

EXHIBITS

CASE # DCI2022-00015

CASE NAME: SS BUILDING

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS?	YES	NO

LOCATION OF BOARDS

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

APPLICANT

A. 48-Hour

STAFF

#1 _____

#1 _____ Staff Report

#2 _____

#2 _____ PowerPoint

#3 _____

#3 _____

#4 _____

#4 _____

#5 _____

#5 _____

#6 _____

#6 _____

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#8 _____

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#10 _____

#10 _____

OTHER EXHIBITSNAMENUMBERDESCRIPTION

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____

Perez, Maria

From: Michael E. Roeder <mroeder@knott-law.com>
Sent: Tuesday, April 18, 2023 10:51 AM
To: Hearing Examiner
Cc: Mendez, Adam; Khosrow Moaveni
Subject: [EXTERNAL] 48 Hour Notice for SS Building
Attachments: 48 Hour Notice for SS Building.docx

Categories: Maria Handled This

Knott · Ebelini · Hart
Attorneys At Law



Michael E. Roeder, AICP
Director of Zoning and Land Use Planning

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APPLICANT'S
EXH # 9

Knott·Ebelini·Hart

Attorneys At Law

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Mark A. Ebelini
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Lawyer

George W. Gift III
Asher E. Knipe

James T. Humphrey
Of Counsel

Michael E. Roeder, AICP
Director of Land Use

MEMORANDUM

April 18, 2023

TO: Donna Marie Collins, Esq., Chief Hearing Examiner
FROM: Mike Roeder
RE: 48 Hour Notice for DCI2022-00015 (SS Building)

We appreciate the staff recommendation of approval for this CPD request, but there are a few points of disagreement with the staff recommended conditions.

1. Under the Schedule of Uses in Attachment E, the staff is recommending Business Services, Group 1, **but limited to government agencies (offices only)**. We had requested Business Services, Group 1 without this restriction and would reiterate that request.
2. In Attachment E, the staff is recommending denial of Deviation #1, but Attachment G states that the deviation is not necessary if there is no change in the building or site that would require a development order. We would appreciate a finding by the HEX that no development order will be necessary if there is no addition to the building or change in the site, but would request that the deviation be approved now and in the future if a development order is requested for the addition of mini-warehouses to the site.
3. Likewise, the staff is recommending approval of Deviations #2 & #3, but limited to the existing development only. We would request that these deviations be approved without that limitation, as any development order in the future would be for the addition of mini-warehouses, with the same circumstances that justify these deviations in the first place.
4. The client had thought that the CC zoning would have included Caretaker's Residence, but now that we have eliminated most of the CC uses, we would like to request that Caretaker's Residence be added to the list of permitted uses. That use would of course be within the existing building.
5. Since an amendment to the MCP and CPD will require a development order to add the permitted use of mini-warehouse, it should be understood that some property development regulations such as lot coverage and possibly open space could be amended during that process.

We look forward to discussing these issues on Thursday. We have no exhibits. Thank you.

Cc: Adam Mendez
Joe Adams, Esq.

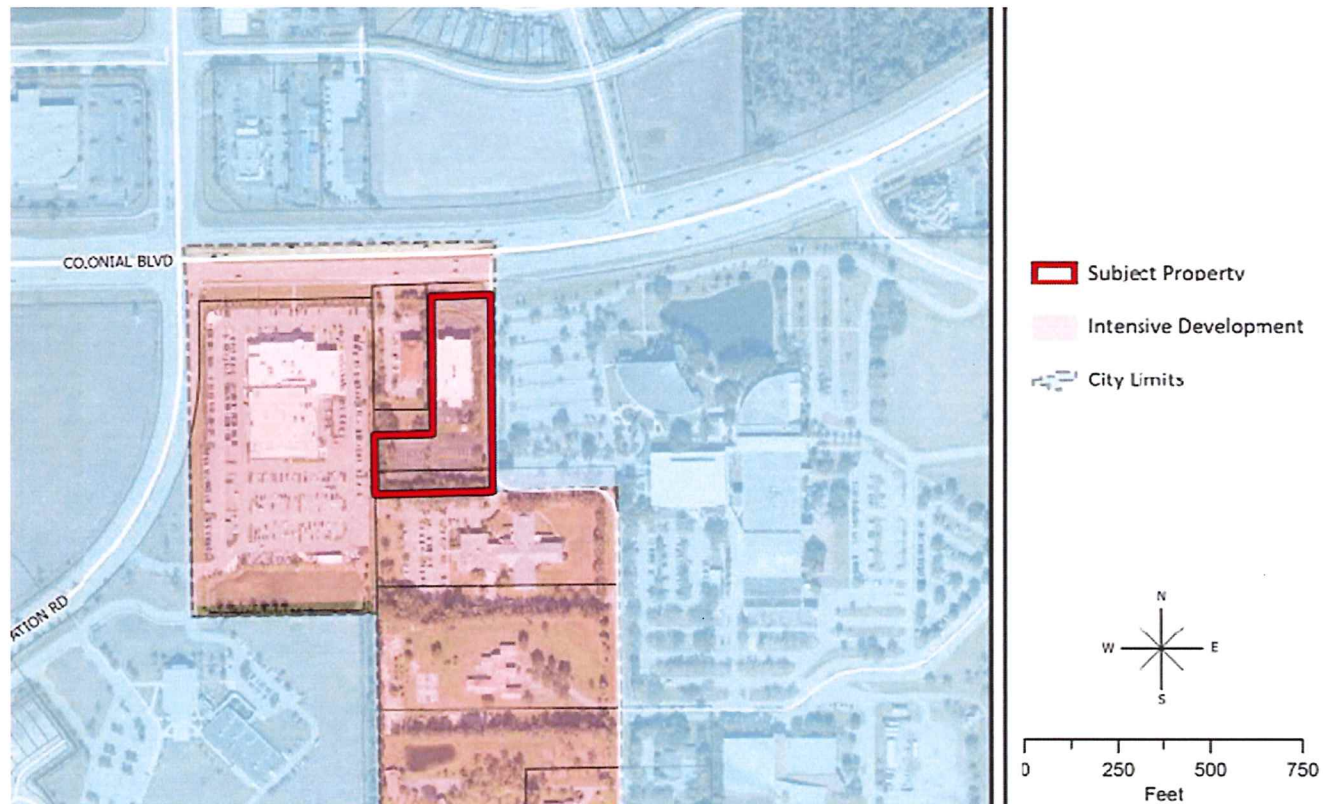
SS Building



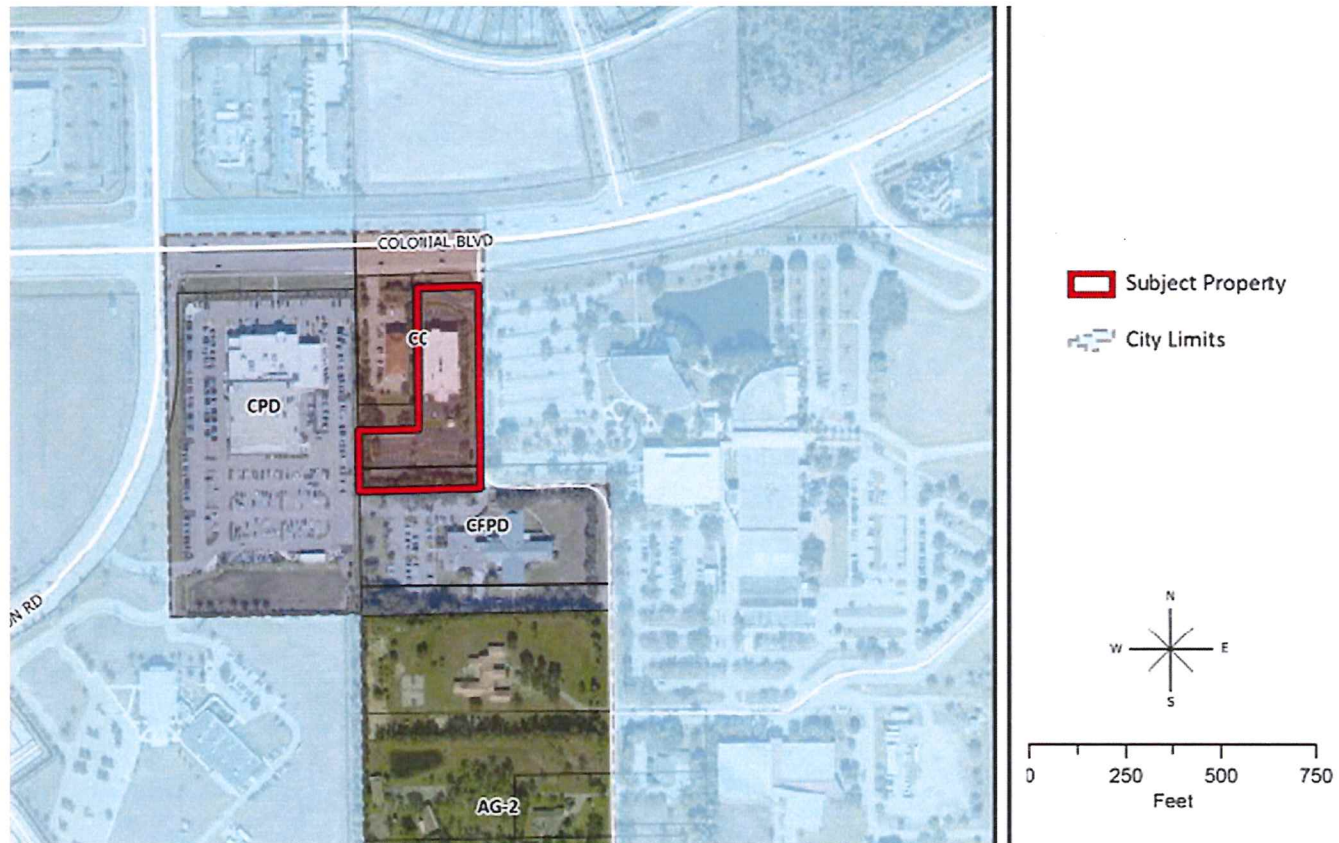
DCI2022-00015

3650 Colonial Boulevard

Future Land Use



Zoning



Surrounding Area



Approve, with conditions



DEER RUN FARMING ROAD ①
40' ROADWAY (EASEMENT)

ASPHALT DRIVEWAY ENCROACHMENT

10' WIDE EASEMENT

TWO STORY COMMERCIAL BUILDING
29,498 S.F.

LOADING ZONE

DUMPSTER

TRUCK

8" SIDEWALK

OPEN SPACE CALCULATIONS
REQUIRED: 2.58 ACRES X 20% = 0.52 ACRES
OPEN SPACE PROVIDED: 0.98 ACRES¹

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.

¹ AREAS HAVING A MINIMUM AREA OF 180 S.F. AND A MINIMUM AVERAGE WIDTH OF 10 FEET.

BUILDING AREA: 0.34 ACRES
PAVEMENT & SIDEWALKS: 1.22 ACRES
TOTAL IMPERVIOUS AREA: 1.56 ACRES

COLONIAL BOULEVARD
 6 LANE ARTISAN ROADWAY - 200' RIGHT-OF-WAY

Deviations

Deviations

Deviation #1:

Seeks relief from LDC §10-296, which requires that all development must abut and have access to a public or private street designed, and constructed or improved to meet certain standards, to allow continued site access from the existing roadways which were designed and constructed prior to the adoption of LDC Section 10-296.

Staff recommends **DENIAL** of Deviation #1 (see Attachment G).

Deviation #2:

Seeks relief from LDC §10-416(d), which requires a 5-foot-wide Type A landscape buffer to be provided between commercial projects, to allow no buffer along a specific segment of the western property line where existing asphalt driveway is bisected by the common property line.

Staff recommends **APPROVAL** of Deviation #2, limited to existing conditions (see Attachment H).

Deviation #3:

Seeks relief from LDC §34-2015(2)f, which requires that adjacent commercial uses must provide parking lot interconnections for automobile traffic, to allow no interconnections to the south and west.

Staff recommends **APPROVAL** of Deviation #3, subject to the condition the deviation is limited to existing development.

Knott · Ebelini · Hart

Attorneys At Law

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Mark A. Ebelini
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Michael E. Roeder, AICP
Director of Land Use

MEMORANDUM

April 18, 2023

TO: Donna Marie Collins, Esq., Chief Hearing Examiner
FROM: Mike Roeder
RE: 48 Hour Notice for DCI2022-00015 (SS Building)

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5. Since an amendment to the MCP and CPD will require a development order to add the permitted use of mini-warehouse, it should be understood that some property development regulations such as lot coverage and possibly open space could be amended during that process.

We look forward to discussing these issues on Thursday. We have no exhibits. Thank you.

Cc: Adam Mendez
Joe Adams, Esq.

Applicant's 48-Hour Letter

Application did not support

No standard established

Based on justification

Staff Supports

Acknowledged

Applicant's 48-Hour Letter

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

Section Number	Requirement
#1 34-373(a)(7)	TIS
#2 34-373(a)(4)b.iv.	Topography
#3 34-373(a)(4)b.9.	Soils Map
#4 34-373(a)(4)c.	FLUCCS Map
#5 34-373(a)(4)b.iii	Upland Habitat Map
#6 34-373(a)(4)b.v.	Flow-Ways Map
#7 34-202(a)(10)	Potable Water and Sanitary Sewer
#8	
#9	

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

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

This is a request to rezone an existing office building from CC to CPD to allow for the ground floor to be converted to Public Warehouse use. There has been an office building at this location since 1986 and for the past thirty years it served as the public service center for the Social Security Administration. This use generated much traffic, but now their offices have moved. The new use of Public Warehouse will generate significantly less traffic, as well as less water and sewer demand. Since the site has been developed with an office building and related parking for the past 36 years, the normal environmental maps would not be appropriate.

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

Michael Rode Signature of Applicant 3/15/22 Date

FOR STAFF USE ONLY

DIRECTOR'S DECISION: ☐ Request Denied
☒ Request Approved
☐ Request Approved Per Attached Comments

Knott·Ebelini·Hart

Attorneys At Law

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Joe Adams, Esq.

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Application did not support

No standard established

Based on justification

Staff Supports

Acknowledged



MEMORANDUM

Date: 03/09/2023

To: Adam Mendez

From: Brian Roberts *BR*

Subject: DCI2022-00015 SS Building

The applicant is proposing to rezone 2.5 acres from Community Commercial (CC) to Commercial Planned Development (CPD) to add the use of Public Warehouse and convert part of an existing office building to a Public Warehouse. Development Services has reviewed the Master Concept Plan (MCP) and requested deviations with respect to Chapter 10 technical standards detailed in Land Development Code (LDC) and offers the following comments:

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

Staff recommends DENIAL of the request:

The applicant is requesting a deviation from the requirement to abut and have access to a street designed, and constructed or improved, to meet the standards in section 10-296. The applicant has indicated during the sufficiency review period that there will be no proposed changes to the existing building and/or site plan and that the purpose of the rezoning is to add the Public Warehouse use for the building. If there is no change to the building or site that would require a development order submittal the deviation is not necessary and Staff recommends denial of the request.

Staff also recommends denial of the request if the intent of the requested deviation is to allow site redevelopment in the future, requiring a development order, without an analysis of the existing condition and construction of Deer Farms Road. The applicant has not provided the existing cross section or condition of Deer Farms Road. Additionally, an analysis has not been provided by the applicant that meets the requirement of LDC Section 10-296(d)(3), which requires all deviations and exceptions from the requirements in LDC section 10-296 to meet the standards established by FDOT in the Florida Greenbook with consideration of the Plans Preparation Manual and guidance in AASHTO publications.

Staff is unable to recommend approval of the requested deviation as the applicant has not provided a sufficient justification of the request in accordance with the requirements in LDC Section 10-296(d)(3) as detailed above and LDC Section 34-145(d)(4)(a)2b. to allow Staff to determine that the proposed deviation request preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

Applicant's 48-Hour Letter

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Based on justification

Staff Supports

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SS Building



DCI2022-00015

3650 Colonial Boulevard

Questions?

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

LEE COUNTY
HEARING EXAMINER
2023 APR -5 PM 3:12

Case Number: DCI2022-00015
Case Name: SS Building
Area to be Rezoned: +/- 2.58 Acres
Case Type: Planned Development Rezoning
Sufficiency Date: February 13, 2023
Hearing Date: April 20, 2023

REQUEST:

Michael Roeder, on behalf of SS Building, LLC, has filed an application to rezone approximately 2.5 acres from Community Commercial (CC) to Commercial Planned Development (CPD) to permit conversion of an existing 30,000 square-foot office building to a public warehouse.

The subject property is located at 3650 Colonial Boulevard in Fort Myers, on the south side of Colonial Boulevard near its intersection with Plantation Road (Commissioner District #2). The applicant has indicated the property's current STRAP Number is 05-45-25-00-00001.0020. A legal description, sketch and boundary survey of the subject property are attached as Attachment B of this report.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request with the conditions and deviations found in Attachment E.

HISTORY OF PARCEL:

In September of 1979, the subject property was originally rezoned from the former Agricultural (AG) District to the Community Commercial (CC) District by Resolution Z-79-234 (see Attachment J). The subject property received Development Order approval in Case Number 85-07-012-00D and the principal building's first year on tax roll is 1986. The applicant submits that the building on the subject property has served as the main service facility for the Social Security Administration for over thirty years, and that in 2021 the ground floor, which functioned as the main service facility, was relocated off-site. The applicant submits that the second floor of the building continues to provide administrative offices for the Social Security Administration.

CHARACTER OF THE AREA:

The subject property is among the very few unincorporated lands that front upon Colonial Boulevard, a roadway that is primarily fronted by property within the City Limits of Fort Myers. Select contiguous lands stretch southward along Deer Run Farms Road to the northern extent of the (unincorporated) South Fort Myers Planning District. Adjacent property which is not within City Limits is located in the Intensive Development Future Land Use category, as designated by the Lee County Comprehensive Plan (Lee Plan).

Property immediately surrounding the subject property is depicted in Attachment C of this report and can be characterized as follows:

North and East

Land to the north and east of the subject property is located in the City of Fort Myers. Immediately east is surface parking for the 106-acre McGregor Baptist church campus. To the north, across Colonial Boulevard, are vacant outparcels south of a two-family attached residential development.

South

Land to the south of the subject property is located in the Intensive Development Future Land Use category and is zoned Community Facilities Planned Development (CFPD). Development on this parcel supports a mental health and substance abuse treatment clinic.

West

Lands to the west of the subject property are located in the Intensive Development Future Land Use category and are zoned Community Commercial (CC) and Commercial Planned Development (CPD). The CPD District was approved via Resolution Z-15-027 and is currently developed with an automobile dealership on 9.79 acres. The abutting CC District at 3620 Colonial Boulevard is developed with a multi-tenant office building and ancillary improvements.

Availability of Public Services

Public services are defined by the Lee Plan as “the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development” The following details the level of public services currently serving the subject property:

Public water and sewer: The applicant submits that the existing development is served by the City of Fort Myers for both potable water and sanitary sewer. No increase in demand for these services is expected to facilitate the limited-use planned development rezoning; therefore, the applicant obtained a submittal waiver for the LDC-required utility letters.

Paved streets and roads: The subject property is served by Deer Run Farms Road a non-county maintained local road with connection to Colonial Boulevard, an arterial roadway.

Public transit and pedestrian facilities: Lee Tran Route 110 provides public transit services along Colonial Boulevard and a bus stop and bus shelter is located directly north of the subject property’s front lot line.

Police, fire, and emergency services: The subject property will be provided urban levels of police, fire and emergency services. The subject property is located in the South Trail Fire District, with the nearest Station (#61) located at 2100 Crystal Drive, approximately 4 miles southwest. The applicant submits that the Fort Myers Fire District services the property. Fort Myers Fire Station #16 is located one mile north of the subject property at 3980/4000 Veronica S Shoemaker Boulevard. Both fire station also contains EMS dispatch. The Lee County Sheriff’s Office also serves the subject property.

ANALYSIS:

The request seeks a planned development rezoning to facilitate the use of a public warehouse, and other principal storage uses within unoccupied areas of the recently vacated Social Security Administration main service facility. Few conventional commercial districts permit the use of a public warehouse and deviations from the LDC are necessary to memorialize existing development on the subject property. The requested principal storage uses are defined below:

Mini-warehouse means any building designed or used to provide individual storage units with separate exterior doors as the primary means of access, to individuals or businesses for a fee. The storage units must be used solely as dead storage depositories for personal property, inventory and equipment and not for any other use. See Warehousing, public and Storage, dead.

Warehouse, public means indoor storage units available to the general public at a fee for the dead storage of farm products, furniture and other household goods or commercial or private goods of any nature. Access to the storage units is from interior door(s) and individual exterior overhead doors are not provided. See also Mini-warehouse.

Warehouse, Hybrid means any building designed or used to provide individual storage units with separate exterior doors as the primary means of access, to individuals for a fee or through individual ownership. In addition to dead storage depositories for personal property, individual storage units may also include ancillary accommodations such as restrooms, mezzanines, or other improvements to create occupiable space, as defined by the Florida Building Code, for personal hobby or recreation space for individual unit tenants or owners. See Mini-warehouse, Warehouse, public and Storage, dead.

While interior and exterior modifications may be required to facilitate defined storage uses, no expansion of the existing building is proposed by this request. The applicant obtained submittal waivers for maps of existing conditions and a zoning-level traffic impact statement on the basis that no changes were proposed and the storage uses would generate significantly less traffic than the historic office use (see Attachment I). Therefore, the applicant has proposed a schedule of uses that is limited to align with the justification to waive certain submittal requirements (see Attachment F). The second floor of the building continues to be utilized by the Social Security Administration for administrative offices.

As currently zoned, the purpose and intent of the CC district is established in LDC Section 34-841(a) “to permit the designation of suitable locations for medium to large-scale consumer-oriented commercial facilities, particularly for multiple-occupancy complexes known as community or regional shopping centers, and to facilitate their proper development and use. In addition to the retail sale of consumer goods. This district is intended to permit a wide range of services, financial and other, including business and professional offices, all arranged in discrete commercial centers or evolving business districts. Such centers or districts differ from neighborhood commercial facilities in concentrating a greater floor area of use and a broader mix of goods and services in order to serve a wider market or service area and a larger population. This is expected to create greater impact on surrounding land uses and therefore require buffering and designed gradients of intensity adjacent to less intense uses.”

Property Development Regulations

The applicant proposes property development regulations including maximum heights, minimum setbacks, maximum lot coverage and a minimum lot size, which are attached in Attachment F of this report. The property development regulations are generally restrictive and memorialize existing development.

Master Concept Plan

The application proposes a two-page Master Concept Plan (MCP), which demonstrates the existing site conditions. Page 2 is a graphic representation of the open space and impervious area calculations. The two-story commercial building is listed at 29,498 square feet and is served by 112 off-street parking spaces (see Attachments B and D).

Proposed Deviations

Deviation means a departure from a specific regulation of the LDC or other applicable regulation or code, when requested as part of a planned development in accordance with LDC Section 34-373(a)(9), based on the findings established in LDC Section 34-377(a)(4). Each deviation must enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare. The applicant has provided a schedule of deviations with corresponding justifications found in Attachment F of the report.

Deviation #1:

Seeks relief from LDC §10-296, which requires that all development must abut and have access to a public or private street designed, and constructed or improved to meet certain standards, to allow continued site access from the existing roadways which were designed and constructed prior to the adoption of LDC Section 10-296. The Development Services section has reviewed the applicant's request and has determined the justification does not sufficiently establish a basis that the granting of the deviation will preserve and promote public health, safety and welfare. Furthermore, if the applicant does not intend to further develop the property then a Development Order will not be warranted, negating the need for the requested deviation.

Staff recommends **DENIAL** of Deviation #1 (see Attachment G).

Deviation #2:

Seeks relief from LDC §10-416(d), which requires a 5-foot-wide Type A landscape buffer to be provided between commercial projects, to allow no buffer along a specific segment of the western property line where existing asphalt driveway is bisected by the common property line.

Staff recommends **APPROVAL** of Deviation #2 to memorialize existing conditions (see Attachment H).

Deviation #3:

Seeks relief from LDC §34-2015(2)f, which requires that adjacent commercial uses must provide parking lot interconnections for automobile traffic, to allow no interconnections to the south and west.

Staff recommends **APPROVAL** of Deviation #3, subject to the condition the deviation is limited to existing development.

Review Criteria

LDC Section 34-145 establishes the review criteria for rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

- a) Complies with the Lee Plan;
- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The applicant has provided a narrative that addresses the proposed rezoning with analysis of the applicable criteria (see Attachment F). The following provides staff's analysis of the request, as measured by the established criteria.

a) Compliance with the Lee Plan

The subject property is located in the South Fort Myers Planning District and Intensive Development Future Land Use category. **Policy 1.1.2** of the Lee Plan establishes that *"By virtue of their location, the County's current development patterns, and the available and potential levels of public services, areas with this designation are suited to accommodate high densities and intensities. Mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged to be developed as described in Objective 11.1, where appropriate."* The applicant seeks a schedule of uses to facilitate mixture of office and public warehouse uses for efficient reuse of an existing development. Staff finds the request **CONSISTENT with Policy 1.1.2**.

Lee Plan Objective 2.1 and Policy 2.1.1 promote contiguous and compact growth patterns within designated future urban areas to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, and minimize the cost of services. **Lee Plan Objective 2.2 and Policy 2.2.1** seek to direct new growth to portions of future urban areas where adequate public facilities and services exist, where compact and contiguous development patterns can be created, and where compatibility with surrounding land uses is assured. The subject property is located within a designated future urban area and has been served by existing road and utility infrastructure for decades. The request seeks reuse of existing development with a land use that is recognized as less demanding on supporting infrastructure. The property will be served by the City of Fort Myers for both potable water and wastewater consistent with **Lee Plan Standards 4.1.1 and 4.1.2**. The subject property will be provided with police, fire protection and emergency services. Staff finds that the request is **CONSISTENT with Objectives 2.1 and 2.2, Policies 2.1.1, and 2.2.1, and Standards 4.1.1 and 4.1.2 of the Lee Plan**.

Goal 6 promotes orderly and well-planned commercial development at appropriate locations in the county. **Policy 6.1.1** requires development approvals for commercial land uses to be consistent with various policies, including traffic and access impacts, screening and buffering, adequacy of urban services, compatibility with surrounding land uses, proximity to other similar centers and environmental considerations. **Policy 6.1.4** states that *"commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities."* As detailed in this report, the request is compatible with surrounding land uses and urban services are available to serve the proposed development. **Policies 6.1.5 through 6.1.11** address traffic, buffering, architecture and open space, prohibiting premature scattered development, school safety, commercial entitlements, redevelopment incentives and revitalization directives. As further expanded in the criteria analysis below, Staff finds that the request is **CONSISTENT with Goal 6**.

b) Land Development Code Compliance

County regulations which are not specifically departed from as part of this planned development request will apply to the balance of applicable LDC, Code of Ordinances and Administrative Code

provisions. If future deviations are proposed, each will be evaluated with established LDC review criteria. Staff finds the proposed planned development rezoning to be in compliance with the LDC, including regulations which pertain to:

- Use, including supplemental regulations;
- LDC Chapter 10 Development Standards; and
- Details required on the MCP and compliance with Division 9 of Article VI, Chapter 34, Planned Development Districts.

c) Compatibility with existing and planned uses in the surrounding area

Staff finds the requested rezoning to be compatible with existing and planned uses in the Colonial Boulevard corridor. Adjacent properties are similar or greater in intensity and the site does not abut residentially-zoned property. Under this request, the site will continue to operate within the parameters of the existing conditions.

d) Sufficiency of Access and Transportation Impacts

As previously noted, the applicant obtained submittal waiver approval concerning transportation impacts on the basis that the proposed limited schedule of uses will clearly generate less of equivalent impacts as compared to the existing zoning district potential.

f) No adverse impacts to environmentally critical or sensitive areas and natural resources

No further improvements are proposed; therefore, the request will not disturb environmentally critical or sensitive areas and natural resources. Environmental staff have reviewed the request and additional environmental analysis is contained in Attachment G of this report.

g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category

As noted and defined above, the subject property is located within a future urban area. The subject property has adequate access to public (urban) services to accommodate the development possible within the requested rezoning. Future improvements required as part of development order approval will further improve urban services and pedestrian facilities.

h) Supplemental Planned Development Criteria

Staff finds the proposed development to be consistent with the following additional criteria:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

c) The requested deviation, as conditioned:

- 1) Enhances the achievement of the objectives of the planned development; and
- 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

CONCLUSION:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds the request to be consistent with the established review criteria, as conditioned. The CPD zoning is consistent with the Intensive Development Future Land Use Category and the applicable goals, objectives and policies of the Lee Plan. Staff recommends **APPROVAL**, as conditioned, of the request to rezone the subject property **from CC to CPD**.

ATTACHEMENTS:

- A. Expert Witness Information
- B. Legal Description, Sketch and Boundary Survey
- C. Aerial, Future Land Use, and Current Zoning Maps
- D. Master Concept Plan
- E. Development Regulations, Conditions and Deviations
- F. Applicant's Submittals
 - Project Narrative
 - Schedule of Uses
 - Property Development Regulations
 - Schedule of Deviations
- G. Development Services Memoranda
- H. Environmental Staff Report
- I. Signed Submittal Item Waivers (GEN2022-00117 & Gen2022-00454
- J. Resolution Z-79-234
- K. LCPA Memorandum

ATTACHMENT A

**LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.**

Case Numbers: DCI2022-00015

Project Name: SS Building

Hearing Examiner Date: April 20, 2023

Adam Mendez, Planner, Senior, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, and land use planning. Current resume is on file with the Hearing Examiner.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Beth Workman, Planner, Principal, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, environmental and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Camryn Siverson, Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, environmental and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Dirk Danley, AICP, Planner, Principal, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Anthony R. Rodriguez, AICP, Zoning Manager, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Marcus Evans P.E., Senior Engineer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Traffic Engineering and Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Brian Roberts P.E., Plan Reviewer, Development Services 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, civil engineering and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

ATTACHMENT B

DESCRIPTION

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

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

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

Said parcel contains 2.58 acres, more or less.

**Charles E.
Tolton**

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



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

**REVIEWED
DCI2022-00015
Rick Burris, Principal
Planner
Lee County DCD/Planning
10/6/2022**

REVIEWED
DCI2022-00015
Rick Burris, Principal
Planner
Lee County DCI/Planning
10/6/2022

Charles E.
Tolton

Digitally signed by Charles E. Tolton
DN: cn=Charles E. Tolton, o=Charles
Tolton and Assoc., Inc., ou=Survey,
email=charles@ctasurveying.com,
c=US
Date: 2022.09.01 09:56:27 -04'UT



Date: 08/04/2022

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

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

CTA

CHARLES TOLTON & ASSOCIATES, INC.
ENGINEERING LAND SURVEYING
3508 RADIO ROAD, SUITE E
NAPLES, FLORIDA 34104
(239)793-6833
EMAIL: C.Tolton@ctasurveying.com



REVISIONS

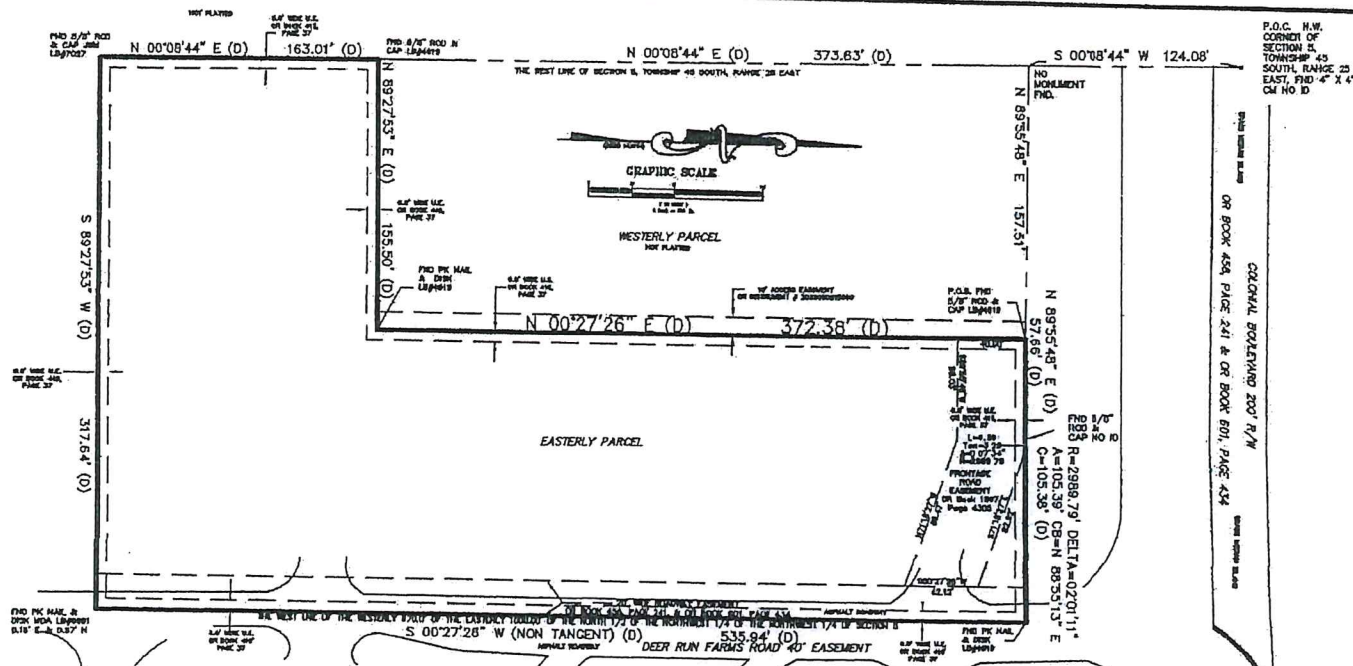
Certified To:

KHOSROW MOAVENI

SKETCH TO ACCOMPANY DESCRIPTION

NOT A BOUNDARY SURVEY

SHEET:
2
OF
2



DESCRIPTION

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

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

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Said parcel contains 2.58 acres, more or less.



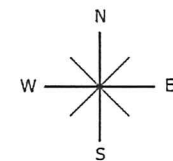
DCI2022-00015

Aerial

ATTACHMENT C

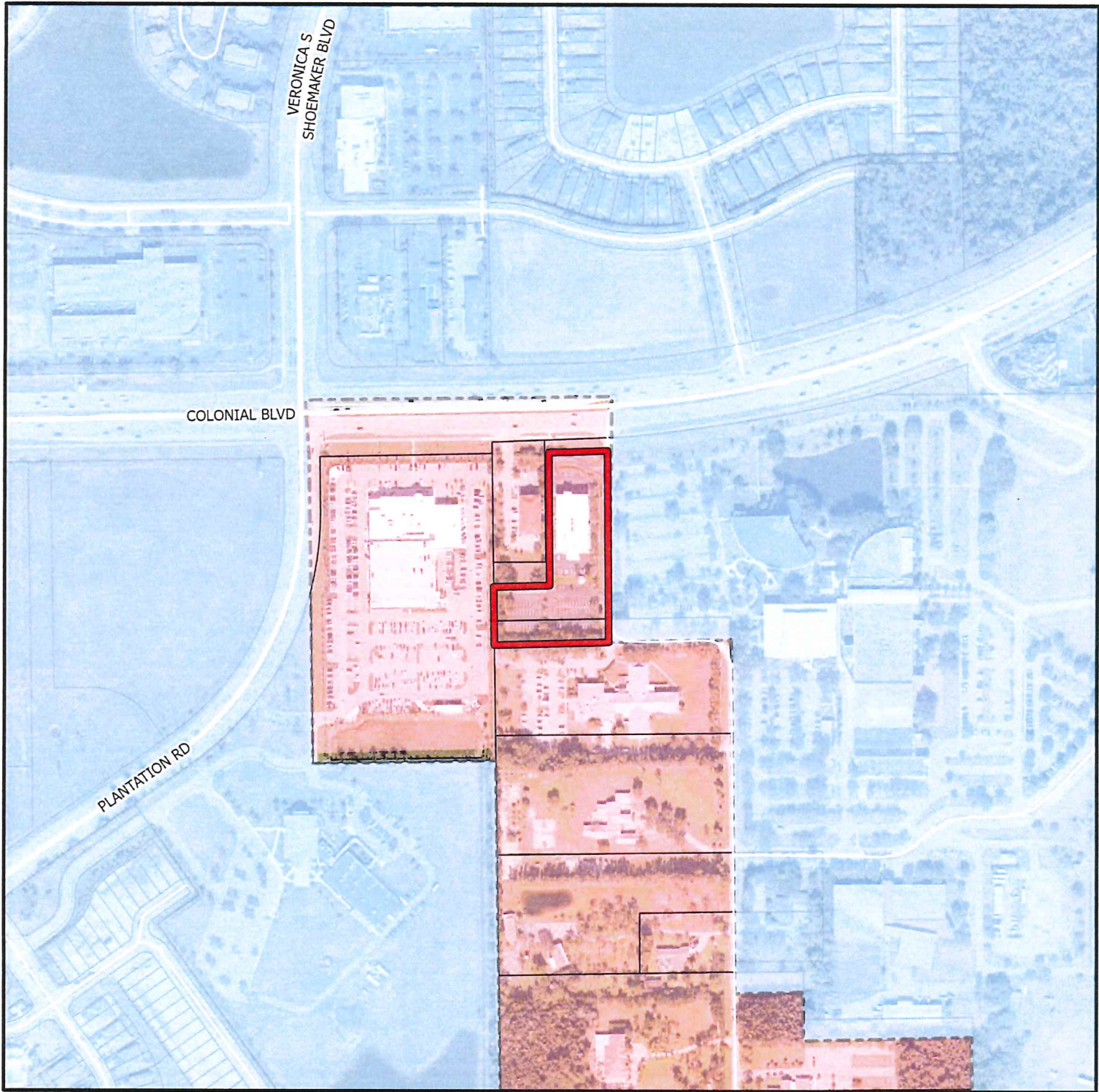
 Subject Property

 City Limits



0 250 500 750
Feet

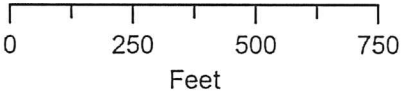
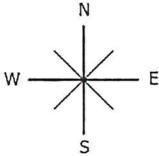


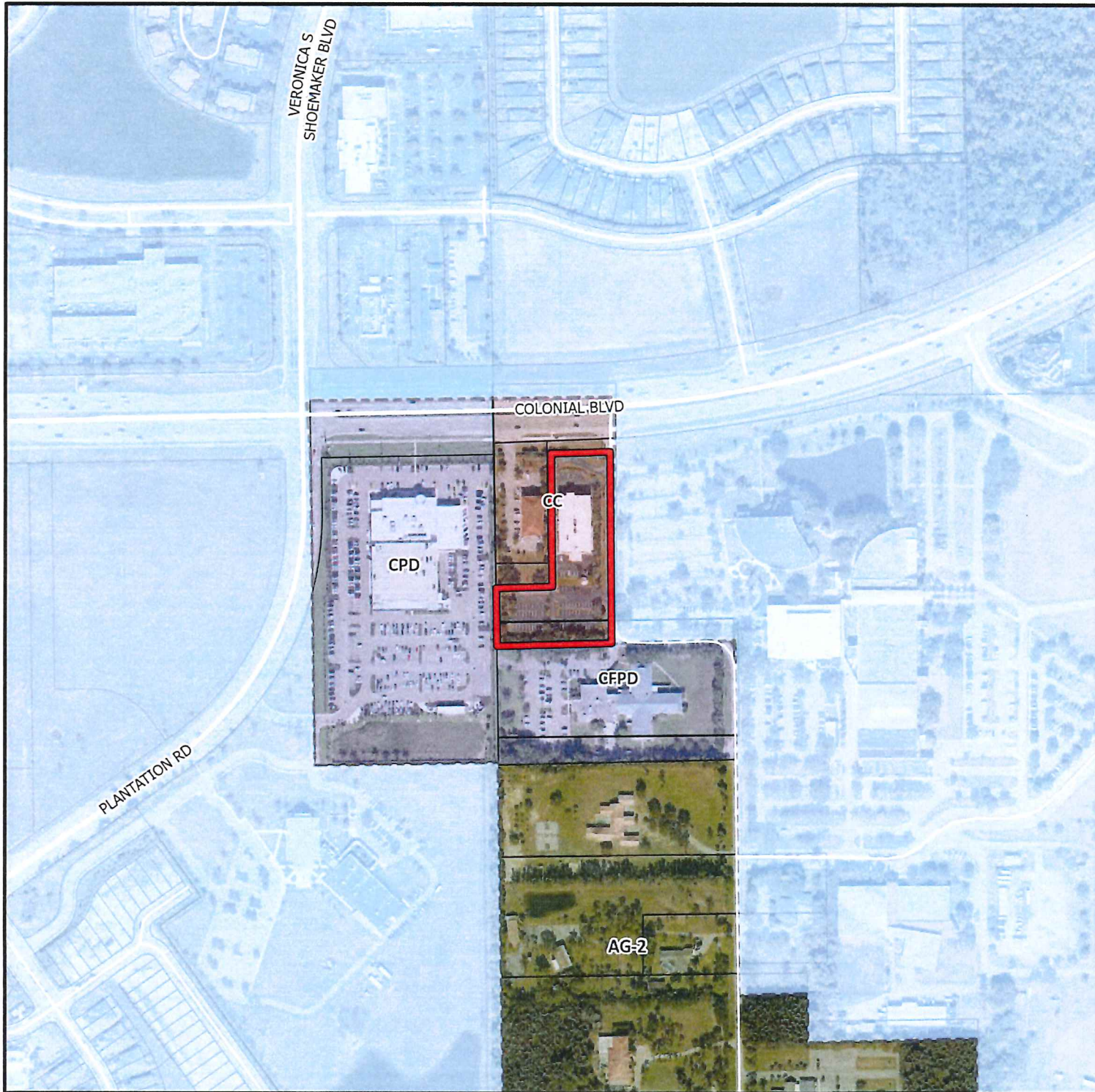


DCI2022-00015

Future Land Use

-  Subject Property
-  Intensive Development
-  City Limits



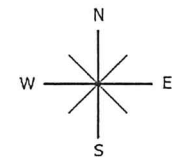


DCI2022-00015

Zoning

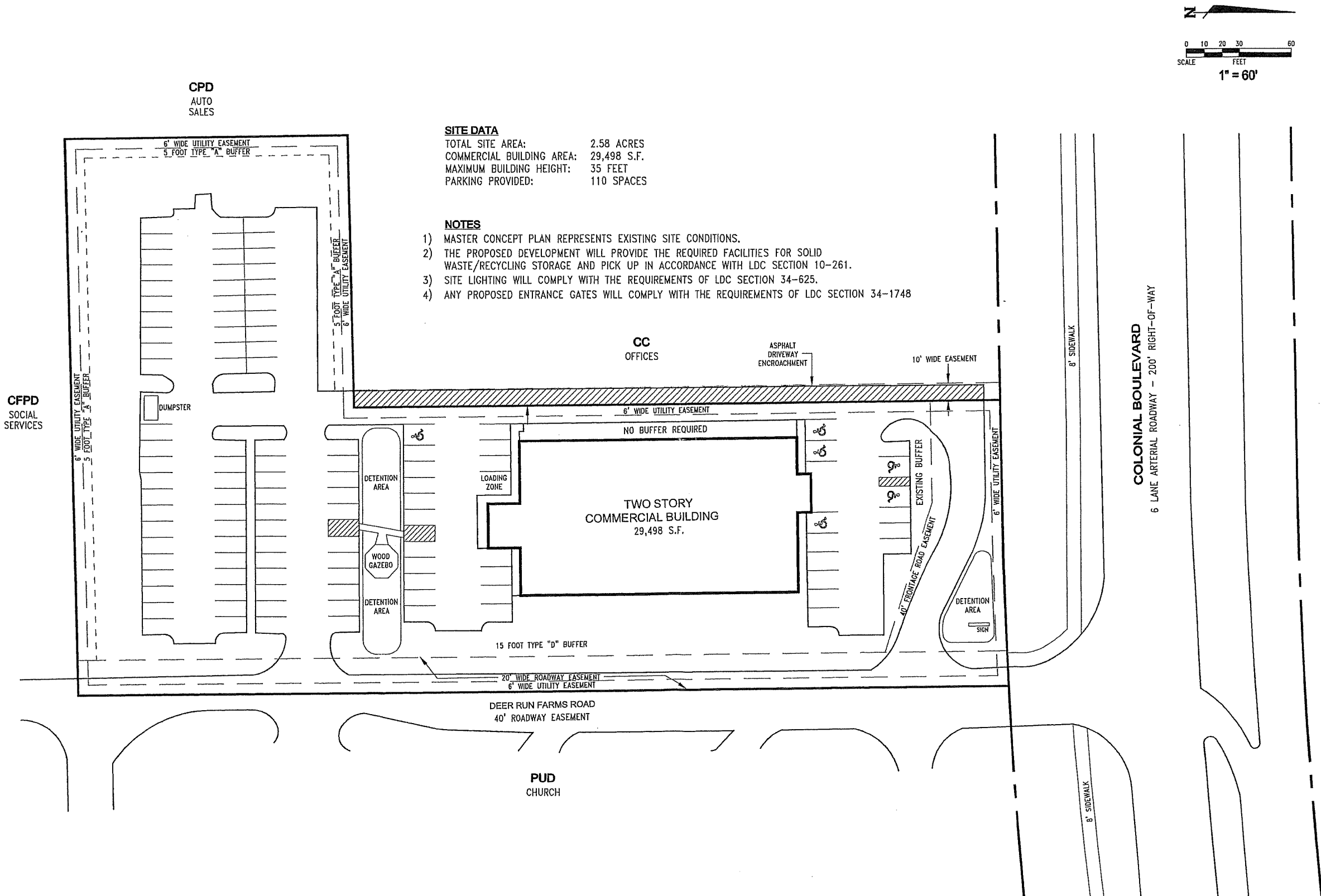
 Subject Property

 City Limits



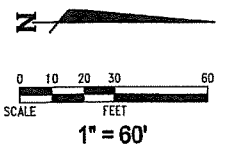
0 250 500 750
Feet





SITE DATA
TOTAL SITE AREA: 2.58 ACRES
COMMERCIAL BUILDING AREA: 29,498 S.F.
MAXIMUM BUILDING HEIGHT: 35 FEET
PARKING PROVIDED: 110 SPACES

- NOTES**
- 1) MASTER CONCEPT PLAN REPRESENTS EXISTING SITE CONDITIONS.
 - 2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.
 - 3) SITE LIGHTING WILL COMPLY WITH THE REQUIREMENTS OF LDC SECTION 34-625.
 - 4) ANY PROPOSED ENTRANCE GATES WILL COMPLY WITH THE REQUIREMENTS OF LDC SECTION 34-1748



FILE #	2201MCP	REVISION	DATE
DATE	01/23		
SCALE	NOTED		
DESIGN	GFM		
DRAWN	GFM		
CHECK	GFM		



GARY F. MULLER, AICP
1482 ARGYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 585-6772

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

MASTER CONCEPT PLAN
SS BUILDING CPD

LEGEND

- ⊕ REQUESTED DEVIATION
⊠ OPEN SPACE AREA

IMPERVIOUS AREA CALCULATIONS

BUILDING AREA: 0.34 ACRES
PAVEMENT & SIDEWALKS: 1.22 ACRES
TOTAL IMPERVIOUS AREA: 1.56 ACRES

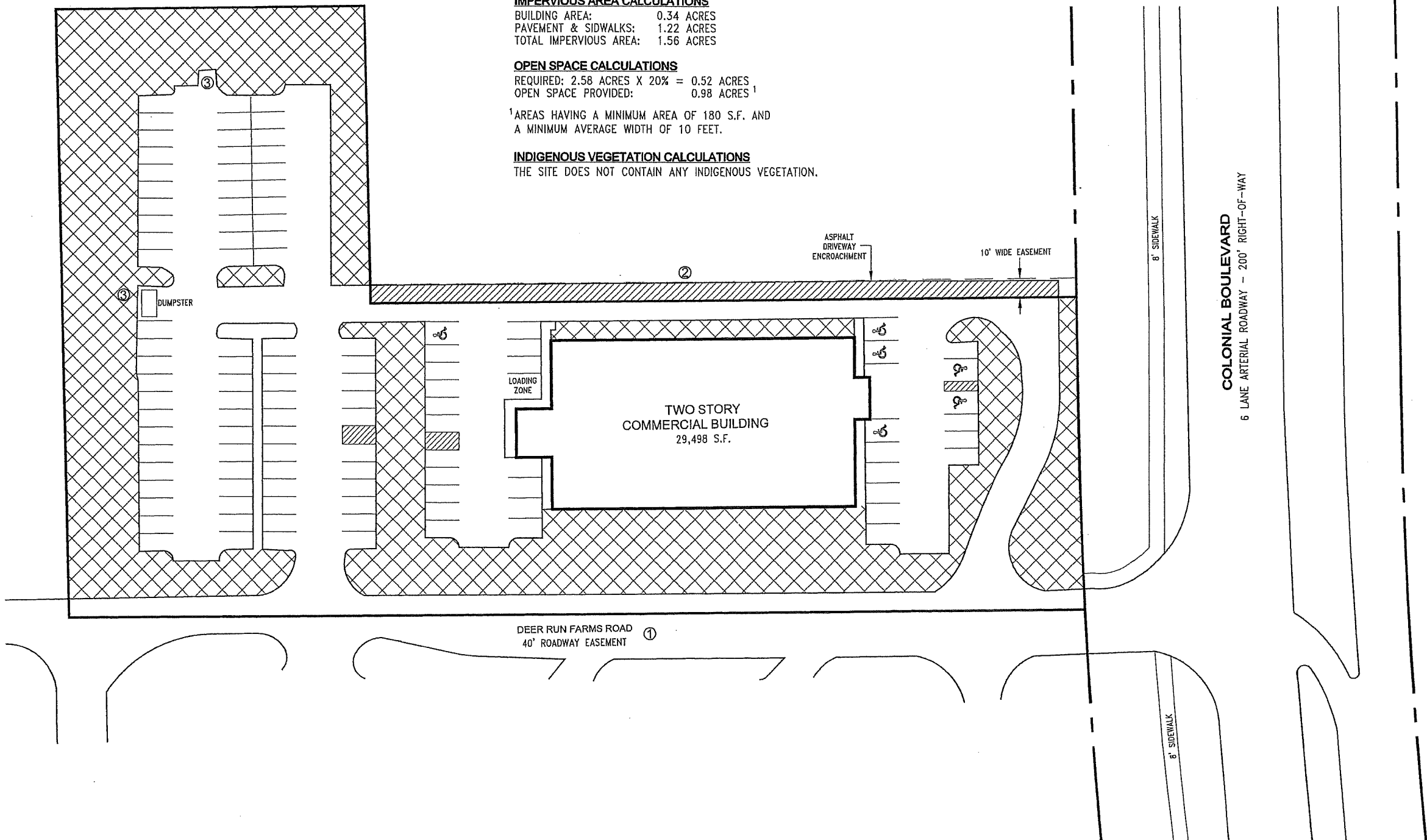
OPEN SPACE CALCULATIONS

REQUIRED: 2.58 ACRES X 20% = 0.52 ACRES
OPEN SPACE PROVIDED: 0.98 ACRES¹

¹AREAS HAVING A MINIMUM AREA OF 180 S.F. AND
A MINIMUM AVERAGE WIDTH OF 10 FEET.

INDIGENOUS VEGETATION CALCULATIONS

THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



FILE #	2201MCP	REVISION	DATE
DATE	01/23		
SCALE	NOTED		
DESIGN	GFM		
DRAWN	GFM		
CHECK	GFM		

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

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

MASTER CONCEPT PLAN
SS BUILDING CPD

ATTACHMENT E

Conditions

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

(1) Master Concept Plan and Development Parameters

- (a) Development of the subject property must be substantially consistent with the two-page Master Concept Plan Entitled "Master Concept Plan SS Building CPD" dated 01/2023, attached hereto as Attachment D.

Development intensity is limited to $\pm 30,000$ square feet of general office and warehouse uses.

Development must comply with all the requirements of the LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development. Subsequent amendments to the Master Concept Plan or its auxiliary documentation attached thereto are subject to the planned development amendment process established by the Land Development Code.

(2) Schedule of Uses and Property Development Regulations

(a) Schedule of Uses

Accessory uses and structures

Administrative offices

ATM (Automatic Teller Machine)

Business services, Group I, limited to government agencies (offices only)

Fences, Walls

Essential services

Essential service facilities, Group I

Parking lot:

Accessory

Signs

Warehouse, private, mini and hybrid

Temporary uses

(b) Property Development Regulations

Minimum Lot Area and Dimensions

Area:	2.58 acres
Width:	160 feet
Depth:	535 feet

Minimum Setbacks, Maximum Building Height and Maximum Lot Coverage:

Arterial Street:	50 feet
Local Street:	20 feet
Side:	15 feet
Rear:	25 feet
Maximum building height:	35 feet (two stories)
Maximum lot coverage:	15 percent

(3) Open Space

Prior to the issuance of any development order on the subject property, the development order plans must depict 38% (0.98 acres) of open space.

Deviations

Deviation #1:

Seeks relief from LDC §10-296, which requires that all development must abut and have access to a public or private street designed, and constructed or improved to meet certain standards, to allow continued site access from the existing roadways which were designed and constructed prior to the adoption of LDC Section 10-296.

Staff recommends **DENIAL** of Deviation #1 (see Attachment G).

Deviation #2:

Seeks relief from LDC §10-416(d), which requires a 5-foot-wide Type A landscape buffer to be provided between commercial projects, to allow no buffer along a specific segment of the western property line where existing asphalt driveway is bisected by the common property line.

Staff recommends **APPROVAL** of Deviation #2, limited to existing conditions (see Attachment H).

Deviation #3:

Seeks relief from LDC §34-2015(2)f, which requires that adjacent commercial uses must provide parking lot interconnections for automobile traffic, to allow no interconnections to the south and west.

Staff recommends **APPROVAL** of Deviation #3, subject to the condition the deviation is limited to existing development.

ATTACHMENT F

SS Building CPD

Statement of Request

This is a request to change the zoning for the existing office building located at 3650 Colonial Blvd. from CC to CPD. There is only one reason for this request and that is that the CC zoning does not permit Public Warehouse, which is the new use the owner desires at this time. For the past twenty-five years this building functioned as the main service center in Lee County for the Social Security Administration. When that office relocated several months ago, the owner determined that indoor storage (Public Warehouse) would be the next best use for this older building. Since the Social Security Use generated much traffic on a daily basis, this new use will actually represent a down zoning in terms of traffic and utility impacts, as well as parking demand.

The 2.58 acre parcel is designated Intensive Development on the Future Land Use Map, and is surrounded by other commercial uses. There should be no Lee Plan or zoning issues since the proposed use will be much less intense than before, and for a building that has been in this location since 1988. Although the intent would be to devote the entire building to Public Warehouse at some point in the future, we are requesting to also retain the currently approved CC uses to allow for some office use in the interim.

There are no sensitive environmental features on the site, and the proposed use is compatible with neighboring properties. The request is consistent with the Intensive Development land use category and the zoning regulations.

Lee Plan Analysis for the SS Building

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

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

Revised List of Permitted Uses for SS Building

1/17/2023

Administrative Offices

Fences and Walls

Signs, in Accordance with Chapter 30

Warehouse, Public, Mini, and Hybrid

Business Services

Group 1

Essential Services

Property Development Regulations for SS Bulding

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

Minimum Setbacks:

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

Proposed Schedule of Deviations

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

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

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

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

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

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



Department of Community Development
Development Services Section

MEMORANDUM

Date: 03/09/2023

To: Adam Mendez

From: Brian Roberts *BR*

Subject: DCI2022-00015 SS Building

The applicant is proposing to rezone 2.5 acres from Community Commercial (CC) to Commercial Planned Development (CPD) to add the use of Public Warehouse and convert part of an existing office building to a Public Warehouse. Development Services has reviewed the Master Concept Plan (MCP) and requested deviations with respect to Chapter 10 technical standards detailed in Land Development Code (LDC) and offers the following comments:

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

Staff recommends **DENIAL** of the request:

The applicant is requesting a deviation from the requirement to abut and have access to a street designed, and constructed or improved, to meet the standards in section 10-296. The applicant has indicated during the sufficiency review period that there will be no proposed changes to the existing building and/or site plan and that the purpose of the rezoning is to add the Public Warehouse use for the building. If there is no change to the building or site that would require a development order submittal the deviation is not necessary and Staff recommends denial of the request.

Staff also recommends denial of the request if the intent of the requested deviation is to allow site redevelopment in the future, requiring a development order, without an analysis of the existing condition and construction of Deer Farms Road. The applicant has not provided the existing cross section or condition of Deer Farms Road. Additionally, an analysis has not been provided by the applicant that meets the requirement of LDC Section 10-296(d)(3), which requires all deviations and exceptions from the requirements in LDC section 10-296 to meet the standards established by FDOT in the Florida Greenbook with consideration of the Plans Preparation Manual and guidance in AASHTO publications.

Staff is unable to recommend approval of the requested deviation as the applicant has not provided a sufficient justification of the request in accordance with the requirements in LDC Section 10-296(d)(3) as detailed above and LDC Section 34-145(d)(4)(a)2b. to allow Staff to determine that the proposed deviation request preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

Please contact me if you have any further questions.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2022-00015
TYPE OF CASE: Commercial Planned Development
CASE NAME: SS Building
TOTAL ACREAGE: 2.5 Acres
SUFFICIENCY DATE: February 13, 2023
HEARING EXAMINER DATE: April 20, 2023

Request

The applicant is requesting to rezone the subject property from Community Commercial (CC) to a Commercial Planned Development to permit a public warehouse. The property is located in Fort Myers, south of Colonial Boulevard, and east of Deer Run Farms Road. According to the Lee Plan, the parcel is located in the Intensive Development Future Land Use Category. The proposed development is not within special overlays or Community Planning areas.

Existing Conditions

The applicant has submitted a waiver request that was approved by staff on March 15, 2022 (see Attachment I of Staff Report). The waiver request was specific to an environmental report, protected species survey, soil map, FLUCCS Map, rare and unique habitat map, and an existing flow ways map. The site currently contains an existing building and a paved area for parking.

Open Space

The project meets the small commercial development definition (Land Development Code 10-1). LDC 10-425(a) requires the applicant to provide 20% open space. The applicant has provided a Master Concept Plan (MCP) that depicts 0.98 acres, or 38% of open space and complies with the minimum 20% open space requirement (Attachment D of Staff Report, Page 2).

Staff recommends the following condition to ensure that open space areas, reflective of the proposed Master Concept Plan, are provided:

Prior to the issuance of any development order on the subject property, the development order plans must depict 38% or 0.98 acres of open space.

Indigenous Open Space Preservation

The Land Development Code requires that large projects must provide 50 percent of the open space percentage requirement through onsite preservation of existing native vegetation communities (LDC 10-415(b)). As previously stated, the project parcel has is classified as a small project and has formerly been developed, which supported the applicant's waiver request from environmental submittal items.

Buffers

The proposed development abuts a commercial development along the west and south, Colonial right-of-way is located along the north, and Deer Run Farms Road is located along the east property boundary. The required buffers are as follows:

West - LDC Section 10-416(d) requires a 5-foot Type-A buffer. The applicant is requesting a deviation from 10-416(d) of the LDC, due to the existing 20 foot driveway which was constructed when the subject property was originally developed.

North – LDC section 10-416(d) requires a 15-foot Type-D buffer along the right-of-ways. The applicant is requesting to allow the existing buffer to act as the right-of-way buffer criteria.

South - LDC Section 10-416(d) requires a 5-foot Type-A buffer. The applicant is providing the 5-foot Type-A buffer requirements.

East – LDC section 10-416(d) requires a 15-foot Type-D buffer along the right-of-ways. The applicant is providing the 15-foot Type-D buffer.

Deviations

Deviation 2: The applicant has requested a deviation from LDC Section LDC Section 10-416(d) from the requirement when commercial development which abuts other commercial development provide a 5 foot Type “A” buffer to allow no buffer along the portion of the western property line where there is an existing asphalt driveway encroachment. The existing 20 foot driveway along the western property line was constructed when the when the subject property was originally developed. At that time, the subject property included the 1.06 acre parcel to the west and no buffer was required because the driveway was internal to the overall property. When the property to the west was split from the subject property the new property line was created down the middle of the driveway where it is not possible to provide the required 5 foot buffer.

Staff Recommends **APPROVAL** of Deviation 2, limited to existing development.



REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

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

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

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

PLEASE PRINT OR TYPE:

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

Name of Project: SS Building

Name of Agent: Michael Roeder

Street Address: 1625 Hendry St.

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

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

Name of Applicant*: SS Building, LLC

Street Address: 4099 Tamiami Tr., Suite 403

City, State, Zip: Naples, FL 34103

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

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

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

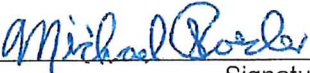
Section Number	Requirement
#1 34-373(a)(7)	TIS
#2 34-373(a)(4)b.iv.	Topography
#3 34-373(a)(4)b.9.	Soils Map
#4 34-373(a)(4)c.	FLUCCS Map
#5 34-373(a)(4)b.iii	Upland Habitat Map
#6 34-373(a)(4)b.v.	Flow-Ways Map
#7 34-202(a)(10)	Potable Water and Sanitary Sewer
#8	
#9	

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

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

This is a request to rezone an existing office building from CC to CPD to allow for the ground floor to be converted to Public Warehouse use. There has been an office building at this location since 1986 and for the past thirty years it served as the public service center for the Social Security Administration. This use generated much traffic, but now their offices have moved. The new use of Public Warehouse will generate significantly less traffic, as well as less water and sewer demand. Since the site has been developed with an office building and related parking for the past 36 years, the normal environmental maps would not be appropriate.

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



Signature of Applicant

3/15/22

Date

.....
FOR STAFF USE ONLY
.....

DIRECTOR'S DECISION:

☐

Request Denied

☒

Request Approved

☐

Request Approved Per Attached Comments

Electronically signed on 4/6/2022 by
Anthony R. Rodriguez, AICP, Zoning Manager
Lee County Department of Community Development

Director Signature

Date



REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

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

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

- X ☒ Public Hearing - General Requirements (34-202)
- ☐ Public Hearing - Mining Excavation Planned Development (12-110)
- ☐ Public Hearing - Additional Requirements for:
- ☐ Development of Regional Impact (34-202(b)(1))
- X ☒ Planned Developments (34-202(b)(2))
- ☐ Planned Development Amendment (34-202(b)(2))
- ☐ Rezoning other than Planned Developments (34-202(b)(3))
- ☐ Special Exceptions (34-202(b)(5))
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- ☐ Administrative Action Application Requirements [34-203]
- State the Type of Administrative Application: _____

PLEASE PRINT OR TYPE:

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

Name of Project: SS Building

Name of Agent: Michael Roeder

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

Name of Applicant*: SS Building, LLC

Street Address: 4099 Tamiami Trail

City, State, Zip: Naples, FL 33966

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

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

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

PHONE (239) 533-8585

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

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

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

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

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

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



Signature of Applicant

11/9/22

Date

FOR STAFF USE ONLY

DIRECTOR'S DECISION:

☐

Request Denied

☒

Request Approved

☐

Request Approved Per Attached Comments

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

Director Signature

Date

ATTACHMENT J

RESOLUTION NUMBER Z-79-234

The following resolution was adopted by the Lee County Zoning Board upon motion by Zoning Board Member Morris, and seconded by Zoning Board Member Clutz, and upon poll of the members present the vote was as follows:

Thomas C. Smith	AYE	Robert Terrell	AYE
Garland W. Clutz	AYE	Truman A. Morris	AYE
Chuck Ross	AYE	Charles A. Powell	AYE
Monty Bishop	AYE		

WHEREAS M.J. Burges, Jr., Trustee has requested a change in zoning from AG to CC.

SUBJECT PROPERTY: (SEE ATTACHED)

WHEREAS, A Public Hearing of the Lee County Zoning Board was duly advertised and held, as required by law, and after hearing all interested parties, after being duly sworn, and upon due and proper consideration having been given to the matter,

NOW THEREFORE BE IT RESOLVED by the Lee County Zoning Board, Lee County, Florida, that the petition be approved with the stipulation that the site plan on file be signed by the Chairman of the Zoning Board.

UPON APPEAL, the following resolution was offered by Commissioner Roberts, and seconded by Commissioner Rodda, and upon poll of the members present the vote was as follows:

R. Doug Taylor	ABSENT
Harry Rodda	AYE
Roland Q. Roberts	AYE
Wade H. Scaffa	AYE
R. L. Steele	AYE

WHEREAS, an appeal was filed by an aggrieved person and a Public Hearing of the Lee County Commissioners was duly advertised and held, as required by law, this Board after reviewing the records and the motion made by the Zoning Board and having given an opportunity to all interested persons to be heard, after being duly sworn, and upon due and proper consideration having been given to this matter, NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the motion of the Zoning Board be upheld with the stipulation that 1) the restriction concerning the site plan be removed, 2) there will be no cocktail lounge, bar, package store, or convenience store to be built upon this property and that no alcoholic beverages are to be sold on the property; 3) that a frontage road located off Colonial Blvd. be provided by the Developer at the time of construction; and 4) That a 100 foot setback be adhered to.

PASSED AND ADOPTED THIS 27th DAY OF August, 19 79 by the Lee County Zoning Board.

PASSED AND ADOPTED THIS 17th DAY OF September, 19 79 by the Lee County Commissioners

RESOLUTION NUMBER Z-79-234
APPROVED AS TO FORM

By [Signature]
OFFICE OF COUNTY ATTORNEY

HEARING NUMBER 79-8-24

Legal Description
Z-79-234
79-8-24

The North 1/2 of the NW 1/4 of the NW 1/4, less the East 1000.00 ft., in Section 5, Township 45 South, Range 25 East, Lee County, Florida, subject to a 20 feet road easement along and across the East Boundary, being 3.922 acres more or less.



ATTACHMENT K

Direct Dial: (239) 590-4603

Fax: (239) 590-4688

BENJAMIN R. SIEGEL, CPA, C.M.
EXECUTIVE DIRECTOR

April 4, 2023

RICHARD WM. WESCH
PORT AUTHORITY ATTORNEY

Adam Mendez
Senior Planner – Zoning Section
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

BOARD OF
PORT COMMISSIONERS

BRIAN HAMMAN

RE: SS Building
DCI2022-00015

FRANK MANN

Dear Mr. Mendez,

CECIL L. PENDERGRASS

Thank you for allowing the Lee County Port Authority (LCPA) to review the proposed SS Building Commercial Planned Development (CPD) rezoning application. Since the LCPA manages Page Field (FMY), it is important for us to review development applications for airport compatibility to ensure aviation safety is maintained and the utility of the airport is not diminished. The LCPA has provided some general comments below based on the submitted CPD application.

KEVIN RUANE

RAY SANDELLI

- The project is located near a highly active arrival/departure corridor for Runway 05/23 at FMY and will be subject to numerous daily overflights at low altitudes.
- Any object or structure (including temporary equipment used for construction) that is located or is proposed to be located within, or exceeding the surface of, the LCPA Airport Obstruction Notification Zone, including any vertical object above 125 feet above mean sea level will require a Tall Structures Permit approved by the LCPA as described in sections 34-1107 of the Land Development Code (LDC) and Lee County Administrative Code 13-7.
- This property is located within the 10,000' hazardous wildlife buffer. Wildlife on or near airports have the potential to cause an extremely hazardous situation. Of particular concern are pond slopes, littoral zones, wetlands, and landscaping since they could attract birds and be a hazard to air navigation. As such, it is requested that the developer comply with the LCPA Airport Compatible/Incompatible Planting Lists and also incorporate 4:1 side slopes along manmade ponds with minimal littoral zones.

The LCPA understands that this is a unique situation and we are more than happy to meet and discuss this project further with you and/or the applicant. We appreciate the opportunity to comment on this matter and please let me know you have any questions or concerns. You can contact me by phone at (239) 590-4603 or by email at iosikonia@flylcpa.com.

Sincerely,

LEE COUNTY PORT AUTHORITY

Ian Sikonia, AACP

Ian Sikonia, AACP
Airport Planner, Planning & Environmental Compliance

Cc: Alicia Dixon, Director, Planning & Environmental Compliance, LCPA