

FIORE'S LANDSCAPE & GARDEN CENTER REQUEST FOR SPECIAL EXCEPTION (2COP-CAFE)
WITH OUTDOOR COP – DISTANCE WAIVER REQUIRED
LEE COUNTY DEVELOPMENT
15885 PINE RIDGE ROAD, FORT MYERS

NATURE OF REQUEST:

This zoning application for Special Exception is to allow for on premise consumption of Beer & Wine at Fiore's Cafe located at 15885 Pine Ridge Rd., Fort Myers in conjunction with the operation of an ancillary café to supplement its garden center business, Fiore's Landscape & Garden Center on the same site. Request would allow for the addition of beer and wine to the café's offerings for guests visiting the garden center. Currently the property has a C-1A Commercial zoning designation and is located in the Urban Community Future Land Use Classification as designated by the Lee Plan. As is reflected on the attached aerial map, the subject *parcel* is located within the following distance buffer zone:

500 feet of residential dwellings: There exists a small string of residential dwellings to the Southwest of the subject parcel, whose property line measures at 309 feet from the nearest property lines. There is another cluster of homes starting 333 ft to northwest, property line to property line. In said aerial you will also see that the distance between the applicant's business and residential dwellings is buffered by a commercial roadway and foliage on either side providing a visual buffer between the applicant's business and said residential dwellings. Additionally, the café operation is contained within the building from the front exterior that would otherwise be visible from the roadway, with the outdoor component of the proposed café being visually obstructed in the rear of the structure.

Regarding the criteria of LDC 34-145(c)(3), Applicant contends that the operation of the business described herein meets all criteria as follows:

- a. Lee Plan Consistency: The property is designated Urban Community in the Future Land Use Map, encouraging mixed-use commercial and residential activity. The proposed use directly supports Lee Plan Goal 1 and Policy 1.1.4 by enhancing commercial offerings in an established corridor. As such, the Lee Plan contemplates for applicant's business which is a café supplemental to the primary use of a garden center located in a smaller commercial/industrial corridor. Additionally, the fact that the Applicant is currently operating the establishment in a substantially similar way to that proposed herein without any issues from the nearby dwellings furthers this assurance that it assimilates well with the current and future commercial land use classifications.
- b. Environmental Compatibility: No new construction is proposed. The use will occur within an already developed commercial site, presenting no impact on environmentally sensitive areas.
- c. Compatibility with Surroundings: The site is surrounded by commercial and industrial uses within an established corridor. The proposed use continues a pattern of commercial activity and will enhance pedestrian-oriented activities.
- d. Public Welfare: The existing business has operated in harmony with its neighbors and is a valued business within the community. The modest expansion of beer and wine offerings to the café does not introduce adverse elements that will impact surrounding properties or businesses.

- e. Code Compliance: All zoning regulations will be met under the proposed use. Including parking regulations-- the site will have 10 parking spaces available. Per the diagram provided, the site contains a 400sf office, a 400sf café service area, and another 400sf of outdoor area for café patrons. Parking calculations will be:
- 400sf Office: 1 Space per 300S.F. = 1.33(2);
 - 800sf Café (Group 2 Restaurant): Minimum required parking requirement for Groups 1, II and fast-food restaurants with no drive-up facilities located in a multiple-use development is 1 space per 350 s.f. Thus $800/350 = 2.28(3)$
 - Based upon the above, the number of spaces required is 5. Less than the 10 spaces available.

Regarding the residential dwellings within the buffer distance— Applicant is of the position that the requested use is a benign use that will in no way adversely affect the surrounding properties, respectively, or the public welfare. As stated, the requested use is for a currently operating café and garden center. The nature of this business has historically been, and will continue to be, a laid-back garden center café atmosphere. Further, the residential dwellings are visually blocked from one another by foliage and a busy roadway.

TYPE OF STATE ALCOHOLIC BEVERAGE LICENSE TO BE ACQUIRED:

2COP – Beer, Wine

ANTICIPATED HOURS OF OPERATION:

Monday – Sunday:

09:00 A.M. – 05:00 P.M.

From: [Schroeder, Brianna](#)
To: [Cherry, Brienne](#)
Subject: FW: SEZ2024-00007
Date: Tuesday, September 9, 2025 11:32:21 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Fiore's Request Narrative UPDATED.pdf](#)

Hello,

When you have a chance, can you please upload the attached document and this email to KwikTag? I just want to ensure the email showing the applicant asked to waive the review deadline is on file in KwikTag.

Thank you,



Brianna Schroeder | Planner

Department of Community Development, Zoning Section

1500 Monroe St, Fort Myers, FL 33901

office: (239) 533-8350

email: BSchroeder@leegov.com

web: www.leegov.com/dcd

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From: Megan Dear <megand@fioreslandscapes.com>

Sent: Tuesday, September 9, 2025 11:23 AM

To: Schroeder, Brianna <BSchroeder@leegov.com>

Cc: David Fiore <davidf@fioreslandscapes.com>; Joseph Madden <jmadden@myfloridaattorney.com>; Stacy Hartman <Stacy@myfloridaattorney.com>; Keith Long <Keith@longlawfl.com>; Burris, Richard <RBurris@leegov.com>

Subject: Re: SEZ2024-00007

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Hi Brianna,

That's great news, thank you so much. I am confirming that we are requesting to waive the review deadline. I have also attached the updated narrative to show that we are only requesting 2COP, as well as the completed waiver request form. Please let me know if you need anything else to finish this process.

Best,
Megan Dear
Director of Operations
Fiore's Landscapes, Garden Center & Cafe

On Tue, Sep 9, 2025 at 10:56 AM Schroeder, Brianna <BSchroeder@leegov.com> wrote:

Hello,

I informed my manager of what is going on and due to the fact that it is just Zoning and Legal, we can hold off from sending out an insufficiency letter for this case. All that I will need confirmation through a letter or email from either you or Keith requesting to waive the review deadline. Once done, I can hold off from sending out a letter and you can work on submitting the waiver request.

I will also need the updated narrative to show you are just requesting a 2COP and I will ensure it gets uploaded to your case file.

Thank you,



Brianna Schroeder | Planner

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From: Schroeder, Brianna

Sent: Tuesday, September 9, 2025 10:42 AM

To: Megan Dear <megand@fioreslandscapes.com>

Cc: David Fiore <davidf@fioreslandscapes.com>; Joseph Madden <jmadden@myfloridaattorney.com>; Stacy Hartman <Stacy@myfloridaattorney.com>; Keith Long

<Keith@longlawfl.com>

Subject: RE: SEZ2024-00007

Hello,

Unfortunately, there is no way to avoid that. You will have 30-days to resubmit and then yes, there is typically an additional 30-days for review. However, considering the only sections that have comments are Zoning (me) and Legal (Rich), the other reviewers will just sign off on their review as sufficient to prevent the case from being held up. Although my concern can be easily solved through an updated Request Statement, unfortunately, Rich still needs that waiver.

Once submitted, I can send out a blast email to everyone else assigned to the case and let them know what was provided and why. That way the other reviewers can sign off and it saves some time in review.

Thank you,



Brianna Schroeder | Planner

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From: Megan Dear <megand@fioreslandscapes.com>

Sent: Tuesday, September 9, 2025 10:19 AM

To: Schroeder, Brianna <BSchroeder@leegov.com>

Cc: David Fiore <davidf@fioreslandscapes.com>; Joseph Madden <jmadden@myfloridaattorney.com>; Stacy Hartman <Stacy@myfloridaattorney.com>; Keith Long <Keith@longlawfl.com>

Subject: Re: SEZ2024-00007

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Thank you for the update. Just to clarify, does an insufficiency letter mean that this will be pushed out another 30+ days and we will have to go through all of the different departments (TIS, Development, Environmental, DOT, Solid Waste, etc) for sufficiency again? Is there any way we can avoid that?

On Tue, Sep 9, 2025 at 10:02 AM Schroeder, Brianna <BSchroeder@leegov.com> wrote:

Hello,

Thank you for verifying. This will need to be adjusted on the narrative to reflect that you are not requested a 2COP – QUOTA license. I was informed by Rich that he will be updating his comments in our system to reflect what was discussed between he and Joe. I will leave my comment in as well. This way it allows you more time to get waiver submitted and get both things taken care of.

Thank you,



Brianna Schroeder | Planner

Department of Community Development, Zoning Section

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From: Megan Dear <megand@fioreslandscapes.com>

Sent: Tuesday, September 9, 2025 9:48 AM

To: Schroeder, Brianna <BSchroeder@leegov.com>

Cc: David Fiore <davidf@fioreslandscapes.com>; Joseph Madden <jmadden@myfloridaattorney.com>; Stacy Hartman <Stacy@myfloridaattorney.com>; Keith Long <Keith@longlawfl.com>

Subject: Re: SEZ2024-00007

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Hi Brianna,

Sorry for the confusion. We are just requesting a straight 2COP for beer and wine.

Thank you!

Megan Dear

Director of Operations

Fiore's Landscapes, Garden Center & Cafe

On Tue, Sep 9, 2025 at 9:41 AM Schroeder, Brianna <BSchroeder@leegov.com> wrote:

Good morning,

I am happy to hear of the progress that was made with Rich to help get the Legal Description corrected for this case.

I did make a comment on this case; it was found during my final review this morning and I just wanted to have some clarification prior to finding my review sufficient. Essentially, it is just the license type. At the top of the Request Narrative (also attached in this email), there is "2COP – Café" listed at the top of the narrative and "2COP – QUOTA" listed at the bottom of the narrative. Can you please just verify if the 2COP that is being requested is just a straight 2COP or a QUOTA? I just want to ensure I am clear on what license type I am analyzing in my review for the Hearing Examiner.

Thank you,



Brianna Schroeder | Planner

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From: David Fiore <davidf@fioreslandscapes.com>

Sent: Friday, September 5, 2025 3:42 PM

To: Burris, Richard <RBurris@leegov.com>

Cc: Joseph Madden <jmadden@myfloridaattorney.com>; Stacy Hartman <Stacy@myfloridaattorney.com>; Schroeder, Brianna <BSchroeder@leegov.com>; Keith Long <Keith@longlawfl.com>
Subject: Re: SEZ2024-00007

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Thank you Richard. Considering the surveyor is not responding anything to avoid survey work would be great.

Best Regards

David Fiore

Founder

Fiore's Landscapes, Garden Center, and Cafe

239.887.2212



On Sep 5, 2025, at 3:22 PM, Burris, Richard <RBurris@leegov.com> wrote:

I just read this. The waiver will need to add more narrative to cover this situation. I was thinking the survey could be easily updated with a “less and except” clause.

Here is the waiver application.

<https://www.leegov.com/dcd/DevSvcDocs/SubmittalRequirementWaiver>.

[pdf](#)

I'm not sure if there is an online application through Accela ACA
Rick

<image001.jpg>

Rick Burris, AICP | Principal Planner

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[<image002.png>](#)

[<image003.png>](#)

[<image004.png>](#)

[<image005.png>](#)

From: David Fiore

Sent: Friday, September 5, 2025 1:12 PM

To: Joseph Madden <jmadden@myfloridaattorney.com>

Cc: Burris, Richard <RBurris@leegov.com>; Stacy Hartman

<Stacy@myfloridaattorney.com>; Schroeder, Brianna

<BSchroeder@leegov.com>; Keith Long <Keith@longlawfl.com>

Subject: Re: SEZ2024-00007

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thank you joseph. the surveyor is not responding to anyone so it would be great if we could not include him.

Best Regards

David Fiore

Founder

Fiore's Landscapes, Garden Center, and Cafe

239.887.2212

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