

March 2, 2020

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, CPA 2019-00011 Sufficiency #2 Submittal

Ms. Owen,

In response to the comment letter dated September 5, 2019, enclosed are the following items for your review:

- 1. Application Form
- 2. Disclosure of Interest Form
- 3. Authorization Form
- 4. Notes on Informational Meeting
- 5. News-Press Notice Affidavit
- 6. Soils Map
- 7. Topography Map
- 8. FEMA Flood Hazard Areas Map
- 9. FEMA Flood Zones Maps
- 10. Letters of Service Availability

In addition to the above items, written responses to the comments are provided below:

General Comments:

1. On page 1 of the application, please complete the Project Description item in greater detail by providing a brief description of the request, such as "Amend Maps 6 and 7 to add 12.1+ acres to the Lee County Utilities Future Water and Wastewater Service Areas". (CPA2019-00011)

Please see the attached revised Application form.

2. The Disclosure of Interest form was not completed properly. The form should indicate that the owner is Small Brothers LLC, and be signed by Jon Small as Manager. If Jon Small is the 100% owner, please fill in his name and percentage

COMMUNITY DEVELOPMENT CPA 2019 - 00009 ownership on the first page. If others have ownership, please list and provide their ownership percentage. (CPA2019-00011)

Please see the attached Disclosure of Interest Form.

3. Please provide a notarized authorization signed by Jon Small as the Manager of Small Brothers LLC that permits Daniel Delisi, AICP to represent them with regards to the Map Amendment application. The document that was submitted was signed by Jon Small as an individual. Not as the manager of Small Brothers LLC. (CPA2019-00011)

Please see the attached authorization form.

4. As the amendment's subject property is located in the Southeast Lee County Planning Community, a community informational meeting is required. Please provide materials from the required meeting. (Both applications)

A community meeting was held on February 17^{th} at 6pm. Attached is the public notice that ran in the Fort Myers News-Press. Also attached are the required notes for the meeting.

5. Please provide a map and description of the soils found on the property, a topographic map depicting the property boundaries and 100 year flood prone areas indicated (as identified by FEMA), and a map delineating the property boundaries on the most recent Flood Insurance Rate Map. (CPA2019-00011)

Please see the attached soils map, Flood Zone and Topographic map and Flood Insurance Rate Maps for both Hazard Risk and Flood Zone.

6. Letters of Availability must have been dated within the past calendar year. Please provide updated Letters of Availability for Fire and Rescue, Law Enforcement, Emergency Medical Services, and Solid Waste. (Both applications)

Please see the attached updated letters of availability.

Please feel free to contact me if you have any questions.

DeLisi, Inc.

Daniel DeLisi, AICP

cc. Neale Montgomery, Pavese Law Firm



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Proj	ectName: Small Brother Commercial Utility CPA		
Proj	ect Description: Amend Maps 6 and 7 to add 12.1 +/- acres to the Lee County Utilities Future Water and		
Was	tewater service areas.		
Мар	(s) to Be Amended:		
State	Review Process: Small-Scale Review State Coordinated Review X Expedited State Review		
1.	Name of Applicant: _Jon Small, Manager, Small Brothers, LLCAddress: 12810 Tamiami Trail N., Suite 200City, State, Zip: Naples, FL 34110		
ē	Phone Number: (239) 352-5151E-mail: _budb@smallbrothers.com		
2.	Name of Contact: Daniel DeLisi, AICP Address: 520 27th Street City, State, Zip: West Palm Beach, FL 33407		
	Phone Number: (239)913-7159 E-mail: dan@delisi-inc.com		
3.	Owner(s) of Record: See applicant information above		
	City, State, Zip: Phone Number: E-mail:		
4.	Property Location: 1. Site Address: 15230 Corkscrew Road, Estero, FL 2. STRAP(s): 22-46-26-00-00001.0010		
5.	Property Information:		
	Total Acreage of Property: 12.14 acres Total Acreage Included in Request: 12.1 acres		
	Total Uplands: 6.69 acres		
	Existing Land Use: Vacant		
6.	Calculation of maximum allowable development under current Lee Plan:		
	Residential Units/Density: 1 du Commercial Intensity: N/A Industrial Intensity: N/A		
7.	Calculation of maximum allowable development with proposed amendments:		
	Residential Units/Density: 0 Commercial Intensity: 80,000 sq. ft. Industrial Intensity: N/A		

Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on the maximum development.

- 1. Traffic Circulation Analysis: The analysis is intended to determine the affect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.
 - a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
 - i. Total peak hour trip generation less than 50 total trip ends trip generation.
 - ii. Total peak hour trip generation from 50 to 300 total trip ends trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
 - iii. Total peak hour trip generation is over 300 total trip ends trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.
 - b. Map amendment greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.
- 2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools

Analysis for each of the above should include (but is not limited to) the following (see the Lee County Concurrency Management Report):

- a Franchise Area, Basin, or District in which the property is located
- b Current LOS, and LOS standard of facilities serving the site
- c Projected 2030 LOS under existing designation
- d Projected 2030 LOS under proposed designation
- e Existing infrastructure, if any, in the immediate area with the potential to serve the subject property
- f Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- g. Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water

In addition to the above analysis, provide the following for potable water:

- a. Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- b. Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- c. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- d. Include any other water conservation measures that will be applied to the site (see Goal 54).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:

- a. Fire protection with adequate response times
- b. Emergency medical service (EMS) provisions
- c. Law enforcement
- d. Solid Waste
- e. Mass Transit
- f. Schools

In reference to above, the applicant must supply the responding agency with the information from application items 5, 6, and 7 for their evaluation. This application must include the applicant's correspondence/request to the responding agency.

Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed change based upon the following:

- 1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
- 2. A map and description of the soils found on the property (identify the source of the information).
- 3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
- 4. A map delineating the property boundaries on the most recent Flood Insurance Rate Map.
- 5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
- 6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

- 1. A map of any historic districts and/or sites listed on the Florida Master Site File which are located on the subject property or adjacent properties.
- 2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

Internal Consistency with the Lee Plan

- 1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
- 2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment or that affect the subject property. This analysis should include an evaluation of all relevant policies under each goal and objective.
- 3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

State Policy Plan and Regional Policy Plan

List State Policy Plan and Regional Policy Plan goals, strategies and actions, and policies which are relevant to this plan amendment.

Justify the proposed amendment based upon sound planning principles

Support all conclusions made in this justification with adequate data and analysis.

Planning Communities/Community Plan Area Requirements

If located within a planning community/community plan area, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

Sketch and Legal Description

The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

SUBMITTAL REQUIREMENTS

Clearly label all submittal documents with the exhibit name indicated below.

For each map submitted, the applicant will be required to submit a 24"x36" version and 8.5"x11" reduced map for inclusion in public hearing packets.

MINIMUM SUBMITTAL ITEMS (3 Copies)

Completed Application (Exhibit – M1)
Filing Fee (Exhibit – M2)
Disclosure of Interest (Exhibit – M3)
Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)
Future Land Use Map - Existing and Proposed (Exhibit – M4)
Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5)
Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)
Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)
Copy of the Deed(s) of the Subject Property (Exhibit – M8)
Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit - M9)
Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit - M10)
Lee Plan Analysis (Exhibit – M11)
Environmental Impacts Analysis (Exhibit – M12)
Historic Resources Impact Analysis (Exhibit – M13)
Public Facilities Impacts Analysis (Exhibit – M14)
Traffic Circulation Analysis (Exhibit – M15)
Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M16)
Letter of Determination For the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M17)
State Policy Plan and Regional Policy Plan (Exhibit – M18)
Justification of Proposed Amendment (Exhibit – M19)
Planning Communities/Community Plan Area Requirements (Exhibit – M20)

<u>APPLICANT – PLEASE NOTE:</u>

Once staff has determined the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency hearings, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239)533-8585.

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared <u>Jon Small, Manager, Small Brothers, LLC</u>, who, being first duly sworn and deposed says:

- 1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 15230 Corkscrew Road and is the subject of an Application for zoning action (hereinafter the "Property").
- 2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

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

- 3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.
- 4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.
- 5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.
- 6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

N/A	Name and Address	Percentage of Ownership
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		Manager and the second

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief. Jon Small, Manager, Small Brothers, LLC **Print Name** *******NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS********* ALL OTHER APPLICATION TYPES MUST BE NOTARIZED STATE OF FLORIDA COUNTY OF LEE The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, on 2.20.20 (name of person providing oath or affirmation). who is personally known to me or who has produced ___ (type of identification) as identification. JESSENIA HERNANDEZ JESSENIA HERITAGE OF Florida Signature of STAMP/SEAL My Commission Expires December 25, 2022

Web/DiscolsureofInterest (02/2020)

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

Jon Small, Manager, Small Brothers, LLC

STATE OF Florida

COUNTY OF COLLIC

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

STAMP/SEAL

Signature of Notary Public

JENNIFFER WALLACE State of Florida-Notary Public Commission # GG 197958 My Commission Expires May 31, 2022

Community Meeting Summary

(In accordance with Policy 17.3.4)

A meeting was held on Monday, February 17, 2020 at 6:00pm in Room 162 of the Cohen Center at Florida Gulf Coast University. (See attached public notice, which ran in the Fort Myers News-Press on February 5^{th} , 2020.

Attendees:

Daniel DeLisi, DeLisi, Inc., planner for the applicant

Neale Montgomery, Pavese Law Firm, attorney for the applicant

Bud Balsom, Vice President, Small Bothers, LLC

Bruce Lampitt, Small Brothers, LLC

Daniel DeLisi started the presentation at 6:05 pm after reviewing the presentation, the applicant waited until 6:20 before adjourning the meeting. No one from the general public attended. No questions were asked, and no concerns were raised.

The News-Press media group

Attn: PAVESE HAVERFIELD DALTON/LEGAL 1833 HENDRY ST FORT MYERS, FL 33901

STATE OF FLORIDA COUNTY OF LEE:

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

Notice of Meetings

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

02/05/20

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

Sworn to and Subscribed before me this 5th of February 2020, by legal clerk who is personally known to me.

Notary State of Wisco

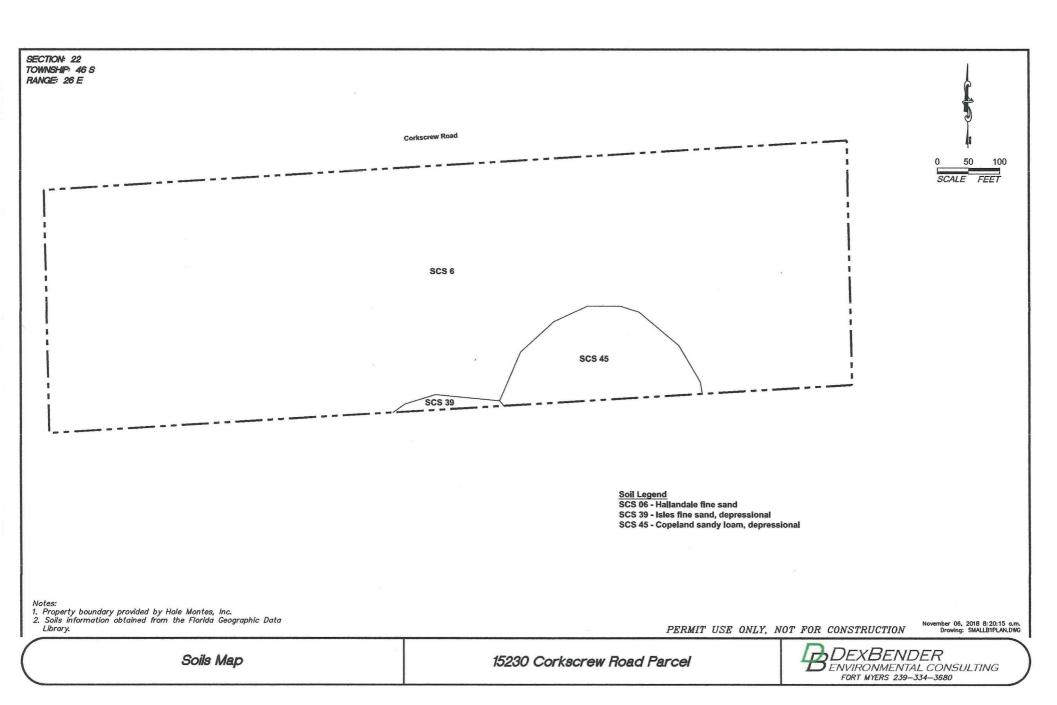
My commission expires

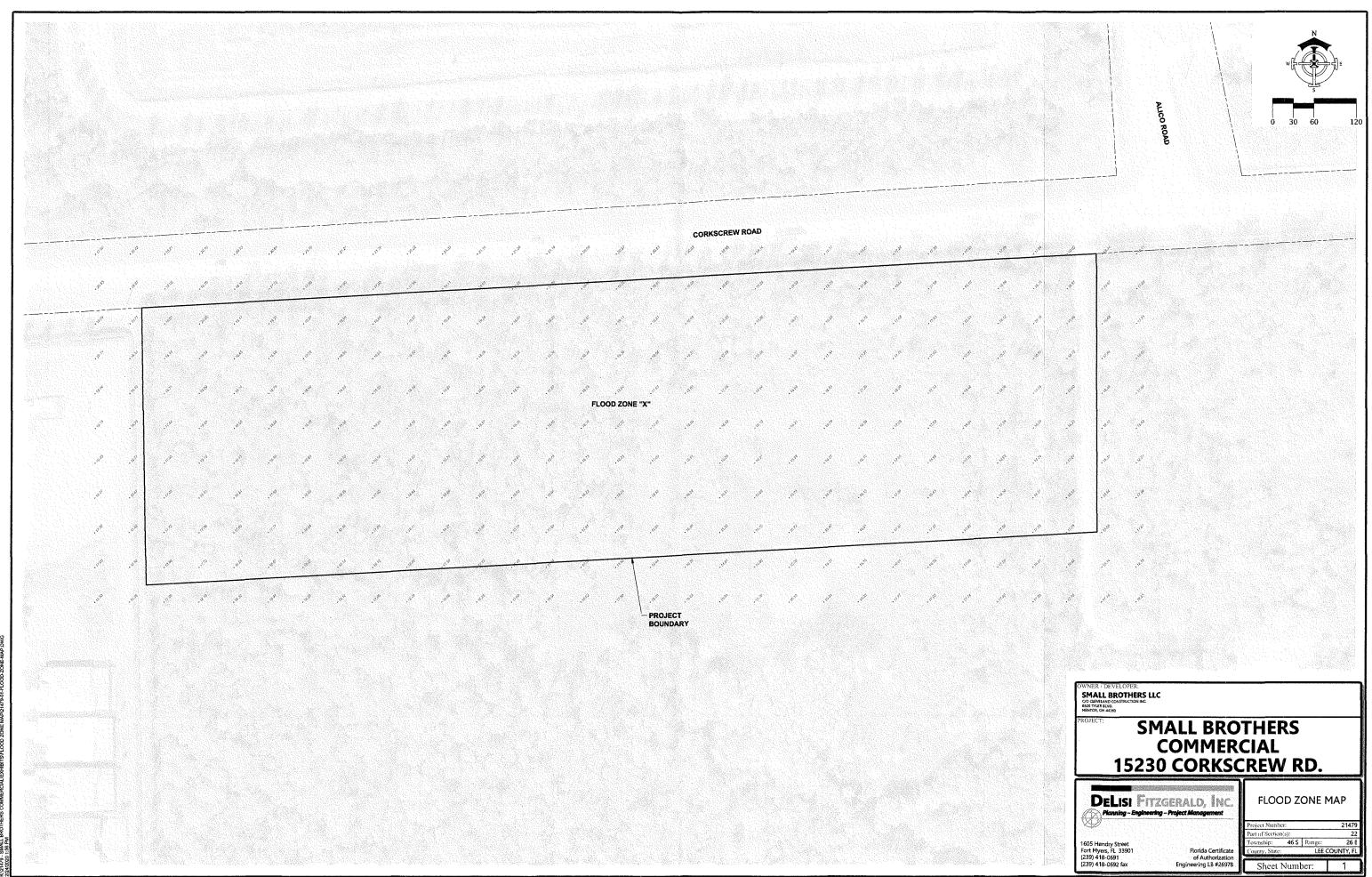
This is not an invoice

NOTICE OF MEETING
NOTICE is hereby provided regarding a community meeting on two Comprehensive Plan Amendments. The applications include a Comprehensive Plan Text Amendment CPA2019-00009 and a Comprehensive Plan Map Amendment CPA 2019-00011. The Text Amendment is a request to amend the Lae County Comprehensive Plan lext to allow for limited commercial uses in the DR/GR. The application also includes a request to amend the tuture water and sever sende area maps (Maps 6 and 7), Amendment CPA2019-00011. The community meeting will be held on Monday, February 17, 2020 at 6:00 p.m. at Flonda Gulf Coast University, 10501 FGCU Blvd S., For Myers, Ft, 33965. The meeting will be held in the Cohen Center, Room 162, visitor parking in Parking Lot 25

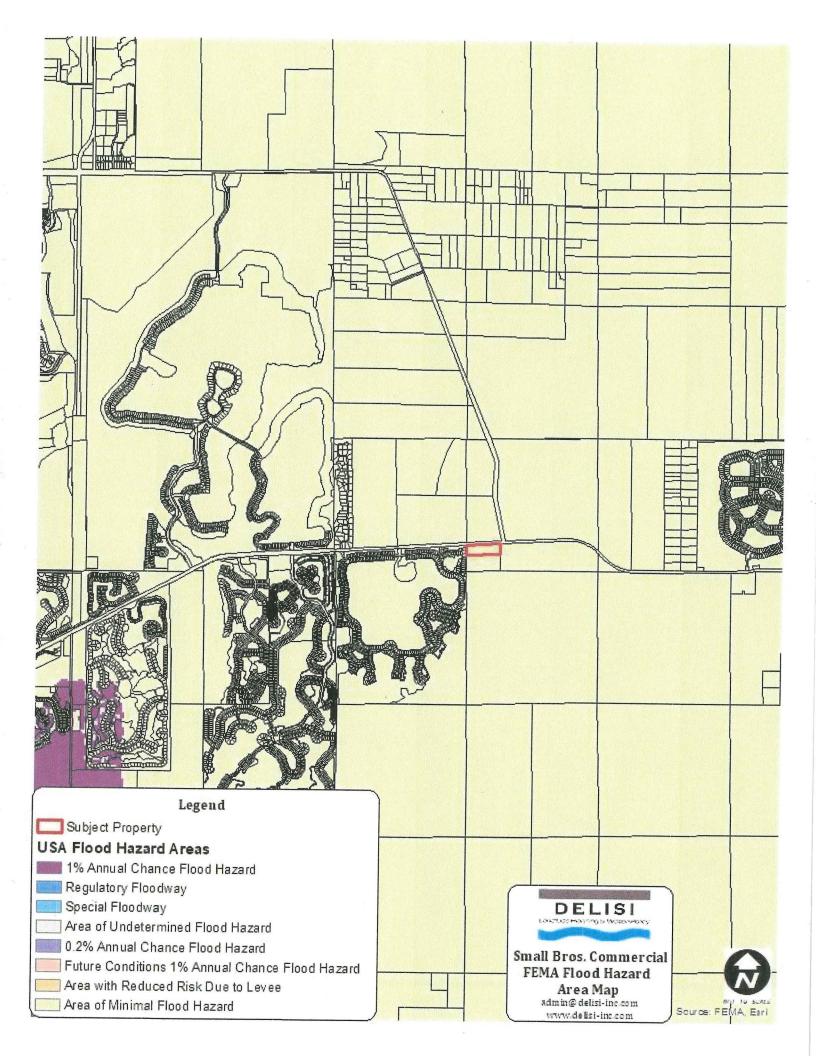
NOTICE OF MEETING

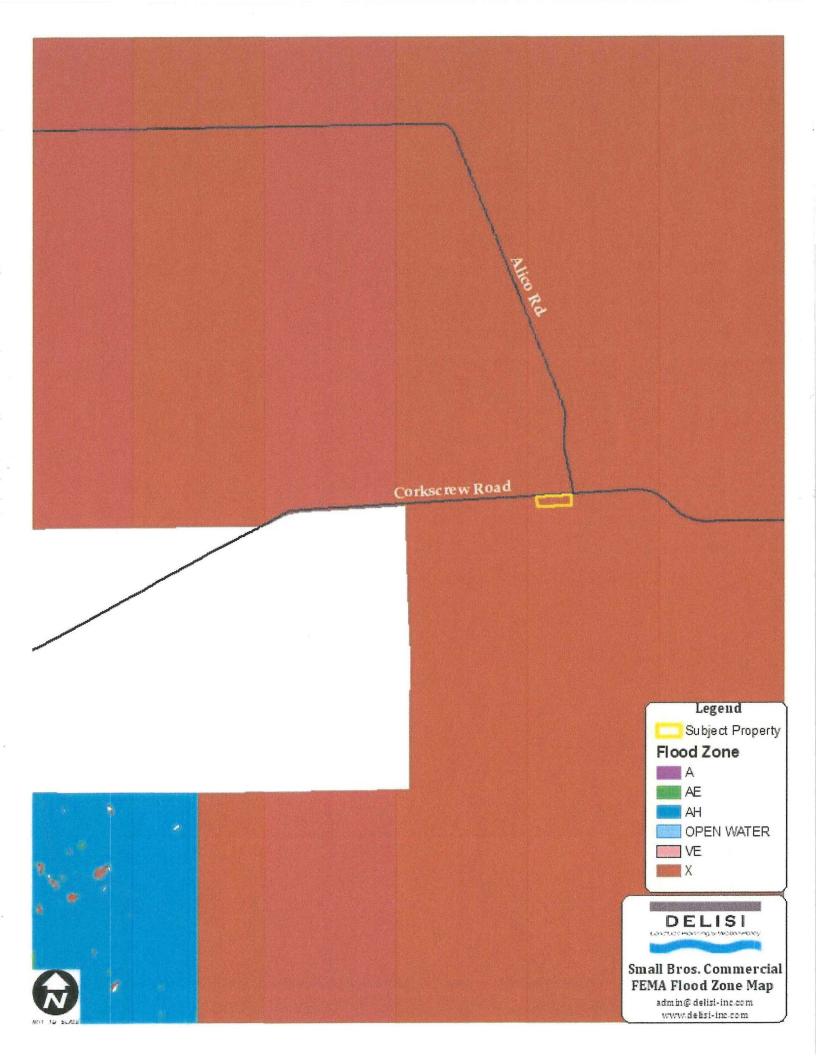
NANCY HEYRMAN Notary Public State of Wisconsin





COMMERCIAL\EXHBITS\FLOOD ZONE MAP\21479-01-FLOOD-ZONE-MA







John E. Manning District One

Cecil L Pendergrass District Two

Ray Sandelli District Three

Brian Hamman District Four

Frank Mann District Five

Roger Desjarlais County Manager

Richard Wm. Wesch County Attorney

Donna Marie Collins Hearing Examiner February 28, 2020

Daniel DeLisi, AICP DeLisi, Inc. 15598 Bent Creek Rd. Wellington, FL 33414

Re: Letter of Service Availability

Mr. DeLisi,

I am in receipt of your letter requesting a Letter of Service Availability for the development of a parcel located along Corkscrew Road, bearing STRAP 22-46-26-00-0001.0010.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response.

The primary ambulance for this location is Medic 21, located 5.8 miles west; there is a second EMS station within eight miles of the proposed location. These locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16, and no additional impacts are anticipated at this time.

It is our opinion that the service availability for the proposed development of this property is adequate at this time. Should the plans change, especially the density, a new analysis of this impact would be required.

Sincerely,

Benjamin Abes

Chief

Division of Emergency Medical Services



BOARD OF COUNTY COMMISSIONERS

John E. Manning District One February 11, 2020

Cecil L Pendergrass
District Two

Via e-mail

Ray Sandelli District Three dan@delisi-inc.com

Brian Hamman District Four

Daniel DeLisi, AICP

Frank Mann District Five DeLisi Inc.

Roger Desjarlais County Manager

Richard Wm. Wesch County Attorney

Donna Marie Collins

Hearing Examiner

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SUBJECT: Letter of Availability Lee County Solid Waste

Small Brothers, LLC - STRAP 22-46-26-00-00001.0010

15230 Corkscrew Road

Dear Mr. DeLisi:

The Lee County Solid Waste Division is capable of providing solid waste collection service for a future Community Commercial District planned for 15230 Corkscrew Road though the 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 review Lee County Land Development Code, Chapter 10, Section 261, with requirements for on-site space for placement and servicing of solid waste containers. Please note that the property owner will be responsible for all future applicable solid waste assessments and fees.

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

Sincerely,

Brigitte Kantor

Brigitte Kantor
Public Utilities Manager
Solid Waste Division



Estero Fire Rescue

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

February 11, 2020

Daniel Delisi, AICP Delisi, Inc. 520 27th Street West Palm Beach Florida 33407

Re: Strap # 22-46-26-00-00001-0010

Mr. Delisi,

This correspondence shall serve as a Letter of Service Availability for the above listed property. Estero Fire Rescue serves this property for fire suppression and non-transport advanced life support emergency medical services.

This property is located less than five road miles from Estero Fire Rescue Station 44 which is located at 21300 Fire House Lane. Once hydrants are installed, the property will enjoy an ISO rating of Class 2.

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

Respectfully,

Phillip Green Fire Marshal

Carmine Marceno Sheriff



State of Florida County of Lee

February 12, 2020

Daniel DeLisi DeLisi, Inc. 15598 Bent Creek Rd. Wellington, FL 33414

Mr. DeLisi,

The proposed comprehensive plan amendment to rezone eight acres for commercial development at STRAP 22-46-26-00-00001.0010 along Corkscrew Road does not affect the ability of the Lee County Sheriff's Office to provide core services at this time. We have no objections to up to 80,000 square feet of commercial development on the site, nor do we object to the property connecting to central water and sewer.

Law enforcement services will be provided from our substations in Lehigh Acres and 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 Community Relations Supervisor Beth Schell at (239) 258-3287 with any questions regarding the CPTED study.

Respectfully,

Stan Nelson

Director, Planning and Research

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