



Engineers, Planners & Development Consultants

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December 10, 2024

Ms. Brianna Schroeder, Technician I
Lee County Community Development
Department of Community Development
Zoning Section
P.O. Box 398
Fort Myers, FL 33902-0398

RE: **Special Exception**
SEZ2024-00010
Project Name: Ray Avenue Gas Station

Dear Ms. Schroeder,

Please find attached a set of revised plans for the above-mentioned project per your comments dated October 4, 2024. Below are written responses to the comments.

Zoning

1) The subject property is located within the Lehigh Acres Planning Community, please provide a meeting summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. For additional information, please refer to the Land Development Code (LDC) Section 33-1401.

Response: LAARZB meeting was on 11/21/2024, meeting minutes will be provided once received.

2) Please provide a letter of availability from FGUA pursuant to Land Development Code (LDC) Section 34-202(a)(10). We unfortunately cannot accept an email.

Response: Please see the LOA from FGUA

3) The Disclosure of Interest indicates that the owners listed under number 6 are either a Lee County Employee, County Commissioner, or Hearing Examiner. If these individuals are not in either of the aforementioned positions, please provide an updated form and provide a "Property Owners list" pursuant to Land Development Code (LDC) Section 34-202(a)(8).

Response: Please see attached revised Disclosure of Interest.

4) Please provide parking calculations that meet the regulations established in Land Development Code (LDC) Sections 34-202(b).

Response: Please see parking calculations added to the MCP

5) The Master Concept Plan does not adhere to the regulations set forth in LDC Section 34-1353 and the narrative does not address this code section, which provides the general provisions for the proposed use. Please provide an updated MCP or Site Plan and a narrative addressing this code section and the comments below. Additional comments may be provided upon second review:

LDC Section 34-1353(d) provides the minimum setbacks for all buildings on the subject property, the canopy is shown to be 44.32' from the arterial road, this does not meet the 50' minimum setback requirement. Please also provide the setback from the local road (Ray Avenue South).

Courtesy Note: If the 50's setback cannot be met, a discussion can be made to administratively approve a variance for this setback.

Response: A concurrent variance/ deviation is being requested. (ADD2024-00225)

The subject property is adjacent to Residential Zoning Districts, please provide additional information on the operation for the proposed use, including but not limited to, hours of operation, separation requirements, lighting, noise, etc. The requirements can be found in LDC Section 34-1353.

Response: The general provisions will be addressed during the development order. An administrative variance has been submitted to address the set back.

Planning

1) In your narrative for Policy 1.6.5 you indicate 900 acres are allocated for commercial development in the Lehigh Acres Community Planning District but do not indicate what portion of the acreage has been utilized or if sufficient acres are still available. Please add additional information to your narrative verifying that the allotted 900 acres will not exceed per the policy.

Response: Please see attached revised request statement

2) Please address the impact of the proposed zoning action on the existing and future residential uses across Meadow Road in your narrative for Policy 5.1.5.

Response: Please see attached revised request statement

3) In your narrative for Policy 6.1.1 please add additional information in your narrative to address:

The project access point, Meadow Road functional classification, and any administrative deviation if necessary.

Response: Request Statement has been revised. An Administrative Deviation will concurrently be submitted. (ADD2024-00225)

The narrative indicates water may be available to the site in the future. Please include this in the discussion for Standard 4.1.1.

Response: Request Statement has been revised.

Please clarify the statement that the property is completely cleared and developed. Current aerials show the property is wooded.

Response: Request Statement has been revised.

4) Please include a narrative addressing Goal 11 and the applicable policies and objectives as the property is in the Mixed-Use Overlay.

Response: Request Statement has been revised.

5) Please address Goal 25, Policy 25.9.1, and 25.9.2 in your narrative.

Response: The request statement has been revised to address Goal 25

Development Services

1) The subject parcel consists of Lots 1 thru 4 of the Lehigh Estates Plat Book 15, Page 83, Unit 3, Block 35. According to the recorded Plat, all lots are subject to a 6' Utility Easement along both sides, front and back. Vacation of easement approval will be necessary if not previously obtained between Lots 1 thru 4 in order to comply with LDC Sec.10-259.

Response: A concurrent vacation is being submitted for the internal easements (VAC2024-00029),

2) LDC Sections 10-291(2) & 10-296(a-o) establish the street standards. All development must abut and have access to a public or private street designed and constructed or improved to meet the standards in LDC Section 10-296. Please note that at the time of development order the applicant must demonstrate compliance with this requirement.

Response: Noted

3) LDC Section 10-256(a) establishes that all development and redevelopment proposed within future urban areas or future suburban areas as defined by the Lee Plan, or along trails depicted on the Greenways Master Plan (Lee Plan Map 22) are required to provide for bikeways and pedestrian ways. Please note that at the time of development order the applicant must demonstrate compliance with this requirement. A sidewalk will be required along Ray Avenue as well as Meadow Rd.

Response: Noted

4) Informal Comment: At time of development order, the applicant must provide a draft Parking Lot Interconnection Cross Access Easement, along with the legal description & sketch of the easement area, for sufficiency review by the County Attorney's Office per LDC Section 10- 610(e). Staff can provide templates and sample Parking Lot Interconnection Cross Access Easement upon request.

Response: Noted

Environmental Sciences

To ensure that the proposed convenience food and beverage use with fueling stations complies with LDC Section 34-1353(e) for landscaping please address the following requirements on the proposed site plan:

1) Pursuant to 34-373 provide the required open space calculation in accordance with LDC Section 10-425(a) for small developments.

The MCP has added Open Space calculations to the MCP pursuant to Sec 10-425 Open Space in the mixed-use overlay.

2) Pursuant to 10-415 (c), the minimum width of open space areas must be 10 feet, demonstrate all areas used in the open space calculation meet this distance.

Response: The MCP has added Open Space calculations to the MCP pursuant to Sec 10-425 Open Space in the mixed-use overlay

3) Revise the site plan to demonstrate compliance with the Meadow Road and Ray Avenue rights-of-way buffer requirements per LDC Section 34-1353(e). The site plan currently depicts 15-foot-wide right-of-way buffers which is not in compliance with the LDC.

Response: A Deviation/Variance has been requested ADD2024-00225.

4) Per LDC Sections 10-421(a)2. & 5., required buffer plantings may not be located on any portion of an existing street right-of-way or roadway easement, but the buffer width may overlap at least half of the required width which would allow half of the buffer to be located outside of any easement for the buffer vegetation to be proposed. Please revise the MCP to demonstrate compliance with LDC Section 10-421(a)2. and 10-421(a)5.

Response: Please see revised MCP

5) Revise the site plan and remove the notations where the 15-ft. wide Type D buffer and 5-ft. wide Type A buffers are located on access points and driveways; these areas are not required in buffer calculations.

Response: A Deviation/Variance has been requested ADD2024-00225.

If you have any questions regarding the above responses or any of the attachments, please contact our office at (239) 936-5222.

Sincerely,
Quattrone & Associates, Inc.

Sharon Hrabak
Permitting Manager
Email: Sharon@qainc.net
Attachments:

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Anil Shah, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 05-45-26-03-00035.0010 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Anil Shah

Property Owner

Celestial Liberty Dreams, LLC

Print Name

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☒ online notarization, on 11-13-2024 (date) by Anil Shah-Authorized Person (name of person providing oath or affirmation), who is personally known to me or who has produced TXDL (type of identification) as identification.



[Signature]
Signature of Notary Public



REQUEST STATEMENT

Ray Avenue Gas Station

Special Exception for Fuel Pumps in Support of C-2 Convenience

Food and Beverage Store

0.80 ACRES

Strap # 05-45-26-03-00035.0010

Undetermined, Lehigh Acres, FL 33973

The subject project is a commercial zoned 0.80-acre parcel located approximately 1.75 miles north of the Daniels Pkwy and S.R. 82 intersection. The property is within the Central Urban Future Land Use and within the Mixed-Use Overlay. The request is to permit by right a Convenience Food and Beverage Store through the Commercial zoning district, along with twelve Self-service fuel pumps through a Special Exception. The project fits into the Lee Plan's Minor Commercial definition, being less than two acres with a building area of 2,200 sf.

The Ray Avenue Gas Station is located at the southeast corner of the intersection of SR 82 and Ray Avenue South), with Meadow Road fronting its northeast boundary. The zoning patterns adjacent to the property along SR 31 are commercial. To the southwest and opposite SR 82 is Gateway High School. Adjoining the subject parcels south boundary is vacant C-2 zoned parcel. Adjoining the subject parcels northwest boundary is a vacant 1.87-acre vacant property zoned C-2 and further is a Dollar General. Finally, directly opposite the subject parcel along the east side of Meadow Road is a multi-family residential home, zoned RM-2.

LDC 34-145 SPECIAL EXCEPTION CONSIDERATIONS

The Ray Avenue Gas Station project complies with the rules and considerations appropriate to support the requested special exception. For special exceptions, the applicant must prove entitlement based on:

- Is consistent with the goals, objectives, policies and intent of the Lee Plan;
- Will protect, conserve or preserve environmentally critical and sensitive areas and natural resources, where applicable.
- Will be compatible with existing and planned uses;
- Will not be injurious to the neighborhood or detrimental to the public welfare; and
- Will be in compliance with zoning regulations pertaining to the use and other applicable regulation

A discussion of how the Ray Avenue Gas Station project complies with 34-145 entitlement criteria will now follow.



LEE PLAN CONSIDERATIONS

POLICY 1.1.3: *The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasipublic, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 1.1.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ord. No. 94-30, 02-02, 09-06, 16-07, 21-09)*

Response: The property is in Lehigh Acres along SR 82. Although the C-2 zoning has a variety of uses, the primary intended use will be a Convenience Food and Beverage Store with Self-service Fuel Pumps. SR 82 are a combination of vacant and developed PD and C-2 zoned parcels. To the northwest consists of C-2 zoning and partially developed with a Dollar Store. Along the site’s southeast boundary is SR82 and north of that is a PUD zoned parcel. Southeast of the site is vacant C-2. Though this area is not fully developed, as Lehigh Acres grows, and SR 82 improvement moves forward, the special exception will allow for Convenience Food and Beverage store that will serve to strengthen the community’s urban fabric along both sides of SR 82. The project is consistent with 1.1.3

POLICY 1.6.5: *The Planning Districts Map and Acreage Allocation Table (Map 1-B and Table 1(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. This policy will be implemented as follows:*

Response: The property is located within the Lehigh Acres Community Planning District. The district has 900 acres allocated. There are approximately ±390 acres currently developed, leaving a remainder of ±510 acres. The proposed Ray Avenue gas Station is slightly less than 1 acre. Therefore, the special exception is consistent with 1.6.5.

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. (Ord. No. 94-30, 00-22)*

Response: The properties SR 82 location make it suitable for non-residential, commercial uses and activities. As such it presents a contiguous and compact growth pattern that does not bypass the tracts of land to support development, in part, due to the adjacent C-2 commercial uses up and down SR 82. The project is consistent with Objective 2.1.



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. (Ord. No. 94-30, 00-22, 17-19).*

Response: Fire protection and emergency response will be provided by Lehigh Acres Fire Station 103, at 308 Gunnery Rd S, Lehigh Acres. The Lee County Sheriff Department Station for Lehigh Acres is located at 1301 Homestead Road North. Gateway Blvd. and Gunnery Road has a 2023 LOS C based on 1485 trips at a 2-land road capacity of 2,866. The project is consistent with Policy 2.2

OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. *Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.*

STANDARD 4.1.1: WATER. *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*

STANDARD 4.1.2: SEWER. *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.*

Response: The project is 2,200 sf so it is well under 30,000 sf review standard; the project will generate less than 5,000 gallons of sewage per day. However, currently a Capital Improvement Project is being constructed for FGUA to extend the Water Main from Griffen to Ray Ave S. During the Development Order water will be available to the site. The project is exempt from 4.1.1 and 4.1.2 standards and is consistent with 4.1.

POLICY 5.1.5: *Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in the LDC, Chapter 10, are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of Planned Development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The LDC will continue to require appropriate buffers for new developments. (Ord. No. 94-30, 99-15, 00-22).*

Response: The property does not adjoin occupied residential properties to the north, south, east and west. The project does not encroach upon residential uses and is not potentially destructive to the character and integrity of the residential environment. This is so that the adjoining parcels are generally zoned commercial along SR 82, with the property abutting SR 82 (State-Maintained Arterial Road), Meadow Rd. (County Maintained Minor Collector) and Ray Ave, (County Maintained Local Rd.) Standard LDC code buffering will be more than appropriate given the location and surroundings.

To the east, the property is currently separated by a County Maintained Minor Collector ROW. The residential lots, zoned RM-2(Residential Multi-Family District) and is also within



the Mixed-Use Overlay. The Mixed-Use Overlay is intended for a mixture of commercial uses to encourage urban forms of development with a variety of uses.

The property currently separates the residential lots to the west with a six-lane principal arterial road by ± 275 feet, serving as a traditional transition between a high intensity commercial highway and existing and future single-family residential uses. The project is consistent with 5.1.5.

COMMERCIAL DEVELOPMENT REVIEW POLICY 6.1.1: *All applications for commercial development will be reviewed and evaluated as to:*

- Traffic and Access Impacts-The project does not generate unanticipated and unacceptable traffic. The expected impact on transportation facilities will be addressed by existing County regulations and conditions of approval. Access will be provided along Meadow Rd. (a County Maintained Minor Collector).
- Screening and Buffering-Will be provided to meet County standards (see the Special Exception Site Plan).
- Sewer and Water Facilities- The project will be consistent with Lehigh Acres Objective 25.9.1 which states the availability of sewer and water is not a requirement for zoning approval. However, currently a Capital Improvement Project is being constructed for FGUA to extend the Water Main from Griffen to Ray Ave S. During the Development Order water will be available to the site.
- Impacts On Adjacent Land Uses -No residential uses adjoin the project; the site is located at a commercial corner which minimizes surrounding neighborhood impacts.
- Proximity To Other Similar Centers-, Located opposite the property on the north side of Ray Ave S. is zoned C-2 with the proposed Coffee Shop and a developed Dollar Store
- Environmental Considerations- There are no environmental concerns with the property. Please see separate Ecological Assessment prepared by Earth Tech.

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.*

Response: The requested SE for twelve Self-Service Fuel Pumps is compatible with south and north adjoining commercial uses. The site is located at a corner intersection of a Minor Collector Road and a State Arterial highway. Thus, no residential neighborhood intrusion will occur. See the discussion of urban services in Policy 2.2 and Objective 4.1. The project is consistent with 6.1.4.

POLICY 6.1.5: *Maintain land development regulations that require commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include but are not limited to frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements. (Ord. No. 94-30, 00-22, 23-08).*

Response: The requested commercial use is designed to protect the traffic carrying capacity of SR 82 by constructing the project's access on Meadow Road (a County Maintained Minor Collector) as opposed to SR 82 (State Maintained, Arterial). The project is consistent with 6.1.5.



POLICY 6.1.6: *Maintain land development regulations that require commercial development provide adequate and appropriate landscaping, open space, buffering, and architectural standards. (Ord. No. 23-08).*

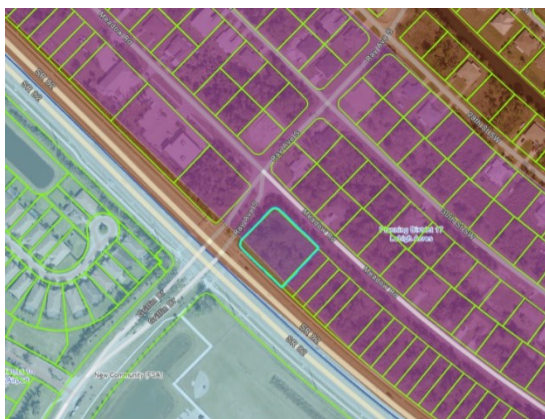
Response: The project will comply with the Lee Plan and Chapter 10 Article IV Arch. Design Standards, along with other LDC rules, including 30% open space, 25-ft. Type D buffers along the public roadways, and other requirements. The project is consistent with 6.1.6

GOAL 11: MIXED USE. *Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments. (Ord. No. 17-13)*

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. (Ord. No. 07-15, 17-13)*

GOAL 25: LEHIGH ACRES COMMUNITY PLAN. *Ensure that continued development and redevelopment converts this largely single use, antiquated pre-platted area into a vibrant residential and commercial community consisting of: safe and secure single family and multi-family neighborhoods; vibrant commercial and employment centers; pedestrian friendly mixed use activity centers and neighborhood nodes; and, adequate green space and recreational opportunities. (Ord. No. 10-16, 18-18)*

Response: The parcel is located within the Mixed-Use Overlay as well as the Lehigh Commercial District overlay, which is intended for a mix of residential and commercial uses. This design ensures that the commercial establishment will be within walking distance to help foster a walkable neighborhood of the surrounding residential community, providing a convenient resource and employment for residents. Providing new retail square footage in a predominantly residential area helps to reduce travel trips for convenience and necessary items and provides employment opportunities that is within walking distance to residential home sites.





POLICY 25.8.4: *All new commercial developments must provide parking lot interconnections to adjacent properties and must not prevent pedestrian or vehicular access from adjacent residential areas. (Ord. No. 10-16, 18-18)*

Response: The site proposes interconnection will be provided to the adjacent property

POLICY 25.8.2: *All connections to SR 82 must be consistent with the FDOT Corridor Access Management Plan for SR 82. (Ord. No. 10-16, 18-18)*

Response: The project will comply with the Florida Department of Transportation Access Management Plan by using Meadow Road as the access

OBJECTIVE 25.9: SEWER AND WATER. *Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development that is reliant upon on-site well and septic systems. (Ord. No. 10-16, 18-18)*

POLICY 25.9.1: *The availability of sewer and water to serve uses within the Specialized Mixed-Use Nodes and the Commercial Overlay Zones is not a requirement for zoning approval. However, sewer and water must be available to the property in accordance with Standard 4.1.1 and 4.1.2 before a development order will be issued. (Ord. No. 10-16, 18-18)*

POLICY 25.9.2: *Direct new development and redevelopment in Lehigh Acres to areas that can be reasonably expected to receive public services and infrastructure during the planning horizon. (Ord. No. 10-16, 18-18, 21-09)*

Response: The site lies within the Florida Governmental Utility Authority water franchise area, however there is an existing Capital Improvement Project, Gateway Estates Bulk Water Connection (LEP 33). The project consists of the installation of the watermain extension along Ray Avenue South from Griffen Drive to Leonard Blvd. S.

The site lies within the Florida Governmental Utility Authority wastewater franchise area, however there are no existing facilities for connection within a reasonable distance from the site. The proposed development is for ±2,220 square feet of commercial floor area and will generate well below the threshold of 5,000 gallons of sewage per day provided in Standard 4.1.2. The proposed development does not meet the thresholds for connection provided in LDC Section 10-353 and no central sewer lines are or will be available. The proposed development will provide a private septic system consistent with the LDC and all other permitting requirements. The proposal is consistent with Lee Plan Policy 25.9. 25.9.1 and 25.9.2.



LEE PLAN AND LDC CONSISTENCY SUMMARY

The request is consistent with the goals, objectives, policies, and the intent of the Lee Plan.

The request will not cause damage, hazard, nuisance or other detriment to persons or property. It is being integrated into the existing neighborhood as a relatively low intensity development and is similar in nature to the uses in the area.

The requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the uses set forth in Chapter 34 of the LDC.

Sufficient evidence has been provided within this application that this rezoning is in compliance with the Lee Plan, the Land Development Code and all other applicable rules and regulations.

The request will meet or exceed all performance and location standards set forth for the uses allowed by the request.

The request is consistent with the densities, intensities and general uses set forth in the Lee Plan.

The request is compatible with existing or planned uses in the surrounding area.

Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development.

The request will not adversely affect environmentally critical areas and natural resources.



RAY AVENUE S AND MEADOW ROAD PARCEL

Ecological Assessment

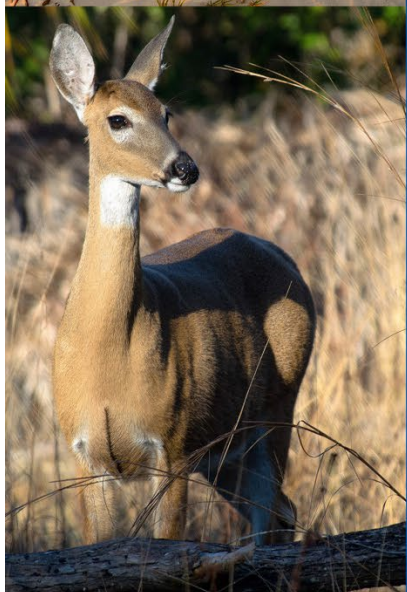
SECTION 05, TOWNSHIP 45, RANGE 26 EAST
LEE COUNTY, FLORIDA



Prepared For:



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July 2023

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EXHIBITS

Figure 1	Location Map
Figure 2	Site Vicinity Map
Figure 3	Aerial Map
Figure 4	NRCS Soils Map
Figure 5	FLUCCS Map
Figure 6	Anticipated Jurisdictional Wetlands

1.0 INTRODUCTION

Earth Tech Environmental (ETE) conducted an Ecological Assessment (EA) on the property located at the southeast corner of the intersection of Ray Avenue S and Meadow Road (Subject Property) prior to development. The field assessment occurred on July 13, 2023, by ETE ecologists. The purpose of this updated assessment was to:

1. Confirm the vegetation mapping on the Subject Property according to Florida Land Use Cover and Forms Classification System (FLUCCS).
2. Under current conditions, confirm the presence and approximate location of any environmentally sensitive lands such as wetlands.
3. Evaluate the Subject Property for potential listed species concerns.

2.0 PROPERTY LOCATION

The Subject Property for this report consists of one (1) parcel (Strap # 05-45-26-03-00035.0010). The Subject Property is located on the north side of State Road 82 approximately 1.75-miles west of Daniels Parkway, in Lee County, Florida (see Figures 1 & 2). According to the Lee County Property Appraisers website, the Subject Property totals approximately 0.80 acres.

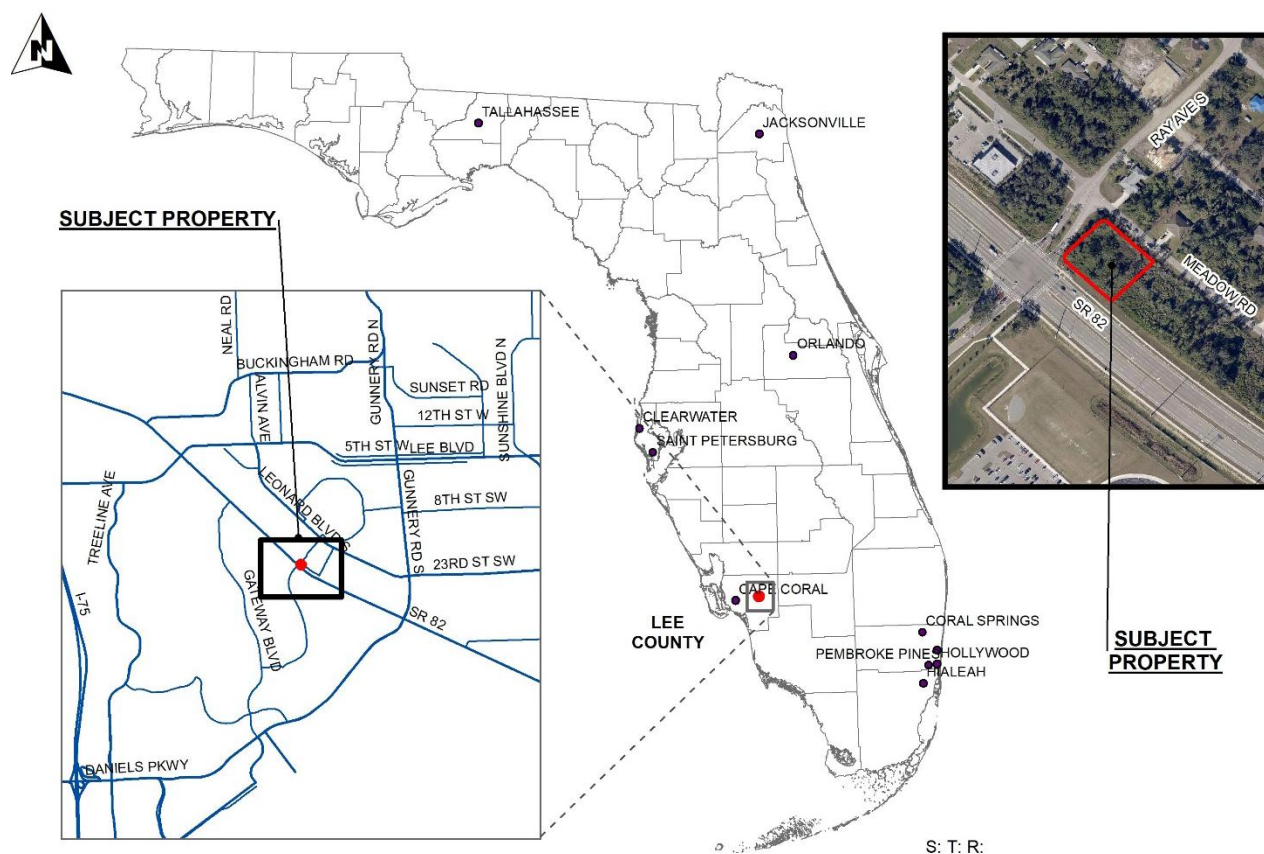


Figure 1. Location Map

3.0 EXISTING SITE CONDITIONS

The Subject Property is vacant, undeveloped, and vegetated. The vegetation community on the Subject Property consists of upland habitat.

The Subject Property contains the following surrounding land uses:

North:	Meadow Road/Residential
East:	Vacant/Undeveloped
South:	State Road 82/Vacant/Undeveloped
West:	Ray Ave S/Vacant/Undeveloped

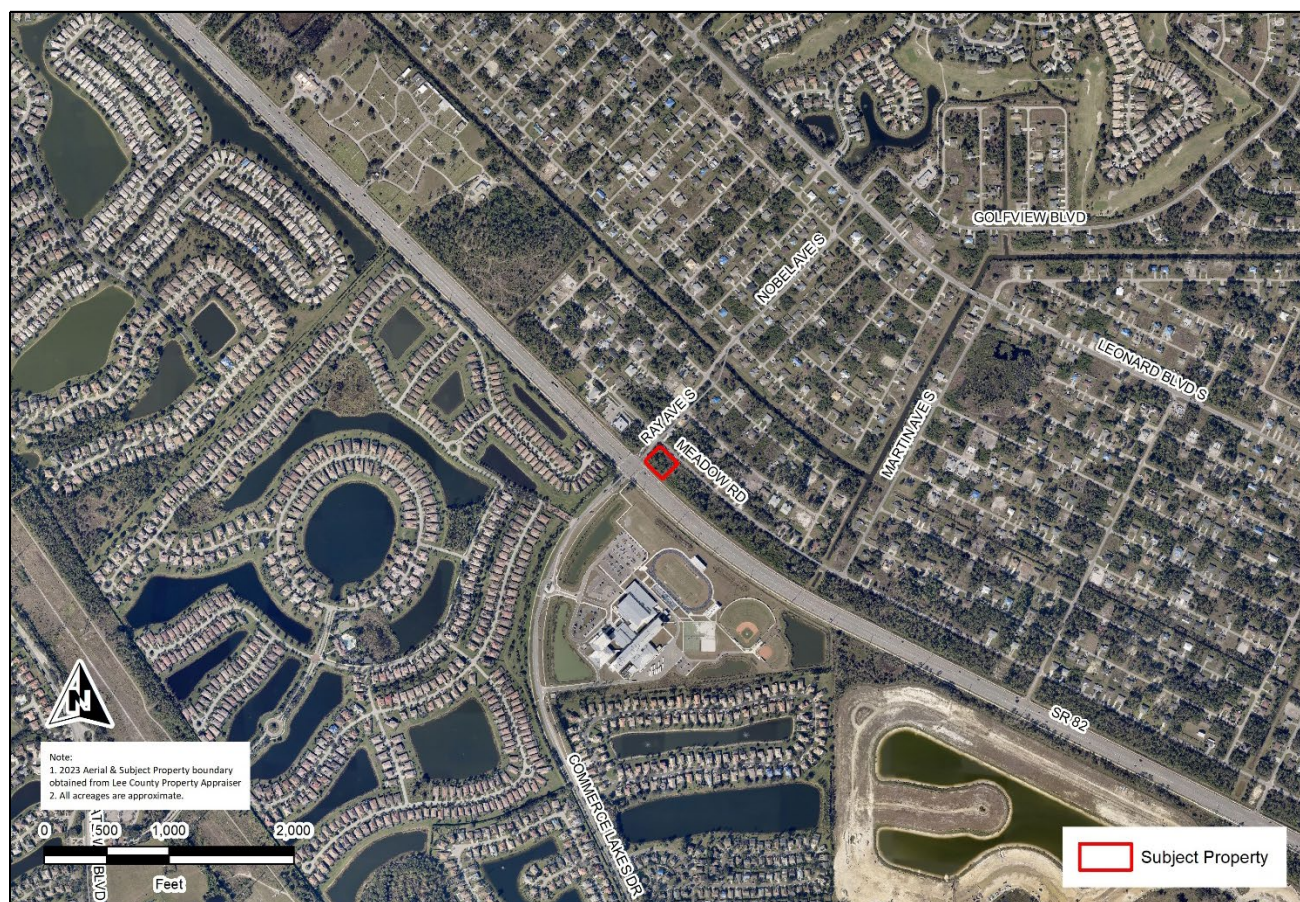


Figure 2. Site Vicinity Map



Figure 3. Aerial Map

4.0 PARCEL HISTORY

A historic aerial search was conducted on the Subject Property dating back to 1994 and indicated no signs of development. The Subject Property appears to have existed in its current state since at least 1994. A permit search was conducted on the Subject Property and revealed that no permits have been identified regarding the property.



Image 1. 1994 (March) Aerial Imagery

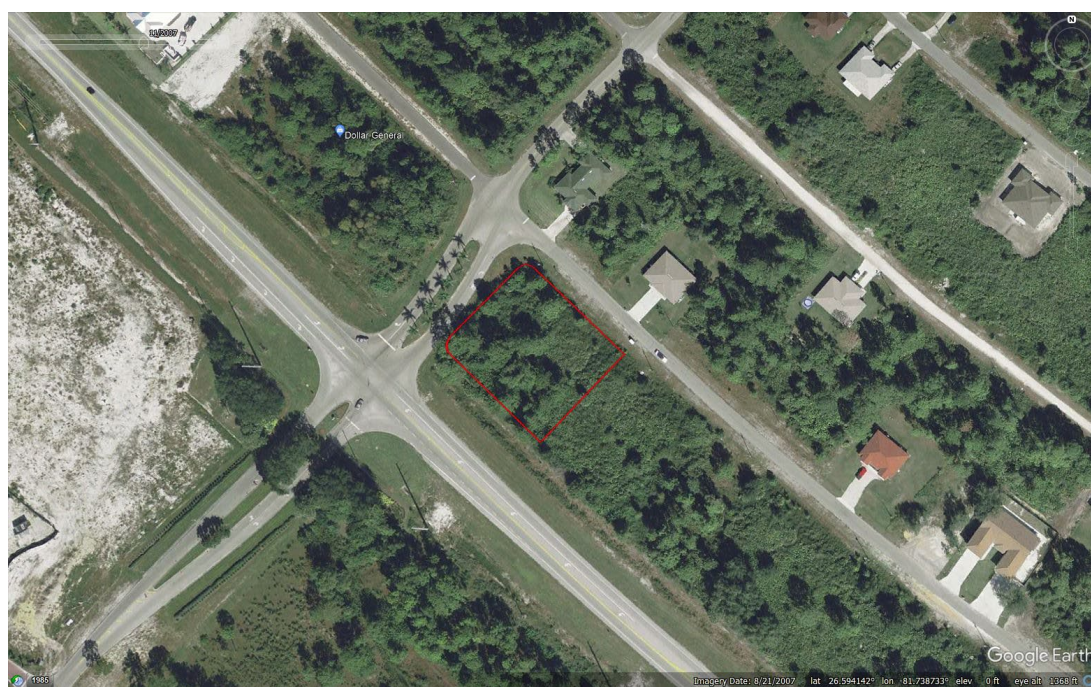


Image 2. 2007 (November) Aerial Imagery

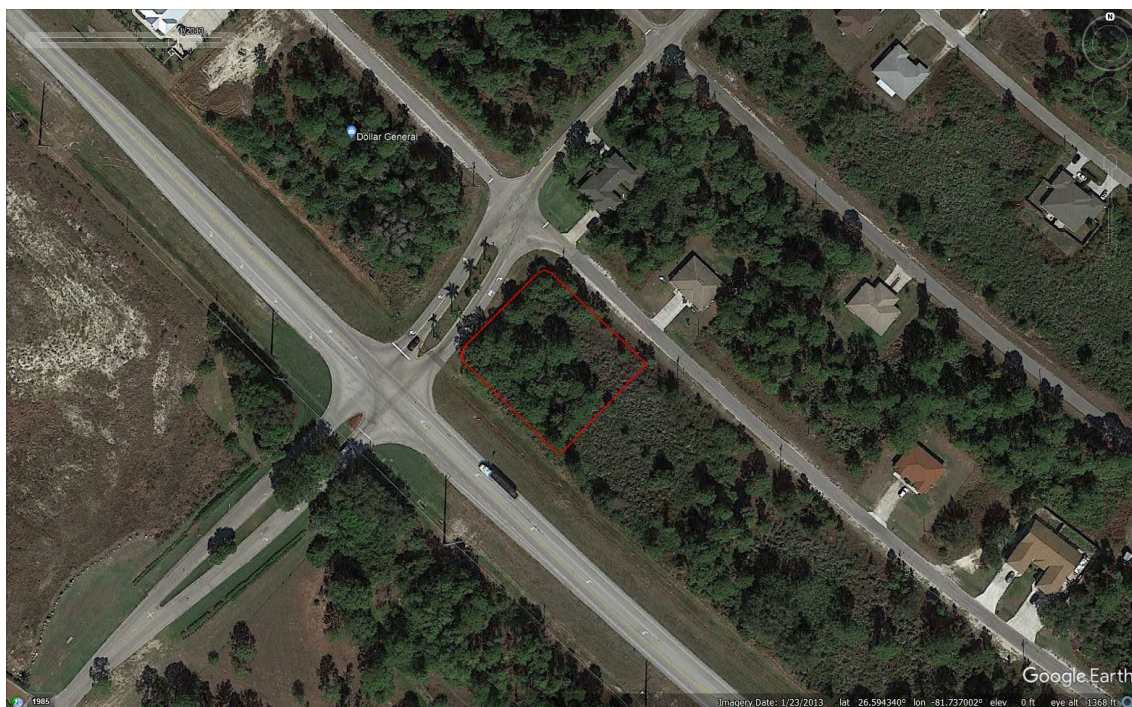


Image 3. 2013 (January) Aerial Imagery



Image 4. 2019 (January) Aerial Imagery

5.0 PRELIMINARY WETLAND ASSESSMENT

The South Florida Water Management District (SFWMD), Florida Department of Environmental Protection (FDEP), and/or the U.S. Army Corps of Engineers (ACOE), are the agencies that regulate development activities in wetlands. In general, to be considered a wetland by the agencies, the area should exhibit hydric soils, wetland hydrology, and wetland vegetation. Ultimately, these agencies have the final say in determining if a property contains wetlands in Florida, despite the opinions of the preparer of this report. ETE searched the Subject Property for indicators of the aforementioned parameters.

5.1 SOILS

The soils on the Subject Property have been previously mapped by the Natural Resource Conservation Service (NRCS). These mappings are general in nature but can provide a certain level of information about the site as to the possible extent of wetland areas. According to NRCS, the entire Subject Property is underlain with two (2) different soil type:

- Boca fine sand (non-hydric soil)
- Wabasso fine sand, limestone substratum (non-hydric soil)

See Figure 4 below for NRCS mappings on the Subject Property.



Figure 4. NRCS Soils Map

5.2 WETLAND HYDROLOGY

Wetland hydrology is normally present if the soil is saturated or inundated for a long duration, which in South Florida normally occurs during the rainy season. In our region, the rainy season occurs in the summer through early fall. Therefore, if an area exhibits soil saturation or is inundated for an extended period of time, the area is considered to have wetland hydrology. In the absence of visual signs of saturation or inundation, one may use secondary indicators of hydrology such as adventitious rooting, lichen lines, or algal matting.

5.3 FLUCCS VEGETATION MAPPING

Vegetation communities were mapped on the property according to the Florida Land Use, Cover and Forms Classification System (FLUCCS) system used by the regulatory agencies. Vegetation is one parameter used in determining the presence of a wetland. Wetland vegetation is present if the majority of the plants present in the habitat are those which are adapted to saturated soil conditions. The vegetation mapping for this report was conducted at the end of the dry season.

The Florida Invasive Species Council's (FISC) list of invasive species contains Category I and Category II species that may be found on the Subject Property. Category I species are invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. Category II species are invasive exotics that are increasing in abundance or frequency but have not yet altered Florida plant communities. A significant factor in mapping vegetative associations and local habitats is the invasion of these species such as Brazilian pepper (*Schinus terebinthifolia*), earleaf acacia (*Acacia auriculiformis*), and melaleuca (*Melaleuca quinquenervia*). Levels of exotic density were mapped by using field observations and photo interpretation as shown in Figure 5. Modifiers, or "E" designators, are appended to the FLUCCS codes to indicate the approximate density of exotics within each FLUCCS community.

Listed below are the FLUCCS communities identified on the site. The community descriptions correspond to the mappings on the FLUCCS map in Figure 5. See Florida Land Use, Cover and Forms Classification System (Department of Transportation, Surveying & Mapping Geographic Mapping Section, 1999) for definitions.

TABLE 1. VEGETATION COMMUNITY SUMMARY		
FLUCCS CODE	DESCRIPTION	ACREAGE
411-E3	Pine Flatwoods (51-75% Exotics)	0.80
TOTAL:		0.80

E1 = Exotics <25% of total cover

E2 = Exotics 26-50% of total cover

E3 = Exotics 51-75% of total cover

E4 = Exotics >75% of total cover



Figure 5. FLUCCS Map

FLUCCS DESCRIPTIONS:

* = exotic species

5.4 UPLAND COMMUNITIES

Upland communities on the Subject Property include naturally vegetated areas containing moderate levels of exotic vegetation. The following are descriptions of communities that would likely be considered upland, based on vegetation and a lack of hydrologic indicators:

FLUCCS 411-E3, Pine Flatwoods (51-75% Exotics)

This community makes up the entirety of the Subject Property. The canopy consists of slash pine (*Pinus elliottii*) and live oak (*Quercus virginiana*). Mid-story consists of cabbage palm (*Sabal palmetto*) and *Brazilian pepper (*Schinus terebinthifolia*). Groundcover consists of saw palmetto (*Serenoa repens*) American beautyberry (*Callicarpa americana*), gallberry (*Ilex glabra*), and rusty lyonia (*Lyonia ferruginea*). Vine density is very high on the Subject Property, consisting of muscadine (*Vitis rotundifolia*).

6.0 LISTED SPECIES

The site does have community types in which protected species could reside. During ETE's site visit, no listed species or signs of listed species were observed. A formal Protected Species Survey would be needed prior to development and during permitting to further document the presence or absence of any listed species utilizing the Subject Property. During permitting, the following protected species concerns may be raised by the regulatory agencies:

Florida Bonneted Bat (*Eumops floridanus*)

The Subject Property falls within the United States Fish & Wildlife Service's (USFWS) Florida bonneted bat consultation area. The Subject Property does not contain ideal habitat for bonneted bat roosting on account of the lack of snags/dead trees. During the initial site visit, no tree cavities were observed and no tree snags were found. Technical assistance with USFWS may be required for Florida bonneted bat before development may occur.

Gopher Tortoise (*Gopherus polyphemus*)

The Subject Property contains suitable habitat for gopher tortoise, however with dense vegetation and minimal foraging opportunities it is unlikely. During the site visits, no gopher tortoise or gopher tortoise burrows were observed. A formal Protected Species Survey would be needed to rule out the presence of gopher tortoise on the Subject Property.

7.0 DISCUSSION & SUMMARY

Per ETE's FLUCCS mapping and F.A.C. Chapter 62-340 methodology and Data Forms at the time of the preliminary assessment, the property does not contain any jurisdictional wetlands. An Environmental Resource Permit (ERP) from the SFWMD will be required for water management purposes.

From an environmental perspective and prior to development, the next steps for this property would be to:

1. Conduct an official Protected Species Survey (valid for one year) to further rule out any listed species of concern.



General site photo



General site photo



General site photo

8.0 REFERENCES

Atlas of Florida Plants. Institute for Systematic Botany. <https://florida.plantatlas.usf.edu/>

Lee County Property Appraiser. <https://collierappraiser.com>

“Florida’s Endangered and Threatened Species”- Official List. Florida Fish & Wildlife Conservation Commission. Updated December 2022.

<https://myfwc.com/media/1945/threatened-endangered-species.pdf>

<http://myfwc.com/imperiledspecies/>

Florida Invasive Species Council’s (FISC) 2019 List of Invasive Plant Species. www.fleppc.org

Florida Land Use, Cover and Forms Classification (FLUCCS) Handbook. Florida Department of Transportation, Surveying & Mapping Geographic Mapping Section. January 1999.

<http://www.fdot.gov/geospatial/documentsandpubs/fluccmanual1999.pdf>

http://www.fdot.gov/geospatial/doc_pubs.shtm

Google Earth Historical Images. <https://www.google.com/earth/>

Map Direct. Florida Department of Environmental Protection.

<https://castg.dep.state.fl.us/mapdirect/>

Soil Survey of Collier County, Florida. United States Department of Agriculture. Natural Resources Conservation Service. 1998.

https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/florida/collierFL1998/Collier.pdf

**Florida Governmental Utility Authority**

FGUA c/o Accenture
9400 Southpark Center Loop, Suite 400
Orlando, FL 32819
(877) 552-3482 Toll Free
(407) 629-6900 Tel

October 30, 2024

Al Quattrone, P.E.
Quattrone & Associates, Inc.
4301 Veronica Shoemaker Blvd
Ft. Myers, FL 33916
permits@qainc.net

RE: Potable Water, Wastewater, and/or Reclaim Water Availability – LOA ID#: 24-100 LED

Parcel ID No.: 05-45-26-03-00035.0010

Corner of Ray Ave & SR 82, Lehigh Acres, FL 33973

Ray Ave Gas Station

Dear Mr. Quattrone:

The FGUA has received your Application for Service Availability, and upon review, it has been determined that potable water 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 2,220 SF gas station with an estimated potable water usage demand of 650 GPD. Currently, FGUA facilities are able to accommodate these demands. Projects in the Lehigh Acres Service Area will be supplied on a first come, first served basis, which will be determined once the required impact fees have been paid. Additionally, during the design process, if existing conditions warrant, a hydraulic analysis will need to be performed by the project engineer to evaluate the impacts the proposed project may have on the existing water and wastewater systems.

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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Letter of Availability
Page 2 of 3

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY



Digitally signed by Paul Arnett
Date: 2024.10.30 16:14:51 -04'00'

Paul Arnett
Development Services Manager

CC: Mike Currier, South Region Area Manager

Encl.

1. Pre-Application 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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Project Name: Ray Ave Gas Station

Property Address: Corner of Ray Ave & SR 82, Lehigh Acres, FL 33973



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

Property Address or PID: Corner of Ray Ave & SR 82, Lehigh Acres, FL 33973System: Lehigh 404Development/Project Name: Ray Ave Gas StationDate: October 16, 2024County: LeeLOA ID: 24-100 LED

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

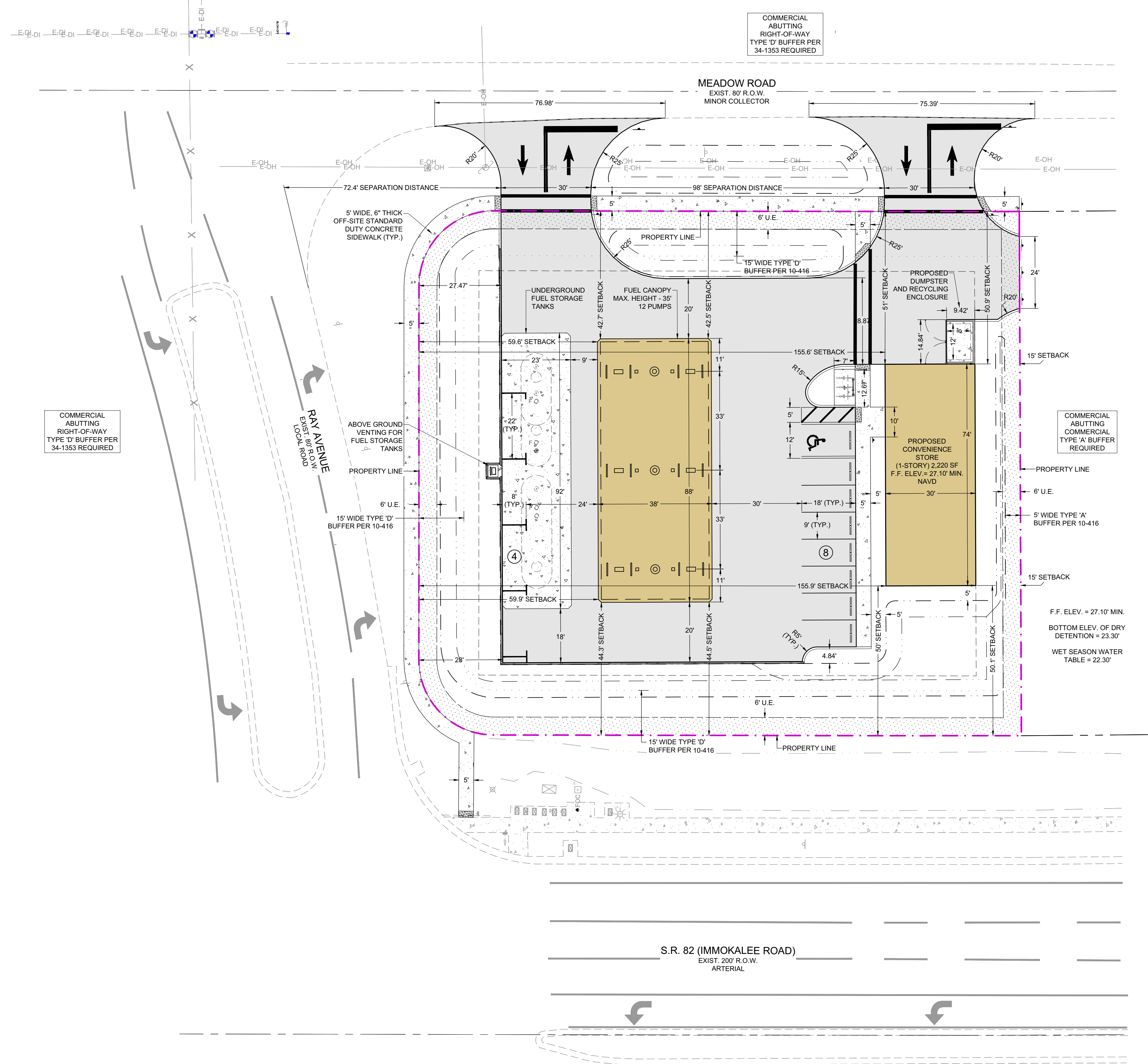
<i>FGUA</i>	G/L Code	Fees	Total fees	Amount Paid	Balance Due
LOA Request	202098	\$ 100.00	\$ 100.00	\$ 100.00	\$ -

Fees Due: \$ -

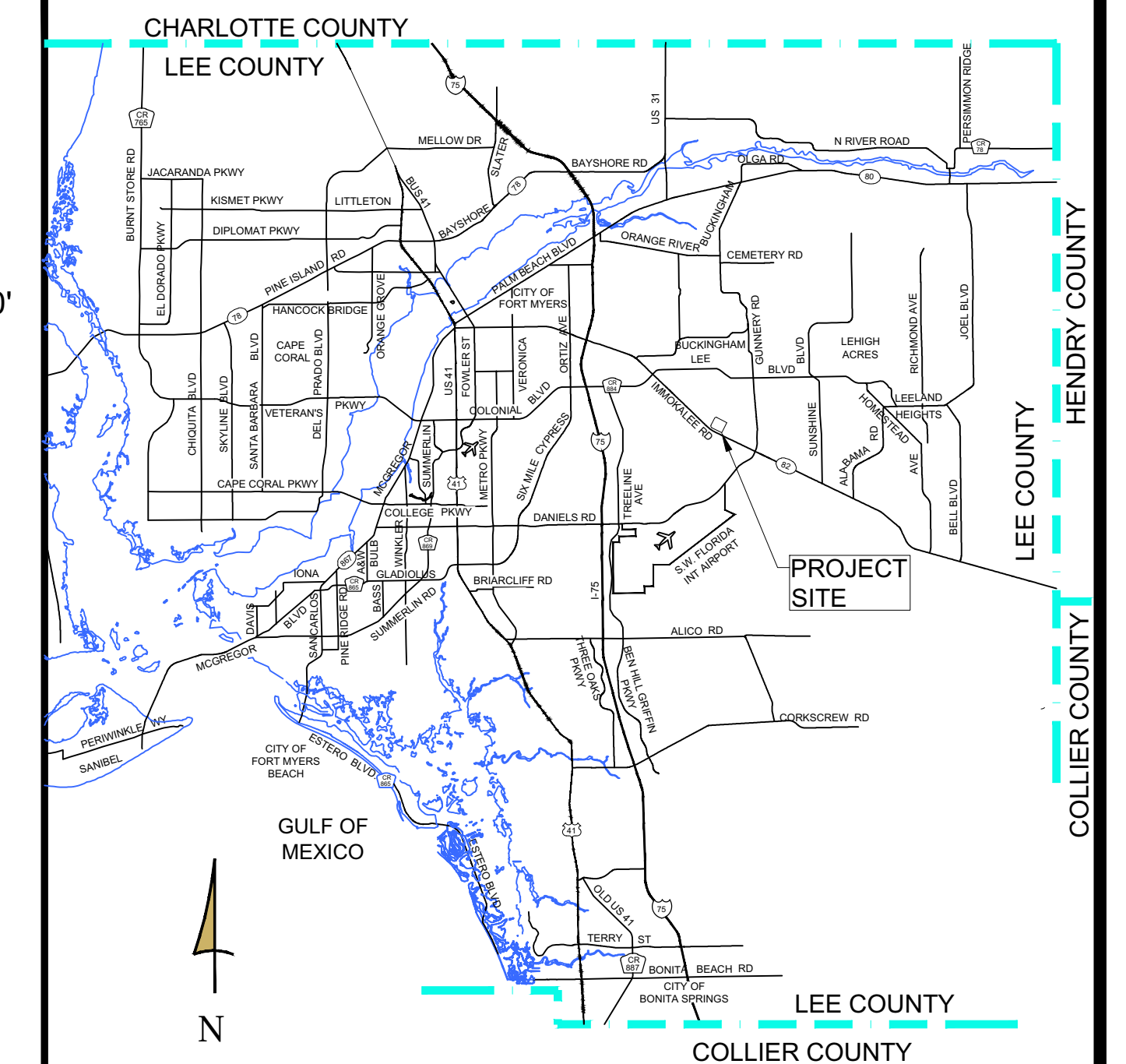
<i>Payment History</i>	Date	Check Date	Check #	Payer Name	Amount
0 Letter and Locate Map	10/16/2024	9/30/2024	4119	Quattrone & Associates, Inc	\$ 100.00
1 Map Only					
2 Letter Only					

RAY AVE. GAS STATION

LOCATED IN SECTION 05, TOWNSHIP 45-S, RANGE 26-E, LEE COUNTY, FLORIDA



MASTER CONCEPT PLAN



LOCATION MAP (NOT TO SCALE)

PROJECT SUMMARY:

FUTURE LAND USE DESIGNATION
CENTRAL URBAN & MIXED-USE OVERLAY

PLANNING COMMUNITY
LEHIGH ACRES

CURRENT ZONING
C-2

PROPOSED ZONING
NO ZONING CHANGES ARE PROPOSED

STRAP #(S)
05-45-26-03-00035.0010

PROJECT ACREAGE
0.85 ACRES (37,187 SF - INCLUDES R.O.W. AREA)
0.80 ACRES (34,862 SF - EXCLUDES R.O.W. AREA)

OPEN SPACE REQUIREMENT
MIXED-USE OVERLAY FOR SMALL PROJECT SITE:
10% REQUIRED (0.08 ACRES)
PROVIDED: 39% (0.31 ACRES)

PARKING CALCULATIONS REQUIREMENT
CONVENIENCE FOOD & BEVERAGE STORE W/ (6) FUEL PUMPS
(1) SPACE PER 200 SQ. FT. OF GROSS FLOOR AREA MINUS
(1) SPACE PER (4) FUEL PUMPS

2,200 SQ. FT. / 200 SQ. FT. = (11) SPACES MINUS (1) SPACE
FOR (4) FUEL PUMPS = 10 REQUIRED SPACES

0.55% REDUCTION PER THE 'MIXED-USE OVERLAY' LAND USE
DESIGNATION = (5) REQUIRED SPACES