ADD2013-00180 Lee County ePlan

ADMINISTRATIVE APPROVAL (LS) ADD2013-00180

ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, Tarun Patel filed an application for Administrative Approval for a commercial lot split per Land Development Code (LDC) Section 34-2221 with administrative relief from:

1. LDC Section 34-845 that requires a minimum 5-foot landscape buffer along the proposed property line established by the lot split to allow a 0-foot buffer; and

2. LDC Section 34-845 that requires a minimum 10-foot side building setback along the proposed property line established by the lot split to allow a 0-foot side and rear setback; and

3. LDC Section 10-261(a) that requires commercial businesses to provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers to allow such facilities on the newly-created adjacent parcel where it is currently provided; and

4. LDC Section 34-2020(b) which requires minimum numbers of parking spaces for commercial uses to permit a portion of required parking on the newly-created adjacent parcel to where it is currently located; and

5. LDC Section 10-416(d)(9) which requires a natural waterway buffer of 50 feet to a width as demonstrated on the attached site plan to bring existing buildings into compliance.

for the subdivision of 3.67 acres of property located at 13000 N Cleveland Avenue, North Fort Myers, FL.

WHEREAS, the subject property is described more particularly as:

LEGAL DESCRIPTION: In Section 11, Township 44 South, Range 24 East, Lee County, Florida:

See attached “Exhibit A”.

WHEREAS, the applicant has indicated the property’s current STRAP number is 11-44-24-00-00017.4A8B; and

WHEREAS, the subject property is located in the Intensive Development Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the property is zoned Commercial (C-2) and Commercial (C-1A); and

WHEREAS, the subject property is a 3.67-acre parcel that is developed with three two-story hotel buildings, swimming pool, related accessory structures and parking lots; and

WHEREAS, the subject property has an approved development order (DOS-84-04-012-00D) approved September 28, 1984; and

WHEREAS, the applicant is requesting to split the property into two parcels, parcel "A" and Parcel "B" (See Attachment "A"); and

WHEREAS, the applicant has demonstrated that each parcel meets the minimum property development regulations (lot area, lot dimensions, setbacks, and height) in the Commercial C-2 and C-1A zoning districts where applicable; and

WHEREAS, the applicant has identified five deviations from the Land Development Code that are needed to split the parent parcel developed under DOS-84-04-012-00D into the two parcels, based on existing conditions and existing development approvals (Attachment "B") ; and

WHEREAS, Parcel "A" is 2.21 acres with two existing hotel buildings and Parcel "B" is 1.46 acres and one existing hotel building; and

WHEREAS, the applicant proposes a no buffer between the proposed parcels interior to the parent tract and would not be visible to surrounding properties; and

WHEREAS, the proposed property line abuts an existing roofed two-story walkway of which hotel patrons will continue to use; and

WHEREAS, the applicant is requesting to continue to have refuse and solid waste facilities located on Parcel "A" serving both parcel; and

WHEREAS, the applicant proposes an agreement between the two property owners to address the solid waste facilities location and use by both parcels; and

WHEREAS, Parcel "A" provides 71 parking spaces for the hotel use, 15 short of those required under the Land Development Code; and

WHEREAS, Parcel "B" provides 86 parking spaces for the hotel use, 28 in excess of those required under the Land Development Code; and

WHEREAS, the applicant has provided a draft Cross Parking Easement Agreement (Attachment "C") facilitating shared parking between the two new parcels; and

WHERAS, the existing structures do not include a 50-foot buffer to a natural waterbody; and

WHEREAS, the applicant proposes no changes to the existing structures or buffer from the waterway; and

WHEREAS, any impacts caused by the lot split and requested deviations would be internal to the parent parcel; and

WHEREAS, the requested deviations do not raise any health, safety, or welfare issues, as conditioned; and

WHEREAS, the request was reviewed by Development Services staff and Environmental Sciences staff who raised no objections; and

WHEREAS, Environmental Sciences staff provided one condition of approval per the attached staff report (Attachment "D"); and

WHEREAS, LDC Section 34-2221 authorizes administrative relief to be granted for the non-compliance of the individual lots with property development regulations in the LDC for matters involving setbacks, lot width, depth, area requirements, height limitations, open space requirements, parking requirements and other similar relief, provided that the overall development complies with all other applicable zoning requirements; and

WHEREAS, an application for administrative relief has been filed pursuant to Lee County Land Development Code Section 34-2221; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval; and

WHEREAS, the following findings of fact are offered:

A. The relief will not alter the general appearance and character of the community.

B. The relief will not be injurious to the area involved or otherwise detrimental to the public health, safety or welfare.

C. The proposed subdivision of the site will not create an adverse impact on the overall development.

D. The relief will not reduce or eliminate the requirements of the Lee County LDC,

wherein the resulting lots are developed as a single entity.

E. The relief is not to be construed as providing relief from any development regulations not specifically listed and approved.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Administrative Approval for relief from the Lee County Land Development Code Section 34-2221, from:

1. LDC Section 34-845 that requires a minimum 5-foot landscape buffer along the proposed property line established by the lot split to allow a 0-foot buffer; and

2. LDC Section 34-845 that requires a minimum 10-foot side building setback along the proposed property line established by the lot split to allow a 0-foot side and rear setback; and

3. LDC Section 10-261(a) that requires commercial businesses to provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers to allow such facilities on the newly-created adjacent parcel where it is currently provided; and

4. LDC Section 34-2020(b) which requires minimum numbers of parking spaces for commercial uses to permit a portion of required parking on the newly-created adjacent parcel to where it is currently located; and

5. LDC Section 10-416(d)(9) which requires a natural waterway buffer of 50 feet to a width as demonstrated on the attached site plan to bring existing buildings into compliance.

is APPROVED, subject to the following conditions:

1. The development must be in substantial compliance with the proposed Site Plan per Attachment “A”.

2. The site landscaping must remain in compliance with the approved landscape plan per Development Order 84-04-012.00D. The existing structures and improvements may remain within the 50-foot natural waterway buffer. Any future structures or improvements must comply with the Land Development Code natural waterway buffer and other landscaping requirements at time of local development order.

3. Prior to the issuance of development order approval for a lot split, the Declaration of Covenants, Conditions and Restrictions must be approved by the Lee County Attorney's Office and Lee County Community Development staff. Once approved by

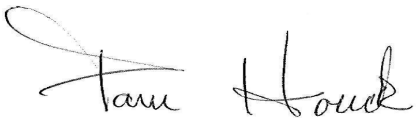
County staff, and prior to the issuance of a development order, the executed Declaration of Covenants, Conditions and Restrictions must then be recorded in the Official Record Books of the Lee County Clerk.

4. Prior to the issuance of a development order approval for a lot split, a shared parking agreement substantially consistent with Attachment "C" must be approved by the Lee County Attorney's Office and Lee County Community Development staff. Once approved by County staff, and prior to the issuance of a development order, the shared parking agreement must then be recorded in the Official Record Books of the Lee County Clerk.

5. Prior to the issuance of a development order approval for a lot split, an agreement between the two property owners addressing the location and use of solid waste, refuse, and recycling facilities must be approved by the Lee County Attorney's Office and Lee County Community Development staff. Once approved by County staff, and prior to the issuance of a development order, the agreement addressing the location and use of solid waste, refuse, and recycling facilities must then be recorded in the Official Record Books of the Lee County Clerk.

6. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

DULY PASSED AND ADOPTED ON 4/3/2014

BY: 

Electronically Signed by
Pam Houck, Director
Division of Zoning
Department of Community Development

Exhibit "A" – Approved Legal Description

Attachment "A" – Site Plan, Red Roof Inn

Attachment "B" – Deviation Justification

Attachment "C" – Parking Agreement

Attachment "D" – Environmental Sciences Report

ADD2013-00180 Lee County ePlan

SKETCH AND DESCRIPTION
OF A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

Exhibit A

(PARENT PARCEL)

ALL THAT CERTAIN PIECE OR PARCEL OF LAND LYING IN GOVERNMENT LOT 2 & 3 IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID FRACTION OF A SECTION; THENCE SOUTH 00°30'30" WEST ALONG THE WEST LINE OF SAID SECTION FOR 45.65 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE (40 FEET FROM THE CENTERLINE) OF PONDELLA ROAD (STATE ROAD #S-78-A); THENCE NORTH 89°24'10" EAST ALONG SAID SOUTH RIGHT OF WAY LINE FOR 575.14 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE (100 FEET FROM CENTERLINE) OF THE TAMIAMI TRAIL (STATE ROAD #45, SECTION 12010-2121); THENCE SOUTH 39°28'01" EAST ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF SAID TAMIAMI TRAIL FOR 1,673.22 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5,829.58 FEET; THENCE SOUTHERLY CONTINUING ALONG SAID NORTHEASTERLY RIGHT OF WAY ALONG THE ARC OF SAID CURVE THROUGH A DELTA ANGLE OF 09°32'50" FOR 971.39 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 29°55'11" EAST FOR 544.28 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID RIGHT OF WAY SOUTH 29°55'11" EAST FOR 140.00 FEET; THENCE NORTH 60°04'49" EAST FOR 200.00 FEET; THENCE SOUTH 29°55'11" EAST FOR 135.00 FEET; THENCE SOUTH 60°04'49" WEST FOR 101.00 FEET; THENCE SOUTH 29°55'11" EAST FOR 40.00 FEET; THENCE SOUTH 60°04'49" WEST FOR 99.00 FEET; THENCE SOUTH 29°55'11" EAST ALONG SAID RIGHT OF WAY FOR 237.07 FEET TO A CHANGE IN RIGHT OF WAY WIDTH FROM 100 FEET FROM CENTERLINE TO 300 FEET FROM CENTERLINE; THENCE NORTH 60°04'49" EAST ALONG SAID CHANGE IN RIGHT OF WAY WIDTH FOR 190.00 FEET TO THE APPROXIMATE AVERAGE MEAN HIGH WATERLINE AT ELEVATION +1.00 MEAN SEA LEVEL; THENCE ALONG SAID APPROXIMATE MEAN HIGH WATER LINE NORTH 00°19'47" WEST FOR 222.12 FEET; THENCE NORTH 18°36'35" EAST FOR 256.53 FEET; THENCE NORTH 15°21'09" EAST FOR 113.04 FEET TO THE END OF SAID MEAN HIGH WATER LINE AT THE SOUTHWESTERLY RIGHT OF WAY OF AN 80 FOOT WIDE DEPARTMENT OF TRANSPORTATION DRAINAGE EASEMENT; THENCE NORTH 45°46' WEST FOR 113.81 FEET; THENCE SOUTH 60°04'49" WEST FOR 191.13 FEET; THENCE SOUTH 29°55'11" EAST FOR 90.00 FEET; THENCE SOUTH 60°04'49" WEST FOR 300.00 FEET; THENCE NORTH 29°55'11" WEST FOR 90.00 FEET; THENCE SOUTH 60°04'49" WEST FOR 50.00 FEET TO THE POINT OF BEGINNING.

APPROVED
ADD2013-00180
Chick Jakacki, Planner
Lee Co Division of Zoning
3/26/2014

NOTES:

1. BEARINGS BASED ON THE SOUTH RIGHT OF WAY OF PONDELLA ROAD (S.R. S-78-A) AS BEING N.89°24'10"E.
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).
4. PARCEL CONTAINS 3.67 ACRES, MORE OR LESS

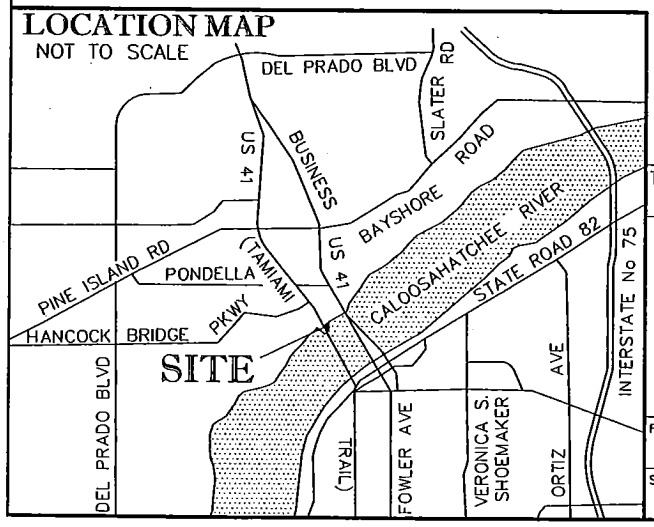
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BY: _____
DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

DATE SIGNED: 1/13/14

*** THIS IS NOT A SURVEY ***
*** SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION ***

LOCATION MAP
NOT TO SCALE



TITLE: LEGAL DESCRIPTION

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FILE NAME:	FIELD BOOK/PAGE:	PROJECT NO.:	SHEET:
12904SK-1.DWG	N/A	12904	1 OF 2

SKETCH DATE:	DRAWN BY:	SCALE:	CHECKED BY:	(S-T-R)
11/21/13	BUD	1"= 120'	DJO	11-44-24

ADD2013-00180 Lee County ePlan

SKETCH AND DESCRIPTION

OF A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

(PARCEL "A")

ALL THAT CERTAIN PIECE OR PARCEL OF LAND LYING IN GOVERNMENT LOT 2 & 3 IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

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THENCE CONTINUE ALONG SAID RIGHT OF WAY SOUTH 29°55'11" EAST FOR 140.00 FEET; THENCE NORTH 60°04'49" EAST FOR 200.00 FEET; THENCE SOUTH 29°55'11" EAST FOR 135.00 FEET; THENCE NORTH 60°04'49" EAST FOR 24.26 FEET; THENCE SOUTH 30°05'00" EAST FOR 57.45 FEET; THENCE NORTH 60°20'46" EAST FOR 44.06 FEET; THENCE SOUTH 79°49'35" EAST FOR 40.78 FEET TO THE APPROXIMATE AVERAGE MEAN HIGH WATERLINE AT ELEVATION +1.00 MEAN SEA LEVEL; THENCE ALONG SAID APPROXIMATE MEAN HIGH WATER LINE NORTH 18°36'35" EAST FOR 256.53 FEET; THENCE NORTH 15°21'09" EAST FOR 113.04 FEET TO THE END OF SAID MEAN HIGH WATER LINE AT THE SOUTHWESTERLY RIGHT OF WAY OF AN 80 FOOT WIDE DEPARTMENT OF TRANSPORTATION DRAINAGE EASEMENT; THENCE NORTH 45°46' WEST FOR 113.81 FEET; THENCE SOUTH 60°04'49" WEST FOR 191.13 FEET; THENCE SOUTH 29°55'11" EAST FOR 90.00 FEET; THENCE SOUTH 60°04'49" WEST FOR 300.00 FEET; THENCE NORTH 29°55'11" WEST FOR 90.00 FEET; THENCE SOUTH 60°04'49" WEST FOR 50.00 FEET TO THE **POINT OF BEGINNING**.

NOTES:

1. BEARINGS BASED ON THE SOUTH RIGHT OF WAY OF PONDELLA ROAD (S.R. S-78-A) AS BEING N.89°24'10"E.
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).
4. PARCEL CONTAINS 2.21 ACRES, MORE OR LESS

NOT VALID WITHOUT THE SIGNATURE, AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

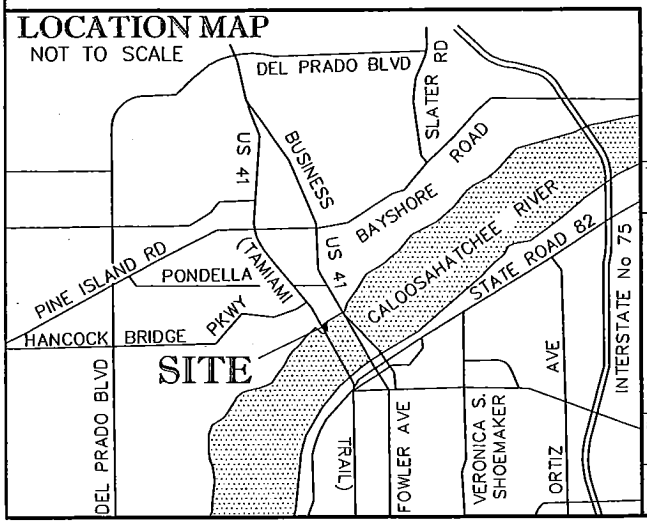
BY: _____
DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

DATE SIGNED: 1/13/14

*** THIS IS NOT A SURVEY ***

*** SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION ***

LOCATION MAP
NOT TO SCALE



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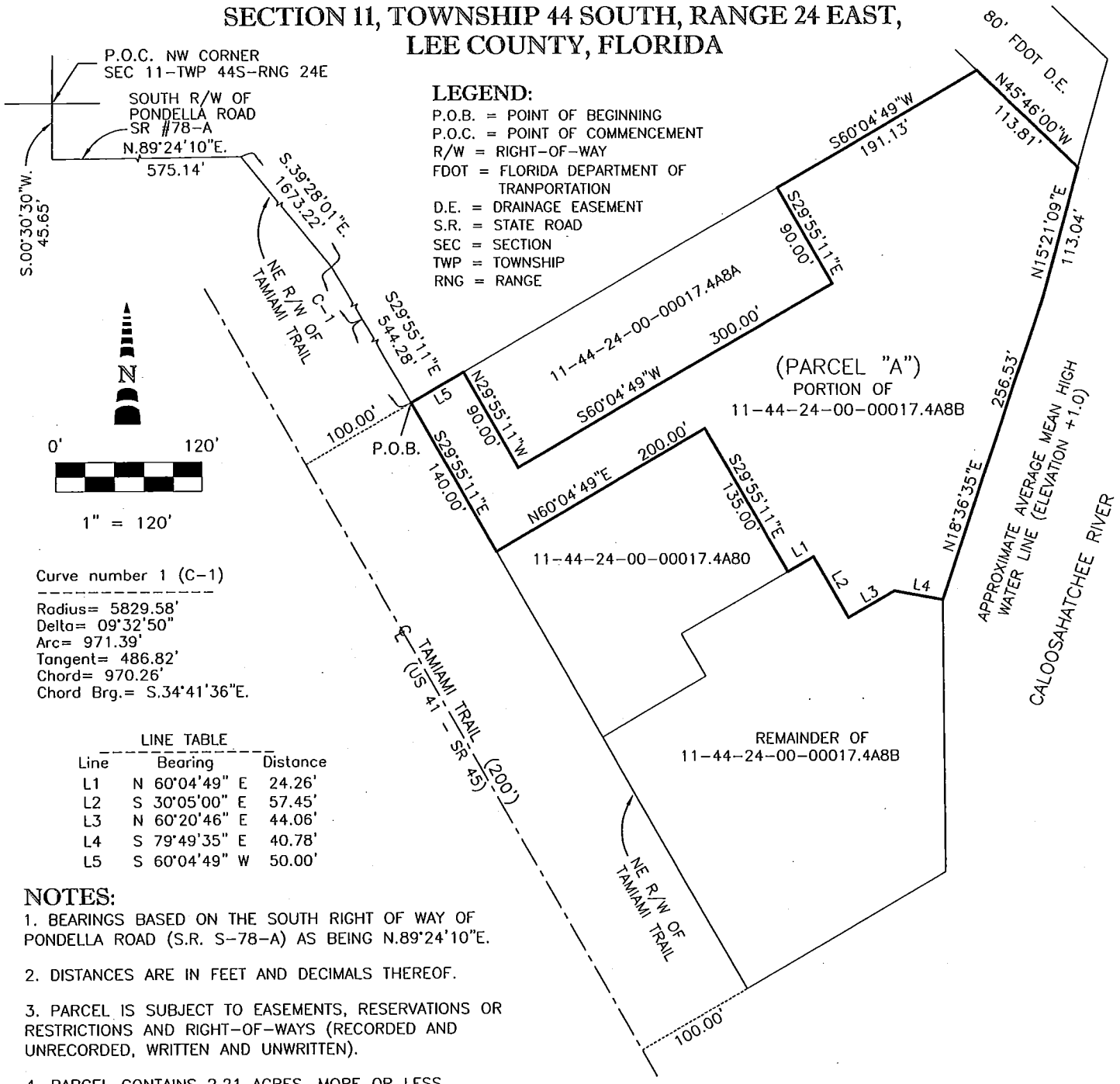
01/10/14	BUD	1"= 120'	DJO	11-44-24

ADD2013-00180 Lee County ePlan

SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA



LEGEND:

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
FDOT = FLORIDA DEPARTMENT OF TRANPORTATION
D.E. = DRAINAGE EASEMENT
S.R. = STATE ROAD
SEC = SECTION
TWP = TOWNSHIP
RNG = RANGE

Curve number 1 (C-1)

Radius= 5829.58'
Delta= 09°32'50"
Arc= 971.39'
Tangent= 486.82'
Chord= 970.26'
Chord Brg.= S.34°41'36"E.

LINE TABLE

Line	Bearing	Distance
L1	N 60°04'49" E	24.26'
L2	S 30°05'00" E	57.45'
L3	N 60°20'46" E	44.06'
L4	S 79°49'35" E	40.78'
L5	S 60°04'49" W	50.00'

NOTES:

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3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).
4. PARCEL CONTAINS 2.21 ACRES, MORE OR LESS

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BY: _____
DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

DATE SIGNED: 1/13/14

(PARCEL "A")

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SKETCH AND DESCRIPTION

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(PARCEL "B")

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THENCE CONTINUE ALONG SAID RIGHT OF WAY, SOUTH 29°55'11" EAST ALONG SAID RIGHT OF WAY FOR 237.07 FEET TO A CHANGE IN RIGHT OF WAY WIDTH FROM 100 FEET FROM CENTERLINE TO 300 FEET FROM CENTERLINE; THENCE NORTH 60°04'49" EAST ALONG SAID CHANGE IN RIGHT OF WAY WIDTH FOR 190 FEET TO THE APPROXIMATE AVERAGE MEAN HIGH WATERLINE AT ELEVATION +1.00 MEAN SEA LEVEL; THENCE ALONG SAID APPROXIMATE MEAN HIGH WATER LINE NORTH 00°19'47" WEST FOR 222.12 FEET; THENCE NORTH 79°49'35" WEST FOR 40.78 FEET; THENCE SOUTH 60°20'46" EAST FOR 44.06; THENCE NORTH 30°05'00" WEST FOR 57.45 FEET; THENCE SOUTH 60°04'49" WEST FOR 125.26 FEET; THENCE SOUTH 29°55'11" EAST FOR 40.00 FEET; THENCE SOUTH 60°04'49" WEST FOR 99.00 FEET TO THE **POINT OF BEGINNING.**

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4. PARCEL CONTAINS 1.46 ACRES, MORE OR LESS

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

BY: _____
DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

DATE SIGNED: 1/13/14

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LOCATION MAP
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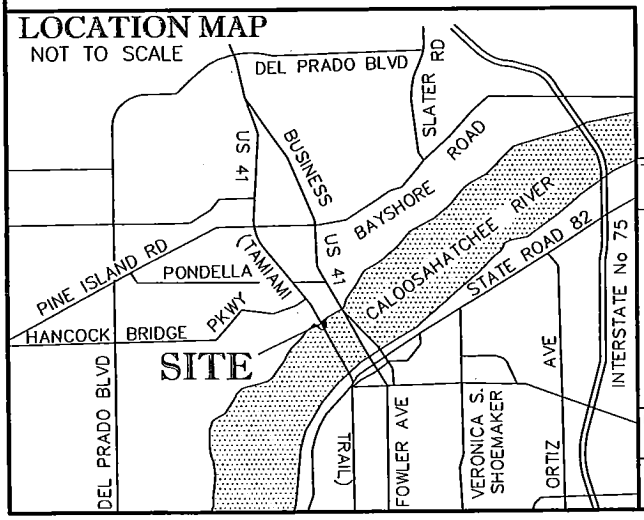

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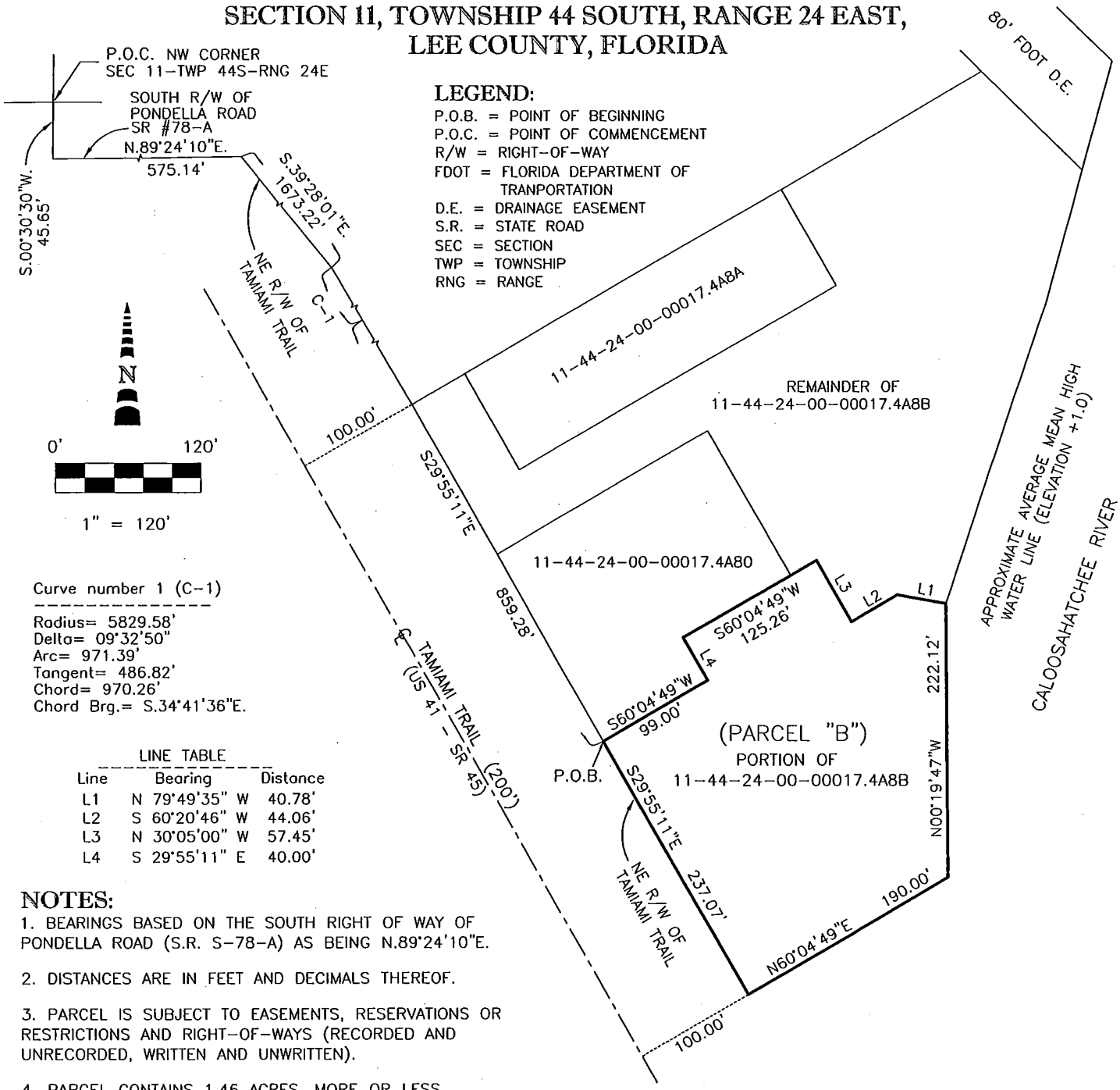

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RNG = RANGE

Curve number 1 (C-1)
Radius= 5829.58'
Delta= 09°32'50"
Arc= 971.39'
Tangent= 486.82'
Chord= 970.26'
Chord Brg.= S.34°41'36"E.

LINE TABLE

Line	Bearing	Distance
L1	N 79°49'35" W	40.78'
L2	S 60°20'46" W	44.06'
L3	N 30°05'00" W	57.45'
L4	S 29°55'11" E	40.00'

NOTES:

1. BEARINGS BASED ON THE SOUTH RIGHT OF WAY OF PONDELLA ROAD (S.R. S-78-A) AS BEING N.89°24'10"E.
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).
4. PARCEL CONTAINS 1.46 ACRES, MORE OR LESS

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BY: _____
DENIS A. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

DATE SIGNED: 1/13/14

(PARCEL "B")

* THIS IS NOT A SURVEY *

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *

TITLE: SKETCH OF DESCRIPTION

METRON
SURVEYING & MAPPING
LAND SURVEYORS·PLANNERS
LB# 7071

10970 SOUTH CLEVELAND AVENUE, UNIT #605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457

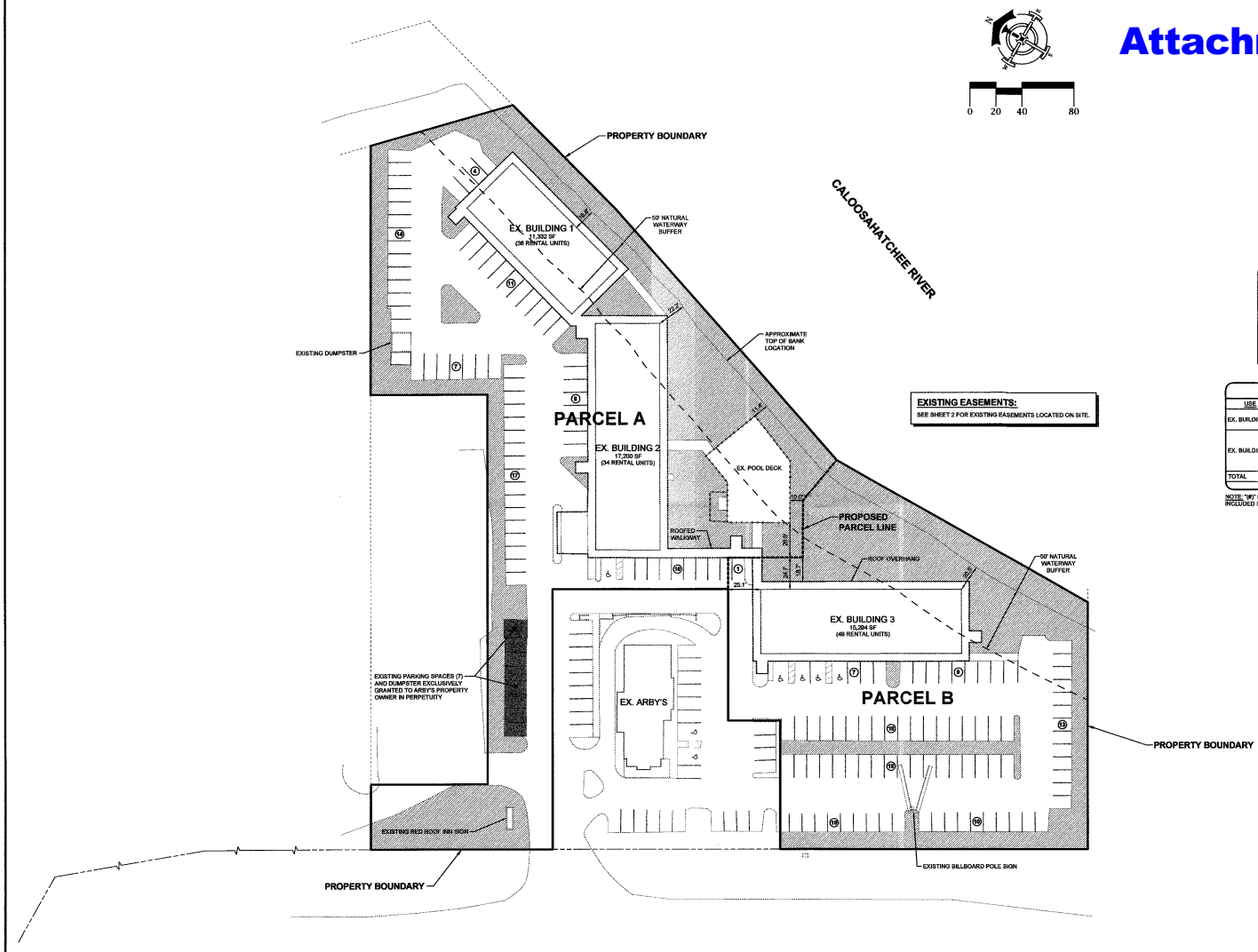
www.metronfl.com

FILE NAME:	FIELD BOOK/PAGE:	PROJECT NO.:	SHEET:
12904SK-2.DWG	N/A	12904	2 OF 2

SKETCH DATE:	DRAWN BY:	SCALE:	CHECKED BY:	(S-T-R)
01/10/14	BUD	1"= 120'	DJO	11-44-24

ADD2013-00180 Lee County ePlan

Attachment "A"



EXISTING EASEMENTS:
SEE SHEET 2 FOR EXISTING EASEMENTS LOCATED ON SITE.

LEGEND

OPEN SPACE

LAND USE SUMMARY

	PARCEL A		PARCEL B		TOTAL PROPERTY	
CATEGORY	AREA	PERCENTAGE	AREA	PERCENTAGE	AREA	PERCENTAGE
BUILDING	0.48 AC.	21.7%	0.24 AC.	16.4%	0.72 AC.	19.6%
PAVEMENT / SIDEWALK	0.93 AC.	42.1%	0.71 AC.	48.6%	1.64 AC.	44.7%
OPEN SPACE [1]	0.79 AC.	35.7%	0.51 AC.	35.0%	1.30 AC.	35.4%
OTHER PERVIOUS	0.01 AC.	0.5%	0.00 AC.	0.0%	0.01 AC.	0.03%
TOTAL	2.21 AC.	100.0%	1.46 AC.	100.0%	3.67 AC.	100.0%

1 - OPEN SPACE AREA PER SECTION 10-415(c) OF LEE COUNTY LDC.

PARCEL A PARKING SUMMARY

USE	RATIO	REQUIRED	PROVIDED
EX. BUILDING 1	36 RENTAL UNITS @ 1.2 SPACES PER RENTAL UNIT	43	36
EX. BUILDING 2	34 RENTAL UNITS @ 1.2 SPACES PER RENTAL UNIT	41	34
	660 SF OFFICE @ 1 SPACE PER 350 SF	2	1
TOTAL		86 (3)	71 (1)

NOTE: "(#)" REPRESENTS THE NUMBER OF HANDICAP SPACES INCLUDED IN THE TOTAL SPACES.

PARCEL B PARKING SUMMARY

USE	RATIO	REQUIRED	PROVIDED
EX. BUILDING 3	48 RENTAL UNITS @ 1.2 SPACES PER RENTAL UNIT	58	86
TOTAL		58 (3)	86 (4)

NOTE: "(#)" REPRESENTS THE NUMBER OF HANDICAP SPACES INCLUDED IN THE TOTAL SPACES.

BUILDING SETBACKS

SETBACK	REQUIRED
STREET	25'
SIDE	20'
REAR	20'
WATER	25'

GENERAL NOTE:
PARCEL "A" SIGNAGE IS EXISTING. PARCEL "B" DOES NOT HAVE AN IDENTIFICATION SIGN, BUT RESERVES THE RIGHT TO OBTAIN ONE SHOULD PARCEL "B" CHANGE OWNERSHIP.

OWNER / DEVELOPER:
SHIVAM SUNDARAM HOTELS LLC
13000 N. CLEVELAND AVE.
NORTH FORT MYERS, FL 33903

PROJECT:
RED ROOF INN

DELISI FITZGERALD, INC.
Planning - Engineering - Project Management
1605 Hendry Street
Fort Myers, FL 33901
239-418-0691 • 239-418-0692 fax
Florida Certificate of Authorization:
Engineering LB #: 26978

SITE PLAN

Project Number:	21287
Part of Section(s):	11
Township: 44 S	Range: 24 E
County, State:	LEE COUNTY, FL
Sheet Number:	1

K:\21287 - RED ROOF INN LOT SPLIT\EXHIBITS\LOT SPLIT EXHIBIT\21287-01-SITE-PLAN.DWG
2/8/2014 9:25 AM

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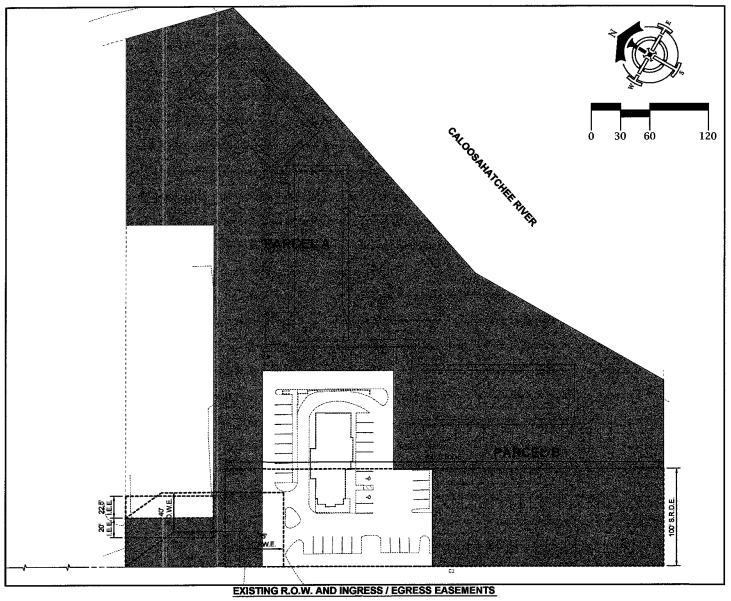
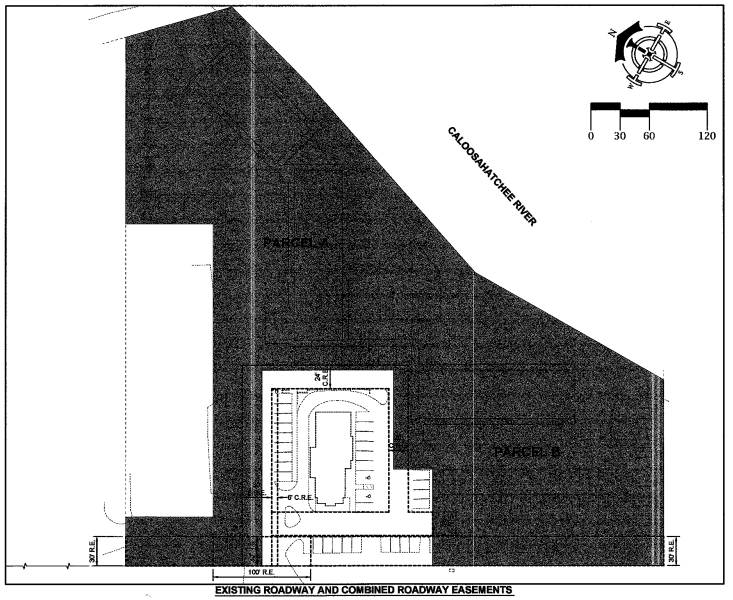
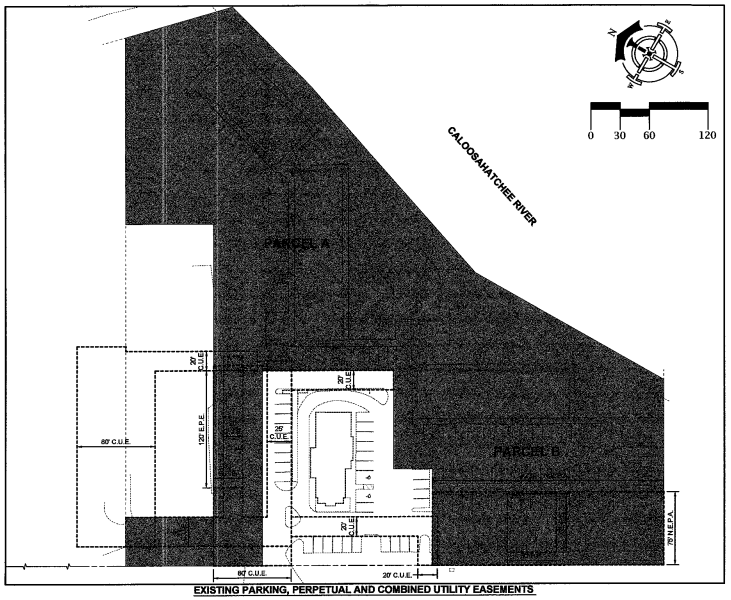


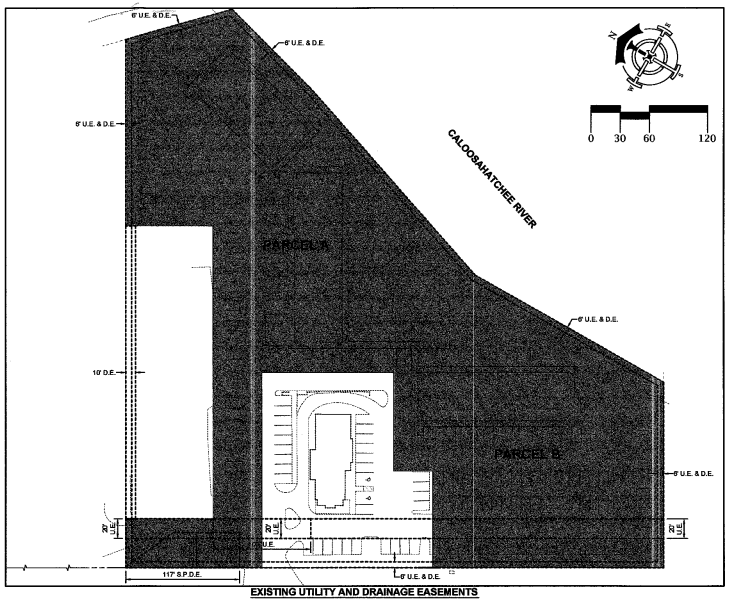
EXISTING R.O.W. AND INGRESS / EGRESS EASEMENTS



EXISTING ROADWAY AND COMBINED ROADWAY EASEMENTS



EXISTING PARKING, PERPETUAL AND COMBINED UTILITY EASEMENTS



EXISTING UTILITY AND DRAINAGE EASEMENTS

EASEMENT LEGEND

C.R.E.	COMBINED ROADWAY EASMENT
C.U.E.	COMBINED UTILITY EASMENT
D.E.	DRAINAGE EASMENT
E.P.E.	EXCLUSIVE PARKING EASEMENT
I.E.E.	INGRESS AND EGRESS EASEMENT
N.E.P.A.	NON-EXCLUSIVE PARKING AREA
P.E.	PERPETUAL EASMENT
R.E.	ROADWAY EASMENT
R.O.W.E.	RIGHT OF WAY EASMENT
S.P.D.E.	SIGN PARCEL & DRAINAGE EASEMENT
S.R.D.E.	STATE ROAD DEPARTMENT EASEMENT
U.E.	UTILITY EASMENT

OWNER / DEVELOPER:
SHIVAM SUNDARAM HOTELS LLC
13000 N. CLEVELAND AVE.
NORTH FORT MYERS, FL 33903

PROJECT:
RED ROOF INN

DELISI FITZGERALD, INC.
Planning - Engineering - Project Management
1605 Hendry Street
Fort Myers, FL 33901
239-418-0691 • 239-418-0692 fax
Florida Certificate of Authorization:
Engineering LB # 26978

EXISTING EASEMENTS PLAN

Project Number:	21287
Part of Section(s):	11
Township: 44 S	Range: 24 E
County, State:	LEE COUNTY, FL
Sheet Number:	2

X:\21287 - RED ROOF INN LOT SPLIT\EXHIBITS\LOT SPLIT EXHIBIT\21287-01-SITE-PLAN.DWG
Oct 04, 2013 - 4:36pm

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Attachment "B"

DeLisi Fitzgerald, Inc.
Planning – Engineering – Project Management

Red Roof Inn Deviation Justification:

Request for Deviation: 5' Landscape Buffer (LDC Section 34-845)

The applicant requests a deviation from the requirement of a 5' landscape buffer along the proposed property line established by the lot split to allow for a 0' buffer. The proposed property line and location of the buffer would be interior to the parent tract and would not be visible to surrounding properties. No exterior impacts are anticipated.

Request for Deviation: 10' Accessory Side and Rear Building Setback (LDC Section 34-845)

The applicant requests a deviation from the requirement of a 10' side building setback along the proposed property line established by the lot split to allow for a 0' minimum side and rear setback. The proposed property line abuts an existing roofed two-story walkway that the motel patrons will continue to use. The proposed property line will not interfere with the function of this walkway and no impacts are anticipated.

Request for Deviation: Refuse and Solid Waste Facilities (LDC Section 10-261(a))

The applicant is requesting to have their refuse and solid waste facilities located on the newly created adjacent parcel where it is currently provided. An agreement between the two (2) property owners will be provided to address the solid waste location.

Request for Deviation: Off Street Parking and Loading Requirements (LDC Section 34-2020 (b))

The applicant is requesting to have a portion of their required parking located on the newly created adjacent parcel where it is currently located. There are no changes to the use therefore there are no additional parking spaces needed. An agreement between the two (2) property owners will be provided to address the shared parking.

Request for Deviation for buffer from Natural Waterway (LDC Section 10-416(d)(9))

The applicant is requesting to have the natural waterway buffer reduced from 50' to a width as demonstrated on the attached site plan to bring the existing buildings into compliance. There are no changes being proposed to the buildings at this time however the current site does not provide a 50' buffer to the water body.

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Attachment "C"

This instrument prepared by and return to:
Gordon R. Duncan
Duncan and Associates, P.A.
1601 Jackson St., Suite 101
Fort Myers, FL 33901
(239) 334-4574

ADD 2013-00180

CROSS PARKING EASEMENT AGREEMENT

This CROSS PARKING EASEMENT AGREEMENT (this "Agreement") is entered into by **SHIVAM SUNDARAM HOTELS LLC,** a Florida limited liability company ("Shivam"), whose address is 13000 N. Cleveland Ave., North Fort Myers, FL 33903.

RECITALS

WHEREAS, Shivam is the owner of that certain property located in Lee County, Florida described on Exhibit C (herein "Parcel C") attached hereto and by this reference made a part hereof; and

WHEREAS, Shivam has or will split Parcel C into two parcels as described in Exhibit A (herein "Parcel A") and Exhibit B (herein "Parcel B") attached hereto and by this reference made a part hereof; and

WHEREAS, to provide adequate internal parking for new Parcel A, Shivam has established the cross parking rights and obligations described below. Parcels A and B are sometimes referred to collectively herein as the "Properties"; and

WHEREAS, this Agreement is required to develop the Properties to comply with Lee County development regulations.

NOW, THEREFORE, Shivam agrees and covenants as follows:

1. The statements contained in the recitals of facts set forth above are true and correct and are incorporated by this reference as a part of this Agreement.

2. Shivam hereby dedicates, grants and establishes for the benefit of the current owner and any future owners of parcels A and B, their employees, guests, invitees, tenants, licensees, customers, successors and assigns: a). a non-exclusive cross easement for the parking of vehicles over, on and across the areas with the Properties now or in the future constituting parking areas and b). a non-exclusive cross easement for ingress and egress across the driveways and roadway located on the Properties now or in the future for the purpose of gaining vehicular and pedestrian ingress and egress to and from the parking areas.

3. No owner of any portion of the Properties shall, without the express written consent of the other owner(s) of the Properties take or fail to take any action or do or fail to do anything that will or have the effect of impeding, obstructing or preventing any person or entity having rights under this Agreement from their full and complete use and enjoyment of the rights herein granted, including but not limited to charging for the use of parking. Without limiting the generality of the foregoing, free and full access to, from and across all portions of

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the Properties which constitute parking areas, driveways and roadways shall not be blocked, obstructed or impeded.

4. The easements herein created shall be appurtenant to and run with the Properties in perpetuity and may be modified, amended, terminated or released only by a recorded instrument executed by all owners of the Properties and in a manner that maintains compliance with the parking requirements established by Lee County.

5. Reference is made to that certain Agreement Creating Easements and Other Rights and Restrictions recorded in OR Book 1753, Page 678 as amended by that Amendment to Agreement Creating Easements and Other Rights and Restrictions recorded in OR Book 1806, Page 308, both in the Public Records of Lee County (herein collectively the "Caloosa Agreements"). The Caloosa Agreements establish certain easements along with rights and obligations associated with those easements. Pursuant to the Caloosa Agreements the owner of Parcel C is obligated to pay fifty percent (50%) of the cost of the maintenance of the Common Areas as described in the Caloosa Agreements (herein the "Common Areas"). The owners of Parcel A and Parcel B shall hereafter share equally in the cost of the maintenance of the Common Areas attributed to Parcel C so that the owner of Parcel A contributes twenty five percent (25%) of the total cost of the maintenance of the Common Areas and the owner of Parcel B contributes twenty five percent (25%) of the total cost of the maintenance of the Common Areas. The owner of Parcel A shall be solely responsible for the maintenance of the driveways, roadways and parking areas located upon Parcel A and not part of the Common Areas. The owner of Parcel B shall be solely responsible for the maintenance of the driveways, roadways and parking areas located upon Parcel B and not part of the Common Areas. The owner of Parcel A and Parcel B shall at all times maintain the driveways, roadways and parking areas on its respective parcel and not within the Common Areas in good repair and condition. The owners of Parcel A and Parcel B shall at all times make appropriate arrangements with the other owner(s) that share in the cost of the maintenance of the Common Areas to keep the Common Areas in good repair and condition.

6. Shivam for the benefit of the owner of Parcel A and Parcel B reserves for the benefit of the owner of each parcel the following rights:

a) The right to use its parcel for ingress and egress to which right shall also run to its employees, guests, invitees, tenants, licensees, customers, successors and assigns;

b) the right to change the use of any improvements which are constructed on its parcel and the right to install, construct and use curbs, landscaping and lighting facilities in and on its parcel, provided such changes are in compliance with governmental regulations and further provided that reasonable access for the flow of vehicular and pedestrian traffic is maintained to the other parcel owner and provided that sufficient parking exist so that Parcels A and B on a combined basis maintain compliance with the parking requirements established by Lee County;

c) the right to install, construct and maintain under its driveways and parking areas utility lines and utility equipment, including without limitation cable and communication utilities, provided the party making the installation, construction or maintenance restores any paving disturbed by same to its former condition as soon as is

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reasonably practical and provided reasonable access for the flow of vehicular and pedestrian traffic is maintained to the other party and further provided that any utility lines and equipment of the other party are not disturbed;

d) the right to any other use of the portion of its driveway and parking areas for purposes which do not unreasonably interfere with the rights created herein.

7. This Agreement shall be construed and enforced in accordance with the laws of the State of Florida.

8. The provisions of this Agreement are for the exclusive benefit of Shivam and its employees, guests, invitees, tenants, licensees, customers, successors and assigns and not for the benefit of any other third person, nor shall this Agreement be deemed to have conferred any rights, express or implied, upon any other third person.

9. By its signature below the Mortgagee of the Properties consents to this Agreement and the easements, rights and obligations contained herein, and joins in the dedication described herein.

Signed, sealed and delivered
in the presence of:

_____
1st Witness
Print Name:_____

_____
2nd Witness
Print Name:_____

SHIVAM SUNDARAM HOTELS LLC
a Florida limited liability company

By:_____
Laxmi Patel, Manager

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by Laxmi Patel, Manager of Shivam Sundaram Hotels LLC. He ☐ is personally known to me or ☐ has produced _____ as identification.

[Seal]

_____
Notary Public
Print Name:_____

My Commission Expires:_____

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Signed, sealed and delivered
in the presence of:

STONEGATE BANK

_____
1st Witness
Print Name:_____

By:_____

Print Name: _____

_____
2nd Witness
Print Name:_____

Its: _____

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by _____, as _____ of Stonegate Bank. He/she ☐ is personally known to me or ☐ has produced _____ as identification.

[Seal]

_____
Notary Public
Print Name:_____

My Commission Expires:_____

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EXHIBIT "A"

(LEGAL FOR PARCEL A)

ADD2013-00180 Lee County ePlan

EXHIBIT "B"

(LEGAL FOR PARCEL B)

ADD2013-00180 Lee County ePlan

EXHIBIT "C"

(LEGAL FOR PARENT PARCEL)

ADD2013-00180 Lee County ePlan

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: **February 18, 2014**

To: **Tony Palermo, Senior Planner**
From: **Aaron Martin, Environmental Planner**
Phone: (239) 533-8522
E-mail: amartin@leegov.com

Attachment "D"

Project: **Red Roof Inn Lot Split**
Case: **ADD2013-00180**
STRAP: **11-44-24-00-00017.4A8B**

The Division of Environmental Sciences (ES) staff has reviewed the proposed Red Roof Inn Lot Split administrative amendment request and offer the following analysis and recommendation.

PROJECT HISTORY/PROPOSAL:
This site was is zoned C-1A and C-2. The site contains and existing hotel and associated infrastructure which was constructed in the mid 1980's per development plan 84-04-012.00D. The applicant wishes to split the existing parcel into parcel A (consisting of 2.21 acres) and parcel B (consisting of 3.67 acres). No changes or new structures are being proposed on the site. To accomplish the lot split the applicant has requested several deviations so that the existing structures can comply with the current land development code. The deviations being requested include parking, solid waste, setbacks, and buffers.

OPEN SPACE & BUFFERS:
Per the site plan provided by the applicant the site will be able to provide the minimum LDC required open space of 20% for each proposed parcel. The applicant has requested two buffer deviations. The first deviation is from LDC 10-416(d) which requires a 5' wide type "A" buffer be placed when a commercial use abuts another commercial use. The applicant is requesting to provide no buffer between the two proposed parcels. The lot line which is being proposed between parcels A and B primarily runs through asphalt parking area and existing mangrove fringe which is to be undisturbed. This leaves no space to provide the 5' wide planted buffer. In addition this buffer is located internal to the existing site and no new structures are being proposed.

The second deviation is from LDC 10-416(d)(9) which requires a 50' wide natural waterway buffer adjacent to the Caloosahatchee River. The applicant is requesting that the existing setbacks for the existing buildings, parking, and pool area be allowed to remain. The site was developed prior to this code section being adopted. Per the site plan, the site does provide the 50' natural waterway buffer width in a couple of locations. There is an existing mangrove fringe along the river which per the original development plans is to remain undisturbed. No new structures are being proposed. Given that the site is existing, was developed prior to these code sections being adopted, an existing mangrove fringe adjacent to the Caloosahatchee River which is to remain undisturbed, and no new structures are being proposed at this time; ES staff recommends approval of the requested buffer deviations. The site landscaping must remain in compliance with the approved landscape plan per development order 84-04-012.00D. Any future

construction on the site will address the required land development code sections at time of local development order review.

The following Lee County Comprehensive Plan (Lee Plan) Goals, Objectives and Policies support ES staff analysis and recommended conditions:
Policy 6.1.6: The land development regulations will require the commercial development to provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

ES staff is recommends approval of the requested deviations subject to the following condition:

The site landscaping must remain in compliance with the approved landscape plan per development order 84-04-012.00D. The existing structures and improvements may remain within the 50' natural waterway buffer. Any future structures or improvements must comply with the land development code natural waterway buffer and all other landscaping requirements at time of local development order review.