



BOARD OF COUNTY COMMISSIONERS

Kevin Ruane

District One

Cecil L. Pendergrass

District Two

Ray Sandelli

District Three

Brian Hamman

District Four

Mike Greenwell

District Five

Roger Desjarlais

County Manager

Richard Wesch

County Attorney

Donna Marie Collins

County Hearing Examiner

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

January 9, 2023

Al Quattrone
4301 Veronica Shoemaker Blvd
Ft. Myers, FL 33916

Re: Oriole Alico West, MPD
DCI2022-00061 - Major PD

Dear Al Quattrone:

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or corrections within 30 calendar days of this letter, the Code requires that this application be considered withdrawn.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 1/9/2023 by
Chahram Badamtchian, Planner, Senior

Al Quattrone

Re: Oriole Alico West, MPD
DCI2022-00061
January 9, 2023

Zoning Review:

Your request language for Deviation 5 is confusing. Do you want two or three signs? Do you want 200 or 300 square feet signs? How did you come up with 550 square feet? Could you please simplify the language of the Deviation and possibly provide a sign package showing the location and area of each sign?

Please contact Chahram Badamtchian at CBADAMTCHIAN@leegov.com or by calling 239-533-8372 with any questions regarding the above review comments.

Planning Review:

Please expand Lee Plan analysis to include Policy 124.1.2.

Please contact Joseph Sarracino at JSarracino@leegov.com or by calling 239-533-8984 with any questions regarding the above review comments.

Al Quattrone

Re: Oriole Alico West, MPD
DCI2022-00061
January 9, 2023

Development Services Review:

1. Staff is hesitant to support deviation #7. The applicant has requested a deviation to provide multiple access locations along the internal road. The connection separation must be shown on both sides of the road. Additionally the applicant does not provide a justification as to why joint accesses cannot be provided to meet intersection connection requirements or reduce the number of proposed connections to the internal roadway such as a joint access easement at the eastern most T-intersection between lots C-3 and C-2. The deviation as written and depicted is confusing on the MCP because the access points proposed are scaled to the 60' separation requirement.
2. Please provide a letter of no objection from the fire department having jurisdiction to support deviation 4B.
3. Please indicate a connection separation deviation at the access point directly south of the fire department access. Staff could not locate an approved deviation for the fire department access.
4. Staff does not support deviation #6A and 6B. As written the request would give blanket approval for any lots in the subdivision and can be interpreted broadly as "physical restraint between properties" is not define. Staff recommends the deviation be revised include specific guidelines on when the deviation applies.
5. Note: At time of development order the applicant will be required to provide pedestrian and bikeways in accordance with the Land Development Code.
6. Please provide property development regulations with your resubmittal.
7. Please provide approximate dimensions of the lots or parcels in accordance with LDC 34-373(a)(6)(c)

Please contact Brian Roberts at BRoberts@leegov.com or by calling 239-533-8890 with any questions regarding the above review comments.

Al Quattrone

Re: Oriole Alico West, MPD
DCI2022-00061
January 9, 2023

Legal Description Review:

Sec. 34-202(a). Submittal requirements for applications requiring public hearing.

(5) Please provide a legal description and sketch in accordance with the requirements of Lee County LDC §34-202(a)(5).

- The legal description does not match the legal description on the boundary survey. The size of the property as described is different. Please correct either the boundary survey or the legal description to accurately reflect the property being subject to this zoning action.

(6) Please provide a boundary survey in accordance with the requirements of Lee County LDC §34-202(a)(6).

- The survey must be based upon the title certification submitted in accord with section 34-201(a)(7). When the Title Certification is updated, the legal description on the boundary survey must match that which is shown on the title.

(7) Please provide a title certification in accordance with the requirements of Lee County LDC §34-202(a)(7).

- Title certification must include a legal description of the property.

Please contact Hunter Searson at HSearson@leegov.com or by calling 239-533-8585 with any questions regarding the above review comments.

Al Quattrone

Re: Oriole Alico West, MPD
DCI2022-00061
January 9, 2023

Environmental Review:

The applicant is requesting a deviation from the open space and landscaping due to a donation to the county. LDC section 34-3206 states "A structure, lot, tract, or parcel of land that has been or will be rendered non conforming as to area, width, depth, setbacks, lot coverage or parking because of a taking through eminent domain proceedings, by the voluntary sale of a parcel of land under the threat of eminent domain proceedings by a governmental authority after October 15, 1992, or by the voluntary donation of land to a governmental authority will be deemed conforming under the terms of this chapter." However, the applicant is creating their own hardships through the site design. Please provide more details of why the site cannot provide the required open space and buffer criteria. Please provide the donated right-of-way information and the legals for the taking. Additional comments may follow.

The applicant is requesting a deviation from the tree and palm spacing to not install any trees in the planting strip. Staff is uncomfortable with the applicant not providing any vegetation. Please consider a substitution to allow 100% palm trees within the area. Please revise deviation.

The boundary survey showed a 20-foot utility easement above the 50-foot drainage easement. Please demonstrate the 20-foot utility easement on the MCP. Please note that LDC 10-421(a) (2&5) states that "trees and shrubs used in buffers must be planted in a minimum width area equal to one-half the required width of the buffer. However, in no case may the planting area be less than five feet in width. Utility or drainage easements may overlap required buffers; however, no code required trees or shrubs may be located in any utility or drainage easement unless a written statement, from the entity holding the beneficial interest in the easement, is submitted specifically stating that the entity has no objection to the landscaping and, that the proposed landscaping will not interfere with the long term maintenance of the infrastructure within easement area." Please demonstrate compliance to LDC 10-421.

Within the narrative, the applicant stated that the pond has existing trees surrounding the shoreline. Please indicate if code required trees will be within the designated area. Please indicate what vegetation is located in the area if preservation is being requested. If preservation is requested, will grading impact the trees that are existing along the shoreline?

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

Al Quattrone

Re: Oriole Alico West, MPD
DCI2022-00061
January 9, 2023

TIS Review:

1. In the schedule of uses, there are higher trip generating land uses (e.g., manufacturing, medical offices) than proposed land use. The worst scenario in the schedule of uses for trip generation should be analyzed. Otherwise, it is advised to reduce the schedule of uses.
2. It is recommended to provide the methodological steps for calculating the 'Peak Season Correction Factor' in development of future year background turning volumes.
3. It is recommended to provide justifications for considering '50% buildout year reduction' in the calculation for future background through volumes on oriole road.
4. In developing the future background through volumes on oriole road, the AM/PM peak hour trip generation calculation for some land uses (e.g., shopping center, office, and industrial) appear incorrect.

Please contact Md Rakibul Alam at MAlam@leegov.com or by calling 239-533-8585 with any questions regarding the above review comments.

Al Quattrone

Re: Oriole Alico West, MPD
DCI2022-00061
January 9, 2023

Natural Resources Review:

Please provide a written surface water management narrative that complies with 34-373(b)(1).

Please depict the 660' buffer zone on the MCP.

Has the proposed Schedule of Uses been evaluated for compatibility with the adjacent bald eagle nest? Several of the proposed uses are intensive in nature and will result in frequent use of heavy equipment, loud noises, vehicular traffic, and lighting.

Please revise the bald eagle management plan to include locations and height of active and alternative nest tree and perch tree, a description of the location height, species, and density of the understory and canopy vegetation as required by LDC 14-119(c)(4a).

Please revise the bald eagle management plan to include an aerial map at the scale of the development that shows the location of the eagle's nest, flight path to and from the nest, location and size of visual obstacles, such as trees, between the nest and proposed development, nearest known foraging area for the eagle, location and type of existing and permitted developments within 1500 feet of the nest, and other critical eagle nesting habitat features as well as the proposed development as required by LDC 14-119(c)(4c).

Please depict the 330' and 660' buffer zones on the MCP provided in the bald eagle management plan. Please clarify what size buffer the applicant proposing in the bald eagle management plan as required by LDC 14-119 (c)(4d). Is the stabilized berm shown in the "Line-Of-Sight Elevation" existing or proposed? Where on the property is the "Line-Of-Sight Elevation" depicting?

Please revise the bald eagle management plan to include the conservation measures proposed. Staff appreciates the inclusion of the USFWS permit but the proposed conservation measures need to be outlined in the bald eagle management plan. What conservation measures are proposed within 330' during nesting season? What conservation measures are proposed within 660' during nesting season? Conservation measures outlined in 14-119(c)(4e) include but are not limited to, establishment of a planted landscape buffer, construction phasing indicating timing and location of construction activities during nesting and non-nesting periods, i.e. no construction within 330 feet of a nest during nesting season, height limits on buildings within the buffer area, protection of the flight path and the nesting tree, monitoring of eagles and nests using the federal monitoring guidelines, conservation easement, and other necessary measures to protect or enhance critical eagle nesting habitat.

The bald eagle management plan references a nesting history to be included in the Appendix, but no nesting history document was found by Staff.

Is the bamboo clump existing or proposed? Please revise the plan to include a native vegetation buffer if one is proposed as a conservation measure.

Please revise the bald eagle management plan to include a commitment to educate future owners, tenants, or other users of the development about the specific requirements of the approved eagle management plan and the state and federal eagle protection laws as required

Al Quattrone

Re: Oriole Alico West, MPD
DCI2022-00061
January 9, 2023

by LDC 14-119(c)(4h).

Once a complete bald eagle management plan is provided the plan will be scheduled for the next available Eagle Technical Advisory Committee meeting.

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