



**Ibis Landing a/k/a Copperhead f/k/a Classic Hills MPD
Administrative Amendment to Planned Development
Schedule of Deviations and Justifications
ADD2024-00046 – Revised June 2024**

Minor updates to existing deviations to reflect changes in code as noted by strike-through underline. ADD2024-00046 rennumbers deviations to reflect withdrawn deviations and previously approved ADD2006-00187 deviation as noted below.

Z-99-079 Approved Deviations:

Deviation (1) seeks relief from the LDC §34-695, 34-715 and 34-84~~54~~ standard requirements for property development regulations to establish property development regulations for the residential and commercial uses. This deviation is APPROVED, SUBJECT TO COMPLIANCE WITH the minimum property development typical drawings and property development regulations on the MCP ~~and as set out in Condition 2.b.~~

Justification: This deviation is proposed to be updated to refer to the Master Concept Plan which has a new property development regulation table that incorporates those in Condition 2.b. of Z-99-079, those approved by ADD2006-00187, and also clarifies a 0-foot setback to the existing golf course. These minor revisions continue to enhance the achievement of the objectives of the planned development; and protect the public health, safety and welfare.

Deviation (2) seeks relief from the LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the heights, or 20 feet, whichever is greater, to allow a 10-foot minimum building separation. This deviation is APPROVED, PROVIDED Applicant receives and submits to the County, a letter(s) of approval from the appropriate fire district(s) prior to development order approval.

Deviation (3) seeks relief from the LDC §34-2222(1) requirement to provide a 15-foot increase in the minimum lot width for corner lots, to allow a minimum increase of 10 feet for corner lots. This deviation is APPROVED, SUBJECT TO CONDITION that adequate sight distances are maintained.

Deviation (4) seeks relief from the LDC §10-285(a) requirement for an minor arterial road in a future urban area minimum separation of ~~660~~ 440 feet for posted speed >45 and 330 feet for <45, to allow a minimum of 330 feet on 23rd Street from the Beth Stacey Boulevard intersection for a right-in only into the commercial parcel; and to a minimum of 330 ~~312±~~ feet on 23rd Street from the

Anita Avenue intersection for full access into the golf course maintenance area.
This deviation is APPROVED.

Justification: This deviation is proposed to be updated to reflect revisions to this LDC Section and the revised access points on the current development plan. Administrative Code AC-11-1 classifies 23rd Street SW a minor arterial road and it is located in a future urban area which requires a minimum connection separation of 440 feet instead of 660 feet. The speed limit is listed as 45 MPH. The deviation for access into the commercial parcel is no longer necessary since access into Area 1 is no longer proposed off of 23rd Street SW. The existing access into the golf maintenance area has been updated to reflect edge of pavement to edge of pavement to Anita Avenue instead of the prior measurement requirement to centerline. These minor revisions continue to enhance the achievement of the objectives of the planned development; and protect the public health, safety and welfare.

~~**Deviation (5)** seeks relief from the LDC §10-285(a) requirement for an arterial road separation of 660 feet, to allow a minimum of 330 feet on Beth Stacey Boulevard from the intersection of 23rd Street for the commercial parcels for right-in/right-out only. This deviation is APPROVED, SUBJECT TO THE CONDITION that the median that currently exists on Beth Stacey Boulevard, north of 23rd Street, is continued south to the intersection of the residential areas that are 660 feet from the 23rd Street intersection.~~

Justification: This previous deviation is proposed to be **WITHDRAWN** due to revisions to this LDC Section and the revised access points on the current development plan. Administrative Code AC-11-1 classifies Beth Stacey Boulevard as a minor arterial road north of its intersection with 23rd Street SW. Although the existing portion of Beth Stacey Boulevard is currently designated as a local road, the Future Functional Classification Map (Lee Plan Map 3B) shows the proposed connection to Milwaukee Boulevard as a collector road and it is located in a future urban area which requires at most, a minimum connection separation of 330 feet instead of 660 feet. The deviation for access into the commercial parcel is no longer necessary since access to Area 1 is no longer proposed from Beth Stacey Boulevard and will be accessed via Copperhead Drive.

~~**Deviation (6)** seeks relief from the LDC §10-285(a) requirement for an arterial road separation of 660 feet, to allow a minimum of 330 feet on Beth Stacey Boulevard from the intersection of the commercial parcels to the entrances of the residential areas for full access. This deviation is APPROVED.~~

Justification: This previous deviation is proposed to be **WITHDRAWN** due to revisions to this LDC Section and the revised access points on the current development plan. Administrative Code AC-11-1 classifies Beth Stacey Boulevard as a minor arterial road north of its intersection with 23rd Street SW. Although the existing portion of Beth Stacey Boulevard is currently designated as a local road, the Future Functional Classification Map (Lee Plan Map 3B) shows the proposed connection to Milwaukee Boulevard as a collector

road and it is located in a future urban area which requires at most, a minimum connection separation of 330 feet instead of 660 feet. The deviation is no longer necessary since access to Area 1 is no longer proposed from Beth Stacey Boulevard and will be accessed via Copperhead Drive.

Deviation (7) seeks relief from the LDC §10-285(a) requirement for an arterial road separation of 660 feet, to allow a minimum of 500 feet on Beth Stacey Boulevard from the intersection of the residential areas to the intersection of Parson Street. This deviation is APPROVED.

Justification: This previous deviation is proposed to be **WITHDRAWN** due to revisions to this LDC Section and the revised access points on the current development plan. Administrative Code AC-11-1 classifies Beth Stacey Boulevard as a minor arterial road north of its intersection with 23rd Street SW. Although the existing portion of Beth Stacey Boulevard is currently designated as a local road, the Future Functional Classification Map (Lee Plan Map 3B) shows the proposed connection to Milwaukee Boulevard as a collector road and it is located in a future urban area which requires at most, a minimum connection separation of 330 feet instead of 660 feet. The deviation is no longer necessary since the proposed access to Area 5 is located 487± feet (edge of pavement to edge of pavement) from Parsons Street which exceeds the minimum connection separation requirement.

Deviation (8-5) seeks relief from the LDC §10-328(a) requirement for a 20-foot-wide maintenance easement around watercourses, drainageways, canals, I.D.D. easements, lakes, ponds, or streams, to allow for no maintenance easement for areas that do not abut single-family lots and 15-foot-wide maintenance easements for areas directly abutting single-family lots. This deviation is APPROVED SUBJECT TO Condition 13.

Justification: Previous Deviation 8 is being renumbered to 5 to remove withdrawn deviations.

Deviation (9-6) seeks relief from the LDC §30-152(2) requirement that identification signs be set back a minimum of 15 feet from any right-of-way or easement, to allow identification signs to be zero feet from a right-of-way. This deviation is APPROVED, PROVIDED the location and construction of the identification signs are in accordance with regulations for minimum safety sight distances.

Justification: Previous Deviation 9 is being renumbered to 6 to remove withdrawn deviations.

Deviation (10-7) seeks relief from the LDC §10-416(a)(2) requirement that residential developments must provide one tree per 3,000 square feet of development area, to allow the residential development to provide one tree per 3,000 square feet of development area less the wetland preserve areas of 37.80 acres. This deviation is **DENIED**.

Justification: Previous denied Deviation 10 is being renumbered to 7 to remove withdrawn deviations.

ADD2006-00187 Approved Deviations:

1. ~~A deviation from Section 10-416(d)(6) of the Lee County Development Code, which requires a 30-foot wide buffer without a wall where vehicular asphalt is located within 125-feet from a single-family residence, to allow a reduced buffer along the northeastern portion of the property.~~
 - a. ~~The reduced Type "F" buffer requirement is only permitted along the northeastern portion of the subject property as depicted on the illustration attached hereto as Exhibit "A".~~**WITHDRAWN**

Justification: This deviation is proposed to be withdrawn since the applicant has revised the plans to provide the LDC required 30-foot Type "F" buffer where this deviation allowed a reduction abutting Vistanna RPD. The applicant is also providing 40-foot rights-of-way for all new road construction although there is an existing approved deviation to allow 35-foot rights of way and the existing developed portions will remain as constructed with this deviation. The increase in buffer and right of way widths requires some minor filling of the northern portion of the existing lake between Areas 8 and 9. The east side of the lake will be expanded so that the size is not reduced (adjacent to Area 9).

2. **Deviation (8)** A deviation from Section 10-296 of the Lee County Land Development Code which requires a minimum 40-foot right-of-way width to allow a 35-right-of-way width for local streets;

Justification: This Deviation is being renumbered to continue previously approved deviations and remove withdrawn deviations. This deviation is remaining for the existing constructed portions of Copperhead Drive and Leatherwood Loop which utilized this deviation. The remaining internal private roads will be providing 40-foot rights-of-way and will not be utilizing this deviation. This deviation continues to enhance the achievement of the objectives of the planned development; and protect the public health, safety and welfare.

NEW PROPOSED DEVIATIONS:

Deviation (9): seeks relief from LDC Section 10-296(k) which requires dead-end streets to provide a circular turnaround, as show in 10-714(b); to allow T-turnarounds where shown on the MCP.

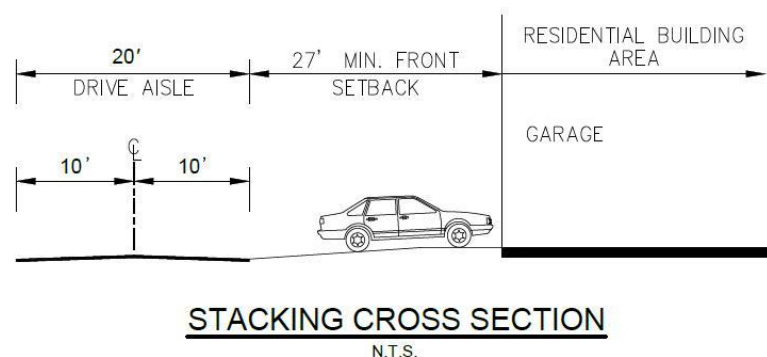
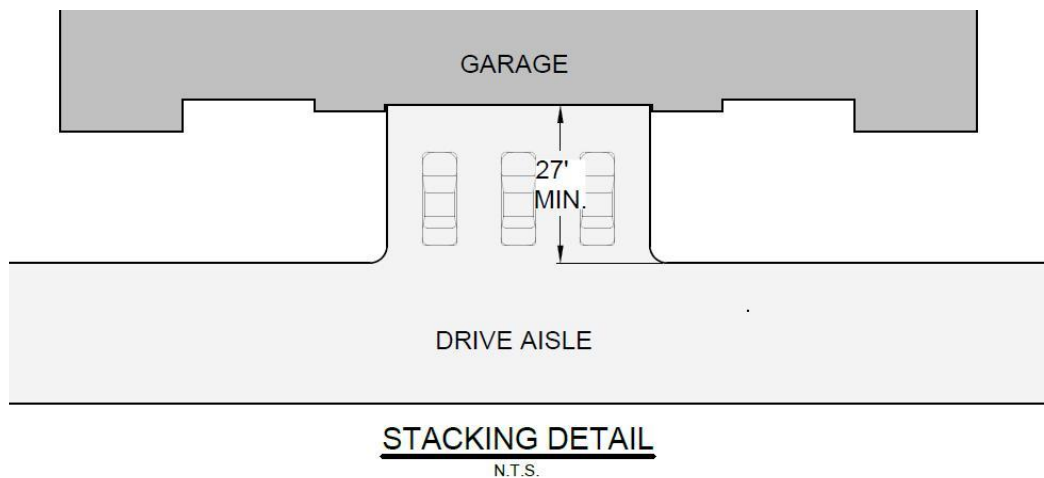
Justification: The requested deviation is included in LDC Section 10-104(a)(9) list of provisions where the Development Services Director is authorized to grant administrative deviations. This deviation is requested to allow T-turnarounds less than 150' in length in the areas identified on the MCP. These short joint driveway configurations do not require a turn-around per NFPA standards. These short joint driveways only serve four units each side for a total of eight units and should not be held to the dimensional requirements for a roadway. These joint driveways provide adequate access to the units. The intent of this regulation to protect the health, safety and welfare of the public will be served and the planned development will be enhanced by approval of this deviation. Please see attached letter of no objection from Lehigh Acres Fire Control and Rescue District. The request is also consistent with the applicable criteria for administrative deviations contained in LDC Section 10-104(b): (1) The alternative proposed to the standards contained herein is based on sound engineering practices (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; (3) not applicable; (4) 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; and (5) not applicable; and (6) not applicable.

Deviation (10): seeks relief from LDC Section 10-261(a) solid waste facilities provision of container spaces which requires 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow curbside pickup for the two story multi-family units with garages.

Justification: The requested deviation is included in LDC Section 10-104(a)(1) list of provisions where the Development Services Director is authorized to grant administrative deviations. The site design for the units proposed for curbside pickup will have attached garages and driveways for each individual unit. These units function more like single-family and two-family attached units which share the same roads. Since two-family units are on the same street, the garbage truck will have too drive by the units and can easily pick up the garbage from these units at the same time as serving the other units. The garbage and recycle containers will be stored in the garages and/or in side or rear yards and placed at the curb for pickup. The request is based on sound engineering practices, 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, and 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. The requested deviation is internal to the site and enhances the achievement of the objectives of the planned development and will protect the public health, safety and welfare.

Deviation (11): seeks relief from LDC Section 34-2015(2)c which states that stacking of vehicles will be permitted only for single-family, duplex, two-family, and townhouses where each dwelling unit has a garage or driveway appurtenant to it; to allow stacking of vehicles for the two-story multi-family sites with associated garages.

Justification: This deviation is being requested based upon the specific design of some of the multi-family sites. Stacking is only proposed for units with private garages offered as an amenity option that functions similar to a single-family or townhouse unit, where each garage and appurtenant driveway are assigned to a specific dwelling unit. The project meets the code required parking spaces. The garages and associated driveway offer additional parking options and assist with meeting the parking requirements in a more compact manner. Further, the stacked parking spaces meet the requirements of LDC Table 34-2020(a) Note (3)4. which states that the length of the driveway, as measured from the garage structure or the end of the stacked parking space farthest from the street or accessway must be a minimum of 22 feet to the edge of a private street right-of-way or easement line or 27 feet to the edge of pavement of an accessway. Please see detail below. The requested deviation enhances the achievement of the objectives of the planned development and protects the public health, safety and welfare.



Deviation (12): seeks relief from LDC Section 34-2013(a)(2) which requires parking that backs out into rights-of-way in residential developments must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses; to allow backout parking spaces for the two-story multi-family dwelling units and guests limited to the locations shown on MCP.

Justification: This deviation is requested to allow the backout parking spaces for the guest parking limited to the three locations shown on the MCP and the two-story multi-family dwelling units with driveways and associated garages that function like townhomes in these areas. Each of the guest parking areas will contain a maximum of 8 spaces. The backout parking is on internal privately owned and maintained, low-volume, local streets within the development. Parking spaces will comply with the parking space dimensions set forth in section 34-2016(1) at the location of backout parking. Further, the stacked parking spaces meet the requirements of LDC Table 34-2020(a) Note (3) 1. The driveway connects to a private internal local road or accessway with a design and posted speed limit of 25 miles per hour, or less; 2. The visual clear zone sight distance (considering vehicles that may be parked nearby) is a minimum of 200 feet and in conformance with the visibility triangle criteria of Section 34-3131; 3. Traffic calming devices are provided per Lee County AC-11-14; and 4. The length of the driveway, as measured from the garage structure or the end of the stacked parking space farthest from the street or accessway must be a minimum of 22 feet to the edge of a private street right-of-way or easement line or 27 feet to the edge of pavement of an accessway (see images on prior page). The traffic calming measures provided are reduced speed limits of 25 miles per hour or less, street narrowing by providing 10-foot travel lanes, sidewalks, and cul-de-sacs, all of which are consistent with Lee County AC-11-14. A t-turnaround is provided on the eastern segment. The 3 road segments subject to this deviation are less than 900 feet in length and provide access to approximately 60 units, including the two-family attached units as demonstrated on page 3 of the MCP. The backout guest spaces are 20-feet deep from the travel lanes due to the 2-foot valley gutter. The deviation allows the proposed development to provide a variety of housing options throughout the development. The requested deviation enhances the achievement of the objectives of the planned development and protects the public health, safety, and welfare.