



Board of County Commissioners

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December 11, 2024

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Tina M. Ekblad, MPA, AICP
Sage Entitlements, LLC
97 Nickajack N.
Santa Rosa Beach, FL 32459

RE: Singletary Commercial Planned Development DCI2024-00043

Dear Ms. Ekblad:

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 deemed sufficient. Please respond to each requirement not satisfied on the attached checklist. 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.

Please respond to the sufficiency review comments contained within sixty (60) calendar days of the date of this letter. This application may be considered withdrawn if no response is received within this timeframe. Please feel free to contact me at Amendez@leegov.com or (239) 533-8325 if you have any questions.

Zoning

1. Utility Availability. Staff is in receipt of the letter of availability provided, which indicates the property is not located in the LCU potable water franchise area. The letter further specifies the project will consist of "two commercial units." Please request a revised letter from Lee County Utilities indicating the subject property is within the potable water franchise service area (consistent with Lee Plan Map 4-A) and to specify the proposed intensity parameters, 110k office/retail and 100k mini-warehouse, in lieu of two commercial units.
2. Maps of Existing Conditions. LDC Section 34-373(a)(4)b. requires maps, drawn at the same scale as the master concept plan, marked or overprinted to show the nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. See the Lee County Graphic Information System (GIS) Data Explorer, Archaeological Sensitivity sublayer under Planning. Please provide a copy for the application file.

3. Master Concept Plan. The Master Concept Plan (MCP) should identify the following minimum information pursuant to LDC Section 34-373(a)(6):
 - A. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions.
 - B. The location and explanation of all existing easements, whether or not those easements are recorded. If an easement is based upon a recorded document, the official records book reference must be stated. *Power poles extending onto adjacent property are depicted within the north boundary of the subject property according to the Boundary Survey provided. Please confirm the power poles are not encumbered in a utility easement, or revise the Boundary Survey and Master Concept Plan to depict any existing easement.*
4. Schedule of Uses/Development Summary.
 - A. LDC Section 34-373(a)(8) requires a maximum number of beds associated to the following proposed uses: **Health Care Facilities**, Groups I & II and **Social Services**, Group III.
 - B. **Bus Station/Depot**: How does this use fit within the requested development intensity parameters? Also, see Planning Comment #3 below.
 - C. **Essential Services Group II**: The use activity group includes several types of facilities, please specify intended uses and parameters.
5. Deviations. See the Development Services Comment #2 and Transportation Comment #1 below.

Development Services

1. LDC Section 34-373(a)(6)b. requires the Master Concept Plan (MCP) to depict the general location of all proposed internal street rights-of-way or easements and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial, or industrial use lots. Please revise the MCP to depict all points of vehicular ingress and egress from internal tracts/lots.
2. More Than One Means of Ingress/Egress. Pursuant to LDC Section 10-291(3), commercial or industrial development of more than ten (10) acres must provide more than one means of ingress or egress for the development unless a deviation is granted through this public hearing process.
3. Are the proposed "Tracts" on the Master Concept Plan intended to be subdivided lots? LDC Section 34-373(a)(6)c. requires the MCP to indicate the general location, configuration, and approximate dimensions of the lots or parcels (including subdivided parcels and outparcels). The proposed use of the lots or parcels must be keyed to the list of proposed uses submitted with the application.

4. Courtesy Comment: LDC Section 10-256(b)(2) requires sidewalks on both sides of all internal streets for new non-residential developments, which must extend from intersection to intersection.

Environmental

1. The request to deviate from landscaping standards along the southerly property line does not demonstrate how the proposed alternate standard adequately buffers abutting and adjacent residential uses (across the off-site private easement strip) from commercial activity on proposed abutting tract. Please provide further justification that demonstrates how the proposal is consistent with the general intent of the landscape buffer standard. Staff notes that the current deviation request language is aimed at the southerly boundary, however, the proposed MCPs depict the same deviation marker along the northern boundary line, where the project interfaces with the residential/preservation areas of the abutting planned development approval.

Staff recommends a meeting to discuss the landscaping deviation strategy moving forward for these areas, as well as areas where the MCPs indicate the proposed onsite preserve exceeds minimum buffer requirements.

2. Please provide a separate open space exhibit and chart to demonstrate open space is 30 percent of the total acreage of the entire site.
3. Pursuant to 33-1674 (4), every effort must be made to preserve Heritage Trees. Based on the provided environmental report, Heritage Trees might be found on site. Identify on the MCP those trees which meet the Heritage Tree definition.
4. The site is in the Coastal High Hazard Area. Pursuant to Lee Plan Policy 101.1.1, demonstrate how the proposed rezone is compatible with the natural systems, such as water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding.
5. Staff identified a natural waterway on site that drains east to owl creek. Pursuant to LDC Sec. 10-416 (d) (9), development abutting a natural waterway must have a 50-foot-wide vegetative buffer.
6. The FLUCCS identified wetlands. Pursuant to Lee Plan Policy 101.3.2 and Objective 1.5, provide a jurisdictional 62-340 F.A.C., wetland delineation to either show work is restricted to uplands, or to provide an executed Environmental Resource Permit that mitigates impacts to wetlands.
7. Lee Plan Policy 60.4.1 encourages new developments to design their surface water management systems with filtration marshes, grassed swales, and enlarged littoral zones. Lee Plan Policy 60.4.2 encourages incorporating existing wetlands into the stormwater design. Lee Plan Policy 60.4.3 encourages the preservation of existing natural flow-ways, and the restoration of historic flow-ways. Provide an analysis of the aforementioned policies to demonstrate compliance or revise.

8. Indigenous plant communities are defined in LDC 10-1 and further described in LDC 10-701. The submitted environmental report did not provide the exotic descriptor values, and several plants included in the vegetation communities are exotic invasive species. Since the development is greater than five acres in size, abuts an arterial or collector road, and has existing native trees within 50-feet of the right-of-way. If a site inspection from staff confirms the site does not contain indigenous plant communities, then the project will be subject to conformance with LDC Section 10-415(b)b.4.

Planning

1. Discussion of Cary+Duke+Povia in the analysis of surrounding properties of the Project Narrative incorrectly states that a concurrent FLU Map amendment was adopted in March of 2024. The concurrent Map amendment adopted in March of 2024 was an amendment to the Lee County Utilities Sewer Service Areas Map and Lee County Utilities Water Service Areas Map. Revise this analysis accordingly.
2. Page 7, Paragraph 3 of the Project Narrative describes the indigenous preserve acting as a buffer to the single-family west of the property; however, the master concept plans show the indigenous preserve on the east side of the development. Update this to clarify which single-family development will be buffered by the indigenous preserve area.
3. Please provide information of the two public information meetings which must be conducted in accordance with Lee Plan Policy 27.1.8.
4. Please Provide justification for the inclusion of “Freight and Cargo Handling Establishments”, “Processing and Warehousing”, “Storage, Open”, Transportation services, Group IV, and “Warehouse” within the analysis of Lee Plan Policy 1.1.6 in the Project Narrative. Include consideration of industrial uses not being permitted within the Outlying Suburban future land use category.

Natural Resources

1. Please provide a written description of the Surface Water Management Plan that complies with LDC 34-373(b)(1)
2. Please provide an analysis of Lee Plan policies 61.1.6, 61.3.2, 125.1.2, 125.1.4, 126.1.1, and 126.1.4.

Transportation

1. Staff opines that the applicant’s proposed Deviation #2 from LDC, Section 10-285, road connection separation requirements is unnecessary as applied to access along SR 31, since said access is solely subject to Florida Department of Transportation (FDOT) approval. Staff has in the past interpreted LDC, Section 10-285, to specifically apply to non-state-maintained roads and, thereby, defers to the FDOT to regulate proposed improvements within state-maintained road right-of-way.

2. The application requests for 210,000 square feet of commercial uses for the project, but the TIS has 110,000 square feet of commercial uses and 100,000 square feet of indoor warehouse uses which the trip generation is much lower than the commercial uses. The applicant needs to change the uses in the application to consist with the uses in the TIS or the TIS is revised.
3. The LUC 821 is used for the trip generation of commercial uses, however LUC 820 pass-by is shown in the Table 4.
4. Lee County Staff accepts the maximum pass-by rate is 30% for the LUC 821.
5. Since the project's build-out year is 2027, the service volumes in the Table 1A shall be taken from FDOT District 1 Level of Service Spreadsheet, not from FDOT's Multimodal Q/LOS Handbook
6. The project traffic distributions on Figure 2 and Table 2A are not consistent. The Table 2A shows 70% project's traffic (out bound) goes to south of the site, but the Figure 2 shows only 59% (298 of 509) going to south. Please make a correction.
7. The intersection of SR 31/SR 78 is a T-intersection which is without west bound traffic. The intersection LOS analysis shows WBL, WBT, EBT and NBR which does not exist.

Legal

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 description and is not signed and sealed by a Florida Licensed Surveyor.
2. Please provide a boundary survey of the subject property in accordance with the requirements of Lee County LDC §34-202(a): The boundary survey must identify and depict all easements affecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. No easements are shown on the document provided.
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): No form of title was submitted, please ensure future certification of title and encumbrances submitted for the subject property meets following in the aforementioned LDC subsection.

Utilities

1. Please update the narrative to identify that the proposed project is not within LCU service area.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section

Electronically signed on 12/11/2024 by
Adam Mendez,
Principal Planner