



Kevin Ruane
District One

July 13, 2022

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

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County Hearing Examiner

Jeremy Frantz, AICP
RVI Planning and Landscaping Architecture
28100 Bonita Grande Dr
Suite 305
Bonita Springs, FL 34135

Re: 31 Oaks RPD
RPD - Minor Planned Development
DCI2021-00051

Dear Mr. Frantz,

The Zoning Section has reviewed the information provided for the above rezoning application. The Lee Plan and Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached checklists.

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

If you do not provide the requested supplements or corrections within 30 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me if you have any questions.

Sincerely,
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section

Electronically signed on July 13, 2022 by
Elizabeth A. Workman, Senior Planner

Copy via e-mail:
Tim Oak, Neal Communities of Southwest Florida, Inc.

Zoning Review (Beth Workman):

1. Revise the MCP to provide an open space exhibit and cross sections on a second sheet in order to depict the detailed hatching representing the compensatory storage, indigenous rare and unique, indigenous upland preserve, indigenous wetland preserve, restored uplands (if applicable), and restored wetlands. The current acreages and hatching do not include all the types of habitats explained in the narrative and environmental report.
2. The applicant is providing cross section B-B on the MCP that is located at the southeast corner of the property abutting the commercial use that states no buffer required. Cross section B-B detail depicts a ten-foot buffer. Revise.
3. The request narrative states that upland areas will be used for flood storage during storm events. The MCP depicts hatching but the environmental report does not provide details of the grading mentioned in the request narrative or the vegetation being proposed within these areas that survive periodic flooding. As previously mentioned, provide more detailed information in the form of an indigenous restoration and preservation management plan to describe each habitat being restored, created, or preserved. Provide a list of vegetation that will be proposed for restoration and suited for the topography. This information provides justification and clarification as to how the applicant is complying with the coastal high hazard policies.
4. Provide the proposed lot typical layouts and depict any drainage features or easements proposed on the residential lots.

Environmental Review (Camryn Siverson):

1. Master Concept Plan:
 - a. On the MCP, the lake management easement is only demonstrating a 15-foot wide area. 10-328(a) of the Land Development code states that a lake management easement has a minimum required width of 20 feet. Please revise and demonstrate on the MCP. Please clarify if providing a 20-foot wide LME will impact buffering and landscaping. Policy 21.1.2 of the Lee Plan Caloosahatchee Shores Community Plan states that any deviation to buffering, landscaping, and architectural requirements may not be granted unless the request meets the criteria for variances.
 - b. LDC Section 10-329(d)(4) of the LDC requires lake bank slopes to be at a ratio not greater than 6:1 from the top of bank to a water depth of two feet below the dry season water table. LDC section 10-418(2)(c) states that the planted littoral shelf must be designed to include a minimum of a 20 foot wide littoral shelf extending waterward of the control elevation at a depth of no greater than two feet below the control elevation. Please give a detailed explanation and a cross

section of the sloping requirements and littoral shelf within the wet detention area/lake.

- c. The cross sections on the MCP show the buffering to adjacent properties. Please include and label all buffers on the map of MCP per LDC 34-373(4)(i). Please provide a separate page for all cross-sections.
- d. The map provided on the Indigenous species management plan upland acreages are different than the provided MCP preserve summary table. Please update and correct the MCP to include separate categories for: stormwater storage creation, indigenous uplands, wetlands, wetland creations, and rare and unique habitat. Please update and revise the MCP to breakdown the open space to include:
 - percentage and acreage of required open space
 - acreage of required indigenous open space
 - percentage and acreage of provided indigenous
 - breakdown of habitat type as follows:
 - percentage and acreage of wetland indigenous open space
 - percentage and acreage of wetland creation open space
 - percentage and acreage of rare and unique open space
 - percentage and acreage of transitional/stormwater storage areas
 - percentage and acreage of other open space
 - percentage and acreage of buffer areas

2. Indigenous Restoration and Management Plan:

- a. Please separate the indigenous management plan from the protected species management plan to provide an indigenous restoration and management plan. Within the indigenous restoration and management plan, please include restoration methods, restoration planting specifications (height and on center information), and details removal of exotics, success criteria, monitoring, etc.
- b. To support policy 101.1.2., the indigenous restoration and management plan should separate the indigenous upland preserve areas, indigenous wetland preserve areas, creation of wetland preserve areas, rare and unique preserve areas, creation of transitional wetland/upland areas, etc. The acreages and terminology must be consistent with those depicted on the MCP (see comment 1d.) Each section must provide details of how the restoration will be completed, the specific restoration plants, and specification and planting requirements for the restoration plants.
- c. In the narrative and response letter to the county, the applicant has stated that upland areas are not being proposed to be wetlands, but as floodplain storage in large storm events. Use of upland areas as stormwater floodplains may result in upland vegetation failure. Please include details regarding how uplands will support periods of inundation and provide specifics on the supplemental plantings in these newly transitional areas.

- d. On page 4 of the response letter to the county, the applicant has stated transitional areas ("floodplain storage areas") will be graded to provide overflow storage in the case of severe storm events. Please provide cross sections of these graded areas labeling different planting zones. Within these zones please demonstrate predicted water inundation and plant species within each zone.
- e. The map provided in the Indigenous species management plan depicts different upland acreages than the provided MCP preserve summary table. Please update and correct the preserve summary and map to include separate categories for: stormwater storage creation, indigenous uplands, wetlands, wetland creations, and rare and unique habitat.

Natural Resources (Nic DeFilippo)

1. It appears that the project is proposing to impact approximately 5.1 acres of wetlands in the Coastal High Hazard Area (CHHA). Please confirm the amount of wetland impacts proposed in the CHHA.
2. Please provide the volume of flood storage capacity that will be lost because of these wetland impacts. Please detail how the proposed upland indigenous/flood storage areas will be graded to ensure that the compensatory flood storage will be provided. Without this level of detail, Staff cannot determine consistency with policy 101.3.2.
3. Has the applicant considered alternative stormwater designs to provide the compensatory flood storage? Such as providing upsized dry retention areas in conjunction with the proposed indigenous flood storage areas to provide the compensatory flood storage capacity.
4. The applicant is now proposing to use created uplands to provide the compensatory flood storage within the CHHA. Please revise the Request Statement as it references the creation of wetland areas instead.

Legal (Hunter Searson)

1. Per LDC Sec. 34-202(a) the submittal requirements for applications requiring public hearing require a boundary survey in accordance with the requirements of Lee County LDC §34-202(a)(6). The boundary survey sketch does not show a call for the call stated in the legal description as being S02-02-36E, 26.28 feet. Please revise to comply with the LDC.
2. Please be clear where the point of beginning and point of commencement is for the overall parcel. There appear to be two points of beginning and two points of commencement on the sketch.
3. The legal description is misspelled as "SURVEOR'S LEGAL DESCRIPTION"