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Tommy's Express Car Wash
 Administrative Variance
 Explanation and Justification of Request
 Revised 5-6-2022

The subject property is located in the Lehigh Acres Planning Community at 2910 Lee Boulevard. The property is currently developed as a 6-bay self-service car wash. The Applicant is requesting to redevelop the property into an automatic car wash (Tommy's Express Wash). The Applicant is requesting Administrative Variances/Deviations from LDC Sec. 33-1414(1), LDC Sec. 34-1353(e)(1), LDC Sec. 34-1353(e)(2), and LDC Sec. 10-285.

LDC Section 33-1414(1). *New commercial development or redevelopment adjacent to Lee Boulevard right-of-way must provide access to 5th Street West, 4th Street West, or other local, collector, or arterial roadway. Direct vehicular access to Lee Boulevard may only be permitted if the property has no direct access to a public roadway and the driveway is shared with cross-access to all adjacent parcels. If no shared access exists, one must be created.*

VARIANCE REQUEST #1

The Applicant is requesting a Variance from LDC Section 33-1414(1) which discourages direct access onto Lee Boulevard. Request to permit the existing driveway on Lee Boulevard to remain.

Justification

The 0.93-acre subject property is zoned Commercial (C-2), has a future land use classification of Central Urban, and is in the mixed-use overlay. The site was developed as a 6-bay car wash in 2005 (five bays are self-service and the sixth is an automatic car wash). Direct access onto Lee Boulevard was permitted via DOS2003-00200. The applicant is proposing to redevelop the site into a fully automatic car wash (Tommy's Express Car Wash) with access at the existing driveway on Lee Boulevard and a proposed access on 5th Street West.

Lee Boulevard is a county-maintained principal arterial roadway with a posted speed limit of 45 mph. This section of Lee Boulevard is 6-lanes with a divided median. Only traffic traveling westbound can enter the site from Lee Boulevard. A concrete median separates the eastbound and westbound lanes as shown on the attached Aerial. The applicant is not changing the use, so there won't be an increase in traffic. In fact, with a second full-access driveway on 5th Street West, turning movements on Lee Boulevard will decrease.

The abutting property to the west is currently developed. The abutting property to the east has submitted a Development Order (DOS2021-00082) to develop the site as a fast food restaurant. The two developments will share the existing driveway on Lee Boulevard. A draft cross-access easement granting vehicular access to the commercial lots to the east and west is included with this application.

Pursuant to LDC Sec. 34-174(h), the Director is authorized to administratively approve deviations from technical standards in Chapter 10, limited to those listed in section 10-104, and from certain provisions, as specified, in Chapter 33. Per *LDC Sec. 33-1403, variances or deviations may be requested in accordance with Chapter 34. If an applicant desires to deviate from any architectural, site design or landscaping guidelines in this article, an applicant may do so at the time of development order in accordance with section 10-104(b). A rendered drawing to scale, showing the design, and clearly demonstrating the nature of the requested deviation or variance must be submitted as part of the application.*

The applicant is aware that Lee Plan Policy 25.8.1 states that “*Whenever possible, all new commercial development adjacent to Lee Boulevard right-of-way must provide access to either 5th Street West, 4th Street West, or other local, collector, or arterial roadway. Direct access to Lee Boulevard is discouraged.*” However, the language of the policy allows for reasonable exceptions and the Land Development Code provides a mechanism to deviate from the code requirement.

Permitting the existing driveway on Lee Boulevard to remain offers several benefits:

- The commercial business will retain the same use, which will not increase traffic. However, multiple access points will redistribute traffic volumes, provide traffic calming, reduce turning movements at each of the access points, and reduce potential vehicular conflict. See the Traffic Impact Study.
- Redevelopment of this property will provide a redesign of the existing cross access easement, providing a vehicular connection to the lot to the east as well as the lot to the west, including a shared driveway.

Approving this variance request will not have a negative impact on the surrounding community, rather it will provide an improvement or benefit to the area by reducing traffic volumes and conflicts at all access points, give travelers access to the signal light via 5th Street, and introduce cross access to three parcels on the block, all of which is the intent of the LDC. The applicant has demonstrated that a variance/deviation to permit the existing driveway on Lee Boulevard to remain should be approved.

Findings/review criteria for Variance #1:

For Chapter 33 deviations/variances, additional criteria, if specified within Chapter 33, must be met. A Site Plan, drawn to scale, clearly demonstrates the deviation/variance requested. The variance requested is the minimum that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

LDC Section 34-1353(e)(1). *Landscaping adjacent to rights-of-way external to the development of the project must be located within a landscape buffer that is a minimum of 25 feet in width: or 15 feet in width if abutting an internal accessway to a commercial development.*

VARIANCE REQUEST #2

The Applicant is requesting a Variance from the 25-foot buffer width to 5th Street West right-of-way and requesting to permit a 15-foot wide buffer width.

Justification

Pursuant to *LDC Sec. 34-1354, commercial or industrial-zoned properties less than three acres in size may obtain administrative relief from sections 34-1352 and/or 34-1353 to facilitate new*

development or redevelopment. Development of these sites will be limited to development that will bring the site into greater compliance with sections 34-1352 and 34-1353 given existing site constraints such as location and configuration of existing buildings, parking area, drainage, easements and/or other conditions.

The 0.93-acre subject property is zoned Commercial (C-2), has a future land use classification of Central Urban, and is in the mixed-use overlay. The site was developed as a 6-bay car wash in 2005 (five bays are self-service and the sixth is an automatic car wash). Direct access onto Lee Boulevard was permitted via DOS2003-00200. As currently built, the development does not comply with the buffer requirements set forth in LDC Sec. 34-1353(e) or Sec. 10-416.

The applicant is proposing to redevelop the site into a fully automatic car wash (Tommy's Express Car Wash). Tommy's Express is a national chain and has several car wash "models" of varying sizes depending on the lot size. Tommy's Express is using the smallest model available to fit the subject property. The development is able to meet the setbacks, parking, and general/parking landscape requirements set forth in the LDC; however, due to the internal lot configuration, it is not possible to provide a 25-foot wide buffer width to 5th Street West right-of-way. There is an existing cross-access easement across the southern portion of the property providing access to the abutting commercial lots, which is required by the LDC.

The proposed 15-foot landscape buffer provides the best balance of meeting the intent of the landscaping standards in addition to meeting other very important requirements such as stormwater management (the parcel is very constrained in size and most commercial developments on this parcel will experience similar issues). A new cross-access easement and shared driveway will be provided as part of this redevelopment and the landscaping package provided by Tommy's Express is a well-designed, hearty planting of indigenous materials that will improve the new business's curb appeal. The right-of-way buffers will include an undulating berm, provide the quantity of vegetation required (5 canopy trees per 100 linear feet), and meet the minimum height requirements (14 feet at time of installation) as set forth in LDC Sec. 34-1353(e)(2), (3), and (4). It is not possible to increase the depth of the lot or redesign the site to comply with the buffer widths due to the Tommy Express model/requirements. The applicant is not requesting a reduction in the quantity or height of the required vegetation, just the width of the north buffer. Landscape plans have been provided demonstrating that the site has enough open space to meet the buffering, screening, and vegetation requirements set forth in the Land Development Code. Redevelopment of the property will bring the site into greater compliance with current codes and regulations. The applicant respectfully requests approval of the variances outlined above in order to facilitate redevelopment of the property.

LDC Section 34-1353(e)(2). *For projects with an open drainage system, an undulation berm with a maximum slope of 3:1 must be constructed along the entire length of the landscape buffer. The berm must be constructed and maintained at a minimum height of two feet as measured from the grade of the parking lot.*

VARIANCE REQUEST #3

The Applicant is requesting a Variance from the requirement that the berm must be constructed and maintained at a minimum height of two feet as measured from the grade of the parking lot. The applicant is requesting to permit the berm to be the same height as the parking lot.

Justification

This is the redevelopment of an existing site. Per the boundary survey, the topographic elevation of the existing parking lot ranges between 26 and 27 feet. Per the Site Construction Plans, the

elevations also range from 26 to 27 feet, though very slightly higher. Berms weren't required when the original site was developed as a car wash. There isn't enough room on site to grade the detention areas to meet drainage requirements and also provide a berm that is 2 feet above the height of the parking lot. Please see the attached boundary survey and site construction plans for demonstration of the drainage calculations, cross-sections, etc.

VARIANCE/DEVIATION REQUEST #4

The Applicant is requesting a Deviation from LDC Sec. 10-285 Connection Separation which requires a minimum connection separation of 440 feet on an arterial street in a future urban area. Request to permit a minimum connection separation of 293 feet to Ida Avenue N. to the east and 278 feet to the existing commercial driveway to the west.

Justification

The existing driveway location is almost equal distance to the nearest connection points to the east and west. It also provides a shared access point to two commercial developments with frontage on Lee Boulevard. A cross-access easement connects the parcels, capturing traffic internal to this block of commercial properties. Granting this variance/deviation request provides safe traffic circulation on-site, on the abutting properties, and the surrounding roadways.

Findings/review criteria for Variance #4:

Per LDC Sec. 10-104(b):

- The alternative proposed to the standards contained herein is based on sound engineering practices;
- The alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested; and
- The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

SUMMARY

LDC Sec. 34-1354 permits administrative relief for commercial or industrial zoned properties less than three acres in size to facility new development or redevelopment. In this case, the site is being redeveloped and will be brought into greater compliance with the Land Development Code regarding buffers, drainage, traffic circulation, etc. The applicant respectfully requests approval of the four variance/deviation requests.