



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Estero WAS Minor CPD

Request: Rezone from: MPD To: CPD

Type: Major PD Minor PD DRI w/Rezoning PRFPD
 Major PD Amendment Minor PD Amendment

Summary of Project:

Proposed is a rezoning of 1.36 acres from MPD to CPD to allow 15,000 square feet of retail

**PART 1
APPLICANT/AGENT INFORMATION**

A. **Name of Applicant:** Estero WAS Partners LP
Address: 15970 Triple Crown Ct.
City, State, Zip: Fort Myers, FL 33912
Phone Number: _____
E-mail Address: _____

- B. **Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:**
 Applicant is the sole owner of the property. [34-201(a)(1)a.1.]
 Applicant has been authorized by the owner(s) to represent them for this action. [34-202(b)(1)b. & c.]
 Application is County initiated. Attach BOCC authorization.

C. **Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(b)(1)c.]**

1. **Company Name:** Banks Engineering
Contact Person: Stacy Ellis Hewitt, AICP
Address: 10511 Six Mile Cypress Parkway
City, State, Zip: Fort Myers, FL 33966
Phone Number: (239) 770-2527 Email: shewitt@bankseng.com

2. **Additional Agent(s):** Provide the names of other agents that the County may contact concerning this application. [34-202(b)(1)c.]

— LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

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COMMUNITY DEVELOPMENT

DC18015-0016

**PART 2
PROPERTY OWNERSHIP**

A. **Property owner(s):** If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-201; 34-204]

Name: Same as applicant
Address: _____
City, State, Zip: _____
Phone Number: _____ Email: _____

B. **Disclosure of Interest [34-201; 34-204]:**
 Attach Disclosure of Interest Form. [34-201; 34-204]

C. **Multiple parcels:**
 Property owners list. [34-202(a)(5)]
 Property owners map. [34-202(a)(5)]

D. **Certification of Title and Encumbrances [34-202(a)(3)]**
1. Title certification document, no greater than 90 days old. [34-202(a)(3)]
2. Date property was acquired by present owner(s): 03/17/2015

**PART 3
PROPERTY INFORMATION**

A. **STRAP Number(s):** [Attach extra sheets if additional space is needed.]
33-46-25-E3-28001.0000 (formerly 33-46-25-28-00001.0000)

B. **Street Address of Property:** 21700 S. Tamiami Trail, Estero, FL 33928

C. **Legal Description (must submit) [34-202(a)(1)]:**
 Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.
OR
 Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)

AND
Boundary Survey [34-202(a)(2); 34-373(a)(4)a.]:
 A Boundary survey, tied to the state plane coordinate system.
OR
 Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. **Surrounding property owners** (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):
1. List of surrounding property owners. [34-202(a)(6)]
2. Map of surrounding property owners. [34-202(a)(7)]
3. One set of mailing labels. [34-202(a)(6)]
Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

E. **Current Zoning of Property:** MPD
 Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property. [34-202(a)(8)]

F. **Use(s) of Property [34-202(a)(8)]:**
1. Current uses of property are: Vacant
2. Intended uses of property are: Commercial

G. Future Land Use Classification (Lee Plan) [34-202(a)(8)]:

Suburban	<u>1.36</u>	Acres	<u>100</u>	% of Total
_____	_____	Acres	_____	% of Total
_____	_____	Acres	_____	% of Total

H. Property Dimensions [34-202(a)(8)]:

1. Width (average if irregular parcel):	<u>212±</u>	Feet		
2. Depth (average if irregular parcel):	<u>290±</u>	Feet		
3. Total area:	<u>1.36 ac</u>	Acres or square feet		
4. Frontage on road or street:	<u>221.57</u>	Feet on	<u>US 41</u>	Street
2 nd Frontage on road or street:	<u>290.87</u>	Feet on	<u>Pelican Sound Dr.</u>	Street

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session. [34-202(a)(10)]

- Not Applicable
- Estero Planning Community. [33-54(a)&(b); Lee Plan Policy 19.5.3]
- Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
- North (Upper) Captiva Community Plan area. [33-1711]
- Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
- Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
- Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
- Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
- Buckingham Planning Community. [Lee Plan Policy 17.7.2]
- Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
- Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
- North Fort Myers Planning Community. [33-1532(a)&(b)]

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. [34-202(a)]

**PART 4
TYPES OF LAND AREA ON PROPERTY**

A. Gross Acres (total area within described parcel)		<u>1.36</u>	Acres
1. Submerged land subject to tidal influence		_____	Acres
2. a. Preserved freshwater wetlands	_____	Acres	
b. Impacted wetlands	_____	Acres	
c. Preserved saltwater wetlands	_____	Acres	
d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)		_____	Acres
3. R-O-W providing access to non-residential uses		_____	Acres
4. Non-residential use areas ⁽¹⁾⁽²⁾		_____	Acres
B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).		<u>1.36</u>	Acres
C. Gross residential acres. (A minus B) ⁽³⁾		<u>0</u>	Acres
D. Gross residential acres (by Land Use Category)			
1. a. Intensive Development – upland		_____	Acres
b. Intensive Development – preserved freshwater wetlands		_____	Acres
c. Intensive Development – impacted wetlands		_____	Acres
2. a. Central Urban – upland		_____	Acres
b. Central Urban – preserved freshwater wetlands		_____	Acres
c. Central Urban – impacted wetlands		_____	Acres
3. a. Urban Community or Suburban – upland		_____	Acres
b. Urban Community or Suburban – preserved freshwater wetlands		_____	Acres
c. Urban Community or Suburban – impacted wetlands		_____	Acres

4.	a.	Suburban – upland	_____	Acres
	b.	Suburban – preserved freshwater wetlands	_____	Acres
	c.	Suburban – impacted wetlands	_____	Acres
5.	a.	Outlying Suburban – upland	_____	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Outlying Suburban – impacted wetlands	_____	Acres
6.	a.	Sub-Outlying Suburban – upland	_____	Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Sub-Outlying Suburban – impacted wetlands	_____	Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland	_____	Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands	_____	Acres
8.	a.	Open Lands – upland	_____	Acres
	b.	Open Lands – wetlands	_____	Acres
9.	a.	Resource – upland	_____	Acres
	b.	Resource – wetlands	_____	Acres
10.	a.	Wetlands	_____	Acres
11.	a.	New Community – upland	_____	Acres
	b.	New Community – wetlands	_____	Acres
12.	a.	University Community – upland	_____	Acres
	b.	University Community – wetlands	_____	Acres
13.	a.	Coastal Rural – upland	_____	Acres
	b.	Coastal Rural – wetlands	_____	Acres
TOTAL (should equal "C" above)			0	Acres

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

**PART 5
RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS**

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: _____

		Lee Plan Table 1(a)	
		Max. standard density	Units
1. Standard Units			
a.	Total upland acres (from Part 4, D.)	_____ x _____ equals	_____
b.	Total preserved freshwater wetlands acres (from Part 4, D.)	_____ x _____ equals	_____
c.	Total impacted wetlands acres (from Part 4, D.)	_____ x _____ equals	_____
d.	Total Allowed Standard Units ⁽¹⁾		_____
2. Bonus Units ^{(2) (3)}			
a.	Low-moderate-housing density		_____
b.	TDR units		_____
c.	Sub-total		_____
3. Total Permitted Units ⁽¹⁾			_____

(see notes on next page)

Notes:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
- (2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.
- (3) In Intensive Development, Central Urban, and Urban Community categories only.

**PART 6
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY INTENSITY CALCUATIONS**

A. Commercial		Total Floor Area (Square Feet)
1. Medical	45'	*
2. General Office	45'	*
3. Retail	45'	*
4. Other: _____		
5. TOTAL FLOOR AREA		*Not to Exceed 15,000
B. Industrial	Height	Total Floor Area (Square Feet)
1. Under Roof	_____	_____
2. Not Under Roof	_____	_____
3. TOTAL FLOOR AREA		_____
C. Mining	Depth	Total Acres
1. Area to be excavated	_____	_____
D. Assisted Living Facilities	Height	Total Beds/Units
1. Dependent Living Units	_____	_____
2. Independent Living Units	_____	_____
3. TOTAL BEDS/UNITS		_____
E. Hotels/Motels (Room Size)	Height	Total Rental Units
1. < 425 sq. ft.	_____	_____
2. 426-725 sq. ft.	_____	_____
3. 725 < sq. ft.	_____	_____
4. TOTAL UNITS		_____

**PART 7
ACTION REQUESTED**

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan and the Land Development code. This narrative may be utilized by the board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
 - 1. **Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**

2. **Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**
3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. **[34-373(a)(9)]**

**PART 8
ENVIRONMENTAL REQUIREMENTS**

- A. **Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. **[34-373(a)(4)d.iv.]**
N/A

- B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473].
N/A

- C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
N/A

- D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
N/A

- E. **Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. **[34-373(a)(4)b.i.]**
- F. **FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. **[34-373(a)(4)c.]**
- G. **Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. **[34-373(a)(4)b.iii.]**
- H. **Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. **[34-373(a)(4)b.v.]**

**PART 9
SANITARY SEWER & POTABLE WATER FACILITIES**

- A. **Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:
N/A

- B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:
 1. Method and degree of treatment:
N/A

 2. Quality of the effluent:

 3. Expected life of the facility:

4. Who will operate and maintain the internal collection and treatment facilities:

5. Receiving bodies or other means of effluent disposal:

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:
N/A

2. Current water table conditions:

3. Proposed rate of application:

4. Back-up system capacity:

PART 10 ADDITIONAL REQUIREMENTS

A. **Major Planned Developments:**

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. **Amendments to Built Planned Developments:** The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. **[34-373(c)]**

C. **Development of Regional Impact:** Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(2)]**

D. **Private Recreational Facility Planned Developments (PRFPDs):**

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**
5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**

6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**
- E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?
 YES (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(b)(8)]**
 NO (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(b)(8)]**
- F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(b)(7)]**
- G. **Flood Hazard: [34-202(a)(8)]**
 Not applicable
 The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
 The minimum elevation required for the first habitable floor is _____ NAVD (MSL)
- H. **Excavations/Blasting: [34-202(b)(6)]**
 No blasting will be used in the excavation of lakes or other site elements.
 If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Bonus Density: [34-202(b)(5)]**
 Not Applicable
 Bonus density will be used. Provide a copy of the Bonus Density application showing calculations.
- J. **Hazardous Materials Emergency Plan for Port Facilities: [34-202(b)(4)]**
 Not Applicable
 Provide a Hazardous materials emergency plan.
- K. **Mobile Home Park: [34-203(d)]**
 Not Applicable
 Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- L. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
 Not Applicable
 Property is located within _____ Airport Noise Zone: **[34-1004]**
 Property is located within Airport Protection Zone. Indicate which Zone below. **[34-1005]**
 Property is located within Airport Runway Clear Zone: **[34-1006]**
 Property is located within Airport School Protection Zone: **[34-1007]**
 Property is located within Airport Residential Protection Zone: **[34-1009]**
 Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1009]**
 A Tall Structures Permit is required. **[34-1010]**

**PART 5
SUBMITTAL REQUIREMENT CHECKLIST**

Clearly label your attachments as noted in bold below

Copies Required		SUBMITTAL ITEMS
13	<input checked="" type="checkbox"/>	Completed application for Public Hearing [34-201(b)]
1	<input checked="" type="checkbox"/>	Filing Fee - [34-202(a)(9)]
3	<input checked="" type="checkbox"/>	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
3	<input checked="" type="checkbox"/>	Additional Agents [34-202(b)(1)c.]
3	<input type="checkbox"/>	Multiple Owners List (if applicable) [34-201; 34-204]
3	<input checked="" type="checkbox"/>	Disclosure of Interest Form (multiple owners) [34-201(b)(2)a]
5	<input checked="" type="checkbox"/>	Legal description (must submit) [34-202(a)(1)]
	<input type="checkbox"/>	Legal description (metes and bounds) and sealed sketch of legal description
		OR
	<input checked="" type="checkbox"/>	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
5	<input type="checkbox"/>	Boundary Survey – not required if platted lot (2 originals required) [34-202(a)(2); 34-373(a)(4)a.]
3	<input type="checkbox"/>	Property Owners list (if applicable) [34-202(a)(5)]
3	<input type="checkbox"/>	Property Owners map (if applicable) [34-202(a)(5)]
3	<input checked="" type="checkbox"/>	Confirmation of Ownership/Title Certification [34-202(a)(3)]
3	<input type="checkbox"/>	STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
1	<input checked="" type="checkbox"/>	List of Surrounding Property Owners [34-202(a)(6)]
1	<input checked="" type="checkbox"/>	Map of Surrounding Property Owners [34-202(a)(7)]
1	<input checked="" type="checkbox"/>	Mailing labels [34-202(a)(6)]
13	<input checked="" type="checkbox"/>	List of Zoning Resolutions and Approvals [34-202(a)(8)]
13	<input type="checkbox"/>	Summary of Public Informational Session (if applicable) [34-202(a)(10)]
13	<input checked="" type="checkbox"/>	Waivers from Application Submission Requirements (if applicable)
13	<input type="checkbox"/>	Preliminary Density Calculations (if applicable)
13	<input checked="" type="checkbox"/>	Request Statement
5	<input checked="" type="checkbox"/>	Traffic Impact Statement (TIS) (not required for existing development) [34-341(b)(2)d.1.]
13	<input checked="" type="checkbox"/>	Master Concept Plan (MCP), Non-PRFPD [34-373(a)(6)]
13	<input checked="" type="checkbox"/>	Schedule of Uses [34-373(a)(8)]
13	<input type="checkbox"/>	Schedule of Deviations and Written Justification [34-373(a)(9)]
4	<input type="checkbox"/>	Topography (if available) [34-373(a)(4)d.iv.]
4	<input type="checkbox"/>	Soils Map [34-373(a)(4)b.v.]
4	<input type="checkbox"/>	FLUCCS Map [34-373(a)(4)c.]
4	<input type="checkbox"/>	Rare & Unique Upland Habitat Map [34-373(a)(4)b.iii.]
4	<input type="checkbox"/>	Existing and Historic Flow-Ways Map [34-373(a)(4)b.v.]
4	<input type="checkbox"/>	Surface Water Management Plan (if applicable) [34-373(b)(1)]
13	<input type="checkbox"/>	Phasing Program (if applicable) [34-373(b)(3)]
4	<input type="checkbox"/>	Protected Species Survey (if applicable) [34-373(b)(2)]
13	<input type="checkbox"/>	Proof of Notice (if applicable) [34-373(c)]
13	<input type="checkbox"/>	Binding Letter from DCA (if applicable) [34-373(d)(2)]

13	<input type="checkbox"/>	Master Concept Plan (MCP), PRFPD (if applicable) [34-941(g)]
5	<input type="checkbox"/>	Conceptual Surface Water Management Plan (if applicable) [34-941(d)(3)b.i.1]]
5	<input type="checkbox"/>	Well Drawdown Information (if applicable) [34-941(d)(3)d.]
5	<input type="checkbox"/>	Preliminary Indigenous Restoration Plan (if applicable) [34-941(e)(5)f.iii.]
5	<input type="checkbox"/>	Environmental Assessment (if applicable) [34-941(g)(2)]
13	<input type="checkbox"/>	Demonstration of Compatibility (if applicable) [34-941(g)(4)]
4	<input checked="" type="checkbox"/>	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(b)(8)]
4	<input type="checkbox"/>	Existing Agricultural Use Affidavit (if applicable) [34-202(b)(7)]
4	<input type="checkbox"/>	Information Regarding Proposed Blasting (if applicable). [34-202(b)(6)]
4	<input type="checkbox"/>	Bonus Density Application (if applicable) [34-202(b)(5)]
3	<input type="checkbox"/>	Hazardous Materials Emergency Plan (if applicable) [34-202(b)(4)]
3	<input type="checkbox"/>	Mobile Home Park Dislocated Owners Information (if applicable) [34-203(d)]
3	<input type="checkbox"/>	Tall Structures Permit (if applicable) [34-1001]

**DISCLOSURE OF INTEREST
AFFIDAVIT**

BEFORE ME this day appeared Gary Williams, Vice President of Estero WAS Developers, Inc., General Partner of Estero WAS Partners, LP, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 21700 S. Tamiami Trail, Estero, FL 33928 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

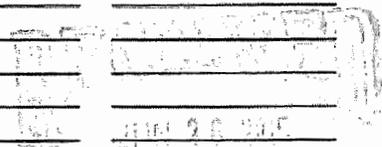
3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
N/A	



COMMUNITY DEVELOPMENT
DCI 2015-00016
Page 1

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Gary Williams

Property Owner

Gary Williams, Vice President of Estero WAS Developers, Inc., General Partner of Estero WAS Partners, LP
Print Name

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 6/24/15 (date) by Gary Williams (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Jennifer M. Sheppard
Signature of Notary Public

STAMP/SEAL



COMMUNITY DEVELOPMENT

DCI 2015-00016

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Gary Williams (name), as Vice President (owner/title) of Estero WAS Developers, Inc., General Partner of Estero WAS Partners, LP (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Gary Williams
Signature

6-24-15
Date

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 6/24/15 (date) by Gary Williams (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL



Jennifer M. Sheppard
Signature of Notary Public

ADDITIONAL AGENTS

Company Name:	TR Transportation Consultants, Inc.		
Contact Person:	Ted B. Treesh		
Address:	2726 Oak Ridge Court, Suite 503		
City, State, Zip:	Fort Myers, FL 33901		
Phone Number:	(239) 278-3090	Email:	tbt@trtrans.net

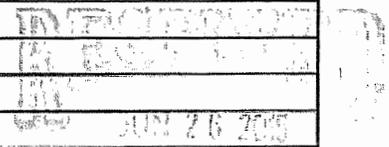
Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

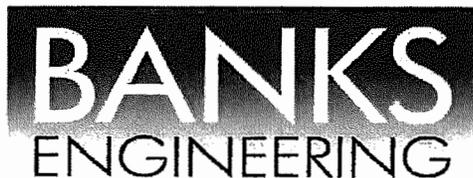
Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	



COMMUNITY DEVELOPMENT
DCI 2015-00016
 Page 1



Professional Engineers, Planners & Land Surveyors

August 18, 2015

Mr. Alvin Block, AICP
Zoning Division
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RE: ESTERO WAS MINOR CPD
DCI2015-00016

Dear Chip:

The information provided and items attached are in response to your sufficiency comment letter dated July 21, 2015 regarding the above referenced project. Please note that in addition to the comments, the following changes are also proposed for the project:

1. Addition of a deviation request from Lee County Land Development Code Section 34-2020(b), parking requirements for non-residential uses to allow a 5% reduction to required parking spaces for bicycle and pedestrian facilities identified on the Bikeways/Walkways Facility Plan, pursuant to LDC Section 34-2020(c)(3). Please see attached Schedule of Deviations and Justifications.
2. The Schedule of Uses and Master Concept Plan has been revised to revise the consumption on premises to include indoor and outdoor seating area. Please see attached revised Schedule of Uses and revised Master Concept Plan.

LC ENVIRONMENTAL SCIENCES PD

Comment 3) Please note the application states for new minor CPD but request proposes to use lake within existing MPD for open space and uses existing conditions of MPD rezoning resolution. Please clarify if this application is to amend existing MPD or create new CPD.

Response: *The request is to create a new CPD. Please see attached revised Master Concept Plan (MCP) which has an updated open space table that does not utilize the lake within the MPD.*

Comment 12a) Please revise MCP to depict the sidewalk and PUE along the north property line. Inst #'s 2007000352930 & 2007000309651.

Response: *Please see attached revised MCP which now depicts the referenced sidewalk and utility easements.*

Comment 12j1) If amendment then Z-04-068 may be used BUT if new CPD then Estero Code 33-351 (general buffer), 421 (US 41 overlay), and 435 (fast food requirement for entire perimeter-not 34-1353) must be indicated.

• SERVING THE STATE OF FLORIDA •

Comment 19) Additional comments may be pending upon clarification of zoning request.

Response: *Acknowledged*

LC ZONING ACTION LEGAL REQUIREMENTS

Comment 11) The applicant provided a title insurance policy with the application, as such in order to be found sufficient, he must provide an affidavit of no change covering the period of time between issuance of the policy and the application date. If that is not possible, a title certificate, title opinion must be submitted.

Response: *Please see attached Affidavit of No Change.*

LC PUBLIC HEARING FOR ZONING ACTION

Comment 9) See Legal Description review elsewhere in this response.

Response: *Acknowledged.*

Comment 27) The application does not provide the information required by this Section. Also, please note that the Village of Estero has adopted Ordinance 15-01. Among other requirements of the Ordinance is a requirement to hold an informational workshop before the Planning and Zoning Board. Please contact the Village of Estero and schedule an informational workshop and supply the information required by this Section and the Ordinance.

Response: *The public informational workshop was held on July 21, 2015 before the Village of Estero Planning and Zoning Board. The official minutes from this meeting are not yet available; however attached please find the applicant's meeting minutes.*

LC PUBLIC HEARING FOR PLANNED DEVELOPMENT SUPPLEMENT D

Comment 9) The letter submitted from Lee County Utilities will need to be revised. The letter references development of a single commercial unit. The development requested appears to plan for development of more than one commercial use, and uses proposed, may individually demand the use of more water than presented to the Utilities department. It is recommended that the applicant present a clearer description of the use of the property so that the letter may accurately reflect the development.

Response: *The specific end users are not known at this time. A potential worst case scenario was presented to Lee County Utilities and an updated letter of availability is attached.*

Comment 10) It is recommended the applicant revise the submitted Narratives. References to the Lee County Comprehensive Plan (Lee Plan) should be revised to reflect this is the Interim Village of Estero Comprehensive Plan.

Comment 11k) Public Transit. Please revise the Master Concept Plan to provide this required information.

Response: *Please see attached revised MCP.*

Comment 12) Pleases review and revise the submitted Traffic Impact Statement, as necessary, to address the following:

Page 3 – Depending on the development scenario, is it advisable to summarize the land uses proposed in this CPD as a shopping center? The applicant clearly includes the development of multiple fast food restaurants, rather than a shopping center. Please discuss this with Marcus Evans of Development Services and determine if there is a need to revise the TIS to more accurately reflect the potential worst case development scenario.

Just an observation, does the applicant think that all traffic to this parcel will solely use the intersection of Pelican Sound and US 41 as depicted on Figure 2? Other means of access to the project are found at the connections from Paradise Shoppes to US 41 and to Williams Road. Please consider this as part of the resubmittal.

Response: *Please see attached response from TR Transportation Consultants, Inc.*

Comment 24) Staff will use this Section to ask the following questions related to the impacts of the proposed CPD zoning to the existing MPD zoning.

How will the proposed CPD zoning impact the existing MPD zoning related to residential density? Was the MPD zoning granted relying on the area of commercial being used from residential intensity? This is asked because there is a small area designated as mixed use overlay on Map 1 Page 6 of the Comprehensive Plan.

Response: *The proposed CPD zoning will have no impact on the existing MPD residential density. The residential density of the MPD was approved by zoning resolution no. Z-98-029, prior to the adoption of the mixed use overlay in 2007. The 1998 zoning approved a residential density of six dwelling units per acre. The residential portion of the MPD is 49.91 acres which was approved for 300 dwelling units and developed with 262 dwelling units as the Meadows of Estero (DOS2003-00265).*

The small area designated as mixed use is the 10.95± acre parcel located across the street at the northwest corner of Pelican Sound Drive and US 41. This portion of the original MPD was rezoned by zoning resolution no. Z-06-011 and was approved for an option of either commercial or commercial and residential development. It should be noted that this most recent rezoning allocated 30,000 square feet of retail based on the intersection of U.S. 41 and Pelican Sound Drive, further demonstrating the appropriateness of the subject request. The rezoning also stipulated that if Pelican Sound Drive's classification is changed to major collector or arterial, retail uses could exceed the 30,000 square foot limitation.

How does the proposed rezoning impact the MPD zoning regarding allowed commercial intensity in the existing MPD zoning, including cumulative and individual lot/parcel totals?

Response: *The rezoning will have no impact to the MPD regarding allowed commercial intensity. The original 1998 approval was for up to 375,000 SF of office or 200,000 SF of office and*

Attachments: Schedule of Deviations and Justifications (13 copies)
Revised Schedule of Uses (13 copies)
Revised Master Concept Plan (13 copies 11"x17" & 2 copies 24"x36")
Affidavit of No Change (1 original and 2 copies)
Applicant's Meeting Minutes from Village of Estero Planning & Zoning Board (13 copies)
Revised Lee County Utilities Letter of Availability (4 copies)
Revised Narrative (13 copies)
Revised Design Guidelines (13 copies)
Revised Property Development Regulations (13 copies)
Separate response from TR Transportation Consultants, Inc. (5 copies)

Applicant's Notes from the 9/15/2015 Pelican Sound Board Workshop

Attendees from Estero WAS team:

Neale Montgomery

Matt Noble

Stacy Hewitt

Sam Marshall

A PowerPoint presentation was made, it was generally the same presentation shown to the Estero meeting.

Board and audience discussion, there was not a formal question response interaction, just an open discussion with the following topics:

Are there any improvements proposed at the intersection?

Bicycle Traffic crosses at US-41; there are some cyclists in the community.

There are no changes proposed to the intersection.

FDOT controls the intersection.

We do have a proposed sidewalk connection to the US-41 sidewalk.

During the Development Order process the site related traffic will be reviewed.

Is the parcel part of River Ridge? No it is stand alone.

Stormwater flow is through River Ridge then through Pelican Sound, the backbone system is already built.

The statement was made that they might like to see more Landscape plans.

Is the tenant for this parcel Rooms to Go? We are not aware of who the tenants are going to be.

INSTRUCTIONS

(Section C.1.c., Lee County Administrative Code AC 2-8)

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of the Planning & Zoning Board Public Hearing and maintained through the Village Council Hearing, if any. This sign will be provided by the Zoning Division in the following manner:

- a. Signs for case #DCI2015-00016 must be posted by **Monday, November 30, 2015.**
- b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
- e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO THE VILLAGE OF ESTERO COMMUNITY DEVELOPMENT DEPARTMENT.

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Stacy Ellis Hewitt
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE VILLAGE OF ESTERO INTERIM LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:

[Signature]
SIGNATURE OF APPLICANT OR AGENT
Stacy Ellis Hewitt, AICP, Agent
NAME (TYPED OR PRINTED)
Banks Engineering, 10571 Six Mile Cypress Pkwy
ST. OR PO BOX
Fort Myers, FL 33966
CITY, STATE & ZIP
#DCI2015-00016/ESTERO WAS CPD/12/15/2015

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 7 day of December, 2015, by Stacy Ellis Hewitt, personally known to me or who produced _____ as identification and who did /did not take an oath.

My Commission Expires:
(Stamp with serial number)

[Signature]
Signature of Notary Public
Jennifer M. Sheppard
Printed Name of Notary Public



NOTICE TO SURROUNDING PROPERTY OWNERS

WITHIN THE VILLAGE OF ESTERO

CASE NUMBER: DCI2015-00016

CASE NAME: ESTERO WAS MINOR CPD

REQUEST: Rezone 1.36 acres from Mixed Use Planned Development, MPD to Commercial Planned Development, CPD to allow development of up to 15,000 square feet of total floor area, including retail.

LOCATION: SW CORNER OF PELICAN SOUND DRIVE AND S. TAMIAMI TRAIL, 21700 S TAMIAMI TRL, THE VILLAGE OF ESTERO, FLORIDA

PROPERTY OWNER'S REPRESENTATIVE: STACY ELLIS HEWITT, AICP, BANKS ENGINEERING (239) 939-5490

VILLAGE OF ESTERO PLANNER: Mary Gibbs, AICP (239) 221-5036

Notice is hereby given that The Village of Estero Planning & Zoning Board will hold a quasi-judicial public hearing at **5:30 p.m. on Tuesday, December 15, 2015** on the above case. The public hearing will be held in Village Hall, 21500 Three Oaks Parkway, Estero, FL.

After The Village of Estero Planning & Zoning Board has made a recommendation, the case will be scheduled for a public hearing before the Village Council which will review the recommendation and make a final decision.

Copies of the staff report will be available one week prior to the hearing by a link posted on the agenda one week prior to the hearing date at the following website: : <https://estero-fl.gov/agendas/>.

Persons with disabilities who need an accommodation to participate in the hearing should contact Kathleen Hall at 239-221-5033. To ensure availability of services, please request accommodation as soon as possible, but preferably five or more business days prior to event.



**COURTESY NOTICE TO ADJACENT PROPERTY OWNERS
OF RECEIPT OF ZONING APPLICATION WITHIN
THE VILLAGE OF ESTERO**

Date: July 23, 2015

Case Number: DCI2015-00016

Case Name: ESTERO WAS MINOR CPD

Request: Rezone 1.36 acres from Mixed Use Planned Development, MPD to Commercial Planned Development, CPD to allow development of up to 15,000 square feet of total floor area.

Location: 21700 S TAMAMI TRL, ESTERO PLANNING COMMUNITY, LEE COUNTY, FL

PROPERTY OWNER'S REPRESENTATIVE: STACY HEWITT
BANKS ENGINEERING
239-770-2527

Lee County Planner: Alvin Block, AICP
(239) 533-8371

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Zoning Division, 1500 Monroe St., Fort Myers, FL 33901. You may also view and track this zoning case online, through eConnect at <http://apps.leegov.com/econnect>. Call 239/533-8585 for additional information.

Email List Report

Thursday, July 23, 2015

10:02:49 AM

Community	Name	Association
Estero	Jeremy Kerans	Pelican Landing Community Association
Estero	Joseph Basso, President	Grandeza Homeoners Association
Estero	Bill Pysi	Estero Design Review Board
Estero	Jeffrey Lindsay, Ph.D, CFO, EMT-P	Estero Fire Rescue
Estero	Joe Bergen, Secretary	West Bay Club Property Owners Assoc.
Estero	Theresa Gumpert	Pine Road Neighborhood
Estero	Jack Lienesch	ECPP
Estero	Neal Noethlich	ECPP
Estero	Ron Inge	Inge and Associates, Inc.
Estero	Ann Pierce	Local Planning Agency Member

33-46-25-E3-28002.0000
SEAPLAN LLC
11540 E US HIGHWAY 92
SEFFNER, FL 33584

33-46-25-E4-U1882.2308
RIVER RIDGE CDD
WRATHELL HUNT & ASSOCIATES LLC
2300 GLADES RD STE 410W
BOCA RATON, FL 33431

33-46-25-E3-28003.0000
SEAPLAN LLC
11540 E US HIGHWAY 92
SEFFNER, FL 33584

33-46-25-E4-2800B.00CE
ESTERO PROPERTY OWNERS
4801 PGA BLVD
PALM BEACH GARDENS, FL 33418

33-46-25-E3-29000.0001
ESTERO TT RETAIL LLC
4801 PGA BLVD
PALM BEACH GARDENS, FL 33418

33-46-25-E4-2800A.00CE
ESTERO PROPERTY OWNERS
4801 PGA BLVD
PALM BEACH GARDENS, FL 33418

33-46-25-E3-29000.0002
PLATINUM HOLDINGS 2012 LLC
6201 MATCHETT RD
BELLE ISLE, FL 32809

33-46-25-E3-U1936.2290
ESTERO NORTH POINT LTD
4200 GULF SHORE BLVD N
NAPLES, FL 34103

33-46-25-E3-29000.00CE
ESTERO TT RETAIL LLC
4801 PGA BLVD
PALM BEACH GARDENS, FL 33418

33-46-25-E3-U1897.2320
LONG CHARLES M TR +
JAMES T HUMPHREY
1625 HENDRY ST
FORT MYERS, FL 33901

33-46-25-E3-U1897.2320
LONG CHARLES M TR +
JAMES T HUMPHREY
1625 HENDRY ST
FORT MYERS, FL 33901

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SEAPLAN LLC
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SEFFNER, FL 33584

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RIVER RIDGE CDD
WRATHELL HUNT & ASSOCIATES LLC
2300 GLADES RD STE 410W
BOCA RATON, FL 33431

33-46-25-E3-28002.0000
SEAPLAN LLC
11540 E US HIGHWAY 92
SEFFNER, FL 33584

ESTERO WAS PARTNERS LP
15970 TRIPLE CROWN CT
FORT MYERS FL 33912

ESTERO WAS PARTNERS LP
15970 TRIPLE CROWN CT
FORT MYERS FL 33912

STACY HEWITT
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY
STE. 101
FORT MYERS FL 33966

Attn: Stacy Ellis Hewitt
BANKS ENGINEERING
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FL 33966

NOTICE OF PUBLIC HEARING
The Planning and Zoning Board of the Village of Estero will hold a quasi-judicial public hearing on Tuesday, December 15, 2015, at 5:30 p.m. in the Village Hall, Estero Fire Rescueheadquarters, 21800 Three Oaks Parkway, Estero, FL, or hereinafter.
After the Planning and Zoning Board heard the matter and makes a recommendation, the case will be scheduled for a public hearing before the Village Council of the Village of Estero who will render the recommendation and make a final decision.
Copies of the staff report are available and will be made available. The file can be reviewed at the Community Development, The Beaches Executive Suites, 9900 Coconut Road, Bonita Springs, Florida 34134, call 239-221-3300 for additional information.
Persons with disabilities who need an accommodation to participate in the hearing should contact Katherine Hill at 239-221-3300. To ensure availability of services, please request accommodations as soon as possible, but preferably two or more business days prior to the hearing.
The following case will be heard: 0002015-0001A, ESTERO VILLAGE BOARD OF PLANNING AND ZONING. The subject is a 1.75-acre parcel located at the corner of Fallow Road and E. Tanager Trail, 21708 S. Tanager Trail, The Village of Estero, Florida.
December 4, 2015

STATE OF FLORIDA COUNTY OF LEE:
Before the undersigned authority personally appeared Shari Terrell, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Notice Public Hearing

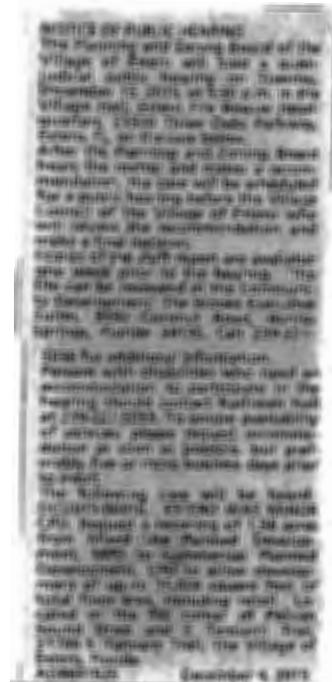
In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

12/04/15

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 4th of December 2015, by Shari Terrell who is personally known to me.

Teri L. Halm
Teri L Halm
Notary Public for the State of Florida
My Commission expires April 4, 2017



December 11, 2015

Via Hand Delivery and Email Transmittal

Mr. Roger Strelow, Chairman
Planning & Zoning Board
Village of Estero
21500 Three Oaks Parkway
Estero, FL 33928

**RE: ESTERO WAS
DCI2015-00016
Applicant's 48-Hour Letter**

Dear Chairman Strelow:

The Village of Estero adopted the County Land Development Code (LDC) and related Administrative Code. The County LDC and the Administrative Code require an Applicant to advise the Hearing Examiner, now the Planning and Zoning Board, of the issues of concern in the staff report.

The Applicant concurs with the staff report with the exception of three items.

1. Page 8 of 10 - Schedule of Uses: The staff recommended the elimination of temporary uses, limited to the temporary contractor's office and storage shed. The contractor needs to keep plans on site, and meet with inspectors and sub-contractors. A building site is subject to rain, lighting and heat much of the year that is not conducive to the protection of the plans and meetings. The developer needs to be able to have a safe place to retain plans and supervise the job site.
2. Page 8 of 10 - Schedule of Uses: The staff did not include the applicant's request for consumption on premises in conjunction with outdoor seating. The Applicant would like to have an outdoor seating area. The Applicant requested consumption on premises in conjunction with outdoor seating. The staff report doesn't reflect that the use was eliminated, it appears to have been dropped. The Applicant would be amenable to the inclusion of reasonable conditions such as: a) the outdoor seating will not face US 41; b) the consumption on premises for the outdoor seating will be limited to the hours of 11 a.m. to 12 a.m. (midnight); and c) there will be no live amplified music located outdoors in conjunction with the consumption on premises.
3. Page 3 of 10 - Deviation Request: The Applicant disagrees with the recommended denial of the deviation for the 5% reduction in the required off-street parking if bicycle and pedestrian facilities are provided consistent with Section 10-610(e)(3). The Land Development Code provides for an administrative approval of the proposed parking deviation, but the Village no longer has administrative approvals. Ordinance 15-01 gives the Planning and Zoning Board the power to approve administrative amendments

through the public hearing process. The staff suggested that the deviation can be approved by the Design Review Board at the time of DO review. It does not appear that Ordinance 15-01 gives the Design Review Board the authority to approve administrative deviations. The Applicant does not want to end up back in front of the Planning and Zoning Board to achieve the deviation. The Village has expressed a desire to promote walkability, bicycling, and a healthier lifestyle. The deviation is consistent with the expressed desires of the Village. The Land Development Code includes criteria that must be met at the time of local development order. The LDC requires the applicant at the time of local development order to demonstrate the availability of a continuous bicycle path and pedestrian accommodations, consistent with Section 10-610, internal to the project from the bicycle/pedestrian facility along U.S. 41 to the primary entrance of the building; and the application must also demonstrate that the bicycle racks are provided consistent with the requirements of Section 10-610(e)(3). The Design Review Board will be able to review the development order plans for compliance with this condition when the Design Review Board reviews the development order plans as required by Ordinance 15-01.

The Applicant's Witness List and the Applicant's Exhibit List are attached hereto.

Your consideration of this matter is greatly appreciated.

Sincerely,


Neale Montgomery

NM/kc

Attachments:

Applicant's Witness List
Applicant's Exhibit List

cc: Planning and Zoning Board Members

Mr. Ryan Binkowski
Mr. David Crawford
Mr. Ned Dewhirst
Mr. Jeff Maas
Ms. Marlene Naratil
Mr. Scotty Wood
Ms. Mary Gibbs
Mr. Steven Sarkozy
Mr. Jonathan Agnew
Mr. Gary Williams
Ms. Stacy Hewitt
Mr. Sam Marshall
Mr. Matthew Noble
Mr. Ted Treesh

**ESTERO WAS
DCI2015-00016**

**PLANNING & ZONING BOARD HEARING
DECEMBER 15, 2015**

Applicant's Witness List

1. Neale Montgomery, Esq.
2. Stacy Hewitt
3. Sam Marshall
4. Matthew Noble
5. Ted Treesh
6. Jonathan Agnew (Estero WAS Partners LP)

**ESTERO WAS
DCI2015-00016**

**Planning & Zoning Board Hearing
December 15, 2015**

Applicant's Exhibit List

1. Applicant's PowerPoint Presentation
2. *News-Press* December 4, 2015 Affidavit of Publication for Notice of Public Hearing Scheduled December 15, 2015, at 5:30 p.m. for case DCI2015-00016 Estero WAS CPD.

Hard copies of these exhibits will be provided at the Hearing.

Applicant's Notes from the 9/15/2015 Pelican Sound Board Workshop

Attendees from Estero WAS team:

Neale Montgomery

Matt Noble

Stacy Hewitt

Sam Marshall

A PowerPoint presentation was made, it was generally the same presentation shown to the Estero meeting.

Board and audience discussion, there was not a formal question response interaction, just an open discussion with the following topics:

Are there any improvements proposed at the intersection?

Bicycle Traffic crosses at US-41; there are some cyclists in the community.

There are no changes proposed to the intersection.

FDOT controls the intersection.

We do have a proposed sidewalk connection to the US-41 sidewalk.

During the Development Order process the site related traffic will be reviewed.

Is the parcel part of River Ridge? No it is stand alone.

Stormwater flow is through River Ridge then through Pelican Sound, the backbone system is already built.

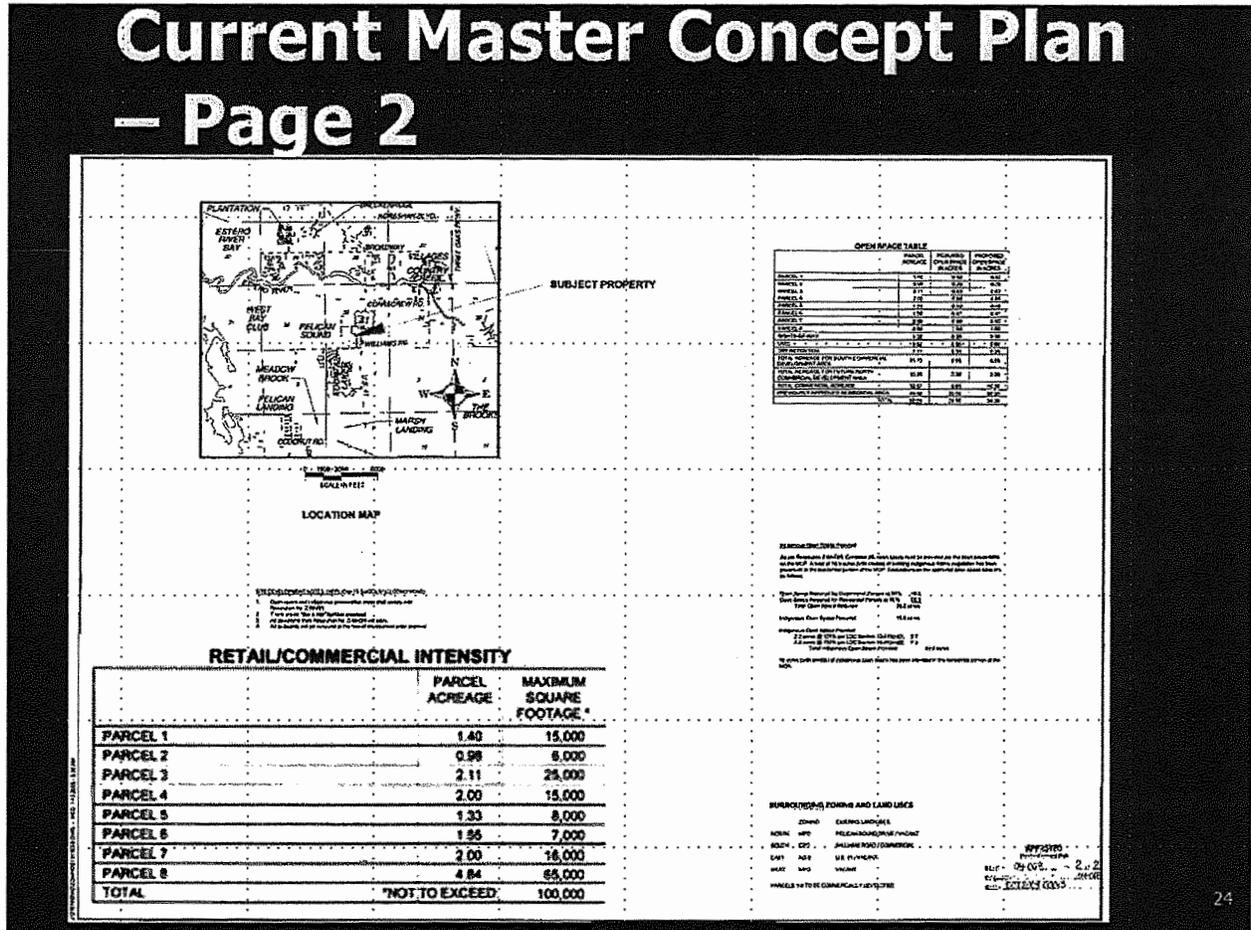
The statement was made that they might like to see more Landscape plans.

Is the tenant for this parcel Rooms to Go? We are not aware of who the tenants are going to be.

Supplemental Information Subsequent to Planning & Zoning Board 12/15/15

Summary of Request:

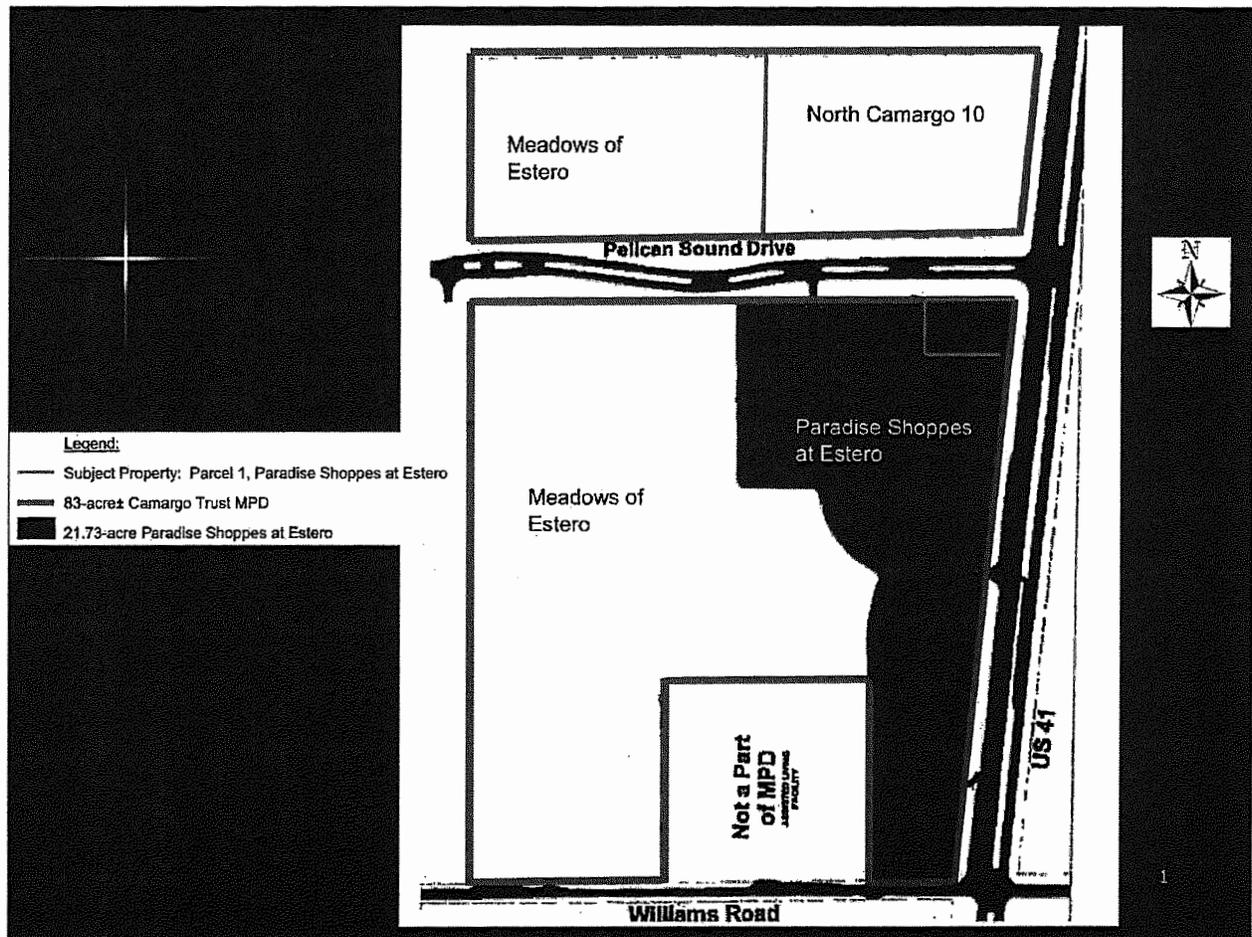
The original MPD allocated 15,000 SF or commercial for this parcel as shown on page 24 of the submitted PowerPoint presentation (shown below). The existing MPD has a 100,000 square foot limitation. The limitation was derived utilizing site location standards based solely on the intersection of U.S. 41 and Williams Road. The county issued development orders for 94,707± square feet without consideration of the fact that 15,000 s.f. was to remain available for Parcel 1. The result is only 5,293 square feet remain for the subject parcel (a 65% reduction from the 15,000 square feet it was allocated). The net result is an underutilization of the subject property which does not provide for appropriate infill nor a reasonable use of the property.



Since the MPD was not implemented as approved, the subject property’s development rights were not protected. The applicant did not want to engage in a dispute with anyone and instead chose to apply for a CPD. The applicant did not want to amend the existing MPD and once again find that the square footage was given to another parcel. The separate CPD will prevent the square footage from being utilized by other parcels within the MPD. The subject parcel meets site location standards at Pelican Sound and U.S. 41 intersection which would allow for up to 30,000 square feet of retail. The applicant had to go through the public hearing process in order to regain the original 15,000 square footage allocated. The applicant added the request for a fast food restaurant on the parcel because due to the location of the parcel this is a reasonable use of the property. This request would be the same whether the MPD had been amended or the new CPD requested. The definition for fast food restaurants has not been amended to distinguish between quick service and fast food. Fast food is an establishment whose principal business is the sale of food or beverages in a ready to consume state primarily for off-site consumption. This definition includes Steak and Shake PEI WEI, Einstein’s, Panera, and numerous other restaurants that provide ample inside seating.

Mixed Use Planned Development:

The original MPD utilized horizontal, not vertical mixed use. The residential component (Meadows of Estero) was all within the pedestrian shed (1/4 mile) of the commercial, which provided the mixed use compliance. Please see the exhibit below which demonstrates how the overall MPD functions as horizontal mixed use. The subject request has no effect on the mixed use nature of the overall original project – this parcel was commercial before and it remains commercial.



Pelican Sound installed such a beautifully buffered entry (as shown on page 11 of the submitted PowerPoint presentation-shown below) that anything developed on the subject site will be most definitely screened from Pelican Sound Blvd. Should uses other than retail be approved on the site, the existing allowable height of 45' is desired to remain.

Existing Buffer –Pelican Sound ROW and Sign



Fast Food use:

The original MPD was approved for only 1 fast food restaurant due to the perception at that time in 2004 that fast food restaurants were unsightly. In 2009, the Land Development Code was amended to require larger buffers for fast food restaurants, convenience food and beverage stores and automotive service stations which addressed these concerns. The definition for fast food includes a wide range of restaurants, including Starbucks, Dunkin Donuts, Chipotle, Panera, Einstein Bagels, Steak and Shake, Baskin Robbins, and the existing Chick fil A which is aesthetically pleasing as shown in below pictures:

Existing Restaurant Pictures



The staff report did not restrict fast food use or drive thru. No public spoke at the 3 public presentations made by the applicant showing any issue with these uses.

- Planning & Zoning Board Public Informational Meeting: 7/21/15
- Pelican Sound Board Workshop: 09/15/15
- Planning & Zoning Board Public Hearing: 12/15/15

The first mention of the fast food use was in the motion of approval by the Planning & Zoning Board which restricted the fast food use to in-line only. There was no competent and substantial evidence submitted nor articulated that supported the restriction on the fast food use,.

Building dimensions on MCP

There was some discussion at the Planning and Zoning Board about the dimensions of the building on the master concept plan not matching the requested square footage. It should be noted that the end user is not known at this time. When a master concept plan is prepared for a project without a definitive end user site plan, the applicant prepares a plan that demonstrates the most anticipated potential external impacts and intensity so as to prevent the need for future public hearings. It is impossible to demonstrate all potential development scenarios without knowing the end user. The proposed master concept plan depicts the potential of a drive-thru and parking for a fast food restaurant use and multi-tenant building and with this potential scenario, the building is actually dimensioned at 75'x140' or approximately 10,500 square feet. However, a maximum of 15,000 square feet is requested to cover potential end users that may have less parking required, possible multi-story building, and possibility of no drive thru. Since there are no administrative amendments permitted in the Village at this juncture, the applicant wants to be particularly sure that the building envelope can encompass the potential tenants under consideration.

**Estero WAS Minor CPD
DCI2015-00016**

Village of Estero
Planning & Zoning Board
Public Hearing
December 15, 2015

Summary of Request

Owner:	Estero WAS Partners LP
Area:	1.36 acres
Location:	SW Corner of US 41 and Pelican Sound Drive
Request:	Rezone from Mixed Use Planned Development (MPD) to Commercial Planned Development (CPD)

Applicant Representatives

Attorney:

Neale Montgomery, Esq.
Pavese Law Firm

Planners:

Matthew A. Noble, AICP
ANoblePlan, LLC
Stacy Ellis Hewitt, AICP
Banks Engineering

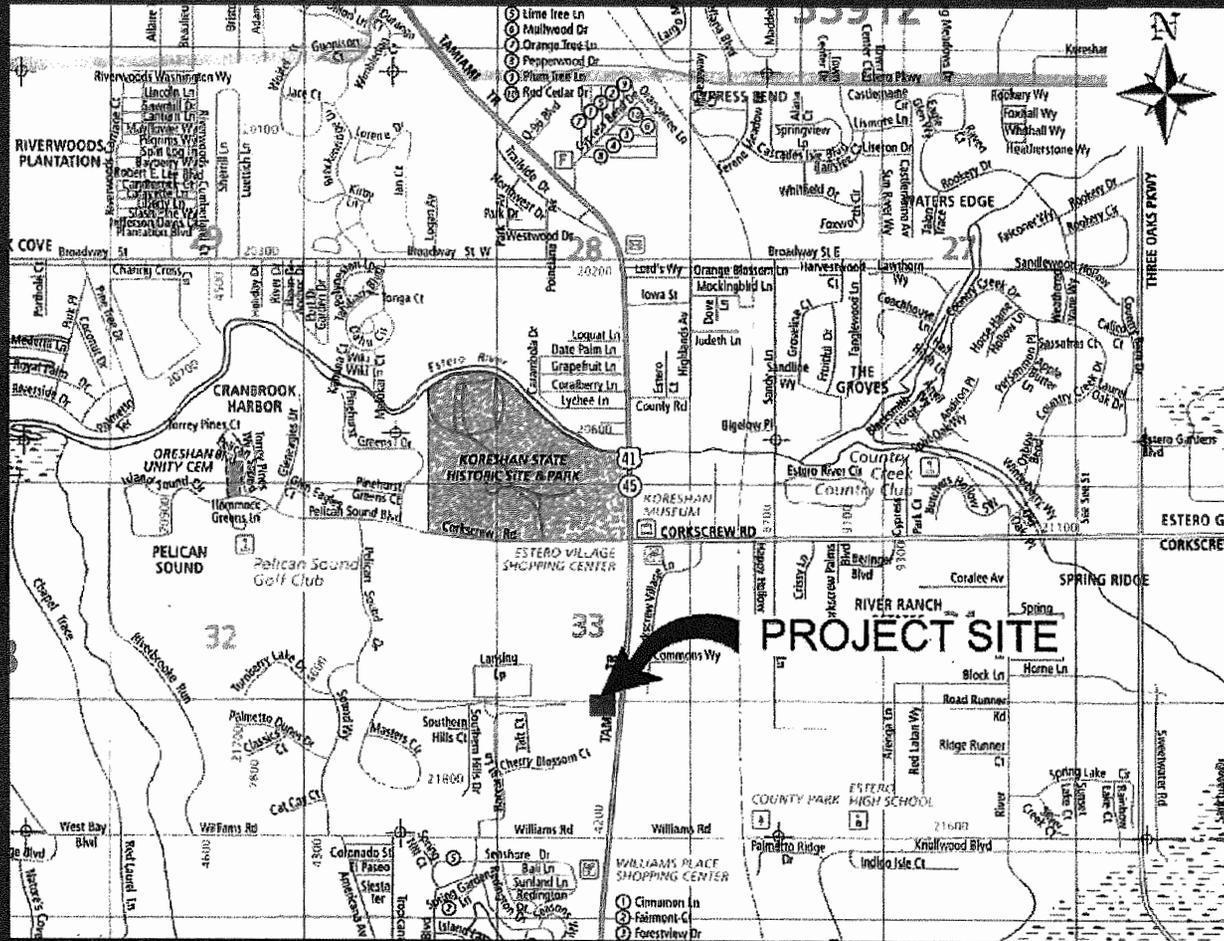
Engineer:

Samuel W. Marshall, P.E., LEED AP
Banks Engineering

Transportation:

Ted Treesh
TR Transportation Consultants, Inc.

Location Map



Aerial Map



LAND USE & PLANNING

Matthew A. Noble, AICP
ANoblePlan, LLC

Aerial Map



Existing Buffers



Existing Buffer – US 41



Existing Buffer-Pelican Sound



Existing Buffer – Pelican Sound ROW and Sign



Rezoning Request

- Applicant seeks an infill rezoning of 1.36± acres from MPD to CPD to allow 15,000 SF of commercial.
 - Site location standards would allow 30,000 SF at Pelican Sound Drive & US 41
 - Adjacent to Paradise Shoppes

Schedule of Uses

Estero WAS Minor CPD

DCI2015-00016

Schedule of Uses

Accessory Uses and Structures (See Note 1 below)

Administrative Offices

Animals: Clinic (with outdoor pens/kennels, enclosures, and dog runs prohibited)

ATM (automatic teller machine)

Auto Parts Store – without installation facilities

Banks and Financial Establishments: Groups I and II

Boat Parts Store, without installation

Broadcast Studios

Business Services, Group I

Clothing Stores, general

Clubs:

Commercial

Fraternal, membership organization

Private

Computer and Data Processing Services

Consumption on Premises (LDC Section 34-1281 et seq.) Indoor and Outdoor Seating Area

Cultural Facilities

Day Care Center, Child, Adult

Drive-through Facility for any Permitted Use

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I

Excavation: Water retention

Fences, Walls

Food and Beverage Service, Limited

Food Stores: Group I

Hardware store (limited to a maximum of 10,000 square feet)

Health Care Facilities: Groups I, II and III

Hobby, Toy and Game Store

Household and Office Furnishings, Groups I and II (Household use as limited by the LDC and

Office use is limited to businesses like Kinko's, Office Depot, Office Max or other like

business. Large newspaper printing facilities are prohibited.)

Insurance Companies

Laundry or Dry Cleaning: Group I

Lawn and Garden Supply Stores

Library

Medical Office

Nonstore Retailers, all groups

Package Store

Paint, Glass and Wallpaper

Parks: Groups I and II

Parking Lot: Accessory (see Note 1 below)

Garage, public parking

Temporary

Personal Services:

Group I, limited to –

ATMs

Barbershops and Beauty Shop

Clothing Alterations and Repair including Dressmakers,

Seamstresses and Tailors

Laundry Agents (wherein the establishment may do its own

Pressing and finish work but not the laundering or dry

Cleaning which is performed elsewhere)

Photo Agents (wherein drop-off and pickup film services are

provided but the actual processing and developing is done

elsewhere)

Shoe Repair Services (wherein shoe repair or shoe shining for

individual customers is performed)

Group II, limited to -

Beauty spas

Health clubs or spas

Reducing or slenderizing salons

Steam or Turkish baths

Group III, limited to -

Artificial limbs

Crutches

Hearing aids

Hospital beds

Optical supplies

Orthopedic supplies

Wheelchairs

Pet Services (outdoor pens, enclosures, and dog runs are prohibited)

Pet Shop (outdoor pens, enclosures, and dog runs are prohibited)

Pharmacy

Post Office

Real Estate Sales Office

Recreational Facilities: Commercial: Groups II and IV

Religious Facilities

Rental or Leasing Establishment (All storage must be indoor and outdoor display is prohibited):

Group I, limited to -

Beach chairs, umbrellas, and similar facilities

Bicycles

Moped and scooters

Passenger care pickup and drop off (no maintenance or repairs

And limited storage)

Group II, limited to -

Appliances

Bicycles

Costumes

Furniture

Garden equipment

Movies, videotapes and similar home entertainment

Party and banquet supplies

Tools and equipment primarily for home use

Repair Shops: Groups I and II

Research and Development Laboratories: Groups II and IV

Restaurant, Fast Food (subject to LDC Section 34-1353 if stand alone)

Restaurants: Groups I, II and III

Schools: Commercial

Signs in accordance with LDC Chapter 30

Social Services: Group I

Specialty Retail Shops: Groups I, II, III and IV (no outdoor storage or display permitted)

Studios

Temporary Uses (limited solely to temporary contractor's office and storage shed)

Used Merchandise Stores: Groups I and II

Variety Store

Wholesale Establishments: Group III

Note 1: All accessory uses, including accessory parking, must be located on the same tract, parcel, outparcel, or lot where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, outparcel, or lot.

Property Development Regulations

Estero WAS Minor CPD

DCI2015-00016

Property Development Regulations

Minimum Lot Area and Dimensions:

Area:	1.36 acres
Width:	190 feet
Depth:	270 feet

Minimum Setbacks:

Street:	25 feet
Side:	15 feet
Rear:	20 feet

Accessory Use and Structure setbacks must comply with LDC Section 34-1171 et seq. and 34-2194.

Maximum Lot Coverage: 60 percent

Maximum Building Height: 45 feet

Minimum Building Separation: Minimum building separation is the greater of either the minimum required setbacks or one-half the sum of the height of the buildings. (LDC Section 34-935(e)(4))

Deviation

LDC Section 34-2020(c)(3) allows administrative deviation for 5% reduction in parking if located on Bikeways/Walkways Facility Plan and bicycle parking racks provided.

LDC Section 34-2020(c)(3)

Bicycle and pedestrian facilities and amenities. The minimum required parking for a use may be reduced by five percent if bicycle and pedestrian facilities, identified on the Bikeways/Walkways Facility Plan - Planned Facilities and Existing Facilities, Map 3D-1 or Map 3D-2 of the Lee Plan, are located in the right-of-way adjacent to the property or on the property; a continuous bicycle path and pedestrian accommodations, consistent with section 10-610, are provided internal to the project from the bicycle/pedestrian facility to the primary entrance of the building; and, bicycle racks are provided on-site consistent with section 10-610(e)(3).

Staff Report

- Recommends approval
- Applicant agrees, with exception of:
 - Schedule of Uses
 - Temporary Contractor's office appropriate
 - Consumption on Premises – Outdoor seating appropriate in conjunction with restaurant use
 - Deviation Request – appropriate timing is now

Applicant's 48-Hour Notice

**PAVESE
LAW FIRM**

NEALE MONTGOMERY
Direct dial: (239) 336-6235
Email: NealeMontgomery@paveselaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-3195 | Fax (239) 332-2243

December 11, 2015
Via Hand Delivery and Email Transmittal

Mr. Roger Strelow, Chairman
Planning & Zoning Board
Village of Estero
21500 Three Oaks Parkway
Estero, FL 33928

RE: ESTERO WAS
DCI2015-00016
Applicant's 48-Hour Letter

Dear Chairman Strelow:

The Village of Estero adopted the County Land Development Code (LDC) and related Administrative Code. The County LDC and the Administrative Code require an Applicant to advise the Hearing Examiner, now the Planning and Zoning Board, of the issues of concern in the staff report.

The Applicant concurs with the staff report with the exception of three items.

1. Page 8 of 10 - Schedule of Uses: The staff recommended the elimination of temporary uses, limited to the temporary contractor's office and storage shed. The contractor needs to keep plans on site, and meet with inspectors and sub-contractors. A building site is subject to rain, lighting and heat much of the year that is not conducive to the protection of the plans and meetings. The developer needs to be able to have a safe place to retain plans and supervise the job site.
2. Page 8 of 10 - Schedule of Uses: The staff did not include the applicant's request for consumption on premises in conjunction with outdoor seating. The Applicant would like to have an outdoor seating area. The Applicant requested consumption on premises in conjunction with outdoor seating. The staff report doesn't reflect that the use was eliminated, it appears to have been dropped. The Applicant would be amenable to the inclusion of reasonable conditions such as: a) the outdoor seating will not face US 41; b) the consumption on premises for the outdoor seating will be limited to the hours of 11 a.m. to 12 a.m. (midnight); and c) there will be no live amplified music located outdoors in conjunction with the consumption on premises.
3. Page 3 of 10 - Deviation Request: The Applicant disagrees with the recommended denial of the deviation for the 5% reduction in the required off-street parking if bicycle and pedestrian facilities are provided consistent with Section 10-810(e)(3). The Land Development Code provides for an administrative approval of the proposed parking deviation, but the Village no longer has administrative approvals. Ordinance 15-01 gives the Planning and Zoning Board the power to approve administrative amendments

4635 S. DEL PRADO BLVD.
CAPE CORAL, FLORIDA 33904
(239) 542-3148

4524 OUN CLUB ROAD, SUITE 203
WEST PALM BEACH, FLORIDA 33415
(561) 471-1366

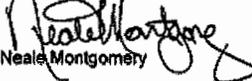
Mr. Roger Strelow, Chairman
Planning & Zoning Board
December 11, 2015
Page 2

through the public hearing process. The staff suggested that the deviation can be approved by the Design Review Board at the time of DO review. It does not appear that Ordinance 15-01 gives the Design Review Board the authority to approve administrative deviations. The Applicant does not want to end up back in front of the Planning and Zoning Board to achieve the deviation. The Village has expressed a desire to promote walkability, bicycling, and a healthier lifestyle. The deviation is consistent with the expressed desires of the Village. The Land Development Code includes criteria that must be met at the time of local development order. The LDC requires the applicant at the time of local development order to demonstrate the availability of a continuous bicycle path and pedestrian accommodations, consistent with Section 10-610, internal to the project from the bicycle/pedestrian facility along U.S. 41 to the primary entrance of the building; and the application must also demonstrate that the bicycle racks are provided consistent with the requirements of Section 10-610(e)(3). The Design Review Board will be able to review the development order plans for compliance with this condition when the Design Review Board reviews the development order plans as required by Ordinance 15-01.

The Applicant's Witness List and the Applicant's Exhibit List are attached hereto.

Your consideration of this matter is greatly appreciated.

Sincerely,


Neale Montgomery

NM/kc

Attachments:

Applicant's Witness List
Applicant's Exhibit List

cc: Planning and Zoning Board Members

Mr. Ryan Blinkowski
Mr. David Crawford
Mr. Ned Dewhirst
Mr. Jeff Meas
Ms. Marlene Naratili
Mr. Scotty Wood
Ms. Mary Gibbs
Mr. Steven Sarkozy
Mr. Jonathan Agnew
Mr. Gary Williams
Ms. Stacy Hewitt
Mr. Sam Marshall
Mr. Matthew Noble
Mr. Ted Treesh

Applicant's Proposed Conditions Consumption on Premises

- a) the outdoor seating will not face US 41;
- b) the consumption on premises for the outdoor seating will be limited to the hours of 11 a.m. to 12 a.m. (midnight);
and
- c) there will be no live amplified music located outdoors in conjunction with the consumption on premises.

MPD Thresholds

LDC Sec. 34-940

(a) All mixed use planned developments must meet or exceed at least two of the following thresholds:

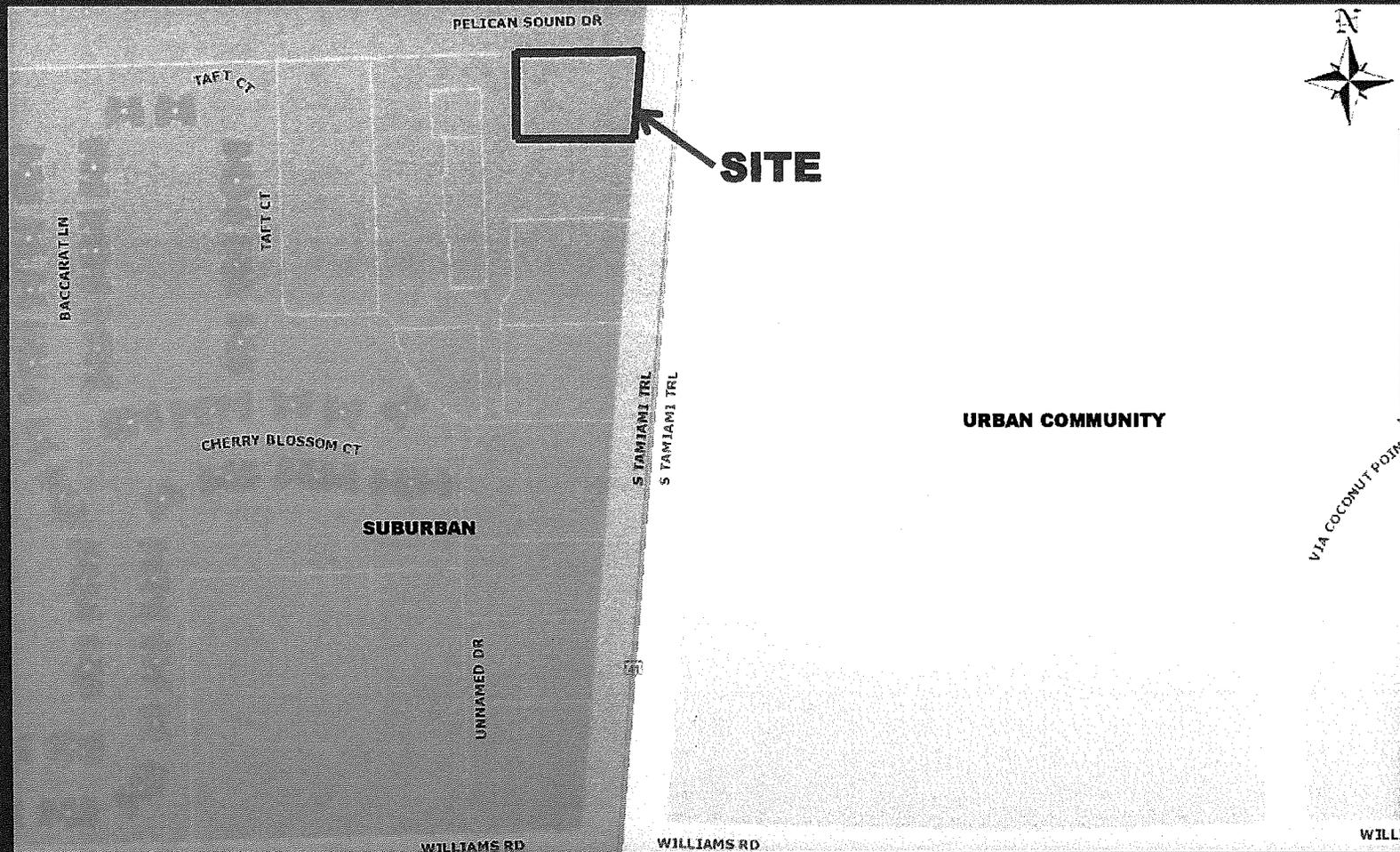
(1) A residential or mobile home development of 50 or more dwelling units.

(2) A commercial development or activity that is located on a parcel of two or more acres and includes 30,000 square feet or more of floor area.

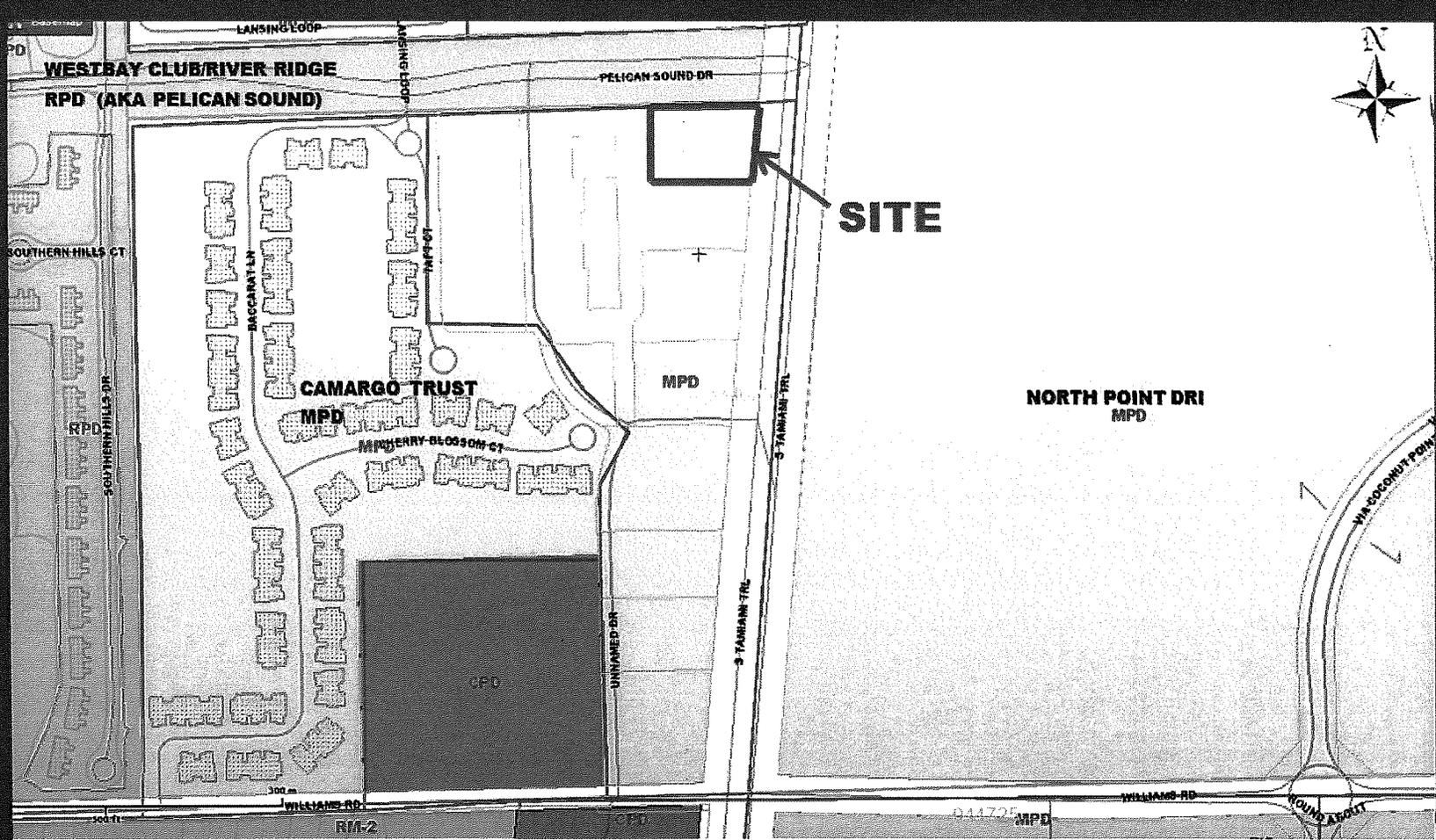
(3) An industrial development or activity that is located on a parcel of two or more acres and includes 30,000 square feet or more of floor area.

(4) A community facility development of two or more acres.

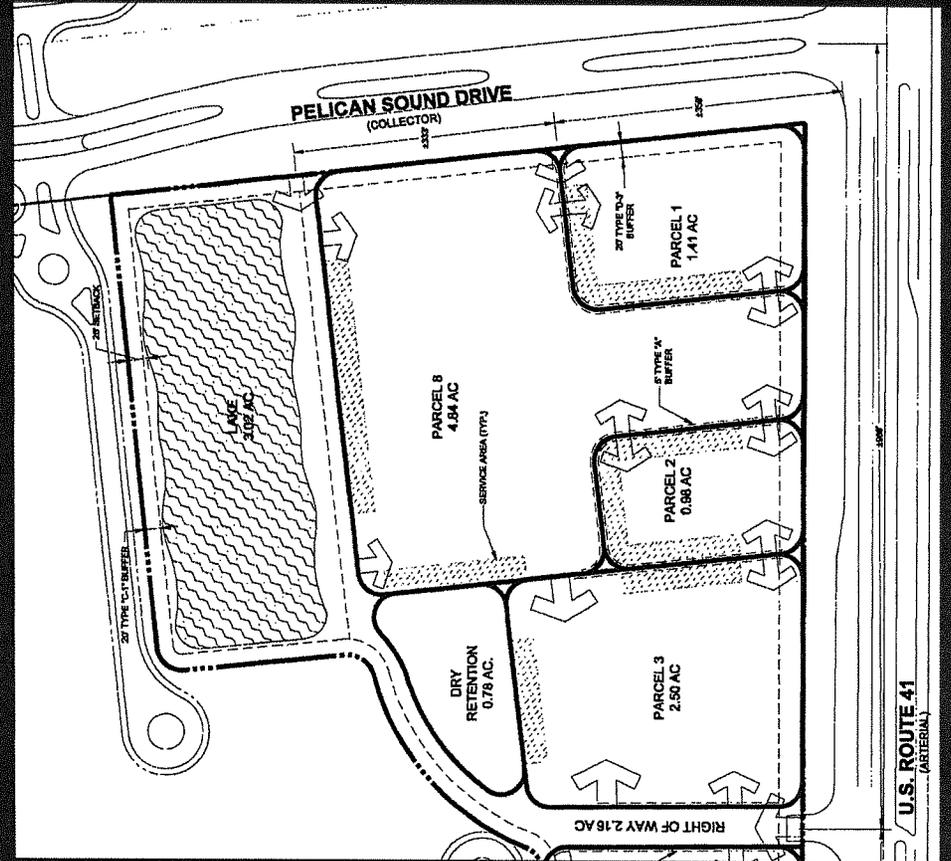
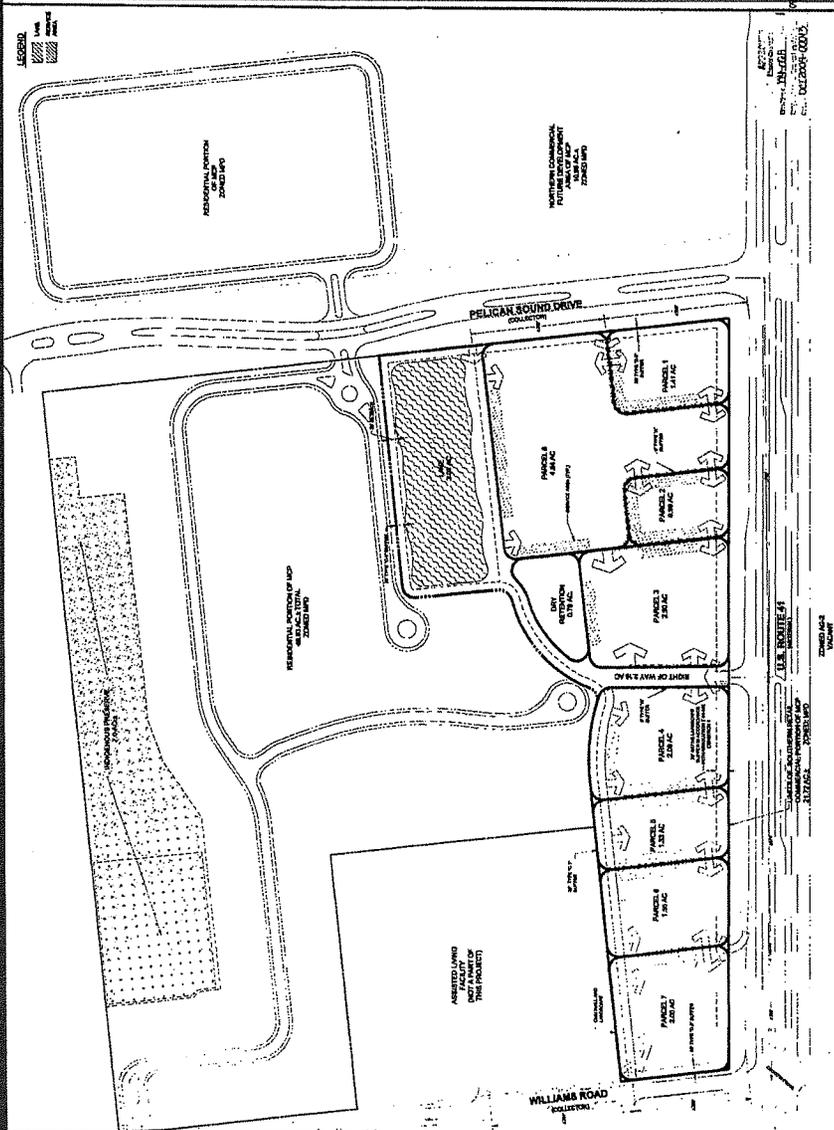
Future Land Use Map Designation



Zoning Designations

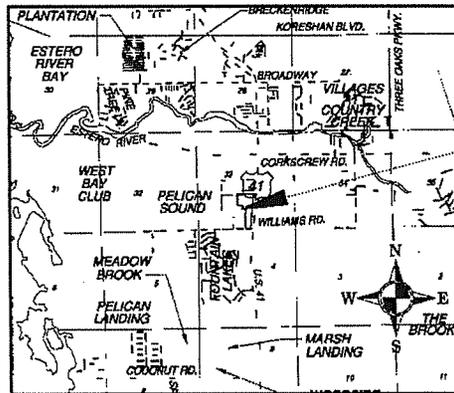


Current (MPD) Master Concept Plan



Current Master Concept Plan

- Page 2



SUBJECT PROPERTY

LOCATION MAP

- REDEVELOPMENT/LOTTERY/COASTAL DEVELOPMENT CONDITIONS
1. Open space and indigenous preservation areas shall comply with Resolution No. 2007-07.
 2. Years are for "fill in hole" facilities.
 3. All developments shall follow Resolution No. 2007-07 and 2007-08.
 4. All facilities will be removed at the time of the scheduled order approval.

RETAIL/COMMERCIAL INTENSITY

	PARCEL ACREAGE	MAXIMUM SQUARE FOOTAGE *
PARCEL 1	1.40	15,000
PARCEL 2	0.99	6,000
PARCEL 3	2.11	25,000
PARCEL 4	2.00	15,000
PARCEL 5	1.33	8,000
PARCEL 6	1.55	7,000
PARCEL 7	2.00	16,000
PARCEL 8	4.84	65,000
TOTAL	*NOT TO EXCEED	100,000

OPEN SPACE TABLE

PARCEL #	PARCEL ACREAGE	REQUIRED OPEN SPACE IN ACRES	PROPOSED OPEN SPACE IN ACRES
PARCEL 1	1.40	0.42	0.42
PARCEL 2	0.99	0.30	0.28
PARCEL 3	2.11	0.63	0.63
PARCEL 4	2.00	0.60	0.60
PARCEL 5	1.33	0.40	0.40
PARCEL 6	1.55	0.47	0.47
PARCEL 7	2.00	0.60	0.60
PARCEL 8	4.84	1.50	1.50
WETLANDS	1.54	0.38	0.38
LAKE	3.00	0.90	0.90
DRY RETENTION	1.17	0.35	0.35
TOTAL ACREAGE FOR SOUTH COMMERCIAL DEVELOPMENT AREA	21.73	6.55	6.51
TOTAL ACREAGE FOR FUTURE NORTH COMMERCIAL DEVELOPMENT AREA	10.88	3.30	3.28
TOTAL COMMERCIAL ACREAGE	32.62	9.85	9.79
PREVIOUSLY APPROVED RESIDENTIAL AREA	48.95	30.00	30.00
TOTAL	81.57	39.85	39.79

INDIGENOUS OPEN SPACE PROVIDED

As per Resolution 2007-07, Condition #6, open space must be provided per the open space table on the MCP. A total of 16.22 acres (with credits) of existing indigenous native vegetation has been provided in the residential portion of the MCP. Calculations on the approved open space table are as follows:

Open Space Required for Commercial Parcels at 30%: 10.0
 Open Space Provided for Residential Parcels at 40%: 20.0
 Total Open Space Required: 30.0 acres

Indigenous Open Space Provided: 15.0 acres

Indigenous Open Space Provided:
 2.2 acres @ 125% per LDC Section 10-4(d)(2): 2.7
 4.8 acres @ 150% per LDC Section 10-4(d)(2): 7.3
 Total Indigenous Open Space Provided: 15.0 acres

10 acres (with credits) of indigenous open space has been provided in the residential portion of the MCP.

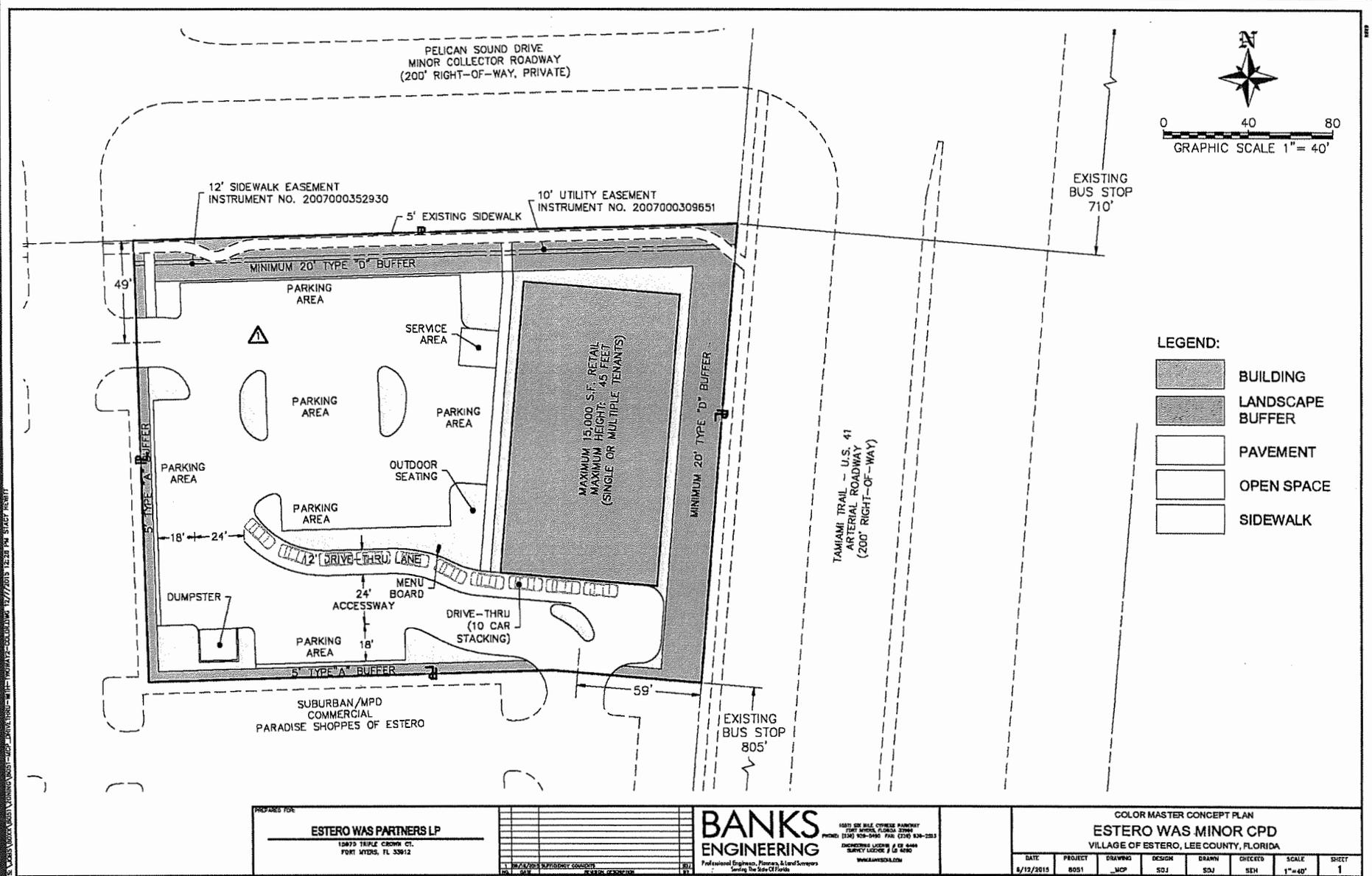
SURROUNDING ZONING AND LAND USES

ZONING	EXISTING LAND USES
NORTH	MPD PELICAN SOUND DRIVE / VACANT
SOUTH	CPD WILLIAMS ROAD / COMMERCIAL
CENT	ADR ULR 41 / VACANT
WEST	MPD VACANT

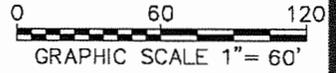
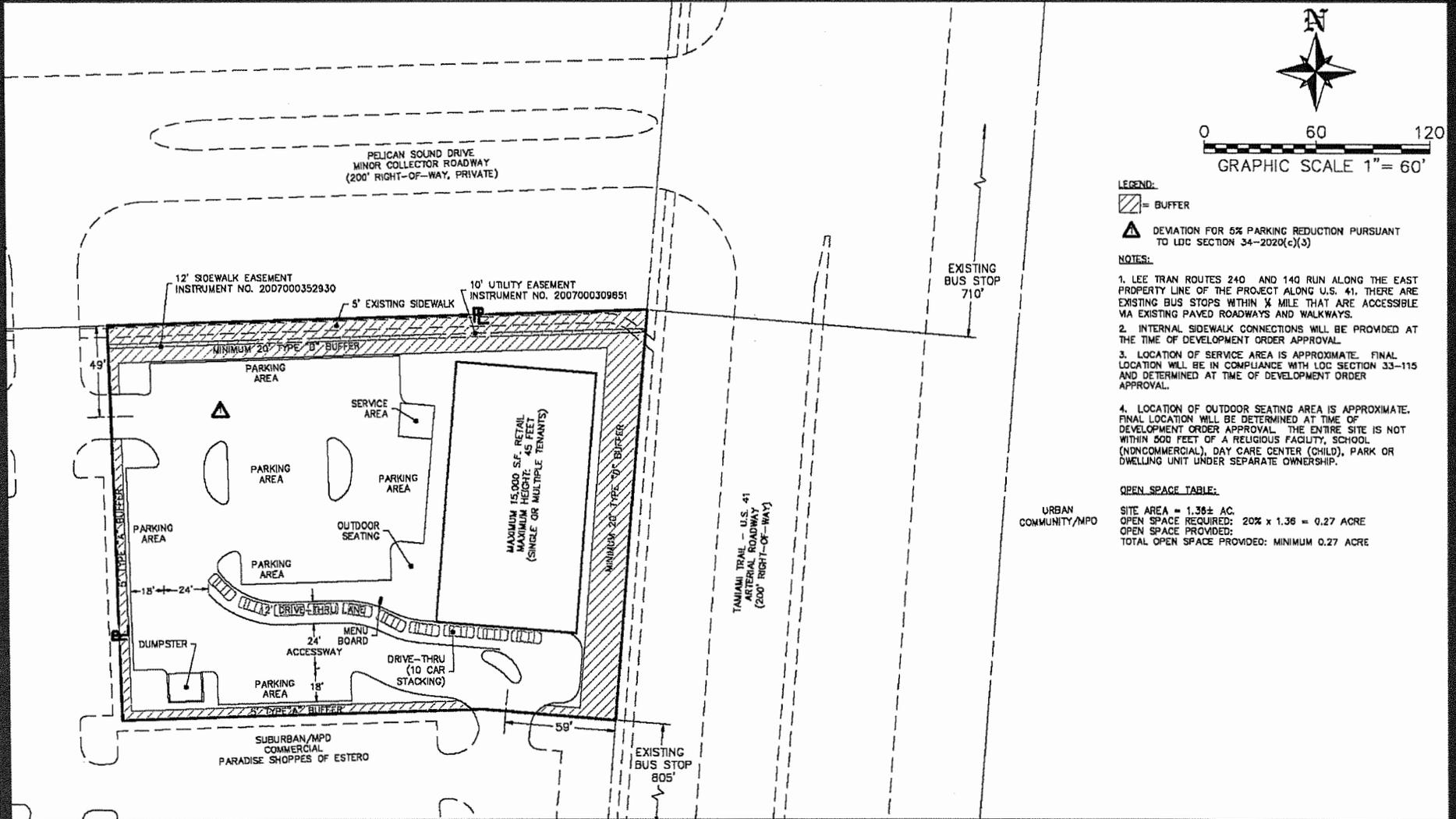
PARCELS 1-8 TO BE COMMERCIALLY DEVELOPED

APPROVED
 Master Concept Plan
 04-008-00013-2 of 2
 04/20/08
 04/20/08-00013

Proposed Master Concept Plan



Proposed Master Concept Plan



LEGEND:

= BUFFER

DEVIATION FOR 5% PARKING REDUCTION PURSUANT TO LOC SECTION 34-2020(c)(3)

NOTES:

- LEE TRAN ROUTES 240 AND 140 RUN ALONG THE EAST PROPERTY LINE OF THE PROJECT ALONG U.S. 41. THERE ARE EXISTING BUS STOPS WITHIN 1/4 MILE THAT ARE ACCESSIBLE VIA EXISTING PAVED ROADWAYS AND WALKWAYS.
- INTERNAL SIDEWALK CONNECTIONS WILL BE PROVIDED AT THE TIME OF DEVELOPMENT ORDER APPROVAL.
- LOCATION OF SERVICE AREA IS APPROXIMATE. FINAL LOCATION WILL BE IN COMPLIANCE WITH LOC SECTION 33-115 AND DETERMINED AT TIME OF DEVELOPMENT ORDER APPROVAL.
- LOCATION OF OUTDOOR SEATING AREA IS APPROXIMATE. FINAL LOCATION WILL BE DETERMINED AT TIME OF DEVELOPMENT ORDER APPROVAL. THE ENTIRE SITE IS NOT WITHIN 500 FEET OF A RELIGIOUS FACILITY, SCHOOL (NONCOMMERCIAL), DAY CARE CENTER (CHILD), PARK OR DWELLING UNIT UNDER SEPARATE OWNERSHIP.

OPEN SPACE TABLE:

URBAN COMMUNITY/MPD
 SITE AREA = 1.38± AC.
 OPEN SPACE REQUIRED: 20% x 1.38 = 0.27 ACRE
 OPEN SPACE PROVIDED:
 TOTAL OPEN SPACE PROVIDED: MINIMUM 0.27 ACRE

Deviation

LDC Section 34-2020(c)(3) allows administrative deviation for 5% reduction in parking if located on Bikeways/Walkways Facility Plan and bicycle parking racks provided.

Community Coordination

Planning and Zoning Board Public Information Meeting – July 21, 2015

- No Public Comment

Pelican Sound Board Workshop – September 15, 2015

- Outreach meeting
- Discussed traffic, bicyclists and landscaping