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June 12, 2024

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Stacy Ellis Hewitt, AICP
Atwell, LLC
14750 Six Mile Cypress Parkway
Fort Myers, FL 33912

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or corrections within 30 calendar days of this letter, the Code requires that this application be considered withdrawn.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 06/12/2023 by
Brian Roberts, Planner

Stacy Hewitt
Atwell, LLC
Re: Home Front Heroes Minor CPD
DCI2023-00047
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ZONING

1. Repeat Comment: Please provide the required public information meeting documentation in LDC 33-1352(b).
2. TMP2022-00611 for the temporary modular office expired 07/20/2023. It is not clear why it is being shown on the MCP. Please clarify the intent.
3. Staff has concerns regarding outdoor, tactical, and K9 training onsite as detailed in your in your letter dated May 20, 2024. These uses are defined in LDC 34-2 as a Tactical Training Facility. The applicant has not requested this use as part of the application. Additionally, staff has concerns regarding compatibility of this use in this location. Please provide additional information regarding this potential use.
4. INFORMATIONAL: If it is the applicant's intent to have food trucks onsite only for special events it is not necessary to include the Restaurant, Group II use in the schedule of uses or show the location on the MCP. LDC 34-3052(c) allows mobile food vendors to be located on a temporary basis within a Commercial Planned Development. LDC 34-3052 also provides site locational requirements and general standards for mobile food vending.
5. LDC 34-373(6)(e) The general location of service areas for delivery of goods or services must be shown on the MCP for all developments that are not residential subdivisions.

NATURAL RESOURCES

1. Staff understands the applicant is working with Natural Resources staff and the County Attorney's office to retain 20 slips onsite. Please note the application cannot be found sufficient until this process is complete.
2. Please revise the MCP to depict 330' and 660' buffer lines from the correct nest location shared with the applicant's consultant team on 6/6/2024.
3. Please make the following changes to the BEMP:
 - 1) Please revise all exhibits based on the accurate nest location obtained by Staff and provided to the applicant.
 - 2) Please revise the "330 feet Zone Activities and Restrictions" to address proposed improvements within 330 feet of the nest based on accurate nest location provided to the applicant. What conservation measures will the applicant implement to minimize potential adverse impacts? Previous BEMPs that ETAC has recommended approval for include conservation measures such as: No construction during nesting season or while the nest is active and enhanced buffer plantings between the proposed development and the nest to provide visual shielding.
 - 3) Please include the following language within the "330 feet Zone Activities and Restrictions" section: Exterior construction activities shall only be conducted during the non-nesting season (i.e., May 16th - September 30th) and when the nest is not actively being used for nesting.
 - 4) Will the applicant be pursuing a USFWS Incidental Take Permit? Please include correspondence from the USFWS within the BEMP. Past projects that only proposed dry detention and buffer plantings within the 330' buffer zone that were to be completed outside of nesting season have not obtained a USFWS permit per USFWS correspondence, and that correspondence has been included in the BEMP. Please contact Staff if the applicant needs additional information.

Stacy Hewitt
Atwell, LLC
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5) Staff highly recommends including an enhanced native tree buffer within the 330' and 660' buffer zones along the southern boundary given the proposed uses. These enhanced plantings should be located outside of the 10' access, utility, and drainage easement. In situations such as this, ETAC has not recommended approval of a BEMP without an enhanced native buffer to provide visual shielding for the nest. For examples of previously approved enhanced buffers please contact Staff.

ENVIRONMENTAL SCIENCES

1. The scope of the application has been revised to amend the existing zoning resolution (Z-05-048). The applicant is proposing to strike conditions that pertain to the overall Moody River RPD and the CPD approval.
2. Staff cannot support Deviation 15. The open space and indigenous open space has been approved as part of Resolution Z-05-048 collectively. The applicant has indicated that the subject application has been revised to amend the existing zoning resolution which met the requirements of open space and indigenous open space.

LEGAL

1. Sec. 34-202(a). Submittal requirements for applications requiring public hearing.

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

- The perimeter of the subject property is not consistently depicted with a heavy line. The lines depicting the boundary of the property within the water are not consistent with the remainder of the perimeter.

- A metes and bounds description should be included on the boundary survey for the perimeter of the subject property. The description included matches the description in the title insurance policy which is needed to demonstrate the tie between the two documents; however, the of the perimeter (matching the legal description document) is also required on the boundary survey.

- The surveyor's notes list a encumbrances on that cover portions of the subject property but are not depicted on the boundary survey. Items 7, 11, 12, and 14 are not located on the boundary survey.

DOT

1. As per LDC 10-291 (3), the proposed development must provide more than one means of ingress or egress for the development.