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February 8, 2019

VIA HAND DELIVERY

Office of the Lee County Hearing Examiner
Lee County Department of Community Development
1500 Monroe Street, Room 218
Fort Myers, FL 33901

Re: 48-Hour Notice for Case Number DCI2018-00007

Dear Hearing Examiner Collins:

Please be advised that this Firm represents BJ Holdings of Fort Myers, LLC (the "Applicant"), the applicant on Case Number DCI2018-00007 requesting approval to rezone the 115+/- acre site (the "Property") from Agricultural (AG-2) and Light Industrial (IL) to Mixed-Use Planned Development (MPD). The rezone will allow for a maximum of 487 dwelling units and 100,000 SF of commercial uses. This information is provided pursuant to Section 2.2(B)(1) of Administrative Code 2-6.

The Applicant has reviewed the Staff Report for the above-referenced case and has the following outstanding issues with the conditions set forth in Attachment C to the Staff Report:

1. Condition 1 provides that the development of the project shall be consistent with the one-page Master Concept Plan stamped received October 5, 2016, last revised October 5, 2016. The Applicant requests that this reference to the Master Concept Plan be to the one page Master Concept Plan dated October 5, 2016, last revised **November 13, 2018**.

2. Condition 2(b), under "Two-Family Attached" provides for a minimum lot width of forty feet (40'). The Applicant had requested a minimum lot width of thirty-five feet (35') and staff did not object. Accordingly, the Applicant requests that the minimum lot width for Two-Family Attached be set at thirty-five feet (35').

3. Condition 2(b), under "Retail/Office, and Mixed Use Buildings" provides for a maximum building height of forty-five feet (45'). The Applicant had requested a maximum building height of sixty-five feet (65') and staff did not object. Accordingly, the Applicant requests that maximum building height for Retail/Office, and Mixed Use Buildings be set at sixty-five feet (65').

4. We would request that the following revised language be used in place of Subparagraphs C and D of Condition 7 for purposes of clarity:

Open Space and Indigenous Management

Prior to the issuance of the first development order, the following must be provided:

A. The plans must depict 22.5 acres of indigenous open space;

B. An indigenous management plan with five year monitoring post issuance of first Certificate of Compliance;

C. If the first development order includes the commercial component, the plans must depict 30% open space based upon the actual acreage of commercial development. A minimum of 10% of the required open space must be provided in the commercial tracts; and

D. If the first development order includes the residential component, the plans must depict 40% open space based upon the actual acreage of residential development.

Staff has agreed to this change, as noted in the attached February 8, 2019 e-mail from Beth Workman.

5. We would request that the following revised language be used in place of proposed Condition 8 for purposes of clarity:

Development Phasing

With every local development order application, the developer must submit a report or tabulation itemizing:

A. The intensity of non-residential (expressed as square footages), and the number of dwelling units, proposed by the development order application;

B. The cumulative total intensity and number of dwelling units permitted by previous development order approvals; and

C. The remaining intensity and number of dwelling units available for future development.

6. Additionally, the Applicant has the following outstanding issue with the recommendation of denial of Deviation #3, Ingress/Egress Points, set forth in Attachment C to the Staff Report. The Applicant requested a deviation to allow for one point of access on Treeline Avenue and one emergency only access to Matterhorn Road. The Applicant suggests a

revised Deviation #3 to allow for one point of access on Treeline Avenue and one resident only/exit only gated access to Matterhorn Road and requests staffs support of this revision.

Thank you for your consideration relative to the foregoing.

Very truly yours,

ROETZEL & ANDRESS, LPA



Sarah E. Spector

Enclosure (as stated)
cc: Dirk A. Danley, Jr. (via e-mail only w/ enc.: DDanley2@leegov.com)
John Fredyma, Esq. (via e-mail only w/ enc.: JFredyma@leegov.com)
13496387 _1

Spector, Sarah

From: Workman, Elizabeth <EWorkman@leegov.com>
Sent: Friday, February 08, 2019 2:17 PM
To: Alexis Crespo
Cc: Danley Jr, Dirk; Spector, Sarah
Subject: RE: Treeline 115 - Environmental conditions

EXT:

Alexis,
I appreciate the heads up. Yes, I agree with the highlighted language.

Beth Workman
Environmental Planner
Department of Community Development
Zoning Section
239.533.8793 (office) 239.485.8344 (fax)

From: Alexis Crespo [mailto:Alexis.Crespo@waldropengineering.com]
Sent: Friday, February 08, 2019 2:11 PM
To: Workman, Elizabeth
Cc: Danley Jr, Dirk; SSpector@ralaw.com
Subject: [EXTERNAL] Treeline 115 - Environmental conditions

Hi Beth –

We are prepping the 48 hour letter and I wanted to run the following tweaks to the environmental conditions by you. What do you think about highlighted additions? Thanks!

Prior to the issuance of the first development order, the following must be provided:

A. The plans must depict 22.5 acres of indigenous open space;

B. An indigenous management plan with five-year monitoring post issuance of first Certificate of Compliance;

C. If the first development order includes the commercial component, the plans must depict 30% open space based upon the actual acreage of commercial development. A minimum of 10% of the required open space must be provided in the commercial tracts.

D. If the first development order includes the residential component, the plans must depict 40% open space based upon the actual acreage of residential development.

Thanks,

Alexis V. Crespo, AICP, LEED AP
Senior Vice President - Planning

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