



Kevin Ruane
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District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

January 25, 2022

Writer's Direct Dial Number: 239-533-8793

Jeremy Frantz
Waldrop Engineering, LLC
28100 Bonita Grande Drive, Suite 305
Bonita Springs, FL 34135

Re: Residential Planned Development
31 Oaks RPD
DCI2021-00051

Dear Mr. Frantz,

The Zoning Section has reviewed the submission package for the above-referenced application in accordance with the Lee County Land Development Code (LDC). Please be advised that the application is insufficient at this time. The insufficiency comments must be addressed within sixty (30) calendar days of this letter or the case will be considered withdrawn in accordance with the LDC.

If you have any questions, please contact me at (239) 533-8793 or
EWorkman@leegov.com.

Sincerely,
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section
Electronically signed on January 25, 2022
Elizabeth A. Workman
Senior Planner
EAW

CC: Tim Oak, Neal Communities of Southwest Florida, Inc.

Legal Review - Rick Burris

1. Sec. 34-202. - Submittal requirements for applications requiring public hearing. (a)(6) Boundary survey.

A boundary survey of the subject property must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with F.S. ch. 177. The survey must be based upon the title certification submitted in accord with section 34-201(a)(7) and certified to the present owner as reflected in the title documentation submitted in accordance with section 34-201(a)(7). 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. The perimeter boundary must be clearly marked with a heavy line and must include the entire area to be developed.

If the subject property consists of one or more undivided lots within a subdivision, then a copy of the subdivision plat may be submitted in lieu of the boundary survey. However, if the dimensions of the subject property differ from those in the original plat, then a boundary survey, including a metes and bounds legal description, will be required.

Staff Comment: The boundary survey does not include the required state plane coordinates.

2. Sec. 34-202. - Submittal requirements for applications requiring public hearing. (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 application 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.

Staff Comment: The document submitted is a marked up version of the commitment for title insurance and does not include a date of issuance. Please submit a document in one of the acceptable forms that meets the content requirements.

Planning Review - Tyler Griffith

1. In your Lee Plan analysis, please update Goal 5, to match the current version found in the most recently updated Lee Plan.

Zoning Review - Beth Workman

1. Per LDC 34-373(a)(6), the applicant must submit two sizes of the MCP. One must be 24"x36" and the other 11"x17".

2. Per 34-373(a)(6)(a) the MCP must depict all easements. The boundary survey depicts a ten-foot drainage and public utility easement along the perimeter of the southeast property line that is not depicted on the MCP. Please revise.

3. Per 34-373(a)(6)(b) the MCP must depict all ingress/egress easements. The boundary survey depicts a 15-foot wide ingress/egress easement that is not depicted on the MCP. Please revise.

4. There are dashed lines depicted on the MCP. Please revise the legend to include what the dash lines represent.

5. The boundary survey depicts existing fences. Please indicate if the fences will remain or if an optional residential project wall/fence is proposed. If optional residential project wall is proposed, please demonstrate compliance with LDC 34-1743(b)(3).

6. Please indicate if the project will be constructed in phases. If so, please provide a phasing schedule that includes the infrastructure (including preserve maintenance and restoration) phasing.

7. Provide the required documents to comply with the community review requirements in LDC 33-1482.

8. Page 3 of 17 of the Narrative states that S.R. 31 will be widened. Please provide more information regarding the widening and how it will affect the applicant's site design, indigenous open space, open space, and development footprint.

Development Services - Brian Roberts

NOTE: The subject property is shown on Map 3D – Lee County Walkways and Bikeways. The applicable facilities will be required at time of development order. This will require coordination with FDOT if the required facilities are to be located in the ROW.

1. [10-329(d)(1)a.3.] Excavation Setback from Other Property. Excavations must be set back fifty (50) feet from any property line under separate ownership.

- Please confirm that this requirement is met where the lake is adjacent to the property line. It does not appear to meet this requirement in several areas. A deviation can be requested to reduce the required set back to 25' but will require additional improvements along the boundary abutting single family residences such as fencing to protect health, safety and welfare.

2. [10-285(a)] The connection separation distances must be determined on both sides of the roadway for undivided roadways. Existing and approved access points must be depicted on both sides of the road along the project frontage and to the nearest access point beyond the project frontage in each direction.

- The access to De Moya Drive does not meet connection separation requirements for a local roadway in a Suburban future land use. Please revise or request a deviation with the appropriate justifications.

3. 34-373(a)(6) – Please provide the following information on the MCP:

a. The location and explanation of all existing easements. The survey shows a drainage easement on the south property line. Are there any other easements not shown?

c. Please include the proposed use of all lots including labeling of the common areas. Staff could not locate a list of all STRAP numbers or owners. The application said to “see attached” but there was no attachment. Please provide a complete list of STRAP numbers and owners.

4. [10-418(1)] Surface water Management Systems. The design of the shoreline of excavations must be sinuous rather than straight

- The portions of the proposed lake abutting the property line do not meet this requirement. Please note this is a Lee Plan requirement and a deviation to this requirement cannot be approved.

5. Staff notes existing lakes on the site that appear to be incorporated into the MCP for drainage. Do these existing lakes meet the requirements of LDC 10-329(d)(3-4) with required to sloping and depth.

6. Staff does not support the justification for Deviation #1. Staff recommends that the applicant provide a more central location for the access between the two existing access points shown. The applicant references additional impacts to wetland and the entrance to the north however the wetlands on the MCP indicates “wetlands created” in that area that can be adjusted to accommodate an access point further to the north. Additionally the frontage in Z-06-050 was extremely limited compared to the available frontage in this application. Staff

recommends that the proposed access on SR31 be located 660' south of the entrance to the property to the north. This will provide 399' to the south. The additional 190' will provide additional safety on a high speed arterial.

7. Staff objects to Deviation (2). The lack of a suitable turnaround, even at automated gates, will result in cars backing into the right-of-way impacting health, safety and welfare. Staff is not clear how the lack of a turn-around in this area lessens impacts to wetland areas. All adjacent areas are shown as residential development. Sec 34-1748 does allow the Director of Development Services to waive or modify location requirements if the volumes on the intersecting streets can be demonstrated to be so low that it will not interfere with through traffic.

Infrastructure Planning - Lili Wu

1. Deviation #1 is not necessary because SR 31 is a facility maintained by State. The proposed access driveway on SR 31 subjects to the approval of FDOT.
2. Please note Lee County DOT may not support the Deviation #2 which is a request no turn-around at the access to De Moya Drive.
3. The information of intersection LOS analysis for SR 31/SR 80 (within one quarter of a mile) and the project's driveway on De Moya Dr shall be provided for review.
4. The project's trip distribution on SR 80 seems unreasonable with the percentage on the east side of SR 31 being high and west side of SR 31 being low. A revision is necessary.

Natural Resources - Nic DeFilippo

1. Please provide an analysis of Lee Plan policies 60.1.1, 60.1.2, 60.4.2, 60.4.3, 101.1.2, 101.1.4, 125.1.4, and 126.1.4.
2. Staff understands that there is an approved ERP for a portion of the project. Please provide a surface water management plan that meets the requirements outlined in LDC 34-373(b)(1) for the entirety of the proposed development. Is the stormwater management system being designed to provide additional storage as a result of the proposed wetland impacts within the Coastal High Hazard Area (CHHA)?
3. Are offsite flows conveyed through the property? If so, please discuss how these flows will be maintained or improved consistent with Lee Plan policy 126.1.4.
4. It appears the applicant is proposing to impact approximately 5.1 acres of wetlands in the CHHA and offset these impacts by creating 4.84 acres of wetlands. Are these created wetlands intended to provide the additional storage to offset impacts in the CHHA? Please expand on the analysis contained within the Request Statement to clarify if additional compensatory storage is being created to offset impacts in the CHHA. Is, so please provide specific drawings, calculations, and details.

Environmental Sciences - Camryn Siverson

1. Please refer to 10-473(b) and Lee Plan objective 101.1.1 and 123.3 in regards to submitting a protected species management plan. Indicate how the restoration and preservation will provide habitat for wildlife utilizing Lee Plan Policies within the explanation.
2. Please provide a formal Jurisdictional Determination to comply with Lee Plan policy 124.1.2 and section 34-1577 of the Land Development Code.
3. Please submit an indigenous preservation and restoration plan. Please specify the management/restoration methods that will be used in the preservation areas that are, and are not part of the indigenous/restoration areas.
4. State road 31 is proposed to expand from a 4-lane highway to a 6-lane highway. Will the proposed areas of restoration along state road 31 be impacted due to this widening? If so, please provide an updated map demonstrating the change.
5. Please overlay the Master Concept Plan over the FLUCCS map.
6. Please provide an open space exhibit as sheet 2 of the Master Concept Plan in accordance with section 34-373(6)(g). Please label and provide the acreages for the indigenous, restoration, and remaining wetland areas.
7. Please demonstrate in the Lee Plan analysis, how the development is compatible to Lee Plan objectives 123.6, 123.8, 123.10, 123.11, 123.12.
8. Please demonstrate through the indigenous restoration and preservation plan how it will meet Lee Plan 101.1.1, 101.1.2, 123.2, and 123.3.
9. The narrative states that the site has been designed to reduce impacts to wetlands and improve floodplain compensation. Explain how this is being accomplished within the environmental supporting documents.
10. Indicate if the proposed lake will comply with LDC 10-418. Indicate if bulkheads are being proposed and if they will exceed 20% of the lake shoreline.
11. Indicate if there is a berm proposed around the perimeter of the property. If so, indicate if the connections to offsite wetlands will be affected and if the berm will impact the indigenous open space requirements.