



VILLAGE OF ESTERO

COMPREHENSIVE PLAN AMENDMENT
STAFF REPORT

ESTERO CROSSING
CPA 2015-02
(PRIVATELY SPONSORED AMENDMENT)

Planning and Zoning Board
March 29, 2015 Public Hearing

CASE NAME: ESTERO CROSSING
CASE TYPE: COMPREHENSIVE PLAN MAP AMENDMENT
(PRIVATELY INITIATED)
CASE NUMBER: CPA 2015-02
PLANNING & ZONING BOARD DATE: MARCH 29, 2016

REQUEST SUMMARY

This is a request for a Comprehensive Plan Amendment for nearly 43 acres, located 1,000 feet west of the Corkscrew Road/I-75 intersection from primarily General Interchange, with lesser amounts of Urban Community and Wetlands, to Intensive Development and Wetlands. The Amendment would allow the applicant to develop up to 576 residential units or 467,943 square feet of commercial or industrial use.

The staff does not recommend transmittal of the current request for reasons outlined in this report. If the Planning and Zoning Board wishes to recommend transmittal to the state reviewing agencies, an alternative should be considered. One option would be General Interchange on the northern third of the site, and Central Urban or Urban Community on the southern two-thirds of the property. There are also other alternatives that could be considered.

Please note there is also a proposed rezoning of the property in conjunction with this request that contains more specific details regarding the project. The rezoning request is for less density and intensity than the maximum allowable in the new Comprehensive Plan land use designation.

APPLICATION SUMMARY

Project Name: Estero Crossing

Applicant/Representatives: SD Estero Crossing, represented by John Wojdak of DeLisi Fitzgerald, Inc.

Applicant's Request: Amend Lee Plan Map 1, the Future Land use Map, for a 42.97 acre parcel from General Interchange, Urban Community and Wetlands to Intensive Development and Wetlands and amend Lee Plan Table 1(b), Year 2030 Allocations, to accommodate the proposed change to the Future Land Use Map in the Estero Planning Community.

Size of Property: 42.97 acres

Property Location: The property is located on the south side of Corkscrew Road, approximately 1,000 feet west of the intersection of Corkscrew Road and I-75.

Existing Use of Land: The subject property is currently vacant.

Current Zoning: The subject property was rezoned to Commercial Planned Development (CPD) in 2006. The case, known as Estero Crossing Case #DCI2005-00102, was approved by Lee

County Resolution Z-06-31. The existing CPD allows 310,000 square feet of commercial uses and no residential units.

Future Land Use Category:

General Interchange	27.19 acres	(63%)
Urban Community	12.57 acres	(29%)
Wetlands	3.21 acres	(7%)

PUBLIC INFORMATION MEETING

The public information meeting for this application, as well as the rezoning request, was held at the Planning and Zoning Board on June 16, 2015. Additionally, the applicant advises that they met several times with the adjacent Corkscrew Woodlands development.

PROJECT HISTORY

The site is currently vacant. The property was rezoned from Agricultural to Commercial Planned Development in 2006 (Zoning Resolution Z-06-31) for up to 310,000 square feet and maximum building height of 45 feet.

The Comprehensive Plan Land Use category has been in place since 1996.

SURROUNDING PROPERTIES

NORTH: *General Interchange (Estero Interstate Commerce Park)*

North of the subject property, across Corkscrew Road, is the Estero Interstate Commerce Park zoned CPD by Lee County Resolution Z-00-0006. This project is located within the General Interchange and Intensive Development future land use categories. It is approved for 79,800 square feet of commercial retail, 20,000 square feet of light industrial, and 136 residential units.

EAST: *General Interchange and Urban Community (Corkscrew Commerce Center and Corkscrew Woodlands)*

East of the subject property, is the Corkscrew Commerce Center zoned CPD by Lee County Resolution Z-86-136 and located in the General Interchange future land use category. It is approved for 100,000 square feet of commercial retail, 30,000 square feet of commercial office, and 120 hotel units. Further east is Interstate 75.

SOUTH and SOUTHEAST:

Urban Community (Corkscrew Woodlands and Wetlands)

South and southeast of the property is Corkscrew Woodlands zoned Residential Planned Development (RPD) and approved for 320 single family residential units by Lee County Resolutions Z-96-23 and Z-94-47.

WEST: *Urban Community (Estero Town Center and Villas Palmeras)*

West of the subject property, along the northwest half of the site, is the Estero Town Center CPD zoned for 297,000 square feet of commercial uses by Lee

County Resolution Z-03-032. Along the southwest half of the site property line is Villa Palmeras RPD zoned for 110 multi-family residential units by Lee County Resolution Z-06-079.

PROJECT DESCRIPTION

The applicant is requesting an amendment to the Comprehensive Plan from General Interchange, Urban Community and Wetlands to the Intensive Development and Wetlands categories. The applicant is also requesting a rezoning of the site from the existing Commercial Planned Development Zoning to Mixed Use Planned Development Zoning for residential and commercial uses.

If the amendment and rezoning are approved, the applicant's proposal shows the majority of the project being residential, with commercial uses on the northern portion of the property along Corkscrew Road. The rezoning shows two different site plans: one for multi-family apartments (the applicant's preferred site plan) and the second for single-family use. Both site plans show commercial use along Corkscrew Road.

The maximum number of residential units is 455, with 60,000 square feet of commercial uses. The applicant is requesting the Comprehensive Plan Amendment because General Interchange does not allow residential use.

STAFF ANALYSIS

This Comprehensive Plan Amendment was submitted to Lee County on January 21, 2015 and was found "sufficient" on May 28, 2015. The applicant also submitted a rezoning request which was found sufficient. The applicant held a public information meeting for both the Comprehensive Plan Amendment and Rezoning at the Village's Planning and Zoning Board on June 16, 2015. The applicant has also met with the Corkscrew Woodland residents in order to ascertain and address their issues. More recently, the applicant has met with Village staff to provide additional information and revisions to the plans. While it is staff's understanding that the applicant has made revisions to reduce impacts to Corkscrew Woodlands, not all issues have been agreed to and the applicant has requested to schedule the cases for public hearing.

In analyzing a Comprehensive Plan Amendment, it is necessary to determine if the requested amendment would be consistent with and further the policies and objectives contained within the Plan and to determine if the requested category is appropriate and compatible with the map and other nearby areas, as well as general planning principles. The rezoning will be reviewed subsequent to the amendment for more specifics and details.

The following is a detailed analysis of the request and a discussion of why the request should not be transmitted to the state for the Intensive Development category, along with a discussion of potential alternatives.

Land Use Category Description

The 42.97 acre subject property currently has three different future land use categories, as follows:

General Interchange	27.19 acres	63.27 percent of the property
Urban Community	12.57 acres	29.25 percent of the property
Wetlands	3.21 acres	7.47 percent of the property

The General Interchange Future Land Use Category is defined by Policy 1.3.2:

POLICY 1.3.2: *The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial.*

The Urban Community Future Land Use Category is defined in Policy 1.1.4:

POLICY 1.1.4: *The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3, where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). Any bonus densities approved on the properties added to the Urban Community Future Land Use Category in conjunction with CPA2010-00002 must be achieved through use of the transfer of development rights program.*

The CPD zoning currently approved on the subject property (DCI2005-00102) is consistent with the existing future land use categories and would allow 310,000 square feet of commercial uses. Residential uses are not permitted within the General Interchange Future Land Use Category which is approximately 63 percent of the property. The residential uses proposed by the applicant are not consistent with this future land use category.

The Wetlands category will remain the same.

Requested Category and Analysis

The applicant is requesting the Intensive Development Land Use Category for the property, which is described below in the Lee County Comprehensive Plan which also serves as Estero’s Transitional Plan.

POLICY 1.1.2: *The Intensive Development areas are located along major arterial roads in Fort Myers. North Fort Myers, East Fort Myers west of I-75, and South Fort Myers. By virtue of their location, the County's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are encouraged to be developed as described in Policy 2.12.3, where appropriate. As Lee County develops as a metropolitan complex, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwellings units per acre (7 du/acre) to fourteen dwellings units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre).*

Staff does not believe that the intensity and density of this proposed amendment is appropriate, nor does it meet the location description in the above policy.

The Intensive Development Land Use Category may be appropriate for centrally located high intensity areas of the County but should not be considered for the Village of Estero. It is the highest density category in the County's Comprehensive Plan. It allows a broad range of uses and density that may not be appropriate. The only Intensive Development category in the Village is a parcel located in the northwest corner of the Interchange which was approved by Lee County and is now being developed as apartments. It is surrounded by commercial uses and is incongruous when compared to the general area.

The Village is currently creating other land use categories that encompass mixed-use in the Village Center area, and has also embarked on developing the Village's first Comprehensive Plan which must be in place no later than December 2017.

Approval of Intensive Development creates a type of "spot" planning (similar to spot zoning), a category that is not compatible with other adjacent categories, creates a disjointed land use pattern, and only exists in one small location in the Village.

If the Village wants to encourage higher densities, other categories should be considered or the category should be renamed or tailored to fit Estero's vision. While this may not occur until the Comprehensive Plan is completed, and the applicant wishes to proceed now, staff has evaluated other alternatives if the Planning and Zoning Board wishes to recommend transmittal at this time. This is discussed in the following section.

Alternative to Intensive Development

One alternative to the Intensive Development Land Use Category would be to amend the category to a different combination of categories. One such example would be to retain General Interchange on the northern one-third of the site, and change the Urban Community category to Central Urban, on the southern two-thirds of the site (retaining the small Wetlands category). It should be noted, however; that there is no "Central Urban" land use in Estero.

The advantage of this option would be to retain some interchange area because there is only one interchange in the Village. The interchange is designed to provide uses for the traveling public. From a planning perspective it would be appropriate to retain a certain amount of commercial interchange use. The Central Urban category would allow a maximum of 10 units per acre in lieu of 14 units per acre. This would result in fewer overall units.

The advantages of the applicant's request is that it provides one category – Intensive Development – for the site. The disadvantage is that it allows 14 units per acre and could set a precedent for future requests of this more intense nature before the Village completes its first Comprehensive Plan. The proposed amendment to Intensive Development could allow a maximum density of 576 residential units and up to 467,943 square feet of commercial or residential uses.

If the application is heard concurrently with the rezoning, the maximum residential would be 455 units with 60,000 square feet of commercial, 100 hotel units and a 200 bed continuing Care Facility.

Policy Analysis

In evaluating the Comprehensive Plan amendment it is important to review Estero's vision from the Comprehensive Plan.

Estero Vision: *To establish a community that embraces its historic heritage and protects the environment, while carefully planning for future development resulting from a desirable high quality of life, expanding economic opportunities, and proximity to Florida Gulf Coast University and the Southwest Florida International Airport, Estero's growth will be planned with strong neighborhoods, diverse economic generators, interconnected mixed-use centers, varied parks, public spaces, recreational facilities, and unique natural environments that fosters a sense of belonging and creates a unique natural environments that fosters a sense of belonging and creates a sense of place. Estero will be a highly valued place to live, work, and visit because of development standards and design guidelines that promote:*

- 1) Desirable neighborhoods and public amenities;*
- 2) Vibrant economic centers;*
- 3) Attractive landscaping, streetscaping, lighting, signage, and architectural features; and*
- 4) An interconnected transportation network.*

The implementation of this vision will successfully link residential and commercial areas and uphold Estero as a vibrant Lee County community.

Estero-Specific Goals and Policies

The Estero Planning Community is specifically addressed by Lee Plan Goal 19. It contains objectives and policies specifically requested and reviewed by residents of the Estero Planning Community. Goal 19 is intended to reflect the community character desired by the residents of Estero.

Goal 19: Estero. *Promote the development of Estero as a Community with a unique quality of life, distinct character, and diverse housing, economic, recreational, and social opportunities by:*

- a. *Protecting the natural resources, environment, and lifestyle;*
- b. *Establishing minimum aesthetic and design requirements;*
- c. *Managing the type, location, quality, design and intensity of future land uses;*
- d. *Providing greater opportunities for public participation in the land development approval process; and*
- e. *Promoting a true sense of place in Estero.*

The applicant met with the community in January 2015 in order to receive community input and address any concerns of residents. While some issues have been resolved, some still remain.

POLICY 19.2.6: *Encourage commercial developments within the Estero Planning Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including, but not limited to, bike paths and pedestrian access ways. (Added by Ordinance No. 14-16)*

The applicant is providing an interconnection to the east and west with its reverse frontage road. The residential area will be gated.

POLICY 5.1.5: *Protect existing and future residential areas from an encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)*

The density and height requested are not compatible with the residential to the southeast and west.

Table 1(b), Year 2030 Allocations, is implemented and made regulatory through Policy 1.7.6 and Policy 2.2.2 of the Transitional Plan which reference Map 16 (Lee County Planning Communities Map) and Table 1(b) (Year 2030 Allocations). Amendments to Table 1(b) are made by balancing the land use assumptions within Lee County. This Table may need to be revised for the Village of Estero as it prepares its first Comprehensive Plan. Policy 1.7.6 states that “Acreage totals are provided for land in each Planning Community in unincorporated Lee County.”

Goal 2 addresses growth management. Specifically, Objective 2.1 promotes contiguous and compact growth patterns to preclude sprawl and reduce additional demands on infrastructure, and Objective 2.2 directs growth to areas that already possess sufficient infrastructure to support

additional development. This area is heavily developed, but the proposed amendment creates a “spot planning” scenario and also exacerbates transportation issues which will be described further in this and the Zoning staff report.

Goal 4 addresses sustainable development design. It is intended to encourage creative site designs that use mixed-use development techniques. This goal also creates the Mixed-Use Overlay as a method of implementing these techniques. The subject property is within the Mixed-use Overlay. Developments within the Overlay that meet certain development criteria, such as New Urbanist, Transit-Oriented Development, and Traditional Neighborhood Development, are permitted to use the commercial portions of the site when calculating residential density. This proposal does not meet that criteria but is not requesting the additional density.

Other Issues

The Proposed Comprehensive Plan Amendment was reviewed by Lee County staff and other agencies since it was submitted to Lee County. Comments are listed below:

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS:

In a memo dated May 7, 2015, Lee County Department of Transportation staff stated:

We have reviewed the above application which requests the land use designation of approximately 42.97 acres be changed from “General Interchange”, “Urban Community” and “Wetland” to “Intensive Development”. The existing FLUM designation of land uses, 128 residential dwelling units could be built in the subject area. The proposed Intensive Development designation would allow 454 residential subject dwelling units or 455,638 square feet of medical office uses could be built in the subject area. For the traffic worse case study, 455,638 square feet of medical office uses were studied in the traffic analysis. If this amendment is adopted, the project will generate 1,309 trips in the PM peak hour basis in the worse case study. The level of service (LOS) analysis of short range (5 years) provided by the applicant indicates all the study area roadway segments (3 mile radius) are anticipated to operate at or better than the adopted LOS standard in year 2020 with the exception of Corkscrew Rd between Three Oaks Pkwy and Estero Town Commons Place and also between Corkscrew Woodlands Blvd and I-75. These two segments will operate at an acceptable LOS without the project and LOS at “F” with the project in the year 2020. For year 2035 long range transportation plan analysis, after running the FSUTMS travel demand model for year 2035 conditions, we determined the roadway segments of Corkscrew Road from River Ranch Rd and Ben Hill Griffin Rd to Estero Pkwy will operate at LOS “F” with and without the proposed project in the year 2035.

This project will access to Corkscrew Rd which is an arterial maintained by County. There is existing sidewalk on Corkscrew Rd.

ADDITIONAL TRANSPORTATION IMPACTS:

In addition to projected level of service issues on Corkscrew Road, it has been determined that there is an operational safety issue as well, and that a traffic light is needed at the Lowe’s Shipping Plaza. A light would help route traffic from this project as well as Corkscrew Woodlands along the reverse frontage road behind its commercial development to the west and then north to the traffic light. The applicant has verbally indicated that it would participate in funding a light and

could help with design so that light could be constructed at an earlier date than if the county did the design. This is discussed in more detail in the Zoning Staff report.

NATURAL RESOURCES:

The South Florida Water Management District (SWFWMD) Environmental Resources Permit (ERP) has not been issued on the subject property. The proposed development surface water system will be designed to SFWMD standards and the applicant will be required to obtain an ERP in order to develop the subject property.

ENVIRONMENTAL CONSIDERATIONS:

In a June 7, 2015 email, Lee County Environmental Sciences staff stated:

The proposed amendment to the Estero Crossing property allowing for increased intensity on the site will impact existing wetlands and uplands. At time of zoning ES Staff will work with the applicant to designate adequate preserves, buffering, and open space to meet the LDC, Lee Plan, and address compatibility with surrounding land uses. Therefore, ES Staff does not object to the proposed land use change.

FEMA FLOODWAY:

The subject property is not located within FEMA identified floodway.

HISTORIC RESOURCES:

The subject property is not within the level 2 sensitivity areas for archeological and historic resources.

SOILS:

The applicant has provided a description of the soils that are found on site. A detailed description is included in the application.

TRANSIT SERVICES:

In a letter dated December 3, 2014, LeeTran staff stated that there is fixed-route transit service along Corkscrew Road (Route 60) that fronts the subject property. The entire Estero Crossing property lies within the LeeTran Paratransit services corridor.

EMERGENCY MEDICAL SERVICES (EMS):

In a letter dated November 17, 2014, EMS staff stated that the primary ambulance for the subject property is Medic 21 and that there are two other locations within 5 miles of the subject property. All three locations are projected to meet service standards and that service availability for the proposed development is adequate at this time.

POLICE SERVICES:

In a letter dated November 20, 2014, Lee County Sheriff's Office staff stated that the proposed development does not affect their ability to provide core services at this time.

FIRE SERVICES:

In a letter dated November 17, 2014, Estero Fire Rescue staff stated that they are capable of providing fire protection and advanced life support/non transport services for the subject property.

SCHOOL DISTRICT:

In a letter dated January 27, 2015, School District staff stated that the local Concurrency Service Area (CSA) currently has sufficient capacity to serve the elementary and middle school portions of the estimated 41 additional school age children that would be generated by the proposed development. There is sufficient capacity in the contiguous CAS to accommodate the high school age children.

SOLID WASTE:

In a letter dated November 19, 2014, Lee County Solid Waste Operations staff stated that there is sufficient capacity to accommodate the proposed development.

UTILITY SERVICES:

In a letter dated March 11, 2015, Lee County Utilities staff stated that potable water service will be provided through the Pinewood Water Treatment Plant. Sanitary Sewer Service will be provided by Three Oaks Wastewater Treatment Plant. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service to the proposed development.

SUMMARY AND FINDINGS

When the Planning and Zoning Board evaluates a Comprehensive Plan Amendment it must review the issues and determine whether it should recommend to Council if the amendment should be “transmitted” to the state agencies for further review, or “not transmitted”.

A Comprehensive Plan Amendment is a legislative decision for the Village Council. It is not quasi-judicial like a zoning case. The staff’s evaluation of the applicant’s request for the Intensive Land Use Category shows no compelling need to approve a higher density category at this time. In fact, the existing categories of General Interchange and Urban Land Use Community are more consistent and compatible with the existing land use plan.

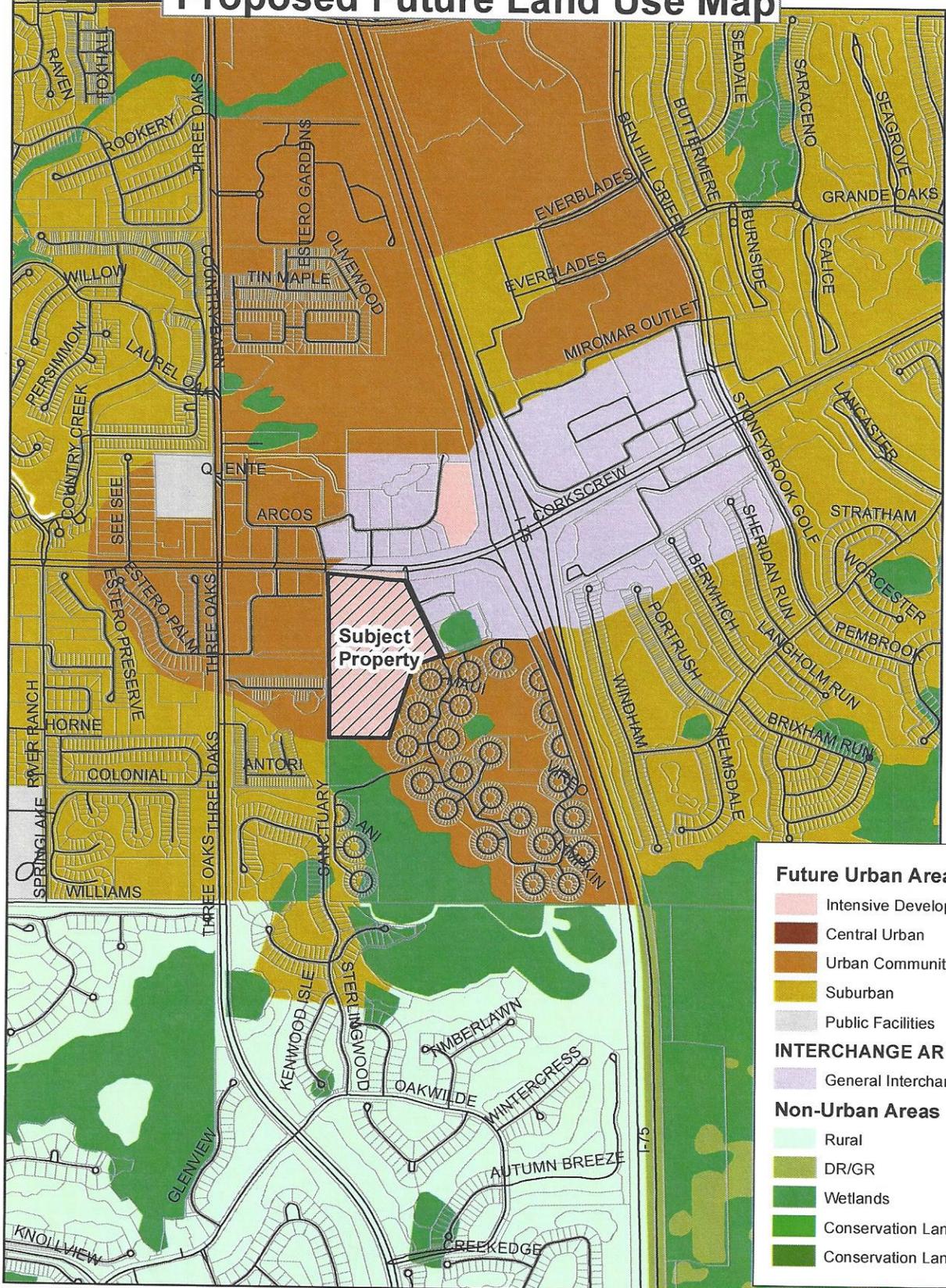
However, if the Village desires more residential development in this area in lieu of commercial, there may be some benefits to evaluating alternative land use category scenarios. Any alternatives should be thoroughly reviewed and analyzed by the Planning and Zoning Board prior to the Village Council meeting.

In summary, the proposed uses, intensity and residential density of the subject property that would be allowable in the Intensive Development Future Land Use Category are not consistent with the Plan.

Attachments

- A. Maps: Current future land use, proposed future land use, existing land use and zoning and aerial map
- B. Legal description and sketch
- C. Letter from Florida Division of Historical Resources
- D. Applicant's consistency with the Lee Plan
- E. Applicant's justification narrative
- F. Lee Tran staff letter dated December 3, 2014
- G. Lee County Sheriff's office letter dated November 20, 2014
- H. Fire Services letter dated November 17, 2014
- I. School District letter dated November 25, 2014
- J. Lee County Solid Waste Operations letter dated November 19, 2014
- K. Lee County Utilities letter dated August 1, 2014

CPA2015-02 Estero Crossing Proposed Future Land Use Map



Future Urban Areas

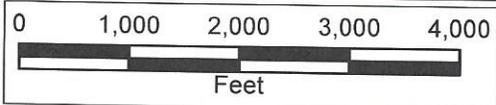
- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Public Facilities

INTERCHANGE AREAS

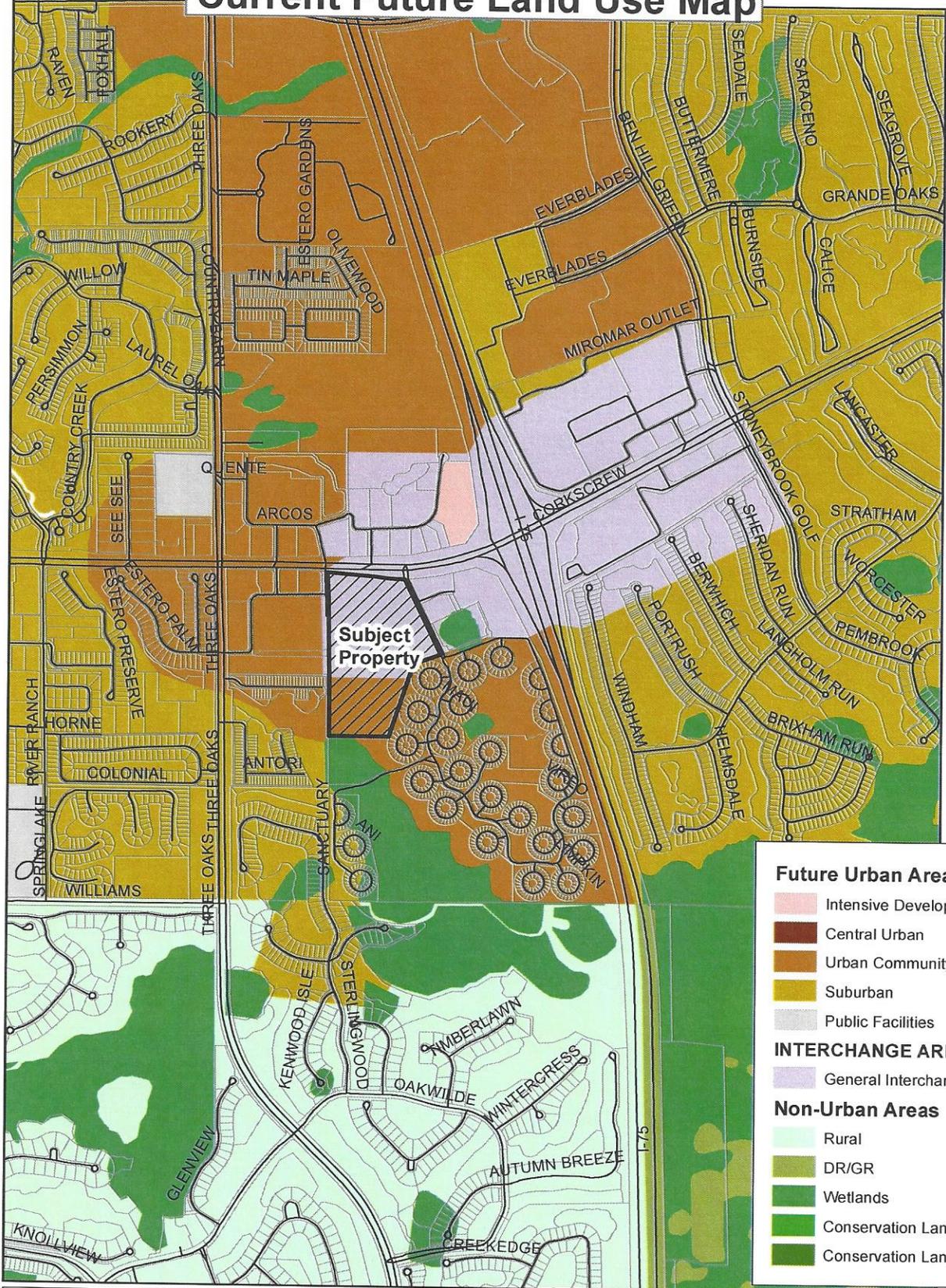
- General Interchange

Non-Urban Areas

- Rural
- DR/GR
- Wetlands
- Conservation Lands - Upland
- Conservation Lands - Wetland



CPA2015-02 Estero Crossing Current Future Land Use Map



Future Urban Areas

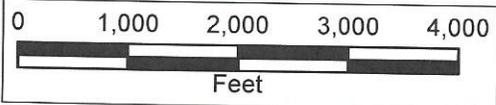
- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Public Facilities

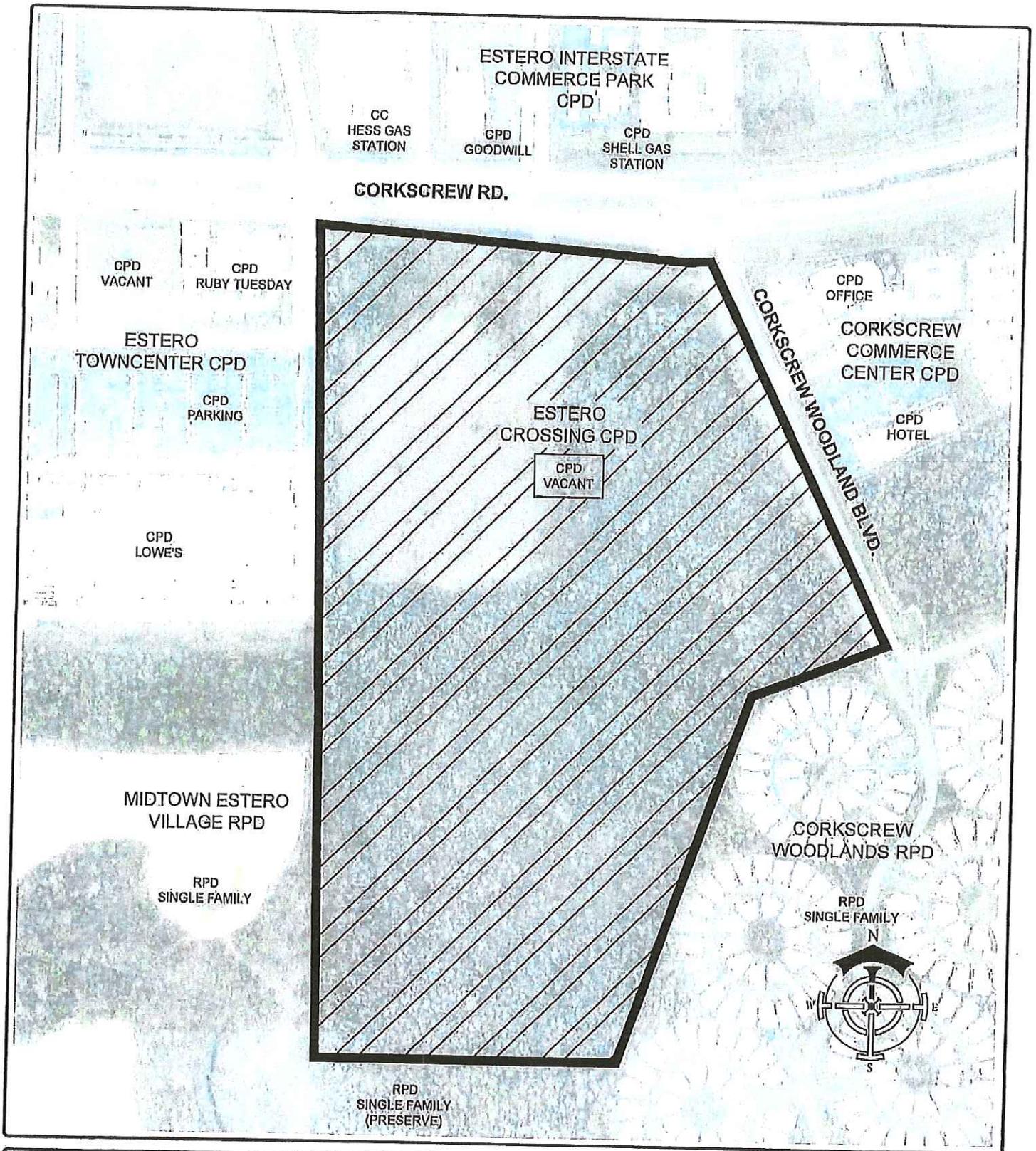
INTERCHANGE AREAS

- General Interchange

Non-Urban Areas

- Rural
- DR/GR
- Wetlands
- Conservation Lands - Upland
- Conservation Lands - Wetland



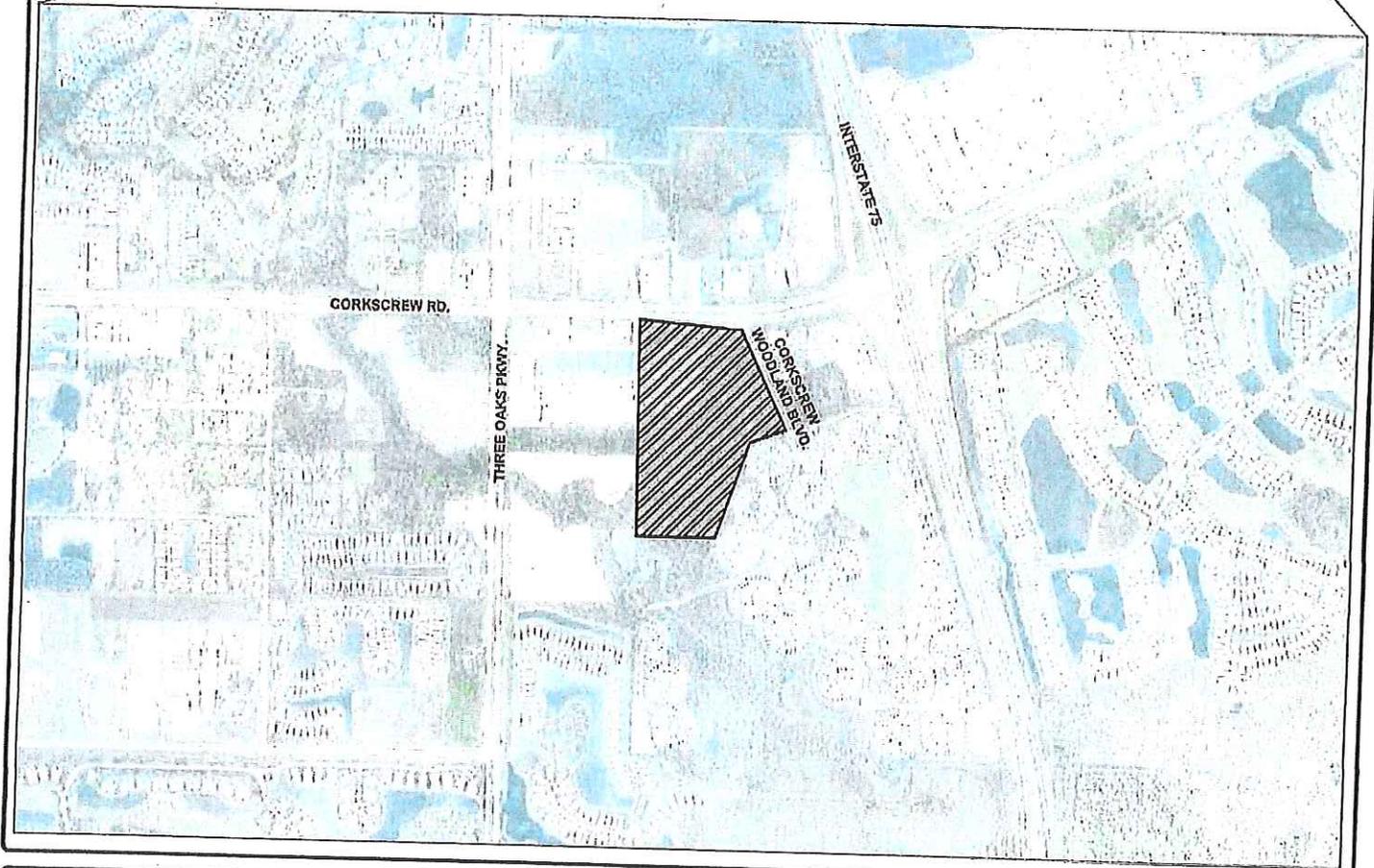
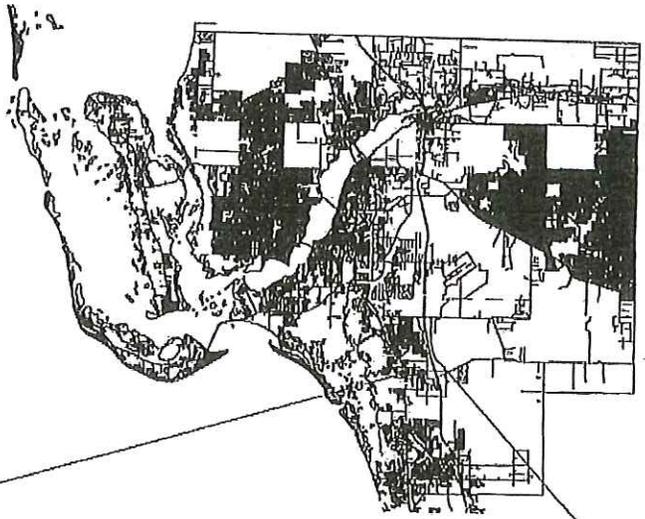
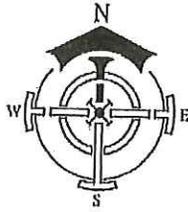


DELSI FITZGERALD, INC.
 Planning - Engineering - Project Management
 1605 Hendry Street
 Fort Myers, FL 33901
 239-418-0691 • 239-418-0692 fax
 Florida Certificate of Authorization:
 Engineering LB #: 26978

OWNER / DEVELOPER:
SD ESTERO CROSSING, LLC
 2647 PROFESSIONAL CIRCLE, SUITE 1201
 NAPLES, FL 34119
 (239)592-7345

PROJECT:
ESTERO CROSSING

EXISTING ZONING AND LAND USES EXHIBITS A.4 & A.5	
Project Number:	21315
Part of Section(s):	35
Township:	46 S Range: 25 E
County, State:	LEE COUNTY, FL
Sheet Number:	1



DELSI FITZGERALD, INC.
Planning - Engineering - Project Management

1605 Hendry Street
 Fort Myers, Fl. 33901
 239-418-0691 • 239-418-0692 fax

Florida Certificate of Authorization:
 Engineering LD #: 26978

OWNER / DEVELOPER:
SD ESTERO CROSSING, LLC
 2677 PROFESSIONAL CIRCLE, SUITE 3701
 NAPLES, FL 34119
 (239)592-7344

PROJECT:

ESTERO CROSSING

**AERIAL
 LOCATION MAP
 EXHIBIT A.8**

Project Number:	21315
Part of Section(s):	35
Township:	46 S Range: 25 E
County, State:	LEE COUNTY, FL

Sheet Number: 1

PROPERTY DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:
STARTING AT THE SOUTHWEST CORNER OF THE EAST ONE HALF (E 1/2) OF THE SOUTHWEST ONE QUARTER (SW 1/4) OF SAID SECTION 35; THENCE N00°44'07"W ALONG THE WEST LINE OF SAID FRACTION FOR 1926.54 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N00°44'07"W ALONG SAID WEST LINE FOR 710.00 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE HALF (E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 35; THENCE N01°05'08"W ALONG THE WEST LINE OF SAID FRACTION FOR 1210.80 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE S85°17'38"E ALONG SAID RIGHT-OF-WAY FOR 861.43 FEET; THENCE N86°41'44"E ALONG SAID LINE FOR 49.85 FEET; THENCE S25°46'14"E FOR 977.57 FEET; THENCE S68°30'00W FOR 331.29 FEET; THENCE S19°00'00"W FOR 900.00 FEET; THENCE WEST FOR 700.00 FEET TO THE POINT OF BEGINNING.

KAS 12/30/14

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

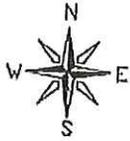
NOT A SURVEY

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4642 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

DATE: 12/30/14
DRAWN BY: KAS

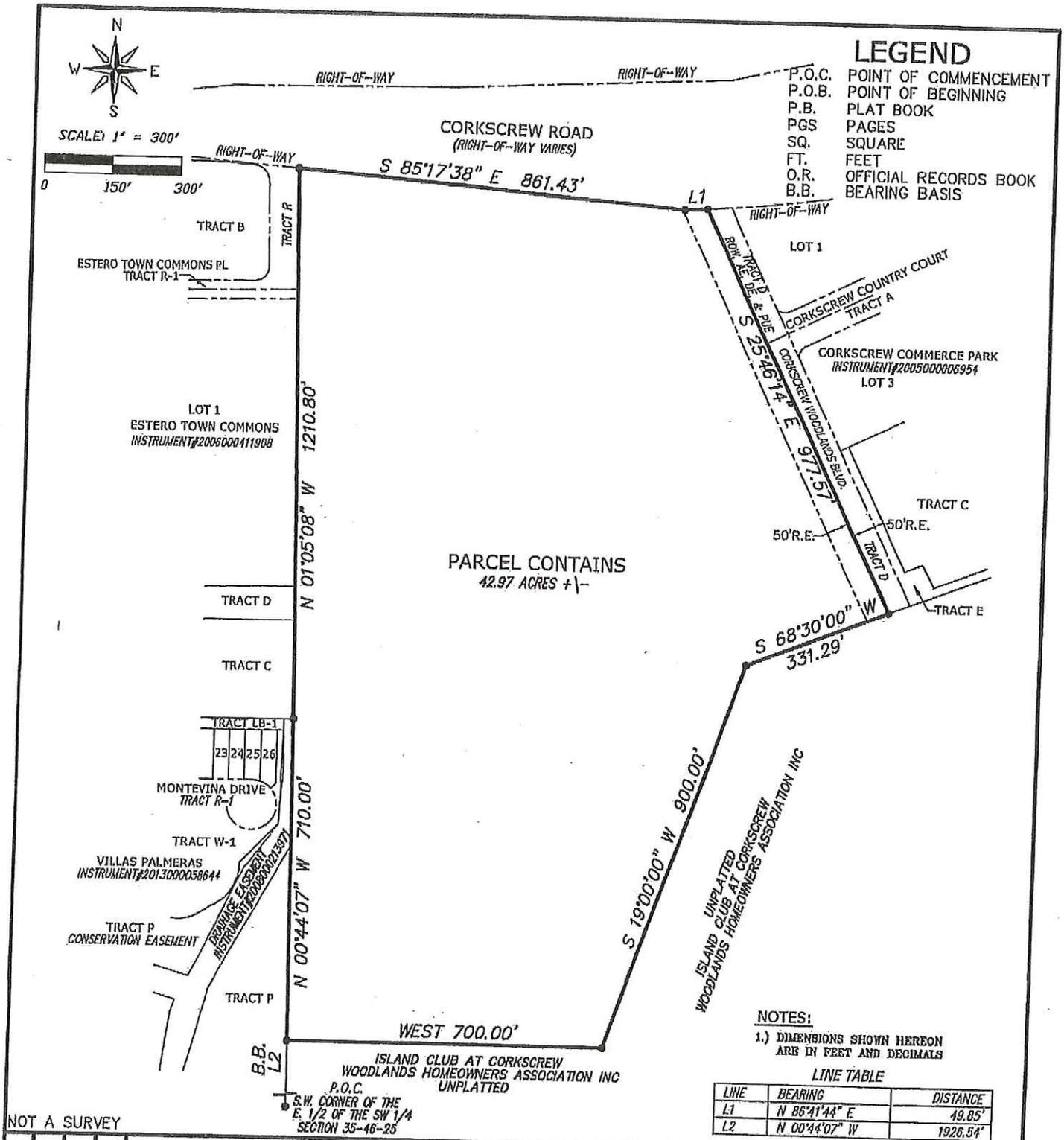


SCALE: 1" = 300'



LEGEND

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- P.B. PLAT BOOK
- PGS. PAGES
- SQ. SQUARE
- FT. FEET
- O.R. OFFICIAL RECORDS BOOK
- B.B. BEARING BASIS



NOTES:

- 1.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 86°41'44" E	49.85'
L2	N 00°44'07" W	1926.54'

DATE: 12/30/14
 DRAWN: EYKAS
 DRAWING: corkscrew
 SCALE: 1" = 300'

SKETCH TO ACCOMPANY PROPERTY DESCRIPTION
 A PARCEL OF LAND LOCATED IN
 SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.,
 4642 VILLA CAPRI LN. BONITA SPRINGS
 FLORIDA 34134 (239) 947-1915

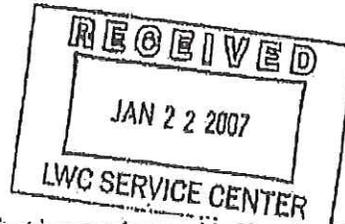


FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
 Secretary of State
 DIVISION OF HISTORICAL RESOURCES

Mr. Ed Cronyn
 South Florida Water Management District
 Lower West Coast Regional Service Center
 2301 McGregor Boulevard
 Fort Myers, Florida 33901

January 18, 2007

Re: DHR No. 2006-7365 / Received by DHR: August 11, 2006
 Application No.: 060724-11
 Applicant: JTAD Estero LLC
 Project: Estero Crossing
 Estero, Lee County



Dear Mr. Cronyn:

Our office received and reviewed the referenced project in accordance with Chapters 267 and 373, *Florida Statutes*, Florida's Coastal Management Program, and implementing state regulations, for possible impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological value. The State Historic Preservation Officer is to advise and assist state and federal agencies when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

A review of the Florida Master Site File data indicates that no significant archaeological or historical resources are recorded within the project area. The absence of recorded cultural resources is not necessarily an indication that no sites are present since the project covers a sizeable area that has never been subjected to professional archaeological or historical investigations. In addition, the environment is similar to other portions of Lee County that are known to have yielded archaeological remains. For these reasons, it is the opinion of this agency that a professional should perform a cultural resource reconnaissance survey of the property, including judgmental subsurface testing, in order to assess the probability of the presence of historic or archaeological sites. The resultant report should conform to the specifications set forth in Chapter 1A-46, *Florida Administrative Code*, and be forwarded to this agency in order to complete the process of reviewing the impact of this proposed project on historic or prehistoric resources. Further investigations may be necessary if resources are encountered.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Director's Office
(850) 245-6300 • FAX: 245-6435 | <input type="checkbox"/> Archaeological Research
(850) 245-6444 • FAX: 245-6452 | <input checked="" type="checkbox"/> Historic Preservation
(850) 245-6333 • FAX: 245-6437 | <input type="checkbox"/> Historical Museums
(850) 245-6400 • FAX: 245-6433 |
| <input type="checkbox"/> Palm Beach Regional Office
(561) 279-1475 • FAX: 279-1476 | <input type="checkbox"/> St. Augustine Regional Office
(904) 825-5045 • FAX: 825-5044 | <input type="checkbox"/> Tampa Regional Office
(813) 272-3843 • FAX: 272-2340 | |

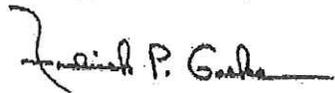
Exhibit 3.9
 Application No. 060724-11
 Page 1 of 2

Ms. Cronyn
January 18, 2007
Page 2

Because this letter and its contents are a matter of public record, archaeological consultants who have knowledge of our requests may contact your office. This should in no way be interpreted as an endorsement by this agency. The Division of Historical Resources does not maintain a list of professional archaeologists who are qualified to work in the State of Florida and/or who meet the Secretary of the Interior's Standards for federally involved archeological projects as specified in 36 CFR 61, Appendix A. However, the Register of Professional Archaeologists (RPA) maintains a membership directory that may be useful in locating professional archaeological consultants (<http://www.rpanet.org/about.htm>) in your area. Many qualified archaeologists are not members of RPA and omission from the list does not imply that an archaeologist does not meet the Secretary's Standards or that work would not be acceptable, and inclusion on the list is no guarantee that an archaeologist's work will automatically be acceptable. As with any contractor you should request and check references and recent work history.

For any questions concerning our comments, please contact Alyssa McManus, Historic Sites Specialist, by phone at (850)245-6333, or by electronic mail at ammcmanus@dos.state.fl.us. We appreciate your continued interest in protecting Florida's historic properties.

Sincerely,



Frederick P. Gaske, Director, and
State Historic Preservation Officer

Xc: John R. Musser

ESTERO CROSSING
POLICY ANALYSIS

IV.A.4. Describe Existing land uses (not designations) of the subject property.

The property is located adjacent to the Corkscrew Woodlands RV Park, a car dealership is located to the east of the RV Park, and the Lowe's center is located to the west. The Lowe's center includes restaurants and other retail along with several vacant parcels. The north property line is Corkscrew Road. To the north of Corkscrew are a variety of commercial uses that include gas stations, fast food, golf cart store, and restaurants. There is a significant amount of undeveloped vacant property.

If one looks at the larger context the interchange area includes a regional shopping center with outparcels in the northeast quadrant of the interchange, and a design center in the southeast quadrant. A Publix shopping center with outparcels is located in the northeast quadrant of Ben Hill Griffin and Corkscrew. There is over a million square feet of retail and service uses in the interchange area.

IV.A.5. Existing zoning of the subject property and surrounding properties.

The subject property is zoned for commercial uses. The property to the east, north and west, with the exception of Corkscrew Woodlands is zoned for commercial uses along Corkscrew Road. The Stoneybrook DRI includes a residential component to the south of the CPD portion of the DRI. The RV Park was originally zoned and envisioned as a transient park, but the park has developed with more of a residential character.

IV.E. Internal Consistency with the Lee Plan

- 1. How will the proposal affect established Lee County population projections, Table 1(b), and the total population capacity of the Lee Plan Future Land Use Map?*

It should be noted that population accommodation is not an analysis that is required by the Florida Administrative Code. Table 1(b) would have to be amended to include an allocation in the Intensive Development land use category in the Estero Planning District. A total of 42.97 acres should be added to Table 1(b).

Estero has undertaken a study, which is attached hereto, that indicates that Estero has too much commercial. The ECCL has indicated that they are pursuing an additional study to further document the fact that Estero has too much commercial property and there is a demand for additional residential.

Estero is home to numerous high-end gated communities. Goal 135 of the Lee Plan indicates that a goal of the county is "to provide decent, safe, and sanitary housing in

suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the county." Objective 135.1 indicates that there will be a need for 114,927 additional dwelling units in Lee County and only 39,637 will be provided in unincorporated Lee County. The incorporated areas need to provide 75,290 additional dwelling units by 2025. The trend since the beginning of the housing recovery is decidedly toward single family. The county has consumed more land for single family thereby reducing the available land in the urban areas to meet the population demand. The property is in the Village of Estero an incorporated area that will be providing some of the 75,000 plus housing units. The City of Fort Myers is reaching build-out and as the Arborwood , Pelican Preserve, and Heritage Palms Developments of Regional Impact move toward build out they have shifted toward more single family and they are not likely to provide the number of units originally anticipated. Growth in Cape Coral has been slow since the recession and one cannot anticipate that a significant amount of the 75,000 plus units will be located in Cape Coral. The City of Bonita Springs has limited room to grow as well, and they, too, have experienced a shift toward single family in their developing communities to the east.

The amendment will help Lee County and Estero achieve the needed number of dwelling units and it will help Estero and the County provide the desired number of dwelling units.

2. *List the goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.*

Goal 1 submits that development should occur in a manner that discourages urban sprawl. The provision of residential units on an infill parcel proximate to retail, employment and recreational uses discourages urban sprawl. The proposed amendment will discourage urban sprawl by allowing units to be located on an infill parcel in an established urban area.

Policy 1.1.2. Intensive Development areas are located along major arterial roads west of I-75. They are areas well suited for high intensity and density. The property is located on an arterial west of I-75. The county has already determined that it is a suitable location for an intense use by virtue of the location in the Interchange land use category. The change to Intensive Development will permit the property to develop in a more balanced manner by providing for commercial along the intense road frontage with a residential component.

Policy 1.3.7. includes access control standards for Corkscrew Road. The amendment to the Future Land Use Map will not require a change to the access control standards for Corkscrew Road.

Goal 2 provides for an economically feasible plan which coordinates new development with the provision of infrastructure. The proposed amendment will permit a more economically feasible development and the infrastructure needs have already been addressed due to the current interchange designation. Objective 2.1. requires compact

and contiguous growth patterns. The proposed change will permit infill to occur which will facilitate the compact and contiguous growth pattern. Objective 2.2. directs new growth to areas where there is adequate infrastructure. The Intensive Development category like the Interchange category permits intensive development and the infrastructure demands have been addressed.

Objective 2.4. provides that the county should regularly examine the Future Land Use Map and make adjustments in light of new information and changed conditions. The conditions in Estero have changed now that it is a city. The transition leaders of the new city have undertaken a study which indicates that they need less commercial and more residential. The proposed amendment is consistent with the study undertaken by the transition team. The transition team has also indicated that they like to see a mix of uses. The proposed amendment will allow the property to develop with commercial and residential uses.

Goal 3 and related objectives and policies address the privately funded infrastructure overlay which does not impact the subject property.

Goal 4 and related objectives and policies address the mixed use overlay. The subject property is not included within the overlay and the amendment does not propose an amendment to the overlay boundaries.

Goal 5 requires the county to provide sufficient residential in appropriate locations to accommodate the projected population of Lee County. The property in question, when developed, will be in the Village of Estero. Much of the Village is already developed and there are limited opportunities for residential. The proposed change will allow the Village to provide for its future population.

Goal 19 provides for the protection of the quality of life in Estero by managing aesthetics and the location and intensity of future commercial and residential uses. Policy 19.2.3. provides that the Estero Community is going to submit regulations that "encourage" mixed use developments along Corkscrew. The proposed amendment will allow the property in question to develop as a mix of residential and commercial in furtherance of the community desired to have mixed use.

Policy 19.2.6. indicates that the county is to encourage commercial developments to provide interconnect opportunities. The community has directly advised the applicant that they would like to see an interconnect opportunity on the subject property. The proposed amendment will not hinder the opportunity for the interconnection and it will in fact facilitate the interconnection.

Policy 19.3.1. provides that Lee County is encouraging higher density residential, including affordable housing, to meet the future needs of FGCU between Three Oaks and I-75. There are a limited number of residential parcels located between I-75 and Three Oaks, and there aren't enough to provide for the growing residential needs of Estero and FGCU.

The property is located presently in the interchange category and has water, sewer, roads, fire, police, and EMS services available. The amendment will not adversely impact the community facilities element of the Lee Plan.

3. *How does the proposal affect adjacent local governments and their comprehensive plan?*

The property is situated in a central location in Estero. The closest adjacent local government is the City of Bonita Springs, and the proposed change will have no impact on the City of Bonita Springs Comprehensive Plan.

4. *List State and Regional Policy Plan goals and policies that are relevant.*

The state comprehensive plan 187.201(2) Families submits that Florida shall strengthen the family and promote its economic independence. A safe and habitable place to live proximate to schools and employment is an integral part of economic independence. The proposed amendment will further this goal. Goal (4) provides that "The public and private sectors shall increase the affordability and availability of housing." A policy under this goal submits that there should be an increase in the supply of safe, affordable and sanitary housing. The amendment will further this goal. Goal (14) recognizes and protects private property rights and recognizes that there can be legitimate and competing public and private interests in land use regulations and government action. The amendment will further private property rights by allowing an economically viable development. Policy (15)(b)1 seeks to have development occur in areas that can serve the new population. The proposed amendment is consistent with this policy.

G. Justification Statement

The intent of the Future Land Use Category Change for the Estero Crossing project is to allow residential uses to be included in what is not the General Interchange portion of the property. The Estero community has substantial land area constructed, approved and allowed for commercial and retail uses. A recent study initiated by Community Leaders in Estero concluded that additional residential units are needed in the community to support the current and approved commercial development. Furthermore, it makes sense for the property as a whole to be in one land use category instead of being bifurcated.

From an infrastructure point of view, the proposed Land Use Category change to Intensive Development has little to no impact over the current General Interchange and Urban Community categories. The commercial intensity in the existing and proposed categories is the same since no Floor Area Ratio (FAR) are established for the categories in question. The analysis simply becomes a comparison of residential land use to the most intense commercial use. When considering vehicle trips, commercial uses such as medical office generate more trips than residential over the same land area. For water and sewer demands, restaurants, which are permitted in the current and proposed categories, generate more flow per capita than residential.

A significant benefit to the proposed change to Intensive Development and the inclusion of residential uses in what is now the interchange category is the ability to develop a horizontally mixed use project. A development comprised of commercial and residential provides a synergy that allows a pedestrian and vehicular interaction which can reduce the consumption of transportation capacity. This is accomplished by internally capturing would be external vehicle trips and providing the opportunity to walk to employment or entertainment destinations within the community. The Estero community encourages mixed-use communities as outlined in Policy 19.2.1 of the Estero Community Plan.

While the Estero Crossing site is situated just west of the I-75 interchange, there are existing residential communities on adjacent properties and the requested Land Use Category change does not create compatibility issues with adjacent parcels. The Corkscrew Woodlands residential community is adjacent to the south east and shares access to Corkscrew Road with the subject property. The Intensive Development category, allowing residential at a density of 14 units per acre, provides the opportunity for Estero to diversify its residential uses which are dominated by gated single family neighborhoods. The Lee Plan in Policy 135.1.9. provides that "the county will ensure a mix of residential types and designs on a countywide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map." There are very few opportunities presently in the Village of Ester for high density residential

and even fewer locations where there won't be objections from adjacent low density gated communities. The change helps to implement Objective 19.3 which submits that the county is going to protect the residential character of Estero. Policy 19.3.1. submits that the county is going to encourage higher density in a location that is proximate to FGCU. The property in question has ready access to FGCU. The location of Estero Crossing lends itself to higher density residential given its proximity to existing commercial developments and the Florida Gulf Coast University. The location also creates a transition from interchange uses to the east and lower intensity commercial and residential uses to the west.

In summary, the requested Land Use Category change from Urban Community and General Interchange to Intensive Development creates an opportunity to incorporate residential uses at a density appropriate for the location on a major arterial with ready access to the employment, shopping and educational centers into the Estero Crossing project. This more diverse mix of uses can better satisfy the needs of the community, while not creating any additional burden on the surrounding infrastructure.

21315



6035 Landing View Road
Fort Myers, FL 33907
Phone: 239-533-0319
Fax: 239-931-6804

John E. Manning
District One

December 3, 2014

Cecil L Pendergraas
District Two

Kristina Johnson, P.E.
Delisi Fitzgerald, Inc.
1605 Hendry Street
Fort Myers, FL 33901

Larry Kilker
District Three

Brian Hamman
District Four

Frank Mann
District Five

**RE: Estero Crossing
Comprehensive Plan Amendment**

Roger Desjarlais
County Manager

Dear Ms. Johnson,

Richard Wm. Wesch
County Attorney

LeeTran has reviewed your request for services availability concerning the Comprehensive Plan Amendment for Estero Crossing.

Donna Marie Collins
Hearing Examiner

LeeTran currently offers fixed-route transit service along Corkscrew Rd (Route 60). According to the LeeTran Transit Development Plan, Route 60 is identified as an unfunded need for service improvements in the future. The entire Estero Crossing property lies within the LeeTran paratransit services corridor.

I am attaching a map of our route service and bus stops in relation to the proposed development. It is important to note that the planned buffer along Corkscrew Rd may make access to the LeeTran bus stop serving Estero Crossing difficult.

If you have any questions or require further information, please feel free to contact me at (239) 533-0319 or at ABielawska@leegov.com.

Sincerely,

Anna Bielawska
Planner
Lee County Transit

CC: Copy to File

21315

Mike Scott
Office of the Sheriff



State of Florida
County of Lee

Nov. 20, 2014

Kristina Johnson
DeLisi Fitzgerald, Inc.
1605 Hendry St.
Fort Myers, FL 33901

Ms. Johnson,

The proposed Estero Crossing project located south of Corkscrew Road and west of Corkscrew Woodlands Boulevard in Estero, Florida, does not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

As such, this agency does not object to a Comprehensive Plan Amendment application for a 43 +- acre property that would allow development of 400 multifamily dwelling units, 30,000 square feet of commercial use and related amenities. We will provide law enforcement services primarily from our South District office in Bonita Springs.

At the time of application for new development orders or building permits, the applicant shall provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comments.

Please contact Crime Prevention Practitioner Trisha Bissler at 477-1801 with any questions regarding the CPTED study.

Respectfully,

Kathryn Rairden,
Major, Patrol Bureau



14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000



Estero Fire Rescue
21500 Three Oaks Parkway
Estero, Florida 33928
(239) 390.8000
(239) 390.8020 (Fax)
www.esterofire.org

November 17, 2014

Kristina Johnson, P.E.
Delisi Fitzgerald, Inc
1605 Hendry Street
Fort Myers, Florida 33901

Re: Estero Crossing

Ms. Johnson,

This letter will serve as confirmation of Adequate Service Availability for parcel # 35-46-25-00-0001.1060 also known as Estero Crossing. The above listed property is within the service boundaries of Estero Fire Rescue and we are capable of providing both fire protection and ALS Non-Transport Emergency Medical Services.

Should you require any additional information, please feel free to contact me at 239-390-8000.

Respectfully,

Phillip Green
Division Chief of Prevention

"DEDICATED AND DRIVEN FOR THOSE WE SERVE"

ATTACHMENT H



THE SCHOOL DISTRICT OF LEE COUNTY
2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DAWN HUFF
LONG RANGE PLANNER
239-337-8142
DAWNMHU@LEESCHOOLS.NET

CATHLEEN O'DANIEL MORGAN
CHAIRMAN, DISTRICT 3
STEVEN K. TEUBER
VICE CHAIRMAN, DISTRICT 4

MARY FISCHER
DISTRICT 1

JEANNE S. DOZIER
DISTRICT 2

PAMELA H. LARIVIERE
DISTRICT 5

NANCY J. GRAHAM, ED.D
SUPERINTENDENT

KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

November 25, 2014

Kristina Johnson, P.E.
Delisi Fitzgerald, Inc.
1605 Hendry St
Fort Myers, FL 33901

RE: Estero Crossing

Dear Ms. Johnson;

This letter is in response to your request dated November 11, 2014 for the Estero Crossing proposed development for sufficiency comments in reference to the educational impact. This proposed development is located in the South Choice Zone, Sub Zone S-3.

The Developers request states there is a possibility of 350 multi-family dwellings. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level

For multi-family the generation rate is .091 with the following break-down, .046 for elementary, .022 for middle and .023 for high. A total of 32 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development. Currently within the School District there are sufficient seats available to serve this need.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 337-8142.

Sincerely,

Dawn Huff, Long Range Planner
Planning Department

21315

 **LEE COUNTY**
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Klker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Gollins
Hearing Examiner

November 19, 2014

Ms. Kristina Johnson, P.E.
DeLisi Fitzgerald, Inc.
1605 Hendry Street
Fort Myers, FL 33901

SUBJECT: Estero Crossing – Letter of Availability

Dear Ms. Johnson:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the planned multi-family dwelling units and commercial establishments proposed for the Estero Crossing planned development located in the area described in your written request from November 11, 2014 through our franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

Please be sure to supply me a pdf of the plans of the development prior to construction showing container enclosures for garbage and recycling and the area designated for bulk waste staging. Solid Waste Ordinance (11-27) defines requirements for container spaces for the collection service for those units defined as multi-family and/or commercial dwellings. The Ordinance additionally includes provisions pertaining to the collection and payment of the annual Solid Waste Collection and Disposal Assessment.

If you have any questions, please call me at (239) 533-8000.

Sincerely,


Brigitte Kantor
Operations Manager
Solid Waste Division

Cc: David Helmick, Environmental Specialist Sr.
P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111
Internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

ATTACHMENT J



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

RECEIVED
DEC 04 2014

COMMUNITY DEVELOPMENT

Writer's Direct Dial Number: (239) 533-8532

John E. Manning
District One

August 1, 2014

Cecil L. Pendergrass
District Two

Debi Pendlebury
Johnson Engineering, Inc.
2122 Johnson Street
Fort Myers, FL 33901

Larry Kiker
District Three

Brian Hammon
District Four

Frank Mann
District Five

Roger Desjardais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

CPA 2014-00007

RE: Potable Water and Wastewater Availability
Via Coconut MPD, corner of Corkscrew Road and Via Coconut Road
STRAP # 33-46-25-00-00018.0090, 00018.0000, 00019.0010, 00019.0020, and
34-46-25-01-0000C.0170

Dear Ms. Pendlebury:

The subject properties are located within Lee County Utilities Future Service Area as depicted on Maps 6 and/or 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions will be required.

Your firm has indicated that this project will consist of 333 multi-family residential units plus 30,000 sf of commercial/retail with an estimated flow demand of approximately 71,100 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Pinewood Water Treatment Plant.

Sanitary sewer service will be provided by Three Oaks Wastewater Treatment Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

This is only a letter of availability of service and not a commitment to serve. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of Water and Wastewater service is for re-zoning for this project only. Individual letters of availability will be required for obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Technician Senior
UTILITIES ENGINEERING

VIA EMAIL

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111
Internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

ATTACHMENT K