

January 9, 2018

Planning and Zoning Board
Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 34135

Re: Application DCI2017-E006 by Naples Community Hospital, Inc. ("Applicant") and Estero Parcel CD, LLC ("Owner") to amend Shoppes at Coconut Trace CPD f/k/a Estero Pointe CPD, Resolution No. Z-03-011 (the "CPD") pertaining to Parcels C and D in Block B, Coconut Trace according to Plat thereof recorded as Instrument #200600423660, Public Records of Lee County, Florida (the "Property").

Dear Board Members:

We are legal counsel to the Owner and the Applicant for the referenced application to amend the CPD (the "Request"). As set forth therein, the Request is simply to: (i) confirm permitted emergency medical department use; (ii) allow use of a permitted emergency medical department on a 24/7 basis as an exception to the existing restriction on operation from 11 pm – 7 am; and (iii) address physical site location and height issues. Reference is made to the PowerPoint presentation for the Request submitted by Hole Montes, Inc. to the Village of Estero on January 9, 2018.

We write this letter to explain why the Request should be approved:

1. As has been, or will at the January 16, 2018 hearing be, demonstrated by competent substantial evidence, the Request is consistent with the Village of Estero comprehensive plan.
2. As has been, or will at the January 16, 2018 hearing be, demonstrated by competent substantial evidence, the Request satisfies the applicable requirements to rezone the Property.
3. The Request is and has been or will be justified by competent substantial evidence submitted into the record:
 - a. The emergency medical department activities from 11 pm – 7 am will be conducted inside the building. They will not affect neighbors.
 - b. Based on statistics from a comparable facility, it has been demonstrated that there is relatively low emergency medical department activity from 11 pm – 7 am. Even during such hours, the vast majority of arrival activity is not via ambulance.
 - c. Based on statistics from a comparable facility, it has been demonstrated that ambulance arrivals and pick-ups from 11 pm – 7 am are anticipated to be very infrequent.

- d. Ambulance arrivals and pick-ups will not involve lights and sirens. It has been confirmed with applicable EMS providers that lights and sirens will be turned off when the emergency vehicle leaves U.S. 41.
- e. There can always now be, and will continue to be, ambulance runs on U.S. 41 with lights and sirens at night, whether or not this facility were to be built and operated. Approval of the Request will not change or affect this fact.
- f. The 11 pm – 7 am restriction was primarily imposed to guard against the so-called “dirty five”, not an emergency medical service facility. The Lee County hearing examiners record and findings confirm that.
- g. There is already a 24/7 health care facility within the same platted subdivision: the memory care facility at the north end of Lyden Drive is open and staffed 24/7. It is physically closer to Marsh Landing residences than the proposed facility. The zoning for the north end of Lyden Drive permits 24/7 operation. As such, the possibility presently exists of the need for an ambulance to arrive for a pick-up during 11 pm – 7 am at the memory care facility.
- h. The planned facility is over 440 feet away from the nearest residence in Marsh Landing – a football field and a half, and it is separated by a substantial and mature landscape buffer.
- i. The precedent of a 24/7 health care use within similar (but closer) proximity to a residential area already exists in the same subdivision and in the Village of Estero.
- j. The portion of the Request to clarify an existing use makes no changes in permitted uses, but rather is simply a confirmation. The proposed clarified use is already permitted.
- k. The portion of the Request to allow the ancillary service facilities (generator and service entrance) to be located near U.S. 41 protects the Marsh Landing neighborhood. These facilities will be visually screened from view by landscaping and a wall.
- l. The portion of the Request seeking a height deviation is for aesthetic architectural features (i.e. the tower) requested by the DRB. The tower is not functional space and is permitted by the current zoning, but would not be permitted by later adopted ordinances.

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Based upon the application and evidence submitted in support, as well as additional evidence that may be presented at the January 16, 2018 hearing, the applicant has met its burden and has shown, or will show, by substantial competent evidence that the Request is justified and should be approved.

Very truly yours,



Richard C. Grant

RCG/lf

cc: Naples Community Hospital, Inc.
Estero Parcel CD, LLC