 2L to 4L	CST		\$0	\$23,660	\$0	\$23,660	\$15,030
LC19	Homestead Road	Milwaukee Boulevard	SR 82	Widen 2L to 4L	PE		\$0	\$5,520	\$0	\$5,520	\$3,900
	Homestead Road	Milwaukee Boulevard	SR 82	Widen 2L to 4L	ROW		\$0	\$9,830	\$0	\$9,830	\$6,500
	Homestead Road	Milwaukee Boulevard	SR 82	Widen 2L to 4L	CST		\$0	\$0	\$48,230	\$48,230	\$26,000
LC20	Littleton Road	Corbett Road	US 41	Widen 2L to 3L	CST	\$13,411	\$0	\$0	\$0	\$13,411	\$13,411
LC21	Daniels Parkway	Gateway Boulevard	SR 82	Widen 4L to 6L	PE		\$0	\$0	\$5,830	\$5,830	\$4,960
	Daniels Parkway	Gateway Boulevard	SR 82	Widen 4L to 6L	CST		\$0	\$0	\$61,360	\$61,360	\$33,080
LC22	Ortiz Avenue	Dr Martin Luther King Jr Blvd	Luckett Road & Luckett to I-75	Widen 2L to 4L	PE	\$3,714	\$0	\$0	\$0	\$3,714	\$3,714
	Ortiz Avenue	Dr Martin Luther King Jr Blvd	Luckett Road & Luckett to I-75	Widen 2L to 4L	CST	\$28,475	\$0	\$0	\$0	\$28,475	\$28,475
LC23	Ortiz Avenue	Luckett Road	Palm Beach Blvd	Widen 2L to 4L	CST		\$0	\$26,590	\$0	\$26,590	\$16,860
LC24	Ortiz Avenue	Colonial Boulevard	Dr Martin Luther King Jr Blvd	Widen 2L to 4L	CST	\$16,520	\$0	\$0	\$0	\$16,520	\$16,520
LC25	Three Oaks Extension North	North of Alico Road	Daniels Parkway	New 4L	CST	\$92,404	\$0	\$0	\$0	\$92,404	\$92,404
LC26	Veterans Parkway	at Santa Barbara Boulevard		Intersection	PE		\$0	\$5,480	\$0	\$5,480	\$3,970
	Veterans Parkway	at Santa Barbara Boulevard		Intersection	CST		\$0	\$39,730	\$0	\$39,730	\$26,480
LC27	Colonial Boulevard	McGregor Boulevard	US 41	Major Intersections/TBD	CST		\$0	\$26,7100	\$0	\$26,710	\$17,230
LC28	Major Intersection Improvements			Operational & Safety Improvements	PE/ROW/CST		\$2,570	\$0	\$83,000	\$85,570	\$41,741
LC29	40th Street Extension	East end of 4th Street	Alabama Road	New 2L	PE		\$0	\$0	\$594	\$594	\$320
	40th Street Extension	East end of 4th Street	Alabama Road	New 2L	ROW		\$0	\$0	\$4,850	\$4,850	\$2,070
	40th Street Extension	East end of 4th Street	Alabama Road	New 2L	CST		\$0	\$0	\$4,050	\$4,050	\$2,120

Project Phases - PD&E: Project Development and Environment; PE: Project Engineering and Design; ROW: Right-of-way Acquisition; CST: Project Construction

Project Identifier	Road Name	From	To	Improvement	Phase	2021-2025	2026-2030	2031-2035	2036-2045	Total Cost (YOE)	Total Cost (PDC)
LC30	Corkscrew Road	Alico Road	East of The Place	2L to 4L	PE		\$9,800	\$0	\$0	\$9,800	\$7,308
	Corkscrew Road	Alico Road	East of The Place	2L to 4L	ROW		\$10,700	\$0	\$0	\$10,700	\$9,000
	Corkscrew Road	Alico Road	East of The Place	2L to 4L	CST		\$0	\$62,500	\$0	\$62,500	\$39,600
LC31	Corkscrew Road	US 41	Three Oaks Parkway	4L to 6L	PE		\$0	\$0	\$4,267	\$4,267	\$2,300
	Corkscrew Road	US 41	Three Oaks Parkway	4L to 6L	ROW		\$0	\$0	\$1,060	\$1,060	\$500
	Corkscrew Road	US 41	Three Oaks Parkway	4L to 6L	CST		\$0	\$0	\$28,490	\$28,490	\$15,360
LC32	Sunshine Blvd	SR 82	Lee Blvd	2L to 4L	PE		\$0	\$8,950	\$0	\$8,950	\$6,330
	Sunshine Blvd	SR 82	Lee Blvd	2L to 4L	CST		\$0	\$0	\$78,230	\$78,230	\$42,170
LC33	Luckett Road	East of I-75	Buckingham Road	New 4L	PE		\$0	\$0	\$12,771	\$12,771	\$6,230
	Luckett Road	East of I-75	Buckingham Road	New 4L	ROW		\$0	\$0	\$61,828	\$61,828	\$30,160
	Luckett Road	East of I-75	Buckingham Road	New 4L	CST		\$0	\$0	\$85,178	\$85,178	\$41,550
LC34	Luckett Road	Buckingham Road	Gunnery Road	Widen 2L to 4L	PE		\$0	\$0	\$6,478	\$6,478	\$3,160
	Luckett Road	Buckingham Road	Gunnery Road	Widen 2L to 4L	ROW		\$0	\$0	\$17,500	\$17,500	\$8,540
	Luckett Road	Buckingham Road	Gunnery Road	Widen 2L to 4L	CST		\$0	\$0	\$43,130	\$43,130	\$21,040
LC35	Luckett Road	Gunnery Road	Sunshine Boulevard	New 4L	PE		\$0	\$0	\$8,670	\$8,670	\$4,230
	Luckett Road	Gunnery Road	Sunshine Boulevard	New 4L	ROW		\$0	\$0	\$41,960	\$41,960	\$20,470
	Luckett Road	Gunnery Road	Sunshine Boulevard	New 4L	CST		\$0	\$0	\$57,800	\$57,800	\$28,200
LC36	Corkscrew Road	Verdana Village	Kingston Ranch Road	2L to 4L	PE		\$4,620	\$0	\$0	\$4,620	\$3,570
	Corkscrew Road	Verdana Village	Kingston Ranch Road	2L to 4L	ROW		\$0	\$7,290	\$0	\$7,290	\$4,700
	Corkscrew Road	Verdana Village	Kingston Ranch Road	2L to 4L	CST		\$0	\$36,220	\$0	\$36,220	\$23,370
LC37	Corkscrew Road	East of Firehouse Lane	Alico Road	4L to 6L	PE		\$0	\$8,880	\$0	\$8,880	\$4,230
	Corkscrew Road	East of Firehouse Lane	Alico Road	4L to 6L	CST		\$0	\$0	\$78,330	\$78,330	\$38,210
LC38	Sunshine Blvd	75th Street	SR 80	New 2L	PE		\$0	\$0	\$9,340	\$9,340	\$4,560
	Sunshine Blvd	75th Street	SR 80	New 2L	ROW		\$0	\$0	\$41,000	\$41,000	\$20,000
	Sunshine Blvd	75th Street	SR 80	New 2L	CST		\$0	\$0	\$62,382	\$62,382	\$30,430
Total Cost:						\$289,482	\$341,500	\$456,775	\$1,602,468	\$2,150,225	\$1,393,926
Revenues:						\$289,482	\$341,500	\$457,800	\$1,062,960	\$2,151,742	

Project Phases - PD&E: Project Development and Environment; PE: Project Engineering and Design; ROW: Right-of-way Acquisition; CST: Project Construction

Perez, Maria

From: Sharon Umpenhour <Sumpenhour@gradyminor.com>
Sent: Friday, April 21, 2023 4:31 PM
To: Perez, Maria; Rodriguez, Anthony
Cc: Charles Marshall; Neale Montgomery; Wayne Arnold
Subject: [EXTERNAL] DCI2021-00026 Homes at 81 West RPD
Attachments: 48 Hour Letter Remand 2023-04-21.pdf; Memo to Hex 4-19-2023.pdf

Good afternoon,

Please find attached the required 48-hour letter and JMB Memo.

Regards,

Sharon Umpenhour
Senior Planning Technician



Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL 34134
239.947.1144
Teams Chat: Sumpenhour@gradyminor.com
[Home](#) | [GradyMinor](#) | [Southwest Florida Civil Engineers](#)

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APPLICANT'S
EXH # 4

MEMORANDUM

Date: April 19, 2023

To: Lee County Hearing Examiner
From: James M. Banks, P.E.

RE: Case No. DCI2021-00026 Homes at 81 West RPD

Unfortunately, I (James M. Banks) am unable to attend the zoning case's remand hearing on April 26th as directed by the Lee County BCC to reconsider having direct access to Penzance Boulevard vs. Blasingim Road.

As you are aware, I attended the zoning case's hearing on March 8th and provided oral testimony on behalf of the Applicant. My testimony was supported by the evidence contained in a report prepared by my firm which is entitled: "Traffic Impact Statement – Homes at 81 West RPD" dated April 1, 2022. The report was reviewed by Lee County staff, and they agreed with the study's findings and conclusions, which are still valid regardless of whether the project's primary means of ingress/egress is located on Blasingim Road or Penzance Boulevard.

More specifically, during the hearing, I testified that Homes at 81 West will not have a significant or negative impact upon the surrounding road network, and it was confirmed that all roadways, within the project's area of influence, currently have a surplus of capacity and can accommodate the traffic associated with the proposed residential development. Furthermore, the report concludes that the project will not create any transportation deficiencies that need to be mitigated. Also, it was noted that Penzance Boulevard provides full access to Six Mile Cypress Parkway via a traffic signal which ensures safe ingress/egress to the adjacent road network.

Roadway	LOS Standard/Capacity	LOS Determination
Penzance Blvd Collector	LOS E (860 vphpd)	LOS C $v/c = 0.26$
Six Mile Cypress Pkwy Arterial	LOS E (1,900 vphpd)	LOS C $v/c = 0.75$

Recently, I discussed the zoning case and forthcoming remand hearing with Mr. Rob Price, Deputy Director of Lee County Department of Transportation and he acknowledged the results of the Traffic Impact Statement and confirmed the only matter to be reconsidered is the site's alternative direct primary access on Penzance Blvd rather than Blasingim Road, as discussed in further detail below.

The Applicant has submitted a revised MCP depicting the project's primary access on Penzance Boulevard and a secondary access on Blasingim Road. As a condition of approval, the secondary driveway shall remain an emergency only access until Crystal Drive is extended between Blasingim Road and Plantation Road, at which time the access will then be converted to a standard access. The access can be gated to allow only residents ingress/egress.

It is noted that relocating the project's primary access on Penzance Boulevard vs. Blasingim Road will not affect the project's trip patterns on the adjacent road network because all current travel routes must be by way of Penzance Boulevard regardless of the primary access location. When Crystal Drive is extended between Plantation Road and Blasingim Road, then it is expected that approximately 15% to 20% of the project's trips will travel on Blasingim Road to Crystal Drive, but this will be the case regardless of where the primary access is located.

The Applicant was required to submit a deviation request for the primary access on Penzance Boulevard because the roadway, which had been classified as a minor collector for 30+ years, was recently reclassified as a major collector roadway even though there were not any improvements to the road. It is my professional opinion that approval of the deviation does enhance the planned development by placing the project's primary access on a collector roadway, rather than having all the project traffic use a private roadway (Blasingim Road), and the proposed primary access on Penzance Boulevard does not create any public safety or welfare concerns because the access meets and exceeds the intersection spacing criteria specified in the LDC for both a minor and a major collector roadway.

By way of this memorandum, I respectfully request that my previous testimony remain valid with your office, and I will attend the subsequent BCC hearing and I will be prepared to submit oral testimony if deemed necessary.



Civil Engineers • Land Surveyors • Planners • Landscape Architects

April 21, 2023

Ms. Amanda Rivera
Deputy Hearing Examiner
Lee County Government
1500 Monroe Street, Room 218
Fort Myers, FL 33901

Re: DCI2021-00026, HOMES AT 81 WEST RPD
HEX 48 Hour Letter and Hearing Exhibit List

Dear Madame Hearing Examiner:

As the applicant representative for the subject case, we are in agreement with the supplemental staff report, Master Concept Plan, revised deviations and newly proposed condition relating to the access point on Blasingim Drive. We have enclosed a brief memorandum prepared by James Banks of JMB Transportation Engineers. Mr. Banks will be out of the State and unable to attend the May 26, 2023, HEX Hearing. The purpose of the memo is to re-affirm that the project will have no additional impacts to the surrounding transportation network by moving the primary access to Penzance Boulevard, or with a future standard access onto Blasingim Road when Crystal Drive is extended from Blasingim Road to Plantation Road.

HEX Hearing Witness List

The following project team members will be present and may provide testimony if necessary.

Charles Marshall, P.E.	Applicant, TEG Developers
Neale Montgomery, Esq.	Land Use Counsel, Pavese Law
D. Wayne Arnold, AICP	Land Use Planner, Q. Grady Minor & Associates
Frank Feeney, P.E.	Professional Civil Engineer, Q. Grady Minor & Associates

Hearing Exhibits

Applicant PowerPoint presentation (to be provided at hearing)
James Banks Memorandum

Ms. Amanda Rivera

Re: DCI2021-00026, HOMES AT 81 WEST RPD; HEX 48 Hour Letter and Hearing Exhibit List

April 21, 2023

Page 2 of 2

Thank you for consideration of the proposed revisions.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Wayne Arnold". The signature is stylized with a large, sweeping "D" and a long, horizontal stroke extending to the right.

D. Wayne Arnold, AICP

Cc: Anthony Rodriguez, Lee County Zoning
Joe Adams, Lee County Attorney's Office
GradyMinor File (CMPB)

HOMES AT 81 WEST RPD REZONE (DCI2021-00026)

April 26, 2023, Hearing Examiner (HEX) Remand Hearing



APPLICANT'S EXHIBIT

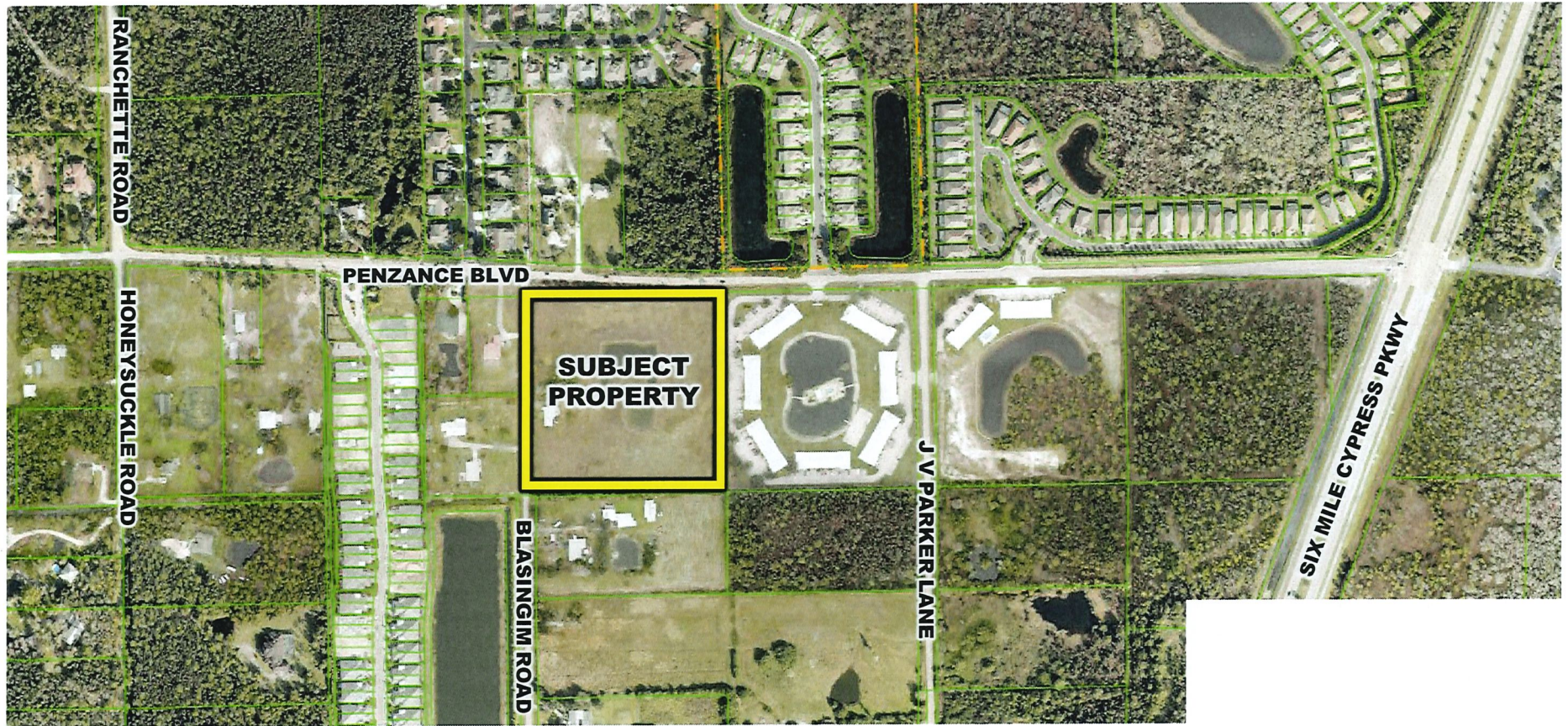
1

INTRODUCTION

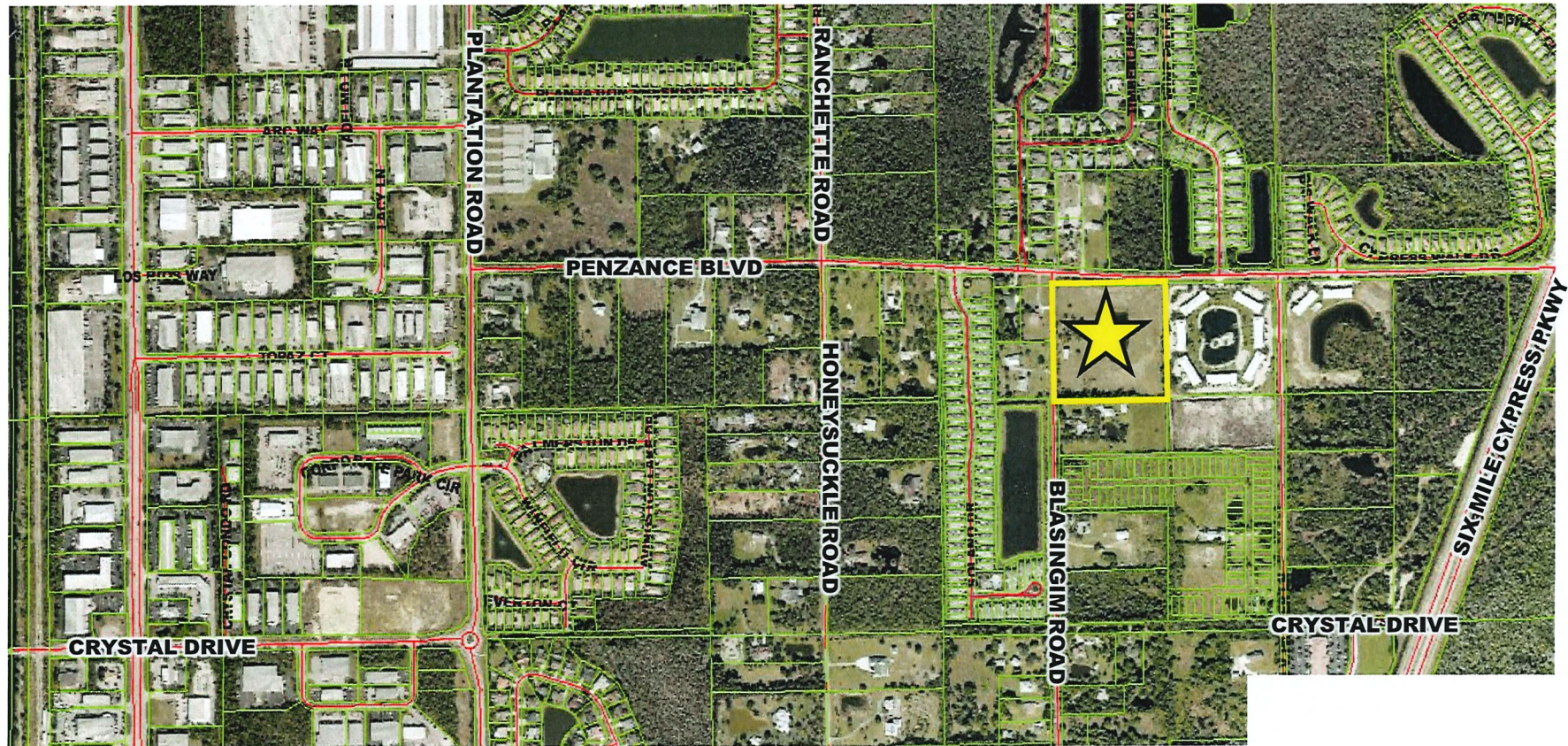
PROJECT TEAM:

- ***Marshall Property Services, LLC*** – Applicant
- ***Neale Montgomery, Land Use Attorney*** – Pavese Law
- ***D. Wayne Arnold, AICP, Professional Planner*** – Q. Grady Minor & Associates, P.A.
- ***Frank Feeney, P.E., Professional Engineer*** – Q. Grady Minor & Associates, P.A.
- ***James M. Banks, PE, Traffic Engineer*** – JMB Transportation Engineering, Inc.

LOCATION MAP



VICINITY MAP



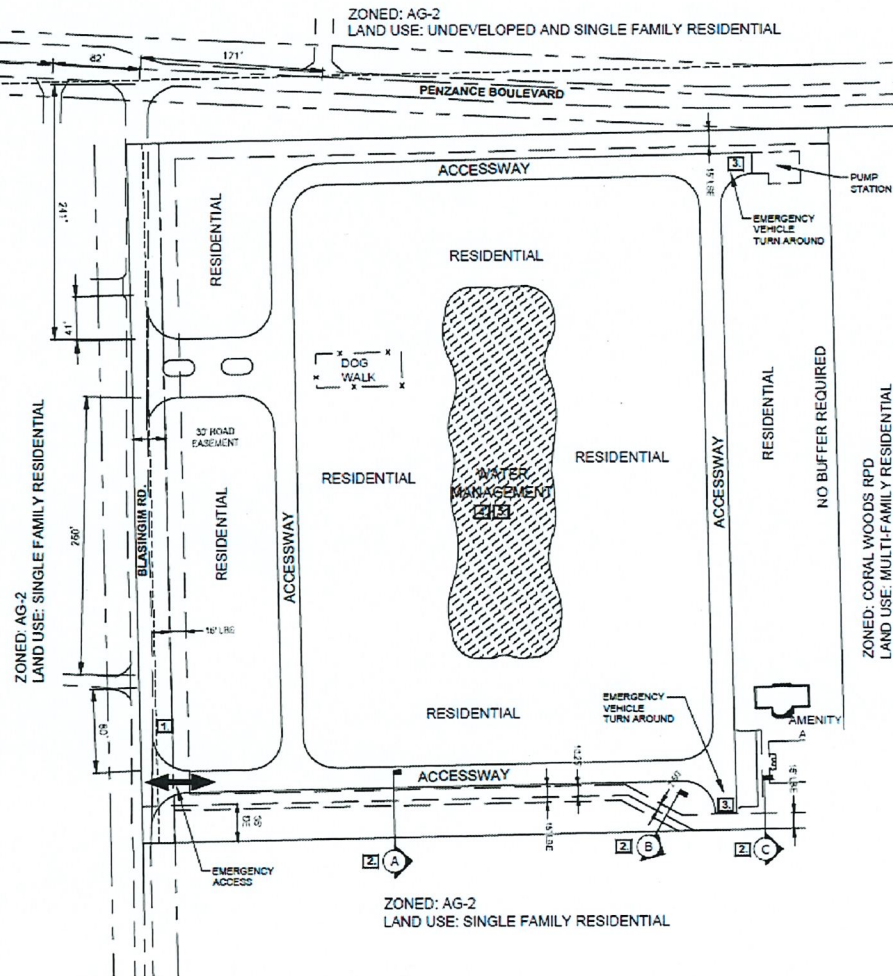
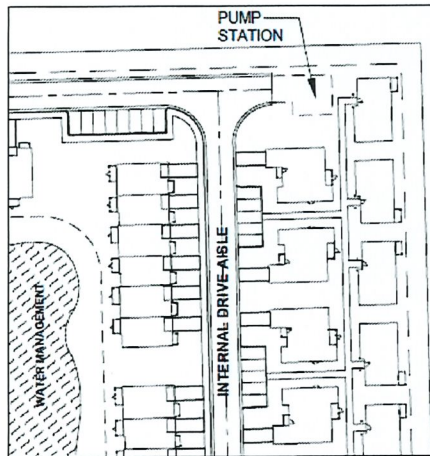
SUBJECT PROPERTY

PROPOSED CONCEPTUAL MASTER PLAN 3-8-2023

BOCC HEARING

DEVIATIONS:

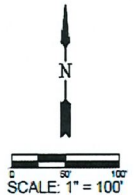
1. RELIEF FROM LDC SEC. 10-291 (3) - NUMBER OF EGRESS/INGRESS POINTS.
2. RELIEF FROM LDC SEC. 10-416 (D) (6) - BUFFERING ADJACENT PROPERTY.
3. RELIEF FROM LDC SEC. 10-266 (K) (1) - DEAD END STREETS.
4. RELIEF FROM LDC SEC. 10-326(D)4 - BANK SLOPES
5. RELIEF FROM LDC SECTION 10-418(2)(D)3 - PLANT SELECTION



SITE SUMMARY

PLAN DESIGNATION: CENTRAL URBAN
EXISTING ZONING: AG-2
PROPOSED ZONING: HOMES AT 81 WEST RPD
EXISTING LAND USE: UNDEVELOPED/GRAZING LAND
GROSS AREA: 9.9±
STRAP NUMBER: 08-45-25-00-00003.0050
STREET ADDRESS: PENZANCE BOULEVARD

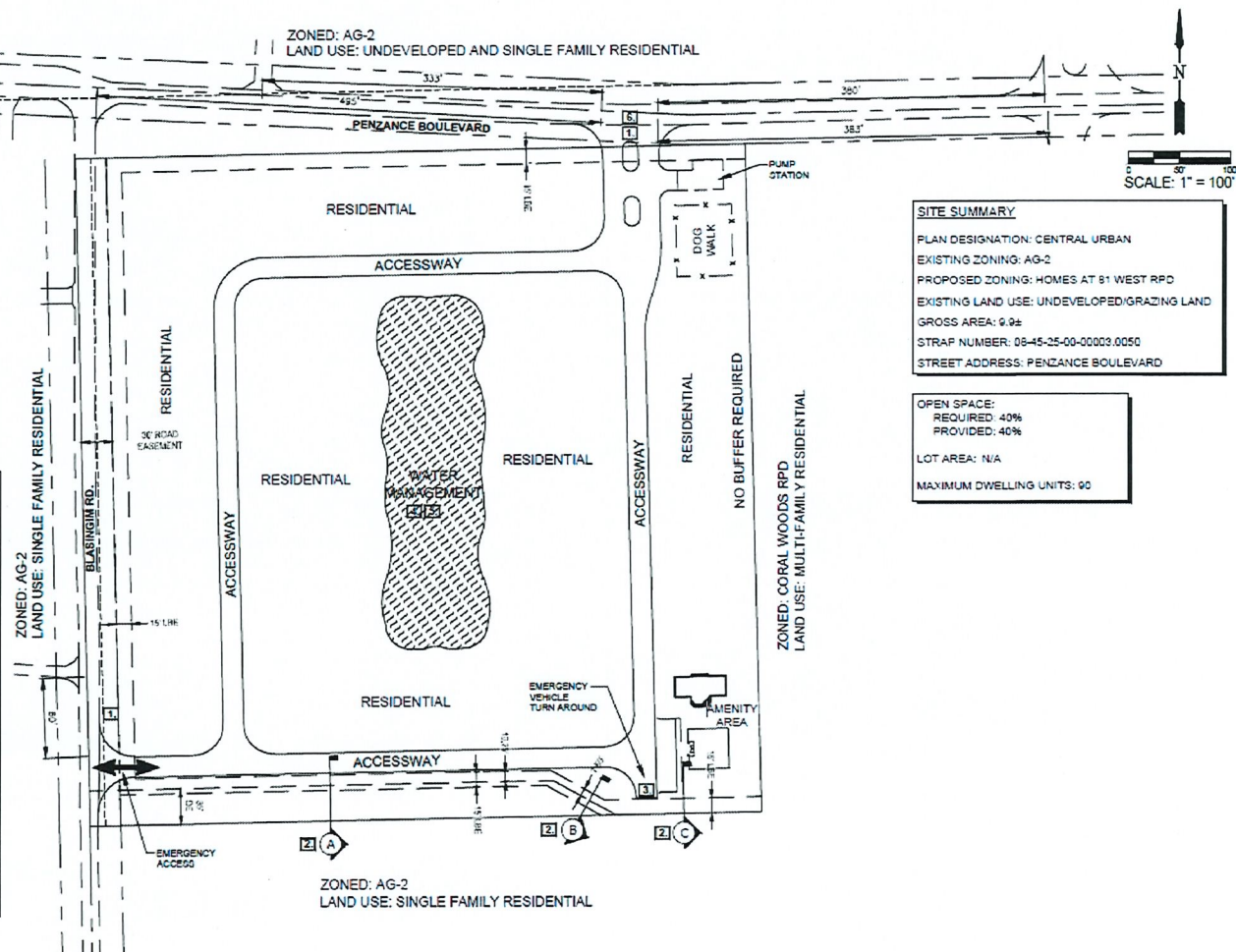
OPEN SPACE:
REQUIRED: 40%
PROVIDED: 40%
LOT AREA: N/A
MAXIMUM DWELLING UNITS: 90



ETS.

6

N.T.S.



PROPOSED DEVIATIONS

1. Deviation 1 seeks relief from LDC Sec. 10-291(3) which requires residential projects of 5 acres or greater to provide more than one means of ingress or egress to instead allow a full access to Penzance Boulevard and an emergency ingress/egress to Blasingim Road, which may be converted in the future into a full access subject to a Blasingim Road/Crystal Drive interconnection.
2. Deviation 2 seeks relief from LDC Sec. 10-416 (d) (6), which states If roads, drives, or parking areas associated with residential subdivisions or with a multi-family or non-residential use are located less than 125 feet from an existing single-family residential subdivision or single-family residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet or a 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property. Where residences will be constructed between the road, drive or parking area and the existing residential subdivision or lots, the wall or wall and berm combination are not required.

This deviation would instead allow installation of a 48-inch-high hedge and maintained at 60 inches in height within a 15-foot-wide buffer easement along the RPD southern property boundary as depicted on the Master Plan except where a street stub out terminates near the southern property boundary. At this location the buffer shall provide for a minimum planting width of 7.5 feet and include a solid 8 foot high wall with the hedge and trees planted on the external side of the wall (see sheet 2 of 2 of the Master Plan labeled "Deviation #2, Cross Sections").

3. Deviation 3 seeks relief from LDC Sec. 10-296(k) (1), which states dead-end streets, designed to be so permanently, must be closed at one end by a circular turn around for vehicles and constructed in compliance with the LDC.

This deviation would instead allow installation of hammerhead turn arounds at the terminal roads to allow a 3 - point turn for emergency vehicles and Lee County personnel at the Southeast and Northwest corners of the property.

Deviation #4

LDC-329(d)4 requires the banks of excavated lakes 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 allow four horizontal to one vertical slopes and provide enhanced slope protection measures and design techniques determined by the project engineer at time of development order.

(ES) staff recommend approval of this deviation.

Deviation #5

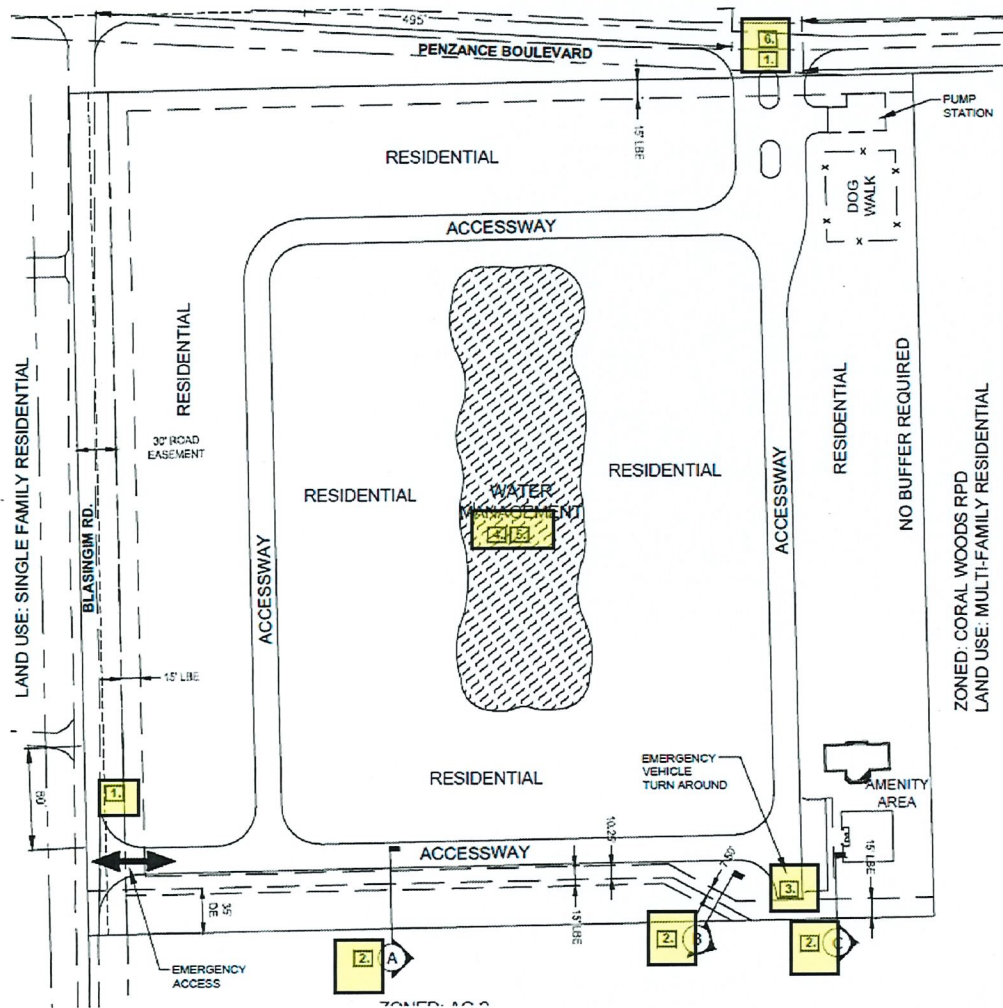
LDC Section 10-418(2)(d)3 allows native wetland trees to be substituted for up to 25 percent of the total number of herbaceous littorals required. One tree (minimum ten-foot-height; two-inch-caliper, and a four foot spread) may be substituted for 100 herbaceous littoral plants. Rees must meet the minimum standards set forth in LDC Section 10-420. To allow 100 percent of the total number of herbaceous littorals required to be substituted with native wetland trees.

(ES) staff recommend approval with the following condition:

Prior to development order approval, all landscape plants must be in compliance with the Lee County Port Authority Non-Compatible and Compatible Plan List.

6. Deviation 6 seeks relief from LDC Sec. 10-285, Connection Separation, which indicates that all lots in urban areas with access alternatives will not be permitted direct motor vehicle access to an arterial or major collector, to instead allow the Homes at 81 West RPD to provide primary project access to Penzance Boulevard, which has been classified as a major collector roadway on the County's functional classification map.

PROPOSED DEVIATION LOCATIONS



DEVIATIONS:

1. RELIEF FROM LDC SEC. 10-291 (3) - NUMBER OF EGRESS/INGRESS POINTS
2. RELIEF FROM LDC SEC. 10-416 (D) (6) - BUFFERING ADJACENT PROPERTY.
3. RELIEF FROM LDC SEC. 10-296 (K) (1) - DEAD END STREETS.
4. RELIEF FROM LDC SEC. 10-329(D)4 - BANK SLOPES
5. RELIEF FROM LDC SECTION 10-418(2)(D)3 - PLANT SELECTION
6. RELIEF FROM LDC SECTION 10-285 - DIRECT ACCESS ONTO MAJOR COLLECTOR ROAD

PROPOSED ACCESS CONDITION

The project must construct one (1) access onto Blasingim Road in accordance with the requirements of LDC Section 10-296. The Blasingim Road access will be restricted to emergency use only and will remain as such until Blasingim Road is interconnected with the planned extension of Crystal Drive. The emergency use access must be converted to a standard access to Blasingim Road upon the completion of the extension of Crystal Drive to Blasingim Road. This condition does not prevent the construction of a residents/guests only access gate in compliance with LDC Section 34-1748 upon the termination of the emergency use only status.

CONCLUSION

Thank you for your consideration