DSO ADMINISTRATIVE DEVIATION
LEE COUNTY, FLORIDA

WHEREAS, Quattrone & Associates, Inc., has filed an application for approval of an administrative deviation from the technical requirements of the Lee County Land Development Code, for property located at 17801 - 17831 South Tamiami Trail, Fort Myers, FL; and

WHEREAS, the applicant has indicated that the property's current STRAP number is 07-46-25-00-00009.0010; and

WHEREAS, the property is zoned C-1A (Commercial) and C-2 (Commercial) and is located in the Urban Community Land Use Map designation in Lee County; and

WHEREAS, an application for an administrative deviation from the technical requirements of Chapter 10 of the Lee County Land Development Code has been filed; and

WHEREAS, Lee County Land Development Code, as amended, provides for administrative deviations from certain technical requirements for matters involving streets, access streets, intersections, rights-of-way, drainage swales, public water, public sewer, water mains, mass transit facilities, setbacks for water retention/detention excavations, indigenous native vegetation and similar matters not related to a change in use of the property in question; and

WHEREAS, the applicant has submitted a development order (DOS2021-00129) to construct mini-storage and contractor/builder offices on the subject parcel; and

WHEREAS, the site is designed to have security fencing around the developed area and/or between individual buildings and will only have one access onto Babcock Road; and

WHEREAS, a deviation is requested in the C-1A and C-2 zoning districts from Lee County Land Development Code Section 10-610(e), which requires adjacent commercial uses to provide parking lot interconnects for automobile, bicycle, and pedestrian traffic to not require the parking lot interconnections between the subject parcel and the parcel to the north as shown on the deviation exhibit enclosed as Exhibit “B”; and

WHEREAS, the requirement to provided the parking lot interconnections given the proposed uses of mini-storage and contractor/builder offices, is not conducive to the safety, health, and welfare of the general public or security of the subject site; and

WHEREAS, the applicant has requested the a deviation from Lee County Land Development Code Section 10-610(e); and

WHEREAS, the following findings of fact are offered:

(a) That the proposed alternative to not require parking lot interconnections is based on sound engineering practice in consideration of the following criteria:

i. The subject parcel is 9.2 acres and only requires one access point in accordance with Land Development Code Section 10-291.

ii. Given the proposed uses (mini-storage and contactor builder offices) security of the site is an significant concern. The requirement to provide the interconnection will encourage cross access to the site and negatively impact site security.

(b) That said proposed alternative is no less consistent with the health, safety, and welfare of abutting land owners and the general public than the standard from which the deviation was requested; and

i. The requirement to provide parking lot interconnections will encourage public cross access on the subject site which will negatively impact the health, safety and welfare of the general public.

ii. The proposed uses are not retail uses where the interconnection of parking lots is encouraged.

(c) The granting of the deviation is not inconsistent with any specific directive of the Board of County Commissioners, any other ordinance, or any Lee Plan Provision.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Administrative Deviations in the C-1A and C-2 district from Lee County Land Development Code Sections 10-610(e) is approved as conditioned:

(a) That approval is subject to substantial compliance with the administrative deviation plan entitled “The Toy Vault”, signed and sealed by Michelle A. Salberg, dated 01/19/2022 and attached as Exhibit “B”; and

(b) Any future redevelopment of the site, other than the proposed development in DOS2021-00129, will require the applicant to meet the requirements of LDC 10-610(e). This condition does not apply to the future development area (1.51 acres) shown on the attached Exhibit “B”; and

(c) 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, adopted, and electronically signed on 2/7/2022

Jessica Sulzer, PE, Manager

Exhibits
Exhibit A – STRAP Number
Exhibit B – The Toy Vault", signed and sealed by Michelle A. Salberg, dated 01/19/2022

Exhibit A

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF SECTION 7, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE AFORESAID SECTION 7; THENCE S01°04'22"E ALONG THE EAST LINE OF SAID SECTION 7 A DISTANCE OF 642.65 FEET TO THE **POINT OF BEGINNING**; THENCE N78°28'25"W PARALLEL WITH THE NORTHERLY LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7 A DISTANCE OF 777.80 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 45 (U.S. 41-TAMIAMI TRAIL, 210.00 FEET WIDE); THENCE S20°35'30"E ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 340.27 FEET; THENCE N69°24'30"E ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 10.99 FEET; THENCE S20°35'30"E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 543.07 FEET; THENCE N69°23'39"E ALONG SAID FRACTIONAL LINE A DISTANCE OF 481.27 FEET TO A POINT ON THE EAST LINE OF THE AFORESAID SECTION 7; THENCE N01°04'22"W ALONG SAID SECTION LINE A DISTANCE OF 498.33 FEET TO THE **PLACE OF BEGINNING**.

CONTAINING 9.20 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1) BEARINGS SHOWN HEREON ARE BASED UPON FIXING THE EAST RIGHT-OF-WAY LINE OF U.S. 41 AS S20°35'30"E.

2) THIS MAP IS NOT VALID WITHOUT EITHER THE SIGNATURE AND THE ORIGINAL RAISED SEAL, OR A VALIDATED ELECTRONIC SIGNATURE, OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

3) SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

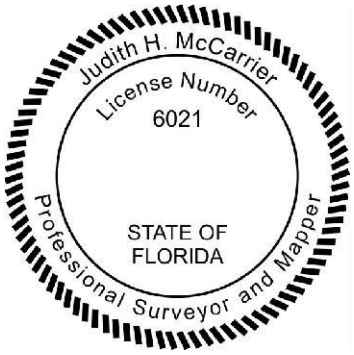
REVIEWED
ADD2021-00212
Rick Burris, Principal Planner
Lee County DCD/Planning
1/13/2022

PREPARED BY:

Judith H McCarrier, PSM
License No. 6021
State of Florida

2021.12.13 09:32:50 -05'00'

JUDITH H. McCARRIER
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NO. 6021



THIS IS NOT A BOUNDARY SURVEY.

SEE SHEET 2 OF 2 FOR SKETCH.

J H McCARRIER LAND SURVEYING, INC.
Licensed Business No. 7027

2460 SUNRISE BOULEVARD
FORT MYERS, FLORIDA 33907
Phone:(239) 277-7821

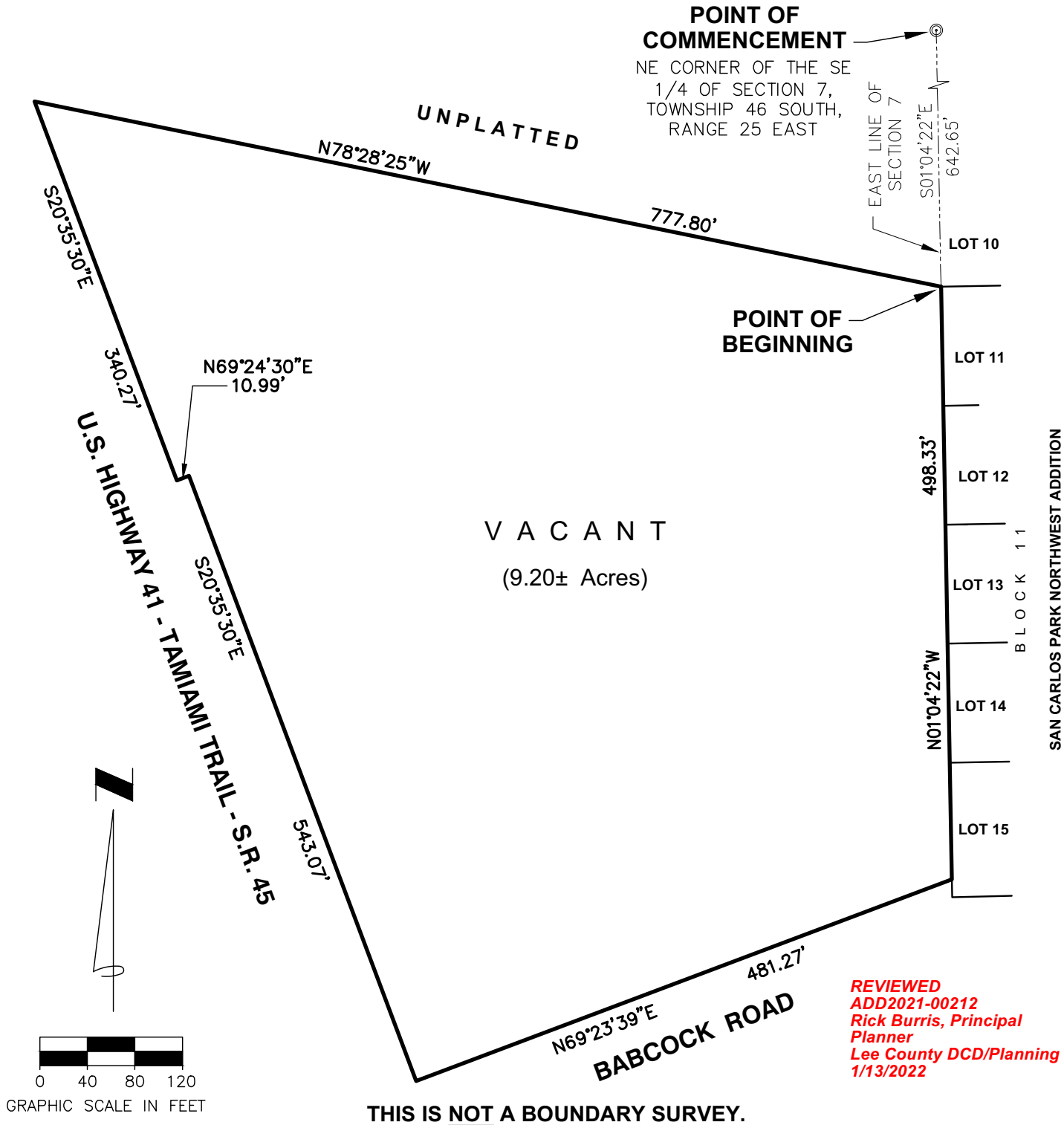
PROJECT

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
' THE TOY VAULT '

SECTION 7, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

CLIENT
QUATTRONE & ASSOCIATES, INC.
4301 VERONICA SHOEMAKER BLVD
FORT MYERS, FLORIDA 33916
Phone: (239) 936-5222

SCALE	DATE
N.A.	DEC. 13, 2021
FILENAME: SCTC_S&L.dwg	PROJECT NO.: 19-060.10
DRAWN BY: JHM / CHECKED BY: JHM	SHEET 1 OF 2



REVIEWED
ADD2021-00212
Rick Burris, Principal Planner
Lee County DCD/Planning
1/13/2022

THIS IS NOT A BOUNDARY SURVEY.

SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION, SURVEYOR'S NOTES & CERTIFICATION.

J H McCARRIER LAND SURVEYING, INC.
Licensed Business No. 7027

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PROJECT

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

' THE TOY VAULT '

SECTION 7, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

CLIENT
QUATTRONE & ASSOCIATES, INC.
4301 VERONICA SHOEMAKER BLVD
FORT MYERS, FLORIDA 33916
Phone: (239) 936-5222

SCALE	DATE
1"=120'	DEC. 13, 2021
FILENAME: SCTC_S&L.dwg	PROJECT NO. 19-060.10
DRAWN BY: JHM / CHECKED BY: JHM	SHEET 2 OF 2

ADD2021-00212 Lee County ePlan

Exhibit "B"

THE TOY VAULT

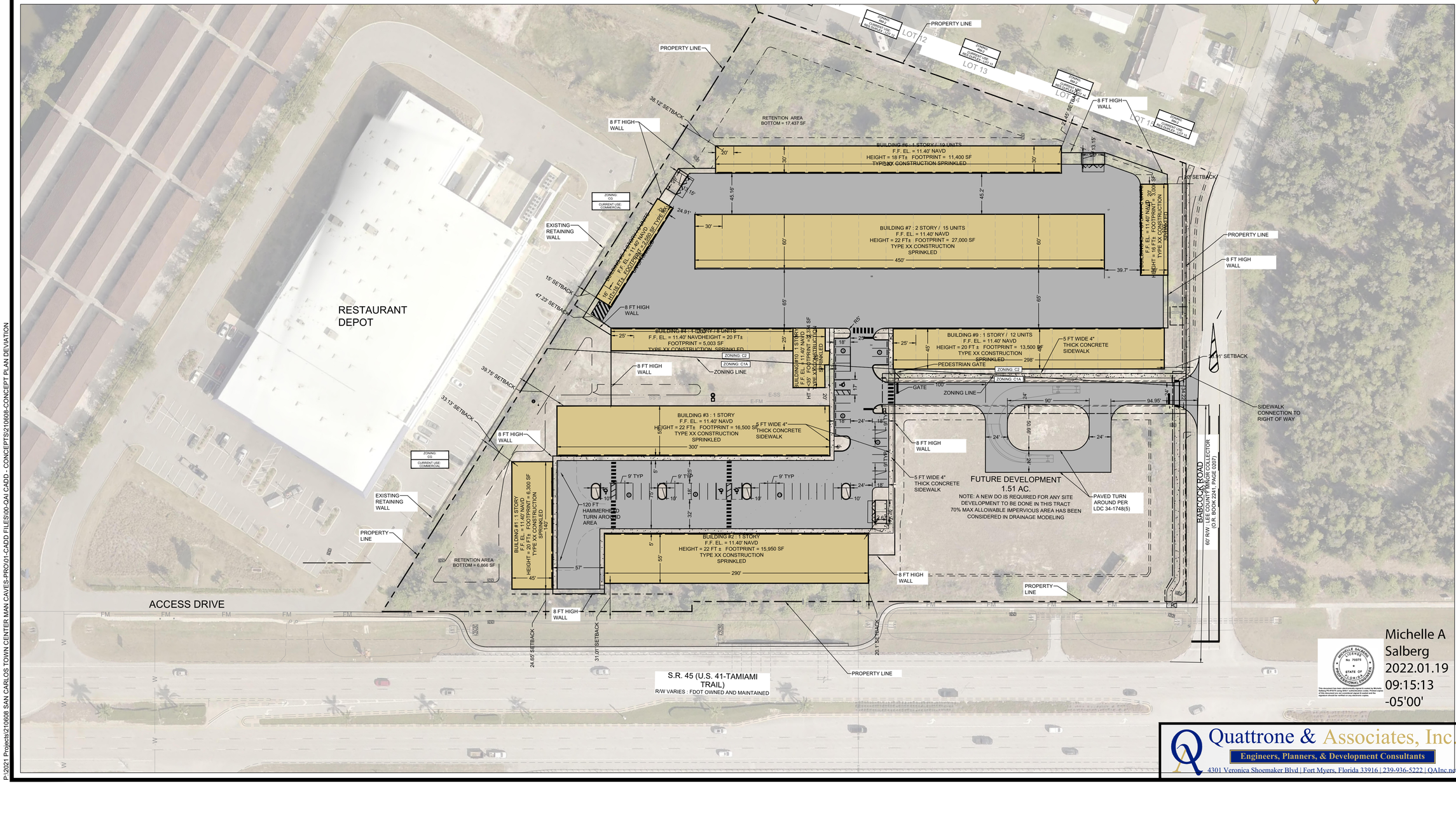
LOCATED IN SECTION 07, TOWNSHIP 46S, RANGE 25E, LEE COUNTY, FLORIDA

ADMINISTRATIVE DEVIATION PLAN

N

0' 50' 100'

PLAN VIEW SCALE



Michelle A Salberg 2022.01.19 09:15:13 -05'00'

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd | Fort Myers, Florida 33916 | 239-936-5222 | QAInc.net

P:\2021 Projects\210608 SAN CARLOS TOWN CENTER MAN CAVES-PRO\01-CADD FILES\00-QAI CADD - CONCEPTS\210608-CONCEPT PLAN DEVIATION