

ADMINISTRATIVE AMENDMENT (PD) ADD2023-00011

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Hole Montes, Inc. filed an application for an administrative amendment to an Industrial Planned Development (IPD) on a project known as Kings Brand Warehouse for a deviation from Land Development Code (LDC) Section 10-285, which requires a 125-foot connection separation on local roads in Future Suburban Areas, to allow a 42-foot driveway separation between the proposed loading bay area and the existing site entrance to the south, AND a 13-foot driveway separation between the proposed loading bay area and the entrance for the development across Bavaria Road, and a deviation from LDC Section 34-2013(b)(3), which limits driveway widths to 35 feet at the property line, to allow for the 87-foot wide access required to install the proposed loading bay, on the property located at 9910 Bavaria Road, described more particularly as:

LEGAL DESCRIPTION: In Section 15, Township 45 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the applicant has indicated the property's current STRAP number is 15-45-25-01-0000B.0010; and

WHEREAS, the property was rezoned from Light Industrial (IL) to Industrial Planned Development (IPD) in Resolution Z-92-021, (see attached Exhibit "B"); and

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

WHEREAS, the applicant has submitted an application for Development Order (DOS2022-00118) for expansion of an existing warehouse and relocation of the existing loading docks; and

WHEREAS, the applicant has requested a deviation from Land Development Code (LDC) Section 10-285, which requires a connection separation of 125 feet on local roads in Future Suburban Areas, to allow a 42-foot driveway separation between the proposed loading bay area and the existing south entrance, and to allow a 13-foot driveway separation between the proposed loading bay area and the entrance for the development across from Bavaria Road; and

WHEREAS, the applicant has also requested a deviation from LDC Section 34-2013(b)(3), which limits the maximum width of parking lot entrances to 35 feet at the property line, to allow for an 87-foot wide access to the proposed loading bay; and

WHEREAS, the Department of Transportation has reviewed the request and offered no objection; 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 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 for an amendment to the Industrial Planned Development is **APPROVED subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan, dated December 20, 2022, a reduced copy of which is attached hereto as Exhibit "C".**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**
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 3/23/2023

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

EXHIBITS:

EXHIBIT "A": Legal Description

EXHIBIT "B": Resolution Z-92-021

EXHIBIT "C": Master Concept Plan

Exhibit A

Lots 1 and 2, Block B, Airport Woods Commerce Center, according to the Plat thereof as recorded in Plat Book 50, Page 64, Public Records of Lee County, Florida.

REVIEWED
ADD2023-00011
Hunter Searson, GIS
Planner
Lee County Government
3/23/2023

RESOLUTION NUMBER Z-92-021

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

WHEREAS, Airport Woods Partnership, in reference to Airport Woods Commerce Center, has properly filed an application for a rezoning from the IL and IT districts to Industrial Planned Development; and

WHEREAS, the subject property is located on the west side of Treeline Avenue, described more particularly as:

LEGAL DESCRIPTION: In Sections 14 and 15, Township 45 South, Range 25 East, Lee County, Florida:

Lots 1-8, Block A; Lots 1-4, Block B; Lots 1-7, Block C; and Lots 1-7, Block D, AIRPORT WOODS COMMERCE CENTER SUBDIVISION, as recorded in Plat Book 36, Pages 46-49, Public Records of Lee County, Florida, lying in Sections 14 and 15, Township 45 South, Range 25 East, in Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP numbers are:

- 14-45-25-01-0000A.0010 thru 14-45-25-01-0000A.0040
- 15-45-25-01-0000A.0050 thru 15-45-25-01-0000A.0080
- 15-45-25-01-0000B.0010 thru 15-45-25-01-0000B.0040
- 14-45-25-01-0000C.0010 thru 14-45-25-01-0000C.0070
- 14-45-25-01-0000D.0030 thru 14-45-25-01-0000D.0070
- 15-45-25-01-0000D.0010 thru 15-45-25-01-0000D.0020; and

WHEREAS, proper authorization has been given to Pokorny & Kareh, Inc. by Airport Woods Partnership, Airport Woods Twin-16 Partnership, First Florida Bank, Trustee, and Donald and Adrienne Stahnke, the owners of the subject parcels, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on April 14, 1992, continued to April 23, 1992; and

WHEREAS, a public hearing was legally and properly advertised and held

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE With Conditions a rezoning from the IL and IT districts to Industrial Planned Development, to permit the continued development of a mixed industrial center with buildings not to exceed 35 feet above average grade or three (3) stories above parking, on 62.1 total acres of land. The proposed development will also include ancillary and free standing commercial retail uses, automobile service station, building materials sales, and vehicle and equipment dealers.

The rezoning and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development and use of the subject property shall be in accordance with the one-page Master Concept Plan for Airport Woods Commerce Center (dated September, 1991, last revised March, 1992, Job No. 91-10, stamped received March 16, 1992) as prepared by Pokorny & Kareh, Inc., except as may be modified by the conditions herein. This project shall be developed in accordance with all applicable state and local development regulations, except as may be granted by deviation as part of this planned development. No deviations are granted, unless specifically approved herein.
2. The approved Schedule of Uses within this development shall be as follows:

ALL LOTS

All uses permitted by Right and Special Exception within the IL - LIGHT INDUSTRIAL - DISTRICT

All uses permitted by Special Permit within the IL - LIGHT INDUSTRIAL - DISTRICT are hereby permitted within this district provided that a Special Permit is applied for and approved for this use in accordance with the zoning regulations

Essential Service Facilities - Group II (limited to sewage disposal or treatment facilities only)

Freight and Cargo Handling Establishments (Section 1001.17)

Rental Establishments - Groups III (Section 1001.39)

Tower, Communication (as approved and conditioned by Special Exception, Case 91-9-26-SE-4)

Ancillary Retail Sales when incidental and subordinate to a permitted principal use on the same premises

Free-Standing Retail Sales of Consumer Goods and Services, as limited in Section 471.B.1 to:

- Automobile Service Station (df)
- Building Material Sales (1001.04)
- Factory Outlets (point of manufacture only)
- Self Serve Fuel Pumps (df)
- Vehicle and Equipment Dealers - All Groups (1001.55)

A maximum of 700,000 square feet shall be permitted within this planned development. No more than 150,000 square feet shall be used for Offices, and no more than a total of 30,000 square feet shall be used for Retail Sales - Free Standing and/or Ancillary.

4. The minimum property development regulations (lot area, width, depth, setbacks) shall be in accordance with those standards for the IL zoning district (Zoning Ordinance Section 472.02.C).
5.
 - a. All invasive exotic vegetation shall be removed from common open space areas, including the cypress preserve, lakes and mitigation areas. Invasive exotics by definition shall include Melaleuca Species (Punk Tree, Cajuput Tree, Paperbark Tree), Casuarina Species (Australian Pines), and Schinus Species (Brazilian Pepper). Removal of this vegetation shall be completed as approved in the Mitigation and Compliance Plan described in Condition 5.b through e.
 - b. Removal of the exotic vegetation in these areas shall be performed by hand unless prior approval is obtained from the Division of Environmental Sciences. These areas shall be maintained to prevent regrowth of any invasive exotic species.
 - c. The exotic removal and maintenance plan shall be in effect in perpetuity.
 - d. The project shall be developed in accordance with the approved Airport Woods Commerce Center Revised Mitigation and Compliance Plan, dated August 7, 1991 and map, dated August 10, 1991, both as amended. This mitigation and compliance plan is (as of this date) undergoing minor revision by W. Dexter Bender & Associates and the final plan will be subject to approval by the Division of Environmental Sciences, Department of Community Development.
 - e. To insure compliance with the mitigation plan, each phase of the plan shall be completed and verified prior to the issuance of the Certificate of Compliance for that phase of the project.
6.
 - a. The property owner shall contact the Lee County Division of Emergency Management, Hazardous Material, prior to the occupancy of any unit or building to discuss the development in relation to the potential type, use, and storage of hazardous materials which could be located on the premises.
 - b. If required by federal, state, and/or local regulations:
 - 1) The property owner shall prepare and or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of MSDS chemicals to the appropriate fire department or district and to the Lee County Department of Public Safety.
 - 2) The owner shall establish, prior to approval of a Certificate of Occupancy for any structure, an emergency notification system to be used in the event of a hazardous material release. This system shall be approved by the Department of Public Safety.
7. Approval of this rezoning does not give the developer the undeniable right to receive approval for development in accordance with the Development Standards Ordinance which exceeds the 2010 Overlay use allocation for the applicable subdistrict.
8. This zoning approval does not signify that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a Local Development Order, per the Development Standards Ordinance or other Lee County Ordinance.
9. No lot shall be permitted direct access to Euclid Avenue.

Deviation (2) is a request to deviate from the minimum water retention excavation setbacks to a section line of 75 feet (Zoning Ordinance Section 509.C.1.), to zero (0) feet between Sections 14 and 15. This deviation is APPROVED.

Deviation (3) is a request to deviate from the minimum water retention excavation setbacks to a private property line of 50 feet (Zoning Ordinance Section 509.C.4.), to zero (0) feet. This deviation is APPROVED.

Site Plan 92-021 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

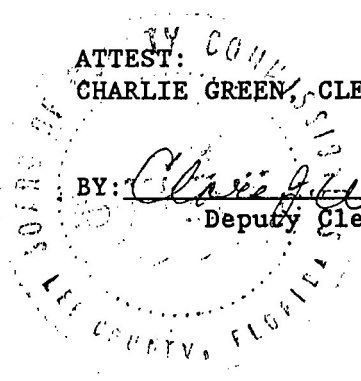
The following findings of fact were made in conjunction with this approval of Industrial Planned Development zoning:

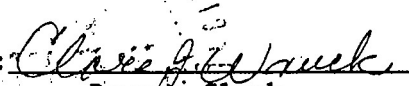
- A. That the rezoning, as conditioned, will have no adverse impact on the intent of the Zoning Ordinance.
- B. That the rezoning, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.
- C. That the rezoning, as conditioned, meets or exceeds the applicable performance and locational standards set forth for the proposed uses.
- D. That the rezoning, as conditioned, will protect, preserve, conserve environmentally critical areas and natural resources.
- E. That the rezoning, as conditioned, will not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- F. That the rezoning, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the uses, as set forth elsewhere in the Zoning Ordinance.
- G. That the rezoning, as conditioned, will be compatible with existing or planned uses, and will not cause damage, hazard, nuisance or other detriment to persons or property.
- H. That the approved deviations, as conditioned, will enhance the achievement of the objectives of the planned development, and will preserve and promote the protection of the public health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Judah, and seconded by Commissioner Manning and, upon being put to a vote, the result was as follows:

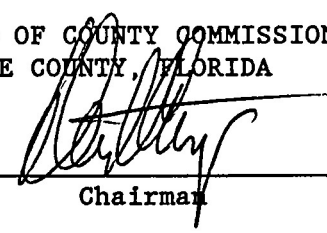
John E. Manning	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Vicki Lopez-Wolfe	Absent
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 29th day of June, A.D., 1992.

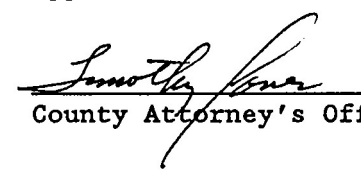
ATTEST: 
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

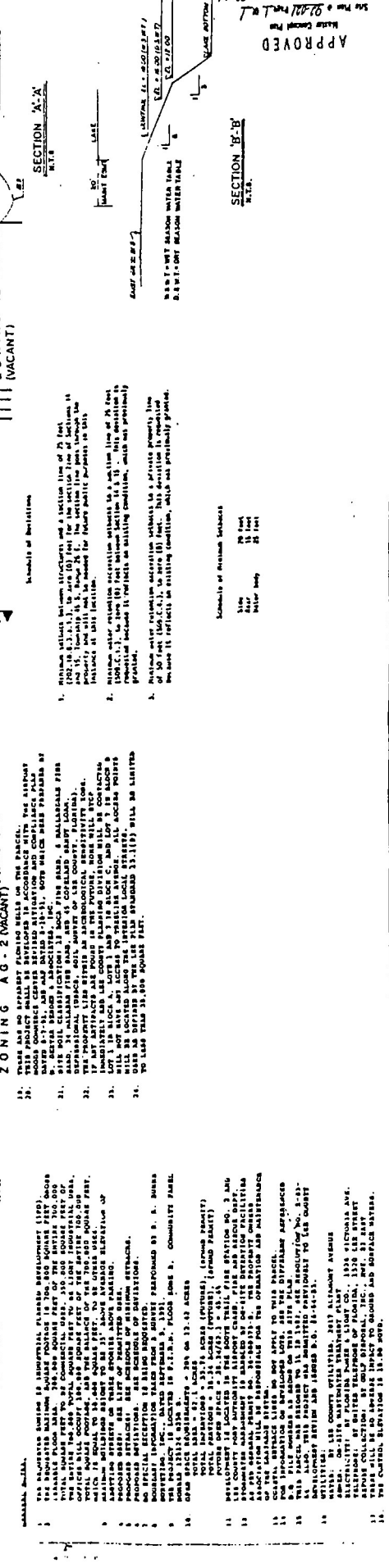
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:


County Attorney's Office

FILED



SECTION 'B'-B'

100-44115-100

PIOS HQ. 3 AUG
RESCUE DEPT.
LOS FACILITIES

SPACE - 18.34/42.3

1000

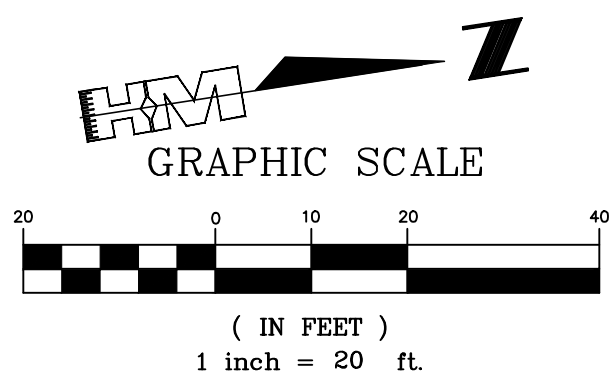
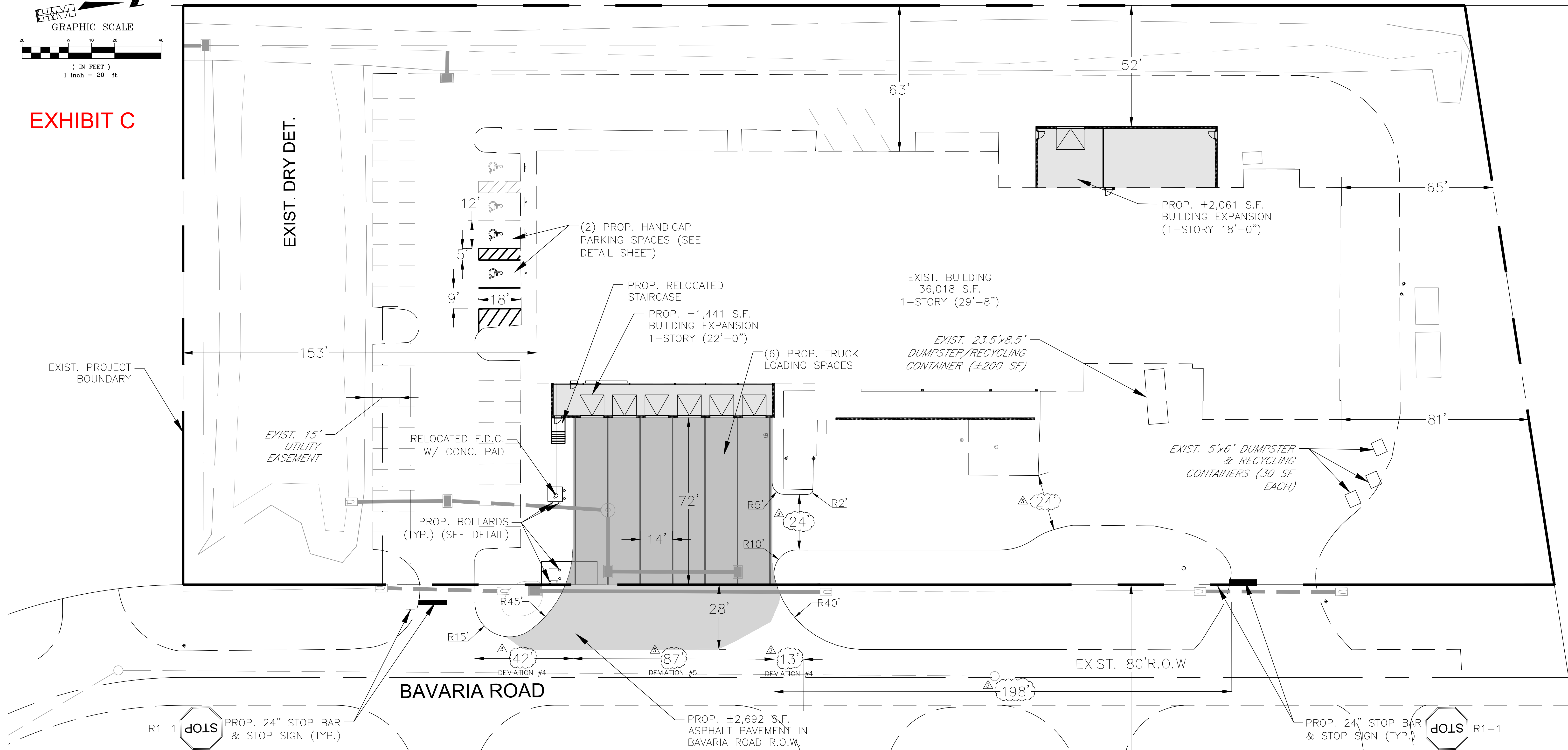


EXHIBIT C



PROJECT LAND USE DATA:

EXIST. ONSITE IMPROVEMENTS			
BUILDING	36,018 SF	= 0.83 AC.	= 25.16%
ASPHALT/PAVEMENT	44,764 SF	= 1.03 AC.	= 31.27%
DETENTION AREAS	21,100 SF	= 0.48 AC.	= 14.74%
GREEN SPACE	41,266 SF	= 0.95 AC.	= 28.83%
TOTAL PROJECT AREA	143,148 SF	= 3.29 AC.	= 100.00%

PROP. ONSITE IMPROVEMENTS			
BUILDING	39,520 SF	= 0.91 AC.	= 27.61%
ASPHALT/PAVEMENT	47,554 SF	= 1.09 AC.	= 33.22%
DETENTION AREAS	13,053 SF	= 0.30 AC.	= 9.12%
GREEN SPACE	43,021 SF	= 0.99 AC.	= 30.05%
TOTAL PROJECT AREA	143,148 SF	= 3.29 AC.	= 100.00%

NOTE:
MIN. OPEN SPACE = 20%

APPROVED BUILDING AREAS:
—ORIGINAL DEVELOPMENT BUILDING = 17,393 SF
—PER DOS2015-00026 BUILDING EXPANSION = 12,000 SF

PARKING CALCULATIONS:

— 31,454 SQUARE FOOT PROP. MANUFACTURING & LIGHT INDUSTRIAL BLDG
= 1.75 SPACES PER 1,500 SF OF BLDG
= 31,454 SF / 1,500 SF x 1.75
= 36.7 SPACES
— 1,441 SQUARE FOOT EXISTING WAREHOUSE BLDG — WHOLESALE, PROCESSING
= 1.25 SPACES PER 1,500 SQUARE FOOT OF BLDG
= 1,441 SF / 1,500 SF x 1.25
= 1.2 SPACES
TOTAL REQUIRED PARKING = 38 SPACES
PROVIDED PARKING = 45.0 SPACES*
*INCLUDING 4 SPACES FOR H.C.

REQUESTED DEVIATIONS

DEVIATION REQUEST #4—This is a request for relief from Section 10-285, which requires 125' connection separation between driveways, to allow for a 42' driveway separation between the proposed loading bay area and the existing site entrance south of it and a 13' driveway separation between the proposed loading bay area and the permitted future entrance for Discover Marble across the street

DEVIATION REQUEST #5—This is a request for relief from Section 34-2013 limiting access widths to 35' at the property line to allow for the 87' wide access required to install the proposed loading bays. The project site currently consists of six loading bays at the property line measuring at a width greater than 35'. This will not adversely impact the public because this will be a continuation of an existing site condition.

SOLID WASTE CALCULATIONS:

PER SECTION 10.261 L.D.C.
—32,895 SQUARE FOOT EXISTING MANUFACTURING & LIGHT INDUSTRIAL / WHOLESALE PROCESSING BLDG
MIN. SQUARE FOOTAGE FOR GARBAGE/RECYCLABLE COLLECTION = 216 SF FOR FIRST 25,000 SF BUILDING AREA + 8 SF FOR EACH ADDITIONAL 1,000 SF = (32,895 SF - 25,000 SF) = 7,895 SF / 1,000 SF = 7.9 x 8 SF = 63.2 SF
TOTAL SOLID WASTE AREA REQUIRED = 216 SF + 63.2 SF = 279.20 SF
EXISTING SOLID WASTE PROVIDED
(3) 5' x 6' DUMPSTER / RECYCLING CONTAINERS = 3 x 30 SF = 90 SF
(1) 23.5' x 8.5' DUMPSTER / RECYCLING CONTAINER = 1 x 200SF = 200 SF
TOTAL SOLID WASTE AREA PROVIDED = 90 SF + 200 SF = 290 SF

LEGEND:

- PROP. BUILDING EXPANSION
- PROP. ASPHALT PAVEMENT
- PROP. ASPHALT PAVEMENT IN R.O.W.
- EXIST. PROPERTY BOUNDARY LINE

ALL ROADS TO
BE PRIVATELY MAINTAINED

N:\2022\20220101\04\EXHIBITS\Master Concept Plan.dwg Tbl: 1500-04 MSP Mar 10, 2023 - 8:48am

LETTER	REVISIONS	DATE
A	REVISED PER LDCOT COMMENTS	02/23/23
B	REVISED PER LEE COUNTY COMMENTS	01/24/23
C	REVISED PER LEE COUNTY COMMENTS	11/10/22

KING BRANDS WAREHOUSE
LEE COUNTY, FL

DESIGNED BY C.L.K.	DATE 06/2022
DRAWN BY M.W.D.	DATE 06/2022
CHECKED BY C.L.K.	DATE 06/2022
VERTICAL SCALE N/A	HORIZONTAL SCALE 1" = 20'



6200 Whiskey Creek Drive
Fort Myers, FL. 33919
Phone : (239) 985-1200
Florida Certificate of
Authorization No.1772

MASTER SITE PLAN

THESE DRAWINGS ARE NOT
APPROVED UNLESS SIGNED
AND SEALED BELOW :
JOHN C. BAKER III, P.E.
FLORIDA PROFESSIONAL ENGINEER
REGISTRATION #88138
DATE

CAD FILE NAME: 1500-04 MSP	DRAWING NO.: 1500-04
PROJECT NO.: 2022.016	SHEET NO.: 04