



Lee County
Southwest Florida

Board of County Commissioners

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District One

November 13, 2024

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Vince Cautero/ Kelly Liscum
2271 McGregor Blvd
Fort Myers, FL 33901

Brian Hamman
District Four

Mike Greenwell
District Five

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

Dave Harner, II
County Manager

Dear Mr. Cautero:

Richard Wm. Wesch
County Attorney

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.

Donna Marie Collins
County Hearing Examiner

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 This application may be considered withdrawn if no response is received within this timeframe.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 11/13/2024 by
Khalil Muhammad, Planner (Zoning)
Lee County Department of Community Development

Khalil Muhammad
Planner
KAM

Zoning Review

A. Schedule of Permitted Uses

1. Proposed Use #8

- Please strike "Storage enclosed". The use is to be written out as "Contractors and builders Group II" this use includes open/ indoor storage per LDC Section 34-2.

B. Master Concept Plan

1. All requested deviations are to be depicted and called out with reference to a key that details the deviation per LDC Section 34-373(a)(6).
2. Per LDC Section 33-1742(d), fences and walls must be constructed of conventional and traditional building materials, including, but not limited to, concrete block, brick, wood, decorative aluminum, iron or steel, chain link or composite products manufactured specifically for fences and walls. Nontraditional materials, including, but not limited to, tires, mufflers, hubcaps, etc., are prohibited. Fabric sheets or nets, or plastic, metal or vinyl sheets or slats may not be used as part of the fence or attached to a fence for the purpose of effecting privacy or required screening. Master Concept plan shows "8' Fence w/ Privacy Screen".
3. The location of the proposed fence will need to be revised to show compliance with the require buffers.
4. The Master Concept Plan must depict the location and explanation of all existing easements, whether those easements are recorded per LDC Section 34-373(a)(b)9. If an easement is based upon a recorded document, the official records book reference must be stated. Please revise accordingly.
5. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions per LDC Section 34-373(a)(6)e. Please revise accordingly.

6. There is an “existing carport” called out, per LDC Section 34-2015(2)(d) you will need to demonstrate sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion. If unable to demonstrate compliance a deviation may be requested to allow an alternative.
7. Please include all required MCP components as detailed in LDC Section 34-373(a)(6)a through l.

C. Narrative

1. The setbacks included on Page 8- Page 9 of the submitted document includes setbacks established by LDC Section 34-1352 (Display/Sales) and is noted as a “Minimum Setback” of 15 feet; however, this is not consistent with the Property Development Regulations provided, which lists “Minimum Setbacks” as 20 feet. Please clarify and make the necessary modifications for this document.

Environmental Sciences

1. The revised MCP does not show the code required five foot. wide buffer along the rights-of way. Building perimeter plantings may be used instead of the buffer, but those were not correctly shown on the MCP. Revise to show either buffers required under 10-425 (f) or show the location of the building perimeter plantings. Pursuant to LDC Section 10-425(e), commercial development within the Mixed-Use Overlay is only required to provide perimeter plantings on two sides of the building.
2. Revise the Deviation Requests and Justifications to cite the correct code for open space. Provide a Lee Plan analysis that indicates how the requested deviation meets Objective 31.1 of the Lee Plan. Revise the MCP to visually show where the 10% percent open space will be met and how the deviation will be equal to or better than what is required by code. Visual screening is still required under LDC Section 34-3005.
3. The MCP shows an 80 ft. drainage easement on the eastern property line. LDC Section 10-328(a) states that all easements or rights-of-way must be kept clear by the property owners, and LDC Section 10-421 states no landscaping can be proposed in any drainage, utility, or right-of-way easements. Revise the MCP to meet this section.
4. The MCP does not show a maintenance easement around the proposed detention ponds and the proposed retention areas do not

appear to meet code. Please revise to meet LDC Section 10-328(a), 10-329(d)(1), and 34-373(a)(6) or request a deviation. Pursuant to LDC Section 10-328, drainage easement rights-of-way must be kept clear by the property owner. Revise the MCP to meet this requirement.

Planning

1. Incorporate the analysis of the policies staff requested in the first round of review (Objective 4.1 and Policy 31.5.1) in the Lee Plan consistency section of the application narrative.

Development Services

1. LDC Section 10-261 – Refuse and solid waste disposal facilities. Please provide refuse and solid waste disposal facilities in accordance with LDC Section 10-261. Staff acknowledges the response to comments that a dumpster will be provided in the equipment storage area. Please include the dumpster location on the proposed Master Concept Plan, along with a Letter of No Objection from the garbage hauler to the dumpster location being within a gated area.

Natural Resources

1. Staff is concerned the proposed detention within the IDD easement will impede Lee County's ability to operate, maintain, and construct drainage facilities within the IDD easement as outlined in the Page Park plat.
2. Is wet or dry detention proposed? Please detail how the proposed design will continue to allow Lee County the ability to maintain and operate the IDD canal.