



## Board of County Commissioners

Kevin Ruane  
District One

March 21, 2022

Cecil L Pendergrass  
District Two

Ben Smith, AICP  
Morris Depew Associates, INC  
2914 Cleveland Avenue  
Fort Myers, FL 33901

Ray Sandelli  
District Three

Brian Hamman  
District Four

**VIA EMAIL ONLY** ([bsmith@m-da.com](mailto:bsmith@m-da.com))

Frank Mann  
District Five

RE: CPA2022-00003 Daniels Falls Encore Multi-Family

Roger Desjarlais  
County Manager

Dear Mr. Smith:

Richard Wm. Wesch  
County Attorney

Staff has reviewed the application submittal for CPA2022-00003 Daniels Falls Encore Multi-Family, stamped "received" on February 15, 2022. Planning staff finds that the application materials are insufficient and further information is needed. A public hearing date will not be scheduled until a complete application is submitted.

Donna Marie Collins  
County Hearing  
Examiner

### Environmental

1. Please provide a topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
2. Please provide a map delineating the property boundaries on the most recent Flood Insurance Rate Map.
3. The Environmental Assessment only accounted for 6.73 acres of the proposed map amendment. Please revise the Environmental Assessment accordingly.
4. The request proposed to amend the Wetlands Future Land Use Category. Please provide a formal wetland jurisdictional determination approved by SFWMD or FDEP.

### Legal

1. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category, a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

The subdivision and plat cannot be submitted in lieu of a metes and bounds legal description and sketch

2. The subject property includes more than one land use category. Therefore, a legal description must be submitted for the wetlands on the property as well as for the entire boundary of the property.

Planning

1. Please provide copies of the letters requesting letters of availability from public agencies.
2. Please provide an analysis of Lee Plan Objectives 1.5 and 60.3; and Policies 60.1.1, 60.1.2, 124.1.1, 124.1.2, 125.1.2, and 125.1.3.
3. Based on the proposed amendments, the calculation of maximum allowable development with proposed amendments seems high. Please contact planning staff to help determine if the proposed residential density (440 Units) and commercial intensity (100,000 square feet) should be revised.

Application Materials

1. Please provide analysis on Surface Water/Drainage Basins and Open Space in Exhibit M16 (Existing and Future Conditions Analysis).
2. Please provide Exhibit M19 (Justification of Proposed Amendment).
3. Please provide mailing labels with your application materials.

If you do not provide the requested supplements of corrections within 90 days of this letter, this application will be considered withdrawn. Please feel free to contact me at (239) 533-8314 if you have any questions or would like to set up a meeting to discuss the comments contained in this letter.

Sincerely,

**Lee County Department of Community Development**

 for

Tyler Griffin, Planner, Planning Section