

Exhibit E

ADMINISTRATIVE APPROVAL (ASV) ADD2022-00103

ADMINISTRATIVE APPROVAL LEE COUNTY, FLORIDA

WHEREAS, Creighton Companies, LLC, in reference to 7-Eleven Store No. 42251, filed an application to request the following administrative variances from Lee County Land Development Code (LDC):

1. Section 34-1353(e)(1), which requires external street right-of-way buffers to be located within a landscape buffer that is a minimum of 25 feet wide to include five canopy trees per 100 linear feet with a minimum 14 feet-in-height, to allow five canopy trees per 100 linear feet with a minimum height of 14 feet to be planted in a 20-foot-wide buffer along US 41 and a 15-foot- wide buffer along Island Park Road.
2. Section 34-1353(e)(2), which requires right-of-way buffers to have an undulating berm with a maximum slope of 3:1 at a minimum of two feet in height along the entire length of the landscape buffer, to allow no undulating berm along the entire length of the landscape buffer along US 41 and Island Park Road.
3. WITHDRAWN.
4. Section 34-1353(d), which requires a 15-foot minimum side setback for all buildings and structures, to allow a six-foot side setback for the dumpster enclosure to the southeast property line and a six-foot side setback for the dumpster enclosure to the southwest property line.
5. Section 10-285, Table 1, which requires a connection separation distance of 330 feet for major collectors (Island Park Road) within Future Suburban areas to instead allow a 285-foot connection separation from the proposed Island Park Road ingress/egress to US 41, and a 182-foot connection separation from the proposed Island Park Road ingress/egress to the existing southwest ingress/egress to the Island Park Road Shopping Center.
6. Section 34-2020(b), which requires 470 parking spaces for the shopping center and the proposed 7-Eleven Store No. 42241, to allow a 7.5 percent reduction in parking for a total of 435 parking spaces.
7. WITHDRAWN
8. Section 10-416(d), which requires landscape buffers along the perimeter of proposed developments whenever the development abuts a different use, to allow the western landscape buffer between the proposed 7-Eleven and the shopping center to be located east of the property line adjacent to the 7-Eleven; and

WHEREAS, the property is located at 16510 South Tamiami Trail as described per the legal description (Exhibit "A"); and

WHEREAS, the applicant has indicated the property's current STRAP number is 01-46-24-L3-00007.002A and portion of 01-46-24-L3-00007.0020; and

WHEREAS, the subject property is located in the Suburban Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the property is zoned Commercial (C-1); and

WHEREAS, the applicant is proposing a convenience food and beverage store with 16 fuel pumps and an ancillary car wash; and

WHEREAS, a Special Exception (SEZ2022-00008) was approved to allow a maximum of 16 fuel pumps in accordance with LDC Section 34-844, Note 19 (Exhibit "B"); and

WHEREAS, LDC Section 34-1353 establishes site design requirements for convenience food and beverage stores; and

WHEREAS, LDC Section 34-1354(3) allows for administrative variances from LDC Section 34-1353 for commercially zoned properties that are less than three acres in size; and

WHEREAS, an application for approval of an administrative variance has been filed pursuant to LDC Section 34-174(a); and

WHEREAS, the applicant has requested eight variances and provided justification for each request (Exhibit "E"); and

WHEREAS, the first administrative variance is from LDC Section 34-1353(e)(1), which requires a 25-foot-wide buffer, to allow a 20-foot-wide buffer along US 41 and a 15-foot-wide buffer along Island Park Road; and

WHEREAS, the second administrative variance is from LDC Section 34-1353(e)(2), which requires an undulating berm along the entire length of the required landscape buffer to allow no undulating berm; and

WHEREAS, the subject property was previously approved for a commercial use with a 20-foot-wide buffer along US 41 and a 15-foot-wide buffer along Island Park Road with no undulating berms within any of the required buffers in accordance with development order 84-08-021.00D (Exhibit "C"); and

WHEREAS, the applicant is requesting to allow the previously approved buffer widths while providing the quantity and size requirements of trees and shrubs per LDC Section 34-1353(e)(3), (4), and (5); and

WHEREAS, staff recommends approval of administrative variances 1 and 2; and

WHEREAS, the third administrative variance is from LDC Section 34-1353(d), which requires a 15-foot minimum side setback for structures and buildings, to allow a six-foot side setback for the dumpster enclosure from the southeast and southwest property lines; and

WHEREAS, staff recommends approval of administrative variance 4; and

WHEREAS, fifth administrative variance is from LDC Section 10-285, Table 1, which requires 330 feet of connection separation along a major collector road in a Future Suburban area (Island Park Road), to allow a 285-foot intersection separation distance between the proposed Island Park Road ingress/egress and US 41 and a 182-foot intersection separation distance from the proposed ingress/egress to the westernmost existing Island Park Road Shopping Center ingress/egress; and

WHEREAS, the applicant is proposing to increase the development area along the west property line which will impact the existing Island Park Road ingress/egress, parking area drive aisles and shopping center parking areas (Exhibit "D"); and

WHEREAS, the applicant coordinated with the Lee County Department of Transportation to eliminate the existing ingress/egress along Island Park Road that is approximately 181 feet from US 41; and

WHEREAS, the proposed ingress/egress will increase the intersection separation distance to 285 feet between the intersection of US 41 and the new access point to the Island Park Shopping Center from Island Park Road, which protects the health, safety, and welfare of the public by providing more vehicle stacking area associated with the turn lanes; and

WHEREAS, the new ingress/egress along Island Park Road decreases the intersection separation from the existing southwest ingress/egress point to new ingress/egress point for the Island Parking Shopping Plaza to 182 feet; and

WHEREAS, the Lee County Department of Transportation has reviewed and recommended approval of Deviation 5; and

WHEREAS, the applicant has requested Deviation 6 to allow a 7.5 percent reduction in required parking for the overall shopping plaza to allow redevelopment of the subject parcel and the relocation of the ingress/egress along Island Park Road; and

WHEREAS, LDC Section 34-2020(c) allows administrative approval of a reduction in parking for nonresidential uses by a maximum of ten percent if one or more of the conditions listed in the Section are met; and

WHEREAS, LDC Section 34-2020(c)(1) allows a five percent parking reduction if a transit stop along a transit route with an average weekday PM peak hour frequency of 30 minutes or less is located within a 500-foot radius of the site's external sidewalk connection; and

WHEREAS, the proposed project is located on a transit route that meets the criteria; and

WHEREAS, LDC Section 34-2020(c)(3) allows a five percent reduction in required

parking when a property abuts a bicycle / pedestrian facility identified Lee Plan Map 3-D and continuous accommodations are provided from a property to the facility, and a multi-use path is located along US 41 adjacent to the site according to Lee Plan Map 3-D which meets the criteria; and

WHEREAS, staff has recommended a condition of approval to require bicycle and pedestrian facilities internal to the project, including bicycle racks per LDC Section 10-610(e)(3) to be depicted on the development order; and

WHEREAS, the applicant is requesting Deviation 7 from LDC Section 34-2015(1) which requires all required parking space to be provided on the same premises and within the same zoning district as the use they serve or within the same zoning district that permits the same use to allow shared parking between the Island Park Shopping Center and the proposed 7-Eleven Store Number 42251; and

WHEREAS, the Island Park Shopping Center Plaza was originally permitted under one development order, 84-08-021.00D which was approved with the parking calculated all together for the previously existing bank and shopping plaza use; and

WHEREAS, the development is within one Commercial zoning district (C-1) and is in compliance with LDC Section 34-2015(1); therefore, the requested administrative variance is not required; and

WHEREAS, the applicant has requested Deviation 8 from LDC Section 10-416(d), which requires buffers along the perimeter of proposed development, to allow the five-foot-wide Type-A buffer required along the west property line to be located adjacent to the 7-Eleven building; and

WHEREAS, the buffer adjacent to the building provides screening from the internal access, protecting the pedestrians from wayward vehicles; and

WHEREAS, staff recommends approval of Deviation 8; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval; and

WHEREAS the following findings of fact are offered:

- (1) There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question;
- (2) The variances granted are the minimum variances that will relieve the applicant of an unreasonable burden caused by the application of the regulations in question to the property; and
- (3) The granting of the variances will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative variances is **APPROVED**, except for variances three and seven, subject to the following conditions:

1. **The Development must be in compliance with the site plan, dated December 12, 2022, a reduced copy of which is attached hereto as Exhibit F.**
2. **The development order plans must depict bicycle and pedestrian facilities internal to the project connecting with external pedestrian facilities.**
3. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 12/12/2023

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

Exhibits:

A – Legal Description

B – SEZ2022-00008

C – The Island Park Shopping Plaza approved development order landscape plans 84-08-021.00D

D – Proposed ingress/egress plan

E – Administrative Variance Request and Justification

F – Site Plan

Exhibit A

DESCRIPTION

A PARCEL OF LAND BEING THE LANDS DESCRIBED IN INSTRUMENT NUMBER 2018000171817, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND A PORTION OF LANDS DESCRIBED IN INSTRUMENT NUMBER 2015000242014, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLY MOST CORNER OF LANDS DESCRIBED IN INSTRUMENT NUMBER 2018000171817, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID LANDS AND THE EXTENSION THEREOF SOUTH 58°08'20" WEST, A DISTANCE OF 279.49 FEET; THENCE NORTH 31°51'40" WEST, A DISTANCE OF 287.65 FEET TO AN INTERSECTION WITH THE SOUTHEAST RIGHT-OF-WAY OF ISLAND PARK RD; THENCE ALONG SAID SOUTHEAST RIGHT-OF-WAY NORTH 58°22'42" EAST, A DISTANCE OF 255.64 FEET TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY EASTERLY 39.27 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'22", (CHORD BEARING SOUTH 76°37'07" EAST, A DISTANCE OF 35.36 FEET) TO AN INTERSECTION WITH THE SOUTHWEST RIGHT-OF-WAY OF U.S. 41 (TAMIAMI TRAIL); THENCE ALONG SAID SOUTHWEST RIGHT-OF-WAY SOUTH 31°37'18" EAST, A DISTANCE OF 236.62 FEET TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY SOUTHEASTERLY 24.85 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 5,797.58 FEET, A CENTRAL ANGLE OF 00°14'44", (CHORD BEARING SOUTH 31°44'18" EAST, A DISTANCE OF 24.85 FEET) TO THE POINT OF BEGINNING.

CONTAINING 1.84 ACRES, MORE OR LESS.

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT OBTAINED UTILIZING RTK GPS OBSERVATIONS ON THE FDOT NETWORK AND REFER TO THE SOUTHEAST RIGHT-OF-WAY LINE OF ISLAND PARK RD, LEE COUNTY, FLORIDA AS BEING N 58°22'42" E.
2. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
3. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR THE DIGITAL SIGNATURE AND DIGITAL SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SKETCH AND DESCRIPTION ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.

REVIEWED
ADD2022-00103
Rick Burris, Principal
Planner
Lee County DCD/Planning
7/28/2022

*NOT VALID WITHOUT
 SHEET 2 OF 2*

DRAWN BY:	AH
CHECKED BY:	TJD
JOB CODE:	CC71141IP
SCALE:	N/A
DATE:	2 JUNE 2022
FILE:	21-126-SL
SHEET:	1 of 2

* NOT A SURVEY *

SKETCH AND DESCRIPTION

A PARCEL OF LAND

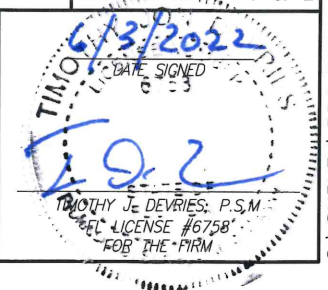
LYING IN
 SECTION 1, TOWNSHIP 46 SOUTH, RANGE 24 EAST
 LEE COUNTY, FLORIDA



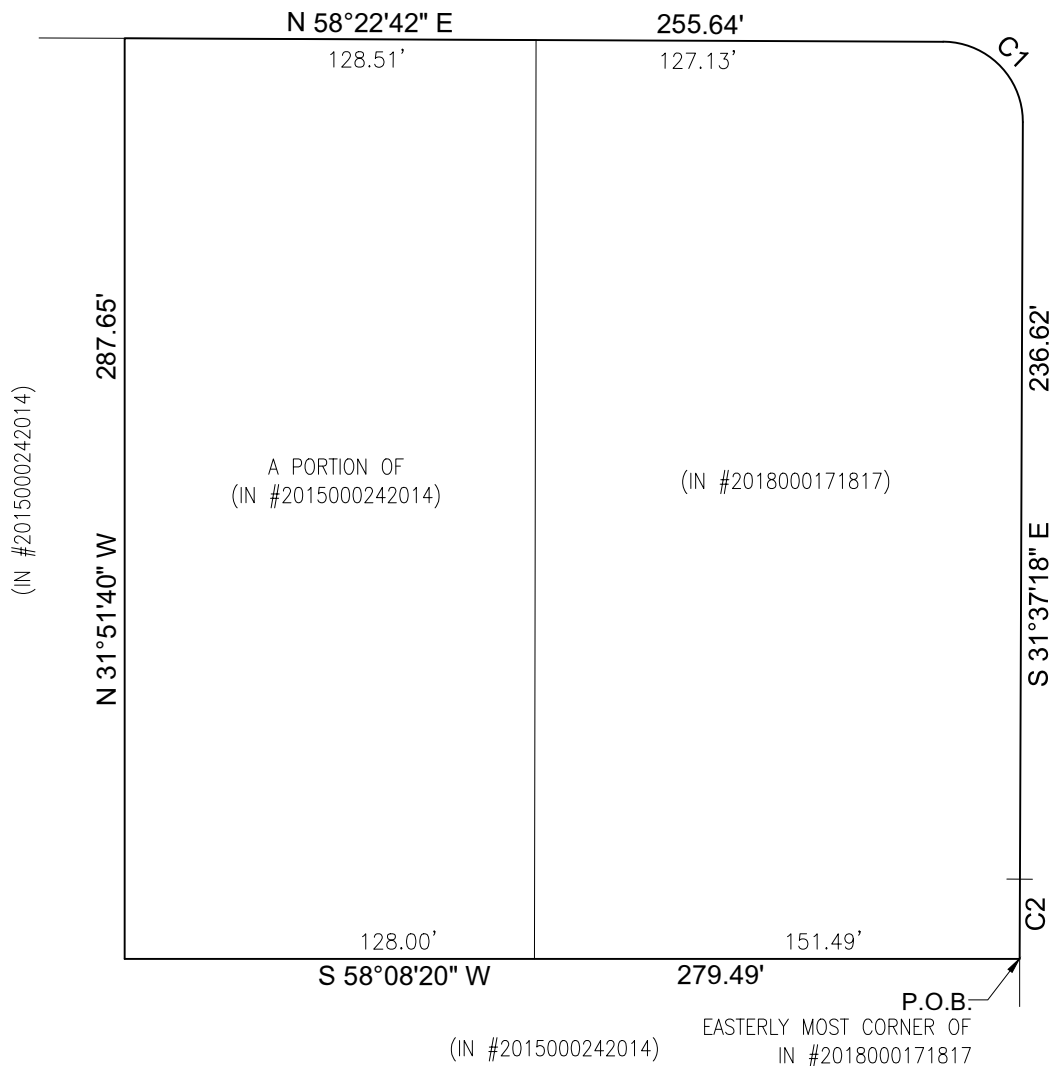
GradyMinor

Q. Grady Minor and Associates, P.A.
 3800 Via Del Rey
 Bonita Springs, Florida 34134

Civil Engineers • Land Surveyors • Planners • Landscape Architects
 Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266
 Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380



ISLAND PARK RD

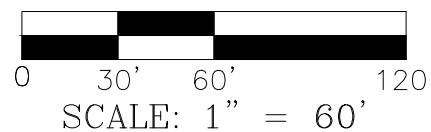


CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	25.00'	39.27'	90°00'22"	S 76°37'07" E	35.36'
C2	5797.58'	24.85'	0°14'44"	S 31°44'18" E	24.85'

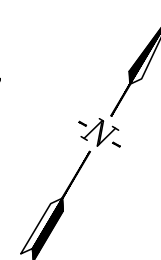
REVIEWED
ADD2022-00103
Rick Burris, Principal
Planner
Lee County DCD/Planning
7/28/2022

LEGEND

POB POINT OF BEGINNING
 IN INSTRUMENT NUMBER



THIS PLAN MAY HAVE BEEN ENLARGED OR
 REDUCED FROM INTENDED DISPLAY SCALE FOR
 REPRODUCTION REASONS



* NOT A SURVEY *

*NOT VALID WITHOUT
 SHEET 1 OF 2*



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Q. Grady Minor and Associates, P.A.
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SKETCH AND DESCRIPTION

A PARCEL OF LAND
 LYING IN
 SECTION 1, TOWNSHIP 46 SOUTH, RANGE 24 EAST
 LEE COUNTY, FLORIDA

DRAWN BY: AH
 CHECKED BY: TJD
 JOB CODE: CC71141IP
 SCALE: 1" = 60'
 DATE: 2 JUNE 2022
 FILE: 21-126-SL
 SHEET: 2 of 2

**MEMORANDUM
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER**

DATE: November 3, 2023

TO: Board of County Commissioners **FROM:** Donna Marie Collins
Lee County Chief Hearing Examiner

RE: 7-ELEVEN ISLAND PARK SHOPPING CENTER
Hearing Examiner Decision

Chief Hearing Examiner Donna Marie Collins has rendered a Decision on the following zoning request:

7-ELEVEN ISLAND PARK SHOPPING CENTER

SEZ2022-00008

HEARD: November 2, 2023

A copy of the Decision is attached for ready reference.

cc: Anthony Rodriguez / Zoning Section
Elizabeth Workman / Zoning Section
Warren Baucom / Economic Development
Phil Gillogly / Natural Resources
Jamie Princing / Community Development
Applicant(s) & Representative(s)
Other Interested Parties

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

SPECIAL EXCEPTION: SEZ2022-00008

Regarding: 7-ELEVEN ISLAND PARK SHOPPING CENTER

Location: 16510 South Tamiami Trail
San Carlos Planning Community
(District 3)

Hearing Date: November 2, 2023

I. Request

Special Exception in the Commercial (C-1) zoning district for a Convenience Food and Beverage Store with 16 self-service fuel pumps.

II. Hearing Examiner Decision

Approval, subject to the conditions in Section V.

III. Discussion

The request seeks to increase the permitted number of self-service fuel pumps from eight to 16 on a 1.8 acre parcel in the Commercial (C-1) zoning district.

Special Exceptions

Special exceptions are departures from County land development regulations for uses generally not permitted within a zoning district but that may be permitted when controlled by conditions.¹

The Hearing Examiner is the final decisionmaker on special exceptions.²

The Hearing Examiner must grant a special exception unless she concludes:

1. The request is contrary to public interest and the health, safety, welfare, comfort, and convenience of the citizens of the County; or,

¹ LDC §34-2.

² LDC §34-145.

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2. The requested use conflicts with findings necessary to grant a special exception under the LDC.

The Hearing Examiner may attach conditions to an approved special exception to protect public health, safety, and welfare.³

Synopsis of Request

The 1.8 acre parcel lies within the Island Park Shopping Center, at the southwest corner of the intersection of US 41 and Island Park Road.⁴ Applicant seeks to redevelop a former bank parcel with a convenience store with 16 self-service fuel pumps. Convenience food and beverage store with 8 self-service fuel pumps are permitted by right in the C-1 district. However, requests for more than eight fuel pumps require approval by special exception.⁵

Department of Community Development staff recommended approval, finding the proposed special exception satisfies LDC review criteria.

Development History

Island Park Shopping Center first received development order approval in the mid 1980's. The center included a SunTrust Bank at the corner of US 41 and Island Park Road. The land supporting the bank use was split from the parent tract in 2022.⁶ A 7-Eleven convenience store, self-service fuel pumps, and car wash is slated to lease a 1.8 tract within the shopping center.⁷ Applicant filed administrative amendments seeking relief from LDC setback, buffer, and parking requirements. Staff found the application for administrative relief sufficient pending approval of this special exception.

Discussion

Special exceptions must be consistent with the Lee Plan.⁸

The property is zoned C-1 and designated Suburban by the Lee Plan.⁹ Suburban lands feature residential land uses at the fringe of the County's urban core.¹⁰

³ LDC §34-145(c)(4) b.

⁴ San Carlos Planning District Lee Plan Map 1-B.

⁵ LDC 34-844, Note 19.

⁶ The lot split followed bank demolition. The 1.8 acre parcel is larger than the area formerly supporting the bank use.

⁷ The County received a development order application in 2023 for a convenience store, fuel pump canopy, and car wash.

⁸ LDC §§34-145(c)(3) a.1, 34-491(a).

⁹ Lee Plan Future Land Use Map 1-A.

¹⁰ Lee Plan Policy 1.1.5.

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Commercial land uses surround the site. The site has access to public services and infrastructure including improved roads, transit, and bike/pedestrian facilities.¹¹ Redevelopment promotes compact and contiguous development patterns and constitutes infill development.¹²

Special exceptions must protect environmentally critical/sensitive areas when applicable.

The property does not contain environmentally critical/sensitive features.

Special exceptions may not injure the neighborhood or be a detriment to the public welfare.

Commercial land uses feature prominently along the US 41 corridor.¹³ Island Park Road features a variety of residential land uses west of commercial centers at the intersection. The proposed convenience store will be located at the corner of the intersection of US 41 and Island Park Road, with access to both roadways.¹⁴ The Island Park Shopping Center parking lot abuts the parcel to the west and south. The shopping center's primary building buffers the use from residential developments further west.

The proposed convenience food/beverage store with fuel pumps will serve the surrounding community and traveling public.

Special Exceptions must comply with zoning and other applicable regulations.

The purpose of the C-1 zoning district is to regulate commercial land uses lawfully existing as of August 1, 1986.¹⁵ New applications to rezone property to the C-1 district are limited to lands within a Mixed Use Overlay.¹⁶ Since C-1 is a conventional zoning district, site development must comply with the LDC or seek variances.

Convenience food and beverage stores are subject to site specific development regulations to ensure compatibility with surrounding land uses.¹⁷ The pending development order application seeks administrative relief from certain site development requirements to accommodate redevelopment. Staff found

¹¹ Lee Plan Policies 1.1.1, 39.2.1.

¹² Lee Plan Objective 2.2, Policy 6.1.7, 6.1.11.

¹³ A variety of commercial zoning districts line US 41 in this area. Lee Plan Policy 1.1.1, 6.1.7.

¹⁴ US 41 is a six lane divided arterial road. Island Park Road is a two lane County maintained major collector. Lee County Administrative Code 11-1 (Functional Classification of Roadways). US 41 is maintained by the State.

¹⁵ LDC §34-841(b).

¹⁶ *Id.*

¹⁷ LDC §§34-1353, 34-1354.

SEZ2022-00008

requested relief from setbacks, buffers, and parking requirements sufficient pending approval of the special exception.

Lee Tran services the US 41 corridor along the property frontage.¹⁸ Applicant will be required upgrade access to the bus stop as a condition of development order approval.¹⁹

The site plan relocates an existing driveway on Island Park Road further west and proposes a new access to US 41. The planned western shift of the Island Park Road access improves vehicle stacking at the US 41 intersection. US 41 is a state maintained facility. As such, FDOT has permit authority over driveway access and location. FDOT conceptually approved a right-in/right-out access to the property from US 41.²⁰ The newly proposed driveways facilitate direct access to two roadways and optimizes internal traffic circulation.

Public Participation

No member of the public attended the hearing before the Hearing Examiner.

Conditions

The County must administer the zoning process so that proposed land uses acceptably minimize adverse impacts on adjacent residential property. Conditions must rationally relate to impacts anticipated from the requested special exception.²¹ Special exception approval will be subject to conditions to ensure compliance with Applicant's proposed site plan.²²

Conclusion

The Hearing Examiner concurs with Staff's recommendation of approval. A special exception allowing up to 16 fueling stations meets LDC approval criteria. The Hearing Examiner also finds that as conditioned, the requested special exception will not be detrimental or injurious to County residents.

¹⁸ Lee Tran Route 140 (Stop ID 1563) Staff Report Attachment Q.

¹⁹ LDC §§10-441, 10-442(a); Lee Plan Map 3-C.

²⁰ Testimony of Wayne Arnold, AICP and James Banks, PE.

²¹ LDC §34-145(c)(4)b.

²² The condition requires the site design to be substantially comply with the site plan in Staff Report Attachment G.

SEZ2022-00008

IV. Findings and Conclusions

Based upon the hearing record, the Hearing Examiner concludes that the requested special exception is approved subject to conditions, and finds the request:

- A. Is consistent with the Lee Plan. Lee Plan Goals 2, 4, 6, Objectives 2.1, 4.1, Policies 1.1.5, 2.1.1, 6.1.1, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 6.1.11, Maps 1-A, 1-B, 3-C, 3-D, 4-A, 4-B, Table 1(b).
- B. Will be compatible with existing or planned uses. Lee Plan Goals 2, 6, Objectives 2.1, 2.2, Policies 1.1.5, 2.1.1, 2.1.2, 2.2.1, 6.1.4.
- C. Will not be injurious to the neighborhood or detrimental to the public welfare. Lee Plan Policies 6.1.4, 6.1.5, 6.1.6; and
- D. Will comply with LDC zoning regulations. LDC Chapters 2, 10, and 34.

V. Conditions of Approval

- 1. Special exception approval is conditioned on site development substantially consistent with the site plan revised June 20, 2023, attached as Exhibit B.
- 2. Special exception approval does not establish a right to obtain permits from state or federal agencies. Further, approval does not establish county liability if Applicant: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies; or (b) undertakes actions that result in a violation of state or federal laws.

VI. Participants**Staff**

- 1. Elizabeth Workman

Applicant Representatives

- 1. Wayne Arnold
- 2. Jim Banks
- 3. Rachel Tracey

SEZ2022-00008

VII. Legal Description

Exhibit A (scanned legal description with vicinity map).

Strap #: 01-46-24-L3-00007.002A

VIII. Exhibits Submitted at Hearing**Staff Exhibits**

1. *DCD Staff Report with attachments for DCI:* Prepared by Elizabeth Workman, Principal Planner, date received October 25, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *PowerPoint Presentation:* Prepared by Lee County DCD Staff for 7-Eleven Island Park Shopping Center, SEZ2022-00008 (multiple pages – 8.5"x11")[color]
3. *Boundary Survey, Legal Description, and Title Certification:* (multiple pages – 8.5"x11")

Applicant Exhibits

- a. *48-Hour Notice:* Email from Sharon Umpenhour with Grady Minor, to Maria Perez, with copies to Elizabeth Workman, dated Tuesday, October 31, 2023, 9:44 AM (4 pages – 8.5"x11")
1. *PowerPoint Presentation:* Prepared by Grady Minor for 7-Eleven Island Park Shopping Center, SEZ2022-00008 (multiple pages – 8.5"x11")[color]
2. *Résumé:* For Rachel J. Tracey, P.E., Project Manager with Grady Minor (1 page – 8.5"x11")

IX. Unauthorized Communications

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

SEZ2022-00008

X. Appeals

This Hearing Examiner Decision is final on the date rendered. The Decision may be appealed to the Circuit Court in Lee County within 30 days of the date rendered. Appeal is by Petition for *Writ of Certiorari* in accordance with LDC 34-146

XI. Copies of Testimony and Transcripts

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

Decision rendered November 3, 2023.



Donna Marie Collins
Chief Hearing Examiner

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

Exhibits to Hearing Examiner Decision

- A: Legal Description and Vicinity Map
- B: Site Plan

DESCRIPTION

A PARCEL OF LAND BEING THE LANDS DESCRIBED IN INSTRUMENT NUMBER 2018000171817, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND A PORTION OF LANDS DESCRIBED IN INSTRUMENT NUMBER 2015000242014, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLY MOST CORNER OF LANDS DESCRIBED IN INSTRUMENT NUMBER 2018000171817, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID LANDS AND THE EXTENSION THEREOF SOUTH 58°08'20" WEST, A DISTANCE OF 279.49 FEET; THENCE NORTH 31°51'40" WEST, A DISTANCE OF 287.65 FEET TO AN INTERSECTION WITH THE SOUTHEAST RIGHT-OF-WAY OF ISLAND PARK RD; THENCE ALONG SAID SOUTHEAST RIGHT-OF-WAY NORTH 58°22'42" EAST, A DISTANCE OF 255.64 FEET TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY EASTERLY 39.27 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'22", (CHORD BEARING SOUTH 76°37'07" EAST, A DISTANCE OF 35.36 FEET) TO AN INTERSECTION WITH THE SOUTHWEST RIGHT-OF-WAY OF U.S. 41 (TAMIAMI TRAIL); THENCE ALONG SAID SOUTHWEST RIGHT-OF-WAY SOUTH 31°37'18" EAST, A DISTANCE OF 236.62 FEET TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY SOUTHEASTERLY 24.85 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 5,797.58 FEET, A CENTRAL ANGLE OF 00°14'44", (CHORD BEARING SOUTH 31°44'18" EAST, A DISTANCE OF 24.85 FEET) TO THE POINT OF BEGINNING.

CONTAINING 1.84 ACRES, MORE OR LESS.

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT OBTAINED UTILIZING RTK GPS OBSERVATIONS ON THE FDOT NETWORK AND REFER TO THE SOUTHEAST RIGHT-OF-WAY LINE OF ISLAND PARK RD, LEE COUNTY, FLORIDA AS BEING N 58°22'42" E.
2. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
3. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR THE DIGITAL SIGNATURE AND DIGITAL SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SKETCH AND DESCRIPTION ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.

*NOT VALID WITHOUT
SHEET 2 OF 2*

DRAWN BY:	AH
CHECKED BY:	TJD
JOB CODE:	CC71141IP
SCALE:	N/A
DATE:	2 JUNE 2022
FILE:	21-128-SL
SHEET:	1 of 2

* NOT A SURVEY *

SKETCH AND DESCRIPTION

A PARCEL OF LAND

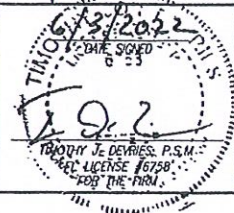
LYING IN
SECTION 1, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



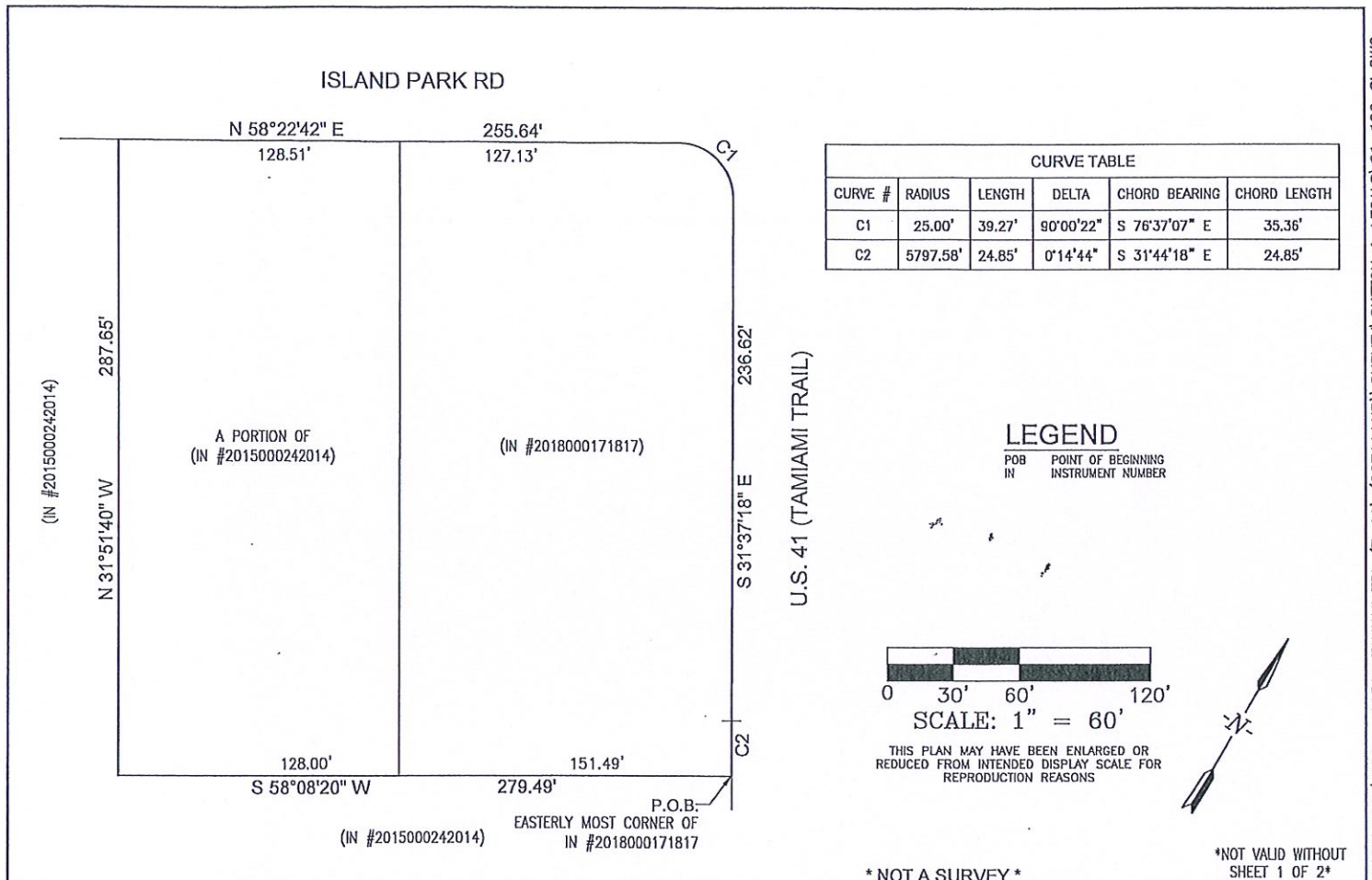
GradyMinor

Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LG 26000260
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380



G:\SURVEY\PROJECT SURVEY 2021\126 - 16510 TAMIAMI TRL (7-11) (CC71141IP)\SURVEY\SKETCH & LEGALS\21-128-SL.DWG



GradyMinor

Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LG 26000266
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

SKETCH AND DESCRIPTION

A PARCEL OF LAND

LYING IN
SECTION 1, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

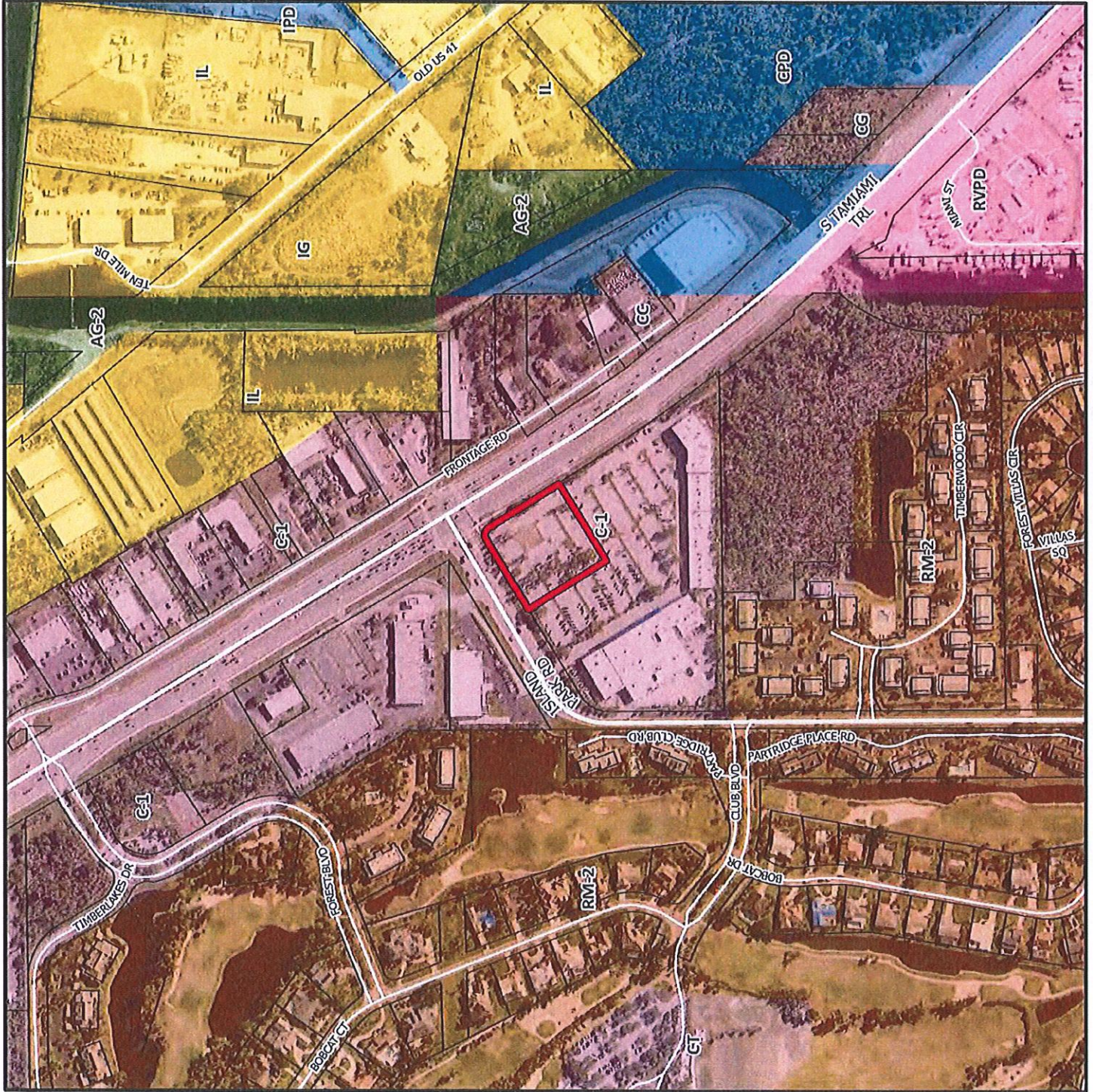
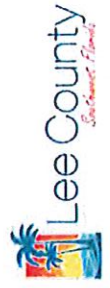
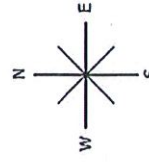
DRAWN BY: AH
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SCALE: 1" = 60'
DATE: 2 JUNE 2022
FILE: 21-126-SL
SHEET: 2 OF 2

G:\SURVEY\PROJECT SURVEY 2021\126 - 16510 TAMiami TRL (7-11) (CC71141P)\SURVEY\SKETCH & LEGALS\21-126-SL.DWG

SEZ2022-00008

Zoning

 Subject Property



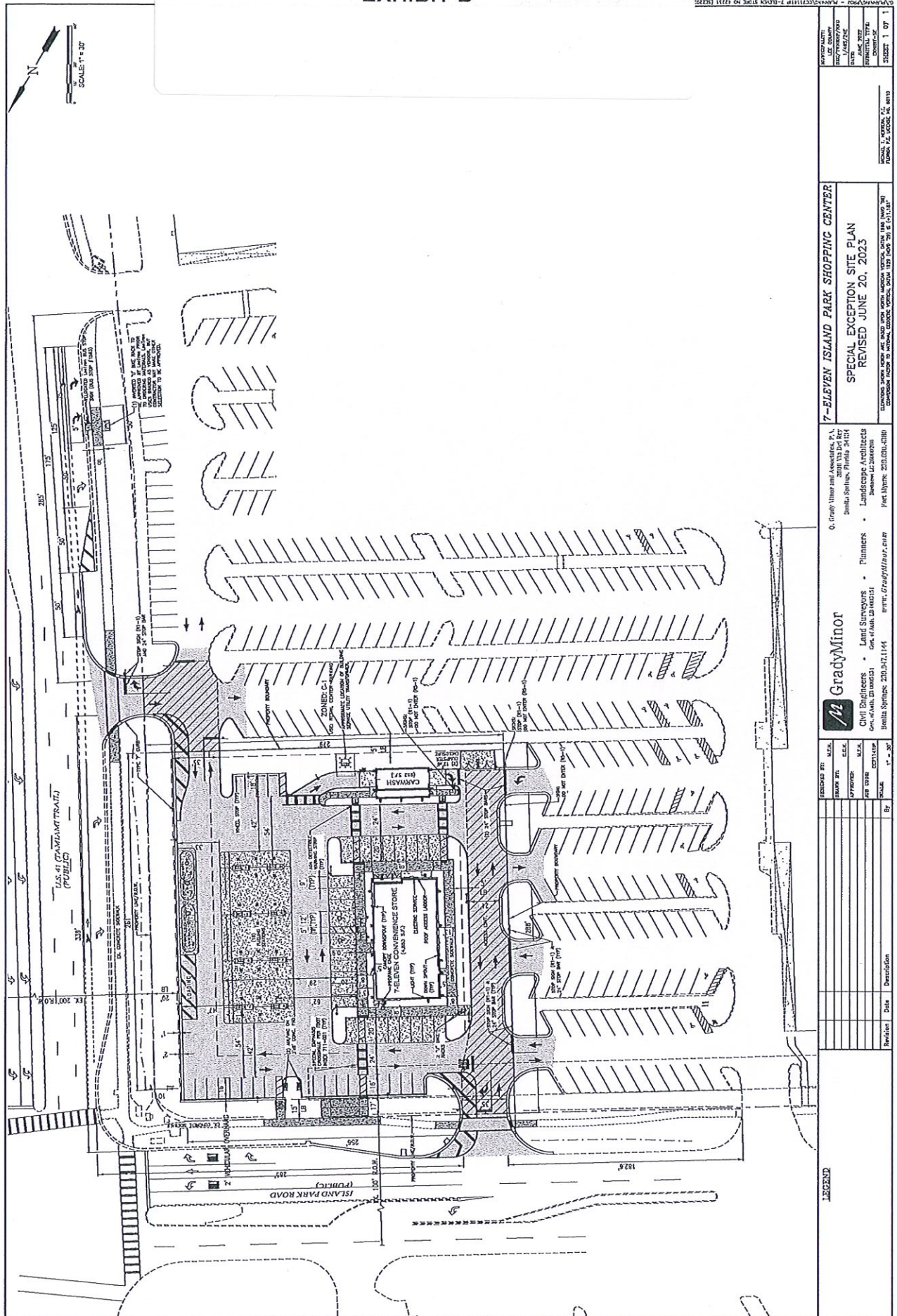
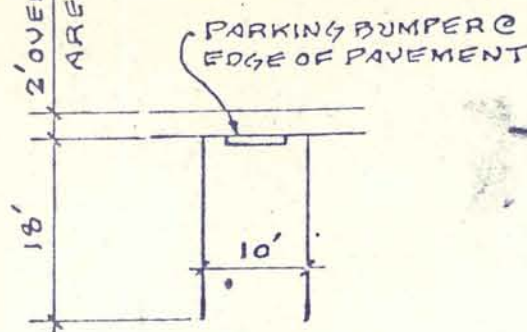


Exhibit C

LANDSCAPE PLANS

CASE: 84-08-021.000

NAME: Island Park Shopping
Center



TYPICAL PARKING SPACE-DETAIL
N.T.S.

Parking Lot Paving
WHITE STRIPES + CURBS
NOT MARKED
✓ = H.C. SIGN IN
SS = DECOR + STRIPES
IS MISSING

RM-2 ZONING & USAGE

CLUB BLVD. S.W.
50' R/W

Revised 2/18/86
Revised 3/11/86
Revised 12/27/85 - SHOW ADJUSTED
LIMITS OF PHASE I PAVING.
Revised 11/7/85 - SHOW
PH. I PAVING LIMITS.
Revised 6/28/85
Revised 4/9/85
Revised 3/29/85
Revised 3-13-85

TYPE "A" BUFFER-10' COMBINED W/
RM-2 TYPE "B" BUFFER OF 15',
PROVIDED BY ADJACENT MULTI-FAMILY
DEVELOPMENT, SATISFIES THE REQUIREMENTS.
NOTE: IN ADDITION TO TYPE "A" BUFFER CONSTRUCT
A WALL IN CONFORMANCE W/ ZONING REGULATION
SECTION 900.15 C.I.E.2, ALONG PROPERTY LINE.

RM-2 ZONING & USAGE

RECEIVED
FEB 18 1986

C-1 ZONING & VACANT
PROPOSED USE-MULTI FAMILY.



LAND USE BREAKDOWN:

TOTAL AREA = 11.55 ACRES.
OPEN SPACE REQUIRED = 2.27 ACRES
OPEN SPACE PROVIDED = 2.32 ACRES
PARKING SPACES REQUIRED = 98,447
SF RETAIL = 492
SF OFFICE = 49
TOTAL = 541

PARKING SPACES PROVIDED = 541
INTERIOR LANDSCAPING REQ'D (A.O.C. PARKING) = 8614 S.F.
INTERIOR LANDSCAPING PROVIDED = 9000 S.F.
HANDICAPPED PARKING SPACES REQUIRED (5% OF 542) = 27

UTILITY COMPANIES PROVIDING SERVICE TO THIS PROJECT:

SEWER : FOREST UTILITIES
3925 PRESIDENTIAL CT., FT. MYERS, FLA. 33907
WATER : FLORIDA CITIES WATER CO.
P.O. BOX 6439, FT. MYERS, FLA. 33901
POWER : FLORIDA POWER & LIGHT CO.
P.O. BOX 40, FT. MYERS, FLA. 33902
TELEPHONE : UNITED TELEPHONE SYSTEM
P.O. BOX 370, FT. MYERS, FLA. 33902
REFUSE : GULF DISposal
P.O. BOX 6985, FT. MYERS, FLA. 33911
FIRE PROTECTION : SAN CARLOS FIRE DEPT.

TRAFFIC STUDY:

PEAK HOUR A.M. : 7-9 WEEKDAY
PEAK HOUR P.M. : 4-6 WEEKDAY
PEAK HOUR A.M. : 7-9 WEEKEND
PEAK HOUR P.M. : 4-6 WEEKEND

14582	TRIPS PER WEEKDAY
1152	V.P.H. PER WEEKDAY
1604	TRIPS PER WEEKEND
1406	V.P.H. PER WEEKEND

LEGEND:

- INDICATES OPEN SPACE
- INDICATES INTERIOR LANDSCAPING
- INDICATES BUFFER AREAS-SEE PLAN FOR TYPE.
- INDICATES NO. OF PARKING SPACES IN AISLE.
- H INDICATES HANDICAP PARKING SPACE.
- O INDICATES STOP SIGNS.
- INDICATES "DO NOT ENTER" SIGNS.
- INDICATES DUMPSTER AREA
- INDICATES LIMITS OF PH. I PAVING

NOTES:
1) REFER TO LANDSCAPING PLAN FOR LOCATION OF ALL CURBING.
2) REFER TO ARCHITECTURAL PLANS FOR DIMENSIONS OF BANK BLDG.

3rd Box = 18443
AMENDED FINAL DEVELOPMENT 05315
ORDER # 8-21-84
APPROVED ON 2/24/86
IMPACT FEE

[Handwritten signatures and initials]

PLEASE VERIFY
PROJECT STILL HAS
SUFFICIENT RETENTION VOLUMES!

DES

ARCHITECT:
JACK PERRY
BOSTON, MASS.
(617) 769-4969

OWNER/DEVELOPER:
ISLAND PARK PLAZA LIMITED, INC.
540 N.W. 165TH ST.
SUITE 301
MIAMI, FL 33169

1st SUBMITTAL
3rd AFDO
FILE COPY
LEE COUNTY PUBLIC WORKS DEPT.
DO NOT REMOVE

PROPOSED SITE & BUFFERING PLAN
ISLAND PARK SHOPPING CENTER

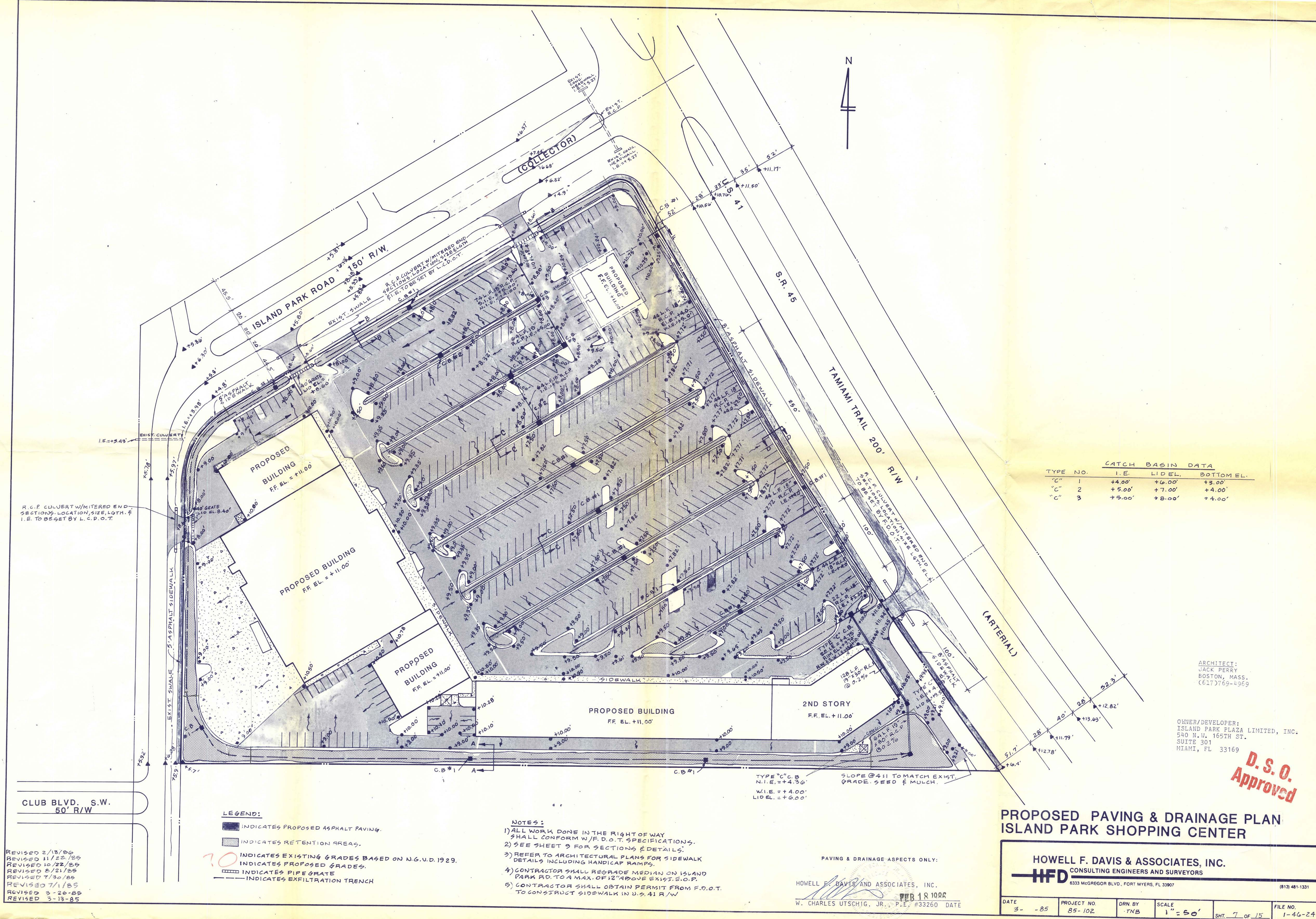
HOWELL F. DAVIS & ASSOCIATES, INC.
CONSULTING ENGINEERS AND SURVEYORS

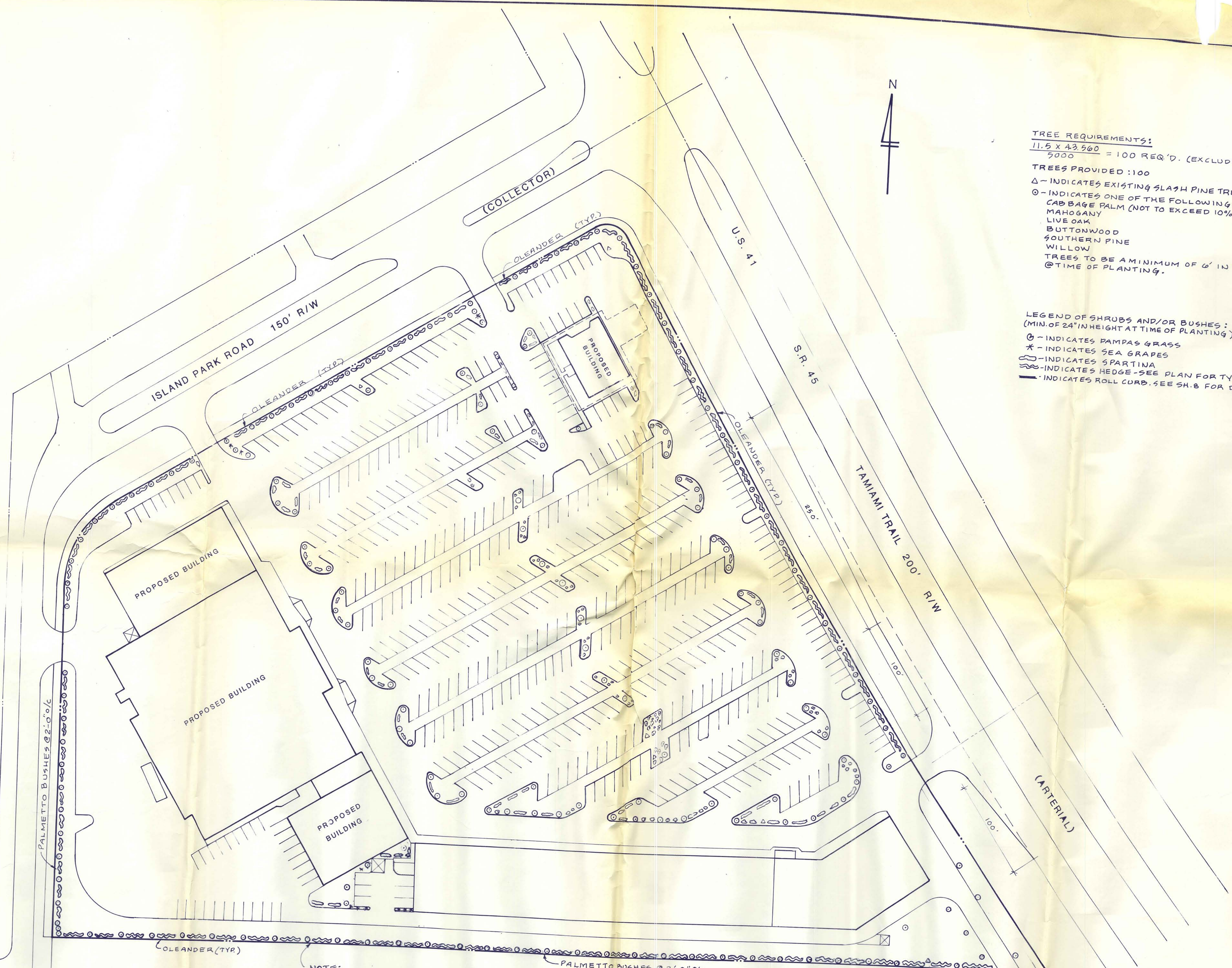
6333 MCGREGOR BLVD., FORT MYERS, FL 33907

(813) 481-1331

S AND BUFFERING ASPECTS ONLY
HOWELL F. DAVIS AND ASSOCIATES, INC.
FEB 18 1986
W. CHARLES UTSCHIG, JR., P.E. #33260 DATE

DATE	PROJECT NO.	DRN. BY	SCALE	SHT.	FILE NO.
3-13-85	86-102	TNB	1" = 50'	4 OF 15	1-46-24





TREE REQUIREMENTS:
 $11.5 \times 43,560 = 100 \text{ REQ'D. (EXCLUDING BUFFER AREAS)}$
 5000
TREES PROVIDED: 100
 Δ - INDICATES EXISTING SLASH PINE TREES
 ○ - INDICATES ONE OF THE FOLLOWING TREES:
 CABBAGE PALM (NOT TO EXCEED 10%)
 MAHOGANY
 LIVE OAK
 BUTTERNUT
 SOUTHERN PINE
 WILLOW
 TREES TO BE A MINIMUM OF 6' IN HEIGHT
 @ TIME OF PLANTING.

LEGEND OF SHRUBS AND/OR BUSHES:
 (MIN. OF 24" IN HEIGHT AT TIME OF PLANTING)
 ○ - INDICATES PAMPAS GRASS
 * - INDICATES SEA GRAPES
 ~ - INDICATES SPARTINA
 ~ - INDICATES HEDGE - SEE PLAN FOR TYPE.
 — - INDICATES ROLL CURB. SEE SH. 8 FOR DETAIL.

NOTE:
 IN ADDITION TO TYPE "A" BUFFER CONSTRUCT
 A WALL, IN CONFORMANCE W/ ZONING REGULATION
 SECTION 900.15 C1 & 2, ALONG PROPERTY LINE.

ARCHITECT:
 JACK PERRY
 BOSTON, MASS.
 (617) 769-4969
OWNER/DEVELOPER:
 ISLAND PARK PLAZA LIMITED, INC.
 540 N.W. 165TH ST.
 SUITE 301
 MIAMI, FL 33169

CLUB BLVD. S.W.
 50' R/W

REVISED 2/13/85
 REVISED 7/1/85
 REVISED 4/9/85
 REVISED 3/27/85
 REVISED 3-13-85

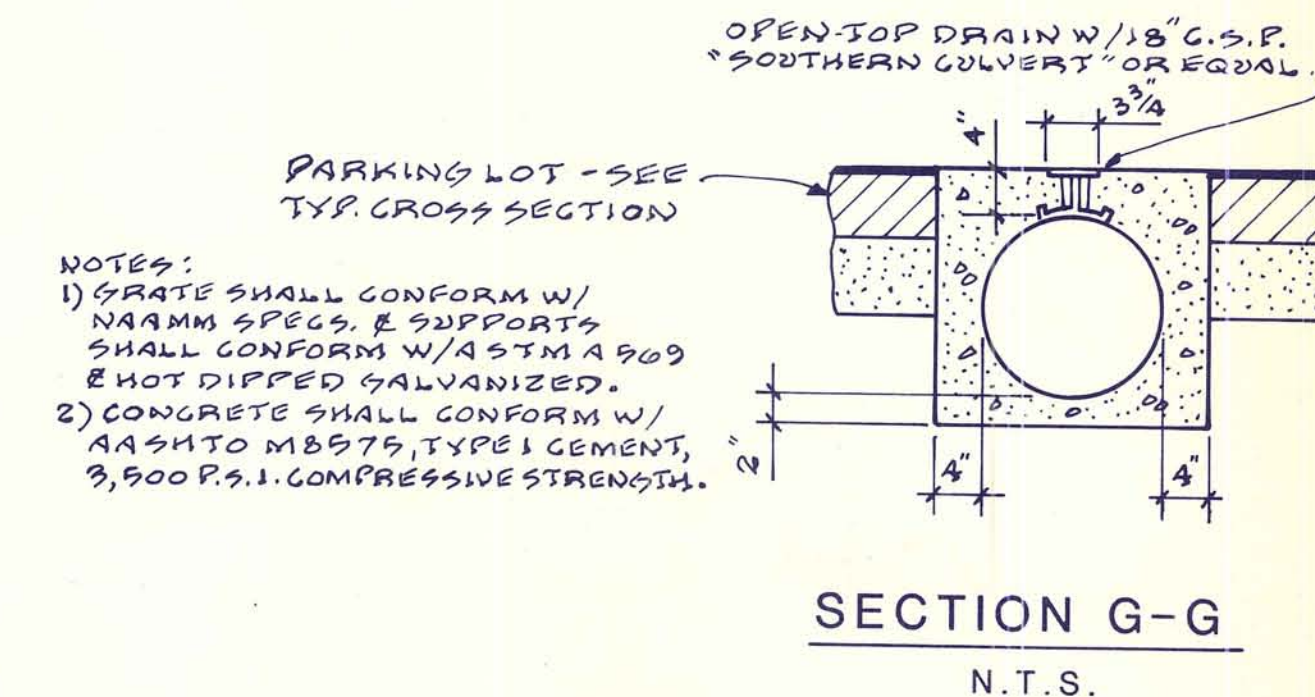
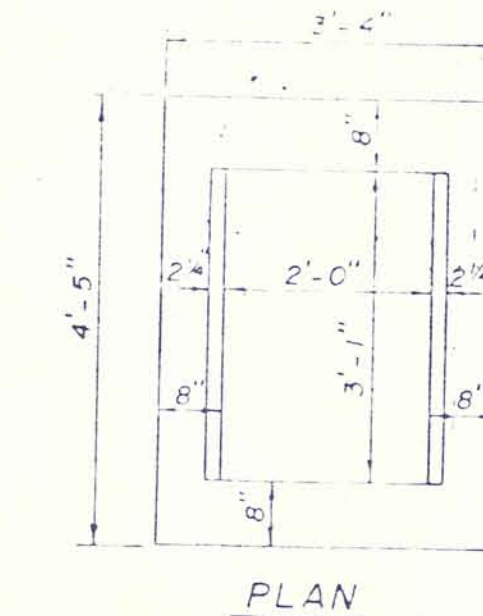
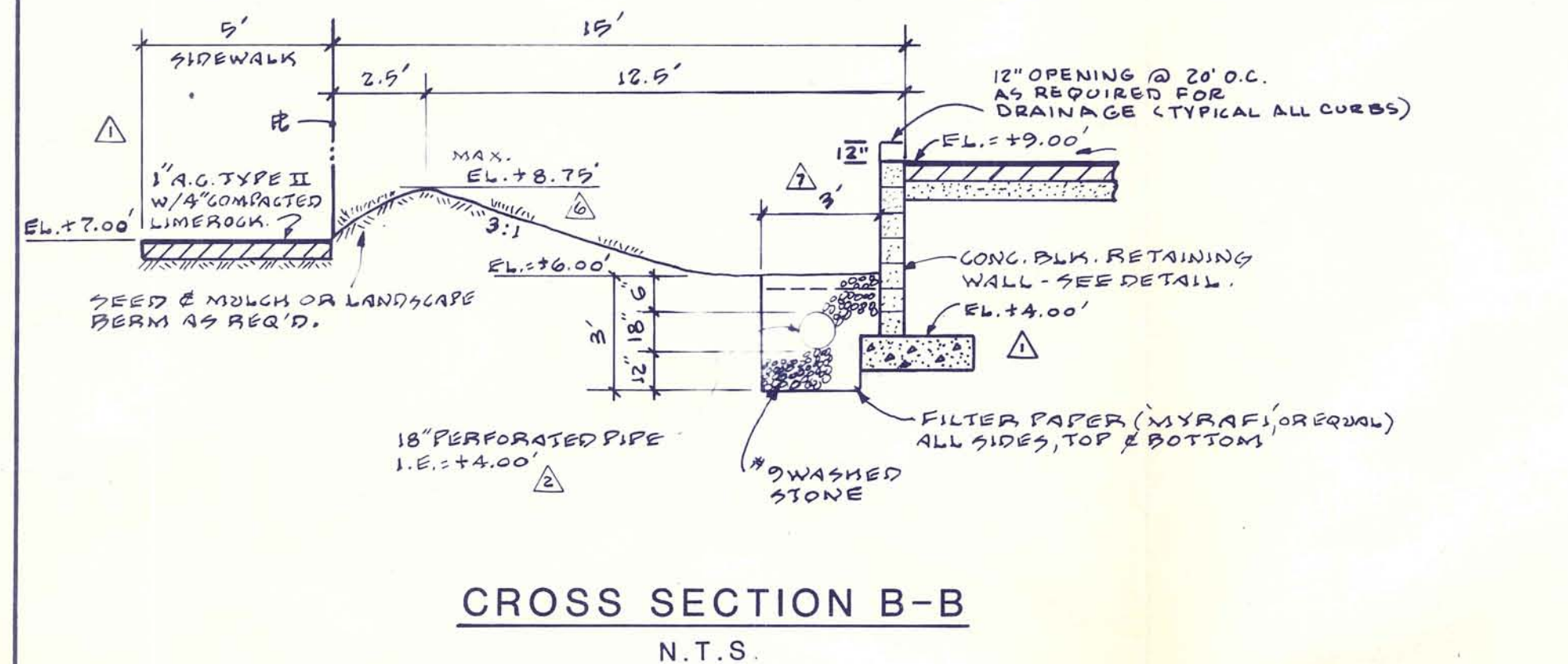
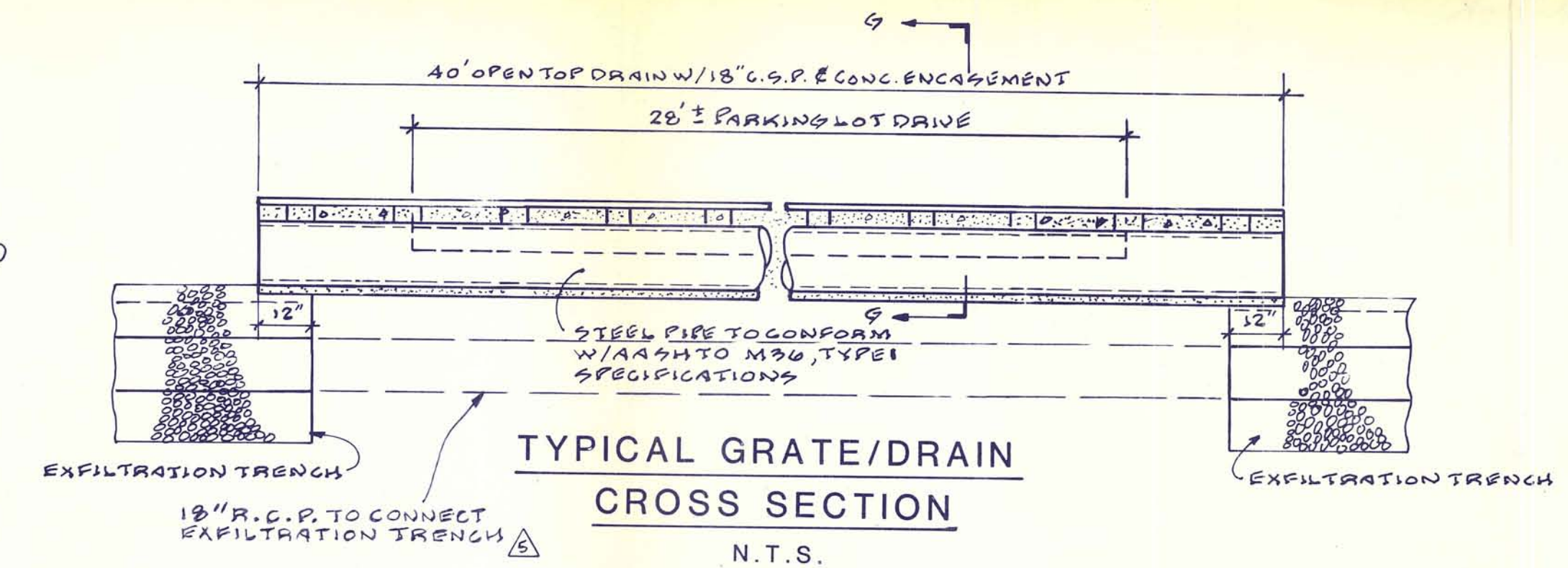
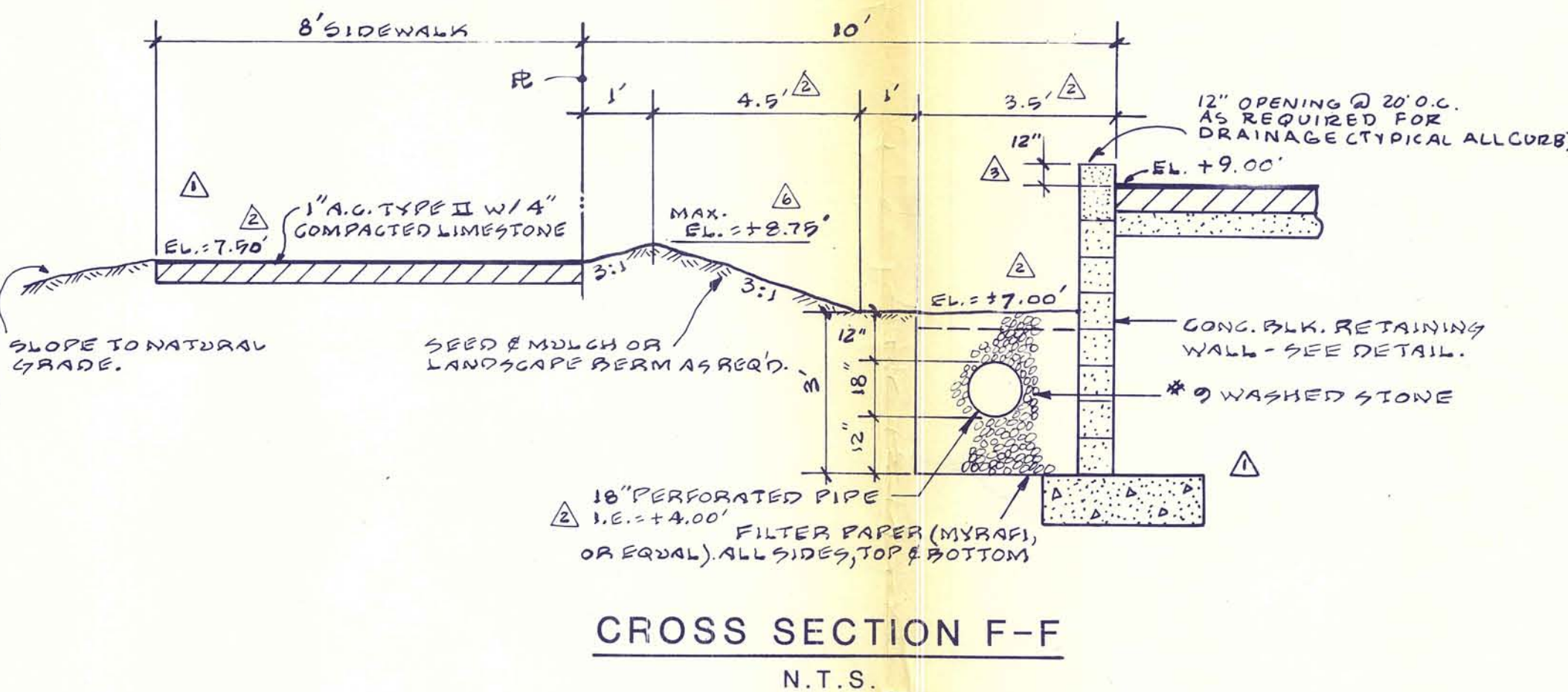
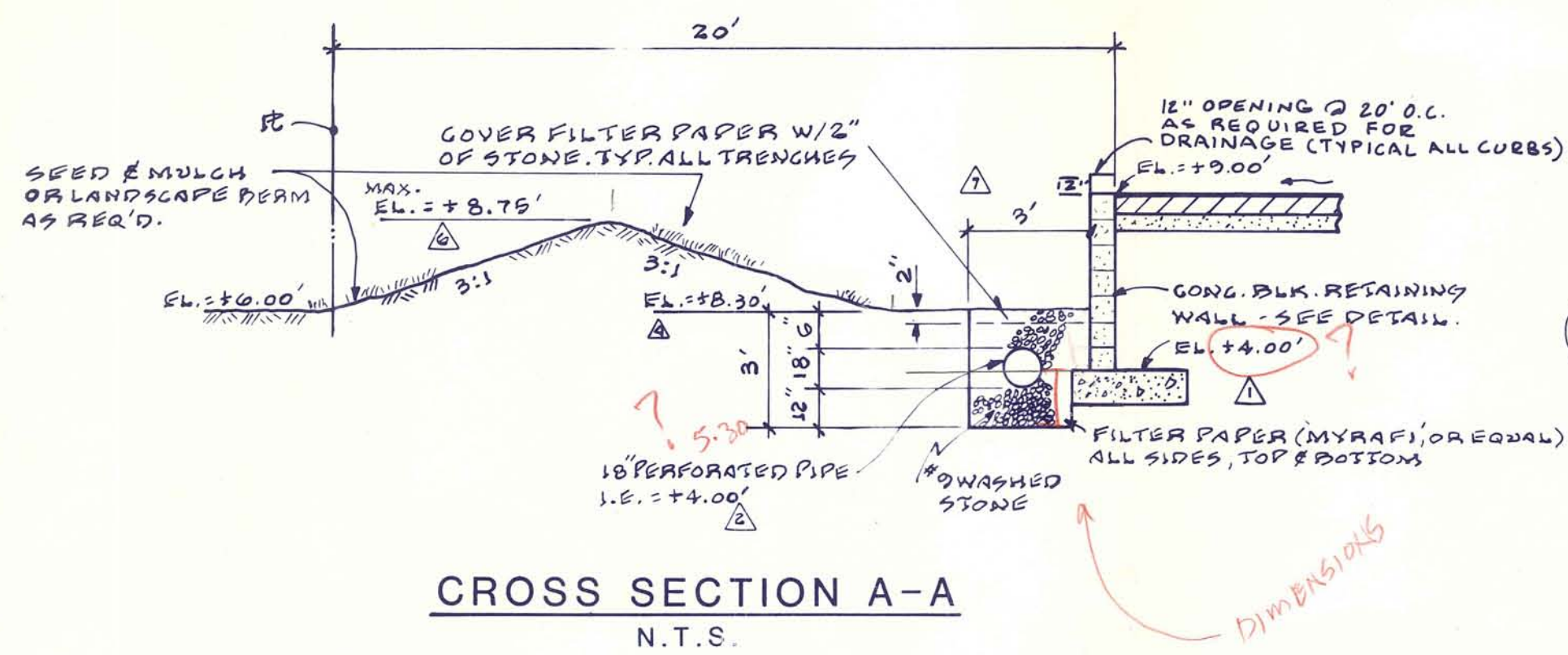
LANDSCAPING ASPECTS ONLY:
 HOWELL F. DAVIS AND ASSOCIATES, INC.
 FEB 18 1986
 W. CHARLES UTSCHIG, JR., P.E. #33260 DATE

**PROPOSED LANDSCAPING PLAN
 ISLAND PARK SHOPPING CENTER**

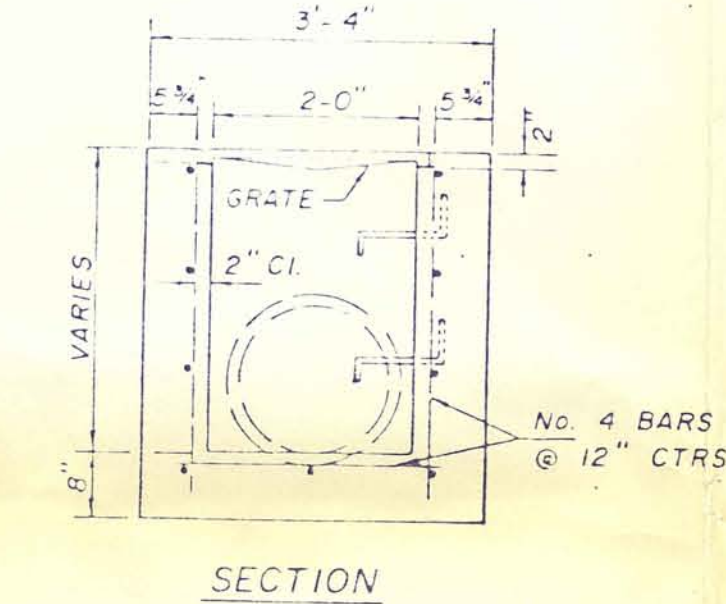
HOWELL F. DAVIS & ASSOCIATES, INC.
 CONSULTING ENGINEERS AND SURVEYORS
HFD
 6333 MCGREGOR BLVD., FORT MYERS, FL 33907

DATE 3-11-85	PROJECT NO 85-102	DRN BY TNB	SCALE 1" = 50'	FILE NO.
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**D.S.O.
 Approved**

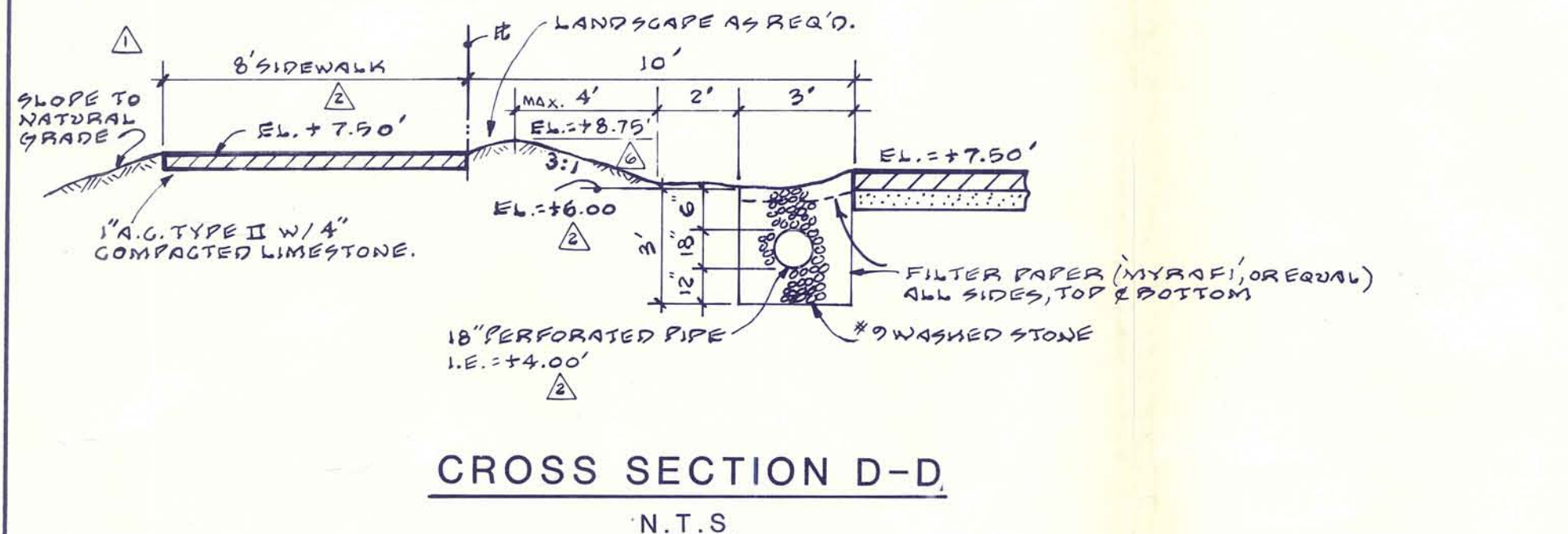
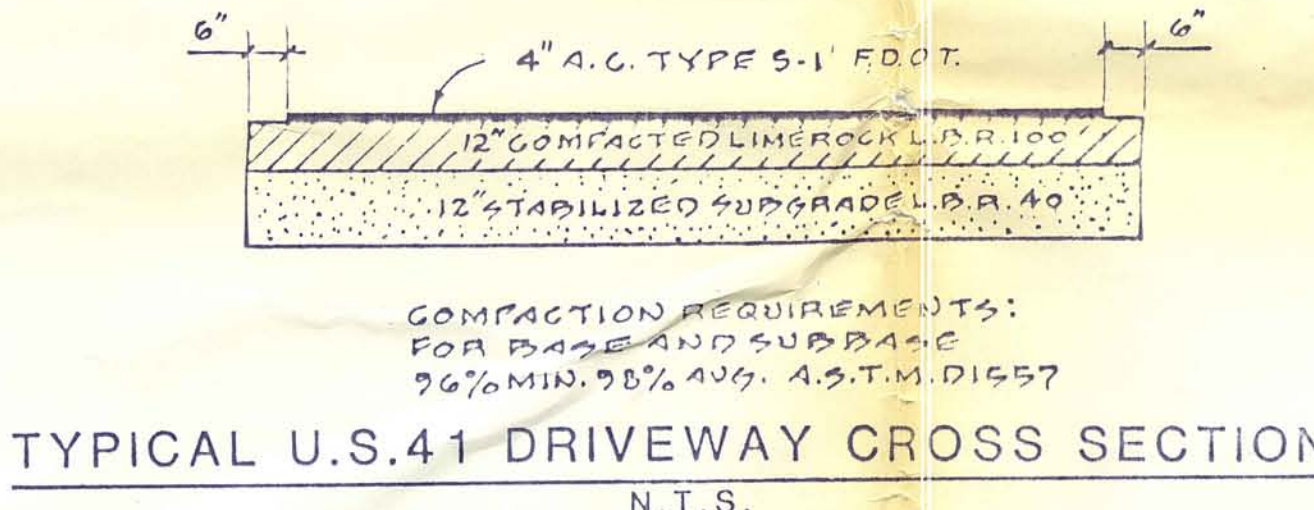
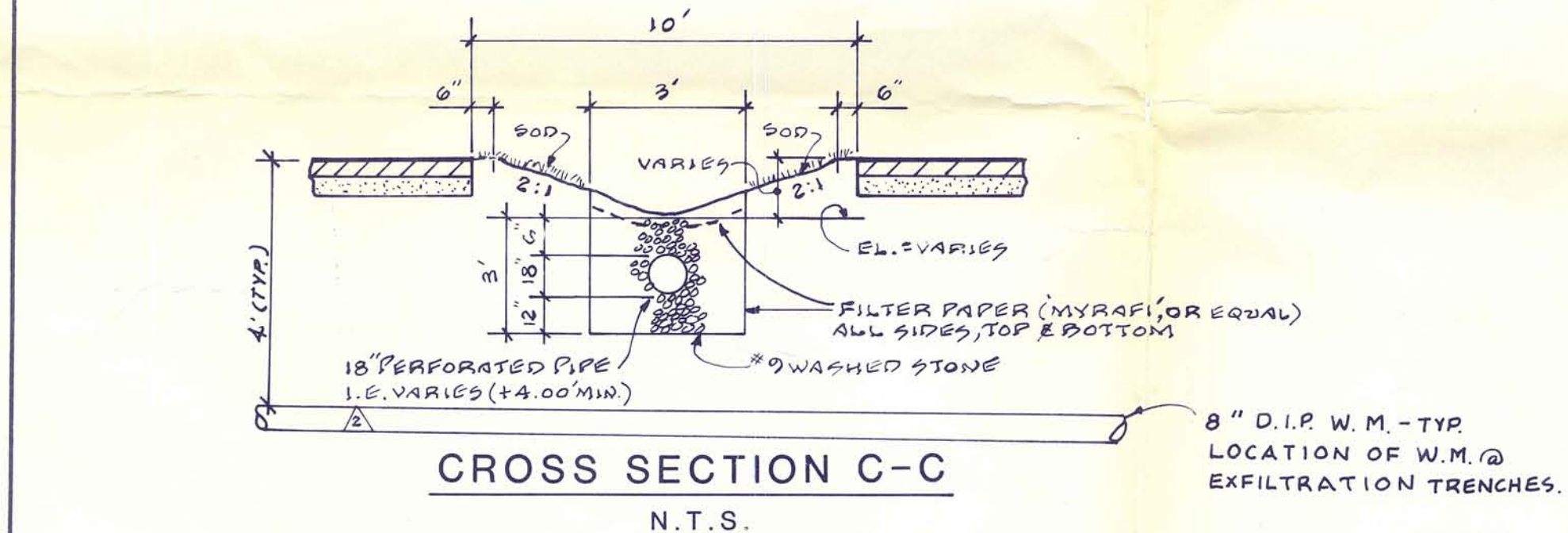


- NOTES:
1) GRATE SHALL CONFORM W/ NAWM SPEC. & SUPPORTS SHALL CONFORM W/ ASTM A 909 & HOT DIPPED GALVANIZED.
2) CONCRETE SHALL CONFORM W/ ASHTO M 8975, TYPE I CEMENT, 3,500 P.S.I. COMPRESSIVE STRENGTH.

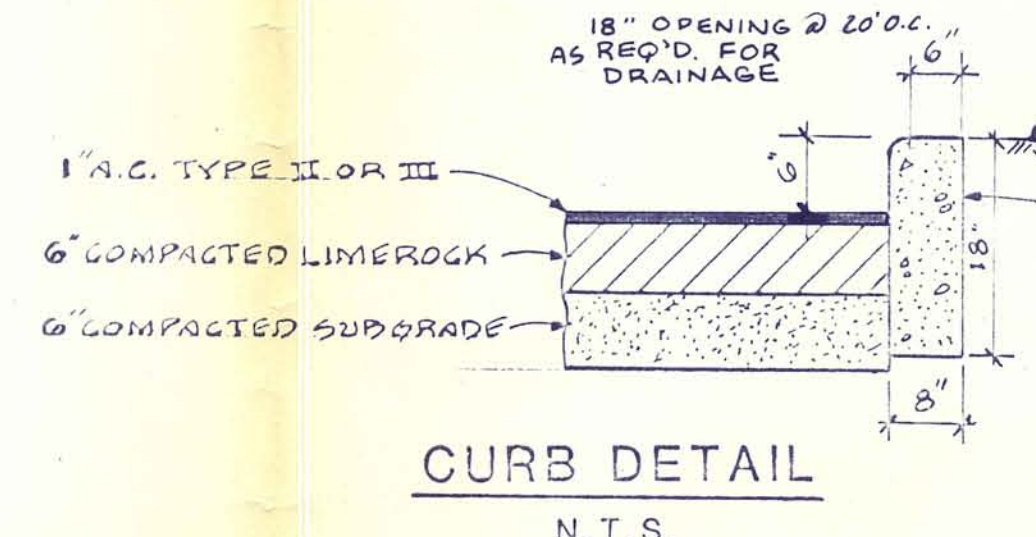
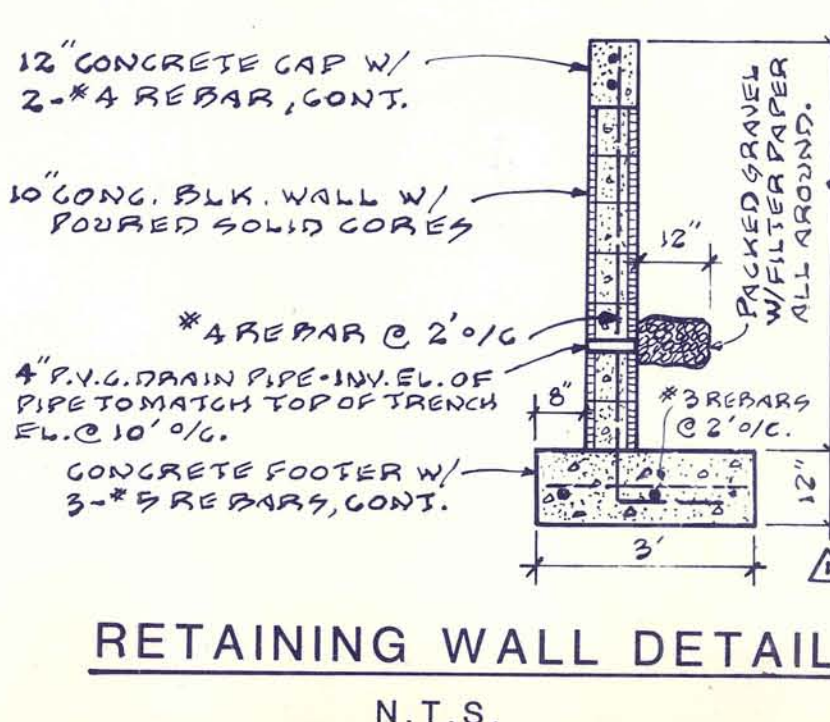
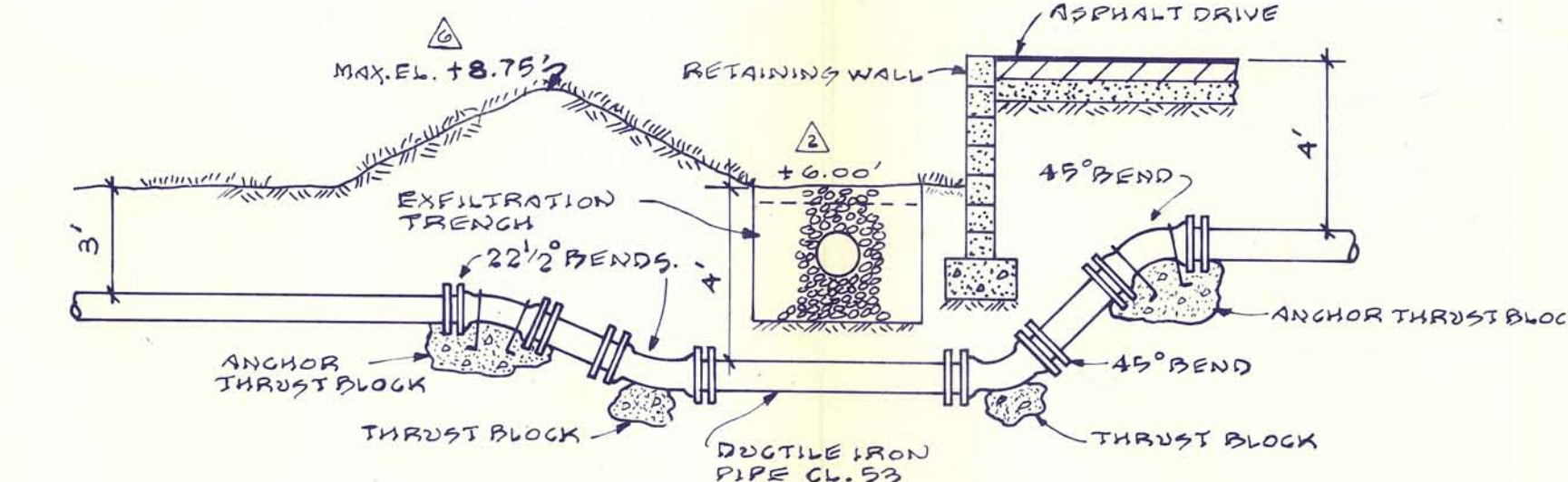
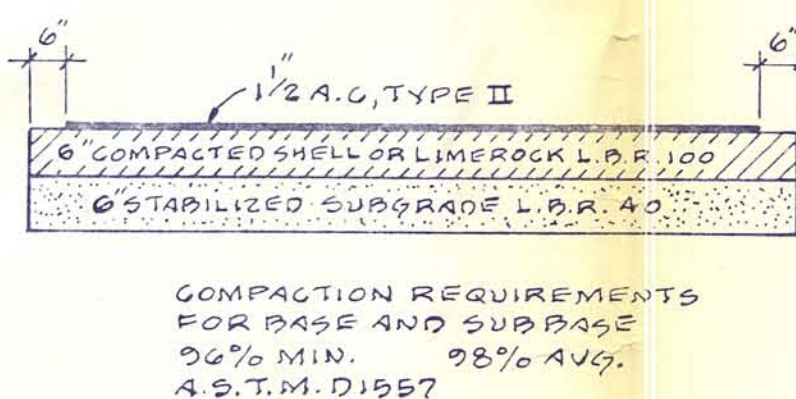


TRAFFIC BEARING GRATE

TYPE "C" CATCH BASIN DETAIL N.T.S.



TYPICAL R/W PAVING DETAIL FOR NEW TIE IN AT ISLAND PARK ROAD ONLY N.T.S.



NOTE:
ALL ISLANDS TO BE CURBED AS SHOWN IN THIS DETAIL. REFER TO LANDSCAPE PLAN FOR CURB LOCATIONS.

HOWELL F. DAVIS & ASSOCIATES, INC.
W. CHARLES UTSCHIG, JR., P.E. #53260 DATE FEB 18 1986

PAVING AND DRAINAGE DETAILS ISLAND PARK SHOPPING CENTER

HOWELL F. DAVIS & ASSOCIATES, INC.
CONSULTING ENGINEERS AND SURVEYORS
8333 MCGREGOR BLVD., FORT MYERS, FL 33907 (813) 481-1331

DATE	PROJECT NO.	DRN BY	SCALE	SHT.	OF	FILE NO.
8/21/84	86-102	DGO	NOT TO SCALE	9	OF 15	1-46-24

- REVIS 2/11/86
REVIS 10/22/85
REVIS 7/2/85
REVIS 1-25-85
REVIS 11/28/84
REVIS 10/13/84
REVIS 9/20/84

ARCHITECT:
JACK PERRY
BOSTON, MASS.
(617) 769-4969
OWNER/DEVELOPER:
ISLAND PARK PLAZA LIMITED, INC.
540 N.W. 165TH ST.
SUITE 301
MIAMI, FL 33169

D.S.O. Approved

PARKING CALCULATIONS

	REGULAR SPACES	ACCESSIBLE SPACES	TOTAL SPACES
TOTAL BY SPACING	600	18	618
ADJUSTMENT FOR 15% MINIMUM	100	0	100
PROP. SPACES	400	18	418
TOTAL SPACES	400	18	418

LEGEND

- REGULAR PARKING SPACES
- ACCESSIBLE PARKING SPACES

The map shows a proposed development with a central building and surrounding parking areas. The parking areas are divided into regular and accessible spaces. The map also shows existing roads, including Island Park Road (Public) and US Highway 1 (Public). The map is overlaid with a grid of numbers 1 through 15, indicating different zones or sections of the development.

PARKING CALCULATIONS		
	REGULAR SPACES	TOTAL SPACES
TOTAL REG. SPACE (BEFORE CONSTRUCTION)	60	60
REG. SPACE TO REMAIN	50	50
PROP. SPACE	10	10
TOTAL SPACES (AFTER CONSTRUCTION)	60	60

LEGEND

REGULAR PARKING SPACES

ACCESSIBLE PARKING SPACES

LEGEND

[illegible]

GradyMinor

Q. Grady Miner and Associates, P.A.
3800 Via Del Rey
Boca Raton, Florida 33434

Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Arch. EE 0005151 Cert. of Arch. LB 0005151 Business LC 10000266
Bentley Springs: 228.947.1144 www.GradyMinor.com Fort Myers: 228.690.4380

7-ELEVEN ISLAND PARK SHOPPING CENTER

ADMINISTRATIVE VARIANCE EXHIBIT
STORE #42251

82-7 DAYS SHOW HEBEN A/E SWD: UPRN NORTH A/E SWD: VETAL DAY: 1998 (1940 '88)
COM: 6-10 IN F-T: 7: 1974 (6: 1974) 5: 1974 (4: 1974) 1978 (1980 '88) 1978 (1980 '88)

MICHAEL T. HERRICK, P.E.
NORTH P.E. NO. 6018

MOVEMENT
LOS ANGELES
FBI/DOJ/DOH
01/2002/2002
FBI
JUNE 2002
SCHEDULED FOR
SCHEDULED FOR
SCHEDULE 2 ON 2

**Grady Minor****Exhibit E****Civil Engineers • Land Surveyors • Planners • Landscape Architects****7-Eleven Store No. 42251****Administrative Variance Request – List of Requests and Justifications***Revised December 2022*

Deviation 1: Deviation 1 seeks relief from LDC Section 34-1353.e.1, for Automobile Service Stations street-right-of-way buffer landscaping, which requires landscaping adjacent to rights-of-way external to the development project be located within a landscape buffer that is a minimum of 25 feet in width to include 5 canopy trees per 100 linear feet with a minimum 14 feet in height to instead allow 5 canopy trees per 100 linear feet with a minimum 14 feet in height to be planted within a 20 foot width area along US 41 and a 15 foot width area along Island Park Road.

JUSTIFICATION: The existing site was permitted together with the Island Park Shopping Center under one Development Order per DO 84-08-021-00D even though it was a separate parcel. Along the entire extent of US 41 the landscape buffer was consistent for the shopping center and the previous bank parcel with a 10 foot type A buffer. Along Island Park Road the buffer was also consistent between the shopping center and the previous bank parcel with a 15 foot type B buffer. This request proposes to enhance the buffer plantings substantially from what exists today and provides the same plantings required for a convenience store with fuel pumps. The trees that are able to be saved along US 41 are proposed to remain due to the extent of various infrastructure abutting the ROW/Property Line. Over time the areas abutting the property line and right of ways have become widespread with overhead power, gas, water main, fiber, and other dry utilities. It is anticipated some of the existing tree roots may have expanded and it is proposed to keep them as to limit disruption to services at the property line. This deviation will also facilitate redevelopment of a site which is currently a demolished building pad with parking around the permitter.

The alternative is based on sound engineering practice. The alternative is also no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

Deviation 2: Deviation 2 seeks relief from LDC Section 34-1353.e.2, for Automobile Service Stations street-right-of-way buffer landscaping, which requires an undulating berm with a maximum slope of 3:1 at a minimum of two feet in height constructed along the entire length of the landscape buffer to instead allow an undulating berm two feet in height to not be constructed adjacent to Island Park Road or US 41.

JUSTIFICATION: The addition of up to two feet of fill to create an undulating berm would negatively affect existing trees proposed to remain along US 41. It is anticipated the plantings would not withstand the addition of the fill. Also, this deviation supports the re-

development of the shopping center to impact less area and be more consistent with the existing buffers that they will adjoin.

The alternative is based on sound engineering practice. The alternative is also no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

Deviation 3: Withdrawn

Deviation 4: Deviation 4 seeks relief from LDC Section 34-1354.d, minimum setbacks for all buildings and structures, which requires a 15 foot side setback to instead allow a 6 foot setback for the dumpster enclosure to the southeast property line and a 6 foot setback for the dumpster enclosure to the southwest property line.

JUSTIFICATION: The proposed southeast and southwest property lines abut the existing shopping center and are adjacent to parking spaces to the southeast and southwest. As the shopping center and the proposed 7-Eleven share access aisles, driveways, and other infrastructure it is not anticipated the placement of the proposed dumpster would cause detriment to the shopping center development.

The alternative is based on sound engineering practice. The alternative is also no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

Deviation 5: Deviation 5 seeks relief from LDC Section 10-285 Table 1, Connection Separation, which requires future suburban areas along a functional classification of major collector (Island Park Road) to be 330 feet to instead allow a 285 foot separation from the proposed Island Park Road revised ingress/egress to US 41 and a 182 foot separation to the existing southwest ingress/egress to the Island Park Road Shopping Center.

JUSTIFICATION: The proposed revised ingress/egress along Island Park Road was coordinated with LeeDOT through phone calls, emails, and an in-person meeting on November 30th, 2021. The location shifts the ingress/egress to the southwest along Island Park Road to provide additional connection separation from US 41 as was requested in the aforementioned meeting. Please note the site currently has an ingress/egress location 181 feet from US 41 and 292 feet from the existing southwest ingress/egress to the Island Park Road Shopping Center. This configuration provides an additional 107 feet between US 41 and the ingress/egress which was of prominent concern at the LeeDOT meeting.

The alternative is based on sound engineering practice. The alternative is also no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

Deviation 6: Deviation 6 seeks relief from LDC Section 34-2020.b, required parking spaces for non-residential uses, which requires 470 spaces for the shopping center and the proposed 7-Eleven Store No. 42251 to instead allow a 7.5% reduction in parking for a total of 435 spaces.

JUSTIFICATION: Lee Tran Bus Stop number 1563 is located in front of the shopping center along Route 140 per the LeeTran System map. Pedestrian connectivity along Island Park Road routes patrons to the front of the shopping center. Based on a site visit this stop was utilized by patrons of the shopping center.

Based on the Land Development Code Section 34-2020 there are two columns of which parking may be utilized to determine parking count. They are “minimum spaces for single-use development” or “minimum spaces for multiple-use development”. For items of which the multiple use development column was available the count was utilized, however, to get to the closest existing uses within the center not all uses within the column provided a reduction for multiple use as some items in that column were not available. Therefore, there are some uses which are currently counting for the single use development versus multiple use development such as the high school.

One existing use is catering by Savour First Choice Catering. As catering was not listed restaurant use was utilized and totals 33.13 spaces. As it is catering and not a full restaurant the parking count for the actual use will be much less than noted.

The alternative is based on sound engineering practice. The alternative is also no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

Deviation 7: Deviation 7 seeks relief from LDC Section 34-2015.1, parking location, which requires all required parking spaces be provided on the same premises to instead allow shared parking between the Island Park Shopping Center and the proposed 7-Eleven Store Number 42251.

JUSTIFICATION: The Island Park Shopping Center and the previous bank on the subject parcel were originally developed under one Development Order; DO 84-08-021-00D. The parking was fully intertwined and calculated together for both parcels. Due to this precedence on the site it is requested to remain as shared parking between the two developments. In the existing and proposed plans the drive aisles as well as parking are seamless between the two projects. The site plan with the previous parking calculations under the aforementioned DO is on page 4 of the shopping center plans and outparcel plans from that DO.

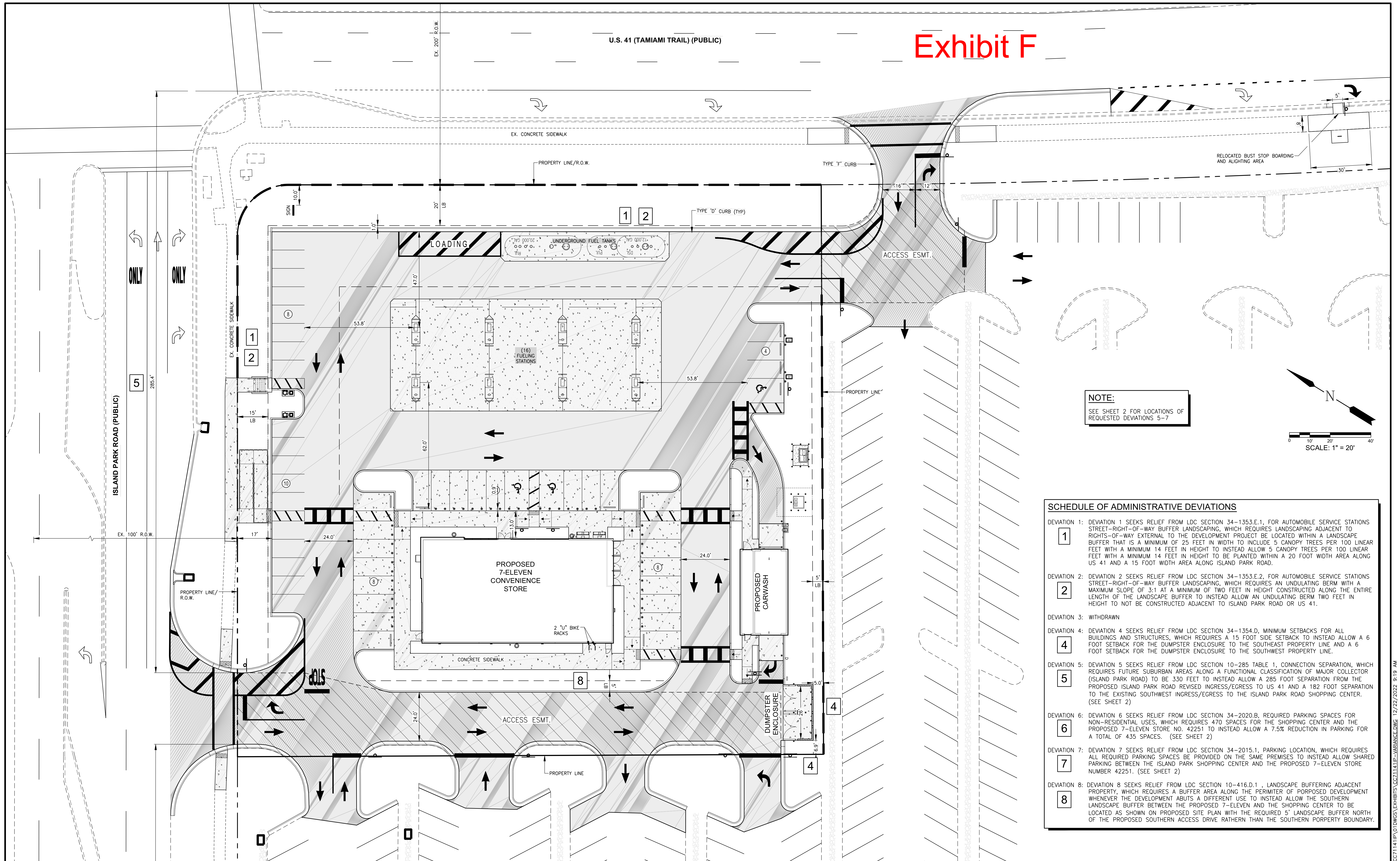
The alternative is based on sound engineering practice. The alternative is also no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

7-Eleven Store No.42551
December 22, 2022
Page 4 of 4

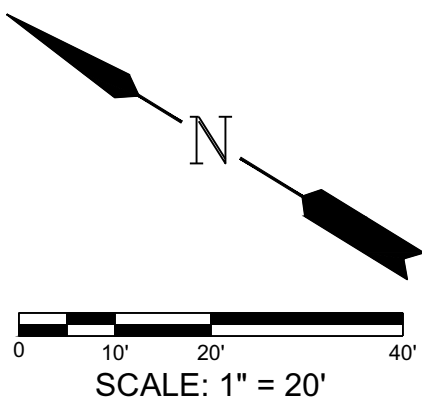
Deviation 8: Deviation 8 seeks relief from LDC Section 10-416.D.1, Landscape buffering adjacent property, which requires a buffer area along the perimeter of proposed development whenever the development abuts a different use to instead allow the southern landscape buffer between the proposed 7-Eleven and the shopping center to be located as shown on the proposed site plan with the required 5' landscape buffer north of the proposed southern access drive rather than the southern property boundary.

JUSTIFICATION: The proposed deviation is order to facilitate health and safety for the project area. Pushing the landscape buffer up will provide a continuous buffer while the remaining shopping center ingress/egress is tied into the proposed access drive on the south side of the project site.

Exhibit F



NOTE:
SEE SHEET 2 FOR LOCATIONS OF
REQUESTED DEVIATIONS 5-7



SCHEDULE OF ADMINISTRATIVE DEVIATIONS

- 1** DEVIATION 1: DEVIATION 1 SEEKS RELIEF FROM LDC SECTION 34-1353.E.1, FOR AUTOMOBILE SERVICE STATIONS STREET-RIGHT-OF-WAY BUFFER LANDSCAPING, WHICH REQUIRES LANDSCAPING ADJACENT TO RIGHTS-OF-WAY EXTERNAL TO THE DEVELOPMENT PROJECT BE LOCATED WITHIN A LANDSCAPE BUFFER THAT IS A MINIMUM OF 25 FEET IN WIDTH TO INCLUDE 5 CANOPY TREES PER 100 LINEAR FEET WITH A MINIMUM 14 FEET IN HEIGHT TO INSTEAD ALLOW 5 CANOPY TREES PER 100 LINEAR FEET WITH A MINIMUM 14 FEET IN HEIGHT TO BE PLANTED WITHIN A 20 FOOT WIDTH AREA ALONG US 41 AND A 15 FOOT WIDTH AREA ALONG ISLAND PARK ROAD.
- 2** DEVIATION 2: DEVIATION 2 SEEKS RELIEF FROM LDC SECTION 34-1353.E.2, FOR AUTOMOBILE SERVICE STATIONS STREET-RIGHT-OF-WAY BUFFER LANDSCAPING, WHICH REQUIRES AN UNDULATING BERM WITH A MAXIMUM SLOPE OF 3:1 AT A MINIMUM OF TWO FEET IN HEIGHT CONSTRUCTED ALONG THE ENTIRE LENGTH OF THE LANDSCAPE BUFFER TO INSTEAD ALLOW AN UNDULATING BERM TWO FEET IN HEIGHT TO NOT BE CONSTRUCTED ADJACENT TO ISLAND PARK ROAD OR US 41.
- DEVIATION 3: WITHDRAWN
- 4** DEVIATION 4: DEVIATION 4 SEEKS RELIEF FROM LDC SECTION 34-1354.D, MINIMUM SETBACKS FOR ALL BUILDINGS AND STRUCTURES, WHICH REQUIRES A 15 FOOT SIDE SETBACK TO INSTEAD ALLOW A 6 FOOT SETBACK FOR THE DUMPSTER ENCLOSURE TO THE SOUTHWEST PROPERTY LINE AND A 6 FOOT SETBACK FOR THE DUMPSTER ENCLOSURE TO THE SOUTHWEST PROPERTY LINE.
- 5** DEVIATION 5: DEVIATION 5 SEEKS RELIEF FROM LDC SECTION 10-285 TABLE 1, CONNECTION SEPARATION, WHICH REQUIRES FUTURE SUBURBAN AREAS ALONG A FUNCTIONAL CLASSIFICATION OF MAJOR COLLECTOR (ISLAND PARK ROAD) TO BE 330 FEET TO INSTEAD ALLOW A 285 FOOT SEPARATION FROM THE PROPOSED ISLAND PARK ROAD REVISED INGRESS/EGRESS TO US 41 AND A 182 FOOT SEPARATION TO THE EXISTING SOUTHWEST INGRESS/EGRESS TO THE ISLAND PARK ROAD SHOPPING CENTER. (SEE SHEET 2)
- 6** DEVIATION 6: DEVIATION 6 SEEKS RELIEF FROM LDC SECTION 34-2020.B, REQUIRED PARKING SPACES FOR NON-RESIDENTIAL USES, WHICH REQUIRES 470 SPACES FOR THE SHOPPING CENTER AND THE PROPOSED 7-ELEVEN STORE NO. 42251 TO INSTEAD ALLOW A 7.5% REDUCTION IN PARKING FOR A TOTAL OF 435 SPACES. (SEE SHEET 2)
- 7** DEVIATION 7: DEVIATION 7 SEEKS RELIEF FROM LDC SECTION 34-2015.1, PARKING LOCATION, WHICH REQUIRES ALL REQUIRED PARKING SPACES BE PROVIDED ON THE SAME PREMISES TO INSTEAD ALLOW SHARED PARKING BETWEEN THE ISLAND PARK SHOPPING CENTER AND THE PROPOSED 7-ELEVEN STORE NUMBER 42251. (SEE SHEET 2)
- 8** DEVIATION 8: DEVIATION 8 SEEKS RELIEF FROM LDC SECTION 10-416.D.1, LANDSCAPE BUFFERING ADJACENT PROPERTY, WHICH REQUIRES A BUFFER AREA ALONG THE PERIMETER OF PROPOSED DEVELOPMENT WHENEVER THE DEVELOPMENT ABUTS A DIFFERENT USE TO INSTEAD ALLOW THE SOUTHERN LANDSCAPE BUFFER BETWEEN THE PROPOSED 7-ELEVEN AND THE SHOPPING CENTER TO BE LOCATED AS SHOWN ON PROPOSED SITE PLAN WITH THE REQUIRED 5' LANDSCAPE BUFFER NORTH OF THE PROPOSED SOUTHERN ACCESS DRIVE RATHER THAN THE SOUTHERN PROPERTY BOUNDARY.

LEGEND

Revision	Date	Description	By
3	12/2022	REVISED PER COUNTY COMMENTS	C.G.K.
2	10/2022	REVISED TO SHOW ACCESS EASEMENT LOCATIONS & L.B.E.	C.G.K.
1	09/2022	REVISED PER COUNTY COMMENTS DATED 8/1/2022 FOR ADMINISTRATIVE VARIANCE AND COMMENTS DATED 9/9/2022 FOR SPECIAL EXCEPTION	KAM

DESIGNED BY: RJT
DRAWN BY: CK
APPROVED: MTH
JOB CODE: CC71141IP
SCALE: 1" = 20'



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Cert. of Auth. EB 00005151 Cert. of Auth. LB 00005151
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

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3800 Via Del Rey
Bonita Springs, Florida 34134

7-ELEVEN ISLAND PARK SHOPPING CENTER

ADMINISTRATIVE VARIANCE EXHIBIT
STORE #42251

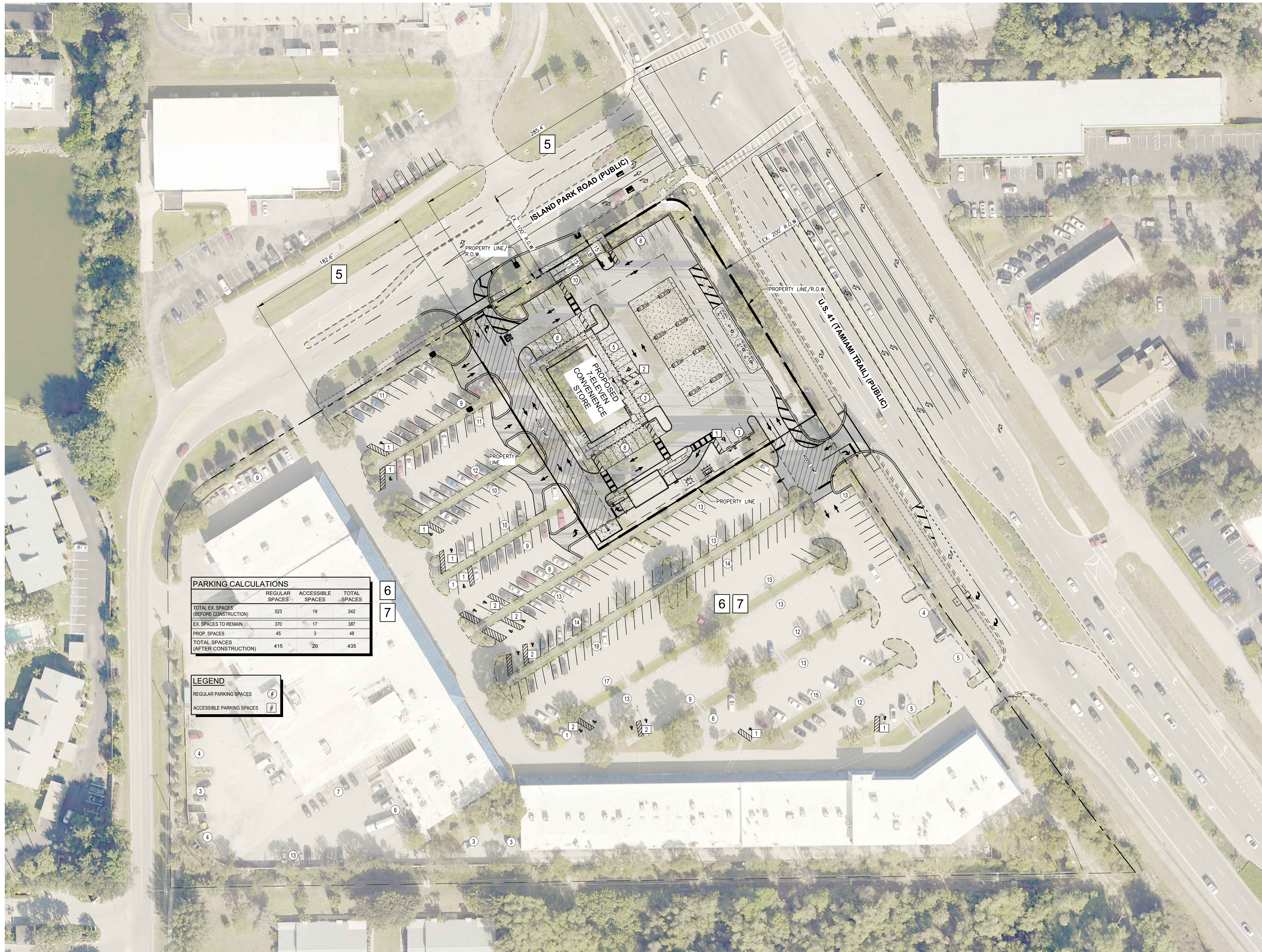
ELEVATIONS SHOWN HEREON ARE BASED UPON NORTH AMERICAN VERTICAL DATUM 1988 (NAVD '88)
CONVERSION FACTOR TO NATIONAL GEODETIC VERTICAL DATUM 1929 (NGVD '29) IS (+/-) 1.181



Digitally signed
by Michael T.
Herrera, P.E.
Date: 2022.12.22
13:45:21 -05'00'

MICHAEL T. HERRERA, P.E.
FLORIDA P.E. LICENSE NO. 60110

MUNICIPALITY:
LEE COUNTY
SEC./TOWNSHIP/RNG
01/46S/24E
DATE:
JUNE 2022
SUBMITTAL TYPE:
EXHIBIT-VAR
SHEET 1 OF 2



PARKING CALCULATIONS			
	REGULAR SPACES	ACCESSIBLE SPACES	TOTAL SPACES
TOTAL EX. SPACES (BEFORE CONSTRUCTION)	523	19	542
EX. SPACES TO REMAIN	370	17	387
PROP. SPACES	45	3	48
TOTAL SPACES (AFTER CONSTRUCTION)	415	20	435

LEGEND	
REGULAR PARKING SPACES	#
ACCESSIBLE PARKING SPACES	#

LEGEND

Revision	Date	Description
3	12/2022	REVISED PER COUNTY COMMENTS
1	09/2022	REVISED PER COUNTY COMMENTS DATED 8/1/2022 FOR ADMINISTRATIVE VARIANCE AND COMMENTS DATED 9/9/2022 FOR SPECIAL EXCEPTION

DESIGNED BY:	RJT
DRAWN BY:	CK
APPROVED:	MTH
JOB CODE:	CC71141P
SCALE:	1" = 50'



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7-ELEVEN ISLAND PARK SHOPPING CENTER

ADMINISTRATIVE VARIANCE EXHIBIT
STORE #42251

ELEVATIONS SHOWN HEREON ARE BASED UPON NORTH AMERICAN VERTICAL DATUM 1988 (NAVD '88)
CONVERSION FACTOR TO NATIONAL GEODETIC VERTICAL DATUM 1929 (NGVD '29) IS (+) 1.181

MICHAEL T. HERRERA, P.E.
FLORIDA P.E. LICENSE NO. 60110

MUNICIPALITY:	LEE COUNTY
SEC./TOWNSHIP/RNG	01/46S/24E
DATE:	JUNE 2022
SUBMITTAL TYPE:	EXHIBIT-VAR
SHEET	2 OF 2