Lee County
Southwest Florida

Kevin Ruane
District One

Cecil L Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Dave Harner, II
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

October 21, 2024

Donna Harris, Senior Plan Processor
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, FL 32399-4120

Re: Amendment to the Lee Plan
Adoption Submission Package
Lee County 24-03ESR (CPA2022-00012)

Dear Ms. Harris,

In accordance with the provisions of F.S. Chapter 163.3184(3) for Expedited State Review, please find attached the adopted Comprehensive Plan Amendment, known locally as CPA2022-00012 (Corkscrew Commercial). The amendment is as follows:

CPA2022-00012 – Corkscrew Commercial:
Amend the Lee County Utilities Future Sewer Service Areas Map (Map 4-B) to include the ±11.4-acre subject property. The subject property is located on Corkscrew Road, approximately 100 feet west of the intersection of Alico Road and Corkscrew Road.

The Lee County Board of County Commissioners **adopted Lee County Ordinance 24-15** for the Plan Amendment on **October 16, 2024**. As required by F.S. 163.3184(3)(c), the final action on this amendment was completed within 180 days of our receipt of agency comments.

There were no changes to the adopted amendment that the State Land Planning Agency did not previously review.

The name, title, address, telephone number, and email address of the person for the local government who is most familiar with the proposed amendment is as follows:

Mrs. Katherine Woellner, AICP, Principal Planner
Lee County Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398
(239) 533-8585
Email: KWoellner@leegov.com

By copy of this letter and its attachments, I certify that this amendment and supporting data and analysis have been sent on this date to the agencies listed below.

Sincerely,
Lee County Department of Community Development
Planning Section

Brandon Dunn,
Manager

Cc Case File

Comprehensive Plan Review
Department of Agriculture and Consumer Services

Office of Educational Facilities
Department of Education

Plan Review
Department of Environmental Protection

Alissa S. Lotane
Florida Department of State

Scott Sanders
Florida Fish and Wildlife Conservation Commission

Vitor Suguri
FDOT District One

Ms. Margaret Wuerstle
Southwest Florida Regional Planning Council

Althea P. Jefferson, AICP
South Florida Water Management District

LocaliQ
Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Jamie Princing
Lcbc-Dept Of Comm Development-D
1500 MONROE ST
Fort Myers FL 33901

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative 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 Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

08/09/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 08/09/2024

Keegan Moran
Legal Clerk

Nicole Jacobs
Notary, State of WI, County of Brown

8-21-26
My commission expires

Publication Cost:	$252.12	
Tax Amount:	$0.00	
Payment Cost:	$252.12	
Order No:	10449966	# of Copies:
Customer No:	1124450	1
PO #:	CPA2022-00012	

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NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (TRANSMITTAL HEARING)

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, August 21, 2024. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Economic Opportunity:

Small Brothers Corkscrew Commercial - Amend the Lee County Utilities Future Sewer Service Areas Map (Map 4-B) to include the ±11.4-acre (Property size was reduced from 12.1 acres to 11.4 acres by a Stipulated Order of Taking. See Final Judgement - INSTRUMENT #202300027300) subject property.

This transmittal hearing is the first step in a two-step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Economic Opportunity's review of the application.

Documentation for the Proposed Comprehensive Plan Amendment is available at https://www.leegov.com/dcd/planning/cpa or at the Department of Community Development located at 1500 Monroe Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of this Comprehensive Plan Amendment may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact Raphaela Morais-Peroba, (239) 533-8782, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.

Aug. 9, 2024

LocaliQ
Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Colleen Bennett
Lcbc-Dept Of Comm Development-D
1500 MONROE ST
Fort Myers FL 33901

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative 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 Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

10/04/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 10/04/2024

Legal Clerk

Notary, State of WI, County of Brown

2/4/28

My commission expires

Publication Cost:	$238.60	
Tax Amount:	$0.00	
Payment Cost:	$238.60	
Order No:	10609382	# of Copies:
Customer No:	1124450	1
PO #:		

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KEEGAN MORAN
Notary Public
State of Wisconsin

NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (ADOPTION HEARING)

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, October 16, 2024. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

The Board proposes to adopt an ordinance amending the Lee Plan as follows:

Small Brothers Corkscrew Commercial - Amend the Lee County Utilities Future Sewer Service Areas Map (Map 4-B) to include the ±11.4-acre (Property size was reduced from 12.1 acres to 11.4 acres by a Stipulated Order of Taking. See Final Judgement - INSTRUMENT #202300027300) subject property located on Corkscrew Road, approximately 100 feet west of the intersection of Alico Road and Corkscrew Road.

Documentation for the Proposed Comprehensive Plan Amendment is available at https://www.leegov.com/dcd/planning/cpa or at the Department of Community Development located at 1500 Monroe Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact Raphaela Morais-Peroba, (239) 533-8782, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.

October 4, 2024 10609382

LEE COUNTY ORDINANCE NO. 24-15
(Small Brothers Corkscrew Commercial)
(CPA2022-00012)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO SMALL BROTHERS CORKSCREW COMMERCIAL (CPA2022-00012) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on July 22, 2024; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on August 21, 2024. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Small Brothers Corkscrew Commercial (CPA2022-00012) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the August 21, 2024 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on October 16, 2024, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Small Brothers Corkscrew Commercial Ordinance (CPA2022-00012)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends the Lee County Utilities Future Sewer Service Areas Map (Map 4-B) to include the ±11.4-acre[1] subject property known as Small Brothers Corkscrew Commercial (CPA2022-00012).

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

---

[1] The subject property was reduced from 12.1 acres to 11.4 acres by a Stipulated Order of Taking. See Final Judgement - INSTRUMENT #202300027300.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner Pendergrass, who moved its adoption. The motion was seconded by Commissioner Sandelli. The vote was as follows:

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Absent
Mike Greenwell	Absent

DONE AND ADOPTED this 16th day of October 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY: Natasha Stella
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY FLORIDA

BY: _____
~~Mike Greenwell, Chair~~
For Chair Commissioner Cecil L. Pendergrass
Lee County Board of County Commissioners
~~District 2~~

DATE: 10-17-24

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

County Attorney's Office

Exhibit A (Adopted by BOCC October 16, 2024):
Adopted Lee County Utilities Future Sewer Service Areas Map (Map 4-B)

EXHIBIT A

Note: Text depicted with underscore represents additions to the Lee Plan. Strike-through text represents deletions from the Lee Plan.



CPA2022-00012

Future Sewer Service Areas

Lee County
Southwest Florida

Proposed Future Sewer Service Areas

Future Sewer Service Areas

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W
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S

0 1,000 2,000
Feet

Map Generated: July 2024

EXHIBIT A

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 18, 2024

Honorable Kevin Karnes
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Dear Kevin Karnes:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 24-15, which was filed in this office on October 18, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL

RECEIVED
By Melissa Butler at 2:18 pm, Oct 18, 2024

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6270

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee **COUNTY ORDINANCE #:** 24-15

(e.g.,93-001)

PRIMARY KEYFIELD DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD DESCRIPTOR: Planning

OTHER KEYFIELD DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Corkscrew Commercial CPA

(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02 **AMENDMENT #2:**

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: ; **REPEAL #3:**

REPEAL #2: ; **REPEAL #4:**

(Others Repealed: List All That Apply):

(FOR OFFICE USE ONLY): **COUNTY CODE NUMBER:**

KEYFIELD 1 CODE: **KEYFIELD 2 CODE:**

KEYFIELD 3 CODE:

Rev. 09/11/02
CODING

STAFF REPORT FOR CORKSCREW COMMERCIAL: CPA2022-00012

Map Amendment to the Lee Plan

Recommendation:
Transmit

Applicant:
Small Brothers, LLC

Representative:
Margaret Emblidge, AICP
LJA Engineering, Inc.

Property Location:
15230 Corkscrew Road, Estero

Property Size:
± 11.4 Acres[i]

Planning District:
Southeast Lee County
District 18

Commissioner District:
District #3

Hearing Dates:
LPA: 07/22/24
BoCC #1: 08/21/24
BoCC #2: 10/16/24

Attachments:
1: Proposed Amendments

REQUEST

Amend the Lee County Utilities Future Sewer Service Areas Map (Map 4-B) to include the ±11.4-acre[i] subject property.

SUMMARY

The requested amendment will include the subject property in Lee Plan Map 4-B, Lee County Utilities Future Sewer Service Areas Map. The property is already included in the Lee County Utilities Future Water Service Areas Map (Map 4-A). No other map or text amendments are proposed.

PROJECT LOCATION

The subject property is located on Corkscrew Road, approximately 100 feet west of the intersection of Alico Road and Corkscrew Road.



Figure 1: Location Map

RECOMMENDATION

Staff recommends that the Board of County Commissioners (BoCC) ***transmit*** the requested amendment based on the analysis and findings provided in this staff report.

PART 1
STAFF DISCUSSION AND ANALYSIS

SUBJECT PROPERTY/BACKGROUND

The subject property is currently shown within the Wetlands future land use category on the Future Land Use Map. This category is characterized by very low-density development with limited uses allowed. An informal analysis provided by the applicant's environmental consulting firm, W. Dex Bender & Associates, Inc., indicates the wetlands on the property account for less than what is currently shown on the future land use map. A formal Jurisdictional Wetland Determination or Environmental Resource Permit will need to be provided by the appropriate State Agency, the portions of the property found to be outside of the jurisdictional wetlands will be designated as Density Reduction/Groundwater Resource (DR/GR). This practice is consistent with Lee Plan **Policy 124.1.3** regarding how wetlands are depicted on the Future Land Use Map, and **Chapter XIII, Administration**.

The subject property was originally zoned Agriculture (AG). The BoCC approved a privately initiated rezoning request to rezone the property to Commercial (CC) in 1982 through Resolution Number ZAB-82-337. The rezone occurred prior to the implementation of the 1984 Lee Plan.

Owners of the subject property previously applied for a similar map amendment via CPA2019-00011. That amendment proposed including the subject property within the Lee County Utilities Future Water and Future Sewer Service Areas maps, then designated as Lee Plan Maps 6 and 7. The utilities map amendments were requested with a companion text amendment in CPA2019-00009 that would have allowed limited commercial uses on the subject property. The BoCC voted in 2020 to transmit the amendments to the State Reviewing Agencies; however, the property owner withdrew the proposed amendments prior to an adoption hearing.

In 2021, the BoCC adopted CPA2021-00001, a County-initiated comprehensive plan amendment that updated the Lee Plan's planning horizon to the year 2045. CPA2021-00001 extended the Lee County Utilities Future Water Service Areas map in Southeast Lee County, adding the subject property to the map. Map 4-A (then called Map 6) was amended to include areas already served or able to be served due to existing or proposed water main improvements. CPA2021-00001 did not amend the Lee County Utilities Future Sewer Service Areas map.

The applicant submitted the subject amendment in 2022 to add the subject property to Lee Plan Map 4-B, as well as a text amendment similar to CPA2019-00009, which would have allowed limited commercial uses on the subject property. The associated text amendment, CPA2022-00013, was withdrawn by the applicant in January 2024.

The applicant also submitted DCI2022-00021, a request to rezone the subject property from CC to Commercial Planned Development (CPD). The last submittal for the CPD request was in October of 2022. Due to the withdrawal of the companion text amendment, the CPD request remains inconsistent with the Lee Plan with or without the proposed amendment to Map 4-B.

SURROUNDING PROPERTIES

The subject property is located on Corkscrew Road, adjacent to the eastern property line of the Corkscrew Shores subdivision. Map 4-B extends to the western boundary of the subject property and resumes along Corkscrew Road, approximately 1.6 miles east of the subject property, to provide sewer service to The Place, a residential subdivision.

The properties east and south of the subject property are lands within the Conservation Lands (Uplands and Wetlands) future land use category, owned by Lee County and South Florida Water Management District, respectively. The property north of the subject parcel, across Corkscrew Road, is an active mining operation. Corkscrew Shores, as previously mentioned, is located west of the property. Additional detail is provided in Table 1.

TABLE 1: SURROUNDING PROPERTIES INFORMATION

	Future Land Use	Zoning	Existing Use
North	Wetlands & DR/GR	IPD approved for ±178 acres of mining and excavation	Mining Operation
East	Conservation Lands Wetland & Conservation Lands Upland	AG-2	Conservation
South	Conservation Lands Wetland	MH-1	Conservation
West	DR/GR & Wetlands	RPD platted with approximately 643 dwelling units[ii]	Single-Family

DISCUSSION AND ANALYSIS – MAP 4-B: LEE COUNTY UTILITIES FUTURE SEWER SERVICE AREAS MAP

The subject property is within the Wetlands future land use category as depicted on the future land use map, Lee Plan Map 1-A; however, based on application materials it is expected that approximately 52 percent of the property will be designated as uplands once a formal wetland delineation is provided by the appropriate state agency. As previously mentioned, based on Policy 124.1.3 the upland areas will be redesignated to the DR/GR future land use category. Development in the Wetlands and DR/GR future land use categories must be consistent with the following:

> ***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. 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.*
>
> ***POLICY 1.4.5****: The Density Reduction/Groundwater Resource (DR/GR) future 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 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 must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.*

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 standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.*

3. *Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.*

The requested amendment does not change the subject property's Future Land Use Category and, therefore, does not change the intensity, density, or uses allowed under the Lee Plan. Any future changes to the boundary of the Wetlands future land use category must be consistent with **Policy 124.1.3** and **Chapter XIII**. Any development within the Wetlands future land use category must be consistent with **Policy 124.1.1** and **Policy 124.1.2**, which provide for very limited uses within state-determined wetlands.

When future development of the site is proposed, the developer will need to provide hydrologic models that demonstrate the preservation of historic groundwater levels on site. This model will also need to demonstrate that no adverse impacts will occur to properties upstream, downstream, or adjacent to the site, consistent with **Policy 1.4.5**. The hydrologic model used by the applicant must be deemed appropriate by Lee County Department of Natural Resources, consistent with **Policy 33.1.7**.

The applicant held a publicly advertised meeting within the boundaries of the Southeast Lee County Community Planning Area on February 15, 2024, consistent with **Objective 17.3**. The meeting was held at 13660 Bonita Beach Road Southeast and was advertised in the Fort Myers News Press more than 10 days before the meeting date. No members of the public were present at the meeting.

The proposed amendment facilitates Lee Plan **Goal 56**, which seeks to provide sanitary sewer service throughout Lee County. **Policy 56.1.1** states that Lee County Utilities will provide service as required by demand in areas illustrated on Map 4-B. Lee County Utilities currently has appropriate capacity to serve the subject property, consistent with Policy 56.1.1, **Policy 56.1.2**, and **Policy 95.1.3**.

Pursuant to **Policy 56.1.7**, the proposed amendment will allow for the use of public sewage in lieu of septic systems in any potential future development of the subject property. This is consistent with **Objective 33.1**, which promotes the protection of groundwater within Southeast Lee County. The subject property is within the 1-year, 5-year, and 10-year Wellfield Protection Zone travel times, as depicted on Lee Plan Map 4-C. Due to the sensitivity of the groundwater resources in this area, future development should be encouraged to use public sanitary sewers in lieu of septic systems.

Based on the analysis above, adding the subject property to the Lee County Utilities Future Sewer Service Areas map is appropriate and consistent with the Lee Plan.

SERVICE AVAILABILITY

The proposed amendment to the Lee County Utilities Future Sewer Service Areas map would have minimal impacts on the availability of public services. Potable water, solid waste, police, fire, and emergency medical services are available to serve any future development of the subject property. Level of service,

impact fees, and any improvements needed to serve the subject property will be determined at the time future development plans are determined.

The subject property is within Lee County Utilities' future potable water service areas, as identified on Lee Plan Map 4-A. Lee County Utilities provided a letter on August 29, 2022, stating that adequate potable water and sanitary sewer services are available to the subject property. Potable water service will be provided through the Pinewood Water Treatment Plant, and sanitary sewer service will be provided by Three Oaks Water Reclamation Facility. There are no reuse mains within the vicinity of the project.

The subject property is located on the south side of Corkscrew Road, at the southwest corner of the intersection between Alico Road and Corkscrew Road. Corkscrew Road is a county-maintained arterial road. The proposed amendment does not impact the allowable uses under the Lee Plan on the subject property, therefore roadway conditions stay the same with and without the proposed amendment.

CONCLUSIONS

The proposed amendment, which adds the subject property to Lee Plan Map 4-B, facilitates Lee County in providing sanitary sewer service throughout the County.

Staff has reviewed the proposed amendments and provides the following conclusions.

- The use of sanitary sewer service on site is consistent with surrounding properties.
- The request does not impact the ability of other County offices to provide public services.
- The Board of County Commissioners previously transmitted an amendment that would have included the subject property on Map 4-B.
- The subject property is within Lee County's 1-year, 5-year, and 10-year Wellfield Protection Zones
- The proposed amendment is consistent with the applicable Lee Plan Goals, Objectives, and Policies, as discussed in this report.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners ***transmit*** the proposed amendments as provided in Attachment 1.

PART 2
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: July 22, 2024

A. LOCAL PLANNING AGENCY REVIEW

The applicant's representatives provided a presentation addressing the requested amendments, subject property, surrounding uses, and consistency with the Lee Plan.

Following this, staff made a presentation addressing the requested amendments, subject property, and consistency with the Lee Plan and staff recommendation.

Members of the LPA asked about previous Comprehensive Plan Amendments that applied to the subject property and the reasoning behind not including the subject property on Map 4-B when the property was added to Map 4-A.

There were no public comments on the proposed amendment.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners (BoCC) ***transmit*** CPA2022-00012. The motion passed 5 to 0.

RAYMOND BLACKSMITH	**AYE**
DUSTIN GARDNER	**AYE**
DAWN RUSSELL	**ABSENT**
JENNIFER SAPEN	**AYE**
DON SCHROTENBOER	**AYE**
STAN STOUDER	**AYE**
HENRY ZUBA	**ABSENT**

C. STAFF RECOMMENDATION

Staff recommends that the BoCC ***transmit*** the proposed amendment as provided in Attachment 1.

PART 3
BOARD OF COUNTY COMMISIONERS
TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: August 21, 2024

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendments, location, character of the area, Lee Plan consistency, and LPA and Staff recommendations. Following staff's presentation, the applicant's consultants presented the proposed amendments, providing additional information on the background and history of the property.

One member of the public spoke in opposition to the proposed amendment, citing concerns over flowway capacity, stormwater retention plans, wildlife, and meeting notification.

The BoCC asked how various easements and roadway expansions would impact development of the property.

B. BOARD ACTION:

A motion was made to ***transmit*** CPA2022-00012 as recommended by staff and the LPA. The motion passed 5 to 0.

MIKE GREENWELL	**AYE**
BRIAN HAMMAN	**AYE**
CECIL L. PENDERGRASS	**AYE**
KEVIN RUANE	**AYE**
RAY SANDELLI	**AYE**

PART 4
STATE REVIEIING AGENCIES'
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

Staff transmitted the proposed amendments to the Florida Department of Commerce on August 23, 2024. Comments from the State Reviewing Agencies were due to Lee County by September 22, 2024.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Commerce
- Florida Department of Environmental Protection
- Florida Fish and Wildlife Conservation Commission

There were **no objections** concerning the proposed amendments.

B. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners ***adopt*** the amendments to the Lee Plan as transmitted and as provided in Attachment 1.

PART 5
BOARD OF COUNTY COMMISSIONERS
ADOPTION HEARING

DATE OF PUBLIC HEARING: October 16, 2024

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendment, BoCC action at the Transmittal Hearing, a summary of State Agency reviews, and staff recommendation.

One member of the public spoke at the meeting, expressing concerns over panther deaths in the area and potential disruptions of flowway patterns.

B. BOARD ACTION:

A motion was made to ***adopt*** CPA2022-00012 as transmitted. The motion passed 3 to 0.

VOTE:

MIKE GREENWELL	**ABSENT**
BRIAN HAMMAN	**ABSENT**
CECIL PENDERGRASS	**AYE**
KEVIN RUANE	**AYE**
RAY SANDELLI	**AYE**

[i] The subject property was reduced from 12.1 acres to 11.4 acres by a Stipulated Order of Taking. See Final Judgement - INSTRUMENT #202300027300.

[ii] INSTRUMENT #2014000052328, Lee County Clerk of Circuit Court; INSTRUMENT #2015000105110, Lee County Clerk of Circuit Court; INSTRUMENT #2015000198603, Lee County Clerk of Circuit Court

ATTACHMENT 1

- **Future Sewer Service Areas**



CPA2022-00012

Future Sewer Service Areas

Lee County
Southwest Florida

Proposed Future Sewer Service Areas

Future Sewer Service Areas

N
W
E
S

0 1,000 2,000
Feet

Map Generated: July 2024

Lee County Community Development

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Project Name: Small Brothers Corkscrew Commercial CPA

Project Description: Amend Map 4-B to add 11.38 acres to the Lee County Utilities Future Wastewater Service Area

Map(s) to Be Amended: Map 4-B Lee County Utilities Future Wastewater Service Area

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

---

1. **Name of Applicant:** Small Brothers, LLC
   Address: 12810 Tamiami Trail N, Suite 200
   City, State, Zip: Naples, FL 34110
   Phone Number: (239) 352-5151 E-mail: Bruce Lampitt / blampitt@smallbrothers.com

2. **Name of Contact:** Agnoli, Barber & Brundage, Inc. / Margaret Emblidge, AICP
   Address: 7400 Trail Boulevard, Suite 200
   City, State, Zip: Naples, FL 34108
   Phone Number: (239) 597-3111 E-mail: emblidge@abbinc.com

3. **Owner(s) of Record:** Small Brothers, LLC
   Address: 12810 Tamiami Trail N, Suite 200
   City, State, Zip: Naples, FL 34110
   Phone Number: (239) 352-5151 E-mail: Bruce Lampitt / blampitt@amallbrothers.com

4. **Property Location:**
   1. Site Address: 15230 Corkscrew Road, Estero FL (Property 1)
   2. STRAP(s): 22-46-26-00-00001.0010

RECEIVED
JUL 09 2024
COMMUNITY DEVELOPMENT

5. **Property Information:**
   Total Acreage of Property: 11.38 Total Acreage Included in Request: 11.38
   Total Uplands: 6.11 acres Total Wetlands: 5.27 acres Current Zoning: CC Commercial
   Current Future Land Use Category(ies): DR/Wetlands
   Area in Each Future Land Use Category: DR/GR 6.11 acres, Wetlands 5.27 acres
   Existing Land Use: Vacant

6. **Calculation of maximum allowable development under current Lee Plan:**
   Residential Units/Density: 1 Commercial Intensity: N/A Industrial Intensity: N/A

7. **Calculation of maximum allowable development with proposed amendments:**
   Residential Units/Density: 1 Commercial Intensity: N/A 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 effect 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)
☐	Disclosure of Interest (Exhibit – M2)
☐	Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)
☐	Existing Future Land Use Map (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)
☐	Proposed Amendments (Exhibit – M11)
☐	Lee Plan Analysis (Exhibit – M12)
☐	Environmental Impacts Analysis (Exhibit – M13)
☐	Historic Resources Impact Analysis (Exhibit – M14)
☐	Public Facilities Impacts Analysis (Exhibit – M15)
☐	Traffic Circulation Analysis (Exhibit – M16)
☐	Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M17)
☐	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 – M18)
☐	State Policy Plan and Regional Policy Plan (Exhibit – M19)
☐	Justification of Proposed Amendment (Exhibit – M20)
☐	Planning Communities/Community Plan Area Requirements (Exhibit – M21)

APPLICANT – PLEASE NOTE:

Changes to Table 1(b) that relate directly to and are adopted simultaneously with a future land use map amendment may be considered as part of this application for a map amendment.

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.

Signature of Applicant

10/17/23
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 by means of ☒ physical presence or ☐ online notarization on 17 (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 of Notary Public

JESSENIA HERNANDEZ
MY COMMISSION # HH 305150
EXPIRES: December 25, 2026
Typed, printed or stamped

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared J SM, 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 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

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.

Property Owner

JON SMALL
Print Name

************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

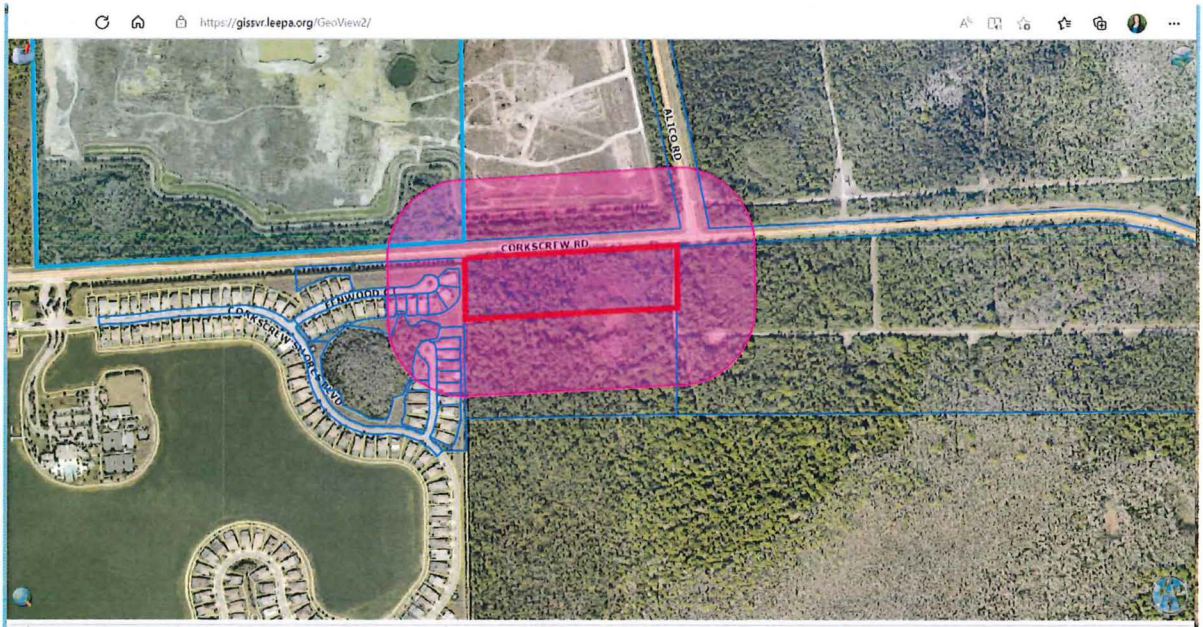
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of [X] physical presence or [ ] online notarization, on 9.15.2023 (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

JENNIFFER WALLACE
MY COMMISSION # HH 228180
EXPIRES: May 31, 2026

Signature of Notary Public



STRAP	Folio	Owner Name	Site Address	Last Trans. Date	Last Trans. Amt	Just Value	Taxable Value
21-46-26-00-00001.0000	10351653	ALICO ROAD LLC	14751 CORKSCREW RD, ESTERO	12-2021	$ 10	$ 2,246,760	$ 2,246,760
22-46-26-00-00001.0000	10351662	ALICO ROAD LLC	16700 ALICO RD, FORT MYERS	12-2021	$ 10	$ 932,400	$ 932,400
22-46-26-00-00001.0010	10351663	SMALL BROTHERS LLC	15230 CORKSCREW RD, ESTERO	6-2007	$ 575,000	$ 168,500	$ 104,390
22-46-26-00-00001.0020	10351664	LEE COUNTY	16101 ALICO RD, FORT MYERS	8-1981	$ 100	$ 32,007,816	$ 0

ALICO ROAD LLC
5465 PINE RIDGE RD
)RT MYERS, FL 33908

ALICO ROAD LLC
5465 PINE RIDGE RD
)RT MYERS, FL 33908

[ALL BROTHERS LLC
8620 TYLER BLVD
MENTOR, OH 44060

LEE COUNTY
PO BOX 398
)RT MYERS, FL 33902

LEE COUNTY
PO BOX 398
)RT MYERS, FL 33902

:EW SHORES MASTER ASSN
)RKSCREW WOODS PKWY
ESTERO, FL 33928

DACOSTA JUNE
)17 SHADYWOOD CT
ESTERO, FL 33928

ANNING MICHAEL P
)34 SHADYWOOD CT
ESTERO, FL 33928

:NDERSON JACK V &
)30 SHADYWOOD CT
ESTERO, FL 33928

HAUSER JON C TR
945 FOXKIRK DR
.OOKFIELD, WI 53045

)UMANS LAURA L &
)22 SHADYWOOD CT
ESTERO, FL 33928

'ER RICHARD & QUEILA
)18 SHADYWOOD CT
ESTERO, FL 33928

[GROSS MATTHEW JOHN &
)14 SHADYWOOD CT
ESTERO, FL 33928

:EW SHORES MASTER ASSN
)RKSCREW WOODS PKWY
ESTERO, FL 33928

:EW SHORES MASTER ASSN
)RKSCREW WOODS PKWY
ESTERO, FL 33928

A THIERRY JACQUES &
4056 FENWOOD CT
ESTERO, FL 33928

TZ DUANE & LUANNE
4036 FENWOOD CT
ESTERO, FL 33928

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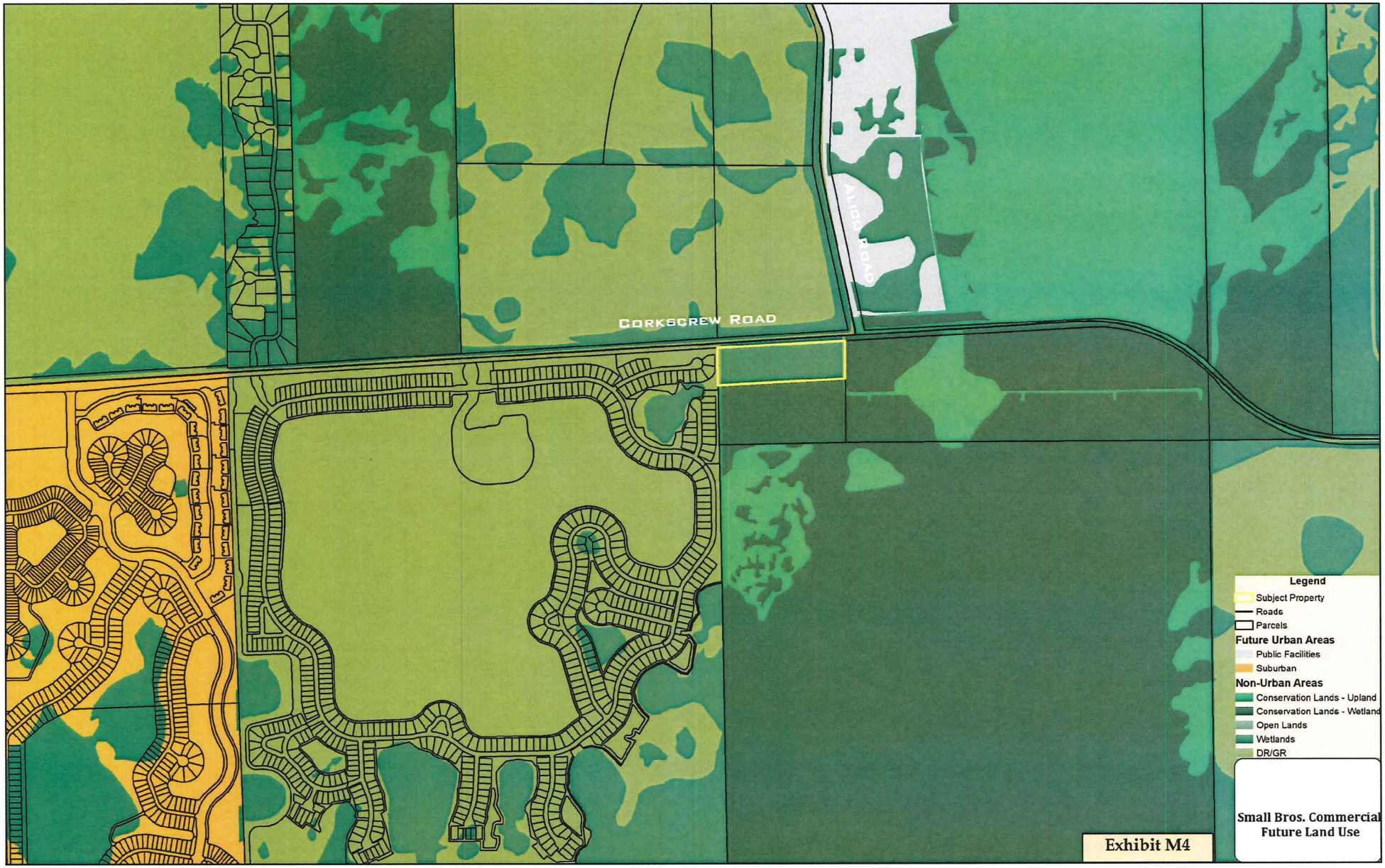
ΗOLAKIA RAHILA &
4052 FENWOOD CT
ESTERO, FL 33928

S BECKY K & BRADLEY F
4040 FENWOOD CT
ESTERO, FL 33928

IDOLLAR ROBERT W &
4048 FENWOOD CT
ESTERO, FL 33928

ER SCOTT M & NANCY L
4044 FENWOOD CT
ESTERO, FL 33928

EW SHORES MASTER ASSN
ORKSCREW WOODS PKWY
ESTERO, FL 33928

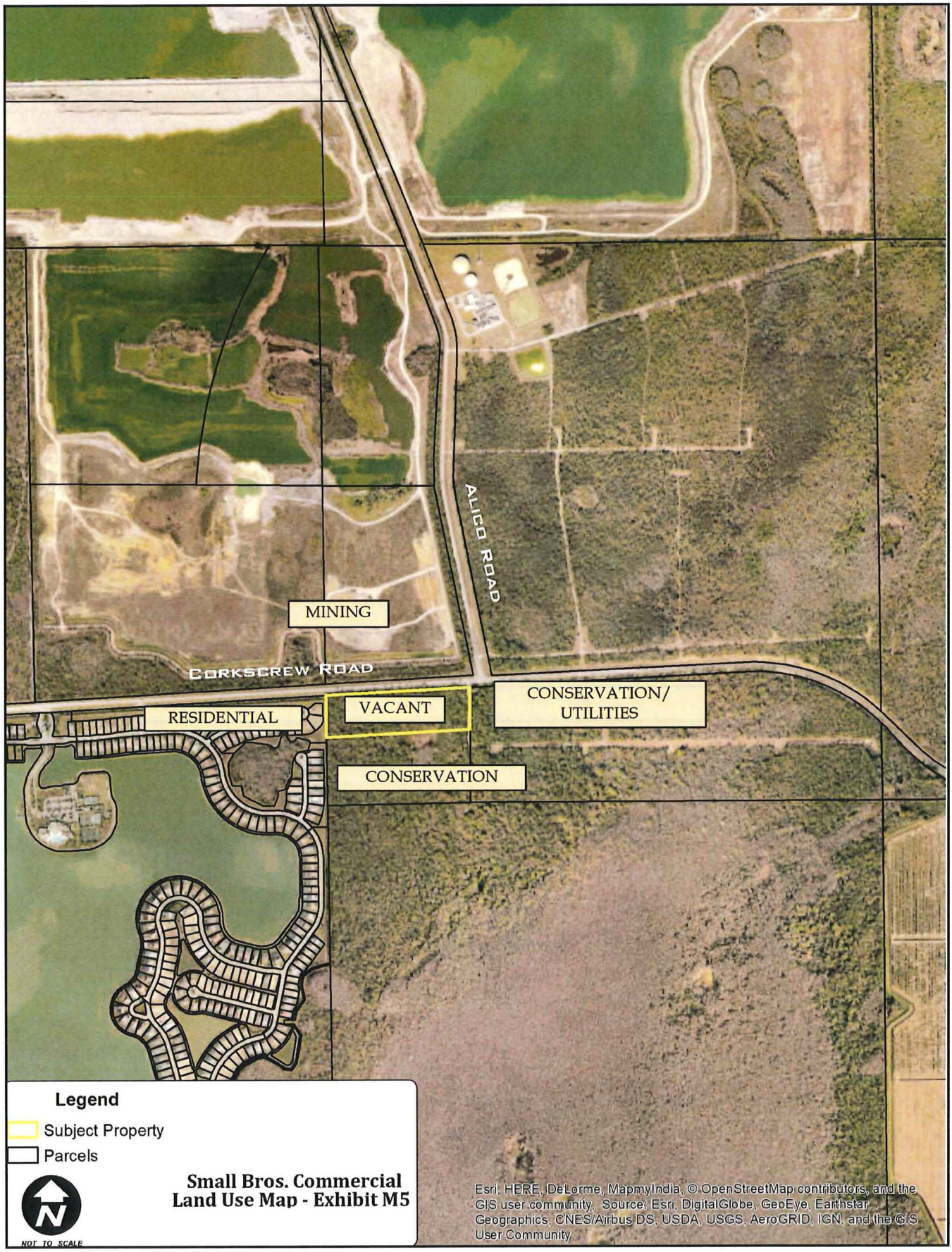


AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Surveyors & Landscape Architects

Corkscrew
Future Land Use Map

Exhibit: M4

ABB PN: 22-0024



AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Surveyors & Landscape Architects

Corkscrew
Existing Land Use Map

Exhibit: M5

ABB PN: 22-0024

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Surveyors & Landscape Architects
Certificate of Authorization Numbers: EB 3664 • LB 3664 • LC26000620

7400 Trail Blvd., Suite 200
Naples, FL 34108
PH: (239) 597-3111
www.ABBINC.com

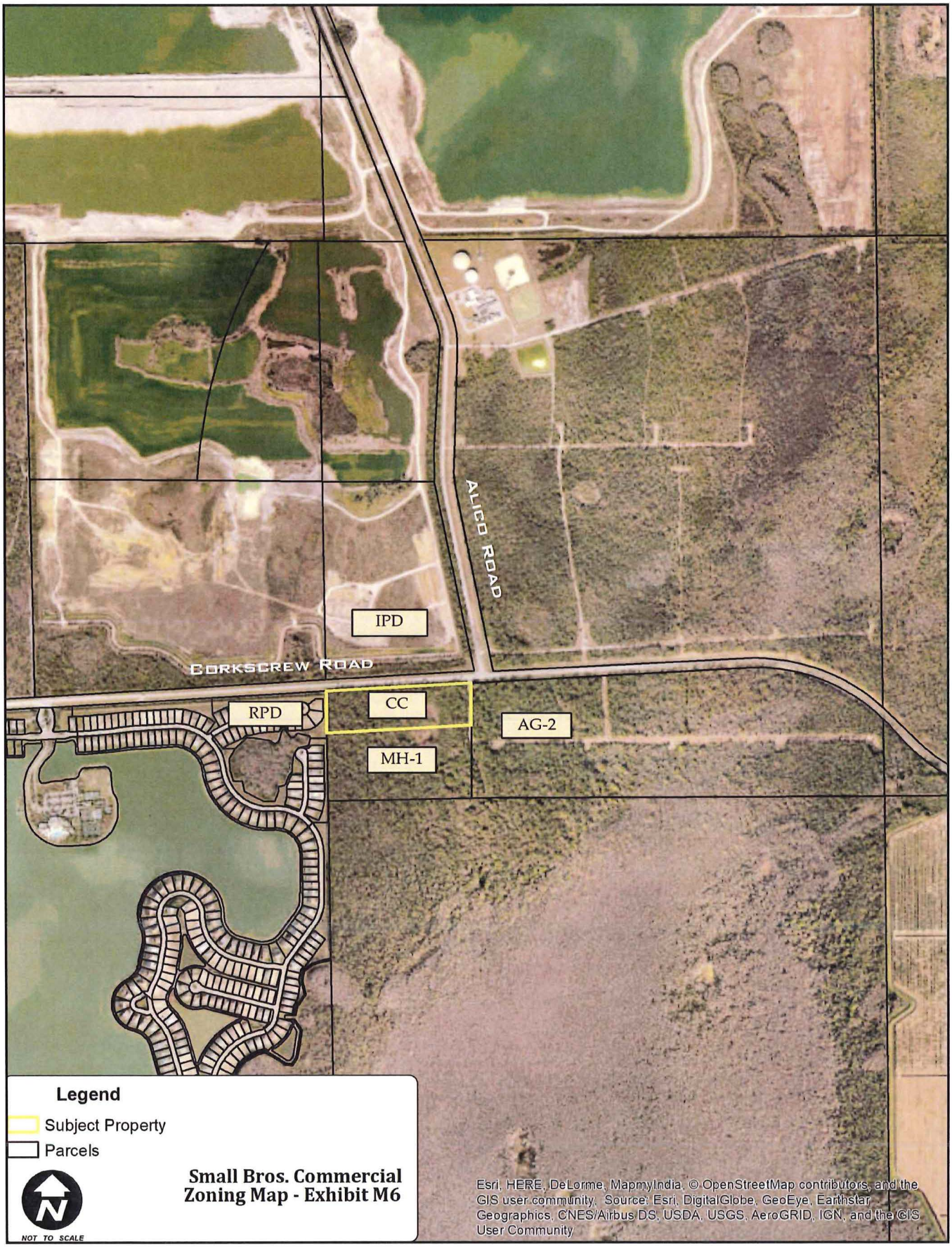
Exhibit M6

Map and Description of Existing Zoning of the Subject Property and Surrounding Properties

Small Brothers, LLC

Corkscrew Commercial

The attached aerial shows the location of the subject property and the surrounding uses. 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 and east of the subject property vacant land owned and managed by the Lee County and are zoned A-2 and MH-1.

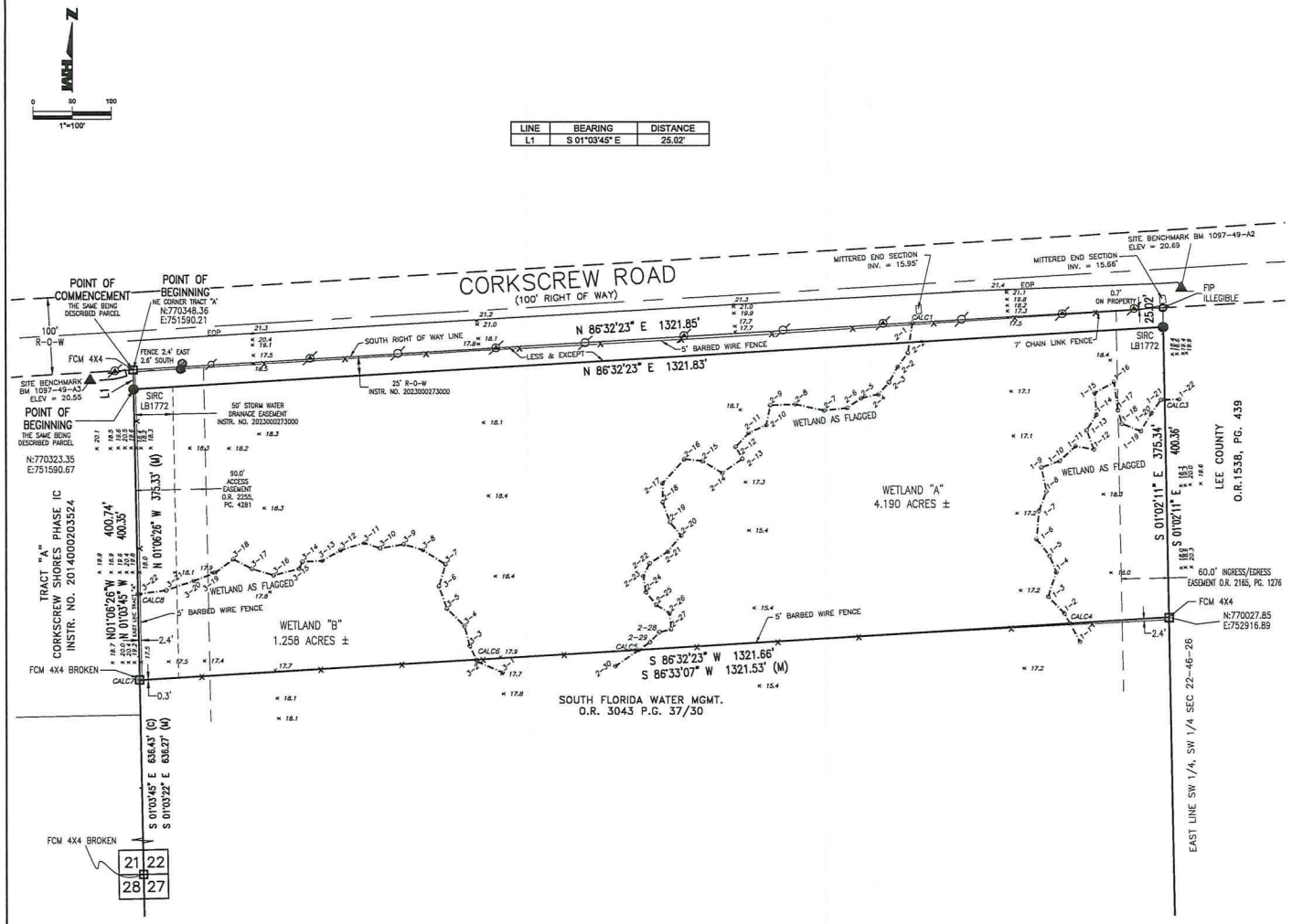


AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Surveyors & Landscape Architects

Corkscrew
Existing Zoning Map

Exhibit: M6

ABB PN: 22-0024



LINE	BEARING	DISTANCE
L1	S 01°03'45" E	25.02'

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 20140002035240 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.

LESS AND EXCEPT THE NORTH 25' OF THE PARCEL DESCRIBED.

SAME AS BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT "A", CORKSCREW SHORES PHASE IC, ACCORDING TO THE PLAT THEREOF AS RECORDED AS INSTRUMENT NUMBER 20140002035240 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 S01°03'45"E FOR A DISTANCE OF 25.02 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE RUN N86°32'23"E FOR A DISTANCE OF 1321.83 FEET; THENCE RUN S01°02'11"E FOR A DISTANCE OF 375.34 FEET; THENCE RUN S86°32'23"W FOR A DISTANCE OF 1321.66 FEET; THENCE RUN N01°03'45"W FOR A DISTANCE OF 375.33 FEET, TO THE POINT OF BEGINNING.

NOTES:

PROPERTY AREA: 11.4 ACRES, MORE OR LESS.

THIS PROPERTY WAS VACANT AT THE TIME OF SURVEY.

JURISDICTIONAL WETLAND FLAGGING BY W. DEX BENDER & ASSSOCIATES, INC. WERE LOCATED ON 2/22/19 AS SHOWN HEREON.

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 20140002035240 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AS BEING N 01°03'45" W.

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

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 1/30/2024

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

CERTIFIED TO: SMALL BROTHERS, LLC

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY _____ LS5628
THOMAS M. MURPHY STATE OF FLORIDA

THOMAS M. MURPHY LICENSE NUMBER 5628 STATE OF FLORIDA Professional Surveyor and Mapper

LEGEND

These standard symbols will be found in the drawing.

- SET IRON ROD & CAP LB1772
- SET NAIL & DISK LB1772
- FOUND CONCRETE MONUMENT
- FOUND IRON PIN
- CONCRETE POLE
- WOOD POLE
- WATER SAMPLE POINT
- SPOT ELEVATION (FEET)

(C) = CALCULATED
CONC. = CONCRETE
FCM = FOUND CONRETE MONUMENT
FIP = FOUND IRON PIN UNLESS OTHERWISE STATED
SIPC = SET IRON PIN & CAP LB1772
" = INCH
(M) = MEASURED
(P) = PLAT
DE = DRAINGE EASEMENT
UE = UTILITY EASEMENT
EOP= EDGE OF PAVEMENT
PNS= PIN NOT SET

SEE SHEET 2 FOR POINT COORDINATE LIST

LETTER	REVISIONS	DATE	REV BY
D	UPDATE SURVEY	2/28/24	JNH
C	UPDATE SURVEY	1/25/24	JNH
B	UPDATE SURVEY	10/22	BEN
A	ADDED ACCESS EASEMENTS	9/22	BEN

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

PARTY CHIEF: PS - 1186/51	DATE: 1/30/2024
DRAWN BY: BEN/AMR/JNH	DATE: 2/28/2024
SHEET 1	OF SHEET 2
SEC-TWN-RGE 22-46-26	

HOLEMONTES a Bowman company
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-825-5
PROJECT NO. 340730
REFERENCE NO. 340730 BNDY R1.dwg

H:\01\825\DES\340730\DWG\ARIES340730 BNDY R1.dwg 2/28/2024 8:13:17 AM Plotted By: TomMurphy

Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $4025.00 Rec. Fee $10.00 Deputy Clerk WMILLER

EXHIBIT NO

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:

First Witness Signature

Adam Palmer
Witness Printed Signature

Marie Schaible
Second Witness Signature

Marie Schaible
Witness Printed Signature

Third Witness Signature

Witness Printed Signature

Kathleen A. O'Hearn
Fourth Witness Signature

KATHLEEN A. O'HEARN
Witness Printed Signature

Signature

ESTERO BAY BAPTIST CHURCH INC
Printed Signature

PO Box 947
Street Address

Estero, Fl 33928
City, State and Zip Code

Signature

Printed Signature

Street Address

City, State and Zip Code

STATE OF: Florida
COUNTY OF: Lee

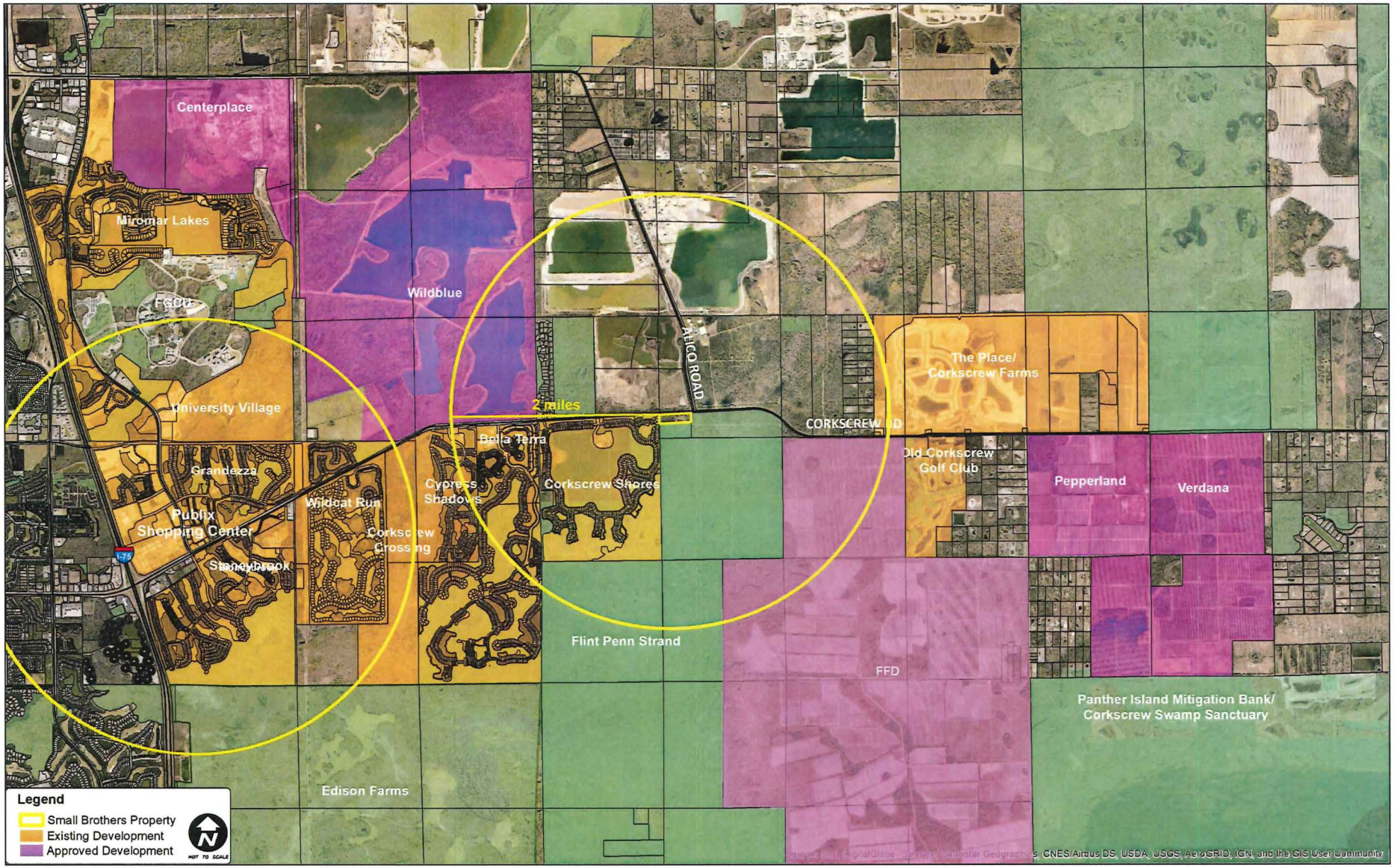
The foregoing instrument was acknowledged before me this 27th day of June, 2007 by ESTERO BAY BAPTIST CHURCH INC hereinafter called the grantor(s), who produced a Dr. Lic as identification.

My Commission Expires:

KATHLEEN A. O'HEARN
MY COMMISSION # DD 516139
EXPIRES: June 19, 2008
Bonded Thru Budget Notary Services

Kathleen A. O'Hearn
Notary Signature Notary Public, State and County Aforesaid

Printed Notary Signature



AGNOLI BARBER & BRUNDAGE, INC.

Corkscrew
Regional Aerial Map

Exhibit: M9

ABB PN: 22-0024

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Surveyors & Landscape Architects
Certificate of Authorization Numbers: EB 3664 • LB 3664 • LC26000620

7400 Trail Blvd., Suite 200
Naples, FL 34108
PH: (239) 597-3111
www.ABBINC.com

Exhibit M10

Affidavit of Authorization

Small Brothers, LLC

Corkscrew Commercial

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, JON SMALL (name), as OWNER (owner/title) of SMALL BROTHERS (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized 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 thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

J SM
Signature

9-15-22
Date

**************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS**************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

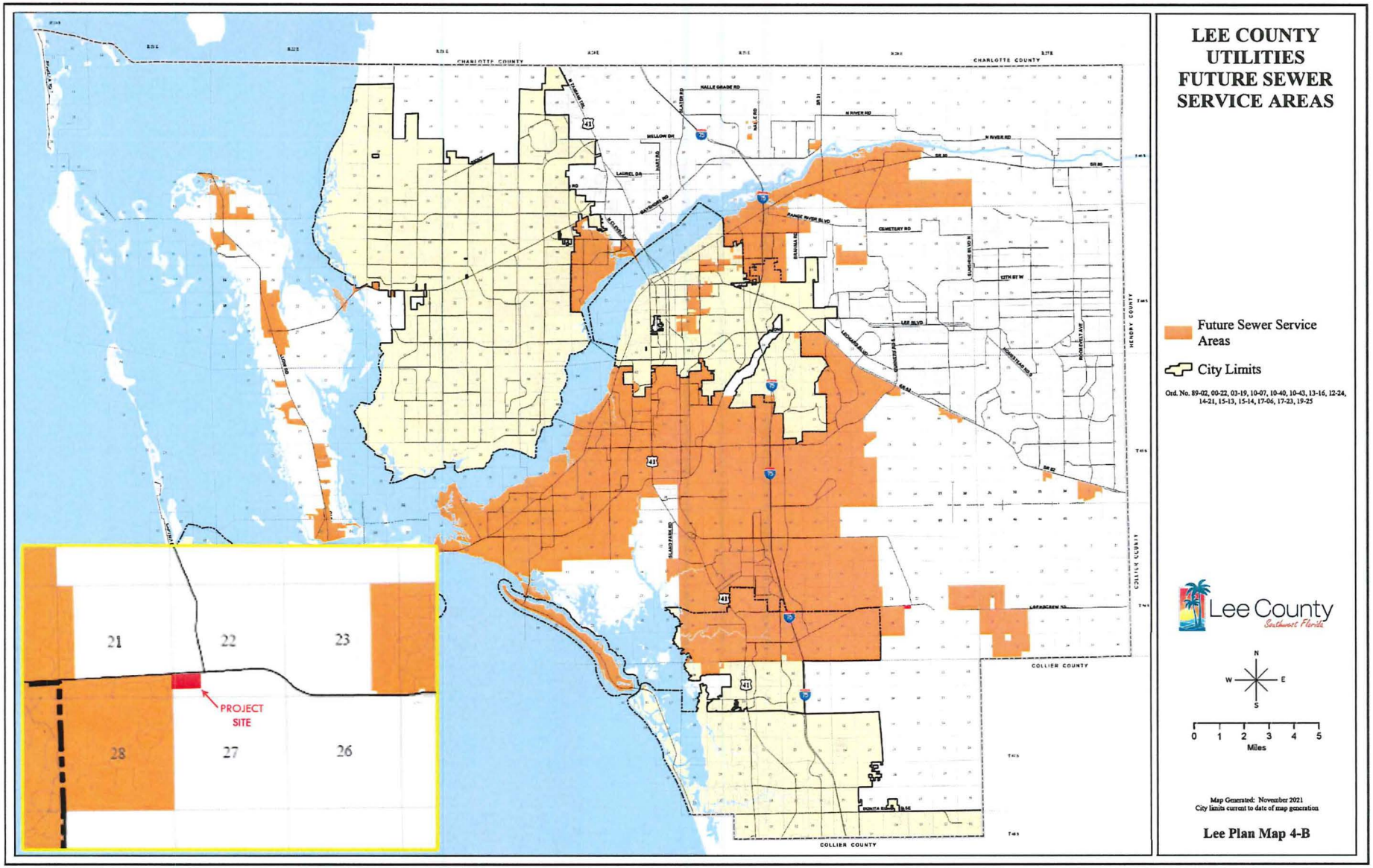
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of [X] physical presence or [ ] online notarization, this 15 day of September, 20 22, 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

JENNIFFER WALLACE
MY COMMISSION # HH 228180
EXPIRES: May 31, 2026

Signature of Notary Public



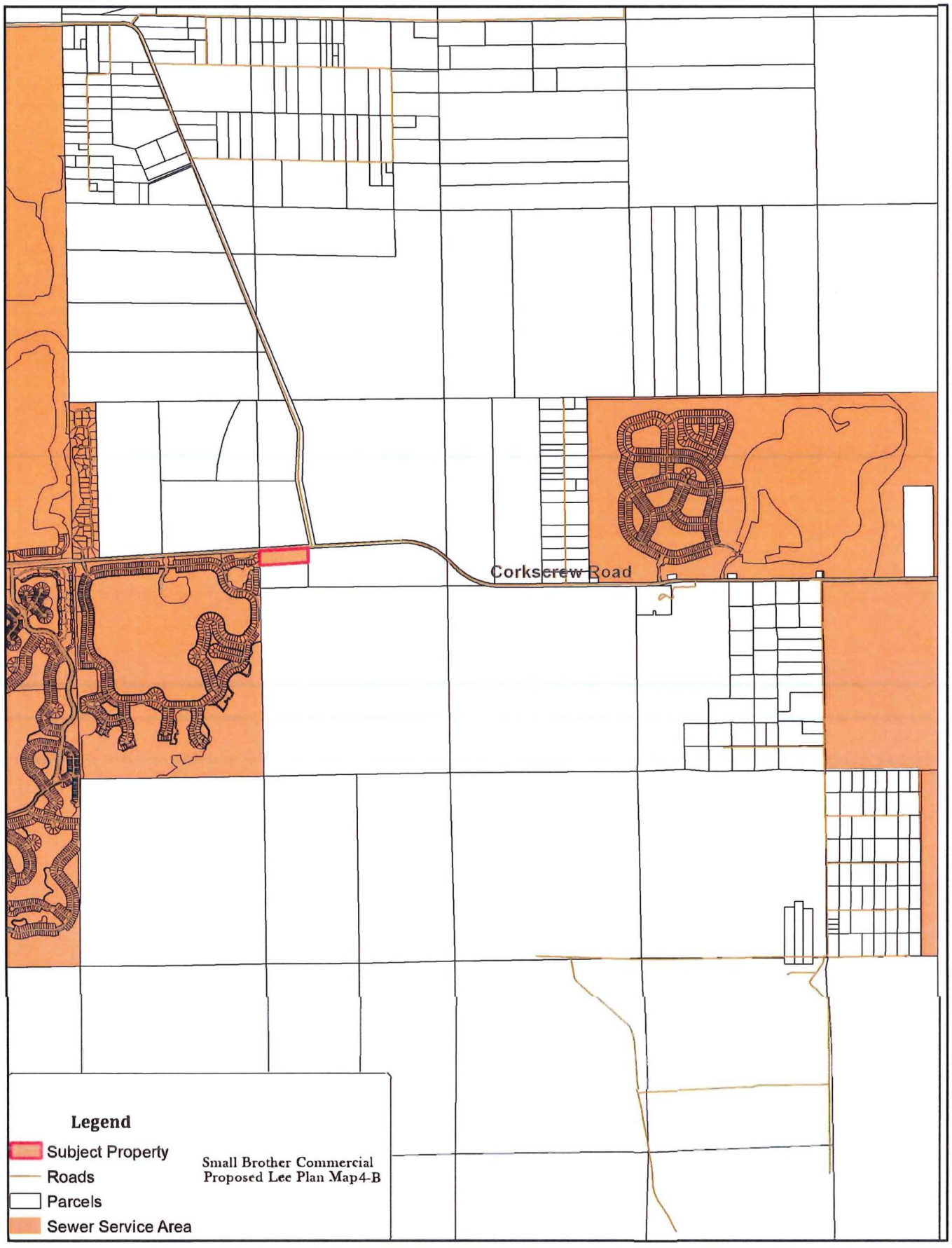
AGNOLI BARBER & BRUNDAGE, INC.

Corkscrew

Existing Lee County Utilities Future Sewer Service Areas Map

Exhibit: M11

ABB PN: 22-0024



AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Surveyors & Landscape Architects

Corkscrew
Proposed Sewer Service Area

Exhibit: M11

ABB PN: 22-0024

LEE PLAN ANALYSIS

Background

The subject property is located along Corkscrew Road directly east of Corkscrew Shores and west of Flint Penn Strand. The Future Utility service area extends to the property contiguous to the west and multiple properties to the east. Both water and sewer lines extend past the subject property with capacity to serve future development. The property is in the Density Reduction/Groundwater Resource land use category in the Southeast Lee County Planning Community.

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 Lee County. 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, and utility lines have now been extended to and past this property to serve development to both the west and east.

Compliance with the Lee Plan

The proposed map amendment is being submitted to add the subject property to Map 4B for future sewer service areas is consistent with Lee Plan **Standards in Policy 4.1.2**. Map A, Future Water Service Area Map was previously amended to include the subject property. The existing Future Water and Sewer Service Area Maps have been amended on a piecemeal basis through privately initiated Lee Plan amendments that have extended the future water and sewer service areas past this property to the east. The subject property represents a gap in the service area with sewer service immediately contiguous to the property to the west, and service provided to properties in close proximity to the east. Existing potable water and sewer lines run along Corkscrew Road in front of the property.

LEE PLAN CONSISTENCY

The proposed Map Amendment will allow for sewer service for the subject property located at the intersection of Corkscrew Road and Alico Road. An analysis of how the proposed map amendment is consistent with the applicable Lee Plan policies follows:

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 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 must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.

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 standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.

Adding this property to the 4B Wastewater Map instead of utilizing septic tanks or onsite Package Plant will ensure that any development on this property will not impact the aquifers. This request is not based on a zoning or development order. A detailed assessment will be provided at the appropriate time.

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.

This proposed amendment is in a location where Map 4B has previously been amended to accommodate large-scale mixed use and residential development that has been approved or exists directly to the west and in close proximity to the north and east. As previously stated the wastewater lines are already in place along the frontage of the property. Any future development that would occur would be required to hook up to the service. The proposed map amendment would be consistent with the contiguous and compact growth pattern occurring along Corkscrew Road.

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 an area that is evolving as it is developed under an overlay designation that allows for increased densities and intensities based on strict criteria. For example, the residential development immediately to the west, consisting of small lot residential units around a large lake, extended urban infrastructure and is designated on Maps 4A and 4B for water and sewer service. Other similar developments to the north and east all have extended

urban services to the area, including the utilities, EMS services and road infrastructure. That said, urban services are already available or will be available to the subject property through the associated map amendment.

POLICY 2.3.1: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Lehigh Acres as described in Policy 54.1.9 and all land in the DR/GR land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change.

The requested amendment is to Map 4B to incorporate the subject property into the Lee County Utilities Sanitary Sewer Service area. The letter of availability provided by Lee County Utilities Department states that sanitary sewer service and will be provided by Three Oak's Water Reclamation facility and potable water will be provided by Lee County Utilities. Policy 2.3.1 applies to potable water supply which is not the subject of this amendment however knowing the services are available is important for future planning.

STANDARD 4.1.2: SEWER.

1. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

2. *If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within l/4 mile from any part of the development.*

3. *If there is not sufficient capacity nor adequate infrastructure within l/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.*

4. *If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.*

5. *If a development lies outside any service area as described above, the developer may:*
   - *request that the service area of Lee County Utilities or an adjacent sewer u tility be expanded to incorporate the property;*

- *establish a self-provided sanitary sewer system for the development;*
- *develop at an intensity that does not require sanitary sewer service; or*
- *if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fla. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.*

6. *Lee County Utilities may provide sanitary sewer service to properties not located within the future sewer service area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.*

The property owner is requesting this map amendment to ensure any development will benefit public health, safety, and welfare, including protection of Lee County's natural resources. In addition, the property is immediately adjacent to the service area as Shown on Map 4B meeting criteria #2. And criteria #5 supports this request to incorporate the property into the service area. Based on the above criteria there are sufficient directives in Standard 4.1.2 to approve this requested Amendment to Map 4B for the subject property.

GOAL 33: SOUTHEAST LEE COUNTY. Protect Southeast Lee County's natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors in the development of privately owned land. Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County's environment.

The proposed amendment fits within Goal 33. This map amendment would allow for wastewater services from Lee County Utilities which will protect the environment by avoiding the use of septic systems or wastewater package plants.

OBJECTIVE 33.1: 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.

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. However, this map amendment would further the intent of Objective 33.1.

POLICY 33.1.7: Impacts of proposed land disturbances on surface and groundwater resources will be analyzed using integrated surface and groundwater models that utilize site-specific data to assess potential adverse impacts on water resources and natural systems within Southeast Lee County. Lee County Division of Natural Resources will determine if the appropriate model or models are being utilized and assess the design and outputs of the modeling to ensure protection of Lee County's natural resources. (Ord. No. 10-19, 19-13)

It is understood that the surface and groundwater resources will be analyzed at time of any development order. This assessment is not applicable to the requested amendment.

GOALS 125 (Water Quality) and 126 (Water Resources) address requirements specific to water

resource management and potential water use associated with a project. Goal 125 requires facilities "To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County." Objective 125.1 requires facilities under Comprehensive Plan Amendment to "Maintain high water quality, meeting or exceeding state and federal water quality standards." Goal 126 requires developments to "conserve, manage, and protect the natural hydrologic system of Lee County to insure continued water resource availability. (Amended by Ordinance No. 94-30)." Objective 126.1 requires facilities to "Ensure water supplies of sufficient quantity and quality to meet the present and projected demands of all consumers and the environment, based on the capacity of the natural systems."

As previously stated, this request is to amend Map 4B Wastewater Services and does not affect the water quality and water resources. Any future development on this property will provide data and analyses to ensure the water quality and water resources are addressed according to Goals 125 and 126.

15230 Corkscrew Road Parcel

Protected Species Assessment

Section 22, Township 46 South, Range 26 East
Lee County, Florida

February 2023

Prepared for:

Small Brothers, LLC
12810 Tamiami Trail N., Suite 200
Naples, FL 34110

Prepared by:

DexBender
4470 Camino Real Way Suite 101
Fort Myers, FL 33966
(239) 334-3680

Introduction

The 12.14± acre project is located within a portion of Section 22, Township 46 South, Range 26 East, Lee County, Florida. The parcel is bordered to the north by Corkscrew Road, to the west by single family homes within the Corkscrew Shores community, and to the south and east by county owned land.

Site Conditions

The parcel consists of wetland and upland communities with varying densities of exotics. A herbaceous marsh is located along the southeast portion of the site.

Vegetation

The predominant upland and wetland vegetation associations were mapped in the field on 2022 digital color 1" = 100' scale aerial photography. The property boundary was provided by Hole Montes. Inc. and inserted into digital aerial. Six vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Figure 1 depicts the approximate location and configuration of these vegetation associations. The acreage is summarized by FLUCCS code on Table 1. A brief description of each FLUCCS code is provided below.

Table 1. Acreage summary by FLUCCS

FLUCCS CODE	DESCRIPTION	ACREAGE
411E1	Pine Flatwoods invaded by Exotics (10-25%)	3.83
411E2	Pine Flatwoods invaded by Exotics (26-50%)	1.30
414E2	Pine - Mesic Oak invaded by Exotics (26-50%)	1.53
428HE3	Hydric Cabbage Palm invaded by Exotics (51-75%)	1.05
619	Exotic Wetland Hardwoods	2.80
641E4	Freshwater Marshes invaded by Exotics (76-90%)	1.60
	TOTAL	12.14

FLUCCS 411E1, Pine Flatwoods invaded by Exotics (10-25%)

This upland community consists of a canopy of slash pine (*Pinus elliottii*) with scattered melaleuca (*Melaleuca quinquenervia*) and laurel oak (*Quercus laurifolia*). The understory is comprised of cabbage palm (*Sabal palmetto*), wax myrtle (*Myrica cerifera*), saltbush (*Baccharis halimifolia*), and scattered dahoon holly (*Ilex cassine*). Brazilian pepper (*Schinus terebinthifolius*) is present to varying extents within this community. Ground cover is dominated by saw palmetto (*Serenoa repens*). Additional ground cover species include grape vine (*Vitis* sp.),

SECTION: 22
TOWNSHIP: 46 S
RANGE: 26 E



0 50 100
SCALE FEET

FLUCCS	Description	Acreage
411E1	Pine Flatwoods Invaded by Exotics (10-25%)	3.86 ac.
411E2	Pine Flatwoods Invaded by Exotics (26-50%)	1.30 ac.
414E2	Pine - Mesic Oak Invaded by Exotics (26-50%)	1.53 ac.
428HE3	Hydric Cabbage Palm Invaded by Exotics (51-75%)	1.05 ac.
619	Exotic Wetland Hardwoods	2.80 ac.
641E4	Freshwater Marshes Invaded by Exotics (76-90%)	1.60 ac.
	Total	12.14 ac.

Notes:
1. Property boundary and surveyed wetland line provided by Hole Montes, Inc.
2. Mapping based on photointerpretation of 2022 aerial photography and ground truthing in February 2023.
3. Delineation of jurisdictional wetlands reviewed and approved by SFWMD.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

February 20, 2023 10:42:18 a.m.
Drawing: SMALLB1PLAN.DWG

Figure 1. Protected Species Assessment Map | **15230 Corkscrew Road Parcel** | DEXBENDER ENVIRONMENTAL CONSULTING FORT MYERS 239-334-3680

gallberry (*Ilex glabra*), Virginia creeper (*Parthenocissus quinquefolia*), and beauty berry (*Callicarpa americana*).

FLUCCS Code 414E2 Pine - Mesic Oak invaded by exotics (26-50%)
This upland community, located in the northwestern portion of the property, consists of a canopy of slash pine and laurel oak, with an understory comprised of cabbage palm, Brazilian pepper, wax myrtle, and myrsine (*Rapanea punctata*). Ground cover species include saw palmetto, greenbrier (*Smilax* sp.), and scattered grape vine.

FLUCCS Code 428HE3 - Hydric Cabbage Palm invaded by Exotics (51-75%)
The southwestern portion of the property was likely cleared in the past and is comprised of a canopy of cabbage palm, laurel oak, and Brazilian pepper. The midstory is open and ground cover is comprised primarily of leaf duff.

FLUCCS Code 619 - Exotic Wetland Hardwoods
This FLUCCS code describes the areas along the edge of the freshwater marsh and extends into the northeast portion of the parcel. The canopy and subcanopy of this community is dominated by Brazilian pepper with scattered slash pine, melaleuca, red maple (*Acer rubrum*), and cabbage palm. Other vegetative species present include saltbush, myrsine, and wax myrtle.

FLUCCS Code 641E4 - Freshwater Marshes invaded by Exotics (76-90%)
The canopy and subcanoy in this area consists of scattered willow (*Salix caroliniana*). Ground cover is dominated by a thick growth of primrose willow (*Ludwigia peruviana*), para grass (*Urochloa mutica*), fireflag (*Thalia geniculata*), arrowhead (*Sagittaria* sp.), and climbing cassia (*Senna pendula*). Other ground cover species present include foxtail grass (*Setaria* sp.), old world climbing fern (*Lygodium microphyllum*), water lily (*Nymphaea odorata*), and coinwort (*Centella asiatica*).

Survey Method

Each habitat type was surveyed for the occurrence of listed species likely to occur in the specific habitat types. The survey was conducted using meandering pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology. Observations of the freshwater marsh were taken from areas surrounding the marsh. The approximate locations of all direct sighting or signs (such as tracks, nests, and droppings) of a listed species were denoted on the aerial photography. The 1" = 100' scale aerial Protected Species Assessment Map (Figure 1) depicts the approximate location of the survey transects and the results of the survey. The listed species survey was conducted during the mid-morning hours of February 17, 2023. During the survey, the weather was warm breezy.

Species listed as endangered, threatened, or species of special concern by the Florida FWC or the FWS that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are listed in Table 2. This list from the Lee County Protected Species Ordinance is general in nature, does not necessarily reflect existing conditions, and is provided for general informational purposes only.

Prior to conducting the protected species survey, a review of the FWC listed species occurrence database was conducted to determine the known occurrence of listed species in the project area. The database does not indicate the presence of any known State or Federally listed species either on or immediately adjacent to the project area.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
411E1 411E2	80	Gopher Frog (*Rana areolata*) Eastern Indigo Snake (*Drymarchon corais couperi*) Gopher Tortoise (*Gopherus polyphemus*) Red-cockaded Woodpecker (*Picoides borealis*) Southeastern American Kestrel (*Falco sparverius paulus*) Big Cypress Fox Squirrel (*Sciurus niger avicennia*) Florida Black Bear (*Ursus americanus floridanus*) Florida Panther (*Felis concolor coryi*) Beautiful Pawpaw (*Deeringothamnus pulchellus*) Fakahatchee Burmannia (*Burmannia flava*) Florida Coontie (*Zamia floridana*) Satinleaf (*Chrysophyllum olivaeforme*)		√ √ √ √ √ √ √ √ √ √ √ √
414E2	80	Gopher Frog (*Rana areolata*) Eastern Indigo Snake (*Drymarchon corais couperi*) Florida Black Bear (*Ursus americanus floridanus*) Florida Panther (*Felis concolor coryi*)		√ √ √ √
428HE3	80	Eastern Indigo Snake (*Drymarchon corais couperi*) Audubon's Crested Caracara (*Polyborus plancus audubonii*) Florida Black Bear (*Ursus americanus floridanus*) Florida Panther (*Felis concolor coryi*) Simpson's Stopper (*Myrcianthes frangrans* var. *simpsonii*)		√ √ √ √ √
619	80	None		

641E4	80	American Alligator (*Alligator mississippiensis*) Florida Sandhill Crane (*Grus canadensis pratensis*) Limpkin (*Aramus guarauna*) Little Blue Heron (*Egretta caerulea*) Reddish Egret (*Egretta rufescens*) Snail Kite (*Rostrhamus sociabilis*) Snowy Egret (*Egretta thula*) Tricolored Heron (*Egretta tricolor*) Wood Stork (*Mycteria americana*) Everglades Mink (*Mustela vison evergladensis*)		√ √ √ √ √ √ √ √ √ √

Results

No species listed by the FWC and/or FWS as threatened, endangered, or species of special concern were observed during the protected species survey. Widely scattered pine tree snags with potential bonneted bat cavities were observed. There is potential for periodic opportunistic foraging by both listed and non-listed species of wading birds within the freshwater marsh on the property but is unlikely due to the thick growth of undesirable vegetative species. In addition to the site inspection, a search of the FWC species database revealed no known protected species within or immediately adjacent to the project limits.

HISTORIC RESOURCES IMPACTS ANALYSIS

Exhibit M14

The subject property contains no known historic resources as evidenced in the attached letter from the Division of Historic Resources. The attached archaeological sensitivity map shows that a portion of the property is in Sensitivity Zone 2.

This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.

July 10, 2018

Florida Master Site File

Daniel DeLisi, AICP
(239) 913-7159
dan@delisi-inc.com
DELISI

In response to your inquiry of July 10, 2018, the Florida Master Site File lists no archeological sites and no other cultural resources located at the designated area of Lee County, Florida

T46S R26E Section 22 as submitted with search request.

When interpreting the results of this search, please consider the following information:

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Eman M. Vovsi

Eman M. Vovsi, Ph.D.
Data Base Analyst
Florida Master Site File
Eman.Vovsi@DOS.MyFlorida.com



AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Surveyors & Landscape Architects

Corkscrew
Archeological Sensitivity Map

Exhibit: M14

ABB PN: 22-0024

Public Facilities Impact Analysis

The proposed amendment to Sewer Service Area Map 4-B would expand the service area to the subject property. There are adequate potable water, sanitary sewers, solid waste, police, and fire/ EMS, and transportation facilities to serve the subject property. There are no impact to parks, recreation, open space or public schools. Commercial development does not generate demand for those services.

Transportation Circulation Analysis:

The subject property is located at the southwest corner of Corkscrew Road and Alico Road. Alico Road is a major collector roadway and Corkscrew Road is an arterial facility, both are maintained by the County. Corkscrew Road from Ben Hill Griffin Parkway to Alico Road will be widened from 2-lane to 4-lane within 5 years.

Lee Plan amendments require a short range (5 years) and long range (20+ years) level of service (LOS) analysis. The 5 year and the long range 2040 LOS analysis indicates that in the three mile study area all the roadway segments are anticipated to operate at or better than the adopted LOS standard in year 2024 and year 2040. Based on the submitted data and analysis, there are no required modifications to the adopted Lee County 2040 Cost Feasible Plan network as result of this request.

Existing and Future Conditions

Utilities: Potable water is available from the Pinewood Water Treatment Plant and wastewater service would be provided by the Three Oaks Water Reclamation Facility.

Solid Waste: The subject property has access to solid waste services. Solid waste collection services will be provided by Lee County using the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

Fire: Estero Fire Rescue indicated they are capable of providing fire protection.

EMS: The subject property has access to EMS services by Lee County Emergency Medical Services.

Police: The Lee County Sheriff will provide law enforcement services primarily from the Lehigh Acres and Bonita Springs substations. The future development of the subject property will not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

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.

Existing and Future Conditions Analysis M17

Levels of Service Water and Wastewater

Demand Projections

The subject property is within the Lee County Utilities (LCU) potable water franchise area as depicted on Lee Plan Map 4-A and 4-B. 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 66,400 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 at Build-out:

Development Type	Cumulative Units	Unit Demand	Total Demand (GPD)
Proposed Commercial	66,400 SF	0.15/SF	9,960
		Total	9,960

Under the proposed land use designation with the projected development parameters, the estimated utility demand for the property will be 9,960 GPD.

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 2021 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 expand capacity to 8.0 MGD in 2024. Therefore, there is sufficient capacity within the existing plant to serve the 9,960 GPD increase in demand to LCU's system from this project at build-out.

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 2021 Lee County Concurrency Report, LCU's interconnected water distribution system is permitted to serve 50.9 MGD and is projected to operate at *32.6* MGD for 2025. Therefore, there is sufficient capacity within the existing plant to serve the 9,960 GPD increase in demand to LCU's system from this project at build-out.

Surface Water Level of Service Analysis:

Existing Conditions:

The existing site is approximately 11.38 acres located south of Corkscrew Road, southwest of the intersection of Corkscrew Road and Alico Road. The drainage pattern for the site is generally from the north of the property to the south. The site topography is generally at elevation 19.0' NAVD to the north and nearly 18.0' NAVD to the south. Within the wetlands located on the property, elevations vary from 15.5' NAVD to 17.0' NAVD. The site does not have significant offsite flows to accommodate, as Corkscrew Road is effectively a berm to the north, and residential development is to the west. There are existing Corkscrew Road swales to the north, and a conveyance swale for Corkscrew Road to the west. The east property is undeveloped other than an access road adjacent to the east property line for access to a well field, and to the south are SFWMD district owned lands including wetlands and a proposed pond.

Proposed Water Management System:

Surface water management of the site shall comply with Lee County and SFWMD stormwater quality and quantity requirements. The stormwater system will consist of interconnected dry detention stormwater areas and swales, and subsurface storage if necessary to meet total volumetric requirements. The system will be privately owned and maintained. The site will discharge to the onsite wetland preserve, which is connected to the south off site. The historical flow for the culvert crossing located in the Corkscrew Road right-of-way will be maintained and the culvert extended to the on-site wetland preserve. The stormwater system will be designed to limit discharge rates from the development to a 25-year, 3-day storm peak discharge rate of 25 csm (cubic feet per square mile), or as amended by agencies. The control elevation for the water management facilities shall be consistent with the seasonal water table elevations of the existing wetland located on the property. Drainage from the site will be routed from the dry detention pond and control structure to the onsite wetlands where it will then discharge to Flint Pen Strand which drains to the Imperial River.

Parks, Recreation and Open Space

Regional Parks

The Lee County Public Facilities Level of Service and Concurrency Report 2021 indicates a total of 7,064 acres of existing regional parks operated by county, local, state, and federal governments within Lee County. The capacity required to meet The Lee Plan Policy 95.1.3 non-regulatory level of-service standard of 6 acres per 1,000 total seasonal county population is equal to: 886,000 [seasonal county population] X (6 acres/1,000 population) = 5,316 acres

The Bureau of Economic and Business Research (BEBR) Projections of Florida Population by County, 2020-2045, with Estimates for 2019 provided a high projected population of 997,000 for Lee County in 2030. This would require 5,982 acres to meet the level of service standard. There is more than adequate existing Regional Park acreage in Lee County to meet the needs of the project.

Community Parks

The Lee County Public Facilities Level of Service and Concurrency Report 2021 indicates a total of 743.1 acres of existing community parks operated by Lee County or jointly operated with The School District of Lee County within Lee County. The capacity required to meet the Lee Plan Policy 95.1.3 non-regulatory level of-service standard of 0.8 acres per 1,000 total permanent county population is equal to: 368,415 [permanent unincorporated county population] X (0.8 ac/1,000 population) = 295 ac

The existing inventory of community parks within Lee County meets the community park level- of-service standard in the County for the year 2020 and will continue to do so at least through the next five years. The level of service standard increased from 285 acres in 2019 to 295 acres in 2021 which represents here is more than adequate existing Community Park acreage in Lee County to meet the needs of the project.

Public Schools

The subject property is within the South Zone, sub-zone S-2. Lee Plan Policy 95.1.3 provides that Public Schools Facilities LOS standards for Elementary Schools, Middle Schools, High Schools and Special Purpose Facilities is based upon Permanent Florida Inventory School Houses (FISH) capacity and is 100% as adjusted by the School Board annually to account for measurable programmatic changes.

According to the Lee County Public Facilities Level of Service and Concurrency Report 2021, the South Zone showed an available capacity of 893 elementary school seats, 368 middle school seats, and 612 high school seats. The letter of review and recommendation received from the School District of Lee County indicated that capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level, however capacity is available in the adjacent CSA.

Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

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District Four

Michael Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Chief Hearing Examiner

August 29, 2022 Via E-Mail

Margaret Emblidge, AICP
Agnoli, Barber & Brundage, Inc.
7400 Trail Blvd., Suite 200
Naples, FL 34108

RE: **Potable Water and Wastewater Availability**
Small Brothers Commercial, 15230 Corkscrew Road
STRAP # 22-46-26-00-00001.0010

Dear Ms. Emblidge:

The subject property is located within Lee County Utilities Future Service Area as depicted on Map 4A, but not Map 4B, of the Lee County Comprehensive Land Use Plan. 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 Comprehensive Plan Amendment and system enhancements such as line extensions will 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 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.

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

Lee County
Southwest Florida

Board of County Commissioners

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District Two

Ray Sandelli
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Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

July 21, 2022

S. Annette Keeney
Agnoli, Barber & Brundage, Inc.
7400 Trail Boulevard, # 200
Naples, FL 34108

Re: Letter of Service Availability – 15230 Corkscrew Road

Ms. Keeney,

I am in receipt of your letter requesting a Letter of Service Availability for a parcel along Corkscrew Road. The property consists of 12.6 acres identified by STRAP 22-46-26-00-00001.0010.

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 another location within 8 miles. 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
Director, Public Safety

P.O. Box 398, Fort Myers, Florida 33902-0398 | (239) 533-2111 | leegov.com
AN EQUAL OPPORTUNITY EMPLOYER

Lee County
Southwest Florida

Board of County Commissioners

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Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

July 21, 2022

Agnoli, Barber & Brundage, Inc.
Attn: Ms. Keeney, Planner
7400 Trail Boulevard, # 200
Naples, FL 34108

RE: Letter of Availability Lee County Solid Waste Small Brothers, LLC - STRAP 22.-46-26-00-00001.001.0

Dear Ms. S Annette Keeney:

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) 533-8007.

Sincerely,

Justin Lighthall

Justin Lighthall
Manager, Public Utilities
Lee County Solid Waste Department

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

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

August 15, 2022

Margaret Emblidge, AICP
Agnoli, Barber & Brundage, Inc.
7400 Trail Blvd., Suite 200
Naples, Florida 34108

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

Ms. Emblidge,

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

"DEDICATED AND DRIVEN FOR THOSE WE SERVE"

Carmine Marceno
Sheriff

State of Florida
County of Lee

"Proud to Serve"

August 15, 2022

Margaret Emblidge, AICP
Agnoli, Barber & Brundage, Inc.
7400 Trail Boulevard, Suite 200
Naples, FL 34108

Ms. Emblidge,

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 Crime Prevention Practitioner Beth Schell at (239) 477-1677 with any questions regarding the CPTED study.

Respectfully,

Stan Nelson

Stan Nelson
Director, Planning and Research

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Surveyors & Landscape Architects
Certificate of Authorization Numbers: EB 3664 • LB 3664 • LC26000620

7400 Trail Blvd., Suite 200
Naples, FL 34108
PH: (239) 597-3111
www.ABBINC.com

Exhibit M19

State/Regional Policy Plan Analysis

There are no State or Regional Policy Plan goals
or policies that are relevant to the proposed amendment.

Small Brothers, LLC

Corkscrew Commercial

Justification of the Proposed Map Amendment

The following data and analysis are for the amendment to Comprehensive Plan Map 4B to add the subject property to the Lee County Utilities Future Sewer Service Areas Map. To accommodate future development to occur on the property, the existing water and sewer lines that run directly past the property would fulfill an important land 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.

Lee County Utilities Assessment

Even though there is no specific development proposed at this time, the applicant provided a potential development scenario for assessment to the Lee County Utilities Department to determine availability of potable water and wastewater. Lee County Utilities Department provided a Potable Water and Wastewater Availability comment letter dated August 29, 2022, which supports the appropriateness of approving the proposed Map 4B Amendment. The applicant agrees with the requirements stated. The following is a verbatim quote of that letter Dated August 29, 2022.

"The subject property is located within Lee County Utilities Future Service Area as depicted on Map 4A, but not Map 4B, of the Lee County Comprehensive Land Use Plan. Potable Water and sanitary Sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcel, developer funded Comprehensive Plan Amendment and system enhancements such as line extensions will 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 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.

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."

Location and Surrounding Development

The subject property is located at the southwest corner of Corkscrew and Alico Roads. The surrounding development includes Corkscrew Shores on the west, Southwest Florida Rock IPD, an active mining operation, to the north. To the south and east of the subject property is land owned and managed by the Lee County. Lee County Wastewater and Water Plant is to the northeast, and the FFD mixed use project is less than a mile east of the subject property. To the south is a planned stormwater system for the widening of Corkscrew Road. The surrounding development is depicted on the enclosed Regional Map.

Subject Property History

The subject property was rezoned to Community Commercial (CC) in 1982 and received a variance (Zoning Resolution ZAB-82-337) to allow a private sewer treatment plant on the western side of the property in association with the proposed development of a mobile home park on the property to the south (SP-82-337). The mobile home community was never constructed and is now owned by Lee County and is partially planned for a stormwater area for the widening of Corkscrew Road.

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 and commercial development in the DR/GR. Corkscrew Shores had a previously 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. The commercially zoned properties were not accounted for when the County made these changes, negatively impacting their development rights.

As stated, there have been large scale mixed-use developments that have been developed or are planned along Corkscrew Road. Some of these are WildBlue, Bella Terra, Verdana Village, The Place, Old Corkscrew Golf Club, and FFD Land Co. The Lee County Utilities Service Area maps depict these projects on map 4B already. It would only seem logical to add the subject property.

AGNOLI
BARBER &
BRUNDAGE, INC.

Professional Engineers, Planners & Land Surveyors

7400 Trail Boulevard, Suite 200, Naples, FL 34108 Phone (239) 597-3111 Fax: (239) 566-2203

MEMORANDUM

Date: February 16, 2024
Subject: CPA2022-00012 Corkscrew Public Information Meeting

Pursuant to Lee Plan Policy 17.3.4 a Public Information Meeting was held on February 15, 2024, at 5:30pm. The meeting was held at the Sanctury RV Clubhouse located at 13660 Bonita Beach Road, SE, Bonita Springs, FL 34135. As required, this location lies within the Southeast Lee County Community Planning Area.

The meeting was advertised in the Fort Myers News Press on February 1, 2024 (see attached ad affidavit).

Attendees: Bruce Lampitt, Small Brothers, LLC
Margaret Emblidge, ABB, Inc.
Elise Wilcox, ABB, Inc.

There were no attendees from the public.

Margaret Emblidge walked through the presentation and due to no attendees from the public the meeting ended at 5:55pm.

LocaliQ
Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Margaret Emblidge
Holly L Bacon
Agnoli, Barber and Brundage, Inc.
7400 Trail BLVD
Suite 200
Naples FL 34108-2855

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative 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 Govt Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

02/01/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 02/01/2024

Amy Lohott
Legal Clerk

Keegan Moran
Notary, State of WI, County of Brown

2.14.28
My commision expires

Publication Cost:	$120.30	
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THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KEEGAN MORAN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Thursday, February 15, 2023
TIME: 5:30 PM
ADDRESS: Sanctuary RV Resort, 13660 Bonita Beach Road, SE, Bonita Springs, FL 34135

In accordance with the Southeast Lee County Community Plan Requirements of the Lee County Land Development Code and Lee Plan, the Applicant, Small Brothers, LLC, will be presenting information to the public on the following request:

The request is to include the subject property in the Lee County Future Sewer Service Area Map (Map 4B). The subject property is comprised of 12.9 +/- acres located at the south-west corner of Corkscrew Road and Alico Road.

The purpose of the meeting is to educate community members and nearby landowners about the proposed map amendment and to address any questions.

For questions, please contact:
Margaret Emblidge, AICP
Agnoli, Barber & Brundage, Inc.
7400 Trail Blvd., Suite 200,
Naples, FL 34108
(239) 597-3111 or
emblidge@abbinc.com

9790861 2/1/24

Small Brothers, LLC
Real Estate Development

- **CORKSCREW CPA 22-000012**
- **ADMENDMENT TO THE LEE COUNTY**

  SEWER SERVICE AREA MAP 4B

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200 • Naples, FL 34108
PH: (239) 597-3111 • FAX: (239) 566-2203

PROPERTY LOCATION



- SOUTHWEST CORNER OF CORKSCREW ROAD AND ALICO ROAD
- ADJACENT TO THE CORKSCREW SHORES
- SOUTHEAST OF WILD BLUE
- WEST OF OLD CORKSCREW GOLF CLUB
- WEST OF VERDANA

ZONING MAP



PROPERTY HISTORY

RESOLUTION NUMBER ZAB-82-337

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF

OF LEE COUNTY, FLORIDA

WHEREAS, Highlands Trust, has properly filed an application for a) a change in zoning from AG to CC and MH-1 Districts; b) special exception in the MH-1 District for on site signs (Sec. 607.E); and c) variance to permit sewage treatment plant within the front 50% of lot (Sec. 500.1.B. 1.c) on a piece of property located at NW quadrant of Alico Road and Corkscrew Road intersection, described more particularly as;

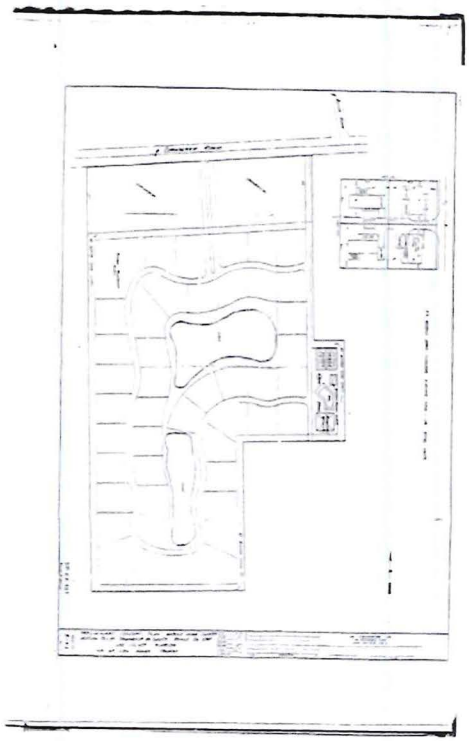
Sec. 22, 27, Twp. 46S, Rge. 26E, Lee County Florida.
Description - MH-1
Commencing at the Northwest corner of Section 27, Township 46 South, Range 26 East, said point being the point of beginning, and proceeding easterly 1,500 feet along the Northern boundary of said section; thence run southerly 90° 0' a distance of 600 feet; thence run westerly 90° 0' a distance of 600 feet; thence run Southerly 90° 0' a distance of 900 feet; thence run westerly 90° 0' a distance of 900 feet to the western boundary of said section; thence run northerly along the western boundary of said section a distance of 1,500 feet to the point of beginning.

AND 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.
LESS: the northerly 400 feet thereof.
Subject to easements, restrictions & reservations of record.

Description - CC
The northerly 400 feet of the following described parcel:
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.
Subject to easements, restrictions, & reservations of record.
Size of Property: CC District 12.1 acres and MH-1 District 59.9 acres for a total of 72 acres.

WHEREAS, Kenneth A. Jones, Trustee, the owner of the subject parcel has given proper authorization to Kenneth A.

Page 1 of 3

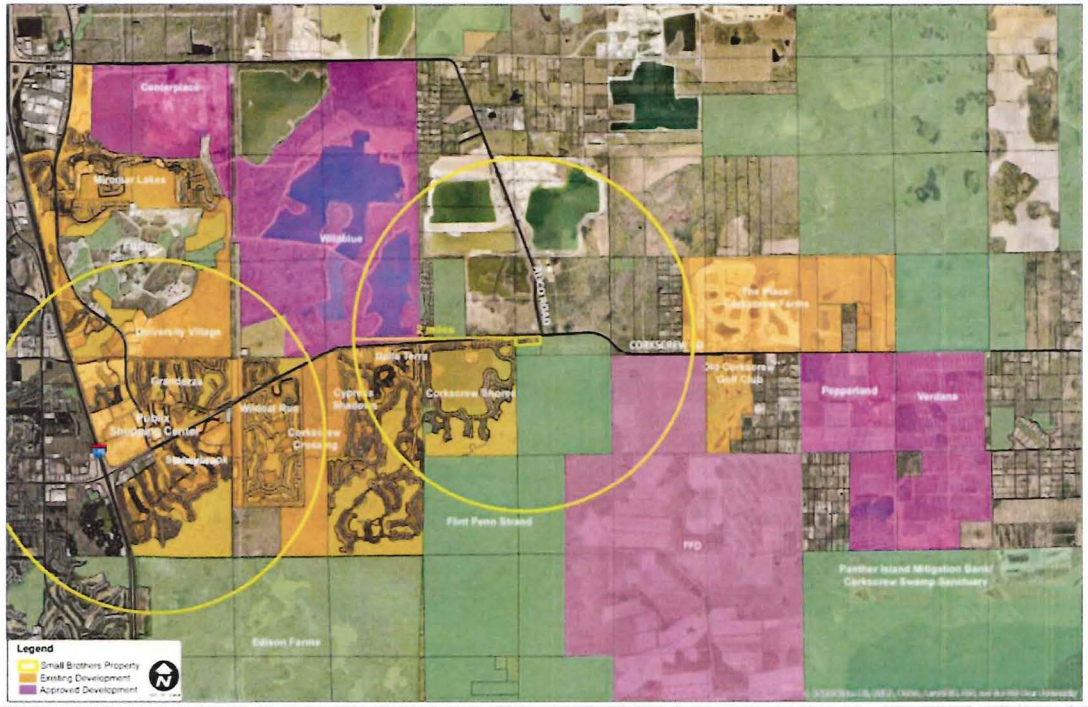


- **ZAB-82-337 DESIGNATED PROPERTY TO CC COMERCIAL USES WITH MOBILE HOME TO THE SOUTH**

FUTURE LAND USE MAP



REGIONAL CONTEXT



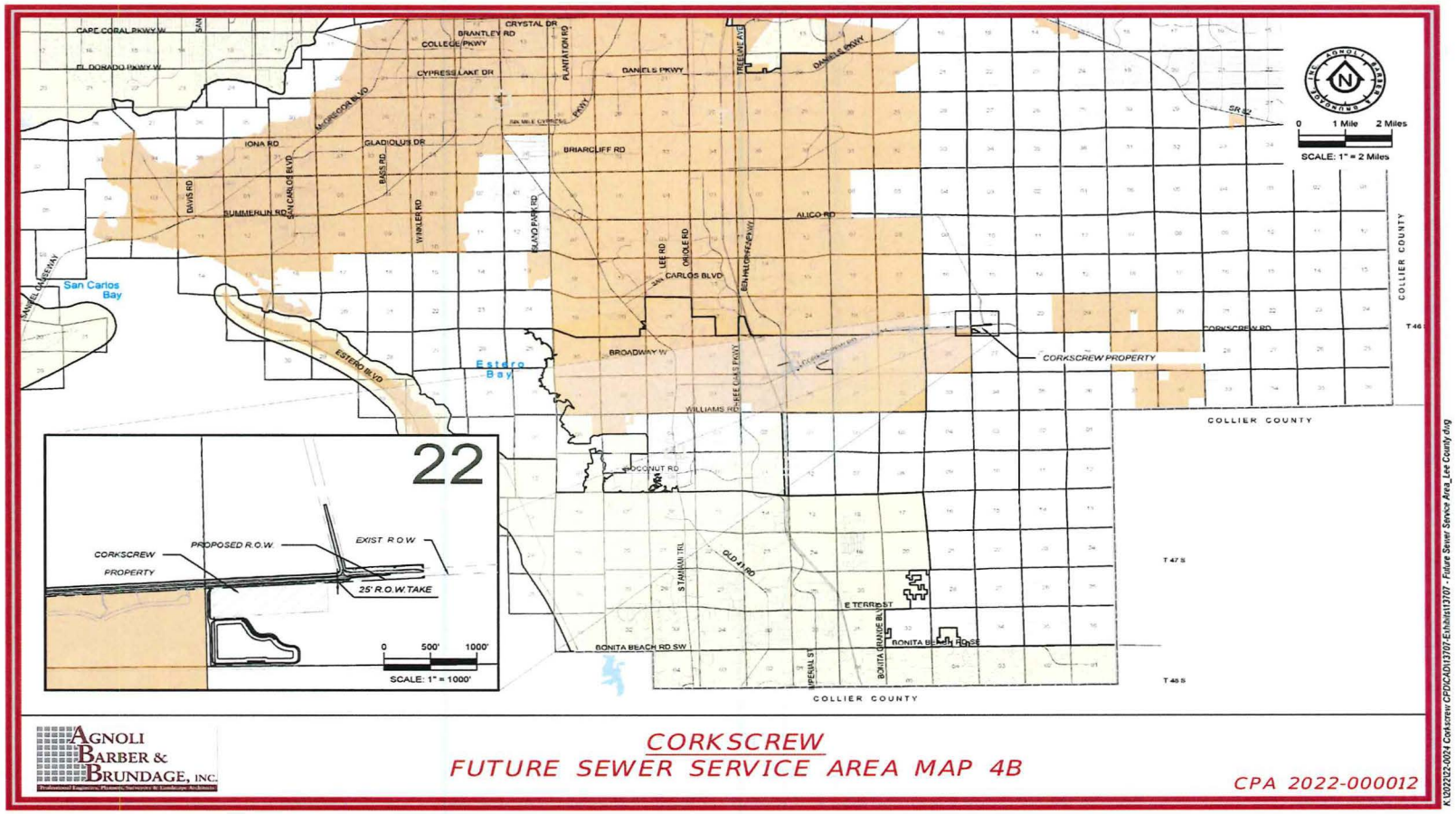
Corkscrew
Regional Aerial Map

Exhibit: M9

Existing and Approved Projects

- Corkscrew Shores
- FFD Mixed Use Planned Development
- Wild Blue Residential
- Bella Terra Residential
- The Place at Corkscrew
- Verdana Village
- Pepper Place
- Kingston Mixed Use Development

LEE COUNTY UTILITIES
SEWER SERVICE AREAS
MAP 4B



AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Surveyors & Landscape Architects

CORKSCREW
FUTURE SEWER SERVICE AREA MAP 4B

CPA 2022-000012

K:\2022\22-0024 Corkscrew CPD\CAD\13707-Exhibits\13707 - Future Sewer Service Area_Lee County.dwg

PUBLIC FACILITIES

Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Raymond Sandelli
District Three

Brian Hamman
District Four

Michael Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wm. Welsh
County Attorney

Donna Marie Collins
County Chief
Hearing Examiner

August 29, 2022 Via E-Mail

Margaret Embldge, AICP
Agnoli, Barber & Brundage, Inc.
7400 Trail Blvd., Suite 200
Naples, FL 34108

RE: **Potable Water and Wastewater Availability**
Small Brothers Commercial, 15230 Corkscrew Road
STRAP # 22-46-26-00-00001.0010

Dear Ms. Embldge:

The subject property is located within Lee County Utilities Future Service Area as depicted on Map 4A, but not Map 4B, of the Lee County Comprehensive Land Use Plan. 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 Comprehensive Plan Amendment and system enhancements such as line extensions will 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 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.

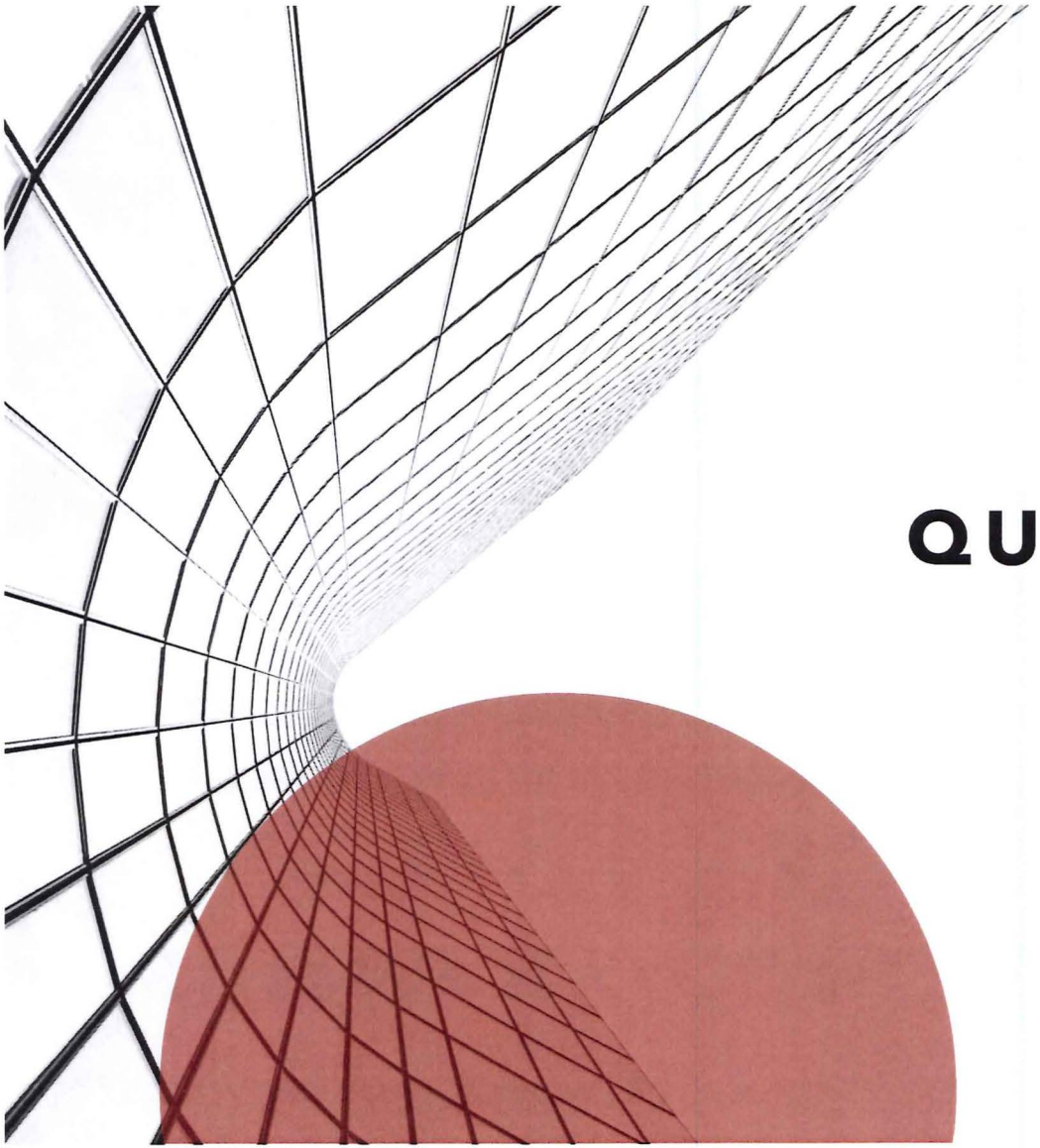
There are no reuse mains in the vicinity of this parcel.

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

SUMMARY/CONCLUSION

- **PROPOSED MAP 4B AMENDMENT FITS WITHIN THE OVERALL CONTEXT OF THE LEE PLAN FRAMWORK FOR THE PROVISION OF PUBLIC FACILITIES.**



QUESTIONS?