ADD2014-00127 Lee County ePlan

RWA ENGINEERING

August 27, 2014

Mr. Chip Block
Principal Planner
Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33902

Subject: **Response to Zoning and Development Services dated 8/18/14 and Environmental Sciences 8/18/14 comments**
Hidden Harbor - ADD2014-00143

Dear Mr. Block:

RWA, Inc. is pleased to submit, on behalf of our client, SD Hidden Harbor, LLC, the revisions and supplemental information requested by Staff for the above referenced project. This letter outlines responses to each comment including stipulations.

In response to your comments, we offer the following responses in **bold**:

Development Services

Tom Sawtell with Development Services:

1. Chip I have no objections to the requested deviations, including the lack of filter fabric under the rip-rap. They were evidently built per approved cross sections of the '99 DO.

   a. ***Agree.***

2. My only comment is with respect to the proposed wall/rip rap/mangrove interface…Pam had originally opined that the proposed bank was inconsistent with the previously approved MCP. While not requiring a deviation for the proposed wall, is this a significant enough departure from the original design to warrant a cross section through the wall/riprap/mangroves on the new MCP?

   a. ***We assume what you are referring to is a seawall? However, we are not proposing a seawall but we are proposing a retaining wall. A retaining wall will be built no closer than five feet from the MHWL in accordance with the LDC. No changes are being proposed to the existing shoreline between the MHWL line and proposed retaining wall from the previous approved D.O. No deviations are being requested. The original zoning did not request a specific cross section so there is no departure from any previous approvals. The retaining wall will be in accordance with LDC Section 26-75(c). The cross section is shown on the D.O. modification currently under review and a copy was provided with the 8/4/14 submittal.***

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3. Margaret, I would request the applicant provide the provision of a cross section through the wall/rip rap/mangroves as part of the Master Concept Plan.

   a. ***We would respectfully request that this not be included in the zoning. The cross section which is consistent with the LDC has already been provided with DOS990910400D for staff to reference. The more specificity we show in the zoning the more at risk we will be in having to request amendments in the future if the design changes through market changes and permitting modifications.***

Zoning

Chip Block with Zoning:

1. Zoning staff has not looked at the revised conditions as these were sent prior to understanding that Development Services and Environmental Sciences had insufficiency comments. These conditions will be reviewed by Zoning staff at the time the insufficiency comments have been adequately addressed.

   a. ***So noted.***

2. It was requested that the Master Concept Plan be revised to *show the general location of the parking for the boat ramp. Please note there is a requirement for 10 parking spaces and these must be in accordance with Note 5 of LDC Section 34-2020".* The response referred back to the response in Number 2. Zoning staff then presumes the developer will provide the off-street parking for the clubhouse and other amenities, including the dock, in accordance with the Land Development Code.

   a. ***You are correct. The parking for the clubhouse area including the dock and kayak launch will be in accordance with the LDC.***

Environmental Sciences

Beth Workman with Environmental Sciences:

1. Provide the total number of proposed docks.

   The number of docks will not change from the previously permitted 53 docks.

2. Is the boat ramp remaining? The previous condition 4 (a) & (b) pertaining to the boat ramp have been struck. Please revise documents to be consistent with the scope of work.

   a. ***No, the boat ramp is being deleted see response to your comments dated 7/24/14 ES comment # 12.***

   b. ***Since the boat ramp is being deleted the conditions pertaining to that use have been struck through.***

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3. Are any seawalls proposed for the Clubhouse area? The property regulations for the Clubhouse state a zero foot waterbody setback; however, seawalls are not permitted on a shoreline with less than 50% existing seawall.

   a. ***There are no seawalls proposed, existing or mentioned.***

   b. ***Please clarify what the question is regarding the zero foot waterbody setback?***

4. Please provide the dimensions and design for the canoe and kayak launch. Will this also be used for a boat ramp?

   a. ***The details for the kayak launch will be provided through a DO and will be consistent with LDC Section 26-73. Similar to the previously approved boat ramp, only the approximate location needs to be shown at zoning.***

   b. ***As previously stated, the boat ramp is being deleted.***

5. Deviation 1 and 2 both had approval conditions (a) and (b) in the Z-99-042. The strikethrough and underline document submitted has omitted the condition (b). Are these deviations changing and must be reviewed again with new approval conditions? Please clarify why this portion of the condition is no longer applicable.

   a. ***Based on our 8/27/2014 meeting deviations 1 through 3 are being deleted and the results are included in the development regulations.***

6. Deviation 3 provided in the strikethrough document submitted omits the conditions of approval. These conditions of approval allow the deviation to be granted. Is there a new deviation 3 that must be reviewed and new conditions of approval provided? Please specify or include the approval conditions. Please clarify what deviation 8 is deviating from and provide a complete justification for each section of the code to be deviated from.

   a. ***See response above.***

7. Please show the areas where non-permitted rip rap has been placed.

   a. ***There is no non-permitted riprap. The existing riprap has been approved through DOS9909104D which was provided in our 8/4/14 submittal. The existing riprap is located all along the waterfront of the subject property. Deviation #4 addresses the riprap and proposes a condition to memorialize the existing riprap and require any new riprap to comply with the LDC.***

8. Does deviation 4 pertain to the non-permitted rip rap areas only or to future areas to have rip rap?

   a. ***Deviation 4 pertains to the existing and permitted riprap. No additional riprap is needed, however, if for some reason it is needed in the future, the riprap would meet the requirements of the LDC.***

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9. The submittal is proposing docks for each lot adjacent to the Ten Mile Canal. Please provide the title work and a companion survey (based on that title work) to demonstrate ownership within the submerged lands of the canal. The survey must be based upon actual title work (noted on the face of the survey), and not based on "information provided by the property owner" or "based upon information provided by other."

   a. ***The survey was provided with the 8/4/14 submittal and it was based on the actual title work including the title commitments that are noted on page 1 of 2 on the survey. We will provide another copy along with the title commitment.***

If you have any questions or require additional information, please contact me at 239-597-0575.

Sincerely,
RWA, Inc.

Margaret Emblidge, AICP
Senior Project Planner

Cc: Chris Johnson
File 040115.06.02

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