



Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Dave Harner
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

November 3, 2023

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

Veronica Martin
TDM Consulting
43 Barkley Circle
Fort Myers, FL 33907

Re: Rezoning
14290 North Cleveland Avenue
REZ2023-00031

Dear Ms. Martin,

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comments must be addressed within thirty (30) calendar days of this letter, or the case will be considered withdrawn in accordance with the LDC.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 November 3, 2023
Elizabeth A. Workman
Principal Planner
EAW

Legal Review

1. Per Section 34-202(a)(6) & (7) pertaining to submittal requirements for applications requiring public hearing a boundary survey must be submitted that provides the following:
 - a. The legal description and sketch document describes the entire subject property boundary appropriately, but the title policy describes only a portion of the overall project boundary.
 - a. 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.
 - b. The survey must be based upon the title certification submitted in accord with section 34-201(a)(7). When the Title Certification is submitted, the legal description on the boundary survey must match that which is shown on the title.
 - c. The boundary survey is missing state plane coordinates. The boundary survey is based on a title commitment prepared by Old Republic National Title Insurance Company and the affidavit of no change references a title policy issued by WFG National Title Insurance Company. The title commitment is not an accepted form, and the title policy was not submitted.
 - d. Please provide a title certification in accordance with the requirements of Lee County LDC §34-202. The title policy issued by WFG National Title Insurance Company was not submitted and need to be included as part of the title certification.
 - e. Road ROW easement (Instrument #2009000217844) not provided on list of easements on title insurance policy.

Planning Review

2. Please provide an analysis of Lee Plan Policy 77.3.7.

Zoning Review

3. Staff understands that the current application is to rezone the AG-2 parcel to C-1. The AG-2 parcel is part of an overall subdivision under one STRAP number. The legal description depicts the entire STRAP with the request. Please revise the narrative to provide information regarding the two violations that are associated with the overall site. It may be helpful to provide an exhibit depicting where the violations have occurred to demonstrate that the AG-2 zoning district is outside of the violation areas.

Environmental Sciences Review

4. There are current code violations onsite for filling areas onsite. Please provide an analysis on how the environmentally critical areas will be saved onsite and an analysis for the violations within the overall subdivision. Please provide an exhibit depicting the areas that are out of compliance.
5. Please clarify how the applicant intends to protect environmentally critical vegetation within the rezone location.
6. The applicant stated the buffering, open space, and environmental conditions will be reviewed at time of DO; however, the applicant did not clarify if the site will be in compliance with the required buffers, open space, and protection of environmentally sensitive areas.

Lee Tran Review

7. The project is within a one-quarter mile of a transit corridor and bus stop, a rezoning does not trigger the Lee County Transit LDC Sec. 10-441 or 10-442 therefore, no improvements are required currently.
8. Any proposed development may be required to make necessary improvements when submitting a Limited Review Development Order (LDO) or Development Order (DO) and the project will be assessed at that time.