

EXHIBITS

CASE # SEZ2024-00010

CASE NAME: RAY AVENUE GAS STATION

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
APPLICANT

Case #
STAFF

SEZ2024-00010

#1 power point

#1 Staff Report

#2 resume

#2 affidavit of publication

#3 _____

#3 presentation

#4 _____

#4 _____

#5 _____

#5 _____

#6 _____

#6 _____

#7 _____

#7 _____

#8 _____

#8 _____

#9 _____

#9 _____

#10 _____

#10 _____

OTHER EXHIBITS

NAME

NUMBER

DESCRIPTION

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____



Joshua Eisenoff, MSE, P.E.

| Project Manager



Education

Bachelor of Science in
Civil Engineering, 2018
Florida Gulf Coast
University

Master of Science in
Engineering, 2020
Florida Gulf Coast
University

Registrations

Professional Engineer,
Florida, No. 97911

Areas of Specialization

- Project Manager
- Construction Estimates
- Civil Design
- Water Management
- Stormwater Modeling
- Outdoor Lighting Modeling
- Remote Solar PV Design

Professional Awards

- 2022 Going Digital Awards
in Infrastructure – Founders
Honor Award

HIGHLIGHTS OF EXPERIENCE

Mr. Eisenoff holds a Master of Science in Engineering, with a focus on renewable energy, from Florida Gulf Coast University. With a strong foundation in environmental and sustainable systems, Mr. Eisenoff began his career designing off-grid remote solar photovoltaic (PV) systems. Mr. Eisenoff started with QAI in 2020 and is currently a project manager, leading the design and development of commercial, industrial, multifamily, and single-family site development design projects. In recognition of his innovative work in stormwater modeling, Mr. Eisenoff was awarded the prestigious Founders Honor Award at the 2022 Going Digital Awards in Infrastructure.

JOSHUA'S PROJECT PORTFOLIO INCLUDES:

- ▶ **Babcock Multifamily, Project Manager:** Project Manager for a full site development design of a multifamily complex along with future commercial building use located along US-41 in Lee County, Florida called "Babcock Multifamily." Alongside the site development plans, an in-depth stormwater analysis was conducted employing modeling tools to ensure effective site development and regulatory compliance with South Florida Water Management District, Lee County, and Florida Department of Transportation. We used ICPR4 to model site design elevations, addressing the challenges of stormwater management. The BMP Trains program was utilized for a detailed nutrient loading analysis, enabling us to develop strategies to minimize pollutant loads. We leveraged HEC-RAS to perform a critical floodplain compensation analysis, addressing the unique challenge of providing offsite compensation to prevent flooding of adjacent properties. Furthermore, we designed drainage conveyance systems to efficiently manage runoff around the site, ensuring the protection of neighboring areas from potential flooding.
- ▶ **North Beach Bandshell, Systems Design Engineer:** North Beach Bandshell is in Miami Florida and was renovated to install a 70' wide diameter pavilion built in front of its main stage. The design of the pavilion was designed but required lighting with no easily accessible power source. A solar PV design was designed powering sea turtle friendly lighting, compliant with Florida Fish and Wildlife Conservation Commission. Photometric layouts were created ensuring minimal light spread and required foot-candle illumination requirements for the project.
- ▶ **Fort Myers Beach Residential Drainage Plans, Project Manager:** Responsible for designing and grading over 25 residential drainage systems in compliance with The Town of Fort Myers Beach, FEMA, and Florida Department of Environmental Protection (FDEP) regulations. Many of the sites fell within the Florida Coastal Construction Control Line (CCCL) and FEMA's Limit of Moderate Wave Action (LiMWA) zones, requiring specialized attention to coastal and floodplain management. Plans were to meet the stringent requirements of these regulatory bodies, safeguarding the developments and the surrounding environment while maintaining existing drainage patterns.



Engineers, Planners & Development Consultants

Ray Avenue Gas Station

Lee County Hearing Examiner Public Hearing

Wednesday, April 9th, 2025

Ray Avenue Gas Station
SEZ2024-00010

04/02/2025

APPLICANT'S EXHIBIT # _____

THE TEAM

Josh Eisenoff, MSE, P.E.
Engineer - Quattrone & Associates, Inc.

04/02/2025

Ray Avenue Gas Station
SEZ2024-00010

2

PRESENTATION OUTLINE

- I. The Request
- II. Project Overview
- III. Location
- IV. Master Concept Plan
- V. Surrounding Uses and Zoning
- VI. Analysis
- VII. Lee Plan Compliance and Compatibility
- VIII. Conclusion

THE REQUEST

- Request to allow an increase in the number of fuel pumps from the allowable eight (8) to a total of twelve (12).

PROJECT OVERVIEW

- The subject property is zoned Commercial (C-2).
- Located in the Central Urban Future Land Use Category in accordance with the Lee Plan.
- Located within the Mixed-Use Overlay
- The subject property is in the Lehigh Acres Community Plan area

LOCATION



04/02/2025

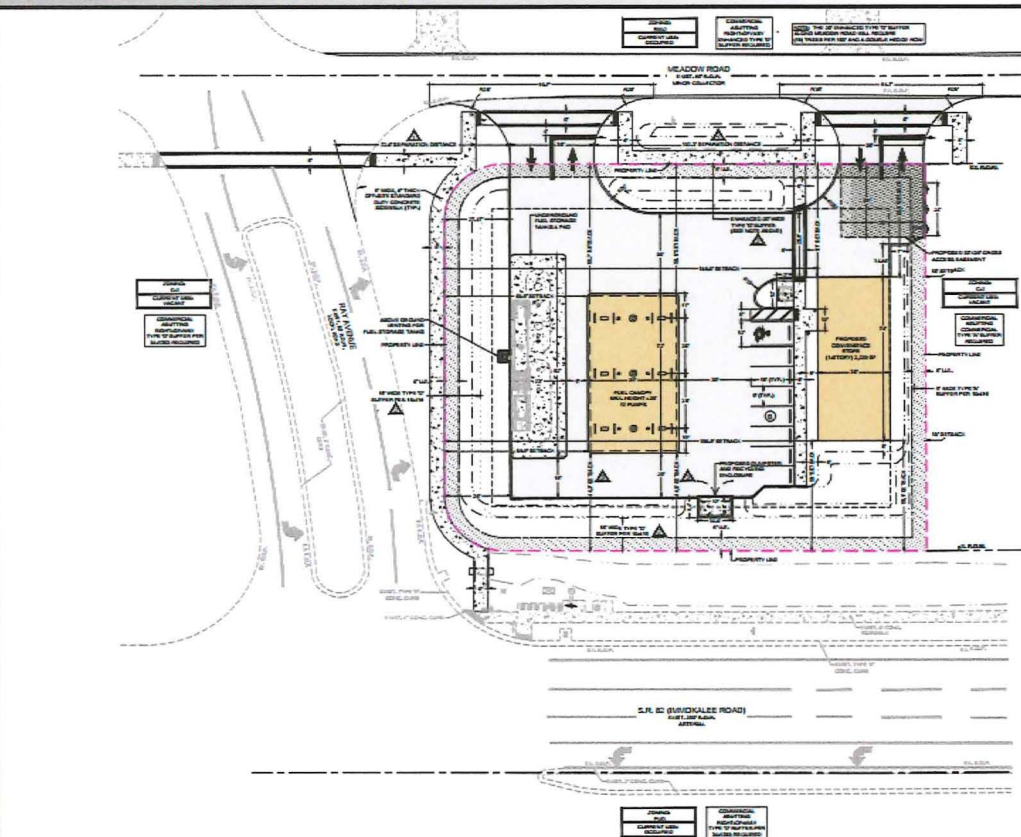
Ray Avenue Gas Station
SEZ2024-00010

6

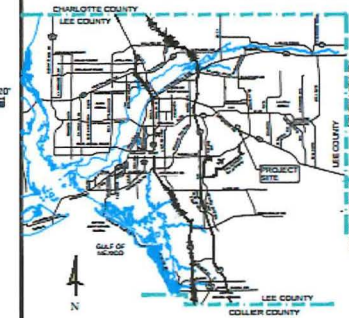
MASTER CONCEPT PLAN

RAY AVE. GAS STATION

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



MASTER CONCEPT PLAN



LOCATION MAP

PROJECT SUMMARY:

FUTURE LAND USE DESIGNATION
CENTRAL URBAN & MIXED-USE OVERLAY

PLANNING COMMUNITY
LEHIGH ACRES

CURRENT ZONING
C-2

PROPOSED ZONING
NO ZONING CHANGES ARE PROPOSED

STRAP #S
05-45-26-03-00025.0010

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

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

PARKING CALCULATIONS REQUIREMENT

CONVENIENCE FOOD & BEVERAGE STORE W/ (12) FUEL PUMPS
(1) SPACE PER 200 SQ. FT. OF GROSS FLOOR AREA MINUS
(1) SPACE PER (4) FUEL PUMPS

2,300 SQ. FT. / 200 SQ. FT. = (11) SPACES MINUS (3) SPACES
FOR (12) FUEL PUMPS = (8) REQUIRED SPACES

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

Δ - DEVIATION / VARIANCE

Quattrone & Associates, Inc.
Surveyors, Planners, & Environmental Consultants

Ray Avenue Gas Station
SEZ2024-00010

04/02/2025

7

SURROUNDING USES & ZONING

North and East

Properties located to the north and east of the subject property are zoned Residential Multiple-Family (RM-2) and are located in the Central Urban category according to the Future Land Use Map of Lee County (Lee Plan) which are still primarily undeveloped and are located in the Mixed-Use Overlay.

Southeast

Properties located southeast of the subject property are zoned Commercial (C-2) and are located in the Central Urban category according to the Future Land Use Map of Lee County (Lee Plan). These properties are also undeveloped and are located in the Mixed-Use Overlay.

South and West

Properties located to the south and west, directly across State Road 82 (SR 82), are within a Planned Unit Development (PUD) known as Gateway and are also located in the New Community category according to the Future Land Use Map of Lee County (Lee Plan).

Northwest

Properties located to the northwest, directly across Ray Avenue South, are zoned Commercial (C-2) and are located in the Central Urban category according to the Future Land Use Map (Lee Plan). The property directly across from Ray Avenue South, with the address 554 Meadow Road, is currently undeveloped, but a Development Order (DOS2025-00022) application has been submitted for development of a new automotive repair and service center (Take 5 Oil Change).

ANALYSIS

The proposed project is classified as a Convenience Food and Beverage Store as defined in Land Development Code (LDC) Section 34-2, which permitted with eight fuel pumps by right in the Commercial (C-2) zoning district pursuant to Land Development Code (LDC) Section 34-844, which establishes the use regulations table for commercial zoning districts. This request seeks to increase the number of permitted fuel pumps from eight pumps to twelve, which requires a Special Exception pursuant to Land Development Code (LDC) Section 34-844, Note (19) in the C-2 zoning district.

Although the subject property is located within the Mixed-Use Overlay, the proposed use is regulated by Land Development Code (LDC) Section 34-1353, which establishes different property development regulations and landscape requirements for development of this use. The general property development regulations for the Commercial Zoning Districts and properties within the Mixed-Use Overlay that are established in Land Development Code (LDC) Section 34-845 are not applicable to this request.

LEE PLAN COMPLIANCE AND COMPATIBILITY

- The property is in Lehigh Acres along SR82. Although the C-2 zoning has a variety of uses, the primary intended use will be a Convenience Food and Beverage Store with Self Service Fuel Pumps. SR 82 includes a combination of vacant and developed PD and C-2 zoned parcels. Though this area is not fully developed, as Lehigh Acres grows, and SR 82 improvement moves forward, the special exception will allow for the Convenience Food and Beverage store that will serve and strengthen the community's urban fabric along both sides of SR 82. The project is consistent with 1.1.3
- The property is located within the Lehigh Acres Community Planning District. The district has 900 acres allotted. There are approximately ±390 acres currently developed, leaving a remainder of ±510 acres. The proposed Ray Avenue gas station is slightly less than 1 acre; Therefore, the special exception is consistent with 1.6.5.
- The properties SR 82 location make it suitable for non-residential, commercial uses, and activities. As such it presents a contiguous and compact growth pattern that does not bypass the tracts of land to support development in part due to the adjacent C-2 commercial uses up and down SR 82. The project is consistent with Objective 2.1
- Fire protection and emergency response will be provided by Lehigh Acres Fire station 103, at 308 Gunnery Rd. S. Lehigh Acres' Lee County Sheriff Department Station for Lehigh Acres is located at 1301 Homestead Road North. SR82 between Gateway Blvd. and Gunnery Road has a 2023 LOS C based on 1,743 trips at a 6-lane divided road capacity of 2,866. The project is consistent with Policy 2.2

LEE PLAN COMPLIANCE AND COMPATIBILITY Con't.

- The project is 2,200 sf so it is well under 30,000 sf review standard: the project will generate less than 5,000 gallons of sewage per day. However, currently a Capital Improvement Project is being constructed for FGUA which extends the Water Main from Griffen Drive to Ray Ave S. During the Development Order water will be available to the site. The project is exempt from 4.1.1 and 4.1.2 standards and is consistent with 4.1
- The property does not adjoin occupied residential properties to the north, south, east and west. The property does not encroach upon residential uses and is not potentially destructive to the character and integrity of the residential environment. This is so that the adjoining parcels are generally zoned commercial along SR82, with the property abutting SR82 (State-Maintained Arterial Road), Meadow Rd. (County Maintained Minor Collector) and Ray Ave (County Maintained Local Rd). Standard code buffering will be more than appropriate given the location and surrounding.

To the east, the property is currently separated by a County Maintained Minor Collector ROW. The residential lots, zoned RM-2 (Residential Multi-Family District) is also within the Mixed-Use Overlay. The Mixed-Use Overlay is intended for a mixture of commercial uses intended to encourage urban forms of development with a variety of uses.

The property currently separated the residential lots to the west with a six-lane principle arterial road by ± 275 feet, serving as a traditional transition between a high intensity commercial highway and existing and future single-family residential uses. The project is consistent with 5.1.2

LEE PLAN COMPLIANCE AND COMPATIBILITY Con't.

- Traffic and Access Impacts- The project does not generate unanticipated and unacceptable traffic. The expected impact on transportation facilities will be addressed by existing County regulations and conditions of approval. Access will be provided along Meadow Rd. (a County Maintained Minor Collector).
- Screening and Buffering- Will be provided to meet County standards (see the Special Exception Site Plan).
- Sewer and Water Facilities- The project will be consistent with Lehigh Acres Objective 25.9.1 which states the availability of sewer and water is not a requirement for zoning approval. However, currently a Capital Improvement Project is being constructed for FGUA to extend the Water Main from Griffen Drive to Ray Ave S. During the Development Order water will be available to the site.
- Impacts On Adjacent Land Uses- No residential uses adjoin the project; the site is located at a commercial corner which minimizes surrounding neighborhood impacts.
- Proximity To Other Similar Centers- Located opposite the property on the north side of Ray Ave S. is zoned C-2 with the proposed automotive repair and service center (Take 5 Oil Change) and a developed Dollar Store.
- Environmental Considerations- There are no environmental concerns with the property.

LEE PLAN COMPLIANCE AND COMPATIBILITY Con't.

- The requested Special Exception for twelve self-service fuel pumps is compatible with south and north adjoining commercial uses. The site is located at an intersection of a Minor Collector Road and a State Arterial highway. Thus, no residential neighborhood intrusion will occur. The project is consistent with 6.1.4
- The requested commercial use designation to protect the traffic carrying capacity of SR82 is maintained by constructing the projects access on Meadow Road (a County Maintained Minor Collector) as opposed to SR 82 (State Maintained, Arterial). The project is consistent with 6.1.5)
- The site plan depicts the proposed location of the convenience store, gas pumps, access points, parking, and buffers (see Attachment MCP). Although the subject property is within the Mixed-Use Overlay, the project will meet the general provisions established in LDC Section 34-1353 for the proposed Convenience Food and Beverage Store. As provided above, an Administrative Amendment (ADD2024-00225) was submitted for relief from LDC Section 34-1353 from certain setback and buffer requirements, and from LDC Section 10-285, which establishes the required connection separation. This application has been submitted and is currently in review. To ensure the proposed use will be compatible with the residential uses located to the north, the applicant proposes to concentrate the commercial activity toward SR 82 and provide a 20-foot enhanced landscape buffer along Meadow Road, which is intended to assure that the proposed use and additional fuel pumps will not be detrimental to the public welfare of the residents residing near the subject property. The project will be consistent with 6.1.6

LEE PLAN COMPLIANCE AND COMPATIBILITY Con't.

- The parcel is located within the Mixed-Use Overlay as well as the Lehigh Commercial District overlay. Which is intended for a mix of residential and commercial uses. This design ensures that the commercial establishment will be within walking distance to help foster a walkable neighborhood of the surrounding residential community, providing a convenient resource and employment for residents. Providing new retail square footage in a predominantly residential area helps reduce travel trips for convenience and necessary items and provides employment opportunities that is within walking distance to residential home sites.
- Objective 25.8 strives to improve transportation, parking, and circulation within the Lehigh Acres Community Plan area. Policy 25.8.2 establishes that all connections to SR 82 must be consistent with the FDOT Corridor Access Management Plan for SR 82. The project's access points will be on Meadow Road. Policy 25.8.4 provides that all new commercial development must provide parking lot interconnections to adjacent properties and must not prevent pedestrian or vehicular access from adjacent residential areas. The subject property is adjacent to properties zoned Residential Multiple Family (RM-2) and the proposed site plan depicts a future cross-access to abutting commercial C-2 property to the east.

LEE PLAN COMPLIANCE AND COMPATIBILITY Con't.

- The site lies within the Florida Governmental Utility Authority water franchise area, however, there is an existing Capital Improvement Project, Gateway Estates Bulk Water Connection (LEP 33). The project consists of the installation of the watermain extension along Ray Avenue South from Griffen Drive to Leonard Blvd. S.
- The site lies within the Florida Governmental Utility Authority wastewater franchise area, however, there are no existing facilities for connection within a reasonable distance from the site. The proposed development is for ±2,220 square feet of commercial floor area and will generate well below the threshold of 5,000 gallons of sewage per day provided in Standard 4.1.2. The proposed development does not meet the thresholds for connection provided in LDC Section 10-353 and no central sewer lines are or will be available. The proposed development will provide a private septic system consistent with the LDC and all other permitting requirements. The proposal is consistent with Lee Plan Policy 25.9, 25.9.1 and 25.9.2.

CONCLUSION

- The request is consistent with the goals, objectives, policies, and the intent of the Lee Plan.
- The request will not cause damage, hazard, nuisance or other detriment to persons or property. It is being integrated into the existing neighborhood as a relatively low intensity development and is similar in nature to the uses in the area.
- The requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the uses set forth in Chapter 34 of the LDC.
- Sufficient evidence has been provided within this application that this special exception is in compliance with the Lee Plan, the Land Development Code and all other applicable rules and regulations.
- The request will meet or exceed all performance and location standards set forth for the uses allowed by the request.
- The request is consistent with the densities, intensities and general uses set forth in the Lee Plan. The request is compatible with existing or planned uses in the surrounding area. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development.
- The request will not adversely affect environmentally critical areas and natural resources.



SEZ2024-00010

Ray Avenue Gas Station

Staff Presentation – April 9, 2025

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Request and Recommendation

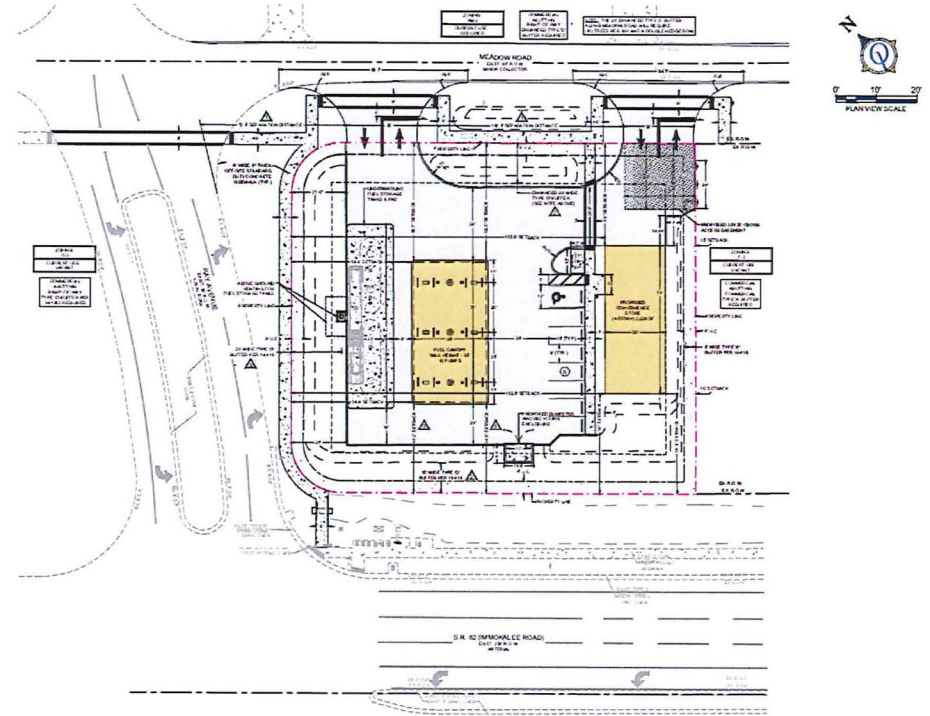
Special Exception to allow an increase in the number of fuel pumps in conjunction with a convenience food and beverage store

LDC Section 34-844 (C-2 Zoning District) permits:

- Convenience Food and Beverage Store
- Eight Fuel Pumps

Request:

- Seeking Twelve Fuel Pumps
- Requires a Special Exception pursuant to LDC Section 34-844, Note 19



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Property Information

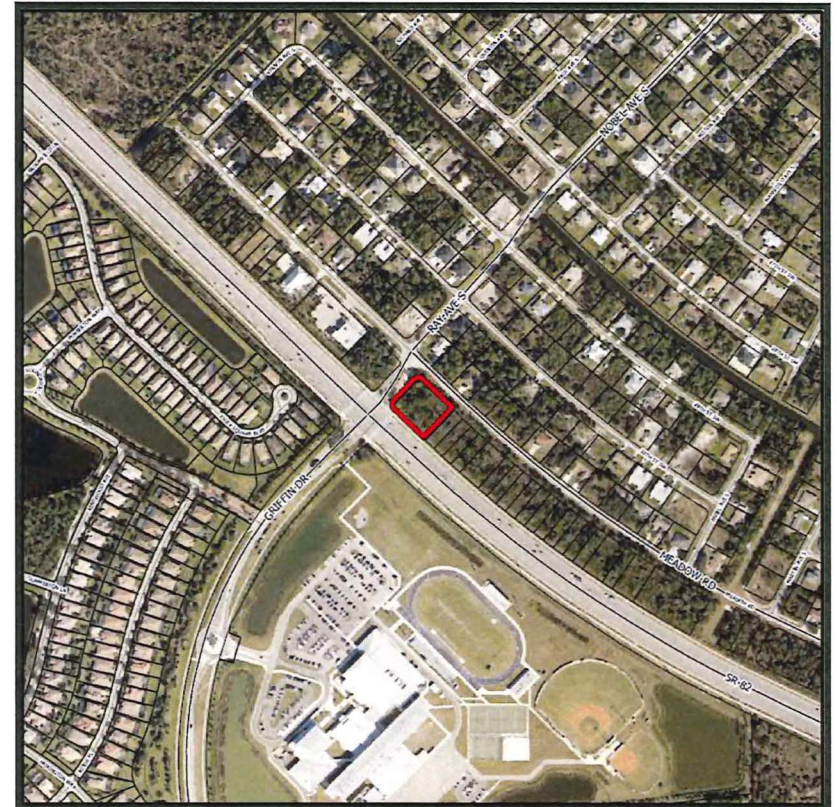
STRAP 05-45-26-L1-03035.0010

604 Meadow Road

±0.83 Acres

State Road 82 and Gunnery Road South

DOS2024-00147 and VAC2024-00029

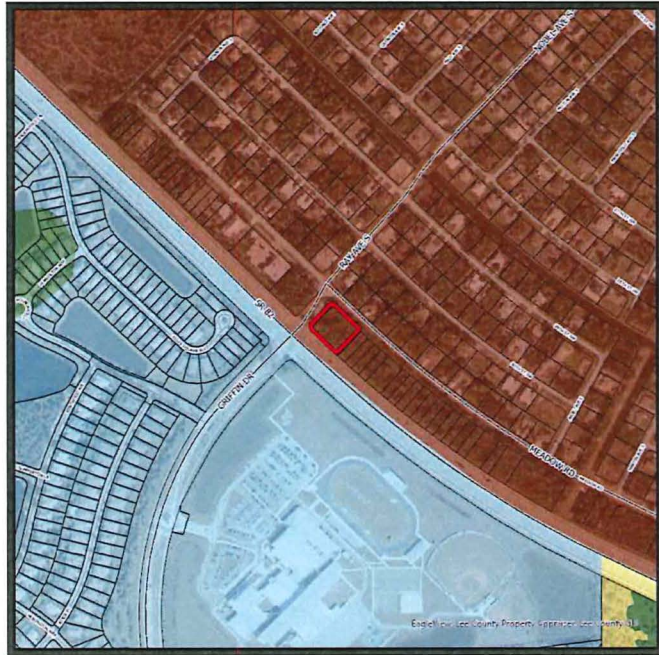


 Subject Property

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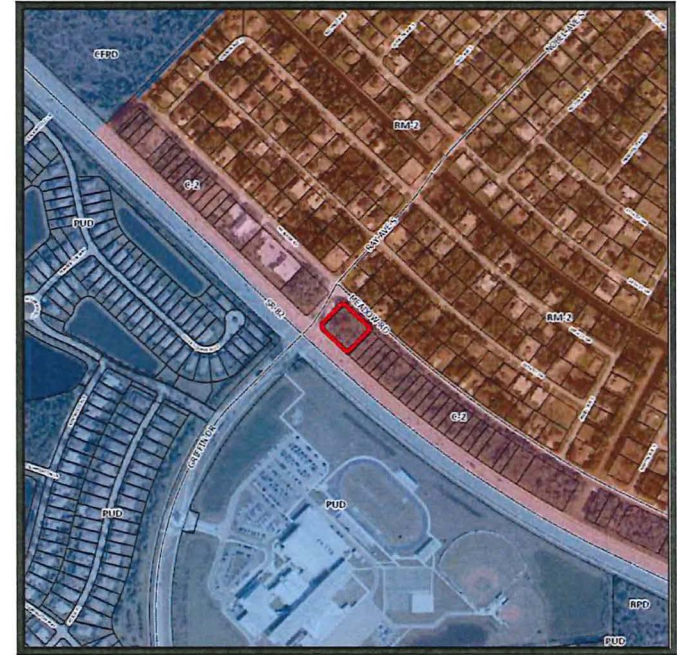


Future Land Use and Zoning District



- Central Urban
- Sub-Outlying Suburban
- New Community
- Wetlands

 Subject Property



Commercial (C-2)

No Content Here!

Surrounding Properties

North and East

- Zoned Residential Multiple-Family (RM-2)
- Partially developed with existing Residential Duplex's
- Within the Central Urban Future Land Use Category

Southeast

- Zoned Commercial (C-2)
- Properties are undeveloped
- Within the Central Urban Future Land Use Category

South and West

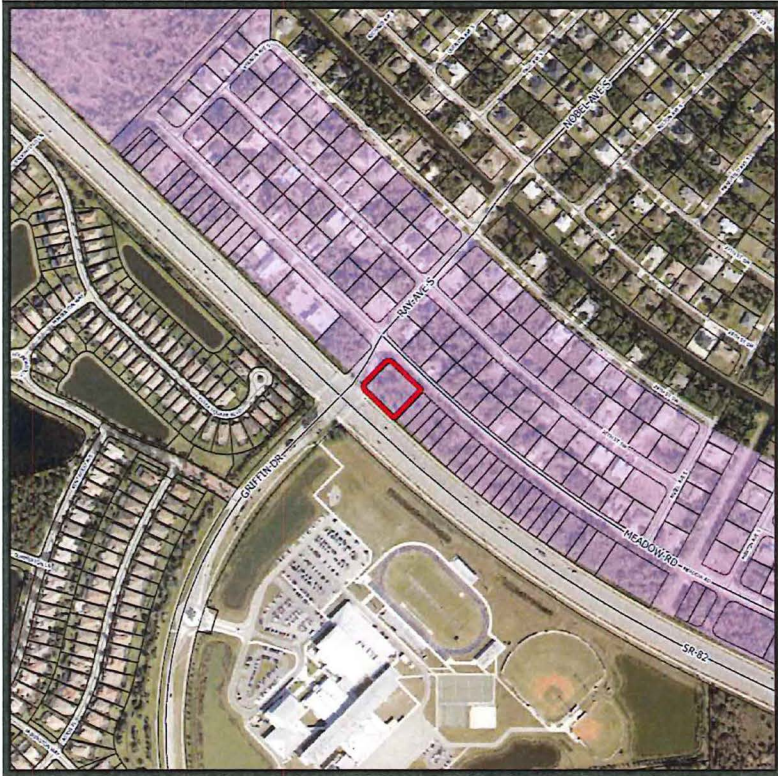
- Directly across State Road 82 (SR 82)
- Developed and rezoned to a Planned Unit Development (PUD) known as Gateway
- Within the New Community Future Land Use Category

Northwest

- Zoned Commercial (C-2)
- Undeveloped with an open Development Order (DOS2025-00022) for an Automotive Repair and Service Center (Take 5 Oil Change)
- Within the Central Urban Future Land Use Category

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Additional Property Information



 Subject Property



- Mixed Use Overlay
- Regulated by LDC Section 34-1353
- Lehigh Acres Community Plan Area
- Lot combination of four lots
- Has three street frontages
 - State Road 82 (SR 82) - South
 - Ray Avenue South - West
 - Meadow Road - North

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Administrative Variances

Seeking relief from LDC Sections 34-1353 and 10-285 through ADD2024-00225

LDC Section 34-1354(3) allows the relief to be approved administratively

1. LDC Section 34-1353(e)(1), which requires a landscape buffer of at least 25 feet in width along the right-of-way, to allow a 20-foot-wide enhanced buffer along Meadow Road and a 15-foot-wide buffer along State Road 82 (SR 82); and
2. LDC Section 34-1353(d)(1), which requires a street setback of 50 feet from arterial and collector roads, to allow setbacks of 42 feet on Meadow Road, which is classified as a Minor Collector Road and 44 feet on State Road 82 (SR 82), which is classified as an Arterial Road; and
3. LDC Section 10-285, which requires a connection separation of 125 feet along Minor Collector Roads with a speed limit of less than 45 Miles Per Hour in future urban areas, to allow connection separation distances of 72± feet between Ray Avenue South and the western access drive, and 102± feet between the two access drives serving the development.

Currently still in review

LDC Section 34-145(c)(3) – Special Exception

(3) Findings/review criteria.

a. 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;
2. Will protect, conserve or preserve environmentally critical 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 zoning regulations pertaining to the use and other applicable regulations.

Lee Plan Policy 1.1.3

Policy 1.1.3: The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category.

Surrounded by Commercial and Residential Uses

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



- Central Urban
- Sub-Outlying Suburban
- New Community
- Wetlands



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Lehigh Acres Community Plan Area

Goal 25 of the Lee Plan establishes objectives and policies within the Lehigh Acres Community Plan area that ensures 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.

Policy 25.6.1 permits commercial uses on lands in the Lehigh Commercial Overlay once commercial zoning has been approved

- Located in the Lehigh Acres Community Plan Area and Commercial Overlay Pursuant to Lee Plan Map 2-B
- Property is zoned Commercial (C-2)

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



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Lehigh Acres Community Plan Area

Objective 25.8 strives to improve transportation, parking, and circulation within the Lehigh Acres Community Plan area.

Policy 25.8.2 establishes that all connections to SR 82 must be consistent with the FDOT Corridor Access Management Plan for SR 82.

Policy 25.8.4 provides that all new commercial development must provide parking lot interconnections to adjacent properties and must not prevent pedestrian or vehicular access from adjacent residential areas.

- Proposed site plan depicts a future cross-access to abutting property to the east.

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



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Lehigh Acres Community Plan Area and Water/Sewer

Policy 25.9.1 establishes that water and sewer availability 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 Standards 4.1.1 and 4.1.2 before a development order will be issued.

Standard 4.1.1, Note One establishes that any commercial development exceeding 30,000 square-feet of gross leasable (floor) area must connect to a public water system.

Standard 4.1.2, Note One establishes that any commercial development exceeding 5,000 square-feet of gross leasable (floor) area must connect to a public sewer system.

- Project is not required to connect to public water or sewer
- A letter of availability has been provided with FGUA for potable water and sewer
- Capital Improvement Project in place to ensure availability

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



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Lee Plan Commercial Land Uses

Goal 6 promotes orderly and well-planned commercial development at appropriate locations within the County.

Policy 6.1.6 requires commercial development to provide adequate and appropriate landscaping, open space, and buffering per the land development regulations.

Policy 6.1.8 prohibits commercial development from being located near existing or planned school areas in such a way as to jeopardize the safety of students.

- Will be required to meet the general provisions within LDC Section 34-1353
- An Administrative Approval (ADD2024-00225) has been submitted for relief
- Commercial activity will be concentrated toward SR 82
- Enhanced 20-foot buffer along Meadow Road
- Does not directly abut Gateway High School and there were no comments from the Lee County School District

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



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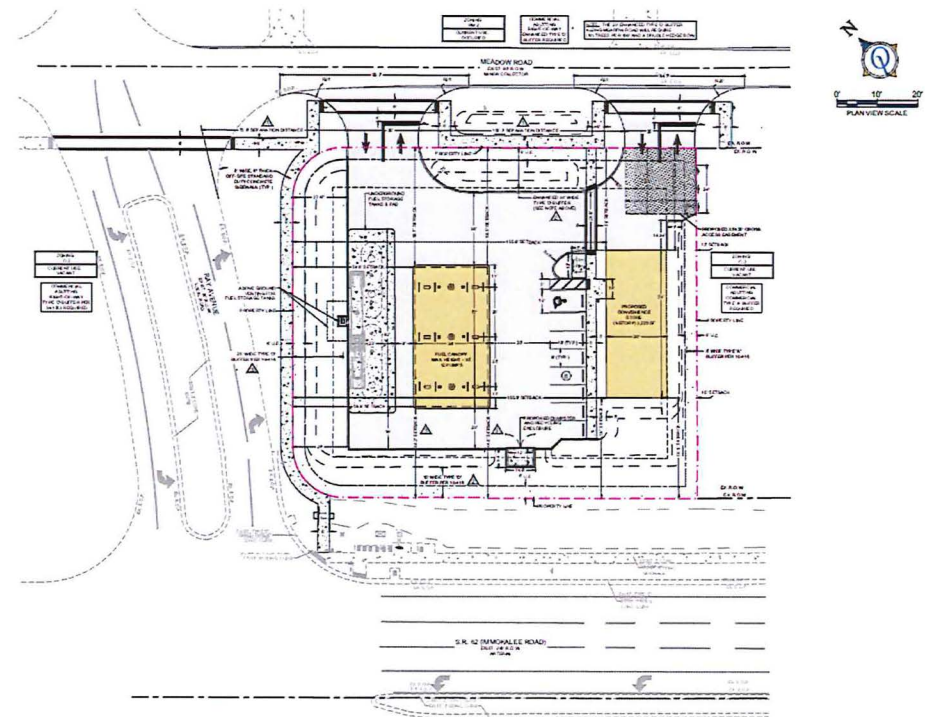
Buffering and Screening

Northeast (Meadow Road): Residential Multiple-Family (RM-2) directly across. The applicant proposes a 20-foot enhanced right-of-way buffer with 10 trees per 100 linear feet and a double hedgerow.

South (SR 82): The applicant proposes a 15-foot-wide Type D right-of-way buffer with 5 trees per 100 linear feet and a double staggered hedgerow.

East (abuts a Commercial (C-2) property): Type A buffer as set forth in LDC Sections 33-1405, 10-416(d)(4), and 34-1353(e)(5). The applicant is in compliance with the buffer requirements.

West (Ray Avenue South): The required landscape buffer, as conditioned, is a 25-foot right-of-way buffer as set forth in LDC Section 34-1353



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Open Space and Protected Species

Considered a small project

Requires 10% of Open Space pursuant to LDC Section 10-425(a)

No indigenous open space is required

The Mixed-Use Overlay standards can be utilized for Open Space

No protected species identified on site

Public Services

Public Utilities

- Potable Water provided by Florida Governmental Utility Authority (FGUA) pursuant to Development Order, DOS2024-00147
- Sanitary Septic
- Potable Water service is being extended to the subject property as approved by Limited Development Order, LDO2023-00440.

Solid Waste

- Waste Pro
- Will be required to meet LDC Sections 10-261 and 10-610(c)(2) at the time of Development Order

Emergency Services

- Lehigh Acres Fire Control
- Lee County Sheriff's Office

Public Transit – Lee Tran, bus stop approximately two and a half miles from the subject property

Transportation

- Proposing two access points on Meadow Road
- The Administrative Approval (ADD2024-00225) requests relief from the Connection Separation requirements
- Will not impact the surrounding roadway system pursuant to the Traffic Impact Statement provided by the applicant



No Content Here!

Conditions

1. Development must be in compliance with the Site Plan entitled Ray Avenue Gas Station prepared by Quattrone and Associates, Inc. Stamped received 03-25-2025, except as conditioned herein. If further modifications are requested, appropriate approvals will be necessary.
2. Development is limited to a 2,220 square-foot convenience food and beverage store with a maximum of 12 fuel pumps.
3. Hours of Deliveries: Deliveries are limited to 6:00 a.m. to 8:00 p.m., Sunday through Saturday.
4. Connection Separation: Final approval of proposed connection separation along Meadow Road is subject to review of ADD2024-00225. Modifications to the Special Exception site plan to address alternative access locations or to address design modifications required for permits from other agencies may be approved through the administrative amendment process.
5. Public Utilities: Development of the subject property must connect to potable water.
6. Buffer conditions: Prior to the issuance of a Local Development Order, the plans must depict the following buffers:
 - a) **North (Meadow Road)** - Enhanced 20-foot buffer with 10 native trees planted per 100 linear feet, and a double-staggered hedgerow planted at 36 inches and maintained at 48 inches.
 - b) **South (SR 82)** - 15-foot right of way buffer, with 5 trees planted per 100 linear feet, and a double-staggered hedgerow.
 - c) **West (Ray Avenue South)** - 25-foot right-of-way buffer along Ray Avenue, with 5 native trees planted per 100 linear feet, and a double-staggered hedgerow as required by LDC Section 34-1353(e).



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Conclusion

The request, as conditioned, meets the review criteria for a Special Exception as set forth in LDC Section 34-145(c)(3)

Consistent with the Goals, Policies, and Objectives set forth in Lee County Comprehensive Plan (Lee Plan)

Consistent with the regulations set forth in the Lee County Land Development Code

Conditioned to provide appropriate screening for compatibility with the surrounding uses

The site has been designed to not be injurious to the neighborhood or detrimental to the public welfare of the residents residing near this subject property

No environmentally critical or sensitive lands on the subject property



Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

AFFIDAVIT OF PUBLICATION

Lindsay Hickey
Lcbc-Dept Of Comm Development-D
1500 MONROE ST
Fort Myers FL 33901

STATE OF WISCONSIN, COUNTY OF BROWN

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

03/27/2025

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

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/27/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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NICOLE JACOBS
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NOTICE OF PUBLIC HEARING

The Hearing Examiner of Lee County will hold public hearings on Wednesday, April 9, 2025, in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL. An interested individual may appear and be heard with respect to the case below. The Hearing Examiner's written decision becomes final on the date rendered. That decision may be appealed to Circuit Court in Lee County if an appeal is filed within 30 days of the date the decision is rendered. Copies of the staff report are available one week 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. Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Raphaela Morais-Peroba, 239-533-8782, Florida Relay Service 711, or ADArequests@leegov.com, at least 5 business days in advance. The following case will be heard (Lee County Land Development Code is abbreviated below as LDC): SEZ2024-00010. Ray Avenue Gas Station. 9:00 am. Request for a Special Exception pursuant to LDC Section 34-844, Note (19) to allow twelve fuel pumps in conjunction with a convenience food and beverage store in the Commercial (C-2) zoning district. Located at 604 Meadow Rd, Lehigh Acres Planning Community, Lee County, FL No.11133906 March 27, 2025

STAFF'S EXHIBIT
2

RECEIVED

APR 01 2025

BY: HEARING EXAMINER'S OFFICE

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

Case Number: SEZ2024-00010

Type of Case: Special Exception

Case Name: Ray Avenue Gas Station

Area Subject to Request: 0.83± Acres

Sufficiency Date: February 10, 2025

Hearing Date: April 9, 2025

Summary of Request and Recommendation

Quattrone & Associates, Inc has requested a Special Exception on behalf of the owner, Celestial Liberty Dreams, LLC, to allow an increase in the number of fuel pumps from the allowable eight to a total of twelve. Land Development Code (LDC) Section 34-844, Note 19 requires a Special Exception to allow more than eight fuel pumps within the C-2 zoning district.

The subject property is located at 604 Meadow Road, Lehigh Acres, FL 33973 with the legal description found in Attachment P.

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

History of Parcel and Character of the Area

The subject property is approximately ±0.83 acres in area and is located to the northeast of State Road 82 (SR 82) and northwest of Gunnery Road South and Daniels Parkway. The subject property is zoned Commercial (C-2) and is located in the Central Urban Future Land Use Category in accordance with the Lee Plan. The subject property is also in the Lehigh Acres Community Plan area and Mixed-Use Overlay as designated by Lee Plan Maps 2-B and 1-C. In accordance with the applicable Lee Plan Maps, the subject property is on the fringe of its designated Future Land Use Category classification.

The subject property has three street frontages. Meadow Road, a County-maintained Minor Collector Road, abuts the property to the north. Ray Avenue South, a County-maintained Local Road, abuts the property to the west. State Road 82 (SR 82), a State maintained road with a functional classification as an Arterial Road abuts the property to the south. The most recent recorded Warranty Deed (see Attachment K), which was recorded on January 26, 2024, provides that the subject property is comprised of a combination of four platted lots identified as lots one through four as recorded in Lehigh Acres Plat Book 15, Page 83, Public Records of Lee County, Florida, on April 13, 1961 (see Attachment L). The subject property is currently undeveloped.

The applicant has submitted an application for Administrative Approval (ADD2024-00225) to request relief from the general provisions established in LDC Section 34-1353 for Convenience Food and Beverage Stores, and from LDC Section 10-285 for connection separation. A Development Order (DOS2024-00147) and a Petition to Vacate to vacate the public utility easement (VAC2024-00029) have also been submitted, reviewed, and scheduled for hearing.

Areas surrounding the subject property can be characterized as follows:

STAFF'S EXHIBIT # 1

North and East

Properties located to the north and east of the subject property are zoned Residential Multiple-Family (RM-2) and are located in the Central Urban category according to the Future Land Use Map of Lee County (Lee Plan). Lee County records indicate that two lots directly north and northeast of the subject property are developed with duplexes and the remaining surrounding properties are still primarily undeveloped and are located in the Mixed-Use Overlay.

Southeast

Properties located southeast of the subject property are zoned Commercial (C-2) and are located in the Central Urban category according to the Future Land Use Map of Lee County (Lee Plan). The properties are also currently undeveloped and are located in the Mixed-Use Overlay.

South and West

Properties located to the south and west, directly across State Road 82 (SR 82), are within a Planned Unit Development (PUD) known as Gateway and are also located in the New Community category according to the Future Land Use Map of Lee County (Lee Plan). The portions of the Planned Unit Development (PUD) of Gateway that are located to the south and the west of the subject property are developed as a Noncommercial School, known as "Gateway High School", and a residential neighborhood.

Northwest

Properties located to the northwest, directly across Ray Avenue South, are zoned Commercial (C-2) and are located in the Central Urban category according to the Future Land Use Map (Lee Plan). The property directly across from Ray Avenue South, with the address 554 Meadow Road, is currently undeveloped, but a Development Order (DOS2025-00022) application has been submitted for development of a new automotive repair and service center (Take 5 Oil Change). Lee County Records indicate that the property abutting 554 Meadow Road has been developed into variety store (Dollar General) through a Development Order (DOS2019-00033) and Commercial Building Permit (COM2019-00702).

Analysis

The proposed project is classified as a Convenience Food and Beverage Store as defined in Land Development Code (LDC) Section 34-2, which permitted with eight fuel pumps by right in the Commercial (C-2) zoning district pursuant to Land Development Code (LDC) Section 34-844, which establishes the use regulations table for commercial zoning districts. This request seeks to increase the number of permitted fuel pumps from eight pumps to twelve, which requires a Special Exception pursuant to Land Development Code (LDC) Section 34-844, Note (19) in the C-2 zoning district.

Although the subject property is located within the Mixed-Use Overlay, the proposed use is regulated by Land Development Code (LDC) Section 34-1353, which establishes different property development regulations and landscape requirements for development of this use. The general property development regulations for the Commercial Zoning Districts and properties within the Mixed-Use Overlay that are established in Land Development Code (LDC) Section 34-845 are not applicable to this request.

The aforementioned Administrative Approval (ADD2024-00225) seeks relief from Land Development Code (LDC) Sections 34-1353 and 10-285. LDC Section 34-1354(3) allows properties that are less than three acres in size to obtain administrative relief from LDC Section 34-1353. Because the subject property is less than an acre (0.83±), it qualifies for relief through the administrative process, specifically, the request seeks relief from the following:

1. LDC Section 34-1353(e)(1), which requires a landscape buffer of at least 25 feet in width along the right-of-way, to allow a 20-foot-wide enhanced buffer along Meadow Road and a 15-foot-wide buffer State Road 82 (SR 82); and
2. LDC Section 34-1353(d)(1), which requires a street setback of 50 feet from arterial and collector roads, to allow setbacks of 42 feet on Meadow Road, which is classified as a Minor Collector Road and 44 feet on State Road 82 (SR 82), which is classified as an Arterial Road; and
3. LDC Section 10-285, which requires a connection separation of 125 feet along Minor Collector Roads with a speed limit of less than 45 Miles Per Hour in future urban areas, to allow connection separation distances of 72± feet between Ray Avenue South and the western access drive, and 102± feet between the two access drives serving the development.

Although the applicant originally requested 15-foot landscape buffers along the street rights-of-way for Meadow Road, Ray Avenue South, and State Road 82 (SR 82), staff has worked with the applicant to adjust this request to ensure that buffers are going to either meet or exceed the code required landscape buffers to ensure the proposed use is compatible with the residential use located northeast.

The request to reduce the connection separation requirement is currently under review and still being evaluated by Lee County Department of Transportation (DOT) staff. The applicant is also proposing to have both access points onto Meadow Road, and the applicant has provided an auto-turn exhibit (see Attachment N) demonstrating potential issues with the trucks entering and exiting the site if the access points were to change. With this in mind, staff recommends a condition to allow the access points to be re-evaluated with Lee County Department of Transportation (DOT) at the time of Development Order (see Attachment C).

The applicant has provided a Site Plan that demonstrates compliance with the majority of Land Development Code (LDC) Section 34-1353 and the corresponding Administrative Approval (ADD2024-00225), which is still under review with staff. The site plan for this request and the concurrent application for Administrative Approval can be found in Attachment D.

Special Exception

Land Development Code (LDC) Section 34-145(c)(3), establishes the review criteria for Special Exception requirements. Specifically, it must be found that a request:

1. Is consistent with the goals, objectives, policies and intent of the Lee Plan;
2. Will protect, conserve, or preserve environmentally critical 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 zoning regulations pertaining to the use and other applicable regulations.

The applicant has provided a request statement addressing the approval criteria (see Attachment E). The following provides staff's analysis of the applicant's request and whether it meets the criteria to be entitled to a Special Exception.

Lee Plan Compliance and Compatibility

The subject property is located in the Central Urban Future Land Use Category. Policy 1.1.3 of the Lee Plan describes this designation as the "urban core" of the County. These areas are already the most heavily settled and have, or will have, the greatest range and the 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. The subject property and proposed request are **consistent** with this Lee Plan Policy.

Goal 25 of the Lee Plan establishes objectives and policies within the Lehigh Acres Community Plan area that ensures 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. The subject property is located in the Lehigh Acres Community Plan Commercial Overlay Zone pursuant to Lee Plan Map 2-B. Policy 25.6.1 permits commercial uses on lands in the Lehigh Commercial Overlay once commercial zoning has been approved. The subject property is zoned Commercial (C-2) and is **consistent** with this Lee Plan Goal and Policy.

Objective 25.8 strives to improve transportation, parking, and circulation within the Lehigh Acres Community Plan area. Policy 25.8.2 establishes that all connections to SR 82 must be consistent with the FDOT Corridor Access Management Plan for SR 82. The project's access points will be on Meadow Road. Policy 25.8.4 provides that all new commercial development must provide parking lot interconnections to adjacent properties and must not prevent pedestrian or vehicular access from adjacent residential areas. The subject property is adjacent to properties zoned Residential Multiple-Family (RM-2) and the proposed site plan depicts a future cross-access to abutting property to the east (see Attachment D) **consistent** with this Lee Plan Objective and Policies.

Policy 25.9.1 establishes that water and sewer availability 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 Standards 4.1.1 and 4.1.2 before a development order will be issued. Standard 4.1.1, Note One establishes that any commercial development exceeding 30,000 square feet of gross leasable (floor) area must connect to a public water system. Standard 4.1.2, Note One, establishes that any commercial development exceeding 5,000 square feet of gross leasable (floor) area must connect to a public sewer system. The project would not be required to connect to public water and sewer. However, the applicant has provided a Letter of Availability from the Florida Governmental Utility Authority (FGUA) for potable water and wastewater (see Attachment J) due to a Capital Improvement Project being in place to ensure availability, and is **consistent** with this Policy and Standards.

Goal 6 promotes orderly and well-planned commercial development at appropriate locations within the County. Lee Plan Policy 6.1.6 requires commercial development to provide adequate and appropriate landscaping, open space, and buffering per the land development regulations. The site plan depicts the proposed location of the convenience store, gas pumps, access points, parking, and buffers (see Attachment D). Although the subject property is within the Mixed-Use Overlay, the applicant will be required to meet the general provisions established in LDC Section 34-1353 for the proposed Convenience Food and Beverage Store. As provided above, an Administrative Amendment (ADD2024-00225) was submitted for relief from LDC Section 34-1353 from certain setback and buffer requirements, and from LDC Section 10-285, which establishes the required connection separation. This application has been submitted and is currently in review. To ensure the proposed use will be compatible with the residential uses located to the north, the applicant proposes to concentrate the commercial activity toward SR 82 and provide a 20-foot enhanced landscape buffer along Meadow Road, which is intended to assure that the proposed use and additional fuel pumps will not be injurious to the neighborhood or detrimental to the public welfare of the residents residing near the subject property. Due to the subject property being approximately less than an acre (0.83±), granting the aforementioned administrative variances will provide relief to properly develop the site, reduce the impact on the residential uses located to the north, and meet all of the requirements established in the Land Development Code. The use is proposed to be buffered as follows:

- The northeast property line abuts a County Maintained Road known as Meadow Road, with properties zoned Residential Multiple-Family (RM-2) directly across from the subject property. The applicant proposes a 20-foot enhanced right-of-way buffer with 10 trees per 100 linear feet and a double hedgerow.
- The southern property line abuts the State-Maintained Road known as State Road 82 (SR 82); the applicant proposes a 15-foot Type D right-of-way buffer with 5 trees per 100 linear feet and a double staggered hedgerow.
- The eastern property line abuts a lot that is zoned Commercial (C-2); LDC Sections 33-1405, 10-416(d)(4), and 34-1353(e)(5) establishes the required buffer needs to be a Type A Buffer. The applicant is in compliance with the buffer requirements.
- The western property line abuts a County Maintained Local Road known as Ray Avenue South. The required landscape buffer, as conditioned, and established in LDC Section 34-1353, is a 25-foot right-of-way buffer.

Based on the analysis above, the request, as conditioned, is **consistent** with Goal 6 and Policy 6.1.6.

Policy 6.1.8 prohibits commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students. The subject property does not directly abut Gateway High School, which is located Southwest of the subject property, across State Road 82 (SR 82). The Lee County School District has provided no comments on this project (see Attachment M). The subject property and proposed request are **consistent** with this Lee Plan Policy.

Open Space

The Environmental Staff Memorandum (see Attachment G) provides that all projects must provide Open Space pursuant to LDC Section 10-415 and this project would be utilizing the Mixed-Use Overlay standards for Open Space. As set forth in LDC Section 10-425(a), small commercial projects are required to provide a minimum of 10% open space, and large commercial projects are required to provide 20% open space. The proposed project is considered a small project and will be required to provide at least 10% open space at the of Development Order. Due to the proposed project being considered a small development, no indigenous open space is required.

Protected Species

The Environmental Staff Memorandum (see Attachment G) and the Ecological Assessment (see Attachment O) provided by the applicant both confirm that there are no protected species identified on site.

Urban Services

The subject property is located within the Lehigh Acres Community Plan Area and within the Central Urban Future Land Use category, which provides the highest levels of urban services – water, sewer, roads, schools, and emergency services according to the Lee Plan. As well as vibrant commercial and employment centers.

Public Utilities – The public utilities are provided by Florida Governmental Utility Authority (FGUA) for both potable water and sanitary sewer. Currently the subject property is undeveloped, and the applicant has provided a Letter of Availability from the service provider. The subject property is not required to connect to potable water and sanitary sewer services due to the proposed project being up to 2,220 square feet in gross leasable (floor) area. However, potable water service is being extended to the subject property as approved by LDO2023-00440. Also, the plans provided within the Development Order (DOS2024-00147) establish that the applicant is connecting to potable water with FGUA and having onsite sanitary septic. Therefore, staff recommends a condition requiring the development to connect to potable water service.

Solid Waste – The subject property has access to solid waste removal through Lee County's contract with Waste Pro and is more specifically within "Area Four". The applicant will be required to meet LDC Sections 10-261 and 10-610(c)(2) at the time of Development Order, which establishes how much square-footage of refuse storage will be required for this commercial development, as well as the required buffering and shielding. Solid Waste has found this project sufficient and had no comments.

Emergency Services – The subject property will be served by Lehigh Acres Fire Control and Rescue Unit Station 107 located at 5105 Leonard Boulevard South and Lee County Sheriff's Office – East District located at 1301 Homestead Road.

Public Transit – Lee Tran Route 110 services the general area and the closest bus stop is approximately two and a half miles from the subject property.

Transportation – The subject property is currently undeveloped and will have two access points to access the property on Meadow Road. Lee County Infrastructure Planning has provided a memorandum analyzing the Meadow Road access points and noting that the current site plan does not meet the code required connection separation standards (see Attachment I). A deviation from connection separation requirements is included in ADD2024-00225 and is currently under review. The applicant has also provided a Traffic Impact Statement, which concluded that the proposed development will not have a detrimental impact on the surrounding roadway system and turn lane improvements will not be warranted at the project's entrances (see Attachment H).

Zoning Compliance

The proposed site plan has been reviewed for compliance with the property development regulations, screening/landscape buffering, and open space requirements established in the Land Development Code. The applicant will ensure that all Land Development Code requirements pertaining to the "Convenience Food and Beverage Store" use are met except as provided in ADD2024-00225. The applicant conducted a publicly advertised information session with the Lehigh Acres community in compliance with Land Development Code Section 33-1401 prior to sufficiency (see Attachment F).

Conclusion

The application has been assessed in line with the approval standards for a Special Exception set forth in LDC Section 34-145(c), and staff has determined that the request as conditioned, meets the review criteria for a Special Exception. The request to allow an increase in the number of fuel pumps from the allowable eight to a total of twelve and is consistent with the Goals, Policies, and Objectives set forth in the Lee County Comprehensive Plan (Lee Plan); and the regulations set forth in the Lee County Land Development Code. The landscaping and open space, as conditioned, provide appropriate screening for compatibility with the surrounding uses. There are not any environmentally critical or sensitive lands on the property. The applicant is not exceeding the threshold for potable water and sanitary sewer connection but has provided a Letter of Availability for the area by FGUA. The site has been designed to not be injurious to the neighborhood or detrimental to the public welfare of the residents residing near this subject property. Staff has recommended conditions to assure compatibility with the existing residential uses located to the north of the subject property. Staff finds the request, as conditioned, meets the criteria for special exception approval pursuant to Land Development Code (LDC) Section 34-145, and recommends approval of the request with the conditions found in Attachment "C".

Attachments:

- A – Expert Witness List
- B – Aerial, Current Zoning, and Future Land Use Maps
- C – Conditions
- D – Proposed Site Plan
- E – Applicant's Request Narrative and Lee Plan Consistency
- F – Public Information Meeting for Lehigh Acres
- G – Lee County Environmental Staff Memorandum
- H – Traffic Impact Statement
- I – Infrastructure Planning Memo
- J – Florida Governmental Utility Authority (FGUA) Letter of Availability

K – Recorded Warranty Deed
L – Recorded Plat Book
M – The School District of Lee County Approval
N - Auto-turn Exhibit
O – Ecological Assessment
P – Legal Description

ATTACHMENT A

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

Brianna Schroeder, 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, 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.

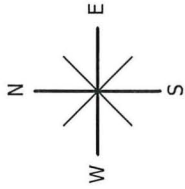
Elizabeth Workman, Principal Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, 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.

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.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, 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.

SEZ2024-00010



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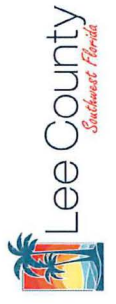
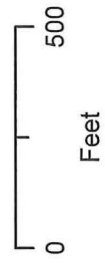
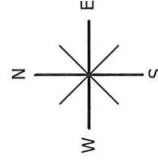
Attachment B



SEZ2024-00010

Aerial

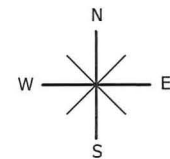
 Subject Property



SEZ2024-00010

Future Land Use

-  Subject Property
-  Central Urban
-  Sub-Outlying Suburban
-  New Community
-  Wetlands



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SEZ2024-00010

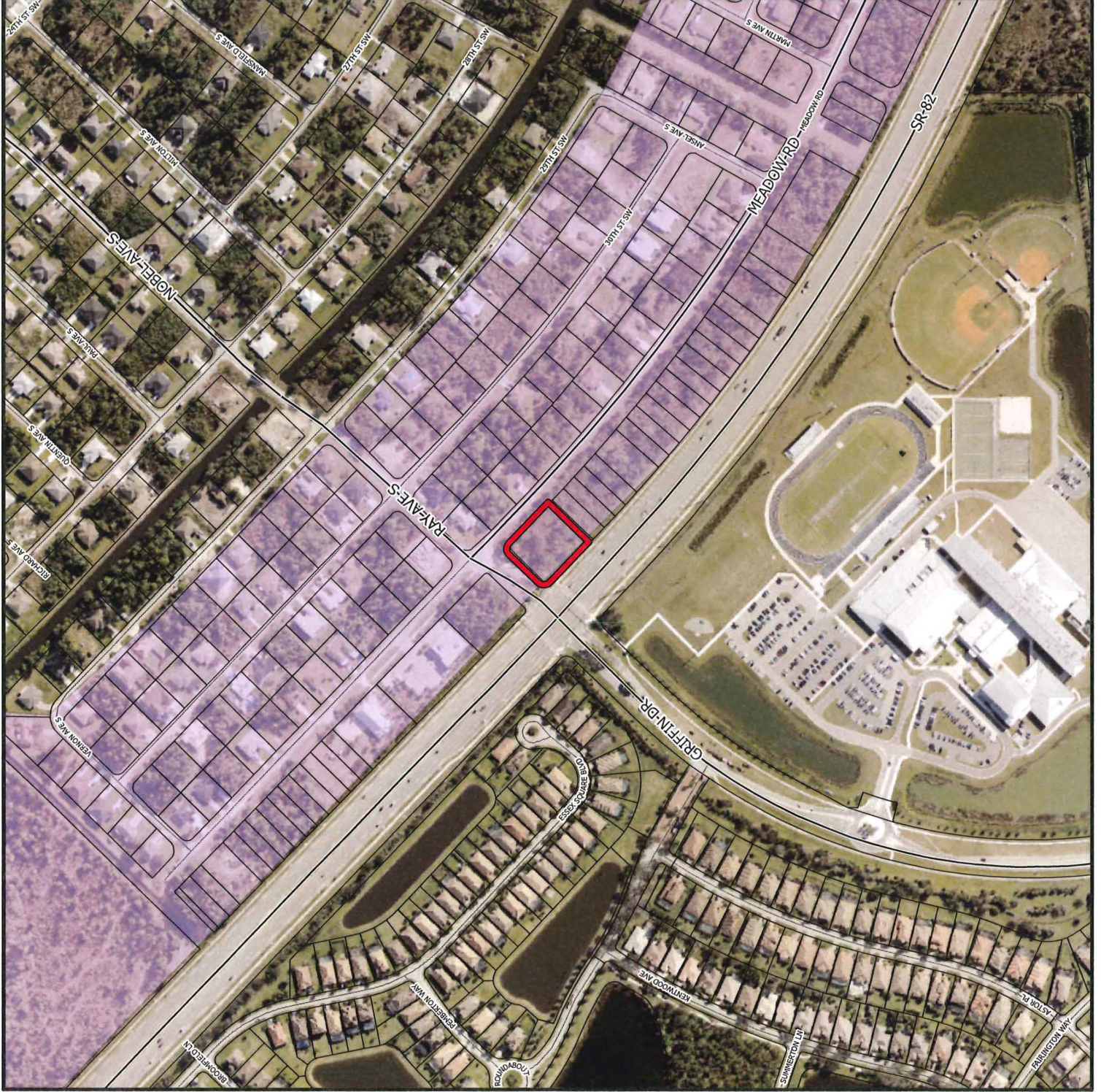
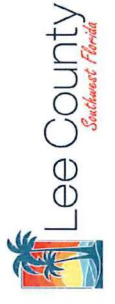
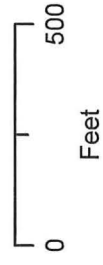
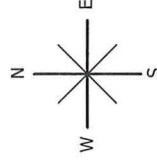
Mixed Use Overlay

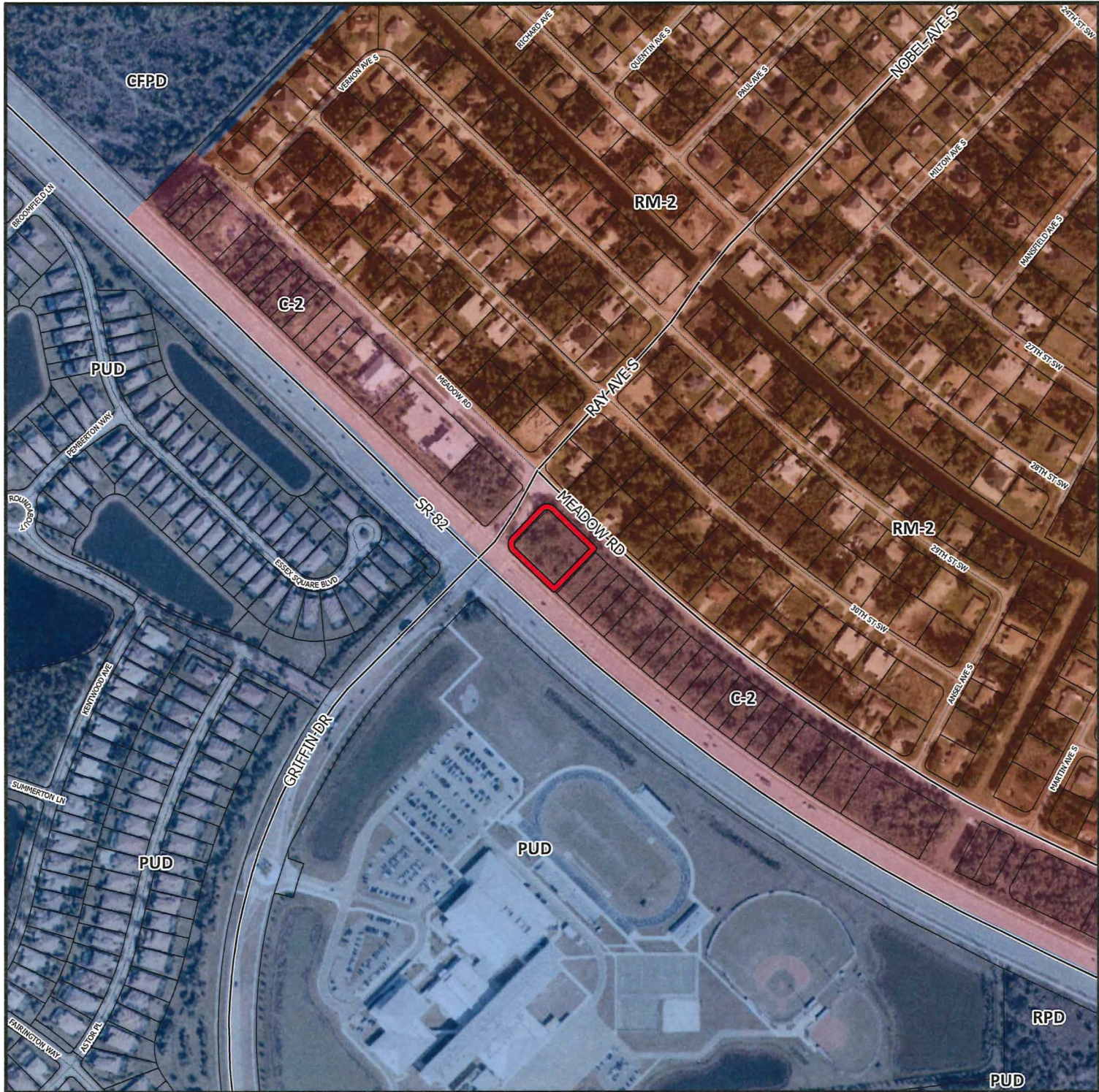


Subject Property



Mixed Use Overlay

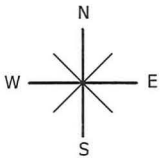




SEZ2024-00010

Zoning

 Subject Property



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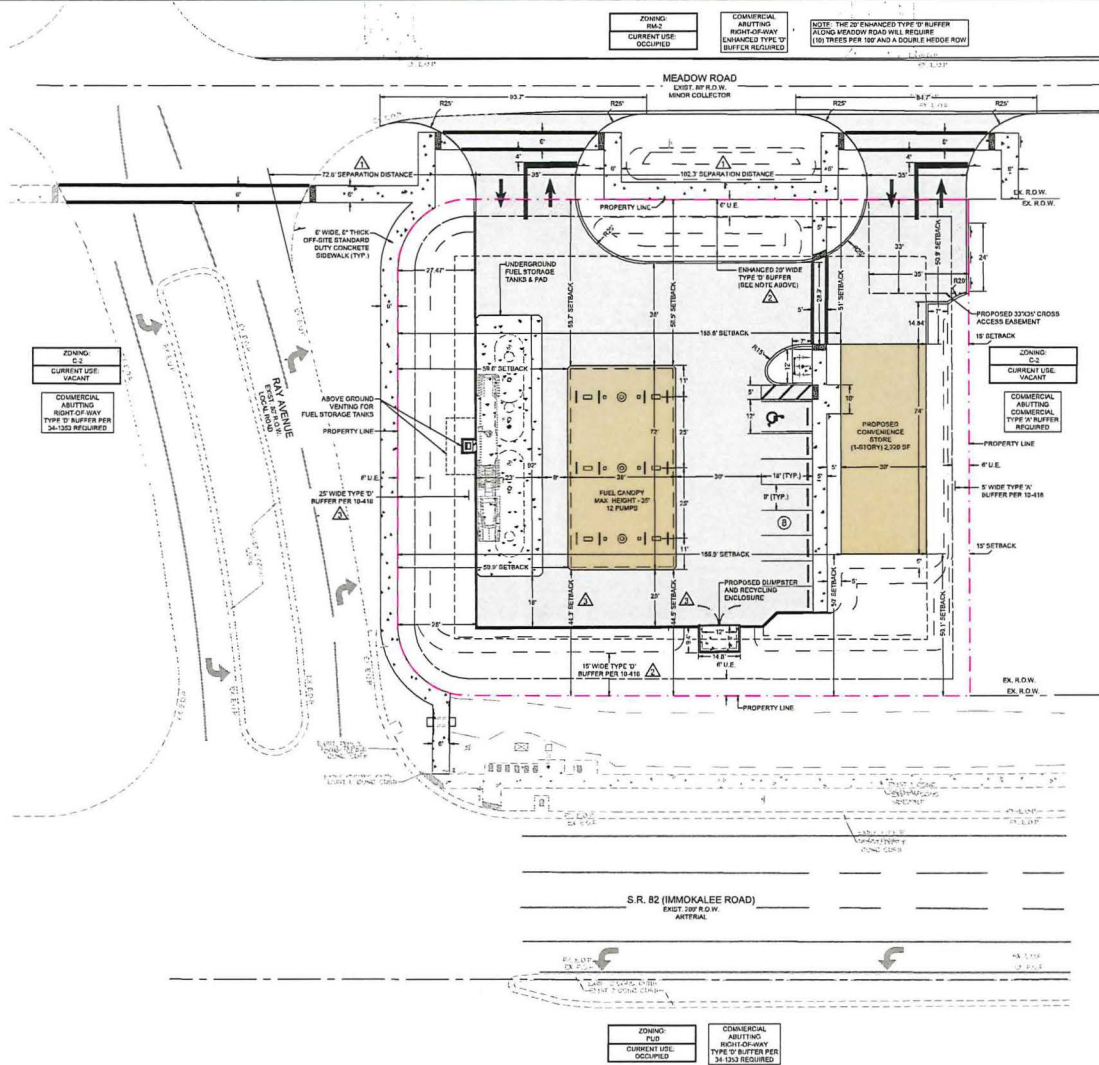
ATTACHMENT C

Recommended Conditions

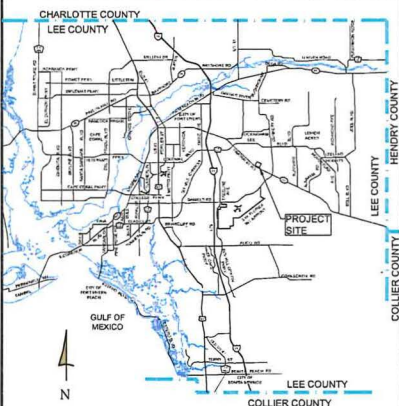
1. Development must be in compliance with the Site Plan entitled Ray Avenue Gas Station prepared by Quattrone and Associates, Inc. Stamped received 03-25-2025, except as conditioned herein. If further modifications are requested, appropriate approvals will be necessary.
2. Development is limited to a 2,220 square-foot convenience food and beverage store with a maximum of 12 fuel pumps.
3. Hours of Deliveries: Deliveries are limited to 6:00 a.m. to 8:00 p.m., Sunday through Saturday.
4. Connection Separation: Final approval of proposed connection separation along Meadow Road is subject to review of ADD2024-00225. Modifications to the Special Exception site plan to address alternative access locations or to address design modifications required for permits from other agencies may be approved through the administrative amendment process.
5. Public Utilities: Development of the subject property must connect to potable water.
6. Buffer conditions: Prior to the issuance of a Local Development Order, the plans must depict the following buffers:
 - a. North (Meadow Road) - Enhanced 20-foot buffer with 10 native trees planted per 100 linear feet, and a double-staggered hedgerow planted at 36 inches and maintained at 48 inches.
 - b. South (SR 82) - 15-foot right of way buffer, with 5 trees planted per 100 linear feet, and a double-staggered hedgerow.
 - c. West (Ray Avenue) - 25-foot right-of-way buffer along Ray Avenue, with 5 native trees planted per 100 linear feet, and a double-staggered hedgerow as required by LDC Section 34-1353(e).

RAY AVE. GAS STATION

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



MASTER CONCEPT PLAN



LOCATION MAP

PROJECT SUMMARY:

FUTURE LAND USE DESIGNATION
CENTRAL URBAN & MIXED-USE OVERLAY

PLANNING COMMUNITY
LEHIGH ACRES

CURRENT ZONING
C-2

PROPOSED ZONING
NO ZONING CHANGES ARE PROPOSED

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

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

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

PARKING CALCULATIONS REQUIREMENT
CONVENIENCE FOOD & BEVERAGE STORE W/ (12) FUEL PUMPS
 (1) SPACE PER 200 SQ. FT. OF GROSS FLOOR AREA MINUS
 (1) SPACE PER (4) FUEL PUMPS

2,200 SQ. FT. / 200 SQ. FT. = (11) SPACES MINUS (3) SPACES
FOR (12) FUEL PUMPS = (8) REQUIRED SPACES

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

Δ - DEVIATION / VARIANCE



Quattrone & Associates, Inc.
Engineers, Planners & Development Consultants

Attachment E



REQUEST STATEMENT

Ray Avenue Gas Station
Special Exception for Fuel Pumps in Support of C-2 Convenience
Food and Beverage Store
0.80 ACRES
Strap # 05-45-26-03-00035.0010
Undetermined, Lehigh Acres, FL 33973

The subject project is a commercial zoned 0.80-acre parcel located approximately 1.75 miles north of the Daniels Pkwy and S.R. 82 intersection. The property is within the Central Urban Future Land Use and within the Mixed-Use Overlay. The request is to permit by right a Convenience Food and Beverage Store through the Commercial zoning district, along with twelve Self-service fuel pumps through a Special Exception. The project fits into the Lee Plan’s Minor Commercial definition, being less than two acres with a building area of 2.200 sf.

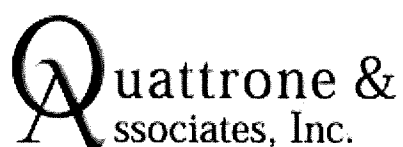
The Ray Avenue Gas Station is located at the southeast corner of the intersection of SR 82 and Ray Avenue South), with Meadow Road fronting its northeast boundary. The zoning patterns adjacent to the property along SR 31 are commercial. To the southwest and opposite SR 82 is Gateway High School. Adjoining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

LDC 34-145 SPECIAL EXCEPTION CONSIDERATIONS

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

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

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



LEE PLAN CONSIDERATIONS

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

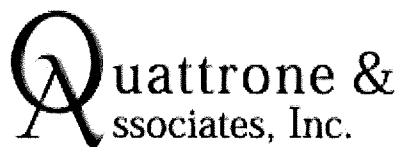
Response: The property is in Lehigh Acres along SR 82. Although the C-2 zoning has a variety of uses, the primary intended use will be a Convenience Food and Beverage Store with Self-service Fuel Pumps. SR 82 are a combination of vacant and developed PD and C-2 zoned parcels. To the northwest consists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

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

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

OBJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Ord. No. 94-30, 00-22)*

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



OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC. (Ord. No. 94-30, 00-22, 17-19).*

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

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

STANDARD 4.1.1: WATER. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system*

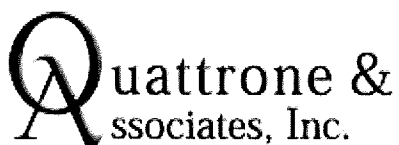
STANDARD 4.1.2: SEWER. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

OBJECTIVE 11.2: MIXED USE OVERLAY. *The County will maintain an Overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed-Use Overlay. (Ord. No. 07-15, 17-13)*

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

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





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

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

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

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

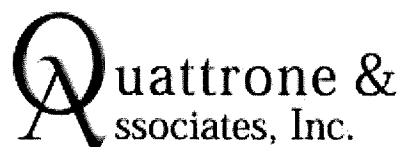
OBJECTIVE 25.9: SEWER AND WATER. *Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development that is reliant upon on-site well and septic systems. (Ord. No. 10-16, 18-18)*

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

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

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

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



LEE PLAN AND LDC CONSISTENCY SUMMARY

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

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

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

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

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

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

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

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

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

Attachment F**LEHIGH ACRES ARCHITECTURAL, PLANNING & ZONING REVIEW BOARD**

Meeting Minutes November 21, 2024

5:30 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:** Thomas Pfuner, Mike Cook (LAMSID), Derek Felder, Mohamed Yasin, Inke Schirmmacher**Excused:** Tami Baker, Laurie Sternowski,**Consulting:** Janis Williams – Lehigh Acres Fire and Rescue District**Minutes:** Melissa Barry**Public Comments on Non-agenda Items:** None**Approval of Agenda:** 1st by Mohamed and 2nd by Derek**Motion: Passed****Approval of October Minutes:** 1st by Mohamed and 2nd by Derek**Motion: Passed****New Project Reviews:**

A. Request for a Special Exception and DO Approval for 602 Meadow Rd, Lehigh Acres 33973. The applicant is requesting a Special Exception Approval for a Ray Avenue Gas Station to allow Self Serving Fuel Pumps and a Development Order for a gas station with 12 fueling pumps and a 2,220 sf convenience store with associated landscaping, lighting, drainage and utilities. Project is presented by Josh Eisenhoff w/ Quattrone & Associates, Inc. ☐

Board Member Comments:

Derek – N/A

Response to Derek-

Mike – 1) Commented on the roof flow and drainage on the ground. An update was submitted and it is being reviewed.

Response to Mike –

Thomas – Came in the during the presentation.

Response to Thomas –

Inke – 1) Wanted to make sure the lighting by the code.

Response to Inke

Mohomed – N/A

Response to Mohamed

Janis – No comment at this time

Response to Janis

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

Motion: Passes

B. Request for a Site and DO Approval for 619/625 Williams Ave., Lehigh Acres FL 33972. The applicant is requesting a Site and Development Order Approval for Arcland Self Storage. The proposed project includes construction of 4 Mini-warehouse/self-storage buildings constructed in one-phase on a 4.5-acre lot within the commercial development located at the entrance to Town Lakes. The finished site will have approximately 665 self-storage units with associated parking. Project is presented Michelle Salberg w/ Quattrone & Associates, Inc. ☐

Board Member Comments:

Derek – 1) this is the first that I am seeing this as a one-story building, do you know why it was changed? 2) The entrance off of Town Lakes and it is labeled construction, my concern is that you are using this private road and what is being done to reimburse Town Lakes? And what about the sidewalk connection? You are connecting it by the backside of this parking area but it is never going to be used and we thought it would be connected upfront and then adding benches to that area.

Response to Derek- 1) the presenter was unsure about why it was changed. 2) Is that area for that you are wanting the sidewalk connected being maintained by Town Lakes? (Derek answered this – yes, but there is a debate on where the property line is.) I can talk to the engineer about adding this but we can see what we can do. And the construction can be moved around

Mohomed – 1) Happy with the change in the drive way. As far as the land acquisition that would be new to me but would be welcome.

Response to Mohamed -

Mike – 1) Drainage is part of the master concept plan. I don't know if they have gotten the association and the commercial in agreement about the drainage. I don't know how we or Southwest Florida is going to approve it. There was supposed to be a master drainage association that was set up and it never was by the developer who went out of business. 2) Who is going to maintain the system?

Response to Mike – 1) so you are telling me that there is no association that is set up? 2) With the new water maintenance rules there are asking for the operation and maintained paperwork so they are going to say to us that we need a signed agreement for who is maintaining it.

Discussion about the water drainage and the history of this water drainage agreement.

Thomas – No comment

Response to Thomas –

Inke – 1) I am concerned about the landscaping on the north end. Can we add some bushes or something on the bottom.

Response to Inke: 1) It is a double staggered bush

Janis – No comment at this stage.

Response to Janis

Public Comment – Jackie – Resident of Town Lakes – 1) just wanted to make sure that the construction entrance will be moved out of Town Lakes?

Response – 1) I am going to bring it to the engineer.

Motion to approve with recommendations for changes including the sidewalk and construction entrance and the association drainage plan is passed: First – 1st by Derek and 2nd by Mohamed

Motion passed

Old Business: None

New Business:

- a) Board Members Comments
 - a. Derek – shared community meetings
 - b. Inke – meeting time – do you want to move it to 5:30.
 - i. We will be leave it here
 - ii. Officers – let Inke know if they want to be officers for December meeting
 - iii. Payment before the meeting
 - iv. Facebook – Add Derek as a monitor
 - c. Happy Thanksgiving – Lehigh Rotary does a Thanksgiving dinner

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

Adjourn: 6:10 pm

Next LAAPZRB Meeting on December, 19, 2024 (if projects are submitted)

Project Submittal Deadline is December 9, 2024

Attachment G

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: REZ2024-00010
TYPE OF CASE: Special Exception
CASE NAME: Ray Avenue Gas Station
TOTAL ACREAGE: 0.80 acres
SUFFICIENCY DATE: 01/28/2025
HEARING EXAMINER DATE: 04/09/2025

Request

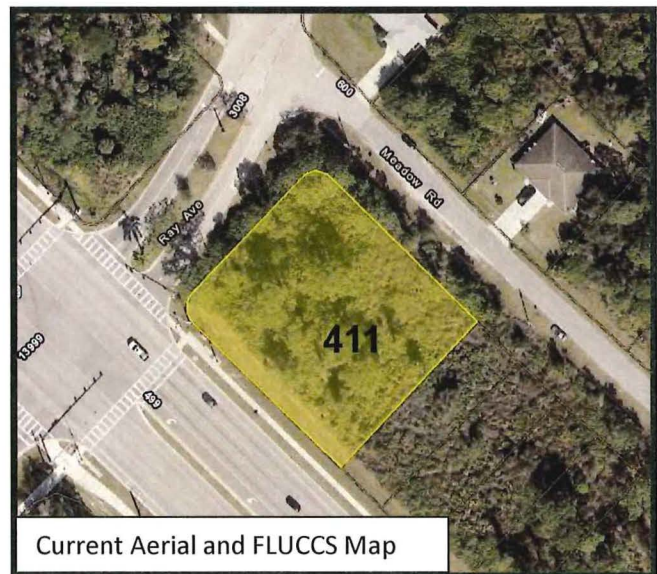
The applicant is requesting a special exception to LDC 34-844 use regulations for conventional commercial districts, note 19, to permit a total of twelve (12) fuel pumps. The site is currently zoned C-2. The 0.80-acre property is in the Lehigh Acres Community Planning Area, is west of a conventionally zoned commercial property (C-2), north of State Road 82, east of Ray Avenue, and South of Meadow Road. 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 Ray Avenue South and State Road 82. A review of historic available aerial imagery was completed by Staff from the 1940's through today. The analysis shows that the site was never developed except for an adjacent swale along the right of way for state road 80. Beyond that, the site remained undeveloped and there is no evidence to support the land was filled and graded for development.

A site inspection of the property was conducted on 2/12/2025. During the site inspection staff noted large amounts of *Schinus terebinthifolius* (Brazilian Pepper) which appeared to be heavily encroaching into the site. The project is not a large development by definition; therefore, no indigenous preservation area is required. Based on the site inspection by staff, the site does contain indigenous vegetation as defined by the LDC 10-1 and further in LDC 10-701. Staff compiled the *Current Aerial and FLUCCS Map* to show vegetation communities identified by staff during the inspection. The entire site was found to be FLUCCS type 411 Pine Flatwoods.

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



Native: *Pinus elliotti* (U), *Schinus terbinthifolius* (F), *Quercus virginiana* (U), *Toxicodendron radicans* (N/A), *Quercus laurifolia* (FW), *Sabal palmetto* (F), *Dichanthelium commutatum* (FW), *Serenoa repens* (U), *Spermacoce verticillate* (U), *Vitis rotundifolia* (NA).

Based on the analysis in this staff report, this plant community would be identified as an Upland Pine Flatwood.

Open Space

All projects must provide Open Space pursuant to LDC 10-415. The site is located within the Mixed-Use Overlay and able to use the reductions set forth in LDC 10-425 (a); small commercial projects are required to provide 10%, and large developments are required to provide 20%. The project is a small project and therefore will be required to provide 10 percent open space at time of development order. Due to the project being a small development, no indigenous open space is required.

Protected Species

No protected species were identified on site.

Buffers

The LDC section 10-416 (d) provides the buffering and screening requirements that apply to all new development. LDC 33-1353 provides the street right-of-way buffer landscaping requirements for the specific use in Chapter 34 in the Supplementary District Regulations (*Convenience Food and Beverage Stores, Automotive Service Stations, Fast Food Restaurants, and Car washes*), which requires the development to place a 25 foot in width buffer adjacent to rights of way external to the project. Due to site constraints, the applicant will be requesting administrative deviations pursuant to LDC 34-1354 from the landscaping requirements in 34-1353 to reduce reduced buffer width on the North, West, and South Buffers. The north buffer will include enhanced plantings which provide additional shielding to the adjacent residential uses to the north. The buffer adjacent to the commercial lot to the east is meeting code in LDC 33-1405. The proposed buffers are as follows.

North Buffer: The north property boundary abuts the right-of-way for meadow road, and the properties are zoned RS-1. The applicant is requesting a deviation from the 25-foot right of way buffer in LDC 34-1354, to allow an enhanced 20-foot right of way buffer with 10 trees per 100 linear feet.

South Buffer: The south property line abuts the right-of-way for state road 82. The applicant is requesting a deviation from the street right-of-way buffer landscaping in 34-1353 to allow for a 15-foot right-of-way buffer with 5 trees per 100 linear feet.

East Buffer: The eastern property line abuts a commercially zoned lot. Pursuant to 33-1405 and 10-416 (d)(4), the applicant is required to provide a type-A buffer between commercial uses. The applicant is in compliance with the buffer requirements.

West Buffer: The west property line abuts the right-of-way for Ray Avenue. The applicant has requested a deviation from the street right-of-way buffer landscaping in LDC 34-1353 to allow for a 15-foot right-of-way buffer with 5 trees per 100 linear feet. Staff reviewed the requested deviation along with the MCP and staff have determined the request is not necessary as the

applicant has sufficient room to place the 25-foot buffer required under LDC 34-1353. Staff recommend the following buffer conditions.

Buffer Conditions

Prior to the issuance of a local development order, the plans must depict the following buffers:

- a. **Meadow road** – Enhanced 20-foot buffer with 10 native trees planted per 100 linear feet and a double staggered hedgerow planted at 36 inches and maintained at 48 inches.
- b. **CSR 82** – 15-foot right of way buffer with 5 trees planted per 100 linear feet and a double staggered hedgerow.
- c. **Ray Avenue** – 25-foot in width buffer along Ray Avenue, with 5 trees planted per 100 linear feet and a double staggered hedgerow.



Engineers, Planners & Development Consultants

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RAY AVENUE GAS STATION

TRAFFIC IMPACT STATEMENT

August 2024

Reviewed By:

Josh Eisenoff
P.E. #97911

QAI Project # 230704





Ray Avenue Gas Station
STRAP#: 05-45-23-03-00035.0010
Meadows Rd
Lehigh Acres, FL 33973

The purpose of the TIS is to analyze the potential traffic impacts and identify any improvements required to secure a Lee County Development Order.

EXISTING CONDITIONS

OVERVIEW

The subject property is located at the south corner of Ray Avenue and Meadow Rd, abutting SR 82.

ROADWAY INFORMATION

Meadow Rd is a two-way, two-lane county maintained minor collector roadway with a posted speed limit of 35 mph. There is no existing access point to the site.

PROPOSED DEVELOPMENT

The proposed development will consist of a 2,220 SF building, twelve vehicle fueling positions, and two access points, both of which are to be connected to Meadow Rd. The site is to be used as a gas station and convenience store. LUC 945 has the best fitting description for the intended use of the proposed development.

Below are the land use codes utilized to calculate the projected trips:

LUC 945 – Convenience Store/Gas Station

2.22 (per 1,000 sq. ft.) & VFP (9-15)

TRIP GENERATION

The trip generation proposed for the development was determined using OTISS software, which refers to the Institute of Transportation Engineer’s (ITE) report, titled *Trip Generation*, 11th Edition.

The LUC 945 – Convenience Store/Gas Station did not have the best fit curves available for the AM/PM peak hour analysis, thus the average rate per ITE was used. The weekday analysis for this land use did have the best fit curve available, thus it was used for the weekday analysis.

The table below displays the anticipated peak hour A.M., peak hour P.M., and weekday trip generation for the proposed use as calculated by OTISS.

Land Use	Peak AM		Peak PM		Weekday	
	Entry	Exit	Entry	Exit	Entry	Exit
945 – Convenience Store/Gas Station	63	63	61	61	897	897



TRIP DISTRIBUTION

The total external trips shown above were assigned to the proposed site access points and adjacent roadways. There are two access points to the proposed development on Meadow Rd. The proposed access points allow for right and left turning movements, with the traffic distributed 80% North, towards Ray Ave on Meadow Rd, and 20% South, towards Gregory Ave S on Meadow Rd.

The Trip Distribution Exhibit T-01 shows the projected distribution to Ray Ave and Gregory Ave S used for the projected level of service. Exhibit T-02 demonstrates the A.M. and P.M. peak hour traffic for the for the traffic generated by the subject project. Please refer to the attached **Trip Distribution Exhibits**.

PROJECT LEVEL OF SERVICE AND IMPROVEMENTS

There is one roadway that will be analyzed for Level of Service: County Maintained Meadow Rd.

The 2023 Lee County Concurrency Report did not have information for the Level of Service of Meadow Rd; however, FDOT AADT data for Meadow Rd was found to calculate the existing volume, or 100th hour V.P.H. The existing volume for Meadow Rd was found to be 56 trips; please refer to the attached AADT information for calculations. LOS Trip Thresholds were determined using the 2016 Lee County Generalized Peak Hour Directional Service Volumes.

Per ITE Trip Generation, the highest trips were in the A.M. peak hour, with a total of 63 trips. The projected distribution for traffic North, towards Ray Ave, is 80%. Trip Distribution Exhibit T-01 illustrates the distribution. Table I demonstrates the LOS analysis, the peak hour, peak direction trips for the subject roadway added to the background traffic.

100 TH HIGHEST HOUR LEVEL OF SERVICE (LOS) CALCULATION			
MEADOW RD			
PROJECT NAME:	RAY AVENUE GAS STATION		
ENGINEER:	QUATTRONE & ASSOCIATES, INC.		
PROJECT LOCATION:	MEADOW RD, LEHIGH ACRES FL 33973		
100 th HOUR VEHICLES PER HOUR (V.P.H.) Year Rate:	2023	56	
LOS EXISTING =			C
100 th HOUR V.P.H. FOR PROJECT =		63	
NEW TRIP DISTRIBUTION % = 80%	NEW TRIPS =	50.4	
100 th HOUR V.P.H. ADJUSTED + NEW TRIPS =	56 + 50	106	
LOS WITH PROJECT =			C
LOS TRIP THRESHOLD =	MEADOW RD	A	0
		B	0
		C	730
		D	1,440
		E	1,520

Table 1 LOS Calculations & Analysis



The performance standard for Meadow Rd is LOS C at a capacity of 730. Per Table I, Meadow Rd will operate at an acceptable level of service with or without the proposed development.

PROJECT LEVEL OF SERVICE AND IMPROVEMENTS

The determination of potential significant impact for each roadway link is calculated per Lee County AC13-16 as follows:

Meadow Rd:

Service Volume Utilization = (Cumulative Project Traffic / Max. LOS of Meadow Rd) = (50 / 1520) × 100% = 3.28%

Per Lee County AC-13-16, Meadow Rd does not meet the definition of a significant impact of more than five percent or more of the adopted peak hour level of service maximum service volume of the roadway.

TURN LANE ANALYSIS

The number of trips used for the turn analysis can be seen in Trip Distribution Exhibit T-02. The figure below demonstrates turn lane requirements per Lee County Turn Lane Policy AC-11-4, for the proposed accesses abutting minor collector road, Meadow Rd.

TURN LANE ANALYSIS FOR					
MEADOW RD		WITH A		ROADWAY SPEED OF 35 MPH	
DECELERATION & LEFT TURN ANALYSIS			DECELERATION & RIGHT TURN ANALYSIS		
	Met	Not Met		Met	Not Met
Warrant #1 - Speed limit equal to or more than 35 mph	X		Warrant #1 - Speed limit equal to or more than 35 mph	X	
Warrant #2 (b)Two-way peak season through and right turn is equal or greater than 500 vehicles and the left turn volume is equal or greater than 20 vehicles; OR Left turn volume for the peak hour is greater than 30 vehicles.		X	Warrant #2 - Right turns area equal to or greater than 45 vehicles at AM or PM peak when the AADT is less than 6,000 vpd OR equal to or greater than 30 vehicles when the AADT is equal to or greater than 6,000 vpd		X
Warrant #3 - Available Sight Distance		X	Warrant #3 - Available Sight Distance		X
Warrant #4 - Traffic Control		X	Warrant #4 - Traffic Control		X
Warrant #5 - The Collector street is intersecting an arterial or collector street		X	Warrant #5 - LCDOT Requiring turn lane		X
Warrant #6 - Crash Rates		X	<u>Therefore, Turn Lane is Not Required</u>		
Warrant #7 - LCDOT Requiring turn lane		X			
<u>Therefore, Turn Lane is Not Required</u>					
SEPARATE LEFT TURN LANE ANALYSIS			SEPARATE RIGHT TURN LANE ANALYSIS		
	Met	Not Met		Met	Not Met
Warrant #1 - Speed limit equal to or more than 35 mph	X		Warrant #1 - Speed limit equal to or more than 35 mph	X	
Warrant #2 - Left turns are equal to or greater than 60 vehicles at AM or PM peak		X	Warrant #2 - Right turns are equal to or greater than 90 vehicles at AM or PM peak		X
Warrant #3 - Traffic Control		X	Warrant #3 - Traffic Control		X
Warrant #4 - LCDOT Requiring turn lane		X	Warrant #4 - LCDOT Requiring turn lane		X
<u>Therefore, Turn Lane is Not Required</u>			<u>Therefore, Turn Lane is Not Required</u>		



CONCLUSION

There is no change in the Level of Service for Meadow Rd, based on the 100th highest hour LOS calculations. Therefore, the roadway is adequate to accommodate the additional volume generated by the proposed project.

The turn lane analysis for the access points, located on Meadow Rd, was conducted and it was determined turn lane improvements will not be warranted.

The proposed development will not have a detrimental impact on the surrounding roadway system and turn lane improvements will not be warranted at the project's entrances. The project does not pose a significant impact of five percent or more increased volume on Meadow Rd.

REFERENCES

- *Trip Generation by OTISS Online Traffic Impact Study Software*
- *Institute of Transportation Engineers Trip Generation, 11th Edition*
- *FDOT 2023 AADT Daily Traffic Information*
- *Lee County 2016 Generalized Peak Hour Directional Service Volumes*
- *Lee County Turn Lane Policy AC-11-4 (Adopted: 10/19/88)*

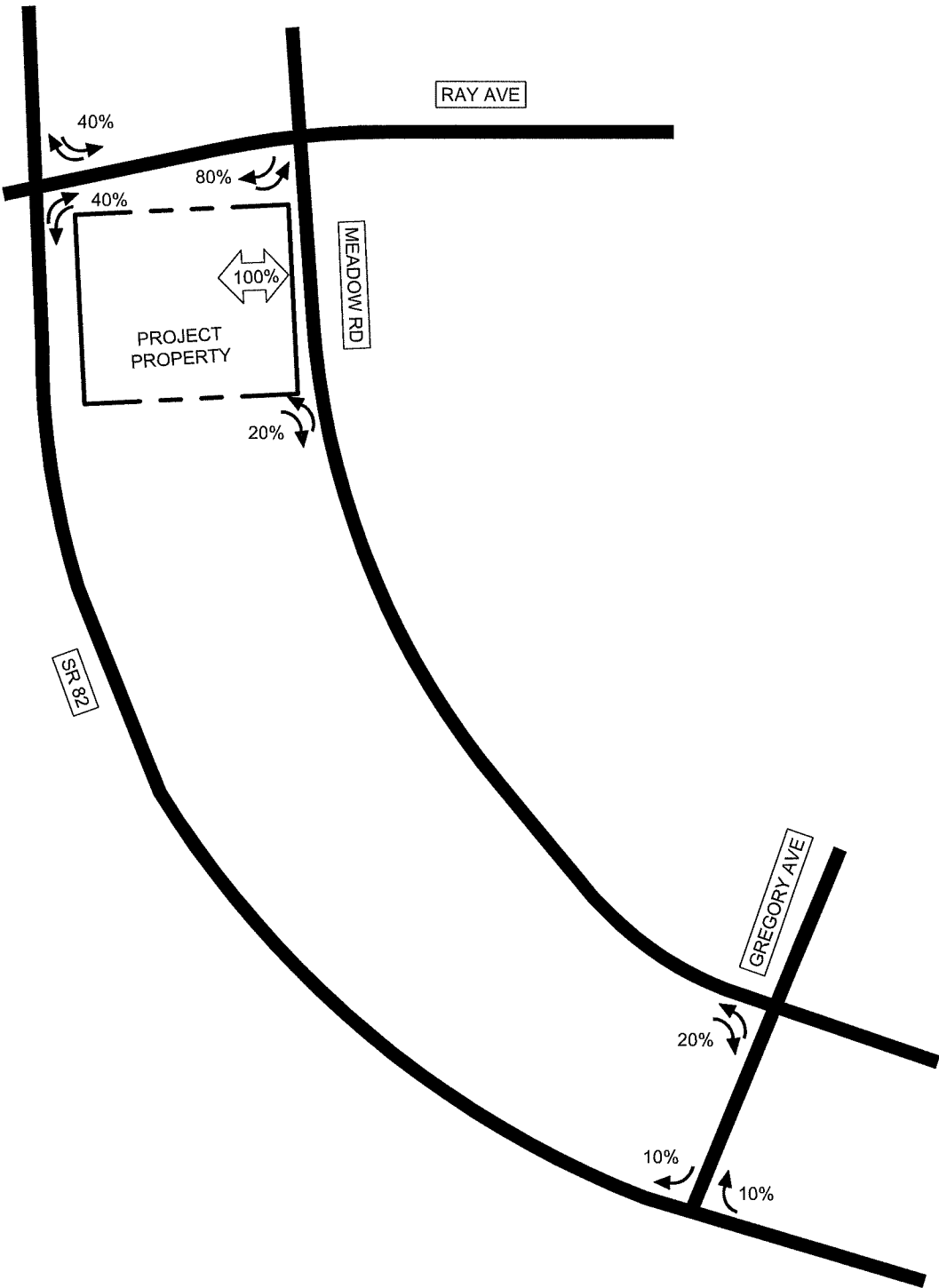


TRIP DISTRIBUTION EXHIBITS





NTS



Quattrone & Associates, Inc.

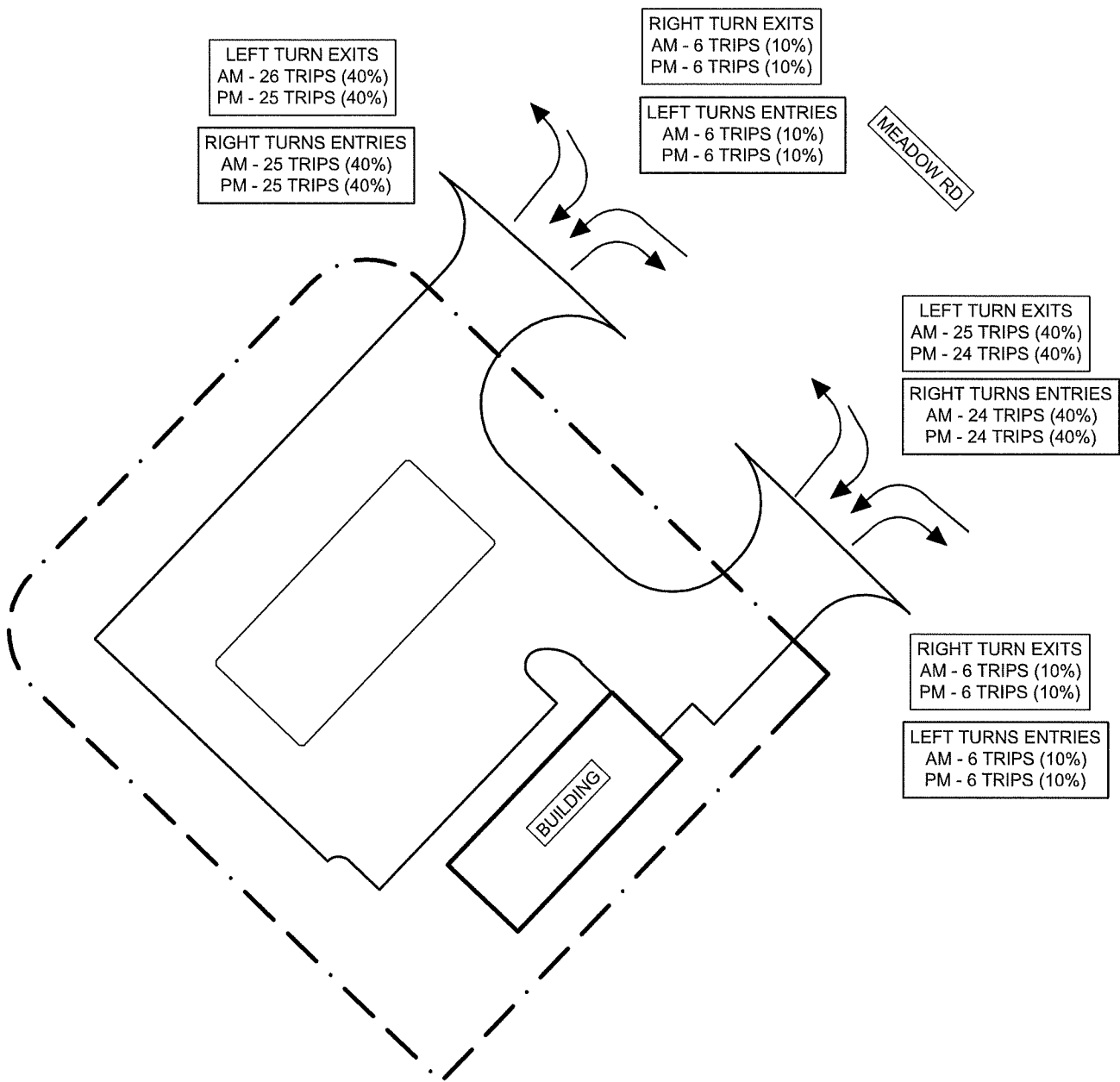
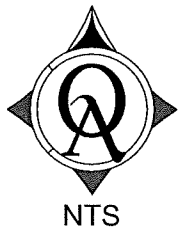
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222

Certificate of Authorization Number: 9465

RAY AVE GAS STATION
TRIP DISTRIBUTION EXHIBIT
UNDETERMINED ACCESS, LEHIGH ACRES
LEE COUNTY, FLORIDA 33974

SHEET
T-01
01 OF 02

PROPOSED TRIPS	
Driveway Volume	
7-9 AM Peak Hour Enter	63
7-9 AM Peak Hour Exit	63
7-9 AM Peak Hour Total	126
4-6 PM Peak Hour Enter	61
4-6 PM Peak Hour Exit	61
4-6 PM Peak Hour Total	122



Quattrone & Associates, Inc.

Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd · Fort Myers, Florida 33916 · 239-936-5222

Certificate of Authorization Number: 9465

RAY AVE GAS STATION
TRIP DISTRIBUTION EXHIBIT
UNDETERMINED ACCESS, LEHIGH ACRES
LEE COUNTY, FLORIDA 33974

SHEET

T-02

02 OF 02



TRIP GENERATION ANALYSIS



Quattrone Associates Inc.

230704 - Ray Ave Gas Station

7/23/2024 11:46 AM

VEHICLE TRIPS								
Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
					Rate/Equation	Split%	Split%	
945 - Convenience Store/Gas Station - VFP (9-15)	General	1000 Sq. Ft. GFA	2.22	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Average	63	63	126
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban				56.52	50%	50%	
945(1) - Convenience Store/Gas Station - VFP (9-15)	General	1000 Sq. Ft. GFA	2.22	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average	61	61	122
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban				54.52	50%	50%	
945(2) - Convenience Store/Gas Station - VFP (9-15)	General	1000 Sq. Ft. GFA	2.22	Weekday	Best Fit (LIN)	897	897	1794
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban				T = 560.88(X) + 548.79	50%	50%	



TRIP GENERATION GRAPHS



Land Use: 945

Convenience Store/Gas Station

Description

A convenience store/gas station is a facility with a co-located convenience store and gas station. The convenience store sells grocery and other everyday items that a person may need or want as a matter of convenience. The gas station sells automotive fuels such as gasoline and diesel.

A convenience store/gas station is typically located along a major thoroughfare to optimize motorist convenience. Extended hours of operation (with many open 24 hours, 7 days a week) are common at these facilities.

The convenience store product mix typically includes pre-packaged grocery items, beverages, dairy products, snack foods, confectionary, tobacco products, over-the-counter drugs, and toiletries. A convenience store may sell alcohol, often limited to beer and wine. Coffee and pre-made sandwiches are also commonly sold at a convenience store. Made-to-order food orders are sometimes offered. Some stores offer limited seating.

The sites in this land use include both self-pump and attendant-pumped fueling positions and both pre-pay and post-pay operations.

Convenience store (Land Use 851), gasoline/service station (Land Use 944), and truck stop (Land Use 950) are related uses.

Land Use Subcategory

Multiple subcategories were added to this land use to allow for multi-variable evaluation of sites with single-variable data plots. All study sites are assigned to one of three subcategories, based on the number of vehicle fueling positions (VFP) at the site: between 2 and 8 VFP, between 9 and 15 VFP, and between 16 and 24 VFP. For each VFP range subcategory, data plots are presented with GFA as the independent variable for all time periods and trip types for which data are available. The use of both GFA and VFP (as the independent variable and land use subcategory, respectively) provides a significant improvement in the reliability of a trip generation estimate when compared to the single-variable data plots in prior editions of *Trip Generation Manual*.

Further, the study sites were also assigned to one of three other subcategories, based on the gross floor area (GFA) of the convenience store at the site: between 2,000 and 4,000 square feet, between 4,000 and 5,500 square feet, and between 5,500 and 10,000 square feet. For each GFA subcategory range, data plots are presented with VFP as the independent variable for all time periods and trip types for which data are available. The use of both VFP and GFA (as the independent variable and land use subcategory, respectively) provides a significant improvement in the reliability of a trip generation estimate when compared to the single-variable data plots in prior editions of *Trip Generation Manual*.

When analyzing the convenience store/gas station land use with each combination of GFA and VFP values as described above, the two sets of data plots will produce two estimates of site-generated trips. Both values can be considered when determining a site trip generation estimate.

Data plots are also provided for three additional independent variables: AM peak hour traffic on adjacent street, PM peak hour traffic on adjacent street, and employees. These independent variables are intended to be analyzed as single independent variables and do not have sub-categories associated with them. Within the data plots and within the ITETripGen web app, these plots are found under the land use subcategory “none.”

Additional Data

ITE recognizes there are existing convenience store/gas station sites throughout North America that are larger than the sites presented in the data plots. However, the ITE database does not include any site with more than 24 VFP or any site with gross floor area greater than 10,000 square feet. Submission of trip generation data for larger sites is encouraged.

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), Arkansas, California, Connecticut, Delaware, Florida, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Vermont, Washington, and Wisconsin.

Source Numbers

221, 245, 274, 288, 300, 340, 350, 351, 352, 355, 359, 385, 440, 617, 718, 810, 813, 844, 850, 853, 864, 865, 867, 869, 882, 883, 888, 904, 926, 927, 936, 938, 954, 960, 962, 977, 1004, 1024, 1025, 1027, 1052

Convenience Store/Gas Station - VFP (9-15) (945)

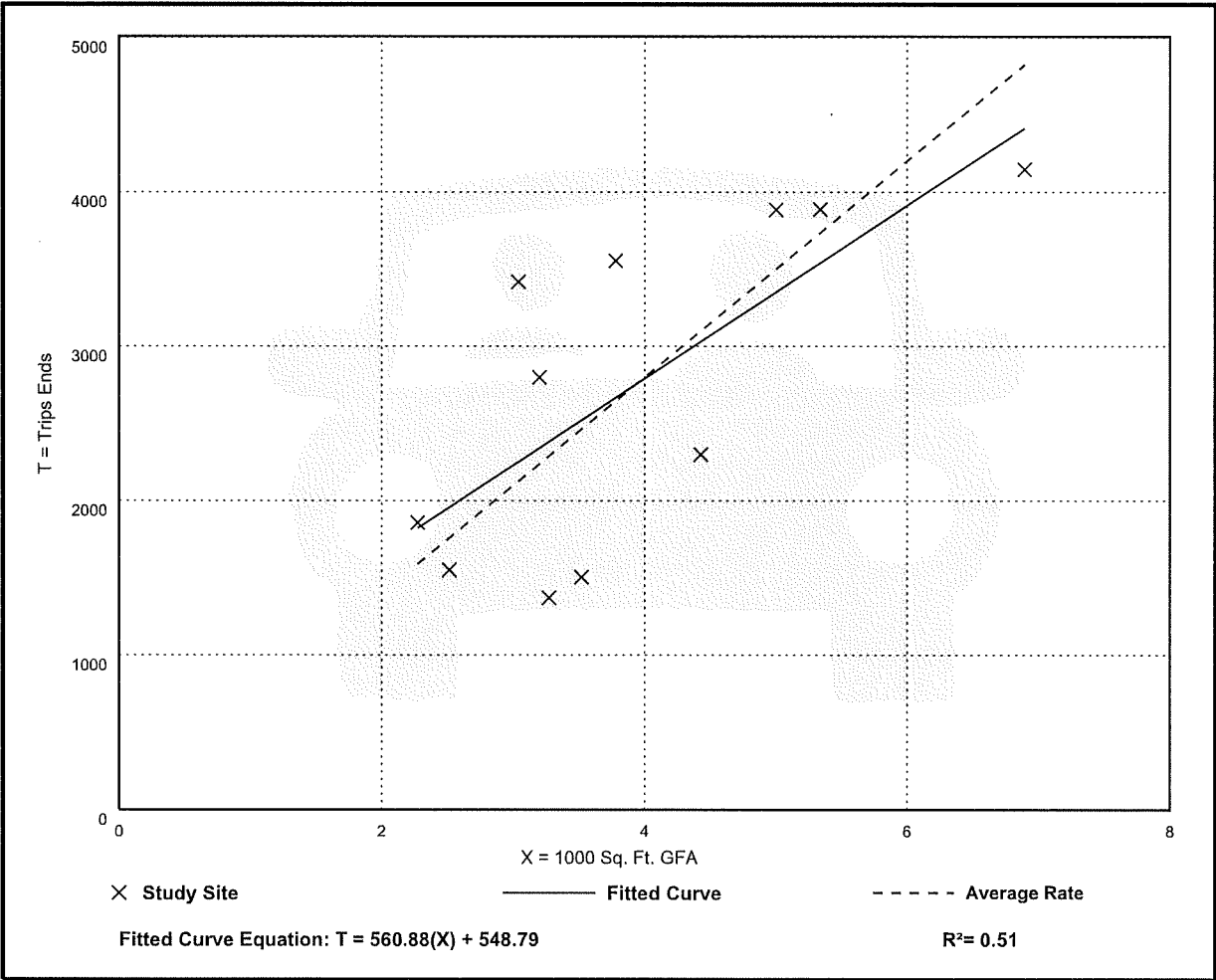
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 11
Avg. 1000 Sq. Ft. GFA: 4
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
700.43	419.93 - 1125.00	206.44

Data Plot and Equation



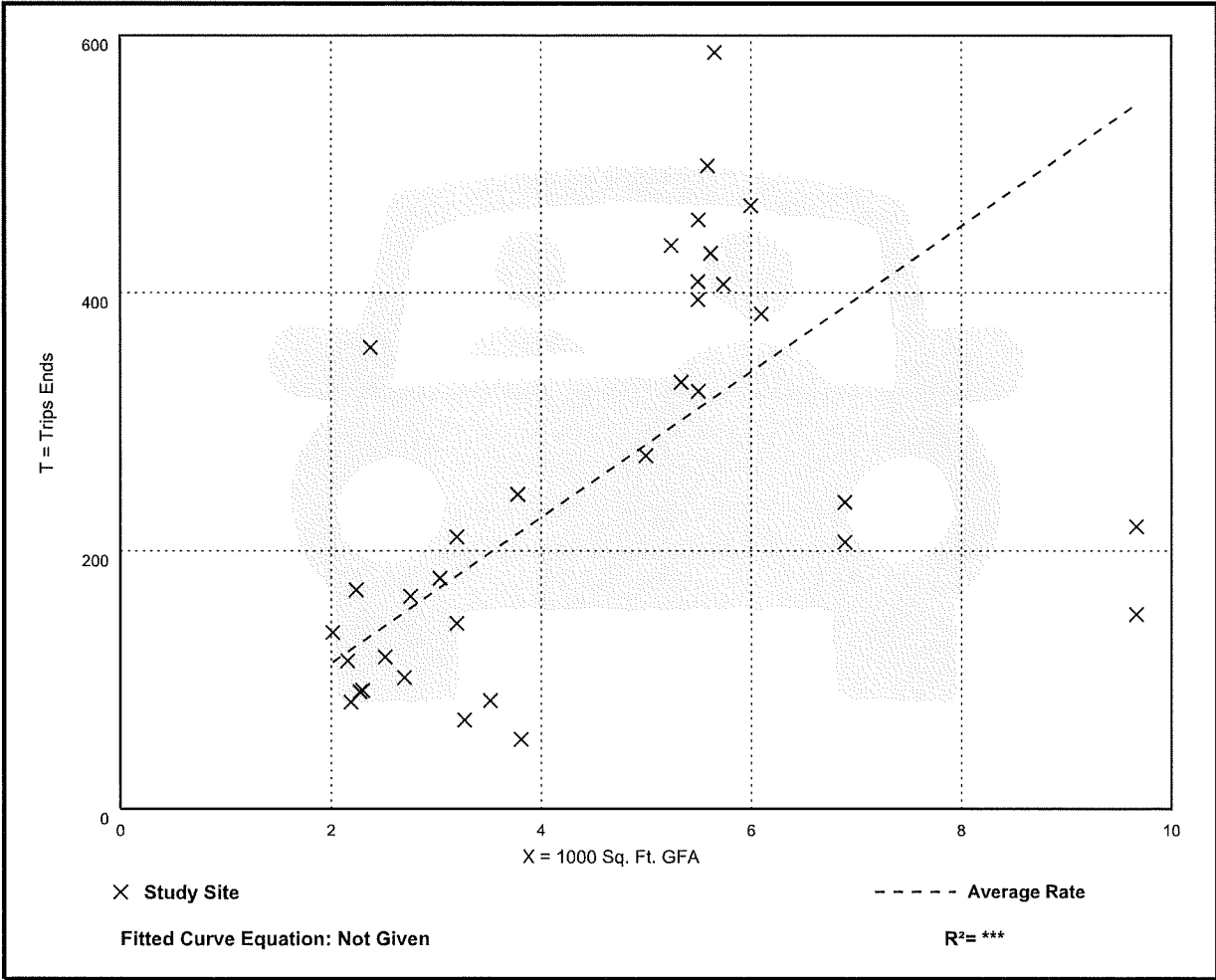
Convenience Store/Gas Station - VFP (9-15) (945)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 34
Avg. 1000 Sq. Ft. GFA: 4
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
56.52	14.17 - 150.67	27.56

Data Plot and Equation



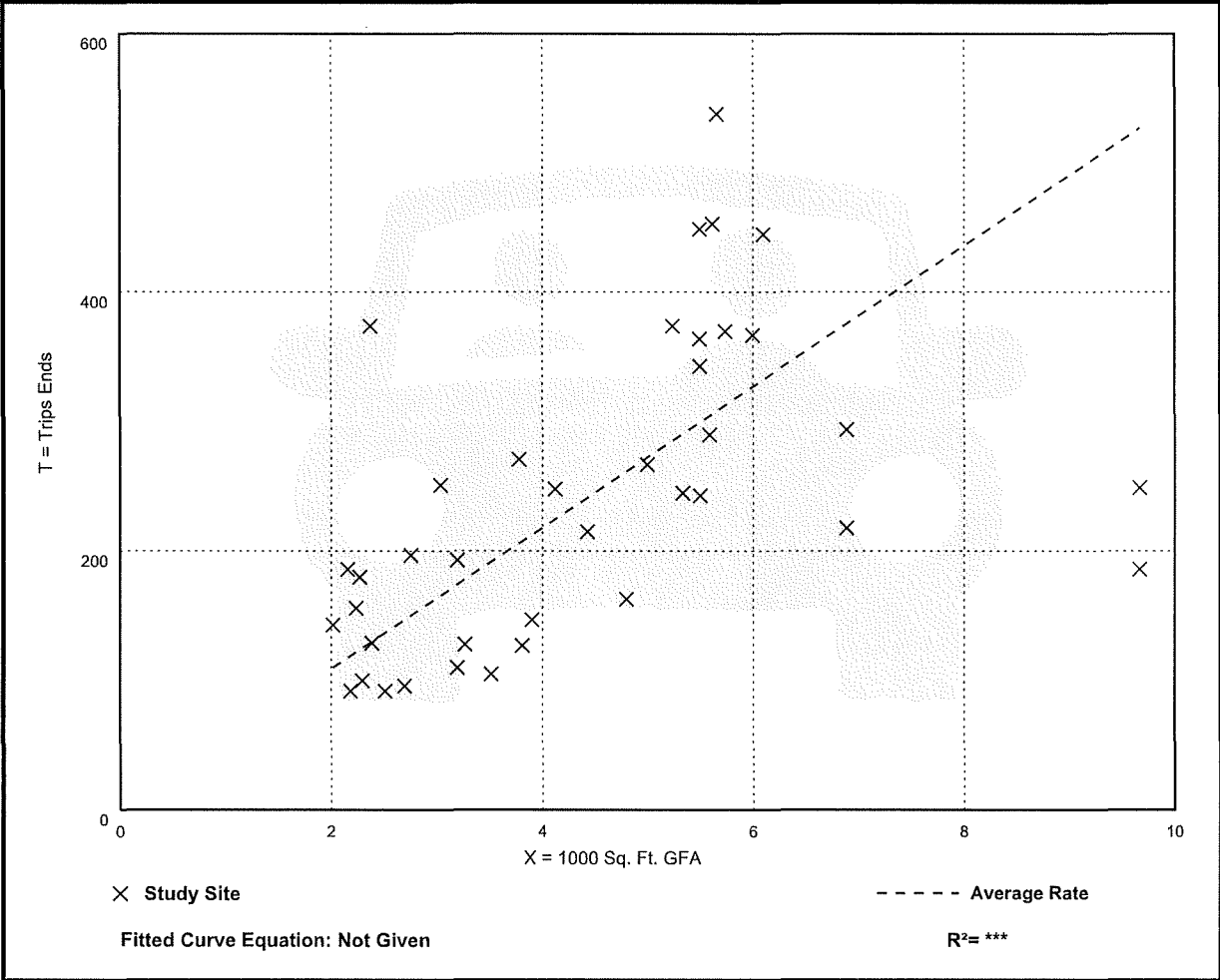
Convenience Store/Gas Station - VFP (9-15) (945)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 39
Avg. 1000 Sq. Ft. GFA: 4
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
54.52	19.23 - 157.41	23.69

Data Plot and Equation





TRAFFIC REPORT



FLORIDA DEPARTMENT OF TRANSPORTATION
2023 ANNUAL AVERAGE DAILY TRAFFIC REPORT - REPORT TYPE: ALL

COUNTY: 12 LEE

SITE	SITE TYPE	DESCRIPTION	DIRECTION 1		DIRECTION 2		AADT TWO-WAY	"K" FCTR	"D" FCTR	"T" FCTR
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
0149		IDLEWILD ST, E OF METRO PRKWAY	E	2500	W	1900	4400 C	9.0	53.8F	5.9A
0150		ISLAND PARK RD, S OF US 41	N	1000E	S	950E	1950 T	9.0	55.4F	4.2F
0151		JACARANDA BLVD, E OF EL DORADO BLVD N	E	150E	W	150E	300 T	9.0	53.5F	8.9F
0152		JAGUAR BLVD, E OF SR 82	E	1800	W	2000	3800 C	9.0	55.4F	13.6F
0153		LAKEWOOD BLVD, S OF HOLE IN ONE CIR	N	850E	S	750E	1600 S	9.0	55.4F	3.2P
0154		MEADOW RD, S OF HEDGWOOD ST	E	10	W	30	40 C	9.0	56.8F	5.9F
0155		MEADOW RD, E OF FLOYD AVE S	E	850	W	950	1800 C	9.0	56.8F	8.0A
0156		MEADOW RD, E OF RAY AVE S	E	550	W	550	1100 C	9.0	56.8F	4.2A
0157		MIDDLE GULF DR, S OF CASA YBEL RD	N	800E	S	800E	1600 S	9.0	55.4F	4.3P
0158		MILWAUKEE BLVD, E OF HOMESTEAD BLVD S	E	2700E	W	2400E	5100 S	9.0	55.4F	6.3P
0159		MOORE AVE, N OF SENTINELA BLVD	N	750	S	750	1500 C	9.0	55.4F	16.2A
0160		NEAL RD, S OF COW TRIAL LN	N	1500E	S	1600E	3100 S	9.5	55.4F	9.7P
0161		NEW POST RD, S OF SR 78/BAY SHORE RD	N	1800	S	1600	3400 C	9.0	55.4F	8.9F
0162		PENZANCE BLVD, W OF 6 MILE CYPRESS	E	1600E	W	1500E	3100 T	9.0	53.8F	5.6F
0163		PINE CHASE DR, N END OF PINE CHASE E OF THREE OA	N	900	S	1100	2000 C	9.0	53.8F	4.2F
0164		PITTSBURGH BLVD, W OF THREE OAKS PRKWAY	E	1100E	W	850E	1950 S	9.0	53.8F	5.0P

SITE TYPE : BLANK= PORTABLE; T= TELEMETERED
"K" FACTOR : DEPARTMENT ADOPTED STANDARD K FACTOR BEGINING WITH COUNT YEAR 2011
AADT FLAGS : C= COMPUTED; E= MANUAL EST; F= FIRST YEAR EST; S= SECOND YEAR EST; T= THIRD YEAR EST; R= FOURTH YEAR EST;
V= FIFTH YEAR EST; 6= SIXTH YEAR EST; X= UNKNOWN
"D/T" FLAGS : A= ACTUAL; F= FACTOR CATG; D= DIST FUNCL; P= PRIOR YEAR; S= STATEWIDE DEFAULT; W= ONE-WAY ROAD; X= CROSS REF

100th Hour Veh. per Hour = AADT * "K" Factor * "D" Factor

100th Hour V.P.H. = 1100 * 0.09 * 0.568

100th Hour V.P.H = 55.836

100th Hour V.P.H = 56

**Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas**

April 2016

c:\input5

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380
Arterials						
Class I (40 mph or higher posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940
Class II (35 mph or slower posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340
Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180
Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600

Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.

Attachment I



DEPARTMENT OF COMMUNITY DEVELOPMENT

Memo

To: Brianna Schroeder, Planner

From: Brittany Banker, DOT Plan Reviewer

Date: March, 6th, 2024

Subject: Ray Avenue Gas Station (SEZ2024-00010) Transportation-Related Analysis

Proposed Development

The applicant seeks approval for a special exception within the C-2 zoning district for twelve fuel pumps in support of a convenience food and beverage store.

Site Location

The subject property is located at the south corner of Ray Avenue and Meadow Rd, abutting SR 82 in Lee County, Florida.

Site Access

Access to the subject site is proposed via Ray Ave.

Conclusion

The proposed project is not anticipated to adversely affect the surrounding roadway system. The proposed driveway doesn't meet connection separation on Meadow Rd. The approval of this case, SEZ2024-00010, only reviews and approves the requested use identified in this application. The sites turn lane is reviewed and determined at the time of Development Order.

**Attachment J****Florida Governmental Utility Authority**

FGUA c/o Accenture
9400 Southpark Center Loop, Suite 400
Orlando, FL 32819

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

October 30, 2024

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

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

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

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

Ray Ave Gas Station

Dear Mr. Quattrone:

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

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

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

FGUA Board of Directors

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

Letter of Availability
Page 2 of 3

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY



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

Paul Arnett
Development Services Manager

CC: Mike Currier, South Region Area Manager

Encl.

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

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

Letter of Availability
Page 3 of 3



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

Project Name: Ray Ave Gas Station

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



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



FGUA Fee Statement

Letter of Availability and/or Locate Request

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

System: Lehigh 404

Development/Project Name: Ray Ave Gas Station

Date: October 16, 2024

County: Lee

LOA ID: 24-100 LED

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

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

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	10/16/2024	9/30/2024	4119	Quattrone & Associates, Inc	\$ 100.00
1 Map Only					
2 Letter Only					

Attachment K

Prepared by and return to:

Michael P. Lehnert, Esq.

PAVESE LAW FIRM

1833 Hendry Street

Fort Myers, FL 33901

239-334-2195

File Number: 95868.001

Parcel Identification No. 05-45-26-03-00035.0010

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 26th day of January, 2024 between 82 Investments LLC, a Florida limited liability company whose post office address is 15568 Alton Drive, Fort Myers, FL 33908 of the County of Lee, State of Florida, grantor*, and Celestial Liberty Dreams LLC, a Florida limited liability company whose post office address is P.O. Box 571, Estero, FL 33929 of the County of Lee, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

Lots 1, 2, 3 and 4, Block 35, Unit 3, Lehigh Estates, a subdivision of Lehigh Acres, according to the plat thereof as recorded in Plat Book 15, Page 83, Public Records of Lee County, Florida.

Subject to taxes for 2024 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

[Remainder of Page Intentionally Left Blank. Signature Page Follow]

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Meg Palmer
Witness Name: Meg Palmer
Witness Address: 1833 Hendry Street
Fort Myers, Florida 33901

Stacy
Witness Name: Stacy
Witness Address: 1833 Hendry Street
Fort Myers, Florida 33901

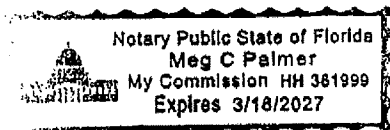
82 Investments, LLC, a Florida limited liability company

By: Mohammed Zahran
Mohammed Zahran, Manager

State of Florida
County of

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25 day of January, 2024 by Mohammed Zahran, as Manager of 82 Investments LLC, a Florida limited liability company, on behalf of the company, who ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



Notary Public

Printed Name: Meg C Palmer

My Commission Expires: 3/18/27

Attachment L

PLAT OF
LEHIGH ACRES

LEE COUNTY, FLORIDA
LEE COUNTY LAND AND TITLE COMPANY
DEVELOPERS

ACKNOWLEDGEMENTS

KNOW ALL MEN BY THESE PRESENTS, THAT LEE COUNTY LAND AND TITLE COMPANY, A CORPORATION UNDER THE LAWS OF FLORIDA, BEING THE OWNER OF THE LAND DESCRIBED IN THE CAPTION HEREON HAS CAUSED THIS PLAT OF LEHIGH ACRES TO BE MADE AND DO HEREBY DEDICATE TO THE PERPETUAL USE OF THE PUBLIC STREETS, ROADS, DRIVES AND/OR LANES SHOWN HEREON AND ALL CANAL RIGHT OF WAYS SHALL BE DEDICATED TO THE EAST COUNTY WATER CONTROL DISTRICT. IN WITNESS WHEREOF GERALD H. GOULD AND EDWARD SHAPIRO, RESPECTIVELY PRESIDENT AND SECRETARY OF LEE COUNTY LAND AND TITLE COMPANY, BY AND WITH AUTHORITY OF ITS BOARD OF DIRECTORS HAVE EXECUTED THESE PRESENTS FOR AND ON BEHALF OF SAID CORPORATION AND CAUSED ITS CORPORATE SEAL TO BE AFFIXED THIS 10th DAY OF April A.D. 1961

LEE COUNTY LAND AND TITLE CO.

BY Gerald H. Gould President
ATTEST Edward Shapiro Secretary

STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY THAT ON THIS DAY, BEFORE ME AN OFFICER DULY AUTHORIZED TO TAKE ACKNOWLEDGEMENTS, PERSONALLY APPEARED GERALD H. GOULD AND EDWARD SHAPIRO, RESPECTIVELY PRESIDENT AND SECRETARY OF LEE COUNTY LAND AND TITLE COMPANY, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AS PRESIDENT AND SECRETARY RESPECTIVELY OF LEE COUNTY LAND AND TITLE COMPANY FOR THE PURPOSES THEREIN SET FORTH.

WITNESS MY HAND AND OFFICIAL SEAL AT FORT MYERS, SAID COUNTY AND STATE THIS 10th DAY OF April A.D. 1961

James A. Walker
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
My Commission Expires July 19, 1964

APPROVALS

THIS PLAT APPROVED THIS 13th DAY OF April A.D. 1961 IN OPEN MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA.

APPROVED Stacy Boush Chairman
B. J. Tarakes County Attorney
Clerk County Road Superintendent

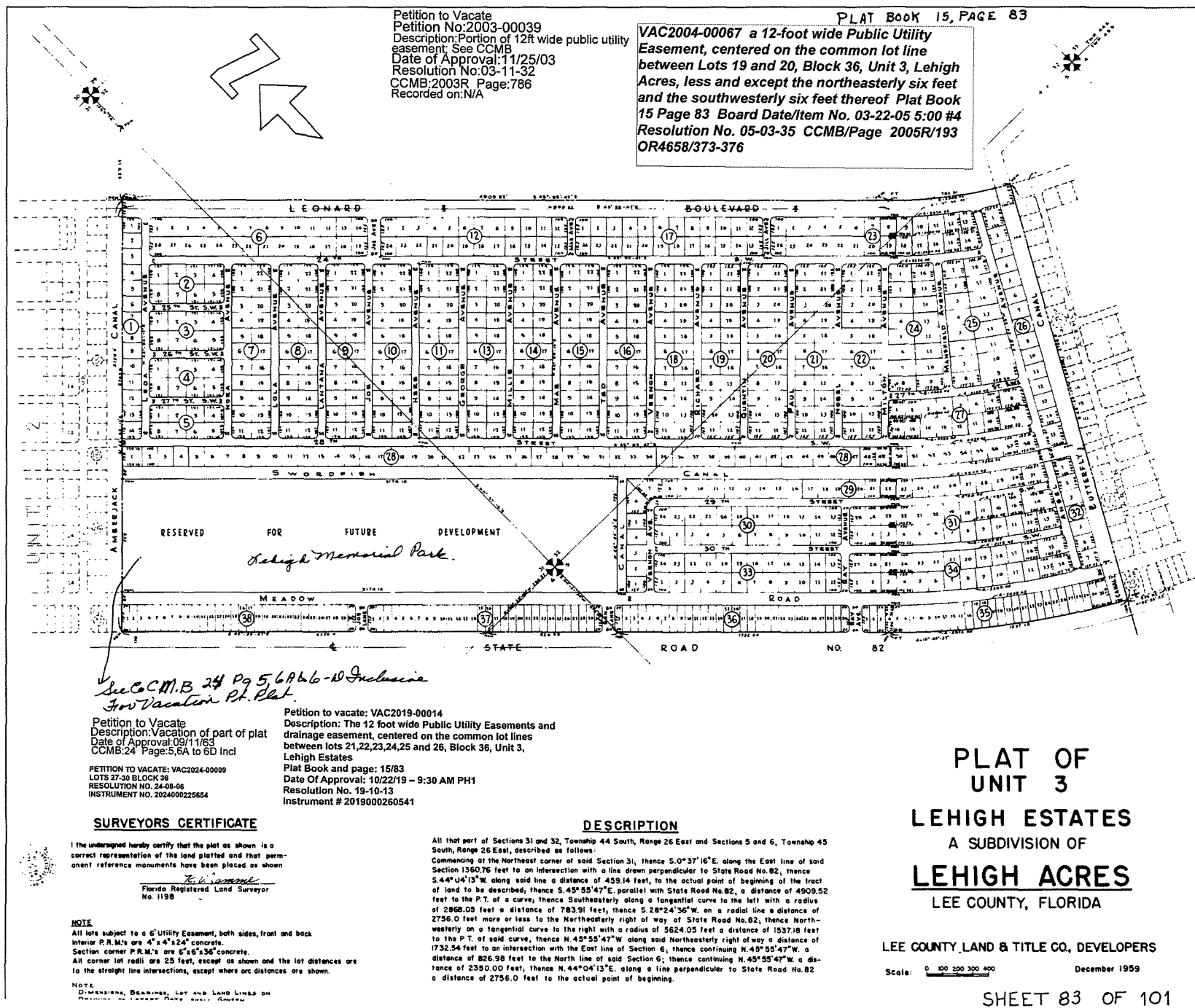
RECORDED

I HEREBY CERTIFY THAT THIS PLAT OF LEHIGH ACRES, HAS BEEN EXAMINED BY ME AND FROM MY EXAMINATION I FIND THAT SAID PLAT COMPLIES IN FORM WITH THE REQUIREMENTS OF SURVEY LAWS OF FLORIDA. I FURTHER CERTIFY THAT SAID PLAT WAS FILED FOR RECORD AT FORT MYERS THIS 13th DAY OF April A.D. 1961, AND DULY RECORDED IN PLAT BOOK 15 ON PAGES 1-12 OF PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
B. J. Tarakes
Clerk of The Circuit Court in And For Lee County

SURVEYORS CERTIFICATE

I THE UNDERSIGNED CERTIFY THAT THE PLAT AS SHOWN IS A CORRECT REPRESENTATION OF THE LANDS PLATTED.

R. V. Jamme



Attachment M

From: [Heredia, Jacqueline](#)
To: [Schroeder, Brianna](#)
Subject: Re: Additional Info submitted for SEZ2024-00010 / Ray Avenue Gas Station
Date: Tuesday, February 4, 2025 2:17:00 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Outlook-24B396ED.png](#)
[Outlook-13BD3483.png](#)
[Outlook-48882489.png](#)
[Outlook-1C12C07F.png](#)
[Outlook-CA701DE5.png](#)

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Good Afternoon

The School District has no comment for SEZ2024-00010/ Ray Avenue Gas Station. The applicant is not proposing additional dwelling units nor are they proposing COP within 500' of school.

Please do not hesitate to reach out should you have any questions.

Jacqueline Heredia

District Planning Specialist

2855 Colonial Blvd, Fort Myers, FL 33966

o: 239-335-1494

JacquelineHE@leeschools.net

www.leeschools.net

THE SCHOOL DISTRICT OF LEE COUNTY

PERSONAL | PASSIONATE | PROGRESSIVE



From: David, Sandra <SDavid@leegov.com>

Sent: Monday, January 13, 2025 11:47 AM

To: Schroeder, Brianna <BSchroeder@leegov.com>; Abes, Benjamin <Benjamin.Abes@leegov.com>; Banker, Brittany <bbanker@leegov.com>; Beals, Nathan <NBeals@leegov.com>; Brooks, Tim <TBrooks@leegov.com>; Cruz, Aixa <acruz2@leegov.com>; David F. Hoel <Hoel@lcmcd.org>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; ext-Development Review (flylcpa.com) <developmentreview@flylcpa.com>; Dunn, Brandon <BDunn@leegov.com>; Evans, Marcus <MEvans@leegov.com>; Fournier, Celeste <CFournier@leegov.com>; Gillogly, Phil <PGillogly@leegov.com>; Hall, Allyson <AHall@leegov.com>; Heredia, Jacqueline

<JacquelineHe@LeeSchools.net>; Kleinmann, Ohdet H <OKleinmann@leegov.com>; Lamey, Jason <JLamey@leegov.com>; Lee Tran Review <LeeTranReview@leegov.com>; Lighthall, Justin <JLighthall@leegov.com>; Regnaert, Armand <ARegnaert@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Rodriguez, Jennifer <JMRodriguez@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Sarracino, Joseph <JSarracino@leegov.com>; Schultz, John <JSchultz@leegov.com>; Solid Waste Website <SolidWaste@leegov.com>; Sutitarnnontr, Pakorn <PSutitarnnontr@leegov.com>; Sweigert, Rebecca <RSweigert@leegov.com>; Talmage, John <JTalmage@leegov.com>; Woellner, Katherine <KWoellner@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>

Subject: Additional Info submitted for SEZ2024-00010 / Ray Avenue Gas Station

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

LEE COUNTY ZONING SECTION REVIEW *ePlan users: Please note this submittal is available for review in ePlan**

Case Number: SEZ2024-00010

Case Name: Ray Avenue Gas Station

Planner: Brianna Schroeder

***REVIEWERS – Please review and E-mail your comments to Brianna Schroeder BSchroeder@leegov.com no later than: February 4, 2025**

The entire submittal is attached.

Thanks!!



Sandy David | Administrative Specialist

Department of Community Development

1500 Monroe St, Fort Myers, FL 33901

office: (239) 533-8943

email: SDavid@leegov.com

web: www.leegov.com/dcd

Connect With Us On Social Media



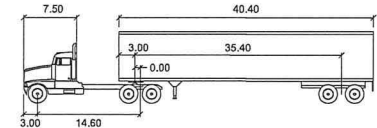
Receive updates from Lee County Government by [subscribing to our newsletter](#)

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

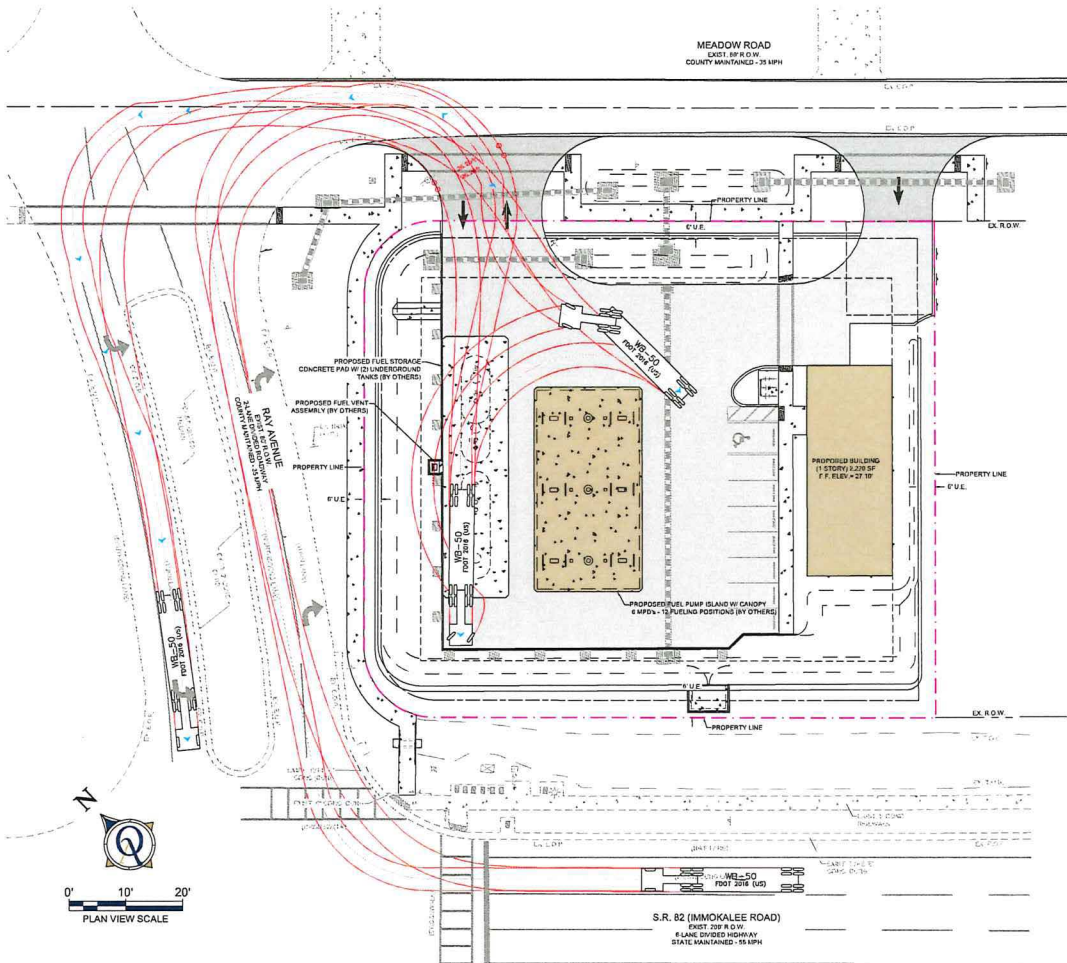
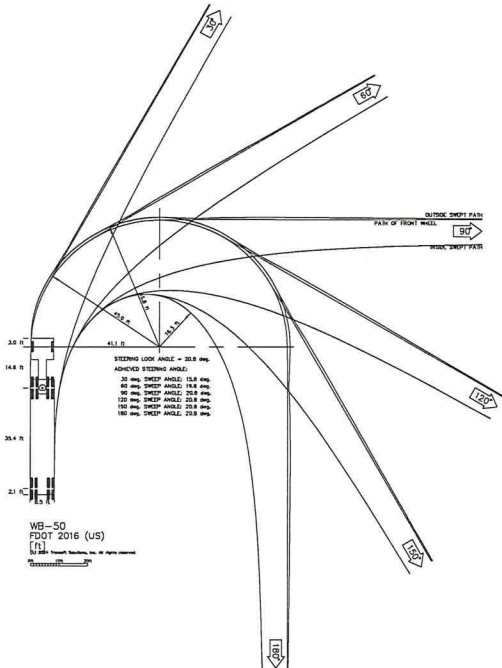
EXHIBIT A: USING A SINGLE ENTRANCE ONLY

Attachment N



WB-50

	feet		
Tractor Width	: 8.00	Lock to Lock Time	: 6.0
Trailer Width	: 8.50	Steering Angle	: 20.8
Tractor Track	: 8.00	Articulating Angle	: 70.0
Trailer Track	: 8.50		



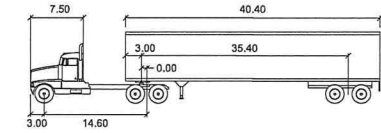
RAY AVENUE GAS STATION
AUTOTURN EXHIBIT WB-50
604 MEADOW ROAD
LEHIGH ACRES, FLORIDA 33973

Quatrone & Associates, Inc.
Engineers, Planners & Development Consultants
1401 Veronica Shumaker Blvd. - Fort Myers, Florida 33916 - 239-936-5222
Certificate of Accreditation Number 1613

JOSHUA A. FORDOFF, P.E.
FL #17711

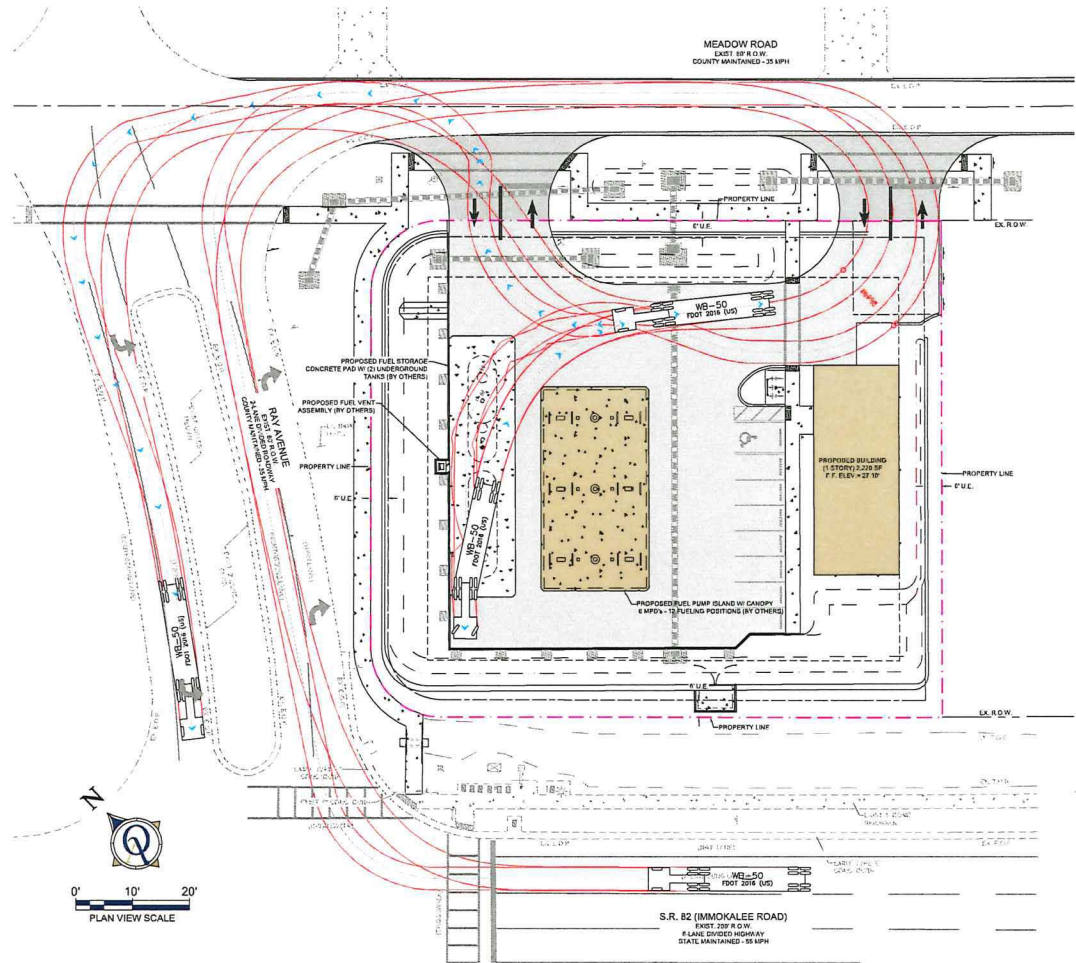
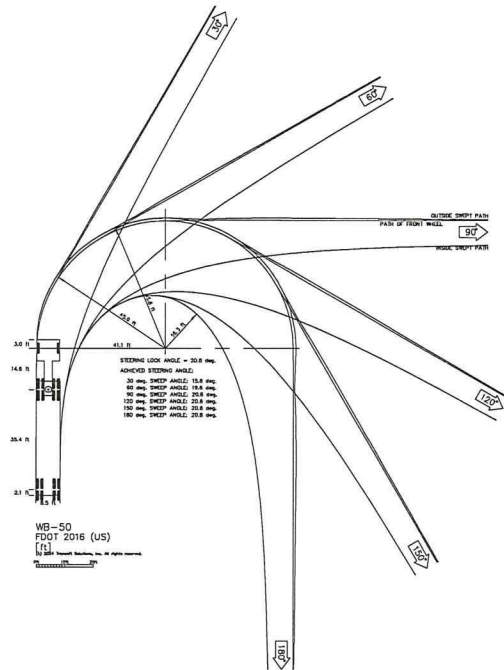
SHEET
EXH-A
1 OF 4

EXHIBIT B: TWO WAY ENTRANCE AT 35' WIDE (ENTER EAST, EXIT WEST)



WB-50

	feet		
Tractor Width	: 8.00	Lock to Lock Time	: 6.0
Trailer Width	: 8.50	Steering Angle	: 20.8
Tractor Track	: 8.00	Articulating Angle	: 70.0
Trailer Track	: 8.50		



RAY AVENUE GAS STATION
AUTOTURN EXHIBIT WB-50
604 MEADOW ROAD
LEHIGH ACRES, FLORIDA 33973

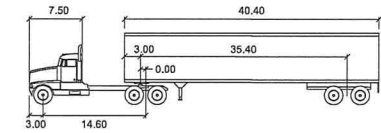
Quatrone & Associates, Inc.
Professional Engineers & Land Surveyors
1301 Veronica Shoreline Blvd., Fort Myers, Florida 33908 • 239-936-5212
www.quatrone.com

DESIGNED BY: J. A. FISHBEIN, P.E.
CHECKED BY: J. A. FISHBEIN, P.E.
SAVED BY: j. fishbein
DATE: 03-06-25

SHEET
EXH-B
2 OF 4

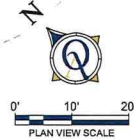
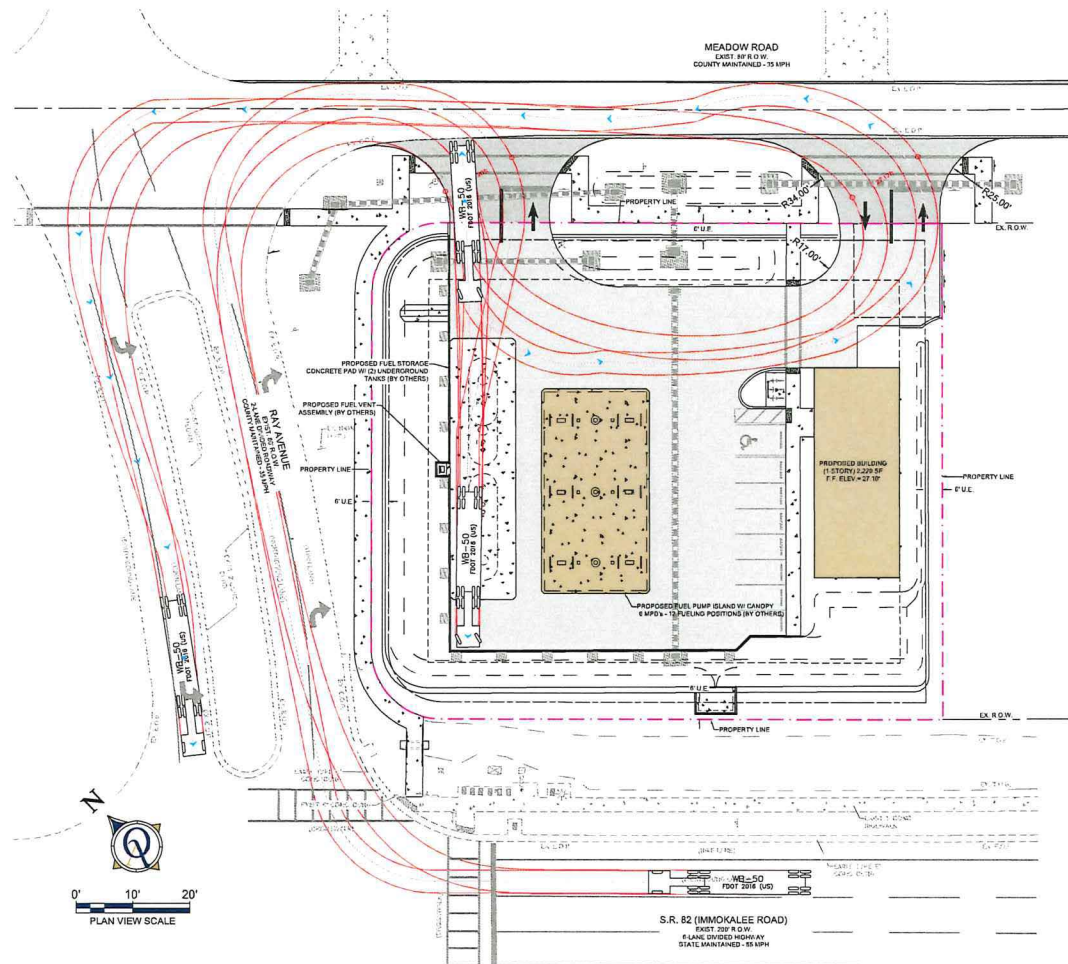
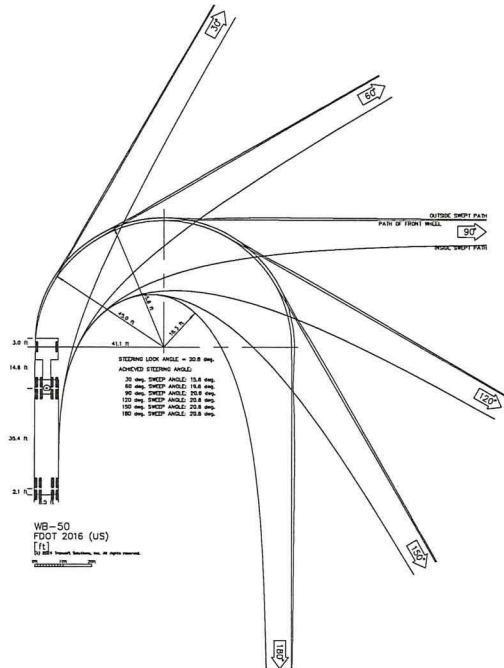
230704 - D

EXHIBIT C: TWO WAY ENTRANCE AT 35' WIDE (ENTER WEST, EXIT EAST)



WB-50

Tractor Width	: 8.00	Lock to Lock Time	: 6.0
Trailer Width	: 8.50	Steering Angle	: 20.8
Tractor Track	: 8.00	Articulating Angle	: 70.0
Trailer Track	: 8.50		



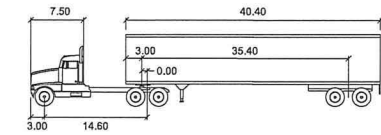
RAY AVENUE GAS STATION
AUTOTURN EXHIBIT WB-50
604 MEADOW ROAD
LENICH ACRES, FLORIDA 33973

Quatrone & Associates, Inc.
Professional Engineer
1301 Venetian Shoreline Blvd., Suite 200
Fort Myers, FL 33906 • 239-936-5222

JOSEPH A. QUATRONE, P.E.
A. PE 000170
SAVED BY: jsh
SAVED ON: 3/6/25
SHEET
EXH-C
3 OF 4

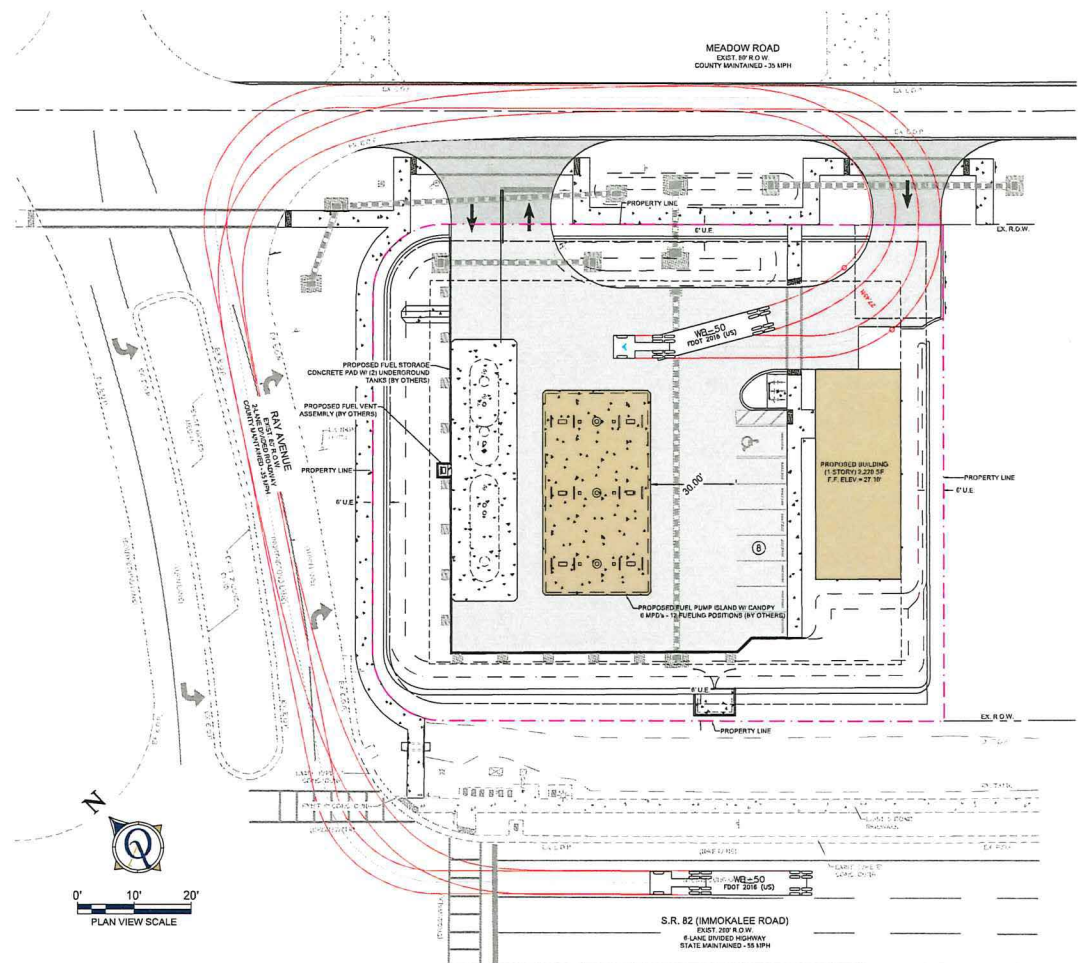
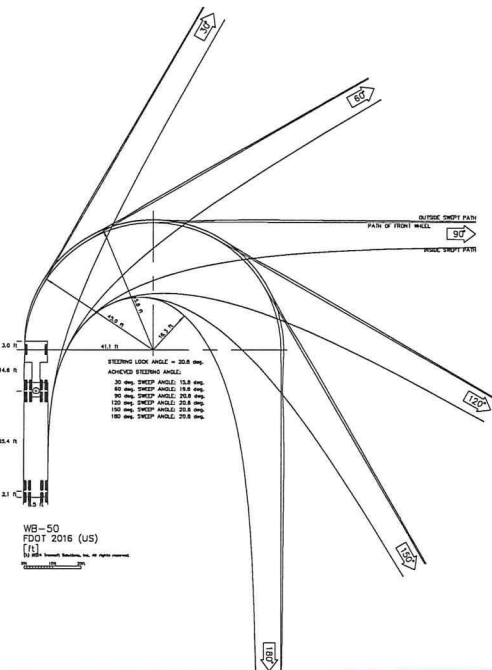
230704 - D

EXHIBIT D: ONE WAY ENTRANCE (ENTER FROM EAST)



WB-50

	feet		
Tractor Width	: 8.00	Lock to Lock Time	: 6.0
Trailer Width	: 8.50	Steering Angle	: 20.8
Tractor Track	: 8.00	Articulating Angle	: 70.0
Trailer Track	: 8.50		



- The site with the maximum allowable one-way driveway of 24' wide located on the Eastern side of the property will not allow adequate turning movements for a WB-50.
- If the eastern driveway is one way in, then the western driveway will need to have an additional out lane (dedicated left out and right out) due to AC11-4 turn lane warrants. This will include a wider driveway and the same number of lanes for exit vehicles directed towards the ROW as two entrances with in/out movements. There are 88 total PM peak hour exit movements (60 requires a dedicated left turn out lane).

RAY AVENUE GAS STATION
AUTOTURN EXHIBIT WB-50
604 MEADOW ROAD
LEHIGH ACRES, FLORIDA 32973

Qualtrone & Associates, Inc.
Engineers, Planners & Development Consultants
1301 Veronica Shomaker Blvd., Fort Myers, Florida 33906 • 239-936-5222
www.qualtrone.com

JOSHUA A. EISENBERG, P.E.
ALP 1010011

SAVED BY: JAH
SAVED ON: 03/06/25

SHEET
EXH-D
4 OF 4

230704 - A

Attachment O



RAY AVENUE S AND MEADOW ROAD PARCEL

Ecological Assessment

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



Prepared For:

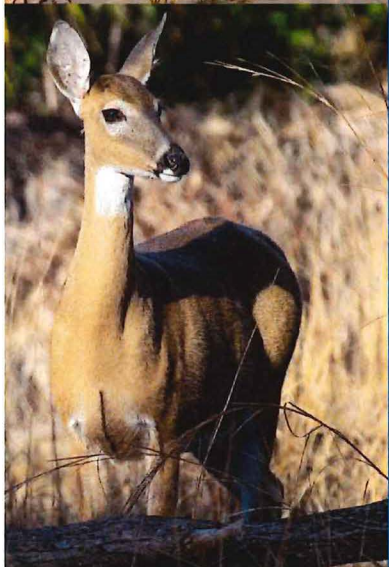


Quattrone & Associates Inc.
4301 Veronica S Shoemaker Boulevard
Fort Myers, FL 33916

Prepared By:



Earth Tech Environmental, LLC
10600 Jolea Avenue
Bonita Springs, FL 34135
239.304.0030
www.eteflorida.com



July 2023

TABLE OF CONTENTS

1.0 INTRODUCTION 3

2.0 PROPERTY LOCATION 3

3.0 EXISTING SITE CONDITIONS..... 4

4.0 PARCEL HISTORY 5

5.0 PRELIMINARY WETLAND ASSESSMENT 8

5.1 SOILS 8

5.2 WETLAND HYDROLOGY 9

5.3 FLUCCS VEGETATION MAPPING..... 9

5.4 UPLAND COMMUNITIES 10

6.0 LISTED SPECIES 10

7.0 DISCUSSION & SUMMARY 11

8.0 REFERENCES 13

EXHIBITS

Figure 1 Location Map

Figure 2 Site Vicinity Map

Figure 3 Aerial Map

Figure 4 NRCS Soils Map

Figure 5 FLUCCS Map

Figure 6 Anticipated Jurisdictional Wetlands

1.0 INTRODUCTION

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

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

2.0 PROPERTY LOCATION

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

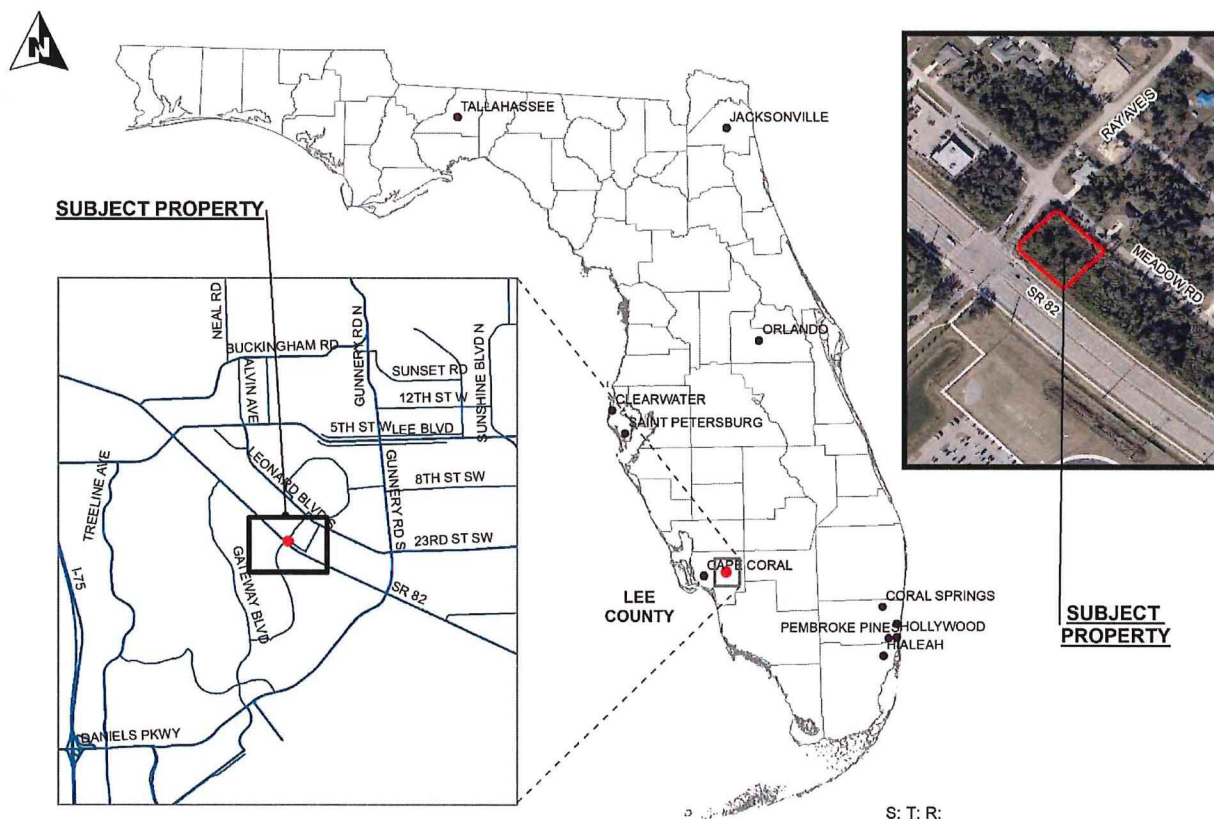


Figure 1. Location Map

3.0 EXISTING SITE CONDITIONS

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

The Subject Property contains the following surrounding land uses:

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

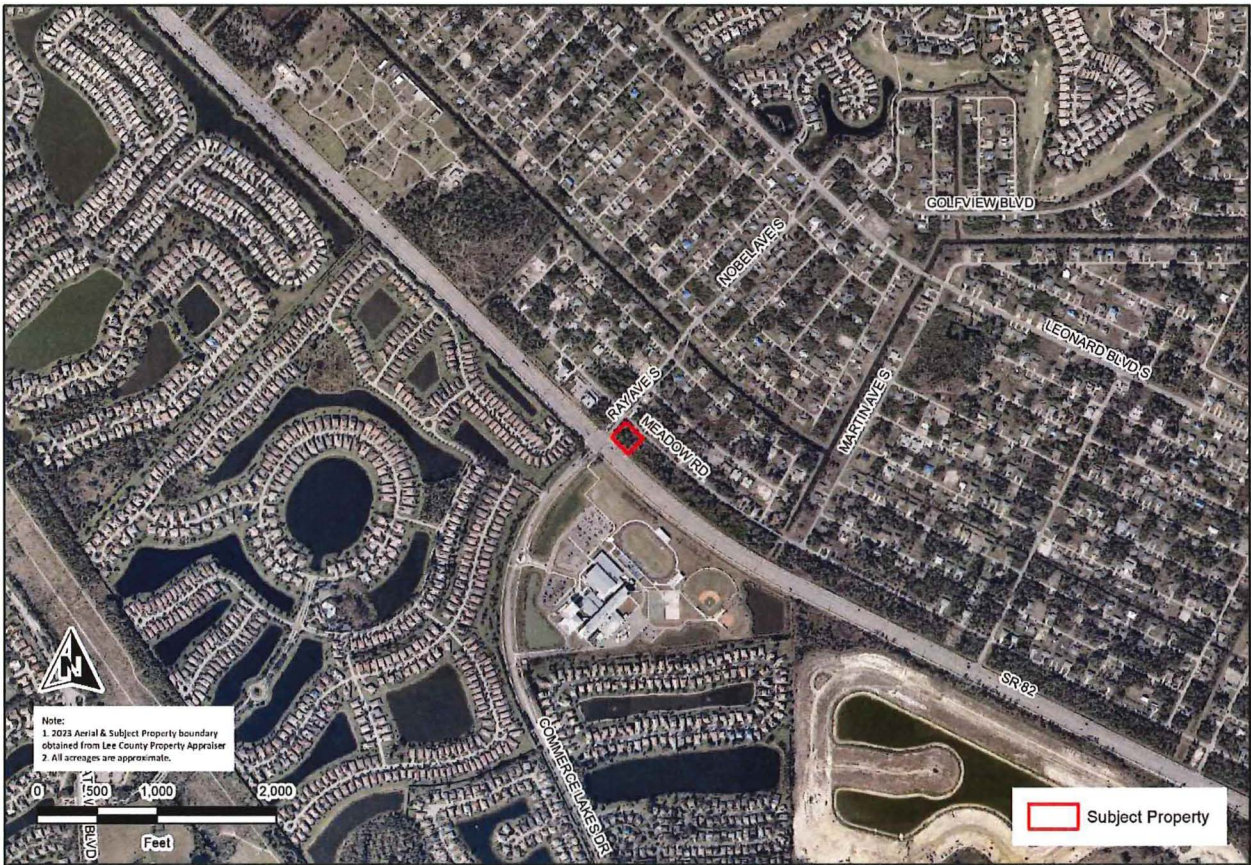


Figure 2. Site Vicinity Map



Figure 3. Aerial Map

4.0 PARCEL HISTORY

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



Image 1. 1994 (March) Aerial Imagery



Image 2. 2007 (November) Aerial Imagery

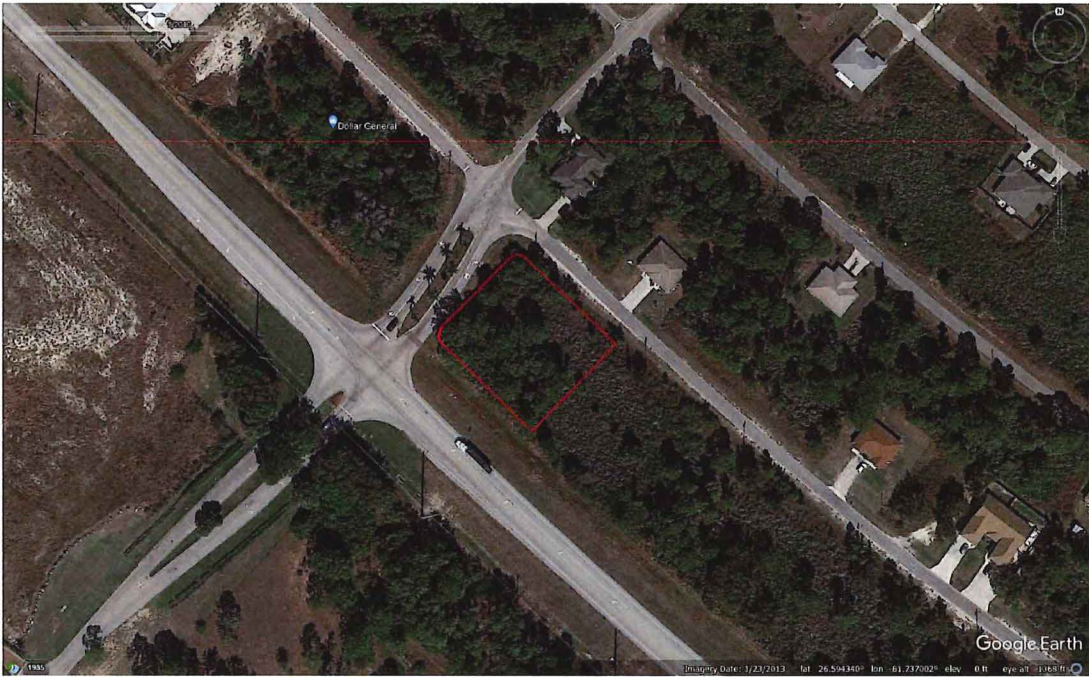


Image 3. 2013 (January) Aerial Imagery



Image 4. 2019 (January) Aerial Imagery

5.0 PRELIMINARY WETLAND ASSESSMENT

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

5.1 SOILS

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

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

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



Figure 4. NRCS Soils Map

5.2 WETLAND HYDROLOGY

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

5.3 FLUCCS VEGETATION MAPPING

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

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

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

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

E1 = Exotics <25% of total cover
E2 = Exotics 26-50% of total cover
E3 = Exotics 51-75% of total cover
E4 = Exotics >75% of total cover



Figure 5. FLUCCS Map

FLUCCS DESCRIPTIONS:

* = exotic species

5.4 UPLAND COMMUNITIES

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

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

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

6.0 LISTED SPECIES

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

Florida Bonneted Bat (*Eumops floridanus*)

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

Gopher Tortoise (*Gopherus polyphemus*)

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

7.0 DISCUSSION & SUMMARY

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

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

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



General site photo



General site photo



General site photo

8.0 REFERENCES

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

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

"Florida's Endangered and Threatened Species" - Official List. Florida Fish & Wildlife Conservation Commission. Updated December 2022.

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

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

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

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

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

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

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

Map Direct. Florida Department of Environmental Protection.

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Attachment P

Exhibit A

CASE NUMBER: SEZ2024-00010

LEGAL DESCRIPTION

LOTS 1, 2, 3, AND 4 BLOCK 35 LEHIGH ESTATES UNIT 3, SECTION 05, TOWNSHIP 45 SOUTH, RANGE 26 EAST, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, RECORDED IN PLAT BOOK 15, PAGE 83, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

STRAP NUMBER

05-45-26-03-00035.0010

*REVIEWED
SEZ2024-00010
Rick Burris, Principal
Planner
Lee County DCD/Planning
10/1/2024*