

EXHIBITS

CASE # DCI2024-00024

CASE NAME: 94 4TH ST. CPD

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

ARE THERE ANY BOARD EXHIBITS? ____ **YES** ____ **NO**

LOCATION OF BOARDS _____

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

EXHIBITS**Case #****DCI2024-00024**APPLICANTSTAFF

a. 44 Hour

#1 MCP power point#1 Staff Report#2 MCP (same as S.R.)#2 notice of publication#3 W.S.#3 presentation

#4 _____

#4 _____

#5 _____

#5 _____

#6 _____

#6 _____

#7 _____

#7 _____

#8 _____

#8 _____

#9 _____

#9 _____

#10 _____

#10 _____

OTHER EXHIBITSNAMENUMBERDESCRIPTION

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____

Perez, Maria

From: Megan Strayhorn <megan@StrayhornLaw.com>
Sent: Tuesday, May 27, 2025 8:50 AM
To: Perez, Maria; Princing, Jamie
Cc: Vincent A. Cautero (vincec@barraco.net); Kelly Liscum
Subject: FW: 48-Hour Letter - DCI2024-00024
Attachments: 48-Hour Letter.pdf

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Megan Strayhorn

Attorney and Counsellor at Law

STRAYHORN & PERSONS-MULICKA, P.L.

2125 1st Street Ste 201 Fort Myers, FL 33901

Phone: (239) 334-1260

Fax: (239) 334-1069

Mobile: (239) 770-7922

Email: Megan@strayhornlaw.com

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STRAYHORN & PERSONS-MULICKA

ATTORNEYS AND COUNSELLORS AT LAW

ATTENTION: Please copy Andrew Pervetich: Andrew@StrayhornLaw.com on all matters.

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From: Kelly Liscum <kellyl@barraco.net>
Sent: Tuesday, May 27, 2025 8:43 AM
To: Muhammad, Khalil <kmuhammad@leegov.com>; JADAMS@leegov.com
Cc: Carl A. Barraco <CarlB@barraco.net>; Vincent Cautero <vincec@barraco.net>; Megan Strayhorn <megan@StrayhornLaw.com>; Jeremy Snow <jeremys@barraco.net>
Subject: 48-Hour Letter - DCI2024-00024

Good morning,

Please review the attached 48-Hour Letter for DCI2024-00024, pertaining to the project known as 94 4th St./Medenwald CPD.

Let us know if you have any questions or concerns.

Thank you,

Kelly Liscum
Barraco And Associates, Inc.
Civil Engineers ~ Land Surveyors ~ Planners
2271 McGregor Blvd. Suite 100
Fort Myers, FL 33901
(239)461-3170 Main
(239)461-3169 Fax

FILE: 24242

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May 27, 2025

Ms. Amanda L. Rivera, Hearing Examiner
The Office of the Lee County Hearing Examiner
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

RE: Medenwald CPD (DCI2024-00024)
48-Hour Letter- Hearing Examiner Date: May 29, 2025

Dear Madame Hearing Examiner,

On behalf of the Applicant for DCI2024-00024, I am pleased to submit the information required in the 48-Hour Notice and Exhibit List.

After reviewing the Staff Report, the Applicant requests to remove Condition 3 contained in Exhibit R of the Staff Report. The proposed condition pertains to the abatement of two code violations on the property (VIO2024-08214 and VIO2025-02670) regarding storage on a parcel zoned TFC-2.

Both above-cited code violations allege the open storage is an impermissible use in a residential zoning district. This zoning resolution would amend the zoning of the property to a Commercial Planned Development which would allow this use and thus should resolve the above-cited code violations. Therefore, Applicant believes that Condition 3 should be removed from the zoning resolution.

Alternatively, in the event the Hearing Examiner disagrees with the above approach, Applicant requests the following changes to Staff's Condition 3.

An application for a Development Order typically requires surveying, site investigation, design, plan preparation, application preparation and coordination among the owner and several professional disciplines / consultants. Scheduling and performing all the required components for a development order application typically requires a minimum of 90 days.

Therefore, if the Hearing Examiner believes a condition is required, Applicant requests for an extension to allow Applicant to submit the LDO application within ninety (90) days of this zoning resolution.

Sincerely,

Barraco and Associates, Inc.

A handwritten signature in blue ink, appearing to read "Vincent A. Cautero".

Vincent A. Cautero, AICP
Vice President of Planning

cc: Joe Adams, Assistant County Attorney
Khalil Muhammad, Planner

LIST OF EXHIBITS

- A, Master Concept Plan
- B. PowerPoint presentation

Rezone Application

94 4th St.

Fort Myers, FL 33907



APPLICANT'S EXHIBIT # _____

94 4th St.
Page Park Community Planning Area

Rezone to CPD
DCI2024-00024

Lee County HEX Hearing
May 29, 2025

Project Team:
Strayhorn & Persons-Mulicka, P.L.
Barraco and Associates, Inc.

Surrounding Uses

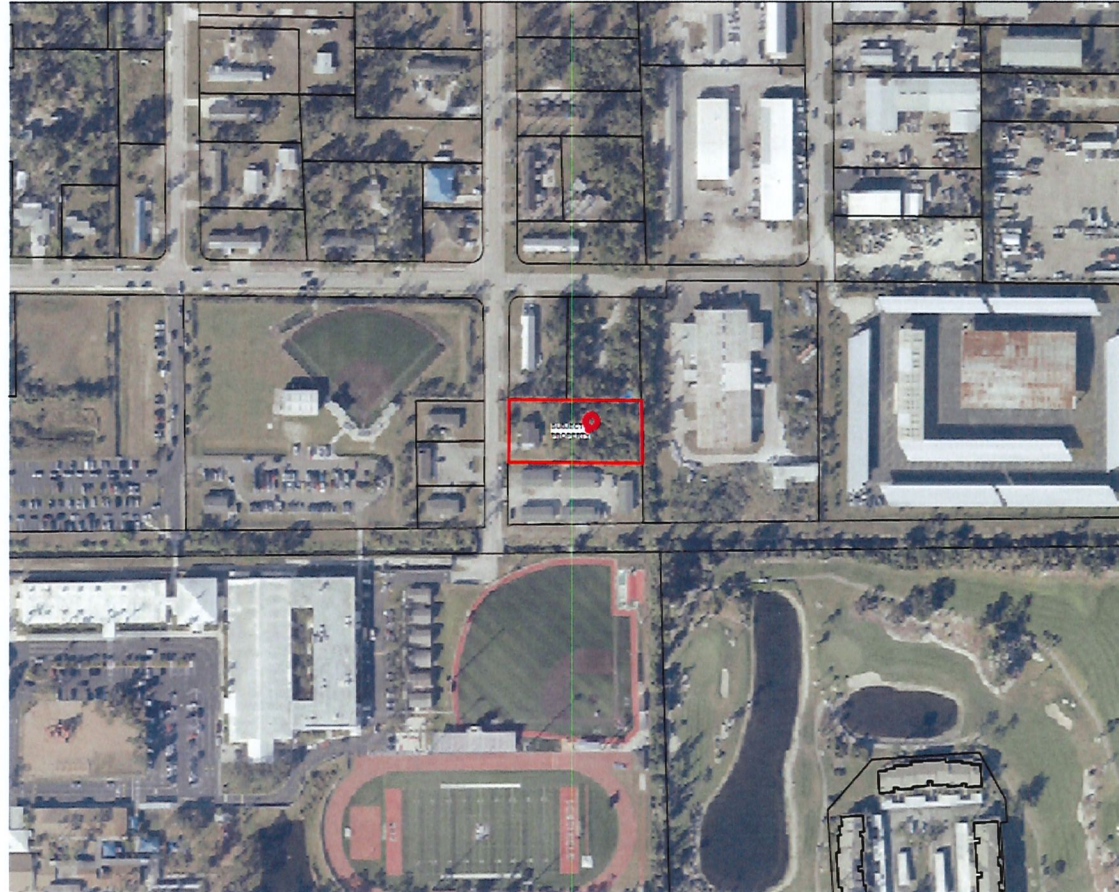
- Multi-family Residential- Located immediately South, North, and Northwest
- Industrial- East
- Institutional (High School)- West

Aerial Location Map



Location

- 94 4th St.-
South of South Rd. and East of
Evangelical Christian School
- 0.66 Acres



History of Property

- Formerly occupied by a single-family home

Request

- The request is to rezone the property from the Two-Family Conservation District (TFC-2) zoning district to the Commercial Planned Development (CPD) zoning district to allow an office for masonry contractors with outdoor storage of commercial equipment.
- Use is consistent with Sections 34-662(c)(9) and 34-934- Construction and Building, Group II, and Planned Development Districts, respectively.
- Storage of equipment is to be used by the applicant only.

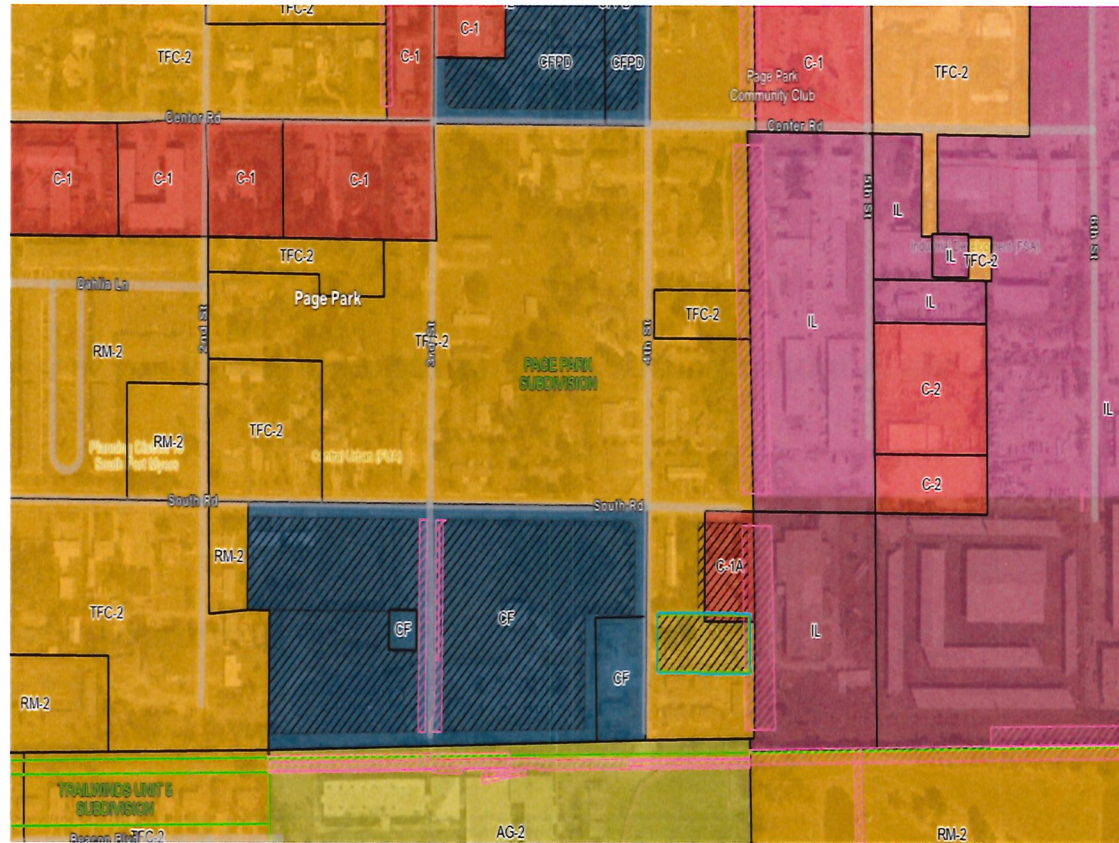
Request Continued

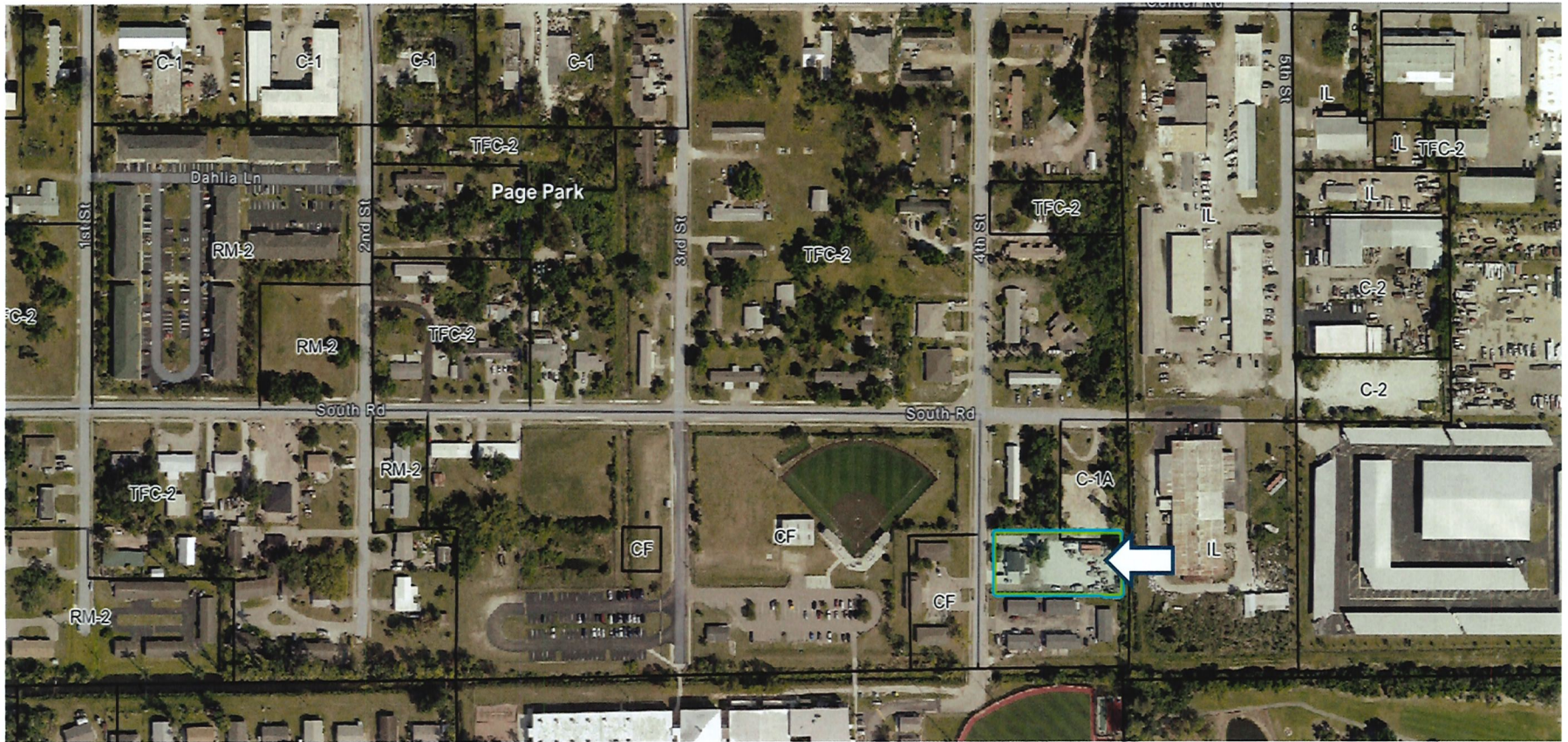
- Section 34-931(e)(2) of the Lee County LDC states the intent of this chapter is that the principal uses of any commercial planned development are generally the retail sale and distribution of consumer goods and services (including health care, short of inpatient facilities), of financial services, or for the administration of business of general business purposes.
- Request is consistent with Section 34-145(d)(1) (b)- The HEX serves in an advisory capacity to the Board on new planned development zoning requests and (2)(a) The HEX has the duty and responsibility to make recommendations to the Board on new planned development rezoning requests.

Community Meeting

- Scheduled for June 3, 2024, at Kimmie's Recovery Zone, 570 Center Rd., Ft. Myers, FL.
- No citizens attended the meeting.
- Contact information was left at the location for citizens who wished to follow up.

Surrounding Future Land Uses





Surrounding Zoning

EXISTING LAND USE: PUBLIC FACILITY
ZONING: CPTD
FLU CENTRAL URBAN

EXISTING LAND USE: MULTI-FAMILY RESIDENTIAL
ZONING: T10A
FLU CENTRAL URBAN

EXISTING LAND USE: VACANT
ZONING: G1A
FLU CENTRAL URBAN

EXISTING LAND USE: RESIDENTIAL
ZONING: R1
FLU CENTRAL URBAN

EXISTING LAND USE: RESIDENTIAL
ZONING: T10C
FLU CENTRAL URBAN

EXISTING LAND USE: RESIDENTIAL
ZONING: T10D
FLU CENTRAL URBAN

EXISTING LAND USE: INDUSTRIAL
ZONING: I1
FLU CENTRAL URBAN

PROPOSED 24' WIDE DRIVEWAY
DOCKED/LOADED

4TH ST TERMINATES AT 10' D CANAL

LEGEND:
— PROPERTY BOUNDARY
▨ SERVICE AREA
□ OPEN SPACE
▲ ELEVATIONS
→ PROPOSED ACCESS

NOTES:
1. NO BUFFERS REQUIRED ADJACENT TO MULTI-FAMILY RESIDENTIAL OR COMMERCIAL (LOC 15-405/15).
2. DUMPERSTER TO BE LOCATED WITHIN OUTDOOR STORAGE AREA.
3. TRUCKS FOR DELIVERIES WILL USE THE DRIVE AISLE ON THE NORTH SIDE OF THE PROPERTY.

OPEN SPACE
▲ 0.16 AC X 1.0% = 0.07 AC REQUIRED OPEN SPACE
PROVIDED OPEN SPACE: 0.21 AC (32%)

SCALE IN FEET
0 10 20 40

Compatibility with Surrounding Uses

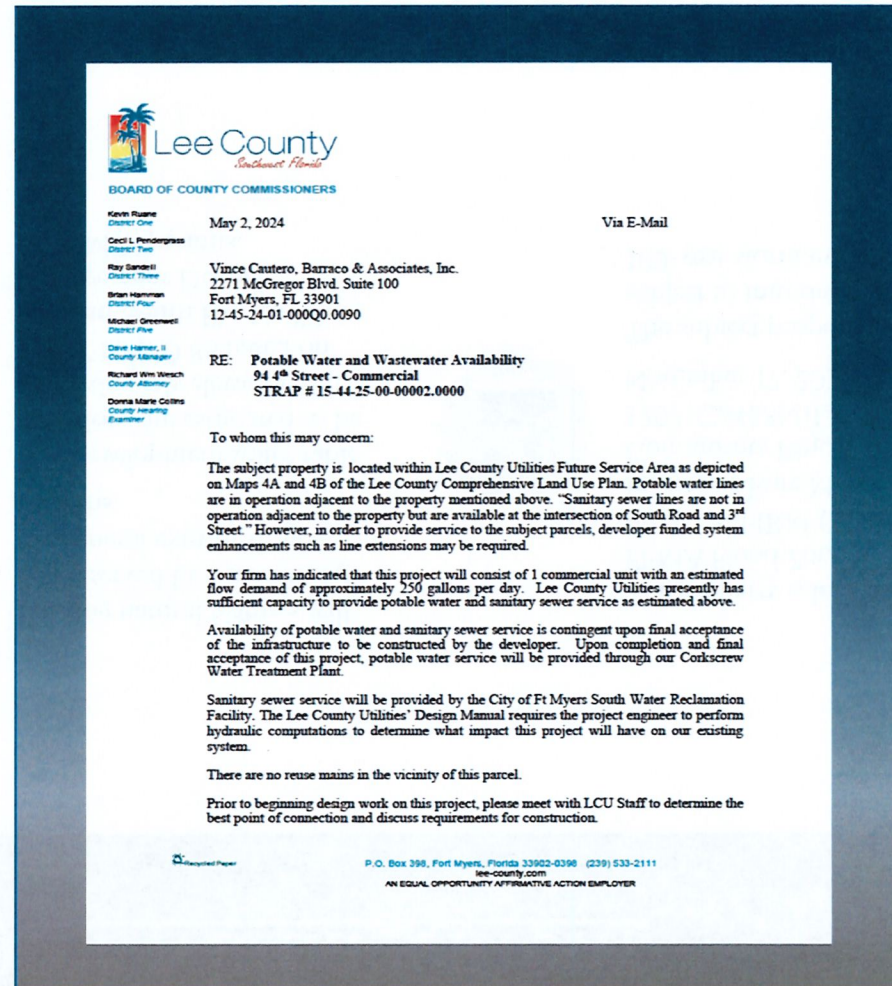
- Use is consistent with the character of the surrounding uses.
- Design elements will ensure use is consistent with the development characteristics of the area.
 - ✓ Buffering is required pursuant to section 10-425(f).
 - ✓ No buffers required along the north, east, or south property lines.
 - ✓ Type A Buffer required along 4th St.

Consistency with Comprehensive Plan

- Policy 1.1.3-Central Urban category uses and consistency
- Objective 2.1-Development Location
- Objective 4.1- Water, Sewer, and Environmental Standards
- Policy 6.1.3-Mixed Use Overlay
- Goal 31-Page Park Community Plan
- Objective 31.1-Physical Appearance
- Policies 31.5.1; 31.2.1; and 125.1.3.

Utilities

- The site is served by Lee County Utilities for potable water.
- Sanitary sewer is provided by a permitted and functioning septic tank.



Surface Water Management



Stormwater run-off will be directed via sheet flow and closed conveyance to the proposed outfall structure which will fall into the existing ditch.

Discharge from the site shall be limited for the 25-year, 3-day storm event in accordance with the Lee County Surface Water Management Plan.



Existing natural features will be preserved by maintaining the general existing drainage patterns.

Post development water table elevations are estimated to be approximately elevation 8.0' to 9.0' NAVD 88 based on adjacent South Florida Water Management District (SFWMD) permits.



The property is located within FEMA Flood Zone X as shown in FIRM (Flood Insurance Rate Map), Community Panel Number 12071Co428N dated November 17, 2022.

The subject property is not subject to inundation of a 100-year storm event.

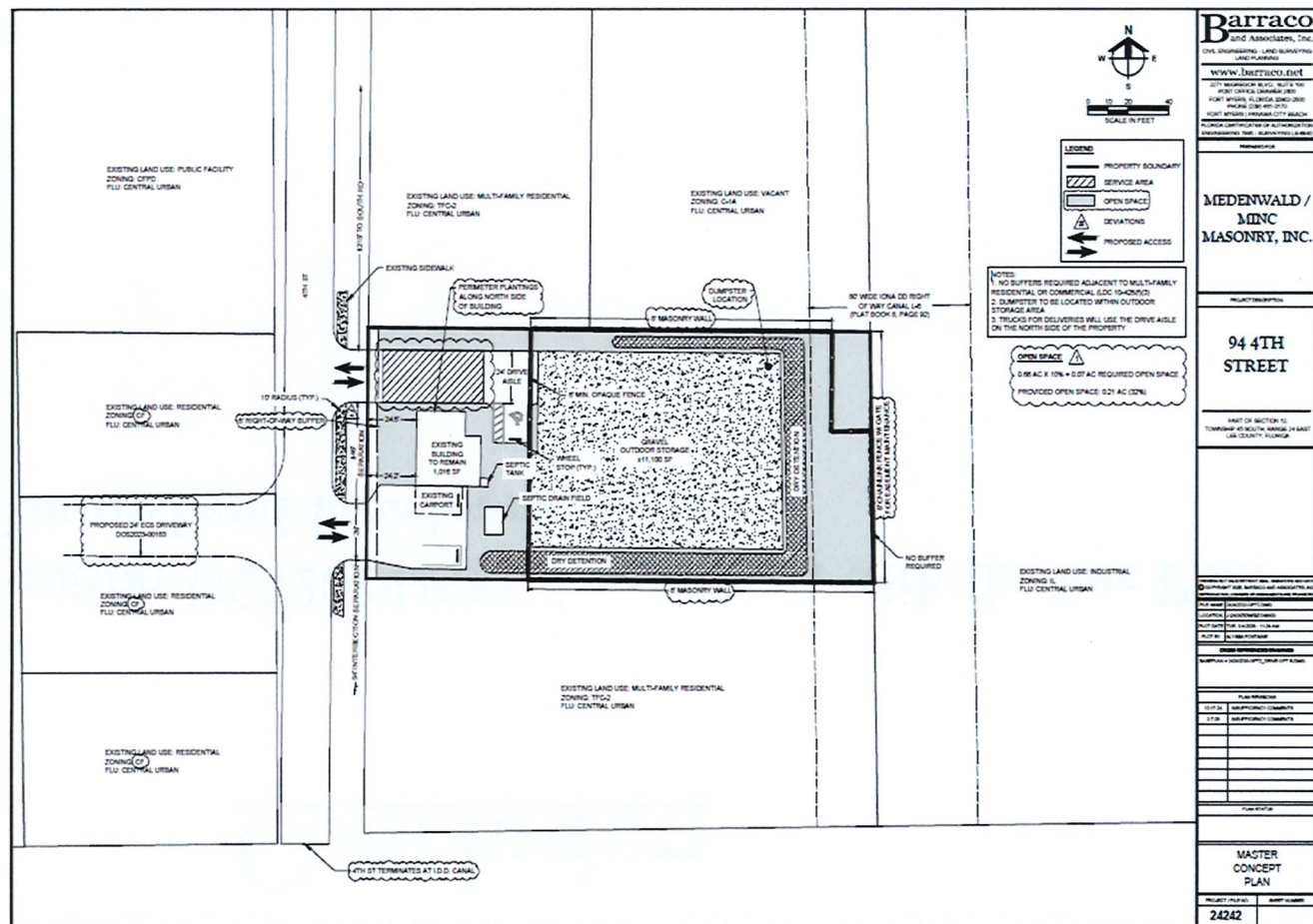
Traffic Impact Statement

- Yielded minimal impacts during peak hour AM, peak hour PM, and weekday trips.
- No adverse impacts are anticipated to the function of the existing access point or level of service.

Deviations

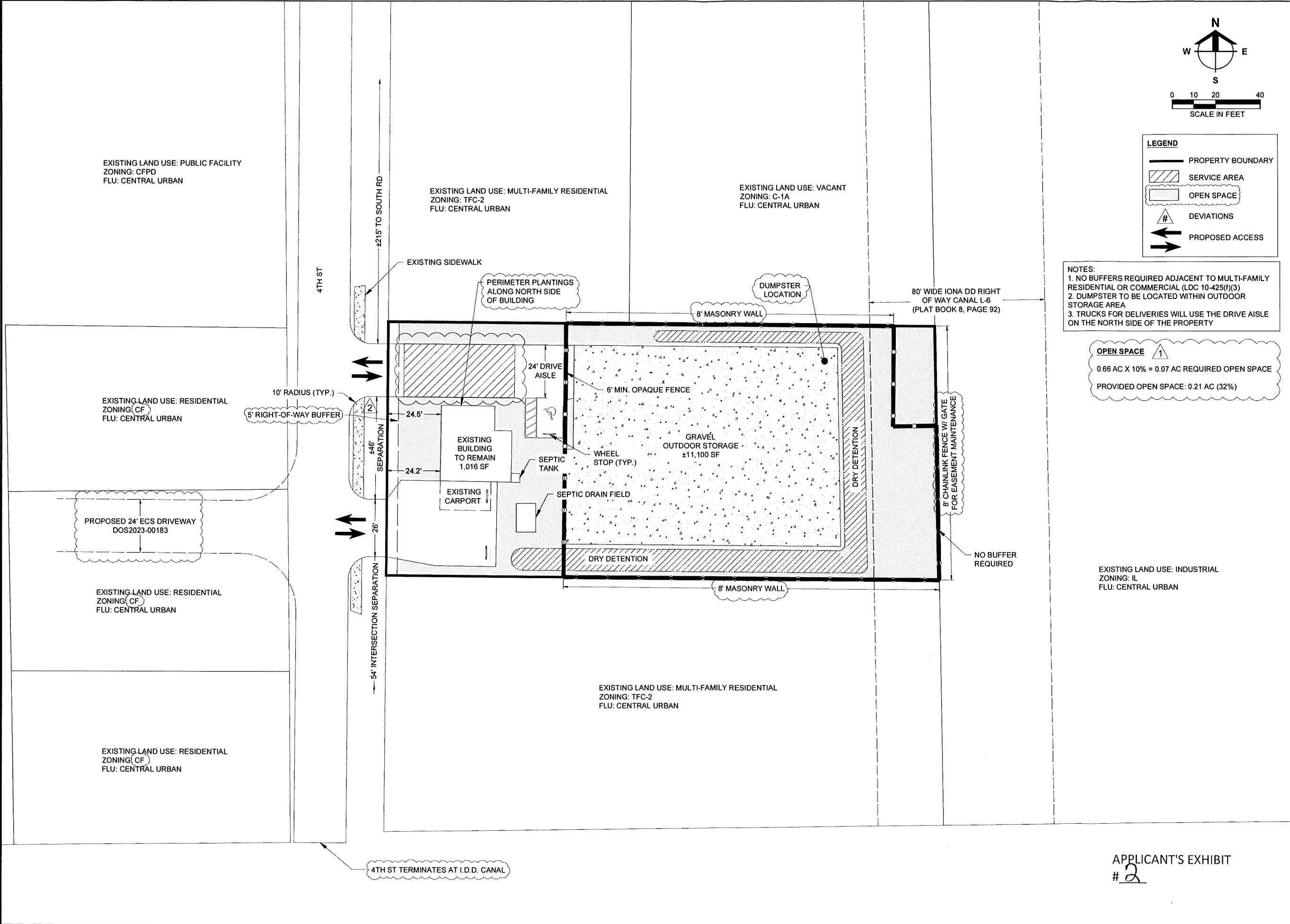
- Public open space (Section 1259(a))
- Connection separation (Section 10-285)
- In agreement with staff recommendations

Master Concept Plan



Conclusion

We find petition DCI2024-00024 consistent with the Lee Plan and Lee County Land Development Code.



Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING
www.barraco.net
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POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FORT MYERS | PANAMA CITY BEACH
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

**MEDENWALD /
MINC
MASONRY, INC.**

PROJECT DESCRIPTION

**94 4TH
STREET**

PART OF SECTION 12,
TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

DRAWING NOT VALID WITHOUT SEAL, SIGNATURE AND DATE
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FILE NAME: 24242202-0PT2.DWG
LOCATION: J:\24242202\ZONING
PLOT DATE: TUE: 3-4-2025 - 11:24 AM
PLOT BY: ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS
BASEPLAN = 24242200-0PT2_DRIVE OPT B.DWG

PLAN REVISIONS

DATE	REVISION
12-17-24	INSUFFICIENCY COMMENTS
2-7-25	INSUFFICIENCY COMMENTS

PLAN STATUS

**MASTER
CONCEPT
PLAN**

PROJECT / FILE NO.
24242

SHEET NUMBER
2

Perez, Maria

From: Vincent Cautero <vincec@barraco.net>
Sent: Thursday, May 29, 2025 3:40 PM
To: Perez, Maria
Cc: Carl A. Barraco; Muhammad, Khalil; Megan Strayhorn; Kelly Liscum; Jeremy Snow; MEDENWALD, INC.
Subject: DCI2024-00024
Attachments: Policy 6.1.8 Compliance Report.doc

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

Ms. Perez,

Pursuant to Ms. Rivera's Order, please find the attached memorandum, which contains a supplemental analysis of compliance with 6.1.8 of the Lee Plan. Please feel free to contact me if you have questions.

Vince Cautero, AICP
Vice President of Planning
Barraco and Associates, Inc.
Civil Engineers ~ Land Surveyors ~ Planners
2271 McGregor Boulevard
Fort Myers, FL 33901
Phone: (239) 461-3170
Cell: (239) 825-0553
Fax: (239) 461-3169
vincec@barraco.net



File: 24242

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In addition, the recipient agrees, to the fullest extent permitted by law, to indemnify and hold Barraco and Associates, Inc. harmless from any damage, liability or

Memorandum

TO: Amanda L. Rivera, Lee County Hearing Examiner
FR: Vincent A. Cautero, AICP
Subject: Policy 6.1.8 – Compatibility of Commercial Development Near School Areas
Project: DCI2024-00024
Location: 94 4th St., Ft. Myers, FL
Date: May 29, 2025

1. Purpose of Report

To demonstrate that the proposed Commercial Planned Development (CPD) for a masonry company complies with Lee Plan Policy 6.1.8 and does not jeopardize student safety due to its proximity to an existing school to the southwest.

2. Policy Reference

Policy 6.1.8: “Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students.” (Ord. No. 00-22, 17-13)

3. Site Context and Adjacencies

Direction	Context
West	Proposed driveway leading to a school-related baseball field parking lot
Southwest	Existing school campus facilities
North/East	Commercial or neutral properties with no school-related functions

The subject site is not directly adjacent to school buildings or pedestrian paths. Ingress/egress to the subject site occurs prior to the proposed driveway to the baseball field.

4. Use-Specific Analysis

- Proposed Use: Low-intensity masonry company within a Commercial Planned Development zoning designation.
- Traffic and Operations: Anticipated low volume of truck traffic, with scheduled deliveries. No hazardous materials, retail customer activity, or high-frequency traffic expected.
- Pedestrian and Student Safety: No pedestrian crossings between the school and the project site. Physical separation exists between the site and the school. All vehicle movements are contained within the project boundary and will not overlap with student access routes or drop-off/pick-up zones.

5. Code Review and Compliance

- Land Development Code and Zoning: No specific restrictions found within the Lee County Land Development Code that prohibits the proposed use in this location in relation to schools or student safety. The use is permitted within the CPD framework.
- Policy Compliance: There is no evidence that student safety is jeopardized. The use is separated, limited in intensity, and compatible with surrounding development patterns.

6. Conclusion

Based on the limited scope of commercial operations, the lack of direct interaction with school property or pedestrian pathways, and compliance with all zoning and site development standards, the proposed use does not violate Policy 6.1.8 of the Lee Plan.

cc: Khalil "Kam" Muhammad, Planner, Lee County
Megan Strayhorn, Esq.
Carl Barraco, P.E.
Jeremy Snow, Land Planner



Florida

GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Brienne Cherry
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 Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

05/08/2025

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 05/08/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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NOTICE OF PUBLIC HEARING

The Hearing Examiner of Lee County will hold public hearings on Thursday, May 29, 2025, in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL. An interested individual may appear in person, through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing. If you do not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners. Any document that a participant of record intends to submit to the BoCC during the Board Zoning Hearing must be submitted as an exhibit as part of the record in the hearing before the Hearing Examiner. If the document is not submitted and is not relevant new evidence that was not known or could not have been reasonably discovered by the participant at the time of the hearing before the Hearing Examiner, then the document may not be submitted to the Board. After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision. Copies of the staff report are available two weeks prior to the hearing. The file can be reviewed at the Zoning Section, 1500 Monroe St., Fort Myers, FL. Call 239-533-8585 for additional information. Lee County will not discriminate against individuals with disabilities. Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact the ADA Coordinator, 239-533-8782, Florida Relay Service 711, or ADARequests@leegov.com, at least five business days in advance. The following case(s) will be heard: DCI2024-00024. 94 4th St. CPD. 9:00 am. Request to rezone 0.66± acres from Two Family Conservation District (TFC-2) to Commercial Planned Development (CPD) to allow a maximum of 1,016 sq. ft. of Commercial uses. Located at 94 4th St., Page Park Planning Community, Lee County, FL. 11293299 May 8, 2025

NICOLE JACOBS
Notary Public
State of Wisconsin

STAFF'S EXHIBIT
2

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING STAFF REPORT

CASE NUMBER: DCI2024-00024
TYPE OF CASE: Planned Development Rezoning
CASE NAME: 94 4th St. CPD
TOTAL ACREAGE: +/-0.66 acres
SUFFICIENCY DATE: April 3, 2025
HEARING EXAMINER DATE: May 29, 2025

RECEIVED

MAY 14 2025

BY: HEARING EXAMINER'S OFFICE

REQUEST

The applicant, Barraco and Associates, Inc. is requesting to rezone approximately +/-0.66 acres from Two-Family Conservation District (TFC-2) to Commercial Planned Development (CPD) to allow a previously existing single-family home located at 94 4th Street to be used as an office for a masonry contractor, along with outdoor storage of commercial equipment. The site is further identified as STRAP 12-45-24-01-000Q0.0090. The subject property is within the Central Urban future land use category and is in the Mixed-Use Overlay established in Lee Plan Maps 1-A and 1-C respectively. A legal description of the subject property is attached (See Attachment "L").

SUMMARY

The applicant has demonstrated compliance with the applicable criteria in accordance with LDC Section 34-145(d)(4) to prove entitlement to this planned development rezoning. Staff recommend **APPROVAL** of the applicant's request with the conditions set forth in Attachment R.

HISTORY OF PARCEL AND CHARACTER OF THE AREA

The subject property is in the Two-Family Conservation District (TFC-2) within the Page Park Community Plan Area and the Central Urban Future Land Use category. The parcel abuts properties to the north that are zoned Two-Family Conservation District (TFC-2) and Commercial (C-1A). To the south there is property that is zoned Two-Family Conservation District (TFC-2), to the east there is property that is zoned Light Industrial (IL), and to the west, across 4th Street, is property zoned Community Facilities (CF). The TFC-2 zoning is the original zoning of the subject property. The subject property has active code enforcement violations. VIO2024-08214 for the storage of shipping containers as the use of storage containers and/or storage of storage containers is not permitted on a TFC-2 zoned district pursuant to LDC Sections 34-3050 and 34-3105 (See Attachment M). VIO2025-02670 for the use storage of commercial vehicles, equipment, and materials is not permitted in a TFC-2 zoned district (See Attachment N).

ANALYSIS

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

- a) Complies with the Lee Plan;

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

Also, Planned Development Rezoning, the Hearing Examiner must find the request:

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

The applicant has provided a request statement addressing the motive of rezoning and analysis of the decision-making criteria (See Attachment "D"). The following sections provide staff's analysis of the request, as measured against the review criteria. Specifically, staff finds the request:

a. Complies with the Lee Plan

The subject parcel is in the Central Urban future land use category. **Policy 1.1.3** of the Lee Plan states that this 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. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The intended rezoning to Commercial Planned Development adheres to the supported uses for the future land use category. **Policy 1.6.5** of the Lee Plan establishes the Planning Districts Map and Acreage Allocation Table (Map 1-B and Table 1(b)), which 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. The property is located within District 15, South Fort Myers. The district has allocated 2,012 acres of Commercial land and 566 acres of Industrial land (Lee Plan 2045 Update, Table 1(b) 2045 Allocation).

Mixed use developments of limited light industrial, office use, commercial, and high density residential are encouraged if they are developed as described in **Goal 11 and Objective 11.1**. This goal and its objective allow for the development of mixed-use developments within certain future land use categories and at appropriate locations if sufficient infrastructure exists to support the development. The subject property abuts the county-maintained local road, 4th Street, to the west and is in the Mixed-Use Overlay per the Lee Plan. The applicant has provided a letter of availability from Lee County Utilities stating that they have the

capacity to support the commercial development's need for potable water and sanitary sewer. According to **Policy 11.1.1**, developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). The site is proposed to be developed with an office and storage area to support the intended commercial use as Contractors and builders, Group II within the Page Park Community Planning Area. The subject property is located next to a variety of residential, commercial, industrial, and quasi-public uses. Therefore, Staff finds the request is consistent with **Policy 1.1.3, Policy 1.6.5, Goal 11, Objective 11.1 and Policy 11.1.1**, of the Lee Plan.

Objective 2.1 of the Lee Plan promotes contiguous and compact growth patterns to contain urban sprawl. Rezoning the subject property to Commercial Planned Development (CPD) provides for redevelopment of a property within the Central Urban Future Land Use category and does not bypass tracts of land to support development within the designated Future Urban Area as depicted on the Future Land Use Map (Map 1-A). The proposed rezone will promote growth in the Future Urban Area, per **Objective 2.2** where adequate public facilities exist, and compact and contiguous development patterns can be created. The proposed rezone is compliant with **Policy 2.2.1** as the property has frontage on 4th Street, a county-maintained local road. There is a sidewalk along the west property line adjacent to 4th Street. Fire protection and emergency responses will be provided by South Trail Fire Station# 61, located at 2100 Crystal Drive, ±1.6 miles away from the subject property. Police protection will be provided by Lee County Sheriff Department station located at 14750 Six Mile Cypress Parkway, ± 5.1 miles away from the subject property. The applicant provided a Letter of Availability from Lee County Utilities stating potable water and sanitary sewer is available to be provided to the subject property (See Attachment "E"). Public transit provides access to the subject property along Lee Tran Route 80, servicing Center Road, with a bus shelter located ±0.21 miles northwest of the subject property and is Stop ID 3214. By virtue of the property's location along a county-maintained local roadway, the County's development patterns and availability of potential level of public services, this area is well suited to accommodate the request. Staff find the request is consistent with **Goal 2, Objective 2.1, Policy 2.1.1, Objective 2.2 and Policy 2.2.1** of the Lee Plan.

As previously stated, the applicant has provided a Letter of Availability from Lee County Utilities stating that the commercial development's needs for potable water as well as sanitary sewer service is available and is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through the Corkscrew Water Treatment Plant. Sanitary sewer service will be provided by the City of Fort Myers South Water Reclamation Facility. All required standards of the Lee Plan and the LDC will be met at the time of development order. The project will be served by central water through Lee County Utilities and an existing septic sewer system, in proper working condition, fulfilling requirements of **Standard 4.1.1: Water and Standard 4.1.2: Sewer** of the Lee Plan. **Policy 4.1.4 Environmental Factors** states that environmental assessments must be provided to examine existing conditions, anticipated environmental problems, and provide the means to protect, conserve, and preserve environmental and natural resources. **Policy 4.1.4 Environmental Factors** states that environmental assessments must be provided to examine existing conditions, anticipated

environmental problems, and provide the means to protect, conserve, and preserve environmental and natural resources. Staff completed a site inspection on April 23, 2025 to assess the area and confirm site conditions. The subject property is currently developed with a single-family residence; no other buildings have been permitted on site. This property has been developed since the 1940s and historical aerial images show that Page Field was developed and in use at that time; the environmental staff report includes an exhibit that provides a timeline for the historical use of the property (See Attachment F). During the initial review, staff noted two violations on the property as they relate to the open storage of materials. Staff have determined that the vegetation on site was exotic invasive vegetation. Since the site was previously cleared, graded, and developed, and the on-site vegetation was determined to be exotic invasive, with no violations issued pertaining to environmental sciences, staff determined a protected species survey was not needed (See Attachment "F"). A protected species survey is not required to be submitted by the applicant for development that is not defined as a large development per LDC Section 10-1, as stated in LDC Section 34-373(b)(2). Staff find the request is consistent with **Standards 4.1.1, 4.1.2, 4.1.4.** of the Lee Plan and **LDC Section 10-415.**

The potential of a neighborhood commercial development would provide services to the local community. **Objective 5.1 states** that all development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, *the general standards under Goal 4, and other provisions of this plan.* **Policy 5.1.5** aims to protect residential areas from developments that could harm their character. Rezoning requests will be denied if required buffers (as defined in Chapter 10 of the Land Development Code) are not sufficient to mitigate impacts of other residential uses. Planned Development rezoning requests may include conditions to reduce impacts, or the proposal may be denied where conditions do not adequately mitigate impacts. The Land Development Code requires proper buffers for new developments, and the proposed Planned Development rezoning will need to meet required buffering and screening as outlined in the LDC. Staff find the request is consistent with **Goal 5: Residential Land Uses, Objective 5.1, Policy 5.1.1 and Policy 5.1.5** of the Lee Plan.

Lee Plan Goal 6 address commercial land uses to ensure that commercial uses are in appropriate areas, provide sufficient access to support the uses, landscaping and buffering are designed to screen offsite uses to prevent impacting surrounding neighborhoods and ensure that there are similar centers within the same proximity as the subject parcel. The purpose of the Commercial Planned Development (CPD) Zoning District is to further the general purpose of planned developments as it relates to commercial development. The principal uses of any commercial planned development are generally the retail sales and distribution of consumer goods and services, or the provision of standard office space for various purposes. The proposed rezoning will allow Contractors and builders, Group II (a masonry contractor), to utilize the subject property for an administrative office and outdoor storage space. The use regulations schedule for Commercial Planned Developments is established in **LDC Section 34-934.** The applicant indicates in their Request Statement that the proposed rezoning is compatible with the surrounding land uses and urban services. The applicant must comply with the LDC Chapter 33 Article IV provisions for the Page Park Community Plan Area, landscape buffers must be in compliance with **LDC Section 10-425(a)(1).** **Objective 6.1** requires development approvals for commercial land uses to be consistent with its attendant policies, the general standards under Goal 4 and other provisions of this plan.

Policy 6.1.1 requires that all applications for commercial development will be reviewed and evaluated as to:

1. Traffic and access impacts (rezoning and development orders)
 - The project does not generate unanticipated and unacceptable traffic. All roads will continue to have adequate levels of service.
2. Landscaping and detailed site planning (development orders);
 - At the time of Development Order the site will have to adhere to LDC Section 10-425(a)(1) and the applicant has requested one open space deviation, which is further analyzed in this report.
3. Screening and buffering (planned development rezoning and development orders);
 - The proposed rezoning to CPD does not include any deviation from the buffer requirements in the Land Development Code.
4. Availability and adequacy of services and facilities (rezoning and development orders);
 - The proposed rezoning has availability of public services as detailed in this report.
5. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
 - The rezoning will not create any negative impacts on surrounding uses and is compatible with the character of the surrounding properties.
6. Proximity to other similar centers (rezoning); and
 - The proposed rezoning is characteristic of the mix of uses within the Page Park Community Plan area.
7. Environmental considerations (rezoning and development orders).
 - The subject property is developed and its redevelopment will not result in any new significant environmental impacts.

Policy 6.1.3 states that commercial developments requiring rezoning and meeting DCI thresholds, must be rezoned to a Planned Development except if located within the Mixed-Use Overlay. The Planned Development must be designed to arrange uses in an integrated and cohesive unit in order to: provide visual harmony and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and, provide necessary services and facilities where they are inadequate to serve the proposed use. The proposed development will avoid negative impacts by providing screening and separation from surrounding uses through site design. The use will be condensed on the property and avoid negative impacts that could arise from development like strip commercial development. The subject property is within the Mixed-Use Overlay. **Policy 6.1.4** states commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. The proposed office and storage uses are compatible with the adjacent and surrounding uses which are comprised of a mixture of residential and non-residential uses in varied zoning districts. The proposed use complements the Central Urban Future Land Use category goal of residential, commercial, public and quasi-public, and limited light industrial land uses. The subject property is in an area where capacity exists on the adjacent roadway network of the county-maintained local

road, 4th Street consistent with **Policy 6.1.5**. The rezoning from TFC-2 to CPD does not create unanticipated traffic circulation due to the proposed use being anticipated to have relatively low traffic impacts, also the property's small size (± 0.66 ac) does not support intense traffic output. In accordance with **Policy 6.1.6**, the proposed development will provide adequate landscaping and buffering as required by the Land Development Code (LDC) **Policy 6.1.7** prohibits commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development but permits commercial development to infill on small parcels in areas where existing commercial development would make residential use clearly unreasonable. The development will not open the immediate area to scattered or premature development since the area is heavily developed. Additionally, the conversion of the residential structure to an office represents redevelopment that is compatible with the character of the surrounding area. Staff find the request consistent with **Goal 6, Objective 6.1, Policy 6.1.1, Policy 6.1.3, Policy 6.1.4, Policy 6.1.5, Policy 6.1.6 and Policy 6.1.7**.

Objective 11.2 Mixed-Use Overlay, states that 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. The subject request proposes redevelopment of an existing residence in the Mixed-Use Overlay within the Page Park Community Plan Area along the local county-maintained road 4th Street, which provides connection to the larger community of Page Park via South Road, a county-maintained local road. The property is also serviced by Lee County Transit Route 80 via Center Road, with a bus shelter located ± 0.21 miles northwest of the subject property and is Stop ID 3214. **Policy 11.2.5** states that Lee County will maintain land development regulations for properties within the Mixed-Use Overlay that allow for urban forms of development and a variety of uses. Approval of the proposed Commercial Planned Development rezoning will allow the applicant's intended use of the site as a masonry contractor office with ancillary storage, contributing to the overall diversity of the area and its variety of uses. Staff finds the request consistent with **Objective 11.2 and Policy 11.2.5**.

Goal 31 establishes the Page Park Community Plan, which seeks to revitalize the village-like residential neighborhood into a vibrant mixed use community, that captures the heritage of the Page Park Community Plan area by providing infrastructure, pedestrian and bicycle connections, and business opportunities together with consistency in signage, landscaping, and enhanced development standards, thereby promoting a mix of commercial and residential uses that will provide services to the local community and the driving public. The subject property contributes to the community plan area as it coincides with the intent of the area as this rezoning would allow for the redevelopment of an existing single-family residence into a commercial business within the residential neighborhood, supporting the diverse variety of uses within Page Park. **Objective 31.1** aims to enhance the existing physical appearance of Page Park while maintaining the historic character of the community. The proposed development will result in the redevelopment of a residential property in compliance with current code requirements which will enhance the physical appearance of the site. **Policy 31.1.1** requires deviations from landscaping, buffering, signage or architectural requirements to meet the approval criteria for variances set forth in the LDC, Chapter 34. The applicant states that landscaping and buffering requirements are being met through Mixed-Use Overlay

sections of the LDC reference of deviation analysis elsewhere in the report. **Objective 31.2** aims to ensure that commercial redevelopment incorporates required landscaping, architecture, lighting and signage, and provides for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on the neighboring properties. The applicant is demonstrating compliance with all landscaping [architecture, lighting and signage] requirements. The applicant has requested deviation from the public open space requirement noted in the submitted deviations and justification (See Attachment "C"). Landscaping will be evaluated at the time of Development Order. **Policy 31.2.1** states that new stand-alone commercial activity and uses will be limited to Danley Drive and within the commercial/mixed use areas shown on the Page Park Overlay (Map 1-C). Commercial uses will be permitted elsewhere within the community, but only as part of a mixed-use development or as a mixed-use building. The subject property is located within the Commercial Mixed-Use area as depicted on Lee Plan Map 1-C, making the proposed rezoning compatible with this policy as a new and stand-alone commercial development. **Objective 31.5** states the requirement of central sewer as it is essential and strongly encouraged to support the Page Park Community Plan Area's desire to provide a mix of uses and residential density. **Policy 31.5.1** states that central sewer service is strongly recommended for future higher density and intensity developments proposed within the Page Park Community Plan area. Any new developments that meet the criteria outlined in Lee Plan Standard 4.1.2 are required to connect to a central sewer system. The proposed development will not be producing an intensity high enough to require connection, as the development will not generate the level of commercial sewer usage outlined in Standard 4.1.2, which pertains to consumption of more than 5,000 gallons of sewage per day. Pursuant to **LDC Section 33-1203**, the applicant held a public information session on June 3, 2024, at 6:00 p.m. Staff find the request consistent with **Goal 31, Objective 31.1, Policy 31.1.1, Objective 31.2, Policy 31.2.1, Objective 31.5, Policy 31.5.1., and LDC Section 33-1203.**

Policy 125.1.3 states that the design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems. Onsite water quality for the system will be provided through a dry detention area. The outfall from this system into Whiskey Creek will be regulated by a control structure. This control structure will provide water quality and attenuation. (See Attachment Q). Staff find the request consistent with **Policy 125.1.3.**

b. *Meets this Code and other applicable County regulations or qualifies for deviations:*

- The proposed rezoning and use meet the applicable County regulations as detailed in the submitted Schedule of Uses and Property Development Regulations. The applicant has requested two deviations as noted in the submitted Schedule of Deviations and Justifications and on the Master Concept Plan. These deviations are analyzed further in this report.
- **OPEN SPACE**

All projects must provide Open Space pursuant to LDC Section 10-415. The site is also located within the Mixed-Use Overlay and may use the open space reductions set forth in 10-425(a); small commercial projects will be required to provide 10% open space, and large developments are required to provide 20% open space. Indigenous vegetation must still be consistent with Section 10-415(b). If the site is developed with more than two acres of impervious, then the project must demonstrate compliance with 10-415(b); indigenous native vegetation and trees. Pursuant to LDC 10-415(a), all development must contain the minimum percentage of open space. Open space requirements are set by the size of the lot area, and by the amount of impervious surfaces. The proposed project is considered a small development because it is less than ten acres in size and under two acres of impervious, and pursuant to 10-425(a), must provide 10% open space. Given the site at ±0.66 acres, 10% would be 0.07 acres, or 2,613 sq. ft. The property is in the Page Park Community Plan Area and is required to demonstrate compliance with LDC 33-1259 for Public Open Space. Public open space means a minimum of two of the following amenities for every 1,000 square feet of public open space: seating, shade structures, drinking fountains, umbrellas, or other similar amenities. The applicant has requested a deviation from LDC 33-1259, which requires a development parcel to provide a minimum of 10 percent public open space, to instead allow for the development to provide open space in accordance with LDC 10-425(a). The applicant has provided open space above what is required by code; the MCP depicts 32% open space (0.21 acres). Staff recommends the following condition, as noted on the Environmental Staff Memorandum (See Attachment "F"):

Prior to the issuance of a Development Order Permit, the MCP shall depict at least 32% (0.21 acres) of open space as illustrated on the MCP.

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

- The request will allow a former residence to be reused as a business office. Surrounding uses include commercial, multi-family residential, industrial, and a community facility (Evangelical Christian School). The rezoning request of the subject site does not create compatibility concerns with neighboring properties.

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

- The subject property has points of ingress and egress on the local county-maintained road, 4th Street. The existing access points will remain for employees and customers to enter and exit the office.

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

- This rezoning action is not anticipated to result in any additional operational impacts to transportation facilities. The number of trips to and from the site will be de minimis. The

results generated from the user inputs by the ITE Trip Generation Manual through OTISS Version 4.0 indicate a minimal impact in trips during the peak hour AM, peak hour PM and weekday trips. Based on the minimal impact due to the change in use of this portion of the 94 4th Street property, there are no adverse impacts anticipated to the function of the existing access point or level of service to the surrounding roadways. Lee County DOT reviewed the applicant's TIS and concluded that the proposed project will not have a detrimental impact on the surrounding roadway system.

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

- The subject site was previously developed. This proposed rezoning action does not result in impacts on environmentally critical or sensitive areas or natural resources.

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

- Urban services are available to the subject property as noted in this report. The site is served by Lee County Utilities for water. A septic tank provides sanitary sewer service. The proposed water usage for the septic system is <200gpd. The standards contained in Lee Plan 4.1.1 and 4.1.2 will not be exceeded.

- **UTILITIES**

Lee County Utilities provided a Letter of Availability ensuring potable water and sanitary sewer may be provided to the site. Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer (See Attachment "E").

- **FIRE AND MEDIC**

South Trail Fire Station # 61 and Medic #1, located at 2100 Crystal Drive, ±1.6 miles away from the subject property will provide Fire and EMS services to the site.

- **SHERIFF**

Police protection will be provided by Lee County Sheriff Department Station located at 14750 Six Mile Cypress Parkway, ± 5.1 miles away from the subject property

- **PUBLIC TRANSIT**

Public transit provides access to the subject property via Lee Tran Route 80, servicing Center Road with a bus shelter located ±0.21 miles northwest of the subject property and is Stop ID 3214.

Planned development rezonings. The Hearing Examiner must also find:

- a. The proposed use or mix of uses is appropriate at the proposed location.

- The proposed rezoning is consistent with LDC Section 34-145(d)(4)a.2, which is required for all planned developments. The principal use of the site will be an administrative office with outdoor storage which is appropriate in the context of the surrounding community.
- b. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.
- All proposed conditions are intended to protect the public interest. Safeguards to the public interest are also provided through the conformance with the Master Concept Plan, with use and development standards of the LDC, with deviations granted as warranted for unique conditions with the intent to protect the health, safety, and welfare of the community.
- c. If the application includes deviations pursuant to Section 34-373(a)(9), that each requested deviation:
1. Enhances the achievement of the objectives of the planned development; and
 2. Protects the public health, safety and welfare.
- The applicant has requested two deviations in conjunction with this request. These deviations are as follows:
 - Deviation 1 is from LDC Section 33-1259 requiring:
 - (a) A development parcel or site, regardless of parcel size, must contain a minimum of ten percent public open space. The public open space requirement is in lieu of the open space requirements set forth in Chapters 10 or 34.
 - (b) Public open space must provide a minimum of two of the following amenities for every 1,000 square feet of public open space: seating, shade structures, drinking fountains, umbrellas, or other similar amenities.

The applicant has provided justification for the request; given the size of the parcel and the fact that equipment will be stored on the property, there is no practical way to make open space available to the public. This could present hazards to the public, which should be avoided.
 - Deviation 2 is from LDC Section 10-285 requiring Connection Separation of 60 feet for local roads located in Future Urban Areas with (posted speed >45/<45); the existing driveway to the improved subject parcel currently requires a back-out movement onto 4th Street right-of-way for exiting movement from the existing driveway. The proposed deviation would allow replacing the existing driveway with two driveways at a separation of 38 feet, so that neither driveway would require a back-out movement onto the 4th Street right-of-way. This would be accomplished by providing internal turning movements to ensure the two parking spaces provided at the north driveway and the one parking

space provided at the south driveway may exit the subject property onto 4th Street in a forward motion. Existing improvements on the subject site, including, but not limited to, an existing septic system and a handicap ramp preclude connection between the two parking areas within the site itself. Also, providing a connection of the two driveways would cause elimination of a significant area of landscaping on the western side of the property, which would negatively impact the minimum buffering requirement.

DEVIATION AND JUSTIFICATION

The applicant has requested a deviation from LDC Section 33-1259 establishing public open space requirements, as they have stated that there proves to be no practical way to make open space available to the public as providing public open space could subject pedestrians to traversing through the site of an existing septic field as well as the nature of the proposed use could also jeopardize the health, safety and welfare of the surrounding community. However, the appearance of the office building will be compatible as it was formerly a single-family residence and will still present as such in its outward appearance (See Attachment "C"). Pursuant to **Lee Plan Policy 31.1.1** any deviation from landscaping, buffering, signage or architectural requirements may not be granted, unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34 Section 145(b)(3):

- a. The property has inherent exceptional conditions that cause the application of the regulation to create a hardship (as defined in Section 34-2) on the property owner.
 - The existing configuration of the residence that is being converted to serve the intended use along with the existing improvements on the site, including, an existing septic system provide difficulty that would be classified as a hardship. In addition, the nature of the intended use will require security measures to ensure that the materials and equipment stored on the property are protected. Providing public open space may subject the property owner to unnecessary damage or loss of equipment or other liability.
- b. The exceptional conditions are not the result of actions of the property owner taken subsequent to the adoption of the ordinance.
 - The current property owner was not responsible for developing the subject property. The applicant proposes to reuse the site and the existing structure for commercial use, which necessitates compliance with this requirement and is in compliance.
- c. The variance granted is the minimum variance that will relieve the unreasonable burden caused by the application of the regulation to the property.
 - This variance would be the minimum variance as the applicant is attempting to repurpose the existing development and operate a business within the confines of the existing development on-site.
- d. The granting of the variance will not be injurious to the neighborhood or detrimental to the public welfare.

- The granting of this variance is in no way injurious to the neighborhood or detrimental to the public welfare. The applicant is requesting the deviation to minimize the potential of negative public impact by providing public open space.

e. The variance is consistent with the Lee Plan.

- Lee Plan Policy 31.1.1. requires deviations from landscaping, buffering, signage or architectural requirements may not be granted, unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34. The requested deviation meets the criteria for variance approval based on the findings herein.

The applicant has also requested a deviation from LDC Section 10-285 which establishes a required connection separation of 60 feet on local roads in future urban areas, to allow a connection separation of 46 feet between two access driveways serving the subject property. The existing driveway on the improved subject parcel currently requires a back-out movement onto 4th Street. In order to exit the site. The requested deviation would allow the existing driveway to be replaced with two driveways at a separation of 46 feet, so that neither driveway would require a back-out movement onto the 4th Street right-of-way. This would be accomplished by providing for internal movement to ensure that on-site parking spaces provided will be able to exit the subject property onto 4th Street in a forward motion. Existing improvements on the subject site, the existing septic system and a handicap ramp preclude connection between the two parking areas at the front of the site. The deviation would allow the property owners equipment to circulate the site as well. Also, providing a connection of the two driveways would cause elimination of a significant area of landscaping on the western side of the property, which would negatively impact the minimum buffering requirement. This deviation has been reviewed by Lee County DOT, who recommended Approval of the request.

BUFFERING

The project is required to provide buffers pursuant to LDC Section 10-425(f). No buffers are required along the north, east or south property lines, and a Type A buffer is required along 4th Street. The MCP illustrates compliance with the required buffers.

CONCLUSION

The requested rezoning from Two-Family Conservation District (TFC-2) to Commercial Planned Development (CPD) to allow an existing single-family home to be used as an office for a masonry contractor, with outdoor storage of commercial equipment has been reviewed based upon the applicable review criteria. The proposed rezoning provides consistency with allowable commercial development within the Central Urban future land use category and within the designated Future Urban area, as well as the Page Park Mixed-Use Overlay established by Lee Plan Goal 31. Staff has concluded that the rezoning will not result in negative impacts to urban services, infrastructure, or surrounding property. The subject property is sufficiently served by fire, police, and emergency services personnel as well as access to public transit routes and urban services. The request will not adversely affect environmentally critical or sensitive areas and natural resources. Therefore, staff recommends **APPROVAL** of the applicant's request subject to the conditions in Attachment "Q".

ATTACHMENTS

- A. Lee County Expert Witness Information
- B. Case Maps
- C. Deviation and Justification
- D. Request Statement
- E. Letter of Availability
- F. Lee County Environmental Staff Memorandum
- G. Master Concept Plan
- H. Community Meeting Summary (Page Park)
- I. Applicant's Proposed Development Regulations
- J. Applicant's Proposed Schedule of Uses
- K. Sightline Exhibit
- L. Legal Description
- M. VIO2024-08214 Letter
- N. VIO2025-02670 Letter
- O. Applicant TIS
- P. Lee County DOT Staff Memorandum
- Q. Storm Water Management Plan
- R. Conditions of Approval

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

Case Number: DCI2024-00024
Project Name: 94 4th Street
Hearing Examiner Date: May 29, 2025

Kam Muhammad, Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

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

Katie Burgess, Principal Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Staff reviewed and provided comments for sufficiency. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

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

- Qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Staff reviewed and provided comments for sufficiency. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

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

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the

Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

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

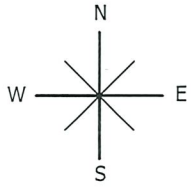
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: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

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

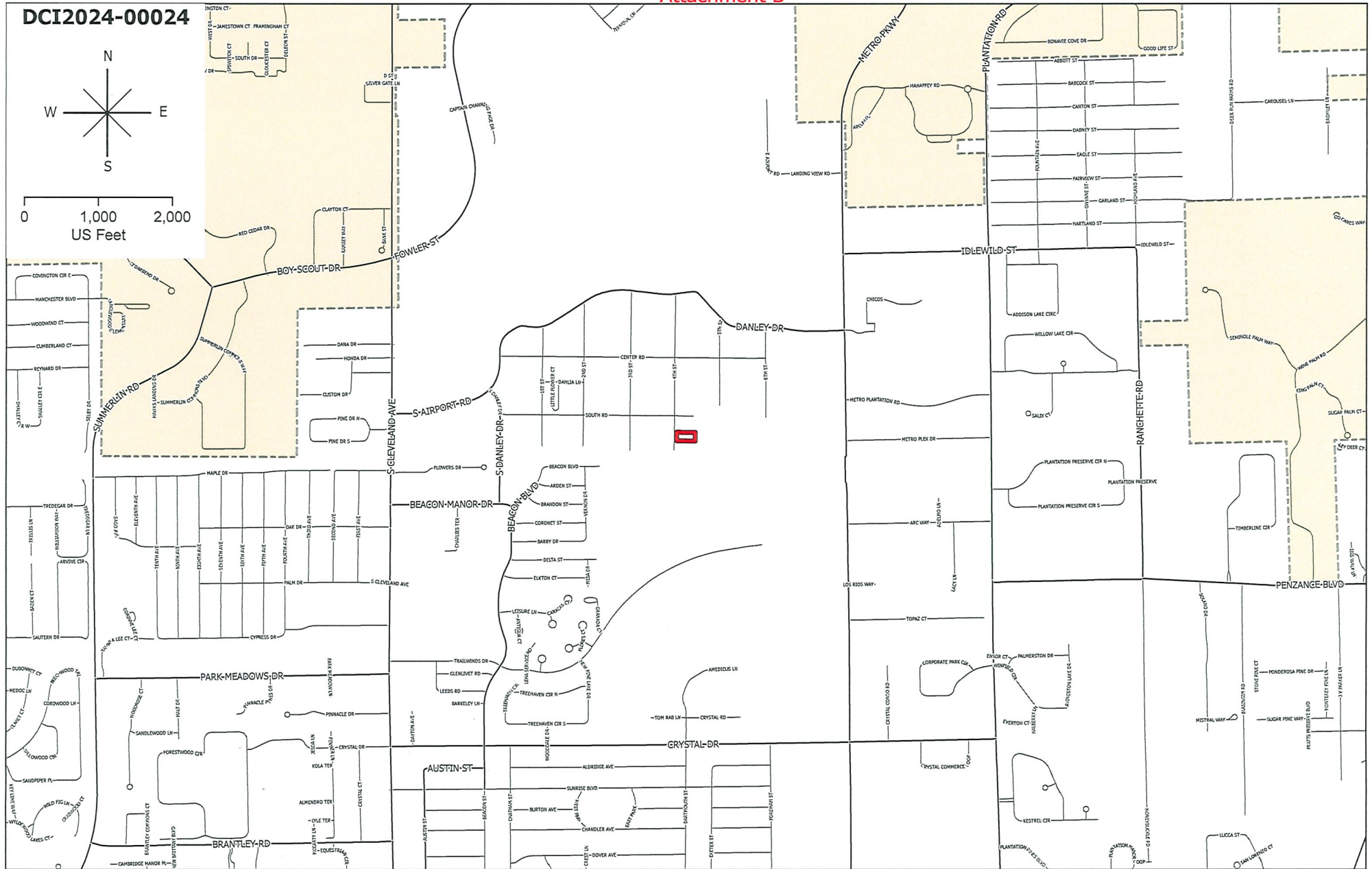
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: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

Attachment B

DCI2024-00024



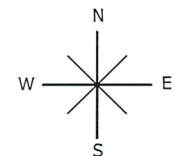
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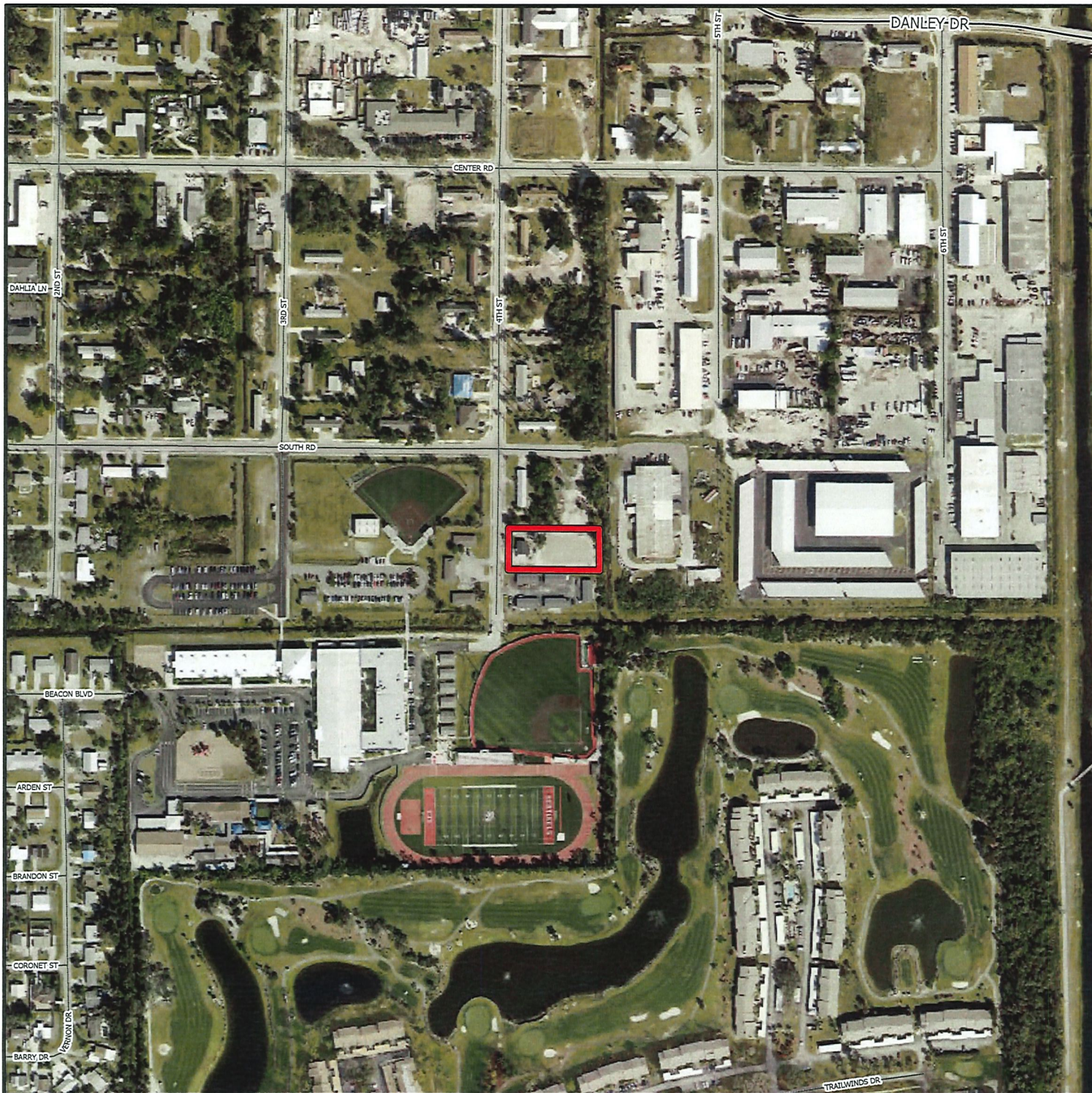
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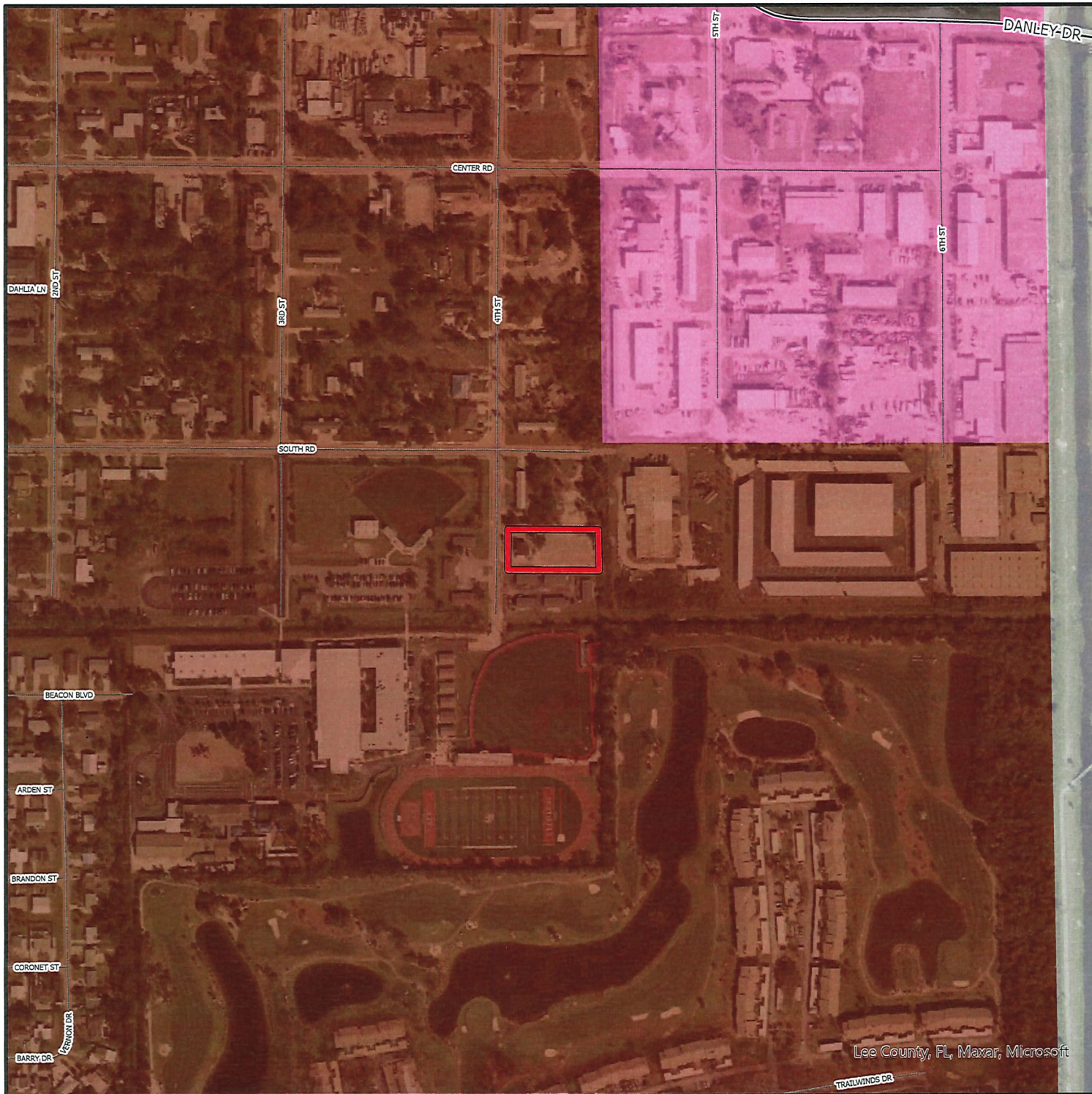
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 Subject Property



0 500
Feet

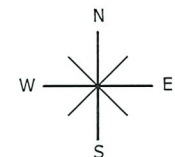




DCI2024-00024

Future Land Use

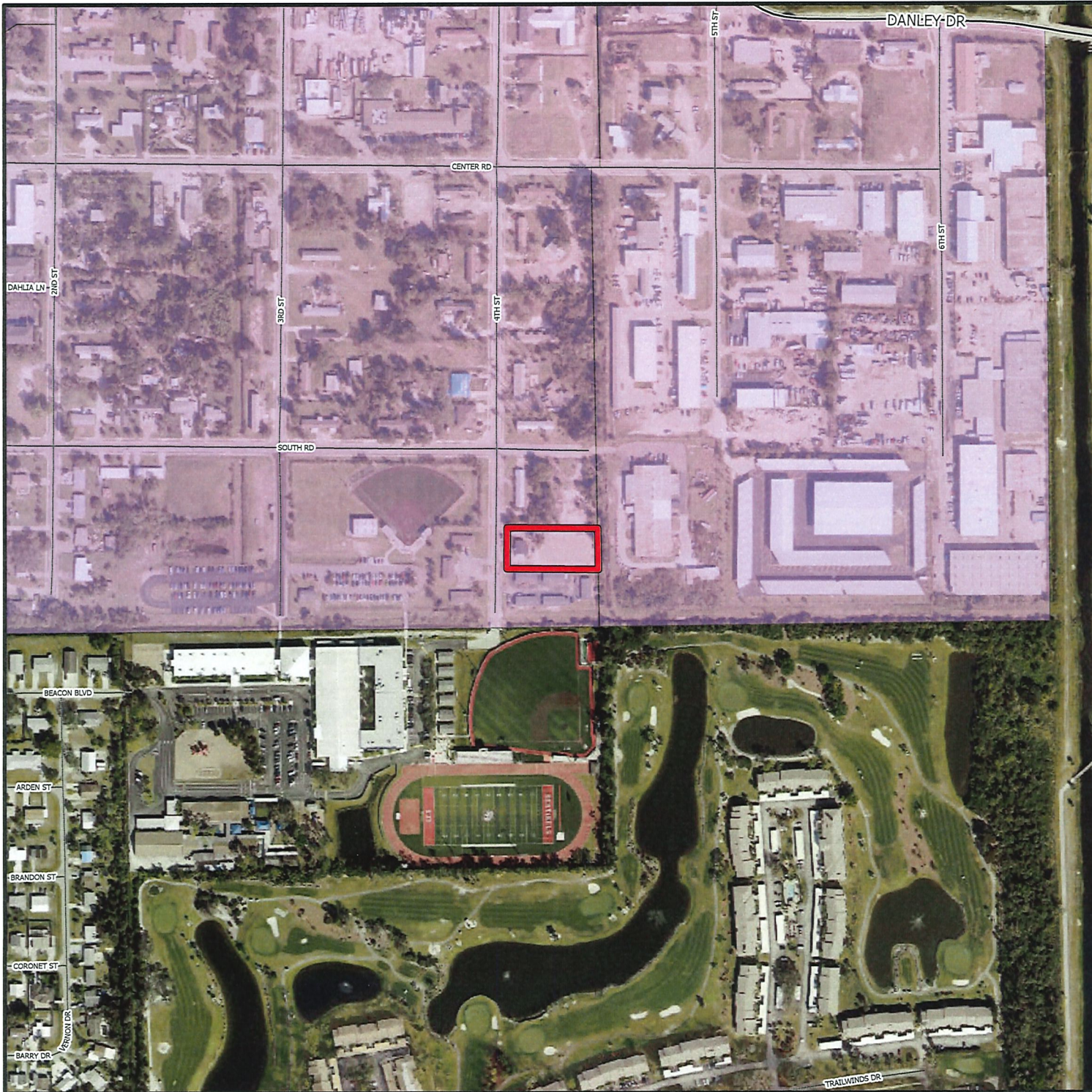
-  Subject Property
-  Central Urban
-  Industrial
-  Public Facilities
-  Airport



0 500
Feet



Lee County, FL, Maxar, Microsoft

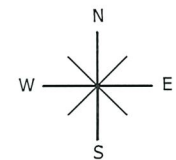


DCI2024-00024

Mixed Use Overlay

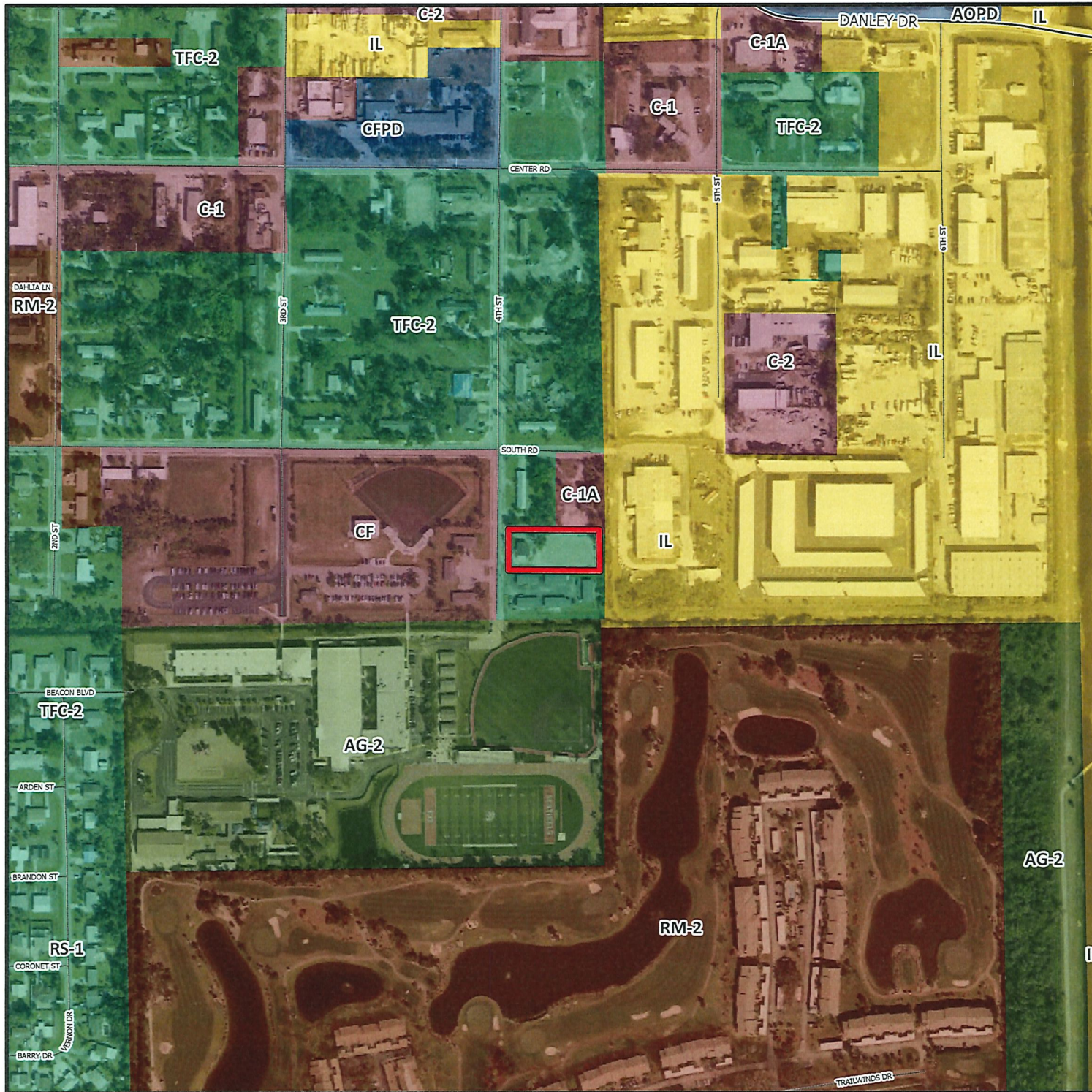
 Subject Property

 Mixed Use Overlay



0 500
Feet

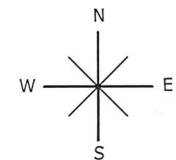




DCI2024-00024

Zoning

 Subject Property



0 500
Feet



DEVIATION REQUESTS AND JUSTIFICATION

The requested deviations are marked on the Master Concept Plan.

1. Public Open Space - [Section 1259 (a)]

Request: ~~Open space will be provided in accordance with LDC criteria. The request is from LDC Section 33-1259, which requires a development parcel or site, regardless of parcel size, containing a minimum of 10 percent public open space, to allow open space in accordance with LDC Section 10-25 (a). The request is a deviation from the requirement for open space to be made available to the public to general open space.~~

Justification: Given the size of the parcel and that equipment will be stored on the property, there is no practical way to make open space available to the public. This could present hazards to the public, which should be avoided.

2. Connection Separation – [Section 10-285]

Request ~~from the required connection separation of 60-feet to allow a separation of 38-feet between entrance points.~~

Justification: The existing driveway to the improved subject parcel currently requires a back out movement into the 4th St. right-of-way for the exiting movement from the existing driveway. The proposed deviation would allow replacing the existing driveway with two driveways at a separation of 38 feet, so that neither driveway would require a back out movement into the 4th St. right-of-way. This would be accomplished by providing internal turning movements to assure the two parking spaces provided at the north driveway and the one parking space provided at the south driveway may exit the subject property onto 4th St. in a forward motion. Existing improvements on the subject site, including, but not limited to, an existing septic system and a handicap ramp preclude connection between the two parking areas within the site itself. Also, providing a connection of the two driveways would cause elimination of a significant area of landscaping on the western side of the property, which would negatively impact the minimum buffering requirement.

In addition, 4th St. terminates at the IDD canal which borders the ECS school limiting through traffic.

94 4TH St.

Rezone

Request Narrative

Revised October 20242nd Revision March 2025**A. PURPOSE OF REQUEST**

The owner of property addressed as 94 4th St. is requesting a rezone from the Residential Two-Family Conservation (TFC-2) district to the Commercial Planned Development (CPD) district to allow a former single-family house located on the property to be used as an office for a masonry contractor, along with outdoor enclosed storage of commercial equipment. This is classified as a Contractor and Builder, Group II, in accordance with the LDC Sections 34-662 (c) (9) and 34-934 – Use Regulations for Planned Development Districts. Storage of equipment to be used by Applicant only. There will be no sales or rentals. The office will be used by Minc Masonry/MEDENWALD, Inc., a local masonry contractor. The property owner, Mr. Robert Votaw, is an Officer of the company.

B. BACKGROUND

The property is located in the Page Park Planning Community of unincorporated Lee County. It is surrounded by a variety of land uses including multi-family residential, commercial, industrial, and institutional. The property is located approximately 0.9 miles east of US 41 and 0.7 miles south of Page Field Airport. The Page Park community is approximately 0.7 square miles in size. The US Bureau of the Census reported the area's population to be 747 in the 2020 census. The median income was \$23,660.00 and per capita income was \$14,281.00 as reported by the US Census Bureau in 2020.

The building intended for office use appeared on the Lee County tax rolls in 1957. Minc Masonry/MEDENWALD, Inc. has been in existence in southwest Florida since 1966.

One point of ingress and egress to the property is located on 4th St., south of Center Rd.

C. COMPATABILITY WITH SURROUNDING AREAS

Surrounding uses in the immediate area consist of multi-family residential, industrial, commercial, and institutional uses. Evangelical Christian High School is located directly across the street from the property. Industrial businesses are located east and northeast of the subject property.

The intended use falls under Section 34-622 (c) 9 of the County's Land Development Code – General Contractors' office - with outdoor storage of equipment. To allow flexibility in the design of the Master Concept Plan (MCP) and to assure various types of equipment can be stored can be on the property, we are requesting a rezone to the Commercial Planned Development category. This will ensure compatibility with surrounding uses. The intended use is consistent with the development character of the surrounding uses and enhanced buffering and screening will ensure impacts are mitigated.

A listing of surrounding uses, zoning, and future land uses is found below.

LOCATION	ZONING	FUTURE LAND USE	USES/NOTES
NORTH	<u>C-1A and TFC-2</u>	Central Urban	<u>Multi-Family</u> Residential; Industrial uses are located northeast.
SOUTH	<u>TFC-2</u>	Central Urban	<u>Residential- Multi-Family</u>
EAST	IL	Central Urban	Industrial
WEST	<u>CF</u>	Central Urban	<u>Multi-Family</u> Residential and Institutional (High School)

1. Buffering and landscaping

Buffering is required by several sections of the LDC, but Section 10-425(f) (1-3) takes precedence (according to County staff). This subsection contains the buffering requirements of the Mixed-Use Overlay.

Buffering will be provided as follows:

- A. No buffer is required for property zoned or in use as commercial or multi-family residential.
- B. South side- No buffer is required for property zoned or in use as multi-family residential multi-family. An 8-foot high screen opaque fence masonry wall will be placed along the southern portion of the property.
- C. East side- No buffer is required for property zoned industrial.
- D. West side – a five-foot buffer along the right-way with five trees will be provided. Existing vegetation and landscaping already exists that meets this requirement (please refer to the attached exhibits).

Required building perimeter planting will be used in lieu of buffers for the property on the west side, which is adjacent to the right of way. Perimeter planting will be added to the north side of the building.

An eight-foot opaque fence masonry wall will be installed on the northern and southern portions of the property in accordance with LDC criteria side adjacent to the property used for multi-family residential. An eight-foot opaque fence masonry wall will also be placed along the southern end of the property.

D. CONSISTENCY WITH GUIDING DOCUMENTS

1. Lee County Comprehensive Plan (Lee Plan)

The property is designated as Central Urban on the Lee Plan Future Land Use Map. Goal 1 of the Lee Plan under the Future Land Use Map is found below:

GOAL 1: *To maintain and enforce a Future Land Use Map showing the distribution, location, and extent of future land use by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl. (Ord. 94-30).*

OBJECTIVE 1.1: FUTURE URBAN AND SUBURBAN AREAS

Designate areas with varying intensities on the Future Land Use Map that provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. (Ord. 17-13).

POLICY 1.1.3

The Central Urban future land use category can be best described as the “urban core” of the County. These areas are already heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public, and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 1.1, where appropriate. The standard density range is from eight dwelling units per acre to 10 dwelling units per acre, with a maximum total density of 15 dwelling units per acre. The maximum total density may be increased to 20 dwelling units per acre utilizing Greater Pine Island Transfer of Development Units. (Ord. 94-30, 02-02, 09-06, 16-07, 21-19).

Compliance - The proposed use is consistent with the future land use category goal, objective, and policy as it adds to the mix of uses that are deemed appropriate for the Central Urban Future Land Use category.

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. 94-30, 00-22).*

Compliance - The proposed use is to be developed as a Planned Development (PD) in order to provide sufficient criteria and standards assuring a compact development to

mitigate impacts. The PD also allows for certainty, which creates an environment whereby adjacent and nearby property owners are aware of the potential uses.

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. (Ord. No. 17-13)

Compliance – The analysis does not indicate any negative impact upon environmental standards. All required standards will be met at the time a development order is issued. Water and sewer service is provided to meet the policies of the Lee Plan and the LDC. The project will be served by central water through Lee County Utilities and an existing septic sewer system, in proper working condition, consistent with Objectives 4.1 and 31.5.

POLICY 5.1.5

This policy is concerned with encroachment of uses that are potentially destructive to the character and integrity of the residential environment. You can see from the photographs and aeriels submitted with the original application the immediate area is made up of mixed uses, with many properties used for storage. The primary use of the subject site is an office with outdoor storage. The applicant intends to provide enhanced buffering to address negative impacts in a satisfactory manner. Inasmuch as this is a Planned Development, additional conditions can be imposed by the County Commission to minimize potential impacts.

POLICY 6.1.3

Commercial development requiring rezoning must be developed as Planned Development except if located within the Mixed Use Overlay. The Planned Development must be designed to arrange uses in an integrated and cohesive unit in order to: provide visual harmony and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access, and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and, provide necessary services and facilities where they are inadequate to serve the proposed use. (Ord. 94-30, 00-22, 21-09).

Compliance – The proposed development will avoid negative impacts by providing enhanced buffering and screening. The use will be condensed on a small piece of property and avoids negative impacts that could arise from additional strip commercial development.

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. (Ord. 94-30, 00-22).

Compliance – The office and storage uses proposed will be compatible with existing uses as the uses surrounding the property constitute a mix of residential and non-residential in varied zoning districts. This complements the Urban Central Future Land Use category goal.

POLICY 6.1.6

This policy contains language stating the land development regulations will require commercial development provide adequate and appropriate landscaping, open space, and buffering.

Compliance – Adequate buffering and landscaping will be provided to assure the development blends in with the character of the area. The appearance of the office building will be compatible as it was formerly a single-family residence.

POLICY 6.1.7

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

Compliance – The development will not open up the immediate area to development that would be premature or scattered since the area is heavily developed. Additionally, the conversion of the residential structure to an office represents a reuse that is compatible with the character of the surrounding area.

GOAL 31: PAGE PARK COMMUNITY PLAN

Revitalize the village-like residential neighborhood into a vibrant mixed use community, that captures the heritage of the Page Park Community Plan area by providing infrastructure, pedestrian and bicycle connections, and business opportunities together with consistency in signage, landscaping, and enhanced development standards, thereby promoting a mix of commercial and residential uses that will provide services to the local community and the driving public. (Ord. 09-08, 18-18).

OBJECTIVE 31.1

Enhance the existing physical appearance of Page Park while maintaining the historic character of the community. (Ord. No. 09-08, 18-18).

Compliance – the proposed development will add features consistent to enhance the physical appearance of the site including buffering and screening. These additions represent significant improvements over those made by the previous owner.

POLICY 31.1.1

Deviations from landscaping, buffering, signage or architectural requirements may not be granted unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34 (Ord. No. 09-08, 18-18).

Compliance – Landscaping and buffering requirements are being met through the PUD provisions and Mixed-Use Overlay sections of the LDC.

POLICY 31.5.1

Central sewer service is strongly recommended for future higher density and intensity developments proposed within the Page Park Community Plan area. Any new developments that meet the criteria outlined in Lee Plan Standard 4.1.2 are required to connect to a central sewer system. (Ord. No. 09-08, 18-18)

Compliance - the proposed development will not produce a higher intensity since it will not generate the level of commercial sewer usage outlined in Standard 4.1.2, which pertains to consumption of more than 5,000 gallons of sewage per day.

POLICY 31.2.1

New and stand-alone commercial activity and uses will be limited to Danley Drive and within commercial/mixed use areas shown on the Page Park Overlay (Map 1-C). Commercial uses will be permitted elsewhere within the community, but only as part of a mixed use development or as a mixed use building. This policy does not apply to existing commercial uses and property currently zoned for commercial uses. (Ord. 09-08, 18-18).

Compliance – The property is located within the Page Park Overlay commercial/mixed use section, which makes the proposal compatible with this policy as a new and stand-alone commercial development.

POLICY 125.1.3

The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems. (Ord. No. 00-22, 18-28)

Compliance- Stormwater run-off will be directed via sheet flow and closed conveyance to the proposed outfall structure, which will outfall into the existing off-site ditch. Discharge into Whiskey Creek shall be limited to 108 CSM for the 25-year, 3-day storm event in accordance with the Lee County Surface Water Management Plan. Onsite water quality for the system will be provided through a dry detention area. The outfall from this system into Whiskey Creek will be regulated by a control structure. This control structure will provide water quality and attenuation.

E. CONSISTENCY WITH THE LEE COUNTY LAND DEVELOPMENT CODE (LDC)

1. Hearing Examiner

In accordance with **Section 34-145 (4) (a) (1)** of the LDC, the Hearing Examiner must make certain findings on rezone petitions prior to approval or recommending approval. The findings are as follows.

A. Rezoning. The Hearing Examiner must find the request:

1. Complies with the Lee Plan.

Response: See pages 2-4 of this narrative document for the explanation Lee Plan compliance.

2. Meets this Code and other applicable County regulations or qualifies for deviations.

Response: The single-family residence was consistent with the County's land development regulations in effect at the time of approval of construction. The proposed rezoning and use meet the applicable County regulations as detailed in the submitted Schedule of Uses and Property Development Regulations. Deviations for relief are being requested as noted in the submitted Schedule of Deviations and Justifications and on the Master Concept Plan.

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

Response: The former residence has been upgraded to serve as a business office. Surrounding uses include commercial, multi-family residential, industrial, and an educational facility (High School). The rezoning request of the subject site does not alter the character of the property, which assures that it remains compatible with neighboring properties.

4. Will provide access sufficient to support the proposed development intensity.

Response: The subject property has a points of ingress and egress off 4th St. The existing access points will remain for employees and customers to enter and exit the office.

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

Response: This rezoning action does not result in any additional operational impacts to transportation facilities. The amount of trips to and from the site will be de minimus.

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

Response: The subject site was previously developed. This proposed rezoning action does not result in impacts to environmentally critical or sensitive areas or natural resources.

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

Response: Urban services are available to the property and are already provided to the development. The site is served by Lee County Utilities for water. A septic tank provides sanitary sewer service. The proposed water usage for the septic system is <200gpd. The standards contained in Lee Plan 4.1.1 and 4.1.2 will not be exceeded.

B. Planned Development Rezoning. The Hearing Examiner must also find:

1. The proposed use or mix of uses is appropriate at the proposed location.

The proposed rezoning is consistent with LDC Section 34-145 (d) (4) a.2, which is required for all planned developments. The principal use of the site will be an administrative office with outdoor storage of equipment. Some equipment will remain uncovered, while some will be enclosed.

2. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

All proposed conditions of the request are intended to protect the public interest. Safeguards to the public interest are also provided through the conformance of the Master Concept Plan, with use and development standards of the LDC, with deviations granted as warranted for unique conditions with the intent to protect the health, safety, and welfare of the community.

3. If the application includes deviations pursuant to Section 34-373(a) (9), that each requested deviation:

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

The Justification of Deviations submitted with this application demonstrates that the requested deviations enhance the achievement the planned development objectives and preserve and promote the general intent of the code to protect public health, safety, and welfare

C. Mixed Use Overlay

The proposed project is subject to Section 10-425- Open Space and Landscape Requirements in the Mixed-Use Overlay. Specifically, buffers must be five-feet along rights-of-way planted with five trees per 100 linear feet. The required building perimeter planting may be used in lieu of a buffer if adjacent to the right-of-way. A 10-foot wide buffer with Type B plantings is required along property lines which abut single-family residences. There are no single-family residences on any side of the project site. Buffers are not required along property lines unless specified in the Mixed-Use Overlay section of the LDC. We were informed by staff in their comment letter Section 10- 425 (f) the Mixed Use Overlay takes precedence. The buffering standards in this section become the setbacks.

While other sections of the LDC contain setback provisions, i.e. Planned Developments and Page Park, we understand the Mixed-Use Overlay section takes precedence.

D. Other applicable sections of the LDC

1. Section 33-1203 – Community Review

An informational meeting was conducted on June 3, 2024 at Kimmie's Recovery Zone located at 570 Center Rd. in the Page Park Community. An advertisement was placed in the News-Press prior to the meeting in compliance with LDC Section 33-1203 (b). Additionally, signs were posted at Kimmie's Recovery Zone as well as the location of the property under review. There were no participants at the meeting. At the time of submitting this application, the applicant is unaware as to any public comment.

~~Section 34-1352— Setbacks~~

Setbacks are included in several sections of the LDC. ~~A recap of the applicable sections of the LDC and our proposal is found below.~~

~~A. General~~

- ~~• Street— 50 feet~~
- ~~• Side yard— 40 feet~~
- ~~• Rear yard— 40 feet~~

~~B. Page Park~~

- ~~• Side yard— 0/15 feet minimum; N/A— maximum~~
- ~~• Side— 15 feet minimum; 0 feet maximum~~
- ~~• Rear— 15 feet~~

~~C. A. Planned Developments~~

- ~~Minimum setback—15 feet for Commercial Planned Developments~~

~~We request a deviation from the side 15 foot setback to a setback of five feet on the south side and a two foot setback on the north side. The equipment and containers will be located behind a buffer screen and fencing on all three sides: north, east, and south. Buffering will be adequate to provide sufficient screening to the adjacent properties. Additionally, a six foot opaque fence or wall will be constructed with a swing gate on the east side (rear of the property).~~

~~Section 34-935 (b) (1) (b) requires a minimum setback of 15 feet for commercial uses in a Planned Development. Please refer to the Property Development Regulations table for our proposed standards.~~

2. ~~3. Section 34-1352 (e) – Visual screening~~

~~Screening will be provided by enhanced buffering and a wall. The buffering parameters are shown on the Master Concept Plan (MCP).~~

4. ~~Section 33-1250 – Page Park, Division 2, Subdivision 1~~

~~Requirements are found below. The property development standards table will provide a recap of the proposed dimensions for each standard.~~

- ~~Lot area—none specified~~
- ~~Lot width—none specified~~
- ~~Height—3 stories/40 feet~~
- ~~Setbacks—follow Section 34-2191~~
- ~~Front—minimum 0; maximum 25 feet~~
- ~~Side—minimum 15 feet; maximum none~~
- ~~Side yard—minimum 0/15 feet; maximum N/A~~
- ~~Rear—15 feet~~
- ~~Waterbody—25 feet~~
- ~~Maximum ROW 25 feet~~

3. ~~5. Section 33-1255 – Parking~~

~~Parking will be located adjacent to the building and in the back of the building.~~

4. ~~6. Section 33-1257 (b) – Transit Facilitation~~

~~The project site is adjacent to a public road and contains a sidewalk in the event a bus bench or stop is placed by the Transit Authority in front of the project site or nearby. If placed nearby, visitors can walk or bicycle to the site.~~

5. ~~7. Section 33-1259 (a) - Public Open Space~~

~~A minimum of 10 percent public open space is required. We have provided at least 10 percent of open space. We request a deviation from the requirement for~~

the open space to be *public* since an allowance of public space would not be practical nor safe in this area. Equipment and machinery will be placed on the property and is not advisable to allow public interaction.

~~6. 8. Section 33-1310, Tables 1 and 2 – Buffers~~

~~The proposed use is Commercial and the requirement for buffering adjacent to single-family and industrial uses is a type B buffer and no buffer is required for adjacency to multi-family residential. A type B buffer will be provided with fencing on all sides to ensure compatibility and screening from adjacent property uses. We are requesting a deviation from the 10-foot minimum buffer width requirement to five feet.~~

~~7. 9. Section 10-416 (b) – Landscaping~~

Perimeter plantings must be equal to 10 percent of the proposed building gross ground level floor area, on three sides. Emphasis is placed on sides that that most visible from the public. A minimum width of 5-feet is required.

The plantings will be placed around the equipment storage area and will exceed 10 percent of the floor area of the building (81 feet).

~~8. 10. Section 34-2020 (b) – Parking – General~~

One parking space per 300 square feet of total floor area must be provided. This would equal 3.38 spaces. The Mixed Use Overlay (LDC section 10-425) allows for a 0.50 reduction, which equates to 2.88 spaces. Three spaces and a handicap space will be provided. The final design of the parking spaces, i.e. angles, will be determined at the development order stage.

~~9. 11. Section 34-1007 LCPA Airport Obstruction Notification Zone~~

Our reading of Map 8 in Appendix C of Ordinance 19-03 yields the property is located in the 25' to 50' Above Mean Sea Level (AMSL) category. However, the building on site is not greater than 25 feet in height. If notification is required prior to approval of a development order, it will be done by the applicant.



BOARD OF COUNTY COMMISSIONERS

Kevin Ruane
District One

May 2, 2024

Via E-Mail

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Michael Greenwell
District Five

Dave Harner, II
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

Vince Cautero, Barraco & Associates, Inc.
2271 McGregor Blvd. Suite 100
Fort Myers, FL 33901
12-45-24-01-000Q0.0090

RE: **Potable Water and Wastewater Availability**
94 4th Street - Commercial
STRAP # 15-44-25-00-00002.0000

To whom this may concern:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A and 4B of the Lee County Comprehensive Land Use Plan. Potable water lines are in operation adjacent to the property mentioned above. "Sanitary sewer lines are not in operation adjacent to the property but are available at the intersection of South Road and 3rd Street." However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 1 commercial unit with an estimated flow demand of approximately 250 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

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

Sanitary sewer service will be provided by the City of Ft Myers South Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

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

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

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

Sincerely,

LEE COUNTY UTILITIES

Judy Carlson
Utilities Project Manager,
New Development & Construction.



Subject 01-85624 MEDENWALD INC
From Customer Service
<customerservice@swwsfl.com>
To: MINCMASONRY@YAHOO.COM
<mincmasonry@yahoo.com>

Date Today at 10:48

Good morning, Chase,

Per operations we are authorize to service your
Dumpster at 94 4th St, Fort Myers, FL 33907 wherever
located from behind the gate of the property.

Kind Regards,

Kitty Pacheco

Customer Service Representative

T: 239-939-5050

E: customerservice@swwsfl.com

www.southwestwastefl.com



12550 Professional Park Dr, Suite 11, Fort Myers, FL 33913

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2024-00024
TYPE OF CASE: Development of County Impact
CASE NAME: 94 4th Street
TOTAL ACREAGE: $\pm$ 0.66
SUFFICIENCY DATE: 03/12/2025
HEARING EXAMINER DATE: May 29, 2025

Request

The applicant is requesting to rezone the subject property from TFC-2 to Commercial Planned Development (CPD) to propose a commercial development on $\pm$ 0.66 acres. The property is located east of three CF zoned parcels, west of an IL zoned parcel, north of a TFC-2 zoned parcel and is south of a TFC-2 parcel and a C-1A zoned parcel. The subject property is located in the Page Park Community Planning Area and according to the Lee Plan, the parcel is in the Central Urban Future Land Use category. The property is also located within LDC 10-415 the Mixed-Use Overlay.

Existing Conditions and Protected Species

Staff completed a site inspection on 04/23/2025 to assess the area and confirm site conditions. The subject property is currently developed with a single-family residence; no other buildings have been permitted on site. This property has been developed since the 1940's and historical aerial images show that Page Field was developed and in use at that time; Exhibit A attached in this report provides a timeline for the historical use of the property. During the initial review, staff noted that two violations on the property as they relate to the open storage of materials. Staff have determined that the vegetation on site was exotic invasive vegetation. Since the site was previously cleared, graded, and developed, and the vegetation on site was exotic invasive, and because no violations were issued as they pertain to the environmental sciences, staff determined a protected species survey was not needed.

OPEN SPACE

Pursuant to LDC 10-415 (a), all development must contain the minimum percentage of open space. Open space requirements are set by the size of the lot area, and by the amount of impervious surfaces. The proposed project is considered a small development because it is less than ten acres in size or under two acres of impervious, and pursuant to 10-425 (a), required to demonstrate 10% open space. Given the site at $\pm$ 0.66 acres, 10% would be 0.07 acres, or 2,613 sq. ft.

The property is in the Page Park Community Planning Area and is required to demonstrate compliance with LDC 33-1259 for Public Open Space. Public open space means a minimum of two of the following amenities for every 1,000 square feet of public open space: seating, shade structures, drinking fountains, umbrellas, or other similar amenities. The applicant has requested a deviation from LDC 33-1259 which requires a development parcel to provide a minimum of 10 percent public open space, to instead allow for the development to provide open space in accordance with LDC 10-425 (a).

LDC 10-425 provides the open space and landscape requirements for properties located in the Mixed-Use Overlay. Large development projects are required to provide 20 percent open space, and small development projects are required to provide 10 percent open space.

The applicant has provided additional open space above what is required by code and the project is demonstrating on the MCP 32 % open space, or 0.21 acres. Staff recommend the following condition.

Prior to the issuance of a Development Order Permit, the MCP shall depict at least 32% or 0.21 acres of open space as illustrated on the MCP.

INDIGENOUS OPEN SPACE

The project is not a large project and is therefore not required to provide an indigenous open space preserve area.

BUFFERS

The proposed development abuts 4th street right-of-way along the west, a TFC-2 along the south, TFC-2 and C1-A along the northern boundary, and TFC-2 along the southern property line. The required buffers are as follows:

West - Pursuant to LDC 10-425 (a), a Type – A Buffer is required between commercial uses that abut a right of way in the mixed-use overlay.

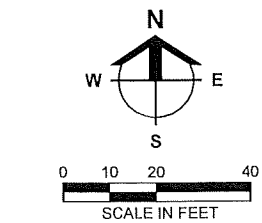
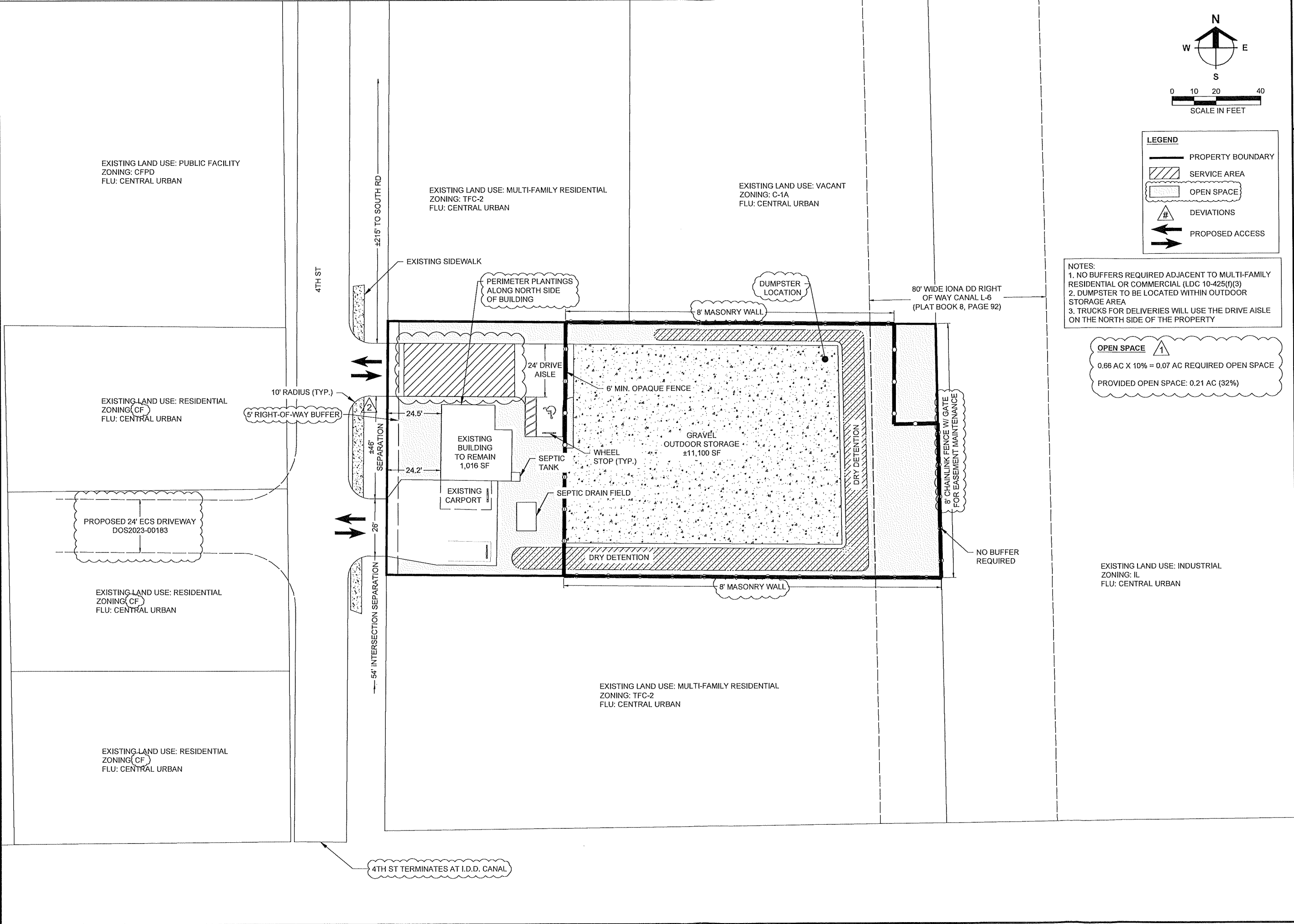
North – Pursuant to LDC 10-425 (a), Buffers are not required.

South – Pursuant to LDC 10-425 (a), Buffers are not required.

East - Pursuant to LDC 10-425 (a), Buffers are not required.

Exhibits

A - *Historical Aerial Imagry Review: 94 4th Street.*



LEGEND	
	PROPERTY BOUNDARY
	SERVICE AREA
	OPEN SPACE
	DEVIATIONS
	PROPOSED ACCESS

NOTES:
1. NO BUFFERS REQUIRED ADJACENT TO MULTI-FAMILY RESIDENTIAL OR COMMERCIAL (LDC 10-425(f)(3))
2. DUMPSTER TO BE LOCATED WITHIN OUTDOOR STORAGE AREA
3. TRUCKS FOR DELIVERIES WILL USE THE DRIVE AISLE ON THE NORTH SIDE OF THE PROPERTY

OPEN SPACE
0.66 AC X 10% = 0.07 AC REQUIRED OPEN SPACE
PROVIDED OPEN SPACE: 0.21 AC (32%)

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING
www.barraco.net
2271 MCGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FORT MYERS | PANAMA CITY BEACH
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR	
MEDENWALD / MINC MASONRY, INC.	
PROJECT DESCRIPTION	
94 4TH STREET	
PART OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA	
DRAWING NOT VALID WITHOUT SEAL, SIGNATURE AND DATE © COPYRIGHT 2025, BARRACO AND ASSOCIATES, INC. REPRODUCTION, CHANGES OR ASSIGNMENTS ARE PROHIBITED	
FILE NAME	24242202-OPT2.DWG
LOCATION	J:\242422\DWG\ZONING\
PLOT DATE	TUE, 3-4-2025 - 11:24 AM
PLOT BY	ALYSSA FONTAINE
CROSS REFERENCED DRAWINGS	
BASEPLAN = 24242200-OPT2_DRIVE OPT 8.DWG	
PLAN REVISIONS	
12-17-24	INSUFFICIENCY COMMENTS
2-7-25	INSUFFICIENCY COMMENTS
PLAN STATUS	
MASTER CONCEPT PLAN	
PROJECT / FILE NO.	SHEET NUMBER
24242	

Attachment H

REZONE FOR 94 4TH St. – PAGE PARK COMMUNITY COMMUNITY MEETING SUMMARY

A community meeting was scheduled for June 3, 2024 at 6:00 p.m. in accordance with the provisions contained in the Lee County Land Development Code. The site was Kimmie's Recovery Zone, 570 Center Rd., Ft. Myers, FL.

Signs were placed at the project site as well at Kimmie's. An advertisement was placed in the Ft. Myers News-Press on May 28, 2024. No members of the public arrived for the meeting. The owner of the property under review, who is an Officer of Minc Masonry/MEDENWALD, along with the Vice President of Minc Masonry/MEDENWALD; the attorney for the owner; and the planning consultant for the owner, waited until 6:30 p.m. Two volunteers from Kimmie's were present to open and close the building and we answered their questions about the project.

At 6:30 p.m. a sign was placed on the front door of Kimmie's containing contact information for anyone who arrived at Kimmie's later that evening for the meeting. The next morning one of the employees of Kimmie's informed us no one had contacted them or left a note on the door.

PROPERTY DEVELOPMENT REGULATIONS

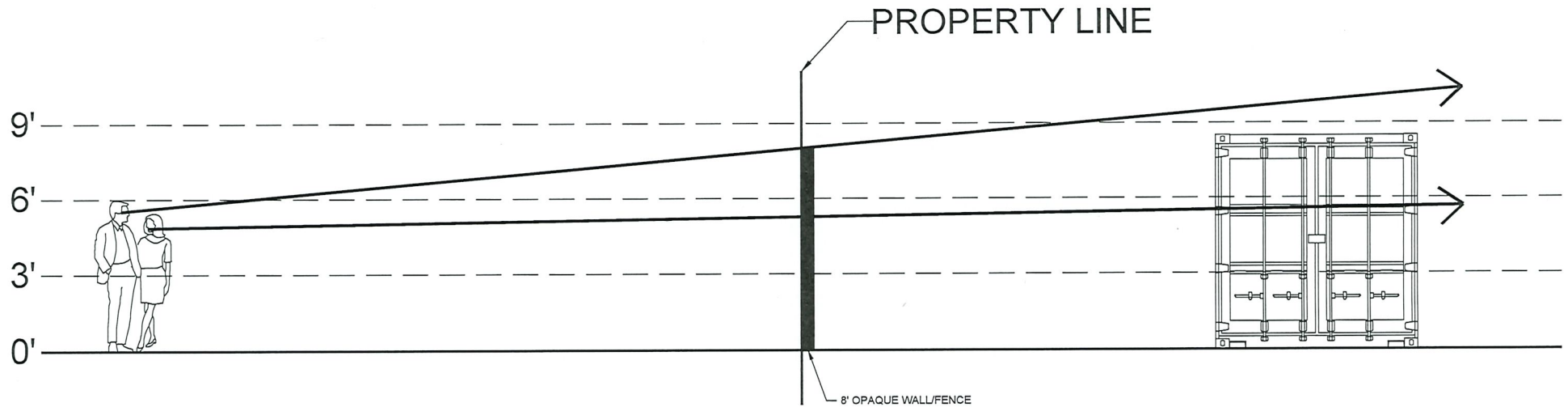
The regulations table below is based on existing conditions and proposed property dimensions for the primary and ancillary uses.

	Office Building	Other Permitted Uses & Structures
Minimum Lot Area and Dimensions		
Lot Area (square feet)	0.5 acres	N/A
Width (feet)	N/A	N/A
Depth (feet)	N/A	N/A
Minimum Setbacks		
Street (feet)	20	20
Side (feet)	10 20	N/A 20
Rear (feet)	20	N/A 20
Building Separation (feet)	Determined by Building and/or Fire Code	Determined by Building and/or Fire Code
Perimeter (feet)	Refer to Rear Yard	

SCHEDULE OF PERMITTED USES

1. Accessory uses and structures in accordance with LDC criteria
2. Administrative offices
3. Water retention
4. Fences, walls
5. Parking area(s) for customers and employees
6. Signs, in accordance with LDC criteria
7. Storage, open. Equipment to include, but not limited to, concrete pumps, skid steers, tractors, and mini-excavators.
8. ~~Storage, enclosed.~~ Contractors and Builders Group II
9. Temporary uses

Attachment K



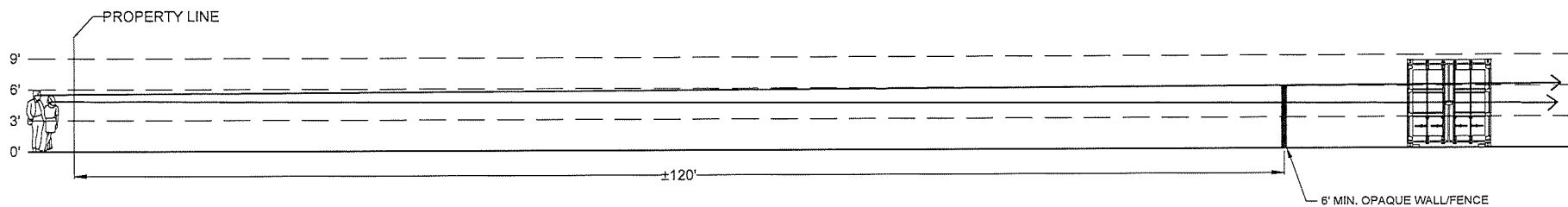
Barraco
and Associates, Inc.

2271 McCREGOR BLVD, SUITE 100
FORT MYERS, FLORIDA 33901
PH: (239) 451-3170 - WWW.BARRACO.NET
FORT MYERS | PANAMA CITY BEACH

94 4TH STREET

SIGHT LINE EXHIBIT (VIEW FROM TFC-2 PROPERTY TO THE NORTHWEST)
MARCH 04, 2025

THIS PLAN IS PRELIMINARY AND INTENDED FOR CONCEPTUAL OR EXHIBIT PURPOSES ONLY. SITE LAYOUT AND LAND USE INTENSITIES MAY CHANGE SIGNIFICANTLY BASED UPON SURVEY, ENGINEERING, ENVIRONMENTAL AND/OR REGULATORY CONSTRAINTS.
J:\24\2025\03\18\TFC-2\240303-SIGHTLINE.DWG



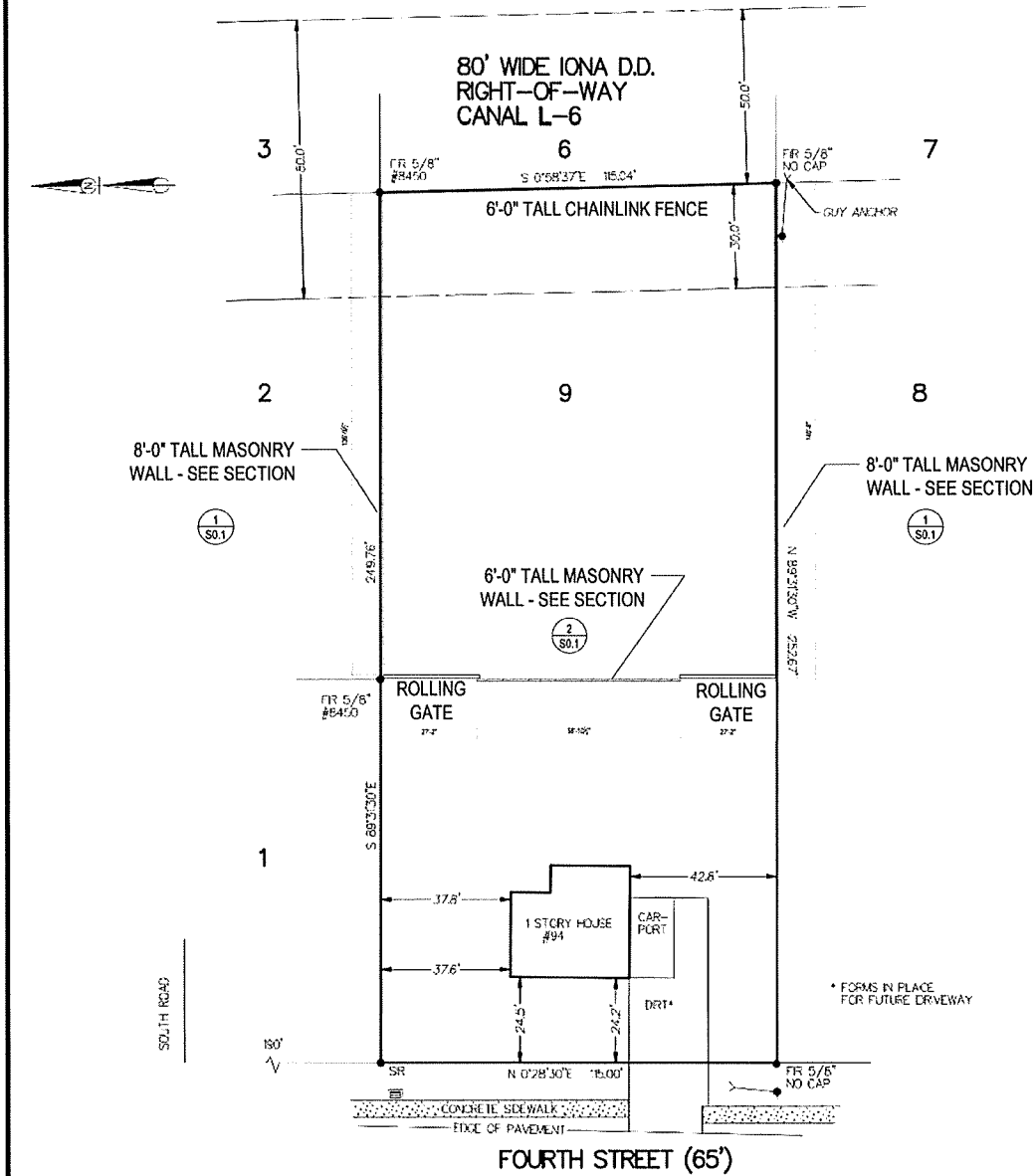
Barraco
and Associates, Inc.

22711 MCGREGOR BLVD, SUITE 100
FORT MYERS, FLORIDA 33901
PH: (239) 401-3170 • WWW.BARRACO.NET
FORT MYERS | PANAMA CITY BEACH

94 4TH STREET

SIGHT LINE EXHIBIT (VIEW FROM 4TH STREET)
MARCH 04, 2025

THIS PLAN IS PRELIMINARY AND INTENDED FOR
CONCEPTUAL OR EXHIBIT PURPOSES ONLY. SITE
LAYOUT AND LAND USE INTENSITIES MAY CHANGE
SIGNIFICANTLY BASED UPON SURVEY, ENGINEERING,
ENVIRONMENTAL AND/OR REGULATORY CONSTRAINTS.
J242420WIDEVIEW1875342420WIDEVIEW.DWG



BOUNDARY SURVEY

LOT 9, BLOCK Q

PAGE PARK

FLAT BOOK 8, PAGE 92

LEE COUNTY, FLORIDA

REF ID: A66541

ROBERT VOTAW

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SELLERS BEWARE: STATING A SURVEY AND AVOID SHIFTS LIABILITY FROM THE SURVEYOR TO THE SELLER. ADDITIONALLY, A SELLER WHO PROVIDES AN UNAUTHORIZED COPY OF A OLD SURVEY TO A BUYER COULD POSSIBLY BE SUED FOR COPYRIGHT INFRINGEMENT BY A SURVEYOR. BUYERS BEWARE: A PRIOR SURVEY IS CERTIFIED TO THE SELLER, NOT THE BUYER. THE BUYER WOULD HAVE NO RECOURSE AGAINST THE SURVEYOR IF A SURVEY PROBLEM ARISES AFTER THE CLOSING.

[illegible]

D:\Davis Surveying Inc. Dropbox\Files\2022\23-1188.gxd -- 11/15/2023 -- 11:54 AM --

50.2

SHEET NUMBER

10337/1015117 2000

ПОСЛАТКИ БЫІ

PROJECT ADDRESS
94 4th St
Fort Myers, FL

Privacy Fence

PROJECT INFO

PERMIT:

2024.02.07



(231) 242-7670
MEMPHIS@HSCSolutions.com

MICHAEL D. STEWART, P.E. LLC
PROFESSIONAL ENGINEERING SERVICES

NOTICE OF CODE VIOLATION**Storage Containers**

Case # VIO2024-08214 Date 11/20/2024

VOTAW ROBERT
1339 CANTERBURY DR
FORT MYERS, FL 33901DEPT. OF COMMUNITY DEVELOPMENT
CODE ENFORCEMENT OFFICE
PO BOX 398
FORT MYERS, FL 33902-0398
239-533-8895

Re: **Code Violation: Storage Container (Prohibited)** - In accordance with Lee County LDC 34-3050 & 3105, the use of storage containers and or storage of storage containers is not permitted on a TFC-2 zoned district.

at 94 4TH ST, FORT MYERS, FL 33907
Parcel Number: 12-45-24-01-000Q0.0090
(Located in Lee County, Florida)

Dear Property Owner/Tenant:

An inspection of the above referenced property on 11/19/2024 revealed a violation of:

Lee County Land Development Code Chapter 34-3050 and 34-3105

As the property owner(s) you must correct this violation within 15 days of the receipt of this notice by

Remove storage containers.

If the violation is not corrected within the time frame specified above -

- You may be issued a citation to appear in County Court, OR
- You may be scheduled to appear at a hearing before a Hearing Examiner and subject to a fine of up to **\$250.00 for each day** the violation continues, plus prosecution costs.

When you have corrected the violation, arrange for an inspection by calling the Code Enforcement Officer at the number indicated below. To avoid the hearing, fines, and costs, Lee County Code Enforcement must verify the violation is corrected through an on-site inspection.

NOTE: If the violation is corrected after the deadline, but before the scheduled hearing, the case may still be presented to the Hearing Examiner for a finding that a violation did exist. Once there has been a Finding of Violation, the next time is cited for violating the same Lee County regulation it may be treated as a Repeat Violation. Repeat Violations may result in fines up to \$500.00 per day from the date the repeat violation is discovered by a code officer.

Please contact Lee County Code Enforcement at 239-823-0814 or email JGuzman@leegov.com with respect to any question you may have regarding this notice.

Jonathan P Guzman

PRINTED NAME of Accepting Party_____
Code Enforcement Officer_____
SIGNATURE of Accepting Party_____
DATE

Acceptance of this document does not constitute an admission of responsibility, but does fulfill the statutory notice requirement of Florida Statute 162.12.

I swear or affirm the above statements are true and correct to the best of my knowledge and belief and, if accepted, the person accepting the document was informed of the contents at the time of delivery.

92148901012582000540925902

Certified Mail_____
INSPECTOR/AFFIANT_____
DATE

NOTICE OF CODE VIOLATION**Permitted Uses**

Case # VIO2025-02670 Date 04/10/2025

VOTAW ROBERT
1339 CANTERBURY DR
FORT MYERS, FL 33901DEPT. OF COMMUNITY DEVELOPMENT
CODE ENFORCEMENT OFFICE
PO BOX 398
FORT MYERS, FL 33902-0398
239-533-8895

Re: Code Violation: Permitted Uses - Storage of commercial vehicles, equipment, and materials is not permitted in an TFC-2 zoned district.

at 94 4TH ST, FORT MYERS, FL 33907
Parcel Number: 12-45-24-01-000Q0.0090
(Located in Lee County, Florida)

Dear Property Owner/Tenant:

An inspection of the above referenced property on 4/4/2025 revealed a violation of:

Lee County Land Development Code Chapter 34-692/694/695

As the property owner(s) you must correct this violation within 15 days of the receipt of this notice by

Removal of and ceasing of storage of commercial items on a residentially zoned property. Or obtain rezoning approval to allow commercial uses and storage (commercial use cannot continue until rezoning is approved).

If the violation is not corrected within the time frame specified above -

- You may be issued a citation to appear in County Court, OR
- You may be scheduled to appear at a hearing before a Hearing Examiner and subject to a fine up to the limits set forth in Lee County Land Development Code Section 2-427 for each day the violation continues, plus prosecution costs.

When you have corrected the violation, arrange for an inspection by calling the Code Enforcement Officer at the number indicated below. To avoid the hearing, fines, and costs, Lee County Code Enforcement must verify the violation is corrected through an on-site inspection.

NOTE: If the violation is corrected after the deadline, but before the scheduled hearing, the case may still be presented to the Hearing Examiner for a finding that a violation did exist. Once there has been a Finding of Violation, the next time is cited for violating the same Lee County regulation it may be treated as a Repeat Violation. Repeat Violations may result in fines up to \$5,000.00 per day from the date the repeat violation is discovered by a code officer.

Please contact Lee County Code Enforcement at 239-823-0814 or email JGuzman@leegov.com with respect to any question you may have regarding this notice.

Jonathan P Guzman

PRINTED NAME of Accepting Party_____
Code Enforcement Officer_____
SIGNATURE of Accepting Party_____
DATE

Acceptance of this document does not constitute an admission of responsibility, but does fulfill the statutory notice requirement of Florida Statute 162.12.

I swear or affirm the above statements are true and correct to the best of my knowledge and belief and, if accepted, the person accepting the document was informed of the contents at the time of delivery.

92148901012582000540975761

Certified Mail_____
INSPECTOR/AFFIANT_____
DATE

*94 4th Street***TRAFFIC IMPACT STATEMENT**
June 2024**Introduction:**

The proposed 94 4th Street project is a re-development of a 0.66-acre parcel located along 4th Street in Fort Myers, Florida. The property in its existing state operated as a single-family home. The proposed site will operate as an office space.

This Traffic Impact Statement (TIS) will analyze and compare the trips generated by the existing single-family home to that of the proposed office space. The proposed build-out of this project is 2025. The site will continue to access 4th Street, a Lee County maintained local roadway.

Objective:

The objective of this analysis is to compare the effects of the proposed re-development between the existing single-family home and the proposed office space uses.

Methodology:

Traffic equations and rates from OTISS Version 4.0, based upon data from the 11th Edition, are utilized to project the estimated trips for the two land uses. The ITE Trip Generation contains land use codes (LUC) for each land use, LUC 210 Single-Family Detached Housing for the existing condition and LUC 712 Small Office Building for the proposed condition.

The existing condition consists of:

- 3 Residents (LUC 210)

The proposed condition consists of:

- 1,190 SF of Office Space (LUC 712)

Traffic Analysis Results:

Project Traffic Generation:

94 4 th Street Re-Development	Single-Family Detached Housing (LUC 210)	Small Office Building (LUC 712)	Projected Difference in Trips
Peak Hour AM Entering Traffic	0	2	2
Peak Hour AM Exiting Traffic	1	0	-1
Peak Hour PM Entering Traffic	7	1	-6
Peak Hour AM Exiting Traffic	3	2	-1
Weekday Entering Traffic	7	9	2
Weekday Exiting Traffic	8	8	0

Conclusion:

The results generated from the user inputs by the ITE Trip Generation Manual through OTISS Version 4.0 indicate a minimal impact in trips during the peak hour AM, peak hour PM and weekday trips. Based on the minimal impact due to the change in use of this portion of the 94 4th Street property, there are no adverse impacts anticipated to the function of the existing access point or level of service to the surrounding roadways.

Weekday AM Peak Hour of Adjacent Street Traffic:

Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
					Rate/Equation	Split%	Split%	
210 - Single-Family Detached Housing	General Urban/Suburban	Residents	3	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LIN)	0	1	1
Data Source: Trip Generation Manual, 11th Ed.					$T = 0.97(X) - 1.43$	31%	69%	
712 - Small Office Building	General Urban/Suburban	1000 Sq. Ft. GFA	1.19	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 p.m.	Average	2	0	2
Data Source: Trip Generation Manual, 11th Ed.					1.67	82%	18%	

Weekday PM Peak Hour of Adjacent Street Traffic:

Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
					Rate/Equation	Split%	Split%	
210 - Single-Family Detached Housing	General Urban/Suburban	Residents	3	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LIN)	7	3	10
Data Source: Trip Generation Manual, 11th Ed.					$T = 0.27(X) + 9.67$	66%	34%	
712 - Small Office Building	General Urban/Suburban	1000 Sq. Ft. GFA	1.19	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average	1	2	3
Data Source: Trip Generation Manual, 11th Ed.					2.16	34%	66%	

Weekday Peak Hour of Generator Traffic:

Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
					Rate/Equation	Split%	Split%	
210 - Single-Family Detached Housing	General Urban/Suburban	Residents	3	Weekday	Best Fit (LOG)	7	8	15
Data Source: Trip Generation Manual, 11th Ed.					$\ln(T)=0.89\ln(X)+1.72$	50%	50%	
712 - Small Office Building	General Urban/Suburban	1000 Sq. Ft. GFA	1.19	Weekday	Average	9	8	17
Data Source: Trip Generation Manual, 11th Ed.					14.39	50%	50%	

Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Residents

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: 21

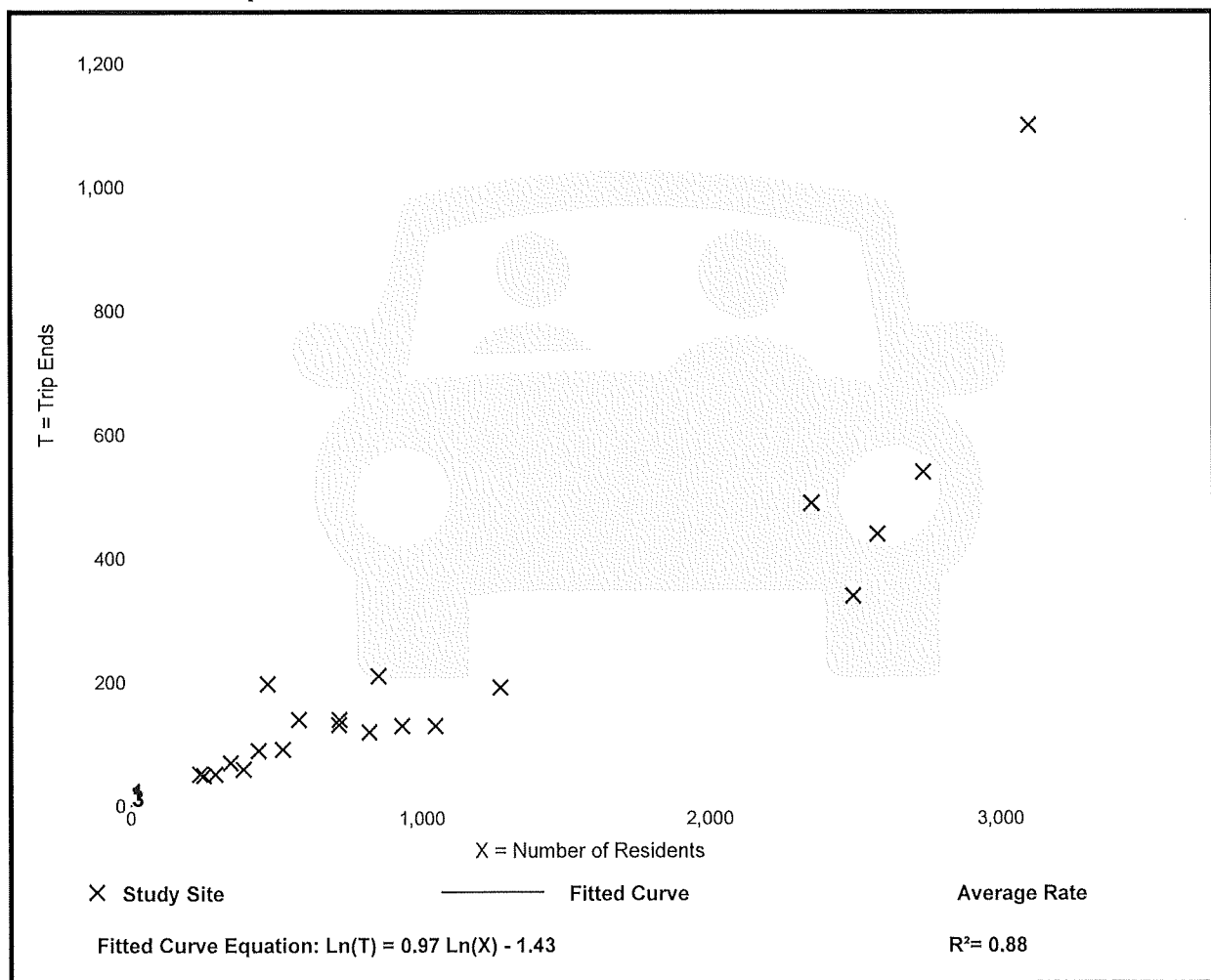
Avg. Num. of Residents: 1100

Directional Distribution: 31% entering, 69% exiting

Vehicle Trip Generation per Resident

Average Rate	Range of Rates	Standard Deviation
0.21	0.12 - 0.42	0.08

Data Plot and Equation



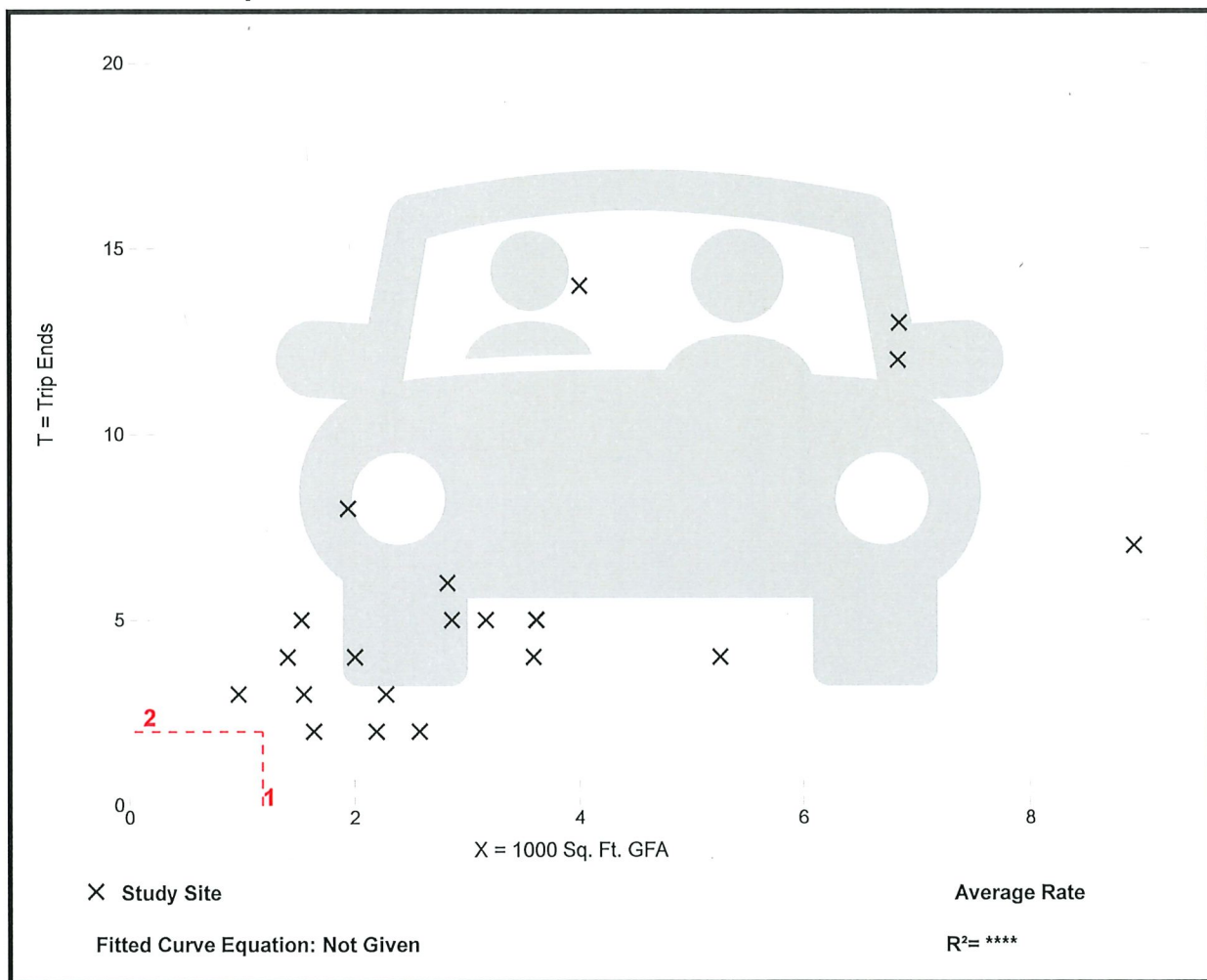
Small Office Building (712)

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: 21
 Avg. 1000 Sq. Ft. GFA: 3
 Directional Distribution: 82% entering, 18% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.67	0.76 - 4.12	0.88

Data Plot and Equation



Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Residents

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: 21

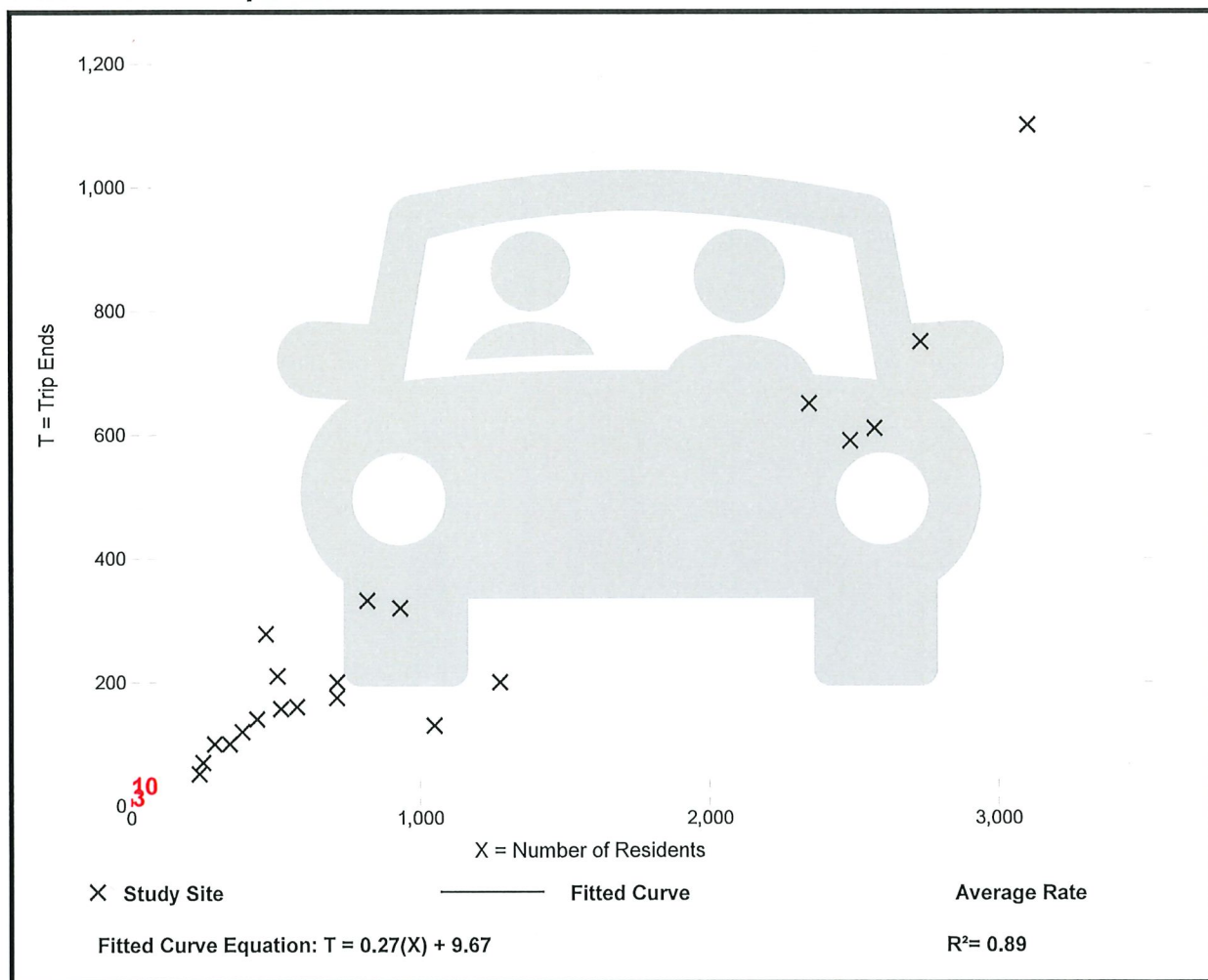
Avg. Num. of Residents: 1083

Directional Distribution: 66% entering, 34% exiting

Vehicle Trip Generation per Resident

Average Rate	Range of Rates	Standard Deviation
0.28	0.12 - 0.60	0.08

Data Plot and Equation



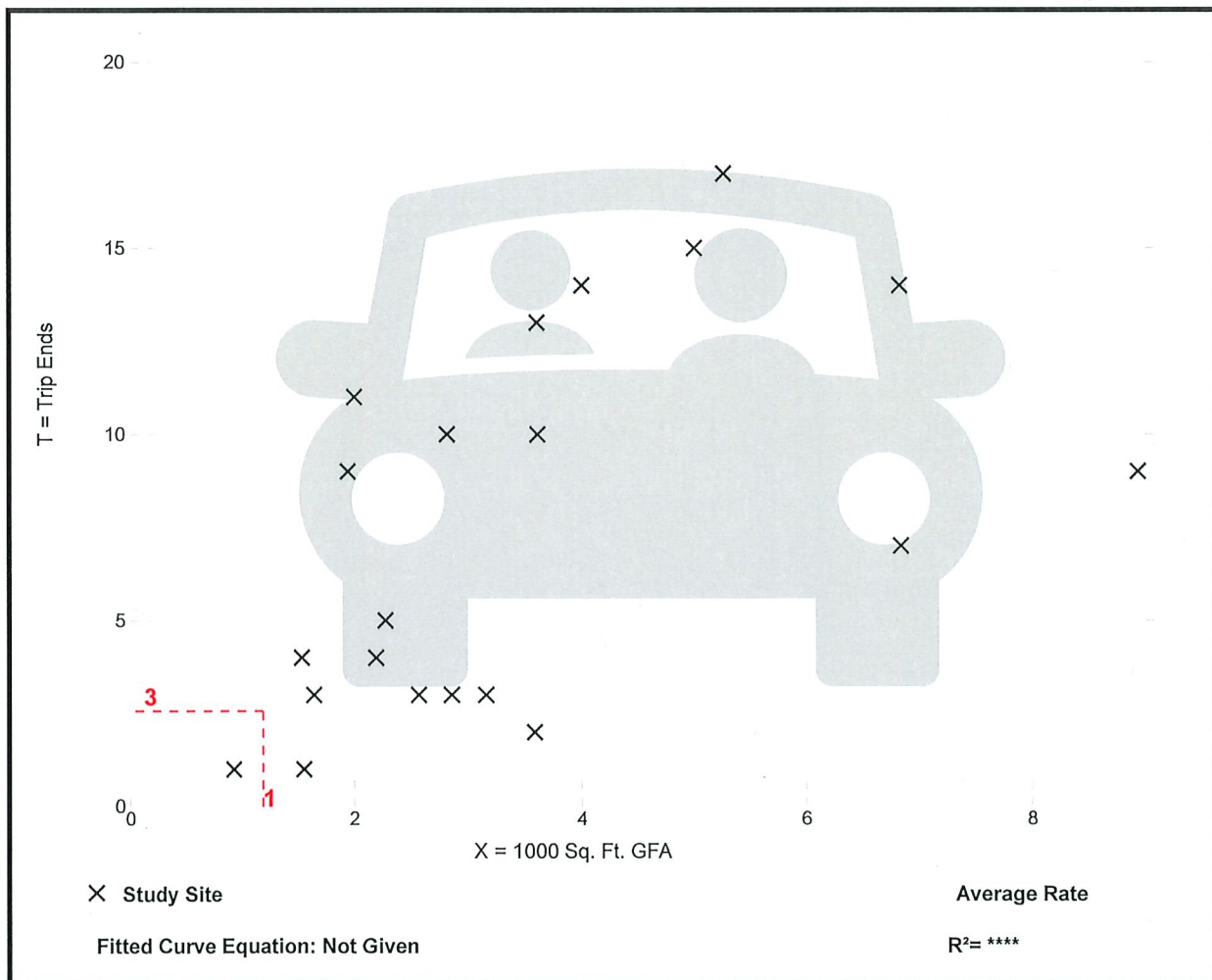
Small Office Building (712)

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: 21
 Avg. 1000 Sq. Ft. GFA: 3
 Directional Distribution: 34% entering, 66% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
2.16	0.56 - 5.50	1.26

Data Plot and Equation



Single-Family Detached Housing (210)

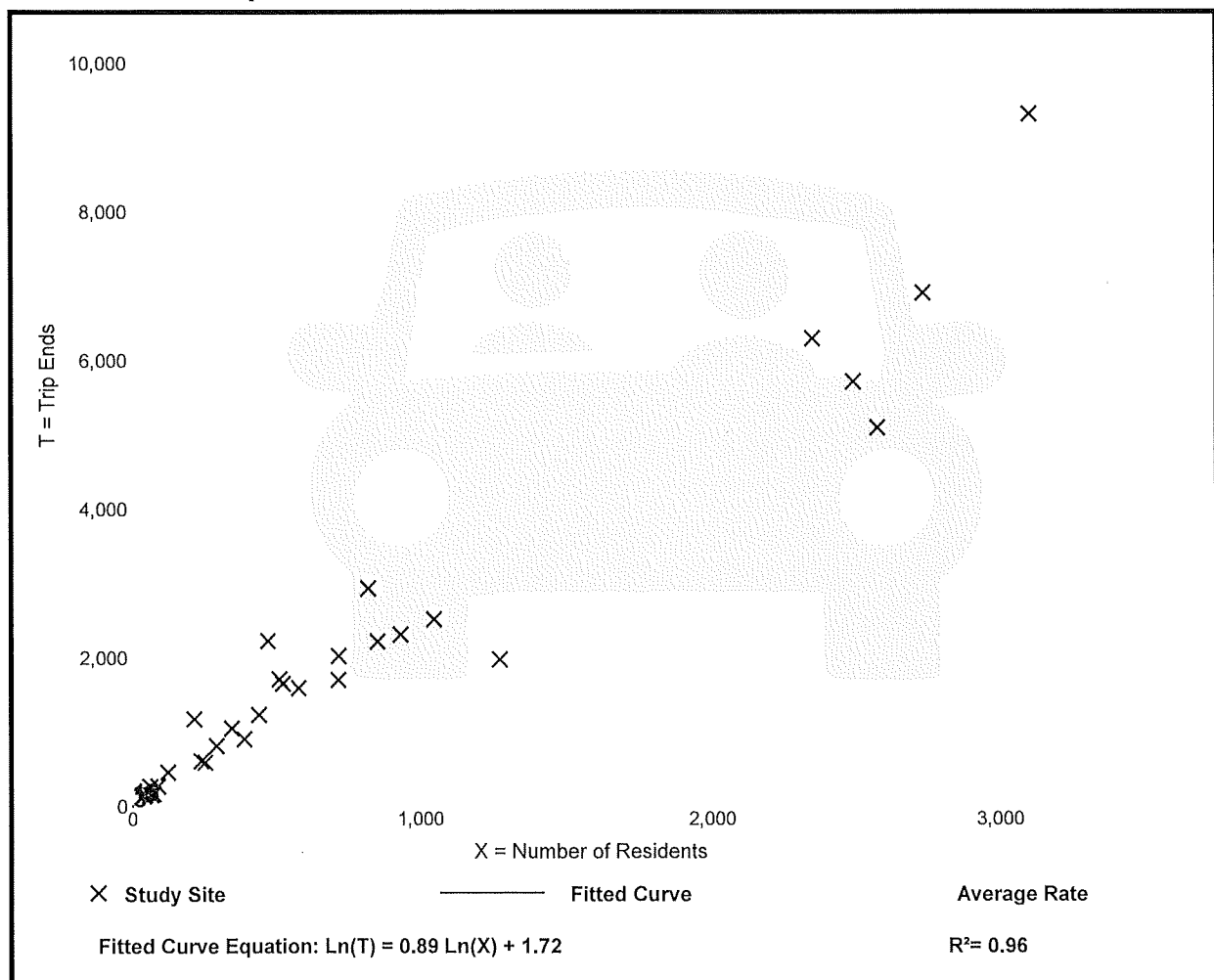
Vehicle Trip Ends vs: Residents
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 30
Avg. Num. of Residents: 810
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Resident

Average Rate	Range of Rates	Standard Deviation
2.65	1.56 - 5.62	0.64

Data Plot and Equation



Small Office Building (712)

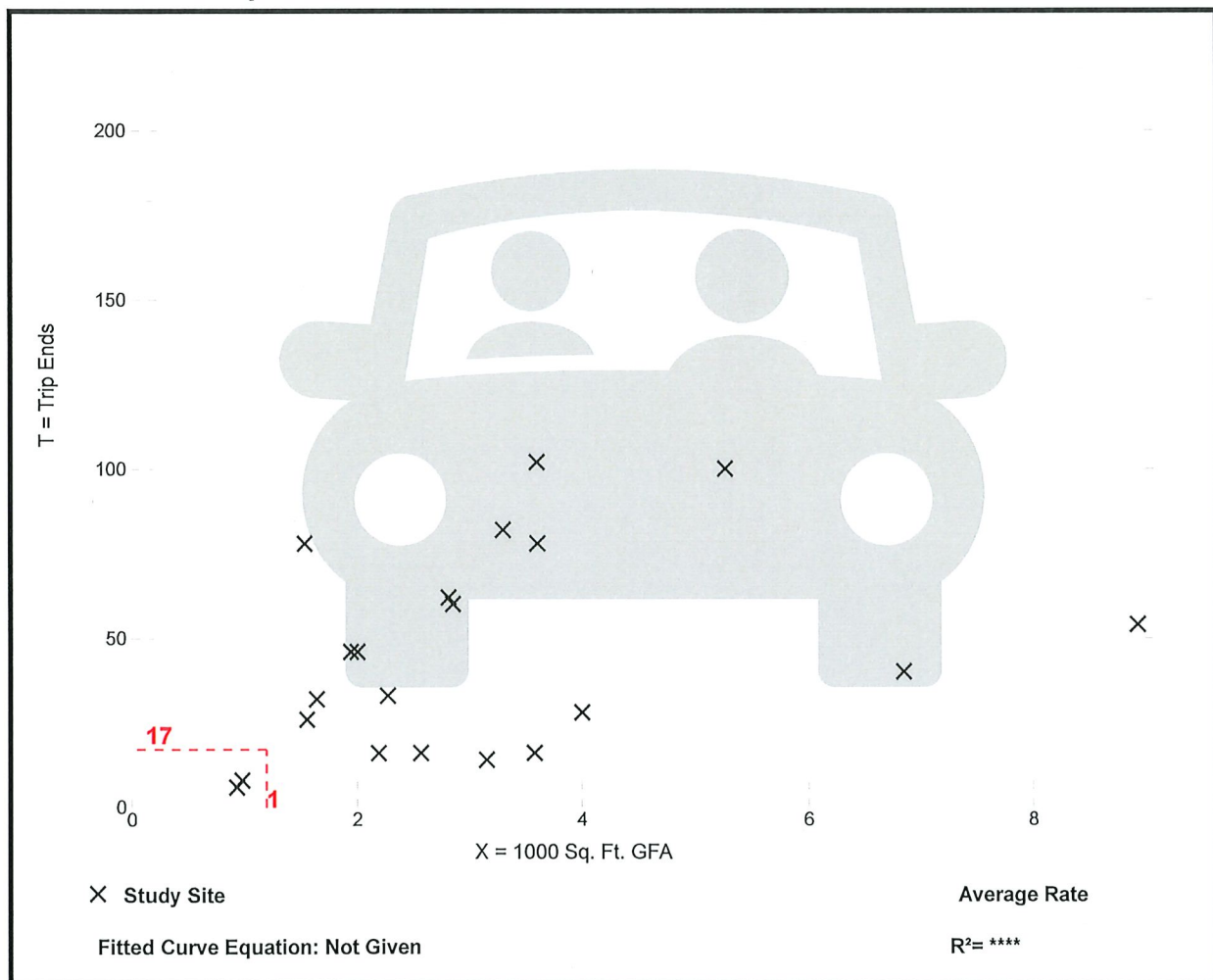
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 21
Avg. 1000 Sq. Ft. GFA: 3
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
14.39	4.44 - 50.91	10.16

Data Plot and Equation





DEPARTMENT OF COMMUNITY
DEVELOPMENT

Memo

To: Khalil Muhammad, Planner

From: Brittany Banker, DOT Plan Reviewer

Date: April 28, 2025

Subject: 94 4th St. CPD (DCI2024-00024) Transportation-Related Analysis

Proposed Development

This application requests approval to rezone approximately 0.66± acres from Two-Family Conservation District (TFC-2) to Commercial Planned Development (CPD) to allow a maximum of 1,016 sq. ft. of Commercial uses.

Site Location

The subject site is located on the east side of 4th S. in Section 12, Township 45, Range 24, Lee County, Florida.

Site Access

Access to the development is via one (2) proposed full-access driveway connection to 4h.

Trip Generation Review

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

Table 1
Trip Generation

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour		
	In	Out	Total	In	Out	Total
Small Office Building (1,190sf) – LUC 712	2	0	2	1	2	3

Roadway Section & Intersection Traffic Operation Level of Service Analysis

The level of service (LOS) analysis for roadway section and intersection are not required for the application according to AC-13-17 because the project trip generation for AM & PM peak hours are less than 100 trips.

Conclusion

The proposed project will not have a detrimental impact on the surrounding roadway system.

94 4TH STREET
Surface Water Management Plan

In addition to the information below, please see the Request Statement and Surface Water Management portion of the Comprehensive Plan Compliance for further details.

A. Run-off characteristics of the property in its existing state.

The run-off characteristics of the property in its existing state flows from west to east across the developed property. An existing ditch runs parallel with the eastern perimeter of the site. The off-site ditch routes run-off into IDD Canal L and is conveyed to Whiskey Creek.

B. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies, including how drainage flow from adjacent properties will be maintained.

Stormwater run-off will be directed via sheet flow and closed conveyance to the proposed outfall structure, which will outfall into the existing off-site ditch. Discharge into Whiskey Creek shall be limited to 108 CSM for the 25-year, 3-day storm event in accordance with the Lee County Surface Water Management Plan.

C. The retention features (including existing natural features) that will be incorporated into the drainage system and legal mechanisms, which will guarantee their maintenance.

Onsite water quality for the system will be provided through a dry detention area. The outfall from this system into Whiskey Creek will be regulated by a control structure. This control structure will provide water quality and attenuation.

D. How will existing natural features be preserved? Include an estimate of the ranges of the existing post development water table elevations, where appropriate.

Existing natural features will be preserved by maintaining existing drainage patterns. Post development water table elevations are estimated to be at elevation 8.00' to 9.00' NAVD 88 based on adjacent South Florida Water Management District (SFWMD) permits.

E. If the property is subject to seasonal inundation or is subject to inundation by extreme swollen, by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the affects of expected flooding.

The property is located within FEMA Flood Zone X as shown in FIRM (Flood Insurance Rate Map), Community Panel Number 12071Co428H dated November 17, 2022. The subject property is not subject to inundation by the rains of a 100-year storm event and building finished floor elevations will be determined at the time of permitting based on federal, state and local requirements, whichever is greater.

(A) Conditions**(1) Master Concept Plan and Development Parameters.**

Master Concept Plan. Development of this project must be consistent with the Master Concept Plan (MCP) entitled “94 4th Street Master Concept Plan” prepared by Barraco and Associates, Inc., revised 2/7/2025, except as modified by the conditions below.

Compliance with Lee Plan and Land Development Code (LDC). Development must comply with all the requirements of the Lee Plan and LDC, except where deviations have been approved. Subsequent amendments to the Master Concept Plan, conditions, or deviations require appropriate approvals.

(2) Schedule of Uses and Property Development Regulations.**(a) Schedule of Uses**

Accessory uses and structures

Administrative offices

Contractors and Builders, Group II

Excavation, water retention

Fences, walls

Parking lot, accessory

Signs

Storage, open, in conjunction with Contractors and Builders Group II equipment to include, but not limited to, concrete pumps, skid steers, tractors, and mini-excavators.

Temporary uses

(b) Property Development Regulations.

	<u>Office Building</u>
<u>Minimum Lot Area and Dimensions</u>	
<u>Lot Area (square feet)</u>	<u>0.5 acres</u>
<u>Width (feet)</u>	<u>115 feet</u>
<u>Depth (feet)</u>	<u>245 feet</u>

<u>Minimum Setbacks</u>	
<u>Street (feet)</u>	<u>20</u>
<u>Side (feet)</u>	<u>20</u>
<u>Rear (feet)</u>	<u>20</u>

(3) Abatement of Code Enforcement Violations

- a. Within 30 days of this zoning resolution adoption, developer must file an application for Local Development Order approval depicting the site improvements necessary for abatement of VIO2024-08214 and VIO2025-02670. Development Order must be issued a certificate of compliance prior to commencing the intended commercial use of the property.

(B) Deviations

1. Deviation (1) seeks relief from LDC Section 33-1259, which requires: a minimum of ten percent public open space which provides a minimum of two of the following amenities for every 1,000 square feet of public open space: seating, shade structures, drinking fountains, umbrellas, or other similar amenities, to allow no public open space.

This deviation is **APPROVED**, subject to the following condition:

- a. Prior to the issuance of a Development Order Permit, the MCP shall depict at least 32 percent (0.21 acres) open space as illustrated on the MCP.
2. Deviation (2) seeks relief from LDC Section 10-285, requiring a connection separation of 60 feet for local roads located in Future Urban Areas, to allow a connection separation of 38 feet between the two access driveways to the property as depicted on the master concept plan.

This deviation is **APPROVED**, subject to the following condition:

- a. Prior to local development order approval, plans must demonstrate that sufficient space is provided to facilitate internal turning movements to ensure the two parking spaces provided at the north driveway and the one parking space provided at the south driveway may exit the subject property onto 4th Street in a forward motion.