



September 23, 2024

Ms. Donna Marie Collins, Chief Hearing Examiner
The Office of the Lee County Hearing Examiner
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

**RE: Pine Island Road CPD (DCI2023-00015)
Post Hearing Written Submission**

Dear Madame Hearing Examiner:

On behalf of the applicant for DCI2023-00015, I am pleased to submit the following materials based upon the discussion at the public hearing on August 16th, 2025:

- 1) Revised Master Concept Plan “A” depicting revised layout for carwash;
- 2) Revised Master Concept Plan “B” depicting alternative development scenario where the northeast corner is developed with a convenience store with fuel pumps, as opposed to a fast-food restaurant;
- 3) Revised Deviations & Justifications; and
- 4) Revised Conditions.

Master Concept Plan Option A

Master Concept Plan “Option A” demonstrates a re-design of the Herron Road access, with the proposed access point shifted north to mitigate impacts of commercial traffic on the roadway. The proposed access is located on commercially zoned lands 125 feet south of Pine Island Road to provide a scenario where traffic is not directed past existing single-family homes or residentially zoned properties. Additionally, the carwash exit is re-oriented north to Pine Island Road to avoid noise impacts to neighbors with the building shifted further east away from single-family homes. The Herron Road right-of-way continues to be buffered via a 30-foot-wide Type “F” buffer, the widest and most heavily planted buffer type in the LDC.

Master Concept Plan Option B

Master Concept Plan “Option B” demonstrates the alternative layout for a convenience store with fuel pumps at the northeast corner in lieu of a fast-food restaurant.

This MCP option maintains the shifted access point onto Herron Road and car wash reorientation, and Type F buffers along Herron Road.

Revised Deviations & Justifications

Deviation 1 relating to the parking lot entrance width on Herron Road has been eliminated, as a supplement to a new condition to prohibit commercial truck traffic from utilizing the Herron Road ingress/egress.

Deviation 2 has been added to request 10-foot-wide internal right-of-way buffers where auto-oriented uses covered by LDC Section 34-1353 abut internal rights-of-way. This deviation will provide internal landscaping, while allowing for redesign of portions of the site for enhanced compatibility.

Revised Conditions

Conditions have been added to address hours of operation, signage to prohibit truck traffic on Herron Road, and minimum setback of dumpsters from the Herron Road right-of-way.

We have met with Staff on the above and believe we are in agreement on all changes. We have also provided the attached materials to Ms. Sarah Decker, who appeared at the hearing and lives on Herron Road, to inform her of the substantial changes relating to the site layout and access.

Thank you for your consideration of this information.

Sincerely,

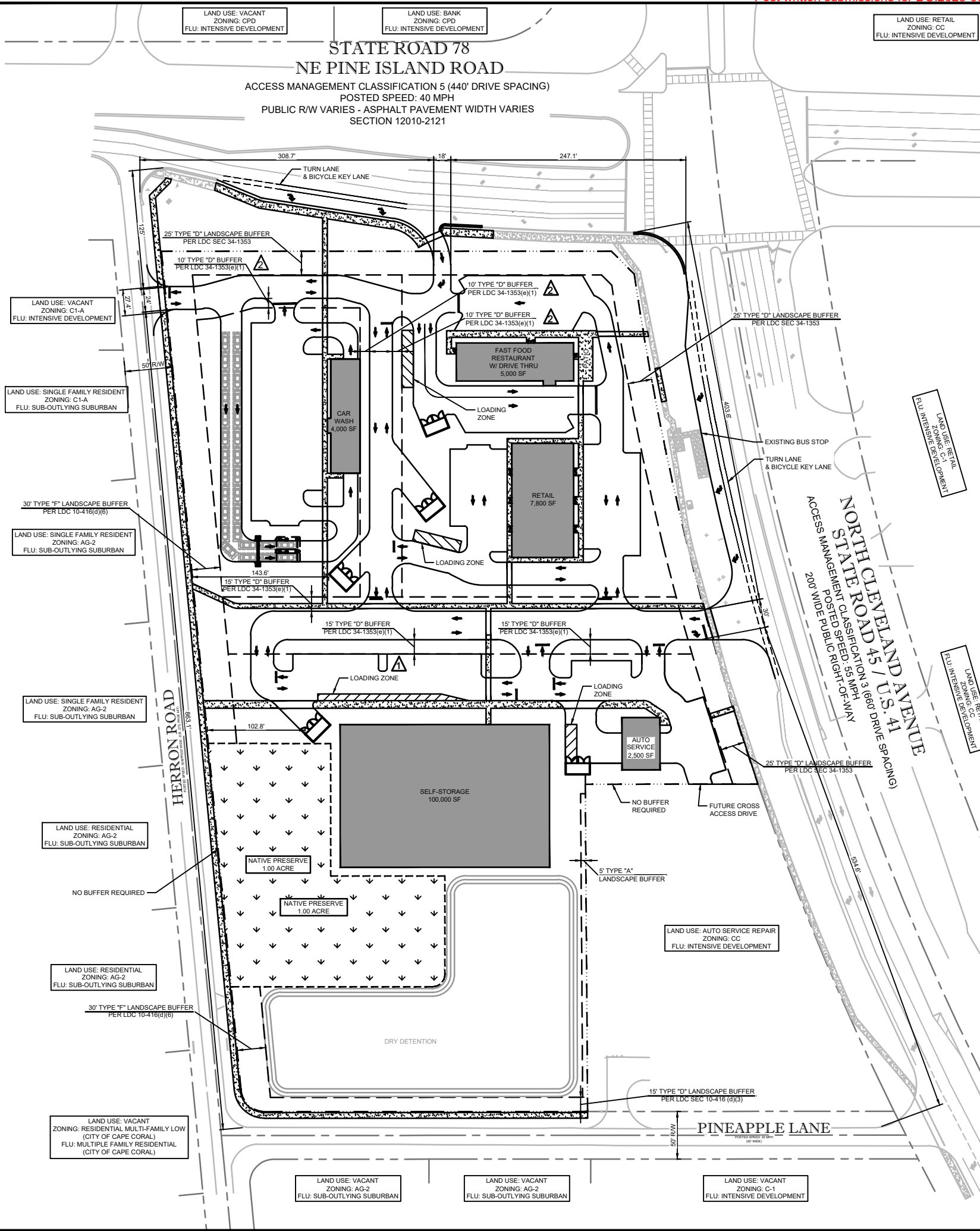
RVi Planning + Landscape Architecture



Alexis Crespo, AICP

Vice President of Planning

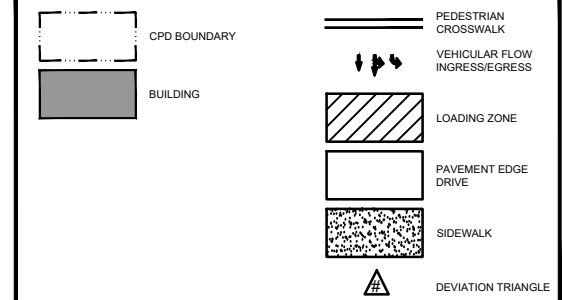
CC: Chris Lascano
Diogo Rodrigues
Ted Treesh, PTP
Barrett Stejskal



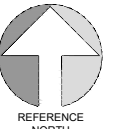
SITE LOCATION:	SWC OF N CLEVELAND AVE & NE PINE ISLAND RD LEE COUNTY, FL 33903
PROJECT AREA:	9.71 ACRE ±
STRAP NUMBER:	0344240100000008B 0344240100000008A 03442401000000080 03442406000000040 03442411000000080 03442411000000090 03442411000000100 03442411000000110 03442411000000120 03442411000000130 03442411000000140

ZONING/REZONING C-1, C-1A & AG-2 TO CPD

<u>LAND USE</u>	<u>AREA</u>
ON-SITE INDIGENOUS PRESERVE PROVIDED	1.00 ACRES
OTHER OPEN SPACE PROVIDED	1.56 ACRES
TOTAL OPEN SPACE REQUIRED	2.56 ACRES
TOTAL OPEN SPACE PROVIDED	2.56 ACRES
PUBLICLY ACCESSIBLE OPEN SPACE REQUIRED	0.35 ACRES
PUBLICLY ACCESSIBLE OPEN SPACE PROVIDED	0.35 ACRES



<u>LAND USE</u>	<u>AREA</u>
ON-SITE INDIGENOUS PRESERVE REQUIRED	1.29 ACRES
ON SITE INDIGENOUS PRESERVE PROVIDED	1.35 ACRES (1.0 ACRES PROVIDED ON SITE X 135% (CREDIT))



REFERENCE

NORTH
1991 1992

120'

SCALE: 1" = 120'

No.	Revision/Issue	Date
	POST HEX REVISION	09/23/24
	REVISED FOR HEX	08/09/24
	REVISED BUFFERS	04/10/24
	REVISED LAYOUT	01/18/24
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SAPPARKHAO, P.E.
REG. NO. 64085

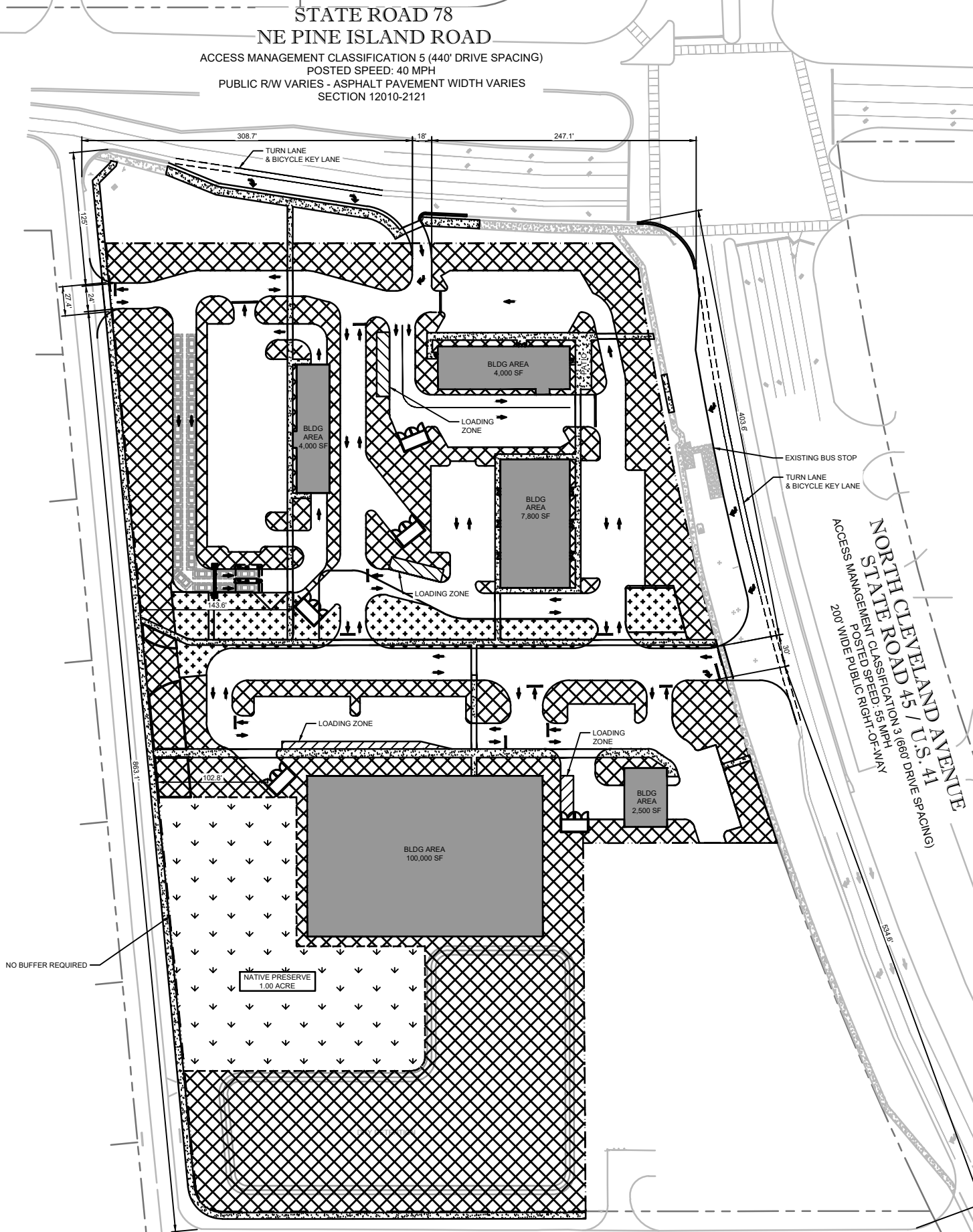
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PINE ISLAND ROAD CPD
SWC OF N CLEVELAND AVE & NE PINE ISLAND RD
LEE COUNTY, FLORIDA 33903

MASTER CONCEPT PLAN

Product No.	00-21.00
	01-23-23

CP11



PROJECT SUMMARY

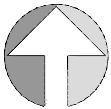
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ZONING/REZONING	C-1, C-1A & AG-2 TO <u>CPD</u>

LEGEND

	CPD BOUNDARY		PEDESTRIAN CROSSWALK
	BUILDING		VEHICULAR FLOW INGRESS/EGRESS
	PUBLICLY ACCESSIBLE OPEN SPACE = 0.35 ACRES		LOADING ZONE
	TOTAL OPEN SPACE PROVIDED = 2.56 ACRES		PAVEMENT EDGE DRIVE
	NATIVE PRESERVE = 1.00 ACRE		SIDEWALK
			DEVIATION TRIANGLE

OPEN SPACE SUMMARY

LAND USE	AREA	LAND USE	AREA
REQUIRED OPEN SPACE	2.56 ACRES (0.20 X 3.49 ACRES + 0.30 X 6.22 ACRES)	REQUIRED ON-SITE PRESERVE	1.29 ACRES (0.5 x 2.56 ACRES)
PROVIDED OPEN SPACE	2.56 ACRES (INCLUDES NATIVE PRESERVE)		
REQUIRED PUBLICLY ACCESSIBLE OPEN SPACE	0.35 ACRES (0.10 X 3.49 ACRES)	PROVIDED ON-SITE PRESERVE (PER LDC SEC. 10-415(B)(3)(a) & (b)(4) CREDITS)	1.35 ACRES = (135% (CREDIT) x 1.0 ACRES PROVIDED ON-SITE)
PROVIDED PUBLICLY ACCESSIBLE OPEN SPACE (IN ADDITION TO REQUIRED OPEN SPACE)	0.35 ACRES		



0' 120' 240'
SCALE: 1" = 120'

Date	Revision/Issue	No.
09/23/24	POST HEX REVISION	
08/08/24	REVISED FOR HEX	
04/10/24	REVISED BUFFERS	
07/18/24	REVISED LAYOUT	
09/01/23	ISSUE FOR DCI REVIEW COMMENTS	
07/23/23	ISSUE FOR REVIEW	



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NISIT SAPPARKHAO, P.E.
FL REG. NO. 64085

DATE

Project Name and Address
PINE ISLAND ROAD CPD
SWC OF N CLEVELAND AVE & NE PINE ISLAND RD
LEE COUNTY, FLORIDA 33903

Sheet Title
OPEN SPACE EXHIBIT

Project No. 300-21.00	Sheet
Date 01-23-23	MCP12
Scale AS NOTED	

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CPD BOUNDARY

BUILDING

PEDESTRIAN CROSSWALK

VEHICULAR FLOW INGRESS/EGRESS

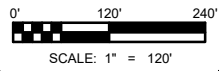
LOADING ZONE

PAVEMENT EDGE DRIVE

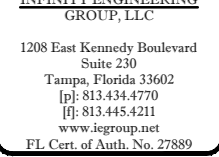
SIDEWALK

DEVIATION TRIANGLE

<u>LAND USE</u>	<u>AREA</u>
ON-SITE INDIGENOUS PRESERVE REQUIRED	1.29 ACRES
ON SITE INDIGENOUS PRESERVE PROVIDED	1.35 ACRES (1.0 ACRES PROVIDED ON SITE X 135% (CREDIT))



No.	Revision/Issue	Date
	POST HEX REVISION	09/23/24
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	REVISED BUFFERS	04/10/24
	REVISED LAYOUT	01/18/24
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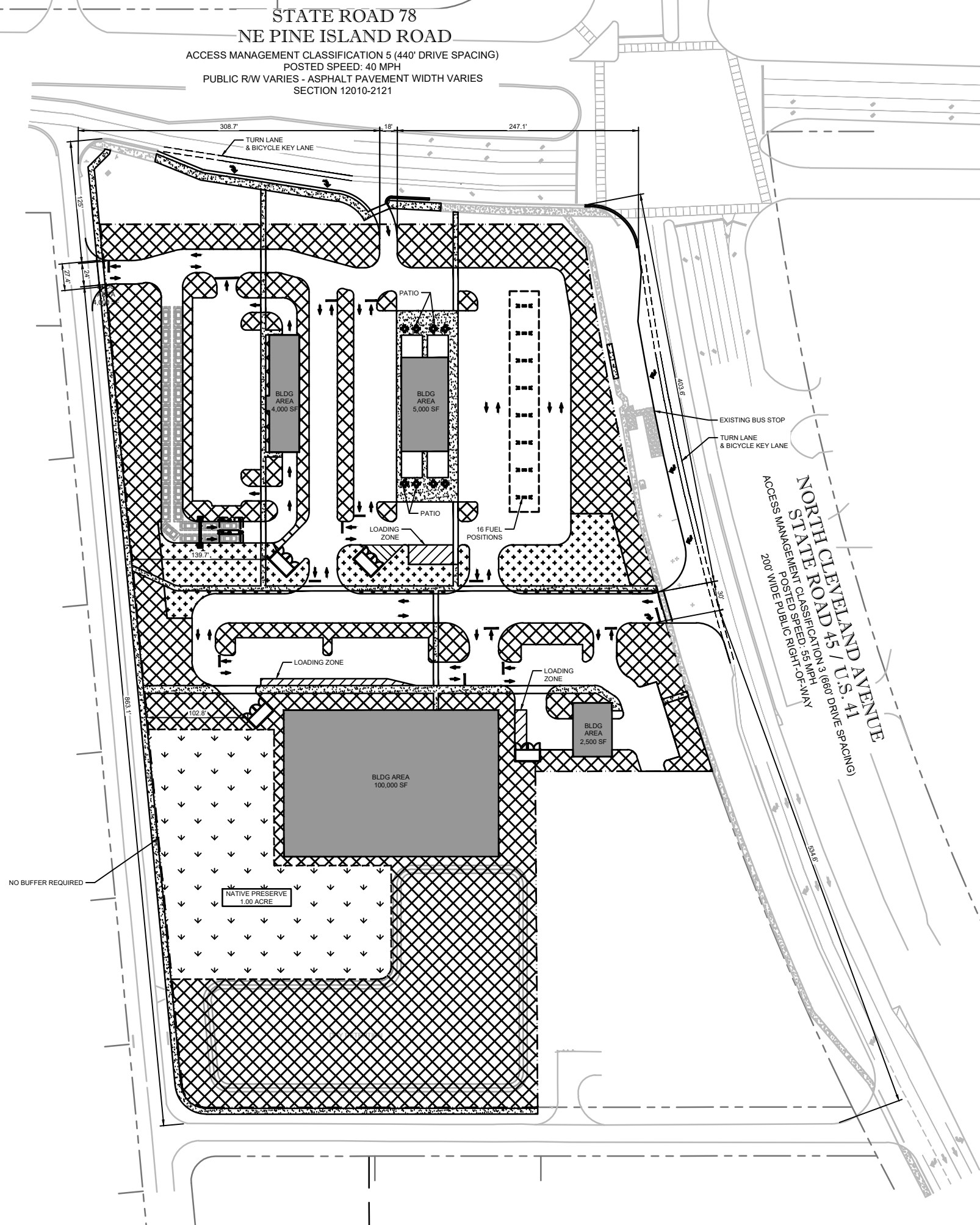
SWC OF N CLEVELAND AVE & NE PINE ISLAND ROAD

LEE COUNTY, FLORIDA 33903

Sheet Title

MASTER CONCEPT PLAN

Project No. 300-21.00	Sheet
Date 01-23-23	MCP2.1
Scale AS NOTED	



PROJECT SUMMARY

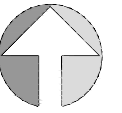
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ZONING/REZONING	C-1, C-1A & AG-2 TO <u>CPD</u>

LEGEND

	CPD BOUNDARY		PEDESTRIAN CROSSWALK
	BUILDING		VEHICULAR FLOW INGRESS/EGRESS
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	TOTAL OPEN SPACE PROVIDED = 2.56 ACRES		PAVEMENT EDGE DRIVE
	NATIVE PRESERVE = 1.00 ACRE		SIDEWALK
			DEVIATION TRIANGLE

OPEN SPACE SUMMARY

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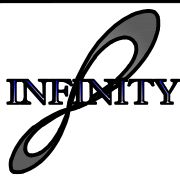


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LEE COUNTY, FLORIDA 33903

OPEN SPACE EXHIBIT

Project No. 300-21.00	Sheet
Date 01-23-23	MCP2.2
Scale AS NOTED	

Pine Island Road Commercial Planned Development (DCI2023-00015)

Applicant's Proposed Conditions and Deviations

REVISED SEPTEMBER 23, 2024

Section A. - Conditions

1. The development of this project must be consistent with two-page Master Concept Plan (MCP) dated ~~April 17, 2023~~ September 23, 2024 and entitled "Pine Island Road CPD", prepared by Phoenix Associates of Florida attached as staff report Attachment D, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order, except as may be granted by deviation as part of this planned development. If changes to the MCP, or conditions, or deviations are subsequently pursued, appropriate approvals will be necessary.

This project is limited a maximum of 121,800 square feet of commercial uses, including the following two scenarios for the use-specific intensities:

- a maximum ~~40,000~~ 100,000 square foot mini-warehouse or public warehouse,
- 4,000 square foot carwash,
- 2,500 square foot auto repair services,
- ~~7,500 square foot convenience food and beverage store with 16 fuel pumps~~, OR
- 5,000 square foot fast food restaurant,
- 7,800 square foot commercial retail uses

OR

- a maximum 100,000 square foot mini-warehouse or public warehouse.
- 4,000 square foot carwash.
- 2,500 square foot auto repair services.
- 7,500 square foot convenience food and beverage store with 16 fuel pumps

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

- a. Schedule of Uses

Accessory uses, buildings, and structures
ATM (Automated Teller Machine)
Auto parts store (with installation services)
Automobile Repair and Service: Groups I & II
Automobile Service Station
Bank & Financial Establishments: Group I & II
Car Wash
Clothing Store, General
Convenience Food and Beverage Store (limited to a maximum of 16 fuel pumps)
Drive-through facility for any permitted use
Essential Service Facilities: Group I
Excavation: Water Retention

Food Stores: Group I

Hardware Store

Hobby, Toy, and Game Shops

Laundry or Dry Cleaning: Group I

Lawn and Garden Supply Store

Paint, Glass, and Wallpaper

Parking Lot (accessory)

Personal Services: Groups I-IV (Excludes bail bonding, escort services, fortune tellers, palm readers or card readers, massage parlors, and tattoo parlors)

Pet Shop

Rental and Leasing Establishments: Group I & II

Repair Shops: Group I & II

Restaurant, Fast Food

Self-Service Fuel Pumps, in conjunction with a Convenience Food and Beverage Store

Signs

Specialty Retail Shops: Groups I, II, & III

Temporary Uses

Used Merchandise Stores: Groups I (except pawn shops), II, & III

Variety Store

Warehouse: Mini Warehouse, public

b. Site Development Regulations

Development Criteria	Commercial
Setbacks	
Perimeter	25 feet
Side Yard	15 feet
Rear	20 feet
Preserve	30 feet
Maximum Building Height	45 feet
Overall Minimum Lot Area and Dimensions	
Area	25,000 square feet
Width	150 feet
Depth	150 feet
Maximum Building Coverage	40 percent

5. Open Space

Prior to the issuance of the first development order, the development order plans must depict a total of 2.56 acres of open space.

6. Indigenous Open Space

Prior to the issuance of the first development order, the development order plans must depict 1.00 acres of indigenous preserve area to include 135 percent credit (1.35 acres of indigenous open

space with credits). Plans must be in substantial compliance with the Master Concept Plan dated April 3, 2023 September 6, 2024, attached hereto as Attachment D.

7. Indigenous Restoration and Buffers

Prior to the issuance of the first development order, an indigenous restoration plan must be submitted. The restoration plants being used to meet the rights-of-way buffer requirements must comply with LDC Section 10-416(d). Any supplemental buffer landscaping proposed must comply with LDC Section 10-420 and an above ground temporary irrigation system must be specified on the development order plans.

8. Mini Warehouse/Public Warehouse Buffers

a. Prior to the issuance of a development order for the mini warehouse or public warehouse, the applicant must provide an enhanced 15-foot-wide buffer along the internal accessway abutting the mini-warehouse or public warehouse with landscape vegetation meeting LDC Section 34-1353(e)(1) specifications. The proposed tree and shrubs species must be consistent along the internal accessway to create a unified landscape plan.

b. Prior to the issuance of a development order for the mini warehouse or public warehouse, the landscape plans must depict a five-foot-wide buffer along the southeast property line abutting the Community Commercial zoned property.

9. The access locations on US 41 and SR 78 shown on the Master Concept Plan are conceptual in nature and subject to modification based upon final approval from the Florida Department of Transportation (FDOT).

10. The development order plans must demonstrate the location of signage on the site stating commercial truck traffic is prohibited from utilizing Herron Drive for ingress or egress.

11. Dumpsters must be located a minimum of 100' from the Herron Road right-of-way, in the locations generally shown on the MCP.

12. Hours of operation for the carwash uses are limited to 8 a.m. to 8 p.m., 7 days a week.

Section B. – Deviations

1. ~~Deviation (1) seeks relief from Lee County Land Development Code (LDC) Section 34-2013(b)(3), which allows a maximum 35-foot wide parking lot entrance width at the property line, to allow for a maximum of 56-foot parking lot entrance at the property line along Herron Road.~~

This deviation is **APPROVED**.

2. ~~Deviation (2)~~ (1) seeks relief from Lee County Land Development Code (LDC) Section 34-2020(b), which requires non-residential uses, particularly mini-warehouse or public warehouse, to provide a minimum of one space per 25 storage units, with a minimum of five spaces, to allow for a minimum of one space per 50 storage units, with a minimum of five spaces.

This deviation is **APPROVED**.

3. ~~Deviation (2) (3) Recommended to be withdrawn. seeks relief from LDC Section 34-1353(e), street~~

right-of-way buffers, which requires convenience food and beverage stores, automobile service stations, fast food restaurants, and car washes to provide a 15-foot-wide buffer if abutting an internal accessway to a commercial development, to allow for a 10-foot-wide buffer where such uses are adjacent to internal right of ways in the locations shown on the MCP.



**Pine Island Road CPD
Schedule of Deviations & Justification**

REVISED SEPTEMBER 2024

Deviation 1 seeks relief from LDC Section 34-2013(b)(3), Access Maximum Width, which allows a maximum 35-foot parking lot entrance at the property line, to allow for a maximum of 56-foot parking lot entrance at the property line along Herron Road.

~~Justification: The Applicant is proposing to increase the maximum parking lot entrance width at the property line from 35 feet to 56 feet. LDC Section 34-2013(b) states "The Director may determine the high traffic volumes or other special circumstances warrant other requirements". The possible "gas station" and mini-storage use of the subject site will require the access along Herron Road to be designed for larger vehicles to be able to egress and ingress the site. The 30-foot driveways with 50-foot radii width entrance will assure the necessary turning movements by these large trucks are possible without having to compromise the landscaping areas adjacent to the driveways or impact adjacent property owners along Herron Road. Furthermore, the channelization of vehicles will be achieved via striping. Therefore, the granting of this deviation will uphold public health, safety, and welfare.~~

Deviation 2-1 seeks relief from LDC Sections 34-2020(b), required parking spaces for non-residential uses, which requires warehouse, mini-warehouse and public warehouse to provide a minimum of 1 space per 25 storage units, with a minimum of 5 spaces, to allow for a minimum of 1 space per 50 storage units, with a minimum of 5 spaces.

Justification: The Applicant is proposing to allow for a minimum of 1 space per 50 storage units, with a minimum of 5 spaces required which would be consisted with the true parking needs for the mini-warehouse and public warehouse uses, which are treated the same per the ITE Code (151: miniwarehouse) for parking and trip generation. The number of parking spaces required by code is estimated to be 20 parking spaces as the exact number of storage units is calculated to be around 500+/- units based on the possible maximum buildout. The applicant is proposing a minimum of 5 parking spaces. Loading and unloading zones have been designated in addition to parking spaces to the north of the warehouse building outside of parking drive aisles. Based on the trip count and parking demand study for the warehouse use, these areas are enough for patrons and employees to utilize the facility safety.

As identified by the Traffic Impact Statement and Parking Demand Study by TR Transportation Consultants Inc. the use will generate a very limited amount of trips to the development and provide a limited demand of parking needs for a warehouse, mini-warehouse which are consistent with the Applicants deviation request.

The request to reduce the number of required parking spaces for a mini-warehouse consistent with the established parking needs of the use as identified by the Arbor Village mini-warehouse parking demand study. Additionally, the request removes additional unnecessary impervious area for a use that provides a minimal amount of traffic.

Furthermore, the requests will enhance the objectives of the planned development allowing for flexible design within the CPD and will preserve and promote the protection of public health, safety and welfare.

Deviation 2 seeks relief from LDC Section 34-1353, street right-of-way buffers, which requires convenience food and beverage stores, automobile service stations, fast food restaurants, and car washes to provide a 15-foot-wide buffer if abutting an internal accessway within a commercial development, to allow for a 10-foot-wide buffer where such uses are adjacent to internal right of ways.

The intent of the 15-foot buffer is to reduce the impacts of vehicular oriented uses from lower intensity uses by the minimizing potential impacts of noise and glare through landscape plantings.

The request to reduce the 15-foot buffer to 10 feet is fully internal to the site and will not affect abutting property owners and the external public rights-of-way. In fact, the deviation allows for redesign of the site to benefit surrounding properties on Herron Road, including the shifting of access onto Herron, re-orientation of the carwash and additional setbacks for dumpsters.

The deviation will not negatively impact internal uses, as the CPD is a unified, master planned development with a schedule of uses that are compatible and complimentary to each other.

The deviation does not impact the project's ability to meet or exceed the minimum open space, parking and vehicular use area landscaping per the LDC. All external buffers will fully comply with the LDC. For these reasons, the deviation will not impact public health, safety or welfare.