

**Lee County, Florida
Department of Community Development
Zoning Section
Staff Report**

Case Number: REZ2022-00019
Case Name: Lee Corners Rezone
Area Subject to the Proposed Rezoning: +/- 2.8 Acres
Type of Case: Conventional Rezoning
Hearing Date: July 13, 2023
Found Sufficient: May 12, 2023

Request

The applicant, Sharon Hrabak, has filed an application to rezone approximately 2.8 acres of land at the intersection of Lee Boulevard and Lee Street from Commercial Planned Development (CPD) and Residential Single-Family (RS-1) to General Commercial (CG). The applicant has stated that the intent of the request is to develop the site with either a pharmacy-type use or fast-food restaurant.

The subject property consists of eleven contiguous platted parcels located at the intersection of Lee Boulevard and Lee Street and the intersection of Lee Street and Lee Circle South. Three of the platted parcels are combined under a single STRAP number. The STRAP numbers associated with the subject property are:

29-44-26-07-00055.0010	29-44-26-07-00055.0240
29-44-26-07-00055.0020	29-44-26-07-00055.0250
29-44-26-07-00055.0030	29-44-26-07-00055.0260
29-44-26-07-00055.0060	29-44-26-07-00055.0270
29-44-26-07-00055.0230	

A legal description of the subject property is attached as Attachment "C."

Recommendation

Staff recommends **DENIAL** of the applicant's request to rezone the subject property from Commercial Planned Development (CPD) and Residential Single Family (RS-1) to General Commercial (CG).

As an alternative, staff recommends **APPROVAL** of rezoning the subject property from Commercial Planned Development (CPD) and Residential Single Family (RS-1) to Community Commercial (CC). Staff analysis in support of the alternative recommendation is established herein.

Property History and Character

The subject property consists of eleven abutting platted parcels on the south side of Lee Boulevard approximately 4,600 feet west of the intersection of Lee Boulevard and Gunnery Road. The property is irregular in shape and is composed of platted lots recorded as part of the Replat of

Lehigh Acres Tract B Unit 7 in Plat Book 26 Page 160 in 1971. The majority of the parcels are zoned Commercial Planned Development (CPD) except for the easternmost parcel fronting on Lee Boulevard, which is zoned Residential Single-Family (RS-1). The subject property is composed of six lots fronting Lee Boulevard east of the intersection with Lee Street and five lots fronting Lee Circle Southeast of the intersection with Lee Street. None of the lots are developed.

Character of the Area

The subject property is located along Lee Boulevard and is part of the general pattern of single-family lots that characterize the majority of Lehigh Acres, except that the lots are all slightly curved to follow the curve of both Lee Boulevard and Lee Circle South. Lee Boulevard is the primary access corridor into Lehigh Acres from the west and contains a mixture of residential and commercial zoning and development on both the north and south sides. In the vicinity of the subject property, Lee Boulevard runs along a northwest-southeast axis rather than straight east-west along most of its length. Most of the commercial zoning and development is located in the nodes located at the intersections of Lee Boulevard and Gunnery Road and Westgate Boulevard and Lee Boulevard. Both of these nodes are within the Mixed-Use Overlay. The stretch of Lee Boulevard between these nodes is still mainly zoned RS-1 but with several locations that have received approved special exceptions for model homes. There are also several commercial zoning districts, both conventional and planned development, in the immediate vicinity of the subject parcel.

All of the subject property, except for the easternmost platted lot on Lee Boulevard, is currently zoned Commercial Planned Development (CPD). The Lee Corners CPD, approved by Resolution Z-08-051, permits a variety of commercial uses including retail establishments, restaurants, and offices uses (see Attachment “D”). The approved Master Concept Plan also establishes enhanced buffers specific to those portions of the property along Lee Street and Lee Circle South. Further conditions are placed on hours of operation and Consumption on Premises for certain uses.

The following uses and zoning districts are found immediately near the subject property:

Northeast: Across Lee Boulevard is a platted lot zoned Commercial Planned Development (CPD) that is developed as office space. The rest of the block is zoned for Residential Single-Family (RS-1) except for a parcel at the east end of the block zoned Special Commercial Office (CS-2). The rest of the block is either vacant or developed with single-family residences.

Northwest: Across Lee Street are two commercially developed properties that are each zoned Commercial Planned Development (CPD). Beyond these parcels, the rest of the block is zoned Residential Single-family (RS-1) and is intermittently and developed with single-family residences.

Southeast: To the southeast, the rest of the platted block is zoned for Residential Single-Family (RS-1) and is either vacant or developed with single-family residences apart from the parcel at the east end of the block. This parcel is zoned Special Commercial Office (CS-2) and is developed with single-family residence.

Southwest: Across Lee Circle South is a block of 14 platted lots that is entirely zoned Residential Single-Family (RS-1) of which five lots are vacant; the rest are developed with single-family residences.

According to the Lee County Future Land Use Map, the future land use designation of the subject property is Central Urban (see Attachment “B3”). A broad corridor of Central Urban designation runs along Lee Boulevard. The corridor extends four blocks deep on both sides of Lee Boulevard.

Analysis of the Applicant’s Request

The intent of this request is to rezone the subject property from Commercial Planned Development (CPD) and Residential Single-Family (RS-1) to General Commercial (CG) to allow for commercial development of the subject property.

Comparison of Suitability of General Commercial versus Community Commercial Districts.

LDC Section 34-841 establishes the purpose and intent of the General Commercial (CG) district:

CG general commercial district. The purpose and intent of the CG district is to permit the designation of suitable locations for and to facilitate the proper development and use of consumer-oriented commercial facilities which are of a type or scale which are not suited for and do not generally seek locations in neighborhood, community or regional shopping centers. Such uses frequently consist of a single principal building containing sales, administration, repair services or manufacture; often rely on large ground areas for storage or display of goods; and are relatively insensitive to the impacts of adjacent land uses while generating substantial impacts on their neighbors. High visual exposure and easy accessibility, usually from arterial roads or suburban highways, are important.

The subject property fronts directly on the main travel corridor for the Lehigh Acres community. This major road greatly reduces interaction between the subject property and the land to the northeast. As the property is located at the end of a platted block, the presence of Lee Street and Lee Circle South also reduce compatibility issues by providing some distance between any uses on the subject property and surrounding land. Three of the four corners surrounding the intersection of Lee Street and Lee Boulevard, including the subject property, are already zoned as Commercial Planned Developments (CPD). The subject property is thus part of an existing commercial node. Apart from the easternmost parcel, which is zoned Residential Single-Family (RS-1), the subject property has already been zoned to Commercial Planned Development (CPD) which was found to be compatible with surrounding uses as a result of conditions controlling commercial development. Staff thus finds that the location of the subject property is compatible with commercial uses overall, although factors such as the level of intensity of commercial development may be too intense to be compatible with surrounding uses.

Any development on the subject property will be required to provide the proper buffering to further minimize any effect of commercial activity on the subject property on neighboring residential uses. The only directly abutting residential uses are on the southeast side of the property, the other three sides facing onto street rights-of-way.

These locational factors and site development regulations help mitigate the presence of commercial uses on the subject property. However, existing land development regulations cannot mitigate the effect of certain commercial uses that are too intensive to be developed in close proximity to residential uses. Uses such as Vehicle and Equipment Dealers, Used Merchandise Stores, Group IV, or Truck Stops which are permitted in the General Commercial (CG) district are incompatible at this location. Staff finds that the CG district is therefore not compatible to the location of the subject property.

LDC Section 34-841 describes the purpose and intent of the Community Commercial (CC) district:

CC community commercial district. The purpose and intent of the CC district is to permit the designation of suitable locations for medium- to large-scale consumer-oriented commercial facilities, particularly for multiple-occupancy complexes known as community or regional shopping centers, and to facilitate their proper development and use. In addition to the retail sale of consumer goods, this district is intended to permit a wide range of services, financial and other, including business and professional offices, all arranged in discrete commercial centers or evolving business districts. Such centers or districts differ from neighborhood commercial facilities in concentrating a greater floor area of use and a broader mix of goods and services in order to serve a wider market or service area and a larger population. This is expected to create greater impact on surrounding land uses and therefore require buffering and designed gradients of intensity adjacent to less intense uses.

Because the subject property is already zoned for commercial uses, and the Land Development Code establishes development regulations to mitigate compatibility issues, staff has determined that a less intense commercial district such as Community Commercial (CC) is more appropriate for the subject property. The Community Commercial (CC) district permits a variety of commercial uses including retail, office, and service uses but does not include many of the most intensive uses. The CC district provides a very similar range and mix of uses as the requested CG district but at a lower intensity and impact on neighboring parcels (see Attachment “K”). In addition, the applicant has stated the intent of developing the subject property with either a fast-food restaurant or a pharmacy. Both of these uses are permitted in the Community Commercial (CC) district and therefore rezoning the property to Community Commercial (CC) would not interfere with the applicant’s intent. Staff therefore finds that the CC district would address the compatibility issues presented by the request to rezone to General Commercial (CG).

Decision Making Criteria

Section 34-145 of the Lee County Land Development Code establishes the review criteria for requests for conventional rezoning. Before approving or recommending approval of a conventional rezone request, the Hearing Examiner must find that 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, defined in the Lee Plan, if located in a Future Urban Area category.

The following sections provide an analysis of whether the request meets these established criteria.

Lee Plan Compliance

The subject property is located in the Lehigh Acres Community Plan Area, as established by the Lee Plan. The Lee Plan contains goals, objectives, and policies specifically addressing this Plan Area which are addressed below.

The subject property is currently located within the Central Urban Future Land Use Category which is defined by Lee Plan Policy 1.1.3 (See Attachment “B3”). The Central Urban category is designed to allow an intense mix of both residential and commercial uses in close proximity. Both the proposed General Commercial (CG) and Community Commercial (CC) Districts permit both residential and commercial uses and are therefore compatible with this category.

Lee Plan Objective 2.1 promotes contiguous and compact growth patterns within designated Future Urban Areas in order to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, and minimize the cost of services. Policy 2.1.1 states that most development, including residential, is expected to occur within the designated Future Urban Areas. Lee Plan Objective 2.2 and Policy 2.2.1 address development timing. Objective 2.2 states that new growth will be directed to Future Urban Areas where adequate public facilities exist or are assured, and where compact and contiguous development patterns can be created. Per Policy 2.1.1, rezoning proposals will be evaluated as to the availability and proximity of the road network, and facilities and services, including community facilities, schools, EMS, etc.

The subject property is within a well-developed area of the County with a full range of urban services and is in a Future Urban Area. Development of the subject property constitutes infill development due to the location of existing commercial development and zoning along Lee Boulevard. Therefore, the both requested General Commercial (CG) and Community Commercial (CC) districts are consistent with Objectives 2.1 and 2.2 and Policies 2.1.1 and 2.2.1 of the Lee Plan.

Objective 4.1 on the Lee Plan addresses the availability of potable water and sanitary sewer service to the subject property. The application includes a letter of service availability from Florida Governmental Utility Authority, the relevant service provider for the property (see Attachment “E”). This letter states that the utility currently has sufficient capacity to handle the proposed level of development on the property and that there are both potable water lines and sanitary sewer lines in close proximity to the property. Staff finds that the proposed rezoning and the staff-recommended rezoning conform to Objective 4.1.

Policy 5.1.5 addresses the encroachment of incompatible uses into residential areas. The current zoning of the subject property is Commercial Planned Development (CPD) and Residential Single-Family (RS-1). Both of these districts are found on the properties surrounding the subject property. Because the property fronts onto Lee Boulevard it is at the edge of the residential areas to the southwest. The property is located at the end of the block, at an intersection. It should be noted that Planned Development districts allow for conditions to be placed on properties to address issues of compatibility. This can include provisions such as limited hours of operation, increased buffering, or a specific schedule of uses. The existing zoning resolution on the property, Z-08-051, contains increased buffers specifically to address compatibility of the zoning district with surrounding residential areas.

Vehicular access to the property directly from Lee Boulevard has been approved by Development Order DOS2016-00010 (see Attachment “F”). However, this Development Order is predicated on a deviation in the approved Commercial Planned Development. Once the CPD zoning is changed to a conventional zoning district, the basis for the approval of DOS2016-00010 is removed and the subject property will be required to conform to the standard access requirements of the Land Development Code. Per Lee Plan Policy 25.8.1 and LDC Sections 33-1414(1) and 10-285, properties fronting on Lee Boulevard with access alternatives must rely on those alternatives. The subject property’s location at the intersection reduces the effect of commercial traffic on nearby residential uses as it does not require commercial traffic to pass and residential property.

The size of the property, 2.8 acres, limits the amount of development that can be located near the residential areas. Site design requirements such as required parking, open space, stormwater management and buffering will restrict the size of potential development, in particular, large extensive uses that are permitted in commercial districts, while also facilitating compatibility with surrounding residential uses.

Development on the property will be required to conform to required setbacks and to provide sufficient buffering to mitigate the impact of commercial development on the neighboring residences. In addition, uses which have been determined by the County to be particularly incompatible with residential areas, such as open storage of vehicles, Business Services Group II, Mobile Home Dealers, Vehicle and Equipment Dealers, and Building Materials Sales, require additional buffering in order to prevent intrusion of inappropriate uses into residential areas. Therefore, rezoning to a conventional commercial district does not automatically result in the encroachment of incompatible uses into a residential area. However, despite all of the locational factors and possible mitigation provided by the regulations of the Land Development Code, the General Commercial (CG) district permits uses such as Truck Stops, Transportation Services Group III, and Vehicle and Equipment Dealers, Group I, III, IV, and V, that present significant compatibility issues due to their level of intensity. Although a less intensive commercial district such as the Community Commercial (CC) district would be appropriate here, the General Commercial (CG) district does not conform to Policy 5.1.5 for the subject property.

Goal 6 addresses commercial uses. Policy 6.1.1 determines the review criteria to be used for rezonings, and development orders. Policy 6.1.4 requires commercial development to be compatible with adjacent land uses. Policy 6.1.5 addresses the impact of development on traffic-

carrying capacity of roads and streets. It specifically lists use of frontage roads as a means to reduce traffic impact of commercial development. The subject property has access to a rear frontage road (Lee Circle South) and therefore is able to conform with this policy. Policy 6.1.6 addresses the design of commercial development. Any Development on the subject property will be required to meet the site design regulations of the Land Development Code and therefore would conform with this policy. Policy 6.1.7 seeks to prevent poor commercial development patterns. The subject property is already zoned for commercial use and is part of a de facto commercial node formed by other commercial zoning around the intersection of Lee Boulevard and Lee Street. Therefore, the proposed rezoning and staff recommended rezoning conform to these policies.

Lee Plan Goal 25 addresses the Lehigh Acres Community Plan Area. The subject property is not within any of the defined mixed-use nodes defined by Objective 25.1 and depicted on Lee Plan Map 2-B, nor is the property within the specified Downtown Lehigh Acres Downtown area or any portion of the Commercial Overlay Zones. The only applicable Policy of this section is Policy 25.8.1 which addresses access to commercial properties fronting on Lee Boulevard and is addressed herein.

Land Development Code Compliance

The property is proposed for the CG zoning district. Any development of the subject property will be required to either conform to the relevant section of the Lee County Land Development Code, or to seek variances therefrom. The subject property already meets the minimum lot width and depth of 75 and 100 feet respectively, and the minimum lot size of 10,000 square feet required by the CG district.

LDC Section 34-491 requires all rezoning requests to comply with the Goals, Objectives and Policies of The Lee Plan. Although the location of commercial uses on the subject property complies with the Lee Plan, per se, the intensity of commercial development permitted by the General Commercial (CG) district is not generally compatible with the nearby residential areas. Although the proposed rezoning conforms to the Future Land Use Category for the property, the request does not comply with LDC Section 34-491.

Compatibility with Surrounding Uses

The compatibility of commercial uses at the subject property has already been analyzed herein. Staff has found that due to its location and the ability of development regulations to mitigate the impact of commercial uses on nearby residential areas, the subject property is suitable for commercial uses overall. However, it is not suitable for uses of a very high intensity. Staff finds that the Community Commercial (CC) district is appropriate for the subject property while the General Commercial (CG) district could allow development that is too intense for this location.

Sufficiency of Access and Transportation Impacts

The subject property fronts on Lee Boulevard, Lee Street, and Lee Circle South. Access to parcels that front on both Lee Boulevard and a rear road are required to provide access through the rear road, per Lee Plan Policy 25.8.1 and LDC Sections 33-1414(1) and 10-285. In a memo dated June 9, 2023, Development Services staff states that access to the existing CPD directly from Lee Boulevard was approved by Development Order DOS2016-00010 due to a deviation granted in the zoning resolution that approved the CPD (Z-08-051) (see Attachment “J”). The deviation

granted was from LDC Section 10-285, which requires a minimum connection separation of 660 feet to allow one access point 339 feet from Lee Street. The approval contained two conditions:

1. The access on Lee Boulevard is limited to right-in right-out only.
2. At the time of local development order, a cross access easement to the property adjacent to the east must be provided, per the approved MCP.

Rezoning the property to a conventional district would void the CPD zoning and the associated Master Concept Plan. Because the approval of Development Order DOS2016-00010 was based on the deviation approved in Z-08-051, voiding the CPD would result in an approved and issued development order which does not meet the requirements for connection separation in LDC Section 10-285, Table 1 and contravenes development regulations restricting access to arterial roads.

Therefore, approval of the requested conventional zoning district would result in the subject property having to conform to Lee Plan Policy 25.8.1 and LDC Sections 33-1414(1) and 10-285.

A Traffic Impact Statement is not required for a rezoning case. However, future development orders on the subject property will require a Traffic Impact Statement.

Environmental Impacts

The subject property appears to have always been vacant and has been previously cleared. According to a memorandum from Environmental staff received on June 2, 2023 (See Attachment “G”), the site does not contain any protected species. There are areas of indigenous vegetation on the site and the applicant has indicated that they will obtain propose state and federal permits and comply with applicable provisions at the time of development order.

Access to Urban Services

The subject property is fully served by urban services. Potable water service and sanitary sewer service is currently available from the Florida Governmental Utility Authority, and service providers have stated that sufficient capacity exists to serve the subject property (See Attachment “E”). The subject property is located within Solid Waste Area 4 as delineated by Lee County Solid Waste. The proposed rezoning will not impact solid waste collection on the subject property.

The subject property is in the Lehigh Acres Fire District and is served by Lehigh Acres Fire Station #103, which is approximately 5,400 feet to the southeast on Gunnery Road, which also contains ALS Station 103. The subject property is within the Lee County Sheriff’s East E5 District. The subject property is served by Lee County School Board District 5. Lee Tran route 110 runs on Lee Boulevard along the frontage of the subject property.

Public Informational Meeting

Land Development Code Section 33-1401 requires that the applicant must conduct an advertised public informational meeting prior to the application being found sufficient by staff. The applicant conducted such a meeting before the Lehigh Acres Architectural Planning & Zoning Review Board on December 15, 2022 (see Attachment “H”). The board had no questions on the presentation and no member of the public spoke on the proposal.

Conclusion

The requested rezoning from Commercial Planned Development (CPD) and Residential Single-Family (RS-1) to General Commercial (CG) is substantially consistent with the Lee Plan in terms of location but allows uses which are too intensive to be compatible with surrounding residential areas. The proposed rezoning is inconsistent with the Land Development Code in that it promotes uses too intensive to be compatible with established land use and development patterns. The proposed rezoning is intended to allow a variety of commercial uses on the subject property, while remaining compatible with the neighboring area. The subject property has sufficient access via Lee Circle South and Lee Street. The proposed CG district is not significant with respect to environmental impacts. The rezoning will not result in any negative impacts to urban services or infrastructure. The subject property is sufficiently served by fire, police, and emergency services personnel. The request will not impact any protected species. Based on the level of intensity of the proposed CG zoning district, which is inconsistent with the Future Land Use Category, neighboring zoning districts, and neighboring uses, staff recommends **DENIAL** of the proposed rezoning to the General Commercial (CG) district. Staff finds that the Community Commercial (CC) district provides a variety of commercial uses similar to General Commercial (CG) but at a less intense level of development. The Community Commercial (CC) district in particular permits the fast-food restaurant and pharmacy uses that the applicant has stated they intend to develop on the subject property. Staff therefore recommends as an alternative that the subject property be rezoned from Commercial Planned Development (CPD) to Community Commercial (CC).

Attachments

- A. Expert Witness List
- B. Aerial, Current Zoning, Future Land Use, and Locational Maps
- C. Legal Description
- D. Z-08-051
- E. Letter of Utility Availability
- F. DOS2016-00010
- G. Environmental Review Letter
- H. Public Meeting Notes
- I. Request Statement
- J. Development Services Memo
- K. General Commercial and Community Commercial Comparison Table

Attachment A

LEE COUNTY STAFF EXPERT WITNESS INFORMATION PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Case Number: REZ2022-00019

Project Name: Lee Corners Rezone

Hearing Examiner Date: July 13, 2023

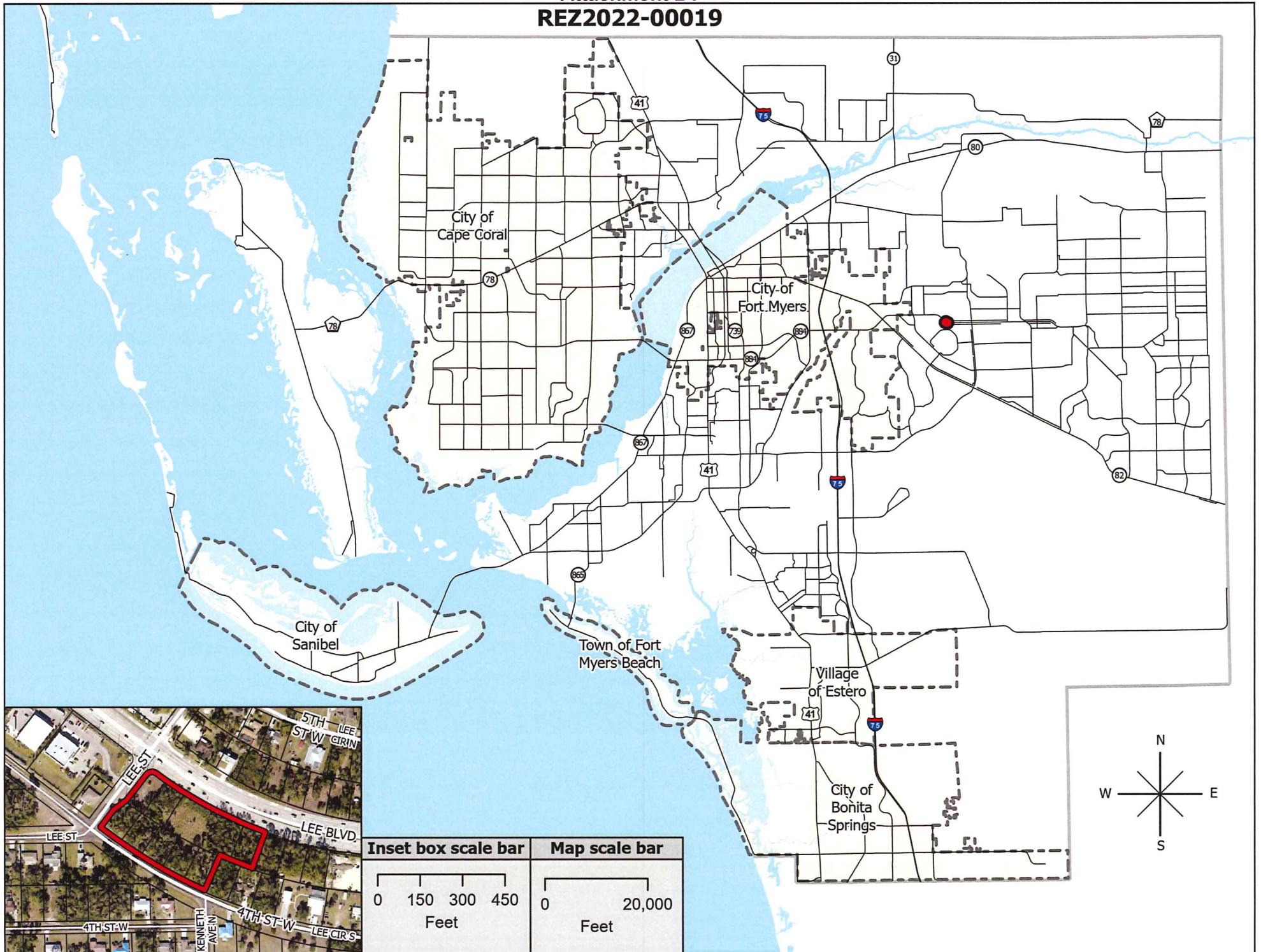
Peter Blackwell, AICP, Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is available for the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Brian Roberts P.E., Plan Reviewer, Development Services 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, civil engineering and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Attachment B1
REZ2022-00019

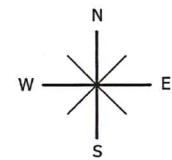




REZ2022-00019

Aerial

 Subject Property



0 500
Feet



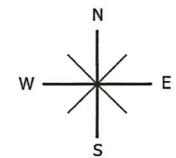
Attachment B3



REZ2022-00019

Zoning

 Subject Property



0 500
Feet

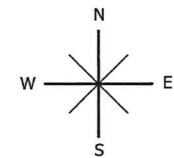




REZ2022-00019

Future Land Use

-  Subject Property
-  Central Urban



0 500
Feet



Attachment C

CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	25.00'	89°15'42"	38.95'	35.13'	N.82°18'13"E.
2	1493.77'	16°53'23"	440.34'	438.74'	S.61°30'37"E.
3	1629.90'	04°17'06"	121.90'	121.87'	N.67°48'46"W.
4	1766.03'	13°20'35"	411.27'	410.34'	N.58°59'56"W.

SKETCH TO ACCOMPANY DESCRIPTION
A PARCEL OF LAND LYING
IN BLOCK 55, LEHIGH ACRES

SECTION 29, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEHIGH ACRES, LEE COUNTY, FLORIDA

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

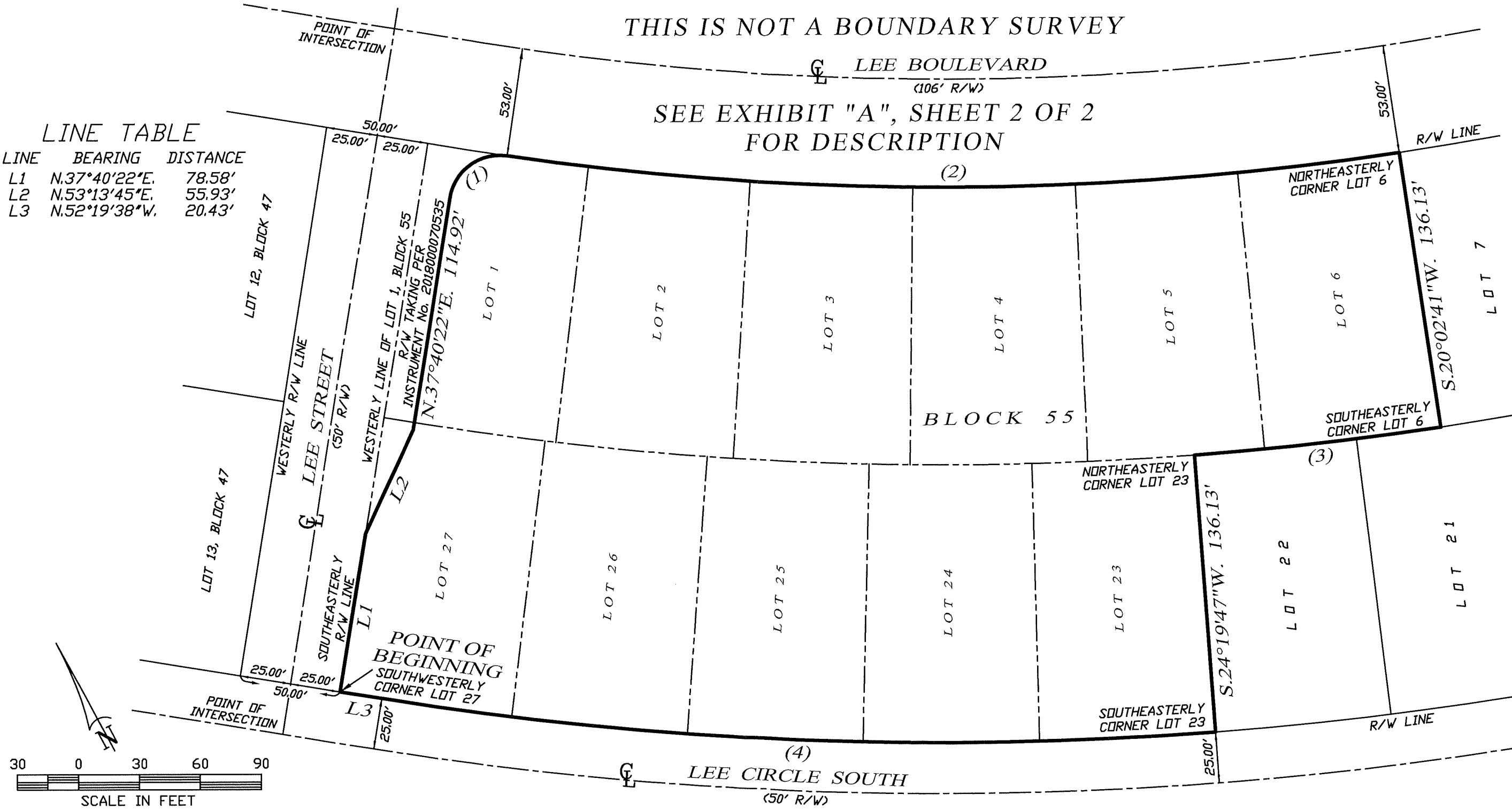
FLORIDA CERTIFICATE OF
AUTHORIZATION LB6921

THIS IS NOT A BOUNDARY SURVEY

LEE BOULEVARD
(106' R/W)
SEE EXHIBIT "A", SHEET 2 OF 2
FOR DESCRIPTION

LINE TABLE

LINE	BEARING	DISTANCE
L1	N.37°40'22"E.	78.58'
L2	N.53°13'45"E.	55.93'
L3	N.52°19'38"W.	20.43'



Attachment C

DESCRIPTION TO ACCOMPANY SKETCH
EXHIBIT "A"

DESCRIPTION:

A PARCEL OF LAND BEING LOTS 2, 3, 4, 5, 6, 23, 24, 25 AND 26, BLOCK 55, REPLAT OF TRACT B, UNIT 7, LEHIGH ACRES, SOUTH 1/2 OF SECTION 29, TOWNSHIP 44 SOUTH, RANGE 26 EAST AS RECORDED IN PLAT BOOK 26, PAGE 160 AND PART OF LOTS 1 AND 27, BLOCK 55, UNIT 7, LEHIGH ACRES, AS RECORDED IN PLAT BOOK 15, PAGE 80, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF THE AFORESAID LOT 27; THENCE RUN N.37°40'22"E. ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF LEE STREET (50 FEET WIDE) FOR 78.58 FEET; THENCE RUN N.53°13'45"E. ALONG SAID RIGHT-OF-WAY LINE FOR 55.93 FEET; THENCE N.37°40'22"E. ALONG SAID RIGHT-OF-WAY LINE FOR 114.92 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHEASTERLY FOR 38.95 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHERLY, WITH A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°15'42", A CHORD BEARING OF N.82°18'13"E. AND A CHORD DISTANCE OF 35.13 FEET TO A POINT OF REVERSE CURVATURE, SAID POINT LYING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF LEE BOULEVARD (106 FEET WIDE); THENCE RUN SOUTHEASTERLY ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE FOR 440.34 FEET ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY, WITH A RADIUS OF 1493.77 FEET, A CENTRAL ANGLE OF 16°53'23", A CHORD BEARING OF S.61°30'37"E. AND A CHORD DISTANCE OF 438.74 FEET TO THE NORTHEASTERLY CORNER OF LOT 6 OF THE AFORESAID BLOCK 55; THENCE RUN S.20°02'41"W. FOR 136.13 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 6, SAID POINT LYING ON A CURVE; THENCE RUN NORTHWESTERLY FOR 121.90 FEET ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY, WITH A RADIUS OF 1629.90 FEET, A CENTRAL ANGLE OF 04°17'06", A CHORD BEARING OF N.67°48'46"W. AND A CHORD DISTANCE OF 121.87 FEET TO THE NORTHEASTERLY CORNER OF LOT 23 OF THE AFORESAID BLOCK 55; THENCE RUN S.24°19'47"W. FOR 136.13 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 23, SAID POINT LYING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF LEE CIRCLE SOUTH (50 FEET WIDE); THENCE RUN NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR 411.27 FEET ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY, WITH A RADIUS OF 1766.03 FEET, A CENTRAL ANGLE OF 13°20'35", A CHORD BEARING OF N.58°59'56"W. AND A CHORD DISTANCE OF 410.34 FEET TO A POINT OF TANGENCY; THENCE RUN N.52°19'38"W. ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR 20.43 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 122172 SQUARE FEET OR 2.805 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE AFORESAID LEE STREET AS BEING N.37°40'22"E.

Phillip M
Mould, P.S.M.
6515 State of
Florida

Digitally signed by
Phillip M Mould,
P.S.M. 6515 State of
Florida
Date: 2022.05.16
08:06:23 -04'00'

REVIEWED
REZ2022-00019
Hunter Searson, GIS
Planner
Lee County Government
4/5/2023

PHILLIP M MOULD
LS6515
MAY 16, 2022

NOTE:
THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006, FS 668.50, FS 472.025, 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.

Attachment D



LEE COUNTY
SOUTHWEST FLORIDA

239-533-8585

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Tammy Hall
District Four

Frank Mann
District Five

Doug Meurer
Interim County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

January 24, 2013

MR. AL QUATTRONE
4301 VERONICA SHOEMAKER BLVD
FORT MYERS FL 33916

Re: LEE CORNERS CPD
Senate Bill 2156 Extension (F)
DCI2013-00002

Dear MR. AL QUATTRONE:

In accord with SB2156, development permits meeting certain criteria are entitled to an extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution, Z-08-051, DCI2007-00048, LEE CORNERS CPD, is hereby extended for the following:

APPROVAL OF AN MCP EXTENSION FROM MARCH 2, 2014 TO NOVEMBER 5, 2014.

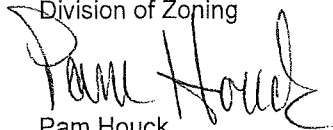
No additional extensions under SB2156 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB2156, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning


Pam Houck
Director

Attachment D

RESOLUTION NUMBER Z-08-051

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

WHEREAS, Quattrone and Associates, Inc. filed an application on behalf of the property owner, Valencia Homes, Inc., to rezone a ±2.6 acre parcel from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) in reference to Lee Corners CPD; and

WHEREAS, a public hearing was advertised and held on October 1, 2008, and continued to November 21, 2008, before the Lee County Zoning Hearing Examiner, Diana M. Parker, who gave full consideration to the evidence in the record for Case #DCI2007-00048; and

WHEREAS, a second public hearing was advertised and held on March 2, 2009, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a ±2.6 acre parcel from RS-1 to CPD, including a maximum of 40,000 s/f of commercial floor area – including a maximum of 20,000 square feet of commercial retail. Proposed height is 2 stories/35 feet maximum. No development blasting is requested. The development will connect to public potable water and public sanitary sewer service. The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviation specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Master Concept Plan/Development parameters: The development of this project must be consistent with the Master Concept Plans (MCP) entitled MASTER CONCEPT PLAN: LEE CORNERS CPD, MCP-2 and MCP-3, dated April 30, 2009 and date-stamped "RECEIVED APR 30 2009, COMMUNITY DEVELOPMENT," and attached hereto as Exhibit C, except as modified by the conditions below.

This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Maximum Commercial Floor Area (CPD): 40,000 square feet of commercial floor area, including a maximum of 20,000 s/f of commercial retail.

2. Uses and Site Development Recommendations:

Schedule of Uses

A. The following limits apply to the project and uses:

Accessory Uses and Structures

Administrative Offices

Animal Clinic, Animal Kennel (no outdoor runs)

No outdoor cages, pens, runs, or exercise facilities.

ATM (automatic teller machine)

Auto Parts Store, no installation

Bait and Tackle Shop

Banks and Financial Establishments, Group I only

No drive through.

Business Services, Group I only

Cleaning and maintenance services

Clothing Stores, general

Computer and data processing services

Consumption on Premises, indoor, outdoor - (see Condition 11)

Day Care Center, Adult, Child

Drive Through - restricted to MCP#2

Drug Store/Pharmacy - no drive through.

Essential Services

Essential Service Facilities, Group I only

Excavation, Water Retention (Not to include removal of excavated material from site. *No blasting*)

Fences, Walls

Food and Beverage Service, limited

Food Store, Group I only

Funeral Home, no cremation, no crematorium

Gift and Souvenir Shop

Hardware Store

Hobby, Toy and Game Shop

Household and Office Furnishings, Groups I and II.

Laundry or Dry Cleaning, Group I (no drive through).

Lawn and Garden Supply Store

Library

Medical Office

Non store retailer

Paint Glass and Wallpaper

Parking Lot, Accessory, Temporary

Personal Services, Groups I, II and III.

No Massage Parlors, Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers, Card Readers, or Tattoo Parlors.

Pet Services, Pet Shop - no outdoor runs.
 No outdoor cages, pens, runs, or exercise facilities.
 Place of Worship
 Post Office
 Real Estate Sales Office
 Repair Shops, Groups I, II and III
 Restaurant, fast food - stand-alone only as depicted in MCP#2; or in-line/part of a multi-occupancy building (MCP #3)
 Restaurant, Group I, II, III. No Group IV.
 Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises.
 Signs in accordance with Chapter 30
 Social Services, Group I only.
 Specialty Retail Shops, Groups I and II.

Site Development Regulations

B. Minimum Lot Area and Dimensions

Lot Size:	2.6 acres
Lot Width:	394 feet
Lot Depth:	272 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	15 feet
Rear	15 feet
Water body	25 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 and 34-2194 et seq.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet

Maximum Lot Coverage: 45%

Building Height: 2 stories/35 feet

3. Lehigh Acres Concurrency Condition:

This project is deemed exempt from the concurrency requirements set forth in Lee County LDC Chapter 2 and the Lee County Comprehensive Plan by virtue of the Certificate of Concurrency Exemption issued by the County pursuant to the Stipulation and Settlement Agreement, dated June 9, 1992, in Lehigh Corp v. Lee County, Case No. 91-2482CA.

4. No Blasting:

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

5. Accessory Uses:

Within the CPD, accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

6. Traffic:

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

7. Lee Plan:

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function (for commercial uses), as well as all other Lee Plan provisions.

8. Agricultural Uses:

No agricultural uses exist on this property and none are approved as a part of this rezoning.

9. Water and Sewer:

Development of this project must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle the level of development as proposed in the development order submittal.

10. Buffer Enhancements:

Prior to local development order approval, the landscape plans must depict:

- A. All vegetation height requirements to be measured at final grade of the parking area; and
- B. All required buffers must utilize 100% native vegetation; and

- C. The Lee Street buffer must be enhanced, as set out below, and be a minimum of 20 feet in width;
- D. The Lee Circle South buffer and the buffer along the east property line (to the south edge of the 24-foot-wide cross access easement) must be enhanced, as set out below, and be a minimum of 25 feet wide, with an 8-foot-high masonry wall; and
- E. Both the Lee Street and Lee Circle S. buffers must be enhanced with a minimum of seven (7) canopy trees per linear 100 feet, installed at a minimum 16-foot height, 4-inch caliper and a double staggered hedge row installed at a minimum 24 inches and maintained at 48 inches.

11. Consumption Premises:

Indoor or outdoor consumption on premises may be approved by Special Exception only. A public hearing is required. The applicant must provide adequate detail of the indoor and/or outdoor seating area consistent with the requirements of the LDC and the following:

Consumption on premises is permitted only in conjunction with a Group III Restaurant; No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.

12. Solid Waste/Recycling:

Prior to any local development order approval for vertical development, the developer must provide facilities in compliance with LDC §10-261 and Solid Waste Ordinance # 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

13. Internal Sidewalks:

Development must include internal sidewalks as a site-related improvement, in order to achieve a safe means of connecting internal uses and buildings and connecting with adjacent uses. Such facilities must be included in local development orders as part of construction of the project's infrastructure.

14. Indigenous Trees:

Prior to development order approval, the applicant must submit a native tree survey depicting all sabal palms (min. 8-foot clear trunk) and all native trees 20 inches or greater diameter at breast height (dbh)

Prior to development order approval, the development order landscape plans must delineate the on site preservation and/or relocation of all sabal palms (min. 8-foot clear trunk) and preservation and/or replacement of all heritage trees (min. 20-inch diameter at

breast height) with like species, minimum 20-foot in height to appropriate open space areas.

15. Open Space:

Prior to local development order approval, the development order plans must delineate a minimum of 34,609 square feet open space.

16. Hours of Operation:

The stand-alone fast food restaurants, in MCP#2, must close at 11:00 PM, Sunday through Thursday, and at 12 midnight, Friday and Saturday. A Special Exception approval, through public hearing, is required to extend these hours of operation beyond the closing times stated herein.

SECTION C. DEVIATION:

1. Deviation (1) seeks relief from the LDC §10-285 requirement to provide 660 feet of intersection separation on Lee Boulevard, to allow one access point 339 feet from Lee Street. This deviation is APPROVED, SUBJECT TO the conditions that:

1. The access on Lee Boulevard is limited to right-in right-out only.
2. At the time of local development order, a cross access easement to the property adjacent to the east must be provided, per the approved MCP.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are:

29-44-26-07-00055.0010, 29-44-26-07-00055.0020, 29-44-26-07-00055.0030,
29-44-26-07-00055.0230, 29-44-26-07-00055.0240, 29-44-26-07-00055.0250,
29-44-26-07-00055.0260, 29-44-26-07-00055.0270

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Bigelow. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Absent
Frank Mann	Aye

DULY PASSED AND ADOPTED this 2nd day of March 2009.

ATTEST:
CHARLIE GREEN, CLERK

BY: Kathleen A. Metz
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Ray Judah
Ray Judah
Chair



Approved as to form by:

Robert Spickerman
Robert Spickerman
County Attorney's Office

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2009 MAY 18 AM 10:06

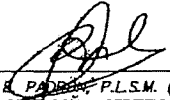
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN
SECTION 29, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

PROPERTY DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, SAID PARCEL TO FORM LOTS 1 AND 27, BLOCK 55, AS RECORDED IN PLAT BOOK 15, PAGE 80, AND LOTS 2, 3, 4, 5, 23, 24, 25, 26, OF BLOCK 55, AS RECORDED IN PLAT BOOK 26, PAGE 160 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 55, OF SAID PLAT BOOK 15, PAGE 80, AS RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; SAID POINT BEING THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF LEE BLVD (106 FEET WIDE) AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF LEE STREET (50 FEET WIDE); THENCE RUN SOUTH 52°19'38" EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF LEE BLVD A DISTANCE OF 20.43 FEET, TO A POINT OF CURVATURE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE SOUTHEASTERLY A DISTANCE OF 379.58 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1493.77 FEET, CENTRAL ANGLE OF 14°33'34" SUBTENDED BY A CHORD HAVING A LENGTH OF 378.56 FEET AND BEARING SOUTH 59°36'25" EAST, TO A POINT ON SAID CURVE, AT WHICH POINT THE RADIAL LINE BEARS SOUTH 23°06'48" WEST; THENCE SOUTH 23°06'48" WEST, ALONG THE PROLONGATION OF A LINE RADIAL TO SAID CURVE, A DISTANCE OF 136.13 FEET ALONG THE COMMON LINE OF LOTS 5 AND 6, OF SAID BLOCK 55, TO A POINT OF INTERSECTION ON A CURVE CONCAVE TO THE NORTHEAST; THENCE NORTHWESTERLY 34.60 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1629.90 FEET, CENTRAL ANGLE OF 1°12'59" SUBTENDED BY A CHORD HAVING A LENGTH OF 34.60 FEET AND BEARING NORTH 66°16'43" WEST TO A POINT ON SAID CURVE AT WHICH THE RADIAL LINE BEARS SOUTH 24°19'47" WEST; THENCE SOUTH 24°19'47" WEST ALONG THE PROLONGATION OF LAST SAID LINE, RUN A DISTANCE OF 136.13 FEET ALONG THE COMMON LINE OF LOTS 22 AND 23 OF SAID BLOCK 55, TO A POINT OF INTERSECTION ON A CURVE CONCAVE TO THE NORTHEAST, SAID POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF LEE CIRCLE SOUTH; THENCE NORTHWESTERLY ALONG THE RIGHT-OF-WAY LINE OF LEE CIRCLE SOUTH (50 FEET WIDE) A DISTANCE OF 411.27 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1766.03 FEET, CENTRAL ANGLE OF 13°20'35", SUBTENDED BY A CHORD HAVING A LENGTH OF 410.35 FEET, AND BEARING NORTH 58°59'56" WEST, TO A POINT OF TANGENT; THENCE NORTH 52°19'38" WEST A DISTANCE OF 20.43 FEET, TO A POINT ON THE SOUTHWEST CORNER OF LOT 27, BLOCK 55; THENCE NORTH 37°40'22" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LEE STREET (50 FEET WIDE) A DISTANCE OF 272.26 FEET TO THE POINT OF BEGINNING; CONTAINING 2.60 ACRES, MORE OR LESS.


CECILIO B. PADRON, P.L.S.M. (FOR THE FIRM)
STATE OF FLORIDA CERTIFICATE No 6121

3-3-08 (DATE SIGNED)

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

C. PADRON SURVEYORS, INC.
PROFESSIONAL LAND SURVEYORS
LICENSE # LB 7489

JOB: No 07-0164-S

4216 SW 10th AVENUE
CAPE CORAL, FLORIDA 33914
PH: (239) 549-4412
FAX: (239) 540-1635

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MAR 04 2008

PERMIT COUNTER

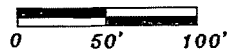
DCI 2007-00048

EXHIBIT A
1 OF 2

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(NOT A SURVEY)

SCALE 1"=100'

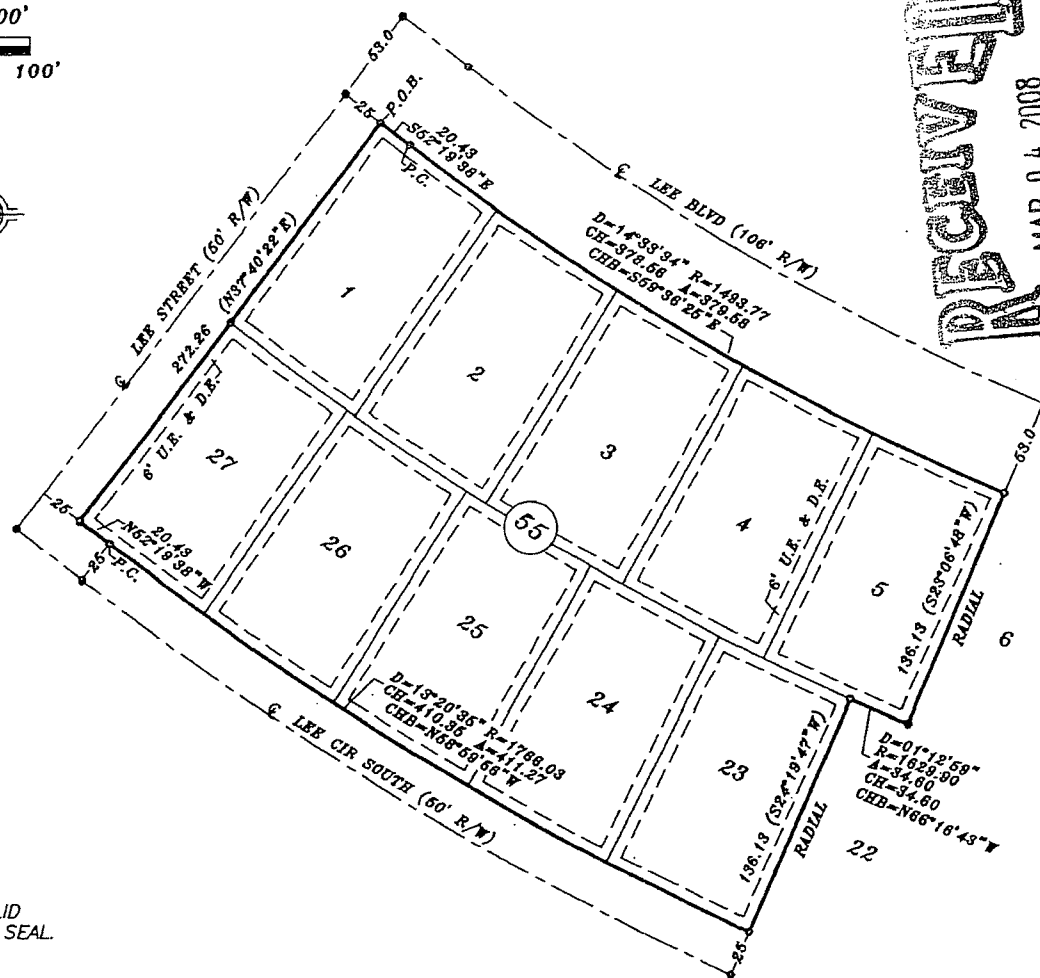


LEGEND AND ABBREVIATIONS

A	= ARC LENGTH
CL	= CENTERLINE
CH	= CHORD
CHB	= CHORD BEARING
D	= INTERIOR ANGLE
D.E.	= DRAINAGE EASEMENT
L	= LENGTH
NO.-#	= NUMBER
P.C.	= POINT OF CURVE
P.O.B.	= POINT OF BEGINNING
P.L.S.M.	= PROFESSIONAL LAND SURVEYOR AND MAPPER
R/W	= RIGHT-OF-WAY
R	= RADIUS
RGE	= RANGE
SEC.	= SECTION
T	= TANGENT
TWP.	= TOWNSHIP
U.E.	= UTILITY EASEMENT

NOTES:

- 1-REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
- 2-DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 3-EASEMENTS SHOWN HEREON ARE PER PLAT, UNLESS OTHERWISE NOTED.
- 4-BASIS OF BEARING IS THE CENTERLINE OF LEE BOULEVARD, BEING S52°19'38"E, PER PLAT RECORDED IN PLAT BOOK 15, PAGE 80, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
- 5-PORION OF SECTION 29, TOWNSHIP 44 SOUTH, RANGE 26 EAST.



CECILIO E. PADRON, P.L.S.M. (FOR THE FIRM)
CERTIFICATE No 6121
STATE OF FLORIDA

3-3-08 (DATE SIGNED)

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

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4216 SW 10th AVENUE
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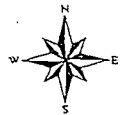
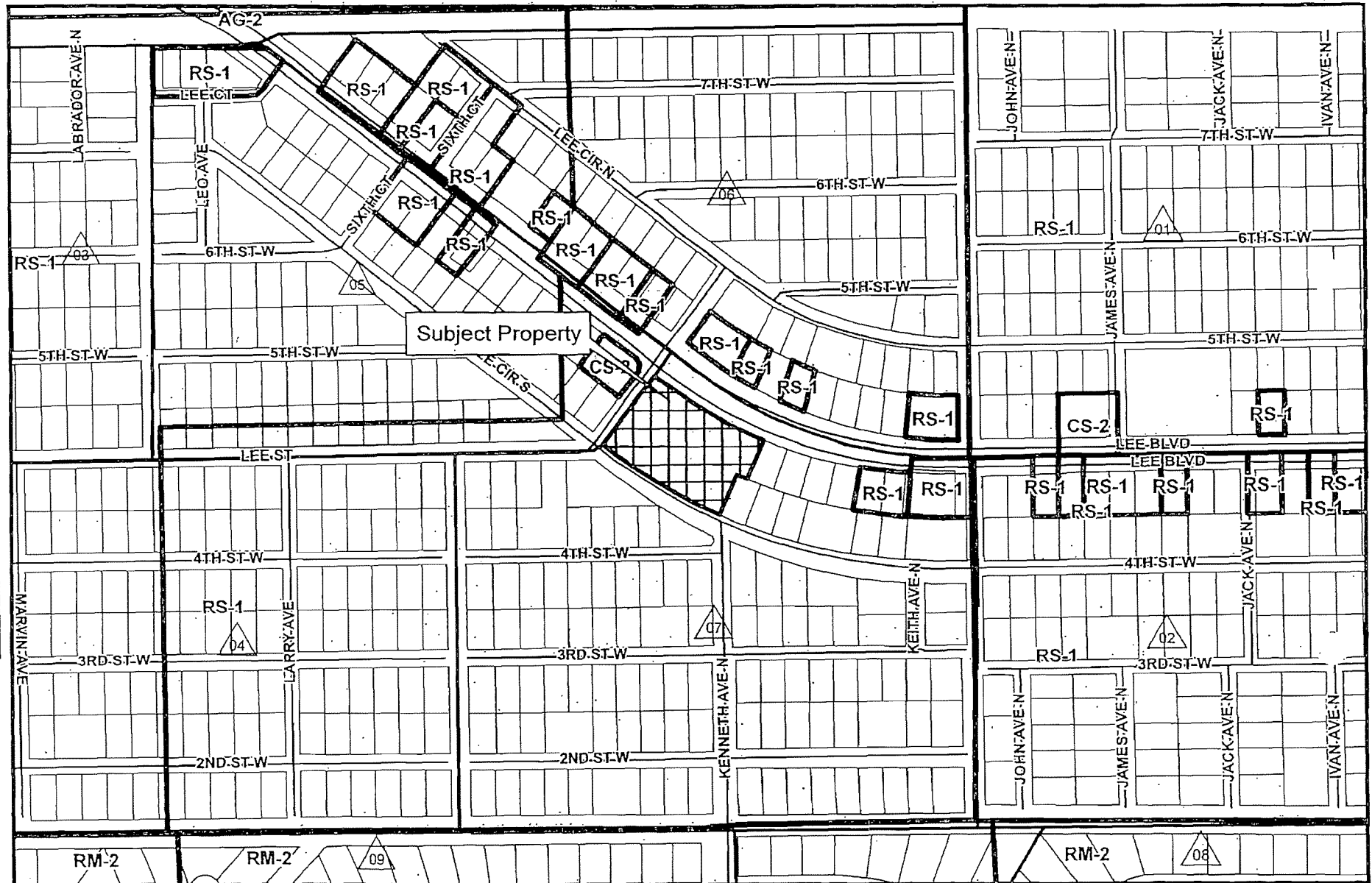
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MAR 04 2008

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2007-00048

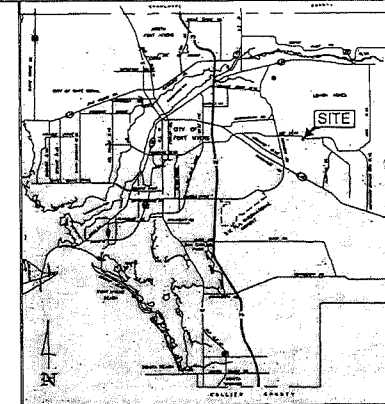
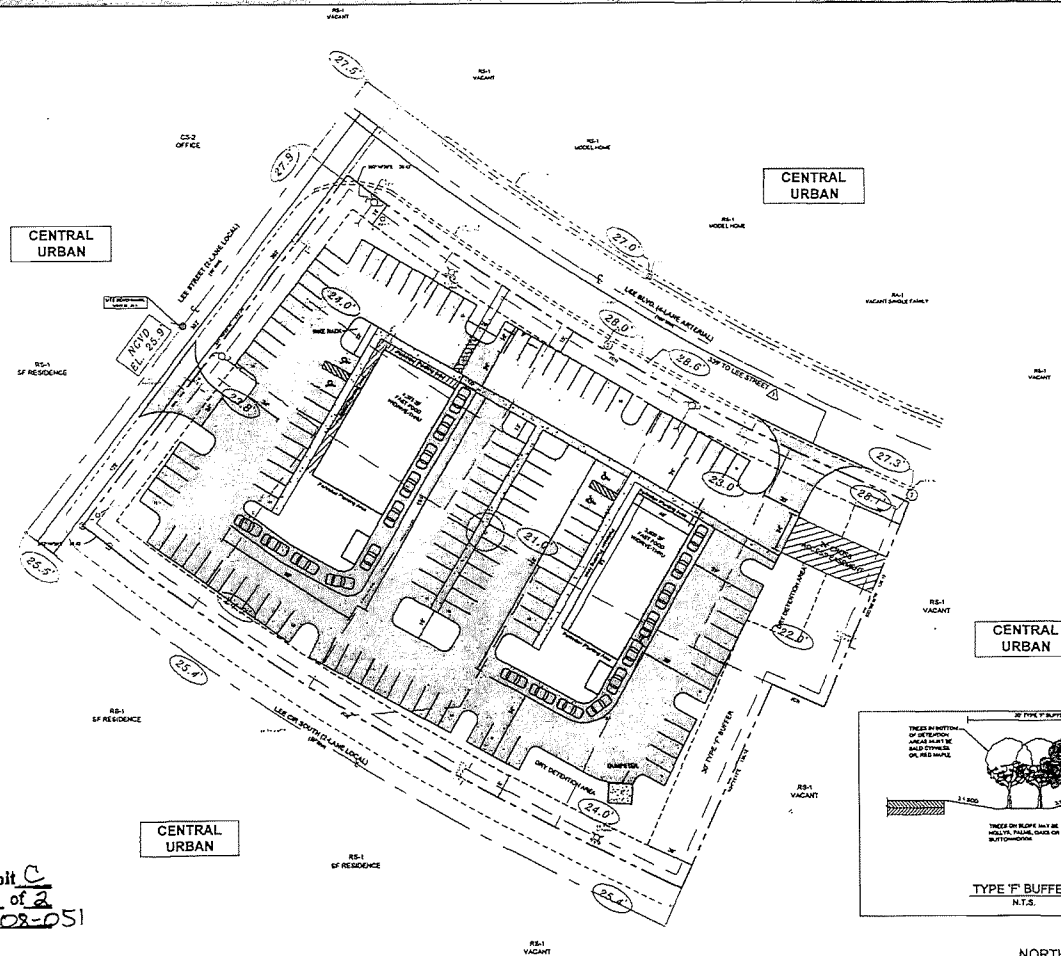
Zoning Map

EXHIBIT B



MASTER CONCEPT PLAN: LEE CORNERS CPD

EXHIBIT
D-7-M

EXHIBIT C
1 OF 2

LOCATION MAP

MCP 2
Fast Food

PROJECT SUMMARY

1.) REQUEST, Referring from RS-1 to CPD

2.1 OVERALL PROJECT ACREAGE: 113,473 SF (2.6 AC)

TOTAL BUILDING AREA	8,175 SF
---------------------	----------

31 OPEN SPACE-
30% OPEN SPACE REQUIRED FOR MINOR COMMERCIAL

DEVELOPMENT

30% OF 113,473 \$ = 34,042 \$ REQUIRED
34,042 OF 34,408 \$ PROVIDED

NYT 2007-0

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Journal of Management Inquiry 18(6)

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LEGEND:

PAINTED HANDICAP PARKING SYMBOL
PROPOSED PAVEMENT

PROPOSED STOP SIGN

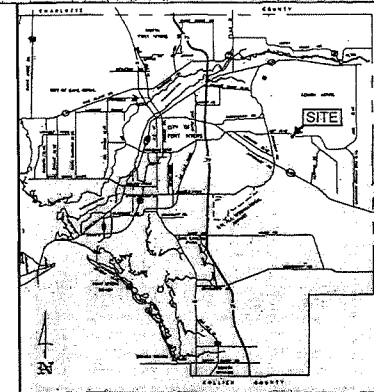
PROPOSED ELEVATION NORTH

Approved as Exhibit C
MCP Page 1 of 2
Resolution # 2-08-051

Printed by: Fred Donnelly
Thursday, April 28, 2012
07:22:22 C:\ODJ\ref\out\out.doc

Approved as Exhibit C
MCP Page 2 of 2
Resolution # 2-08-05

 **Quattrone & Associates, Inc.**
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd., Fort Myers, FL 33916 | 239.536.5222 | QA@qc.net



LOCATION MAP

MCP 3
Office/Retail

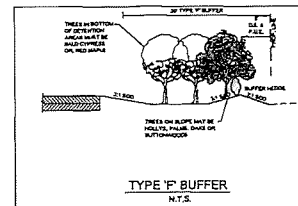
PROJECT SUMMARY
LEE CORNERS CPO

1.1 REQUEST: Read

1. REQUEST: Rezoning from R1-1 to CPO
2. OVERALL PROJECT ACREAGE: 112.473 SF (2.6 AC)
MAXIMUM BUILDING FOOTPRINT AREA: 20,000 SF
TOTAL BUILDING AREA: 40,000 SF
3. OPEN SPACE:
30% OPEN SPACE REQUIRED FOR MINOR COMMERCIAL DEVELOPMENT
30% OF 112,473 SF = 34,042 SF REQUIRED

30.5% OF 112,473 SF = 34,042 SF REQUIRED

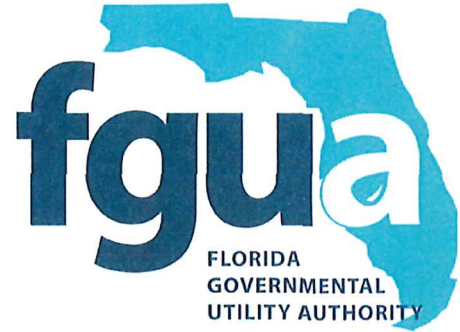
DCI 2007-00048



LEGEND	
	PAINTED HUMPHACK PARKING SYMBOL
	PROPOSED PAVEMENT
	PROPOSED CONCRETE
	PROPOSED STOP SIGN
	SITE BOUNDARY
	PROPOSED ELEVATION POINT
	CENTERLINE
	EXIT FEATURES
	ROAD, WALKWAY, ROAD, ETC.
	ELEVATION POINT

EXHIBIT C
2 OF 2

Attachment E



May 28, 2008

James D. Ottensmann, PE
Quattrone & Associates, Inc.
4301 Veronica Shoemaker Blvd
Ft Myers, FL 33916

RE: Water and Wastewater Availability

**29-44-26-07-00055.0010, 0020, 0030, 0270, 0260, 0250,
0240 & 0230**

**4925, 4923, 4921 Lee Blvd, 4926, 4924, 4922, 4920, 4918
Lee Circle S Lehigh Acres, FL**

Lee Corners CPD

LEA ANN THOMAS, CHAIR
Polk County

BRIAN WHEELER
Osceola County

JIM LAVENDER
Lee County

ROBERT KNIGHT
Citrus County

CHARLES C. SADDLER
Town of Dundee

D. WAYNE O'NEAL
Hendry County

MICHELE BAKER
Pasco County

Dear Mr. Ottensmann:

Potable water lines and wastewater lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of a 40,000 sq ft commercial center with 30,000 sqft used for retail and 10,000 sq ft used for office space with an estimated flow demand of 4,500 gpd for water and wastewater, respectively. FGUA presently has sufficient capacity to provide potable water and sanitary sewer as estimated above.

Prior to beginning design work on this project, a meeting may be scheduled with Pradeep Sethi to determine the best point of connection and discuss requirements for construction. He can be reached at 407-629-6900 ext. 122 or via e-mail at psethi@govmserv.com.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Lehigh Acres Water Treatment Plant # 1 and the Mirror Lakes Water Treatment Plant that is expected to

FGUA Master Utility Letter

FGUA OPERATIONS OFFICE

Government Services Group, Inc.
Protegrity Plaza, Suite 2000
280 Wekiva Springs Road
Longwood FL 32779

877/552-3482 Toll Free
407/629-6900 Tel
407/629-6963 Fax

Attachment E

come on line soon. Sanitary sewer service will be provided by the recently upgraded Lehigh Acres Wastewater Treatment Plant. The FGUA Utilities' Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system. A site map showing the approximate location of the utilities is included for your reference as well as list of the next steps to be taken in order to move your project forward.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date hereof. Florida Governmental Utility Authority will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of water and wastewater service is to be utilized for development review for this project only. Individual letters of availability will be required for the purpose of obtaining building permits.

Please submit your plans for review when ready with a copy of this letter, an Engineer's Opinion of Probable Cost of Construction (EOPCC) and a plan review check for \$300 for first nine (9) sheets or less and add \$ 25 for every sheet over 9 sheets.

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY



Tarek M. Fahmy P.E. - C.G.C.
Director of Operations



TMF/pks

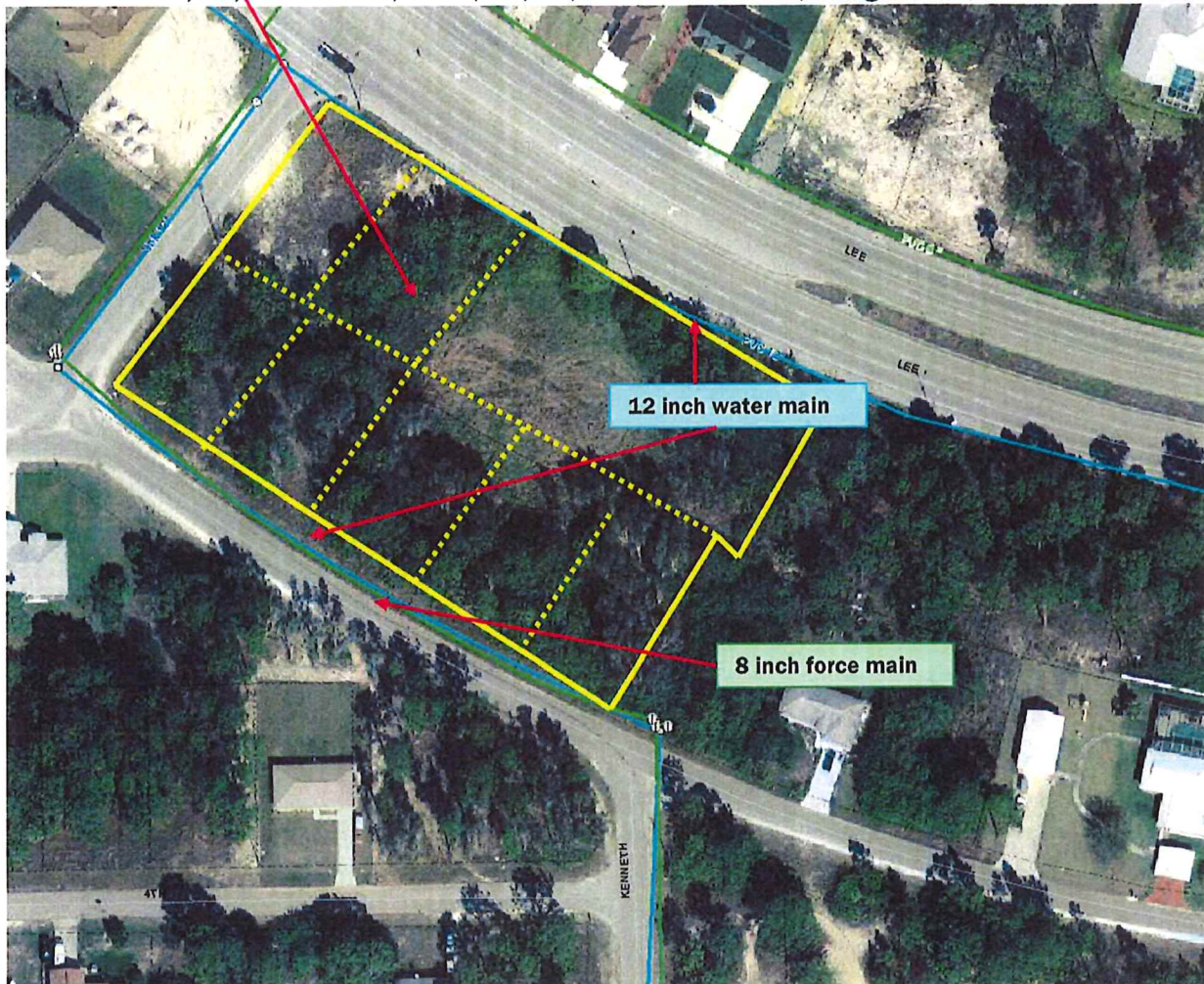
Attachment E

May 21, 2008

LEE CORNER CPD

Strap #s: 29-44-26-07-00055.0010, 0020, 0030, 0270, 0260, 0250, 0240 & 0230.

Address: 4925, 23, 21 Lee Blvd, 4926, 24, 22, 20 & 18 Lee Cir S, Lehigh Acres, FL 33971



NEXT STEPS/INFORMATION

1. Four Sets of signed and sealed Construction Plans With a Plan review Check for \$ 300.00 for the first 9 sheets and additional \$ 25.00 for each additional sheet
 - a. Construction plans to show property lines clearly marked
 - b. Identify the connecting points to the FGUA mains
 - c. Locate the Water meters, fire meters (preferably) out side property limits within ROW
 - d. Identify easements to be provided to FGUA
2. Submit the EOPCC (Engineer's Opinion of Probable Cost of Construction)
3. On receipt of this information as identified at 1 & 2 above FGUA will submit the following for your prompt attention
 - a. The fee estimate which must be paid upfront
 - b. The Conveyance and Service Agreement (CSA) which must be executed by the owner or authorized person to sign contracts as legal entity.
4. This CSA has to be accepted by the FGUA board.
5. The FDEP apps for construction will be signed by FGUA after Fees is paid and the CSA is accepted by the FGUA Board.
6. The capacity fees will be charged and paid for each unit based on its actual use.

All Utility Locations shown here are approximate and Engineer's surveyor to determine the exact locations

Attachment F

APPROVED
DOS2016-00010
Robert Hutcherson, AICP, Development Review Representative
Development Services
12/21/2018

DEVELOPMENT ORDER PLANS

LEE CORNERS

4925 LEE BLVD.
LEHIGH ACRES, FL. 33971

****FINAL INSPECTION REQUIRED****
At the completion of the improvements, please submit a Letter of Substantial Compliance to schedule a Final Inspection.

Development Order Approval does not vest nor guarantee that changes will not be required, if subsequent changes are made to the Uniform Lee County Fire Code.

VEGETATION PERMIT REQUIRED
PRIOR TO ANY SITE WORK
Protective barricades must be constructed and inspected prior to permit issuance. Please contact Division of Environmental Sciences (739) 633-4399.

LEE COUNTY
DOT RIGHT-OF-WAY
PERMIT REQUIRED

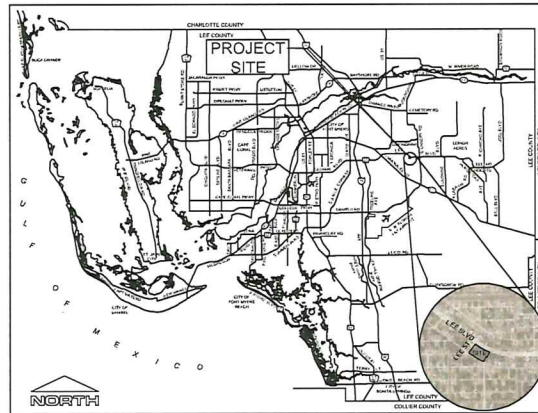
DOS2016-00010

OWNER / DEVELOPER:

BERMUDEZ LUIS A & AMERICA F
325 NW 119TH CT
MIAMI, FL. 33182

Please Note: Final Development Order does not confer approval for signage

LOCATION MAP



LEE COUNTY, FLORIDA

SECTION 29, TOWNSHIP 44S, RANGE 26E

STRAP #29-44-26-07-00055.0010,.0020,.0030,.0230,.0240,.0250,.0260,.0270

QAI PROJECT # - 141116-PHASE 1

CONTRACTOR STAKEOUT SHALL BE FROM THE APPROVED QAI FILE BY QUATTRONE, INC. ASSOCIATES

SHEET LIST

SITE DEVELOPMENT: SD

- SD 01 COVER
- SD 02 EXISTING CONDITION & DEMO PLAN
- SD 03 AERIAL & FLUCCS PLAN
- SD 04 SWP3 & EXISTING HYDROLOGY PLAN
- SD 05 MASTER SITE PLAN
- SD 06 MASTER STRIPING PLAN
- SD 07 PAVING GRADING & DRAINAGE PLAN
- SD 08 TYPICAL PROJECT DETAILS & SECTIONS
- SD 09 TYPICAL DETAILS
- SD 10 TYPICAL NOTES
- SD 11 MASTER UTILITY PLAN
- SD 12 LIFT STATION DETAILS
- SD 13 LCU DETAILS
- SD 14 LIGHTING PHOTOMETRIC PLAN
- SD 15 LIGHTING PHOTOMETRIC DETAILS

LANDSCAPING: LS

- LS 01 LANDSCAPING PLAN - A
- LS 02 LANDSCAPING PLAN - B

A	DATE	DESCRIPTION
1	02/07/2018	REVISION PER LEE COUNTY COMMENTS
2	07/07/2018	REVISION PER LEE COUNTY COMMENTS DATED 6/15/2018
3	07/07/2018	REVISION PER LEE COUNTY COMMENTS DATED 6/15/2018
4	07/07/2018	REVISION PER LEE COUNTY COMMENTS DATED 6/15/2018
5	11/05/2018	REVISION PER LEE COUNTY COMMENTS DATED 10/26/2018



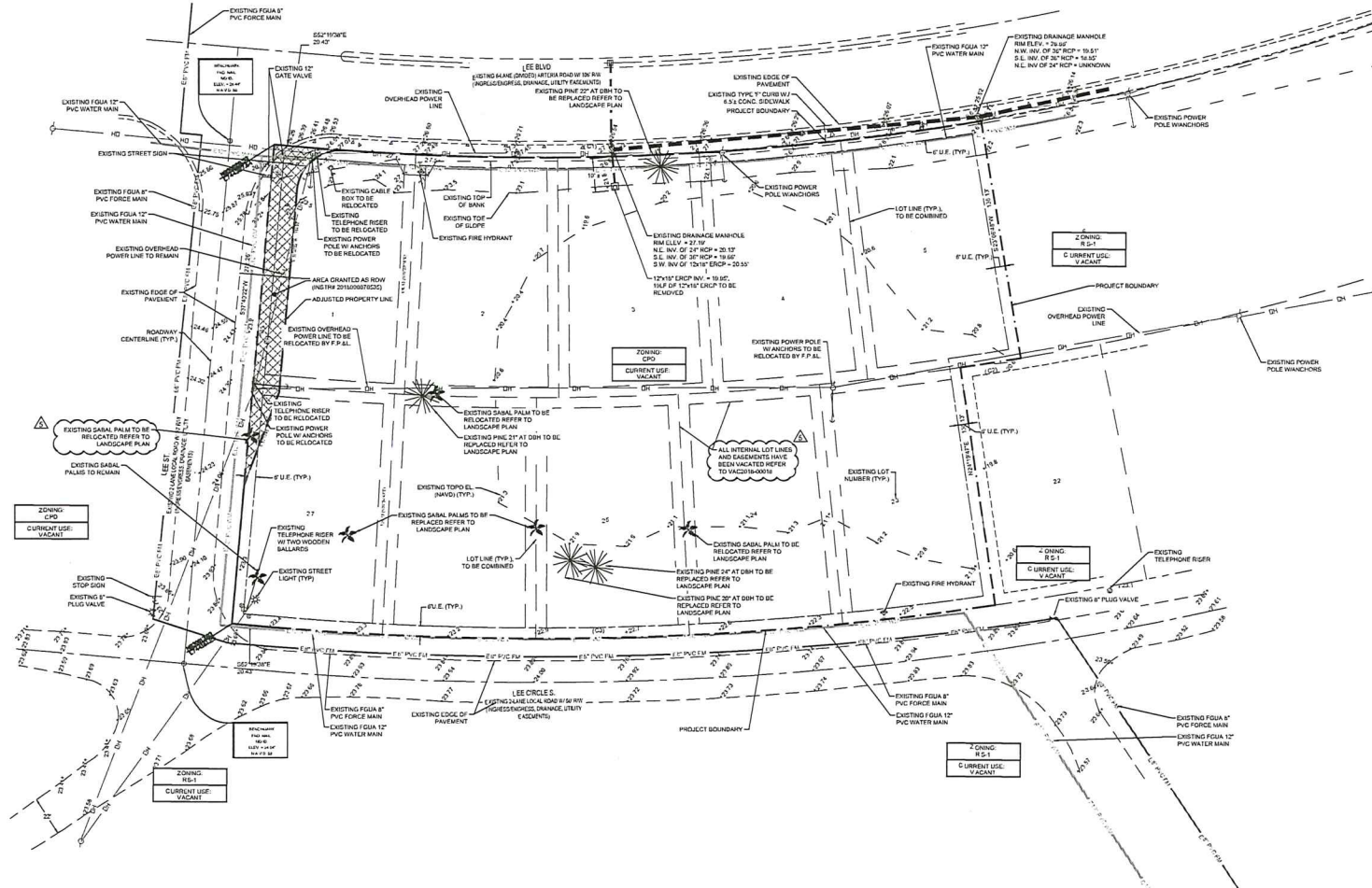
This Item Has Been
Electronically Signed By
Alfred J. Quattrone, P.E.
Using SHA-1
Authentication Code.
Printed Copies of This
Document Are Not
Considered Signed and
Sealed and the SHA-1
Authentication Code
Must be Verified on any
Electronic Copies
2018-11-15 09:48:43

ALFRED QUATTRONE, P.E.
FL. REG. #92741
DATE

Attachment F

CURVE TABLE					
CURVE	DELTA ANGLE	RADIUS	ARC	CHORD	CHORD BEARING
C1	14°33'34"	1,493.77'	379.58	378.56	S59°36'25"E
C2	01°12'59"	1,629.90'	34.60	34.60	N66°16'42"W
C3	13°20'35"	1,766.03'	411.27	410.34	N58°59'55"W

APPROVED
DOS2016-00010
Robert Hutcherson, AICP, Development Review Representative
Development Services
12/21/2018



LEE CORNERS
EXISTING CONDITION & DEMO PLAN
4925 LEE BLVD.
LEHIGH ACRES, FL 33971

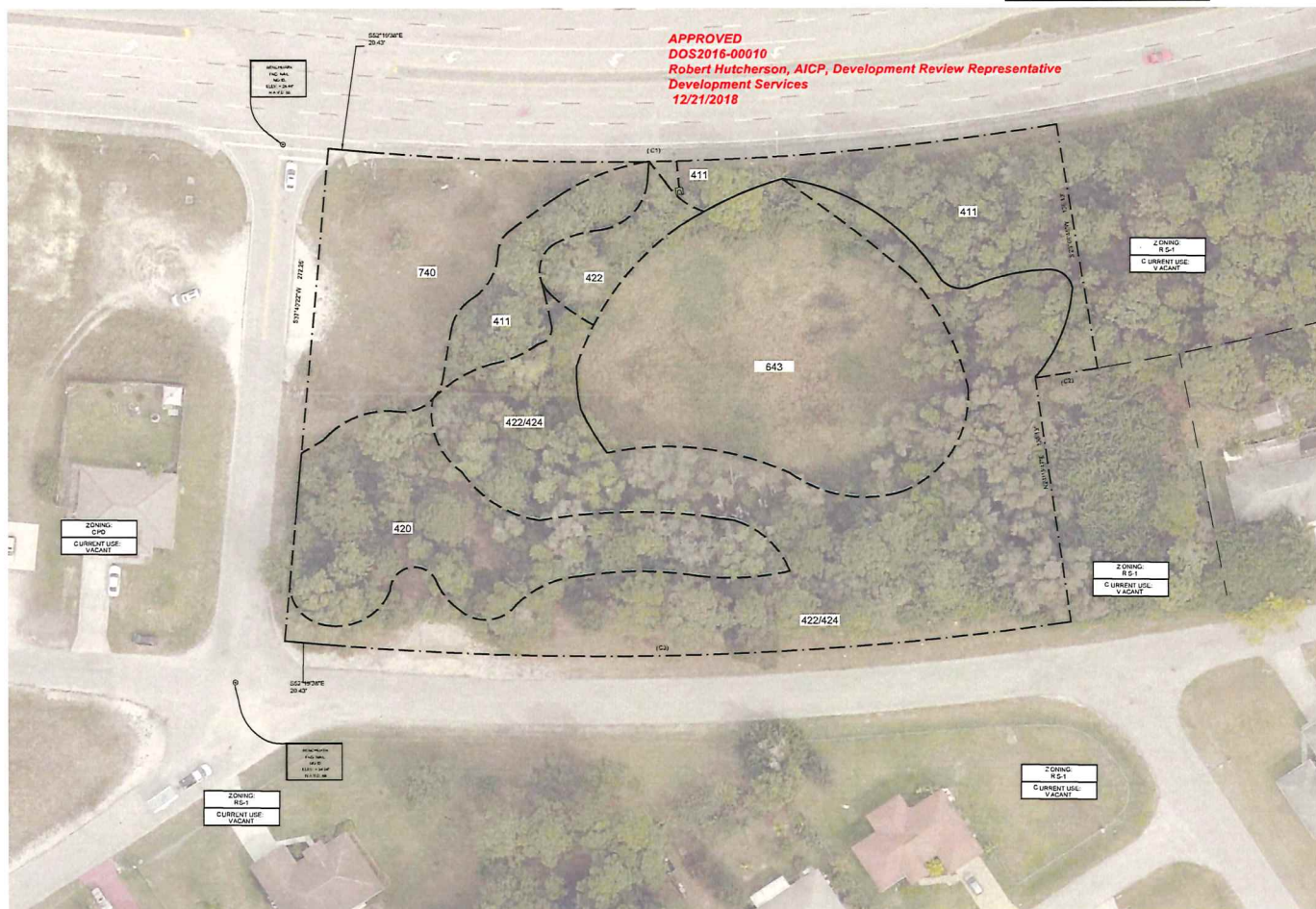
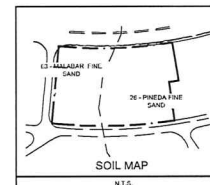
Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
13001 Veronica Street, Suite 200, Fort Myers, FL 33907
239-936-5222
CONTACT: J. QUATTRONE, J. QUATTRONE

ALFRED QUATTRONE, P.E.
P.L. REG. 000141
PLANNED BY: BURG
THE THUNDER LOT #44
SHEET
SD-02
02 OF 15

141116-PHASE 1.DWG

422 / 424 - BRAZILIAN PEPPER & MELALEUCA	0.53 AC (20.56%)
422H / 424H - B. PEPPER & MELALEUCA HYDRIC	0.45 AC (17.17%)
411 - SLASH PINE	0.30 AC (13.80%)
643 - FRESHWATER EMERGENT*	0.35 AC (13.80%)
740 - DISTURBED/CLIFFED	0.57 AC (22.55%)
H = EXOTIC DOMINATED	0.35 AC (12.53%)
H = HYDRIC	

*WETLANDS LINE NOT VERIFIED BY AGENCIES
 **WETLAND DELINEATION IS APPROXIMATE, NOT LOCATED BY SURVEYOR



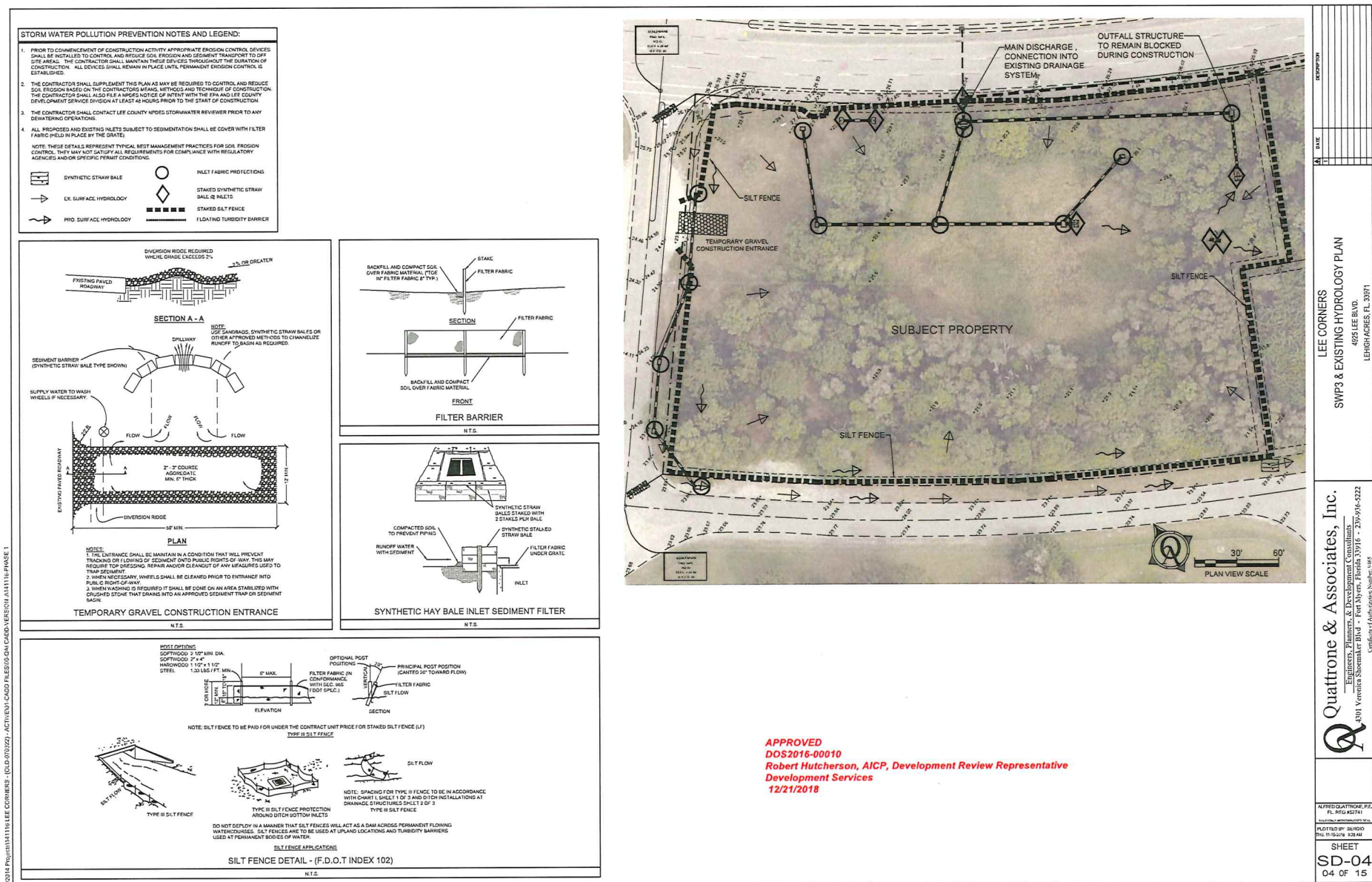
APPROVED
DOS2016-00010
Robert Hutcherson, AICP, Development Review Representative
Development Services
12/21/2018

LEE CORNERS
AERIAL & FLUCCS PLAN
4925 LEE BLVD.
LEHIGH ACRES, FL. 33971

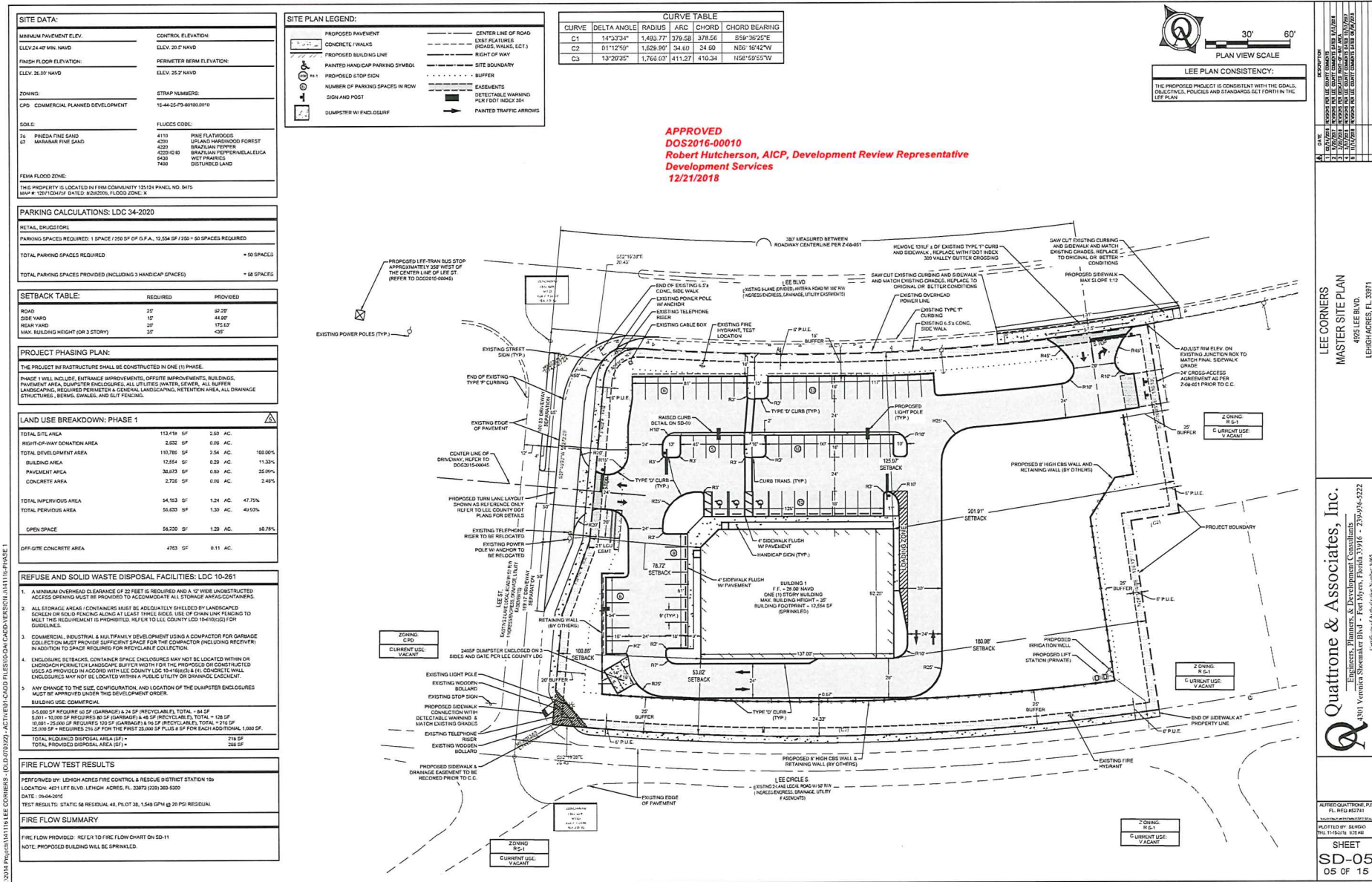
Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222
Certificate of Accreditation Number: 495

ALFRED QUATTRONE, P.E.
FL. REG #52741
PLOTTED BY: GJH/DO
TIME: 11-15-2016 9:28 AM
SHEET
SD-03
03 OF 15

Attachment F

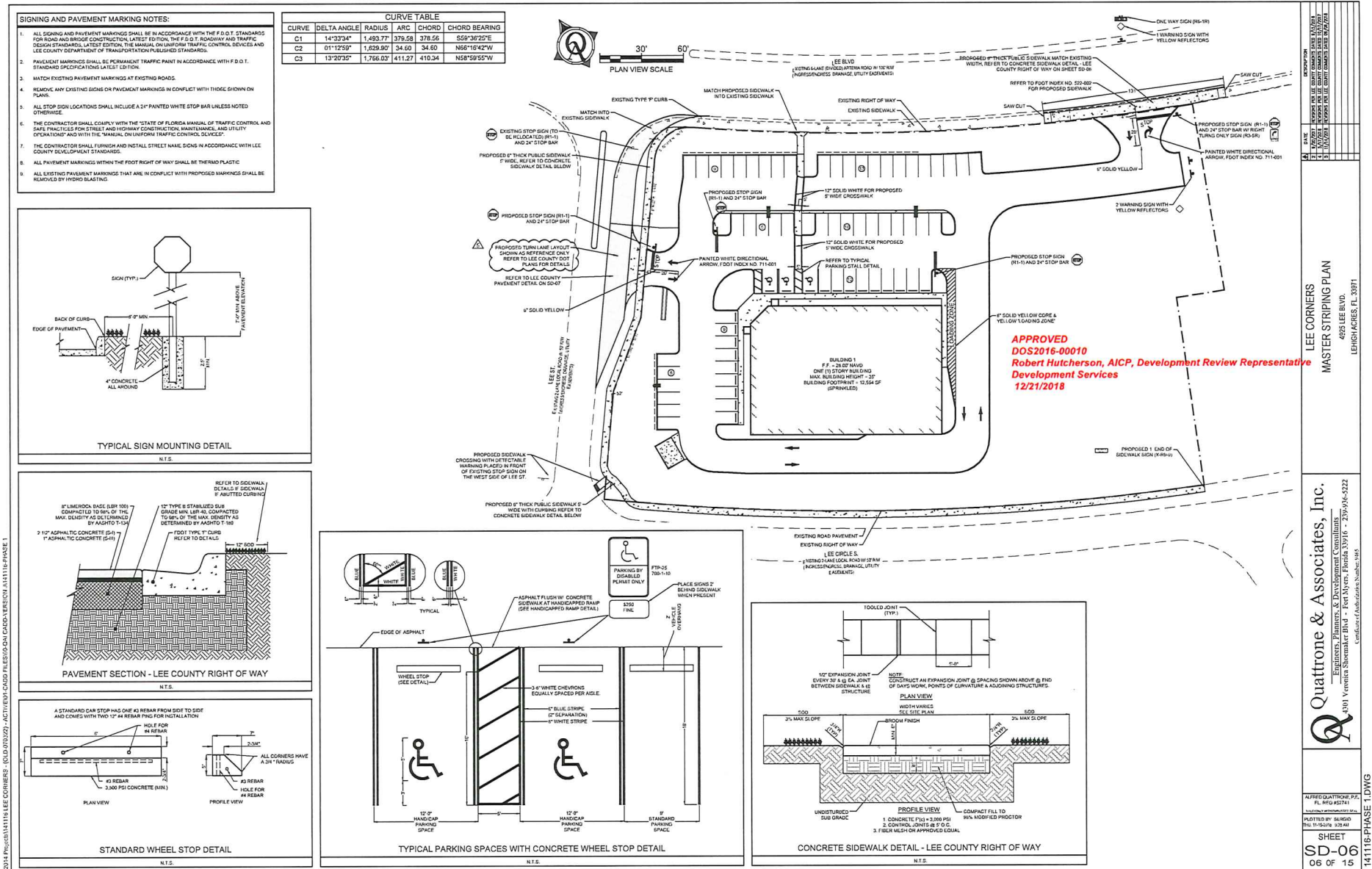


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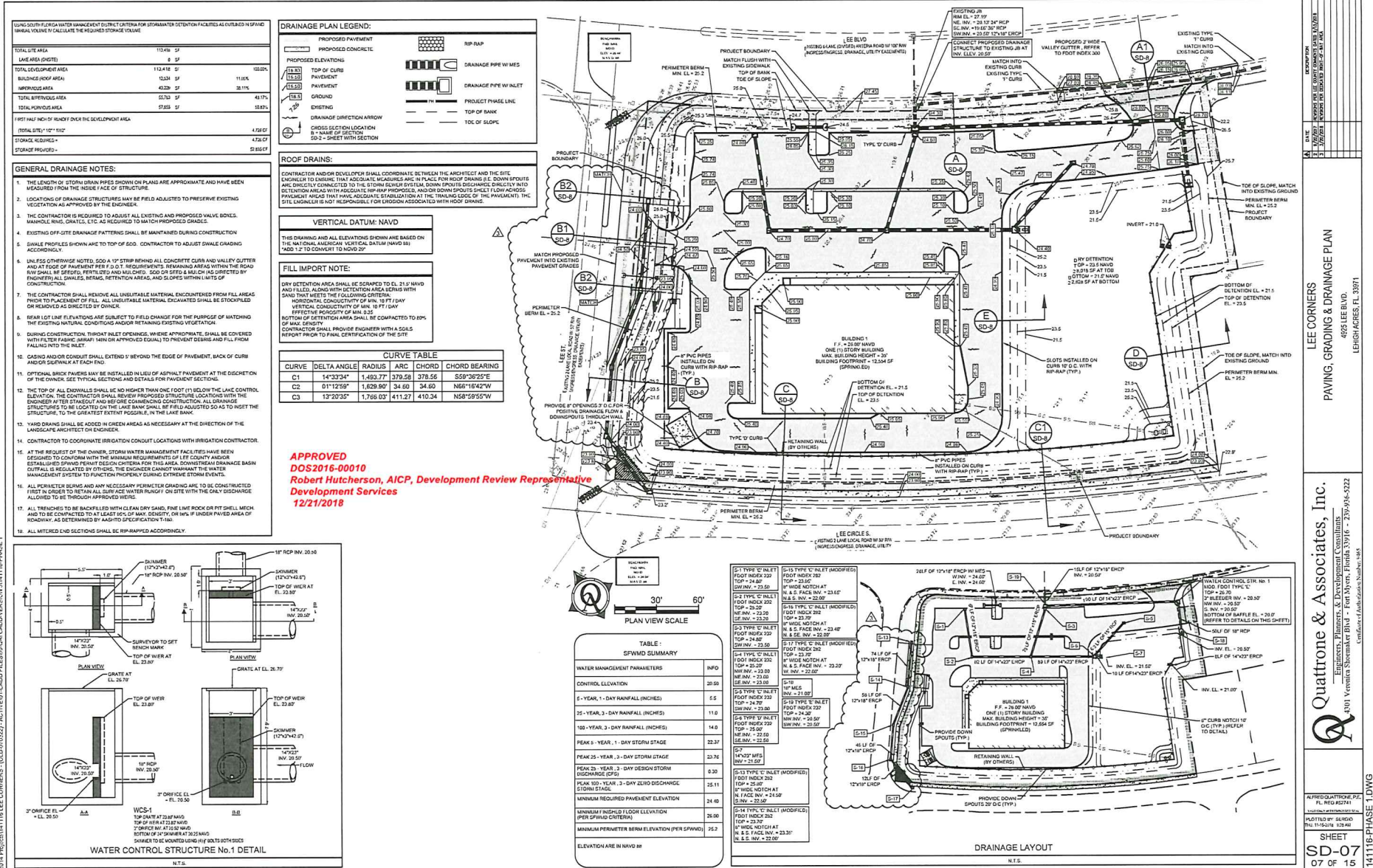


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Attachment F



Attachment F



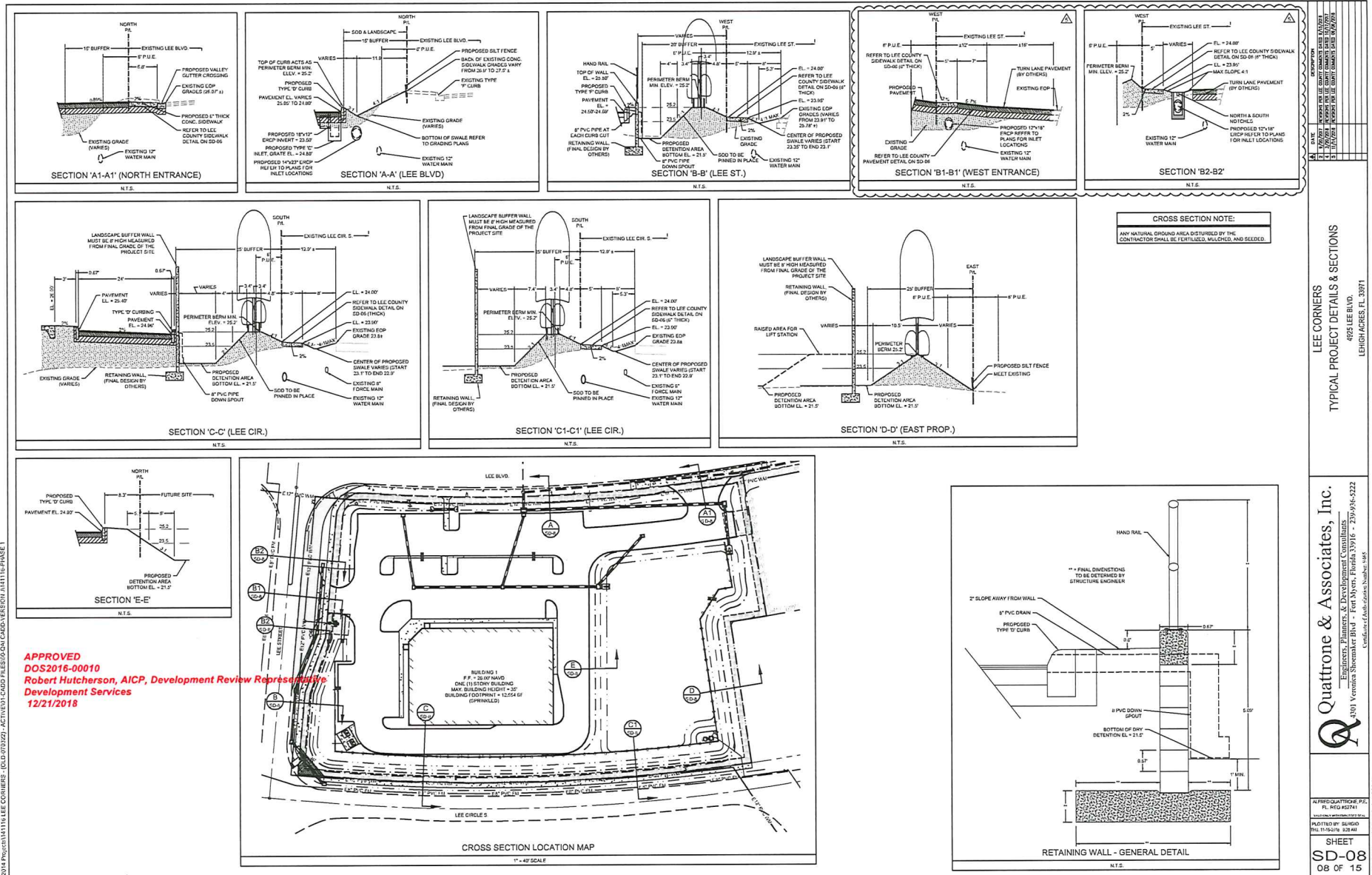
LEE CORNERS
PAVING, GRADING & DRAINAGE PLAN

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
1001 Veranda Shores Blvd. - Fort Myers, Florida 33916 - 239-936-5222
Confidence of Accreditation Number: 0487

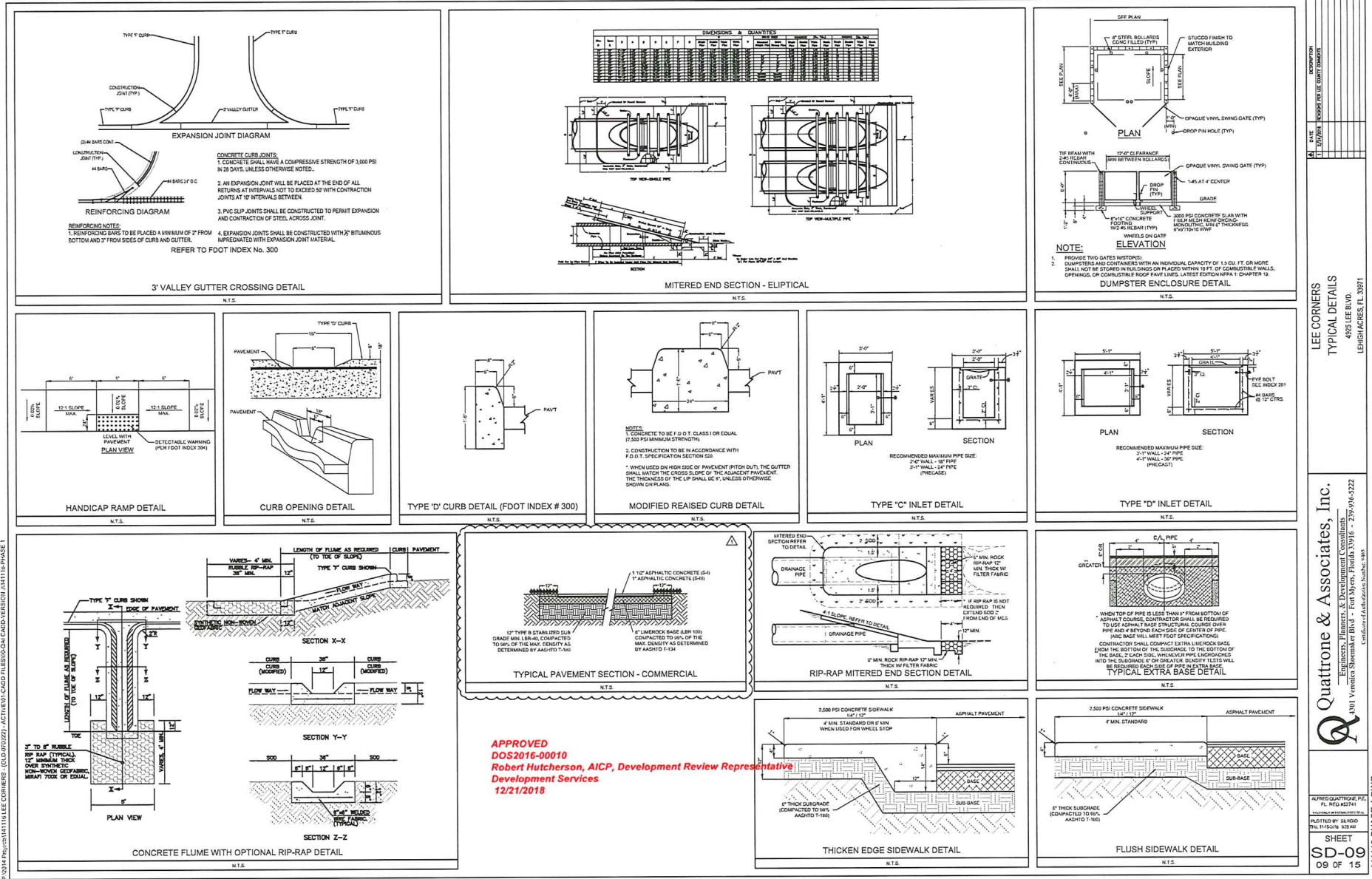
APPROVED FOR THE PROJECT BY:
R. HUTCHERSON
DATE: 12/21/2018
SHEET
SD-07
OF 15

141116-PHASE 1.DWG

Attachment F



Attachment F



LEE CORNERS
TYPICAL DETAILS
4805 LEE BLVD.
LEHIGH AVENUE FL 33071

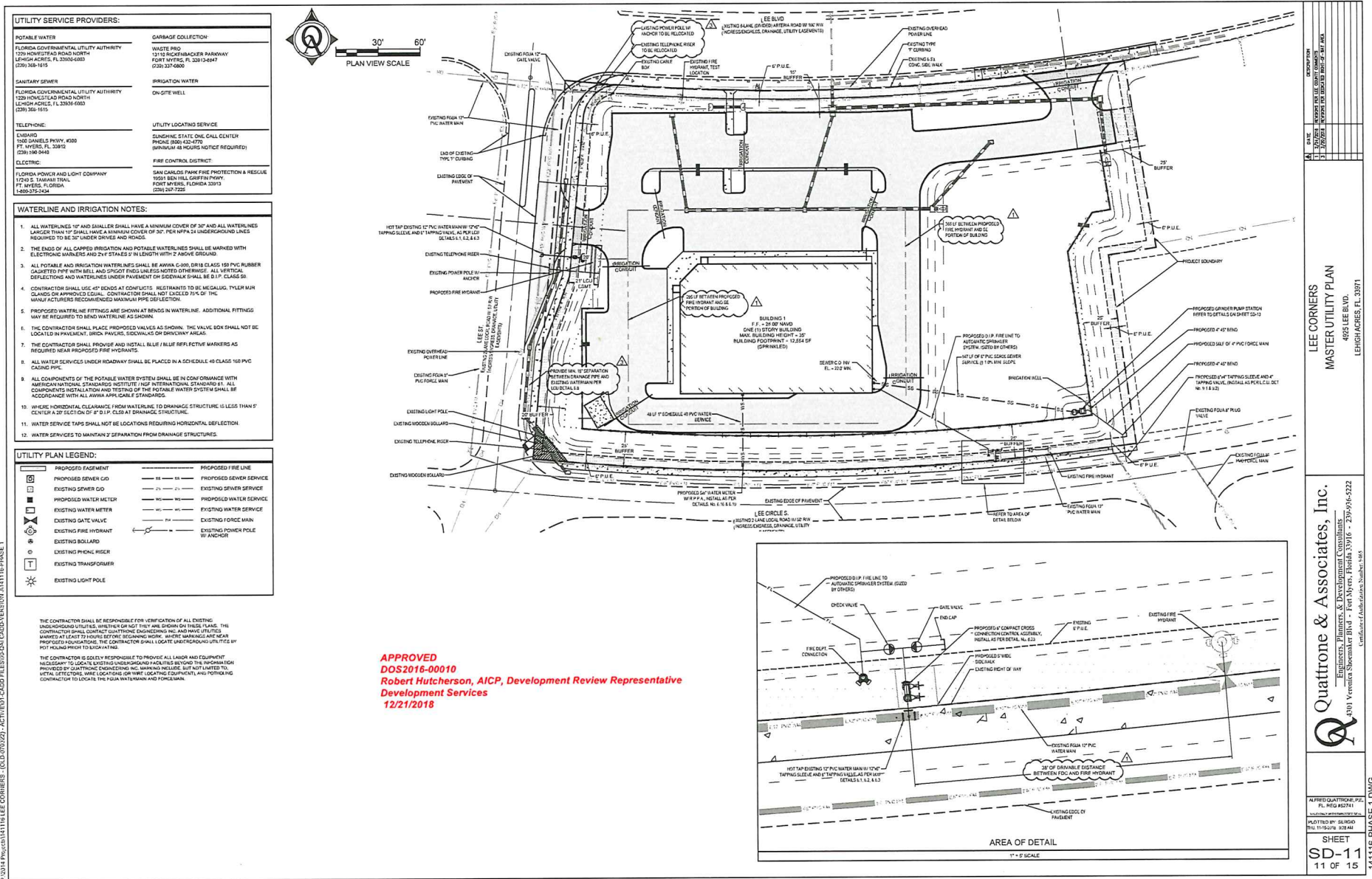
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Engineers, Planners, & Development Consultants
1300 Virentia Shores Blvd - Fort Myers, Florida 33916 - 239-934-5222
Certificate of Accreditation Number: 946

APPROVED QUATTRONE & ASSOCIATES, INC.
PL. 10/10/2018
PLOT BY: SUND
DATE: 10/10/2018
SHEET
SD-09
09 OF 15

141116-PHASE 1.DWG

\\2014 Projects\141116 LEE CORNERS - (OLD-070122) - ACTIVE\01-CADD FILES\02-QAI CADD-VERSION J141116-PHASE 1

Attachment F

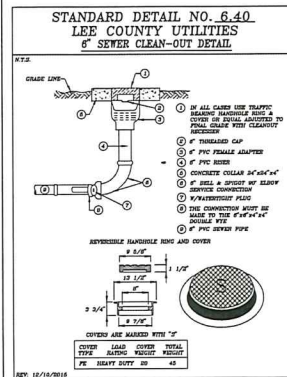
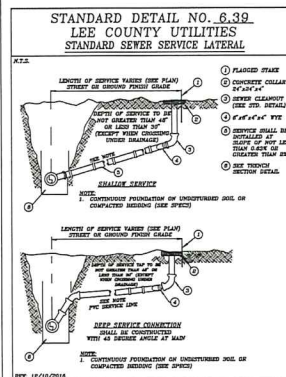
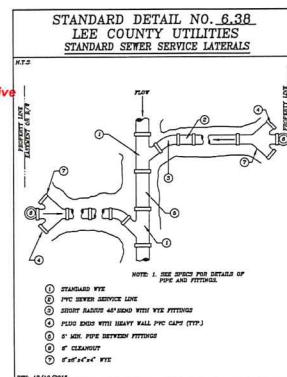
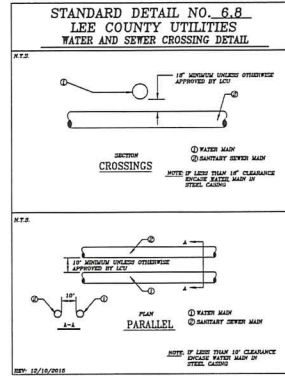
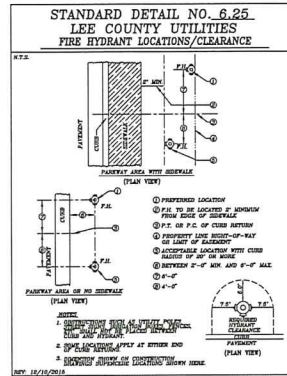
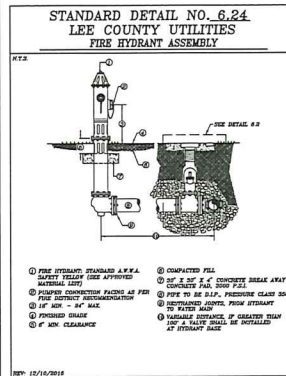
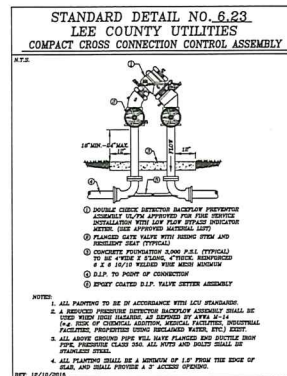
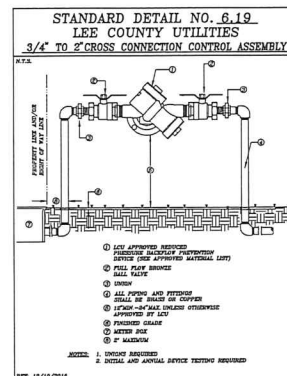
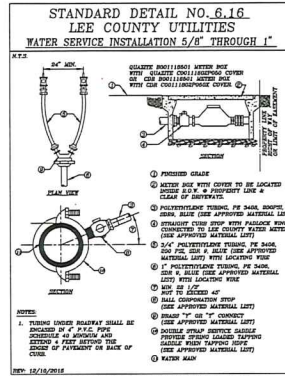
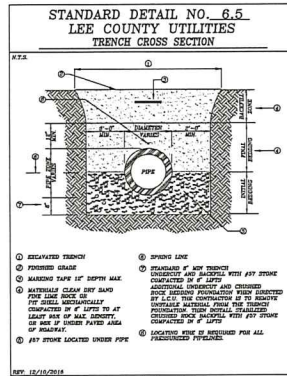
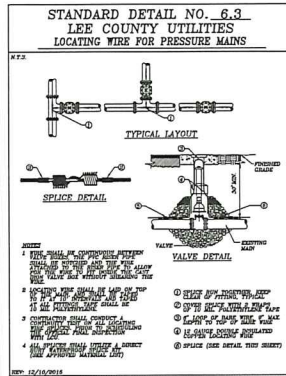
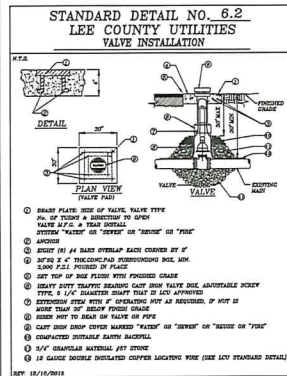
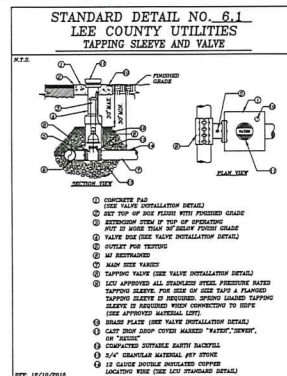


LEE CORNERS
MASTER UTILITY PLAN
4925 LEE BLVD.
LEHIGH ACRES, FL 33917

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
1001 Veronica Shores Blvd - Fort Myers, Florida 33919 - 239-935-6322
Certificate of Authorization Number: 1649

4/16/2019 QUATTRONE, INC.
PL: REG 803741
PROJECT: LEE CORNERS MASTER UTILITY PLAN
DRAWN BY: SARAH
CHKD BY: JEFFREY J. JEN
SHEET
SD-11
11 OF 15
141116-PHASE 1.DWG

Attachment F



APPROVED
DOS2016-00010
Robert Hutcherson, AICP, Development Review Representative
Development Services
12/21/2018

LEE CORNERS
LCU DETAILS
4925 LEE BLVD.
HIGH ACRES, FL. 33971

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd. • Fort Myers, Florida 33916 • 239-936-5222
Company Registration Number: 9465

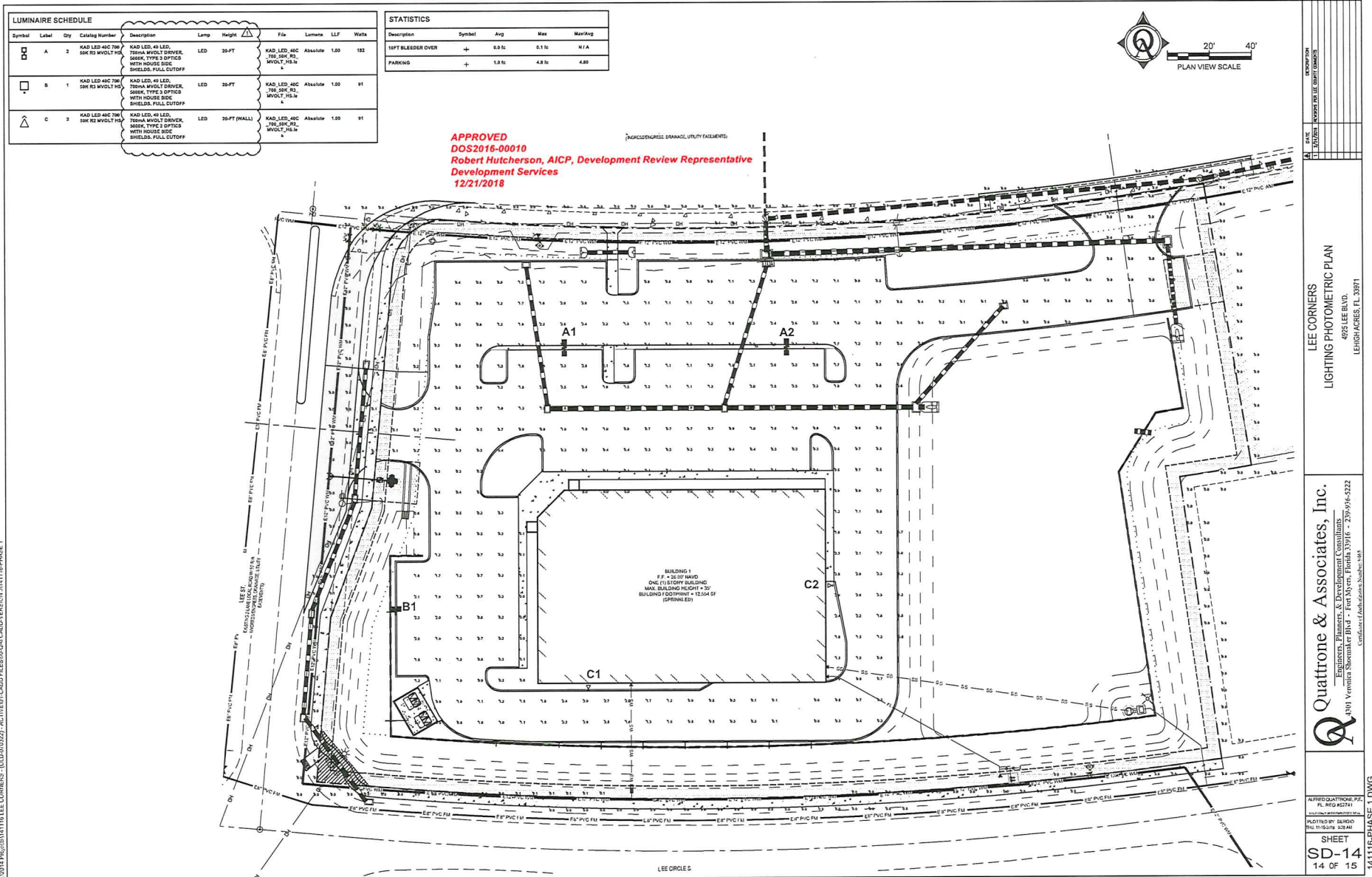
ALFRED QUATTROCHI, P.E.
FL. REG. #52741
SOLUTIONS WITH INTEGRITY OF ALL
PLOTTED BY: BERGHO
DATE: 11-15-2016 9:28 AM
SHEET
SD-13
13 OF 15

HIGH ACRES, FL. 33971

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1411116-PHASE 1.DWG	DATE	DESCRIPTION
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Attachment F





Attachment G

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL SCIENCES STAFF REPORT

CASE NUMBER: REZ2022-00019
TYPE OF CASE: Rezoning
CASE NAME: Lee Corners
TOTAL ACREAGE: 2.8 acres
SUFFICIENCY DATE: May 19, 2023
HEARING EXAMINER DATE: July 13, 2023

Request

The applicant has requested to rezone approximately 2.8 acre parcel that is currently zoned Commercial Planned Development (CPD) and Single Family Residential (RS-1) to General Commercial (CG). Environmental Sciences staff have reviewed the case and inspected the 2.8 acre parcel and provided the following analysis.

Protected Species and Indigenous Habitat

Environmental Staff conducted a site inspection on August 24, 2022. The project site consists upland and wetland vegetation per the site inspection and the FLUCCS map provided by BearPaws Environmental Consultants (Exhibit A). Canopy cover included Australian Pines, Slash Pine, earleaf acacia, java plum, Coco Plum, Live Oak, and Melaleuca. Understory vegetation contained wild coffee, Spanish needle, myrsine, swamp fern, dollarweed, frogfruit, wax myrtle, saltbush, cattail, and fire flag. Environmental Sciences staff inspected the site for protected species and observed no protected species. Environmental staff observed indigenous vegetation onsite.

Open Space and Landscaping

Depending on the amount of impervious proposed to support the use, the site may be considered a large project (10-1). The applicant will be required to provide 30% open space if the project is considered large. If the project is considered small, 20% open space is required. The applicant will be required to provide buffers per LDC Section 33-1405 and 10-416(d). At time of development order, the applicant must comply with the LDC or seek a variance.

SUMMARY

In order for the rezoning case to be considered for approval, the hearing examiner must make a number of findings per LDC Section 34-145(d)(4). One of the findings is that the proposed rezoning case will not adversely affect environmentally critical or sensitive areas and natural resources. As described, the 2.8 acre parcel does not contain protected species. There are environmentally sensitive areas on site, however the applicant has indicated that they will obtain proper state and federal permits. Therefore, this finding is being met.

Exhibits

A – Environmental Assessment & Species Survey Report

Attachment H

LEHIGH ACRES ARCHITECTURAL, PLANNING & ZONING REVIEW BOARD

Meeting Agenda – December 15, 2022

5:30 pm

In Person Meeting

Lehigh Acres Municipal Services Improvement District

601 East County Lane, Lehigh Acres, FL 33936

Call To Order: 6:00 pm

Roll Call: Mike Cook, Mohamed Yasin, Inke Schirmmacher, Claude Spellman

Excused: Thomas Pfuner, Tami Baker,

Consulting: Janis Williams – Lehigh Acres Fire and Rescue District, Deputy Morse - Lee County Sheriff's Office

Minutes: Melissa Barry

Public Comments on agenda items: No Comments

Approval of Agenda with motion: 1st Claude, 2nd Inke

Approval of October Minutes: Moved

New Project Reviews

- A. Request for Special Exception and Variance Approval for 5021 Lee Blvd and 5020 Lee Cir S, Lehigh Acres. The applicant is requesting a Special Exception and Variance Approval for a Day Care Operation. Project is presented by Dean Martin /w TDM Consulting, Inc.
Dean Martin presenting – We would like to change the variance. There is 101 square feet with 12 parking spaces and a playground that is existing at 15 ft wide. The buffer is 15 feet wide. They would like to widen the south parking lot entrance for fire access. It would be similar to Busy Bee DO Plan.

Board Member Comments:

Claude Spellman: 1) Asked about the width of the drive way.

Mohamed Yasin: No comment

Inke Schirmmacher: No comment

Mike Cook: No comment

Motion to approve with driveway widened. 1st Thomas 2nd Inke

Motion passed

- B. Request for Rezoning Approval for 9 parcels on Lee Blvd and Lee Cir S, Lehigh Acres. The applicant is requesting a Rezoning Approval for multiple parcels from CPD and RS-1 to CG. Project is presented by Al Quattrone, P.E. /w Quattrone & Associates, Inc. ☐
Presented by Al Quattrone presenting- We are requesting a rezoning approval for this project. The development order has been submitted.

Attachment H

Board Member Comments:

Claude Spellman: No comments

Mohamed Yasin: No comments

Inke Schirmmacher: No comments

Mike Cook: No comments

Motion to approve 1 Claude Spellman, 2nd Inke

Motion passed

Old Business: Nothing at this time

New Business: Nothing at this time

a) Board Members Comments

1. Nothing at this time

Adjourn: at 6:30 pm

Next LAAPZRB Meeting on January 26, 2023 (if projects are submitted)

Project Submittal Deadline is January 16, 2023



REQUEST STATEMENT

LEE CORNERS

COMMERCIAL GENERAL (CG) REZONING

±2.80 ACRES

STRAPS#: 29-44-26-07-00055.0010, 29-44-26-07-00055.0020, 29-44-26-07-00055.0030,
29-44-26-07-00055.0060, 29-44-26-07-00055.0270, 29-44-26-07-00055.0260,
29-44-26-07-00055.0250, 29-44-26-07-00055.0240, 29-44-26-07-00055.0230
4923, 4925, 4921, 4915 Lee Blvd, 4926, 4924, 4922, 4920, 4918 Lee Cir. S
Lehigh Acres, FL 33971

REQUEST

The applicant, Luis Bermudez, is requesting a conventional rezoning for nine (9) parcels making up ±2.80-acres from CPD (Commercial Planned Development) and RS-I (Residential) to CG (General Commercial).

PROPERTY OVERVIEW AND HISTORY

The subject nine (9) parcels are located at the southeast corner of Lee Blvd and Lee St. in the Central Urban Future Land Use category (FLUC) within the Lehigh Acres Planning Community and is currently undeveloped. The properties are in Section 29, Township 55 South, Range 26 East, Lee County Florida.

Currently, eight (8) of the parcels are zoned CPD by resolution Z-08-051/DCI2007-00048 (with subsequent extension in case number DCI2013-0002) allowing for a total of 20,000 sf of Commercial retail and 20,000 sf of Commercial Office and was amended by ADD2020-00087 to allow a drive-through with a pharmacy.

An existing Development Order, DOS2016-00010 for the construction of a commercial retail with associated parking, drainage, utilities and landscaping and set to expire on 12/21/2024.

LAND USE AND ZONING

The subject property is within the Central Urban Future Land Use Category (FLUC) within the Lehigh Acres Planning Community.

Attachment I



STRAP	Folio	Owner Name	Site Address	Last Trans. Date	Last Trans. Amt	Just Value	Taxable Value
29-44-26-07-00055.0020	10326991	BERMUDEZ LUIS A + AMERICA F	4923 LEE BLVD, LEHIGH ACRES	1-2008	\$ 10,000	\$ 45,696	\$ 42,301
29-44-26-07-00055.0030	10326992	BERMUDEZ LUIS A + AMERICA F	4921 LEE BLVD, LEHIGH ACRES	1-2008	\$ 10,000	\$ 137,088	\$ 126,895
29-44-26-07-00055.0060	10326993	GILU HOLDINGS LLC	4915 LEE BLVD, LEHIGH ACRES	1-2017	\$ 25,000	\$ 18,000	\$ 18,000
29-44-26-07-00055.0230	10327009	BERMUDEZ LUIS A + AMERICA F	4918 LEE CIR S, LEHIGH ACRES	1-2008	\$ 62,700	\$ 11,424	\$ 6,072
29-44-26-07-00055.0240	10327010	BERMUDEZ LUIS A + AMERICA F	4920 LEE CIR S, LEHIGH ACRES	1-2008	\$ 62,700	\$ 10,880	\$ 5,782
29-44-26-07-00055.0250	10327011	BERMUDEZ LUIS A + AMERICA F	4922 LEE CIR S, LEHIGH ACRES	1-2008	\$ 62,700	\$ 10,880	\$ 5,782
29-44-26-07-00055.0260	10327012	BERMUDEZ LUIS A + AMERICA F	4924 LEE CIR S, LEHIGH ACRES	1-2008	\$ 10,000	\$ 11,424	\$ 6,072
29-44-26-07-00055.0010	10585633	BERMUDEZ LUIS A + AMERICA F	ACCESS UNDETERMINED, LEHIGH ACR...	-	\$ 0	\$ 37,760	\$ 34,953
29-44-26-07-00055.0270	10585634	BERMUDEZ LUIS A + AMERICA F	ACCESS UNDETERMINED, LEHIGH ACR...	-	\$ 0	\$ 12,236	\$ 5,913

Table I: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING	EXISTING LAND USES
NORTH	Central Urban	CPD + RS-I	Commercial + Residential
SOUTH	Central Urban	RS-I	Residential
EAST	Central Urban	RS-I	Residential
WEST	Central Urban	CPD	Commercial

The adjacent property to the north is Lee Blvd ROW then zoned Magda Maes, CPD (Commercial Planned Development) and developed with Rossman Realty Group office and on the RS-I portion developed with Busy Bee Learning Daycare Center. To the east is zoned RS-I and partially developed with Residential. To the south is Lee Cir. S. ROW then zoned RS-I and partially developed with residential. To the west is zoned Lehigh Commercial Partners, CPD (Commercial Planned Developed and developed with O'Reilly Auto Parts and Family Dollar.



LEE PLAN COMPLIANCE

The Lee Plan has designated the property as Central Urban future land use category. The adjacent neighboring properties share this land use designation. The requested CG rezoning is consistent with the Lee Plan and will comply with the Land Development Code in the following manner:

POLICY 1.1.3: The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasipublic, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ord. No. 94-30, 02-02, 09-06, 16-07, 21-09)



RESPONSE: The property is surrounded by commercial uses zoned CPD and can be considered infill development. The project has infrastructure and public services available to accommodate the CG zoning including water, sewer, electric, cable, and public safety services. This policy encourages future development in the Central Urban land use category to be developed as a mixed-use the project is consistent with 1.1.3.

POLICY 1.6.5: *The Planning Districts Map and Acreage Allocation Table (Map 1-B and Table 1(b)) depict the proposed distribution, extent, and location of generalized land uses through the Plan's horizon. Acreage totals are provided for land in each Planning District in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:*

RESPONSE: The property is located within District 17, Lehigh Acres Planning District. The district has allocated to it 900 acres of Commercial lands and 218 acres of Industrial lands. (See Ordinance 21-09/CPA2021-00001: Lee Plan 2045 Update, Table 1(b) 2045 Allocation). The proposed ±2.80-acre CG Commercial rezoning is consistent with Policy 1.6.5, as the site is already within a commercial zoning category

GOAL 2: GROWTH MANAGEMENT. *To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.*

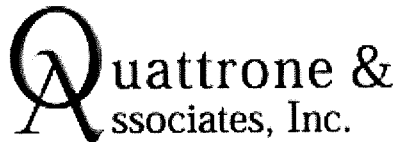
OBJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Ordinance No. 94-30, 00-22)*

RESPONSE: The subject property is located on Lee Boulevard; a six-lane divided arterial and is separated by commercial properties to the west of Lee Street. The Commercial General (CG) promotes contiguous and compact growth patterns, minimizes urban sprawl by taking advantage of available services and does not by-pass larger tracts of land in favor of development. The project is consistent with Objective 2.1

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. Development orders and permits (as defined in Section 163.3164(7), F.S.) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, F.S. and the concurrency requirements in the Land Development Code. (Ordinance No.94-30, 00-22, 17-19)*

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. (Ordinance No. 94-30, 00-22)*

Attachment I



RESPONSE: The subject commercially zoned property has access to Lee Blvd (County Maintained principle arterial roadway) by way of Lee Circle to Lee Street. The property is located within the FGUA Utility service franchise area for central sewer and water lines. Lehigh Acres Fire District, Station 103, at 308 Gunnery Rd. S and Station 101 at 11 Homestead Rd S. will provide fire protection and emergency response. The Lee County Sheriff Department, East station for Lehigh Acres Area is located at 1301 Homestead Rd. N. Lee Trans bus route 110 serves this area and bus stop 12243 is located 0.05 mile from the parcel with an existing sidewalk along the Lee Blvd. The requested rezoning to CG is consistent with Objective 2.2 and 2.2.1

POLICY 2.2.3: When an area within the county is approaching the capacity of the necessary facilities as described above, requested rezoning's to increase densities and intensities may be deferred or denied giving preference to existing vacant lots and other valid development approvals, provided that a constitutionally mandated reasonable use of land would still be permitted

RESPONSE: The property lies within the Lehigh Acres Planning Community and is in compliance with the Lee Plan Acreage Allocation Table. The rezoning does not request additional intensity on the site. The project remains consistent with Policy 2.2.3.

GOAL 4: GENERAL DEVELOPMENT STANDARDS. Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources. (Ordinance No. 94-30, 07-15, 17-13)

OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order. (Ordinance No. 17-13)

STANDARD 4.1.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550)

STANDARD 4.1.2: SEWER.

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

RESPONSE: Utility service is available to proposed project through Florida Governmental Utility (FGUA) a letter of availability has been requested. The developer will undertake any improvements that may be required to connect the project to these existing services. The project is consistent with Policy 4.1.1 and Policy 4.1.2.

STANDARD 4.1.4: ENVIRONMENTAL FACTORS.

Attachment I



In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

RESPONSE: The subject parcel has been previously cleared with VEG2021-00252. There are no environmentally sensitive areas located on-site. The project is consistent with Policy 4.1.4.

GOAL 5: RESIDENTIAL LAND USES *To accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types. (Ord. No. 94-30, 07-12, 21-09)*

OBJECTIVE 5.1: *All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan. (Ord. No. 94-30, 00-22)*

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 rezoning will be denied in the event that the buffers provided in the LDC, Chapter 10, 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 LDC will continue to require appropriate buffers for new developments. (Ord. No. 94-30, 99-15, 00-22)*

RESPONSE: Although the property abuts a residential zoning to the south across from Lee Cir S, and to the East that are developed has single family residence the change from CPD to CG zoning will not increase intensity or create additional impacts that has not already been approved. The prior CPD had up to 20,000 sf of various retail uses approved that are typically the highest trip generators such as restaurants (fast food), hardware stores, food stores, banks, specialty retail shops and personal services. The previous approval was for 40,000 SF of office and retail uses. A typical build out of commercial uses in Lee County typically ranges from 10-15,000 per acre, perhaps a little more if there were to be multiple floor commercial office or medical office construction. The total trips and intensity approved under the CPD are in line with what will be able to be built under the LDC with conventional zoning.

Buffering will be provided in accordance with LDC requirements to address any impacts to the adjacent residential use. It should be noted that the buffer conditions from Z-08-051 were above and beyond code in a few specific instances. Below are the conditions and the affect that reverting to conventional zoning will have on the buffers that were conditioned under the CPD zoning:

- A. All vegetation height requirements to be measured at final grade of the parking area: and



- The transition to conventional zoning will not dilute this requirement as this is typical of how height is measured in the LDC
- B. All required buffers must utilize 100% native vegetation: and
 - Requirement will remain the same with conventional zoning according to LDC Sec 10-416(d)3(2)
- C. The Lee Street buffer must be enhanced, as set out below, and be a minimum of 20 feet in width.
 - During the development order review, uses such as Automobile Services, Convenience Food and Beverage Store and Fast Food would need to comply with LDC Sec 34-1353 in addition to LDC Sec. 10-416 that would still create an enhanced buffer for more intense uses to not have any adversely impact to the adjacent.
- D. The Lee Circle South buffer and the buffer along the east property line (to the south edge of the 24-wide cross access easement) must be enhanced, as set out below, and a minimum of 25 feet wide, with an 8-foot-high masonry wall; and
 - The transition to conventional zoning will not dilute this requirement and at time of development order will need to comply with LDC Sec 10-416(d)3(2) and LDC section 33-1405(c)(3)
- E. Both the Lee Street and Lee Circle S. buffers must enhance with minimum of seven (7) canopy trees per linear 100 feet, installed at a minimum 16-foot height, 4-inch caliper and a double stagger hedge row installed at a minimum 24 inches and maintained at 48 inches.
 - The transition to conventional zoning will not dilute this requirement and at time of development order will need to comply with LDC Sec 10-416(d)3(2) and LDC section 33-1405(c)(3)

The development parameters in Z-08-051, mentioned above are largely consistent with the Lehigh Acres Planning Community, LDC Sec 33-1400

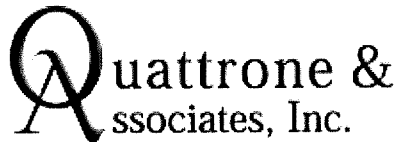
The project remains consistent with Policy 5.1.5.

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the county. (Ordinance No. 94-30)

OBJECTIVE 6.1: Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 4 and other provisions of this plan. (Ordinance No. 94-30, 11-18)

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)



RESPONSE: Lee Blvd. is currently operating within its Level of Service at “B” with 2,037 trips, according to the 2021 Lee County performance standard is a “E” at 2,840 trips The project does not generate unanticipated and unacceptable traffic. All roads will continue to have adequate level of service. The change from CPD/RSI zoning to CG zoning does not increase intensity and is not expected to generate substantial additional trips from the project site. that have not already been considered and approved in the prior CPD. The prior CPD had up to 20,000 sf of various retail uses approved that are typically the highest trip generators such as restaurants (fast food), hardware stores, food stores, banks, specialty retail shops and personal services. The previous approval was for 40,000 SF of office and retail uses. A typical build out of commercial uses in Lee County typically ranges from 10-15,000 per acre, perhaps a little more if there were to be multiple floor commercial office or medical office construction. The total trips and intensity approved under the CPD are in line with what will be able to be built under the LDC with conventional zoning.

c. Screening and buffering (planned development rezoning and development orders);

RESPONSE: The proposed rezoning to CG will not be requesting any changes to buffering. Buffers will be provided in compliance with Land Development Code requirements and consistent with the requirements of the current zoning categories.

d. Availability and adequacy of services and facilities (rezoning and development orders);

RESPONSE: The property is located within the FGUA Utility service franchise area for central sewer and water lines. Lehigh Acres Fire District, Station 103, at 308 Gunnery Rd. S and Station 101 at 11 Homestead Rd S. will provide fire protection and emergency response. The Lee County Sheriff Department, East station for Lehigh Acres Area is located at 1301 Homestead Rd. N. Lee Trans bus route 110 serves this area and bus stop 12243 in located 0.05 mile from the parcel with an existing sidewalk along the Lee Blvd.

e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);

RESPONSE: As detailed above, the proposed rezoning is compatible with surrounding uses. To the north and west are other commercial uses. To the east is residential development that will be adequately screened from the proposed use. The rezoning will not create any negative impacts on surrounding uses.

f. Proximity to other similar centers (rezoning); and

RESPONSE: The property is already zoned commercial and is adjoined by commercial zoning to the north and west, the proposed rezoning is proximate to other commercial uses.

g. Environmental considerations (rezoning and development orders).

RESPONSE: The subject property has already been cleared for development and is not part of any environmentally sensitive area. There are no environmental impacts of significance that will result from the proposed rezoning.



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. (Ordinance No. 94-30, 00-22)*

RESPONSE: The subject property is located at the intersection of Lee Boulevard and Lee Street. Lee Boulevard is developed with a mixture of residential and commercial uses, including conventional zoned and planned developments. The proposed rezoning will provide for consumer-orientated commercial uses that will provide much needed services to the surrounding residential community as determined necessary by the County and described in many other areas of the Lee Plan. The project is consistent with 6.1.4.

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. (Ordinance No. 94-30, 00-22)*

RESPONSE: The subject property is in an area where capacity exists on adjacent roadway network. The rezoning to CG does not add any uses that are no more intensive that has not already been approved. The project is consistent with 6.1.5

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.*

RESPONSE: The subject property will not have impacts on landscaping, open space or buffering. The proposed future development will provide adequate open space and buffering as required by the Land Development Code (LDC) at the time of Development Order. The project is consistent with 6.1.6

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*

RESPONSE: The subject parcel has been zoned commercial since 2009. The proposed development is surrounded by other commercial development and is therefore an in-fill commercial parcel. The request remains consistent with 6.1.7

GOAL 11: MIXED USE. *Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments. (Ord. No. 17-13)*

Attachment I



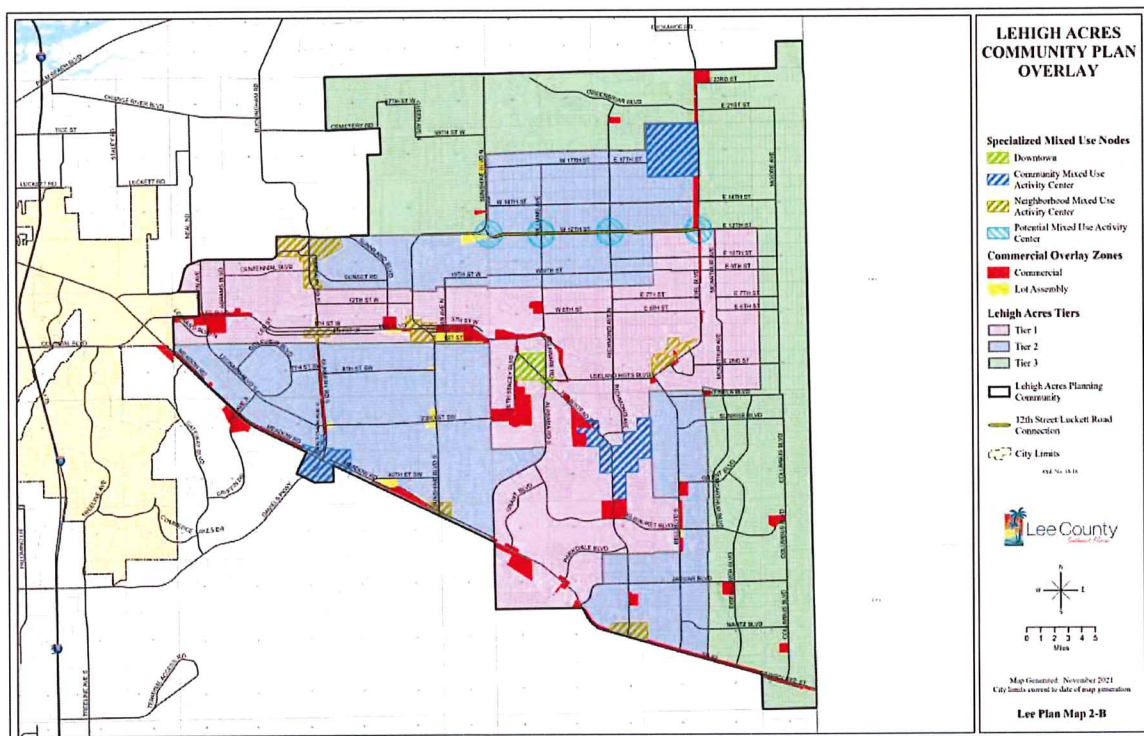
OBJECTIVE 11.1: MIXED USE DEVELOPMENT. Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development. (Ord. No. 17-13)

POLICY 11.1.1: Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). (Ord. No. 17-13)

RESPONSE: The subject property is located in a Central Urban future land use category. The requested CG zoning is one of few zoning districts that permit mixed use. Furthermore, rezoning to CG will increase the employment base.

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. (Ord. No. 10-16, 18-18)

RESPONSE: The Lehigh Acres Community Plan Overlay Map, 2-B describes this area as Tier I which largely serves the Lehigh area by the existing public service and facilities, developed road network and the bulk of the Lehigh Acres commercial development.





OBJECTIVE 25.8: TRANSPORTATION, PARKING, AND TRAFFIC CIRCULATION. To improve transportation, parking, and circulation within the Lehigh Acres Community Plan area. (Ord. No. 10-16, 18-18)

POLICY 25.8.1: Whenever possible, all new commercial development adjacent to Lee Boulevard right-of-way must provide access to either 5th Street West, 4th Street West, or other local, collector or arterial roadway. Direct access to Lee Boulevard is discouraged.

RESPONSE: The site will have direct access to Lee Blvd. as well as access to Lee Street.

POLICY 25.8.7: New single-family model homes are prohibited within 300 feet of arterial and collector roads.

RESPONSE: The CG zoning does not allow for Model Homes.

OBJECTIVE 25.9: SEWER AND WATER. Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development that is reliant upon on-site well and septic systems.

POLICY 25.9.2: Direct new development and redevelopment in Lehigh Acres to areas that can be reasonably expected to receive public services and infrastructure during the planning horizon.

RESPONSE: The property is located within the FGUA Utility service franchise area for central sewer and water lines are in operation in the vicinity of the proposed project.

OBJECTIVE 25.10: NATURAL RESOURCES. To preserve, protect, and, where possible, enhance the physical integrity, ecological values, and natural beauty of Lehigh Acres Community Plan area, by maintaining the diverse and healthy native vegetation, and wildlife resources.

RESPONSE: During the Development review all required procedures will be followed in accordance to with County and State regulations to enhance the physical integrity, ecological values and natural beauty through

LEE PLAN/LDC CONSISTENCY SUMMARY ACCORDING TO LDC 34-145(d)4
REZONING CONSIDERATIONS

For rezoning to conventional districts, the applicant must prove entitlement based on the following criteria

a) Complies with the Lee Plan;

RESPONSE: As detailed above the request is consistent with the goals, objectives, policies, and the intent of the Lee Plan.

b) Meets this Code and other applicable County regulations or qualifies for deviations;

Attachment I



RESPONSE: The request is for a conventional zoning that does not allow for deviations from the LDC therefore requiring the future development of the site to meet the code and other applicable regulations at the time of development.

c) Is compatible with existing and planned uses in the surrounding area;

RESPONSE: The subject property is currently zoned for commercial development. Approval of a conventional rezoning from CPD + RS-1 to CG provides additional redevelopment opportunities that do not exist in the current zoning category. These additional uses are consistent with the level of intensity contemplated by the Lee Plan and the existing development within this area. Any perceived incompatibilities that may arise can be fully addressed through the development order permitting process required to successfully achieve redevelopment under the approved CG zoning category.

d) Will provide access sufficient to support the proposed development intensity;

RESPONSE: Sufficient access to the subject property is currently in place to support the existing commercial use of the property. However, a traffic impact statement will be required at the time of development order approval to demonstrate redevelopment of the property will not adversely affect the Level of Service applicable to surrounding road networks

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

RESPONSE: The Lee County 2021 Public Facilities Level of Service and Concurrency Report classifies Lee Blvd as a County Maintained Road with the 100th highest hour directional volume LOS B capacity of 2,840, 2020 count of 2,037 for LOS B, and the projected forecast count of 2,216. No impacts to transportation facilities are anticipated by approval of the requested rezoning to CG and will remain within the roadway capacity limits. County regulations require a traffic impact statement during local development order approval, therefore any unanticipated impacts can and will be addressed at that time

f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and

RESPONSE: The site has previously been cleared and did not show any environmentally critical or sensitive areas. Consequently, it is appropriate to determine approval of rezoning to CG will not adversely affect environmentally critical or sensitive areas and natural resources. Additionally, development of the subject property will be required to meet LDC requirements applicable to environmental impacts, open space, buffering and landscaping.

g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

RESPONSE: The subject commercially zoned property has access to an existing road network, Lee Blvd via Lee Circle to Lee Street. The property is located within the Florida Governmental Utilities (FGUA) service area which has water and sewer available to the site. Fire protection and emergency response will be provided by Lehigh Acres, Station 103, at 308 Gunnery Rd. S. The Lee County Sheriff Department East, located at 1301 Homestead Rd N. The proposed development is compatible with existing and proposed land uses in the surrounding area.



Conclusion

In accordance with the above, the proposed rezoning from CPD and RS-1 to CG complies with the Lee County Comprehensive Plan, Lee County Development Code; is compatible with existing or planned uses in the surrounding area; provides sufficient access to support proposed commercial development; will not adversely affect environmentally critical or sensitive areas and natural resources; and will be served by adequate urban services. For these reasons, the Applicant respectfully requests that the rezoning to CG be approved.



Attachment J

Department of Community Development Development Services Section

MEMORANDUM

Date: 06/09/2023

To: Peter Blackwell

From: Brian Roberts *BR*

Subject: REZ2022-00019 Lee Corners

The applicant is proposing to rezone 2.8+/- acres from Commercial Planned Development (CPD) and Residential Single Family (RS-1) to General Commercial (CG). The subject parcel is located at 4923 Lee Boulevard at the intersection of Lee Boulevard and Lee Street. Development Services has reviewed the request with respect to Chapter 10 technical standards detailed in Land Development Code (LDC) and offers the following comments:

HISTORY OF ZONING AND DEVELOPMENT SUBMITTALS

A portion of the subject property was zoned to CPD in Resolution Number Z-08-051 (Exhibit "A"). The approved resolution included an approved deviation from the requirement in LDC Section 10-285 which requires a minimum connection separation of 660 feet on Lee Boulevard, to allow one access point a minimum of 339 feet from Lee Street. The approval included two conditions:

- (1) The access on Lee Boulevard is limited to right-in right-out only.*
- (2) At the time of local development order, a cross access easement to the property adjacent to the east must be provided, per the approved MCP.*

Attached as Exhibit "C" to the approved resolution included two potential MCPs that reflected the access to Lee Boulevard.

The CPD was amended in ADD2020-00087 to allow a drive-through with a pharmacy use and provide an additional MCP alternate. This approval is attached as Exhibit "B". The MCP as part the amendment retained the deviation originally approved in Resolution Number Z-08-051 for access to Lee Boulevard as well as reflecting the proposed access point on Lee Boulevard.

DOS2016-00010 was approved by Development Services on 12/21/2018 to allow the construction of a 12,554 square foot retail drugstore. The approved plans are attached as Exhibit "C". The approved development order included access to Lee Boulevard in compliance with the conditions of the approved deviation in Z-08-051. The development order is currently in an "Issued" status with an expiration date of December 21, 2024.

A surety application (SUR2022-00040) was submitted on 07/15/2022 for the off-site improvements approved as part of DOS2016-00010. The status of the surety application is "Awaiting Surety."

LAND DEVELOPMENT CODE REQUIREMENTS



Attachment J

Department of Community Development Development Services Section

MEMORANDUM

The subject parcel is located in the Central Urban Future Land Use. Currently, LDC Section 10-285, Table 1 requires a connection separation distance of 440 feet for principal arterial roadways in urban areas. The approved development order included a connection to Lee Boulevard with a connection separation of 380' which is greater than the minimum approved in Z-08-051 and ADD2020-00087.

An approval of the applicant's request to rezone the property to a conventional zoning district would void the approved CDP zoning as well as the approved deviations therein resulting in an approved and issued development order which does not meet the requirements for connection separation in LDC 10-285, Table 1.

LDC 10-285(c) and LDC 10-285(d) do address conditions where **commercial** parcels on arterial or collector streets, with insufficient road frontage, may be allow a connection at a distance no less than 330 feet if the **commercial** parcel was not large enough as of January 1, 1998 and the owner agrees to a shared access. The subject parcels were rezoned in Z-08-051 from Residential (RS-1) to Commercial Planned Development (CPD) on May 2, 2009, therefore the reduced connection separation would not be applicable as the zoning action created the commercial parcel.

Additionally, LDC 10-285 does not allow lots in urban areas with access alternative direct motor vehicle access to an arterial or major collector. In effect, the applicant by their request to rezone to a conventional zoning district, will void the existing zoning approvals which will result in an active and issued development order that does not comply with LDC requirements.

LDC Chapter 33, Article V, Division 2 includes additional commercial design standards and specifications applicable to the Lehigh Acres Planning Community. Certain areas (Downtown Lehigh Acres, Community Mixed Use Activity Centers, Neighborhood Mixed-Use Activity Centers, and Local Mixed-Use Activity Centers as depicted on Lee Plan Map 2-B) within the community planning area are exempt from these requirements however the parcels in question are not within the exempted areas. As part of these standards LDC Section 33-1414(1) does not allow commercial development adjacent to Lee Boulevard right-of-way a direct connection unless no other access alternative is available. The subject parcel has frontage on both Lee Street and Lee Circle South and adequate frontage to provide access. Approval of the applicants request to rezone to a conventional zoning district will result in an approved and issued development order which does not comply with the requirements in the LDC.

Lee Plan Policy 25.8 requires, whenever possible, all new commercial development adjacent to Lee Boulevard to provide access to either 5th Street West, 4th Street West, or other local, collector or arterial roadway. Direct access to Lee Boulevard is discouraged. As detailed above, approval of rezoning to a commercial zoning district will void the existing CPD approval which included a deviation for the connection separation and MCP that depicted a connection to Lee Boulevard and result in an approved and issued development order that is not in compliance with this Lee Plan Policy.

The above issues as well as alternatives available to address the non-compliance with the Lee Plan and Land Development Code were raised during the sufficiency review with the applicant. These alternative included vacating the existing development order or modifying the existing development order to remove the connection to Lee Boulevard. To date, no application to change or request to vacate the



Attachment J

Department of Community Development Development Services Section

MEMORANDUM

approved development order has been received.

LDC Section 34-145(d)(4) provides the findings required by the Hearing Examiner prior to a recommendation of approval. The requirements include a finding that the rezoning complies with the Lee Plan and meets the Land Development Code and other applicable County regulations or qualifies for deviations.

SUMMARY

In summary, Development Review Staff recommends **DENIAL** of the applicants request to rezone the property to General Commercial (CG). If approved, the rezone will void the existing CPD zoning and result in an approved active development order that does not meet the requirements in the Land Development Code and the Lee Plan. While deviations are available through the administrative process for the requirements in LDC 10-285 and 33-1414(1), these deviations would require approval prior to approval of the development order in accordance with LDC 10-104(h). Additionally, a deviation from the Lee Plan requirement in Policy 25.8 is not available. The applicant was informed of these requirements during the sufficiency review and to date no action to modify the existing development order to comply with these requirements have been received.

Please contact me if you have any further questions.

Exhibits

A – Zoning Resolution Z-08-051

B – Administrative Amendment ADD-2020-00087

C - Engineering Plans, DOS2016-000010

Attachment J



LEE COUNTY
SOUTHWEST FLORIDA

239-533-8585

BOARD OF COUNTY COMMISSIONERS

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District One

Cecil L. Pendergrass
District Two

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District Three

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District Five

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Interim County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

January 24, 2013

MR. AL QUATTRONE
4301 VERONICA SHOEMAKER BLVD
FORT MYERS FL 33916

Re: LEE CORNERS CPD
Senate Bill 2156 Extension (F)
DCI2013-00002

Dear MR. AL QUATTRONE:

In accord with SB2156, development permits meeting certain criteria are entitled to an extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution, Z-08-051, DCI2007-00048, LEE CORNERS CPD, is hereby extended for the following:

APPROVAL OF AN MCP EXTENSION FROM MARCH 2, 2014 TO NOVEMBER 5, 2014.

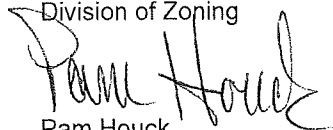
No additional extensions under SB2156 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB2156, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning


Pam Houck
Director

Attachment J

RESOLUTION NUMBER Z-08-051

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

WHEREAS, Quattrone and Associates, Inc. filed an application on behalf of the property owner, Valencia Homes, Inc., to rezone a ±2.6 acre parcel from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) in reference to Lee Corners CPD; and

WHEREAS, a public hearing was advertised and held on October 1, 2008, and continued to November 21, 2008, before the Lee County Zoning Hearing Examiner, Diana M. Parker, who gave full consideration to the evidence in the record for Case #DCI2007-00048; and

WHEREAS, a second public hearing was advertised and held on March 2, 2009, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a ±2.6 acre parcel from RS-1 to CPD, including a maximum of 40,000 s/f of commercial floor area – including a maximum of 20,000 square feet of commercial retail. Proposed height is 2 stories/35 feet maximum. No development blasting is requested. The development will connect to public potable water and public sanitary sewer service. The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviation specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Master Concept Plan/Development parameters: The development of this project must be consistent with the Master Concept Plans (MCP) entitled MASTER CONCEPT PLAN: LEE CORNERS CPD, MCP-2 and MCP-3, dated April 30, 2009 and date-stamped "RECEIVED APR 30 2009, COMMUNITY DEVELOPMENT," and attached hereto as Exhibit C, except as modified by the conditions below.

This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Attachment J

Maximum Commercial Floor Area (CPD): 40,000 square feet of commercial floor area, including a maximum of 20,000 s/f of commercial retail.

2. Uses and Site Development Recommendations:

Schedule of Uses

A. The following limits apply to the project and uses:

Accessory Uses and Structures

Administrative Offices

Animal Clinic, Animal Kennel (no outdoor runs)

No outdoor cages, pens, runs, or exercise facilities.

ATM (automatic teller machine)

Auto Parts Store, no installation

Bait and Tackle Shop

Banks and Financial Establishments, Group I only

No drive through.

Business Services, Group I only

Cleaning and maintenance services

Clothing Stores, general

Computer and data processing services

Consumption on Premises, indoor, outdoor - (see Condition 11)

Day Care Center, Adult, Child

Drive Through - restricted to MCP#2

Drug Store/Pharmacy - no drive through.

Essential Services

Essential Service Facilities, Group I only

Excavation, Water Retention (Not to include removal of excavated material from site. *No blasting*)

Fences, Walls

Food and Beverage Service, limited

Food Store, Group I only

Funeral Home, no cremation, no crematorium

Gift and Souvenir Shop

Hardware Store

Hobby, Toy and Game Shop

Household and Office Furnishings, Groups I and II.

Laundry or Dry Cleaning, Group I (no drive through).

Lawn and Garden Supply Store

Library

Medical Office

Non store retailer

Paint Glass and Wallpaper

Parking Lot, Accessory, Temporary

Personal Services, Groups I, II and III.

No Massage Parlors, Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers, Card Readers, or Tattoo Parlors.

Attachment J

Pet Services, Pet Shop - no outdoor runs.
No outdoor cages, pens, runs, or exercise facilities.
Place of Worship
Post Office
Real Estate Sales Office
Repair Shops, Groups I, II and III
Restaurant, fast food - stand-alone only as depicted in MCP#2; or in-line/part of a multi-occupancy building (MCP #3)
Restaurant, Group I, II, III. No Group IV.
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises.
Signs in accordance with Chapter 30
Social Services, Group I only.
Specialty Retail Shops, Groups I and II.

Site Development Regulations

B. Minimum Lot Area and Dimensions

Lot Size:	2.6 acres
Lot Width:	394 feet
Lot Depth:	272 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	15 feet
Rear	15 feet
Water body	25 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 and 34-2194 et seq.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet

Maximum Lot Coverage: 45%

Building Height: 2 stories/35 feet

3. Lehigh Acres Concurrency Condition:

This project is deemed exempt from the concurrency requirements set forth in Lee County LDC Chapter 2 and the Lee County Comprehensive Plan by virtue of the Certificate of Concurrency Exemption issued by the County pursuant to the Stipulation and Settlement Agreement, dated June 9, 1992, in Lehigh Corp v. Lee County, Case No. 91-2482CA.

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4. No Blasting:

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

5. Accessory Uses:

Within the CPD, accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

6. Traffic:

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

7. Lee Plan:

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function (for commercial uses), as well as all other Lee Plan provisions.

8. Agricultural Uses:

No agricultural uses exist on this property and none are approved as a part of this rezoning.

9. Water and Sewer:

Development of this project must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle the level of development as proposed in the development order submittal.

10. Buffer Enhancements:

Prior to local development order approval, the landscape plans must depict:

- A. All vegetation height requirements to be measured at final grade of the parking area; and
- B. All required buffers must utilize 100% native vegetation; and

Attachment J

- C. The Lee Street buffer must be enhanced, as set out below, and be a minimum of 20 feet in width;
- D. The Lee Circle South buffer and the buffer along the east property line (to the south edge of the 24-foot-wide cross access easement) must be enhanced, as set out below, and be a minimum of 25 feet wide, with an 8-foot-high masonry wall; and
- E. Both the Lee Street and Lee Circle S. buffers must be enhanced with a minimum of seven (7) canopy trees per linear 100 feet, installed at a minimum 16-foot height, 4-inch caliper and a double staggered hedge row installed at a minimum 24 inches and maintained at 48 inches.

11. Consumption Premises:

Indoor or outdoor consumption on premises may be approved by Special Exception only. A public hearing is required. The applicant must provide adequate detail of the indoor and/or outdoor seating area consistent with the requirements of the LDC and the following:

Consumption on premises is permitted only in conjunction with a Group III Restaurant; No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.

12. Solid Waste/Recycling:

Prior to any local development order approval for vertical development, the developer must provide facilities in compliance with LDC §10-261 and Solid Waste Ordinance # 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

13. Internal Sidewalks:

Development must include internal sidewalks as a site-related improvement, in order to achieve a safe means of connecting internal uses and buildings and connecting with adjacent uses. Such facilities must be included in local development orders as part of construction of the project's infrastructure.

14. Indigenous Trees:

Prior to development order approval, the applicant must submit a native tree survey depicting all sabal palms (min. 8-foot clear trunk) and all native trees 20 inches or greater diameter at breast height (dbh)

Prior to development order approval, the development order landscape plans must delineate the on site preservation and/or relocation of all sabal palms (min. 8-foot clear trunk) and preservation and/or replacement of all heritage trees (min. 20-inch diameter at

Attachment J

breast height) with like species, minimum 20-foot in height to appropriate open space areas.

15. Open Space:

Prior to local development order approval, the development order plans must delineate a minimum of 34,609 square feet open space.

16. Hours of Operation:

The stand-alone fast food restaurants, in MCP#2, must close at 11:00 PM, Sunday through Thursday, and at 12 midnight, Friday and Saturday. A Special Exception approval, through public hearing, is required to extend these hours of operation beyond the closing times stated herein.

SECTION C. DEVIATION:

1. Deviation (1) seeks relief from the LDC §10-285 requirement to provide 660 feet of intersection separation on Lee Boulevard, to allow one access point 339 feet from Lee Street. This deviation is APPROVED, SUBJECT TO the conditions that:

1. The access on Lee Boulevard is limited to right-in right-out only.
2. At the time of local development order, a cross access easement to the property adjacent to the east must be provided, per the approved MCP.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are:

29-44-26-07-00055.0010, 29-44-26-07-00055.0020, 29-44-26-07-00055.0030,
29-44-26-07-00055.0230, 29-44-26-07-00055.0240, 29-44-26-07-00055.0250,
29-44-26-07-00055.0260, 29-44-26-07-00055.0270

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

Attachment J

2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Bigelow. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Absent
Frank Mann	Aye

Attachment J

DULY PASSED AND ADOPTED this 2nd day of March 2009.

ATTEST:
CHARLIE GREEN, CLERK

BY: Kathleen A. Metz
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Ray Judah
Ray Judah
Chair



Approved as to form by:

Robert Spickerman
Robert Spickerman
County Attorney's Office

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2009 MAY 18 AM 10:06

Attachment J

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN
SECTION 29, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

PROPERTY DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, SAID PARCEL TO FORM LOTS 1 AND 27, BLOCK 55, AS RECORDED IN PLAT BOOK 15, PAGE 80, AND LOTS 2, 3, 4, 5, 23, 24, 25, 26, OF BLOCK 55, AS RECORDED IN PLAT BOOK 26, PAGE 160 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 55, OF SAID PLAT BOOK 15, PAGE 80, AS RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; SAID POINT BEING THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF LEE BLVD (106 FEET WIDE) AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF LEE STREET (50 FEET WIDE); THENCE RUN SOUTH 52°19'38" EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF LEE BLVD A DISTANCE OF 20.43 FEET, TO A POINT OF CURVATURE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE SOUTHEASTERLY A DISTANCE OF 379.58 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1493.77 FEET, CENTRAL ANGLE OF 1°33'34" SUBTENDED BY A CHORD HAVING A LENGTH OF 378.56 FEET AND BEARING SOUTH 59°36'25" EAST, TO A POINT ON SAID CURVE, AT WHICH POINT THE RADIAL LINE BEARS SOUTH 23°06'48" WEST; THENCE SOUTH 23°06'48" WEST, ALONG THE PROLONGATION OF A LINE RADIAL TO SAID CURVE, A DISTANCE OF 136.13 FEET ALONG THE COMMON LINE OF LOTS 5 AND 6, OF SAID BLOCK 55, TO A POINT OF INTERSECTION ON A CURVE CONCAVE TO THE NORTHEAST; THENCE NORTHWESTERLY 34.60 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1629.90 FEET, CENTRAL ANGLE OF 1°12'59" SUBTENDED BY A CHORD HAVING A LENGTH OF 34.60 FEET AND BEARING NORTH 66°16'43" WEST TO A POINT ON SAID CURVE AT WHICH THE RADIAL LINE BEARS SOUTH 24°19'47" WEST; THENCE SOUTH 24°19'47" WEST ALONG THE PROLONGATION OF LAST SAID LINE, RUN A DISTANCE OF 136.13 FEET ALONG THE COMMON LINE OF LOTS 22 AND 23 OF SAID BLOCK 55, TO A POINT OF INTERSECTION ON A CURVE CONCAVE TO THE NORTHEAST, SAID POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF LEE CIRCLE SOUTH; THENCE NORTHWESTERLY ALONG THE RIGHT-OF-WAY LINE OF LEE CIRCLE SOUTH (50 FEET WIDE) A DISTANCE OF 411.27 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1766.03 FEET, CENTRAL ANGLE OF 13°20'35", SUBTENDED BY A CHORD HAVING A LENGTH OF 410.35 FEET, AND BEARING NORTH 58°59'56" WEST, TO A POINT OF TANGENT; THENCE NORTH 52°19'38" WEST A DISTANCE OF 20.43 FEET, TO A POINT ON THE SOUTHWEST CORNER OF LOT 27, BLOCK 55; THENCE NORTH 37°40'22" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LEE STREET (50 FEET WIDE) A DISTANCE OF 272.26 FEET TO THE POINT OF BEGINNING; CONTAINING 2.60 ACRES, MORE OR LESS.

CECILIO E. PADRON, P.L.S.M. (FOR THE FIRM)
STATE OF FLORIDA CERTIFICATE No 6121

3-3-08 (DATE SIGNED)

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

C. PADRON SURVEYORS, INC.
PROFESSIONAL LAND SURVEYORS
LICENSE # LB 7489

JOB: No 07-0164-S

4216 SW 10th AVENUE
CAPE CORAL, FLORIDA 33914
PH: (239) 549-4412
FAX: (239) 540-1635

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MAR 04 2008

PERMIT COUNTER

84000-2007-00048
DCI

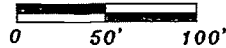
EXHIBIT A
1 OF 2

Attachment J

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(NOT A SURVEY)

SCALE 1"=100'

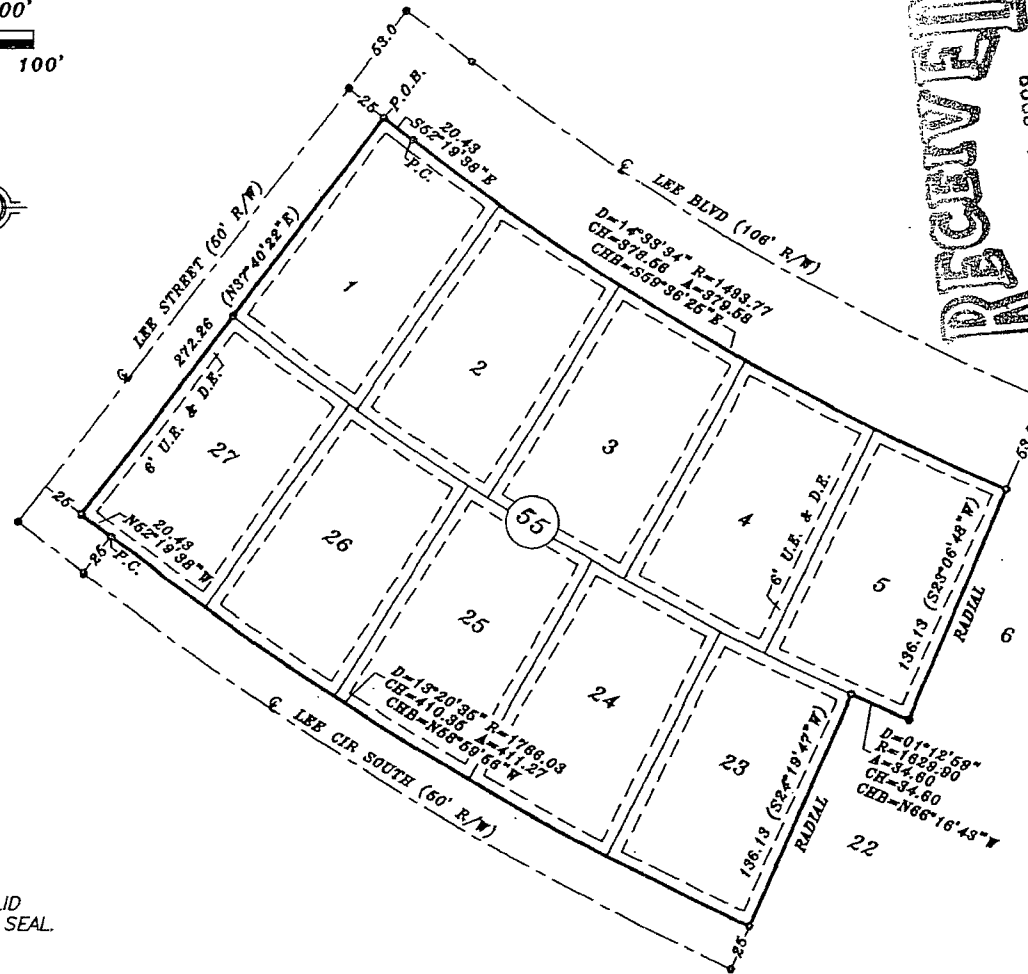


LEGEND AND ABBREVIATIONS

A	= ARC LENGTH
C	= CENTERLINE
CH	= CHORD
CHB	= CHORD BEARING
D	= INTERIOR ANGLE
D.E.	= DRAINAGE EASEMENT
L	= LENGTH
NO.-#	= NUMBER
P.C.	= POINT OF CURVE
P.O.B.	= POINT OF BEGINNING
P.L.S.M.	= PROFESSIONAL LAND SURVEYOR AND MAPPER
R/W	= RIGHT-OF-WAY
R	= RADIUS
RGE	= RANGE
SEC.	= SECTION
T	= TANGENT
TWP.	= TOWNSHIP
U.E.	= UTILITY EASEMENT

NOTES:

- 1-REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
- 2-DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 3-EASEMENTS SHOWN HEREON ARE PER PLAT, UNLESS OTHERWISE NOTED.
- 4-BASIS OF BEARING IS THE CENTERLINE OF LEE BOULEVARD, BEING S52°19'38"E, PER PLAT RECORDED IN PLAT BOOK 15, PAGE 80, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
- 5-PORTION OF SECTION 29, TOWNSHIP 44 SOUTH, RANGE 26 EAST.



RECEIVED
MAR 04 2008

PERMIT NUMBER
2007-00048
DC

CECILIO E. PADRON, P.L.S.M. (FOR THE FIRM)
CERTIFICATE No 6121
STATE OF FLORIDA

3-3-08 (DATE SIGNED)

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

C. PADRON SURVEYORS, INC.
PROFESSIONAL LAND SURVEYORS
LICENSE # LB 7489

JOB: No 07-0164-S

4216 SW 10th AVENUE
CAPE CORAL, FLORIDA 33914
PH: (239) 549-4412
FAX: (239) 540-1635

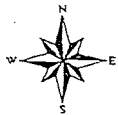
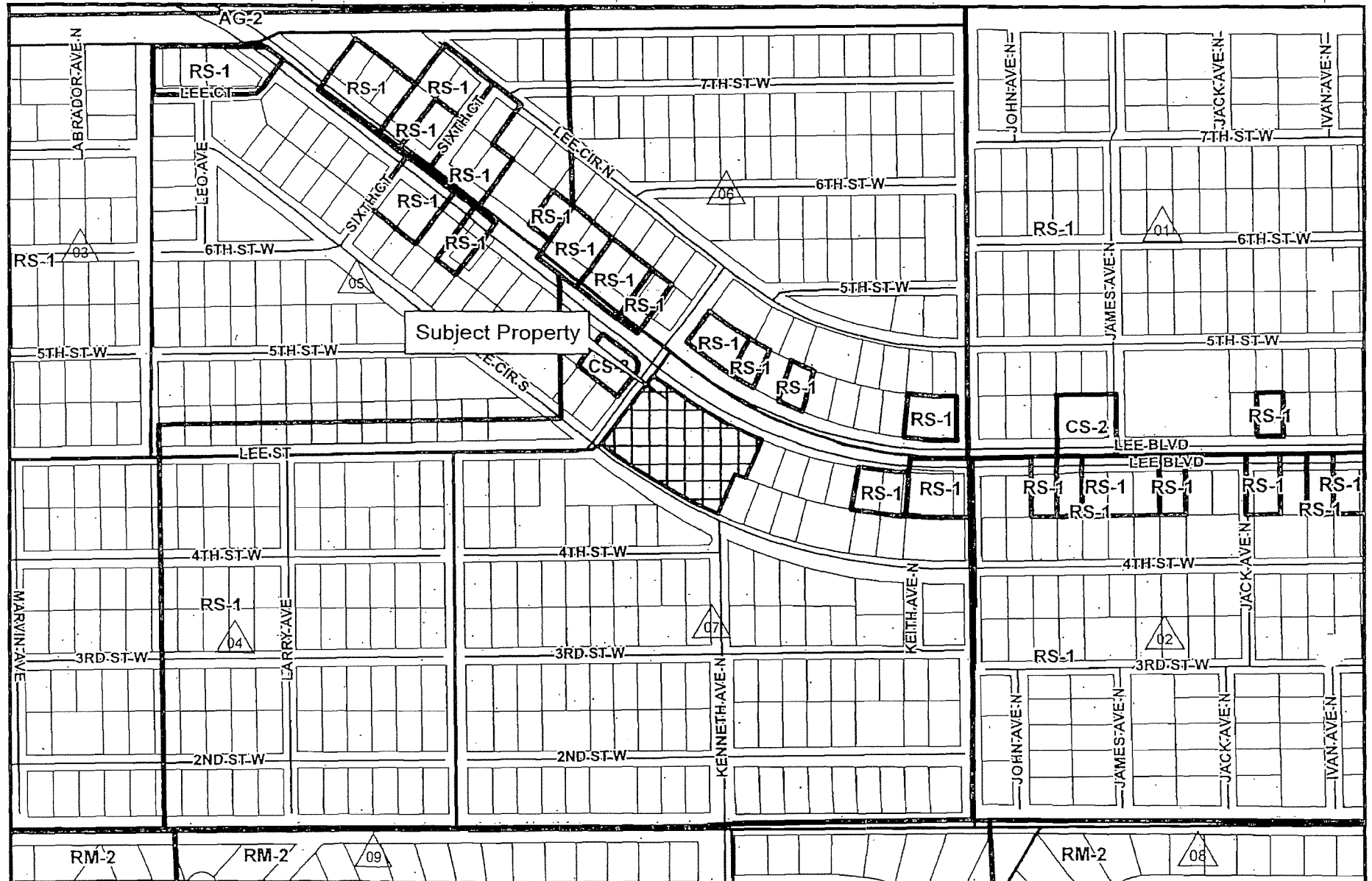
EXHIBIT A
2 OF 2

Attachment J Zoning Map

DCI2007-00048

8/20/2008

EXHIBIT B



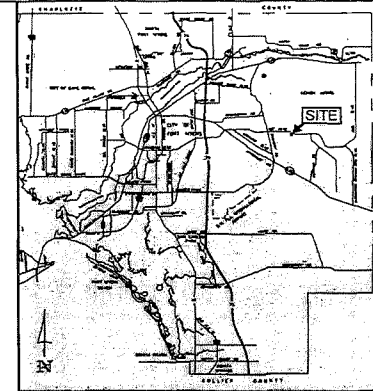
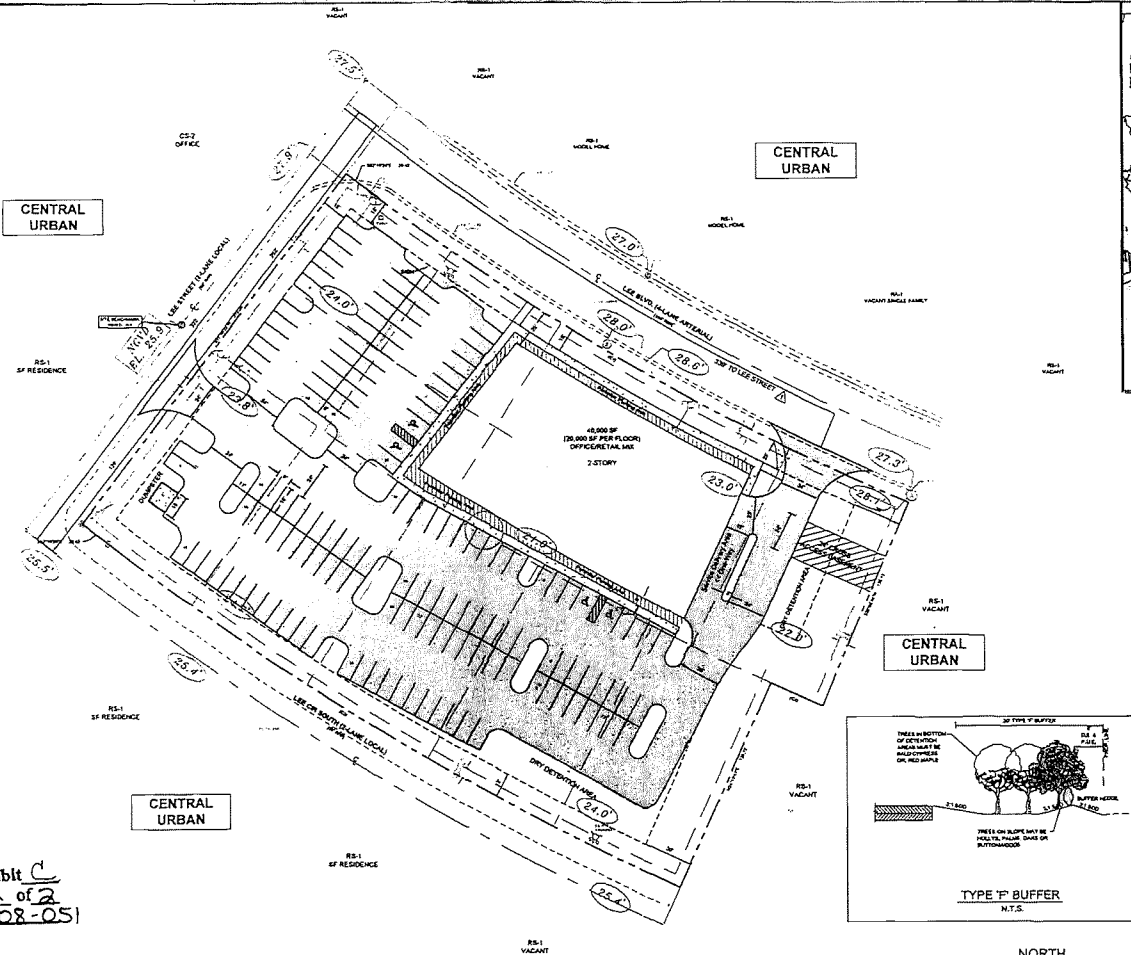
Attachment J

MASTER CONCEPT PLAN: LEE CORNERS CPD

EXHIBIT
D-7-M

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4201 Veronica Shoemaker Blvd., Fort Myers, FL 33916 | 239.335.5222 | QAInc.net

EXHIBIT C
2 OF 2



LOCATION MAP

MCP 3 Office/Retail

PROJECT SUMMARY

LEE CORNERS CPD

- 1) **REQUEST:** Rezone from RS-1 to CPD
- 2) **OVERALL PROJECT ACRES:** 113.473 SF (2.6 AC)
MAXIMUM BUILDING FOOTPRINT AREA: 22,000 SF
TOTAL BUILDING AREA: 45,000 SF
- 3) **OPEN SPACE:**
30% OPEN SPACE REQUIRED FOR MINOR COMMERCIAL DEVELOPMENT
30% OF 113,473 SF = 34,042 SF REQUIRED
30.5% OPEN SPACE PROVIDED

DCI 2007-00048

LEGEND		
	PAVED/GRAVEL PARKING	CEMENT
	PROPOSED PAVEMENT	PROPOSED PLANTING
	PROPOSED DRIVEWAY	PROPOSED STOP SIGN
	PROPOSED STOP SIGN	PROPOSED ELEVATION
	PROPOSED ELEVATION	

Approved as Exhibit C
MCP Page 2 of 2
Resolution # 2-08-051

Attachment J

ADMINISTRATIVE AMENDMENT (PD) ADD2020-00087

ADMINISTRATIVE AMENDMENT LEE COUNTY, FLORIDA

WHEREAS, Quattrone & Associates, Inc. filed an application for an administrative amendment to a Commercial Planned Development on a project known as Lee Corners to allow a drive-through with a pharmacy use and to provide an additional Master Concept Plan alternate which includes one 3,600 square foot fast food restaurant and one 15,000 square foot pharmacy on property located 4925 Lee Blvd., STRAP Numbers 29-44-26-07-00055.0010, 29-44-26-07-00055.0020, 29-44-26-07-00055.0030, 29-44-26-07-00055.0230, 29-44-26-07-00055.0240, 29-44-26-07-00055.0250, 29-44-26-07-00055.0260, and 29-44-26-07-00055.0270:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in resolution number Z-08-051 (with subsequent extension in case number DCI2013-00002); and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category as designated by the Lee Plan; and

WHEREAS, Resolution Z-08-051 allows up to 40,000 square feet of commercial uses, but limits the maximum retail square footage to 20,000 square feet; and

WHEREAS, the approved resolution includes two Master Concept Plan alternates (Attached as Exhibit "B"); and

WHEREAS, the first Master Concept Plan alternate depicts a 40,000 square foot office and the second Master Concept Plan alternate depicts a development with two fast food restaurants totaling 8,175 square feet; and

WHEREAS, the applicant has provided a request statement that details the proposed changes as part of this planned development amendment (Attached as Exhibit "C"); and

WHEREAS, the applicant requests to adopt a third Master Concept Plan alternate that includes a 3,800 square foot fast food restaurant and a 15,000 square foot drug store/pharmacy with drive through (Attached as Exhibit "D"); and

WHEREAS, the applicant has provided a review of the traffic analysis that confirms that the proposed development configuration is consistent with approved traffic impacts for this development (Attached as Exhibit "E"); and

WHEREAS, Resolution Z-08-051 limits the drive through use to the second Master Concept Plan alternate; and

WHEREAS, the applicant requests that this limitation be removed, so that the proposed third Master Concept Plan alternate may utilize the drive through use; and

WHEREAS, the applicant provided the required documentation from the Lehigh Acres Planning Community public information meeting (Attached as Exhibit "F"); and

Attachment J

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Commercial Planned Development to allow a drive-through with a pharmacy use and to provide an additional master concept plan alternate which includes one 3,600 square foot fast food restaurant and one 15,000 square foot pharmacy is **APPROVED subject to the following conditions:**

1. **This resolution adopts a third Master Concept Plan Alternate titled “MCP-4 Master Concept Plan”. A version of this Master Concept Plan is attached hereto as Exhibit “D”.**
2. **The approved intensity for the proposed fast food restaurant is limited to a total of 3,800 square feet for all indoor and outdoor seating areas.**
3. **The Schedule of Uses is hereby amended in underline:
Drive Through —restricted to MCP #2 and MCP #3**
4. **The terms and conditions of the original zoning resolution remain in full force and effect.**
5. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 9/25/2020

Audra Ennis, Zoning Manager

Exhibits:

Exhibit A – Legal Description

Exhibit B – Z-08-017

Exhibit C – Request Statement

Exhibit D – Master Concept Plan Alternate #3

Exhibit E – Traffic Analysis

Exhibit F – Public Information Meeting

Attachment J

REVIEWED
ADD2020-00087
Daniel Munt, Planner
Lee County DCD
7/16/2020

EXHIBIT A

CASE NUMBER: ADD2020-00087

STRAP NUMBERS

29-44-26-07-00055.0010

29-44-26-07-00055.0020

29-44-26-07-00055.0030

29-44-26-07-00055.0230

29-44-26-07-00055.0240

29-44-26-07-00055.0250

29-44-26-07-00055.0260

29-44-26-07-00055.0270

Attachment J



Exhibit B

LEE COUNTY

SOUTHWEST FLORIDA

239-533-8585

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Tammy Hall
District Four

Frank Mann
District Five

Doug Meurer
Interim County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing
Examiner

January 24, 2013

MR. AL QUATTRONE
4301 VERONICA SHOEMAKER BLVD
FORT MYERS FL 33916

Re: LEE CORNERS CPD
Senate Bill 2156 Extension (F)
DCI2013-00002

Dear MR. AL QUATTRONE:

In accord with SB2156, development permits meeting certain criteria are entitled to an extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution, Z-08-051, DCI2007-00048, LEE CORNERS CPD, is hereby extended for the following:

APPROVAL OF AN MCP EXTENSION FROM MARCH 2, 2014 TO NOVEMBER 5, 2014.

No additional extensions under SB2156 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB2156, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning

Pam Houck
Director

Attachment J

RESOLUTION NUMBER Z-08-051

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

WHEREAS, Quattrone and Associates, Inc. filed an application on behalf of the property owner, Valencia Homes, Inc., to rezone a ±2.6 acre parcel from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) in reference to Lee Corners CPD; and

WHEREAS, a public hearing was advertised and held on October 1, 2008, and continued to November 21, 2008, before the Lee County Zoning Hearing Examiner, Diana M. Parker, who gave full consideration to the evidence in the record for Case #DCI2007-00048; and

WHEREAS, a second public hearing was advertised and held on March 2, 2009, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a ±2.6 acre parcel from RS-1 to CPD, including a maximum of 40,000 s/f of commercial floor area – including a maximum of 20,000 square feet of commercial retail. Proposed height is 2 stories/35 feet maximum. No development blasting is requested. The development will connect to public potable water and public sanitary sewer service. The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviation specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Master Concept Plan/Development parameters: The development of this project must be consistent with the Master Concept Plans (MCP) entitled MASTER CONCEPT PLAN: LEE CORNERS CPD, MCP-2 and MCP-3, dated April 30, 2009 and date-stamped "RECEIVED APR 30 2009, COMMUNITY DEVELOPMENT," and attached hereto as Exhibit C, except as modified by the conditions below.

This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Attachment J

Maximum Commercial Floor Area (CPD): 40,000 square feet of commercial floor area, including a maximum of 20,000 s/f of commercial retail.

2. Uses and Site Development Recommendations:

Schedule of Uses

A. The following limits apply to the project and uses:

Accessory Uses and Structures

Administrative Offices

Animal Clinic, Animal Kennel (no outdoor runs)

No outdoor cages, pens, runs, or exercise facilities.

ATM (automatic teller machine)

Auto Parts Store, no installation

Bait and Tackle Shop

Banks and Financial Establishments, Group I only

No drive through.

Business Services, Group I only

Cleaning and maintenance services

Clothing Stores, general

Computer and data processing services

Consumption on Premises, indoor, outdoor - (see Condition 11)

Day Care Center, Adult, Child

Drive Through - restricted to MCP#2

Drug Store/Pharmacy - no drive through.

Essential Services

Essential Service Facilities, Group I only

Excavation, Water Retention (Not to include removal of excavated material from site. *No blasting*)

Fences, Walls

Food and Beverage Service, limited

Food Store, Group I only

Funeral Home, no cremation, no crematorium

Gift and Souvenir Shop

Hardware Store

Hobby, Toy and Game Shop

Household and Office Furnishings, Groups I and II.

Laundry or Dry Cleaning, Group I (no drive through).

Lawn and Garden Supply Store

Library

Medical Office

Non store retailer

Paint Glass and Wallpaper

Parking Lot, Accessory, Temporary

Personal Services, Groups I, II and III.

No Massage Parlors, Steam or Turkish Baths, Escort Services, Palm

Readers, Fortunetellers, Card Readers, or Tattoo Parlors.

Attachment J

Pet Services, Pet Shop - no outdoor runs.

No outdoor cages, pens, runs, or exercise facilities.

Place of Worship

Post Office

Real Estate Sales Office

Repair Shops, Groups I, II and III

Restaurant, fast food - stand-alone only as depicted in MCP#2; or in-line/part of a multi-occupancy building (MCP #3)

Restaurant, Group I, II, III. No Group IV.

Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises.

Signs in accordance with Chapter 30

Social Services, Group I only.

Specialty Retail Shops, Groups I and II.

Site Development Regulations

B. Minimum Lot Area and Dimensions

Lot Size:	2.6 acres
Lot Width:	394 feet
Lot Depth:	272 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	15 feet
Rear	15 feet
Water body	25 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 and 34-2194 et seq.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet

Maximum Lot Coverage: 45%

Building Height: 2 stories/35 feet

3. Lehigh Acres Concurrency Condition:

This project is deemed exempt from the concurrency requirements set forth in Lee County LDC Chapter 2 and the Lee County Comprehensive Plan by virtue of the Certificate of Concurrency Exemption issued by the County pursuant to the Stipulation and Settlement Agreement, dated June 9, 1992, in Lehigh Corp v. Lee County, Case No. 91-2482CA.

Attachment J

4. No Blasting:

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

5. Accessory Uses:

Within the CPD, accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

6. Traffic:

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

7. Lee Plan:

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function (for commercial uses), as well as all other Lee Plan provisions.

8. Agricultural Uses:

No agricultural uses exist on this property and none are approved as a part of this rezoning.

9. Water and Sewer:

Development of this project must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle the level of development as proposed in the development order submittal.

10. Buffer Enhancements:

Prior to local development order approval, the landscape plans must depict:

- A. All vegetation height requirements to be measured at final grade of the parking area; and
- B. All required buffers must utilize 100% native vegetation; and

Attachment J

- C. The Lee Street buffer must be enhanced, as set out below, and be a minimum of 20 feet in width;
- D. The Lee Circle South buffer and the buffer along the east property line (to the south edge of the 24-foot-wide cross access easement) must be enhanced, as set out below, and be a minimum of 25 feet wide, with an 8-foot-high masonry wall; and
- E. Both the Lee Street and Lee Circle S. buffers must be enhanced with a minimum of seven (7) canopy trees per linear 100 feet, installed at a minimum 16-foot height, 4-inch caliper and a double staggered hedge row installed at a minimum 24 inches and maintained at 48 inches.

11. Consumption Premises:

Indoor or outdoor consumption on premises may be approved by Special Exception only. A public hearing is required. The applicant must provide adequate detail of the indoor and/or outdoor seating area consistent with the requirements of the LDC and the following:

Consumption on premises is permitted only in conjunction with a Group III Restaurant; No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.

12. Solid Waste/Recycling:

Prior to any local development order approval for vertical development, the developer must provide facilities in compliance with LDC §10-261 and Solid Waste Ordinance # 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

13. Internal Sidewalks:

Development must include internal sidewalks as a site-related improvement, in order to achieve a safe means of connecting internal uses and buildings and connecting with adjacent uses. Such facilities must be included in local development orders as part of construction of the project's infrastructure.

14. Indigenous Trees:

Prior to development order approval, the applicant must submit a native tree survey depicting all sabal palms (min. 8-foot clear trunk) and all native trees 20 inches or greater diameter at breast height (dbh)

Prior to development order approval, the development order landscape plans must delineate the on site preservation and/or relocation of all sabal palms (min. 8-foot clear trunk) and preservation and/or replacement of all heritage trees (min. 20-inch diameter at

Attachment J

breast height) with like species, minimum 20-foot in height to appropriate open space areas.

15. Open Space:

Prior to local development order approval, the development order plans must delineate a minimum of 34,609 square feet open space.

16. Hours of Operation:

The stand-alone fast food restaurants, in MCP#2, must close at 11:00 PM, Sunday through Thursday, and at 12 midnight, Friday and Saturday. A Special Exception approval, through public hearing, is required to extend these hours of operation beyond the closing times stated herein.

SECTION C. DEVIATION:

1. Deviation (1) seeks relief from the LDC §10-285 requirement to provide 660 feet of intersection separation on Lee Boulevard, to allow one access point 339 feet from Lee Street. This deviation is APPROVED, SUBJECT TO the conditions that:

1. The access on Lee Boulevard is limited to right-in right-out only.
2. At the time of local development order, a cross access easement to the property adjacent to the east must be provided, per the approved MCP.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are:

29-44-26-07-00055.0010, 29-44-26-07-00055.0020, 29-44-26-07-00055.0030,
29-44-26-07-00055.0230, 29-44-26-07-00055.0240, 29-44-26-07-00055.0250,
29-44-26-07-00055.0260, 29-44-26-07-00055.0270

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

Attachment J

- 2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
- 3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
- 4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
- 5. The approved deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Bigelow. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Absent
Frank Mann	Aye

Attachment J

DULY PASSED AND ADOPTED this 2nd day of March 2009.

ATTEST:
CHARLIE GREEN, CLERK

BY: Kathleen A. Metz
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Ray Judah
Ray Judah
Chair



Approved as to form by:

Robert Spickerman
Robert Spickerman
County Attorney's Office

RECEIVED
MINUTES OFFICE
2009 MAY 18 AM 10:06

Attachment J

LEGAL DESCRIPTION

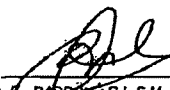
A PARCEL OF LAND LYING IN
SECTION 29, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

PROPERTY DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, SAID PARCEL TO FORM LOTS 1 AND 27, BLOCK 55, AS RECORDED IN PLAT BOOK 15, PAGE 80, AND LOTS 2, 3, 4, 5, 23, 24, 25, 26, OF BLOCK 55, AS RECORDED IN PLAT BOOK 26, PAGE 160 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 55, OF SAID PLAT BOOK 15, PAGE 80, AS RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; SAID POINT BEING THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF LEE BLVD (106 FEET WIDE) AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF LEE STREET (50 FEET WIDE); THENCE RUN SOUTH 52°19'38" EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF LEE BLVD A DISTANCE OF 20.43 FEET, TO A POINT OF CURVATURE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE SOUTHEASTERLY A DISTANCE OF 379.58 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1493.77 FEET, CENTRAL ANGLE OF 14°33'34" SUBTENDED BY A CHORD HAVING A LENGTH OF 378.56 FEET AND BEARING SOUTH 59°36'25" EAST, TO A POINT ON SAID CURVE, AT WHICH POINT THE RADIAL LINE BEARS SOUTH 23°06'48" WEST; THENCE SOUTH 23°06'48" WEST, ALONG THE PROLONGATION OF A LINE RADIAL TO SAID CURVE, A DISTANCE OF 136.13 FEET ALONG THE COMMON LINE OF LOTS 5 AND 6, OF SAID BLOCK 55, TO A POINT OF INTERSECTION ON A CURVE CONCAVE TO THE NORTHEAST; THENCE NORTHWESTERLY 34.60 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1629.90 FEET, CENTRAL ANGLE OF 1°12'59" SUBTENDED BY A CHORD HAVING A LENGTH OF 34.60 FEET AND BEARING NORTH 66°16'43" WEST TO A POINT ON SAID CURVE AT WHICH THE RADIAL LINE BEARS SOUTH 24°19'47" WEST; THENCE SOUTH 24°19'47" WEST ALONG THE PROLONGATION OF LAST SAID LINE, RUN A DISTANCE OF 136.13 FEET ALONG THE COMMON LINE OF LOTS 22 AND 23 OF SAID BLOCK 55, TO A POINT OF INTERSECTION ON A CURVE CONCAVE TO THE NORTHEAST, SAID POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF LEE CIRCLE SOUTH; THENCE NORTHWESTERLY ALONG THE RIGHT-OF-WAY LINE OF LEE CIRCLE SOUTH (50 FEET WIDE) A DISTANCE OF 411.27 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1766.03 FEET, CENTRAL ANGLE OF 13°20'35", SUBTENDED BY A CHORD HAVING A LENGTH OF 410.35 FEET, AND BEARING NORTH 58°59'56" WEST, TO A POINT OF TANGENT; THENCE NORTH 52°19'38" WEST A DISTANCE OF 20.43 FEET, TO A POINT ON THE SOUTHWEST CORNER OF LOT 27, BLOCK 55; THENCE NORTH 37°40'22" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LEE STREET (50 FEET WIDE) A DISTANCE OF 272.26 FEET TO THE POINT OF BEGINNING; CONTAINING 2.60 ACRES, MORE OR LESS.

EXHIBIT A
1 OF 2


CECILIO B. PADRON, P.L.S.M. (FOR THE FIRM)
STATE OF FLORIDA CERTIFICATE No 6121

3-3-08 (DATE SIGNED)

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

C. PADRON SURVEYORS, INC.
PROFESSIONAL LAND SURVEYORS
LICENSE # LB 7489

JOB: No 07-0164-S

4216 SW 10th AVENUE
CAPE CORAL, FLORIDA 33914
PH: (239) 549-4412
FAX: (239) 540-1635

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MAR 04 2008

PERMIT COUNTER

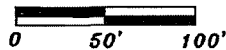
DCI 2007-00048

Attachment J

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(NOT A SURVEY)

SCALE 1"=100'



LEGEND AND ABBREVIATIONS

A	= ARC LENGTH
C	= CENTERLINE
CH	= CHORD
CHB	= CHORD BEARING
D	= INTERIOR ANGLE
D.E.	= DRAINAGE EASEMENT
L	= LENGTH
NO.-#	= NUMBER
P.C.	= POINT OF CURVE
P.O.B.	= POINT OF BEGINNING
P.L.S.M.	= PROFESSIONAL LAND SURVEYOR AND MAPPER
R/W	= RIGHT-OF-WAY
R	= RADIUS
RGE	= RANGE
SEC.	= SECTION
T	= TANGENT
TWP.	= TOWNSHIP
U.E.	= UTILITY EASEMENT

NOTES:

- 1-REPRODUCTIONS OF THIS SKECTH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
- 2-DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 3-EASEMENTS SHOWN HEREON ARE PER PLAT, UNLESS OTHERWISE NOTED.
- 4-BASIS OF BEARING IS THE CENTERLINE OF LEE BOULEVARD, BEING S52°19'38"E, PER PLAT RECORDED IN PLAT BOOK 15, PAGE 80, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
- 5-PORION OF SECTION 29, TOWNSHIP 44 SOUTH, RANGE 26 EAST.

CECILIO E. PADRON, P.L.S.M. (FOR THE FIRM)

CERTIFICATE No 6121
STATE OF FLORIDA

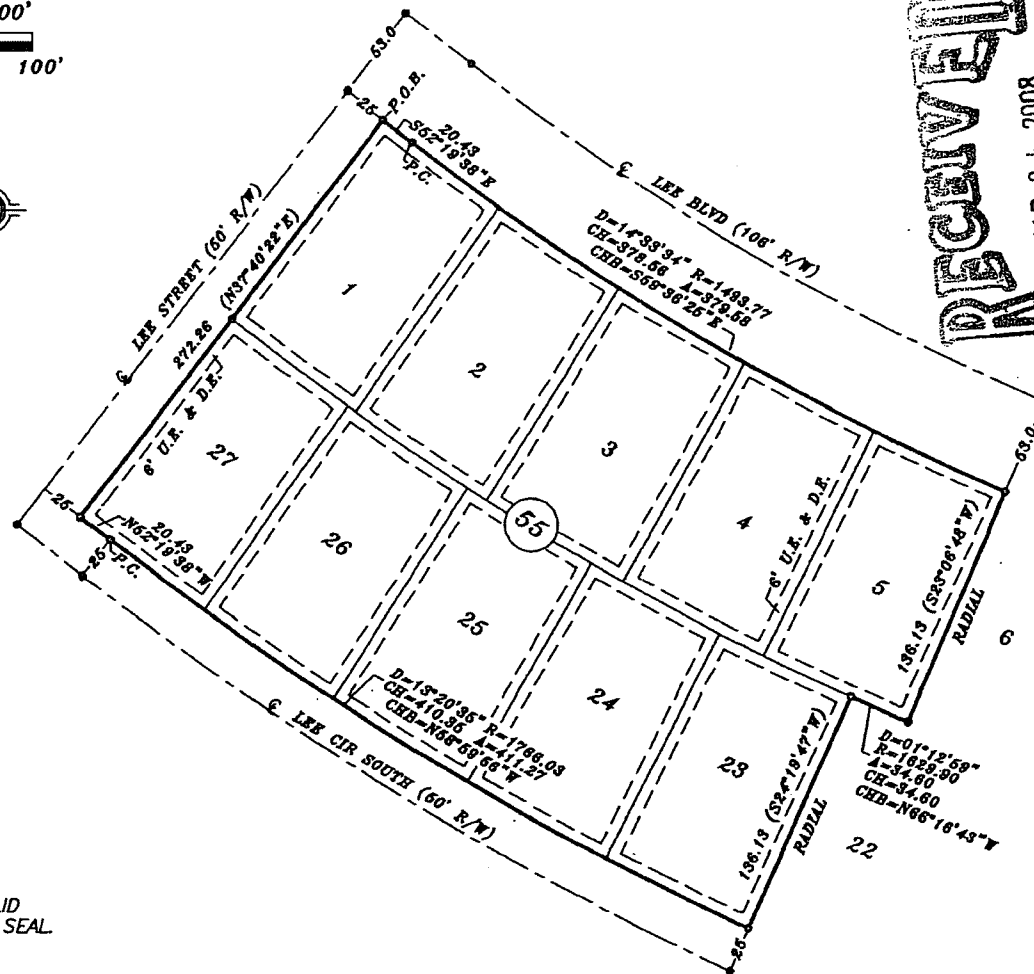
3-3-08 (DATE SIGNED)

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

C. PADRON SURVEYORS, INC.
PROFESSIONAL LAND SURVEYORS
LICENSE # LB 7489

JOB: No 07-0164-S

4216 SW 10th AVENUE
CAPE CORAL, FLORIDA 33914
PH: (239) 549-4412
FAX: (239) 540-1635



RECEIVED

MAR 04 2008

PERMIT COUNTER
2007-00048

100

EXHIBIT A
2 OF 2

Attachment J
Zoning Map

DCI2007-00048

8/20/2008

EXHIBIT B

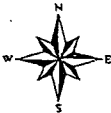
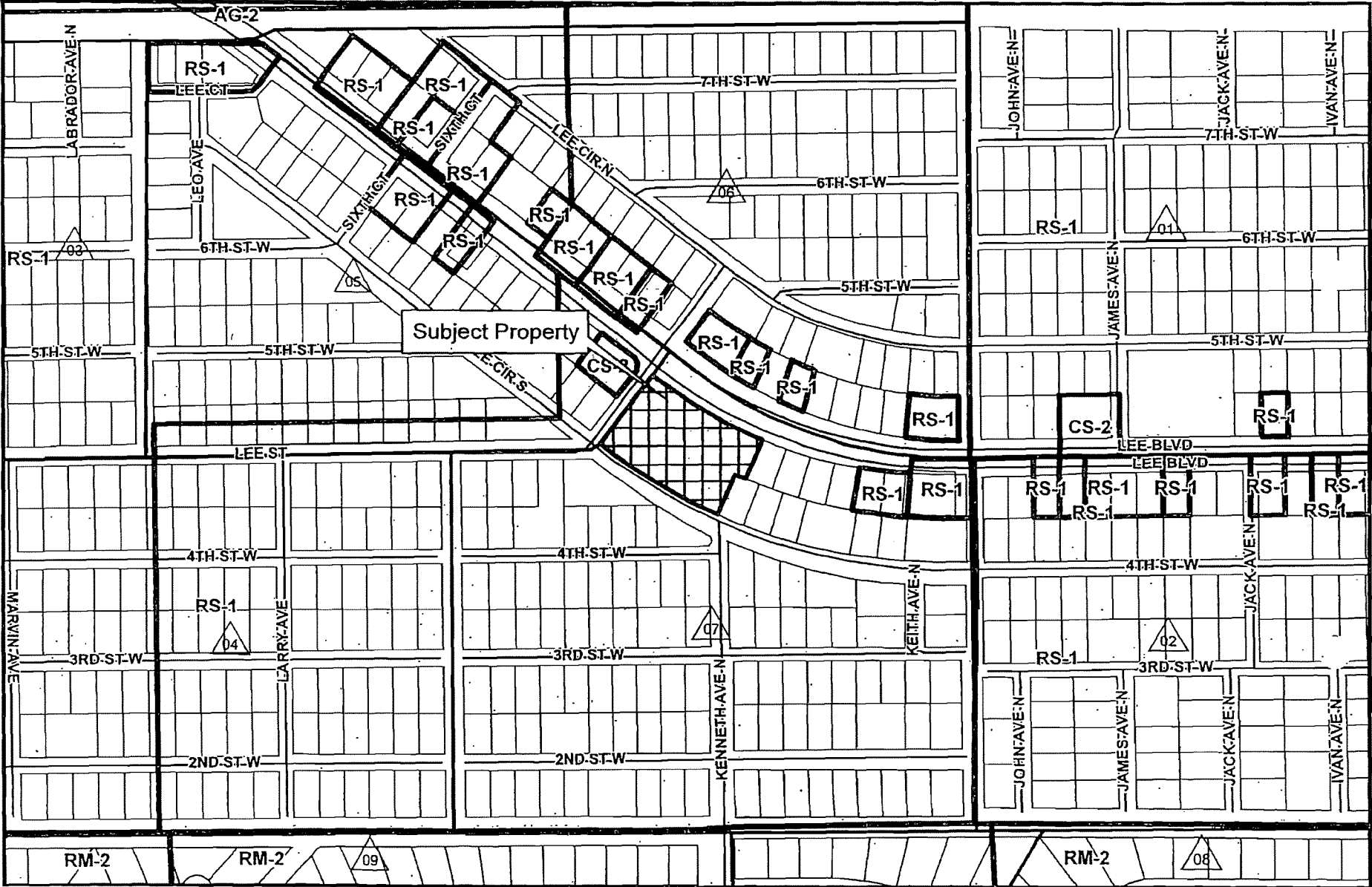
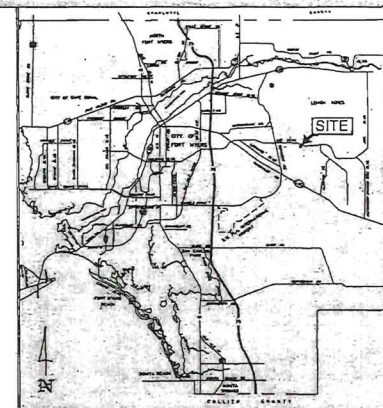


EXHIBIT
D-7-M

EXHIBIT C
1 OF 2

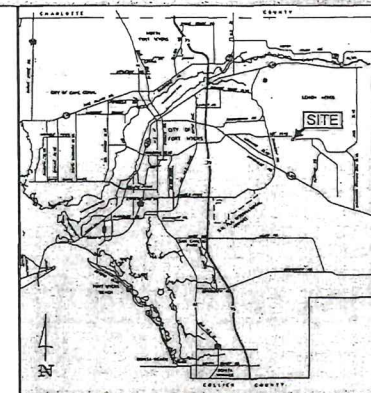
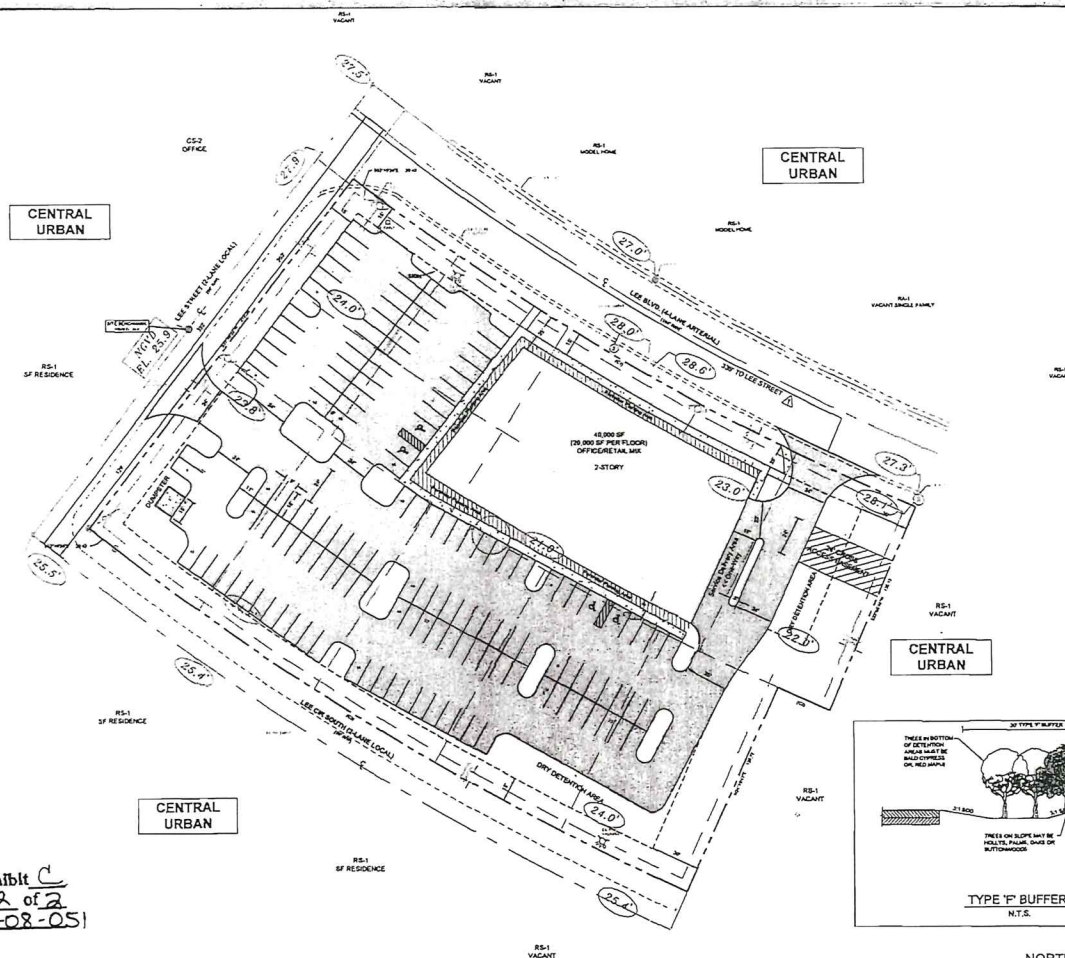
MCP 2
Fast Food

OCI 2007-00048

Printed by First Choice
Thursday, April 26, 2008
\$7922-2-004 if mail sent over

EXHIBIT
D-7-M

 **Quattrone & Associates, Inc.**
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd., Fort Myers, FL 33916 | 239.336.5222 | QAInc.net

EXHIBIT C
2 OF 2

LOCATION MAP

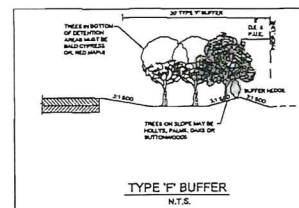
MCP 3
Office/Retail

PROJECT SUMMARY
LEE CONNERS CPO

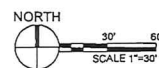
LEE CONNERS CPO

- 1.) REQUEST: Rezoning from RS-1 to CPD
- 2.) OVERALL PROJECT ACREAGE: 113.47 SF (2.6 AC)
MAXIMUM BUILDING FOOTPRINT AREA: 20,000 SF
TOTAL BUILDING AREA: 40,000 SF
- 3.) OPEN SPACE:
30% OPEN SPACE REQUIRED FOR MINOR COMMERCIAL DEVELOPMENT
30% OF 113.47 SF = 34,042 SF REQUIRED
30.5% COMB. SPACE REQUIRED

30% OF 113,473 SF = 34,042 SF REQUIRED
30.5% OF 34,826 SF PROJECTED
DCI 2007-00048



TYPE 'F' BUFFER
N.T.S.



LEGEND:

	PAINTED HUCAP PARKING SYMBOL		CENTER LINE
	PROPOSED PAVEMENT		EXIT FEATURES
	PROPOSED ON-STREET		PAVED, UNPAVED, ROADS, ETC.
	PROPOSED STOP SIGN		EXISTING ELEVATION POINTS
	SITE BOUNDARY		
	PROPOSED ELEVATION POINTS		

Approved as Exhibit C
MCP Page 2 of 2
Resolution # 2-08-051



Attachment J

Written Narrative and Justifications

LEE CORNERS CPD DCI2007-00048 / Z-08-051

Administrative Planned Development Amendment

STRAP #: 29-44-26-07-00055.0010, .0020, .0030, .0230, .0240, .0250, .0260, .0270

The purpose of the Administrative Planned Development Amendment is to allow an approved drive-through to be used for an automobile drive thru aisle to a drugstore and/or a fast food restaurant as permitted by resolution Z-08-051/DCI2013-00002. Through this amendment request, applicant would also like clarification on the need for the buffer wall currently shown on the approved master concept plans. Since adoption of this zoning resolution, the County modified their Land Development Code in 2012 to include "Article V. Lehigh Acres Planning Community". Within this section of the code, "Section 33-1405. Landscaping" was added to address buffers and to eliminate the applicability of Section 10-416(d)(6) in the Lehigh Acres Planning Community, which had required the buffer wall. If staff deems removal of the requirement for a block wall as not being an adverse impact, the applicant would like to remove the buffer wall requirement and comply with the current regulations.

Additional Use - Drugstore/Pharmacy w/ Drive-Through Additional MCP

Request Narrative

The approved zoning resolution allowed for a Drugstore/Pharmacy but with no drive-through, but it did allow for drive-throughs associated with Fast Food Restaurants. The CPD included two Master Concept Plans (MCP). One was for 40,000 SF of commercial floor area including a maximum of 20,000 SF of commercial retail and second was for two fast food restaurant totaling 8,175 SF with each having a drive-through. The applicant is requesting the schedule of uses to be modified to allow Drugstore/Pharmacy w/drive-through and an additional MCP to allow for one 3,800 SF fast food restaurant along with the 15,000 SF drug store/pharmacy w/drive-through. The new MCP #4 meets the approved intensity and open space requirements; by not exceeding the 20,000 square feet of commercial retail and providing 30 percent open space.

Compliance with LDC Section 34-2021(e)

Commercial establishments providing drive-up service windows or stalls must provide separate vehicle stacking for those uses. For the purpose of this section, a stacking unit is defined as 18 feet in length and nine feet in width. The total number of stacking units required will be based on the type of business, as follows:

(d) Restaurants: Stacking lanes to accommodate ten cars per service lane, with a minimum of five spaces preceding the menu board.

(e) Other: Stacking to accommodate five cars per service lane.

Justification: The current zoning permits a drive-through when associated with fast food restaurants which typically generate more traffic than drug stores / pharmacies. As depicted on the proposed MCP, the applicant is requesting approval for up to a 15,000 SF pharmacy w/ a drive-through and one

Attachment J



3,800 SF fast food restaurant w/ a drive-through. The combination of the pharmacy w/ drive-throughs along with a fast food restaurant generates approximately 4% more trips in the PM but generates 36% less trips in the AM and 11% less total weekday trips for an overall reduction of total trips. Therefore, the combination of a pharmacy w/ drive-throughs along with a fast food restaurant will not have a detrimental impact on the surrounding roadway system. Since drive-throughs are an approved use, the shift of the drive through from a fast food restaurant to a drug store pharmacy will create a new impact on surrounding property owners.

Furthermore, the fast food restaurant is required to provide sufficient space to accommodate 10 car stacking for the drive though and the drug store/pharmacy is required to provide adequate capacity to stacking for 5 cars.

SECTION 34-174(J)(2) COMPLIANCE

Per the requirements of the LDC Sec. 34-174(j)(2), the administrative amendment request must demonstrate the following:

a. Does not increase height, density or intensity of the development, except as permitted in chapter 2.

RESPONSE: *Our request does not increase height, density or the intensity.*

b. Does not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development;

RESPONSE: *Our request does not result in any underutilization of public resources or infrastructure.*

c. Does not result in a reduction of total open space provided on the master concept plan by more than ten percent;

RESPONSE: *Our request will not result to any reduction to open space.*

d. Does not decrease the amount of indigenous native vegetation preservation or open space areas below the amount required by the Code;

RESPONSE: *Our request will not decrease the amount of indigenous native vegetation preservation or open space areas.*

e. If changes to the buffer or landscaping areas are proposed, equivalent or better (by comparison with the approved Master Concept Plan) landscaping or buffering is provided;

RESPONSE: *The request does not affect the buffers.*

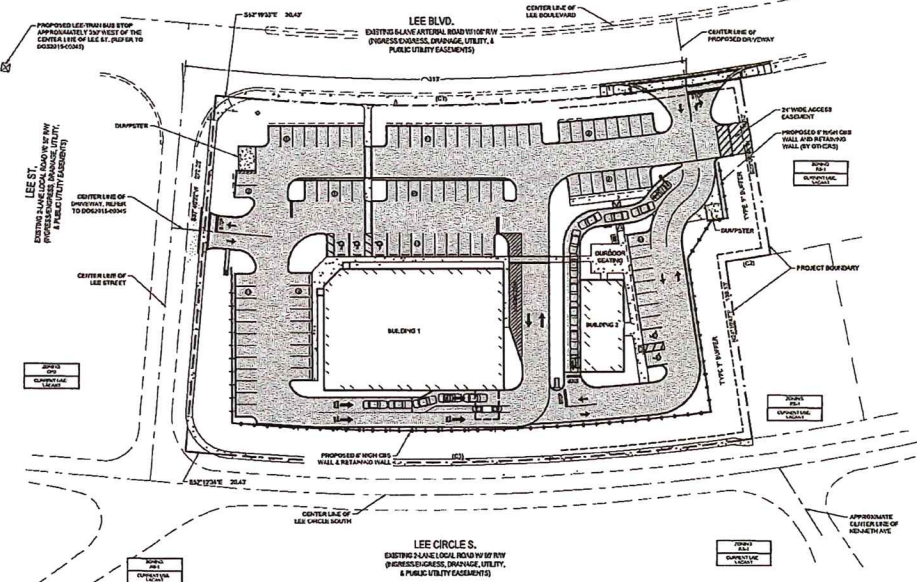
f. Does not adversely impact surrounding land uses; and

RESPONSE: *Our request will not adversely impact surrounding land uses since the request use is already approved for fast food restaurants.*

g. Is consistent with all applicable provisions of the Lee Plan and land development regulations in effect at the time of the amendment request.

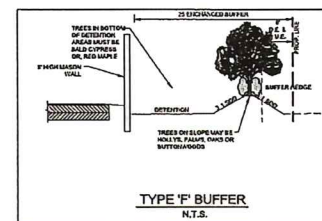
RESPONSE: *The request for a drive through is consistent with the Lee Plan.*

LOCATED IN SECTION 29, TOWNSHIP 44 -S, RANGE 26 -E, LEE COUNTY, FLORIDA



CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEAR
C1	14°33'54"	1,491.77	37.53		37.54	55°36'27"
C2	81°32'58"	1,628.50	34.66		34.67	
C3		1,768.87	41.27		41.28	55°34'56"

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEAR
C1	14°33'54"	1,491.77	37.53		37.54	55°36'27"
C2	81°32'58"	1,628.50	34.66		34.67	
C3		1,768.87	41.27		41.28	55°34'56"



LOCATION MAP

PROJECT SUMMARY:

ZONING/REZONING

RS-1 TO CPD

STRAP #'s

29-44-26-07-00055.0010: 0020; 0030; 0270; 0260; 0250; 0240; 0250

PROJECT ACREAGE

2.6 ACRES (113,473 SF)

PROJECT INTENSITY

BUILDINGS:
RETAIL: 15,000 SF
FASTFOOD: 3,800 SF
TOTAL BUILDING AREA: 18,800 SF

REQUIRED OPEN SPACE
34,609 SF OPEN SPACE REQUIRED FOR MINOR COMMERCIAL
DEVELOPMENT AS PER Z-08-051

34,609 SF REQUIRED/PROPOSED

DEVIATIONS



PLOTTED BY: JAWY
TUE 8-22-2016 5:43
143116 - 30CM - 3.0000

Q **Quattrone & Associates, Inc.**
Engineers, Planners, & Development Consultants
4001 Vesperia Shoemaker Blvd. | Fort Myers, FL 33916 | 239/936-5222 | QALocal.net

Exhibit E



Engineers, Planners & Development Consultants

4301 Veronica Shoemaker Boulevard, Fort Myers, FL 33912
239.936.5222 | QAINC.NET | f 239.936.7228

LEE CORNERS

TRAFFIC IMPACT EXAMINATION

May 2020

Prepared by:
Sergio Guzman, E.I.

Reviewed by:
Al, Quattrone, P.E.

QAI Project # 141116



Attachment J

**LEE CORNERS**

STRAP#: 29-44-26-07-00055.0010, .0020, .0030, .0230, .0240, .0250, .0260, & 0.270
 4925, 4923, & 4921 Lee Blvd; 4918, 4920, 4922, 4924, & 4926 Lee Cir. S., Fort Myers, Florida 33971

The purpose of the TIS is to analyze the potential traffic impacts and identify any improvements required to analyze the different zoning uses.

EXISTING CONDITIONS**OVERVIEW**

The subject property is composed of 8 parcels located on the southeast quadrant of the intersection of Lee Boulevard and Lee Street, and northeast quadrant of the intersection of Lee Street and Lee Circle South, Lehigh Acres. The parcel has always remained vacant.

ROADWAY INFORMATION

Lee Boulevard is a county maintained divided six-lane arterial roadway, with a speed limit of 45 mph.

Lee Street is a county maintained two-lane two-way local roadway; with a speed limit of 30 mph.

Lee Circle S. is county maintained two-lane two-way local roadway; with a speed limit of 25 mph.

PROPOSED DEVELOPMENT

One of the zoning configurations proposes two fast food restaurant buildings with drive through windows. One building will be 4,375 sq. ft. and the other will be 3,800 sq. ft., totaling 8,175 sq. ft.

The second zoning configuration proposes two buildings consisting of one pharmacy building and one fast food restaurant with drive through window. The pharmacy building will be 15,000 sq. ft. and the fast food restaurant will be 3,800 sq. ft.

Below are the land use codes to utilize to calculate the projected trips:

(2) LUC 934 – Fast-Food Restaurant with Drive-Through Window	8.18 (per1,000 sq. ft.)
LUC 934 – Fast-Food Restaurant with Drive-Through Window	3.80 (per1,000 sq. ft.)
LUC 881 – Pharmacy/Drugstore with Drive-Through Window	15.0 (per1,000 sq. ft.)

TRIP GENERATION

The trip generation proposed for the development was determined using OTISS software which references Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 10th Edition.

The LUC 881 Pharmacy/Drugstore without Drive-Through Window was within the ITE data ranges for weekday, AM and PM peak hour analysis, however the ITE fitted curve was not available, therefore the average method analysis was used to generate all trips.

The table below summarizes the anticipated AM and PM peak hour trip generation for the two fast food restaurant configurations, calculated by OTISS.

Land Use	Peak AM		Peak PM		Weekday	
	Entry	Exit	Entry	Exit	Entry	Exit
934 – Fast-Food Restaurant with Drive-Through Window	168	161	139	128	1926	1929

Attachment J



The table below summarizes the anticipated AM and PM peak hour trip generation for the pharmacy and the fast food restaurant configuration, calculated by OTISS.

Land Use	Peak AM		Peak PM		Weekday	
	Entry	Exit	Entry	Exit	Entry	Exit
934 – Fast-Food Restaurant with Drive-Through Window	78	75	65	60	895	895
881 – Pharmacy/Drugstore w/ Drive Through Window	31	27	77	77	819	819
Total Trips	109	102	142	137	1714	1714

The entering and exiting trips of the two fast food restaurants is more than the proposed pharmacy/fast food restaurant for the AM and weekday peak hour analysis. However, the entering and exiting trips of the two fast food restaurants is less than the proposed pharmacy/fast food restaurant for the PM peak hour analysis.

Therefore, the overall vehicle trips between the two configurations do not any detrimental difference or impact onto the surrounding tributary roadway system.

REFERENCES

-
- *Trip Generation by OTISS Online Traffic Impact Study Software*
 - *Institute of Transportation Engineers Trip Generation, 10th Edition*



TRIP GENERATION ANALYSIS



Attachment J

Quattrone Associates Inc.

Lee Corners - Zoning

5/29/2020 2:55 PM

Scenario - 1

Scenario Name: AM Peak

Dev. phase: 1

Analyst Note:

Warning:

User Group:
No. of Years to Project 0
Traffic :

VEHICLE TRIPS BEFORE REDUCTION

Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
					Rate/Equation	Split%	Split%	
934 - Fast-Food Restaurant with Drive-Through	General	1000 Sq. Ft. GFA	8.18	Weekday, Peak Hour of Adjacent Street Traffic,	Average	168	161	329
Data Source: Trip Gen Manual, 10th Ed	Urban/Suburban				40.19	51%	49%	
934(1) - Fast-Food Restaurant with Drive-	General	1000 Sq. Ft. GFA	3.8	Weekday, Peak Hour of Adjacent Street Traffic,	Average	78	75	153
Data Source: Trip Gen Manual, 10th Ed	Urban/Suburban				40.19	51%	49%	
881 - Pharmacy/Drugstore with Drive-Through	General	1000 Sq. Ft. GFA	15	Weekday, Peak Hour of Adjacent Street Traffic,	Average	31	27	58
Data Source: Trip Gen Manual, 10th Ed	Urban/Suburban				3.84	53%	47%	

VEHICLE TO PERSON TRIP CONVERSION

BASELINE SITE VEHICLE CHARACTERISTICS:

Land Use	Baseline Site Vehicle Mode Share		Baseline Site Vehicle Occupancy		Baseline Site Vehicle Directional Split	
	Entry (%)	Exit (%)	Entry	Exit	Entry (%)	Exit (%)
934 - Fast-Food Restaurant with Drive-Through Window	100	100	1	1	51	49
934(1) - Fast-Food Restaurant with Drive-Through Window	100	100	1	1	51	49
881 - Pharmacy/Drugstore with Drive-Through Window	100	100	1	1	53	47

ESTIMATED BASELINE SITE PERSON TRIPS:

Land Use	Person Trips by Vehicle		Person Trips by Other Modes		Total Baseline Site Person Trips	
	Entry	Exit	Entry	Exit	Entry	Exit
934 - Fast-Food Restaurant with Drive-Through Window	168	161	0	0	168	161
	329		0		329	
934(1) - Fast-Food Restaurant with Drive-Through Window	78	75	0	0	78	75
	153		0		153	
881 - Pharmacy/Drugstore with Drive-Through Window	31	27	0	0	31	27
	58		0		58	

NEW VEHICLE TRIPS

Land Use	New Vehicle Trips		
	Entry	Exit	Total
934 - Fast-Food Restaurant with Drive-Through Window	168	161	329
934(1) - Fast-Food Restaurant with Drive-Through Window	78	75	153
881 - Pharmacy/Drugstore with Drive-Through Window	31	27	58

RESULTS

Site Totals	Entry	Exit	Total
Vehicle Trips Before Reduction	277	263	540
External Vehicle Trips	277	263	540
New Vehicle Trips	277	263	540

Attachment J

Quattrone Associates Inc.

Lee Corners - Zoning

5/29/2020 2:54 PM

Scenario - 1

Scenario Name: Weekday

Dev. phase: 1

Analyst Note:

Warning:

User Group:
No. of Years to Project 0
Traffic:

VEHICLE TRIPS BEFORE REDUCTION

Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
					Rate/Equation	Split%	Split%	
934 - Fast-Food Restaurant with Drive-Through Data Source: Trip Gen Manual, 10th Ed	General Urban/Suburban	1000 Sq. Ft. GFA	8.18	Weekday	Average 470.95	1926 50%	1926 50%	3852
934(1) - Fast-Food Restaurant with Drive-Through Data Source: Trip Gen Manual, 10th Ed	General Urban/Suburban	1000 Sq. Ft. GFA	3.8	Weekday	Average 470.95	895 50%	895 50%	1790
881 - Pharmacy/Drugstore with Drive-Through Data Source: Trip Gen Manual, 10th Ed	General Urban/Suburban	1000 Sq. Ft. GFA	15	Weekday	Average 109.16	819 50%	819 50%	1638

VEHICLE TO PERSON TRIP CONVERSION

BASELINE SITE VEHICLE CHARACTERISTICS:

Land Use	Baseline Site Vehicle Mode Share		Baseline Site Vehicle Occupancy		Baseline Site Vehicle Directional Split	
	Entry (%)	Exit (%)	Entry	Exit	Entry (%)	Exit (%)
934 - Fast-Food Restaurant with Drive-Through Window	100	100	1	1	50	50
934(1) - Fast-Food Restaurant with Drive-Through Window	100	100	1	1	50	50
881 - Pharmacy/Drugstore with Drive-Through Window	100	100	1	1	50	50

ESTIMATED BASELINE SITE PERSON TRIPS:

Land Use	Person Trips by Vehicle		Person Trips by Other Modes		Total Baseline Site Person Trips	
	Entry	Exit	Entry	Exit	Entry	Exit
934 - Fast-Food Restaurant with Drive-Through Window	1926	1926	0	0	1926	1926
	3852		0		3852	
934(1) - Fast-Food Restaurant with Drive-Through Window	895	895	0	0	895	895
	1790		0		1790	
881 - Pharmacy/Drugstore with Drive-Through Window	819	819	0	0	819	819
	1638		0		1638	

RESULTS

Site Totals:	Entry	Exit	Total
Vehicle Trips Before Reduction	3640	3640	7280
Vehicle Trips After Multi-modal Adjustment	3640	3640	7280
Internal Vehicle Trips	0	0	0
External Vehicle Trips	3640	3640	7280
Internal Vehicle Trip Capture	0%	0%	0%
Pass-by Vehicle Trips	0	0	0
Diverted Vehicle Trips	0	0	0
Extra Reduced Vehicle Trips	0	0	0
New Vehicle Trips	3640	3640	7280
PPV	3640	3640	7280
Truck	0	0	0
Person Trips by Other Modes	0	0	0

Attachment J

January 2017 LAARZB Meeting Minutes

LEHIGH ACRES ARCHITECTURAL, PLANNING & ZONING REVIEW BOARD

Meeting Minutes – January 26, 2017

5:30 pm

1299 Homestead Road

Lehigh Acres, Florida

Exhibit F

Call To Order

Roll Call

Greg Diserio, Enrique DeAndres, Thomas Pfuner, Mohamed Yasin, Claude Spellman, Inke Baker, Ken Bennett, Mike Cook,

Excused: Captain Todd Garrison, Elisa Yanes,

Public Comments on non-agenda items:

Approval of Agenda: Motion to Approve

Approval of December Minutes: Motion to Approve

New Project Reviews

- A. Lee Corners: A proposed CVS pharmacy site located at the 4925 Lee Boulevard. A development order is being reviewed at this time. (DOS2016-00010) Sergio Guzman of Quatrone and Associates presented on behalf of the applicant.

Mr. Guzman reviewed the approved plans and the proposed plan. Access to the rear was a concern with this board when it went through the zoning process.

Mr. Guzman stated Lee County was looking at placing a raised median in Lee Street due to the proposed traffic light. This would permit a right out only from the property.

Currently the schedule for a traffic light is unknown, Lee County is looking at the design.

Drive through lanes are currently only approved at this time for two restaurants and not the drug store. The applicant is requesting the drive through lane and an administrative action to allow the rear access.

Currently a deceleration lane on Lee Boulevard is not required.

Taller trees and shrubs are being placed on Lee Circle South in compliance with the resolution.

The development order is being requested to allow the drive through and the rear access be approved administratively. The administrative amendment was submitted but the County required them to withdraw it at this time.

Public comments included the inquiry about the turn lane on Lee Boulevard and if this project is the reason there is traffic counters on Lee Street. The applicant stated the counters were not part of this project and he was unaware of why they might be there.

Attachment J

January 2017 LAARZB Meeting Minutes

Board comments included:

Members in support of the drive through as well as the access to Lee Circle South.

Sidewalks locations were questioned.

Will the roadways be up to standards? The road is considered a minor collector and there has been no indication from the County that upgrades are required. Board members expressed concerns about that statement.

Members were concerned that if we approved the project, then the County may not install a traffic light, there will be serious traffic concerns. The applicant stated the County is requiring to sign a document of participation on the traffic signal. The applicant is trying to determine the cost associated with this.

With the median being proposed on Lee Street, then persons exiting the Family Dollar site would only be able to turn right. Members express that the median would be a big safety improvement. Members also stated they understood why the County wanted the rear access to go through the hearing process since it impacts the residents adjacent to the site.

Currently the applicant is in for a development order without the rear access.

The chairman was concerned about the administrative amendment request for the access and drive through since that wasn't the information provided in the application.

The chairman stated in his opinion that any motion made deal strictly with the development order and not the zoning issues. While the board did not seem to have any objections to the rear access, they believe it should be heard separately once the application is formally submitted to Lee County.

A motion was made to recommend approval for the development order as submitted. The rear access is not included with this approval. Motion passed 7-1 with Mr. Cook abstaining.

- B. Administrative Variance from LDC Section 34-1352 for Enterprise Lee Boulevard, located at 3200 Lee Boulevard and 407 Olive Avenue North. This is a redevelopment site. Mr. Brian Smith with Ensite, Inc. presented the project. Mr. Smith provided the overall review of the project and the existing property. The lot in the back is the project boundary. Enterprise rental car is changing the use of the building and will be parking their vehicles on the back lot. The back lot is not for customers, but only for the rental cars. FOS will continue to use their building. An administrative variance and an LDO is being requested. The current access off Olive Avenue is not currently a legal developed access. The plan is to create a legal site plan with access, parking, water management, lighting and landscaping. There is limited improvements on Lee Boulevard for safety reasons. The wide driveway cut is being reduced, and the pedestrian sidewalk is being improved.

The administrative variance to reduce the buffer widths due to the size of the property. The quantity of vegetation with some enhanced plantings are proposed. The berm can't be provided because water management is being provided where none currently exists.

Mr. Smith stated the properties are owned by the same owner who also owns the lots across the street on Olive Avenue.

Board comments include: A concern by one member on the traffic and the small roadway on Olive. The continuous flow of traffic on Lee Boulevard makes traffic an issue along Lee Boulevard.

Attachment J

January 2017 LAARZB Meeting Minutes

Why no landscaping on the west side. The applicant stated they aren't touching that area and there is no room for landscaping that would survive.

Mr. Cook stated they haven't yet received drainage calculations for the site and has some concerns over whether the design could be approved. He would have to wait to see the permit submittal. The applicant stated the permit submittal is in the works and full calculations will be submitted.

A question about the height of the plantings going in. Mr. Smith stated they would be 24" in height for the shrubs. A statement was made about how it being a tight site.

The two lots are under common ownership, however with separate ownership there should be buffers on all sides. Would like to see the lots combined.

Concern about the height of the trees under the code section 1351 should be 14' in height, not 10'. Some concern over the species selection due to cold sensitivity. Would also prefer to see the buffer shrubs permitted to be maintained above the 36" height since there is not berm.

As far as signage, the existing pole sign is being looked at. The applicant was reminded that pole signs are no longer permitted in Lehigh. The applicant stated that Lee County did not have an issue at this time with the sign.

The access way on 5th will require a deviation due to separation. The applicant stated a deviation is being requested. The location is based on the turning movement necessary for the truck access and turning movements for the FOS service.

Utilities prevent any landscaping to be planted on Lee Boulevard.

A motion was made to recommend approval with the condition that the buffer trees be at 14' heights. Motion passed: 6-1 with Mr. Cook abstaining.

- C. East Zone High School. Mr. Don Ruane with Alva Inc. will be presenting information on their efforts to have the new high school located at a proposed site in Alva. Mr. Ruane updated the board on the efforts of their organization Alva Inc., to get the proposed high school in the east zone to be located on Joel and Tuckahoe property owned by the school district. They believe the site would be in the best interest of the district due to location, availability of lands, and students in the east zone. This area of the County that growth in the area would benefit from the school.
Refer to attached information provided by Mr. Ruane.

Mr. Ruane requests recognition of support from the board. A motion was made to provide support of the Tuckahoe site. Motion passed.

Old Business:

- A. Approval of proposed By-Law Changes: The proposed By-Law changes were approved by the Board. Copy attached.

New Business:

- A. 2017 Meeting Dates: The proposed meeting dates for 2017 were reviewed and approved.

Attachment J

January 2017 LAARZB Meeting Minutes

Schedule attached.

B. Election of Chairman and Vice Chairman

Ms. Inka Baker was nominated, accepted and elected as Chairwoman for 2017

The Vice Chair was tabled until the February meeting.

C. Update of contact information: All Board contact information is to be reviewed and verified at the February meeting.

D. Members Comments

Mr. Diserio turned over two thumb drives with the records, agendas and minutes over the years. Mr. Diserio informed the board that the HEX approved the Special Exception for the 7-11 Store located on Fillmore Avenue.

Turnover of files board finances: Mr. Diserio turned over the boards check book to Ms. Baker. Mr. Diserio requested he be removed as an authorized signee, when the new signature cards are done.

Adjourned: 7:00 pm

NAME	ADDRESS	EMAIL
BRIAN SMITH	2401 FIRST ST., STE 201	BROWSA@EU-SITE.COM
JIM BOBACK	10561 BELLE PLANT SIX MILE CYPRESS KAYE H. MYERS, FJG	JBOBACK@BOBACKCOMMERCIALGROUP.COM
DON RUANE	18180 Fichten Circle Alva	RUANE@DON@AOL.COM
Theresa Park	725 Castlestone Ave S	jtmabpark@msn.com
Sergio Glezman	4301 Vero Beach Shores	sergio@gainc.net
YASIN M		
Ken Bennett	636 Thomas Sharwin Ave Lehigh Acres FL 33974	Kenb@Lehighfd.com
TAMI BAKER	PO Box 462 LEHIGH 33970	TAMIBAKER600@MSN.COM
Thomas Platen	PO Box 1361, Lehigh Acres 33970	Thomas Platen
E. De Andres	201 MAPLE AV. SOUTH LEHIGH 33936	BRSHOMES@I-MAIL.COM
STUBS DIONIO	2221 McGregor Blvd	909158@MST.COM

Attachment J

LEHIGH ACRES ARCHITECTURAL & ZONING REVIEW BOARD

**LEHIGH ACRES ARCHITECTURAL AND ZONING
REVIEW BOARD APPLICATION**Date Received: 12-20-16

File Name: _____

ARB Date: 1-26-17**(1) GENERAL INFORMATION** (Use additional sheets if necessary)

1. Name of Project: Lee Corners
2. Street Address of Project: 4925 Lee Blvd. Lehigh Acres, FL 33971
3. Strap No. 29-44-26-07-00055.0010, .0020, .0030, .0230, .0240, .0250, .0260, .0270
4. Application Request: (i.e.: Zoning change, Variance, Site/Project Approval)

Site / Project Approval

5. Applicant Name / Title: Quattrone & Associates, Inc.
Address: 4301 Veronica Shoemaker Blvd, Fort Myers, FL 33916
Phone: 239-936-5222 Fax: 239-936-7228 Email: Sharon@qalnc.net
6. Date of ARB meeting requested for presentation: December 22, 2016
(Applicant shall be notified to confirm placement on the agenda)
7. Primary Firm/Person Presenting Project to LAARZB:
Name / Title: Sergio Guzman, E.I.
Address: 4301 Veronica Shoemaker Blvd, Fort Myers, FL 33916
Phone: 239-936-5222 Fax: 239-936-7228 Email: Sergio@qalnc.net
8. Provide name and contact information of additional persons to receive correspondence from the ARB.

9. County staff Reviewer: Robert Hutcherson, AICP
Email: RHutcherson@leegov.com Phone: 239-533-8890
10. Has project been presented to Community Development or Lee County Hearing Examiner or other public presentations: Yes X No _____ Dates: 3/2/2009
Application No.: DCI2007-00048 & Resolution 7-08-051
11. Direction to the project site: The site is located on the southeast quadrant of Lee Blvd and Lee Street

Attachment J

LEHIGH ACRES ARCHITECTURAL & ZONING REVIEW BOARD

12. Proposed Use: Construction will consist of Retail (Drugstore) and Fast Food Restaurant

13. Adjacent Zoning and Land Uses:

North: CPD

South: RS-1

East: RS-1

West: CPD

14. Project summary. Provide information of how the project will provide for, achieve and maintain a unified and pleasing aesthetic quality as defined by the community standards set forth in Chapter 33 and other similar projects previously approved and built:

The proposed development is under review by Lee County Development Services under the case file DOS2016-00010. The project follows the typical architectural style for CVS pharmacy, which is a contemporary-mediterranean style. The building height and lighting meet the local land development code. The proposed layout is similar to commercial project along Lee Blvd. Therefore, the proposed development does not vary from the standards set forth by Chapter 33.

15. Project Checklist submitted: X Yes _____ No

16. Application Fee Submitted: Type 1 \$50.00 _____ Type 2: \$150.00 X

PROPERTY OWNER/APPLICANT

I hereby certify that I am the owner of record or authorized agent for the property described in Section 1 above and that I approve of the requested action herein.

Signature: _____

Date: 4/14/2016

Print Name: Sergio Guzman, E.I.

Title: Authorized Agent

ACTION TAKEN

☐ LACP-ARB

DATE

1-28-17

DECISION

Motion Passed 7-1

Initials: CPD

☐ LACPP

Initial: _____

Attachments: _____

*Recommend approval of Development
Order as submitted no action
on zoning issues*

APPROVED
DOS2016-00010
Robert Hutcherson, AICP, Development Review Representative
Development Services
12/21/2018

****FINAL INSPECTION REQUIRED****
 At the completion of the improvements, please submit a Letter of Substantial Compliance to schedule a Final Inspection.

Development Order Approval does not vest nor guarantee that changes will not be required, if subsequent changes are made to the Uniform Lee County Fire Code.

VEGETATION PERMIT REQUIRED
PRIOR TO ANY SITE WORK
 Protective barricades must be constructed and inspected prior to permit issuance. Please contact Division of Environmental Sciences (239) 533-6398.

LEE COUNTY
DOT RIGHT-OF-WAY
PERMIT REQUIRED

DOS2016-00010

OWNER / DEVELOPER:

BERMUDEZ LUIS A & AMERICA F
 325 NW 119TH CT
 MIAMI, FL. 33182

Please Note: Final Development Order does not confer approval for signage

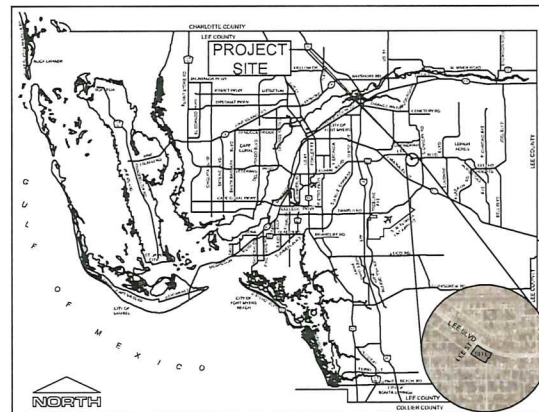
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2	07/05/2018	REVISION FOR LEE COUNTY COMMENTS DATED 06/13/2018
3	09/05/2018	REVISION FOR LEE COUNTY COMMENTS DATED 08/14/2018
4	09/05/2018	REVISION FOR LEE COUNTY COMMENTS DATED 08/14/2018
5	11/02/2018	REVISION FOR LEE COUNTY COMMENTS DATED 09/04/2018

DEVELOPMENT ORDER PLANS

LEE CORNERS

4925 LEE BLVD.
 LEHIGH ACRES, FL. 33971

LOCATION MAP



LEE COUNTY, FLORIDA

SECTION 29, TOWNSHIP 44S, RANGE 26E

STRAP #29-44-26-07-00055.0010,.0020,.0030,.0230,.0240,.0250,.0260,.0270

QAI PROJECT # - 141116-PHASE 1

CONTRACTOR SHALL OBTAIN CHALLENGE FROM THE APPROVED
 CAD FILE BY QUATTRONE AND ASSOCIATES

SHEET LIST

SITE DEVELOPMENT: SD

- SD 01 COVER
- SD 02 EXISTING CONDITION & DEMO PLAN
- SD 03 AERIAL & FLUCCS PLAN
- SD 04 SWP3 & EXISTING HYDROLOGY PLAN
- SD 05 MASTER SITE PLAN
- SD 06 MASTER STRIPING PLAN
- SD 07 PAVING GRADING & DRAINAGE PLAN
- SD 08 TYPICAL PROJECT DETAILS & SECTIONS
- SD 09 TYPICAL DETAILS
- SD 10 TYPICAL NOTES
- SD 11 MASTER UTILITY PLAN
- SD 12 LIFT STATION DETAILS
- SD 13 LCU DETAILS
- SD 14 LIGHTING PHOTOMETRIC PLAN
- SD 15 LIGHTING PHOTOMETRIC DETAILS

LANDSCAPING: LS

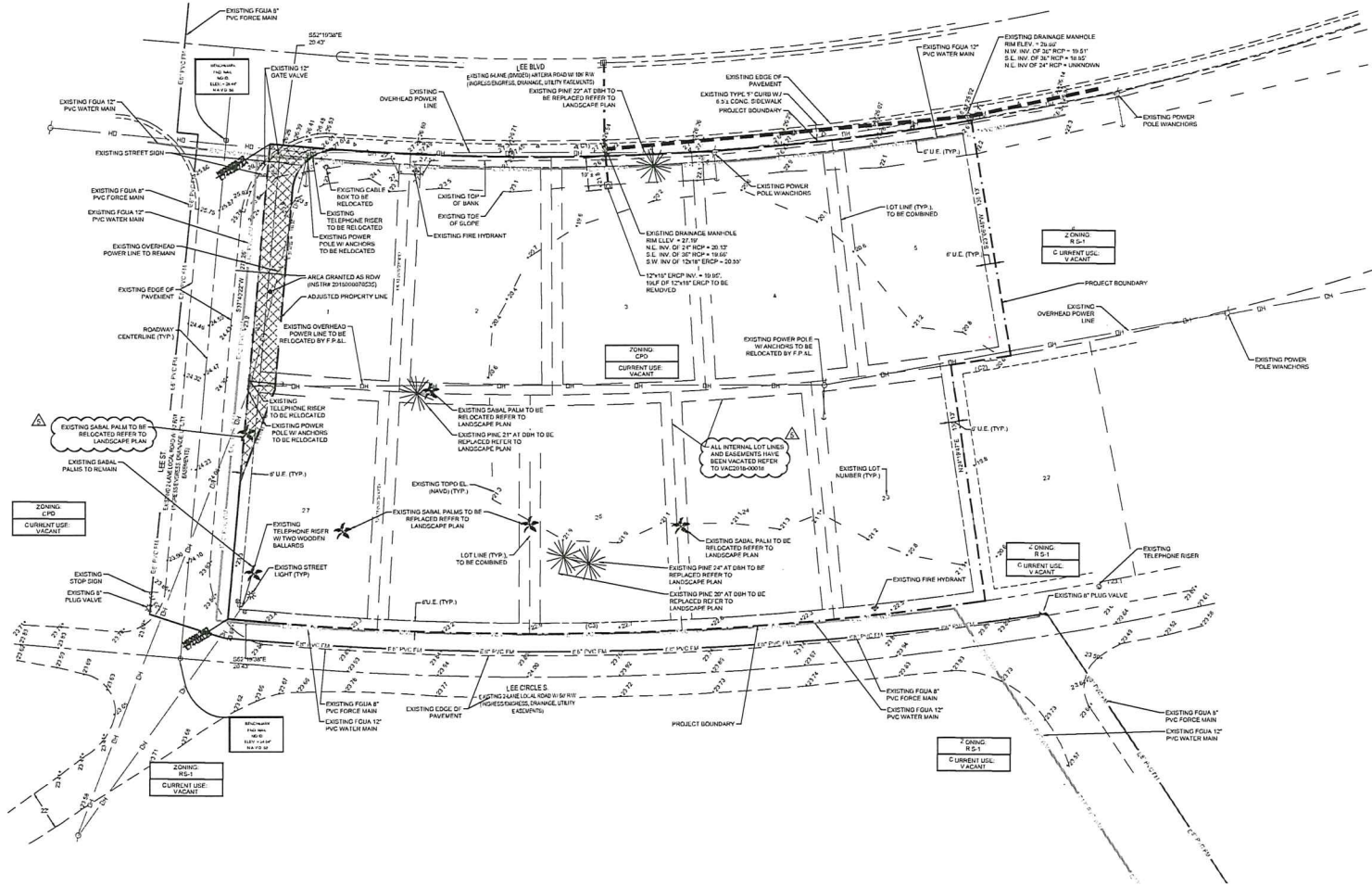
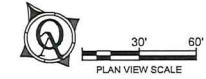
- LS 01 LANDSCAPING PLAN - A
- LS 02 LANDSCAPING PLAN - B



ALFRED QUATTRONE, P.E.
 FL. REG. #82741
 DATE:

CURVE TABLE				
CURVE	DELTA ANGLE	RADIUS	ARC CHORD	CHORD BEARING
C1	14°32'34"	1,493.77	379.58	S59°34'29"E
C2	01°12'59"	1,629.90	34.60	N68°16'42"W
C3	13°20'35"	1,766.03	411.27	N58°59'55"W

APPROVED
DOS2016-00010
Robert Hutcherson, AICP, Development Review Representative
Development Services
12/21/2018



LEE CORNERS
EXISTING CONDITION & DEMO PLAN
4925 LEE BLVD.
LEHIGH ACRES, FL 33971

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
3301 Veronica Shoemaker Blvd. - Fort Myers, Florida 33916 - 239-934-5222
Certificate of Professional Engineer Number: 5485

ALTRIS QUATTRONE, P.L.L.C. REG. 005741
DESIGNED BY: ALTRIS QUATTRONE, P.L.L.C.
PLOTED BY: BLANCO
RE: 141116-00010
SHEET
02 OF 15

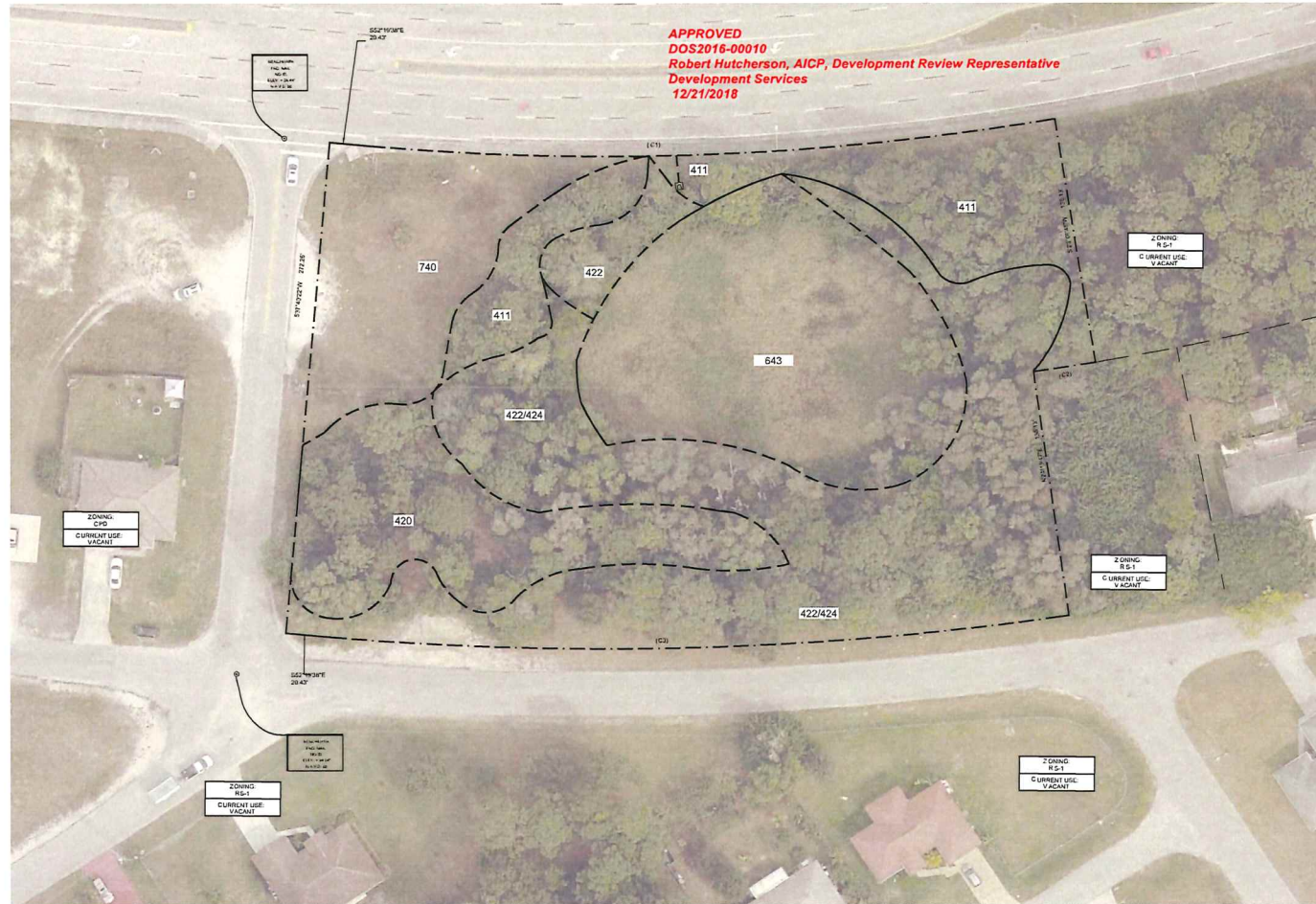
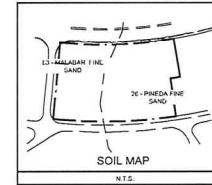
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Attachment J

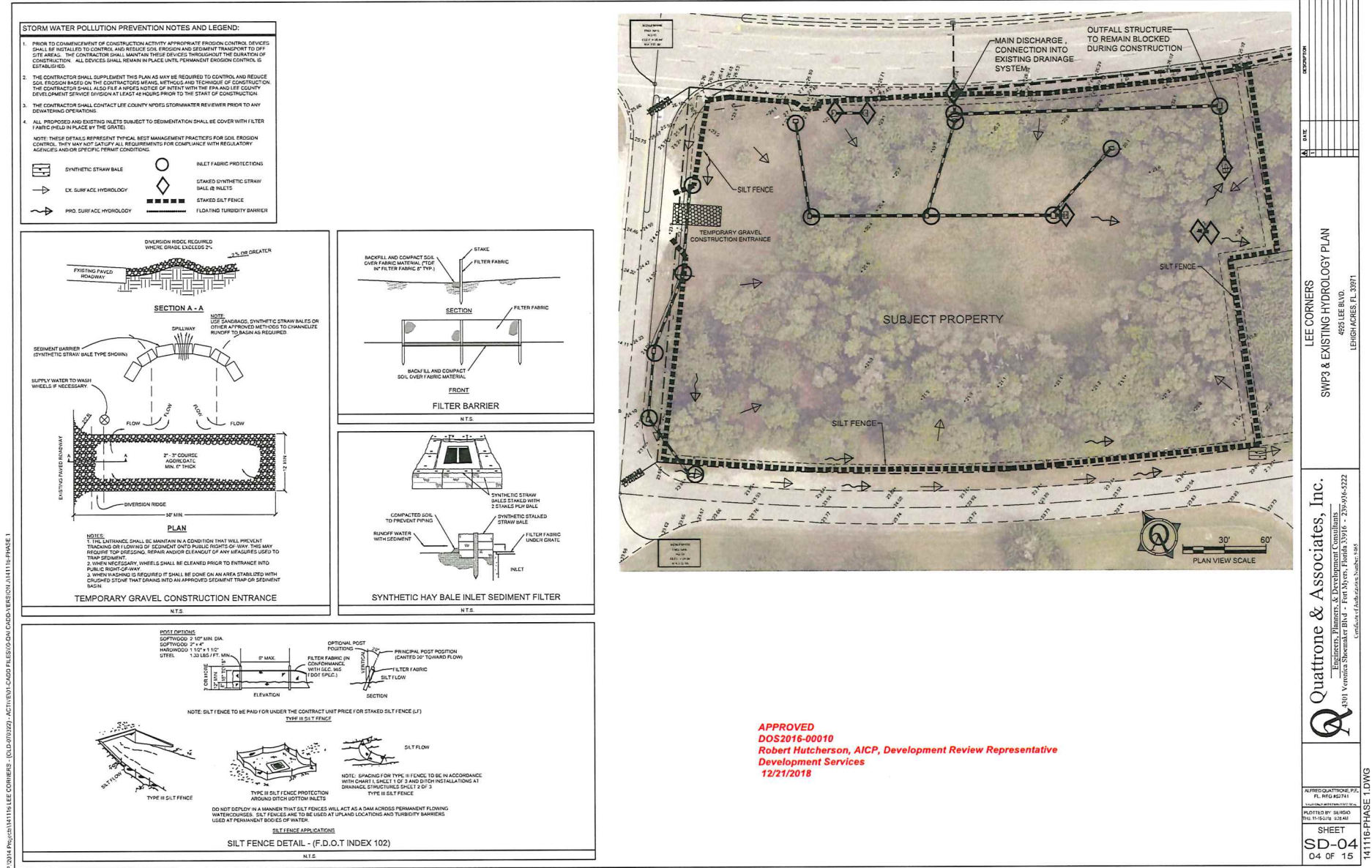
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C2	81°12'59"	1,629.00	34.60	34.60	N86°16'42"W
C3	13°29'35"	1,766.03	411.27	410.34	N58°59'55"W

422 / 424 - BRAZILIAN POWER & McALENDA
420 / 424 - B. POWER & McALENDA HYBRIC
411 - SLASH PINE
M0 - PREDOMINANTLY FORESTED
740 - DISTURBED/FORESTED
H - HYDRIC
*WETLAND LINES NOT VERIFIED BY AGENCIES
**WETLAND DELINEATION IS APPROXIMATE, NOT LOCATED BY SURVEYOR

8.53 AC (20.55%)
8.45 AC (21.17%)
8.35 AC (20.86%)
8.35 AC (20.86%)
8.57 AC (21.54%)
8.35 AC (20.53%)



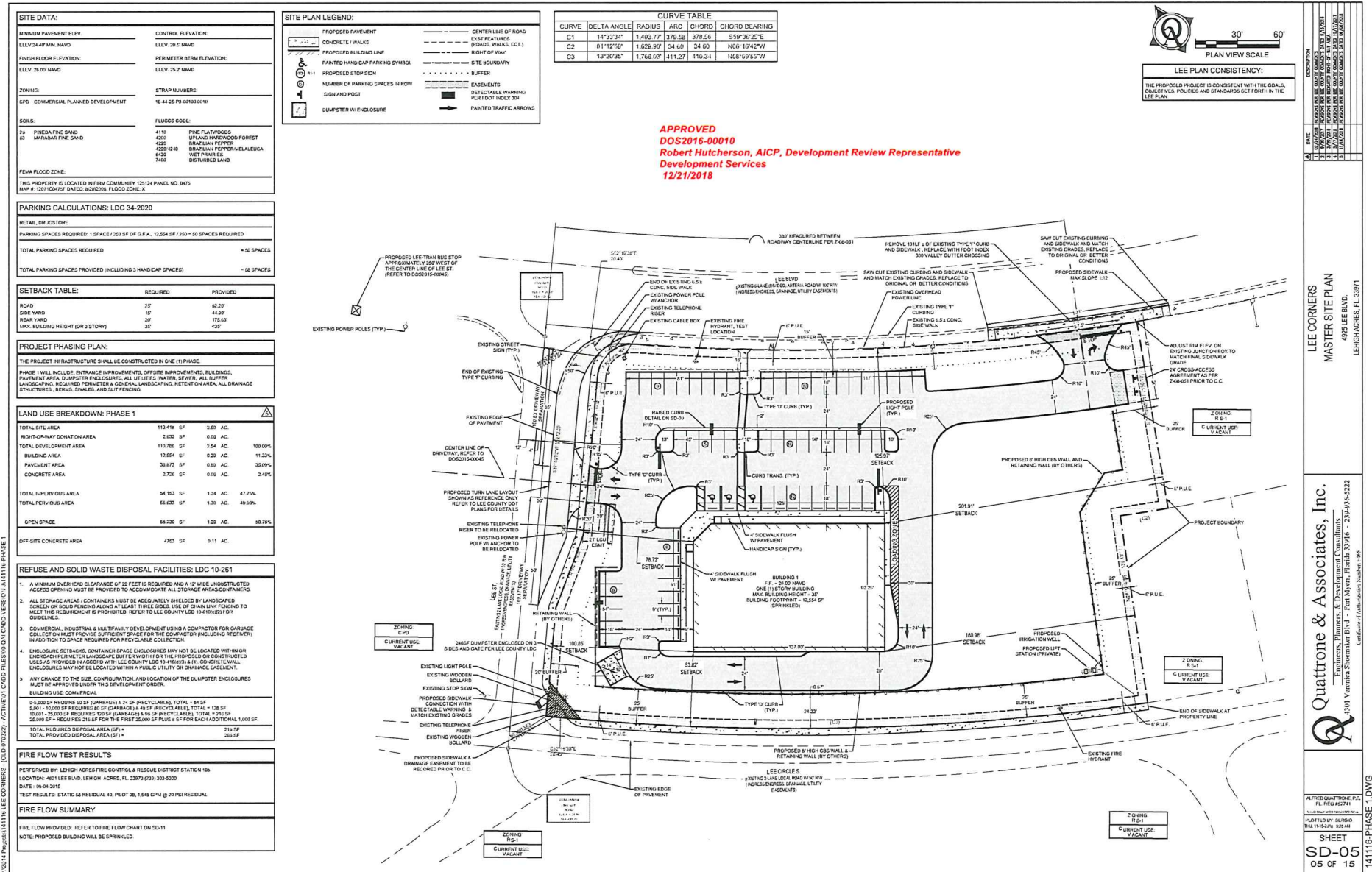
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Quattrone & Associates, Inc. Engineers, Planners, & Development Consultants 1301 Veranda Shores Blvd - Fort Myers, Florida 33916 - 239-936-5222 Certificate of Accreditation Number: 1495	
ALFRED QUATTRONE, P.E. R. HILL, RSTPA DESIGNED BY: BUREAU PLOT BY: BUREAU 12/15/2016 10:41 AM	
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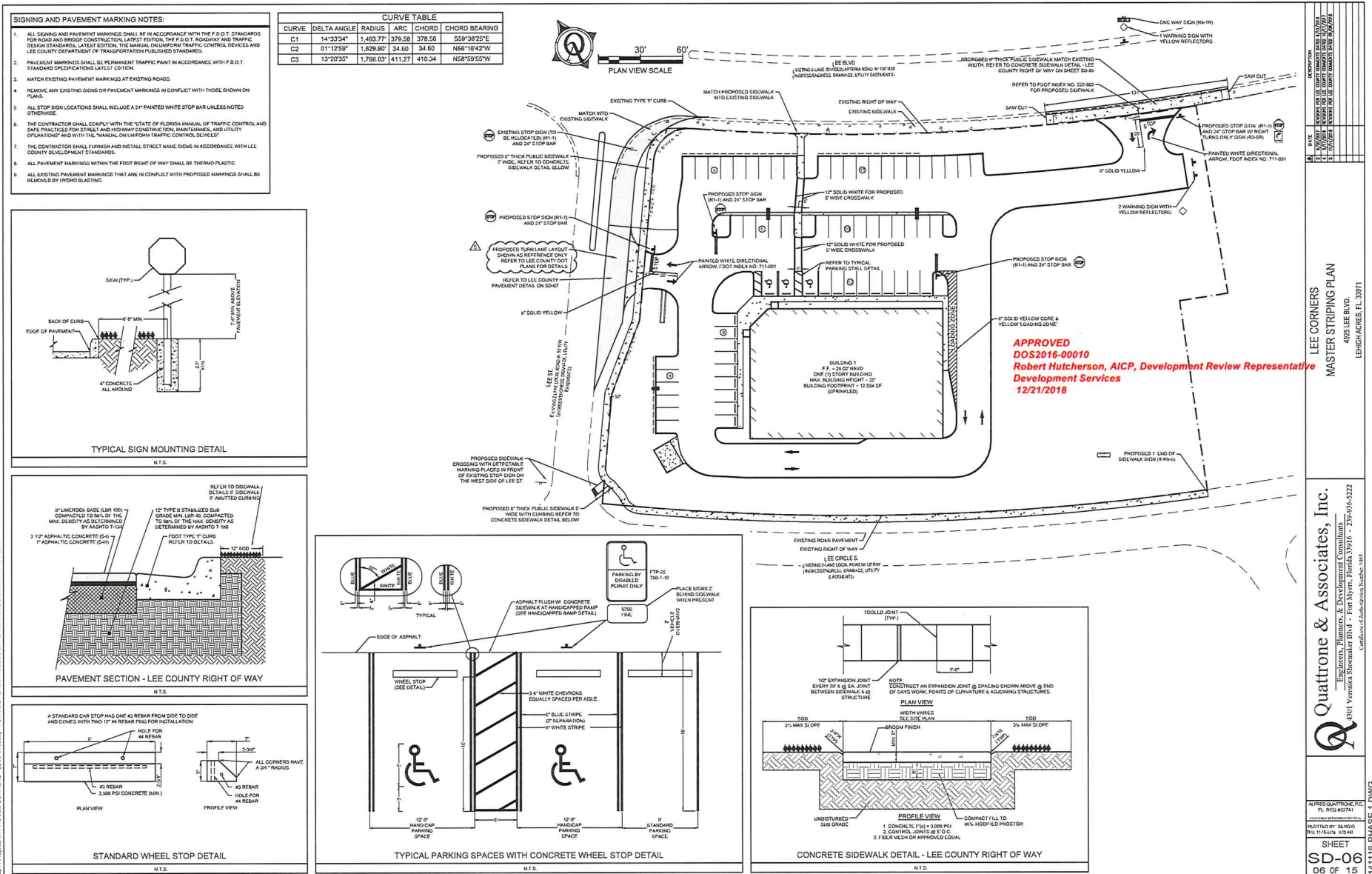


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Quattrone & Associates, Inc. Engineers, Planners, & Development Consultants 1301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222 License of Architecture Number: 148	APPROVED BY: BLAND DATE: 12/21/2018 SHEET SD-04 04 OF 15

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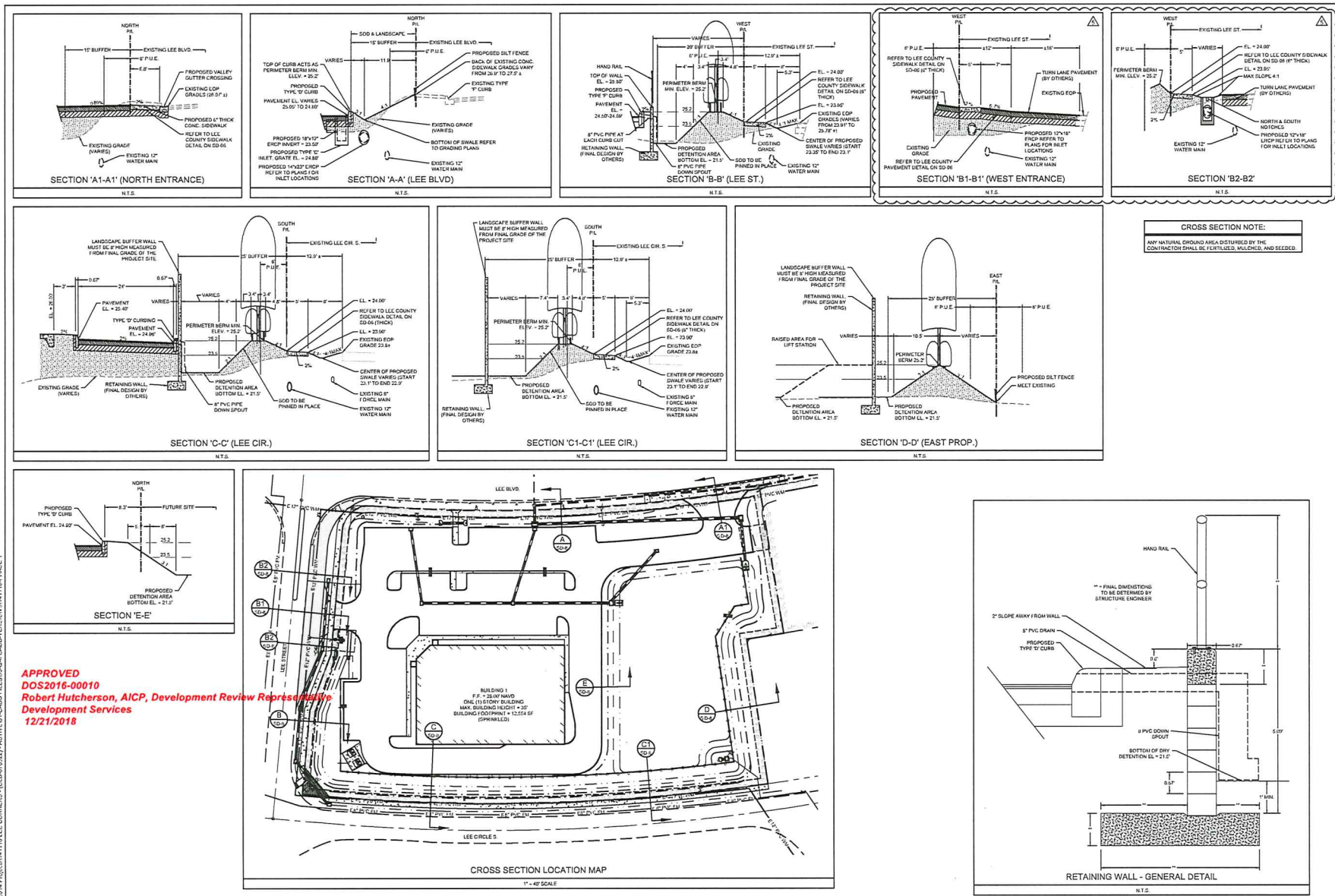


LEE CORNERS
PAVING, GRADING & DRAINAGE PLAN

Quattrone & Associates, Inc.

ALFRED QUATTRONE, P.E.
FL. REG #52741
PLOTTED BY: SARGO
TEL: 11-150710 929 AM
SHEET
SD-07
07 OF 15

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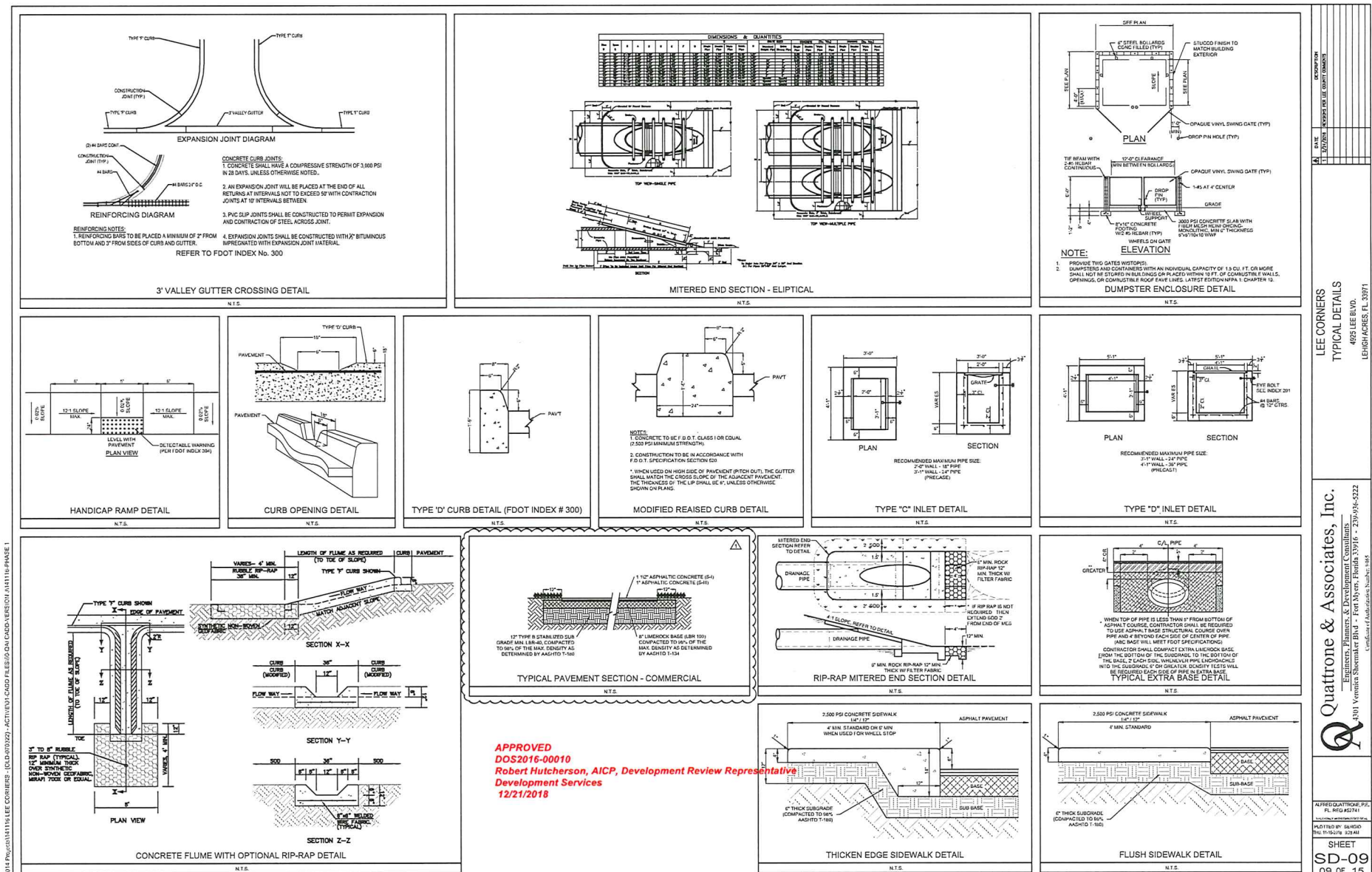
APPROVED
DOS2016-00010
Robert Hutcherson, AICP, Development Review Representative
Development Services
12/21/2018

LEE CORNERS
TYPICAL PROJECT DETAILS & SECTIONS
4555 LEE BLVD.
LEHIGH ACRES, FL 33911

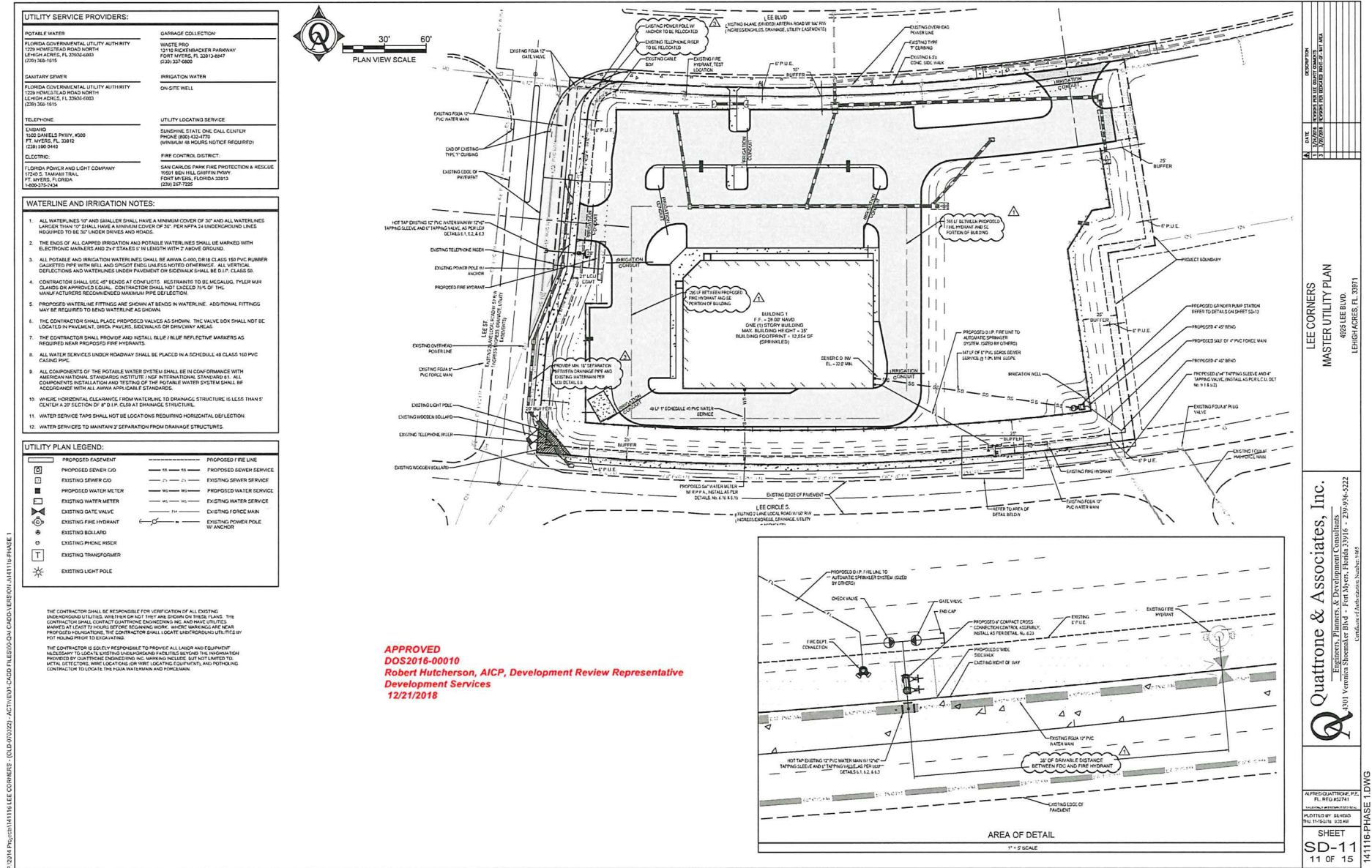
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Engineers, Planners, & Development Consultants
1401 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222
Certificate of Professional Engineer Number: 1448

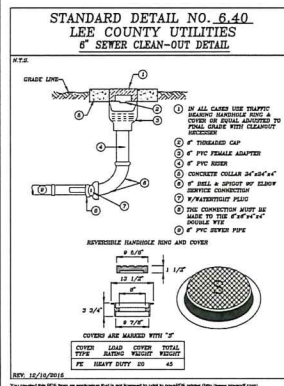
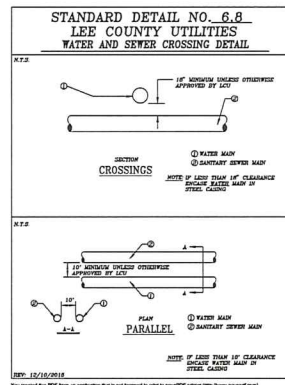
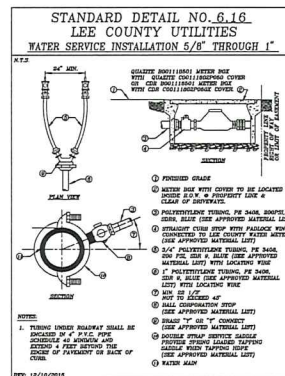
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R. HUGHES
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TIME: 11:55:16 AM
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SD-08
08 OF 15

141116-PHASE 1.DWG



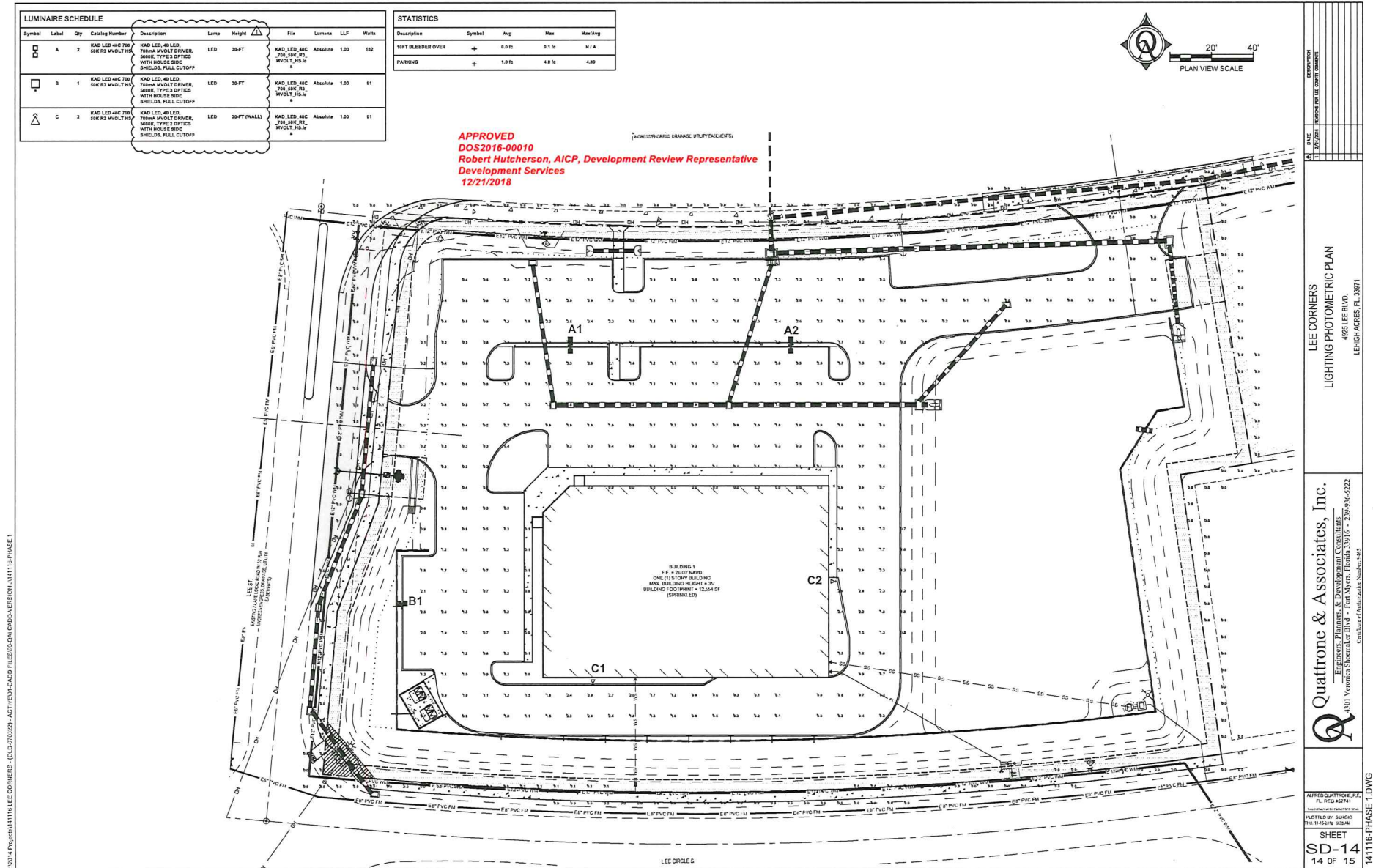
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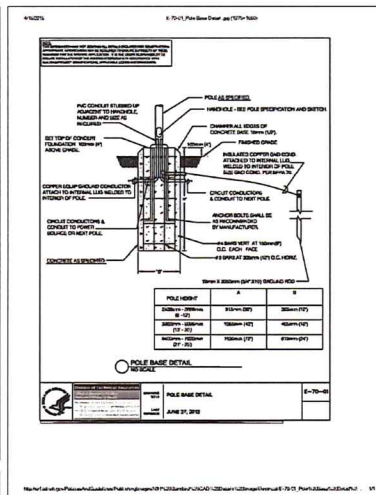
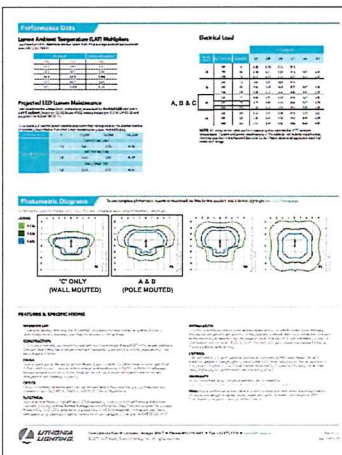




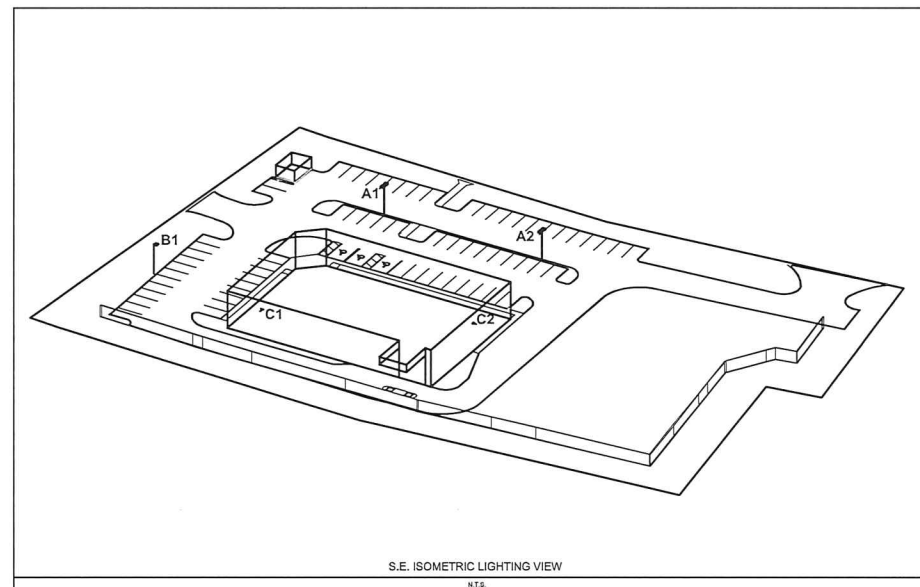
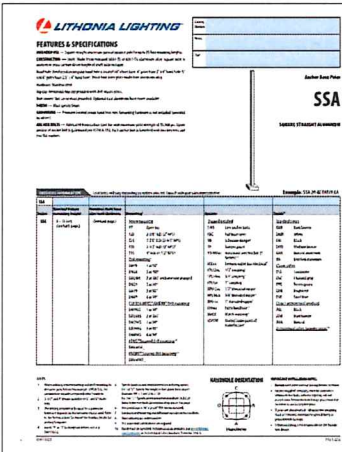
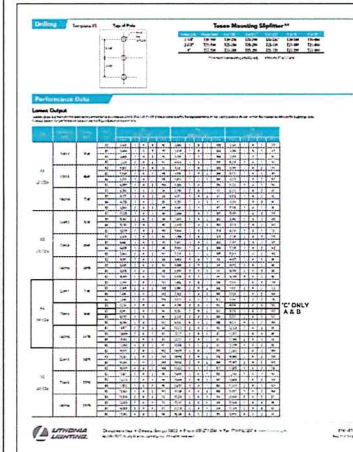
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FL. REG #52741
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SHEET
SD-13
13 OF 15





APPROVED
DOS2016-00010
Robert Hutcherson, AICP, Development Review Representative
Development Services
12/21/2018



 Quattrone & Associates, Inc. <u>Engineers, Planners, & Development Consultants</u> 4301 Verónica Shoremaster Blvd. • Fort Myers, Florida 33916 • 239-936-5222 <i>Certificate of Professional Engineer Number: 5485</i>		LEE CORNERS	
		LIGHTING PHOTOMETRIC DETAILS	
ALFRED QUATTRONE, P.E. FL REG #52741 ALFRED QUATTRONE, P.E. is duly licensed by the State of Florida to perform the services set forth on this drawing. PROJECT NO. 07-04-0000 DRAWING NO. 11-15-0000 3/23/08		4624 LEE BLVD. LEHIGH ACRES, FL 33971	
SHEET SD-15 15 OF 15		DATE DESCRIPTION	

Attachment K

Comparison of Incompatible Uses: Community Commercial Versus General Commercial			
Use	Community Commercial	General Commercial	Notes
Animals: Kennels	-	P	Requires 200-foot Buffers
Automobile Repair and Service, Group II	-	P	
Boat Sales	-	P	
Boat Storage, Dry, Not Exceeding 18 feet Above Grade	-	P	
Boat Storage, Dry, Exceeding 18 Feet Above Grade	-	SE	
Business Services, Group II	-	P	Includes uses with outdoor such as towing and horticultural services
Bus Station or Depot	SE	P	
Contractors and Builders, Group III	-	P	Includes storage of Heavy Equipment
Farm Equipment Sales, Storage, Rental, or Service	-	P	
Flea Market, Open	-	SE	
Household and Office Furnishings, Group III	-	P	Includes Prefabricated Pools
Mass Transit Depot or Maintenance Facility (government owned)	-	P	
Mobile Home Dealers	-	SE	Subject to 34-1352
Parks, Group II	-	P	Includes large facilities such as arenas and stadiums
Plant Nursery	-	P	
Recycling Facility	-	SE	
Repair Shops Group III	-	P	Household Appliances
Repair Shops Group IV	-	P	Gas-powered equipment
Transportation Services, Group III	-	P	Bus-related services
Truck Stop	-	P	

Attachment K

Used Merchandise Stores, Group IV	-	P	Building materials
Vehicle and Equipment Dealers, Group I	-	P	Auto and truck dealers
Vehicle and Equipment Dealers, Group III	-	P	Boat and yacht dealers
Vehicle and Equipment Dealers, Group IV	-	P	Recreational vehicles and busses
Vehicle and Equipment Dealers, Group V	-	P	Construction equipment