



Board of County Commissioners

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June 13, 2022

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Sina Ebrahimi, PE
Kimley-Horn and Associates, Inc.
1412 Jackson Street
Fort Myers, FL 33901

**RE: MIVO North Fort
Myers DCI2022-00027**

Dear Sini Ebrahimi:

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 This application may be considered withdrawn if no response is received within this timeframe.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 provide a revised Request Statement that includes a discussion or provides more detail of the following Lee Plan Goals, Objectives, Standards and Policies, at a minimum:
 - a) Standards 4:1:1 and 4:2:1
 - b) Policies 5.1.5 and 5.1.7. The Central Urban future land use category permits increased building height. Staff is concerned about encroachment of use to the adjacent mobile home community to the west.
 - c) Policies 11.2.1, 11.2.2, and 11.2.6
 - d) Policies 30.2.4, 30.2.5 and 30.2.6.
2. Please provide the nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property within level 1 or level 2 zones of archaeological sensitivity, in accordance with LDC Section 34-373(a)(4)d.

3. Please provide a revised Request Statement that includes more detail with regard to how the proposed rezoning meets the review criteria established by LDC Section 34-145(d)(4)a.1.a) through 34-145(d)(4)a.1.g) Please note, review of criterion g) should also include, a discussion of emergency medical services (EMS), fire and police protection, proximity and access to public transit, and other public facilities.
4. Please provide a revised Request Statement that identifies the correct LDC Section numbers and letters on page 5 for clarity. The Sections listed are not formatted properly. It makes it difficult to discern what Sections are being discussed.
5. Please provide a revised Master Concept Plan (MCP) that is in accordance with LDC Section 34-373(a)(6). The MCP provided does not depict all items required by LDC Section 34-373(a)(6) for the proposed development. The Request Statement discusses 285 apartment units and single-story parking garages/storage units; however, these are not depicted on the MCP.
6. Please provide a Schedule of Uses, in a list format, keyed to the MCP, in accordance with LDC Section 34-373(a)(8). LDC Section 34-373(a)(8)a. establishes that residential uses include the types of proposed dwelling units and LDC Section 34-373(a)(8)b.1. establishes that the residential uses provide the maximum number of dwelling units by type. The table provided is not in accordance with LDC Section 34-373(a)(8). Please ensure the Schedule of Uses lists only uses permitted by LDC Section 34-933 for Residential Planned Developments.
7. Please provide more detail in the property development regulations table for setbacks from the proposed waterbodies and any accessory uses.
8. The subject property is located within the North Fort Myers Planning Community. Please submit a meeting summary document for the publicly advertised information session in accordance with LDC Section 33-1532.

Development Services Review:

1. Please revise the surface water narrative to read "South Florida Water Management District." The current narrative references "Southwest Florida Water Management District."
2. Please provide a discussion in the surface water narrative to address the existing drainage easement on the property. Does the subject property receive flows from the easement? Is the property intended to use the easement as an outfall for surface water?
3. LDC Section 34-373(a)(6)(a) requires the location and explanation of all existing easements on the MCP. Please provide all survey easements on the MCP. Please verify the existing LCEC easement and show that easement on the MCP.
4. The property development regulations include setbacks for an internal street however no internal streets are proposed on the MCP. Please clarify.

5. Please clarify the intended use of the property. The MCP does not show enough detail to indicate the intended use. The applicant has conflicting information in the Schedule of Uses, Property Development Regulations, Deviation Request and MCP.
6. The applicant is request a deviation for steeper side slopes as well as reduced setbacks from a high-speed arterial roadway. Staff is hesitant to recommend approval of the deviations without additional information that specifically addresses the health, safety and welfare impact caused by the requested deviations. Staff recommends the applicant provide conditions of approval to address the impact to the public.
7. The MCP provided did not include any detail as to internal roadways, building orientation, lots or development areas. Staff is unable to fully review the request and reserves the right to additional comments when the resubmittal is received.

Environmental Sciences Review:

1. Please revise the environmental assessment to state the type of methodology used to survey the project that complies with Lee County Ordinance 89-34.
2. Please revise the environmental assessment to include a map depicting the transects and species or evidence of the presence of species on the site.
3. Please submit a formal jurisdictional wetland determination and include the type of mitigation (on or offsite) that is proposed if State wetlands are to be impacted. Lee Plan Policies 124.1.1 and 124.1.2 allow low density residential uses and recreational, open space, or conservation that are compatible with wetland functions. Please include these policies within the Lee Plan analysis.
4. The MCP depicts a 20-foot drainage easement overlapping the required ten-foot wide landscape buffer. Please revise the MCP to depict at least half the required buffer width outside of the 20-foot wide drainage easement. Per LDC Section 10-421(a)(2)(5), a buffer may overlap an easement as long as half the required width is outside of the easement so that buffer vegetation is not within the easement.
5. The lake cross section provided on the MCP states that the lake bank will have approved stabilization methods per LDC Section 10-418(3). Staff is not in favor of Deviation #1 as this is a new development that is not within 10,000 feet from an FAA airport operation. The lakes must be designed to meet the 6:1 slopes per LDC Section 10-329(d)(4). The justification provided relies on the SFWMD requirements. Please revise the justification to meet LDC Section 34-373(a)(9). Please provide more detail regarding how the 4:1 slopes are necessary instead of the 6:1 slopes to enhance the achievement and will not cause a detriment to the public interests. Please provide detailed drawings depicting the type of stabilization proposed to secure the 4:1 slopes. Please provide what type of enhancements are proposed to support water quality and incorporate Lee Plan analysis into the justification for Lee Plan Objectives 61.2, 61.3 and subsequent Policies.

6. Please depict the 20-foot lake maintenance easements (LME) around each lake. Indicate if the 20-foot LME for the northern lake will interfere with the 25-foot wetland structural buffer usually required by SFWMD.
7. Please revise the MCP to depict open space per LDC Section 10-425(a).
8. Please revise the MCP to depict the indigenous open space required per LDC Section 10-415(b). Indigenous vegetation is defined in LDC Section 10-1. The environmental assessment did not state the level of exotic vegetation, so indigenous open space cannot be reviewed at this time.

Legal Review:

1. Please provide a Boundary Survey in accordance with the requirements of Lee County LDC Section 34-202(a)(6). The boundary survey submitted is missing the required state plane coordinates.

Natural Resources Review:

1. Please provide a written description of the surface water management plan that meets the requirements of LDC Section 34-373(b)(1) or revise the Engineer's Drainage Statement to meet the LDC requirements.
2. Does the 20' drainage easement convey offsite flows or outfall onto the property? Please provide an analysis of Lee Plan policy 126.1.4.

Planning Review:

1. Please expand the Bonus Density Narrative to address Chapter 2, Article IV of the Land Development Code to address Section 2-146 and Section 2-147 in greater detail.

Solid Waste Review:

1. Please revise the MCP to depict the proposed dumpster enclosure area in accordance with Ordinance 11-27.

TIS Review:

1. Since the project generates more than 100 trips per hour, the information for intersection Level of Service (LOS) analysis for the project's entrance and the intersections within one quarter of a mile must be provided for review.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section

Electronically signed on 6/13/2022 by
Courtney Gordon, Planner
Department of Community Development

CCG