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Southwest Florida

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July 22, 2025

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Cindy C. Leal Brizuela, AICP, MURP
Ensite, Inc.
2401 First Street, Suite 201
Fort Myers, FL 33901

Re: Honc 41 MPD
Case Number: DCI2025-00007

Ms. Brizuela,

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comments must be addressed within thirty (30) calendar days of this letter, or the case will be considered withdrawn in accordance with the LDC. Please be advised that additional comments may follow once required documents and detailed analysis are submitted.

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

a) Zoning

1. The subject property is within the North Fort Myers Community Plan Area and pursuant to LDC Section 33-1532, the owner or agent must conduct one publicly advertised information session within the North Fort Myers Community Plan Area, prior to or before the case being found sufficient. Please review LDC Section 33-1352(b) for the meeting requirements.
2. The application establishes the subject property is within the Central Urban Future Land Use Category, however, the property is currently within the Suburban Future Land Use Category. Please adjust the application to reflect the current Future Land Use category and provide a note identifying that there is a Comprehensive Plan Amendment in review.
3. Please verify the total acreage of the MPD. Based on staff's calculations, the total area is ± 19.36 acres, not ± 17.96 acres as indicated. Please review and revise the documents accordingly.
4. Narrative. LDC Section 34-373(a)(5) states that the narrative should include how the proposed development meets the finding/review criteria per LDC Sections 34-145(d)(4)a.1 and 34-145(d)(4)2.(a-c), which includes complying with the Lee Comprehensive Plan (Lee Plan) and the Land Development Code. Please provide additional information on the following:
 - a. The narrative provides that the intersection of North Tamiami Trail and Sabal Springs Boulevard is located north of the subject property. However, aerial overviews indicate this intersection is to the east of the subject property.
 - b. The Surrounding Property Table needs to recognize the Residential Planned Development (RPD) located to the east, also known as Sabal Springs. Additionally, please be advised that the property located to the north has no record of operating as a "auto repair and service".
 - c. The narrative provides a detailed analysis of the surrounding properties provided in the Surrounding Property Table. Please review and provide additional information on the following:
 - 1) The Commercial Planned Development (CPD) located to the east of the subject property has a resolution that approved a variety of uses. Lee County Records indicate that this development is being utilized for uses that are not recognized as just "office space". The narrative should be adjusted to indicate that this area is developed and occupied by a variety of commercial uses.
 - 2) The property located to the north of the subject property is zoned Commercial Planned Development (CPD) and is approved for "auto repair and service", however, Lee County Records indicate that this property was developed for a mobile home dealer. There are no records of this location operating as a "auto repair and service".

- 3) The narrative addresses the existing stormwater system that abuts the subject property but does not address the recorded Utility Easement, please advise.
 - 4) The properties located south of the subject property are zoned Commercial (C-2) and Agricultural (AG-2). The narrative does not specify which property is developed for the golf cart dealership and which property is undeveloped.
 - d. Please be advised that LDC Appendix I, Map 8 and Lee Plan Policy 30.2.4 provides a list of areas within North Fort Myers that are designated as Neighborhood Centers, the subject property is designated as Neighborhood Center Two. An analysis of Lee Plan Policies 30.2.4 and 30.2.5 must be provided on the narrative.
 - e. Informational Comment: Policy 30.2.6 establishes that development within Town and Neighborhood Centers may use development standards allowed within the Mixed-Use Overlay.
5. Master Concept Plan.

Land Development Code (LDC) Section 34-373(a)(6)(a-i) establishes the information that must be provided on the Master Concept Plan (MCP), please provide the following noted from this section:

- a. Please be advised that there is a recorded utility easement located on the rear property line. The location and explanation of all existing easements must be depicted, whether or not those easements are recorded. If an easement is based upon a recorded document, the official records book reference must be stated.
 - b. The narrative establishes that an access point for vehicular ingress and egress is located on North Tamiami Trail, however, the MCP does not indicate this and only establishes the vehicular/parking circulation and pedestrian connection.
6. Schedule of Uses

- a. Please be advised that the North Fort Myers Commercial Corridor has a designated schedule of uses as set forth in LDC Section 33-1596. The uses provided below either require a Special Exception or are not listed/permitted within the North Fort Myers Commercial Corridor. An analysis of how these uses are compatible with the area and align with the vision of the North Fort Myers Community Plan Area is required in order to be permitted. These listed are but are not limited to the following:
 - 1. Caretakers' residence
 - 2. Computer and data processing
 - 3. Contractors and builders, Groups III and IV
 - 4. Factory outlets
 - 5. Freight and cargo

6. Gift and souvenir shop
7. Health care facility, Group I
8. Mobile home dealer
9. Parcel and express services
10. Printing and publishing
11. Processing or packaging for agricultural or fish products
12. Processing and warehousing
13. Real estate office
14. Recreational facilities: commercial, Group IV
15. Recycling facility
16. Retail and wholesale sales
17. Storage, open

- b. Informational Comment: Please be advised that the Land Development Code (LDC) establishes supplementary regulations for certain uses listed in the proposed schedule of uses. To ensure compatibility with the subject property and the surrounding area, each proposed use must comply with the applicable requirements set forth in the LDC.

7. Property Development Regulations

- a. LDC Section 34-935(e)(4) establishes the minimum separation of buildings where there are two or more principal buildings on a development tract. The Master Concept Plan indicates there will be more than two principal buildings for the industrial side of the development; the property development regulations tables must provide minimum building separation.
- b. LDC Section 34-935(b)(2)c, establishes that industrial portions of a development that is to be rezoned to a Mixed Use Planned Development (MPD) must have a perimeter boundary setback of at least 25 feet. The Master Concept Plan (MCP) and Property Development Regulations Table (PDR), indicate that the minimum setbacks are 20 feet except for the rear property line. Please review and revise accordingly.

b) Planning

1. Please be advised that Planning staff will not find the rezoning application sufficient until the companion CPA (CPA2025-00001) is found sufficient.
2. An analysis of Lee Plan Policy 11.1.1 must be provided to show compliance for the proposed rezone.

c) Legal Description

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

1. Boundary Survey Please review the information provided below and provide a boundary survey meeting the requirements of LDC 34-202(a)(6).
 - a. The boundary survey is based on a 2023 Property Information Report, not the submitted May 22, 2025, Title Certification.
 - b. The boundary survey does not depict all of the easements/encumbrances listed in the Title Certification. A list of encumbrances can be included in the boundary survey with the recording information and a statement if the item is not mappable.
 - c. The boundary survey does not depict the point of beginning (POB). Please add a label for the POB at the northwest corner of the property.

d) Environmental Sciences

1. The FLUCCS map submitted with the jurisdictional wetland determination to SFWMD is not consistent with the FLUCCS map submitted with the zoning application. Revise for consistency.
2. The applicant has provided two Master Concept Plans depicting two different hatchings to represent the preservation and indigenous areas. Revise the hatching to provide wetland indigenous preserve areas, upland indigenous preserve areas, wetland preserve restoration areas, and upland preserve restoration areas.
3. Some of the preserve areas noted on the MCPs are not indigenous areas. Provide a separate MCP with the FLUCCS map overlaid onto the MCP to demonstrate where the indigenous FLUCCS areas are located compared to areas proposed to be preserved that are not indigenous.
4. Provide the dimensions of the indigenous preserve areas to demonstrate compliance with LDC Section 10-415(c)(3-5).
5. Please explain in the environmental supporting documents how the areas being preserved that are not indigenous will be restored. Include methods of exotic vegetation removal, restoration vegetation proposed including specifications.
6. If restoration vegetation is proposed to be used to meet the buffer requirements per LDC Section 33-1581, please ensure the restoration vegetation proposed to meet the buffers is consistent with the buffer specifications.
7. Label all proposed and existing easements on the MCPs. Easement locations will affect required buffer widths and plantings at time of development order. Without acknowledging the easements during the zoning will create added deviations after the fact.
8. Revise the MCPs and open space calculations if the indigenous comments created a change.

9. Revise the MCPs to depict code required buffers per LDC Section 33-1581.
10. Revise the MCPs to demonstrate compliance with LDC Section 30-183(12) Landscaping for Billboards west of I-75 in addition to the required North Fort Myers Planning Community Commercial Corridor buffer requirements.
11. Revise the MCPs to provide publicly accessible open space calculations and depict the location per LDC Section 33-1572.
12. Revise the Environmental Assessment and Lee Plan analysis to explain how and where existing trees will be preserved per LDC Section 33-1582.
13. Staff conducted a site inspection on July 14, 2025. The northwest portion of the site contains less melaleuca than the south portion of the site. Please explain why the applicant is not proposing to save the hydric pine/pine flatwoods areas to provide an indigenous preserve and screening for the multi-family residential development within the City of Cape Coral to the west.

e) Natural Resources

1. Please revise the Surface Water Management Plan to comply with LDC 34-373(b)(1).
2. Please provide analysis of Lee Plan policies 60.4.2 and 125.1.3.

f) Development Services

1. LDC Section 10-291(3) establishes the regulations for projects requiring more than one means of Ingress/Egress. Residential developments of more than five (5) acres and commercial or industrial development of more than ten (10) acres must provide more than one means of ingress or egress for the development. Please demonstrate compliance with this requirement.
2. LDC Section 10-329(d)(1)3 establishes all new excavations for water retention and detention will not be allowed within 50 feet of any private property line under separate ownership unless granted an administrative deviation in accordance with Section 10-104. The setback for an excavation from a private property line may not be less than 25 feet. Is the proposed +/- 2.40 acres commercial tract and the industrial tract to be located on separate parcels? The MCP indicates a setback of 30 feet from the water management/lake to the commercial tract which would require deviation approval. Please also provide the setback to the adjacent property to the north.
3. LDC Section 10-256(a)(2)c.3. establishes that sidewalks on both sides of all internal streets are required for all new nonresidential developments and must extend from intersection to intersection. Please be advised that at time of development order the applicant must demonstrate compliance with this requirement.

4. LDC Section 10-610(e) establishes the minimum requirements for parking lot interconnections. Please be advised that adjacent commercial uses must provide parking lot interconnections for automobile, bicycle and pedestrian traffic. Interconnections are not intended to satisfy the criteria for site location standards as outlined in Lee Plan Policy 6.1.2 (5).
5. Please verify if the area labeled "Water Management" is proposed to be wet or dry detention.
6. Please demonstrate compliance with LDC Section 34-3005(b) for proposed open storage area(s).

g) Lee Tran

1. According to the Lee County Transit Land Development Code, based on the current Transit LDC, Section 10-441, the proposed development is not within ¼ mile of any existing routes, nor would it be considering the LeeTran 2021 Transit Development Plan (TDP). Therefore, no improvement is required by the developer but will be reassessed at the time of DO or LDO.