

EXHIBITS

CASE # DCI2024-00019

CASE NAME: LAUREL LAND CPD

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS?	YES	NO

LOCATION OF BOARDS

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

EXHIBITS

Case #

DCI2024-00019

APPLICANT

9. 48-Hour
#1 PowerPoint - Applicant

#2 W.S.

#3

#4

#5

#6

#7

#8

#9

#10

STAFF

9. 48-Hour

#1 Staff Report

#2 Affidavit of Publication

#3 PowerPoint - Staff

#4 W.S.

#5

#6

#7

#8

#9

#10

OTHER EXHIBITS

NAME

NUMBER

DESCRIPTION

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____

Perez, Maria

From: Veronica Martin <vmartin@tdmconsulting.com>
Sent: Thursday, January 23, 2025 9:26 AM
To: Perez, Maria; Groth, MarySue; Hearing Examiner
Subject: 48 hr letter - DCI2024-00019
Attachments: 48-Hr Letter to HEX.pdf

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Good Morning,

Please find attached the 48-hour letter for DCI2024-00019. We are in agreement with the staff report.

See you next week.

Veronica Martin

Senior Planner

vmartin@tdmconsulting.com

Saving just one dog won't change the world...but, surely the world will change for that one dog...Adopt, don't shop...

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January 23, 2025

Office of the Hearing Examiner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

Reference: 48-Hour Notice Letter
DCI2024-00019 – 2265 Laurel Lane CPD

Dear Madame Hearing Examiner:

We are in receipt of the Staff Report regarding our request to amend Zoning Resolution Z-89-091A. The 0.33-acre property is located at 2265 Laurel Lane in the North Fort Myers planning area. The Amendment proposes to revise the Master Concept Plan and Schedule of Uses to permit a food store. Additional deviations were also requested. Staff has found that the applicant has demonstrated compliance with the criteria set forth in LDC Sec. 34-145(d)(4) for planned development rezonings and is recommending approval. The applicant concurs with the findings of the Staff Report and agrees to the proposed Conditions.

Please note the Applicant will be providing one Exhibit at the public hearing:

1. Hard copy of Power Point presentation

Thank you for your time.

Sincerely,

TDM CONSULTING, INC.

Veronica Martin

Veronica Martin
Senior Planner

2265 LAUREL LANE CPD DCI2024-00019

HEARING EXAMINER PUBLIC HEARING – JANUARY 30, 2025

AREA LOCATION MAP
2265 Laurel Lane
North Fort Myers

Suncoast Estates



3

FUTURE LAND USE MAP
2265 Laurel Lane
North Fort Myers

 Suburban

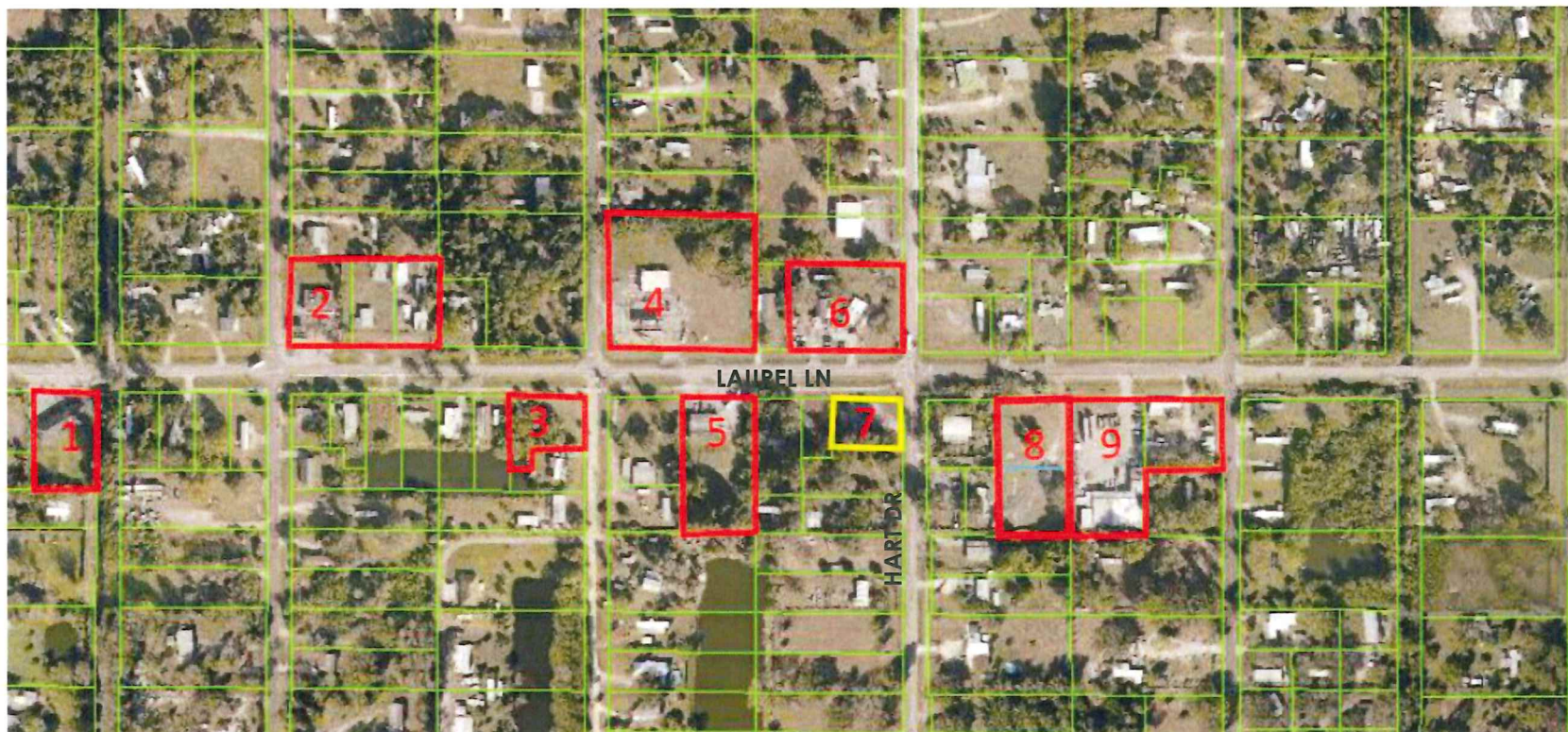


SURROUNDING
ZONING MAP
2265 Laurel Lane
North Fort Myers



PROXIMATE COMMERCIAL USES MAP

2265 Laurel Lane
North Fort Myers



- | | | |
|--|---|---|
| 1. 2119 Laurel Lane
Zoning: CPD
Use: Laurel Lane Grocery Convenience Store | 4. 2238 Laurel Lane
Zoning: C-1
Use: Laurel Food Mart and Deli with gas pumps | 7. 2265 Laurel Lane - SITE
Zoning: CPD
Use: Vacant Z-89-091
Lawn Mower & Small Engine Repair |
| 2. 2170, 2184, 2190 Laurel Lane
Zoning: C-1
Use: Circle K Convenience Store with gas pumps | 5. 2149/2259 Laurel Lane
Zoning: C-1
Use: Farmer Jack Market | 8. 2307-2309 Laurel Lane
Zoning: CPD
Use: Tennis Court Maintenance |
| 3. 7788 Suncoast Drive
Zoning: C-1A
Use: Vacant | 6. 2274 Laurel Lane
Zoning: MH-3
Use: Brothers Car Care Center | 9. 2331-2351 Laurel Lane
Zoning: C-1A
Use: AMS Roofing Contractor |

SCHEDULE OF USES

6

- ACCESSORY USES & STRUCTURES
- ATM
- ESSENTIAL SERVICES
- ESSENTIAL SERVICE FACILITIES, GROUP I
- FENCES, WALLS
- FOOD STORES, GROUP I
- RESTAURANTS, GROUPS I AND II (CARRYOUT ONLY)
- SIGNS IN ACCORDANCE WITH CHAPTER 30

SCHEDULE OF DEVIATIONS

DEVIATION #1: SEEKS RELIEF FROM THE LDC SEC. 10-285 REQUIREMENT TO PROVIDE A MINIMUM CONNECTION SEPARATION OF 330 FEET ON MAJOR COLLECTOR ROADS IN FUTURE SUBURBAN AREAS. REQUEST TO PERMIT A MINIMUM CONNECTION SEPARATION OF 101 FEET BETWEEN THE PROPOSED DRIVEWAY AND THE EDGE OF PAVEMENT OF LAUREL LANE.

DEVIATION #2: SEEKS RELIEF FROM THE LDC SEC. 33-1542 REQUIREMENT THAT ANY STRUCTURE OTHER THAN A SINGLE-FAMILY ATTACHED OR DUPLEX MUST HAVE A MINIMUM SETBACK OF 50 FEET BETWEEN THE NEAREST POINTS ON THE BUILDING AND AN EXISTING LARGE LOT RESIDENTIAL SUBDIVISION. REQUEST TO PERMIT THE MINIMUM SETBACK BETWEEN THE PROPOSED COMMERCIAL BUILDING AND THE RESIDENTIALLY ZONED LOT TO THE SOUTH TO BE 29 FEET.

DEVIATION #3: SEEKS RELIEF FROM THE LDC SEC. 33-1543(A) REQUIREMENT THAT LANDSCAPE BUFFERS FOR HIGH INTENSITY DEVELOPMENTS ABUTTING A SUBDIVIDED LOT IN AN EXISTING LARGE LOT RESIDENTIAL SUBDIVISION MUST UTILIZE A 30 FOOT WIDE BUFFER WIDTH. REQUEST TO PERMIT THE BUFFER WIDTH TO BE 14 FEET WIDE WITH AN 8-FOOT HIGH SOLID OPAQUE WALL ALONG THE SOUTH PROPERTY LINE.

DEVIATION #4 SEEKS RELIEF FROM THE LDC SEC. 34-2192 REQUIREMENT THAT ALL BUILDINGS AND STRUCTURES MUST BE SET BACK A MINIMUM OF 25 FEET FROM THE ADJACENT STREET EASEMENT OR RIGHT-OF-WAY. REQUEST TO PERMIT THE MINIMUM BUILDING SETBACK TO BE 15 FEET FROM THE LAUREL LANE ROW.

THE DEVIATIONS ENHANCE THE ACHIEVEMENT OF THE OBJECTIVES OF THE PLANNED DEVELOPMENT AND PRESERVES AND PROMOTES THE GENERAL INTENT OF THE LDC TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC.

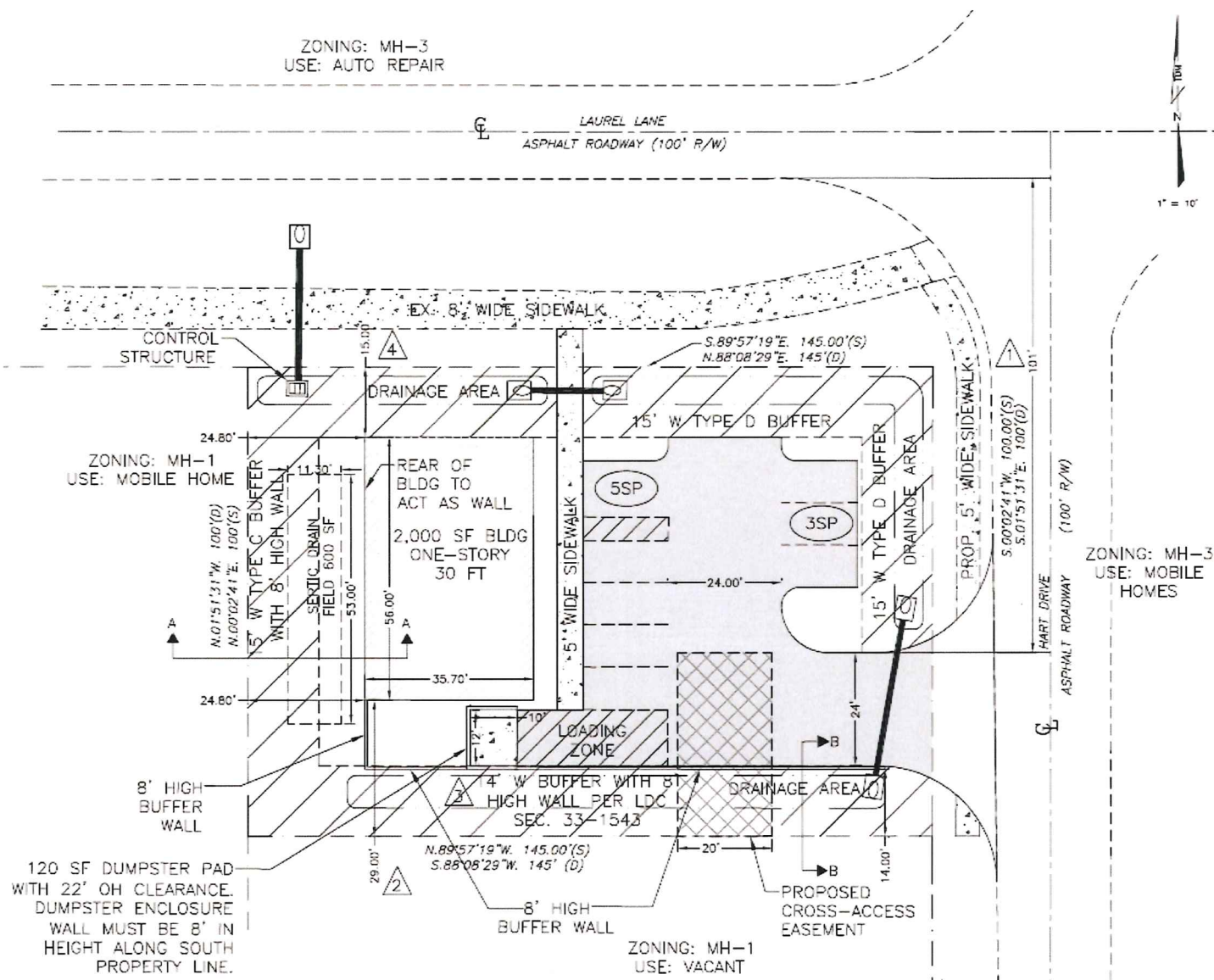
Table 1. Raw Trip Generation – Proposed CPD (LUC 851)**2,240 Square Feet of Gross Floor Area:**

- A.** Daily Vehicle Trip Ends, Weekday
 $T = 761.44 (2.240) + 2.27 = 1,708$ (854 entering, 854 exiting)
- B.** A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $T = 62.54 (2.240) = 140$ (70 entering, 70 exiting)
- C.** P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $T = 49.11 (2.240) = 110$ (56 entering, 54 exiting)

Source: TDM, 2024**Table 2. Raw Trip Generation – Proposed CPD with Pass-By****Table 1 x 0.49:**

- A.** Daily Vehicle Trip Ends, Weekday
 $T = 1,708 \times 0.49 = 837$ (418 entering, 417 exiting)
- B.** A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $T = 140 \times 0.49 = 69$ (34 entering, 35 exiting)
- C.** P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $T = 110 \times 0.49 = 54$ (28 entering, 26 exiting)

Source: TDM, 2024



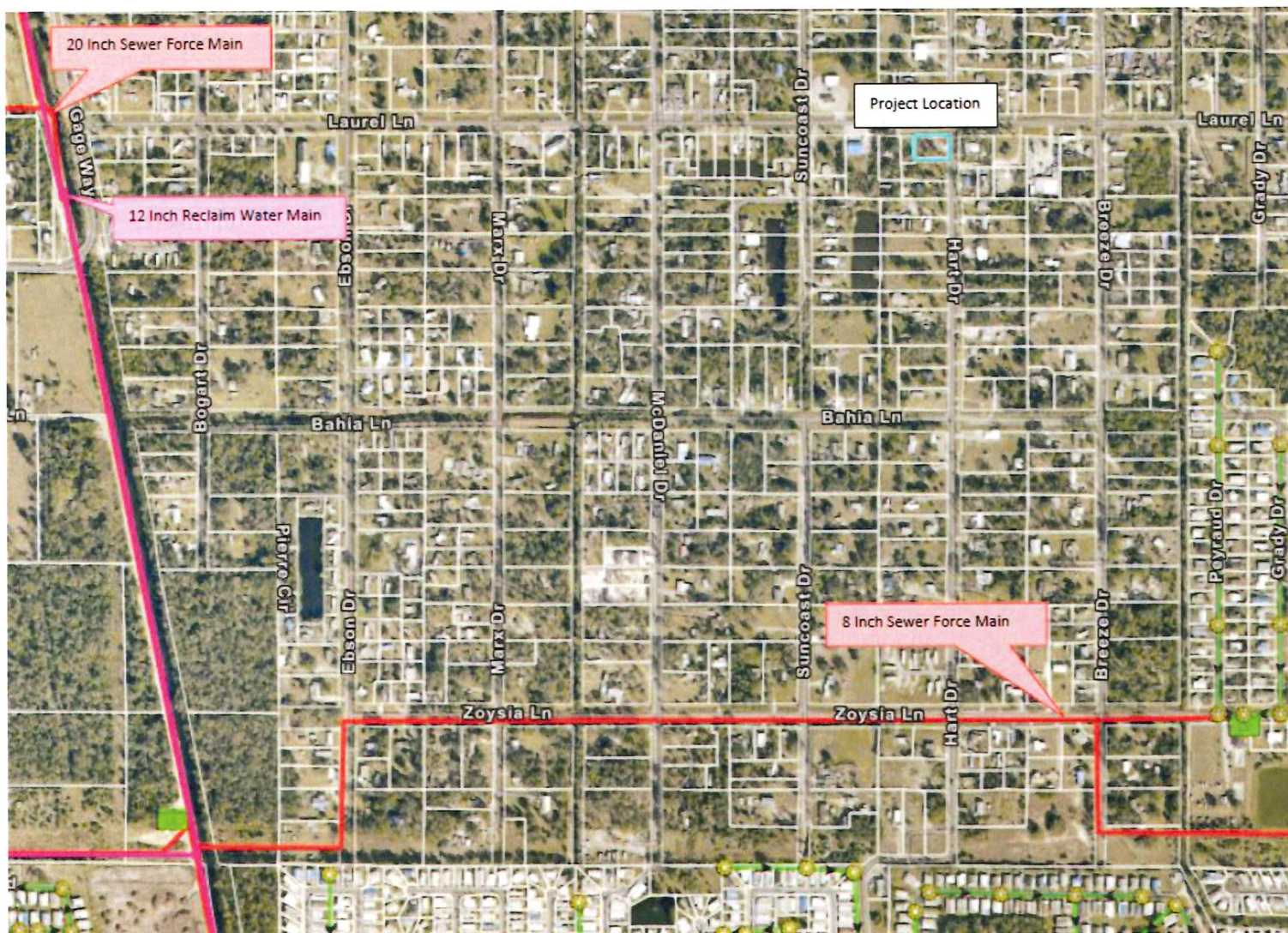
MASTER CONCEPT PLAN
2265 Laurel Ln
North Fort Myers
DRAINAGE PLAN

UTILITIES

FGUA Location Map

8" Sewer Force Main
located on Zoysia Ln,
located 0.50 miles
south of property

Estimated Demand
400 GPD



LEE PLAN COMPLIANCE

12

POLICY 1.1.5: The Suburban future land use category will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. Industrial land uses are not permitted.

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.

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.

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

LEE PLAN COMPLIANCE

13

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.

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 a 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.

OBJECTIVE 6.1: Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 4 and other provisions of this plan.

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.

LEE PLAN COMPLIANCE

14

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

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

POLICY 17.3.3: Public information meetings required pursuant to the provisions of this sub-element must be held within the established community plan area boundary that is affected by the amendment.

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

POLICY 60.1.1: Require design of surface water management systems to protect or enhance the groundwater.

LEE PLAN COMPLIANCE

15

POLICY 60.4.1: Encourage new developments to design surface water management systems with Best Management Practices including, but not limited to, filtration marshes, grassed swales planted with native or Florida Friendly Landscaping vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.

POLICY 61.2.4: Encourage surface water management plans that mimic the functions of natural systems.

POLICY 61.3.1: Provide sufficient performance and design standards to require post-development runoff to approximate the total characteristics of the natural flow prior to development.

POLICY 61.3.6: Require developments to provide surface water management systems, acceptable programs for operation and maintenance, and post-development runoff conditions that reflect the natural surface water flow rate, direction, quality, hydroperiod, and drainage basin.

POLICY 61.3.11: Runoff must be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants.

CONCLUSION

The applicant has proven entitlement to this planned development amendment request as set forth in LDC Sec. 34-145(d)(4)(a)1. The request:

- (a) Complies with the Lee Plan;
- (b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- (c) Is compatible with existing and planned uses in the surrounding area;
- (d) Will provide access sufficient to support the proposed development intensity;
- (e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- (f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- (g) Will be served by urban services.

In addition

- (a) The proposed use or mix of uses is appropriate at the proposed location;
- (b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development;
- (c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

QUESTIONS

Perez, Maria

From: Veronica Martin <vmartin@tdmconsulting.com>
Sent: Thursday, January 30, 2025 4:25 PM
To: Perez, Maria; Hearing Examiner
Cc: Toussaint, Tracy; Rodriguez, Anthony; Dean Martin; Groth, MarySue
Subject: RE: CASE #: DCI2024-00019 CASE NAME: 2265 LAUREL LANE CPD
Attachments: HEX MCP Revised.pdf

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Good Afternoon,

Please see the revised MCP per today's instructions. The revision date has been updated along with the minimum street Setback to Laurel Lane per the deviation request. Please let me know if you would like a hard copy and I will have it hand delivered to your office on Friday, January 31st.

Sincerely,

Veronica Martín

Senior Planner

vmartin@tdmconsulting.com

Saving just one dog won't change the world...but, surely the world will change for that one dog...Adopt, don't shop...

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From: Perez, Maria <MPerez@leegov.com>

Sent: Thursday, January 30, 2025 11:27 AM

To: Terrafirma.v@gmail.com; Veronica Martin <vmartin@tdmconsulting.com>; Dean Martin <dean@tdmconsulting.com>; Groth, MarySue <MGroth@leegov.com>

Cc: Sweigert, Rebecca <RSweigert@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Ennis, Audra <AEnnis@leegov.com>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; Henderson, Abby <AHenderson@leegov.com>; Werst, Lee <LWerst@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Swindle, Amanda <ASwindle@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Gillogly, Phil <PGillogly@leegov.com>; Evans, Marcus <MEvans@leegov.com>; Rodriguez, Jennifer <JMRodriguez@leegov.com>

Subject: CASE #: DCI2024-00019 CASE NAME: 2265 LAUREL LANE CPD

Attached is the Hearing Examiner's Order for the subject zoning case. Thank you.

***MARIA D. PEREZ
EXECUTIVE ASSISTANT
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100***

E-mail: perezmd@leegov.com

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Please note our general office email address: hex@leegov.com

STREET ADDRESS
2265 LAUREL LANE
NORTH FORT MYERS, FLORIDA 33917

STRAP NUMBER
25-43-24-03-00068.001C

PROJECT INFORMATION

CURRENT ZONING = COMMERCIAL PLANNED DEVELOPMENT (CPD)
FUTURE LAND USE = SUBURBAN
LOT AREA = 0.33 ACRES
MAX. INTENSITY = 2,000 SQUARE FEET
MINIMUM WIDTH = 145 FEET
MINIMUM DEPTH = 100 FEET
MAXIMUM HEIGHT = 30 FEET
MINIMUM OPEN SPACE = 40%

BUILDING SETBACK REQUIREMENTS

PER LDC SEC. 33-1542 AND SEC. 34-935
STREET (LAUREL LN) = 15 FEET (SEE DEVIATION #4)
STREET (HART DR) = 25 FEET
SIDE YARD (SOUTH) = 20 FEET (SEE DEVIATION #2)
REAR YARD (WEST) = 15 FEET

ZONING/ACTUAL USE

NORTH = LAUREL LANE ROW
SOUTH = MH-1/VACANT
EAST = HART DRIVE ROW
WEST = MH-1/MOBILE HOME

LANDSCAPE BUFFER REQUIREMENTS

PER LDC SEC. 33-1543 AND SEC. 10-416
NORTH: COM TO ROW: 15' WIDE TYPE "D" BUFFER
EAST: COM TO ROW: 15' WIDE TYPE "D" BUFFER
WEST: COM TO SFR: 15' WIDE TYPE C BUFFER WITH 8' HIGH WALL
SOUTH: COM TO SFR: 14' WIDE BUFFER WITH 8' HIGH WALL (SEE DEVIATION #3)

OPEN SPACE

MIN. REQUIRED: 14,500 SF X 20% = 2,900 SF
PROVIDED: 6,000 SF (BUFFERS AND DRY DETENTION AREAS)
= 6,000 SF (40%)

PARKING REQUIREMENTS

FOOD STORE:
REQUIRES: 1 SPACE PER 250 SF
2,000 SF / 250 SF = 8 SPACES
PROVIDED: 8 SPACES INCLUDING 1 HC SPACE

SOLID WASTE REQUIREMENTS

COMMERCIAL: 0 - 5,000 SF = 84 SF
REQUIRED: 2,000 SF = 84 SF
PROVIDED: 120 SF

LEGEND

R RADIUS (S' UNLESS OTHERWISE NOTED)
EX EXISTING
ROW RIGHT-OF-WAY
E.O.P. EDGE OF PAVEMENT
CONC. CONCRETE
TYP. TYPICAL
PROP. PROPOSED
SF SQUARE FEET
LF LINEAR FEET
E.O.P. EDGE OF PAVEMENT
C.P. CONCRETE PAD
P.U.E. PUBLIC UTILITY EASEMENT
D.E. DRAINAGE EASEMENT
L.P. LIGHT POLE
(10SP) NUMBER OF PARKING SPACES IN LOT
[Symbol] PROPOSED PAVEMENT
[Symbol] PROPOSED CONCRETE
LDC LAND DEVELOPMENT CODE
N.T.S. NOT TO SCALE
Δ DEVIATION

ZONING: MH-3
USE: AUTO REPAIR

LAUREL LANE
ASPHALT ROADWAY (100' R/W)

LEE COUNTY
HEARING EXAMINER
2025 JAN 31 AM 9:22

1" = 10'

ZONING: MH-1
USE: MOBILE HOME

ZONING: MH-3
USE: MOBILE HOMES

ZONING: MH-1
USE: VACANT

120 SF DUMPSTER PAD
WITH 22' OH CLEARANCE.
DUMPSTER ENCLOSURE
WALL MUST BE 8' IN
HEIGHT ALONG SOUTH
PROPERTY LINE.

2265 LAUREL LANE
MASTER CONCEPT PLAN

Civil Engineering
and
Planning



dean@tdmconsulting.com
www.tdmconsulting.com



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Boulevard, Suite 100
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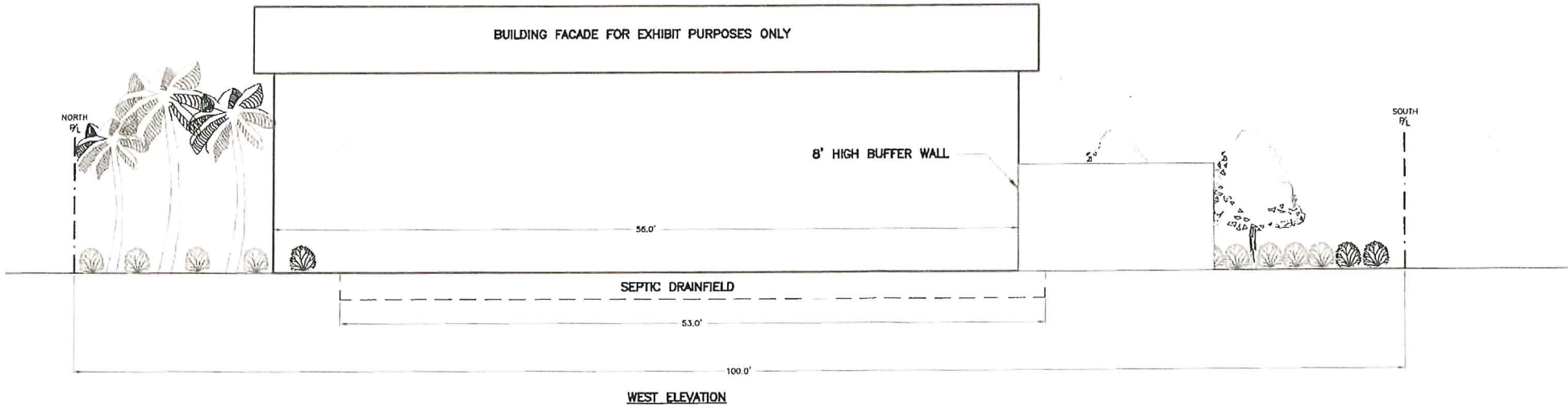
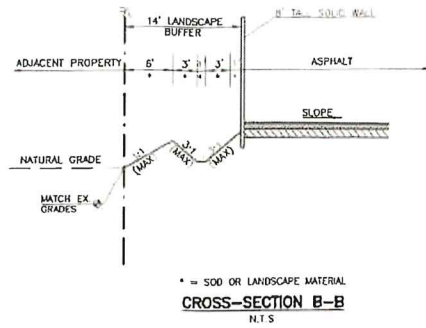
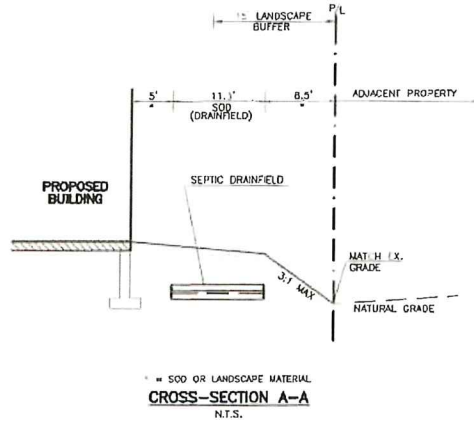
DATE:
Dean Martin, P.E.
Florida #52022
This seal has been digitally signed and sealed by Dean Martin, P.E. in the State of Florida. It is the responsibility of the user to verify the signature and seal are valid for the intended use and purpose.

1 of 2

SCALE: AS NOTED

STREET ADDRESS
2265 LAUREL LANE
NORTH FORT MYERS, FLORIDA 33917

STRAP NUMBER
75-43-24-03-00068.001C



LEE COUNTY
HEARING EXAMINER
2025 JAN 31 AM 9:22

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE, AND DATE.

2 of 2

SCALE: AS NOTED

2265 LAUREL LANE
MASTER CONCEPT PLAN

Civil Engineering
and
Planning

TDM
CONSULTING, INC.

1520 Royal Palm Square
Boulevard, Suite 100
Phone: (239) 433-4231
Fax: (239) 433-9632
Cert. of Authorization # 29088

Dean Marsh, P.E.
Florida #52022

DATE:
#52022

The Seal may be used only by the holder of the Seal. It is the responsibility of the holder of the Seal to ensure that the Seal is used only for the purposes for which it was issued.

DATE
6/20/24

DESIGNED BY:
VN

7/20/24

REVISOR PER LCOOT COMMENTS

3

10/20/24

REVISOR PER LEE COUNTY COMMENTS

CHECKED BY:
VN

TDM

APPROVED BY:
TDM

DRAWING NAME: 2265 LAUREL LANE
MASTER CONCEPT PLAN

DATE
6/20/24

DESIGNED BY:
VN

7/20/24

REVISOR PER LCOOT COMMENTS

3

10/20/24

REVISOR PER LEE COUNTY COMMENTS

CHECKED BY:
VN

TDM

APPROVED BY:
TDM

DRAWING NAME: 2265 LAUREL LANE
MASTER CONCEPT PLAN

Perez, Maria

From: Groth, MarySue
Sent: Friday, January 31, 2025 12:09 PM
To: Perez, Maria; Veronica Martin
Cc: Toussaint, Tracy; Rodriguez, Anthony; Dean Martin
Subject: RE: CASE #: DCI2024-00019 CASE NAME: 2265 LAUREL LANE CPD
Attachments: DCI2024-00019 2265 Laurel Lane - County Attorney Memo.pdf

Good afternoon – please see the attached County Attorney’s Memo concerning clarification on final decision. If you require anything further, please let me know. Thank you!

MarySue Groth | Senior Planner
Department of Community Development

From: Perez, Maria <MPerez@leegov.com>
Sent: Friday, January 31, 2025 8:22 AM
To: Veronica Martin <vmartin@tdmconsulting.com>
Cc: Toussaint, Tracy <TToussaint@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Dean Martin <dean@tdmconsulting.com>; Groth, MarySue <MGroth@leegov.com>
Subject: RE: CASE #: DCI2024-00019 CASE NAME: 2265 LAUREL LANE CPD

Received thank you.

MARIA D. PEREZ
EXECUTIVE ASSISTANT
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100

E-mail: perezmd@leegov.com

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Please note our general office email address: hex@leegov.com

From: Veronica Martin <vmartin@tdmconsulting.com>
Sent: Thursday, January 30, 2025 4:25 PM

STAFF'S EXHIBIT #) 4

To: Perez, Maria <MPerez@leegov.com>; Hearing Examiner <hex@leegov.com>

Cc: Toussaint, Tracy <TToussaint@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Dean Martin <dean@tdmconsulting.com>; Groth, MarySue <MGroth@leegov.com>

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Sincerely,

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Senior Planner

vmartin@tdmconsulting.com

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From: Perez, Maria <MPerez@leegov.com>

Sent: Thursday, January 30, 2025 11:27 AM

To: Terrafirma.v@gmail.com; Veronica Martin <vmartin@tdmconsulting.com>; Dean Martin <dean@tdmconsulting.com>; Groth, MarySue <MGroth@leegov.com>
Cc: Sweigert, Rebecca <RSweigert@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Ennis, Audra <AEnnis@leegov.com>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; Henderson, Abby <AHenderson@leegov.com>; Werst, Lee <LWerst@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Swindle, Amanda <ASwindle@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Gillogly, Phil <PGillogly@leegov.com>; Evans, Marcus <MEvans@leegov.com>; Rodriguez, Jennifer <JMRodriguez@leegov.com>
Subject: CASE #: DCI2024-00019 CASE NAME: 2265 LAUREL LANE CPD

Attached is the Hearing Examiner's Order for the subject zoning case. Thank you.

MARIA D. PEREZ
EXECUTIVE ASSISTANT
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100

E-mail: perezmd@leegov.com

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Please note our general office email address: hex@leegov.com

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

VIA EMAIL ONLY

DATE: January 31, 2025

To: Anthony R. Rodriguez, AICP
Zoning Manager, Community
Development

FROM: 
Michael D. Jacob
Deputy County Attorney

RE: DCI2024-00019 – 2265 Laurel Lane CPD

Pursuant to §34-145(d)(1)e., the Hearing Examiner has final decision-making authority over amendments to Planned Developments when the request is limited to:

- i. Amendments to the master concept plan, schedule of uses, or property development regulations that do not affect the maximum density or intensity permitted in the planned development;
- ii. Requests for consumption on premises;
- iii. Requests for wireless telecommunication facilities;
- iv. Requests for an increase in the maximum number of fuel pumps in conjunction with a convenience food and beverage store provided that the use is already approved in the planned development;
- v. Changes to conditions and deviations; or
- vi. Requests to establish or increase density within the Mixed Use Overlay; and

Case number DCI2024-00019, requests an amendment to an existing Commercial Planned Development. The applicant is requesting a change to the schedule of uses, master concept plan, and deviations for the Project to permit a 2,000 square-foot building that will contain a food store/market with a small restaurant for carry-out service only. The request does not seek to amend the maximum density or intensity permitted for the planned development. Unless the applicant has requested a public hearing before the Board of County Commissioners prior to the conclusion of the public hearing before the Hearing Examiner, the Hearing Examiner retains the final decision-making authority for the case.

MDJ/les

Perez, Maria

From: Groth, MarySue
Sent: Tuesday, January 28, 2025 11:47 AM
To: Perez, Maria; Veronica Martin
Cc: Toussaint, Tracy; Hickey, Lindsay; David, Sandra
Subject: RE: 48 hr letter - DCI2024-00019
Attachments: DCI2024-00019 2265 Laurel Lane - Staff 48-hour Memo.pdf

Good morning – please see the attached staff 48-Hour Letter for DCI2024-00019 for 2265 Laurel Lane CPD, with revised MCP and Deviation changes provided by the applicant. If you need anything further, please let me know.

MarySue Groth | Senior Planner
Department of Community Development

From: Perez, Maria <MPerez@leegov.com>
Sent: Thursday, January 23, 2025 2:17 PM
To: Veronica Martin <vmartin@tdmconsulting.com>; Groth, MarySue <MGroth@leegov.com>
Subject: RE: 48 hr letter - DCI2024-00019

Thank you.

MARIA D. PEREZ
EXECUTIVE ASSISTANT
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100

E-mail: perezmd@leegov.com

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Please note our general office email address: hex@leegov.com

From: Veronica Martin <vmartin@tdmconsulting.com>
Sent: Thursday, January 23, 2025 9:26 AM
To: Perez, Maria <MPerez@leegov.com>; Groth, MarySue <MGroth@leegov.com>; Hearing Examiner

<hex@leegov.com>

Subject: 48 hr letter - DCI2024-00019

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good Morning,

Please find attached the 48-hour letter for DCI2024-00019. We are in agreement with the staff report.

See you next week.

Veronica Martin

Senior Planner

vmartin@tdmconsulting.com

Saving just one dog won't change the world...but, surely the world will change for that one dog...Adopt, don't shop...

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MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

TO: Donna Marie Collins
Hearing Examiner

DATE: January 28, 2025

FROM: MarySue Groth
Senior Planner

RE: **Staff 48-Hour Letter**
DCI2024-00019 – 2265 Laurel Lane

SUMMARY:

The above-referenced case is scheduled to be heard by the Hearing Examiner on Thursday, January 30, 2025.

The original staff report recommended approval of the request and found that it complies with the decision-making criteria for amendments to a planned development found in the Lee County Land Development Code Section 34-145.

The attached revised Master Concept Plan and Schedule of Deviations have been provided by the applicant to reflect the corrected number of deviations in the request after two deviations were withdrawn during the review process. The staff recommendation remains unchanged by the modification to the Master Concept Plan and Deviations.

Please contact me if you have any questions or concerns.

Respectfully Submitted,

MarySue Groth

MarySue Groth
Senior Planner, Zoning Section

Attachments

Revised Master Concept Plan dated June 2024
Revised Schedule of Deviations



1520 Royal Palm Square Blvd, Suite 100
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Laurel Lane CPD
Schedule of Deviations
Renumbered for HEX 1-28-2025

DEVIATION #1:

Seeks relief from the **LDC §10-285** requirement to provide a minimum connection separation of 330 feet on major collector roads in a future suburban area. Request to permit a minimum connection separation of 101 feet between the proposed driveway and the edge of pavement of Laurel Lane.

JUSTIFICATION:

The subject property is only 100 feet wide by 145 feet deep. Laurel Lane, a county-maintained major collector road, is located along the north property line and Hart Drive, a county-maintained major collector road is located along the east property line. The minimum connection separation required for a major collector road in a future suburban area is 330 feet. Due to the size of the property, it isn't possible to comply with the minimum connection separation of 330 feet on either road frontage. The applicant is proposing to locate the driveway as far south on Hart Road as possible, which is ± 101 feet south of Laurel Lane. This is also where the previous driveway was located per historic aerials. While there are multiple commercial and residential driveways on Laurel Lane, there are only residential driveways in proximity to the subject property on Hart Drive. LCDOT staff requested a future cross-access easement to the property directly south of the subject property just in case that property is rezoned for commercial use in the future. The proposed cross-access easement will provide an interconnect and reduce access points on Hart Drive. The applicant considered the uses of the abutting properties, the existing site configuration, and the other requirements of the land development code, including buffers, parking and surface water management, when designing the site and the driveway location. The location is based on sound engineering practices, enhances the achievement of the objectives of the planned development and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare. The applicant respectfully requests approval of this Deviation.

DEVIATION #2:

Seeks relief from the **LDC §33-1542** requirement that any structure other than a single-family, two-family attached or duplex or its associated accessory structures must have a minimum setback of 50 feet between the nearest points on the building and/or structure (not including wing walls, overhangs, shutters, awnings, and canopies) and an existing large lot residential subdivision. Request to permit the minimum setback between the proposed commercial building and the residentially zoned lot to the south to be 29.0 feet.

JUSTIFICATION:

The subject property is only 100 feet wide by 145 feet deep. The abutting lot to the south meets the definition of an existing large residential lot (greater than 14,520 sf) per LDC Sec. 33-1537. The minimum setbacks for the proposed building are 50 feet to the south, 25 feet to the north and east (rights-of-way), and 15 feet to the west (buffer width). That only leaves a space of 25' wide by 105' deep for a building; however, those building dimensions don't allow the development to comply with the other requirements of the LDC including parking, drainage, access, buffers, etc. Complying with the 50' setback to the south property line would create such a small building footprint that it would prevent the applicant from reasonable use of the land.

Per LDC Section 33-1543, the buffer vegetation required between commercial developments and existing large lot residential subdivisions is "enhanced" and provides more mature trees and shrubs at time of installation as well as an increase in the number of trees and shrubs. The vegetation, in addition to the 8' foot high solid, opaque wall, shields the residential lot from the noise, glare, etc associated with a commercial use. The required trees and palms are required to be clustered in double rows with a minimum of 3 trees per cluster and canopy trees must be planted a maximum of 20 feet on center within a cluster. Palms must be planted in staggered heights to a minimum of 3 palms per cluster, spaced at a maximum of 8 feet on center, with a minimum of 4-foot difference in height between each tree. In addition, all shrubs must be a minimum of 10 gallons, 4 feet in height with a 3-foot spread, planted 4 feet on center at installation. Permitting the building setback to be 29 feet from the south property line is not detrimental to the public health, safety or welfare. In addition, the deviation enhances the achievement of the objectives of the planned development. The applicant respectfully requests approval of this Deviation.

DEVIATION #3:

Seeks relief from the **LDC §33-1543(a)** requirement that landscape buffers for high density or high intensity development abutting a subdivided lot in an existing large lot residential subdivision must utilize, at a minimum, a 30-foot wide buffer width. Request to permit the buffer width to be 14 feet wide with an 8-foot high solid opaque wall to the south property line. The buffer vegetation will remain as required by the LDC.

JUSTIFICATION:

The subject property is small and is a corner lot at an intersection of two major collector streets. The lots to the south and west are residential lots, with the lot to the south defined as existing large residential subdivided lot per LDC Sec. 33-1537 (greater than 14,520 sf). As a result, a 30-foot wide buffer is required to the south property. Complying with the buffer requirements in addition to the other requirements of the LDC, including parking, surface water management, solid waste, access, pedestrian facilities, setbacks, etc, forces the applicant to either request deviations or construct such a small building that it would prevent the applicant from having reasonable use of his land.

The landscaping requires per LDC Sec. 33-1543(c) and (d) are as follows:

The required trees and palms must be clustered in double rows with a minimum of three trees per cluster. Canopy trees must be planted a maximum of 20 feet on center within a cluster. The use of palms within the buffer must be limited to areas adjacent to vehicular access points, as

appropriate, for sight clearances. Palms must be planted in staggered heights to a minimum of three palms per cluster, spaced at a maximum of eight feet on center, with a minimum of a four-foot difference in height between each tree. Exceptions will be made for Roystonea spp., Bismarkia spp. and Phoenix spp. (not including robellini), which may be planted one palm per cluster. A maximum spacing of 25 feet between all types of tree clusters must be maintained (25 feet from the closest tree in one cluster to the closest tree in another cluster).

All required shrubs must be a minimum of ten gallons, four feet in height with a three-foot spread, planted four feet on center at installation.

The LDC requires the 30-foot wide buffer to provide 5 trees and 18 shrubs per 100 linear feet. The applicant is proposing to increase the number of trees to 7 trees per 100 linear feet plus a double-staggered hedgerow at this location. In addition, all native vegetation will be proposed on-site.

The proposed buffer is 14 feet wide with the 8-foot high wall separating the dumpster, loading zone and parking lot from the existing large residential lot to the south. The proposed buffer vegetation is enhanced and provides more mature trees and shrubs at time of installation as well as an increase in the number of trees and shrubs. The vegetation, in addition to the 8'foot high solid, opaque wall, shields the residential lots from the noise, glare, lights, etc associated with a commercial use. The required trees and palms are required to be clustered in double rows with a minimum of 3 trees per cluster and canopy trees must be planted a maximum of 20 feet on center within a cluster. Palms must be planted in staggered heights to a minimum of 3 palms per cluster, spaced at a maximum of 8 feet on center, with a minimum of 4-foot difference in height between each tree. In addition, all shrubs must be a minimum of 10 gallons, 4 feet in height with a 3-foot spread, planted 4 feet on center at installation. The applicant respectfully requests approval of this deviation as it enhances the achievement of the objectives of the planned development and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare.

DEVIATION #4:

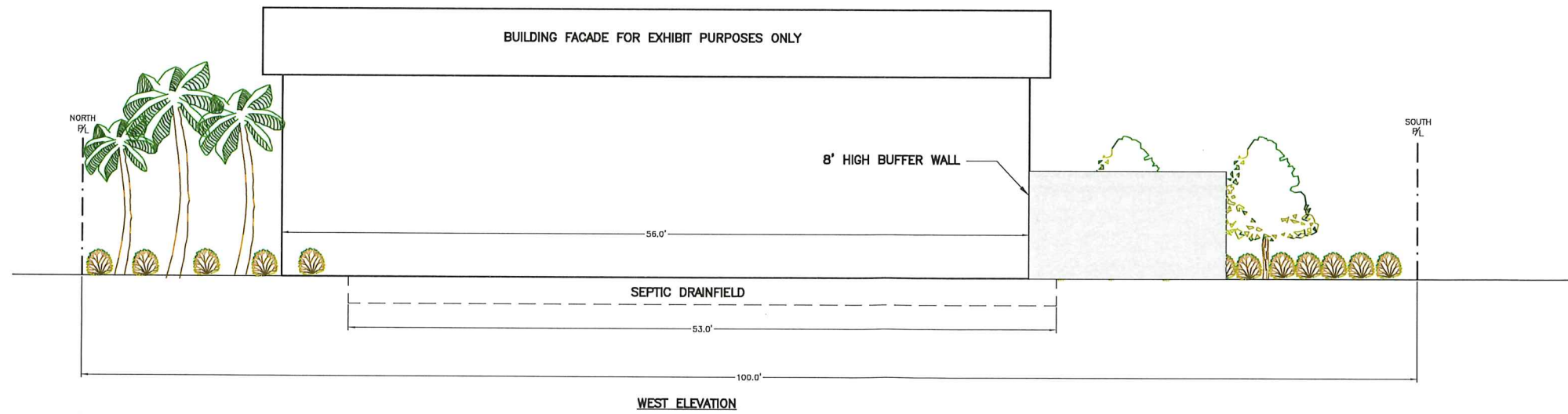
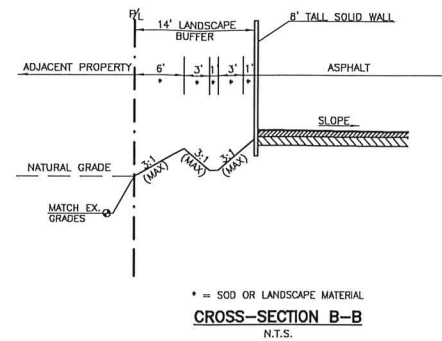
Seeks relief from the **LDC §34-2192** requirement that all buildings and structures must be set back a minimum of 25 feet from the adjacent street easement or right-of-way. Request to permit the minimum building setback to be 15 feet from the Laurel Lane right-of-way.

JUSTIFICATION:

LDC Sec. 34-2192(a) permits the applicant to request a variance or deviation from minimum street setbacks. The subject property is a corner lot that is only 100 feet wide by 145 feet deep. The minimum setbacks for the proposed building are 25 feet to the north and east (rights-of-way), 50 feet to the south and 15 feet to the west. That only leaves a space of 25' wide by 105' deep for the building footprint. That building size and configuration doesn't allow the development to comply with the other requirements of the LDC including parking, drainage, access, buffers, etc. The applicant is proposing to provide a 15-foot building setback to Laurel Lane along with a 15-foot wide buffer. There's an existing 8-foot wide pedestrian facility along with a planting strip within the 100-foot wide Laurel Lane right-of-way, which provides a additional "buffer" between the road and the commercial development. The proposed 15-foot building setback permits the

development to function as a small commercial development. The code required setback of 25 feet would reduce the size of the building to the point that it wouldn't be practical to develop the site – the cost of construction would prohibit the success of the development. Permitting the 15-foot building setback is not detrimental to the public health, safety or welfare. In addition, the deviation enhances the achievement of the objectives of the planned development. The applicant respectfully requests approval of this Deviation.

STRAP NUMBER
25-43-24-03-00068.001C



NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE		Civil Engineering and Planning		2265 LAUREL LANE MASTER CONCEPT PLAN		DATE: 04/2024	
CIVIL ENGINEERING TDM CONSULTING, INC. 1520 Royal Palm Square Boulevard, Suite 100 Palm Beach, FL 33480 Phone: (239) 435-9332 Fax: (239) 435-9332 Cert. of Authorization # 29068				dean@tmdmconsulting.com www.tmdmcivilengineering.com		DESIGNED BY:	
						REVISIONS	
						DATE	
						REVISED PER LEE COUNTY COMMENTS	
						REVISED PER LCDOT COMMENTS	
						REVISED PER LEE COUNTY COMMENTS	
DRAWN BY:		YM		CHECKED BY:		YM	
DATE:				TDM		APPROVED BY:	
DRAWING NAME:		C:\GIS\Amdm\2265.Laurel.mxd					
SHEET #		2 of 2		Dawn Martin, P.E. Florida #52022 I hereby certify that I am a duly Licensed Professional Engineer in the State of Florida and that I am the author or creator of the design and content of this drawing and that I am not a salaried employee of any other person or entity.		SCALE: AS NOTED	



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01/16/2025

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Notary, State of WI, County of Brown

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NOTICE OF PUBLIC HEARING

The Hearing Examiner of Lee County will hold public hearings on Thursday, January 30, 2025, in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL. An interested individual may appear in person, through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing.

If you do not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners. Any document that a participant of record intends to submit to the BoCC during the Board Zoning Hearing must be submitted as an exhibit as part of the record in the hearing before the Hearing Examiner. If the document is not submitted and is not relevant new evidence that was not known or could not have been reasonably discovered by the participant at the time of the hearing before the Hearing Examiner, then the document may not be submitted to the Board.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

Copies of staff report(s) are available two weeks prior to the hearing. The file can be reviewed at the Zoning Section, 1500 Monroe St., Fort Myers, FL. Call 239 533 8585 for additional information.

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The following case(s) will be heard (Lee County Land Development Code is abbreviated below as LDC): DC12024 00019. 2265 Laurel Lane CPD. 9:00 am. Amend the CPD to revise the MCP, schedule of uses, and schedule of deviations. Located At 2265 Laurel Lane, North Fort Myers Planning Community, Lee County, FL.

1/16/25 #10921711



DCI2024-00019

2265 Laurel Lane

Staff Presentation – January 30, 2025

REQUEST AND RECOMMENDATION

STREET ADDRESS
2265 LAUREL LANE
NORTH PALM BEACH, FLORIDA 33411

STREET NUMBER
2265

PROPERTY INFORMATION
OWNER: [REDACTED]
APPLICANT: [REDACTED]

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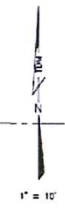
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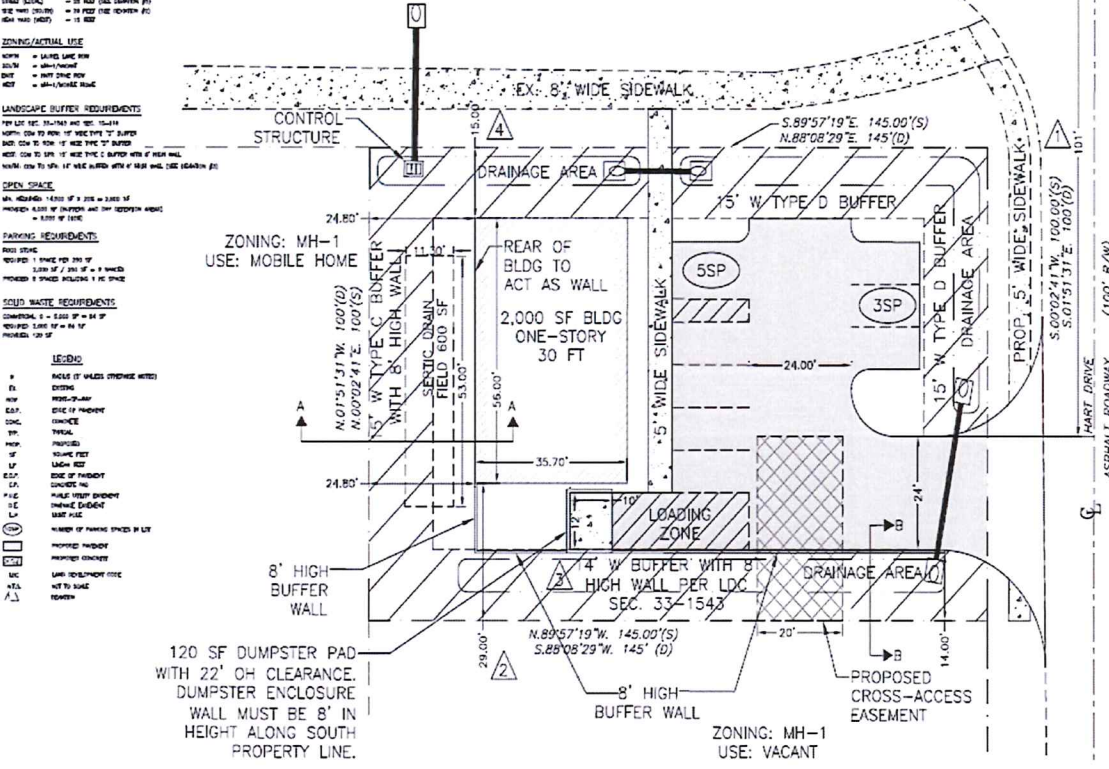
ZONING: MH-3
USE: AUTO REPAIR

LAUREL LANE
ASPHALT ROADWAY (100' R/W)



Request and Recommendation

- Amend MCP, Schedule of Uses, Schedule of Deviations
- Z-89-091A
- Four (4) Deviations
- Staff recommends **APPROVAL** with conditions



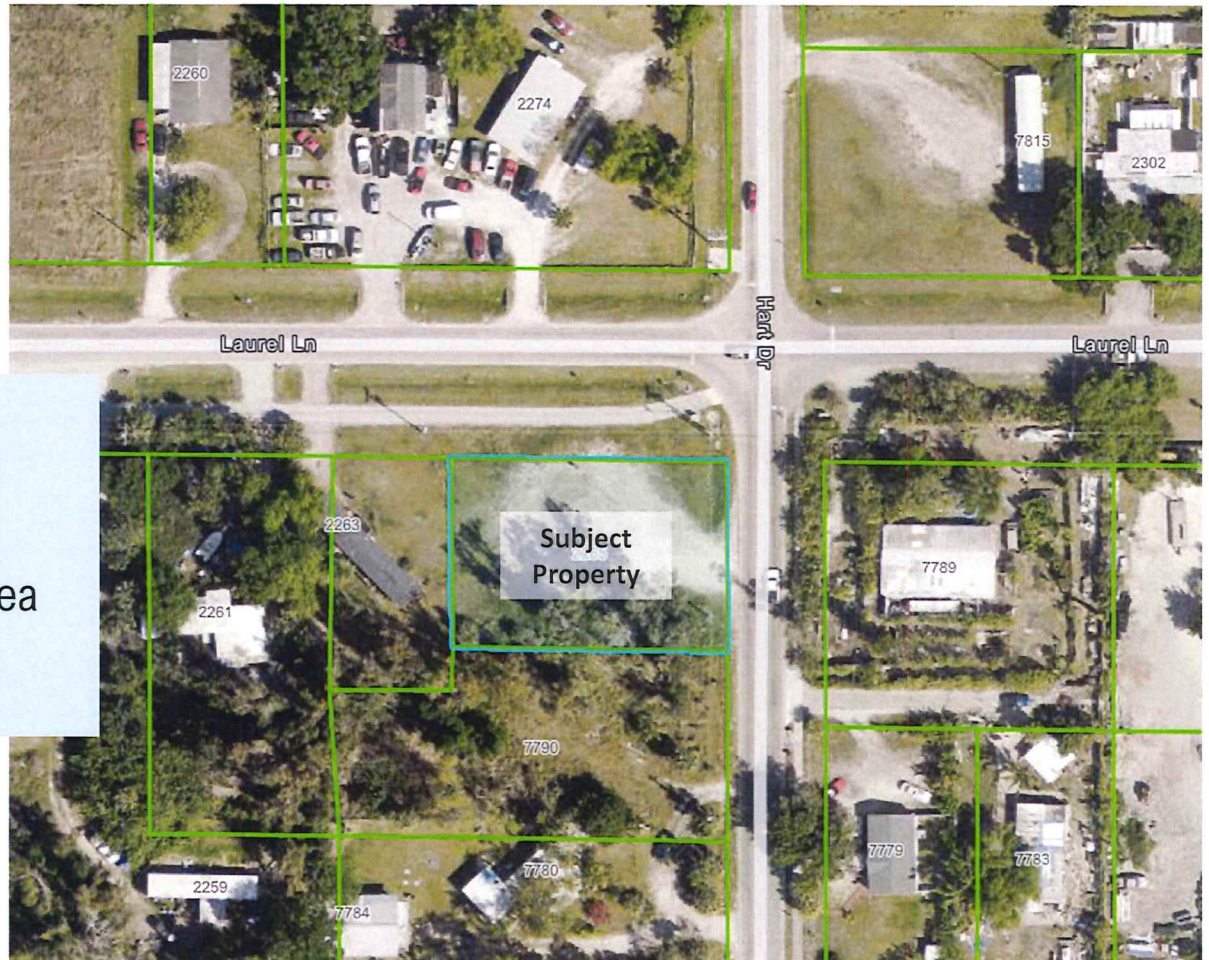
DCI2024-00019
2265 Laurel Lane

January 30, 2025

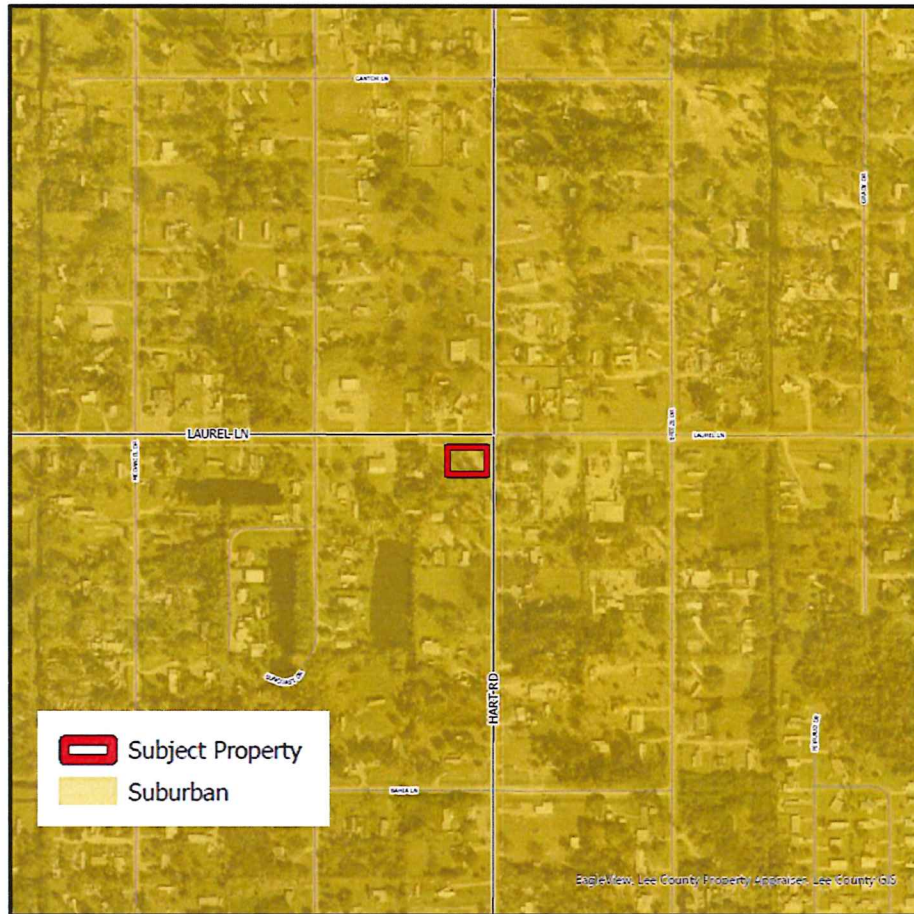
BACKGROUND

Property Information

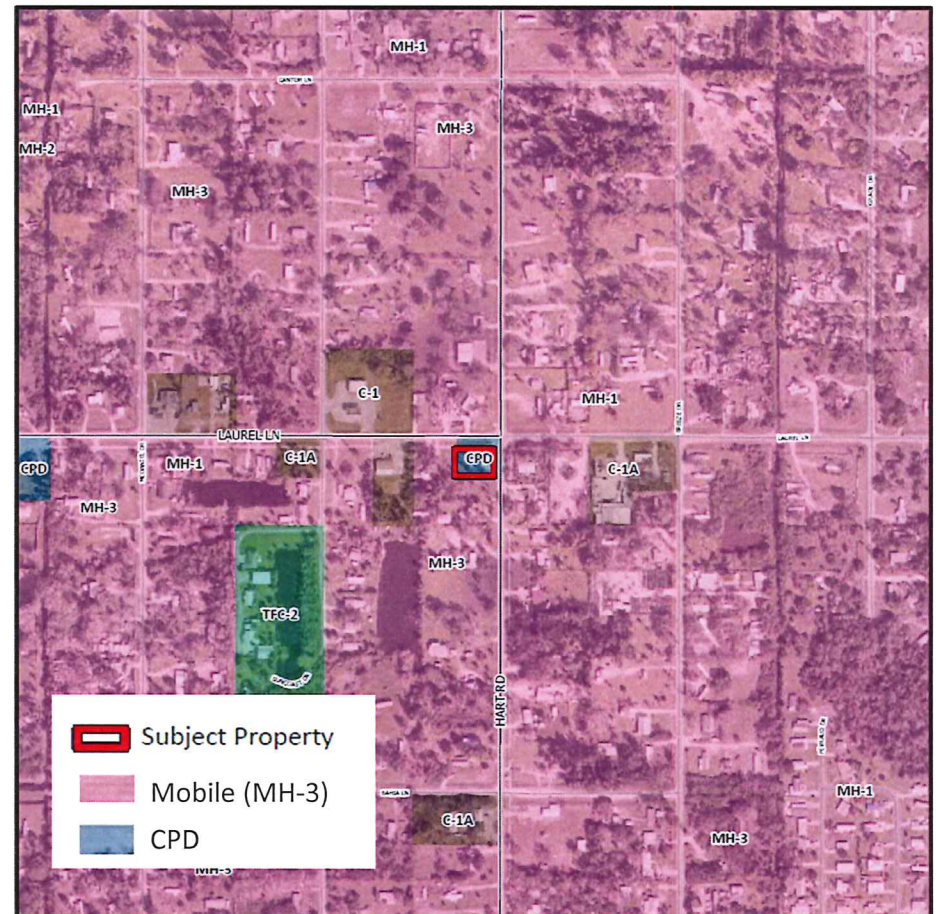
- 2265 Laurel Lane
- STRAP# 25-43-24-03-00068.001C
- North Fort Myers Community Plan Area

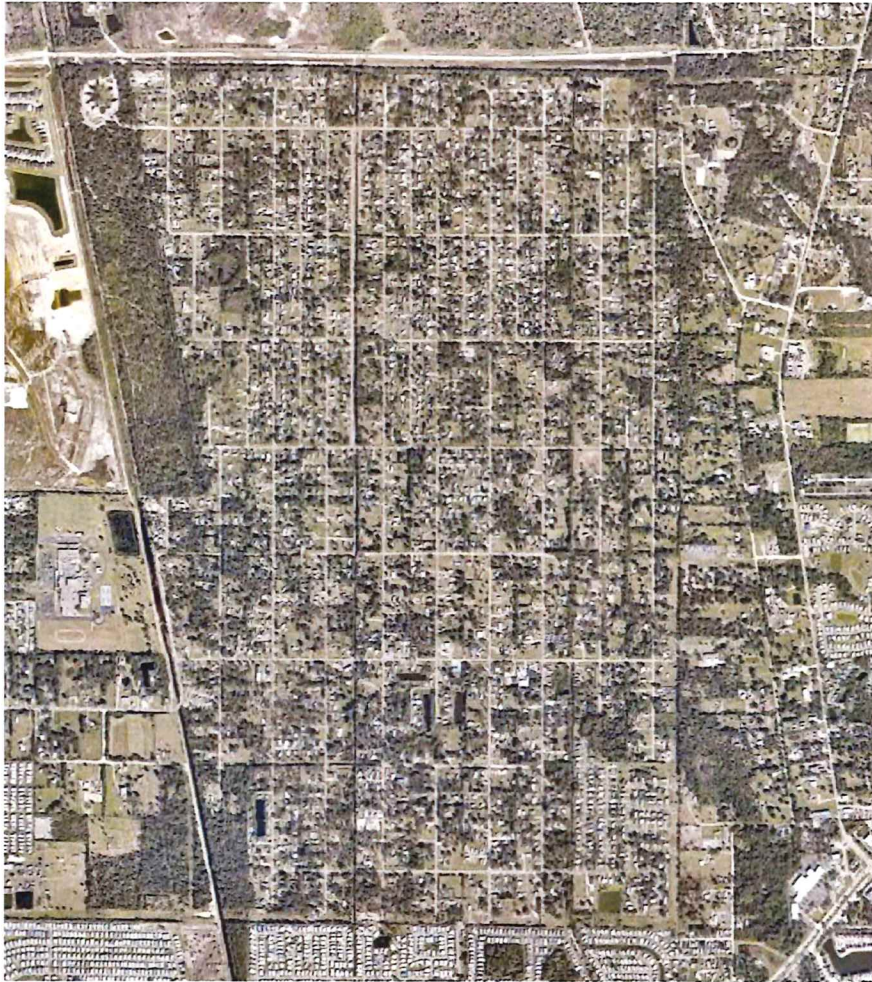


Future Land Use



Zoning District





Parcel History

- Z-62-039
- Suncoast Estates Trailer Subdivision
- Opportunity Zone
- Historical mobile home residence
- Commercial exists along major roadways



Surrounding Uses

- **North** - Mobile Home MH-3
- **South** – Mobile Home MH-1
- **East** – Commercial C-1A (AMS Roofing)
- **West** – Mobile Home MH-1 and C-1A

PLANNED DEVELOPMENT AMENDMENT CRITERIA

LDC Section 34-145

1. Rezoning, the Hearing Examiner must find the request:

- a) Complies with the Lee Plan;
- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a future urban area category.

2. Planned Development Rezoning:

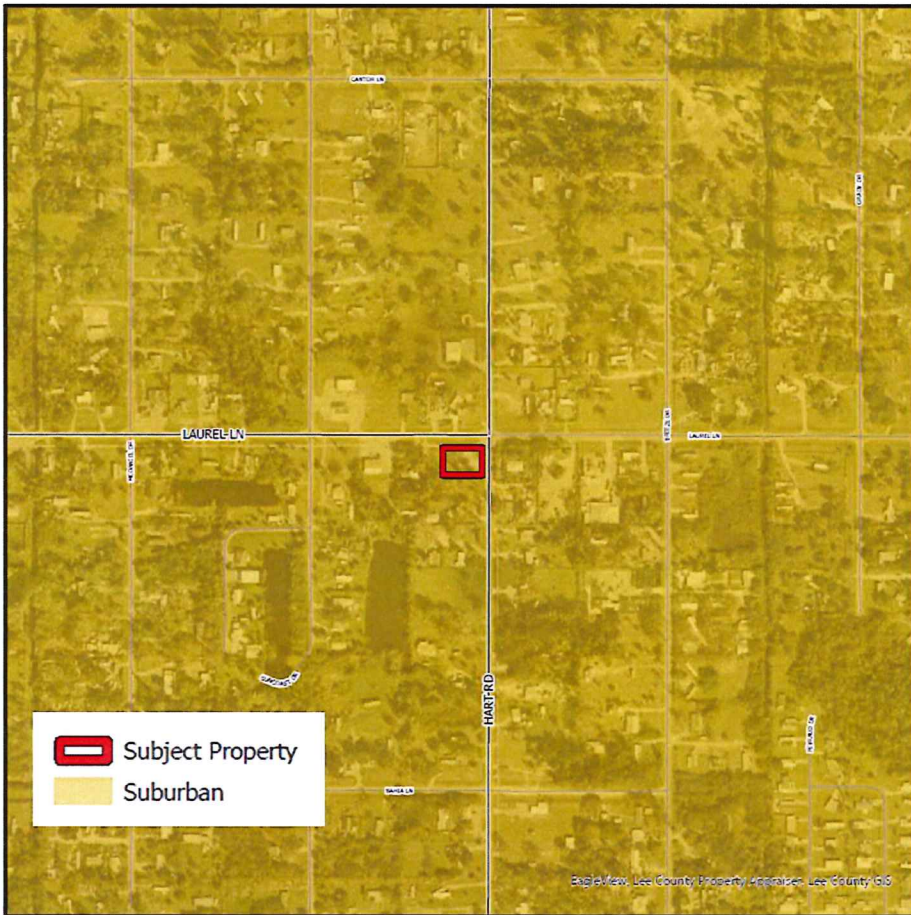
- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation: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

Lee Plan Policies 1.1.5

POLICY 1.1.5: The Suburban future land use category will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas.

- Designated area for varying intensities
- Commercial uses are allowable
- Surrounding compatibility

Is consistent with the goals, objectives, policies and intent of the Lee Plan



Lee Plan Objectives 2.1, 2.2, and Policy 2.2.1

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.

- Infill project
- Compact growth patterns

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.

- Adequate facilities exist
- Water, sewer, utilities

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

- Fire, EMS, Police, Public Parks, Solid Waste, Public Transit, Public Schools and Parks
- Two-lane collector Laurel Lane

Is consistent with the goals, objectives, policies and intent of the Lee Plan



Lee Plan Policies 4.1.1

Policy 4.1.1(2): WATER

If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area then the development must be connected to that utility.

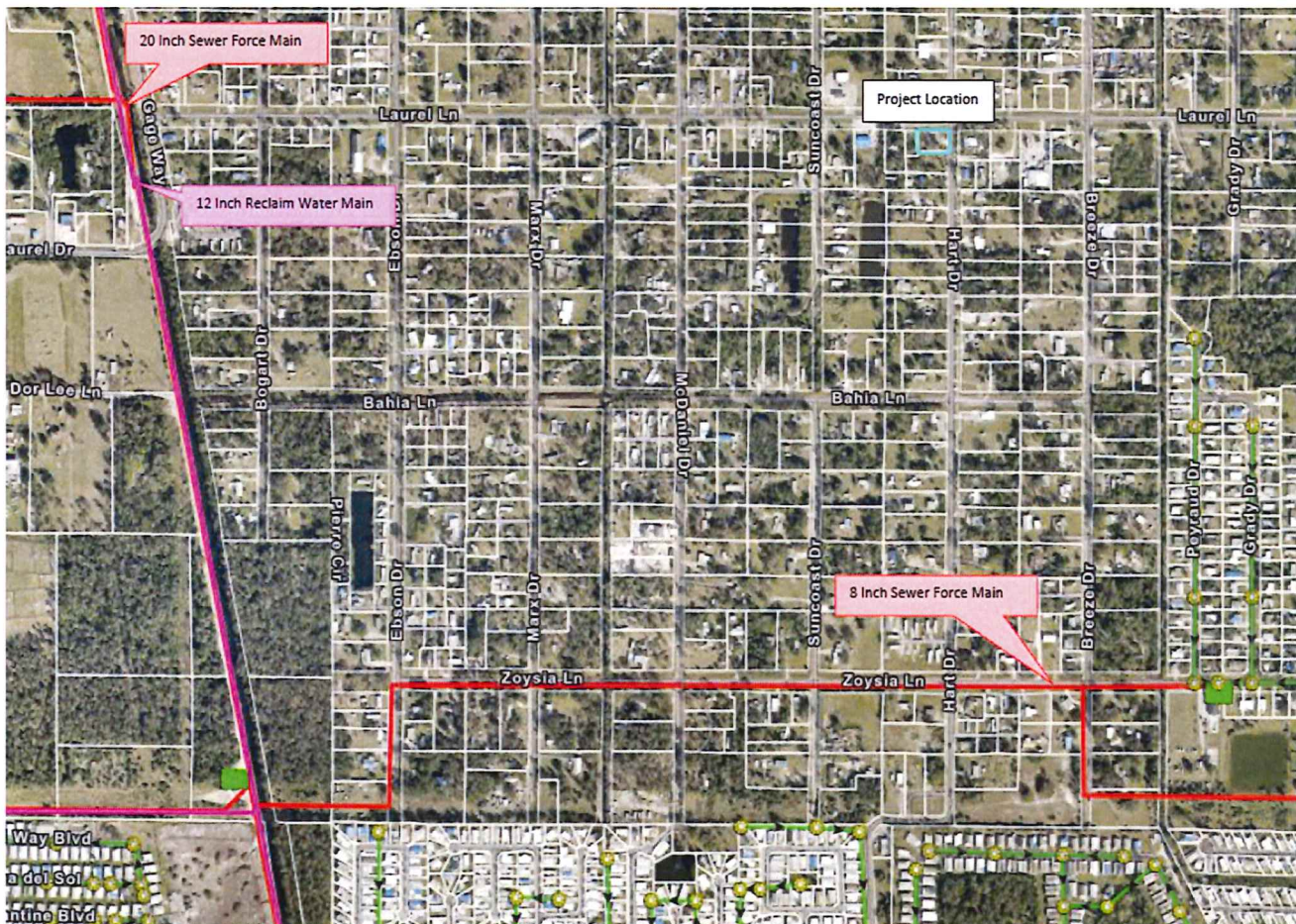
Is consistent with the goals, objectives, policies and intent of the Lee Plan



Policy 4.1.2

Policy 4.1.2(5): SEWER

If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development



***Is consistent with the goals, objectives,
policies and intent of the Lee Plan***

Policy 4.1.4 - Environmental

1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District (SFWMD), or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.
2. Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.
3. Ensure development minimizes the need for expansion and construction of street and utility improvements.



STREET ADDRESS:
 2265 LAUREL LANE
 NORTH PALM BEACH, FLORIDA 33411

STREET NUMBER:
 2265

PROJECT INFORMATION:
 CURRENT ZONING: MH-3
 PROPOSED ZONING: MH-3
 LOT AREA: 0.50 ACRES
 LOT DIMENSIONS: 100' X 100'
 LOT AREA: 10,000 SQ. FT.
 LOT AREA: 10,000 SQ. FT.
 LOT AREA: 10,000 SQ. FT.

BUILDING SETBACK REQUIREMENTS:
 MIN. LOT AREA: 10,000 SQ. FT.
 MIN. LOT AREA: 10,000 SQ. FT.
 MIN. LOT AREA: 10,000 SQ. FT.

ZONING/ACTUAL USE:
 ZONING: MH-3
 ACTUAL USE: MOBILE HOMES

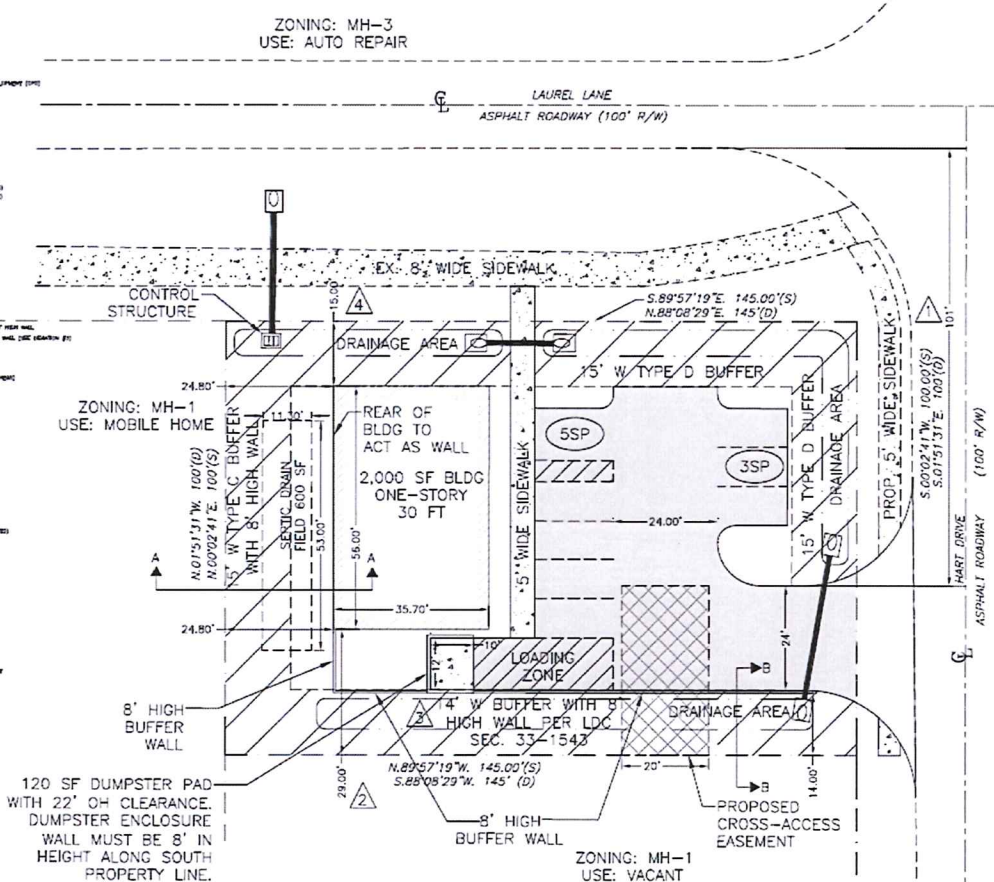
LANDSCAPE BUFFER REQUIREMENTS:
 MIN. LOT AREA: 10,000 SQ. FT.
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OPEN SPACE:
 MIN. LOT AREA: 10,000 SQ. FT.
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PARKING REQUIREMENTS:
 MIN. LOT AREA: 10,000 SQ. FT.
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LAND MARKER REQUIREMENTS:
 MIN. LOT AREA: 10,000 SQ. FT.
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Objective 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.

29-foot setback to the south

14-foot buffer, 8-foot-high solid fence

15-foot setback to the west

Condition: No windows or doors on west wall, 15-foot Type C buffer

Is consistent with the goals, objectives, policies and intent of the Lee Plan



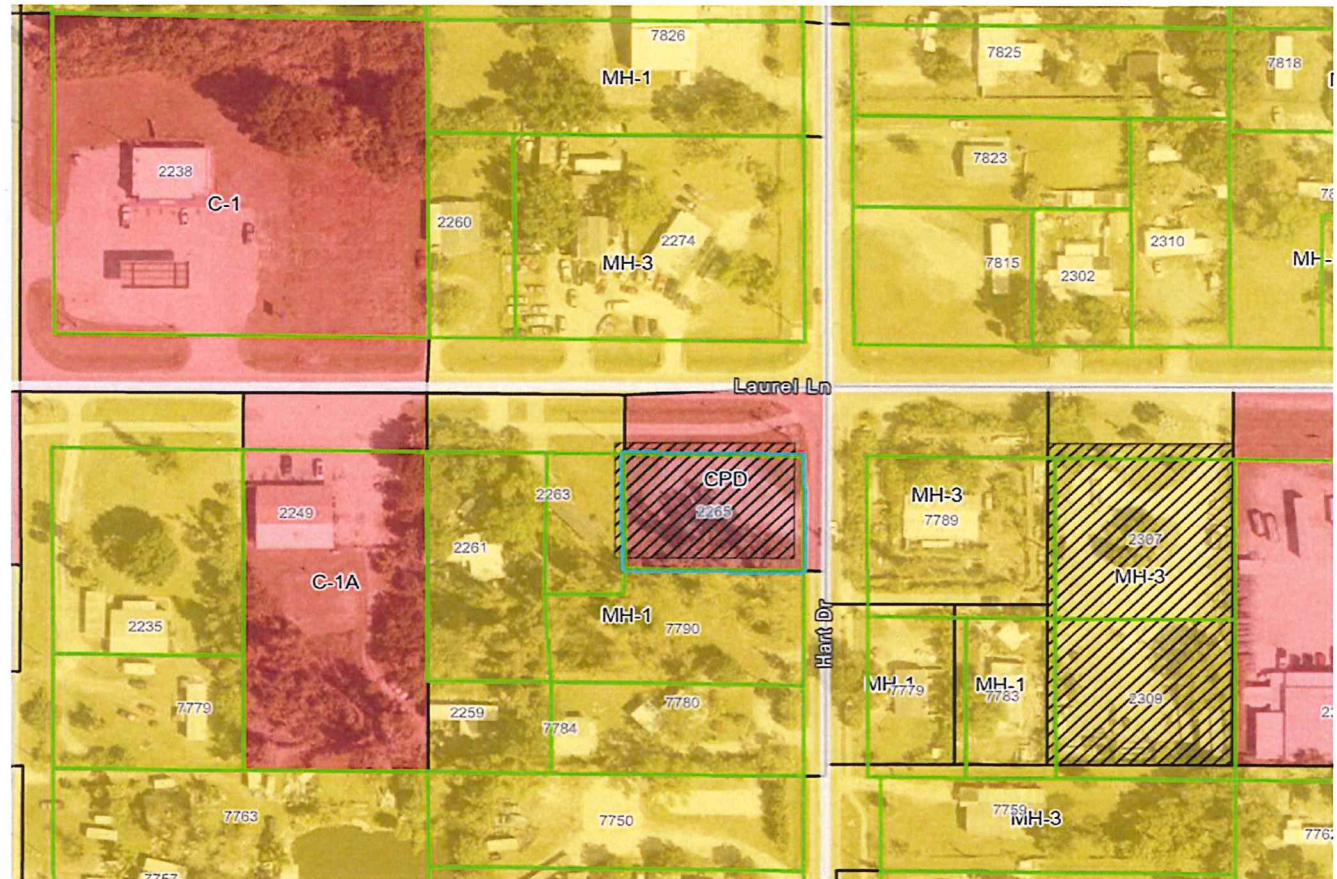
DCI2024-00019
 2265 Laurel Lane

January 30, 2025

GOAL 6 – Commercial Land Uses

To permit orderly and well-planned commercial development at appropriate locations within the County.

- Established neighborhood with commercial and residential uses
- Minor collector roadway Hart Dr.
- No anticipated adverse affects
- Adequate landscaping and buffering
- Urban services available



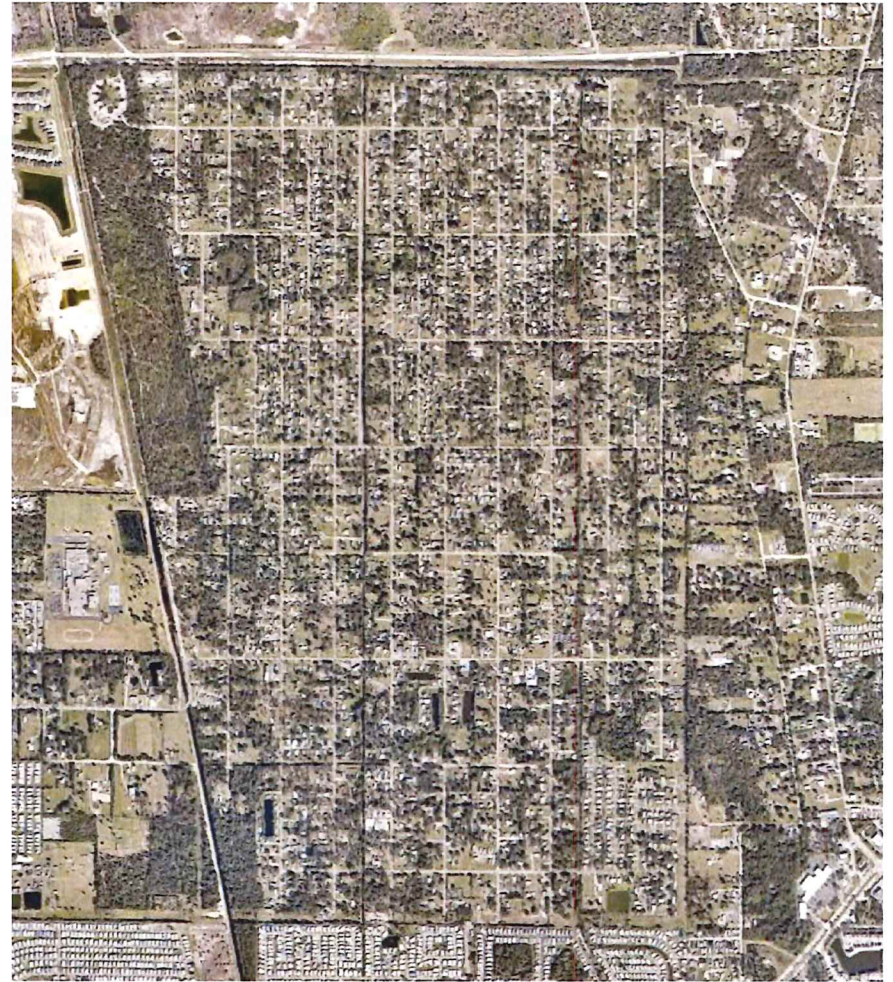
***Is consistent with the goals, objectives,
policies and intent of the Lee Plan***

GOAL 30: North Ft. Myers Planning Community Plan Area

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

- Suncoast Estates
- Opportunity Zone
- Infill project
- Creates employment opportunities
- Public Information Meeting held

Is consistent with the goals, objectives, policies and intent of the Lee Plan



Goal 60

To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.

- Routinely mowed
- Not located in a flow way
- No wetlands
- Paving, grading and drainage at time of Development Order

Is consistent with the goals, objectives, policies and intent of the Lee Plan

Goal 61

To provide sufficient performance and/or design standards for development protective of the function of natural drainage systems.

- No defined drainage pattern
- Dry detention swale
- No SFWMD permitting required
- BMP and LDC

Is consistent with the goals, objectives, policies and intent of the Lee Plan

***b. Meets this Code and other applicable County regulations
or qualifies for deviation;***

- LDC and applicable regulations will be considered
- Four (4) deviations with this request

January 30, 2025 22

ZONING: MH-3
USE: AUTO REPAIR

PROJECT INFORMATION

CLIMATE ZONE	= CLIMATIC PLANT EQUIPMENT (CPE)
PLANT LANE USE	= LANEWAY
LIT AREA	= LIT AREA
WATER INFLOW	= WATER INLET FLOW
WATER FLOW	= FLOW FLOW
WATER FLOW	= FLOW FLOW
WATER FLOW	= FLOW FLOW
WATER FLOW	= FLOW FLOW

BUILDING SETBACK REQUIREMENTS

STREET LIGHTS

STREET LIGHTS - 18 FEET (SEE DRAWING #)	
STREET LIGHT - 18 FEET (SEE DRAWING #)	
STREET LIGHT - 18 FEET	

ZONING/ACTUAL USE

NORTH = LAUREL LANE ROW
SOUTH = 41st/42nd
DATE = MAY 20th 2004
NOT = 41st/42nd ROW

LANDSCAPE BUFFER REQUIREMENTS

FOR LDC TEL. 22-1967 AND TEL. 13-418
WORTH: COM TO ADM. 15 WDC TYP T3 BUZZER
BACH: COM TO ADM. 15 WDC TYP T3 BUZZER
BACH: COM TO DIR. 15 WDC TYP C BUZZER WITH 4 BEEP BELL
WORTH: COM TO ADM. 15 WDC BUZZER WITH 4 BEEP BELL (SEE SEPARATE FOR

OPEN SPACE

4. निष्कर्ष : 1,000 रु 3,000 रु
 प्रमाणित : 1,000 रु (अनुप्राण और डी. अनाप्राण अनुप्राण)
 = 1,000 रु (अनुप्राण)

PARKING REQUIREMENTS

BULK STONE
 REQUIRED: 1 TONNE PER 200 SF
 LBS OF / YD OF = 9 TONNES
 PROVIDED: 9 TONNES INCLUDING 1 HE TONNE

SOLID WASTE REQUIREMENTS

COMMON: 1 - 1000 IF = 14 IF
 EQUIP: 1000 IF = 14 IF
 PROBLE: 120 IF

LEON

PL	PLANS (IF UNLESS OTHERWISE NOTED)
QTY	QUANTITY
EST. CONC.	EST. OF PRESENT CONCRETES
TH	THICK
PROF.	PROPOSED
OF	TO BE FET
LF	LINE FEET
EST. P.	EST. OF PRESENT
C.P.	CONCRETE NO.
PAVE	PAVE WITH EXISTENT
S.E.	SUBGRADE EXISTENT
LY	LAST PAVE
	NUMBER OF PAVING SPACES IN LOT
	PROPOSED PAVING
	PROPOSED CONCRETE
W.C.	WATER-REPLENISHING CONC.
W.S.	WATER TO SOAK
A.V.	AVAILABILITY



- Subject property only 100x145
- Other LDC requirements not possible
- Prevents reasonable use of the property
- Enhanced buffering and wall

Staff recommends approval of deviation.

STREET ADDRESS:
2265 LAUREL LANE
LAUREL, FLORIDA 32047

CITY: LAUREL
COUNTY: FLORIDA

PROPERTY INFORMATION
 ZONING: MH-3
 USE: AUTO REPAIR
 LOT AREA: 10,000 SQ. FT.
 LOT DIMENSIONS: 100' X 100'
 LOT AREA: 10,000 SQ. FT.
 LOT AREA: 10,000 SQ. FT.
 LOT AREA: 10,000 SQ. FT.

BUILDING SETBACK REQUIREMENTS
 FRONT: 10' (10' MIN. TO LOT LINE)
 REAR: 10' (10' MIN. TO LOT LINE)
 SIDE: 10' (10' MIN. TO LOT LINE)
 CORNER: 10' (10' MIN. TO LOT LINE)

ZONING/ACTUAL USE
 ZONING: MH-3
 ACTUAL USE: MOBILE HOME

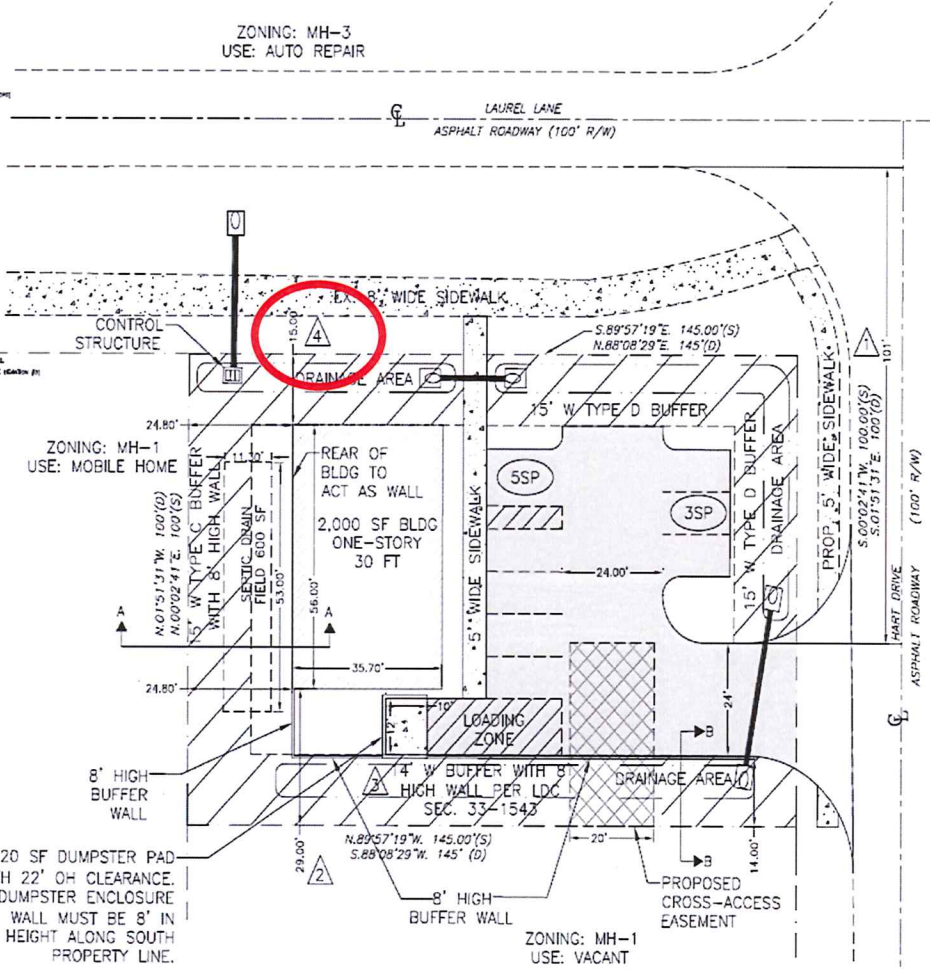
LANDSCAPE BUFFER REQUIREMENTS
 FRONT: 10' (10' MIN. TO LOT LINE)
 REAR: 10' (10' MIN. TO LOT LINE)
 SIDE: 10' (10' MIN. TO LOT LINE)
 CORNER: 10' (10' MIN. TO LOT LINE)

OPEN SPACE
 MIN. 10% OF LOT AREA (1,000 SQ. FT.)

PARKING REQUIREMENTS
 MIN. 10% OF LOT AREA (1,000 SQ. FT.)

SOIL WASTE REQUIREMENTS
 MIN. 10% OF LOT AREA (1,000 SQ. FT.)

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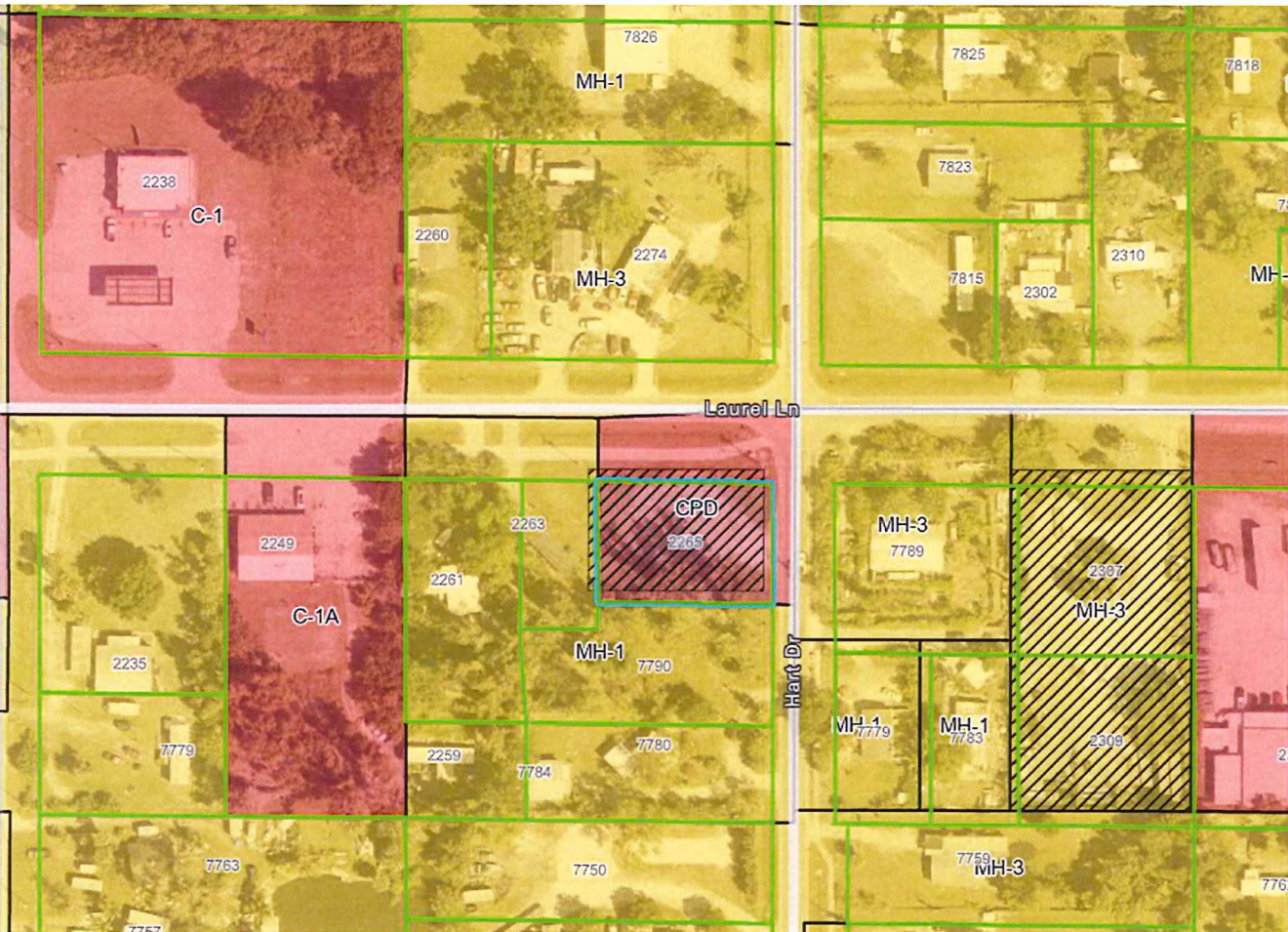
Deviation 4 – LDC Section 34-2192

Justification

- Subject property small corner lot
- Other LDC requirements not possible
- Prevents reasonable use of the property
- Enhanced buffering and wall

Staff recommends approval with Condition:

Prior to the issuance of a development order, a cross-access easement extending to the abutting property to the south must be depicted on the development order plans. A legal description and sketch must be provided with the draft easement. The easement must be recorded in the Public Records prior to the issuance of a Certificate of Compliance.

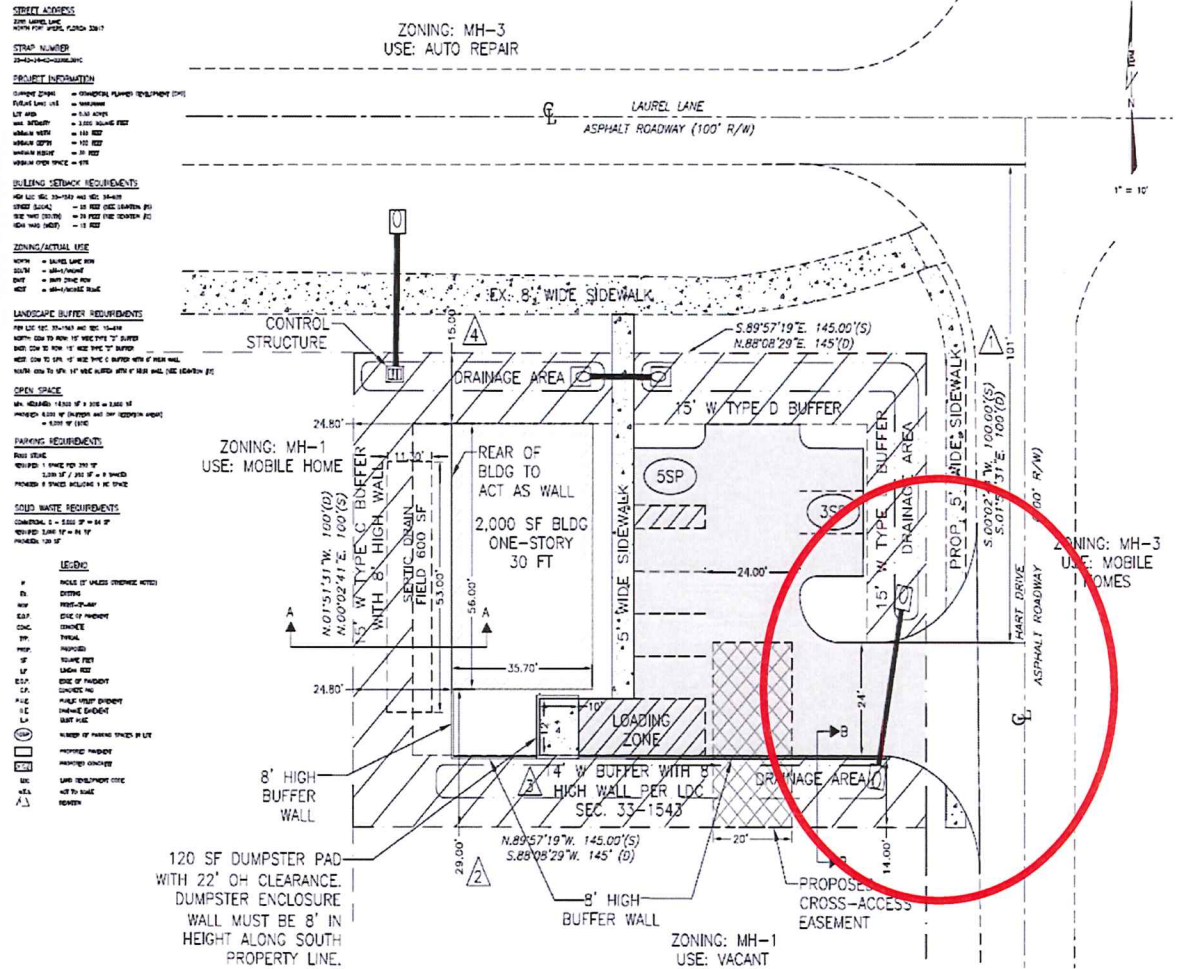


c. Is compatible with existing and planned uses in the surrounding area;

- Compatible with surrounding uses
- Limited Schedule of Uses
- All uses compatible

- County-maintained, Hart Dr
- Improve existing driveway

Prior to the issuance of a development order, a cross-access easement extending to the abutting property to the south must be depicted on the development order plans. A legal description and sketch must be provided with the draft easement. The easement must be recorded in the Public Records prior to the issuance of a Certificate of Compliance.



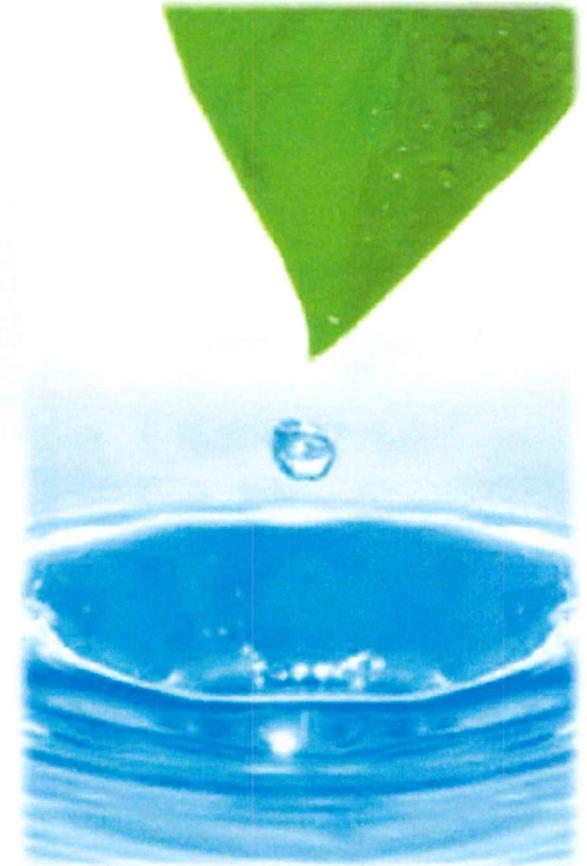


e. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

- One access Hart Drive
- Transportation-Related Analysis
- No expected impacts
- County Regulations at time of DO

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

- Routinely mowed
- Environmental Sensitivity Unlikely
- No existing defined drainage pattern
- Designed perimeter dry detention area



***f. Will not adversely affect environmentally critical
or sensitive areas and natural resources CONTINUED;***

OPEN SPACE

- Small Development
- 20% Open Space
- Providing enhanced 5,750SF/0.132 acres
- CONDITIONED

INDIGENOUS

- 50% Indigenous
- No existing
- None required

***f. Will not adversely affect environmentally critical
or sensitive areas and natural resources CONTINUED;***

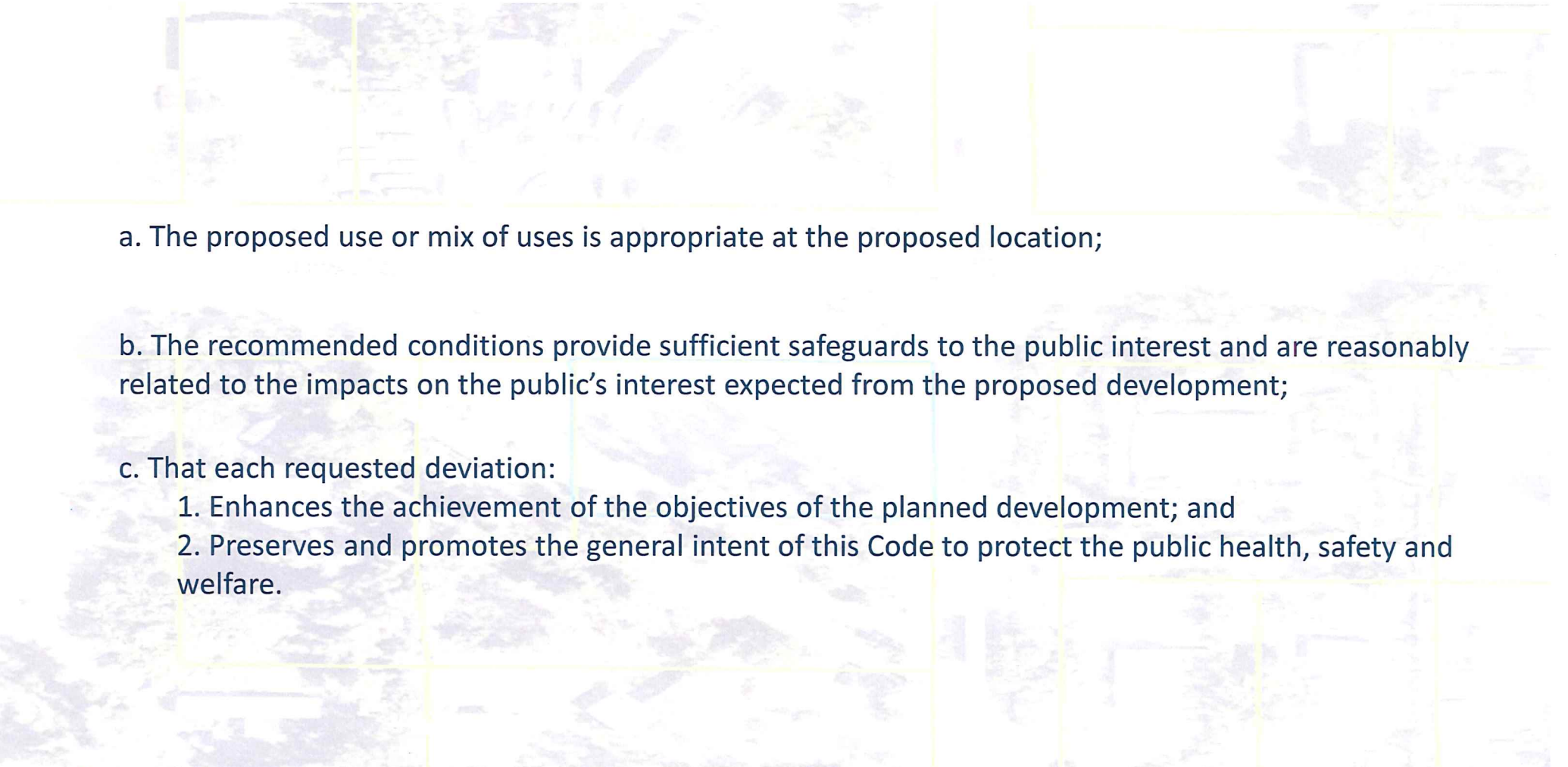
BUFFERS

- NORTH – 15-foot (Type D) buffer
- SOUTH – 14-foot buffer, 8-foot-high opaque wall
- WEST - 15-foot (Type C) buffer, 8-foot-high opaque wall (CONDITIONED)
- EAST – 15-foot buffer



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

- LCU and FGUA
- Ft. Myers Shores Fire Protection & Rescue District
- LCSO
- Lee County Solid Waste
- Public Transit, Schools and Parks

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

CONCLUSION

- ✓ *Is consistent with the goals, objectives, policies and intent of the Lee Plan;*
- ✓ *Meets this Code and other applicable County regulations or qualifies for deviation;*
 - ✓ *Is compatible with existing and planned uses in the surrounding area;*
- ✓ *Will provide access sufficient to support the proposed development intensity;*
- ✓ *The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;*
- ✓ *Will not adversely affect environmentally critical or sensitive areas and natural resources;*
 - ✓ *Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category*
- ✓ *The proposed use or mix of uses is appropriate at the proposed location*
- ✓ *The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development;*
 - ✓ *That each requested deviation:*
 - 1. Enhances the achievement of the objectives of the planned development; and*
 - 2. Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.*

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

LEE COUNTY
HEARING EXAMINER
2025 JAN 15 PM 4:07

CASE NUMBER: DCI2024-00019

TYPE OF CASE: Commercial Planned Development Amendment

CASE NAME: 2265 Laurel Lane CPD

TOTAL ACREAGE AFFECTED BY REQUEST: 0.33 Acres (14,500 Square Feet)

SUFFICIENCY DATE: November 14, 2024

HEARING EXAMINER DATE: January 30, 2024

Request:

TDM Consulting, Inc., on behalf of Terra Firma Ventures, LLC, has filed an application to amend the Master Concept Plan, Schedule of Uses, and the Schedule of Deviations for the Ron & Sharon Ratliff Commercial Planned Development (CPD), Resolution Z-89-091A, located at 2265 Laurel Lane, North Fort Myers. The applicant is proposing a 2,240 square-foot building that will contain a food store/market with a small restaurant for carry-out service only.

The subject property consists of one STRAP number (25-43-24-03-00068.001C), and resides within the Suburban Future Land Use Category, and the North Fort Myers Community Plan Area as established by the Lee County Comprehensive Plan (the Lee Plan). The sketch and legal description for the property may be found as Attachment B.

The applicant has requested six (6) deviations from Land Development Code (LDC) requirements related to setbacks, buffers, and connection separation, of which two (2) were withdrawn (Attachment I).

Summary:

Staff recommends **APPROVAL** of the applicant's request subject to the conditions and deviations found in Attachment C.

PARCEL HISTORY:

The subject properties are within the Suncoast Estates platted subdivision; an older mobile home subdivision originally zoned by special permit for a Trailer Subdivision by Resolution Z-62-039 (Attachment E). Suncoast Estates has been identified as an Opportunity Zone, whose purpose is to spur economic growth and job creation in low-income communities by incentivizing investments in economically distressed communities that need revitalizing. Historical uses of the Suncoast area are for mobile home residences. Permitted commercial uses exist along the major roadways within Suncoast Estates alongside the existing residential neighborhoods, including along Laurel Lane.

The subject property is located near existing residentially- and commercially-zoned properties. Lots abutting the properties to the south and west are zoned Mobile Home (MH-1), and two lots to the west of the subject property at 2249 Laurel Lane are zoned Commercial (C1-A) and are developed with a convenience store. Properties to the north across Laurel Lane and east across Hart Drive are zoned Mobile Home (MH-3).

ANALYSIS:

LDC Section 34-145 establishes the review criteria for requests for amendments to a planned development. Before recommending approval the Hearing Examiner must find the request:

- a) Complies with the Lee Plan;
- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a future urban area category.

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

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

The applicant has provided a request statement addressing the motive of the amendment and analysis of the decision-making criteria (Attachment G). The following sections provide staff's analysis of the request, as measured by the review criteria.

a. Lee Plan Compliance

The parcel is located in the Suburban Future Land Use Category, described by **Policy 1.1.5** of the Lee Plan. The policy states, *"The Suburban future land use category will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas."* As part of the future urban and suburban areas pursuant to **Objective 1.1**, the project site is in a designated area for varying intensities that provide for a full range of urban activities. Commercial uses are permitted in the Suburban future land use category to serve the local community, and nearby uses include both commercial and residential. The applicant has provided a Master Concept Plan (Attachment J) that depicts the conceptual development plan for the property, including proposed buffers and development standards intended to ensure compatibility with surrounding uses. The request is to amend an existing CPD, already established as compatible with the surrounding neighborhood. Staff finds the request, consistent with **Policy 1.1.5 and Objective 1.1** of the Lee Plan.

Objective 2.1 of the Lee Plan promotes contiguous and compact growth to contain urban sprawl. The proposed CPD will allow infill redevelopment that promotes compact growth patterns. **Objective 2.2**

and **Policy 2.2.1** discuss new growth in future urban areas where adequate public facilities exist or are assured. The property is located along the two-lane collector road of Laurel Lane. Existing infrastructure of water and sewer is in place, and utilities are available to the site. Adequate public facilities including fire, police, EMS, solid waste, public transit, public schools and parks serve the property. Staff finds the request consistent with **Objective 2.1, Objective 2.2, and Policy 2.2.1** of the Lee Plan.

The applicant has provided a Letter of Availability from the Lee County Utilities stating potable water lines are in operation adjacent to the property, and that sufficient capacity exists to provide service based on the estimated flow demand provided at time of submittal, but that no reuse mains were in the vicinity of the parcel. The applicant also provided a Letter of Availability from Florida Governmental Utility Authority (FGUA) confirming sanitary sewer lines are in operation adjacent to the subject property, and that sufficient capacity exists to provide sanitary sewer service, however, the applicant has indicated the existing sewer lines are located approximately 2,500 linear feet to the south; therefore, the applicant intends to utilize a private septic system on site at time of Development Order as a means of sanitary sewer service, fulfilling requirements of **Standards 4.1.1 and 4.1.2** of the Lee Plan (See Attachment L). The applicant provided the required Protected Species Survey, FLUCCS Map, Soils Map, Rare and Unique Habitat Map, Topographic Map, and Existing Historic Flow Ways Map. The subject property is cleared, routinely mowed, and has been surrounded by development, providing sufficient evidence that environmentally sensitive areas do not exist on the subject property (Attachment O), in compliance with **Standard 4.1.4: Environmental Factors**. Staff finds the request is consistent with **Standards 4.1.1, 4.1.2, and 4.1.4** of the Lee Plan.

The applicant's provided Master Concept Plan (MCP) (Attachment J) was designed to account for the existing surrounding residential uses, consistent with **Policy 5.1.5**, which seeks to protect existing residential areas from any uses that are potentially destructive to the character and integrity of the residential environment. The Land Development Code provides buffer, setback, screening, and architectural requirements to minimize negative impacts associated with commercial uses abutting a residential neighborhood. The applicant requested a deviation from LDC Section 33-1542, which requires a minimum 50-foot setback for commercial structures abutting residential use, to allow for a 29-foot setback from the abutting large lot subdivision to the south. In addition, a deviation from LDC Section 33-1543(a), which requires a 30-foot buffer width when high density development abuts an existing large lot subdivision, to allow a 14-foot-wide buffer along the south property line with an 8-foot high solid, opaque fence with all required vegetation on the outside of the fence. The applicant has provided the required 15-foot setback to the west. County staff has recommended a condition that prior to Development Order, the MCP must depict the 15-foot Type C buffer area and wall on the western side of the lot, with no windows or doors along the west facade of the building to ensure equal or better buffering is provided for the residential use abutting the property to the west. Staff finds the request, as conditioned, consistent with **Policy 5.1.5** of the Lee Plan.

Goal 6 of Lee Plan seeks to permit orderly and well-planned commercial development at appropriate locations within the County. The property is located within an established neighborhood, with other nearby existing commercial zoning districts, including Commercial Planned Development (CPD), Commercial (C-1) and Commercial (C-1A). Access to the proposed development will be facilitated through one access point on the county-maintained major collector roadway of Hart Drive, and the Lee County Department of Transportation provided a transportation-related analysis stating the project is not anticipated to adversely affect the surrounding roadway system (Attachment N). As previously stated, adequate landscaping and buffering will be provided at time of development. Urban services such as

potable water, sanitary sewer, fire/EMS and police protection, public parks and public transit are available to serve the proposed development. Staff finds the request consistent with **Lee Plan Goal 6, Objective 6.1, and Policies 6.1.1, 6.1.4, 6.1.6, and 6.1.7.**

The subject property lies within the North Fort Myers Community Plan Area. Pursuant to **LDC Section 33-1532**, the applicant held the required public information meeting on May 7, 2024, at the North Fort Myers Recreation Center at the monthly meeting of the North Fort Myers Design Review Panel. A meeting summary of questions and concerns from the public was provided to staff (Attachment F), fulfilling the requirements of **Lee Plan Objective 17.3 and Policies 17.3.3 and 17.3.4.**

Goal 30: North Fort Myers Community Plan is to “improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed-use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources.” The property is located in Suncoast Estates, an older neighborhood comprised of a mix of residential mobile homes and commercial development. Suncoast Estates has been identified as an Opportunity Zone, whose purpose is to spur economic growth and job creation in low-income communities by incentivizing investments in economically distressed communities that need revitalizing. The proposed development is an infill project, promoting compact and mixed-use development, and investment to revitalize the neighborhood. The business creates a new employment opportunity for the surrounding community. As previously stated, the applicant held the required public information meeting answering questions and concerns from the public. Staff finds the request consistent with **Lee Plan Goal 30.**

Goal 60 of the Lee Plan seeks to protect or improve the quality of receiving waters and surrounding natural areas and the function of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development. The subject property is cleared and routinely mowed, is not located in a flow way, and does not contain wetlands. The applicant stated that paving, grading, and drainage plans will be consistent with the LDC and Lee Plan at time of development, fulfilling **Policy 60.1.1 and 60.4.1.** Staff finds the request consistent with **Lee Plan Goal 60, Policy 60.1.1, and Policy 60.4.1.**

Goal 61 of the Lee Plan is to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems. The applicant provided a Surface Water Management Plan Narrative (Attachment K) indicating the property in its existing state has no defined drainage pattern. Water quantity, quality, and attenuation will be provided via a designed interconnected perimeter dry detention swale, prior to off-site discharge to the Laurel Lane roadside swale, and runoff from impervious areas will be directed to the dry detention areas via sheet flow. There is no noticeable drainage flow from adjacent properties entering the subject property. The subject properties are collectively under one (1) acre, and the proposed building will be developed as a “small” project not requiring permitting through the South Florida Water Management District (SFWMD). As previously mentioned, the applicant stated that paving, grading, and drainage plans will be consistent with the LDC and Lee Plan at time of development order, and Best Management Practices will be incorporated, and surface water management will comply with the requirements of the LDC, the Lee Plan, and any other regulatory agencies having jurisdiction. Staff finds the request consistent with **Lee Plan Goal 61, Policy 61.2.4, Objective 61.3, and Policies 61.3.1, 61.3.6, and 61.3.11.**

Laurel Lane is identified as a Shared-Use Path on the Lee County Greenways Master Plan (Map 4-E). Lee Plan **Objective 77.3** requires new developments to use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. **Policy 77.3.7** requires those new developments to incorporate the greenway trail into their development design. The existing shared use path is 8 feet in width and located along the north property line within the 100-foot right-of-way of Laurel Lane. A 15-foot-wide buffer providing open space and vegetation is proposed along Laurel Lane and the shared use path. A 5-foot-wide pedestrian facility is also proposed to provide direct access between the building and the shared use path for public connectivity. In addition, the applicant is proposing a 5-foot-wide sidewalk along Hart Drive to connect to the shared use path on Laurel Lane. Staff finds the request consistent with Lee Plan **Policy 77.3.7**.

b. Compliance with the Land Development Code and other applicable County regulations;

The applicant has acknowledged that at the time of development, Land Development Code and other applicable county regulations will be required and considered. The applicant has requested and justified the following four (4) deviations for the planned development request (Attachment I):

Deviation 1 seeks relief from LDC Section 10-285, which requires a minimum connection separation of 330 feet on major collector roads in a future suburban area, to allow a minimum connection separation of 101 feet between the proposed driveway on Hart Drive and the edge of pavement of Laurel Lane. Laurel Lane, a county-maintained major collector road, is located along the north property line and Hart Drive, a county-maintained major collector road is located along the east property line. The subject property is only 100 feet wide by 145 feet deep, making compliance with the 330-foot connection separation an impossibility. Historic aerials indicate a previous driveway located as far south on Hart Road as possible, which is 101+/-feet south of Laurel Lane. While there are multiple commercial and residential driveways on Laurel Lane, there are only residential driveways in proximity to the subject property on Hart Drive. LCDOT staff requested a cross-access easement to the property directly south of the subject property to facilitate cross access in the event that property to the south is rezoned for commercial use in the future. The proposed cross access easement will provide an interconnection and reduce access points on Hart Drive. The applicant considered the uses of the abutting properties, the existing site configuration, and the other requirements of the Land Development Code, including buffers, parking and surface water management, when designing the site and the driveway location. The proposed driveway location is based on sound engineering practices, enhances the achievement of the objectives of the planned development and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare.

Staff recommends **approval** of the deviation.

Deviation 2 seeks relief from LDC Section 33-1542, which requires any structure other than a single-family, two-family attached or duplex or its associated accessory structures to have a minimum setback of 50 feet between the nearest points of the building and/or structure (not including wing walls, overhangs, shutters, awnings, and canopies) and an existing large lot residential subdivision, to allow a minimum setback between the proposed commercial building and the residentially-zoned lot to the south to be 29.0 feet.

The abutting lot to the south meets the definition of an existing large residential lot (greater than 14,520 sf) per LDC Section 33-1537. The minimum required setbacks for the proposed building are 50 feet to

the south, 25 feet to the north and east (rights-of-way), and 15 feet to the west (buffer width). The subject property is only 100 feet wide by 145 feet deep. That only leaves a space of 25 feet wide by 105 feet deep for a building; however, those building dimensions do not allow the development to comply with the other requirements of the LDC including parking, drainage, access, and buffers. Complying with the 50-foot setback to the south property line would create such a small building footprint that it would prevent the applicant from reasonable use of the land. Per LDC Section 33-1543, the buffer vegetation required between commercial developments and existing large lot residential subdivisions is "enhanced" and provides more mature trees and shrubs at time of installation as well as an increase in the number of trees and shrubs. The vegetation, in addition to the 8-foot high solid, opaque wall, shields the residential lot from the commercial use. The required trees and palms are required to be clustered in double rows with a minimum of 3 trees per cluster, and canopy trees must be planted a maximum of 20 feet on center. Palms must be planted in staggered heights with a minimum of 3 palms per cluster, spaced at a maximum of 8 feet on center, with a minimum of 4-foot difference in height between each tree. In addition, all shrubs must be a minimum of 10 gallons, 4 feet in height with a 3-foot spread, planted 4 feet on center at installation. Permitting the building setback to be 29 feet from the south property line is not detrimental to the public health, safety or welfare. In addition, the deviation enhances the achievement of the objectives of the planned development.

Staff recommends **approval** of the deviation.

Deviation 3 seeks relief from LDC Section 33-1543(a), which requires landscape buffers for high density or high intensity development abutting a subdivided lot in an existing large lot residential subdivision to utilize, at a minimum, a 30-foot-wide buffer width, to allow the buffer width to be 14 feet wide with an 8-foot-high solid opaque wall to the south property line. The subject property is a small, corner lot at an intersection of two major collector streets. The lots to the south and west are residential lots, with the lot to the south defined as an existing large residential subdivided lot per LDC Section 33-1537 (greater than 14,520 sf), triggering a 30-foot-wide buffer requirement between the subject property and the property to the south. Complying with the buffer requirements, in addition to parking, surface water management, solid waste, access, pedestrian facilities, and setbacks, would limit development of the structure. The LDC requires the 30-foot-wide buffer to provide 5 trees and 18 shrubs per 100 linear feet. The applicant has stated the buffer vegetation will remain as required by the LDC; however, the applicant is proposing to increase the number of trees to 7 trees per 100 linear feet plus a double-staggered hedgerow of all native vegetation. The proposed buffer is 14 feet wide with the 8-foot-high wall separating the dumpster, loading zone and parking lot from the existing large residential lot to the south. The proposed buffer vegetation is enhanced and provides more mature trees and shrubs at time of installation as well as an increase in the number of trees and shrubs. The vegetation, in addition to the 8-foot high solid, opaque wall, shields the residential lots from the noise, glare, and lights associated with commercial uses. The required palms must be clustered with a minimum of 3 trees per cluster, and canopy trees must be planted a minimum of 20 feet on center. Palms must be planted in staggered heights with a minimum of 3 palms per cluster, spaced at a maximum of 8 feet on center, with a minimum of 4-foot difference in height between each tree. In addition, all shrubs must be a minimum of 10 gallons, 4 feet in height with a 3-foot spread, planted 4 feet on center at installation.

Staff recommends **approval** of the deviation.

Deviation 4 WITHDRAWN.

Deviation 5 seeks relief from LDC Section 34-2192, which requires all buildings and structures be set back a minimum of 25 feet from the adjacent street easement or right-of-way, to allow a minimum building setback of 15 feet from the Laurel Lane right-of-way. The subject property is a corner lot that is only 100 feet wide by 145 feet deep. The minimum setbacks for the proposed building are 25 feet to the north and east (rights-of-way), 50 feet to the south and 15 feet to the west. That only leaves a space of 25 feet wide by 105 feet deep for the building footprint. That building size and configuration does not allow the development to comply with the other requirements of the LDC including parking, drainage, access, and buffers. The applicant is proposing to provide a 15-foot building setback to Laurel Lane along with a 15-foot-wide buffer. There is an existing 8-foot-wide pedestrian facility along with a planting strip within the 100-foot-wide Laurel Lane right-of-way, which provides an additional buffer between the road and the commercial development. The proposed 15-foot building setback permits the development to function as a small commercial development. The code required setback of 25 feet would reduce the size of the building footprint. Permitting the 15-foot building setback is not detrimental to the public health, safety or welfare. In addition, the deviation enhances the achievement of the objectives of the planned development.

Staff recommends **approval** of the deviation with the following condition:

Prior to the issuance of a development order, a cross-access easement extending to the abutting property to the south must be depicted on the development order plans. A legal description and sketch must be provided with the draft easement. The easement must be recorded in the Public Records prior to the issuance of a Certificate of Compliance.

Deviation 6 WITHDRAWN.

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

The property is located within an established neighborhood, with other nearby existing commercial zoning districts, including Commercial Planned Development (CPD), Commercial (C-1) and Commercial (C-1A). The applicant's Schedule of Uses is limited and includes Accessory Uses and Structures, ATM, Essential Services, Essential Services Facilities, Group I, Fences and Walls, Food Stores Group I, Accessory Parking Lot, Restaurants Group I and II (carryout only, no indoor seating), and Signs (Attachment H). All uses, as conditioned, are compatible with the surrounding area.

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

Access to the proposed development will be facilitated through one access point on the county-maintained major collector roadway of Hart Drive, and the applicant proposes to improve the existing driveway that accesses from Hart Drive to the east. Lee County Department of Transportation staff have recommended the following condition to limit future access points along Hart Drive:

Prior to the issuance of a development order, a cross-access easement extending to the abutting property to the south must be depicted on the development order plans. A legal description, and sketch must be provided with the draft easement. The easement must be recorded in the Public Records prior to the issuance of a Certificate of Compliance.

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

The applicant provided the required Traffic Impact Statement (TIS) (Attachment M). Access to the proposed development will be facilitated through one access point on the county-maintained major collector roadway of Hart Drive, and the Lee County Department of Transportation provided a transportation-related analysis stating the project is not anticipated to adversely affect the surrounding roadway system (Attachment N). Required improvements will be addressed by conditions of approval and existing county regulations. An additional traffic impact statement will be provided and evaluated during local development order review.

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

The applicant provided the required Protected Species Survey, FLUCCS Map, Soils Map, Rare and Unique Habitat Map, Topographic Map, and Existing Historic Flow Ways Map. The subject property is cleared, routinely mowed, and has been surrounded by development, providing sufficient evidence that environmentally sensitive areas are unlikely to exist on the subject property (Attachment P). The applicant provided a Surface Water Management Plan Narrative (Attachment K) indicating the properties in their existing state have no defined drainage pattern and appears to sheet flow to the Laurel Lane roadside swale without benefit of any water quality treatment or attenuation. Water quantity, quality, and attenuation will be provided via interconnected perimeter dry detention swales prior to off-site discharge to the Laurel Lane roadside swale, and runoff from impervious areas will be directed to the dry detention areas via sheet flow, catch basins, and culverts. County environmental staff provided a report (Attachment O) analyzing the request, and made the following findings:

Open Space

The project meets the small development definition (Land Development Code 10-1). LDC Section 10-415(a) requires the applicant to provide 20 percent open space for a small development. The total open space required is 2,900 square feet (0.06 acres) and the applicant is providing enhanced open space with 0.132 acres. Staff recommends the following condition to memorialize the enhanced open space provided for the development:

Prior to the issuance of a development order, plans must depict 5,750 square feet (0.132 acres) of open space.

Indigenous Open Space Preservation

The Land Development Code requires large projects to provide 50 percent of the open space percentage requirement through onsite preservation of existing native vegetation communities (LDC 10-415(b)). The subject property is less than ten acres in size and is considered a small development per LDC Sections 10-1 and 10-415(b). No indigenous open space is required.

Buffers

The properties directly abutting the west and south are zoned Mobile Home (MH-1), and to the north and east across the intersection of Laurel Lane and Hart Drive, the properties are zoned Mobile Home (MH-3). Collector road Laurel Lane is directly north running east/west. The required buffers are as follows:

- North - The north property line abuts Laurel Lane, a Lee County DOT maintained Road. The applicant is required to provide a fifteen-foot-wide Type D buffer with five (5) trees per 100 linear feet and a double hedge planted in staggered rows, in accordance with LDC Section 10-416(d). The applicant is in compliance with the north buffer requirement.
- South – The south property line abuts a residentially zoned property Mobile Home (MH-1) that is currently undeveloped but defined as an existing large lot residential subdivision. A row of Australian Pines is located along this boundary. The project has requested a deviation (#3) from LDC Section 33-1543, which requires a minimum 30-foot-wide buffer with five (5) trees and eighteen (18) shrubs per 100 linear feet, to allow a 14-foot-wide buffer with an 8-foot-high wall with seven (7) trees and eighteen (18) shrubs per 100 linear feet. Trees and palms will be clustered in double staggered rows with a minimum of three (3) trees per cluster. The applicant has proposed an enhanced buffer which will increase the number of trees from five (5) to seven (7) per 100 linear feet, which is proposed to be planted with mature trees and shrubs. Shrubs must be a minimum of 10 gallons, 4 feet in height with a 3-foot spread, planted 4 feet on center at installation.
- West – The west property line abuts a Mobile Home (MH-1) zoned property, and the applicant is required to provide a 15-foot-wide Type C buffer. A cross section has been provided to demonstrate how the buffer area will overlap the septic drain field by 7.5 feet, while still allowing for a planting area of 7 feet. The type C buffer requires five (5) trees and eighteen (18) shrubs per 100 linear feet with an 8-foot-high wall. The applicant has extended the wall to include the most western wall of the proposed development. No windows or doors have been proposed in this area. Staff recommend adding the following condition:

Prior to the issuance of a development order, plans must depict a Type C buffer (15 feet with 5 trees, 18 shrubs per 100 linear feet with a solid wall at least 8 foot in height) along west property line. The west wall of the building may serve as part of the required wall. No windows or doors are permitted on the western side of the building.
- East – The east property line abuts Hart Road, a Lee county-maintained Road. Per LDC Section 10-41(d), a fifteen-foot-wide buffer is required along the right-of-way.

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

The parcel is located in the Suburban Future Land Use Category, which per Lee Plan **Policy 1.1.5** “will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods.” The following services are available to accommodate the request:

Utilities

The applicant has provided a Letter of Availability from the Lee County Utilities stating potable water lines are in operation adjacent to the property, and that sufficient capacity exists to provide service based on the estimated flow demand provided at time of submittal. No reuse mains are in the vicinity of the parcel.

The applicant also provided a Letter of Availability from Florida Governmental Utility Authority (FGUA) confirming sanitary sewer lines are in operation adjacent to the subject property, and that sufficient capacity exists to provide sanitary sewer service; however, the applicant has indicated the existing sewer lines are located approximately 2,500 linear feet to the south; therefore, the applicant intends to utilize a private septic system on site at time of Development Order as a means of sanitary sewer service (Attachment L).

Fire and EMS

North Ft. Myers Shores Fire Department, Station #3, located at 16290 Slater Road is approximately 2.8 miles away, and includes a collocated EMS station.

Sheriff

Lee County Sheriff's Department, located at 121 Pondella Road, is approximately 3.9 miles away.

Solid Waste

The property is within Lee County Solid Waste Franchise Area 5 and is served by Waste Pro.

Public Transit

Lee Tran Route 590 services this segment of Laurel Lane. There is an existing bus stop shelter approximately 0.06 miles west of the entrance for 2307 Laurel Lane.

Public Schools

The property is within the Lee County School District West Zone, District Area 1. The project will have no impact on the school district.

Public Parks

The property is approximately 3.3 miles northeast of North Fort Myers Community Park.

Findings and Conclusion:

Staff has reviewed the request and finds:

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

The property is located within an established neighborhood, with other nearby existing commercial zoning districts, including Commercial Planned Development (CPD), Commercial (C-1) and Commercial (C-1A). The applicant's Schedule of Uses is limited and includes Accessory Uses and Structures, ATM, Essential Services, Essential Services Facilities, Group I, Fences and Walls, Food Stores Group I, Accessory Parking Lot, Restaurants Group I and II (carryout only, no indoor seating), and Signs (Attachment H). All uses, as conditioned, are compatible with the surrounding area.

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

The applicant requested six (6) deviations from Land Development Code, and has subsequently withdrawn two (2), for a total of four (4) deviations pertaining to connection separation, setbacks, and buffers. The

applicant has stated enhanced landscaping will be provided pursuant to LDC Section 33-1543(c) and (d), in addition to clustering of trees and shrubs required in LDC Section 10-416. The applicant's provided Master Concept Plan (Attachment J) was designed to be compatible with the surrounding neighborhood to protect existing residential areas from any uses that are potentially destructive to the character and integrity of the residential environment.

c) That each requested deviation:

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

The applicant has requested six (6) deviations from Land Development Code (LDC) requirements and withdrawn 4 and 6 (Attachment I). Staff recommends approval of the four remaining deviations, finding that the deviations meet the criteria for approval.

CONCLUSION

The request to amend the Commercial Planned Development (CPD) is consistent with the Lee Plan and Land Development Code. The proposed amendments are consistent with the existing residential and commercial development within the Suburban future land use as established by Lee Plan, and the Suncoast Estates platted mobile home park. Staff has concluded that the amendment, as conditioned, will not result in negative impacts to urban services, infrastructure, or surrounding property. The subject properties are sufficiently served by urban services. The request will not impact any wetland preserves, or flood hazard areas; or adversely affect environmentally critical or sensitive areas and natural resources. The amendment allows for enhancement of existing mixed uses and is appropriate for the location and establishes sufficient safeguards to the public interest. Each requested deviation enhances the achievement of the objectives of the planned development and preserves and promotes the general intent of this Code to protect the public health, safety, and welfare. Therefore, staff recommends **APPROVAL** of the applicant's request, as conditioned in Attachment C.

ATTACHMENTS

Attachment A – Lee County Expert Witness Information
Attachment B – Legal Description
Attachment C – Conditions
Attachment D – Case Maps
Attachment E – Resolution Z-62-039, Z-89-091, and Z-89-091A
Attachment F – Public Information Meeting Summary
Attachment G – Applicant's Narrative
Attachment H – Applicant's Schedule of Uses
Attachment I – Applicant's Schedule of Deviations
Attachment J – Master Concept Plan
Attachment K – Surface Water Management Narrative
Attachment L – Letters of Availability
Attachment M – TIS
Attachment N – LDOT Traffic-Related Analysis
Attachment O – Environmental Staff Report
Attachment P – Protected Species, Topographic, Soils, FLUCCS Maps

ATTACHMENT A

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

Case Number: DCI2024-00019
Project Name: 2265 Laurel Lane
Hearing Examiner Date: January 30, 2024

MarySue Groth, Senior Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

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

Brian Roberts, Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

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

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

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

Marcus Evans, P.E., Engineer, Infrastructure Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.

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

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

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

William Lange, Environmental Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

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

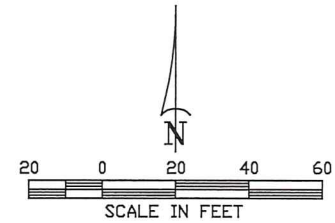
Jillian Scholler, Deputy Director Transportation, Planning, 1500 Monroe Street, Fort Myers, FL 33901

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

ATTACHMENT B

SEE EXHIBIT "A" FOR DESCRIPTION TO
ACCOMPANY THIS SKETCH
"NOT A BOUNDARY SURVEY"

SKETCH TO ACCOMPANY DESCRIPTION:
**LOT 1C, BLOCK 68,
SUNCOAST ESTATES,**
(UNRECORDED)
SECTION 25, TOWNSHIP 43 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA



SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREDON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF LAUREL LANE, AS BEING S.89°57'19"E.
2. FIELD NOTES IN SUNCOAST ESTATES.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREDON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8½ x 14", 40 SCALE DRAWING.

LEGEND:

O.R. OFFICIAL RECORDS BOOK
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
R/W RIGHT-OF-WAY
CL CENTERLINE
P.U.E. PUBLIC UTILITY EASEMENT
D.E. DRAINAGE EASEMENT

REVIEWED
DCI2024-00019
Rick Burris, Principal
Planner
Lee County DCD/Planning
7/16/2024

DRAWN: PMM	CHECK: FBH	SCALE 1"=40'	PROJ. # 2265 LAUREL LN	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 2-20-24	FILE NO. 43-24-25	SHT.- 1 OF - 2		
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921				

POINT OF COMMENCEMENT
S.W. CORNER OF
SECTION 25-43-24

N.00°02'41"E. 3256.32'

INSTRUMENT No. 2017000098126
LOT 1-B, BLOCK 68

N.00°02'41"E. 100.00'

50.00'

POINT OF BEGINNING

S.89°57'19"E. 145.00'

SOUTH R/W LINE

S.00°02'41"W. 100.00'

HART DRIVE
(50' R/W)

WEST R/W LINE

25.00'

LOT 1-C, BLOCK 68

N.89°57'19"W. 145.00'

INSTRUMENT No. 2018000078889
LOT 1-D, BLOCK 68

S.89°57'19"E. 2671.13'

SOUTH LINE OF SECTION 25-43-24

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH:

***PLOT 1C, BLOCK 68,
SUNCOAST ESTATES,
(UNRECORDED)
LYING IN SECTION 25,
TOWNSHIP 43 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA***

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 25, THENCE RUN S.89°57'19"E. ALONG THE SOUTH LINE SAID SECTION FOR 2671.13 FEET; THENCE RUN N.00°02'41"E. TO A POINT ALONG THE SOUTH RIGHT OF WAY LINE OF LAUREL LANE (100 FEET WIDE), FOR 3256.32 FEET; THENCE RUN S.89°57'19"E. ALONG SAID SOUTH RIGHT OF WAY LINE OF LAUREL LANE (100 FEET WIDE), FOR 160.00 FEET, TO THE POINT OF BEGINNING; THENCE RUN S.89°57'19"E. ALONG SAID SOUTH RIGHT OF WAY LINE, FOR 145.00 FEET; THENCE RUN S.00°02'41"W., ALONG THE WEST RIGHT OF WAY LINE OF HART DRIVE (50 FEET WIDE), FOR 100.00 FEET; THENCE RUN N.89°57'19"W. FOR 145.00 FEET; THENCE RUN N.00°02'41"E. TO A POINT ALONG THE AFORESAID SOUTH RIGHT OF WAY LINE OF LAUREL LANE (100 FEET WIDE), FOR 100.00 FEET, TO THE POINT OF BEGINNING. CONTAINING: 14,500.0 SQUARE FEET, MORE OR LESS.

REVIEWED
DCI2024-00019
Rick Burris, Principal
Planner
Lee County DCD/Planning
7/16/2024

Phillip M
Mould,
LS6515,
State of
Florida

Digitally signed
by Phillip M
Mould, LS6515,
State of Florida
Date: 2024.02.21
14:59:49 -05'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
2-20-2024

2265 LAUREL LN

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

ATTACHMENT C

2265 Laurel Lane CPD – DCI2024-00019

Attachment C – Conditions and Deviations

CONDITIONS

All references to uses are defined or listed in the Lee County Land Development Code (LDC).

1. MCP/Development Parameters

MCP. Development must be consistent with the two-page MCP entitled “2265 Laurel Lane Master Concept Plan” dated 10/2024 (Attachment J), except as modified by the conditions below.

LDC and Lee Plan. Development must comply with the LDC and Lee Plan at time of development order approval, except as may be granted by deviation herein. Subsequent changes require further development approvals.

Development Parameters. The CPD is limited to 2,000 square feet of commercial floor area, and a maximum building height of 30 feet.

2. Uses and Site Development Regulations

a. Schedule of Uses

Accessory Uses and Structures
ATM (Automatic Teller Machine)
Essential Services
Essential Services Facilities, Group I
Fences and Walls
Food Stores, Group I
Parking Lot, Accessory
Restaurants, Groups I and II (Carryout Only – No Indoor Seating Provided)
Signs

b. Site Development Regulations

Minimum Lot Size:	0.33 acres
Minimum Lot Depth:	100 feet
Minimum Lot Width:	145 feet
Maximum Building Height:	30 feet
Maximum Lot Coverage:	40 percent
Minimum Open Space:	40 percent

Minimum Setbacks:

Street, Local:	25 feet (Deviation #5)
Side (South):	29 feet (Deviation #2)
Rear (West):	15 feet

3. Environmental Conditions

- a. Prior to the issuance of a development order, plans must depict 5,750 square feet (0.132 acres) of open space.
- b. Prior to the issuance of a development order, plans must depict a Type C buffer (15 feet with 5 trees, 18 shrubs per 100 linear feet with a solid wall at least 8 feet in height) along the west property line. The west wall of the building may serve as part of the required wall. No windows or doors are permitted on the western side of the building.

4. Department of Transportation Conditions

- a. Prior to the issuance of a development order, a cross-access easement extending to the abutting property to the south must be depicted on the development order plans. A legal description and sketch must be provided with the draft easement. The easement must be recorded in the Public Records prior to the issuance of a Certificate of Compliance.

SECTION C: DEVIATIONS:

1. Minimum Connection Separation: Deviation 1 seeks relief from LDC Section 10-285, which requires a minimum connection separation of 330 feet on major collector roads in a future suburban area, to allow a minimum connection separation of 101 feet on Hart Drive between the proposed driveway and Laurel Lane.

This deviation is APPROVED.

2. Setbacks: Deviation 2 seeks relief from LDC Section 33-1542, which requires any structure other than a single-family, two-family attached or duplex or its associated accessory structures to have a minimum setback of 50 feet between the nearest points on the building and/or structure (not including wing walls, overhangs, shutters, awnings, and canopies) and an existing large lot residential subdivision, to allow a minimum setback of 29 feet between the proposed commercial building and the residentially zoned lot to the south.

This deviation is APPROVED.

3. Buffers: Deviation 3 seeks relief from LDC Section 33-1543(a), which requires that landscape buffers for high density or high intensity development abutting a subdivided lot in an existing large lot residential subdivision to utilize, at a minimum, a 30-foot-wide buffer width, to allow the buffer width to be 14 feet wide with an 8-foot-high solid opaque wall along the south property line.

This deviation is APPROVED.

4. Setbacks: Deviation 4 seeks relief from LDC Section 34-2192, which requires all buildings and structures be set back a minimum of 25 feet from the adjacent street easement or right-of-way, to allow a minimum building setback of 15 feet from the Laurel Lane right-of-way.

This deviation is APPROVED.

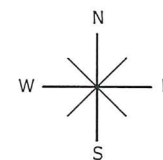
ATTACHMENT D



DCI2024-00019

Aerial

 Subject Property



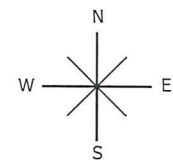
0 500
Feet



DCI2024-00019

Future Land Use

-  Subject Property
-  Suburban



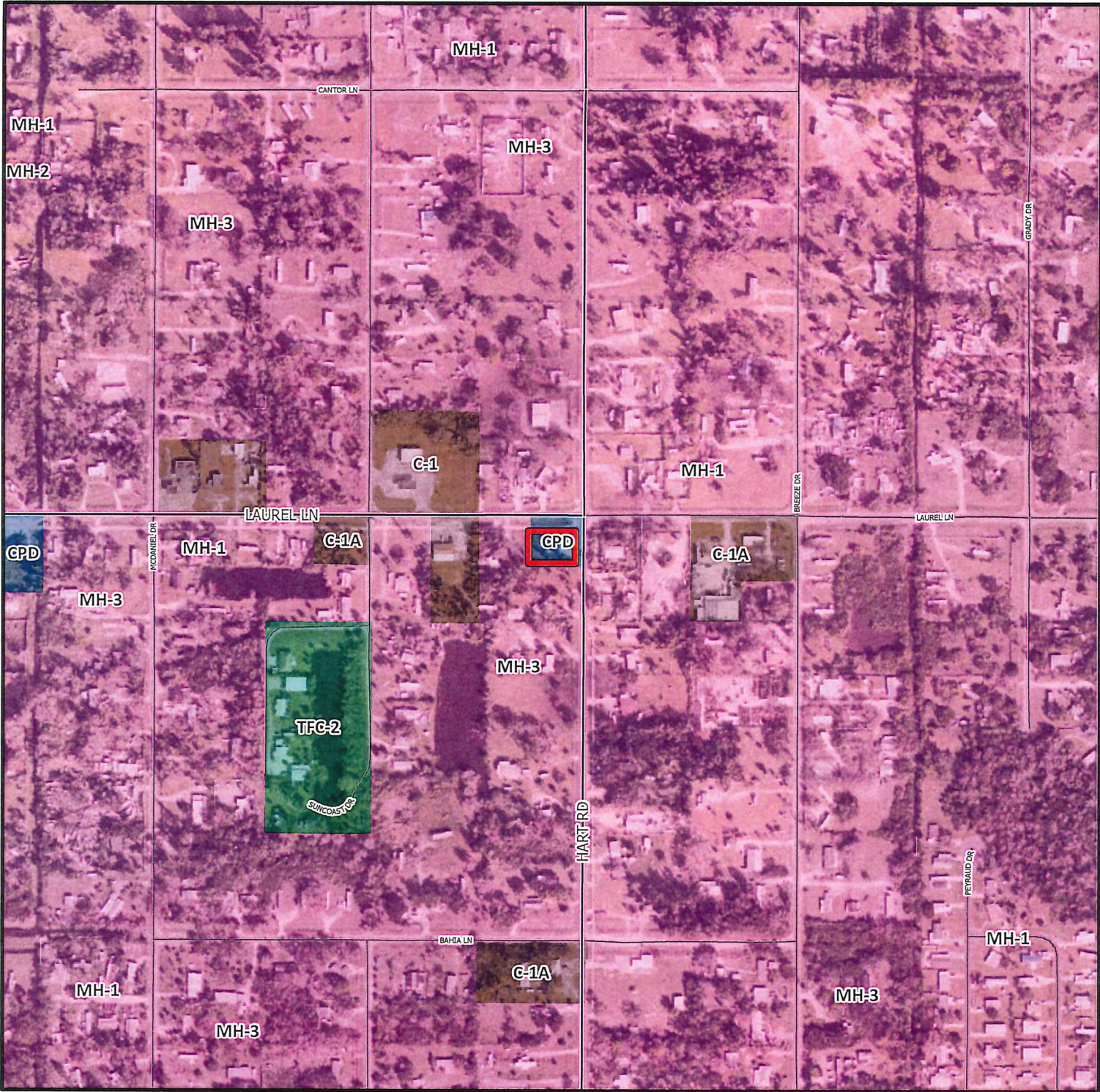
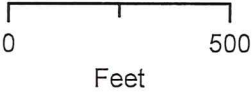
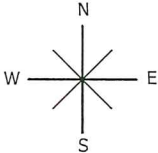
0 500
Feet



DCI2024-00019

Zoning

 Subject Property



RESOLUTION NO. Z 62-39

The following resolution was offered by Commissioner Mack Jones seconded by Commissioner Fred Huber and upon vote duly adopted:

WHEREAS, Graybar Realty and Mortgage Corp. has applied for a special permit for a TRAILER SUBDIVISION on the below described property presently zoned GU: All of Sections 24-25 of Twp. 43S of Rge. 24E, comprising 1280 acres more or less; The N 3/4ths of Sec. 26 except that part of same lying W of the r/w of the Seaboard Airline Railroad, all located in Twp. 43 S, Rge. 24 E, and containing 65 acres, more or less; All of Sec. 23, Twp. 43 Rge. 24 E lying E of Railroad r/w except that portion thereof described as follows, to wit: Beg. on the N line of the NE $\frac{1}{4}$ of said section 23, 1512' Wly from the NE cor thereof, thence S 13° 16' E, 5,441' to a point in the S line of said section 482' Wly from the SE cor thereof, thence S 89° 30' W 820' to the Easterly r/w of the Seaboard Airline Railroad; thence N 13° 16' W along the Easterly line of said r/w 5,430' to the N line of said sec. 23; thence N 88° E along the N line of said sec. 816 feet to point of beginning, containing 115 acres, more or less, and

WHEREAS, a public hearing of the Lee County Zoning Board was advertised and held, as required by law, and after hearing all parties of interest and considering the adjacent area, the Zoning Board recommended that the application be approved, and

WHEREAS, this Board after considering the recommendations of the Zoning Board, hearing all parties of interest, and upon due and proper consideration having been given to this matter, does hereby approve the Zoning Board's recommendations and approve a special permit for a TRAILER SUBDIVISION on said property:

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Ronald E. & Sharon K. Ratliff have properly filed an application for a rezoning from MH-1 to Commercial Planned Development, to permit a 2,200 square foot building to house a lawn mower and small engine repair facility not to exceed 2,200 square feet at 35 feet above average grade, on 14,500 total square feet of land. The proposed development will also include accessory retail sales of lawn mower parts and supplies.

NOTE: If approved, the Master Concept Plan will deviate from the following Lee County standards:

- (1) Zoning Ordinance, Section 202.16.J.2. requiring eleven parking spaces, to allow eight parking spaces;
- (2) Zoning Ordinance, Section 461.C.4. requiring 30% open space, to allow 20% open space;
- (3) Development Standards Ordinance, Section C.3.h. requiring 330 feet intersection separation on collector roads, to allow not less than 123 feet for Hart Drive and to allow not less than 65 feet for Laurel Lane;
- (4) Zoning Ordinance, Section 202.18.B.2.1. requiring a street setback for collector roads without frontage roads of $\frac{1}{2}$ right-of-way plus 25 feet (50 feet + 25 feet = 75 feet), to allow 60 feet along Laurel Lane and 52 feet along Hart Drive;
- (5) Development Standards Ordinance, Section C.5.d.(6) (a)(ii) requiring a 10 foot wide type "A" buffer along collector streets, to allow a 2 foot wide buffer with "A" type plantings along Hart Drive;
- (6) In the alternative to deviations (4) and (5), an Administrative Approval to reduce the rear lot setbacks (Section 202.23.B.2.a.) and utilize the proposed right-of-way for Hart Drive as buffer (Section 202.23.B.2.b.); and
- (7) Zoning Ordinance, Section 461.C.2.a.6. requiring a 100 foot setback for light industrial uses to any residentially used or zoned lands, to allow for a 25 foot setback; and

WHEREAS, the subject property is located at 7790 Hart Drive N.E., North Fort Myers, described more particularly as:

LEGAL DESCRIPTION: In Section 25, Township 43 South, Range 24 East, Lee County, Florida:

From the Southwest corner of Section 25, Township 43 South, Range 24 East, run N88°16'39"E along the South line of said Section 25 a distance of 2,671.13 feet;

continued...

THENCE S01°51'31"W 3,256.32 feet;
THENCE N88°08'29"E 305 feet to the POINT OF BEGINNING;
THENCE S01°51'31"E 100 feet; S88°08'29"W 145 feet; N01°51'31"W 100
feet; N88°08'29"E 145 feet to the POINT OF BEGINNING.

Being Lot 1-G, Block 68 of SUNCOAST ESTATES, an unrecorded
subdivision as recorded in O.R. Book 32, Page 524, Lee County
Records, and lying in Section 25, Township 43 South, Range 24 East,
Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number
is 25-43-24-03-00068.001C; and

WHEREAS, proper authorization has been given to Arthur K. Knudsen, Jr.,
of Allen, Knudsen, DeBoest, Edwards & Roberts, P.A., by Ronald E. Ratliff
and Sharon K. Ratliff, the owners of the subject parcel, to act as agent to
pursue this zoning application; and

WHEREAS, proper authorization has been given to David Depew, by Arthur K.
Knudsen, Jr., of Allen, Knudsen, DeBoest, Edwards & Roberts, P.A., by Ronald
E. Ratliff and Sharon K. Ratliff, the primary agent of the subject parcel,
to act as co-agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held
before the Lee County Hearing Examiner, with full consideration of all the
evidence available; and

WHEREAS, the Lee County Hearing Examiner fully reviewed the matter at
public hearings held on September 26, 1989; and continued to December 1,
1989, January 26, 1990, March 2, 1990, March 30, 1990, April 27, 1990, May
25, 1990 and July 6, 1990; and

WHEREAS, a public hearing was legally and properly advertised and held
before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County
Commissioners gave full and complete consideration to the recommendations of
the staff, the Hearing Examiner, the documents on file with the county, and
the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that
the Board of County Commissioners does hereby APPROVE a rezoning to
Commercial Planned Development.

This approval of Commercial Planned Development zoning is subject to the
following conditions:

1. The development of this project shall be in accordance with the one-page Master Concept Plan identified as "Master Concept Plan, Ratliff Property" (Project #89068), prepared by Morris-Depew Associates, Inc., dated 11-13-89, stamped received 6/29/90, except as modified by the conditions below. This approval does not alleviate the need to comply with all state and county development regulations except as specifically modified by this approval.
2. Property development regulations and uses for this development shall be limited as follows:
 - a. The uses of this property shall be limited to the following list of uses to be conducted between the hours of 8 AM and 9 PM:
 - Repair Shops (Zoning Ordinance Section 1001.40), Group I, small appliances only
 - Repair Shops (Zoning Ordinance Section 1001.40), Group IV, lawn mowers only
 - Accessory retail sale of parts and supplies of lawn mower (not lawn care) products
3. Open Storage is not permitted. Any enclosed storage shall comply with Zoning Ordinance Section 527.02.B.
4. No outdoor display or testing of mowers or other merchandise shall be permitted except actual demonstration of grass cutting to customers.
5. This zoning approval does not indicate that this project's traffic impacts have been mitigated. Additional conditions to mitigate traffic impacts may be required before issuance of a local development order.
6. Deviations (1) and (2) are DENIED.
7. Deviation (3) is APPROVED for the Hart Drive request and DENIED for the Laurel Lane request.
8. Deviation (4) is APPROVED.
9. Deviations (5), (6) and (7) are DENIED.

Site Plan 89-091 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Commercial Planned Development zoning:

- A. That the real estate which is the subject of this rezoning is correctly described on pages 1 and 2.
- B. That the immediate area appears to be developing into a commercial "node" or center for Suncoast Estates with businesses developing on Laurel before developing on Hart because Laurel was paved first.
- C. That the Applicant presently operates a lawn mower repair service on a 65-foot x 100-foot strip of leased property across the street and plans to terminate that use if allowed to move it to the subject real estate.
- D. That the Lee County Trafficways Map shows the intersection of Laurel and Hart to be the intersection of two "collector roadways".
- E. That there is significant traffic on both Laurel and Hart and several other commercial activities in the immediate vicinity.

- F. That the subject real estate is approximately 14,500 square feet and that the applicant wishes to build a 2,200 square foot commercial building and that the applicant could build a substantially larger home on a residential building lot of comparable size.
- G. That there will be future right-of-way requirements in the future in connection with the development of Laurel and Hart as collector roads.
- H. That the abutting real estate is zoned for residential purposes and the area supports a variety of home occupations and other quasi-commercial activities.
- I. That the proposed rezoning will have a neutral impact on the intent of the Zoning Ordinance.
- J. That the request is consistent with the goals, objectives, policies and intent of the Lee Plan with respect to commercial activity at the intersection of two collector roadways.
- K. That the proposed use is consistent with the densities, intensities and general uses provided in the Lee Plan.
- L. That the proposed use is compatible with existing uses in the area provided there is no reduction of the required setbacks, buffering and other provisions normally required to buffer commercial uses from adjacent residential uses.
- M. That the requested rezoning, if granted without deviations from the terms of the Development Standards Ordinance, will not cause damage, nuisance or hazard to persons or property.
- N. That the requested rezoning, if granted, would not place an undue burden upon existing government services and facilities and would be served by streets with adequate capacity to carry the traffic generated.
- O. That granting those requested deviations which reduce buffers and setbacks and driveway-intersection separations is not in the public interest.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Bill Fussell, and seconded by Commissioner John E. Manning and, upon being put to a vote, the result was as follows:

John E. Manning	<u>AYE</u>
Douglas St. Cerny	<u>AYE</u>
Ray Judah	<u>AYE</u>
Bill Fussell	<u>AYE</u>
Donald D. Slisher	<u>AYE</u>

DULY PASSED AND ADOPTED this 22nd day of October, A.D., 1990.

ATTEST:
CHARLIE GREEN, CLERK
BY: Charlie Green
Deputy Clerk
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

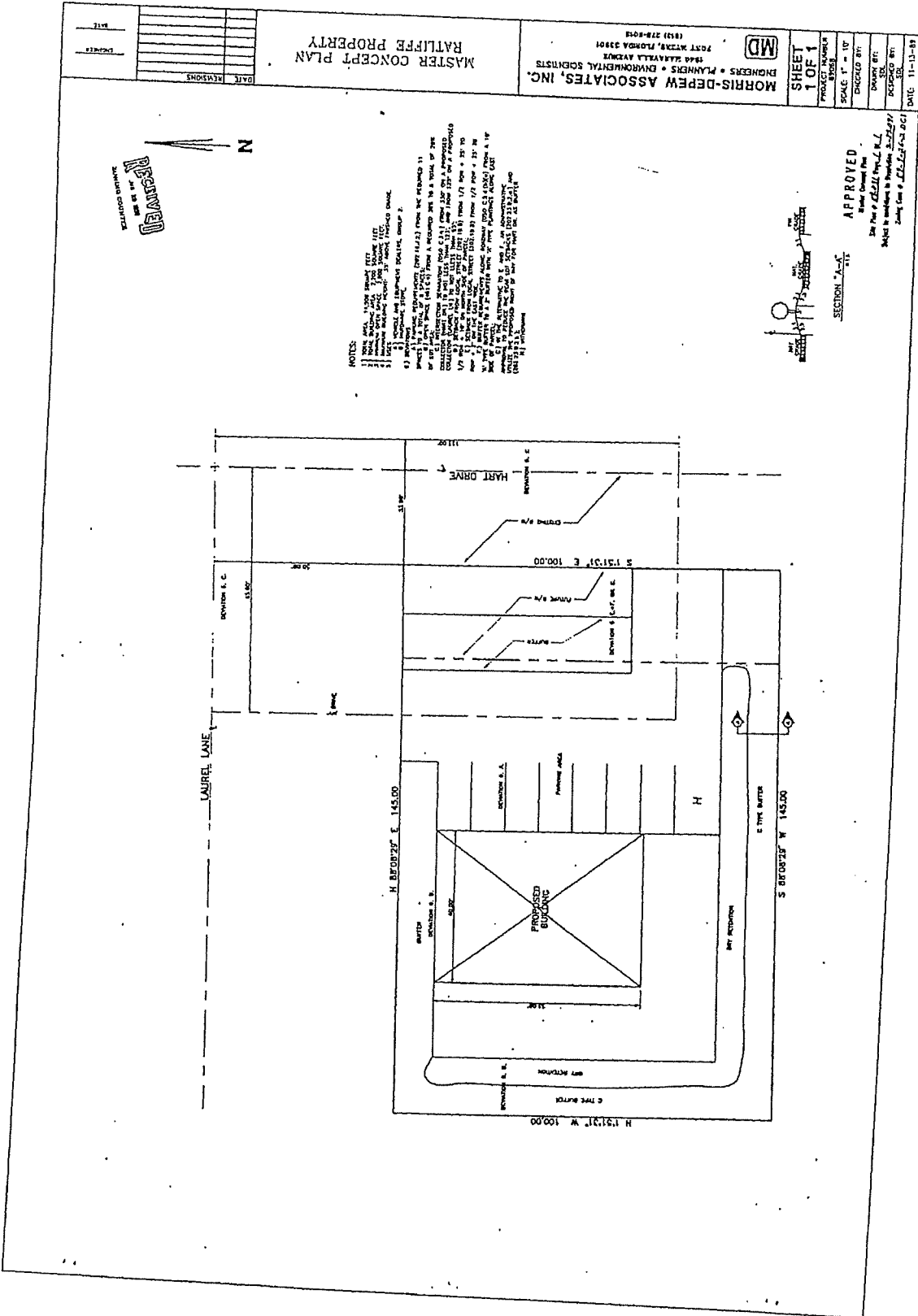
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: J. Manning
Chairman

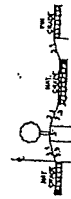
Approved as to form by:

[Signature]
County Attorney's Office

FILED
NOV 03 90
CLERK CIRCUIT COURT
BY Charlie Green, D.C.



NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. THE PROPOSED BUILDING IS TO BE CONSTRUCTED ON THE NORTHWEST CORNER OF THE SITE.
 3. THE PARKING AREA IS TO BE LOCATED TO THE EAST OF THE BUILDING.
 4. THE BUTTER SECTIONS ARE TO BE LOCATED TO THE SOUTH AND WEST OF THE BUILDING.
 5. THE SITE IS TO BE GRADED TO A UNIFORM ELEVATION OF 10.00 FEET.
 6. THE SITE IS TO BE DRAINAGE TO THE SOUTH.
 7. THE SITE IS TO BE FENCED TO THE SOUTH AND WEST.
 8. THE SITE IS TO BE FENCED TO THE NORTH AND EAST.
 9. THE SITE IS TO BE FENCED TO THE SOUTH AND WEST.
 10. THE SITE IS TO BE FENCED TO THE NORTH AND EAST.



APPROVED
 [Signature]
 [Title]
 [Date]

MORRIS-DEWEY ASSOCIATES, INC.
 ENGINEERS & PLANNERS
 1844 KALAMAZOO AVENUE
 FORT MYERS, FLORIDA 33901
 (813) 278-8018

MASTER CONCEPT PLAN
 RATLIFF PROPERTY

DATE	REVISIONS

SHEET
 1 OF 1
 PROJECT NUMBER
 SCALE: 1" = 10'
 DRAWING BY
 CHECKED BY
 DATE: 11-13-89

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

(Correcting and clarifying Resolution Z-89-091)

WHEREAS, Lee County Division of Zoning has properly filed for a correction of Resolution Z-89-091 for Ronald E. & Sharon K. Ratliff to correct the legal description; and

WHEREAS, the subject property is located at 7790 Hart Drive N.E., North Fort Myers, described more particularly as:

LEGAL DESCRIPTION: In Section 25, Township 43 South, Range 24 East, Lee County, Florida; and

WHEREAS, a public hearing was duly noticed and held before the Lee County Hearing Examiner and the Lee County Board of County Commissioners; and

WHEREAS, the Board of County Commissioners promptly and succinctly acted on the petition on October 22, 1990, and an official Resolution was prepared and filed entitled Resolution Number Z-89-091, which granted Approval With Conditions of a Commercial Planned Development rezoning.

WHEREAS, the resolution did not accurately reflect the legal description. It became necessary to prepare and file an amendment to the resolution reflecting the correct legal description of Hearing Number 89-9-26-2 DCI; and

WHEREAS, this correction was brought before the Lee County Board of County Commissioners at a public hearing and the correction was approved.

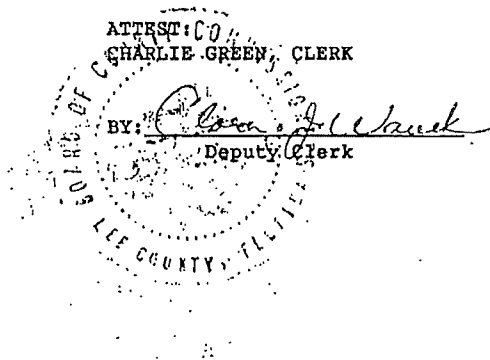
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY FLORIDA, that Resolution Z-89-091 is hereby amended and corrected to provide as follows:

From the Southwest corner of Section 25, Township 43 South, Range 24 East, run N88°16'39"E along the South line of said Section 25 a distance of 2,671.13 feet;
THENCE N01°51'31"W 3,256.32 feet;
THENCE N88°08'29"E 305 feet to the POINT OF BEGINNING;
THENCE S01°51'31"E 100 feet; S88°08'29"W 145 feet; N01°51'31"W 100 feet; N88°08'29"E 145 feet to the POINT OF BEGINNING.
Being Lot 1-C, Block 68 of SUNCOAST ESTATES, an unrecorded subdivision as recorded in O.R. Book 32, Page 524, Lee County Records, and lying in Section 25, Township 43 South, Range 24 East, Lee County, Florida.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Douglas R. St. Cerny, and seconded by Commissioner Vicki Lopez-Wolfe and, upon being put to a vote, the result was as follows:

John E. Manning	ABSENT
Douglas R. St. Cerny	AYE
Ray Judah	AYE
Vicki Lopez-Wolfe	AYE
Donald D. Slisher	ABSENT

DULY PASSED AND ADOPTED this 10th day of December, A.D., 1990.



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

JAN 04 91

CLERK CIRCUIT COURT
BY [Signature] D.C.

ATTACHMENT F



**1520 Royal Palm Square Blvd, Suite 100
Fort Myers, FL 33919**

Phone: 239-433-4231

www.tdmcivilengineering.com

Certificate of Authorization # 29086

2265 Laurel Lane CPD PIM Summary

A public information meeting was held at the North Fort Myers Recreation Center on May 7, 2024 at 6 pm. TDM staff presented the zoning request – to amend the existing Commercial Planned Development, including the MCP, schedule of deviations. And limiting the schedule of uses Food Market with Restaurants groups I and II, limited to carry-out only.

The MCP was described in detail including the deviations with justifications and the reason for a septic instead of sanitary sewer.

There was little discussion since the property already has CPD zoning. The following comments and questions were made:

1. Is this property near the other one on Laurel Lane you rezoned to commercial? For the tennis court maintenance?

Yes, the other one is located on the east side of Hart Drive and was just approved by the BOCC.

2. Do your clients know there's another food market on Laurel Lane?

Yes, I believe they're aware, but this is what they wanted to invest in at this location, including prepared food for carryout.

3. Well, the use is less intensive than the original CPD so the residents will like that (lawn mower and small engine repair are the current uses).

4. Is Suncoast Estates in the Opportunity Zone? I checked with EOD and they said it was removed.

When we went through the rezoning for the other property a couple months ago Suncoast Estates was still classified as being in the Opportunity Zone. TDM confirmed that Suncoast Estates was still in the Opportunity Zone at the time of this application.

Although the North Fort Myers Community Planning Panel aren't the decision makers for rezoning applications, they still vote whether or not they support or do not support a project in the North Fort Myers Community based on the Lee Plan and the LDC. They voted to support the proposed rezoning for 2265 Laurel Lane.

NOTICE OF MEETING

TDM Consulting, Inc. will be presenting a Rezoning application at the North Fort Myers Community Planning Panel meeting on May 7, 2024 at 6:00 pm. The meeting will be held at the North Fort Myers Recreation Center, 2000 Recreation Way, North Fort Myers. The applicant, Terra Firma Ventures, LLC, is requesting to rezone the 0.33-acre property located at 2265 Laurel Lane, North Fort Myers from Commercial Planned Development (CPD) to Commercial Planned Development (CPD) in order to modify the Schedule of Uses and Master Concept Plan. For additional information, please contact Veronica Martin, Senior Planner with TDM Consulting, at 239-433-4231 or vmartin@tdmconsulting.com.
April 27, 2024

North Fort Myers PIM, May 7, 2024

Sign-in Sheet

Veronica Martin

Michael Leeks

PATRICK MOSTYN, PE LOT 39

JEFF SCHURRER (HEATHERWOOD CONST)

John WOODAK

**NFM PIM – MAY 7, 2024
2265 LAUREL LANE CPD**

- Representing Terra Firma Ventures, LLC
- Located at 2265 Laurel Lane in Suncoast Estates
- Rezoning from CPD to CPD to permit different commercial uses and a revised MCP. Property was rezoned in 1989 from MH-1 to CPD (Z-89-01) to permit a 2,200 sf lawn mower and small engine repair business, including retail sales of parts and supplies.
- Lot size: 0.33 ac (145' frontage on Laurel Ln and 100' on Hart Dr)
- FLU – Suburban
- Zoning – CPD

Surrounding zoning includes MH-1, C-1A, C-1, MH-3, and CPD with uses including mobile homes, food market, convenience store with gas pumps, auto repair, roofing business, and tennis court maintenance facility.

- Max 2,250 sf food store with group I or II restaurant, limited to carry-out service only
Food store = grocery store
Group I or II restaurant = pizza, ice cream/yogurt, café, sandwich shop, diner, etc
- Max height 35'
- LCU – potable water
- FGUA – will utilize a septic system. Sanitary sewer lines are located on Zoysia Ln, approx. 1/2 mile to the south
- MCP – the building is located in the NW corner of the site since the property is located at the intersection of 2 collector roads and needs to meet setbacks and buffers. A full-access entrance is located on Hart Dr as far south as possible. A total of 9 parking spaces are provided along with a dumpster. Internal pedestrian facilities are provided to connect to the existing sidewalk along Laurel Ln and a new sidewalk is proposed along Hart Dr. 15' wide Type D buffers are proposed along the ROW and Type C buffers with 8' high walls are proposed to the south and west to the property with MH-1 zoning. The Buffer vegetation will be on the residential side of the wall.
- Open Space: 40%
- MCP will change slightly to make room for the septic and drainfield.
- Schedule of Uses: Food Stores, Group I (grocery store), Restaurants, Groups I and II, Carryout Only, ATM, Fences and Walls, Signage, Essential Services and Accessory Uses
- Schedule of Deviations: Requesting 2 deviations at this time.

Deviation 1: LDC 10-285 connection separation. Requires 330 on major collector roads in a future suburban area. Request to permit 105 feet between the proposed driveway on Hart Dr and the EOP of Laurel Ln

Deviation 2: LDC 34-2013(b)(2) minimum driveway width. Required to be a minimum of 24 feet for a 2-way entrance. Requesting a 20-foot driveway entrance to meet buffer and parking requirements.

Original CPD application requested 7 deviations – the board approved some and denied some.

- Traffic: 65 am peak hours and 49 pm peak hours

Both Hart Dr and Laurel Ln have an existing “C” LOS. The proposed development will not generate a significant increase in traffic flows and will not degrade the LOS of Laurel Ln or Hart Dr. during peak season. Turn lanes are not required.

The property lies within the NFM Opportunity Zone. Lee County considers Laurel Lane as a commercial node and new commercial uses can expand employment opportunities in the neighborhood and contribute to a positive business climate.

1. To permit 8 parking spaces instead of 11 DENIED
2. To permit 20% open space instead of 30% DENIED
3. To permit a connection separation of 123 feet on Hart Dr and 65 feet on Laurel Ln instead of 330 feet APPROVED FOR HART DR & DENIED FOR LAUREL LANE
4. To permit a reduced setback along both Laurel Ln and Hart Dr APPROVED
5. To permit a 5' wide Type A buffer along both Laurel Ln and Hart Dr DENIED
6. To allow Administrative Approval to reduce the rear lot setbacks DENIED
7. To permit a 25 foot setback to residentially zoned lands instead of 100 feet for light industrial uses. DENIED

ATTACHMENT G



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2265 Laurel Lane CPD
Narrative of Request/Lee Plan Compliance
Revised 6-19-2024

Narrative of Request

The applicant is requesting to Amend a Planned Development (Z-89-091). The subject property is 14,500 square feet and is located at 2265 Laurel Lane, North Fort Myers. The applicant is proposing to amend the Master Concept Plan, the Schedule of Uses, and the Schedule of Deviations.

The applicant is proposing a 2,240 square foot building that will contain a food store/market with a small restaurant/prepared food for carry-out service only. No seating, indoor or outdoor, is proposed. All standard infrastructure is proposed, including parking, buffers, surface water management, utilities, dumpster, pedestrian facilities, etc. The applicant is requesting six (6) deviations with this CPD Amendment; otherwise, all requirements of the Land Development Code will be complied with at time of local Development Order permitting.

The property is located in Suncoast Estates, which is identified as an Opportunity Zone. The purpose of Opportunity Zones is to spur economic growth and job creation in low-income communities by incentivizing investment in these economically distressed communities that need revitalization. There are numerous small businesses along Laurel Lane, a major collector road, including convenience stores, with and without gas pumps, restaurant's/food markets, car repair, and contractors and builders. The Applicant believes that amending the Commercial Planned Development to revise the Schedule of Uses to permit a food market with restaurant, limited to carry-out only, is a better use of this lot that will serve the surrounding neighborhood than what is currently approved in the original zoning resolution.

Land Development Code Compliance

The Applicant has requested six (6) deviations from the requirements of the Land Development Code. The deviations are necessary due to existing site conditions. The site is only 14,500 square feet in size - 145 feet wide by 100 feet deep. The subject property is also located in the North Fort Myers Planning Community, which has greater setbacks and buffers than other areas of unincorporated Lee County. The Master Concept Plan has been designed to comply with the Land Development Code to the maximum extent possible, taking all aspects of the surrounding uses, zoning districts, and community into consideration.

Lee Plan Compliance

POLICY 1.1.5: The Suburban future land use category will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential

neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. Industrial land uses are not permitted. This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units except in areas that specifically prohibit bonus density. Other forms of bonus densities are not allowed.

The property is located within the Suburban future land use category at the intersection of Laurel Lane and Hart Drive in the North Fort Myers Planning Community in the Suncoast Estates community. Although residential uses are predominant in the Suburban future land use category, commercial uses are permitted to serve the local community. Nearby zoning and uses include both commercial and residential. The subject property is currently zoned CPD to permit lawnmower and small engine repair. The schedule of uses for the proposed CPD are limited to food market and restaurants, groups I and II – carryout only. The proposed CPD with limited uses that serve the surrounding community is consistent with **Lee Plan Policy 1.1.5**.

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.*

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

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

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created.*

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

The subject property is located in an area that is developed with both commercial and residential uses. The lots to the west are zoned MH-1, then C-1A and developed with mobile homes, then retail. The lot to the south is zoned MH-1 and is vacant. Mobile homes are located on lots south of the vacant lot along Hart Drive and have MH-1 and MH-3 zoning. East of the lot is Hart Drive followed by a lot with MH-3 zoning and mobile home use, followed by CPD and C-1A zoning contractors and builders uses. Laurel Lane is located to the north, then property with MH-3 zoning and an automotive repair business.

The property is located at the intersection of two major collector roads. Both Laurel Lane and Hart Drive are two-lane county-maintained major collector roads. Other urban services such as potable water, fire/EMS, police protection, public parks and public transportation are available and adequate to serve the development as outlined below. The proposed CPD rezoning is consistent with **Lee Plan Objectives 2.1 and 2.2 and Policies 2.1.1, 2.1.2, and 2.2.1.**

Potable Water:	Lee County Utilities provides potable water
Sanitary Sewer:	FGUA has sanitary sewer lines on Zoysia Lane to the south, approx. 2,500 feet to the south. The developer intends to utilize private septic
Fire/EMS:	North Fort Myers Fire Department, Station # 3, located at 16290 Slater Road, is approximately 2.8 miles away.
Police:	Lee County Sheriff's Department, 1 st Precinct, located at 121 Pondella Road, is approximately 3.9 miles away.
Solid Waste:	The property is within Lee County Solid Waste Franchise Area 5 and is served by Waste Pro.
Public Transit:	Lee Tran Route 590 services Laurel Lane.
Public Parks:	The property is approximately 3.3 miles northeast of North Fort Myers Community Park.

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.

- 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550).*
- 2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4-A), then the development must be connected to that utility.*
- 3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.*
- 4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Fla. Admin. Code R. 62-555.*

Lee County Utilities (LCU) has provided a Letter of Availability confirming that potable water lines are in operation adjacent to the subject property and that LCU presently has sufficient capacity to provide potable water service. Another letter of availability and utility permitting will be required at the time of local development order permitting. This is consistent with **Lee Plan Objective 4.1 and Standard 4.1.1: Water.**

STANDARD 4.1.2: SEWER.

1. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*
2. *If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.*
3. *If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.*
4. *If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.*
5. *If a development lies outside any service area as described above, the developer may:*
 - *request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;*
 - *establish a self-provided sanitary sewer system for the development;*
 - *develop at an intensity that does not require sanitary sewer service; or*
 - *if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fla. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.*
6. *Lee County Utilities may provide sanitary sewer service to properties not located within the future sewer service area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.*

Florida Governmental Utility Authority (FGUA) has provided a Letter of Availability confirming that sanitary sewer lines are in operation near the subject property; however, developer funded extensions may be required. The existing sanitary sewer lines are located on Zoysia Lane, approximately 2,500 linear feet to the south. The Applicant intends to utilize a private septic system on site at time of Development Order permitting per **Lee Plan Objective 4.1 and Standard 4.1.1: Sewer.**

STANDARD 4.1.3: REUSE.

1. *Any development that requires a development order, on a property that is adjacent to public reuse infrastructure with sufficient capacity, must connect to the reuse system for irrigation needs.*

3. If there is not sufficient capacity or adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.

4. If a development has been rejected for reuse service, the proposed source of irrigation water must be identified consistent with Policy 61.1.6.

Lee County Utilities provided a Letter of Availability stating that there are no reuse mains in the vicinity of the parcel. The proposed development will be required to provide irrigation water at the time of local development order permitting. This is consistent with **Standard 4.1.3: ReUse**.

STANDARD 4.1.4: ENVIRONMENTAL FACTORS.

1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District (SFWMD), or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

2. Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.

3. Ensure development minimizes the need for expansion and construction of street and utility improvements.

A Protected Species Survey was conducted on the subject property and included with the application. No protected or endangered species or environmentally sensitive areas were found on-site. This is consistent with **Lee Plan Objective 4.1 and Standard 4.1.4: Environmental Factors**.

OBJECTIVE 5.1: *All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.*

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 a 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.*

The subject property is currently zoned for commercial use to permit lawnmower and small engine repair. The Applicant is requesting to amend the schedule of uses to permit a food market with carryout only restaurant. The amendment includes revising the Master Concept and requesting deviations based on the requirements of the current Land Development Code. The site is small, only 14,500 square feet in size, and located at the intersection of two streets. In addition, the zoning districts to the south and west are residential (MH-1). The setback and buffer

requirements for commercial uses abutting residential lots in the North Fort Myers community planning area are larger than other areas in unincorporated Lee County. The master concept plan has been designed with the existing residential uses/zoning districts in mind along with other development regulations including access, setbacks, buffers, parking, traffic circulation, etc. The result is a small building with minimal deviations.

The applicant is requesting a deviation from the LDC Sec. 33-1542 requirement to provide a minimum setback of 50 feet between the proposed building and an existing large lot subdivision to permit a 29-foot setback to the south. The code required 15-foot setback is provided to the west. In addition, the applicant is requesting a deviation from LDC Sec. 33-1543(a), which requires a 30-foot buffer width when high intensity developments abut an existing large lot subdivision. The applicant is proposing a 14-foot wide buffer to the south property line with an 8-foot high solid, opaque fence with all required vegetation on the residential side of the wall. LDC Sec. 33-1543(c) and (d) requires enhanced landscaping when high intensity development abuts residential property lines. The 8-foot solid, opaque wall plus the enhanced vegetation will buffer and shield the residential lots from any potential impacts associated with the proposed use.

Due to the size of the lot, 145 feet wide x 100 feet deep, it isn't possible to comply with the 50-foot setbacks to the south and west and the 25-foot street setbacks to the north and east. Doing so makes the existing lot undevelopable for commercial use. Relief from those two requirements of the Land Development Code allow the development to comply with the other regulations, including parking, access, pedestrian connections, open space, surface water management, etc. The applicant believes the deviations enhance the planned development and protect the health, safety, and welfare of the abutting property owners and surrounding community and that the proposed use will not be destructive to the character of the residential environment. Amending the CPD to uses that are more compatible with the community and revising the MCP to a plan that takes into consideration all aspects of design is consistent with **Lee Plan Objective 5.1 and Policy 5.1.5.**

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

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

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

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

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

The request to amend the current Commercial Planned Development zoning resolution, including the Master Concept Plan, Schedule of Uses, and Schedule of Deviations, is appropriate at this location. The original zoning resolution was approved in 1989, but never built. The Land Development Code and Lee Plan have been amended many times since 1989. This amendment brings the site/resolution up to current code requirements, includes uses that are more appropriate along Laurel Lane (which can be considered a commercial node), and is compatible with existing and planned uses.

Urban services such as potable water, fire, EMS and police protection, public parks and public transit are available to serve the proposed commercial development. The proposed CPD Amendment is consistent with **Lee Plan Goal 6, Objective 6.1, and Policies 6.1.1, 6.1.6, and 6.1.7.**

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

POLICY 17.3.3: *Public information meetings required pursuant to the provisions of this sub-element must be held within the established community plan area boundary that is affected by the amendment.*

POLICY 17.3.4: *For required public information meetings, the applicant must provide the following:*

- *Adequate meeting space to accommodate projected attendance and security measures (as needed).*
- *Advance notice of the meeting in a publication of local distribution provided at least ten calendar days prior to the meeting, unless otherwise specified herein.*
- *At the meeting, a general overview of the text or map amendment and effect thereof.*
- *After the meeting, a meeting summary document submitted to the County that contains the following information: the date, time, and location of the meeting; a list of attendees.*

The property is located in the North Fort Myers planning community. A public information meeting was held on May 7, 2024 at the North Fort Myers Recreation Center at the monthly meeting of the North Fort Myers Design Review Panel. A meeting summary of questions and concerns from the public is included with this rezoning application. This is consistent with **Lee Plan Objective 17.3 and Policies 17.3.3 and 17.3.4.**

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

The goal of the North Fort Myers community plan is to “improve the livability and economic vitality in the North Fort Myers Community Plan area by promoting compact, mixed-use development, attracting appropriate investment to revitalize older neighborhoods, stabilizing and enhancing existing neighborhoods, and preserving natural resources. The property is located in Suncoast Estates in an older neighborhood with a mix of residential and commercial uses. Laurel Lane has become to be known as a “commercial node” due to the number of commercial uses and commercial zoning districts along this major collector road. Suncoast Estates has also been identified as an Opportunity Zone, whose purpose is to spur economic growth and job creation in low-income communities by incentivizing investments in economically distressed communities. The proposed amendment revitalizes an older neighborhood and creates employment opportunities for the surrounding community, which is consistent with **Lee Plan Goal 30**.

GOAL 60: COORDINATED SURFACE WATER MANAGEMENT AND LAND USE PLANNING ON A WATERSHED BASIS. *To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.*

POLICY 60.1.1: *Require design of surface water management systems to protect or enhance the groundwater.*

POLICY 60.4.1: *Encourage new developments to design surface water management systems with Best Management Practices including, but not limited to, filtration marshes, grassed swales planted with native or Florida Friendly Landscaping vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.*

The subject property is cleared and routinely mowed. The property is not located in a flow-way, nor does it contain wetlands. The subject property itself is only 14,500 square feet, so will be developed as a “small” project, which will not require permitting through SFWMD. However, a local development order will be required prior to construction. Paving, grading, and drainage plans, consistent with the LDC and the Lee Plan, will be required at that time. This is consistent with **Lee Plan Goal 60, Policy 60.1.1, and Policy 60.4.1**.

GOAL 61: PROTECTION OF WATER RESOURCES. *To protect the County's water resources through the application of innovative and sound methods of surface water management and by ensuring Community Facilities and Services that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.*

POLICY 61.2.4: *Encourage surface water management plans that mimic the functions of natural systems.*

OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. *Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems.*

POLICY 61.3.1: *Provide sufficient performance and design standards to require post-development runoff to approximate the total characteristics of the natural flow prior to development.*

***POLICY 61.3.6:** Require developments to provide surface water management systems, acceptable programs for operation and maintenance, and post-development runoff conditions that reflect the natural surface water flow rate, direction, quality, hydroperiod, and drainage basin.*

***POLICY 61.3.11:** Runoff must be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants.*

The subject property is not located in a flow-way, nor does it contain wetlands. The subject property itself is only 14,500 square feet, so will be developed as a “small” project. A local development order will be required prior to construction, including paving, grading, and drainage plans. Best Management Practices will be observed and surface water management will comply with the requirements of the LDC, the Lee Plan, and any other regulatory agencies as required. This is consistent with **Lee Plan Goal 61, Policy 61.2.4, Objective 61.3, and Policies 61.3.1, 61.3.6, and 61.3.11.**

***POLICY 77.3.7:** New development and redevelopment in areas containing a component of the greenways trail system, as identified by the Lee County Greenways Master Plan, must incorporate the greenway trail into their development design. In addition to counting towards the project's general open space requirements, developments constructing the onsite portions of the greenway trail will be eligible for community and regional park impact fee credit.*

Laurel Lane is identified as a Shared-Use Path on the Lee County Greenways Master Plan (Map 4-E). **Lee Plan Objective 77.3** requires new developments to use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. **Policy 77.3.7** requires those new developments to incorporate the greenway trail into their development design. The existing shared use path is 8 feet in width and located along the north property line within the 100-foot right-of-way of Laurel Lane. A 15-foot wide buffer providing open space and vegetation is proposed along Laurel Lane and the shared use path. A 5-foot wide pedestrian facility is also proposed to provide direct access between the building and the shared use path for public connectivity. In addition, the applicant is proposing a 5-foot wide sidewalk along Hart Drive to connect to the shared use path on Laurel Lane. This is consistent with **Lee Plan Policy 77.3.7.**

The applicant has proven entitlement to this rezoning request as set forth in LDC Sec. 34-145(d)(4)(a)1. The request:

- (a) Complies with the Lee Plan;
- (b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- (c) Is compatible with existing and planned uses in the surrounding area;
- (d) Will provide access sufficient to support the proposed development intensity;
- (e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- (f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and

(g) Will be served by urban services.

The applicant has also proven entitlement to a planned development rezoning request as set forth in LDC Sec. 34-145(d)(4)(a)2. The request:

- (a) The proposed use or mix of uses is appropriate at the proposed location;
- (b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development;
- (c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.



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2265 Laurel Lane Utility Narrative

Lee County Utilities (LCU) provided a Letter of Availability confirming that potable water lines are located in proximity to the site. The Letter further states that a LCU permit will be required prior to beginning design work (at time of development order permitting). The development will connect to potable water.

Florida Governmental Utility Authority (FGUA) provided a Letter of Availability and Location Map indicating that the nearest available sanitary sewer lines are located approximately 0.50 miles south of the subject property on Zoysia Lane. Lee Plan Standard 4.1.2: Sewer requires 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 or if the development is located within 1/4 mile of adequate infrastructure. The proposed commercial development is anticipated to generate no more than 250 gpd and is over one-quarter mile from adequate infrastructure. Therefore, the applicant will utilize an on-site septic system with drainfield for the small amount of effluent generated.

ATTACHMENT H



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2265 Laurel Lane CPD
Proposed Schedule of Uses

Accessory Uses and Structures

ATM (Automatic Teller Machine)

Essential Services

Essential Service Facilities, Group I

Fences, Walls

Food Stores, Group I

Parking Lot, Accessory

Restaurants, Groups I and II (Carryout Only – No Indoor Seating Provided)

Signs in Accordance with Chapter 30

ATTACHMENT I



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Laurel Lane CPD Schedule of Deviations Revised 10-19-2024

DEVIATION #1:

Seeks relief from the **LDC §10-285** requirement to provide a minimum connection separation of 330 feet on major collector roads in a future suburban area. Request to permit a minimum connection separation of 101 feet between the proposed driveway and the edge of pavement of Laurel Lane.

JUSTIFICATION:

The subject property is only 100 feet wide by 145 feet deep. Laurel Lane, a county-maintained major collector road, is located along the north property line and Hart Drive, a county-maintained major collector road is located along the east property line. The minimum connection separation required for a major collector road in a future suburban area is 330 feet. Due to the size of the property, it isn't possible to comply with the minimum connection separation of 330 feet on either road frontage. The applicant is proposing to locate the driveway as far south on Hart Road as possible, which is ± 101 feet south of Laurel Lane. This is also where the previous driveway was located per historic aerials. While there are multiple commercial and residential driveways on Laurel Lane, there are only residential driveways in proximity to the subject property on Hart Drive. LCDOT staff requested a future cross-access easement to the property directly south of the subject property just in case that property is rezoned for commercial use in the future. The proposed cross-access easement will provide an interconnect and reduce access points on Hart Drive. The applicant considered the uses of the abutting properties, the existing site configuration, and the other requirements of the land development code, including buffers, parking and surface water management, when designing the site and the driveway location. The location is based on sound engineering practices, enhances the achievement of the objectives of the planned development and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare. The applicant respectfully requests approval of this Deviation.

DEVIATION #2:

Seeks relief from the **LDC §33-1542** requirement that any structure other than a single-family, two-family attached or duplex or its associated accessory structures must have a minimum setback of 50 feet between the nearest points on the building and/or structure (not including wing walls, overhangs, shutters, awnings, and canopies) and an existing large lot residential subdivision. Request to permit the minimum setback between the proposed commercial building and the residentially zoned lot to the south to be 29.0 feet.

JUSTIFICATION:

The subject property is only 100 feet wide by 145 feet deep. The abutting lot to the south meets the definition of an existing large residential lot (greater than 14,520 sf) per LDC Sec. 33-1537. The minimum setbacks for the proposed building are 50 feet to the south, 25 feet to the north and east (rights-of-way), and 15 feet to the west (buffer width). That only leaves a space of 25' wide by 105' deep for a building; however, those building dimensions don't allow the development to comply with the other requirements of the LDC including parking, drainage, access, buffers, etc. Complying with the 50' setback to the south property line would create such a small building footprint that it would prevent the applicant from reasonable use of the land.

Per LDC Section 33-1543, the buffer vegetation required between commercial developments and existing large lot residential subdivisions is "enhanced" and provides more mature trees and shrubs at time of installation as well as an increase in the number of trees and shrubs. The vegetation, in addition to the 8' foot high solid, opaque wall, shields the residential lot from the noise, glare, etc associated with a commercial use. The required trees and palms are required to be clustered in double rows with a minimum of 3 trees per cluster and canopy trees must be planted a maximum of 20 feet on center within a cluster. Palms must be planted in staggered heights to a minimum of 3 palms per cluster, spaced at a maximum of 8 feet on center, with a minimum of 4-foot difference in height between each tree. In addition, all shrubs must be a minimum of 10 gallons, 4 feet in height with a 3-foot spread, planted 4 feet on center at installation. Permitting the building setback to be 29 feet from the south property line is not detrimental to the public health, safety or welfare. In addition, the deviation enhances the achievement of the objectives of the planned development. The applicant respectfully requests approval of this Deviation.

DEVIATION #3:

Seeks relief from the **LDC §33-1543(a)** requirement that landscape buffers for high density or high intensity development abutting a subdivided lot in an existing large lot residential subdivision must utilize, at a minimum, a 30-foot wide buffer width. Request to permit the buffer width to be 14 feet wide with an 8-foot high solid opaque wall to the south property line. The buffer vegetation will remain as required by the LDC.

JUSTIFICATION:

The subject property is small and is a corner lot at an intersection of two major collector streets. The lots to the south and west are residential lots, with the lot to the south defined as existing large residential subdivided lot per LDC Sec. 33-1537 (greater than 14,520 sf). As a result, a 30-foot wide buffer is required to the south property. Complying with the buffer requirements in addition to the other requirements of the LDC, including parking, surface water management, solid waste, access, pedestrian facilities, setbacks, etc, forces the applicant to either request deviations or construct such a small building that it would prevent the applicant from having reasonable use of his land.

The landscaping requires per LDC Sec. 33-1543(c) and (d) are as follows:

The required trees and palms must be clustered in double rows with a minimum of three trees per cluster. Canopy trees must be planted a maximum of 20 feet on center within a cluster. The use of palms within the buffer must be limited to areas adjacent to vehicular access points, as

appropriate, for sight clearances. Palms must be planted in staggered heights to a minimum of three palms per cluster, spaced at a maximum of eight feet on center, with a minimum of a four-foot difference in height between each tree. Exceptions will be made for Roystonea spp., Bismarkia spp. and Phoenix spp. (not including robellini), which may be planted one palm per cluster. A maximum spacing of 25 feet between all types of tree clusters must be maintained (25 feet from the closest tree in one cluster to the closest tree in another cluster).

All required shrubs must be a minimum of ten gallons, four feet in height with a three-foot spread, planted four feet on center at installation.

The LDC requires the 30-foot wide buffer to provide 5 trees and 18 shrubs per 100 linear feet. The applicant is proposing to increase the number of trees to 7 trees per 100 linear feet plus a double-staggered hedgerow at this location. In addition, all native vegetation will be proposed on-site.

The proposed buffer is 14 feet wide with the 8-foot high wall separating the dumpster, loading zone and parking lot from the existing large residential lot to the south. The proposed buffer vegetation is enhanced and provides more mature trees and shrubs at time of installation as well as an increase in the number of trees and shrubs. The vegetation, in addition to the 8-foot high solid, opaque wall, shields the residential lots from the noise, glare, lights, etc associated with a commercial use. The required trees and palms are required to be clustered in double rows with a minimum of 3 trees per cluster and canopy trees must be planted a maximum of 20 feet on center within a cluster. Palms must be planted in staggered heights to a minimum of 3 palms per cluster, spaced at a maximum of 8 feet on center, with a minimum of 4-foot difference in height between each tree. In addition, all shrubs must be a minimum of 10 gallons, 4 feet in height with a 3-foot spread, planted 4 feet on center at installation. The applicant respectfully requests approval of this deviation as it enhances the achievement of the objectives of the planned development and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare.

DEVIATION #4:
WITHDRAWN

DEVIATION #5:

Seeks relief from the LDC §34-2192 requirement that all buildings and structures must be set back a minimum of 25 feet from the adjacent street easement or right-of-way. Request to permit the minimum building setback to be 15 feet from the Laurel Lane right-of-way.

JUSTIFICATION:

LDC Sec. 34-2192(a) permits the applicant to request a variance or deviation from minimum street setbacks. The subject property is a corner lot that is only 100 feet wide by 145 feet deep. The minimum setbacks for the proposed building are 25 feet to the north and east (rights-of-way), 50 feet to the south and 15 feet to the west. That only leaves a space of 25' wide by 105' deep for the building footprint. That building size and configuration doesn't allow the development to comply with the other requirements of the LDC including parking, drainage, access, buffers, etc. The applicant is proposing to provide a 15-foot building setback to Laurel Lane along with a 15-foot

wide buffer. There's an existing 8-foot wide pedestrian facility along with a planting strip within the 100-foot wide Laurel Lane right-of-way, which provides a additional "buffer" between the road and the commercial development. The proposed 15-foot building setback permits the development to function as a small commercial development. The code required setback of 25 feet would reduce the size of the building to the point that it wouldn't be practical to develop the site – the cost of construction would prohibit the success of the development. Permitting the 15-foot building setback is not detrimental to the public health, safety or welfare. In addition, the deviation enhances the achievement of the objectives of the planned development. The applicant respectfully requests approval of this Deviation.

DEVIATION #6:

WITHDRAWN

STREET ADDRESS
2265 LAUREL LANE
NORTH FORT MYERS, FLORIDA 33917

STRAP NUMBER
23-43-24-03-00068.0010

PROJECT INFORMATION

CURRENT ZONING = COMMERCIAL PLANNED DEVELOPMENT (CPD)
FUTURE LAND USE = SUBURBAN
LOT AREA = 0.33 ACRES
MAX. INTENSITY = 2,000 SQUARE FEET
MINIMUM WIDTH = 140 FEET
MINIMUM DEPTH = 100 FEET
MAXIMUM HEIGHT = 30 FEET
MINIMUM OPEN SPACE = 40%

BUILDING SETBACK REQUIREMENTS

PER LDC SEC. 33-1542 AND SEC. 34-933
STREET (LOCAL) = 25 FEET (SEE DEVIATION #5)
SIDE YARD (SOUTH) = 20 FEET (SEE DEVIATION #2)
REAR YARD (WEST) = 15 FEET

ZONING/ACTUAL USE

NORTH = LAUREL LANE ROW
SOUTH = MH-1/VACANT
EAST = HART DRIVE ROW
WEST = MH-1/MOBILE HOME

LANDSCAPE BUFFER REQUIREMENTS

PER LDC SEC. 33-1543 AND SEC. 10-418
NORTH: COM TO ROW: 15' WIDE TYPE "D" BUFFER
EAST: COM TO ROW: 15' WIDE TYPE "D" BUFFER
WEST: COM TO 57R: 15' WIDE TYPE "C" BUFFER WITH 8' HIGH WALL
SOUTH: COM TO 57R: 14' WIDE BUFFER WITH 8' HIGH WALL (SEE DEVIATION #3)

OPEN SPACE

MIN. REQUIRED: 14,500 SF X 20% = 2,900 SF
PROVIDED: 8,000 SF (BUFFERS AND DIRT DETENTION AREAS)
= 8,000 SF (40%)

PARKING REQUIREMENTS

FOUR SPACES
REQUIRE: 1 SPACE PER 200 SF
2,000 SF / 250 SF = 8 SPACES
PROVIDED: 8 SPACES INCLUDING 1 HO SPACE

SOLID WASTE REQUIREMENTS

COMMERCIAL: 10 = 5,500 SF = 84 SF
REQUIRED: 2,000 SF = 84 SF
PROVIDED: 120 SF

LEGEND

R
EX. EXISTING
ROW RIGHT-OF-WAY
E.O.P. EDGE OF PAVEMENT
CONC. CONCRETE
TYP. TYPICAL
PROP. PROPOSED
SF SQUARE FEET
LF LINEAR FEET
E.O.P. EDGE OF PAVEMENT
C.P. CONCRETE PAD
P.U.E. PUBLIC UTILITY EASEMENT
D.E. DRAINAGE EASEMENT
L.P. LIGHT POLE
OSP NUMBER OF PARKING SPACES IN LOT
PROPOSED PAVEMENT
PROPOSED CONCRETE
LOC LAND DEVELOPMENT CODE
N.T.S. NOT TO SCALE
DEVIATION

ZONING: MH-3
USE: AUTO REPAIR

LAUREL LANE
ASPHALT ROADWAY (100' R/W)

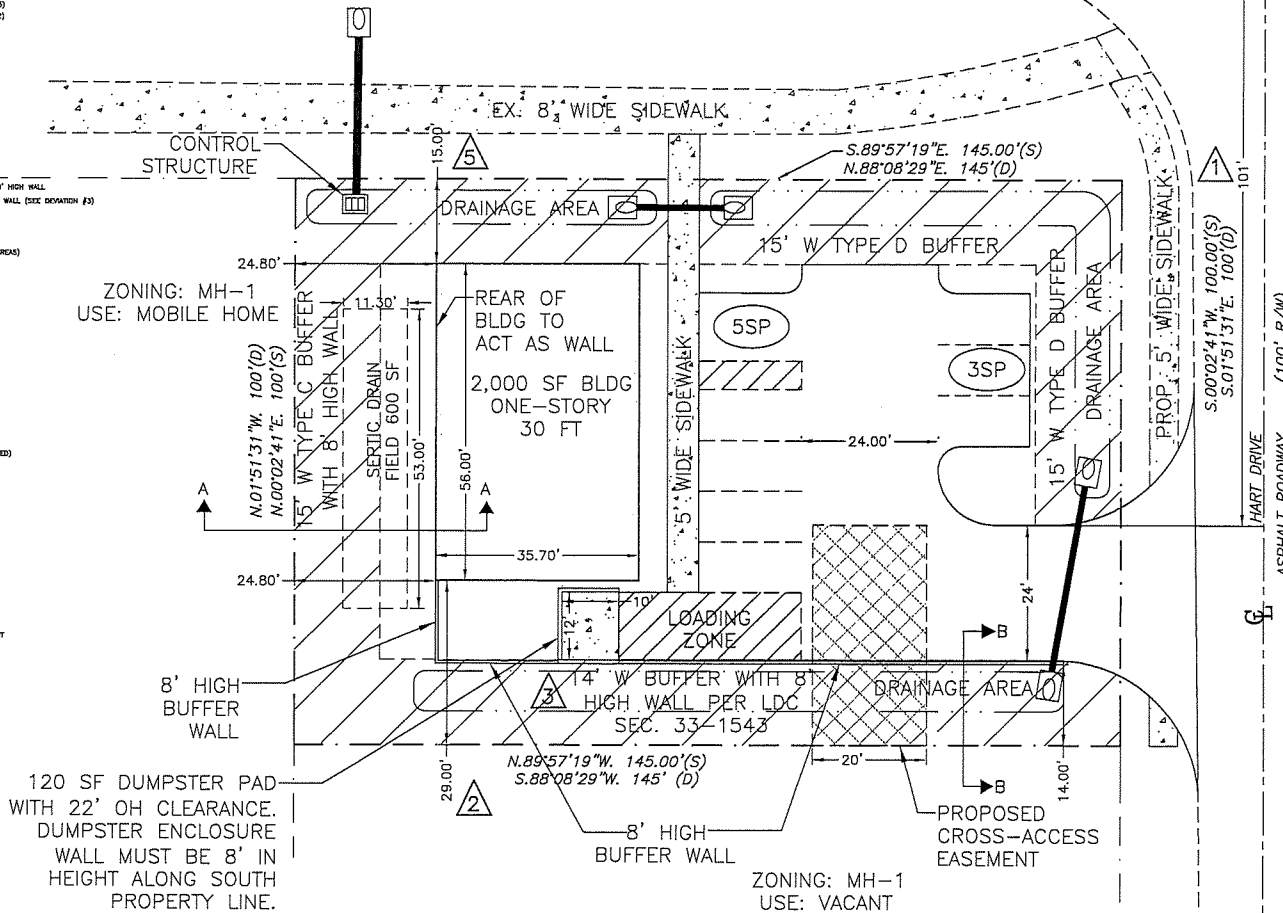
1" = 10'

2265 LAUREL LANE
MASTER CONCEPT PLAN

ZONING: MH-3
USE: MOBILE HOMES

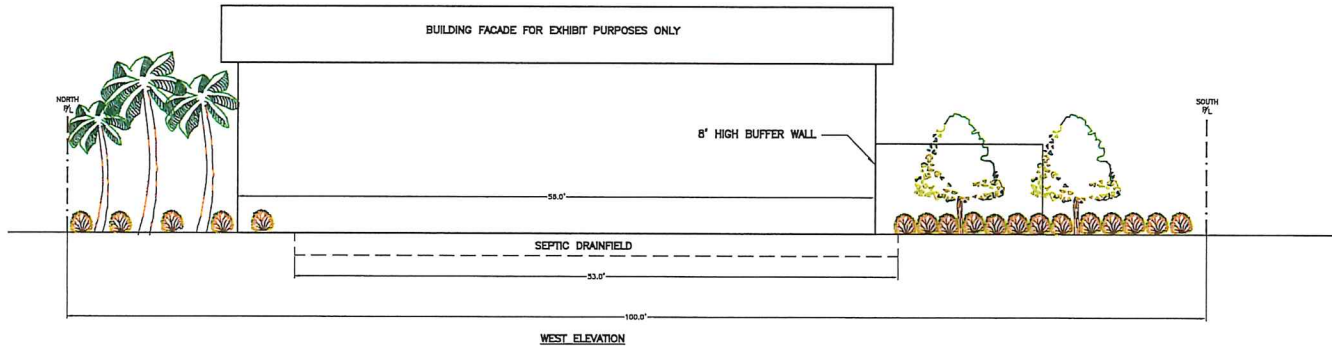
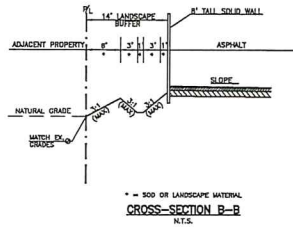
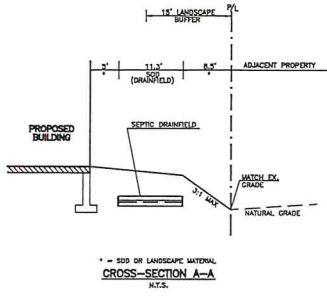
Child Engineering and Planning
TDM CONSULTING, INC.
1520 Royal Palm Square
Boulevard, Suite 100
Fort Myers, FL 33902
Phone: (239) 432-9632
Fax: (239) 432-9632
www.tdmconsulting.com
Cert. of Authorization # 29086

DATE: _____
Drawn by: P.E.
Checked by: _____
Scale: AS NOTED



STREET ADDRESS
2265 LAUREL LANE
NORTH FORT MYERS, FLORIDA 33917

STRAP NUMBER
25-43-24-03-00068.001C



NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE, AND DATE.

930015

2 of 2

SCALE: AS NOTED

Dean Martin, P.E.
Florida #52022

1520 Royal Palm Square
Boulevard, Suite 100
Phone: (239) 433-4231
Fax: (239) 433-9632
Cert. of Authorization # 2900

Civil Engineering
and
Placement

dean@tdmconsulting.com
www.tdmcivilengineering.com

2265 LAUREL LANE
MASTER CONCEPT PLAN

A		DATE	REVISIONS	DATE ISSUED
1		6/20/24	REVISED PER LEE COUNTY COMMENTS	DESIGNED BY:
2		7/10/24	REVISED PER LEE COUNTY COMMENTS	Y/N
3		10/22/24	REVISED PER LEE COUNTY COMMENTS	DRAWN BY:
				Y/N
				CHECKED BY:
				TEN
				APPROVED BY:
				TEN

DRAWING NAME: 20240601-20240701-20240801-20240901-20241001-20241101-20241201-20250101-20250201-20250301-20250401-20250501-20250601-20250701-20250801-20250901-20251001-20251101-20251201-20260101-20260201-20260301-20260401-20260501-20260601-20260701-20260801-20260901-20261001-20261101-20261201-20270101-20270201-20270301-20270401-20270501-20270601-20270701-20270801-20270901-20271001-20271101-20271201-20280101-20280201-20280301-20280401-20280501-20280601-20280701-20280801-20280901-20281001-20281101-20281201-20290101-20290201-20290301-20290401-20290501-20290601-20290701-20290801-20290901-20291001-20291101-20291201-20300101-20300201-20300301-20300401-20300501-20300601-20300701-20300801-20300901-20301001-20301101-20301201-20310101-20310201-20310301-20310401-20310501-20310601-20310701-20310801-20310901-20311001-20311101-20311201-20320101-20320201-20320301-20320401-20320501-20320601-20320701-20320801-20320901-20321001-20321101-20321201-20330101-20330201-20330301-20330401-20330501-20330601-20330701-20330801-20330901-20331001-20331101-20331201-20340101-20340201-20340301-20340401-20340501-20340601-20340701-20340801-20340901-20341001-20341101-20341201-20350101-20350201-20350301-20350401-20350501-20350601-20350701-20350801-20350901-20351001-20351101-20351201-20360101-20360201-20360301-20360401-20360501-20360601-20360701-20360801-20360901-20361001-20361101-20361201-20370101-20370201-20370301-20370401-20370501-20370601-20370701-20370801-20370901-20371001-20371101-20371201-20380101-20380201-20380301-20380401-20380501-20380601-20380701-20380801-20380901-20381001-20381101-20381201-20390101-20390201-20390301-20390401-20390501-20390601-20390701-20390801-20390901-20391001-20391101-20391201-20400101-20400201-20400301-20400401-20400501-20400601-20400701-20400801-20400901-20401001-20401101-20401201-20410101-20410201-20410301-20410401-20410501-20410601-20410701-20410801-20410901-20411001-20411101-20411201-20420101-20420201-20420301-20420401-20420501-20420601-20420701-20420801-20420901-20421001-20421101-20421201-20430101-20430201-20430301-20430401-20430501-20430601-20430701-20430801-20430901-20431001-20431101-20431201-20440101-20440201-20440301-20440401-20440501-20440601-20440701-20440801-20440901-20441001-20441101-20441201-20450101-20450201-20450301-20450401-20450501-20450601-20450701-20450801-20450901-20451001-20451101-20451201-20460101-20460201-20460301-20460401-20460501-20460601-20460701-20460801-20460901-20461001-20461101-20461201-20470101-20470201-20470301-20470401-20470501-20470601-20470701-20470801-20470901-20471001-20471101-20471201-20480101-20480201-20480301-20480401-20480501-20480601-20480701-20480801-20480901-20481001-20481101-20481201-20490101-20490201-20490301-20490401-20490501-20490601-20490701-20490801-20490901-20491001-20491101-20491201-20500101-20500201-20500301-20500401-20500501-20500601-20500701-20500801-20500901-20501001-20501101-20501201-20510101-20510201-20510301-20510401-20510501-20510601-20510701-20510801-20510901-20511001-20511101-20511201-20520101-20520201-20520301-20520401-20520501-20520601-20520701-20520801-20520901-20521001-20521101-20521201-20530101-20530201-20530301-20530401-20530501-20530601-20530701-20530801-20530901-20531001-20531101-20531201-20540101-20540201-20540301-20540401-20540501-20540601-20540701-20540801-20540901-20541001-20541101-20541201-20550101-20550201-20550301-20550401-20550501-20550601-20550701-20550801-20550901-20551001-20551101-20551201-20560101-20560201-20560301-20560401-20560501-20560601-20560701-20560801-20560901-20561001-20561101-20561201-20570101-20570201-20570301-20570401-20570501-20570601-20570701-20570801-20570901-20571001-20571101-20571201-20580101-20580201-20580301-20580



1520 Royal Palm Square Blvd, Suite 100
Fort Myers, FL 33919
Phone 239-433-4231
www.tdmcivilengineering.com
Certificate of Authorization # 29086

2265 Laurel Lane CPD

Surface Water Management Plan Narrative

Water quantity, water quality, and attenuation will be provided by interconnected perimeter dry detention swales prior to off-site discharge to the Laurel Lane roadside swale. Stormwater runoff from the impervious areas will be directed to the dry detention swales via sheet flow. The parcel will not require a SFWMD Environmental Resource Permit by virtue of its small size (less than ten acres total, less than two acres of impervious).

The property in its existing state has no defined drainage pattern and appears to sheet flow to the Laurel Lane roadside swale without benefit of any water quality treatment or attenuation. The property is mostly pervious, with most rainfall likely infiltrating the soil prior to sheet flow to the Laurel Lane roadside swale.

Post-development stormwater discharge from the property will be to the Laurel Lane roadside swale, mimicking pre-development drainage patterns. There is no noticeable drainage flow from adjacent properties entering the property.

The proposed dry detention swales, culverts, and control structure will be owned and maintained by the property owner in perpetuity.

Per the latest survey, the property is currently in FEMA flood zone AE 14. The finished floor elevation of the proposed building on the property will be elevated to at least 1' above the FEMA flood zone (+15.0' N.A.V.D.).

ATTACHMENT L



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

June 25, 2024

Dean Martin
TDM Consulting
43 Barkley Cir
Fort Myers, FL 33907E
dean@tdmconsulting.com

RE: Wastewater and Reclaim Water Availability – LOA ID#: 24-062 NFMD

Parcel ID No.: 25-43-24-03-00068.001C

2265 Laurel Ln, North Fort Myers, FL 33917

2265 Laurel Ln

Dear Mr. Martin:

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

The application indicated that the proposed project consists of 2250 SF commercial building with an estimated wastewater disposal demand of 225 GPD. Currently, FGUA facilities are able to accommodate this demand. During the design process, if existing conditions warrant, a hydraulic analysis may need to be performed by the project engineer to evaluate the impacts the proposed project may have on the existing wastewater system.

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

FGUA Board of Directors

PAM KEYES, P.E., Vice Chair, Lee County / KEN CHEEK, P.E., Citrus County / SHANE PARKER, P.E., Vice Chair, Hendry County / TAMARA RICHARDSON, P.E., Chair, Polk County / DAVID ALLEN, P.E., Pasco County / JODY KIRKMAN, P.E., Marion County / HEIDI PETITO, Flagler County

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY



Digitally signed by Paul Arnett
Date: 2024.06.25 14:11:19 -04'00'

Paul Arnett
Development Services Coordinator

CC: Mike Currier, South Region Area Manager

Encl.

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

FGUA Board of Directors

PAM KEYES, P.E., Vice Chair, Lee County / KEN CHEEK, P.E., Citrus County / SHANE PARKER, P.E., Vice Chair, Hendry County / TAMARA RICHARDSON, P.E., Chair, Polk County / DAVID ALLEN, P.E., Pasco County / JODY KIRKMAN, P.E., Marion County / HEIDI PETITO, Flagler County



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.

FGUA Board of Directors

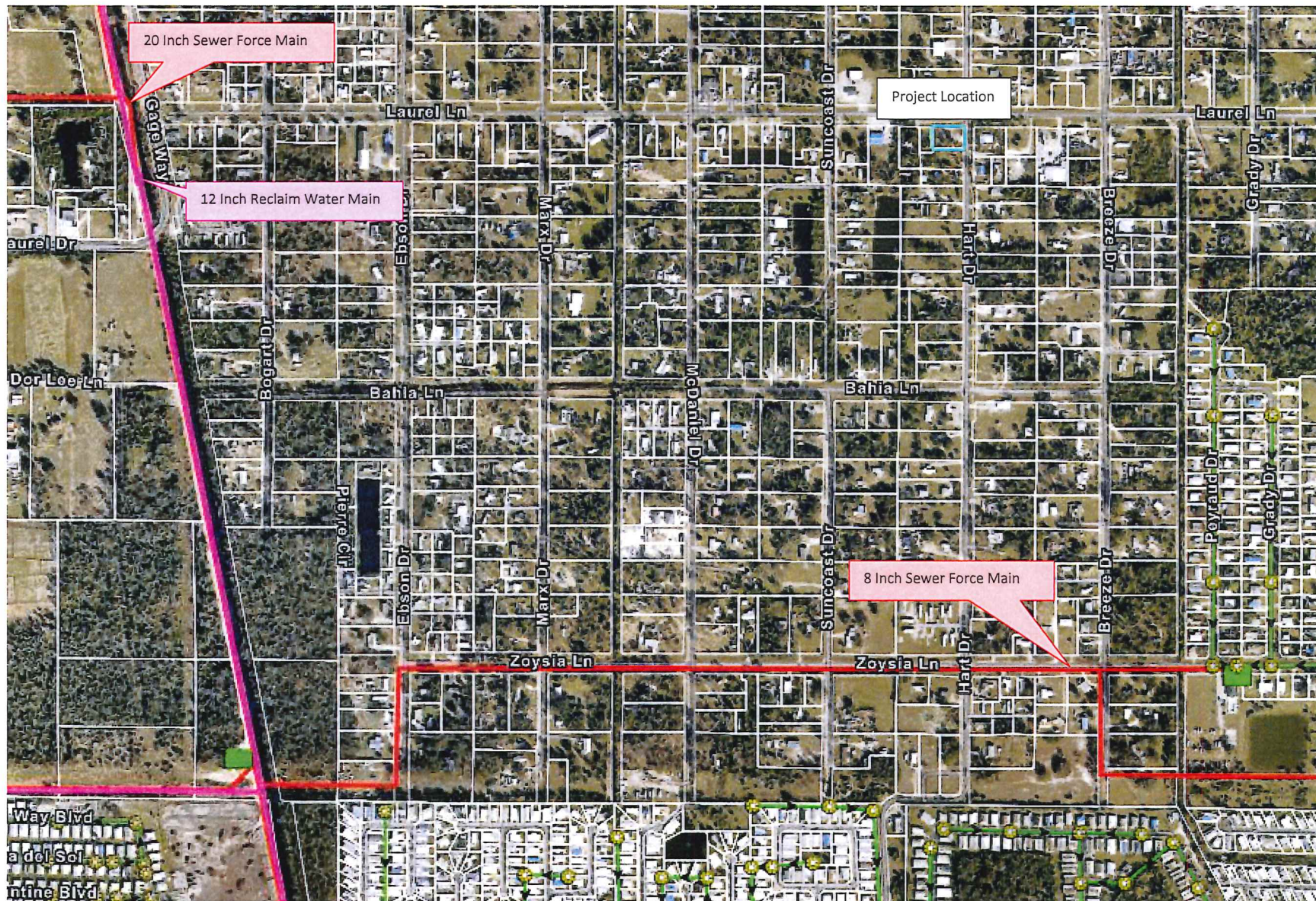
PAM KEYES, P.E., Vice Chair, Lee County / KEN CHEEK, P.E., Citrus County / SHANE PARKER, P.E., Vice Chair, Hendry County / TAMARA RICHARDSON, P.E., Chair, Polk County / DAVID ALLEN, P.E., Pasco County / JODY KIRKMAN, P.E., Marion County / HEIDI PETITO, Flagler County

4/22/2024

Project Name: 2265 Laurel Ln

STRAP/PID #: 25-43-24-03-00068.001C

Property Address: 2265 Laurel Ln, North Fort Myers, FL 33917



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: 2265 Laurel Ln, North Fort Myers, FL 33917

System: North Fort Myers 416

Development/Project Name: 2265 Laurel Ln

Date: June 25, 2024

County: Lee

LOA ID: 24-062 NFMD

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

Fees based on:

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

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

Payment History	Date	Check Date	Check #	Payer Name	Amount
0 Letter and Locate Map	6/25/2024	6/20/2024	6499	TDM Consulting Inc	\$ 100.00
1 Map Only					
2 Letter Only					



Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

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Michael Greenwell
District Five

Dave Harner, II
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

April 30, 2024

Via E-Mail

Veronica Martin
TDM Consulting, Inc.
1520 Royal Palm Square Boulevard, Suite 100
Fort Myers, FL 33919

RE: **Potable Water Availability**
2265 Laurel Lane – 2265 Laurel Lane, North Fort Myers, FL
STRAP # 25-43-24-03-00068.001C

To whom this may concern:

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

Your firm has indicated that this project will consist of commercial unit with an estimated flow demand of approximately ??? gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

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

Sanitary sewer service will be provided by Florida Governmental Utility Authority. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

There are no reuse mains in the vicinity of this parcel.

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

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

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

Sincerely,

LEE COUNTY UTILITIES

Ashanti Shahriyar

Ashanti Shahriyar

Plan Reviewer

239-533-8531

UTILITIES ENGINEERING



LEE COUNTY UTILITIES
REQUEST FOR LETTERS OF AVAILABILITY

DATE: MAY 10, 2024

TO: DCAP STAFF

Lcudcap@leegov.com

FROM: VERONICA MARTIN

FIRM: TDM CONSULTING, INC

ADDRESS: 1520 ROYAL PALM SQUARE BLVD, SUITE 100

ADDRESS: FORT MYERS, FL 33919 -

PHONE#: (239)433-4231 FAX: () -

E-MAIL ADDRESS: VMARTIN@TDMCONSULTING.COM

PROJECT NAME: 2265 LAUREL LANE

PREVIOUS PROJECT NAME(S):

STRAP NUMBER(S): 25-43-24-03-00068.001C

PRIOR STRAP NUMBER(S) (IF ANY):

LOCATION/SITE ADDRESS: 2265 LAUREL LANE, NORTH FORT MYERS, FL

PURPOSE OF LETTER:

- ☐ DEVELOPMENT ORDER SUBMITTAL ☐ FINANCING ☐ EFFLUENT REUSE
☐ PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)
☒ OTHER: (PLEASE SPECIFY) ZONING

PLANNED USE:

- ☒ COMMERCIAL ☐ INDUSTRIAL ☐ RESIDENTIAL - (☐ SINGLE-FAMILY ☐ MULTI-FAMILY)
☐ OTHER: (PLEASE SPECIFY) _____

PLANNED # OF COMMERCIAL/INDUSTRIAL BUILDINGS: 1 TOTAL SQUARE FOOTAGE: 2,250 SF

RESIDENTIAL UNITS: SINGLE-FAMILY: _____ MULTI-FAMILY: _____

AVERAGE ESTIMATED DAILY FLOW (GPD): 225 (☒ WATER ☐ WASTE-WATER) (GPD): _____ ☐ REUSE

PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA SET FORTH IN LEE COUNTY UTILITIES DESIGN MANUAL: FOOD OUTLETS 10 GPD PER 100 SF

2,250 sf / 100 sf = 22.5 x 10 = 225 gpd

Please e-mail the completed form to Lcudcap@leegov.com.

If you should have any questions or require assistance, please feel free to call our office at (239) 533-8531.



**ZONING TRAFFIC IMPACT STATEMENT
FOR A PROPOSED
CPD TO CPD EXPANSION OF USES**

2265 Laurel Lane

PREPARED FOR:

**Mr. Arif Ahmad, President
Terra Firma Ventures, LLC.
1363 Maston Road
Auburn, GA 30011**

PREPARED BY:



**1520 Royal Palm Square Blvd, Suite 100
Fort Myers, FL 33919
Phone 239-433-4231
www.tdmcivilengineering.com
Certificate of Authorization # 29086**

**April 2024
Revised June 2024**



Digitally signed
by Thomas D.
Martin
Date: 2024.06.26
14:20:38 -04'00'

This item has been digitally signed and sealed by Dean Martin, P.E. using a Digital Signature. Printed copies of this document are not considered signed and sealed and the authentication code must be verified on any electronic copies.

1. PURPOSE

OBJECTIVE

This report has been prepared in accordance with the Lee County Department of Community Development and the Lee County Land Development Code criteria as outlined in the Lee County Traffic Impact Statement Guidelines and the Lee County Turn Lane Policy for projects seeking Zoning approval. This report analyzes the anticipated traffic conditions of the proposed development in order to determine any adverse roadway impacts associated with the re-zoning of **2265 Laurel Lane**.

The subject parcel per the most recent Boundary Survey by Online Land Surveyors is 0.333 acres.

This Traffic Impact Statement is based on the assumption that the proposed facility will be completed in 2025.

2. SITE DESCRIPTION

SITE LOCATION

2265 Laurel Lane is a 0.333-acre project located east of North Tamiami Trail in Section 25, Township 45 South, Range 24 East, Lee County, Florida (see Exhibit 1). The applicant proposes to rezone the property from CPD (allowing lawn mower and small engine repair) to CPD (allowing neighborhood commercial uses - food store with carry-out, laundromat, small retail shop). For the purposes of re-zoning, the most intense use (convenience store) must be analyzed. The building size will be 2,240 square feet per the Master Concept Plan.

Access to the proposed development will be provided by one (1) proposed full-access driveway connection to Hart Drive.

3. OBSERVATIONS

3.1 TRIP GENERATION CALCULATIONS

Vehicular trips generated by the proposed CPD were calculated by using the equations provided by the Institute of Transportation Engineers, 11th Edition of the Trip Generation Manual, Land Use Code 851 (Convenience Store) using the average rates or the fitted curve equation shown in the tables.

Table 1. Raw Trip Generation – Proposed CPD (LUC 851)

<u>2,240 Square Feet of Gross Floor Area:</u>	
A.	Daily Vehicle Trip Ends, Weekday $T = 761.44 (2.240) + 2.27 = 1,708$ (854 entering, 854 exiting)
B.	A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street) $T = 62.54 (2.240) = 140$ (70 entering, 70 exiting)
C.	P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street) $T = 49.11 (2.240) = 110$ (56 entering, 54 exiting)

Source: TDM, 2024

Table 1 above will be used for the requisite turn-lane analyses during the Development Order permitting process. However, not all the trips indicated in Table 1 above will be new trips to the adjacent roadway system. Vehicles already traveling the adjoining roadway system, called “pass-by” traffic, reduce the development’s overall impact on the surrounding roadway system but do not decrease the actual driveway volumes. Per the Institute of Traffic Engineers, 3rd Edition of the Trip Generation Handbook (Page 198), 51% of the traffic from Table 1 above is assumed to be pass-by traffic. Table 2 below accounts for the project’s “pass-by” trips.

Table 2. Raw Trip Generation – Proposed CPD with Pass-By

<u>Table 1 x 0.49:</u>	
A.	Daily Vehicle Trip Ends, Weekday $T = 1,708 \times 0.49 = 837$ (418 entering, 417 exiting)
B.	A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street) $T = 140 \times 0.49 = 69$ (34 entering, 35 exiting)
C.	P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)

$$T = 110 \times 0.49 = 54 \text{ (28 entering, 26 exiting)}$$

Source: TDM, 2024

Based on this, the development will be analyzed using the criteria established for developments generating less than one hundred (100) vehicle trips during the peak hour as outlined in the Lee County Traffic Impact Guidelines for re-zonings.

Table 2 above will be used for the requisite concurrency analysis.

Just as a comparison, the following data is also included in this TIS but is not analyzed further.

There is no data for this use (lawn mower and small engine repair) in the ITE Manuals; therefore, a similar use must be used. Vehicular trips generated by the existing CPD were calculated by using the equations provided by the Institute of Transportation Engineers, 11th Edition of the Trip Generation Manual, Land Use Code 943 (Automobile Parts and Service Center) using the average rates shown in the tables.

Table 3. Raw Trip Generation – Existing CPD (LUC 943)

2,240 Square Feet of Gross Floor Area:

- A. Daily Vehicle Trip Ends, Weekday
 $T = 16.60 (2,240) = 37 \text{ (18 entering, 19 exiting)}$
- B. A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $T = 1.91 (2,240) = 4 \text{ (3 entering, 1 exiting)}$
- C. P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $T = 2.06 (2,240) = 5 \text{ (2 entering, 3 exiting)}$

Source: TDM, 2024

Table 4. Raw Trip Generation – Increase Due to Rezoning

Table 2 - Table 3:

- A. Daily Vehicle Trip Ends, Weekday
 $T = 837 - 37 = 804 \text{ (402 entering, 402 exiting)}$
- B. A.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $T = 69 - 4 = 65 \text{ (31 entering, 34 exiting)}$
- C. P.M. Peak Hour Average Vehicle Trip Ends (Adjacent Street)
 $T = 54 - 5 = 49 \text{ (26 entering, 23 exiting)}$

Source: TDM, 2024

3.2 TRIP DISTRIBUTION

As previously stated herein, access to the proposed development will be provided by one (1) proposed full-access driveway connection to Hart Drive.

Because Hart Drive accesses Laurel Lane to the north (which in turn directly accesses North Tamiami Trail to the west) and Bayshore Road to the south, it is assumed herein that 50% of traffic will enter and exit the proposed development from/to the north while the remaining 50% of traffic will enter and exit the proposed development from/to the south.

3.3 EXISTING TRAFFIC CONDITIONS

Laurel Lane is a nearby collector road being indirectly accessed. It is assumed herein that traffic on Laurel Lane near the proposed development heads west 98% of the time and east 2% of the time.

Laurel Lane is classified by the Lee County Comprehensive Plan as a two-lane undivided County-maintained major collector street. The posted speed limit is thirty (30) miles per hour. Per the 2023 Lee County Concurrency Report, it has an existing “C” Level of Service near the proposed development with a 2022 peak direction of flow volume of three hundred ninety-three (393) vehicles per hour, a Performance Standard “E” Level of Service, and a Performance Standard Capacity of eight hundred sixty (860) vehicles per hour.

Hart Drive is a nearby collector road being directly accessed. It is assumed herein that traffic on Hart Drive near the proposed development heads south 98% of the time and north 2% of the time.

Hart Drive is classified by the Lee County Comprehensive Plan as a two-lane undivided County-maintained minor collector street. The posted speed limit is thirty (30) miles per hour. Per the 2023 Lee County Concurrency Report, it has an existing “C” Level of Service near the proposed development with a 2022 peak direction of flow volume of three hundred twenty-seven (327) vehicles per hour, a Performance Standard “E” Level of Service, and a Performance Standard Capacity of eight hundred sixty (860) vehicles per hour.

The Hart Drive intersection with Laurel Lane is full-access and is controlled via a 4-way stop.

3.4 *LEVEL OF SERVICE ANALYSIS (LAUREL LANE)*

The proposed development will not introduce a significant increase in traffic flows and will not degrade the Level of Service of Laurel Lane during the peak season following the build-out year below the Performance Standard Level of Service (see attached 100th Highest Hour Level of Service Calculation).

3.5 *LEVEL OF SERVICE ANALYSIS (HART DRIVE)*

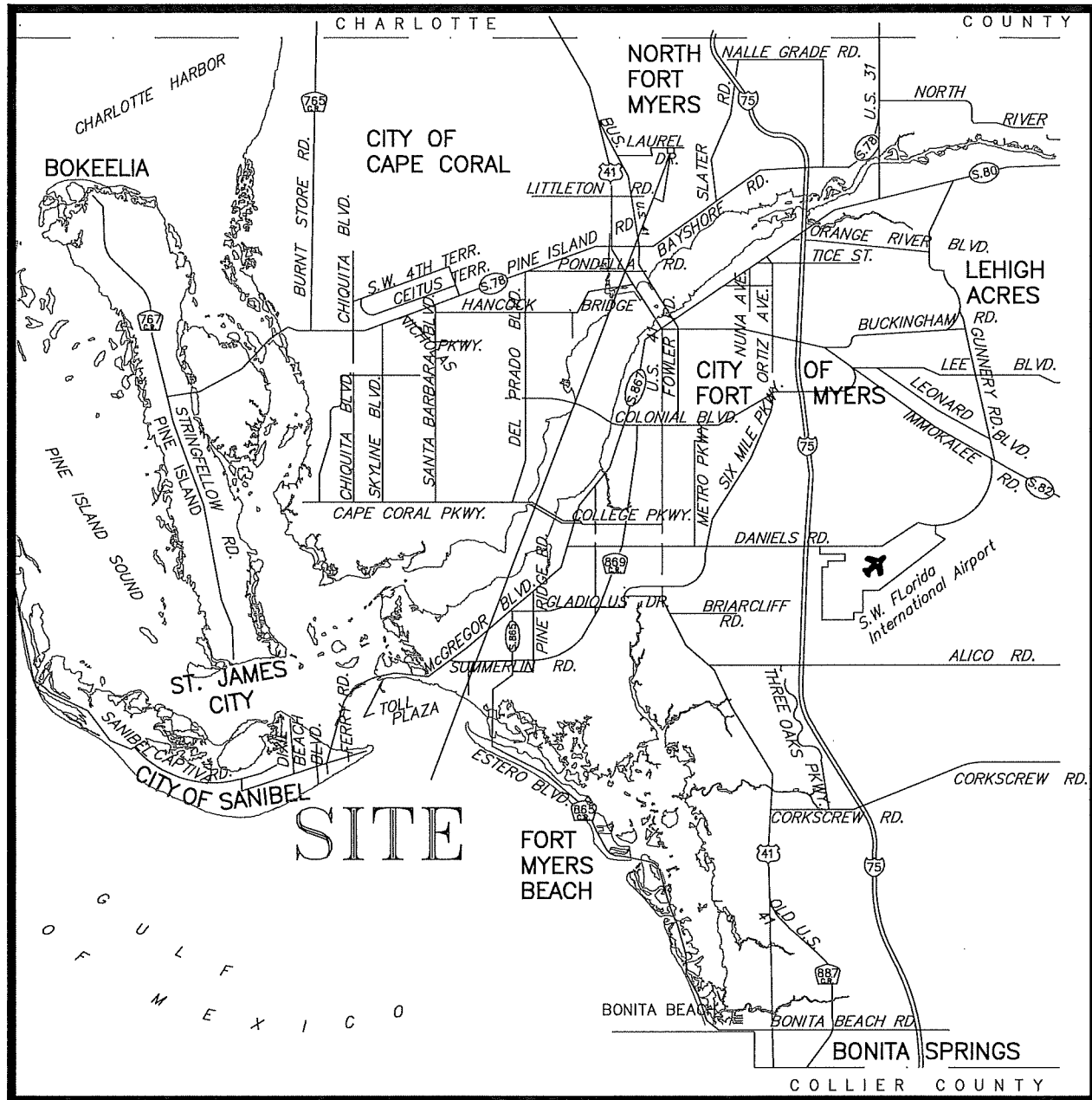
The proposed development will not introduce a significant increase in traffic flows and will not degrade the Level of Service of Hart Drive during the peak season following the build-out year below the Performance Standard Level of Service (see attached 100th Highest Hour Level of Service Calculation).

100TH HIGHEST HOUR LEVEL OF SERVICE CALCULATION LAUREL LANE

ENGINEER:	TDM Consulting, Inc. Dean Martin, P.E.		
DATE:	June 25, 2024		
PROJECT NAME:	2265 Laurel Lane		
PROJECT LOCATION:	SW C/O Laurel and Hart		
PERMANENT COUNTING STATION NUMBER:	N/A		
100TH HOUR V.P.H.			
(Year & Rate) =	2022		393
YEAR FOLLOWING PROJECT CONSTRUCTION:			2026
ADJUSTMENT FACTOR =			
Count & Yr_{min}			N/A N/A
Count & Yr_{max}			N/A N/A
Adjustment Factor =	(N/A / N/A	#####) ⁴	1.000
ADJUSTED 100TH HOUR V.P.H. =	393	x 1.000	393
EXISTING LEVEL OF SERVICE =			C
	34 (A.M. Exiting) x 98% x 50%		
PROJECT V.P.H. =		(West-Bound)	17
TOTAL V.P.H. =	393	+ 17	410
LEVEL OF SERVICE =			C
COMMENTS:	Projection to Build-Out is not Required		

100TH HIGHEST HOUR LEVEL OF SERVICE CALCULATION HART DRIVE

ENGINEER:	TDM Consulting, Inc. Dean Martin, P.E.		
DATE:	June 25, 2024		
PROJECT NAME:	2265 Laurel Lane		
PROJECT LOCATION:	SW C/O Laurel and Hart		
PERMANENT COUNTING STATION NUMBER:	N/A		
100TH HOUR V.P.H. (Year & Rate) =	2022		327
YEAR FOLLOWING PROJECT CONSTRUCTION:			2026
ADJUSTMENT FACTOR =			
	Count & Yr _{min}		N/A N/A
	Count & Yr _{max}		N/A N/A
Adjustment Factor =	(N/A / N/A #####) ⁴		1.000
ADJUSTED 100TH HOUR V.P.H. =	327 x 1.000		327
EXISTING LEVEL OF SERVICE =			C
PROJECT V.P.H. =	34 (A.M. Exiting) x 98% x 50% (South-Bound)		17
TOTAL V.P.H. =	327 + 17		344
LEVEL OF SERVICE =			C
COMMENTS:	Projection to Build-Out is not Required		



LOCATION SKETCH
N.T.S.

EXHIBIT 1
TRAFFIC IMPACT STATEMENT
LOCATION MAP
2265 LAUREL LANE
NORTH FORT MYERS, FL 33917

SOURCE: TDM, 04/24



43 Barkley Circle, Suite #200
Fort Myers, FL 33907
Phone: (239) 433-4231
Fax: (239) 433-9632
Email: dean@tdmconsulting.com
Certificate of Authorization # 29086



DEPARTMENT OF TRANSPORTATION

Memo

To: MarySue Groth, Planner, Senior

From: Brittany Banker, DOT Plan Reviewer

Date: January 7, 2025

Subject: 2265 Laurel Lane CPD (DCI2024-00019) Transportation-Related Analysis

Proposed Development

This application requests to amend the existing Laurel Lane Commercial Planned Development (CPD) to allow for the development of a 2,250 square foot building that will contain a food store/market with a small restaurant/prepared food for carry-out service only. No seating, indoor or outdoor, is proposed.

Site Location

The property is located in Suncoast Estates at the corner of Laurel Ln and Hart Dr within North Fort Myers, FL.

Site Access

Access to the proposed development will be facilitated through one access point on Hart Dr, (a county-maintained major collector road).

Zoning Traffic Impact Study

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

Table 1: Trip Generation

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily (2-Way)
	In	Out	Total	In	Out	Total	
2,240sf Convenience Store (851 LUC)	70	70	140	56	54	110	1,708
Pass-by Trips (49%)	-36	-35	-71	-28	-28	-56	-871
New Trips	34	35	69	28	26	54	837

Conclusion

The proposed project is not anticipated to adversely affect the surrounding roadway system.

ATTACHMENT O

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2024-00019
TYPE OF CASE: Commercial Planned Development
CASE NAME: 2265 Laurel Lane CPD
TOTAL ACREAGE: 0.33 Acres
SUFFICIENCY DATE: 11/14/2024
HEARING EXAMINER DATE: January 30th 2025

Request

The applicant is requesting to amend a Planned Development to revise the Master Concept Plan (MCP), schedule of uses, and schedule of deviations. The property is located south of Laurel Lane, west of Hart Drive and east of Suncoast Drive. The subject property is in the North Fort Myers Community Planning Area, specifically within the Suncoast Estates Mobile Home Park. According to the Lee Plan, the parcels are in the Suburban Future Land Use Category. **Lee Plan Goal 30** specifically states that development in these community planning areas must improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed-use development in the form of town and neighborhood centers, attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources. **Lee Plan Objective 30.2** encourages revitalization and redevelopment for North Fort Myers.

Existing Conditions and Protected Species

Staff completed a site inspection on 12/10/2024. The subject property is an undeveloped lot corner lot. The site is predominately cleared and already graded. A review of historic aerial imagery showing the land was cleared and graded around 1968. The applicant provided a protected species survey that included a Florida Land Use Cover and Classification System (FLUCCS) map depicting the vegetative plant communities (see Exhibit A). Soils on site consists of Wabasso sand, limestone substratum-urban land complex. The FLUCCS in this area is Upland (FLUCCS 400) which consists of a row of Australian Pine (*Casuarina equisetifolia*) and an understory of Bahia grass (*Paspalum notatum*) and Largeflower Mexican Clover (*Richardia grandiaflora*). No native indigenous plant communities were identified on site.

The proposed project is considered a small development because it is less than ten acres in size. No native indigenous vegetation is present on site and therefore no indigenous preservation areas are required. No heritage trees were noted on site.

No protected fauna species or evidence of nesting or feeding were found during staff's site inspection.

OPEN SPACE

The project meets the small development definition (Land Development Code 10-1). LDC 10-415(a) requires the applicant to provide 20 percent open space for a small development. The total open space required is 2,900 square feet (0.06 acres) and the applicant is providing enhanced open space with 0.132 acres.

INDIGENOUS OPEN SPACE

The Land Development Code requires that large developments must provide 50 percent of the open space percentage requirement through onsite preservation of existing native vegetation communities (LDC 10-415(b)). The subject property is less than ten acres in size and is considered a small development per LDC Sections 10-1 and 10-415(b). No indigenous open space is required.

BUFFERS

The properties directly abutting the west and south are zoned MH-1, and to the north and east across the intersection of Laurel Lane and Hart Dr., the properties are zoned MH-3. Connector road Laurel Lane is directly north running east/west. The required buffers are as follows:

North - The north property line abuts Laurel Lane, a Lee County DOT maintained Road. The applicant is required to provide a fifteen-foot-wide Type D buffer with five trees per 100 linear feet and a double hedge planted in staggered rows, in accordance with LDC Section 10-416(d). The applicant is in compliance with the north buffer requirement.

South – The south property line abuts a residentially zoned property (MH-1) that is currently undeveloped but defined as an existing large lot residential subdivision. A row of Australian Pines is located along this boundary. The project has requested a deviation (#3) from LDC 33-1543 which requires a minimum 30-foot-wide buffer with 5 trees and 18 shrubs per 100 linear feet, to allow a 14-foot-wide buffer with an 8-foot-high wall with 7 trees and 18 shrubs per 100 linear feet. Trees and palms will be clustered in double staggered rows with a minimum of three trees per cluster. The applicant has proposed an enhanced buffer which will increase the number of trees from five to seven per 100 linear feet, and which is proposed to be planted with mature trees and shrubs. Shrubs must be a minimum of 10 gallons, 4 feet in height with a 3-foot spread, planted 4 feet on center at installation.

West – The west property line abuts a residentially (MH-1) zoned property, and the applicant is required to provide a 15-foot-wide Type C buffer. A cross section has been provided to demonstrate how the buffer area will overlap the septic drain field by 7.5 feet, while still allowing for a planting area of 8.5 feet. The type C buffer requires five trees and eighteen shrubs per 100 linear feet with an 8-foot-high wall. The applicant has extended the wall to include the most western wall of the proposed development. No windows or doors have been proposed in this area. Staff recommend adding the following condition.

Prior to DO, the MCP must depict the 15-foot Type C buffer area and wall on the western side of the lot with no windows or doors so as to ensure equal or better buffering is provided.

East – The east property line abuts Hart Road, a Lee county-maintained Road. Per LDC Section 10-41(d), a fifteen-foot-wide buffer is required along the right-of-way.

Exhibits

A - Protected Species Survey

ATTACHMENT P



Tropical Environmental Consultants
Willow Environmental LLC
3900 Mannix Dr. #118 Naples, FL. 34114
239-455-6232
www.TropicalEnvironmentalConsultants.com
"Finding Balance Between Human Use and The Environment"

Listed Species Survey

Address

2265 LAUREL LANE
NORTH FORT MYERS 33917
Lee County, Florida

Prepared for:
ANQUA Apon

Parcel ID	Address	Size (± Ac.)	FLUCCS
2543240300068001C	2265 LAUREL LANE	0.33	400

Survey conducted: August 3rd 2023
Valid Until: 90 DAYS AFTER SURVEY COMPLETED

Prepared for:
Field survey and report completed by:
Schuyler Houfek
shoufek@tecsfl.com

*Tropical Environmental Consultants, LLC. - 3900 Mannix Drive #118
Naples, Florida 34114 - 239-455-6232*

Introduction 1.0

TEC conducted a species survey over the ± 0.33-acre property located in Lee County, Florida (**Figures 1 and 2**). The property is zoned Vacant Commercial and is currently undeveloped. The vacant property contains FLUCCS code areas 400. All associated figures included within the report appendices.

Purpose 2.0

The following survey was conducted to determine whether federal/state listed species, or evidence thereof, are present within the subject property as requested by the client. The project site is located in the Matrix Unit 36953 of the Florida Natural Areas Inventory Biodiversity Matrix.

Biology & FWC/USFWS Consultation Areas 3.0

The U.S. Fish and Wildlife Service (USFWS) implements consultation areas for certain listed species to invoke additional review. Generally, these consultation areas only become an issue if USFWS consultation is required, which is usually associated with permitting through the Florida Department of Environmental Protection (FDEP) or South Florida Water Management District (SFWMD). The reader should be aware that species presence and need for additional review are often determined to be unnecessary early in the permit review process due to lack of appropriate habitat or other conditions (project size being a significant factor as well). However, the USFWS makes the final determination.

The additional review typically includes the application of species-specific criteria to rule-out or confirm the presence of the species in question. Such criteria might consist of a simple review for critical habitat types. In other cases, the review might include the need for species-specific surveys using established methodologies that have been approved by the USFWS.

The Florida Fish and Wildlife Conservation Commission (FFWCC) additionally invokes review and authority for any statewide threatened or endangered species

The following paragraphs include a list of the USFWS Consultation Areas specific to the subject site as well as statewide FWC protected wildlife for both potential upland and wetland habitats.

Burrowing Owl (*Athene cunicularia*)

Federal Status: Not Listed, *FL Status: State-designated Threatened*

No burrows were identified on site. The burrowing owl is one of the smallest owls in Florida. It can reach a length of nine inches (22.9 centimeters) with a wingspan of 21 inches (53.3 centimeters). Burrowing owls have brown dorsal (back) feathers with

patches of white spots, and a white underside with brown bar-shaped spots. The body color pattern helps them blend in with the vegetation in their habitat and avoid predation (Millsap 1996). They also have large yellow eyes and a white chin.

The burrowing owl is a pint-sized bird that lives in open, treeless areas. The burrowing owl spends most of its time on the ground, where its sandy brown plumage provides camouflage from potential predators. One of Florida's smallest owls, it averages nine inches in height with a wingspan of 21 inches. The burrowing owl lacks the ear tufts of the more familiar woodland owls. Bright yellow eyes and a white chin accent the face. Unusually long legs provide additional height for a better view from its typical ground-level perch. The diet of the burrowing owl primarily consists of insects; however, they will also feed on snakes, frogs, small lizards, birds, and rodents.

The typical breeding season for the Florida burrowing owl is February 15 to July 10, though owls can breed earlier or later. Nesting occurs in burrows in the ground that they dig. These burrows will be maintained and used again the following year (Haug et al. 1993). Females lay up to eight eggs within a one-week period, and they will incubate the eggs for up to 28 days. Once the white-feathered juveniles are born, it takes two weeks before they are ready and able to appear out of the burrow. Juveniles will begin learning how to fly at four weeks, but will not be able to fly well until they are six weeks old. Juveniles will stay with the parents until they are able to self-sustain at 12 weeks old.

Burrowing owls are different than other owls as they are active during the day time (diurnal) rather than at night (nocturnal) during breeding season. During the non-breeding season, they become more nocturnal.

o or o)

Federally Listed as "Threatened" by USFWS

The subject site falls within the USFWS Consultation Areas for the species Audubon's Crested Caracara (*Polyborus planeus audubonii*). Currently the Audubon's Crested Caracara is listed as threatened by the USFWS due primarily to habitat loss. The Audubon's Crested Caracara commonly occur in dry or wet prairie areas with scattered cabbage palms, lightly wooded areas with saw palmetto, scrub oaks and cypress. The Audubon's Crested Caracara also uses improved or semi-improved pasture with seasonal wetlands. Audubon's Crested Caracaras construct new nests each nesting season, often in the same tree as the previous year.

Although the subject site falls within the USFWS Audubon's Crested Caracara consultation area, no crested caracaras were observed and no suitable habitat for this species exists within the project boundaries. No further action should be required pertaining to Crested Caracaras.

o r o)

Federally Listed as "Endangered" by USFWS

2265 LAUREL LANE; ANIQUA Apon
Listed Species Survey Report

The site falls within the USFWS Consultation Area for the Everglade Snail Kite. All Everglade Snail Kites have deep red eyes and a white rump patch. They are commonly spotted in lake shallows along the shores and islands of many major lakes, including Lakes Okeechobee, Kissimmee, Tohopekaliga (Toho) and East Toho. They also occur in the expansive marshes of southern Florida such as Water Conservation Areas 1, 2, and 3, Everglades National Park, the upper St. John's River marshes and Grassy Waters Preserve.

Although the site falls within the USFWS Everglade Snail Kite consultation area, no Everglade Snail Kites were observed and no suitable habitat for this species exists. As such, it is not anticipated that a formal survey would be required by the USFWS or another agency to determine if any Everglade Snail Kites utilize any portions of the site.

e o o o e r e e)

Federally Listed as "Threatened" by USFWS

The subject site does not fall within the USFWS Consultation Area for the Florida Scrub-Jay. Currently the Florida Scrub-Jay is listed as "Threatened" by the USFWS. They avoid wetlands and forests, including canopied sand pine stands. Optimal Scrub-Jay habitat is dominated by shrubby scrub, live oaks, myrtle oaks, or scrub oaks from 1 to 3 m (3 to 10 ft.) tall, covering 50 to 90 % the area; bare ground or sparse vegetation less than 15 cm (6 in) tall covering 10 to 50% of the area; and scattered trees with no more than 20% canopy cover (Fitzpatrick et al. 1991).

No Florida Scrub Jays were observed within the site during the survey. There is no suitable habitat for this species within the property boundaries. As such, it is anticipated that no further action should be required pertaining to the Florida Scrub-Jay.

e r e r)

e e e e r e e e

The subject site is shown to be located within a Wood Stork Nesting Colony Core Foraging Area. Wood Storks typically nest colonially in medium to tall trees that occur in stands located either in swamps or on islands surrounded by relatively broad expanses of open water.

Because of their specialized feeding behavior, Wood Storks forage most effectively in shallow-water areas with highly concentrated prey. Good foraging conditions are characterized by water that is relatively calm, open, and having water depths between 5 and 15 inches (5 and 38 cm). The U.S. Fish and Wildlife Service has identified core foraging area (CFA) around all known Wood Stork nesting colonies that is important for reproductive success. In Florida, CFAs include suitable foraging habitat (SFH) within a 15-mile radius of the nest colony. The Service believes loss of suitable foraging wetlands within these CFAs may reduce foraging opportunities for the Wood Stork.

Based on our review of available databases, there is no record of a Wood Stork rookery on the project site or within near proximity. However, documented Wood Stork Nesting Colonies exist within 10 miles of the subject site and within predetermined forage buffer limits. The USFWS and the U.S. Army Corps of Engineers require that any impacts to on-site ditches and/or wetlands, which would eliminate a portion of the Wood Stork foraging habitat, be either mitigated through the purchase of mitigation credits or recreated elsewhere on-site so that there would be no net loss of Wood Stork foraging habitat. No Wood Storks were observed within the subject site and potential mitigation for Wood Stork habitat will be addressed during the permitting process if required.

Red-cockaded Woodpecker (*Picoides borealis*)
Federally listed as "endangered" by USFWS

The Red-cockaded Woodpecker (RCW) is a woodpecker endemic to the southeastern United States. These woodpeckers are about the size of the common cardinal, with a its black cap and nape that encircle large white cheek patches being the most distinguishing feature. Historically, RCWs inhabited long leaf pine ecosystems throughout North America. Habitat loss is the main threat to this species, and it has been listed as endangered since October of 1970. Although the subject site falls within the USFWS Red-cockaded Woodpecker consultation area, no Red-cockaded Woodpeckers were observed and no suitable habitat for this species exists within the project boundaries. No further action should be required pertaining to Red-cockaded Woodpeckers.

Florida Bonneted Bat (*Eumops floridanus*)

Federally Listed as "Endangered" by USFWS and State Listed as "Federally-designated Endangered" by FFWCC

The Florida Bonneted Bat (FBB) is currently federally listed as an endangered species by the USFWS and state listed as federally - designated endangered by the FFWCC. The basis for these listings includes the loss and degradation of its habitat, its small population size, restricted range, small number of colonies, low reproductive capacity, and relative isolation. The revised USFWS Florida Bonneted Bat Consultation Area (October 2019) includes areas of Polk, Osceola, Okeechobee, Hardee, Highlands, Sarasota, DeSoto, Charlotte, Glades, Lee, Hendry, Collier, Monroe, Miami-Dade, Broward, Palm Beach and Martin Counties.

No Florida Bonneted Bats were observed on the site during the wildlife survey conducted by TEC. All potential roosting structures within the limits of the site were recorded. It is not anticipated a formal Florida bonneted bat survey be required by the USFWS or another agency to determine if any Florida bonneted bats utilize any portions of the site based upon the subject property size.

er o e r r o o er)
Federally Listed as "Threatened" by USFWS

2265 LAUREL LANE; ANIQUA Apon
Listed Species Survey Report

The Eastern indigo snake (*Drymarchon couperi*) is listed as Threatened by USFWS, based on dramatic population declines caused by over-collecting for the domestic and international pet trade as well as mortalities caused by rattlesnake collectors who gassed gopher tortoise burrows to collect snakes. Since its listing, habitat loss and fragmentation by residential and commercial expansion have become much more significant threats to the eastern indigo snake. This species is widely distributed throughout central and south Florida; in northern Florida and southern Georgia, it primarily occurs in sandhill habitats.

For the majority of smaller projects, simple execution of an FWC gopher tortoise relocation permit would effectively clear all potential refugia for the Eastern Indigo Snake within the development footprint. None identified on site.

T **o** **e** **r** **o** **e**
State Listed as "Threatened" by FWC

Currently the gopher tortoise (*Gopherus polyphemus*) is classified as "Threatened" by FWC. The basis of this classification for the gopher tortoise is due to habitat loss and destruction of burrows. Gopher tortoises are commonly found in areas with well-drained soils associated with xeric pine-oak hammock, scrub, pine flatwoods, pastures and abandoned orange groves.

The subject parcel was surveyed for the existence of gopher tortoises. The survey covered 100% of suitable habitat within the subject parcel as well as area adjacent to the development footprint boundaries. A total of zero(0) active gopher tortoise burrows were discovered within the subject parcel along the property boundary (Figure 3). As such, action will be required pertaining to the gopher tortoise at this time.

On r 2023 TEC biologists conducted pedestrian transects for ground inspection on the property ensuring 100 percent visual coverage of the site. Potential occurrences of listed species use were recorded, GPS coordinates obtained, locations flagged on-site, and further investigated (none identified on site). This included direct evidence, indirect evidence, and several on-line mapping resources to identify known locations of certain protected species populations. Areas immediately adjacent to the subject property line were also inspected.

If any cavities or suspected roost sites of the Florida Bonneted Bat are located on the Subject Property they are initially evaluated for activity by looking for the presence of guano, scratches, and roost chatter. All suspected roost locations or cavities are then flagged and marked by a GPS point. A similar process is conducted for any suspected Red-cockaded Woodpecker cavities, and gopher tortoise burrows. Indicators would be any cavities within live pine trees (none identified on site).

2265 LAUREL LANE; ANIQUA Apon
Listed Species Survey Report

TEC Biologists observed zero (0) tree that contained cavities . Based upon the lot size and absence of wetlands on-site it is expected that further action should not be required.

A total of **zero (0) activegopher tortoiseburrows** was observed on site . Gopher tortoises, as well as their burrows, must be protected from any ground-breaking activities Zero (0) burrows ere identified off-site.
A total of zero (0) burrows were identified.

In accordance with the FWC Gopher Tortoise Permitting Guidelines permitting **NOT** required at this time.

Lee

NOT

***If development does not occur within a reasonable time frame (90-days) an updated survey and reassessment will be required.

*2265 LAUREL LANE; ANIQUA Apon
Listed Species Survey Report*

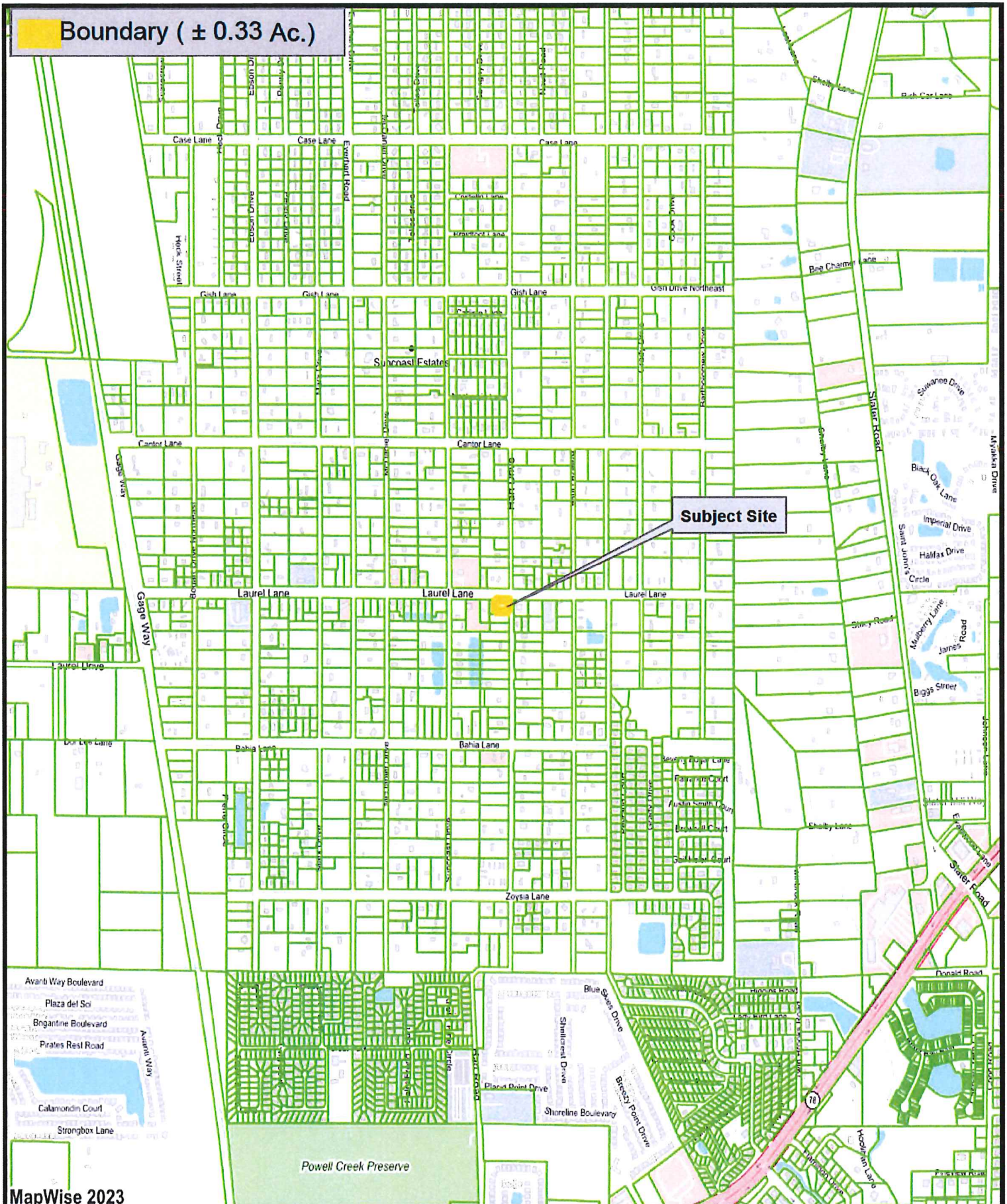
APPENDICES

*2265 LAUREL LANE; ANIQUA Apon
Listed Species Survey Report*

Exhibit 1
Photographic Evidence



400 - Upland



MapWise 2023

Figure 1:
Location Map

2265 LAUREL LANE
Lee County

Site Visit
Date: 8/3/2023



Tropical Environmental Consultants
Wilbe Environmental LLC
3900 Manix Dr., #118 Naples, FL 34114
239-455-6232
www.TropicalEnvironmentalConsultants.com
"Finding balance between human use and the environment"

0 365 730 1,460 Meters



Figure 2:
Aerial Map

2265 LAUREL LANE
Lee County

Site Visit
Date: 8/3/2023



Tropical Environmental Consultants
Wilcox Environmental LLC
3900 Manix Dr., #118 Naples, FL 34114
239-455-6232
www.TropicalEnvironmentalConsultants.com
"Finding Balance between human Use and the Environment"



Figure 3:
FLUCCS & Species
Location Map

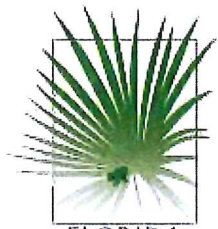
0 15 30 60 Meters

2265 LAUREL LANE
Lee County

Site Visit
Date: 8/3/2023



Tropical Environmental Consultants
T.E.C. Environmental LLC
3900 Manix Dr., #118 Naples, FL 34114
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Florida Natural Areas Inventory

Biodiversity Matrix Query Results

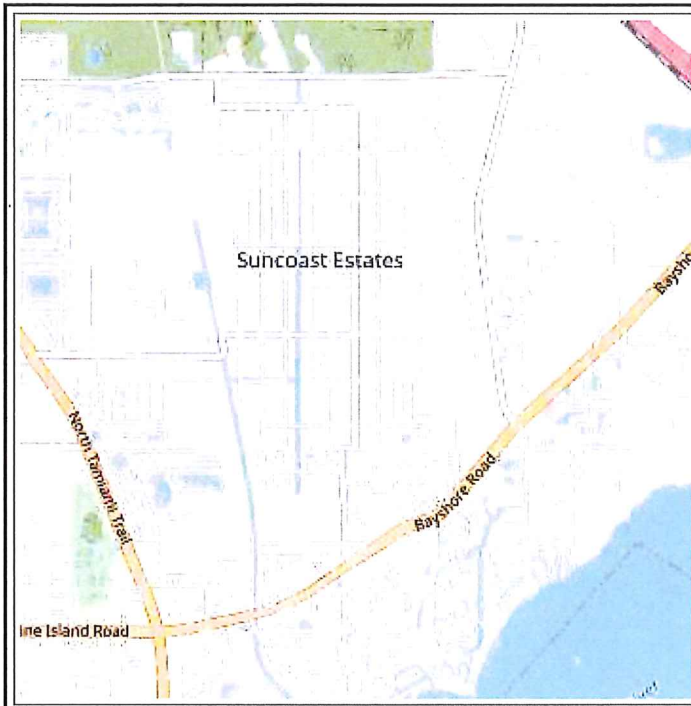
UNOFFICIAL REPORT

Created 8/4/2023

([Contact FNAI Data Services Coordinator](#)
for an official **Standard Data Report**)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

Report for 1 Matrix Unit: 36953



Descriptions

DOCUMENTED - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit.

DOCUMENTED-HISTORIC - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit; however the occurrence has not been observed/reported within the last twenty years.

LIKELY - The species or community is *known* to occur in this vicinity, and is considered likely within this Matrix Unit because:

1. documented occurrence overlaps this and adjacent Matrix Units, but the documentation isn't precise enough to indicate which of those Units the species or community is actually located in; *or*
2. there is a documented occurrence in the vicinity and there is suitable habitat for that species or community within this Matrix Unit.

POTENTIAL - This Matrix Unit lies within the known or predicted range of the species or community based on expert knowledge and environmental variables such as climate, soils, topography, and landcover.

Matrix Unit ID: 36953

0 **Documented** Elements Found

0 **Documented-Historic** Elements Found

1 **Likely** Element Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Mycteria americana Wood Stork	G4	S2	T	FT

Matrix Unit ID: 36953

20 **Potential** Elements for Matrix Unit 36953

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
<i>Antigone canadensis pratensis</i> Florida Sandhill Crane	G5T2	S2	N	ST
Athene cunicularia floridana				

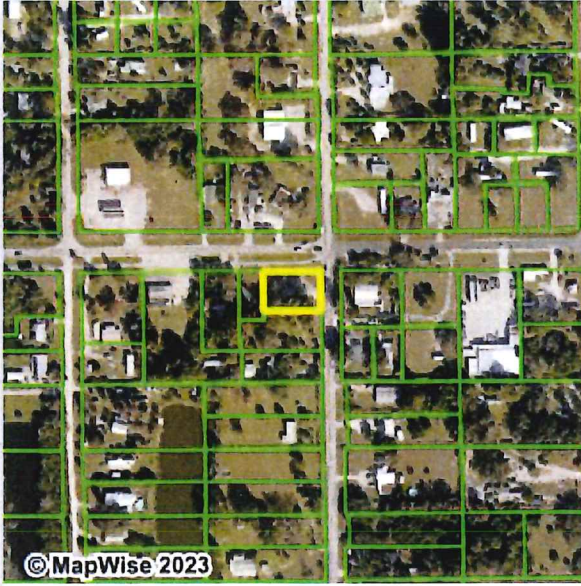
Florida Burrowing Owl	G4T3	S3	N	ST
<i>Calopogon multiflorus</i> many-flowered grass-pink	G2G3	S2S3	N	T
<i>Centrosema arenicola</i> sand butterfly pea	G2Q	S2	N	E
<i>Deeringothamnus pulchellus</i> beautiful pawpaw	G1	S1	E	E
<i>Drymarchon couperi</i> Eastern Indigo Snake	G3	S2?	T	FT
<i>Elytraria caroliniensis</i> var. <i>angustifolia</i> narrow-leaved Carolina scalystem	G4T2	S2	N	N
<i>Eumops floridanus</i> Florida bonneted bat	G1	S1	E	FE
<i>Gopherus polyphemus</i> Gopher Tortoise	G3	S3	C	ST
<i>Lechea cernua</i> nodding pinweed	G3	S3	N	T
<i>Linum carteri</i> var. <i>smallii</i> Small's flax	G2T2	S2	N	E
<i>Mustela frenata peninsulæ</i> Florida Long-tailed Weasel	G5T3?	S3?	N	N
<i>Nemastylis floridana</i> celestial lily	G2	S2	N	E
<i>Neofiber alleni</i> Round-tailed Muskrat	G2	S2	N	N
<i>Nolina atopocarpa</i> Florida beargrass	G3	S3	N	T
<i>Peucaea aestivalis</i> Bachman's Sparrow	G3	S3	N	N
<i>Puma concolor coryi</i> Florida Panther	G5T1	S1	E	FE
<i>Rostrhamus sociabilis</i> Snail Kite	G4G5	S2	E	FE
<i>Setophaga discolor paludicola</i> Florida Prairie Warbler	G5T3	S3	N	N
<i>Ursus americanus floridanus</i> Florida Black Bear	G5T4	S4	N	N

Disclaimer

The data maintained by the Florida Natural Areas Inventory represent the single most comprehensive source of information available on the locations of rare species and other significant ecological resources statewide. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. FNAI shall not be held liable for the accuracy and completeness of these data, or opinions or conclusions drawn from these data. FNAI is not inviting reliance on these data. Inventory data are designed for the purposes of conservation planning and scientific research and are not intended for use as the primary criteria for regulatory decisions.

Unofficial Report

These results are considered unofficial. FNAI offers a [Standard Data Request](#) option for those needing certifiable data.

Owner and Property Description		Parcel Map
Owner Name:	PSL FAMILY INVESTMENTS LLC	
Mailing Address:	59 E NORTH SHORE AVE NORTH FORT MYERS FL 33917	
Site Address:	2265 LAUREL LN NORTH FORT MYERS FL 33917	
Subdivision:		
County:	LEE	
Land Use Code:	1000	
Land Use Desc:	COMMERCIAL, VACANT	
Land Use FDOR Code:	10	
Land Use FDOR Desc:	Vacant Commercial	
Zoning:	CPD	
Acres:	0.33	
PIN:	2543240300068001C	
PIN2:	4324250300068001C	
ALTKEY:	10140088	
Last Data Update:	07/03/2023	

Legal Description (not official)

SUNCOAST ESTATES UNREC BLK 68 OR 32 PG 527 LOT 1C

Building Summary		2022 Certified Values	
Actual Year Built:		Land:	\$12,938
Effect. Year Built:		Land Agricultural:	\$0
Living SqFt:		Building:	\$0
Total SqFt:		Misc:	\$0
Adjusted SqFt:		Just Value:	\$12,938
Beds:		Assessed Value:	\$12,938
Baths:			
Stories:			
Num. of Buildings:			

Recent Sales

Sale Date	Book/Page	Docnum	Price	Instrument	Qualified	Vac. or Impr.	Grantor
2021-10-04		2021000330911	\$15,000	01		V	
1989-05-01	2067 / 3548		\$10,500	06		V	
1980-12-01	1474 / 0734		\$10,000	02		V	

Sunbiz Corporate Data

Title	Name	Address1	City	State	Zip Code
MGRM	LEWIS PAULA	PO BOX 3191	NORTH FORT MYERS	FL	33918

Map Layer Stats

Soils

MUID	Map Unit Name	Component Name	Component Pct	Hydric	Hydric Grp	Percent of Total	Acres
33	OLDSMAR SAND	OLDSMAR	87	NO	A/D	0	0
42	WABASSO SAND, LIMESTONE SUBSTRATUM	WABASSO	85	NO	C/D	99.8	0.33
TOTAL ACRES							0.33

Land Cover 2019 (includes wetlands)

LUCODE	Description	WMD	YEAR	Percent of Total	Acres
1130	Mixed Units, Fixed and Mobile Home Units	SF	2017-2019	100	0.33
TOTAL ACRES					0.33

Future Land Use

FLU Code	Description	Jurisdiction	County	Percent of Total	Acres
Suburban	Suburban	UNINCORPORATED	LEE	90.8	0.3
TOTAL ACRES					0.33

City Limits

City name	County	Percent of Total	Acres
TOTAL ACRES			0.33

Census Demographics

Census Tract

12071020300