

Reply to
Charles J. Basnait
Direct Fax Number 239.344.1580
Direct Dial Number 239.344.1204
E-Mail: charles.basnait@henlaw.com

April 25, 2014

VIA EMAIL AND U.S. MAIL

Paul O'Connor
Director of Planning
Lee County Community Development
P.O. Box 398
Fort Myers, FL 33902-0398

Re: CPA2011-00008 and CPA2014-00003
North Point DRI Site in Estero
Strap No. 33-46-25-00-00019.0000

Dear Paul:

Please be advised that this firm represents the interests of the above referenced parcel. My clients have requested that I communicate to you their comments relating to CPA2011-00008 (Future Land Use Element amendment to the Lee Plan) and CPA2014-00003 (Estero Community Plan revisions under Goal 19 of the Lee Plan).

Given the breadth of the revisions being proposed to both the Lee Plan Land Use Element and the Estero Community Plan contained in Goal 19 of the Lee Plan I intend on keeping my comments general in nature but plan to appear at the Local Planning Agency (LPA) meeting on Monday April 28th to include my comments on the record.

With respect to CPA2011-00008 my clients are requesting that their property be included within the "Urban Places" designation as opposed to the "Urban Neighborhood" designation. The subject property is located adjacent to a six lane section of US 41, has adequate water and sewer capability, has a regional park nearby and is thus located in an area of the County where higher densities are clearly appropriate. One of the mantras that has recently been espoused by Lee County is to locate higher densities in areas that can support them. I would submit to you that the subject property is consistent with this concept and should be included in the "Urban Places" designation. In addition, this request is consistent with proposed Policy 1.1.2 f. of CPA2011-00003, which states the following: "Supporting the development of higher



Paul O'Connor
April 25, 2014
Page 2

levels of density and intensity in Urban Areas by providing greater levels of public services, infrastructure, and park resources;"

As for CPA2014-00003 my clients wish to emphasize the importance of flexibility in development design. Much of the Estero Community Plan speaks to the importance of mixed use development which my clients agree with so long as it is not a requirement for all development. There are numerous occasions where mixed use is simply not appropriate, either from a locational standpoint or perhaps based on market conditions. It is really not the panacea to cure all development ills as it has been portrayed by some. Often times, especially in areas of lower density, it just does not work.

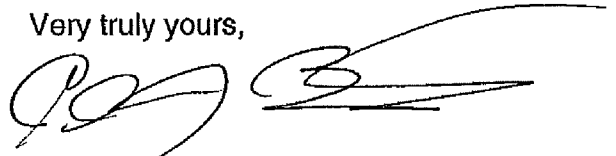
In those areas where mixed use may be appropriate it is important to understand that horizontal mixed use is equally effective as vertical mixed use if done properly and, in fact, history would tell us that in Lee County horizontal mixed use has been more effective as between the two. In line with this concept there needs to be a place for single use buildings and large areas of residential density in mixed use projects, thus maintaining what could be the most important aspects of any project that is going to be an enhancement to the community within which it is located--flexibility in design and flexibility to respond to market conditions.

While I have not discovered any mixed use provisions in CPA2014-00003 or CPA2011-00008 or in the Lee Plan in general that would preclude horizontal mixed use with single use buildings and large areas of residential or in turn require multi-use buildings that would include residential as one of the uses in a mixed use project, I think it is important to emphasize how critical this flexibility is to any development for it to be successful and an enhancement to the community that it is located in. As I have attempted to stress in this correspondence my clients firmly believe that flexibility in design and the flexibility to respond to market conditions is paramount.

As I indicated previously I will be attending the April 28th LPA meeting to place my comments on the record.

Thank you and please contact me if you have any questions in the interim.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Charles J. Basinait', with a long horizontal flourish extending to the right.

Charles J. Basinait

CJB/krs

Paul O'Connor
April 25, 2014
Page 3

cc: *Via email*
Pam Houck
Brandon Dunn
Holly Schwartz
Janet Miller
Dennis Church
David Mulika
Noel Andress
Mitch Hutchcraft
Jim Green
Rick Joyce
James Ink
Nick Batos
Howard Levitan