

ADMINISTRATIVE AMENDMENT (PD) ADD2022-00165

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Josh Cockriel, Kimley-Horn and Associates, Inc., on behalf of Jeff Liegel, in reference to Culver's – Lehigh Acres, filed a request for administrative approval of a deviation from Lee County Land Development Code (LDC) Section 34-2021(d), which requires drive-thrus for restaurants to accommodate ten cars per service lane with a minimum of five spaces preceding the menu board, to allow the development of a second drive-thru lane, with each drive-thru lane providing a minimum of three spaces preceding the menu board, on a commercial outparcel identified on the approved Master Concept Plan as Outparcel "B"; and

WHEREAS, the subject property is generally located at the northwest corner of the intersection of Lee Boulevard and 1st Street W, and the property's current STRAP Number is 25-44-26-00-00008.0000 (see Exhibit "A"); and

WHEREAS, the property was originally rezoned to Commercial Planned Development (CPD) by Resolution Z-93-101 and was subsequently amended by Resolution Z-99-082, ADD2007-00176, ADD2016-00022, Resolution Z-22-011, and ADD2022-00002; and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category, the Mixed Use Overlay, and the Lehigh Acres Community Plan area as designated by the Lee Plan; and

WHEREAS, Resolution ADD2016-00022 approved a series of deviations from the Lee County Land Development Code (LDC) to facilitate the redevelopment of the subject property with the existing fast food restaurant (see Exhibit "B"); and

WHEREAS, the applicant has filed the subject request to facilitate development of a second drive-thru and menu board to optimize operations of the existing restaurant (see Exhibit "D"); and

WHEREAS, the applicant's justification for the deviation request notes that the proposed drive-thru will retain one service window but will provide for two menu boards for ordering, with a total of six spaces preceding the menu boards, which meets the intent of the County's drive-thru stacking requirements (see Exhibit "D"); and

WHEREAS, the proposed modification to the existing site will result in a reduction of four parking spaces and 91 square feet of open space; and

WHEREAS, the subject property is located within the Mixed Use Overlay established by the Lee Plan; and

WHEREAS, the Mixed Use Overlay permits reductions in off-street parking and open space requirements, and the proposed site plan demonstrates that sufficient parking and open space will continue to exist after the proposed site modification (see Exhibit “E”); and

WHEREAS, Development Services and Environmental staff have reviewed and offered no objection to the request; and

WHEREAS, the applicant conducted a public information session and provided the requisite meeting summary document in accordance with LDC Section 33-1401 (see Exhibit “F”); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; 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 the request does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval of a deviation from Lee County Land Development Code (LDC) Section 34-2021(d), which requires drive-thrus for restaurants to accommodate ten cars per service lane with a minimum of five spaces preceding the menu board, to allow the development of a second drive-thru lane, with each drive-thru lane providing a minimum of three spaces preceding the menu board, on a commercial outparcel identified on the approved Master Concept Plan as Outparcel “B” is **APPROVED, subject to the following conditions:**

1. **Development must be in substantial compliance with the Master Concept Plan approved by Resolution Z-22-011, attached hereto as Exhibit “C,” and the site plan entitled Site Plan, #2511 Culver’s Lee Boulevard, attached hereto as Exhibit “E.”**
2. **The terms and conditions of the original zoning resolution, and subsequent amendments thereto, remain in full force and effect, except as amended herein.**
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 1/5/2023

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

List of Exhibits

- A. Legal Description
- B. ADD2016-00022
- C. Resolution Z-22-011
- D. Request Narrative
- E. Site Plan
- F. Public Information Session Summary

Exhibit A

CASE NUMBER: ADD2022-00165

STRAP NUMBER

25-44-26-00-00008.0000

REVIEWED
ADD2022-00165
Hunter Searson, GIS
Planner
Lee County Government
10/24/2022

EXHIBIT B

ADMINISTRATIVE AMENDMENT (PD) ADD2016-00022

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, S & L Properties Lehigh Acres, LLC filed an application for an administrative amendment to a Commercial Planned Development on a project known as Culver's Lehigh to request the following deviations:

Deviation 1: A request to deviate from the Land Development Code (LDC) Section 34-2020(b), parking requirements for non-residential uses to allow a 5% reduction to required parking spaces for bicycle and pedestrian facilities identified on the Bikeways/Walkways Facility Plan, pursuant to LDC Section 34-2020(c)(3).

Deviation 2: A request to deviate from the Land Development Code (LDC) Section 30-153(3)e. which requires signs to be set back a minimum of 15 feet from any right-of-way or easement; to allow the proposed sign to be set back a minimum of 5 feet from Lee Boulevard right-of-way.

Deviation 3: A request to deviate from the Land Development Code (LDC) Section 34-1353(e)(2) which requires fast food restaurant projects with an open drainage system to provide an undulating berm within the 25-foot wide right-of-way buffers, to allow open drainage without an undulating berm.

Deviation 4: A request to deviate from the Land Development Code (LDC) Section 34-1353(e)(4) which requires trees to be 14 feet in height for the right-of-way buffer; to allow trees to be 10 feet in height along Lee Boulevard & West First Street rights of way.

Deviation 5: A request to deviate from the Land Development Code (LDC) Section 10-296(t)(4) Table 6 which requires a minimum edge of pavement radius for commercial driveways on collector roads with closed drainage of 35'; to allow a minimum edge of pavement radius of 25' for the driveway onto 1st Street West, a minor collector roadway.

Deviation 6: A request to deviate from the Land Development Code (LDC) Section 10-288 which requires a minimum turn lane width of 11 feet for roads with a posted speed of less than 45 mph; to allow a minimum turn lane width of 10 feet on 1st Street West, a minor collector roadway with a posted speed of 40 mph.

on property located 2511 Lee Boulevard, described more particularly as:

LEGAL DESCRIPTION: In Section 25, Township 44 South, Range 26 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in Resolution Number Z-93-101 (with subsequent amendments in Resolution Numbers Z-99-082 and ADD2007-00176); and

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

WHEREAS, the applicant made a presentation before the Lehigh Acres Community Planning Panel, on September 24, 2015, as required by the Lee Plan Policy 32.12.2.

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the site was originally developed with a 2,200 square foot bank on a 1.27 acre property; and

WHEREAS, the applicant is proposing to redevelop the site with a 4,686 square foot fast food restaurant; and

WHEREAS, the requested deviations for site design, such as turning lane width, driveway radius, and open drainage berm are necessary to redevelop site with the existing site constraints; and

WHEREAS, The Land Development Code Section 34-2020(c)(3) allows a 5% reduction in the number of the required parking spaces, when bicycle and pedestrian facilities and amenities are provided on site; and

WHEREAS, the sign deviation will allow the sign foundation to be located outside of the water retention area, while not blocking the view of the motorists and pedestrians; and

WHEREAS, the height of the sign will be limited to 10 feet, pursuant to LDC Section 33-1420(3)(a)1; and

WHEREAS, the existence of the overhead power lines requires small canopy trees that are installed 15 feet from the power line; and

WHEREAS, the subject request was reviewed by the Development Services Division, environmental planner of the Zoning Division and the sign reviewer of the Permitting and Code Enforcement Division with recommendation for approval subject to conditions; and

WHEREAS, all reviewers conditions have been incorporated into this Resolution; 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 the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval of six deviations listed above for an amendment to Commercial Planned Development is **APPROVED subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan, dated 01/12/2016. Master Concept Plan for ADD2016-00022 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit "B".**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect, unless revised herein.**
3. **As part of the development order approval process, the dry detention must be planted with cold tolerant, native herbaceous grasses installed at one foot on center; in a minimum of one gallon container size; and no mulch required. In addition, for each 400 square feet of detention planted, the general tree requirement may be reduced by one ten-foot tree.**
4. **As part of the development order approval process, code required trees proposed along Lee Boulevard and West First Street must be specified as small canopy trees that are installed 15 feet from the power line and be ten feet in height measured from the parking lot grade with a two inch caliper and a four foot canopy spread at time of installation.**
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.**

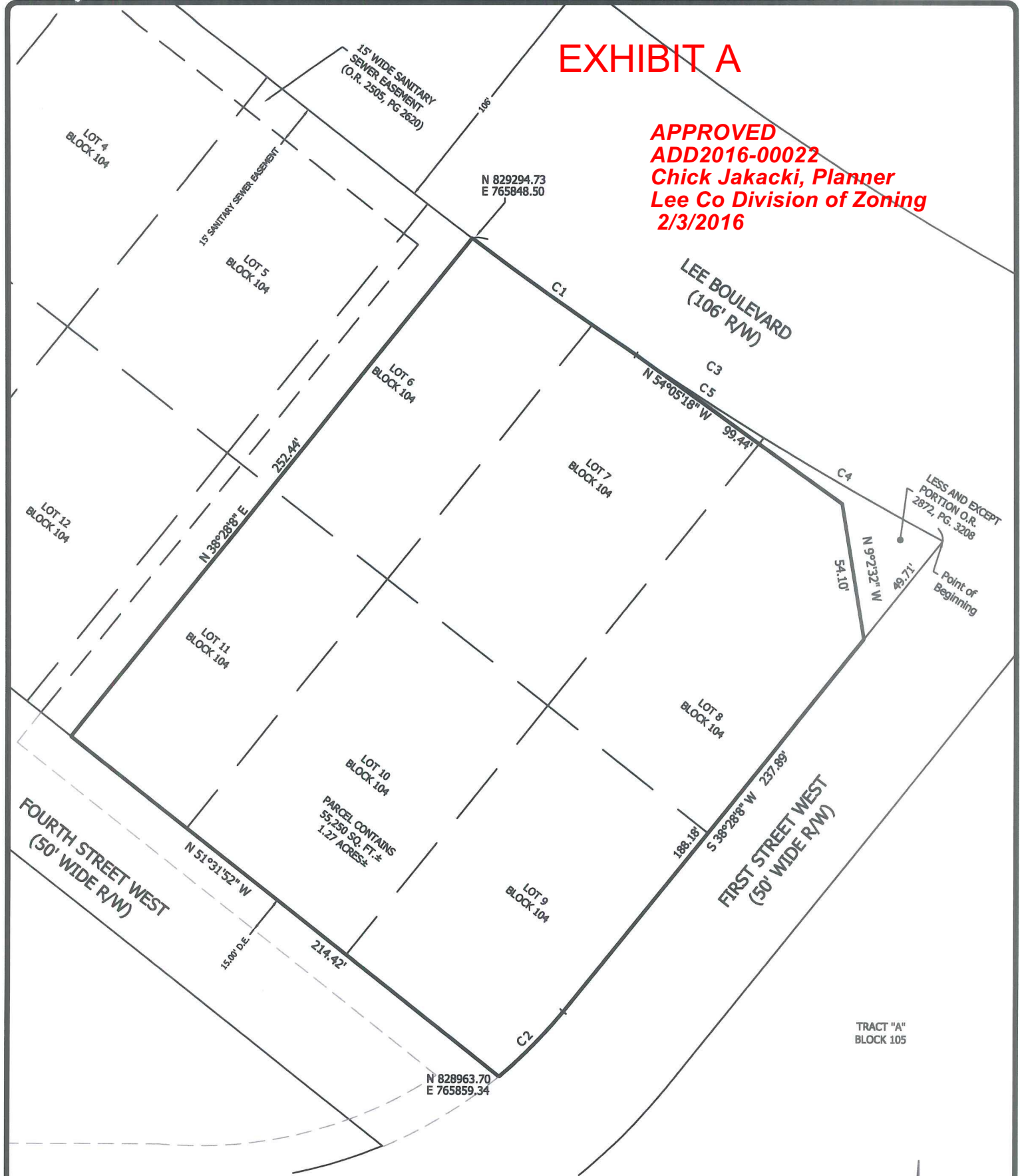
Duly passed, adopted, and electronically signed on 5/4/2016 by

Pam Houck, Zoning Manager
Department of Community Development

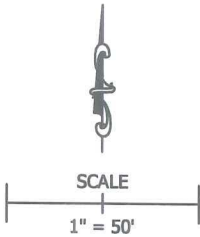
Attachments: Exhibit "A" Legal Description
Exhibit "B" Master Concept Plan

EXHIBIT A

APPROVED
ADD2016-00022
Chick Jakacki, Planner
Lee Co Division of Zoning
2/3/2016



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	1360.21	78.80	03°19'09"	S 54°07'09" E	78.79
C2	182.72	35.94	11°16'11"	S 44°06'15" W	35.88
C3	1360.21	219.20	09°14'01"	S 57°04'40" E	218.96
C4	1360.21	140.41	05°54'52"	S 58°44'09" E	140.35
C5	1360.21	241.27	10°09'47"	S 56°36'09" E	240.95



DATE	REVISION

2511 Lee Boulevard
Being a portion of Block 104, PLAT OF
PART OF UNIT 12 SECTION 25,
TOWNSHIP 44 S., RANGE 26 E., A
SUBDIVISION OF LEHIGH ACRES.

Page 1 of 2

THIS IS NOT A SURVEY

SURVEY NOTES:

- MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
- SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- NOT VALID WITHOUT SIGNATURE AND RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER (P.S.M.)
- COORDINATES ARE STATE PLANE, FLORIDA WEST (NAD 83/2011) PER FDOT NETWORK REFERENCE STATION "FT. MYERS"
- BEARINGS ARE BASED ON THE NORTHERLY RIGHT OF WAY OF FOURTH STREET WEST, BEING N51°31'52"W.
- RECORDING INSTRUMENTS LISTED HEREON SHOULD BE CONSULTED AND REVIEWED FOR ADDITIONAL INFORMATION.

JOB # 15-2110	PREPARED FOR: CREIGHTON
SECTION 25, TOWNSHIP 44S, RANGE 26E	

STOUTENCRAMER

PROFESSIONAL SURVEYORS

CERTIFICATE OF AUTHORIZATION: LB7922
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991
Phone: (239) 673-9541 Fax: (239) 424-8181
www.scisurvey.com

I hereby certify that, to the best of my knowledge and belief, the survey represented hereon, made under my direction on January 28, 2016 is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statute

JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6384
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Description

Description:

That part of Block 104, of PLAT OF PART OF UNIT 12 SECTION 25, TOWNSHIP 44 S., RANGE 26 E., A SUBDIVISION OF LEHIGH ACRES, as shown on plat found of record in Plat Book 15, Page 73, of the Public Records of Lee County, Florida, being more particularly described as follows:

Beginning at the Northeast corner of said Block 104, said point also being the Intersection of the Southerly right of way line of Lee Boulevard with the Westerly right of way line of First Street West, thence running with the Westerly right of way line of First Street West, South 38°28'08" West a distance of 237.89 feet to the beginning of a curve; thence with the arc of said curve, concave Northwesterly, having a radius of 182.72 feet, an arc length of 35.94 feet, a chord distance of 35.88 feet with a chord bearing of South 44°06'15" West, to the Northerly right of way line of Fourth Street West, thence with said Northerly right of way line, North 51°31'52" West, a distance of 214.42 feet; thence departing said right of way line, North 38°28'08" East, a distance of 252.44 feet to the Southerly right of way line of Lee Boulevard; thence with same, being the arc of a curve concave Northerly, having a radius of 1360.21 feet, an arc distance of 219.20 feet, a chord distance of 218.96 feet and a chord bearing of South 57°04'40" East to the Point of Beginning;

LESS AND EXCEPT that portion conveyed to Lee County by Warranty Deed recorded in Official Records Book 2872, Page 3208, Public Records of Lee County, Florida.

THIS IS NOT A SURVEY

2511 Lee Boulevard
*Being a portion of Block 104, PLAT OF
 PART OF UNIT 12 SECTION 25,
 TOWNSHIP 44 S., RANGE 26 E., A
 SUBDIVISION OF LEHIGH ACRES.*

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **January 28, 2016** is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

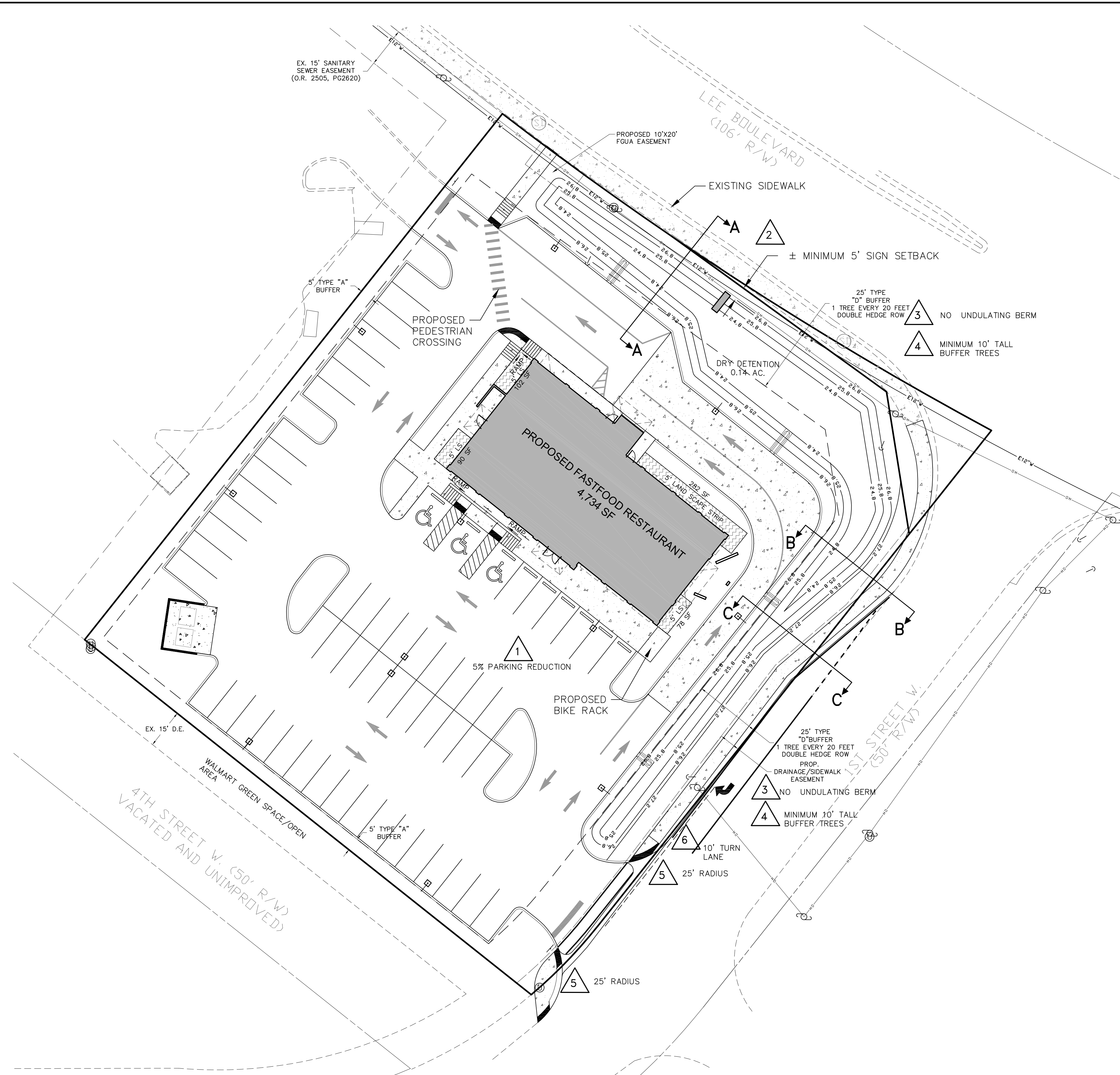
Page 2 of 2

STOUTENCRAMER
 PROFESSIONAL SURVEYORS

CERTIFICATE OF AUTHORIZATION: LB7922
 324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991
 Phone: (239) 673-9541 Fax: (239) 424-8181
www.scisurvey.com

JOB # 15-2110 PREPARED FOR: CREIGHTON
 SECTION 25, TOWNSHIP 44S, RANGE 26E

JEFFREY B. STOUTEN (FOR THE FIRM)
 FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
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LAND DEVELOPMENT AREAS:

TOTAL PROJECT AREA:	1.27 AC.	55,250 SF	
TOTAL BASIN AREA:	1.27 AC.	55,250 SF	(100%)
DRY DETENTION:	0.14 AC.	6,091 SF	(11%)
PAVEMENT/SIDEWALK AREA:	0.78 AC.	33,753 SF	(61%)
*BUILDING COVERAGE:	0.11 AC.	4,748 SF	(9%)
GREEN AREA:	0.24 AC.	10,658 SF	(19%)
PERVIOUS AREA	0.38 AC.	16,749 SF	(30%)
IMPERVIOUS AREA	0.89 AC.	38,501 SF	(70%)

* INCLUDES EXTERIOR BUMP OUTS.

PARKING CALCULATIONS:

(PARKING REQUIREMENTS PER LEE COUNTY LAND DEVELOPMENT CODE 34-2020)

RESTAURANTS, FAST FOOD:
13 SPACES PER 1,000 SF OF TOTAL FLOOR AREA; OUTDOOR SEATING AREA IS CALCULATED AT THE SAME RATE

4,734 SF BUILDING (NO OUTDOOR SEATING);

4,734 SF X 13 SPACES/1,000 SF = 61.54 SPACES

TOTAL SPACES = 61.54 SPACES

5% REDUCTION FOR BICYCLE FACILITIES = 61.54 SPACES X 5% = 3.08 SPACES

TOTAL REQUIRED (INCLUDES 5% REDUCTION) = 59 SPACES

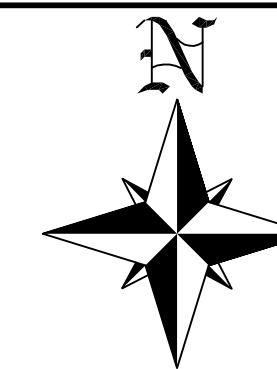
TOTAL SPACES PROVIDED = 59 SPACES (INCLUDING 3 HANDICAP SPACES)



DEVIATION

DEVIATIONS:

- 1 LDC SECTION 34-2020(B) TO ALLOW 5% PARKING REDUCTION FOR BICYCLE AND PEDESTRIAN FACILITIES.
- 2 LDC SECTION 30-153(3)e TO ALLOW MINIMUM 5 FOOT SIGN SETBACK.
- 3 LDC SECTION 34-1353(e)(2) TO ALLOW OPEN DRAINAGE WITHOUT UNDULATION BERM.
- 4 LDC SECTION 34-1353(e)(4) TO ALLOW TREES 10 FEET IN HEIGHT.
- 5 LDC SECTION 10-296(i)(4) TABLE 6 TO ALLOW 25' EDGE OF PAVEMENT RADIUS AT DRIVEWAY
- 6 LDC SECTION 10-288, AC11-4(D)(III) TO ALLOW A 10' TURN LANE WIDTH



GRAPHIC SCALE 1"= 20'

LEGEND

- PROPERTY LINE
- RIGHT OF WAY LINE
- EX. EDGE OF PAVEMENT
- EX. BACK OF CURB
- EX. UTILITY EASEMENT
- EX. OVERHEAD POWERLINE
- EX. DRAINAGE PIPE
- PROP. DRAINAGE PIPE
- PROP. GRATE INLET
- PROP. END SECTION
- PROP. TOP OF CURB ELEVATION
- PROP. EDGE OF PAVEMENT ELEVATION
- EX. ELEVATION
- FLOW/SLOPE DIRECTION
- EX. 8" SANITARY SEWER
- EX. 10" WATER MAIN
- PROP. 6" SANITARY SEWER SERVICE
- PROP. WATER SERVICE
- EX. SANITARY SEWER MANHOLE
- EX. SANITARY CLEAN OUT
- EX. FIRE HYDRANT ASSEMBLY
- EX. WATER VALVE
- EX. BACKFLOW PREVENTOR VALVE
- EX. WATER METER
- EX. ELECTRIC BOX
- EX. LIGHT POLE
- EX. CATCH BASIN
- EX. STORM DRAIN
- EX. WELL
- EX. UTILITY RISER
- EX. WOOD POWER POLE
- EX. GUY ANCHOR
- EX. BURIED FIBER OPTIC CABLE MARKER
- PROP. SANITARY SEWER CLEAN OUT
- PROP. WATER METER
- PROP. BACKFLOW PREVENTOR
- PROP. LIGHT POLE
- PROP. # OF PARKING SPACES
- PROP. CONCRETE WALKWAYS/PADS

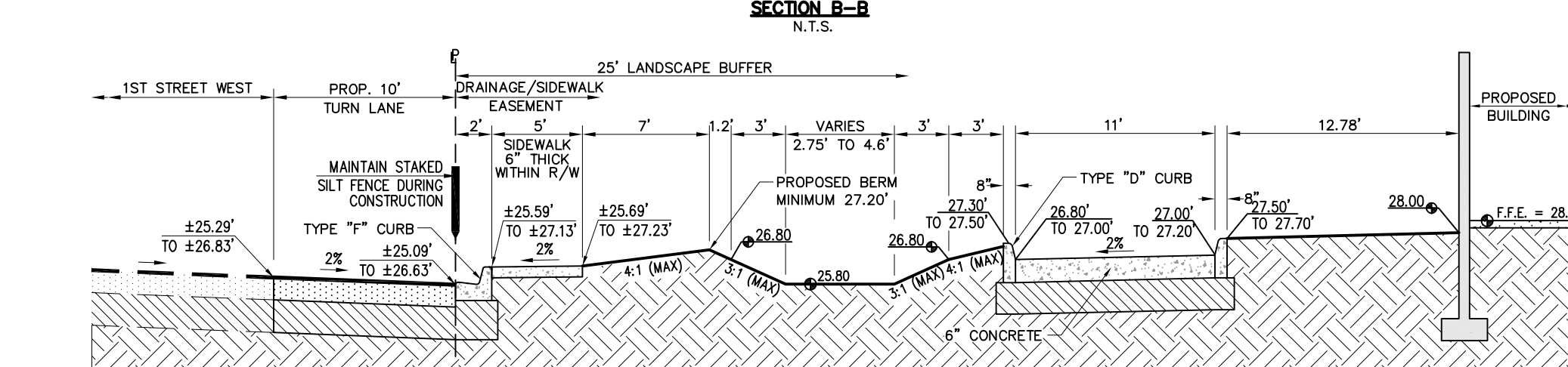
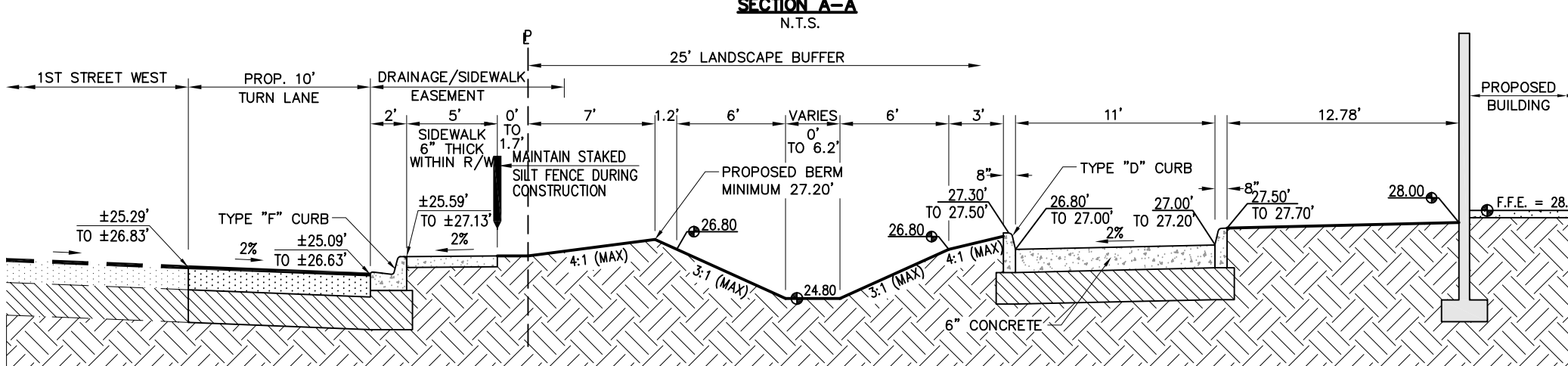
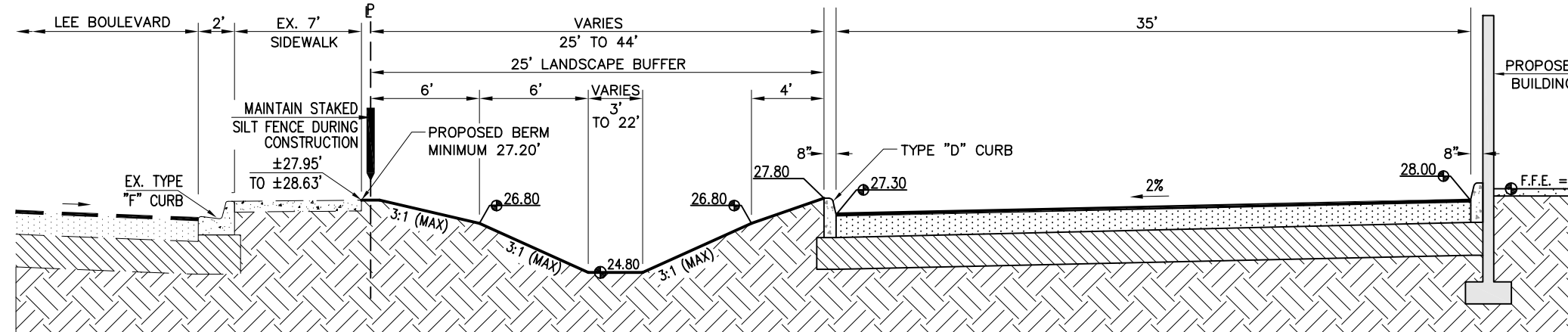


EXHIBIT "B"

PREPARED FOR:

CULVER'S

2651 KIRKING COURT
PORTAGE, WISCONSIN 53901
PHONE: (608) 742-2893
FAX: (608) 742-2903

BANKS
ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33906
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

ADMINISTRATIVE DEVIATION PLAN
CULVER'S LEHIGH ACRES
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
1-12-16	8077	EXH	NFK	NFK	SWM	1"=20'	1

EXHIBIT C

RESOLUTION NUMBER Z-22-011

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Panda Restaurant Group filed an application on behalf of the property owner, Wal-Mart Stores East, LP, to amend an existing Commercial Planned Development (CPD), an 18.57± acre parcel in reference to Panda Express Lehigh Acres; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on April 7, 2022. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her Office on or before April 15, 2022. On April 18, 2022, the applicant requested an extension to April 25, 2022 and the Hearing Examiner granted the request. On April 25, 2022, applicant requested a second extension to May 25, 2022, and the Hearing Examiner granted the request; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2021-00031 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on August 3, 2022 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to amend an existing CPD to: revise the Master Concept Plan (MCP) to create an outparcel with a fast-food restaurant; amend the schedule of uses; and request three deviations.

The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

Conditions and deviations represent a codification of prior approvals from Resolution Z-93-101, Z-99-082 and Administrative Approvals ADD2007-00176 and ADD2016-00022. This resolution supersedes all prior zoning actions.

1. Master Concept Plan (MCP) and Development Parameters

- a. MCP. Development must be in substantial compliance with the two-page MCP entitled "Master Concept Plan Amendment – Lee Blvd. & Elva Avenue N." prepared by CPH, Inc., Page 1 stamped received May 18, 2022 and Page S2 stamped received June 8, 1999 (Exhibit C), except where modified by the conditions below.
- b. LDC and Lee Plan. Development must comply with the LDC and Lee Plan at time of local development order approval, except where deviations are approved herein. Subsequent amendments to the MCP, conditions, or deviations may require further development approvals.
- c. Development Parameters. Development is limited to a maximum 222,656 square feet of commercial uses.

2. Schedule of Uses and Site Development Regulations

a. Schedule of Uses

Administrative offices
 Aircraft landing facilities, private, new accessory buildings
 Animals: Clinic
 ATM (automatic teller machine)
 Auto parts store
 Automobile repair and service, Group I
 Automobile service station
 Bait and tackle shop
 Banks & financial establishments, Groups I and II
 Boat parts store
 Boat rental
 Broadcast studio, commercial radio and television
 Business services, Group I
 Caretaker's residence
 Car wash
 Cleaning and maintenance services
 Clothing stores, general
 Clubs, Commercial, Fraternal, Membership Organization, Private
 Contractors and builders, Groups I & II
 Convenience food and beverage store
 Day Care Center, adult, child
 Department store
 Drive-through facility for any permitted use
 Drugstore, pharmacy
 Entrance gates and gatehouse
 EMS, fire or sheriff's station
 Essential service facilities, Group I
 Excavation: Water retention
 Flea market: Indoor
 Food stores, Groups I and II
 Funeral home or mortuary, no cremation

Hardware store
 Health care facility, Group III
 Hobby, toy and game shops
 Household and office furnishings, Groups I & II
 Laundry or dry cleaning, Group I
 Lawn and garden supply store
 Library
 Medical office
 Non-store retailers, all groups
 Package store
 Paint, glass and wallpaper
 Parks, Group I
 Parking lot: Accessory, Temporary
 Personal services, Groups I, II, III & IV
 Pet services
 Pet shop
 Pharmacy
 Place of worship
 Post office
 Recreation facilities, commercial: Group I
 Religious facilities
 Rental or leasing establishments, Groups I, II & III
 Repair shops, Groups I & II
 Research and development laboratories, Group II
 Restaurant, fast food
 Restaurants, Groups I, II, III and IV
 Schools: Commercial & Non-Commercial
 Self-service fuel pumps (a maximum of 16 fuel pumps)
 Signs
 Social Services, Group I
 Specialty retail shop, Groups I, II, III and IV
 Storage: Indoor and Open
 Studios
 Theater: Indoor
 Transportation services, Group II
 Used merchandise stores, Groups I, II & III
 Variety store
 Vehicle and equipment dealers, Group II
 Wholesale establishment, Groups I, III & IV

b. Site Development Regulations

Minimum Building Setbacks:

Street	50 feet
Side Yard	15 feet/buffer width (whichever is greater)
Rear Yard	20 feet

Maximum Building Height	25 feet
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3. Environmental Conditions

- a. Trees impacted by the proposed change must be relocated/replanted. Relocated trees receive no credit since they were previously planted and are not existing indigenous trees.
- b. The CPD must provide 16.42 acres of open space, of which 6.99 acres is indigenous area.
- c. Dry detention must be planted with cold tolerant, native herbaceous grasses installed:
 - i. at one foot on center;
 - ii. in a minimum of one gallon container size; and
 - iii. no mulch required.

For each 400 square feet of detention planted, the general tree requirement may be reduced by one ten-foot tree.

- d. Code required trees proposed along Lee Boulevard and West First Street must be small canopy trees installed 15 feet from the power line and be ten feet in height measured from parking lot grade with a two-inch caliper and a four-foot canopy spread at time of installation.

4. Development Permits

County issuance of a development permit does not create rights to obtain permits from state or federal agencies, nor does it create County liability if the applicant fails to obtain requisite approvals or fulfill obligations imposed by state or federal agencies, or if applicant undertakes actions resulting in violation of state or federal law.

SECTION C. DEVIATIONS:

1. Right-of-Way. Deviation (1) seeks relief from Table 9-2 and Appendix 9-4 of the Development Standards Ordinance that require County-maintained local streets with open drainage to provide 60 feet of right-of-way, to allow First Street West from Lee Boulevard to Sunshine Boulevard and Elva Avenue from Lee Boulevard to First Street West to be constructed within 50 feet of right-of-way utilizing 24 feet of pavement. This deviation is APPROVED, carried forward from prior approval.
2. Parking. Deviation (2) seeks relief from the LDC §34-2020 requirement to provide a minimum of one parking space per 200 square feet of retail floor area, to allow the overall Wal-Mart project to have eight parking spaces less than what is required. This deviation is APPROVED, carried forward from prior approval.
3. Western Buffer. Deviation (3) seeks relief from the LDC §10-416(d) requirement which requires an "A" type buffer along property lines separating commercial uses to allow no buffer along the western property line. This deviation is APPROVED, carried forward from prior approval.

4. Perimeter Plantings. Deviation (4) seeks relief from the LDC §10-416(b) requirement of building perimeter plantings of 5 feet wide to allow no building perimeter plantings for the 120 square foot, one-story building located immediately north of Outparcel B. This deviation is APPROVED, carried forward from prior approval.
5. Lighting. Deviation (5) seeks relief from the LDC §34-625(d), Table 1 requirement which limits the maximum illumination to 0.5 foot-candle measured at the property line, to allow a maximum illumination of 2.7-foot candles measured at the common property lines for development on parcel immediately north of Outparcel B. This deviation is APPROVED, carried forward from prior approval.
6. Stormwater Management. Deviation (6) seeks relief from the LDC §10-321 requirement that commercial development provide an on-site storm water management system to allow for "two" parcels (identified on the MCP as the "stormwater/conservation parcel and the entire development) to share the existing continuous water management system under the approved unified control document. This deviation is APPROVED, carried forward from prior approval.
7. Parking Facilities. Deviation (7) requests relief from the LDC §34-2020(b) parking requirements for non-residential uses to allow a 5% reduction to required parking spaces for development on Outparcel B for bicycle and pedestrian facilities identified on the Bikeways/Walkways Facility Plan, pursuant to LDC §34-2020(c)(3). This deviation is APPROVED, carried forward from prior approval.
8. Sign Setback. Deviation (8) seeks relief from the LDC §30-153(3)e requirement that signs to be set back a minimum of 15 feet from any right-of-way/easement; to allow the proposed sign on Outparcel B to be set back a minimum of 5 feet from the Lee Boulevard right-of-way. This deviation is APPROVED, carried forward from prior approval.
9. Open Drainage. Deviation (9) seeks relief from the LDC §34-1353(e)(2) requirement that fast food restaurant projects with an open drainage system provide an undulating berm within the 25-foot wide right-of-way buffers, to allow open drainage without an undulating berm for development on Outparcel B. This deviation is APPROVED, carried forward from prior approval.
10. Tree Height. Deviation (10) seeks relief from the LDC §34-1353(e)(4) requirement trees be 14 feet in height for the right-of-way buffer; to allow trees to be 10 feet in height along Lee Boulevard & West First Street rights of way for development on Outparcel B. This deviation is APPROVED, carried forward from prior approval.
11. Driveway Radius. Deviation (11) seeks relief from LDC §10-296(t)(4) Table 6 requirement of a minimum edge of pavement radius for commercial driveways on collector roads with closed drainage of 35 feet; to allow a minimum edge of pavement radius of 25 feet for the driveway onto 1st Street West, a minor collector roadway, for development on Outparcel B. This deviation is APPROVED, carried forward from prior approval.
12. Lane Width. Deviation (12) seeks relief from the LDC §10-288 requirement of a minimum turn lane width of 11 feet for roads with a posted speed of less than 45 mph; to allow a minimum turn lane width of 10 feet on 1st Street West, a minor collector roadway with a

posted speed of 40 mph, for development on Outparcel B. This deviation is APPROVED, carried forward from prior approval.

13. Right-of-Way Buffer. Deviation (13) seeks relief from the LDC §34-1353(e)(1) requirement of a buffer that is a minimum of 25 feet in width adjacent to a right-of-way or 15 feet in width if abutting an internal accessway to a commercial development; to allow a 15-foot right-of-way buffer along with a 5 foot internal accessway buffer for development on the proposed fast food parcel as shown on sheet 3 of the MCP. This deviation is APPROVED.
14. Signs. Deviation (14) seeks relief from the LDC §30-153(2)(a)(4) requirement that identification signs be set back a minimum of 15 feet from any street right-of-way or easement, and ten feet from any other property line; to allow a 5-foot setback back for the proposed monument identification sign for development on the proposed fast food parcel as shown on sheet 3 of the MCP. This deviation is APPROVED.
15. Fast Food Restaurant Frontage. Deviation (15) seeks relief from the LDC §34-1353(c)(1) requirement of minimum frontage of 150 feet for fast food restaurants; to allow 25 feet of frontage on the proposed fast food parcel as shown on sheet 3 of the MCP. This deviation is APPROVED.

SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. As conditioned herein, the proposed amendment to the CPD:
 - a. Complies with the Lee Plan. See, Lee Plan Goals 2, 4, 11, 25, 39, Objective 2.1, 2.2, and Policies 1.1.3, 6.1.4, 6.1.7, 11.2, 25.1.4; Lee Plan Maps 1-A, 1-B, 2-A, 2-B.
 - b. Complies with the LDC and other County regulations. See, LDC §§ 34-934, 33-1401 *et. seq.*
 - c. Is compatible with existing and planned uses in the area. See, Lee Plan Policies 1.1.3, 2.1.1, 2.1.2, 2.2.1, 6.1.4; LDC §§ 34-411(c), (i), and (j).
 - d. Provides access sufficient to support the proposed development intensity. Expected impacts on transportation facilities will be addressed by county regulations and conditions of approval. Lee Plan Objective 39.1, Policies 2.2.1, 6.1.1, 6.1.3, 39.1.1; LDC §§ 34-411(d) and (e).

- e. Will not adversely affect environmentally critical areas and natural resources. See, Lee Plan Goal 77, Objectives 4.1, 77.2; and LDC §34-411(h).
 - f. Will be served by urban services. See, Lee Plan Glossary, Maps 3-B, 3-D, 4-A, 4-B, Goal 2; Objectives 2.1, 2.2, 4.1; Policies 2.2.1, 25.9.2, and Standards 4.1.1 and 4.1.2; LDC §34-411(d).
2. The MCP reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. See, Lee Plan Goal 39; LDC §34-411(d).
 3. The proposed mix of uses is appropriate at the proposed location. See, Lee Plan Goal 25, Policies 1.1.3, 2.1.1, 6.1.4, 6.1.7, 25.1.4.
 4. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. See LDC Chapters 10, 33, and 34.
 5. As conditioned herein, the deviations:
 - a. Enhance the objectives of the planned development; and
 - b. Promote the intent of the LDC to protect the public health, safety and welfare. See, LDC §34-377(b)(4).

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

Commissioner Greenwell made a motion to adopt the foregoing resolution, seconded by Commissioner Ruane. The vote was as follows:

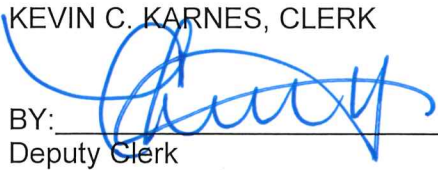
Adopted by unanimous consent.

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Absent
Brian Hamman	Aye
Mike Greenwell	Aye

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 MINUTES OFFICE
 2022 AUG 17 AM 11:08

DULY PASSED AND ADOPTED this 3rd day of August 2022.

ATTEST:
KEVIN C. KARNES, CLERK

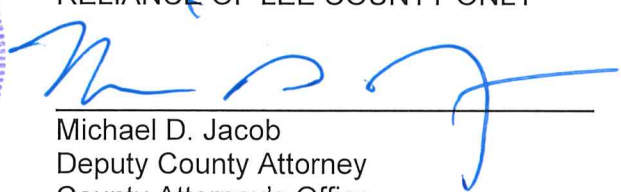
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Cecil L. Pendergrass, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


Michael D. Jacob
Deputy County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE

2022 AUG 17 AM 11:08

EXHIBIT A

Sketch and Description:

Legal Description:

THIS IS NOT A SURVEY

A PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH ALL OF THE FOLLOWING: TRACT A-BLOCK 65-UNIT 5, TRACT A-BLOCK 66-UNIT 5, TRACT A-BLOCK 96-UNIT 12, AND TRACT A-BLOCK 97-UNIT 12, LEHIGH ACRES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 26, PAGES 96-216 INCLUSIVE, BEING MORE SPECIFICALLY DISPLAYED ON PAGES 144 AND 149, AND A PART OF BLOCK 95 AND A PART OF BLOCK 104, PLAT OF PART OF UNIT 12, LEHIGH ACRES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGES 1-101 INCLUSIVE, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGIN (POB (1)) AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF ELVA AVENUE AND THE NORTH RIGHT-OF-WAY LINE OF FIRST STREET WEST (BOTH BEING A 50' WIDE RIGHT-OF-WAY PER LEHIGH ACRES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGES 1-101 INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA), AND RUN NORTH 00°44'54" WEST ALONG THE SAID EAST RIGHT-OF-WAY LINE OF ELVA AVENUE, A DISTANCE OF 851.92 FEET TO THE NORTHWEST CORNER OF TRACT A-BLOCK 96-UNIT 12, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 26, PAGES 96-216 INCLUSIVE, BEING MORE SPECIFICALLY DISPLAYED ON PAGE 149, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 43°15'51" EAST, A DISTANCE OF 53.39 FEET; THENCE NORTH 20°38'06" EAST ALONG THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE OF ELVA AVENUE, A DISTANCE OF 210.88 FEET; THENCE NORTH 73°01'35" EAST, A DISTANCE OF 63.57 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF LEE BOULEVARD (RIGHT-OF-WAY WIDTH VARIES) AND A POINT LYING ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1,355.70 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 58°23'50" EAST, 317.39 FEET; THENCE RUN SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 13°26'40", AN ARC LENGTH OF 318.12 FEET TO A POINT OF TANGENCY; THENCE DEPARTING SAID CURVE CONTINUE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING CALLS: SOUTH 51°40'30" EAST, 36.73 FEET; SOUTH 39°16'04" EAST, 54.69 FEET; SOUTH 51°40'30" EAST, 311.13 FEET; SOUTH 38°19'30" WEST, 33.71 FEET; SOUTH 51°40'30" EAST, 31.86 FEET; NORTH 38°19'30" EAST, 45.46 FEET; SOUTH 51°40'30" EAST, 50.00 FEET; SOUTH 38°19'30" WEST, 53.96 FEET; SOUTH 51°40'30" EAST, 2.19 FEET; NORTH 38°19'30" EAST, 3.49 FEET; NORTH 83°36'46" EAST, 71.74 FEET; SOUTH 51°40'30" EAST, 346.85 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1,360.21 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 53°48'01" EAST, 100.84 FEET; THENCE RUN SOUTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 04°14'55", AN ARC LENGTH OF 100.86 FEET TO THE END OF SAID CURVE; THENCE SOUTH 54°14'02" EAST, 99.44 FEET; THENCE SOUTH 09°11'16" EAST 54.10 FEET TO THE AFORESAID NORTHERLY RIGHT-OF-WAY LINE OF FIRST STREET WEST; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING CALLS: SOUTH 38°19'30" WEST, 188.19 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 182.72 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 64°02'15" WEST; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 51°25'25", AN ARC LENGTH OF 163.99 FEET TO A POINT OF TANGENCY; THENCE DEPARTING SAID CURVE CONTINUE ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID FIRST STREET WEST, SOUTH 89°44'57" WEST, A DISTANCE OF 1035.20 FEET TO THE POINT OF BEGINNING (1).

AND

BEGIN (POB (2)) AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF FIRST STREET W AND THE WEST RIGHT-OF-WAY LINE OF ELVA AVENUE, LEHIGH ACRES UNIT 5, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGES 1-101 INCLUSIVE, BEING MORE SPECIFICALLY DISPLAYED ON PAGE 170 OF AFORESAID PUBLIC RECORDS AND RUN SOUTH 89°44'57" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 800.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF HANNA AVENUE; THENCE NORTH 00°44'54" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 605.52 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THIRD STREET W; THENCE NORTH 89°14'48" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 799.97 FEET TO THE AFORESAID WEST RIGHT-OF-WAY LINE OF ELVA AVENUE; THENCE SOUTH 00°44'54" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 612.54 FEET TO THE POINT OF BEGINNING (2).

SAID PARCELS CONTAINING A TOTAL OF 1,421,069 SQ FT OR 32.61 ACRES MORE OR LESS.

Abbreviation Legend:

(A)	- ACTUAL	Δ	- DELTA
APPROX	- APPROXIMATE	(D)	- DEED
AVG	- AVERAGE	(DE)	- DEED EXCEPTION
(BB)	- BEARING BASIS	DEPT	- DEPARTMENT
BLDG	- BUILDING	D/U	- DRAINAGE AND UTILITY EASEMENT
(C)	- CALCULATED	ELEV	- ELEVATION
C	- CHORD	EOP	- EDGE OF PAVEMENT
CB	- CHORD BEARING	ESMT	- EASEMENT
CCR #	- CERTIFIED CORNER	FDOT	- FLORIDA DEPARTMENT OF TRANSPORTATION
C/L	- CENTERLINE	FF	- FINISH FLOOR
CM	- CONCRETE MONUMENT	FND	- FOUND
CONC	- CONCRETE	FP&L	- FLORIDA POWER AND LIGHT
COR	- CORNER	(G)	- GRID (STATE PLANE)

GOV'T	- GOVERNMENT	PC	- POINT OF CURVATURE
IP	- IRON PIPE	PCC	- POINT OF COMPOUND
INST#	- INSTRUMENT NUMBER	PCP	- PERMANENT CONTROL POINT
IR	- IRON ROD	PG	- PAGE
IR&C	- IRON REBAR & CAP	PGS	- PAGES
L	- ARC LENGTH	PI	- POINT OF INTERSECTION
LB#	- LICENSED BUSINESS NUMBER	POB	- POINT OF BEGINNING
N & D	- NAIL AND DISK	PCC	- POINT OF COMMENCEMENT
NR	- NON-RADIAL	PCL	- POINT ON LINE
NT	- NON-TANGENT	PRC	- POINT OF REVERSE CURVATURE
OR	- OFFICIAL RECORDS	PT	- POINT OF TANGENCY
ORB	- OFFICIAL RECORDS BOOK	R28E	- RANGE 28 EAST
(P)	- PLAT		
PB	- PLAT BOOK		
FS	- FLORIDA STATUTE		

Surveyor's Notes:

- COPIES OF THIS SKETCH AND DESCRIPTION ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- BEARINGS SHOWN HEREON ARE RELATIVE TO THE STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE, FIXING THE NORTH RIGHT-OF-WAY OF FIRST STREET W, AS BEING S 89°44'57" W.
- THE "LEGAL DESCRIPTION" HEREON WAS PREPARED BY SURVEYOR PER CLIENT REQUEST.
- THIS IS NOT A BOUNDARY SURVEY, THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR.

REVIEWED
DCI2021-00031
Rick Burris, Principal
Planner
Lee County DCD/Planning
3/24/2022

THE ELECTRONIC SIGNATURE HEREON IS IN COMPLIANCE WITH THE FLORIDA ADMINISTRATIVE CODE (FAC) 5J-17.062(3) AND THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY PAUL J. KATREK, PSM, 6233 ON 3/23/22 PER 5J-17.062(2)

Surveyor's Certification:

I hereby certify that the attached "Sketch and Description" of the hereon-described property is true and correct to the best of my knowledge, information and belief as prepared under my direction on March 23, 2022. I further certify that this "Sketch and Description" meets the standards of practice set forth in Rule Chapter 5J-17 of the Florida Administrative Code, pursuant to FS 472.027.



Digitally signed by Paul J. Katrek
DN: c=US, o=CPI INC,
ou=801410C000001d11AA0009
A000015E3, cn=Paul J. Katrek
Date: 2022.03.23 14:47:28
+04'00'

For the Firm By:

Paul J. Katrek
Professional Surveyor and Mapper
Florida Registration No. 6233

TITLE BLOCK ABBREVIATIONS			
Eng. = ENGINEERING	L.B. = LICENSED BUSINESS		
C.O.A. = CERTIFICATE OF AUTHORIZATION	Arch. = ARCHITECTURAL		
Landscape. = LANDSCAPE	N/A = NOT APPLICABLE	Lic. = LICENSED	
No. = NUMBER	P.O. = POST OFFICE	© = COPYRIGHT	

NOT VALID WITHOUT
SHEETS 1 THROUGH 3 OF 3.

Date: 3/23/22	Job No. P7361
Drawn by: JTF	Scale: N/A
	File: P7361 PD.DWG



A Full Service A & E Firm

500 West Fulton Street
Sanford, FL 32771
Ph: 407.322.6841

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BELLE CENTRE
2523 LEE BOULEVARD
LYING IN
SECTION 25-TOWNSHIP 44 SOUTH-RANGE 26 EAST
(LEHIGH ACRES) LEE COUNTY, FLORIDA

SKETCH AND DESCRIPTION

Sheet

1

1 of 3

Sketch and Description:

THIS IS NOT A SURVEY

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Rick Burris, Principal
Planner
Lee County DCD/Planning
3/24/2022

LINE	BEARING	LENGTH
L1	S 51°40'30" E	36.73'
L2	S 39°16'04" E	54.69'
L3	S 38°19'30" W	33.71'
L4	S 51°40'30" E	31.86'
L5	N 38°19'30" E	45.46'

LINE	BEARING	LENGTH
L6	S 51°40'30" E	50.00'
L7	S 38°19'30" W	53.96'
L8	S 51°40'30" E	2.19'
L9	N 38°19'30" E	3.49'
L10	N 83°36'46" E	71.74'

LINE	BEARING	LENGTH
L11	S 54°14'02" E	99.44'
L12	S 09°11'16" E	54.10'
L13	S 38°19'30" W	188.19'

$\Delta = 13^\circ 26' 40''$
 $R = 1355.70'$
 $C = 317.39'$
 $L = 318.12'$
 $CB = S 58^\circ 23' 50'' E$

N 73°01'35" E
63.57'
 N 20°38'06" E
210.88'
 N 43°15'51" E
53.39'

NW COR OF
TRACT A-
BLOCK 96-UNIT 12,
PB 26, PGS 96-216

N 00°44'54" W
851.92'

MATCHLINE "A" - SEE SHEET 3 OF 3

ELVA AVENUE

(50' R/W WIDTH PER LEHIGH ACRES, PB 15, PGS 1-101)

E R/W LINE OF ELVA AVE.
PER PB 15, PGS 1-101

S 88°44'57" W
50.00'

POB(1)

INT OF THE E R/W LINE OF ELVA AVE &
N R/W LINE OF FIRST ST W
PER LEHIGH ACRES, PB 15, PGS 1-101

(BEARING BASIS)
S 89°44'57" W

FIRST STREET W
(50' R/W WIDTH PER LEHIGH ACRES, PB 15, PGS 1-101)

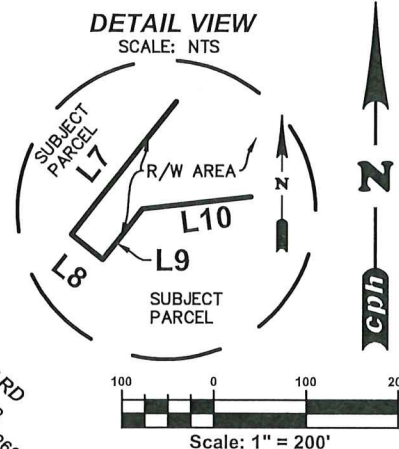
CONTAINS 933,866 SQ FEET
OR 21.53 ACRES±

NORTH R/W LINE OF
FIRST STREET WEST
PB 15, PGS 1-101

1035.20'

$\Delta = 51^\circ 25' 25''$
 $R = 182.72'$
 $C = 158.54'$
 $L = 163.99'$

CB = S 64°02'15" W



TRACT A-
BLK 97-UNIT 12
PB 26, PGS 96-216
(PLAT NOT VACATED) 2

SUBJECT PARCEL
FOLIO ID# 10320686
STRAP: 25-44-26-00-00002.0000
OWNER: WAL-MART STORES EAST LP
ADDRESS: 2523 LEE BLVD
LEHIGH ACRES FL 33971

FOLIO ID# 10467882
STRAP: 25-44-26-00-00002.0010
OWNER: MURPHY OIL
USA INC
ADDRESS: 2515 LEE BLVD
LEHIGH ACRES FL 33971

FOLIO ID# 10320687
STRAP: 25-44-26-00-00008.0000
OWNER: S & L
PROPERTIES LEHIGH ACRES
ADDRESS: 2511 LEE BLVD
LEHIGH ACRES FL 33971

TITLE BLOCK ABBREVIATIONS
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SHEETS 1 THROUGH 3 OF 3.

Date: 3/23/22 Job No. P7361
 Drawn by: JTF Scale: 1"=200' File: P7361 PD.DWG

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BELLE CENTRE
2523 LEE BOULEVARD
LYING IN

SECTION 25-TOWNSHIP 44 SOUTH-RANGE 26 EAST
(LEHIGH ACRES) LEE COUNTY, FLORIDA

SKETCH AND DESCRIPTION

Sheet

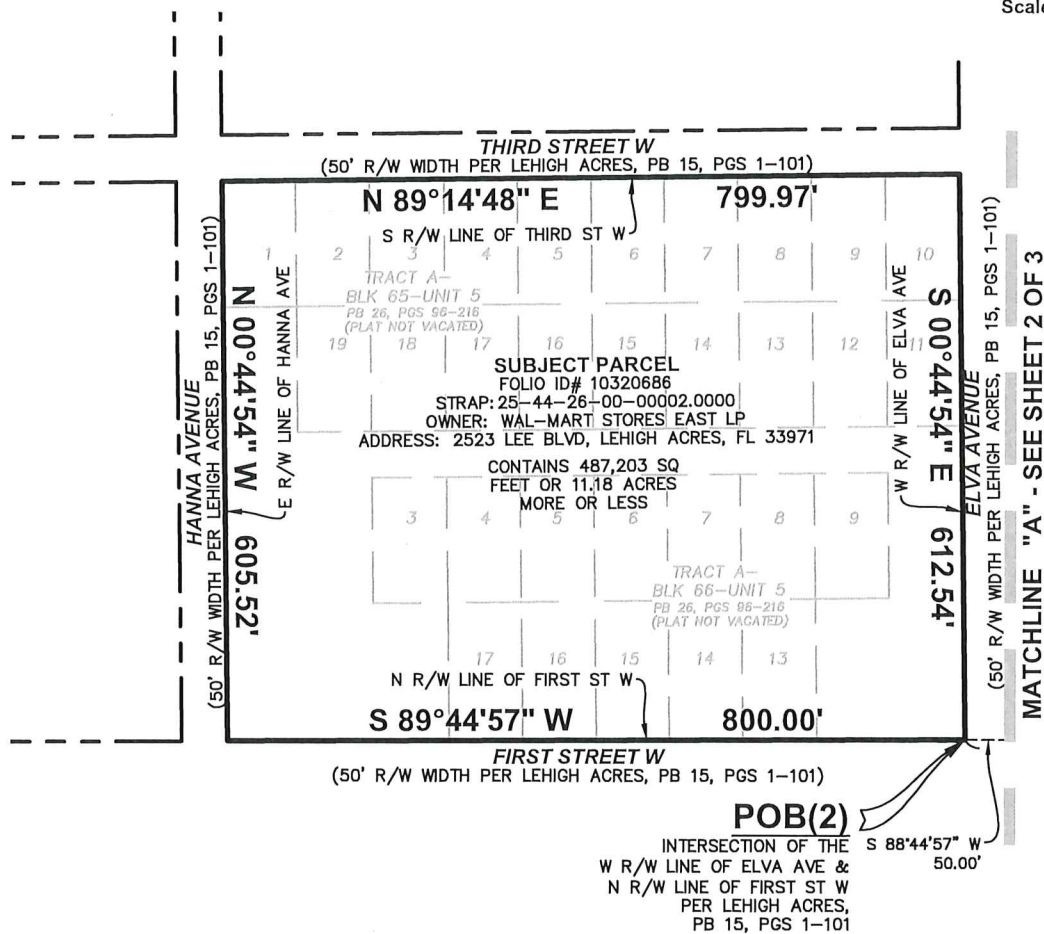
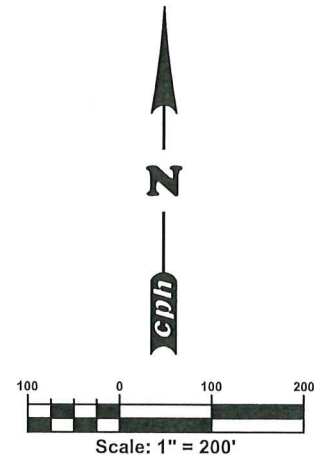
2

2 of 3

Sketch and Description:

THIS IS NOT A SURVEY

REVIEWED
DCI2021-00031
Rick Burris, Principal
Planner
Lee County DCD/Planning
3/24/2022



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 SHEETS 1 THROUGH 3 OF 3.

Drawn by: JTF

Date: 3/23/22

Job No. P7361

Scale: 1"=200'

File: P7361 PD.DWG



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BELLE CENTRE

2523 LEE BOULEVARD

LYING IN

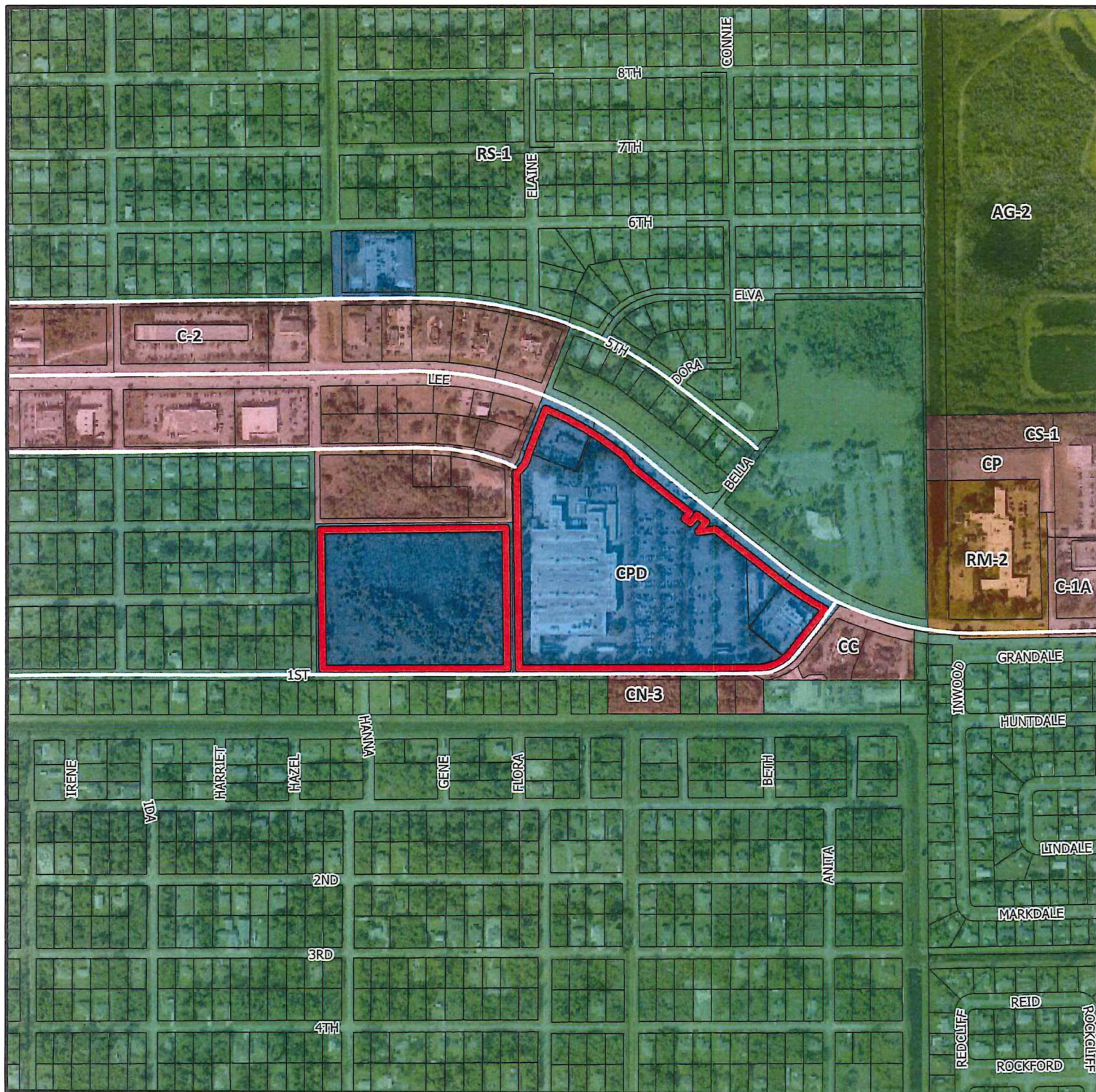
SECTION 25-TOWNSHIP 44 SOUTH-RANGE 26 EAST
 (LEHIGH ACRES) LEE COUNTY, FLORIDA

SKETCH AND DESCRIPTION

Sheet

3

3 of 3

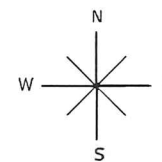


DCI2021-00031

Zoning

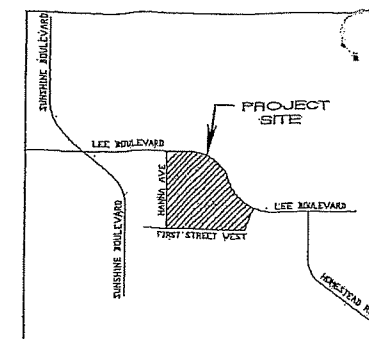
EXHIBIT B

 Subject Property



0 500 1,000
Feet

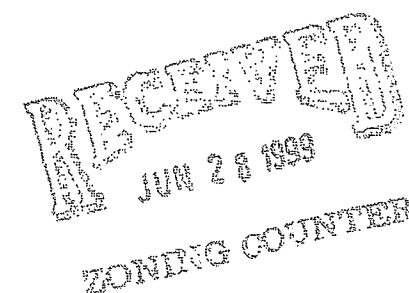




LOCATION MAP

BASED ON A ASBUILT SURVEY
DRAWING BY
KING ENGINEERING ASSOC.
DATED: 3-24-95

Approved as Exhibit C
 MCP Page 2 of 2
 Resolution # E-22-011



Scale: 1" = 50'

50 25 0 25 50 100



Kimley-Horn
and Associates, Inc.

Engineering
Planning
and
Environmental
Consultants

Suite 400
601 21st Street
Vero Beach, Florida
32960
Phone: 561-562-7981
Fax: 561-562-9689

[illegible]

JOB NO.	047280.07
ORIGIN BY	ND
CHECKED BY	TCY
APPROVED BY	RLB
DATE	4/28/89
DATE ISSUED	

COMPOSITE SITE PLAN

PHY OIL FUELING STATION
LEHIGH ACRES
LEE COUNTY, FLORIDA

SCALE 1" = 50'

SHEET NO.

S2

01.01

22

99 05-005

PROJECT #

PROJECT TYPE _____

Administrative Deviation

Culver's – Lehigh Acres

2511 Lee Blvd. Lehigh Acres, 33971

I. Written Narrative

The proposed project includes construction of an additional drive-thru lane and menu board to the existing Culver's Quick Serve Restaurant located at the intersection of 1st Street W and Lee Boulevard in Lee County. An Administrative Deviation for the additional drive-thru lane is required per Lee County's Land Development Code Section 34-2021 which states, "*Stacking lanes to accommodate ten cars per service lane, with a minimum of five spaces preceding the menu board.*" The proposed site plan includes two side-by-side service lanes which allows for three (3) spaces per lane preceding the menu boards, as opposed to the five (5) required. However, the total stacking preceding the menu board will be increased from five (5) spaces to six (6) spaces total with the construction of the second drive-thru lane.

The subject property is in the Wal-Mart Lehigh Acres Commercial Planned Development (CPD) (most recently modified by resolution Z-22-011). The improvements will improve circulation on-site by reducing queuing lengths and will remain consistent with the intent of the current land use and Lee Plan. The proposed improvements will not change the use of the site and are intended to improve the customer and public experience.

As indicated on the site plan, the proposed project will remove four parking spaces to accommodate the proposed second drive-thru lane. Many Culver's restaurants throughout the country (including this location) have experienced an increase in drive-thru traffic and less lobby patrons in this post-COVID world. With the increase in drive-thru traffic, Culver's is requesting to create an additional drive-thru lane to ensure efficiencies and reduce queuing times.

The only landscape change, as a result of the request, is a slight reshaping of the two existing islands with a total reduction in impervious surface area of 91 square feet and the addition of bicycle parking. All other buffers and required landscaping will remain untouched.

II. Schedule of Deviations and Justification

The proposed project seeks a deviation from Lee County Land Development Code (LDC) Section 34-2021(d) "*Restaurants: Stacking lanes to accommodate ten cars per service lane, with a minimum of five spaces preceding the menu board.*" The proposed improvements are consistent with the approved Master Concept Plan (MCP) and development parameters, exclusive of the stated deviation from the Land Development Code (LDC). The request is minor in nature as the majority of the existing design of the site will remain unchanged. As a result of the request, only two landscape islands will be slightly reshaped with the impervious surface area decreasing by 91 square feet.

Due to the physical restraints of the existing Culver's restaurant, the proposed side-by-side drive-thru allows for three (3) spaces per lane preceding the menu boards, as opposed to the code required five (5) spaces. The unique shape of the parcel and orientation of the existing building limits the space on site to accommodate required queuing for the drive-thru. To alleviate this restraint, the proposed project is seeking approval of an additional drive-thru lane and menu board, thereby increasing the amount of existing queuing spaces.

The total stacking preceding the menu board will be increased from five (5) spaces to six (6) spaces total with the construction of the second drive-thru lane. As proposed and indicated on the site plan, each drive-thru lane will accommodate the stacking of three vehicles before the menu board. Although requesting a deviation from the LDC, it is reasonable to conclude that the intent of this request for relief is aligned with the intent of the code. Both the code and this request work to provide adequate stacking on-site so as to enable efficient vehicular flow throughout the development. This is best achieved through the addition of a second drive-thru lane and associated menu board.

III. Lee Plan Compliance Analysis

The proposed project meets the following Lee Plan Objectives and Policies:

Future Land Use Element Policy 1.1.3

The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services.

The proposed project is in the Central Urban Future Land Use designation and meets this policy by providing additional stacking spaces to accommodate the traffic and vehicle volume that is present in the “urban core” of the County.

Future Land Use Element Objective 2.1

Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The proposed project meets this policy by proposing to improve the existing development by accommodating more drive-thru customers. By improving the existing development where services are already in place, energy and materials can be conserved.

Future Land Use Element Policy 6.1.11

Encourage the upgrading or revitalization of deteriorating commercial areas, but prohibit the expansion or replacement of commercial uses which are inappropriately located or that have an adverse impact on surrounding residential and non-residential uses. Such revitalization includes, but is not limited to: store-front renewal, sign control, and the provision of common parking areas and consolidated access.

The proposed improvements to the existing commercial development are compatible with the surrounding land uses and will enhance the access and vehicular flow through the site. Therefore, the proposed project meets the intent of this policy and will not have an adverse impact on surrounding uses.

Future Land Use Element Policy 34.2.2

Maintain development standards for commercial developments to be designed as to support a walkable, multimodal community with transportation facilities that provide for the needs of pedestrians, cyclists, transit riders, and drivers by providing:

- a) Interconnection of adjacent commercial uses in order to minimize vehicular access points on primary road corridors;

- b) Parking at the rear of the developments;
- c) Pedestrian connections such as sidewalks, trails, crosswalks, walkways and entrances, signalized and or lighted crossings, shade, and other pedestrian elements;
- d) Bike facilities such as bike racks, bike lanes, and bike ways;
- e) Transit resources such as shelters, well serviced transit lines, and intermodal connection facilities;
- f) Improved network connections to Tice Street; and
- g) Intersection improvements along Palm Beach Boulevard, Ortiz Avenue, and Tice Street

The proposed site improvements include the addition of bike racks, thereby meeting (d) of this policy. The proposed improvements further meet this policy by improving the vehicular stacking on-site, which will help alleviate access issues for pedestrians and bikers who may have had to navigate around the vehicle stacking previously.

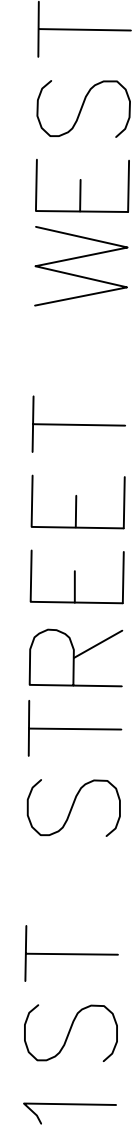
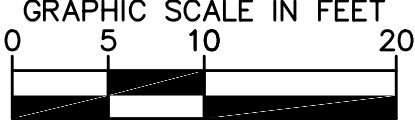
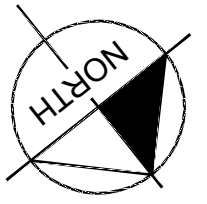


EXHIBIT E



GENERAL NOTES

1. ALL DIMENSIONS REFER TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
2. RADII ADJACENT TO PARKING STALL AND NOT DIMENSIONED ON THIS PLAN SHALL BE 3- FEET, TYPICAL.
3. REFER TO SPRINGFIELD SIGN PLANS FOR MENU BOARD DETAILS AND ELECTRICAL SPECIFICATIONS
4. ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED UNLESS OTHERWISE NOTED.

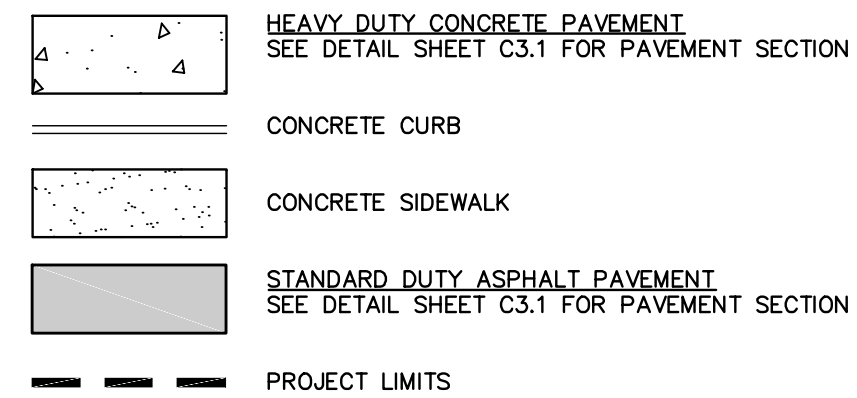
KEY NOTES

- ① CONCRETE TYPE D CURB AND GUTTER, TYP. (SEE DETAIL SHEET C3.1)
- ② CLEARANCE BAR
- ③ MENU BOARD (MB DT-46, SEE SIGNAGE PLANS)
- ④ DRIVE-THRU CANOPY AND ORDER CONFIRMATION SYSTEM (OCS, SEE SIGNAGE PLANS)
- ⑤ CONNECT TO EXISTING PAVEMENT, SIDEWALK, CURB, TYP.
- ⑥ EXISTING LIGHT POLE TO REMAIN
- ⑦ 4" WIDE PAINTED STRIPE (WHITE)
- ⑧ 5" BOLLARD (SEE DETAIL SHEET C3.1)
- ⑨ PROPOSED CONDUIT WITH PULL BOX FOR POWER AND DATA TO NEW DRIVE THRU EQUIPMENT, CONTRACTOR TO TRENCH AND REPAIR PAVEMENT AS NEEDED FOR CONDUIT INSTALLATION (SEE DETAIL SHEET C3.1)
- ⑩ DRIVE THRU SENSOR LOOP (SEE DETAIL SHEET C3.1)
- ⑪ RELOCATED TREE

LANDSCAPING NOTES

1. CONTRACTOR TO VERIFY RELOCATED TREE LOCATIONS DO NOT CONFLICT WITH EXISTING UTILITIES.
- WARRANTY
1. THE LIFE AND SATISFACTORY CONDITION OF ALL PLANT MATERIAL INSTALLED (INCLUDING SOIL) BY THE LANDSCAPE CONTRACTOR SHALL BE WARRANTED BY THE CONTRACTOR FOR A MINIMUM OF ONE (1) CALENDAR YEAR COMMENCING AT THE TIME OF CERTIFICATION OF ACCEPTANCE BY THE OWNER'S REPRESENTATIVE.
 2. ANY PLANT NOT FOUND IN A HEALTHY GROWING CONDITION AT THE END OF THE WARRANTY PERIOD SHALL BE REMOVED FROM THE SITE AND REPLACED AS SOON AS WEATHER CONDITIONS PERMIT. ALL REPLACEMENTS SHALL BE PLANTS OF THE SAME KIND AND SIZE AS SPECIFIED IN THE PLANT LIST. THEY SHALL BE FURNISHED PLANTED AND MULCHED AS SPECIFIED AT NO ADDITIONAL COST TO THE OWNER.
 3. IN THE EVENT THE OWNER DOES NOT CONTRACT WITH THE CONTRACTOR FOR LANDSCAPE AND IRRIGATION MAINTENANCE, THE CONTRACTOR SHOULD VISIT THE PROJECT SITE PERIODICALLY DURING THE ONE (1) YEAR WARRANTY PERIOD TO EVALUATE MAINTENANCE PROCEDURES BEING PERFORMED BY THE OWNER. CONTRACTOR SHALL NOTIFY THE OWNER IN WRITING OF MAINTENANCE PROCEDURES OR CONDITIONS WHICH THREATEN VIGOROUS AND HEALTHY PLANT GROWTH. SITE VISITS SHALL BE CONDUCTED AT A MINIMUM OF ONE PERIOD MONTH FOR A PERIOD OF TWELVE (12) MONTHS FROM THE DATE OF ACCEPTANCE.

PAVING AND CURB LEGEND



FEMA NOTE

PER FLOOD INSURANCE RATE MAP PANEL NO. 12071C0475F, THE SITE IS LOCATED IN ZONE X.

PARKING SUMMARY

TOTAL PARKING SPACES REQUIRED (13 SPACES/1,000 SF GFA)	=	61 SPACES
5% PARKING REDUCTION FOR BICYCLE PARKING	=	58 SPACES
PER SEC. 34-2020(e) OF LEE COUNTY LDC A 0.55 PARKING REDUCTION IS APPLIED FOR CENTRAL URBAN NON-RESIDENTIAL USES (TOTAL PARKING * 0.55)	=	32 SPACES
STANDARD PARKING SPACES PROVIDED	=	52 SPACES
ACCESSIBLE PARKING SPACES PROVIDED	=	3 SPACES
TOTAL PARKING SPACES PROVIDED	=	55 SPACES

*FOUR PARKING SPACES REMOVED

[illegible]

Kimley»»Horn

© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
12740 GRAN BAY PARKWAY WEST, SUITE 2350
JACKSONVILLE, FLORIDA 32258
PHONE: 904-828-3900
WWW.KIMLEY-HORN.COM REGISTRY NO. 35106

FOR
ENGINEER OF RECORD
SIGNATURE AND SEAL
REFER TO
C-02 - SIGNATURE SHEET

KHA PROJECT 045523019	DATE AUGUST 2022	SCALE AS SHOWN	DESIGNED BY JWC	DRAWN BY RCM	CHECKED BY JWC
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SITE PLAN

#2511 CULVER'S LEE BLVD.
PREPARED FOR
MCCON BUILDING CORPORATION, INC.

SHEET NUMBER
C3.0

LEE COUNTY

73

REVISIONS

EXHIBIT F

0005379386 / 9047301986KIML

The News-Press
media group
 news-press.com A GANNETT COMPANY

Attn:

KIMLEY-HORN
12740 GRAN BAY PARKWAY WEST, SUITE 2350
JACKSONVILLE, FL 32258

State of Wisconsin, County of Brown:

Before the undersigned authority personally appeared

Shelly Hore, who on oath says that
 he or she is a Legal Assistant of the News-Press, a daily
 newspaper published at Fort Myers in Lee County, Florida; that
 the attached copy of advertisement, being a Legal Ad in the
 matter of

Notice of Meetings

In the Twentieth Judicial Circuit Court was published in said
 newspaper editions dated or by publication on the newspaper's
 website, if authorized, on:

08/19/2022

Affiant further says that the said News-Press is a paper of
 general circulation daily in Lee County and published at Fort
 Myers, in said Lee County, Florida, and that the said newspaper
 has heretofore been continuously published in said Lee County,
 Florida each day and has been entered as periodicals matter at
 the post office in Fort Myers, in said Lee County, Florida, for a
 period of one year next preceding the first publication of the
 attached copy of advertisement; and affiant further says that
 he or she has never paid nor promised any person, firm or
 corporation any discount, rebate, commission or refund for the
 purpose of securing this advertisement for publication in the
 said newspaper.

Sworn to and Subscribed before me this 30th of August 2022,
 by legal clerk who is personally known to me.

Shelly Hore
 Affiant

Nicole Jacobs
 Notary State of Wisconsin, County of Brown
8-21-26
 My commission expires

NOTICE OF COMMUNITY MEETING
THURSDAY, SEPTEMBER 1, 2022
AT 10:00 A.M.

NOTICE OF LEHIGH ACRES COMMUNITY
PLANNING AND DESIGN REVIEW PUB-
LIC PARTICIPATION MEETING REGARD-
ING Culver's of Lehigh Acres Adminis-
trative Deviation is scheduled for Sep-
tember 1, 2022, at 10:00 am at 2511
Lee Blvd, Lehigh Acres, FL 33971. The
purpose of this meeting is to discuss
the Administrative Deviation request
for relief from LCLDC Sec. 34-2021(d)
which requires stacking lanes to accom-
modate ten cars per service lane, with a
minimum of five spaces preceding the
menu board.

NOTICE IS HEREBY GIVEN THAT a com-
munity meeting will be held to discuss
the proposed Administrative Deviation
on Thursday, September 1, 2022, at
10:00 am at Culver's of Lehigh Acres lo-
cated at 2511 Lee Blvd, Lehigh Acres,
FL 33971. The public is welcome to at-
tend and participate. If you are unable
to attend and would like further infor-
mation about the Administrative Devi-
ation please contact Josh Cockriel at
904-828-3900 or josh.cockriel@kimley-h
orn.com or Dirk Danley Jr. at ddanley2
@lee.gov.com.
AD# 5379386 August 19, 2022

NICOLE JACOBS
Notary Public
State of Wisconsin

of Affidavits: 1

This is not an invoice

LDO2022-00280 - Culver's of Lehigh Acres - Culvers Neighborhood Meeting Minutes

Meeting Time: 10:00am

Meeting Date: 9/1/2022

Meeting Location: 2511 Lee Blvd, Lehigh Acres, FL 33971

Attendees:

Tami Baker - LAAPZRB

Justin Lawler – Culver's Manager

Hosted by:

Sina Ebrahimi – Kimley-Horn and Associates

Summary:

1. No issues were presented during the meeting.
2. It was discussed that improvements will help alleviate vehicle queuing of drive thru.