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December 10, 2024

Philip DiMaria, AICP, CNUA
Kimley-Horn and Associates, Inc
1800 Second Street
Sarasota, FL 34236

Re: Daniel's Parkway Multifamily Planned Development
Case Number: DCI2024-00042

Mr. DiMaria,

The Zoning Section has reviewed the submission package for the above-referenced application in accordance with the submittal requirements contained in the Lee County Land Development Code (LDC). Please be advised that the application is insufficient at this time. The insufficiency comments must be addressed within thirty (30) calendar days of this letter, or the case will be considered withdrawn in accordance with the LDC.

Zoning

1) Property Development Regulations (PDRs). Provide a property development regulations table that establishes the minimum lot area and dimensions, minimum setbacks, maximum height, and maximum lot coverage within the planned development. Uses that have specific setback requirements within the LDC will be subject to the requirements set forth in the LDC, unless specifically stated within the proposed property development regulations table.

2) Master Concept Plan. Please provide an updated MCP that meets the regulations established in Land Development Code (LDC) Section 34-373(a)(6):

   a) The provided MCP provides that the Mixed-use overlay regulations will be utilized for this Planned Development. The subject property is not within the Mixed-Use Overlay, please adjust.

   b) The MCP notes Land Development Code Section 34-2192 for areas that are not located on a street, please adjust.

   c) 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.

   d) Demonstrate all of the proposed uses on the MCP, i.e. the dog park and any additional uses not already demonstrated.

   e) NOTE: Deviation #2 was demonstrated on the MCP, however, Deviation #1 was omitted from the MCP. Depending on the outcome of Deviation #1, a parking schedule will need to be provided.

3) Request Narrative. The narrative provided indicates that there are no deviations being requested and then proceeds to address one deviation request to show compliance with LDC Sec. 34-145(b)(d)(4)a.2.c), however, a deviation request narrative consisting of two deviation requests has been provided and noted on the MCP. Please verify and adjust this on the request narrative and any supporting documents.

4) Schedule of uses. The current list only provides three proposed uses. Please verify this and include any additional uses to be proposed that are provided in LDC Section 34-934.

Planning

1) The proposed bonus density within the application does not match the bonus density discussed in the narrative. Please demonstrate that the project would be eligible for some form of bonus density as provided in Land Development Code (LDC) Chapter 2. Additionally, please be aware that the form of bonus density utilized does not need to be specified until the Development Order stage.

2) The environmental assessment shows potential wetlands on the subject property. In accordance with Lee Plan Policies 1.5.1, 124.1.1, and 124.1.2, the allowable density at the time of Development Order will depend on the extent of state-designated wetlands on the site. State-designated wetlands which are not preserved on the subject property will contribute 0.05 dwelling units per acre to the total density calculation, and bonus density cannot be utilized on wetland acreage.

3) Please provide an analysis of Land Development Code (LDC) Section 2-146(b) in the Project Narrative to demonstrate compliance with the approval requirements of the Bonus Density program.

4) Provide an analysis of Lee Plan Policy 67.3.7 within the Project Narrative.

Legal Description

Land Development Code Section 34-202(a) establishes the submittal requirements for applications requiring public hearing. Please provide the following noted from this section:

1) Legal description and sketch to accompany legal description, a legal description was not submitted. Please refer to LDC Section 34-202(a)(5) for additional information.

2) The boundary survey does not include the required state plane coordinates, one at the point of beginning (POB) and one at an opposing corner. The boundary survey must be based on the accepted title certification, the commitment for title insurance does not meet this requirement. The boundary survey does not include a metes and bounds description of the perimeter of the subject property. The boundary survey sketch does not include a line table for the numbered line segments. Please refer to LDC Section 34-202(a)(6) for additional information.

3) The certification submitted is not a title opinion prepared by a licensed Florida attorney (no greater than 90 days old at the time of the initial application submittal), a certification of title/title certification prepared by a title abstractor or company (no greater than 90 days old at the time of the initial application submittal), or a 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, and is not an excepted form of certification of title and encumbrances. A commitment to issue a title insurance policy is not an accepted form. Please refer to LDC Section (a)(7) for additional information.

Environmental Sciences

1) The total acreage of the site is 19.48 acres and is required to provide 40% open space as a large project or 7.8 acres of open space. Provide a revised Open Space map and chart denoting the areas used in the open space calculation.

2) Please demonstrate how Land Development Code (LDC) Section 10-415(b)(2) is met, which asks that open space areas are designed to incorporate as many of the existing large native trees and sabal palms as possible. In accordance with LDC Sec. 34-373(a)(4)b., please provide the location of all native tree preservation areas on the MCP.

3) Pursuant to Land Development Code (LDC) Section 10-415(b)(2), please demonstrate how open space has been designed to incorporate as many of the existing large native trees and sabal palms as possible.

4) The project is a large development, and based on an aerial review, Heritage Trees appear to be on site and therefore would need to comply with Land Development Code (LDC) Section 10-416(a)(4). Provide a FLUCCS map of current site conditions and identify the location of any Heritage Trees.

5) Pursuant to Land Development Code (LDC) Section 10-415(c), the minimum width of open space areas must be 10 feet, and the area must not be less than 180 square feet, demonstrate all areas used in the open space calculation meet this distance.

6) Please adjust the MCP to demonstrate compliance and identify the buffer types. Also, be aware that buffers may not be located on any portion of an existing or dedicated street right-of-way or road easement, except that buffers may be located within slope easements as long as appropriate panting soil is provided in the slope as set forth in Land Development Code (LDC) Section 10-416(d)(1).

7) To determine if the project will adversely affect environmentally critical or sensitive areas, provide a FLUCCS map and a protected species survey. If wetlands are identified on the FLUCCS, please also provide a 62-340 F.A.C., jurisdictional determination delineating the landward extent of surface waters or wetlands. Additional comments may follow.

8) Large developments with existing indigenous native vegetation communities must provide 50% open space through on-site preservation. If the development area does not contain existing indigenous native vegetation communities but does contain existing indigenous native trees, then 50% of the open space requirement must be met through the on-site preservation of existing native trees. Provide a FLUCCS map with the exotic descriptor for each community type and revise the MCP if current site conditions meet the conditions set forth in Land Development Code (LDC) Section 10-415 (b).

9) Pursuant to Lee Plan Policy, 61.3.12, surface water management lakes must be sinuous, revise the MCP to demonstrate compliance.

10) Please identify the location/s of the planted littoral shelf, required under Land Development Code (LDC) Sec. 10-418(2), so that staff can be sure the water management system is sufficient to mimic the function of natural systems, improve water quality and provide habitat for a variety of aquatic species, including wading birds, and other waterfowl.

Natural Resources

1) Please provide analysis of Lee Plan objective 60.3 and Lee Plan policies 125.1.2 and 125.1.4.

Department of Transportation

1) The Master Concept Plan (MCP) needs to show all of the adjacent driveway locations on Palomino Lane including on the west side of the road and show the distances between the proposed project's access and the adjacent driveways/streets. If the distances do not meet the intersection separation requirements, a deviation is required. Lee County DOT staff recommends the proposed project's access on Palomino Lane is aligned with Springs at Daniels Pkwy Apartments driveway on the west side of Palomino Lane.

Traffic Impact Study (TIS)

1) The roadway Level of service (LOS) analysis in the Table 2 and Table 3 needs to include what LOS the roadway will operate (A, B, C, D, E or F).

2) The directional capacity of 4,040 for 8 lanes from the FDOT's 2020 Quality/Level of Service Handbook is out of date. The Generalized Service Volume Tables of FDOT's 2023 Multimodal Quality/Level of Service Handbook shall be used for the analysis.

3) Please note the turn lane analysis and the entry gate analysis are not in the rezoning review stage, it will be in the Development Order review process.

4) For the Deviation #1, please demonstrate why the site cannot be redesigned to accommodate the required number of parking spaces for the proposed uses. If the site cannot be redesigned to accommodate required parking for the proposed uses, the deviation request should be accompanied by a parking demand study to justify the deviation. The study should be performed at a minimum of three similar local (i.e. Lee County) facilities in accordance with t
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guidelines set forth in the most current Institute of Transportation Engineers Parking Generation Manual. A methodology meeting with staff to discuss the parameters of the study is recommended prior to any data collection. (11/19/2024 ME).

Development Services

1) Land Development Code (LDC) Section 34-373(a)(6)(a) requires the location and explanation of all existing easements to be shown on the MCP. If an easement is based upon a recorded document, the official records book reference must be stated. Please show all easements on the MCP and provide all recording information as required.

2) Land Development Code (LDC) Section 10-256(b)(2)c. establishes that the developer must construct bicycle and/or pedestrian ways, where applicable, in private subdivisions internal to

the development. See 10-256(b)(2)c.1 & 2. Please note that at time of development order the applicant must demonstrate compliance with this requirement.

3) Land Development Code (LDC) Section 34-2015(2)c. establishes that parking lots utilizing 90 degree parking with dead-end aisles must provide a turning bay for those spaces at the end of the aisle. It is difficult to determine if this requirement is being met based on the proposed MCP. Please ensure compliance with this requirement.

4) Is an entrance gate proposed? If so, please ensure compliance with Land Development Code (LDC) 34-1748(1)-(5). The provisions of LDC 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.

5) **Informal Comment**: For all lakes deeper than 12 feet, a Deep Lake Management Plan must be submitted and approved prior to development order issuance in accordance with Land Development Code (LDC) Sec. 10-329(d)(3).

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1) The proposed development is within one-quarter mile of a fixed-route corridor and the closest bus stop is # 11493. If this becomes a DO or LDO type D, the developer must provide an 8' x 30', landing pad within the road right-of-way or dedicated easement, however, the current sidewalk that can be considered within these dimensions; a bicycle storage rack, and curbing does not meet the code. Therefore, the developer would be required to make the necessary improvements based on the current Lee County Transit LDC section 10-442 (a)(1) and 10-296 (4)(a) but will be reassessed at the time of DO/LDO.

Please feel free to contact me at (239) 533-8350 or BSchroeder@leegov.com if you have any questions.

Sincerely,

Department of Community Development
Zoning Section

Brianna Schroeder
Technician I