



Board of County Commissioners

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District One

January 10, 2022

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2914 Cleveland Avenue

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District Four

Fort Myers FL, 33901

Frank Mann
District Five

Via E-Mail Only: teklad@m-da.com

Roger Desjarlais
County Manager

RE: CPA2021-00017 and CPA2021-00018, Daniels Parkway South

Richard Wm. Wesch
County Attorney

Dear Ms. Ekblad:

Donna Marie Collins
County Hearing
Examiner

Staff has reviewed the application submittal for proposed text amendment CPA2021-00017 and map amendment CPA2021-00018, both stamped "received" on November 23, 2021. Staff finds that the application materials are insufficient and additional information is needed before the application can be found complete. A public hearing date will not be scheduled until complete applications are submitted.

STAFF REVIEW COMMENTS

1. Please provide additional details in the Project Description for the proposed map amendments to reference all maps proposed to be amended. These maps should include the Private Recreation Facilities Overlay (Map 1-F), Lee County Utilities future service areas (Maps 4-A and 4-B), and the Southeast Lee County Residential Overlay (Map 2-D). (CPA2021-00018)
2. No allocation amendments were included to Table 1(b). In the application it is acknowledged the table will be amended to include Intensive Development in the Gateway/Airport Planning District (Planning District 10). The current allocations assume 245 units on 25 acres in the Central Urban area within the Gateway/Airport Planning District. Much of this area was assumed to be developed commercially. There is no indication that an amendment to the table for Southeast Lee County Planning District (Planning District 18) is anticipated. Table 1(b) allocation for Density Reduction/Groundwater Resource in the Southeast Lee County Planning District has approximately 2,500 available acres. Please submit proposed amendments to Table 1(b). (CPA2021-00017)
3. The application indicates that the Lee County Utilities Future Service Area Maps (Map 4-A, Water and Map 4-B, Sewer) will be updated, however these maps were not included in the application materials. Please submit existing and proposed Maps for the Future Water and Sewer Service Areas. (CPA2021-00018)

4. Please clarify if the existing Mixed Use Community is within the boundary of the proposed “Mixed Use Community Enhancement Overlay.” Please revise existing and proposed maps to show the location clearly. (CPA2021-00017 & CPA2021-00018)
5. Please provide an explanation of how the proposed incentive density for the Mixed Use Community Enhancement Overlay will be calculated and provide a rational nexus for the proposed incentive density. (CPA2021-00017)
6. Please provide documentation for a Public Informational meeting within the Southeast Lee County Community Plan Area, meeting the requirements of Lee Plan Objective 17.3, to address the proposed text amendments. (CPA2021-00017)
7. Please provide documentation for a Public Informational meetings within the Lehigh Acres and Southeast Lee County Community Plan Areas, meeting the requirements of Lee Plan Objective 17.3, to address the proposed map amendments for each respective community plan area. (CPA2021-00018)
8. Exhibits T8/M13 - Please provide additional narrative and maps regarding the site's archaeological site and resource group, as mentioned in the letter from the Florida Master Site File. (CPA2021-00017 and CPA2021-00018)
9. Lee Plan Analysis
 - a. Please update all project narratives so that they are based on the current (November 2021) Lee Plan Codification. Please note map and table numbers have been updated and should be reflected in both the project narratives and the project descriptions. (CPA2021-00017)
 - b. Please address Policy 5.1.10 in the Lee Plan narrative, specifically Policy 5.1.10#2. (CPA2021-00017)
 - c. Please explain why this property is appropriate for residential development, taking into account the physical constraints and hazards identified in Policy 5.1.2. (CPA2021-00017)
 - d. Please provide an analysis of Lee Plan Policies 25.10.1, 57.1.5, 123.1.5, 123.2.10, 123.3.3, 123.12.2, and 126.1.1. (CPA2021-00017 and CPA2021-00018)
 - e. Please provide an analysis of Lee Plan Policy 33.2.1 and 126.1.4 with a specific discussion regarding the Sandstone Aquifer. Many of the surrounding homes rely on the Sandstone Aquifer for drinking water; how will the use of the Sandstone Aquifer to supplement irrigation lakes proposed within the project affect access to drinking water by surrounding residences? To address this, the applicant may want to consider a groundwater level-monitoring plan? (CPA2021-00017 and CPA2021-00018)
 - f. Please provide an analysis of Lee Plan Goal 125. (CPA2021-00017 and CPA2021-00018)

10. Public Facilities Impact Analysis

- a. The transportation circulation analysis, on page 2, states that an additional 328 dwelling units will be created using the proposed "Mixed Use Enhancement Communities Overlay." Please explain how this number was determined. Based on the information provided staff could not recreate this calculation. (CPA2021-00017)
- b. Based on the transportation circulation analysis, **please confirm that the project will consist of 417 single-family units and 1,148 multi-family units.** (CPA2021-00017 and CPA2021-00018)
- c. Please provide a letter of service availability from Lee County EMS. (CPA2021-00017 and CPA2021-00018)

11. Legal Description

- a. The legal description sketches for the "Mixed-Use Enhancement Communities", Intensive Development, and project perimeter do not contain the opposing corner state plane coordinate as required by the application. They include one at the point of commencement (POC) and one at the point of beginning (POB) but not the opposing corner. The coordinate for the Intensive Development area POB could be used for the "Mixed-Use Enhancement Communities" opposing corner but it does not fall on a boundary corner.
- b. Using the provided state plane coordinates for the POBs creates a 2' gap between the two designations.
- c. The description for the "Mixed-Use Enhancement Communities" has a conflicting call between the written legal and the accompanying sketch for sketch line L47. (CPA2021-00018)
- d. No legal descriptions (based on jurisdictional determinations) for the wetlands have been provided. The wetland designations will not be changed. (CPA2021-00018)

12. Environmental Impact Analysis

- a. Please provide a topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA). (CPA2021-00018)
- b. Please provide a map delineating the property boundaries on the most recent Flood Insurance Rate Map. (CPA2021-00018)
- c. Please provide an integrated surface and groundwater model per Policy 33.1.7. (CPA2021-00017 and CPA2021-00018)
- d. Please address the downstream or upstream flooding impacts from the improvements to the restored historic flowways. Are additional improvements needed off property to avoid impacting surrounding or adjacent lands? (CPA2021-00017 and CPA2021-00018)
- e. The majority of the property is located within the 10,000' hazardous wildlife buffer. While the proposed project is not creating new wetlands, the project does propose to enhance and improve onsite wetland habitat. The enhancement of onsite wetlands seems contrary to the operation of the adjacent Southwest Florida Regional Airport, as it will create wildlife foraging and nesting areas. Please expand on the analysis of Objective 47.2 discussing how restored/enhanced wetlands will be designed to minimize attractiveness to wildlife while also providing

environmental enhancements as discussed in the consistency analysis. (CPA2021-00017 and CPA2021-00018)

13. Miscellaneous Comments

- a. A planned development rezoning will be required, as proposed in text amendments.
- b. The Lee Plan defines Traditional Neighborhood Design (TND) as: *"A form of development that creates mixed-use, mixed-income neighborhoods that are compact, diverse and walkable."* The development pattern seen throughout the application materials does not match the definition in the Lee Plan or commonly used definitions of Traditional Neighborhood Design.
- c. Please see attached letter from Lee County Port Authority and address all comments.

Please note, there may be additional comments or questions about the information provided in the applications, including the transportation circulation analysis, based on future submittals for the proposed Lee Plan amendments and/or the anticipated Planned Development rezoning.

These applications will be considered withdrawn if responses are not provided within 90 days of receipt of this letter. Please feel free to contact me at (239) 533-8585 if you have any questions.

Sincerely,

Lee County Department of Community Development



Brandon Dunn, Principal Planner
Planning Section

CC: Case File



Direct Dial: (239) 590-4618

Fax: (239) 590-4688

BENJAMIN R. SIEGEL, CPA, C.M.
EXECUTIVE DIRECTOR

December 20, 2021

RICHARD WM. WESCH
PORT AUTHORITY ATTORNEY

Brandon Dunn
Principal Planner
Lee County Community Development Department
Planning Section
1500 Monroe Street
Fort Myers, FL 33901

**BOARD OF
PORT COMMISSIONERS**

BRIAN HAMMAN

RE: Daniels Parkway South
CPA2021-00017 & CPA2021-00018

FRANK MANN

Dear Mr. Dunn,

CECIL L PENDERGRASS

The Lee County Port Authority (LCPA) has reviewed the proposed Daniels Parkway South Comprehensive Plan Amendment applications and provides the following comments.

KEVIN RUANE

- The subject property is located near a highly active arrival/departure corridor for Runway 06/24 at Southwest Florida International Airport (SWFIA) and will be subject to numerous daily overflights at low altitudes. In 2020, runway 6/24 had a total of 74,901 operations and as of October of 2021 operations have surpassed 81,564.

RAY SANDELLI

- The vast majority of the subject property is located in a noise sensitive area as described in Section 34-1104 of the Lee County Land Development Code (LDC); specifically, Airport Noise Zones B & C. No residential living units, places of worship, libraries, educational facilities, hospitals, correctional facilities or nursing homes are permitted within Noise Zone B. Since the project falls within Noise Zones B & C, it is subject to the noise notification policy described in Section 34-1104(b) of the LDC.

- Wildlife on or near airports have the potential to cause an extremely hazardous situation. Section 34-1110(a)8 of the LDC states that any use of land or developments that attract birds and other wildlife that are hazardous to aircraft or airport operations, greater than the existing conditions, are prohibited. This project has the potential to attract large volumes of birds, greater than the existing conditions, due to land clearing, dewatering, hydrologic improvements, etc. What commitments can the applicant provide (at the CPA level or subsequent rezoning effort) that provide assurances that wildlife attractants can/will be managed at or below existing conditions? Section 34-1110(a)8 of the LDC states that if such attractant is determined to exist by the LCPA and the Federal Aviation Administration (FAA), the landowner will have the full and sole responsibility to eliminate the hazardous situation.

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT

11000 Terminal Access Road, Suite 8671 - Fort Myers, Florida 33913-8213
www.flylcpa.com

- The majority of the property is located within the 10,000' hazardous wildlife buffer. Section 34-1110(a)9 of the LDC states that all water management ponds, lakes, conveyances, and other features within 10,000 feet of any public airport are encouraged to be designed and built in accordance with FAA recommendations. 4:1 side slopes along manmade ponds with minimal littoral zones and following the LCPA Airport Compatible/Incompatible Planting Lists could help achieve this.
- Any object or structure (including temporary equipment used for construction) within an Airport Obstruction Notification Zone or proposed at a height greater than an imaginary surface extending outward and upward from any point of any SWFIA runway at a slope of 125 to 1 (one foot vertically for every 125 feet horizontally) for a distance up to a height of 125 feet above mean sea level and anything above 125 feet above mean sea level will require a Tall Structures Permit approved by the LCPA as described in sections 34-1107 of the Land Development Code and Lee County Administrative Code 13-7. Additionally, any proposed object or structure at a height greater than an imaginary surface extending outward and upward from any point of any SWFIA runway at a slope of 100 to 1 up to a height of 200 feet above mean sea level and anything above 200 feet above ground level will require the sponsor to acquire a determination of no hazard from the Federal Aviation Administration (FAA) pursuant to 14 CFR Part 77.
- Per Section 34-1110(a)(1) of the LDC, lights or illumination used in conjunction with streets, parking, signs, or use of land and structures must be arranged and operated in a manner that is not misleading or dangerous to aircraft operating from a public airport.

We appreciate the opportunity to comment on this matter. If you have any questions or require additional information, please do not hesitate to contact me at (239) 590-4618.

Sincerely,

LEE COUNTY PORT AUTHORITY

Alicia Dixon

Alicia Dixon
Director, Planning and Environmental Compliance

Cc: Ian Sikonia, AICP, Airport Planner, LCPA