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June 26, 2018

Tina M. Ekblad, MPA, AICP, LEED AP
Morris-Depew and Associates, Inc.
2914 Cleveland Avenue
Fort Myers, FL 33901

RE: Application for Major Planned Development Amendment
DCI2018-00018
Portico RPD

Dear Ms. Ekblad:

The Zoning Section has reviewed the submission package for the above-referenced zoning application in accordance with the submittal requirements contained in Sections 34-201 through 34-203 and 34-373 of the Land Development Code (LDC). Please be advised that the application is insufficient at this time. The following items must be addressed prior to the application being deemed sufficient for public hearing:

1. **Master Concept Plan (MCP)**

   a. Section 34-373(a)(6) of the LDC requires the Master Concept Plans (MCPs) to submitted in both 11-inch x 17-inch (tabloid) and 24-inch by 36-inch (Architectural D) sizes. Please provide a tabloid-size MCP as required by this section of the LDC.

   b. Section 34-373(a)(6)a. of the LDC requires MCPs to depict easements with OR book references for recorded easements. Please revise the MCP to depict recorded easements as depicted on the Portico, Phase I plat recorded in Instrument # 200600411756.

   c. Please revise the MCP to provide legend items for all hatching and line work depicted on the MCP, including wetland areas, lakes, amenity site hatching, etc.

   d. The MCP appears to depict a Lake "L" on sheets X-101 and X-104 of the MCP; however, it appears that this area is not proposed to be a lake. Please revise the MCP accordingly.

   e. Please revise sheet X-106 of the MCP (Open Space Plan) as follows:

      i. Eliminate the use of color line work and utilize black and white line work and cross hatching in lieu of color line work.

ii. Utilize hatching to differentiate indigenous open space from general open space areas.

iii. Revise the open space table to show all indigenous areas (both upland and wetland) together as indigenous open space.

iv. Provide annotations that key the depicted open space areas to the open space table.

v. Revise the open space table to show the Amenity Area in the same line as Lakes and other Open Space.

vi. Label the Wetland "N" creation area on the Open Space Plan and provide the restoration plan for this area.

vii. Provide a cross section showing the transition from the proposed lake to the wetland "N" creation area. Please describe whether there will be any drawdown pool areas of varied depths to support wading birds and provide water quality.

f. Please revise the MCP to remove the aerial exhibit. The aerial exhibit may be submitted as a separate exhibit.

g. Sheet X-102 of the MCP indicates that proposed Deviation 3 (Deviation 4 of Resolution Z-04-080) applies to the Amenity Area depicted on the MCP. The conditions of this Deviation limit the approval to Lakes A, B, and D as depicted on the MCP approved by Z-04-080 and as shown on the proposed MCP. Please revise Sheet X-102 to eliminate the deviation annotation from the amenity area or revise the deviation request accordingly.

h. Please revise Sheet X-101 of the MCP to depict the second emergency access referenced in the request narrative and depicted on Sheet X-105 of the MCP.

i. Please revise the MCP to depict the 25-foot right-of-way dedication along Buckingham Road as required by Condition 20 of Resolution Z-04-080 and reference the Public Records Instrument number as required by Section 34-373(a)(6)a of the LDC.

j. Please revise the MCP to depict the area proposed for consumption on premises (COP) listed in the Schedule of Uses.

k. Staff recommends revising the MCP to include a typical lot plan for residential lots abutting lakes.

l. Please revise the section labels depicted on Sheets X-107 and X-108 of the MCP. The section labels run from A through J on Sheet X-107 and restart at A on Sheet X-108. This may create confusion since section labels A through D are referenced twice.

m. Please review the Typical Primary Corridor Cross Section (Cross Section F on Sheet X-107 of the MCP) and revise to provide pedestrian facilities in

accordance with Section 10-256 of the LDC. It appears that pedestrian facilities are available along the constructed portion of this roadway.

n. The Typical Village Entry, Typical Village Road, and Typical Townhouse Road Cross Sections (Cross Sections G through I on Sheet X-107 of the MCP) should be revised to depict a 5-foot sidewalk in accordance with Section 10-256(e)(2)h.5 of the LDC.

o. Please revise Cross Sections D and E (Typical Sections for Deviations 1 and 2) on Sheet X-107 of the MCP to depict the required lake maintenance easements.

p. The Deviation Typical Section for Deviation 2 (Cross Section E on Sheet X-107 of the MCP) must be revised to provide the specific information related to the location of the lake maintenance easement, the proposed slope above the control elevation, and the depth at which the slope is proposed to change from 4-to-1 to 2-to-1. Cross Section E also conflicts with the Lake Bank Slope Typical (Cross Section D on Sheet X-108). Please revise the MCP and narrative accordingly to clarify.

q. The Pinch Point Plan View detail depicted on Sheet X-108 of the MCP depicts an eight-foot-high perimeter wall and berm between the roadway and emergency access gate. Please revise this detail to clarify that the depicted berm and wall will not be constructed so as to impede access to the emergency access gate.

r. The Pinch Point Section View detail on Sheet X-108 of the MCP depicts a five-foot-wide maintenance easement not shown on the Pinch Point Plan View detail. Please review and revise this detail as necessary to provide consistency between this detail and the Pinch Point Plan View detail.

s. Please revise the Flow Splitter Configuration Plan View detail on Sheet X-108 of the MCP to provide road dimensions inside the traffic circle as consistent with the detail approved by Resolution Z-04-080.

t. The Flow Splitter Configuration Plan View detail for the Two-Family Attached road configuration depicts lot widths of 55 feet, whereas the property development regulations permit a minimum lot width of 30 feet. Please revise this detail to depict the correct lot widths to illustrate the driveway locations in these areas.

2. <u>Schedule of Uses and Property Development Regulations</u>

a. Staff recommends that the schedule of uses be revised to include accessory uses and structures and recreation facilities, private, on-site in the schedule of uses for the Residential Amenities Tract.

b. Please revise the schedule of uses to remove docks and fishing piers from the schedule of uses for the Residential Amenities tract. These uses are not listed in the Use Regulations Table in Section 34-934 of the LDC, and would be classified as accessory structures or private on-site recreation facilities pursuant to the LDC.

c. The property development regulations submitted with the request establishes a minimum lot width of 50 feet, a minimum lot depth of 90 feet, and a minimum lot area of 3,600 square feet for single-family lots abutting lakes. The minimum lot width and depth would necessitate a minimum lot size of 4,500 square feet. Please review these dimensional requirements accordingly.

d. Please revise the property development regulations to change the "Front Setback" column to "Street Setback" in accordance with the provisions of the Land Development Code.

e. The property development regulations exhibit submitted with the request eliminates the waterbody setbacks established by Resolution Z-04-080. Please clarify whether the waterbody setback requirements are proposed to be eliminated or carried forward from the aforementioned resolution.

f. The property development regulations exhibit submitted with the request does not include the property development regulations for the amenity site established by Resolution Z-04-080. Please clarify whether the property development regulations for the amenity site are proposed to be eliminated or carried forward from the aforementioned resolution.

g. The property development regulations appear to reference a footnote with respect to maximum building height, but no footnote is provided. Please revise accordingly.

h. The property development regulations establish a maximum building height of 45 feet for two-family attached dwellings and townhouses. The Proposed Revisions to Existing Conditions Exhibit indicates that a maximum height of 35 feet is proposed for two-family attached dwellings and a maximum height of 40 feet is proposed for townhouses. Please revise for consistency.

3. <u>Schedule of Deviations</u>

a. Please note Development Services staff does not support the requested revisions to proposed Deviations 1 and 2. Development Services staff is concerned that the phrase "in substantial compliance" provides room for interpretation and can be misunderstood.

b. The proposed amendment to Deviation 5 (Deviation 7 of Resolution Z-04-080) seeks to permit Real Estate Sales Centers until the last lot of the development is sold. Please clarify how the sale of the last lot will be verified to ensure compliance with this condition. Please note that Development Services staff does not support the requested amendment to this deviation.

c. Deviation 10 (Deviation 15 of Resolution Z-04-080) must be revised to reflect the method of measurement established in Section 10-285 of the LDC subsequent to the original zoning approval. The proposed amendment to the planned development requires relief from this current LDC provision. Therefore, the deviation request must be amended to reflect the required relief rather than retaining the previously approved deviation.

d. The justification for Deviation 14 contains conflicting information with respect to the applicability of the deviation. The first sentence of the justification indicates that the deviation applies to the lake bank slopes throughout Phases 1, 2, and 3 of the development, while the final sentence of the deviation justification indicates that the deviation will memorialize the existing conditions of the constructed stormwater management lakes in Phases 1 and 2. Please revise and clarify the deviation request accordingly.

e. Deviation 16 is not required. According to the FLUCCS map submitted as part of the original application for rezoning, the subject parcel only has approximately 32.49 acres of indigenous area that meets the definition indigenous native vegetation in LDC Section 10-1. The remaining 35.59 acres of required indigenous open space must be added to the 68.09-acre open space requirement and may be created through landscaping, lakes, recreation areas, etc.

f. Section 10-415(b)(1)(c) of the LDC requires a 20-foot setback for non-fire dependent preserves (uplands) and a 30-foot setback from fire dependent preserves (wetlands). Deviation 15 requests relief to allow the townhomes to provide 25-foot rear setback from fire dependent preserve areas and to provide a reduced setback from fire dependent and non-fire dependent preserves for platted lots in Phase I-A. Please provide the following information in support of the deviation:

   i. Label the upland and wetland indigenous preserve areas on the MCP;

   ii. Label the platted lots on the MCP and annotate the MCP to depict the reduced setback being requested for these lots; and

   iii. Provide verification from the Fire Marshal in support of the deviation.

g. Deviation 18 seeks relief to utilize 4-to-1 lake bank slopes instead of the 6-to-1 slopes required by Section 10-329(d)(4) of the LDC. The justification in support of the justification states that the planting will be in compliance with LDC 10-418 (2)c.1. Please confirm that the planted littoral shelf will be 20 feet in width and will be no greater than 2 feet below control elevation. Please be advised that staff does not support the requested deviation for unplatted areas of the subject property.

h. It appears that an additional deviation from Section 10-296(e)(2)e(5) to permit the proposed townhouse road cross section depicted on the Master Concept Notes of the MCP. Please revise the Schedule of Deviations to include this deviation as noted.

4. <u>Proposed Revisions to Conditions of Resolution Z-04-080</u>

a. The proposed revision to Condition 10 (Condition 8 in the Proposed Revisions to Existing Conditions Exhibit) should be revised to limit consumption on premises to Food and Beverage Service, Limited associated with the Clubs, Clubhouse – Private use proposed to take place on the Residential Amenities tract. Please review the proposed revisions to this condition to ensure that this condition addresses the revised concept for the Residential Amenities tract as

it relates to hours of operation, limitation on service to members and guests of the private club, and providing outdoor areas for consumption on premises.

b. Staff does not support the deletion of Conditions 13 and 14 of Resolution Z-04-080. These conditions must remain even if the buffers have been issued a Certificate of Completion because these conditions require enhanced buffers that exceed the buffer requirements established in the LDC.

c. Please review and verify the proposed revisions to Condition 12 of Resolution Z-04-080 (Condition 10 in the Proposed Revisions to Existing Conditions Exhibit) relative to open space acreages within the townhouse tract.

d. Staff recommends that Condition 19 of Resolution Z-04-080 (Condition 13 in the Proposed Revisions to Existing Conditions Exhibit) remain.

5. Survey and Legal Description

a. The boundary survey submitted with the application must be based upon a title certification document in accordance with Section 34-202(a)(3) of the LDC. Please submit a title certification document that meets the criteria set forth in this LDC section.

6. Traffic Impact Statement

a. The TIS must contain a general description of each type of use proposed, the units of development and the Land Use Code for each type of use utilized in the trip generation. The site design parameters that are stated in the TIS do not appear to correspond to the parameters that are stated and/or depicted in the non-TIS submittals. The conditions for the case appear to indicate that 1,600 single family dwelling units may be permitted. Please clarify in the conditions the maximum number of single family dwelling units that may be permitted with the case, and review and revise the TIS if needed.

b. The TIS must contain 100th highest hour traffic for the current year and for the year following the year in which the project is expected to be completed. At least one of the raw traffic counts appears incorrect (see northbound left-turning trip described on the 2/6/2018 raw counts at the intersection of Buckingham Road and Portico Boulevard). Please explain if this trip was recorded in error, if data is ascribed to the correct location, etc., and review and revise the TIS accordingly.

c. The distribution of traffic must be reasonably distributed to the project entrances. A graphical depiction of all turning movements at each of the project entrances/access points must be provided. The project traffic distribution on at least one link described in the TIS appears low. See trips assigned to Buckingham Road south of the subject site and to Orange River Boulevard as compared to the prior zoning TIS and existing traffic volumes in proximity to the site. Please review and revise the TIS accordingly to, at a minimum, include a brief discussion as to how the assumed distribution was derived.

d. The TIS must contain an analysis of the Level of Service for each of the project's access points and all intersections within one-quarter mile of the project. The analysis must follow the methods established in the most current edition of the Highway Capacity Manual for either signalized or unsignalized intersections. The TIS does not appear to contain a LOS analysis for each of the project's access points during the AM peak hour. Please review and revise the TIS accordingly.

e. The TIS does not appear to contain a LOS analysis for the intersections reviewed during the AM peak hour. Please review and revise the TIS accordingly.

f. Please include the traffic analysis methodology meeting information for the comprehensive plan amendment and related zoning case in the TIS appendix.

g. The TIS LOS analysis for collector/arterial roadways does not appear to reference the most current adopted (non-draft) FDOT Generalized Peak Hour Volumes table for LOS determination. Please review and revise the TIS accordingly.

7. Other

a. The subject property is located in the Caloosahatchee Shores and Buckingham Planning Communities as established by the Lee Plan. The Lee Plan requires owners or agents requesting zoning actions in these planning communities to hold an advertised public information session to provide an overview of the request and to provide an opportunity for public comment. The Lee Plan also requires the submission of a meeting summary document describing the date, time, and location of the meeting and summarizing the comments received over the course of the meeting prior to a finding of sufficiency. Please provide the required meeting summary documents for each public information session.

Please respond to the enclosed sufficiency review comments within sixty (60) calendar days of the date of this letter. This application will be considered withdrawn if no response is received within this timeframe.

Please feel free to contact me at (239) 533-8786 or ARodriguez4@leegov.com if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section

Anthony R. Rodriguez, AICP
Principal Planner

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