



April 21, 2025

Ms. Donna Marie Collins, Hearing Examiner
The Office of the Lee County Hearing Examiner
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

RE: JBRA CPD (DCI2024-00023)
48-Hour Letter – Hearing Examiner Hearing Date: April 24, 2025

Dear Madame Hearing Examiner:

On behalf of the Applicant for DCI2024-00023, I am pleased to submit the information required in the 48-Hour Notice and Exhibit List. In addition, enclosed is a list of applicant witnesses who we expect to be present and/or testify.

After reading the Staff Report and reviewing the requested changes, the applicant is in agreement with staff and has made the following changes:

- **Deviation Marker #2 Removed (Alternate MCP):**
The Deviation #2 marker and associated connection separation dimension along South Street have been eliminated per the staff recommendation on page 6 of the report.
- **Deviation Marker #4 Removed & Deviations Renumbered:**
Deviation #4 was withdrawn per staff's recommendation on page 7. Accordingly, it has been removed from both MCPs, and the deviations formerly numbered 5 through 10 have been renumbered as 4 through 9. Additionally, the north buffer on the Breeze parcel has been updated to a standard 5-foot Type A buffer, inclusive of the allowable overlap into the 2-foot Public Utility Easement (PUE).
- **Deviation #10 (Now Deviation #9) Reflected with Clarified Wall Note:**
Deviation #10, now shown as Deviation #9, has been clearly labeled on both MCPs. The wall note has been updated to specify an "8' high opaque wall," and an additional note has been included allowing the 8-foot height to be satisfied by a berm/wall combination to preserve design flexibility during development order (DO) permitting.
- **Buffer Consistency:**
All buffer widths and types shown on the MCPs have been verified for consistency with the approved conditions. Buffer overlap with the 2-foot PUE has been applied where permitted.

The following table summarizes the updated buffer widths:

	Breeze Parcel	810 South (Primary MCP)	810 South (Alternate MCP)	816 South
North	5' Type A	5' Type A	5' Type A (via Deviation #8)	5' Type A
East	0' (via Deviation #6)	5' Type A	5' Type A	5' Type A

South	0' (via Deviation #6)	0' (not required)	0' (not required)	5' Type A
West	0' (not required)	15' Type C with wall (via Deviation #9)	15' Type D	15' Type C with wall (via Deviation #9)

- **Rear Setback Updated to 15 Feet:**

The MCPs have been updated to reflect a 15-foot rear setback for all South Street parcels, consistent with the table of Development Regulations submitted in our January 3, 2025, response package. This includes the duplex shown as "Existing Only" on the Alternate MCP unless staff advises otherwise. The Breeze parcel continues to reflect a 15-foot rear setback as originally proposed.

Thank you for your consideration of the above information. We look forward to presenting the case at the hearing.

Sincerely,

RVi Planning + Landscape Architecture



Patty Kulak

Project Manager

CC: Alexis Crespo, AICP, RVi Planning + Landscape Architecture, *via email*
Stephanie Caldwell, P.E., LEED AP, Greensite Engineering, *via email*
Megan Strayhorn, Strayhorn, Persons-Mulicka & Fisher, *via email*
Yury Bykau, TR Transportation, *via email*
Adam Mendez, Lee County Principal Planner, *via email*
Robert Price, Lee County Department of Transportation Director, *via email*
Jillian Scholler, Lee County Department of Transportation Deputy Director, *via email*
Nic Defilippo, Lee County Senior Environmental Planner, Planning, *via email*

**JBRA CPD
DCI2024-00023**

Exhibit List

- Witness List
- Revised MCP
- Revised Deviation and Justification narrative

**JBRA CPD
DCI2024-00023**

Witness List

Alexis Crespo, AICP – RVi Planning & Landscape Architecture, Inc., 28100 Bonita Grande Drive, Suite 300, Bonita Springs, FL 34135, acrespo@rviplanning.com

Patty Kulak – RVi Planning & Landscape Architecture, Inc., 28100 Bonita Grande Drive, Suite 300, Bonita Springs, FL 34135, pkulak@rviplanning.com

Stephanie Caldwell, P.E., LEED AP – Greensite Engineering, LLC, 13300-56 South Cleveland Avenue, #611 Fort Myers, FL 33907, steph@greensite-eng.com

Megan Strayhorn, Strayhorn, Persons-Mulicka & Fisher, 2125 First Street Suite 201 Fort Myers, FL 33901, megan@strayhornlaw.com

Yury Bykau – TR Transportation Consultants, 2726 Oak Ridge Ct., Suite 503, Fort Myers, FL 33901, yury@trtrans.net

Schedule of Deviations and Justifications***REVISED APRIL 2025***

1. Deviate from LDC §34-1263(e) requiring a separation of 500 feet from a package store to any existing dwelling unit; to allow for a minimum separation of 150 feet from the property line of the Sunnyland Mobile Home Park; and 291 feet from the single-family home at 810 San Carlos Drive.

JUSTIFICATION: This site is situated on a main arterial road to the beach with accessibility primarily via San Carlos Blvd. with a secondary entrance from Main Street. The package store is designed with its front door and customer access oriented towards San Carlos Blvd, not towards the residential area on San Carlos Drive, preventing direct traffic from impacting neighbors on South Street. Additionally, the Sunnyland Mobile Home Park is a high-density area separated from the package store by an arterial road that is 60 feet wide. It is also important to note that the mobile home park has been adjacent to an adult entertainment venue with a liquor license for decades, indicating a longstanding acceptance for similar establishments in the vicinity. The mobile home park as well as the single-family homes to the west have co-existed with the intensive commercial uses along San Carlos Blvd. for decades, including uses with alcohol sales for consumption on and off-site premise. The proposed CPD is compatible with the historical development pattern and associated uses and is oriented to mitigate impacts to the neighborhood.

2. Deviate from LDC §10-285(a) requiring driveway connection separation of 60 feet for local roads with speed limits under 45 mph; to allow a minimum separation of 45 feet along South Street on the primary MCP and a minimum of 49 feet along Main Street as shown on the Master Concept Plan.

JUSTIFICATION: As discussed during the August 12, 2024 meeting with DOT, the 40-foot separation along Main Street has been shown to function effectively without causing traffic issues or safety concerns. Reconfiguring the driveways to meet the 60-foot requirement would require significant alterations, including potential demolition and site redesign, which are impractical given the stable condition of the existing infrastructure. The proposed configuration maintains public safety, meets community needs, supports local business accessibility, and contributes positively to the area's redevelopment efforts, while ensuring efficient traffic flow and access.

3. Deviate from LDC §10-416(b) requiring perimeter plantings surrounding a commercial building; to omit building permit plantings.

JUSTIFICATION: The lack of perimeter plantings surrounding the commercial building lies in the unique positioning of the existing building on the subject property.

Implementing the required plantings would significantly reduce functional space and hinder operational efficiency. Furthermore, the current layout optimizes customer access and parking, crucial for commercial success. Alternative landscaping solutions, such as potted plants and vertical gardens, can be considered to enhance aesthetics without compromising the practicality of the building's location and design.

4. Deviate from LDC §34-2016(3) which requires a one-way parking aisle for parking spaced angled at 45 degrees and must be a minimum of 12 feet in width; to allow be a minimum of 8.5 feet in width.

JUSTIFICATION: The reduction of one-way parking aisle width to 8.5 feet, where 12 feet is required, is based on the need to maximize parking availability and maintain site functionality within existing constraints. The current configuration has proven effective in managing traffic flow and parking without safety issues. Reducing the aisle width allows for more parking spaces, which is crucial for meeting the community's high demand. Additionally, the design ensures that vehicles can still maneuver safely within the lot, prioritizing both efficiency and user convenience while avoiding significant structural alterations to the site. The design also supports interconnectivity with the property to the north, as directed by LCDOT staff.

5. Deviate from LDC §34-2015(2)d which requires parking lot spaces must be provided with sufficient maneuvering room; to allow an exiting vehicle to leave the parking lot in a forward motion for refuse pick up only.

JUSTIFICATION: An exhibit included with the resubmittal package demonstrates that reverse movement from the angled spaces allows a standard passenger vehicle to exit the property safely within the proposed pavement limits. Despite the reverse maneuvering, the design maintains safety, operational efficiency, and unobstructed traffic flow within the site.

6. Deviate from LDC §10-416(d) requiring a 15-foot Type D buffer from commercial properties and rights-of-way, to allow no buffer along the east and south boundaries on 19260 San Carlos Blvd.

JUSTIFICATION: The site has an existing 40-foot utility easement along San Carlos Boulevard which was discussed with Lee County Staff during the initial pre-application meeting. During that discussion, Staff was in support of no buffer along the east and south boundaries due to the underground apparatus and due to existing conditions.

7. Deviate from LDC 10-285(b) requiring access roads intersecting another road that also intersects the parallel arterial or collector must have an outer separation of at least 100 feet from the edge of pavement of the arterial or collector; to allow a separation of 53 feet from the edge of pavement.

JUSTIFICATION: Per the request of DOT during a meeting on August 12, 2024, the eastern driveway connection for 19260 San Carlos Boulevard has been narrowed to a

standard width to maximize the separation from San Carlos Boulevard. Deviation #8 has been added to request a reduced connection separation, as the LDC minimum separation of 100 feet cannot be achieved.

8. Deviate from LDC §10-416(d) requiring a 15-foot Type C buffer between the existing duplex abutting commercial properties; to allow a 5-foot Type A buffer along the north boundary of 810 South Street.

JUSTIFICATION: The proposed reduction in the buffer requirement is grounded in the long-term development plan for the property and the fact that the duplex is within the CPD and not an externally impacted use. The existing duplex is intended to transition to a commercial parking lot in the future, at which time the site will conform to LDC requirements. The current buffer reduction is appropriate for an internal site condition and will have no adverse impact on surrounding properties, as it is internal to the planned development. The reduced buffer reflects the temporary nature of the duplex use, aligning with the project's phased development and the ultimate commercial intent of the site.

9. Deviate from LDC §10-416(d)(6) requiring a solid wall not less than 8 feet in height constructed not less than 25 feet from the abutting property; to allow the wall to be setback 15 feet from the property line. along the west boundary along 810 and 816 South Street.

JUSTIFICATION: The requested deviation balances the need for efficient land use with the intent to provide sufficient buffering between the proposed commercial parking lot and the adjacent single-family lots. The 15-foot Type C buffer includes landscaping and an 8-foot-high opaque wall, which may be satisfied through a combination of berm and wall, to effectively mitigate visual and noise impacts on neighboring properties. The proposed buffer design and wall placement ensure compatibility with adjacent residential uses while maintaining functional site design and consistency with the overall intent of the LDC.

Mr. Adam Mendez, Principal Planner
Lee County Zoning Division
1500 Monroe Street, 2nd Floor
Lee County, FL 33901

RE: JBRA CPD
DCI2024-00023

Dear Mr. Mendez:

I am aware of the JBRA Commercial Planned Development (DCI2024-00023) request to rezone the 0.6 acres property at 810 South Steet, 816 South Street and 19260 San Carlos Blvd. We understand the rezoning will allow for a 2,840 SF package store and commercial parking. We have no objections to this request.

Sincerely,

NAME *Keegan Van Reepen* 
ADDRESS
19170 San Carlos blvd.

Mr. Adam Mendez, Principal Planner
Lee County Zoning Division
1500 Monroe Street, 2nd Floor
Lee County, FL 33901

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Sincerely, *Darrell W. Frisby*

NAME *DARRELL FRISBY*

ADDRESS *975 SAN CARLOS CT*

Mr. Adam Mendez, Principal Planner
Lee County Zoning Division
1500 Monroe Street, 2nd Floor
Lee County, FL 33901

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Sincerely,

NAME Nadia Potts 
ADDRESS
19170 San Carlos Blvd.

Mr. Adam Mendez, Principal Planner
Lee County Zoning Division
1500 Monroe Street, 2nd Floor
Lee County, FL 33901

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Sincerely,

NAME *Chris Cummings*
ADDRESS *19050 SW Carlo Blvd*

Mr. Adam Mendez, Principal Planner
Lee County Zoning Division
1500 Monroe Street, 2nd Floor
Lee County, FL 33901

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DCI2024-00023

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Sincerely,



NAME MICHAEL STACKER / 18750 SUNSET LANDING LTD.

ADDRESS

18800- 18750 SAN CARLOS BLVD FT MYERS BEACH FL 33931

Mr. Adam Mendez, Principal Planner
Lee County Zoning Division
1500 Monroe Street, 2nd Floor
Lee County, FL 33901



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DCI2024-00023

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Sincerely,

NAME

Ori Kantar - owner KAS

ADDRESS

19050 San Carlos Blvd

Mr. Adam Mendez, Principal Planner
Lee County Zoning Division
1500 Monroe Street, 2nd Floor
Lee County, FL 33901

RE: JBRA CPD
DCI2024-00023

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Sincerely,

NAME: Ronald Yanez - (Ronald Yanez)
ADDRESS

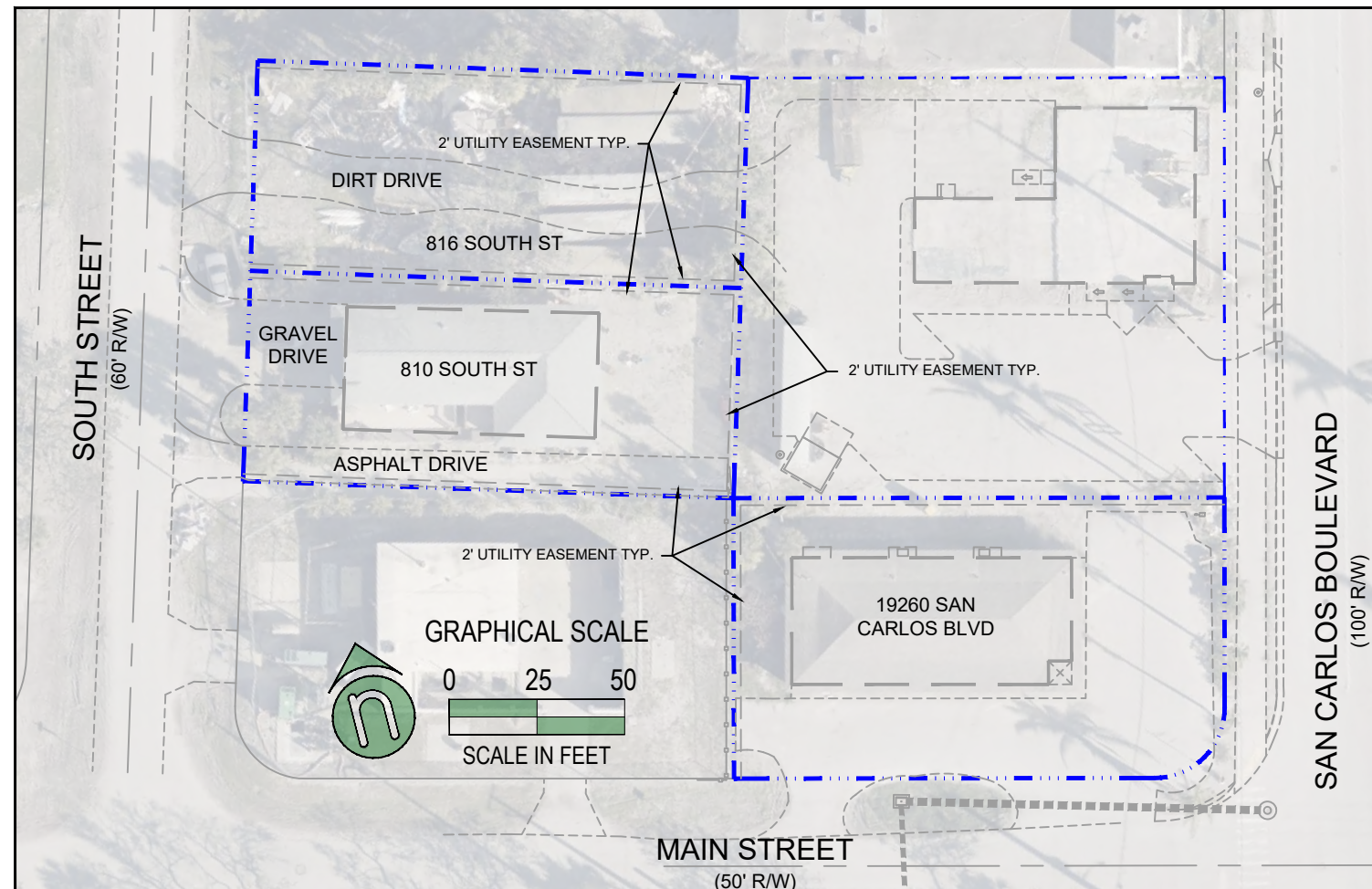
1167 Estero Blvd
St. Myres FL 33931

LOCATION MAP



SCALE: 1"=500'

EXISTING CONDITIONS



PROJECT INFORMATION

PARCEL NUMBER:	24-46-23-01-00006.0030	24-46-23-01-00006.0020	24-46-23-01-00006.0360
SITE ADDRESS:	816 SOUTH STREET FORT MYERS BEACH, FL 33931	810 SOUTH STREET FORT MYERS BEACH, FL 33931	19260 SAN CARLOS BOULEVARD FORT MYERS BEACH, FL 33931
PARCEL AREA:	0.19 AC	0.19 AC	0.26 AC
SECTION/TOWNSHIP/RANGE:	24/46/23	24/46/23	24/46/23
ZONING:	TFC-2	TFC-2	C-1
FUTURE LAND USE:	URBAN COMMUNITY	URBAN COMMUNITY	URBAN COMMUNITY
FEMA PANEL:	12071C0554G (11/17/22)	12071C0554G (11/17/22)	12071C0554G (11/17/22)
FEMA FLOOD ZONE:	ZONE AE (BFE 11.0)	ZONE AE (BFE 11.0)	ZONE AE (BFE 11.0)
OPEN SPACE REQD (20%):	1680 SF	1680 SF	2222.8 SF
OPEN SPACE PROVIDED:	3517.2 SF	3590.0 SF	2520.9 SF

LAND USE SUMMARY

COMPONENT	EXISTING CONDITION		PROPOSED CONDITION	
	AREA (SF)	COV (%)	AREA (SF)	COV (%)
BUILDINGS	5378	19.3%	2840	10.2%
PAVEMENT	6921	24.8%	14472	51.8%
SIDEWALKS	598	2.1%	611	2.2%
DETENTION AREAS	0	0.0%	2362	8.5%
PERVIOUS AREAS	15017	53.8%	7629	27.3%
TOTAL	27914	100.0%	27914	100.0%

PARKING CALCULATIONS

PARKING REQUIRED [LDC 34-2020]:			
USE	QTY	RATIO	NO. SPACES
SMALL GOODS RETAIL	2840 SF	1 SP/250 SF	11.4 SPACES
[PACKAGE STORE]		TOTAL REQD =	11.4 SPACES
PARKING PROVIDED:		STANDARD PARKING =	11 SPACES
		ADA PARKING =	1 SPACES
		TOTAL PROVIDED =	12 SPACES
ADA SPACES REQUIRED:	12	SPACES REQUIRE	1 ADA SPACES

PD MASTER CONCEPT PLAN NOTES

- MASTER CONCEPT PLAN BASED ON SURVEY OF PARCEL PROVIDED BY TARGET SURVEYING, LLC, RECEIVED 3/18/2024.
- DETAILED SITE DESIGN SHALL COMPLY WITH LEE COUNTY'S LAND DEVELOPMENT CODE AND WILL BE ADDRESSED DURING THE DEVELOPMENT ORDER (DO) PROCESS WITH LEE COUNTY.
- THE PROPERTY'S CHARACTERISTICS ARE SUITABLE FOR THE INTENDED USE.
- THE ONSITE SOILS AND ENVIRONMENTAL CHARACTERISTICS ARE NOT ANTICIPATED TO CAUSE ADVERSE IMPACTS TO SURROUNDING AREAS. IT IS RECOMMENDED THAT DEVELOPER OBTAIN A GEOTECHNICAL EXPLORATION AND ENVIRONMENTAL ASSESSMENT OF THE PROPERTY TO CONFIRM THIS.
- STORMWATER TREATMENT ANTICIPATED TO BE ACCOMPLISHED THROUGH THE USE OF ONSITE DRY RETENTION/DETENTION. DETAILS ON THE STORMWATER SYSTEM WILL BE DESIGNED DURING THE DEVELOPMENT ORDER (DO) PROCESS WITH LEE COUNTY.

greensite
engineering, inc.

13300-56 S CLEVELAND AVENUE
FORT MYERS, FL 33907
PHONE (239) 433-9498

FL CERT OF AUTH #28713
WWW.GREENSITE-ENG.COM

PROJECT NAME

BREEZE BUILDING
RENOVATION

SITE IMPROVEMENTS

FORT MYERS BEACH, FLORIDA

CLIENT

JBRA JUNIOR
LAND HOLDINGS LLC

3618 FOWLER STREET, SUITE D
FORT MYERS, FL 33901
PHONE: (954) 854-3484

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PLAN STATUS:
PERMIT APPROVAL
NOT FOR CONSTRUCTIONISSUE DATE:
APR 2025

DRAWING TITLE

MASTER
CONCEPT PLAN

GEI PROJECT NUMBER

223912

SHEET NUMBER

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ENGINEER OF RECORD
STEPHANIE K. CALDWELL, P.E.
FL P.E. NO. 86103
DATE: 4/21/2025

OPAQUE WALL REQUIREMENT MAY BE SATISFIED WITH
WALL/BERM COMBINATION WITH OVERALL 8-FOOT HEIGHT

ZONING = CPD
FLU = URBAN COMMUNITY
CURRENT USE = COMMERCIAL

ZONING = N/A
FLU = SUBURBAN
CURRENT USE = RIGHT-OF-WAY

ZONING = C-1
FLU = URBAN COMMUNITY
CURRENT USE = COMMERCIAL

ZONING = TFC-2
FLU = PUBLIC FACILITIES
CURRENT USE = TREATMENT PLANT

ZONING = N/A
FLU = URBAN COMMUNITY
CURRENT USE = RIGHT-OF-WAY

ZONING = MH-2
FLU = URBAN COMMUNITY
CURRENT USE = MOBILE HOME PARK

* NOTE: PER SAN CARLOS-ON-THE-GULF PLAT (PLAT BOOK 8 PAGE 6), A 4-FOOT EASEMENT IS
RESERVED FOR PUBLIC UTILITIES ALONG EACH SIDE AND REAR PROPERTY LINE. EASEMENT
STRADDLES PROPERTY LINES SO 2 FEET OF EASEMENT SITS ON EACH ADJACENT PARCEL.

NOTE: DELIVERIES WILL UTILIZE
STANDARD PARKING SPACES

LEGEND

PROPERTY LINE	---
PARKING COUNT	#
SURFACE WATER MGMT AREA	■
ASPHALT PAVEMENT	■
ASPHALT OVERLAY	■
PROPOSED BUFFER AREA	■
OTHER GREEN SPACE	■
DEVIATION REQUEST	■

The map shows a street grid with Prescott St running horizontally at the top. North St and South St run vertically on the left side. Main St runs diagonally from the bottom left towards the top right. Oak St and Sea Side Dr run vertically on the right side. A road labeled 865 is shown near the top right. A black-outlined rectangular area is highlighted on South St, between Main St and Prescott St, indicating the proposed development site.

This aerial map shows the property at 810 South St, outlined in blue. The map includes the following features and annotations:

- Streets:**
 - SOUTH STREET (60' R/W):** Located to the west of the property.
 - DIRT DRIVE:** Located to the north of the property.
 - 816 SOUTH ST:** Located to the north of the property.
 - GRAVEL DRIVE:** Located to the west of the property.
 - ASPHALT DRIVE:** Located to the south of the property.
 - MAIN STREET (50' R/W):** Located to the south of the property.
 - SAN CARLOS BOULEVARD (100' R/W):** Located to the east of the property.
- Properties:**
 - 810 SOUTH ST:** The subject property, outlined in blue.
 - 19260 SAN CARLOS BLVD:** A property to the east, outlined in blue.
- Easements:**
 - 2' UTILITY EASEMENT TYP.:** Three annotations with arrows pointing to utility easements along the northern, eastern, and southern boundaries of the 810 South St property.
- Scale and Orientation:**
 - GRAPHICAL SCALE:** A scale bar showing 0, 25, and 50 feet.
 - SCALE IN FEET:** Text below the graphical scale.
 - North Arrow:** A green arrow pointing towards the top-left of the map.

PARCEL NUMBER:	24-46-23-01-00006.0030	24-46-23-01-00006.0020	24-46-23-01-00006.0360
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COMPONENT	EXISTING CONDITION		PROPOSED CONDITION	
	AREA (SF)	COV (%)	AREA (SF)	COV (%)
BUILDINGS	5378	19.3%	5378	19.3%
PAVEMENT	6921	24.8%	11782	42.2%
SIDEWALKS	598	2.1%	611	2.2%
DETENTION AREAS	0	0.0%	889	3.2%
PERVIOUS AREAS	15017	53.8%	9254	33.2%
TOTAL	27914	100.0%	27914	100.0%

PARKING REQUIRED [LDC 34-2020]:			
USE	QTY	RATIO	NO. SPACES
SMALL GOODS RETAIL	2840 SF	1 SP/250 SF	11.4 SPACES
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