

ADMINISTRATIVE AMENDMENT (ASV) ADD2022-00018

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Dean Martin with TDM Consulting, Incorporated filed an application for administrative relief on a 0.927-acre property zoned Commercial District (C-2), for a project known as Tommy's Express Car Wash, from the following sections of the Land Development Code:

1. Section 33-1414(1), which prohibits direct vehicular driveway access to Lee Boulevard, to allow direct access and permit the existing driveway onto Lee Boulevard to remain; and
2. Section 34-1353(e)(1), which requires a 25-foot-wide buffer on the north property line, to allow a 15-foot-wide buffer to the north; and
3. Section 34-1353(e)(2), which requires a berm to be constructed and maintained at a minimum height of two feet as measured from the grade of the parking lot, to allow a berm around the property line, at the height of the parking lot; and
4. Section 10-285, which requires a minimum connection separation of 440 feet on an arterial street, to allow connection separations on Lee Boulevard of 293 feet to the east and a 278 feet to the west; and

WHEREAS, the site is located at 2910 Lee Boulevard (STRAP: 25-44-26-03-00024.0060) in Lehigh Acres, as described in the legal description (Exhibit A); and

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

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

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

WHEREAS, if a use is proposed within the Mixed Use Overlay that is specified in LDC Section 10-424, then the Mixed Use Overlay is superseded by those specific requirements; and

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

WHEREAS, there is an existing car wash that was permitted per DOS2003-00200; and

WHEREAS, the applicant is proposing to redevelop the site in accordance with the site plan attached as (Exhibit B); and

WHEREAS, the LDC has been updated since the existing car wash was approved to require enhanced buffers and setbacks for car washes and prohibit access onto Lee Boulevard in favor of access to 5th Street West, and the applicant is seeking administrative variances from these provisions of the code to legitimize existing conditions to facilitate redevelopment; and

WHEREAS, LDC Section 33-1414(1) requires development adjacent to the Lee Boulevard right-of-way to provide access onto 5th Street West; and

WHEREAS, the applicant has requested Variance #1 to allow access to Lee Boulevard using the existing access previously permitted per DOS2003-00200; and

WHEREAS, the Lee County Department of Transportation has reviewed and approved the request with a condition; and

WHEREAS, required setbacks and buffering for car washes have changed since the site was originally developed, which affects the redevelopment of the site for a car wash use; and

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

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

WHEREAS, the applicant has stated that the required buffer vegetation per LDC Section 34-1353(e)(3)(4) will be met; and

WHEREAS, the applicant has requested Variance #4 from LDC Section 10-285, which requires a minimum connection separation distance of 440 feet on an arterial road; and

WHEREAS, the existing access is 293 feet from Ida Avenue North and Lee Boulevard located to the east and 278 feet from the adjacent commercial property's access located to the west; and

WHEREAS, the Department of Transportation has reviewed and approved the request with a condition requiring the applicant to provide cross access easements to the adjacent property owners; 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 from LDC Sections 33-1414, 34-1353, and 10-285 to facilitate the redevelopment of a car wash 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, attached hereto as Exhibit B.**
2. **The property owner must provide cross access easement(s) to the adjacent property owners. The location and width of the easement(s) shall be determined at the time of local development order.**
3. **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 7/25/2022

Anthony R. Rodriguez, AICP, Zoning Manager

Exhibits:

A – Legal Description

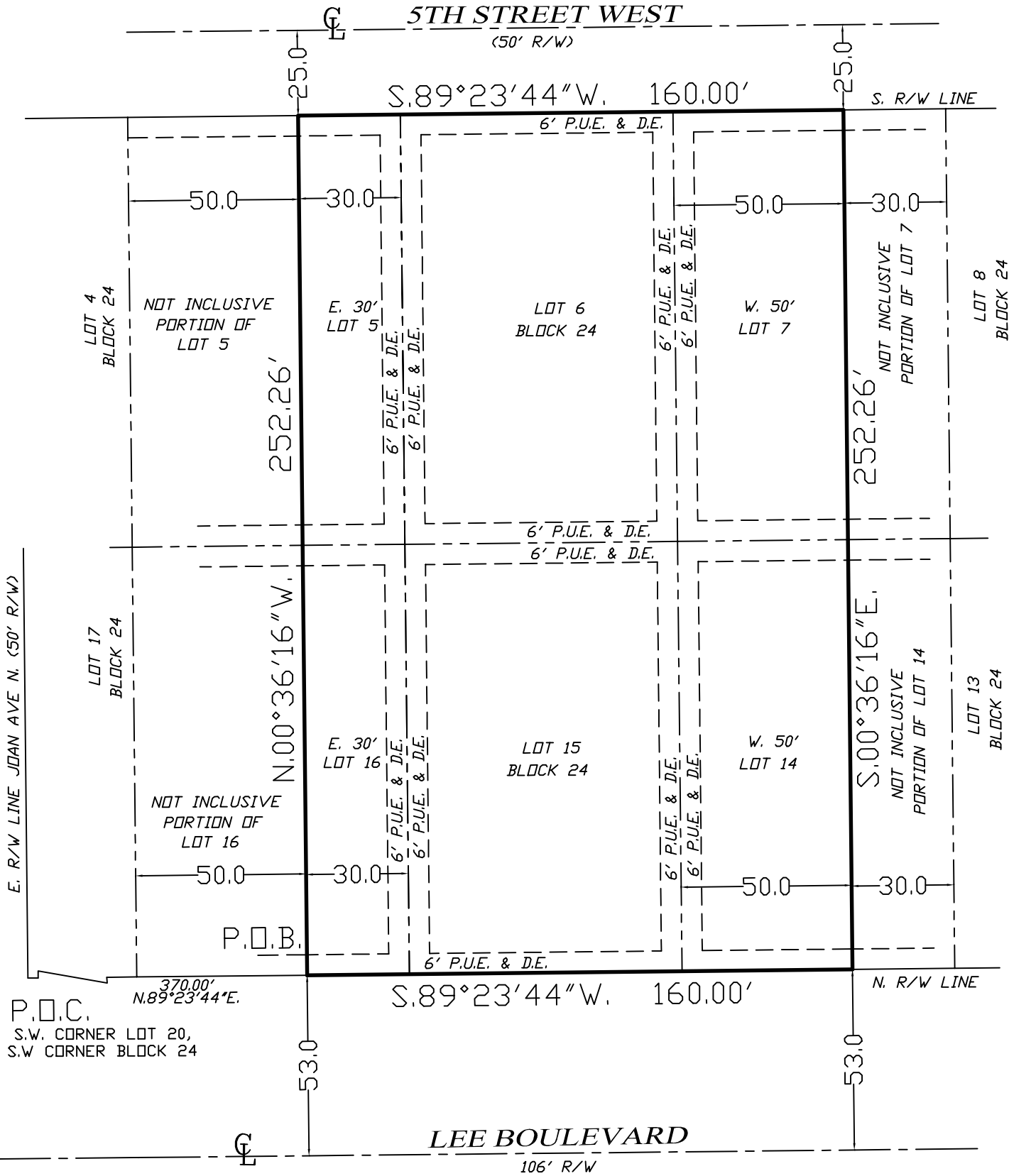
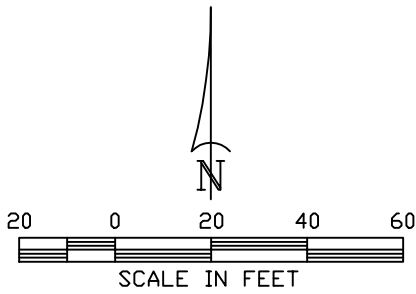
B - Site Plan Received June 7, 2022

SKETCH TO ACCOMPANY DESCRIPTION:

ALL OF LOTS 6 AND 15, THE EAST 30 FEET OF LOTS 5 AND 16, THE WEST 50 FEET OF LOTS 7 AND 14, BLOCK 24, PLAT OF PART OF UNITS 3 & 6, ALL OF UNITS 4 AND 5, SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA

SEE "EXHIBIT A" SHEET 2 OF 2 FOR DESCRIPTION TO ACCOMPANY THIS SKETCH

NOT A BOUNDARY SURVEY



SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTH RIGHT-OF-WAY LINE OF LEE BOULEVARD, AS BEING N89°23'44"E.
2. FIELD NOTES IN LEHIGH ACRES UNIT 3 FILE.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 x 14", 40 SCALE DRAWING.

LEGEND:

P.U.E.	PUBLIC UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
(1)	CURVE NUMBER
R/W	RIGHT-OF-WAY
CL	CENTERLINE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT

LA-U3-24-6

HARRIS-JORGENSEN, LLC.
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FL. 33904
239-257-2624

"EXHIBIT A"

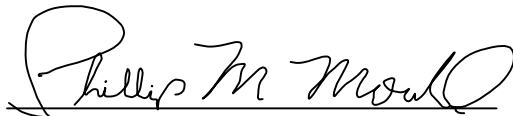
DESCRIPTION TO ACCOMPANY SKETCH:

*ALL OF LOTS 6 AND 15, THE EAST 30 FEET OF LOTS 5 AND 16, THE
WEST 50 FEET OF LOTS 7 AND 14, BLOCK 24,
PLAT OF PART OF UNITS 3 & 6, ALL OF UNITS 4 AND 5, SECTION
25, TOWNSHIP 44 SOUTH, RANGE 26 EAST, A SUBDIVISION OF
LEHIGH ACRES, LEE COUNTY, FLORIDA.*

****NOT A BOUNDARY SURVEY****

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF BLOCK 24, PLAT OF PART OF UNITS 3 AND 6 ALL OF 4 AND 5, SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;
COMMENCING AT A POINT ALONG THE EAST RIGHT OF WAY OF JOAN AVENUE NORTH (50 FEET WIDE) AND THE SOUTHWEST CORNER OF LOT 20 OF THE AFORESAID BLOCK 24; THENCE RUN N.89°23'44"E. ALONG THE NORTH RIGHT OF WAY LINE OF LEE BOULEVARD (106 FEET WIDE) FOR 370.00 FEET TO THE POINT OF BEGINNING; THENCE RUN N.00°36'16"W. TO A POINT ALONG THE SOUTH RIGHT OF WAY LINE OF 5TH STREET WEST (50 FEET WIDE) FOR 252.26 FEET; THENCE RUN N.89°23'44"E. ALONG THE SOUTH RIGHT OF WAY LINE OF 5TH STREET WEST (50 FEET WIDE) FOR 160.00 FEET; THENCE RUN S.00°36'16"E. TO A POINT ALONG THE NORTH RIGHT OF WAY LINE OF THE AFORESAID LEE BOULEVARD (106 FEET WIDE) FOR 252.26 FEET; THENCE RUN S.89°23'44"W. ALONG SAID NORTH RIGHT OF WAY LINE OF LEE BOULEVARD (106 FEET WIDE) FOR 160.00 FEET TO THE POINT OF BEGINNING.
CONTAINING: 40,361.60 SQUARE FEET, OR 0.93 ACRES, MORE OR LESS.



PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
02/03/2022

REVIEWED
ADD2022-00018
Hunter Searson, GIS
Planner
Lee County Government
3/8/2022

LA-U3-24-6

