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February 28, 2025

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comments must be addressed within thirty (30) calendar days of this letter, or the case will be considered withdrawn in accordance with the LDC.

a) Zoning

1) Property Development Regulations (PDRs). The property development regulations table provided in the narrative and the setbacks provided on the Master Concept Plan (MCP) do not match. The PDR table establishes a 25-foot side and rear setback; however, the MCP establishes a setback of 15 feet pursuant to LDC Section 34-935. The PDR table should also establish the street right-of-way setbacks that are also established on the MCP, a waterbody setback for the proposed lake, accessory structure setbacks, and required building separation. Please review LDC Section 34-935(e) and adjust accordingly.

2) Master Concept Plan (MCP). In addition to the comments made by the other subject matter experts, please provide the following:

   a) A gate schematic for the proposed entrance and exit gates that demonstrates compliance with LDC Section 34-1748;

   b) A turning bay analysis with a turnaround exhibit to ensure the adequacy of the proposed turning bays; and

   c) Setbacks for all the structures on the site demonstrating compliance with the proposed property development regulations; the proposed MCP only provides setbacks for the principal structures.

   d) Informational Comment. The parking schedule provided on the proposed MCP is not required to be shown on the Master Concept Plan pursuant to LDC Section 34-373(a)(6) and should be removed. Please see comment four for more information.

3) Schedule of uses. The schedule of uses provided is not consistent with the proposed Master Concept Plan or typical of multi-family development. Ancillary uses including but not limited to club, private, fences, walls, excavation, signs, temporary uses, etc. are not listed. An example of typical multi-family uses within a Planned Development can be found in Resolution Z-23-002 (Click Here). Please review the resolution and LDC Sections 34-934 and 34-373(a)(8) and provide an updated and complete schedule of uses, along with verification that the proposed uses will meet any specific Land Development Code (LDC) requirements.

4) Informational Comment for Deviation One. In addition to the comment made by staff for TIS review, the requested deviation from LDC Section 34-2020(a) has been reviewed and will be recommended for denial by staff.

b) Environmental

1) Large projects with existing indigenous native vegetation communities must provide 50% open space through on-site preservation. A deviation may be requested, pursuant to LDC Section 10-415(b)(5), to reduce the 50% requirement so long as the applicant demonstrates the unique conditions or circumstances that make the property unusable. Staff completed a site inspection and noted areas that appear to meet the indigenous definition and areas that might be identified as wetland under 62-340 F.A.C. As set forth in LDC Section 34-373(a)(4), please provide a FLUCCS map. Additional comments may follow.

2) Please show all proposed and existing easements on the MCP. Buffers cannot be located within a street or utility easement without a letter of no objection from the entity holding title. Utility or drainage easements may overlap required buffers; however, no code-required trees or shrubs may be located in any utility or drainage easement unless a letter of no objection is provided from the entity holding title. The buffers will need to be revised accordingly.

3) Open Space.

   a) LDC Section 10-415(d)(1)c. establishes existing or proposed bodies of water, including stormwater management areas may be only used to offset up to 25% of the required open space. A revised open space map and chart that only includes up to 25% of lake area in the open space calculations must be provided.

   b) Demonstrate that open space areas do not contain more than 20% of impervious surface in accordance with LDC Section 10-415(d)(2). Based on a review of the MCP, impervious area appears to be contributing more than 20% into the open space calculations.

4) Roads or drives associated with residential subdivisions appear to be located less than 125 feet from an existing single-family residential subdivision. Therefore, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped accordingly. Please refer to LDC Sections 34-935(b)(4) and 10-416(d)(6) and revise the application documents accordingly.

5) The proposed MCP appears to show hardened shoreline structures (pool area extending over lake area). Pursuant to LDC Section 10-418(3), these structures may

only allow for up to 20 percent of an individual lake shoreline. To ensure the proposed hardened structure does not exceed 20 percent, please provide additional information, such as a cross section.

6) The subject property is located within the Airport Hazardous Wildlife zone, and pursuant to LDC Section 10-418(3), hardened shoreline structures require a five-foot littoral shelf. Please request a deviation from the required littorals to allow for trees to be planted instead.

7) Please include the enhanced slope protection measures being implemented that will prevent scouring and erosion pursuant to LDC 10-329(d)(4) to justify the lake bank slope deviation request.

8) Please describe how the stormwater detention pond was designed to control hazardous wildlife to support the requested deviation and pursuant to FAA AC 150/5200-33B.

c) Legal Description

Land Development Code (LDC) Section 34-202(a)(5-7) 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 - The legal description must be prepared by a Florida Licensed Surveyor and Mapper. The document does not include a sketch of the subject property, and the boundary described is not the same as the boundary depicted on the boundary survey that was previously submitted. The revised boundary survey and legal description and sketch must describe the same property.

2) Boundary Survey - The resubmittal letter states a revised boundary survey is being prepared; the previous comments remain.

3) Certification of title and encumbrances - the resubmittal letter states a title opinion is being prepared; the previous comments remain.

d) Planning

1) The number of bonus density units indicated in part 5 of the application does not match the number of bonus density units stated on page 2 of the request narrative. Please clarify and correct with a consistent number.

e) Lee Tran

1) Informational Comment: The subject property is located within one quarter mile of Lee Tran bus stop 3065. LDC Section 10-442 may require improvements to this bus stop and pedestrian facilities providing access to this bus stop at the time of local development order.

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

Sincerely,

Brianna Schroeder, Planner
Department of Community Development
Zoning Section