Summary of Hearing Examiner Recommendation

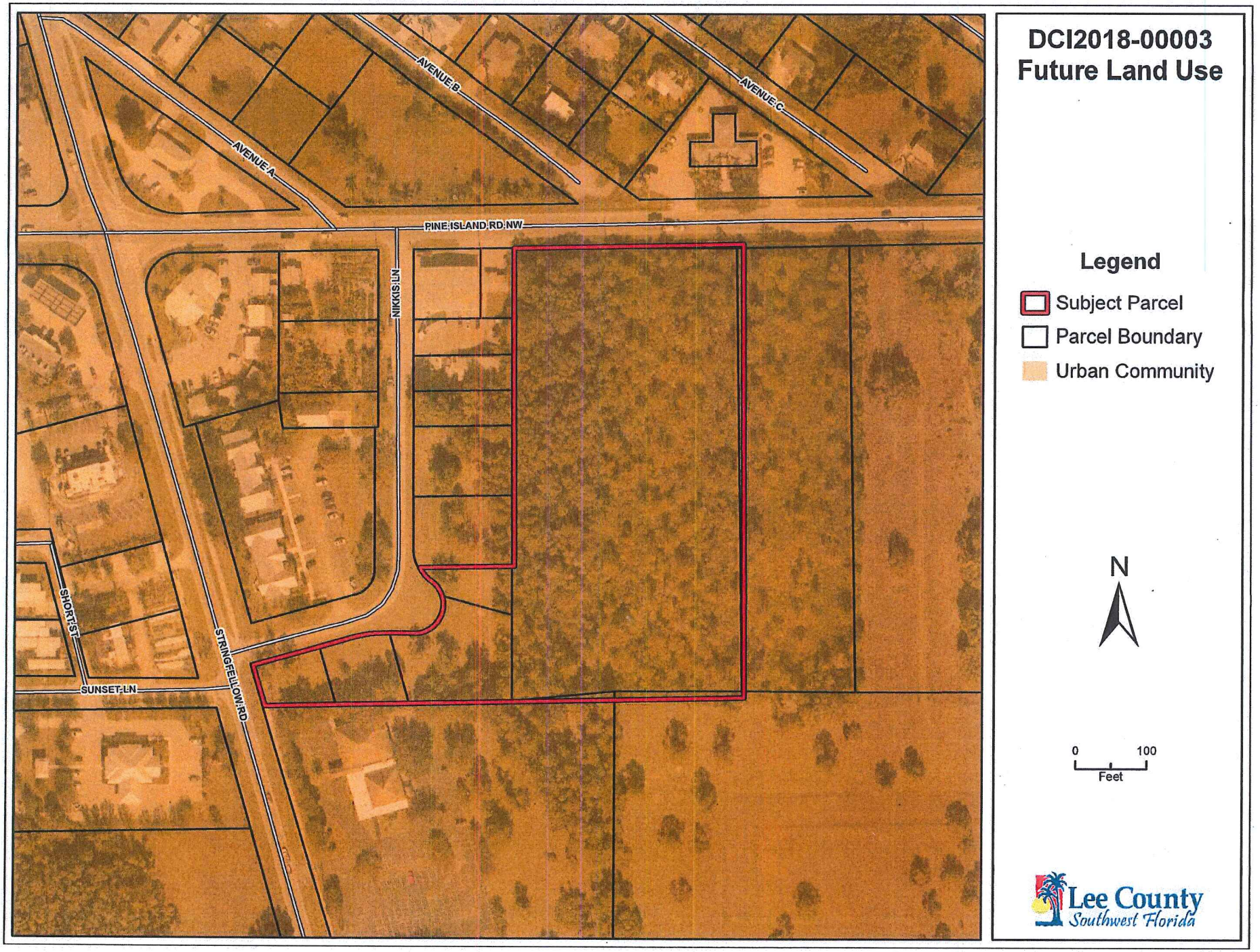
THE PINE ISLAND CENTER 7-11 CPD
By Creighton Commercial Development

Request:	Rezone two Commercial Planned Developments (CPD) on Pine Island to a single CPD, to facilitate construction of a Convenience Food and Beverage Store with a maximum floor area of 3,454 square feet and 16 self-service fuel pumps, and up to 15,000 square feet of commercial and office uses
Location:	5431 Pine Island Road (South of Pine Island Road, East of Stringfellow Road) Pine Island Planning Community (District 1)
Size:	5.77 +/- Acres
Recommendation:	Approval, with conditions
Deviations:	2
Conditions of Note:	Protection of gopher tortoises
Public Concerns:	Traffic congestion on Pine Island Road

Hearing Examiner Remarks:

The request consolidates and decreases intensity of two planned developments. Utilizing this property as a fueling station fills an important service need to the residents of Pine Island.

Detailed recommendation follows



DCI2018-00003
Future Land Use

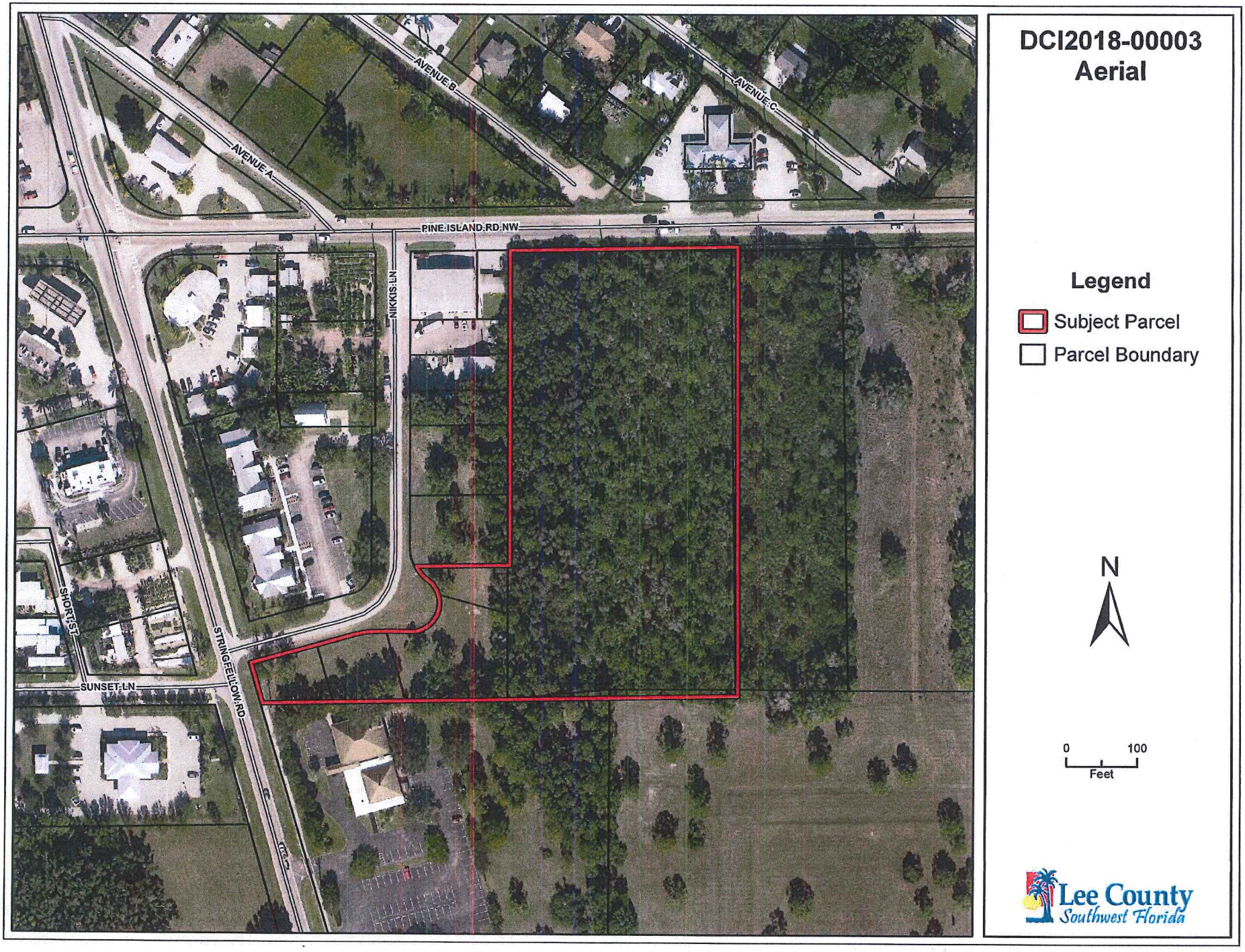
Legend

- Subject Parcel
- Parcel Boundary
- Urban Community

N

0 100
Feet

Lee County
Southwest Florida



DCI2018-00003
Aerial

Legend

- Subject Parcel
- Parcel Boundary

N

0 100
Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2018-00003

Regarding: **THE PINE ISLAND CENTER 7-11 CPD**

Location: 5431 Pine Island Road
(South of Pine Island Road and East of Stringfellow Road)

Pine Island Planning Community
(District 1)

Hearing Date: August 9, 2018
Record Closed: August 30, 2018

I. Request:

Rezone two Commercial Planned Developments (CPD) on Pine Island to a single CPD, to allow development of a Convenience Food and Beverage Store with a maximum floor area of 3,454 square feet and 16 self-service fuel pumps, and up to 15,000 square feet of commercial and office uses.

The property is legally described in Exhibit A.

II. Hearing Examiner Recommendation:

Approval, subject to conditions and deviations set forth in Exhibit B.

III. Discussion:

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.[1] In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone 5.77 acres from CPD to CPD.

In preparing a recommendation to the Board, the Hearing Examiner must consider the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other applicable County regulations to the facts presented in a rezoning request.[2] Specifically, the Hearing Examiner must find that the request is compatible with surrounding uses and complies with Lee Plan and LDC requirements relating to such items as transportation facilities, natural resources, and urban services.[3] The Hearing Examiner may take judicial notice of previous Board decisions in the context of reviewing

[1] LDC 34-145(d)(1)(a) & (2)(a).
[2] LDC 34-145(d)(3).
[3] LDC 34-145(d)(4).

zoning requests and preparing recommendations to the Board. The Hearing Examiner's recommendation must be based on competent and substantial evidence.[4]

Zoning History

The property consists of two vacant parcels, each zoned CPD. The 4.78 acre parcel fronting Pine Island Road is currently approved for 38,000 square feet of commercial development.[5] The adjacent parcel fronting Nikkis Lane is approved for 8,700 square feet of commercial/office use.[6] The development approvals on both properties permit a variety of nonresidential uses.

Request Summary

The applicant seeks to rezone and consolidate the two CPDs into a single 5.77 acre CPD.[7] The property is unique as it is significant in size and accesses two major roadways in Pine Island. Existing zoning approvals allow for much greater intensity than the applicant currently seeks.

The applicant proposes 3,454 square feet of Convenience Food and Beverage Store with 16 self-service fuel pumps, and up to 15,000 square feet of commercial and office uses. The Master Concept Plan (MCP) proposes the convenience store with fuel pumps to occupy the northern portion of the project with the southern portion slated for office or retail use (denoted as Parcels 1 and 2, respectively). A companion development order is under review for a 7-Eleven consistent with these parameters.

The property is located east of the intersection of Pine Island Road and Stringfellow Road in the Urban Community future land use category.

The requested CPD allows for a unified zoning designation in a developing commercial area. Maintaining planned development zoning is appropriate because it offers flexibility in project design while implementing the goals, objectives, and policies of the Lee Plan.[8] Two deviations are requested.

The Department of Community Development staff recommended approval with conditions.[9]

Lee Plan Consistency

All planned developments must be consistent with the Lee Plan.[10]

The property lies within the Pine Island Planning Community.[11] This community seeks to maintain an equilibrium between modest growth, a fragile ecology, and viable

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[4] Lee Co. Admin. Code 2-6, 3.3(A)(2); LDC 34-83(a)(4)(a)(1)(a).
[5] Creative Corner CPD, Z-07-015. Approved for a maximum of 28,000 square feet of commercial retail.
[6] Pine Island Center CPD, Z-06-043. Approved for up to 3,700 square feet of medical office use, limited to no more than 134 daily trips.
[7] The purpose and intent of a CPD is explained in LDC 34-931(e).
[8] Lee Plan Glossary; LDC 34-612(2); 34-935.
[9] *See* Staff Report.
[10] LDC 34-411(a).
[11] Lee Plan Map 1 Pg 8, Map 16; LDC 33-1001 *et seq.*

agriculture.[12] Commercial development is directed to the Pine Island Center to encourage employment opportunities, serve daily needs of residents and visitors, and demonstrate a positive impact on traffic patterns within Greater Pine Island.[13] The request achieves each of these objectives.[14]

The Urban Community future land use category identifies broad directives for the property.[15] Properties with this designation are expected to have an urban character while maintaining existing bases of urban services.[16] The request achieves this vision by infilling development along a major arterial road while providing residents additional fueling opportunities.

Compatibility and Buffering

Requests for rezoning must be compatible with existing or planned uses in the surrounding area.[17] Planned development parcels must be located to minimize the negative effects of the proposed uses on neighboring properties.[18]

The proposal envisions small scale commercial use consistent with existing and planned uses in the area.[19] Surrounding properties are predominantly commercial with vacant sites peppering the area.

The request incorporates many of the uses already approved in the existing CPDs and adds the Convenience Food and Beverage Store use. The record reflects that gas stations generally capture existing traffic rather than generate new transportation demands.[20] As the request maintains approved uses, reduces intensity, and decreases anticipated traffic generation, the proposal remains compatible with the surrounding area.[21]

The proposed site design provides buffering along all property boundaries to mitigate potential impacts to adjoining lands.[22] While the applicant seeks approval of the 5.77 acres as a unified project, the MCP denotes two parcels in a configuration not yet approved. Staff raised concerns of approving a single project that is expected to develop separately. Proposed conditions seek to minimize long-term impacts and satisfy public safety concerns.

The project will be subject to architectural and design standards adopted for Greater Pine Island.[23]

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[12] Lee Plan Vision Statement Paragraph 16.
[13] Lee Plan Policy 24.4.1.
[14] New development will spur employment, fuel service meets a daily need of both residents and visitors, and traffic patterns are positively impacted by capturing existing trips and through efficient site design connecting the project to two arterial roadways.
[15] Lee Plan Policy 1.1.4.
[16] *Id.*
[17] LDC 34-145(d)(4)(a).
[18] LDC 34-411(c) and (i).
[19] Lee Plan Glossary and Policies 6.1.3, 6.1.4; LDC 34-2, 34-931(e). The property is surrounded by existing institutional and commercial uses to the north, west and south. The parcel immediately east of the property is currently zoned TFC-2.
[20] *See* Staff Report Attachment D, Traffic Impact Statement dated March 1, 2018.
[21] *Id.; See* Staff Report.
[22] *See* Staff Report, Attachment K: Memorandum from Beth Workman, Environmental Planner, dated July 18, 2018; Attachment C: Master Concept Plans.
[23] See Lee Plan Policy 24.4.3; LDC 33-1081 et. seq.

Transportation Facilities/Traffic

Planned developments must have access to existing or proposed roads with sufficient capacity to support the proposed intensity.[24] Expected impacts on transportation facilities resulting from the rezoning must be addressed by existing regulations or conditions of approval.[25]

The property is bounded by Pine Island Road to the north and Nikkis Lane to the east. A small portion of the property fronts Stringfellow Road but the project will not directly access this roadway. The site is a prime location for commercial development given its access to two arterial roads on Pine Island.

Pine Island Road is a two-lane undivided arterial roadway and Nikkis Lane is a two-lane undivided local road.[26] The site plan proposes two full access points on these roads. The project will indirectly access Stringfellow Road, a two-lane undivided arterial, via Nikkis Lane.

The Traffic Impact Statement (TIS) reflects Pine Island Road will operate at an appropriate level of service both before and after project build out.[27] Notably, the proposed intensity will generate less traffic than the current zoning allows.[28]

Site-related improvements are generally addressed during the development order process.[29] However, the record reflects the applicant has committed to turn lane improvements.[30] The stated intention of such improvements is to alleviate existing and anticipated congestion along Pine Island Road.[31]

Staff found the proposal has sufficient road capacity and access to support the development.[32]

Environmental/Natural Resources

Planned development design should reflect creative use of the open space requirement.[33] Every effort must be made to protect, preserve or not unnecessarily destroy or alter natural features of the site.[34]

The project meets or exceeds LDC open space requirements.[35]

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[24] LDC 34-145(d)(4)(a)(1)(d); 34-411(d)(1).
[25] LDC 34-145(d)(4)(a)(1)(e); 34-411(d)(2).
[26] *See* Staff Report Attachment D, Traffic Impact Statement dated March 1, 2018.
[27] *Id.*
[28] *See* Staff Testimony (Transcript pg. 64).
[29] Lee Plan Objective 39.1, Policy 39.1.1.
[30] Testimony of Ted Treesh (Transcript pg. 103).
[31] *Id.*
[32] Staff Report (pg 5).
[33] LDC 34-411(h).
[34] LDC 34-411(g).
[35] *See* Staff Report Attachment K: Memorandum from Beth Workman, Environmental Planner, dated July 18, 2018.

There are active gopher tortoises within the footprint of the preserve area.[36] Staff conducted site reviews and coordinated with state agency personnel in compliance with Lee Plan directives to ensure gopher tortoise protection.[37] Recommended conditions ensure proper treatment of this protected species through the development process.

Urban Services

Properties proposed for rezoning must be served by urban services if located in a Future Urban category.[38] Evidence and testimony confirm the availability of urban services and infrastructure to serve the site including public water and sanitary sewer, roadways, public transit, and emergency services.[39]

The site is ideally located for commercial use given its proximity to urban services and infrastructure.[40]

Lee Tran hosts an existing bus stop proximate to the site.[41] Consequently, the developer is required to construct certain improvements to facilitate access to transit as a condition of development order approval or provide a fee-in-lieu of such improvements.[42] The MCP denotes the applicant will comply with this requirement. Testimony reflects an intent to provide the fee rather than construct improvements pursuant to discussions with Lee Tran personnel.[43]

Deviations

The applicant seeks two deviations from the LDC. A "deviation" is a departure from the land development regulations.[44] The applicant must demonstrate a requested deviation will enhance the objectives of the planned development and will not cause a detriment to public interests.[45]

The standard of review for deviations requires a finding that each deviation:

1. Enhances the achievement of the objectives of the planned development; and
2. Preserves and promotes the general intent of the LDC to protect the public health, safety and welfare.[46]

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[36] *Id.*
[37] Lee Plan Policy 107.8; Testimony of Beth Workman (Transcript pg. 82).
[38] LDC 34-145(d)(4)(a)(1)(g).
[39] *See* Staff Report (pg 5) and Attachment H, Letter from Greater Pine Island Water Assoc, dated October 26, 2017 and Lee County Utilities dated October 11, 2017.
[40] Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 2.2.2, 6.1.7.
[41] Lee Plan Policy 39.1.3.
[42] LDC 10-442(a) requires commercial developments with less than 30,000 square feet of total floor area to provide a paved walkway to the nearest bus stop if a stop is within ¼ mile of the project entrance. In addition, the LDC requires the installation of a bicycle storage rack, signage and landing pad; LDC 10-443 allows for a fee-in-lieu in certain instances; *See* Lee Plan Policy 39.2.1.
[43] Testimony of Greg Stuart (Transcript pg. 10).
[44] LDC 34-2.
[45] LDC 34-373(a)(9).
[46] LDC 34-145(d)(4)(a)(2)(c); LDC 34-377(a)(4).

Originally the applicant sought four deviations, but determined two were unnecessary. The two remaining deviations relate to the driveway width along Pine Island Road[47] and interconnections to adjacent lots along Nikkis Lane.[48] Both deviations are supported by staff.

Applying the LDC standard of review for deviations, the Hearing Examiner recommends approval of the requested deviations as conditioned.

Conditions

Conditions may be applied to planned developments to address unique aspects of the property in the protection of a bona fide public interest.[49] This CPD will be subject to conditions of approval. The proposed conditions reasonably relate to the impacts anticipated from this development.[50]

The staff report reflects seven proposed conditions. Discussion at hearing prompted the applicant to propose four additional conditions provided in written submissions. The Hearing Examiner has modified many conditions for ease of clarity and to facilitate execution and enforcement.[51] Other modifications were necessary to reflect revisions applicant made to the MCP in response to staff concerns.

Public Participation

Three members of the public spoke at the hearing.[52] Most comments centered on traffic congestion affecting Pine Island Road. The speakers anecdotally noted that a new fueling station is needed for this area.

IV. Findings and Conclusions:

Based on the testimony and exhibits presented, the Hearing Examiner recommends approval of the Commercial Planned Development zoning district, with conditions, and makes the following findings and conclusions:

A. The request for CPD zoning complies with the Lee Plan. *See* Lee Plan Goals 2, 4, 6, and 24; Objectives 2.1, 2.2, 17.3, 24.4, and Policies 1.1.4, 1.7.6, 2.1.1, 2.2.1, 4.1.1, 4.1.2, 6.1.4, 6.1.7, 24.4.1; Lee Plan Vision Statement Paragraph 16, Map 1, Map 16, Table 1(b);

B. As conditioned, the CPD zoning designation:

1) Will meet the standards set forth in the LDC and other applicable County regulations. *See* Lee Plan Goals 2, 4, 6, 24; Objectives 2.1, 2.2 and Policies 2.1.1, 6.1.1, 24.4.3; LDC 34-411 *et seq.*, 33-1001 *et seq.;*

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[47] LDC 34-2013(b)(3) (Deviation 2).
[48] LDC 10-295 (Deviation 4).
[49] LDC 34-932(b) provides conditions may be applied to address unique aspects of the parcel to protect a bona fide public interest. LDC 34-936(a) requires conditions of approval in the zoning resolution be incorporated into covenants, restrictions and rules of operation binding on the developer, his successors and heirs, tenants-in-fee or leasehold.
[50] LDC 34-932(c); LDC 34-83(a)(4)(a)(3)(b).
[51] LDC 34-145(d)(6)(a).
[52] Lee Plan Objective 17.3; LDC 33-1003.

2) Is compatible with existing and planned uses in the surrounding area. *See* Lee Plan Objectives 2.1, 2.2, and Policies 1.7.6, 2.1.1, 6.1.4; and LDC 34-411(i);

3) Will not adversely affect environmentally critical or sensitive areas or natural resources. *See* Lee Plan Objective 24, Policy 24.1; LDC 34-411(h);

4) Will be served by urban services including public water and sewer, paved streets, and public transit. *See* Lee Plan Objectives 2.1, 2.2, and 4.1; Policies 2.2.1, 6.1.4; and Standards 4.1.1, 4.1.2;

5) Will provide sufficient access to support the proposed development intensity. *See* Lee Plan Policies 6.1.1, 39.2.1; and LDC 34-411(d);

6) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval. *See* LDC 34-411(d)-(e);

7) The proposed uses are appropriate at the proposed location. *See* Lee Plan Policies 2.1.1, 2.2.2, 6.1.4, 6.1.7; and LDC 34-411(j);

8) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. *See* LDC 34-932 (b-c); 34-83(a)(4)(a)(3); and

9) The deviations, as conditioned:

a) Enhance the objectives of the planned development; and

b) Preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

Date of Recommendation: December 3, 2018.

Amanda L. Rivera

AMANDA L. RIVERA
Deputy Hearing Examiner

Office of the Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

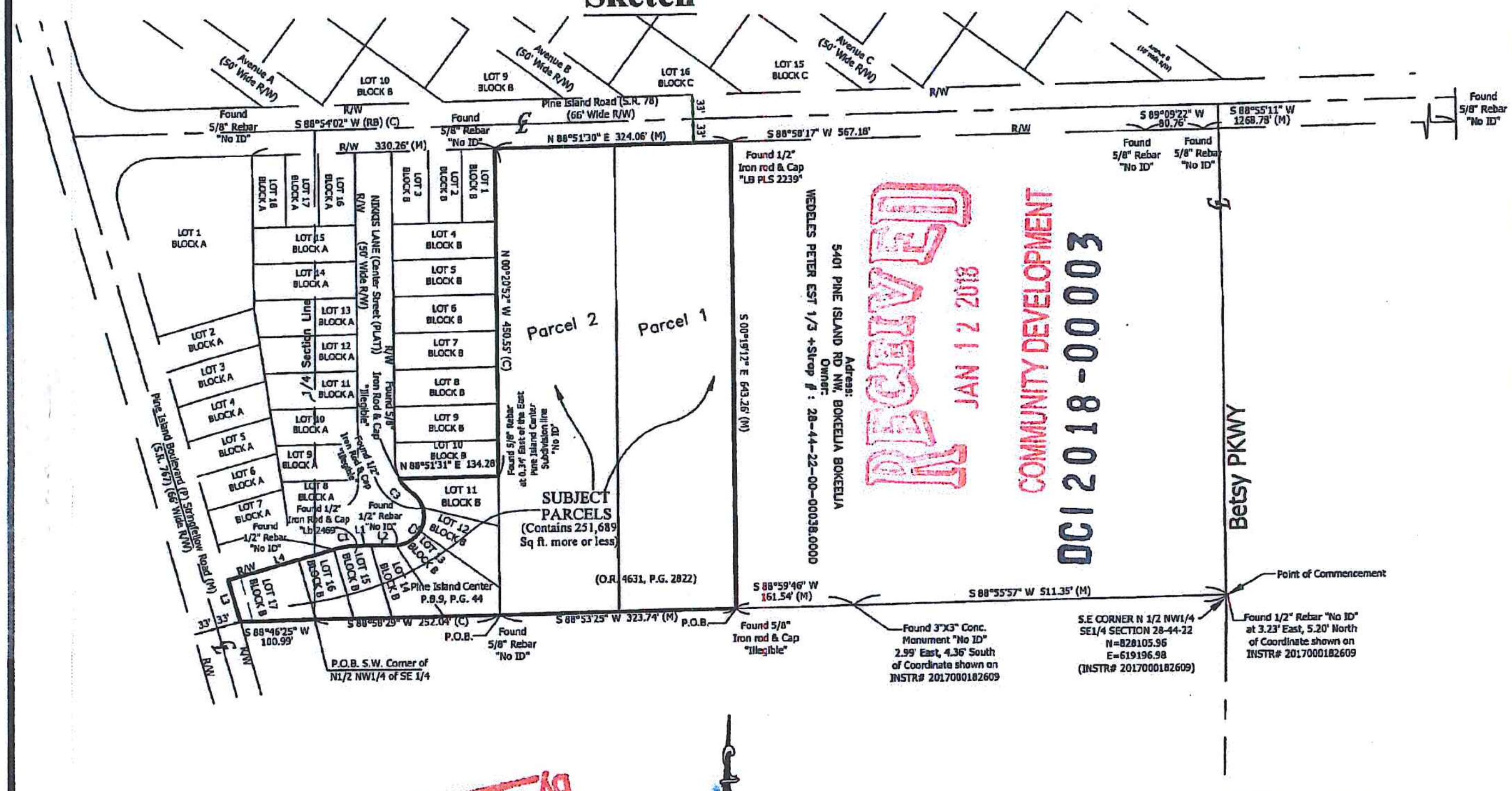
Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Clean Version of Recommended Conditions and Deviations
Exhibit D Exhibits Presented at Hearing
Exhibit E Hearing Participants
Exhibit F Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Sketch



RECEIVED JAN 12 2018 COMMUNITY DEVELOPMENT DCI2018-00003

Applicant's Legal Checked by MJL 8/6/18 1-2

SCALE 1" = 200'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1(M)	33.38'	122.00'	15°40'33"	N 81°51'13" E	33.27'
C2	100.27'	40.82'	140°45'20"	N 17°24'57" E	76.89'
C3	26.41'	55.00'	27°30'49"	N 41°05'33" W	26.16'

LINE	BEARING	DISTANCE
L1	S 87°58'58" W	18.03'
L2	S 89°18'34" E	33.79'
L3	N 16°00'12" W	60.00'
L4	N 74°09'42" E	149.55'

P.O.B. : Point of Beginning

SURVEY NOTES:

1. BEARINGS ARE BASED ON THE NORTH LINE OF NORTH 1/2 OF NORTHWEST 1/4 OF SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST, BEING S 88°54'02" W (C) (RB).
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. THIS IS NOT A SURVEY
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. *COPYRIGHT 2017, KING ENGINEERING, INC., ALL RIGHTS RESERVED.*
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6. NOT VALID WITHOUT SHEET 2 OF 2.

Sheet 1 of 2

Sketch to Accompany Description

Subject Parcel

A Tract of Land lying in a Portion of Section 28, Township 44 South, Range 22 East, Lee County, Florida

THIS IS NOT A SURVEY

STOUTENCRAMER
A KING ENGINEERING COMPANY
King Engineering Associates, Inc.

CERTIFICATE OF AUTHORIZATION: LB2610
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991
Phone: (239) 673-9541 Fax: (239) 424-8181
www.kingengineering.com

JOB # 17-6511	PREPARED FOR: Creighton Companies, LLC
SECTION 28, TOWNSHIP 44S, RANGE 22E	
DATE	**REVISION**

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on December 11th, 2017 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

Jeffrey D. Stouten License Number LS 6584 State of Florida Professional Surveyor and Mapper

Digitally signed by Jeffrey Stouten
DN: cn=Jeffrey Stouten, o=Stouten Cramer, Inc., ou,
email=jeff@scisurvey.com, c=US
Date: 2017.12.19 09:03:19 -05'00'

JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Description

Subject Parcel Description:

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST, AND FURTHER DESCRIBED AS FOLLOWS:

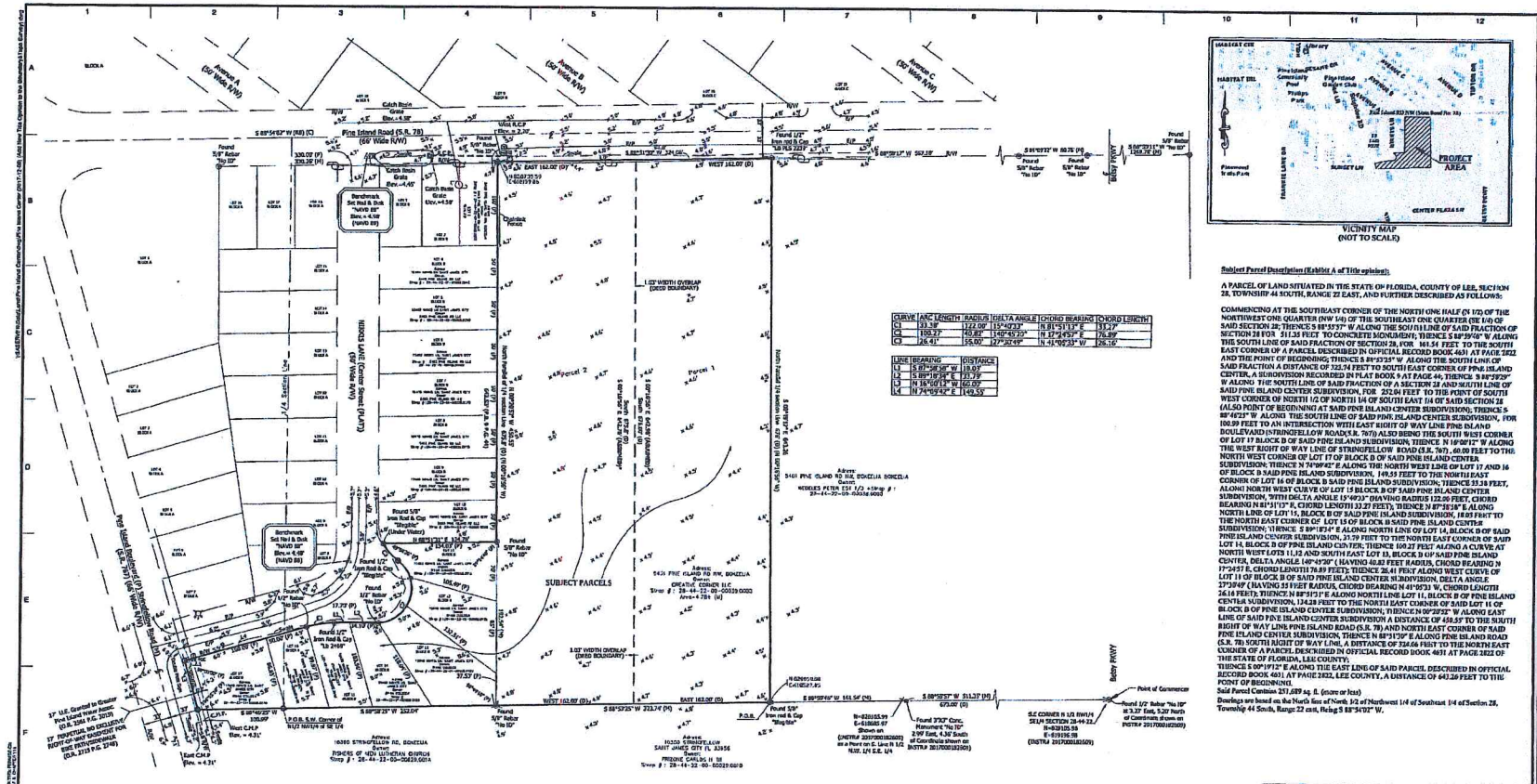
COMMENCING AT THE SOUTHEAST CORNER OF THE NORTH ONE HALF (N 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SAID SECTION 28; THENCE S 88°55'57" W ALONG THE SOUTH LINE OF SAID FRACTION OF SECTION 28 FOR 511.35 FEET TO CONCRETE MONUMENT; THENCE S 88°59'46" W ALONG THE SOUTH LINE OF SAID FRACTION OF SECTION 28, FOR 161.54 FEET TO THE SOUTH EAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 4631 AT PAGE 2822 AND THE POINT OF BEGINNING; THENCE S 88°53'25" W ALONG THE SOUTH LINE OF SAID FRACTION A DISTANCE OF 323.74 FEET TO SOUTH EAST CORNER OF PINE ISLAND CENTER, A SUBDIVISION RECORDED IN PLAT BOOK 9 AT PAGE 44; THENCE S 88°58'29" W ALONG THE SOUTH LINE OF SAID FRACTION OF A SECTION 28 AND SOUTH LINE OF SAID PINE ISLAND CENTER SUBDIVISION, FOR 252.04 FEET TO THE POINT OF SOUTH WEST CORNER OF NORTH 1/2 OF NORTH 1/4 OF SOUTH EAST 1/4 OF SAID SECTION 28 (ALSO POINT OF BEGINNING AT SAID PINE ISLAND CENTER SUBDIVISION); THENCE S 88°46'25" W ALONG THE SOUTH LINE OF SAID PINE ISLAND CENTER SUBDIVISION, FOR 100.99 FEET TO AN INTERSECTION WITH EAST RIGHT OF WAY LINE PINE ISLAND BOULEVARD (STRINGFELLOW ROAD(S.R. 767)) ALSO BEING THE SOUTH WEST CORNER OF LOT 17 BLOCK B OF SAID PINE ISLAND SUBDIVISION; THENCE N 16°00'12" W ALONG THE WEST RIGHT OF WAY LINE OF STRINGFELLOW ROAD (S.R. 767) , 60.00 FEET TO THE NORTH WEST CORNER OF LOT 17 OF BLOCK B OF SAID PINE ISLAND CENTER SUBDIVISION; THENCE N 74°09'42" E ALONG THE NORTH WEST LINE OF LOT 17 AND 16 OF BLOCK B SAID PINE ISLAND SUBDIVISION, 149.55 FEET TO THE NORTH EAST CORNER OF LOT 16 OF BLOCK B SAID PINE ISLAND SUBDIVISION; THENCE 33.38 FEET, ALONG NORTH WEST CURVE OF LOT 15 BLOCK B OF SAID PINE ISLAND CENTER SUBDIVISION, WITH DELTA ANGLE 15°40'33" (HAVING RADIUS 122.00 FEET, CHORD BEARING N 81°51'13" E, CHORD LENGTH 33.27 FEET); THENCE N 87°58'58" E ALONG NORTH LINE OF LOT 15, BLOCK B OF SAID PINE ISLAND SUBDIVISION, 18.03 FEET TO THE NORTH EAST CORNER OF LOT 15 OF BLOCK B SAID PINE ISLAND CENTER SUBDIVISION; THENCE S 89°18'34" E ALONG NORTH LINE OF LOT 14, BLOCK B OF SAID PINE ISLAND CENTER SUBDIVISION, 33.79 FEET TO THE NORTH EAST CORNER OF SAID LOT 14, BLOCK B OF PINE ISLAND CENTER; THENCE 100.27 FEET ALONG A CURVE AT NORTH WEST LOTS 11,12 AND SOUTH EAST LOT 13, BLOCK B OF SAID PINE ISLAND CENTER, DELTA ANGLE 140°45'20" (HAVING 40.82 FEET RADIUS, CHORD BEARING N 17°24'57 E, CHORD LENGTH 76.89 FEET); THENCE 26.41 FEET ALONG WEST CURVE OF LOT 11 OF BLOCK B OF SAID PINE ISLAND CENTER SUBDIVISION, DELTA ANGLE 27°30'49' (HAVING 55 FEET RADIUS, CHORD BEARING N 41°05'33 W, CHORD LENGTH 26.16 FEET); THENCE N 88°51'31' E ALONG NORTH LINE LOT 11, BLOCK B OF PINE ISLAND CENTER SUBDIVISION, 134.28 FEET TO THE NORTH EAST CORNER OF SAID LOT 11 OF BLOCK B OF PINE ISLAND CENTER SUBDIVISION; THENCE N 00°20'52" W ALONG EAST LINE OF SAID PINE ISLAND CENTER SUBDIVISION A DISTANCE OF 450.55' TO THE SOUTH RIGHT OF WAY LINE PINE ISLAND ROAD (S.R. 78) AND NORTH EAST CORNER OF SAID PINE ISLAND CENTER SUBDIVISION, THENCE N 88°51'30" E ALONG PINE ISLAND ROAD (S.R. 78) SOUTH RIGHT OF WAY LINE, A DISTANCE OF 324.06 FEET TO THE NORTH EAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 4631 AT PAGE 2822 OF THE STATE OF FLORIDA, LEE COUNTY; THENCE S 00°19'12" E ALONG THE EAST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 4631 AT PAGE 2822, LEE COUNTY, A DISTANCE OF 643.26 FEET TO THE POINT OF BEGINNING.

Said Parcel Contains 251,689 sq. ft. (more or less)

Bearings are based on the North line of North 1/2 of Northwest 1/4 of Southeast 1/4 of Section 28, Township 44 South, Range 22 east, Being S 88°54'02" W.

Applicant's Legal Checked by MJL 5/16/18 2-2

THIS IS NOT A SURVEY	Description to Accompany Sketch **Subject Parcel** *A Tract of Land lying in Portion of Section 28, Township 44 South, Range 22 East, Lee County, Florida*	*Not Valid without Sheet 1 of 2*
Sheet 2 of 2	STOUTENCRAMER A KING ENGINEERING COMPANY King ENGINEERING ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION: LB2610 324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 www.kingengineering.com	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on December 11th, 2017 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. *See Sheet 1 of 2 for Signature and Seal* JEFFREY D. STOUTEN (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
JOB # 17-6511 | PREPARED FOR: Creighton Companies, LLC SECTIONS 28, TOWNSHIP 44S, RANGE 22E		


Fine Island Road (S.R. 78)
(66' Wide R/W)
Avenue A
(50' Wide R/W)
Avenue B
(50' Wide R/W)
Avenue C
(50' Wide R/W)
Gladiolus Drive
(Varies in Width)
Bayshore Drive
(S.R. 867)
Bench mark
Set Nail & Disk
"NAVD 88"
Elev. = 4.58'
(NAVD 88)
Bench mark
Set Nail & Disk
"NAVD 88"
Elev. = 4.48'
(NAVD 88)
SUBJECT PARCELS
Parcel 1
Parcel 2
P.O.B.
P.O.C.
Point of Commence
Found 5/8" Rebar "No ID"
Found 5/8" Rebar "No LB"
Found 1/2" Rebar "No ID"
Found 1/2" Rebar "No LB"
Found 5/8" Iron Rod & Cap "Stapley"
Found 5/8" Iron Rod & Cap "Stapley" (Under Water)
Found 5/8" Iron Rod & Cap "No ID"
Found 5/8" Iron Rod & Cap "No LB"
Found 5/8" Iron Rod & Cap "Ring Inc"
Found 1/2" Iron Rod & Cap "LB 2400"
Found 1/2" Iron Rod & Cap "LB 6600"
Found 1/2" Iron Rod & Cap "LB 7932"
Found 1/2" Iron Rod & Cap "LB 7932" (Under Water)
Found 1/2" Iron Rod & Cap "LB 6600" (Under Water)
Found 1/2" Iron Rod & Cap "LB 2400" (Under Water)

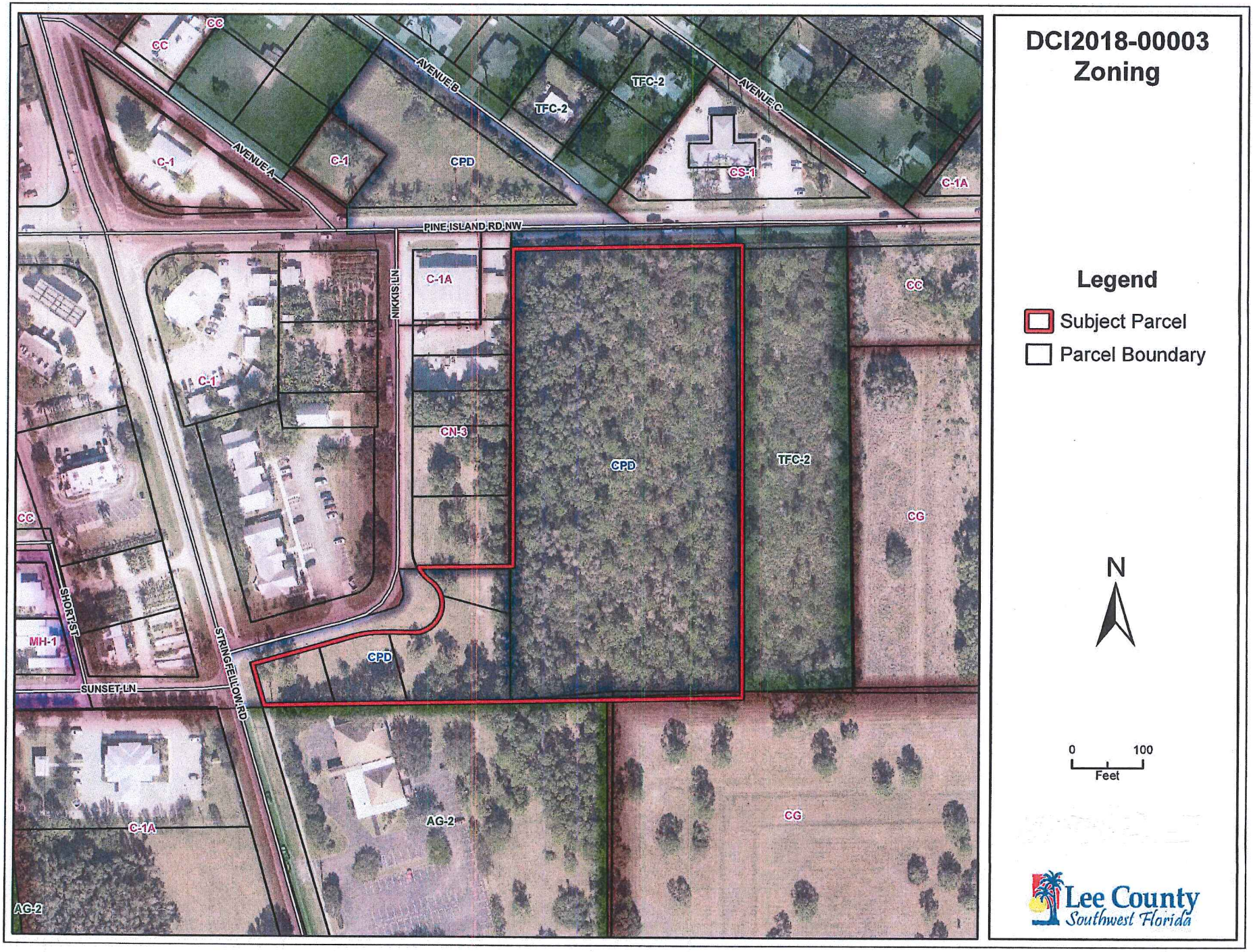

DCI2018-00003
Zoning
Legend
Subject Parcel
Parcel Boundary
N
0
100
Feet
Lee County
Southwest Florida
CC
C-1
AVENUE A
AVENUE B
AVENUE C
TFC-2
CPD
CS-1
C-1A
PINE ISLAND RD NW
NIKKIS LN
CN-3
CG
SHORT ST
MH-1
SUNSET LN
STRINGFELLOW RD
AG-2

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

The Hearing Examiner revised proposed conditions and deviations to improve clarity and facilitate understanding, implementation, and compliance.

All references to uses are as defined and regulated in the Land Development Code (LDC).

CONDITIONS:

1. Master Concept Plan/Development Parameters

~~The one-page Master Concept Plan (MCP) stamped received on August 24, 2018 (Exhibit B1) must be modified to demonstrate compliance with the following:~~

~~a. Land Development Code (LDC) Section 34-2013(b)(3) states development must have a distinct parking lot entrance meeting the requirements of Chapter 10. This Section also states the maximum width of the entrance at the property line cannot exceed 35 feet. The MCP shows the entrance on Pine Island Road. Although it is not dimensioned, the entrance appears to be substantially the same as shown on the local development order plans. These development order plans show the width is 55 feet wide.~~

~~b. LDC Section 34-1353 provides the supplemental regulations for convenience food and beverage stores, automobile service stations, fast food restaurants, and car washes. Subsection (f) states these uses must be separated from adjacent residentially zoned or developed properties by an 8-foot high masonry wall or fence located 25 feet from the property line with the required landscaping, or a 30-foot wide Type "F" buffer with the hedge planted a minimum of 20 feet from the abutting property. The MCP along the eastern property line does demonstrate compliance with this Section of the LDC.~~

~~The MCP shows two parcels as part of this planned development. LDC Section 10-416 requires a buffer between two commercial lots or parcels. The MCP fails to show the required buffer. The MCP needs to be revised to show this required buffer.~~

~~In review of the local development order plans, it should be noted the plans show only one parcel. If this remains true, the street right-of-way buffering required by LDC Section 34-1353(e) must be demonstrated along Nikkis Lane and Stringfellow Road. The MCP should be revised to show compliance with this Section.~~

~~c. LDC Section 10-295 states street stubs or an interconnection to adjoining areas must be provided where deemed necessary. The MCP shows no such proposed interconnection to the property to the east. Staff is concerned with public health and safety related to the design of the project, and finds it would be appropriate to include future interconnection to the property to the east. The MCP should be revised to show an interconnection to the TFC-2 zoned property to the east.~~

~~d. LDC Section 34-373(a)j. requires the MCP to depict the proposed access and facilities for public transit in accordance with LDC Sections 34-411(e) and 10-442. The MCP needs to be revised to clearly depict this information.~~

~~This d~~ Development must be consistent with the Pine Island Center 7-Eleven CPD Master Concept Plan (MCP) stamped received on August 29, 2018. (MCP: Exhibit B1)

Development must comply with ~~all requirements of~~ the Lee County Land Development Code (LDC) and Lee County Comprehensive Plan (Lee Plan) at time of local development order approval, except ~~as may be granted by~~ where deviations ~~as part of this planned development and with~~ are approved in this resolution. ~~with the following conditions~~. Subsequent ~~If~~ changes to the MCP ~~are subsequently pursued, appropriate approvals will be necessary~~ require further development approvals.

~~The~~ Development is permitted a maximum intensity of 18,454 square feet of floor area (restaurant gross floor area includes restaurant outdoor seating areas), of which the proposed convenience food and beverage store is limited to a maximum of 3,454 square feet. The convenience food and beverage store is limited to a maximum of 16 fuel pumps, with no additional fuel pumps allowed within the development.

~~At the time of local development order, the developer will provide a cumulative land development summary table in the site development plan that at minimum includes:~~

~~a. each "realized" permitted use (to include uses associated with the immediate and any unexpired approved development orders),~~

~~b. the corresponding intensity of each "realized" permitted use (i.e. gross floor area, dwelling units, etc.),~~

~~c. the corresponding zoning action, approved development order, and building permit that authorizes each "realized" use and intensity of use,~~

~~d. each total "realized" permitted use intensity, and~~

~~e. each total remaining "unrealized" permitted use intensity (permitted, but not currently contemplated by the immediate and any unexpired approved development orders).~~

HEARING EXAMINER NOTE: Recommend deletion of conditions no longer necessary due to MCP revisions made as part of post-hearing written submissions. Condition redrafted for clarity. Recommend deletion of condition requiring development summary table as this is a small development with only two proposed buildings.

2. Uses and Site Development Regulations

a. ~~The approved~~ Schedule of Uses ~~is~~:

Accessory Uses and Structures
Administrative Offices
Animals: Clinic or Kennel (No Outdoor Runs)
Auto Parts Store (No Installation)
Banks and Financial Establishments: Groups I & II
Business Services: Groups I & II (excluding bail bonding and armored car services)
Car Wash
Clothing Stores, general
Clubs: Commercial

Fraternal, membership organizations
Private
Consumption on Premises (LDC Section 34-1261 et seq.)
Convenience Food and Beverage Store, limited to 16 fuel pumps & only on Parcel 1
Drug Store, Pharmacy, limited to 4,500 square feet
Essential Services
Essential Service Facilities: Group I
Excavation: Water Retention, not to include the removal of excavated material
Fences and Walls
Food Stores: Group I
Gift and Souvenir Shop
Hardware Store
Health Care Facilities: Group I
Hobby, Toy and Game Shops
Household and Office Furnishings: Groups I & II, no outdoor display
Insurance Companies
Laundry or Dry Cleaning: Group I
Medical Office
Package Store (LDC Section 34-1261 et seq.)
Paint Glass and Wallpaper
Parking Lot: Accessory
Personal Services: Groups I, II, III, & IV (excluding massage establishments, massage parlors, steam or Turkish baths, dating services, escort services, palm readers, fortune tellers, card readers and tattoo parlors)
Pet Services, no outdoor runs
Pet Shop, no outdoor runs
Place of Worship
Post Office
Printing and Publishing
Real Estate Sales Offices
Recreation Facilities: Commercial - Groups I & IV
Religious Facilities
Rental or Leasing Establishment: Groups I, II & III (no Construction Equipment and Trucks)
Repair Shops: Groups I & II
Restaurants: Groups II & III; Group IV by Special Exception
Schools: Commercial & Non-commercial
Self-Service Fuel Pumps, limited to 16 pumps accessory to a Convenience Food and Beverage Store & only on Parcel 1
Signs (in accordance with Chapter 30)
Social Services: Groups I & II
Specialty Retail: All Groups
Storage: Indoor accessory only

b. The approved Property Development Regulations are:

Minimum Lot Dimensions
Lot Area: 20,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks:
Street: 25 feet / 50 feet (uses listed under 34-1353)
Side Yard: 15 feet
Rear Yard: 20 feet
Water Body: 25 feet

Building Separation: One-half the sum of the heights of both buildings or 20 feet, whichever is greater, per LDC Section 34-935(e)(4)

Maximum Building Height: 35 feet

Maximum Lot Coverage: 40%

HEARING EXAMINER NOTE: Recommend clarification of the location and association of fuel pumps as accessory only to the convenience food and beverage store, and only on the northern parcel denoted on the MCP. Excavation use added by applicant in post-hearing written submission and originally approved in Z-07-015.

3. Blasting.

~~Development blasting is a prohibited development activity within this planned development.~~ Blasting is prohibited.

4. Vehicular/Pedestrian Impacts

Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

5. Vehicular Access

~~As part of the initial local development order:~~

a. The developer must construct the ~~accessway/street~~ roadway connecting Parcel 1 ~~on the MCP~~ to Nikkis Lane at the time of initial development order approval ~~is required to be developed~~; and

b. ~~a future vehicular interconnection must be shown on the initial development order plans connecting the subject property to the property to the east~~. The developer must provide an access easement for the interconnection to the property to the east at the time of local development order approval. The developer must construct the interconnection at the time the property to the east develops. ~~Interconnection with the property to the request is required when that property is developed~~.

6. Protected Species

Prior to the issuance of a development order, the developer must provide:

a. ~~Prior to the issuance of a development order,~~ The protected species survey ~~must~~ includeing onsite gopher tortoise protection within the indigenous preserve and ~~provide~~ supporting

maps illustrating a protection diameter of 50 feet around each burrow within the indigenous preserve;

b. ~~Prior to the issuance of a development order,~~ The indigenous management plan ~~must include~~ stating exotic vegetation ~~to~~ will be completed by hand removal only; and

c. ~~Prior to the issuance of a Vegetation Removal permit,~~ A point map ~~must be submitted~~ illustrating the boundaries of the indigenous preserve and the location of the gopher tortoise fencing on the toe of slope of the preserve side of the water management berm.

7. Surface Water Management

Prior to the issuance of a development order:

a. ~~Prior to development order approval,~~ All plans must show a detention area outside of the indigenous preserve with the water management berm proposed along the western and northern preserve limits. No berm ~~must~~ may be proposed along the southern ~~and~~ or eastern indigenous preserve limits.

b. ~~Prior to development order approval,~~ The surface water management system must not utilize the indigenous preserve for pre-treatment and attenuation.

c. ~~Prior to development order approval,~~ The landscape plans must illustrate one gallon native grasses within the detention area planted 3-foot on center. The general tree requirement may be reduced by one 10-foot general tree for every 400 square feet of detention planted.

8. Indigenous Area

a. ~~Code required shrubs~~ Material ~~associated with~~ required by the Type 'F' Buffer along the southern portion of the eastern property line must be planted outside of the Indigenous Area and may ~~so as to~~ not disturb the Indigenous Area.

b. Removal of gopher tortoises and exotic vegetation from the Indigenous Area must not disturb the existing native vegetation understory or trees.

9. Lot Split

If the property is divided into separate parcels:

a. Each parcel must contain a prorated share of indigenous area, open space, and drainage, and ~~be~~ provide buffer~~eds~~ in accordance with the MCP and LDC.

b. The developer must form and provide documentation to the County of a legal entity providing for unified control and perpetual maintenance of common elements such as the indigenous area, surface water management system, utilities, and internal roadway.

HEARING EXAMINER NOTE: Recommend a unified entity to ensure perpetual maintenance of shared features. This was discussed at hearing with applicant indicating a property owners' association would be formed. Staff raised a concern of bifurcated ownership both in the written

record and in testimony. Adding this condition ensures consistency in the development's long-term operations. The LDC may require this as a condition of lot split approval.

DEVIATIONS:

1. Deviation (1): Withdrawn.

2. Access. Deviation (2) seeks relief from LDC 34-2013(b)(3), which requires a distinct parking lot entrance with a maximum width at the property line of 35 feet, to allow a width at the property line of 55 feet.

   Hearing Examiner Recommendation: Approve.

3. Deviation (3): Withdrawn.

4. Street Stubs to Adjoining Properties. Deviation (4) seeks relief from LDC 10-295, which requires interconnections to adjoining areas, to eliminate the requirement to interconnect to the seven western adjacent parcels along Nikkis Lane which do no front Pine Island Road.

   Hearing Examiner Recommendation: Approve, subject to condition 5 requiring interconnection to adjoining parcels fronting Pine Island Road.

Exhibits to Conditions:
B1 Master Concept Plan, stamped received August 29, 2018

Exhibit C

CLEAN VERSION OF
RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS:

1. Master Concept Plan/Development Parameters

Development must be consistent with the Pine Island Center 7-Eleven CPD Master Concept Plan (MCP) stamped received on August 29, 2018. (MCP: Exhibit B1)

Development must comply with the Lee County Land Development Code (LDC) and Lee County Comprehensive Plan (Lee Plan) at time of local development order approval, except where deviations are approved in this resolution. Subsequent changes to the MCP require further development approvals.

Development is permitted a maximum intensity of 18,454 square feet of floor area (restaurant gross floor area includes restaurant outdoor seating areas), of which the proposed convenience food and beverage store is limited to a maximum of 3,454 square feet. The convenience food and beverage store is limited to a maximum of 16 fuel pumps, with no additional fuel pumps allowed within the development.

2. Uses and Site Development Regulations

a. Schedule of Uses:

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Clubs: Commercial
Fraternal, membership organizations
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Consumption on Premises (LDC Section 34-1261 et seq.)
Convenience Food and Beverage Store, limited to 16 fuel pumps & only on Parcel 1
Drug Store, Pharmacy, limited to 4,500 square feet
Essential Services
Essential Service Facilities: Group I
Excavation: Water Retention, not to include the removal of excavated material
Fences and Walls
Food Stores: Group I

Gift and Souvenir Shop
Hardware Store
Health Care Facilities: Group I
Hobby, Toy and Game Shops
Household and Office Furnishings: Groups I & II, no outdoor display
Insurance Companies
Laundry or Dry Cleaning: Group I
Medical Office
Package Store (LDC Section 34-1261 et seq.)
Paint Glass and Wallpaper
Parking Lot: Accessory
Personal Services: Groups I, II, III, & IV (excluding massage establishments, massage parlors, steam or Turkish baths, dating services, escort services, palm readers, fortune tellers, card readers and tattoo parlors)
Pet Services, no outdoor runs
Pet Shop, no outdoor runs
Place of Worship
Post Office
Printing and Publishing
Real Estate Sales Offices
Recreation Facilities: Commercial - Groups I & IV
Religious Facilities
Rental or Leasing Establishment: Groups I, II & III (no Construction Equipment and Trucks)
Repair Shops: Groups I & II
Restaurants: Groups II & III; Group IV by Special Exception Schools: Commercial & Non-commercial
Self-Service Fuel Pumps, limited to 16 pumps accessory to a Convenience Food and Beverage Store & only on Parcel 1
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Maximum Building Height: 35 feet

Maximum Lot Coverage: 40%

3. Blasting

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Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

5. Vehicular Access.

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b. The developer must provide an access easement for the interconnection to the property to the east at the time of local development order approval. The developer must construct the interconnection at the time the property to the east develops.

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a. The protected species survey including onsite gopher tortoise protection within the indigenous preserve and supporting maps illustrating a protection diameter of 50 feet around each burrow within the indigenous preserve;

b. The indigenous management plan stating exotic vegetation will be completed by hand removal only; and

c. A point map illustrating the boundaries of the indigenous preserve and the location of the gopher tortoise fencing on the toe of slope of the preserve side of the water management berm.

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Prior to the issuance of a development order:

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c. The landscape plans must illustrate one gallon native grasses within the detention area planted 3-foot on center. The general tree requirement may be reduced by one 10-foot general tree for every 400 square feet of detention planted.

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DEVIATIONS:

1. Deviation (1): Withdrawn.

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   Hearing Examiner Recommendation: Approve.

3. Deviation (3): Withdrawn.

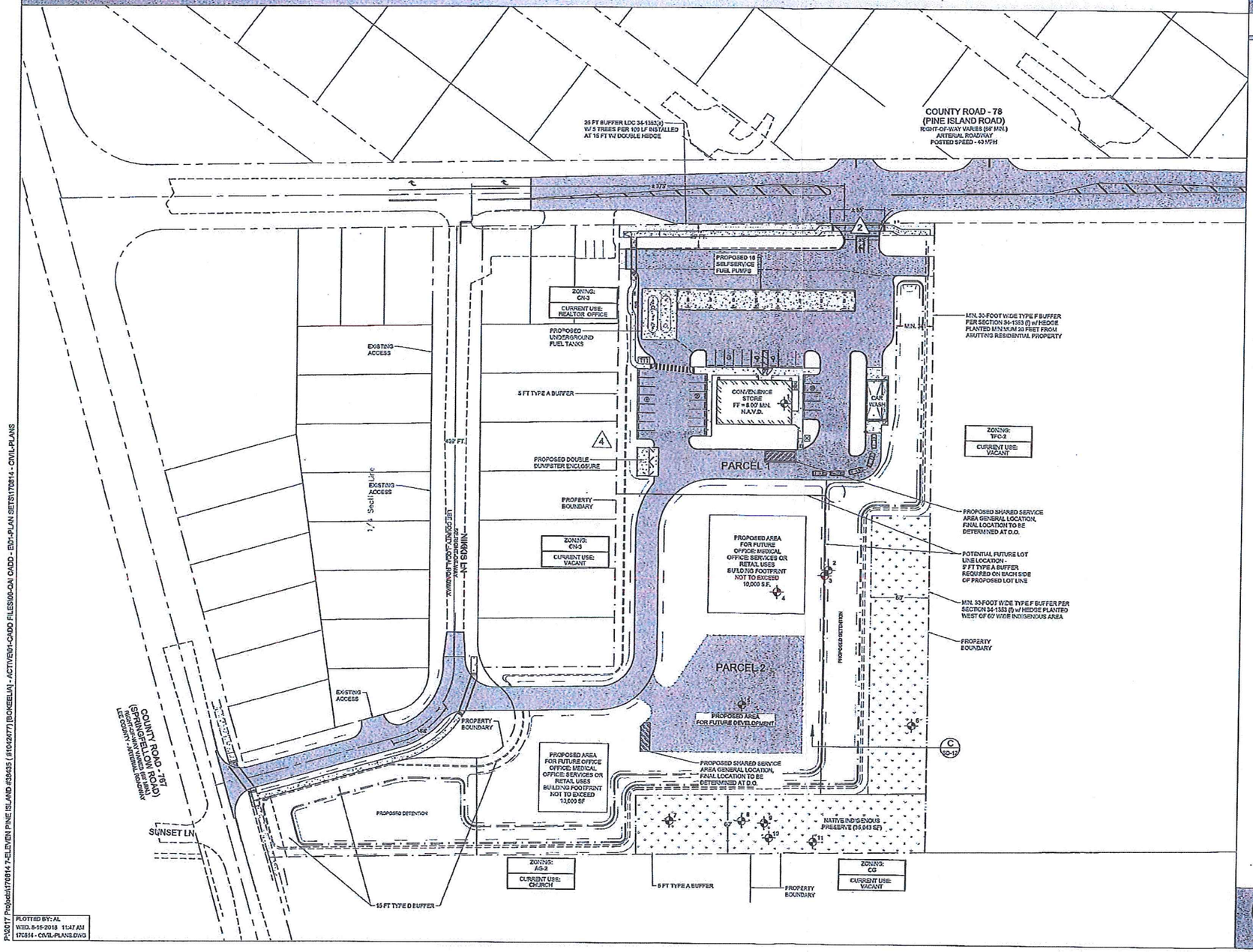
4. Street Stubs to Adjoining Properties. Deviation (4) seeks relief from LDC 10-295, which requires interconnections to adjoining areas, to eliminate the requirement to interconnect to the seven western adjacent parcels along Nikkis Lane which do no front Pine Island Road.

   Hearing Examiner Recommendation: Approve, subject to condition 5 requiring interconnection to adjoining parcels fronting Pine Island Road.

Exhibits to Conditions:
B1 Master Concept Plan, stamped received August 29, 2018

THE PINE ISLAND CENTER 7-ELEVEN CPD

5431 PINE ISLAND ROAD NW



PLOTTED BY: AL
WED, 8-15-2018 11:47 AM
170514 - CIVIL-PLANS.DWG

P:\2017 Projects\170514 7-ELEVEN PINE ISLAND #39435 (#1042477) [BONEELA] - ACTIVE\01-CADD FILES\00-QA\ CADD - E01-PLAN SETS\170514 - CIVIL-PLANS

MASTER CONCEPT PLAN

PROJECT SUMMARY:

EXISTING ZONING: COMMERCIAL PLANNED DEVELOPMENT
PROPOSED ZONING: COMMERCIAL PLANNED DEVELOPMENT

LAND BREAKDOWN:

TOTAL AREA	= 5.78 AC.
COMMERCIAL INTENSITY	= 18,454 S.F.
• OPEN SPACE REQUIRED (30%)	= 1.73 AC.
• OPEN SPACE PROVIDED: BUFFERS, DRY DETENTION INDIGENOUS AREA, OTHER	= 1.73 AC,
• INDIGENOUS AREA REQ. (15%)	= 0.87 AC.
• INDIGENOUS AREA PROVIDED:	= 0.80 AC.
10% INDIGENOUS CREDIT	= 0.08 AC.
• TOTAL INDIGENOUS OPEN SPACE	= 0.88 AC.

1 DEVIATION #1 - WITHDRAWN

2 DEVIATION #2 - LDC:34-2013(b)(3) ACCESS, TO INCREASE MAXIMUM DRIVEWAY WIDTH AT THE PROPERTY LINE FROM 35 FEET TO 55 FEET.

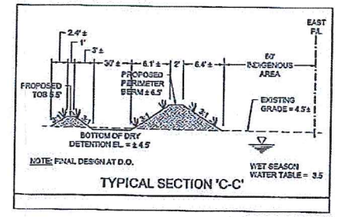
3 DEVIATION #3 - WITHDRAWN

4 DEVIATION #4 - LDC:10-295 STREET STUBS TO PROVIDE INTERCONNECTION TO PARCELS ADJACENT TO PINE ISLAND ROAD BUT NOT COMMERCIAL LOTS ON NIKKIS ROAD.

IN ACCORDANCE WITH SECTIONS 34-411(e), 10-442 & 10-443, APPLICANT SHALL PROVIDE THE REQUIRED IMPROVEMENTS OR PROVIDE A FEE-IN-LIEU AS DIRECTED BY LEE TRAN

INDIGENOUS OPEN SPACE

GOPHER TORTOISE BURROW



TYPICAL SECTION 'C-C'

N

50' 100'

PLAN VIEW SCALE

RECEIVED
AUG 24 2018
COMMUNITY DEVELOPMENT

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.5222 | QAInc.net

LEE COUNTY
HEARING EXAMINER
2018 AUG 29 PM 3:23

DCI 2018-00003

Exhibit D

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments:* Prepared by Alvin Block, Principal Planner, date stamped received July 26, 2018 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *PowerPoint Presentation:* Prepared for zoning case DCI2018-00003, Pine Island Center 7-11 (multiple pages – 8.5"x11")[color]

3. *Written Submissions:* Memorandum from Alvin Block, Principal Planner, to Amanda L. Rivera, Deputy Hearing Examiner, dated August 28, 2018 (multiple pages – 8.5"x11" & 1 page – 11"x17"){post hearing submittal}

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Jeff Wright, with Henderson/Franklin, to Hearing Examiner, with copies to Chip Block, Al Quattrone, Ted Treesh, Will Anderson Creighton, Brent Evans, Ted Treesh, Yury Bykau, & Greg Stuart, dated Monday, August 6, 2018 5:27 PM (multiple pages – 8.5"x11")

1. *PowerPoint Presentation:* Prepared by Quattrone & Associates, Inc., for zoning case number DCI2018-00003, Pine Island Center 7-Eleven CPD, dated Thursday, August 9, 2018 (multiple pages – 8.5"x11")[color]

2. *Master Concept Plan:* Prepared by Quattrone & Associates, Inc., dated 8-7-2018 (1 page – 11"x17")

3. *Gopher Tortoise Permit Number GTC-18-00225:* Prepared by the Florida Fish & Wildlife Conservation Commission, Authorized by Richard McCann, Agent Craig Smith, Permittee Creighton Companies, LLC, effective date July 14, 2018, Expiration Date July 14, 2019 (3 pages – 8.5"x11")

4. *Lee County Indigenous Area Management Plan:* Prepared by DexBender, for Creighton Commercial Development, dated July 2018 (multiple pages – 8.5"x11")

5. *Surface Water Management Plan:* Prepared by Quattrone & Associates, Inc (1 page – 8.5"x11")

Exhibit E

HEARING PARTICIPANTS

County Staff:

1. Alvin "Chip" Block
2. Elizabeth Workman

Applicant Representatives:

1. Al Quattrone
2. Greg Stuart
3. Ted Treesh
4. Jeff Wright

Public Participants:

1. Noel Andress
2. Dr. Michael Dreikorn
3. David McCarty

Exhibit F

INFORMATION

UNAUTHORIZED COMMUNICATIONS:

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS:

A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. A verbatim transcript may also be available for purchase from the court reporting service.