

THE OFFICE OF THE LEE COUNTY
HEARING EXAMINER

CASE NO.: DCI2023-00015

IN RE: PINE ISLAND ROAD CPD

PROCEEDINGS: PUBLIC HEARING

BEFORE. Donna Marie Collins
Chief Hearing Examiner

DATE: August 14, 2024

TIME: 9:00 a.m. to 11:15 a.m.

LOCATION: Lee County Hearing Examiner
1500 Monroe Street, Second Floor
Fort Myers, FL 33901

REPORTER: Deborah M. Bruns
Florida Professional Reporter

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9 ALSO PRESENT:

10 Brett Nevaril, Infinity Engineering
11 Diogo Rodrigues, Infinity Engineering
12 Ted Treesh, TR Transportation Consultants
Barrett Stejskal, BearPaws Environmental
Christopher Lascano, Phoenix Associates of Florida

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1 P R O C E E D I N G S

2 HEARING EXAMINER COLLINS: Do we have members of
3 the public here?

4 MS. CRESPO: We do not.

5 HEARING EXAMINER COLLINS: Okay. I will dispense
6 with my elongated presentation then.

7 My name is Donna Marie Collins. I am the Hearing
8 Examiner that will be presiding over the case this
9 morning, Pine Island Road CPD.

10 All testimony and evidence that I accept during
11 these hearings must be taken in under oath; therefore,
12 I will administer the oath to everyone in the room who
13 will be speaking today. Please raise your right hand.

14 Do you swear or affirm the testimony and evidence
15 you place into the record will be the truth?

16 (Participants responded en masse.)

17 HEARING EXAMINER COLLINS: Okay. I'm ready to
18 begin.

19 MS. CRESPO: All right. Good morning, Alexis
20 Crespo representing the Applicant.

21 I have a binder containing our PowerPoint and our
22 48-hour letter with exhibits.

23 (Applicant Exhibits A and 1 submitted.)

24 MS. CRESPO: We do have a PowerPoint presentation.
25 I'll introduce the team and then address the 48-hour

1 letter.

2 Joining me here today is Chris Lascano with
3 Phoenix Associates, who is the Applicant. I am Alexis
4 Crespo with RVi Planning, the planner on the project.
5 We have Brett Nevaril, who is not listed on the slide
6 but whose résumé is in -- attached to the 48-hour
7 letter, as well as Diogo Rodrigues, who are the civil
8 engineers with Infinity Engineering. Ted Treesh is
9 here with TR Transportation, and Barrett Stejskal
10 prepared the environmental report with the (inaudible.)

11 (Jason Harper entered the hearing room.)

12 HEARING EXAMINER COLLINS: Is this a member of
13 your team?

14 MS. CRESPO: Are you here for the hearing, sir?

15 MR. HARPER: It depends. I probably am just lost,
16 I'm sorry.

17 MS. CRESPO: Pine Island Road CPD?

18 MR. HARPER: Yeah, right there...

19 MS. CRESPO: At -- across from Merchants Crossing?

20 MR. HARPER: Yes.

21 MS. CRESPO: You are in the right place.

22 MR. HARPER: Okay.

23 HEARING EXAMINER COLLINS: Okay.

24 MS. CRESPO: Okay?

25 You have received a 48-hour letter outlining three

1 items from the Applicant:

2 The first is just a minor clerical item to change
3 the 10,000-square-foot mini-warehouse to a
4 100,000-square-foot mini-warehouse. I believe that was
5 a scrivener item.

6 We are asking for the addition of public warehouse
7 to the schedule of uses. I know this has occurred in a
8 case recently. In this case the legal advertisement
9 didn't specify the type of warehousing. Our master
10 concept plan had self-storage listed -- we discussed
11 with Staff -- and these are public and mini-warehouse.
12 For retail use the public is accessed internally,
13 whereas mini-warehouse is accessed from external doors;
14 but we were in agreement that it's -- in terms of form,
15 function, scale, the ITE code that directs the parking
16 requirement, as well as the trip generation, does not
17 change with the addition of that use. So we won't let
18 that happen again and would respectfully request that
19 be added to the schedule of uses today. And Ted can
20 provide more testimony during his portion of the
21 presentation on that.

22 The second item was related to an internal buffer
23 requirement. Because the site is partially in the
24 mixed-use overlay -- not to jump into the hearing
25 parts, but because the site is partially in the

1 mixed-use overlay within the North Fort Myers Planning
2 Community and subject to Chapter 33, and then also has
3 certain uses that trigger Chapter 34 supplementary
4 buffering requirements, we were dealing with
5 Chapter 10, Chapter 33, and Chapter 34 buffers to
6 arrive at the required buffers in this project. And
7 the 48-hour letter from your Staff and the Staff Report
8 indicated that we did not need Deviation 3, which was
9 for the internal access road. Staff had opined that
10 because it's within the mixed-use overlay a 5-foot
11 Type A buffer is required along that roadway. We are
12 providing a 15-foot Type B for continuity on the
13 roadway, so we actually exceed the buffer requirement.
14 However, upon -- so our 48-hour withdrew the deviation,
15 in agreement with Staff.

16 We kicked it around a little bit more this
17 morning; and as you noted, the mixed-use overlay is not
18 applicable to, like, this area of the site. So we
19 believe this segment of the access road still needs
20 that deviation -- not the entirety of it, but just that
21 segment of it, and that would -- because that would be
22 a 20-foot Type D buffer per the Chapter 33
23 requirements.

24 HEARING EXAMINER COLLINS: So Deviation 3 is back
25 in?

1 MS. CRESPO: In a modified format where it's only
2 applicable -- it would only be key to this area --

3 HEARING EXAMINER COLLINS: And is that reflected
4 in the 48-hour?

5 MS. CRESPO: No, we just arrived at that --

6 HEARING EXAMINER COLLINS: All right.

7 MS. CRESPO: -- this morning.

8 HEARING EXAMINER COLLINS: So I'll be receiving a
9 new master concept plan?

10 MS. CRESPO: We would -- yes, we believe if we had
11 the record open till Friday, that would be sufficient.

12 (Sarah Decker enters the hearing room.)

13 HEARING EXAMINER COLLINS: Hi, please take a seat
14 in the gallery.

15 MS. DECKER: Thank you. Sorry, school -- had to
16 get the kids in school first.

17 MS. CRESPO: So -- yes. And we can walk through
18 that in more detail during the presentation, but yes.
19 And then --

20 HEARING EXAMINER COLLINS: So am I receiving a
21 master concept plan today here, or is the record going
22 to be left open?

23 MS. CRESPO: We will need to leave the record
24 open.

25 And the third item in the 48-hour letter is -- was

1 related to the indigenous preserve and stormwater. You
2 can see there's a centralized or master stormwater
3 management area near the preserve. This was redesigned
4 through the process of Staff review, and the initial
5 stormwater narrative that Staff had on file indicated
6 that the preserve area would attenuate into the upland
7 preserve area, which Staff took exception to as that
8 could potentially threaten the upland species. So we
9 revised our stormwater narrative in your 48-hour letter
10 to indicate that this stormwater area will not
11 interface with the preserve. We'll -- this will remain
12 an upland. We will not try to hydrate it through the
13 stormwater management design so -- and that is also
14 included in your package.

15 So with that, I'll go through the presentation and
16 ask members of our team to provide testimony related to
17 their role in the project.

18 For this testimony, I've been accepted as an
19 expert in land use, the Lee County Land Development and
20 Comp Plan, and would request to be treated as an expert
21 here today.

22 HEARING EXAMINER COLLINS: (Nods head.)

23 MS. CRESPO: Thank you.

24 The request before you this morning is to rezone
25 the subject property, which is just under ten acres in

1 size. It's a mix of commercial zoning district, C-1
2 and C-1A. It also has agricultural zoning applicable
3 to the southern and eastern -- or western limits of it,
4 and we are proposing to rezone to a unified commercial
5 planned development. This would allow for a mix of
6 commercial uses appropriate at this arterial
7 intersection:

8 We are seeking 100,000 square feet of
9 self-storage, which could be either mini-warehouse,
10 public warehouse, or a hybrid version of both;

11 We are seeking a 4,000-square-foot car wash.
12 There was a car wash previously on the site that was
13 demolished a few years ago;

14 2,500 square foot of auto repair service is
15 requested;

16 7,800 square foot of commercial retail uses;

17 And then we have a parcel where we're proposing
18 either a fast food restaurant or a convenience store
19 with fuel pumps, up to 16 pumps.

20 HEARING EXAMINER COLLINS: Okay, so I'm not clear.
21 My understanding was you're -- you're requesting the
22 first several bullets: The 100,000-square-foot
23 mini-warehouse; the 4,000-square-foot car wash; the
24 2,500-square-foot auto repair; then convenience store
25 with 16 fuel pumps or, option B, which is

1 5,000-square-foot fast food restaurant and
2 7,800-square-foot commercial retail uses. Is that not
3 what it is?

4 MS. CRESPO: The car --

5 HEARING EXAMINER COLLINS: Because this is very
6 confusing.

7 MS. CRESPO: Noted, and they're still trying to
8 pin down end users.

9 HEARING EXAMINER COLLINS: So is it the first four
10 and either five or six, or is it the first five -- I
11 mean, I don't understand what the alternatives are.

12 MS. CRESPO: It is the first four and either the
13 gas station or fast food.

14 HEARING EXAMINER COLLINS: So in the Staff Report
15 where it says 7,800 square feet commercial retail, that
16 should be grouped above the convenience store with gas
17 pumps or fast food?

18 (Discussion at Applicant's table)

19 MS. WORKMAN: This is what the narrative was in
20 the request. That's why it's in the Staff Report. The
21 "or" is what Madam Hearing Examiner is --

22 MS. CRESPO: Our master concept plan shows -- not
23 to go out of order again, but it's important and a good
24 point. We show the fast food option. So in this fast
25 food option you have the four static uses: the car

1 wash, the self-storage, the auto repair, the retail,
2 and the fast food.

3 HEARING EXAMINER COLLINS: That's five.

4 MS. CRESPO: So the -- these four remain static.
5 This is fast food. The alternative would be this would
6 be converted to a gas station or convenience store with
7 fuel pumps.

8 HEARING EXAMINER COLLINS: Okay. So it's -- let's
9 go back to what you have on your PowerPoint.

10 MS. CRESPO: Oh, sorry. And --

11 HEARING EXAMINER COLLINS: Okay. So this
12 7,800-square-foot retail commercial use is happening
13 regardless of whether it's fast food or a convenience
14 store with gas pumps?

15 MS. CRESPO: Correct.

16 HEARING EXAMINER COLLINS: Okay. How is the
17 transportation analyzed then?

18 MS. CRESPO: Ted --

19 HEARING EXAMINER COLLINS: Because this is a
20 little different than what was presented.

21 MS. CRESPO: Ted will be presenting on it. We --
22 we did the worst-case scenario, which is -- well, I
23 believe it's run both ways?

24 HEARING EXAMINER COLLINS: So did the
25 transportation consider either convenience store or

1 fast food and 7,800 square feet commercial retail; or
2 did it analyze everything and either convenience store
3 or fast food? Because everything in the report so far
4 is contrary to what's on the screen today.

5 MS. CRESPO: And Ted Treesh will be presenting as
6 part of the application. We --

7 HEARING EXAMINER COLLINS: Okay.

8 MS. CRESPO: In your 48-hour letter, we noted that
9 the traffic study was outdated that you received in
10 your package, and so we provided an updated traffic
11 study that was submitted to Staff in February of this
12 year. That traffic study analyzes 7,800 square foot of
13 retail, 100,000 square foot of self-storage, 2,500
14 square foot of auto repair, a 4,000-square-foot car
15 wash, so those static items, and then the gas station
16 or fast food.

17 HEARING EXAMINER COLLINS: Okay, thank you.

18 MS. CRESPO: And I believe what -- Ted will
19 testify to this, but the worst-case scenario was the
20 convenience store with gas pumps, fuel pumps, and so
21 that was in the revised traffic study. And I do
22 apologize, that it is confusing.

23 HEARING EXAMINER COLLINS: Okay.

24 MS. CRESPO: All right. So those are the
25 summation of uses.

1 The subject property is located at the southwest
2 intersection of Pine Island Road/North Cleveland Avenue
3 in the North Fort Myers Planning Community. This is an
4 intensive urban area of the county well served by
5 public infrastructure.

6 Zooming in on the site, you can see the underlying
7 future land use category is bifurcated between
8 intensive development shown in the pink, which is about
9 five acres of the site. It's along those arterial
10 frontages. The yellow depicts outlying -- or
11 sub-outlying suburban, which applies to the southern
12 portions of the site, as well as that western edge
13 shown in yellow, where we have reduced the intensity of
14 uses to comply with the future land use, as we'll
15 discuss in the presentation.

16 The property is partially within your mixed-use
17 overlay, which encumbers the frontage of the property.
18 Just under four acres of the site, shown in purple, is
19 within that mixed-use overlay.

20 And then, lastly, we are in a mix of C-1, C-1A,
21 and AG-2 zoning districts currently.

22 In terms of surrounding uses, again, this is in an
23 urbanized area of the county, as you can see from the
24 level of development surrounding the subject property.
25 To our north we have a development of regional impact

1 and planned development zoning district known as
2 Merchants Crossing. This has several big-box
3 retailers, restaurants. It's been recently redeveloped
4 with an apartment component. So a very dense/intense
5 mixed-use project immediately to our north.

6 As you go to the east, you have a Walmart big-box
7 retailer, as well as commercial outparcels along the
8 North Cleveland Avenue frontage.

9 To our immediate west -- on the west side of
10 Herron Drive (sic), rather, there are some
11 single-family residences remaining in the AG-2 zoning
12 district that have been developed for many years and
13 are certainly feeling the effects of the changing
14 nature of the surrounding area, but we have buffered
15 them carefully, as we'll walk through in the
16 presentation today.

17 And also important to note, you enter into the
18 city of Cape Coral as you move further west down Pine
19 Island Road. This is the Judd Creek PDP area, and this
20 is multi-family dwelling units developed at densities
21 up to 25 units per acre per their future land use.

22 This is our proposed master concept plan. We have
23 a right in/right out off of North Cleveland Avenue. We
24 also have a right in/right out off of Pine Island Road.
25 We have a tertiary access point off of Herron Drive, as

1 well.

2 There are no access points onto Pineapple Lane.

3 It is understood Herron Road is substandard, and
4 we will have to improve the roadway up to our driveway
5 in accordance with Chapter 10 of the LDC. We're not
6 seeking any relief from that requirement.

7 We've talked about the use areas. Our master
8 concept plan is showing the fast food option. In terms
9 of those use areas, the fast food will be located at
10 the corner of the site.

11 As you move south, we have the 7,800-square-foot
12 retail building that could include a variety of goods
13 and service type uses.

14 The auto repair building is further south of -- in
15 the property.

16 We have the 100,000 square foot of self-storage.

17 It's important to note the -- sub-outlying
18 suburban is roughly kind of this area of the site, as
19 you saw on the future land use map, so we did locate
20 the lesser intense uses of self-storage in that
21 location for compatibility with the future land use
22 category.

23 HEARING EXAMINER COLLINS: But isn't a car wash
24 also in that category?

25 MS. CRESPO: The car wash, yes, is located within

1 the sub-outlying suburban portion of the site.

2 In terms of our buffering, we have provided
3 30-foot Type F buffering, which is your most stringent
4 buffering, along Herron Drive to ensure compatibility.

5 While located further east, there was a car wash
6 here for many years at the -- at the corner on a
7 portion of the subject property. Not necessarily in
8 the exact location as shown, but it has been a use on
9 the property.

10 We have an acre of consolidated upland preserve
11 area in the southern portion of the site. Because it's
12 consolidated, we get to apply the bonus allowed in
13 Chapter 10. So we feel that's a good design as it
14 gives a nice contiguous swath of preserve instead of
15 patches throughout the project. It's also integrated
16 or located adjacent to -- our stormwater management
17 will not be integrated but located adjacent thereto,
18 and so that provides transition as you move south
19 towards Pineapple.

20 In terms of our buffers, we have 25-foot Type D
21 buffers along both arterial frontage, and that's a
22 requirement per Chapter 33 -- Chapter 34 because of the
23 nature of our uses triggering supplementary buffering
24 standards. So 25 feet to provide a nice contiguous,
25 consistent buffering around the property. For the

1 portions of the project that abut Pineapple, we will
2 provide a 15-foot Type D buffer. Where we have
3 preserve we are not providing a buffer, on that western
4 edge; but we will have, as I noted, 30-foot Type F
5 buffers, which is the most dense, widest buffer, in
6 those areas along Herron Road to screen the
7 single-family uses to the other side of the roadway.

8 And then internally we are proposing a 15-foot
9 Type D buffer along that internal drive aisle to
10 further improve the project. As noted, we would like
11 to submit a revised schedule of deviations and
12 justifications, as well as a revised MCP to incorporate
13 a deviation here to allow that buffer to be 15 feet.
14 Beth and I, in looking at it again this morning,
15 realized it technically should be 30 feet in -- or 20
16 feet in this area, and we would like to seek that
17 deviation that will allow for a contiguous buffer along
18 that drive aisle. We also -- because we are doing an
19 enhanced buffer with 15 feet in these areas, we'll have
20 compensatory buffering, as well, to offset the nature
21 of that deviation.

22 HEARING EXAMINER COLLINS: Isn't that your
23 dumpster right there, in that corner. Up, up --

24 MS. CRESPO: This is the dumpster location --

25 HEARING EXAMINER COLLINS: -- up, there.

1 MS. CRESPO: -- and this is a dumpster, yes.

2 HEARING EXAMINER COLLINS: And that's across from
3 a house; right?

4 MS. CRESPO: There are residences on this side of
5 the roadway, yes.

6 HEARING EXAMINER COLLINS: Okay.

7 MS. CRESPO: There is approximately 100 plus feet
8 between the dumpster facility and the (inaudible) --

9 THE REPORTER: Between the what?

10 MS. CRESPO: Between the dumpster and the property
11 line, in terms of separation.

12 And so I've outlined for you the -- we do meet the
13 open space provisions. We also have on-site usable
14 open space depicted.

15 We meet the indigenous requirements.

16 And the only buffering deviation required for this
17 segment is the internal accessway. All external
18 buffers meet or exceed the Land Development Code.

19 We do have existing sidewalk facilities
20 surrounding the project, as well as a LeeTran stop in
21 approximately this location with the covered bus
22 shelter.

23 HEARING EXAMINER COLLINS: So there's a LeeTran
24 stop on 41 there?

25 MS. CRESPO: Yes.

1 HEARING EXAMINER COLLINS: And is there one on
2 Pine Island Road, as well?

3 MS. CRESPO: I don't believe there is one on our
4 frontage on Pine Island Road.

5 HEARING EXAMINER COLLINS: Okay. So that's 140
6 but -- Route 595 goes on Pine Island Road, but there's
7 no stop right now.

8 MS. CRESPO: No stop on our property.

9 HEARING EXAMINER COLLINS: Okay.

10 MS. CRESPO: We have two deviations. Again, we'd
11 like to keep the record open to add a third for that
12 buffer segment.

13 Our first deviation is to allow for a 56-foot-wide
14 parking lot entrance, whereas the Code limits it to 35
15 feet. And that is along Herron Road to allow for
16 appropriate turning movements and a little bit larger
17 turn radius for any larger vehicles that may be
18 entering from that location. Staff has recommended
19 approval.

20 HEARING EXAMINER COLLINS: So is it the intention
21 to route the tanker trucks down Herron Road to serve
22 the gas station?

23 MS. CRESPO: Ideally -- ideally not, but it's a
24 possibility and so we wanted to design to that
25 standard.

1 HEARING EXAMINER COLLINS: Okay.

2 MS. CRESPO: Deviation --

3 HEARING EXAMINER COLLINS: Is there a master
4 concept plan for me to see with the gas station on it,
5 since you're designing for it?

6 MS. CRESPO: I believe, in discussions with Staff,
7 it was preferred that we do not have two separate
8 master concept plans.

9 HEARING EXAMINER COLLINS: So where would it be
10 configured on the site?

11 MS. CRESPO: It would be in this location at the
12 northeast corner.

13 HEARING EXAMINER COLLINS: So that small area can
14 accommodate the store and all the pumps?

15 MS. CRESPO: I will defer to our civil engineer.
16 They will provide testimony a little bit later in our
17 presentation.

18 HEARING EXAMINER COLLINS: Okay. I'd like
19 additional testimony on that, please.

20 MS. CRESPO: Deviation 2 is related to the
21 self-storage parking requirement. Ted Treesh prepared
22 a parking demand study. This was based on a -- also a
23 previously approved parking demand study for Arborwood.
24 Staff has reviewed the data analysis and also
25 recommended approval of this deviation. We would note

1 that it would apply to both mini-warehouse and public
2 warehouse, as Ted will testify the ITE treats these
3 uses the same. They both fall under ITE Code 151,
4 mini-warehouse. So that document would not need to
5 change based on the addition of public warehouses.
6 They function the same from a traffic standpoint.

7 HEARING EXAMINER COLLINS: So the ITE study is
8 showing that the parking demand is less than what the
9 Land Development Code requires? Is that the point --

10 MS. CRESPO: Correct.

11 HEARING EXAMINER COLLINS: -- you're trying to
12 make?

13 MS. CRESPO: Correct, yes. It supports one space
14 for 50 units, as opposed to one space for 25 units.

15 HEARING EXAMINER COLLINS: Okay.

16 MS. CRESPO: With a -- in all cases a minimum of
17 five spaces which, based on our square footage, would
18 be tripped.

19 This is just simply, to the extent relevant,
20 stating the definitions of warehouse, mini-warehouse --
21 public and mini-warehouse in the Code definitions, and
22 they are even tied together via their definitions.
23 It's just a function of how they're accessed by the
24 patrons, with public being indoor units and
25 mini-warehouse being the kind of garage-door-style

1 units.

2 HEARING EXAMINER COLLINS: Uh-huh.

3 MS. CRESPO: So I've covered these points. They
4 function the same. Both are going to be retail-style
5 self-storage, and Staff agreed that the parking demand
6 analysis did not need further review on the addition of
7 that use.

8 Deviation 3 will be modified and added back in to
9 apply to only one segment and discuss the compensatory
10 plantings elsewhere on this site, and the intent to
11 create consistent buffer along that internal accessway.

12 MR. STEJSKAL: (Waving.)

13 MS. CRESPO: Hi.

14 I'll turn it over to Barrett Stejskal to discuss
15 the environmental.

16 HEARING EXAMINER COLLINS: All right, thank you.

17 MR. STEJSKAL: Good morning, Madam, Barrett
18 Stejskal with BearPaws Environmental. I missed the
19 swearing in this morning, if you'd like to do it now.

20 HEARING EXAMINER COLLINS: Do you swear or affirm
21 the testimony and evidence you place into the record
22 will be the truth?

23 MR. STEJSKAL: Yes, ma'am.

24 All right, good morning. I've done the species
25 survey/environmental assessment on this one. There

1 were no species identified on-site. There were no
2 wetlands. The overall parcel was previously disturbed.
3 There were homesites that previously existed on-site
4 that have been removed. You can see several driveway
5 pads and whatnot. It was a very disturbed site
6 overall, but the preserve -- the preserve being
7 provided will meet LDC requirements. We're doing a
8 planting plan, too.

9 HEARING EXAMINER COLLINS: So remove exotics --

10 MR. STEJSKAL: Remove exotics and replant.

11 HEARING EXAMINER COLLINS: -- and replant.

12 MR. STEJSKAL: Yes, ma'am.

13 HEARING EXAMINER COLLINS: Okay, thank you.

14 MR. STEJSKAL: Yes, ma'am, that's all I got.

15 HEARING EXAMINER COLLINS: Thank you.

16 MR. STEJSKAL: Yes, ma'am.

17 MS. CRESPO: Brett Nevaril will discuss the
18 infrastructure. He has not testified in this forum
19 previously so his résumé was included in your 48-hour
20 letter.

21 HEARING EXAMINER COLLINS: Okay.

22 MR. NEVARIL: Good morning.

23 HEARING EXAMINER COLLINS: Good morning. If you
24 would just take a few minutes and go over your
25 educational and work background, and then I can qualify

1 you as an expert in civil engineering or --

2 MR. NEVARIL: Yes, ma'am.

3 HEARING EXAMINER COLLINS: -- whatever --

4 MR. NEVARIL: I graduated from the University of
5 South Florida with a bachelor's in civil engineering.
6 I'm also an engineer trained and certified. I'm an
7 owner of an engineering firm so I'm managing partner of
8 my firm. We employ about 75 engineers. I've been
9 working in this county particularly for about -- since
10 1997. The gas station up there that we -- that was
11 previously demoed was one of my projects when I was
12 just a little kid.

13 So we have a lot of history here. We have --
14 right now we have over a dozen current projects within
15 Lee County under DOs. We have several under
16 construction with Phoenix. So we have a lot of
17 experience in this county.

18 HEARING EXAMINER COLLINS: Okay, you may proceed.

19 MR. NEVARIL: Okay. So from an infrastructure
20 perspective, we are -- the sewer is FGUA, and there are
21 force mains on both Pine Island and also on Cleveland.
22 So the overall system will require a sewer pump station
23 in order to connect to it.

24 There is potable water both on Pine Island,
25 Cleveland, and also on Pineapple. The major lines are

1 on Cleveland and also on Pine Island so --

2 HEARING EXAMINER COLLINS: Are we talking about
3 water or sewer now?

4 MR. NEVARIL: Potable water.

5 HEARING EXAMINER COLLINS: Okay.

6 MR. NEVARIL: Yeah. Sewer is sewer force main
7 pipe, two-way. They're located on Cleveland adjacent
8 to the property, and they're located on Pine Island
9 adjacent to our property. So it's an easy connection,
10 but it will require a sewer pump station.

11 So the potable water and fire -- the fire main
12 plug is available from -- from the southern property
13 line, which is Pineapple; it's available on the east
14 property line, which is Cleveland; and it's available
15 on the north property line, which is Pine Island; all
16 within -- adjacent to the property, so it's very easy
17 connections.

18 Stormwater, as we said -- you know, originally we
19 had -- the reason why we had -- originally we had the
20 preserve on the southern portion. So the idea was to
21 have the dry detention -- it would flow into the
22 preserve and maintain flows, but then we moved it to
23 the north. And so that's where the confusion comes in.
24 So we will have a master system for stormwater,
25 everything will drain to it, but it will bypass the

1 preserve system. Our outfall historically is to the
2 southwest, at the corner of Herron and Pineapple. It
3 goes into the creek system -- or goes into the ditch
4 system; then there is head wall and culvert that goes
5 to the west, and eventually discharges to the wetlands
6 and ultimately discharges into the adjacent creeks and
7 makes it to -- so we will design the system in
8 accordance with South Florida Water Management District
9 and Lee County design requirements.

10 HEARING EXAMINER COLLINS: So the reason why it
11 couldn't filter through the open space area was why?

12 MR. NEVARIL: Well...

13 MS. CRESPO: Because the -- that preserve is
14 upland hardwood, and Staff consistently does not want
15 stormwater --

16 MR. NEVARIL: We're afraid --

17 MS. CRESPO: -- discharging to an upland.

18 MR. NEVARIL: -- we're afraid it will be degraded
19 by any additional water.

20 HEARING EXAMINER COLLINS: So the water will fall
21 on that area, as it has historically.

22 MR. NEVARIL: Historically, yes, ma'am.

23 HEARING EXAMINER COLLINS: And then on the
24 impervious areas of your site, it will be directed to
25 this large stormwater feature.

1 MR. NEVARIL: Yes, ma'am.

2 HEARING EXAMINER COLLINS: And then nutrients will
3 filter to the bottom; it gets to a certain level, it's
4 going to spill out into a swale system --

5 MR. NEVARIL: Yes, ma'am.

6 HEARING EXAMINER COLLINS: -- that eventually
7 makes its way to the Caloosahatchee.

8 MR. NEVARIL: Yes, ma'am.

9 HEARING EXAMINER COLLINS: Okay. I understand,
10 thank you.

11 MR. NEVARIL: And I've done gas/petroleum design
12 my entire career so I can also address your question
13 about the tanker movements.

14 So one of your concerns was about how we bring the
15 tanker in. Tanker -- the way tankers work is you can
16 set a system -- you can set a route to the drivers. So
17 we would never bring a -- we would never bring a driver
18 down a residential or local roadway. All the -- all
19 the tanker deliveries are coming from 75. So they'll
20 come from 75 down Pine Island and make the left turn,
21 and they'll go into our right-in/right-out driveway on
22 Cleveland, and that will be routed to the gas station
23 itself. We would never -- never bring large-design
24 vehicles on a local roadway. And you can set up with
25 the terminal the pathway and the route that needs to be

1 done.

2 HEARING EXAMINER COLLINS: Well, I don't have a
3 layout of your convenience store option so I have no --

4 MR. NEVARIL: Correct, yeah.

5 HEARING EXAMINER COLLINS: -- idea how they're
6 going to navigate the site, you know, is that going to
7 be the only way they're going to be able to get out --

8 MR. NEVARIL: It would be, yes.

9 HEARING EXAMINER COLLINS: I see that's -- you
10 know --

11 MR. NEVARIL: No, this is --

12 HEARING EXAMINER COLLINS: -- I see a
13 compatibility issue there --

14 MR. NEVARIL: Yeah.

15 HEARING EXAMINER COLLINS: -- because we have a
16 large step-down.

17 MR. NEVARIL: Yes.

18 HEARING EXAMINER COLLINS: And even though this
19 area is being encroached by urban, right --

20 MR. NEVARIL: Uh-huh, yes.

21 HEARING EXAMINER COLLINS: -- the city of Cape
22 Coral and this intensive -- it is an established
23 residential area, as I've already done my site check,
24 so I think that we need to be sensitive to it. And I
25 think the site design has taken pains to increase the

1 buffer there along that road --

2 MR. NEVARIL: Yes, ma'am.

3 HEARING EXAMINER COLLINS: -- but, you know, the
4 value of that is going to be severely diminished if
5 we're going to be having, you know, these large tanker
6 trucks going up and down that street.

7 MR. NEVARIL: There will be no need for tanker
8 trucks. It's an easier -- think about when you're
9 coming from 75. How would you get to Herron? You
10 wouldn't. There's a raised land -- there's a raised
11 median there.

12 HEARING EXAMINER COLLINS: Right.

13 MR. NEVARIL: The only way to do it is go through
14 the intersection --

15 HEARING EXAMINER COLLINS: My concern is exiting
16 more though than -- more so than entering. That was my
17 concern.

18 MR. NEVARIL: Well, the owner or whoever develops
19 the gas station can require the tankers to do -- to use
20 certain driveways. There is a process for that.

21 HEARING EXAMINER COLLINS: Okay.

22 MR. NEVARIL: We did that -- like when I did -- I
23 did Exxon Mobil, and we would go to the fleet, we'd go
24 to delivery, and we -- we'd have an approved path. And
25 this was put up in the car -- put up in the gas

1 station, and that's how they enter the site, and that's
2 how they exit the site --

3 HEARING EXAMINER COLLINS: Okay.

4 MR. NEVARIL: -- by our approved path.

5 And so we will do -- part of our -- once -- you
6 know, this is a master concept. So once we get into
7 the engineering, we'll design everything so it flows,
8 it has good turn movements, and we can facilitate these
9 movements. Because a tanker needs, you know, a little
10 over 90 feet to make these 90-degree turns. So we'll
11 dive more into that when, one, we figure out what the
12 exact users are -- you know, this is a concept we're
13 at.

14 And then you also asked how would it fit in -- in
15 that little area for the fast food. It wouldn't. If
16 we were to do a gas station, we would take the retail
17 and the -- and the fast food and combine that and
18 create the gas station, really, where the historical
19 Mobil was, since '97.

20 HEARING EXAMINER COLLINS: Right.

21 MR. NEVARIL: So, yes, it would -- it would flow
22 very easily. It's really what you have today except
23 the driveway for the Mobil is being pushed further
24 south. So we come in, and we go out.

25 HEARING EXAMINER COLLINS: Okay. Thank you for

1 that clarification.

2 MR. NEVARIL: Sure. We've been -- we've been
3 working lots of concept plans, and everything's kind
4 of, you know, fluctuating --

5 HEARING EXAMINER COLLINS: Right, because right
6 now you don't have an end user, that is my --

7 MR. NEVARIL: We don't have any --

8 HEARING EXAMINER COLLINS: -- understanding.

9 MR. NEVARIL: -- end users yet.

10 HEARING EXAMINER COLLINS: Right.

11 MR. NEVARIL: Well, we do have the mini-storage,
12 mini-warehouse, the public -- yeah, so that's set. And
13 that's --

14 HEARING EXAMINER COLLINS: Of course, because
15 nobody wants to get rid of their stuff.

16 MR. NEVARIL: Well, it's actually --

17 HEARING EXAMINER COLLINS: We need more places to
18 keep our stuff.

19 MR. NEVARIL: From a perspective of separation
20 from residential, it's a very good use. It's low
21 intense -- it's quiet, you know.

22 HEARING EXAMINER COLLINS: You don't have to
23 convince me. I see many of them.

24 MR. NEVARIL: Yeah. Did I answer your questions?

25 HEARING EXAMINER COLLINS: Yes, thank you. I

1 appreciate the clarification on the stormwater and also
2 on the gas station.

3 MR. NEVARIL: All right, thank you.

4 MS. CRESPO: And now Ted Treesh.

5 (Sotto voce between Hearing Examiner and reporter)

6 MR. TREESH: Good morning, Ted Treesh, TR
7 Transportation Consultants. We did the traffic study
8 and also the parking analysis that was supportive with
9 the deviation request for the self-storage use.

10 As was previously discussed, the traffic study was
11 submitted based on the worst case, and the TIS was
12 submitted as part of the 48-hour. It wasn't part of
13 the initial Staff Report package. There was a
14 sufficiency response that was included in the Staff
15 Report package that was part of the application, but I
16 wanted you to have the original traffic study because
17 that does include the full analysis, all the
18 intersection analysis and everything that went into the
19 basis of the application.

20 And as Alexis said, because of the different
21 options that were available, we had to look at the
22 worst case. And so we looked at the two options, as
23 was previously discussed, the option with the fast food
24 and then the option with the gas/convenience use, with
25 the other uses included. And based on the overall trip

1 generation of the project, and the impacts -- the
2 external impacts that it would have, the
3 gas/convenience use generated the highest impacts in
4 terms of traffic and impacts to the external roadways.
5 So we carried that forward in our analysis. If the
6 fast food use were to be selected as the end user, the
7 trip generation for the overall project would be less
8 than what we analyzed in this report. So the overall
9 impacts would be less.

10 HEARING EXAMINER COLLINS: Okay.

11 MR. TREESH: We did meet with the Florida
12 Department of Transportation to talk about -- I'll go
13 back to the master concept plan.

14 First, just looking at the aerial, the existing
15 station did have a right in/right out on Pine Island
16 Road. It's right here within the -- within that
17 existing right-turn lane. This is a right-turn lane as
18 you're coming eastbound on Pine Island, and then there
19 was a right in/right out right here on US 41.

20 So we met with DOT early on in the process -- it's
21 been quite a long time ago. This project has been
22 going on for quite some time. DOT -- we're going to
23 lengthen the right-turn lane on Pine Island Road as
24 part of the application. That's what's shown on the
25 master concept plan. And this driveway will be

1 converted to a right-in only at DOT's request.

2 The right in/right out on US 41 is currently in
3 this location, and we're shifting that down further
4 away from the traffic signal, approximately midpoint in
5 the property, to create a little bit more separation
6 and to allow a right-turn lane to be constructed on
7 US 41.

8 HEARING EXAMINER COLLINS: So you'll be adding a
9 right turn there -- right turn on Pine Island Road,
10 extending it a little further --

11 MR. TREESH: Right.

12 HEARING EXAMINER COLLINS: -- and then a new right
13 turn along the frontage?

14 MR. TREESH: The right-turn lane, yes, along the
15 frontage for the right in/right out on 41. And then
16 obviously --

17 HEARING EXAMINER COLLINS: (Sneezing.)

18 MR. TREESH: -- bless you -- adding the access
19 onto Herron. And, again, no -- there was no access on
20 Pineapple Lane.

21 So obviously with the commercial traffic, most of
22 the traffic is going to be concentrated onto the
23 arterial roadways. There will be some trips that will
24 come onto Herron, but it will be primarily limited to
25 the principal trips to the back-end users, the

1 self-storage, which is a low traffic generator, small
2 user at the -- at the south end, but its primary access
3 will be directly to -- on US 41.

4 HEARING EXAMINER COLLINS: So I have a question
5 regarding the parking deviation. The footprint for the
6 warehouse building, does that include the parking area
7 in that footprint, or where is the parking area to
8 support that?

9 MR. TREESH: That would be a question for --

10 HEARING EXAMINER COLLINS: Okay.

11 MR. TREESH: -- someone else beside me.

12 HEARING EXAMINER COLLINS: All right.

13 MR. TREESH: I didn't do the site plan so...

14 MS. CRESPO: The parking area for the
15 mini-warehouse is here.

16 These would be parking spaces?

17 MR. NEVARIL: That's correct.

18 HEARING EXAMINER COLLINS: Thank you.

19 MR. TREESH: Level of service analysis, there was
20 sufficient capacity on both 41 and Pine Island to our
21 east. Pine Island to the west has some level of
22 service deficiencies as a four-lane road. FDOT is
23 embarking on a PD&E study to look at future
24 improvements on Pine Island as you go further west into
25 the city of Cape Coral, but that's -- that process is

1 just beginning to start so...

2 HEARING EXAMINER COLLINS: But didn't I see in
3 your TIS that Pine Island Road west of 41 is operating
4 below level of service --

5 MR. TREESH: Yes.

6 HEARING EXAMINER COLLINS: -- at build-out?

7 MR. TREESH: Yes, and that's an existing
8 condition --

9 HEARING EXAMINER COLLINS: With and without the
10 project?

11 MS. CRESPO: -- with and without the project,
12 right. That's why I said FDOT -- that's not a new
13 condition. That's been -- that's been like that for
14 several years, and it's now on FDOT's radar, and
15 they're starting to look at, as I said, a PD&E study a
16 little further to the west for future improvements to
17 Pine Island as Cape Coral and areas to the west start
18 to grow and traffic starts to increase.

19 But that's one reason why FDOT asked for the
20 longer turn lane, as well, to help this intersection
21 improve a little bit, so folks could also get into this
22 turn lane a little quicker to be able to turn south
23 onto 41.

24 So getting into the parking, the analysis really
25 piggybacked onto a previous application, and I'm not

1 sure if you heard that case or not. It was the
2 Arborwood Self-storage?

3 HEARING EXAMINER COLLINS: (Shakes head.)

4 MR. TREESH: Okay. That was the other Hearing
5 Examiner.

6 We conducted a study in Lee County of actual
7 facilities in Lee County of these type of facilities.
8 We surveyed -- I believe it was seven existing
9 facilities in Lee County, and some were in the city of
10 Fort Myers, but similar self-storage, indoor, of these
11 new prototype self-storage facilities that are not the
12 typical mini-warehouse that -- where you have the
13 single story where they're all exterior access, but
14 these indoor self-storage facilities. And did that
15 parking study in conjunction with the methodologies of
16 ITE, submitted that to Development Services, went
17 through a number of reviews with Development Services
18 Staff, resurveyed several different properties, and
19 that study showed, as Alexis indicated, that the
20 parking demand was significantly lower than what the
21 Land Development Code was requiring for that type of
22 facility.

23 So in that case, the Arborwood case, Staff agreed
24 to a much lower parking requirement; and this case was
25 being submitted about that same time that we were

1 wrapping up that application, so we submitted that
2 parking study in support of this deviation request. So
3 that parking study was submitted, and Staff agreed
4 and -- so the facilities are very similar. They're
5 accessed from the interior; the doors are interior.
6 They are in high demand. I use two of them myself, and
7 they are hard to find. They are -- most of them are
8 100 percent occupied so they are in high demand.

9 HEARING EXAMINER COLLINS: So this facility is
10 going to have access on the first floor from bays, but
11 also the option to go inside? It looked like that from
12 one of the photos.

13 MR. TREESH: Yeah, some of them have access on the
14 ground level from the outside. They'll have doors from
15 the outside as a convenience to customers if you want,
16 on the first floor, to have a door from the outside,
17 but the majority of the units are accessed from the
18 interior.

19 And some of the -- some of the sites we surveyed
20 had access from the outside. Two of the sites actually
21 had buildings around the perimeter that had outdoor
22 access, as well, but the majority were multi-story --
23 three-story buildings with interior storage units,
24 exactly similar to what's being proposed here.

25 So that concludes my comments. We're in agreement

1 with what the -- in the Staff Report, there was an
2 attachment from Staff summarizing our traffic study,
3 and they accurately represented what was in our -- in
4 our report.

5 Our application, then, from a transportation
6 aspect is consistent with the Land Development Code and
7 Comprehensive Plan, and I'll be more than happy to
8 answer any other questions, if you had any.

9 HEARING EXAMINER COLLINS: Thank you, Ted.

10 MR. TREESH: Thank you.

11 HEARING EXAMINER COLLINS: I don't have any
12 questions.

13 I just -- I was curious, Alexis, in the
14 sub-outlying suburban land use category, can you go up
15 to 45 feet?

16 MS. CRESPO: Let me refer to the Land Development
17 Code, please.

18 HEARING EXAMINER COLLINS: Okay.

19 MS. CRESPO: While I'm pulling that up, the car
20 wash use certainly would be lower in height, but the 45
21 would be relevant to the self-storage, which is in
22 outlying suburban...

23 HEARING EXAMINER COLLINS: Okay. I'll give you a
24 minute to look that up.

25 MS. WORKMAN: Yes.

1 HEARING EXAMINER COLLINS: It is permitted?

2 MS. WORKMAN: Yes.

3 HEARING EXAMINER COLLINS: Okay.

4 MS. CRESPO: Okay, thank you.

5 HEARING EXAMINER COLLINS: And then I'd like Staff
6 and the Applicant, also, to tell me whether they've
7 considered hours of operation on the car wash use at
8 that location on the site. I notice there was no
9 condition regarding it. Has there been any discussion
10 on that whatsoever?

11 MS. CRESPO: There has not been; but throughout
12 the presentation and based upon your comments, I have a
13 list of items that I think we definitely need to
14 address. And since we're keeping the record open, we
15 can submit not only a revised master concept plan and
16 deviations, but also revised conditions to address some
17 of the things we heard to ensure compatibility of the
18 project.

19 HEARING EXAMINER COLLINS: Okay.

20 MS. CRESPO: And with that in mind, it really does
21 lay the foundation for Lee Plan consistency. So
22 what -- the notes I've written include a dumpster
23 setback from Herron Drive. We noticed there were some
24 dumpsters that looked, you know, within 30 to 40 feet
25 of the roadway, which is covered by -- these ones in

1 particular we can -- this one is at least 100 foot. We
2 can shift -- we can eliminate and then shift, based on
3 discussions with the Applicant. So we will -- and we
4 can summarize this, certainly, after rebuttal, as well,
5 but --

6 HEARING EXAMINER COLLINS: Yeah, on the other side
7 of the building would probably be preferred.

8 MS. CRESPO: Right. So, yes, taking another look
9 at the dumpsters.

10 We also -- based on Brett's testimony, having
11 appropriate signage throughout the site to ensure
12 there's no truck traffic on Herron Drive, and we can
13 reexamine that deviation, to the extent that truck
14 traffic is going to be precluded from accessing Herron
15 and forced to come in from Cleveland and/or Pine
16 Island, as Brett noted. So truck signage...

17 And then while we ran -- while the request does
18 have the four uses with fast food interchanged for gas
19 in the option, the testimony was if -- if the gas is
20 pursued, it will occur on this portion of the site.
21 There will be no retail. The 7,800-square-foot will go
22 away. That is what I clearly heard is needed to
23 accommodate the gas. So I think we need to --

24 HEARING EXAMINER COLLINS: Okay. So the way it
25 was presented, then, is correct. It's either the first

1 four -- the 7,800 commercial only goes with the fast
2 food. It does not go with the...

3 MS. CRESPO: The first three are --

4 HEARING EXAMINER COLLINS: Regardless.

5 MS. CRESPO: -- with either option, regardless --

6 HEARING EXAMINER COLLINS: Right.

7 MS. CRESPO: -- and then it turns into a
8 7,500-square-foot convenience food beverage with fuel
9 pump, or the -- the remaining two. We did run our
10 traffic study assuming the retail was there in both
11 scenarios. So we looked at it from a traffic
12 standpoint, but we don't --

13 HEARING EXAMINER COLLINS: But you're saying
14 geometrically it probably would not work.

15 MS. CRESPO: Correct, correct.

16 HEARING EXAMINER COLLINS: Because the
17 mini-storage is -- that's a lock on that.

18 MS. CRESPO: That is -- yes.

19 HEARING EXAMINER COLLINS: So this area right at
20 the intersection is still --

21 MS. CRESPO: In flux, yes.

22 HEARING EXAMINER COLLINS: -- in flux.

23 MS. CRESPO: And to the extent it was critical to
24 your recommendation, we can provide an alternative
25 master concept plan that provides that option to you.

1 It seems we've spent some time on that so we would --
2 certainly don't want to complicate things further, but
3 if that was critical, we can -- we can discuss that.

4 HEARING EXAMINER COLLINS: I'm not certain I need
5 to actually see the configuration. My concern is
6 protecting the residents along Herron Road, which if it
7 didn't have the land use category -- the site didn't
8 have the land use category, a dramatic step-down in
9 intensity on the site, right, it wouldn't be as big an
10 issue. But because of that, I feel as though there
11 needs to be greater sensitivity to adjacent uses along
12 Herron Road; and a dramatic step-down in intensity, I
13 believe, is warranted in this case.

14 So to the extent you want to revisit your site
15 plan, that's great. I was thinking certainly
16 restrictions on the hours of operation of the car wash,
17 at a minimum, if you're going to keep it at that
18 location, but this is what I'm thinking.

19 MS. CRESPO: Sure.

20 HEARING EXAMINER COLLINS: And the dumpster
21 location is also critical because, you know, the dump
22 trucks are going to come down that street probably, and
23 they come sometimes as early as 6:00 or 6:30 in the
24 morning. So I think there needs to be a sensitivity to
25 that because Herron Road is really a very sleepy

1 residential street. And even though they're not that
2 far away from the most intense uses along 41, this site
3 is bifurcated by that land use category. So I think a
4 little extra sensitivity to that in the concept plan is
5 probably warranted in this instance.

6 MS. CRESPO: Yes, we will -- we can absolutely
7 address all those items.

8 So to wrap up our presentation so you can hear
9 from the public and Staff, rather, as outlined in the
10 Staff Report and our data analysis:

11 The application is consistent with the Lee Plan.
12 It certainly can have enhanced consistency with the Lee
13 Plan through forthcoming conditions related to that
14 sub-outlying suburban edge on the west side of the
15 site.

16 The majority of the property is in intensive
17 development. This is where the most intensive uses are
18 appropriate. We have located the more intensive uses
19 in that portion of the site as it correlates, also, to
20 the arterial frontage. And so the densities,
21 intensities, uses are consistent with the intensive
22 development, future land use category.

23 In terms of the sub-outlying suburban, we have
24 located just the mini-warehouse preserve open space and
25 the car wash within that future land use category.

1 The buffer treatment between the residential uses
2 and that sub-outlying suburban area is the Type F
3 buffer, which is the most stringent buffer in your
4 code. Just so the public is aware, that buffer will
5 contain 10 trees per 100 linear feet, so the most dense
6 planting of trees. Also, it will include a hedgerow to
7 provide some opaque screening, as well, of the use, and
8 that is planted at 4 feet and maintained at 5 feet in
9 height with --

10 HEARING EXAMINER COLLINS: Do you have an
11 illustration of that for the public?

12 MS. CRESPO: We don't, but we can bring that back
13 to you.

14 HEARING EXAMINER COLLINS: Okay.

15 MS. CRESPO: In terms of development location,
16 this is outlined well in your Staff Report. This is at
17 an arterial intersection partially in your mixed-use
18 overlay, which also is indicative -- that is a desirous
19 area for intensification of uses and urban levels of
20 development. We have water/sewer necessary to serve
21 the project, as well as transportation facilities.

22 Policy 5.1.5, this is addressed via the location
23 of uses on the plan, the proposed buffering, height
24 limitations. And through our subsequent submittal, we
25 will further address some compatibility measures

1 through hours of operation limitations, truck traffic
2 limitations, et cetera.

3 Goal 6 and the supportive policies relate to
4 commercial land uses. Again, appropriate considering
5 the infrastructure in the area, the location on an
6 arterial intersection, historical use of the property,
7 and in compliance with provisions and performance
8 standards for commercial land uses, including
9 supplementary regulations in Chapter 34.

10 A portion of the site is within that mixed-use
11 overlay. The proposed intensive uses are consistent
12 with that overlay.

13 Goal 17 relates to North Fort Myers Community
14 Planning Area and the requirement for public meetings.
15 We did conduct our community meeting in February of
16 this year before the Design Review Board of North Fort
17 Myers during their monthly meeting, and they were
18 recommending approval of the project to the extent --
19 we did not have members of the public attend that
20 meeting.

21 Goal 30 are the design standards for North Fort
22 Myers that are further provided for in Chapter 33 of
23 the Land Development Code. With our revised submittal,
24 we will have one deviation from the North Fort Myers
25 20-foot right-of-way buffer that's applicable only to

1 the internal buffer for a segment of that, which will
2 be compensated through additional plantings along the
3 entirety of that accessway for a nice, consistent
4 screening internal to the project. We do meet all
5 other use directives, as well as enhanced buffering
6 along Pine Island and North Cleveland Avenue, which is,
7 again, is the 25-foot Type D consistent with 34, as
8 well.

9 And then you've heard from our stormwater engineer
10 that the design is -- the master stormwater design for
11 the project is to outfall in accordance with historical
12 flowing patterns and will be designed to all applicable
13 State regulations.

14 We are in agreement with Staff that the proposed
15 planned development meets the criteria of the Land
16 Development Code; that it will be compatible with
17 existing and planned uses based upon the conditions and
18 site design, which will be further amended after today.

19 We have sufficient access from two arterial
20 roadways to support the proposed uses. The impacts
21 have been addressed through the traffic study or
22 consultation with DOT in terms of additional
23 improvements to ensure functional access to the site,
24 and really improve access over what it was historically
25 by shifting some of those access points. And through

1 conditions forthcoming regarding Herron Road, we can
2 further limit the impact of any transportation onto
3 that neighborhood.

4 The project will not adversely impact
5 environmentally critical or sensitive areas. We don't
6 have any wetlands. We are preserving the highest
7 quality available uplands in a contiguous location on
8 the site.

9 We are served by urban services, as demonstrated
10 by the application.

11 The uses are appropriate in the proposed
12 locations. The proposed conditions, as well as
13 forthcoming conditions, will provide safeguards.

14 And the deviations will enhance the achievement of
15 the Land Development Code, as well, and provide for the
16 flexibility intended for these zoning districts.

17 So with that, we are in agreement with the Staff
18 Report, with the changes noted in the 48-hour letter,
19 and other items we'll discuss before we close out the
20 hearing today.

21 This is an appropriate use of the property, the
22 commercial uses. This is an arterial intersection.
23 Granted, we do need to address the interface with
24 sub-outlying lower density future land use, as well as
25 this single-family street to our west, which we will

1 continue to address.

2 And we are consistent with your Land Development
3 Code and Lee Plan. Thank you.

4 HEARING EXAMINER COLLINS: Thank you.

5 I don't dispute that commercial is appropriate at
6 this intersection -- I think residential uses would be
7 inappropriate at this location -- but I'd like to see
8 more attention to transition, as I mentioned before.
9 And I'm questioning whether -- do we have to have an
10 access onto Herron at all. Because we're going to be
11 widening it to accommodate large trucks so it's almost
12 inviting it to be used, and I'm wondering if the idea
13 is the traffic circulation for service vehicles is
14 going to be in and out of the Cleveland access or Pine
15 Island Road. Are we inviting these heavy trucks, these
16 tankers or whatever, to be using this back road? It's
17 just something to think about.

18 I'm going to take a five-minute break before we
19 start with the Staff's presentation. I'll come in
20 shortly after 10:05. Thank you.

21 (Recess from 10:00 a.m. to 10:12 a.m.)

22 HEARING EXAMINER COLLINS: Good morning, we're
23 back on the record with Applicant's presentation -- I
24 mean Staff's presentation.

25 MS. WORKMAN: Good morning. For the record, my

1 name is Beth Workman. I'm a principal planner in the
2 Zoning section. I've been accepted as an expert in the
3 Land Development Code and Lee Plan, and I wish to be
4 accepted today, as well.

5 HEARING EXAMINER COLLINS: Yes, please proceed.

6 MS. WORKMAN: Thank you.

7 I probably should have done this at the beginning,
8 but I do have the affidavit of publication for the
9 hearing, and I have the PowerPoint presentation.

10 HEARING EXAMINER COLLINS: Thank you. I'll mark
11 that as Applicant's Exhibits 2 and 3 for the court
12 reporter --

13 THE REPORTER: Staff --

14 HEARING EXAMINER COLLINS: I'm sorry, Staff
15 Exhibit 2 and 3. Staff Exhibit 1 was the Staff Report.

16 MS. WORKMAN: That's the affidavit.

17 (Staff Exhibits 2 and 3 submitted.)

18 HEARING EXAMINER COLLINS: Okay, thank you.

19 Thank you, I'm ready.

20 MS. WORKMAN: The case before you today is
21 DCI2023-00015, Pine Island Road Commercial Planned
22 Development. The request is to rezone 9.7 acres from
23 agricultural and commercial, which is C-1 and C-1A, to
24 commercial planned development to permit 121,800 square
25 feet of commercial uses. Staff is recommending

1 approval with conditions.

2 A little bit about the history was touched on by
3 the Applicant. I have an old aerial here from 2010
4 that -- the old car wash and gas station right in this
5 location with the three residential developments down
6 in the southwestern portion of the project. The
7 single-family was demolished. The demo permits were in
8 2007, they all were demolished relatively close
9 together, and the car wash was demoed in 2022.

10 The future land use category Ms. Crespo went over.
11 This is split in half. You have intensive development
12 that kind of wraps around touching North Cleveland
13 Avenue, and then wraps around Northeast Pine Island
14 Road. And then the yellow represents all of the
15 sub-outlying suburban, which is a heavy step-down from
16 intensive development working towards the Herron Road
17 and then the residential. Some of the C-1A and the
18 intensive development touches the property across the
19 street to the west from Herron Road.

20 So there's a defining line in this region right
21 here for sub-outlying, and what that means is intensive
22 development is typically located on major arterial
23 roads. It can accommodate high densities and high
24 intensities because it has all the urban services to
25 support it. Sub-outlying suburban is more peripheral,

1 and it can handle low densities. It is set up for
2 public services -- they may need to be provided in some
3 areas -- but it is -- it tends to be more of -- in
4 relation to an urban area. So it's a heavy step-down
5 here from the intensive to the sub-outlying; hence, the
6 design being that the warehouse is located in the
7 southwestern corner, which is the sub-outlying
8 suburban, and the preserve down here. So essentially a
9 portion of the entry road and a portion of that car
10 wash is in sub-outlying, but the corner piece is
11 intensive.

12 Furthermore, we have a mixed-use overlay. So the
13 mixed-use overlay is only in a portion of the property,
14 approximately 3.5 acres, what you see in the purple
15 here. So mixed-use overlay, what that does is it
16 allows for a reduction in the amount of open space; the
17 designing of the buffers are reduced, particularly
18 right-of-way buffers are 5 foot wide in mixed-use
19 overlay; as well as a parking reduction associated with
20 the future land use category that you're in. There's a
21 coefficient that gives you a reduction in the required
22 parking.

23 However, in this case we are in the mixed-use
24 overlay; but in Land Development Code 10-424, if there
25 is a use listed in 10-424 that you're proposing on a

1 site, the overriding buffering requirement overrides
2 the mixed-use overlay, overrides the North Fort Myers
3 Community, which I'll get into in a minute.

4 So the Applicant is proposing a car -- in this
5 case, in this section of the world, the fast
6 food/convenience food and beverage, the gas station.
7 Both of those uses are listed in 10-424, in Chapter 34,
8 supplementary districts to have enhanced buffering. So
9 when we get to the buffering section, this is where
10 I'll touch on why there's not just a 20-foot-wide
11 buffer around here per the North Fort Myers -- or why
12 there's not just a 5-foot buffer in the MUO. Because
13 if we were -- if we were a car -- a convenience food
14 and beverage or fast food, this would be 5 feet per the
15 MUO. If this was just an office building or storage
16 building, it would be 5 feet. The Applicant's
17 providing 25 feet all the way around this because of
18 the uses being proposed, and making it consistent all
19 the way around even with the automotive repair down
20 here that isn't display sale, which would require a 25.
21 So there's an enhancement happening along this area
22 that wouldn't be if it was a different use. So 10-424
23 is very important in this because it gives the list of
24 uses that have to follow the supplementary districts in
25 34, and that's just in the purple area.

1 So you can see that the property is bisected by
2 this, which makes it we're kind of in, we're out, we're
3 in, we're out, and it makes it confusing for
4 deviations, as well as being in the North Fort Myers
5 Community Plan area. So this whole entire development
6 is in the North Fort Myers Community Plan area,
7 specifically in the commercial corridor because it's
8 located on Northeast Pine Island Road and 41. It is in
9 a neighborhood center, which requires the
10 interconnections and public open space.

11 That got cut off, but it's a public information
12 meeting which Ms. Crespo went over. It was February
13 6th of 2024. It was held in the community, and the
14 documentation is attached to the Staff Report.

15 So the North Fort Myers -- which we're going to go
16 into the buffering in Chapter 33, requires a whole
17 different set of buffers, but North Fort Myers
18 Community Plan, anything on buffering is trumped by the
19 mixed-use overlay unless you're one of the uses in
20 10-424. So we're doing this dance throughout this,
21 which gets confusing.

22 So I'll go over the compatibility portion.
23 Because what the Staff and Applicant have tried to do
24 with this -- this plan is to make consistent buffering
25 throughout, whether they be enhanced or whether they be

1 granted through deviations, to get enhancement and
2 compatibility with the surrounding uses.

3 So the character of the area Ms. Crespo went over
4 in detail. We do have Merchants Crossing. This has
5 recently become -- it's in the mixed-use overlay, a
6 portion of it, and it has become a series of mixed
7 uses. So you have intense commercial development; you
8 have the multi-family component that's been added to
9 the north.

10 To the west we have a portion along Herron Road
11 that is in the unincorporated Lee County section that
12 is single-family homes along Herron. Even within the
13 mixed-use overlay we have some single-family homes that
14 are in the intense development region and in the
15 sub-outlying. And then as you see, the hatching here
16 represents the city of Cape Coral.

17 In the city of Cape Coral, Judd Creek Boulevard is
18 abutting these developments in here and these
19 single-family homes, as well as the multi-family. You
20 have a gas station out in front here, intense
21 development, and then a preservation area towards the
22 back -- towards the south, sorry.

23 And then towards the east you have 41, you have a
24 large, intense commercial development with Walmart and
25 the outparcels in conjunction with the Walmart, and

1 then to the south is Pineapple. You do have this
2 development right here, which is an automotive repair
3 and could do air conditioning repair and automobiles,
4 and then you have a vacant commercial neighborhood down
5 beyond Pineapple.

6 This kind of goes in detail as to what is
7 surrounding. I'm not going to go through each one, but
8 it kind of gives you an idea as to what is happening in
9 this region.

10 So a lot of this over here is in the mixed-use
11 overlay now. Mixed-use overlay is relatively new, in
12 the last five, six years. Even in -- up in this
13 portion up here it has extended. So you do have these
14 residents that live on Herron that, all throughout the
15 review of this development, we've been very sensitive
16 to with the type of buffering and the step-down in the
17 uses, as well as how the site is being developed with
18 the buildings. I'll get into that a little bit more.

19 So I've overlaid the development onto the aerial,
20 kind of lining it up as best I could, to what -- what
21 you see here. So if you remember, all of this up in
22 here was intensive development. It was hugging
23 Northeast Pine Island Road, and it kind of went over in
24 this region over here. So this is all intensive. And
25 then the intensive change is around here where then it

1 becomes sub-outlying suburban.

2 So you can see that the intensification comes from
3 this corner right here, which could be the convenience
4 food and beverage or fast food, to a lesser -- the car
5 wash, yes, intense. The hours of operation could be
6 limited. However, the working part of this car wash,
7 the drive aisles where people would go in and out of,
8 are all on the exterior, further away from the
9 residential, with the 30-foot buffer in here. So
10 instead of flipping it and having all the workings --
11 so you come in and come into the car wash this way and
12 have all of this section on that side, to the west, the
13 building is pushed up against this way. So there's no
14 driveway on this back side. This is all open space
15 buffer.

16 And what you see before you is the open space
17 portion of the master concept plan. So there's a
18 second sheet to the master concept plan that has the
19 open space defined on it. It has the regular open
20 space and the public open space. The public open space
21 is what's required in the neighborhood commercial part
22 of North Fort Myers. So you can see where the
23 intensification is lessened by the positioning of this
24 building, the working driveway interior to the site.

25 This has been mentioned before. This is a lesser

1 use, the outdoor -- the indoor storage, storage
2 facility, and then the preservation area.

3 So I kind of wanted to go over the lay of the land
4 with the surrounding uses and the sensitivity that
5 Staff took in reviewing this. And as you work towards
6 the east, it gets more intense. The buffers become
7 lesser on this side because we have a 30-foot here, and
8 then this becomes 25, 25 all the way down. This is a
9 15, and this becomes 30-foot, in the preserve 30-foot
10 on the southwestern corner as you work up. So I wanted
11 to kind of cover that and go into detail on the
12 bufferings.

13 The deviations that are being proposed is the
14 wider -- the wider throat on this entrance point here.
15 Staff -- or the Land Development Code is 35-foot
16 maximum. The Applicant is requesting a 56-foot. And
17 Staff looked at it, when -- when Staff was reviewing
18 it, as a support towards the storage facility because
19 of moving trucks or things coming in, larger trucks to
20 make this turn to come in and make the turn. I'm not
21 an engineer so I can't lay claim to that, but looking
22 at it, for that turn to come in and then make that
23 quick turn to the storage facility was how we were
24 looking at it, looking at this area up in here as being
25 served by the right in/right out, and the right

1 in/right out here for this section of that
2 intensification. So that is -- that is how we looked
3 at it as Staff in approving that Deviation 1.

4 Deviation 2 is the parking reduction based on the
5 Arborwood Village parking study. There's a loading
6 zone here for drop-off/pickup here, which Staff looked
7 at as being an area where you would drop off, come out,
8 leave; or you would park to go in, get something, and
9 leave. And we looked at that as part of that Arborwood
10 study, in conjunction with this site plan, to be able
11 to grant Deviation 2.

12 Deviation 3 I'm going to get to, and that's that
13 internal buffer, because that's where we're doing the
14 dance between North Fort Myers, mixed-use overlay, and
15 then the fast food/convenience food and beverage/car
16 wash code in 34. So we're jumping from 10, 34, 33, and
17 so that's where we -- Staff and Applicant believe we
18 still need the deviation from a 20-foot required buffer
19 going down to a 15. And I'll go over that a little bit
20 more.

21 The traffic compatibility, Staff looked at this.
22 The Applicant provided their traffic impact statement.
23 The Department of Transportation reviewed, provided a
24 staff memorandum stating that there's sufficient
25 capacity to accommodate new trips. The arterial roads

1 to the north and the east, the main access, provide a
2 sufficient way to get in and out of the site.

3 Self-storage is a low trip generator on Herron, the
4 local road, and North Cleveland Avenue, and it won't
5 have a detrimental effect on the surrounding uses.

6 With or without the property, the roadways are failing
7 and will need some sort of off-site improvements, which
8 will be looked at and reviewed at time of development
9 order. It cannot be looked at time of zoning, at this
10 time.

11 Staff -- the Applicant has provided the somewhat
12 details of that extension of the turn lane on Northeast
13 Pine Island Road, as well as some of the road
14 improvements that will go on 41, working with FDOT on
15 both of those.

16 So here's the buffering going step by step:

17 So this is the north property line. This is Pine
18 Island Road. There's that turn lane improvement that
19 Mr. Treesh was talking about. So this is a
20 25-foot-wide buffer to support the fast
21 food/convenience food and beverage store, as well as
22 the car wash or the gas station. Chapter 34-1353
23 requires this. This portion is in the mixed-use
24 overlay; this portion is not. All of it's in the North
25 Fort Myers Code. North Fort Myers Code 33-1581

1 requires a 25-foot buffer on right-of-ways (sic).

2 Mixed-use overlay requires a 5-foot unless you're a
3 listed use. Both of these are listed uses in 10-424,
4 so it sends you to the supplementary district, which
5 requires a 25-foot-wide buffer. So that's the north --
6 north property line.

7 The south property line on Pineapple is all in the
8 North Fort Myers Code. It doesn't really touch the
9 mixed-use overlay as over in this area. So this
10 requires the 15-foot-wide Type D buffer in this region.
11 The buffer along Herron is required to be a 25-foot
12 buffer with a double hedge and 5 trees per 100 linear
13 feet. And this region right here -- or, I'm sorry,
14 along 41 -- I'm sorry, I'm in the wrong location -- 41
15 to support the fast food/convenience food and beverage
16 or the gas station. There's an auto service station
17 down here that's providing the enhancement. So this is
18 all the same buffer. This would require a 20 -- a 5
19 foot because it's in the mixed-use overlay. So this
20 section is in the mixed-use overlay. This is not in
21 the supplementary district so it would be a 5-foot
22 buffer. This portion is in the supplementary district.
23 It would be a 25-foot buffer by Code.

24 HEARING EXAMINER COLLINS: So where does it drop
25 down to 5?

1 MS. WORKMAN: It would drop down to 5 here if we
2 didn't have an enhancement in this region right here.

3 HEARING EXAMINER COLLINS: It's 25 for the length
4 of it?

5 MS. WORKMAN: Because what Staff is trying to do
6 is have a consistent buffer --

7 HEARING EXAMINER COLLINS: Right.

8 MS. WORKMAN: -- a consistent look to the site.

9 So this is the internal accessway. So the
10 mixed-use overlay is covering this section right in
11 here. The auto service station that would require a
12 5-foot internal buffer to this right-of-way is
13 providing a 15. This area right in here is the
14 convenience food and beverage or fast food, which
15 requires a 25 -- I'm sorry, a 15-foot-wide buffer per
16 34. So this is 34, 15 for internal roads. This is the
17 MUO, 5 foot but providing an enhanced 15-foot, per 34,
18 to match what's across the street. So this is all
19 matching in the MUO.

20 As we work towards the west, we have car wash,
21 needs to meet 34, 15-foot for internal accessway. Then
22 the warehouse, which is not in the MUO, mixed-use
23 overlay, it's in the North Fort Myers, which requires a
24 20-foot right-of-way buffer to a -- to the
25 right-of-way. The Applicant is providing 15. This is

1 where the deviation is needed, in this region right
2 here, because North Fort Myers requires -- the
3 right-of-way buffer is called a Type D, as in dog, has
4 the same content, 5 trees every 100 linear feet,
5 double-staggered hedgerow, but it's 20 feet on the
6 right-of-way. So a way to have consistency along this
7 internal accessway, to provide all 15, all 15, this
8 would need that deviation.

9 HEARING EXAMINER COLLINS: And that's Deviation 3?

10 MS. WORKMAN: And that was Deviation 3 that was
11 withdrawn.

12 HEARING EXAMINER COLLINS: But now it's back.

13 MS. WORKMAN: But now it's back because we got all
14 topsy-turvy with the mixed-use overlay in this section
15 because it cuts it in here. So this portion is in;
16 this portion is out.

17 HEARING EXAMINER COLLINS: So where does the
18 deviation begin?

19 MS. WORKMAN: The deviation would begin -- it
20 would begin on the --

21 MS. CRESPO: After the --

22 MS. WORKMAN: -- like the -- like right where the
23 warehouse is. It's going to be right where that blue
24 spot is, this way, this way. And there's the "3" where
25 it used to be because I have the -- I have the original

1 MCP before we pulled it off. So the original MCP had
2 it right here, from this point to this point.

3 HEARING EXAMINER COLLINS: So both sides of that
4 internal road will be similarly landscaped?

5 MS. WORKMAN: In talking through this standing up
6 here, there's -- we can work on the conditions --
7 there's enhancements happening all along here because
8 of that mixed-use overlay, because if you're not one of
9 the special uses in supplementary on a right-of-way,
10 you're 5 feet. So this auto service on 41 could
11 potentially do 5 feet, but we're con -- we need to
12 condition it to have that enhance all along. Because
13 right now it's showing 25 because it's -- we're jumping
14 in, we're jumping out. We're in North Fort Myers,
15 we're in mixed-use, we're in a supplementary district.
16 So this site, not only is outlying suburban an
17 intensive step-down, we're like a swirling kaleidoscope
18 in here with Code, too, based on the uses, based on
19 North Fort Myers, based on the mixed-use development --
20 or mixed-use overlay being half in/half out.

21 So I wanted to take the time to kind of like go
22 over that in detail because compatibility tends to link
23 up with buffering and the way you design the site for
24 your buildings and your intensifications on a site. So
25 sometimes the buffering can provide screening and

1 compatibility for the intense use.

2 So this is -- this would be Herron. So Herron is
3 a 30-foot-wide buffer all the way down. The reason
4 it's a 30-foot Type F buffer is because part of the
5 drive for this car wash -- yes, it's abutting the
6 right-of-way, but it's -- we call it the 125-foot rule.
7 If you have drives/parking within 125 feet of a
8 single-family use, you have to provide an F buffer. So
9 the F buffer is running all the way down this. Even
10 though we have preserve abutting, we have some drive
11 aisles within 125 feet here, and then we have no
12 driving behind this building, but we are in close
13 proximity to these single-family uses. So we -- Staff
14 worked with the Applicant to put the 30-foot Type F to
15 be compatible, to have consistency all the way down
16 here so it was a cohesive development, so it all looks
17 the same.

18 And there's a condition in the preserve area that
19 requires the restoration that Barrett was talking
20 about, the 6-foot restoration trees. Anything planted
21 along here that meets a 30-foot for restoration must
22 meet the planting requirements for the F buffer, which
23 is increased heights on the trees and shrubs along this
24 area right here.

25 So the open space straddles, too. So in --

1 outside of the mixed-use overlay, you have a 30 percent
2 requirement for your open space. If you're in the
3 mixed-use overlay, you have a 20 percent on large
4 developments. So we have a straddling happening with
5 this, too, and so that's where the 3. -- the
6 separation. So 6.22 acres is outside of the mixed-use
7 overlay, and then the 3.49 acres is inside, and so
8 that's the -- that's how the open space is derived.
9 Half of that is represented in the indigenous open
10 space, which is in this area right here, which does
11 have some indigenous scattered in it; but the Applicant
12 is restoring and, through the restoration process, is
13 receiving the credits for the size of the preserve
14 being one acre and adjacent to right-of-ways. So it
15 gets 135 percent credit.

16 This is the indigenous restoration list. There
17 was some talk about the 48-hour letter and how the
18 stormwater management was being designed to have
19 outfall into this preserve. This preserve is an upland
20 preserve. The FLUCCS code, how we view the habitat
21 numbers on this, is an upland preserve according to the
22 environmental review, and the restoration being
23 designed is all upland species. So if we were to go
24 forward with the drainage -- or the surface water
25 management, all of the efforts being put forth for

1 restoration would die because it wouldn't survive the
2 outfall.

3 And then I noted on this slide that Condition 7 is
4 the height requirements for that F buffer when they're
5 doing the restoration. So these plants right here,
6 anything that goes in there will have to meet the
7 requirements of that F buffer in the Code.

8 So urban services are being provided. This is
9 kind of looked at as partially an infill project
10 because it was developed. So there are urban services.
11 There are bus stops in close proximity. EMS and fire
12 is located to the south closer to the bridge --

13 HEARING EXAMINER COLLINS: So --

14 MS. WORKMAN: Go ahead.

15 HEARING EXAMINER COLLINS: -- it's Lee County
16 Utilities for water, but FGUA for sewer; right?

17 MR. NEVARIL: Correct.

18 MS. WORKMAN: Yes, correct, correct.

19 HEARING EXAMINER COLLINS: Okay.

20 MS. WORKMAN: Yes, there is a letter in there,
21 sorry. FGUA is providing services.

22 So the commercial Lee Plan compliance, Staff does
23 find that this is compatible through the site design
24 standards that we went through and the enhancements
25 that are being provided. Though some are being met

1 through the Type F buffer along Herron Road, they're
2 being carried over all up and down Herron. So not only
3 do you have the 125-foot rule happening in sporadic
4 areas, but we're carrying that buffer all the way down
5 to provide screening for the single-family across the
6 street.

7 The positioning of the car wash was looked at
8 as -- we flipped it at one point because the driveway
9 part of it, the working part of the car wash, was on
10 the Herron road side, which would have had the vacuums
11 and things like that happening. So by flipping it to
12 the internal, you have more of that intensification
13 geared towards the internal, towards the fast
14 food/convenience food and beverage, or the -- the gas
15 station.

16 So the storage facility and the preserve are less
17 intense, as has been mentioned several times. So
18 that's kind of how Herron was looked at for that
19 step-down in the outlying suburban.

20 And then the adequate facilities and then the
21 compatibility with existing planned residential uses.
22 We looked at the south, of course. There's nothing
23 going on with Pineapple. To the -- across the street
24 is the CN-2, and then you have some AG-2 property. The
25 buffering along that is -- is compatible with the Land

1 Development Code. Herron was really the sensitive spot
2 because of the existing residential up and down there.

3 HEARING EXAMINER COLLINS: In terms of
4 compatibility with development on Herron Road, was
5 there any discussion on aligning the car wash parallel
6 with Pine Island Road versus Herron?

7 MS. WORKMAN: No, and that's something that -- I
8 mean, even if I look at that, and you align the car
9 wash so it's parallel -- the building is parallel with
10 Northeast Pine Island Road --

11 HEARING EXAMINER COLLINS: That would put it all
12 in the mixed-use overlay.

13 MS. WORKMAN: -- you're still going to have that
14 circulation on that piece closer to the folks on Herron
15 Road. By putting that building perpendicular, it kind
16 of provides -- and no circulation around the outside to
17 the west of that building, and it's all buffer, it kind
18 of shoves all like the workings of the car wash to the
19 internal part. And the only thing that really --
20 because the 125-foot rule is sporadic because how the
21 folks come in -- and I can --

22 HEARING EXAMINER COLLINS: They're coming in from
23 the south, right, because the blowers will be on the
24 north end.

25 MS. WORKMAN: So you come in this way, and you're

1 going to come in, and you're like -- you have the
2 circulation coming around right here, and the vacuum
3 situation is internal. So everything was pushed to the
4 internal instead of this part being out here, and this
5 building being internal. So that's -- if we did it
6 where the building was parallel, you would still have
7 this inner working happening. So I understand --

8 HEARING EXAMINER COLLINS: Right. My concern was
9 the blowers of the car wash.

10 MS. WORKMAN: The car wash itself as you come out.

11 HEARING EXAMINER COLLINS: That's coming out. I
12 feel like that should be oriented toward Pine Island
13 Road, right, because we've got those residences --

14 MS. WORKMAN: So it would be -- the circulation
15 would come in and go around, and then you would be
16 leaving.

17 HEARING EXAMINER COLLINS: I mean, because you
18 look at what's adjacent. We've got vacant at the north
19 end, right, where the mixed-use overlay is. Then we
20 start having single-family homes; right? So it seems
21 like you want the business end of that car wash
22 oriented toward the mixed-use overlay, oriented toward
23 Pine Island Road, because -- this is an issue because
24 of the dramatic step-down we have in the category
25 there.

1 MS. WORKMAN: Yeah. I mean, I understand the
2 blowers, but the vacuums were my -- because you have
3 multiple vacuums, and that's why -- I mean, we normally
4 don't get, on a master concept plan, really in depth of
5 like --

6 HEARING EXAMINER COLLINS: Right, right.

7 MS. WORKMAN: -- how things are going. So looking
8 at it -- and if it continued to provide that on the
9 master concept plan, then it was a point of
10 conversation.

11 HEARING EXAMINER COLLINS: Right. And I think a
12 detailed master concept plan is certainly appropriate
13 in this case, even though I'm a big fan of the bubble
14 plan, because of this dramatic step-down that we
15 have --

16 MS. WORKMAN: Right.

17 HEARING EXAMINER COLLINS: -- in not only
18 categories but actual uses; right?

19 MS. WORKMAN: Right.

20 HEARING EXAMINER COLLINS: Large-lot
21 residential --

22 MS. WORKMAN: Because the majority of the vacuums
23 are blocked by the building, so the only thing would be
24 the blowers. So, I mean, we can -- we can discuss and
25 work on that for the compatibility of that portion.

1 But going through the urban services -- I mean, Staff
2 found this sufficient with what we had, and we were
3 able to approve it because of all the enhancements that
4 we did put on this.

5 HEARING EXAMINER COLLINS: Right.

6 MS. WORKMAN: So Staff finds that, as conditioned,
7 it meets the findings.

8 HEARING EXAMINER COLLINS: And you're comfortable
9 with the access on Herron, enhanced to handle large
10 vehicles?

11 MS. WORKMAN: The way Staff was reviewing it was
12 for the storage facility.

13 HEARING EXAMINER COLLINS: Right, but you
14 understand that there's going --

15 MS. WORKMAN: I totally --

16 HEARING EXAMINER COLLINS: -- to be a gas station
17 there.

18 MS. WORKMAN: -- understand -- I totally
19 understand. I don't know -- sitting here today,
20 listening to testimony, if "no trucks only" (sic)
21 signage or something would work if these tankers --
22 it's the tankers.

23 HEARING EXAMINER COLLINS: Right. Well, if you
24 have an 18-wheeler heading in that direction, and they
25 see the sign "no tankers," there's no backing up.

1 They're going, right? They've got this big, wide
2 driveway, they're already in position, they're going to
3 pull out, right, head north, get onto Pine --

4 MS. WORKMAN: I'm not a traffic engineer so I feel
5 real uncomfortable discussing --

6 HEARING EXAMINER COLLINS: I just -- I'm --

7 MS. WORKMAN: -- all that.

8 HEARING EXAMINER COLLINS: -- I'm more concerned
9 about introducing this type of traffic into this street
10 with this land use category, and I just want to know if
11 you thought about it, that's all.

12 MS. WORKMAN: To look at --

13 HEARING EXAMINER COLLINS: You're thinking about
14 it now.

15 MS. WORKMAN: Thinking about it now. The -- the
16 deviation for that entry point was looked at for the
17 storage because we were hypersensitive to the storage
18 and the parking -- the parking deviation.

19 HEARING EXAMINER COLLINS: Okay. Lots to think
20 about.

21 MS. WORKMAN: Yeah. I'll put the aerial up for
22 the public.

23 HEARING EXAMINER COLLINS: Yes, thank you.

24 Members of the public, I notice that you had come
25 in after I administered the oath. All testimony and

1 evidence that I accept during these hearings must be
2 taken in under oath; so when you come to the podium, I
3 will swear you in.

4 What I would like you to do after you state what
5 your name is -- we're going to put an aerial up on the
6 screen. If you can indicate where you live in
7 relationship to the project, that will be helpful to us
8 in putting your remarks into context.

9 You may speak as long as you would like, but you
10 only have one opportunity to speak, so please try to
11 organize your thoughts before you go to the podium.

12 Something else I want to let you know is, while
13 you can speak here as long as you like, at the final
14 Board hearing -- they're the final decision-makers; I
15 only prepare a recommendation -- you will only be
16 permitted three minutes to speak. So thinking ahead,
17 you'll want to crystallize your concerns to those that
18 are most important to you at that stage. But today you
19 can speak for as long as you like.

20 Sarah Decker.

21 MS. DECKER: Hi, I'm Sarah Decker. I live at 100
22 Herron Road so I will be close to the car wash.

23 HEARING EXAMINER COLLINS: Okay. Can you point to
24 where your house is on this aerial?

25 MS. DECKER: I'm right here.

1 HEARING EXAMINER COLLINS: Okay, thank you.

2 MS. DECKER: Okay. So my main concern is the fact
3 that there is an entrance on Herron Road. We have
4 children on that road; and, I mean, the road already
5 does get busy because of Pine Island. People will use
6 our road for cutting across. Jason's also going to
7 mention it, too, that Herron (inaudible.) I don't know
8 if that's something that we could --

9 HEARING EXAMINER COLLINS: Can you shift closer to
10 the microphone, please.

11 MS. DECKER: Yeah.

12 HEARING EXAMINER COLLINS: Thank you.

13 MS. DECKER: Yeah, okay.

14 So -- I'm really bad at public speaking, sorry.

15 Yeah, so is there any way we can move that access
16 point from Herron to Pineapple? Is that something that
17 we can eliminate? Because, like you said, the tankers
18 are going to see the sign, but they're still going to
19 go in, and people are still going to use the
20 cut-through, and people -- there's -- there's no --
21 people -- people are still going to fly by -- sorry.

22 HEARING EXAMINER COLLINS: Okay. So you have
23 concern regarding traffic on Herron Road?

24 MS. DECKER: Yes. Is there any way we can make
25 sure that there's no entrance road on Herron? Can we

1 put that on -- there's already one on Cleveland, and
2 there's already one on Pine Island. If there needs to
3 be a third one, can it not be on Herron? Can it please
4 be on Pineapple instead of Herron because there are no
5 single-family homes on Pineapple?

6 HEARING EXAMINER COLLINS: All right. We'll
7 certainly ask the Applicant to consider that.

8 MS. DECKER: And then another thing, too, I mean,
9 the traffic is already really, really bad when coming
10 out. So if they're going to be adding more traffic, I
11 mean, there's already accidents right here at Northeast
12 Pine Island and Herron. Right here when you come up,
13 it's like -- I have a hard enough time right now
14 getting out of Pine Island Road to -- I do a U-turn
15 to -- I go out -- so I have to like literally put my
16 window down, I have to wave at every single person and
17 go, "Hi, can you let me in, please?" Because it's
18 already all the way back. So, I mean, it's already a
19 huge traffic congestion or whatever you would call it.
20 So it's already an issue, and then adding more traffic
21 onto Herron is going to make it an even bigger issue,
22 more accidents and cluster. So that's -- that's huge
23 right there, too.

24 Those are -- you're going to have sidewalks? Is
25 that in the --

1 MS. CRESPO: Yes.

2 MS. DECKER: There's going to be sidewalks? Okay,
3 that's good.

4 Speed bumps, we would love speed bumps. But more
5 importantly, I would love no access right there
6 because -- just put it on Pineapple. There are no
7 single-family homes on Pineapple. So if we can just
8 keep Herron blocked away from all the extra cars.

9 And then I am also -- I also own 438 Herron Road.
10 My dad and brother live down there. So I mean -- and
11 there's a park so -- and there's other kids right next
12 door that live next to me, and then right adjacent from
13 me, as well, too, and we all ride our -- like all the
14 kids ride their bikes to the park, back and forth, and
15 so all these -- I'm not sure. You said that there's
16 going to be sidewalks, but no one is going to -- cars
17 will just fly by, and it's just not safe for the kids.

18 And the hours of operation for the car wash was
19 also a big thing. Like you had mentioned before, that
20 would be nice if there could at least be restricted
21 hours and -- yeah.

22 My -- my main concern is the access on -- on
23 Herron, if we can just put it on Pineapple instead.

24 HEARING EXAMINER COLLINS: Okay. Well, thank you
25 for coming.

1 MS. DECKER: Thank you.

2 HEARING EXAMINER COLLINS: Jason Harper?

3 MR. HARPER: Are you going to swear me in or
4 something?

5 HEARING EXAMINER COLLINS: Oh, yeah.

6 MR. HARPER: Yeah.

7 HEARING EXAMINER COLLINS: So you swear or affirm
8 the testimony and evidence you put in the record will
9 be the truth?

10 MR. HARPER: Yes, ma'am.

11 My name is Jason Harper. I live at 182 Herron
12 Road, which would be here, I believe.

13 I will agree with my neighbor, and safety is
14 probably one of the main concerns. I think one thing
15 that is not accounted for as part of the traffic study,
16 with all due respect to that, is the fact that the
17 apartments behind us have not been fully moved into
18 yet, and people use our road as a cut-through. And so
19 now you're asking for another 1,000 cars -- and I'm
20 being very conservative in that area -- that are going
21 to want to turn right on 41, don't want to wait for the
22 light, and use ours. And now you're going to add
23 another actual cut-through to 41 with what they're
24 going to build that's going to go straight through to
25 41. So now you're talking about not only all the

1 residents in the apartments that are trying to cut
2 through, but now people that want to use those
3 facilities also cutting through our road. I mean, we
4 have buses --

5 HEARING EXAMINER COLLINS: How are the apartment
6 dwellers getting to Herron?

7 MR. HARPER: Because they are coming out this way
8 right here, taking a right. This traffic is terrible.
9 They go down here, come to Pineapple, and then turn
10 right. And that happens now with hundreds of cars
11 today, and the apartments aren't even up and running
12 really yet. And so there is a ton of traffic that has
13 a cut-through there.

14 And I can appreciate -- I know progress is going
15 to happen. I get that. I know that things are going
16 to be developed, and I appreciate all the efforts into
17 buffering our neighborhood. I appreciate you defending
18 our neighborhood, as we -- as you talk about what is
19 going to be built. But there will be a considerable
20 safety issue for children who live in one, two, three,
21 four -- four of the houses that are directly across
22 from that all have kids, one of them being special
23 needs. And now you're asking for a road to be put dead
24 in the middle of that, and then telling me people won't
25 come through there. I don't -- I don't understand how

1 that is even possible without either dead-ending Herron
2 Road completely, and forcing people never to go down it
3 because there's no way to get back on Pine Island, or
4 moving some sort of entrance over to Pineapple, which
5 already has a commercial building. Artic Air is at the
6 corner, and so it's already a commercial feel when you
7 go down that road already, and you force people either
8 to get on Pineapple to come in from 41 -- but I think
9 it's a -- I think it's a -- you're kidding yourself if
10 you don't think people are going to use Herron Road to
11 get into those places, including large vehicles,
12 especially for the storage unit, with -- you know, with
13 the amount of children and people that are already on a
14 residential road.

15 And so I understand it has to be developed, and
16 that's -- you know, and I'm -- you know, I'm all for
17 moving -- moving forward and progress and all of that,
18 but I think there's a serious -- a serious problem when
19 inviting that kind of traffic to a residential
20 neighborhood.

21 I also am worried, honestly, about what they're
22 going to do if we have very, very old oak trees,
23 including several of mine, that go over the roadway on
24 Herron Road that make it an inviting residential
25 roadway. Am I going to have to be forced to cut all of

1 those, or is somebody going to cut them for me,
2 basically without my permission, because they go over a
3 public -- public road? I get that, but that's what
4 makes our road our road. And now you're saying, well,
5 somebody's got to get through. We've got to bring
6 these U-Haul trucks in. What happens if we get a
7 tanker back here? He's going to clip the top of it.
8 So now they're -- they're changing the feel and dynamic
9 of our residential road. I'm just going to keep saying
10 that, our residential road to a commercial road, which
11 it is not.

12 And so I also have serious concerns about where
13 they think all the water is going to go, because as I
14 hear it -- and I could be misinterpreting what they're
15 saying, is that they're going to push water towards the
16 creek. Well, in the last storm we had, water came two
17 inches from coming into my home, and now you're asking
18 all of that commercial property -- I know it naturally
19 goes that way, and I do get that, but now you're going
20 to build on it and force water to go towards the creek
21 like it naturally does but at a higher rate, in a ditch
22 that is 15 feet from my house, and going to ask me to
23 be okay with that, and I'm not okay with that.

24 HEARING EXAMINER COLLINS: Okay. We'll have
25 somebody clarify that for you because --

1 MR. HARPER: Yeah.

2 HEARING EXAMINER COLLINS: -- there's codes that
3 will address your concerns --

4 MR. HARPER: Okay.

5 HEARING EXAMINER COLLINS: -- and we'll have
6 somebody explain that for you.

7 MR. HARPER: I would appreciate that because I
8 just want to make sure that that's also taken care of.

9 And then I would like an explanation how my
10 property value is not going to lower because there is
11 a -- you know, a self-storage that I can see from my
12 front porch. I mean, I understand, again, progress,
13 and I get it; but at the same time, that has to be a
14 consideration to build --

15 HEARING EXAMINER COLLINS: That's not something
16 that I consider under the code criteria that I have to
17 review, just so that you know --

18 MR. HARPER: Okay.

19 HEARING EXAMINER COLLINS: -- that there won't be
20 somebody responding to that at this hearing.

21 MR. HARPER: Right. But I think the safety thing
22 has to be responded to. I mean, I am the one with the
23 special needs child on the road, and if -- and -- and I
24 will -- I think -- we already have got the paperwork
25 going to -- I want -- we're trying to get speed bumps

1 on the road already and -- because people are already
2 flying down it, and all we're doing is inviting more
3 people to come down the road, a residential road.

4 And so, you know, I would -- I would like for
5 everyone to consider somehow moving the entrances
6 into -- either away from actual Herron onto Pineapple,
7 or making them only Pine Island and 41, which would
8 make more sense and protect, you know, kids getting on
9 the school buses, which literally happens at the end of
10 Pineapple, and they walk down Herron towards Pine
11 Island.

12 HEARING EXAMINER COLLINS: Can I see the future
13 land use map up there?

14 MS. WORKMAN: Yeah.

15 MR. HARPER: So I think all of that is a concern
16 for, you know, the residents that live there.

17 And they're building a house, by the way, where
18 you don't see -- where there's woods, there's a house
19 being built there currently.

20 HEARING EXAMINER COLLINS: Beth, can you show me
21 approximately where the driveway is going to be?

22 MS. WORKMAN: On Herron --

23 HEARING EXAMINER COLLINS: On Herron.

24 MS. WORKMAN: -- it's going to be -- I think I
25 have it up on my PowerPoint. I think it's right here,

1 but I could probably get the master concept on the --

2 HEARING EXAMINER COLLINS: Across from that house?

3 MS. WORKMAN: Yeah, let me -- can I -- if I can...

4 HEARING EXAMINER COLLINS: Yeah.

5 MS. WORKMAN: So this is overlaid -- the master
6 concept plan overlaid onto that aerial that we had up.

7 HEARING EXAMINER COLLINS: All right. And is the
8 property line the edge of the hatched mark on the north
9 end? So up, up, all the way to the corner, is that the
10 property line down --

11 MS. WORKMAN: Yes.

12 HEARING EXAMINER COLLINS: -- there?

13 MS. WORKMAN: Yes, because this --

14 HEARING EXAMINER COLLINS: No, no, I'm talking
15 about going east/west direction on the top --

16 MR. NEVARIL: Down, down.

17 MS. WORKMAN: Down?

18 MR. NEVARIL: Right there.

19 HEARING EXAMINER COLLINS: No, that white triangle
20 in the north part, is that right-of-way, or is that
21 part --

22 MR. NEVARIL: It's right-of-way.

23 HEARING EXAMINER COLLINS: -- of the --

24 MS. WORKMAN: That is right-of-way.

25 MR. NEVARIL: Right-of-way.

1 MS. WORKMAN: The dark line is the property line
2 because this is a measurement.

3 HEARING EXAMINER COLLINS: Okay. Go to the -- go
4 to the east and come down --

5 MS. WORKMAN: (Complies.)

6 HEARING EXAMINER COLLINS: No, okay.

7 MS. WORKMAN: Go to the east and come down?

8 HEARING EXAMINER COLLINS: Do you see that big
9 triangular piece that's shown in white? Large -- no,
10 bigger, bigger --

11 MS. WORKMAN: (Complies.)

12 HEARING EXAMINER COLLINS: There. All that, is
13 that right-of-way, or is that --

14 MR. NEVARIL: It's like a retention ditch.

15 HEARING EXAMINER COLLINS: Is that right-of-way?

16 MR. NEVARIL: Yes.

17 HEARING EXAMINER COLLINS: Okay. So the property
18 line is the end of the hatch mark.

19 MS. WORKMAN: Yeah, because the open space is
20 right here. So you have the hatch right here going
21 across. This is all off-site.

22 HEARING EXAMINER COLLINS: Okay. Can I go back to
23 the future land use map?

24 MS. WORKMAN: Yeah.

25 HEARING EXAMINER COLLINS: Okay. Thank you.

1 MS. WORKMAN: Uh-huh.

2 HEARING EXAMINER COLLINS: I'm sorry --

3 MR. HARPER: No, that's --

4 HEARING EXAMINER COLLINS: -- you raised some
5 questions to me, and I just wanted to have some things
6 clarified.

7 MR. HARPER: Yeah, and I'm sure that it's hard to
8 work all that out, and I know -- I know that you have
9 to fit the maximum amount of stuff in a certain space
10 to make it worth it financially, and I do understand
11 that as someone who is in business, but I also
12 understand that we have to do our best to protect our
13 residential road that is -- that is already seeing more
14 than its fair share of traffic already based on the
15 apartments and cutting off the corner of the red light
16 there with hundreds of cars already, and now we're
17 going to -- now we're talking about adding a road in
18 the middle -- between Pineapple and Pine Island in the
19 middle of Herron Road that not only can be used as a
20 cutoff but -- you know, there's no reason for people to
21 even go to 41 if they can get where they want to get
22 using a residential road like Herron. And I think that
23 has to be a consideration because of all the -- I mean,
24 all the kids and families that live there.

25 That's all I have.

1 HEARING EXAMINER COLLINS: Okay, thank you very
2 much.

3 Are there any other members of the public that are
4 present? I will close public input.

5 I will go back to Staff and the Applicant. I
6 think the public raised a couple of issues.
7 Particularly with regard to draining, it might be
8 helpful if that could be clarified on the record, how
9 they will not be impacted any further by virtue of the
10 way the stormwater system is designed.

11 MR. NEVARIL: Brett Nevaril, Infinity Engineering
12 Group.

13 With respect to the stormwater, we will design to
14 both Lee County and South Florida requirements. We
15 will attenuate, meaning like we will have -- we will
16 design a pond to hold water and rate it out -- meter it
17 out to existing conditions. So if they have 10 CFS
18 going -- going off our site in existing conditions, we
19 would have 10 CFS of flow going out at the same
20 condition in the same time frame. So we will design
21 for the 5-, 10-, 25-year storm events to do that. So
22 there should be -- there will be no increase in peak
23 discharge rate, and that's what -- that's the intent --
24 that's the intent of the stormwater pond. It will hold
25 water temporarily and slowly let it out based on the

1 historical rate, along with also the water treatment.

2 HEARING EXAMINER COLLINS: Do you understand that?

3 They design the system --

4 MR. HARPER: Yes.

5 HEARING EXAMINER COLLINS: Everything flows into
6 this detention area, and they hold it. It rises up to
7 a certain level, and then it will start to bleed out.
8 And it can't bleed out at a rate faster than how the
9 property today drains to those swales in your
10 neighborhood. And they design this retention area to
11 hold up to a 3-day storm event --

12 MR. NEVARIL: Yeah, correct.

13 HEARING EXAMINER COLLINS: -- worth of water.

14 MR. NEVARIL: And those are --

15 HEARING EXAMINER COLLINS: All right, thank you.

16 MR. NEVARIL: -- that's, you know, standard for
17 any development in Lee County.

18 MS. CRESPO: Thank you.

19 Alexis Crespo on behalf of the Applicant. So I'll
20 just run through a couple of items that we want to
21 address with -- with our forthcoming resubmittal; but
22 to touch on a few of the community's comments, we do
23 understand these homes have been in place for decades
24 in this site.

25 If you can go back to the LEEPA aerial and zoom

1 out a little bit?

2 MS. WORKMAN: Oh, okay, yeah.

3 MS. CRESPO: And I appreciate their comments and
4 the way they addressed that they understand the site's
5 going to be developed. They understand they're not in
6 a rural or an area that would be generally
7 characterized as residential. This is one street --
8 there's really two streets there that are really an
9 anomaly in this area now. Everything is converted to
10 high-density/high-intensity, and this is just a
11 remaining remnant of single-family residential that
12 predates the infrastructure improvements, the
13 development of these kind of supercenter shopping
14 centers, the mixed-use overlay, et cetera.

15 And I believe, from your comments, you are taking
16 into account the fact that we are in a very unique
17 situation. You have the most intensive future land use
18 category with intensive development on more than half
19 the site, and then it just drops off a cliff to
20 sub-outlying suburban on the other side of the site.
21 So we're -- we're definitely trying to balance all
22 those things. There is protections in the Lee Plan and
23 Code for protection of existing residential uses, which
24 is what we need to prove through our forthcoming
25 resubmittal.

1 We did look at connecting to Pineapple. The
2 turning movement that people -- the only reason anyone
3 is going to want to get onto Herron or to -- to utilize
4 that is to go up onto Pine Island and make a U-turn.
5 If we direct traffic to Pineapple, they will then
6 proceed to Herron and go along the longer strip of the
7 road, is our belief based on who is going to want to
8 utilize that access. So we don't believe that
9 connecting to Pineapple will eliminate use of the
10 roadway.

11 HEARING EXAMINER COLLINS: Well, it would prevent
12 trucks from using that roadway probably though --

13 MS. CRESPO: Yes.

14 HEARING EXAMINER COLLINS: -- as they would go in
15 and out of that location and get onto 41.

16 MS. CRESPO: So what we will certainly address in
17 this forthcoming submittal will be
18 limitations/conditions to prohibit truck traffic --
19 commercial truck traffic onto Herron Road. Certainly
20 we can address and add signage locations to the master
21 concept plan, and our team will coordinate with
22 potentially Staff and LCDOT to look at other potential
23 solutions and conditions to prevent truck traffic onto
24 Herron Road, which would also eliminate Deviation 1,
25 which was intended to accommodate larger trucks going

1 onto Herron, which is definitely contrary to the
2 discussion we've heard here today. So I submit that we
3 will modify the deviations and then include, hopefully,
4 several conditions that address the truck traffic onto
5 Herron.

6 We will propose hours of operation limitations.
7 The typical car wash operation is 8 a.m. to 8 p.m., and
8 so we would look to incorporate that into the
9 conditions.

10 We will also look at the orientation of that
11 building. We agree with Beth, and looked at it that
12 the building will mitigate noise produced by the
13 vacuums, which would be on the east side of the site.
14 So we wouldn't want to flip the building. Perhaps
15 looking at how the entrance and exit of that building
16 will occur to mitigate noise impacts to the greatest
17 degree will be examined.

18 HEARING EXAMINER COLLINS: I mean, at the very
19 least I think the blowers should be on the north end of
20 the building. That's in the intense land use; it's in
21 the mixed-use overlay, or closer to the mixed-use
22 overlay; it's close to an arterial; it's further from
23 the dwellings. You know, I would really like to have
24 you sharpen your pencil on how to make that as
25 compatible as possible with this long-standing

1 neighborhood that is to your west.

2 MS. CRESPO: Yes. We can definitely be submitting
3 a revised master concept plan and will examine
4 reorientation of the building.

5 HEARING EXAMINER COLLINS: And I would like you to
6 revisit the dumpster locations, certainly for the
7 self-storage. I see that there's two dumpsters right
8 there on Herron Road, which is -- literally your access
9 is directly across the street from a house.

10 MS. CRESPO: We will work to eliminate one of
11 those dumpsters and then relocate the remaining
12 dumpster further into the site and away from the
13 western property line.

14 HEARING EXAMINER COLLINS: Okay. I look forward
15 to seeing your revised master concept plan and proposed
16 conditions. Depending on what it looks like, I may
17 reopen the hearing so that there can be additional
18 discussion actually on the record, because we don't
19 normally do like this level of change, and I would like
20 to see the -- what this plan looks like with the gas
21 station, what changes -- I mean, if it's in the north
22 corner, I'm less concerned about it. My biggest
23 concern is the intensity of development alongside
24 Herron, including the access.

25 MS. CRESPO: Yes, thank you.

1 HEARING EXAMINER COLLINS: Okay. So let's set a
2 date.

3 MS. CRESPO: I think I'm okay with August 30th, to
4 provide sufficient time. That's two -- a little over
5 two weeks.

6 HEARING EXAMINER COLLINS: Friday, August 30th?
7 Okay. So we'll say Friday, August 30th, end of
8 business. If you need additional time, please send an
9 email to Maria Perez in my office, and we will
10 certainly extend that, if you need additional time.

11 MS. CRESPO: Thank you.

12 HEARING EXAMINER COLLINS: Okay. So the written
13 record in this case will be left open until August
14 30th, end of business, where we are looking for a
15 revised master concept plan that will denote all
16 deviations that you intend to keep; a condition
17 regarding hours of operation on the car wash; clarity
18 on dumpster placement; and whatever other signs you
19 intend to post on the site to enhance compatibility
20 with development to the west.

21 MS. CRESPO: Thank you.

22 HEARING EXAMINER COLLINS: Did I get everything?

23 MS. WORKMAN: Yes.

24 MS. CRESPO: Those reflect my notes, yes.

25 HEARING EXAMINER COLLINS: Okay, thank you.

1 Okay. Members of the public, the hearing is going
2 to close now. I'm leaving the written record open for
3 them to submit a revised master concept plan, which is
4 going to reflect the site layout and a revised list of
5 conditions that they're proposing for this. When this
6 gets submitted, it's a public record. So if you would
7 like to see a copy of it, you could just make a request
8 of the Department of Community Development. In any
9 event, I will be incorporating this into my
10 recommendation to the Board of County Commissioners,
11 which you will receive a copy of via email, if you
12 provided us with your email address. You will also
13 receive further notice of the final Board hearing via
14 email, if you provided your address, and then you can
15 speak to the Board of County Commissioners at that
16 meeting.

17 Just a reminder, though, you're only going to get
18 three minutes at that stage. So you really want to
19 crystallize what you want to say so you can get it out
20 in three minutes before they get the hook out.

21 Okay. Thank you, everyone, for coming.

22 MS. DECKER: You know, I just want to -- my
23 neighbor who is next to me, their driveway is right
24 across from that.

25 HEARING EXAMINER COLLINS: Okay. I can't take any

1 more public input right now. Your neighbors didn't
2 participate at this hearing. They're not going to be
3 able to speak to the Board. That doesn't mean they
4 can't come, but they will not be able to address the
5 Board unless they were on the record at this hearing.

6 Now, what I've told the Applicant is, that
7 depending on what they submit, if I feel as though I
8 have to reopen the hearing, I may do that; and if I do
9 that, you will be notified, and you can make
10 arrangements to come again.

11 MS. DECKER: Okay.

12 HEARING EXAMINER COLLINS: In any event, if I
13 don't, you will receive a copy of my recommendation.

14 MS. DECKER: Okay.

15 (Proceedings concluded at 11:15 a.m.)
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CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF LEE)

I, Deborah M. Bruns, Florida Professional Reporter, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 1 through 96, is a true and correct record of my stenographic notes.

Dated this 21st day of August, 2024.



Deborah M. Bruns, FPR

(This transcript was electronically signed.)

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