



December 17, 2019

Ms. Sharon Jenkins-Owen
Principal Planner
Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

**Re: Small Brothers Text Amendment
CPA 2019-00009
Supplemental Information**

Ms. Owen,

In response to our phone conversation, please see the attached corrected materials:

1. Authorization Form
2. Proposed Text Amendment
3. Analysis of Impacts
4. Lee Plan Consistency Document

Should you have any additional questions or comments, please feel free to contact me.

DeLisi, Inc.

A handwritten signature in blue ink, appearing to read "Daniel DeLisi".

Daniel DeLisi, AICP

cc. Neale Montgomery, Pavese Law Firm

A faint, circular stamp is visible in the background, containing some illegible text and a date.

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1 | Page

CPA 2019-00009

LETTER OF AUTHORIZATION

Please be advised that I, Jon Small, Manager of Small Brothers, LLC, am the fee simple property owner of the property described by the STRAP number below and that Daniel DeLisi, AICP, DeLisi, Inc. is authorized to represent me for the below reference parcels in all matters pertaining to amending the Lee County Comprehensive Plan. This authority to represent my interest includes any and all documents required by the Comprehensive Plan Amendment requests submitted on my behalf by DeLisi, Inc.

STRAP Number or Legal Description:

STRAP Number: 22-46-26-00-00001.0010

[Signature]
Signature
Jon Small, Manager, Small Brothers, LLC

12-17-19
Date

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 12.17.19 (date) by Jon Small (name of person providing oath or affirmation), who is personally known to me or who has produced personally known (type of identification) as identification.

[Signature]
Signature of Notary Public

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CPA 2019-00009

PROPOSED LEE PLAN TEXT AMENDMENT

EXHIBIT T-4

Policy 1.4.5:

2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres), and Commercial uses in accordance with Policy 33.3.5. See Policies 33.3.2, 33.3.3, 33.3.4, 33.3.5 and 33.3.6 for potential density adjustments resulting from concentration or transfer of development rights.

OBJECTIVE 33.3: RESIDENTIAL COMMERCIAL AND MIXED-USE DEVELOPMENT.

Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (Existing Acreage Subdivisions), specific locations for concentrating existing development rights on large tracts (Mixed-Use Communities), specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Communities), and vacant properties with existing residential or commercial approvals that are inconsistent with the Density Reduction/Groundwater Resource future land use category (Improved Residential Communities/Improved Commercial Area).

Policy 33.3.5: Properties within Southeast Lee County, in the Density Reduction/Groundwater Resource future land use category, west of Flint Pen Strand with direct access to Corkscrew Road that have existing commercial zoning inconsistent with the current DR/GR land use category, may develop in accordance with existing zoning under the following criteria:

1. Intensity must be limited to neighborhood levels of commercial.
2. Development must be served by central water and sewer facilities.
3. Access must be provided directly to Corkscrew Road or via a frontage road connecting to Corkscrew Road.
4. All uses must be in compliance with the Lee County Well Field Protection Ordinance as may be amended.
5. The following uses are prohibited: auto repair, fuel pumps, car wash, cleaning and maintenance services, funeral homes, on-site dry cleaning, research and development laboratories, and vehicle equipment dealers, or any other similar use that may contain the storage of hazardous chemicals or materials, or run off of hazardous materials.
6. At the time of local development order the applicant must demonstrate that surface and groundwater will not be degraded.

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7. Development order plans must include preservation/restoration at a minimum of 35 percent of the property. Preserve areas will include existing indigenous areas or areas that are restored through the removal of exotic vegetation.
8. Development order submittals must include a protected species management plan to address human wildlife coexistence, including educational programs and development standards.
9. In addition to the preservation of on-site property, for every acre of development area, a fee of \$8,500 must be paid to the County's land acquisition fund for the purchase and/or restoration of additional off site lands in Southeast Lee County and/or the CREW Watershed.

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DEC 18 2019

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CPA 2019-00009

LEE PLAN CONSISTENCY
Exhibit T6

The proposed Text Amendment will allow for a neighborhood commercial development near the intersection of Corkscrew Road and Alico Road. An analysis of how the proposed amendment is consistent with the following Lee Plan policies is described below:

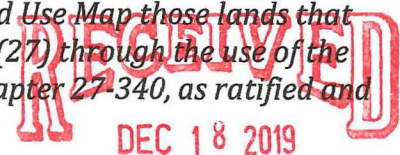
POLICY 1.4.5: *The Density Reduction/Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.*

1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels (except as provided in Policies 33.1.3 and 33.3.5) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels may be submitted during the rezoning or development review processes.

2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, ~~and~~ residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres), and commercial uses in accordance with Policy 33.3.5. See Policies 33.3.2, 33.3.3, 33.3.4, 33.3.5 and 33.3.6 for potential density adjustments resulting from concentration or transfer of development rights.

The Lee Plan does not currently allow for commercial development in the DR/GR land use category except under very limited circumstances. The proposed text amendment will allow for commercial development only on properties that had commercial zoning prior to the establishment of the DR/GR land use category and with enhanced preservation/mitigation requirements. The evaluation of this amendment for the only undeveloped commercial property that meets this criterion includes a demonstration that any proposed development will be compatible with maintaining historic surface and groundwater.

OBJECTIVE 1.5: WETLANDS. *Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(27) through the use of the unified state delineation methodology described in FAC Chapter 27-340, as ratified and amended in F.S. 373.4211.*



The subject property has areas that have been designated as wetlands in accordance with *F.S. 373.019(27)* through the use of the unified state delineation methodology. Any proposed development will make efforts to avoid and minimize impacts in accordance with State and Federal guidelines. To the extent that impacts can not be avoided, mitigation will be provided to preserve overall wetland function in the Basin. In addition, for every acre of development that occurs (upland or wetland) funding for additional offsite mitigation will be provided.

POLICY 1.5.1: *Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.*

The proposed development will go through the environmental resource permit application process. To the extent that wetland areas are impacted by development, those areas will be mitigated for in accordance with State guidelines. Upland areas created through wetland impacts will revert to the underlying land use category as they will no longer be “wetlands”. All wetland areas will be preserved in accordance with the environmental resource permit process and will contain uses consistent with Policy 1.5.1.

OJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

The proposed amendment is in a location where large-scale residential development is occurring or in place directly to the west and in close proximity to the north and east. The proposed plan amendment would allow for the development of an appropriate use for the subject property in an appropriate location.

POLICY 2.1.1: *Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.*

The subject property is located in a rural area on the future land use map that is evolving as it is developed under an overlay designation that allows for increased residential densities. The residential development to the west, consisting of small lot residential units around a large lake, has been required to extend urban infrastructure and is designated on Maps 6 and 7 for water and sewer service. The Place and other similar developments to the north and east all are paying a proportionate share fee to extend urban services to the area, including the cost of utilities, EMS services and road infrastructure. Unlike those areas, urban services are already available to the subject property.

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Lee Plan Consistency

CPA 2019-00009

POLICY 6.1.4: *Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.*

The proposed plan amendment will allow for commercial development adjacent to residential development on the west, preserve on the east and south and a mining site on the north. Buffer requirements on the west will ensure compatibility with adjacent residential development. There are no compatibility concerns with the location of commercial uses on the subject property. Urban services either exist or are planned for at this location.

POLICY 6.1.5: *The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to...*

The proposed plan amendment is in an area where capacity exists on the adjacent roadway network as demonstrated by the attached TIS.

GOAL 33: SOUTHEAST LEE COUNTY. *To protect natural resources in accordance with the County's 1990 designation of Southeast Lee County as a groundwater resource area, augmented through a comprehensive planning process that culminated in the 2008 report, Prospects for Southeast Lee County. To achieve this goal, it is necessary to address the inherent conflict between retaining shallow aquifers for long-term water storage and extracting the aquifer's limestone for processing into construction aggregate. The best overall balance between these demands will be achieved through a pair of complementary strategies: consolidating future mining in the traditional Alico Road industrial corridor while initiating a long-term restoration program to the east and south to benefit water resources and protect natural habitat. Residential and commercial development will not be significantly increased except where development rights are being explicitly concentrated by this plan. Agriculture uses may continue, and environmental restoration may begin. This goal and subsequent objectives and policies apply to Southeast Lee County as depicted on Map 1, Page 2.*

The proposed amendment fits within Goal 33. The amendment would allow for commercial uses to support the newly developed and permitted residential uses along the corridor. Goal 33 states that "Commercial development will not be significantly increased except where development rights are being explicitly concentrated by this plan." The amendment is being proposed as a text amendment with applicability to only the subject property. The proposed amendment will therefore concentrate the commercial uses at a specific strategic location so as to not lead to a potentially significant increase in commercial area.

OBJECTIVE 33.2: WATER, HABITAT, AND OTHER NATURAL RESOURCES. *Designate on a Future Land Use Map overlay the land in Southeast Lee County that is most critical toward restoring historic surface and groundwater levels and for improving the protection of other natural resources such as wetlands and wildlife habitat.*

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Lee Plan Consistency

The subject property is not designated in any Tier for Priority Restoration. In accordance with Lee Plan Map 1, Page 4, the subject property is not a priority.

OBJECTIVE 33.3: RESIDENTIAL AND MIXED-USE DEVELOPMENT. *Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (Existing Acreage Subdivisions), specific locations for concentrating existing development rights on large tracts (Mixed-Use Communities), specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Communities), and vacant properties with existing residential approvals that are inconsistent with the Density Reduction/Groundwater Resource future land use category (Improved Residential Communities).*

The subject property does not fit the description of residential or mixed-use development as currently written. However, the property is similar in nature to the "Improved Residential Community" designation in that it acknowledges development approvals in existence prior to the establishment of the DR/GR land use category. The proposed policy would be consistent with Objective 33.3 and would be unique to the subject property. The subject property is a small, strategically located property that can serve the commercial needs to the adjacent residential community that has been permitted under this objective.

GOAL 60: COORDINATED SURFACE WATER MANAGEMENT AND LAND USE PLANNING ON A WATERSHED BASIS. *To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.*

POLICY 60.1.1: *Require design of surface water management systems to protect or enhance the groundwater.*

The subject property will be required to obtain an environmental resource permit from the South Florida Water Management District (SFWMD). This permit will incorporate a water quality analysis to ensure that the project is not contributing to off site impairments of the ecosystem. The permit will also require a pre and post water discharge analysis to ensure that any development does not contribute to off site flooding. As described in the submitted Surface Water Level of Service Analysis, this property will be designed to meet all SFWMD and Lee County Levels of Service for its water management system.

POLICY 60.1.2: *Incorporate, utilize, and where practicable restore natural surface water flow-ways and associated habitats.*

The wetland at the southern end of the property is the northernmost edge of a flow-way identified on the historic flowways map. This wetland will be preserved in accordance with this policy.

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OBJECTIVE 60.4: INCORPORATION OF NATURAL SYSTEMS INTO THE SURFACE WATER MANAGEMENT SYSTEM. *Incorporate natural systems into surface water management systems to improve water quality, air quality, water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief.*

POLICY 60.4.1: *Encourage new developments to design surface water management systems with Best Management Practices (BMPs) including, but not limited to, filtration marshes, grassed swales planted with native or Florida Friendly Landscaping vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.*

As described in the Surface Water Level of Service Analysis, green infrastructure that could be implemented into the property's surface water management system include restoration of an on-site wetland and use of grassed swales planted with native vegetation.

POLICY 60.4.2: *The county encourages new developments to design their surface water management system to incorporate existing wetland systems.*

As described in the Surface Water Level of Service Analysis, green infrastructure that could be implemented into the property's surface water management system include restoration of an on-site wetland and use of grassed swales planted with native vegetation.

POLICY 60.4.3: *The county encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways.*

The wetland at the southern end of the property is the northernmost edge of a flow-way identified on the historic flowways map. This wetland will be preserved in accordance with this policy.

GOAL 61: PROTECTION OF WATER RESOURCES. *To protect the county's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.*

OBJECTIVE 61.2: MIMICKING THE FUNCTIONS OF NATURAL SYSTEM. Support a surface water management strategy that relies on natural features (flow ways, sloughs, strands, etc.) and natural systems to receive and otherwise manage storm and surface water.

POLICY 61.2.1: All development proposals outside the future urban areas must recognize areas where soils, vegetation, hydrogeology, topography, and other factors indicate that water flows or ponds; and require that these areas be utilized to the maximum extent possible, without significant structural alteration, for on-site

stormwater management; and require that these areas be integrated into area-wide coordinated stormwater management schemes.

Policy 61.2.1 requires existing on-site water management features on the property to be utilized to the maximum extent possible for on-site water management, and be integrated into the area-wide coordinated stormwater management schemes. As described in the Surface Water Level of Analysis, a natural wetland pond that is partially located on the property along the south property line will be utilized as the property's water management outfall to maintain hydrology within the wetland.

POLICY 61.2.2: Where no natural features of flow or ponding exist on a site outside the future urban areas, the county will require that water management structures be designed and constructed in such a manner as to mimic the functions of natural systems. Special engineering and design standards for such structures will be incorporated into revised development regulations.

As described under Policy 61.2.1, an existing wetland is partially located on the south property line and will be used as the project's outfall.

POLICY 61.2.3: Discourage the expansion or extension of existing traditional drainage structures, such as ditches, canals, dikes, etc. in non-agricultural areas, and only permit the continued existence and maintenance of such structures outside future urban areas.

Policy 61.2.3 – Not applicable. There are no existing ditches, canals, dikes, etc. on the property that are proposed to be preserved. The subject property is located outside the future urban area.

POLICY 61.2.4: Encourage surface water management plans that mimic the functions of natural systems.

As described in the Surface Water Level of Service Analysis, stormwater from the property is collected in vegetated dry detention ponds/swales where the stormwater is treated for water quality, and attenuated to the prescribed allowable discharge for that basin, prior to being released to an existing wetland along its south property line and reestablishing the natural flow pattern for the basin.

POLICY 61.2.5: The policies above (61.2.1 through 61.2.4) are not intended to prohibit any permissible surface water management solution that is consistent with good engineering practices and adopted environmental criteria.

Policy 61.2.5 clarifies that Policies 61.2.1 and 61.2.4 are not intended to prohibit any permissible surface water management solution that is consistent with good engineering practices.

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Lee Plan Consistency

CPA 2019-00009

POLICY 61.2.6: *The county will maintain regulations that require reclamation standards for future excavation that mimic natural systems through the techniques that improve water quality, wildlife utilization, and enhance groundwater recharge.*

Policy 61.2.6 Directs Lee County to maintain regulations that require reclamation standards for future excavations that mimic natural systems. Any proposed development will have to meet all of Lee County's design standards at the time of local development order.

OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. *Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems.*

Any proposed development will have to meet all of Lee County's design standards at the time of local development order.

POLICY 123.12.2: *Encourage use of bear proof containers to secure waste and other attractants within and adjacent to known bear habitats.*

The proposed text amendment has added a requirement for the submittal of a Human Wildlife Co-existence plan at the time of local development order specifically to address this issue and ensure that bear proof containers are used.

POLICY 123.12.3: *Increase public understanding of black bears and need for bear conservation through public education and outreach.*

The proposed text amendment has added a requirement for the submittal of a Human Wildlife Co-existence plan at the time of local development order which directly requires a plan for public education and outreach.

GOAL 124: WETLANDS. *To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.*

The proposed development will go through the environmental resource permit application process. To the extent that wetland areas are impacted by development, those areas will be mitigated for in accordance with State and Federal guidelines.

POLICY 124.1.2: The county's wetlands protection regulations will be consistent with the following:

1. *The county will not undertake an independent review at the Development Order stage of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption.*

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Lee Plan Consistency

CPA 2019-00009

2. *No development in wetlands regulated by the State of Florida will be permitted by Lee County without the appropriate state agency permit or authorization.*
3. *Lee County will incorporate the terms and conditions of state permits into county permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.*
4. *Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards.*
5. *Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies.*

The proposed development will go through the environmental resource permit application process. Reasonable efforts will be made to avoid and minimize impacts to wetlands. To the extent that impacts occur, mitigation will be required in accordance with State and Federal permits.

The attached groundwater analysis has additional information on compliance with Policy 1.4.5, Policy 2.4.3 and Goals 115 and 117.

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Lee Plan Consistency

Analysis of Impacts/Planning Justification Exhibit T5

Text Amendment Location and Property Description

The proposed text amendment to the Lee Plan addresses a historic non-conforming zoning in the DR/GR by allowing the property to develop under the approved zoning with significantly enhanced preservation requirements. The text amendment applies only to properties which already have commercial zoning, along Corkscrew Road, west of Flint Pen Strand (limited to the property described below) and is written to be consistent with Policy 33.3.3, which applies to residential areas with approvals for density greater than the DR/GR allows.

The single property that is affected by this amendment is located at the southwest corner of Corkscrew and Alico Roads adjacent to Corkscrew Shores on the west. Attached is a map of commercial zoning within the Southeast Lee County Planning Community, west of Flint Pen Strand. The property effected is approximately 12.19 acres, 5.45 acres of which are wetlands. The site is located in the Density Reduction/Groundwater Resource and wetlands land use categories. Not only is Corkscrew Shores contiguous to the west (developed under Policy 33.3.3), but there are several large residential communities that have been zoned and in the process of active development to the east (See map of development communities).

Property History

Although the subject property is within the DR/GR land use category it is zoned Community Commercial by specific Board action and has carried that designation since 1982. ZAB-82-337 was approved by the Board of County Commissioners designating the subject property as CC (Community Commercial) and MH-1 (Mobile Home). The MH-1 property to the south is currently owned by the South Florida Water Management District. A site plan was incorporated into the zoning resolution by reference showing residential lots to the south of the commercial development along Corkscrew Road, even though it is a standard zoning district.

In 1989 Lee County amended the future land use category on the subject property from Rural to Density Reduction/Groundwater Resources. The land use category was changed as part of a settlement with the State Department of Community Affairs to reduce overall residential Density on the Future Land Use map through the year 2010, the horizon year of the Lee Plan at that time. The County did not undertake any analysis to determine the impact of the change on commercially zoned or previously platted property. After over two decades the County started moving forward with increased residential development in the DR/GR with the approval of Corkscrew Shores. Corkscrew Shores had an approved plat that permitted residential development and it is located adjacent to the property on the west. Corkscrew Shores obtained approval of an amendment to the comprehensive plan and zoning that recognized the pre-existing approvals and allowed the reconfiguration of the existing residential density.

In 2015 Lee County established the Environmental Enhancement and Preservation Overlay that extends along the north side of the subject property, along Corkscrew Road to the east. Since the establishment of the EEPO, 4 residential developments have been approved with over 4,500 new residential units to the north and east of the subject property. The growing number of residents east of I-75 has created a demand for neighborhood commercial services in proximity to the residences. The subject property is located at or near one of the few major intersections in the DRGR and it is one of the few commercially zoned parcels in a strategic location to serve the neighborhood retail needs of the surrounding uses.

Proposed Text Amendment

The proposed text amendment is to add Policy 33.3.5 to Goal 33, which lays out the vision for the Southeast Lee County Planning Community. The proposed policy allows development of properties that had already been zoned for commercial development prior to designation as DR/GR, consistent with existing approvals, but under more intense preservation requirements than prior approvals and commercial development elsewhere in Lee County. The text amendment also limits the uses allowed to specifically eliminate the CC uses that may leave to a concern about groundwater impacts to the County's well field. The proposed text amendment is as follows:

Policy 33.3.5: Properties within Southeast Lee County, in the Density Reduction/Groundwater Resource future land use category, west of Flint Pen Strand with direct access to Corkscrew Road that have existing commercial zoning inconsistent with the current DR/GR land use category, may develop in accordance with existing zoning under the following criteria:

1. Intensity must be limited to neighborhood levels of commercial.
2. Development must be served by central water and sewer facilities.
3. Access must be provided directly to Corkscrew Road or via a frontage road connecting to Corkscrew Road.
4. All uses must be in compliance with the Lee County Well Field Protection Ordinance as may be amended.
5. The following uses are prohibited: auto repair, fuel pumps, car wash, cleaning and maintenance services, funeral homes, on-site dry cleaning, research and development laboratories, and vehicle equipment dealers, or any other similar use that may contain the storage of hazardous chemicals or materials, or run off of hazardous materials.
6. At the time of local development order the applicant must demonstrate that surface and groundwater will not be degraded.
7. Development order plans must include preservation/restoration at a minimum of 35 percent of the property. Preserve areas will include existing indigenous areas or areas that are restored through the removal of exotic vegetation.

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8. Development order submittals must include a protected species management plan to address human wildlife coexistence, including educational programs and development standards.
9. In addition to the preservation of on-site property, for every acre of development area, a fee of \$8,500 must be paid to the County's land acquisition fund for the purchase and/or restoration of additional off site lands in Southeast Lee County and/or the CREW Watershed.

The proposed amendment requires the preservation of onsite indigenous vegetation well in excess of code requirements for commercial development. Current code requirements for indigenous preservation for commercial development is typically 15%. The proposed text amendment will more than double that requirement for existed zoned commercial property in the DR/GR. In addition to on-site restoration, every acre of developed land will require a payment to Lee County for the acquisition of off-site land. This mitigation payment is identical to Policy 33.3.3 3.h. which allows for additional residential on residential properties that were permitted for more density in the DR/GR prior to its adoption. Including off site mitigation, the total preservation requirement will increase significantly.

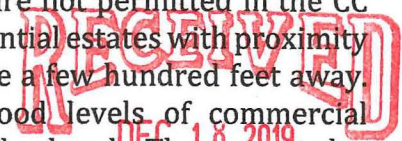
The proposed amendment requires compliance with the Lee County Wellfield Protection Ordinance and the prohibition on uses that may contain hazardous materials run off or the storage of hazardous materials. The proposed amendment also requires a connection to Central Water and Sewer. All of these measures are taken to ensure no impact to the County's water supply.

Surrounding Uses/Compatibility

The attached regional aerial shows the location of the subject property and the surrounding uses. As discussed above, the property directly to the west is the Corkscrew Shores community, which consists of 800 residential units. Adjacent to the property to the north is the Southwest Florida Rock IPD, an active mining operation. To the south of the subject property is land owned and managed by the South Florida Water Management District. To the east of the subject property is land owned and managed by Lee County. To the east of the Lee County lands are large tracts approved for residential uses. County buffers will require a Type E or F buffer between the commercial and residential uses to the west. The limitation on uses and the requirement for approval of a Human/Wildlife Coexistence Plan at the time of Local development order will ensure that commercial uses do not become attractors for bears and other wildlife.

Proposed Request

The proposed amendment to the Lee Plan conforms the DR/GR land use category to the current commercial zoning on the property. Residential uses are not permitted in the CC zoning district, and this is not a suitable location for a rural residential estates with proximity to an intersection of two arterials and an IPD with, a mining use a few hundred feet away. The commercial development will be limited to neighborhood levels of commercial development, which by their nature serve the surrounding neighborhoods. The request also



requires preservation in excess of requirements in urban areas and further requires payment of a fee for offsite acquisition of additional conservation property, consistent with similar incentives for non-conforming residential density in the DR/GR in Policy 33.3.3.

The subject property is located over 4 miles to the west from the Shoppes at Grandezza, the closest commercial retail development to the subject property. Although there is commercial property zoned at the entrance of Bella Terra, the Homeowners Association has recently acquired the property in an effort to have more control that will likely limit or decrease commercial development. All residential communities along Corkscrew Road, including the newly approved and developing Corkscrew Shores, The Place, Pepper land and Verdana must travel anywhere from 4-8 miles each way for every retail commercial need. Generally, neighborhood retail stores assume a 2-mile travel radius for a market service area. The attached map shows the level of residential development along Corkscrew Road, the 2-mile travel distance and the location of the subject property in relation to the residential uses that will travel excessive distances for every retail service need.

The subject property is appropriately sized to meet many of the smaller daily needs. Between Verdana, Pepperland, The Place, Wild Blue and Corkscrew Shores, there are approximately 5,000 units either built or planned for that are over 4 miles from the Shoppes at Grandezza. Including Bella Terra and the Preserve at Corkscrew, there are an additional approximately 2,500 units. A rule of thumb for commercial generation rates from residential population is approximately 20 square feet per capita. Many larger metropolitan areas have around 40-55 square feet per capita and contain a wider diversity of retail uses than the smaller service needs that are the intended use of the subject property. This estimate adjusts for the overall trend of declining retail space and doesn't include the need for office type uses (including those commonly found in shopping centers such as realtors, dental, and title companies). Therefore, an overall conservative estimate for the amount of commercial area needed to serve each residential unit is approximately 40 square feet (assuming a conservative 2 people per unit). With over 7,500 residential units built and planned for over 2-miles east of the Grandezza Shopping Center, there is a potential need for approximately 300,000 square feet of commercial floor area along east Corkscrew Road.

The subject property is centrally located, between the residential communities to the east and the newly developed communities to the west along Corkscrew Road, and at the intersection of two arterial roads in Lee County - Corkscrew Road and Alico Road. The property has the ability to capture a market area from the Preserve to Verdana, greatly decreasing trip times, but more importantly, decreasing the escalating burden on road segments closer to the I-75 Interchange. Commercial uses along Corkscrew road will help keep trips local, building a more sustainable and functional mix of uses within the East Corkscrew Community. The subject property is unique due to the location near the intersection of two major arterial roads and due to the fact that the property has commercial zoning. Not only is commercial the most appropriate use for the subject site, but the only reasonable use, given its location, size and surrounding uses.

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Existing and Future Conditions Analysis

In accordance with Policy 95.1.3 attached is an analysis by Andrew Fitzgerald, PE, of the impacts to Sanitary Sewer, potable water and surface water. There is no impact to parks, recreation, open space or public schools. Commercial development does not generate demand for those services.

Environmental Impacts

Attached is an environmental assessment conducted by Dex Bender and Associates. The subject property consists of both upland and wetland areas with varying degree of exotic infestation. No endangered or threatened species were found on site. Development of the subject property will need to comply with all applicable land development code requirements pertaining to indigenous vegetation preservation and open space. The proposed text amendment however, requires a significantly greater level of on-site indigenous preservation (over double the requirement for commercial development elsewhere in Lee County) as well as a requirement for payment for off-site preservation. Given the size and location of the subject property at the intersection of two arterial roads and adjacent to a residential community to the west the development will not have a significant adverse impact on environmental resources, but instead are designing the text amendment to have an overall positive impact.

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