

THIS ADD HAS BEEN SUPERCEDED/REPLACED BY
ADD2023-00107A SIGNED/DATED 01/19/2024

ADMINISTRATIVE AMENDMENT (PD) ADD2023-00107

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Zach Rivers filed an application for an administrative amendment to a Commercial Planned Development on a project known as Trail Dairy Plaza CPD Administrative Amendment to add Contractors and Builders, Groups I and II to the Schedule of Uses on property located at 18730 Del Tura Plaza Lane, described more particularly as:

WHEREAS, the property is located at 18730 Del Tura Plaza Lane as described per the legal description (Exhibit "A"); and

WHEREAS, the applicant has indicated the property's current STRAP number is 16-43-24-05-00000.0020; and

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

WHEREAS, the property was originally rezoned in case number Z-86-214 (DCI86-12-13) (with a subsequent amendment in case number PD-91-003) (Exhibit "B"); 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, Resolution PD-91-003 provided the Schedule of Uses depicted on the Master Concept Plan (Exhibit "C"); and

WHEREAS, Contractors and Builders, Groups I and II was not approved per the Schedule of Uses approved per Resolution PD-91-003; and

WHEREAS, the applicant has provided a Request Narrative explaining the history of the project and the request to add Contractors and Builders, Groups I and II to the Schedule of Uses (Exhibit "D"); and

WHEREAS, the applicant has provided a comprehensive Schedule of Uses that includes the request and the uses approved per Resolution PD-91-003 as depicted on the Master Concept Plan (Exhibit "E"); and

WHEREAS, the applicant conducted a public information meeting that was duly advertised and held on August 23, 2023 pursuant to LDC Section 33-1532 (Exhibit "F"); 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 amendment is APPROVED subject to the following conditions.

Approval is subject to the following conditions:

- 1. The Schedule of Uses approved by PD-91-003 is hereby amended and superseded by the Schedule of Uses attached hereto as Exhibit E.**
- 2. The terms and conditions of the original zoning resolutions and subsequent amendments thereto remain in full force and effect, except as amended herein.**
- 3. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 1/3/2024

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

Exhibits:

- A. Legal Survey and Description
- B. Resolution Z-86-214
- C. Resolution PD-91-003
- D. Request Narrative
- E. Schedule of Uses
- F. Public Information Session Advertisement

SURVEY PLAT

OF
LOT 2, N.T.T. SUBDIVISION
PLAT BOOK 54, PAGE 43-44
SECTION 16, TOWNSHIP 43 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

DESCRIPTION

Lot 2, N.T.T. Subdivision, according to the plat thereof recorded in Plat Book 54, Pages 43 and 44, of the Public Records of Lee County, Florida.
LESS AND EXCEPT that part of the above described property conveyed to Lee County, Florida, as described in that certain Warranty Deed recorded in Official Record Book 2699, Page 772, Public Records of Lee County, Florida.

NOTES

Survey based on plat of N.T.T. Subdivision (Plat Book 54, Pages 43-44), previous surveys by this firm and field located monumentation.

Bearings based on plat of N.T.T. Subdivision (Plat Book 54, Pages 43-44) and field located monumentation.

Dimensions are in feet and decimal parts thereof.

Parcel subject to Easements, Restrictions, Reservations and Rights-- of-Way (Recorded and Unrecorded, Written and Unwritten).

Parcel lies in Flood Zone A, Base Flood Elevation of N/A. This information taken from Flood Insurance Rate Map 125124 200 C, effective date 3-15-94 (Index dated 5-05-03).

The F.E.M.A. Flood Zone information indicated hereon is based on maps supplied by the Federal Government. This flood information must be verified with all permitting regulatory entities prior to commencing any work or application dependent on said flood information.

Iron rods "set" are 5/8" x 18" rebar with yellow cap bearing corporation No. LB4919.

Underground improvements, utilities and/or foundations were not located unless otherwise noted.

Wetlands, if any, were not located.

This plat prepared as a Boundary Survey and is not intended to delineate the jurisdiction or jurisdictional areas of any federal, state, regional or local agency, board, commission or other entity.

Parcel contains 2.21 acres more or less.

The property is subject to any claim that any part of said land is owned by the state of Florida by right of sovereignty, riparian rights and the title to filled-in lands, if any.

Date of last field work: 8-19-04.

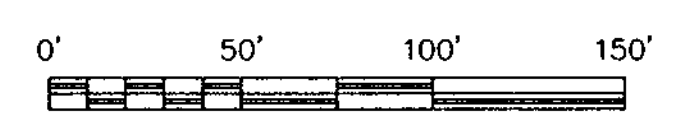
Survey meets or exceeds the accuracy standards of an Urban Survey (1:15,000).

REVIEWED
ADD2023-00107
Rick Burris, Principal
Planner
Lee County DCD/Planning
10/26/2023

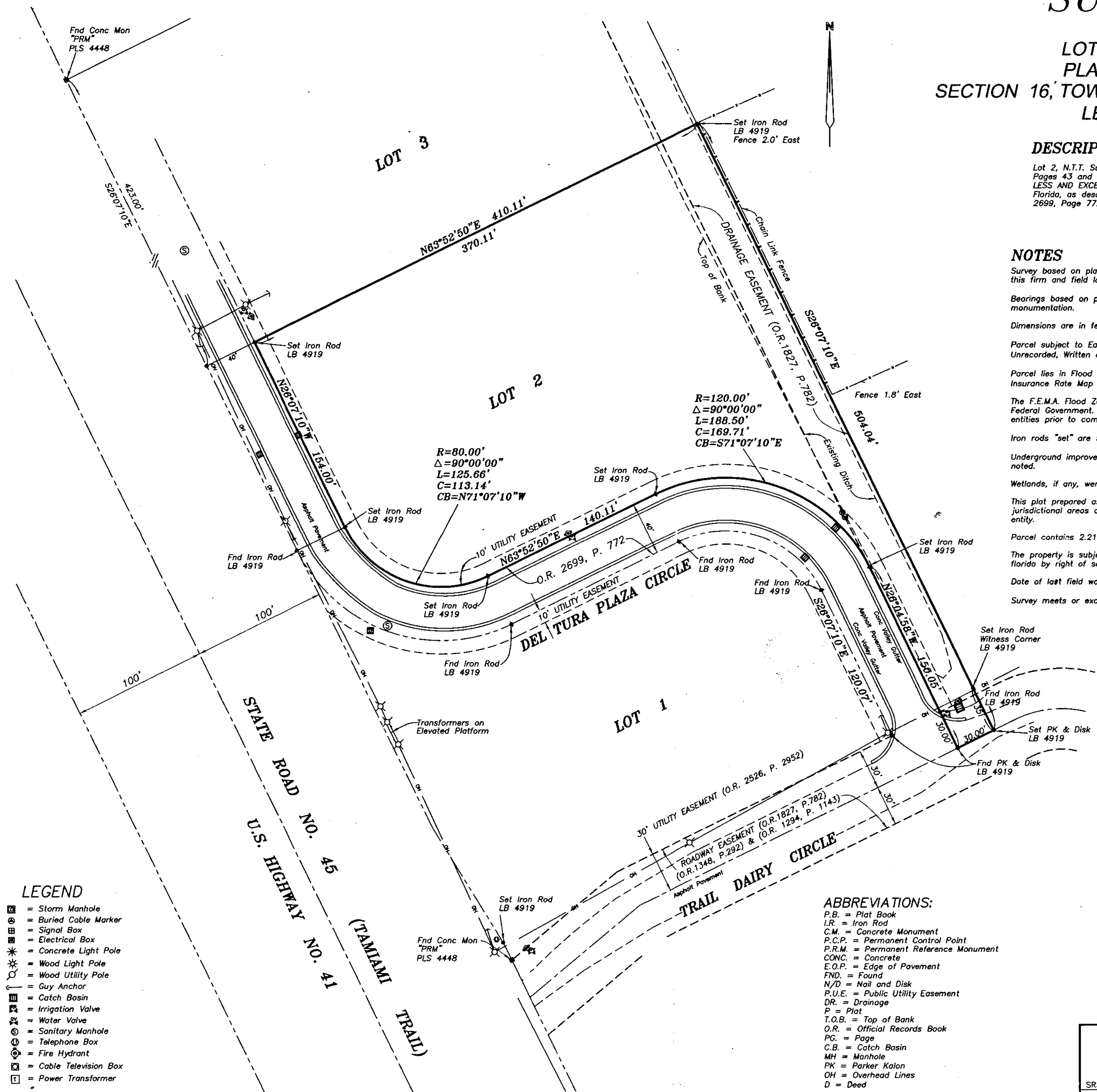
*NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BEAN, WHITAKER, LUTZ & KAREH, INC.
W. BRITT POMEROY, JR. (FOR THE FIRM)
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 4448
- This Certification is only for the lands described hereon.
- It is not a certification of Title, Zoning, Setbacks or freedom of encumbrances.

ABBREVIATIONS:
P.B. = Plat Book
I.R. = Iron Rod
C.M. = Concrete Monument
P.C.P. = Permanent Control Point
P.R.M. = Permanent Reference Monument
CONC. = Concrete
E.O.P. = Edge of Pavement
FND. = Found
N/D = Nail and Disk
P.U.E. = Public Utility Easement
DR. = Drainage
P = Plat
T.O.B. = Top of Bank
O.R. = Official Records Book
PG. = Page
C.B. = Catch Basin
MH = Manhole
PK = Parker Kalon
OH = Overhead Lines
D = Deed



Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)					
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS					
13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (239) 481-1331					
SR35820.DWG					
DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
8-19-04	35820	WBP	1" = 50'	1 OF 1	16-43-24



- LEGEND**
- [Symbol] = Storm Manhole
 - [Symbol] = Buried Cable Marker
 - [Symbol] = Signal Box
 - [Symbol] = Electrical Box
 - [Symbol] = Concrete Light Pole
 - [Symbol] = Wood Light Pole
 - [Symbol] = Wood Utility Pole
 - [Symbol] = Guy Anchor
 - [Symbol] = Catch Basin
 - [Symbol] = Irrigation Valve
 - [Symbol] = Water Valve
 - [Symbol] = Sanitary Manhole
 - [Symbol] = Telephone Box
 - [Symbol] = Fire Hydrant
 - [Symbol] = Cable Television Box
 - [Symbol] = Power Transformer

44634

RESOLUTION NUMBER Z-86-214

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

WHEREAS, an application has been properly filed on a project known as Trail Dairy Plaza for a rezoning from AG-2 to Commercial Planned Development, to permit the development of a mixed-use neighborhood commercial development, with buildings not to exceed 35 feet above average grade, on 9.67± total acres of land. The proposed development will also include the subdivision of two outparcels, and the use of an on-site sewer treatment plant.

NOTE:

If approved, the Master Concept Plan will deviate from the following Lee County standards:

- (1) Minimum water retention excavation setbacks to a street right-of-way of 150 feet (518.C.4), to 50 feet; and
- (2) Minimum intersection separation of 660 feet along arterial streets (DSO C.3.h), to allow spacing of 430 feet between two proposed accesses onto U.S. 41.

WHEREAS, the subject property is located at the northeast corner of the intersection of U.S. 41 and Trail Dairy Road, across from Del Tura Country Club in North Fort Myers, described more particularly as:

LEGAL DESCRIPTION: In Section 16, Township 43 South, Range 24 East, Lee County, Florida:

A tract or parcel of land lying in Section 16, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

COMMENCE at the intersection of the North line of said Section 16 and the Northeasterly right of way line of U.S. 41 (SR 45); thence run S 26°07'10" E along said Northeasterly right of way line for 1055.96 feet to the POINT OF BEGINNING; thence run N 89°33'51" E for 454.93 feet; thence run S 26°07'10" E for 927.07 feet to the centerline of a 60 foot wide roadway easement; thence run S 63°51'28" W along said centerline for 296.35 feet; thence run S 50°06'34" W for 106.70 feet to the said northeasterly right of way line of U.S. 41; thence run N 26°07'10" W along said right of way line for 46.05 feet; thence continue along said right of way line bearing N 31°49'48" W for 100.50 feet; thence continue along said right of way line bearing N 26°07'10" W for 1003.70 feet to the POINT OF BEGINNING.

Subject to a 30 foot roadway easement over the southerly 30 feet thereof and a drainage easement over the north 30 feet and easterly 30 feet and further subject to easements, restrictions and reservations of record.

REC 1985 PG 1590

12-25-88

WHEREAS, the applicant has indicated the property's current STRAP number is 16-43-24-00-00002.0000; and

WHEREAS, proper authorization has been given to Norm Thompson Associates and Thomas M. Brondstetter, P.A., by J. Andrew Bever, the fee simple owner of the subject parcel, to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public hearing held on December 1, 1986; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons.

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 AG-2 to Commercial Planned Development, to permit the development of a mixed-use neighborhood commercial development, with buildings not to exceed 35 feet above average grade, on 9.67± total acres of land. The proposed development will also include the subdivision of two outparcels, and the use of an on-site sewer treatment plant.

- (1) Minimum water retention excavation setbacks to a street right-of-way of 150 feet (518.C.4), to 50 feet; and
- (2) Minimum intersection separation of 660 feet along arterial streets (DSO C.3.h), to allow spacing of 430 feet between two proposed accesses onto U.S. 41.

The following conditions were made in conjunction with this Commercial Planned Development:

1. The following uses shall be permitted as part of this CPD, with buildings not to exceed 35 feet in height above average grade and not to exceed a total gross floor area of 83,500 square feet for this entire CPD request (districts and uses identified are those described in the Lee County Zoning Ordinance):
 - a. Permitted use shall be: all uses permitted by right and by special exception in Section 462.05 (CN-2 Neighborhood Commercial district), EXCEPT Essential Service Facilities - Group II;

- b. Consumption on premises requests in this CPD shall be reviewed individually as Special Permits, or through other approval processes as may be required by future regulations.
2. The drainage easements located along the northern and eastern property lines shall be planted with appropriate native wetland vegetation, subject to approval of the Department of Community Development.
3. The development of this property shall be in accordance with the one-page Master Concept Plan for Trail Dairy Plaza, prepared by Norm Thompson Associates (revised on October 29, 1987) except as modified by the above conditions. Approval of this plan does not relieve this development from conformance with all applicable state and local regulations except for the two requested deviations.
4. Deviation #1 is hereby APPROVED. Deviation #2 is hereby APPROVED subject to the northern entrance being temporary and a future frontage connection is provided to the property to the north.

The following findings of fact were made in conjunction with this Commercial Planned Development:

1. The proposed uses are appropriate at the subject location;
2. Sufficient safeguards to the public interest are provided by conditions to the Master Concept Plan and by other applicable regulations;
3. The proposed request is consistent with the policies and standards of the Lee Plan, specifically with Policies III.D.5, III.D.8 and Standards III.C.3 and III.C.7.

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

Porter J. Goss	Absent
Charles L. Bigelow, Jr.	Aye
Mary Ann Wallace	Nay
Bill Fussell	Aye
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 25th day of January, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Charlie J. Green
Deputy Clerk

BY: Porter J. Goss
Chairman

FILED

APR 25 1988

CLERK CIRCUIT COURT
BY Charlie J. Green D.C.

Approved as to form by:

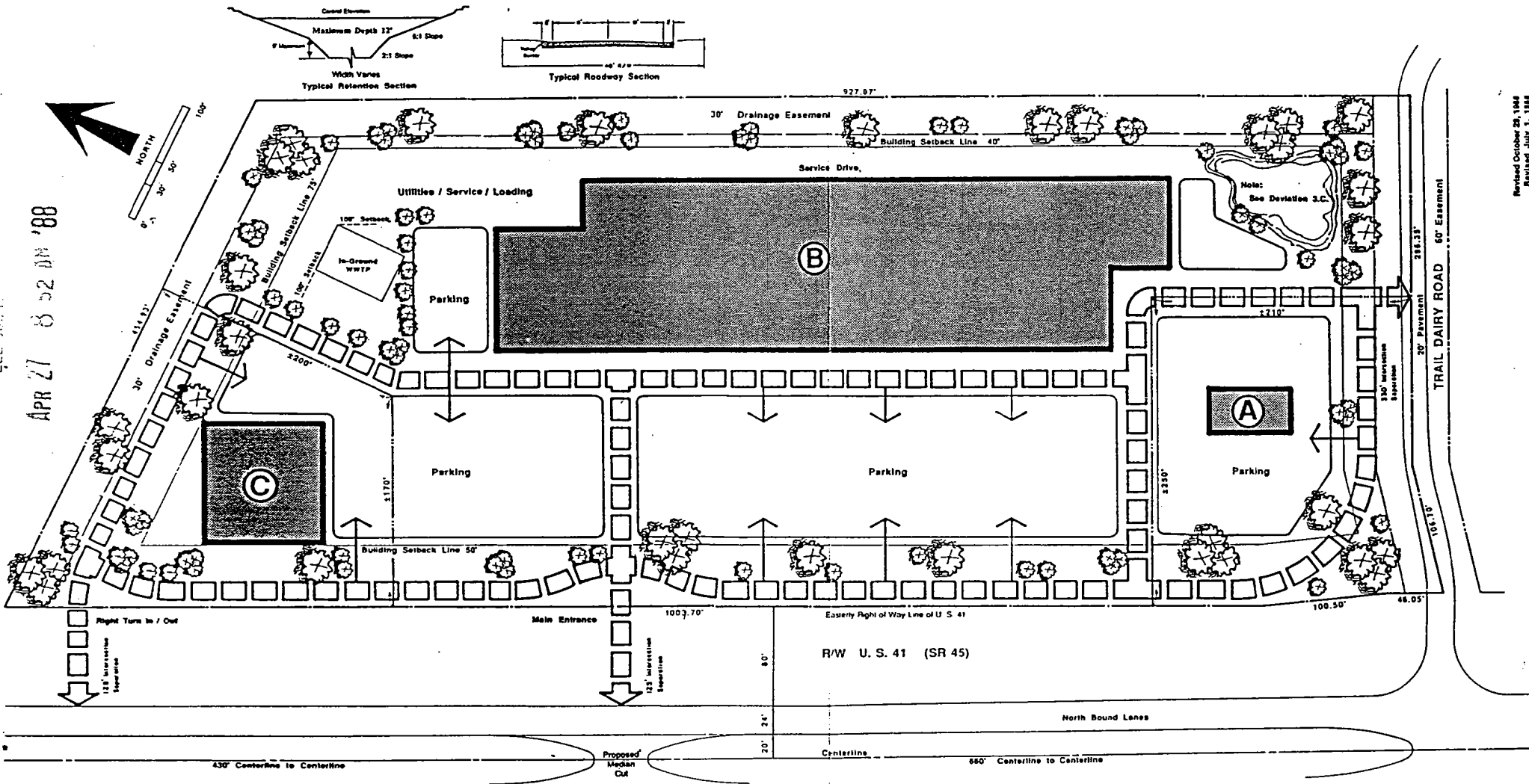
County Attorney's Office

REC 485 PG 1593

RECORDED & RECORD VERIFIED

Charles Green

APR 27 8 52 AM '88



Revised October 28, 1984
Revised July 11, 1985
May 21, 1985

Applicant: Mr. J. Andrew Bayer, Vice President
Bayer Management Co., Tampa, FL 33601
P.O. Box 180435, Rm. 23E
Lee County, Florida
Location:

MASTER CONCEPT PLAN

Norm Thompson Associates
PLANNING AND DEVELOPMENT CONSULTANTS
6125 Wilshire Crest Drive, Suite A, Fort Myers, Florida 33907 (813) 480-3146

1. PROPERTY DATA.

	Acres	S.F.
Total Area	9.88	421,138
Road Easement	0.28	12,225
Drainage Easement	0.91	39,735
Setback not within Easements	2.01	87,558
Building Area	6.47	291,833

2. CPD SCHEDULE OF USES.

Parcel No.	Proposed Use	Max Floor Area (S.F.)	Minimum Parking	Parking Ratio (S.F.G.F.A.)	Phase
A	Commercial Retail and Auto Service	2,800	14	1/200	I
B	Retail Store of Consumer Goods and Services (Department Store/Discount Store)	71,100	356	1/200	II
C	Branch Commercial Bank Professional Office	9,500	32	1/300	II
TOTALS:		83,500	402	--	--

- 3. SPECIAL CONDITIONS & DEVIATIONS**
- A. THE PRECISE BOUNDARIES FOR DEVELOPMENT PARCELS A, B & C SHALL BE DETERMINED BY SURVEY AT THE TIME OF FINAL PLAN APPROVAL.
 - B. AT THE DEVELOPER'S OPTION, THE AMOUNT OF BUILDING FLOOR AREA FOR DEVELOPMENT PARCELS A AND C MAY BE MODIFIED AND REALLOCATED TO PARCEL B; PROVIDED, HOWEVER, THAT THE TOTAL MAXIMUM FLOOR AREA (83,500 S.F.) AND THE NUMBER OF PRINCIPAL BUILDINGS (3) IS NOT EXCEEDED AND ALL APPLICABLE DEVELOPMENT STANDARDS ARE OBSERVED.
 - C. DEVIATION FROM SECTION 510 C.4 OF THE LEE COUNTY ZONING ORDINANCE: From required 150 foot retention excavation setback from a street right-of-way to 30 feet.

NOTE: HEIGHT OF BUILDINGS NOT TO EXCEED 45 FEET ABOVE MEAN SEA LEVEL FLOOD ELEVATION.

MASTER CONCEPT PLAN
Trail Dairy Plaza
A COMMERCIAL PLANNED DEVELOPMENT

Received at 1/25/88 BCC meeting file # 86-12-13 DCI
submitted by Norm Thompson

ADMINISTRATIVE APPROVAL AMENDMENT NUMBER PD-91-003

ADMINISTRATIVE APPROVAL

AMENDMENT

LEE COUNTY, FLORIDA

WHEREAS, W. Kirk Beck, Trustee, and Del Tura Medical and Retail Plaza Associates, Ltd., a Florida Limited Partnership, have filed an application for administrative approval of an amendment to a Commercial Planned Development on a project known as Trail Dairy Plaza. The amendment would create a commercial subdivision with a maximum of six lots thereby eliminating the main commercial building and outparcels which were initially approved. The amendment would also relocate the frontage road access point on Trail Dairy Road to the rear of the property (increasing its distance from the intersection of Trail Dairy Road and US 41) and would relocate a drainage easement from the north boundary to the property line between Lots 5 and 6. Also included in the requested amendment is the addition of a Group III Standard Restaurant to the list of permitted uses initially approved. The subject property is located at 18750 North Tamiami Trail, described more particularly as:

LEGAL DESCRIPTION: In Section 16, Township 43 South, Range 24 East, Lee County, Florida:

COMMENCE at the intersection of the North line of said Section 16 and the Northeasterly right-of-way line of US 41 (SR 45);
THENCE run S26°07'10"E along said Northeasterly right-of-way line for 1,055.96 feet to the POINT OF BEGINNING;
THENCE run N89°33'51"E for 454.93 feet;
THENCE run S26°07'10"E for 927.07 feet to the centerline of a 60 foot wide roadway easement;
THENCE run S63°51'28"W along said centerline for 296.35 feet;
THENCE run S50°06'34"W for 106.70 feet to the said Northeasterly right-of-way line of US 41;
THENCE run N26°07'10"W along said right-of-way line for 46.05 feet;
THENCE continue along said right-of-way line bearing N31°49'48"W for 100.50 feet;
THENCE continue along said right-of-way line bearing N26°07'10"W for 1,003.70 feet to the POINT OF BEGINNING.

WHEREAS, the property was originally rezoned in hearing number 86-12-13-DCI; and

WHEREAS, Lee County Ordinance 89-04 amends the Zoning Ordinance (Ordinance No. 86-17) to provide 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.

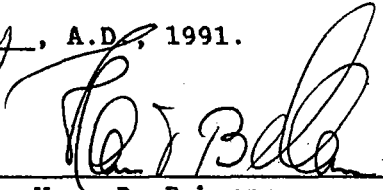
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the approved Master Concept Plan for Trail Dairy Plaza Commercial Planned Development is APPROVED for:

- (1) The creation of a commercial subdivision which shall incorporate a maximum of six (6) commercial lots;
- (2) The relocation of the frontage road access point on Trail Dairy Road to the rear of the subject property;
- (3) The relocation of a drainage easement from the north boundary to the property line between Lots 5 and 6 as shown on the submitted plan; and
- (4) The schedule of uses listed on the Master Concept Plan referenced below EXCEPT for RESTAURANT, STANDARD - GROUPS III and IV (Section 1001.44)

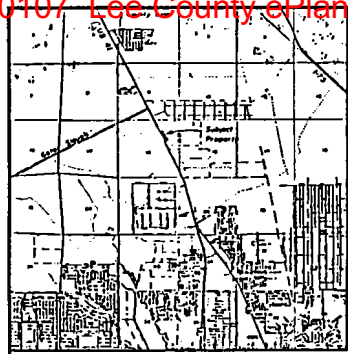
Approval is subject to the following conditions:

1. The terms and conditions of the original zoning resolution remain in full force and effect except as modified herein.
2. Development shall be in compliance with the one page Site Plan attached hereto and incorporated herein by reference as a reduced copy of the Master Concept Plan, titled Amended Master Concept Plan for Trail Dairy Plaza C.P.D. prepared by Johnson Engineering, Inc., dated December 1990 and date stamped Received January 18, 1991.

DULY SIGNED this 2nd day of May, A.D., 1991.

BY: 

Hans D. Behrens
Deputy Director
Department of Community Development

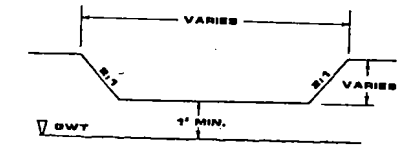
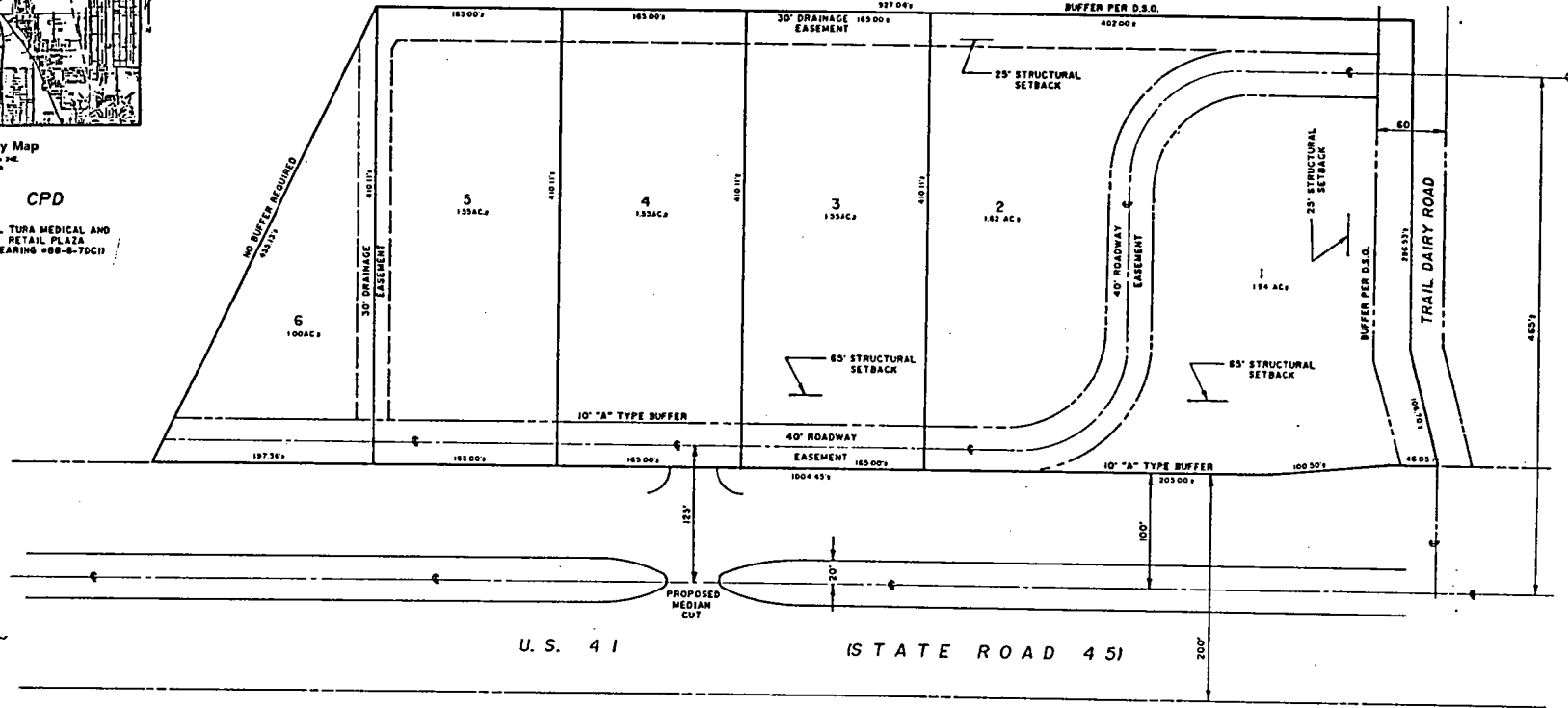


Project Vicinity Map

See Map for Location of
Lee County Property

CPD

DEL TURA MEDICAL AND
RETAIL PLAZA
BEARING #88-6-70CH



TYPICAL DRY DETENTION AREA
#71

GENERAL NOTES

REZONING REQUEST: CPD HAVING A MAXIMUM OF 83,500 S.F. WITHIN THE 6 LOTS AS PER SCHEDULE OF USES

PROPERTY DATA:
TOTAL AREA: 9.641 ACRES
FRONTAGE ROAD EASEMENT: 1.271 ACRES
DRAINAGE EASEMENT: .881 ACRES

OPEN SPACE: 30% MINIMUM FOR OVERALL COMMERCIAL SITE
20% MINIMUM FOR INDIVIDUAL LOTS EXCLUDING DRAINAGE EASEMENTS

HEIGHT: 35 FT. ABOVE AVERAGE GRADE

DISCHARGE & OUTFALLS: ALL DISCHARGE, OUTFALLS AND SITE DESIGN TO COMPLY WITH SWMD REGULATIONS IN EXISTENCE AT TIME OF DEVELOPMENT.

PARKING: PARKING AS REQUIRED BY SECTION 202.16.3. OF THE LEE COUNTY ZONING REGULATIONS.

**AMENDED SCHEDULE OF USES
TRAIL DAIRY PLAZA CPD**

ADMINISTRATIVE OFFICES (df)
AUTOMATIC TELLER MACHINES (ATMs)
CLUB, PRIVATE (df)
DAY CARE CENTER - child and/or adult (Section 506)
ESSENTIAL SERVICES (df) (Section 202.12)
ESSENTIAL SERVICE FACILITIES - Group I (Sections 202.12 and 1001.13)
EXCAVATION - water retention (Section 509)
HARDWARE STORE (df)
PACKAGE STORE (Section 202.03)
PHARMACY (df)
PLACE OF WORSHIP (df) (Section 521)
RECREATION CENTER (Section 526)
RECREATIONAL FACILITIES, Public or Private, Indoor only
REPAIR SHOPS - Group I (Section 1001.40)
SIGNS, provided such signs comply with the Lee County Sign Ordinance
STORAGE, INDOOR (df) ONLY - (Section 527)
AUTO PARTS STORE, no installation service
AUTOMOBILE SERVICE STATION (df)
BANKS AND FINANCIAL INSTITUTIONS - Group I (Section 1001.03)
BOAT PARTS STORES - no installation service
BUSINESS SERVICES - Group I (Section 1001.05)
DRUG STORE
EMERGENCY MEDICAL SERVICES (ambulance)
FOOD STORE - Groups I and II (Section 1001.16)
HEALTH CARE FACILITY - Group III (Sections 512 and 1001.20)

HOBBY, TOY, AND GAME SHOPS (Section 1001.21)
LAUNDRY OR DRY CLEANING - Group I (Section 1001.24)
MUSIC STORE (df)
OFFICES - MEDICAL
PERSONAL SERVICES - Groups I and IV (Section 1001.33)
PET SHOP (df)
RELIGIOUS FACILITIES (Section 521)
RENTAL ESTABLISHMENTS - Groups I and II (Section 1001.39)
RESTAURANT, STANDARD - All Groups (Section 1001.44)
SPECIALTY RETAIL SHOP - Groups I, II and IV (Section 1001.47)
TEMPORARY USES (Section 525)
USED MERCHANDISE STORES - Group I (Section 1001.54)
VARIETY STORE (df)
CONVENIENCE FOOD AND BEVERAGE STORE
DRIVE THRU FACILITY - for df, permitted use
FOOD AND BEVERAGE SERVICE, Limited (df)
SELF SERVICE FUEL PUMPS

AMENDED MASTER CONCEPT PLAN for TRAIL DAIRY PLAZA C.P.D.

I APPROVED

Amendment to
Master Concept Plan
Subject to conditions in Regulation 200-10-91.025
Zoning Case # 86-12-13-001(a)
Date 05-02-11

RECEIVED
JAN 18 1991
ZONING COUNTER

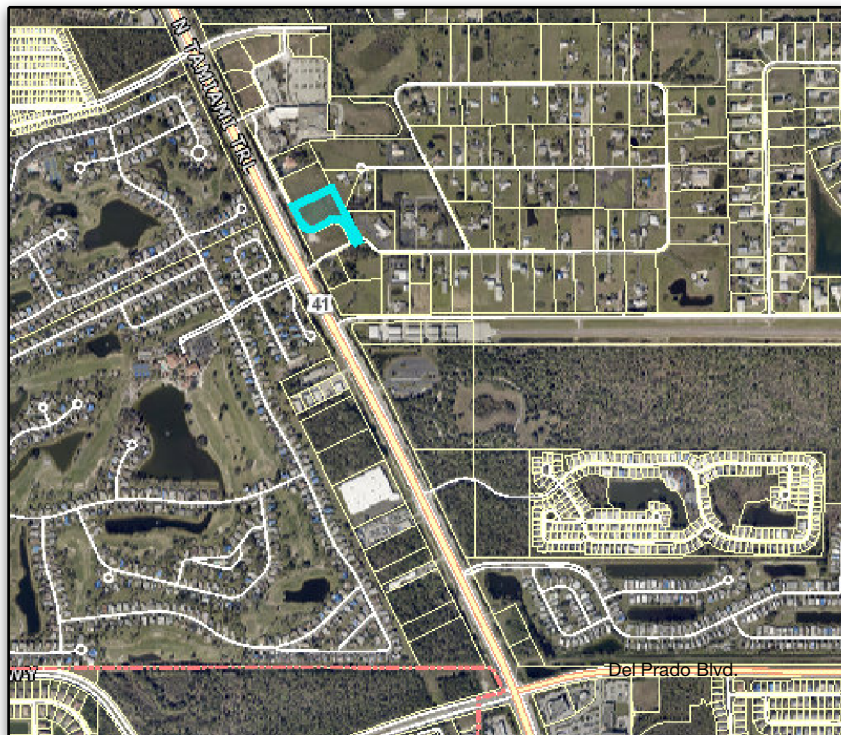
TRAIL DAIRY PLAZA CPD ADMINISTRATIVE AMENDMENT

NARRATIVE

RAI #1, September 2023

The applicant is requesting an amendment to the Trail Dairy Plaza CPD to allow for the additional use of Contractors & Builders, Groups I & II, and to request deviations to the required development standards applicable to the development. This amendment is specific to Lot 2 only of the CPD.

The property is located on Del Tura Plaza Lane, which serves as a frontage road to US 41, connecting Trail Dairy Circle to Del Tura Plaza CPD to the north. The property is located on the east side of US 41, approximately 0.8 miles north of its intersection with Del Prado Boulevard.



Location Map

The subject property falls into the Suburban Land Use category and is within the North Fort Myers Planning Community. It encompasses approximately 2.21 acres. The property abuts undeveloped land to the north and abuts Del Tura Lane to the south. The property frontage on Del Tura Lane to the west runs parallel to US 41, with access to the highway located just north of the property. Additional access is from Trail Dairy Circle to the south. The property to the east abuts the North Fort Myers Presbyterian Church as well as larger parcel single-family residences.

The property was rezoned to CPD in 1986 (Z-86-214), providing for a maximum of 83,500 square feet of commercial uses allowed by right in the CN-2, Neighborhood Commercial zoning district. In 1991, the resolution was amended (PD-91-003) to create a 6-lot commercial

subdivision, making minor modifications to the Master Concept Plan and the Schedule of Uses. This request is specific to Lot 2, which currently is undeveloped.

As previously mentioned, the applicant would like to amend the CPD to add Contractors & Builders, Groups I & II to the approved list of uses for Lot 2. The North Fort Myers Planning Community code allows for these two groups by right (LDC Section 33-1596), confirming that such use is not considered adverse within the Planning Community.

The proposed use will be fully compatible with the surrounding uses. Contractors and Builders Groups I & II permits offices and indoor storage with limitation on outdoor storage (only allowed in Group II). While light fabrication work is allowed in Group II, it is limited to indoors and outdoor storage of materials or equipment must be enclosed. Heavy construction equipment is explicitly prohibited. The North Fort Myers regulations will require a 30-foot wide buffer adjacent to the residential properties to the east, further protecting those residences from the minor activity anticipated by the addition of this use. The Master Concept Plan reflects a conceptual layout for the property for trade industry storage facilities. The applicant intends to construct units that face each other internally, further reducing any potential adverse impacts to the properties to the east. All construction will adhere to the architectural design standards of the North Fort Myers Community.

With this application, the applicant is requesting approval of three deviations from the Land Development Code.

1. LDC Section 33-1548

This Code section requires commercial and mixed-use developments adjacent to one another to provide interconnections for automobile, bicycle and pedestrian traffic. Del Tura Plaza Lane essentially functions as a service road, connecting four properties. Additionally, there is an existing sidewalk on US 41, just to the west that can provide safe movement for bicyclists and pedestrians, and the subject property can be easily accessed using the Del Tura Plaza Lane connector. An additional interconnection is not necessary as a connection already exists via Del Tura Plaza Lane.

2. LDC Section 33-1576(b)(1)

This Code section requires clear glass windows. The applicant intends to develop the property with a trade unit storage facility. For security purposes, clear glass windows are not appropriate. If the applicant chooses to include windows as part of the architectural elements described in 33-1576(b)(9), this request is to allow for false windows that are 100% opaque. This will achieve the architectural character envisioned by the North Fort Myers Community while allowing for security for this type of use.

3. LDC Section 10-416(d)(3)

This request is to allow for no buffer at the southwest corner of the property where Del Tura Plaza Circle abuts that portion of the property that is encompassed by a 30-foot utility easement. There is no additional room between the easement and the street right-of-way to satisfy the buffer requirement.

Comprehensive Plan Consistency

Policy 1.1.5 Suburban Land Use

The additional use of Contractors & Builders, Groups I & II will remain consistent with this Land Use category. The location of Lot 2 is appropriate for commercial uses that can serve to protect existing residential uses to the east, serving as a buffer and transition to those neighborhoods.

Policy 30.2 Centers and Corridors of North Fort Myers

The proposed use will not adversely impact the intent to encourage revitalization of the Corridor Overlay areas. The development of vacant property along the substantially visual US 41 corridor will promote economic vitality and beautification of the community.

Policy 30.2.5 Corridor Overlay District of North Fort Myers

The proposed use will meet the provisions of the LDC regarding landscaping, buffering and architectural standards that apply to North Fort Myers.

Conclusion

The request to add Contractors & Builders, Groups I & II to the existing list of uses for Lot 2 will remain consistent with the Lee County Comprehensive Plan and Land Development Code. The proposed use group requires activities to be enclosed, eliminating impacts to adjacent properties. The North Fort Myers Community standards ensure compatibility through buffers, landscaping and architectural standards. The requested deviations are logical in nature and will not create health, safety and welfare impacts that might adversely impact the goal of the North Fort Myers Community to improve the livability and economic vitality of its community. The proposed Contractors and Builders use is already a permitted use by right in the North Fort Myers Community.

ADD2023-00107**Schedule of Uses****REVISED 11/28/2023**

Administrative Offices
Automatic Teller Machines (ATMs)
Club, Private
Contractors and Builders, Groups I and II, no outdoor storage
Day Care Center – child and/or adult
Essential Services
Essential Service Facilities, Group I
Excavation – water retention
Hardware Store
Package Store
Pharmacy
Place of Worship
Recreation Center
Recreational Facilities, public or private, indoor only
Repair Shops, Group I
Signs, provided such signs comply with the Lee County Sign Ordinance
Storage, indoor only
Auto Parts Store, no installation service
Automobile Station
Banks and Financial Institutions, Group I
Boat Parts Stores, no installation service
Business Services, Group I
Drug Store
Emergency Medical Services
Food Store, Groups I and II
Health Care Facility, Group III
Hobby, Toy and Game Shops
Laundry or Dry Cleaning, Group I
Music Store
Offices, including Medical
Personal Services, Groups I and IV
Pet Shop
Religious Facilities
Rental Establishments, Group I and II
Restaurants, Standard, ~~all~~ Groups I & II
Specialty Retail Shop, Groups I, II and IV
Temporary Uses
Used Merchandise Shops, Group I
Variety Store
Convenience Food & Beverage Store
Drive-Thru Facilities, for any permitted use
Food and Beverage Services
~~Self-Service Fuel Pumps~~

The News-Press media group

news-press.com A GANNETT COMPANY

Exhibit F

Attn:

**SJOHNSON PLANNING SERVICES LLC
917 PARKVIEW DR
TALLAHASSEE, FL 32311**

State of Wisconsin, County of Brown:

Before the undersigned authority personally appeared

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

NOTICE OF PUBLIC INFORMATION MEETING DATE:
Wednesday August 23, 2023 TIME: 6:00 PM ADDRESS: North
Fort Myers Recreation Center, Room 102A, 2000 N. Recreation
Pa

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

08/15/2023

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

Sworn to and Subscribed before me this 15th of August 2023,
by legal clerk who is personally known to me.

Shellie Johnson
Affiant

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

of Affidavits 1

This is not an invoice

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Wednesday August 23, 2023

TIME: 6:00 PM

ADDRESS: North Fort Myers Recreation
Center, Room 102A, 2000 N. Recreation
Park Way, North Fort Myers, FL 33903

In accordance with the North Fort
Myers Community Planning require-
ments of the Lee County Land Develop-
ment Code, the Agent, Shellie Johnson,
AICP, on behalf of the Applicant, Zach
Rivers, will be presenting information
to the public on a proposed amend-
ment to the Trail Dairy Plaza
Commercial Planned Development (Z-
86-214), to add:

Builders and Contractors Groups I & II
to the list of allowable uses (STRAP No.
16-43-24-05-00000.0020). Property is lo-
cated at 18730 Del Tora Plaza Lane.

The meeting will be held at 6:00 p.m.
on Wednesday August 23, 2023 at the
North Fort Myers Recreation Center,
Room 102A, 2000 N. Recreation Park
Way, North Fort Myers, FL 33903.

For questions please contact:
Shellie Johnson, AICP, Agent
239-898-0125 / sjohnsonplanner@gmail
.com

AD#5798867 Aug 15, 2023

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Wednesday August 23, 2023

TIME: 6:00 PM

ADDRESS: North Fort Myers Recreation Center, Room 102A, 2000 N. Recreation Park Way, North Fort Myers, FL 33903

In accordance with the North Fort Myers Community Planning requirements of the Lee County Land Development Code, the Agent, Shellie Johnson, AICP, on behalf of the Applicant, Zach Rivers, will be presenting information to the public on a proposed amendment to the Trail Dairy Plaza Commercial Planned Development (Z-86-214), to add:

Builders and Contractors Groups I & II to the list of allowable uses (STRAP No. 16-43-24-05-00000.0020). Property is located at 18730 Del Tura Plaza Lane.

The meeting will be held at 6:00 p.m. on Wednesday August 23, 2023 at the North Fort Myers Recreation Center, Room 102A, 2000 N. Recreation Park Way, North Fort Myers, FL 33903.

For questions please contact:

Shellie Johnson, AICP, Agent
239-898-0125 / sjohnsonplanner@gmail.com