Lee County
Southwest Florida

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 Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

April 12, 2024

Lindsay Robin
Morris-Depew & Associates, Inc.
2914 Cleveland Avenue
Fort Myers, FL 33901

Re: Residential Planned Development
11480 McGregor Boulevard
DCI2024-00011

Lindsay Robin,

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or corrections within 30 calendar days of this letter, the Code requires that this application be considered withdrawn.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 April 12, 2024

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

INSUFFICIENCY COMMENTS:

LEGAL:

1. Please provide a legal description and sketch in accordance with the requirements of Lee County LDC §34-202(a)(5). The legal description must specifically describe the perimeter boundary of the property subject to the zoning action with accurate bearings and distances for every line. The description does not provide bearings and distances for the boundary along the Caloosahatchee River.

2. Please provide a boundary survey of the subject property in accordance with the requirements of Lee County LDC §34-202(a)(6). The legal description of the perimeter boundary does not include bearings distances for the boundary of the Caloosahatchee River. The boundary survey includes bearings and distances for the river portion, but those calls do not create a perimeter that closes at an acceptable ratio. There is a miss closed distance of 0.88 feet.

3. The state plane coordinate is not at the point of beginning (POB) and the opposing corner is not at the end point of one of the bearing and distance calls.

4. Survey was performed with the benefit of a "plat property information report" which is not an accepted form of title certification. When an accepted form of title certification is submitted, the boundary survey will need to be updated to reference the new document.

5. 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). A "plat property information report" is not an accepted form of title certification. Please provide either a Title certificate or title opinion, no greater than 90 days old at the time of the initial development order submittal or 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 between issuance of the policy and the application date.

PLANNING:

6. Provide analysis of Lee Plan Policies 5.1.2, 77.3.7, 101.1.1, and Objective 128.4.

ZONING:

7. The property is in the Coastal High Hazard Area per the Lee Plan. Provide a formal jurisdictional wetland determination to demonstrate compliance with Lee Plan Objective 101.3 and particularly Policy 101.3.2. The environmental consultant stated no wetlands were on the site. Lee County, in accordance with Lee Plan Policy 124.1.2, protects state wetlands which requires a formal jurisdictional wetland determination to distinguish state wetlands from non-state wetlands.

8. Revise Lee Plan analysis to include Policy 101.3.2.

9. The surrounding properties have seawalls and hardened shorelines indicating that the shoreline is not natural. In addition, the subject property obtained a Dock and Shoreline permit (DSH1999200514) for 196 linear feet of rip rap. Revise application to withdraw Deviation 5.

10. Indicate what the proposed sidewalk depicted on the Master Concept Plan between Lots 2 and 3 is accessing.

11. Revise the Schedule of Uses to be in compliance with LDC Section 34-934 and remove the following uses:

    - Blasting Prohibited
    - Model Unit and Model Home uses (see definitions in LDC Section 34-1952)
    - Multi-Slip Docking Facility
    - Temporary Parking
    - note regarding Real Estate Sales Office

12. Revise the Schedule of Uses to be in compliance with LDC Section 34-935 to add Real Estate Sales Office.

13. If a multi-slip docking facility is being proposed, revise the Schedule of Uses to add Recreational Facilities, Private on-site.

14. If a multi-slip docking facility is being proposed, depict the structure and demonstrate compliance with LDC Chapter 26. Please note that properties to the south have been required to request relief from the length of the docks due to water depth issues.

DEVELOPMENT SERVICES

15. Please provide a letter of no objection from the Lee County Sheriff's Office, EMS, and the local Fire Department (Iona-McGregor Fire) specifically approving the proposed hammerhead turnaround as shown on the MCP regarding Deviation #2 from LDC Section 10-296(k).

16. There is a sidewalk proposed between Lots 2 & 3 which extends to the 25' Natural Waterway Buffer on the MCP. Please indicate the purpose of this sidewalk.

17. Pursuant to LDC Sec. 10-291(2), all development must abut and have access to a public or private street designed, and constructed or improved, to meet the standards in Section 10-296. Based on the proposed MCP, Lots 1, 2 & 3 do not appear to meet this requirement as they are shown abutting a private driveway, not the proposed private street.

NATURAL RESOURCES:

18. Please provide a Manatee Protection Plan evaluation per Lee Plan policy 128.4.6.

19. Please clarify if shoreline improvements are proposed. Please provide analysis of Lee Plan polices 101.4.2, 101.4.3, and 101.4.4.

20. The stormwater narrative states that proposed detention will outfall into the on-site drainage swale which currently discharges to the
21. Caloosahatchee River. Please identify where this existing on-site drainage swale is located as it is not identified on the Boundary Survey. The MCP depicts something that runs from a detention area to the River between lots 2 and 3, is this the on-site drainage swale?

22. Please note that bald eagle nest LE-069 has not yet been determined a Lost or Abandoned nest. Nest LE-069 will be eligible to be declared a Lost nest at the conclusion of the 2024-2025 nesting season. How does the applicant intend to comply with LDC Chapter 14 Division 3?

DOT

23. Coordination with the Florida Department of Transportation (FDOT) is imperative for the sole proposed right-in/right-out access point on McGregor Boulevard, a state-maintained arterial; please provide evidence of coordination with FDOT concerning this access point.

LEETRAN

24. The proposed development is beyond one-quarter mile of a bus stop or a fixed-route corridor. Based on the current Transit LDC section 10-441, no improvements are required by the developer at this time but will reassess at the time of DO or LDO.