



Board of County Commissioners

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April 26, 2022

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Stacy Ellis Hewitt, AICP
Banks Engineering
10511 Six Mile Cypress Parkway, Suite 101
Fort Myers, FL 33966

**RE: Grand Bay Minor MPD
DCI2022-00018**

Dear Stacy Hewitt:

The Zoning Section has reviewed the information provided for the above-referenced application. The Lee County Land Development Code (LDC) requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached checklist.

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

Please respond to the sufficiency review comments contained 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 This application may be considered withdrawn if no response is received within this timeframe. Please feel free to contact me at cgordon2@leegov.com or (239) 533-8322 if you have any questions.

Zoning Review:

1. Please submit a County topographic map of a USGS quadrangle map showing the subject property, in accordance with LDC Section 34-373(a)(4)iv.
2. County records indicate that portions of the subject property are within a level 2 zone of archaeological sensitivity. Please indicate if there are any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Society Survey, and the location of any part of the property that is located within level 1 or level 2 archaeological sensitivity, in accordance with LDC Section 34-373(a)(4)d.
3. Please revise the proposed zoning in the table on page two of the Narrative of Request. It states that the proposed zoning is General Commercial (CG) and Residential-Multiple Family (RM-2).
4. Please revise the Master Concept Plan (MCP) to indicate the commercial or mixed use acreage. Please note, LDC Section 34-940(a) establishes

that all mixed use planned developments must meet or exceed at least two of the thresholds found in LDC Section 34-940(a)(1)-(4).

5. Please revise the MCP to indicate what the narrow speckled area is that runs through the upland preserve area.
6. The MCP depicts a connection to the property to the south; however, it does not connect with the existing Santa Maria Street. Please indicate if this connection will connect to Santa Maria Street. Is Santa Maria Street being realigned to meet this connection? Please note, an amendment to the Residential Planned Development (RPD) to the south may be required if Santa Maria Street is proposed to be realigned to meet the connection with the proposed Mixed Use Planned Development (MPD).
7. Please revise the Narrative of Request to provide a more thorough analysis of Goal 6. At a minimum, please provide analysis of Policy 6.1.6 and Policy 6.1.7.
8. Please revise the Narrative of Request and the Schedule of Uses. The section regarding LDC Section 34-145(d)(4)a.2 indicates that the Schedule of Uses includes all uses allowed with an MPD. There are uses listed in LDC Section 34-934 for MPD that have not been included in the Schedule of Uses. Please revise for consistency.
9. Please revise the Schedule of Uses to be consistent. Some of the uses are consistent with LDC Section 34-934 in that they reference a note, while other uses have a note in LDC Section 34-934, but do not in the Schedule of Uses. Please revise for consistency.
10. Please indicate if any deviations are being proposed.
11. Please note, staff has concerns with the following uses in the Schedule of Uses being a part of a Mixed Use Planned Development with proposed residential: contractors and builders, group III; excavation, oil or gas; nightclub; personal services, groups I and II; and warehouse, high cube.
12. Please note, the property development regulations provided are consistent with property development regulations established by LDC Section 34-844 for the Mixed Use Overlay. These regulations are only applicable if the companion Comprehensive Plan Amendment (CPA) cases are approved.

Department of Transportation Review:

1. The MCP shows an inter-connection from this project to the south property just west of Santa Maria St. The applicant needs to verify if an access easement is available for this project and who will construct the connection to Santa Maria St within the adjacent south property.
2. Please note, proposed access to US 41 is subject to approval by Florida Department of Transportation (FDOT).

TIS Review:

1. The trip generation from the proposed uses will increase trips from the approved uses; however, Table 4 shows trip reduction. Please revise for consistency.
2. Since the project will generate more than 100 trips per hour, the information of level of service (LOS) for the project's entrance and the intersections within a quarter mile are required.

Development Services Review:

1. LDC Section 10-291(3) establishes that residential development of more than five (5) acres and commercial or industrial development of more than ten 10 acres must provide more than one means of ingress or egress for the development. The subject MCP does not meet this requirement. Please note that a deviation from this requirement requires a public hearing. Staff understands this project proposes a connection point to the project to the south and that the project to the south shows an emergency only access point. The original rezoning (Z-05-016) and amendment (ADD2020-00104) does not have an approved deviation to this requirement. Z-05-016 was issued when the requirement was at the Director's discretion. The code now requires a public hearing for a deviation to this requirement. Staff is hesitant to support a deviation to allow both projects a single ingress/egress point when access is available via Santa Maria Street.
2. LDC Section 34-1748 establishes that entrance gates or gatehouses that control access to three or more dwelling units or recreational vehicles, or any commercial, industrial or recreational facility must provide a paved turn-around suitable to accommodate a U-turn for a single unit truck. The gate on the south side of the property does not meet this requirement.
3. Please request a deviation from LDC Section 10-285, which establishes connection separation requirements, if necessary. Staff understands that this is a State-maintained roadway; however; the deviation will be necessary to comply with the requirement of LDC Section 10-285.
4. In the event that access is proposed to Santa Maria Street the roadway access must meet standards established by LDC Section 10-291 or a deviation to the requirements.
5. LDC Section 10-329(d)(1)a.3 establishes that excavations must be set back 50 feet from any property line under separate ownership. The plan does not appear to meet this requirement to the north property line. Please confirm this requirement is met or request a deviation.

Environmental Sciences Review:

1. The Master Concept Plan notes states "wetland preserve, 13 acres". Please revise the Master Concept Plan to include "indigenous" or "non-indigenous" in the notes section when referencing the preserves.

2. Please overlay the Master Concept Plan on the FLUCCs map.
3. The protected species survey stated that there was 41 Gopher Tortoises and 23 trees with cavities. Please submit a species management plan for the Gopher Tortoises and Bonneted Bats. Indicate if the gopher tortoises located within the proposed preservation area will remain onsite. Please demonstrate how the applicant will meet Lee Plan Objective 123.8 and Policy 123.8.1.
4. The Protected Species Survey is unclear if a Bonneted Bat Acoustic survey has been conducted. Please clarify if an acoustic survey has been conducted, or if it will be completed prior to Development Order.
5. Section 10-418(1) states that shorelines must be sinuous in configuration to provide increased length and diversity of the littoral zone. Please demonstrate littorals on the proposed lake.
6. Lee Plan Policy 125.1.3 states, "New development and additions to existing development must not degrade surface and ground water quality". Please note that 10-418(2) of the Land development code explains that a Planted Littoral Shelf must function as a typical freshwater marsh in ponds with slopes from 6(H) to 1(V) to not more than 4(H) to 1(V). Please explain and demonstrate how the proposed lake is meeting the requirements of 10-418(2) and Lee Plan Policies 125.1.2, and 125.1.3.
7. Open space proposed is 40%. Per LDC Section 10-424(a) this is a large development requiring 20% open space. Revise the MCP to state the percentage required and provided.
8. Please note that the buffers are subject to change if the Text Amendment is not approved, or if conditions are applied.
9. It appears that South Florida Water Management Permit 36-104286-P only covers 5.97 acres. Please provide a formal Jurisdictional Determination for the rest of the development and depict any Jurisdictional lines on the Master Concept Plan.
10. According to the narrative, restoration is being proposed onsite. 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. The management plans will help justify Coastal High Hazard, Lee Plan Policies 101.1.2 and 4.1.4.
11. Are any wetlands being impacted? If so, please indicate whether mitigation is being proposed onsite or offsite.

Natural Resources Review:

1. Please include a discussion that addresses policies 126.1.4 through 126.1.6.

2. The western properties contain FEMA floodplain areas and have existing offsite drainage conveyance structures. Please address how rezoning to allow for future residential development is consistent with impacts to the floodplain and how the request will not have adverse impacts on upstream or downstream communities, particularly considering the floodplain zone on the site. How will this drainage conveyance be protected under the rezone request? What are the anticipated effects to the existing ROW?
3. Please address Goal 125 for water quality of this site that has a final outfall into the sensitive waters of Estero Bay and is within the impaired Mullock Creek watershed. Also, the various uses proposed have the potential to degrade water quality.
4. Please address Goal 101 for Coastal Areas and development in Coastal High Hazard Area.
5. Please provide Drainage and Access Easement per 10-328 for the Floodway. Please label these areas on the MCP and provide a draft easement.
6. Please provide a stormwater narrative per LDC 34-373(b)1. Please address all components of this requirement.

Planning Review:

1. Please note, this case will remain insufficient until the companion CPA cases have been reviewed for sufficiency.
2. Please provide a graphic showing all requested densities (including type of bonus density) and the corresponding section of the subject property the density is coming from.

Solid Waste Review:

1. The dimensions of the solid waste enclosure area on MCP need to include the gate opening width of at least 12ft in accordance with Solid Waste Ordinance 11-27.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section
Electronically signed on 4/26/2022 by
Courtney Gordon, Planner
Department of Community Development
CCG