



Lee County
Southwest Florida

Board of County Commissioners

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July 30, 2024

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Vince Cautero
2271 McGregor Blvd
Fort Myers, FL 33901

RE: 94 4th Street CPD
Case No. DCI2024-00024

Dear Mr. Cautero:

The Zoning Section has reviewed the information provided for the above-referenced application. The Lee County Land Development Code (LDC) requires additional information for the application to be sufficient.

Please respond to the sufficiency review comments contained herein within thirty (30) calendar days of the date of this letter. A public hearing date will not be scheduled until a complete application is submitted. This application may be considered withdrawn if no response is received within this timeframe.

Please feel free to contact me at KMuhammad@leegov.com or (239) 533-8542 if you have any questions.

Sincerely,
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section
Electronically signed on 7/30/2024 by
Khalil Muhammad, Planner (Zoning)
Lee County Department of Community Development
Khalil Muhammad
Planner
KAM

Zoning Review

A. Missing Application Document

1. Public Information Session Summary as described in LDC Section 33-1203(b)

B. Schedule of Permitted Uses

1. Please revise the submitted document to include only permitted uses that are listed on the Page Park Permitted Use List (LDC Section 33-1261) as well as the CPD Permitted Use List (LDC Section 34-934). Uses listed as numbers 5 and 8 on the submitted document are not permitted uses in the Page Park Community Plan Area or Commercial Planned Development zoning district, please ensure to use the correct use classification as listed in either LDC Sections 33-126 or LDC Section 34-934.
- LDC Section 35-1352 is mentioned which pertains to the Display for Sales or Rentals of Vehicles and Equipment; however, the proposed schedule of uses does not include "Rental or leasing establishments" of any group as well as vehicle and equipment dealers of any group. The use stated as "masonry contractor" in addition to an "office", "outdoor open storage" and "enclosed storage of equipment" will be classified as contractor builder group III.

C. Narrative

1. Please revise the narrative to clarify the intended use. There are aspects that make the request unclear based upon the provided code references.
2. The setbacks included on Page 7 of the submitted document are Setbacks established by LDC Section 34-1352 (Display/Sales). If this is not your intended use, then the setback information should be the most applicable regulations in LDC Section 10-425(f) "Open space and landscape requirements in the Mixed-Use Overlay," as the Mixed-Use Overlay requires buffers that act as the setback.
3. The chart on Page 2 has the incorrect Zoning classifications for the surrounding property. North should read C-1A and TFC-2, West should read CF.

4. Page 9, #10; Parking calculation is incomplete. The Mixed-Use Overlay grants a reduction in minimum required parking; please reference LDC Table 34-2020(c).
5. Page 10, Property Development Regulations will need to be revised to comply with the Mixed-Use Overlay per LDC Section 10-425.

D. Lee Plan Policy Compliance

1. Policy 5.1.5; the Mixed-Use Overlay affords reductions in buffers; Policy 6.1.3; the Mixed-Use Overlay affords reductions in buffers Policy 6.1.6; the Mixed-Use Overlay affords reductions in buffers; how do these reductions help adhere to these policies? Please clarify.
2. Page 6, #7; Please provide analysis, Lee Plan Standards 4.1.1 (Water) and 4.1.2 (Sewer) to demonstrate compliance and that the proposed development is below the threshold required to connect to public water and sewer systems.

E. Master Concept Plan

1. The Master Concept Plan must depict the location and explanation of all existing easements, whether those easements are recorded. If an easement is based upon a recorded document, the official records book reference must be stated. Please revise accordingly.
2. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions. Please revise accordingly.

F. Schedule of Deviations and Justification

1. Setbacks [Section 34-1352 and 34-935(b)(1)b]

-Please revise the schedule of deviations to ensure that the sections quoted are applicable to the use and the requirements of the Mixed-Use Overlay buffer requirements with the exception of specific uses identified in LDC Section 10-424.

Environmental Sciences

- A. The proposed project is within the Page Park Community Plan Area and the Mixed-Use Overlay. LDC Section 10-425(f) provides the code required landscaping for uses not listed in LDC Section 10-424. Commercial uses abutting single-family uses must provide ten-foot-wide-buffers with Type B

plantings. Right-of-way buffers must be five-feet-wide with five trees per 100 linear feet and the building perimeter planting may be used in lieu of the right-of-way buffer. Since the applicant is proposing open storage, LDC Section 34-3005(b) must be met with eight-foot-high screening when open storage is visual from residential uses and six-foot-high screening when visual from the right-of-way.

- B. Please revise the narrative to break down each buffer, stating the type of buffer required by code and the type being provided to demonstrate the enhancement, including landscaping vegetation specifications.
- C. Revise the narrative section regarding building perimeter planting. Per LDC Section 10-425(e), building perimeter planting must be provided on the two sides of the building most visible to the public.
- D. Revise the Master Concept Plan to provide a right-of-way buffer. Indicate if building perimeter plantings will be utilized to meet the buffer requirements as stated in LDC Section 10-425(f)(1).
- E. Revise the Master Concept Plan to depict all utility, drainage, and right-of-way easements. No required landscaping must be proposed in any drainage, utility, or right-of-way easements per LDC Section 10-421.
- F. The application indicates that deviations are being requested. Please revise the deviations and justifications document to state the code requirement and provide a "to allow" statement that provides the details of what will be provided in lieu of the code. The applicant must provide equal or better than what the code requires. For instance, Deviation #1 would state "LDC Section 33-1259 requires a development parcel or site, regardless of parcel size, contain a minimum of ten percent public open space, to allow open space in accordance with LDC Section 10-425(a) only".
- G. Please note that the Mixed-Use Overlay supersedes Chapter 33 buffer and setback requirements. The required buffer widths are the setbacks. LDC 34-1352 does not apply unless the applicant is storing and displaying equipment to sell or rent. If no display for sale or rental is proposed, then LDC 34-3005(b) applies and becomes the setback and screening.

- H. Deviation #3 must be revised. The Mixed-Use Overlay (LDC Section 10-425(f)) and Open Storage (LDC Section 34-3005(b)) are the two codes for the buffer requirements. Revise the deviation to cite these requirements where applicable. The north buffer must be ten-foot-wide abutting the residential use and no buffer is required abutting the commercial use per code. The south property line abuts multi-family, which requires no buffer per LDC Section 10-425(f). It is unclear where the applicant is proposing enhancements versus deviations because incorrect codes are being utilized.

Planning

- A. Provide an analysis of the applicable policies in Objective 4.1 and clarify whether the development will connect to central water and sewer systems.
- B. Policy 31.5.1 states that any new development in Page Park that meets the threshold in Policy 4.1.2 is required to connect to a central sewer system. It appears the new development is utilizing a septic system. Verify the proposed septic system complies with this requirement.

Legal

- A. Sec. 34-202(a). Submittal requirements for applications requiring public hearing.
1. Please provide a legal description and sketch in accordance with the requirements of Lee County LDC §34-202(a)(5). No legal description was provided.
 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 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.
 - The survey must be based upon the title certification submitted in accord with section 34-202(a)(7).

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).
 - The title insurance policy with appropriate schedules, no greater than five years old at the time of the initial zoning case submittal does not include an affidavit of no change covering the period of time between issuance of the policy and the application date.

DOT

- A. Demonstrate the motor vehicle connections on 4th Street shown on the plans are in compliance with LDC Section 10-285 (Connection Separation). The connection separation distances, measured edge to edge, must be determined on both sides of the roadway for undivided roadways. Existing and approved access points must be depicted on both sides of the road along the project frontage and to the nearest access point beyond the project frontage in each direction. If the connection separation is less than 60 feet a deviation will be required.

Development Services

- A. Sec. 34-2016(3) Parking aisle width. The minimum two-way aisle width for 45 degree parking is 22 feet. The proposed MCP indicates an aisle width of 20.15 feet, which does not meet this requirement.
- B. Sec. 34-1748(1) - (5) Entrance Gates & Gatehouses. The provisions of LCLDC Section 34-1748 apply to entrance gates or gatehouses that control access to three or more dwelling units or recreational vehicles, or any commercial, industrial or recreational facility.
 - The proposed security gate along 4th Street does not appear to meet these requirements.
- C. Please advise what the proposed "rock drive" area is to be used for.
- D. Please advise what ground cover material is proposed for the outdoor storage area. Please note that pursuant to LCLDC Sec. 34-2005(b)(2), the area must be kept in a sightly and dust-free manner.
- E. Sec. 10-261 – Refuse and solid waste disposal facilities. Please provide refuse and solid waste disposal facilities in accordance with LCLDC Sec. 10-261.

- F. INFORMATIONAL COMMENT: A Development Order will be required for the proposed improvements in addition to the approved zoning action prior to construction. The Development Order will need to address the fill material added to the site (based on aerial imagery).

Natural Resources

- A. Please revise the MCP to remove all code-required trees and shrubs from IDD drainage and maintenance easement.
- B. Please provide an analysis of Lee Plan Policy 125.1.3.