Kevin Ruane
District One

Cecil L. Pendergrass
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

April 6, 2022

Jeremy Frantz
RVi Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305
Bonita Springs, FL 34135

Re: Application for Planned Development Public Hearing
DCI2021-00051
31 Oaks Residential Planned Development

Dear Mr. Frantz,

The Zoning Section has reviewed the submission package for the above-referenced application in accordance with Section 34-201, 34-202, 34-373 of the Lee County 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:

Legal Review - Hunter Searson

1. Sec. 34-202(a). Submittal requirements for applications requiring public hearing. (6) Please provide a boundary survey in accordance with the requirements of Lee County LDC §34-202(a)(6).

   Staff comment: 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. A metes and bounds legal description of the overall property boundary must be clarified on the boundary survey aside from the legal descriptions that are found on the title certification.

Zoning Review - Beth Workman

1. Access - Please indicate if the access proposed to the northeast will be for emergency access only.

2. Buffers - The applicant indicates that after the Public Informational meeting the MCP was revised to provide a buffer abutting the north, east, and south property lines where the project abuts single-family residential to provide compatibility. The buffer will include a ten-foot wide buffer with five native trees per 100 linear feet and a six-foot opaque fence. The vegetation must be located on the outside of the fence between the fence and subject property line. Please provide cross section(s) for each property line and another for the lake abutting offsite residential. Depict the ten-foot drainage easement that will remain and all berms proposed, if applicable, to depict how the proposed design provides enhanced landscaping per Lee Plan Policy 21.1.1.

3. Buffers - In order to demonstrate compliance with Lee Plan Policy 21.1.1, revise the MCP to depict a 25-foot wide buffer similar to the Marina del Lago zoning resolution condition 6 that requires an enhanced Type-D buffer.

4. Buffers - Please explain in the Request Statement how the widening of State Road 31 will affect the restoration, storage and attenuation, and enhanced landscaping to demonstrate compliance with Lee Plan Policy 21.1.1 and Lee Plan Objective 60.1 and 60.4 and subsequent policies.

5. Preservation, Wetland Creation, and Surface Water Management - It is unclear how the three components (Preservation, Wetland Creation, and Surface Water Management) are being designed to complement each other to provide protection to the public, habitat for wildlife through hydroperiods and restoration, and water quality. The Request Narrative states that the wetlands will not be part of the surface water management system (ERP), however the hydroperiods will be maintained. The environmental reports and surface water management plan do not provide information on hydroperiods or provide grading details as to how these areas perform the way the Request Narrative states that they will perform. It is unclear as to how this supports the Coastal High Hazard Lee Plan Objectives and Policies.

Environmental Sciences Review - Camryn Siverson

1. In order for staff to evaluate impacts within the coastal high hazard areas, please overlay the FLUCCS map over the development areas depicted on the Master Concept Plan.

2. In the open space summary on the Master Concept Plan, please provide the acreage and percentage of open space for upland preserves, wetland preserves, wetland creation, rare and unique areas, and other open space on the Master Concept plan. The specific acreages are unclear. The Request Narrative states 22.75 acres of degraded wetlands, 17.60 acres of preserved wetlands, 4.84 acres of wetlands/CHHA floodwater retention, and 6.09 acres of rare and unique (page 5 or 6 of the narrative). The environmental documents and the MCP do not depict these areas but rather combine them into preservation. In addition, the Lee Plan analysis states that 24.13 acres of wetlands, wetland creation, and uplands will be recorded in a conservation easement and connected to offsite wetlands to the north. Please explain how the 24.13 acres relates to the other acreages. Please revise to provide clarity.

3. Provide a map depicting the onsite and offsite wetland connections; provide more detail as to how the surface water management plan verses the flowways are being designed to ensure survivability of the restoration plant material proposed in Table 2 of the habitat management plan; and how the flowways/surface water management will be preserved or designed to preserve or enhance the hydroperiods to support wildlife nesting, roosting, and raising young.

4. In the indigenous preservation management plan, please provide a restoration phasing plan that will demonstrate how the timing of the preserve restoration and exotic removal will tie into the surface water management plan and floodway restoration.

5. The Request Narrative states that the preserve restoration will replicate the native species. Please expand the Indigenous Management Plan to indicate how the restoration plan will be able to replicate the native species currently in the existing onsite with the floodway restoration and surface water management plan.

6. It is unclear as to how the surface water management system is being designed, what design features are included in the surface water management system, and which features are not included. Provide a map depicting how the uplands, wetlands, created wetlands, drainage easements, and berms all fit together to maintain the hydroperiods of the existing wetlands and the created wetlands.

7. The FLUCCs code 4279E2 Live Oak, Disturbed (25-49% exotics) on the north portion of the property is proposed to be altered to “wetland creation”. Please indicate why a

Live Oak hammock that meets the indigenous definition in LDC 10-1 is being impacted to create wetlands. Lee Plan policy 123.3.1 “encourages upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect.” Please demonstrate compliance with Lee Plan policy 123.3.1.

8. FLUCCs code 4119E1 on the southeast portion of the property is considered "rare and unique" in Lee Plan. Lee Plan policy 123.2.15 is intended to "protect Rare and Unique upland habitats from development impacts, to the maximum extent possible, through conservation and/or site design." Please demonstrate compliance with Lee Plan policy 123.2.15.

9. Staff completed a site inspection on 4/4/2022. Staff noticed that the FLUCCs 110 (residential, low density) appeared to have wet soils and wetland vegetation such as water hickory and swamp fern. Please clarify and revise the FLUCCS accordingly.

10. During the county site inspection, staff observed a hydric melaleuca FLUCCs on the west-central portion of the property. Please clarify and revise the FLUCCS accordingly.

11. Please indicate how the exotics and/or restoration will be handled without impacting native vegetation or protected species. Indicate in the Indigenous Management Plan if paths are proposed to be cleared through the preserves for the management. Provide information regarding staging and removal of exotic material. Please depict the paths and access points, if feasible. Additional comments may follow.

12. Please provide a jurisdictional wetland determination (JD) to demonstrate the State protected wetland areas being impacted by development. Lee Plan Policy 124.1.2 states that mitigation measures must be provided and County staff may incorporate terms and conditions of the State permitting process into the County permit. County staff understands that restoration and preservation of onsite wetlands is proposed but are these measures being proposed to mitigate for State wetland impacts. The JD will help justify Coastal High Hazard, Lee plan Policies 101.1.2 and 4.1.4.

Development Services Review - Brian Roberts

1. NOTE: The MCP does include a callout of 50.0’ min lake setback however the scaled drawing does not reflect the minimum 50’ at the property corner behind the intersection of West Road and Fourth Street. Furthermore, the proposed lake narrows to less than 100’ for approximately 750 and will have to be narrower to accommodate the 50’ setback’. This area does not meet the minimum dimensional criteria for wet detention areas in SFWMD criteria and may not be used for water quality calculations. Staff recommends the applicant seek a deviation to allow a lesser setback of 25’ to the adjacent property. The MCP already proposes a project wall along the boundary to protect the health, safety and welfare of the adjacent residences and will allow a wider lake area.

2. Deviation (1) – Staff has no objection to deviation(1). The narrative/justification does contain information about the access on SR31 and does not apply to De Moya Drive.

3. Deviation (2) – Staff does not support the proposed deviation. The alternative does not allow vehicles approaching the gate on the ingress side to turn around without backing into the ROW of De Moya Drive. This is a hazard to public safety in an area of single family residences and a boat ramp that will have entering and existing traffic and trailers. The justification provided did not analyze the traffic on De Moya Dr and only provided traffic entering/exiting the site. Staff is hesitant to support a deviation or waive

any gate locational standards without additional information. The justification that the requirement limits developable area is not sufficient.

Natural Resources - Nic DeFilippo

1. The MCP appears to depict drainage easements that convey offsite flows within the proposed created wetlands. Will these drainage easements be planted per the restoration plan? Please provide a cross section of the areas. How will these easements be maintained to ensure positive drainage?

2. SR 31 widening has the potential to impact created wetlands that are to provide compensatory storage within the CHHA. If impacted, how will necessary compensatory storage be provided?

3. Please provide specific drawings, calculations, and details demonstrating that the created wetlands will provide compensatory storage capacity to offset proposed wetland impacts within the CHHA. Without this additional information, Staff cannot determine if the proposal is consistent with Coastal High Hazard Lee Plan Objectives and Policies.

4. Please expand on the analysis of Lee Plan policy 123.2.15. Is the proposed expansion of the lake within the 4119E1 for the stormwater management system or fill purposes?

Staff will be setting up a meeting to discuss the comments within the next two weeks. Please respond to the sufficiency review comments within thirty (30) calendar days of the date of this letter. This application may be considered withdrawn if no response is received within this timeframe. If the applicant has immediate questions, please contact me at (239) 533-8793 or EWorkman@leegov.com.

Sincerely,

Lee County Department of Community Development
Zoning Section
Electronically signed on 4/6/2022 by
Elizabeth A. Workman, Senior Planner
EAW

CC: Tim Oak, Neal Communities