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Writer's Direct Dial Number: 239-533-8372

November 23, 2022

Margaret Emblidge
Agnoli, Barber & Brundage, Inc
7400 Trail Blvd., Ste 200
Naples, FL 34108

Re: The Nest SWFL
DCI2022-00004 - Minor PD

Dear Margaret Emblidge:

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or corrections within 30 calendar days of this letter, the Code requires that this application be considered withdrawn.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 11/23/2022 by
Chahram Badamtchian, Planner, Senior

Margaret Emblidge
Agnoli, Barber & Brundage, Inc
Re: The Nest SWFL
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Legal Description Review:

Legal Description and Sketch to accompany legal description.

Exhibit B from the Boundary Survey can be used as the required legal description, however no sketch as described in LDC Sec. 34-202(a)(5) was included.

The title certification is missing the easement from OR Book 189 Page 33 which is depicted on the boundary survey. The memorandum of agreement (OR Book 3606 page 640) only removes a portion of land from the easement. OR Book 3555 Page 1277 appears to be an earlier version of the vacation of the southern portion of the drainage easement from OR Book 189 page 33. Since the Title certification is prepared by an attorney, it should be titled an Opinion of Title (see LDC §34-202(a)(7)a.i).

Please provide the legal description on sketch as a separate document and revise the title certification and boundary survey as needed.

Please contact Richard R Burris at RBurris@leegov.com or by calling 239-533-8516 with any questions regarding the above review comments.

Environmental Review:

The provided schedule of deviations lacks details for deviations 3,4,5, and 6. Please provide more detailed justifications for the requested deviations. Please explain why the deviation is needed and what is being done to provide adequate screening.

Please note that a landscape plan will be required at the time of Development Order. The provided landscape plan will have to follow code required plantings, with the exception with deviations. Staff will work with the applicant to provide appropriate buffering where deviations are being requested.

The MCP does not depict an open space table. Please provide an open space exhibit per 34-373(6)(g&h).

Please upload a revised indigenous habitat plan with updated maps.

The subject property contains protected species. Please provide a species management plan per lee plan policy 123.3.3 and 123.4.5.

Please contact Camryn Siverson at CSiverson@leegov.com or by calling 239-533-8313 with any questions regarding the above review comments.

Margaret Emblidge
Agnoli, Barber & Brundage, Inc
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Natural Resources Review:

The draft Bald Eagle Management Plan (BEMP) states that the closest existing man-made structure is 132' from the nest. The BEMP is proposing impacts up to 76' from the nest. The proposed 76' buffer does not appear to be based on tolerated activity of similar scope, previously approved BEMPs, or active United States Fish and Wildlife Service permits. Without supporting data, Staff cannot find the proposed BEMP is designed to minimize potential adverse impacts on nesting bald eagles consistent with LDC 14-119(4)(e).

Please contact Nicholas DeFilippo at NDeFilippo@leegov.com or by calling 239-533-8983 with any questions regarding the above review comments.