MEMORANDUM

FROM

THE DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Ms. Amanda Rivera
Deputy Hearing Examiner

DATE: June 19, 2026

FROM: Brianna Schroeder
Planner

RE: Staff Memorandum
Honc 41 MPD (DCI2025-00014)

Staff and the applicant respectfully submit the following written materials in response to the order for Post Hearing written submission dated June 11, 2026:

1. An updated "Conditions and Deviations" document (staff report "Attachment C") that changes the following:

    a. Pages 3 and 4, Condition 2.a.2 (Schedule of uses for Industrial Tract) has been revised to include the uses that were in the Applicant's 48-Hour Letter.

    b. Page 5, Condition 4 (Landscape Buffers) has been revised to clarify and supplement the western buffer condition for the Industrial Tract.

    c. Page 5, Previously Condition 5 (Protected Species) has been removed, and what was previously Condition 6 (Billboard) has been revised for clarity.

    d. Pages 5 and 6, Condition 6 (Cross Access) has been relocated and revised for clarity, and Deviation 1 now refers to Condition 6.

    e. Page 6, Staff recommended Deviation 4, from LDC Section 10-425(f)(2), has been removed and changes Deviation 5 to now be Deviation 4.

2. During the review of revising the proposed conditions and deviations, Staff identified a Lee Plan Policy that was not addressed in the Staff Report that warrants analysis. To ensure that all of the findings/review criteria are met for this case in accordance with LDC Section 34-145(d)(4). Specifically,

    Lee Plan Policy 30.2.5 establishes that certain areas along major road corridors outside designated Town Centers and Neighborhood Centers, are located within a Corridor Overlay

District, with provisions in the LDC requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. Within the Corridor Overlay District, 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.

While the subject property is located along U.S. 41, which is a designated commercial corridor pursuant to **LDC Section 33-1566**, the subject property is located within the North Fort Myers Community Plan Area's Neighborhood Center #2 as designated by LDC Appendix I, Map 8. Because the subject property is within the Neighborhood Center, **Lee Plan Policy 30.2.5** no longer classifies the subject property as being within the Corridor Overlay District identified in the LDC as the North Fort Myers Commercial Corridor. Therefore, the applicant is not required to meet the approval criteria for variances set forth in Chapter 34 of the Land Development Code (LDC) as it relates to the deviations from the above-referenced design requirements.

Respectfully Submitted,
Brianna Schroeder
Planner, Zoning Section

Honc 41 MPD (DCI2025-00014)

Attachment C – Conditions and Deviations

Section A. – Conditions

1. The development of this project must be consistent with the Master Concept Plan (MCP) entitled "Honc 41 MPD" prepared by EnSite dated March 18, 2026 (Attachment D). This development must comply with all requirements of the Lee County LDC at the time of local development order, except as may be granted by deviation as part of this planned development. If changes to the MCP or conditions or deviations are subsequently pursued, appropriate approval will be necessary.

   This project is limited to 30,000 square feet of commercial uses and 120,000 square feet of light industrial uses, subject to the conditions enumerated herein.

2. The following limits apply to the project and uses:

   a. Schedule of Uses

   1. Commercial Tracts
      Accessory Uses and Structures
      Administrative Offices
      Animals, Clinic
      ATM (Automatic Teller Machine)
      Banks and Financial Establishments, All Groups
      Boat Parts Store
      Broadcast Studio, Commercial Radio and Television
      Building Materials Sales
      Business Services, All Groups
      Car Wash
      Clothing Stores, General
      Clubs:
          Fraternal
          Membership Organization
          Private
      Convenience Food and Beverage Store
      Day Care Center, Adult, Child
      Drive Through Facility for Any Permitted Use
      Drugstore
      Pharmacy
      Entrance Gates and Gatehouses
      EMS, Fire or Sheriff's Station
      Essential Services
      Excavation:
          Water Retention
      Fences and Walls
      Hardware Store
      Hobby, Toy and Game Shops

Household and Office Furnishings, All Groups

Insurance Companies
Lawn and Garden Supply Stores
Medical Office
Nonstore Retailers, Group I
Package Store
Parking Lot:
- Accessory
- Temporary

Personal Services, All Groups
Pet Services
Pet Shop
Plant Nursery
Post Office
Printing and Publishing
Recreational Facilities, Commercial:
- Group I
- Group IV, limited to only “Theater, indoor”

Rental or Leasing Establishment:
- Group I
- Group II
- Group III

Repair Shops:
- Group I
- Group II
- Group III

Restaurant, Fast Food
Restaurants, All Groups
Schools:
- Commercial

Signs
Specialty Retail Shops:
- Group I
- Group II
- Group III

Studio
Temporary Uses
Theatre, Drive-in
Transportation Services:
- Group II

Used Merchandise Stores:
- Group I
- Group II

Variety Store
Vehicle and Equipment Dealer:
- Group I
- Group II

2. Industrial Tract
   Accessory Uses and Structures
   Administrative Offices
   ATM (Automatic Teller Machine)
   Automobile Repair and Service, All Groups
   Automobile Service Station
   Boats:
      Boat Repair and Service
      Boatyard
   Building Materials Sales
   Business Services:
      Group II
   Cleaning and Maintenance Services
   Cold Storage, Pre-cooling Warehouse and Processing Plant
   Computer and Data Processing Services
   Contractors and Builders, All Groups
   Drive Through Facility for any Permitted Use
   Entrance Gates and Gatehouses
   Essential Services
   Excavation:
      Water retention
   Factory Outlets (point of manufacture only)
   Farm Equipment, Sales, Storage, Rental or Service
   Fences and Walls
   Freight and Cargo Handling Establishments
   Parcel and Express Services
   Parking Lot:
      Accessory
      Temporary
   Processing or Packaging for Agricultural or Fish Products
   Processing and Warehousing
   Recycling Facility
   Rental or Leasing Establishment, All Groups
   Repair Shops, All Groups
   Research and Development Laboratories
      Group I
      Group IV
   Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises
   Signs in Accordance with Chapter 30
   Storage:
      Indoor
      Open
   Transportation Services
      Group II
      Group IV
   Vehicle and Equipment Dealers, All Groups

Warehouse
- High Cube
- Hybrid
- Mini-Warehouse
- Private
- Public

Wholesale Establishments
- Group I
- Group III
- Group IV

b. Site Development Regulations

1. Commercial Tracts – Setbacks, Height, and Lot Coverage

Setbacks (Building):
North (Side) – 15 feet
East (Street) – 25 feet
West (Rear) – 25 feet
South (Side) – 15 feet
Waterbody – 25 feet

Height: 35 feet
Open Space: 20%
Maximum Lot Coverage: 40%

2. Industrial Tract - Setbacks, Height, and Lot Coverage

Setbacks (Building):
North (Side) – 25 feet
East (Street) – 25 feet
West (Rear) – 25 feet
South (Side) – 25 feet
Waterbody – 25 feet

Height: 35 feet
Open Space: 20%
Maximum Lot Coverage: 40%

3. Open Space, Indigenous Open Space, and Publicly Accessible Open Space

a. Commercial Tracts:

Open Space: Prior to the issuance of a development order for the commercial tract, the applicant must depict 20 percent (0.87 acres) of open space.

Indigenous Open Space: The first development order for the Commercial Tract must depict 0.44 acres of indigenous open space and provide an

Indigenous Management Plan. If exotic vegetation is over 75 percent of the total indigenous open space area, an Indigenous Restoration Plan is required.

b. Industrial Tract

Open Space: Prior to the issuance of a development order for the industrial tract, the applicant must depict 20 percent (2.72 acres) of open space.

Indigenous Open Space: The first development order for the Industrial Tract must depict 1.36 acres of indigenous open space and provide an Indigenous Management Plan. If exotic vegetation is over 75 percent of the total indigenous open space area, an Indigenous Restoration Plan is required.

c. The first development order for both tracts must depict 1.80 acres of publicly accessible open space, if consolidated, the applicant must demonstrate compliance with LDC Section 33-1572(c).

4. Landscape Buffers: ~~The applicant may provide restoration planting areas to meet the buffer requirements to the west, if the restoration planting meets the buffer specifications pursuant to LDC Section 10-420(f).~~

The indigenous preservation located on the west side of the property adjacent to the existing multi-family use, as depicted on the MCP will be utilized to meet the planting intent of a modified Type B buffer. This buffer includes 5 trees and 18 shrubs per 100 linear feet. Trees and shrubs shall meet minimum heights for buffers in accordance with the Land Development Code (LDC). In the event the existing vegetation does not meet this requirement, the supplemental plantings will be provided for compliance.

~~Protected Species~~

~~a. Prior to any development order approval, the applicant or successor must submit documentation from Florida Fish and Wildlife Service regarding the protection measures for the protected species. If onsite mitigation is required, the Indigenous Restoration Plan must incorporate onsite mitigation plans into the restoration plan.~~

~~b. Prior to the issuance of a Vegetation Removal Permit for any improvements to land, the applicant must provide a receipt of payment for offsite mitigation, if applicable.~~

5. Billboard: Prior to obtaining a Certificate of Compliance for the commercial tracts, only one of any of the six existing billboards will be permitted to remain on-site and may be repaired or replaced subject to the regulations established in LDC Chapter 30.

6. Cross Access: At the time of the northernmost commercial tract's development order, the applicant must provide an access stub to the property adjacent to

the northern commercial parcel for future parcel interconnect. The access stub shall provide ingress and egress access to U.S. 41 for the adjacent parcels to the north and may not be gated or otherwise restricted. The applicant is not responsible for development permitting or improvements on the adjacent parcel.

Section B. Deviations

1. **Deviation (1)** seeks relief from **LDC Section 10-291(3)**, which requires commercial or industrial development of more than ten acres to provide more than one means of ingress or egress for the development, to allow for one point of ingress or egress for the subject property.

   ~~This deviation is **APPROVED**, subject to the condition that prior to development order issuance, construction of a stub out to align with the cross-access easement (Instrument # 2014000094185) located on the abutting property to the North as shown on the Master Concept Plan (MCP) (Attachment "D") must be provided.~~

   This deviation is **APPROVED**, subject to Condition 6.

2. **Deviation (2)** seeks relief from **LDC Section 10-610(e)**, which requires adjacent commercial uses to provide parking lot interconnections for automobile, bicycle and pedestrian traffic, to allow no interconnection to the south.

   This deviation is **APPROVED**.

3. **Deviation (3)** seeks relief from **LDC Section 10-329(d)(1)a.3**, which requires all new excavations for water retention and detention to be setback 50 feet from any private property line under separate ownership, to allow a setback of 30 feet from any private property line under separate ownership.

   This deviation is **APPROVED**.

   ~~**Deviation (4)** seeks relief from **LDC Section 10-425(f)(2)**, which requires a ten-foot-wide buffer with Type B plantings along property lines which abut single-family residences, to allow the indigenous preserve to meet the buffer requirements.~~

   ~~This deviation is **APPROVED**, subject to Condition 4.~~

4. **Deviation ~~(5)~~(4)** seeks relief from **LDC Section 30-183(1)a**, which limits billboards to the Intensive Development, Industrial Development, Interchange Areas, and Tradeport Future Land Use Categories, to allow one of the six existing billboards to remain on the subject property, which is located in the Central Urban Future Land Use Category.

   This deviation is **APPROVED**, subject to Condition ~~6~~ 5.

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   This deviation is **APPROVED**, subject to Condition 5.