

Administrative Deviation: **ADD2024-00027**

**DSO ADMINISTRATIVE DEVIATION  
LEE COUNTY, FLORIDA**

WHEREAS, Q. Grady Minor & Associates, P.A., on behalf of LEHIGH STORAGE LLC, has filed an application for approval an administrative deviation from the technical requirements of the Lee County Land Development Code, for property located at 22 Beth Stacey Blvd, Lehigh Acres, FL, described more particularly as:

LEGAL DESCRIPTION: In Section 31, Township 44 South, Range 27 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the applicant has indicated that the property's current STRAP number is 31-44-27-00-00001.0050; and

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

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

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

WHEREAS, a deviation is requested in the C-2 district from Lee County Land Development Code Section 10-261(a) that requires all new construction of multifamily residential developments, commercial businesses, and industrial uses to provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers to allow to allow 156 square feet for the placement of solid waste and recycling containers as shown on the site plan attached as Exhibit "B"; and

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

WHEREAS, the applicant has provided a copy of the CubeSmart Rules and Regulations Agreement stating that use of any dumpsters or garbage depositories at the store by customers is prohibited; and

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WHEREAS, the applicant has requested a deviation from Land Development Code Section 10-261(a) to allow the calculation for the minimum garbage and recyclable material collection to only be based on the office total square footage of 1,030 square feet; and

WHEREAS, the following findings of fact are offered:

- (a) That the proposed alternative to allow the on-site space for garbage and recycling containers to be based on the office total square footage is based on sound engineering practice in consideration of the following criteria:
  - i Solid Waste has reviewed the request and has no objection.
  - ii The garbage and recycling collection area on-site will not be utilized by the customers and will only be utilized by staff.
  - iii The on-site space provided on the attached site plan is sufficient to meet the demand of the proposed 1,030 square foot administrative office;
- (b) That said proposed alternative is no less consistent with the health, safety, and welfare of abutting landowners and the general public than the standard from which the deviation was requested; and
  - i The owner must maintain adequate service levels in accordance with Ordinance 11-27 which requires the lids of garbage and recycling containers to be closed at all times.
- (c) The granting of the deviation is not inconsistent with any specific directive of the Board of County Commissioners, any other ordinance, or any Lee Plan Provision.

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

- (a) That approval is subject to substantial compliance with the site plan entitled DEVIATION EXHIBIT signed and sealed 3/11/2024 by Jeremiah DeForge, P.E. and attached as Exhibit "B"; and
- (b) At time of development order the applicant must submit the lease documents verifying that the use of the garbage and recycling collection areas by the lessees of the storage units is prohibited.
- (c) Any redevelopment or change of use of the property will require compliance with the requirements of Land Development Code Section 10-261(a) or an approved deviation.
- (d) At time of development order the plans must depict signage advising

tenants that the dumpster is for the exclusive use of the operator of the facility.

- (e) **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Exhibits

*Exhibit A – Legal Description*

*Exhibit B – “DEVIATION EXHIBIT” signed and sealed 3/11/2024 by Jeremiah DeForge, P.E.*

Duly passed, adopted, and electronically signed on 3/18/2024

Ohdet Kleinmann, Development Services Manager

PROPERTY DESCRIPTION

(PER INSTRUMENT NUMBER 2022000281294)  
A TRACT OR PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 44 SOUTH,  
RANGE 27 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY  
DESCRIBED AS FOLLOWED:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY  
LINE OF WOODWARD COURT AND THE EASTERLY RIGHT-OF-WAY LINE OF  
BETH STACEY BOULEVARD, AS SHOWN ON THE PLAT OF PARKWOOD III,  
SECTION 31, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF  
LEHIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 28, AT  
PAGE 94, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE  
SOUTH 00°20'28" WEST, A DISTANCE OF 60.00 FEET, TO THE SOUTHERLY  
RIGHT-OF-WAY LINE OF WOODWARD COURT, AND THE POINT OF BEGINNING  
OF A PARCEL OF LAND HEREIN DESCRIBED;

THENCE NORTH 89°45'00" EAST, ALONG WOODWARD COURT, A DISTANCE OF  
200.01 FEET, TO WESTERLY RIGHT-OF-WAY LINE OF YELLOWTAIL CANAL  
EXTENSION; THENCE SOUTH 00°20'28" WEST, ALONG SAID YELLOWTAIL  
EXTENSION, A DISTANCE OF 789.09 FEET, TO THE SOUTH SECTION LINE OF  
SAID SECTION 31; THENCE SOUTH 89°45'00" WEST, ALONG THE SOUTH  
SECTION LINE, A DISTANCE OF 200.01 FEET TO THE EASTERLY  
RIGHT-OF-WAY LINE OF BETH STACEY BOULEVARD; THENCE NORTH  
00°20'28" EAST, ALONG BETH STACEY BOULEVARD, A DISTANCE OF 789.09  
FEET TO THE POINT OF BEGINNING.

CONTAINING 3.62 ACRES, MORE OF LESS.

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST  
LINE OF BETH STACEY BOULEVARD, LEE COUNTY, FLORIDA  
AS BEING N 89°20'28" E. AS STATED IN INSTRUMENT  
NUMBER 2022000281294 OF THE LEE COUNTY PUBLIC  
RECORDS.
2. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET  
AND DECIMALS THEREOF.
3. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT  
THE ORIGINAL SIGNATURE AND SEAL OR THE DIGITAL  
SIGNATURE AND DIGITAL SEAL OF A LICENSED FLORIDA  
SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO  
THIS SKETCH AND DESCRIPTION ARE PERMITTED WITHOUT  
THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.

REVIEWED  
ADD2024-00027  
Rick Burris, Principal  
Planner  
Lee County DCD/Planning  
3/11/2024

\*NOT A SURVEY\*

|             |            |
|-------------|------------|
| DRAWN BY:   | KJG        |
| CHECKED BY: | DLS        |
| JOB CODE:   | BFBSDO     |
| SCALE:      | N/A        |
| DATE:       | 12/15/2022 |
| FILE:       | 22-259-01  |
| SHEET:      | 1 of 2     |

NOT COMPLETE WITHOUT SHEETS 1 AND 2 OF 2



GradyMinor

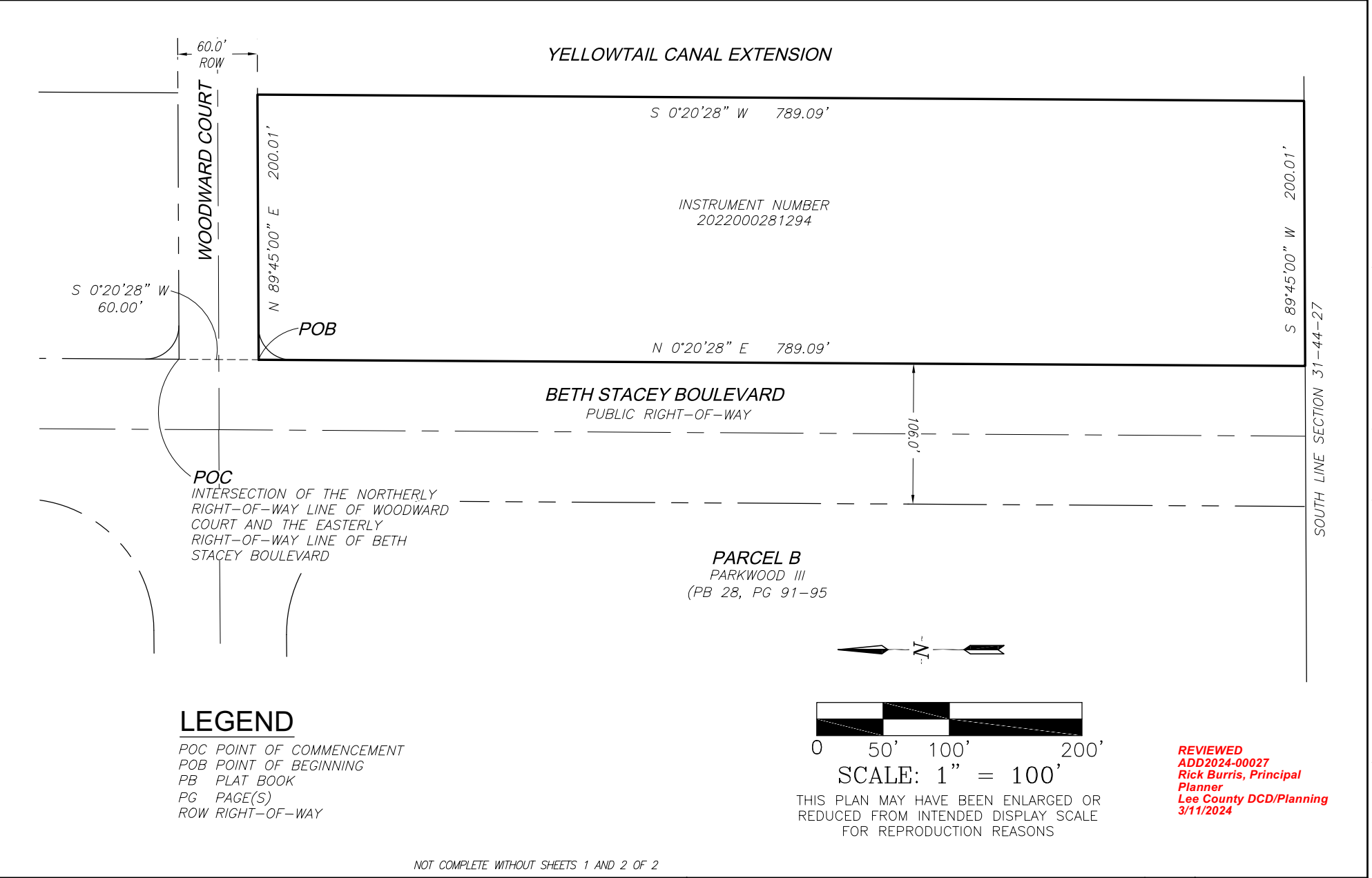
Q. Grady Minor and Associates, P.A.  
3800 Via Del Rey  
Bonita Springs, Florida 34134

Civil Engineers • Land Surveyors • Planners • Landscape Architects  
Cert. of Auth. EB 0005151      Cert. of Auth. LB 0005151      Business LC 26000266  
Bonita Springs: 239.947.1144      www.GradyMinor.com      Fort Myers: 239.690.4380

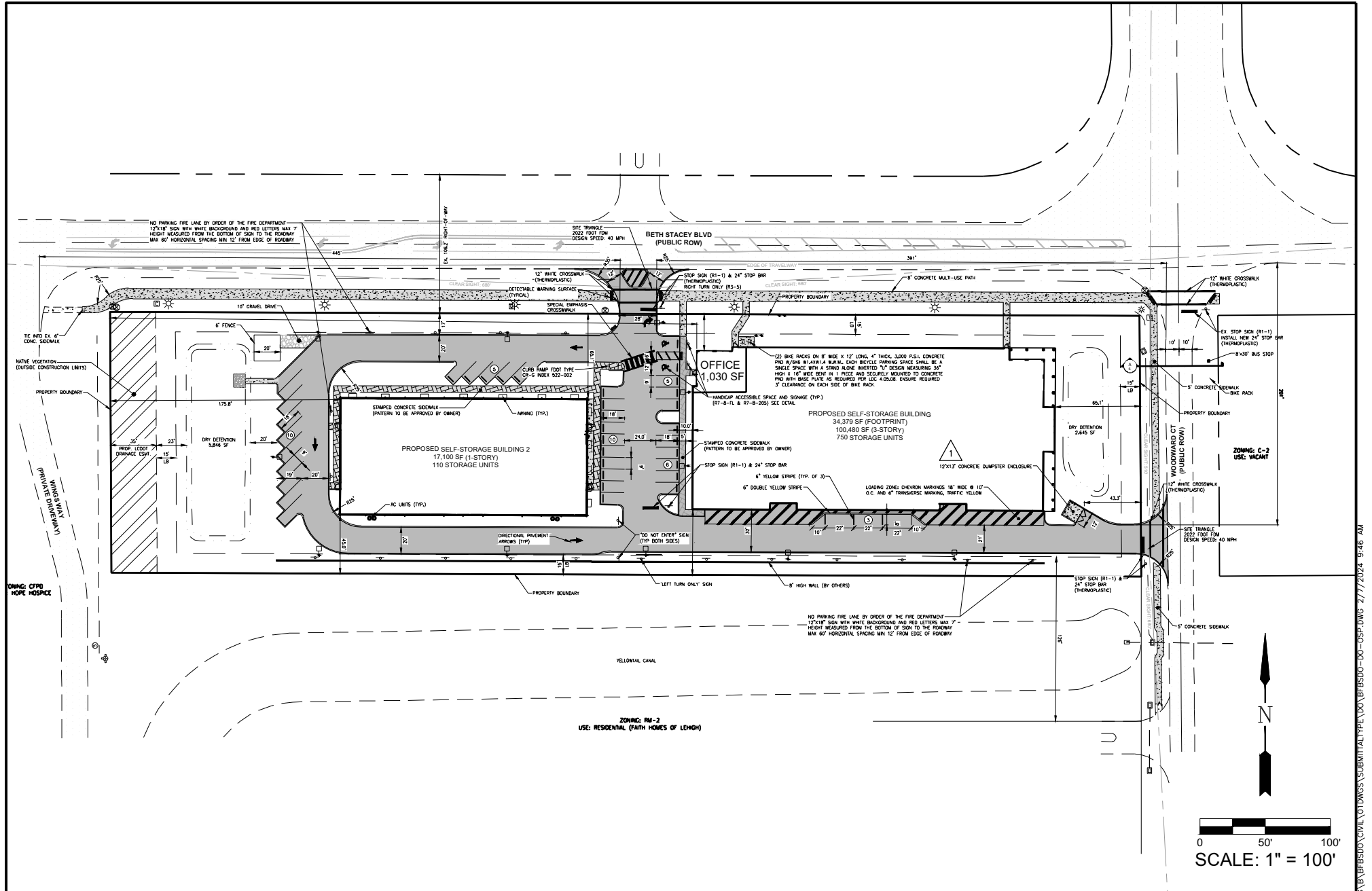
SKETCH AND DESCRIPTION

A PARCEL OF LAND  
  
LYING IN  
SECTION 31, TOWNSHIP 44 SOUTH, RANGE 27 EAST  
LEE COUNTY, FLORIDA

DATE SIGNED  
Digitally signed by  
Donald L. Saintenoy  
III, P.S.M.  
Date: 2022.12.15  
13:48:44 -05'00'  
  
DONALD L. SAINTENOY III, P.S.M.  
FL LICENSE #6761  
FOR THE FIRM



|                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                         |  |                  |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|--|------------------|--|
| <div><b>GradyMinor</b></div> <div>Civil Engineers • Land Surveyors • Planners • Landscape Architects</div> <div>Cert. of Auth. EB 0005151      Cert. of Auth. LB 0005151</div> <div>Bonita Springs: 239.947.1144      <i>www.GradyMinor.com</i>      Fort Myers: 239.690.4380</div> | Q. Grady Minor and Associates, P.A.<br>3800 Via Del Rey<br>Bonita Springs, Florida 34134                |  | DRAWN BY: KJG    |  |
|                                                                                                                                                                                                                                                                                                                                                                       | A PARCEL OF LAND<br><br>LYING IN<br>SECTION 31, TOWNSHIP 44 SOUTH, RANGE 27 EAST<br>LEE COUNTY, FLORIDA |  | CHECKED BY: DLS  |  |
|                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                         |  | JOB CODE: BFBSDO |  |
|                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                         |  | SCALE: 1" = 100' |  |
|                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                         |  | DATE: 12/15/2022 |  |
|                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                         |  | FILE: 22-259-01  |  |
|                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                         |  | SHEET: 2 of 2    |  |



LEGEND

1 12' X 13' DUMPSTER ENCLOSURE



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O. Grady Minor and Associates, P.A.  
3800 Via Del Rey  
Bonita Springs, Florida 34134

BETH STACEY SELF-STORAGE FACILITY - BUILDING 2

DEVATION EXHIBIT



Digitally signed by Jeremiah DeForge, P.E.  
Date: 2024.03.11 10:41:35 -04'00'

SCALE: 1" = 100'  
JOB CODE: BF8500  
DATE: APRIL, 2022  
FILE NAME: BF8500-DO-OSP  
SHEET 1 OF 1