



Kevin Ruane
District One

July 31, 2023

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

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

Fred Drovdlc
RVi Planning + Landscape Architecture
1514 Broadway, Suite 201
Fort Myers, FL 33901

Re: Minor Planned Development
Daniels Town Square MPD
DCI2022-00059

Dear Mr. Drovdlc,

The Zoning Section has reviewed the submission package for the above-referenced application in accordance with the Lee County Land Development Code (LDC). Please be advised that the application is insufficient at this time. The insufficiency comments must be addressed within thirty (30) calendar days of this letter or the case will be considered withdrawn in accordance with the LDC. Please be advised that additional comments may follow once required documents and detailed analysis are submitted.

If you have any questions, please contact me at (239) 533-8793 or EWorkman@leegov.com.

Sincerely,
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section
Electronically signed on July 31, 2023
Elizabeth A. Workman
Principal Planner
EAW

Zoning Review

1. As previously stated, provide the Letters of Availability (LOA) for the project. The Narrative and the Lee Plan analysis reference the LOA received from LCU, Lee County School District, EMS, Fire and Rescue, LeeTran, Solid Waste, and Lee County Sheriff. Please provide.
2. As previously stated, submit the Army Corps of Engineers recent wetland determination referenced on Page 5 of 17 of the Request Statement.
3. The phasing schedule provided did not include information regarding the proposed road improvements on and offsite to support the proposed intensity and density. Please include this information for each phase.
4. The north access is not sufficient to support the development without frontage road improvements. The south access is relying on future improvements to Fiddlesticks and in the meantime the Three Oaks extension will dead end until the connection is made to Fiddlesticks. Therefore, the proposed development cannot demonstrate sufficient access to support the development intensity and density which includes the request for bonus density. Please provide additional information.
5. Revise the Phasing Plan to incorporate the access to the site in conjunction with offsite improvements including offsite outfall and Three Oaks extension to Fiddlesticks.
6. Phase I is depicted with a detention located to the south of the bulk of phase I. This portion is shown as a detention area. Indicate what happens with the fill material from the south parcel and how the surface water is connected to the development proposed to the north in phase I.
7. Revise the Surface Water Management Narrative to include how the 2.11 acres of wetland (natural features) will be incorporated into the stormwater management to comply with LDC Section 34-373(b)(1)d.
8. The applicant is proposing an outfall to connect to Old Hickory Golf Club and Country Club surface water management system. The current development order under review depicts the connection but does not indicate offsite improvements. Provide a stormwater management plan that depicts the surface water management flow through the site and into the outfall structure that connects to Tract K of Old Hickory's Drainage and Lake Easement (plat).

9. Provide the property owners association agreement between the applicant and Old Hickory Golf and Country Club for the proposed improvements and permit modification to the offsite drainage system to support the subject property.
10. The applicant currently has a SFWMD permit under review that depicts a stormwater management lake south of Three Oaks extension. Please indicate if vertical development will be proposed per the MCP and indicate if the lake is to support the subject property or Three Oaks extension.
11. The MCP depicts a 15-foot-wide Type-C buffer along the south property line associated with the 30,000 square foot building. Indicate if the southern side of the building will have doors, air conditioning units, or any other improvements that may encroach into the buffer.
12. Revise the MCP to depict the width of the 15-foot-wide buffer along the south property line. Currently an arrow points to the buffer but does not depict hatching or width arrows.
13. Revise the Type A buffer located in the southeastern corner of the property. No required vegetation must be located in any easement without written approval from the easement holder. The buffer currently is located in a 50 foot easement.
14. Revise the MCP to depict right-of-way buffers internally to the access ways and along Three Oaks extension and Indian Paint Lane. Per LDC Section 10-425, right-of-way buffers are five-feet-wide with five trees every 100 linear feet for projects in Mixed Use Overlay area. Revise MCP accordingly.
15. Deviation #5 is being requested to allow no buffering within phases that do not have an issued development order. If the applicant depicts the development order limits that does not encompass the entire site, buffers for the entire site are not necessary. This deviation is not necessary if the development order depicts the areas outside of the development order boundaries as "submitted under future development order". Staff and applicant may need to discuss.
16. Staff cannot support Deviation #6 because code requires 10 percent indigenous open space (6.62 acres) and the proposed restoration area is 1.1 acres. In addition, the applicant is impacting 2.11 acres of wetland and not trying to design the development around these wetlands to restore, enhance and incorporate them into the surface water management plan.

17. FYI - The review of the rezoning is based on the tentative Comprehensive Plan Amendment (CPA) to add the entire property into the Mixed Use Overlay. If the scope of the CPA or additional language is added to the Lee Plan that may affect the zoning application, additional comments may follow.
18. FYI - Staff will be proposing I-75 (east property line) and Daniels Parkway (north property line) buffer enhancements that are greater than the five-foot-wide and five trees per 100 linear feet to demonstrate screening and buffering consistency with surrounding uses.

Natural Resources

19. The Insufficiency Response Letter dated June 15, 2023, references Pre and Post drainage maps intended to address offsite drainage flows. Staff could not locate these drainage maps in the resubmittal. Please provide the drainage maps and detail the "provisions" that have been added along the western property line to maintain existing flow patterns.
20. The Insufficiency Response Letter dated June 15, 2023, references an attached ALTA Boundary survey that has been highlighted to clarify easement locations. Staff could not locate the highlighted Boundary Survey in the resubmittal. Please provide the highlighted ALTA Boundary Survey.

Environmental Sciences Review

21. The applicant has not proposed to keep existing indigenous vegetation. Due to the creation of a preserve, please submit a restoration plan, management plan, and methods of treating exotics in compliance with LDC 10-474. Additional comments may follow.
22. The MCP only proposes an acre of indigenous. The mixed-use overlay requires 20% open space for the total property area. Half of the required open space (10%) is required to be indigenous. 10% of 66.15 acres is 6.62 acres. The applicant is providing significantly less when the FLUCCS demonstrates indigenous habitats equaling 2.65 acres. Please revise the MCP to provide more indigenous restoration or indigenous. Lee plan policies 123.2.4 and 123.2.9 protect viable tracts. Please revise.
23. The environmental survey acreage is substantially different than the associated MCP in terms of acreage. Please revise.

24. The FLUCCS provided shows wetlands going further than the associated FLUCCS. Please provide updated FLUCCS codes to depict the wetland areas.

Development Services Review

25. Does the improvement propose onsite right-of-ways? Is the intent to plat the site into separate development tracts in the future or will it all be under single ownership? If the site will be subdivided the MCP must show the general location, configuration, and approximate dimensions of the lots or parcels in accordance with LDC 34-373(a)(6)(c). This is a repeat comment. The applicant responded, "No the onsite access road is proposed to be private." This does not address the comment. Private access streets still require right-of-way or dedicated access easements. The LDC defines street as an accessway that affords the principal means of ingress or egress for two or more parcels of land. Will the site be subdivided?
26. LDC 34-373(a)(6)(b) requires the MCP to show the location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. If a subdivision, the plan must also show the general location of all proposed internal street rights-of-way or easements and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial, or industrial use lots. The applicant has confirmed that an access road is proposed onsite. Please provide the required information above on the MCP. Please note that LDC 10-296(l) requires privately maintained accessways that provide access to more than 100 multi-family units to meet right-of-way requirements in LDC 10-296. Please show on ROWs on the MCP.
27. LDC 34-373(a)(6)(c) the plan must indicate the general location, configuration, and approximate dimensions of the lots or parcels (including subdivided parcels and outparcels). Please provide the required information on the MCP or confirm that the parcel will not be subdivided in the future.
28. Note: Staff is unable to scale the drawing provided although it appears that several intersection/access connections do not meet the separation requirement. At time of development order these connections/access will be required to meet LDC 10-285 unless a deviation has been approved. Staff was referring to onsite connection. Please note that LDC 10-284(b) states that all privately maintained roads, both existing and proposed, will be classified by the Director of Development Services based upon

JULY 31, 2023
FRED DROVDLIC
DANIELS TOWN SQUARE MPD
DCI2022-00059

the existing functions of the roads and the guidelines provided in the Lee Plan, and in accordance with the administrative code regulating County functional classification.

Traffic Impact Statement Review

29. In light of the substantial changes to the project objective, submitting a new Technical Information Sheet (TIS) for review following administrative code 13-17 is essential.