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June 21, 2023

Daniel DeLisi, AICP
520 27th Street
West Palm Beach, FL 33407

Re: Commercial Planned Development
Sunniland Town Center CPD
DCI2023-00010

DANIEL DELISI, AICP,

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 included in the attached pages.

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or corrections within 30 calendar days of this letter, the Code requires that this application be considered withdrawn.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,

**Electronically signed by Elizabeth A. Workman on
June 21, 2023**

Elizabeth A. Workman, Principal Planner
Zoning Section
Lee County Department of Community Development

INSUFFICIENCY COMMENTS:

LEGAL:

1. LDC Sec. 34-202(a)(6). Submittal requirements for applications requiring public hearing require a boundary survey. The survey must be tied to the state plane coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner. The survey submitted includes the required coordinates for Parcel One and Two, but not the "Less and Except" parcel. Please provide.
2. The acreage of the subject property submitted for the legal description, boundary survey and title certification is 31.71± which is inconsistent with the acreage provided in the narrative documents and the former DCI approved by Z-06-090 which is 33.32± acres. Revise for consistency.

PLANNING:

3. Lee Plan Goal 10 is to protect natural resources from incompatible urban development. Please address how this project will be compatible with the existing oil well that the subject property surrounds. Z-06-090 appears to include the oil well property as part of the rezone, whereas the current rezone explicitly excludes the oil well property. Please confirm that operation of the well will not be impacted by the proposed development.

ZONING:

4. The proposed design of the site impacts native habitat that supports protected species and heritage trees. Lee Plan Policy 123.2.6 states that alternative site design layouts should be considered to avoid destruction of upland vegetation communities including coastal and interior hammocks. The proposed preserve has very little indigenous value. Staff cannot support this design. Please schedule a meeting to discuss the abatement and the preservation of existing native habitat that supports gopher tortoises and heritage trees.
5. The applicant stated that the language in the Schedule of Uses had been revised to clarify the two Package Store uses. The resubmittal did not include a Schedule of Uses with these revisions or the following:
6. The Schedule of Uses must be consistent with the CPD uses listed in LDC Section 34-934. Currently, Parcel and Express Services and Computer and Data Processing Services are being proposed and are not allowable uses in a CPD.
7. Revise the "Broadcast Studio" use to be consistent with LDC Section 34-934 to state "Broadcast Studio, commercial radio and television".
8. Revise the "Drive-thru for any use" use to be consistent with LDC Section 34-934 to state "Drive-thru for any permitted use".

9. The Schedule of Uses must be revised to remove the Extraction: Oil or Gas (Existing Only) from the list. The extraction area is not located on the subject property per the legal description.

10. Courtesy Comment:

Please note that the vegetation required to be planted to abate the clearing violation in accordance with VIO2021-0628 must be completed in the first development order for any proposed improvement to land.

DEVELOPMENT SERVICES:

11. The applicant is requesting to exclude the existing oil well from the requested amendment to Z-06-090. The oil well parcel was included in the original zoning approval and split from the parent parcel in 2007. The parcel not split in accordance with the LDC requirements to obtain an approved lot split. Please clarify the mechanism the applicant is relying on to remove zoning entitlements from property not in their ownership. The response that the property is not under ownership of the applicant, or the current property owner is not sufficient to address concerns related to the existing zoning, development order requirements, entitlements, and conditions in the current zoning resolution.
12. LDC 34-373(a)(6)(j) requires the MCP to show access AND facilities required in LDC 34-411(e) and 10-442. The MCP provided does not show the facilities required in LDC 10-442. Please revise the MCP to reflect the required facilities.

ENVIRONMENTAL SCIENCES:

13. Staff conducted a site inspection on May 26th, 2023. Staff found that the southeast portion of the property had little exotics and contained several native species such as slash pine, live oak, laurel oak, cabbage palm, and saw palmetto. Please note that the property has existing indigenous (Per LDC 10-701). 10-415(b)(1)(a) of the Land Development Code states, "large developments, with existing indigenous native vegetation communities must provide 50 percent of their open space percentage requirement through the onsite preservation of existing native vegetation communities." The applicant is requesting native trees in the exotic area to count as indigenous, however, LDC 10-415(b)(1)(b) states that an applicant can only apply the code, "if the development area does not contain existing indigenous native vegetation communities". Please provide an indigenous preservation area meeting Lee County standard of LDC 10-701 and 10-415(b).
14. Lee Plan Policy Restrict the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided. Lee Plan Policy 123.8.1 states, "protect Gopher Tortoise burrows wherever they are found. If unavoidable conflicts make on-site protection infeasible, off-site mitigation may be provided in accordance with FWC requirements." Please provide an indigenous preserve onsite utilizing the existing indigenous plant communities.
15. The applicant states that the project is meeting Lee Plan 25.10.1. The project does not meet the preservation of indigenous plant communities or LDC 10-415(b). Please revise the narrative.

16. Please note that a condition will be provided stating the following, "No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits."
17. The project parcel is located within the Lehigh Planning Community. LDC 33-1405(c) states "when commercial, place of worship, industrial, or public active recreational park uses abut single or multiple family residential uses a buffer must be provided. This buffer must be 25 feet in width with seven trees, a double hedge row, and 33 ground covers per 100 linear feet." Please demonstrate compliance with LDC33-1405(c).
18. Within the narrative the applicant states that the amount of fill being proposed will impact the native vegetation. Please provide the amount of fill that is being proposed within the project limits.
19. LDC 10-416 states, "For large developments, effort must be made to preserve native heritage trees with at least a 20-inch caliper dbh. Preserved heritage trees may be counted at a 5:1 credit ratio towards the general tree requirement. If a heritage tree must be removed from a site, then a replacement native canopy tree with a minimum 20-foot height must be planted within an appropriate open space area".

TRAFFIC IMPACT STATEMENT:

20. Kindly ensure that Table 1A and Table 2A are updated to reflect accurate information for Sunniland Blvd and 12th St W. These roadways are county-maintained major collectors, each featuring two lanes. To obtain precise values, please refer to the "Lee County Generalized Peak Hour Directional Service Volumes - Urbanized Areas (2016)" table.
21. The following information is required for the development of turning volumes utilized in Level of Service (LOS) analysis for the specified intersections:
 - a. Intersection: Sunniland Blvd @ 5th St W.
 - b. Intersection: Sunniland Blvd @ South Site Access.
 - c. Intersection: Sunniland Blvd @ North Site Access.

SOLID WASTE:

22. The updated MCP does not reflect a proposed dumpster enclosure location with dimensions in accordance with LDC 10-261. Ensure 12' minimum opening width and 22' overhead clearance.