

Administrative Deviation: **ADD2023-00007**

**DSO ADMINISTRATIVE DEVIATION
LEE COUNTY, FLORIDA**

WHEREAS, Quattrone & Associates, on behalf of Tax Free Strategies, LLC and Entrust IRA SW FL, LLC, has filed an application for approval an administrative deviation from the technical requirements of the Lee County Land Development Code, for property located at 15149 McGregor Blvd, Fort Myers, FL, described more particularly as:

LEGAL DESCRIPTION: In Section 31, Township 45 South, Range 24 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the applicant has indicated that the property's current STRAP numbers are 31-45-24-00-00007.3000 and 31-45-24-00-00007.5030; and

WHEREAS, the property is zoned C-2 (Commercial) and is located in the Central Urban Future Land Use Map designation in Lee County; and

WHEREAS, an application for an administrative deviation from the technical requirements of Chapter 10 of the Lee County Land Development Code has been filed; and

WHEREAS, Lee County Land Development Code, as amended, provides for administrative deviations from certain technical requirements for matters involving streets, access streets, intersections, rights-of-way, drainage swales, public water, public sewer, water mains, mass transit facilities, setbacks for water retention/detention excavations, indigenous native vegetation and similar matters not related to a change in use of the property in question; and

WHEREAS, a deviation is requested in the C-2 district from Lee County Land Development Code Section 10-261(a) that requires all new construction of multifamily residential developments, commercial businesses, and industrial uses to provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers to allow the calculation to only be based on the office and break room total square footage; and

WHEREAS, Lee County Solid Waste has reviewed the request and has no objection; and

WHEREAS, the on-site space for the placement of garbage and recyclable material collection containers will be for office staff only and tenants/renters will be prohibited from using the onsite facilities; and

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WHEREAS, the applicant has requested a deviation from Land Development Code Section 10-261(a) to allow the calculation for the minimum garbage and recyclable material collection to only be based on the the office and break room total square footage; and

WHEREAS, the following findings of fact are offered:

- (a) That the proposed alternative to allow the on-site space for garbage and recycling containers to be based on the office and break room total square footage is based on sound engineering practice in consideration of the following criteria:
 - i Solid Waste has reviewed the request and has no objection.
 - ii The proposed use does not generate a significant amount of solid waste.
 - iii The garbage and recycling collection area on-site will not be utilized by the renters/tenants.
- (b) That said proposed alternative is no less consistent with the health, safety, and welfare of abutting land owners and the general public than the standard from which the deviation was requested; and
 - i The owner must maintain adequate service levels in accordance with Ordinance 11-27 which requires the lids of garbage and recycling containers to be closed at all times.
- (c) The granting of the deviation is not inconsistent with any specific directive of the Board of County Commissioners, any other ordinance, or any Lee Plan Provision.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Administrative Deviations in the C-2 district from Lee County Land Development Code Section 10-261(a), is approved as conditioned:

- (a) That approval is subject to substantial compliance with the site plan entitled "McGregor Self Storage", signed and sealed 03/15/2023 by Michelle A. Salberg, P.E. and attached as Exhibit "B"; and
- (b) At time of development order the applicant must submit the lease documents verifying that the use of the garbage and recycling collection areas by the renters/tenants of the storage area is prohibited.
- (c) At time of development order the plans must depict signage advising tenants that the dumpster is for the exclusive use of the operator of the facility.
- (d) At time of development order the plans must include the office and break

room square footage in the refuse and solid waste container space calculation.

- (e) Any redevelopment or change of use of the property will require compliance with the requirements of Land Development Code Section 10-261(a) or an approved deviation.
- (f) **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 Director 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 3/31/2023

Jessica Sulzer, PE, Manager

Exhibits

Exhibit A – Legal Description

Exhibit B – “McGregor Self Storage”, signed and sealed 03/15/2023 by Michelle A. Salberg, P.E.

Exhibit A**LEGAL DESCRIPTION & SKETCH**

15149 MCGREGOR BLVD
SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST
FORT MYERS, FLORIDA

DESCRIPTION:

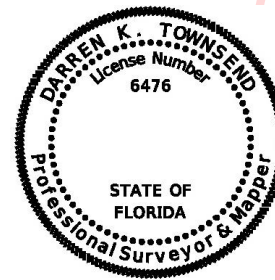
A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING PART OF PARCEL I AND ALL OF PARCEL II AS DESCRIBED IN OFFICIAL RECORD BOOK 3007 AT PAGE 141 AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 31: THENCE N89°41'24"W ALONG THE NORTH LINE OF SAID SECTION 31 FOR 238.87 FEET TO THE FORMER RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (S.R. 867- 80 FEET WIDE); THENCE S50°28'00"W ALONG SAID FORMER RIGHT-OF-WAY LINE FOR 742.18 FEET TO THE NORTHEAST CORNER OF SAID PARCEL I AS DESCRIBED IN OFFICIAL RECORD BOOK 3007 AT PAGE 141; THENCE S41°20'06"E ALONG THE NORTHEASTERLY LINE OF SAID PARCEL FOR 10.00 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD BY ORDER OF TAKING AS RECORDED IN OFFICIAL RECORDS BOOK 2463 AT PAGE 1913; THENCE CONTINUE S41°20'06"E ALONG SAID NORTHEASTERLY LINE FOR 340.17 FEET; THENCE S50°28'00"W PARALLEL WITH MCGREGOR BOULEVARD FOR 151.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S50°28'00"W FOR 345.63 FEET; THENCE S00°17'04"E FOR 150.00 FEET; THENCE S89°42'56"W FOR 35.00 FEET; THENCE N00°17'04"W FOR 553.99 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD BY SAID ORDER OF TAKING AS RECORDED IN OFFICIAL RECORD BOOK 2463 AT PAGE 1913; THENCE N50°28'00"E ALONG SAID RIGHT-OF-WAY LINE FOR 117.13 FEET; THENCE S39°32'00"E FOR 335.00 FEET TO THE POINT OF BEGINNING.

REVIEWED
ADD2023-00007
Hunter Searson, GIS
Planner
Lee County Government
2/3/2023

NOTES:

1. BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 31 AS BEARING N 89°51'24" W.
2. ALL DIMENSIONS ARE IN U.S. SURVEY FEET OR DECIMALS THEREOF.
3. NOT VALID WITHOUT THE ATTACHED SKETCH OF DESCRIPTION.
4. **THIS IS NOT A BOUNDARY SURVEY**
5. THIS LEGAL AND SKETCH HAS BEEN REVISED ON 05/02/22 TO REMOVE A 35' AND 25' ROADWAY EASEMENT; AND ON 07/06/22 TO CHANGE THE OFFICIAL RECORD BOOK OF THE WATERMAIN EASEMENT TO 1489.



Digitally signed
by Darren
Townsend
Date:
2022.07.07
09:04:43 -04'00'

DARREN TOWNSEND
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE. NO. 6476

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



AIM Engineering & Surveying, Inc.
2161 FOWLER STREET, SUITE 100
FORT MYERS, FLORIDA 33901
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LICENSED BUSINESS No. 3114

LEGAL DESCRIPTION & SKETCH
15149 MCGREGOR BLVD

DRAWN: CH 04-25-22		CHECKED: DT 04-25-22		CLIENT: LAND AMERICA, LLC		
PROJECT NO.: 21-1398	SECTION: 31	TOWNSHIP: 45 S	RANGE: 24 E	COUNTY: LEE	SHEET 1 OF 2	

LEGAL DESCRIPTION & SKETCH

15149 MCGREGOR BLVD

SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST
FORT MYERS, FLORIDA

INTENDED DISPLAY SCALE: 1" = 100'

N LINE, NE 1/4, SEC. 31

BASIS OF BEARINGS

N 89°41'24" W

238.87'

POC

NE COR, SEC. 31

MCGREGOR BLVD.
R/W VARIES
ESTABLISHED FROM FDOT R/W
MAPS FOR SECTION 12040-2515
SOUTHEASTERLY R/W MCGREGOR BLVD
PER O.R. 2463, PG. 1913

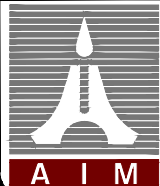
INGRESS / EGRESS
EASEMENT
O.R. 3668, PG. 2813

10' WATER PIPELINE
EASEMENT
O.R. 1489, PG. 2315

LEGEND:

E = EAST OR EASTING
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
LB = LICENSED BUSINESS
N = NORTH OR NORTHING
NO. OR # = NUMBER
O.R. = OFFICIAL RECORD BOOK
PG. = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PSM = PROFESSIONAL SURVEYOR & MAPPER
R/W = RIGHT OF WAY
SEC. = SECTION

NOT VALID WITHOUT THE ATTACHED DESCRIPTION.



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