



LETTER OF TRANSMITTAL

TO: Development Services Division
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33902-0398

PROJECT #: 23-126

PROJECT: Lee Boulevard Convenience Store
Lee County Special Exception
RAI 1

FROM: Linda Miller, AICP
Vice President

DATE: July 2, 2024

WE ARE SENDING YOU THE FOLLOWING ITEMS:

☒ Attached Via eConnect ☐ Under Separate Cover Via _____

☐ Plans/Prints ☐ Shop Drawings ☐ Specifications ☐ Contract ☐ Disc

☐ Permit Applications ☐ Other

DESCRIPTION
Response to Staff Comments
Letter of Request Revised
Survey Plat
Title Opinion
Lehigh Acres Planning Community Meeting Proof of Advertisement, Sign-In Sheet, and Minutes
Additional Transportation Information
Special Exception Exhibit Revised

THIS DATA IS TRANSMITTED AS CHECKED BELOW:

☐ as requested ☐ for approval ☐ for signature ☒ for review & comment

☐ for your use/files/information ☒ for your distribution ☐ to be returned

REMARKS:



Application for Special Exception
Lee Boulevard Convenience Store
SEZ2024-00001
Responses to Staff's 1st Review Comments
Project Engineer: Brendan Sloan, PE
(239-573-2077 or brendan@avaloneng.com)
July 2, 2024

Zoning:

-Please provide a more complete analysis of the review criteria in LDC §34-145.

Response: The Letter Request has been updated to include additional information about the request and how it is consistent with the review criteria in LDC 24-145,

-LDC Section 33-1401 requires the applicant to conduct a publicly advertised public information meeting within the community. Please provide proof of the advertisement of the meeting as well as the meeting summary document listing the attendees, any questions or input they provided, and your response to those questions.

Response: As requested, Lehigh Acres Architectural Zoning Review Board proof of advertisement, sign in sheet and meeting minutes are included with this submittal.

Site Plan:

-The submitted site plan labels the refueling area as "7 pumps." Please clarify the site plan to show that there are 14 proposed fueling stations.

Response: Per Lee County LDC Ch 34-2 a Fuel pump means a vehicle fuel dispensing device, other than a portable fuel container or fuel dispensing vehicle, which can be self-service or full-service. A single fuel pump is a fuel pump that can serve only one vehicle at-a-time. The plan has been changed to indicate that we are proposing 14 fuel pumps for this site.

-The site plan does not show the entire parcel. Please indicate if the property will be split off from the remainder of the parcel or if the remainder of the parcel will be left undeveloped.

Response: This project includes the following steps for approval:

A Lot Split (LDO2024-00110) which created a 1.5-acre parcel and a 6.44-acre parcel.

Development order and Special Exception approval for the convenience store to be constructed on a portion of the remaining 6.44 acres. We have included the cover sheet which shows the entire 6.44 acres.

Plat approval of a 4-tract commercial subdivision and future development on the 3 remaining tracts.

Planning:

-Please provide an analysis of Lee Plan Policies 2.1.1, 2.1.2, and 5.1.5.

Response: *See revised Letter of Request.*

-Staff recognizes the applicant's response to Lee Plan Policy 25.8.1 regarding access to Lee Boulevard. Provide justification for the proposed access point to Lee Boulevard on the subject property.

Response: *See revised Letter of Request.*

Legal Description:

-Please provide a boundary survey of the subject property in accordance with the requirements of Lee County LDC §34-202(a)(6). The survey is missing the subject property boundary and the legal description for the perimeter of the subject property. If a different legal description is used in the Title Opinion, both legal description(s) should appear on the boundary survey. The perimeter boundary must be clearly marked with a heavy line and must include the entire area to be developed. The boundary survey does not indicate the tie to the Title Certification. The boundary survey must identify and depict all easements affecting the subject property, listed on the Title Certification.

Response: *A boundary survey has been provided for the 6.44 acres included in the commercial subdivision.*

Certification of Title and Encumbrances:

-Please provide a title certification for the property subject to zoning approval in accordance with the requirements of Lee County LDC §34- 202(a)(7). This document needs to be one of the forms listed in LDC §34- 202(a)(7)(a) with required content included.

Response: *A title opinion has been provided.*

Traffic Impact Study:

-Accurate information, including page numbers or line numbers in the Trip Generation Manual, should be provided stating that the presence of a car wash does not have a demonstrative effect on trip generation rates for land uses such as Gas station/Convenience Store. Otherwise, the proposed car wash must be included in the analysis.

Response: *In the ITE 10th Edition of the Trip Generation Manual, the Desk Reference publication on P. 5 that was published, it states that "Gasoline/Service Station and Car Wash (946) was removed and the data were reclassified to existing land uses. An examination of the data for this land use indicated that the presence of a car wash does not have a demonstrable effect on trip generation rates." A copy of this page is attached to this response for reference. For this reason, since the publication of the 10th Edition, a car wash at a gas station has not been included in the trip generation of a gas station in the TIS. We are now using the 11th Edition of ITE.*

-The parcel is vacant and currently not generating any trips. What is the logical reasoning behind using the trip difference between the proposed and permitted development (non-existing) in Roadway Segment LOS analysis (Table 1A, Table 2A) The Roadway Segment LOS analysis must be performed using the trip count from the proposed development.

Response: Please refer to the application requirements for a Special Exception. This is what must be applied and proven in order for the application to be approved. The traffic report identifies the increase in trips, or impacts, due to the requested Special Exception. The site has the "right" to 8 pumps by code. A Special Exception is needed to construct more than 8 pumps. The TIS identifies the impacts to the surrounding roadway network as a result of the request. The Hearing Examiner is familiar with this process and understands the criteria that must be evaluated for the Special Exception. The report is consistent with every other Special Exception that has been filed for a similar use in Lee County in the past. No modifications to the memo were made as a result of this comment.

DOT:

- According to LDC Sec 10-285(a), the proposed right-in only access point at Lee Blvd. (Arterial, Urban) must be separated by 440 ft (minimum) from the nearest roadway/ connection on Lee Blvd. A deviation regarding driveway separation must be requested.

Response: *This Special Exception application is under review concurrently with an Administrative Deviation ADD2024-00074 which has requested deviations from the above LDC.*

- According to LDC Sec 10-285(a), All lots in urban areas with access alternatives will not be permitted direct motor vehicle access to an arterial or major collector. A deviation regarding driveway separation must be requested for the proposed right-in only access point at Lee Blvd.

Response: *This Special Exception application is under review concurrently with an Administrative Deviation ADD2024-00074 which has requested deviations from the above LDC.*

LeeTran:

-The proposed development is within one-quarter mile of a fixed-route corridor and the closest bus stop is # 10994. If this becomes a DO or LDO type D, the developer must provide an 8' x 30', landing pad within the road right-of-way or dedicated easement, however, there is a sidewalk that can be considered within these dimensions; the only improvement needed is a bicycle storage rack. Therefore, the developer would be required to make the necessary improvement based on the current Lee County Transit LDC section 10-442 (a)(1) and 10-296 (4)(a) but will be reassessed at the time of DO/LDO. "

Response: *An 8'x30' bus stop pad along with a bike rack has been added to the plan as requested just south of the proposed gas station/convenience store use along Lee Blvd.*

Natural Resources:

-The property is within the 5yr Wellfield Protection Zone travel time. Please provide an analysis of Lee Plan policies 60.1.1, 125.1.2 and 125.1.4 as well as Lee Plan goal 63. Please provide a groundwater monitoring plan to ensure compliance with above policies and protection of the public supply wellfield. Please detail how the proposed project intends to comply with the Wellfield Protection Ordinance. The intended use will exceed the regulated substance thresholds outlined in LDC 14-208.

Response: The proposed fueling storage facilities will consist of two - dual walled 20,000-gallon Underground Storage Tanks (USTs) that will be equipped with interstitial space monitoring of the annular space between the inner and outer UST walls. The UST's will be permitted, constructed and monitored in accordance with Chapter 62-761 FAC. The Lee Boulevard Commercial Subdivision project USTs will be regulated by Chapter 62-761 FAC and will be permitted and monitored in accordance with the FDEP rules and criteria. The USTs will be constructed with dual-wall annular space monitoring appurtenances. The applicant will monitor the annular space between the inner and outer walls of the tanks for the presence of any fuel that would indicate a problem with tank integrity.

Further, the public water supply wells that generated the Lee County Wellfield Protection Zone 5-year travel time that intersects the site are the proposed City of Fort Myers Lower Hawthorn wells. The nearest of the City's permitted new wells is P-6E. It is located approximately 800 feet east of the proposed UST location. P-6E shows up in SFWMD database and Water Use Permit as being a proposed well with a total depth of 800 feet bls. The SFWMD permit indicates that the well will be cased to approximately 500 feet bls. Therefore, the confining zone above the Lower Hawthorn Aquifer precludes a hydraulic connection between the surficial aquifer that will contain the project's USTs and the confined production zone of P-6E and the City's other existing and proposed Lower Hawthorn wells.

Additionally, a primary Lehigh Acres MSTU drainage canal, known as 46-30-1 Alvin is located approximately 180 ft due east of the City's nearest proposed well P-6E. The canal is located approximately 450 ft west of the proposed project USTs. The deep canal will exert primary control of the surficial aquifer flow gradient in the project area. The 46-30-1 Alvin canal will induce a gradient to the east at the proposed site of well P-6E, therefore it will function as a groundwater flow divide within the surficial aquifer.

Environmental:

-Please provide a 5-foot Type A buffer along the east property line per LDC 10-416(d).

Response: As a result of the project site being within Lee County's Mixed-Use overlay district, no buffer is required along the east property line however 7.67' of green space has been provided.

-Please note that a minimum of 20% open space is required for the subject property. The uses of open space are clarified in LDC 10-415(C&D).

Response: The revised Special Exception exhibit included in this resubmittal provides a site area table showing the calculated open space for the gas station/convenience store use which is 36.6% including the dry stormwater treatment areas and 20.5% excluding the dry stormwater treatment areas, meeting the minimum 20% requirement.

Development Services:

-Pursuant to LDC Sec. 34-2013(a), parking lots must be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion. The site plan provided proposes parking spaces which back into the proposed cross-access easement.

Response: This code section does not apply to this project as the subject proposed easement is a county required cross access easement and not a street right-of-way or street easement. The cross-access easement is in place to provide all the lots within the proposed subdivision access to ingress and egress points on both Lee Blvd and Brookfield St.

-Pursuant to LDC Sec. 34-2013 Parking Lot Access. Parking lots must be designed with a distinct entrance that complies with the requirements specified in LCLDC Section 34-2013. The proposed access points on Brookfield St are shown to be 36.75' wide at the property line which exceeds the maximum width of 35' at the property line.

Response: As requested, the driveway access points on Brookfield St have been reduced to 35' wide at the property line.

-Please indicate on the Special Exception Exhibit if the parking lot aisle are one-way or two-way by providing directional arrows.

Response: As requested, direction arrow striping has been added to the revised Special Exception exhibit to indicate intended site circulation routes.

- INFORMATIONAL COMMENT: At time of Development Order, a draft Cross Access Easement and draft Sidewalk Easement will be required, along with the legal description & sketch of the easement area(s), for sufficiency review by the County Attorney's Office per LDC Section 10- 610(e). Staff can provide templates upon request.

Response: Acknowledged, the proposed cross access easement will be recorded within a Plat for the overall subdivision.

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March 14, 2024
Revised July 2, 2024

Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

**RE: Convenience Food and Beverage Store
Lee Blvd – Lehigh Acres
Special Exception Request**

Dear Director:

It is the intent of the applicant, MHM Development, LLC to request a special exception to Lee County's Land Development Code (LDC) Section 34-844, Table 34-844 Use Regulations for Conventional Commercial Districts, Note 19, to permit a total of fourteen (14) fuel pumps. Per LDC Table 34-844 Note 19, limits the number of pumps to eight (8) unless a greater number is approved as part of a special exception.

Per the Land Development Code, the definition of a Fuel Pump is a vehicle fuel dispensing device, other than a portable fuel container or fuel dispensing vehicle, which can be self-service or full-service. A single fuel pump is a fuel pump that can serve only one vehicle at a time. Vehicle fuel dispensing devices that can service more than one vehicle at a time consist of multiple fuel pumps. The number of pumps is determined by the maximum number of vehicles that can be serviced at the same time. For example, a fuel dispensing device that can fuel two vehicles at once is considered two fuel pumps, and a fuel dispensing device that can fuel three vehicles at once is considered three fuel pumps, and so on.

The subject parcel is 2.20 +/- acre and is located at the corner of Lee Blvd and Alvin Avenue. The subject parcel is part of an 7.94 acre parcel, strap #30-44-26-05-00000.B010. The parcel is zoned C-2 (Commercial Districts) and has a Future Land Use designation of Central Urban. The site is within the Lehigh Acres Planning Community's Commercial Overlay District and is within the mixed-use overlay district. It is the applicant's intent to entitle, design, and permit a Convenience Food and Beverage Store with seven (7) multiple fuel pumps that serves fourteen (14) vehicles at one time.

A Rac Trac convenience store was approved by Resolution Number Z-09-027 on October 5, 2019, for the northwest corner of Lee Blvd and Alvin Road, directly across the street from the subject parcel. The CPD permitted a 5,000 square foot store with a maximum of twenty-four (24) fuel pumps. The Rac Trac was constructed and is currently in use with twenty-four (24) pumps.

Qualification via 6 criteria

This special exception request is for additional fuel pumps for this convenience store with gas and car wash uses. The convenience store with gas and car wash is a permitted use within the County's C-2 Commercial District. The development of this use has additional regulations per Section 34-1353. This development and the subdivision layout complies with the County's Land Development Code. Two administrative deviations, one for the locations of the driveways off Lee Blvd and the other for the buffer yard width along Lee Blvd for specific end uses only are being requested as part of the Development Order submittal. The development of this site as well as the infrastructure for the other proposed commercial tracts within this commercial subdivision will provide a minimum of 25 feet of green space along Brookfield Street to screen the existing residential homes from these future commercial uses.

Per LDC Section 34-145(c)(3) prior to granting a special exception, the Hearing Examiner must find the applicant has proven entitlement to the special exception by demonstrating the request:

1. Is consistent with the goals, objectives, policies and intent of the Lee Plan;
This request is consistent with the Lee Plan as provided below.
2. Will protect, conserve, or preserve environmentally critical and sensitive areas and natural resources, where applicable;
The site does not contain environmentally critical and sensitive areas and natural resources.
3. Will be compatible with existing and planned uses;
The request is compatible with existing and planned uses. It is further compatible through the requirements of the land development code for landscape buffering and architectural standards. The following table depicts existing zoning and uses adjacent to the site.

	Zoning	Use
North	RS-1	Brookfield Street R/W; residential homesites 52.9 percent of the lots within the block are developed with a single family home
South	CPD	Lee Boulevard R/W; Westgate Regional Centre Commercial Plaza The Plaza is developed and includes several different commercial use included a convenience store with gas pumps
East	C-2	Vacant Lot part of the proposed commercial subdivision
West	CPD	Alvin Road (R/W) CPD Zoning for a Race Trac. The convenience store with pumps is developed and in use

4. Will not be injurious to the neighborhood or detrimental to the public welfare; and
The site is located at a signaled intersection at Lee Blvd and Alvin Avenue. The parcel has adequate depth (average of 255 feet) to support a 25' Type D Buffer along the property lines that front rights-of-way, including Brookfield Street which has residential development along the northern side of this ROW.
5. Will be in compliance with zoning regulations pertaining to the use and other applicable regulations. ***The request is in compliance with the zoning regulations pertaining to the use and other applicable regulations. The convenience store site will comply with the County's Land Development Code and the special regulations for this use per Section 34-1353..***

Consistency with Community Review

The applicant is scheduled to hold the required one publicly advertised information session with the Lehigh Acres Review Committee as required in the application.

A public meeting was held, and the minutes of the meeting are provided.

Consistency with LEE PLAN

The subject property is designated as Central Urban on the Future Land Use Map of the Comprehensive Plan and is within the Lehigh Acres Planning Community. The current zoning of C-2 is consistent with this land use designation.

Policy 1.1.3 of the Lee Plan describes the Central Urban future land use category as the "urban core" of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public, and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate.

The subject parcel is within the urban core of Lehigh Acres. The proposed use will be located within a Commercial Subdivision, which will support several commercial uses that will front on Lee Blvd and will have shared access and drainage facilities. The Convenience Store Use will occupy a vacant parcel on Lee Boulevard promoting compact development patterns along the roadway and will provide a necessary service to the nearby residential land uses.

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.

The proposed commercial development is within a Future Land Use that supports commercial development at the intensity being proposed.

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

This development does not propose that the current Central Urban Future Land Use be modified for this development. The future land use of Central Urban supports the type of commercial use and permits the request for additional fuel pumps through the special exception process.

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

The proposed development is consistent with the character and integrity of the neighborhood. Parcels along Lee Blvd contain commercial uses with the residential neighborhoods separated by these commercial uses with local streets.

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

1. Traffic and access impacts.

Per the trip generation and level of service analysis provided, this use with the amount of pumps requested (14) an increase in pumps from eight (8) to fourteen (14) will have no appreciable impact on the adjacent roadway network as a result in the change of trip generation.

2. Landscaping and detailed site planning.

The project will comply with the rules and regulations of the land development code for site planning requirements and code minimum landscape requirements.

3. Screening and Buffering.

The project will comply with the requirements of screening and buffering adjacent uses per the land development code.

4. Availability and adequacy of services and facilities.

Per the attached utility availability letter, there is capacity within the existing utilities to service

the project as proposed.

5. Impact on adjacent land uses and surrounding neighborhoods.

The subject property is in an established community that is residential in nature with limited commercial uses. The extensive residential development has created an uneven balance between the residential use and the availability of commercial products and services needed for these residents. The subject property is located at the intersection of two major roads which is an appropriate location for this type of use and is separated from residential by a local street. This commercial development will provide a 25-foot-wide buffer along Brookfield Street to screen this development from the residential homes on the north side of Brookfield Street.

6. Proximity to other similar centers.

The proposed convenience store use will be within a commercial subdivision with other commercial development tracts. This site is also near an existing convenience store with gas pumps across Alvin Avenue to the west that has been in operation since 2011 and contains 24 pumps.

7. Environmental considerations.

The site does not contain any protective species and just a few pockets of existing native trees. The site will meet the requirements of the South Florida Water Management District and Lehigh Acres Municipal Services Improvement District drainage criteria.

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.

The commercial use proposed for the property is compatible with the adjacent properties to the south, west and east, all having a commercial zoning. The project has been designed to internalize impacts by providing open spaces along the perimeter of the parcel. The northern property line will provide a greater than required 25' Type D buffer to ensure compatibility with the residentially zoned property north of Brookfield Street.

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

The site layout for the proposed commercial use will provide traffic-carrying capacity internally with cross access for both pedestrian and vehicular traffic.

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 to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

The proposed commercial use will comply with the Land Development Code regarding landscaping, open space, buffering, and will provide all architectural requirements at the time of Development Order submittal.

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 subject parcel is located at a major intersection that has utilities available. The development of the subject parcel will provide commercial uses within an infill area and is not opening new areas to premature, scattered or strip development.

Policy 11.2.2: Development in the Mixed-Use Overlay should accommodate connections to adjacent uses.

The subject parcel consists of 7.94 acres, of which 6.44 acres is planned for a commercial subdivision that will provide shared access and cross access to all the tracts within the subdivision and to parcel east of the proposed development.

Goal 25: LEHIGH ACRES COMMUNITY PLAN. Ensure that continued development and redevelopment converts this largely single use, antiquated pre-platted area into a vibrant residential and commercial community consisting of: safe and secure single family and multi-family neighborhoods; vibrant commercial and employment centers; pedestrian friendly mixed use activity centers and neighborhood nodes; and, adequate green space and recreational opportunities.

The proposed development will support commercial businesses that will provide employment opportunities, and which will provide services and products needed for the residents within this area.

Objective 25.6: COMMERCIAL OVERLAY ZONES. To designate on the Future Land Use Map a Commercial Overlay for properties in the Lehigh Acres Community Plan area.

The subject parcel is located within the Commercial Overlay Zone within the Lehigh Acres Community Plan. This policy supports the development of the parcel within commercial uses including the permitted convenience food and beverage store with gas pumps and a car wash use.

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

The proposed development will provide access from Lee Boulevard to six new commercial uses. The limited access from Lee Boulevard is still being maintained due to the driveway access being shared with all the proposed new uses. The access points proposed for this commercial development will be reviewed and accepted by County staff through the Development Order process. Preliminary discussions have occurred.

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

The convenience store site will provide cross access and connection to the other parcels within this subdivision for both vehicular and pedestrian traffic.

Policy 25.9.1: The availability of sewer and water to serve uses within the Specialized Mixed-Use Nodes and the Commercial Overlay Zones is not a requirement for zoning approval. However, sewer and water must be available to the property in accordance with Standard 4.1.1 and 4.1.2 before a development order will be issued.

Water and Sewer services are available to this parcel and the capacity is sufficient for the development of the convenience store and other commercial uses planned within this subdivision.

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

Water and Sewer services are available to this parcel and the capacity is sufficient for the development of the convenience store and other commercial uses planned within this subdivision.

Policy 60.1.1: Require design of surface water management systems to protect or enhance the groundwater.

This development will comply with the SFWMD District and the Lehigh Acres Municipal Service Improvement District regulations for surface water management and will require review and approval from both agencies.

Goal 63: GROUNDWATER. To protect the County's groundwater supplies from those activities having the potential for depleting or degrading those supplies.

The below Ground Water Monitoring Statement has been provided:

The proposed fueling storage facilities will consist of two - dual walled 20,000-gallon Underground Storage Tanks (USTs) that will be equipped with interstitial space monitoring of the annular space between the inner and outer UST walls. The UST's will be permitted, constructed and monitored in accordance with Chapter 62-761 FAC. The Lee Boulevard Commercial Subdivision project USTs will be regulated by Chapter 62-761 FAC and will be permitted and monitored in accordance with the FDEP rules and criteria. The USTs will be constructed with dual-wall annular space monitoring appurtenances. The applicant will monitor the annular space between the inner and outer walls of the tanks for the presence of any fuel that would indicate a problem with tank integrity.

Further, the public water supply wells that generated the Lee County Wellfield Protection Zone 5-year travel time that intersects the site are the proposed City of Fort Myers Lower Hawthorn wells. The nearest of the City's permitted new wells is P-6E. It is located approximately 800 feet east of the proposed UST location. P-6E shows up in SFWMD database and Water Use Permit as being a proposed well with a total depth of 800 feet bls. The SFWMD permit indicates that the well will be cased to approximately 500 feet bls. Therefore, the confining zone above the Lower Hawthorn Aquifer precludes a hydraulic connection between the surficial aquifer that will contain the project's USTs and the confined production zone of P-6E and the City's other existing and proposed Lower Hawthorn wells.

Additionally, a primary Lehigh Acres MSTU drainage canal, known as 46-30-1 Alvin is located approximately 180 ft due east of the City's nearest proposed well P-6E. The canal is located approximately 450 ft west of the proposed project USTs. The deep canal will exert primary control of the surficial aquifer flow gradient in the project area. The 46-30-1 Alvin canal will induce a gradient to the east at the proposed site of well P-6E, therefore it will function as a groundwater flow divide within the surficial aquifer.

Goal 77: To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

The proposed commercial use will provide 36 percent open space with a minimum planting area of 17.5 feet along the perimeter of the site. The development will also comply with Goal 77 though the submission of the environmental analysis and protected species survey at the time of development order. The proposed commercial use will address all applicable land development regulations and other permit requirements as the project proceeds through the development order process.

Policy 125.1.2 New development and additions to existing development must not degrade surface and ground water quality.

As a result of the proposed development, no negative affects or impacts are anticipated to the surrounding surface and/or ground water quality.

Policy 125.1.4 Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data.

The below Ground Water Monitoring Statement has been provided:

The proposed fueling storage facilities will consist of two - dual walled 20,000-gallon Underground Storage Tanks (USTs) that will be equipped with interstitial space monitoring of the annular space between the inner and outer UST walls. The UST's will be permitted, constructed and monitored in accordance with Chapter 62-761 FAC. The Lee Boulevard Commercial Subdivision project USTs will be regulated by Chapter 62-761 FAC and will be permitted and monitored in accordance with the FDEP rules and criteria. The USTs will be constructed with dual-wall annular space monitoring appurtenances. The

applicant will monitor the annular space between the inner and outer walls of the tanks for the presence of any fuel that would indicate a problem with tank integrity.

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Please let us know if you have any questions or need further information.

Sincerely,

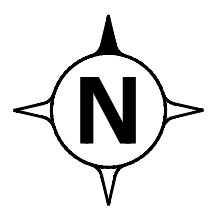
AVALON ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "Linda Miller". The signature is fluid and cursive, with the first name "Linda" and last name "Miller" clearly distinguishable.

Linda Miller, AICP
Vice President

SURVEY PLAT

OF A PARCEL LYING IN
SECTION 30, TOWNSHIP 44 SOUTH,
RANGE 26 EAST,
LEE COUNTY, FLORIDA.



DESCRIPTION:

(AS PER SALVATORI LAW OFFICE, PLLC OPINION OF TITLE, DATED JUNE 26, 2024)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 30, TOWNSHIP 44 SOUTH, BEING A PART OF TRACT B, LEHIGH ACRES SUBDIVISION, PLAT BOOK 26 PAGE 55, LEE COUNTY PUBLIC RECORDS, AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000029777, SAID PUBLIC RECORDS, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A 3"x3" CONCRETE MONUMENT WITH DISK STAMPED "PRM/LEHIGH CORP." MARKING THE NORTHEAST CORNER OF LOT 10, BLOCK 34, SAID LEHIGH ACRES SUBDIVISION, PLAT BOOK 26, PAGE 55; THENCE 5.01°06'55"E. ALONG THE EAST RIGHT OF WAY LINE OF ALVIN AVENUE AS SHOWN ON SAID PLAT, FOR 546.02 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF LEE BOULEVARD (COUNTY ROAD 884); THENCE N.89°20'24"E. ALONG SAID RIGHT OF WAY LINE FOR 319.22 FEET TO THE EASTERLY RIGHT OF WAY LINE OF ALVIN AVENUE, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2837, PAGE 2748, SAID PUBLIC RECORDS AND THE POINT OF BEGINNING, BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING N.53°09'36"W. AND LENGTH OF 30.44 FEET; THENCE ALONG SAID RIGHT OF WAY LINE AND CURVE THROUGH A CENTRAL ANGLE OF 75°00'00" FOR AN ARC LENGTH OF 32.72 FEET; THENCE N.15°39'36"W. ALONG SAID RIGHT OF WAY LINE FOR 210.57 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 678.00 FEET, A CHORD BEARING N.17°38'46"W. AND LENGTH OF 47.00 FEET; THENCE ALONG SAID RIGHT OF WAY LINE AND CURVE THROUGH A CENTRAL ANGLE OF 03°58'21" FOR AN ARC LENGTH OF 47.01 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING N.34°51'13"E. AND LENGTH OF 40.70 FEET; THENCE ALONG SAID RIGHT OF WAY LINE AND CURVE THROUGH A CENTRAL ANGLE OF 108°58'21" FOR AN ARC LENGTH OF 47.55 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF BROOKFIELD STREET; THENCE N.89°20'24"E. ALONG SAID RIGHT OF WAY LINE AND THE BOUNDARY OF SAID TRACT B, FOR 944.27 FEET; THENCE S.00°39'36"E. FOR 290.00 FEET; THENCE N.89°20'24"E. FOR 29.20 FEET; THENCE S.00°39'56"E. FOR 10.00 FEET TO SAID NORTHERLY RIGHT OF WAY LINE OF LEE BOULEVARD (COUNTY ROAD 884); THENCE S.89°20'24"W. ALONG SAID RIGHT OF WAY LINE AND THE BOUNDARY OF SAID TRACT B, FOR 904.74 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 280535.74 SQUARE FEET OR 6.44 ACRES, MORE OR LESS.

NOTES:

THIS PLAT WAS PREPARED AS BOUNDARY AND TOPOGRAPHIC SURVEY.

THIS SURVEY PREPARED BASED ON THE DESCRIPTION AS PROVIDED IN SALVATORI LAW OFFICE, PLLC OPINION OF TITLE, DATED JUNE 26, 2024, THE RECORD PLATS OF LEHIGH ACRES AND EXISTING MONUMENTATION.

BEARINGS ARE BASED ON NORTH AMERICAN DATUM OF 1983/2011, THE NORTH RIGHT OF WAY LINE OF LEE BOULEVARD AS BEARING S.89°20'24"W.

COORDINATES ARE BASED ON NORTH AMERICAN DATUM OF 1983/2011.

ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 FROM NATIONAL GEODETIC SURVEY BENCHMARK B 532, ELEVATION: 21.62 FEET.

SOME DRAINAGE STRUCTURES, AS SHOWN, ARE FULL OF WATER AND/OR ARE OFFSET STYLE STRUCTURES WITH THE PIPES BEING BARELY ACCESSIBLE, SO THE PIPE SIZES AND INVERT ELEVATIONS ARE APPROXIMATE.

PARCEL LIES IN FLOOD ZONE X, WITH NO BASE ELEVATION. THIS INFORMATION TAKEN FROM FEDERAL EMERGENCY MANAGEMENT AGENCY MAP NO. 12071C0475F (NOT PRINTED), EFFECTIVE DATE AUGUST 8, 2008.

UNDERGROUND IMPROVEMENTS OTHER THAN AS SHOWN, IF ANY, WERE NOT LOCATED.

THIS SURVEY WAS NOT INTENDED TO DELINEATE OR DEFINE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS, OR JURISDICTIONAL LINE OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

THIS SURVEY PREPARED WITH BENEFIT OF SALVATORI LAW OFFICE, PLLC OPINION OF TITLE, DATED JUNE 26, 2024.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS PLAT OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND CONFORMS TO THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS OUTLINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

Kenneth E. Trask
FL54684 State of Florida

Kenneth E. Trask
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

NOTICE:

UNLESS ELECTRONICALLY SIGNED AND SEALED, THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

K.E. Trask, P.A.

Land Surveyors

Florida Licensed Business No. LB8450
12345 Blossing Road
Fort Myers, Florida 33966
(239) 980-1495

PROPERTY ADDRESS:

LEHIGH ACRES, FL 33950

STRAP: 30-44-26-05-00000.B010

date 2-3-24 deg 21-152SR scale 1"=30' job# 21-152 sheet 1 of 2

LEGEND

●	BENCHMARK	LS	LICENSED SURVEYOR
●	SET NAIL & DISK, #LB8450	LB	LICENSED BUSINESS
●	SET 5/8" IRON ROD, #LB8450	PLS	PROFESSIONAL LAND SURVEYOR
●	FOUND NAIL & DISK, AS NOTED	FND.	FOUND
●	FOUND 5/8" IRON ROD, AS NOTED	EOP	EDGE OF PAVEMENT
●	FOUND CONCRETE MONUMENT, AS NOTED	I.R.	IRON ROD
□	TRAFFIC PULL BOX	N/D	NAIL & DISK
□	TRAFFIC SIGNAL	C.M.	CONCRETE MONUMENT
□	MAILBOX	I.D.	IDENTIFICATION
□	MANHOLE	(M)	AS MEASURED
□	DRAINAGE STRUCTURE	(D)	AS PER DEED
□	WOOD UTILITY POLE	(P)	AS PER RECORD PLAT
□	CONCRETE TRAFFIC SIGNAL POLE	(C)	CALCULATED BASED ON MEASUREMENTS
□	GUY WIRE ANCHOR	(O)	POINT OF BEGINNING
□	TELEPHONE PEDESTAL	P.O.B.	POINT OF COMMENCEMENT
□	SEWER VALVE	O.R.	OFFICIAL RECORDS INSTRUMENT
□	FIBER OPTIC HANDHOLE	PB	PLAT BOOK
□	FIBER ELEVATION UNDERGROUND MARKER	PG	PAGE
□	DRAINAGE & UTILITY EASEMENT	CONC.	CONCRETE
□	MORE OR LESS	EOP	EDGE OF PAVEMENT
□		O/H	OVERHEAD UTILITIES
□		x 22.11	ELEVATION POINT

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	32.72'	30.44'	N53°09'36"W	75°00'00"
C2	678.00'	47.01'	47.00'	N17°38'46"W	3°58'21"
C3(M)	25.00'	47.55'	40.70'	N34°51'13"E	108°58'21"
C3(D)				N34°51'14"E	
C4(M)	25.00'	39.04'	35.20'	S45°55'06"E	89°29'01"
C4(D)				S45°55'05"E	
C5	25.00'	39.50'	35.51'	S44°04'54"W	90°30'59"
C6	25.00'	39.50'	35.51'	N44°04'54"E	90°30'59"
C7	25.00'	39.04'	35.20'	N45°55'05"W	89°29'01"

LINE TABLE

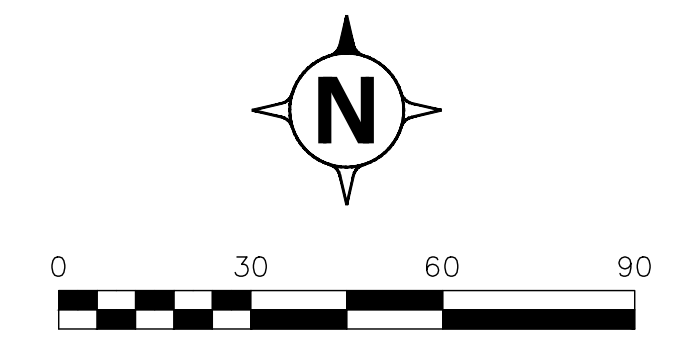
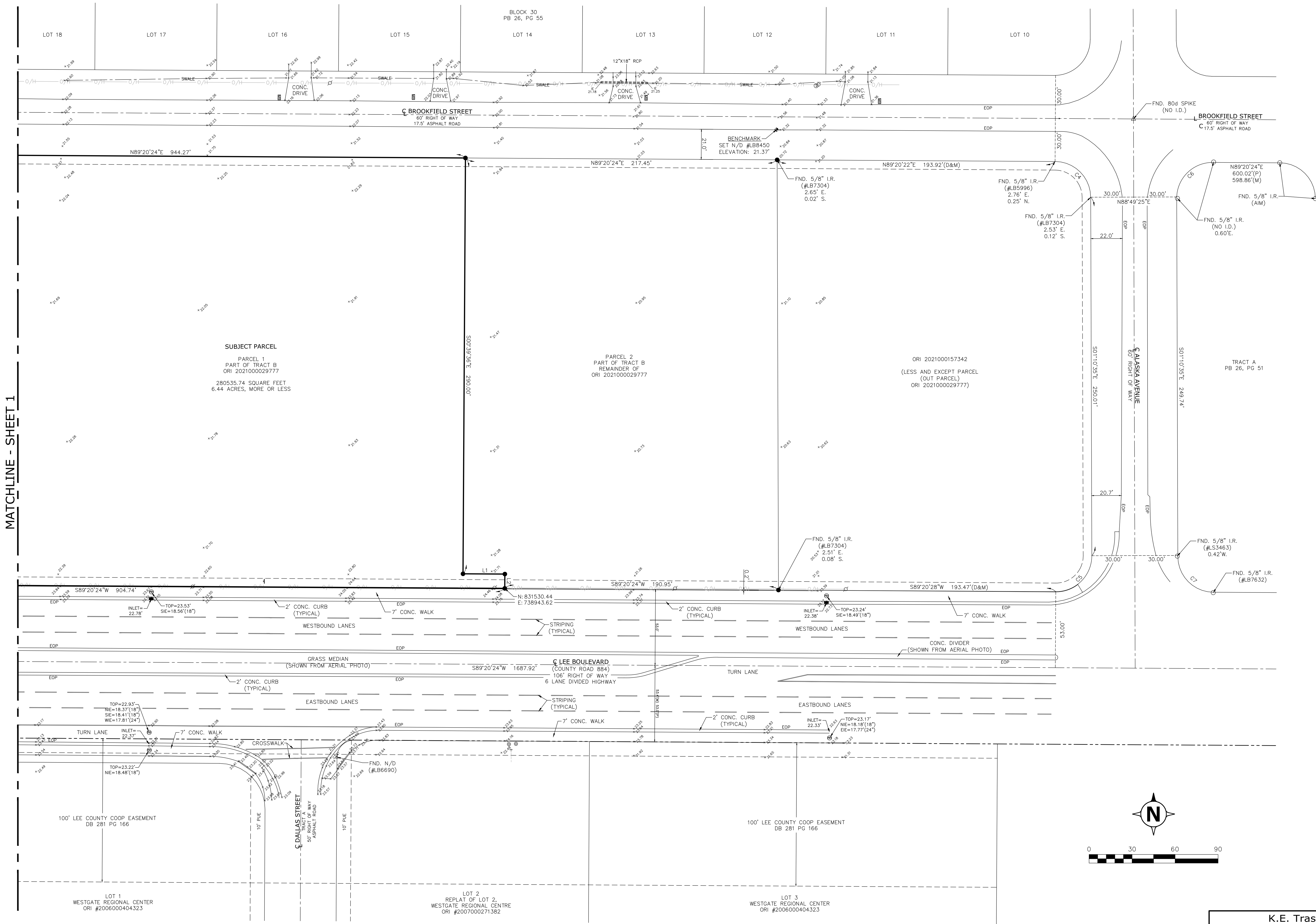
LINE	BEARING	DISTANCE
L1	N89°20'24"E	28.20'
L2	S00°39'56"E	10.00'

ORI #2021000287351

LOT 1
WESTGATE REGIONAL CENTER
ORI #2006000404323

MATCHLINE - SHEET 2

MATCHLINE - SHEET 1



Salvatori Law Office, PLLC

Newgate Center

5150 Tamiami Trail North, Suite 304

Naples, FL 34103

Leo J. Salvatori

Direct: 239.552.4106

E-mail: ljs@salvatori.legal

Tel: 239.308.9191

eFax: 239.552.4193

Web: www.salvatori.legal

June 26, 2024

Board of County Commissioners of Lee County, Florida
2855 Colonial Blvd.
Fort Myers, FL 33966

Certified To: Lee County Board of County Commissioners

I, Leo J. Salvatori, am an attorney licensed to practice in the State of Florida and I have this 26th day of June, 2024, examined title to the following property:

See Exhibit "A" attached,

evidenced by abstracts or searches from First American Title Insurance Company and review of the public records, which covers all public records on file in Lee County up to and including June 12, 2024 at 8:00 a.m.

We hereby certify that:

The record title to the above-described property is vested in Kakiland, LLC, a Florida limited liability company, by Special Warranty Deed recorded as Instrument No. 2022000275344, of the Public Records of Lee County, Florida.

Said record title holder has a fee simple title thereto subject, however, to the following encumbrances or qualifications:

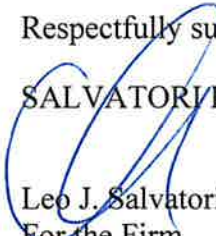
1. The following are encumbrances on the subject property:
 - A) Taxes for the year 2024 and all subsequent years, although not yet due and payable.
 - B) Restrictive covenants, conditions, easements and other matters as shown on the Plat recorded in Plat Book 26, Pages 51 through 55 inclusive; as affected by Resolution recorded in Official Records Book 3253, Page 720, Public Records of Lee County, Florida, which includes the following plat recital "All lots, parcels and tracts subject to a six-foot (6') Utility and Drainage Easement on both sides, front and back".

- C) Sewer and Water Covenants and Restrictions Traveling with the Land recorded in Official Records Book 10, Page 695 and amended by Official Records Book 41, Page 264, Public Records of Lee County, Florida.
- D) Agreement by and between Gerald H. Gould, et. al. and Lehigh Utilities, Inc. recorded in Official Records Book 327, Page 119, of the Public Records of Lee County, Florida.
- E) Restrictions, covenants, conditions and easements as contained in the instrument recorded in Official Records Book 527, Page 29, and as amended in Official Records Book 1320, Page 556 and re-recorded in Official Records Book 2536, Page 3212 and amended in Official Records Book 1759, Page 1107 and re- recorded in Official Records Book 2536, Page 3215, and as amended in Official Records Book 3743, Page 2954, of the Public Records of Lee County, Florida.
- F) Notice of Lot Split Approval recorded in Official Records Book 4736, Page 2083, Public Records of Lee County, Florida.
- G) The subject land lies within the boundaries of the Lehigh Acres Municipal Services Improvement District created by Chapter 2015-202 successor in interest to the East County Water Management District and is subject to all acts, restrictions and limitations of said district.
- H) Lee County Ordinance No. 86-14 providing for mandatory solid waste collection and the imposition of special assessments for said collection services recorded November 30, 1990 in Official Records Book 2189, Page 3281 and amended by Ordinances No. 86-38 recorded in Official Records Book 2189, Page 3334, Ordinance 08-10, Ordinance 11-03 and Ordinance 11-27.
- I) Any right, title or interest in those certain oil, gas, and mineral interests referenced in that certain Deed recorded in Deed Book 146, Page 168, together with Notice of Claimant, recorded at Official Records Book 1093, Page 430, of the Public Records of Lee County, Florida. No determination has been made as to the current owner of the interest excepted herein.
- J) Reservation of oil, gas and mineral rights contained in Deed recorded in Official Records Book 4296, Page 1741, of the Public Records of Lee County, Florida, without right of exploration or entry.
- K) Mortgage from Kakiland, LLC in favor of FirstBank recorded as Instrument No. 2022000275345, of the Public Records of Lee County, Florida.

- L) Assignment of Rents from Kakiland, LLC in favor of FirstBank recorded as Instrument No. 2022000275346, of the Public Records of Lee County, Florida.

Respectfully submitted,

SALVATORI LAW OFFICE, PLLC



Leo J. Salvatori
For the Firm

EXHIBIT "A"
LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 30, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING A PART OF TRACT B, LEHIGH ACRES SUBDIVISION, PLAT BOOK 26 PAGE 55, LEE COUNTY PUBLIC RECORDS, AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000029777, SAID PUBLIC RECORDS, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A 3"X3" CONCRETE MONUMENT WITH DISK STAMPED "PRM/LEHIGH CORP." MARKING THE NORTHEAST CORNER OF LOT 10, BLOCK 34, SAID LEHIGH ACRES SUBDIVISION, PLAT BOOK 26, PAGE 55; THENCE S.01°06'55"E. ALONG THE EAST RIGHT OF WAY LINE OF ALVIN AVENUE AS SHOWN ON SAID PLAT, FOR 546.02 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF LEE BOULEVARD (COUNTY ROAD 884); THENCE N.89°20'24"E. ALONG SAID RIGHT OF WAY LINE FOR 319.22 FEET TO THE EASTERLY RIGHT OF WAY LINE OF ALVIN AVENUE, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2837, PAGE 2748, SAID PUBLIC RECORDS AND THE POINT OF BEGINNING, BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING N.53°09'36"W. AND LENGTH OF 30.44 FEET; THENCE ALONG SAID RIGHT OF WAY LINE AND CURVE THROUGH A CENTRAL ANGLE OF 75°00'00" FOR AN ARC LENGTH OF 32.72 FEET; THENCE N.15°39'36"W. ALONG SAID RIGHT OF WAY LINE FOR 210.57 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 678.00 FEET, A CHORD BEARING N.17°38'46"W. AND LENGTH OF 47.00 FEET; THENCE ALONG SAID RIGHT OF WAY LINE AND CURVE, THROUGH A CENTRAL ANGLE OF 03°58'21" FOR AN ARC LENGTH OF 47.01 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING N.34°51'13"E. AND LENGTH OF 40.70 FEET; THENCE ALONG SAID RIGHT OF WAY LINE AND CURVE THROUGH A CENTRAL ANGLE OF 108°58'21" FOR AN ARC LENGTH OF 47.55 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF BROOKFIELD STREET; THENCE N.89°20'24"E. ALONG SAID RIGHT OF WAY LINE AND THE BOUNDARY OF SAID TRACT B, FOR 944.27 FEET; THENCE S.00°39'36"E. FOR 290.00 FEET; THENCE N.89°20'24"E. FOR 29.20 FEET; THENCE S.00°39'56"E. FOR 10.00 FEET TO SAID NORTHERLY RIGHT OF WAY LINE OF LEE BOULEVARD (COUNTY ROAD 884); THENCE S.89°20'24"W. ALONG SAID RIGHT OF WAY LINE AND THE BOUNDARY OF SAID TRACT B, FOR 904.74 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE PLANE COORDINATE FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983/1990, THE NORTHERLY RIGHT OF WAY LINE OF LEE BOULEVARD AS BEARING S.89°20'24"W.

COORDINATES AS SHOWN ARE PLANE COORDINATE FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983/1990.

1:58

5G 79



Avalon Engineering, Inc.



Posts

About

Photos

Mentions



Avalon Engineering, Inc.



4h · 🌐

Join us for the Lehigh Acres Community Meeting discussing a potential development on the corner of Lee Blvd and Alvin Ave.

Avalon Engineering, Inc.
Invites you to attend a

April 25

Community MEETING

DISCUSSION ON

Construction of a 4,874 square foot convenience food and beverage store on a 2.20 acre portion of a 7.94 acre parcel at the northeast corner of the Lee Boulevard and Alvin Avenue intersection.

Lehigh Acres Architectural & Zoning Review Board

LAMSID Building
601 E County Lane
Lehigh, FL 33936

OPEN to the PUBLIC

5:30 PM

For more information, please email Avalon Engineering, Inc- Terri Rose at terri@avaloneng.com

Made with PosterMyWall.com

1 share



Like



Comment



Send



Share

Applicant: MHM Lee Boulevard, LLC / Developer

Action Requested: Special Exception Request for a
convenience store with gas pumps, Development Order

Approval and Administrative Deviation to the LCDOT spacing
requirements for access points.

PUBLIC NOTICE

Lehigh Acres Architectural Planning & Zoning Review Board
L A A Z R B

Site Project Name: Lee Boulevard Commercial Subdivision

Public Presentation Date: April 25, 2024 Time: 5:30 PM

Lehigh Acres Municipal Services Improvement District
Location: 601 East County Lane, Lehigh Acres, FL 33936

For more information contact: Linda Miller linda@avaloneng.com

04/09/



04/09/2024

#	name	email	business/organization
1	Albert Martes-Rodriguez	albert@avaloneng.com	Avalon Engineering
2	Elsa Thompson	elsaelaines@gmail.com	Domino Club
3	ARINEL S. Gordon	gordontapsolutions@gmail.com	Lehigh @ Domino
4	Lureen Slater	LureenSlater02@icloud.com	Domino Club
5	TONY BURSETT	TONY.BURSETT@LENNAR.COM	LENNAR
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LEHIGH ACRES ARCHITECTURAL, PLANNING & ZONING REVIEW BOARD

Meeting Minutes April 25,2024

5:31 pm

In Person Meeting

Lehigh Acres Municipal Services Improvement District

601 East County Lane, Lehigh Acres, FL 33936

Call To Order: 5:30 pm**Roll Call:** Tami Baker, Mike Cook, Derek Felder, Laurie Sternowski, Inke Schirmmacher, Mohamed Yasin**Excused:** Claude Spellman, Thomas Pfuner,**Consulting:** Wade Weatherford - LAMSID**Minutes:** Melissa Barry**Public Comments on Non-agenda Items:** None**Approval of Agenda to Table the March Minutes:** 1st by Derek and 2nd by Laurie
Motion: Passed**Approval of March Minutes:** Tabled**New Project Reviews:**

- A. . Request for a Special Exception and Development Order Approval for 5541 Brookfield St, Lehigh Acres FL 33971. The applicant is requesting a Special Exception and Development Order Approval and Administrative Deviations to the LCDOT for access points. Project is presented Brendan Sloan w/ Avalon Engineering ☐

Albert Martez with Avalon – MH Development to submit DO for commercial development. The first insulation will be with a 7/11 with car wash. There will be five lot commercial subdivision in the stripe mall. (they have already been asked about them) It sits on 6.44 acres. There will be 2 access points off Lee Blvd. The Exception is for 7 pumps at gas station. The deviation for drive way separation – east most drive way meet the code from Alvin but there is a right lane that will need the deviation. There will be two more driveways off to east. FGUA, South West Florida District, LAMSID are all already submitted. The DO submitted and we are waiting for comments.

Board Member Comments:

Laurie – 1) Brookfield – is there appropriate lighting for the safe – is too much for the residential? 2) What about buffers for sight and lighting?

Response to Laura – 1) yes, we have to follow the code. The REI comments from the county. There is a light pole near there and if Lee county DOT suggested they can put more lighting but they will not do that on private property. And we have sidewalk to help keep people off the road.

Tami – 1) the people on Brookfield Street will see a lot of traffic because they will have to exit 7/11. There are a lot of gas station. 2) that Brookfield and Alvin – go back to Lee Blvd – it can get backed up. Are they doing anything about a light or round-a-back. The medium is going to be a problem.

Response to Tami - 1) we are aware of the increase in traffic and are looking at doing somethings to help with that. There is no speed limit sign now which means it is 35. We are posting it at 25. Intersection are Lee Blvd. and Alvin; we are doing improvement to ADA code and new pedestrian crossing. 2) I have not heard anything. We have someone who looks traffic.

Derek – 1) You have a turn lane heading west bound. Would lane turn that continue to Alvin? 2) What about the sidewalks around it? 3) What about the last out access – they will get jump over the lanes to turn left.

Response to Derek- 1) yes, - Theres is the site plan that shows it better. There is a turning right on lee and the exit is on lee Blvd. 2) yes

Wade – 1) we are reviewing the application 2) what about speed bumps

Response to Wade 2) We will looking into that.

Inke – 1) I don't like it – I don't like another gas station. I think it is dangerous here at the intersection. We already have one like this at Gunnery and Lee and it is dangerous. 2) It is just going to be horrible. 3) what about the 7/11 on the east end of the property.

Response to Inke 1) It will add traffic. There turn lane comes in uninstructive, and there shouldn't be a reason to have it backed up. 2) They will be able to have the first of the gas station, The 7/11 is the anchor and that is why they are starting with that.. 3) that is something I will take to the owners.

Mohamed – 1) very concerned with the access point – and there are a lot of gas stations in that here. I would want to reduce the amount of traffic in that area. I have no problem with the other commercial.

Response to Mohamed – 1)

Discussion about the access and the traffic.

Response – the development to help improve the residential area. Width of the road – we are widening the road that is required and there will be a sidewalk – 6 feet wide.

Public Comment:

1) This is before Alvin. And there will be a turn off before Alvin. And it is very congested.

Motion to not recommend more pumps or the access on Lee Blvd: First – 1st by Derek and 2nd by Tami

Motion: Passes

- B. Request for a Site/Project Approval for 2503 1st St W, Lehigh Acres FL 33971. The applicant is requesting a Site/Project Approval for Power Delivery. Project is presented Mark Aral w/ Avalon Engineering ☐

Albert – LCEC substation to construct and new vault. The one purposed in on the right. This is a very simple plan. We will bring up the buffering including a 6-foot wall with buffer. We will be upgrading storm water system. There is a gravel drive, but we have request to pave it. Driving way connects to Lee Blvd. and purposing a dumpster.

Board Member Comments:

Laurie – 1) I am fine with this
Response to Laura –

Tami – 1) what is inside the vault?
Response to Tami - 1) They are looking to expand on this site. I think there is a bathroom and electrical.

Derek – 1) Could you put a landscape in this area?
Response to Derek- 1) We can block this off.

Wade – No submittal
Response to Wade –

Inke – N/A
Response to Inke

Mohamed– 1) I welcome the improvement.
Response to Mohamed -

Public Comment – None

Motion to approve as presented: First – 1st by Mohamed and 2nd by Laurie

Motion: Passes

- C. Request for a Development Order Approval for 4009 Lee Blvd & 4018 4th St W, Lehigh Acres FL 33971. The applicant is requesting a Development Order Approval and Associated Deviations and Administrative Variance. Project is presented David R Underhill, Jr w/ Atwell LLC ■

David Underhill – application for Lennar. This is a small office building with parking lot. There will be a drain field, parking and retention. Model sales office. We are asking for a deviation for the sidewalk encroachment. They are asking for the 8 feet so we are asking for the 8 feet as well. Second we asking not require to have a dumpster enclosure. Just like a couple of garbage cans like the residential.

Board Member Comments:

Laurie – Other than code, what are the traffic you are looking at.

Response to Laura – 1) There will be really no change in traffic.

Tami – 1) I have a problem says you have to have $\frac{3}{4}$ acres and it does not meet the code. Off by a quarter acre.

Response to Tami - 1) not familiar with the code – I haven't heard.

Derek – No comment

Response to Derek-

Wade – We are waiting for submittal 2) It does not look like a model home.

Response to Wade –

Inke – 1) Why this site? Would it be more convenience to be put in one of the communities?

Response to Inke 1) It is the office and site 2) It would be for the lot homes and not the community

Mohomed 1) How big is it?

Response to Mohamed – 1) size of the three-bedroom house. It is planned to be the office.

Public Comment –

1) The code has to be $\frac{3}{4}$ of acre.

Motion to approve as presented, with the understanding that Lee County must approve this project, even though it does not meet the Lehigh Comprehensive Plan requirement that there must be at least $\frac{3}{4}$ of an acre to build on Lee Blvd. First – 1st by Mohamed and 2nd by Laurie

Motion: Passes – 3/2 vote

Old Business:

- a. **Vote on By-laws – changes made motion 1st by Derek and 2nd by Tami (with the change on the revise for date)**

New Business:

- a) Board Members Comments
 - a. Mohamed – new faces and learning about the process. And please let them asks questions
 - i. President of Dominio Club – we want to build a home and it was interesting how it the process
 - ii. Discussion makes about the process
 - b. Derek –
 - i. Update on the Sunniland –
 - ii. upcoming dates for events in Lehigh
- b) County and State Updates

Motion to Adjure – 1st by Mohamed and 2nd by Derek

Adjourn: 6:49 pm

Next LAAPZRB Meeting on May 23, 2024 (if projects are submitted)

Project Submittal Deadline is May 13, 2024



Trip Generation Manual

10th Edition • Volume 1: Desk Reference

SEPTEMBER 2017

INSTITUTE OF TRANSPORTATION ENGINEERS

- DVD/Video Rental Store (896) was removed since standalone stores that fit this description are no longer being developed.
- Gasoline/Service Station and Car Wash (946) was removed and the data were reclassified to existing land uses. An examination of the data for this land use indicated that the presence of a car wash does not have a demonstrable effect on trip generation rates.

Land Use Descriptions

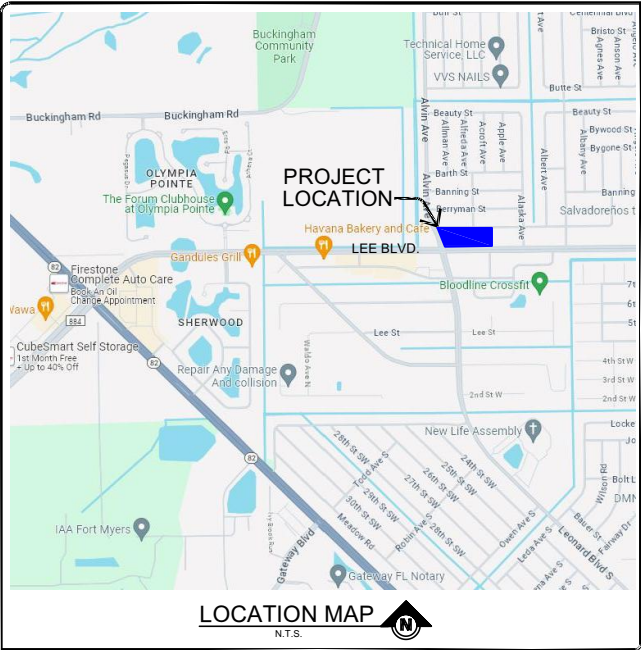
Several land use descriptions were modified to provide additional clarification and to more accurately reflect the studies contained within the Trip Generation database. The following section lists the land uses that were changed significantly:

- The High-Cube Warehouse/Distribution Center-related land uses underwent specialized consideration through a commissioned study titled *High-Cube Warehouse Vehicle Trip Generation Analysis*, published in October 2016. The results of this study have been incorporated into the 10th Edition *Trip Generation Manual* resulting in the removal of the existing land use code 152 and reclassification of the data into four new land use codes and descriptions. For more information, please visit the ITE website at <http://library.ite.org/pub/a3e6679a-e3a8-bf38-7f29-2961becdd498> where the study is posted.
- The existing data from Apartment (220) was examined to identify the number of floors contained in each of the sites included in this land use. Each data point was then reclassified into the appropriate category (low-rise, mid-rise, and high-rise). If the number of floors could not be determined, the data points were deleted from the database. Further, all existing residential land uses that included multifamily dwellings (apartments, townhouses, and condominiums) were consolidated into the following three new multifamily housing land use categories: Multifamily Housing (Low-Rise) (220), Multifamily Housing (Mid-Rise) (221), Multifamily Housing (High-Rise) (222).
- The description for Business Hotel (312) was expanded to include recreational travelers to more accurately reflect the sites that are included in this land use.
- The set of land uses that contain Gasoline/Service Stations and Convenience Markets were re-examined and data was re-assigned to ensure that the data accurately reflect the existing land use definitions. Further, a new land use—Super Convenience Market/Gas Station (960)—was created for large sites that contain both significant convenience market square footage and a significant number of vehicle fueling positions. These sites were analyzed using multiple variable regression analysis to more accurately reflect significant presence of both areas of business.

Definition of Terms, Independent Variables, and Time Periods

Numerous terms, independent variables, and time periods were added to the 10th Edition. See Chapter 3 for a current definition of the all terms, independent variables, and time periods used in the *Trip Generation Manual*.

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SPECIAL EXCEPTION EXHIBIT
FOR
LEE BLVD. COMMERCIAL SUBDIVISION
NE CORNER OF ALVIN AVE. AND LEE BLVD.
LEHIGH ACRES - LEE COUNTY, FLORIDA

THIS AREA LEFT BLANK FOR COUNTY APPROVAL STAMPS

DEVELOPER:

MHM DEVELOPMENT, LLC
2670 HORSESHOE DRIVE NORTH, SUITE 201
NAPLES, FL 34104

ARCHITECT:

BUF STUDIO
315 PARK CENTRAL EAST
SPRINGFIELD, MO. 65806

CIVIL ENGINEER/PLANNER:

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. S #200
CAPE CORAL, FL 33904

LANDSCAPE:

LANDESCO PLLC
6681 RICH ROAD
N. FORT MYERS, FL 33917

SURVEYOR:

K.E. TRASK, P.A.
12345 BLASINGIM ROAD
FORT MYERS, FL 33966

ENVIRONMENTAL:

OWEN ENVIRONMENTAL CONSULTING, LLC
15957 TROPICAL BREEZE DRIVE
FORT MYERS, FL 33908

TRAFFIC ENGINEER:

TR TRANSPORTATION CONSULTANTS, INC.
2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901

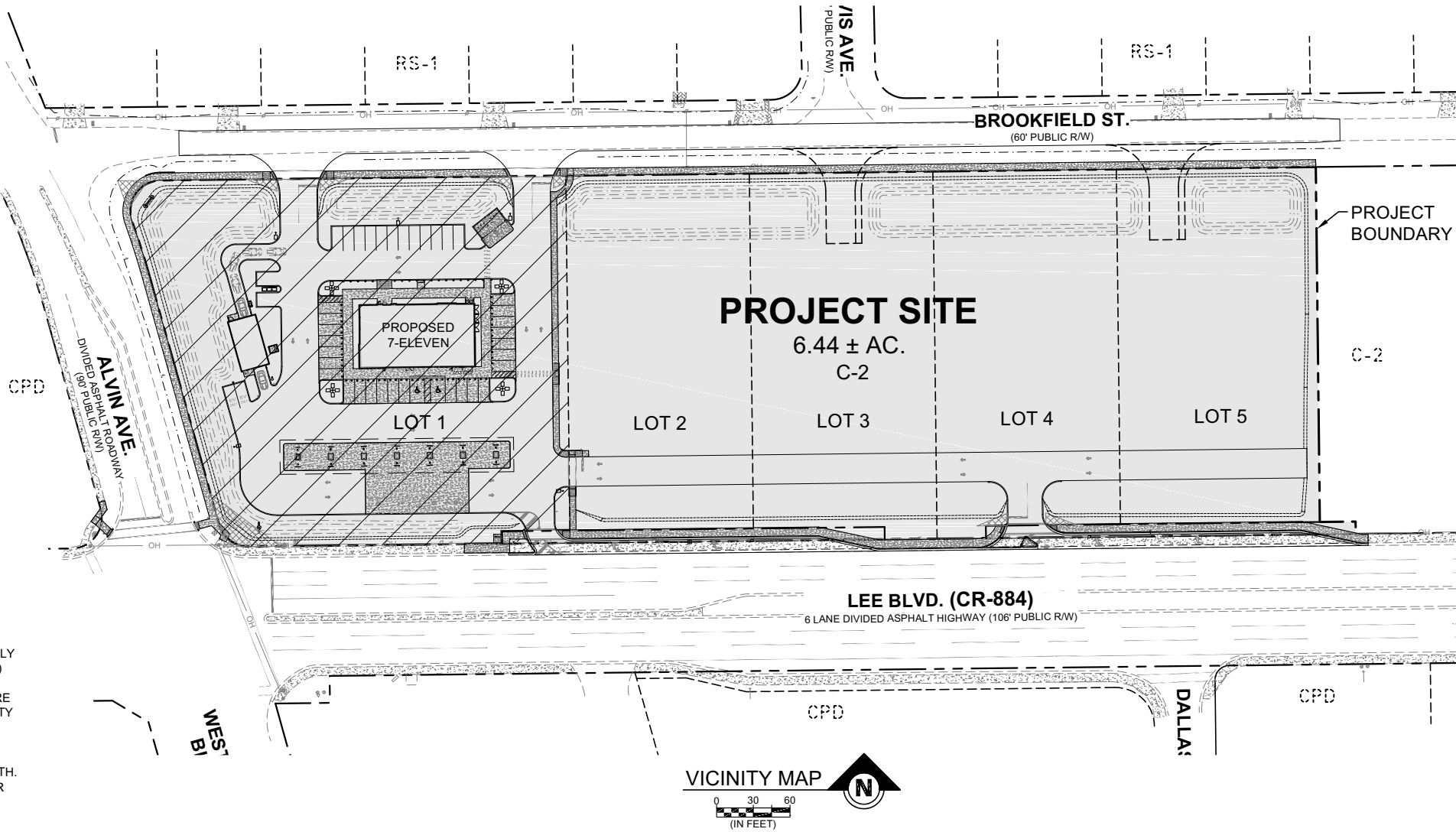
RADIO ENHANCEMENT

PLEASE NOTE: PER 2021 NFPA 1: 11.10, TWO WAY RADIO COMMUNICATION ENHANCEMENT SYSTEMS SHALL COMPLY AT THE CONCLUSION OF CONSTRUCTION (NFPA 72 24.5.2) PLEASE BE AWARE THAT A DIRECTIVE FROM THE FIRE MARSHAL IS IN EFFECT FOR ALL NEW BUILDINGS. THE FIRE MARSHAL HAS REQUIRED, PER CODE, THAT A THIRD PARTY WILL VERIFY BEFORE (AT BUILDING PLAN REVIEW AS A MODEL) OR AFTER (PRIOR TO FIRE FINAL INSPECTION) CONSTRUCTION THAT THE BUILDING MEETS THE REQUIREMENTS OF NFAP 72 FOR RADIO SIGNAL STRENGTH. IF THE BUILDING IS NON COMPLIANT, THE OWNER AND/OR THE CONTRACTOR IS RESPONSIBLE TO MEET THE CODE REQUIREMENTS PRIOR TO THE FIRE FINAL INSPECTION.



CALL SUNSHINE (1-800-432-4770)
48 HOURS BEFORE YOU DIG
IT'S THE LAW IN FLORIDA

THE INFORMATION AND LINEWORK ON THIS SET OF PLANS IS INTENDED TO BE VIEWED IN FULL COLOR OR AS A PDF FILE. PRINTING THIS PLAN SET IN BLACK & WHITE MAY INHIBIT IMPORTANT VISUAL ELEMENTS NECESSARY TO CLEARLY REPRESENT THE PROVIDED INFORMATION.



SITE DATA:

PROJECT SITE AREA: 6.44 AC.±
GAS STATION / CONVENIENCE
STORE AREA: 2.20 AC.±

SITE INFORMATION:

ADDRESS: ACCESS UNDETERMINED
NE CORNER OF ALVIN AVE. & LEE BLVD.
LEHIGH ACRES, FLORIDA 33971

LOCATION: LEHIGH ACRES UNIT 5
PB 26 PG 55
TRACT B E OF ROW OR 2837/2748
LESS OR 4729/524

STRAP#: 30-44-26-05-00000.B010
EXISTING ZONING: C-2
FUTURE LAND USE: CENTRAL URBAN
DEVELOPMENT TYPE: COMMERCIAL SUBDIVISION
COMMERCIAL BUILDING USE: VARIES
PROP. FLOOR AREA RATIO FOR LOT 1 (7 ELEVEN & CARWASH):
5,887 SF (6.1% LOT COVERAGE)
BUILDING USE: VARIES
BUILDING HEIGHT: 24'-8"
FLOOD ZONE: ZONE 'X'
BUILDING FINISH FLOOR ELEVATION: 25.00 NAVD
CARWASH FINISH FLOOR ELEVATION: 25.00 NAVD
CONTROL ELEV.: 19.00 NAVD
BUILDING CONSTRUCTION TYPE: V(000)
WATER & SEWER: FGUA
IRRIGATION: ON-SITE WELL

SHEET INDEX

1	SPECIAL EXCEPTION COVER SHEET
2	SPECIAL EXCEPTION EXHIBIT
LANDSCAPE AND IRRIGATION PLAN (BY OTHERS)	
LIGHTING PLAN (BY OTHERS)	
SURVEY (BY OTHERS)	

VERTICAL ELEVATIONS BASED ON: NAVD 88

DATE	BY	REVISION DESCRIPTION
7/1/24	BS	INITIAL LEE COUNTY D.O. SUBMITTAL
07/02/24	BS	1ST LEE COUNTY D.O. RESUBMITTAL

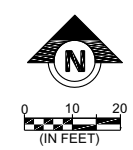
AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. S #200
CAPE CORAL, FLORIDA 33904
FBPEIA5128 (239) 573-2077

LEE BLVD. COMMERCIAL
SUBDIVISION
NE CORNER OF ALVIN AVE. & LEE BLVD.
LEHIGH ACRES, FLORIDA 33971

SPECIAL EXCEPTION
COVER SHEET

#23-126/CONST.

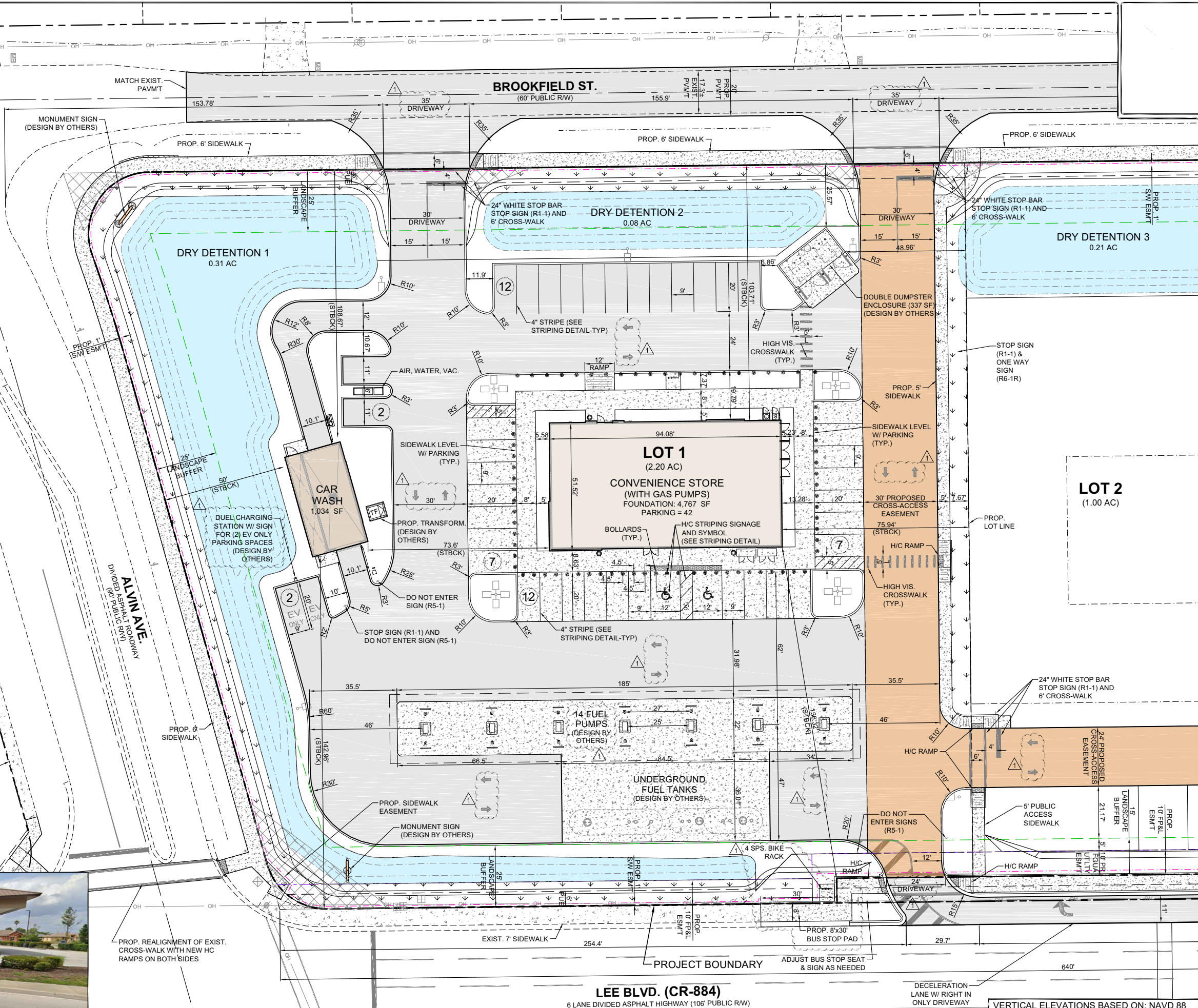
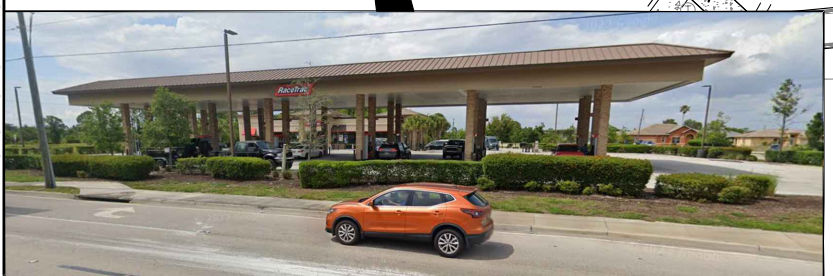
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LOT 1 SITE AREAS:

TOTAL SITE AREA:	95,791 SF	2.20 AC	(100%)
BUILDING:	5,887 SF	0.14 AC	(6.1%)
(BUILDING & CARWASH FOUNDATIONS)			
PAVEMENT:	36,599 SF	0.84 AC	(38.2%)
CONCRETE:	18,287 SF	0.42 AC	(19.1%)
(CONC.: WALKS, CURBS, DRIVEWAYS, PARKING & DUMPSTER)			
DRY DETENTION AREA:	15,400 SF	0.35 AC	(16.1%)
GREEN SPACE AREA:	19,618 SF	0.45 AC	(20.5%)
TOTAL IMPERVIOUS AREA:	60,773 SF	1.40 AC	(63.4%)
TOTAL OPEN SPACE AREA:	35,018 SF	0.80 AC	(36.6%)

RACETRACK
(THIS CORNER)



LEE BLVD. (CR-884)

6 LANE DIVIDED ASPHALT HIGHWAY (106' PUBLIC RW)

DECELERATION
LANE W/ RIGHT IN
ONLY DRIVEWAY

VERTICAL ELEVATIONS BASED ON: NAVD 88

DATE	BY	REVISION DESCRIPTION
4/10/24	BS	INITIAL LEE COUNTY D.O. SUBMITTAL
06/20/24	BS	1ST LEE COUNTY D.O. RESUBMITTAL

AVALLON ENGINEERING, INC.
2503 DEL PRADO BLVD., S #200
CAPE CORAL, FLORIDA 33904
FBPEIA5128 (239) 573-2077

**LEE BLVD. COMMERCIAL
SUBDIVISION**
NE CORNER OF ALVIN AVE. & LEE BLVD.
LEHIGH ACRES, FLORIDA 33971

**SPECIAL EXCEPTION
EXHIBIT**