

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, Brendan Sloan, P.E., filed an application on behalf of the property owner, MGY, LLC / Marc G. Yelenich, Managing Member, to rezone a 11.39± acre Commercial Planned Development (CPD) parcel in reference to Gladiolus Storage Facility; and,

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner Timothy Jones, was advertised and held on August 15, 2019; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2018-10019 and recommended APPROVAL WITH CONDITIONS; and

WHEREAS, a second public hearing was advertised and held on January 22, 2020 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST:

The applicant filed a request to amend a CPD approved under Resolution Z-92-030, called Commercial Corners, to allow Warehouse, private and mini-warehouse; open storage; and an administrative office.

The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Master Concept Plan/Development Parameters

Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Gladiolus Storage Master Concept Plan," prepared by Avalon Engineering, date stamped received January 3, 2020, and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Project intensity is limited to a total of 220,129 square feet of commercial uses, including 213,400 square feet of proposed storage, 1,050 square feet for an administrative office, 1,050 square feet for a caretakers unit, and 4,629 square feet for the existing convenience food and beverage store (and car wash facility).

2. Uses and Site Development Regulations

The following Limits apply to the project and uses:

a. Schedule of Uses

- Accessory uses and structures
- Administrative office
- Automobile service station
- Banks and financial establishments, Group I and III
- Bar or cocktail lounge
- Business Services, Groups I & III
- Car wash
- Caretaker's residence (Western parcel only)
- Consumption on premises (in accordance with LDC §34-1261 *et seq.*)
- Convenience food and beverage store
- Department store
- Drive-thru facility – accessory to a permitted use
- Essential service facilities, Group I
- Fences, walls, and gates
- Food stores, Group I
- Household and office furnishings, Groups I and II
- Hotel/Motel
- Insurance companies
- Lawn and garden supply store
- Laundry or dry cleaning, Group I
- Maintenance Facility (Government)
- Medical office
- Non-store retailers, Group I
- Paint, glass, and wallpaper
- Parking lot, Accessory
- Personal services, all Groups
- Pet shop
- Place of worship (in accordance with LDC §34-2081)
- Printing and publishing
- Religious facilities
- Restaurants, Groups I through III
- Restaurants, fast food
- Signs
- Social Services, Group I
- Shopping center
- Specialty retail shops, Groups I thru IV
- Storage, open (Western parcel only)
- Studios
- Warehouse, mini-warehouse (Western parcel only)
- Warehouse, public (Western parcel only)

b. Site Development Regulations

Minimum lot area and dimensions:

|            |                   |
|------------|-------------------|
| Lot area:  | 7,500 square feet |
| Lot width: | 75 feet           |
| Lot Depth: | 100 feet          |

|            |         |
|------------|---------|
| Setbacks:  |         |
| Street:    | 50 feet |
| Side Yard: | 10 feet |
| Rear Yard: | 20 feet |

|                       |                                 |
|-----------------------|---------------------------------|
| Water body, other:    | In accordance with LDC §34-2191 |
| Maximum height:       | 35 feet                         |
| Minimum Open Space:   | 30%                             |
| Maximum lot coverage: | 40%                             |

3. All structures shall be designed to be architecturally compatible with one another and landscaping arranged to compliment and tie together the design among individual parcels. This condition shall be included as deed restrictions on all lots sold and incorporated into all pertinent covenants and restrictions associated with the property owners' association.
4. Development on all lots and parcels shall be designed and engineered so that the greatest number of existing indigenous trees are preserved and incorporated into the site design.
5. Prior to the issuance of a Certificate of Occupancy for any building or structure constructed on the property, Applicant, or his designee, has agreed to donate \$23,937.97 to Lee County provided Lee County uses the \$23,937.97 for the intersection improvements of Gladiolus Drive and Winkler Road. This amount is based on the project's peak hour traffic impact at each intersection (Exhibit D hereto, Community Development's Memo, with attached calculations, dated June 5, 1992). This \$23,937.97 donation shall be in addition to any other site related improvements that may be required pursuant to the LDC.
6. Prior to receiving a Certificate of Occupancy, the Applicant shall contact the Lee County Division of Emergency Management to discuss the proposed development in relation to the potential type, use and storage of hazardous materials, which could be located on the premises.

If required by federal, state and/or local regulations:

The Applicant shall prepare or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of MSDS chemicals to the appropriate department or district and to the Lee County Department of Public Safety.

7. Vehicular/Pedestrian Impacts

Approval of this zoning request does not address mitigation of the project's vehicular or

pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

8. Lee Plan Consistency

Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1 (b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

9. Concurrency

Approval of this rezoning does not constitute a finding the project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with concurrency requirements prior to issuance of a local development order.

10. Development Permits

Issuance of a development permit by Lee County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertake actions that result in a violation of state or federal law.

11. Restaurant Floor Area

Permitted restaurant gross floor area includes restaurant outdoor seating areas.

12. Development Phasing

If the development is developed in phases, each local development order site development plan must contain a tabulation that at minimum itemizes:

- a. The density of residential uses expressed in number of units for each use proposed by the development order application;
- b. The intensity of non-residential and non-hotel uses expressed in gross floor area and number of hotel rooms for each use proposed by the development order application;
- c. The cumulative total density and intensity for each use permitted by previous development order approvals;
- d. The cumulative total density and intensity for each use permitted by previous building permits; and
- e. The remaining density and intensity for each use available for future development.

#### SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from LDC §34-935(b)(2) which requires parking or internal roads or drives not be closer to the development perimeter than the width of any buffer area or landscape strip, required by Chapter 10, Chapter 33, or 5 feet, whichever is greater, to allow 10 feet. This deviation is APPROVED.
2. Deviation (2) seeks relief from LDC §10-261, which requires a minimum of 216 square feet for the first 25,000 square feet of building area, and 8 square feet for every 1,000 square feet of building area, to allow a total of 144 square feet of dumpster pad area for the proposed storage facility. This deviation is APPROVED.

#### SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Community Development Memo

#### SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. The request complies with the Lee Plan;
2. The request meets the LDC and other County regulations;
3. The request is compatible with existing and planned uses in the surrounding area;
4. The request will provide access sufficient to support the proposed development intensity;
5. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
6. The request will not adversely affect environmentally critical or sensitive areas and natural resources;
7. The request will be served by urban services defined in the Lee Plan;
8. The proposed use or mix of uses is appropriate at the proposed location;
9. 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; and
10. The proposed alternatives in Deviations 1 and 2 are no less consistent with the health, safety and welfare of abutting land owners and the general public than the standard deviated from.

SECTION F. SCRIVENER'S ERRORS:

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

Commissioner Manning made a motion to adopt the foregoing resolution, seconded by Commissioner Pendergrass. The vote was as follows:

Adopted by unanimous consent.

|                   |     |
|-------------------|-----|
| John Manning      | Aye |
| Cecil Pendergrass | Aye |
| Raymond Sandelli  | Aye |
| Brian Hamman      | Aye |
| Frank Mann        | Aye |

DULY PASSED AND ADOPTED this 22nd day of January, 2020.

ATTEST:  
LINDA DOGGETT, CLERK

BY: Missy Flint  
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Brian Hamman  
Brian Hamman, Chair

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

Amanda L. Swindle

Amanda L. Swindle  
Assistant County Attorney  
County Attorney's Office

# EXHIBIT "A"

## DESCRIPTION: (PER HARRIS-JORGENSEN, LLC.)

A TRACT OR PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 34; THENCE RUN S.01°00'11"E. FOR 55.33 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE AND THE POINT OF BEGINNING; THENCE RUN N.88°56'48"E. ALONG SAID RIGHT-OF-WAY FOR 587.11 FEET TO THE INTERSECTION WITH THE CENTERLINE DESCRIPTION OF AS 60 FOOT WIDE ACCESS AND UTILITY EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 2343 AT PAGE 4018; THENCE RUN S.03°34'29"E. ALONG SAID CENTERLINE FOR 140.65 FEET TO A POINT OF CURVATURE; THENCE RUN 188.94 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 258.00 FEET, A CENTRAL ANGLE OF 41°57'34", A CHORD BEARING OF S.24°42'15"E. AND A CHORD DISTANCE OF 184.75 FEET TO A POINT OF TANGENCY; THENCE RUN S.45°41'02"E. FOR 96.34 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY OF SUMMERLIN ROAD (225 FEET WIDE); THENCE RUN S.44°18'58"W. ALONG SAID RIGHT-OF-WAY FOR 412.32 FEET TO A POINT OF CURVATURE; THENCE RUN 592.24 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 5,619.58 FEET, A CENTRAL ANGLE OF 06°02'18", A CHORD BEARING OF S.47°20'07"W. AND A CHORD DISTANCE OF 591.97 FEET TO THE INTERSECTION WITH THE WESTERLY LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE RUN N.01°00'11"W. ALONG SAID LINE FOR 1061.08 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 496,200 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF AFORESAID SECTION 34, AS BEING "ASSUMED" N.01°00'11"W.



PHILLIP M. MOULD  
LS#6515  
NOVEMBER 26, 2018

Applicant's Legal Checked  
by DM 4/10/19

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COMMUNITY DEVELOPMENT

DCI 2018-10019

SKETCH TO ACCOMPANY DESCRIPTION  
**A PARCEL OF LAND LYING  
 IN SECTION 34**

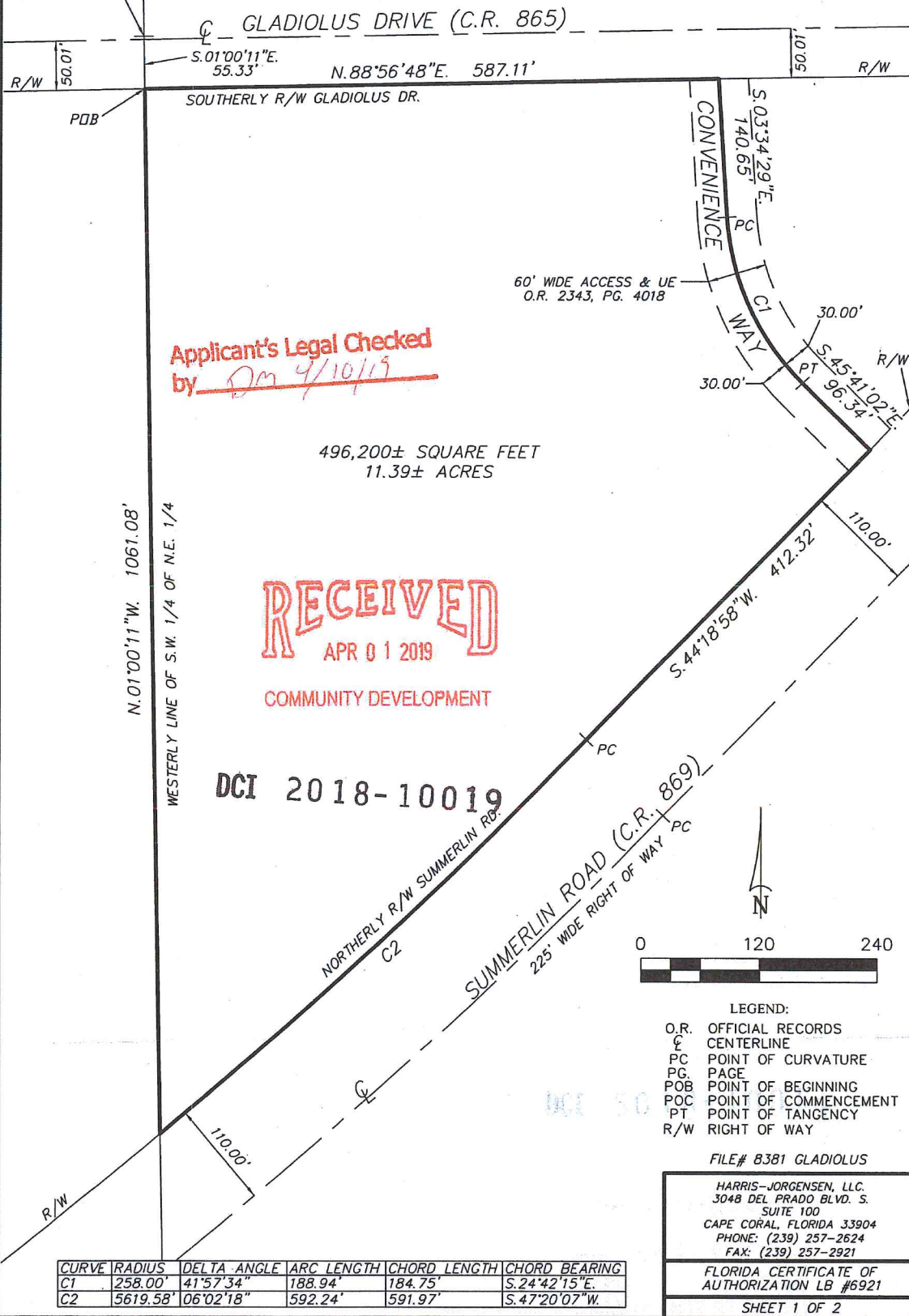
TOWNSHIP 45 SOUTH, RANGE 24 EAST  
 LEE COUNTY, FLORIDA

DCI 2018-10019

**THIS IS NOT A SURVEY**

SEE SHEET 2 OF 2, EXHIBIT "A"

POC  
 N.W. CORNER OF  
 S.W. 1/4 OF N.E. 1/4  
 SEC. 34-45-24



Applicant's Legal Checked  
 by Dm 9/10/19

496,200± SQUARE FEET  
 11.39± ACRES

**RECEIVED**  
 APR 01 2019

COMMUNITY DEVELOPMENT

DCI 2018-10019

LEGEND:

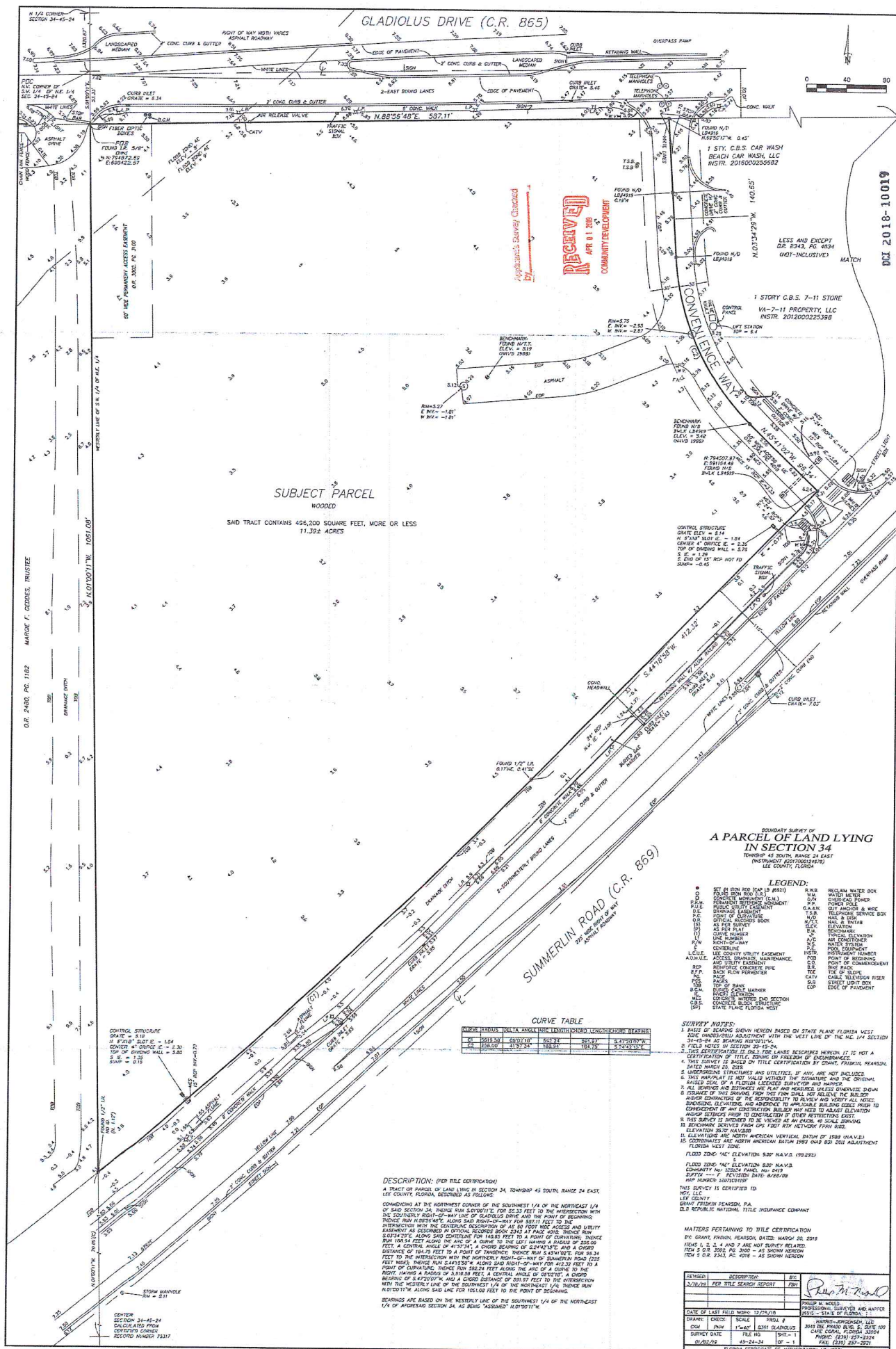
O.R. OFFICIAL RECORDS  
 C CENTERLINE  
 PC POINT OF CURVATURE  
 PG. PAGE  
 POB POINT OF BEGINNING  
 POC POINT OF COMMENCEMENT  
 PT POINT OF TANGENCY  
 R/W RIGHT OF WAY

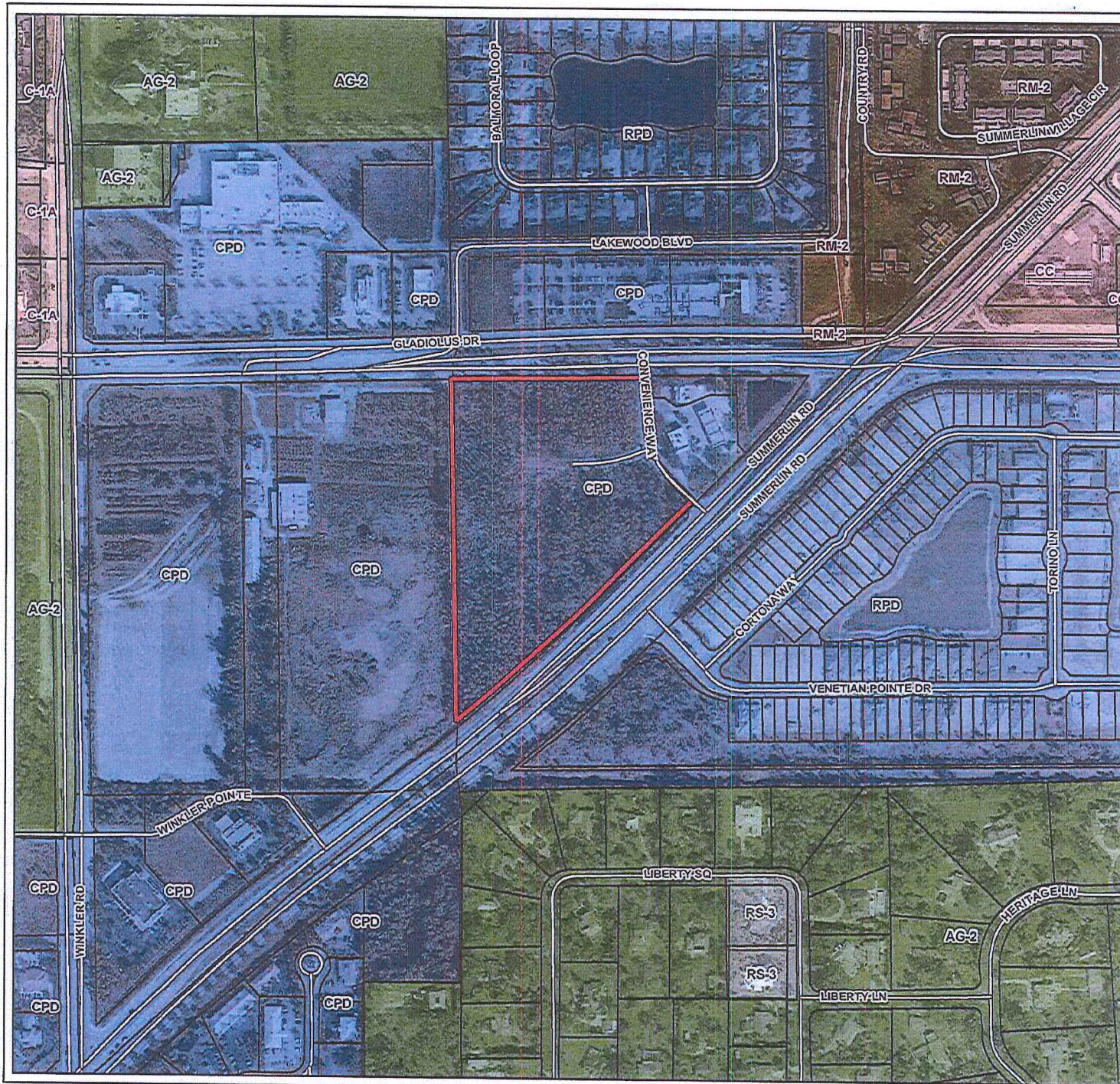
FILE# 8381 GLADIOLUS

HARRIS-JORGENSEN, LLC.  
 3048 DEL PRADO BLVD. S.  
 SUITE 100  
 CAPE CORAL, FLORIDA 33904  
 PHONE: (239) 257-2624  
 FAX: (239) 257-2921

FLORIDA CERTIFICATE OF  
 AUTHORIZATION LB #6921

SHEET 1 OF 2





# DCI2018-10019 Zoning

## Legend

Subject Parcel



0 500  
Feet



THIS PLAN IS INTENDED FOR CONCEPTUAL PLANNING PURPOSES ONLY. SITE LAYOUT, DIMENSIONS, AND LOCATIONS OF UTILITIES, SURVEY, ENVIRONMENTAL AND REGULATORY CONSTRAINTS, NOT FOR CONSTRUCTION.

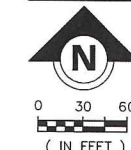
| DATE     | REVISION | DESCRIPTION                             |
|----------|----------|-----------------------------------------|
| 11/02/18 | 1        | ISSUED FOR PERMIT                       |
| 11/02/18 | 2        | REVISION: LULUE CO. PER 1ST RESUBMITTAL |
| 11/02/18 | 3        | REVISION: LULUE CO. PER 2ND RESUBMITTAL |
| 11/02/18 | 4        | REVISION: LULUE CO. PER 3RD RESUBMITTAL |

AVOLON ENGINEERING, INC.  
2503 DEL PRADO BLVD. #200  
CAPE CORAL, FLORIDA 33904  
FBPE#3128 (239) 573-2077

MCY LLC  
11000 GULF DRIVE  
SANBORN, FL 33957  
PH: (501) 541-1590  
ATT: MARC YELENCH

GLADIOLUS STORAGE  
8881 GLADIOLUS DRIVE  
LEE COUNTY, FLORIDA

CPD MASTER  
CONCEPT PLAN



# **SITE INFORMATION:**

ADDRESS: 8381 GLADIOLUS DR  
FORT MYERS FL 33908  
STRAP#: 34-45-24-00-00002.001C  
FLOOD ZONE: 'AE-9' NAVD 1988  
MIN. FINISH FLOOR ELEV = 10.00 NAVD 1988

# **SITE DATA:**

TOTAL SITE: 496,200 SF 11.39 AC± (100%)  
BUILDING AREA: 164,200 SF 3.77 AC± (33%)  
PAVEMENT AREA: 158,814 SF 3.65 AC± (31%)  
(150,978 SF NEW PVMT, 7,836 SF EX. PVMT)  
CONCRETE AREA: 940 SF 0.02 AC± (1%)  
(440 SF WALK, 144 SF DUMPSTER, 356 SF APRON)

TOTAL IMPERVIOUS AREA: 323,954 SF 7.44 AC± (65%)  
TOTAL PERVIOUS AREA: 172,246 SF 3.95 AC± (35%)  
REQUIRED MIN. OPEN SPACE: 148,860 SF 3.42 AC± (30%)  
PROVIDED OPEN SPACE: 172,246 SF 3.95 AC± (35%)  
GREEN AREA: 111,659 SF 2.56 AC±  
STORMWATER AREA: 60,587 SF 1.39 AC±

\* PLEASE NOTE THAT THE 2.56 ACRES OF PROPOSED GREEN AREA PROVIDES 75% OF THE REQUIRED 3.42 ACRES OF OPEN SPACE. THEREFORE THE PROPOSED STORMWATER MANAGEMENT AREA ACCOUNTS FOR LESS THAN 25% OF THE REQUIRED OPEN SPACE AND MEETS LDC SECTION 10-415 (d)(2)(c).

OFFICE BLDG. AREA: 1,050 SF PER FLOOR (2 STORY - 2,100 SF TOTAL)  
(CARETAKER'S RESIDENCE 1,050 SF - 2ND FLOOR)  
STORAGE AREA: 10,800 SF (1 STORY)  
(1 BLDG - (18) 40'X15' STORAGE UNITS)  
STORAGE FACILITY AREA: 152,350 SF PER FLOOR (202,600 SF TOTAL)  
(BLDG'S #1 & #2 (1) STORY, BLDG #3 (2) STORY, BLDG #4 (1) STORY)

PARKING REQUIREMENTS:  
TOTAL REQUIRED: 65 SPACES  
OFFICE: 1 SPACE/300 SF = 8 SPACES  
STORAGE: 1 SPACE/25 UNITS = 1 SPACES  
(TOTAL NUMBER OF UNITS: 18)  
STORAGE FACILITY: 1 SPACE/25 UNITS = 56 SPACES  
(TOTAL NUMBER OF UNITS: SIZE VARIES = 1,400 - ESTIMATED)

PARKING PROVIDED: 65 SPACES (INCL. 3 H/C)

DUMPSTER ENCLOSURE AREA: 144 SF \*DEVIATION REQUESTED

- LANDSCAPE BUFFER
- BUILDING SETBACK
- PROPOSED PAVEMENT SECTION
- PERIMETER LANDSCAPE \*\*

\*\* PERIMETER LANDSCAPE  
REQUIRED: 164,200 SF x 10% = 16,420 SF  
PROVIDED: 16,420 SF

# **LIST OF DEVIATIONS**

- 
- 

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JAN 03 2020  
COMMUNITY DEVELOPMENT

# **Property Development Parameters For Parcel West Side of Convenience Way**

**Building Setback**  
Front (Gladiolus Drive): 85.00'  
Front (Convenience Way): 87.88'  
Front (Summerlin Road): 53.03'  
Rear : 81.45'

**Building Heights: 35'**

**Total Building Square Footage Proposed: 215,500**

**Building Coverage Percentage: 33%**

DCI 2018-10019

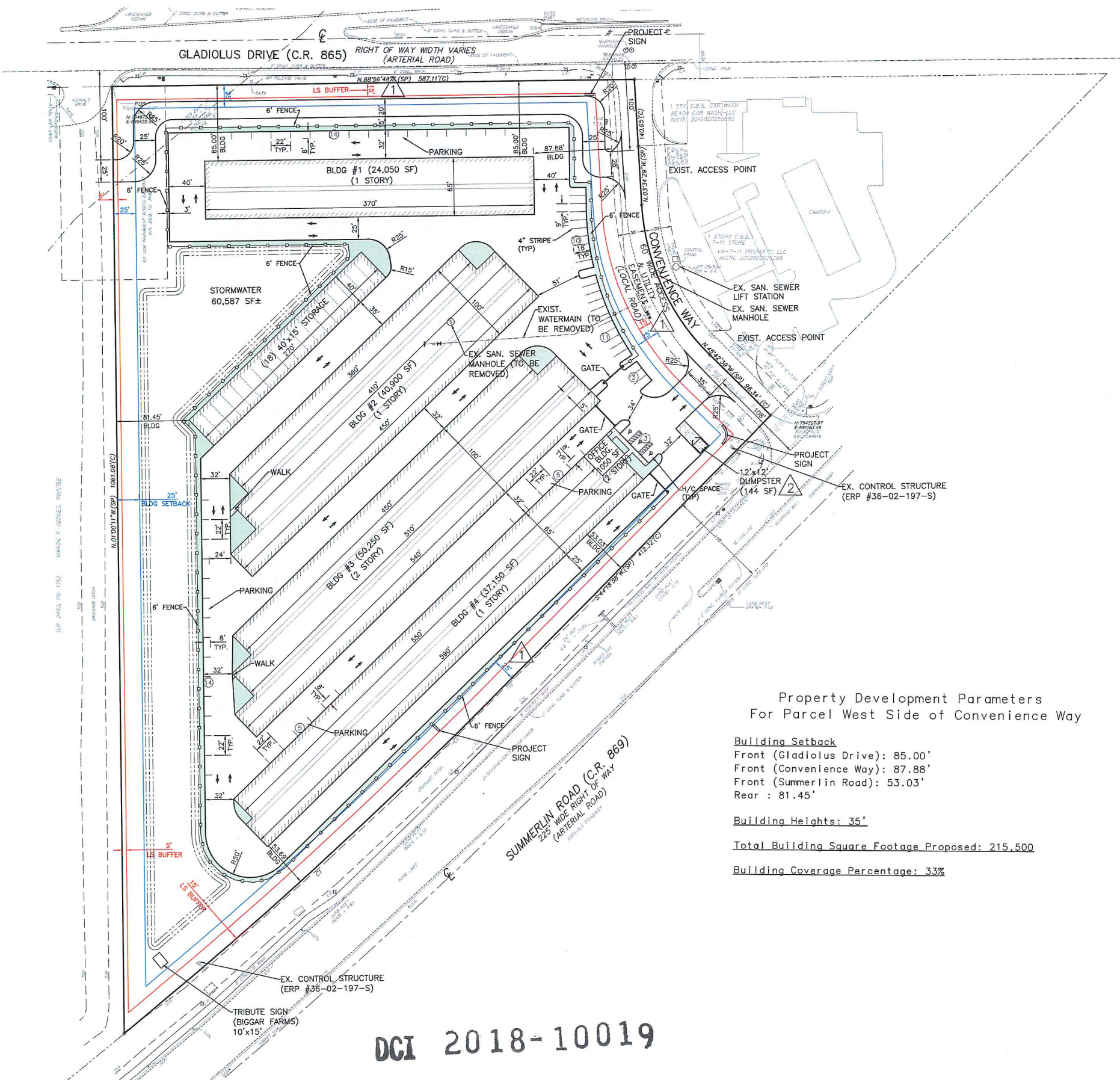


EXHIBIT D

06/05/92 12:04 2813 335 2581

DEV REVIEW

002

52 JUN -9 PM 1:01

MEMORANDUM  
FROM  
THE DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
DIVISION OF DEVELOPMENT REVIEW

DATE: 05-Jun-1992

TO: Diana Parker  
Hearing ExaminerFROM: Deborah L. Snyder, P.E.  
Professional Engineer IRE: Commercial Corners CPD (92-5-26-DCI-1). Calculation of  
Equitable Share of Intersection Improvements.

Enclosed please find the memo which lists the estimated costs for the intersection improvements of Summerlin Road and Gladiolus Drive and Gladiolus Drive and Winkler Road. Also enclosed is a worksheet which lists the equitable share percentages for this site. The total amount that this project should pay is \$23,937.97. This figure was calculated as follows:

| <u>Intersection</u> |                              | <u>Equitable<br/>Share Payment</u> |
|---------------------|------------------------------|------------------------------------|
| Summerlin/Gladiolus | $0.0268 \times \$131,563. =$ | \$ 3,525.89                        |
| Winkler/Gladiolus   | $0.1540 \times \$132,546. =$ | \$ 20,412.08                       |
|                     | TOTAL                        | \$ 23,937.97                       |

The intersection of Winkler Road and Summerlin Road is not currently planned for any modifications now or in the near future and therefore it was not included in the previous calculations.

With the inclusion of this data the record can be closed.

If there are any questions or comments do not hesitate to contact the writer at 335-2965.

DLS/lbz

Attachments,

cc: Paul J. Bangs, P.E., Director, Development Review  
Allen Ruth, P.E., D.O.T. & E.  
Larry Hildreth, P.E., Avalon Engineering  
Cynthia Butler, Division of Zoning  
James Kunard, P.E., D.O.T. & E.  
File, DCI - Commercial Corners CPD

(0752)

## DEPARTMENT OF TRANSPORTATION

## MEMORANDUM

DATE: June 4, 1992

TO: Deborah Snyder, Development Review M-1233-92

FROM: Jim Kunard *JK*

SUBJECT: Cost Estimates for Signalized Intersections on

Gladiolus Drive

Per your request I have generated a cost estimate for the intersections of Summerlin Road and Winkler Road.

As we agreed, the premise of the estimate is the difference between what facilities currently exist and what is needed and planned for right now. I understand that the intention is to establish a basis for fair share contributions for new local developments that affect the intersections.

The results of my calculations are:

Winkler Road intersection: \$132,546.

Summerlin Road intersection: \$131,563.

Winkler Road is higher because there is a greater difference between what exists and what is planned.

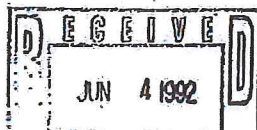
Attached please find a copy of my calculations containing the premises of the estimate.

If you have any questions or comments, please call me at extension 2854.

JJK/cob

cc: File 17  
B. McGrath

(6921k)



|                                   |                    |                                                                                     |                                 |
|-----------------------------------|--------------------|-------------------------------------------------------------------------------------|---------------------------------|
| LEE COUNTY<br>D. C. D.            | Computed By<br>AKS | SUBJECT CALCULATION OF EQUITABLE<br>SHARE PERCENTAGES FOR<br>COMMERCIAL CORNERS CPD | SHEET: 1 OF 1                   |
| DIVISION OF<br>DEVELOPMENT REVIEW | Checked By         |                                                                                     | DATE: MAY 26/92<br>DWG. NO. N/A |

EQUITABLE SHARE PERCENTAGE =  $\frac{[PM\ PEAK\ HOUR\ PROJECT\ TRAFFIC]}{[TOTAL\ TRAFFIC\ IN\ INTERSECTION]}$

$$GLADIOLUS \& WINKLER = \frac{386}{386 + 2121} = 15.40\%$$

$$SUMMERLIN \& GLADIOLUS = \frac{149}{149 + 5404} = 2.68\%$$

$$SUMMERLIN \& WINKLER = \frac{119}{119 + 3933} = 2.94\%$$

SEE ATTACHED SHEETS FOR TRAFFIC VOLUMES