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June 18, 2020

TINA M EKBLAD, MPA, AICP, LEED AP  
MORRIS-DEPEW ASSOC, INC  
2914 CLEVELAND AVE.  
FORT MYERS, FL 33901

Re: Lee County Homes Associates I, LLLP (Lee County Homes)  
DCI2020-00010 - Major PD

Dear TINA M EKBLAD, MPA, AICP, LEED AP:

The Zoning Section has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

A public hearing date will not be scheduled until a complete application is submitted.

If you do not provide the requested supplements or corrections within 30 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Section

Electronically signed on 6/18/2020 by  
Chahram Badamtchian, Planner, Senior

TINA M EKBLAD, MPA, AICP, LEED AP  
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**Zoning Review:**

1-You are proposing Communications Facility. Please explain if it is a free standing tower or a rooftop antenna. Please provide maximum height for the tower/antenna.

2-Your proposed corner lot street setback of 5 feet may not comply with the LDC Sec34-3131 requirements. Please consider revising the setback or provide a line of sight graphics (sight triangle) per LDC SEC34-3131 to show that no motorist view will be impeded by the buildings with reduced setbacks.

3-Please provide Lee Plan analysis.

4-Per LDC Sec33-148(a)&(b) Please provide meeting notes from the required community informational meeting.

5-There are inconsistencies in the acreages between the application and environmental reports that may have an impact on density. Please review acreages and density calculation and provide corrections as necessary.

Please contact Chahram Badamtchian at CBADAMTCHIAN@leegov.com or by calling 239-533-8372 with any questions regarding the above review comments.

**Planning Review:**

1. Application Page 3, Item G. Please complete the associated Future Land Use category acres and percentages as required.
2. Please provide the separate narrative referenced on Page 9 of the "Request Narrative."

Please contact Sharon Jenkins-Owen at SJenkins-Owen@leegov.com or by calling 239-533-8535 with any questions regarding the above review comments.

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**Legal Description Review:**

LDC Sec. 34-202.(a) - General submittal requirements for applications requiring public hearing.

LDC Sec. 34-202.(a) (6) Boundary survey. The survey must be based upon the title certification submitted in accord with section 34-202(7) (the title certification submitted was merely a commitment for title insurance and not an executed document and therefore not sufficient). The boundary survey must identify and depict all easements affecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection.

All boundary surveys must meet the minimum technical standards for land surveying in the state, as set out in Chapter 5J-17, F.A.C. The survey must be tied to the state plane coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner.

Sec. 34-202.(a) (7) Certification of title and encumbrances. Certification of title and encumbrances submitted for property subject to zoning approval must meet the following criteria:

a. Form. The certification of title must be in one of the following forms:

- i. Title certificate or title opinion, no greater than 90 days old at the time of the initial development order submittal. The title certification submittal must be either an opinion of title meeting the Florida Bar Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company.
- ii. Title insurance policy with appropriate schedules, no greater than five years old at the time of the initial zoning case submittal and an affidavit of no change covering the period of time between issuance of the policy and the application date. If submission of a complete affidavit of no change is not possible, a title certificate, or title opinion must be submitted in the alternative.

b. Content. The certification of title must include, at a minimum, the following:

- i. The name of the owner or owners of the fee title;
- ii. All mortgages secured by the property;
- iii. All easements encumbering the property;
- iv. The legal description of the property; and
- v. The certification of title documentation must be unequivocal.

Please contact Daniel Munt at [DMunt@leegov.com](mailto:DMunt@leegov.com) or by calling 239-533-8984 with any questions regarding the above review comments.

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**Environmental Review:**

**Open Space**

1. Revise the open space table on sheet C-102 of the MCP to state the acreage and open space required and provided for each development area (R-1, R-2, RA, School Site). Currently, the table states R-1 provides no open space because that development area meets the minimum 6,500 square foot lot size to exempt it from open space requirements. However, the each of the development areas are lumped into "Remaining Area" that must be separated into R-2, RA, and School Site.

2. Please state what the General Open Space consists of and separate the cell from the Lake and School Site.

**Indigenous Open Space**

3. Deviation 2 is being requested to allow less than 50% of the required open space (17.03 acres) to meet the indigenous open space requirements. Please overlay the site plan over the FLUCCS map to be included as part of the justification for the deviation.

4. Staff has reviewed the impacts to the wetlands and uplands and finds that 0.52 acres of Hardwood Conifer (FLUCCS 4349 E2) and 0.47 acres of Willow (FLUCCS 6189 E2) are the indigenous areas that are being impacted in accordance with the indigenous open space definition in LDC 10-1. Please include in the Deviation #2 justification the total indigenous as defined in LDC 10-1 that exists on the site and compare it to the indigenous that is being preserved, the significance of the habitat that is being preserved utilizing Lee Plan Objectives and subsequent Policies in 123 (critical habitat for Limpkin, Florida Black Bear, etc), and the importance of preserving a mosaic of upland and wetland habitat that transition into each other (Lee Plan Policy 123.3.1).

5. Please provide information as to the mitigation that will be required for the impacts to State wetlands.

6. Depict the wetland and upland acreages on the MCP. Ensure that the upland acreage is a contiguous 3 acres to receive the 150% open space credit.

7. Please review the 150% open space credit on sheet C-102. The credit received states 15.07 acres but staff believes it should be 15.33 acres. Please review and make changes appropriately.

**Lakes**

8. Please indicate if the proposed lakes will comply with planted littoral shelf requirements in LDC 10-418. A typical lake cross section is being provided as part of the MCP sheet C-501 but a typical littoral cross section has not been provided.

9. Deviation #7 is a request to not provide sinuous lakes for the majority of the proposed lakes. Sinuous lakes are require in order to provide opportunities for increased habitat for aquatic species, wading birds, and large mammals to feed, roost, and nest. In addition, these pockets along the shoreline provide areas for littorals to thrive and filter the surface water providing water quality. Please explain how proposing non-sinuous lakes complies with Lee Plan Policies

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61.3.2, 61.2.4, and 60.4.1 for mimicking a natural system and water quality. In addition, provide Lee Plan analysis for Objective 123 and subsequent policies (where applicable) to justify how non-sinuuous lakes support protected species such as Limpkin that was observed onsite as well as other wading birds that utilize shallow water for survival. Include cross sections (if necessary) to support Deviation #7 if an alternative is being proposed.

#### Buffers

10. Please move the buffer and deviation legend on sheet C-501 of the MCP to sheet C-101.

11. Deviation #1 applies to the two buffer areas where the spine road are within 125-feet from the Portico RPD. In addition to these areas, please evaluate the hammerhead areas being proposed for their proximity to the offsite residential developments. If LDC 10-416(d)(6) cannot be met, please revise the MCP Deviation #1 locations accordingly. Condition 5A (old 8A) may affect this as well.

12. Please indicate if an optional residential wall is being proposed around the perimeter where walls are not required per the LDC or zoning conditions. If so, please depict on the MCP and demonstrate compliance with LDC 34-1743(b)(3).

13. Please indicate if the perimeter buffers will be recorded in a "landscape tract" to ensure compliance in perpetuity.

14. The Type A buffer being provided is not required by the LDC or the approved zoning. Please describe the buffer and explain if this is an enhancement.

15. COURTESY COMMENT: Condition 5A (old Condition 8A) staff is suggesting revising the timing of buffer installation in Tracts 4 and 5 to the infrastructure development order for Tracts 4 and 5.

Please contact Elizabeth A Workman at EWorkman@leegov.com or by calling 239-533-8793 with any questions regarding the above review comments.

#### **Natural Resources Review:**

Provide a general surface water summary discussing existing conditions for surface water runoff including discharge location, offsite flows, and whether there are wells located on the property per LDC34-373(b)(1). Please provide an exhibit with existing conditions aerial with arrows for the drainage pattern. Adjacent planned development communities contain water quality monitoring requirement, please include a draft water quality monitoring plan. If the site contains any free-flowing wells and how those wells will be addressed. Please provide Lee Plan narrative for stormwater and water quality policies for this project.

Please contact Rebecca H Sweigert at RSweigert@leegov.com or by calling 239-533-8552 with any questions regarding the above review comments.