

EXHIBITS

CASE # REZ2023-00019

CASE NAME: 10488 NIKKIS LANE

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? _____ YES _____ NO

LOCATION OF BOARDS

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

EXHIBITS

Case #

REZ2023-00019

APPLICANT

01. 48-hour.

#1 Presentation

#2 _____

#3 _____

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

STAFF

2

#1 Staff Report

#2 Presentation

#3 _____

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

OTHER EXHIBITS

NAME

NUMBER

DESCRIPTION

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____

Perez, Maria

From: Veronica Martin <vmartin@tdmconsulting.com>
Sent: Friday, May 3, 2024 9:16 AM
To: Perez, Maria
Cc: Linda Cope; Danley Jr, Dirk
Subject: 48-hr letter REZ2023-00019
Attachments: 48-Hr Letter to HEX.pdf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good Morning Maria,

Please find attached the 48-hr letter for case number REZ2023-00019. We are in agreement with the staff report.

Have a good day.

Veronica Martin

Senior Planner

vmartin@tdmconsulting.com

Saving just one dog won't change the world...but, surely the world will change for that one dog...Adopt, don't shop...

PLEASE NOTE OUR ADDRESS HAS CHANGED.



1520 Royal Palm Square Blvd, Suite 100
Fort Myers, FL 33919
Phone 239-433-4231
www.tdmcivilengineering.com
Certificate of Authorization # 29086

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APPLICANT'S
EXH # 9

From: Perez, Maria <MPerez@leegov.com>

Sent: Friday, May 3, 2024 8:46 AM

To: Lscope1947@gmail.com; Veronica Martin <vmartin@tdmconsulting.com>; Danley Jr, Dirk <DDanleyJr@leegov.com>

Cc: Sweigert, Rebecca <RSweigert@leegov.com>; Evans, Marcus <MEvans@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Prining, Jamie <JPrining@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Ennis, Audra <AEnnis@leegov.com>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; Kleinmann, Ohdet H <OKleinmann@leegov.com>; Henderson, Abby <AHenderson@leegov.com>; Werst, Lee <LWerst@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Danley Jr, Dirk <DDanleyJr@leegov.com>; Gillogly, Phil <PGillogly@leegov.com>; Rodriguez, Jennifer <JMRodriguez@leegov.com>

Subject: REZ2023-00019 10488 NIKKIS LANE

Good afternoon. Ms. Amanda L. Rivera will be the Hearing Examiner presiding over the subject zoning case scheduled to be heard May 9, 2024.

I have attached instructions on how to submit 48-hour notice and the exhibit list. Please do not pre-label your exhibits.

A court reporter will not be present. The applicant may hire a court reporter if they wish to have one present. Thank you.

We have upgraded our equipment in our hearing room. I have attached the new project layout so PowerPoint Presentations may be prepared to fit the screen. Thank you.

MARIA D. PEREZ
ADMINISTRATIVE SPECIALIST SENIOR
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100

E-mail: perezmd@leegov.com

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Please note our general office email address: hex@leegov.com



1520 Royal Palm Square Blvd, Suite 100
Fort Myers, FL 33919
Phone: 239-433-4231
www.tdmcivilengineering.com
Certificate of Authorization # 29086

May 3, 2024

Office of the Hearing Examiner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

Reference: 48-Hour Notice Letter
REZ2023-00019 – 10488 Nikkis Lane

Dear Madame Hearing Examiner:

We are in receipt of the Staff Report for Case Number REZ2023-00019/10488 Nikkis Lane. Lee County Staff has found the rezoning request of the 0.9-acre subject property from Neighborhood Commercial (CN-3) to General Commercial (CG) appropriate and that it meets the criteria for approval for a conventional rezoning as set forth in LDC Section 34-145(d)(4). The applicant is in agreement with the Staff Report and Staff's recommendation of approval.

Please note the Applicant will be providing one (1) Exhibit at the public hearing:

1. One (1) hard copy of the Power Point Presentation

Sincerely,

TDM CONSULTING, INC.

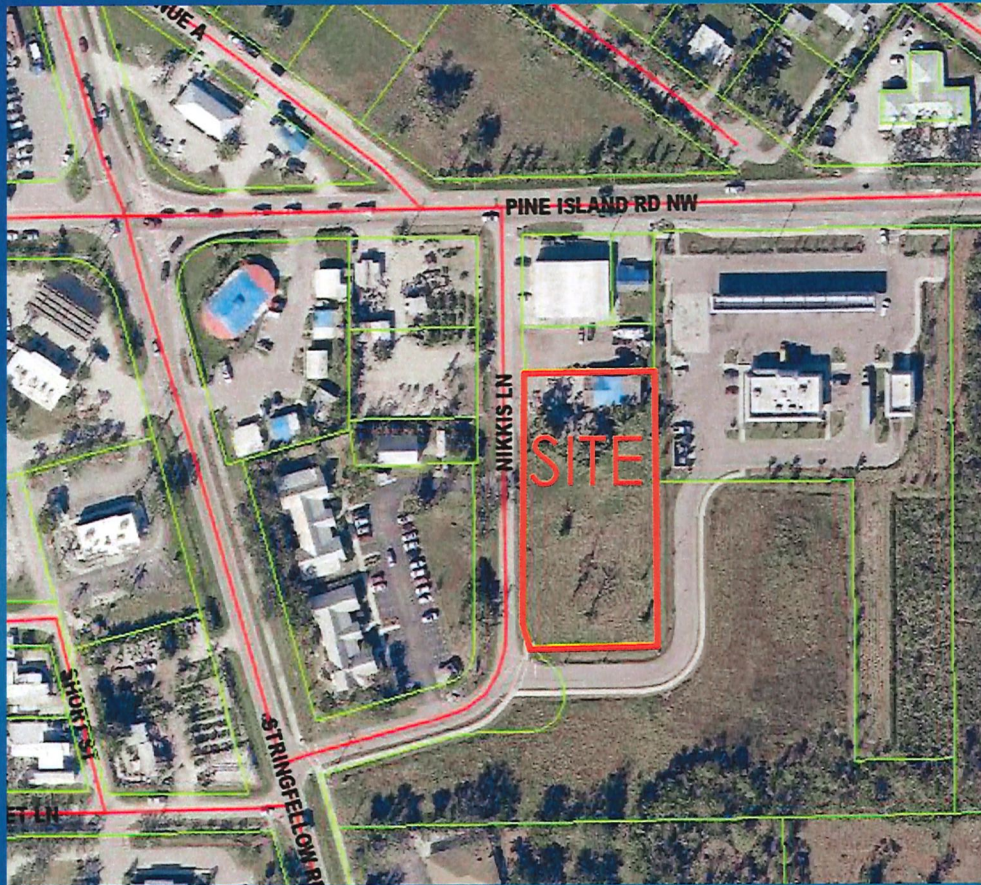
Veronica Martin

Veronica Martin
Senior Planner

REZ2023-00019 10488 Nikkis Lane

HEARING EXAMINER: MAY 9, 2024

APPLICANT EXHIBIT# _____

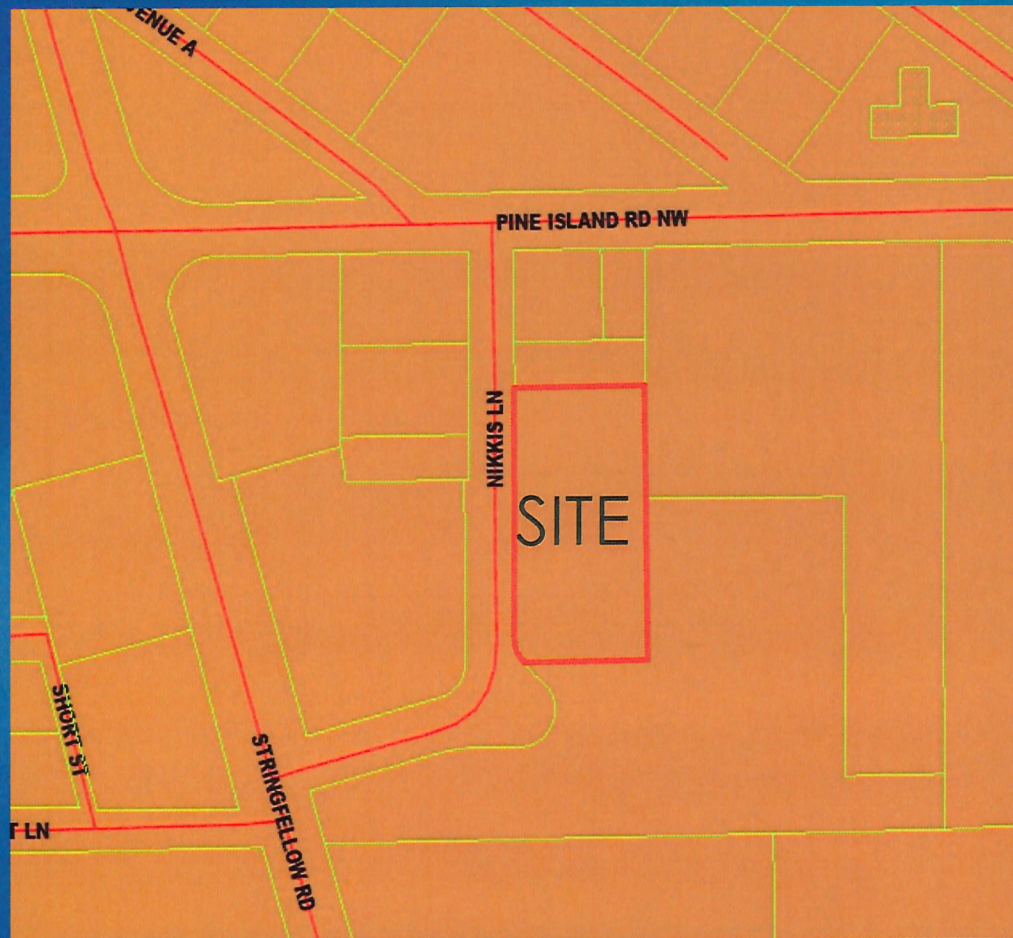


REQUEST

- REZONE 0.9 AC FROM NEIGHBORHOOD COMMERCIAL (CN-3) TO GENERAL COMMERCIAL (CG)

AREA LOCATION MAP

- SITE LOCATED AT 10464 NIKKIS LANE IN SAINT JAMES CITY, APPROX, 150 FT SOUTH OF PINE ISLAND RD AND 400 FT EAST OF STRINGFELLOW RD NEAR WHAT IS REFERRED TO AS "PINE ISLAND CENTER"
- GREATER PINE ISLAND PLANNING COMMUNITY



FUTURE LAND USE MAP 1-A

- URBAN COMMUNITY FUTURE LAND USE
- DESCRIBED AS A MIXTURE OF RELATIVELY INTENSE COMMERCIAL AND RESIDENTIAL LAND USES
- FUTURE LAND USE CATEGORY PERMITS RESIDENTIAL, COMMERCIAL, PUBLIC AND QUASI-PUBLIC AND LIMITED LIGHT INDUSTRIAL USES

ZONING MAP



- NORTH: CN-3, THEN C-1A. THE PROPERTY WITH FRONTAGE ALONG PINE ISLAND ROAD IS A SMALL COMMERCIAL BUILDING RESTAURANT, HAIR SALON, ETC WITH PARKING ON THE LOT AT THE REAR.
- EAST: CPD, DEVELOPED WITH A CONVENIENCE STORE WITH GAS PUMPS
- SOUTH: CPD – PROVIDES THE ACCESSWAY TO THE CONVENIENCE STORE
- WEST: NIKKIS LN ROW, THEN C-1 ZONING, DEVELOPED WITH COMMERCIAL USES INCLUDING RETAIL, MEDICAL OFFICES, RESTAURANTS, AND A PLANT NURSERY.

URBAN SERVICES

POTABLE WATER: GREATER PINE ISLAND WATER ASSOCIATION

SANITARY SEWER: LEE COUNTY UTILITIES

FIRE/EMS: MATLACHA-PINE ISLAND FIRE DEPARTMENT

POLICE: LEE COUNTY SHERIFF'S OFFICE WEST DISTRICT

SOLID WASTE: LEE COUNTY FRANCHISE AREA 5 – SERVED BY WASTE PRO

PUBLIC PARKS: PHILLIPS COMMUNITY PARK AND PINWOOD TRAILS PARK

PUBLIC SCHOOLS: LEE COUNTY SCHOOL DISTRICT WEST ZONE, DISTRICT AREA 4

LEE PLAN COMPLIANCE

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- ▶ **POLICY 1.1.4: The Urban Community Future Land Use Category** is described as a mixture of relatively intense commercial and residential uses. The FLU category permits residential, commercial, public and quasi-public, and limited light industrial uses.
- ▶ **OBJECTIVE 2.1: Development Location and POLICIES 2.1.1 and 2.1.2** promote compact and contiguous growth patterns within designated future urban areas.
- ▶ **OBJECTIVE 2.2: Development Timing and POLICIES 2.2.1 and 2.2.2** directs new growth where adequate public facilities exist and where compact and contiguous development patterns can be created.
- ▶ **OBJECTIVE 4.1: Water, Sewer, and Environmental Standards.** The Greater Pine Island Water Association provide a Letter of Availability confirming that potable water lines are located adjacent to the site and there is capacity to serve future development. LCU provided a Letter of Availability confirming there are sanitary sewer lines adjacent to the site and there is sufficient capacity to serve future development.

LEE PLAN COMPLIANCE

7

- ▶ **POLICY 5.1.5** of the Lee Plan is intended to protect residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment.
- ▶ **GOAL 6, OBJECTIVE 6.1: Commercial Land Uses and POLICIES 6.1.1, 6.1.4, 6.1.6, and 6.1.7** establishes objectives and policies to facilitate orderly and well-planned commercial developments at appropriate locations within the County. This area of Pine Island is already developed with primarily commercial uses. The uses permitted in the CG zoning district are compatible with the surrounding commercial uses.
- ▶ The site will be analyzed for traffic and access impacts, site design, landscaping, open space, screening and buffering, parking, surface water management, and environmental considerations at time of DO permitting.

LEE PLAN COMPLIANCE

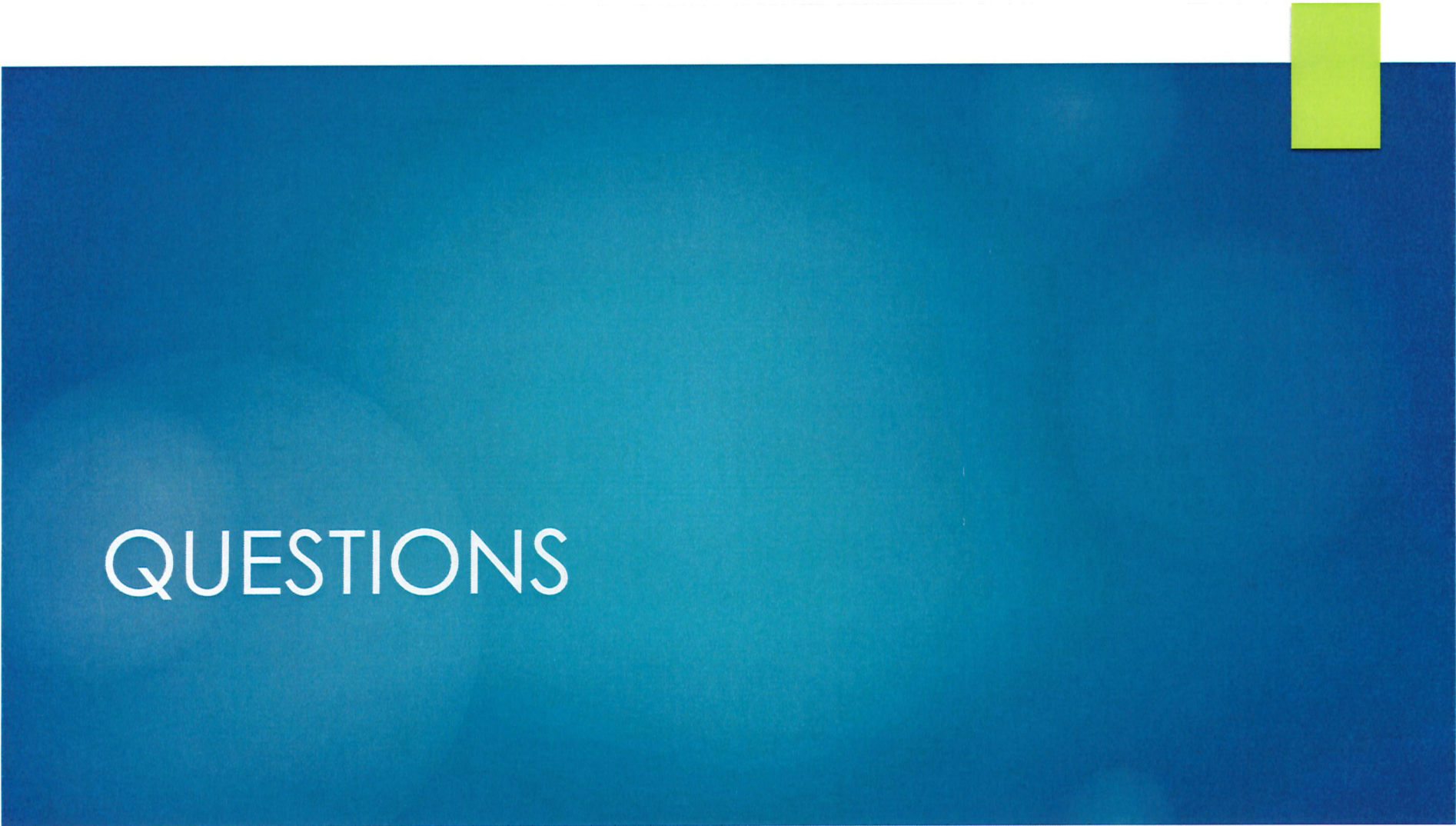
8

- ▶ **OBJECTIVE 17.3: PUBLIC INPUT.** A Public Information Meeting was held May 4, 2023 at 10488 Nikkis Lane.
- ▶ **GOAL 24: GREATER PINE ISLAND COMMUNITY PLAN, OBJECTIVE 24.4 and POLICY 24.4.1** establishes criteria for commercial development in Pine Island and states that new commercial areas should be focused to the future urban areas in the “Pine Island Center”. The Plan encourages non-residential developments to provide employment opportunities, serve the day to day needs of the residents and visitors, demonstrate a positive impact on traffic patterns, and reduce vehicular trips through Matlacha. The proposed CG zoning district permits slightly more intensive commercial uses that meet the needs of the Pine Island Community as set forth in Goal 24.
- ▶ **Goal 101: COASTAL AREAS and POLICIES 101.1.1 and 101.3.2** require that development within Coastal High Hazard Areas be compatible with natural systems and to restrict development to uplands.

CRITERIA FOR APPROVAL

THE APPLICANT HAS PROVEN ENTITLEMENT TO THIS CONVENTIONAL REZONING REQUEST AS SET FORTH IN LDC SECTION 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.



QUESTIONS



REZ2023-00019

10488 NIKKIS LANE

Staff Presentation – May 9, 2024

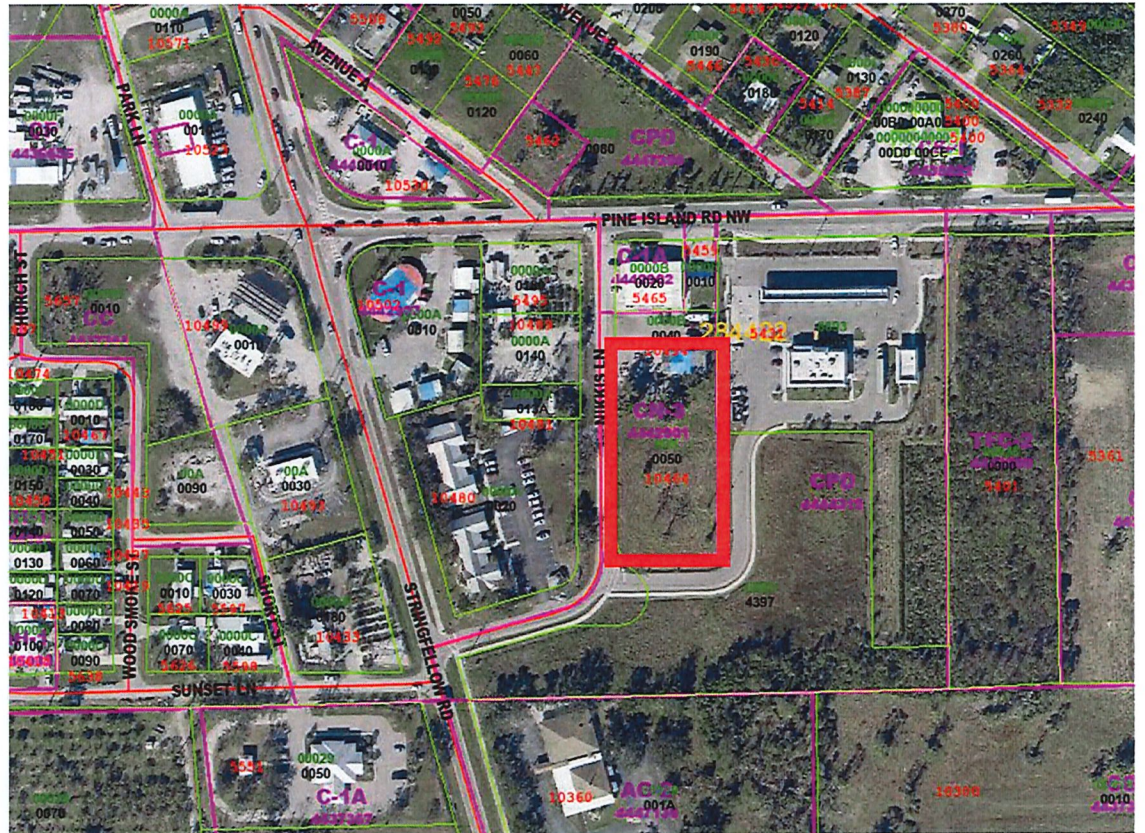
STAFF EXHIBIT# _____

2

Applicant Request

Request a conventional rezoning of approximately 0.9 acres from Neighborhood Commercial (CN-3) to General Commercial (CG).

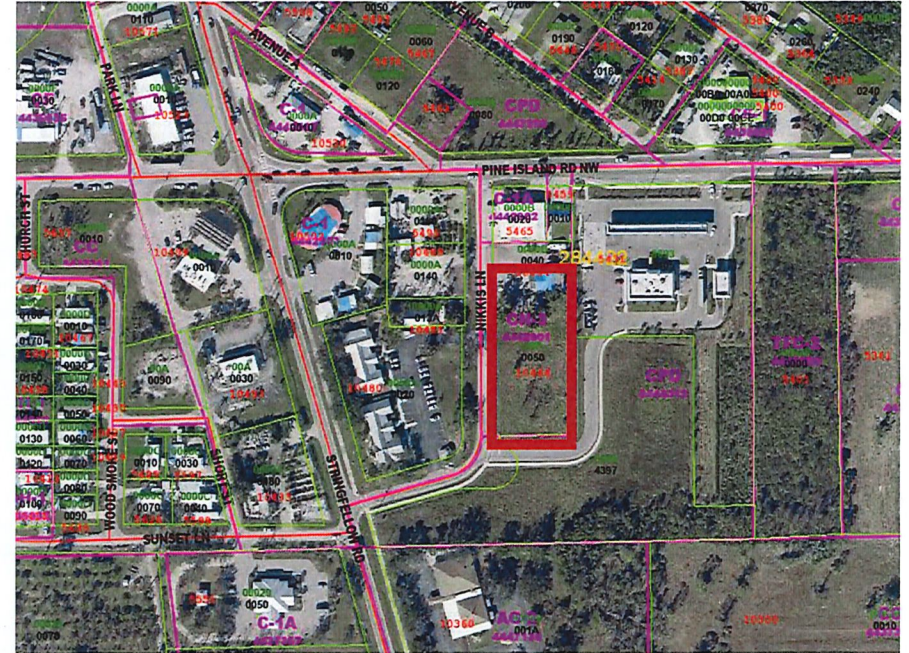
- 10464 Nikkis Lane, St James City
- Greater Pine Island Planning Community



Decision-Making Criteria

LDC Section 34-145(d)(4)a. establishes the decision-making criteria for Planned Development Rezoning requests.

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



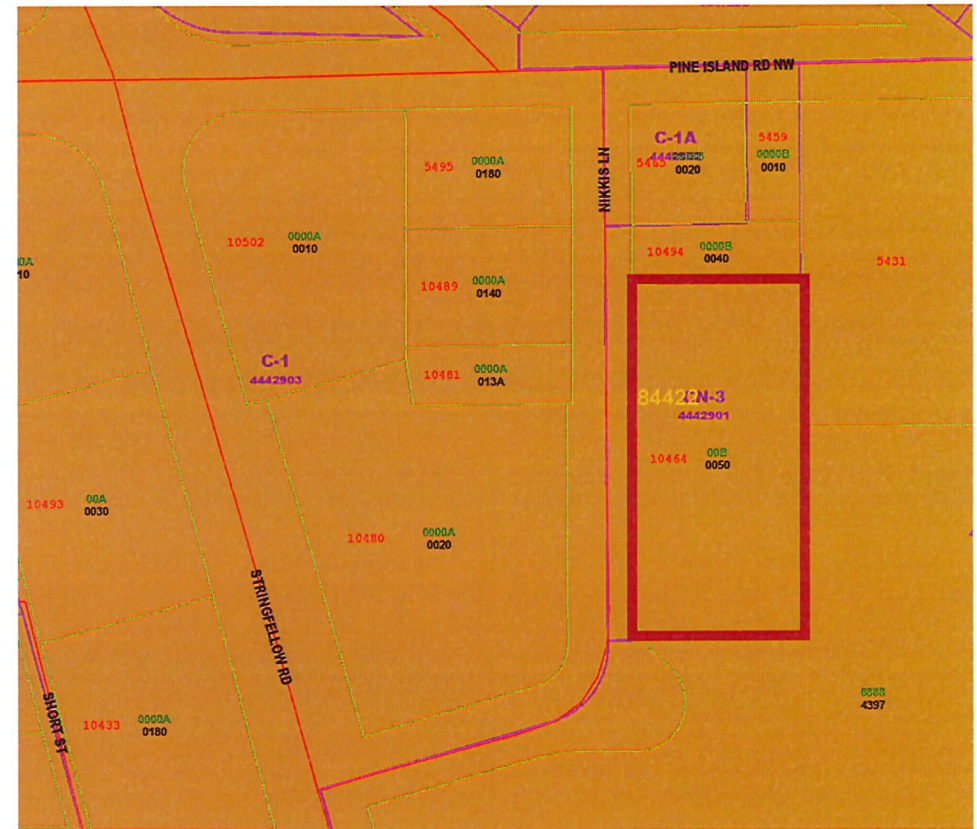
Lee Plan Review

Policy 1.1.4 – Urban community

- Mixture of relatively intense commercial and residential uses.
- General Commercial (CC) zoning district permissible in the category.

Objectives 2.1 and 2.2

- Encourage new growth in future urban areas where adequate sufficient infrastructure exist.
- Similar Development exists to the north and east of the project.
- Project will be supported by urban services.



Lee Plan Review

Policy 5.1.5 – Residential Uses

- Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of residential development.
- The proposed rezoning is not adjacent to any residential uses and is surrounded by other similar commercial development.

Lee Plan Review

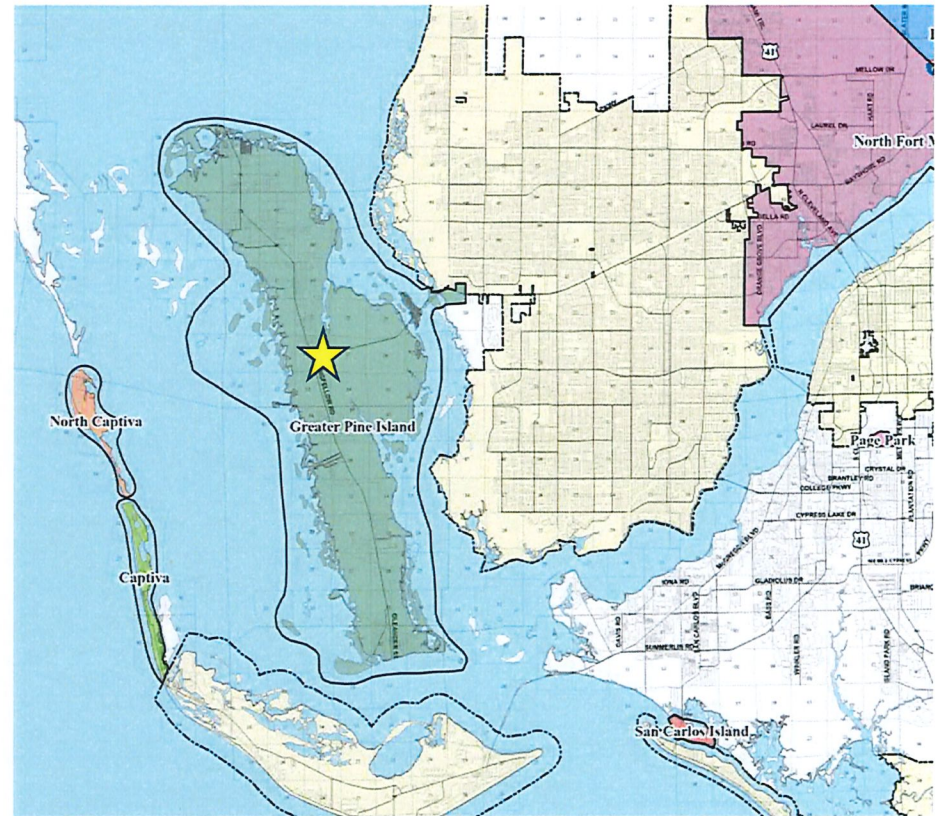
Goal 6- Commercial Land Uses

- Policy 6.1.1 – review applications for traffic impacts, landscaping, screening and buffering, and detailed site planning.
- Policy 6.1.4 – commercial uses only when compatible with existing and programmed services and facilities.
- Policy 6.1.6 – commercial use must provide adequate landscaping, open space, and buffering.
- Policy 6.1.7 – prohibit new areas to premature scattered strip development.

Lee Plan Review

Goal 24 – Greater Pine Island Community Plan

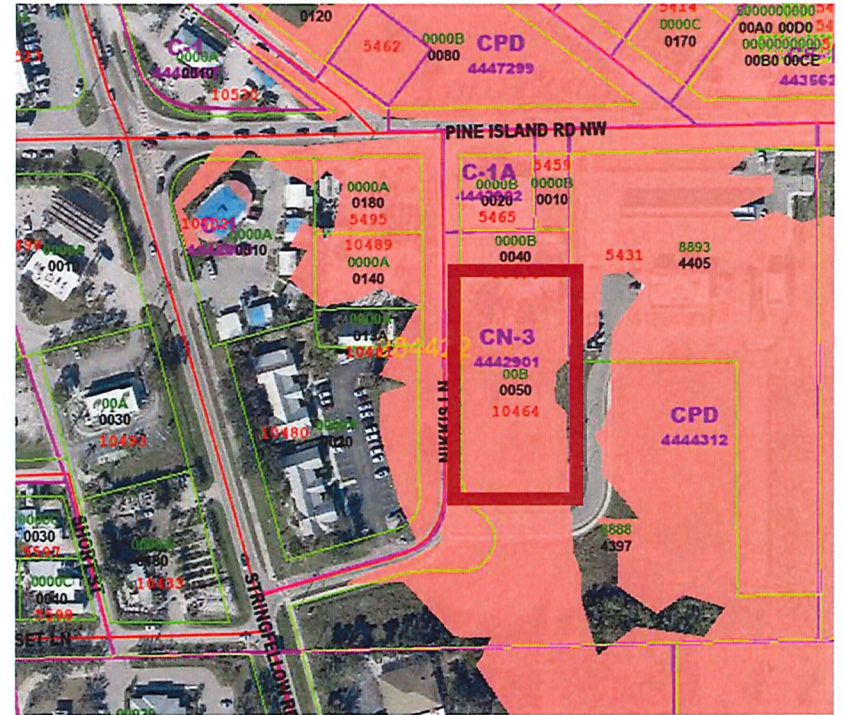
- **Objective 24.4** - establishes criteria for commercial development in Pine Island to address the unique characteristics of the planning area.
- **Policy 24.4.1** - new commercial areas should be focused to the future urban areas in the “Pine Island Center”.



Coastal High Hazard

Property is in Coastal High Hazard

- **Policy 101.1.1** - requires development within the CHHA to be compatible with natural systems such as water retention, wildlife habitat and defense of coastal flooding.
- **Policy 101.3.2** - Restrict development in the CHHA to uplands except as needed for the provision of public facilities.
 - No wetlands expected on the property.



Lee Plan Analysis

Goal 125 – Water Quality

- Objective 125.1 states that development must maintain high water quality, meeting or exceeding state and federal water quality standards.
- Policies 125.1.2 and 125.1.3 require new development to not degrade surface and ground water quality and require the design of drainage systems that minimize nutrient loading and pollution in off-site charges.

Goal 158 Economic Element

- Establishes the County's intent to provide a diversified and stable economy by providing a positive business climate a maximum employment opportunities for the residents of Lee County.

Recommendation

Staff finds the request:

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

Staff recommends Approval of this rezoning request.

LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

LEE COUNTY
HEARING EXAMINER
2024 APR 24 AM 8:54

CASE NUMBER: REZ2023-00019
CASE NAME: 10488 NIKKIS LANE
TYPE OF CASE: CONVENTIONAL REZONING
HEARING EXAMINER DATE: MAY 9, 2024
SUFFICIENCY DATE: MARCH 8, 2024

REQUEST:

An application has been submitted by Veronica Martin of TDM Consulting, Inc. on behalf of Linda S. Cope to request a conventional rezoning of approximately 0.9 acres from Neighborhood Commercial (CN-3) to General Commercial (CG).

The subject property is located at 10464 Nikkis Lane, Saint James City, FL 33956, Greater Pine Island Planning Community, Lee County, FL (District #1), STRAP Number 28-44-22-L3-0000B.0050. The legal description for this property can be found in Attachment D.

SUMMARY:

Staff recommends APPROVAL of this Conventional Rezoning request.

HISTORY OF PARCEL AND CHARACTER OF THE AREA:

The subject property was previously zoned Two-Family Conservation District (TFC-2) and was rezoned to Neighborhood Commercial District (CN-3) by Resolution Z-05-021 (Attachment E). The property has not been developed. The subject property consists of Lots 5-10 platted within the Pine Island Center Block B recorded in Plat Book 9 Page 44. In the north portion of the property, there is a single 1,200-square-foot structure identified as a 'warehouse' by the Lee County Property Appraiser's Office. The subject property fronts Nikkis Lane, a County-maintained local roadway to the west, and an accessway for the adjacent convenience food and beverage store to the east and south.

The following are the surrounding zoning districts, and existing land uses:

North

Property to the north is zoned Neighborhood Commercial (CN-3) and serves as the parking lot the commercial use further north, which is zoned Commercial (C-1A). This property is in the Urban Community future land use category.

East and South

Property to the east is zoned Commercial Planned Development (CPD), approved by Resolution Z-18-028 (Attachment F), and is in the Urban Community future land use category. The property is developed with a convenience food and beverage store with 16 fuel pumps. Land to the south of the

subject property is separated by an accessway to the convenience food and beverage store and is currently undeveloped.

West

Properties to the west are separated by Nikkis Lane and are zoned Commercial (C-1). These properties are within the Urban Community future land use category and is developed with commercial retail uses including a medical offices, restaurants, bait and tackle shops and a plant nursery.

ANALYSIS:

This application requests a conventional rezoning of approximately 0.9 acres from Neighborhood Commercial (CN-3) to General Commercial (CG). Staff notes that there is significant intensification of potential uses on the property with the General Commercial (CG) zoning district, but commercial zoning districts to the east and west have similar uses that what would be considered consistent with the uses permitted in the General Commercial (CG) district.

Decision-making criteria for a conventional rezoning request are established in LDC Sec. 34-145(d)(4). The applicant has provided a request statement that describes the request and contains an analysis of pertinent Lee Plan policies (Attachment C). Below is an analysis of the decision-making criteria established In LDC Sec. 34-145(d)(4) based upon the applicant's request:

1. Compliance with the Lee Plan

The subject property is within the Urban Community future land use category as described in Lee Plan Policy 1.1.4. This category is described as a mixture of relatively intense commercial and residential uses. This future land use category considers residential, commercial, public and quasi-public, as well as industrial uses. The proposed rezoning will expand the permitted commercial uses for the property in a manner consistent with the future land use category. Staff finds the proposed rezoning consistent with Policy 1.1.5.

Objectives 2.1 and 2.2 of the Lee Plan intend to direct new growth to future urban areas in compact and contiguous growth patterns where adequate public facilities exist. The subject property will be developed in a similar pattern to surrounding properties. The subject property will be served by Fire, Sheriff's and EMS provided by the fire department, as well as water and sewer (Attachment H). Staff finds the proposed rezoning consistent with Objective 2.1 and Objective 2.2.

Policy 5.1.5 of the Lee Plan intends to protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of residential development. The proposed rezoning is not adjacent to any residential uses and is surrounded by other similar commercial development. Staff does not note any apparent compatibility concerns with the surrounding residential uses. Staff finds the request consistent with Policy 5.1.5.

Policy 6.1.1 of the Lee Plan requires that applications be reviewed for traffic and access impacts, incorporate landscaping and detailed site planning, provide screening and buffering, ensure

availability of services and facilities, minimize impacts on adjacent uses, be in proximity to other similar centers, and properly mitigate environmental considerations. Policy 6.1.4 of the Lee Plan requires that commercial uses be approved only when compatible with adjacent existing and proposed land uses as well as existing and programmed services and facilities. Policy 6.1.6 of the Lee Plan requires commercial development to provide adequate and appropriate landscaping, open space, and buffering. The applicant has noted that future development will comply with these requirements and is not currently seeking relief from requirements of the Land Development Code. Staff finds request consistent with Policies 6.1.1, 6.1.4, and 6.1.6.

Policy 6.1.7 of the Lee Plan prohibits commercial developments from locating in a way to open new areas to premature, scattered, or strip development. This rezoning request will allow for redevelopment of an existing commercially-zoned property that is located within a commercial enclave and is surrounded by commercial uses to the north, east, and west. Staff finds this request consistent with Policy 6.1.7.

Goal 24 of the Lee Plan establishes Objectives and Policies for the Greater Pine Island Community Plan. Objective 24.4 establishes criteria for commercial development in Pine Island to address the unique characteristics of the planning area. Policy 24.4.1 state that new commercial areas should be focused to the future urban areas in the "Pine Island Center". This policy also encourages non-residential development within the Pine Island Center to provide employment opportunities serve the day-to-day needs of residents and visitors, to demonstrate positive impact within Greater Pine Island; and reduce the number of trips through Matlacha. The proposed rezoning will allow an established commercial area to continue development in a similar manner to the commercial uses adjacent to the subject property, and encourage the characteristics intended for the Pine Island Center. Staff finds the request consistent with Objective 24.4 and Policy 24.4.1.

Goal 101 establishes Objectives and Policies pertaining to development within Coastal Areas of Lee County. Policy 101.1.1 requires development within the Coastal High Hazard area to be compatible with natural systems such as water retention, wildlife habitat and defense of coastal flooding. Policy 101.3.2 restricts development within the Coastal High Hazard area to uplands except as needed for the provision of public facilities. The subject property is in the Coastal High Hazard Area, but the entire property is in previously cleared upland areas. Future analysis of these requirements will take place at the time of Development Order Approval. Staff finds the request consistent with Goal 101, Policy 101.1.1, and Policy 101.3.2.

Policy 125.1.2 requires new development and additions to existing development to not degrade surface and ground water quality. The applicant has not requested deviations from any water quality requirements in the Land Development Code, and therefore will be required to meet these standards with any future development of the property. Staff finds this request consistent with Policy 125.1.2.

Goal 158 of the Lee Plan establishes the County's intent to provide a diversified and stable economy by providing a positive business climate and employment opportunities for the residents of Lee County. The proposed commercial use adds to the employment opportunities within the area, which will continue the promotion of employment opportunities for the community. Staff finds this request consistent with Goal 158.

2. *Ability to comply with Code and other applicable County regulations or qualifies for deviations;*

The subject property is approximately one acre which meets the minimum lot size for the General Commercial (CG) zoning district. The property also meets the minimum dimensions of 100 feet in width and 100 feet in depth. Additional property development regulations are established in Chapters 34 and 10 of the Lee County Land Development Code including maximum height, setbacks, buffer requirements, and open space.

LDC Section 33-1003 requires a public information meeting within the Greater Pine Island Community. This requirement has been met as demonstrated by the supporting materials provided with the application (Attachment G).

LDC Sections 33-1081 through 33-1088 establish criteria for commercial development and uses within Greater Pine Island. In the narrative provided by the applicant, there was acknowledgment of these requirements, and confirmation that any future development will comply with these requirements.

3. *Compatibility with existing and planned uses in the surrounding area;*

This property is surrounded by similar commercial uses to the north, east, and west, with undeveloped land to the south. Staff finds the proposed rezoning compatible with existing and planned uses in the area.

4. *Provision of sufficient access to support the proposed development intensity;*

This property is accessed by Nikkis Lane, a County-maintained local roadway, which provides connections to both Pine Island Road Northwest and Stringfellow Road. Requirements of the Land Development Code will sufficiently address any potential access issues for the subject property and will be reexamined at the time of development order approval.

5. *Expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;*

There is not a development currently contemplated for this property as part of this rezoning request, and no variances or deviations have been requested from the Land Development Code. The Land Development Code requires review of traffic impacts during the development order process, at which point improvements to the roadway system may be required to be offset with development-related traffic improvements. Therefore, requirements of the Land Development Code will sufficiently address any potential traffic-related issues resulting from development of the subject property.

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

This rezoning will not impact environmentally critical or sensitive areas. At time of development order application, the applicant will be required to comply with the requirements

of the Land Development Code for buffers, open space, and submittal of an environmental assessment.

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

Urban (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.

Public sewer and water: The subject property will be serviced by Lee County Utilities for sanitary sewer and Greater Pine Island Water Association for water (Attachment H).

Police, fire, and emergency services: There is a Sheriff's substation approximately 13.4 miles away, and an EMS/fires station 3.2 miles from of the subject property.

Urban surface water management: Any future development will be required to comply with the Land Development Code, including all provisions for surface water management.

Bicycle and Pedestrian Facilities: The subject property has access to Nikkis Lane, which has a sidewalk on the southern portion of the right-of-way that was constructed at with the adjacent convenience food and beverage store. Future development on the subject property will be required to comply with the requirements of the Land Development Code, including all provisions of for bicycle and pedestrian facilities.

CONCLUSION:

The request for conventional rezoning of approximately 0.9 acres from Neighborhood Commercial (CN-3) to General Commercial (CG) has been reviewed against the decision-making criteria set forth in LDC Sec. 34-145(d)(4), and staff has found the request:

- Complies with the Lee Plan;
- Meets this Code and other applicable County regulations or qualifies for deviations;
- Is compatible with existing and planned uses in the surrounding area;
- Will provide access sufficient to support the proposed development intensity;
- The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

Staff recommends approval of the request to rezone the subject property from Neighborhood Commercial (CN-3) to General Commercial (CG).

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps: surrounding zoning, future land use and aerial photograph
- C. Rezoning Request Statement
- D. Legal Description
- E. Resolution Z-05-021
- F. Resolution Z-18-028
- G. Public Information Meeting
- H. Letter of Utility Availability

ATTACHMENT A

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

Dirk Danley, AICP, 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, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Elizabeth 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, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Marcus Evans P.E., Senior Engineer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

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

Brandon Dunn, Planning Manager, 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 Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Rebecca Sweigert, Senior Manager, DCD, 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 Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Nicholas 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 Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Phil Gillogly, P.E., Surface Water Manager, Natural Resources, 1500 Monroe Street, Fort Myers, FL 33901

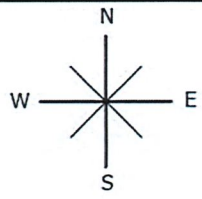
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional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

Lee Werst, Natural Resources Supervisor, Natural Resources, 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 Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

REZ2023-00019

ATTACHMENT B



0 1,000 2,000
Feet - Map Scale

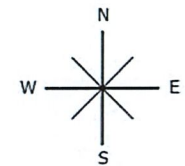
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REZ2023-00019

Aerial

 Subject Property



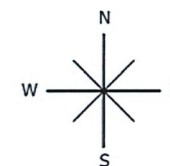
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REZ2023-00019

Future Land Use

-  Subject Property
-  Urban Community
-  Public Facilities



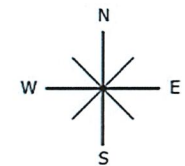
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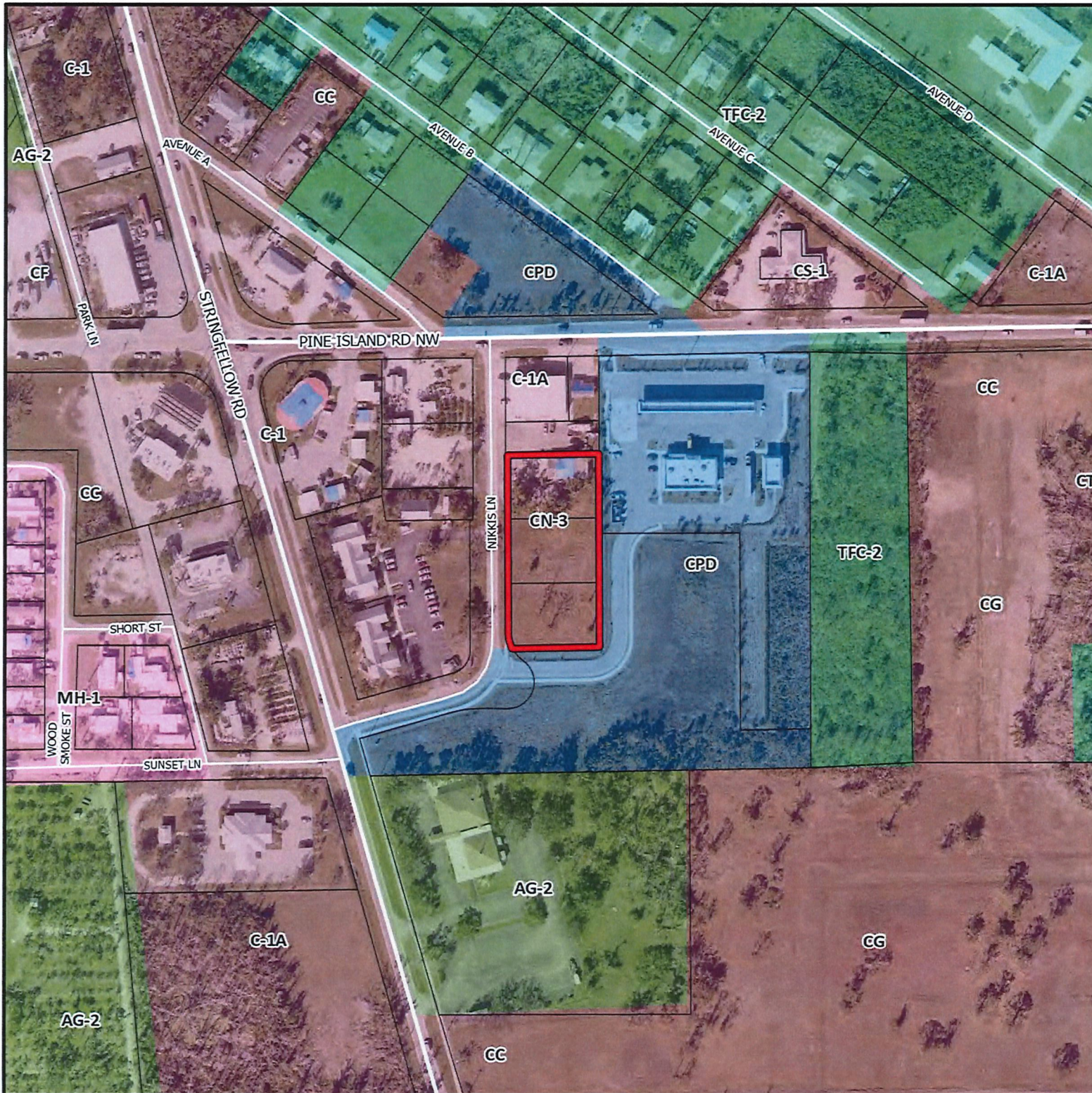
REZ2023-00019

Zoning

 Subject Property



0 300
Feet





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

Nikkis Lane
Narrative of Request/Lee Plan Compliance

Narrative of Request

The property owners, Linda and Charles Cope for 5465 Pine Island Rd, LLC, are requesting to rezone the property from CN-3 to CG in order to permit more intensive commercial uses on the subject property. The other vacant lots in the surrounding area have been rezoned to permit more intensive commercial uses, such as the 7-11 gas station to the east and the CPD zoned property to the south and east. The subject property is the last remaining undeveloped property with CN-3 zoning. The property has a future land use classification of Urban Community and is located in an area known as the Pine Island Center. Urban services are available and adequate to service future commercial development. The applicant will demonstrate compliance with the Lee Plan and other applicable codes and regulations to prove entitlement to this conventional rezoning request per LDC Sec. 34-145(d)(4)(a)1.

Land Development Code Compliance

The applicant intends to comply with the Land Development Code at time of Development Order permitting unless deviations are granted as set forth in LDC Section 10-104. This includes compliance with Chapter 33, Article III – Greater Pine Island Planning Community.

Lee Plan Compliance

***POLICY 1.1.4:** The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.*

Lee Plan Policy 1.1.4 describes the Urban Community future land use category as an area characterized as a mixture of relatively intense commercial and residential uses. Commercial uses are permitted in the Urban Community future land use category and rezoning the subject property from C-1A and CN-3 to CG is consistent with **Lee Plan Policy 1.1.4**.

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.*

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.*

This area of Pine Island is known as Pine Island Center and is where Pine Island Road and Stringfellow Road intersect. The subject property is located along Pine Island Road and Nikkis Lane. Pine Island Road at this location is a county-maintained arterial roadway and Nikkis Lane is a county-maintained local road. The lots with frontage on Pine Island Road have been developed since 1952 and 1970 and are currently developed with commercial uses. Surrounding lots are either developed with commercial uses or have commercial zoning for future commercial development. Urban services such as fire, EMS, police protection, solid waste, and public parks and schools are available and adequate to service the development as outlined below. The Greater Pine Island Water Association proved a Letter of Availability stating that potable water is available and adequate to serve the site. Lee County Utilities also provided a Letter of Availability stating that sanitary sewer lines are available and adequate to serve the development. Rezoning the subject property from C1 and CN-3 to CG is consistent with **Lee Plan Objectives 2.1 and 2.2 and Policies 2.1.1 and 2.2.1.**

Fire/EMS:	Matlacha-Pine Island Fire Department, Station #151, located at 5700 Pine Island Road, is approximately 3.2 miles away.
Police:	Lee County Sheriff's Office Gulf District, located at 13921 Waterfront Drive, is approximately 13.4 miles away.
Solid Waste:	The property is within Lee County Solid Waste Franchise Area 5 and is served by Waste Pro.
Public Transit:	Lee Tran does not service this segment of Pine Island Road.
Public Schools:	The property is within the Lee County School District West Zone, District Area 4.
Public Parks:	The property is approximately 0.5 miles east of Pinewood Trails 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.*

STANDARD 4.1.1: WATER.

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

2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4-A), then the development must be connected to that utility.

3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.

4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Fla. Admin. Code R. 62-555.

5. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4-A), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.

6. If a development lies outside any service area as described above, the developer may:

- request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;*
- establish a community water system for the development; or*
- develop at an intensity that does not require a community water system.*

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

The Greater Pine Island Water Association has provided a Letter of Availability stating that potable water mains are installed and in operation adjacent to the site and there is sufficient capacity to provide 500 gallons per day of potable water to the development. This is consistent with **Lee Plan Objective 4.1 and 4.2 and Standard 4.1.1: Water.**

STANDARD 4.1.2: SEWER.

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

2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities'

future sanitary sewer service area (see Map 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.

3. If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.

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

5. If a development lies outside any service area as described above, the developer may:

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

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

Lee County Utilities (LCU) has provided a Letter of Availability stating that sanitary sewer lines are in operation adjacent to the property and that LCU has sufficient capacity to served the estimated flow demand of approximately 500 gallons per day. This is consistent with **Lee Plan Objective 4.1 and 4.2 and Standard 4.1.2: 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 or Environmental Report isn't required for conventional rezoning applications; however, the applicant will be required to comply with the requirements of the LDC at time of local development order permitting to demonstrate if there are any environmentally sensitive or critical areas on site. 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.*

The property is located just south of Pine Island Road, a county-maintained arterial road, and has frontage on Nikkis Lane, a two-lane county-maintained local road. Pine Island Road has a current level of service of E and will continue to have an E level of service if the property is rezoned from CN-3 to CG. At time of development order permitting, the property will be required to provide appropriate buffers, open space and landscaping to buffer and shield the abutting properties. A 5-foot wide Type A buffer is required between commercial properties and a 15-foot wide Type D buffer is required along the right-of-way. The site is cleared and routinely mowed with just a few trees on site. It is unlikely there are environmentally critical or sensitive areas on site. And at just 1-acre in size, an ERP will not be required.

Pine Island Center has a mix of commercial and residential uses; however, the zoning districts surrounding the subject property are all commercial including C-1 to the west, C-1A to the north, and CPD to the east and south. Surrounding uses include the 7-11 gas station and convenience store, pizza restaurant, offices, a commercial strip plaza, a landscaping nursery with retail sales, and future commercial uses permitted by the CPD. The uses permitted in the CG zoning district are compatible with existing and planned uses in the surrounding area. Urban services such as potable water, sanitary sewer, police, fire, EMS, public parks and schools, solid waste, etc. are available and adequate to serve the future development.

The Applicant will be required to comply with the architectural standards set forth in Lee Plan Goal 24 and Land Development Code Chapter 33, Article III – Greater Pine Island Planning Community at time of local development order permitting. Rezoning the property from CN-3 to CG is consistent with **Lee Plan Goal 6, Objective 6.1, and Policies 6.1.1, 6.1.4, 6.1.6, and 6.1.7.**

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 Greater Pine Island Planning community. A Public Information Meeting was held May 4th, 2023 at 10488 Nikkis Lane, St. James City. A copy of the Public Meeting Notice, sign-in sheet and meeting summary is included with the Application. This was the second public information meeting held since no one from the public attended the first one. This is consistent with **Lee Plan Objective 17.3 and Policies 17.3.3 and 17.3.4.**

GOAL 24: GREATER PINE ISLAND COMMUNITY PLAN. *Manage future growth on and around Greater Pine Island so as to: maintain the island's unique natural resources, rural character, and coastal environment; support the viable and productive agricultural community and other local businesses; and to protect the public health, safety and welfare of island residents and visitors when a hurricane strike is imminent.*

OBJECTIVE 24.4: COMMERCIAL LAND USES. *County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which*

justify different treatment of existing and future commercial areas than in mainland Lee County, as described in the following policies.

POLICY 24.4.1: *The future urban areas in Pine Island Center are targeted for most future commercial and industrial uses, as permitted by other portions of this plan. Non-residential developments within Pine Island Center are encouraged to provide employment opportunities; serve the day to day needs of residents and visitors; demonstrate a positive impact on traffic patterns within Greater Pine Island; and reduce the number of vehicular trips through Matlacha.*

As previously stated, this area of Greater Pine Island is known as Pine Island Center and is heavily settled with commercial and public uses, including the 7-11 gas station, restaurants, retail shopping, offices, United Methodist Church of Pine Island, Matlacha-Pine Island Fire Station, Phillips Park, and residential north of Pine Island Road and west of Stringfellow Road. Policy 24.4.1 states that the future urban areas Pine Island Center are targeted for most future commercial uses and that non-residential developments within Pine Island Center are encouraged to provide employment opportunities; serve the day to day needs of residents and visitors; demonstrate a positive impact on traffic patterns within Greater Pine Island; and reduce the number of vehicular trips through Matlacha. The subject property already has commercial zoning (CN-3). The applicant is requesting to rezone the subject property to CG to permit more intensive commercial uses that are appropriate in the Pine Island Center. Permitting more intensive commercial uses on property that can be accessed from a local road (Nikkis Lane) via Pine Island Road without traveling through Matlacha, while meeting the day to day needs of residents and visitors is consistent with **Lee Plan Goal 24, Objective 24.4 and Policy 24.4.1.**

POLICY 24.4.3: *The County will provide specific architectural and site design standards for Greater Pine Island in the LDC. These standards must: promote but not mandate rehabilitation over demolition; address the size and scale of building mass in relation to the built and natural environment; establish community-specific architectural standards in support of Greater Pine Island's coastal rural character; preserve mature trees wherever possible; encourage the location of off-street parking to the side and rear of buildings to preserve viewsheds along public roadways; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City. Deviations from these standards may not be granted unless the request meets the County approval criteria for variances set forth in the LDC, Chapter 34.*

The Applicant will be required to comply with the architectural standards set forth in Lee Plan Goal 24 and Land Development Code Chapter 33, Article III – Greater Pine Island Planning Community at time of local development order permitting. This is consistent with **Lee Plan Policy 24.4.3.**

GOAL 101: COASTAL AREAS. *Protect human life along with current and future development from the impacts of coastal flooding. Coastal flooding includes, but is not limited to, high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise.*

POLICY 101.1.1: *Require that development within the Coastal High Hazard Area be compatible with natural systems, such as, water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding.*

POLICY 101.3.2: Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities.

The Applicant is requesting rezoning to CG, a commercial zoning district. The site is approximately one (1) acre in size and consists of 100% uplands. Future development of the site will require a local Development Order, which will include a finished floor elevation, paving, grading, and drainage plans, and compliance with all local, state, and federal codes and regulations for developments in the Coastal High Hazard Area. This is consistent with **Lee Plan Goal 101 and Policies 101.1.1 and 101.3.2.**

The applicant has proven entitlement to this conventional rezoning request as set forth in LDC Sec. 34-145(d)(4).a.1. 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.

EXHIBIT A

LEGAL DESCRIPTION

LOTS 5 – 10, BLOCK B, PINE ISLAND CENTER, A SUBDIVISION,
LOCATED IN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22
EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND
RECORDED IN PLAT BOOK 9, PAGE 44, OF THE PUBLIC
RECORDS OF LEE COUNTY, FLORIDA.

STRAP NO.

28-44-22-L3.0000B.0050

*REVIEWED
REZ2023-00019
Rick Burris, Principal
Planner
Lee County DCD/Planning
2/29/2024*

ATTACHMENT E

RESOLUTION NUMBER Z-05-021

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

WHEREAS, SITE CONCEPTS, % PATRICK C. HUNT and A. J. WATSON LAND SURVEYING, INC., % A. J. WATSON filed an application on behalf of the property owners, CHARLES T. & LINDA S. COPE and JAMES R. & VIRGINIA Y. STECKLEY, to rezone a 1.22+/- acre parcel from Residential Two Family Conservative (TFC-2) to Neighborhood Commercial (CN-3), in reference to Nikki's Commercial; and,

WHEREAS, a public hearing was advertised and held on March 2, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #REZ2004-00025; and

WHEREAS, a second public hearing was advertised and held on May 2, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 1.22 +/- acre parcel from TFC-2 to CN-3, to allow development of the subject property as a commercial office and retail center. The property is located in the Urban Community Land Use Category and is legally described in attached Exhibit A. The request is APPROVED.

SECTION B. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)

The applicant has indicated that the STRAP numbers for the subject property are: 28-44-22-01-0000B.0010, 28-44-22-01-0000B.0040, 28-44-22-01-0000B.0050, 28-44-22-01-0000B.0060, 28-44-22-01-0000B.0070, and 28-44-22-01-0000B.0090

SECTION C. FINDINGS AND CONCLUSIONS:

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

2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

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

Robert P. Janes	AYE
Douglas R. St. Cerny	AYE
Ray Judah	AYE
Tammy Hall	AYE
John E. Albion	AYE

DULY PASSED AND ADOPTED this 2nd day of May, 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michelle D. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office



RECEIVED
MINUTES OFFICE

2005 MAY -5 AM 8:58

EXHIBIT A

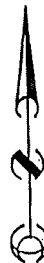
(Page 1 of 2)

A. J. WATSON



SURVEYING, INC.

P.O. BOX 423 OR 3105 STEPHENSON RD
ST. JAMES CITY, FLORIDA 33454
PHONE (841) 283-1818
LA # 2454



DESCRIPTION OF LOTS 1, 4, 5, 6, 7, 8, 9 AND 10, BLOCK "B", PINE ISLAND CENTER, AS RECORDED IN PLAT BOOK 9 AT PAGE 44 AMONG THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 1 AND SAID PINE ISLAND CENTER; THENCE RUN S 00°45'20" W ALONG THE EAST LINE OF SAID LOTS 1, 4, 5, 6, 7, 8, 9 AND 10, BLOCK "B" AND THE EAST LINE OF SAID PINE ISLAND CENTER FOR 450.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10, BLOCK "B"; THENCE RUN DUE WEST ALONG THE SOUTH LINE OF SAID LOT 10, BLOCK "B" FOR 134.03 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10, BEING A POINT ON THE EAST RIGHT OF WAY OF NIKKIS LANE AND A POINT ON A CURVE; THENCE RUN ALONG THE WEST LINE OF LOT 10 AND THE SAID EAST RIGHT OF WAY OF NIKKIS LANE AND THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 26°56'37", A CHORD WHICH BEARS N 12°42'59" W FOR 25.63 FEET, A DISTANCE OF 25.86 FEET TO A POINT OF TANGENCY; THENCE RUN N 00°45'20" E ALONG THE WEST LINE OF SAID LOTS 10, 9, 8, 7, 6, 5 AND 4 AND THE SAID EAST RIGHT OF WAY OF NIKKIS LANE FOR 325.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 4, BLOCK "B"; THENCE RUN DUE EAST ALONG THE NORTHERLY LINE OF SAID LOT 4 FOR 95.00 FEET TO THE SOUTHWEST CORNER OF THE AFOREMENTIONED LOT 1, BLOCK "B"; THENCE RUN N 00°45'20" E ALONG THE WEST LINE OF SAID LOT 1, BLOCK "B" FOR 100.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 BEING A POINT ON THE SOUTH RIGHT OF WAY OF PINE ISLAND ROAD (S.R. 78); THENCE RUN DUE EAST ALONG THE NORTH LINE OF SAID LOT 1 AND SAID SOUTH RIGHT OF WAY OF PINE ISLAND ROAD FOR 45.00 FEET TO THE POINT OF BEGINNING, CONTAINING 53,447 SQUARE FEET OF LAND.

Applicant's Legal Checked

by 67 10-07-04

RECEIVED
SEP 29 2004

PERMIT COUNTER

DESCRIPTION AND SKETCH OF LOTS 1, 4, 5, 6, 7, 8, 9, AND 10, BLOCK "B", PINE ISLAND CENTER, SUBDIVISION, AS RECORDED IN PLAT BOOK 9 AT PAGE 44 AMONG THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SEE SKETCH ON SHEET 1 OF 2.

NATIONAL FLOOD INSURANCE DATA, COMMUNITY PANEL NUMBER 125124-0280 B, FEDERAL FLOOD ZONE A9, ELEVATION AND ELEVATIONS BASED ON M.G.V.D.-29, BENCH MARK

This survey is in compliance with the minimum technical standards as set forth in Chapter 61017-8, Florida Administrative Code. This Survey Map is not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.

FOR: COPE
JOB # 04-0528 F. B. L 106-71
STRAP #

REZ2004-00025

ALFRED A. WATSON
PROFESSIONAL SURVEYOR AND MAPPER
#2330 - STATE OF FLORIDA

DATE: SEP 29 2004
DATE:
DATE:

A. J. WATSON



SURVEYING, INC.

P.O. BOX 423 OR 2108 STRIMFELLOW RD
ST. JAMES CITY, FLORIDA 33454
PHONE (841) 222-1818
LA # 2254

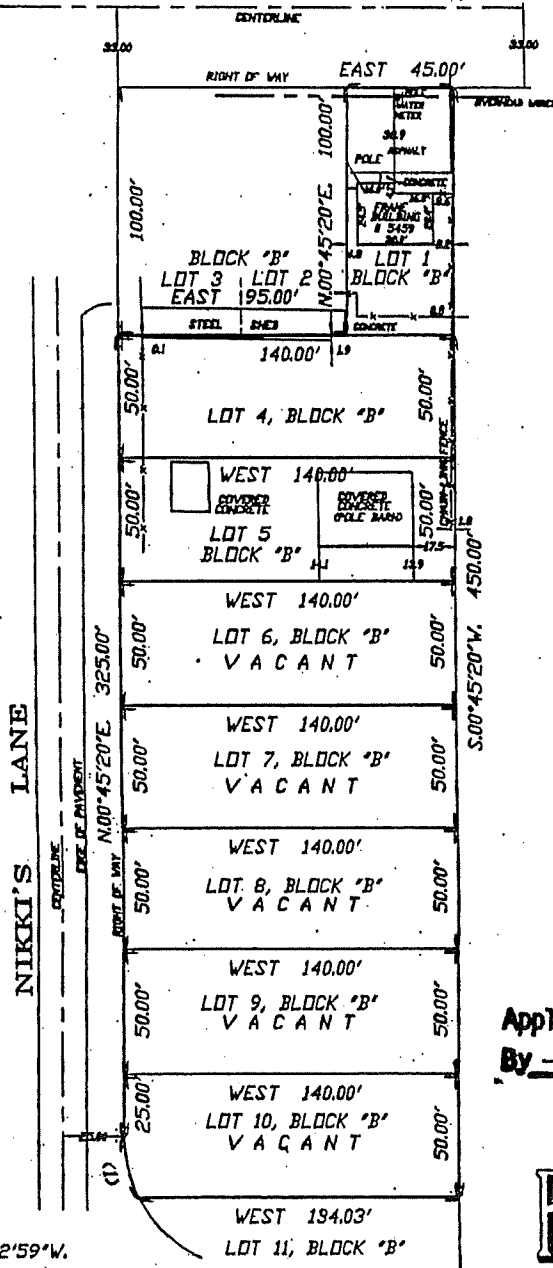
SKETCH OF SURVEY
SCALE 1" = 60'



GRAPHIC SCALE



S.R 78 (PINE ISLAND ROAD)



Curve number 1

Radius= 55.00'

Delta= 26°56'37"

Arc= 25.86'

Tangent= 13.18'

Chord= 25.63'

Chord Brg.= N.12°42'59\"W.

SKETCH
Applicant's Survey Checked
By *[Signature]* 10-07-04.

RECEIVED
SEP 29 2004

PERMIT COUNTER

DESCRIPTION AND SKETCH OF
LOTS 1, 4, 5, 6, 7, 8, 9, AND 10, BLOCK 'B', PINE ISLAND CENTER,
SUBDIVISION, AS RECORDED IN PLAT BOOK 9 AT PAGE 44 AMONG THE PUBLIC
RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED ON SHEET 2 OF 2
THIS IS NOT A BOUNDARY SURVEY.

NATIONAL FLOOD INSURANCE DATA, COMMUNITY PANEL NUMBER 125124 0280 B, FEDERAL FLOOD ZONE A9, ELEVATION 10
ELEVATIONS BASED ON M.G.V.D.-29, BENCH MARK

This survey is in compliance with the minimum technical standards as set
forth in Chapter 81017-6, Florida Administrative Code. This Survey Map is
not valid without the signature and raised seal of a Florida Licensed
Surveyor and Mapper.

ALFRED J. WATSON
PROFESSIONAL SURVEYOR AND MAPPER
#2330 - STATE OF FLORIDA

FOR COPE

JOB # 04-0528 F. B. L 106-71

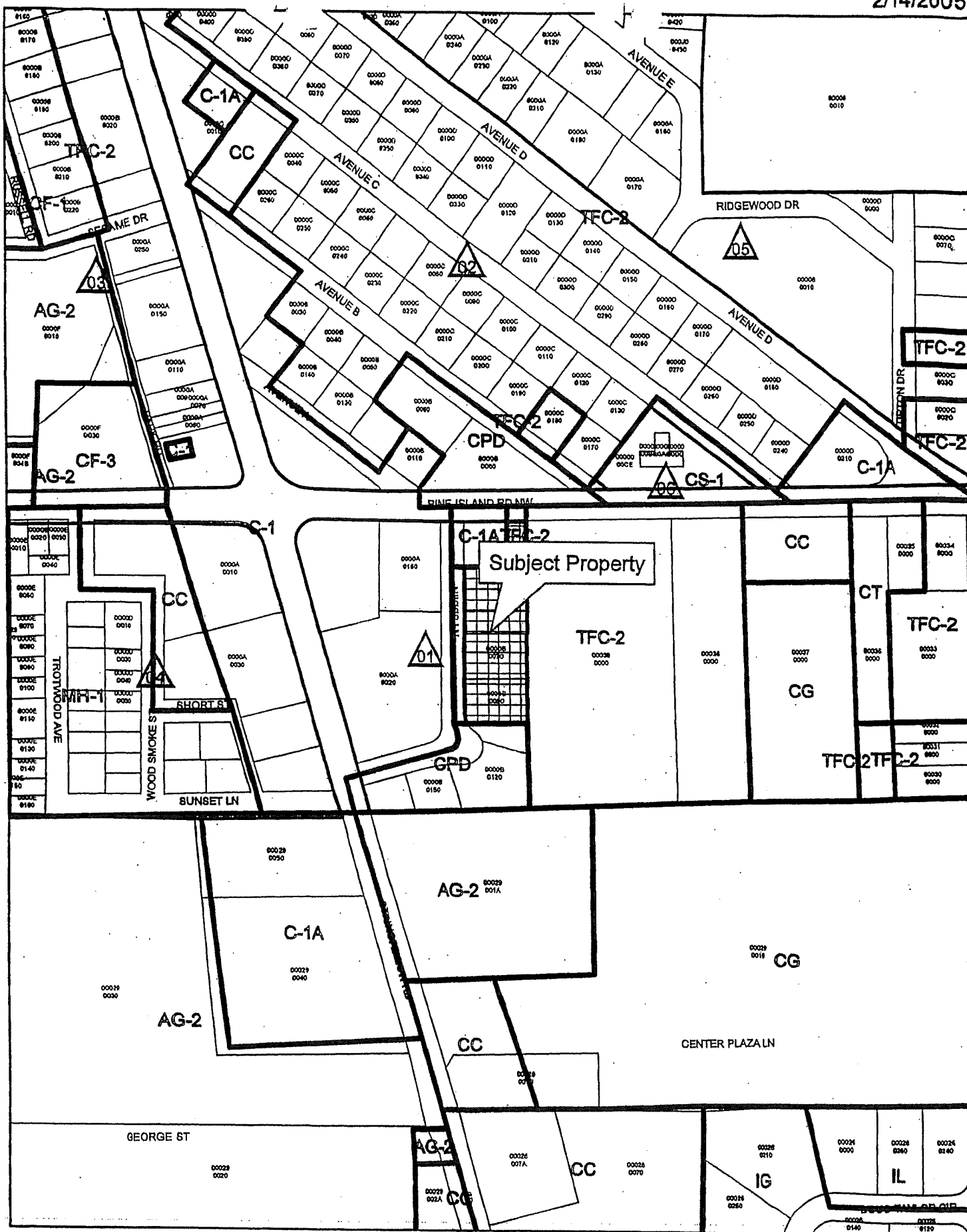
STRAP #

REZ2004-00025

DATE: SEPTEMBER 20, 2004

DATE:

DATE:



ATTACHMENT F

RESOLUTION NUMBER Z-18-028

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

WHEREAS, Creighton Companies, LLC filed an application on behalf of the property owners, Creative Corner, LLC and Colleen Ryan, to rezone a 5.77± acre parcel from two Commercial Planned Developments (CPD) to a single CPD in reference to The Pine Island Center 7-11 CPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on August 9, 2018. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her Office on or before August 30, 2018; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2018-00003 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on January 16, 2019 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone two CPDs to a single CPD to allow for the development of a Convenience Food and Beverage Store with a maximum floor area of 3,454 square feet and 16 self-service fuel pumps, and up to 15,000 square feet of commercial and office uses.

The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Master Concept Plan," prepared by Quattrone & Associates, date stamped received August 24, 2018, and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all requirements of the LDC at time of local development order approval, except where by deviation are approved in this resolution as part of this planned development. If changes to the MCP are subsequently

pursued, appropriate approvals will be necessary.

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

2. Uses and Site Development Regulations

a. Schedule of Uses:

Accessory Uses and Structures

Administrative Offices

Animals: Clinic or Kennel (No Outdoor Runs)

Auto Parts Store (No Installation)

Banks and Financial Establishments: Groups I & II

Business Services: Groups I & II (excluding bail bonding and armored car services)

Car Wash

Clothing Stores, general

Clubs: Commercial

Fraternal, membership organizations

Private

Consumption on Premises (LDC §34-1261 *et seq.*)

Convenience Food and Beverage Store, limited to 16 fuel pumps & only on Parcel
1

Drug Store, Pharmacy, limited to 4,500 square feet

Essential Services

Essential Service Facilities: Group I

Excavation: Water Retention, not to include the removal of excavated material

Fences and Walls

Food Stores: Group I

Gift and Souvenir Shop

Hardware Store

Health Care Facilities: Group I

Hobby, Toy and Game Shops

Household and Office Furnishings: Groups I & II, no outdoor display

Insurance Companies

Laundry or Dry Cleaning: Group I

Medical Office

Package Store (LDC §34-1261 *et seq.*)

Paint Glass and Wallpaper

Parking Lot: Accessory

Personal Services: Groups I, II, III, & IV (excluding massage establishments,
massage parlors, steam or Turkish baths, dating services, escort services,
palm readers, fortune tellers, card readers and tattoo parlors)

Pet Services, no outdoor runs

Pet Shop, no outdoor runs

Place of Worship

Post Office
Printing and Publishing
Real Estate Sales Offices
Recreation Facilities: Commercial - Groups I & IV
Religious Facilities
Rental or Leasing Establishment: Groups I, II & III (no Construction Equipment and Trucks)
Repair Shops: Groups I & II
Restaurants: Groups II & III; Group IV by Special Exception
Schools: Commercial & Non-commercial
Self-Service Fuel Pumps, limited to 16 pumps accessory to a Convenience Food and Beverage Store & only on Parcel 1
Signs (in accordance with Chapter 30)
Social Services: Groups I & II
Specialty Retail: All Groups
Storage: Indoor accessory only

- b. The approved Property Development Regulations are:

Minimum Lot Dimensions

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

Minimum Setbacks:

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

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

Maximum Building Height: 35 feet

Maximum Lot Coverage: 40%

3. Blasting

Blasting is prohibited.

4. Vehicular/Pedestrian Impacts

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

5. Vehicular Access

- a. The developer must construct the roadway connecting Parcel 1 to Nikkis Lane at the time of initial development order approval; and
- b. The developer must provide an access easement for the interconnection to the property to the east at the time of local development order approval. The developer must construct the interconnection at the time the property to the east develops.

6. Protected Species

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

- a. The protected species survey including onsite gopher tortoise protection within the indigenous preserve and supporting maps illustrating a protection diameter of 50 feet around each burrow within the indigenous preserve;
- b. The indigenous management plan stating exotic vegetation will be completed by hand removal only; and
- c. A point map illustrating the boundaries of the indigenous preserve and the location of the gopher tortoise fencing on the toe of slope of the preserve side of the water management berm.

7. Surface Water Management

Prior to the issuance of a development order:

- a. All plans must show a detention area outside of the indigenous preserve with the water management berm proposed along the western and northern preserve limits. No berm may be proposed along the southern or eastern indigenous preserve limits.
- b. The surface water management system must not utilize the indigenous preserve for pre-treatment and attenuation.
- c. The landscape plans must illustrate one gallon native grasses within the detention area planted 3-foot on center. The general tree requirement may be reduced by one 10-foot general tree for every 400 square feet of detention planted.

8. Indigenous Area

- a. Material required by the Type 'F' Buffer along the southern portion of the eastern property line must be planted outside of the Indigenous Area and may not disturb the Indigenous Area.
- b. Removal of gopher tortoises and exotic vegetation from the Indigenous Area must not disturb the existing native vegetation understory or trees.

9. Lot Split

If the property is divided into separate parcels:

- a. Each parcel must contain a prorated share of indigenous area, open space, and drainage, and provide buffers in accordance with the MCP and LDC.
- b. The developer must form and provide documentation to the County of a legal entity providing for unified control and perpetual maintenance of common elements such as the indigenous area, surface water management system, utilities, and internal roadway.

SECTION C. DEVIATIONS:

1. Deviation (1) Access seeks relief from the LDC §34-2013(b)(3), requirement to provide a distinct parking lot entrance with a maximum width at the property line of 35 feet, to allow a width at the property line of 55 feet. This deviation is APPROVED.
2. Deviation (2) Street Stubs to Adjoining Properties seeks relief from the LDC §10-295, requirement to provide interconnections to adjoining areas, to eliminate the requirement to interconnect to the seven western adjacent parcels along Nikkis Lane which do not front Pine Island Road. This deviation is APPROVED SUBJECT TO Condition 5 requiring interconnection to adjoining parcels fronting Pine Island Road.

SECTION D. EXHIBITS:

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

1. The request for CPD zoning complies with the Lee Plan. See Lee Plan Goals 2, 4, 6, and 24; Objectives 2.1, 2.2, 17.3, 24.4, and Policies 1.1.4, 1.7.6, 2.1.1, 2.2.1, 4.1.1, 4.1.2, 6.1.4, 6.1.7, 24.4.1; Lee Plan Vision Statement Paragraph 16, Map 1, Map 16, Table 1(b);
2. As conditioned, the CPD zoning designation:
 - a. Will meet the standards set forth in the LDC and other applicable County regulations. See Lee Plan Goals 2, 4, 6, 24; Objectives 2.1, 2.2 and Policies 2.1.1, 6.1.1, 24.4.3; LDC §§ 34-411 *et seq.*, 33-1001 *et seq.*;
 - b. Is compatible with existing and planned uses in the surrounding area. See Lee Plan Objectives 2.1, 2.2, and Policies 1.7.6, 2.1.1, 6.1.4; and LDC §34-411(i);
 - c. Will not adversely affect environmentally critical or sensitive areas or natural resources. See Lee Plan Objective 24, Policy 24.1; LDC §34-411(h);

- d. Will be served by urban services including public water and sewer, paved streets, and public transit. See Lee Plan Objectives 2.1, 2.2, and 4.1; Policies 2.2.1, 6.1.4; and Standards 4.1.1, 4.1.2;
- e. Will provide sufficient access to support the proposed development intensity. See Lee Plan Policies 6.1.1, 39.2.1; and LDC §34-411(d);
- f. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval. See LDC §34-411(d)-(e);
- g. The proposed uses are appropriate at the proposed location. See Lee Plan Policies 2.1.1, 2.2.2, 6.1.4, 6.1.7; and LDC §34-411(j);
- h. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. See LDC §§ 34-932 (b-c); 34-83(a)(4)(a)(3); and
- i. The deviations, as conditioned:
 - i. Enhance the objectives of the planned development; and
 - ii. Preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

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

Adopted by unanimous consent.

John Manning	Aye
Cecil Pendergrass	Aye
Larry Kiker	Absent
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 16th day of January 2019.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Chris Lee
Deputy Clerk

BY: Brian Hamman
For Larry Kiker, Chair

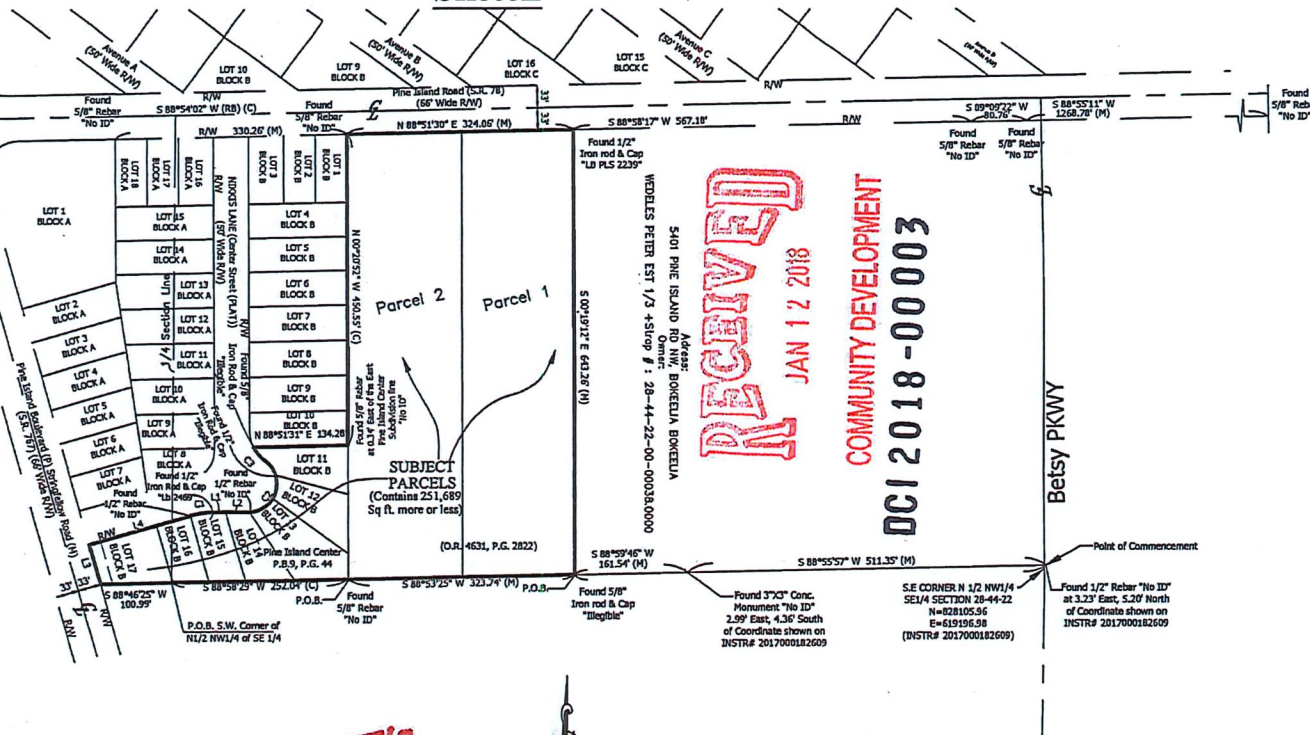


APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Michael D. Jacob
Michael D. Jacob
Deputy County Attorney
County Attorney's Office

EXHIBIT A

Sketch



Applicant's Legal Checked
by M.J.L. 8/16/18 J-2

SURVEY NOTES:

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

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

LINE	BEARING	DISTANCE
L1	S 87°55'58" W	18.03'
L2	S 89°18'34" E	33.79'
L3	N 16°00'12" W	60.00'
L4	N 74°09'42" E	149.55'

P.O.B. : Point of Beginning

Sketch to Accompany Description
Subject Parcel
A Tract of Land lying in a Portion of
Section 28, Township 44 South, Range
22 East, Lee County, Florida

THIS IS NOT A SURVEY

STOUTENCRAMER
A KING ENGINEERING COMPANY
King
ENGINEERING ASSOCIATES, INC.

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

JOB # 17-6511 PREPARED FOR: Creighton Companies, LLC

SECTION 28, TOWNSHIP 44S, RANGE 22E

DATE REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented herein, made under my direction on December 11th, 2017 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 51-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.



Digitally signed by Jeffrey Stouten
DN: cn=Jeffrey Stouten, o=Stouten-Cramer, Inc., ou=3
email=jeff@scsfsurvey.com, c=US
Date: 2017.12.19 09:03:19 -05'00'

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

Description

Subject Parcel Description:

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

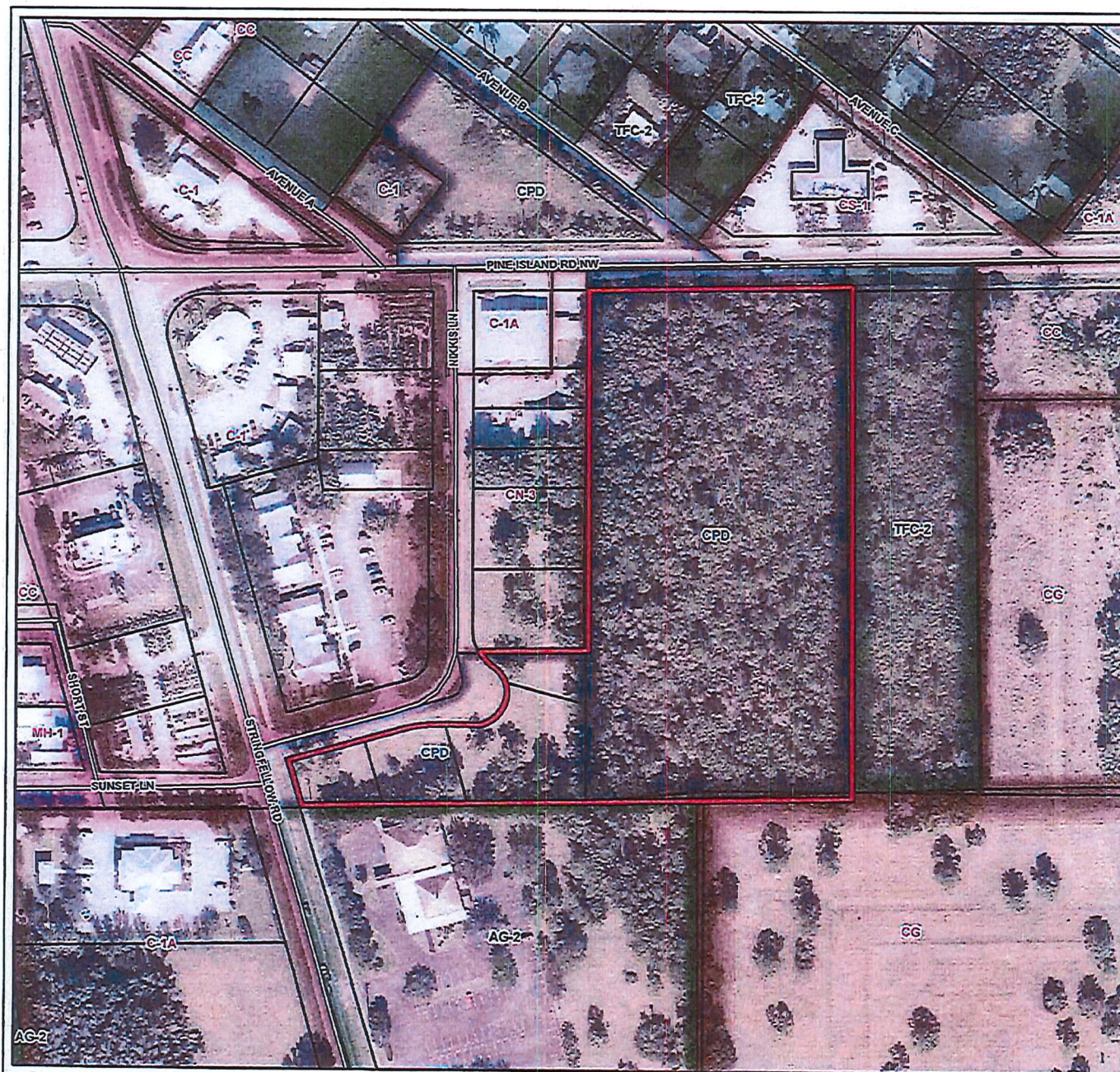
COMMENCING AT THE SOUTHEAST CORNER OF THE NORTH ONE HALF (N 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SAID SECTION 28; THENCE S 88°55'57" W ALONG THE SOUTH LINE OF SAID FRACTION OF SECTION 28 FOR 511.35 FEET TO CONCRETE MONUMENT; THENCE S 88°59'46" W ALONG THE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

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

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

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

THIS IS NOT A SURVEY	Description to Accompany Sketch Subject Parcel <i>A Tract of Land lying in Portion of Section 28, Township 44 South, Range 22 East, Lee County, Florida</i>	<i>Not Valid without Sheet 1 of 2</i>
<i>Sheet 2 of 2</i>	STOUTENCRAMER A KING ENGINEERING COMPANY King ENGINEERING ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION: LB2610 324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 www.kingengineering.com	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on December 11th, 2017 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 51-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. <i>See Sheet 1 of 2 for Signature and Seal</i> JEFFREY D. STOUTEN (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER



DCI2018-00003
Zoning

Legend

-  Subject Parcel
 Parcel Boundary



A horizontal number line with arrows at both ends. It has three tick marks. The first tick mark on the left is labeled '0'. The third tick mark on the right is labeled '100'. The middle tick mark is unlabeled. Below the number line, the word 'Feet' is written in the center.

5431 PINE ISLAND ROAD NW

PROJECT SUMMARY:

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

LAND BREAKDOWN:

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

1 DEVIATION #1 - WITHDRAWN

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

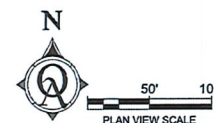
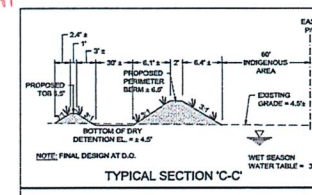
3 DEVIATION #3 - WITHDRAWN

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

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

INDIGENOUS OPEN SPACE

 GOPHER TORTOISE BURROW



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

12-2017 Proj\cd\170314 7-ELEVEN PINE ISLAND #38435 (#1012477) [BOKEELIA] - ACTNE\01-CADD FILES\00-QAI CADD - E\01-PLAN SETS\170314 - CIVIL-PLANS

PLOTTED BY: AL
WED, 8-15-2018 11:47 AM
170814 - CIVIL-PLANS.DWG

Approved as Exhibit C
MCP Page 1 of 1
Resolution # 2-18-028

ATTACHMENT G

PLANNING COMMUNITY PUBLIC INFORMATION SESSION/MEETING

(Please Note: this meeting has been rescheduled for June 26th at 6 pm due to the fact that we need to apply for a CG zoning instead of the C1. In addition to the required public meeting notice, We will call each person that was in attendance to let them know)

Plan Area: Pine Island Planning Community

Rezoning from CN3 to C1

10488, 10476, 10464 Nikkis Lane, St. James City, FL 33956)

Public Meeting was held on May 4, 2023 at 6 pm
At 10488 Nikkis Lane, Bokeelia, FL 33956

Meeting was conducted by Applicant's representatives:
Linda Sue Cope and Charles Thomas Cope

Others in attendance:

Deborah Swisher-Hicks, resident of 3 years,, administrator of facebook page "Pine island Prospect" and on the board of Greater Pine island Civic Association.

Melissa Marsala, owner of adjacent business, Pine Island Pizza

Barb Peckinpough, local resident of 30 years, friend of applicant

Don Huff, local resident of 40 years & business owner, friend of applicant.

Meeting was opened by the applicants explained that the intended use is to be retail plant and landscaping/lawn sprinkler business. They then asked attendees for any questions/ concerns they had.

D. Swisher- Hicks was the first to speak and wanted to know what our plans were. She said she would be "watching" us and was concerned about a used car lot. Applicants explained & was able to produce a lease for prospective tenants wanting a retail landscaping/plant sales. She seemed content with our planned use.

M. Marsala stated that she was pleased to have a business occupy this location as there has been some questionable people there after dark.. Especially since the 7/11 gas station came in.

B Peckinpough vouched for the applicant being a long-time island resident that has nothing but cared & tried to improve this property.

Friendly conversation followed about the changes taking place on the island.

Meeting was adjourned about 6:50 pm

PUBLIC MEETING NOTICE
May 4th, 2023 • 6pm

**Rezoning from CN3 to C1 for properties
10488, 10476, and 10464 Nikkis Lane,
St. James City 33956**

**Meeting Location: 10488 Nikkis Lane
St. James City, FL 33956
Property Owners Rep: Linda Cope 1 (330) 692-6625**

Please sign in:

Deborah Swisher-Hicks 916-990-4186

Melissa Marsala - 239-471-8253

Barbara Peckinpaeft 239-898-8080

Don Huff 239-283-2951

PART 5
A. Potable Water



ATTACHMENT H

April 26, 2023

Lee County Division of Concurrency Management
P. O. Box 398
Ft. Myers, FL 33901

To Whom It May Concern:

Please be advised that 5465 Pine Island Rd LLC has potable water service availability at:

PINE ISLAND CENTER
BOKEELIA

LOT 1
5459 PINE ISLAND RD NW
28-44-22-01-0000B.0010

LOTS 2 & 3
5465 PINE ISLAND RD NW
28-44-22-01-0000B.0020

LOTS 5 & 6
10488 NIKKIS LN
28-44-22-01-0000B.0050

All lots are currently being served by one meter.

Water mains are installed and in operation adjacent to this site. Under normal operating conditions, static water pressure in the main will be at least 20 PSI at the point where water service will be provided. As of this date, the Greater Pine Island Water Association, Inc. has sufficient capacity to provide 500 gallons per day of potable water to this site.

Sincerely,

Erin Gaston
Membership Coordinator



Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

Kevin Ruane
District One

Cecil L Pendergrass
District Two

Raymond Sandelli
District Three

Brian Hamman
District Four

Michael Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Chief
Hearing Examiner

April 25, 2023

Via E-Mail

Linda Cope
3825 Emerald Avenue
St. James City, FL 33956

RE: Wastewater Availability
5465 Pine Island Rd., LLC
STRAP # 28-44-22-01-0000B.0010; 28-44-22-01-0000B.0010;
28-44-22-01-0000B.0020; 28-44-22-01-0000B.0040;
28-44-22-01-0000B.0050; 28-44-22-01-0000B.0070;
28-44-22-01-0000B.0090

To whom this may concern:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4B of the Lee County Comprehensive Land Use Plan. 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 one commercial unit with an estimated flow demand of approximately 500 gallons per day. Lee County Utilities presently has sufficient capacity to provide sanitary sewer service as estimated above.

Availability of 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, sanitary sewer service will be provided by our Pine Island Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

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

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

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

PART 5
A. Potable Water / Sewer

Further, this letter of availability of 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