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Certificate of Authorization # 29086**

September 7, 2021

Adam Mendez, Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

**Reference: Williams Avenue CPD
DCI2021-00014 (1st Resubmittal)**

Dear Mr. Mendez:

We are in receipt of your review letter dated April 29, 2021 for the above referenced project. Please note that this will be a **Phased Development**. Master Concept Plan (MCP) "A" is the first phase and MCP "B" is the second phase. Please note "Part 6" of the Application has been revised to state the maximum square footages permitted on site for a mix of uses.

The following items are submitted for your continued review per this request for additional information:

1. One (1) copy of the revised Planned Development – Public Hearing Application;
2. One (1) copy of the notarized Affidavit of Authorization;
3. One (1) copy of the updated Boundary Survey;
4. One (1) copy of the revised Sketch and Legal Description;
5. One (1) copy of the revised Narrative of Request/Lee Plan Compliance;
6. One (1) copy of the revised Master Concept Plans (Phase I – MCP A and Phase II – MCP B);
7. One (1) copy of the Open Space Exhibits for MCP A and MCP B;
8. One (1) copy of the Property Development Regulations;
9. One (1) copy of the revised Schedule of Uses;
10. One (1) copy of the revised Schedule of Deviations;
11. One (1) copy of the email from Veritas Environmental regarding the "E" value of the exotic vegetation identified by the Environmental Assessment;
12. One (1) copy of the Written Surface Water Management Plan; and
13. One (1) copy of the revised Traffic Impact Statement.

Responses to each individual item/comment are as follows:

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Zoning Section Comments:

Adam Mendez – amendez@leegov.com or 239-533-8325

Minimum Required Information for Planned Development Zoning Applications

Application materials for planned development zoning actions are specified in LDC Section 34-373. See the following comments based on the documents in the submission:

1. Affidavit of Authorization – The affidavit did not contain a notary stamp/seal. Include with your resubmission a notarized form.

Response: The Affidavit of Authorization that was included in the original submittal is a 2-page document to make room for both property owner's signatures. The notarization is on page 2. That same Affidavit of Authorization is included with this resubmittal.

2. Master Concept Plan (MCP) – LDC Sec. 34-373(a)(6). Revise the MCP to depict:

- a. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions.

Response: See the revised Master Concept Plan for the location of delivery areas as requested.

- b. The location and explanation of all existing easements, whether or not those easements are recorded. If an easement is based upon a recorded document, the official records book reference must be stated.

Response: The only easements of record are the 6-foot wide public utility and drainage easements as shown on the survey per Plat Book 15, Page 44. The applicant will be required to vacate the internal easements prior to issuance of a DO, but will keep the perimeter easements as required. The MCP has been revised to show those platted easements as requested; however, it clutters the MCP, so a Project Note has been added for clarity.

- c. The plan must indicate the general location, configuration, and approximate dimensions of the lots or parcels (including subdivided parcels and outparcels). The proposed use of the lots or parcels must be keyed to the list of proposed uses submitted with the application. Revise the narrative should each respective use not be located on an individual lot.

Response: Please note that the 4.81-acre property will be developed as a cohesive development. No subdivision is proposed. The property development regulations have been corrected.

- d. The MCP depicts an outdoor seating area, please assess the total outdoor seating area, assuming it's intended for the restaurant use. Revise the parking calculations accordingly.

Response: See the revised parking calculations on the MCP for the outdoor seating area as requested.

- e. Indicate the maximum number of food trucks intended to operate onsite simultaneously.

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Response: A maximum of one (1) food truck is proposed with Phase I/MCP A and a maximum of 8-10 food trucks are anticipated with Phase II/MCP B.

3. Schedule of Uses (LDC Sec. 34-373(a)(8)) – Provide responses regarding the following questions:

- a. Is outdoor consumption on premises proposed?

Response: No. The COP is for indoor service only.

- b. The request states the intent of the planned development is to permit neighborhood level commercial uses. Will the applicant propose any limitations to the use activities associated to Recreational Facilities, Commercial Group IV, and Personal Services, Group IV?

Response: See the revised Schedule of Uses. Recreational Facilities, Commercial Group IV is limited to Health Clubs only and Personal Services, Group IV has been removed.

- c. Revise the narrative to address pedestrian circulation associated to the plant nursery use, including parking, loading delivery areas, and the extent of pedestrian activity in nursery areas other than the 800 sq. ft. nursery sales building.

Response: Please note there are now two MCP's. One with plant nursery (MCP-A) and one without (MCP-B). See the revised narrative for the information requested.

4. Property development regulations – revise the property development regulations table to establish the maximum height and maximum lot coverage within the planned development. Uses that have specific setback requirements within the LDC will be subject to the requirements set forth in the LDC, unless specifically stated within the proposed property development regulations table. LDC Sec. 34-373(a)(10)

Response: See the revised MCP for maximum height and lot coverage as requested. Also, the building setbacks have been revised as suggested to differentiate between a typical commercial building and convenience store.

Development Services Section Comments:

Brian Roberts – broberts@leegov.com or 239-533-8890

5. [LDC 10-256(a)] All development and redevelopment proposed within future urban areas or future suburban areas as defined by the Lee Plan, or along trails depicted on the Greenways Master Plan (Lee Plan Map 22) are required to provide for bikeways and pedestrian ways.

Response: This comment is acknowledged and understood. Pedestrian and bikeways have been provided on the MCP as required. Note - a sidewalk easement will be provided for the portion of sidewalk located on the subject property since there isn't room for one in the ROW.

6. [LDC 10-154(7)g] Ingress and egress. Proposed location of on-site and off-site bikeways and pedestrian ways, with ingress to and egress from the development as well as to or from common open space areas. Pedestrian and bikeways will be required for the proposed project in accordance with 10-256.

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Response: Pedestrian and bikeways are provided along Williams Avenue and W. Fifth Street as required; however, the applicant may propose an alternative plan or request a fee-in-lieu for Magnolia Avenue at time of DO in accordance with Section 10-256.

7. [LDC 10-291(2)] Access to Street that Meets LDC Standards. All development must abut and have access to a public or private street designed, and constructed or improved, to meet the standards in LDC Section 10-296. Demonstrate that this requirement is being met for the proposed access on West Fifth Street.

Response: This informational comment is acknowledged and understood.

Environmental Sciences Section Comments:

Elizabeth Workman – eworkman@leegov.com or 239-533-8793

8. Indicate the total impervious being proposed. If over two acres, provide 30% open space that includes 15% indigenous open space.

Response: The development qualifies as a large project. The open space and indigenous preserve calculations have been corrected as requested.

9. Revise the protected species FLUCCS map to indicate the "E" value (exotic percentage) of FLUCCS 411. Per LDC Section 10-1, if the "E" value is 75% or less exotic, FLUCCS 411 is considered indigenous and must be preserved to comply with the large development open space requirements in accordance with LDC Section 10-415.

Response: Please see attached email from David Mason with Veritas Environmental (previously with Boylan Environmental and responsible for the field work for this project). The "E" value is 25%, so indigenous preservation has been provided on-site as required.

10. Provide an open space exhibit per LDC Section 34-373(a)(6)(g).

Response: An open space exhibit for each MCP has been provided as requested.

11. It is unclear if the detentions depicted on the MCP are wet or dry detention areas. Revise and label accordingly. If any of the detentions are wet (lake), indicate if the lake is a deep lake, if the slopes will comply with LDC Section 10-329(d) for lake excavations, and planted littoral shelf requirements in LDC Section 10-418.

Response: All detention areas are Dry Detention. Please see the revised MCP for the correction.

12. It is unclear as to why the LDC Section 34-1353 buffer is noted between the plant nursery and the single-family lot and the rights-of-way buffer abutting the plant nursery is not noted as a 25-foot-wide buffer per LDC Section 34-1353. At the community plan meeting, the community requested a living wall instead of the eight-foot wall. The applicant stated that LDC Section 34-1353 supersedes LDC Section 33-1405(c)(3). Provide rights-of-way buffers that are 25-foot-wide buffer abutting the plant nursery.

Response: See the revised MCP for correct buffers.

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13. Depict the location of the eight-foot wall on the MCP.

Response: The 8-foot high wall has been removed from the MCP since the Lehigh Acres planning community prefers “living walls”.

14. Clarify if the applicant proposes to split the overall parcel into several lots. If so, indicate how the open space, parking, and surface water management will be met for each lot.

Response: The property will not be split - this is one cohesive development.

15. Indicate if the plant nursery use will have a fence/wall abutting the two rights-of way (Williams Avenue and West Fifth Street) and the gas station. If so, depict.

Response: A wall is not proposed between the plant nursery and the rights-of-way.

16. Depict the access and parking to support the plant nursery.

Response: Please see Phase I - MCP A for the information requested.

17. Indicate if all the commercial buildings including the plant nursery sales office will comply with LDC Section 10-416(b).

Response: All buildings will provide building perimeter plants per Section 10-416(b).

18. Provide a building perimeter exhibit to depict where the building perimeter is proposed for the gas station per the Deviation #2 justification and depict the square feet to indicate the enhancement.

Response: Please see the Building Perimeter Planting Exhibit attached to the Schedule of Deviations as requested.

Planning Section Comment: Tyler Griffin

19. In your Lee Plan analysis, provide more detail regarding compatibility with Lee Plan policies 6.1.7 and 6.1.8.

Response: Please see the revised Lee Plan Analysis addressing compatibility.

Natural Resources Section Comments: Nicholas DeFilippo

20. Provide an analysis of Lee Plan policies 125.1.2 and 125.1.3.

Response: Please see the revised Narrative addressing Lee Plan Policies 125.1.2 and 125.1.3.

21. LDC Sec 34-373(b)(1) – Provide a written description of the surface water management plan that includes:

a. The runoff characteristics of the property in its existing state.

Response: No defined existing drainage patterns. Property is 90% pervious.

b. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained.

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Response: There are no flows from adjacent properties. After water quality, water quantity, and attenuation are achieved on-site, controlled discharge of treated stormwater will be to Able Canal.

- c. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance.

Response: Retention features include interconnected dry detention areas, with discharge to Able Canal via a control structure. This development will remain under unified control and will be maintained by the property owner(s).

- d. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate.

Response: The environmental report identified two areas on-site as Pine Flatwoods. The applicant is proposing to preserve 0.47 acres of pine flatwoods in the northeast corner and 0.30 acres of pine flatwoods in the southeast corner. Per the Engineer of Record, the Wet Season Water Table will not be affected by the proposed development.

- e. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding.

Response: This property is outside of a floodway and is not in a flood zone.

Legal Description Comment: Rick Burris/Hunter Searson

22. Boundary Survey (LDC Section 34-202(a)(6)):

Staff Comment: Provide a boundary survey in accordance with the requirements of Lee County LDC §34-202(a).

The survey must be tied to the state plane coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner.

Response: Please see the revised boundary survey with the corrections as requested.

Infrastructure Planning Comment: Lili Wu

23. Traffic Impact Statement (TIS)

- a. In the application, the project consists of 10,000 sf of medical office, 7,500 sf of general office, 7,000 sf of retail, and 5,500 sf of convenience store uses. But the uses of 21,000 sf of commercial, 1,000 sf of coffee/donut shop with drive-through window, 5,000 sf of pharmacy/drugstore with drive-through window, and 3,000 sf of convenience store with gasoline pumps were used in the Traffic Impact Statement analysis. The applicant needs to clarify the uses for the project and the uses in the application and in the TIS shall be consistent.

Response: Note that the Application has been revised to reflect the maximum square footages of each commercial use permitted on site: 7,500 sf medical office, 10,000 sf

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general office, 12,500 sf retail/convenience store, which includes 3,000 sf of convenience store, and a maximum of 10 food trucks. For application purposes, retail use includes restaurants, convenience stores, and typical retail establishments. Please see the revised TIS with adjusted trip generation.

- b. Since the trip generation is over 300 trips per hour, the information of LOS analysis for the project's entrances and the intersections within the area of influence in the existing condition and future condition with and without the project shall provide for review.

Response: The reduction in intensity and square footage reduced the trips to under 300 trips per hour (TIS Table 7). As a result, this comment is no longer applicable.

- c. The link LOS analysis for Williams Avenue shall be included in the TIS.

Response: Please see the revised TIS.

- d. The link LOS analysis for Lee Boulevard shall include the segments east and west of Williams Avenue.

Response: Please see the revised TIS.

- e. The 1% of traffic annual growth rate (not 0%) can be used for future background traffic calculation for Lee Boulevard.

Response: Please see the revised TIS.

24. DOT Comment: Note that Lee County DOT will only support right-in only access on Williams Avenue (no right-out).

Response: Respectfully, we believe it is inappropriate to direct all traffic exiting the commercial development onto W. Fifth Street. Or onto Magnolia Avenue, which is a local residential street that dead-ends at the south property line. Williams Avenue is a major collector road with a posted speed limit of 35 mph. A right-in/right-out driveway on Williams Avenue provides appropriate traffic circulation on site. The MCP has been revised to provide a pork chop island at the driveway on Williams Avenue.

This should allow for continued review and a finding of sufficiency of this rezoning request. Your time and attention to this matter is appreciated. Should County staff require additional information or have any questions regarding this submittal, feel free to call this office.

Sincerely,

TDM CONSULTING, INC.



Veronica Martin
Senior Planner



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Williams Avenue CPD

Request: Rezone from: RS-1 To: CPD

Type: ☐ Major PD ☒ Minor PD ☐ DRI w/Rezoning ☐ PRFPD
☐ Major PD Amendment ☐ Minor PD Amendment

Bonus Density included? ☒ NO ☐ YES¹ for: _____ Bonus Units

¹ If YES, submit additional fee required by LDC 2-147(A)(3)

Summary of Project:

Rezone to permit convenience food and beverage store with gas pumps and other neighborhood commercial uses.

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: Alexis Ebra and Yanet Tellez Avila

Address: 416 Williams Avenue

City, State, Zip: Lehigh Acres, FL 33972

Phone Number: 786-597-0967

E-mail Address: Alexisebra67mail@gmail.com

B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:

☒ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]

☐ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]

☐ Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]

1. Company Name: TDM Consulting, Inc.

Contact Person: Veronica Martin

Address: 43 Barkley Circle, Suite 200

City, State, Zip: Fort Myers, FL 33907

Phone Number: 239-433-4231

Email: vmartin@tdmconsulting.com

2. **[Additional Agent\(s\)](#):** Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

PART 2 PROPERTY OWNERSHIP

A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]

Name: Alexis Ebra and Yanet Tellez Avila

Address: 416 Williams Avenue

City, State, Zip: Lehigh Acres, FL 33972

Phone Number: 786-597-0967

Email: Alexisebra67mail@gmail.com

B. Disclosure of Interest [34-202(a)(2)]:

☒ Attach [Disclosure of Interest](#) Form.

C. Multiple parcels:

☒ Property owners list. [34-202(a)(8)]

☒ Property owners map. [34-202(a)(8)]

D. Certification of Title and Encumbrances [34-202(a)(7)]

1. Title certification document, no greater than 90 days old.

2. Date property was acquired by present owner(s): Jan. 9, 2020, Oct. 6, 2017, Apr 20, 2017, May 30 2018, Oct. 25, 2019, and June 30, 2016

PART 3 PROPERTY INFORMATION

A. STRAP Number(s): [Attach extra sheets if additional space is needed.] [34-203(a)(5)]

See Attached Sheet

B. Street Address of Property: 416 Williams Ave and 409, 411, 413, 415, 417, and 419 Magnolia Ave, Lehigh Acres, FL 33972

C. Legal Description (must submit) [34-202(a)(5)]:

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

OR

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.)

AND

Boundary Survey [34-202(a)(6)]:

☒ A Boundary survey, tied to the state plane coordinate system.

OR

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. Surrounding property owners (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. ☒ List of surrounding property owners. [34-202(a)(9)]

2. ☒ Map of surrounding property owners. [34-202(a)(9)]

3. ☒ One set of mailing labels. [34-202(a)(9)]

Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

E. Current Zoning of Property: RS-1

NA Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

F. Use(s) of Property:

1. Current uses of property are: Residential and vacant with landscape nursery

2. Intended uses of property are: Convenience food and beverage store with gas pumps, neighborhood commercial uses, and landscape nursery.

G. Future Land Use Classification (Lee Plan):

Urban Community	<u>4.81</u>	Acres	<u>100</u>	% of Total
		Acres		% of Total
		Acres		% of Total

H. Property Dimensions:

1. Width (average if irregular parcel):	<u>416 avg</u>	Feet		
2. Depth (average if irregular parcel):	<u>565 avg</u>	Feet		
3. Total area:	<u>4.81 AC</u>	Acres or square feet		
4. Frontage on road or street:	<u>418</u>	Feet on	<u>Williams Avenue</u>	Street
2 nd Frontage on road or street:	<u>313</u>	Feet on	<u>West Fifth Street</u>	Street
	<u>713</u>	Feet on	<u>Magnolia Avenue</u>	

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

- ☐ Not Applicable
☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
☐ North (Upper) Captiva Community Plan area. [33-1711]
☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]
☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
☒ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
☐ North Fort Myers Planning Community. [33-1532(a)&(b)]
☐ North Olga Community Plan area. [33-1663(a)&(b)]

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. [34-201(c)]

PART 4 TYPES OF LAND AREA ON PROPERTY

A. Gross Acres (total area within described parcel)		<u>4.81</u>	Acres
1. Submerged land subject to tidal influence		<u>0</u>	Acres
2. a. Preserved freshwater wetlands	<u>0</u>	Acres	
b. Impacted wetlands	<u>0</u>	Acres	
c. Preserved saltwater wetlands	<u>0</u>	Acres	
d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)		<u>0</u>	Acres
3. R-O-W providing access to non-residential uses		<u>0</u>	Acres
4. Non-residential use areas ^{(1) (2)}		<u>4.81</u>	Acres
B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).		<u>4.81</u>	Acres
C. Gross residential acres. (A minus B) ⁽³⁾		<u>0</u>	Acres
D. Gross residential acres (by Land Use Category) NA			
1. a. Intensive Development – upland			Acres
b. Intensive Development – preserved freshwater wetlands			Acres
c. Intensive Development – impacted wetlands			Acres
2. a. Central Urban – upland			Acres
b. Central Urban – preserved freshwater wetlands			Acres
c. Central Urban – impacted wetlands			Acres
3. a. Urban Community or Suburban – upland	<u>0</u>	Acres	
b. Urban Community or Suburban – preserved freshwater wetlands	<u>0</u>	Acres	
c. Urban Community or Suburban – impacted wetlands	<u>0</u>	Acres	

4.	a.	Suburban – upland	_____	Acres
	b.	Suburban – preserved freshwater wetlands	_____	Acres
	c.	Suburban – impacted wetlands	_____	Acres
5.	a.	Outlying Suburban – upland	_____	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Outlying Suburban – impacted wetlands	_____	Acres
6.	a.	Sub-Outlying Suburban – upland	_____	Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Sub-Outlying Suburban – impacted wetlands	_____	Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland	_____	Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands	_____	Acres
8.	a.	Open Lands – upland	_____	Acres
	b.	Open Lands – wetlands	_____	Acres
9.	a.	Resource – upland	_____	Acres
	b.	Resource – wetlands	_____	Acres
10.	a.	Wetlands	_____	Acres
11.	a.	New Community – upland	_____	Acres
	b.	New Community – wetlands	_____	Acres
12.	a.	University Community – upland	_____	Acres
	b.	University Community – wetlands	_____	Acres
13.	a.	Coastal Rural – upland	_____	Acres
	b.	Coastal Rural – wetlands	_____	Acres

TOTAL (should equal "C" above)

0 **Acres**

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5

RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS NA

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: _____

		Lee Plan Table 1(a)		
		Max. standard density		Units
1.	Standard Units			
	a. Total upland acres (from Part 4, D.)	_____ x _____	equals	_____
	b. Total preserved freshwater wetlands acres (from Part 4, D.)	_____ x _____	equals	_____
	c. Total impacted wetlands acres (from Part 4, D.)	_____ x _____	equals	_____
	d. Total Allowed Standard Units ⁽¹⁾			_____
2.	Bonus Units [2-143]			
	a. Site-built Affordable Housing			_____
	b. Transferrable Dwelling Units			_____
	c. Sub-total			_____
3.	Total Permitted Units ⁽¹⁾			_____

Note:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

**PART 6
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY INTENSITY CALCUATIONS**

		Height	Total Floor Area (Square Feet)
A. Commercial			
1. Medical		35 feet	±7,500 sf
2. General Office		35 feet	±10,000 sf
3. Retail including Convenience Store		35 feet	±12,500 sf
4. Other: <u>Food Truck Park</u>			0 sf
5. TOTAL FLOOR AREA			MAX. 30,000 sf
		Height	Total Floor Area (Square Feet)
B. Industrial NA			
1. Under Roof			
2. Not Under Roof			
3. TOTAL FLOOR AREA			
		Depth	Total Acres
C. Mining NA			
1. Area to be excavated			
		Height	Total Beds/Units
D. Assisted Living Facilities NA			
1. Dependent Living Units			
2. Independent Living Units			
3. TOTAL BEDS/UNITS			
		Height	Total Rental Units
E. Hotels/Motels (Room Size) NA			
1. < 425 sq. ft.			
2. 426-725 sq. ft.			
3. 725 < sq. ft.			
4. TOTAL UNITS			

**PART 7
ACTION REQUESTED**

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
- 1. Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**
 - 2. Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. [34-373(a)(9)]

D. Bonus Density: [34-202(a)(11)]

- ☒ Not Applicable
☐ Bonus Density will be used. Provide the number of Bonus Density units being requested and a narrative of how the request meets the requirements of LDC Section 2-146.

PART 8 ENVIRONMENTAL REQUIREMENTS

- A. Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)b.iv.]
 Topography is relatively flat, with no natural features. There is a man-made canal south of the property.
-
- B. Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473(f)].
 No sensitive lands were observed or located on site.
-
- C. Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
 NA
-
- D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
 NA
-
- E. Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)b.i.]
- F. FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)c.]
- G. Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)b.iii.]
- H. Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)b.v.]

PART 9 SANITARY SEWER & POTABLE WATER FACILITIES

- A. Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:
 No special effluent is anticipated.
-
- B. Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including: **NA**
1. Method and degree of treatment:
 NA
 2. Quality of the effluent:
 NA

3. Expected life of the facility:
NA

4. Who will operate and maintain the internal collection and treatment facilities:
NA

5. Receiving bodies or other means of effluent disposal:
NA

C. Spray Irrigation: If spray irrigation will be used, specify: **NA**

1. The location and approximate area of the spray fields:
NA

2. Current water table conditions:
NA

3. Proposed rate of application:
NA

4. Back-up system capacity:
NA

**PART 10
ADDITIONAL REQUIREMENTS**

A. Major Planned Developments:

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. Amendments to Built Planned Developments: The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. Attach proof of notice to other property. **[34-373(c)]**

C. Development of Regional Impact: Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(9)]**

D. Private Recreational Facility Planned Developments (PRFPDs):

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)(1)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1)]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**

5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**
6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**
- E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(a)(10)]**
- ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(a)(10)]**
- F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(a)(12)]**
- G. **Flood Hazard:**
- ☒ Not applicable
- ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)
- H. **Excavations/Blasting:**
- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Hazardous Materials Emergency Plan for Port Facilities: [12-110(a)(16)]**
- ☒ Not Applicable
- ☐ Provide a Hazardous materials emergency plan.
- J. **Mobile Home Park: [34-174(h)]**
- ☒ Not Applicable
- ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- K. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
- ☒ Not Applicable
- ☐ Property is located within _____ Airport Noise Zone: **[34-1104]**
- ☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
- ☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
- ☐ A Tall Structures Permit is required. **[34-1108]**

PART 5 SUBMITTAL REQUIREMENT CHECKLIST		
<i>Clearly label your attachments as noted in bold below</i>		
Copies Required		SUBMITTAL ITEMS
3	☒	Completed application for Public Hearing [34-202(a)(1)]
1	☒	Filing Fee - [34-201(d)]
1	NA	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
3	☒	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
3	☒	Additional Agents [34-202(a)(4)]
3	☒	Multiple Owners List (if applicable) [34-202(a)(2)]
3	☒	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
3	☒	Legal description (must submit) [34-202(a)(5)]
	☒	Legal description (metes and bounds) and sealed sketch of legal description
		OR
	☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
3	☒	Boundary Survey – not required if platted lot (2 originals required) [34-202(a)(6)]
3	☒	Property Owners list (if applicable) [34-202(a)(8)]
3	☒	Property Owners map (if applicable) [34-202(a)(8)]
3	☒	Confirmation of Ownership/Title Certification [34-202(a)(7)]
3	☒	STRAP Numbers (if additional sheet is required) [34-202(a)(5)]
1	☒	List of Surrounding Property Owners [34-202(a)(9)]
1	☒	Map of Surrounding Property Owners [34-202(a)(9)]
1	☒	Mailing labels [34-202(a)(9)]
3	NA	List of Zoning Resolutions and Approvals
3	☒	Summary of Public Informational Session (if applicable)
3	NA	Waivers from Application Submission Requirements (if applicable) [34-201(c)]
3	NA	Preliminary Density Calculations (if applicable)
3	☒	Request Statement [34-373(a)(5)]
3	☒	Traffic Impact Statement (TIS) (not required for existing development) [34-373(a)(7)]
3	☒	Master Concept Plan (MCP), Non-PRFPD [34-373(a)(6)]
3	☒	Schedule of Uses [34-373(a)(8)]
3	☒	Schedule of Deviations and Written Justification [34-373(a)(9)]
3	☒	Topography (if available) [34-373(a)(4)b.iv.]
3	☒	Soils Map [34-373(a)(4)b.9.]
3	☒	FLUCCS Map [34-373(a)(4)c.]
3	NA	Rare & Unique Upland Habitat Map [34-373(a)(4)b.iii.]
3	NA	Existing and Historic Flow-Ways Map [34-373(a)(4)b.v.]
3	NA	Surface Water Management Plan (if applicable) [34-373(b)(1)]
3	NA	Phasing Program (if applicable) [34-373(b)(3)]
3	☒	Protected Species Survey (if applicable) [34-373(b)(2)]
3	NA	Proof of Notice (if applicable) [34-373(c)]

3	NA	Binding Letter from DCA (if applicable) [34-373(d)(9)]
3	NA	Master Concept Plan (MCP), PRFPD (if applicable) [34-941(g)(1)]
3	NA	Conceptual Surface Water Management Plan (if applicable) [34-941(d)(3)b.i.1)]
3	NA	Well Drawdown Information (if applicable) [34-941(d)(3)d.]
3	NA	Preliminary Indigenous Restoration Plan (if applicable) [34-941(e)(5)f.iii.]
3	NA	Environmental Assessment (if applicable) [34-941(g)(2)]
3	NA	Demonstration of Compatibility (if applicable) [34-941(g)(4)]
3	☒	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
3	NA	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
3	NA	Information Regarding Proposed Blasting (if applicable).
3	NA	Hazardous Materials Emergency Plan (if applicable)
3	NA	Mobile Home Park Dislocated Owners Information (if applicable) [34-202(b)(4)]
3	NA	Tall Structures Permit (if applicable) [34-1108]



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Williams Avenue CPD
Schedule of Deviations
Revised 6-30-2021

DEVIATION #1:

Seeks relief from the **LDC §10-285** requirement to provide a minimum connection separation of 245 feet for major collector roads in future urban areas with a speed limit less than 45 miles per hour. Request to permit a minimum connection separation of 175 feet on Williams Avenue.

JUSTIFICATION:

The subject property is located at the southeast corner of Williams Avenue and West 5th Street. Williams Avenue is identified as a county-maintained major collector road with a speed limit of 35 mph. The property has a future land use classification of Urban Community. The applicant is proposing a right-in/right-out commercial driveway on Williams Avenue, with a connection separation of 175 feet to West 5th Street.

The proposed uses include a convenience store with gas pumps, restaurant with pick-up window (no fast food), food truck park, and other commercial uses. The applicant owns the majority of the block with the exception of a small 0.35-acre lot to the south, owned by LAMSID, and a vacant 0.25-acre residential lot with frontage on West 5th Street. The applicant is proposing to locate the convenience store and gas pumps as far south as possible from the lot on West 5th Street in order to provide more distance and buffering between the two uses. Although zoned RS-1, the lot owned by LAMSID is to be used for access/maintenance of Able Canal, so it doesn't need to be buffered and shielded from the proposed commercial uses of the development. As a result, the gas station/convenience store are located as far south on the property as reasonably possible, providing adequate and safe traffic circulation, and still meeting the requirements of the Land Development Code to the maximum extent possible.

The property is located just north of the bridge over Able Canal. The distance from the existing bridge to the proposed driveway is 195± feet. The applicant is able to locate the driveway further south and comply with the minimum connection separation distance of 245 feet and eliminate this deviation. However, the Lehigh Acres Architectural & Zoning Review Board (LAAZRB) indicated that traffic on Williams Avenue can back up from the intersection of Lee Boulevard and Williams Avenue and that it can be difficult to make left turning movements at certain times of day. The applicant took that information into consideration and located the driveway at the most appropriate location – 175 feet south of West 5th Street, just where the road widens for the left turn lane. The driveway is also a right-in/right-out with a “pork chop” island, preventing motorists from turning against traffic.

Schedule of Deviations

Page 2 of 5

It had been suggested that a second access to the 4.81-acre commercial development be located on Magnolia Avenue. However, Magnolia Avenue is a dead-end local street providing access to single-family lots. Taking best planning practices into consideration, the applicant will not introduce commercial traffic onto a residential street that provides access to seven lots/single-family homes before it dead-ends at the canal.

Williams Avenue is not a constrained road. It has a Level of Service of "D" near the proposed development. In addition, LDC Section 33-1414 does not limit access on Williams Avenue for new commercial development/redevelopment like it does for Lee Boulevard, State Road 82, or Gunnery Road. The applicant has taken the existing conditions of Williams Avenue and the surrounding neighborhood into consideration and believes the proposed location is the best choice from a planning/site design/internal traffic circulation perspective. The applicant respectfully requests approval of this deviation request.

DEVIATION #2:

Seeks relief from the **LDC §10-416(b)** requirement to provide building perimeter plants abutting three sides of the building. Request to permit the 6,000 square foot commercial building with drive-thru to use the 5-foot planting strip between the drive-thru lane and the regular drive aisles as two sides of three sides required.

JUSTIFICATION:

The 6,000 square foot commercial building will include a convenience store and restaurant-type business with a drive-thru/pick-up window on the east side of the building. In addition, a small outdoor seating area is proposed on the north side of the building. A 5-foot wide planting strip is provided along the front of the building; however, it's not conducive to the drive-thru design to provide building perimeter plantings between the building and the drive-thru lane. The same can be said for the outdoor seating area. Only five (5) parking spaces are proposed along the north end of the building, with landscape islands on either side. Those landscape islands can be used for additional building perimeter plantings. In addition, the applicant is providing a minimum 5-foot wide planting strip between the drive-thru lane and the regular drive aisles to the south and east. Those planting strips will enable the applicant to provide additional plantings to act as building perimeter plantings and soften the hard edges of the building. It will also allow the applicant to exceed the minimum 10% requirement.

The landscape strip between the drive-thru lane and drive aisles to the south and east will be landscaped with trees and shrubs, providing a physical separation between the traffic lanes, and also buffering and shielding the commercial building. The alternatives proposed provide a much larger area for landscaping and meets the intent of the code to soften the edges of the commercial structure. Please see the attached Exhibit. The deviation enhances the planned development and the applicant requests approval of this deviation request.

DEVIATION #3:

Seeks relief from the **LDC §34-1353(f)** requirement to separate the convenience store from the residentially zoned property to the south with an 8-foot high wall/fence a minimum of 25 feet from the property line and landscaped with a minimum of 5 trees and 18 shrubs per 100 lineal feet or a

Schedule of Deviations

Page 3 of 5

30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property. Request to not provide a buffer to the triangular shaped property along the canal that is owned by LAMSID (STRAP No. 29-44-27-01-00001.0050).

JUSTIFICATION:

Although zoned RS-1, the triangular shaped property owned by LAMSID is intended to be used for access and maintenance of Able Canal. Per conversations with Mike Cook at LAMSID, they have no intention of developing the property for commercial use or of selling the property. Providing a buffer to property that is used for access and maintenance of the canal and will never be developed is superfluous and doesn't meet the intent of the code to buffer and shield residential properties from any perceived negative impacts from an abutting commercial use. No buffer is required to the canal itself, as indicated where the food truck park abuts the canal right-of-way. The applicant believes the deviation enhances the achievements of the objectives of the planned development and is not detrimental to the public interest.

DEVIATION #4:

Seeks relief from the **LDC §33-1432** requirements for Food Vending Carts in Lehigh Acres. Request to permit a permanent Food Truck Park with outdoor seating area instead of temporary food vending carts.

This deviation requests to:

- (1) permit the Food Truck Park to be permanent in nature and not considered "temporary";
- (2) permit more than one food vending cart to be located within one mile of another temporary food vending cart {LDC Sec. 33-1432(1)(f)(5)}; and
- (3) allow the food vending carts to be left unattended and remain within the food truck park location each evening {LDC Sec. 32-1432(1)(f)(8)}.

JUSTIFICATION:

LDC Sec. 33-1432 sets forth the regulations for food vending cards in Lehigh Acres. However, the LDC does not include a section for permanent food truck parks. The applicant intends to provide a permanent food truck park at the south end of the property adjacent to Able Canal. Conversations with LAMSID have indicated that Lee County Parks & Rec will be constructing a bikeway/pedestrian way along the north side of Able Canal. The path will run from Trailhead Park off Joel Blvd to Harns Marsh along the north side of Able Canal. During the meeting with the LAAPZRB, the Board requested the applicant to locate the food truck park along the canal for ease of access to the community. The applicant has agreed as shown on the Master Concept Plan.

LDC Sec 33-1432 includes regulations regarding temporary permits, setbacks, etc for Food Vending Carts in Lehigh Acres. The applicant intends to comply with the requirements with the exception of permanence, proximity, and temporary location.

The applicant agrees that a new permit must be applied for every calendar year as set forth in LDC Sec. 33-1432(1)(d) and that the permits must be issued in accordance with section 34-3041; however, would like to deem the Food Truck Park as a permanent use instead of a temporary one.

Schedule of Deviations

Page 4 of 5

LDC Sec. 33-1342(1)(f)(5) states that *“There must be no more than one temporary food vending cart located within one mile of another temporary food vending cart.”* The applicant is proposing a permanent food truck park where there will be multiple food vending carts within close proximity to each other. This is common for food truck parks – the most similar one at Celebration Park in Naples.

LDC Sec. 33-1342(1)(f)(8) states that *“Food vending carts must not be left unattended and must be removed each evening in accordance with approved hours of operation.”* The applicant is proposing a permanent food truck park where the individual food vending carts are permanently located in the park and left unattended overnight and during non-business hours. This is typical of a permanent food truck park.

The applicant is proposing a use that is very familiar in Florida and throughout the United States, but not so common in Lee County. Lehigh Acres is so supportive of food trucks, there’s an entire section of the Lehigh Acres Community Plan in Chapter 33 of the LDC providing rules and regulations for food trucks. The proposed use is very similar to the very popular Celebration Park in Naples, which is a permanent facility. The applicant is requesting deviations from the regulations that pertain to a temporary food cart as opposed to a permanent food truck park. The two uses are somewhat different. The deviations requested will allow the food truck park to operate as intended and they enhance the objectives of the planned development.

DEVIATION #5:

Seeks relief from the **LDC §33-1405(c)(3)** requirement to provide a 25-foot wide buffer with seven trees, a double hedge row, and 33 ground covers per 100 linear feet when commercial uses abut single-family residential use. Request to permit a 20-foot wide buffer to the single-family lot east of the nursery and 10-foot wide buffer north of the nursery. This buffer deviation request is for Phase 1 only.

JUSTIFICATION:

Phase I of the development is to legitimize the existing nursery, add other minor commercial uses (food truck), and bring the site into compliance with the LDC to the maximum extent possible. There is an existing structure, driveway, and gravel parking lot located near the vacant single-family lot with frontage on West 5th Street. The buffer requirement for commercial developments abutting single-family use is a minimum of 25 feet wide. The applicant is requesting a 20-foot wide buffer to the east and a 10-foot wide buffer to the north.

There is an existing gravel parking lot located west of the existing single-family lot. The Applicant will be upgrading the parking lot to add a handicap parking space and a pedestrian sidewalk from the parking lot to the nursery/commercial uses to the south. The entrance to the parking lot is located as far from Williams Avenue as possible to allow for better traffic circulation. As designed, the development is able to provide a 6-foot wide sidewalk along Williams Avenue (on-site due to right-of-way limitations), a 15-foot wide Type D buffer abutting Williams Avenue, code required parking spaces, including a handicap space, delivery area, and pedestrian access. The design falls short by only providing a 20-foot wide buffer to the east instead of 25 feet. The Applicant believes

Schedule of Deviations

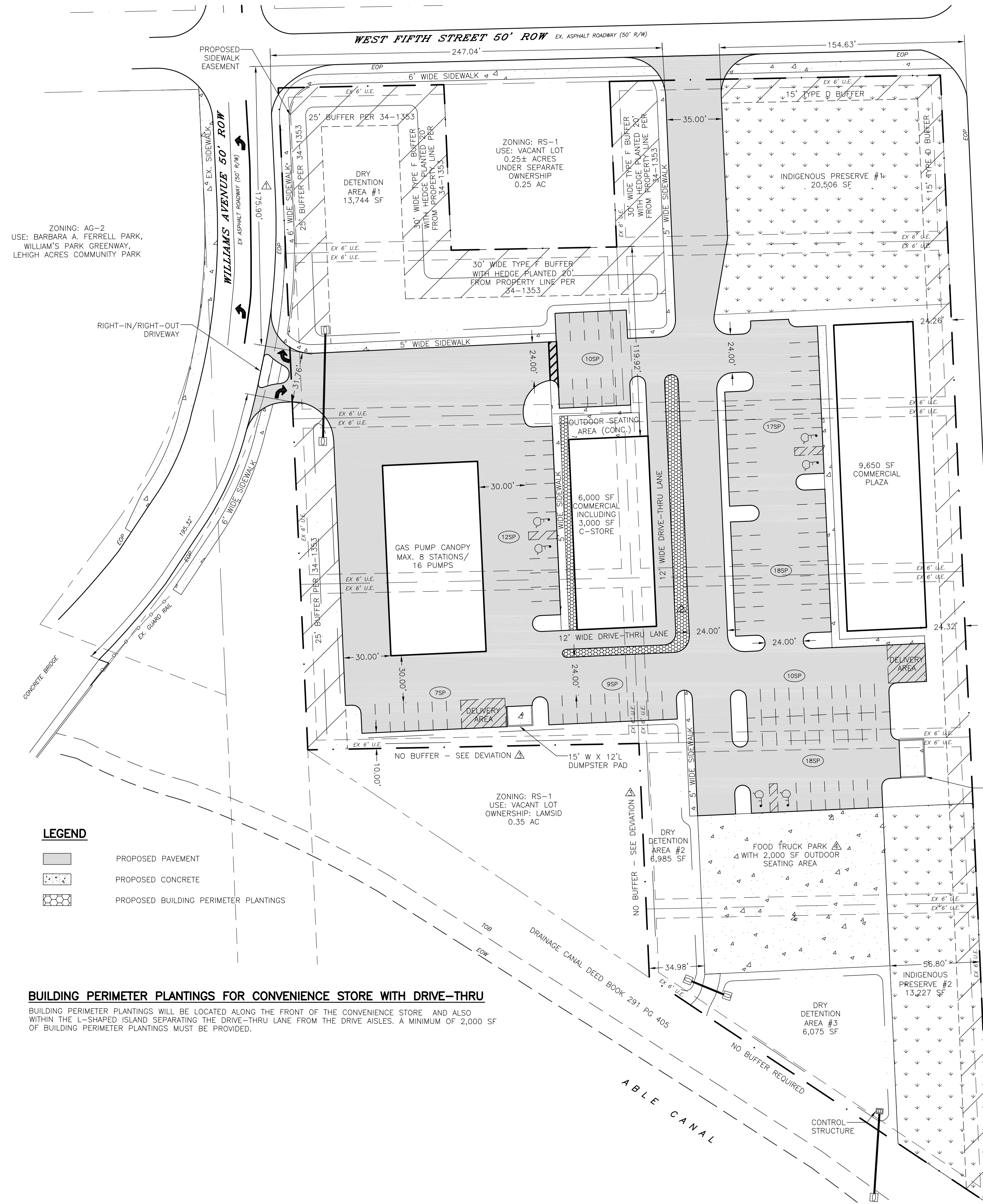
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the intent of the buffer can be achieved by providing the code required buffer vegetation in a 20-foot wide buffer.

The existing concrete driveway ends about halfway past the existing structure. The Applicant is requesting to add a single food truck on the property. Access to said food truck will be provided by extending the driveway around the structure, circling to the south, and then exiting back out onto Williams Avenue. The one-way drive aisle is intended for the food truck only. Typical traffic associated with the nursery will utilize the two-way drive aisle and gravel parking lot. It is not anticipated that the food truck will operate on site seven days per week, so vehicular traffic on the one-way drive aisle will be minimal. In addition, a dry detention area is located next to the drive aisle, effectively limiting any type of commercial activity, whether vehicular or pedestrian. Due to the site constraints, the Applicant is requesting a 10-foot wide buffer along the north property line abutting the vacant single-family lot. The code required buffer vegetation and limited commercial activity at that location support the reduced buffer width.

Summary:

The applicant is requesting five (5) deviations. All five take into account the phased design of the site, how it will be accessed from the surrounding roadway network, where the proposed uses will be located, and how the development relates to and supports the community. The applicant believes the requested deviations enhance the achievement of the objectives of the planned development and that they are not detrimental to the public interest.





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Williams Avenue CPD
 Property Development Regulations

Property Development Regulations

Proposed Zoning	= Commercial Planned Development (CPD)
Min. Lot Size	= 209,638 sf/4.81 acres
Max. Intensity	= 30,000 square feet
Minimum Frontage	= 150 feet
Minimum Depth	= 150 feet
Max. Height	= 35 feet
Min. Open Space	= 30%
Min. Indigenous	= 15%
Max. Lot Coverage	= 40%
Min. Building Separation	= 20 feet

LDC Section 34-1353 Convenience Food and Beverage Store Only:

Min. Lot Frontage	= 150 feet
Min. Lot Depth	= 150 feet
Min. Lot Area	= 25,000 square feet
Min. Street Setback	= 50 feet (arterials and collectors) = 25 feet (local)
Min. Side Yard Setback	= 15 feet
Min. Rear Yard Setback	= 20 feet

LDC Section 33-1432 Food Vending Carts

Street Setback	= 50 feet (all streets)
Min. Side Setback	= 15 feet
Min. Rear Setback	= 15 feet
Min. Canal Setback	= 20 feet

PHASE I/MCP A Buffers per Sections 33-1404 and 10-416:

COM to ROW = 15- wide Type D buffer

COM to 0.25 ac lot zoned RS-1 = buffer to east: 20' wide, see Deviation #5
 (north lot) = buffer to south: 10' wide, see Deviation#5

COM to 0.35 ac lot zoned RS-1 = no buffer proposed, see Deviation #3
 (south lot - LAMSID)

Page 2 of 2

Internal Buffers = no buffers proposed

PHASE II/MCP B Buffers per Sections 34-1353 and 10-416:

C-store to Williams Ave. = 25 feet wide with 5 canopy trees per 100 linear feet, trees must be a min of 14 feet in height at installation and shrubs must be a min of 3 gallon

C-store to West 5th St. = 25 feet wide with 5 canopy trees per 100 linear feet, trees must be a min of 14 feet in height at installation and shrubs must be a min of 3 gallon

C-store to 0.25 ac lot zoned RS-1 = 30 foot wide Type F buffer with hedge planted a minimum of 20 feet from the abutting property

C-store to 0.35 ac lot zoned RS-1
(south lot – LAMSID) = no buffer proposed, see Deviation #3

COM to West 5th St. = 15-foot wide Type D buffer, indigenous to act as buffer where possible

COM to Magnolia Ave. = 15-foot wide Type D buffer, indigenous to act as buffer where possible

COM to Canal = no buffer required



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Williams Avenue CPD
 Proposed Schedule of Uses
 Revised 6/8/2021

Accessory Uses and Structures
 Administrative Office
 ATM (Automatic Teller Machine)
 Business Services, Group I
 Caretaker's Residence
 Consumption on Premises, Indoor Only (only in conjunction with Restaurant, Groups II and III)
 Contractors and Builders, Group I
 Convenience Food and Beverage Store, limited to 3,000 sf maximum
 Day Care Center, Child, Adult
 Drive-thru Facility for any permitted use
 Dwelling Unit, Single-Family (Existing Only)
 Drugstore, Pharmacy
 Essential Services
 Essential Service Facilities, Group I
 Fences, Walls
 Food Stores, Group I
 Food Truck Park with outdoor seating, limited to a maximum of 10 trucks
 Hardware Store
 Hobby, Toy and Game Shops
 Home Occupation, with outside help
 Insurance Companies
 Laundry or Dry Cleaning, Group I
 Medical Office
 Paint, Glass and Wallpaper
 Parking Lot, Accessory
 Personal Services, Groups I, II, and III (excluding Massage Establishments/Parlors)
 Pet Services
 Pharmacy
 Plant Nursery
 Recreational Facilities, Commercial
 Group IV, limited to Heath Clubs
 Recreational Facilities, Private, On-Site
 Real Estate Sales Office
 Rental or Leasing Establishments, Groups I and II
 Repair Shops, Groups I and II plus Group III (limited to reupholstering/mattress renovating)
 Restaurants, Group I, II, and III
 Schools, Commercial
 Self-Service Fuel Pumps, limited to 16 pumps/8 stations

Schedule of Uses

Page 2 of 2

Signs in Accordance with Ch. 30

Specialty Retail Shops, Groups I, II and III

Storage, Indoor Only

Studios

Temporary Uses

Used Merchandise Store, Group I (indoor only)

Variety Store



**43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com
Certificate of Authorization # 29086**

**Williams Avenue CPD
Narrative of Request/Lee Plan Compliance
Revised 9-1-2021**

The Lee Plan describes Lehigh Acres as a “sustainable community of choice”. It further describes Lehigh Acres as “comprised of a collection of unique and inviting neighborhoods with involved citizens, a healthy environment, housing and employment opportunities, a full range of public services, and an efficient multi-modal transportation network connecting adjacent uses and neighboring communities”. The community vision of Lehigh Acres is one where residents are “encouraged to live a healthy and active lifestyle” and where opportunities for residents to “connect to the natural environment and their neighbors” is provided. The Lee Plan states that “Achieving the vision of the Lehigh Acres Planning Community will require improving the pattern of development to reduce dependence on neighboring communities for employment, recreation, and public services. Accomplishing this vision will reduce transportation impacts in neighboring communities and provide benefits to all of Lee County.” A Public Informational Meeting was conducted with the Lehigh Acres Architectural, Planning, and Zoning Review Board (LAAPZRB). The Board was supportive of the proposed rezoning to CPD and the proposed schedule of uses anticipated on the subject property. Rezoning the subject property from RS-1 to Commercial Planned Development will help achieve the vision of the Planning Community.

The subject property has a future land use classification of Urban Community. Lee Plan **Policy 1.1.4** states that these areas are characterized by a mixture of relatively intense commercial and residential uses. And “although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities”. Predominant land uses in the Urban Communities are residential, commercial, public and quasi-public, and limited light industrial uses. The subject property is adjacent to existing residential and public uses and in close proximity to existing commercial uses.

The properties to the north and east also have a future land use classification of Urban Community. The properties to the south have a Central Urban future land use classification and the properties to the west have a future land use classification of Central Urban and Public Facilities. (See Exhibit C – Future Land Use Map.) The subject property is adjacent to the Central Urban future land use classification, separated only by Able Canal to the south and Williams Avenue right-of-way to the west. Rezoning the land from RS-1 to CPD in order to

provide neighborhood commercial uses along a major collector road is consistent with development in the Urban Community future land use category.

OBJECTIVE 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, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

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.*

POLICY 2.1.2: *New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan.*

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created.*

POLICY 2.2.1: *Rezoning and Development of Regional Impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.*

POLICY 2.2.2: *Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth beyond the Lee Plan's planning horizon of 2030. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:*

- 1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and*
- 2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and*
- 3. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)). Additional provisions related to mining are provided in Policy 33.1.4.*

In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system.

The applicant has assembled seven (7) lots totaling 4.81 acres – almost the entire block – with the intention of rezoning the land for commercial use. Of the two (2) remaining vacant lots, one is owned by LAMSID and the other by a private entity. Although the applicant has reached out to both property owners, neither lot is for sale. At this time, only two single-family homes have been constructed on the entire block, and the applicant owns both of those residences. The remainder of the block is vacant, with the exception of a landscape nursery. It should be noted that the landscape nursery is not a permitted use in the current RS-1 zoning district, but is included in the proposed schedule of uses. Approval of the CPD will legitimize the use.

The subject property is located near existing commercial, residential, and public facilities, and is located along Williams Avenue, a county-maintained major collector road. Local roads border the property to the north (West 5th Street) and east (Magnolia Avenue) and Able Canal is located to the south. (See Exhibit A – Area Location Map.) Surrounding development includes single-family residential uses, parks, commercial recreation facilities and medical office to the west and northwest, offices and retail centers to the south, and an existing roadway network. In addition, urban services are available and adequate to service the development. This is consistent with Lee Plan **Goal 2, Objective 2.1, Policy 2.1.1, Policy 2.1.2, Objective 2.2, Policy 2.2.1, and Policy 2.2.2.**

The intent of Lee Plan Objective 4.1 is to consider water, sewer, and environmental standards during the rezoning process in order to ensure the standards are met prior to issuing a local development order. The applicant is requesting a maximum of 30,000 square feet of commercial uses on the 4.81-acre property. FGUA has provided a letter of service availability confirming that there is sufficient capacity for both water and wastewater to service the proposed development. In addition, lines are available in proximity to the site. The applicant will connect to potable water and sanitary sewer as part of any commercial development. This is consistent with Lee Plan **Goal 4, Objective 4.1, Standard 4.1.1: Water, and Standard 4.1.2: Sewer.**

The Protected Species Survey/Environmental Report provided by Boylan Environmental Consultants indicates that the existing FLUCCS includes residential uses, disturbed lands, pine flatwoods, and an existing landscape nursery. No listed species were noted, no rookeries were found, and no burrows were found. The report states there are no environmentally sensitive areas on site. This is consistent with **Standard 4.1.4: Environmental Factors.**

***POLICY 5.1.5:** Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.*

The entire block of land is currently zoned for residential use (RS-1). The applicant owns all but two (2) lots on the block. One small triangular shaped lot abutting Able Canal is owned by LAMSID and is intended to be used for access and maintenance of the canal. LAMSID has indicated the lot would not be developed for residential use and is not for sale. The other lot has

frontage on West 5th Street and is also vacant. When contacted, the property owner originally discussed selling the property to the Applicant, but then changed their mind. As a result, the zoning request doesn't include those two (2) lots and the Master Concept Plan has been designed to limit and reduce any potential impacts to the lots, focusing on the one with frontage on West 5th Street.

Per LDC Sec. 34-2 Definitions:

Compatible means, in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another.

The Applicant is proposing a Phased development. Phase I (MCP A) limits development to just those lots with frontage on Williams Avenue. The MCP will legitimize the existing landscape nursery and add a single food truck with outside dining area. Associated infrastructure including access, parking, sidewalks, landscape buffers, delivery area, vehicular and pedestrian circulation internal to the development, and drainage areas are identified on the MCP. The existing two-story structure is anticipated to have commercial use on the first floor and retain residential use on the second floor as part of Phase I.

Phase II (MCP B) depicts the development at full build-out. During this Phase, the existing nursery and single-family residential uses are replaced with a convenience store and gas station, offices and retail and a larger food truck park. At full build-out, it is anticipated that the development will exceed the two acres of impervious surface, making this a "large" development. As such, indigenous preserve is provided in addition to general open space. In addition, an Environmental Resource Permit will be required for a master storm water system. A right in/right out access is proposed on Williams Avenue and a full access driveway is proposed on West Fifth Street.

MCP B has been designed to protect the vacant lot fronting West 5th Street from any adverse impacts associated with commercial development. The gas station and convenience store are located as far south as possible, away from the vacant RS-1 zoned lot, with a 24-foot wide drive aisle, parking, detention area, and 30-foot wide Type F buffer between the vacant lot and the convenience store. Per LDC Sec. 34-1353(f), convenience stores must be separated from adjacent residentially zoned or developed properties by (1) an architecturally designed eight-foot high masonry wall or fence a minimum of 25 feet from the property line and landscaped with a minimum of five trees and 18 shrubs per 100 linear feet; or (2) a 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property. The applicant is proposing to provide a 30-foot wide Type F buffer with 10 trees per 100 linear feet and a double staggered hedgerow planted a minimum of 20 feet from the property line. The hedge must be planted at 48" high and maintained at 60" high to provide a continuous visual screen within one year after time of planting. The LAAPZRB indicated a preference for a living vegetative wall/buffer instead of an actual physical wall at that location. As designed, the vacant RS-1 zoned lot is 120± feet north of the proposed convenience store, as shown on MCP B. The applicant has designed both MCP's with the end goal of reducing any impacts associated by the commercial development abutting a residentially zoned lot.

Residential zoning and uses are also located north of West 5th Street ROW and east of Magnolia Avenue ROW. The MCP's have been designed to locate uses with minimal impacts (low-impact parking lot, indigenous preserve, and detention area) along West 5th Street and limits any commercial access onto Magnolia Avenue. The food truck park is located a minimum of 25 feet from the Magnolia Avenue ROW, providing more than 75 feet to the residential lots on the east side of Magnolia. The LAAPZRB requested the food truck park be located along the proposed Six-Mile Linear Park to be located along the north side of Able Canal. This allows the food truck park to be accessed by a vehicles, cyclists, and pedestrians alike. In addition, 15-foot wide Type D buffers are proposed along the rights-of-way to the north and east, which shield the commercial uses from passing traffic and the residential properties across the street.

The applicant believes he has demonstrated that the proposed commercial uses, as shown on the MCP's with buffers and conditions, are compatible with the abutting and nearby residentially zoned lots. The MCP's demonstrate a neutral relationship to the residential properties based on a relative lack of conflict. Any negative or harmful influences to the residentially zoned lots have been minimized. This is consistent with **Objective 5.1** and **Policy 5.1.5**.

POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated as to:

- a. Traffic and access impacts (rezoning and development orders);*
- b. Landscaping and detailed site planning (development orders);*
- c. Screening and buffering (planned development rezoning and development orders);*
- d. Availability and adequacy of services and facilities (rezoning and development orders);*
- e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);*
- f. Proximity to other similar centers (rezoning); and*
- g. Environmental considerations (rezoning and development orders).*

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

POLICY 6.1.5: The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements.

POLICY 6.1.6: The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

POLICY 6.1.8: Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students.

The subject property is located in the Lehigh Acres Planning Community and has a future land use classification of Urban Community. The property has frontage on Williams Avenue to the west, West 5th Street to the north, and Magnolia Avenue to the east. Able Canal runs along the south end of the property along with an access/maintenance parcel owned by LAMSID. Williams Avenue is a county-maintained major collector road with a left turn lane at the intersection of West 5th Street. The applicant is proposing a right-in/right-out driveway on Williams Avenue in an effort to mitigate traffic concerns by preventing left turning movements across traffic. Both West 5th Street and Magnolia Avenue are county-maintained local roads. No access is proposed on Magnolia, which dead-ends at the canal. A full-access driveway will be provided on West 5th Street.

The Traffic Impact Study (TIS) is based on the most intense uses identified in the proposed schedule of uses. Per Table 7: Raw Trip Generation – Total Proposed Development with Pass-By, the A.M. peak hour vehicle trip ends is 144 and the P.M. peak hour vehicle trip ends is 254. According to the TIS, the proposed commercial development will not degrade the level of service of Lee Boulevard or Williams Avenue at full build-out.

There are several sections in the LDC that provide landscaping/buffer requirements. LDC Sec. 34-1353 applies to convenience stores, LDC Sec. 33-1405 is specific to Lehigh Acres, and LDC Sec. 10-416 sets forth general buffer requirements. The MCP's show a variety of uses, including the convenience store. Several different types of buffers are shown on the MCP's, depending on the proposed and abutting use. The most critical buffer is the one between the convenience store and the vacant RS-1 zoned lot along West Fifth Street. A 30-foot wide buffer Type F buffer with hedge planted 20 feet from the property line is proposed on all three sides of the lot. This will buffer and screen the residential lot from any adverse impacts associated with the convenience store, including light trespass, noise, glare, fumes, etc.

Urban services are available and adequate to service the proposed commercial development.

Fire/EMS:	Lehigh Acres Fire Control District, Station #102, located at 636 Thomas Sherwin Ave. S, ±5.9 miles away.
Police:	Lee County Sheriff's Office, located at 1301 Homestead Rd. N, ±1.1 miles away.
Solid Waste:	The property is within the Lee County Solid Waste Franchise Area 4 and is serviced by Advanced Disposal.
Public Transit:	Public Transit is not available on Williams Avenue; however, Lee Tran Route 110 services Lee Blvd. to the south.
Public Parks:	Lehigh Acres Community Park and the Barbara A. Ferrell Park are located on the west side of Williams Avenue.
Public Schools:	The rezoning is for a commercial development, so no impacts are anticipated to public schools.
Water:	FGUA has provided a letter of availability to serve the commercial development.

Wastewater: FGUA has provided a letter of availability to serve the commercial development.

Surrounding zoning districts include RS-1 to the north and east, C-2 to the south, AG-2 and CF to the west, and CPD to the northwest. (See Exhibit B – Zoning Map.) West of Williams Avenue is the Lehigh Acres Community Park and the Barbara A. Ferrell Park. Further north on the west side of Williams Avenue is property zoned CPD with existing uses including Mini Golf, tennis courts, a self-storage warehouse, a medical office, and a fraternal club (Eagles). These existing commercial uses are directly across from existing single-family homes with RS-1 zoning. The land north of West 5th Street is zoned RS-1 and is currently used for single-family homes. A full-access driveway will be provided on West 5th Street. The land east of Magnolia Avenue is zoned RS-1 and is currently used for single-family homes. The properties south of Able Canal, along Lee Boulevard, consist of a variety of commercial uses with C-2 zoning. Rezoning almost an entire block of land for commercial uses that support the surrounding neighborhood is compatible with existing uses in the area.

A Sunoco gas station is located at 1360 Lee Boulevard, across from Homestead Road, approximately 3,100 feet from the subject property. A Speedway and Circle K are located further south on Homestead Road. No gas stations or convenience stores are located within proximity to the subject parcel on Williams Avenue.

The existing uses along this section of Williams Avenue (just north of Able Canal) is mixed. Uses include parks and recreation (Lehigh Acres Community Park and the Barbara A. Ferrell Park), medical office (Florida Skin Center), commercial recreation (Pelicans SnoBalls and Mini Golf), commercial schools (Roman's Submission School/martial arts), self-storage/mini-warehouse (Storage Rentals of America), single-family residential, and vacant lots. Lee Boulevard, immediately to the south, is the primary commercial corridor. However, existing nearby uses indicate that commercial development is starting to be located along the frontage of Williams Avenue. This is consistent with Lee Plan Policy 6.1.7.

As previously mentioned, the Protected Species Survey/Environmental Report provided by Boylan Environmental Consultants indicates that the existing FLUCCS includes residential uses, disturbed lands, pine flatwoods, and an existing landscape nursery. In addition, no listed species were noted, no rookeries were found, and no burrows were found. There are no environmentally sensitive areas on site.

The proposed commercial development is compatible with existing and proposed land uses, the proposed uses will not degrade the level of service of the surrounding roadway network, urban services are available and adequate to service the site, screening and buffering to abutting and adjacent uses is proposed, no schools are existing or planned in the nearby vicinity, and similar uses (gas station/convenience store) are over a half mile away. This is consistent with Lee Plan **Goal 6, Objective 6.1, Policy 6.1.1, Policy 6.1.4, Policy 6.1.5, Policy 6.1.6, Policy 6.1.7, and Policy 6.1.8.**

GOAL 25: LEHIGH ACRES COMMUNITY PLAN. Ensure that continued development and redevelopment converts this largely single use, antiquated pre-platted area into a vibrant residential and commercial community consisting of: safe and secure single family and multi-family neighborhoods; vibrant commercial and employment centers;

pedestrian friendly mixed use activity centers and neighborhood nodes; and, adequate green space and recreational opportunities.

Objective 25.1 of the Lee Plan creates mixed use nodes that contribute the uses needed to support Lehigh Acres Community Plan area as shown on Map 1, Page 7. The subject property is not located in one of the identified Specialized Mixed Use Nodes. According to Lee Plan Map 1, Page 7, the existing commercial properties at the intersection of Williams Avenue and Lee Boulevard are located in the Commercial Overlay Zone. In addition, the existing commercial properties located at the intersection of Williams Avenue and Village Lakes Boulevard north of the subject property are also located in the Commercial Overlay Zone. (See Exhibit D – Lehigh Acres Commercial Overlay Study.) The subject property is not located in a Specialized Mixed Use Node or in the Commercial Overlay Zone; however, the location lends itself to commercial use, given the proximity of existing commercial uses.

POLICY 25.6.2: *Because of the shortage of suitable undivided tracts, commercial uses may also be appropriate on certain other lands that might otherwise be used for residential lots.*

1. Many such lands are designated as part of the Lot Assembly Overlay. These lands are platted for single-family lots and are under multiple ownerships. Commercial uses on individual lots or small assemblies of lots would generally be intrusive to existing or emerging neighborhoods. However, the assembly of entire blocks would provide suitable commercial parcels. Major lot assemblies could qualify for commercial zoning whether assembled by government action, private sector purchases, cooperative arrangements between individual lot-owners, or similar arrangements.

2. Other tracts or combinations of platted lots in Lehigh Acres may also be considered for commercial rezoning (even if they are outside any of the three overlays) through the planned development zoning processes or by requesting the CN-3 conventional commercial zoning district that was created to address Lehigh Acres conditions. Lands suitable for such rezoning would include:

a. Tracts that are assembled from vacant lots at the intersection of future collector or arterial roads in sparsely developed areas where there are very limited or no suitable commercial locations in any of the commercial overlays; or

b. Tracts that separate existing commercial and residential land uses where some commercial uses may be appropriate if they provide a substantial buffer and reasonably protect the privacy of existing dwellings. Landowners seeking commercial zoning under this subsection should expect a minimal level of commercial uses and/or to provide extra levels of buffering.

The applicant has created a 4.81-acre tract of land assembled from seven (7) lots at the intersection of a major collector and local road. Lee Plan Policy 25.6.2.2 states that “Other tracts or combinations of platted lots in Lehigh Acres may also be considered for commercial rezoning (even if they are outside any of the three overlays) through the planned development zoning process or by requesting the CN-3 conventional commercial zoning district that was created to address Lehigh Acres conditions”. The applicant is requesting a planned development rezoning. The proposed Schedule of Uses include most of those uses permitted in the CN-3 zoning district; however, several additional uses are proposed including: convenience food and beverage store, self-service gas pumps, drive-thru facility, food truck park, plant nursery, and consumption on

premises. The proposed food truck park is an ideal use for the subject property since it's in close proximity to the Lehigh Acres Community Park and Barbara A. Ferrell Park on the west side of Williams Avenue. At the suggestion of LAMSID, the food truck park will be located at the south end of the property along the canal. According to Mike Cook with LAMSID, Lee County Parks and Rec will be constructing a bike/pedestrian path along the north side of Able Canal from Trailhead Park off Joel Blvd to Harns Marsh. The LAAPZRB and LAMSID thought the food truck park would be an asset to the community at that location, especially for those walking and biking along the new trail. The applicant, who has lived on the property for several years, intends to develop the property for uses that support the surrounding residential neighborhood, which is why the gas station/convenience store and drive-thru are proposed. It should be noted that the LAAPZRB supports the proposed schedule of uses for the subject property with the exception of gas pumps.

Per LDC Sec. 34-1353, MCP B provides substantial 30-foot wide Type F buffers around the vacant RS-1 zoned lot with frontage on West 5th Street. In addition, a 25-foot wide buffer is also proposed along Williams Avenue along with an undulating berm. Standard Type D buffers per LDC Sec. 10-416 are proposed along West 5th Street and Magnolia Avenue. MCP A (no convenience store) complies with the standard buffer requirements, except where deviations are requested due to existing site constraints.

The applicant is proposing a commercial development with uses that will be an asset to the surrounding community and also meet the vision of the Lehigh Acres community plan. The request has the support of the LAAPZRB and is consistent with Lee Plan **Objective 25.1** and **Policy 25.6.2**.

OBJECTIVE 25.8: TRANSPORTATION, PARKING, AND TRAFFIC CIRCULATION. *To improve transportation, parking, and circulation within the Lehigh Acres Community Plan area.*

POLICY 25.8.4: *All new commercial development must provide parking lot interconnections to adjacent properties and must not prevent pedestrian or vehicular access from adjacent residential areas.*

A full-access driveway is proposed on West 5th Street and a right-in/right-out driveway is proposed on Williams Avenue. The right-in/right-out driveway on Williams Avenue is a compromise with the LAAPZRB. They preferred not to have a driveway on Williams Avenue due to traffic concerns. A right-in/right-out driveway prevents traffic from making left turning movements against traffic. The MCP provides internal sidewalks leading to the surrounding roadway network and there are several areas proposed for parking. Vehicular and pedestrian access is provided to both Williams Avenue and West 5th Street. This is consistent with Lee Plan **Objective 25.8** and **Policy 25.8.4**.

POLICY 125.1.2: *New development and additions to existing development must not degrade surface and ground water quality.*

POLICY 125.1.3: *The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.*

The proposed development will be Phased. Phase I (MCP-A) is largely to legitimize the existing nursery. Standard requirements for a landscape nursery require all herbicides, pesticides, and fertilizers to be stored in an enclosed storage building with impermeable floor (such as concrete). Also, any horticultural, landscaping, or garden service business must comply with Florida Statutes Chapters 482 and 487 and Florida Administrative Code Chapters 5E-2 and 5E-9.

The proposed development will ultimately have over two acres of impervious surface. As a result, it is considered a large project and an Environmental Resource Permit (ERP) will be required at time of local development order. In addition, a Stormwater Pollution Prevention Plan (SWP3) will be required by Lee County at time of local development order. There are safeguards in place through both Lee County and the State of Florida that will ensure compliance with Lee Plan **Policies 125.1.2 and 125.1.3.**

The applicant has proven entitlement to the rezoning as set forth in LDC Sec. 34-145(d)(4). The request:

- (a) Complies with the Lee Plan;
- (b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- (c) Is compatible with existing and planned uses in the surrounding area;
- (d) Will provide access sufficient to support the proposed development intensity;
- (e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- (f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- (g) Will be served by urban services.

Additional findings for planned developments:

- (a) The proposed use or mix of uses is appropriate at the proposed location;
- (b) 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;
- (c) The requested deviations enhance the achievement of the objectives of the planned development and preserves and promotes the general intent of the LDC to protect the public health, safety, and welfare.

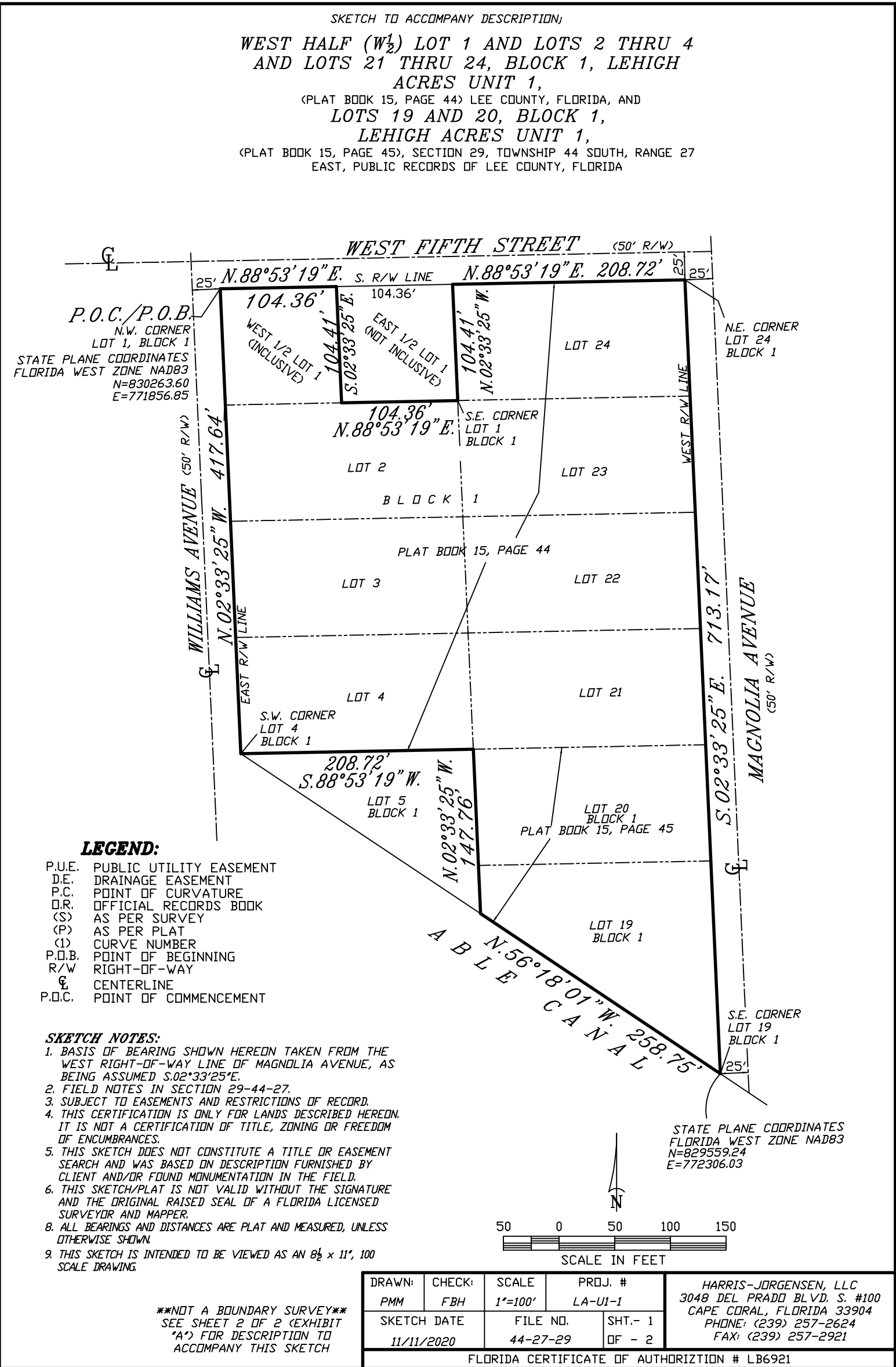


EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH:

*WEST HALF ($W\frac{1}{2}$) OF LOT 1 AND LOTS 2 THRU
4 AND LOTS 21 THRU 24, BLOCK 1, LEHIGH
ACRES UNIT 1,*

(PLAT BOOK 15, PAGE 44) LEE COUNTY, FLORIDA

&

*LOTS 19, 20, BLOCK 1,
LEHIGH ACRES UNIT 1,*

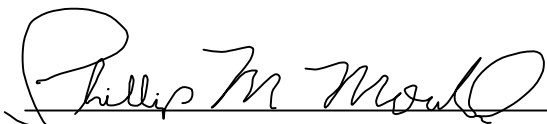
(PLAT BOOK 15, PAGE 45) LEE COUNTY, FLORIDA

SECTION 29, TOWNSHIP 44 SOUTH, RANGE 27 EAST, PUBLIC RECORDS OF
LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, LEHIGH ACRES, UNIT 1, AS RECORDED IN PLAT BOOK 15, PAGE 44, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.88°53'19"E. ALONG THE SOUTH RIGHT OF WAY LINE OF WEST FIFTH STREET (50 FEET WIDE) FOR 104.36 FEET; THENCE RUN S.02°33'25"E. TO A POINT ALONG THE SOUTH LINE OF THE AFORESAID LOT 1 FOR 104.41 FEET; THENCE RUN N.88°53'19"E. TO THE SOUTHEAST CORNER SAID LOT 1 FOR 104.36 FEET; THENCE RUN N.02°33'25"W. TO A POINT ALONG THE AFORESAID SOUTH RIGHT OF WAY LINE OF WEST FIFTH STREET (50 FEET WIDE) FOR 104.41 FEET; THENCE RUN N.88°53'19"E. TO THE NORTHEAST CORNER OF LOT 24, SAID BLOCK 1, FOR 208.72 FEET; THENCE RUN S.02°33'25"E. ALONG THE WEST RIGHT OF WAY LINE OF MAGNOLIA AVENUE (50 FEET WIDE) TO THE SOUTHEAST CORNER OF LOT 19, BLOCK 1, LEHIGH ACRES, UNIT 1, AS RECORDED IN PLAT BOOK 15, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.56°18'01"W. TO THE SOUTHWEST CORNER OF LOT 19, BLOCK 1, SAID LEHIGH ACRES, UNIT 1, AS RECORDED IN PLAT BOOK 15, PAGE 44, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 258.75 FEET; THENCE RUN N.02°33'25"W. TO NORTHWEST CORNER OF LOT 20, BLOCK 1, SAID LEHIGH ACRES, UNIT 1, AS RECORDED IN PLAT BOOK 15, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 147.76 FEET; THENCE RUN S.88°53'19"W. TO A POINT ALONG THE EAST RIGHT OF WAY LINE OF WILLIAMS AVENUE FOR 208.72 FEET, BEING THE SOUTHWEST CORNER OF LOT 4, BLOCK 1, SAID LEHIGH ACRES, UNIT 1, AS RECORDED IN PLAT BOOK 15, PAGE 44, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.02°33'25"W. ALONG THE EAST RIGHT OF LINE OF WILLIAMS AVENUE TO THE AFORESAID NORTHWEST CORNER OF LOT 1, BLOCK 1, LEHIGH ACRES, UNIT 1, AS RECORDED IN PLAT BOOK 15, PAGE 44, FOR 417.64 FEET TO THE POINT OF BEGINNING.

CONTAINING: 209,638.26 SQUARE FEET, MORE OR LESS.



PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
12/16/2020

SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE WEST RIGHT-OF-WAY LINE OF MAGNOLIA AVENUE, AS BEING ASSUMED S02°33'29"E.
2. FIELD NOTES IN SECTION 29-44-27.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SURVEY IS BASED ON PLAT PROPERTY INFORMATION REPORT, ATTORNEYS' TITLE FUND SERVICES, LLC, FUND FILE NUMBER 1007366, DATED JANUARY 20, 2021 AT 11:00PM.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 24X36, 30 SCALE DRAWING.
10. DEED BOOK 254, PAGE 20, EASEMENTS AND RIGHTS-OF-WAY ARE HEREBY EXPRESSLY RESERVED FOR THE CREATIONS, CONSTRUCTION, AND MAINTENANCE OF UTILITIES 5' FOR EVERY LOT, AND 5' ALONG THE SIDES AND REAR OF EVERY BUILDING PLAT AND ALONG EVER STREET OF THE SUBDIVISION.
11. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.).

FLOOD ZONE: "X" ELEVATION N/A.
COMMUNITY NO. 125124 PANEL NO. 0475
SUFFIX --- F REVISION DATE: 8/28/08
MAP NUMBER: 12071C0475F

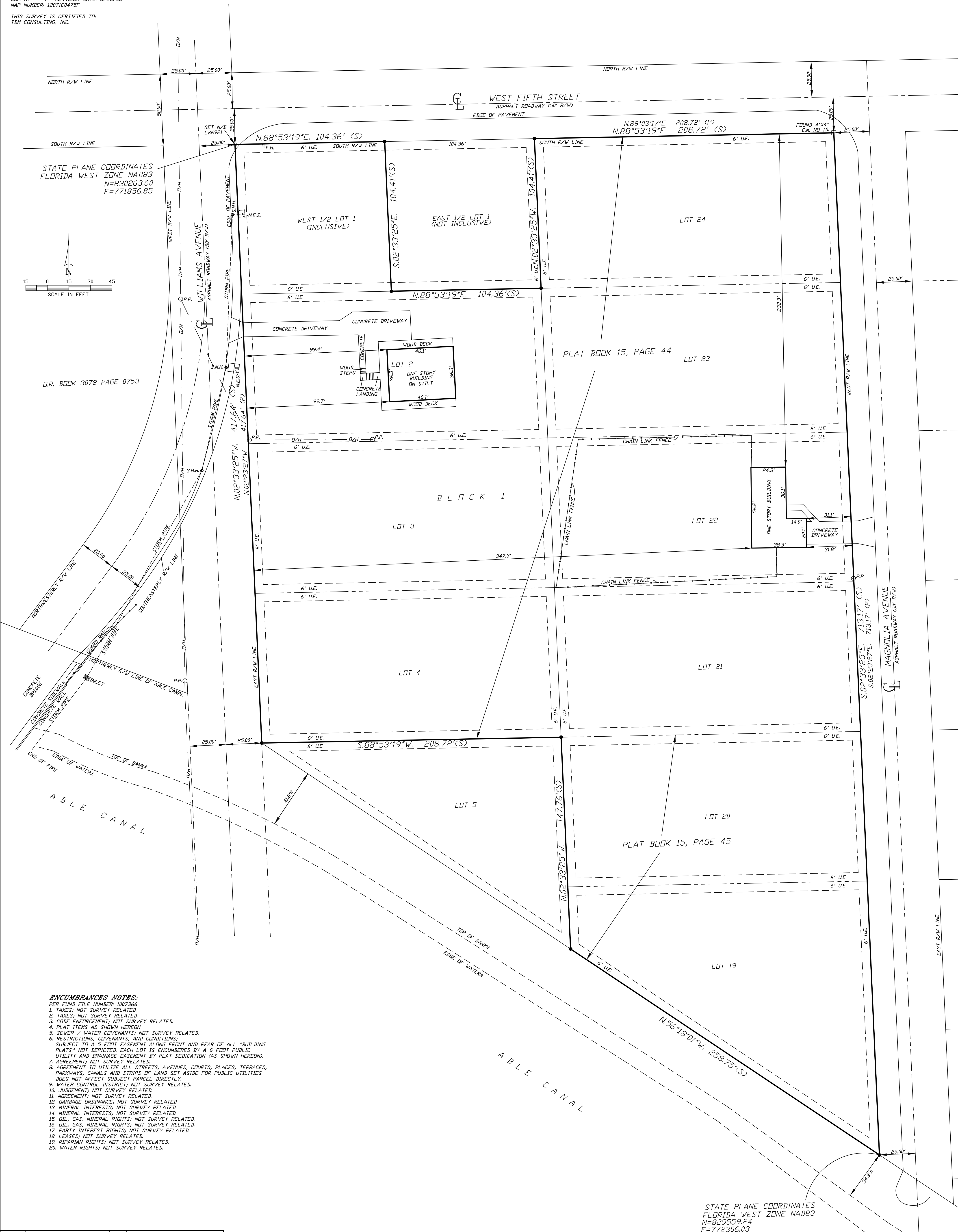
THIS SURVEY IS CERTIFIED TO:
TDM CONSULTING, INC.

AS-BUILT SURVEY OF:

**WEST 1/2 OF LOT 1 AND ALL OF LOTS 2, 3, 4,
19, 20, 21, 22, 23 AND 24, BLOCK 1,
SECTION 29, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEHIGH ACRES,**

ACCORDING TO THE PLAT THEREOF RECORDED IN
DEED BOOK 254, PAGE 20, AND PLAT BOOK 15, PAGE 44,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

- LEGEND:**
- SET #4 IRON ROD (CAP LB #6921)
 - FOUND IRON ROD (CAP LB #6921)
 - CONCRETE MONUMENT (C.M.)
 - PERMANENT REFERENCE MONUMENT
 - PERMANENT CONTROL POINT
 - PUBLIC UTILITY EASEMENT
 - DRAINAGE EASEMENT
 - LAKE MAINTENANCE EASEMENT
 - UTILITY EASEMENT
 - POINT OF CURVATURE
 - POINT OF TANGENCY
 - OFFICIAL RECORDS BOOK
 - AS PER SURVEY
 - AS MEASURED
 - AS PER DEED
 - CURVE NUMBER
 - LINE NUMBER
 - RIGHT-OF-WAY
 - CENTERLINE
 - STORM MANHOLE
 - R.W.B. RECLAIM WATER BOX
 - W.M. WATER METER
 - V.V. WATER VALVE
 - F.H. FIRE HYDRANT
 - D/H OVERHEAD POWER
 - P.P. POWER POLE
 - G.A.W. GUY ANCHOR & WIRE
 - E.B. ELECTRIC BOX
 - C.T.B. CABLE TELEVISION BOX
 - T.S. TELEPHONE SERVICE BOX
 - N.P. NAIL & DISK
 - N/T.T. NAIL & TINTAB
 - ELEV. ELEVATION
 - B.M. BENCHMARK
 - TYPICAL ELEVATION
 - A/C AIR CONDITIONER
 - W.S. WATER SYSTEM
 - P.E. PUMP EQUIPMENT
 - CONCRETE CONCRETE
 - M.E.S. MITERED END SECTION



ENCUMBRANCES:

- PER FUND FILE NUMBER 1007366
1. TAXES; NOT SURVEY RELATED.
 2. TAXES; NOT SURVEY RELATED.
 3. CODES ENFORCEMENT; NOT SURVEY RELATED.
 4. PLAT ITEMS AS SHOWN HEREON.
 5. SEWER / WATER COVENANTS; NOT SURVEY RELATED.
 6. RESTRICTIONS, COVENANTS, AND CONDITIONS.
 7. SUBJECT TO A 5 FOOT EASEMENT ALONG FRONT AND REAR OF ALL "BUILDING PLATS" NOT DEPICTED. EACH LOT IS ENCUMBERED BY A 6 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT BY PLAT DEDICATION (AS SHOWN HEREON).
 8. AGREEMENT TO UTILIZE ALL STREETS, AVENUES, COURTS, PLACES, TERRACES, PARKWAYS, CANALS AND STRIPS OF LAND SET ASIDE FOR PUBLIC UTILITIES.
 9. AGREEMENT; NOT SURVEY RELATED.
 10. JUDGEMENT; NOT SURVEY RELATED.
 11. AGREEMENT; NOT SURVEY RELATED.
 12. GARBAGE ORDINANCE; NOT SURVEY RELATED.
 13. MINERAL INTERESTS; NOT SURVEY RELATED.
 14. MINERAL INTERESTS; NOT SURVEY RELATED.
 15. OIL, GAS, MINERAL RIGHTS; NOT SURVEY RELATED.
 16. OIL, GAS, MINERAL RIGHTS; NOT SURVEY RELATED.
 17. PARTY INTEREST RIGHTS; NOT SURVEY RELATED.
 18. LEASES; NOT SURVEY RELATED.
 19. RIPARIAN RIGHTS; NOT SURVEY RELATED.
 20. WATER RIGHTS; NOT SURVEY RELATED.

REVISED	DESCRIPTION	BY
12/16/20	REVISED LEGAL	PMM
06/14/21	TITLE ENCUMBRANCES	PMM
DATE OF LAST FIELD WORK: 10/26/2020		
DRAWN	CHECK	SCALE
RLB	PMM	1"=20'
SURVEY DATE	FILE NO.	SHT. - 1
10/26/2020	44-27-29	OF - 1
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921		

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. SUITE 100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

STREET ADDRESSES

416 WILLIAMS AVENUE
AND
409, 411, 413, 415, 417, AND 419 MAGNOLIA AVENUE
LEHIGH ACRES, FL 33971

STRAP NUMBERS

29-44-27-01-00001.0020
29-44-27-01-00001.0190
29-44-27-01-00001.0200
29-44-27-01-00001.0210
29-44-27-01-00001.0220
29-44-27-01-00001.0230
29-44-27-01-00001.0240

PROPERTY DEVELOPMENT REGULATIONS

CURRENT ZONING = RS-1 (SINGLE-FAMILY RESIDENTIAL)
PROPOSED ZONING = COMMERCIAL PLANNED DEVELOPMENT (CPD)
FUTURE LAND USE = URBAN COMMUNITY
MIN. LOT SIZE = 209,638 SF/4.81 ACRES
MAX. INTENSITY = 30,000 SQUARE FEET
MINIMUM FRONTAGE = 150 FEET
MINIMUM DEPTH = 150 FEET
MAX. HEIGHT = 35 FEET
MINIMUM OPEN SPACE = 30%
MAX. LOT COVERAGE = 40%
MIN. BUILDING SEPARATION = 20 FEET

BUILDING SETBACK REQUIREMENTS

COMMERCIAL BUILDINGS/CPD ZONING PER LDC SECTION 34-935
STREET SETBACK = 25 FEET
PERIMETER = GREATER OF 15' OR BUFFER WIDTH

CONVENIENCE STORE ONLY PER LDC 34-1353

STREET (ARTERIAL OR COLLECTOR) = 50 FEET
STREET (LOCAL) = 25 FEET
SIDE YARD = 15 FEET
REAR YARD = 20 FEET

FOOD VENDING CARTS PER LDC 33-1432

STREET (ALL) = 50 FEET
SIDE YARD = 15 FEET
REAR YARD = 15 FEET
CANAL = 20 FEET

ZONING/ACTUAL USE

NORTH = RS-1/ROW (WEST FIFTH STREET)
SOUTH = RS-1/VACANT LOT AND CANAL
EAST = RS-1/ROW (MAGNOLIA AVENUE)
WEST = AG-2/ROW (WILLIAMS AVENUE)

LANDSCAPE BUFFER REQUIREMENTS

PER LDC SEC. 33-1405(C)(3)
COM TO SFR: SEE DEVIATION #5

PER LDC SEC. 10-416(D)
COM TO ROW: 15' WIDE TYPE D BUFFER

OPEN SPACE REQUIREMENTS

LIMITS OF PHASE 1 DEVELOPMENT (76,253 SF/1.75 AC)
MIN. REQUIRED: 76,253 SF X 20% = 15,250 SF
PROVIDED: BUFFERS (10,755 SF) + DETENTION AREA (7,582 SF)
= 18,337 SF (24.0%)

PARKING REQUIREMENTS (PENDING MIX OF USES)

FOOD TRUCK (800 SF OUTDOOR SEATING AREA):
= 12.5 SPACES PER 1,000 SF
= 800 SF/1,000 SF = 0.8 X 12.5 = 10 SPACES
REQUIRED PARKING = 10 SPACES

COMMERCIAL RETAIL AND OFFICE (1,500 SF):
= 1 SPACE PER 350 SF
= 1,500 SF/350 SF = 4.3 SPACES
REQUIRED PARKING = 4.3 SPACES

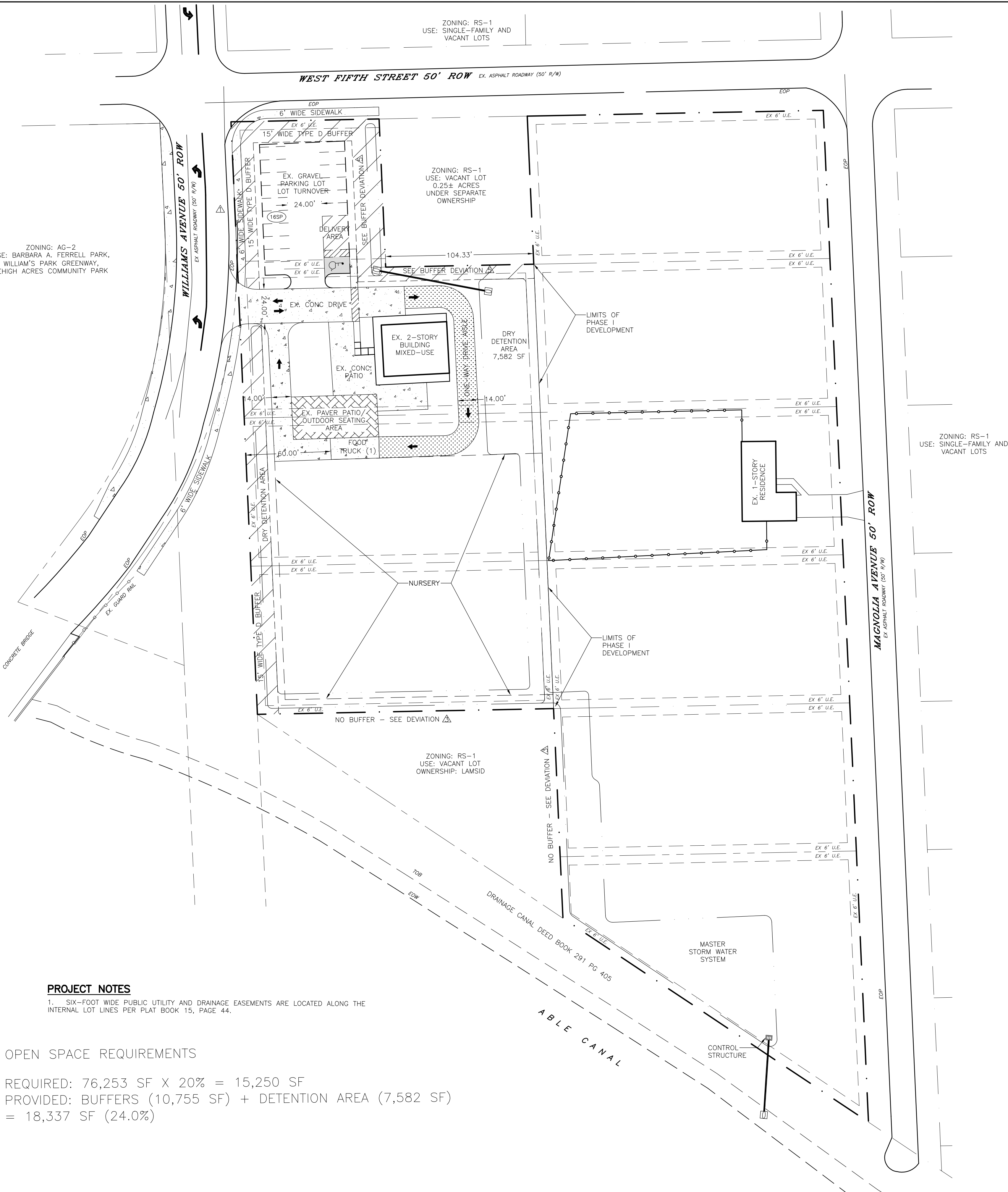
REQUIRED PARKING = 10 + 4.3 = 15 SPACES (MIN. 1 HC SPACES)
PROVIDED PARKING = 16 SPACES INCLUDING 1 HC SPACE

PROJECT NOTES

1. SIX-FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENTS ARE LOCATED ALONG THE
INTERNAL LOT LINES PER PLAT BOOK 15, PAGE 44.

OPEN SPACE REQUIREMENTS

REQUIRED: 76,253 SF X 20% = 15,250 SF
PROVIDED: BUFFERS (10,755 SF) + DETENTION AREA (7,582 SF)
= 18,337 SF (24.0%)



R
EX.
ROW
E.O.P.
CONC.
TYP.
PROP.
SF
LF
E.O.P.
E.O.W.
P.U.E.
D.E.
L.P.

LEGEND

RADIUS (5' UNLESS OTHERWISE NOTED)
EXISTING
RIGHT-OF-WAY
EDGE OF PAVEMENT
CONCRETE
TYPICAL
PROPOSED
SQUARE FEET
LINEAR FEET
EDGE OF PAVEMENT
EDGE OF WATER
PUBLIC UTILITY EASEMENT
DRAINAGE EASEMENT
LIGHT POLE

10SP

PROPOSED PAVEMENT

PROPOSED CONCRETE

LDC

N.T.S.

C.P.

DEVIATION

1" = 40'

DATE	DESIGNED BY	DRAWN BY	CHECKED BY	APPROVED BY
10/20/20	PEM	PEM	PEM	TDM
REVISIONS	DATE	REVISIONS	DATE	REVISIONS
1	6/20/21	REVISED PER LC COMMENTS		
DRAWING NAME: 433 Southern Boulevard, Suite 200, Fort Myers, FL 33907				
DRAWING NUMBER: 29086				
NOT VALID WITHOUT EMBOSSED SEAL SIGNATURE AND DATE.				
CIVIL ENGINEERING AND PLANNING				
TDM CONSULTING, INC.				
433 Barkley Circle, Suite 200 Fort Myers, FL 33907 Phone: (239) 433-4231 Fax: (239) 433-9632 Cert. of Authorization # 29086				
Civil Engineering and Planning				
Qr Code				
dean@tdmconsulting.com www.tdmconsulting.com				
This form has been digitally signed and sealed by Dean Martin on the Florida #52022 code adjacent to the seal. Printed copies of this document are not considered signed and sealed for electronic copies.				
DATE: 10/20/20				
Dean Martin, P.E.				
1 of 1				
SHEET #				
SCALE: AS NOTED				
WILLIAMS AVENUE CPD MASTER CONCEPT PLAN A PHASE I				

416 WILLIAMS AVENUE
AND
409, 411, 413, 415, 417, AND 419 MAGNOLIA AVENUE
LEHIGH ACRES, FL 33971

29-44-27-01-00001.0020
29-44-27-01-00001.0190
29-44-27-01-00001.0200
29-44-27-01-00001.0210
29-44-27-01-00001.0220
29-44-27-01-00001.0230
29-44-27-01-00001.0240

CURRENT ZONING	= RS-1 (SINGLE-FAMILY RESIDENTIAL)
PROPOSED ZONING	= COMMERCIAL/PLANNED DEVELOPMENT (CPD)
FUTURE LAND USE	= URBAN COMMUNITY
MIN. LOT SIZE	= 209,638 SF/4.81 ACRES
MAX. INTENSITY	= 30,000 SQUARE FEET
MINIMUM FRONTAGE	= 150 FEET
MINIMUM DEPTH	= 150 FEET
MAX. HEIGHT	= 35 FEET
MINIMUM OPEN SPACE	= 30%
MAX. LOT COVERAGE	= 40%
MIN. BUILDING SEPARATION	= 20 FEET

COMMERCIAL BUILDINGS/CPD ZONING PER LDC SECTION 34-935

STREET SETBACK	= 25 FEET
PERIMETER	= BUFFER WIDTH

CONVENIENCE STORE ONLY PER LDC 34-1353

STREET (ARTERIAL OR COLLECTOR)	= 50 FEET
STREET (LOCAL)	= 25 FEET
SIDE YARD	= 15 FEET
REAR YARD	= 20 FEET

FOOD VENDING CARTS PER LDC 33-1432

STREET (ALL)	= 50 FEET
SIDE YARD	= 15 FEET
REAR YARD	= 15 FEET
CANAL	= 20 FEET

NORTH = RS-1/ROW (WEST FIFTH STREET)
SOUTH = RS-1/VACANT LOT AND CANAL
EAST = RS-1/ROW (MAGNOLIA AVENUE)
WEST = AG-2/ROW (WILLIAMS AVENUE)

PER LDC SEC. 34-1353(E)
C-STORE TO ROW: 25' WIDE BUFFER WITH 5 CANOPY TREES/100 LF
C-STORE TO RS-1: 8' HIGH MASONRY WALL 25' FROM PROPERTY LINE
WITH 5 TREES AND 18 SHRUBS/100 LF
OR
30' WIDE TYPE F BUFFER WITH HEDGE 20' FROM
PROPERTY LINE

PER LDC SEC. 10-416(D)
COM TO ROW: 15' WIDE TYPE D BUFFER

MIN. REQUIRED: 209,638 SF X 30% = 62,892 SF

PROVIDED: PRESERVE AREA #1 (20,506 SF) + PRESERVE AREA #2 (13,227 SF)
+ DETENTION AREA #1 INCLUDING BUFFERS (25,641 SF) + WEST BUFFER (5,362 SF)
= 64,736 SF (30.8%)

MIN. REQUIRED: 62,892 SF X 50% = 31,446 SF
 PROVIDED: INDIGENOUS PRESERVE #1 (20,506 SF) + INDIGENOUS PRESERVE #2 (13,227 SF)
 = 33,733 SF (53.6%)

CONVENIENCE STORE (3,000 SF):
 = 1 SPACE PER 200 SF
 = 3,000 SF/200 = 15 SPACES
 REQUIRED PARKING = 15 SPACES

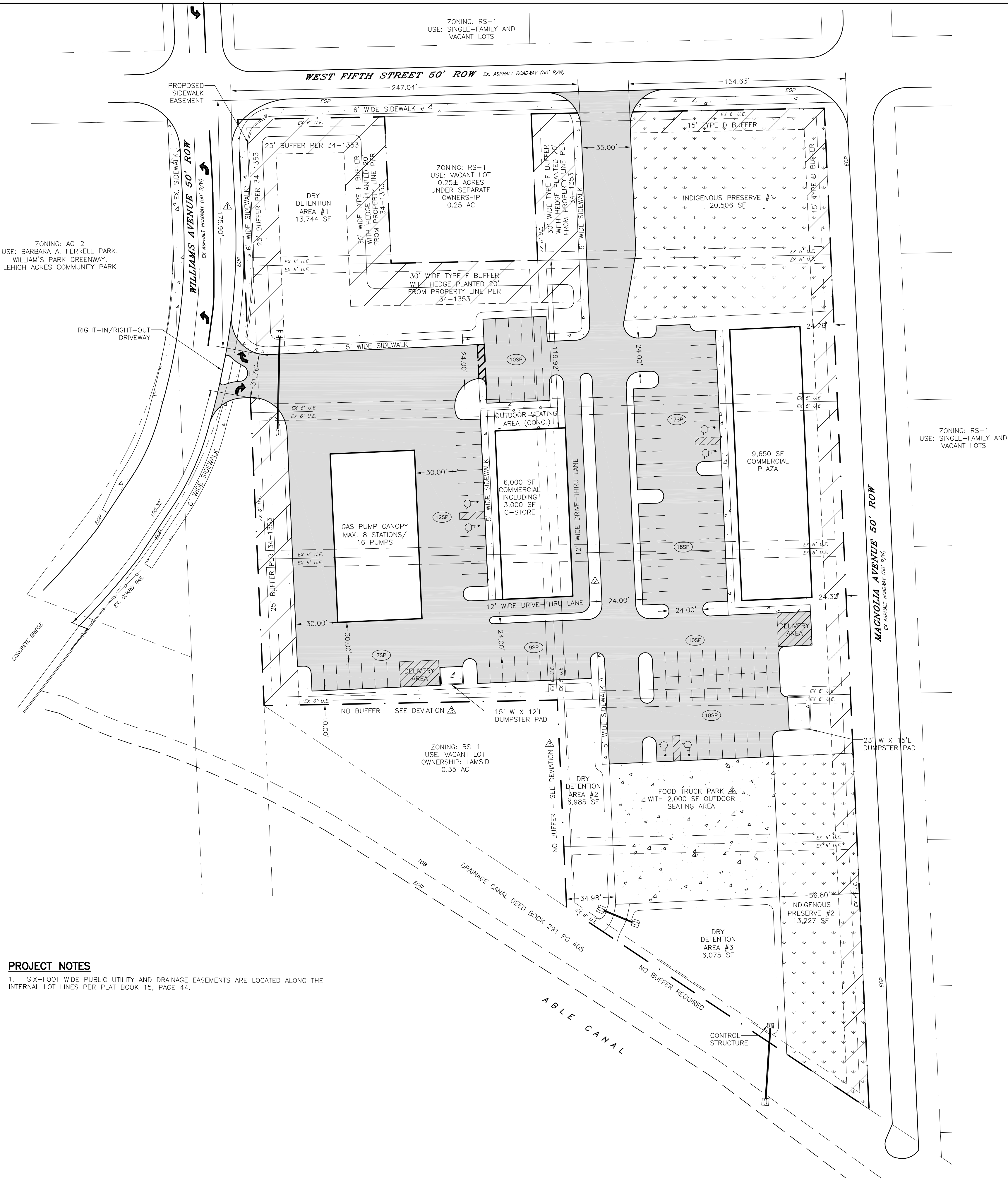
RESTAURANT (2,000 SF + 700 SF OUTDOOR SEATING AREA):
 = 12.5 SPACES PER 1,000 SF
 = 2,700 SF/1,000 SF = 2.7 X 12.5 = 34 SPACES
 REQUIRED PARKING = 34 SPACES

RESTAURANT/FOOD TRUCK PARK (2,000 SF OUTDOOR SEATING AREA):
 = 12.5 SPACES PER 1,000 SF
 = 2,000 SF/1,000 SF = 2 X 12.5 = 25 SPACES
 REQUIRED PARKING = 25 SPACES

COMMERCIAL RETAIL AND OFFICE (11,685 SF):
 = 1 SPACE PER 350 SF
 = 9,650 SF/350 SF = 28 SPACES
 REQUIRED PARKING = 28 SPACES

REQUIRED PARKING = 15 + 34 + 25 + 28 = 102 SPACES (MIN. 5 HC SPACES)
 PROVIDED PARKING = 101 SPACES + 5 SPACES PROVIDED AT GAS PUMPS (TABLE 34-2020(B))
 = 106 SPACES (INCLUDING 5 SPACES FOR HC)

1. SIX-FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENTS ARE LOCATED ALONG THE INTERNAL LOT LINES PER PLAT BOOK 15, PAGE 44.



R	RADIUS (5' UNLESS OTHERWISE NOTED)
EX.	EXISTING
ROW	RIGHT-OF-WAY
E.O.P.	EDGE OF PAVEMENT
CONC.	CONCRETE
TYP.	TYPICAL
PROP.	PROPOSED
SF	SQUARE FEET
LF	LINEAR FEET
E.O.P.	EDGE OF PAVEMENT
E.O.W.	EDGE OF WATER
P.U.E.	PUBLIC UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
L.P.	LIGHT POLE
10SP	NUMBER OF PARKING SPACES IN LOT
	PROPOSED PAVEMENT
	PROPOSED CONCRETE
LDC	LAND DEVELOPMENT CODE
N.T.S.	NOT TO SCALE
C.P.	CONCRETE PAD
	DEVIATION

$$1'' = 40'$$

				
1	6/2021	REVISED PER LEE COUNTY COMMENTS	DESIGNED BY:	DATE: 10/20/2020
			FEM	
			DRAWN BY:	
			FEM	
			CHECKED BY:	
			TDM	
			APPROVED BY:	
DRAWING NAME: JOBS\Southern Expressions\Navigator Road\				
TDM				

WILLIAMS AVENUE CPD
MASTER CONCEPT PLAN B
PHASE II

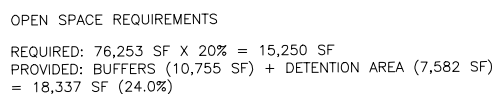
Civil Engineering
and
Planning

dean@tdmconsulting.com
www.tdmcivilengineering.com

Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone: (239) 433-4231
Fax: (239) 433-9632
... of Authorization # 29086

Dean Martin, P.E.
Florida #52022

SCAIF: AS NOTED



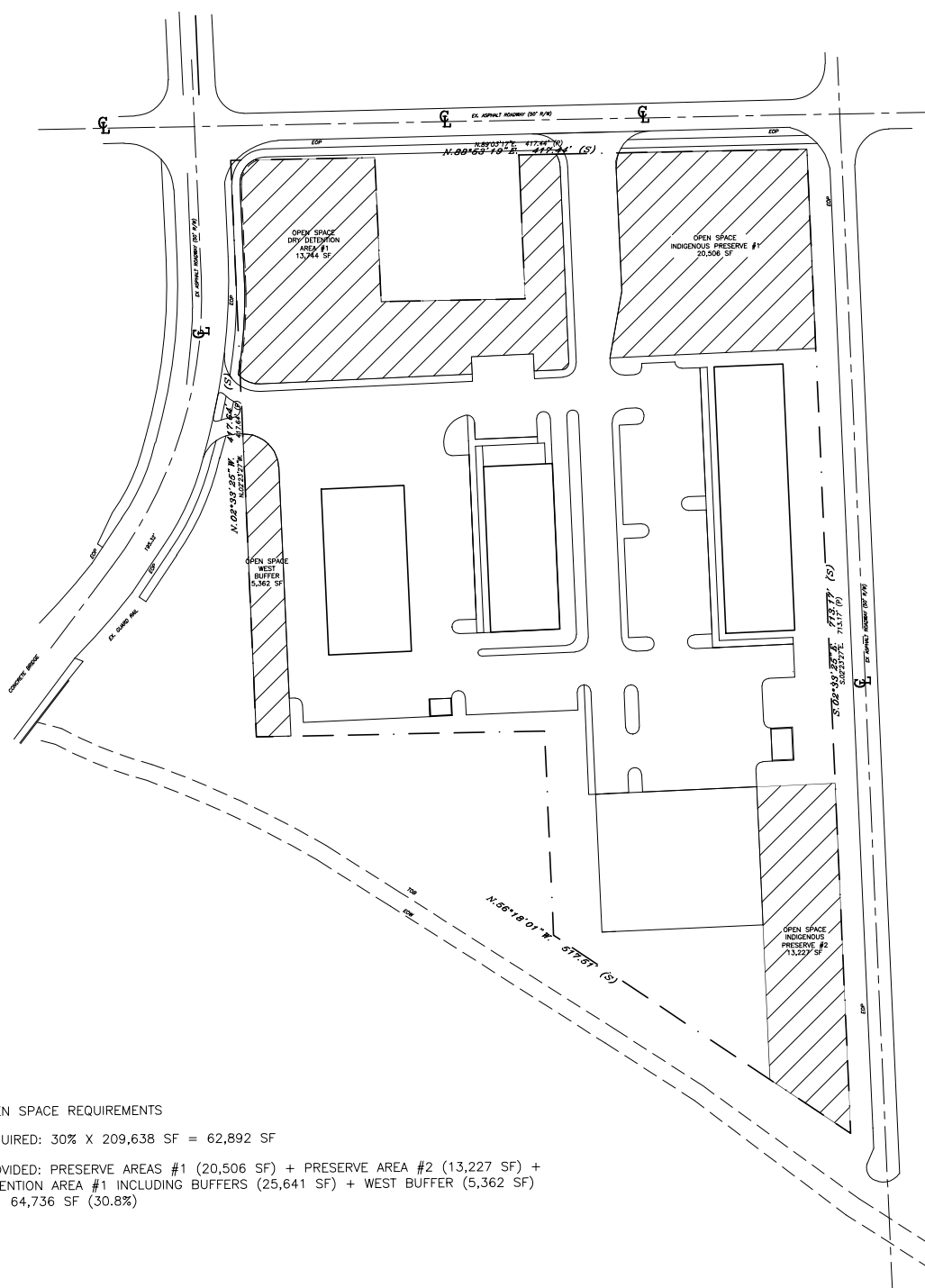
SOURCE: TDM, 9/21

DEAN MARTIN
FLORIDA P.E. #52022
VALID ONLY WITH EMBOSSED SEAL



43 Barkley Circle, Suite #200
Fort Myers, FL 33907
Phone: (239) 433-4231
Fax: (239) 433-9632
Email: dean@tdmconsulting.com
Certificate of Authorization # 29086

N.T.S



WILLIAMS AVENUE CPD

OPEN SPACE EXHIBIT — MCP B (PHASE II)

SOURCE: TDM, 6/21

DRAN MARTIN
FLORIDA P.E. #58022
PAID ONLY WITH REGISTERED SEAL



43 Barkley Circle, Suite #200
Fort Myers, FL 33907
Phone: (239) 433-4231
Fax: (239) 433-9632
Email: dean@tdmconsulting.com
Certificate of Authorization # 29086

Veronica Martin

From: David Mason <veritas.environmental@gmail.com>
Sent: Wednesday, June 30, 2021 12:01 AM
To: Veronica Martin
Subject: Re: 416 Williams Ave, Lehigh

Hi Veronica,
I found my notes on this one, the E code will be E1- 0-25% exotic coverage throughout all FLUCCS zones.
Hope this helps!

On Tue, Jun 29, 2021 at 11:52 AM Veronica Martin
<vmartin@tdmconsulting.com <mailto:vmartin@tdmconsulting.com> > wrote:
Mason,
See the comment below.

1. Revise the protected species FLUCCS map to indicate the "E" value (exotic percentage) of FLUCCS 411. Per LDC Section 10-1, if the "E" value is 75% or less exotic, FLUCCS 411 is considered indigenous and must be preserved to comply with the large development open space requirements in accordance with LDC Section 10-415.

If you can't edit the pdf and want to add an addendum that should work. Thanks.

Veronica Martin
Senior Planner
vmartin@tdmconsulting.com <mailto:vmartin@tdmconsulting.com>
Saving just one dog won't change the world...but, surely the world will change for that one dog...Adopt, don't shop...

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--



**43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com
Certificate of Authorization # 29086**

**Williams Avenue CPD
Surface Water Management Plan**

Basic storm water drainage plans are depicted on MCP A and MCP B. Interconnected dry detention areas/swales will provide requisite water quality, water quantity, and attenuation on site. Controlled discharge of treated storm water is through a structure onto an off-site canal (Able Canal).

**ZONING TRAFFIC IMPACT STATEMENT
FOR A PROPOSED
4.8-ACRE COMMERCIAL PLANNED DEVELOPMENT
Williams Avenue CPD**

PREPARED FOR:

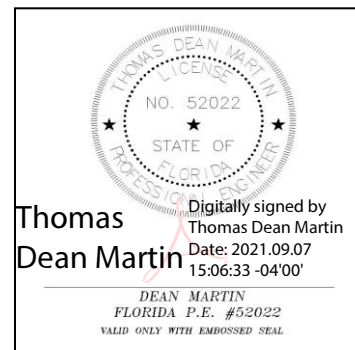
**Mr. Alexis Ebra and Ms. Yanet Tellez, Co-Owners
416 Williams Avenue
Lehigh Acres, FL 33972**

PREPARED BY:



**43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com**

**April 2021
Revised July 2021
Revised September 2021**



1. PURPOSE

OBJECTIVE

This report has been prepared in accordance with the Lee County Department of Community Development and the Lee County Land Development Code criteria as outlined in the Lee County Traffic Impact Statement Guidelines and the Lee County Turn Lane Policy for projects seeking Zoning approval. This report analyzes the anticipated traffic conditions of the proposed development in order to determine any adverse roadway impacts associated with the addition of **Williams Avenue CPD.**

The subject parcel per the most recent Boundary Survey provided by Harris-Jorgensen is 4.81 acres.

This Traffic Impact Statement is based on the assumption that the proposed facility will be completed in 2024.

2. SITE DESCRIPTION

SITE LOCATION

Williams Avenue CPD is a 4.81-acre project located North of Lee Boulevard and east of Williams Avenue on the south side of West 5th Street in Section 29, Township 44 South, Range 27 East, Lee County, Florida (see Exhibit 1). The applicant proposes to construct a maximum of 10,000 square feet of general office; a maximum of 7,500 square feet of medical office; a maximum of 12,500 square feet of retail (which includes a 3,000 square foot convenience store); and a maximum of ten (10) food trucks (with 2,000 square feet of outdoor seating area) on the site.

Access to the proposed development will be provided by one (1) proposed right-in right-out driveway connection to Williams Avenue and one (1) proposed full-access driveway connection to West 5th Street (see Exhibit 2).

3. OBSERVATIONS

3.1 TRIP GENERATION CALCULATIONS

Vehicular trips generated by the proposed development were calculated by using the equations provided by the Institute of Transportation Engineers, 10th Edition of the Trip Generation Manual, Land Use Codes 710 (General Office Building), 720 (Medical-Dental Office Building), 820 (Shopping Center), 926 (Food Cart Pod), and 945 (Gasoline/Service Station with Convenience Market) using the average rates or the linear regression equations shown in the tables.

Table 1. Raw Trip Generation – Proposed General Office Building (LUC 710)

10,000 Square Feet of Gross Floor Area:

- A. Daily Average Vehicle Trip Ends, Weekday

$$\text{Ln (T)} = 0.97 \text{ Ln (10.000)} + 2.50 = \mathbf{114 (57 \text{ entering, } 57 \text{ exiting})}$$
- B. A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)

$$\text{T} = 1.16 (10.000) = \mathbf{12 (10 \text{ entering, } 2 \text{ exiting})}$$
- C. P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)

$$\text{Ln (T)} = 0.95 \text{ Ln (10.000)} + 0.36 = \mathbf{13 (2 \text{ entering, } 11 \text{ exiting})}$$

Source: TDM, 2021

Table 2. Raw Trip Generation – Proposed Medical-Dental Office Building (LUC 720)

7,500 Square Feet of Gross Floor Area:

- A. Daily Average Vehicle Trip Ends, Weekday

$$\text{T} = 38.42 (7.500) - 87.62 = \mathbf{200 (100 \text{ entering, } 100 \text{ exiting})}$$
- B. A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)

$$\text{Ln (T)} = 0.89 \text{ Ln (7.500)} + 1.31 = \mathbf{22 (17 \text{ entering, } 5 \text{ exiting})}$$
- C. P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)

$$\text{T} = 3.39 (7.500) + 2.02 = \mathbf{27 (7 \text{ entering, } 20 \text{ exiting})}$$

Source: TDM, 2021

Table 3. Raw Trip Generation – Proposed Shopping Center (LUC 820)**9,500 Square Feet of Gross Floor Area:**

- A.** Daily Average Vehicle Trip Ends, Weekday
 $Ln(T) = 0.68 Ln(9,500) + 5.57 = \mathbf{1,214 (607 \text{ entering, } 607 \text{ exiting})}$
- B.** A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $T = 0.94 (9,500) = \mathbf{9 (6 \text{ entering, } 3 \text{ exiting})}$
- C.** P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $Ln(T) = 0.74 Ln(9,500) + 2.89 = \mathbf{95 (46 \text{ entering, } 49 \text{ exiting})}$

Source: TDM, 2021

Table 4. Raw Trip Generation – Proposed Food Cart Pod (LUC 926)**10 Food Carts:**

* - Use LUC 930

- A.** Daily Average Vehicle Trip Ends, Weekday*
 $T = 315.17 (2,000) = \mathbf{630 (315 \text{ entering, } 315 \text{ exiting})}$
- B.** A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)*
 $T = 2.07 (2,000) = \mathbf{4 (3 \text{ entering, } 1 \text{ exiting})}$
- C.** P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $T = 3.49 (10) = \mathbf{35 (19 \text{ entering, } 16 \text{ exiting})}$

Source: TDM, 2021

Table 5. Raw Trip Generation – Proposed Gas Station/Convenience Market (LUC 945)**3,000 Square Feet of Gross Floor Area:**

- A.** Daily Average Vehicle Trip Ends, Weekday
 $T = 1,440.02 (3,000) = \mathbf{4,320 (2,160 \text{ entering; } 2,160 \text{ exiting})}$
- B.** A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $T = 75.99 (3,000) = \mathbf{228 (116 \text{ entering, } 112 \text{ exiting})}$
- C.** P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $T = 88.35 (3,000) = \mathbf{265 (135 \text{ entering, } 130 \text{ exiting})}$

Source: TDM, 2021

Table 6. Raw Trip Generation – Total Proposed Development**Table 1 + Table 2 + Table 3 + Table 4 + Table 5:**

- A.** Daily Average Vehicle Trip Ends, Weekday
 $114 + 200 + 1,214 + 630 + 4,320 = \mathbf{6,478}$ (3,239 entering; 3,239 exiting)
- B.** A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $12 + 22 + 9 + 4 + 228 = \mathbf{275}$ (152 entering, 123 exiting)
- C.** P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $13 + 27 + 95 + 35 + 265 = \mathbf{435}$ (209 entering, 226 exiting)

Source: TDM, 2021

Based on this, the development will be analyzed using the criteria established for developments generating more than one hundred (100) vehicle trips during the peak hour as outlined in the Lee County Traffic Impact Guidelines for re-zonings.

Table 6 above would be used for any turn-lane analysis. However, not all trips indicated in Table 6 above will be new trips to the adjacent roadway system. Vehicles already traveling the adjoining roadway system, called “pass-by” traffic, reduce the development’s overall impact on the surrounding roadway system. Per the ITE manuals, 34% of the traffic from Table 3 above and 56% from Table 5 above can be assumed to be pass-by traffic. Table 7 below accounts for the proposed project’s “pass-by” trips and will be used for the requisite concurrency analyses.

Table 7. Raw Trip Generation – Total Proposed Development w/Pass-By**Table 1 + Table 2 + (Table 3 x 0.66) + Table 4 + (Table 5 x 0.44):**

- A.** Daily Average Vehicle Trip Ends, Weekday
 $114 + 200 + (1,214 \times 0.66) + 630 + (4,320 \times 0.44) = \mathbf{3,646}$ (1,823 entering; 1,823 exiting)
- B.** A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $12 + 22 + (9 \times 0.66) + 4 + (228 \times 0.44) = \mathbf{144}$ (85 entering, 59 exiting)
- C.** P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $13 + 27 + (95 \times 0.66) + 35 + (265 \times 0.44) = \mathbf{254}$ (118 entering, 136 exiting)

exiting)

Source: TDM, 2021

3.2 TRIP DISTRIBUTION

As previously stated herein, traffic will enter and exit the proposed development at the one (1) proposed right-in right-out driveway connection to Williams Avenue and at the one (1) proposed full-access driveway connection to West 5th Street.

Since Williams Avenue accesses the nearest arterial street (Lee Boulevard) to the south, it is estimated for this report that 80% of traffic will enter the proposed development from the south and 20% of traffic will exit the proposed development to the north using this proposed driveway connection.

Since West 5th Street accesses Williams Avenue to the west, it is estimated for this report that 80% of traffic will enter and exit the proposed development from the west using this proposed driveway connection.

It is estimated for this report that 80% of traffic from the proposed development will enter the site and 20% will exit the site using the proposed driveway connection to Williams Avenue while 20% of traffic will enter and 80% will exit the proposed development using the proposed driveway connection to West 5th Street.

3.3 EXISTING TRAFFIC CONDITIONS

Lee Boulevard is the nearest arterial road being indirectly accessed. It has a posted speed limit of forty-five (45) miles per hour near the proposed development. Based on the 2020 Traffic Count Report prepared by the Lee County Department of Transportation, traffic on Lee Boulevard near the proposed development heads west 81% of the time and east 19% of the time in the A.M. peak. In the P.M. peak, traffic near the proposed development heads east 62% of the time and west 38% of the time.

Lee Boulevard is classified by the Lee County Comprehensive Plan as a four-lane divided County-maintained arterial road. Per the 2020 Lee County Concurrency Report, it has an existing “B” Level of Service near the proposed development with a 2019 peak direction of flow volume of six hundred thirty (630) vehicles per hour, a Performance

Standard “E” Level of Service, and a Performance Standard Capacity of one thousand nine hundred eighty (1,980) vehicles per hour.

Williams Avenue is being directly accessed. It has a posted speed limit of thirty-five (35) miles per hour near the proposed development. It is classified as a two-lane undivided County-maintained major collector street. Per the 2020 Lee County Concurrency Report, it has an existing “D” Level of Service near the proposed development with a 2019 peak direction of flow volume of five hundred eighty-nine (589) vehicles per hour, a Performance Standard “E” Level of Service, and a Performance Standard Capacity of eight hundred sixty (860) vehicles per hour.

West 5th Street is being directly accessed. It has a posted speed limit of thirty (30) miles per hour near the proposed development. It is classified as a two-lane undivided County-maintained local street.

3.4 LEVEL OF SERVICE ANALYSIS (LEE BOULEVARD)

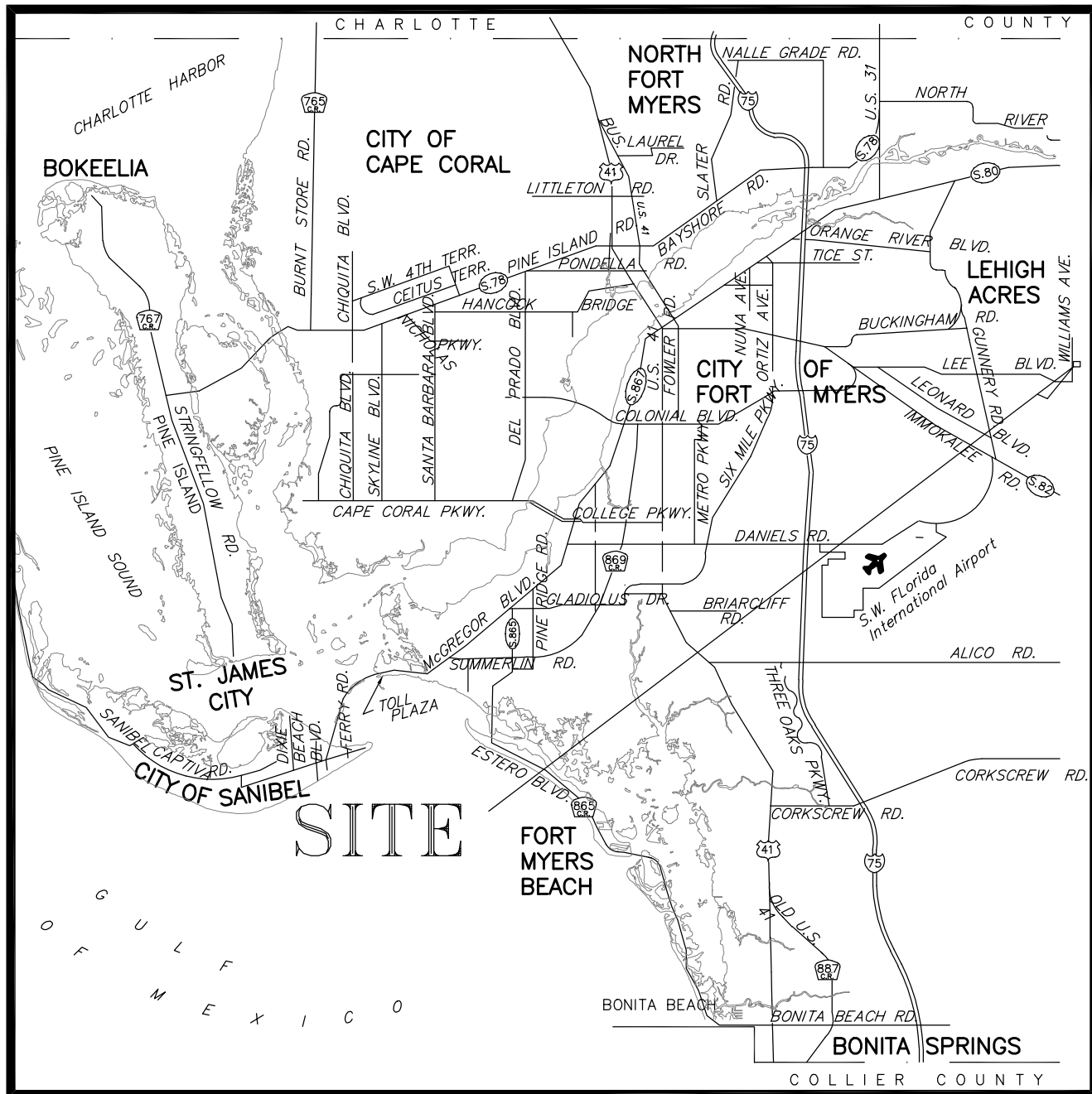
The proposed development will not introduce a significant increase in traffic flows and will not degrade the Level of Service of Lee Boulevard during the peak season following the build-out year below the Performance Standard Level of Service (see attached 100th Highest Hour Level of Service Calculation).

3.5 LEVEL OF SERVICE ANALYSIS (WILLIAMS AVENUE)

The proposed development will introduce (136 peak PM trips x 80% x 62% = 67 trips) a significant increase in traffic flows but will not degrade the Level of Service of Williams Avenue during the peak season following the build-out year below the Performance Standard Level of Service.

100TH HIGHEST HOUR LEVEL OF SERVICE CALCULATION LEE BOULEVARD

ENGINEER:	TDM Consulting, Inc. Dean Martin, P.E.	
DATE:	September 3, 2021	
PROJECT NAME:	Williams Avenue CPD	
PROJECT LOCATION:	Williams and West 5th	
PERMANENT COUNTING STATION NUMBER:		22
100TH HOUR V.P.H. (Year & Rate) =	2019	630
YEAR FOLLOWING PROJECT CONSTRUCTION:		2025
ADJUSTMENT FACTOR =		
	$\frac{\text{Count \& Yr}_{\min}}{\text{Count \& Yr}_{\max}}$	
Adjustment Factor =	$\left(\frac{0}{0} \right)^{0.6}$	1.041
ADJUSTED 100TH HOUR V.P.H. =	630 x 1.041	656
EXISTING LEVEL OF SERVICE =		B
	136 (P.M. Exiting) x 80% x 62%	
PROJECT V.P.H. =	(East-Bound)	67
TOTAL V.P.H. =	656 + 67	723
LEVEL OF SERVICE =		B
COMMENTS:		



LOCATION SKETCH
N.T.S.

EXHIBIT 1
TRAFFIC IMPACT STATEMENT
LOCATION MAP
416 WILLIAMS AVENUE,
LEHIGH ACRES, FL, 33972

SOURCE: TDM, 04/2021



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Email: dean@tdmconsulting.com
Certificate of Authorization # 29086

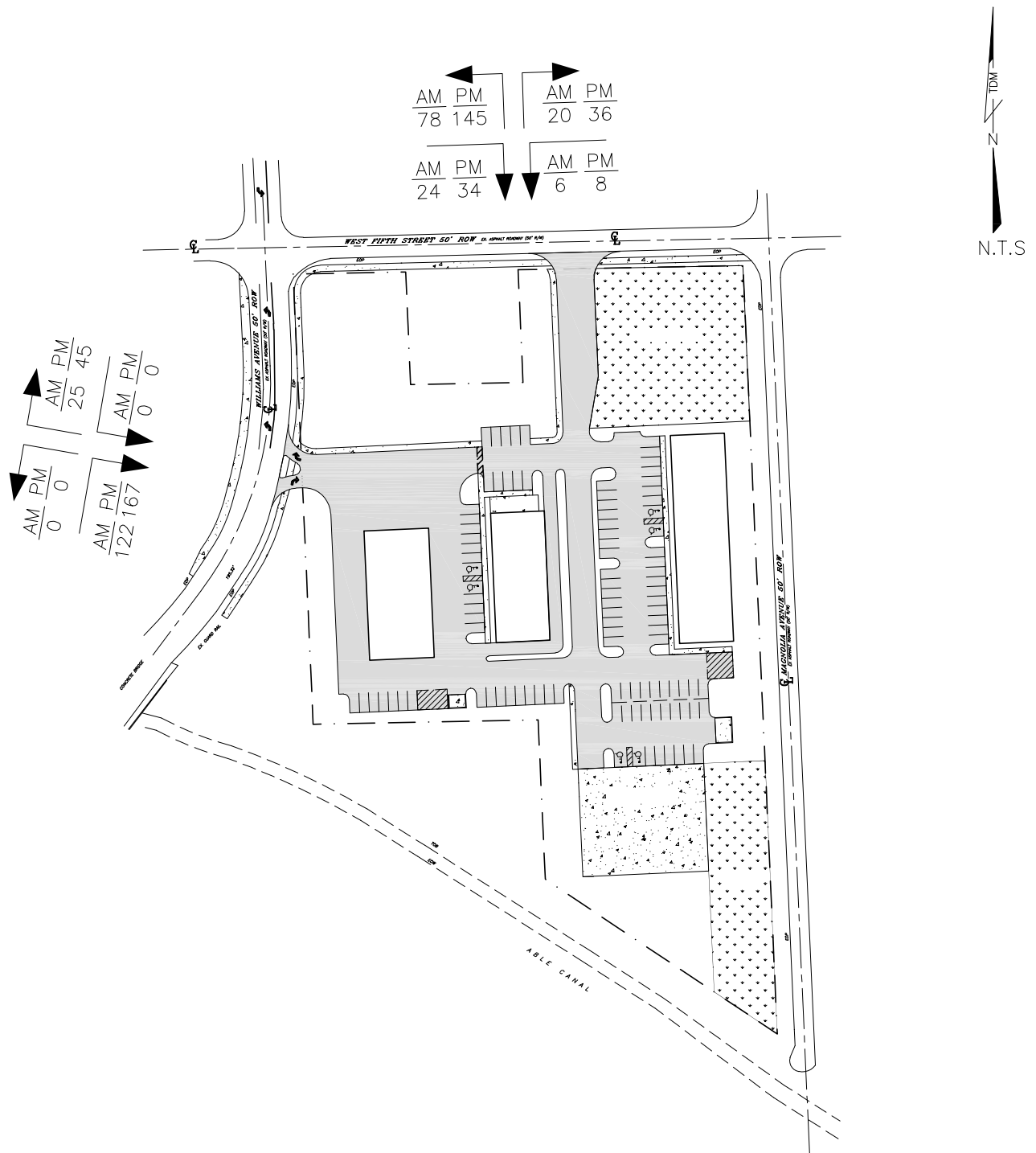


EXHIBIT 2
 TRAFFIC IMPACT STATEMENT
 PEAK HOUR TRAFFIC DISTRIBUTION
 416 WILLIAMS AVENUE,
 LEHIGH ACRES, FL, 33972

SOURCE: TDM, 09/2021



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