

**LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT**

**CASE NUMBER: SEZ2024-00001
CASE NAME: LEE BOULEVARD CONVENIENCE STORE
TYPE OF CASE: SPECIAL EXCEPTION ON 2.2 ACRES
HEARING EXAMINER DATE: FEBRUARY 27, 2025**

APPLICATION SUMMARY

Applicant: Michael Metcalf, MHM Lee Blvd, LLC

Request: A request in the Commercial (C-2) zoning district for a Special Exception to permit a total of 14 fuel pumps at a convenience food and beverage store in the Lehigh Acres Planning Community.

Location: The subject property is located at 5541 Brookfield Street, Lehigh Acres Planning Community, Lee County, FL. The applicant indicates that the STRAP number is: 30-44-26-05-00000.B010.

RECOMMENDATION

Staff recommends approval of the applicant's request for a special exception pursuant to LDC §34-844, Note 19 to permit a food and beverage convenience store with a total of 14 fuel pumps on 2.21 acres with conditions.

BACKGROUND INFORMATION

The applicant proposes to construct a convenience food and beverage store with fuel pumps on the subject property. The request proposes a total of 14 fueling positions on the property, exceeding the normally permitted maximum of 8 fueling positions (see Attachment "C").

The subject property for the proposed special exception is 2.2 acres in size and is the western portion of a 6.44 acre parcel under the applicant's ownership. The applicant has stated that the remainder of the larger parcel will be developed with vehicular access onto Lee Boulevard but will otherwise remain undeveloped at this time. The applicant also owns the 1.5 acre parcel abutting the east side of the overall 6.44 acre parcel of which the subject property is part.

The subject property is located in the Lee Boulevard corridor on the northeast corner of the intersection of Lee Boulevard and Westgate Boulevard/Alvin Avenue (see Attachment "B1"). The current zoning of the site is Commercial (C-2), and the property is located in the Central Urban Future Land Use Category according to the Future Land Use Map of Lee County (see Attachments "B3" and "B4"). The applicant wishes to

construct a convenience food and beverage store on the property with 7 fuel pumps containing 14 fueling positions. LDC Section 34-844 permits a maximum of 8 fuel pumps. Note 19 allows for more than 8 fueling positions with a Special Exception within the Commercial (C-2) zoning district.

The site is proposed to be accessed directly from Brookfield Street. Future access directly from Lee Boulevard is proposed by the applicant. There are residentially zoned and developed parcels across Brookfield Street, to the north of the subject property.

Parcel History

The subject property is currently zoned Commercial (C-2). The parcels to the north, across Brookfield Street are zoned Residential Single-family (RS-1). The properties to the east are also zoned Commercial (C-2), parcels to the south across Lee Boulevard are zoned Commercial Planned Development (CPD). The parcel to the west, across Alvin Avenue, is also zoned as a Commercial Planned Development (CPD). The property is also located within the Mixed Use Overlay as depicted on Lee Plan Map 1-C.

Concurrent Zoning and Development Order Cases

The applicant has submitted applications for Administrative Zoning Relief and a Development Order for the subject property. Both of these applications cover the larger 6.44-acre parcel, not just the proposed convenience food and beverage store, that is the subject of this Special Exception case.

The first of these cases is ADD2024-00074. The case seeks relief from three sections of the Land Development Code (LDC):

1. Section 10-285, which requires a minimum connection separation of 400 feet, to allow reduced separation distances for the two proposed accesses on Lee Boulevard.
2. Section 34-288, which requires access to streets not to be permitted unless sufficient improvements are constructed, to allow no turning lane.
3. Section 34-1353(e)1, which requires landscaping adjacent to rights-of-way external to the development to be located with a landscape buffer that is 25 feet wide or 15 feet wide if abutting an internal accessway to a commercial development, to allow a 17.5-foot wide buffer planting area along Lee Boulevard for the entire 6.44-acre development.

The development order case for the subject property is DOS2024-00051. It is pending the approval of ADD2024-00074.

Findings & Conclusions

Based upon an analysis of the application and the standards for approval of a Special Exception in accordance with Land Development Code (LDC) Section 34-145(c)(3), staff makes the following findings and conclusions:

The requested Special Exception:

1. Is consistent with Policy 1.1.3, Objective 2.1, Objective 2.2, Policy 5.1.5, Goal 6, Policies 6.1.4, 6.1.5, 6.1.6, Policy 11.2.2, Goal 25, Objective 25.6, Policies 25.8.1, 25.8.4, 25.9.1, 25.9.2, Goal 60,1,1, Goal 77, and Policies 125.1.2 and 125.1.4 of the Lee Plan;
2. Will protect, conserve or preserve environmentally critical areas and sensitive areas and natural resources, where applicable;
3. Will be compatible with existing and planned uses;
4. Will not be injurious to the neighborhood or detrimental to the public welfare; and,
5. Will be in compliance with all zoning regulations pertaining to the use and other applicable regulations.

Lee Plan Consistency

The site is located in the Lehigh Acres Community Plan Area and is located in the Central Urban Future Land Use Category established by the Lee Plan. As defined in Lee Plan Policy 1.1.3, the Central Urban category is intended to be the urban core of the County and is expected to be the most heavily settled and possess the greatest level of urban services. Increasing the maximum number of permitted fuel pumps from 8 to 14 conforms to the character of this Future Land Use category and therefore the proposed use is consistent with Policy 1.1.3 of the Lee Plan.

Lee Plan Objective 2.1 promotes contiguous and compact growth patterns for Lee County. The subject parcel is located in an area slated for commercial growth. The request is consistent with this objective because the subject property is already commercially zoned and is within a commercial corridor. The general location is also along a major roadway and in an area planned for commercial development projects. By locating the proposed use on the subject property, the Special Exception intensifies commercial activity within commercial areas, maintaining contiguous and compact growth patterns and containing urban sprawl. This request is therefore consistent with Objective 2.1 of the Lee Plan.

Lee Plan Objective 2.2 regulates the timing for development to ensure that adequate services are in place for new commercial activity. Potable water service and wastewater service are currently available from Florida Governmental Utility Authority (FGUA) (see Attachment "D"). Connection to this infrastructure will be evaluated at time of development order. Therefore, the requested Special Exception is consistent with Objective 2.2 of the Lee Plan.

Lee Plan Standards 4.1.1 and 4.1.2 require that development of specific intensity or density connect to service providers for potable water and wastewater service. The

applicant has provided a Letter of Availability for both services from FGUA (see Attachment “D”).

Lee Plan Policy 5.1.5 addresses the encroachment of inappropriate uses into residential areas. The only residential uses near the subject property are on Brookfield Street. Although traffic will have to go past the existing residences on Brookfield Street, no traffic has to go through any residential development. The subject property is located within a planned commercial area at the edge of the residential area and therefore does not directly encroach within the area.

Goal 6 of the Lee Plan addresses commercial development within the County. Policy 6.1.4 states that commercial development will only be approved when it is compatible with adjacent land uses. The subject property is located fronting on Lee Boulevard at an intersection with a secondary road. It is also part of a corridor of commercially zoned land. Policy 6.1.5 requires commercial development to protect the traffic capacity of roads and streets. Policy 6.1.6 requires commercial development to provide adequate open space, landscaping, and buffering. The site design regulations of the LDC and the Development Order process will address these issues. Policy 6.1.7 prohibits premature, scattered, or strip development. The proposed development constitutes infill development, occupying an undeveloped area adjacent to commercially zoned or developed locations.

Lee Plan Policy 11.2.2 states that development in the Mixed-Use Overlay should include connections to adjacent uses. The convenience food and beverage store proposed by the applicant will be connected with the rest of the 6.44-acre parcel owned by the applicant via an accessway running parallel to Lee Boulevard and will share an access onto Lee Boulevard with that property. The location of the property at an intersection precludes connection with properties in other directions.

Lee Plan Objective 17.3 requires applicants to obtain public input for development within the County. For the Lehigh Acres Planning Community, this is addressed by Land Development Code Section 33-1401, which specifically requires a public information meeting for proposed Special Exception cases. The applicant held this hearing at 601 East County Lane in Lehigh Acres on April 25, 2024, and provided a summary of the meeting as required by the LDC (See Attachment “E”).

Goal 25 of the Lee Plan addresses the Lehigh Acres Community Plan Area. Objective 25.6 establishes a commercial overlay within the Lehigh Acres Community. The subject property falls within this overlay. Policy 25.8.1 encourages parcels fronting onto Lee Boulevard to connect to the rear away from Lee Boulevard and discourages connections to Lee Boulevard. The proposed convenience food and beverage store will be part of a larger commercial property that is proposed to share a single access point onto Lee Boulevard. Providing a shared access point for the entire 6.44-acre parcel conforms to the intent of this policy. Policy 25.8.4 requires new commercial development to provide parking lot interconnections. The proposed site plan for the convenience food and beverage store conforms to this policy (see Attachment “C-1”).

Policy 25.9.1 requires compliance with Standards 4.1.1 and 4.1.2 for commercial uses within the Lehigh Acres Planning Community. Policy 25.9.2 directs new development to locations that can expect to receive public services and infrastructure in the planning horizon. The location of the subject property conforms to both of these policies.

Lee Plan Policy 60.1.1 requires the design of the surface water management systems to protect or enhance groundwater. The site design requirements found in the LDC and the development order process will address this issue.

Lee Plan Goal 77 requires new development to provide adequate open space. Per the Environmental Review Staff report, the proposed site plan meets the open space requirements of the Land Development Code and therefore conforms to Goal 77 (see Attachment "I").

Lee Plan Goal 125 addresses water quality management. The applicant has provided a Groundwater Monitoring Statement as part of the Request Statement (see Attachment "F"). This statement outlines the procedures that will be followed to ensure compliance with Goal 125.

According to a memo from Development Services staff dated January 21, 2025, the proposed increase in fuel pumps from 8 to 14 will not have a significant impact on traffic. Environmental Sciences Zoning staff have reviewed the site plan and have found that it meets site design regulations for landscaping. This project will also be subject to local Development Order approval, at which time the applicant is required to provide detailed landscape and buffer plans in compliance with the requirements of the Land Development Code.

Environmentally Critical Areas and Natural Resources

Lee County Environmental Review staff provided a report on the subject property on January 13, 2025 (see Attachment "I"). According to this report, the proposed site plan meets the open space requirements of LDC Section 10-415. The site plan also conforms to the buffer requirements of LDC Section 10-415 (d) and 33-1405, with the exception of a small portion of the subject property's frontage on Lee Boulevard, which is addressed by the pending Administrative Zoning Relief case ADD2024-00074. Only a single protected animal species, a Black Racer snake, was found on the property.

To meet the indigenous requirements of LDC Section 10-415(b), environmental staff recommend the following condition of approval:

Prior to the issuance of a development order permit, the development order plans must depict half of the required open space as indigenous open space pursuant to 10-415(b) for the entire 6.44-acre development area.

Surrounding Zoning and Neighborhood Compatibility

The subject property and all surrounding areas are located in Central Urban Future Land Use Category according to the Future Land Use Map of Lee County. The land

abutting on the north is zoned Residential Single-Family (RS-1) while all the land to the east, south and west is commercially zoned.

The subject property is on a significant intersection and fronts on Lee Boulevard. Although it has residential development behind it to the north, it is aligned with the commercial property to the east and west. In addition, the property and the neighboring properties are zoned for commercial use and are within the Mixed Use Overlay. All of these factors taken together show that the property is part of a commercial corridor, and the location is more suitable for commercial use than for residential development.

In addition, because the subject property is located on the main road in the area, it is at the edge of the residential area and therefore does not encroach into any residential neighborhoods. This fact will be enhanced by the proposed vehicular access to the overall development directly from Lee Boulevard. Proposed cross-access within the development will reduce the number of cars that will need to go past the residential development on Brookfield Street. Therefore, the proposed increase in fuel pumps on the subject property will not be injurious to the surrounding neighborhood.

Transportation

Development Services staff have reviewed the application and have provided a memo dated January 21, 2025 (see Attachment "G"). The proposed additional fuel pumps will result in a net increase of 5 daily two-way trips with 5 AM Peak Hour and 1 PM Peak Hour trip ends in comparison to the standard 8 fuel pumps. The request to add the additional fuel pumps will not significantly impact arterial/collector roadway sections. Therefore, it is not anticipated that the proposed increase in fuel pumps will have any deleterious effect on the traffic circulation in the area.

Conclusion

The requested Special Exception is consistent with relevant Lee Plan Goals, Objectives and Policies. It will not negatively impact environmentally sensitive or critical areas. The request is compatible with existing and planned uses. It will not be injurious to the neighborhood or the public welfare. The request complies with all relevant zoning regulations. The site is located in an area with adequate access to the County road network and is part of an existing commercial area. The proposed increase in fueling positions presents no compatibility issues with surrounding residential areas. Staff recommends **approval** of the Special Exception to allow the increased number of fuel pumps from 8 to 14 with the following conditions:

1. Development of the convenience food and beverage store with fuel pumps must be in substantial compliance with to the site plan titled "7-11 Site Plan" dated "11/22/2024," attached hereto as Attachment "C-1."
2. Prior to the issuance of a development order, the development order plans must depict half of the required open space as indigenous open space pursuant to 10-415(b) for the entire 6.44-acre development area.

3. A maximum of 14 fueling positions are permitted by this Special Exception. A new Special Exception is required if additional fueling positions are proposed.

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps:
 1. Site Location
 2. Aerial Photograph
 3. Future Land Use
 4. Zoning
 5. Mixed-Use Overlay
- C. Plans:
 1. Site Plan
 2. SEZ and ADD Exhibit Cover Sheet
- D. Utility Letter of Availability
- E. Public Information Meeting Document
- F. Request Statement
- G. Memorandum from Development Services Section
- H. Legal Description
- I. Environmental Staff Report

ATTACHMENT A

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

Case Number: SEZ2024-00001

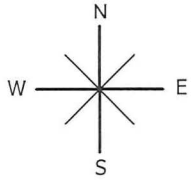
Project Name: Lee Boulevard Convenience Store

Hearing Examiner Date: February 27, 2025

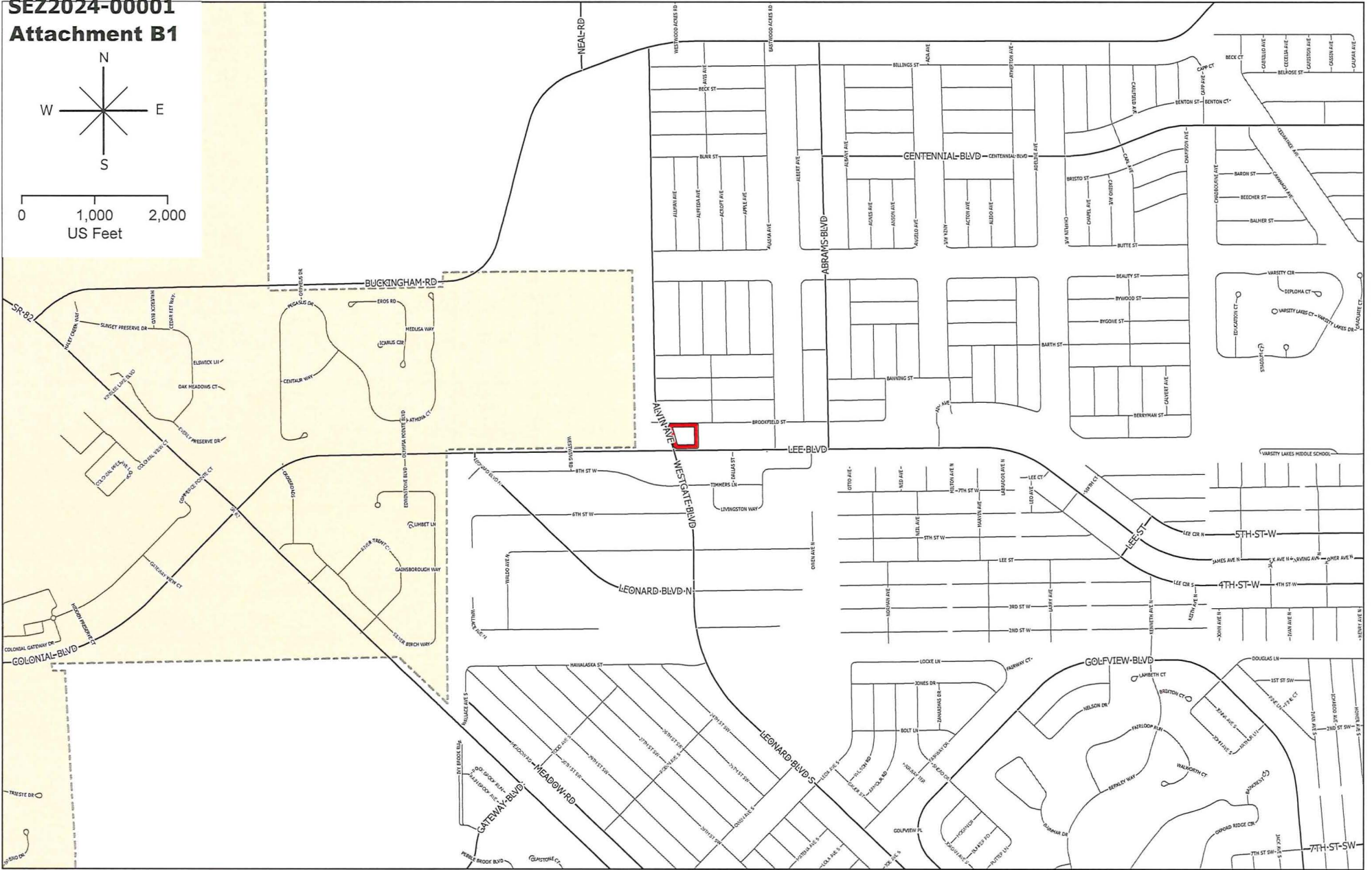
Peter Blackwell, AICP, Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is available for the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, and land use planning.
- 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.

SEZ2024-00001
Attachment B1



0 1,000 2,000
US Feet

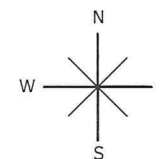


SEZ2024-00001 Attachment B2

Aerial

 Subject Property

 City Limits

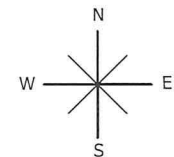


0 500
Feet



SEZ2024-00001
Attachment B3
Future Land Use

-  Subject Property
-  Central Urban
-  Urban Community
-  Industrial
-  City Limits



0 500
Feet

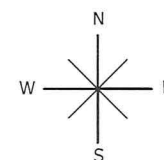


SEZ2024-00001 Attachment B4

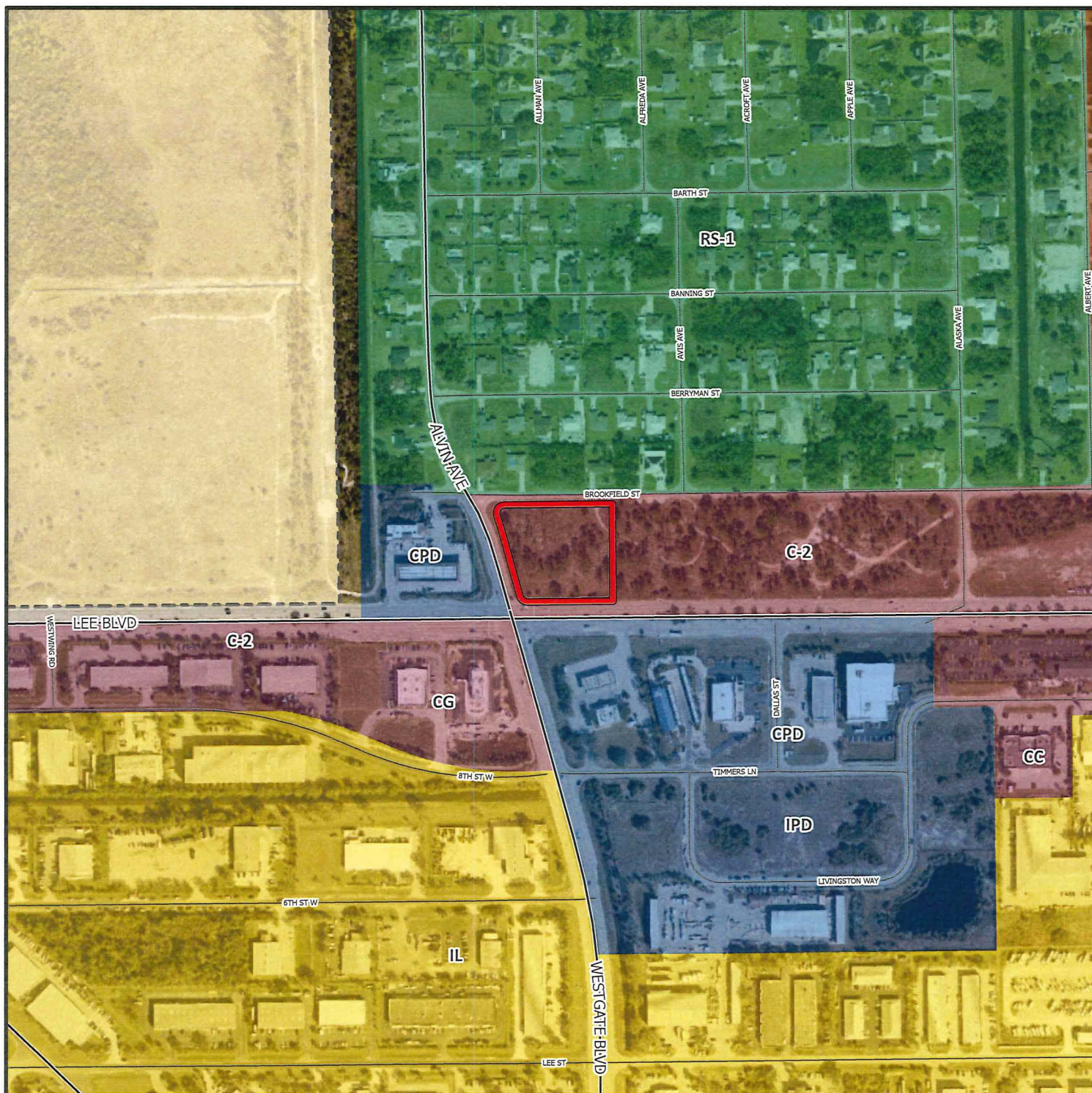
Zoning

 Subject Property

 City Limits

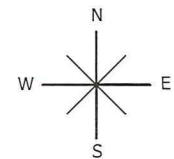


0 500
Feet

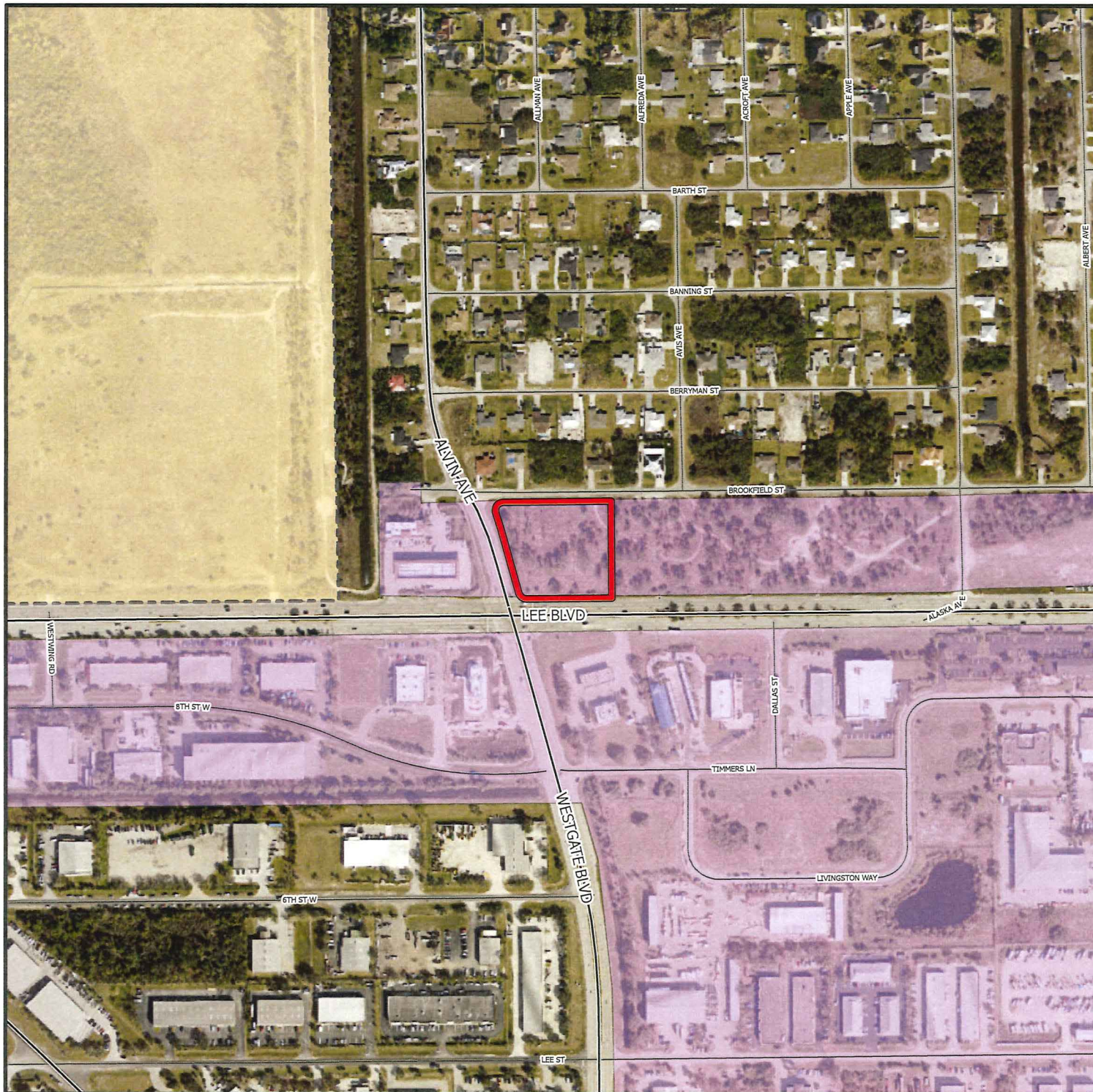


SEZ2024-00001
Attachment B5
Mixed Use Overlay

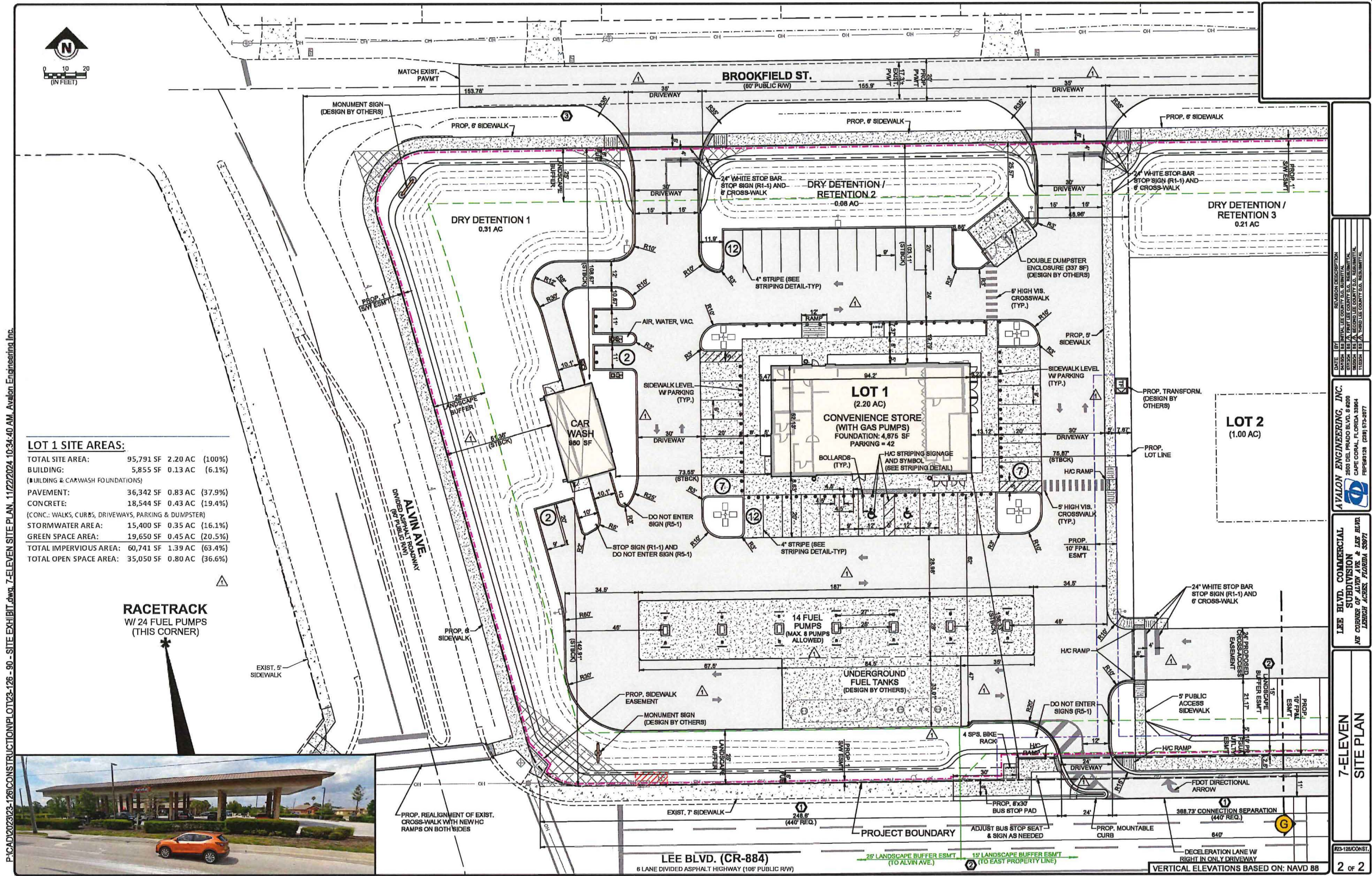
-  Subject Property
-  Mixed Use Overlay
-  City Limits



0 500
Feet



Attachment C-1



P:\CAD\2023\23-126\CONSTRUCTION\LOT023-126 - 90 - SITE EXHIBIT.dwg, 7-ELEVEN SITE PLAN, 11/22/2024 10:34:40 AM, Avalon Engineering Inc.

DATE: 11/22/2024
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]
PROJECT: 23-126
SUBDIVISION: 7-ELEVEN
SHEET: 2 OF 2

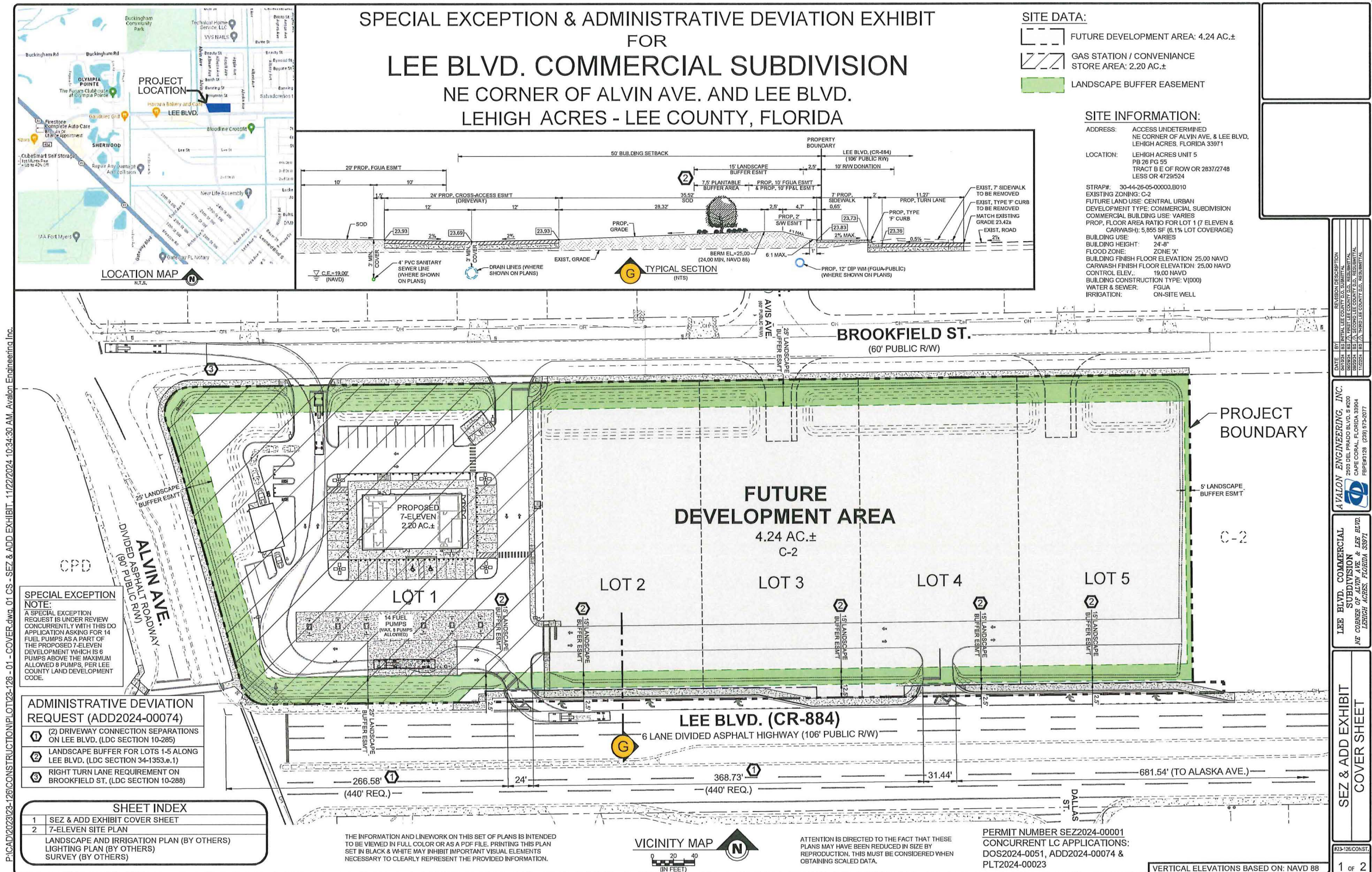
AVALLON ENGINEERING, INC.
2603 DEL PRADO BLVD. # 200
CAPE CORAL, FLORIDA 33904
TEL: 239-575-5877
FAX: 239-575-5877

LEE BLVD. COMMERCIAL
SUBDIVISION
NE CORNER OF ALVIN AVE. & LEE BLVD.
LEACH ACRES, FLORIDA 33901

7-ELEVEN
SITE PLAN

2 OF 2

Attachment C-2





Attachment D

FGUA Operations Office

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

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

January 11, 2024

Brendan Sloan
Avalon Engineering, Inc.
2503 Del Prado Blvd S, Suite 200
Cape Coral, FL 33904
brendan@avaloneng.com

RE: Potable Water, Wastewater, and/or Reclaim Water Availability – LOA ID#: 24-019 LED
Parcel ID No.: 30-44-26-05-00000.B010
Access undetermined
Lehigh Commercial Subdivision

Dear Mr. Sloan:

The FGUA has received your Application for Service Availability, and upon review, it has been determined that potable water and 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 FGUA is currently confronted with various factors that may temporarily limit the availability of wastewater disposal service in some circumstances. Administrative and system improvements are in progress to increase capacity in the long term.**

The application indicated that the proposed project consists of commercial subdivision with an estimated potable water usage demand of 9,500 GPD and 9,500 GPD of wastewater disposal. Currently, FGUA facilities are able to accommodate these demands. However, due to water supply limitations, projects in the Lehigh Acres Service Area will be supplied on a first come, first served basis, which will be determined once the required impact fees have been paid. Additionally, during the design process, if existing conditions warrant, a hydraulic analysis may need to be performed by the project engineer to evaluate the impacts the proposed project may have on the existing water and wastewater systems.

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

FGUA Board of Directors

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

Douglas W. Black Digitally signed by Douglas W Black
Date: 2024.01.16 15:03:14 -05'00'

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

CC: Mike Currier, South Region Area Manager

Encl.

1. Pre-Application 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

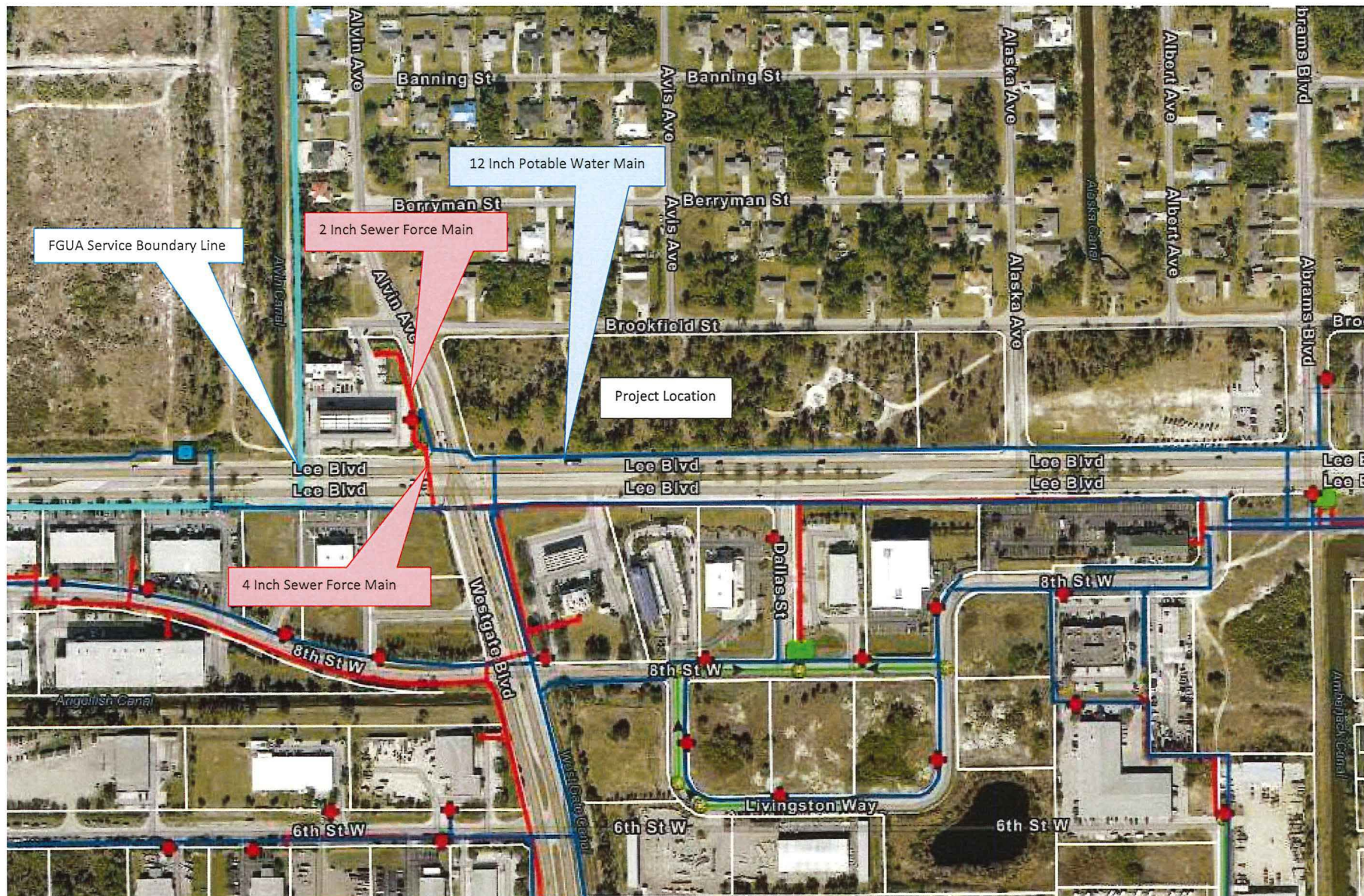
PAM KEYES, P.E., Vice Chair, Lee County / KEN CHEEK, P.E., Citrus County / SHANE PARKER, P.E., Vice Chair, Hendry County / TAMARA RICHARDSON, P.E., Chair, Polk County / DAVID ALLEN, P.E., Pasco County / JODY KIRKMAN, P.E., Marion County / HEIDI PETITO, Flagler County

12/11/2023

Project Name: Lehigh Commercial Subdivision

STRAP/PID #: 30-44-26-05-00000.B010

Property Address: Access undetermined



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: 30-44-26-05-00000.B010

System: Lehigh 404

Development/Project Name: Lehigh Commercial Subdivision

Date: December 11, 2023

County: Lee

LOA ID: 24-019 LED

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

Fees based on:

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

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	12/11/2023	12/6/2023	12214	Avalon Engineering, Inc.	\$ 100.00
1 Map Only					
2 Letter Only					

1:58

Attachment E

5G 79



Avalon Engineering, Inc.



Posts

About

Photos

Mentions



Avalon Engineering, Inc.



4h ·

Join us for the Lehigh Acres Community Meeting discussing a potential development on the corner of Lee Blvd and Alvin Ave.

Avalon Engineering, Inc.
Invites you to attend a

April 25

Community MEETING

DISCUSSION ON

Construction of a 4,874 square foot convenience food and beverage store on a 2.20 acre portion of a 7.94 acre parcel at the northeast corner of the Lee Boulevard and Alvin Avenue intersection.

Lehigh Acres Architectural & Zoning Review Board

LAMSID Building
601 E County Lane
Lehigh, FL 33936

OPEN to the PUBLIC

5:30 PM

For more information, please email Avalon Engineering, Inc- Terri Rose at terri@avaloneng.com

1 share



Like



Comment



Send



Share

Applicant: MHM Lee Boulevard, LLC / Developer

Action Requested: Special Exception Request for a
convenience store with gas pumps, Development Order
Approval and Administrative Deviation to the LCDOT spacing
requirements for access points.

PUBLIC NOTICE

LAZRB
Lehigh Acres Architectural Planning & Zoning Review Board

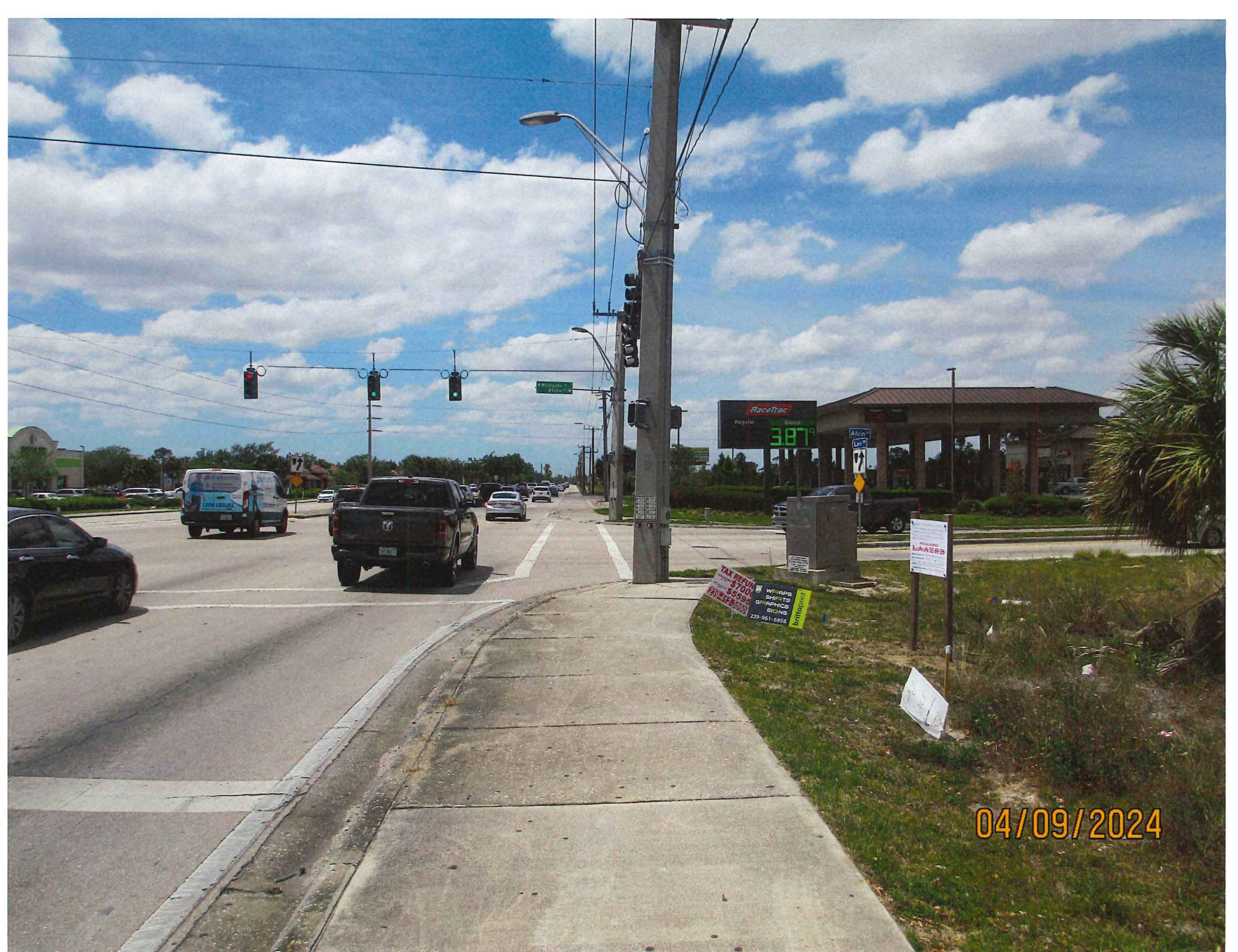
Site Project Name: Lee Boulevard Commercial Subdivision

Public Presentation Date: April 25, 2024 Time: 5:30 PM

Lehigh Acres Municipal Services Improvement District
Location: 601 East County Lane, Lehigh Acres, FL 33936

For more information contact: Linda Miller linda@avaloneng.com

04/09/



04/09/2024

#	name	email	business/organization
1	Albert Martes-Rodriguez	albert@avaloneng.com	Avalon Engineering
2	Elsa Thompson	elsaelaines@gmail.com	Domino Club
3	ARINEL S. Gordon	gordontapsolutions@gmail.com	Lough O'Brien
4	Lureen Slater	LureenSlater02@icloud.com	Domino Club
5	TONY BURDETT	TONY.BURDETT@LENNAR.COM	LENNAR
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			

LEHIGH ACRES ARCHITECTURAL, PLANNING & ZONING REVIEW BOARD

Meeting Minutes April 25, 2024

5:31 pm

In Person Meeting

Lehigh Acres Municipal Services Improvement District
601 East County Lane, Lehigh Acres, FL 33936

Call To Order: 5:30 pm

Roll Call: Tami Baker, Mike Cook, Derek Felder, Laurie Sternowski, Inke Schirmacher, Mohamed Yasin

Excused: Claude Spellman, Thomas Pfuner,

Consulting: Wade Weatherford - LAMSID

Minutes: Melissa Barry

Public Comments on Non-agenda Items: None

Approval of Agenda to Table the March Minutes: 1st by Derek and 2nd by Laurie
Motion: Passed

Approval of March Minutes: Tabled

New Project Reviews:

- A. . Request for a Special Exception and Development Order Approval for 5541 Brookfield St, Lehigh Acres FL 33971. The applicant is requesting a Special Exception and Development Order Approval and Administrative Deviations to the LCDOT for access points. Project is presented Brendan Sloan w/ Avalon Engineering ☐

Albert Martez with Avalon – MH Development to submit DO for commercial development. The first insulation will be with a 7/11 with car wash. There will be five lot commercial subdivision in the stripe mall. (they have already been asked about them) It sits on 6.44 acres. There will be 2 access points off Lee Blvd. The Exception is for 7 pumps at gas station. The deviation for drive way separation – east most drive way meet the code from Alvin but there is a right lane that will need the deviation. There will be two more driveways off to east. FGUA, South West Florida District, LAMSID are all already submitted. The DO submitted and we are waiting for comments.

Board Member Comments:

Laurie – 1) Brookfield – is there appropriate lighting for the safe – is too much for the residential? 2) What about buffers for sight and lighting?

Response to Laura – 1) yes, we have to follow the code. The REI comments from the county. There is a light pole near there and if Lee county DOT suggested they can put more lighting but they will not do that on private property. And we have sidewalk to help keep people off the road.

Tami – 1) the people on Brookfield Street will see a lot of traffic because they will have to exit 7/11. There are a lot of gas station. 2) that Brookfield and Alvin – go back to Lee Blvd – it can get backed up. Are they doing anything about a light or round-a-back. The medium is going to be a problem.

Response to Tami - 1) we are aware of the increase in traffic and are looking at doing somethings to help with that. There is no speed limit sign now which means it is 35. We are posting it at 25. Intersection are Lee Blvd. and Alvin; we are doing improvement to ADA code and new pedestrian crossing. 2) I have not heard anything. We have someone who looks traffic.

Derek – 1) You have a turn lane heading west bound. Would lane turn that continue to Alvin? 2) What about the sidewalks around it? 3) What about the last out access – they will get jump over the lanes to turn left.

Response to Derek- 1) yes, - Theres is the site plan that shows it better. There is a turning right on lee and the exit is on lee Blvd. 2) yes

Wade – 1) we are reviewing the application 2) what about speed bumps

Response to Wade 2) We will looking into that.

Inke – 1) I don't like it – I don't like another gas station. I think it is dangerous here at the intersection. We already have one like this at Gunnery and Lee and it is dangerous. 2) It is just going to be horrible. 3) what about the 7/11 on the east end of the property.

Response to Inke 1) It will add traffic. There turn lane comes in uninstrutive, and there shouldn't be a reason to have it backed up. 2) They will be able to have the first of the gas station, The 7/11 is the anchor and that is why they are starting with that.. 3) that is something I will take to the owners.

Mohamed – 1) very concerned with the access point – and there are a lot of gas stations in that here. I would want to reduce the amount of traffic in that area. I have no problem with the other commercial.

Response to Mohamed – 1)

Discussion about the access and the traffic.

Response – the development to help improve the residential area. Width of the road – we are widening the road that is required and there will be a sidewalk – 6 feet wide.

Public Comment:

1) This is before Alvin. And there will be a turn off before Alvin. And it is very congested.

Motion to not recommend more pumps or the access on Lee Blvd: First – 1st by Derek and 2nd by Tami

Motion: Passes

- B. Request for a Site/Project Approval for 2503 1st St W, Lehigh Acres FL 33971. The applicant is requesting a Site/Project Approval for Power Delivery. Project is presented Mark Aral w/ Avalon Engineering □

Albert – LCEC substation to construct and new vault. The one purposed in on the right. This is a very simple plan. We will bring up the buffering including a 6-foot wall with buffer. We will be upgrading storm water system. There is a gravel drive, but we have request to pave it. Driving way connects to Lee Blvd. and purposing a dumpster.

Board Member Comments:

Laurie – 1) I am fine with this
Response to Laura –

Tami – 1) what is inside the vault?
Response to Tami - 1) They are looking to expand on this site. I think there is a bathroom and electrical.

Derek – 1) Could you put a landscape in this area?
Response to Derek- 1) We can block this off.

Wade – No submittal
Response to Wade –

Inke – N/A
Response to Inke

Mohamed– 1) I welcome the improvement.
Response to Mohamed -

Public Comment – None

Motion to approve as presented: First – 1st by Mohamed and 2nd by Laurie

Motion: Passes

- C. Request for a Development Order Approval for 4009 Lee Blvd & 4018 4th St W, Lehigh Acres FL 33971. The applicant is requesting a Development Order Approval and Associated Deviations and Administrative Variance. Project is presented David R Underhill, Jr w/ Atwell LLC ■

David Underhill – application for Lennar. This is a small office building with parking lot. There will be a drain field, parking and retention. Model sales office. We are asking for a deviation for the sidewalk encroachment. They are asking for the 8 feet so we are asking for the 8 feet as well. Second we asking not require to have a dumpster enclosure. Just like a couple of garbage cans like the residential.

Board Member Comments:

Laurie – Other than code, what are the traffic you are looking at.

Response to Laura – 1) There will be really no change in traffic.

Tami – 1) I have a problem says you have to have $\frac{3}{4}$ acres and it does not meet the code. Off by a quarter acre.

Response to Tami - 1) not familiar with the code – I haven't heard.

Derek – No comment

Response to Derek-

Wade – We are waiting for submittal 2) It does not look like a model home.

Response to Wade –

Inke – 1) Why this site? Would it be more convenience to be put in one of the communities?

Response to Inke 1) It is the office and site 2) It would be for the lot homes and not the community

Mohomed 1) How big is it?

Response to Mohamed – 1) size of the three-bedroom house. It is planned to be the office.

Public Comment –

1) The code has to be $\frac{3}{4}$ of acre.

Motion to approve as presented, with the understanding that Lee County must approve this project, even though it does not meet the Lehigh Comprehensive Plan requirement that there must be at least $\frac{3}{4}$ of an acre to build on Lee Blvd. First – 1st by Mohamed and 2nd by Laurie

Motion: Passes – 3/2 vote

Old Business:

- a. **Vote on By-laws – changes made motion 1st by Derek and 2nd by Tami (with the change on the revise for date)**

New Business:

- a) Board Members Comments
 - a. Mohamed – new faces and learning about the process. And please let them asks questions
 - i. President of Dominio Club – we want to build a home and it was interesting how it the process
 - ii. Discussion makes about the process
 - b. Derek –
 - i. Update on the Sunniland –
 - ii. upcoming dates for events in Lehigh
- b) County and State Updates

Motion to Adjure – 1st by Mohamed and 2nd by Derek

Adjourn: 6:49 pm

Next LAAPZRB Meeting on May 23, 2024 (if projects are submitted)

Project Submittal Deadline is May 13' 2024

Attachment F



March 14, 2024
Revised July 2, 2024

Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

**RE: Convenience Food and Beverage Store
Lee Blvd – Lehigh Acres
Special Exception Request**

Dear Director:

It is the intent of the applicant, MHM Development, LLC to request a special exception to Lee County's Land Development Code (LDC) Section 34-844, Table 34-844 Use Regulations for Conventional Commercial Districts, Note 19, to permit a total of fourteen (14) fuel pumps. Per LDC Table 34-844 Note 19, limits the number of pumps to eight (8) unless a greater number is approved as part of a special exception.

Per the Land Development Code, the definition of a Fuel Pump is a vehicle fuel dispensing device, other than a portable fuel container or fuel dispensing vehicle, which can be self-service or full-service. A single fuel pump is a fuel pump that can serve only one vehicle at a time. Vehicle fuel dispensing devices that can service more than one vehicle at a time consist of multiple fuel pumps. The number of pumps is determined by the maximum number of vehicles that can be serviced at the same time. For example, a fuel dispensing device that can fuel two vehicles at once is considered two fuel pumps, and a fuel dispensing device that can fuel three vehicles at once is considered three fuel pumps, and so on.

The subject parcel is 2.20 +/- acre and is located at the corner of Lee Blvd and Alvin Avenue. The subject parcel is part of an 7.94 acre parcel, strap #30-44-26-05-00000.B010. The parcel is zoned C-2 (Commercial Districts) and has a Future Land Use designation of Central Urban. The site is within the Lehigh Acres Planning Community's Commercial Overlay District and is within the mixed-use overlay district. It is the applicant's intent to entitle, design, and permit a Convenience Food and Beverage Store with seven (7) multiple fuel pumps that serves fourteen (14) vehicles at one time.

A Rac Trac convenience store was approved by Resolution Number Z-09-027 on October 5, 2019, for the northwest corner of Lee Blvd and Alvin Road, directly across the street from the subject parcel. The CPD permitted a 5,000 square foot store with a maximum of twenty-four (24) fuel pumps. The Rac Trac was constructed and is currently in use with twenty-four (24) pumps.

Qualification via 6 criteria

This special exception request is for additional fuel pumps for this convenience store with gas and car wash uses. The convenience store with gas and car wash is a permitted use within the County's C-2 Commercial District. The development of this use has additional regulations per Section 34-1353. This development and the subdivision layout complies with the County's Land Development Code. Two administrative deviations, one for the locations of the driveways off Lee Blvd and the other for the buffer yard width along Lee Blvd for specific end uses only are being requested as part of the Development Order submittal. The development of this site as well as the infrastructure for the other proposed commercial tracts within this commercial subdivision will provide a minimum of 25 feet of green space along Brookfield Street to screen the existing residential homes from these future commercial uses.

Per LDC Section 34-145(c)(3) prior to granting a special exception, the Hearing Examiner must find the applicant has proven entitlement to the special exception by demonstrating the request:

1. Is consistent with the goals, objectives, policies and intent of the Lee Plan;
This request is consistent with the Lee Plan as provided below.
2. Will protect, conserve, or preserve environmentally critical and sensitive areas and natural resources, where applicable;
The site does not contain environmentally critical and sensitive areas and natural resources.
3. Will be compatible with existing and planned uses;
The request is compatible with existing and planned uses. It is further compatible through the requirements of the land development code for landscape buffering and architectural standards. The following table depicts existing zoning and uses adjacent to the site.

	Zoning	Use
North	RS-1	Brookfield Street R/W; residential homesites 52.9 percent of the lots within the block are developed with a single family home
South	CPD	Lee Boulevard R/W; Westgate Regional Centre Commercial Plaza The Plaza is developed and includes several different commercial use included a convenience store with gas pumps
East	C-2	Vacant Lot part of the proposed commercial subdivision
West	CPD	Alvin Road (R/W) CPD Zoning for a Race Trac. The convenience store with pumps is developed and in use

4. Will not be injurious to the neighborhood or detrimental to the public welfare; and
The site is located at a signaled intersection at Lee Blvd and Alvin Avenue. The parcel has adequate depth (average of 255 feet) to support a 25' Type D Buffer along the property lines that front rights-of-way, including Brookfield Street which has residential development along the northern side of this ROW.
5. Will be in compliance with zoning regulations pertaining to the use and other applicable regulations. ***The request is in compliance with the zoning regulations pertaining to the use and other applicable regulations. The convenience store site will comply with the County's Land Development Code and the special regulations for this use per Section 34-1353..***

Consistency with Community Review

The applicant is scheduled to hold the required one publicly advertised information session with the Lehigh Acres Review Committee as required in the application.

A public meeting was held, and the minutes of the meeting are provided.

Consistency with LEE PLAN

The subject property is designated as Central Urban on the Future Land Use Map of the Comprehensive Plan and is within the Lehigh Acres Planning Community. The current zoning of C-2 is consistent with this land use designation.

Policy 1.1.3 of the Lee Plan describes the Central Urban future land use category as the "urban core" of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public, and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate.

The subject parcel is within the urban core of Lehigh Acres. The proposed use will be located within a Commercial Subdivision, which will support several commercial uses that will front on Lee Blvd and will have shared access and drainage facilities. The Convenience Store Use will occupy a vacant parcel on Lee Boulevard promoting compact development patterns along the roadway and will provide a necessary service to the nearby residential land uses.

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

The proposed commercial development is within a Future Land Use that supports commercial development at the intensity being proposed.

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

This development does not propose that the current Central Urban Future Land Use be modified for this development. The future land use of Central Urban supports the type of commercial use and permits the request for additional fuel pumps through the special exception process.

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 proposed development is consistent with the character and integrity of the neighborhood. Parcels along Lee Blvd contain commercial uses with the residential neighborhoods separated by these commercial uses with local streets.

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

1. Traffic and access impacts.

Per the trip generation and level of service analysis provided, this use with the amount of pumps requested (14) an increase in pumps from eight (8) to fourteen (14) will have no appreciable impact on the adjacent roadway network as a result in the change of trip generation.

2. Landscaping and detailed site planning.

The project will comply with the rules and regulations of the land development code for site planning requirements and code minimum landscape requirements.

3. Screening and Buffering.

The project will comply with the requirements of screening and buffering adjacent uses per the land development code.

4. Availability and adequacy of services and facilities.

Per the attached utility availability letter, there is capacity within the existing utilities to service

the project as proposed.

5. Impact on adjacent land uses and surrounding neighborhoods.

The subject property is in an established community that is residential in nature with limited commercial uses. The extensive residential development has created an uneven balance between the residential use and the availability of commercial products and services needed for these residents. The subject property is located at the intersection of two major roads which is an appropriate location for this type of use and is separated from residential by a local street. This commercial development will provide a 25-foot-wide buffer along Brookfield Street to screen this development from the residential homes on the north side of Brookfield Street.

6. Proximity to other similar centers.

The proposed convenience store use will be within a commercial subdivision with other commercial development tracts. This site is also near an existing convenience store with gas pumps across Alvin Avenue to the west that has been in operation since 2011 and contains 24 pumps.

7. Environmental considerations.

The site does not contain any protective species and just a few pockets of existing native trees. The site will meet the requirements of the South Florida Water Management District and Lehigh Acres Municipal Services Improvement District drainage criteria.

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.

The commercial use proposed for the property is compatible with the adjacent properties to the south, west and east, all having a commercial zoning. The project has been designed to internalize impacts by providing open spaces along the perimeter of the parcel. The northern property line will provide a greater than required 25' Type D buffer to ensure compatibility with the residentially zoned property north of Brookfield Street.

Policy 6.1.5: The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements.

The site layout for the proposed commercial use will provide traffic-carrying capacity internally with cross access for both pedestrian and vehicular traffic.

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 to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

The proposed commercial use will comply with the Land Development Code regarding landscaping, open space, buffering, and will provide all architectural requirements at the time of Development Order submittal.

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 subject parcel is located at a major intersection that has utilities available. The development of the subject parcel will provide commercial uses within an infill area and is not opening new areas to premature, scattered or strip development.

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

The subject parcel consists of 7.94 acres, of which 6.44 acres is planned for a commercial subdivision that will provide shared access and cross access to all the tracts within the subdivision and to parcel east of the proposed development.

Goal 25: LEHIGH ACRES COMMUNITY PLAN. Ensure that continued development and redevelopment converts this largely single use, antiquated pre-platted area into a vibrant residential and commercial community consisting of: safe and secure single family and multi-family neighborhoods; vibrant commercial and employment centers; pedestrian friendly mixed use activity centers and neighborhood nodes; and, adequate green space and recreational opportunities.

The proposed development will support commercial businesses that will provide employment opportunities, and which will provide services and products needed for the residents within this area.

Objective 25.6: COMMERCIAL OVERLAY ZONES. To designate on the Future Land Use Map a Commercial Overlay for properties in the Lehigh Acres Community Plan area.

The subject parcel is located within the Commercial Overlay Zone within the Lehigh Acres Community Plan. This policy supports the development of the parcel within commercial uses including the permitted convenience food and beverage store with gas pumps and a car wash use.

Policy 25.8.1: Whenever possible, all new commercial development adjacent to Lee Boulevard right-of-way must provide access to either 5th Street West, 4th Street West, or other local, collector or arterial roadway. Direct access to Lee Boulevard is discouraged.

The proposed development will provide access from Lee Boulevard to six new commercial uses. The limited access from Lee Boulevard is still being maintained due to the driveway access being shared with all the proposed new uses. The access points proposed for this commercial development will be reviewed and accepted by County staff through the Development Order process. Preliminary discussions have occurred.

Policy 25.8.4: All new commercial developments must provide parking lot interconnections to adjacent properties and must not prevent pedestrian or vehicular access from adjacent residential areas.

The convenience store site will provide cross access and connection to the other parcels within this subdivision for both vehicular and pedestrian traffic.

Policy 25.9.1: The availability of sewer and water to serve uses within the Specialized Mixed-Use Nodes and the Commercial Overlay Zones is not a requirement for zoning approval. However, sewer and water must be available to the property in accordance with Standard 4.1.1 and 4.1.2 before a development order will be issued.

Water and Sewer services are available to this parcel and the capacity is sufficient for the development of the convenience store and other commercial uses planned within this subdivision.

Policy 25.9.2: Direct new development and redevelopment in Lehigh Acres to areas that can be reasonably expected to receive public services and infrastructure during the planning horizon.

Water and Sewer services are available to this parcel and the capacity is sufficient for the development of the convenience store and other commercial uses planned within this subdivision.

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

This development will comply with the SFWMD District and the Lehigh Acres Municipal Service Improvement District regulations for surface water management and will require review and approval from both agencies.

Goal 63: GROUNDWATER. To protect the County's groundwater supplies from those activities having the potential for depleting or degrading those supplies.

The below Ground Water Monitoring Statement has been provided:

The proposed fueling storage facilities will consist of two - dual walled 20,000-gallon Underground Storage Tanks (USTs) that will be equipped with interstitial space monitoring of the annular space between the inner and outer UST walls. The UST's will be permitted, constructed and monitored in accordance with Chapter 62-761 FAC. The Lee Boulevard Commercial Subdivision project USTs will be regulated by Chapter 62-761 FAC and will be permitted and monitored in accordance with the FDEP rules and criteria. The USTs will be constructed with dual-wall annular space monitoring appurtenances. The applicant will monitor the annular space between the inner and outer walls of the tanks for the presence of any fuel that would indicate a problem with tank integrity.

Further, the public water supply wells that generated the Lee County Wellfield Protection Zone 5-year travel time that intersects the site are the proposed City of Fort Myers Lower Hawthorn wells. The nearest of the City's permitted new wells is P-6E. It is located approximately 800 feet east of the proposed UST location. P-6E shows up in SFWMD database and Water Use Permit as being a proposed well with a total depth of 800 feet bls. The SFWMD permit indicates that the well will be cased to approximately 500 feet bls. Therefore, the confining zone above the Lower Hawthorn Aquifer precludes a hydraulic connection between the surficial aquifer that will contain the project's USTs and the confined production zone of P-6E and the City's other existing and proposed Lower Hawthorn wells.

Additionally, a primary Lehigh Acres MSTU drainage canal, known as 46-30-1 Alvin is located approximately 180 ft due east of the City's nearest proposed well P-6E. The canal is located approximately 450 ft west of the proposed project USTs. The deep canal will exert primary control of the surficial aquifer flow gradient in the project area. The 46-30-1 Alvin canal will induce a gradient to the east at the proposed site of well P-6E, therefore it will function as a groundwater flow divide within the surficial aquifer.

Goal 77: To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

The proposed commercial use will provide 36 percent open space with a minimum planting area of 17.5 feet along the perimeter of the site. The development will also comply with Goal 77 through the submission of the environmental analysis and protected species survey at the time of development order. The proposed commercial use will address all applicable land development regulations and other permit requirements as the project proceeds through the development order process.

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

As a result of the proposed development, no negative affects or impacts are anticipated to the surrounding surface and/or ground water quality.

Policy 125.1.4 Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data.

The below Ground Water Monitoring Statement has been provided:

The proposed fueling storage facilities will consist of two - dual walled 20,000-gallon Underground Storage Tanks (USTs) that will be equipped with interstitial space monitoring of the annular space between the inner and outer UST walls. The UST's will be permitted, constructed and monitored in accordance with Chapter 62-761 FAC. The Lee Boulevard Commercial Subdivision project USTs will be regulated by Chapter 62-761 FAC and will be permitted and monitored in accordance with the FDEP rules and criteria. The USTs will be constructed with dual-wall annular space monitoring appurtenances. The

applicant will monitor the annular space between the inner and outer walls of the tanks for the presence of any fuel that would indicate a problem with tank integrity.

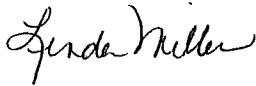
Further, the public water supply wells that generated the Lee County Wellfield Protection Zone 5-year travel time that intersects the site are the proposed City of Fort Myers Lower Hawthorn wells. The nearest of the City's permitted new wells is P-6E. It is located approximately 800 feet east of the proposed UST location. P-6E shows up in SFWMD database and Water Use Permit as being a proposed well with a total depth of 800 feet bls. The SFWMD permit indicates that the well will be cased to approximately 500 feet bls. Therefore, the confining zone above the Lower Hawthorn Aquifer precludes a hydraulic connection between the surficial aquifer that will contain the project's USTs and the confined production zone of P-6E and the City's other existing and proposed Lower Hawthorn wells.

Additionally, a primary Lehigh Acres MSTU drainage canal, known as 46-30-1 Alvin is located approximately 180 ft due east of the City's nearest proposed well P-6E. The canal is located approximately 450 ft west of the proposed project USTs. The deep canal will exert primary control of the surficial aquifer flow gradient in the project area. The 46-30-1 Alvin canal will induce a gradient to the east at the proposed site of well P-6E, therefore it will function as a groundwater flow divide within the surficial aquifer.

Please let us know if you have any questions or need further information.

Sincerely,

AVALON ENGINEERING, INC.

A handwritten signature in cursive script that reads "Linda Miller".

Linda Miller, AICP
Vice President

Attachment G



SEZ2024-00001 Lee Blvd Commercial.DOCX
DEPARTMENT OF COMMUNITY
DEVELOPMENT

Memo

To: Peter Blackwell, Planner

From: Tim Brooks, Project Manager, DOT

Date: Jan 21, 2025

Subject: Lee Blvd Commercial (SEZ2024-00001) Transportation-Related Analysis

Proposed Development

The memo only addresses items pertinent to the zoning action. Development Order related items, that were included in the analysis, will be reviewed at the time of DO. This application requests approval for a special exception to allow for 14 gas pumps rather than the currently permitted 8 gas pumps.

Site Location

The proposed development is located adjacent to the intersection of Lee Blvd and Alvin Ave in Lehigh Acres (unincorporated Lee County), Florida. The STRAP number of the parcel is 30-44-26-05-00000.B010.

Trip Generation Review

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. Table 1 outlines the proposed project's new trip generation for weekday AM and PM peak hours and daily traffic volumes. LUC 945 was used for trip generation and pass-by.

Table 1: Trip Generation

Land Use	AM Peak Hour			PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	
8 Gas Pumps	108	108	216	91	91	182	2057
8 Pumps Pass-By	-65	-65	-130	-52	-52	-104	-1152
8 Pump Total	43	43	86	39	39	78	905
14 Gas Pumps	189	190	379	159	160	319	3600
14 Pumps Pass-By	-144	-144	-288	-120	-120	-240	-2700
14 Pump Total	45	46	91	39	40	79	900
Net Increase	2 (4.7%)	3 (7.0%)	5 (5.8%)	0 (0.0%)	1 (2.6%)	1 (1.3%)	-5 (-0.6%)

Pass-By Rates		
# Pumps	AM	PM
8 Pumps	60%	56%
14 Pumps	76%	75%

Conclusion

The proposed increase in gas pumps will have a small impact on trip generation. Lee County DOT has no objections to the proposed special exception.

Attachment H

K.E. TRASK, P.A.

LAND SURVEYORS

A PARCEL LYING IN
SECTION 30, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA.

(C-STORE)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 30, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING A PART OF TRACT B, LEHIGH ACRES SUBDIVISION, PLAT BOOK 26 PAGE 55, LEE COUNTY PUBLIC RECORDS, AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT 2021000029777, SAID PUBLIC RECORDS, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A 3"X3" CONCRETE MONUMENT WITH DISK STAMPED "PRM/LEHIGH CORP." MARKING THE NORTHEAST CORNER OF LOT 10, BLOCK 34, SAID LEHIGH ACRES SUBDIVISION, PLAT BOOK 26, PAGE 55; THENCE S.01°06'55"E. ALONG THE EAST RIGHT OF WAY LINE OF ALVIN AVENUE AS SHOWN ON SAID PLAT, FOR 546.02 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF LEE BOULEVARD (COUNTY ROAD 884); THENCE N.89°20'24"E. ALONG SAID RIGHT OF WAY LINE FOR 319.22 FEET TO THE EASTERLY RIGHT OF WAY LINE OF ALVIN AVENUE, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2837, PAGE 2748, SAID PUBLIC RECORDS AND THE POINT OF BEGINNING, BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING N.53°09'36"W. AND LENGTH OF 30.44 FEET; THENCE ALONG SAID RIGHT OF WAY LINE AND CURVE THROUGH A CENTRAL ANGLE OF 75°00'00" FOR AN ARC LENGTH OF 32.72 FEET; THENCE N.15°39'36"W. ALONG SAID RIGHT OF WAY LINE FOR 210.57 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 678.00 FEET, A CHORD BEARING N.17°38'46"W. AND LENGTH OF 47.00 FEET; THENCE ALONG SAID RIGHT OF WAY LINE AND CURVE, THROUGH A CENTRAL ANGLE OF 03°58'21" FOR AN ARC LENGTH OF 47.01 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING N.34°51'13"E. AND LENGTH OF 40.70 FEET; THENCE ALONG SAID RIGHT OF WAY LINE AND CURVE THROUGH A CENTRAL ANGLE OF 108°58'21" FOR AN ARC LENGTH OF 47.55 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF BROOKFIELD STREET; THENCE N.89°20'24"E. ALONG SAID RIGHT OF WAY LINE AND THE BOUNDARY OF SAID TRACT B, FOR 331.27 FEET; THENCE S.00°39'36"E. FOR 300.00 FEET TO SAID NORTHERLY RIGHT OF WAY LINE OF LEE BOULEVARD (COUNTY ROAD 884); THENCE S.89°20'24"W. ALONG SAID RIGHT OF WAY LINE AND THE BOUNDARY OF SAID TRACT B, FOR 262.54 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 96344.48 SQUARE FEET OR 2.21 ACRES, MORE OR LESS.

BEARINGS ARE PLANE COORDINATE FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983/1990, THE NORTHERLY RIGHT OF WAY LINE OF LEE BOULEVARD AS BEARING S.89°20'24"W.

COORDINATES AS SHOWN ARE PLANE COORDINATE FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983/1990.

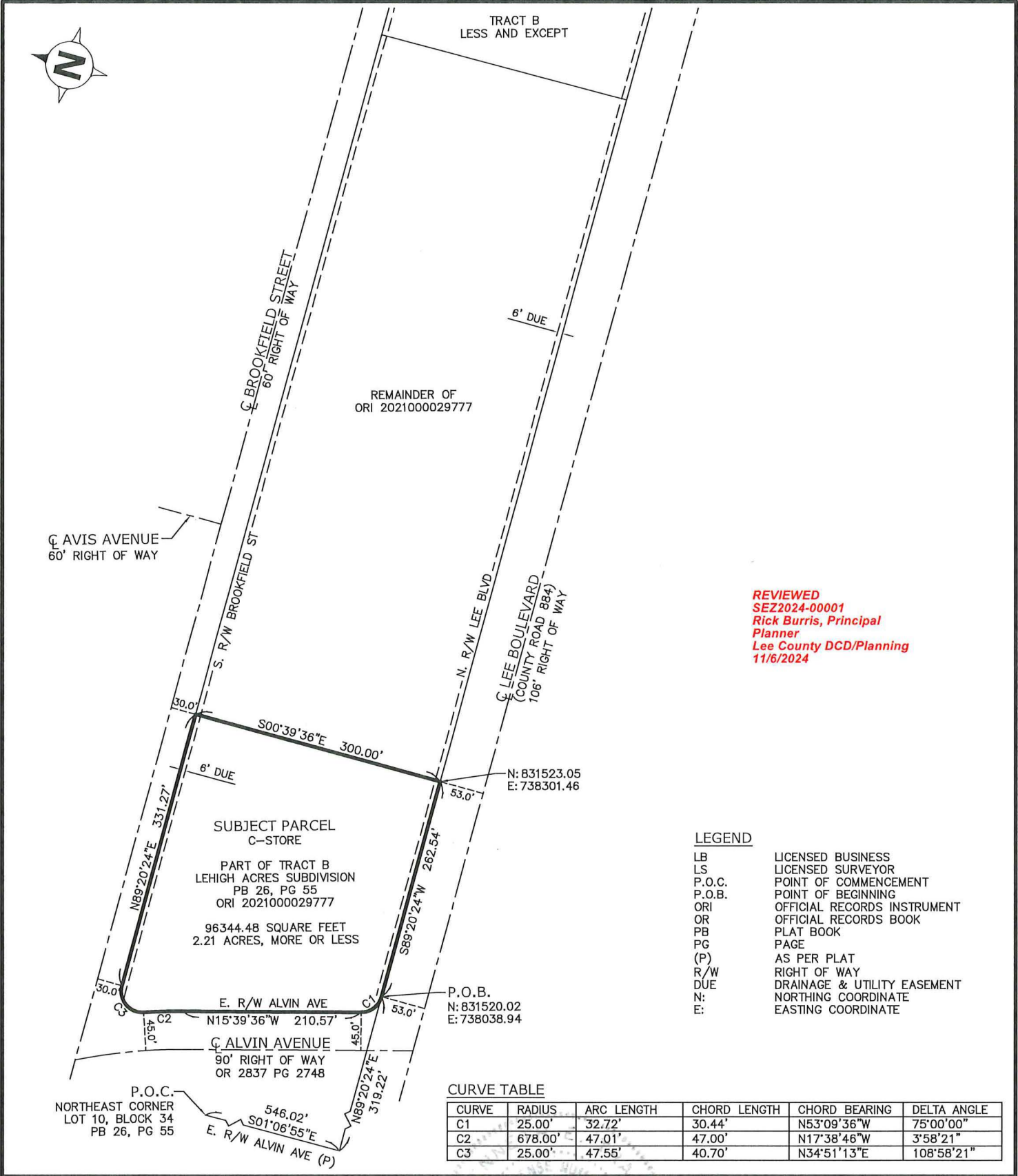
K.E. TRASK, P.A.
FLORIDA LICENSED BUSINESS LB8450

MARCH 1, 2024

Kenneth E. Trask
PLS4684 State of Florida
Digitally signed by Kenneth E. Trask PLS4684 State of Florida
Date: 2024.03.05 11:35:08 -05'00'

KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE LS4684

REVIEWED
SEZ2024-00001
Rick Burris, Principal
Planner
Lee County DCD/Planning
11/6/2024



REVIEWED
SEZ2024-00001
Rick Burris, Principal
Planner
Lee County DCD/Planning
11/6/2024

**SKETCH TO ACCOMPANY
DESCRIPTION**
OF A PARCEL LYING IN
SECTIONS 30, TOWNSHIP 44 SOUTH,
RANGE 26 EAST,
LEE COUNTY, FLORIDA.

THIS IS NOT A BOUNDARY SURVEY

Kenneth E. Trask
PLS4684 State of
Florida

Digitally signed by Kenneth E.
Trask PLS4684 State of Florida
Date: 2024.03.05 11:34:44
-05'00'

KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

DATE

K.E. Trask, P.A.
Land Surveyors
Florida Licensed Business No. LB8450
12345 Blasingm Road
Fort Myers, Florida 33966
(239) 980-1495

date	dwg	scale	job#	sheet
3-1-24	21-152SK	1"=150'	21-152	2 OF 2

Attachment I

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: SEZ2024-00001
TYPE OF CASE: Special Exception
CASE NAME: Lee Boulevard Convenience Store
TOTAL ACREAGE: 4.24 acres
SUFFICIENCY DATE: 12/30/2024
HEARING EXAMINER DATE: 2/27/2025

Request

The applicant is requesting a special exception to LDC 34-844 use regulations for conventional commercial districts, note 19, to permit a total of fourteen (14) fuel pumps. The site is currently zoned C-2. The 4.24 acre property is in the Lehigh Acres Community Planning Area, is west of Alaska Avenue and a conventionally zoned commercial property, north of Lee Boulevard, east of Alvin Avenue, and South of Brookfield Street. According to the Lee Plan, the parcel is in the Mixed-Use Overlay and the Central Urban Future Land Use Category.

Existing Conditions

The site is located at the intersection of Lee Boulevard and Alvin Avenue. A review of historic available aerial imagery was completed by Staff from the 1940's through today. The analysis shows that the land was predominately natural up until 1979, when the land around was platted and roads were graded. Since then, the site remained undeveloped and there is no evidence to support the land on site was filled and graded for development.

A site inspection of the property was conducted on 01/09/2024. During the site inspection staff noted *Schinus terebinthifolius* (Brazilian Pepper) though it was not dominating on site or overtaking native plants. The vegetation communities on site would be categorized as indigenous per the Land Development Code. The northwestern corner contained the most exotic invasive vegetation, but species domination never exceeded 50% over natives. Based on the site inspection, the site contains indigenous vegetation as defined by the LDC 10-1 and further in LDC 10-701. Staff compiled the following FLUCCS map to identify the vegetation communities. The exotic descriptor values were used. Staff concluded all areas contained less than 75% exotic plants.



The following native plants and their ratified status from 62-340., F.A.C. were identified during the inspection.

Native: *Asimina reticulata* (U), *Vaccinium darrowii* (F), *Hypericum crux-andreae* (FW), *Andropogon virginicus* (F), *Lyonia fruticosa* (U), *Pinus elliotti* (U), *Dichanthelium commutatum* (FW), *Serenoa repens* (U), *Spermacoce verticillate* (U), *Vitis rotundifolia* (NA), *Hyptis alata* (FW), *Piloblephis rigida* (U), *Astria stricta* (U), *Pityopsis graminifolia* (U), *Coreopsis leavenworthii* (FW), *Pterocaulon pycnostachyum* (F), *Quercus myrtifolia* (U), *Quercus elliottii* (U), *Vitis rotundifolia* (non-ratified), *Smilax laurifolia* (non-ratified).



The following exotic/invasive plants were identified: *Acacia auriculiformis* (F), *Schinus terebinthifolius* (F), *Richardia grandiflora* (U).

Based on the analysis in this staff report, this plant community would be identified as Pine Flatwood. These plant communities are rare and unique as defined in the Lee County Land Development Code 10-1.

Open Space

All projects must provide Open Space pursuant to 10-415. The site is located within the Mixed-Use Overlay and able to use the open space reductions set forth in 10-425 (a); small commercial projects are required to provide 10%, and large developments are required to provide 20%. Indigenous vegetation must still be consistent with Section 10-415 (b). Large projects with indigenous native vegetation on site are required to provide 50% of their open space percentage through an indigenous management preserve.

Based on the scope of work currently proposed, the project constitutes a large development. Open space has been provided on the site plan for lot 1 and shows 0.80 acres or 36.6% for lot 1.

The applicant has provided a site plan for lot 1 that complies with the open space requirements.

Indigenous Open Space Preservation

Large developments, with existing indigenous native vegetation communities must provide 50 percent of their open space percentage requirement through the on-site preservation of existing native vegetation communities. Staff recommend the following condition.

Prior to the issuance of a development order permit, the development order plans must depict half of the required open space as indigenous open space pursuant to 10-415 (b) for the entire development area.

Protected Species

One (1) Black Racer Snake was identified on site, but no protected other species were noted.

Buffers

Pursuant to LDC 10-415 (d) and 33-1405, a 25 foot in width buffer is required when commercial use abuts single family or multi-family residences in the Lehigh Acres Community Planning area. The applicant has provided a site plan that complies the buffer requires.