

EXHIBITS

CASE # DCI2023-00038

CASE NAME: FLOOR & DECOR LEE COUNTY

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 #

DCI2023-00038

APPLICANT

APPLICANT	STAFF
Q, add'l info req. by HEX #1 <u>presentation hard copy</u>	Q, add'l info req. by HEX, Staff's response #1 <u>Staff Report</u>

STAFF

STAFF
Q. add'l info req by Hex, Staff's response

#1 _____ Staff Report _____

#1 presentation hard copy

#1 Staff Report

#2 MCP

#2 notice affidavit

#3 _____

#3 public meeting package

#4

#4 _____

#5 _____

#5 _____

#6 _____

#6 _____

#7 _____

#7 _____

#8 _____

#8 _____

#9 _____

#9 _____

#10 _____

#10 _____

OTHER EXHIBITS

NAME _____

NUMBER

DESCRIPTION

_____#_____

_____#_____

_____#_____

#

#

#

Perez, Maria

From: Opsahl, Logan <Logan.Opsahl@lowndes-law.com>
Sent: Monday, June 3, 2024 4:23 PM
To: Perez, Maria
Subject: FW: DCI2023-00038_FLOOR & DECOR LEE COUNTY
Attachments: Meeting Picture #1.pdf; Meeting Picture #2.pdf; Meeting Picture #3.pdf; Response Letter to Memo.pdf

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Good Afternoon Maria,

Please see attached response letter to the memorandum request for additional information. Applicant team has been in communication with the County's Legal team and will continue to work collaboratively with Staff on all requirements and procedures.

Thank You,
Logan

Logan J. Opsahl

Senior Associate

215 N. Eola Dr. | Orlando, FL 32801

D: 407.418.6237 | **P:** 407.843.4600 | **Ext:** 1237

[Email](#) | [Website](#) | [Bio](#) | [vCard](#)



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[v4.30]



LOGAN J. OPSAHL

Logan.opsahl@lowndes-law.com
215 North Eola Drive, Orlando, Florida 32801-2028
T: (407) 418-6237 | F: 407-843-4444
MAIN NUMBER: 407-843-4600



May 30, 2024

VIA EMAIL

Chahram Badamtchian
Department of Community Development
1500 Monroe St.
Fort Myers, FL 33901

**Re: DCI2023-00038/Floor & Décor Lee County
Request for Additional Information**

Chahram,

I am in receipt of the May 28, 2024 Memorandum From The Office Of The Lee County Hearing Examiner requesting additional information relating to the above-referenced application. Please see below additional information for the following requests:

1. *A community meeting summary with requisite information detailed in LDC §33-1532(b); and*

The Community Meeting was held on June 27, 2023 at 6:30 PM in room 102 A at the North Fort Meyers Recreation Center located at 2000 N Recreation Park Way, North Fort Myers, FL 33903. From Applicant's understanding and information provided by Staff, a posting of the notice of the meeting online via Facebook would provide sufficient notice. As the Land Development Code is silent to specific process and procedures relating to public notice requirements, the Applicant reasonably relied upon the information provided by Staff.

The North Fort Meyers Community Planning Panel and Design Review provided representatives of the Applicant with this suggested meeting location and a physical notice of the meeting was posted at the Recreation Center prior to the Community Meeting. It is also our understanding that at least one of such physical notices was drafted and posted by the Recreation Center staff.

A sign-in sheet was provided at the Community Meeting. Attendees included representatives of the Applicant/Developer which included Adam Sheridan, Jonathan Eversberg, and Eddie McDonald (Project Engineer). Physical copies of the proposed site plan were provided and displayed for inspection. No participants from the general public were in attendance, however,



May 30, 2024

Page 2

copies of the submittal documents and detailed site plan were provided in advance of the Community Meeting to the North Fort Meyers Community Planning Panel and Design Review for their additional review and consideration.

Subsequent to the Community Meeting and the provided information in accordance with LDC §33-1532(b), the Applicant received its Sufficiency Letter on April 1, 2024.

2. ***Confirmation from the County Attorney's Office that sufficient notice of the community meeting was provided.***

Acknowledged.

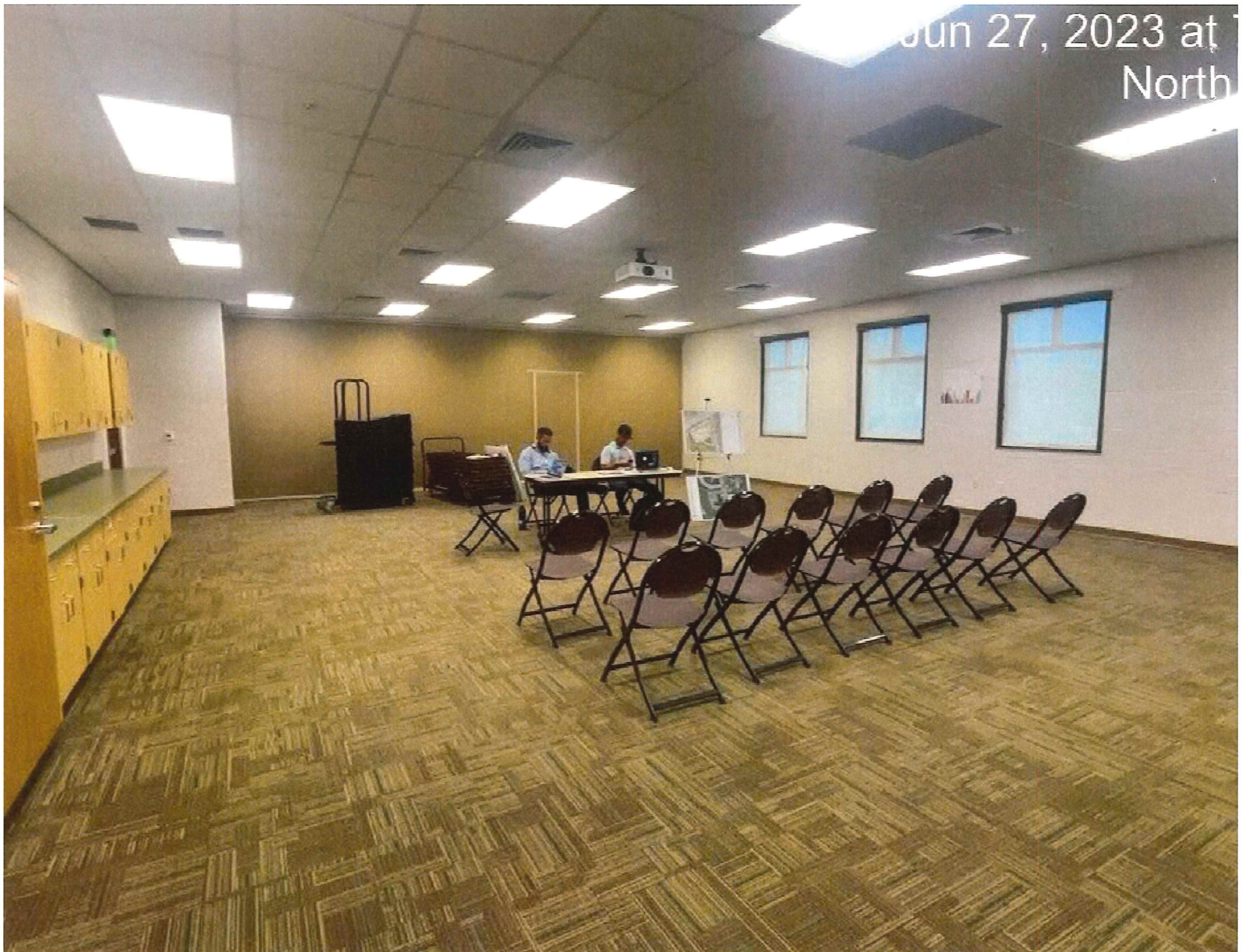
Sincerely,

A handwritten signature in black ink, appearing to read "Logan J. Opsahl", with a stylized, cursive script.

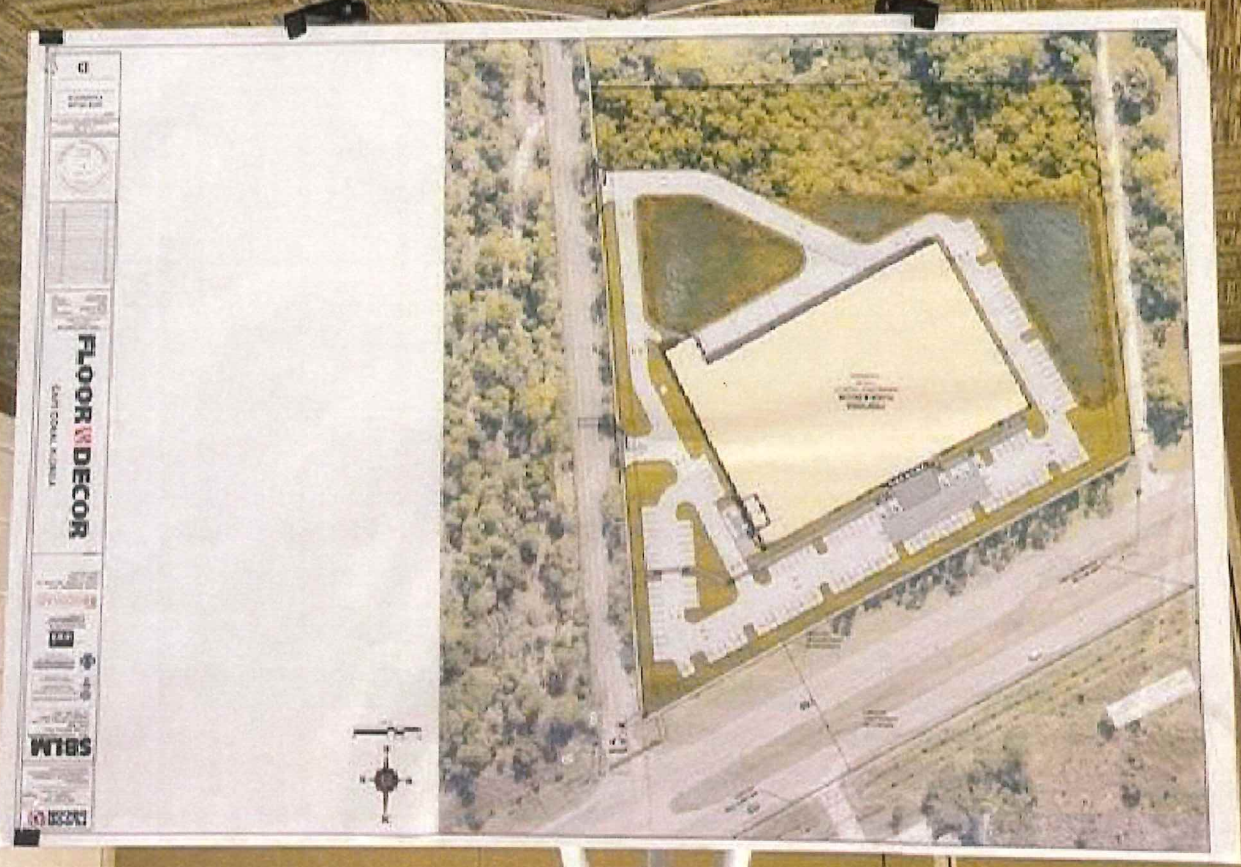
LOGAN J. OPSAHL

LJO/LJO

Jun 27, 2023 at
North







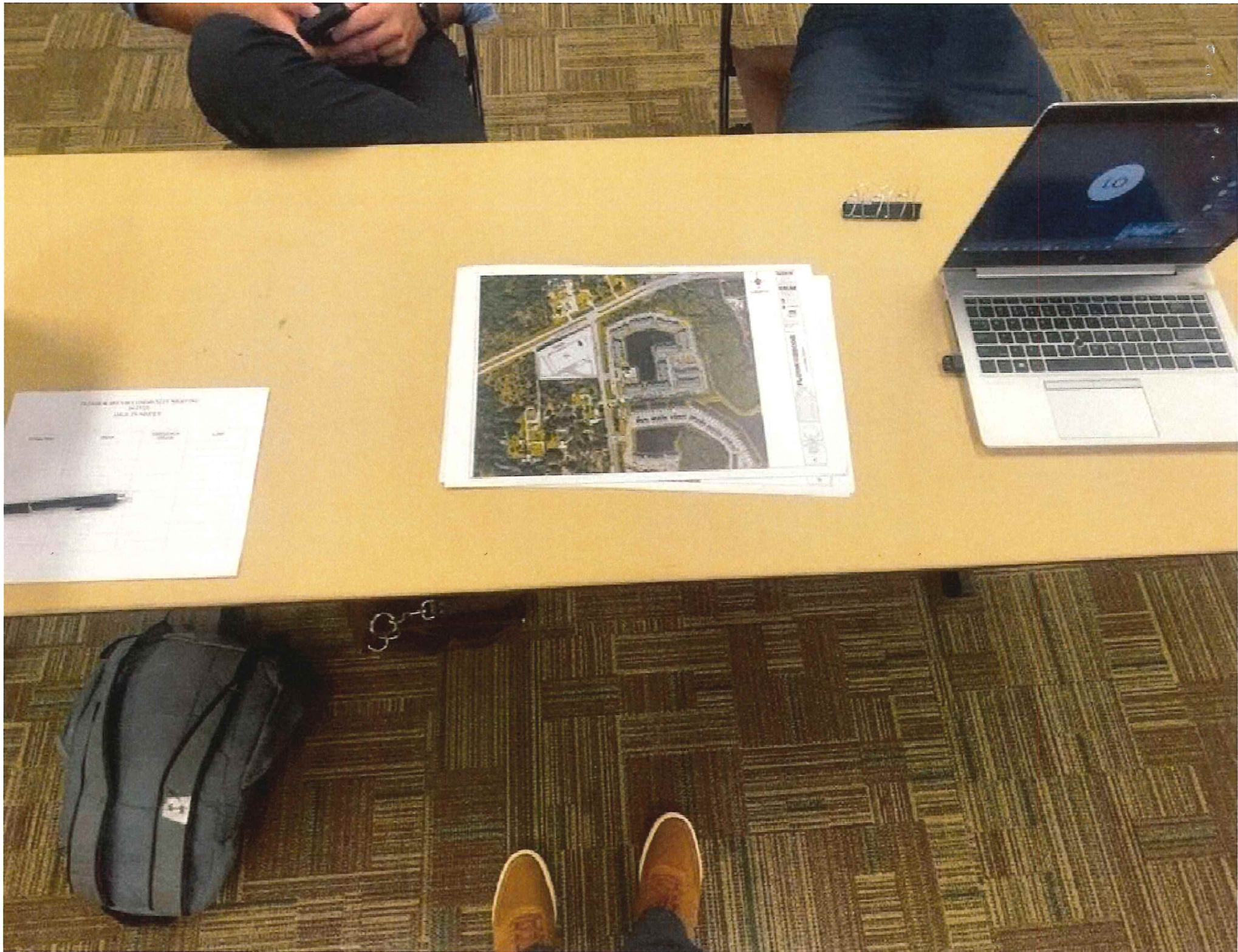


TABLE 1: MEETING SCHEDULE

DATE	TIME	LOCATION	TOPIC
10/10/2023	10:00 AM	Room 101	Project Overview
10/10/2023	11:00 AM	Room 101	Q&A Session
10/10/2023	12:00 PM	Room 101	Lunch Break
10/10/2023	1:00 PM	Room 101	Next Steps

CPD Zoning Request

DCI2023-00038

HEX Hearing

07/11/24

By Logan J Opsahl

Attorney

Lowndes Drosdick Doster Kantor & Reed PA

Lowndes

1

Project Team

FLOOR DECOR

TILE • WOOD • STONE

Natalia Domovessova, Land Development Manager

THOMAS

Eddie McDonald, PE, Project Engineer

Julia Burroughs

SBLM

Pia Kim, Project Architect

Michael LeFandre

Lowndes

Logan Opsahl, Land Use Counsel

2

Site Information

FLOOR DECOR

TILE • WOOD • STONE

- Totalling 8.03 +/- acres in the Commercial Future Land Use designation
- Three access points onto Pine Island Road and Barrett Road
- Site abuts Pine Island Road, a four-lane divided facility designed for higher density traffic
- Site is adjacent to nearby existing retail and commercial development
- Subject site is part of a larger commercial and mix use corridor along Pine Island Road



3

Plan Requests

Rezoning from Agricultural (AG) to Commercial Planned Development (CPD)

Subject Property

Intensive Development

Central Urban

Sub-Outlying Suburban

Commercial

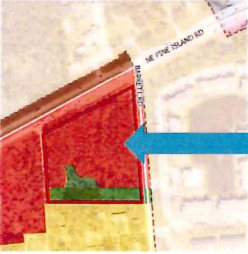
Public Facilities

Conservation Lands - Upland

Wetlands

Conservation Lands - Wetland

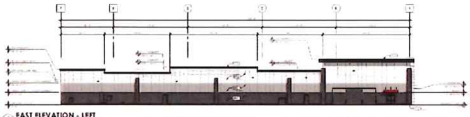
City Limits



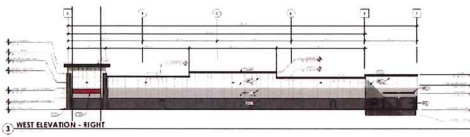
4

Building Elevations

4 EAST ELEVATION - LEFT



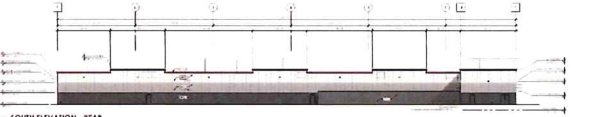
3 WEST ELEVATION - RIGHT



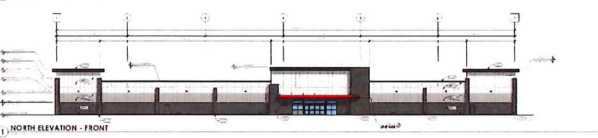
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Building Elevations

2 SOUTH ELEVATION - REAR



1 NORTH ELEVATION - FRONT

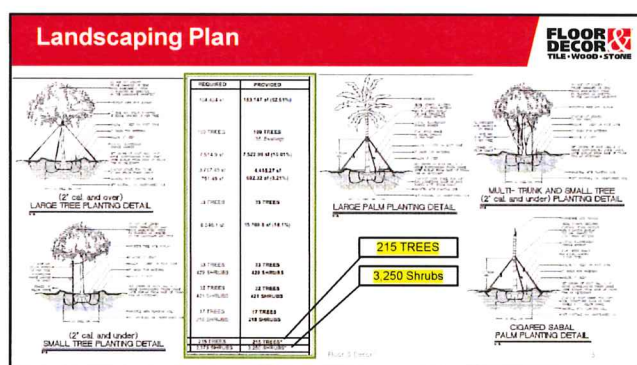


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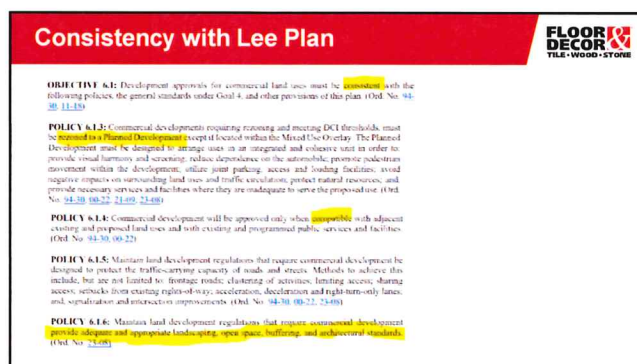
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9

Staff Report



- **Complies with Lee Plan** as discussed in the Lee Plan analysis section of this report, specifically Lee Plan Policies 1.1.10, 1.4.6, 2.2.1, Lee Plan Standards 4.1.1 and 4.1.2, and Objectives 1.5 and 11.1, 6.1 and Goal 6 of the Lee Plan, Land Development Code, and other applicable codes and regulations
- 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 and the expected impacts on existing or planned transportation facilities will be mitigated through existing County regulations or conditions of approval
- **Will not adversely affect** environmentally critical or sensitive areas and natural resources

10

Proposed Deviations



- Deviations 1 and 2: **Connection Separation**. Two deviations from Land Development Code Section 10-285(a), which requires a minimum of 330-foot connection separation on major collector roads in the future suburban areas, to allow:
 - 1.) A 312-foot connection separation from the NE Pine Island and Barrett Roads intersection to the northern access point of the subject site, and
 - 2.) A 286-foot connection separation between the northern and southern access points to the site on Barrett Road. These deviations are recommended for approval.

11

Staff Conclusions



- i) The requested deviations, as conditioned
 - 1) **Enhance** the achievement of the objectives of the planned development; and
 - 2) **Preserve** and promote the general intent of this Code to protect the public health, safety, and welfare

12



13



14



PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Floor and Decor Outlets of Ame
2500 Windy Ridge Drive SE
Atlanta GA 30339

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who
on oath says that he or she is the Legal Advertising
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matter of Public Notices, was published on the publicly
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by print in the issues of, on:

06/13/2024

Affiant further says that the website or newspaper complies
with all legal requirements for publication in chapter 50,
Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who
is personally known to me, on 06/13/2024

Legal Clerk

Notary, State of WI, County of Brown

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Notary Public
State of Wisconsin

STAFF EXHIBIT# 3

DCI 2023-00038

Public Meeting Notice

Floor and Decor Outlets of America, Inc. invites the public to attend an information session meeting regarding the rezoning request and proposed development of an approximately 8-acre property located at the southwest corner of NE Pine Island Road and Barrett Road. This property is commonly known as 2800 NE Pine Island Rd and 1481 Barrett Road, North Fort Myers, FL 33903.

Meeting Date: Wednesday, June 26, 2024

Meeting Time: 7:00 pm

Meeting Location:

North Fort Myers Recreation Center
2000 North Recreation Park Way,
Room 102 A

North Fort Myers, FL 33903

All interested parties are invited to attend this public meeting to learn more about the project.

June 13 2024

LSAR0115053

Public Meeting Summary

Prepared by Natalia Domovessova, Land Development Manager, Floor and Decor

Floor and Decor Outlets of America, Inc. conducted an information session public meeting regarding the rezoning request and proposed development of an approximately 8-acre property located at the southwest corner of NE Pine Island Road and Barrett Road with Floor and Decor retail store. This property is commonly known as 2800 NE Pine Island Rd and 1481 Barrett Road, North Fort Myers, FL 33903.

The meeting was held on **Wednesday, June 26, 2024 at 7:00 pm** at the following location:

**North Fort Myers Recreation Center
2000 North Recreation Park Way, Room 102 A
North Fort Myers, FL 33903**

The meeting was attended by Floor and Decor representative, the project civil engineer and two members of the public. Please see attached Sign In Sheet for details.

A presentation was given to the members of the public. Questions regarding the project were related to the project location and store opening time. Members of the public were familiar with the Floor and Decor retail concept and expressed their excitement about the new home improvement store coming to their neighborhood. No concerns were expressed with the proposed development.

Attachments:

Sign In Sheet

Meeting Photos

Affidavit of Meeting Notice Publication

Public Meeting Sign In Sheet

June 26, 2024

7:00 pm

**North Fort Myers Recreation Center
2000 North Recreation Park Way, Room 102 A
North Fort Myers, FL 33903**

[illegible]

Public Meeting

Room 102 A

June 26, 2024

7:00 pm

Floor and Decor Outlets of America, Inc. / proposed
development at the southwest corner of NE Pine
Island Road and Barrett Road

+6
+8

at Station

Weather
dependent.





Badamtchian, Chahram

From: Adams, Joseph
Sent: Monday, June 3, 2024 1:11 PM
To: Opsahl, Logan
Cc: Badamtchian, Chahram; Rodriguez, Anthony
Subject: RE: DCI2023-00038/Floor & Décor Lee County

Good afternoon Logan,

Unfortunately, I am unable to provide confirmation that sufficient notice of the community meeting was provided. By this email I am requesting that staff communicate that to the Hearing Examiner's Office today.

Thanks.

Joseph A. Adams
Assistant County Attorney
Lee County Attorney's Office
(239) 533-2236 (telephone)
(239) 485-2106 (facsimile)
JAdams@leegov.com

LEE COUNTY
HEARING EXAMINER
2024 MAY 31 PM 2:15

From: Opsahl, Logan <Logan.Opsahl@lowndes-law.com>
Sent: Monday, June 3, 2024 1:06 PM
To: Adams, Joseph <JADAMS@leegov.com>
Cc: Badamtchian, Chahram <CBADAMTCHIAN@leegov.com>
Subject: Re: DCI2023-00038/Floor & Décor Lee County

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Hi Joe,

Hope you had a great weekend! Just want to touch base on my proposed reply and get your thoughts. I know the memo says the formal response is due today and wanted to make sure this got over to HEX Officer today if it hasn't already. Thanks!

Logan

Logan Opsahl
Attorney
Lowndes, Drosdick, Doster, Kantor & Reed
215 N Eola Dr, Orlando, FL 32801
407-418-6237

Staff's Exhibit # 9



Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Colleen Bennett
Lcbc-Dept Of Comm Development-D
1500 MONROE ST
Fort Myers FL 33901

STATE OF WISCONSIN, COUNTY OF BROWN

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05/23/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 05/23/2024

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Legal Clerk
[Signature]
Notary, State of WI, County of Brown
8-21-26

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State of Wisconsin

NOTICE OF PUBLIC HEARING

The Hearing Examiner of Lee County will hold public hearings on Thursday, June 6, 2024, in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL. An interested individual may appear in person, through counsel, or an authorized agent and provide testimony, legal argument, or other evidence of the hearing.

If you do not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners. Any document that a participant of record intends to submit to the BoCC during the Board Zoning Hearing must be submitted as an exhibit as part of the record in the hearing before the Hearing Examiner. If the document is not submitted and is not relevant new evidence that was not known or could not have been reasonably discovered by the participant at the time of the hearing before the Hearing Examiner, then the document may not be submitted to the Board.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

Copies of staff report(s) are available two weeks prior to the hearing. The file can be reviewed at the Zoning Section, 1500 Monroe St., Fort Myers, FL. Call 239-533-8585 for additional information.

Lee County will not discriminate against individuals with disabilities.

To request an accommodation, contact Raphaela Morales Paroba, (239)-533-8782, Florida Relay Service 711, or ADRequests@leegov.com, at least five business days in advance.

The following case(s) will be heard (Lee County Land Development Code is abbreviated below as LDC): DCI2023-00033 - CONTINUED

DATE, Heights Career Technical School (Crosslands CPD), 9:00 am.

Request to amend a Commercial Planned Development (CPD) approved by Resolution Z-86-081, as amended to increase commercial retail intensity from 23,000 SF to 66,500SF and increase the approved building height from 35 feet to 50 feet. Located At 10940 Gladiolus Drive, Iona/McGregor Planning Community, Lee County, FL.

DCI2023-00038, Floor & Decor Lee County, 1:00 pm. Request to rezone 8.03± acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to allow for up to 80,000 square feet of retail floor area. Located At 2800 NE Pine Island Road and Barrett Road, North Fort Myers Planning Community, Lee County, FL.

5/23/24

RECEIVED
MAY 31 2024

COMMUNITY DEVELOPMENT

STAFF EXHIBIT#

2
DCI2023-00038

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

TYPE OF CASE: PLANNED DEVELOPMENT/DCI
CASE NUMBER: DCI2023-00038
HEARING EXAMINER DATE: June 6, 2024

APPLICATION SUMMARY

Applicant: Logan Posahl from Lowndes Law Firm in reference to Floor & Décor CPD.

Request: Request to rezone 8.03± acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to allow for up to 80,000 square feet of retail floor area.

Location: The subject property is located at 2800 Pine Island Road and 1481 Barrett Road in the North Fort Myers Community Plan area, Lee County, FL. (District #4). The applicant indicates the property's STRAP numbers are 04-44-24-00-00014.0000 and 04-44-24-00-00015.0000.

SUMMARY:

Staff recommends approval of the applicant's request to rezone the subject property with the conditions and deviations found in Attachment C.

The conditions have been prepared to address the proposed development and consistency with the Lee County Comprehensive Plan (Lee Plan), compatibility with surrounding land uses, and addressing future infrastructure needs to support the development and address the needs of the community.

The applicant's request includes two (2) deviations from the requirements of the Land Development Code. Staff recommends approval of both deviations.

CHARACTER OF THE AREA

The area is developed with a mix of commercial and residential uses along NE Pine Island Road interspersed with a few vacant parcels. Most of the area to the north of NE Pine Island Road is under the City of Cape Coral's jurisdiction. The subject property and the property immediately to the west are in the Commercial Future Land Use category. The property immediately to the south is in the Sub-Outlying Suburban Future Land Use category. Properties to the north and east are within the City of Cape Coral jurisdiction.

To the north, across NE Pine Island Road, this property abuts a place of worship and some vacant lands, all located in the City of Cape Coral.

To the east, across Barrett Road, there is a multiple-family residential development located in the City of Cape Coral.

To the south there are some single-family residences, zoned Agricultural (AG-2).

STAFF EXHIBIT# 1

To the west, across Smoky Hollow Lane, this property abuts a vacant parcel zoned General Commercial (CG).

ANALYSIS

The subject property is located in North Fort Myers Community Plan area. The site consists of 8.03± acres and is currently vacant. The property fronts on NE Pine Island and Barret Roads and Smokey Hollow Lane. The request is to rezone the site from Agricultural to Commercial Planned Development to allow for up to 80,000 square feet of commercial retail uses.

The Traffic Impact Statement (TIS) provided by the applicant indicates 80,000 square feet of retail (limited to Household and office furnishings, Groups I & III). The proposed use will generate 500 two-way trips daily.

As required by Land Development Code Section 33-1532, the applicant held an advertised public informational meeting in North Fort Myers on June 27, 2023. A synopsis of that meeting is attached hereto as Attachment I.

Environmental

Environmental Staff has reviewed this project and recommends approval subject to conditions (See Attachment E).

Transportation

Lee County Infrastructure Planning staff reviewed this request and recommends approval subject to conditions (Attachment F). This project will generate 500 daily two-way trips. Barrett Road, north and south of this project will function at a Level of Service "C" with or without this project.

Master Concept Plan

The Master Concept Plan depicts two entrances to the development from Barrett Road. The northern entrance is right-in only, while the southern entrance is full access point to the site. The Master Concept Plan also depicts a large preserve area to the south consistent with the FLU. The Master Concept Plan depicts a circular drive with a 75,000± square-foot building and parking spaces on three sides of it. Even though the site fronts on three streets, the site's access points are from Barrett Road only.

Availability of Urban Services

The Lee Plan defines Urban Services 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: County potable water and sanitary sewer services are available to the site and the site will connect to those services.

Paved streets and roads: The subject property fronts NE Pine Island Road which is an arterial road, and Barrett Road, a collector road. This site will have access to NE Pine Island Road via Barrett Road.

Public transit: Lee Tran Route 595, with stops on NE Pine Island Road, connects this site to North Cleveland Avenue and to Del Prado Boulevard.

Urban levels of police, fire, and emergency services: The subject property will be provided urban levels of police, fire and emergency services. Fire protection is provided by North Fort Myers Fire Control District (Station #2), located 1280 Barrett Road. This fire station also contains an EMS substation (0.6 miles from this site).

Urban surface water management: Future development will be required to comply with the LDC, including provisions for surface water management.

Schools: This request does not contain residential uses and therefore, will have no impact on classroom needs.

Employment, industrial, and commercial centers: The subject property will provide employment opportunities in the area.

LEE PLAN

The site is located in the North Fort Myers Planning District and within the Commercial, Wetlands, Conservation lands, Upland and Wetland Future Land Use categories as established by the Lee Plan.

This property is mostly located in the Commercial Future Land Use category established by the Lee Plan. This Future Land Use category is reserved mainly for commercial activities and selective light industrial uses. According to the Lee Plan, appropriate land use mixtures include commercial retail, hotels, banks, and office uses. Staff finds the proposed development, as conditioned, consistent with Policy 1.1.10 of the Lee Plan.

A small portion of the site is located in the Conservation Lands, Upland and Wetland. This area of the site will not be impacted by the development of the site. Staff finds the proposed development, as conditioned, consistent with Policy 1.4.6 of the Lee Plan.

Approximately 1.5 acres of the site is located in the Wetlands Future Land Use category. The applicant's proposed plan impacts approximately 25.6 percent of this area. Staff recommends conditions of approval requiring permit for mitigation prior to construction and finds the proposed development, as conditioned, consistent with Objective 1.5 of the Lee Plan.

This property fronts on three roads, one of which is an arterial road (NE Pine Island Road). Water and sewer services are available to the site. All urban services are available to this site, and the area is planned and is programmed to be developed with uses similar to this development project. Staff finds the proposed development, as conditioned, consistent with Policy 2.2.1 of the Lee Plan.

Water and sewer lines are within the vicinity of this parcel, and they will be extended to provide services to this site. Staff finds the proposed development consistent with Standards 4.1.1 and 4.1.2 of the Lee Plan.

The site is appropriately buffered and separated from any residential areas and will have no negative impact in the area. The proposed uses are not anticipated to be destructive to the character and integrity of the residential environment. Staff finds the proposed development consistent with Policy 5.1.5 of the Lee Plan.

This development is in the Commercial Future Land Use category, which requires to Planned Development rezoning to minimize the impact on residential areas located in the vicinity of the site. This project is being reviewed for traffic impact, neighborhood compatibility, availability and adequacy of urban services and landscaping and buffer requirements.

The area, due to its location and Future Land Use designation, is appropriate for commercial retail uses. It fronts on three road, one of which is an arterial road. The site meets DCI thresholds and is being rezoned to Commercial Planned Development, and the proposed uses are compatible with the uses in the area. Staff finds the proposed development, as conditioned, consistent with Objective 6.1, Goals 6.1.3, 6.1.4, 6.1.5 and 6.1.6 of the Lee Plan.

PLANNING DISTRICT MAP AND ALLOCATION TABLE

POLICY 1.6.5: The Planning Communities Map and Acreage Allocation Table (see Map 1-B and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2045.

The subject property is located in the North Fort Myers Planning District. The Lee Plan has allocated 1,121 acres of land for commercial uses within this planning district by the year 2045. Staff finds the request consistent with the allocations for the North Fort Myers Planning District. This finding is not a guarantee that there will be sufficient allocations for development in the future. Such a determination will be made at time of local development order.

Deviations

The applicant is requesting the following 2 deviations in conjunction with this rezoning action.

Deviations 1 and 2: Connection Separation.

Two deviations from Land Development Code Section 10-285(a), which requires a minimum of 330-foot connection separation on major collector roads in the future suburban areas, to allow: 1) a 312-foot connection separation from the NE Pine Island and Barrett Roads intersection to the northern access point of the subject site, and 2) a 286-foot connection separation between the northern and southern access points to the site on Barrett Road. These deviations are recommended for approval.

Findings and Conclusions

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds that the request:

- a) Complies with Lee Plan as discussed in the Lee Plan analysis section of this report, specifically Lee Plan Policies 1.1.10, 1.4.6, 2.2.1, Lee Plan Standards 4.1.1 and 4.1.2, and Objectives 1.5 and 11.1, 6.1 and Goal 6 of the Lee Plan, Land Development Code, and other applicable codes and regulations; and
- b) Meets the Land Development Code and other applicable County regulations; or qualifies for deviations; and
- c) Is compatible with existing and planned uses in the surrounding area; and

- d) Will provide access sufficient to support the proposed development intensity and the expected impacts on existing or planned transportation facilities will be mitigated through existing County regulations or conditions of approval; and
- e) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- f) Will be served by urban services, defined in Lee Plan Standards 4.1.1 and 4.1.2 and other applicable Lee Plan Policies; and
- g) The proposed mix of uses is appropriate at the proposed location; and
- 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.
- i) The requested deviations, as conditioned:
 - 1) Enhance the achievement of the objectives of the planned development; and
 - 2) Preserve and promote the general intent of this Code to protect the public health, safety, and welfare.

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps: surrounding zoning, future land use and aerial photograph
- C. Conditions and Deviations
- D. Master Concept Plan
- E. Zoning Section's Environmental Staff Report
- F. Memorandum from Lee County Department of Transportation
- G. Utilities Letter of availability for water and sewer
- H. TIS
- I. Synopsis of Neighborhood Informational Meeting
- J. Application and Narrative
- K. Legal Description

LEE COUNTY STAFF EXPERT WITNESS INFORMATION

PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Case Number: DCI2023-00038

Project Name: Floor & Decor

Hearing Examiner Date: June 6, 2024

CHAHRAM BADAMTCHIAN, AICP, Planner, Senior, Zoning Section, 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.

Beth Workman, Principal Planner, Zoning Section, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, and environmental 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., Engineer, Senior, Development Services Section, 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.

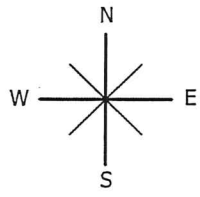
BRANDON DUNN, Planning Section Manager, 1500 Monroe Street, Fort Myers, FL. 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan and comprehensive 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.

NICOLAS DeFILIPPO, Planner, Planning Section, 1500 Monroe Street, Fort Myers, FL. 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, and environmental 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.

DCI2023-00038



WY·E

LITTLETON·RD

N·TAMIAMI·TRL

NE·24TH·AVE

CORBETT·RD

DIPLOMAT·PKWY·E

PINE·ISLAND·RD

N·CLEVELAND·AVE

City of
Cape Coral

NE·PINE·ISLAND·RD

BARRETT·RD

PINEY·RD

HANGCOK CREEK
SOUTH BLVD

PONDELLA·RD

NE·25TH·AVE

ORANGE GROVE·BLVD

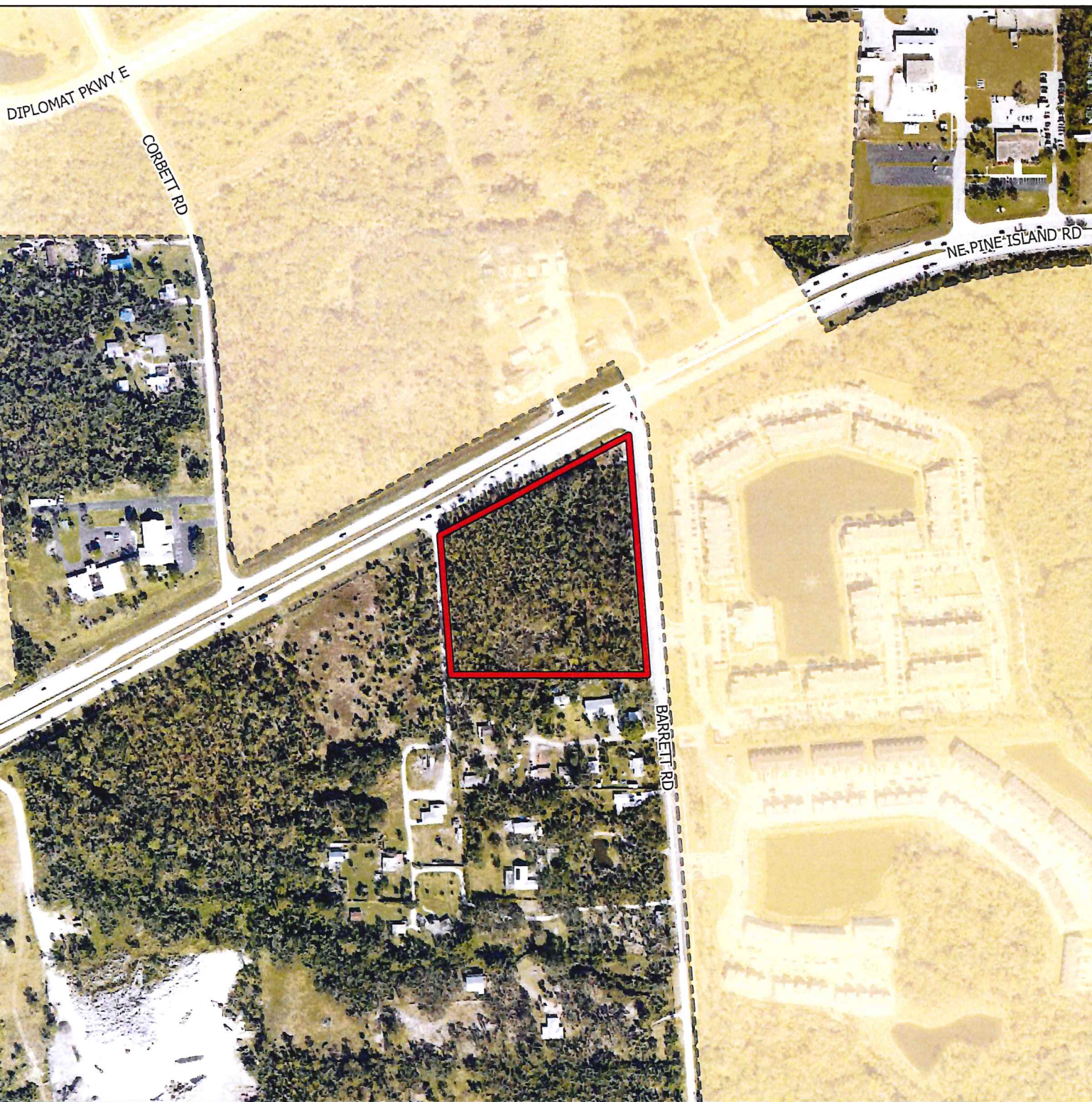
MOODY·RD

PALM·AVE

HANCOCK
BRIDGE
PKWY

ATTACHMENT B



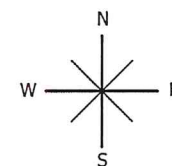


DCI2023-00038

Aerial

 Subject Property

 City Limits

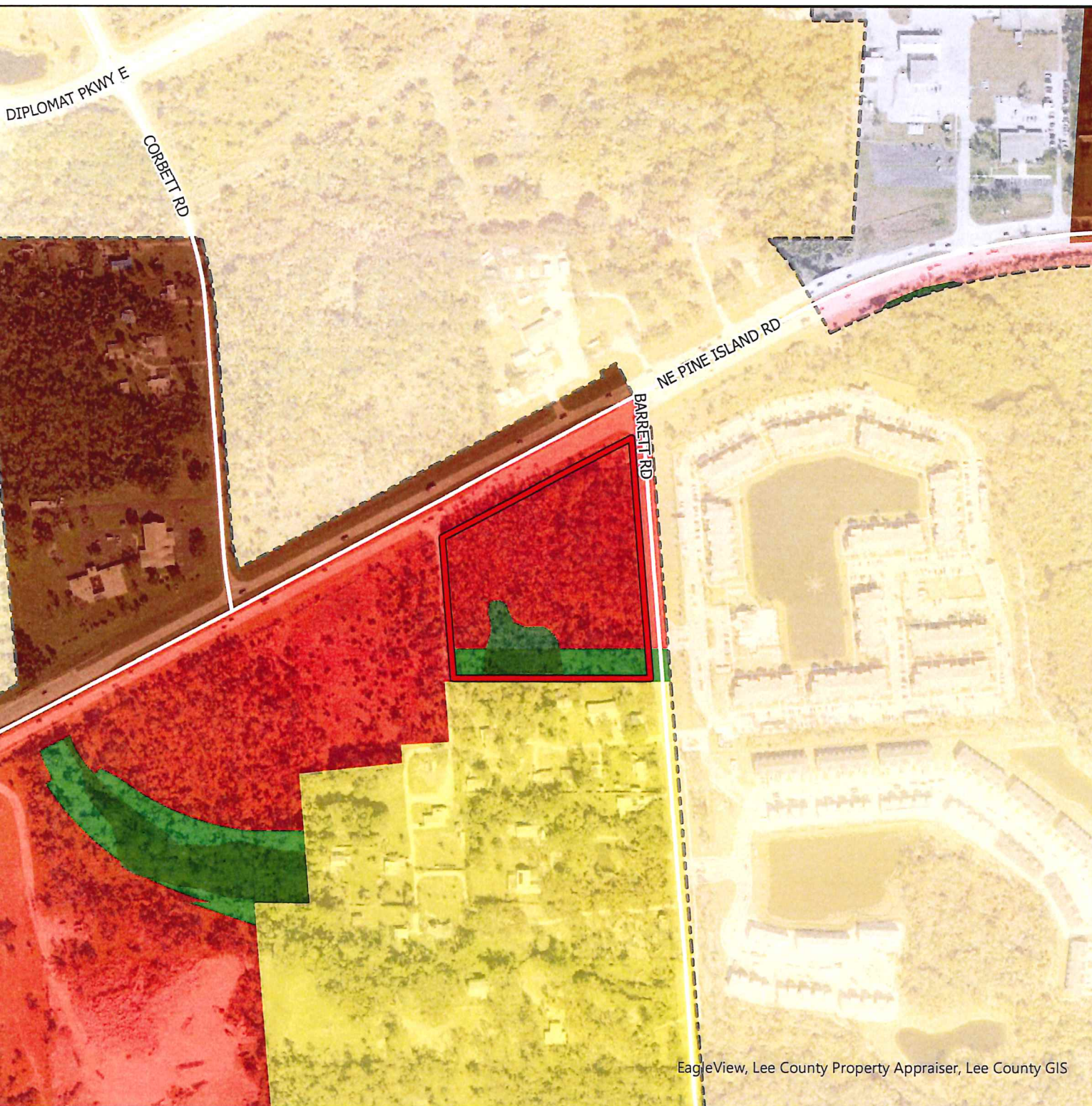


0 300 600 900
Feet

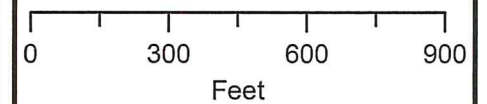
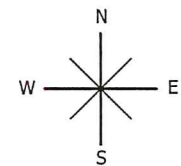


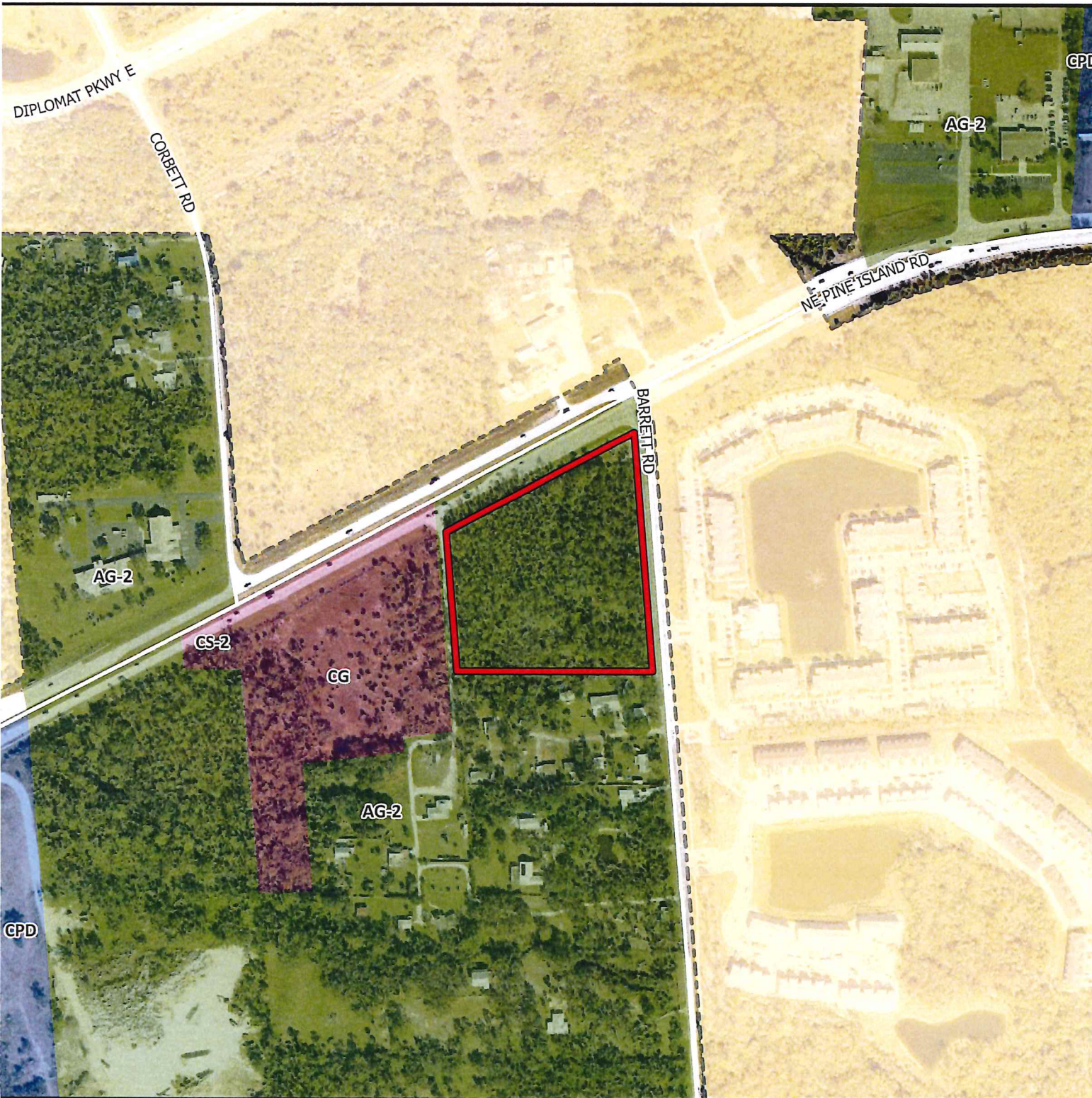
DCI2023-00038

Future Land Use



- Subject Property
- Intensive Development
- Central Urban
- Sub-Outlying Suburban
- Commercial
- Public Facilities
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland
- City Limits



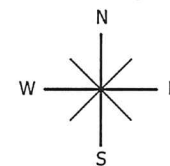


DCI2023-00038

Zoning

 Subject Property

 City Limits



0 300 600 900
Feet

DCI2023-00038, Floor & Décor CPD
Conditions and Deviations

A. Conditions

1. MASTER CONCEPT PLAN/DEVELOPMENT PARAMETERS

The development of this project must be consistent with the one-page Master Concept Plan entitled “Floor & Décor, North Fort Myers”, dated April 16, 2024, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local Development Order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

This planned development will allow a maximum of 80,000 square feet of commercial uses.

2. USES AND SITE DEVELOPMENT REGULATIONS

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
ATM (automatic teller machines)
Essential Services
Essential Service Facilities, Group I
Excavation: Water Retention
Excess Spoil Removal
Household and Office Furnishings, Groups I & III
Signs

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area:	8 acres
Width:	430 feet
Depth:	600 feet

Minimum Setbacks:

Street (Public):	25 feet
Side:	25 feet
Rear:	25 feet
Water Body:	25 feet

Development Perimeter Building Setback: 25 feet

Maximum Building Height: 35 feet

Minimum Building Separation: One-half the sum of the heights of both buildings, or 20 feet, whichever is greater.

Maximum Lot Coverage: 45%

Minimum Open Space: 30%

3. Environmental

- a) The development order plans must depict 4.19 acres of open space.
- b) The development order plans must depict 10% publicly accessible open space.
- c) The developer may not commence construction on development impacting wetlands until issuance of any required state and federal permits. Development activity must comply with any required state and federal wetland permits and applicable local development permits.
- d) Prior to the issuance of the first development order, the applicant must provide an indigenous management plan.
- e) The development order plans must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located. The indigenous preservation areas are limited to hand removal of exotics only.
- f) Prior to the first development order, plans must demonstrate the preservation of native heritage trees with at least a 20-inch caliper DBH to the maximum extent possible. If a heritage tree must be removed from a site, then a replacement tree with a minimum 20-foot height must be planted within an appropriate open space area.
- g) The buffer material/vegetation must be measured from the parking lot grade of the project at the time of the first development order.
- h) Prior to the issuance of the first development order, the applicant must provide a tree barricade and protection plan.
- i) Prior to the issuance of the first development order, an erosion control plan must be submitted with illustrations of how the fill is impacting the existing preservation trees.

B. DEVIATIONS:

Deviations

The applicant is requesting the following 2 deviations in conjunction with this rezoning action.

Deviation #1: Connection Separation.

A deviation from Land Development Code Section 10-285(a), which requires a minimum of 330-foot connection separation on major collector roads in the future suburban areas, to allow a 312-foot connection separation from NE Pine Island Road intersection to the northern access point of the subject site.

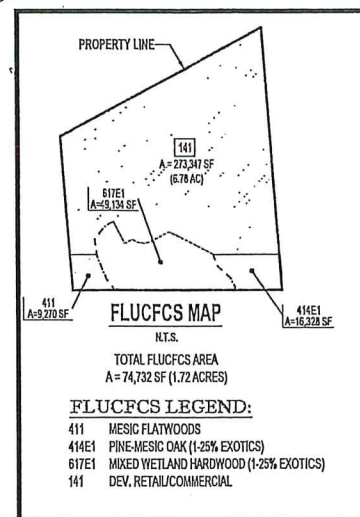
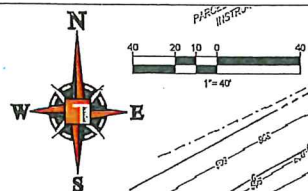
Deviation #2: Connection Separation.

A deviation from Land Development Code Section 10-285(a), which requires a minimum of 330-foot connection separation on major collector roads in the future suburban areas, to allow a 286-foot connection separation between the northern and southern access points to the site on Barrett Road.

Staff recommends approval of the requested deviations subject to the following condition:

The northern access point to the site is limited to right-in only, while the southern entrance may be a full access point to the site.

1. DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. ALL RADIUS' UNLESS OTHERWISE NOTED.
3. RADI AT THE MAIN ENTRIES SHALL BE 25' UNLESS OTHERWISE NOTED.
4. REFER TO ARCHITECTURAL AND ELECTRICAL PLANS FOR SITE LIGHTING POLES, FIXTURES AND ELECTRICAL PLAN PRIOR TO PLACING PAVEMENT.
5. SITE LIGHTING IS BY OTHERS. REF. SITE LIGHTING PLANS FOR LOCATIONS AND DETAILS PRIOR TO PLACING PAVEMENT.
6. REFER TO ARCHITECTURAL AND STRUCTURAL PLANS FOR EXACT BUILDING DIMENSIONS.
7. SIDEWALKS TO HAVE A 5% MAXIMUM RUNNING SLOPE AND A MAXIMUM 2% CROSS SLOPE IN ACCORDANCE WITH ADA REQUIREMENTS.
8. FIELD VERIFY ADA GRADES PRIOR TO PLACING PAVEMENT. CONTRACTOR SHALL CONSTRUCT ALL ACCESSIBLE ROUTES IN ACCORDANCE WITH ADA STANDARDS AND THE LEE COUNTY.
9. REF. IRRIGATION PLANS PRIOR TO PLACING PAVEMENT.
10. STRIPING SHALL BE ACCORDING TO THE LEE COUNTY AND FDOT REQUIREMENTS.
11. CONTRACTOR SHALL BUDGET FOR ACCESSIBLE STALL STRIPING, FIRE LANE STRIPING, DIRECTIONAL ARROWS, ETC.
12. REF. BUILDING PLANS FOR ALL EXTERIOR STAIRS DETAILS.
13. CONTRACTOR TO ADJUST EXISTING SANITARY SEWER MANHOLES, STORM SEWER MANHOLES, ELECTRICAL MANHOLES, FIRE HYDRANTS, VALVE BOXES, WATER METERS, ETC. TO MATCH PROPOSED FINISHED GRADES IF NECESSARY.
14. STRIPING SHALL BE 4" SOLID WHITE LINES
15. SEE ARCHITECTURAL AND SIGN DRAWINGS FOR EXACT LOCATION, DIMENSIONS AND DETAIL FOR THE PROPOSED MONUMENT SIGNS SHOWN. LOCATION AND SIZE SHOWN ON THIS PLAN ARE FOR GENERAL COORDINATION PURPOSES ONLY.
16. SEE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS AND DETAILS. ANY BUILDING DIMENSIONS SHOWN ON THIS PLAN ARE FOR GENERAL COORDINATION PURPOSES ONLY AND SHOULD NOT BE USED TO LAYOUT THE BUILDING OR ITS APURTENANCES (STAIRS, DOORS, DOCKS, ETC.) COORDINATE WITH ARCHITECTURAL AND STRUCTURAL PLANS.
17. THERE ARE NO POTENTIAL IMPACTS TO GROUND AND SURFACE WATERS, WETLANDS OR FLOOD PLAINS ANTICIPATED DUE TO CONSTRUCTION OF THIS PROJECT. IF REQUIRED, DETERMINATION WILL REMAIN ON SITE. SURFACE WATER MANAGEMENT FOLLOWS THE MASTER SYSTEM.



PROPERTY LINE

PROPOSED BUILDING

PROPOSED STANDARD DUTY ASPHALT PAVEMENT

PROPOSED HEAVY DUTY ASPHALT PAVEMENT

EXISTING SIDEWALK

PROPOSED CONCRETE SIDEWALK

EXISTING PAVEMENT ASPHALT

PROPOSED HEAVY DUTY CONCRETE

PROPOSED BUILDING PERIMETER GREEN SPACE

UNPAVED RETIPLAND AREA

THIS PLAN REFERENCES A ALTA/BOUNDARY & TOPO, SURVEY BY:
KCI TECHNOLOGIES - SUREYORS
4041 CRESCENT PARK DRIVE, TAMPA, FL 3357
TELEPHONE: (813) 740-2300

APPLICANT:	FLOOR & DECOR
SITE ADDRESS:	2800 NE PINE ISLAND RD. NORTH FT MYERS, FL 33903
PARCEL STRAPS:	04-44-24-00-00014,0000 04-44-24-00-00015,0000
FOLIO ID:	10152648 & 10152649

MIN PERVIOUS: 30% ON COMMERCIAL DEVELOPMENTS			
SITE AREA BREAKDOWN:			
IMPERVIOUS AREA:	<u>EXISTING</u>	<u>PROPOSED</u>	
BUILDING AREA	87.00 S.F. (0.002 ACRES) - 0.02%	165,511 S.F. (3.80 ACRES) - 47.5%	
PAVEMENT VIA AREA	-	75,149 S.F. (1.73 ACRES) - 21.5%	
SIDEWALK/CURB/ETC	-	81,038 S.F. (1.86 ACRES) - 23.2%	
	87.00 S.F. (0.002 ACRES) - 0.02%	9,323 S.F. (0.21 ACRES) - 2.6%	
PERVIOUS AREA (TOTAL):	347,993 S.F. (7.989 ACRES) - 99.98%	182,568 S.F. (4.19 ACRES) - 52.4%	
GREEN SPACE	281,534 S.F. (6.473 ACRES) - 81.00%	69,518 S.F. (1.57 ACRES) - 19.6%	
INDIGENOUS VEG. PRESERVE	-	74,733 S.F. (1.72 ACRES) - 21.4%	
POND	-	37,459 S.F. (0.86 ACRES) - 10.7%	
2 VEHICULAR OVERHANG	-	1,860 S.F. (0.04 ACRES) - 0.5%	
AREA:	348,080 S.F. (7.99 ACRES) - 100%	348,080 S.F. (7.99 ACRES) - 100%	
FARLOT COVERAGE:	<u>MAXIMUM</u>	<u>PROPOSED</u>	
	0.45	0.216	
OPEN SPACE			
TOTAL REQUIRED OPEN SPACE	30% OR 30% X 7.99 AC = 2.40 ACRES		
TOTAL REQUIRED INDIGENOUS VEG. OPEN SPACE	50% X 2.40 AC = 1.20 ACRES		
TOTAL OPEN SPACE	<u>REQUIRED</u>	<u>PROPOSED</u>	
	2.40 ACRES	4.19 ACRES	
(TOTAL OPEN SPACE AREA INCLUDES ALL OF THE PERVIOUS AREA ONSITE, REFERENCE LDC 10-415)			
TOTAL INDIGENOUS VEG. OPEN SPACE 1.20 ACRES 1.72 ACRES			
(INDIGENOUS VEG. AREA INCLUDES 100 FT PRESERVATION AREA ON SOUTH PROPERTY LINE AND WETLAND AREA REMAINING)			
PUBLIC ACCESSIBLE OPEN SPACE	10% OF GFA	10.3% OF GFA	
	10% X 75,149 = 7,515 SF	7,600 SF PERVIOUS	
FLOOR AREA RATIO (F.A.R.):			
GROSS FLOOR AREA	75,149 SF BUILDING -		
NON-RESIDENTIAL DEVELOPMENT USE:	1.72 AC (75,149 SF)(STORE)		
DEVELOPABLE AREA:	7,591 AC OR (348,080 SF)		

LANDSCAPE BUFFERS:		REQUIRED	PROPOSED
FRONT ROW(W)		20'	20'
SIDE (W)		15'	15'
SIDE ROW(E)		20'	20'
REAR (S)		20' WWALL OR 50'	50'

BUILDING PERIMETER: 10% OF PROPOSED GROSS FLOOR AREA
 REQUIRED = 10% X 75,149 SF = 7,515 SF
 PROVIDED = 7,520 SF

DEVIATION REQUEST FROM LDC SECTION
10-285 FOR DRIVEWAY SPACING.
BARRETT ROAD IS CLASSIFIED AS A
MAJOR COLLECTOR WITH A POSTED
SPEED OF 30 MPH AND WITHIN A
FUTURE SUBURBAN AREA, THEREFORE
REQUIRING DRIVEWAY SPACING OF 330
FEET BETWEEN DRIVEWAYS. THE
FOLLOWING DEVIATIONS ARE REQUESTED
AND AS REFLECTED ON THE SITE PLAN
AS THE MINIMUM DRIVEWAY DEVIATION
NEEDED.

① PINE ISLAND TO F&D DRIVE
NORTH - ±312 FEET.

② F&D DRIVE NORTH TO F&D DRIVE
SOUTH - ±286 FEET.

ATTACHMENT D

FLOOR & DECOR
2500 WINDY RIDGE
PARKWAY, SE
ATLANTA, GA 30339

SBLM

SBLM Architects AA-000343
33 Walt Whitman Road
Suite 300A
Huntington Station, NY 11746
Telephone 631 683 5588
Fax 631 683 5591



A.V. SCHIWAN & ASSOCIATES
CONSULTING STRUCTURAL ENGINEERS
6100 E. Thomas Road, Suite 1
Scottsdale, Arizona 85251
PHON: 480-345-1234 FAX: 480-345-1235
P. 304-44-3333



db associates
consulting engineers
2100 Avenue H, Suite 250 • Irvine
California 92714



CODE CONSULTANTS, INC.
2942 W. BOULDER FERRY, SUITE 300
ST. LOUIS, MISSOURI 63144-4225
314-991-2825



THOMAS ENGINEERING GROUP
1502 W. FLETCHER AVE., SUITE 10
TAMPA, FL 33612
(813) 378-4100

PROJECT:

FLOOR DECOR

NORTH FORT MYERS, FL (CAPE CORAL)

2800 NE PINE ISLAND ROAD
CAPE CORAL, FL 33909

ISSUE DATE: 09/08/2023
STORE NUMBER: TBD
AREA: 75,149 SF
JOB NUMBER: 023033
PROTOTYPE: 2023 Q2

ISSUE		
△	100% MET	06/21/2012

SEAL

EDWARD M. McDONALD
LICENSE

No. 71615
★



STATE OF
FLORIDA
PROFESSIONAL ENGINEER

EDWARD M. McDONALD, P.E.
April 16, 2024
FLORIDA LICENSE No. 71615
FLORIDA BUSINESS CERT. OF AUTH. No. 275

—SHEET—
MASTER CONCEPT
PLAN

MCP

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2023-00038
TYPE OF CASE: Commercial Planned Development
CASE NAME: Floor & Decor Lee County
TOTAL ACREAGE: 7.99 Acres
SUFFICIENCY DATE: April 1, 2024
HEARING EXAMINER DATE: June 6, 2024

Request

The applicant is requesting to rezone from Agricultural (AG-2) to a Commercial Planned Development (CPD). The request is to allow up to 80,000 square feet for retail floor area. The property is located in North Fort Myers, south of Pine Island Road and west of Barrett Road. According to the Lee Plan, the parcels are located in the Conservation Lands Wetland Future Land Use Category, Conservation Lands Upland Future Land Use Category, and Commercial Future Land Use Category. The proposed development is within the commercial corridor of the North Fort Myers Planning area.

Existing Conditions

As mentioned, the site is located south of Pine Island Road and west of Barrett Road. The area where the proposed development is occurring is currently vegetated and contains wetlands. The applicant has not received a South Florida Water Management permit at this time; however, permit 36-109805-P is currently under review. The applicant has submitted a Protected Species Survey that includes the Florida Land Use Cover and Classification System (FLUCCS) map depicting the pedestrian transects methodology used to survey the project and a detailed FLUCCS for the project area (see Exhibit A). PACSCON GeoEnvironmental, Incorporated did not observe any listed species onsite.

Open Space

The project meets the large commercial development definition (Land Development Code 10-1). LDC 10-415(a) requires the applicant to provide 30% open space. The applicant has provided a Master Concept Plan (MCP) that depicts 4.19 acres open space and complies with the minimum 30%, or 2.40 acres open space requirement.

Due to the location within the Commercial Corridor of the North Fort Myers Planning Community, the applicant is also providing 10% open space per LDC 33-1572.

Staff recommends the following open space conditions:

Prior to the issuance of the first development order, the development order plans must depict 4.19 acres of open space.

Prior to the issuance of the first development order, the development order plans must depict 10% publicly accessible open space.

Indigenous Preservation

The Land Development Code requires that large developments, with existing indigenous native vegetation communities must provide 50 percent of their open space percentage requirement through the on-site preservation of existing native vegetation communities. (LDC 10-415(b)). The applicant is required to provide 1.2 acres of indigenous open space and is providing 1.72 acres of indigenous preserve.

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

Staff recommends approval of following condition:

The developer may not commence construction on development impacting wetlands until issuance of any required state and federal permits. Development activity must comply with any required state and federal wetland permits and applicable local development permits.

Indigenous Habitat Management Plan

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

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

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

Prior to the issuance of the first development order, the development order plans must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located. The indigenous preservation areas are limited to hand removal of exotics only.

Prior to the first development order, plans must demonstrate that the applicant make an effort to preserve native heritage trees with at least a 20-inch caliper DBH. If a heritage tree must be removed from a site, then a replacement tree with a minimum 20-foot height must be planted within an appropriate open space area.

Due to the amount of fill being proposed, the buffer material/vegetation must be measured from the parking lot grade of the project at the time of the first development order.

Prior to the issuance of the first development order, the applicant must provide a tree barricade and protection plan.

Prior to the issuance of the first development order, an erosion control plan must be submitted with illustrations of how the fill is impacting the existing preservation trees.

Buffers

The proposed development abuts Northeast Pine Island Road to the north, Barrett Road to the east, single-family residential to the south, and Smokey Hollow Lane to the west. The required buffers are as follows:

North – The north property line abuts NE Pine Island Road right-of-way. LDC 33-1581(b) requires commercial properties that abut right-of-ways must provide a 20-foot Type D buffer. The applicant is providing the required buffer per LDC 33-1581(b).

West - The west property line abuts Smokey Hollow Lane right-of-way. LDC 33-1581(b) requires commercial properties that abut right-of-ways must provide a 20-foot Type D buffer. The applicant is providing the required buffer per LDC 33-1581(b).

East – The east property line abuts Barrett Road right-of-way. LDC 33-1581(b) requires commercial properties that abut right-of-ways must provide a 20-foot Type D buffer. The applicant is providing the required buffer per LDC 33-1581(b).

South - The south property line abuts single-family residential. LDC 33-1581(b) requires a 50-foot Type F buffer when a commercial property abuts single-family residences. The applicant is demonstrating the required buffer per LDC 33-1581(b).

Exhibits

A – Protected Species Survey/ FLUCCS Map

PROTECTED SPECIES SURVEY REPORT

PROPOSED FLOOR & DÉCOR

2800 Northeast Pine Island Drive
North Fort Myers, Lee County, Florida

PREPARED FOR

Mr. Johnathan Eversberg
Development Manager II
Centerpoint Integrated Solutions
1626 Cole Boulevard, Suite 125
Lakewood, CO 80401

PREPARED BY

PACSCON GeoEnvironmental, Inc.
4517 George Road, Suite 220
Tampa, FL 33634

REV January 5, 2024
December 4, 2023
PACSCON No. 2023-1841

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4.0 WILDLIFE UTILIZATION 2

5.0 RESULTS 5

6.0 REFERENCES..... 6

FIGURES

- FIGURE 1 Site Location Map
- FIGURE 2 Wetland Limits Aerial
- FIGURE 3 Florida Land Use and Cover Classification System (FLUCFCS) and protected species survey map
- FIGURE 4 Soils Map

APPENDICES

- APPENDIX A Photographic Documentation
- APPENDIX B FNAI Biodiversity Matrix Query Results
- APPENDIX C U.S. Fish and Wildlife Service (FWS) Environmental Conservation Online System (IPaC) results



1.0 INTRODUCTION

The Floor & Décor project site lies within unincorporated Lee County in North Fort Myers, Florida. It is located approximately 0.70 mile west of US 41 on the south side of Pine Island Road. The 7.99-acre project is located within Section 04, Township 44 South, and Range 24 East. More specifically, the Lee County Property Appraiser identifies that the project consists of STRAP numbers 04-44-24-00-00015.0000 (± 1.0 acre) and 04-44-24-00-00014.0000 (7.45 acres).

Figures within this submittal include a site location map (Figure 1), a wetland limits aerial (Figure 2), a Florida Land Use and Cover Classification System (FLUCFCS) and Protected Species Survey map (Figure 3), and a Soils Map (Figure 4). Photographs of the project area are included as Appendix A. The Florida Natural Areas Inventory (FNAI) Biodiversity Matrix Query Results and U.S. Fish and Wildlife Service (FWS) Environmental Conservation Online System (IPaC) results are included as Appendix B and C, respectively. The proposed project is composed of a Floor & Décor retail center and associated parking and infrastructure.

2.0 EXISTING CONDITIONS

This site is a vacant wooded parcel in an urban area of North Fort Myers, Florida. There are three different FLUCFCS areas. Vegetation within each area is detailed below.

FLUCFCS 411: Pine Flatwood

Upland vegetative cover within this portion of the site consists primarily of *Pinus elliottii* (slash pine) and dense *Serenoa repens* (saw palmetto).

FLUCFCS 414E1: Pine – Mesic Oak (1-25% Exotics)

Upland vegetative cover within this portion of the site consists primarily of the mesic oak species *Quercus virginiana* (live oak) and *Quercus laurifolia* (laurel oak). Additional vegetation found within this habitat includes *Sabal palmetto* (cabbage palm), slash pine, *Vitis rotundifolia* (muscadine) vines, saw palmetto, and *Schinus terebinthifolius* (Brazilian pepper tree).

FLUCFCS 617E1: Mixed Wetland Hardwoods (1-25% Exotics) (Wetland A)

Wetland A is a state jurisdictional wetland. It is isolated and therefore is not federally jurisdictional. Vegetative cover within the wetland consists of laurel oak, *Acer rubrum* (red maple), *Woodwardia* spp (chainfern), *Salix caroliniana* (Carolina willow), *Cephalanthus occidentalis*



(buttonbush), and *Persicaria* spp. (smartweed). The wetland also contained some nuisance vegetation consisting of Brazilian pepper tree.

TABLE 2-1 VEGETATION ASSOCIATIONS AND ACREAGES			
FLUCFCS Code	Description	Acreage	Jurisdictional Status
411	Pine Flatwoods	2.95 AC	N
414E1	Pine – Mesic Oak (1-25% Exotics)	4.10 AC	N
617E1	Mixed Wetland Hardwoods (1-25% Exotics)	0.94 AC	S WL
TOTAL		7.99 AC	

Legend:

N = non-jurisdictional

S WL = State jurisdictional wetland

The soils within the majority of the project site have been mapped as Immokalee sand, 0 to 2 percent slopes (28), Immokalee sand-Urban land complex, 0 to 2 percent slopes (36), Cypress Lake fine sand-Urban land complex, 0 to 2 percent slopes (102), and Oldsmar sand-Urban land, 0 to 2 percent slopes (125). A soils maps is attached as Figure 4.

3.0 SURVEY METHODS

The Protected Species Survey (PSS) was conducted in accordance with the Lee County Land Development Code, Chapter 10, Article 3, Division 8 (Protection of Habitat). The PSS included field surveys and a literature review. The field survey was conducted on June 7, 2023, utilizing pedestrian transects which were performed in all vegetation associations (FLUCFCS). The FLUCFCS and Protected Species Survey Map in Figure 3 depicts the approximate survey transect locations. The distances between the transects were established to cover a minimum of 80% of each habitat within the project area and were approximately 15-30 feet apart.

4.0 WILDLIFE UTILIZATION

A desktop analysis using the U.S. Fish and Wildlife Service (FWS) Environmental Conservation Online System (IPaC) indicated twelve listed threatened and endangered species that could potentially be found within the project area including the *Laterallus jamaicensis* ssp. *jamaicensis* (eastern black rail), *Mycteria americana* (wood stork), *Drymarchon corais couperi* (Eastern indigo snake), *Eumops floridanus* (Florida Bonneted bat), *Puma* (=Felis) *concolor coryi* (Florida panther), *Puma* (=Felis) *concolor* (puma), *Polyborus plancus audubonii* (crested caracara), *Calidris canutus*



rufa (red knot), *Picoides borealis* (red cockaded woodpecker), *Alligator mississippiensis* (American alligator), *Crocodylus acutus* (American crocodile), and *Gopherus polyphemus* (gopher tortoise).

A desktop review of the Florida Natural Areas Inventory (FNAI) Florida Biodiversity Matrix Map indicated an additional four terrestrial threatened species, species of special concern, or species otherwise protected by the federal government and/or the state of Florida. These species include *Athene cunicularia floridana* (Florida burrowing owl), *Grus canadensis pratensis* (Florida sandhill crane), *Aphelocoma coerulescens* (Florida scrub jay), and *Rostrhamus sociabilis* (snail kite).

PACSCON completed a reconnaissance visit to the subject property on June 7, 2023. The gopher tortoise and Florida burrowing owl utilize burrows; however, neither type of burrow was observed within the site. The Florida burrowing owl utilizes large areas of low-lying grassy pasture areas which this project does not contain. There is no low-lying scrub oak habitat onsite which is utilized by the Florida scrub jay. The crested caracara utilizes wet prairies with cabbage palms which this project does not contain. Additionally, there is no marsh habitat for the wood stork, red knot, eastern black rail, or snail kite to utilize. The onsite wetland is a freshwater forested wetland with minimal open area.

The red cockaded woodpecker utilizes mature pine forest habitat which is found within approximately three acres of the project area. The Florida bonneted bat also utilizes forested areas. The FWS consultation key for the Florida bonneted bat keys out a limited roost survey is needed for this project. No bonneted bat or red-cockaded woodpecker surveys have been performed. Species specific surveys will be completed if required by Lee County.

Although the bald eagle is not protected under the United States Endangered Species Act, it is protected under the federal Migratory Bird Act and Bald and Golden Eagle Act. According to the Florida Fish and Wildlife Conservation Commission (FWC) eagle nest locator, the nearest bald eagle nest is approximately 0.95 miles to the southeast of the site. Similarly, the FWS identifies the nearest active wood stork colony over five miles to the east of the subject property. These bald eagle nest and wood stork colony distances from the subject property are well outside of regulatory buffer requirements.

Table 4-1 is a summary of visibility, number and total length of transects performed, and percentage of each habitat covered. Based on the literature review, a compilation of federal and



state protected species was developed. Table 4-2 lists the potential state and federally protected species that could utilize the site.

TABLE 4-1 SUMMARY OF HABITAT SURVEY COVERAGE

FLUCFCS Code	Total Area	Number of Transects	Transect Length	Average visibility	Percent Covered
411	2.95 AC	11	330-480 feet	20 feet	80
414E1	4.10 AC	8	620-717 feet	20 feet	80
617E1	0.94 AC	28	50 feet	20 feet	80
TOTAL	7.99 AC				

TABLE 4-2 POTENTIAL LEE COUNTY PROTECTED SPECIES

FLUCFCS Code	Description	Potential Protected Species
411	Pine Flatwoods	<i>Drymarchon corais couperi</i> (Eastern indigo snake), <i>Eumops floridanus</i> (Florida Bonneted bat), <i>Puma</i> (=Felis) <i>concolor coryi</i> (Florida panther), <i>Puma</i> (=Felis) <i>concolor</i> (puma), <i>Polyborus plancus audubonii</i> (crested caracara), <i>Picoides borealis</i> (red cockaded woodpecker), <i>Athene cunicularia floridana</i> (Florida burrowing owl), <i>Grus canadensis pratensis</i> (Florida sandhill crane), <i>Aphelocoma coerulescens</i> (Florida scrub jay) <i>Gopherus polyphemus</i> (gopher tortoise), <i>Calopogon multiflorus</i> (many-flowered grass-pink), <i>Centrosema Arenicola</i> (sand butterfly pea), <i>Deeringothamnus pulchellus</i> (beautiful pawpaw), <i>Linum carteri</i> var. <i>smallii</i> (Carter's flax), <i>Pteroglossaspis ecristata</i> (giant orchid), and <i>Schizachyrium niveum</i> (scrub bluestem).
414E1	Pine – Mesic Oak (1-25% Exotics)	<i>Drymarchon corais couperi</i> (Eastern indigo snake), <i>Eumops floridanus</i> (Florida Bonneted bat), <i>Puma</i> (=Felis) <i>concolor coryi</i> (Florida panther), <i>Puma</i> (=Felis) <i>concolor</i> (puma), <i>Polyborus plancus audubonii</i> (crested caracara), <i>Picoides borealis</i> (red cockaded woodpecker), <i>Athene cunicularia floridana</i> (Florida burrowing owl), <i>Grus canadensis pratensis</i> (Florida sandhill crane), <i>Aphelocoma coerulescens</i> (Florida scrub jay), <i>Gopherus polyphemus</i> (gopher tortoise) <i>Centrosema Arenicola</i> (sand butterfly pea), and <i>Schizachyrium niveum</i> (scrub bluestem).
617E1	Mixed Wetland Hardwoods (1-25% Exotics)	<i>Grus canadensis pratensis</i> (Florida sandhill crane), <i>Laterallus jamaicensis</i> ssp. <i>jamaicensis</i> (Eastern black rail), <i>Mycteria americana</i> (wood stork), <i>Alligator mississippiensis</i> (American alligator), <i>Crocodylus acutus</i> (American crocodile), <i>Rostrhamus sociabilis</i> (snail kite)



5.0 RESULTS

No listed species were observed within the project limits. Wildlife that was observed includes the *Cardinalis cardinalis* (northern cardinal) and various lizards.

TABLE 4-3 SURVEY RESULTS				
Protected Species	FLUCFCS Area	Present	Absent	Density
Animals				
Eastern indigo snake	411 and 414 E1		X	0%
Florida bonneted bat	411 and 414 E1		X	0%
Florida panther	411 and 414 E1		X	0%
Crested caracara	411 and 414 E1		X	0%
Red cockaded woodpecker	411 and 414 E1		X	0%
Florida burrowing owl	411 and 414 E1		X	0%
Florida sandhill crane	411, 414 E1, and 617 E1		X	0%
Florida scrub jay	411 and 414 E1		X	0%
Gopher tortoise	411 and 414 E1		X	0%
Eastern black rail	617 E1		X	0%
Wood stork	617 E1		X	0%
American alligator (due to resemblance to American crocodile)	617 E1		X	0%
American crocodile	617 E1		X	0%
Snail kite	411, 414 E1, and 617 E1		X	0%
Plants				
many-flowered grass-pink	411		X	0%
Sand butterfly pea	411, 414 E1		X	0%
Beautiful pawpaw	411		X	0%
Carter's flax	411		X	0%
Giant orchid	411		X	0%
Scrub bluestem	411, 414 E1		X	0%



6.0 REFERENCES

Audubon Florida's Eaglewatch. <https://cbop.audubon.org/conservation/about-eaglewatch-program>.

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Florida Fish and Wildlife Conservation Commission, US Fish and Wildlife Service, Florida Natural Areas Inventory. Florida Wildlife Conservation Guide. Tallahassee; Version November 2011 (annual update). Florida Natural Areas Inventory (FNAI) Biodiversity Matrix. <https://www.fnai.org/BiodiversityMatrix/index.html>

U.S. Fish and Wildlife Service. Information for Planning and Consultation (iPac). <https://ipac.ecosphere.fws.gov/>.

U. S. Department of Agriculture, Natural Resources Conservation Service (NRCS). 1989. Soil Survey for Pasco County, Florida.

Florida Fish and Wildlife Conservation Commission. April 2008 (Revised July 2020). Gopher Tortoise Permitting Guidelines. Tallahassee, FL.

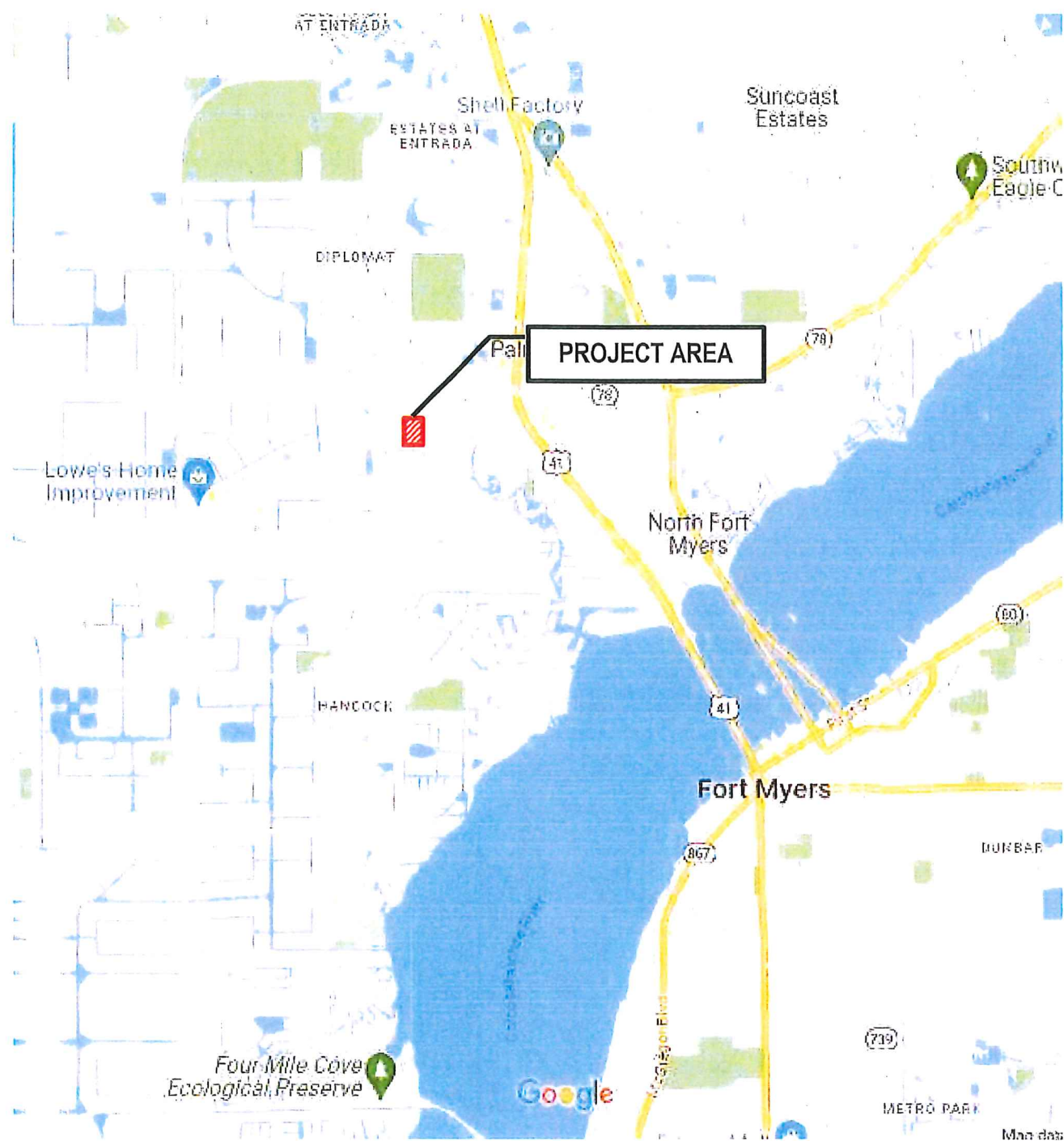




2014 PACSCON Environmental Sustainability Report



FIGURES



SITE LOCATION MAP
SOURCE: Google.com/maps



Floor & Decor
North Fort Myers, Florida
PACSCON Project No. 2023-1841

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PACSCON
Civil, Survey, and Environmental Services



WETLAND LIMITS FLOOR AND DECOR

SEC TWP RGE	JOB NUMBER	DRAWN BY	DATE	SHEET
04-44S-24E		LAA	01.05.2024	

LEGEND

411 - MESIC FLATWOODS

414E1 - PINE-MESIC OAK (1-25% EXOTICS)

617E1 - MIXED WETLAND HARDWOOD (1-25% EXOTICS)

411

414E1

617E1

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PACSCON

Providing Quality Surveying and Mapping Services



1"=100'

**FLUCFCS AND PROTECTED SPECIES SURVEY MAP
FLOOR AND DECOR**

SEC TWP RGE
04-44S-24E

JOB NUMBER

DRAWN BY
LAA

DATE
01.05.2024

SHEET

LEGEND

- 13 - BOCA FINE SAND
- 28 - IMMOKALEE SAND
- 33 - OLDSMAR SAND



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PACSCON
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**SOILS MAP
FLOOR AND DECOR**

SEC TWP RGE
04-44S-24E

JOB NUMBER

DRAWN BY
LAA

DATE
09.22.2023

SHEET



APPENDIX A

PHOTOGRAPHIC DOCUMENTATION



1. General view of western side of site



2. General view of eastern side of site



3. View of Wetland A



4. View of outer edge of Wetland A



APPENDIX B

FNAI BIODIVERSITY MATRIX QUERY RESULTS



Florida Natural Areas Inventory

Biodiversity Matrix Query Results

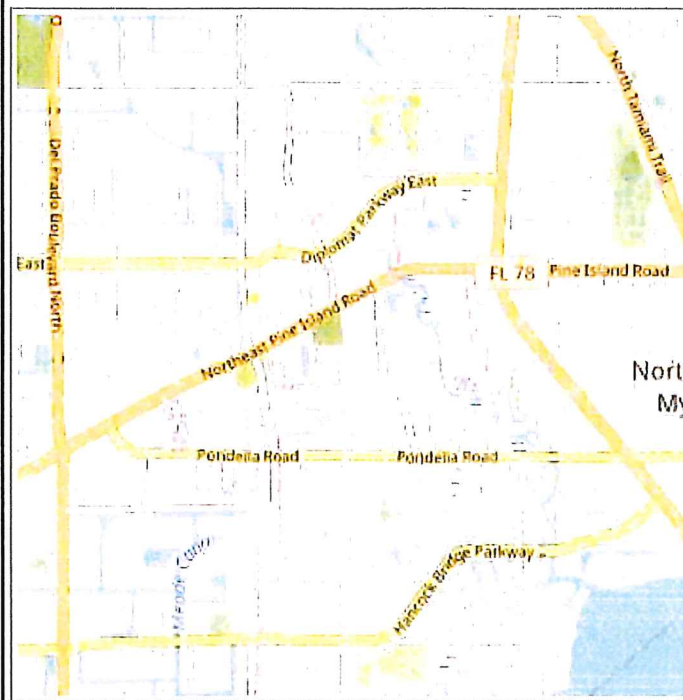
UNOFFICIAL REPORT

Created 9/26/2023

(Contact the FNAI Data Services Coordinator at 850.224.8207 or
kbrinegar@fnai.fsu.edu for information on an official Standard Data Report)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

Report for 1 Matrix Unit: 35925



Descriptions

DOCUMENTED - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit.

DOCUMENTED-HISTORIC - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit; however the occurrence has not been observed/reported within the last twenty years.

LIKELY - The species or community is *known* to occur in this vicinity, and is considered likely within this Matrix Unit because:

1. documented occurrence overlaps this and adjacent Matrix Units, but the documentation isn't precise enough to indicate which of those Units the species or community is actually located in; or
2. there is a documented occurrence in the vicinity and there is suitable habitat for that species or community within this Matrix Unit.

POTENTIAL - This Matrix Unit lies within the known or predicted range of the species or community based on expert knowledge and environmental variables such as climate, soils, topography, and landcover.

Matrix Unit ID: 35925

0 Documented Elements Found

0 Documented-Historic Elements Found

4 Likely Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
<i>Drymarchon couperi</i> Eastern Indigo Snake	G3	S2?	T	FT
<i>Eumops floridanus</i> Florida bonneted bat	G1	S1	E	FE
<i>Mesic flatwoods</i>	G4	S4	N	N
<i>Mycteria americana</i> Wood Stork	G4	S2	T	FT

Matrix Unit ID: 3592525 **Potential** Elements for Matrix Unit 35925

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
<i>Acipenser oxyrinchus desotoi</i> Gulf Sturgeon	G3T2T3	S2?	T	FT
<i>Antigone canadensis pratensis</i> Florida Sandhill Crane	G5T2	S2	N	ST
<i>Aphelocoma coerulescens</i> Florida Scrub-Jay	G2?	S1S2	T	FT
<i>Athene cunicularia floridana</i> Florida Burrowing Owl	G4T3	S3	N	ST
<i>Calopogon multiflorus</i> many-flowered grass-pink	G2G3	S2S3	N	T
<i>Centrosema arenicola</i> sand butterfly pea	G2Q	S2	N	E
<i>Deeringothamnus pulchellus</i> beautiful pawpaw	G1	S1	E	E
<i>Eretmochelys imbricata</i> Hawksbill Sea Turtle	G3	S1	E	FE
<i>Gopherus polyphemus</i> Gopher Tortoise	G3	S3	C	ST
<i>Lechea cernua</i> nodding pinweed	G3	S3	N	T
<i>Linum carteri</i> var. <i>smallii</i> Small's flax	G2T2	S2	N	E
<i>Mustela frenata peninsulae</i> Florida Long-tailed Weasel	G5T3?	S3?	N	N
<i>Nemastylis floridana</i> celestial lily	G2	S2	N	E
<i>Neofiber alleni</i> Round-tailed Muskrat	G2	S2	N	N
<i>Nolina atopocarpa</i> Florida beargrass	G3	S3	N	T
<i>Peucaea aestivalis</i> Bachman's Sparrow	G3	S3	N	N
<i>Pteroglossaspis ecristata</i> giant orchid	G2G3	S2	N	T
<i>Rallus longirostris scottii</i> Florida Clapper Rail	G5T3?	S3?	N	N
<i>Rivulus marmoratus</i> Mangrove Rivulus	G4G5	S3	SC	N
<i>Rostrhamus sociabilis</i> Snail Kite	G4G5	S2	E	FE
<i>Schizachyrium niveum</i> scrub bluestem	G1G2	S1S2	N	E
<i>Sciurus niger niger</i> Southeastern Fox Squirrel	G5T5	S3	N	N
<i>Setophaga discolor paludicola</i> Florida Prairie Warbler	G5T3	S3	N	N
<i>Trichechus manatus latirostris</i> Florida Manatee	G2G3T2	S2S3	T	N
<i>Ursus americanus floridanus</i> Florida Black Bear	G5T4	S4	N	N

Disclaimer

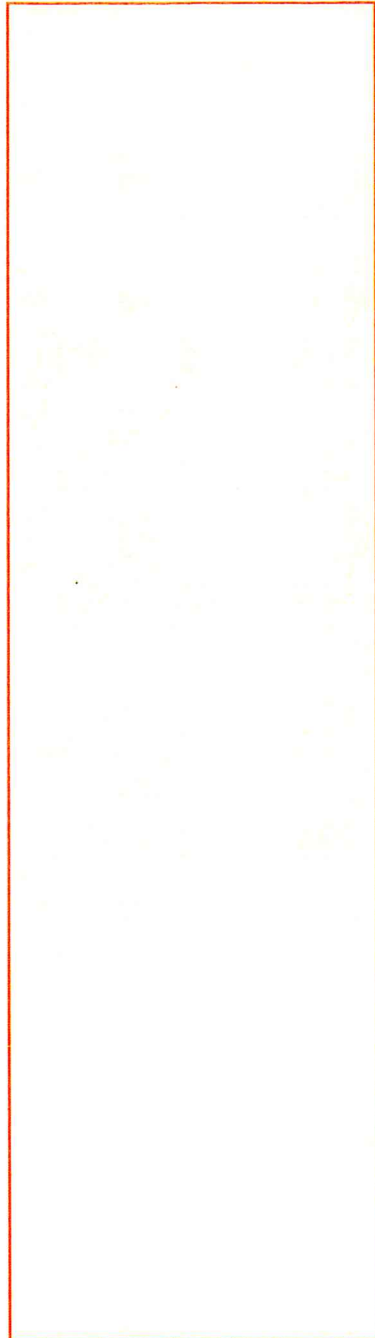
The data maintained by the Florida Natural Areas Inventory represent the single most comprehensive source of information available on the locations of rare species and other significant ecological resources statewide. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. FNAI shall not be held liable for the accuracy and completeness of these data, or opinions or conclusions drawn from these data. FNAI is not inviting reliance on these data. Inventory data are designed for the purposes of conservation planning and scientific research and are not intended for use as the primary criteria for regulatory decisions.

Unofficial Report

These results are considered unofficial. FNAI offers a [Standard Data Request](#) option for those needing certifiable data.



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APPENDIX C

*U.S. Fish and Wildlife Service (FWS) Environmental
Conservation Online System (IPaC) results*

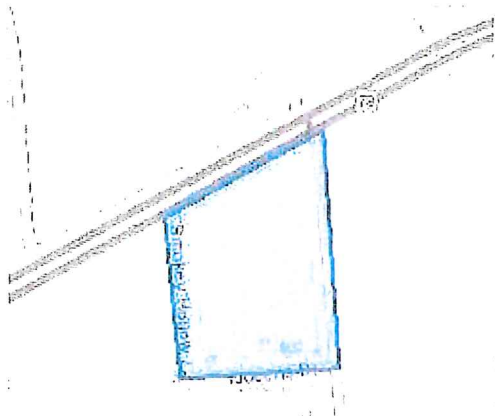
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Lee County, Florida



Local office

Florida Ecological Services Field Office

☎ (772) 562-3909

📅 (772) 562-4288

✉ fw4flesregs@fws.gov

1339 20th Street

Vero Beach, FL 32960-3559

<https://www.fws.gov/office/florida-ecological-services>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).

2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Florida Bonneted Bat <i>Eumops floridanus</i> Wherever found There is proposed critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/8630	Endangered
Florida Panther <i>Puma (=Felis) concolor coryi</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1763	Endangered
Puma (=mountain Lion) <i>Puma (=Felis) concolor</i> (all subsp. except <i>coryi</i>) No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6049	SAT
West Indian Manatee <i>Trichechus manatus</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/4469	Threatened Marine mammal

Birds

NAME	STATUS
Crested Caracara (audubon"s) [fl Dps] <i>Polyborus plancus audubonii</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8250	Threatened
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10477	Threatened

Everglade Snail Kite *Rostrhamus sociabilis plumbeus* Endangered

Wherever found

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/7713>

Red-cockaded Woodpecker *Picoides borealis* Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7614>

Rufa Red Knot *Calidris canutus rufa* Threatened

Wherever found

There is **proposed** critical habitat for this species.

<https://ecos.fws.gov/ecp/species/1864>

Wood Stork *Mycteria americana* Threatened

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/8477>

Reptiles

NAME

STATUS

American Alligator *Alligator mississippiensis* SAT

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/776>

American Crocodile *Crocodylus acutus* Threatened

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/6604>

Eastern Indigo Snake *Drymarchon couperi* Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/646>

Green Sea Turtle *Chelonia mydas* Threatened

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/6199>

Kemp's Ridley Sea Turtle *Lepidochelys kempii* Endangered

Wherever found

There is **proposed** critical habitat for this species.

<https://ecos.fws.gov/ecp/species/5523>

Loggerhead Sea Turtle *Caretta caretta* Threatened

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/1110>

Fishes

NAME

STATUS

Gulf Sturgeon *Acipenser oxyrinchus (=oxyrhynchus) desotoi* Threatened

Wherever found

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/651>

Insects

NAME

STATUS

Miami Blue Butterfly *Cyclargus (=Hemiargus) thomasi* Endangered

bethunebakeri

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/3797>

Monarch Butterfly *Danaus plexippus* Candidate

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/9743>

Flowering Plants

NAME

STATUS

Aboriginal Prickly-apple *Harrisia (=Cereus) aboriginum* Endangered

(=gracilis)

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/2833>

Beautiful Pawpaw *Deeringothamnus pulchellus*

Endangered

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/4069>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds
<https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

There are bald and/or golden eagles in your project area.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON

Bald Eagle *Haliaeetus leucocephalus*

Breeds Sep 1 to Jul 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (●)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

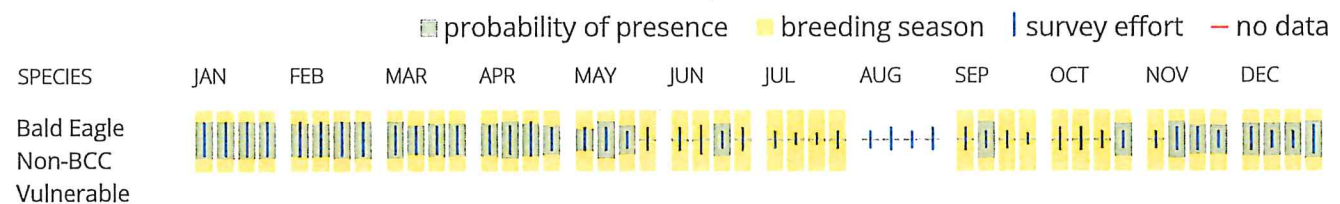
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply). To see a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs of bald and golden eagles in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid

cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the [Eagle Act](#) should such impacts occur. Please contact your local Fish and Wildlife Service Field Office if you have questions.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date

range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Kestrel <i>Falco sparverius paulus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9587	Breeds Apr 1 to Aug 31
Bachman's Sparrow <i>Aimophila aestivalis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/6177	Breeds May 1 to Sep 30
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Sep 1 to Jul 31
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Great Blue Heron <i>Ardea herodias occidentalis</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Jan 1 to Dec 31
Magnificent Frigatebird <i>Fregata magnificens</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Oct 1 to Apr 30
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31

Red-headed Woodpecker *Melanerpes erythrocephalus*

Breeds May 10 to Sep 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Reddish Egret *Egretta rufescens*

Breeds Mar 1 to Sep 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/7617>

Swallow-tailed Kite *Elanoides forficatus*

Breeds Mar 10 to Jun 30

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8938>

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

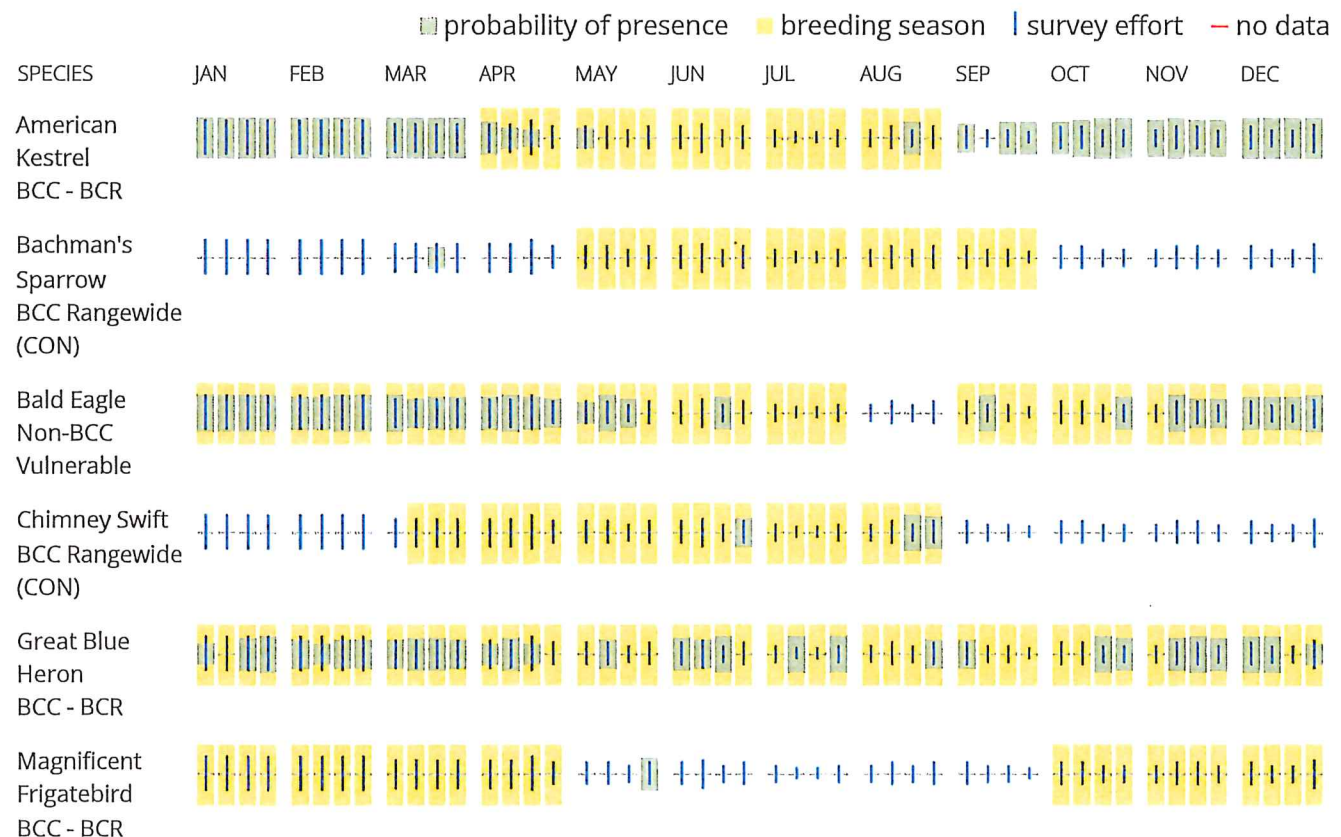
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

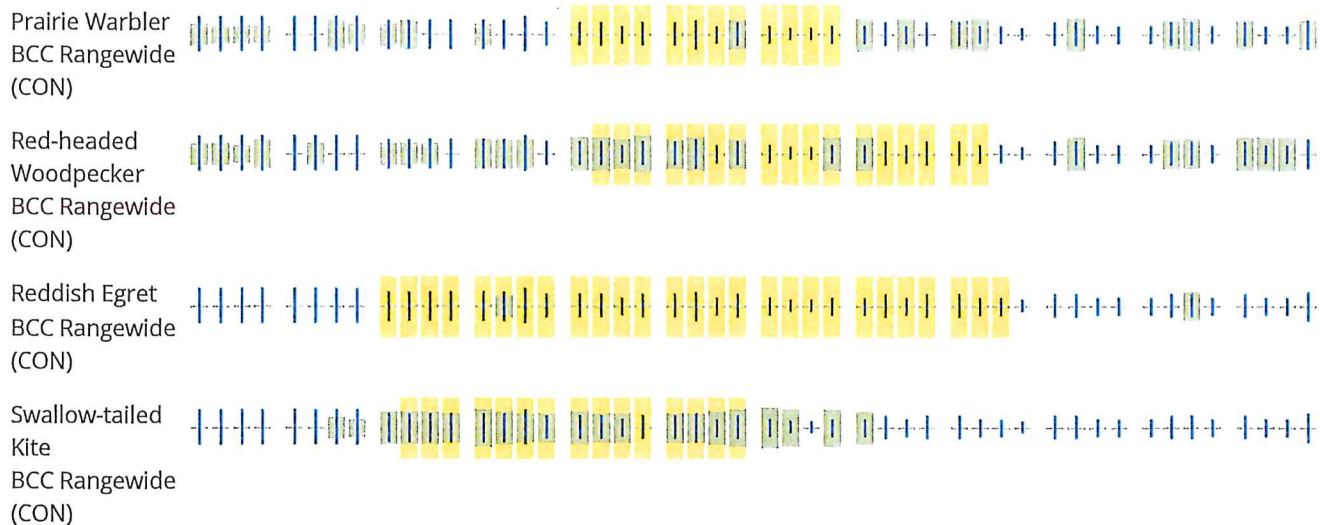
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Marine mammals

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act¹ and the Convention on International Trade in Endangered Species of Wild Fauna and Flora².

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walrus, polar bears, manatees, and dugongs] and NOAA Fisheries³ [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take (to harass, hunt, capture, kill, or attempt to harass, hunt, capture or kill) of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following marine mammals under the responsibility of the U.S. Fish and Wildlife Service are potentially affected by activities in this location:

NAME

West Indian Manatee *Trichechus manatus*

<https://ecos.fws.gov/ecp/species/4469>

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER FORESTED/SHRUB WETLAND

[PFO3/1C](#)

RIVERINE

[R5UBFx](#)

[R5UBH](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.



DEPARTMENT OF TRANSPORTATION

Memo

To: Chahram Badamtchian, Planner, Senior

From: Md Rakibul Alam, Transportation Planner, Principal

Date: April 29, 2024

Subject: Floor & Décor (DCI2023-00038) Transportation-Related Analysis

Proposed Development

This application requests approval to rezone approximately 8.03± acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to allow for up to 80,000 square feet of Floor & Décor store.

Site Location

The property under consideration is located at the southeast corner of Pine Island Road (SR78) and Barrett Road in Lee County, FL.

Site Access

Access to the proposed development will be facilitated through two distinct driveway connections to Barrett Road. The northernmost ingress point on Barrett Road will function exclusively as a "right-in" driveway, directing traffic flow into the development area. Conversely, the southernmost connection will serve as a full-access driveway, accommodating both inbound and outbound traffic movements, thereby ensuring efficient ingress and egress for the development.

Trip Generation Review

The trip generation for the proposed development was determined by referencing the *Trip Generation and Parking Study* prepared for Floor & Décor Outlets of America, Inc. by Kimley-Horn & Associates in March 2017. Table 1 outlines the proposed project's trip generation for weekday AM and PM peak hours and daily traffic volumes.

Table 1: Trip Generation

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily (2-Way)
	In	Out	Total	In	Out	Total	
Floor & Décor (80,000 Sq. Ft.)	21	15	36	25	25	50	500

Roadway Section Traffic Operation Level of Service Analysis

New trips related to the subject case were distributed across the surrounding road network to assess their impact on the Level of Service (LOS) in arterial/collector road sections most affected by the proposed development. According to Administrative Code AC-13-17 Traffic Study Guidelines for Planned Development Rezonings, a "significant impact" signifies a 10% or more reduction in LOS "C" service volumes at build-out.

In this case, based on the trip assignments from the applicant's traffic study, none of the surrounding arterial/collector road sections are expected to experience significant impacts due to the proposed zoning changes.

It was assumed that the proposed development would be completed by 2028 (build-out year). Therefore, the roadway links impacted by the proposed development were analyzed for the 2028 projected traffic conditions without the proposed development and with the proposed development (Table 2).

Table 2: Arterial/Collector Roadway Section(s) Adjacent to Site Expected to be Impacted by the Proposed Development

Roadway	Location	Level of Service		
		Existing	Future (2028)	Future (2028) + Project
Barrett Rd	N. of Site	C	C	C
	S. of Site	C	C	C

Based on an analysis of traffic data from the Lee County "Public Facilities Level of Service and Concurrency 2023 Report Inventory and Projections," as well as the latest "Lee County Link Specific Service Volumes" tables (for short-term analyses up to 5 years) or the most recent "Lee County Generalized Peak Hour Directional Service Volumes" tables (for long-term analyses over 5 years), all the road sections in Table 2 currently operate at LOS "C" or better.

During the local development order review, proposed projects will be reviewed to determine the required site-related traffic improvements to the nearby roadway(s).

Roadway Intersection Traffic Operation Level of Service Analysis

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

At the time of the local development order review, the proposed project will be reviewed to determine what, if any, site-related traffic improvements to the nearby roadway network are required.

Proposed Deviation Review

The applicant requests relief from LDC Section LDC 10-285 for the development project, which requires 330 feet of driveway separation along Barrett Road, to allow a minimum separation of approximately 312 feet from the proposed northernmost driveway on Barrett Road to Pine Island Rd and 286 feet between the northernmost driveway to the southernmost driveway on Barrett Road. The Lee County staff has no objection to proposed Deviations.

Conclusion

The proposed project is not anticipated to adversely affect the surrounding roadway system. However, please consider recommending the following condition be added to the zoning resolution:

"Development intensity is limited to a 75,149-SF "Floor & Decor" store, or a development limited to 50 new PM peak hour trips calculated by use of the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at time of local development order. A retail use similar to a "Floor & Decor" store, but by another name, may only occupy the site if approved by zoning amendment through the public hearing process."



BOARD OF COUNTY COMMISSIONERS

Kevin Ruane
District One

May 17, 2023

Via E-Mail

Cecil L. Pendergrass
District Two

Edward M McDonald

Raymond Sandelli
District Three

Thomas Engineering Group, LLC
1502 W. Fletcher Avenue, Suite 10
Tampa, FL 33612

Brian Hamman
District Four

Michael Greenwell
District Five

Roger Desjarlais
County Manager

**RE: Potable Water and Wastewater Availability
Floor & Décor – Pine Island 2800 NE Pine Island Road
STRAP # 04-44-24-00-00014.0000 & 04-44-24-00-00015.0000**

Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

To whom this may concern:

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

Your firm has indicated that this project will consist of one commercial unit with an estimated flow demand of approximately 5,980 gallons per day. Lee County Utilities presently has sufficient capacity to provide sanitary sewer service as estimated above.

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

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

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

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

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

May 17, 2023

Page 2

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

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Development Review and SFWMD 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



FGUA Operations Office

Government Services Group, Inc.
280 Wekiva Springs Rd., Ste 2070
Longwood, FL 32779-6026

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

October 23, 2023

Ashanti Shahriyar
Lee County Utilities
1500 Monroe Street,
Fort Myers, FL 33901
lcudcap@leegov.com

RE: Wastewater and Reclaim Water Availability – LOA ID#: 24-002 NFMD
Parcel ID No.: 04-44-24-00-00014.0000 & 04-44-24-00-00015.0000
2800 NE Pine Island Rd, North Fort Myers, Florida, 33903
Floor & Decor - Pine Island

Dear Mr. Shahriyar:

The FGUA has received your Application for Service Availability, and upon review, it has been determined that wastewater disposal service is generally available to the address provided. The attached site map indicates the approximate size and location of the existing mains in the area. Please be advised that main extensions, connection to the reclaimed water system, and other system enhancements funded by the project sponsor may be required.

The application indicated that the proposed project consists of 80,000 sf retail building with an estimated wastewater disposal demand of 5,980 GPD. Currently, FGUA facilities are able to accommodate this demand. During the design process, if existing conditions warrant, a hydraulic analysis may need to be performed by the project engineer to evaluate the impacts the proposed project may have on the existing wastewater system.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date of issue. The FGUA commitment to serve will be made once a Utility Infrastructure Conveyance and Service Agreement (CSA) is fully executed. To move this project forward, contact Development Services via email at devservices@fgua.com to receive a plan submittal package and schedule the pre-application meeting if required.

FGUA Board of Directors

PAM KEYES, P.E., Vice Chair, Lee County / KEN CHEEK, P.E., Citrus County / SHANE PARKER, P.E., Vice Chair, Hendry County / TAMARA RICHARDSON, P.E., Chair, Polk County / DAVID ALLEN, P.E., Pasco County / JODY KIRKMAN, P.E., Marion County / HEIDI PETITO, Flagler County

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Douglas W. Black

Digitally signed by Douglas W Black
Date: 2023.10.26 12:09:29 -04'00'

Douglas W. Black, PSM, PLS
Property & Development Manager

CC: Mike Currier, South Region Area Manager

Encl.

1. Pre-Development Meeting Information
2. Utility Locates
3. Fee Statement/Receipt

FGUA Board of Directors

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TRAFFIC IMPACT STATEMENT

FOR

FLOOR & DÉCOR @ SOUTHWEST CORNER OF PINE ISLAND ROAD & BARRETT ROAD

(PROJECT NO. F2309.02)

PREPARED BY:
TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901-9356
(239) 278-3090

October 16, 2023

ATTACHMENT H

CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED DEVELOPMENT
- IV. TRIP GENERATION
- V. TRIP DISTRIBUTION
- VI. FUTURE TRAFFIC CONDITIONS
- VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS
- VIII. CONCLUSION

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking rezoning approval. The proposed development is located at the southwest corner of Pine Island Road (SR 78) and Barrett Road in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

The subject site is currently zoned as Agricultural (AG-2). The applicant is proposing to rezone the approximate 8-acre subject site to Commercial Planned Development (CPD) to permit the development of an approximate 80,000 square foot Floor & Décor store. Access to the subject site is proposed to Barrett Road via two (2) connections as shown on the Master Concept Plan.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives were completed and an analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

II. EXISTING CONDITIONS

The subject site is currently vacant. The overall site is bordered by Pine Island Road (SR 78) to the north, Barrett Road to the east, residential uses to the south, and by Smokey Hollow Lane to the west.

F2309.02



Pine Island Road (SR 78) is an east/west four-lane divided arterial that borders the subject site to the north. Pine Island Road has a posted speed limit of 55 mph and an adopted Corridor Access Management Plan (CAMP) with minimum access spacing for connections and directional median openings identified at 440 feet and 660 feet, respectively. Pine Island Road is under the jurisdiction of the Florida Department of Transportation (FDOT).

Barrett Road is a two-lane undivided Major Collector that borders the site to the east. Barrett Road has a posted speed limit of 30 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

The subject site is currently zoned as Agricultural (AG-2). The applicant is proposing to rezone the approximate 8-acre subject site to Commercial Planned Development (CPD) to permit the development of an approximate 80,000 square foot Floor & Décor store. **Table 1** summarizes the land use utilized for the purposes of this analysis.

Table 1
Land Use
Floor & Décor @ SWC of Pine Island Rd & Barrett Rd

Land Use	Proposed
Floor & Décor Store	80,000 Sq. Ft.

Access to the subject site is proposed to Barrett Road via two (2) connections as shown on the Master Concept Plan.

IV. TRIP GENERATION

Consistent with historical traffic studies prepared for Florida Department of Transportation (FDOT), the trip generation for the proposed Floor & Décor development was determined by referencing the attached *Trip Generation and Parking Study* prepared

for Floor & Décor Outlets of America, Inc. by Kimley-Horn & Associates in March 2017. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently proposed.

Table 2
Trip Generation
Floor & Décor @ SWC of Pine Island Rd & Barrett Rd

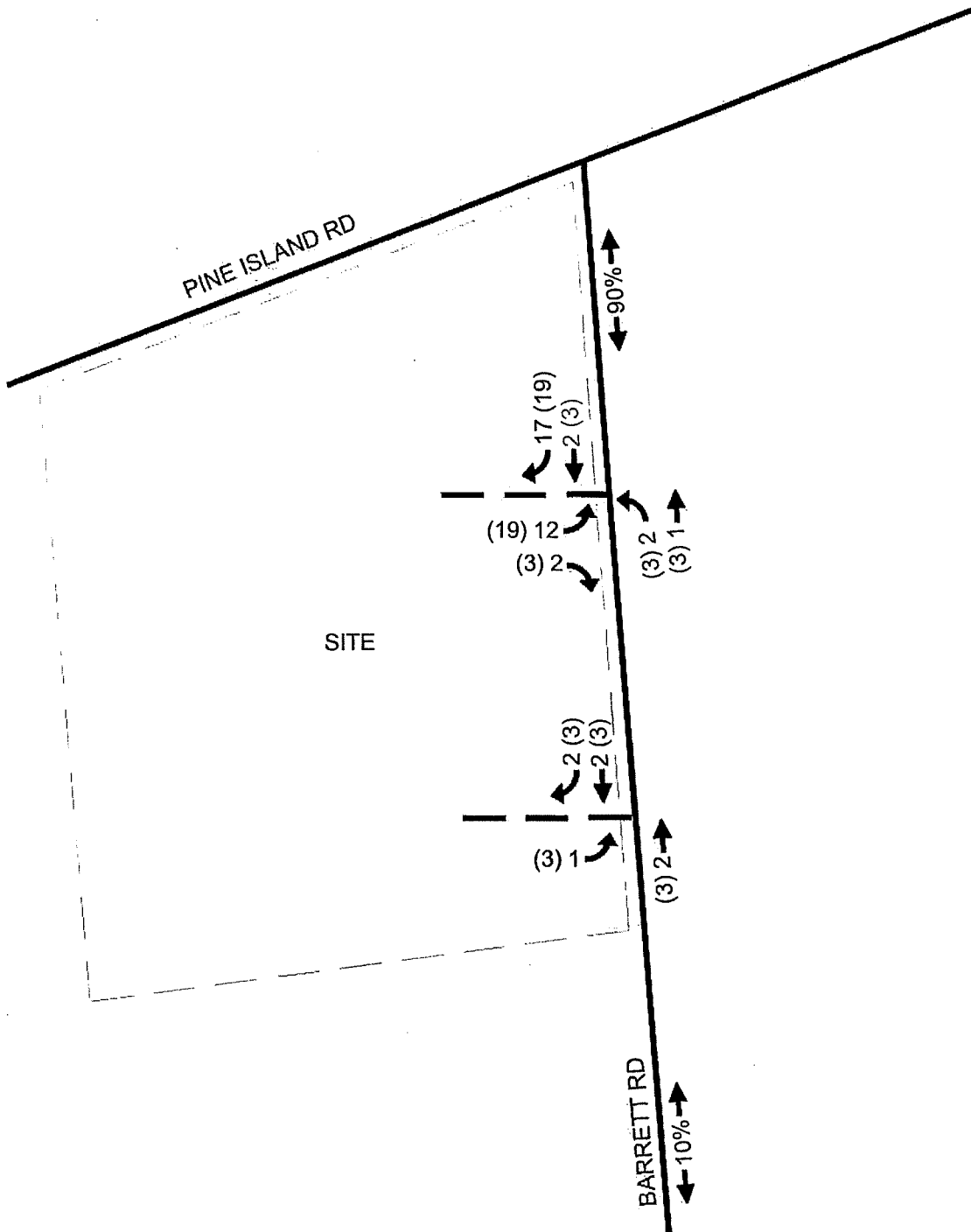
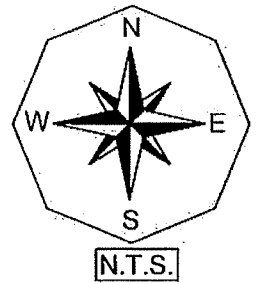
Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Floor & Decor (80,000 Sq. Ft.)	21	15	36	25	25	50	500 *

*Daily trip generation was assumed to be 10 times the weekday PM peak hour two-way trips.

V. TRIP DISTRIBUTION

The trips the proposed development is anticipated to generate as shown in Table 2 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown on **Figure 2**. Also shown on Figure 2 is the site traffic assignment to the proposed site access drives and surrounding intersections.

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service "C" volumes. The Level of Service threshold volumes were obtained from the *Lee County's Generalized Peak Hour Directional Service Volumes Table*. Based on Table 1A, no roadway segments in the study area are projected to be significantly impacted as a result of the proposed development.



LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR TRAFFIC
- ↔ 20% ↔ PERCENT TRIP DISTRIBUTION

TRIP DISTRIBUTION &
SITE TRAFFIC ASSIGNMENT

VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2028 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. Due to lack of historical traffic data on Barrett Road, an annual growth rate of 2% compounded annually was assumed. Based on the project distribution illustrated on Figure 2, the link data was analyzed for the year 2028 without the development and year 2028 with the development.

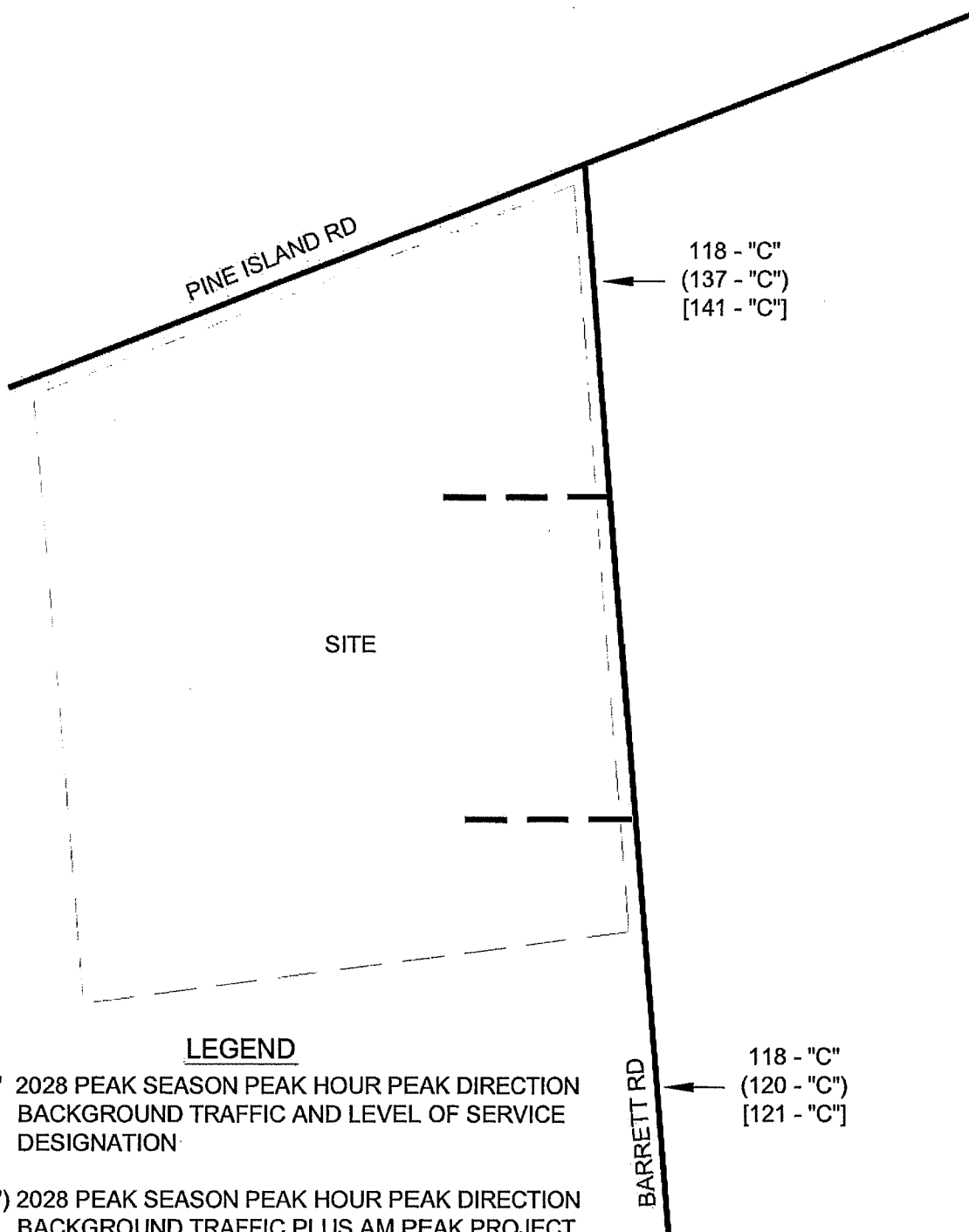
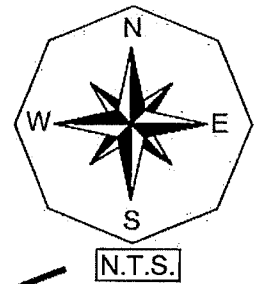
Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2028 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2022 *Lee County Public Facilities Level of Service and Concurrency Report*.

Figure 3 indicates the year 2028 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday P.M. peak hour with the development traffic added to the roadways. This figure was derived from Table 2A contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In comparing the links' functional classification and calculated 2028 traffic volumes to the Service Volume Tables, it was determined that all analyzed roadways are projected to operate above the minimum adopted Level of Service in 2028 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development.

F2309.02



LEGEND

XXX - "C" 2028 PEAK SEASON PEAK HOUR PEAK DIRECTION
BACKGROUND TRAFFIC AND LEVEL OF SERVICE
DESIGNATION

(XXX - "C") 2028 PEAK SEASON PEAK HOUR PEAK DIRECTION
BACKGROUND TRAFFIC PLUS AM PEAK PROJECT
TRAFFIC AND LEVEL OF SERVICE DESIGNATION

[XXX - "C"] 2028 PEAK SEASON PEAK HOUR PEAK DIRECTION
BACKGROUND TRAFFIC PLUS PM PEAK PROJECT
TRAFFIC AND LEVEL OF SERVICE DESIGNATION



Turn lane improvements at the proposed site access drives will be evaluated at the time the project seeks a Local Development Order approval.

VIII. CONCLUSION

The proposed development is located at the southwest corner of Pine Island Road (SR 78) and Barrett Road in Lee County, Florida. The Level of Service analysis conducted as part of this report indicates all roadways to operate above the minimum adopted Level of Service in 2028 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. The zoning amendment as proposed is consistent with the goals and objectives of the Lee County Comprehensive Plan in that there is sufficient roadway capacity projected to accommodate the anticipated development.

Turn lane improvements at the site access drive intersections will be evaluated at the time the project seeks a Local Development Order approval.

APPENDIX

TABLES 1A & 2A

TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
FLOOR & DÉCOR @ SWC OF PINE ISLAND RD & BARRETT RD

TOTAL AM PEAK HOUR PROJECT TRAFFIC =	36 VPH	IN=	21	OUT=	15
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	50 VPH	IN=	25	OUT=	25

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY</u> <u>CLASS</u>	<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>	PERCENT		
								<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJ/</u> <u>LOS C</u>
Barrett Rd	N. of Site	2LN	0	0	310	660	740	90%	23	7.4%
	S. of Site	2LN	0	0	310	660	740	10%	3	1.0%

* Level of Service threshold volumes were obtained from the Lee County's Generalized Peak Hour Directional Service Volumes Table.

TOTAL PROJECT TRAFFIC AM =	36	VPH	IN =	21	OUT=	15
TOTAL PROJECT TRAFFIC PM =	50	VPH	IN=	25	OUT=	25

* Due to lack of historical traffic data on Barrett Road, a minimum annual growth rate of 2% compounded annually was assumed.

**TRAFFIC DATA FROM THE LEE
COUNTY PUBLIC FACILITIES LEVEL
OF SERVICE AND CONCURRENCY
REPORT**

Table 21 b): Link-Level Service Volumes and LOS Table

Table 21 b) 1 of 7

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)														
Link No.	NAME	ROADWAY LINK		F. Class	ROAD TYPE	PERFORMANCE STANDARD		2021 100TH HIGHEST HOUR			FUTURE FORECAST (2026)			Notes
						LOS	DIRECTIONAL CAPACITY	LOS	VOL	V/C	LOS	VOL	V/C	
		FROM	TO											
00100	A & W BULB RD	GLADIOLUS DR	MCGREGOR BLVD	Maj. Col	2LN	E	860	C	342	0.40	C	360	0.42	
00200	ALABAMA RD	SR 82	MILWAUKEE BLVD	M. Art	2LN	E	990	C	265	0.27	C	279	0.28	
00300	ALABAMA RD	MILWAUKEE BLVD	HOMESTEAD RD	M. Art	2LN	E	990	C	349	0.35	C	367	0.37	
00400	ALEXANDER BELL BLVD	SR 82	MILWAUKEE BLVD	M. Art	2LN	E	990	D	561	0.57	D	590	0.60	
00500	ALEXANDER BELL BLVD	MILWAUKEE BLVD	LEELAND HEIGHTS	M. Art	2LN	E	990	D	561	0.57	D	654	0.66	Shadow Lakes
00590	ALICO RD	US 41	DUSTY RD	P. Art	4LD	E	1,980	B	1,171	0.59	B	1,230	0.62	
00600	ALICO RD	DUSTY RD	LEE RD	P. Art	6LD	E	2,960	B	1,171	0.40	B	1,532	0.52	Alico Business Park
00700	ALICO RD	LEE RD	THREE OAKS PKWY	P. Art	6LD	E	2,960	B	1,171	0.40	B	1,419	0.48	Three Oaks Regional Center
00800	ALICO RD	THREE OAKS PKWY	I-75	P. Art	6LD	E	2,960	B	2,428	0.82	B	2,552	0.86	EEPCO Study
00900	ALICO RD	I-75	BEN HILL GRIFFIN BLVD	P. Art	6LD	E	2,960	B	1,278	0.43	B	1,425	0.48	EEPCO Study
01000	ALICO RD	BEN HILL GRIFFIN BLVD	GREEN MEADOW DR	Maj. Col	2LN	E	1,100	C	395	0.36	E	808	0.73	4 Ln constr 2018, EEPCO Study*
01050	ALICO RD	GREEN MEADOW DR	CORKSCREW RD	Maj. Col	2LN	E	1,100	B	131	0.12	B	224	0.20	EEPCO Study
01200	BASCOCK RD	US 41	ROCKEFELLER CIR	Min. Col	2LN	E	860	C	55	0.05	C	162	0.19	old count
01400	BARRETT RD	PONDELLA RD	PINE ISLAND RD (US 78)	Maj. Col	2LN	E	860	C	103	0.12	C	116	0.14	old count projection(2009)
01500	BASS RD	SUMMERLIN RD	GLADIOLUS DR	Maj. Col	4LN	E	1,790	C	564	0.32	C	822	0.46	
01600	BAYSHORE RD (SR 78)	BUS 41	NEW POST RD/HART RD	State	4LD	D	2,100	C	1,975	0.94	D	2,076	0.99	
01700	BAYSHORE RD (SR 78)	HART RD	SLATER RD	State	4LD	D	2,100	C	1,821	0.87	D	2,152	1.02	
01800	BAYSHORE RD (SR 78)	SLATER RD	I-75	State	4LD	D	2,100	C	1,222	0.58	C	1,441	0.69	
01900	BAYSHORE RD (SR 78)	I-75	NALLE RD	State	2LN	D	924	C	741	0.80	D	941	1.02	
02000	BAYSHORE RD (SR 78)	NALLE RD	SR 31	State	2LN	D	924	C	741	0.80	D	941	1.02	
02100	BEN HILL GRIFFIN PKWY	CORKSCREW RD	FGCU ENTRANCE	P. Art	4LD	E	2,000	B	1,361	0.68	B	1,763	0.88	
02200	BEN HILL GRIFFIN PKWY	FGCU BOULEVARD S	COLLEGE CLUB DR	P. Art	4LD	E	2,000	B	1,361	0.68	B	1,430	0.72	
02250	BEN HILL GRIFFIN PKWY	COLLEGE CLUB DR	ALICO RD	P. Art	6LD	E	3,000	A	1,123	0.37	A	1,215	0.41	
26950	BEN HILL GRIFFIN PKWY	ALICO RD	TERMINAL ACCESS RD	Controlled xs	4LD	E	1,980	A	980	0.49	A	1,030	0.52	
02300	BETH STACEY BLVD	23RD ST	HOMESTEAD RD	Maj. Col	2LN	E	860	C	340	0.40	C	565	0.66	
02400	BONITA BEACH RD	HICKORY BLVD	VANDERBILT DR	P. Art	4LD	E	1,900	C	736	0.39	C	774	0.41	Constrained in City Plan *
02500	BONITA BEACH RD	VANDERBILT DR	US 41	P. Art	4LD	E	1,900	C	1,433	0.75	C	1,506	0.79	Constrained In City Plan
02600	BONITA BEACH RD	US 41	OLD 41	P. Art	4LD	E	1,860	C	1,427	0.77	C	1,500	0.81	Constrained, old count projection(2010)
02700	BONITA BEACH RD	OLD 41	IMPERIAL ST	P. Art	6LD	E	2,800	C	1,908	0.68	C	2,005	0.72	Constrained in City Plan(2010)
02800	BONITA BEACH RD	IMPERIAL ST	W OF I-75	P. Art	6LD	E	2,800	C	2,091	0.75	C	2,197	0.78	Constrained in City Plan
02900	BONITA BEACH RD	E OF I-75	BONITA GRAND DR	M. Art	4LD	E	2,020	B	626	0.31	B	658	0.33	Constrained In City Plan
02950	BONITA BEACH RD	BONITA GRANDE DR	Logan Boulevard	M. Art	4LD	E	2,020	B	626	0.31	B	658	0.33	Constrained in City Plan
03100	BONITA GRANDE DR	BONITA BEACH RD	ETTERY ST	Maj. Col	2LN	E	860	D	692	0.80	E	782	0.91	old count projection(2009)
03200	BOYSCOUT RD	SUMMERLIN RD	US 41	P. Art	6LN	E	2,520	E	1,847	0.73	E	1,941	0.77	
03300	BRANTLEY RD	SUMMERLIN RD	US 41	Maj. Col	2LN	E	860	C	287	0.33	C	302	0.35	
03400	BRIARCLIFF RD	US 41	TRIPLE CROWN CT	Maj. Col	2LN	E	860	C	158	0.18	C	166	0.19	
03500	BROADWAY RD (ALVA)	SR 80	North RIVER RD	Maj. Col	2LN	E	860	C	280	0.33	C	294	0.34	old count projection(2009)
03700	BUCKINGHAM RD	SR 82	GUNNERY RD	P. Art	2LN	E	990	D	491	0.50	D	516	0.52	
03730	BUCKINGHAM RD	GUNNERY RD	ORANGE RIVER BLVD	P. Art	2LN	E	990	C	395	0.40	C	415	0.42	
03800	BUCKINGHAM RD	ORANGE RIVER BLVD	SR 80	P. Art	2LN	E	990	D	644	0.65	D	1,057	1.07	Buckingham 345 & Portico
03900	BURNT STORE RD	SR 78	VAN BUREN PKWY	Controlled xs	4LD	E	2,950	B	828	0.28	B	870	0.29	
04000	BURNT STORE RD	VAN BUREN PKWY	COUNTY LINE	Controlled xs	2LN	E	1,140	C	528	0.46	C	626	0.55	
04200	BUS 41 (N TAMAMI TR, CITY LIMITS (N END EDISON BRG))	PONDELLA RD		State	6LD	D	3,171	C	1,715	0.54	C	2,082	0.66	
04300	BUS 41 (N TAMAMI TR, PONDELLA RD)	SR 78		State	6LD	D	3,171	C	1,715	0.54	C	2,082	0.66	
04400	BUS 41 (N TAMAMI TR, SR 78)	LITTLETON RD		State	4LD	D	2,100	C	994	0.47	C	1,245	0.59	
04500	BUS 41 (N TAMAMI TR, LITTLETON RD)	US 41		State	4LD	D	2,100	C	596	0.28	C	796	0.38	
04600	CAPE CORAL BRIDGE	DEL PRADO BLVD	MCGREGOR BLVD	P. Art	4LB	E	4,000	D	3,097	0.77	D	3,255	0.81	
04700	CAPTIVA DR	BLIND PASS	SOUTH SEAS	Maj. Col	2LN	E	860	C	267	0.31	C	302	0.35	Constrained, old count(2010)

 County-Maintained Collector Roadway - Unincorporated Lee County

 State-Maintained Arterial Roadway - Unincorporated Lee County

 County-Maintained Collector Roadway - Incorporated Lee County

 County Maintained Controlled Access Arterial Facility

 County-Maintained Arterial Roadway - Unincorporated Lee County

 County Maintained Expressway

 County-Maintained Arterial Roadway - Incorporated Lee County

**LEE COUNTY GENERALIZED PEAK
HOUR DIRECTIONAL SERVICE
VOLUMES TABLE**

c:\input5

Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.

**TRIP GENERATION AND PARKING
STUDY FOR FLOOR & DÉCOR
OUTLETS OF AMERICA
PREPARED BY KIMLEY HORN
MARCH 2017**

Table 2: Peak Hour Trip Generation Summary

Store Location and Size	Date	Peak Hour	Inbound Trips	Outbound Trips	Total Trips	Trip Generation Rate (Trips per 1,000 SF GLA)	Inbound Trip Percentage	Outbound Trip Percentage
Floor & Decor - Boynton Beach 1974 High Ridge Road Boynton Beach, FL 33426 91,916 SF GLA	Wed, Jan 25, 2017	8:30 AM - 9:30 AM	43	38	81	0.88	53%	47%
	Wed, Jan 25, 2017	4:00 PM - 5:00 PM	40	37	77	0.84	52%	48%
Floor & Decor - Wayne 77 Willowbrook Boulevard Wayne, NJ 07470 88,500 SF GLA	Thur, Jan 26, 2017	8:30 AM - 9:30 AM	10	5	15	0.17	67%	33%
	Wed, Jan 25, 2017	5:15 PM - 6:15 PM	27	22	49	0.55	55%	45%
Floor & Decor - Potomac Mills 14041 Worth Avenue Woodbridge, VA 22192 76,384 SF GLA	Thur, July 14, 2016	7:30 AM - 8:30 AM	13	15	28	0.37	46%	54%
	Wed, July 13, 2016	5:00 PM - 6:00 PM	18	20	38	0.50	47%	53%
Floor & Decor - Santa Ana 1801 East Dyer Road Santa Ana, CA 92705 72,914 SF GLA	Tue, Jan 24, 2017	8:15 AM - 9:15 AM	18	17	35	0.48	51%	49%
	Tue, Jan 24, 2017	4:00 PM - 5:00 PM	15	16	31	0.43	48%	52%
Floor & Decor - North Houston 17211 North Freeway Houston, TX 77090 109,000 SF GLA	Wed, Jan 25, 2017	8:15 AM - 9:15 AM	28	26	54	0.50	52%	48%
	Tue, Jan 24, 2017	5:30 PM - 6:30 PM	31	33	64	0.59	48%	52%
Floor & Decor - Arlington Heights 600 East Rand Road Arlington Heights, IL 60004 74,900 SF GLA	Wed, Jan 25, 2017	8:30 AM - 9:30 AM	17	11	28	0.37	61%	39%
	Wed, Jan 25, 2017	5:30 PM - 6:30 PM	24	22	46	0.61	52%	48%
Floor & Decor - Mall of Georgia 2918 Buford Drive Buford, GA 30519 87,825 SF GLA	Tue, Jan 24, 2017	8:30 AM - 9:30 AM	23	11	34	0.39	68%	32%
	Tue, Jan 24, 2017	5:45 PM - 6:45 PM	33	40	73	0.83	45%	55%
Average AM Peak Hour Trip Generation Rate and Inbound/Outbound Percentage						0.45	(57% in, 43% out)	
Average PM Peak Hour Trip Generation Rate and Inbound/Outbound Percentage						0.62	(50% in, 50% out)	

FACILITY SALES RECEIPT

Receipt # 1838705
Payment Date: 06/09/2023
Household: 162419
Hm Ph: (908)601-1805



ADAM SHERIDAN
1626 COLE BLVD SUITE 125
LAKEWOOD CO 80401

North Fort Myers Recreation Center
2000 North Recreation Park Way
North Fort Myers FL 33903
Phone: (239)533-7200
Visit us on the Web at: www.leeparks.org

Reservation Details: North Fort Myers Recreation Center, NFM Multi PR 102A

Reserv. Contact: Adam Sheridan
Phone Number: (908)601-1805
Reserv. Number: 60550
Status: Firm

<u>Date(s) And Times</u>	<u>New Fees</u>	<u>Total Fees</u>	<u>New Paid</u>	<u>Total Paid</u>	<u>Amount Due</u>
Tue 06/27/2023 6:30P to 7:30P	20.00	20.00	20.00	20.00	0.00

Processed on 06/09/23 @ 1:21pm by MAP

Total New Fees	20.00
Discount Applied	0.00
Total New Taxes	0.00
Total Due	20.00

Total Fees Paid	20.00
Total Taxes Paid	0.00
Total Paid	20.00

Household Balance Information

Overall Household Credit Balance Available	0.00
Overall Household Balance Due	0.00

Payment of: 20.00 Made By: VISA/MC Auth: 006685 Card#: xxxxxxxxxxxx1759 With Reference:

Tax ID # (59-6000-702) Note: Cancellation requests are not accepted online, you must call.

Please use our Program Evaluation survey to rate any classes you have taken:
<http://www.surveymonkey.com/s/Program-evaluation>

THIS CHARGE WILL APPEAR ON YOUR CREDIT CARD STATEMENT AS TERRY PARK.

4:23

5G



Adam Sheridan

Top contributor Jun 14 ·



Hello Members of North Fort Myers,

My company and I are attempting to re-zone a parcel of land in the community and a requirement of our application is to hold a meeting with the public to inform them of the plan and answer any questions.

We will be holding this meeting on JUNE 27th, starting at 6:30 pm in room 102A at the North Fort Myers Community Rec Center. (2000 N Recreation Park Way, North Fort Myers, FL 33903).

I ask that you please hold your questions until the meeting.

This meeting is to inform the community, not for any kind of approval or denial of the plan.

I thank you for reading this message and hope to see you at the meeting.

Have a great day.

Update: The parcel in question is 2800 NE Pine Island Rd, Cape Coral 33909. Thank you for your interest, but I am unable to reply to each comment at this time. Please attend the meeting and we are more than happy to discuss it further then. Thank you all and have a great day.



17

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We Love North Fort Myers



Top contributor Adam Sheridan · Jun 20 · 

Hello Members of North Fort Myers,

Quick reminder of our community meeting to discuss a re-zone project in North Fort Myers.

We will be holding this meeting on JUNE 27th, starting at 6:30 pm in room 102A at the North Fort Myers Community Rec Center. (2000 N Recreation Park Way, North Fort Myers, FL 33903).

The parcel we will be discussing is 2800 NE Pine Island Rd, Cape Coral, FL 33909

I ask that you please hold your questions until the meeting.

This meeting is to inform the community, not for any kind of approval or denial of the plan.

I thank you for reading this message and hope to see you at the meeting.

Have a great day.



9

2 comments



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Concepcion, John N.

From: Adam Sheridan
Sent: Tuesday, June 20, 2023 12:48 PM
To: nfmplanningpanel@gmail.com; happyoldfogey@aol.com; chaslk70@comcast.net; rudyberndl@gmail.com
Subject: RE: North Fort Myers Community Group - New Development
Attachments: Cape Coral FL (Fort Myers) - FD Approved Site Plan.pdf; FD New Store Pics- Interior.pdf; REZ.pdf

Hello,

There are no requests for the planning panel at this time. This meeting is entirely for us to provide information on the project and inform the community of our plan.

I have attached the current site plan we are working off and will show during the meeting. This is not a set-in stone plan as things can change through the process.

I'm not sure if you are expecting additional information, but if so please let me know specifically what you are looking for and I will try to provide.

I have included a pdf of pictures of the interior of the building. These pictures show what our typical store looks like. I have included the re-zone application that we are working off and the current site plan.

The site currently zoned as agricultural and we are attempting to re-zone it to general commercial.

Thank you,

Adam Sheridan

Development Coordinator

CENTERPOINT INTEGRATED SOLUTIONS

C 908.601.1805

From: nfmplanningpanel@gmail.com <nfmplanningpanel@gmail.com>
Sent: Tuesday, June 20, 2023 10:30 AM
To: Adam Sheridan <asheridan@centerpoint-is.com>; happyoldfogey@aol.com; chaslk70@comcast.net; rudyberndl@gmail.com
Subject: RE: North Fort Myers Community Group - New Development

Adam,

Can you please forward the zoning request, and any other plans, drawing, exceptions, etc.

You have not given any details of the project and since you are not using the planning panel monthly meeting for the presentation it would be helpful if you could send us your info and requests

Regards,

North Fort Myers Community planning panel and Design Review

From: Adam Sheridan <asheridan@centerpoint-is.com>
Sent: Thursday, June 15, 2023 10:50 AM

To: John Gardner <John@lciquotes.com>; happyoldfogey@aol.com; chaslk70@comcast.net; rudyberndl@gmail.com
Subject: RE: North Fort Myers Community Group - New Development

John,

The parcel that we are looking at is 2800 NE Pine Island Rd, Cape Coral FL 33909.

Thank you and good day,

Adam Sheridan

Development Coordinator

CENTERPOINT INTEGRATED SOLUTIONS

C 908.601.1805

From: Adam Sheridan

Sent: Wednesday, June 14, 2023 2:58 PM

To: John Gardner <John@lciquotes.com>; happyoldfogey@aol.com; chaslk70@comcast.net; rudyberndl@gmail.com

Subject: RE: North Fort Myers Community Group - New Development

John,

Jeez, my apologies on that. It is June 27th.

We are not planning on attending that meeting. THIS meeting here is so we can apply for the re-zone, there is a public hearing component of the process but that will follow later in the process.

Thank you,

Adam Sheridan

Development Coordinator

CENTERPOINT INTEGRATED SOLUTIONS

C 908.601.1805

From: John Gardner <John@lciquotes.com>

Sent: Wednesday, June 14, 2023 2:55 PM

To: Adam Sheridan <asheridan@centerpoint-is.com>; happyoldfogey@aol.com; chaslk70@comcast.net; rudyberndl@gmail.com

Subject: RE: North Fort Myers Community Group - New Development

The most important thing that is missing is the date of the meeting.

Are you planning on presenting at the planning panel meeting on July 6th or some other date.

Regards,

John Gardner

From: Adam Sheridan <asheridan@centerpoint-is.com>

Sent: Wednesday, June 14, 2023 4:47 PM

To: John Gardner <John@lciquotes.com>; happyoldfogey@aol.com; chaslk70@comcast.net; rudyberndl@gmail.com

Cc: mbuilder26@yahoo.com

Subject: RE: North Fort Myers Community Group - New Development

Hi John,

I am taking this first part of the email to explain what is going on and the second half of the email is the notice to the community.

We are attempting to re-zone a parcel a land in the North Fort Myers community. Per requirements by the County we must hold a community meeting where we inform the community and explain the development and answers questions. We must show paperwork indicating what we went over with the community and a sign in sheet for people who attended. In no way is this meeting a time for the community to vote on approval or denial. There will be a public hearing held much later in the process. We must provide a location, time and space for this meeting and that is why we are holding it at the Rec Center.

If you could please pass along the below information about the meeting to your community members that would be tremendous. I truly appreciate you giving the advice on a good location and hope to see as many of you at the meeting as possible.

If you have any questions at all, please let me know.

Hello Members of North Fort Myers Community,

This is a notice for a community meeting to discuss a possible new development in the North Fort Myers community. The meeting will start at 6:30 pm in room 102A at the NFM Rec Center. This meeting is required per the county to re-zone a parcel of land to a new designation. The meeting is set up for the community to learn about the new development. It is not a meeting for the community to approve or deny the development but rather to learn about it. Attendance is not required.

Please forward this notice to your members. We look forward to discussing this new development with the community. If you have any questions, please save them for the meeting and we can discuss then.

Thank you for your time and consideration.

Meeting Time and Location:

North Fort Myers Community Rec Center (2000 N Recreation Park Way, North Fort Myers, FL 33903)

Meeting Start Time: 6:30 PM

Location: Room 102A

Adam Sheridan

Development Coordinator

CENTERPOINT INTEGRATED SOLUTIONS

C 908.601.1805

From: John Gardner <John@lciquotes.com>

Sent: Wednesday, June 7, 2023 1:25 PM

To: Adam Sheridan <asheridan@centerpoint-is.com>; happyoldfogey@aol.com; chaslk70@comcast.net; rudyberndl@gmail.com

Cc: mbuilder26@yahoo.com

Subject: RE: North Fort Myers Community Group - New Development

Adam,

The North Fort Myers Community Planning Panel normally meets the first Tuesday of the month.

Since next months meeting falls on July 4th, the July meeting is scheduled for Thursday July 6th at 6pm

If you want to get on the agenda for the next meeting on July 6th just let us know.

Do you have details, plans, drawings etc. for the project you are looking to rezone that you can forward to the panel?

Also please note that we have a new email address for the planning panel communications.

nfmplanningpanel@gmail.com

Thanks,

John Gardner

From: Adam Sheridan <asheridan@centerpoint-is.com>

Sent: Wednesday, June 7, 2023 3:02 PM

To: happyoldfogey@aol.com; chaslk70@comcast.net; John Gardner <John@lciquotes.com>; rudyberndl@gmail.com

Cc: mbuilder26@yahoo.com

Subject: RE: North Fort Myers Community Group - New Development

Hello Again,

Thank you for the direction of using North Fort Myers Recreation Center.

We are in communication with them to schedule and secure a space for the community meeting.

As of right now we are looking at Tuesday, June 27th. Ideally the meeting will start between 5-7 PM and run for about 1 hour or as long as questions are asked.

Once we have a confirmed date, I will be sure to pass this along.

Thank you,

Adam Sheridan

Development Coordinator

CENTERPOINT INTEGRATED SOLUTIONS

C 908.601.1805

From: happyoldfogey@aol.com <happyoldfogey@aol.com>

Sent: Tuesday, June 6, 2023 6:07 AM

To: Adam Sheridan <asheridan@centerpoint-is.com>; chaslk70@comcast.net; john@lciquotes.com; rudyberndl@gmail.com

Cc: mbuilder26@yahoo.com

Subject: Re: North Fort Myers Community Group - New Development

My observation is that the North Fort Myers Recreation Center has adequate meeting space and parking for such meetings. The meeting space is allocated by Rec staff.

Wayne

"Those who can make you believe absurdities, can make you commit atrocities." Voltaire

-----Original Message-----

From: Adam Sheridan <asheridan@centerpoint-is.com>
To: Charlie Krebs <chaslk70@comcast.net>; John Gardner <john@lciquotes.com>; Wayne Daltry <happyoldfogey@aol.com>; Rudy Berndlmaier <rudyberndl@gmail.com>
Cc: Richard Thomas <mbuilder26@yahoo.com>
Sent: Mon, Jun 5, 2023 11:31 am
Subject: RE: North Fort Myers Community Group - New Development

Hello,

Members of North Fort Myers Community Group – Do you have a location that members like for meetings?

We will need to conduct a meeting with the community group and would like to conduct it somewhere that is convenient for the members.

Thank you,

Adam Sheridan
Development Coordinator
CENTERPOINT INTEGRATED SOLUTIONS
C 908.601.1805

From: Adam Sheridan
Sent: Thursday, June 1, 2023 8:45 AM
To: Charlie Krebs <chaslk70@comcast.net>; John Gardner <john@lciquotes.com>; Wayne Daltry <happyoldfogey@aol.com>; Rudy Berndlmaier <rudyberndl@gmail.com>
Cc: 'Richard Thomas' <mbuilder26@yahoo.com>
Subject: RE: North Fort Myers Community Group - New Development

Hi Richard,

Thank you for passing me along to the current members of the group.

We are looking into re-zoning a parcel of land within the community and will need to discuss this with the members of the group.

Do you as a group have a good meeting location? We want to be as accommodating as possible.

Thank you,

Adam Sheridan
Development Coordinator
CENTERPOINT INTEGRATED SOLUTIONS
C 908.601.1805

From: Richard Thomas <mbuilder26@yahoo.com>
Sent: Tuesday, May 30, 2023 6:19 PM
To: Adam Sheridan <asheridan@centerpoint-is.com>
Cc: Charlie Krebs <chaslk70@comcast.net>; John Gardner <john@lciquotes.com>; Wayne Daltry <happyoldfogey@aol.com>; Rudy Berndlmaier <rudyberndl@gmail.com>
Subject: Re: North Fort Myers Community Group - New Development

Adam

I am no longer a member of the North Fort Myers Design Review Panel but by copy of this email I will send it to the existing Panel members for response.

Dick Thomas

On Tuesday, May 30, 2023 at 03:57:49 PM EDT, Adam Sheridan <asheridan@centerpoint-is.com> wrote:

Hi Mr. Thomas,

I was provided your contact information from a County official in the development office.

I am reaching out to see if you are still affiliated with the North Fort Myers Community Group.

We need to conduct a community meeting that pertains to this area of town.

Thank you,

Adam Sheridan

Development Coordinator

CENTERPOINT INTEGRATED SOLUTIONS

Project Management | Civil Design | Real Estate Development

1626 Cole Blvd, Suite 125 | Lakewood, CO 80401

C 908.601.1805

E Asheridan@centerpoint-is.com | www.centerpoint-is.com



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

CP

Project Name: Floor & Decor - Lee County, FL

Request: Rezone from: AG To: CPD

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

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

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

Summary of Project:

Build a 80,000 Sq Ft retail facility. We sell hardwood, tile and laminated flooring along with all accessories and tools for install.

PART 1 APPLICANT/AGENT INFORMATION

- A. Name of Applicant: Logan Posahl - Lowndes Law Firm
Address: 215 N. Eola Dr.
City, State, Zip: Orlando, FL 32801
Phone Number: 407-418-6237
E-mail Address: logan.opsahl@lowndes-law.com
- B. Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:
☐ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]
☐ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]
☐ Application is County initiated. Attach BOCC authorization.
- C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]
1. Company Name: _____
Contact Person: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ Email: _____
2. Additional Agent(s): Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

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

PART 2
PROPERTY OWNERSHIP

CP

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

Name: Daniel Renollett

Address: 8886 152nd Lane NW

City, State, Zip: Ramsey, MN 55303

Phone Number: 612-701-6212

Email: dtreno56@gmail.com

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

☐ Attach Disclosure of Interest Form.

- C. **Multiple parcels:**

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

☐ Property owners map. [34-202(a)(8)]

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

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

2. Date property was acquired by present owner(s): _____

CP

PART 3
PROPERTY INFORMATION

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

04442400000140000

04442400000150000

- B. **Street Address of Property:** 2800 NE Pine Island RD, Cape Coral FL 33909

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

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

OR

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

AND

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

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

OR

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

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

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

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

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

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

- E. **Current Zoning of Property:** _____

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

- F. **Use(s) of Property:**

1. Current uses of property are: _____

2. Intended uses of property are: _____

G. Future Land Use Classification (Lee Plan):

_____	_____	Acres	_____	% of Total
_____	_____	Acres	_____	% of Total
_____	_____	Acres	_____	% of Total

H. Property Dimensions:

1. Width (average if irregular parcel): _____ Feet
2. Depth (average if irregular parcel): _____ Feet
3. Total area: _____ Acres or square feet
4. Frontage on road or street: _____ Feet on _____ Street
- 2nd Frontage on road or street: _____ Feet on _____ Street

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

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

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

PART 4
TYPES OF LAND AREA ON PROPERTY

CP/E

A. Gross Acres (total area within described parcel) _____ **Acres**

1. Submerged land subject to tidal influence _____ Acres
2.
 - a. Preserved freshwater wetlands _____ Acres
 - b. Impacted wetlands _____ Acres
 - c. Preserved saltwater wetlands _____ Acres
 - d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.) _____ Acres
3. R-O-W providing access to non-residential uses _____ Acres
4. Non-residential use areas ^{(1) (2)} _____ Acres

B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.). _____ **Acres**

C. Gross residential acres. (A minus B) ⁽³⁾ _____ **Acres**

D. Gross residential acres (by Land Use Category)

1.
 - a. Intensive Development – upland _____ Acres
 - b. Intensive Development – preserved freshwater wetlands _____ Acres
 - c. Intensive Development – impacted wetlands _____ Acres
2.
 - a. Central Urban – upland _____ Acres
 - b. Central Urban – preserved freshwater wetlands _____ Acres
 - c. Central Urban – impacted wetlands _____ Acres
3.
 - a. Urban Community or Suburban – upland _____ Acres
 - b. Urban Community or Suburban – preserved freshwater wetlands _____ Acres
 - c. Urban Community or Suburban – impacted wetlands _____ Acres

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

TOTAL (should equal "C" above) _____

Acres

Notes:

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

PART 5
RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

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

A. Future Land Use Category: _____

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

Note:

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

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

A. Commercial 1. Medical 2. General Office 3. Retail 4. Other: _____ 5. TOTAL FLOOR AREA	Height _____ _____ _____ _____	Total Floor Area (Square Feet) _____ _____ _____ _____
B. Industrial 1. Under Roof 2. Not Under Roof 3. TOTAL FLOOR AREA	Height _____ _____	Total Floor Area (Square Feet) _____ _____
C. Mining 1. Area to be excavated	Depth _____	Total Acres _____
D. Assisted Living Facilities 1. Dependent Living Units 2. Independent Living Units 3. TOTAL BEDS/UNITS	Height _____ _____	Total Beds/Units _____ _____
E. Hotels/Motels (Room Size) 1. < 425 sq. ft. 2. 426-725 sq. ft. 3. 725 < sq. ft. 4. TOTAL UNITS	Height _____ _____ _____	Total Rental Units _____ _____ _____

PART 7
ACTION REQUESTED

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

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

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

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

**PART 8
ENVIRONMENTAL REQUIREMENTS**

- A. **Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)b.iv.]

- B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473(f)].

- C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:

- D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed: NA

- E. **Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)b.i.]

- F. **FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)c.]

- G. **Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)b.iii.]

- H. **Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)b.v.]

**PART 9
SANITARY SEWER & POTABLE WATER FACILITIES**

- A. **Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

- B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

2. Quality of the effluent:



LOGAN J. OPSAHL

Senior Associate

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215 North Eola Drive, Orlando, Florida 32801-2028

T: 407-418-6237 | F: 407-843-4444

MAIN NUMBER: 407-843-4600



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

**Re: Justification Statement;
Application for Rezoning; 2800 Pine Island Road, Cape Coral, FL 33909 (the "Property")**

a) Complies with the Lee Plan;

The Request complies with the elements, policies and goals of the Lee Plan as it has a current Future Land Use designation of Commercial. The Property is located in an area of the County that was specifically contemplated from Commercial development in line with the Intended Use of the Property. Pursuant Policy 1.1.10 of the Comprehensive Plan, the Commercial Future Land Use designation is within areas of the County "specifically designated for commercial uses."

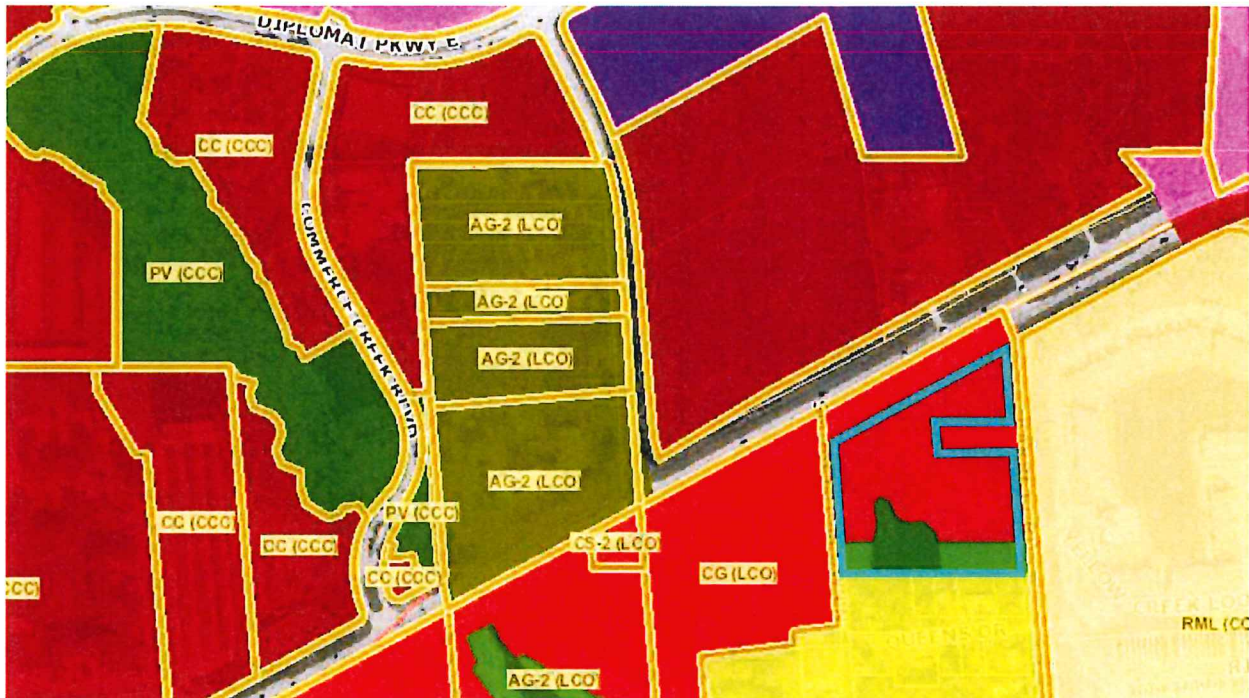
b) Meets this Code and other applicable County regulations or qualifies for deviations;

The Request and Intended Use of the Property will meet or exceed all performance standards relating to commercial development as outlined in the Land Development Code. The applicant specifically acknowledges this requirement and will work with County Staff at the site plan approval process – and all applicable procedural requirements – to ensure compliance with Code requirements for the Intended Use of the Property.

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

The Request and Intended Use of the Property is compatible with the immediate and general surrounding area. There is extensive commercial development along Pine Island Road and the immediate vicinity shares the requested zoning designation while most of the parcels along Pine Island Road have a Future Land Use designation of Commercial. Additionally, the comprehensive plan states that the Commercial Future Land Use designation is "located in close proximity to existing commercial areas or corridors accommodating employment centers, tourist oriented areas, and where commercial services are necessary to meet the projected needs of the residential areas of the County"





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

Access to the parcel will be sufficient to support the proposed development intensity and Intended Use. All performance standards will be met upon development of the Property. The Applicant will work with County Staff to ensure that all access points to the Property are sufficient and supportive of the Intended Use.

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

Any impacts on transportation facilities will be appropriately addressed by existing County regulations.

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

The Property will not adversely affect environmentally critical or sensitive areas and natural resources. The Property is located to a small conservation area which appear to be adjacent to nearby wetlands. The Intended Use of the Property will not – and cannot – affect this conservation area and no impairment of the conservation area or wetland area are being proposed.

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

The Property will be serviced by urban services as defined in the Lee Plan. The Project is consistent with the Lee Plan and the Land Development Code as the "requisite infrastructure needed for commercial development is generally planned or in place" for the Property. The Applicant will work with County Staff to ensure all infrastructure and utility needs are met and all requirements satisfied.



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April 19, 2024

VIA E-MAIL

Chahram Badamtchian, AICP, Senior Planner
Department of Community Development
1500 Monroe St. Fort Myers, FL.33901
239.533.8372
Cbadamtchian@leegov.com

**Re: DCI2023-00038 - Rezoning Application - Floor & Décor;
Driveway Spacing Deviation Request and Justification**

Chahram,

In regards to the above-referenced application effecting the property located at 2800 NE Pine Island Road, Cape Coral, FL 33909 (the "Property"), please accept this letter as the Applicant's formal request for a driveway spacing deviation from Section 10-285 of the Land Development Code and a justification statement for this minimum deviation request.

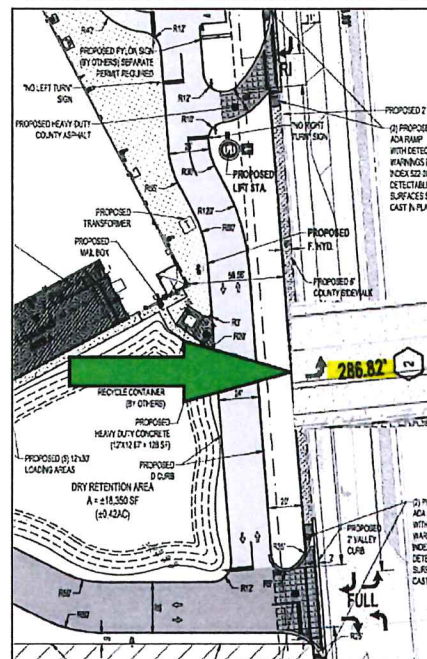
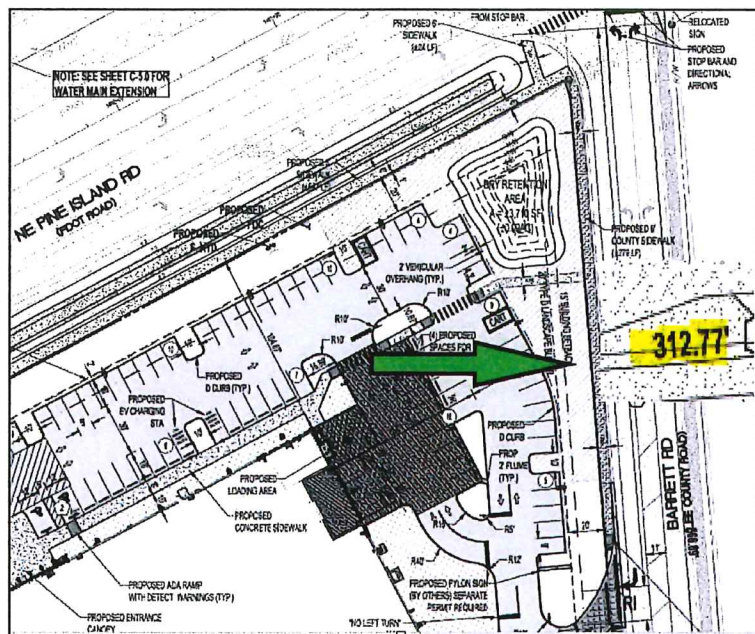
The Property contains unique physical and locational characteristics that necessitate a slight decrease in existing driveway spacing requirements. The Property's unique location at the southwest corner of the NE Pine Island Road and Barrett Road intersection requires the placement of a main driveway apron that requires a condensed driveway separation to a secondary driveway opening.

Although the Property currently enjoys a land use designation of Commercial, the Property is located within a "future suburban area" which provides for a driveway spacing of 330 feet between driveway openings. The driveway spacing requested is the minimum driveway deviation needed to make safe use of the Property.

As annotated below, the distance between Pine Island to the northernmost driveway on Barrett Road is 312 +/- feet (28-foot deviation) and the distance between the northernmost driveway to the southernmost driveway on Barrett Road is 286 +/- feet (44-foot deviation). Given the unique characteristics of the property, including the length and depth of the property and the necessary driveway separations from the main intersection, the proposed deviations provide for safe vehicular traffic ingress and egress and site circulation while maintaining safe and appropriate distances between each driveway.



Pine Island to Southern Driveway

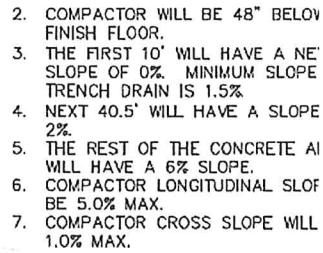


The Applicant has been working with Staff to provide for the most appropriate and site-specific driveway layout. In addition to this minimum driveway separation deviation request, the Applicant has agreed to designate the northernmost driveway as “right-in” only. This designation has further required need to have a slightly shorter distance to the southernmost driveway apron.

In designing the southernmost driveway, the Applicant made every effort to align the driveway with the existing driveway opening to the east servicing the multi-family development. Moreover, considering the Property contains an approximately 100 +/- foot wide preservation area, which includes portions of upland and wetland areas, the southernmost driveway location is appropriate for the Property. The placement of the southernmost driveway – and its alignment to the existing driveway to the east – takes into account the preservation area so as not to disturb it.

Considering the presence of the preservation area and the general alignment with the existing driveway opening to the east, the minimum driveway spacing allowable between the northernmost driveway and southernmost driveway resulted in a minimal 44-foot deviation. Please see below annotation of the site plan depicting the alignment of the southernmost driveway with the existing driveway to the east.

Page 3



In conclusion, the Property will provide for at least two entrances, provide for an appropriate separation from the Pine Island Road and Bennet Road intersection and provide for an appropriate separation between each driveway entrance. The deviation requested is the minimum necessary to make safe use of the Property.

Rogan Baskin

LOGAN J. OPSAHL



DEPARTMENT OF TRANSPORTATION

Memo

To: Chahram Badamchian, Planner, Senior

From: Md Rakibul Alam, Transportation Planner, Principal

Date: April 29, 2024

Subject: Floor & Décor (DCI2023-00038) Transportation-Related Analysis

Proposed Development

This application requests approval to rezone approximately rezone 8.03± acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to allow for up to 80,000 square feet of Floor & Décor store.

Site Location

The property under consideration is located at the southeast corner of of Pine Island Road (SR78) and Barrett Road in Lee County, FL.

Site Access

Access to the proposed development will be facilitated through two distinct driveway connections to Barrett Road. The northernmost ingress point on Barrett Road will function exclusively as a "right-in" driveway, directing traffic flow into the development area. Conversely, the southernmost connection will serve as a full-access driveway, accommodating both inbound and outbound traffic movements, thereby ensuring efficient ingress and egress for the development.

Trip Generation Review

The trip generation for the proposed development was determined by referencing the *Trip Generation and Parking Study* prepared for Floor & Décor Outlets of America, Inc. by Kimley-Horn & Associates in March 2017. Table 1 outlines the proposed project's trip generation for weekday AM and PM peak hours and daily traffic volumes.

Table 1: Trip Generation

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily (2-Way)
	In	Out	Total	In	Out	Total	
Floor & Décor (80,000 Sq. Ft.)	21	15	36	25	25	50	500

Roadway Section Traffic Operation Level of Service Analysis

New trips related to the subject case were distributed across the surrounding road network to assess their impact on the Level of Service (LOS) in arterial/collector road sections most affected by the proposed development. According to Administrative Code AC-13-17 Traffic Study Guidelines for Planned Development Rezonings, a "significant impact" signifies a 10% or more reduction in LOS "C" service volumes at build-out.

In this case, based on the trip assignments from the applicant's traffic study, none of the surrounding arterial/collector road sections are expected to experience significant impacts due to the proposed zoning changes.

It was assumed that the proposed development would be completed by 2028 (build-out year). Therefore, the roadway links impacted by the proposed development were analyzed for the 2028 projected traffic conditions without the proposed development and with the proposed development (Table 2).

Table 2: Arterial/Collector Roadway Section(s) Adjacent to Site Expected to be Impacted by the Proposed Development

Roadway	Location	Level of Service		
		Existing	Future (2028)	Future (2028) + Project
Barrett Rd	N. of Site	C	C	C
	S. of Site	C	C	C

Based on an analysis of traffic data from the Lee County "Public Facilities Level of Service and Concurrency 2023 Report Inventory and Projections," as well as the latest "Lee County Link Specific Service Volumes" tables (for short-term analyses up to 5 years) or the most recent "Lee County Generalized Peak Hour Directional Service Volumes" tables (for long-term analyses over 5 years), all the road sections in Table 2 currently operate at LOS "C" or better.

During the local development order review, proposed projects will be reviewed to determine the required site-related traffic improvements to the nearby roadway(s).

Roadway Intersection Traffic Operation Level of Service Analysis

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

At the time of the local development order review, the proposed project will be reviewed to determine what, if any, site-related traffic improvements to the nearby roadway network are required.

Proposed Deviation Review

The applicant requests relief from LDC Section LDC 10-285 for the development project, which requires 330 feet of driveway separation along Barrett Road, to allow a minimum separation of approximately 312 feet from the proposed northernmost driveway on Barrett Road to Pine Island Rd and 286 feet between the northernmost driveway to the southernmost driveway on Barrett Road. The Lee County staff has no objection to proposed Deviations.

Conclusion

The proposed project is not anticipated to adversely affect the surrounding roadway system. However, please consider recommending the following condition be added to the zoning resolution:

"Development intensity is limited to a 75,149-SF "Floor & Decor" store, or a development limited to 50 new PM peak hour trips calculated by use of the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at time of local development order. A retail use similar to a "Floor & Decor" store, but by another name, may only occupy the site if approved by zoning amendment through the public hearing process."

SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

SECTION 4, TOWNSHIP 44 SOUTH,
RANGE 24 EAST
LEE COUNTY, FLORIDA

ADJACENT PROPERTY TABLE	
(A) OWNER: ROTTINGHAUS, THOMAS G PARCEL #04-44-24-00-00022.0100 INSTRUMENT #2016000101661	
(B) OWNER: CAMPBELL, DUDULEY M & GILDA PARCEL #04-44-24-00-00022.0080 OR BOOK 2401, PAGE 158	
(C) OWNER: MCCracken, ROBERT PARCEL #04-44-24-00-00022.0050 INSTRUMENT #2019000267608	
(D) OWNER: MCCracken, ROBERT PARCEL #04-44-24-00-00022.0000 INSTRUMENT #2019000180242	
(F) OWNER: DD PINE ISLANDS LLC PARCEL #04-44-24-00-00023.0000 INSTRUMENT #2023000057451	



GRID NORTH

RW

OWNER: MEDERIOS JOANN
PARCEL #04-44-24-00-00023.0040
(PER INSTRUMENT #2019000114584)

EAST LINE OF PREMISES RECORDED IN
INSTRUMENT #2019000114584

OWNER: DD PINE ISLANDS LLC
PARCEL #04-44-24-00-00023.0000
INSTRUMENT #2023000057451

430.94'
N04°41'25"W

LINE DATA		
NO.	BEARING	DISTANCE
L1	S04°33'12"E	584.25'
L2	S61°58'00"W	65.32'

OWNER: RENOLLETT, DANIEL
PARCEL #04-44-24-00-00014.0000 &
PARCEL #04-44-24-00-00015.0000
INSTRUMENT #2011000222648

SOUTH LINE OF THE NORTHWEST 1/4
OF SECTION 4, T44S, R24E

S89°58'30"W 597.19'

OWNER: ROTTINGHAUS, THOMAS G
PARCEL #04-44-24-00-00022.0040
INSTRUMENT #2016000101608

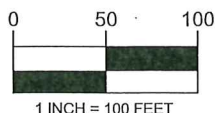
SEE (F) OF THE
ADJACENT
PROPERTY TABLE

SEE (A) OF THE
ADJACENT
PROPERTY TABLE

SEE (B) OF THE
ADJACENT
PROPERTY TABLE

SEE (C) OF THE
ADJACENT
PROPERTY TABLE

SEE (D) OF THE
ADJACENT
PROPERTY TABLE



LEGEND
RW = RIGHT-OF-WAY LINE

NOT A FIELD SURVEY

**THIS SKETCH & DESCRIPTION IS NOT VALID UNLESS
SHEETS 1-2 ARE INCLUDED**

KCI TECHNOLOGIES
LICENSED BUSINESS # 6901
3915 N US HIGHWAY 301
TAMPA, FL 33619
PHONE: (813) 740-2300

SKETCH & DESCRIPTION OF
FLOOR & DECOR PARCEL
2800 NE PINE ISLAND ROAD
FOR
THOMAS ENGINEERING GROUP

DATE: NOV 16, 2023	SCALE: 1" = 100'	SHEET: 2 OF 2
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POINT OF COMMENCEMENT
NORTHEAST CORNER OF
THE NORTHWEST 1/4 OF SECTION 4
EAST LINE OF THE
NORTHWEST 1/4 OF SECTION 4

STATE ROAD 78
(NE PINE ISLAND ROAD)
PUBLIC RIGHT-OF-WAY WIDTH VARIES
(FDOT RIGHT-OF-WAY MAP SECTION 12060-2519)

N61°58'00"E 650.28'
SOUTHERLY RIGHT-OF-WAY
LINE OF STATE ROAD 78

POINT OF BEGINNING
INTERSECTION OF SOUTHERLY
RIGHT-OF-WAY LINE OF STATE ROAD 78 & THE
WEST RIGHT-OF-WAY LINE OF BARRETT ROAD

WEST RIGHT-OF-WAY LINE
OF BARRETT ROAD

737.18'
(BEARING BASIS)
S04°32'48"E

BARRETT ROAD

60' PUBLIC RIGHT-OF-WAY
(FDOT RIGHT-OF-WAY MAP SECTION 12060-2519)

RW

REVIEWED
DCI2023-00038
Rick Burris, Principal
Planner
Lee County DCD/Planning
4/1/2024