

Summary of Hearing Examiner Recommendation

PINE ISLAND ROAD CPD

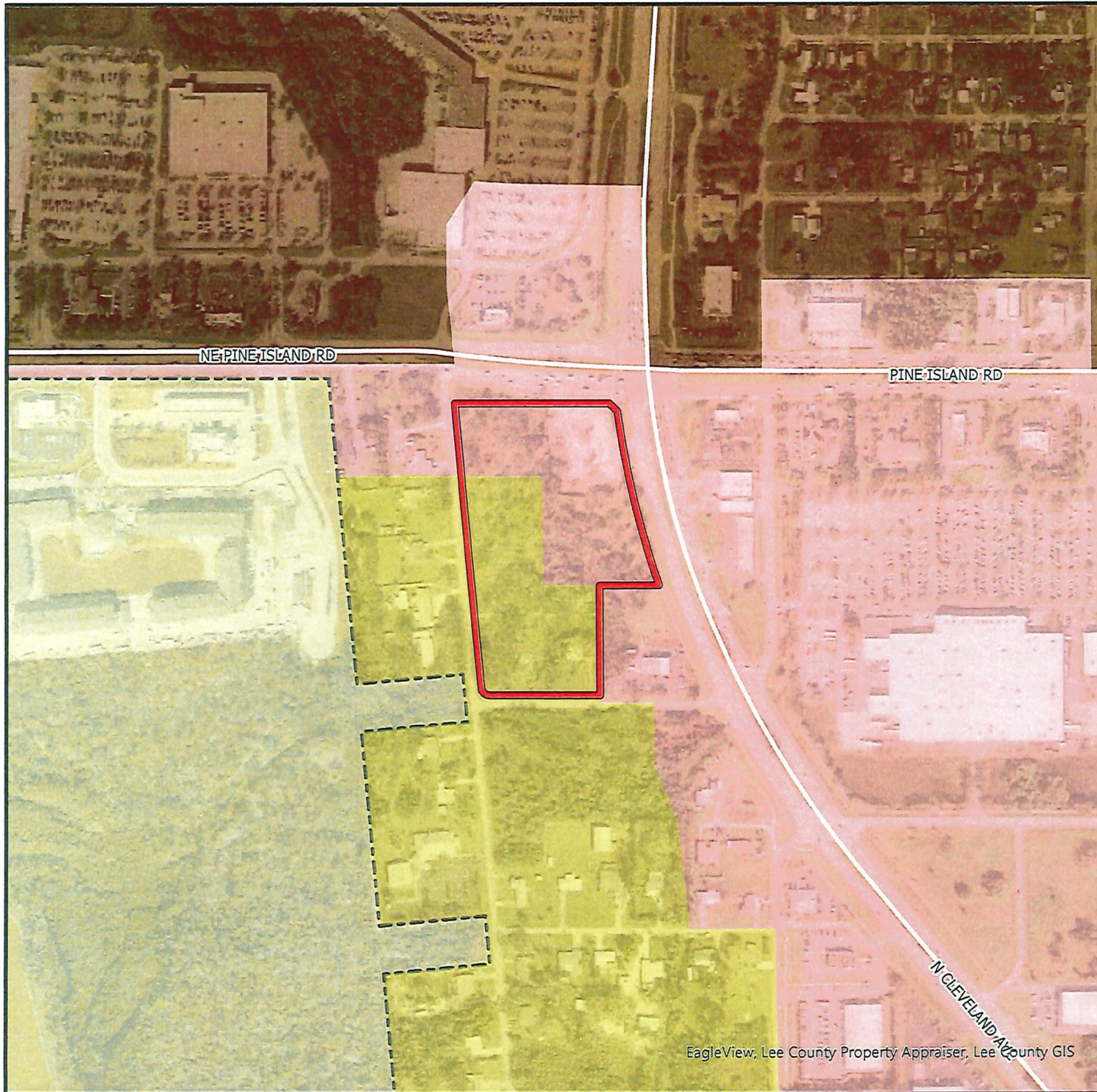
The request seeks to develop the southwest corner of the US 41 and Pine Island Road intersection with a range of intense commercial uses and a storage facility.

The Master Concept Plan and conditions of approval ensure protection of nearby residents. This is accomplished through site design that orients intense uses toward arterial roadways, enhances right of way buffers along Herron Road, and imposes limitations on hours of operation.

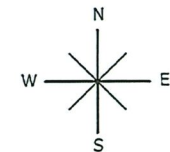
Detailed recommendation follows

DCI2023-00015

Future Land Use



- Subject Property
- Intensive Development
- Central Urban
- Sub-Outlying Suburban
- City Limits

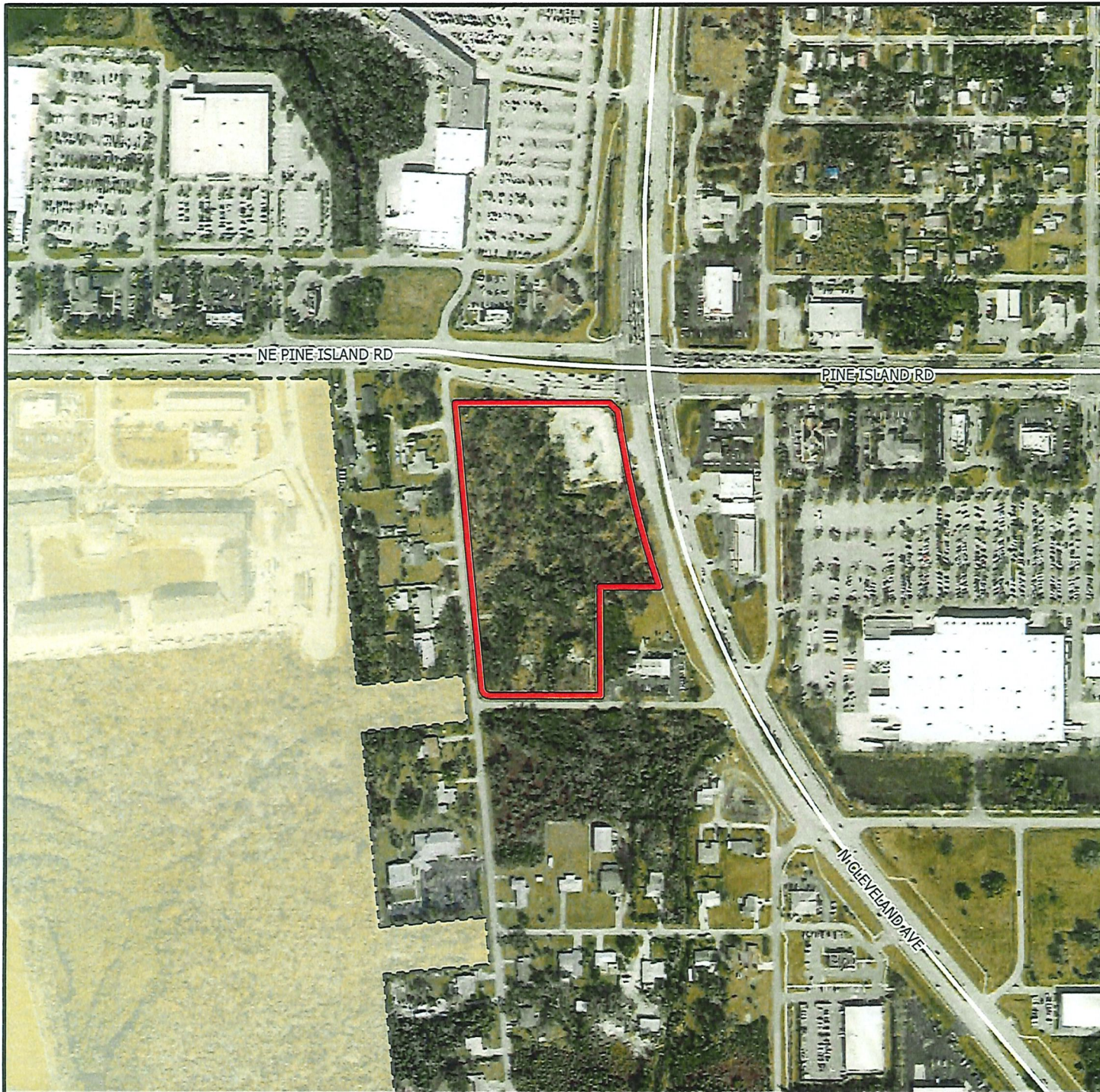


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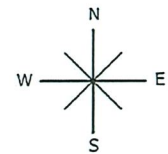
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Aerial



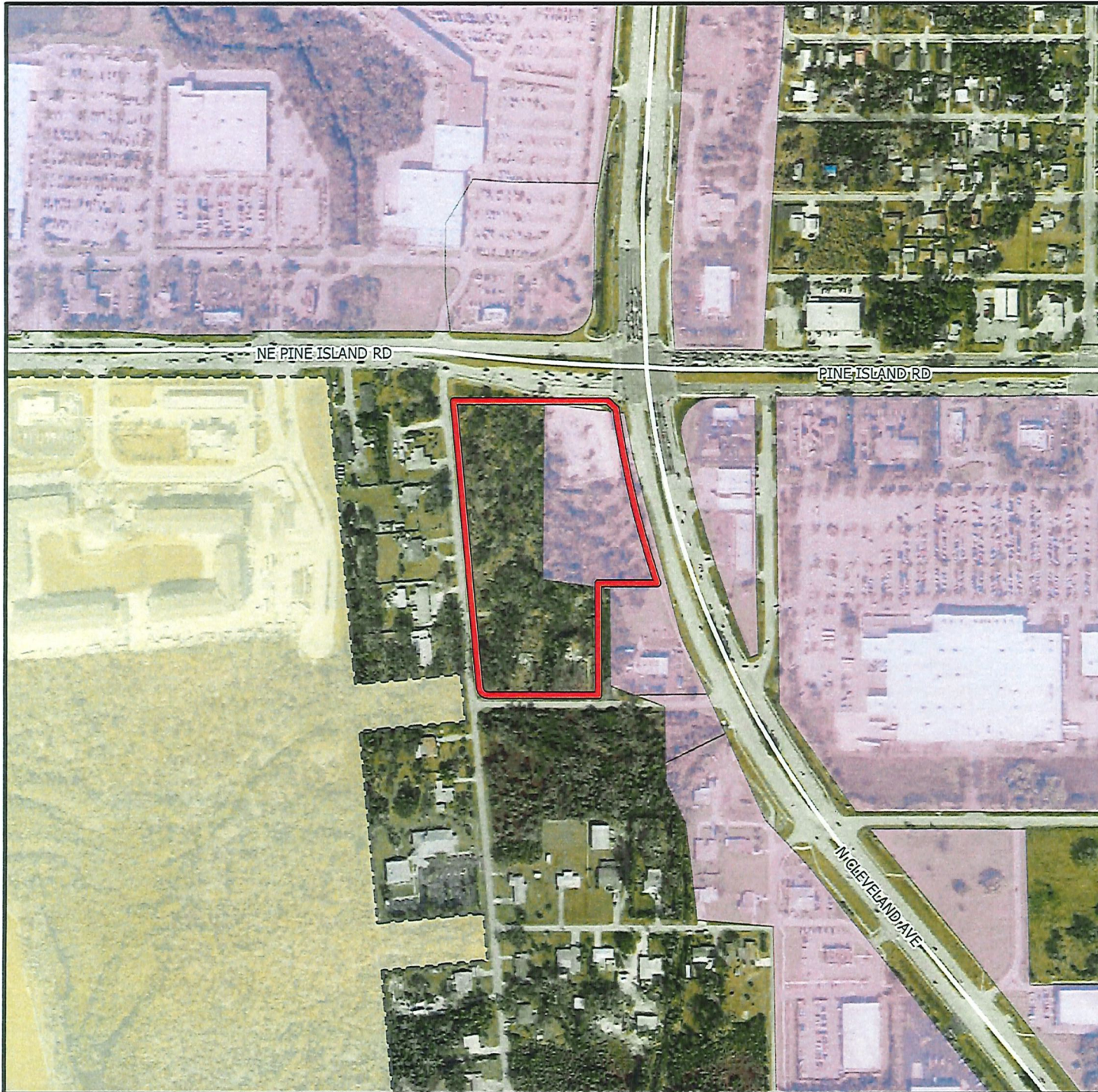
 Subject Property

 City Limits



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Feet

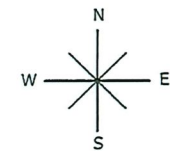




DCI2023-00015

Mixed Use Overlay

-  Subject Property
-  Mixed Use Overlay
-  City Limits



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Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2023-00015

Regarding: PINE ISLAND ROAD CPD

Location: Southwest corner of US 41 and Pine Island Road
North Fort Myers Planning Community
(District 4)

Hearing Date: August 14, 2024

Record Closed: September 23, 2024

I. Request

Rezone 9.7 acres from Commercial (C-1 and C-1A) and Agricultural (AG-2) to Commercial Planned Development (CPD), to allow 121,800 square feet of commercial uses with maximum heights of 45 feet. The request seeks alternative development scenarios as follows:

Option A:

- Up to 100,000 sq. ft. mini or public warehouse,
- 4,000 sq. ft. carwash,
- 2,500 sq. ft. auto repair services,
- 5,000 sq. ft. fast food restaurant,
- 7,800 sq. ft. commercial retail uses.

Option B:

- Up to 100,000 sq. ft. mini or public warehouse,
- 4,000 sq. ft. carwash,
- 2,500 sq. ft. auto repair services,
- 7,500 sq. ft. convenience food and beverage store with 16 fuel pumps.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, subject to conditions and deviations set forth in Exhibit B.

III. **Discussion**

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone property in North Fort Myers to the CPD district. Staff recommended approval with conditions.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to facts adduced at hearing. The record must contain substantial competent evidence to support the recommendation.

Discussion supporting the Hearing Examiner's recommendation of approval with conditions follows below.²

Request

Applicant requests to rezone 9.7 acres from C-1 and C-1A and AG-2 to CPD. The proposed CPD includes two potential development scenarios:

Option A:

- Up to 100,000 sq. ft. mini or public warehouse,
- 4,000 sq. ft. carwash,
- 2,500 sq. ft. auto repair services,
- 5,000 sq. ft. fast food restaurant,
- 7,800 sq. ft. commercial retail uses.

Option B:

- Up to 100,000 sq. ft. mini or public warehouse,
- 4,000 sq. ft. carwash,
- 2,500 sq. ft. auto repair services,
- 7,500 sq. ft. convenience food and beverage store with 16 fuel pumps.

The request includes two deviations from LDC standards. Maximum building heights will be 45 feet.

The Master Concept Plan (MCP) clusters buildings internal to the site and provides enhanced buffering along Herron Road. Both development options feature driveways on US 41, Pine Island Road, and Herron Road. The Herron Road

¹ LDC §34-145(d)(4) a.

² Hearing Examiner codified conditions and deviations from prior approvals.

Access drive is located 125 feet from Pine Island Road to minimize impacts to the neighborhood.

Character of Area

The property is in the North Fort Myers Planning District and subject to a community plan. The site is located at the intersection of US 41/North Cleveland Avenue and Pine Island Road.

US 41/North Cleveland Avenue is a "Commercial Corridor" under the North Fort Myers Community Plan.³ The corridor is developed with large retail centers and midsize commercial businesses. Multifamily development is underway north of Merchant's Crossing.⁴ There is an auto repair business on the corner of Pineapple Lane and US 41/North Cleveland Avenue. Herron Road is developed with single family homes and a church.

History

The 9.7 acre site is comprised of 11 separate parcels. Three parcels abutting US 41/North Cleveland Avenue are zoned C-1. These parcels lie within the Mixed Use Overlay. One parcel along Pine Island Road is zoned C-1A and the remaining seven parcels are zoned for agriculture.⁵

The commercially zoned parcels were formerly developed with a car wash. Three of the seven agriculturally zoned parcels hosted three single family dwellings. All improvements have been removed and the property is now vacant.

Lee Plan

Planned developments must be consistent with the Lee Plan.⁶

The Lee Plan designates the property within the Intensive Development and Sub-Outlying Suburban future land use categories.

The Intensive Development Future Land Use category is the most intense under the Lee Plan. Intensive Development areas are located along major arterial roads with access to a wide array of services.⁷ These areas are considered suited for intense development.⁸

³ LDC §§33-1537, 33-1566(a).

⁴ Commercial uses in the immediate area include regional shopping centers, convenience stores with fuel pumps, and pharmacies.

⁵ Staff Report page 2.

⁶ LDC §34-411(a).

⁷ The property is in an area of the County characterized by intense development patterns.

⁸ See Lee Plan Table 1(b).

Sub-Outlying Suburban lands feature low density residential land uses. These areas generally do not have the infrastructure needed to support intense development. This Sub-Outlying Suburban category are typically found in areas where intense development is not anticipated or where there is a desire to retain a low-density community character.⁹ The Sub-Outlying Suburban classification of a portion of the site appears to be a vestige from development patterns predating the urbanization of the US 41 and Pine Island Road corridors. Properties along Herron Road are sandwiched between the City of Cape Coral and the intense development along Pine Island Road and US 41.

The juxtaposition of the two diametrically different land use categories requires careful attention to site design and buffering.

The property's current zoning designation is C-1, C-1A, and AG-2. The purpose of the C-1 and C-1A districts is to regulate continuance of commercial and select residential land uses.¹⁰ The purpose of agricultural districts is to provide for agricultural operations with ancillary residential use.¹¹ The Lee Plan discourages new agricultural uses in future urban areas with public services and infrastructure available to serve development.¹² The requested planned development district authorizes development of land uses better suited to property in an urban area.¹³

Development in North Fort Myers is subject to a Community Plan adopted as part of the Lee Plan as well as specific use and site design criteria in the LDC.¹⁴ The Community Plan emphasizes protecting North Fort Myers' character, economic vitality, and quality of life.¹⁵ The proposed CPD will serve residents in surrounding areas and the traveling public.

The Economic Element of the Lee Plan encourages expansion of the County's economic base.¹⁶ The proposed mix of land uses contributes to a positive business climate creating additional employment opportunities.¹⁷

A portion of the site is located within a Mixed Use Overlay.¹⁸ The Mixed Use Overlay is desirable for mixed use development due to its proximity to public transit, shopping, and employment centers.

⁹ Lee Plan Policy 1.1.11.

¹⁰ LDC §34-841.

¹¹ LDC §34-651.

¹² Lee Plan Goal 9, Objective 9.2.

¹³ Lee Plan Goal 6, Objective 9.2, Policies 6.1.4, 6.1.7, 9.2.1.

¹⁴ Lee Plan Goal 30 adopted by Lee County Ordinance No. 09-11 on February 25, 2009. Community specific LDC regulations adopted by Lee County Ordinance No. 12-01 on January 10, 2012.

¹⁵ See Lee Plan Goal 30.

¹⁶ Lee Plan Goal 158 Objective 158.2.

¹⁷ Lee Plan Goal 158, Objective 158.3.

¹⁸ Lee Plan Map 1-C: Mixed Use Overlay.

Lee Tran routes 140 and 595 travel along US 41 and Pine Island Road with transit stops proximate to the project.¹⁹ There are sidewalks and shared use paths on Pine Island Road and US 41.²⁰

Compatibility

Compatibility between land uses exists when land uses do not unduly impact one another. Planned development zoning is a useful tool when integrating new development with surrounding land uses.²¹ The planned development zoning district allows flexibility in site design to address potential incompatibilities with residential development on Herron Road.

The property's location at the intersection of two heavily traveled arterial roadways makes the site suitable for intense land uses.²² The Mixed Use Overlay designation on a portion of the site encourages compact urban development forms.²³ The property qualifies as "infill" contributing to contiguous development patterns.²⁴

Zoning the property to a commercial district will permit development of uses designed to serve nearby residential land uses and traveling public.²⁵ The proposed CPD is consistent with development patterns along the US41/North Cleveland Avenue commercial corridor.²⁶ The site will serve as a transition between the US41 corridor and less intense uses to the west. The Herron Road right of way separates residential land uses from proposed commercial uses and more intense development and traffic along US 41.²⁷

The North Fort Myers Community Plan encourages streetscape and landscape improvements along North Cleveland Avenue.²⁸ While property in a Mixed Use Overlay generally benefits from scaled back open space and landscape requirements,²⁹ the LDC imposes enhanced landscape requirements for some uses regardless of location.³⁰ These enhanced standards will apply to convenience stores with fuel pumps as well as fast food restaurants.

¹⁹ Lee Plan Policy 39.1.3.

²⁰ Lee Plan Policies 39.6.4, 43.1.1, Lee Plan Map 3-D: Lee County Walkways & Bikeways.

²¹ LDC §34-612(2).

²² LDC §34-413

²³ Lee Plan Map 1-C, Goal 11, Objectives 2.1, 2.2, 11.1, Policies 2.2.1, 2.2.2, 6.1.4; LDC §34-413.

²⁴ Lee Plan Goal 6, Objective 2.2, Policy 6.1.7.

²⁵ Lee Plan Goal 30.

²⁶ Lee Plan Policies 1.1.2, 6.1.7, 11.2.5.

²⁷ The sub-outlying Suburban future land use designation on Herron Road is a vestige of prior development patterns. The site borders an enclave of single family development bounded by the City of Cape Coral and the Intensive Development category.

²⁸ Lee Plan Policy 30.3.1.

²⁹ LDC §10-425.

³⁰ LDC §§10-424, 10-425; see also LDC §10-425.

Lighting on the property is regulated by LDC outdoor lighting standards.³¹ Developer must comply with illumination restrictions, shielding and orientation of lighting fixtures. In addition, as a commercial structure, the warehouse facility will be subject to LDC design standards for commercial buildings.³²

The MCP and recommended conditions will shield residents of Herron Road from project impacts. Conditions include placement of the carwash and dumpsters internal to the project, relocation of Herron Road driveway access to within 125 feet of Pine Island Road, enhanced buffering along Herron Road, and limitations on carwash hours of operation. Recommended conditions and site design reflected in the MCP ensures limited impact to area residents.

There was no testimony on the record as to whether the warehouse facility will be monitored by security cameras, or if there are plans to provide onsite security personnel.³³ Notwithstanding proximity to residences, no restrictions were proposed on hours of operation. The Hearing Examiner recommends hours of operation for warehouse uses from 6 am to 10 pm daily. If applicant intends to operate 24 hours a day, the Hearing Examiner recommends a condition requiring onsite security personnel between the hours of 10 pm and 6 am.

LDC

Rezoning requests must comply with County regulations or seek deviations.

Once rezoned, permitted uses must be consistent with the design standards for the North Fort Myers Commercial Corridor.³⁴ Commercial projects in North Fort Myers are required to provide publicly accessible open space.³⁵ Future buildings must comply with North Fort Myers Urban Design Guidelines for commercial land uses.³⁶ The Community Plan also encourages streetscape and landscape improvements along US 41/North Cleveland Avenue.³⁷ Site development must comply with these regulations or seek variances.

A “deviation” is a departure from a land development regulation.³⁸ Applicants must demonstrate deviations enhance the planned development and will not cause a

³¹ LDC §34-625.

³² The purpose of the commercial building design standards is to maintain and complement the street scape by requiring buildings to be designed with architectural features and patterns that provide visual interest consistent with the community’s identity and local character. LDC §10-620 *et seq.*

³³ Requested uses did not include a caretaker’s residence.

³⁴ North Fort Myers is subject to a community plan set forth in Lee Plan Goal 30 as well as supplemental development regulations in LDC §33-1531 *et seq.*, including standards governing architecture, signs, landscaping, and site design. LDC §§33-1571, 33-1596. Land uses must be consistent with the commercial corridor use regulations.

³⁵ LDC §33-1572.

³⁶ LDC §33-1575 *et seq.*

³⁷ Lee Plan Policy 30.3.1.

³⁸ LDC §34-2.

detriment to the public.³⁹ The CPD includes two deviations; one relating to parking and the other to internal road buffering.⁴⁰ Applicant submitted a parking study of seven warehouse facilities in Lee County and Fort Myers demonstrating parking demand is lower than LDC standards. County staff accepted the study in support of the requested parking deviation.

Staff recommended approval of both deviations, and the Hearing Examiner agrees with this recommendation.⁴¹

The North Fort Myers Community Planning & Design Review Panel reviewed the request prior to hearing and expressed no objection to the proposed zoning.⁴² The property will be subject to further community review at the development order stage.⁴³

Development will be subject to road, fire, and emergency medical services impact fees.⁴⁴

Environmental/Natural Resources

Rezoning requests must not adversely affect environmentally critical/sensitive areas or natural resources.

A portion of the site has been cleared and does not contain wetlands.⁴⁵ The species survey revealed no evidence of protected species.⁴⁶ The MCP depicts 2.56 acres of open space, 1.0 acre of which will be comprised of an upland indigenous preserve. Project open space includes wet and dry detention areas and landscape buffers.

Developer must install enhanced plantings along Herron Road.⁴⁷ The 30 foot wide Type F buffer will include ten trees every 100 linear feet with a double staggered hedgerow. The hedgerow must be 48 inches high at installation and maintained at 60 inches to ensure a lush landscape buffer along the Herron Road right of way. The buffer will ameliorate potential impacts to residents on Herron Road.

³⁹ LDC §34-373(a)(9).

⁴⁰ LDC §§34-2013(b)(3), 34-2020(b).

⁴¹ The Hearing Examiner may recommend approval, approval with modifications or denial of deviations based on findings that a deviation (1) enhances the planned development and, (2) preserves/promotes public health, safety, and welfare. LDC §34-377(a)(4).

⁴² Advertised meeting held on February 6, 2024, before the North Fort Myers Community Planning Panel. LDC §33-1532(a). See Staff Report Attachment F.

⁴³ LDC §33-1532.

⁴⁴ Lee Plan Policies 38.1.1, 38.1.5; LDC Chapter 2.

⁴⁵ Staff Report Attachment F: Testimony of Barrett Stejskal, BearPaws Environmental Consulting.

⁴⁶ *Id.*

⁴⁷ See Condition 6.

Buffers and landscaping within open space areas must follow Xeriscape principles and consist of native landscape to conserve water.⁴⁸

The Hearing Examiner finds the proposed CPD will not harm environmentally critical/sensitive areas or natural resources.⁴⁹ The plan of development includes removal of exotic vegetation.

Transportation

Access must be sufficient to support development intensity and expected impacts must be addressed by existing county regulations.

The property is bounded on four sides by roadways: Pine Island Road, US 41, Herron Road, and Pineapple Lane. US 41/North Cleveland Ave and Pine Island Road are state maintained arterial roadways.⁵⁰ As such, Florida Department of Transportation has permit authority over driveway access and location. Herron Road and Pineapple Lane are County maintained local roads.

Three access drives will serve the site: A right in only access from Pine Island Road, a right-in/right-out access to US 41, and a full access from Herron Road.⁵¹ The Herron Road access drive is located 125 feet from Pine Island Road to limit project related traffic in the adjacent residential neighborhood.⁵²

The Traffic Impact Statement (TIS) calculated project impacts on the county road network.⁵³ The TIS reflects the convenience store/gas station use attracts a significant amount of traffic from vehicles already traveling adjoining roadways.⁵⁴ This “pass by” traffic reduces impacts to the road network.

The TIS concludes most roadways will not be significantly impacted by the project at buildout. The exception is Pine Island Road west of US 41, which will operate below adopted levels of service at buildout.⁵⁵ However, the condition exists in 2027 with *and without* the proposed development.⁵⁶ The County does not require special mitigation to address existing transportation deficiencies. As a result, project traffic

⁴⁸ Lee Plan Objective 126.2, Policy 126.2.1, LDC §10-421.

⁴⁹ Lee Plan 125.1.2.

⁵⁰ Lee County Administrative Code 11-1.

⁵¹ MCP. The MCP depicts no access to Pineapple Lane.

⁵² The developer must upgrade Herron Road to the project access to meet County road standards.

⁵³ TIS attached to Applicant's 48 hour memorandum prepared by TR Transportation Consultants, Inc. revised February 16, 2024.

⁵⁴ *Id.* Consistent with FDOT studies in Florida, pass-by rates for gas station use is 77%. Proposed retail uses will also experience pass-by trip reductions. Significant impact is defined as the project trips impacting a roadway link greater than 140% of the adopted Level of Service “C” service volumes.

⁵⁵ TIS attached to Applicant's 48 hour memorandum prepared by TR Transportation Consultants, Inc. revised February 16, 2024. Significant impact is defined as the project trips impacting a roadway link greater than 140% of the adopted Level of Service “C” service volumes.

⁵⁶ The County will not require special mitigation to address level of service issues when there are existing transportation deficiencies not caused by a project.

generated by the proposed rezoning does not warrant roadway capacity improvements.⁵⁷

Further analysis of transportation impacts, including site-related turn lane improvements, will occur during development order permitting.⁵⁸

Transit

Lee Tran Route 140 runs along US 41.⁵⁹ Project design must comply with LDC requirements to facilitate transit access.⁶⁰

Greenways Master Plan

The property is on the Pine-Island Hendry Trail, which runs along Pine Island Road.⁶¹

Public Services

Public services include facilities, capital improvements, and infrastructure necessary to support development at urban levels of intensity.⁶² The Lee Plan requires evaluation of available public services during the rezoning process.⁶³

Public services and infrastructure are in place to serve the property.⁶⁴ The site is surrounded by paved roadways. There is public water and sanitary sewer

⁵⁷ TIS attached to Applicant's 48 hour memorandum prepared by TR Transportation Consultants, Inc. revised February 16, 2024.

⁵⁸ Site related road improvements include capital improvements and right-of-way dedications for direct access to the development. Direct access improvements may include: (1) site access and roads; (2) Median cuts; (3) Turn and deceleration/acceleration lanes; (4) Traffic control measures; (5) Access/frontage roads providing frontage for newly created lots; (6) Roads or intersection improvements whose primary purpose is to provide access to the development; (7) Improvements to bicycle and pedestrian facilities along parcel frontage of public streets; (8) Improvements to transit facilities within one-quarter mile of parcel frontage measured along principal perimeter streets.

LDC §§10-1, 10-7(b), 10-286, 10-288, 10-441.

⁵⁹ Lee Plan Map 3-C: 2045 Financially Feasible Transit Network. An improved transit stop is located on US 41 along the site frontage. See Lee Plan Policies 43.1.1, 158.3.1.

⁶⁰ LDC §10-442(b) requires projects proposing 30,000 square feet or greater commercial floor area must provide a paved walkway to the nearest bus stop and install a bicycle storage rack, signage, and a landing pad within the road right of way or dedicated easement.

⁶¹ Lee Plan Map 4-E Greenways Master Plan.

⁶² Public services include public water and sewer, paved streets, parks, and recreation facilities, urban levels of police, fire and emergency services, surface water management, schools, employment, industrial and commercial centers, institutional, public, or administrative facilities, and community facilities.

⁶³ Lee Plan Policy 2.2.1.

⁶⁴ Lee Plan Glossary definition of Public Services, Goal 4, Policies 1.1.2, 2.2.1, Standards 4.1.1, 4.1.2.

infrastructure to serve the property.⁶⁵ Fire, EMS, and law enforcement services are available from nearby stations.⁶⁶

The property has access to two major arterials: Pine Island Road and US 41. Pine Island Road offers connections to I-75, Del Prado Boulevard, and Business US 41. Lee Tran services the US 41 and Pine Island Road corridors.⁶⁷ Applicant may be required to provide convenient access to the nearest bus stop.⁶⁸ A shared use path for cyclists and pedestrians is located on Pine Island Road and US 41.⁶⁹

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County resources.⁷⁰ Conditions must be plausibly related to the project's anticipated impacts, and pertinent to mitigating impacts to the public.⁷¹

The CPD is subject to conditions addressing impacts reasonably anticipated from development.⁷² Notable conditions include restoration of indigenous upland vegetation, restrictions on hours of operation, and signs to discourage truck traffic on Herron Road.⁷³

The Hearing Examiner has the authority to recommend additional conditions in the context of a proposed planned development.⁷⁴ In furtherance of this authority, the Hearing Examiner recommends conditions to ensure compatibility with nearby residents on Herron Road. These conditions include limiting the hours of operation of the carwash and warehouse facility.

Hearing Examiner revised conditions/deviations for clarity, compliance with state law and to remove LDC references applicable to development by Condition 1.

⁶⁵ Lee County Utilities and FGUA have public water and sanitary sewer infrastructure in proximity to the property. Lee Plan Standards 4.1.1, 4.1.2; Staff Report.

⁶⁶ North Fort Myers Fire Control & Rescue Service District has stations on Barrett Road and Trail Dairy Circle. Lee County EMS Medic 7 and Lee County Sheriff North District Office are located on Pondella Road.

⁶⁷ Lee Plan Objective 11.2, Policy 30.3.3; Lee Tran Route 140.

⁶⁸ Developer must ensure access to public transportation if available. Lee Plan Objective 11.2, Policy 30.3.3, Map 3-C, LDC §33-1574 identifies design techniques that facilitate public access to transit.

⁶⁹ Lee Plan Map 3-D: Lee County Walkways & Bikeways.

⁷⁰ Lee Plan Policies 5.1.5, 135.9.6; LDC §§34-145(d)(4) a.2.(b), 34-377(a)(3), 34-411, and 34-932(c).

⁷¹ LDC §34-932(b).

⁷² LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objective 77.3, Policies 5.1.5, 6.1.4, 77.3.1, 135.9.6.

⁷³ The Hearing Examiner further restricted the carwash hours of operation in deference to resident's concerns regarding noise.

⁷⁴ LDC 34-145(d)(1)c. and (d)(6)a.

Public

Two members of the public attended the hearing who were residents of Herron Road. They expressed concerns regarding the intrusion of commercial traffic into their residential neighborhood and attendant noise. Hearing Examiner's prehearing site visit brought the public's concerns into sharp focus.⁷⁵

In response to resident concerns, Applicant revised the MCP relocating the Herron Road driveway closer to Pine Island Road. The revised MCP repositions intense uses proximate to US 41 and Pine Island Road. Applicant volunteered conditions limiting the hours of operation of the car wash and requiring the placement of signs discouraging commercial trucks from using Herron Road as a means of ingress or egress from the site. The Hearing Examiner further limited carwash hours of operation. In addition, the Hearing Examiner imposed limits warehouse hours of operation.⁷⁶

Conclusion

The Hearing Examiner recommends approval of the requested Pine Island Road CPD, subject to conditions in Exhibit B.

The Hearing Examiner finds the Pine Island Road CPD meets LDC criteria and, as conditioned, is compatible with surrounding development.⁷⁷

IV. Findings and Conclusions

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

- A. The requested CPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 6, 11, 30, 60, 61, 77, 95, 125, 158, 159; Objectives 2.1, 4.1, 6.1, 11.1, 11.2, 30.2, 77.2, 77.3, 126.2, and Policies 1.1.2, 1.1.11, 1.6.5, 2.2.1, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 30.2.5, 39.1.3, 135.9.6, Lee Plan Maps 1-A, 1-B, 1-C, 2-A, 3-C, 3-D, 4-A, 4-B, 4-E, Table 1(b).
- B. As conditioned, the Pine Island Road CPD:
 - 1. Is consistent with the LDC or qualifies for deviations. LDC Chapters 2, 10, 33, and 34.
 - 2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Goals 2, 6, 30, Objectives 2.1, 2.2, 11.2, and Policies 1.1.2,

⁷⁵ The Hearing Examiner makes a site visit on each case. Lee County Administrative Code 2-6 §3.1.

⁷⁶ Mini-warehouse and public warehouse uses.

⁷⁷ Lee Plan Policy 6.1.4.

- 1.1.11, 5.1.5, 6.1.4, 11.2.1, 30.3.1, 39.1.3, 135.9.5, 135.9.6; LDC §§34-411, 34-413.
3. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 39.1, Policies 6.1.4, 6.1.5, 30.3.3, 38.1.1, 39.1.1, 39.2.2.
 4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 6.1.5, 38.1.1, 38.1.5, 39.1.3, 39.2.1; LDC §§2-261 *et seq.*, 34-411(d) and (e).
 5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 60, 77, 125, Objectives 77.3, 126.2, Policies 6.1.6, 60.1.1, 61.3.6, 77.3.1, 77.3.3, 125.1.2, 125.1.3, 126.2.1, and Standard 4.1.4; and
 6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 6, 11, 95, Objectives 2.1, 2.2, 4.1, 6.1, 158.3, Policies 2.2.1, 4.1.1, 4.1.2, 6.1.4, 11.2.1, 39.2.1, 65.2.1, 158.3.1, 160.1.1, Standards 4.1.1, 4.1.2.
- C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 6, 11, 30; Objectives 2.1, 2.2, 11.2, Policies 2.1.1, 2.1.2, 6.1.7, 6.1.8, 11.2.5, 39.1.3, 135.9.6, Lee Plan Table 1(b)
- D. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Goals 30, 125, Objectives 77.2, 77.3, 126.2, Policies 5.1.5, 6.1.4, 30.3.1, 53.1.5, 56.1.4, 77.3.1, 126.2.1, 135.9.6; LDC §§34-377(a)(3), 34-411 and 34-932(c).
- E. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC §§34-373(a)(9), 34-377(a)(4).
- F. Will be served by urban services and infrastructure. Lee Plan Goal 2, Objectives 2.1, 2.2, Policy 2.2.1, 4.1.1, 4.1.2.

Date of Recommendation: September 25, 2024.


Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A



Professional Engineers, Planners & Land Surveyors

DESCRIPTION
OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING A PORTION OF LOT 8, LITTLE GROVES UNIT "B", AS RECORDED IN PLAT BOOK 9, PAGE 11, ALL OF LOT 4, MARIANA PARK ADDITION NO. 1, AS RECORDED IN PLAT BOOK 10, PAGE 36, ALL OF LOTS 8, 9, 10, 11, 12, AND PORTIONS OF LOTS 13 AND 14, MARIANA PARK 3RD ADDITION, AS RECORDED IN PLAT BOOK 12, PAGE 61, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 102, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2614, PAGES 3177 THROUGH 3197, OF SAID PUBLIC RECORDS; THENCE S 89°54'05" E ALONG THE SOUTH LINE OF SAID PARCEL AND THE SOUTH RIGHT-OF-WAY LINE OF NE PINE ISLAND ROAD (STATE ROAD 78 – WIDTH VARIES) FOR 472.90 FEET; THENCE S 44°54'04" E ALONG SAID SOUTH LINE AND SAID RIGHT-OF-WAY LINE FOR 33.81 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF N. CLEVELAND AVENUE (U.S. 41 / STATE ROAD 45 – 200 FEET WIDE) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2,964.79 FEET, TO WHICH POINT A RADIAL LINE BEARS S 81°47'47" W; THENCE SOUTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 10°40'37" FOR 552.48 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID MARIANA PARK ADDITION NO. 1; THENCE N 89°56'16" W ALONG SAID NORTH LINE FOR 181.44 FEET TO AN INTERSECTION WITH THE WEST LINE OF LOT 3 OF SAID MARIANA PARK ADDITION NO. 1; THENCE S 00°17'45" E ALONG SAID WEST LINE FOR 343.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF PINEAPPLE LANE (50 FEET WIDE); THENCE N 89°56'16" W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 339.37 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 84°37'20" FOR 36.92 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF HERRON ROAD (50 FEET WIDE); THENCE N 05°18'56" W ALONG SAID EAST RIGHT-OF-WAY LINE FOR 885.63 FEET TO THE **POINT OF BEGINNING**.

SUBJECT PARCEL CONTAINS: 9.71 ACRES, MORE OR LESS.

BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS), WHEREIN THE SOUTH RIGHT-OF-WAY LINE OF N.E. PINE ISLAND ROAD (STATE ROAD 78) BEARS S 89°54'05" E. THE SCALE FACTOR IS 0.999942347.

ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED: 05-30-2023.

Digitally signed by Allen M Vose III

Date: 2023.06.09 11:38:23 -04'00'

ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191
DATE SIGNED 06-09-2023
S:\Jobs\86xx\8638\Surveying\Descriptions\8638P BNDY LGL.doc
S:\Jobs\86xx\8638\Surveying\Descriptions\8638P BNDY SKT.dwg



REVIEWED
DCI2023-00015
Rick Burris, Principal
Planner
Lee County DCD/Planning
5/7/2024

SHEET 1 OF 2
• SERVING THE STATE OF FLORIDA •

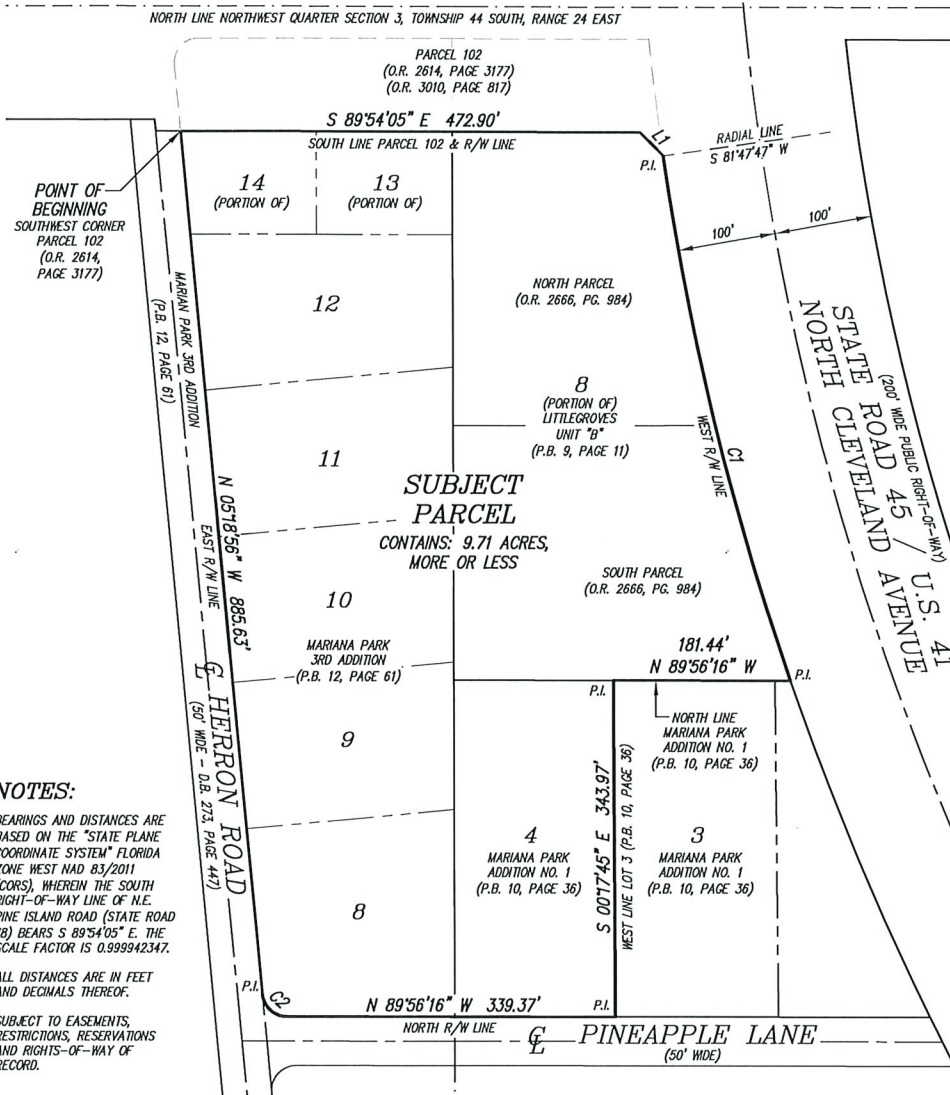
10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

SKETCH OF DESCRIPTION

REVIEWED
DCI2023-00015
Rick Burris, Principal
Planner
Lee County DCD/Planning
5/7/2024

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

STATE ROAD 78
NE PINE ISLAND ROAD
(PUBLIC RIGHT-OF-WAY - WIDTH VARIES)



NOTES:

BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS), WHEREIN THE SOUTH RIGHT-OF-WAY LINE OF N.E. PINE ISLAND ROAD (STATE ROAD 78) BEARS S 89°54'05" E. THE SCALE FACTOR IS 0.999942347.

ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	2964.79'	10°40'37"	552.48'	551.68'	S 13°32'31" E
C2	25.00'	84°37'20"	36.92'	33.66'	N 47°37'36" W

LEGEND:

CL INDICATES CENTERLINE
P.B. INDICATES PLAT BOOK
D.B. INDICATES DEED BOOK
R/W INDICATES RIGHT-OF-WAY
8 INDICATES LOT NUMBER 8
I.N. INDICATES INSTRUMENT NUMBER
P.I. INDICATES POINT OF INTERSECTION
C1 INDICATES LINE DATA: SEE CURVE TABLE
L1 INDICATES CURVE DATA: SEE CURVE TABLE
P.S.M. INDICATES PROFESSIONAL SURVEYOR AND MAPPER
CORS INDICATES CONTINUOUSLY OPERATING REFERENCE STATION

LINE TABLE

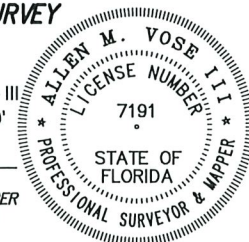
LINE	BEARING	DISTANCE
L1	S 44°54'04" E	33.81'

SEE SHEET 1 OF 2 FOR COMPLETE
METES AND BOUNDS LEGAL DESCRIPTION
**THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY**

Digitally signed by Allen M Vose III
Date: 2023.06.09 11:38:41 -04'00'

ALLEN M. VOSE III, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 7191

— DATE SIGNED: 08-09-2023
— THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF
A FLORIDA LICENSED SURVEYOR AND MAPPER.



S: \JOBS\86XX\8638\SURVEYING\DESCRIPTIONS\8638P BNDY LGL.DWG
S: \JOBS\86XX\8638\SURVEYING\DESCRIPTIONS\8638P BNDY SKT.DWG

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PHONE: (239) 939-5490
FAX: (239) 939-2523

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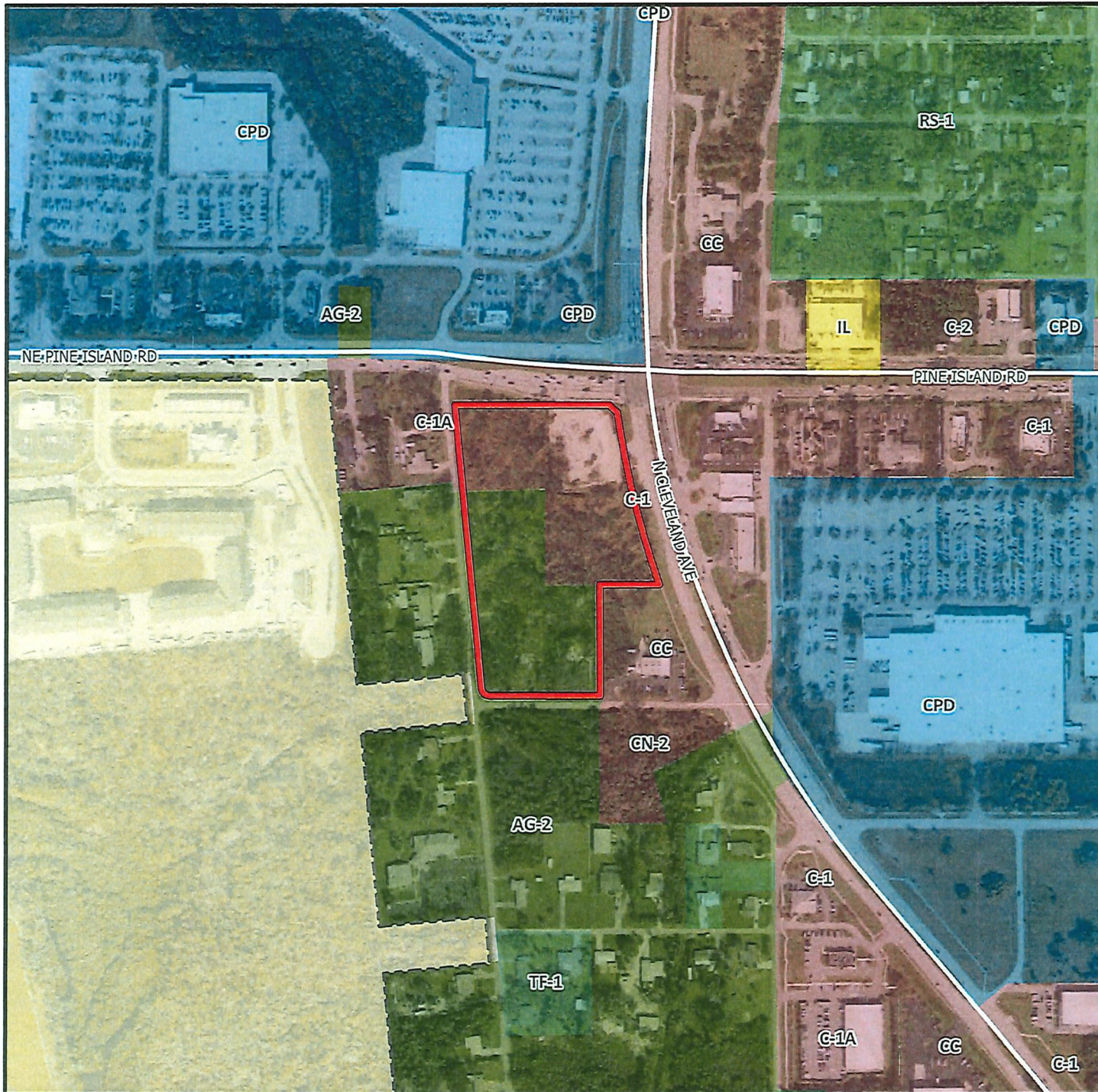
SKETCH OF DESCRIPTION

14993 N CLEVELAND AVE
NORTH FORT MYERS, LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
05-30-2023	8638P	BNDY SKT	AMY	AMY	1" = 150'	2	2	03-44-24

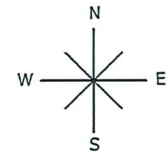
DCI2023-00015

Zoning



 Subject Property

 City Limits



0 250 500 750
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

As revised by the Hearing Examiner

CONDITIONS

1. Master Concept Plan (MCP). Development must be consistent with four-page MCP dated September 23, 2024, entitled "Pine Island Road CPD", prepared by Phoenix Associates of Florida, Inc. except as modified by the conditions below. (Exhibit B1)

Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC, except where deviations are approved herein. Amendments to the MCP, conditions, or deviations require further review and approval.

Approved Development Parameters. The property is approved to develop up to 121,800 square feet of commercial land uses as follows:

Option A:

- Up to 100,000 sq. ft. mini-warehouse/public warehouse,
- 4,000 sq. ft. carwash,
- 2,500 sq. ft. auto repair services,
- 5,000 sq. ft. fast food restaurant
- 7,800 sq. ft. commercial retail uses

Option B:

- Up to 100,000 sq. ft. mini-warehouse/public warehouse,
- 4,000 sq. ft. carwash,
- 2,500 sq. ft. auto repair services,
- 7,500 convenience food and beverage store with 16 fuel pumps.

2. Schedule of Permitted Uses and Property Development Regulations.

a. Permitted 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: Groups 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: Groups I, II
 Repair Shops: Groups 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: Public
 Mini Warehouse

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 sq. feet
Width	150 feet
Depth	150 feet
Maximum Building Coverage	40 percent

3. Open Space
Development order plans must depict a total of 2.56 acres open space.
4. Indigenous Open Space
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 substantially comply with the MCP.
5. Indigenous Restoration and Buffers
The first development order application must include an indigenous restoration plan. Restoration plants used to meet right-of-way buffer requirements must comply with LDC §10-416(d). Supplemental buffer landscaping must comply with LDC §10-420. An above ground temporary irrigation system must be specified on the development order plans.
6. Enhanced Buffer on Herron Road. Development order plans must depict an LDC "Type F" buffer along the eastern edge of Herron Road, north and south of the onsite native preserve.
7. Warehouse Hours of Operation. Warehouse operations are limited to the hours of 7:00 am to 10:00 pm daily. If the property owner intends to operate warehouse uses 24 hours a day, there must be security personnel onsite between the hours of 10:00 pm and 7:00 am.
8. Buffers Around Warehouse Uses
 - a. Development order submittals for mini or public warehouse must reflect an enhanced 15-foot-wide buffer along the internal accessway abutting the mini or public warehouse with landscape vegetation meeting LDC §34-1353(e)(1) specifications. Tree and shrub species must be consistent along the internal accessway to create a unified landscape plan.
 - b. Development order submittals for mini or public warehouses must include landscape plans depicting a five-foot-wide buffer along the southeast property line abutting Community Commercial zoned property.
9. Site Access
Access to US 41 and SR 78 depicted on the MCP is conceptual and subject to modification based upon final approval from Florida Department of Transportation.
10. Commercial Trucks Prohibited on Herron Road. Development order plans must depict the posting location of signs prohibiting trucks from using Herron Road for ingress to or egress from the site.
11. Dumpsters. Dumpsters are prohibited within 100 feet of the Herron Road right-of-way.

12. Carwash Hours of Operation. Carwash may be operated between the hours of 8:00 a.m. and 7:00 p.m., seven days a week.
13. State and Federal Permits
County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

DEVIATIONS

1. Required Parking Spaces. Deviation 1 seeks relief from LDC §34-2020(b), which requires non-residential uses, particularly mini or public warehouse, to provide a minimum of one space per 25 storage units to allow for a minimum of one space per 50 storage units, with a minimum of five spaces.

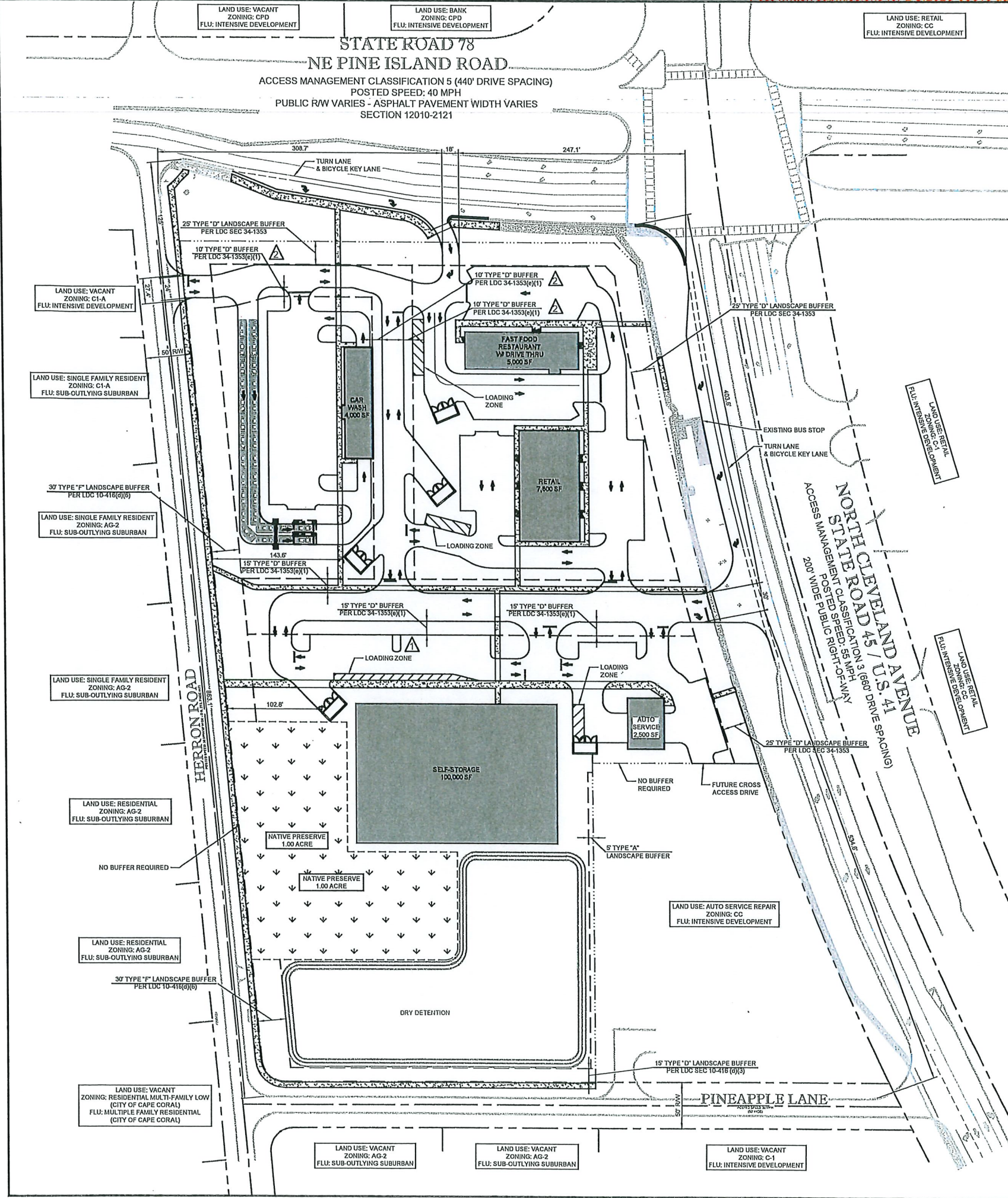
Hearing Examiner Recommendation: Approved.

2. Buffers. Deviation 2 seeks relief from LDC 34-1353(e), which requires convenience food and beverage stores, automobile service stations, fast food restaurants, and car washes to provide 15 foot wide right-of-way buffer if abutting an internal accessway to a commercial development to allow for a 10 foot wide buffer where those uses adjacent to internal rights-of-way in the locations depicted on the MCP.

Hearing Examiner Recommendation: Approved.

Exhibits to Conditions:

B1 Master Concept Plan entitled "Pine Island Road CPD", prepared by Phoenix Associates of Florida, Inc. dated September 23, 2024.

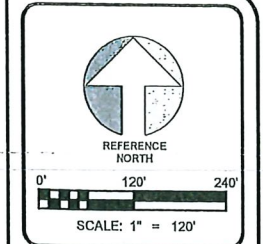


PROJECT SUMMARY	
SITE LOCATION:	SWC OF N CLEVELAND AVE & NE PINE ISLAND RD LEE COUNTY, FL 33903
PROJECT AREA:	9.71 ACRE ±
STRAP NUMBER:	0344240100000008B 0344240100000008A 03442401000000080 03442406000000040 03442411000000080 03442411000000090 03442411000000100 03442411000000110 03442411000000120 03442411000000130 03442411000000140
ZONING/REZONING	C-1, C-1A & AG-2 TO <u>CPD</u>

OPEN SPACE SUMMARY	
LAND USE	AREA
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

LEGEND	
	CPD BOUNDARY
	BUILDING
	PEDESTRIAN CROSSWALK
	VEHICULAR FLOW INGRESS/EGRESS
	LOADING ZONE
	PAVEMENT EDGE DRIVE
	SIDEWALK
	DEVIATION TRIANGLE

INDIGENOUS PRESERVE SUMMARY	
LAND USE	AREA
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))



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

INFINITY
INFINITY ENGINEERING GROUP, LLC
1208 East Kennedy Boulevard
Suite 230
Tampa, Florida 33602
Tel: 813.434.4770
Fax: 813.445.4211
www.iggroup.net
FL Cert. of Auth. No. 27889

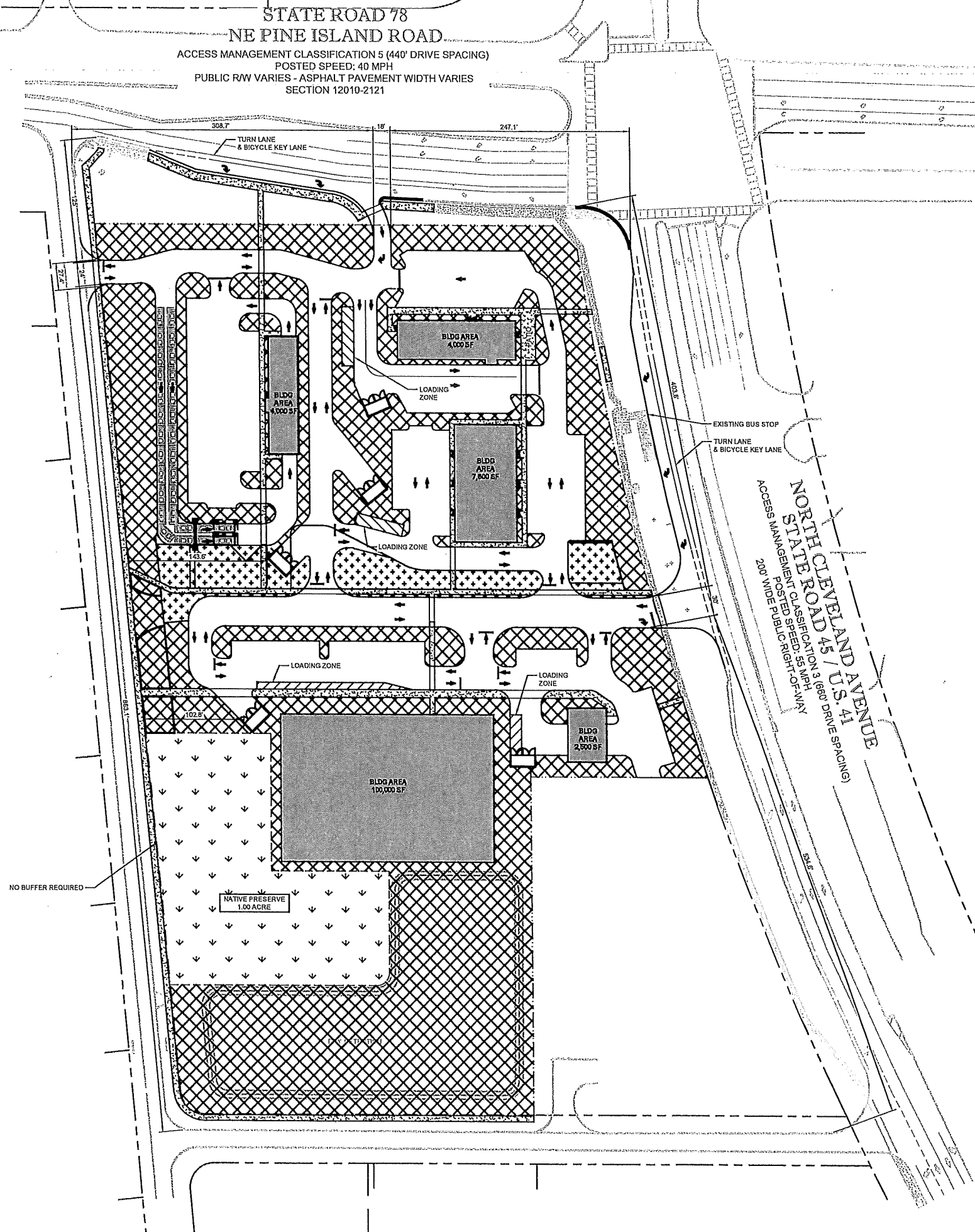
PHOENIX
ASSOCIATES OF FLORIDA
13180 UNIVERSITY ROAD, SUITE 204, NAPLES, FLORIDA 34109
PH: 239.434.0000
FAX: 239.434.0001
www.phoenixassociates.com
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NISIT SAPPARKHAO, P.E.
FL REG. NO. 64085
DATE

Project Name and Address
PNE ISLAND ROAD CPD
SWC OF N CLEVELAND AVE & NE PINE ISLAND RD
LEE COUNTY, FLORIDA 33903
Sheet Title
MASTER CONCEPT PLAN

Project No.
300-21.00
Date
01-23-23
Scale
AS NOTED
Sheet
MCP11

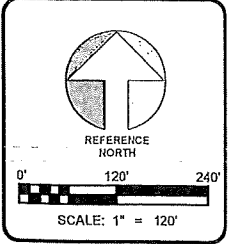
EXHIBIT B-1



PROJECT SUMMARY	
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

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



No.	Revision/Issue	Date
01/23/24	POST HEX REVISION	01/23/24
02/09/24	REVISED FOR HEX	02/09/24
04/10/24	REVISED BUFFERS	04/10/24
07/18/24	REVISED LAYOUT	07/18/24
08/07/23	ISSUE FOR DCI REVIEW COMMENTS	08/07/23
07/23/23	ISSUE FOR REVIEW	07/23/23

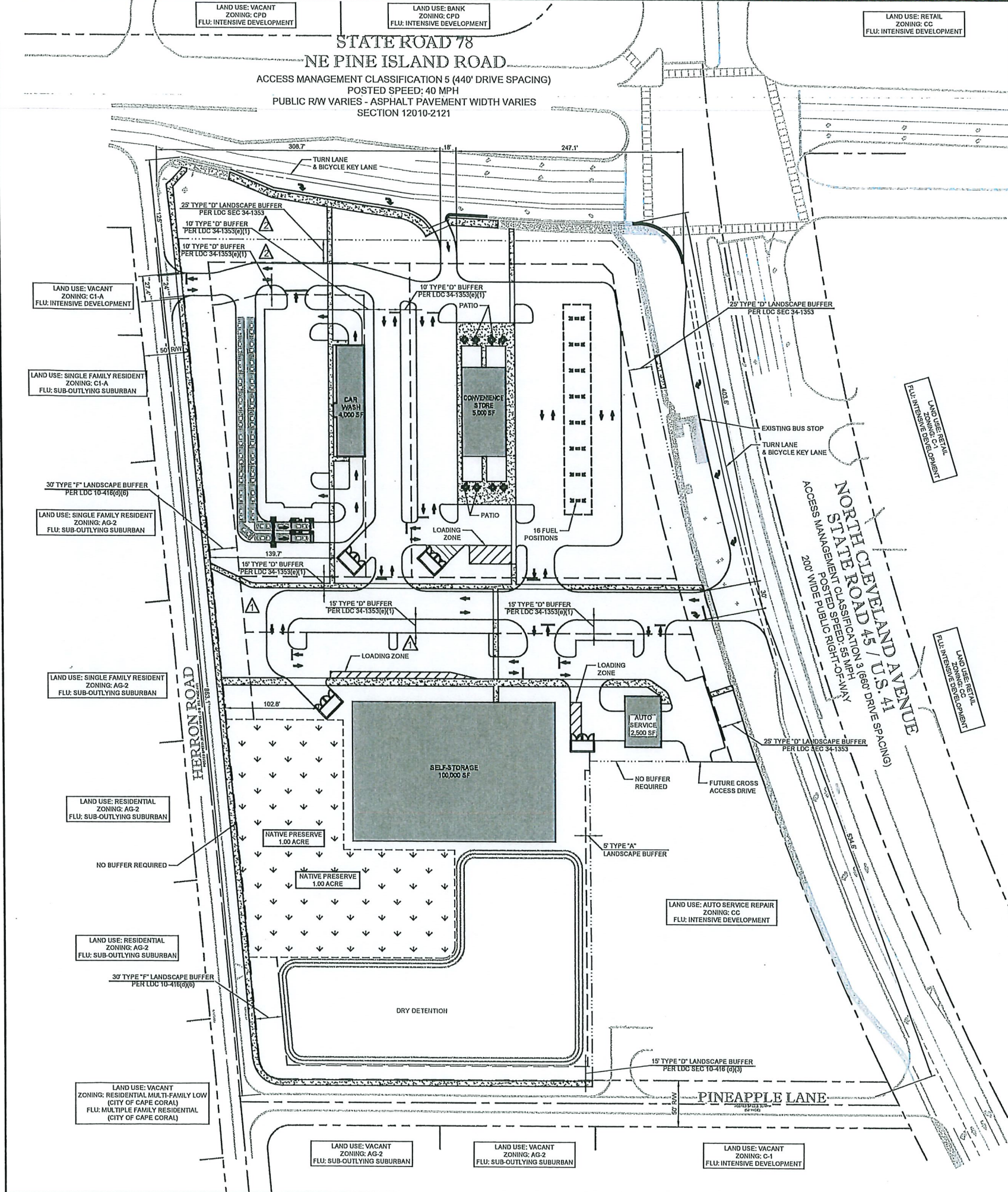
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FLORIDA
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PH. (813) 434-4770 | FAX (813) 434-4771 | WWW.PHOENIXASSOCIATES.COM
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NISIT SAPPARKHAO, P.E.
FL REG. NO. 64085
DATE _____

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
Date
01-23-23
Scale
AS NOTED
Sheet
MCPL2

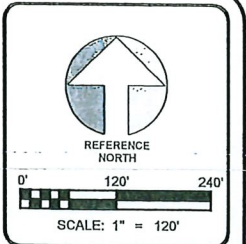


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ZONING/REZONING	C-1, C-1A & AG-2 TO CPD

OPEN SPACE SUMMARY	
LAND USE	AREA
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

LEGEND	
	CPD BOUNDARY
	BUILDING
	PEDESTRIAN CROSSWALK
	VEHICULAR FLOW INGRESS/EGRESS
	LOADING ZONE
	PAVEMENT EDGE DRIVE
	SIDEWALK
	DEVIATION TRIANGLE

INDIGENOUS PRESERVE SUMMARY	
LAND USE	AREA
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))



REVISION	DATE	BY	FOR
POST HEX REVISION	08/23/24		
REVISED FOR HEX	08/23/24		
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Revised/Issue			
Inc.			

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FAX: (813) 964-1112
www.phoenixassociates.com
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NISIT SAPPARKHAO, P.E.
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LEE COUNTY, FLORIDA 33903

Sheet Title
MASTER CONCEPT PLAN

Project No.
300-21.00

Date
01-23-23

Scale
AS NOTED

Sheet
MCP21

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Elizabeth Workman, Principal Planner, date received July 30, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *Affidavit of Publication:* Advertisement for zoning case DCI2023-00015 Pine Island Road CPD, date of hearing August 14, 2024 (1 page – 8.5"x11")
3. *PowerPoint Presentation:* Prepared by Lee County Staff for DCI2023-00015 Pine Island Road CPD, dated August 14, 2024 (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Alexis Crespo with RVI Planning and Landscaping Architecture, to Maria Perez, C. Lasano, Josephine Medina, Brett Nevaril, Barrett Stejskal, Ted Treesh, Elizabeth Workman, and Diogo Rodrigues, with copies to Rebecca Sweigert, Tracy Toussaint, Jamie Princing, Elizabeth Workman, Audra Ennis, Nicholas DeFilippo, Ohdet Kleinmann, Abby Henderson, Lee Werst, Warren Baucom, Mikki Rozdolski, Anthony Rodriguez, Dirk Danley, Jr., Phil Gillogly, Marcus Evans, and Jennifer Rodriguez, dated Sunday, August 11, 2024, 11:53 AM (multiple pages – 8.5"x11" & 11"x17")
1. *PowerPoint Presentation:* Prepared by RVI Planning and Landscaping Architecture for DCI2023-00015 Pine Island Road CPD, dated August 14, 2024 (multiple pages – 8.5"x11")[color]
2. *Written Submissions:* Email from Alexis Crespo with RVI Planning and Landscaping and Architecture, to Maria Perez, C. Lascano, Brett Nevaril, Diogo Rodrigues, Ted Treesh, Barrett Stejskal, and Elizabeth Workman, with copies to Rebecca Sweigert, Tracy Toussaint, Jamie Princing, Elizabeth Workman, Audra Ennis, Nicholas DeFilippo, Ohdet Kleinmann, Abby Henderson, Lee Werst, Marcus Baucom, and Jennifer Rodriguez, dated Monday, September 23, 2024, 5:09 PM (multiple pages – 8.5"x11" and 11"x17"){post hearing submittal}

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Elizabeth Workman

Applicant Representatives:

1. Alexis Crespo
2. Brett Nevaril
3. Barrett Stejkal
4. Ted Treesh

Public Participants:

1. Sarah Decker
2. Jason Harper

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.
- C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.