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December 20, 2023

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Stacy Hewitt
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

Re: Home Front Heroes Minor CPD
DCI2023-00047 - Minor PD

Dear Stacy Hewitt:

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or corrections within 30 calendar days of this letter, the Code requires that this application be considered withdrawn.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 12/20/2023 by
Brian Roberts, Planner

Stacy Hewitt
Banks Engineering
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ZONING AND PLANNING

1. The applicant does not include the 10 additional boat slips in F.2. of the application. Please confirm that 10 additional boat slips are part of the intent uses on the property.
2. The narrative indicated that phasing is anticipated. Page 9 of the application did not include an "X" mark on the Phasing Program enclosure. Please revise.
3. It is not clear from the survey, sketch/description or MCP how the applicant arrived at the acreage proposed for rezoning. Please clarify.
4. Please provide the required public information meeting documentation in LDC 33-1352(b).
5. 34-373(a)(4)(d) The subject property is within Archaeological Sensitivity Zone 2. Please provide the nature and location of any know or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historic Site Survey (if applicable). Also please provide a drawing showing the location of any part of the property that is located within an Archaeological Sensitivity Zone.
6. Show the estimated location of the caretaker residences on the MCP.
7. Please show the non-exclusive access easement (item 16 on the survey on the MCP). This grants access to the existing boat launch area. Will this be maintained or modified? How will access be maintained?
8. The phasing in not clear on the MCP. Please provide a complete description of each phase to include any property improvements proposed for each phase. The phasing plan should provide a complete description of proposed improvements.
9. Please clarify the modular office shown on the MCP. Is this existing? Was it permitted via the development order process? Please note that any structure will be required to meet the architectural requirements in Chapter 10 and Chapter 33 at time of development order. This will be conditioned as part of the zoning approval.
10. The applicant has requested Home Occupation as an allowable use. Please clarify with respect to the caretaker's residence which isn't considered residential. Are home occupations other than those in the Schedule of Uses anticipated in the caretaker's residences?
11. The applicant has requested Restaurant, Group II for food trucks. Will this be open to the public? Where will the food trucks be staged on the MCP?
12. The applicant has requested Schools, noncommercial as an allowable use. This use is reserved for schools owned by LCSB and Charter Schools. Is this necessary considering Social Services, Group II includes training and rehabilitation services, vocational training, skills training centers, and job training?
13. Staff is concerned about certain uses in Social Services Group II such as Offender rehabilitation agencies and Offender self-help organizations considering the residential nature of the location. Please consider excepting those uses in Group II or provide additional information in your narrative that address the incompatibility of those uses given the residential nature of the area.

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14. Is the language "Home Front Heroes Non-Profit primary use. Facilities may be shared with other similar non-profit organizations" necessary in the Schedule of Uses? Social Services Group I includes "Other social services of a similar type, not specifically listed elsewhere."
15. The narrative lists Sheriff training events. Please clarify the types of training. Will there be outdoor training, firearms, K9, or tactical training?
16. Are any uses or activities proposed on the island area under conservation easement?
17. The property development regulations list 80X100 lots with a minimum of 10,000 sf. Does the applicant intend to split the lot at a future date? What is the purpose of the reduced sizes and area?
18. Please note the greater of the required dimensions on the building setbacks is required in the property development regulations.
19. 34-2017(b)(1) – The MCP shows stabilized grassed parking. Low turnover parking lots may be permitted alternative surfaces such as gravel, crushed shell, or other similar materials. Parking on grass or other unimproved surfaces is prohibited.
20. An amendment will be required to Z-05-048 to remove the property from the approved zoning resolution. Has this process been started? How will approvals in Z-05-048 impact the subject property and proposed rezoning (open space, indigenous area, ect.) and access to the eastern parcel? Please clarify.
21. Cuddy Cove Place is a privately maintained local roadway however the MCP nor the survey show any ROW or easement associated with the road. Who is responsible for maintaining the roadway and who has rights to use the roadway? The MCP show track and pathways as well as gating of the roadway. Please clarify.
22. The narrative notes a settlement agreement on the subject parcel and the parcel to the east. Please provide more information about that agreement. How does the proposed rezoning impact this settlement agreement? Please clarify access to the eastern parcel
23. Please address Policy 5.1.5, 30.3.3 and 30.5.3 in your Lee Plan analysis.
24. Please expand on Policy 6.1.4 as it pertains to the commercial development and compatibility with existing and proposed land uses. Specifically, the proposed uses in relation to the adjacent residential community.

LEGAL

1. 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 provided does not include calls for the entire perimeter of the property. The description includes approximate distances and a call to "follow the northernly line of said property". Surveyed calls are required for the metes and bounds legal description.

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

- The submitted boundary survey does not include a metes and bounds description of the perimeter boundary which must also be clearly marked with a heavy line and must include the entire area to be developed. The boundary survey must be based on the title certification provided for LDC §34-202(a)(7).

(7) Please provide a title certification for the property subject to zoning approval in accordance with the requirements of Lee County LDC §34-202(a)(7).

i. Title certificate or title opinion, no greater than 90 days old at the time of the initial development order submittal. Or,

ii. Title insurance policy with appropriate schedules, no greater than five years old at the time of the initial zoning case submittal and an affidavit of no change covering the period of time between issuance of the policy and the application date.

-The submitted title insurance commitment is not an accepted form of certification of title and encumbrances.

LEETRAN

1. Based on the LeeTran 2021 Transit Development Plan (TDP) evolved network, also reflected within the Lee County Comprehensive Map 3-C section 10-441, the route along Moody Rd will not exist, therefore, no routes within a one-quarter mile of the proposed development in the near future. Therefore, no improvements are required by the developer."

TIS

1. Due to insufficient data within the ITE Trip Generation Manual for four Single-Family Attached or Detached housing units, it is advisable to resort to the trip generation fitted curve values associated with ITE Land Use Code 220 (Multifamily Low-Rise) to facilitate accurate estimation of trip generation for four caretaker's residences.
2. According to AC 13-17, as the project generates more than 100 peak-hour trips, information regarding the level of Service of the site accesses and all intersections within one-quarter of a mile area shall be provided.

ENVIRONMENTAL

1. The environmental consultant used an "herbaceous" FLUCCS codes along the waterway and right-of-way. Please provide a separate FLUCCS code, accurately demonstrating the area along the waterway and the trees along the right-of-way.
2. Staff conducted a site visit on December 15, 2023. Please revise the FLUCCS codes along the shoreline to include mangroves with exotics, and include the vegetation on the island area. The island area has vegetation such as brazilian pepper, pine trees, melaleuca, and mangroves. Please revise the FLUCCS codes to accurately depict the vegetation onsite.
3. The applicant has submitted the application without applying for an ADD to separate the parcel from the associated residential portion. Please note that staff cannot accurately review the parcel until the applicant submits the ADD. Please note that staff is uncertain about the status of the conservation island area, due to the residential areas of Z-05-048 receiving indigenous open space from the designated location. Additional comments will follow.

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4. Please provide details on past conditions, conservation areas, open space, buffers, etc.
5. The island area the applicant has depicted on the MCP and part of the shoreline are within conservation easements with the past resolution. Please explain how the applicant is intending to meet the past conditions of Z-05-048 while providing indigenous for the proposed development.
6. Please demonstrate the 50-foot natural waterway buffer per LDC 10-416(d)(9).
7. Please provide a deviation for LDC 10-421(a)(8).
8. The applicant is demonstrating a Type B buffer to the north. Please note that LDC 10-416(d) requires a C/F buffer when commercial abuts residential. Please provide a deviation for LDC 10-416(d) along the north property line.
9. The applicant is showing parking in the middle of the development. Please note that parking is not considered open space per LDC 10-415(d). Please provide an open space exhibit per LDC 34-373.
10. The remainder of Tract M was intended for residential. Please provide the required buffer per 10-416(d) along the east (Lee Plan Policy 6.1.6).
11. Resolution Z-05-048 included a conditioned buffer along Moody Road. The buffer was 20 feet in width, 5 trees/100 linear feet, and a double staggered hedge row. Please revise the MCP to depict the required buffer per Resolution Z-05-048.
12. Please indicate if the applicant is proposing recreational activity on the island area.
13. The applicant is only demonstrating a 10.72 acre area of tract M. Due to the open space required by tract M, the total amount of open space per Z-05-48 must be demonstrated. Please revise the open space charts to depict the full amount of open space required by Z-05-48 for the entirety of Tract M.
14. Condition 22 of Z-05-048 required vegetation between docks. Please provide a brief summary on how the applicant intends to meet condition 22.
15. Please provide a lee plan analysis for Lee plan policies 123.3.3, 123.3.2, and 123.6.1.
16. Please provide a strike through and underline of Resolution Z-05-048.

DEVELOPMENT SERVICES

1. Please provide an update on the status of issued LDO case number LDO2023-00316 and issued DO case number DOS2013-00023 which are both associated with the subject parcel.
2. 34-373(a)(8) Deviations
If the applicant intends to request any deviations in the resubmittal please ensure the deviations are noted in the appropriate location on the MCP. The deviations must include a separate written request and justifications.

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INFORMATIONAL COMMENT: Pursuant to Condition 21 of Z-05-048, prior to local development order approval, the development order plans must delineate the location of the boat ramp, docks and mooring pilings. The final design of these structures is subject to review through the Lee County Dock and Shoreline Permit process.

NATURAL RESOURCES

1. Please note that while the applicant may have access to the 125 slips which were severed from the property, the applicant will need to formally request the release of the conservation easement to locate wet/dry slips in the proposed location. Staff suggests scheduling a meeting to discuss further.
2. Please provide a Manatee Protection Plan evaluation from the Lee County Division of Natural Resources per Lee Plan policy 128.4.6. Please note the site will need to be reevaluated at the time the conservation easement is released.
3. Please number all wet and dry slips within the project. Are the boat ramps proposed to be open to the public? If so, please identify where will the boat trailers will be parked? If the boat ramps are private, what measures will be implemented to restrict access?
4. Please clarify how the proposed multi-slip docking facility will operate. Who/what organization will be using the multi-slip docking facility? Who will have access to use the facility? Please depict on the MCP where future users of the proposed multi-slip docking facility will park.
5. LDO2013-00596 approved the opening of the northern boat ramp and closure of the southern boat ramp. If the applicant intends to operate the southern boat ramp as a non-motorized launch, please demonstrate how the launch will comply with LDC26-73 regarding paddlecraft structures. Will permanent bollards be installed to limit motorized vessels from using the ramp?
6. Please provide an analysis of Lee Plan policies 128.4.5, 128.4.7, 128.4.8, 128.4.9, 128.4.10, and 128.4.11.
7. Please clarify whether new seawalls are proposed. Please provide analysis of Lee Plan policies 101.4.2 and 101.4.3 and demonstrate compliance with LDC 26-75 regarding seawalls, retaining walls, and riprap revetment.
8. Please demonstrate compliance with LDC 26-71(f) regarding water depths adjacent to and within a multi slip docking facility.
9. Please demonstrate compliance with LDC 26-77 regarding mangrove removal. Please provide cross sections of the proposed multi-slip docking facility.
10. Please provide a draft bald eagle management plan (BEMP) that complies with LDC 14-119(c) for review. Once Staff finds the BEMP sufficient it will be scheduled for the next available Eagle Technical Advisory Committee meeting. Please contact Staff for additional information.