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Writer's Direct Dial Number: 239-533-8317

July 26, 2022

Tina Ekblad, MPD, AICP
Stearns Weaver Miller, PA
106 E College Avenue
Tallahassee, FL 32301

Re: Daniels Parkway South
DCI2022-00002 - Minor PD

Dear Tina Ekblad, MPD, AICP:

The Zoning Section has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

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or corrections within 30 calendar days of this letter, the Code requires that this application be considered withdrawn.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 or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section

Electronically signed on 7/26/2022 by
Dirk A Danley Jr, Planner, Principal

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Zoning Review:

1. Staff acknowledges that the applicant provided meeting notes detail the meetings for the Comprehensive plan amendment requests that are companion to the zoning requests, but do not reference the zoning action. The advertisement for the Southeast Lee County does reference the zoning action ensuring that the advertising for the Southeast Lee County was sufficiently advertised. Please ensure that all documents reference the requested zoning action
2. Please provide the advertisement language provided for the Lehigh Acres Planning community meeting. The advertisement was provided for the Southeast Lee County portion, but the Lehigh Acres meeting was not.
3. The density calculation document provided by the applicant does not include acreage for land designated as wetlands. Please update to provide all acreages in the density calculation.
4. Staff notes that structures are proposed to be setback 25 feet when adjacent to wetland preserve areas. Please confirm that it is the intent of the applicant to include all structures, including both non-roofed accessory structures (pools/pool cages, tennis courts, etc.) and roofed accessory structures as part of this setback requirement.
5. Staff notes that the request statement notes mechanical equipment in the Recreational Area. Please update the schedule of uses for the recreational area to allow at a minimum Essential Services/Essential Service Group 1, and any other use that may be necessary for the applicants proposed development plan for the parcel.
6. Staff notes that Consumption on premises is requested for the recreational tract. Staff may object to any structures or uses that promote human assembly in Noise Zone B that may be incompatible with LDC Section 34-1104.
7. Staff note – Reissued comment: This case cannot be submitted until the Comprehensive Plan Amendments CPA2021-00017 and CPA2021-00018 are transmitted to the State by the Board of County Commissioners. Staff retains the right to provide additional comments related to any changes made to the companion Comprehensive Plan Amendment cases.

Planning Review:

1. This will remain in an insufficient status until the concurrent CPA has been found sufficient.

Environmental Review:

1. Revise the Indigenous Preservation, Restoration, and Management Plan (IPRMP) document to be consistent with sheet X-102 of the Master Concept Plan (MCP) that depicts the types of preservation areas (including rare and unique upland 58.1 ac.). Currently, the IPRMP is not consistent with the MCP.
2. Revise the IPRMP section 4.2 to remove the burning of exotic vegetation within the agricultural fields to comply with LDC Section 34-1110(a)(3).

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3. Revise the IPRMP to explain the 10,000-foot Wildlife Hazardous Buffer (WHB) similar to page 3, paragraph 2 of the Protected Species Management and Human Wildlife Coexistence Plan. The current IPRMP includes notations of the airport compatibility plant list but does not give specifics as to what that means.
4. Include an example of the 1:1 habitat restoration technique being used to comply with the FAA requirements.
5. A portion of the proposed project is located in the 10,000-foot the WHB and must comply with the FAA requirements. The other portion is outside of the WHB. Revise the IPRMP to provide the acreage of uplands and wetlands in each portion and discuss the difference in management techniques and tie in the difference in plant species for each area.
6. The MCP indicates that some restoration or preserve areas will be utilized to meet the buffer requirements. Include in the IPRMP the plant specifications required to meet the buffer requirements per LDC Section 10-421 that are larger than restoration material.
7. The Protected Species Management and Human Wildlife Coexistence Plan states on page 3, paragraph 3 that the conservation areas will be managed for listed species based on the habitat type and currently listed species utilization. Please state where the baseline for this statement was established. Indicate how the management and restoration techniques are limiting to the current listed species and not restored or preserved (free of exotics) to attract other wildlife.
8. The Hazardous Wildlife Protection Measures provided in the Protected Species Management and Human Wildlife Coexistence Plan indicate that the interconnecting wetland systems (sub-watershed connections) will not increase wetland hydroperiods within the site. The applicant has not provided supporting documents that depict or explain how the hydroperiods will not be changed from what is existing by the connection of the two sub-watersheds.
9. Explain how the water within the preserves are conveyed from the north through the indigenous wetland to the 24-inch culverts without impacting the uplands or rare and unique uplands. Explain if the restoration will include grade changes to move the water through the site. Include cross sections, topography (existing and restored), and the level of affects to the hydroperiods.
10. Provide the details of the Wildlife Monitoring Program proposed during site development. This type of monitoring is not within the LDC so staff will need to set the parameters and requirements tied to the Vegetation Removal Permit.
11. Wetland lines have been established per the approved SFWMD formal wetland determination that are different than the Future Land Use Map and the Boundary Survey. Please indicate how the applicant plans to address this issue.
12. The Enhanced Lake Management Plan (ELMP) must be revised to acknowledge the proposed lakes within the 10,000-foot HWB. The current ELMP does not acknowledge the proposed Deviations 1-4 and how they affect the ELMP.

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13. Revise the MCP, sheet X-102 to depict the 10,000-foot HWB.
14. Deviation #4 is to allow 100% hardened shoreline. If 100% hardened shoreline is proposed, compensatory littoral shelf is required per LDC 10-418(3). An additional deviation will be necessary to comply with the FAA circular.

TIS Review:

1. Lee County is not a party to the referenced Stipulated Final Judgement and has no obligations under its terms. The applicant does not currently has the County's approval, as determined by the Board of County Commissioners, to cross County-owned land in order to gain access to Shawnee Road. Unless and until you obtain such approval from the Board of County Commissioners, the applicant does not get to assume that connection in the Traffic Impact Statement (TIS) or on the zoning Master Concept Plan (MCP). County will not be including a condition in our recommendations that presupposes some future action by the Board of County Commissioners, the analysis must reflect the reality of the current situation. Please revise the TIS and MCP to remove the proposed connection.
2. There are three designated access points (STA2641+50, STA2666+00 and STA2675+00) on Daniels Parkway for this property. The MCP needs to be revised to reflect these access point locations.
3. Applicant acknowledges that the proposed right-in/right-out access point (STA2082+54) onto Daniels Parkway as part of the request zoning that is not currently reflected on Daniels Parkway Controlled Access Resolution, which is just south of the SR 82 intersection within the right turn lane area for the continuous flow intersection (which is a significant safety concern) and Lee County DOT staff will not support. Applicant then suggests that the future pursuit of amendment to the Resolution be conditioned in the zoning document. Again, county staff is not going to propose a condition that presupposes some future action of the Board of County Commissioners, and the approach you suggest is inconsistent with County Administrative Code AC-11-10, Subsection 3.b.(1)(a), which reads:

“If the request is made in conjunction with a rezoning action or is deemed to affect an ongoing rezoning action, then the application will be considered and decided by the Board in conjunction with the rezoning hearing based on compliance with the procedure set forth in subsection 3.1. (1)(a), above.”

Applicant will need to submit an application to amend the Daniels Parkway Controlled Access Resolution consistent with the requirements of AC-11-10 for the additional proposed access points, to be considered in conjunction with the rezoning request.

4. The TIS needs to be revised to reflect the traffic condition without the proposed access point (STA2082+54) on Daniels Pkwy and the proposed connection to Shawnee Road.

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Natural Resources Review:

1. The surface water performance model, supplied by the applicant, examined conditions during the wet season. This area of Lee County experiences stress to the Sandstone aquifer during the dry season and this stress causes the aquifer to reach levels that are close to or meet the Maximum Developable Limit (MDL) of the aquifer. Staff is concerned that added stress to the Sandstone aquifer because of the additional wells may cause water levels to exceed the MDL. Please provide a groundwater model detailing how water withdrawal from the eight proposed Sandstone aquifer wells will impact surrounding residents during 90 days of no rainfall?
2. Please provide a groundwater level monitoring plan. Monitoring wells shall be located on the North, East, and West borders of the project. The monitoring wells should be fitted with electronic water level measuring devices that take measurements every 4 hours daily. Groundwater level data must be supplied to Lee County quarterly.
3. Please expand on the analysis of Lee Plan policies 33.2.1 and 126.1.4 regarding use of the Sandstone aquifer. Has the applicant considered options to reduce the use of the Sandstone aquifer? Such as using a blend of Lower Hawthorn and Sandstone aquifer wells. The Lower hawthorn aquifer has a higher salt content but when blended with the Sandstone aquifer the lake water can yield quality irrigation water.
4. The Surface Water Management Narrative states that Daniels Parkway roadway swales currently discharge stormwater to the existing onsite wetlands. Is the project proposing to alter these existing offsite flows? The Proposed Drainage Condition section of the Surface Water Management Narrative doesn't address these offsite flows.
5. It is understood that an interconnected master storm water management system is proposed for the project but it is not clear how this system will function. Will the restored wetlands require regrading to provide positive drainage? Please provide flowway arrows to clarify how the system will flow.
6. Staff are still reviewing the Surface and Groundwater model provided the applicant. Staff may have additional comments once the review of the model is completed.
7. Please revise the Enhanced Lake Management Plan surface water quality monitoring plan to include the following:
 - The results of analyses of surface water samples should be compared to criteria for Class III Fresh Water per Chapter 62-302, FAC.
 - Add stage to the field parameters
 - Please add BOD, Iron, Zinc, E. coli, and TSS to the proposed constituents
 - Please add monitoring locations at all outfalls
8. The Enhanced Lake Management Plan does not include the proposed Intensive FLU and Commercial development along SR 82. Please revise the Enhanced Lake Management Plan to include the entirety of the project as the Stormwater narrative states that an interconnected stormwater management system is proposed for the entirety of the project.

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9. The Protected Species Management and Human Wildlife Coexistence Plan states that lakes within the 10,000' Hazardous Wildlife Buffer will be maintained in a manner that keeps them free of both emergent and submerged vegetation. Please expand on which management techniques will be implemented.
10. The Protected Species Management and Human-Wildlife Coexistence Plan states that wading bird habitat and foraging areas will be provided through the preservation, enhancement, and restoration of 507.2± acres of wetlands. Additionally, the plan states that removal of exotic plants and installation of native plants will result in habitats that are more suitable for wading bird foraging and roosting.

How much of this preserved, enhanced, and restored wetland habitat will be located within the 10,000' Hazardous Wildlife Buffer? Please address how these wetland habitat improvements within the buffer is consistent with Objective 47.2, as the statements in the Protected Species Management and Human-Wildlife Coexistence Plan seem to be inconsistent.

11. The Indigenous Preservation, Restoration, and Management Plan states that extensive berm removal activities will restore hydrologic connectivity that historically existed among the onsite wetland communities. While the Protected Species Management and Human-Wildlife Coexistence Plan states that the hydrologic restoration proposed within the conservation areas will be focused on interconnecting wetland systems and is not anticipated to increase wetland hydroperiods. What engineering techniques will be implemented to ensure that the wetland hydroperiods within the 10,000' Hazardous Wildlife Buffer do not increase?
12. Will the LCPA Landscape List be implemented for all development including single family homes, amenity center, common elements, etc. within the 10,000' Hazardous Wildlife Buffer?