

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

Case Number: DCI2023-00015

Case Name: Pine Island Road Commercial Planned Development

Area Subject to Request: +/- 9.7 Acres

Case Type: Minor Planned Development Rezone

Sufficiency Date: May 13, 2024

Hearing Date: August 14, 2024

BoCC Remand to HEX: November 6, 2024

Remand Hearing Date: December 19, 2024

REQUEST:

RVi Planning + Landscape Architecture has filed an application to rezone approximately 9.7 acres from Commercial (C-1 and C-1A), and Agricultural (AG-2) to Commercial Planned Development (CPD).

This project is limited a maximum of 121,800 square feet of commercial uses with a maximum height of 45 feet, including the following two scenarios for the use-specific intensities:

- a maximum 10,000 square foot mini-warehouse,
- 4,000 square foot carwash,
- 2,500 square foot auto repair services,
- 7,500 square foot convenience food and beverage store with 16 fuel pumps, OR
- 5,000 square foot fast food restaurant,
- 7,800 square foot commercial retail uses

The subject property is located at the southwest corner of North Cleveland Avenue and Pine Island Road in the North Fort Myers Community Plan area. The 4.6 acres of the 9.7-acre property is located within the Sub-Outlying Suburban future land use category and the remaining acreage is within the Intensive Development future land use category according to the **Lee Plan Map 1-A**. Approximately 3.5 acres of the subject property is in the Mixed-Use Overlay per **Lee Plan Map 1-C**. The applicant held a public information meeting in compliance with **Land Development Code Section 33-1532** (see Attachment F). A legal description and boundary survey of the subject property are included as Attachment B of the staff report.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, as conditioned, to rezone approximately 9.7-acres to Commercial Planned Development to allow the following maximum intensities, which comprise a total of 121,800-square-feet of commercial uses, which includes a maximum 10,000 square foot mini-warehouse, 4,000 square foot carwash, 2,500 square foot auto repair service station, 7,500 square foot convenience food and beverage store with 16 fuel pumps, or 5,000 square foot fast food restaurant and 7,800 square foot commercial retail uses. The maximum height is 45 feet (Attachment E & F). The applicant has

requested three deviations from LDC Section 34-2013(b)(3), 34-2020(b), and 33-1581(b). Staff is recommending approval Deviations #1 and #2. Deviation #3 must be withdrawn.

OUTSTANDING ISSUE:

There are two outstanding issues identified by staff. Staff recommends the applicant withdraw Deviation #3 because the buffer being provided is an enhanced buffer. The Mixed Use Overlay buffer requirements per **LDC Section 10-425** require a five-foot-wide right-of-way buffer, which supersedes **LDC Section 33-1581(b)**, which requires a 20-foot-wide right-of-way buffer. The MCP and the Deviation and Justification documents must be revised to eliminate Deviation #3. The second issue is the Surface Water Management Plan states that the preserve will be incorporated into the stormwater management system as the final attenuation area prior to discharging offsite. The proposed preserve is an upland mixed hardwood, and the applicant is restoring the preserve with upland species. Utilizing the preserve to accommodate the stormwater management will destroy the existing native upland vegetation and the proposed upland restoration. These documents must be revised as part of the 48-hour letter.

HISTORY OF PARCEL:

The subject property consists of 11 parcels with three parcels zoned Commercial (C-1) that abut North Cleveland Avenue, one parcel along the northwest zoned Commercial (C-1A), and the remaining seven parcels zoned Agricultural (AG-2). The parcels located along the northern property line were previously developed with a car wash with access to Pine Island Road and North Cleveland Avenue. The car wash was demolished in 2022 (DEM2022-00684). Two parcels zoned Agricultural (AG-2) are located at the southeast corner of the subject property and were previously developed with single-family dwelling units which were demolished in 2007 (DEM2007-00203 & DEM2007-00342). The remaining eight parcels have never been developed. The proposed project is within the North Fort Myers Community Plan area, specifically in the Commercial Corridor. The three parcels zoned Commercial (C-1) that abut North Cleveland Avenue are in the Mixed Use Overlay per **Lee Plan Map 1-C**. The Mixed Use Overlay design standards allow for reductions in parking requirements per **LDC Section 34-2020(c)** and landscaping requirements per **LDC Section 10-425**. Certain uses specified in **LDC Section 10-424** must comply with the supplementary district regulations in Chapter 34 and are prohibited from designing a site to the Mixed Use Overlay buffer and open space requirements. The applicant is proposing two uses (convenience food and beverage store and fast food restaurants) that are specified in **LDC Section 10-424** which have certain buffer requirements per **LDC Section 34-1352(e)(1)**.

CHARACTER OF THE AREA:

The subject parcel is located in an area that has existing and planned uses. The parcel abutting the subject property along the southeast corner is zoned Community Commercial (CC) and is an automobile repair business. The subject property abuts rights-of-way along all four sides of its perimeter. The north and east property lines abut State-maintained arterial roadways (NE Pine Island Road and North Cleveland Avenue) and the west and south property lines abut County-maintained local roadways (Herron Road and Pineapple Road). The properties further north and east are heavily developed with commercial uses creating the commercial corridor at the intersection of NE Pine Island Road and North Cleveland Avenue. The properties west and south of the subject property are zoned Agricultural (AG-2) with a mix of single-family

dwelling units, vacant land, and religious facilities. Most of the parcels that abut the arterial roadways are developed with commercial uses. Property immediately surrounding the subject property is depicted in Attachment C of this report and can be characterized as follows:

North

The subject property abuts NE Pine Island Road, a State-maintained arterial road. Further north of the subject property is Merchants Crossing Shopping Center, zoned Commercial Planned Development (CPD) and developed with a mix of retail, restaurants, medical clinics, and multi-family residential dwelling units. This area is within the Intensive Development and Central Urban Future Land Use Categories and the Mixed Use Overlay.

East

The subject property abuts North Cleveland Avenue, a State-maintained arterial road. Further east of the subject property is a shopping center, zoned CPD and Commercial (C-1) and developed with a mix of retail including Walmart, a bank, and restaurants. This area is within the Intensive Development Future Land Use Category and the Mixed Use Overlay.

Northeast

Palmona Park, a single-family subdivision is located to the northeast of the intersection of Pine Island Road and North Cleveland Avenue. Palmona Park consists of ¼ to ½ acre lots zoned Residential (RS-1), Mobile Home (MH-1) and Two-Family Conservation (TFC-2). This area is within the Central Urban Future Land Use Category.

South

The subject property abuts Pineapple Lane, a County-maintained local road. Further south of the subject property is property zoned Commercial Neighborhood (CN-2), which is vacant, and Agricultural (AG-2) which is vacant, and developed with existing single-family residential uses. This area is within the Intensive Development and Sub-Outlying Suburban Future Land Use Categories and is partially in the Mixed Use Overlay.

West

The subject property abuts Herron Road, a County-maintained local road. Further west of the subject property is property zoned Commercial (C-1A) that consists of vacant land, single-family residential dwelling units, and duplex dwelling units. The land further west is within the City of Cape Coral and is developed with multi-family dwelling units and commercial outparcels abutting NE Pine Island Road. Judd Creek Preserve, a conservation area within the City of Cape Coral, connects to Hancock Creek Preserve, a County-maintained preservation area to the south. This area is within the Sub-Outlying Suburban and Intensive Development Future Land Use Categories.

AVAILABILITY OF URBAN SERVICES:

Public Services are defined by the Lee Plan as *“the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity.”* The level of urban services currently serving the subject property are as follows:

Public water and sewer: The subject property is within the Future Water and Sanitary Sewer Service Areas per **Lee Plan Map 4-A and 4-B**. The applicant has provided a letter of availability for potable water from Lee County Utilities and sanitary sewer from Florida Governmental Utility Authority. Potable water and wastewater utility lines are available in proximity to the subject property, with sufficient capacity available for the proposed development intensity; however, developer funded system enhancements such as line extensions may be required (see Attachment G).

Public transit and pedestrian facilities: An existing shared-use path and sidewalk are located along NE Pine Island Road and North Cleveland Avenue according to **Lee Plan Map 3-D**. LeeTran has two bus lines that serve North Cleveland Avenue and NE Pine Island Road. Route 140 primarily serves North Cleveland Avenue and Route 595 serves North Cleveland Avenue and NE Pine Island Road.

Police, fire, and emergency services: EMS – Medic 7 and a Sheriff’s office are located less than two miles to the southeast at 121 Pondella Road. North Fort Myers Fire Department Station 2 is located less than one mile to the southwest at 1280 Barrett Road.

PROPERTY DEVELOPMENT REGULATIONS & OFF-STREET PARKING:

The applicant proposes property development regulations that include maximum heights, minimum setbacks, and maximum lot coverage (Attachment F). Staff finds the proposed property development regulations appropriate to facilitate development in accordance with the MCP.

DEVIATIONS:

The applicant has requested three deviations. Deviation #1 is being requested from **LDC Section 34-2013(3)**, which allows a maximum 35-foot-wide parking lot entrance at the property line, to allow for a maximum 56-foot parking lot entrance at the Herron Road property line. This request is necessary to ensure the turning movements for larger vehicles accessing the gas station and mini-warehouse have sufficient turning area without negatively affecting the surrounding property owners. Staff is recommending **APPROVAL of Deviation #1**.

Deviation #2 is being requested from **LDC Section 34-2020(b)**, required parking spaces for non-residential uses, which requires warehouse, mini warehouse to provide a minimum of one space per 25 storage units, with a minimum of five spaces, to allow for a minimum of one space per 50 storage units, with a minimum of five spaces. The applicant is proposing 500 storage units and per LDC Section 34-2020(b) the site would require 20 parking spaces. The applicant is proposing five parking spaces and designated loading and unloading zones in addition to the five parking spaces. TR Transportation Consultants, Inc. has analyzed the mini-warehouse trip and parking generation and has determined that the five parking spaces plus the designated loading and unloading zones will be sufficient to serve the mini-warehouse use. In addition, the parking demand study completed for Arborwood Village, DCI2023-00024, established the parking demands

for mini-warehouse and the subject request is consistent with the parking demand study. Development Services and Department of Transportation staff have reviewed Deviation #2 and recommend **APPROVAL**.

Deviation #3 is being requested from **LDC Section 33-1581(b)**, which requires a 20-foot-wide Type-D buffer along internal accessways, to allow a 15-foot-wide Type-D buffer. The applicant states in the request that the buffer landscaping vegetation will meet the code per **LDC Section 33-1581(b)**, which requires five trees per 100 linear feet and a double hedge. **Lee Plan Policy 30.2.5** requires deviations from landscaping, architecture, and site design to comply with the variance criteria per **LDC Section 34-145(b)(3)**. Staff recommends that this deviation be withdrawn because the applicant is providing enhanced internal accessway right-of-way buffers abutting the retail and mini-warehouse uses, which require a five-foot-wide right-of-way buffer per **LDC Section 10-424**. The project is in the Mixed Use Overlay, which allows a five-foot-wide buffer width for right-of-way buffers. Uses such as gas stations, convenience food and beverage stores, open storage, rental and leasing establishments, or fast-food restaurants must comply with the supplementary district requirements in Chapter 34. The applicant is proposing uses that must comply with **LDC Sections 10-424 and 34-1353(e)**. The internal accessways abutting the proposed gas station and convenience food and beverage uses must comply with **LDC Section 34-1353(e)(1)**, which requires a 15-foot-wide buffer with five trees per 100 linear feet and a double hedge. The applicant is required to provide a five-foot-wide buffer abutting all uses along the remainder of the internal accessway per **LDC Section 10-425**. In accordance with **LDC Section 33-1533**, the mixed use buffer requirements supersede the North Fort Myers Community Plan Area Commercial Corridor right-of-way buffer requirements, which require a 20-foot-wide right-of-way buffer per **LDC Section 33-1581(b)**. Deviation #3 is not required, and the applicant is providing an enhanced right-of-way buffer abutting the mini-warehouse that creates a 15-foot-wide separation from the parking and loading zone areas and is consistent with the abutting right-of-way buffers within the planned development, thereby creating a cohesive development scheme. Staff recommends a condition to ensure that the enhanced 15-foot-wide buffer is provided as part of the mini-warehouse use as depicted on the Master Concept Plan. The condition includes a requirement that the landscape vegetation must consist of similar species as the other commercial tracts within the planned development.

REVIEW CRITERIA:

LDC Section 34-145 establishes the review criteria for rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

- a) Complies with the Lee Plan;
- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The applicant has provided a narrative that addresses the planned development rezoning request with analysis against the applicable criteria (see Attachment F). The following provides staff's analysis of the request, as measured against the established criteria.

REVIEW CRITERIA ANALYSIS:

The subject property is in the Intensive Development and Sub-Outlying Suburban future land use categories. Approximately 5.1 acres of the subject property is located along NE Pine Island Road and North Cleveland Avenue within the Intensive Development future land use category. **Lee Plan Policy 1.1.2** describes this future land use category as land along major arterial roads with access to public services to support high intensities. Mix use developments are encouraged in this category due to the accessibility of public services. The applicant is proposing a fast-food restaurant, car wash and retail and automotive repair and service station within the Intensive Development future land uses category. The proposed project has access to two arterial roads and access to public services to support the intensity of development. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Policy 1.1.2**.

The remainder of the project is in the Sub-Outlying Suburban future land category. The applicant is proposing a mini-warehouse use within this future land use category. **Lee Plan Policy 1.1.11** is characterizes the Sub-Outlying Suburban future land use category as low density residential areas. The infrastructure required to support high density is not planned or in place. The applicant is proposing a commercial development with high intensity uses and no density abutting the two arterial roads and the less intense mini-warehouse abutting two local roads to minimize impacts to the adjacent residential uses to the west and south. The applicant is maintaining existing access points to NE Pine Island Road and North Cleveland Avenue, which can support the trips generated by the proposed uses. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Policy 1.1.11**.

The proposed development complies with **Objectives 2.1 and 2.2** for development location and timing due to the development being an infill project where a convenience food and beverage with fuel pumps was previously permitted. The site is in an area that has access to potable water and sewer and access to

existing sidewalks along NE Pine Island Road and North Cleveland Avenue. LeeTran has two bus routes along both arterial roads and the proposed project is near fire and EMS stations, and other services to demonstrate compliance with **Lee Plan Objectives 2.1 and 2.2 and Policy 2.2.1 and Standards 4.1.1 and 4.1.2.**

GOAL 6 of the Lee Plan and subsequent Policies 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, and 6.1.11 permit orderly and well-planned commercial development at appropriate locations within the County. The applicant is proposing to redevelop the corner of NE Pine Island Road and North Cleveland Avenue to a commercial multi-use development to serve the residents of North Fort Myers Community Plan area. The property was previously developed as a convenience food and beverage store with gas pumps and a car wash along the north property line. The south portions of the property are occupied by single-family residential dwelling units that were demolished. The applicant is providing the required buffers and open space per **LDC Section 34-1353(e)(1)** and an enhanced internal access right-of-way buffer abutting the mini-warehouse to be consistent with the landscape theme. The applicant has provided a Master Concept Plan that depicts the preservation/restoration area and stormwater management lake within the south portion of the site. This design in this area of the Master Concept Plan provides additional screening and setbacks for the proposed mini-warehouse, and automobile repair and service station uses to protect the single-family residential uses along Herron Road and Pineapple Road. The applicant has focused the more intense uses along the two arterial roads utilizing the existing access points to NE Pine Island Road and North Cleveland Avenue. Because of the site design and compliance with buffering and open space, staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Goal 6 and Policies 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, and 6.1.11.**

The proposed project is located in the Mixed Use Overlay according to **Lee Plan Map 1-C. Policies 11.2.1 and 11.2.2** focus on the location and design of projects within the Mixed Use Overlay as it pertains to pedestrian, transit, and automobile connectivity. The applicant has provided an interconnection to the property to the southeast that is currently an automobile repair and service station use. The applicant will be required at time of development order to provide pedestrian connections to the LeeTran bus stops and sidewalks to demonstrate walkability within the development to the offsite connections. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Policies 11.2.1 and 11.2.2.**

As mentioned above, the proposed project is in the North Fort Myers Community Plan area, which requires a public information meeting per **Lee Plan Policy 17.3.5.** The applicant advertised and held a public information meeting at the North Fort Myers Recreation Center on February 6, 2024. The applicant has provided the meeting summary, list of attendees, and affidavit of publication per **LDC Section 33-1532** (Attachment F).

The proposed project is in the Commercial Corridor of the North Fort Myers Community Plan area, specifically designated as Neighborhood Center per **Lee Plan Policy 30.2.4.** The Neighborhood Center requires public open space and pedestrian connections to public transit and uses. The applicant is depicting an interconnection to the commercial property at the southeast corner of the subject property. The applicant will be required to provide a sidewalk and sidewalk connections to the pedestrian facilities to LeeTran bus stops and existing and proposed sidewalks. The applicant is proposing public open space as depicted on sheet two of the Master Concept Plan to meet **Lee Plan Policy 30.2.6.** As mentioned, the parcels were

previously developed with a convenience food and beverage store with fuel pumps and single-family dwelling units. The structures have been demolished and the applicant is proposing the planned development to redevelop the site to meet the current Lee Plan and Land Development Code requirements or seek deviations meeting **Lee Plan Policy 30.2.7**. Staff finds the proposed project, as conditioned, to be consistent with the **Lee Policies 30.2.4, 30.2.6, and 30.2.7**.

Lee Plan Objectives 60.4 and Policies 60.4.1, 60.4.2, 60.4.3, and 61.4.4 all speak to the design of the stormwater management system, utilization of green infrastructure to filter pollutants, and preservation of existing natural flow-ways. The applicant submitted a Surface Water Management Plan (Attachment F). The applicant has indicated in the Surface Water Management Plan that the existing surface water flows to the south and east to a culvert along Herron Road that outfalls to Judd Creek. The proposed stormwater management system will be designed to provide onsite conveyance through a piping system that will convey water to the wet detention that will discharge to the preservation area and outfall to the offsite culvert that leads to Judd Creek. The applicant will be required to provide a planted littoral shelf along the wet detention lake banks. The applicant must revise the Surface Water Management Plan to not utilize the restored indigenous preserve area because this area is an upland mix hardwood per the environmental report that is proposed to be restored with upland restoration vegetation (Attachment F). Staff finds the request, as conditioned, to be consistent with **Lee Plan Objective 60.4 and Policies 60.4.1, 60.4.2, 60.4.3, and 61.4.4**.

Land Development Code Compliance

Staff finds the proposed planned development rezoning request, as conditioned, to be in compliance with the LDC, including regulations which pertain to:

- Use and corresponding supplemental regulations, such as parking.
- LDC Chapter 10 Development Standards.
- Details required on the MCP and compliance with Division 9 of Article VI, Chapter 34, Planned Development Districts.

All relevant County regulations, which are not specifically deviated from as part of this planned development request, will apply, such as LDC, Code of Ordinances and Administrative Code provisions. If future deviations are proposed, each will be evaluated within the parameters of the established LDC review criteria.

Compliance with LDC Section 34-145(d)(4)

Staff makes the following findings with respect to this request:

a) Complies with Lee Plan.

The proposed rezoning, as conditioned, is consistent with the Lee Plan as demonstrated in the analysis in this staff report.

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

The applicant will be required to obtain a development order for the proposed project that must comply with the Land Development Code and Lee Plan. The deviations that are requested are needed to

maintain the existing design with respect to access. The deviations, if the request is approved, will maintain the accesses along the arterial roads and allow a wider access drive to accommodate the type of vehicles entering the development without disrupting the surrounding uses. The request for reduction in the parking requirements for the warehouse, mini warehouse use will provide a more compact development with loading and unloading zones that fit the development scheme.

c) Compatibility with existing and planned uses in the surrounding area.

The proposed development is in the Commercial Corridor, specifically the Neighborhood Commercial area, within the North Fort Myers Community Plan area, which intends for intense commercial development abutting the arterial roadway network to serve surrounding uses. The applicant has designed the Master Concept Plan to depict intense development accessing the arterial roads and less intense commercial uses with access to the local road. The buffers meet or exceed the Land Development Code to provide screening and visual relief from the proposed maximum building height of 45 feet.

d) Sufficiency of Access and Transportation Impacts.

The proposed development has existing accesses to NE Pine Island Road and North Cleveland Avenue, both of which are State-maintained arterial roads. The applicant is requesting Deviation #1 to allow a 56-foot-wide parking lot entrance from Herron Road instead of the maximum 35 feet permitted by **LDC Section 34-2013(b)(3)** to accommodate large vehicles. Per the Traffic Impact Statement, the access is sufficient to support the proposed development (see Attachments F & H).

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

The applicant has provided a Traffic Impact Statement that analyzes the proposed trips within the surrounding roadway network with trips assigned based upon the routes drivers are anticipated to utilize to access the proposed development. The TIS studies the roadway links with or without the proposed additional trips to ensure that there are no significant impacts to the level of service. The study indicates that the roadways have sufficient capacity available to accommodate the new trips. It is anticipated that the existing turn lanes along NE Pine Island Road and North Cleveland Avenue will need to be extended; however, those improvements will be evaluated at time of development order (see Attachment F & H).

f) No adverse impacts to environmentally critical or sensitive areas and natural resources.

The request will have no impacts to environmentally sensitive or critical areas. The applicant has provided a Florida Land Use Cover and Classification System (FLUCCS) map depicting the habitat types on the site (see Attachment F). The applicant indicates that the site is disturbed where the existing homesteads and commercial uses were previously located. The FLUCCS map depicts the

remaining land as upland mixed hardwoods. The soils map and staff inspections indicate that the southwest corner is more of a hydric mixed hardwood. The applicant is preserving 1.00 acre of upland mixed hardwoods which will be restored per the Preserve Management Plan (see Attachment F). The Surface Water Management Plan indicates that the preserve will be utilized for surface water management. The Preserve Management Plan includes upland plant species being proposed for restoration. The preserve has existing upland species. The applicant will need to design the surface water management so that that preserve is not included in the stormwater management plan to ensure survivability of existing and proposed upland restoration. Per the Protected Species Survey, there were no protected species on the site (see Attachment F).

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

As noted and defined above, the subject property is located within a future urban area. The subject property has adequate access to urban services to accommodate the development proposed by the request. Future improvements required by the LDC at time of local development order approval will further improve urban services and pedestrian facilities surrounding the subject property.

h) Supplemental Planned Development Criteria

Staff finds the request to be consistent with the following additional criteria:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation, as conditioned:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

CONCLUSION:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds the request to be consistent with the established review criteria. The Commercial Planned Development rezone is consistent with the Intensive Development and Sub-Outlying Suburban future land use designations and the applicable goals, objectives, and policies of the Lee Plan. The request, as conditioned, is appropriate in the context of its surroundings. Staff recommends **APPROVAL** of the request to rezone the property from Commercial (C-1 and C-1A), and Agricultural (AG-2) to Commercial Planned Development (CPD) to allow the following:

A maximum of 121,800 square feet of commercial uses, including the following two scenarios for the use-specific intensities:

- a maximum 10,000 square foot mini-warehouse,

- 4,000 square foot carwash,
- 2,500 square foot auto repair services,
- 7,500 square foot convenience food and beverage store with 16 fuel pumps, OR
- 5,000 square foot fast food restaurant,
- 7,800 square foot commercial retail uses

The maximum proposed height is 45 feet (see Attachment E).

ATTACHMENTS:

- A. Expert Witness Information
- B. Legal Description, Sketch and Description
- C. Location Aerial, Future Land Use, and Current Zoning Maps
- D. Master Concept Plan
- E. Development Regulations and Conditions
- F. Applicant's Project Narrative
 - Schedule of Uses & Property Development Regulations
 - North Fort Myers Community Meeting Summary
 - Surface Water Management Narrative
 - Deviation Request and Justification
 - Applicant's Protected Species Survey
 - Applicant's Preserve Management Plan
 - Applicant's Transportation Impact Statement
- G. Utility Availability Letters
- H. Department of Transportation Staff Memorandum

Attachment A

LEE COUNTY STAFF EXPERT WITNESS INFORMATION PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(F)3.

Case Number: DCI2023-00015
Project Name: Pine Island Road CPD
Hearing Examiner Date: August 14, 2024

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

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, and Environmental Sciences.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Brandon Dunn, Planning Manager, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Ally Hall, Plan Reviewer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- Seeking to be qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Staff reviewed and provided comments for sufficiency. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Robert Price, Director, Department of Transportation, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
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Jillian Scholler, Deputy Director, Department of Transportation, 1500 Monroe Street, Fort Myers, FL 33901

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Marcus Evans, Engineer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

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- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Nic DeFilippo, Senior Environmental Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

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Professional Engineers, Planners & Land Surveyors

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

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

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

SUBJECT PARCEL CONTAINS: 9.71 ACRES, MORE OR LESS.

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

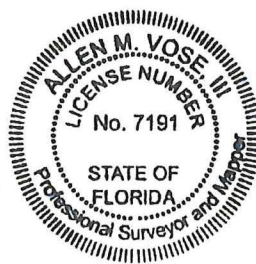
ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

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

DESCRIPTION PREPARED: 05-30-2023.

Digitally signed by Allen M Vose III
Date: 2023.06.09 11:38:23 -04'00'

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



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

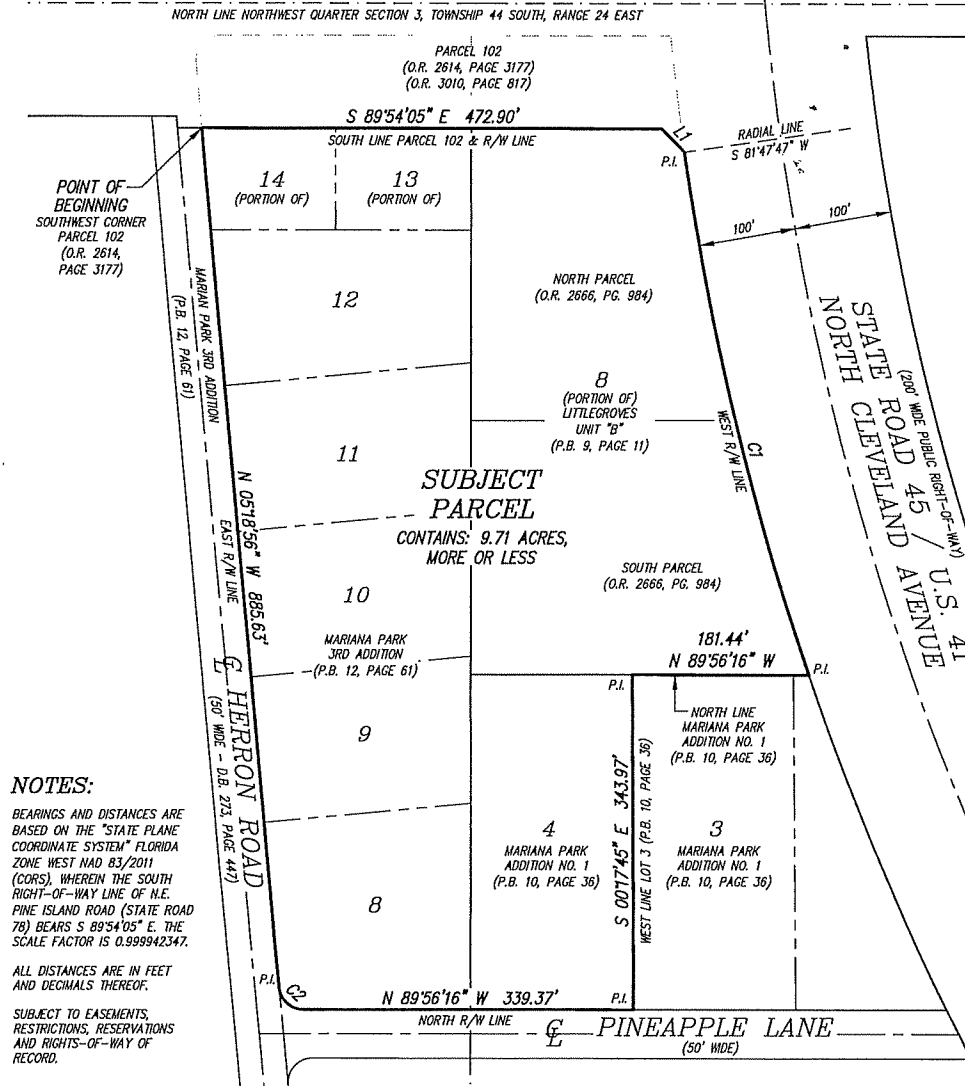
SHEET 1 OF 2
• SERVING THE STATE OF FLORIDA •

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

SKETCH OF DESCRIPTION

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

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



NOTES:

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

ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

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

CURVE TABLE

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

LEGEND:

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

LINE TABLE

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

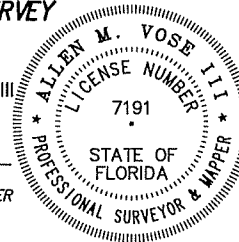
S:\JOBS\86XX\8638\SURVEYING\DESCRIPTIONS\8638P BNDY LGL.DOC
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SEE SHEET 1 OF 2 FOR COMPLETE
METES AND BOUNDS LEGAL DESCRIPTION
**THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY**

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

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

- DATE SIGNED: 06-09-2023
 - THIS SKETCH OF DESCRIPTION IS NOT VALID
 WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF
 A FLORIDA LICENSED SURVEYOR AND MAPPER.



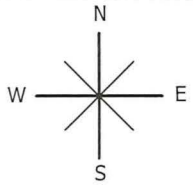
BANKS
ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY
 FORT MYERS, FLORIDA 33906
 PHONE: (239) 839-5490
 FAX: (239) 839-2523
 ENGINEERING LICENSE # EB 0469
 SURVEY LICENSE # LB 0590
 WWW.BANKSENG.COM

SKETCH OF DESCRIPTION
14993 N CLEVELAND AVE
NORTH FORT MYERS, LEE COUNTY, FLORIDA

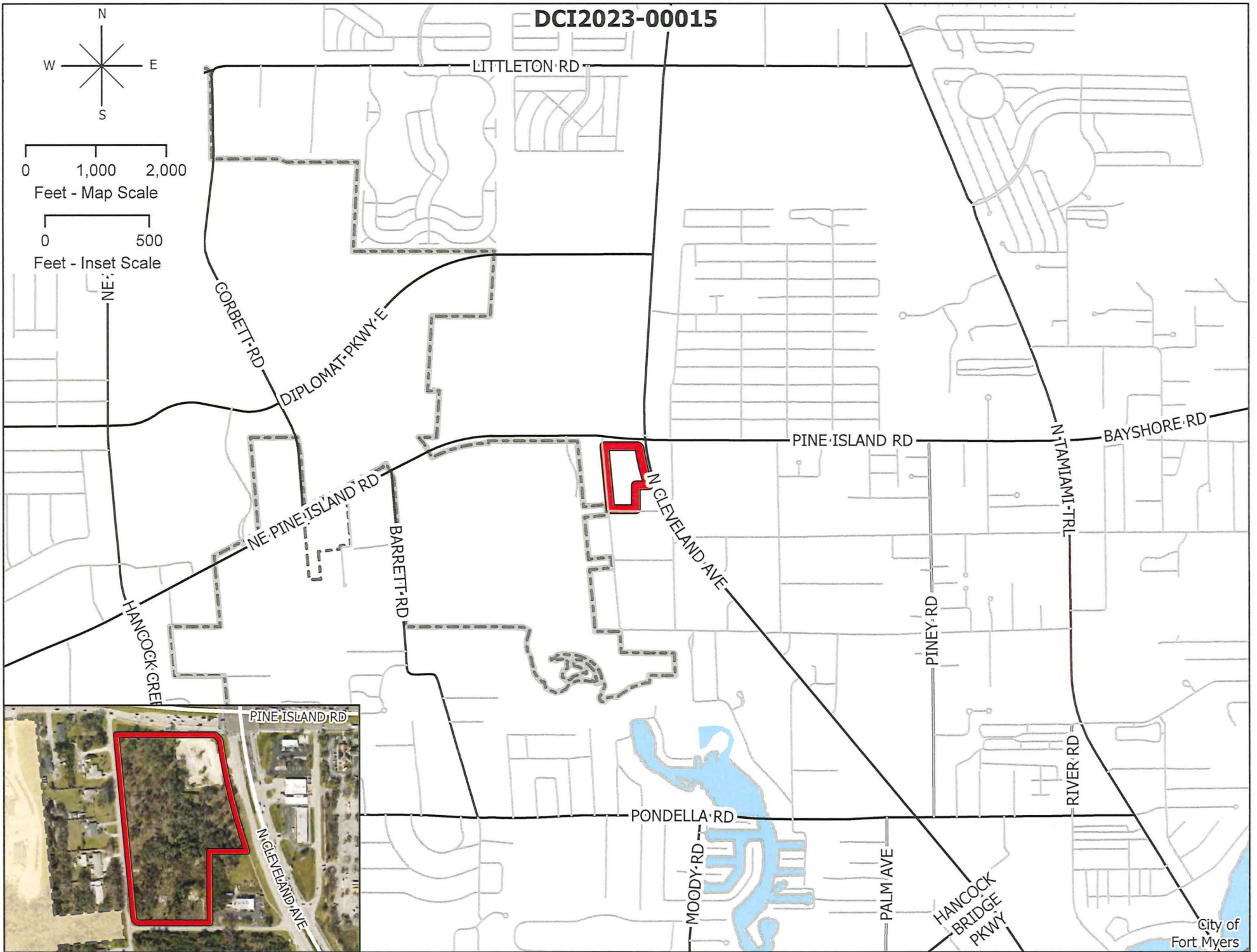
DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
05-30-2023	8638P	BNDY SKT	AMV	AMV	1" = 150'	2	2	03-44-24

DCI2023-00015



0 1,000 2,000
Feet - Map Scale

0 500
Feet - Inset Scale

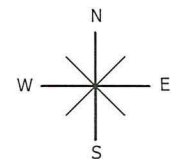


DCI2023-00015

Aerial

 Subject Property

 City Limits

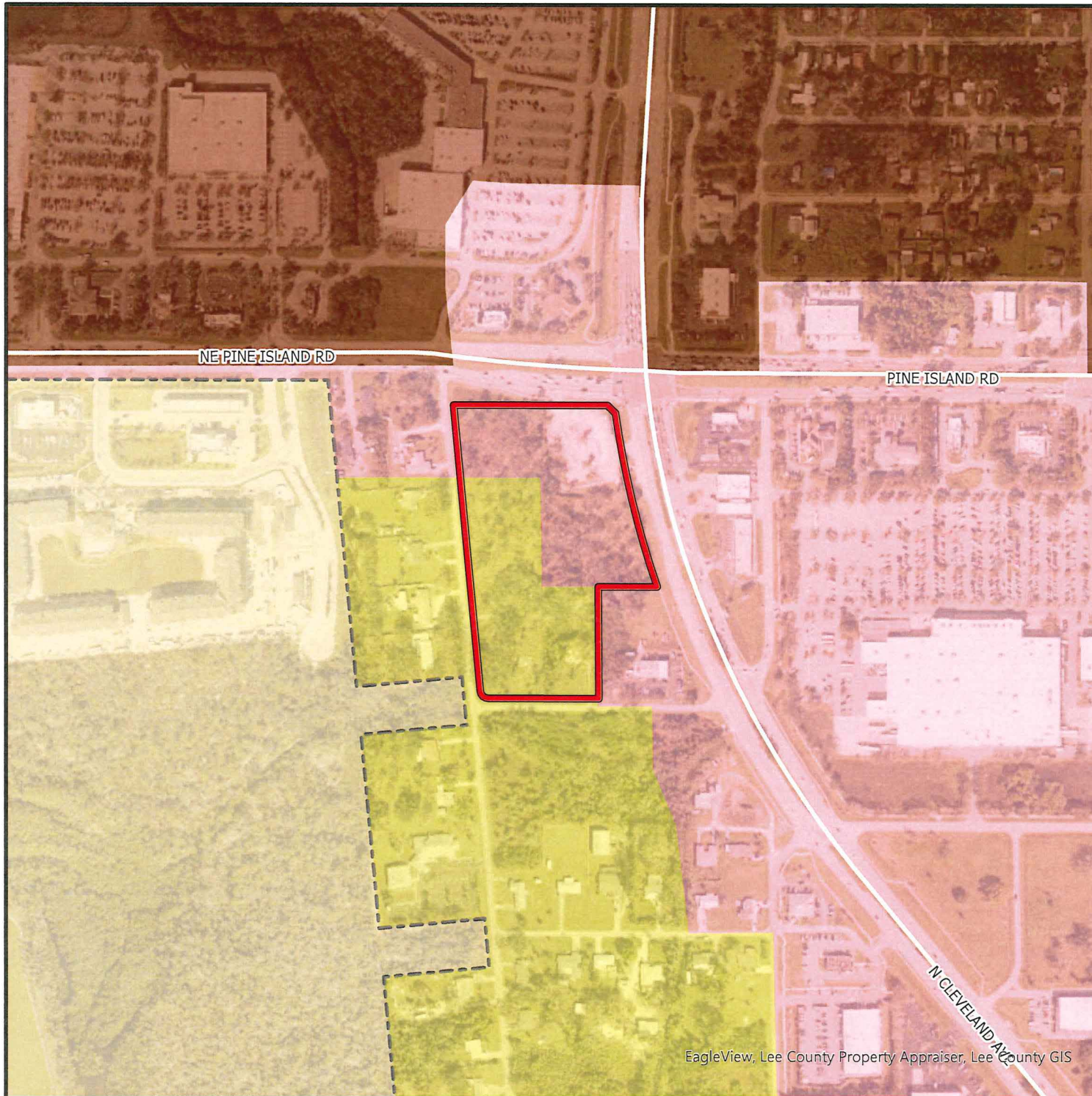


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Feet

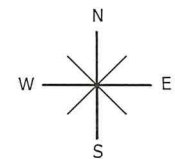


DCI2023-00015

Future Land Use

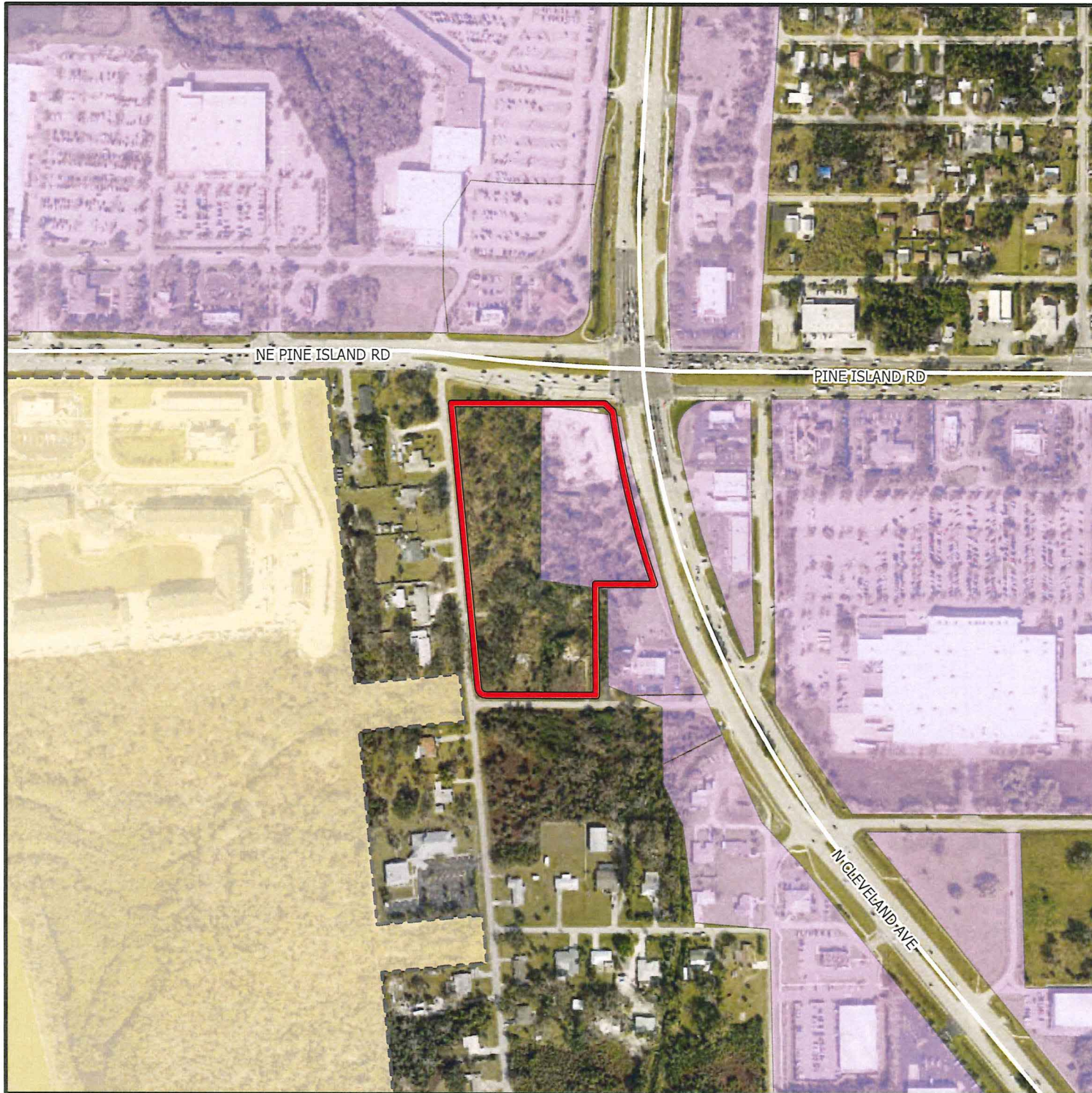


EagleView, Lee County Property Appraiser, Lee County GIS



0 250 500 750
Feet

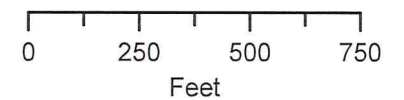
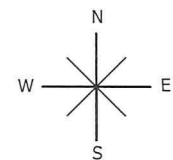




DCI2023-00015

Mixed Use Overlay

-  Subject Property
-  Mixed Use Overlay
-  City Limits

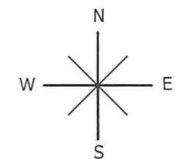


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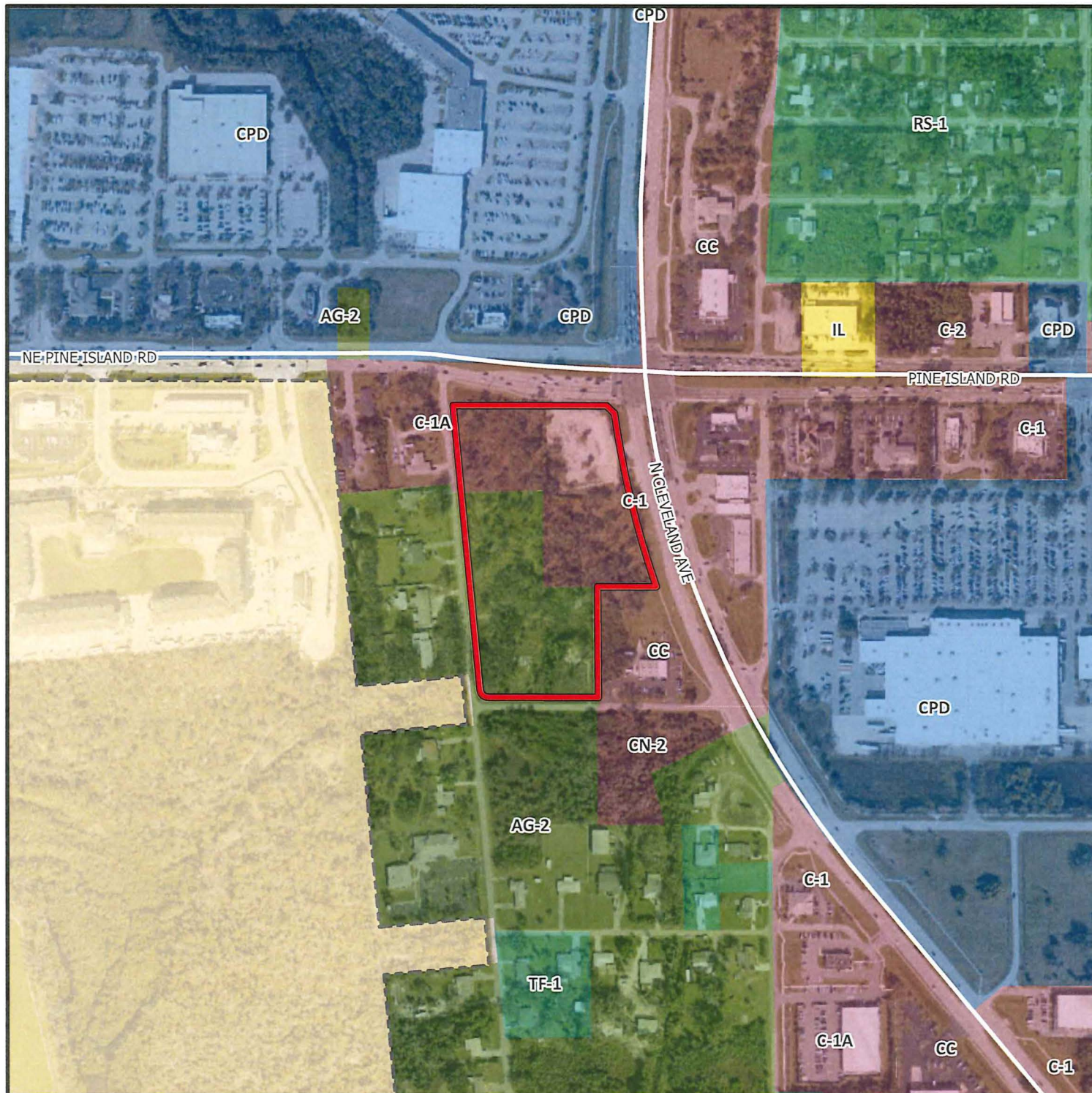
Zoning

 Subject Property

 City Limits



0 250 500 750
Feet



LAND USE: BANK
ZONING: CPD
FLU: INTENSIVE DEVELOPMENT

LAND USE: RETAIL
ZONING: CC
FLU: INTENSIVE DEVELOPMENT

SITE LOCATION:	SWC OF N CLEVELAND AVE & NE PINE ISLAND RD LEE COUNTY, FL 33903
PROJECT AREA:	9.71 ACRE ±
STRAP NUMBER:	03442401000000008B 03442401000000008A 034424010000000080 034424006000000040 034424110000000080 034424110000000090 034424110000000100 034424110000000110 034424110000000120 034424110000000130 034424110000000140
ZONING/REZONING	C-1, C-1A & AG-2 TO <u>CPD</u>

The diagram illustrates a typical intersection layout with the following components and symbols:

- CPD BOUNDARY:** Represented by a dashed rectangular line.
- BUILDING:** Represented by a shaded rectangular area.
- PEDESTRIAN CROSSWALK:** Represented by two parallel horizontal lines.
- VEHICULAR FLOW INGRESS/EGRESS:** Represented by three arrows pointing right.
- LOADING ZONE:** Represented by a rectangular area with diagonal hatching.
- PAVEMENT EDGE DRIVE:** Represented by a rectangular area with a solid border.
- SIDEWALK:** Represented by a rectangular area with a stippled or dotted pattern.
- DEVIATION TRIANGLE:** Represented by a triangle containing a hash symbol (#).

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

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



LAND USE: SINGLE FAMILY RESIDENT
ZONING: C1-A
FLU: SUB-OUTLYING SUBURBAN

30' TYPE "F" LANDSCAPE BUFFER
PER LOC 10-416(d)(6)

LAND USE: SINGLE FAMILY RESIDENT
ZONING: AG-2
FLU: SUB-OUTLYING SUBURBAN

LAND USE: SINGLE FAMILY RESIDENT
ZONING: AG-2
FLU: SUB-OUTLYING SUBURBAN

LAND USE: RESIDENTIAL
ZONING: AG-2
FLU: SUB-OUTLYING SUBURBAN

LAND USE: RESIDENTIAL
ZONING: AG-2
FLU: SUB-OUTLYING SUBURB

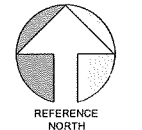
LAND USE: VACANT
ZONING: RESIDENTIAL MULTI-FAMILY LOW
(CITY OF CAPE CORAL)
FLU: MULTIPLE FAMILY RESIDENTIAL
(CITY OF CAPE CORAL)

LAND USE: VACANT
ZONING: AG-2
FLU: SUB-OUTLYING SUBURBAN

LAND USE: VACANT
ZONING: AG-2
FLU: SUB-OUTLYING SUBURBAN

LAND USE: VACANT
ZONING: C-1
FLU: INTENSIVE DEVELOPMENT

ATTACHMENT D



0' 120' 240'

SCALE: 1" = 120'

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



INFINITY ENGINEERING
GROUP, LLC

1208 East Kennedy Boulevard
Suite 230
Tampa, Florida 33602
[p]: 813.434.4770
[f]: 813.445.4211
www.iegroup.net
FL Cert. of Auth. No. 27889

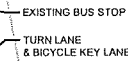
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NISIT SAPPARKHAO, P.E.
FL REG. NO. 64085

DATE _____

Project Name and Address PINE ISLAND ROAD CPD 1100 W. N. CLEVELAND AVE & N.E. PINE ISLAND RD LEE COUNTY, FLORIDA 33903	Sheet Title MASTER CONCEPT PLAN
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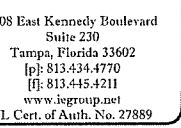
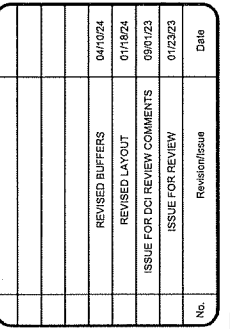
Project No. 300-21.00	Sheet MCP.1
Date 01-23-23	
Scale AS NOTED	



	CPD BOUNDARY		PEDESTRIAN CROSSWALK
	BUILDING		VEHICULAR FLOW INGRESS/EGRESS
	TOTAL OPEN SPACE PROVIDED ≈ 2.55 ACRES		LOADING ZONE
	PUBLICLY ACCESSIBLE OPEN SPACE ≈ 0.35 ACRES		PAVEMENT EDGE DRIVE
	NATIVE PRESERVE ≈ 1.00 ACRE		SIDEWALK
			DEVIATION TRIANGLE

PROVIDED ON-SITE
PRESERVE (PER LDC SEC.
10-415(B)(3)(a) & (b)(4) CREDITS)

1.35 ACRES = (135% (CREDIT) x 1.0 ACRES
PROVIDED ON-SITE)

[illegible]

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

ATE

Project Name and Address PINE ISLAND ROAD CPD SWC OF N CLEVELAND AVE & NE PINE ISLAND RD LEE COUNTY, FLORIDA 33903	Sheet Title OPEN SPACE EXHIBIT
--	---

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

Pine Island Road Commercial Planned Development (DCI2023-00015)

Attachment E – Conditions and Deviations

Section A. - Conditions

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

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

- a maximum 10,000 square foot mini-warehouse,
 - 4,000 square foot carwash,
 - 2,500 square foot auto repair services,
 - 7,500 square foot convenience food and beverage store with 16 fuel pumps, OR
 - 5,000 square foot fast food restaurant,
 - 7,800 square foot commercial retail uses
2. The following limits apply to the project and uses:

- a. Schedule of Uses

Accessory uses, buildings, and structures
ATM (Automated Teller Machine)
Auto parts store (with installation services)
Automobile Repair and Service: Groups I & II
Automobile Service Station
Bank & Financial Establishments: Group I & II
Car Wash
Clothing Store, General
Convenience Food and Beverage Store (limited to a maximum of 16 fuel pumps)
Drive-through facility for any permitted use
Essential Service Facilities: Group I
Excavation: Water Retention
Food Stores: Group I
Hardware Store
Hobby, Toy, and Game Shops
Laundry or Dry Cleaning: Group I
Lawn and Garden Supply Store
Paint, Glass, and Wallpaper
Parking Lot (accessory)

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

Pet Shop

Rental and Leasing Establishments: Group I & II

Repair Shops: Group I & II

Restaurant, Fast Food

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

Specialty Retail Shops: Groups I, II, & III

Temporary Uses

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

Variety Store

Warehouse: Mini Warehouse

b. Site Development Regulations

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

5. Open Space

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

6. Indigenous Open Space

Prior to the issuance of the first development order, the development order plans must depict 1.00 acres of indigenous preserve area to include 135 percent credit (1.35 acres of indigenous open space with credits). Plans must be in substantial compliance with the Master Concept Plan dated April 3, 2023, attached hereto as Attachment D.

7. Indigenous Restoration and Buffers

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

with LDC Section 10-420 and an above ground temporary irrigation system must be specified on the development order plans.

9. Mini Warehouse Buffers

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

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

Section B. – Deviations

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

This deviation is **APPROVED**.

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

This deviation is **APPROVED**.

3. **Deviation (3)** Recommended to be withdrawn.



**Pine Island Road CPD
Request Statement and Lee Plan Consistency Narrative**

I. Summary

RVI Planning + Landscape Architecture (“Agent”) on behalf of Phoenix Associates of Florida (“Applicant”) is requesting approval to rezone 9.7+/- acre subject property (“Property”) from Commercial C-1, C-1A, and Agriculture AG-2 to Commercial Planned Development (CPD) to allow for development of a maximum of 121,800 SF of commercial space (to include a maximum 100,000 SF of mini-warehouse, 4,000 SF of carwash, 2,500 SF Auto Repair Services, 7,500 SF convenience food and beverage store with 16 self-service fuel pumps, or 5,000 SF fast-food restaurant, and 7,800 square feet of commercial retail uses).

The Property is located at the southwest corner of N. Cleveland Avenue and Pine Island Road in the North Fort Myers Community Planning Area. The site is designated within the Commercial Corridor per the North Fort Myers community-specific regulations and approximately 3.5 acres of the site are within the Mixed Use Overlay. In terms of future land use, approximately 5.1 acres have a Future Land Use designation of Intensive Development and approximately 4.6 acres have a Future Land Use Designation of Sub-Outlying Suburban.

II. Request

The proposed planned development will consist of a maximum of 121,800 sq. ft. of commercial space (to include a maximum 100,000 SF of mini-warehouse, 4,000 SF of carwash, 2,500 SF Auto Repair Services, 7,500 SF convenience food and beverage store with 16 self-service fuel pumps, or 4,000 SF or fast-food restaurant, and 7,800 SF of other commercial retail uses). Vehicular oriented uses have been proposed along the portion of the Property that is adjacent to Pine Island Road and Cleveland Avenue, two major arterials roadways, and these uses have been moved as far north and northeast of the subject property as possible from future and existing residential areas.

The site will have three (3) points of access, one access point through NE Pine Island Road (SR 78), which is a FDOT maintained 4-lane divided arterial roadway, a second access point through North Cleveland Avenue (US-41) which is a state-maintained 4-lane divided arterial roadway, and one additional access points through Herron Road, which is a county maintained 2-lane undivided local roadway. The access points further along Herron Road predominantly provide access to the mini-warehouse which is a commercial use which generally provides a low number of trips. As indicated by the Traffic Impact Statement (TIS) by TR Transportation Consultants the proposed mini-warehouse use is anticipated to have a maximum of 15 weekday P.M. peak hour trips limiting the amount of glare and noise impacting adjacent uses that is usually associated with the amount of vehicular traffic that commercial uses usually attract.

Uses have been sited within the development to allow for a transition of intensive uses from the arterial roadway frontage to the less intensive uses such as mini-warehouse, stormwater detention and preserve area towards the south and west of the development adjacent to existing and future residential uses.

The development will meet all external perimeter buffer requirements. As Identified in the MCP the property will have a 25-foot type D Landscape buffer per LDC Sec. 34-1353 along Pine Island Road and North Cleveland Avenue. Along Herron Road the Property will have a 30-foot type F Landscape buffer per LDC Sec. 10-416(d)(6) and contain 1 –acre preserve with a

minimum width of 110 feet. Along Pineapple Lane the development will have a 15-foot type D buffer per LDC Sec. 10-416(d)(3) followed by a large dry detention area. The Property will provide a 5-foot type landscape buffer to the east and no buffer to the south when adjacent to the southeast commercial parcel at the intersection of Pineapple Lane and Cleveland Avenue which contains an existing auto service repair business.

Internal accessways within the development shall provide 15-foot type D buffers to provide better walkability within the site through the addition of trees and also to shield site users from headlight shine, wayward vehicles, and to better defining parking boundaries. When adjacent to convenience food and beverage stores with or without gas pumps, automobile service stations with or without gas pumps, fast food restaurants, and car washes use the buffer consist of a 15-foot type D buffer per LDC Section 34-1353(e)(1).

The Property itself as previously mentioned has an approximately 3.49 acres within the Mixed-Use Overlay requiring 0.70 acres or 20% of open space and approximately 6.22 acres are outside of the Mixed-Use Overlay and the project is considered a large development therefore requiring 1.87 acres or 30% of open space. The project will therefore provide a minimum total open space of 2.56 acres. In addition, publicly accessible open space equaling 0.35 acres or 10% of the 3.49 acres of the property located within the Mixed-Use Overlay will be provided within the development. This publicly-accessible open space has been centered in proximity to the eastern property line which has frontage to an arterial roadway and provides sidewalk connection to a nearby bus stop. In compliance with the LDC a minimum of 50% of the open space requirement of the development or 1.29 acres is provided as part of this development. The site consists of 1.00 acre of on-site native preserve plus up to 135% credit per LDC Section 10-415(B)(3)(a) for preservation of indigenous upland plant communities & 10-415(B)(3)(b)(4) for preservation adjacent to a roadway equaling 1.35 acres meeting the minimum 1.29 acres of native preserve required. The Applicant has proposed native vegetation restoration in areas within the 1 acre preserve where this is not met. This preserve area has been located along a portion of the western and southern property line and a dry water detention area is proposed along a portion of the southern property line assuring any impacts from commercial uses of the proposed development are located more towards the intensive arterial frontage roads to the north of the development.

The development will also adhere to outdoor lighting standards outlined in LDC Section 34-625 addressing reduction of light pollution and glare to adjacent properties.

The Applicant is requesting three (3) deviations from LDC requirements as part of this application. Deviations relate to parking lot access width, mini-warehouse parking requirements, and internal right-of-way buffer requirements within the North Fort Myers Planning Area. Please refer to the Deviation & Justification Narrative enclosed in this application, which includes responses to Variance Criteria for deviation 3.

III. Existing Conditions & Property History

The Property is located at the southwest intersection of NE Pine Island Road and NE Cleveland Avenue within the North Fort Myers Planning Community in Lee County. The property consists of 11 parcels in total with varying degree of development. The parcel located along the northeast corner of the development consists abandoned gas station and the parcels along the south and southwest use to be single-family homes site and currently consist of cement house pads and driveways. Approximately 3.49 +/- acres of the northwestern portion of the Property are located within the Mixed-Use Overlay and approximately 5 +/- acres are already zoned commercial under the C-1 or C1-A zoning districts. The northeast corner of the Property is currently owned

by Pine Island Express Car Wash, LLC, with the remaining property being owned by 41 Pine RRV, LLC both LLC's contain the same officers.

IV. Surrounding Land Use Pattern

The Property is within an urban area, at the intersection of two major arterial roadways and in close proximity to the Cape Coral City Boundary to the west of the property. A portion of the property is within the Mixed-Use Overlay which surrounds the property to the east, north and south along Pine Island Road and Cleveland Avenue. The predominant uses and zoning surrounding the Property are commercial and are located to the east, west, north and south of the Property along Cleveland Avenue and Pine Island. Some vacant agriculturally zoned properties and existing residential exists to the west and south of the Property along Herron Road and Pineapple Lane

The Property and surrounding areas are designated for future growth under the Intensive Development, Sub-Outlying Suburban Future Land Use and ley within the Mixed-Use Overlay (Map 1- C of Lee Plan).

Table 1 below further defines the abutting Future Land Use designations, zoning districts and existing land uses.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USE
NORTH	Intensive Development	CPD (Commercial Planned Development)	Pine Island Road ROW/Vacant/Bank
SOUTH	Sub-Outlying Suburban	AG-2 (Agricultural)	Pineapple Lane ROW/Vacant
EAST	Intensive Development	C-1 (Commercial)/CC (Community Commercial)	N. Cleveland ROW/ Retail
WEST	Intensive Development/Sub-Outlying Suburban/Multiple Family Residential (City of Cape Coral)	C1-A(Commercial) /AG-2 (Agricultural)/Residential Multi-family-low (City of Cape Coral)	Pineapple Lane ROW/Residential/Va cant

The proposed commercial development will be an extension of what is already a commercial corridor along Pine Island Road and Cleveland Avenue.

V. Public Infrastructure

The commercial uses will be serviced by Florida Governmental Utility Authority for wastewater treatment and Lee County Utilities for potable water. Letters from both of these entities have been provided to identify availability of sewer and potable water for the proposed development program. The surrounding roadway network has adequate capacity and mitigation of the project will be the payment of road impact fees as set forth in the accompanying Traffic Impact Statement prepared by TR Transportation Consultants, Inc. There are adequate community facilities and services in the immediate vicinity of the project, including Law Enforcement, Fire and EMS as identified in submitted Public Infrastructure Map which identifies Law Enforcement, EMS and Fire Stations within a 3 Mile Radius of the subject development.

VI. Lee Plan Compliance

The following is an analysis of the CPD's consistency with the goals, objectives, and policies of the Lee County Comprehensive Plan (Lee Plan).

POLICY 1.1.2: The Intensive Development future land use category is located along major arterial roads. By virtue of their location, the County's current development patterns, and the available and potential levels of public services, areas with this designation are suited to accommodate high densities and intensities. Mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre), with a maximum total density of twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units.

In compliance with this policy, the Property has 5.1 +/- acres within this future land use category and are located in an area predominately comprised of a mixture of residential and commercial uses. The subject property is located at the intersection of two major arterial roads, Cleveland Avenue and Pine Island Road. The available public services in the area are suited to accommodate the proposed commercial intensities. As outlined in this application, the rezone will be consistent with and uphold the intent of the Intensive Development future land use category by allowing the Property to be developed with commercial uses typically found in this land use category such as convenience food and beverage and self-service fuel pumps which provide needs and services to users of high-volume major arterials like Pine Island Road and Cleveland Avenue. The development has been sited to assure more auto-oriented intense uses are located adjacent to these major arterials providing a transition to more concentrated residential uses to the south west of the site. No industrial uses are being proposed within this development.

POLICY 1.1.11: The Sub-Outlying Suburban future land use category is characterized by low density residential areas. Generally, the infrastructure needed for higher density development is not planned or in place. This future land use category will be placed in areas where higher densities would be incompatible or where there is a desire to retain a low-density community character. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to two dwelling units per acre (2 du/acre). 1 Bonus densities are not allowed.

In compliance with this policy, the Property's 4.6 +/- acres within this future land use designation are located adjacent to low residential density area to the west and south. This low density residential development is known as the Mariana Park Subdivision which generally consists of 1-acre single family lots. No industrial uses are proposed. The type of commercial intensity being proposed by the application within this land use category are compatible with low-density community characteristics. Type of uses proposed in these Sub Outlying designated areas of the site are limited to preserve, stormwater management and mini-warehouse, which is a low-traffic generator and known to be a generally inconspicuous commercial use.

POLICY 1.6.5: The Planning Districts Map and Acreage Allocation Table (Map 1-B and Table1(b)) depict the proposed distribution, extent, and location of generalized land uses through the Plan's horizon. Acreage totals are provided for land in each Planning District in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the

acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.

The CPD Rezone is consistent with the above policy and do not exceed acreage allocations provided for in Table 1(b) Year 2045 Allocation of the Lee County Comprehensive Plan which provides for 1,121 remaining acres for commercial uses within North Fort Myers. The remaining allocated acreage within Southeast Lee County after the 10 +/- acre development are removed would be 1,111 acres.

GOAL 2: GROWTH MANAGEMENT. To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

POLICY 2.1.1: Most residential, commercial, industrial, and public development is expected to occur within the designated future urban areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

The Property is located within the designation of future urban areas having a future land use designation of Intensive Development and Outlying Suburban indicative of the expected commercial growth in this areas as proposed by this rezoning application.

POLICY 2.1.2: New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan.

The proposed land uses in this PD are consistent within the Intensive Development and Outlying Suburban land use categories and all other applicable goals, objectives, policies, and standards of the Lee Plan.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC.

POLICY 2.2.1: Rezoning and DRI proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

As identified by the public infrastructure map which identifies public services up to 3 miles away from the property there is adequate EMS, fire and police protection to service the proposed development. A potable water availability letter from Lee County Utilities and sewer availability letter from Florida Governmental Utility Authority identify services are available for the proposed development.

POLICY 2.2.2: The Future Land Use Map indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the County's growth beyond the 2045 planning horizon. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

- 1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and**

The proposal will not further burden already overwhelmed existing and committed public facilities; the proposed development will be adequately serviced by public facilities such as Solid Waste, Fire, EMS, Law Enforcement and potable and sanitary sewer.

- 2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and**

The proposal is to redevelop and develop an infill site with commercial development to the north, northeast and east of the property already encouraging compact and efficient growth patterns.

- 3. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Table 1(b)). In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system.**

As previously mentioned in relation to consistency with Policy 1.6.5 the CPD Rezone will not result in an unreasonable development and is achievable by the acreage allocations provided for in Table 1(b) Year 2045 Allocation of the Lee County Comprehensive Plan which provides for 1,121 remaining acres for commercial uses within North Fort Myers. The remaining allocated acreage within Southeast Lee County after the 10 +/- acre development are removed would be 1,111 acres.

STANDARD 4.1.1: WATER.

- 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550)...**

The proposed development will connect to a public water system serviced by Lee County Utilities (LCU).

STANDARD 4.1.2: SEWER.

- 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system...**

The proposed development will connect to the sanitary sewer system serviced by Florida Government Utility Authority (FGUA).

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the county.

The Commercial Planned Development (CPD) is located at the intersection of two major arterial roadways, serviced by potable water and sanitary sewer and will have adequate community facilities and services in the immediate vicinity of the development. The development itself is proposing to have uses that complement one another allowing for users of the site to have multiple vehicular/commercial needs met within one development. The proposed CPD meets the objectives and policies of the North Fort Myers Community Plan.

POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated a to:

- 1. Traffic and access impacts (rezoning and development orders);***
- 2. Landscaping and detailed site planning (development orders);***
- 3. Screening and buffering (planned development rezoning and development orders);***
- 4. Availability and adequacy of services and facilities (rezoning and development orders);***
- 5. Impact on adjacent land uses and surrounding neighborhoods (rezoning);***
- 6. Proximity to other similar centers (rezoning); and***
- 7. Environmental considerations (rezoning and development orders).***

As previously identified the CPD will have direct access through NE Pine Island Road (SR 78) and North Cleveland Avenue (US-41) arterial level roadways intended for commercial land uses. Per the TIS by TR Transportation Consultants, Inc., there will not be a detrimental impact on the surrounding roadway system as a result of this development. The document goes on to state that US-41 and Pine Island Road east of US-41 is shown as operating above the minimum adopted Level of Service (LOS) "C" with or without the addition of the proposed development. Pine Island Road west of US-41 is shown as operating below the minimum adopted Level of Service LOS "F" before any of the project trips are added to the roadway, which is a pre-existing roadway deficiency. An internal accessway within the development will also allow for the ability to access uses from within the development without the need to exit to an external roadway, which is furthered by the proposed interconnection to the existing commercial development southwest of the Property. Any required off-site traffic improvements will be evaluated and determined at the time of local development order review in full compliance with the LDC.

The CPD will comply with the LDC standards for buffering and the project will be permitted through the Lee County development order process. As Identified in the MCP the property will have a 25-foot type D Landscape buffer per LDC Sec. 34-1353 along Pine Island Road and North Cleveland Avenue. Along Herron Road the development will provide a 30-foot type F landscape buffer per LDC Sec. 34-1353 and a 1-acre preserve. The Property will provide a 5-foot type landscape buffer to the east and no buffer to the south when adjacent to the southeast commercial parcel at the intersection of Pineapple Lane and Cleveland Avenue which contains an existing auto service repair business. Along Pineapple Lane adjacent to the dry retention area and where no preserve is located a 15-foot type D buffer will be provided per LDC Sec. 10-416(d)(3).

The Property will be serviced FGUA for central sewer and LDC for central water. The application demonstrates adequate capacity in terms of traffic, law enforcement, fire and EMS.

The development will not negatively impact adjacent land uses, and will be well buffered, and integrated into the commercial frontage along Cleveland Avenue and Pine Island Road. Except for the commercial property to the southeast of the site the Property is adjacent to multiple right of ways which provides additional distance from adjacent uses. Commercial developments are located to the north, and east of the subject property across from Pine Island Road and Cleveland Avenue rights-of-way. The closest residential uses/zoning is separated by Herron Road to the west and Pineapple Lane to the south which are 50 foot wide right of ways. Additional separation and reduction of any impacts from commercial uses to surrounding existing and future proposed residential will be provided by the development via a 1 acre preserve and stormwater detention area along the southern edge of the property as well as buffering in the form of a 30-foot F-type buffer along Herron Road and a 15-foot type D buffer along Pineapple Lane. Vehicular oriented commercial uses have been sites to assure the greatest protection to the residential zoned properties from impacts by placing them abutting the arterial roadways. Furthermore, development regulations such as setbacks and landscape buffers as already discussed above will be placed along Herron Road and the adjacent ROWs to provide protection to surrounding neighborhoods.

The internal access way of the development running from the Herron Road to the Cleveland Road access point will provide a 15-foot type D buffer. Where the internal accessway is adjacent to convenience food and beverage stores with or without gas pumps, automobile service stations with or without gas pumps, fast food restaurants, and car washes uses a 15-foot type D buffer in accordance to LDC Section 34-1353(e)(1) will be met. These internal buffers will serve to further reduce any impact to the exterior of the development and help encourage walkability through the provision of more vegetation and shade along the internal accessway.

The site is proximate to other commercial uses to the east, west, north and south of the site and is partially located within the Mixed-Use Overlay. The width, depth and size of the site allows for the ability of a commercial development that sustains an array of commercial uses that would help avoid the proliferation of strip development along Cleveland Avenue and Pine Island Road.

As identified by the Environmental Assessment and Listed Species Survey prepared by BearPaws Environmental Consulting no listed animal species were observed on the Property. The Assessment goes on to state the Property consists of FLUCCS 140 – Commercial (Abandoned, Upland), and 420 – Mixed Upland Forest (Upland). The FLUCC map estimates 1.65 +/- acres of Commercial (Abandoned) along the northeast corner of the Property and 8.06 +/- acres of Mixed Upland Forest based on aerial and site observations. Consistent with Policy 124.1.2 of the Lee Plan any impacts to wetlands as a result of this commercial development shall be consistent with the non-residential uses permitted in the immediate Intensive Development and Sub-Outlying Suburban future land use category. The development of this project and any impacts on wetlands will be mitigated in accordance with an approved Environmental Resource Permit (ERP) and meet any conditions set forth by the authorizing state agency.

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.

As demonstrated within this application the commercial development will be at the intersection and have direct access to two major arterial roadways, and will have adequate capacity in terms of traffic, Law Enforcement, Fire, EMS, and will connect to public sewer and water services. The proposed development will be compatible with adjacent existing and proposed land uses which are primarily commercial in nature and are separated by existing rights-of-way. The development has been situated to assure uses that are more vehicularly oriented are placed as far away from the surrounding residential area to the west, south and southwest of the property. In addition to buffering and screening a stormwater detention area and a 1-acre on-site preserve has been situated along the southern and western boundary of the property to assure additional setback open space between the agriculturally zoned properties that are a part of the platted Mariana Park residential subdivision.

POLICY 6.1.6: The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

The development regulations provided for the CPD will meet or exceed the buffering and screening requirements within the LDC for commercial and additional site design requirements for convenience food and beverage stores, automobile service stations, fast-food restaurants, and car washes as outlined in Sec 34-1353. The architectural features of the buildings will meet LDC requirements outlined for the North Fort Myers Commercial Corridor architectural standards. The proposed development will provide the required open space of 2.56 acres and an additional 0.35 acres of publicly accessible open space as required by the commercial corridor design standards. The development provides pedestrian walkways and linkages throughout the development as well as street furniture and public amenities. Furthermore, as identified in the MCP the required publicly accessible open space has been centrally consolidated in close proximity and with direct pedestrian access to a public transit stop.

POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

The development will be located upon 9.71 acres along the at the intersection of Pine Island Road and Cleveland Avenue where commercial uses are the prevalent land use to the north and east of the subject property. Across from Pine Island Road are various commercial planned development and commercial conventionally zoned properties containing such uses as a restaurant, retail, pharmacies, hardware stores, groceries and banks.

The property is a commercial infill development looking to redevelop an existing abandoned gas station as allowing for the development of underutilized vacant properties located at a major intersection.

POLICY 6.1.8: Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students.

The development is not located near existing planned school areas.

POLICY 6.1.10: Provide appropriate requirements and incentives for the conversion of strip commercial development into series of discrete, concentrated commercial areas.

The CPD rezone will allow for the conversion of strip commercial development along Cleveland Avenue into a concentrated commercial area with an internal road to access commercial lands that go beyond the arterial road frontage.

POLICY 6.1.11: Encourage the upgrading or revitalization of deteriorating commercial areas, but prohibit the expansion or replacement of commercial uses which are inappropriately located or that have an adverse impact on surrounding residential and non-residential uses. Such revitalization includes, but is not limited to: store-front renewal, sign control, and the provision of common parking areas and consolidated access.

The proposed development will revitalize a deteriorating, abandoned gasoline station at the northeast corner of the property which is highly visible from the public roadway network. The property will be redeveloped to meet current LDC code requirements for buffers and screening, commercial building standards, as well as urban design guidelines identified within the North Fort Myers Planning Community. The development will assure no adverse impacts on surrounding residential and non-residential uses through development regulations and buffering as well as assuring the intensity of uses are appropriately sited from most intense to less intense uses being located towards the interior of the development towards the south and west of the site where residential zoning and uses exists. For example, the development is sited so that a 1-acre preserve is located primarily along Herron Road followed by area 30 foot type-F buffer protecting providing visual and noise barriers to the adjacent Mariana Park Subdivision to the west of Herron Road. The location of uses has also been sited so that the generally unobtrusive commercial use of mini-warehouse being located at the most southwest location adjacent to the preserve and dry retention and with the comparatively more intensive uses such as carwashes located the north of the property along the frontage of major arterials and surrounded by commercial uses. Access points have been limited to Pine Island Road, Cleveland Avenue and Herron Road. Pine Island Road and Cleveland Avenue are identified as the main ingress and egress points to the development. The Herron Road access has been limited to one access points and this ROW will be heavily screened by buffers and an on-site vegetative preserve area. Furthermore, the vacant development directly to the west of Herron Road with frontage on Pine Island Road is slated to be more intense development with C1-A zoning and a future land use category of Intensive Development reducing the incompatibility of future development of this property and the proposed development.

OBJECTIVE 11.2: MIXED USE OVERLAY. The County will maintain an Overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay.

POLICY 11.2.1: The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:

- 1. Located within the extended pedestrian shed of established transit routes; and***

2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and

3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and

4. Availability of adequate public facilities and infrastructure; and

5. Will not intrude into predominately single-family residential neighborhoods.

The proposed development is not requesting to expand the Mixed Use Overlay.

POLICY 11.2.2: Development in the Mixed Use Overlay should accommodate connections to adjacent uses.

The proposed development accommodates connections to the property located southwest of the Property this is the only adjacent land use to the subject property as the property is surrounded by right-of-way along all other property lines.

POLICY 11.2.3: At the discretion of the Board of County Commissioners, the Mixed Use Overlay boundary may be extended up to one-quarter mile to accommodate developments located partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay.

No extension to the Mixed Use Overlay is being proposed.

POLICY 11.2.4: Use of conventional zoning districts will be encouraged within the Mixed Use Overlay in order to promote continued redevelopment.

The applicant is already proposing redevelopment of this Property within a Planned Development to allow for the complete and unified development of this property along a major intersection.

OBJECTIVE 17.3: PUBLIC INPUT. To provide opportunities for public input as part of the comprehensive plan and land development code amendment process.

POLICY 17.3.5: Additional public information meetings may be required as provided in the LDC.

The Property is located within the North Fort Myers Community and a public information meeting about the proposed request was held at the North Fort Myers Recreation Center 2000 N. Recreation Park Way during the North Fort Myers Planning Community panel on February 6, 2024 meeting requirements outlined in LDC Sec 33-1532. Public meeting materials including meeting summary, list of attendees and affidavit of publication have been provided.

GOAL 30: North Fort Myers Community Plan. Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources.

POLICY 30.2.5: Certain areas along major road corridors outside designated Town Centers and Neighborhood Centers, are located within a Corridor Overlay District

with provisions in the LDC requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. Within the Corridor Overlay District, deviations from landscaping, buffering, signage or architectural requirements may not be granted, unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34.

The Property is within the Commercial Corridor Overlay and the development proposes to meet or exceed all the required enhancements required within this overlay per the LDC, with the exception of requested deviations which will meet approval variance approval criteria, where necessary as further explained in the Schedule of Deviations and Justification.

POLICY 30.2.6: Development within the Town and Neighborhood Centers and the Corridor Overlay Districts may use the development standards allowed within the Mixed Use Overlay.

The Development is proposing to use development standards of the Mixed-Use Overlay within the 3.49 acres identified as mixed use providing 0.35 publicly accessible open space and pedestrian and bicycle access and interconnection throughout the site. The maximum heights proposed for this development will not exceed 45 feet in line with Sec. 34-2175.

POLICY 30.2.7: Maintain land development incentives for bringing older development into compliance with current regulations.

The Property as it exists today contains an abandoned gas station that does not meet the existing buffer requirements or North Fort Myers LDC urban design requirements or open space requirements. Towards the southwest corner what remains are residential concrete pads and driveways of vacant residential lots. The proposed development will allow for a 9.71 +/- acre property located at a major intersection of the North Fort Myer Planning community to be brought up to meet or exceed LDC code requirements, except where deviations are being requested, in full compliance with this policy.

POLICY 30.2.8: The following uses are prohibited within the North Fort Myers Community Plan area: “detrimental use” as defined in the LDC.

The development will not contain any “detrimental uses” as identified in the proposed schedule of uses provided with this application.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

The Applicant will obtain the requisite Environmental Resource Permit (ERP) from the South Florida Water Management District. The site design will ensure pretreatment of stormwater prior to discharge off-site and maintain compliance with all local and state requirements relating to surface and ground water quality.

VII. Review Criteria

Per LDC Sec. 34-145(d)(4)(a)1 the following review criteria is met through this request:

a) Complies with the Lee Plan;

The proposed CPD is consistent with the uses set forth in the Intensive Development and Sub-Outlying Suburban Future Land Use designation as well as the North Fort Myers Community Plan Goals and Policies. The CPD's compliance with the Lee Plan Planned Development is described in more detail above within Sec. VI of this request statement.

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

The proposed rezoning will meet or exceed LDC code requirements, except where a deviation is requested and demonstrates the protection of public health, safety and welfare as further identified within the Deviation and Justification narrative provided with this application.

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

The proposed commercial development and uses identified in the CPD schedule of uses will be compatible with both existing and planned uses in the surrounding area which are primarily commercial in nature and of similar intensity as the proposed commercial uses. The site has been situated to ensure vehicular oriented uses and areas are placed as far north and east as possible away from existing and future residential areas to the south and west of the Property. In addition to buffering and screening of the site from adjacent rights-of-way the majority of the western property line consists of 30-foot type F buffer followed by a 1-acre vegetated preserve with a minimum 50-foot width along Herron Road protecting residential from the proposed commercial uses and the generally inconspicuous commercial use of mini warehouse. The preservation area and stormwater detention area has been situated along the southern and western boundary of the property to assure additional setback open space between the agriculturally zoned properties that are a part of the platted Mariana Park residential subdivision. A 15' foot type D buffer along Pineapple Lane where the preserve is not located provides further reduction of impacts to these properties to the south. Furthermore, site development requirements have been provided to safeguard any impacts on surrounding areas.

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

The property will provide three (3) points of access, one access point through NE Pine Island Road (SR 78), which is a FDOT maintained 4-lane divided arterial roadway, a second access point through North Cleveland Avenue (US-41) which is a state-maintained 4-lane divided arterial roadway, and one (1) additional access points through Herron Road, which is a county maintained 2-lane undivided local roadway.

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

Approval of the request will not have a significant impact on the surrounding roadway network. As identified in the Traffic Impact Statement by TR Transportation Consultants, Inc., US-41 and Pine Island Road east of US-41 is shown as operating above the minimum adopted Level of Service (LOS) "C" with or without the addition of the proposed development. Pine Island Road west of US-41 is shown as operating below the minimum adopted Level of Service LOS "F" before any of the project trips are added to the roadway, which is a pre-existing roadway deficiency. Furthermore, the project will require development order approval prior to site development activities and the project's impacts will also be evaluated at that time.

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

The proposed development will not adversely affect environmentally critical or sensitive areas and natural resources. As per the MCP will maintain 2.56 acres of open space in compliance with LDC § 10-415(a) which includes a 1-acre on-site preserve. No listed species were observed on the site per the Environmental Assessment and Species Survey Report prepared by Bearpaw Environmental Consulting. The FLUCCS map estimates 1.65 +/- acres of Commercial (Abandoned) along the northeast corner of the Property and estimates 8.06 +/- acres of Mixed Upland Forest community with portions including old single-family home sites with cement driveways and cement house pads.

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

As demonstrated by this application the site will be serviced by urban services as far as terms of supporting transportation infrastructure, Fire, EMS, and sewer and water.

Furthermore, the development is consistent with the review criteria for planned developments:

a) The proposed use or mix of uses is appropriate at the proposed location;

This request modifies zoning from AG-2, C-1, and C1-A to CPD the proposed uses are appropriate for a location located at the intersection of two major arterial roadways that are supportive of the increased commercial use being proposed. The proposed uses on the site are complimentary to each other and serve the needs of the surrounding neighborhood and traveling public. The property is located within the commercial corridor a commercial corridor and not directly adjacent to any residential uses.

Furthermore, the development proposes interconnection to an existing auto service repair use located at the intersection of Pineapple Lane immediately adjacent to the Property and which is compatible and complimentary to the proposed CPD uses.

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

Buffering, setback, and minimum lot area requirements for this CPD have been provided in compliance with the supplementary site development regulations contained in LDC Section 34-1353 for convenience food and beverage stores, automobile service stations, fast-food restaurants, and car washes. Additional development regulations such as a maximum height of 45 feet and minimum lot coverage of 40% are provided to provide a greater safeguard for any expected impacts to the public. The Property is separated from existing and proposed residential uses to the west and south by 50-foot right of ways. To provide addition setbacks and open space from this residential uses the development has been designed to place a dry detention area and 1 acre of on-site preserve along the west corner of the site providing additional safeguards to any impacts from the proposed commercial development to existing and proposed residential.

c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:

***1)Enhances the achievement of the objectives of the planned development; and
2)Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.***

As further identified in the Deviation and Justification narrative provided the requested deviations will serve to will enhance the objectives of the planned development allowing for flexible design within the CPD and will preserve and promote the protection of public health, safety and welfare.

VIII. Conclusion

The proposed CPD has demonstrated the proposed commercial uses will be compatible with the surrounding development pattern and support the County's intent for the Intensive Development future land use designation, Sub-Outlying Suburban future land use designation, and North Fort Myers Community Plan by directing commercial development along arterial corridors and Mixed-Use Overlay.

The proposed development will help revitalize a highly visible major intersection within the North Fort Myers Community by bringing the development and the existing abandoned commercial site up to code including, building/architectural standards, buffering and landscape screening along the Pine Island Road and Cleveland Avenue rights-of-way. The CPD promotes needed commercial uses and buildings into a concentrated development with an internal road to access the various commercial uses within the development as opposed to scattered strip development along roadway frontages. The CPD will meet or exceed the standards set forth in the LDC in a manner that reduces impacts to surrounding residential uses and allows for flexibility to respond to changing market demand. For these reasons, the Applicant respectfully requests approval of this PD rezoning as proposed.



**PINE ISLAND CARWASH CPD
PLANNED DEVELOPMENT REZONING**

Schedule of Uses & Site Development Regulations

- a. The following are the permitted uses within this planned development:

Accessory Uses and Structures
ATM (Automatic Teller Machine)
Auto parts store (With Installation Service)
Automobile repair and service: Group I
Auto Service Station
Bank & Financial Establishments: Group I, Group II
Car wash
Clothing store general
Convenience food and beverage store
Drive-through facility for any permitted use
Essential Service Facilities: Group I
Excavation: Water Retention
Food Stores: Group I
Hardware store
Hobby, toy and game shops
Laundry or dry cleaning: Group I
Lawn and garden supply store
Paint, glass, and wallpaper
Parking lot (Accessory)
Personal Services: Groups I-IV (Excludes bail bonding, escort services, fortune tellers palm readers or card readers, massage parlors, tattoo parlors)
Pet shop
Rental or leasing establishments: Group I, Group II
Repair shops: Group I, Group II
Restaurant, Fast Food
Self-service fuel pumps
Signs
Specialty retail shops: Group I, Group II, Group III
Temporary uses
Used merchandise stores: Groups I (except pawn shops), Group II, Group III
Variety Store
Warehouse: Mini-warehouse

- b. Site Development Regulations

Minimum Lot Area and Dimensions:

Minimum Lot Area: 25,000 square feet

Minimum Frontage:	150 feet
Minimum Depth:	150 feet
Maximum Height:	45 feet
Maximum Lot Coverage:	40 percent

Minimum Building Setbacks:

Street:	50 feet
Side:	15 feet
Rear:	20 feet
Accessory Structures:	10 feet

ATTACHMENT F



**Pine Island Road CPD
Planned Development Rezone
Public Information Session Meeting Summary**

**Tuesday, February 6, 6:00 p.m.
North Fort Myers Recreation Center
2000 N. Recreation Park Way
North Fort Myers, FL 33903**

Pheonix Associates of Florida, Inc. (Applicant) and their consultant team hosted their public informational session in accordance with Section 33-1532 of the Land Development Code on Tuesday, February 6, 2024. The meeting was held at 2000 N. Recreational Parkway during the North Fort Myers Community Planning Panel meeting at 6:00 p.m.

The meeting was held for the Pine Island Road CPD PD rezone. The meeting notice was published in the News-Press on January 11, 2024. The Affidavit of Publication is attached as Exhibit "A".

The list of participants is attached in Exhibit "B" and demonstrates approximately 8 persons in attendance including the consultant team.

Josephine Medina (Agent) introduced the application, the Master Concept Plan and together with the Applicant and consultant team, presented the PowerPoint Presentation attached as Exhibit "C". Ms. Medina identified the request to rezone a 9.7+/- acre property from Agriculture (AG-2), Commercial (C-1) and (C-1A) to Commercial Planned Development (CPD) to develop up to 115,000 SF of commercial uses including a gas station. After the presentation Ms. Medina offered to address any question or comments from the Community Planning Panel and/or attendees.

Comments raised by attendees included: Whether the auto service use would be a quick lube establishment, the surrounding heights, the distance of the mini-warehouse and the residential areas to the west, the proposed buffer to the commercial property to the east and the traffic anticipated along Herron Road from this development.

Following the discussion by the Panel and public comment, the Applicant thanked the attendees. The meeting concluded at approximately 6:45 P.M.



Florida

GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Josephine Medina
RVI Planning, Inc
28100 Bonita Grande DR # 305
Bonita Springs FL 34135-6221

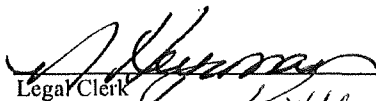
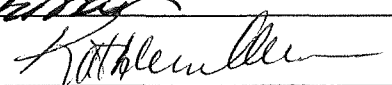
STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

01/11/2024

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

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 01/11/2024


Legal Clerk

Notary, State of WI, County of Brown
1-7-25

My commission expires

Publication Cost: \$252.12

Order No: 9724586

of Copies:

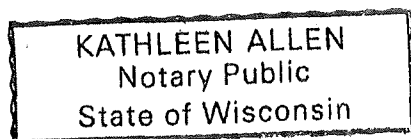
Customer No: 1126761

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THIS IS NOT AN INVOICE!

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NOTICE OF PUBLIC INFORMATION MEETING

DATE: Tuesday, February 6, 2024

TIME: 6:00 PM

ADDRESS: North Fort Myers Recreation Center
2000 N. Recreation Park Way
North Fort Myers, FL 33903

In accordance with the North Fort Myers Planning Community requirements of the Lee County Land Development Code, the Applicant, Phoenix Associates of Florida, Inc. will be presenting information to the public on the following request:

A rezone of a 9.7 +/- acre property from Agriculture (AG-2), Commercial (C-1) and (C-1a) to Commercial Planned Development (CPD) to develop up to 115,000 SF of commercial uses including a gas station.

The subject property is located at the southwest corner of the N. Cleveland Avenue/Pine Island Road intersection.

The meeting will be held at 6:00 p.m. on Tuesday, February 6th during the North Fort Myers Community Planning Panel Meeting at the North Fort Myers Recreation Center. The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.

For questions please contact:

RVI Planning + Landscape Architecture
c/o Josephine Medina
28100 Bonita Grande Dr., Suite 305,
Bonita Springs, FL 34135
239-908-3421 OR Jmedina@RVIPanning.com

January 11, 2024

PINE ISLAND ROAD - CPD REZONE

FEBRUARY 6TH 2024

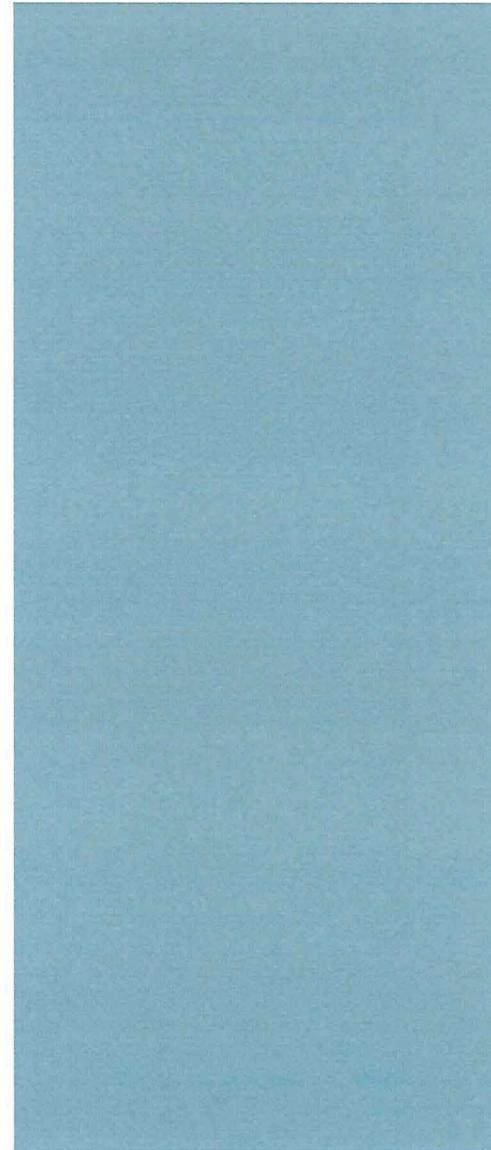
NAME	ADDRESS	EMAIL
JOSEPHINE MEDINA	28100 BONITA GRADE DRIVE	JOSMEDINA@RVPPlanning.com
Dario Thirion	7468 Dana Lin Circle N.E.M FL 33917	DaveThirion@gmail.com
Carl Barraco, Jr.	2271 McGregor Blvd Ft. Myers FL 33901	carljr@barraco.net
William Hutter	500 N. Westshore Blvd Suite 600 Tempe, FL 33609	williamhutter@comcast.com
Jenna Buzacco-Foerster	12474 Brantley Commons Cir Fort Myers FL 33907	jenna@gsmz.pro
Debra Coveau	7981 Deni Dr.	wobdebdan@msn.com
Karen Orlando	7991 Deni Dr.	Koretired@yahoo.com
Chris Lascano	1853 Triadale Ln	clascano@Phoenix- Associates.com



PINE ISLAND ROAD CPD

PUBLIC INFORMATION MEETING

FEBRUARY 6, 2024



PROPERTY OVERVIEW

- ❑ 9.7+/-acres
- ❑ Access from Pine Island Road
- ❑ Vacant
- ❑ Zoning: C-1, C1-A and AG-2
- ❑ FLU: Intensive Development and Sub-Outlying Suburban
- ❑ Portion located within Mixed Use Overlay

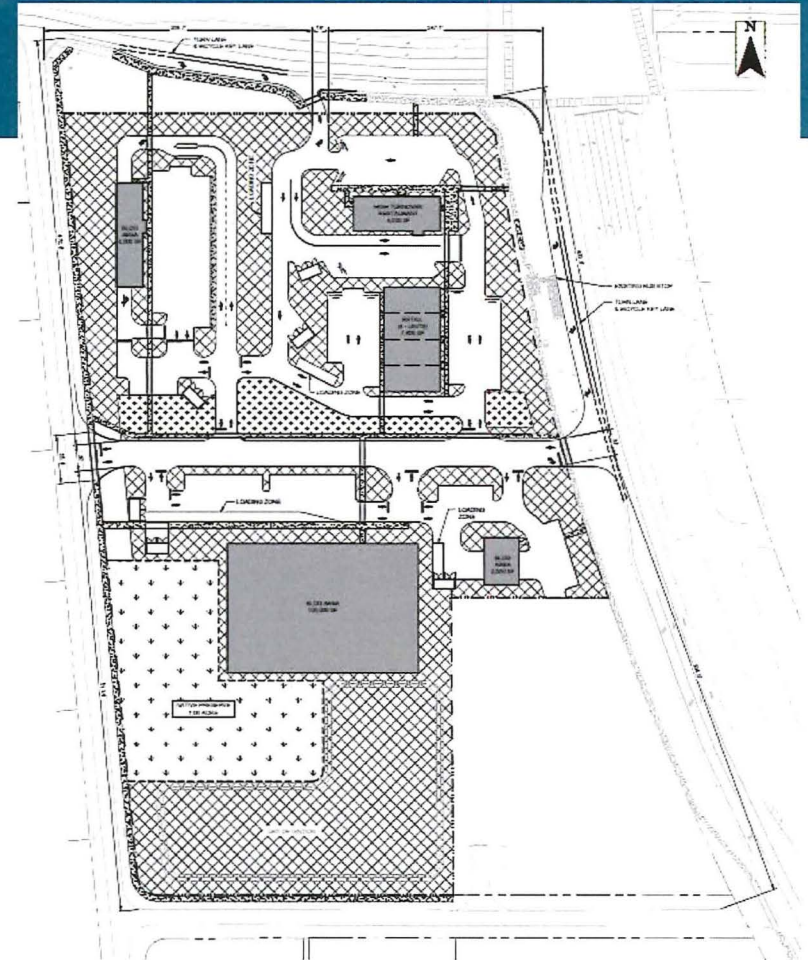


REZONE REQUEST

- ❑ Rezone from C-1, C1-A and AG-2 to the Pine Island Road Commercial Planned Development (CPD)
- ❑ This will allow for up to 115,000 SF of commercial space (to include a maximum 100,000 SF of mini-warehouse, Carwash, Auto Repair Services, convenience food and beverage store with up to 16 self-service fuel pumps or a SF fast-food restaurant, and other commercial retail uses).

MASTER CONCEPT PLAN DESIGN

- ❑ 2.57 Acres of Open Space
- ❑ 0.35 Acres (additional) dedicated Publicly Accessible Open Space
- ❑ 1.0 Acre of Native Preserve located along Herron Road
- ❑ Buffers
 - ❑ 30' Type "F" Buffer Along Herron Road
 - ❑ 25' Type "D" Buffers Along Cleveland Avenue and Pine Island Road
- ❑ Three (3) Access Points
 - ❑ Pine Island Road
 - ❑ Cleveland Avenue
 - ❑ Herron Road



NEXT STEPS:

- ✓ Filed PD Rezone application
- ✓ Conduct Required Neighborhood Information Meeting
- ❑ Found Sufficient by County Planning Staff
- ❑ Hearing Examiner Hearing
- ❑ Board of Lee County Commissioners Hearing

 **APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY**

Project Name: Pine Island Road CPD Commercial Planned Development (CPD)

Request: Rezone from: AG-2, C-1, C-1A To: CPD

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

Bonus Density included? ☒ NO ☐ YES¹ for: _____ Bonus Units
¹ If YES, submit additional fee required by LDC 2-147(A)(3)

Summary of Project:
Request to rezone a 9.7+/- acre property from Agriculture (AG-2), Commercial (C-1) and (C-1A) to Commercial Planned Development (CPD)

PART 1
APPLICANT/AGENT INFORMATION

A. Name of Applicant: Phoenix Associates of Florida, Inc.
Address: 13180 Livingston Road, Suite 204
City, State, Zip: Naples, FL 34109
Phone Number: 239-595-9111 ext 203
E-mail Address: clascano@phoenix-associates.com

B. Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:
☐ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]
☒ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]
☐ Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]
1. Company Name: RVI Planning and Landscape Architecture
Contact Person: Josephine Medina, AICP
Address: 28100 Bonita Grande Drive, Suite 305
City, State, Zip: Bonita Springs, FL 34135
Phone Number: 239-508-3421 Email: jmedina@rviplanning.com

2. Additional Agent(s): Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 298 (1505 MONROE STREET), FORT MYERS, FL 33902
PHONE (888) 532-4555

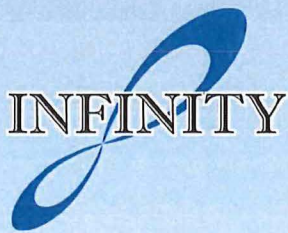
WebPD (05/02/1) Page 1

THANK YOU

QUESTIONS?

JOSEPHINE MEDINA
JMEDINA@RVIPLANNING.COM
239-908-3421





INFINITY ENGINEERING
GROUP, LLC

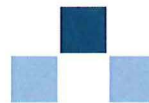
ATTACHMENT F

Stormwater Narrative

The Pine Island Carwash will be located at 14991 North Cleveland Avenue, North Fort Myers Florida 33903. The project site consists of existing lots that are part of the Mariana Park plat. The project site, in the current condition, consists of open-land with dispersed concrete pads. A parcel in the northeastern portion of the site has an existing fuel station. The site's stormwater runoff appears to ultimately flow south and west to a point Heron Road where a culvert with 12" RCP conveys the runoff towards Judd Creek. The proposed site will consist of a multiuse development with adequate parking and dry retention pond. The southern portion of the project will provide a 1-acre native preserve that will be properly maintained and labeled with proper signage and preventive measures for no foot-traffic within the native preserve.

The stormwater management design will meet the SFWMD requirements for stormwater quantity requirements associated with the 5yr-24 hour, 25 yr-72 hr, and 100 yr -72hr (zero discharge). Water quality treatment will meet with the SFWMD requirements and is required to drawdown within 72 hours. The developed site will mimic the historic runoff patterns to the greatest extent possible. Onsite conveyance piping system (closed system) will be designed to collect and convey runoff to the dry retention system (surface pond). It is anticipated that the proposed stormwater pond will discharge via surface flow to the proposed native preserve. A proposed outfall control structure from the retention pond will discharge the stormwater towards the native preserve and then ultimately to the discharge culvert location. Proper geotechnical testing will need to be performed to determine hydraulic conductivity of soils within the retention area. Perimeter berms will be constructed using a maximum of 3:1 slopes.

The proposed stormwater management system will be consistent with design standards as outlined in the SFWMD Applicant Handbook. The design intent of the system is to provide water quality treatment and proper attenuation. In addition to the quantity (attenuation) and quality analysis (treatment), a nutrient loading analysis will be required to ensure that problematic nitrogen and phosphorus levels are maintained to state standards. The project will be required to balance cut and fill within the FEMA AE floodplain with a base flood elevation of 7 feet.



1208 East Kennedy Blvd.
Suite 230
Tampa, Florida 33602
T: 813.434.4770
F: 813.445.4211

www.iegroupp.net



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

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

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

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

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

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

The request to reduce the number of required parking spaces for a mini-warehouse consistent with the established parking needs of the use as identified by the Arbor Village mini-warehouse parking demand study.

Additionally, the request removes additional unnecessary impervious area for a use that provides a minimal amount of traffic.

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

Deviation 3 seeks relief from LDC Section 33-1581(b) which requires a 20-foot-wide Type-D buffer along internal accessways, to allow for a 15-foot-wide Type D buffer.

Justification: The proposed deviation proposes only to reduce the buffer width from 20 feet wide to 15 feet wide. This reduction will not reduce the amount of vegetation being provided to five (5) trees per 100 linear feet and a double staggered hedge row.

The LDC Section 34-1353(e) requires 15-foot-wide Type D buffer containing 5 canopy trees per 100 feet and shrubs maintained at 36 inches along internal access ways adjacent to convenience food and beverage stores with or without gas pumps, automobile service stations with or without gas pumps, fast food restaurants, and car washes.

It should be noted that an eastern portion of the internal accessway is part of the approximately 3.49 +/- acres of the property located within the Mixed-Use Overlay. LDC Section 10-425 would only require a 5-foot-wide Type D buffer along the portion of the property located within the Mixed-Use Overlay adjacent to the proposed self-storage and retail building use identified on the MCP. The Applicant has proposed a 15-foot-wide buffer along these areas for consistency along the internal accessway.

The CPD is a unified, master planned development under common ownership with both LLC's containing the same officers. Approval of this deviation will further the intent of the CPD providing for a uniform and consistent internal accessway buffer for the entire development. Furthermore, approval of this deviation will not create a scenario where minimum open space, minimum open space canopy trees, parking and vehicular use area landscaping, building perimeter plantings is not provided in accordance the LDC. The external views will remain well landscaped, while allowing the internal mix of uses to be developed in a more compact format. For these reasons, the deviation will not impact public health, safety or welfare.

For deviation 3 the applicant requests deviations from buffer and landscaping requirements. Due to the properties location within the North Fort Myers Shores Planning Community per Lee Plan Policy 30.2.5 any deviation from landscaping and buffering requirements may not be granted unless the requires meets the approval criteria for variances set forth in LDC Section 34-145(b)3.

Variance Criteria

a) The property has inherent exceptional conditions that cause the application of the regulation to create a hardship

The highest and best use for the site based on its location along the major intersection of Pine Island Road and Cleveland Avenue is commercial/office use, however, the Property's size at 9.71 +/- acres, configuration as a corner through lot having at least four (4) of its property lines adjacent to rights-of-way and surrounding conditions minimize the ability of the property to develop using at the highest and best use as a unified commercial planned development when the strict regulation of the internal accessway buffers is applied.

An internal accessway for any commercial/office use that is developed on this Property is necessary due to its inherited size, shape and location across from existing and future single-family residential to the west of Herron Road and south of Pineapple Lane. Best planning practices call for the reduction of the greatest number of trips along Pineapple Lane and Herron Lane to protect the residential nature of the development while allowing for pedestrian and vehicular interconnection from the residential properties to the commercial development to obtain goods and services without having to add additional trips to Pine Island Road and Cleveland Avenue.

The Applicant is requesting uses within the CPD outlined in LDC Section 34-1353 which require a 15-foot-wide type D buffer adjacent to an internal accessway, however, the site inherently contains two different internal accessway buffer requirements as the property is located within the North Fort Myers Planning Community which requires a 20-foot-wide Type D buffer adjacent to internal accessways and 3.49 +/- acres of the property are located within the Mixed-Use Overlay which requires a 5-foot-wide buffer adjacent to internal accessways. The strict enforcement of the code would result in an inconsistent buffer width along the internal access way of the development with three (3) different buffer widths required along a 520 +/- stretch. Furthermore, the real-world implementation of where the 20-foot-wide, 15-foot-wide and 5-foot-wide buffers will start and end are not very intuitive for County Staff to inspect and the Applicant to provide versus a the consistent ad continuous 15-foot-wide buffer that is being proposed along the entirety of the internal accessway.

The approval of the deviation would allow for a consistent and unified commercial development that provides an inviting pedestrian experience for the public and users to access the publicly accessible space and commercial uses located within the development.

b) The exceptional conditions are not the result of actions of the property owner taken subsequent to the adoption of the ordinance

As stated above, the exceptional and inherited conditions pertain to the property being located within along a major intersection and to the west of existing and planned residential, being a through corner lot, and being within a mixture of overlays with different buffer requirements were not the results of actions taken by the property owner subsequent to the adoption of the ordinance.

c) The variance granted is the minimum variance that will relieve the unreasonable burden caused by the application of the regulation to the property.

All required plantings will be provided and only a reduction in the buffer width is proposed.

d) The granting of the variance will not be injurious to the neighborhood or detrimental to the public welfare.

Granting of the proposed deviation will ensure future compliance and will not be injurious to the neighborhood or negatively impact the public health, safety, and welfare or the aesthetics of the community. The required buffer is completely internal to the site and there is no reduction in the amount of vegetation screening or shade being provided by the development.

e) The variance is consistent with the Lee Plan

The requested deviation complies with Goal 30 North Fort Myers Community Plan, Objective 30.2. Centers And Corridors by redeveloping an abandoned gasoline station and further developing a major intersection within the community. Specifically, the requested deviation complies with Policy 30.2.5 of the Lee Plan by meeting the approval criteria for variances set forth in Chapter 34 of the Land Development Code.

ATTACHMENT F

PINE ISLAND ROAD CPD

ENVIRONMENTAL ASSESSMENT & SPECIES SURVEY REPORT

Lee County STRAP #'s:

03-44-24-01-00000.008A; 03-44-24-01-00000.0080; 03-44-24-06-00000.0040; 03-44-24-11-00000.0080; 03-44-24-11-00000.0090; 03-44-24-11-00000.0100; 03-44-24-11-00000.0110; 03-44-24-11-00000.0120; 03-44-24-11-00000.0130; 03-44-24-11-00000.0140 & 03-44-24-01-00000.008B

March 2023

Prepared For:

Phoenix Associates of South Florida
c/o: Randy Johns
13180 Livingston Road, Suite 204
Naples, Florida 34109
Phone: 239-596-9111
Email: rjohns@phoenix-associates.com

Prepared By:



BearPaws Environmental Consulting
1599 Covington Circle East
Phone: (239) 340-0678
Email: BearPaws.Env.Consulting@GMail.com

Introduction

Numerous site inspections have been conducted on the Pine Island Road CPD property, the most recent environmental assessment and species survey was conducted on March 14, 2023. The 9.71± acre site is located in Section 3, Township 44S, and Range 24E, of Lee County, Florida. More specifically, the site is located in the southwest corner of the intersection of Pine Island Road (SR 78) and US 41 (Tamiami Trail North), in North Fort Myers, Florida. Please see the attached Project Location Map (Exhibit A).

The purpose of this assessment was to identify the potential for either the U.S. Army Corps of Engineers (ACOE), Florida Department of Environmental Protection (FDEP), and/or South Florida Water Management District (SFWMD) jurisdictional wetlands. The site was also assessed to determine the potential of listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the U.S. Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Listed (endangered, threatened, etc.) species are regulated by the US Fish & Wildlife Service (FWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). Specific attention was paid toward that of locating any gopher tortoise (*Gopherus polyphemus*), as well as locating any potential fox squirrel (*Sciurus niger*) nests, Florida bonneted bat (*Eumops floridanus*) cavity trees, and any Audubon's crested caracara (*Caracara plancus audubonii*) or bald eagle (*Haliaeetus leucocephalus*) nests.

The project's surrounding land uses are a mixture of residential homes, commercial developments, undeveloped vacant land, and forested land. The survey was conducted in the mid-afternoon; the temperature was in the low-mid 80's, with a light breezes, and mostly sunny skies.

Background

The ACOE, DEP, and the SFWMD are the agencies that regulate development activities in wetlands. To be considered wetlands by the ACOE, DEP, and/or SFWMD, the area should exhibit wetland hydrology, contain wetland vegetation, and have hydric soils. For an area to be considered wetlands, a site should have hydric soils, wetland hydrology, and wetland vegetation present. The property was reviewed for indicators of these parameters.

Hydric soils are identified by certain characteristics that are unique to wetland soils. Wetland hydrology is normally present if the soil is saturated or inundated for a period of time; typically from May through November; the rainy season in Southwest Florida. In the absence of visual signs of saturation or inundation, the regulatory agencies typically use hydrologic indicators such as adventitious rooting, lichen lines, or algal matting as method of guidance. If the majority of the shrubs/plants that are present are those that are adapted to saturated soil conditions, it's likely wetland vegetation.

The FWS and FWC are the primary agencies that review potential impacts to listed species. The FWS reviews potential impacts and provides comments to the ACOE and DEP during the permitting process, while the FWC provides comments to the SFWMD. In general, the wildlife agency concerns need to be addressed in order for the permits to be authorized by the ACOE, DEP, and/or the SFWMD.

Methodology

The species survey was conducted utilizing combined methodologies from Lee County's Land Development Code (LDC, Chapter 10, Article III, Division 8 - Protection of Habitat) and also encompassed the Lee County Endangered Species Ordinance No. 89-34. Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site, as outlined in the LDC. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet the minimum updated coverage requirement. Following the Lee County Endangered Species Ordinance No. 89-34, the specific methodology included pedestrian surveys of parallel transects. The survey was conducted according to the previously approved Lee County methodology, submitted by Kevin L. Erwin Consulting Ecologist, Inc.

These methods are comprised of a several step process. The vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, these FLUCFCS codes are cross-referenced with the Lee County Protected Species List. With a list of the potential listed plants and animals, each FLUCFCS community is searched in the field for these species. An intensive pedestrian survey is conducted using parallel belt transects as a means of searching for protected plants and animals; signs or sightings of these species are then recorded.

Existing Site Conditions

Boundary – The project boundary was obtained from the Lee County parcel data and is assumed to be approximately 9.71± acres.

Soils - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). These mappings are general in nature but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use these mappings as justification for certain wetland/upland determinations. According to these mappings, the parcel is underlain by Boca fine sand, (NRCS #13; hydric), Pompano fine sand, (NRCS #27; non-hydric), and Wabasso sand, (NRCS #42; non-hydric). Wabasso sand soil is considered non-hydric at both the local and national levels. Please see the attached NRCS Soils Map (Exhibit D).

Vegetation Descriptions – Vegetation is one parameter used in determining the presence of uplands or wetlands; these community mappings will generally reflect what a specific area could be considered by the regulatory agencies. We did not identify any wetlands or “other surface water” communities on-site during the initial site assessment.

While on-site, generalized community delineations are hand-drawn on an aerial defining the different vegetation associations on-site. These general delineations were based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Level III and IV (FDOT 1999). Please see the attached FLUCFCS Map with Aerial (Exhibit B) and FLUCFCS Map without Aerial (Exhibit C). Listed below are the vegetation communities and land-uses identified on the site.

FLUCFCS Codes & Community Descriptions

Uplands

The following community areas have been designated as upland habitats. Uplands are any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet enough to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.

FLUCFCS 140 Commercial (Abandoned) – 1.65± Acres

This commercial property includes an abandoned gas station building, with associated structures, including a concrete pad, carwash, and parking spaces. This community occupies approximately 1.65± acres of the site. This community would be considered uplands by regulatory agencies.

FLUCFCS 420 Mixed Upland Forest – 8.06± Acres

This upland community type occupies the entire 8.06± acres of the property. Portions of this community included old single-family home sites with cement driveways and cement house pads with various landscape plants. The overall canopy consists of slash pine (*Pinus elliottii*), live oak (*Quercus virginiana*), and java plum (*Syzygium cumini*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), myrsine (*Rapanea guinensis*), and beauty-berry (*Callicarpa americana*). Ground cover is mostly open with scattered saw palmetto (*Serenoa repens*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia trifida*), caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), false buttonweed (*Spermacoce verticillata*), and other various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.*), grapevine (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*). This community would be considered uplands by the regulatory agencies.

Table 1. FLUCFCS Community Table

FLUCFCS Code	Community Description	Habitat Type	Acres
140	Commercial (Abandoned)	Upland	1.65± Ac.
420	Mixed Upland Forest	Upland	8.06± Ac.
Total			9.71± Ac.

Listed Species Results

There were no protected species or signs thereof observed on-site during the protected species survey. There were no nest-like structures or tree cavities noted, and there were no gopher tortoise (*Gopherus polyphemus*) burrows identified. We observed burrows belonging to armadillos (*Dasypus novemcinctus*), which were not marked in the field; there was no evidence that these burrows were being used by gopher tortoises. We did not observe any cavity trees that could potentially be utilized by the red-cockaded woodpecker (*Picoides borealis*) and/or Florida bonneted bat (*Eumops floridanus*). Please see the attached Protected Species Survey Map attached as Exhibit E.

There were several other non-listed species identified while conducting the protected species survey, among those were several grey squirrels (*Sciurus carolinensis*), an eastern cottontail rabbit (*Sylvilagus floridanus*), and mourning doves (*Zenaida macroura*). The various listed species that may occur in the FLUCFCS communities on-site have been tabulated on the attached table below.

Mitigation Discussion

Generally, the ACOE and/or DEP does not regulate isolated wetlands or excavation in wetlands where there is only incidental fall back of fill material; the ACOE or DEP do not have jurisdiction over isolated wetlands. In making the determination on whether the wetlands are isolated, the ACOE and DEP considers if water leaves the site, (i.e. ditches) or whether the wetlands are completely contained on-site or extend off-site. If the wetlands extend off-site, they will more than likely assert jurisdiction. Currently, the ACOE and DEP position on most all wetlands is that one of them has jurisdiction; the ACOE regulates navigable waters whereas the DEP regulates both navigable waters and adjacent wetlands. However, the agencies would not make this determination until a Joint Environmental Resource Permit (ERP) and Dredge & Fill Permit (D&F) application is received.

The SFWMD does not require mitigation for impacts to isolated wetlands not used by listed (protected) species that are less than 0.50± acres in size. Impacts to wetlands greater than 0.50± acres or those utilized by protected species would require mitigation. With the ACOE and DEP, impacts to wetlands that are less than 0.50± acres, the activity can usually be processed as a Nationwide Permit application. For projects with greater than 0.50± acres of impacts, the application will be processed as an Individual Permit application. This involves a public notice process and coordination with other federal agencies such as the EPA and the FWS.

There are three steps that are required to be addressed when requesting an ERP permit with the SFWMD and/or the DEP for impacts to regulated wetlands:

- 1) Avoidance (i.e. can these wetland impacts be completely avoided)
- 2) Minimization (i.e. can the amount of wetland impact be reduced while maintaining a feasible project)
- 3) Mitigation (i.e. the loss of wetland function must be replaced)

It should be noted that avoidance and minimization must first be substantiated, before mitigation will be considered by the agencies. When wetlands are proposed to be impacted, the impacts cannot result in any loss of wetland function. In order to prevent net loss in wetland function, wetland mitigation must be provided. Mitigation is a way to off-set impacts to natural resources such as wetlands and may consist of wetland enhancement, wetland creation, wetland preservation, upland compensation, or off-site mitigation. Mitigation costs usually increase with the quantity of proposed impacts. The actual amount of mitigation required would be finalized during the Environmental Resource Permit review process with the SFWMD, ACOE, and DEP.

There are two main categories of wetland mitigation, onsite or off-site. On-site mitigation would include preserving a portion of the on-site wetlands, treating and removing the exotics, potentially providing supplemental plantings, and placing the preserve areas under a Conservation Easement. Preserve areas are required to be maintained in perpetuity. Off-site mitigation requires the purchase of wetland credits at an approved mitigation bank within the service area of the site. This parcel lies within the service area of several mitigation banks; currently, credits are going for \$175,000-\$200,000 depending on what bank you were to utilize and whether they are herbaceous or forested credits.

Discussion & Summary

In general, this site does not contain much native, undisturbed community types in which protected species would typically inhabit. Due to the disturbed nature of the site, the surrounding land uses, and busy roadways, it is unlikely that this site supports or would provide habitat for protected species. Community locations were drawn using non-rectified aerial images with approximate property boundaries; hence their location, aerial extent, and acreage is approximate.

The determination of ecological system classifications, functions, values, and boundaries is an inexact science, and different individuals and agencies may reach different conclusions. It is not possible for BearPaws Environmental Consulting to guarantee the outcome of such determinations. Therefore, the conclusions of this report are preliminary in nature and would require a full review by the appropriate regulatory agencies.

The information contained and the work performed as part of this initial assessment, conforms to the standards and generally accepted practices in the environmental field, and was prepared substantially in accordance with then-current technical guidelines and criteria. The conclusions of this report represent the results of our analysis of the information provided by the client and their consultants, together with information gathered in the course of the study. No other guarantee, expressed or implied, is made.

Table 2: Listed Species by Habitat with Current Status

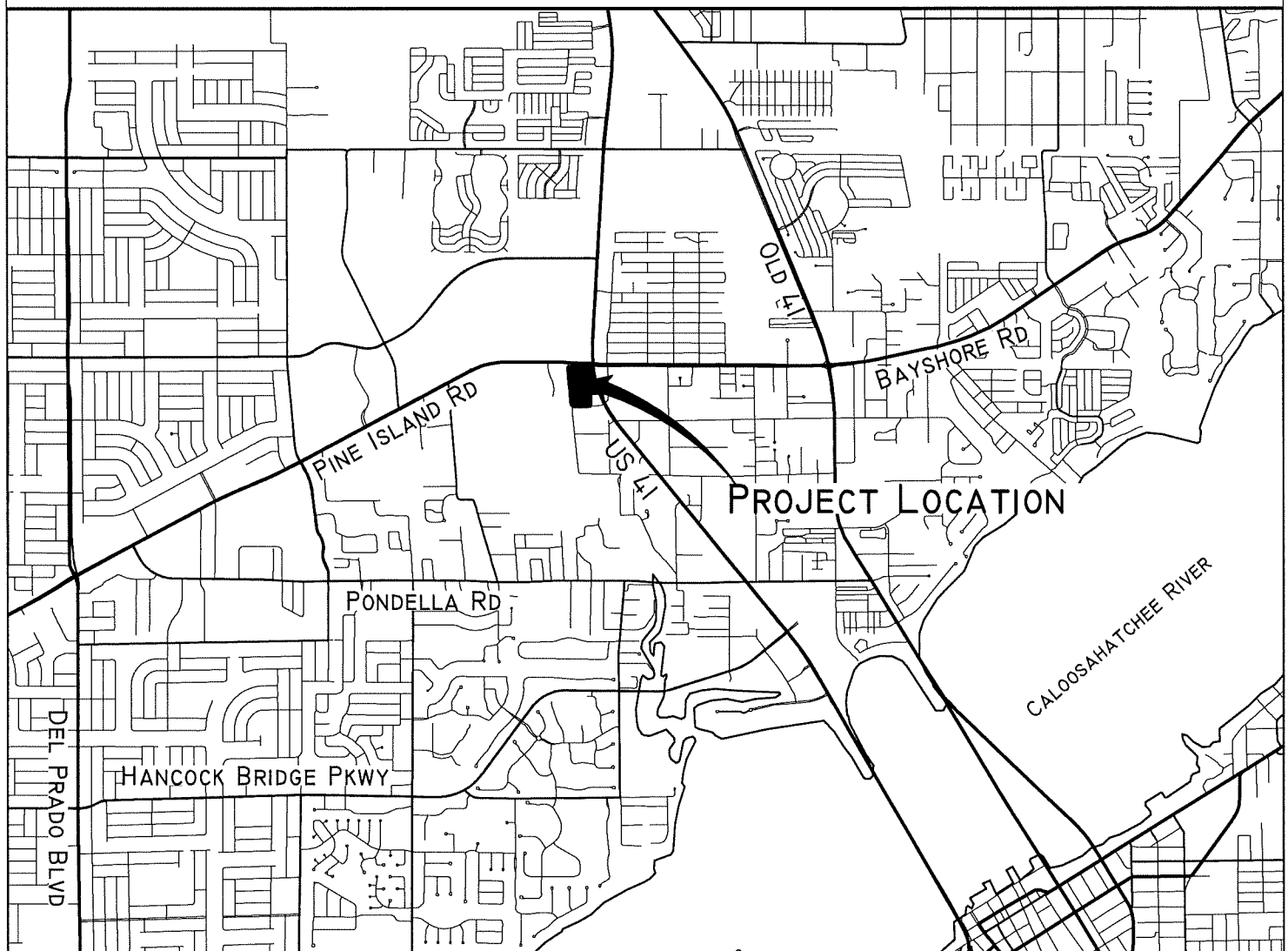
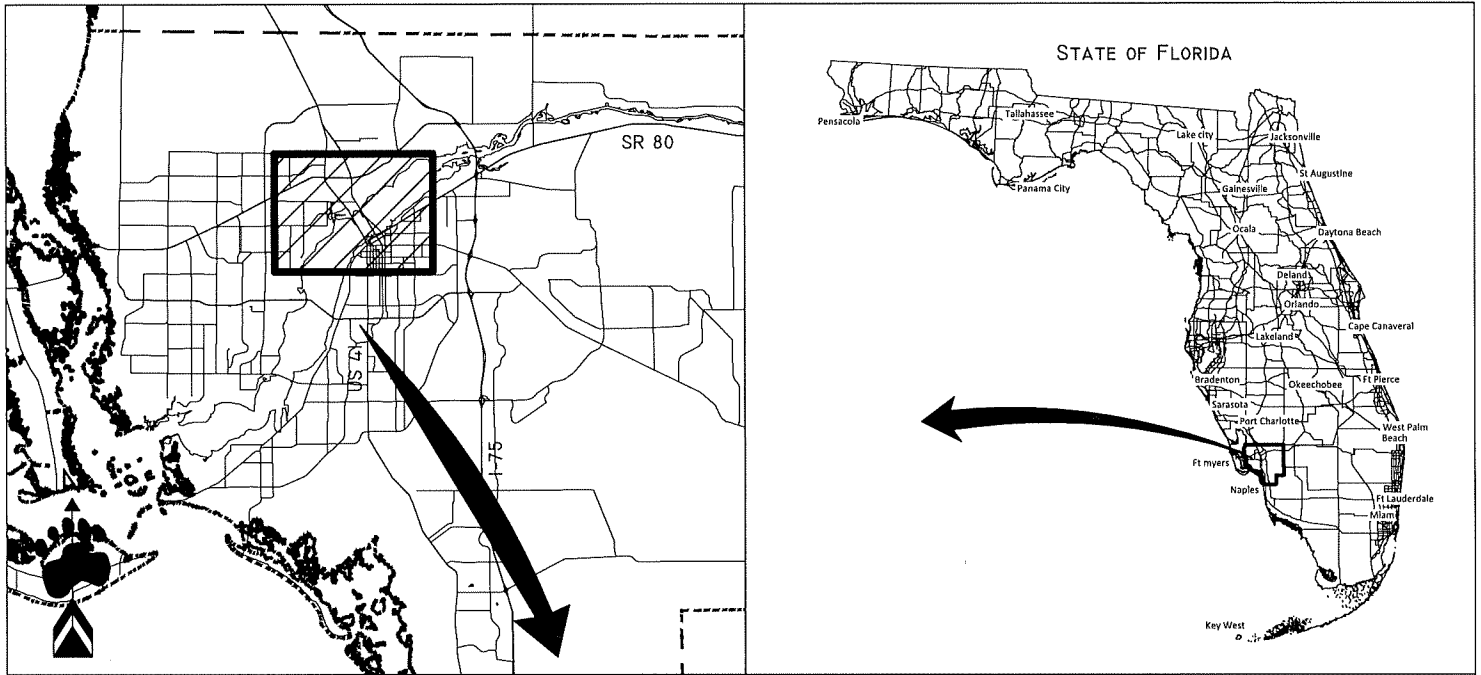
FLUCFCS Code	FLUCFCS Description	Common Name	Scientific Name	Observed	USDA	FDA&CS	FWS	FWC
140	Commercial	N/A	N/A	--	--	--	--	--
420	Mixed Upland Forest	Audubon's crested caracara	<i>Polyborus plancus audubonii</i>	--	--	--	T	T
		Eastern indigo snake	<i>Drymarchon corais couperi</i>	--	--	--	T	T
		Florida black bear	<i>Ursus americanus floridanus</i>	--	--	--	SAT	T
		Hand adder's tongue fern	<i>Ophioglossum palmatum</i>	--	--	E	--	--
		Simpson's stopper	<i>Myrcianthes fragrans var. simpsonii</i>	--	--	T	--	--
		Gopher tortoise	<i>Gopherus polyphemus</i>	--	--	--	T	T

C = Commercially Exploited, SAT = Similarity of Appearance Threatened, SSC = Species of Special Concern, T = Threatened, E = Endangered

Table designates listed species with potential to occur in each FLUCFCS community.

EXHIBIT A

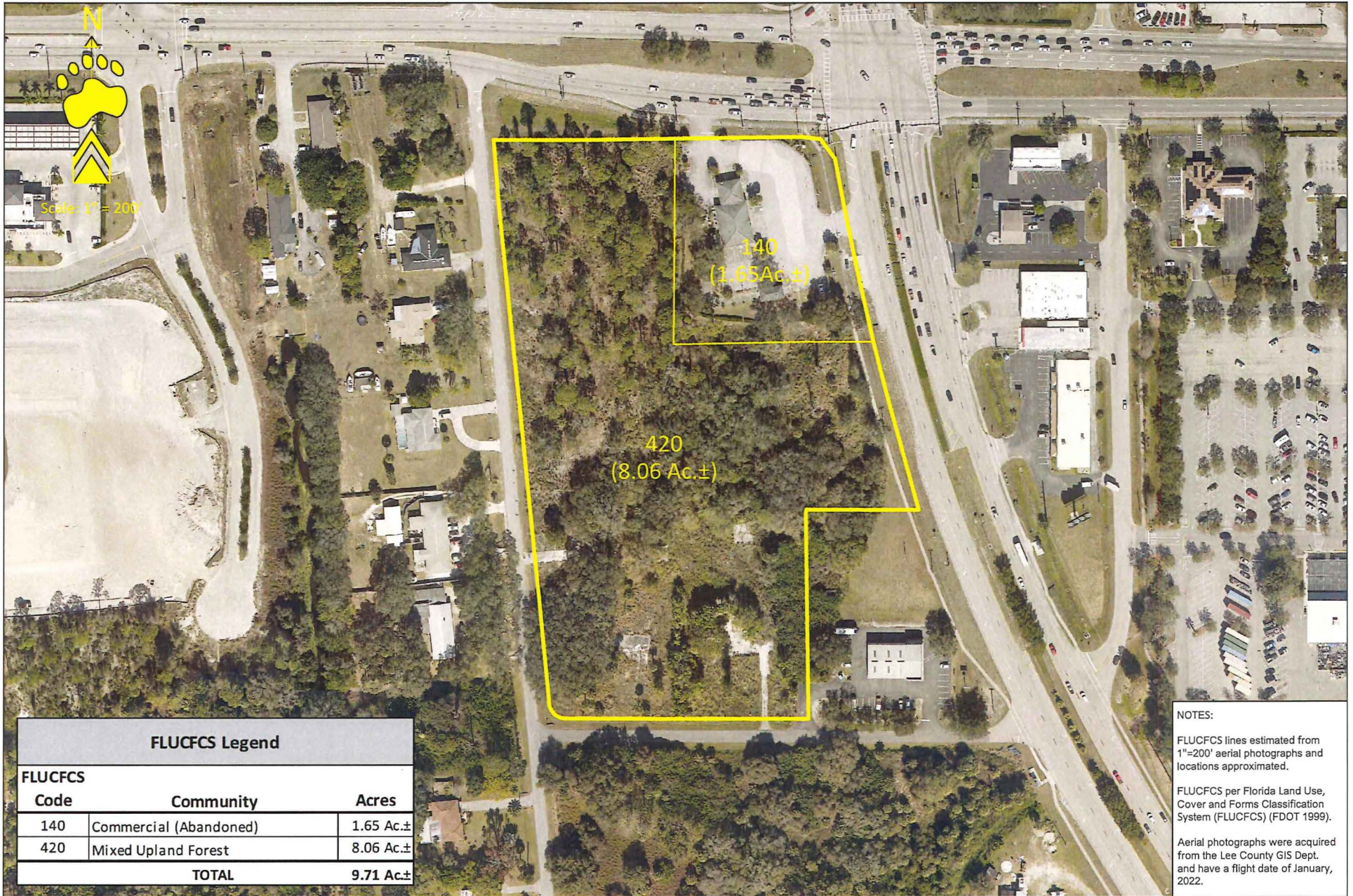
Project Location Map



DRAWN BY:	DATE:	CATEGORY:	Pine Island Road CPD Location Map	 1509 CONINGTON CIRCLE EAST, FORT MYERS, FL 33919 (239) 340-0678 BEARPAWS.ENVCONSULTING@GMAIL.COM	PAGE EXHIBIT
BWS	2/22/23	LOCATION			
JOB NUMBER		SCALE:			
S/T/R		NTS			
3/44S/24E		COUNTY	LEE		

EXHIBIT B

FLUCFCS Map with Aerial



FLUCFCS Legend		
FLUCFCS Code	Community	Acres
140	Commercial (Abandoned)	1.65 Ac.±
420	Mixed Upland Forest	8.06 Ac.±
TOTAL		9.71 Ac.±

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of January, 2022.

Revisions	Date:	Drawn By:	Date:
		BWS	2/22/23
		Job Number	
		S/T/R	
		3/44S/24E	

Pine Island Road CPD Aerial FLUCFCS Map

Category
FLUCFCS
Scale:
1" = 200'
County
Lee

1599 Covington Circle East, Fort Myers, FL 33919
(239) 340-0678 bearpaws.env.consulting@gmail.com

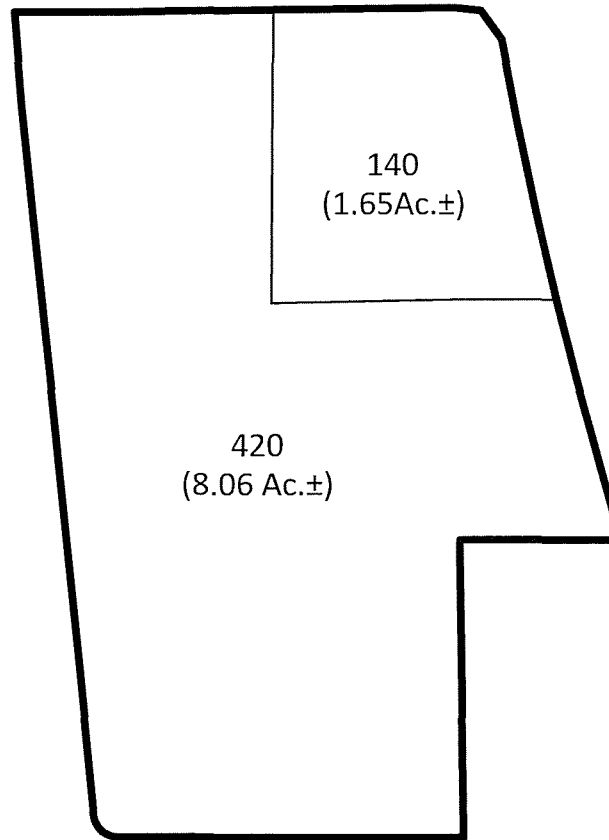
Page
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EXHIBIT C

FLUCFCS Map



Scale: 1" = 200'



FLUCFCS Legend		
FLUCFCS		
Code	Community	Acres
140	Commercial (Abandoned)	1.65 Ac.±
420	Mixed Upland Forest	8.06 Ac.±
TOTAL		9.71 Ac.±

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

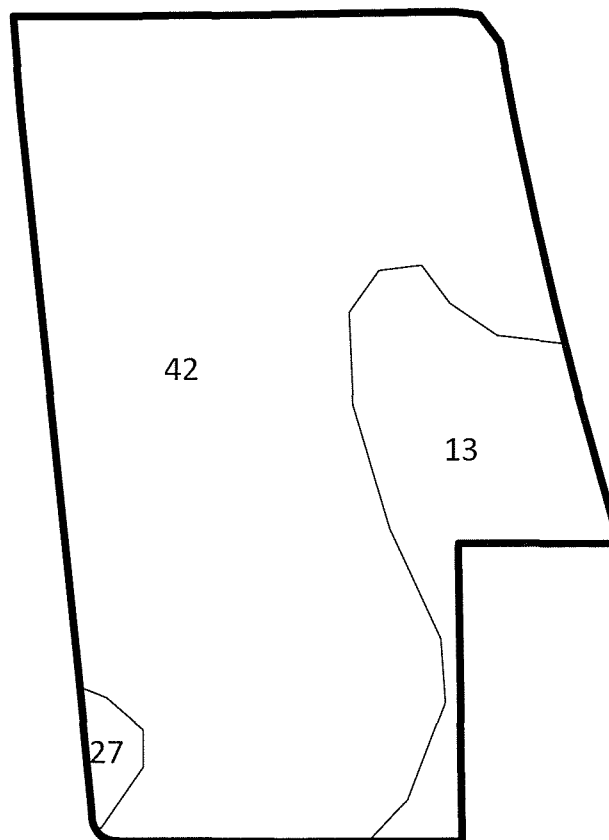
Revisions	Date:	Drawn By:	Date:	Pine Island Road CPD FLUCFCS Map	Category		Page
		BWS	2/22/23		FLUCFCS		-
		Job Number			Scale:		Exhibit
		S/T/R			1" = 200'		
		3/44S/24E			County	1599 Covington Circle East Fort Myers, FL 33919 (239) 340-0678 bearpaws.env.consulting@gmail.com	-
					Lee		

EXHIBIT D

NRCS Soils Map



Scale: 1" = 200'



NRCS Soils Legend

Soil No	Description	Status
13	Boca Fine Sand	Hydric
27	POMPANO FINE SAND, FREQUENTLY PONDED	Hydric
42	WABASSO SAND, LIMESTONE SUBSTRATUM	Non-Hydric

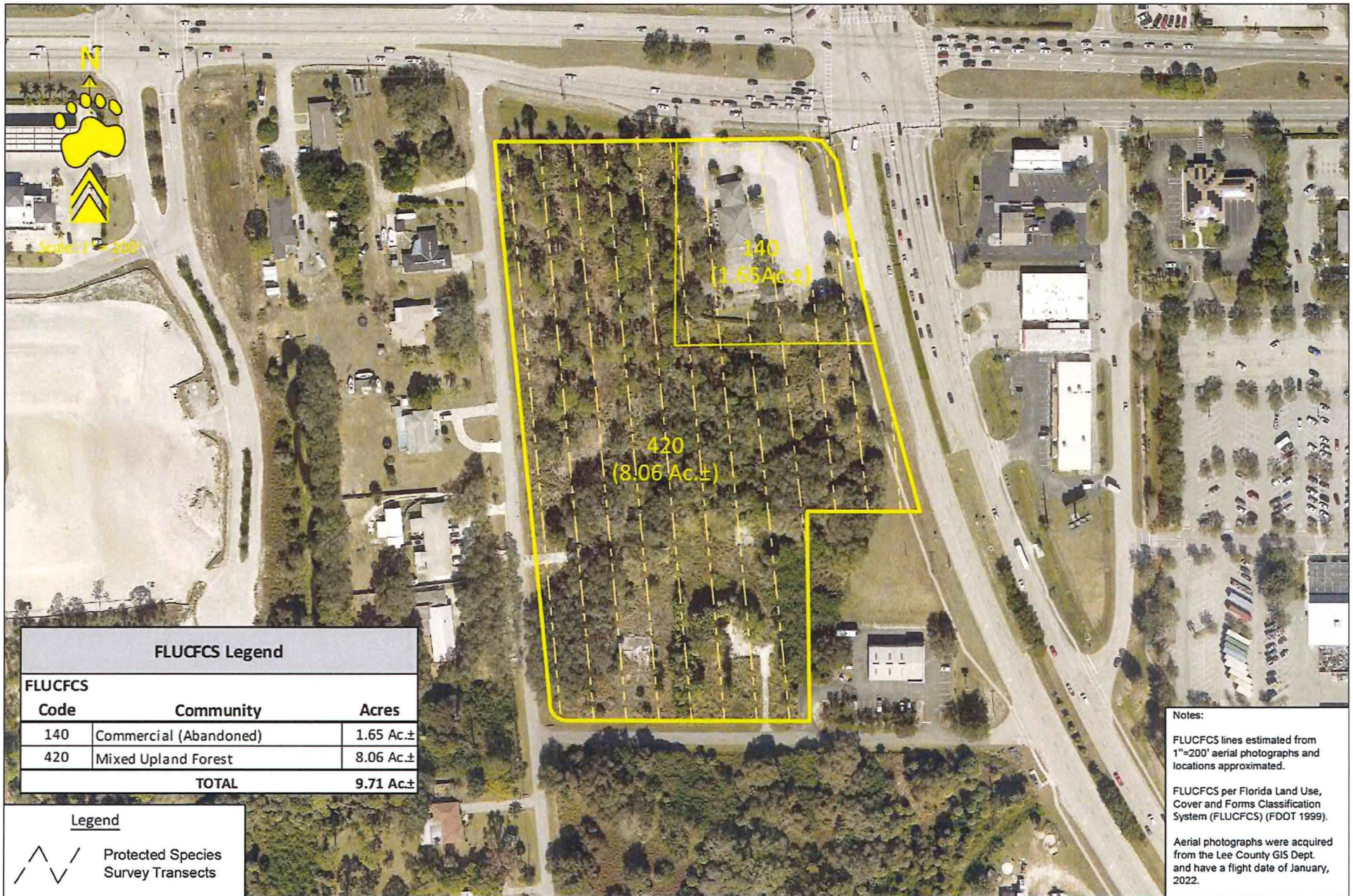
NOTES

Soils were acquired from LABINS and are from the NRCS.

Revisions	Date:	Drawn By: BWS	Date: 2/22/23	Pine Island Road CPD Soils Map	Category Soils	 1599 Covington Circle East, Fort Myers, FL 33919 (239) 340-0678 bearpaws.env.consulting@gmail.com	Page -
		Job Number			Scale: 1" = 200'		Exhibit
		S/T/R			County Lee		-
		3/44S/24E					

EXHIBIT E

Protected Species Survey Map



Revisions	Date:	Drawn By:	Date:	Pine Island Road CPD		Category		Page
		BWS	3/15/23			PSS		-
		Job Number		Aerial PSS Map		Scale:		Exhibit
		S/T/R				1" = 200'		-
		3/44S/24E				County	Lee	-

ATTACHMENT F

PINE ISLAND ROAD CPD

PRESERVE MANAGEMENT PLAN

Lee County STRAP #'s:

*03-44-24-01-00000.008A; 03-44-24-01-00000.0080; 03-44-24-06-00000.0040; 03-44-24-11-00000.0080;
03-44-24-11-00000.0090; 03-44-24-11-00000.0100; 03-44-24-11-00000.0110; 03-44-24-11-00000.0120;
03-44-24-11-00000.0130; 03-44-24-11-00000.0140 & 03-44-24-01-00000.008B*

December 2023

Revised April 2024

Prepared For:

Phoenix Associates of South Florida
c/o: Randy Johns
13180 Livingston Road, Suite 204
Naples, Florida 34109
Phone: 239-596-9111
Email: rjohns@phoenix-associates.com
Prepared By:



BearPaws Environmental Consulting
1599 Covington Circle East
Phone: (239) 340-0678
Email: BearPaws.Env.Consulting@GMail.com

INTRODUCTION

The 9.71± acre Pine Island Road CPD project site is located in Section 3, Township 44S, and Range 24E, of Lee County, Florida. More specifically, the site is located in the southwest corner of the intersection of Pine Island Road (SR 78) and US 41 (Tamiami Trail North), in North Fort Myers, Florida. Please see the attached Project Location Map (Exhibit A).

PROPERTY DESCRIPTION

The upland preserve area is located in the southern portion of the site, just north of the proposed dry detention area and will encompass 1.00± acres of mixed uplands. Please see the attached Exhibit B, Master Concept Plan. Per the Lee County, Land Development Code (LDC), Section 10-415(b)(1), large developments, with existing indigenous native vegetation, must provide open space requirement through the onsite preservation of existing indigenous native vegetation. The property is composed mainly of upland forest with abandoned commercial. The goal of this preserve management plan is to improve the condition of the uplands and provide a natural preserve area for the flora and fauna on the property. The on-site preserve area provides habitat for nesting and create foraging areas for all kinds of wildlife species.

MITIGATION & MAINTENANCE PLAN

The purpose of this plan is to ensure that preserves are maintained exotic free in perpetuity and nuisance plants are controlled to healthy levels thru a scheduled maintenance program. The list of exotic and nuisance plant species are defined under the Lee County, Land Development Code (LDC), Section 10-420(h). This program is incorporated into a two-phase process: the initial exotic removal and the subsequent annual maintenance. The exotic and nuisance plant removal and maintenance program will ensure the viability, value, and aesthetics of the preserve. The exotic plant removal and maintenance program will be implemented by and the responsibility of the owner or their successor. Exotic and nuisance plants often dominate native plants, which in return reduces habitat values, consequently, negatively impact aesthetic values. Exotic and nuisance plants will be killed in a manner consistent with the LDC, Section 10-415(b)(4), following current approved exotic and nuisance plant removal practices and will occur in spring and/or fall.

All small exotic saplings and exotic shrubs are to be treated in place. All large exotic trees, with greater than 4-inch DBH, will be cut at stump height and removed from the preserve area; the remaining stumps will be treated in place. Any trees too large to be practically cut will be treated standing in place, upon the Lee County Environmental Staff approval. Any herbicides applied will be required to be EPA approved and conducted with a tracer dye. All exotic vegetation removed from the preserve area will be to be taken off- site and disposed of; there will be no exotics stockpiled within the preserve area. Any staging areas for the removal of exotic debris will be placed outside of the preserve and the exact location will be determined by the contractor.

The County requires all Category I and II species to be removed from preserves and not exceed a level of 5 percent, per LDC Sec. 10-420(h). Native nuisance coverage will be expected to be maintained as necessary. Exotic and nuisance plants will be killed in a manner consistent with current approved removal practices; all removal practices will be conducted according to current standards and applied by a licensed herbicide applicator. The established preserve maintenance program will be conducted in perpetuity.

The on-site preserve area provides habitat for nesting and create foraging areas for all kinds of wildlife species. On-site enhancement activities will be conducted concurrently with the on-site construction activities. These enhancement activities will include the hand removal of exotic and nuisance vegetation from the upland preserve area. The exotics to be eradicated include, but are not limited to, melaleuca (*Melaleuca quinquenervia*), and Brazilian pepper (*Schinus terebinthifolius*).

INDIGENOUS RESTORATION

Indigenous Preserve - Supplemental Plantings (1.00± Acres)

The supplemental Plantings will be installed within the 1.00± acres of the upland preserve to restore native vegetation resulting from exotic removal. Per restoration specifications via LDC Section 10-415(b)(3)(b)5, this area will then be replanted with 56 trees, in a minimum of 5-gallon containers, at 4-6 foot in height, on 20 foot centers; 152 shrubs, in a minimum of 3-gallon containers, 2-3 foot in height, on 12 foot centers; and 340 herbaceous groundcover, in a minimum of 1-gallon containers, 1-2 foot in height, on 3 foot centers.

The tree plantings will include a minimum of two (2) species, depending on availability at time of planting; it's anticipated that this area will be replanted with Slash Pine (*Pinus elliottii*), Live Oak (*Quercus virginiana*), and Dahoon holly (*Ilex cassine*). The shrub plantings will include a minimum of three (3) species, depending on availability at time of planting; it's anticipated that this area will be replanted with beauty berry (*Callicarpa Americana*), myrsine (*Rapanea guinensis*), coco plum (*Chrysobalanus icaco*), and wax myrtle (*Myrica cerifera*). The herbaceous plantings will include a minimum of four (4) species, depending on availability at time of planting; it's anticipated that this area will be replanted Sand cordgrass (*Spartina bakeri*), Fakahatchee grass (*Tripsacum dactyloides*), lantana (*Lantana involucrate*), and purple muhly grass (*Muhlenbergia capillaris*). Please see Table 1 below for specific details of species requirements. These plantings will mimic natural conditions found in the surrounding habitats.

Table 1. Recommended Supplemental - Restoration Plantings

Common Name	Scientific Name	Minimum size or better	Planting Density	Plant Numbers**
Trees				
Slash pine	<i>Pinus elliottii</i>	5 g. / 4-6'	20' o.c.	56 Trees Total
Live oak	<i>Quercus virginiana</i>	5 g. / 4-6'	20' o.c.	
Dahoon holly	<i>Ilex cassine</i>	5 g. / 4-6'	20' o.c.	
Shrubs				
Beauty berry	<i>Callicarpa Americana</i>	3 g. / 2-3'	12' o.c.	152 Shrubs Total
Myrsine	<i>Rapanea guinensis</i>	3 g. / 2-3'	12' o.c.	
Coco plum	<i>Chrysobalanus icaco</i>	3 g. / 2-3'	12' o.c.	
Wax-myrtle	<i>Myrica cerifera</i>	3 g. / 2-3'	12' o.c.	
Ground Cover				
Sand cordgrass	<i>Spartina bakeri</i>	1 g. / 1-2'	3' o.c.	2,420 Herbaceous Total
Fire bush	<i>Hamelia patens</i>	1 g. / 1-2'	3' o.c.	
Fakahatchee grass	<i>Tripsacum dactyloides</i>	1 g. / 1-2'	3' o.c.	
Lantana	<i>Lantana involucrate</i>	1 g. / 1-2'	3' o.c.	
Muhly grass	<i>Muhlenbergia capillaris</i>	1 g. / 1-2'	3' o.c.	

DEBRIS REMOVAL

Debris and garbage in the preserve area will be removed as needed within the preserve area. No large debris is currently located within the preserve area. Any garbage found will be removed from the preserve and disposed of in the proper receptacles.

MITIGATION SUCCESS CRITERIA

Monitoring of the preserve area shall be conducted for a minimum of five years with annual reports submitted to the County. If native upland species does not achieve an 80% native coverage within the initial two years of the monitoring, native species shall be planted in accordance with the maintenance program. At end of the monitoring program the entire preserve area shall contain 80% coverage of desirable native species.

All mitigation areas will consist of no more than five percent cover by exotic and/or nuisance species at all times. Exotic and nuisance vegetation species are identified as those exotic species listed as CAT I and CAT II by the Florida Exotic Pest Plant Council (FEPPC). The preserve areas will be managed such that exotic/nuisance plant species do not dominate any one section of areas within the preserves. This is also applicable to native vegetation to ensure diversity within the upland habitats. Perpetual maintenance of the preserve areas is recommended to ensure coverage by native desirable vegetation is maintained as specified in the permit.

MONITORING

Sampling Methodology

The proposed monitoring of the preserve area will begin concurrently with construction and will consist of baseline, time-zero, and annual monitoring of vegetation, and wildlife. The baseline monitoring report will document conditions in the project site as they currently exist. The time-zero report will document the conditions immediately following completion of mitigation activities. The annual reports will document the extent of success of the project and, if needed, identify specific actions to be taken to improve the conditions within the project area. Sampling transects and methodology for the baseline, time-zero, and annual reports will utilize identical methods of data collection from identical sampling stations. The location of the proposed sampling stations will be taken along the edge of the preserve areas, immediately adjacent to the upland buffer area. The Open Space Exhibit and Landscape Plan, showing the indigenous preserve areas, is included as Exhibit B.

Wildlife Monitoring

Regular observations of wildlife will be made during the monitoring event by qualified ecologists. Observations will consist of recording evidence and signs of wildlife (i.e., direct sightings, vocalizations, burrows, nests, tracks, droppings, etc.).

Photographic Documentation

Permanent fixed-point photograph stations will be established in the preserve area providing physical documentation of the condition and appearance of an area, as well as any changes taking place within it. Monitoring photographs will accompany vegetation data in each report. Locations of photograph stations will remain the same throughout the duration of the monitoring program.

MONITORING REPORTS

Concurrently with construction, the permittee will submit annual monitoring reports to the County documenting the success of the mitigation program and general condition of the preserve area. Within 60 days of permit issuance or modification, the baseline monitoring for the preserve area will be submitted to the County. The time-zero monitoring report will be submitted within 60 days of completion of enhancement activities. Annual monitoring reports will include the following information:

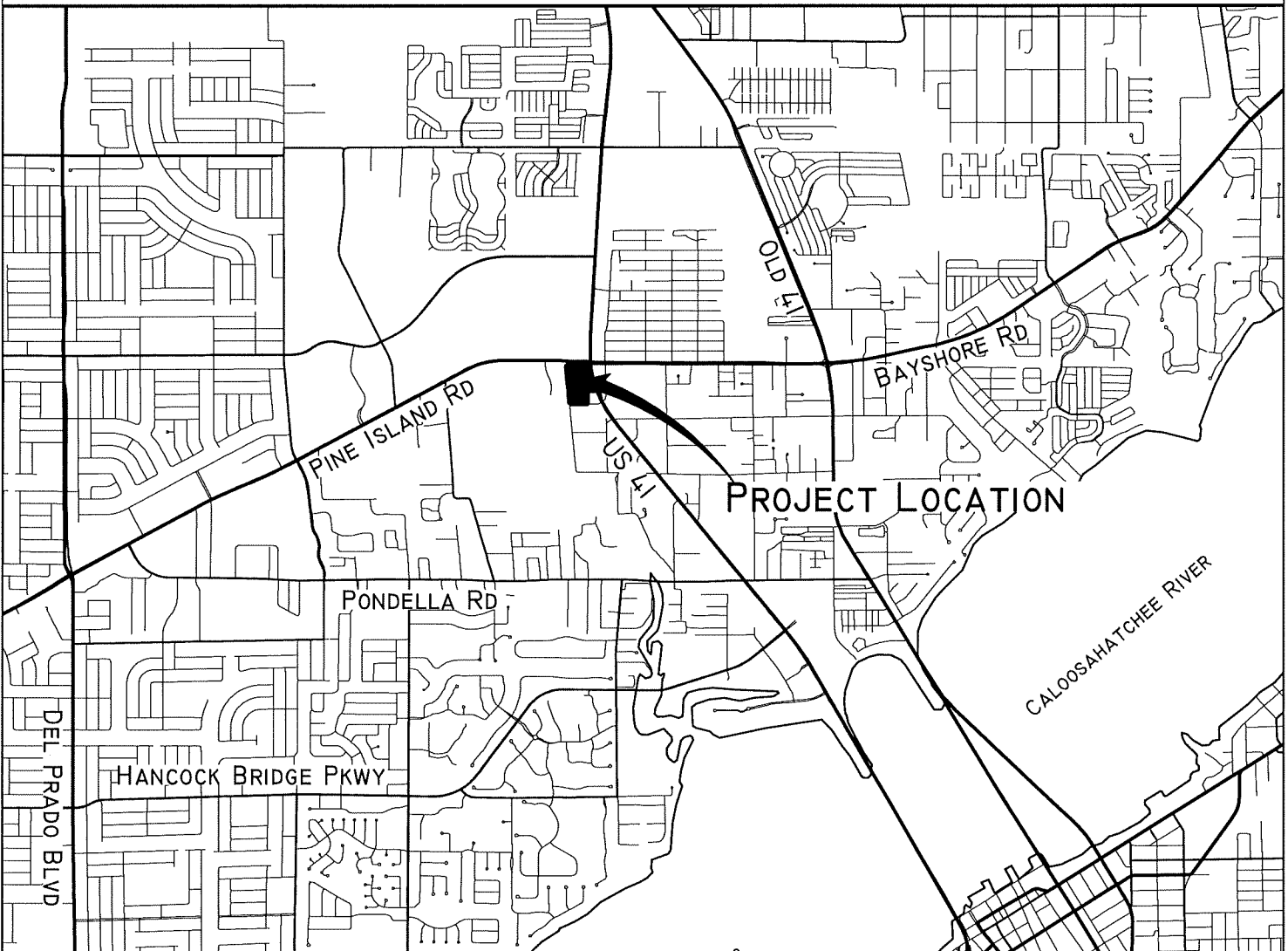
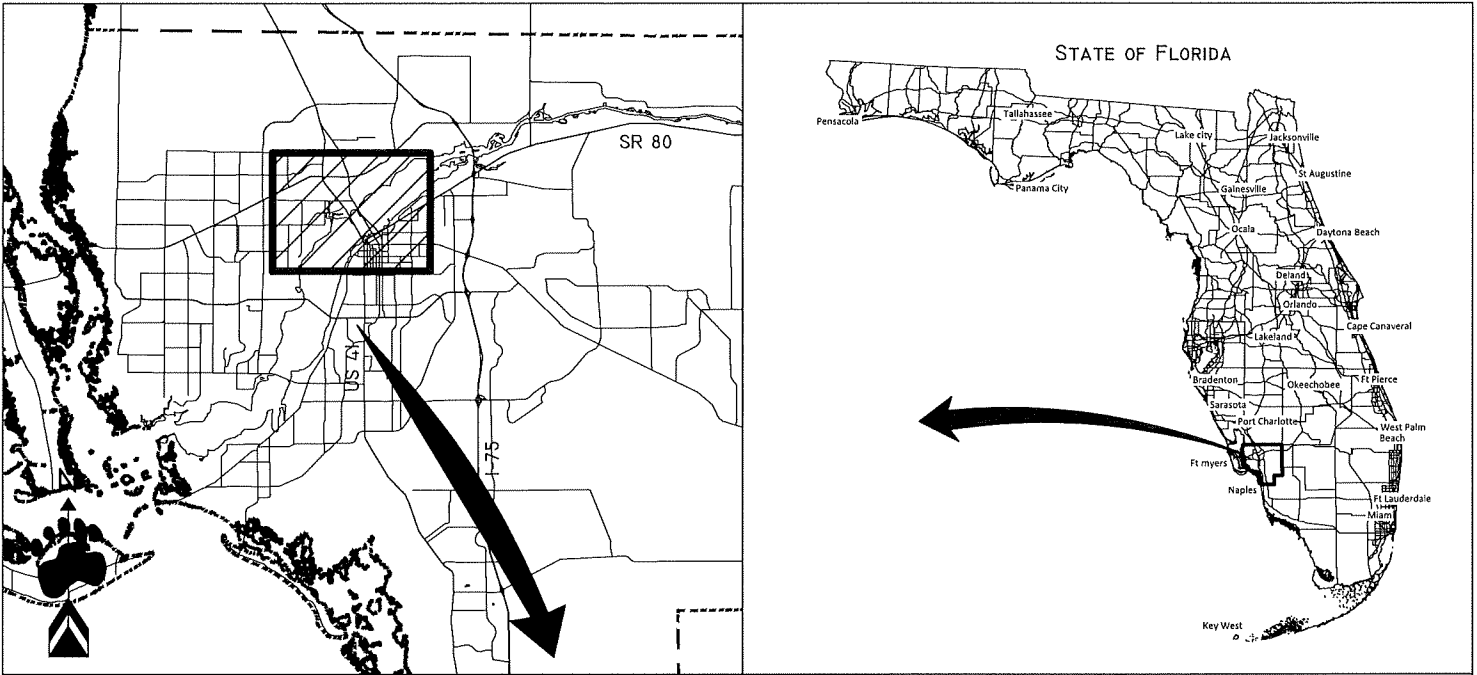
- Brief description of mitigation and maintenance work performed since the previous report along with a discussion of any modifications to the mitigation or maintenance program.
- Brief description of anticipated mitigation and maintenance work to be conducted over the next year.
- Results of vegetation monitoring conducted in the preserve area.
- A list of observed wildlife species.
- Monitoring photographs taken at photograph stations within the preserve area.

MAINTENANCE AND LONG-TERM MANAGEMENT

Following the completion of the initial exotic removal effort upon the commencement of construction, annual inspections of the mitigation area will occur for the first five (5) years. During these inspections, the mitigation area will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted and corrective actions taken. Once exotic/nuisance species levels have been reduced to acceptable limits (i.e., less than five percent cover), inspections of the preserve area will be conducted annually.

Maintenance will be conducted in perpetuity to ensure that the preserve area are free of exotic vegetation (as currently defined by the FEPPC) immediately following maintenance and that exotic and nuisance species will constitute no more than five percent of total combined cover. A mitigation and monitoring work schedule will be prepared, submitted, and approved by the County, prior to issuance of the vegetation removal permit.

Exhibit A
Project Location Map



DRAWN BY:	DATE:	CATEGORY
BWS	2/22/23	LOCATION
JOB NUMBER		SCALE:
S/T/R		NTS
3/4S/24E		COUNTY
		LEE

Pine Island Road CPD

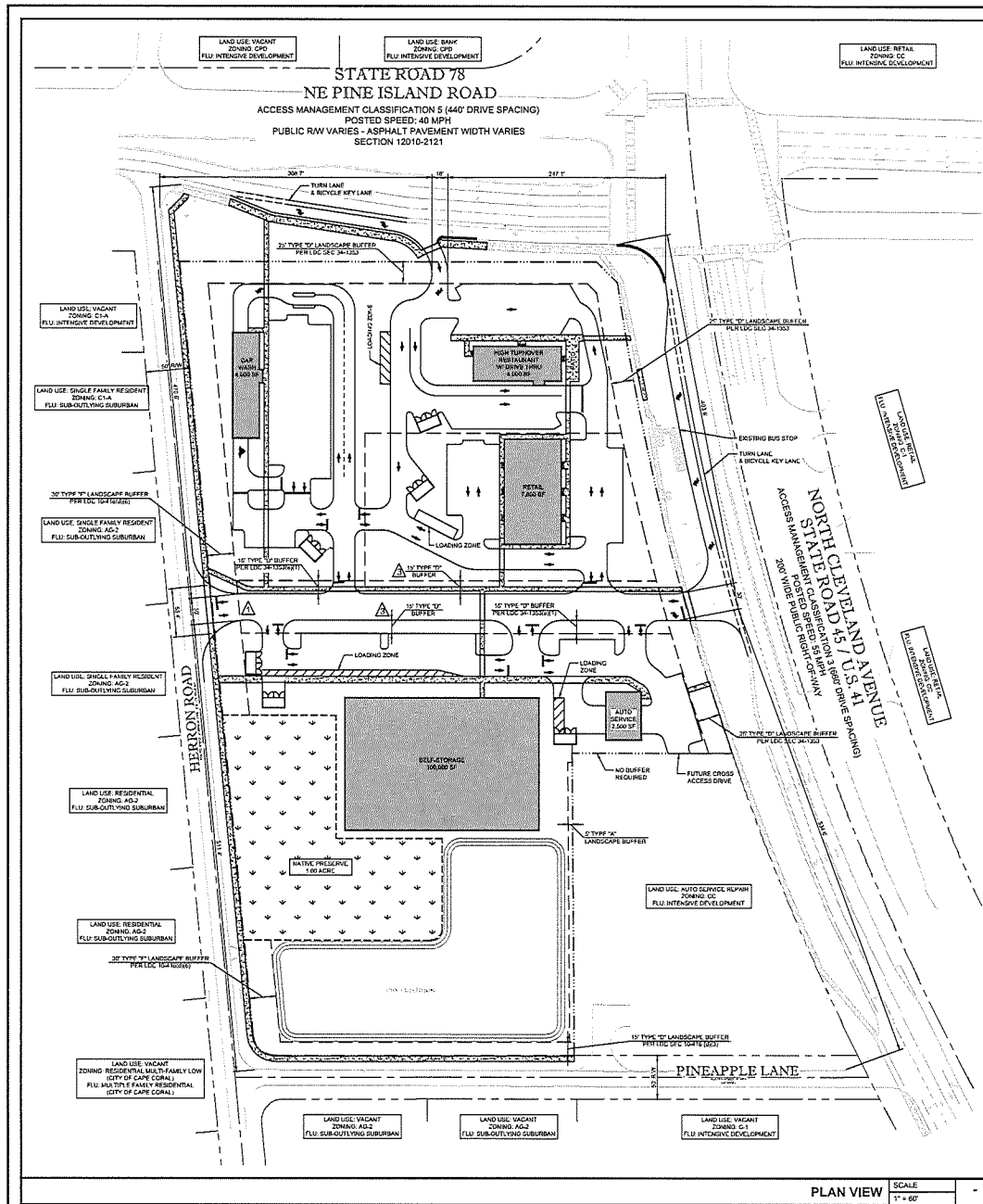
Location Map



PAGE

EXHIBIT

Exhibit B
Master Concept Plan



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

ATTACHMENT F



2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

July 16, 2023

Ms. Jodi Medina
RVi Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305
Bonita Springs, FL 34135

RE: Pine Island Road CPD
DCI2023-00015

Dear Ms. Medina:

TR Transportation Consultants, Inc. has reviewed the Traffic Impact Statement (TIS) comments issued by the Lee County Department of Community Development regarding the above project. The comments and TR Transportation's response to those comments are listed below for reference.

TIS:

1. *Kindly provide the FDOT Pass-by Rate Study referenced in the report.*

A copy of the relevant pages of the FDOT report are attached to this response for reference. The full report can be found at

<https://accessmanagement.info/document/fdot-trip-generation-recommendations/>

2. *Evaluate the link level Level of Service (LOS) of surrounding links within the influence area considering the combination of land uses, specifically Fast Food Restaurant (drive-through) instead of Convenience Store/Gas Station.*

This is not necessary as the number of Net New Trips is still higher with the Convenience Store/Gas Station use considered. A copy of the trip generation comparison, taking into account the pass-by deductions for each use, is attached to this response illustrating this fact. No changes to the TIS or the Level of Service analysis were made.

3. *Since the project generates between 100 and 300 peak-hour trips, it is necessary to provide information about the Level of Service of all site accesses and intersections within a one-quarter mile radius. However, the Transportation Impact Study (TIS) should include details about the LOS of the following intersections, which were not covered in the current report: SR 78 & Judd Creek Blvd/Merchants Crossing and Herron Rd & South Site Access.*

The southern access on Herron Road has been eliminated so this analysis is no longer needed (the TIS assigned 0 trips entering and exiting this access so there were no trips re-assigned as a result of this access be removed).

A weekday PM peak hour traffic count was conducted by TR Transportation Consultants at the intersection of SR 78 and Judd Creek/Merchants Crossing, which is attached to this response. The traffic counts were adjusted to peak season conditions and adjusted to the projected 2027 build-out year traffic conditions similar to the other intersections that were analyzed in the TIS. This development is only projected to add EASTBOUND AND WESTBOUND THROUGH MOVEMENTS to this intersection and this therefore not anticipated to impact the capacity or operations of this intersection, as reflected in the operational analysis attached.

4. *The proposed development requested 115,000 square feet (SF) of Commercial Planned Development (CPD) area. However, the TIS was based on 114,000 SF (Convenience Store/Gas Station) instead. Furthermore, if a Fast Food Restaurant (drive-through) had been considered, the total CPD area would be 111,500 SF. Kindly clarify this inconsistency.*

The application has been revised to reflect 114,000 square feet, matching the traffic study. If a fast-food use is ultimately developed on the site, the overall development area will be less than 114,000 square feet. The 114,000 square feet is the MAXIMUM floor area permitted by right being requested in the application. Anything can be developed that is less than this floor area.

5. *There appears to be a discrepancy between the project trip distribution (percentage) on US 41 in Figure A-1 and the data presented in Table 1A and 2A. Please provide clarification regarding this inconsistency.*

Table 1A & 2A were revised to match Figure A-1. This resulted in a change to the volumes in Figure 3 as well. The revised Figure 3 is attached reflecting the updated Level of Service Volumes on U.S. 41 based on the revised trip distributions matching Table 1A.

Sincerely,



Ted B. Treesh, PTP
President

Attachments

TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
PINE ISLAND ROAD CPD

Revised 7-16-2023

TOTAL AM PEAK HOUR PROJECT TRAFFIC =	181 VPH	IN=	95	OUT=	86
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	123 VPH	IN=	128	OUT=	251

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY</u> <u>CLASS</u>						PERCENT		
			<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>	<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJ/</u> <u>LOS C</u>
US 41	N. of SR 78	4LD	0	0	1,910	2,000	2,000	30%	75	3.9%
	S. of SR 78	4LD	0	0	1,910	2,000	2,000	20%	50	2.6%
SR 78	E. of US 41	4LN	0	0	1,910	2,000	2,000	30%	75	3.9%
	W. of US 41	4LN	0	0	1,910	2,000	2,000	20%	50	2.6%

* Level of Service threshold volumes were obtained from the FDOT's Generalized Peak Hour Directional Volumes, Table 7.

**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
PINE ISLAND ROAD CPD**

Revised 7-16-2023

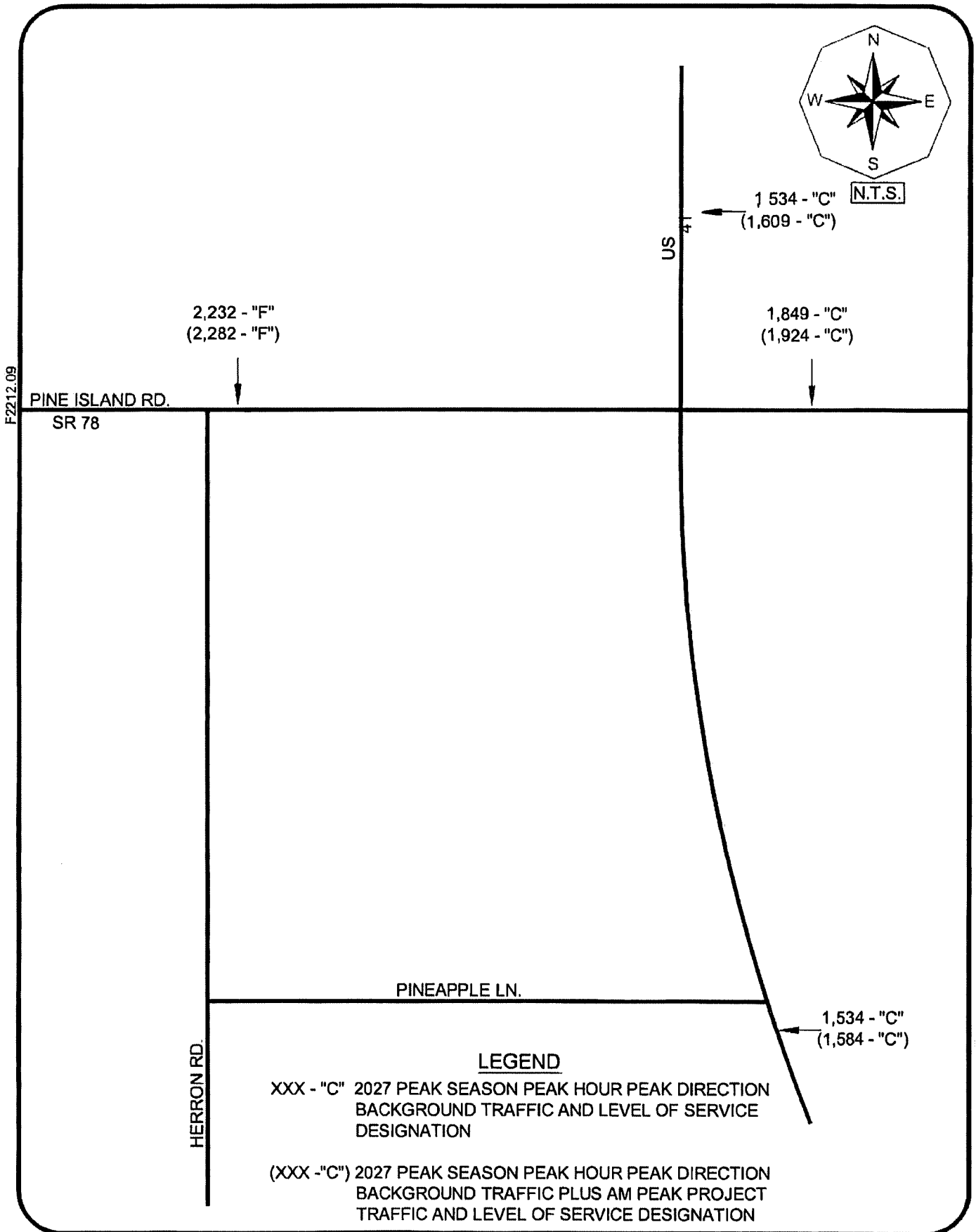
TOTAL PROJECT TRAFFIC AM =	181	VPH	IN =	95	OUT=	86
TOTAL PROJECT TRAFFIC PM =	123	VPH	IN=	128	OUT=	251

			2021		2027			2027			2027			2027			
			BASE YR	LATEST	YRS OF	ANNUAL	PK SEASON	PK HR	PK HR	PK SEASON	PERCENT	PROJECT	AM PROJ	PM PROJ	+ AM PROJ	+ PM PROJ	
<u>ROADWAY</u>	<u>SEGMENT</u>	<u>Sta#</u>	<u>ADT</u>	<u>ADT</u>	<u>GROWTH</u>	<u>RATE</u>	<u>PEAK DIR.</u> ¹	<u>VOLUME</u>	<u>LOS</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>VOLUME</u>	<u>LOS</u>	<u>VOLUME</u>	<u>LOS</u>	
US 41	N. of SR 78	125029	27,000	26,000	7	2.00%	1,362	1,534	C	30%	29	75	1,562	C	1,609	C	
	S. of SR 78	125023	30,500	30,500	7	2.00%	1,362	1,534	C	20%	19	50	1,553	C	1,584	C	
SR 78	E. of US 41	120003	26,000	31,000	7	2.54%	1,590	1,849	C	30%	29	75	1,878	C	1,924	C	
	W. of US 41	125042	28,000	35,500	7	3.45%	1,821	2,232	F	20%	19	50	2,251	F	2,282	F	

¹ Current peak hour peak season peak direction traffic volumes for all roadways were obtained from the 2022 Lee County Public Facilities Level of Service and Concurrency Report.

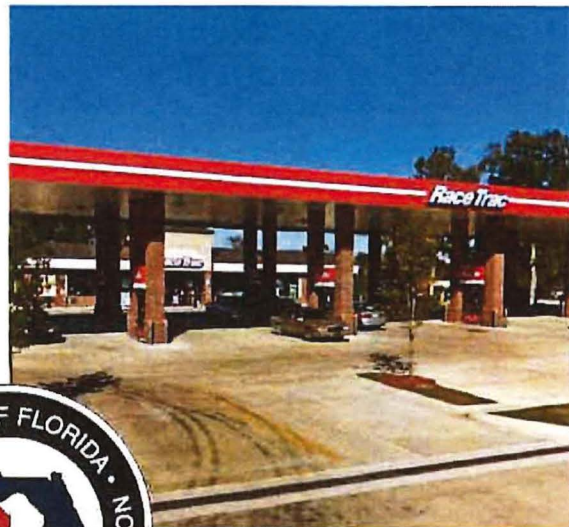
* AGR was calculated based the historical traffic data obtained from FDOT's Florida Traffic Online webpage

* A minimum growth rate of 2% was utilized for all roadways with low or negative calculated growth rate.



Trip Generation

Characteristics of Large Gas Stations/Convenience Stores and Student Apartments



Florida Department of Transportation
Systems Planning Office/Systems Management
605 Suwannee Street #19
Tallahassee, Florida 32399
www.dot.state.fl.us
Questions/Comments: gary.sokolow@dot.state.fl.us

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Executive Summary

Staff at the Florida Department of Transportation (FDOT) is responsible for determining access requirements and impacts of developments. Therefore, FDOT set out to identify the latest trip generation information on two of the new land uses: Convenience Markets with Gas Pumps and Student Apartments.

Convenience Markets with Gas Pumps

Previous studies on Convenience Markets with Gas Pumps implied that newer Florida developments might have trip generation characteristics different than those already included in ITE reports. Potential differences in rates from ITE reports, and the possibility of good multi-variable regression equations formed the background for our research efforts.

Once the sites were selected for study, background data was gathered. This included square footage information for Convenience Markets with Gas Pumps. Traffic data collection efforts included 48-hour driveway and adjacent street counts for 12 Convenience Market with Gas Pumps sites on consecutive weekdays between Tuesday and Thursday. Pass-by counts were also conducted at the same time.

Overall, the multi-variable equations represented the highest level of predictability for Convenience Market with Gas Pumps in the FDOT 2012 study. Results were compared with the closest ITE Land Uses 853 Convenience Market with Gas and ITE Land Use 945 Service Station with Convenience Market. With a low level of correlation between fueling positions and base square footage, it appears the combined influence of each variable may be a better indicator of trip generation. These modern gas stations aim to gain more customers by providing larger stores with more amenities, as well as more fueling positions to eliminate waiting or the need to move their vehicles when going into the store. The complex nature of these newer sites demands a different model than used in the past. Specifically, the following equations perform well for estimating trips in Florida. Pass-by rates were relatively consistent and matched ITE guidance for Florida sites at around 78%.

In order to explore more possibilities with the data, we also examined the relationship between daily trips and PM peak hour trip rates. The R^2 value was higher than any of the other regression equations. Consequently analysts may want to consider using Equations H or h to verify the daily and PM peak generation rates or when only one is known. Though these relationships are important, because we can use these relationships when we only have daily or hourly traffic; these are, by definition not truly independent variables. Daily and hourly tripmaking are highly dependent on each other, and so they are not independent variables.

Please see the Appendix for all scatter charts depicting the relationships between counts and each independent variable. These also include average rates and appropriate regression equations.

Figure 18: Percentage of Daily Trips per Hour for Convenience Market with Gas Pumps

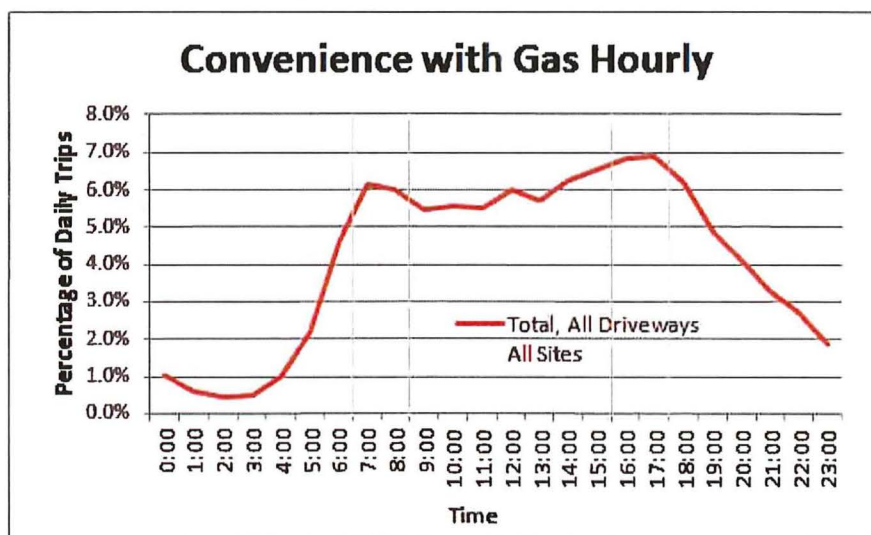


Figure 18 above shows the hourly breakdown of traffic counts. From this we gain some insight on the generator peaks in relation to the peaks of the adjacent street traffic. While the AM and PM peaks do coincide with the peaks of the adjacent street, there are other trends to note. Instead of the drastic peaks one might assume due to people getting gas on the way to or from work, the traffic does not drop off drastically between the AM and PM peaks. There is also a small noon peak.

Pass-By Trips

Figure 19 shows pass-by rates for all Convenience Market with Gas Pump sites in the 2012 FDOT Statewide Study. The first four sites were performed by observation of all vehicles and customers over a three hour period, which is why there are more total interviews than those with surveys conducted between 4:00 and 6:00 PM. Sites from Jacksonville to Homestead were completed by surveying selected customers, as described in the methodology section. Pass-by information was collected for each site over two consecutive days, and totaled to provide a two-day average pass-by rate.

The range of pass-by trip rates was 65-84 percent with an average of 78 percent. This is significantly higher than the average of 66 percent found in the ITE Handbook for the Convenience Market with Gas Pumps land use. However, the average of only Florida sites from 2001 ITE Trip Generation Handbook is 76 percent, and our results were quite similar. The consistency of this data suggests that future developments could reasonably assume about a 77 percent pass-by rate for sites of this type. See Figure 20 for details.

Figure 19: Pass-By Rates for Convenience Market with Gas Pumps

Site Location (FL)	1,000 ft ²	Total Number of Interviews*	Percent Pass-By Trips
Pensacola	4	699	84%
Pensacola	3	709	65%
Panama City Beach	4	448	71%
Tallahassee	5	694	82%
Jacksonville	3	133	83%
Apopka	3	231	77%
Clearwater	3	216	74%
Tampa	3	166	75%
Cape Coral	5	133	83%
Fort Myers	5	182	79%
Fort Lauderdale	3	236	81%
Homestead	3	216	79%
Average	4	339	78%

*Combination of customer surveys and observation

Figure 20: Comparison of Pass-By Rates

ITE LU 853		Number of Sites	Percent Pass-By Trips
	2012 FDOT Statewide Study	12	78%
	2001 ITE Handbook	15	66%
	2001 ITE Handbook (FL only)	6	76%

FDOT 2012 Study- Gas Pass-Bys

Convenience with Gas

Average Pass-By Percentage vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 12
Average 1000 Sq. Feet GFA: 3.5

Percentage Pass-By per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
0.22	0.16 - 0.28	0.05

Data Plot and Equation

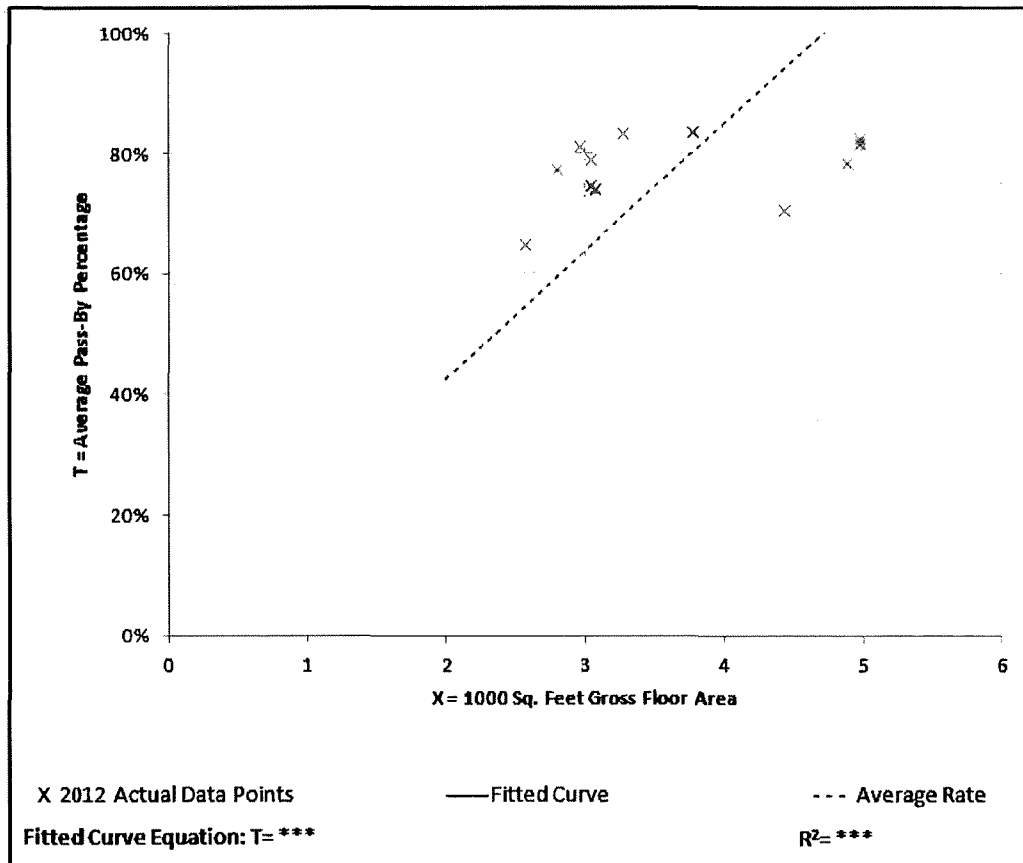


Table 1
Trip Generation
Pine Island Road CPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Convenience Store/ Gas Station (7,500 Sq. Ft.)	343	342	685	296	296	592	9,625
Automated Car Wash (1 Tunnel)	N/A	N/A	N/A	39	39	78	N/A
Quick Lube (2,500 Sq. Ft.)	11	4	15	9	13	22	174
Self-Storage (100,000 Sq. Ft.)	5	4	9	7	8	15	145
Total Trips	359	350	709	351	356	707	9,944

Table 2
Trip Generation – New Trips
Pine Island Road CPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	359	350	709	351	356	707	9,944
Less Gas Station Pass-By (77%)	-264	-264	-528	-228	-228	-456	-7,411
New Trips	95	86	181	123	128	251	2,533

Table 3
Trip Generation
Pine Island Road CPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Fast Food w/Drive Through (5,000 Sq. Ft.)	114	109	223	86	79	165	2,337
Automated Car Wash (1 Tunnel)	N/A	N/A	N/A	39	39	78	N/A
Quick Lube (2,500 Sq. Ft.)	11	4	15	9	13	22	174
Self-Storage (100,000 Sq. Ft.)	5	4	9	7	8	15	145
Total Trips	130	117	247	141	139	280	2,656

Table 4
Trip Generation – New Trips
Pine Island Road CPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	130	117	247	141	139	280	2,656
Less Fast Food Pass-By	-54	-55	-109	-41	-41	-82	-1,328
New Trips	76	62	138	100	98	198	1,328

AM Pass-by Rate – 49%/PM Pass-by Rate – 50%

**SR 78 @ Judd Creek Blvd
North Fort Myers Florida
Monday, July 17, 2023**

Time	Southbound 0						Westbound 0						Northbound 0						Eastbound 0						VEHICLE TOTAL
	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	
4:00 PM	0	35	1	13	0	49	1	4	331	33	0	369	0	10	2	19	0	31	0	7	251	4	1	262	711
4:15 PM	1	22	2	10	0	35	0	8	304	42	0	354	0	4	3	13	1	20	0	14	241	0	0	255	664
4:30 PM	0	45	0	6	0	53	0	5	309	25	0	339	0	3	5	10	0	18	0	7	256	3	1	268	676
4:45 PM	0	24	0	9	0	33	4	13	341	30	2	388	0	14	1	8	0	23	1	11	245	3	1	260	704
Hourly Total	1	126	3	40	0	170	5	30	1285	130	2	1450	0	31	11	50	1	92	1	39	993	10	3	1043	2755
5:00 PM	0	37	2	9	0	48	1	9	327	31	0	368	0	12	3	12	0	27	0	12	258	3	0	273	716
5:15 PM	0	24	1	10	0	35	1	11	367	21	0	400	0	7	0	15	0	22	2	14	255	0	1	271	728
5:30 PM	0	39	2	11	0	52	0	7	331	29	0	367	0	9	2	12	1	23	0	17	265	2	0	284	726
5:45 PM	0	14	2	9	0	25	0	5	363	30	0	398	0	9	0	9	0	18	0	11	212	2	0	225	666
Hourly Total	0	114	7	39	0	160	2	32	1388	111	0	1533	0	37	5	48	1	90	2	54	990	7	1	1053	2836

PM Peak Hour																									
Time	Southbound						Westbound						Northbound						Eastbound						VEHICLE TOTAL
	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	Vehicle Approach Total	
4:45 PM	0	24	0	9	0	33	4	13	341	30	2	388	0	14	1	8	0	23	1	11	245	3	1	260	704
5:00 PM	0	37	2	9	0	48	1	9	327	31	0	368	0	12	3	12	0	27	0	12	258	3	0	273	716
5:15 PM	0	24	1	10	0	35	1	11	367	21	0	400	0	7	0	15	0	22	2	14	255	0	1	271	728
5:30 PM	0	39	2	11	0	52	0	7	331	29	0	367	0	9	2	12	1	23	0	17	265	2	0	284	726
Peak Hour Total	0	124	5	39	0	168	6	40	1368	111	2	1523	0	42	6	47	1	95	3	54	1023	8	2	1088	2874
PHF	0.000	0.795	0.625	0.886	0.000	0.808	0.375	0.769	0.931	0.895	0.250	0.952	0.000	0.750	0.500	0.783	0.250	0.880	0.375	0.794	0.965	0.667	0.500	0.958	0.987

Total Vehicles On Leg			981		
Vehicles Entering Intersection		330	Vehicles Exiting Intersection		351
Southbound					
Cars	78	10	238	1	0
Heavy	1	0	1	0	0
Total	79	10	240	1	0



Total Vehicles on Leg 4919	Vehicles Entering Intersection 2096	Eastbound	Cars	Heavy	Total
			3	1	4
			3	0	3
			93	0	93
			1901	82	1983
	Vehicles Exiting Intersection 2823		17	0	17



Daily Volumes

Cars	Heavy	Total	Westbound	Vehicles Entering Intersection 2983	Total Vehicles on Leg 5311
239	2	241			
2632	41	2673			
61	1	62			
7	0	7			
2	0	2		Vehicles Exiting Intersection 2328	



Cars	2	0	67	16	94
Heavy	0	0	1	0	4
Total	2	0	68	16	98
Northbound					
Vehicles Entering Intersection			182		
Vehicles Exiting Intersection			89		
Total Vehicles On Leg			271		



Development of Future Year Background Turning Volumes

Intersection **Pine Island Road @ Judd Creek/Merchants Crossing**
 Count Date **July 17, 2023**
 Build-Out Year **2027**

	PM Peak Hour															
	NBLU	NBL	NBT	NBR	SBLU	SBL	SBT	SBR	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR
RAW Turning Movement Counts	0	68	16	98	1	240	10	79	3	93	1,983	17	7	62	2,673	241
Peak Season Correction Factor	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07	1.07
Current Peak Season Volumes	0	73	17	105	1	257	11	85	3	100	2,122	18	7	66	2,860	258
Growth Rate	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Years to Build-out	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
2027 Background Turning Volumes	0	79	18	114	1	278	12	92	3	108	2,297	19	8	71	3,096	279
Project Turning Volumes											25				25	
2027 Background + Project	0	79	18	114	1	278	12	92	3	108	2,322	19	8	71	3,121	279

Lanes, Volumes, Timings
44: Judd Creek/Merchants Crossing & Pine Island Rd.

2027 PM Peak Hour Background
07/19/2023

												
Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBU
Lane Configurations												
Traffic Volume (vph)	3	108	2297	19	8	71	3096	279	79	18	114	1
Future Volume (vph)	3	108	2297	19	8	71	3096	279	79	18	114	1
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		420		335		570		400	0		0	
Storage Lanes		1		1		1		1	0		1	
Taper Length (ft)		25				25			25			
Lane Util. Factor	0.95	1.00	0.95	1.00	0.95	1.00	0.95	1.00	1.00	1.00	1.00	1.00
Flt Protected		0.950				0.950				0.961		
Satd. Flow (prot)	0	1770	3539	1583	0	1770	3539	1583	0	1790	1583	0
Flt Permitted		0.035				0.035				0.201		
Satd. Flow (perm)	0	65	3539	1583	0	65	3539	1583	0	374	1583	0
Right Turn on Red				Yes				Yes			Yes	
Satd. Flow (RTOR)				87				116			124	
Link Speed (mph)			30				30			30		
Link Distance (ft)			1160				524			521		
Travel Time (s)			26.4				11.9			11.8		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	3	117	2497	21	9	77	3365	303	86	20	124	1
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	120	2497	21	0	86	3365	303	0	106	124	0
Turn Type		pm+pt	NA	Perm		pm+pt	NA	Perm	Perm	NA	Perm	
Protected Phases		1	6			5	2			4		
Permitted Phases		6		6		2		2	4		4	
Detector Phase		1	6	6		5	2	2	4	4	4	
Switch Phase												
Minimum Initial (s)		5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0	5.0	
Minimum Split (s)		11.0	25.2	25.2		11.0	25.2	25.2	24.8	24.8	24.8	
Total Split (s)		16.0	120.0	120.0		16.0	120.0	120.0	24.8	24.8	24.8	
Total Split (%)		7.9%	59.2%	59.2%		7.9%	59.2%	59.2%	12.2%	12.2%	12.2%	
Maximum Green (s)		10.0	112.8	112.8		10.0	112.8	112.8	18.0	18.0	18.0	
Yellow Time (s)		4.0	5.2	5.2		4.0	5.2	5.2	4.0	4.0	4.0	
All-Red Time (s)		2.0	2.0	2.0		2.0	2.0	2.0	2.8	2.8	2.8	
Lost Time Adjust (s)		0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	
Total Lost Time (s)		6.0	7.2	7.2		6.0	7.2	7.2		6.8	6.8	
Lead/Lag		Lead	Lag	Lag		Lead	Lag	Lag				
Lead-Lag Optimize?		Yes	Yes	Yes		Yes	Yes	Yes				
Vehicle Extension (s)		3.0	3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0	
Recall Mode		None	Max	Max		None	C-Max	C-Max	None	None	None	
Walk Time (s)			7.0	7.0			7.0	7.0	7.0	7.0	7.0	
Flash Dont Walk (s)			11.0	11.0			11.0	11.0	11.0	11.0	11.0	
Pedestrian Calls (#/hr)			0	0			0	0	0	0	0	
Act Effct Green (s)		124.7	113.5	113.5		123.3	112.8	112.8		18.0	18.0	
Actuated g/C Ratio		0.61	0.56	0.56		0.61	0.56	0.56		0.09	0.09	
v/c Ratio		0.98	1.26	0.02		0.74	1.71	0.33		3.21	0.49	
Control Delay		124.1	159.4	0.1		75.6	351.6	15.3		1091.0	18.6	
Queue Delay		0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	
Total Delay		124.1	159.4	0.1		75.6	351.6	15.3		1091.0	18.6	

Lanes, Volumes, Timings
44: Judd Creek/Merchants Crossing & Pine Island Rd.

2027 PM Peak Hour Background
07/19/2023

			
Lane Group	SBL	SBT	SBR
Lane Configurations			
Traffic Volume (vph)	278	12	92
Future Volume (vph)	278	12	92
Ideal Flow (vphpl)	1900	1900	1900
Storage Length (ft)	0		0
Storage Lanes	1		0
Taper Length (ft)	25		
Lane Util. Factor	1.00	1.00	1.00
Frt		0.867	
Flt Protected	0.950		
Satd. Flow (prot)	1770	1615	0
Flt Permitted	0.689		
Satd. Flow (perm)	1283	1615	0
Right Turn on Red			Yes
Satd. Flow (RTOR)		100	
Link Speed (mph)		30	
Link Distance (ft)		323	
Travel Time (s)		7.3	
Peak Hour Factor	0.92	0.92	0.92
Adj. Flow (vph)	302	13	100
Shared Lane Traffic (%)			
Lane Group Flow (vph)	303	113	0
Turn Type	Split	NA	
Protected Phases	8	8	
Permitted Phases			
Detector Phase	8	8	
Switch Phase			
Minimum Initial (s)	5.0	5.0	
Minimum Split (s)	24.4	24.4	
Total Split (s)	42.0	42.0	
Total Split (%)	20.7%	20.7%	
Maximum Green (s)	35.6	35.6	
Yellow Time (s)	4.0	4.0	
All-Red Time (s)	2.4	2.4	
Lost Time Adjust (s)	0.0	0.0	
Total Lost Time (s)	6.4	6.4	
Lead/Lag			
Lead-Lag Optimize?			
Vehicle Extension (s)	3.0	3.0	
Recall Mode	None	None	
Walk Time (s)	7.0	7.0	
Flash Dont Walk (s)	11.0	11.0	
Pedestrian Calls (#/hr)	0	0	
Act Effct Green (s)	0.0	35.6	
Actuated g/C Ratio	0.00	0.18	
v/c Ratio	no cap	0.31	
Control Delay		17.4	
Queue Delay		0.0	
Total Delay	Error	17.4	

Lanes, Volumes, Timings
44: Judd Creek/Merchants Crossing & Pine Island Rd.

2027 PM Peak Hour Background
07/19/2023

	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBU
LOS		F	F	A		E	F	B		F	B	
Approach Delay			156.5				318.1			512.8		
Approach LOS			F				F			F		
Queue Length 50th (ft)		112	~2198	0		63	~3460	129		~247	0	
Queue Length 95th (ft)		#265	#2288	0		#151	#3496	198		#393	74	
Internal Link Dist (ft)			1080				444			441		
Turn Bay Length (ft)		420		335		570		400				
Base Capacity (vph)		123	1981	924		123	1968	931		33	253	
Starvation Cap Reductn		0	0	0		0	16	0		0	0	
Spillback Cap Reductn		0	0	0		0	0	0		0	0	
Storage Cap Reductn		0	0	0		0	0	0		0	0	
Reduced v/c Ratio		0.98	1.26	0.02		0.70	1.72	0.33		3.21	0.49	

Intersection Summary

Area Type: Other

Cycle Length: 202.8

Actuated Cycle Length: 202.8

Offset: 0 (0%), Referenced to phase 2:WBTL, Start of Green

Natural Cycle: 150

Control Type: Actuated-Coordinated

Maximum v/c Ratio: Err

Intersection Signal Delay: Err

Intersection LOS: F

Intersection Capacity Utilization 125.7%

ICU Level of Service H

Analysis Period (min) 15

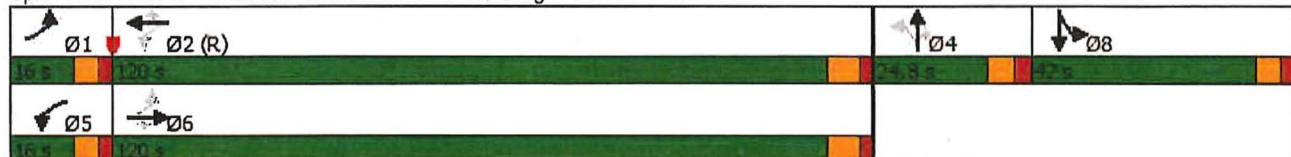
~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 44: Judd Creek/Merchants Crossing & Pine Island Rd.



Lanes, Volumes, Timings
 44: Judd Creek/Merchants Crossing & Pine Island Rd.

2027 PM Peak Hour Background
 07/19/2023

			
Lane Group	SBL	SBT	SBR
LOS	F	B	
Approach Delay		Err	
Approach LOS		F	
Queue Length 50th (ft)	~837	15	
Queue Length 95th (ft)	#1055	80	
Internal Link Dist (ft)		243	
Turn Bay Length (ft)			
Base Capacity (vph)	1	365	
Starvation Cap Reductn	0	0	
Spillback Cap Reductn	0	0	
Storage Cap Reductn	0	0	
Reduced v/c Ratio	303.00	0.31	
Intersection Summary			

Lanes, Volumes, Timings
44: Judd Creek/Merchants Crossing & Pine Island Rd.

2027 PM Peak Hour With Project
07/19/2023

												
Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBU
Lane Configurations												
Traffic Volume (vph)	3	108	2322	19	8	71	3121	279	79	18	114	1
Future Volume (vph)	3	108	2322	19	8	71	3121	279	79	18	114	1
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		420		335		570		400	0		0	
Storage Lanes		1		1		1		1	0		1	
Taper Length (ft)		25				25			25			
Lane Util. Factor	0.95	1.00	0.95	1.00	0.95	1.00	0.95	1.00	1.00	1.00	1.00	1.00
Fr't				0.850				0.850			0.850	
Flt Protected		0.950				0.950				0.961		
Satd. Flow (prot)	0	1770	3539	1583	0	1770	3539	1583	0	1790	1583	0
Flt Permitted		0.035				0.035				0.238		
Satd. Flow (perm)	0	65	3539	1583	0	65	3539	1583	0	443	1583	0
Right Turn on Red				Yes				Yes			Yes	
Satd. Flow (RTOR)				80				119			124	
Link Speed (mph)			50				50			30		
Link Distance (ft)			1160				524			521		
Travel Time (s)			15.8				7.1			11.8		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	3	117	2524	21	9	77	3392	303	86	20	124	1
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	120	2524	21	0	86	3392	303	0	106	124	0
Turn Type		pm+pt	NA	Perm		pm+pt	NA	Perm	Perm	NA	Perm	
Protected Phases		1	6			5	2			4		
Permitted Phases		6		6		2		2	4		4	
Detector Phase		1	6	6		5	2	2	4	4	4	
Switch Phase												
Minimum Initial (s)		5.0	5.0	5.0		5.0	5.0	5.0	5.0	5.0	5.0	
Minimum Split (s)		9.5	28.4	28.4		9.5	25.2	25.2	24.8	24.8	24.8	
Total Split (s)		16.0	120.0	120.0		16.0	120.0	120.0	22.0	22.0	22.0	
Total Split (%)		8.0%	60.0%	60.0%		8.0%	60.0%	60.0%	11.0%	11.0%	11.0%	
Maximum Green (s)		11.5	112.8	112.8		11.5	112.8	112.8	15.2	15.2	15.2	
Yellow Time (s)		3.5	5.2	5.2		3.5	5.2	5.2	4.0	4.0	4.0	
All-Red Time (s)		1.0	2.0	2.0		1.0	2.0	2.0	2.8	2.8	2.8	
Lost Time Adjust (s)		0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	
Total Lost Time (s)		4.5	7.2	7.2		4.5	7.2	7.2		6.8	6.8	
Lead/Lag		Lead	Lag	Lag		Lead	Lag	Lag				
Lead-Lag Optimize?		Yes	Yes	Yes		Yes	Yes	Yes				
Vehicle Extension (s)		3.0	3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0	
Recall Mode		None	None	None		None	C-Max	C-Max	None	None	None	
Walk Time (s)			7.0	7.0			7.0	7.0	7.0	7.0	7.0	
Flash Dont Walk (s)			11.0	11.0			11.0	11.0	11.0	11.0	11.0	
Pedestrian Calls (#/hr)			0	0			0	0	0	0	0	
Act Effect Green (s)		128.3	114.5	114.5		125.7	113.2	113.2		15.2	15.2	
Actuated g/C Ratio		0.64	0.57	0.57		0.63	0.57	0.57		0.08	0.08	
v/c Ratio		0.88	1.25	0.02		0.69	1.69	0.32		3.21	0.53	
Control Delay		100.3	152.3	0.1		68.1	344.3	14.3		1091.0	20.6	
Queue Delay		0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	
Total Delay		100.3	152.3	0.1		68.1	344.3	14.3		1091.0	20.6	

Lanes, Volumes, Timings
44: Judd Creek/Merchants Crossing & Pine Island Rd.

2027 PM Peak Hour With Project
07/19/2023

Lane Group	SBL	SBT	SBR
Lane Configurations			
Traffic Volume (vph)	278	12	92
Future Volume (vph)	278	12	92
Ideal Flow (vphpl)	1900	1900	1900
Storage Length (ft)	0		0
Storage Lanes	1		0
Taper Length (ft)	25		
Lane Util. Factor	1.00	1.00	1.00
Frt		0.867	
Flt Protected	0.950		
Satd. Flow (prot)	1770	1615	0
Flt Permitted	0.689		
Satd. Flow (perm)	1283	1615	0
Right Turn on Red			Yes
Satd. Flow (RTOR)		100	
Link Speed (mph)		30	
Link Distance (ft)		323	
Travel Time (s)		7.3	
Peak Hour Factor	0.92	0.92	0.92
Adj. Flow (vph)	302	13	100
Shared Lane Traffic (%)			
Lane Group Flow (vph)	303	113	0
Turn Type	Split	NA	
Protected Phases	8	8	
Permitted Phases			
Detector Phase	8	8	
Switch Phase			
Minimum Initial (s)	5.0	5.0	
Minimum Split (s)	25.2	25.2	
Total Split (s)	42.0	42.0	
Total Split (%)	21.0%	21.0%	
Maximum Green (s)	35.6	35.6	
Yellow Time (s)	4.0	4.0	
All-Red Time (s)	2.4	2.4	
Lost Time Adjust (s)	0.0	0.0	
Total Lost Time (s)	6.4	6.4	
Lead/Lag			
Lead-Lag Optimize?			
Vehicle Extension (s)	3.0	3.0	
Recall Mode	None	None	
Walk Time (s)	7.0	7.0	
Flash Dont Walk (s)	11.0	11.0	
Pedestrian Calls (#/hr)	0	0	
Act Effct Green (s)	0.0	35.6	
Actuated g/C Ratio	0.00	0.18	
v/c Ratio	no cap	0.31	
Control Delay		17.1	
Queue Delay		0.0	
Total Delay	Error	17.1	

Lanes, Volumes, Timings
44: Judd Creek/Merchants Crossing & Pine Island Rd.

2027 PM Peak Hour With Project
07/19/2023

												
Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBU
LOS		F	F	A		E	F	B		F	C	
Approach Delay			148.7				311.6			513.9		
Approach LOS			F				F			F		
Queue Length 50th (ft)		107	~2177	0		60	~3431	122		~243	0	
Queue Length 95th (ft)		#238	#2278	0		130	#3468	189		#390	76	
Internal Link Dist (ft)			1080				444			441		
Turn Bay Length (ft)		420		335		570		400				
Base Capacity (vph)		139	2025	940		139	2002	947		33	234	
Starvation Cap Reductn		0	0	0		0	13	0		0	0	
Spillback Cap Reductn		0	0	0		0	0	0		0	0	
Storage Cap Reductn		0	0	0		0	0	0		0	0	
Reduced v/c Ratio		0.86	1.25	0.02		0.62	1.71	0.32		3.21	0.53	

Intersection Summary

Area Type: Other

Cycle Length: 200

Actuated Cycle Length: 200

Offset: 0 (0%), Referenced to phase 2:WBTL, Start of Green

Natural Cycle: 150

Control Type: Actuated-Coordinated

Maximum v/c Ratio: Err

Intersection Signal Delay: Err

Intersection LOS: F

Intersection Capacity Utilization 125.7%

ICU Level of Service H

Analysis Period (min) 15

~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 44: Judd Creek/Merchants Crossing & Pine Island Rd.

 Ø1	 Ø2 (R)	 Ø4	 Ø8
15 s	120 s	22 s	12 s
 Ø5	 Ø6		
15 s	120 s		

Lanes, Volumes, Timings
 44: Judd Creek/Merchants Crossing & Pine Island Rd.

2027 PM Peak Hour With Project
 07/19/2023

			
Lane Group	SBL	SBT	SBR
LOS	F	B	
Approach Delay		Err	
Approach LOS		F	
Queue Length 50th (ft)	~825	14	
Queue Length 95th (ft)	#1040	79	
Internal Link Dist (ft)		243	
Turn Bay Length (ft)			
Base Capacity (vph)	1	369	
Starvation Cap Reductn	0	0	
Spillback Cap Reductn	0	0	
Storage Cap Reductn	0	0	
Reduced v/c Ratio	303.00	0.31	
Intersection Summary			



BOARD OF COUNTY COMMISSIONERS

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District One

March 22, 2023

Via E-Mail

Cecil L. Pendergrass
District Two

Josephine Medina

Raymond Sandelli
District Three

RVI Planning & Landscape Architecture

Brian Hamman
District Four

28100 Bonita Grande Drive, 305

Bonita Springs, FL 34135

Michael Greenwell
District Five

RE: **Potable Water and Wastewater Availability**

Roger Desjarlais
County Manager

**STRAP # 03-44-24-11-00000.0130; 03-44-24-11-00000.0140;
03-44-24-11-00000.0120; 03-44-24-11-00000.0110;
03-44-24-11-00000.0100; 03-44-24-11-00000.0090;
03-44-24-11-00000.0080; 03-44-24-06-00000.0040;
03-44-24-01-00000.008A; 03-44-24-01-00000.0080;
03-44-24-01-00000.008B**

Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

PINE ISLAND ROAD CPD

To whom this may concern:

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

Your firm has indicated that this project will consist of 4 commercial units with an estimated flow demand of approximately 6,513 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

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

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

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

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

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

Further, this letter of availability of potable water service is to be utilized for Zoning only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Ashanti Shahriyar

Ashanti Shahriyar

Plan Reviewer

239-533-8531

UTILITIES ENGINEERING

ATTACHMENT G



FGUA Operations Office

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

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

March 27, 2023

Diogo Rodrigues
Infinity Engineering Group, LLC
1208 E. Kennedy Blvd., Suite 230.
Tampa, FL 33602
diogo.rodrigues@iegroup.net

RE: Wastewater and Reclaim Water Availability – LOA ID#: 23-028 NFMD

Parcel ID No.: 03-44-24-01-00000.0080, .008A, .008B; 03-44-24-06-00000.0040;

03-44-24-11-00000.0080, .0090, .0100, .0110, .0120, .0130, .0140

N. Cleveland Ave, Pineapple Ln., Herron Rd. & NE Pine Island Rd., North Fort Myers, FL, 33903

Pine Island Road CPD

Dear Mr. Rodrigues.:

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

The application indicated that the proposed project consists of a 117,500 SF Auto Service and Commercial buildings with an estimated wastewater disposal demand of 6,075 GPD. Currently, FGUA facilities are able to accommodate this demand. During the design process, if existing conditions warrant, a hydraulic analysis may need to be performed by the project engineer to evaluate the impacts the proposed project may have on the existing wastewater system.

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

FGUA Board of Directors

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**FGUA Operations Office**

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

(877) 552-3482 Toll Free
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Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Douglas W. Black

Digitally signed by Douglas W Black
Date: 2023.03.27 15:13:50 -04'00'

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

CC: Mike Currier, South Region Area Manager

Encl.

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

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Development Services Division

Pre-Application Meeting Information

Purpose:

The pre-application meeting is designed to be an informative discussion, specifically geared toward assisting the applicant (owner/developer/engineer) understand the FGUA's policies and development process. The pre-application meeting may be required prior to the formal submission and review of any utility construction plans by the Development Division.

It is our goal to assist you through the FGUA development process as smoothly as possible, and for your development to be a success. This pre-application meeting, if required, will provide you with the details you need to make this a successful and stress-free process.

What to Expect:

If the meeting is required, you will be provided with a variety of both general and specific information regarding the FGUA's development process. This will include, but not be limited to staff contact information, plan review guidelines, current fees, conveyance, and closeout procedures.

Who Should Attend:

It is encouraged that a representative from the property owner, developer, and engineer, at a minimum, attend this meeting. Representatives of the FGUA's Development Division, including the Development Technician, Development Coordinator, Real Property Coordinator and utility system Area Manager will also be in attendance as required.

In an effort to accommodate the potential long-distance commute between the FGUA's Operations Office in Longwood, Florida and the FGUA system areas, these meetings will take place via Microsoft Teams.

Meeting Requests:

Please e-mail Development Services to request a meeting at devservices@fgua.com.

Please have your FGUA Letter of Availability (LOA) Number (included on the first page of your previously issued Letter of Availability) ready when you email to schedule this meeting.

You will also be required to provide a preliminary site utility plan for staff review before the meeting is scheduled.

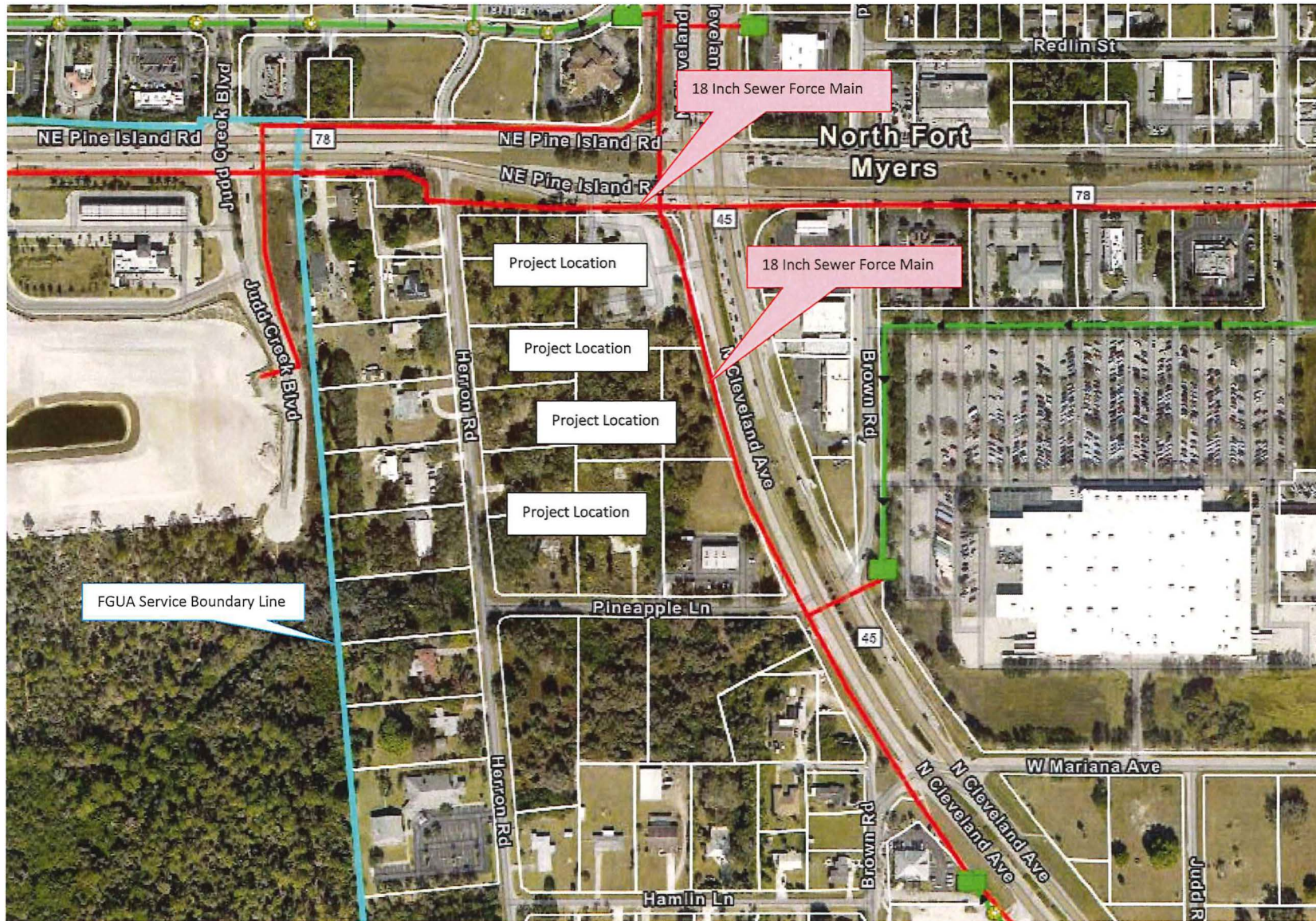
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2/27/2023

STRAP/PID #: 03-44-24-01-00000.0080, .008A, .008B; 03-44-24-06-00000.0040; 03-44-24-11-00000.0080, .0090, .0100, .0110, .0120, .0130, .0140

Project Name: Pine Island Road CPD **Property Address:** N. Cleveland Ave, Pineapple Ln., Herron Rd. & NE Pine Island Rd., North Fort Myers, FL, 33903



ALL UTILITY LOCATIONS SHOWN HERE ARE APPROXIMATE. THE DEVELOPER IS SOLELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS VIA POTHOLING OR OTHER ACCEPTABLE MEANS.



FGUA Fee Statement

Letter of Availability and/or Locate Request

03-44-24-01-00000.0080, .008A, .008B; 03-44-24-06-00000.0040; 03-44-24-11-00000.0080, .0090, .0100,

Property Address or PID: .0110, .0120, .0130, .0140

System: North Fort Myers 418

Development/Project Name: Pine Island Road CPD

Date: February 27, 2023

County: Lee

LOA ID: 23-028 NFMD

All fee amounts are based on the rates in effect as of the date of this statement and are subject to change.

Fees based on:

0 Letter of Utility Location Availability and Locate Map	\$	100.00
1 Utility Availability Map (Map Only)	\$	75.00
2 Letter of Utility Location Availability (Letter Only)	\$	25.00

FGUA	G/L Code	Fees	Total fees	Amt Previously Paid	Balance Due
LOA Request	202098	\$ 100.00	\$ 100.00	\$ 100.00	\$ -
Fees Due:					\$ -

Payment History	Date	Check Date	Check #	Payer Name	Amount
0 Letter and Locate Map	2/27/2023	2/21/2023	4545	RVE,Inc. DBA RVI	\$ 100.00
1 Map Only					
2 Letter Only					



RVE, Inc. DBA RVI
DBA RVI Planning + Landscape Architecture
1611 West 5th Street, Suite 175
Austin, TX 78703

PNC Bank, N.A. 070
6-12
410

4545

CHECK DATE

Pine Island Road CPD

February 21, 2023

PAY One Hundred and 00/100 Dollars

AMOUNT

\$100.00

TO Florida Governmental Utility Authority
Paul Arnett, Development Services Coordinator
280 Wekiva Springs Road
Suite 2070
Longwood, FL 32779

⑈4545⑈ ⑆041000124⑆ 4116451266⑈



RVE, Inc. DBA RVI
DBA RVI Planning + Landscape Architecture
1611 West 5th Street, Suite 175
Austin, TX 78703

Check Date: 2/21/2023

4545

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
Pine Island Road CPD	2/21/2023	0311915	100.00			100.00
Florida Governmental Utility Authority		TOTAL	100.00			100.00
PNC Checking-RVI	1	RV10002734				



DEPARTMENT OF TRANSPORTATION

Memo

To: Beth Workman, Principal Planner

From: Pakorn Sutitarnnontr, Project Manager

Date: July 18, 2024

Subject: Pine Island Road CPD (DCI2023-00015) Transportation-Related Analysis

Proposed Development

This application requests approval to rezone a ±9.7-acre property from Commercial C-1, C-1A, and agriculture (AG-2) to Commercial Planned Development (CPD) to allow for development of a maximum of 121,800 square feet of commercial floor area. Approximately 5.1 acres of the site is within the Future Land Use designation of Intensive Development and the additional 4.6 acres is within the Future Land Use Designation of Sub-Outlying Suburban.

Site Location

The site is located at the southwest quadrant of US 41 (Cleveland Ave) and SR 78 (Pine Island Rd) in North Fort Myers. More specifically, the site is bordered by SR 78 (State-maintained arterial) to the north, US 41 (State-maintained arterial) to the east, Pineapple Ln (County-maintained local road) to the south, and Herron Rd (County-maintained local road) to the west.

Site Access

Access to the subject site is proposed to be on SR 78 via a right-in only access drive, via US 41 via a right-in/right-out only access connection, and via Herron Rd via one access drive connection. No access drive is proposed on Pineapple Lane.

Trip Generation Review

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. Table 1 outlines the proposed project's trip generation for weekday AM and PM peak hours and daily traffic volumes.

Table 1: Trip Generation

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily (2-Way)
	In	Out	Total	In	Out	Total	
Convenient Store/Gas Station (7,500 sq. ft)	343	342	685	296	296	592	9,625
Automated Car Wash (1 Tunnel)	0	0	0	39	39	78	0
Quick Lube (2,500 sq. ft)	11	4	15	9	13	22	174
Self-Storage (100,000 sq. ft.)	5	4	9	7	8	15	145
Retail (7,800 sq. ft.)	15	9	24	33	32	65	559
Less Pass-By: Gas Station (77%)	-264	-264	-528	-228	-228	-456	-7,411
Less Pass-By: Retail (30%)	-4	-3	-7	-5	-5	-10	-167
Total Net New Trips	106	92	198	151	155	306	2,925

Roadway Section Traffic Operation Level of Service Analysis

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

The proposed development was assumed to be completed by 2027 (build-out year). Therefore, the roadway links impacted by the proposed development were analyzed for the 2027 projected traffic conditions without the proposed development and with the proposed development (Table 2).

Table 2: Arterial/Collector roadway sections adjacent to site expected to be impacted by the proposed development

Roadway	Location	Level of Service	
		Future (2027)	Future (2027) + Project
US 41	North of SR 78	C	C
	South of SR 78	C	C
SR 78	East of US 41	C	C
	West of US 41	F	F

During the local development order review, the proposed site development will be reviewed to determine the required site-related traffic improvements to the nearby roadways.

Roadway Intersection Traffic Operation Level of Service Analysis

New trip assignments were made to the surrounding road network to evaluate Level of Service (LOS) impacts as necessary at site entrances, intersections within the vicinity of site entrances, and intersections anticipated to be most affected by the proposed development. Following Administrative Code AC-13-17 Traffic Study Guidelines for Planned Development Rezoning, a "significant impact" is characterized by a 10% or greater increase in the total peak-hour intersection volume (sum of all four approaches) upon project completion. Table 3 describes the site accesses and intersections that are expected to be impacted by the proposed zoning along with their corresponding pre- and post-project built-out level of service.

Table 3: Roadway intersection(s) immediately adjacent to subject site expected to be impacted by proposed development

Intersection	Traffic Control	Peak Hour	Level of Service	
			Future (2027)	Future (2027) + Project
SR 78 & Herron Rd	Two-way Stop Controlled	AM	C	E
		PM	C	F
US 41 & SR 78	Signalized	AM	D	F
		PM	E	F
US 41 & Pineapple Ln	Two-way Stop Controlled	AM	C	C
		PM	B	B
Herron Rd & Pineapple Rd	Two-way Stop Controlled	AM	A	A
		PM	A	A
US 41 & Site Access	Two-way Stop Controlled	AM	-	C
		PM	-	C
Herron Rd & Site Access	Two-way Stop Controlled	AM	-	A
		PM	-	A
US 41 & Judd Creek Blvd	Signalized	AM	-	-
		PM	F	F

As identified in Table 3, three intersections are predicted to operate at LOS "F" in 2027 with the post-project build-out traffic. Roadway intersection improvements along SR 78 and US 41, including extending existing turn lanes or other intersection traffic controls are expected to be required to accommodate the proposed zoning. At the time of local development order review, the proposed project will be further reviewed to determine required site-related traffic improvements to the nearby roadway network.

Conclusion

The proposed project is not anticipated to adversely affect the surrounding roadway network. It must be noted that the project access locations on US 41 and SR 78 are subject to Florida Department of Transportation (FDOT) approval. Please consider a recommendation adding the following condition:

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