

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

Case Number: DCI2023-00025

Case Name: BluWave Express Car Wash CPD

Area Subject to Request: +/- 3.92 Acres

Case Type: Minor Planned Development Rezone

Sufficiency Date: October 4, 2023

Hearing Date: December 7, 2023

REQUEST:

TDM Consulting, Inc. has filed an application to rezone approximately 3.92 acres from Agricultural (AG-2), Industrial (IL), Commercial Planned Development (CPD), and Commercial (C-2) to Commercial Planned Development (CPD) to allow a 5,309-square-foot car wash with a maximum height of 35 feet.

The subject property consists of three parcels within four different zoning districts. The subject property is located east of the Palm Beach Boulevard and Old Olga Road/Buckingham Road intersection along the north side of Palm Beach Boulevard. The subject property is located within the Suburban Future Land Use Category and Mix Use Overlay and according to the Lee Plan Maps 1-A and 1-C. The site is located within the Caloosahatchee Shores and Olga Community Plan areas. A legal description and boundary survey of the subject property are attached as Attachment B of the staff report.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, as conditioned, to rezone 3.92 acres to Commercial Planned Development to allow a 5,309-square-foot car wash with a maximum height of 35 feet (Attachment I). No deviations have been requested by the applicant.

HISTORY OF PARCELS:

The subject development consists of three parcels. The northern parcel (STRAP Number 28-43-26-00-00003.0010) is zoned Agricultural (AG-2) along the northwest property line and abutting Palm Beach Boulevard. The remainder of the parcel is zoned Industrial (IL) (Attachment C). The southwest parcel (STRAP Number 28-43-26-00-00001.0050) is zoned Commercial Planned Development and was originally part of the Winn-Dixie Shopping Center (Resolution Z-92-020) (Attachment D). The parcel was removed with the issuance of Administrative Amendment PD-96-016 (Attachment E). The southeast parcel is zoned Commercial (C-2).

CHARACTER OF THE AREA:

The subject parcels are located east of the Buckingham Road/Old Olga Road and Palm Beach Boulevard intersection on the north side of Palm Beach Boulevard. The parcels abut Palm Beach Boulevard, a State-maintained arterial road to the south. A natural waterway that is part of the Olga Watershed the subject

parcels along the west property line abut. Further west is the Winn-Dixie Shopping Plaza that is zoned CPD, which abuts Old Olga Road along the west property line. North of the subject parcels are two Agricultural (AG-2) zoned parcels. The northwest parcel is undeveloped, and the northeast parcel is undeveloped and owned by the Lee County School District. There are two properties that abut the east property lines of the subject parcels. They are zoned Residential Planned Development (RPD) and Commercial Planned Development (CPD). The RPD/CPD was approved per Resolution Z-06-028 to allow 21 multi-family dwelling units and 50,000 square feet of commercial. A church is currently located on the RPD portion and the CPD portion is vacant. Property immediately surrounding the subject property is depicted in Attachment C of this report and can be characterized as follows:

North

The subject property abuts two Agricultural zoned vacant properties.

East

Two properties zoned RPD and CPD per Resolution Z-06-028 abut the subject property to the east. The RPD property currently is developed with a church and the CPD is vacant.

South

The subject property abuts Palm Beach Boulevard, a State-maintained arterial road. Further south are properties zoned Commercial (C-1A). A portion of the C-1A property is a commercial plaza. South of the C-1A properties are Residential Two-Family Conservation (TFC-2) and Residential (RS-1) zoned property with single-family and two-family attached residential uses.

West

The subject property abuts a natural waterway and Winn-Dixie Shopping Plaza zoned CPD.

Availability of Public Services

Public Services are defined by the Lee Plan as *“the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity.”* The level of urban services currently serving the subject property are as follows:

Public water and sewer: The applicant has provided a letter of availability for potable water and sanitary sewer from Lee County Utilities. Potable water and wastewater utility lines are available in proximity to the subject property, with sufficient capacity available for one commercial unit with an estimated potable water flow of approximately 8,750 gallons per day; however, developer funded system enhancements such as line extensions may be required (see Attachment F).

Public transit and pedestrian facilities: LeeTran does not service this area of Palm Beach Boulevard and there are no shared use paths or pedestrian sidewalks abutting the subject properties.

Police, fire, and emergency services: Fort Myers Shores Fire Station #1 is located west of the subject property at 12345 Palm Beach Boulevard for both fire and EMS. The Lee County Sheriff's Office is located at 1301 Homestead Road North, approximately 11.7 miles from the subject parcel.

Property Development Regulations & Off-Street Parking

The proposed development is in the Mixed Use Overlay (MUO) per Lee Plan Map 1-C. Properties in the Mixed-Use Overlay do not have minimum lot size and setbacks. However, **LDC Section 33-1513** requires minimum setbacks for all commercial structures (Attachment O). Parking is calculated per **LDC Section 34-2020(b)**. Parking reductions in the MUO are only applied to parcels in the Intensive Development, Central Urban, or Urban Community Future Land Use Categories. The subject parcels are within the Suburban Future Land Use Category, so the parking reductions per **LDC Section 34-2020(c)** do not apply. **LDC Section 33-1515** provides the requirements for the parking lot design for parcels located in the Olga Community Plan Area. The applicant will be required to demonstrate compliance with the parking design requirements within the Olga Community Plan. The maximum building height is two-stories or 35 feet per **LDC Section 33-1513(c)**. Staff finds the proposed property development appropriate to facilitate development in accordance with the MCP (Attachment G).

DEVIATIONS:

The applicant has requested no deviations.

Review Criteria

LDC Section 34-145 establishes the review criteria for rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find 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.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;

- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The applicant has provided a narrative that addresses the planned development rezoning request with analysis against the applicable criteria (see Attachment H). The following provides staff's analysis of the request, as measured against the established criteria.

REVIEW CRITERIA ANALYSIS:

The subject properties are within the Suburban Future Land Use Category (FLUC) per the Lee Plan. **Lee Plan Policy 1.1.5** states that these areas will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. Rezoning the subject property to CPD increases the commercial node that exists at the intersection of Buckingham Road/Old Olga Road and Palm Beach Boulevard and provides commercial uses to support the residential subdivisions surrounding the subject parcel. Two subdivisions located to the south of the subject property, Reserve at Buckingham, and Riverdale Estates, consist of quarter to half acre single family lots. The surrounding properties are in the Suburban Future Land Use Category. East of South Olga Drive, which is located east of the subject properties, are parcels within the Commercial Future Land Use Category (Lee Plan Policy 1.1.10) increasing the commercial intensity along Palm Beach Boulevard. **Lee Plan Policy 1.6.5** establishes the distribution, extent, and location of land uses through the Lee Plan's horizon per the Planning Districts Map and Acreage Allocation Table per Map 1-B and Table 1(b). Currently, there are 450 acres allocated for commercial development within the Fort Myers Shores Planning Community; therefore, the applicant's request to rezone 3.92 acres for commercial uses complies with **Lee Plan Policy 1.6.5**. Staff finds the request, as conditioned, to be **CONSISTENT with Policies 1.1.5 and 1.6.5**.

The applicant held a public information meeting on October 2, 2023, at Cross Roads Baptist Church which is located in the Caloosahatchee Shores Planning Community in accordance with LDC Section 33-1482 (Attachment R). No one from the public attended the meeting.

The proposed development complies with **Objectives 2.1 and 2.2** for development location and timing due to the variety of surrounding residential uses to support the proposed commercial use. As mentioned, there is access to potable water and sewer, fire and EMS stations are within three miles of the properties demonstrating compliance with **Lee Plan Objectives 2.1 and 2.2 and Policy 2.2.1 and Standards 4.1.1 and 4.1.2**.

Lee Plan Objective 6.1 and Policies 6.1.1, 6.1.4, 6.1.5, 6.1.6, and 6.1.7 require commercial land uses to be consistent with policies that require the availability of essential services, site design standards to provide

landscaping, open space, and buffering, proximity to other similar centers, traffic carrying capacity, and the impact on surrounding uses. The development is in an area that is served by central water and sewer, EMS, Fire, and Police protection. Commercial development at varying intensities exists in this area, creating a commercial node. The applicant has provided a Master Concept Plan that depicts Land Development Code (LDC) required buffers and open space (see Attachment G). The open space is in compliance with **LDC Section 33-1514(1)** which requires 30 percent open space (51,269 square feet). The project is over two acres of impervious and **LDC Section 10-415** requires half of the open space to be provided as indigenous open space (25,635 square feet). The MCP demonstrates code compliant open space. The buffers must be in compliance with **LDC Section 34-1353(e)**, which requires a 25-foot-wide buffer along Palm Beach Boulevard consisting of five trees per 100 linear feet and a double hedge row. If the drainage system is designed as an open system, an undulating berm with a maximum slope of 3:1 must be constructed along the entire length of the landscape buffer. Buffers along the east and north are required to be five feet wide with four trees per 100 linear feet per **LDC Section 10-416(d)**. The applicant must provide a 50-foot natural waterway buffer on one side of the creek because the creek is located along the west property line and the west side of the creek is not located on the subject property. The applicant depicts on the MCP the 50-foot natural waterway buffer, located within the indigenous open space preserve, measured from the top of bank rather than mean high water line in accordance with **LDC Section 10-416(d)(9)** (Attachment S). A 20-foot access easement for maintenance of the waterway is being provided per **LDC Section 10-416(d)(9)c**. The Traffic Impact Statement provided by the applicant and reviewed per the Institute of Transportation Engineers trip generation manual for a 5,309-square-foot automated car wash or an automated car wash with one tunnel is attached as Attachment J. Infrastructure Planning has provided a staff memorandum and determined that the request will not have an adverse effect on the surrounding roadway system and that access to the site is subject to Florida Department of Transportation (Attachment K). Staff finds the proposed project, as conditioned, to be consistent with the **Lee Plan Objective 6.1 and Policies 6.1.1, 6.1.4, 6.1.5, 6.1.6, and 6.1.7**.

Lee Plan Objectives 60.2 and 60.3 and Policies 60.1.1, 60.4.1, 60.4.2, and 61.3.11 all speak to the design of the stormwater management system and the utilization of green infrastructure to filter pollutants and protect the surrounding natural environment. The applicant submitted a Surface Water Management Plan (Attachment L). The site has an existing wetland and drainage area along the west property line. The applicant is proposing to direct stormwater runoff to dry detention areas before outfalling into the indigenous wetland preserve, which is in compliance with **Lee Plan Policies 60.4.1, 60.4.2, and 61.3.11**. The applicant is providing a 50-foot natural waterway buffer that is located within the indigenous preserve that will provide further attenuation. The drainage system is being designed to preserve the existing drainage patterns, which currently sheet flow to the wetlands, and to block any natural runoff to or from adjacent properties in an effort to not negatively affect the surrounding uses. The proposal is consistent with **Lee Plan Policies 60.4.1 and 60.4.2** which encourage new developments to design the surface water management systems to preserve and incorporate existing wetlands. Natural Resources has provided a staff report as Attachment M. Staff finds the request, as conditioned, to be consistent with **Lee Plan Objectives 60.2 and 60.3 and Policies 60.1.1, 60.4.1, 60.4.2, and 61.3.11**.

The subject properties are in the Caloosahatchee Shores and Olga Community Plan Areas in accordance with the Lee Plan Map 2-A. **Lee Plan Objective 21.2** limits new commercial uses to properties already zoned for commercial use. New commercial zoning must be approved through the planned development

process. This objective encourages redevelopment of existing commercial sites and increased commercial opportunities. Two of the zoning districts encompassing the rezoning request are AG-2 and IL; therefore, the applicant must request a planned development. **Lee Plan Policy 21.2.1** states that the commercial uses should service the retail needs of the Caloosahatchee Shores and surrounding rural communities by focusing the commercial uses north of State Road 80 (Palm Beach Boulevard) and east and west of State Road 31, which are considered the commercial nodes in the community. The subject properties are located north of Palm Beach Boulevard and east of State Road 31 demonstrating compliance with **Lee Plan Objective 21.2 and Lee Plan Policy 21.2.1**.

Goal 22 provides the guidelines for maintaining the heritage and character of the Olga community by preserving heritage trees and maintaining natural habitats in accordance with **Lee Plan Policies 22.1.5 and 22.1.7**. The applicant is required to provide half of the required open space as indigenous open space and has depicted preserving the wetland hardwood hammock existing onsite. In addition, the wetland hardwood hammock will provide the required natural waterway buffer for the tributary that is located along the western boundary. Heritage trees will either be incorporated into the development footprint or replaced with a minimum 20-foot-in-high native tree species in accordance with **Lee Plan Policy 22.1.5**.

The applicant provided a Protected Species Survey indicating the presence of indigenous vegetation communities consisting of Mixed Wetland Hardwoods (FLUCCS 617E1) and Pine Mesic Oak (FLUCCS 414E2) (Attachment N). No protected species or evidence of protected species were found on the site. The environmental consultant indicated that a formal jurisdictional wetland determination had not been completed; therefore, the acreage of State protected wetlands could increase once South Florida Water Management District completes their review. **Lee Plan Policy 124.1.1** ensures that development in wetlands is limited to low density residential uses and uses of recreational, open space, or conservation nature that are compatible with wetland functions. Commercial uses are not an allowable use in wetlands. At time of development order, the applicant may need to update the design if the wetland boundaries increase or provide staff information about on or offsite mitigation to be consistent with **Lee Plan Policy 124.1.2**. Staff has provided a condition to ensure consistency with the **Lee Plan Policy 124.1.2** (Attachment I).

The subject properties are within the Mixed Use Overlay per Map 1-C of the Lee Plan. **Objective 11.2** describes the purpose of the overlay as appropriate places for mixed use due to their proximity to public transit routes, education facilities, recreational opportunities, and existing residential, shopping, and employment centers. Although there currently is not a LeeTran transit route serving this area, the subject properties are located east of the intersection of Buckingham Road/Olga Road and Palm Beach Boulevard which is considered a commercial node. The proposed project will provide a service to the surrounding single-family subdivisions located north, south, and east of the subject properties.

Land Development Code Compliance

Staff finds the proposed planned development rezoning request, as conditioned, to be in compliance with the LDC, including regulations which pertain to:

- Use and corresponding supplemental regulations, such as parking;
- LDC Chapter 10 Development Standards; and

- Details required on the MCP and compliance with Division 9 of Article VI, Chapter 34, Planned Development Districts.

All relevant County regulations, which are not specifically deviated from as part of this planned development request, will apply, such as LDC, Code of Ordinances and Administrative Code provisions. If future deviations are proposed, each will be evaluated within the parameters of the established LDC review criteria.

Compatibility with existing and planned uses in the surrounding area.

Staff finds the request, as conditioned, to be compatible with existing and planned uses in the surrounding area. Rezoning the subject property will extend the existing commercial node east of the intersection of Buckingham Road/Old Olga Road and Palm Beach Boulevard, which will diversify the existing retail, medical offices, shopping centers, and commercial outparcels. The applicant has provided Property Development Regulations that are consistent with **LDC Section 33-1513(a)** and maximum building height of 35 feet in accordance with **LDC Section 33-1513(c)** (Attachment O). The Schedule of Uses are consistent with **LDC Section 34-934** (Attachment P). The applicant has provided a Master Concept Plan that demonstrates compliance with required buffers and open space per **LDC Sections 34-1353 and 33-1514**. The request will remain compatible with the surrounding uses.

Sufficiency of Access and Transportation Impacts.

The applicant has provided a traffic impact statement (TIS) concerning trip generation expected by an automated car wash or automated car wash with one tunnel (see Attachment J). Infrastructure Planning staff has reviewed the applicant's TIS and has provided separate memorandum concerning the project's transportation impacts (see Attachment K). In summary, the vehicular trip generation associated with the request includes 75 new trips in the PM peak hour and eight new trips in the AM peak hour for an automated car wash. The automated car wash with one tunnel generated 78 new trips in the PM peak hour and nine new trips in the AM peak hour. Since the project is generating less than 100 new trips, the zoning traffic impact statement is not required to provide roadway section traffic operation level of service or roadway intersection traffic operation level of service analysis per Administrative Code 13-17. The proposed project will not adversely impact the surrounding roadway system based on the PM peak and AM peak hour trip generation. The access to the project from Palm Beach Boulevard will be evaluated by the Florida Department of Transportation because Palm Beach Boulevard is a state road.

No adverse impacts to environmentally critical or sensitive areas and natural resources.

There are wetlands and a creek along the western boundary of the site as indicated by the Protected Species Survey (Attachment N). **Lee Plan Policy 124.1.2** states that the County will not undertake an independent review of impacts to wetlands authorized by the South Florida Water Management District and that no development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. The project is not currently under

State review; therefore, the State wetland acreage is unknown. The applicant may need to revise the design to propose protection of wetlands or mitigate for the impacts which will be reviewed at time of development order. The applicant's Protected Species Survey indicates that there were no protected species onsite. Environmental Staff have provided a staff report (Attachment Q).

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

As noted, and defined above, the subject property is located within a future suburban area. Never the less, the subject property has adequate access to urban services to accommodate the development proposed by the request. Future improvements required by the LDC at time of local development order approval will further improve urban services and pedestrian facilities surrounding the subject property.

Supplemental Planned Development Criteria.

Staff finds the request to be consistent with the following additional criteria:

- a) The proposed use or mix of uses is appropriate at the proposed location; and
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

OUTSTANDING ISSUE:

The applicant must revise the Master Concept Plan to provide the required setbacks per **LDC Section 33-1513**.

CONCLUSION:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds the request to be consistent with the established review criteria. The minor CPD rezone is consistent with the Suburban future land use designation and the applicable goals, objectives, and policies of the Lee Plan. The request, as conditioned, is appropriate in the context of its surroundings. Staff recommends **APPROVAL** of the request to rezone the property from AG-2, CPD, C-2, and IL to CPD to allow a maximum of a 5,309-square-foot automated car wash with a maximum height of 35 feet with the conditions attached as Attachment I of this report.

ATTACHMENTS:

- A. Expert Witness Information
- B. Sketch and Legal Description
- C. Location Aerial, Future Land Use, and Current Zoning Maps
- D. Winn Dixie Shopping Plaza Resolution Z-92-020
- E. Winn Dixie Shopping Plaza Administrative Amendment PD-96-016
- F. Utility Availability Letter
- G. Master Concept Plan
- H. Applicant's Project Narrative

- I. Recommended Conditions of Approval
- J. Traffic Impact Statement (TIS)
- K. Infrastructure Planning Staff Memorandum
- L. Surface Water Management Plan
- M. Natural Resources Staff Report
- N. Protected Species Survey
- O. Proposed Property Development Regulations
- P. Schedule of Uses
- Q. Environmental Staff Report
- R. Public Information Meeting
- S. Natural Waterway Buffer Cross Section

Exhibit A

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

Case Number: DCI2023-00025
Project Name: BluWave Express Car Wash
Hearing Examiner Date: December 7, 2023

Beth Workman, Principal Planner, Zoning, 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, and Environmental Sciences.
- 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.

Brandon Dunn, Planning Manager, 1500 Monroe Street, Fort Myers, FL 33901

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- 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

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- 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.

Md Rakibul (Rakib) Alam, Senior Transportation Planner, Infrastructure Planning, 1500 Monroe Street, Fort Myers, FL 33901

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- Seeking to be qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- 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.

Nic DeFilippo, Senior Environmental Planner, Planning, 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, and Environmental Sciences.
- 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 B

DESCRIPTION TO ACCOMPANY SKETCH
EXHIBIT "A"

DESCRIPTION:

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 28, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE AFORESAID SECTION 28; THENCE RUN S.00°47'07"E. ALONG THE EAST LINE OF SAID SECTION 28 FOR 658.99 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 28; THENCE RUN S.89°08'48"W. ALONG SAID NORTH LINE FOR 1316.42 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) FOR SAID SECTION 28; THENCE RUN S.00°48'04"E. ALONG THE WEST LINE OF SAID FRACTION FOR 330.86 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.00°48'04"E. ALONG SAID WEST LINE FOR 149.14 FEET; THENCE RUN N.89°08'55"E. FOR 149.52 FEET; THENCE RUN S.00°48'10"E. FOR 262.82 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PALM BEACH BOULEVARD (150 FEET WIDE); THENCE RUN S.77°11'45"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 490.31 FEET; THENCE RUN N.12°48'12"W. FOR 25.00 FEET; THENCE RUN N.15°42'06"E. FOR 250.97 FEET; THENCE RUN N.08°31'00"E. FOR 252.10 FEET; THENCE RUN N.89°12'53"E. FOR 223.15 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 170897.8 SQUARE FEET OR 3.92 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE AFORESAID SECTION 28 AS BEING S.00°47'07"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: 2022.10.26
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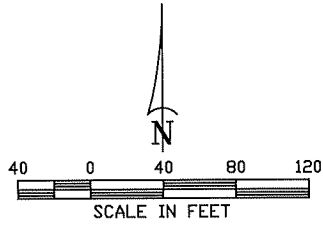
PHILLIP M MOULD
LS5615
OCTOBER 26, 2022

REVIEWED
DCI2023-00025
Hunter Searson, GIS
Planner
Lee County Government
6/26/2023

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.

SKETCH TO ACCOMPANY DESCRIPTION
A PARCEL OF LAND LYING
IN THE NE 1/4 OF SECTION 28,
TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA



POINT OF
COMMENCEMENT
N.E. CORNER OF
SECTION 28-43-26

21 22
27

N.W. CORNER SW 1/4
NE 1/4 NE 1/4 OF
SECTION 28-43-26

S.89°08'48"W. 1316.42'

N. LINE SW 1/4 NE 1/4
NE 1/4 OF SECTION 28-43-26

S.00°47'07"E. 658.99'
E. LINE SECTION 28-43-26

THIS IS NOT A BOUNDARY SURVEY

SEE EXHIBIT "A", SHEET 2 OF 2
FOR DESCRIPTION

D.R. BOOK 397, PAGE 289

N.89°12'53"E. 223.15'

POINT OF BEGINNING

S.00°48'04"E. 330.86'

149.14'
S.00°48'04"E. NE 1/4 OF SECTION 28-43-26

D.R. BOOK 2266, PAGES 1968-1969

N.89°08'55"E.

149.52'

D.R. BOOK 4562,
PAGE 2870-2871

S.00°48'10"E. 262.82'

D.R. BOOK 2266, PAGES 1968-1969

D.R. BOOK 4562, PAGE 2870-2871

N.08°31'00"E. 252.10'

N.15°42'06"E. 250.97'

N. LINE SW 1/4 NE 1/4 OF SECTION 28-43-26

D.R. BOOK 4562,
PAGE 2870-2871

D.R. BOOK 414,
PAGE 232

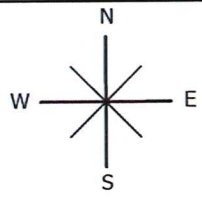
N.12°48'12"W. 25.00'

N. R/W PALM BEACH BOULEVARD

S.77°11'45"W. 490.31'

PALM BEACH BOULEVARD (SR80)
(150' R/W)

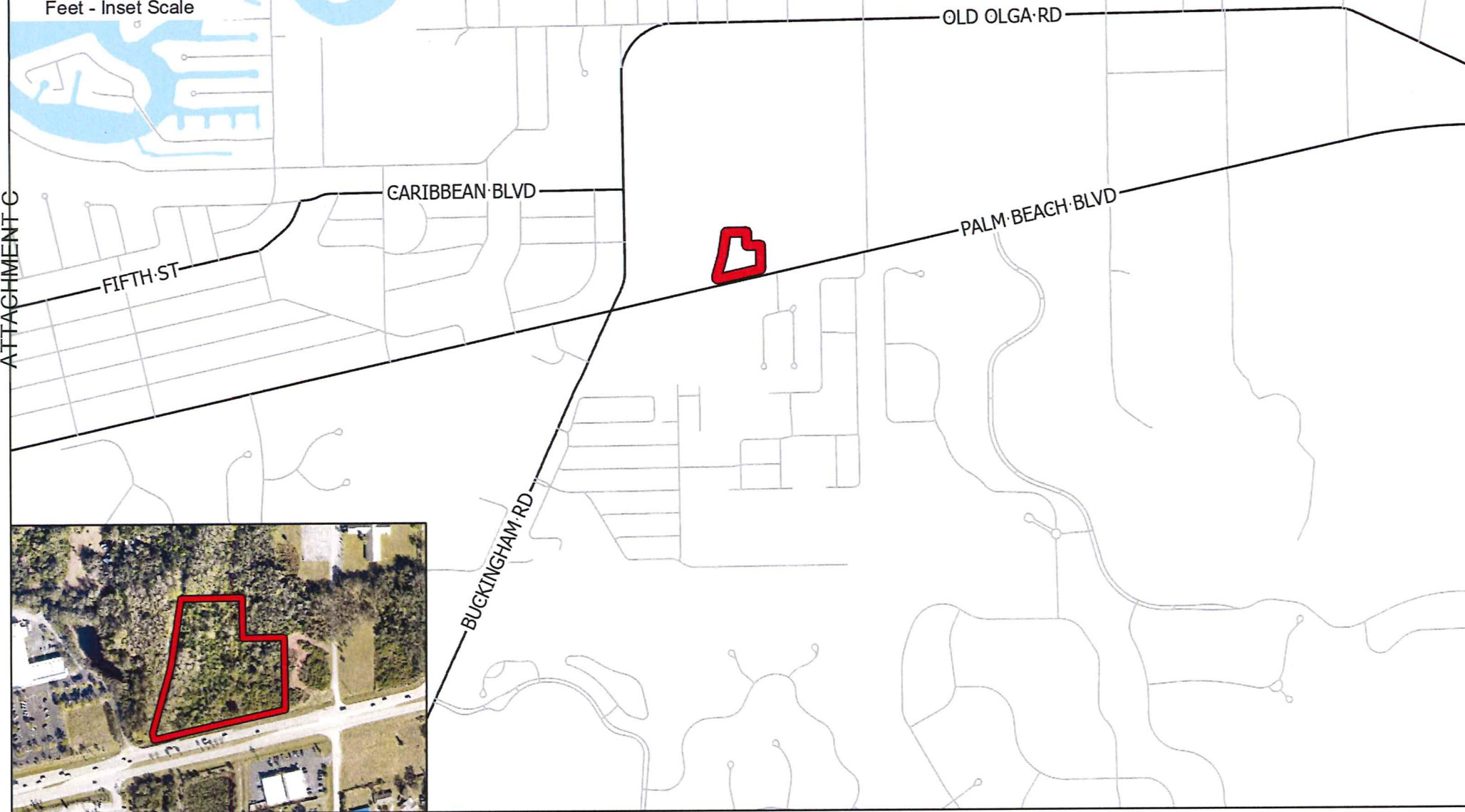
DCI2023-00025



0 1,000 2,000
Feet - Map Scale

0 200 400
Feet - Inset Scale

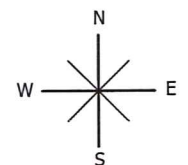
ATTACHMENT C



DCI2023-00025

Aerial

 Subject Property



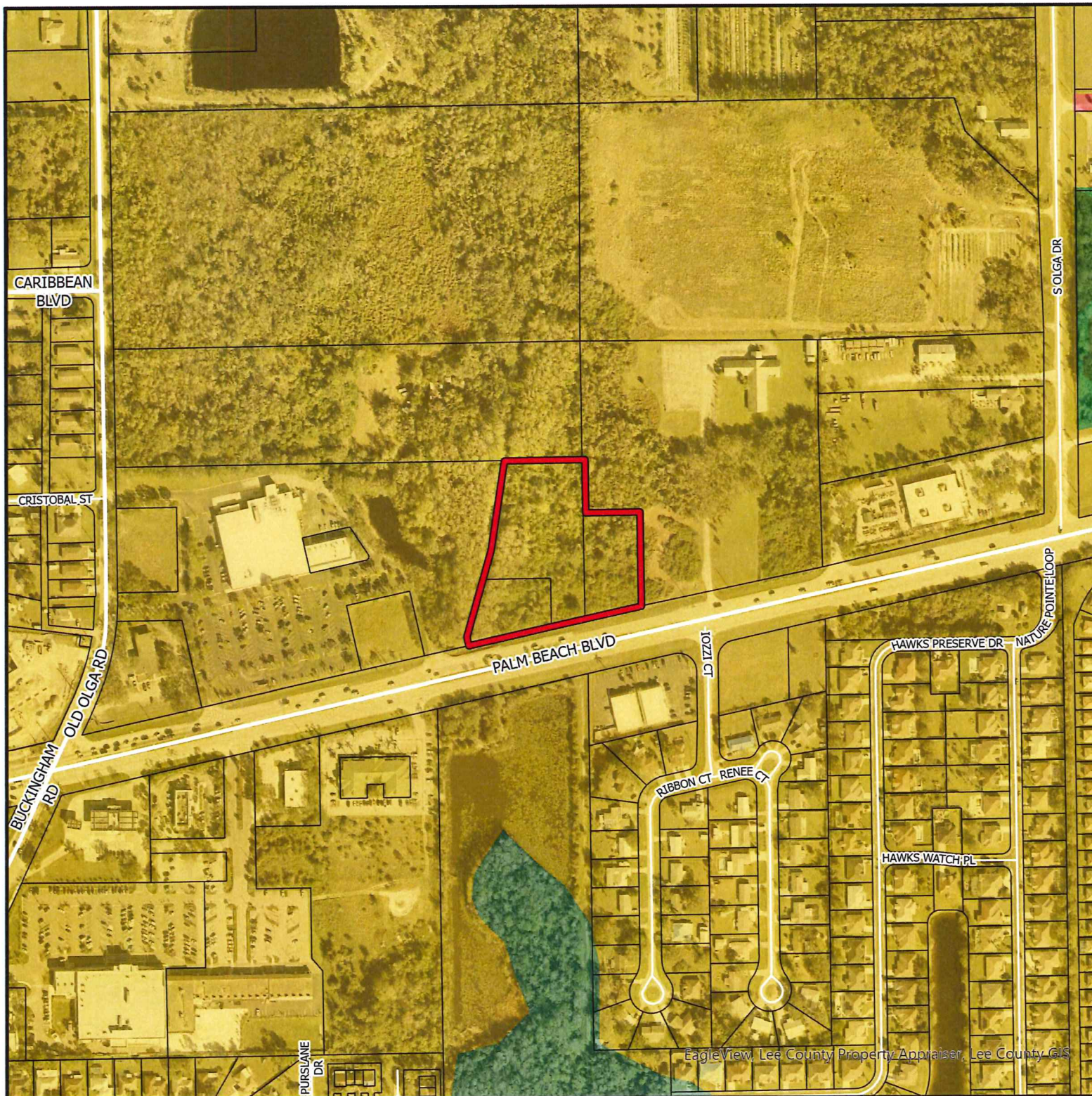
0 300 600
Feet



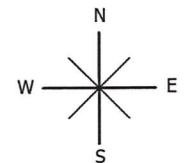
Eagleview Lee County Property Appraiser Lee County GIS

DCI2023-00025

Future Land Use



- Subject Property
- Suburban
- Commercial
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



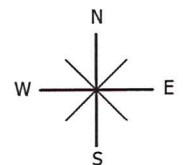
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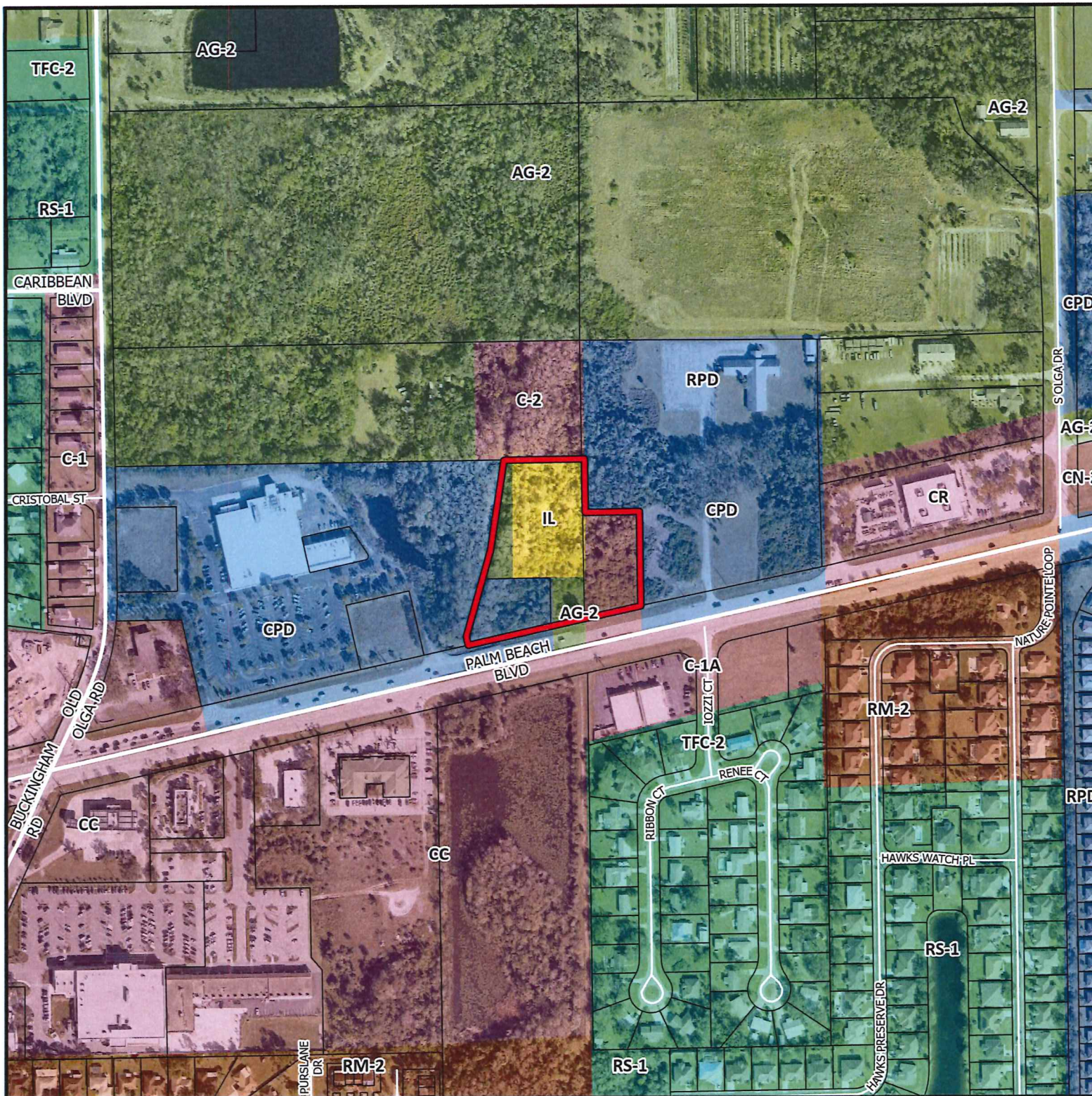
DCI2023-00025

Zoning

 Subject Property

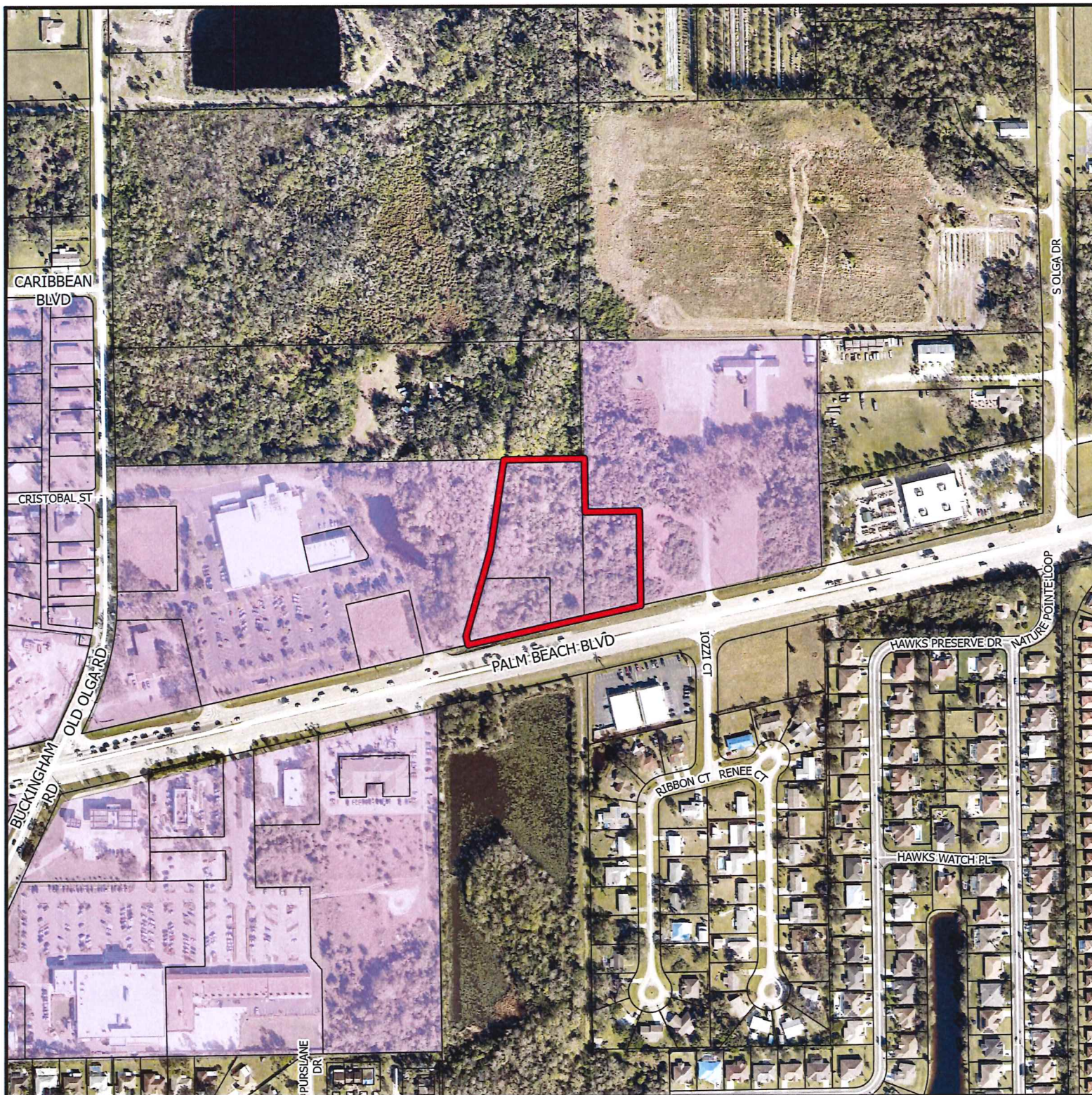


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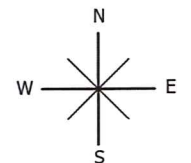


DCI2023-00025

Mixed Use Overlay



-  Subject Property
-  Mixed Use Overlay



0 300 600
Feet

ATTACHMENT D

RESOLUTION NUMBER Z-92-020

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

WHEREAS, Vic Paluck and Edith Yachup, in reference to Food Lion Center, have properly filed an application for a rezoning from Commercial Planned Development and AG-2 districts to Commercial Planned Development; and

WHEREAS, the subject property is located at 14600 SR 80 and 14200 Old Olga Road, described more particularly as:

LEGAL DESCRIPTION: In Section 28, Township 43 South, Range 26 East, Lee County, Florida:

COMMENCING at the Northwest corner of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section 28, Township 43 South, Range 26 East, Lee County, Florida, run N89°12'13"E for 15.00 feet to the POINT OF BEGINNING of the herein described parcel;
THENCE run N00°49'00"W for 329.87 feet;
THENCE run N89°11'22"E for 1,078.40 feet;
THENCE run S08°31'00"W for 253.68 feet;
THENCE run S15°41'00"W for 250.00 feet;
THENCE run S12°49'00"E for 25.00 feet to the North right-of-way line of Palm Beach Boulevard (SR 80) 150 feet wide;
THENCE run S77°11'00"W along said North right-of-way line of Palm Beach Boulevard (SR 80) for 758.50 feet;
THENCE run N12°49'00"W for 247.78 feet;
THENCE run S89°12'13"W for 181.36 feet;
THENCE by a curve to the left having a radius of 709.07 feet and delta angle of 05°33'42";
THENCE run along said curve for 68.83 feet;
THENCE run N00°49'00"W for 31.28 feet to the POINT OF BEGINNING.
CONTAINING 13.2 acres more or less.

WHEREAS, the applicant has indicated the property's current STRAP numbers are 28-43-26-00-00001.0030 and 28-43-26-00-00003.0010; and

WHEREAS, proper authorization has been given to Pokorny & Kareh, Inc., by Vic Paluck, the owner, and Edith Yachup, the owner-contract seller of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on April 7, 1992; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the

documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE With Conditions a rezoning from Commercial Planned Development and AG-2 district to Commercial Planned Development, to permit the development of a mixed use commercial center with buildings not to exceed 45 feet above average grade, on 13.2 total acres of land. The proposed development will also include three outparcels.

The rezoning and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development and use of the subject property shall be in accordance with the one-page Master Concept Plan for Food Lion Center (dated August, 1991, Job No. 89-16, stamped received February 7, 1992, last revised February, 1992) by Pokorny & Kareh, Inc., except as may be modified by the conditions herein. This project shall be developed in accordance with all applicable state and local development regulations, except as may be granted by deviation as part of the approval of this planned development. No deviation(s) shall be inferred to have been granted as part of the approval of this planned development, except those specifically granted herein.

The maximum gross floor area permitted within this development shall be 85,000 square feet; consisting of 31,000 square feet for a food store, 24,000 square feet of retail shops, and 30,000 square feet for all of the outparcels. The 30,000 square feet in the outparcels shall be limited to a maximum of 5,000 square feet for a convenience store, 5,000 square feet for a fast food restaurant with drive-thru, and 20,000 square feet for general office use of which no more than 10,000 square feet shall be for medical office use. Use of the outparcels may differ than approved here provided that the use generates less traffic and the maximum floor area of 30,000 square feet within all of the outparcels is not exceeded.

The maximum height of buildings shall not exceed 35 feet in the outparcels and 45 feet within the main shopping center area.

2. The following shall be the approved schedule of uses permitted within this planned development:

Administrative Offices (df)
Animal Clinic (df)
Auto Parts Store, no installation service
Banks and Financial Establishments - All Groups (1001.03)
Bar or Cocktail Lounge (df) (202.03)
Boat Parts Store, no installation
Building Material, Sales (1001.04)
Business Services - Group I only (1001.05)
Cleaning and Maintenance Services (1001.07)
Clothing Stores, General (1001.08)
Club, Private (df)
Consumption on Premises (202.03)
Contractors and Builders - Group 1 only (1001.09)
Convenience Food and Beverage Store (df) - Limited to one (1)
Cultural Facilities (1001.10)
Day Care Center - Child and/or Adult (506)
Drive-Thru Facility (df) - accessory to a permitted use only
Drugstore
Essential Services (df) (202.12)
Essential Services Facilities - Group I (202.12 and 1001.13)

Food and Beverage Service, Limited (df)
 Food Stores - Groups I and II (1001.16)
 Funeral Home and Mortuaries, including Crematories
 Government Services (1001.19)
 Hardware Store (df)
 Health Care Facilities - Group III only (512 and 1001.20)
 Hobby, Toy, and Game Shops (1001.21)
 Household/Office Furnishings (1001.22)
 Insurance Companies (1001.23)
 Laundry or Dry Cleaning, Group I (1001.24)
 Lawn and Garden Supply Store (df) (523)
 Music Store (df)
 Non-Store Retailers - All Groups (1001.30)
 Offices - Medical
 Package Store (202.03)
 Paint, Glass, and Wallpaper Store (df)
 Personal Services - All Groups (1001.33)
 Pet Services (df)
 Place of Worship (521)
 Printing and Publishing (1001.36) - subject to the general conditions set forth in Sections 461.C, D, & E
 Recreation, Commercial - Groups I, II, and a Health Club
 Recreational Facilities, Public or Private - Indoor Only
 Religious Facilities (521)
 Rental or Leasing Establishments - Groups I and II only (1001.39)
 Repair Shops - Groups I and II only (1001.40)
 Restaurant, Fast Food (df) - one only
 Restaurants, Standard - All Groups
 Schools, Commercial (1001.45)
 Self Serve Fuel Pump Station (df) - limit one (1)
 Signs, in accordance with the Lee County Sign Ordinance and as conditioned below
 Social Services - Groups I and II only (1001.46)
 Specialty Retail Shops - All Groups (1001.47)
 Studios (1001.49)
 Used Merchandise Stores - Groups I and II (1001.54)
 Variety Store (df)

No more than two ground-mounted identification signs shall be permitted along Palm Beach Boulevard. One ground-mounted identification sign shall be permitted along Old Olga Road. The size and square footage of the approved signs shall not exceed that permitted within the Lee County Sign Ordinance.

3. The final design of this project shall incorporate open space areas and courtyards within the planned development and between the outparcels and the shopping center to promote and encourage pedestrian use within the development and the associate outparcels.
4. a. In the event that the adjacent property to the north shall be developed with residential uses, this project shall be required to provide a masonry wall, eight (8) feet in height along the 140 feet directly behind the "anchor" store. A visually opaque screen across the remainder of the northern boundary shall be required.
- b. A buffer consisting of five trees and twelve shrubs per one hundred foot section shall be installed on an undulating berm of from one foot to three feet in height along the frontages of Palm Beach Boulevard and Old Olga Road. This berm shall be constructed along the entire buffer length, with all required plantings installed along or near the top. As a means to conserve water and ease maintenance, all buffer plantings shall be installed in mulched planting beds (cypress mulch is prohibited).
5. No on-site sanitary sewage disposal treatment system has been approved as part of this development. Sanitary sewage disposal shall be provided by an approved off-site sewage disposal treatment system.
6. Approval of this rezoning does not give the developer the undeniable right to receive approval for development in accordance with the Develop-

ment Standards Ordinance which exceeds the 2010 Overlay use allocation for the applicable subdistrict.

7. This zoning approval does not indicate that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order, per the Development Standards Ordinance or other Lee County Ordinance.
8. In order to promote compatibility and avoid negative visual impacts, the developer shall ensure, through the establishment of deed restrictions on the outparcels and an architectural review board, that as far as may be feasible within franchise requirements all structures within this planned development are designed to be architecturally compatible with one another and that the landscaping shall be arranged to compliment and tie together the designs among the individual structures and parcels. Membership of the architectural review board shall be made up of the individual property owners within this Commercial Planned Development, staff of the Community Redevelopment Agency, and a member of the SR 80 Local Redevelopment Planning Committee.
9. The property owner shall, prior to approval of a Certificate of Occupancy of the building(s) or individual units of the buildings, contact the Lee County Division of Emergency Management, Hazardous Material representative, to discuss the proposed development in relation to the potential type, use, and storage of hazardous materials which will be located on the premises. If required by federal, state, and/or local regulations, the owner shall prepare or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of MSDS chemicals to the appropriate fire department or district and to the Lee County Department of Public Safety. An emergency notification system shall also be established to be used in the event of a hazardous material release.
10. All areas listed as wetland preserve and gopher tortoise habitat on the "Master Concept Plan" shall be cleared of all garbage, trash, and debris which has been deposited in same. Said clean-up shall be completed prior to the issuance of a C.C. for any phase of the project.
11. An approved gopher tortoise management plan shall be required prior to the granting of a development order or any "early" work (as defined in the Development Standards Ordinance) on the project site.
12. Deviation (1) is a request to deviate from the internal road setback from 25 feet (Zoning Ordinance Section 461.C.2.a.2.b), to 15 feet along 140 feet± of the northern boundary line. This deviation is APPROVED subject to the condition that it would be limited to the road along the northern property line directly to the rear of the Food Lion Store. Also, in the event that any part of the property bounding the subject lands to the north be rezoned and developed for residential use, then and in that instance, the applicant, his successor or assignee shall erect a continuous 140 foot length of masonry wall 8 feet high to the rear of the Food Lion or other "anchor" store that may take its place. This wall shall be a curb-line wall so as to allow the free passage of any gopher tortoises between the noted habitat areas shown on the Master Concept Plan.

Deviation (2) is a request for a deviation for a modification of quarter section line setback from 60 feet (Zoning Ordinance Section 202.18.B.3.a.2), to zero feet for the north line of the SW 1/4 of the NE 1/4 of Section 28, Township 43 South, Range 26 East. This deviation is DENIED since it is not necessary.

Deviation (3) is a request for a deviation for modification of quarter section line setback from 60 feet (Zoning Ord. Section 202.18.B.3.a.2), to 40 feet for the west line of the NE 1/4 of Section 28, Township 43 South, Range 26 East. This deviation is DENIED since it is not necessary.

Deviation (4) is a request to deviate from the minimum intersection separation of 660 feet (Development Standards Ordinance Section C.3.h), to 505 feet± for the first driveway and 600 feet for the second driveway along Palm Beach Boulevard. This deviation is APPROVED.

Deviation (5) is a request to deviate from the minimum intersection separation from 330 feet (Development Standards Ordinance Sec. C.3.h), to 125 feet_± for the driveway along Old Olga Road. This deviation is APPROVED.

Deviation (6) is a request to deviate from the requirement of access road along Palm Beach Boulevard (Development Standards Ordinance Sec. C.3.o), to eliminate this requirement for the 80 feet of the eastern portion of the property. This deviation is APPROVED.

Deviation (7) is a request to deviate from the minimum setback of 65 feet (25 feet plus 40 feet) (Zoning Ordinance Sec. 202.18.B.2.a), to 25 feet along Palm Beach Boulevard. This deviation is DENIED, as being unnecessary.

Deviation (8) is a request to deviate from the requirement of frontage road (Development Standards Ordinance Section C.3.o), to construct a reverse frontage road. This deviation is APPROVED.

Site Plan 92-020 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Commercial Planned Development zoning:

- A. That the subject property lies within an area of the Lee Plan Future Land Use Map (FLUM) designated as "Suburban," and the nature of the uses proposed in the subject development are compatible with the uses anticipated to arise in such a FLUM area.
- B. That the densities, intensities and general uses proposed for the subject development project are compatible with those set forth in the Lee Plan.
- C. That, conditioned as recommended for approval, the requested rezoning and development of the subject parcel will not result in any significant adverse impacts on existing or reasonably anticipated uses on adjacent or near vicinity real estate, and the subject development project will not cause damage, injury, nuisance or other undesirable impacts on person or property.
- D. That the proposed development will be served by public utilities with adequate capacity to support the uses expected arise.
- E. That the subject property is served by a public roadway currently operating at a service level of "A", and this development project will not act to negatively impact the public transportation network serving the area in any significant manner.
- F. That, as conditioned, the proposed development project will not adversely impact any environmentally sensitive areas or valued natural resources.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Manning, and seconded by Commissioner Judah and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Vicki Lopez-Wolfe	Absent
Donald D. Slisner	Aye

DULY PASSED AND ADOPTED this 29th day of June, A.D., 1992.

ATTEST:
CHARLIE GREEN, CLERK

BY: Charlie Green
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

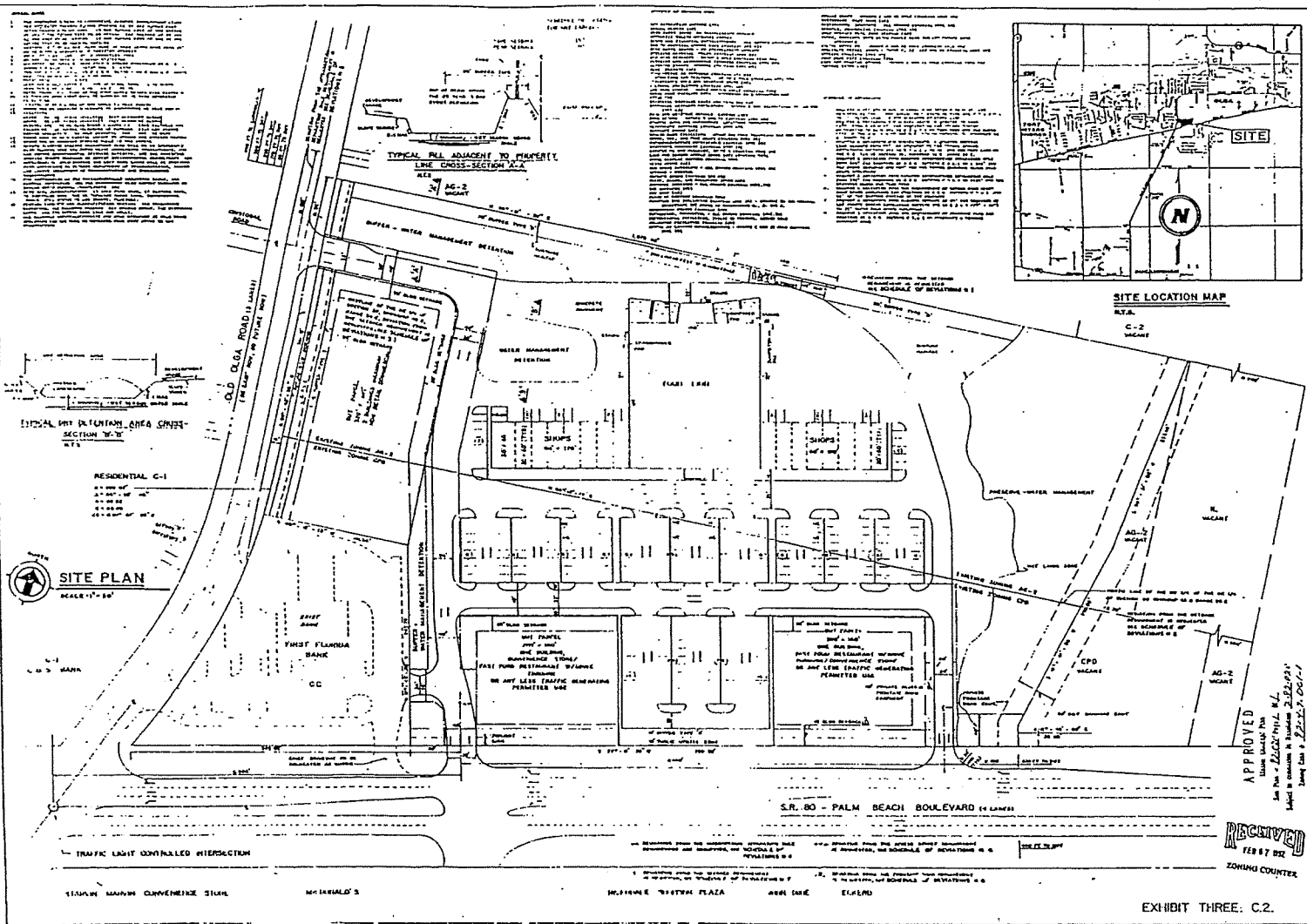
Approved as to form by:

[Signature]
County Attorney's Office

FILED

JUL 9 1992

CLERK CIRCUIT COURT
BY: Charlie W. D.C.



POKORNY & KAREN, INC. CONSULTING ENGINEER 1412 COLONIAL BOULEVARD, SUITE 20 FT. PIERCE, FLORIDA 33907 (888) 336-7788	PAUL T. POKORNY, P.E. PAUL T. POKORNY, P.E. PAUL T. POKORNY, P.E.	JOE RAY, P.E. JOE RAY, P.E. JOE RAY, P.E.	JOE RAY, P.E. JOE RAY, P.E. JOE RAY, P.E.	JOE RAY, P.E. JOE RAY, P.E. JOE RAY, P.E.	JOE RAY, P.E. JOE RAY, P.E. JOE RAY, P.E.
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ATTACHMENT E

ADMINISTRATIVE AMENDMENT PD-96-016

ADMINISTRATIVE AMENDMENT LEE COUNTY, FLORIDA

WHEREAS, Victor Paluck and Edith Yachup, represented by Southeastern Commercial Development, Inc., filed an application for administrative approval to a Commercial Planned Development on a project known as Eastgate Plaza to adopt a new Master Concept Plan and reallocate the approved total commercial square footage within the project on property located at 14600 SR 80 and 14200 Old Olga Road, described more particularly as:

LEGAL DESCRIPTION: In Section 28, Township 43 South, Range 26 East, Lee County, Florida:

Commencing at the Northwest corner of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 28, Township 43 South, Range 26 East, Lee County, Florida, run N89°12'13"E for 15.00 feet to the POINT OF BEGINNING of the herein described parcel;
THENCE run N00°49'00"W for 329.87 feet;
THENCE run N89°11'22"E for 1,078.40 feet;
THENCE run S08°31'00"W for 253.68 feet;
THENCE run S15°41'00"W for 250.00 feet;
THENCE run S12°49'00"E for 25.00 feet to the North right-of-way line of Palm Beach Boulevard (SR 80) 150 feet wide;
THENCE run S77°11'00"W along said North right-of-way line of Palm Beach Boulevard (SR 80) for 758.50 feet;
THENCE run N12°49'00"W for 247.78 feet;
THENCE run S89°12'13"W for 181.36 feet;
THENCE by a curve to the left having a radius of 709.07 feet and delta angle of 05°33'42";
THENCE run along said curve for 68.83 feet;
THENCE run N00°49'00"W for 31.28 feet to the POINT OF BEGINNING.
CONTAINING 13.2 acres more or less.

WHEREAS, the property was originally rezoned in case number 92-04-07-DCI-01; and

WHEREAS, the applicant requests to reallocate the approved total commercial square footage within this approved Commercial Planned Development and adopt a new Master Concept Plan reflecting this reallocation; and

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 to **adopt a new Master Concept Plan and reallocate the approved total commercial square footage of the project is APPROVED** as follows:

Amend Condition 1 of Resolution Z-92-020 so that the maximum intensity of use remains as 85,000 square feet, but consisting of:

- 60,000 square foot food store
- 8,000 square feet of retail shops, and
- 17,000 square feet of retail commercial and office space on the outparcels

Approval is subject to all of the following conditions:

1. The Development must be in compliance with the amended Master Concept Plan, dated 03-21-96, for Palm Beach Blvd. Marketplace (entitled Concept Plan, stamped received April 15, 1996), as prepared by Avid Engineering, Inc; and
2. The terms and conditions of the original zoning resolution (Resolution Z-92-020) remain in full force and effect, except as may be amended herein; and
3. Site Plan PD-96-016 is hereby APPROVED and adopted. A reduced copy is attached hereto.

DULY SIGNED this 30th day of April, A.D., 1996.

BY: Mary Gibbs
Mary Gibbs, Director
Department of Community Development

ATTACHMENT F



BOARD OF COUNTY COMMISSIONERS

Kevin Ruane
District One

May 31, 2023

Via E-Mail

Cecil L. Pendergrass
District Two

Raymond Sandelli
District Three

Brian Hamman
District Four

Michael Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

Veronica Martin
TDM Consulting
43 Barkley Circle, Suite 200
Fort Myers, FL 33907

RE: **Potable Water and Wastewater Availability**
14800 Palm Beach, 14780 Palm Beach, 14700 Palm Beach Boulevard
STRAP # 28-43-26-00-00001.0050; 28-43-26-00-00008.0010;
28-43-26-00-00003.0010

To whom this may concern:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A and 4B of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 1 commercial units with an estimated flow demand of approximately 8,750 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Olga Water Treatment Plant.

Sanitary sewer service will be provided by the City of Fort Myers - Central Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

There are no reuse mains in the vicinity of these parcels.

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

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate

connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

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

Sincerely,

LEE COUNTY UTILITIES

Ashanti Shahriyar

Ashanti Shahriyar

Plan Reviewer

239-533-8531

UTILITIES ENGINEERING

14700, 14750, AND 14800 PALM BEACH BLVD
FORT MYERS, FL 33903

28-43-28-00-00001.0050
28-43-28-00-00003.0010
28-43-28-00-00008.0010

LOT SIZE	= 3.92 AC
CURRENT ZONING	= C-2 = COMMERCIAL
	CPD = COMMERCIAL, PLANNED DEVELOPMENT
	I-1 = LIGHT INDUSTRIAL
	AG-2 = AGRICULTURAL
PROPOSED ZONING	= COMMERCIAL, PLANNED DEVELOPMENT (CPD)
FUTURE LAND USE	= SUBURBAN
PLANNING COMMUNITY	DALDOSHATCHICE SHORES/OLGA OVERLAY
MIXED USE OVERLAY	= YES
EXIST. LAND USE	= COMMERCIAL - CAR WASH
EXIST. FLORIDA LAND USE CLASSIFICATIONS	#144 = PINE - MEXICAN
EXIST. SOIL TYPES	#157 = WETLAND HARDWOODS
	#113 = CYPRESS LAKE FINE SAND
	#149 = COPPELAND SANDY LOAM DEPRESSIONAL
IRRIGATION SERVICE	= NONE
ARCHAEOLOGICAL SENSITIVITY LEVEL	= NONE

PROJECT SITE = CPD/CAR WASH
NORTH = C-2/VACANT
SOUTH = PALM BEACH BLVD ROW
EAST = CPD/VACANT
WEST = CPD/SHOPPING PLAZA

PER LDC SECTION 34--1383(D)
STREET SETBACK (SOUTH) = 50 FEET
SIDE YARD SETBACKS (EAST AND WEST) = 15 FEET
REAR YARD SETBACK (NORTH) = 20 FEET

PER LDC SECTION 34-135(E)
NORTH = COM TO COM: 5' WIDE TYPE A BUFFER REQUIRED
SOUTH = COM TO ROW: 25' WIDE BUFFER REQUIRED
EAST = COM TO COM: 5' WIDE TYPE A BUFFER REQUIRED
WEST = COM TO WATERWAY: 50' NATURAL WATERWAY BUFFER REQUIRED

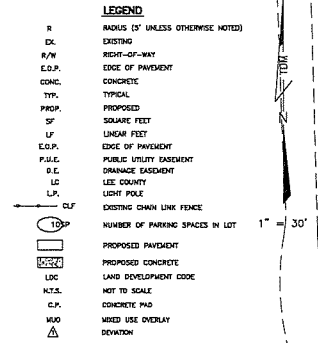
PER CALOOSAHATCHEE SHORES COMMUNITY PLANNING AREA:

REQUIRED OPEN SPACE = 30% OF DEVELOPABLE PARCEL AREA
= 0.30 X 170,698 SF
= 51,268 SF REQUIRED

PROVIDED OPEN SPACE = 13,725 SF (BUFFERS) + 32,756 SF (DETENTION AREA)
+ 30,000 SF (WETLAND PRESERVE) + 13,396 SF
(ACCESS EASEMENT) = 89,877 SF/2.0% AC (52.6% PROVIDED)

PER CALDOSAHATCHEE SHORES COMMUNITY PLANNING AREA:
REQUIRED INDIGENOUS PRESERVE: 50% REQUIRED OPEN SPACE
= 0.50 X 51,209 SF
= 25,833 SF REQUIRED
PROVIDED = 30,000 SF/0.89 AC WETLAND PRESERVE (58.5%)

PDR LDC SECTION 34-2020(B)
1.3 SPACES PER CAR STALL FOR CAR WASH
1 PROPOSED STALL = 1.3 SPACES
TOTAL REQUIRED SPACES: 2 SPACES (INCLUDING 1 HANDICAP SPACE)
TOTAL PROVIDED SPACES: 5 (INCLUDING 1 HANDICAP SPACE)
PLUS 22 VACUUM STALLS



TDM
CONVENTIONAL
CONVENTIONAL
CONVENTIONAL

43 Bankley Circle, Suite 200
Fort Myers, FL 33907
Phone: (239) 433-4231
Fax: (239) 433-9632
Cart. of Authorization # 29066

Civil Engineering
and
Planning

sdarby@tdmconsulting.com
www.tdmconsultingmeeting.com

[illegible]

ATTACHMENT H



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

BluWave Express Car Wash Narrative of Request/Lee Plan Compliance Revised 8/25/2023

Narrative of Request

The applicant assembled three lots at 14700, 14780, and 14800 Palm Beach Boulevard with the intention of developing the land for commercial use – specifically a free-standing car wash. The lots have a mix of zoning districts including AG-2, IL, C-2 and CPD. The applicant is requesting to rezone the lots to Commercial Planned Development (CPD) for a consistent zoning district for all three lots.

As stated above, the lots have multiple zoning districts. The lot at 14780 Palm Beach Boulevard is zoned AG-2 and IL as identified by Lee County GIS. The lot at 14700 Palm Beach Boulevard is zoned CPD. The CPD zoned lot was rezoned from AG-2 to CPD via Zoning Resolution Z-88-035 (Palm Beach Center). A Development Order (88-08-015.00D) was issued for Palm Beach Center, identifying the property at 14700 Palm Beach Boulevard as Out Parcel 2.

The CPD zoned property was rezoned again from CPD and AG-2 to CPD via Zoning Resolution Z-92-020 Food Lion Center CPD. There were several subsequent amendments including PD-96-016, PD-96-016A, PD-96-059, and Z-98-002. However, somewhere between the original zoning resolution Z-88-035 and Z-92-020, the boundary of the CPD property changed and Out Parcel 2 (the lot at 14700 Palm Beach Boulevard) was no longer included in the Food Lion Center CPD.

Land Development Code Compliance

The applicant intends to comply with the Land Development Code at time of Development Order permitting unless deviations are granted with this planned development application.

Lee Plan Compliance

***POLICY 1.1.5:** The Suburban future land use category will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. Industrial land uses are not permitted. This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units except in areas that specifically prohibit bonus density. Other forms of bonus densities are not allowed.*

The property is located within the Suburban future land use category with frontage on Palm Beach Boulevard (SR 80). It is also located in the Mixed-Use Overlay. The subject property has a mix of zoning districts including AG-2, IL, C-2 and CPD. Industrial zoning is inconsistent with the Suburban future land use category. The applicant is requesting to rezone the property to Commercial Planned Development (CPD) to permit a consistent zoning district for commercial development. This is consistent with **Lee Plan Policy 1.1.5**.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

POLICY 2.1.1: *Most residential, commercial, industrial, and public development is expected to occur within the designated future urban areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.*

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

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

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

POLICY 2.2.2: *The Future Land Use Map indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the County's growth beyond the 2045 planning horizon. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:*

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

The property to the west of the subject parcel is zoned CPD and is developed as a commercial shopping plaza. The property to the east is zoned CPD and RPD with an existing place of worship and planned commercial uses along the SR 80 frontage. Land south of SR 80 is zoned C-1A and CC and has a variety of commercial uses. The land to the north is zoned C-2 and is

undeveloped. Urban services are available and adequate to service the development as outlined below. Rezoning the subject property to CPD for commercial use creates contiguous growth patterns and minimizes urban sprawl. This is consistent with **Lee Plan Objective 2.1, Policies 2.1.1 and 2.1.2, Objective 2.2, and Policies 2.2.1 and 2.2.2.**

Fire:	Fort Myers Shores Fire District, Station # 1, located at 12345 Palm Beach Blvd., is approximately 2.5 miles away.
Police:	Lee County Sheriff's Department, located at 1301 Homestead Rd N, is approximately 11.7 miles away.
EMS:	Fort Myers Shores Fire District, Station # 1, located at 12345 Palm Beach Blvd., is approximately 2.5 miles away.
Solid Waste:	The property is within Lee County Solid Waste Franchise Area 4 and is served by Advanced Disposal.
Public Transit:	Lee Tran does not service this segment of Palm Beach Blvd (SR 80).
Public Schools:	The property is within the Lee County School District East Zone, District Area 2.
Public Parks:	The property is approximately 1.1 miles south from Olga Community Park and approximately 3.7 miles west from Hickey Creek Mitigation Park.

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.*

Lee County Utilities provided a Letter of Availability confirming that potable water and sanitary sewer lines are in operation adjacent to the subject property; however, there are no reuse mains in the vicinity of the site. The applicant will connect to potable water and sanitary sewer at time of development order permitting. This is consistent with **Objective 4.1, Standard 4.1.4: Potable Water and Standard 4.1.2: Sanitary Sewer.**

STANDARD 4.1.4: ENVIRONMENTAL FACTORS.

- 1. 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 (SFWMD), 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.*
- 2. Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.*
- 3. Ensure development minimizes the need for expansion and construction of street and utility improvements.*

A Protected Species Survey/Environmental Assessment with FLUCFCS Map is included with this planned development rezoning request due to the presence of wetlands on-site. According to the FLUCFCS Map, 1.35 acres of the land to be rezoned is Mixed Wetland Hardwoods while the

remaining 2.30 acres is Pine-Mesic Oak. The Master Concept Plan shows that 1.25-acres of the mixed wetland hardwoods along the west property line will be preserved in its entirety. Development is concentrated along the east property line, giving adequate space to avoid impacts to the preserve. The applicant will be required to obtain an Environmental Resource Permit from SFWMD at time of Development Order permitting. This is consistent with **Lee Plan Objective 4.1 and Standard 4.1.4: Environmental Factors.**

GOAL 6: COMMERCIAL LAND USES. *To permit orderly and well-planned commercial development at appropriate locations within the County.*

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.*

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

- 1. Traffic and access impacts (rezoning and development orders);*
- 2. Landscaping and detailed site planning (development orders);*
- 3. Screening and buffering (planned development rezoning and development orders);*
- 4. Availability and adequacy of services and facilities (rezoning and development orders);*
- 5. Impact on adjacent land uses and surrounding neighborhoods (rezoning);*
- 6. Proximity to other similar centers (rezoning); and*
- 7. Environmental considerations (rezoning and development orders).*

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

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

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

As previously noted, the subject property is located between two commercially zoned properties. The property to the west is zoned CPD and developed as a commercial shopping plaza and the property to the east is zoned CPD along Palm Beach Boulevard and RPD to the north to permit a mixed-use development. The subject property is also in the mixed-use overlay and is considered an infill property on the north side of Palm Beach Boulevard. Urban services are available and adequate to service the site, the Traffic Impact Statement demonstrates that the addition of the commercial development does not degrade the level of services of Palm Beach Boulevard, appropriate buffers are proposed, and the existing wetlands will be preserved. The proposed rezoning is consistent with the Land Development Code regarding availability of urban services, environmental concerns and impacts on surrounding uses. A Development Order will be required for future commercial development, which will be consistent with traffic, access, screening and

buffering, landscaping, and environmental considerations. The rezoning request is consistent with **Lee Plan Goal 6, Objective 6.1, Policies 6.1.1, 6.1.4, 6.1.6, and 6.1.7.**

OBJECTIVE 11.2: MIXED USE OVERLAY. *The County will maintain an Overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay.*

POLICY 11.2.2: *Development in the Mixed Use Overlay should accommodate connections to adjacent uses.*

POLICY 11.2.5: *Lee County will maintain land development regulations for properties within the Mixed Use Overlay that allow for urban forms of development and a variety of uses.*

The subject property is located in the mixed-use overlay. Urban services are available and adequate to service the site. Nearby commercial uses include the Winn-Dixie shopping plaza to the west and a Place of Worship and the Tractor Supply to the east. The land immediately east of the property is zoned CPD and RPD to permit commercial uses along Palm Beach Boulevard and future residential uses to the north. The applicant is proposing a stub-out to the east for a future interconnect to the commercial property. However, there is an existing creek and wetlands that separates the proposed development from the existing commercial uses to the west. In the interest of preserving those wetlands from development, no interconnect is proposed to the west. Land to the north is generally used for single-family residential and agricultural use or vacant. The applicant is requesting to rezone the subject property from AG-2, IL, C-2 and CPD to a consistent CPD zoning district to permit limited commercial uses. Properties in the mixed-use overlay are permitted reduced parking, buffers and open space. This will be beneficial at time of development order permitting as it will allow development to be concentrated within the uplands so the existing wetlands can be preserved. This is consistent with **Lee Plan Objective 11.2 and Policies 11.2.2 and 11.2.5.**

OBJECTIVE 17.3: PUBLIC INPUT. *To provide opportunities for public input as part of the comprehensive plan and land development code amendment process.*

POLICY 17.3.3: *Public information meetings required pursuant to the provisions of this sub-element must be held within the established community plan area boundary that is affected by the amendment.*

POLICY 17.3.4: *For required public information meetings, the applicant must provide the following:*

- *Adequate meeting space to accommodate projected attendance and security measures (as needed).*
- *Advance notice of the meeting in a publication of local distribution provided at least ten calendar days prior to the meeting, unless otherwise specified herein.*
- *At the meeting, a general overview of the text or map amendment and effect thereof.*
- *After the meeting, a meeting summary document submitted to the County that contains the following information: the date, time, and location of the meeting; a list of attendees.*

The property is located in the Caloosahatchee Shores and Olga planning communities. The applicant held one public information meeting that was advertised in the News Press; however, only one person from the public attended. This is consistent with **Lee Plan Objective 17.3 and Policies 17.3.3 and 17.3.4.**

GOAL 21: CALOOSAHATCHEE SHORES COMMUNITY PLAN. *Protect the existing character, natural resources and quality of life in the Caloosahatchee Shores Community Plan area, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments.*

OBJECTIVE 21.1: COMMUNITY CHARACTER. *To create a visually attractive community.*

POLICY 21.1.1: *Maintain LDC regulations that provide for enhanced landscaping, signage and architectural standards consistent with the goal of maintaining an old Florida rural identity. The preferred architectural style for all buildings in commercial developments is Florida vernacular.*

OBJECTIVE 21.2: COMMERCIAL LAND USES. *New commercial uses will be limited to properties already zoned for commercial uses as well as properties located at the intersection of I-75 and S.R. 80, the intersection of S.R. 31 and S.R. 80, the State Route 80 Corridor Overlay, the Verandah Boulevard commercial node, and the Commercial, Central Urban and Suburban future land use categories adjacent to S.R. 80. New commercial zoning must be approved through the planned development rezoning process. Commercial redevelopment and increased commercial opportunities on properties adjacent to SR 80 to service the needs of the Caloosahatchee Shores Community Plan area and surrounding areas are encouraged.*

POLICY 21.2.1: *To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31, north of SR 80 and east and west of SR 31 are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in the Glossary.*

The Verandah Boulevard commercial node is intended for Minor Commercial levels as defined in the Glossary. Office and residential uses consistent with the Suburban designation are also allowed in this Minor Commercial node.

The subject property is located on the north side of SR 80 between Old Olga Road and South Olga Drive in the Suburban future land use category. This section of SR 80 is considered a commercial node. The applicant assembled 3 lots with a mix of zoning districts including AG-2, IL, C-2 and CPD with the intent to rezone the properties to a consistent commercial zoning of CPD. Industrial land uses are not permitted in the Suburban future land use category. The land to the west is zoned CPD and is developed as a commercial shopping plaza with Winn Dixie as the anchor. The land to the east is zoned CPD and RPD. The land along SR 80 is vacant while the lot to the north is developed as a place of worship. Further east is a Tractor Supply store.

According to the environmental report and FLUCCS, the subject property is a mix of uplands and wetlands, including a creek along the west property line. The applicant has designed the proposed development to stay entirely within the uplands, preserving the wetlands from any impacts. In addition, 25-foot wide buffers are proposed along SR 80, as required by the LDC for car washes. The development footprint is small compared to the site. The applicant is exceeding

the minimum amount of open space required, exceeding the minimum amount of indigenous preserve required, will be able to preserve as many native trees as possible due to the limited development area. The Applicant has a consistent architectural theme for the BluWave Express Car Wash franchise that will be modified to comply with the architectural requirements set forth by the Caloosahatchee Shores planning community and the Land Development Code. Providing a consistent commercial zoning district at this location, providing abundant green open space, preserving the wetlands in their entirety, preserving native trees where possible, and minimizing the development footprint is consistent with **Lee Plan Goal 21, Objective 21.1, Policies 21.1.1 and 21.1.2, Objective 21.2 and Policy 21.2.1.**

GOAL 22: OLGA COMMUNITY PLAN. *Maintain Olga's heritage and rural character.*

POLICY 22.1.5: *Heritage trees will be preserved or, when possible, may be relocated on-site. If a heritage tree must be removed from the site then a replacement tree with a minimum 20-foot height must be planted within an appropriate open space.*

POLICY 22.1.7: *Maintain LDC regulations that require natural habitats, such as tree canopies, be incorporated into project site designs.*

The subject property is also located in the Olga Community Plan Overlay. As the subject property is located on the north side of SR 80 between properties with existing commercial zoning districts and uses, it is reasonable to rezone the AG-2, IL, C-2 and CPD lots to a consistent commercial zoning district that is appropriate for the area.

The Master Concept Plan has been designed to comply with LDC Chapter 33, Article VII, Division 3, Subdivision I – Olga Planning Community. The proposed development complies with the minimum setbacks and maximum building height permitted. The maximum square footage proposed is 5,309 square feet on 3.92 acres. A minimum of 30% open space is provided and although indigenous preservations isn't required, the application is preserving 35,000 square feet of existing wetlands located along the creek as part of this rezoning request. The site design also complies with parking locations, buffers, and stormwater management requirements for developments in the Olga Overlay. As stated previously, the industrial (IL) zoned lot is inconsistent with the Suburban future land use and the Olga Community Plan. Rezoning the land for a uniform zoning district of CPD with a limited schedule of uses is consistent with **Lee Plan Goal 22 and Policies 22.1.5 and 22.1.7.**

POLICY 60.4.1: *Encourage new developments to design surface water management systems with Best Management Practices, including, but not limited to, filtration marshes, grassed swales planted with native or Florida Friendly Landscaping vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.*

POLICY 60.4.2: *The County encourages new developments to design their surface water management system to incorporate existing wetland systems.*

The applicant intends to preserve the 1.25 acres of wetlands along the west property line. Those wetlands are connected to other wetlands to the west and north, then continuing east as well. The MCP shows a preliminary drainage plan; however, full paving, grading, and drainage plans won't be provided until development order permitting. A surface water management narrative providing a description of the preliminary drainage system is included with this application. This is consistent with **Policy 60.4.1 and Policy 60.4.2.**

POLICY 77.3.7: *New development and redevelopment in areas containing a component of the greenways trail system, as identified by the Lee County Greenways Master Plan, must incorporate the greenway trail into their development design. In addition to counting towards the project's general open space requirements, development constructing the onsite portions of the greenway trail will be eligible for community and regional park impact fee credit.*

The subject property is located along a portion of the Lee County Greenways Master Plan – Palm Beach Boulevard, which is a state-maintained road. The applicant will coordinate with FDOT at time of Development Order permitting to incorporate pedestrian facilities, a shared use path, and/or other requirements of the Greenways Master Plan. Due to the existing site conditions along Palm Beach Boulevard, including the creek, wetlands, guard rails, drainage ditch, overhead power lines, other infrastructure, etc., detailed site construction plans will be required to design the facilities. This is consistent with the requirements of **Lee Plan Policy 77.3.7**.

GOAL 124: WETLANDS. *To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.*

OBJECTIVE 124.1: *Protect and conserve the natural functions of wetlands and wetland systems by maintaining wetland protection regulations.*

POLICY 124.1.1: *Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions.*

POLICY 124.1.2: *The County's wetlands protection regulations will be consistent with the following:*

- 1. The County will not undertake an independent review at the development order stage of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption.*
- 2. No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits.*
- 3. Lee County will incorporate the terms and conditions of state permits into County permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.*
- 4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards.*
- 5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies.*
- 6. The density on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit will be calculated at a density of one dwelling unit per 20 acres. Nonresidential uses on wetlands that have been impacted, or will be impacted, in accordance*

with a state agency permit must be consistent with the non-residential uses permitted in the immediately adjacent, least intense, upland future land use category.

The applicant had a protected species survey/environmental assessment completed during his due diligence phase of the property. According to the FLUCFCS Map, 1.35± acres identified as mixed wetland hardwoods. The applicant is aware the existing on-site wetlands connect to the north, east, and western properties and doesn't intend to impact the wetlands during development. This is a commercial rezoning specifically for the development of a car wash. The Master Concept Plan shows a limited area of development, with the wetlands being preserved in their entirety. If the rezoning is approved, the applicant will be required to obtain a local development order and possibly a SFWMD ERP prior to construction. Development will be located on the uplands portion of the subject property only so the wetlands can be preserved in their entirety. The proposed development is consistent with **Goal 124, Objective 124.1, and Policies 124.1.1 and 124.1.2.**

GOAL 125: WATER QUALITY. *To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.*

OBJECTIVE 125.1: *Maintain high water quality, meeting or exceeding state and federal water quality standards.*

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

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

The Master Concept Plan clearly demonstrates that the bulk of the existing wetlands will be preserved. A dry detention area is provided along with pipes, catch basins, a control structure, and other infrastructure to provide for water quality, attenuation, and pre- and post treatment. A Development Order will be required, which will require a more thorough review and include drainage calculations, detention area volumes, pipe sizing, vegetative plantings, etc. This is consistent with **Goal 25, Objective 125.1, Policy 125.1, and Policies 125.1.2 and 125.1.3.**

POLICY 126.1.4: *Development designs must provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions.*

The applicant will be required to obtain a local Development Order prior to construction. Lee County Land Development Code Section 10-328 requires the applicant to provide a drainage easement whenever a proposed development abuts a watercourse, stream, etc. The requisite easement/upland buffer to the existing creek will maintain and preserve it, without altering the existing offsite flows. This is consistent with **Lee Plan Policy 126.1.4.**

As demonstrated throughout this Narrative of Request/Lee Plan Compliance, the applicant has proven entitlement to the rezoning as set forth in LDC Sec. 34-145(d)(4). The request:

- (a) Complies with the Lee Plan;
- (b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- (c) Is compatible with existing and planned uses in the surrounding area;

- (d) Will provide access sufficient to support the proposed development intensity;
- (e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- (f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- (g) Will be served by urban services.

In addition, the applicant has demonstrated that:

- (a) The proposed use or mix of uses is appropriate at the proposed location;
- (b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development;
- (c) Each requested deviation:
 - (1) Enhances the achievement of the objectives of the planned development; and
 - (2) Preserves and promotes the general intent of this code to protect the public health, safety and welfare.

Attachment I – Conditions

BluWave Express Car Wash Minor CPD – DCI2023-00025

Section A. - Conditions

1. The development of this project must be consistent with one-page Master Concept Plan (MCP) entitled “BluWave Express Car Wash” last revised August 2023, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order. If changes to the MCP or conditions or deviations are subsequently pursued, appropriate approvals will be necessary.

This project is limited to 5,309 square foot Car Wash with a maximum height of 35 feet.

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

- a. Schedule of Uses

Accessory uses, buildings, and structures
Car Wash
Essential Services
Essential Services Facilities, Group I
Excavation, Water Retention
Fences and Walls
Parking Lot, accessory
Signs
Storage, indoor and open
Temporary Uses

- b. Site Development Regulations

Minimum lot size: 25,000 square feet
Minimum lot width: 150 feet
Minimum lot depth: 150 feet

Minimum Setbacks:
Street: 40 feet
Side: 30 feet
Rear: 50 feet

Maximum Building Height: 35 feet
Minimum Open Space: 30 percent

3. Open Space

Prior to the issuance of the first development order, the development order plans must depict 2.06 acres of open space.

4. Indigenous Open Space

Prior to the issuance of a development order, the development order plans must depict 0.69 acres of indigenous preserve.

5. Vegetation Removal Permit

- a. The applicant or successor must submit a Vegetation Removal Permit that includes a map depicting the mechanical and hand-removal areas for exotic vegetation removal within the proposed preserve and natural waterway buffer. Mechanical clearing is prohibited within the 50-foot natural waterway buffer. Native vegetation must be protected by tree barricades within the indigenous preserve area.
- b. For development that proposes impact to wetlands, construction may not commence until the issuance of required permits. Development activity must remain in compliance with applicable state wetland permits and applicable local development permits. If impacts to wetlands are not permitted by the State, or if issued state wetland permits are inconsistent with the proposed impacts to wetlands depicted within the local development order permit approvals, Developer must amend local development permit approvals to be consistent with issued state wetland permits or applicable Lee Plan and Land Development Code regulations pertaining to development within wetlands.

**TRAFFIC IMPACT STATEMENT
FOR A
PROPOSED AUTOMATED CAR WASH
BLUE WAVE EXPRESS CAR WASH**

PREPARED FOR:

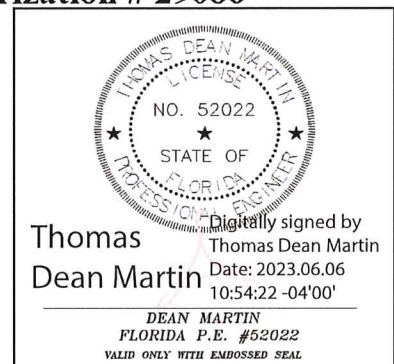
**Mr. Raymond Sargenti, Authorized Member
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June 2023



1. PURPOSE

OBJECTIVE

This report has been prepared in accordance with Florida Department of Transportation (F.D.O.T.) criteria as outlined in the 2008 Driveway Information Guide for projects seeking access approval. This report analyzes the anticipated traffic conditions of the proposed development in order to determine any adverse roadway impacts associated with **Blue Wave Express Car Wash**.

The subject parcel as surveyed by Harris-Jorgensen is 3.92 acres.

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

2. SITE DESCRIPTION

SITE LOCATION

Blue Wave Express Car Wash is a 3.92-acre project located at 14700, 14780 and 14800 Palm Beach Boulevard (SR 80) in Section 28, Township 43 South, Range 26 East, Lee County, Florida. The applicant proposes to construct an automated car wash with one (1) tunnel and 5,309 square feet of gross floor area on the site.

Access to the proposed development is provided by one (1) proposed right-in right-out driveway connection to Palm Beach Boulevard (SR 80).

3. OBSERVATIONS

3.1 TRIP GENERATION CALCULATIONS

Vehicular trips generated by the proposed development were calculated by using the equations provided by the Institute of Transportation Engineers, 11th Edition of the Trip Generation Manual, Land Use Code 948 (Automated Car Wash) using the average rates shown in the tables.

Table 1. Raw Trip Generation – Proposed Automated Car Wash (LUC 948)

<u>5,309 Square Feet of Gross Floor Area:</u> * - Use LUC 949 Pro-Rated for Tunnel	
A.	A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street) $T = 8.60 (13.60/77.50) (5.309) = 8$ (5 entering, 3 exiting)
B.	P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street) $T = 14.20 (5.309) = 75$ (38 entering, 37 exiting)

Source: TDM, 2023

Table 2. Raw Trip Generation – Proposed Automated Car Wash (LUC 948)

<u>1 Tunnel:</u>	* - Use LUC 949
A.	A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)* $T = 8.60 (1) = 9$ (6 entering, 3 exiting)
B.	P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street) $T = 77.50 (1) = 78$ (39 entering, 39 exiting)

Source: TDM, 2023

3.2 TRIP DISTRIBUTION

As stated previously herein, traffic will enter and exit the proposed development at the one (1) proposed right-in right-out driveway connection to Palm Beach Boulevard (SR 80).

3.3 EXISTING TRAFFIC CONDITIONS

Palm Beach Boulevard (SR 80) is the nearest arterial road being accessed and is a four-lane divided arterial road. It has a posted speed limit of forty-five (45) miles per hour near the proposed development. Per 2022 F.D.O.T. Florida Traffic Online, it has an existing annual average daily traffic count of 33,000 near the proposed development with a 50/50 directional split.

3.4 TURN LANE ANALYSIS (PALM BEACH BOULEVARD)

A. Traffic conditions on Palm Beach Boulevard (arterial)

- A.M. Peak Hour Vehicle Trip Ends - 9
- P.M. Peak Hour Vehicle Trip Ends - 78
- Posted Speed Limit - 45 mph

B. Deceleration and Left Turn Lane

This turning movement is not currently proposed.

C. Separate Left Turn Lane on the Access Point Connection

This turning movement is not currently proposed.

D. Deceleration and Right Turn Lane

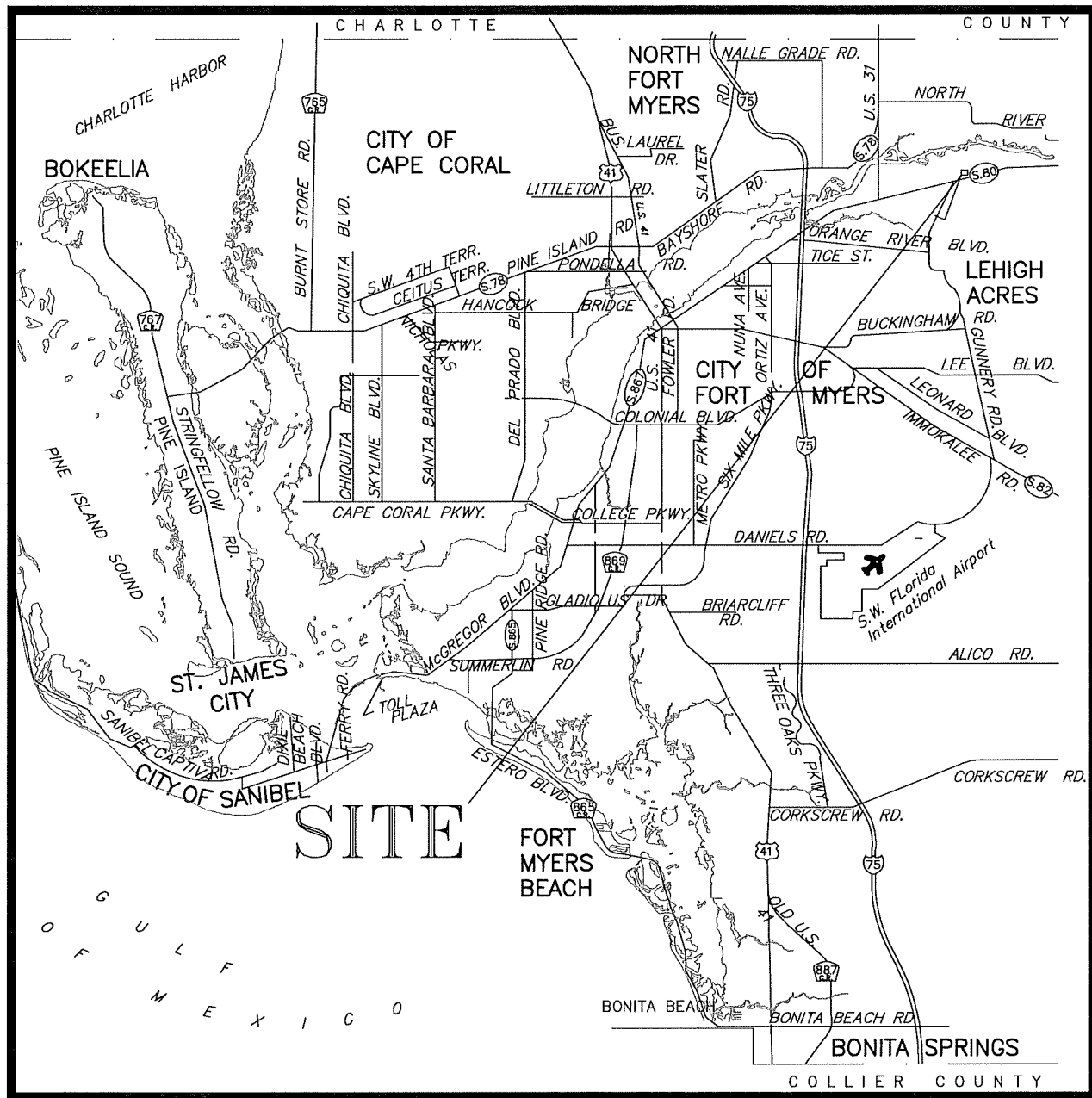
Based on Exhibit 44 of the FDOT Driveway Information Guide, a deceleration and right turn lane is not required. The turn-lane warrant for the posted speed limit of the arterial street is 80-125 right-turning movements from the arterial street during the peak hour of the arterial street. This project does not meet that threshold.

E. Separate Right Turn Lane on the Access Point Connection

FDOT does not provide turn-lane warrants for driveways; therefore, the Lee County Turn Lane Policy will determine the need for a separate right turn lane on the access point connection. Per the Policy, this turn lane is not required. Only one (1) of the required warrants is satisfied. The posted speed limit of the arterial street is equal to the threshold. However, the number of right-turning vehicles from the access point connection during the peak hour of the arterial street is below the threshold, the arterial street being entered has not been designated as a controlled access facility, and the access point connection is not controlled by a traffic signal.

3.5 RECOMMENDED IMPROVEMENTS (PALM BEACH BOULEVARD)

One (1) typical right-in right-out driveway connection is proposed with one (1) entrance lane and one (1) exit lane each. No other improvements are required or proposed.



LOCATION SKETCH
N.T.S.

EXHIBIT 1
TRAFFIC IMPACT STATEMENT
LOCATION MAP
14700-14800 PALM BEACH BLVD,
FORT MYERS, FL 33905

SOURCE: TDM, 06/23



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

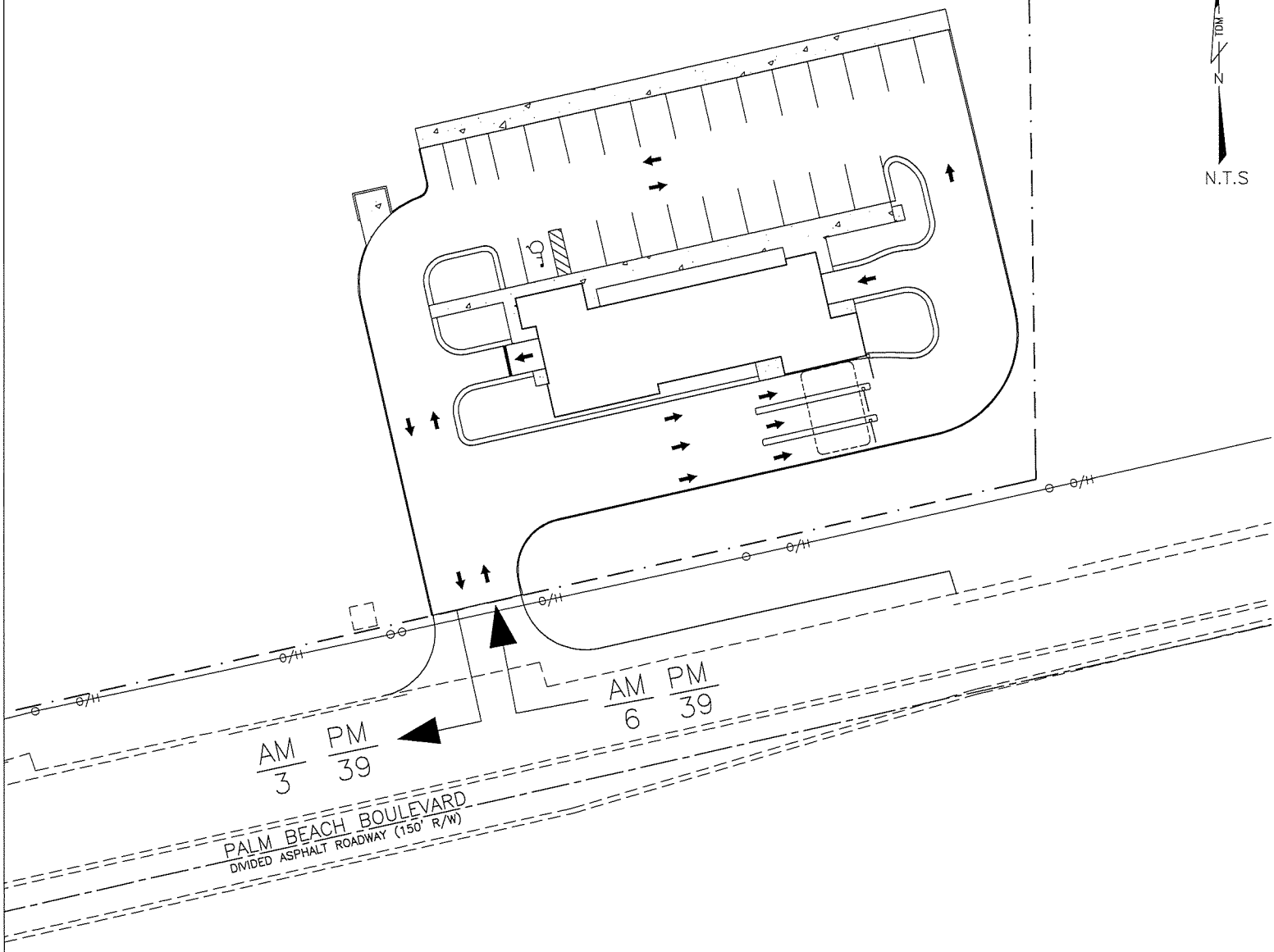


EXHIBIT 2
TRAFFIC IMPACT STATEMENT
PEAK HOUR TRAFFIC DISTRIBUTION
14700-14800 PALM BEACH BLVD,
FORT MYERS, FL 33905
SOURCE: TDM, 06/23



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



DEPARTMENT OF COMMUNITY DEVELOPMENT

Memo

To: Elizabeth Workman, Planner, Principal

From: Md Rakibul Alam, Senior Transportation Planner

Date: Oct 31, 2023

Subject: Blue Wave Express Car Wash (DCI2023-00025) Transportation-Related Analysis

Proposed Development

This application requests approval to amend three lots at 14700, 14780, and 14800 Palm Beach Boulevard to Commercial Planned Development (CPD) to develop the land for commercial use – specifically a free-standing car wash.

Site Location

The subject site is located on the north side of SR 80 (Palm Beach Blvd.) just 0.2 miles east of Buckingham Road in Lee County, Florida.

Site Access

Access to the subject site is proposed to SR 80 (Palm Beach Blvd.) via a single connection.

Trip Generation Review

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. Table 1 outlines the proposed project's trip generation for weekday AM and PM peak hours and daily traffic volumes.

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour		
	In	Out	Total	In	Out	Total
Automated Car Wash (5,309 sq. ft.)	5	3	8	38	37	75
Or						
Automated Car Wash (1 Tunnel)	6	3	9	39	39	78

Roadway Section & Intersection Traffic Operation Level of Service Analysis

As the proposed development is expected to generate less than 100 trip ends, the TIS did not include any Level of Service analysis for roadway sections and intersections as per AC 13-17.

Conclusion

The proposed project is not anticipated to adversely affect the surrounding roadway system. It must be noted that the site access at Palm Beach Blvd is subject to FDOT approval.



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

Blue Wave Express Car Wash Surface Water Management Plan Narrative

Water quality will be provided by one (1) large dry detention area prior to discharge to the indigenous preserve area (wetlands). Stormwater runoff from the impervious areas will be directed to the dry detention areas via catch basins and culverts. The parcel will require an FDOT Drainage Connection Exemption by virtue of its adjacency to Palm Beach Boulevard (SR 80).

The property in its existing state has no defined drainage pattern and appears to sheetflow to the existing wetland area without benefit of any water quality treatment or attenuation. The property is 100% pervious, with most rainfall likely infiltrating the soil prior to discharge to the wetlands.

Post-development stormwater discharge from the property will be to the indigenous preserve area to maintain the wetland's hydroperiod, mimicking pre-development drainage patterns. There is no noticeable drainage flow from adjacent properties entering the property.

The proposed dry detention area, culverts, catch basins, and control structure will be owned and maintained by the property owner in perpetuity.

The property is in an AE Flood Zone. The finished floor elevation of the proposed building on the property will be elevated to at least 1' above the flood elevation.

ATTACHMENT M

Date: October 31, 2023

To: Beth Workman, Principal Planner

From: Nic DeFilippo, Senior Environmental Planner
239.533.8983
ndefilippo@leegov.com

Subject: DCI2023-00025
Natural Resources Staff Report and Conditions for BluWave Express Car Wash
STRAP# 28-43-26-00-00001.0050, 28432600000080010, 28-43-26-00-00003.0010

The request is to rezone three lots (± 3.65 acre) located at 14700, 14780, and 14800 Palm Beach Boulevard from AG-2, IL, and C-2 to Commercial Planned Development (CPD). The request would allow for the development for a free-standing car wash.

The applicant's proposed stormwater management plan will direct stormwater runoff to dry detention areas before outfalling into the indigenous preserve area. This proposal is consistent with Lee Plan policies 60.4.1 and 60.4.2 which encourage new developments to design surface water management systems that preserve and incorporate existing wetlands. Additionally future development will be required to obtain a local development order and possibly a South Florida Water Management Environmental Resource Permit. The western boundary of the proposed development abuts a drainageway. To comply with LDC 10-328 the applicant is proposing to dedicate an access and drainage easement to Lee County. The exact location of the proposed east/west access easement will be determined prior to local development order approval. The drainage and access easement will allow Lee County the right, but not the obligation, to maintain drainageway. No conditions are necessary at this time as the proposed development will comply with 10-328 at time of local development order.

PROTECTED SPECIES SURVEY

Site Address:

14700, 14800, 14780 Palm Beach Blvd.
Fort Myers, FL 33905

Commercial Development

STRAP # 28-43-26-00-00001.0050

Unincorporated Lee County

Prepared For:

TDM CONSULTING, INC.

43 Barkley Circle, Suite 200
Fort Myers, FL 33907

Prepared by:



18197 Sandy Pines Circle
North Fort Myers, FL 33917
(239) 246-8706

Introduction

An environmental scientist from Landesco, pllc conducted a field investigation on a 3.65 ± acre parcel on June 8, 2022. The project site is located in portions of Section 28, Township 43, Range 26E, in Fort Myers, Florida, North of Palm Beach Boulevard, East of I-75. See attached project location map (Exhibit A).

The purpose of this survey was to inspect the property for potential listed species that could inhabit the site. These listed (endangered, threatened, etc.) species are regulated by the United States Fish & Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

This report is for the exclusive use of TDM Consulting Inc., and their consultants. No other person or agency may rely upon the information, analysis, or conclusions contained herein without their consent.

Survey Method

The field investigation of the property was performed in June 8, 2022 Table 1 below shows date, time and weather conditions during the survey. A series of North/South and East/West pedestrian transects were completed across the parcel in compliance with Lee County and Florida Fish and Wildlife Conservation Commission (FWC) guidelines. Transects were spaced approximately 20-30 feet apart. In addition, periodic “stop-look-listen” and quiet stalking methods were also conducted. Any evidence of protected species were obtained through direct observation, and signs such as tracks, nests, and scat were noted. Table 3 shows listed species that could potentially occur on-site.

The location of listed species nests and/or burrows were recorded with a handheld GPS unit with an estimated accuracy of five to ten feet. The Protected Species Survey Map (Exhibit E) depicts the approximate location of the survey transects and the results of the survey.

Table 1. Field time & conditions

Date	Weather Conditions	Time of Day
June 8, 2022	Sunny, & 88 °F	Early morning hours

Existing Site Conditions

Site Description - The boundary is approximate and is based on Lee County Property Appraiser information. The undeveloped project site is assumed to be roughly 3.65 ± acres. In general, the majority of the undisturbed wooded land with a creek running along side the western property line. Please refer to the enclosed FLUCFCS map (Exhibit C).

Soil Type - Soils on this property have been mapped by the National Resources Conservation Service, United States Department of Agriculture. These mappings are general in nature, but can provide a certain level of information about the site as to the possible extent of a wetland area. According to these mappings, the parcel is underlain by (13) Cypress Lake fine sand, hydric; (45) Copeland fine sand loam, hydric. Please see attached NRCS Soil Map (Exhibit D).

Vegetative Classifications - Predominant vegetation association was determined during a site inspection on June 8, 2022. Vegetation is one parameter utilized in determining the presence of potential wetlands. These mappings are general in nature, but could reflect whether an area would be considered as wetlands by the regulatory agencies. Wetland communities generally include the presence of wetland hydrology, wetland vegetation, and hydric soils. Vegetation association was identified using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Florida Department of Transportation (FDOT 1999). The following descriptions of the FLUCFCS association are provided below, and correspond with the attached FLUCFCS Map (Exhibit C).

Table 2. FLUCFCS Community Table

FLUCFCS Code	Community Description	Acres
414 E2	Pine Mesic Oak (Exotics 25-49%)	2.03 ± Ac.
422	Brazilian Pepper	0.33 ± Ac.
617 E1	Mixed Wetland Hardwoods (Exotics 1-24%)	1.29 ± Ac.
	Total	3.65 ± Ac.

FLUCFCS Code 414 E2, Pine Mesic Oak (Exotics 25-49%) (2.30 ± acres)

The canopy consists of primarily of Slash Pine (*Pinus elliottii*), Bald Cypress (*Taxodium distichum*), Sabal Palm (*Sabal palmetto*), Melaleuca (*Melaleuca quinquenervia*). Sub-canopy scattered Brazilian Pepper (*Schinus terebinthifolia*), Wax Myrtle (*Myrica*). Ground cover consists of scattered Saw Palmetto (*Serenoa repens*), Creeping-oxeye (*Sphagneticola*), Panicgrasses (*Panicum oligosanthos*) and other various opportunistic weedy species.

FLUCFCS Code 422, Brazillian Pepper (0.33 ± acres)

The canopy consists of primarily of Brazilian Pepper (*Schinus terebinthifolia*).

FLUCFCS Code 617 E1, Mixed Wetland Hardwoods (Exotics 1-24%) (1.35 ± acres)

The canopy consists of primarily of Bald Cypress, Slash Pine (*Pinus elliottii*), Ear Leaf Acacia (*Acacia auriculiformis*), Sabal Palm, Brazilian Pepper (*Schinus terebinthifolia*). Sub-canopy colonists of Wild Coffee (*Psychotria nervosa*), Red Maple (*Acer rubrum*), Melaleuca (*Melaleuca quinquenervia*), Wax Myrtle (*Myrica*), Laurel Oak (*Quercus laurifolia*). Ground cover consists of scattered, Leather Fern (*Acrostichum aureum*) Boston Fern (*Nephrolepis exaltata*), Creeping-oxeye (*Sphagneticola*), and other various opportunistic weedy species.

Potential Listed Species

The protected species survey was conducted by an environmental scientist from Landesco, pllc on June 8, 2022. Locations of any trees containing cavities, discovered on-site, were added to the Protected Species Survey Map (Exhibit E). Table 3 below shows the potential listed species that could occur on-site.

Table 3. Listed Species That Could Potentially Occur On-site

FLUCFCS CODE	Species Names	Scientific Name	Present	Absent	Percent Survey Coverage
414	Eastern Indigo Snake	<i>Drymarchon corais couperi</i>	-	X	85
	Florida Panther	<i>Felis concolor coryi</i>	-	X	85
	Florida Black Bear	<i>Ursus americanus floridanus</i>	-	X	85
422	N/A	N/A	-	-	85
617	Limpkin	<i>Aramus guarauna</i>	-	X	85
	Florida Panther	<i>Felis concolor coryi</i>	-	X	85
	Florida Black Bear	<i>Ursus americanus floridanus</i>	-	X	85

Bald Eagle (*Haliaeetus leucocephalus*)

The U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission no longer list the bald eagle as a threatened or endangered species. However, the bald eagle is still protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

The USFWS regulates construction activities with 660' of a Bald Eagle nest. After reviewing the Florida Fish and Wildlife Conservation Commission (FWC) website, there is not any recorded Bald Eagle nest located with 660' of the subject property. The closest Bald Eagle Nest (LE-039) to the project site is approximately 1.63 miles to the Northwest. This nest was active for 2021 nesting season, not all eagle nests in Florida have been documented by FWC.

Florida Bonneted Bat (*Eumops floridanus*)

The Florida Bonneted Bat (also know as the Florida Mastiff Bat) is the largest species of bat in Florida. The Florida Bonneted Bat is protected as an Endangered Species by the Federal Endangered Species Act and as a Federally-designated Endangered species. This bat species can reach a length of 6.5 inches with a wingspan of 20 inches. The pelage (hair) color can vary from black to brown to a grayish or cinnamon brown.

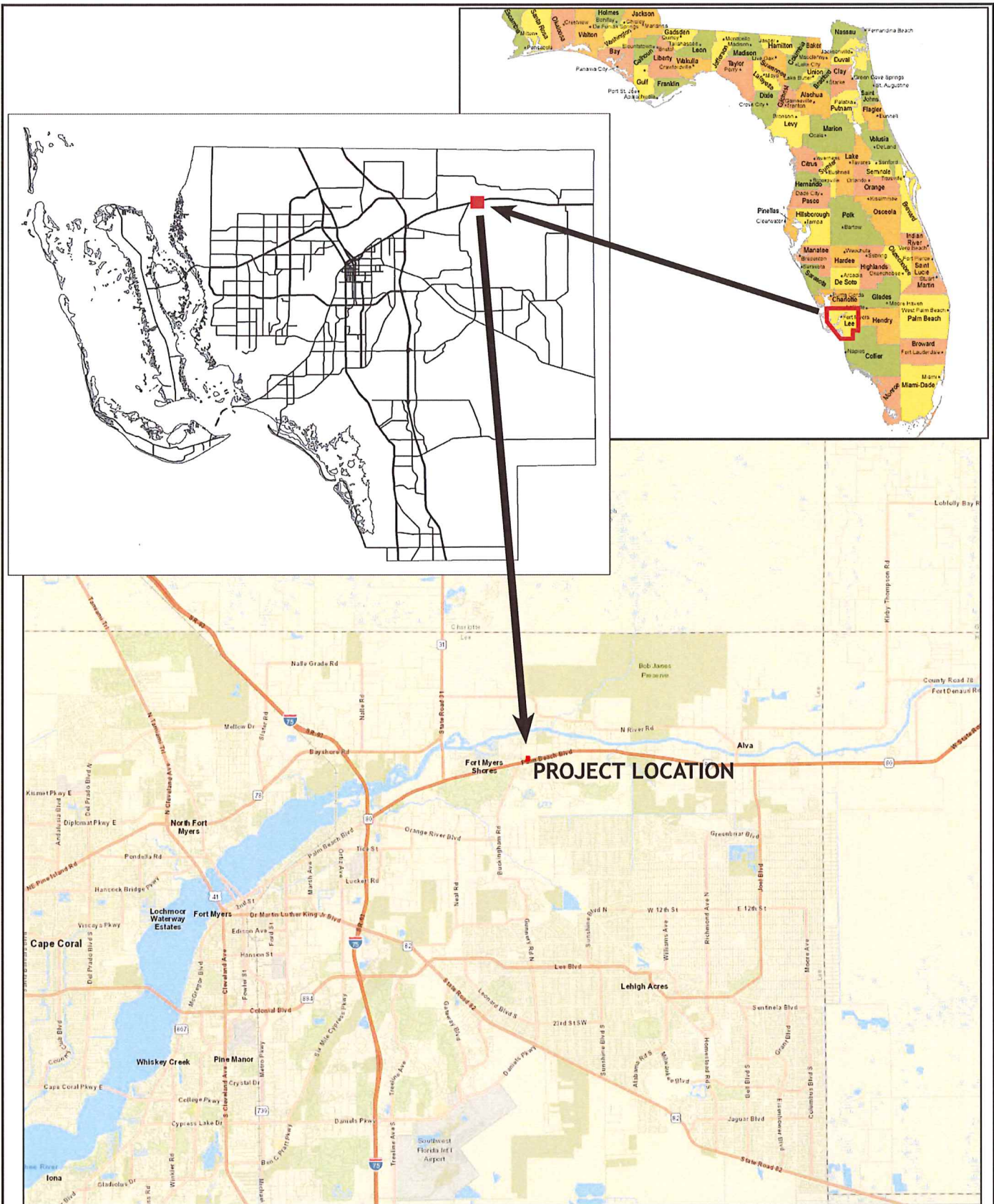
Survey Results

The site is considered to be undisturbed land. There is a creek that runs along the western property line. There is also another creek/stream that comes in along the Northeastern property corner. No protected species were found on-site during time of inspection. No burrows, cavities, nests or nest-like structures were found during inspection.

Wetland indicators were discovered throughout the site. These areas could be considered Jurisdictional Wetlands and may require permitting with the Florida Department of Environmental Protection (FDEP), verification will be needed with South Florida Water Management District (SFWMD). Approximately 1.35 acres of wetland were found on-site, there is potential for the area of wetland to increase after on-site meetings with SFWMD and/or FDEP.

Exhibit A

Project Location Map



DRAWN BY:
CEK

DATE:
06/13/2022

S/T/R
28/43/26E

COUNTY:
LEE

PROJECT LOCATION MAP



PAGE
5

EXHIBIT
A

Exhibit B

Project Boundary with Aerial Map



Scale: 1" = 200'



Notes:

Aerial photographs were acquired through Lee County Property Appraiser's office with flight a date of January, 2022.

DRAWN BY:
CEK

DATE:
06/13/2022

S/T/R
28/43/26E

COUNTY:
LEE

PROJECT BOUNDARY WITH AERIAL MAP



PAGE
7

EXHIBIT
B

PERMIT USE ONLY, NOT FOR CONSTRUCTION

Exhibit C

FLUCFCS Map



Scale: 1" = 200'



FLUCFCS Code	Community Description	Acres
414 E2	Pine Mesic Oak (Exotics 25-49%)	2.03 ± Ac.
422	Brazilian Pepper	0.33 ± Ac.
617 E1	Mixed Wetland Hardwoods (Exotics 1-24%)	1.29 ± Ac.
Total		3.65 ± Ac.

Notes:

1. Property boundary is approximate; aerial photographs were acquired through Lee County Property Appraiser's office with flight date of January, 2022.
2. Mapping based on photointerpretation of 2022 aerial photography, ground truthing in June 2022.

DRAWN BY: CEK	DATE: 06/13/2022
S/T/R 28/43/26E	COUNTY: LEE

FLUCFCS MAP



PAGE 9
EXHIBIT C

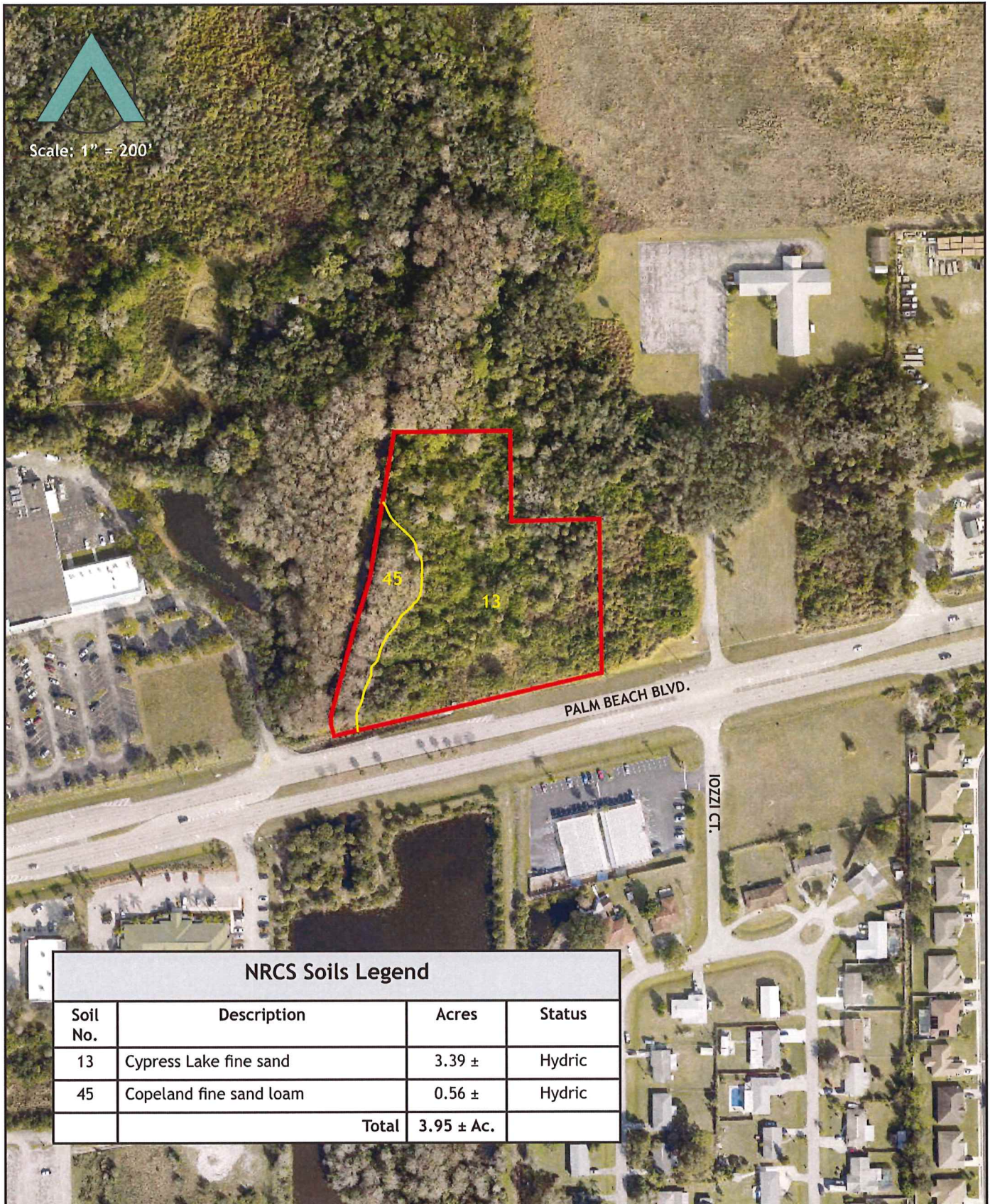
PERMIT USE ONLY, NOT FOR CONSTRUCTION

Exhibit D

NRCS Soils Map



Scale: 1" = 200'



NRCS Soils Legend

Soil No.	Description	Acres	Status
13	Cypress Lake fine sand	3.39 ±	Hydric
45	Copeland fine sand loam	0.56 ±	Hydric
Total		3.95 ± Ac.	

DRAWN BY:
CEK

DATE:
06/13/2022

S/T/R
28/43/26E

COUNTY:
LEE

NRCS SOILS MAP



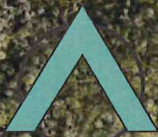
PAGE
11

EXHIBIT
D

PERMIT USE ONLY, NOT FOR CONSTRUCTION

Exhibit E

Protected Species Survey Map



Scale: 1" = 200'



FLUCFCS Code	Community Description	Acres
414 E2	Pine Mesic Oak (Exotics 25-49%)	2.03 ± Ac.
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Total		3.65 ± Ac.

Notes:
1. Property boundary is approximate; aerial photographs were acquired through Lee County Property Appraiser's office with flight date of January, 2022.
2. Mapping based on photointerpretation of 2022 aerial photography, ground truthing in June 2022.

DRAWN BY: CEK	DATE: 06/13/2022	PROTECTED SPECIES SURVEY MAP		PAGE 14
S/T/R 28/43/26E	COUNTY: LEE			EXHIBIT E

PERMIT USE ONLY, NOT FOR CONSTRUCTION

ATTACHMENT O

Property Development Regulations BluWave Car Wash DCI2023-00025

Minimum Lot Size: 25,000 square feet
Minimum lot width: 150 feet
Minimum lot depth: 150 feet

Minimum Setbacks:

Street: 40 feet
Side: 30 feet
Rear: 50 feet
Waterbody: 25 feet
Preserve: 20 feet

Building Height: 35 feet

ATTACHMENT P



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

Blue Wave Express Car Wash
Proposed Schedule of Uses

Accessory Uses and Structures
Car Wash
Drive-thru Facility for any permitted use
Essential Services
Essential Service Facilities, Group I
Fences, Walls
Parking Lot, Accessory
Signs in Accordance with Chapter 30
Storage, Indoor and Open
Temporary Uses

ATTACHMENT Q

Lee County, Florida DEPARTMENT OF COMMUNITY DEVELOPMENT ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2023-00025
TYPE OF CASE: Commercial Planned Development
CASE NAME: BluWave Express Car Wash
TOTAL ACREAGE: 3.92 Acres
SUFFICIENCY DATE: October 4, 2023
HEARING EXAMINER DATE: December 7, 2023

Request

The applicant is requesting to rezone three properties from Agricultural (AG-2), Industrial (IL), Commercial (C-2), and Commercial Planned Development (CPD) to a unified Commercial Planned Development (CPD). The request is to allow a carwash, as well as a schedule of commercial uses. The property is located in Fort Myers, north of Palm Beach Boulevard. According to the Lee Plan, the parcels are located in the Suburban Future Land Use Category. The proposed development is within the mixed-use overlay and Caloosahatchee Shores/ Olga Overlay Planning area.

Existing Conditions

As mentioned, the site is located north of Palm Beach Boulevard. The area where the proposed development is occurring, is currently vacant and contains wetlands. The applicant has not received a South Florida Water Management permit determining the wetland boundary. The applicant has submitted a Protected Species Survey that includes the Florida Land Use Cover and Classification System (FLUCCS) map depicting the pedestrian transects methodology used to survey the project and a detailed FLUCCS for the project area (see Exhibit A). Landesco did not observe any listed species onsite.

Open Space

The project meets the large commercial development definition (Land Development Code 10-1). LDC 10-415(a) and 33-1514(1) requires the applicant to provide 30% open space. The applicant has provided a Master Concept Plan (MCP) that depicts 2.06 acres open space and complies with the minimum 30% open space requirement.

Staff recommends the following open space condition to ensure that 2.06 acres of open space is provided:

Prior to the issuance of the first development order, the development order plans must depict 2.06 acres of open space.

Indigenous Open Space Preservation

The Land Development Code requires that large projects and developments less than 5 acres must provide 30 percent of the open space percentage requirement through onsite preservation of existing native vegetation communities (LDC 10-415(b)). The applicant is required to provide 0.59 acres (25,635 square feet) of indigenous open space and is providing 0.69 acres of indigenous preserve.

The applicant has not been issued a formal jurisdictional wetland determination or Environmental Resource Permit. Landesco mapped a large majority of the property as wetland. The applicant has indicated that an ERP or formal jurisdictional determination will be received prior to construction.

Staff recommends approval of following condition to ensure the proposed open space and indigenous open space is provided:

Prior to the issuance of the first development order, the development order plans must depict a total of 0.69 acres of indigenous preserve in substantial compliance with the Master Concept Plan per the following breakdown: Indigenous Preserve 0.69 acres.

Indigenous Habitat Management Plan

The applicant has not provided an Indigenous Habitat Management Plan. The applicant will be required to provide an indigenous management plan prior to the issuance of the first development order.

Staff provides the following conditions to ensure that the development order and vegetation removal permits provide the necessary documentation:

Prior to the issuance of the first development order, the applicant must provide an indigenous management plan.

Prior to the issuance of the first development order, the development order plans must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located.

Buffers

The proposed development abuts a creek along the west, commercially zoned land along the east and north, and right-of-way along the south. The required buffers are as follows:

North & East – LDC 34-1353(e)(5) states that commercially zoned property to commercial requires buffering per LDC 10-416(d). LDC 10-416(d) requires a 5-foot Type A buffer. The applicant is providing a 5-foot Type A buffer along the north and the east.

West - LDC Section 10-416(d)(9) requires a 50-foot natural waterway buffer when existing creeks abut developments. The applicant is demonstrating compliance with LDC 10-416(d)(9) and is including the buffer within the preservation area.

South - The south property line abuts Palm Beach Boulevard. LDC 34-1353(e) requires a 25-foot landscape buffer when car washes abut an external right-of-way. The applicant is demonstrating compliance with LDC 34-1353(e).

Staff provides the following condition to ensure that the MCP demonstrates the enhanced buffers at the time of development order:

Prior to the issuance of the first development order, the development order plans must demonstrate a 25-foot landscape buffer along the south property line.

Exhibits

A – Environmental Survey

PROTECTED SPECIES SURVEY

Site Address:

14700, 14800, 14780 Palm Beach Blvd.
Fort Myers, FL 33905

Commercial Development

STRAP # 28-43-26-00-00001.0050

Unincorporated Lee County

Prepared For:

TDM CONSULTING, INC.

43 Barkley Circle, Suite 200
Fort Myers, FL 33907

Prepared by:



18197 Sandy Pines Circle
North Fort Myers, FL 33917
(239) 246-8706

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Survey Method

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Site Description - The boundary is approximate and is based on Lee County Property Appraiser information. The undeveloped project site is assumed to be roughly 3.65 ± acres. In general, the majority of the undisturbed wooded land with a creek running along side the western property line. Please refer to the enclosed FLUCFCS map (Exhibit C).

Soil Type - Soils on this property have been mapped by the National Resources Conservation Service, United States Department of Agriculture. These mappings are general in nature, but can provide a certain level of information about the site as to the possible extent of a wetland area. According to these mappings, the parcel is underlain by (13) Cypress Lake fine sand, hydric; (45) Copeland fine sand loam, hydric. Please see attached NRCS Soil Map (Exhibit D).

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	Total	3.65 ± Ac.

FLUCFCS Code 414 E2, Pine Mesic Oak (Exotics 25-49%) (2.30 ± acres)

The canopy consists of primarily of Slash Pine (*Pinus elliottii*), Bald Cypress (*Taxodium distichum*), Sabal Palm (*Sabal palmetto*), Melaleuca (*Melaleuca quinquenervia*). Sub-canopy scattered Brazilian Pepper (*Schinus terebinthifolia*), Wax Myrtle (*Myrica*). Ground cover consists of scattered Saw Palmetto (*Serenoa repens*), Creeping-oxeye (*Sphagneticola*), Panicgrasses (*Panicum oligosanthes*) and other various opportunistic weedy species.

FLUCFCS Code 422, Brazillian Pepper (0.33 ± acres)

The canopy consists of primarily of Brazilian Pepper (*Schinus terebinthifolia*).

FLUCFCS Code 617 E1, Mixed Wetland Hardwoods (Exotics 1-24%) (1.35 ± acres)

The canopy consists of primarily of Bald Cypress, Slash Pine (*Pinus elliottii*), Ear Leaf Acacia (*Acacia auriculiformis*), Sabal Palm, Brazilian Pepper (*Schinus terebinthifolia*). Sub-canopy colonists of Wild Coffee (*Psychotria nervosa*), Red Maple (*Acer rubrum*), Melaleuca (*Melaleuca quinquenervia*), Wax Myrtle (*Myrica*), Laurel Oak (*Quercus laurifolia*). Ground cover consists of scattered, Leather Fern (*Acrostichum aureum*) Boston Fern (*Nephrolepis exaltata*), Creeping-oxeye (*Sphagneticola*), and other various opportunistic weedy species.

Potential Listed Species

The protected species survey was conducted by an environmental scientist from Landesco, pllc on June 8, 2022. Locations of any trees containing cavities, discovered on-site, were added to the Protected Species Survey Map (Exhibit E). Table 3 below shows the potential listed species that could occur on-site.

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Bald Eagle (*Haliaeetus leucocephalus*)

The U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission no longer list the bald eagle as a threatened or endangered species. However, the bald eagle is still protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

The USFWS regulates construction activities with 660' of a Bald Eagle nest. After reviewing the Florida Fish and Wildlife Conservation Commission (FWC) website, there is not any recorded Bald Eagle nest located with 660' of the subject property. The closest Bald Eagle Nest (LE-039) to the project site is approximately 1.63 miles to the Northwest. This nest was active for 2021 nesting season, not all eagle nests in Florida have been documented by FWC.

Florida Bonneted Bat (*Eumops floridanus*)

The Florida Bonneted Bat (also know as the Florida Mastiff Bat) is the largest species of bat in Florida. The Florida Bonneted Bat is protected as an Endangered Species by the Federal Endangered Species Act and as a Federally-designated Endangered species. This bat species can reach a length of 6.5 inches with a wingspan of 20 inches. The pelage (hair) color can vary from black to brown to a grayish or cinnamon brown.

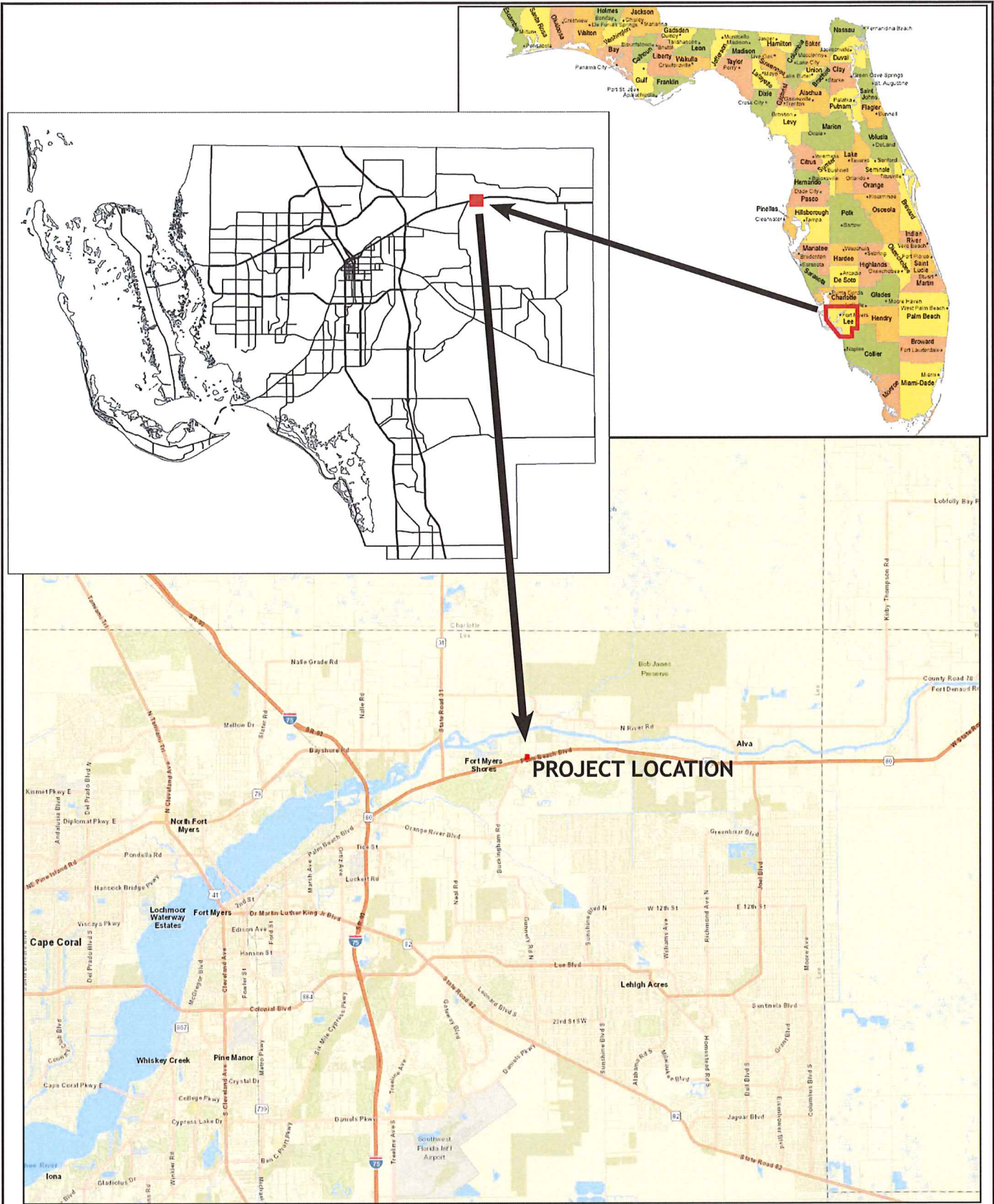
Survey Results

The site is considered to be undisturbed land. There is a creek that runs along the western property line. There is also another creek/stream that comes in along the Northeastern property corner. No protected species were found on-site during time of inspection. No burrows, cavities, nests or nest-like structures were found during inspection.

Wetland indicators were discovered throughout the site. These areas could be considered Jurisdictional Wetlands and may require permitting with the Florida Department of Environmental Protection (FDEP), verification will be needed with South Florida Water Management District (SFWMD). Approximately 1.35 acres of wetland were found on-site, there is potential for the area of wetland to increase after on-site meetings with SFWMD and/or FDEP.

Exhibit A

Project Location Map



DRAWN BY: CEK	DATE: 06/13/2022	PROJECT LOCATION MAP		PAGE 5
S/T/R 28/43/26E	COUNTY: LEE			EXHIBIT A

Exhibit B

**Project Boundary with
Aerial Map**



DRAWN BY: CEK	DATE: 06/13/2022	PROJECT BOUNDARY WITH AERIAL MAP		PAGE 7
S/T/R 28/43/26E	COUNTY: LEE			EXHIBIT B

PERMIT USE ONLY, NOT FOR CONSTRUCTION

Exhibit C

FLUCFCS Map



Scale: 1" = 200'



FLUCFCS Code	Community Description	Acres
414 E2	Pine Mesic Oak (Exotics 25-49%)	2.03 ± Ac.
422	Brazilian Pepper	0.33 ± Ac.
617 E1	Mixed Wetland Hardwoods (Exotics 1-24%)	1.29 ± Ac.
Total		3.65 ± Ac.

Notes:
1. Property boundary is approximate; aerial photographs were acquired through Lee County Property Appraiser's office with flight date of January, 2022.
2. Mapping based on photointerpretation of 2022 aerial photography, ground truthing in June 2022.

DRAWN BY: CEK	DATE: 06/13/2022	FLUCFCS MAP	PAGE 9
S/T/R 28/43/26E	COUNTY: LEE		EXHIBIT C



Exhibit D

NRCS Soils Map



Scale: 1" = 200'



PALM BEACH BLVD.

IOZZI CT.

NRCS Soils Legend

Soil No.	Description	Acres	Status
13	Cypress Lake fine sand	3.39 ±	Hydric
45	Copeland fine sand loam	0.56 ±	Hydric
Total		3.95 ± Ac.	

DRAWN BY:
CEK

DATE:
06/13/2022

S/T/R
28/43/26E

COUNTY:
LEE

NRCS SOILS MAP



PAGE
11

EXHIBIT
D

PERMIT USE ONLY, NOT FOR CONSTRUCTION

Exhibit E

Protected Species Survey Map



Scale: 1" = 200'



Legend
--- Transect Lines

FLUCFCS Code	Community Description	Acres
414 E2	Pine Mesic Oak (Exotics 25-49%)	2.03 ± Ac.
422	Brazilian Pepper	0.33 ± Ac.
617 E1	Mixed Wetland Hardwoods (Exotics 1-24%)	1.29 ± Ac.
Total		3.65 ± Ac.

Notes:

1. Property boundary is approximate; aerial photographs were acquired through Lee County Property Appraiser's office with flight date of January, 2022.
2. Mapping based on photointerpretation of 2022 aerial photography, ground truthing in June 2022.

DRAWN BY:
CEK

DATE:
06/13/2022

S/T/R
28/43/26E

COUNTY:
LEE

PROTECTED SPECIES SURVEY MAP



PAGE
14

EXHIBIT
E

PERMIT USE ONLY, NOT FOR CONSTRUCTION

ATTACHMENT R



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

PIM SUMMARY

BLUWAVE EXPRESS CAR WASH CPD

A public information meeting was held at the Crossroads Baptist Church on October 2, 2023. The meeting was advertised in the News-Press on September 21, 2023. No one from the public attended the PIM; however, the Student Pastor, Michael Caro, signed the Sign-In Sheet since he helped set up the meeting space.

This was the second PIM for the proposed rezoning of the subject property. The applicant has always intended to construct a car wash at this location. A conventional rezoning application was originally submitted for this property and a PIM was held on January 19, 2023. During our conversations with staff, it was determined that a CPD with limited uses was more appropriate at this location, so REZ2022-00029 was withdrawn and the applicant submitted the rezoning application as a CPD. It should be noted that only one member of the public attended the original PIM, which was held at the Olga Community Center.

A copy of the News-Press Ad, Sign-In Sheet, and TDM Presentation are included with this PIM Summary.

Run Times: 1

Run Dates: 09/21/23

No. of Affidavits: 1

Text of Ad:

NOTICE OF MEETING

TDM Consulting, Inc. will be holding a Public Information Meeting in the Caloosahatchee Shores and Olga Planning Communities on October 2, 2023 at 1:00 pm. The meeting will be held at the Crossroads Baptist Church at 10721 Palm Beach Boulevard. The applicant, RAS1 Properties, LLC, is requesting to rezone 3.92-acres located at 14700, 14780 and 14800 Palm Beach Boulevard, Fort Myers from AG-2, IL, CPD and C-2 to Commercial Planned Development (CPD). For additional information, please contact Veronica Martin, Senior Planner with TDM Consulting, at 239-433-4231 or vmartin@tdmconsulting.com.

AD # 5826145

9/21/23

Public Information Meeting Sign-In Sheet

Meeting Date: Monday, Oct. 2, 2023

Location: Crossroads Baptist Church, 10721 PBB (SR80)

Project Name: Blue Wave Express

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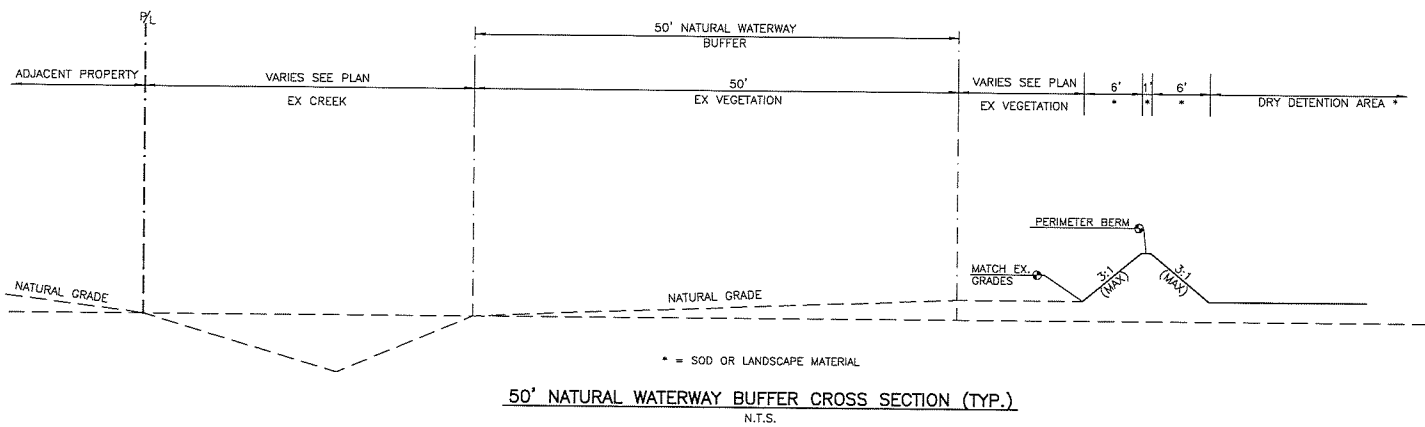


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BLUWAVE EXPRESS CAR WASH CPD

- Representing Ray Sargenti for RAS1 Properties, LLC, property owner and applicant
- Property is located at 14700, 14780, and 14800 PBB, east of the Winn Dixie shopping plaza and west of Tractor Supply.
- Requesting to rezone 3.92-acres from AG-2, IL, C-2 and CPD to CPD for a consistent zoning district
- Schedule of Uses: primary use is Car Wash with drive-thru plus miscellaneous uses
- No deviations requested
- FLU is Suburban and property is within the MUO
- Master Concept Plan shows how property will be accessed from Palm Beach Blvd, with car wash located on the uplands and the existing wetlands preserved. The car wash is an automatic car wash with multiple vacuum stations. There's an interconnect to the commercially zoned property to the east and a required access easement for maintenance of the waterbody to the west.
- Questions/Comments/Concerns

ATTACHMENTS



EXHIBIT

50' NATURAL WATERWAY BUFFER CROSS SECTION

14700-14800 PALM BEACH BLVD,
EAST AVE

SOURCE: TDM, 08/23



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