



SMALL BROTHERS MAP AMENDMENT

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JUL 16 2020

COMMUNITY DEVELOPMENT



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

ProjectName: Small Brother Commercial Utility CPA

ProjectDescription: Amend Maps 6 and 7 to add 12.1 +/- acres to the Lee County Utilities Future Water and Wastewater service areas.

Map(s) to Be Amended: _____

State Review Process: Small-Scale Review State Coordinated Review Expedited State Review

1. **Name of Applicant:** Jon Small, Manager, Small Brothers, LLC
Address: 12810 Tamiami Trail N., Suite 200
City, State, Zip: Naples, FL 34110
Phone Number: (239) 352-5151 E-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.
Address: _____
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 Total Wetlands: 5.45 acres Current Zoning: CC Commercial
Current Future Land Use Category(ies): DR/GR, Wetlands
Area in Each Future LandUse Category: DR/GR: 6.69 acres, Wetlands: 5.45 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)

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

APPLICANT – PLEASE NOTE:

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.

AFFIDAVIT

I, Jon Small, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

[Handwritten Signature]
Signature of Applicant

8-2-18
Date

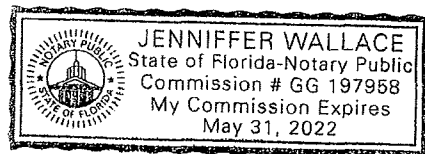
Jon Small
Printed Name of Applicant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 8-2-18 (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.

[Handwritten Signature]
Signature of Notary Public

Jennifer M Wallace
(Name typed, printed or stamped)



**DISCLOSURE OF INTEREST – Exhibit M3
AFFIDAVIT**

BEFORE ME this day appeared JON SMALL, 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 CORLSCREW RD 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.

Name and Address	Percentage of Ownership
N/A	

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
Property Owner

Jon Small
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 on Nov 12, 2019 (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.

STAMP/SEAL

Jennifer Wallace
Signature of Notary Public





Justification of the Proposed Amendment

Exhibit M19

The following justification was submitted for the text amendment to allow for commercial development on the subject property. If commercial development is allowed to occur on the property, given the location of existing water and sewer lines that run directly past the property would service a legitimate planning goal. Connecting to available service rather than accommodating a package facility or large septic system is preferable both environmentally and from a cost efficiency of service.

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 will also require rezoning to a Commercial Planned Development where uses will be limited to those that do not create concern about groundwater impacts to the County's well field. The proposed text amendment is as follows:

OBJECTIVE 33.5: COMMERCIAL ZONING APPROVED PRIOR TO SEPTEMBER 17, 1990. To allow development of commercial uses on properties designated DR/GR that have existing conventional commercial zoning approved prior to September 17, 1990.

POLICY 33.5.1: Property with existing conventional commercial zoning approved prior to September 17, 1990 may be approved for development of commercial uses if the project is found consistent with and demonstrates through a planned development rezoning all of the following:

1. The allowable total square footage for commercial uses in Southeast Lee County set forth in Policy 33.3.5 is not exceeded.
2. The development will be served by central water and sewer.
3. The development will be designed to minimize impacts to wetlands by only allowing impacts for stormwater retention/detention, accessways and limited parking. Buildings and structures are prohibited in wetlands. Deviations may

be considered through the planned development process to facilitate protection of wetlands.

4. The development does not exceed 10,000 square feet per upland acre of commercial uses and does not include any of the following uses: auto parts stores, lawn and garden supply stores, fuel pump stations, drycleaners (on-site), or any other use that is not compatible with protecting Southeast Lee County's environment.
5. If development is proposed within the 6-month, 1-year, 5-year, or 10-year travel zones of the Wellfield Protection Ordinance, a total of 1 ½ -inches of treatment, ½ -inch of which must be completed via dry pretreatment, must be provided at a minimum. Dry and wet treatment must be located outside of the 6-month and 1-year travel zones. The entire development will be considered to be within the most restrictive wellfield protection zone as provided in the Wellfield Protection Ordinance.
6. Ground water quality monitoring well(s) for the Surficial Aquifer System are provided and located between Lee County's nearest production well(s) and the development.
7. Flowway connection(s) are provided for all surface water discharge to adjacent Conservation Lands.

The net effect of the limitation on wetland impacts creates a preservation requirement 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. Including off site mitigation, the total preservation requirement will increase significantly.

The proposed amendment requires compliance with the Lee County Wellfield Protection Ordinance, additional stormwater treatment and restrictions on placement of dry and wet treatment areas. 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.

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 requires a significantly greater level of on-site indigenous preservation through strict limitations on wetland impacts. 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.



Legend

- Subject Property
- Parcels



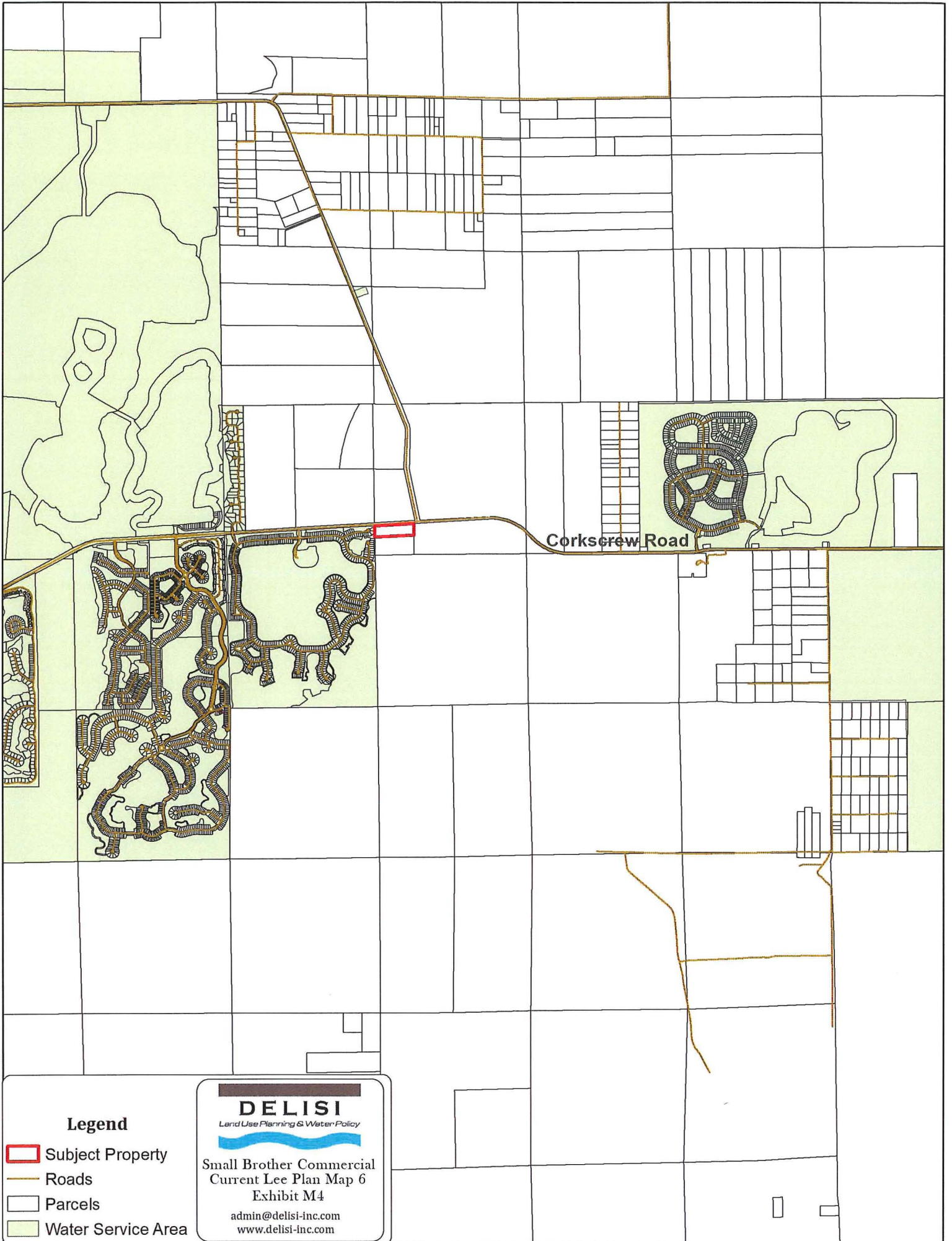
NOT TO SCALE



**Small Bros. Commercial
Land Use Map - Exhibit M5**

admin@delisi-inc.com
www.delisi-inc.com

Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



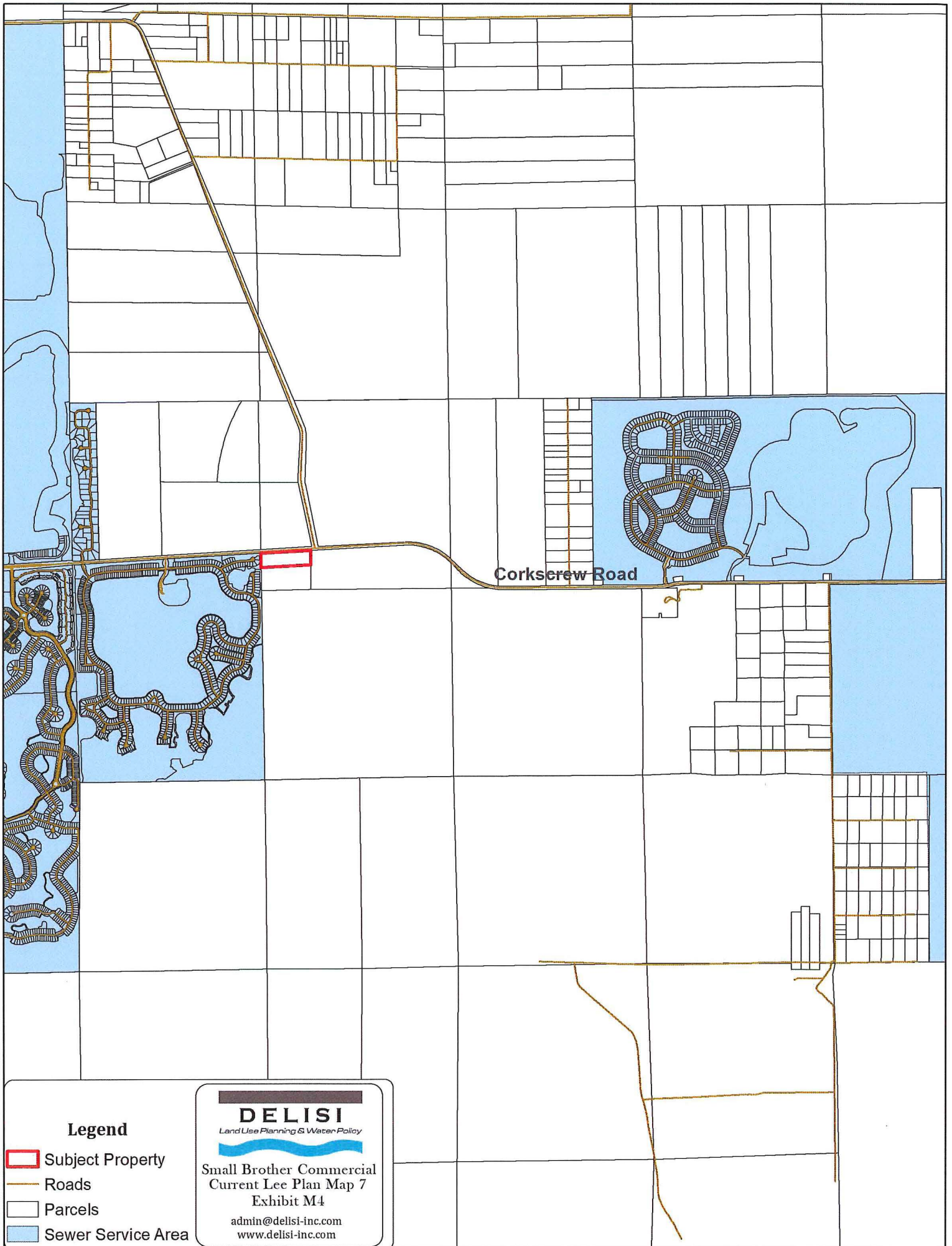
Legend

-  Subject Property
-  Roads
-  Parcels
-  Water Service Area

DELISI
Land Use Planning & Water Policy

Small Brother Commercial
Current Lee Plan Map 6
Exhibit M4

admin@delisi-inc.com
www.delisi-inc.com



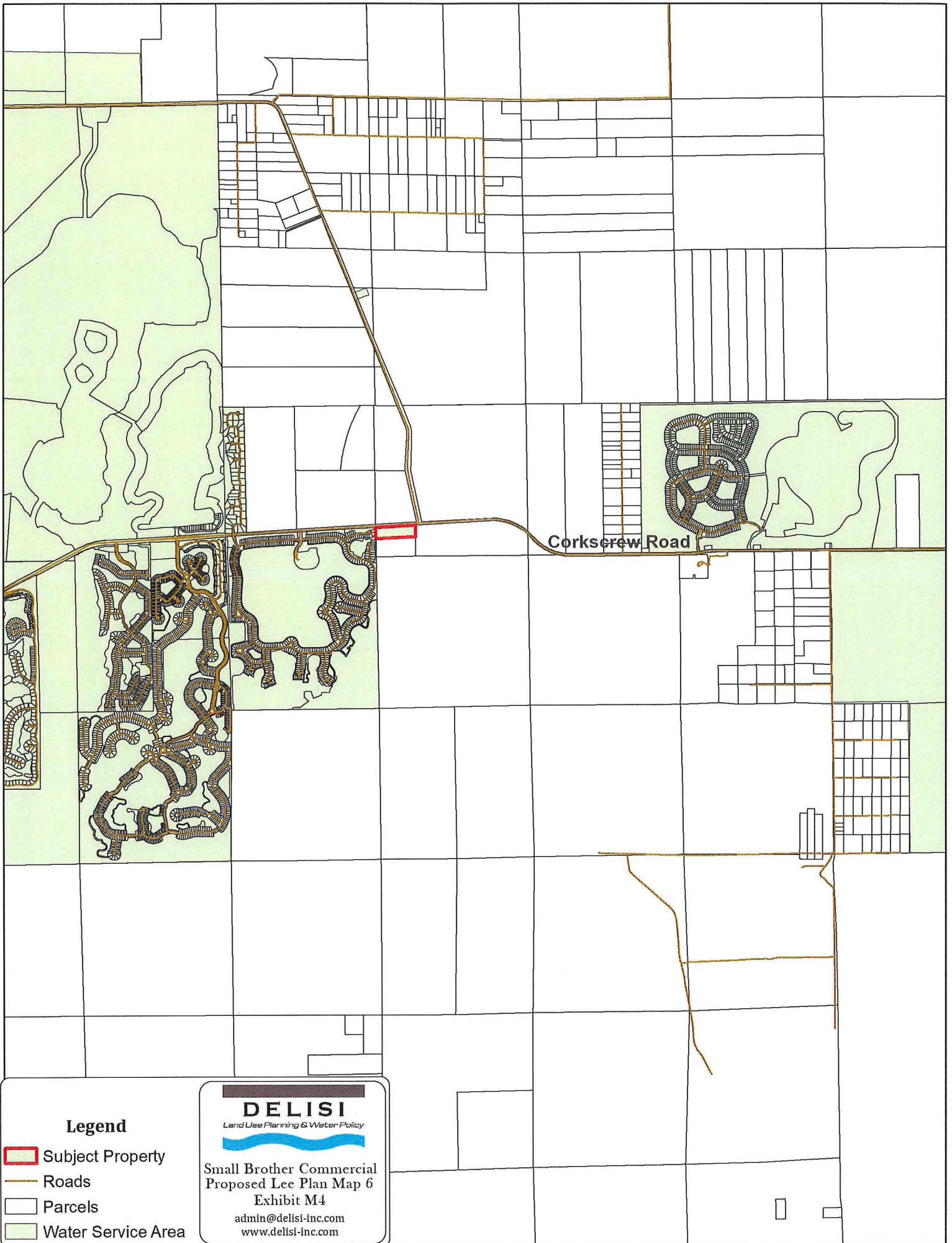
Legend

-  Subject Property
-  Roads
-  Parcels
-  Sewer Service Area

DELISI
Land Use Planning & Water Policy

Small Brother Commercial
Current Lee Plan Map 7
Exhibit M4

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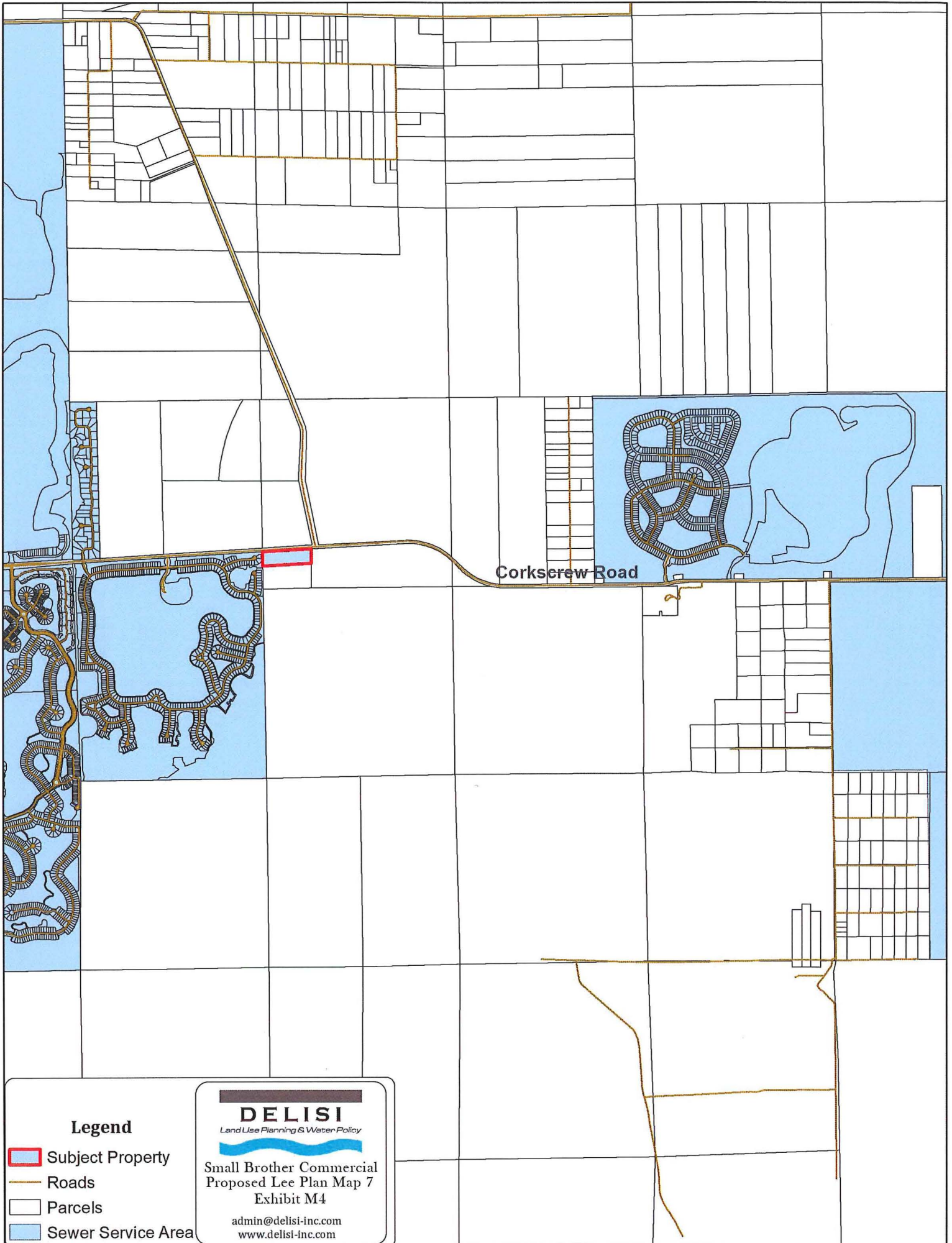
Legend

-  Subject Property
-  Roads
-  Parcels
-  Water Service Area

DELISI
Land Use Planning & Water Policy

Small Brother Commercial
Proposed Lee Plan Map 6
Exhibit M4

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Legend

-  Subject Property
-  Roads
-  Parcels
-  Sewer Service Area

DELISI
Land Use Planning & Water Policy

Small Brother Commercial
Proposed Lee Plan Map 7
Exhibit M4

admin@delisi-inc.com
www.delisi-inc.com



Legend

- Subject Property
- Parcels



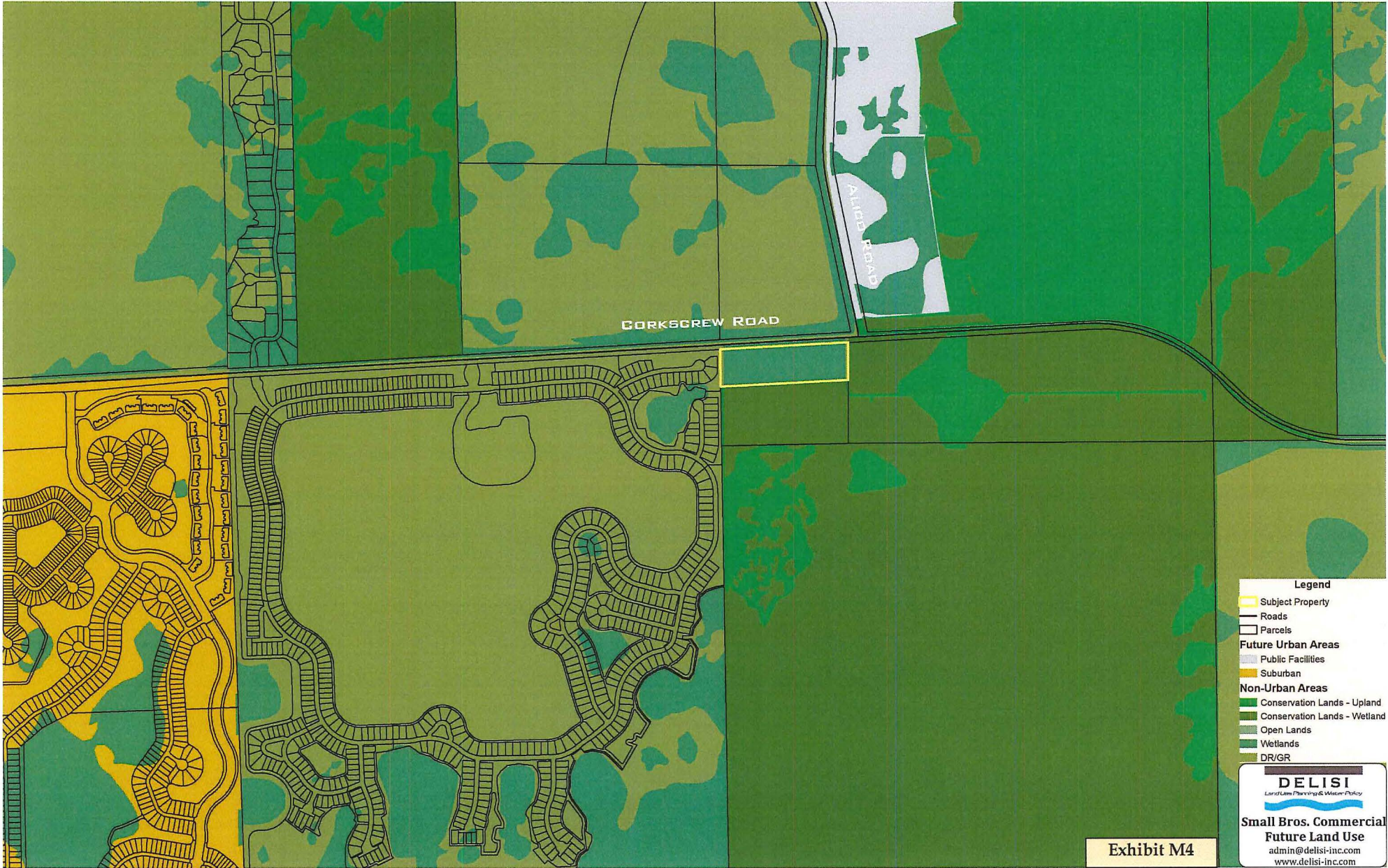
NOT TO SCALE



Small Bros. Commercial Zoning Map - Exhibit M6

admin@delisi-inc.com
www.delisi-inc.com

Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



CORKSCREW ROAD

ALICIA ROAD

- Legend**
- Subject Property
 - Roads
 - Parcels
 - Future Urban Areas**
 - Public Facilities
 - Suburban
 - Non-Urban Areas**
 - Conservation Lands - Upland
 - Conservation Lands - Wetland
 - Open Lands
 - Wetlands
 - DR/GR

Exhibit M4

DELISI
 Land Use Planning & Water Policy

**Small Bros. Commercial
 Future Land Use**
 admin@delisi-inc.com
 www.delisi-inc.com



Legend

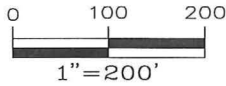
-  Subject Property
-  Parcels



**Small Bros. Commercial
Aerial Map - Exhibit M9**

admin@delisi-inc.com
www.delisi-inc.com

Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



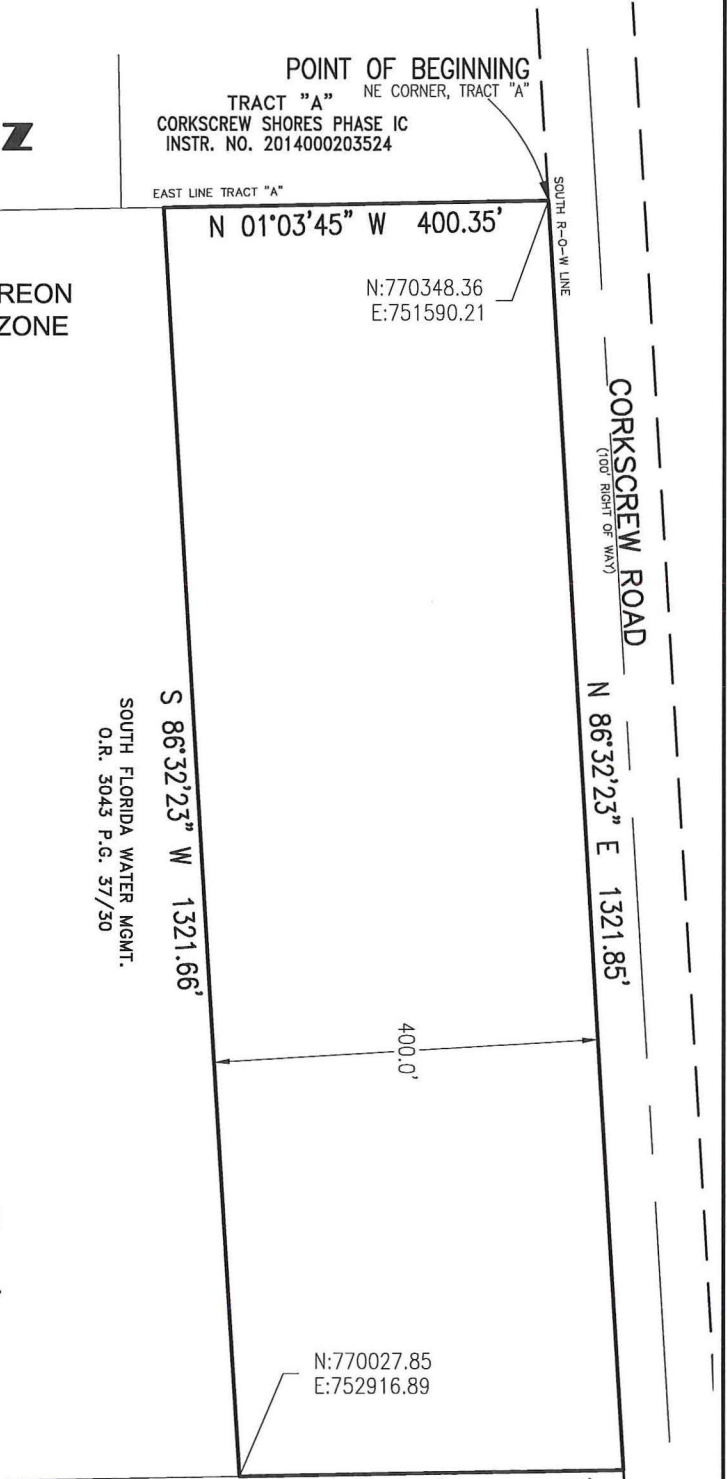
POINT OF BEGINNING
 TRACT "A"
 CORKSCREW SHORES PHASE IC
 INSTR. NO. 2014000203524

STATE PLANE COORDINATES SHOWN HEREON
 REFER TO FLORIDA STATE PLANE WEST ZONE
 N.A.D. 83, 1999 ADJUSTMENT.

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22 TOWNSHIP 26 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT "A", CORKSCREW SHORES PHASE IC, ACCORDING TO THE PLAT THEREOF AS RECORDED AS INSTRUMENT NUMBER 2014000203524 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA, THE SAME BEING A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 100 FOOT WIDE PUBLIC RIGHT-OF-WAY. THENCE RUN N86°32'23"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 1321.85 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE WEST LINE OF THOSE LANDS DESCRIBED IN O.R. BOOK 1538, PG. 439 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S01°02'11"E ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22 AND THE EAST LINE OF THOSE LANDS DESCRIBED IN O.R. BOOK 1538, PG. 439, FOR A DISTANCE OF 400.36 FEET TO A POINT LYING 400 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD; THENCE RUN S86°32'23"W PARALLEL WITH AND 400 FEET SOUTH OF SAID SOUTH RIGHT-OF-WAY OF CORKSCREW ROAD, FOR A DISTANCE OF 1321.66 FEET TO A POINT ON THE EAST LINE OF SAID TRACT "A"; THENCE RUN N01°03'45"W ALONG THE EAST LINE OF SAID TRACT "A" FOR A DISTANCE OF 400.35 FEET, TO THE POINT OF BEGINNING. CONTAINING 12.1 ACRES, MORE OR LESS.



HOLE MONTES, INC.
 CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy LS5628
 THOMAS M. MURPHY STATE OF FLORIDA



Digitally signed by
 Thomas M Murphy
 DN: cn=Thomas M
 Murphy, o=Hole
 Montes Inc, ou,
 email=tommurphy
 @hmeng.com, c=US
 Date: 2018.10.25
 15:47:32 -04'00'

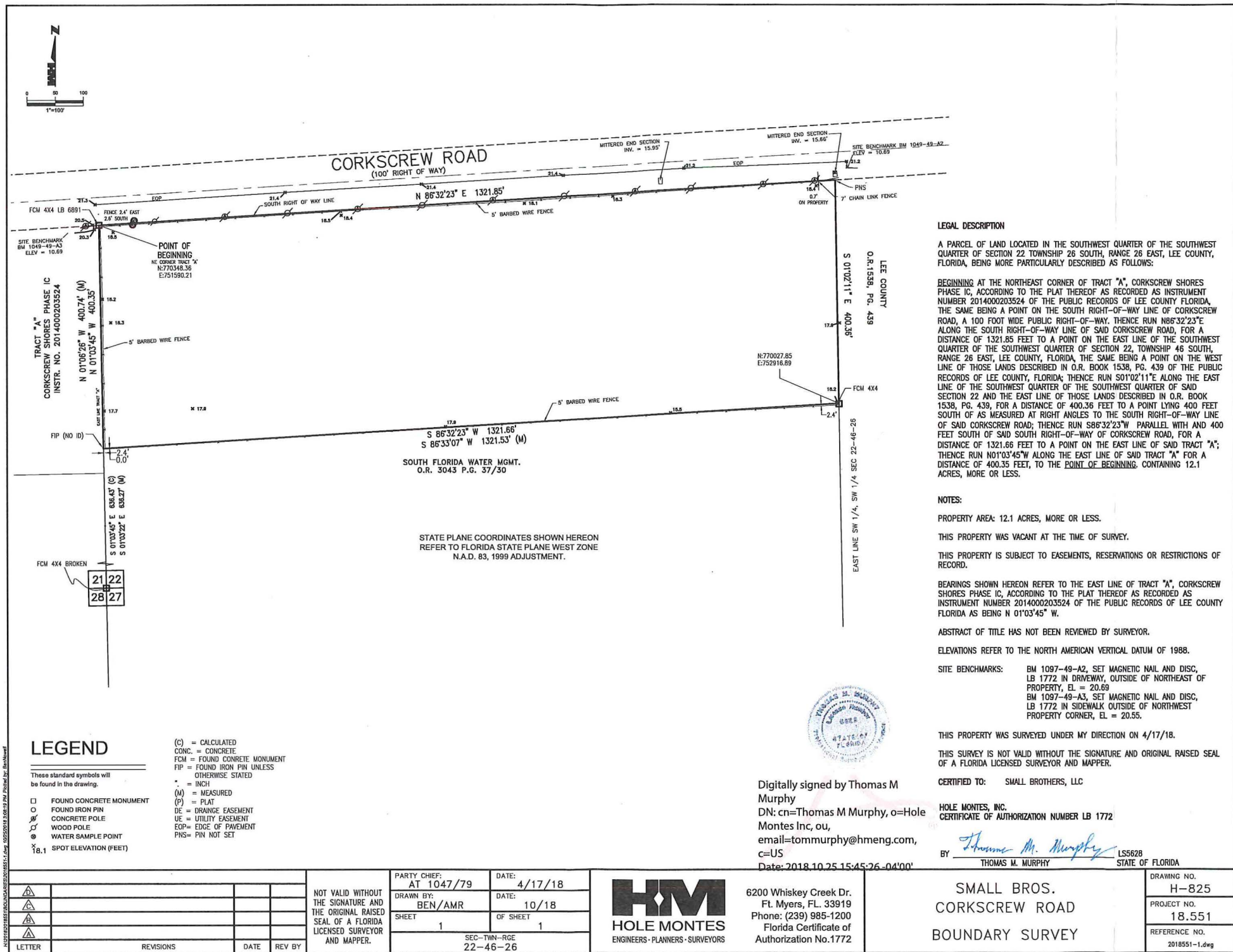
DRAWN BY: BEN	DATE: 10/18
SHEET # 1	OF SHEET 1
SEC-TWN-RGE: 22-46-26	



6200 Whiskey Creek Dr.
 Ft. Myers, FL. 33919
 Phone: (239) 985-1200
 Florida Certificate of
 Authorization No.1772

SKETCH AND LEGAL DESCRIPTION
 SMALL BROS. CORKSCREW

DRAWING NO. H-824
PROJECT NO. 18.551
FILE NAME 18551 metes bnd.dwg



LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22 TOWNSHIP 26 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT "A", CORKSCREW SHORES PHASE IC, ACCORDING TO THE PLAT THEREOF AS RECORDED AS INSTRUMENT NUMBER 2014000203524 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA, THE SAME BEING A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 100 FOOT WIDE PUBLIC RIGHT-OF-WAY, THENCE RUN N86°32'23"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 1321.85 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 26 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE WEST LINE OF THOSE LANDS DESCRIBED IN O.R. BOOK 1538, PG. 439 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S01°02'11"E ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22 AND THE EAST LINE OF THOSE LANDS DESCRIBED IN O.R. BOOK 1538, PG. 439, FOR A DISTANCE OF 400.36 FEET TO A POINT LYING 400 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD; THENCE RUN S86°32'23"W PARALLEL WITH AND 400 FEET SOUTH OF SAID SOUTH RIGHT-OF-WAY OF CORKSCREW ROAD, FOR A DISTANCE OF 1321.66 FEET TO A POINT ON THE EAST LINE OF SAID TRACT "A"; THENCE RUN N01°03'45"W ALONG THE EAST LINE OF SAID TRACT "A" FOR A DISTANCE OF 400.35 FEET, TO THE POINT OF BEGINNING, CONTAINING 12.1 ACRES, MORE OR LESS.

NOTES:

PROPERTY AREA: 12.1 ACRES, MORE OR LESS.

THIS PROPERTY WAS VACANT AT THE TIME OF SURVEY.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF TRACT "A", CORKSCREW SHORES PHASE IC, ACCORDING TO THE PLAT THEREOF AS RECORDED AS INSTRUMENT NUMBER 2014000203524 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AS BEING N 01°03'45" W.

ABSTRACT OF TITLE HAS NOT BEEN REVIEWED BY SURVEYOR.

ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988.

SITE BENCHMARKS: BM 1097-49-A2, SET MAGNETIC NAIL AND DISC, LB 1772 IN DRIVEWAY, OUTSIDE OF NORTHEAST OF PROPERTY, EL = 20.69
 BM 1097-49-A3, SET MAGNETIC NAIL AND DISC, LB 1772 IN SIDEWALK OUTSIDE OF NORTHWEST PROPERTY CORNER, EL = 20.55.

THIS PROPERTY WAS SURVEYED UNDER MY DIRECTION ON 4/17/18.

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFIED TO: SMALL BROTHERS, LLC

HOLE MONTES, INC.
 CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY *Thomas M. Murphy* LS5628
 THOMAS M. MURPHY STATE OF FLORIDA

LEGEND

These standard symbols will be found in the drawing.

- FOUND CONCRETE MONUMENT
- FOUND IRON PIN
- CONCRETE POLE
- WOOD POLE
- ⊙ WATER SAMPLE POINT
- 18.1 SPOT ELEVATION (FEET)

- (C) = CALCULATED
- CONC. = CONCRETE
- FCM = FOUND CONCRETE MONUMENT
- FIP = FOUND IRON PIN UNLESS OTHERWISE STATED
- = INCH
- (M) = MEASURED
- (P) = PLAT
- DE = DRAINAGE EASEMENT
- UE = UTILITY EASEMENT
- EOP = EDGE OF PAVEMENT
- PNS = PIN NOT SET

Digitally signed by Thomas M Murphy
 DN: cn=Thomas M Murphy, o=Hole Montes Inc, ou, email=tommurphy@hmeng.com, c=US
 Date: 2018.10.25 15:45:26 -04'00'

LETTER	REVISIONS	DATE	REV BY

PARTY CHIEF: AT 1047/79	DATE: 4/17/18
DRAWN BY: BEN/AMR	DATE: 10/18
SHEET 1	OF SHEET 1
SEC-TWN-RGE 22-46-26	



6200 Whiskey Creek Dr.
 Ft. Myers, FL 33919
 Phone: (239) 985-1200
 Florida Certificate of Authorization No. 1772

SMALL BROS.
 CORKSCREW ROAD
 BOUNDARY SURVEY

DRAWING NO. H-825
PROJECT NO. 18.551
REFERENCE NO. 2018551-1.dwg

NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Return to: 11608-07-00796
North American Title Company
7051 Cypress Terrace, Suite 201
Ft. Myers, Florida 33907

This Instrument Prepared By:

North American Title Company
7051 Cypress Terrace, Suite 201
Ft. Myers, Florida 33907

Property Appraisers Parcel Identification (Folio) Number: 22-46-26-00-00001.0010

WARRANTY DEED

This Warranty Deed made this 27th day of June, 2007 by ESTERO BAY BAPTIST CHURCH INC hereinafter called the grantor(s), to Small Brothers, LLC, whose post office address is c/o Cleveland Construction Inc, 8620 Tyler Blvd., Mentor, Ohio, 44060, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor(s), for and in consideration of the sum of \$10.00 (ten) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in Lee County, State of Florida, viz:

The Northerly 400 feet of that part of the Southwest 1/4 of the Southwest 1/4 of Section 22, Township 46 South, Range 26 East, lying South of Corkscrew Road, Lee County, Florida.

SUBJECT TO: covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2006 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
First Witness Signature
Adam Palmer
Witness Printed Signature
Maria Schauble
Second Witness Signature
Maria Schauble
Witness Printed Signature
[Signature]
Third Witness Signature
[Signature]
Witness Printed Signature
[Signature]
Fourth Witness Signature
KATHLEEN A. O'HEARN
Witness Printed Signature

[Signature]
Signature
ESTERO BAY BAPTIST CHURCH INC
Printed Signature
PO Box 947
Street Address
Estero, FL 33928
City, State and Zip Code

[Signature]
Signature

[Signature]
Printed Signature

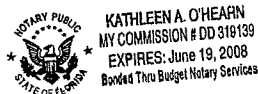
[Signature]
Street Address

[Signature]
City, State and Zip Code

STATE OF: Florida
COUNTY OF: Lee

The foregoing instrument was acknowledged before me this 27th day of June, 2007 by ESTERO BAY BAPTIST CHURCH INC hereinafter called the grantor(s), who produced a Dr. Lee as identification.

My Commission Expires:



[Signature]
Notary Signature Notary Public, State and County Aforesaid
[Signature]
Printed Notary Signature



John E. Manning
District One

Cecil L. Pendergrass
District Two

Raymond Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Chief
Hearing Examiner

October 30, 2019

Via E-Mail

Drew Fitzgerald
Delisi Fitzgerald, Inc.
1605 Hendry Street
Fort Myers, FL 33901

**RE: Potable Water and Wastewater Availability
Small Brothers Commercial, 15230 Corkscrew Road
STRAP # 22-46-2-00-00001.0010**

Dear Mr. Fitzgerald:

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 may be required.

Your firm has indicated that this project will consist of 4 commercial units with an estimated flow demand of approximately 10,800 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 our Three Oaks Water Reclamation Facility. 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.

There are no reuse mains in the vicinity of this parcel.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. 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.



P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111
lee-county.com

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Comprehensive Plan Amendment only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING

**SMALL BROTHERS COMMERCIAL
SEWER AND WATER LEVEL OF SERVICE ANALYSES:**

I. UTILITIES

a. Demand Projections

The existing property is zoned Community Commercial (CC) and located in the Density Reduction/Groundwater Recharge land use category. With the proposed amendment, a total of 80,000 S.F. of commercial retail and office will be allowed.

Table 1 below provides a summary of projected utility demands in gallons-per-day (GPD) for the development based on Lee County Utilities (LCU) design standards and Chapter 64E-6 of the Florida Statutes, and using demand assumptions commonly accepted for planning purposes.

Table 1. Estimated Utility Demands for Build-out:

Development Type	Cumulative Units	Unit Demand	Total Demand (GPD)
Proposed Commercial	80,000 SF	0.15/SF	12,000
		Total	12,000

Under the proposed land use designation with the projected development parameters, the estimated utility demand for the property will be 12,000 GPD.

b. Wastewater Level of Service

For wastewater service, the property is adjacent to Lee County Utilities' wastewater franchise area that serves Corkscrew Shores to the west of the property. The County's wastewater franchise area will be amended to include the subject property as well.

Lee County Utilities maintains an existing wastewater forcemain along the subject property's frontage with Corkscrew Road. The forcemain will be utilized to provide for a connection to LCU's wastewater system for service.

LCU's Three Oaks Regional Wastewater Treatment Plant is the closest facility available to serve the property, and serves other developments west of the subject property along Corkscrew Road. According to the 2017 Lee County Concurrency Report, the Three Oaks facility is permitted with a capacity of 6.0 million gallons per day (MGD) and is projected to operate at 2.6 MGD in 2022. Therefore, there is sufficient capacity within the existing plant to serve the 12,000 GPD increase in demand to LCU's system from this project at build-out.

c. Potable Water Level of Service

For potable water service, the project is intending to connect to LCU's water distribution system provided along Corkscrew Road. As described above, the property is also adjacent to LCU's water franchise area that serves Corkscrew Shores to the west.

Lee County Utilities maintains an existing water distribution main within the Corkscrew Road right-of-way along the subject property's frontage. Service to the property will be provided by connecting to the water main and extending mains into the property for service.

According to the 2017 Lee County Concurrency Report, LCU's interconnected water distribution system is permitted to serve 45.9 MGD and is projected to operate at 42.7 MGD for 2022. Therefore, there is sufficient capacity within the existing plant to serve the 12,000 GPD increase in demand to LCU's system from this project at build-out.