ADD2022-00007 Lee County ePlan

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Paul Sevene with 12971 McGregor Blvd. filed an application for administrative variances on a 0.99-acre property zoned Commercial District (C-1A), for a project known as Tommy's Express Car Wash, to request deviations from:

- LDC Sec. 34-1353(d)(1) to reduce the setback from McGregor Blvd. from 50 feet to 25 feet.

- LDC Sec. 10-285(a) to reduce the connection separation for the proposed driveway (NE access) from 40 feet from the internal shopping plaza intersection to 30 feet.

- LDC Sec. 34-1353(e)(1) and (2), to allow a buffer with a 5-foot minimum width and no berm abutting an internal access way along the eastern property line and relief to allow shrubs within the 5-foot buffer to be located within the existing LCU easement, where a 15-foot-wide buffer with five trees per 100 linear feet is required where development abuts an internal access way to a commercial development.

WHEREAS, the site is located at 12971 McGregor Boulevard (STRAP: 16-45-24-00-00013.003A), as described in the legal description (Exhibit A); and

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

WHEREAS, the subject property is located within the Mixed-Use Overlay in accordance with the Lee Plan; and

WHEREAS, the Mixed-Use Overlay allows reduced open space and landscaping per LDC 10-425; and

WHEREAS, the Mixed Use Overlay requirements cannot be applied if a use, such as a car wash, is listed in LDC Section 10-424; therefore, the applicant must comply with LDC Section 34-1353; and

WHEREAS, an application for approval of an administrative variance has been filed pursuant to LDC Section 34-174(a); and

WHEREAS, pursuant to LDC Section 34-1354, commercial or industrial-zoned properties less than three acres in size may obtain administrative relief from Section 34-1353 to facilitate new development; and

WHEREAS, the subject parcel is less than three acres; therefore, variances #1, #2, and #3 may be reviewed administratively; and

WHEREAS, the applicant is proposing to redevelop the site per the site plan received June 7, 2022 (Exhibit B); and

WHEREAS, LDC Section 34-1353(d)(1) requires a 50-foot right-of-way setback; and

WHEREAS, the applicant has requested Variance #1 to reduce the right-of-way setback from 50 feet to 25 feet; and

WHEREAS, Lee County Development Services and DOT staff has reviewed and offered no objection to the request; and

WHEREAS, the applicant has requested Variance #2 from LDC Section 10-285, which requires a minimum intersection separation distance of 40 feet between internal accessways in future urban areas; and

WHEREAS, the applicant is proposing a new access point 30 feet away from the shopping plaza four-way stop; and

WHEREAS, Development Services staff has reviewed and approved the request without conditions; and

WHEREAS, the applicant has requested Variance #3 from LDC Section 34-1353(e)(1) and (2), to allow a buffer with a 5-foot minimum width and no berm abutting an internal access way along the eastern property line; and

WHEREAS, Environmental Sciences (ES) zoning staff has reviewed the request to ensure that adequate screening is provided within the five-foot-wide buffer in order to provide separation between the subject property and the access to the shopping plaza; and

WHEREAS, ES zoning staff has provided a condition stating that the applicant must provide a single hedge that is installed three-foot-on-center and at 48-inches-in-height and must be maintained at 60 inches; and

WHEREAS, the five-foot-wide buffer is proposed within a Lee County Utilities (LCU) easement; and

WHEREAS, LDC Section 10-421(a)(5) states that no required landscaping may be proposed in any utility or drainage easement, unless the easement holder provides a written statement of consent; and

WHEREAS, LCU has provided a written statement allowing the single hedge to be planted within the LCU easement (Exhibit C); and

WHEREAS, if LCU impacts the required buffer hedge, the applicant is responsible for replacing the landscaping per condition #2; 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 procedures; and

WHEREAS, it is found that there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question; the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden; the granting of the variance will not be injurious to the neighborhood or public welfare; and the site will be brought into greater compliance with 34-1353 given the existing site constraints.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative relief to facilitate redevelopment on the subject property is **APPROVED subject to the following conditions:**

1. **Development must be in substantial compliance with the Site Plan received June 7, 2022 and attached hereto as Exhibit B.**

2. **Prior to the issuance of a development order, the landscape plans must depict a five-foot-wide buffer along the east property line abutting Bridge Plaza. The plant specifications must depict 48-inch-in-height shrubs proposed to be installed three-foot-on-center and maintained at 60-inches-in-height.**

3. **The proposed 5-foot buffer is allowed within the Lee County Utility (LCU) easement per Exhibit C. The buffer along Bridge Plaza is limited to only shrubs (no structures allowed) within the six-foot LCU easement. The applicant will be responsible for the replacement of the plantings within the easement area should maintenance be required within the easement.**

4. **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 Zoning Manager 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 7/22/2022

Anthony R. Rodriguez, AICP, Zoning Manager

Exhibits:

A- Legal Description
B- Site Plan
C- LCU Correspondence

EXHIBIT A

Legal Description

CASE NUMBER: ADD2022-00007

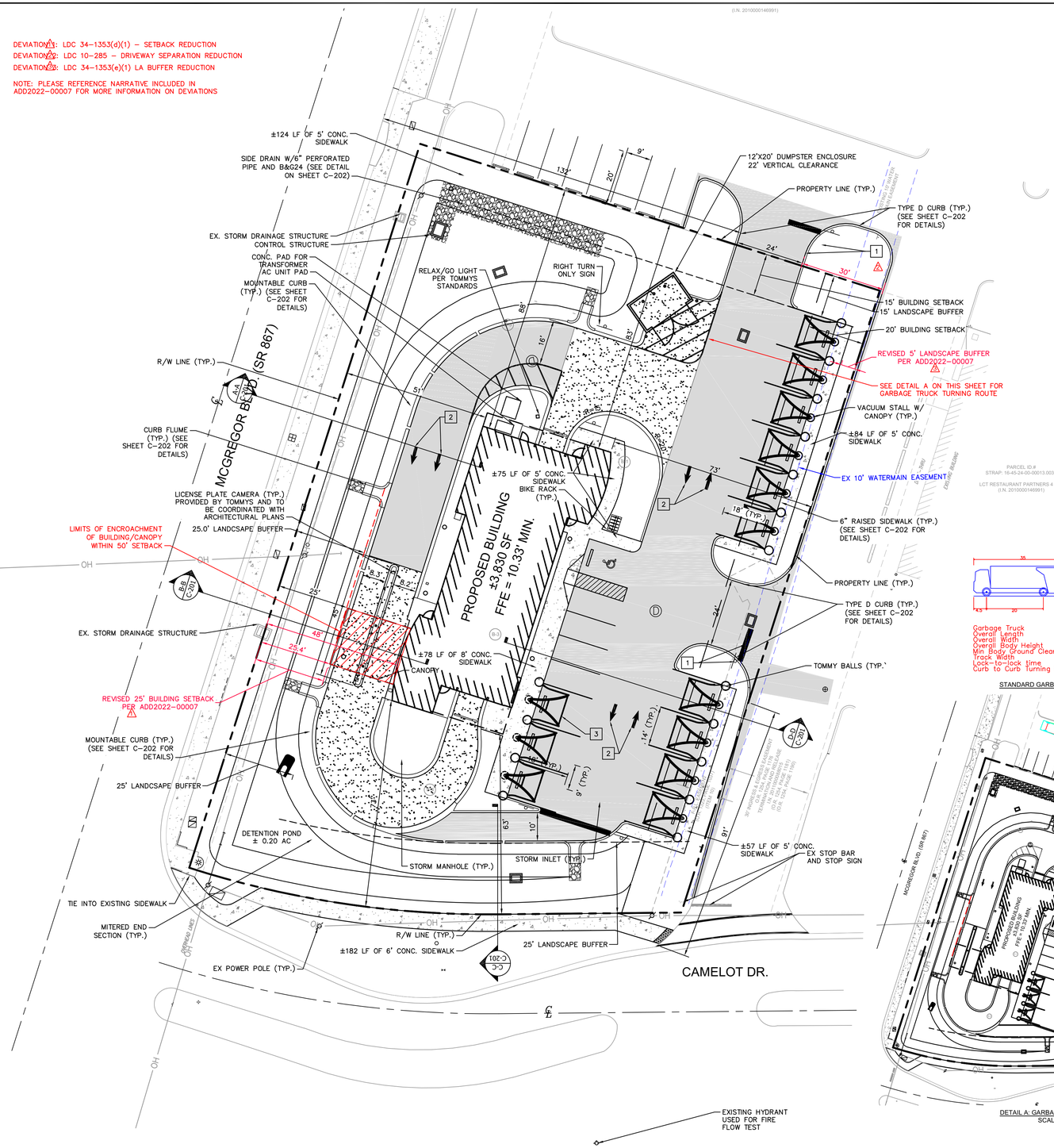
STRAP NUMBER

16-45-24-00-00013.003A

REVIEWED
ADD2022-00007
Hunter Searson, GIS Planner
Lee County Government
3/1/2022

DEVIATION 1: LDC 34-1353(d)(1) – SETBACK REDUCTION
DEVIATION 2: LDC 10-285 – DRIVEWAY SEPARATION REDUCTION
DEVIATION 3: LDC 34-1353(e)(1) LA BUFFER REDUCTION

NOTE: PLEASE REFERENCE NARRATIVE INCLUDED IN ADD2022-00007 FOR MORE INFORMATION ON DEVIATIONS



Garbage Truck

Overall Length	35.000ft
Overall Width	8.375ft
Overall Body Height	10.546ft
Min Body Ground Clearance	1.000ft
Track Width	8.375ft
Lock-to-lock time	6.00s
Curb to Curb Turning Radius	29.300ft

STANDARD GARBAGE TRUCK DETAIL

DETAIL A: GARBAGE TRUCK ROUTE
SCALE 1:60



GRAPHIC SCALE IN FEET
0 10 20 40

LEGEND

- PROPERTY BOUNDARY
- PROPOSED ASPHALT PAVEMENT (SEE PAVING GRADING AND DRAINAGE PLAN FOR DETAILS)
- PROPOSED CONCRETE PAVEMENT/SIDEWALK (SEE PAVING GRADING AND DRAINAGE PLAN FOR DETAILS)
- PROPOSED HEAVY DUTY CONCRETE PAVEMENT (SEE PAVING GRADING AND DRAINAGE PLAN FOR DETAILS)
- SETBACK LINE
- EXISTING FENCE
- EXISTING TREE
- PROPOSED STORM STRUCTURE
- PARKING SPACES PER BAY

* HATCH PATTERNS ARE FOR ILLUSTRATIVE PURPOSES ONLY, ACTUAL HATCH PATTERNS ON DRAWING MAY VARY IN SCALE, ANGLE & COLOR.

SURVEY NOTE:
ELEVATIONS SHOWN HERE ARE RELATIVE TO NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988.

GENERAL NOTE:
ALL RADIUS 3' UNLESS OTHERWISE NOTED

SIGNING AND MARKING LEGEND

1. 24" STOP BAR AND STOP SIGN (R1-1)
2. SOLID WHITE DIRECTIONAL ARROW
3. STANDARD HANDICAP MARKING AND SIGN (SEE SHEET C-202)

OVERALL SITE DATA			
STREET ADDRESS	12971 MCGREGOR BOULEVARD		
SECTION/TOWNSHIP/RANGE	16 & 21	45S	24E
CURRENT ZONING	CC		
LAND USE	CAR WASH		
BUILDING HEIGHT	35 FT		
FLOOD ZONE	X		
CONSTRUCTION TYPE	TBD		
OVERALL SITE AREA	0.99 AC		
SETBACKS			
TYPE:	REQUIRED	PROVIDED	
FRONT	50 FT	79 FT	
REAR	20 FT	45 FT	
SIDE	15 FT	56 FT	
SURROUNDING PROPERTY DATA			
DIRECTION FROM SITE	ZONING	USE	
NORTH	C-1A	RESTAURANT	
EAST	C-1A	RETAIL CENTER	
SOUTH	C-1A	OFFICE	
WEST	RM-2	RESIDENTIAL	
SITE PARKING			
SITE PARKING REQUIREMENT	1.5 PER CAR STALL		
PARKING REQUIRED	5		
PARKING PROVIDED	5		
ADA SPACES REQUIRED	1		
ADA SPACES PROVIDED	1		
DEVELOPMENT DATA TABLE			
PROJECT SITE	43,173 SF	0.99 AC	100% OF SITE
BUILDING AREA	3,826 SF	0.09 AC	8.9% OF SITE
PAVEMENT AREA	10,041 SF	0.23 AC	23.2% OF SITE
CONCRETE (DRIVES/WALKS)	9,955 SF	0.23 AC	23.0% OF SITE
TOTAL IMPERVIOUS	23,715 SF	0.54 AC	55.1% OF SITE
TOTAL WATER MANAGEMENT AREA	9,437 SF	0.22 AC	21.9% OF SITE
OPEN SPACE OR GREEN SPACE	9,914 SF	0.23 AC	23.0% OF SITE
TOTAL LANDSCAPE AREA	19,458 SF	0.45 AC	44.9% OF SITE

SURVEY NOTE:
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Know what's below. Call before you dig.
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

No.	REVISIONS	DATE	BY

Kimley»Horn
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1412 JACKSON STREET, SUITE 2, FORT MYERS, FL 33901
PHONE: 239-271-2650 FAX: 941-379-4352
WWW.KIMLEY-HORN.COM REGISTRY No. 35106

LICENSED PROFESSIONAL
SINA EBRAHIMI, P.E.
FLORIDA LICENSE NUMBER 82332
DATE: ____

KHA PROJECT 013726010
DATE JUNE 2022
SCALE AS SHOWN
DESIGNED BY ____
DRAWN BY ____
CHECKED BY ____

SITE PLAN

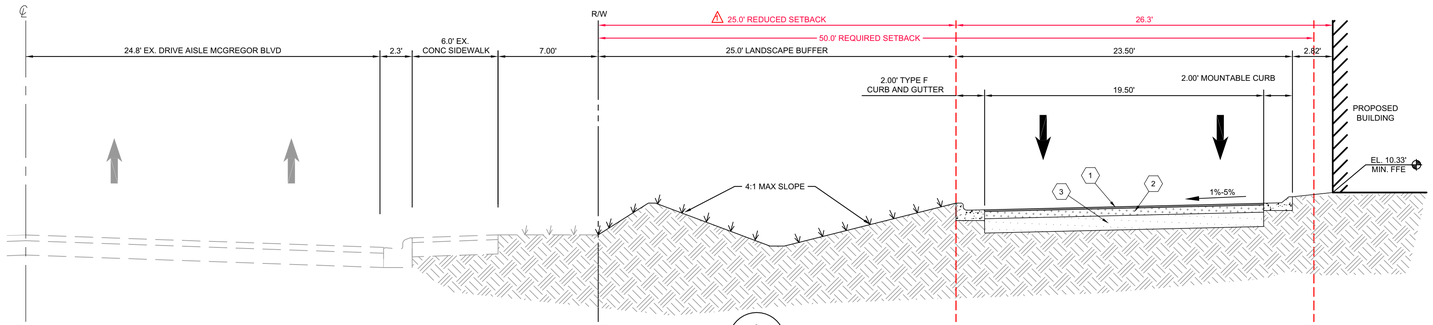
TCW McGREGOR BLVD.
PREPARED FOR
ROC WASH HOLDINGS, LLC
FLORIDA
LEE COUNTY

SHEET NUMBER
C-106

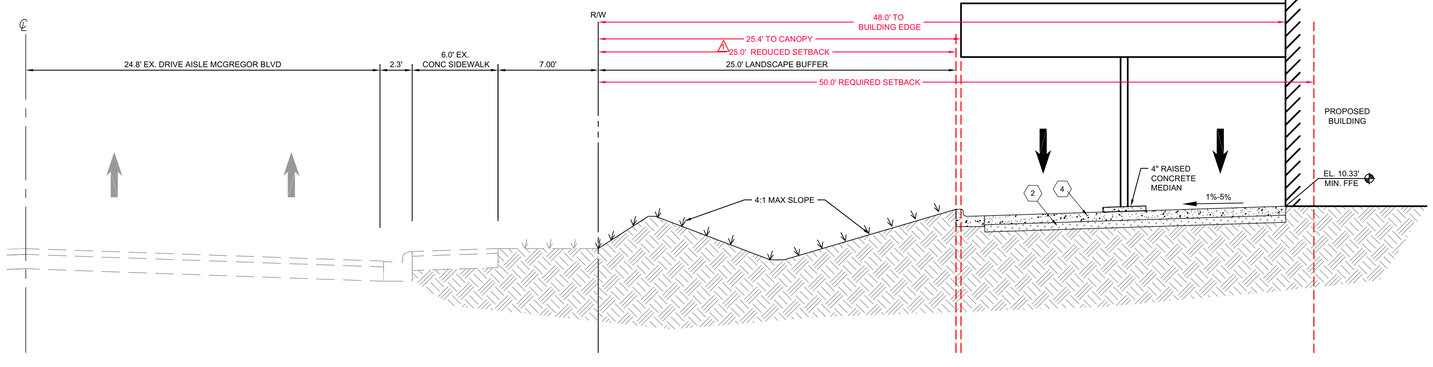
EXHIBIT B

Plotted By:Anderson, Paul C Sheet Set:Kha Layout:C-106 SITE PLAN June 02, 2022 05:00:11pm K:\FTM_Civil\013726 – Tommy Car Wash\010 – TCW 12971 McGregor Blvd\CAD\Exhibits\2022-06-02 Variance\C-106 SITE PLAN.dwg
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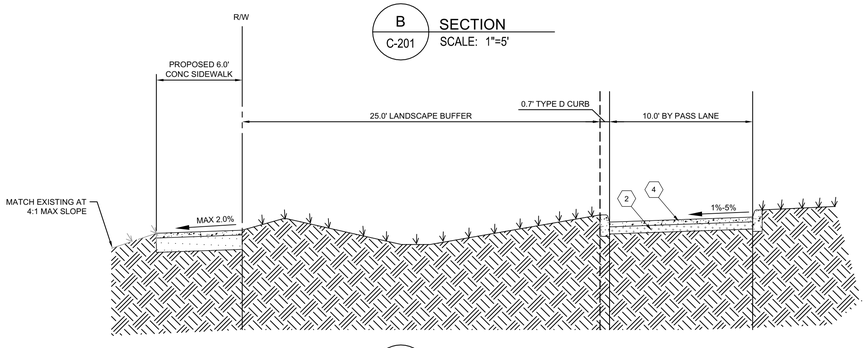
ADD2022-00007 Lee County ePlan

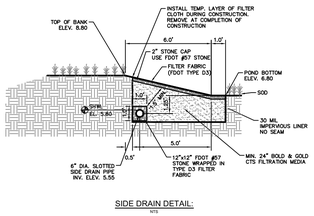


A C-201 SECTION
SCALE: 1"=5'



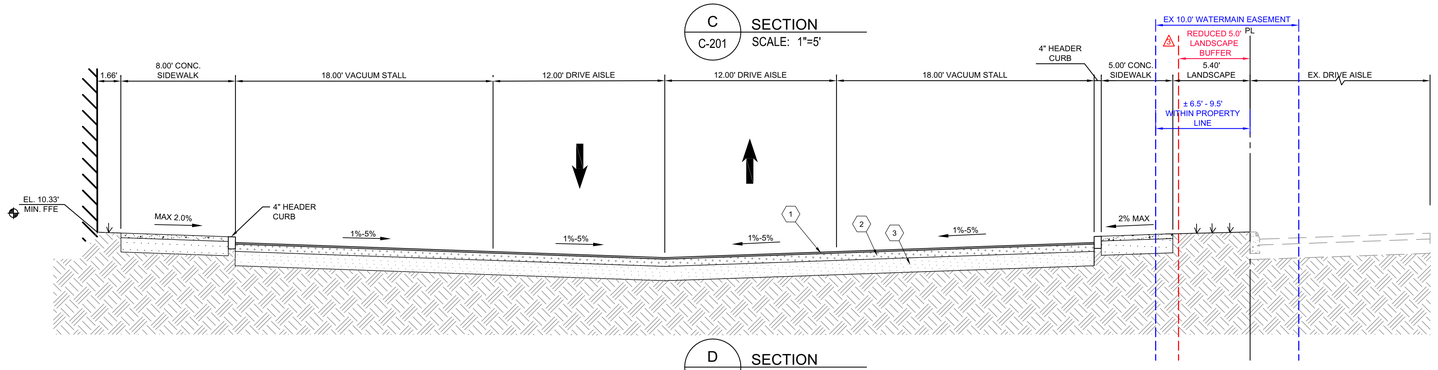
B C-201 SECTION
SCALE: 1"=5'





SIDE DRAIN DETAIL:
NTS

C C-201 SECTION
SCALE: 1"=5'



D C-201 SECTION
SCALE: 1"=5'

PAVING LEGEND

1. 1.5" ASPHALT SURFACE TYPE S-1 OR APPROVED EQUAL
2. 6" LIMEROCK BASE COMPACTED IN 2 LIFTS TO AT LEAST 98% WITH MINIMUM LBR OF 100
3. 12" THICK SUBGRADE COMPACTED AND STABILIZED WITH MINIMUM DESIGN LBR OF 40 COMPACTED TO AT LEAST 95% OF MAXIMUM DRY DENSITY (AASHTO T-100)
4. 8" THICK 3,000 PSI CONCRETE

NOTE:
SEE GEOTECHNICAL REPORT FOR PAVEMENT SECTION RECOMMENDATIONS

⚠ DEVIATION 1: LDC 34-1353(d)(1) – SETBACK REDUCTION

⚠ DEVIATION 3: LDC 34-1353(e)(1) LA BUFFER REDUCTION

NOTE: PLEASE REFERENCE NARRATIVE INCLUDED IN ADD2022-00007 FOR MORE INFORMATION ON DEVIATIONS

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LICENSED PROFESSIONAL
SINA EBRAHIMI, P.E.
FLORIDA LICENSE NUMBER
82332
DATE: ____

KHA PROJECT 013726010	DATE APRIL 2022	SCALE AS SHOWN	DESIGNED BY ____
		DRAWN BY ____	CHECKED BY ____

TYPICAL SECTIONS

TCW McGREGOR BLVD.
PREPARED FOR
ROC WASH HOLDINGS, LLC
LEE COUNTY FLORIDA

SHEET NUMBER
C-201

Plotted By: Anderson, Paul | C: Sheet Set: Kha Layout: C-201 TYPICAL SECTIONS April 29, 2022 01:35:48pm K:\FTM_Civil\013726 – Tommy Cox Wash\010 – TCW 12971 McGregor Blvd\CAD\Exhibits\2022-04-27 Variance\C-201 TYPICAL SECTIONS.dwg
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From: Beals, Nathan <NBeals@leegov.com>
Sent: Tuesday, May 3, 2022 10:24 AM
To: Workman, Elizabeth <EWorkman@leegov.com>
Cc: Siverson, Camryn <CSiverson@leegov.com>
Subject: RE: ADD2022-00007 TCW McGregor Blvd

Beth,

LCU is in agreement with the deviation to allow required plantings within our easement with the caveat that no trees be included. Additionally, if the shrubs are impacted by LCU work, the property owner will be required to replace them.

Thank you,

Lee County Utilities

Nathan Beals | Planning and New Development Manager
Lee County Utilities
1500 Monroe St., First Floor, Fort Myers, FL 33901
office: (239) 533-8157
cell: (239) 822-3050
email: nbeals@leegov.com
web: www.leegov.com

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From: Workman, Elizabeth <EWorkman@leegov.com>
Sent: Tuesday, May 3, 2022 10:18 AM
To: Beals, Nathan <NBeals@leegov.com>
Cc: Siverson, Camryn <CSiverson@leegov.com>
Subject: ADD2022-00007 TCW McGregor Blvd

Hi Nathan,
The applicant has requested a deviation from the 15-foot buffer requirement that includes shrubs and trees along the internal (east) access road to allow only shrubs. There is a ten-foot-wide LCU easement located within the buffer area and the LDC states that no required vegetation may be within a utility easement without the easement holders permission. Zoning staff will be conditioning 72-inch-in-height native shrubs within the ten-foot-wide LCU easement. Please let zoning staff know if your department is ok with shrubs in the easement and which party would be required to replace shrubs if impacted by LCU maintenance.

Thanks,

Beth Workman | Senior Planner
Department of Community Development, Zoning Section
1500 Monroe Street, Fort Myers, FL 33901
office: (239) 533-8793
email: eworkman@leegov.com
web: www.leegov.com

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