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Community
Development

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Writer's Direct Dial Number: 239-533-8317

April 12, 2024

Mattaniah Jahn
Law Office of Mattaniah S. Jahn, P.A.
935 Main Street
Suite D1
Safety Harbor, FL 34695

Re: US-FL-7108 Myerlee
DCI2024-00010 - Amendment

Dear Mattaniah Jahn:

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or corrections within 30 calendar days of this letter, the Code requires that this application be considered withdrawn.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 4/12/2024 by
Dirk Danley, Jr, AICP
Planner, Principal

Mattaniah Jahn
Law Office of Mattaniah S. Jahn, P.A.
Re: US-FL-7108 Myerlee
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April 12, 2024

Zoning Review:

1. Amendments to Planned Developments must provide all relevant information found in LDC Section 34-373.

2. Please provide an amended Master Concept Plan for the approved Planned Unit Development. Please provide an amended set of conditions from Z-07-001, as amended.

3. Please provide a letter of no object from the Lee County Port Authority per LDC Section 34-1446(a)(6)a.

4. Please demonstrate compliance with LDC Section 34-1038.

5. In addition to the findings for Planned Development Rezonings and Variances , please amend the request statement to include the decision-making criteria for Special Exceptions found in LDC Section 34-202(5)(a).

6. Tower height setback must be measured from the exterior of the tower, not the center. Please provide updated plans to demonstrate this.

Planning Review:

1. Provide analysis of Lee Plan Policies 1.1.4, 2.1.3, 5.1.5, 6.1.6, and Goal 101, and Policy 101.1.1 in the Request Statement.

Development Services Review:

1. Please provide a Surface Water Management Plan in accordance with LDC Sec. 34-373(b).

2. Pursuant to LCLDC Sec. 34-373(a)(6), all applications must be accompanied by a graphic illustration (Master Concept Plan) of the proposed development.

3. 34-373(a)(8) - Deviations were noted in the Request Statement. 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.

Legal Description Review:

1. Please provide a legal description and sketch in accordance with the requirements of Lee County LDC §34-202(a)(5). The document submitted is missing a sketch to accompany the legal description. Please provide a sketch of the legal description of the lease area.

2. Please provide a boundary survey of the subject property in accordance with the requirements of Lee County LDC §34-202(a)(6). The survey must be based upon the title certification submitted in accordance with Section 34-201(a)(7) and certified to the present owner as reflected in the title documentation submitted in accordance with Section 34-201(a)(7). 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.

    a. The boundary survey must indicate tie to the correct form of title certification when it is submitted (see item 7 below).

    b. Please include the state plane coordinates for the Point(s) of Beginning and opposing corner(s) of the parent parcel.

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3. 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 title commitment is not accepted as a form of title certification. Certification of title and encumbrances submitted for property subject to zoning approval must meet the following criteria:

   a. The certification of title must be in one of the following forms:

      i. Title certificate or title opinion, no greater than 90 days old at the time of the initial application submittal. The title certification submittal must be either an opinion of title meeting the Florida Bar Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company.
      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. If submission of a complete affidavit of no change is not possible, a title certificate, or title opinion must be submitted in the alternative.

   b. The certification of title must include, at a minimum, the following content:

      i. The name of the owner of the fee title,
      ii. All mortgages secured by the property,
      iii. All easements encumbering the property,
      iv. The legal description of the property, and
      v. The certification of title documentation must be unequivocal.

Environmental Review:

1. Please provide a protected species survey and FLUCCS map with the methodology approved in Ordinance 89-34. Please provide the specific methodology. A waiver may be submitted for the areas that are not being developed/impacted.

2. Please provide a map of the nearest eagle location in relation to the proposed cell tower (please provide the physical location of the nest in relation to the project, as well as the approximate distance).

3. Please provide a map of the woodstork foraging habitat location in relation to the proposed cell tower (please provide the physical location of the woodstork foraging habitat in relation to the project, as well as the approximate distance).

4. Please provide a strike through and underline of the prior resolution to distinguish the changes within the amendment.

5. Please bring in the entirety of the PUD area in to be codified. This includes site plans, acreage, open space, buffers, etc. (LDC 10-415, 10-416, 34-373).

6. Please provide an open space exhibit for the entire PUD, and a separate page for the open space of the proposed communications tower.

7. Please provide a Clearance to Proceed from FWC.

8. The applicant is indicating the removal of a canopy tree as part of the development foot print. Please describe how the removal affects the general tree calculation as part of the parent parcels development. If it is impacting the general tree requirement, please indicate how the applicant intends on offsetting the impact.

9. Please provide a narrative on how the proposed development will impact the parcel parcels open space, buffers, indigenous, etc.

10. The landscaping proposed does not depict a double hedge row per LDC 34-1447(d)(4)(c)(2). Please provide a revised plan. Please note that landscaping must meet 34-1447(D)(4)(c) and will be conditioned at time of staff report.

11. The applicant is not proposing any screening/ buffering near the amenity center. Please note that this does not meet lee plan policy 6.1.6 and 5.1.5. Please indicate how the applicant intends to screen the development to the multi-family residents.

12. Staff did not see a notation for automatic irrigation . Please note that staff will require automatic irrigation as a requirement per LDC 10-417.

DOT Review:

1. The site plan must accurately delineate the location where the proposed access easement intersects with Edgewater Circle.

Natural Resources Review:

1. Please provide a written description of the surface water management plan that complies with LDC 34-373(b)(1)

2. Please note that Staff may have additional comments after submittal of a complete application.