

Administrative Deviation: **ADD2022-00073**

**DSO ADMINISTRATIVE DEVIATION
LEE COUNTY, FLORIDA**

WHEREAS, Carlos and Cecilia Solano, 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 2308 Joel Boulevard, Alva, FL; and

WHEREAS, the applicant has indicated that the property's current STRAP number is 02-44-27-00-00000.101E; and

WHEREAS, the property is zoned CC (Community Commercial) and is located in the Urban Community Future 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, Joel Boulevard is a county-maintained principal arterial roadway with a speed limit of 55 miles-per-hour; and

WHEREAS, Lee County Land Development Code Section 10-285(a) requires the greater separation requirement to be used when different future land use categories exist on opposite sides of the road; and

WHEREAS, the property on the opposite side of Joel Boulevard is in the Rural future land use category; and

WHEREAS, Lee County Land Development Code Section 10-285(a), Table 1 requires a connection separation distance of 660 feet on principal arterial roadways with a speed limit greater than 45 miles-per-hour in future non-urban areas;

WHEREAS, a deviation is requested in the CC district from Lee County Land Development Code Section 10-285(a), Table 1 which requires an intersection connection separation distance of 660 feet for principal arterials roadways in future non-urban areas with a speed limit of 55 miles-per-hour to allow a connection

separation of 203 feet as shown on the attached site plan enclosed as Exhibit "B"; and

WHEREAS, Lee County Department of Transportation (LCDOT) has reviewed the requested administrative deviation and has no objection; and

WHEREAS, the proposed access has been located as far north on the subject parcel as possible to provide the maximum connection separation to East 23rd Street; and

WHEREAS, the applicant has requested a deviation to the connection separation requirements in Land Development Code Section 10-285(a), Table 1; and

WHEREAS, the following findings of fact are offered:

- (a) That the proposed alternative to allow a minimum connection separation distance of a connection separation of 203 feet from East 23rd Street is based on sound engineering practice in consideration of the following criteria:
 - i The proposed access is located to provide the maximum connection separation with East 23rd Street.
 - ii Lee County Department of Transportation has reviewed the requested deviation and has no objection.
- (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 request access is located to provide the maximum connection separation possible while providing access to the subject parcel.
- (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 CC district from Lee County Land Development Code Sections 10-285(a), Table 1 is approved as conditioned:

- (a) That approval is subject to substantial compliance with the site plan entitled "Solano Take-Out Café", signed and sealed 11/23/2021 by Robert W. Case and attached as Exhibit "B"; and
- (b) 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 5/24/2022

Jessica Sulzer, PE, Manager, for Audra Ennis, Zoning Manager

Exhibits

Exhibit A – STRAP Number

*Exhibit B – Site Plan, Solano Take-Out Café, signed and sealed 11/23//2021 by
Robert W. Case*

Exhibit A

CASE NUMBER: ADD2022-00073

STRAP NUMBER

02-44-27-00-00000.101E

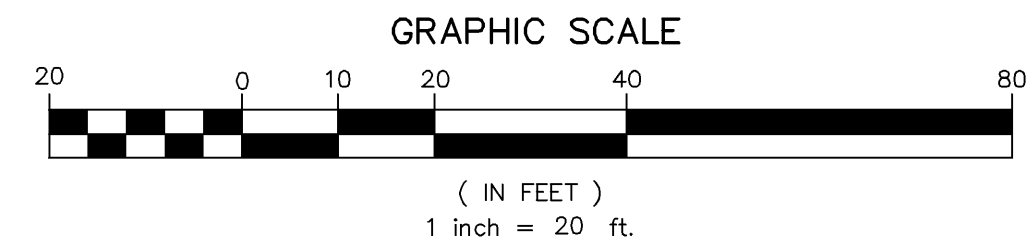
REVIEWED
ADD2022-00073
Hunter Searson, GIS
Planner
Lee County Government
5/16/2022

GENERAL NOTES

1. COASTAL SETBACK LINES DO NOT APPLY TO THIS PARCEL.
2. THERE ARE NO APPARENT ENVIRONMENTALLY SENSITIVE LANDS ONSITE.
3. NO BURROWING OWL NESTS EXIST ON THIS PARCEL.
4. THERE WILL BE NO ADVERSE IMPACTS TO GROUND OR SURFACE WATERS, WETLANDS, FLOODPLAINS OR RIVERINE AREAS OR KNOWN ARCHEOLOGICAL SITE EXPECTED BY THE DEVELOPMENT OF THIS SITE.
5. ALL ELEVATIONS ARE BASED UPON NAVD 1988.
6. SOD ALL SWALES, BERMS, RETENTION/DETENTION AREAS, AND SLOPES WITHIN LIMITS OF CONSTRUCTION.
7. WATER SERVICE SHALL BE BY CONNECTION TO WELL.
8. SANITARY SEWER SERVICE SHALL BE BY CONNECTION TO SANITARY SEWER SEPTIC SYSTEM.
9. THIS PARCEL IS ZONED "CC".
10. THIS PROJECT LIES IN THE LEHIGH ACRES FIRE CONTROL DISTRICT.
11. FUTURE LAND USE CLASSIFICATION ""
12. THE EXISTING VEGETATIVE COVER IS UNDISTURBED.
13. THIS PROJECT WILL BE CONSTRUCTED IN ONE PHASE AS SHOWN ON THESE PLANS.
14. ANY DEVIATIONS FROM THESE PLANS BY THE OWNER OR CONTRACTOR REQUIRES PRIOR APPROVAL OF THE ENGINEER.

15. THE ENGINEER CERTIFIES THAT THE SITE CAN BE USED SAFELY FOR BUILDING PURPOSES, WITHOUT UNDUE DANGER FROM FLOOD OR ADVERSE SOIL OR FOUNDATION CONDITIONS. PROVIDED ALL APPROPRIATE BUILDING CODES ARE FOLLOWED.
16. THE CURRENT FLORIDA LAND USE AND COVER CLASSIFICATION FOR THIS SITE IS SITE IS 2110 AND 2120 IMPROVED/UNIMPROVED PASTURES
17. FIRM RATE FLOOD ZONE "X".
18. NO RESIDENTIAL UNITS ARE PROPOSED.
19. SOIL CLASSIFICATION FOR THIS PARCEL IS SCS #33 OLSMAR SAND. THE PARCEL IS NOT SUBJECT TO FRESHWATER PONDING OR SALTWATER INUNDATION.
20. EACH CONTRACTOR WILL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS PRIOR TO THE START OF ANY CONSTRUCTION.
21. DEVELOPMENT REGULATIONS
SETBACKS
PRINCIPAL STRUCTURE
FROM NORTH PROPERTY LINE: 43.91 FT (15.0' REQUIRED)
FROM SOUTH PROPERTY LINE: 20.0 FT (15.0' REQUIRED)
FROM WEST PROPERTY LINE: (FROM STREET: JOEL BOULEVARD) 75.23 FT (25.0' REQUIRED)
FROM EAST PROPERTY LINE: 99.49 FT (25.0' REQUIRED)
STRUCTURE HEIGHT: 18 FT. (A.F.F.), 35 MAX. PER CODE

22. THERE APPEAR TO BE NO JURISDICTIONAL WETLANDS PRESENT ON SITE.
23. THIS PARKING LOT WILL NOT BE USED AT NIGHT.
24. A MIN. OF EIGHTY (80) SF OF GARBAGE COLLECTION AND FORTY EIGHT (24) SF OF RECYCLABLE COLLECTION SHALL BE PROVIDED ON SITE PER B.O.C.C. ORDINANCE NO. 08-10.
25. WHERE BURNING OF DEBRIS IS ALLOWED, CONTRACTOR IS RESPONSIBLE FOR OBTAINING PERMITS FROM FORESTRY SERVICE, FIRE DEPT. AND DEP WHEN APPLICABLE.
26. A 24 HOUR MINIMUM NOTICE PERIOD IS REQUIRED FOR INSPECTIONS.
27. CONTRACTOR TO FOLLOW THE INSPECTION AND NOTIFICATION REQUIREMENTS OF THE LEE COUNTY LAND DEVELOPMENT CODE.
28. INVASIVE EXOTICS DO NOT EXIST ON SITE AT THIS TIME - AS PER ORDINANCE 90-06 THE SITE SHALL BE MAINTAINED FREE FROM INVASIVE EXOTICS (AUSTRALIAN PINE, BRAZILIAN PEPPER MELALEUCA, DOWNY ROSEMYRTLE & EARLEAF ACACIA). THIS SITE SHALL BE MAINTAINED FREE OF THESE SPECIES IN PERPETUITY. METHOD OF REMOVAL SHALL BE BY HAND TOOLS OR MECHANICAL EQUIP.
29. LEE COUNTY STRAP NO. 02-44-27-00-00000.101E
30. ANY PROJECT IDENTIFICATION SIGNS INSTALLED ON THE PROPERTY WILL BE IN ACCORDANCE WITH LEE COUNTY ORDINANCE #85-26 AND ANY AMENDING ORDINANCES. SIGN DESIGN CRITERIA AND INFORMATION WILL BE SUPPLIED AT THE TIME OF SIGN PERMIT APPLICATION.



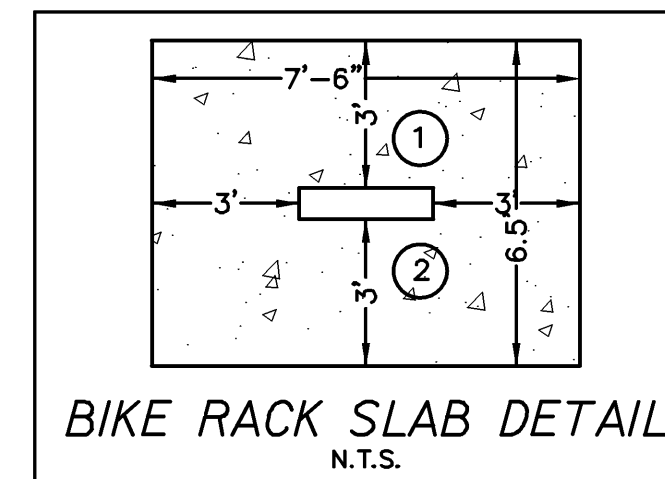
PARKING CALCULATIONS

GENERAL CATEGORY: CAFE

14 SPACES PER 1,000 SF OF TOTAL FLOOR AREA
900 SF / 1,000 SF = 12.6
TOTAL SPACES REQUIRED = 13 SPACES
TOTAL SPACES PROVIDED = 13 SPACES
(INCLUDES 1 HANDICAP SPACE)

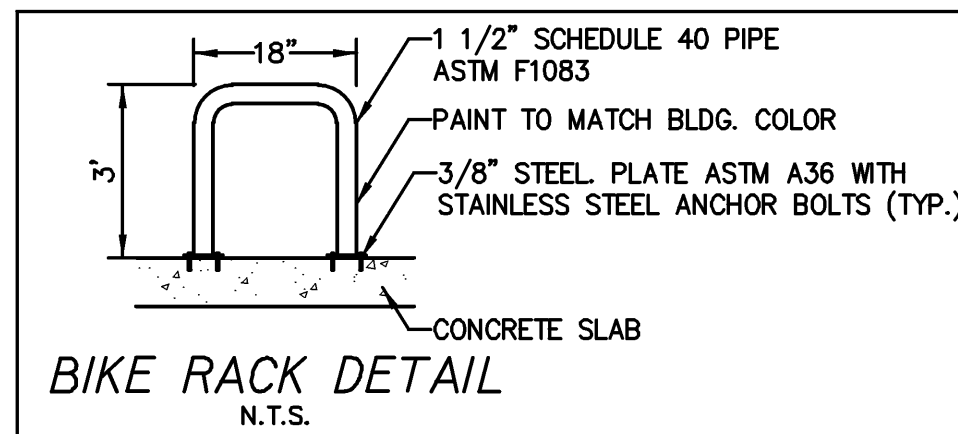
LAND USE TABLE

Description	Square Feet	Acres	% of Project
Project Site Area	20,013 SF	0.46 Ac	100%
Proposed Building Area	900 SF	0.02 Ac	4%
Proposed Covered Porch Area	781 SF	0.02 Ac	4%
Proposed Pavement/Concrete Areas	10,288 SF	0.24 Ac	52%
Proposed Impervious Area	11,969 SF	0.28 Ac	60%
Total Impervious Area	11,969 SF	0.28 Ac	60%
Total Pervious Area	8,044 SF	0.18 Ac	40%



BIKE RACK CALCULATIONS

PER LDC 10-601(3)A
REQUIRED=5% OF THE REQUIRED MOTOR VEHICLE SPACES
MOTOR VEHICLE PARKING SPACES REQUIRED = 14 SPACES
14 SPACES X (5%) = 1
2 BIKE RACK SPACES ARE REQUIRED
2 BIKE RACK SPACES ARE PROVIDED



1. A BICYCLE PARKING FACILITY SUITED TO A SINGLE BICYCLE MUST BE A STANDALONE INVERTED - U DESIGN MEASURING A MINIMUM OF 36 INCHES HIGH AND 18 INCHES WIDE OF ONE AND ONE-HALF-INCH SCHEDULE 40 PIPE, ASTM F 1083 BENT IN ONE PIECE ("BIKE RACK"), MOUNTED SECURELY TO THE GROUND BY A THREE-EIGHTHS INCH THICK STEEL BASE PLATE, ASTM A 36. SO IT IS CAPABLE OF SECURING THE BICYCLE FRAME AND BOTH WHEELS.
2. EACH BICYCLE PARKING SPACE MUST HAVE A MINIMUM OF THREE FEET OF CLEARANCE ON ALL SIDES OF THE BIKE RACK.
3. BICYCLE PARKING SPACES MUST BE SURFACED WITH MATERIALS CONSISTENT WITH THOSE APPROVED FOR THE MOTOR VEHICLE PARKING LOTS, LIGHTED AND LOCATED NO GREATER THAN 100 FEET FROM THE BUILDING ENTRANCES PROVIDING ACCESS TO THE PUBLIC.

- PAVED PARKING LOTS:**
1. PARKING SPACES MUST BE DELINEATED BY ALL-WEATHER PAINTED LINES, OR THERMOPLASTIC STRIPING, NOT LESS THAN FOUR INCHES IN WIDTH, CENTERED ON THE DIVIDING LINE BETWEEN SPACES.
- PARKING SPACES FOR PERSONS WITH DISABILITIES MUST BE PROMINENTLY OUTLINED WITH BLUE PAINT, AND MUST BE REPAINTED WHEN NECESSARY TO BE CLEARLY DISTINGUISHABLE AS A PARKING SPACE DESIGNATED FOR PERSONS WHO HAVE DISABILITIES. SIGNS ERECTED AFTER OCTOBER 1, 1996 MUST INDICATE THE PENALTY FOR ILLEGAL USE OF THE SPACE.

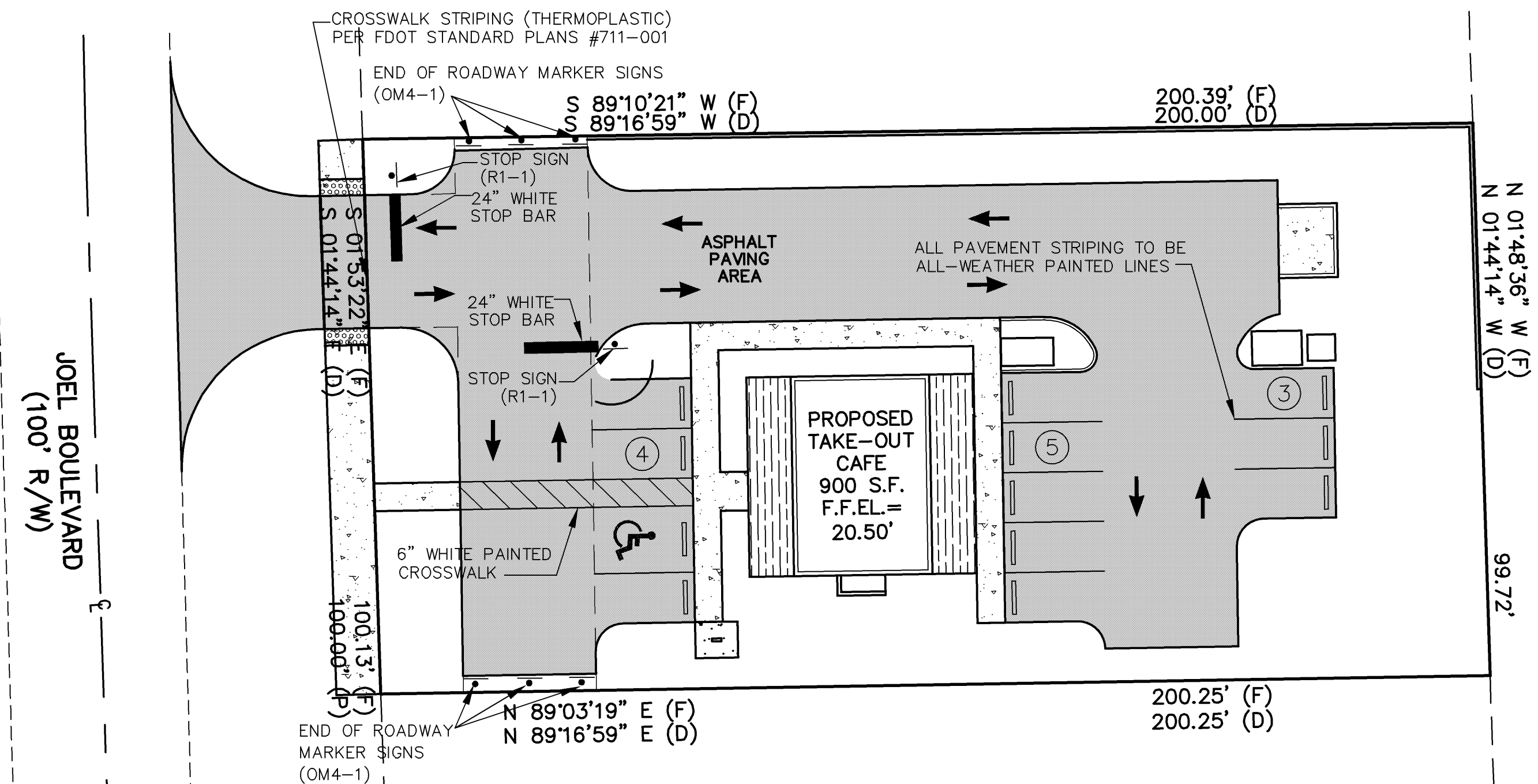


Exhibit "B"

SOLANO TAKE-OUT CAFE
2308 JOEL BOULEVARD, ALVA, FLORIDA 33920
SITE DIMENSIONING PLAN

SCALE: 1" = 20'-0"
DATE: NOV. 1, 2021
SHEET: C2

LIS ENGINEERING, LLC
RESIDENTIAL & COMMERCIAL
ENGINEERING & DESIGN SERVICES
CA NO. 6553
CA REG. 26805
PH: 239-699-9264
FAX: 239-699-9266
WWW.LIS-FL.COM

ROBERT W. CASE
FLORIDA P.E. #44643
DATE: 2021.11.23
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