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James T. Humphrey
Of Counsel

Michael E. Roeder, AICP
Director of Land Use

MEMORANDUM

November 15, 2022

TO: Adam Mendez

FROM: Mike Roeder

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

Attached please find the response to your sufficiency letter dated October 21, 2022, along with a revised MCP and Schedule of Deviations. Separately I have submitted a waiver for the surface water management plan. Please let us know asap if you require any additional information. Thank you.

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 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.



REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS (indicate the appropriate application type)

- ☐ Public Hearing - General Requirements **(34-202)**
- ☐ Public Hearing - Mining Excavation Planned Development **(12-110)**
- ☐ Public Hearing - Additional Requirements for:
- ☐ Development of Regional Impact **(34-202(b)(1))**
 - ☐ Planned Developments **(34-202(b)(2))**
 - ☐ Planned Development Amendment **(34-202(b)(2))**
 - ☐ Rezoning other than Planned Developments **(34-202(b)(3))**
 - ☒ Special Exceptions **(34-202(b)(5))**
 - ☐ Variances **(34-202(b)(6))**
 - ☐ Limited Amendment to Existing Mine Zoning Approval **[12-121(j)]**
 - ☐ Private Recreational Facilities Planned Development **(34-941(g))**
- ☐ Development Order - Submittal Requirements **(10-152)**
- ☐ Application Form and Contents **(10-153)**
 - ☐ Additional Required Submittals **(10-154)**
- ☐ Limited Review Development Order – Submittal Requirements **(10-152)**
- ☐ Required Submittals **(10-175)**
- ☐ Administrative Action Application Requirements **[34-203]**

State the Type of Administrative Application: _____

PLEASE PRINT OR TYPE:

STRAP Number: 05-45-25-00-00001.0020
Name of Project: SS Building

Name of Agent: Michael Roeder
Street Address: 1625 Hendry St.
City, State, Zip: Ft. Myers, FL 33901
Phone Number: 239-334-2722 Email Address: mroeder@knott-law.com

Name of Applicant*: SS Building, LLC
Street Address: 4099 Tamiami Trail
City, State, Zip: Naples, FL 33966
Phone Number: 239-263-2324 Email Address: km@fmdc.us

***If applicant is not the owner, a letter of authorization from the owner must be submitted.**

LEE COUNTY COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET), FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

	Section Number	Requirement
#1	34-202(b)(5)(b)	TIS
#2	34-202(a)(10)	Potable Water and Sanitary Sewer
#3		
#4		
#5		
#6		
#7		
#8		
#9		

B. SCOPE OF PROJECT AND REASON(S) FOR REQUEST:

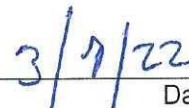
Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

This request for a Special Exception is to allow for the conversion of an existing 29,085 sq. ft. office building to mini-warehouses. The existing building had for many years housed the local Social Security offices with very heavy patronage every day. The Social Security Administration has recently relocated these offices and the proposed new use would have greatly reduced traffic, as well reduced was water and sewer demand.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.



Signature of Applicant



Date

.....
FOR STAFF USE ONLY

DIRECTOR'S DECISION:
☐
☐
☐

Request Denied

Request Approved

Request Approved Per Attached Comments

 Director Signature

 Date



REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS (indicate the appropriate application type)

- ☒ Public Hearing - General Requirements **(34-202)**
- ☐ Public Hearing - Mining Excavation Planned Development **(12-110)**
- ☐ Public Hearing - Additional Requirements for:
- ☐ Development of Regional Impact **(34-202(b)(1))**
- ☒ Planned Developments **(34-202(b)(2))**
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- ☐ Additional Required Submittals **(10-154)**
- ☐ Limited Review Development Order - Submittal Requirements **(10-152)**
- ☐ Required Submittals **(10-175)**
- ☐ Administrative Action Application Requirements **[34-203]**
- State the Type of Administrative Application: _____

PLEASE PRINT OR TYPE:

STRAP Number: 05-45-25-00-00001.0020

Name of Project: SS Building

Name of Agent: Michael Roeder

Street Address: 1625 Hendry St.

City, State, Zip: Ft. Myers, FL 33901

Phone Number: 239-334-2722 Email Address: mroeder@knott-law.com

Name of Applicant*: SS Building, LLC

Street Address: 4099 Tamiami Trail

City, State, Zip: Naples, FL 33966

Phone Number: 239-263-2324 Email Address: km@fmdc.us

***If applicant is not the owner, a letter of authorization from the owner must be submitted.**

LEE COUNTY COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET), FORT MYERS, FLORIDA 33902

PHONE (239) 533-8585

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

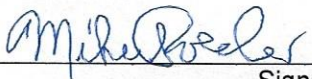
Section Number	Requirement
#1 LDC 34-373(b)(1)	Surface Water Management Plan
#2	
#3	
#4	
#5	
#6	
#7	
#8	
#9	

B. SCOPE OF PROJECT AND REASON(s) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

This is a request to rezone the property to CPD to allow for the additional use of public warehouse. The plan is to utilize the existing building and site plan with no changes or additions. This existing development was approved for a County development order in 1985 and received a Permit Exemption from the SFWMD on July 22, 1985. Since there will be no changes to the previously approved building and site plan, there should be no need for a surface water management plan.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.


11/9/22
 Signature of Applicant Date

.....
 FOR STAFF USE ONLY

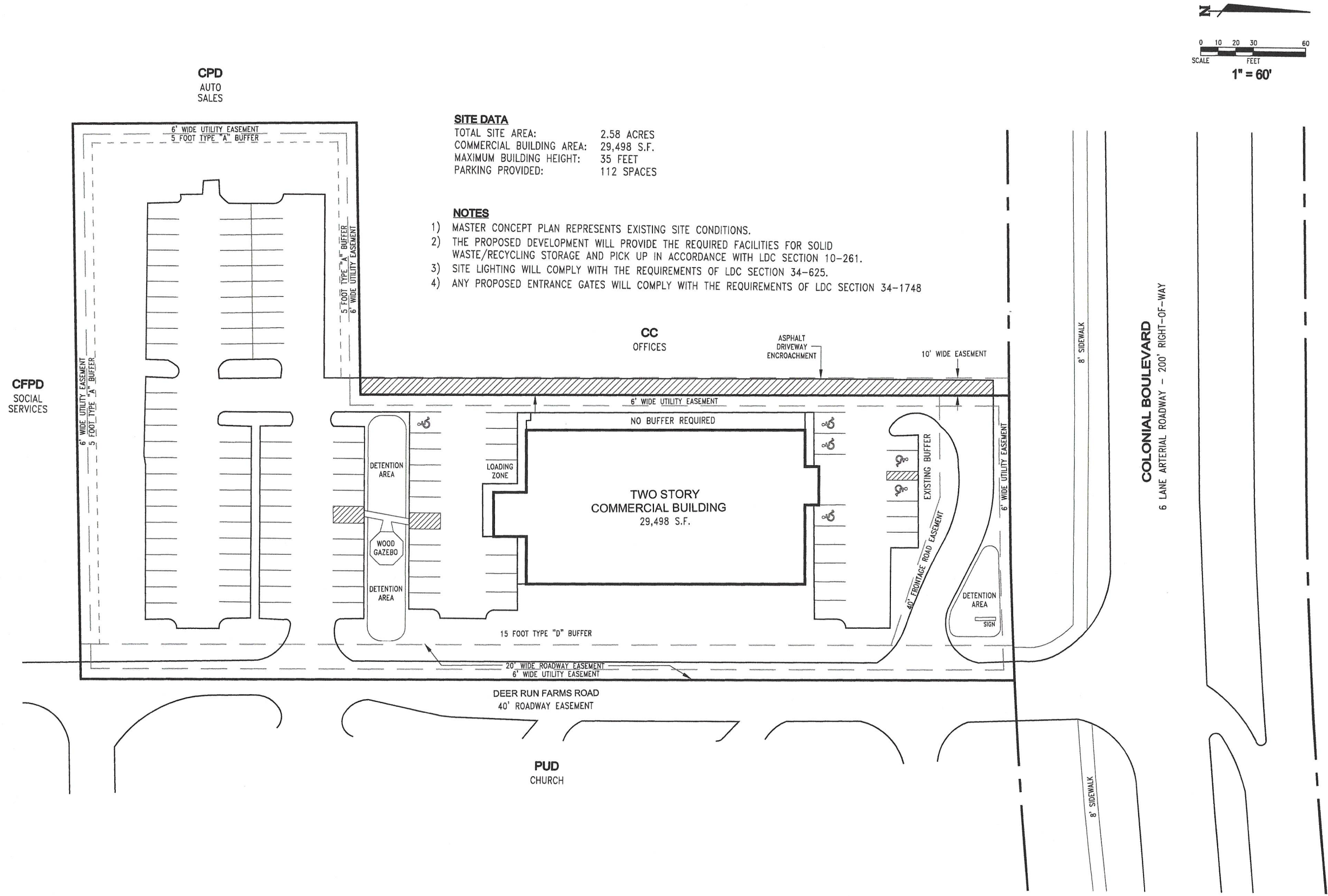
DIRECTOR'S DECISION:

- ☐ Request Denied
☒ Request Approved
☐ Request Approved Per Attached Comments

Electronically signed on 11/14/2022 by
 Anthony R. Rodriguez, AICP, CPM, Zoning Manager
 Lee County Department of Community Development

Director Signature

Date



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 34-625.
- 4) ANY PROPOSED ENTRANCE GATES WILL COMPLY WITH THE REQUIREMENTS OF LDC SECTION 34-1748

FILE #	2201 MCP	REVISION	DATE
DATE	11/22	NOTED	
SCALE	NOTED		
DESIGN	GFM		
DRAWN	GFM		
CHECK	GFM		

GARY F. MULLER, AICP
1482 ARGYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 565-6772

SEC 05, TWP 45S., RGE 25E.
LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN
SS BUILDING CPD

DWG. NO.
2201
SHEET 1 OF 2

