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District Two

Ray Sandelli
District Three

Brian Hamman
District Four

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Dave Harner, II
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

August 1, 2024

Kieth Long
Long Law, P.A.
1306 SE 46TH Lane, Suite 1
Cape Coral, FL 33904

Re: Special Exception

SEZ2024-00007

Project Name: Fiore's Café & Garden Center - COP

Mr. Long,

The Zoning Section has reviewed the submission package for the above-referenced application in accordance with the submittal requirements contained in the Lee County Land Development Code (LDC). Please be advised that the application is insufficient at this time. The insufficiency comments must be addressed within thirty (30) calendar days of this letter, or the case will be considered withdrawn in accordance with the LDC.

Zoning

The uploaded application is incomplete, please provide a completed Special Exception application, along with the following supporting documentation required pursuant to Land Development Code (LDC) Sections 34-202(a) and 34-202(b)(5)d.2:

- 1) The Disclosure of Interest provides that David Fiore is a Lee County Employee, County Commissioner, or Hearing Examiner (please refer to number 6 on the form). Please verify and if Mr. Fiore is neither of the above, if he is not, an updated form will need to be provided.
- 2) Please provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.
- 3) Proof of potable water and sanitary sewer availability.
- 4) Please be aware that Utilities had found their review sufficient but **with the provided stipulation**: Per Lee County Resolution 02-10-20; this project may require additional water and/or wastewater capacity fees due to an increase in demand or usage above what was paid for when service was originally requested for the subject parcel. - Please contact LCU New Installs to discuss and determine whether additional capacity fees will be required for the proposed development at LCUNewInstalls@leegov.com or 239-533-8160.
- 5) A copy of the menu for the café.
- 6) An updated distance map that adheres to the measurement guidelines set forth in Land Development Code (LDC) Section 34-1264(b)(1)a. *Distance must be measured from any*

public entrance or exit of the establishment in a straight line to the nearest property line of the religious facility, school (noncommercial), day care center (child), dwelling unit or park, or to the closest public entrance or exit of any other establishment primarily engaged in the sale of alcoholic beverages.

- 7) An updated site plan that provides the current and proposed uses, as well as the square footage of each building.
- 8) A floor plan showing the indoor and outdoor service areas for the café.

Development Services

- 1) The approved Development Order plans (DOS2019-00048) do not indicate the location of the proposed cafe, nor was staff able to locate building permit records for the cafe. Please advise if improvements are proposed to the existing structures to accommodate the use of the cafe.
- 2) The Commercial Building Permit for the site's dumpster enclosure (COM2020-01827) is expired. Please address to ensure adequate refuse and solid waste disposal facilities are available.
- 3) The Commercial Building Permit for construction of a trellis (COM2020-00118) is expired, please address.

Legal Description

Land Development Code (LDC) Section 34-202(a). provides the submittal requirements for applications requiring public hearing, please review and provide the following:

- 1) (5) Provide a legal description and sketch in accordance with the requirements of Lee County LDC Â§34-202(a)(5).
 - The document provided is a boundary survey and the perimeter sketch of the property extends to the centerline of Pine Ridge Road.
- 2) (6) Provide a boundary survey of the subject property in accordance with the requirements of Lee County LDC Â§34-202(a)(6).
 - The perimeter boundary must be clearly marked with a heavy line and must include the entire area to be developed the sketch of the property extends to the centerline of Pine Ridge Road.
 - The boundary survey is based on an opinion of title dated June 19, 2019 which is greater than 90 days old.
 - The boundary survey does not reflect the correct flood zone information.
 - The boundary survey does not reflect the recent encumbrances placed on the property.
- 3) (7) Provide a title certification for the property subject to zoning approval in accordance with the requirements of Lee County LDC Â§34-202(a)(7). i. Title certificate or title opinion, no greater than 90 days old at the time of the initial development order submittal. Or, ii. Title insurance policy with appropriate schedules, no greater than five years old at the time of the initial zoning case submittal and an affidavit of no change covering the period of time between issuance of the policy and the application date.
 - The title insurance policy is dated October 16, 2018, greater than 5 years old.

Department of Transportation

This is just a courtesy notice for the Department of Transportation, the review **was found sufficient with the stipulation**, which is as follows: A traffic impact analysis of projected trip generation for the development is not required for special exceptions solely for consumption on premises per LDC Section 34-202(b)(5)(d)(2). However, if this SEZ request is approved, the

applicant must apply for and obtain an amendment or minor change to DOS2019-00048 to provide an updated TIS reflecting the projected trip generation in addition to the nursery garden center (LUC 817) approved in DOS2019-00048.

Please feel free to contact me at (239) 533-8350 or BSchroeder@leegov.com if you have any questions.

Sincerely,

Department of Community Development
Zoning Section

Brianna Schroeder
Technician I