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Michael E. Roeder, AICP
Director of Land Use

September 1, 2022

VIA REGULAR U.S. MAIL

Mr. Adam Mendez
Department of Community Development
P.O. Box 398
Ft. Myers, FL 33902

RE: Sufficiency Letter for DCI2022-00015 (SS Building)

Dear Adam:

Thank you for the meeting last week with the County staff and Gary Muller. In response to your letter dated August 10, 2022, we would offer the following additional information:

Zoning Section Review

1. Please see the revised MCP which is attached, showing the general location of service areas.
2. Please see the attached revised schedule of uses.
3. Please see the revised table of property development regulations.
4. Please see the attached schedule of deviations.

Environmental Section Review

1. The MCP has been revised to depict the Type "A" buffer to the south and west where possible. Please see the attached schedule of deviations for the remainder.
2. Please see the attached open space exhibit on page 2 of the MCP.
3. Please see revised MCP.
4. Please see attached Lee Plan Analysis.

DCI 2022-00015
MER Letter to Mendez
September 1, 2022

Planning Section Review

1. Please see attached Lee Plan Analysis.

Natural Resources Section Review

1. The property as developed received a development order in 1985 which approved the water management plan. The SFWMD issued Permit Exemption No. 1101-85-S on July 22, 1985.
2. Please see attached Lee Plan Analysis.

Development Services Section Review

1. Please see attached schedule of deviations.
2. Please see revised MCP which is more legible.
3. Please see attached schedule of deviations and their location is shown on page 2 of the MCP. The access points do align with access points on Deer Run Farms Road on the revised MCP. The sidewalk along Colonial Blvd. is 8' wide and the MCP has been revised to depict the sidewalk extending down to the property line. The MCP has been revised to show stub outs for the existing dead end parking, and a deviation has been requested to eliminate the requirement for parking lot interconnections. If there are entrance gates, they will comply with the LDC. The existing lighting will be modified if necessary to comply with LDC 34-625. The architectural design requirements should not apply as there are still office tenants on the second floor.

Legal Description Review

1. Please see attached sketch and legal description.

Very truly yours,

KNOTT EBELINI HART



Michael Roeder, AICP
Director of Land Use

Enclosures

Schedule of Uses for SS Building

Administrative Offices
ATM
Auto Parts Store
Banks and Financial Establishments, Groups I & II
Business Services, Group I & II
Cleaning and Maintenance Services
Contractors and Builders, Group I
Essential Services
Essential Service Facilities, Group I
Laundromat
Laundry or Dry Cleaning, Group I
Medical Office
Nonstore Retailers
Personal Services, All Groups
Place of Worship
Restaurant, Group I
Schools, Commercial and Non-Commercial
Signs in accordance with Chapter 30
Social Services, Group I
Specialty Retail, All Groups
Storage, Indoor
Studios
Warehouse, Public, Mini and Hybrid

Proposed Schedule of Deviations

1. Deviation from the requirement that all development must abut and have access to a public or private street designed, and constructed or improved, to meet the standards in LDC Section 10-296, per LDC Section 10-291(2), to allow continued site access from the existing roadways which were designed and constructed prior to the adoption of LDC Section 10-296.

JUSTIFICATION: The primary access to the subject property is an existing frontage road along Colonial Boulevard which intersects with Deer Run Farms Road, a private local roadway with open drainage. The roadway, which also provides a secondary access to the subject property, was constructed within a 40 foot easement and currently extends approximately one mile south where it intersects with Garland Street. Deer Run Farms Road was built well before the current roadway standards were adopted under Land Development Code and cannot meet certain design criteria now required under Section 10-296. LDC Section 10-296(b) Table 2 requires that privately maintained local roadways with open drainage have a minimum right-of-way width of 45 feet. Compliance with other provisions of Section 10-296 would require other roadway improvements such as closed drainage and the construction of sidewalks along both sides of the Deer Run Farms Road. The proposed rezoning request will not alter any existing site conditions and does not warrant any of these improvements. The applicant therefore requests a deviation seeking relief from all sections of LDC Section 10-296 which would require any improvements to Deer Run Farms Road.

2. Deviation from the requirement that commercial development which abuts other commercial development provide a 5 foot Type "A" buffer, per LDC Section 10-416(d), to allow no buffer along the portion of the western property line where there is an existing asphalt driveway encroachment.

JUSTIFICATION: The existing 20 foot driveway along the western property line was constructed when the subject property was originally developed. At that time, the subject property included the 1.06 acre parcel to the west and no buffer was required because the driveway was internal to the overall property. When the property to the west was split from the subject property the new property line was created down the middle of the driveway creating a situation where it is impossible to provide the required 5 foot buffer.

3. Deviation to waive the required design standards and guidelines for commercial buildings and development per LDC Chapter 10, Article IV.

JUSTIFICATION: LDC Section 10-602(a) states that the provisions of Article IV *are applicable to all new development and for renovations and redevelopments (as provided below) in all commercial zoning districts as well as in commercial components of planned development districts and DRIs.*

LDC Section 10-602(b) states: *In the case of additions or renovations to, or redevelopment of, an existing building, where the cumulative increase in total floor building area exceeds 50 percent of the square footage of the existing building being enlarged or renovated, the provisions of this article will apply. Where there are inherent problems retrofitting existing buildings, the Director may waive some or all requirements if other equivalent enhancements are provided.*

LDC Section 10-602(c) states: *Where the use of a structure or building is discontinued or abandoned for one year (except when government action impedes access to the land), the provisions of this article will apply. Where there are inherent problems retrofitting existing buildings, the Director may waive some or all requirements if other equivalent enhancements are provided.*

In this particular situation, the subject property has been previously developed with an existing office building and related site improvements approved by Lee County. At present, the building is still being used as office space. The proposed CPD rezoning request indicates that no changes are being made to the size of existing building. Based on the LDC criteria above, the required design standards and guidelines for commercial buildings are not applicable to the proposed project and should be waived.

4. Deviation from the requirement that adjacent commercial uses must provide parking lot interconnections for automobile traffic, per LDC Section 34-2015(2)f, to allow no parking lot interconnections to the south and west.

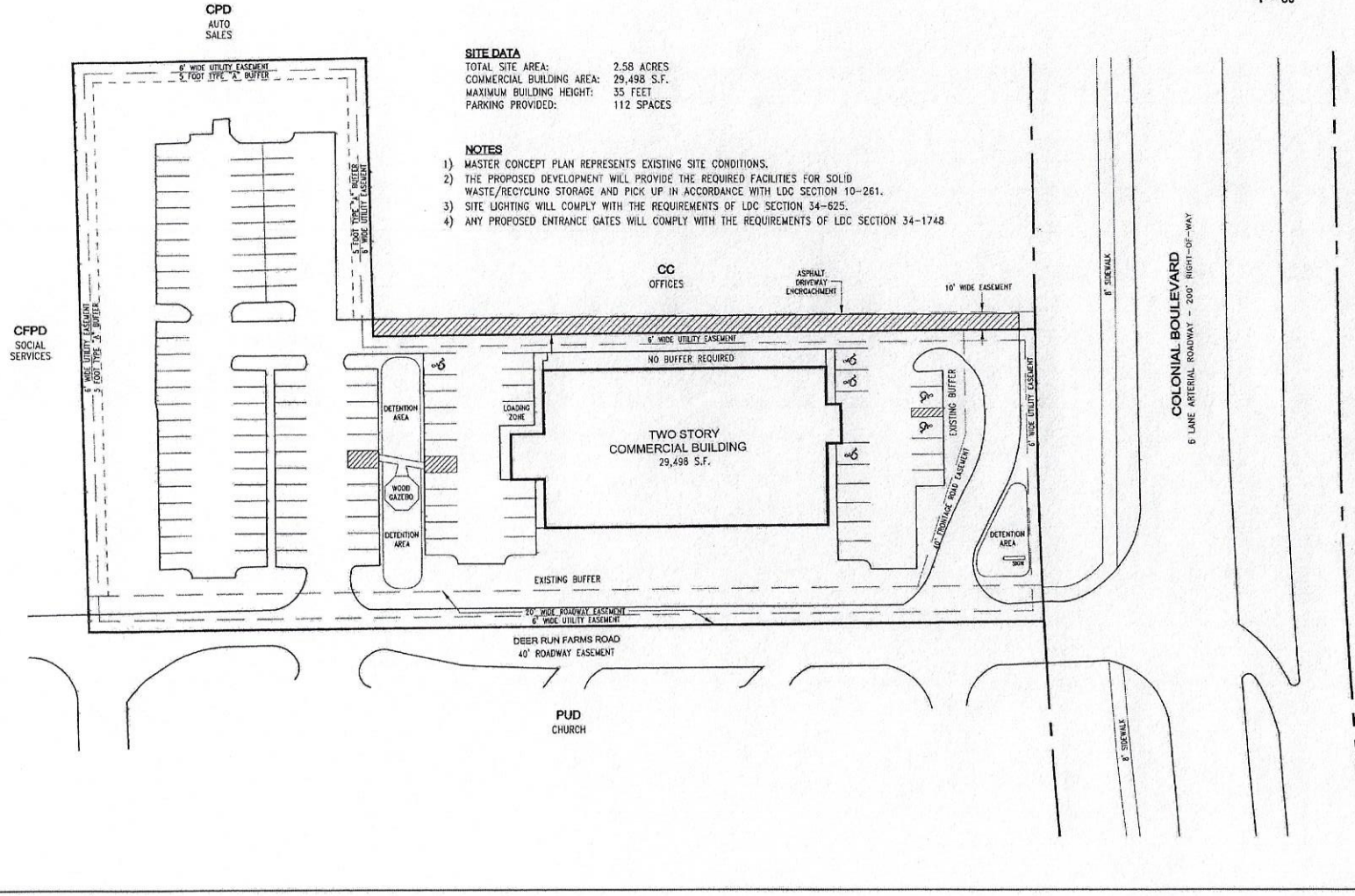
JUSTIFICATION: This deviation is also being requested as a result of an existing situation. The abutting parcels to the south and west have been previously developed and there is no place to provide an interconnection between the existing parking lots on those properties and the existing parking lot on the subject property. It should be noted, however, that the subject property's existing access points along Deer Run Farms Road align with the existing parking lot access to the church property to the west.

Property Development Regulations for SS Bulding

Minimum Lot Width:	160 feet
Minimum Lot Depth:	535 feet
Minimum Lot Area:	2.58 acres
Maximum Building Area:	30,000 sq. ft.
Maximum Building Height:	35 feet (2 stories)

Minimum Setbacks:

Street:	50 feet
Side yard:	19 feet
Rear yard:	200 feet
Maximum lot coverage:	15 %
Minimum open space:	35 %



SITE DATA

TOTAL SITE AREA: 2.58 ACRES
 COMMERCIAL BUILDING AREA: 29,498 S.F.
 MAXIMUM BUILDING HEIGHT: 35 FEET
 PARKING PROVIDED: 112 SPACES

NOTES

- 1) MASTER CONCEPT PLAN REPRESENTS EXISTING SITE CONDITIONS.
- 2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.
- 3) SITE LIGHTING WILL COMPLY WITH THE REQUIREMENTS OF LDC SECTION 34-825.
- 4) ANY PROPOSED ENTRANCE GATES WILL COMPLY WITH THE REQUIREMENTS OF LDC SECTION 34-1748

DATE	
REVISION	
DATE	08/22
SCALE	NOTED
SECTION	CPD
DRAWN	GFH
CHECK	GFH
MASTER CONCEPT PLAN SS BUILDING CPD	
SEC 05, TWP 45S., RGE 28E. LEE COUNTY, FLORIDA	
GARY F. MULLER, AICP 1442 JACOBE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 885-8772	
DWG. NO. 2201	SHEET 1 OF 2

DESCRIPTION

Description of a Parcel of Land Lying in the Northwest 1/4 of Section 5, T-45-S, R-25-E, Lee County, Florida (Easterly Parcel)

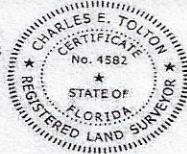
A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the northwest one quarter (NW 1/4) of Section 5, Township 45 South, Range 25 East, and more particular1y described as follows:

Starting at the northwest corner of said Section 5 thence S00°08'44"W along the west line of said Section 5 for 124.08 feet to the southerly right-of-way line of Colonial Boulevard; thence N89°55'48"E along said right-of-way line for 157.51 feet to the Point of Beginning of the herein described parcel; thence continue N89°55'48"E along said right-of-way line for 57.66 feet to the beginning of a curve concave to the north having a radius of 2989.79 feet thence easterly along said curve and said right-of-way line through a central angle of 02°01'11" for 105.39 feet to an intersection with the west line of the westerly 670.00 feet of the easterly 1000.00 feet of the north one half (N 1/2) of the northwest one quarter (NW 1/4) of the northwest one quarter (NW 1/4) of said Section 5; thence S00°27'26"W along a line not tangent to said curve and along said west line for 535.94 feet; thence S89°27'53"W along the south line of said fraction for 317.64 feet; thence N00°08'44"E along the aforesaid west line of said Section 5 for 163.01 feet; thence N89°27'53"E for 155.50 feet; thence N00°27'26"E for 372.38 feet to the Point of Beginning.

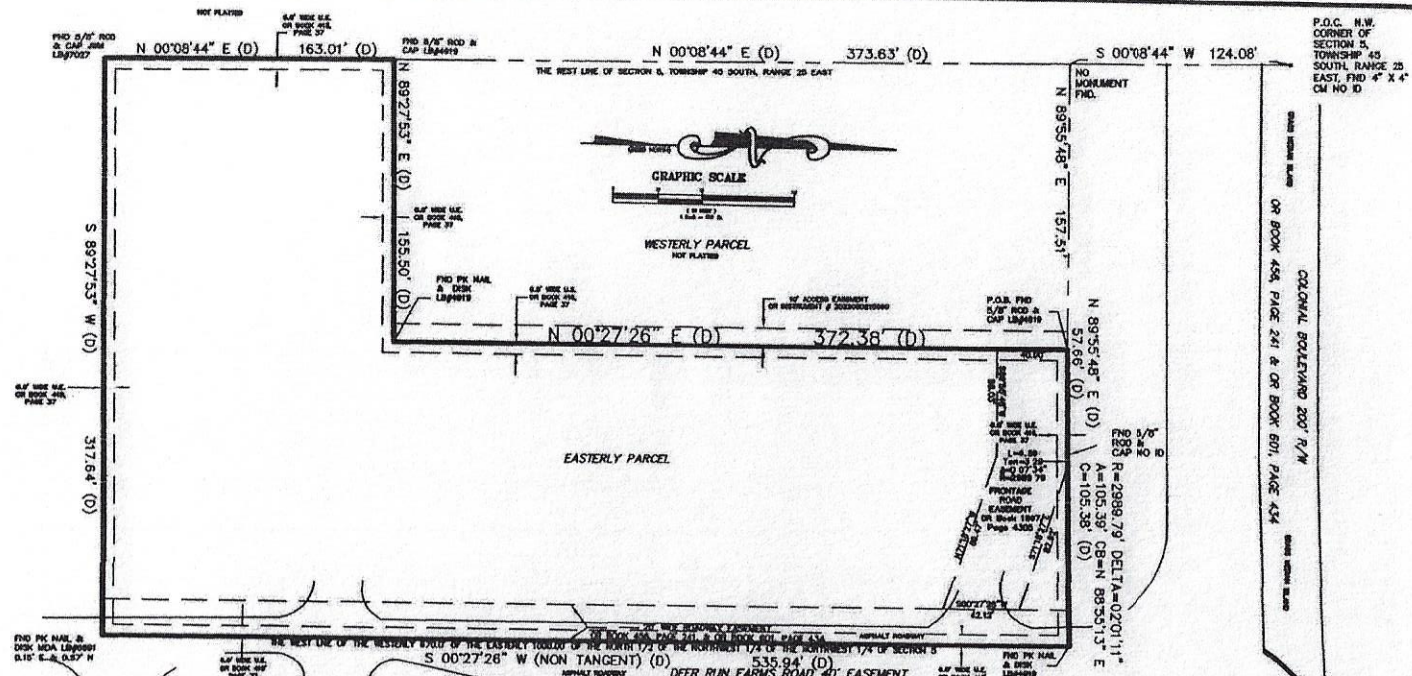
Said parcel contains 2.58 acres, more or less.

**Charles E.
Tolton**

Digitally signed by Charles E. Tolton
DN: cn=Charles E. Tolton, o=Charles
Tolton and Assoc., Inc., ou=Survey,
email=c.tolton@ctasurveying.com,
c=US
Date: 2022.09.01 10:35:05 -04'00'



**Charles E. Tolton, P.S.M.
Florida Registration No. 4582**



DESCRIPTION

Description of a Parcel of Land Lying in the Northwest 1/4 of Section 5, T-45-S, R-25-E
Lee County, Florida (Easterly Parcel)

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the northwest one quarter (NW 1/4) of Section 5, Township 45 South, Range 25 East, and more particularly described as follows:

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Said parcel contains 2.58 acres, more or less.

Charles E.
Tolton

Digitally signed by Charles E. Tolton
DN: cn=Charles E. Tolton, o=Charles
Tolton and Assoc., Inc., ou=Survey,
email=c.tolton@ctasurveying.com,
c=US
Date: 2022.09.01 09:56:27 -0400



Charles E. Tolton, P.S.M.
Florida Registration No. 4502

SCALE: 1\" = 100'
DATE: 08/31/2022
DWG. BY: DMP
CHK. BY: C.E.T.
FIELD BY: T.S. & P.J.H.
F.B. 179 P.O. 48
JOB NO.: CTA 07007

CTA

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EMAIL: C.Tolton@ctasurveying.com

REVISIONS

Certified To:

KHOSROW MOAVENI

SKETCH TO ACCOMPANY
DESCRIPTION

NOT A BOUNDARY SURVEY

SHEET:
2
OF
2

Lee Plan Analysis for the SS Building

This 2.58 parcel, located at 3650 Colonial Blvd., has an existing 30,000 sq. ft. office building that has been in existence at this site since 1986. The property is in the Intensive Development land use category (Policy 1.1.2), which designation is "suited to accommodate high densities and intensities." In fact, it is just about the most intense land use category in the Lee Plan. The property is currently zoned CC, but it is necessary to rezone to CPD to allow for the desired Public Warehouse use. For the past thirty years the ground floor had functioned as the main service facility for the Social Security Administration. However, this activity was relocated to another location last year. The second floor continues to provide administrative offices for the Social Security Administration. The new Public Warehouse use will represent a significant reduction in the intensity of demand on the site in terms of traffic and utilities, and waivers for those services have been approved. This proposed use is consistent with Policy 1.6.5 as the commercial use is already included in the Acreage Allocation Table.

The proposed use is consistent with Policies 2.1.1 and 2.2.1 as the property is located on a major arterial (LOS B) and is serviced by the City of Ft. Myers for water, sewer and fire protection. It is bounded on the north by Colonial Blvd., on the east by Deer Run Farm Rd. and then McGregor Baptist Church, on the south by Salus Care, a residential mental health facility, and on the west by another office building and a car dealership. There are no sensitive environmental features on the site. As an existing building in the Intensive Development land use category, it is consistent with Policies 6.1.1 and 6.1.4. With the approval of the requested deviations, it will be consistent with the LDC.