

Administrative Deviation: **ADD2024-00100**

**DSO ADMINISTRATIVE DEVIATION  
LEE COUNTY, FLORIDA**

WHEREAS, Crystal Drive, LLC, have filed an application for approval of an administrative deviation from the technical requirements of the Lee County Land Development Code, for property located at 401 Ida Ave N, Lehigh Acres, FL, described more particularly as:

**LEGAL DESCRIPTION**

See attached; and

WHEREAS, the applicant has indicated that the property's current STRAP number is 25-44-26-03-00024.0070; and

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

WHEREAS, an application for an administrative deviation from 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 Chapter 10-296(e) Table 7 which requires an 8' wide pedestrian facility (sidewalk) along Minor Collector roadways in the Central Urban future land use category to allow a 6' wide pedestrian facility (sidewalk) along 5<sup>th</sup> Street W; and

WHEREAS, a deviation is requested in the C-2 district from Lee County Land Development Code Chapter 10-296(d)(4)(c) which requires roadside swales within county-maintained street right-of-way must have side slopes no steeper than four horizontal to one vertical to allow a roadside swale with side slopes of three horizontal to one vertical and a maximum depth one foot five inches from adjacent elevations; and

WHEREAS, the platted right-of-way of 5<sup>th</sup> Street W is only 50 feet wide, which limits the area required to comply with the street design and construction standards; and

WHEREAS, the proposed 6' wide sidewalk aligns with the sidewalk to the west, permitted under DOS2022-00088; and

WHEREAS, the subject application and landowner's representations have been reviewed by the Lee County Development Services Division in accordance with applicable regulations for compliance with all terms of the administrative deviation approval; and

WHEREAS, the following findings of fact are offered:

- (a) That the proposed alternative is based on sound engineering practice in consideration of the following criteria:
  - i The reduced pedestrian facility width and steeper swale sides will allow the proposed improvements to fit within the 50 foot right-of-way of 5<sup>th</sup> Street W.
  - ii The reduced side slopes will not have any detrimental effects to the operation of the drainage system.
- (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
- (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 10-296(e) Table 7 & 10-296(d)(4)(c), is approved as conditioned:

- (a) That approval is subject to the Off-Site Site Plan Deviation Exhibit B submitted for this administrative deviation (copy attached); and
- (b) That approval is limited to lands herein described; and
- (c) **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 7/10/2024

Ohdet Kleinmann, Development Services Manager

# Exhibit A

*KP Surveying, Inc.*  
*LB NUMBER 8152*  
*2802 W. Cypress Avenue S.E.*  
*Fort Myers, Florida 33905*  
*(239) 462-1901*  
*www.kpsurveying.com*

DESCRIPTION OF A PARCEL OF LAND  
LYING IN  
SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA

LEGAL DESCRIPTION (PARENT PARCEL):

COMMENCING AT THE CENTERLINE INTERSECTION OF IDA AVENUE AND FIFTH STREET WEST; THENCE S 89°23'44" W A DISTANCE OF 25.00'; THENCE S 00°36'16" E A DISTANCE OF 25.00' TO THE POINT OF BEGINNING; THENCE CONTINUING S 00°36'16" E A DISTANCE OF 252.26' TO THE NORTHERLY RIGHT OF WAY LINE OF LEE BOULEVARD; THENCE S 89°23'44" W, ALONG SAID RIGHT OF WAY A DISTANCE OF 270.00'; THENCE N 00°36'16" W A DISTANCE OF 252.26'; THENCE N 89°23'44" E A DISTANCE OF 270.00' TO THE POINT OF BEGINNING.

**REVIEWED**  
**ADD2024-00100**  
**Sophia Ludlam, GIS Planner**  
**Lee County**  
**7/8/2024**

Ken Pufahl, P.S.M.

PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE No. 6126  
DATE: 04/17/2022

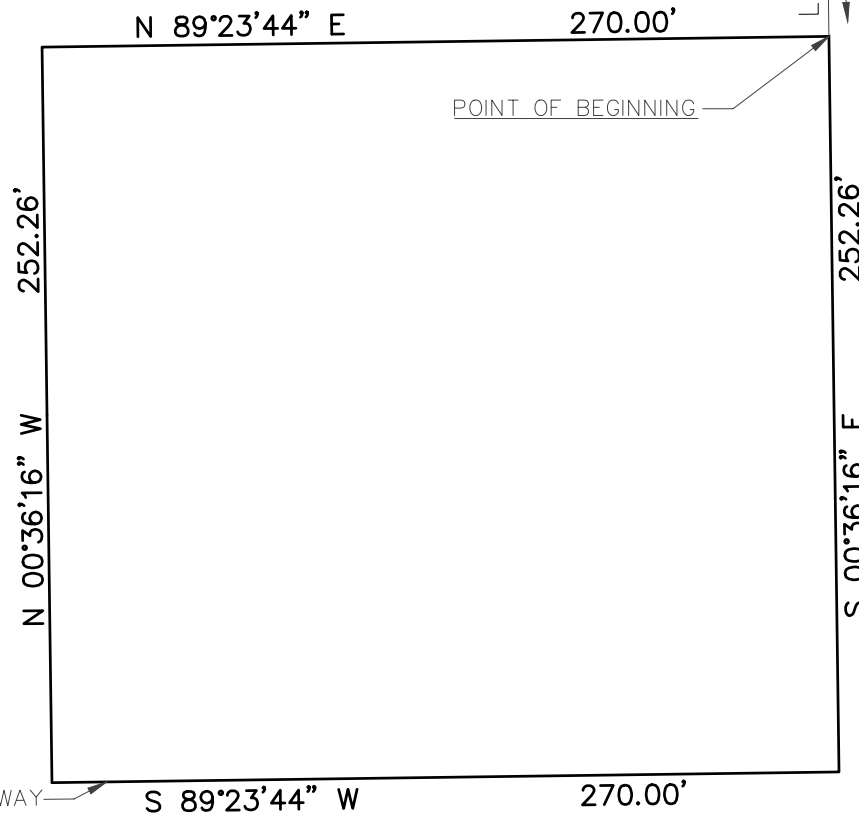
SKETCH TO ACCOMPANY DESCRIPTION  
OF A PARCEL OF LAND  
LYING IN  
SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA



NOT TO SCALE

POINT OF COMMENCEMENT

CENTERLINE  
FIFTH STREET WEST  
(50' RIGHT OF WAY)



NORTHERLY RIGHT OF WAY

S 89°23'44" W

270.00'

LEE BOULEVARD  
(106' RIGHT OF WAY)

LINE TABLE

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 89°23'44" W | 25.00'   |
| L2   | S 00°36'16" E | 25.00'   |

**REVIEWED**  
**ADD2024-00100**  
**Sophia Ludlam, GIS Planner**  
**Lee County**  
**7/8/2024**

\*\*\* THIS IS NOT A SURVEY \*\*\*

Ken Pufahl, P.S.M.

PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE No. 6126  
DATE: 04/17/2022

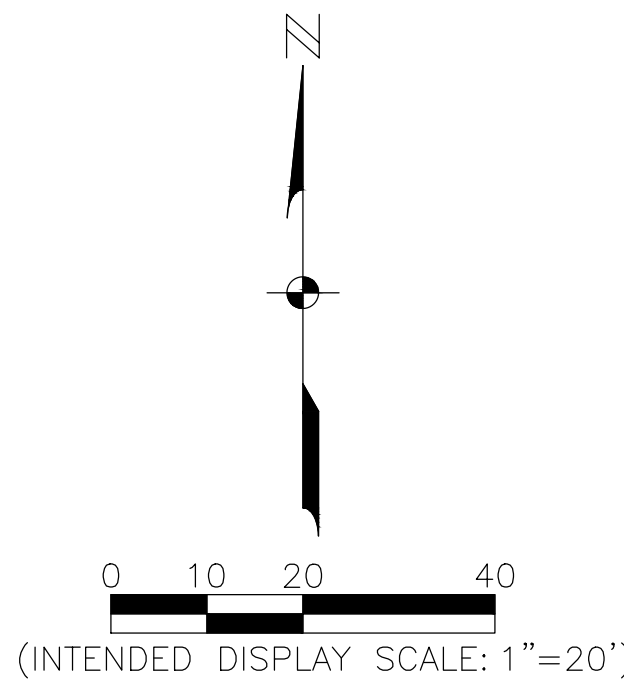
*KP Surveying, Inc.*  
LB NUMBER 8152  
2802 W. Cypress Avenue S.E.  
Fort Myers, Florida 33905  
(239) 462-1901  
www.kpsurveying.com

PROJECT No: 21-0360  
DATE: 04/17/2022  
SHEET 2 OF 2

Exhibit B

| NO. | DATE     | DESCRIPTION |
|-----|----------|-------------|
|     | 5-2-2024 |             |
|     | Update   |             |

DATE: JULY 2021  
PROJECT NO. 20203292-001  
FILE NO. 25-44-26  
SCALE: AS SHOWN



| LEGEND |                                       |
|--------|---------------------------------------|
|        | PROPOSED ASPHALT PAVEMENT (ON-SITE)   |
|        | PROPOSED ASPHALT PAVEMENT (OFF-SITE)  |
|        | PROPOSED CONCRETE (ON-SITE)           |
|        | PROPOSED CONCRETE (OFF-SITE)          |
|        | EXISTING ASPHALT PAVEMENT (TO REMAIN) |
|        | EXISTING PAVERS (TO REMAIN)           |
|        | EXISTING CONCRETE (TO REMAIN)         |

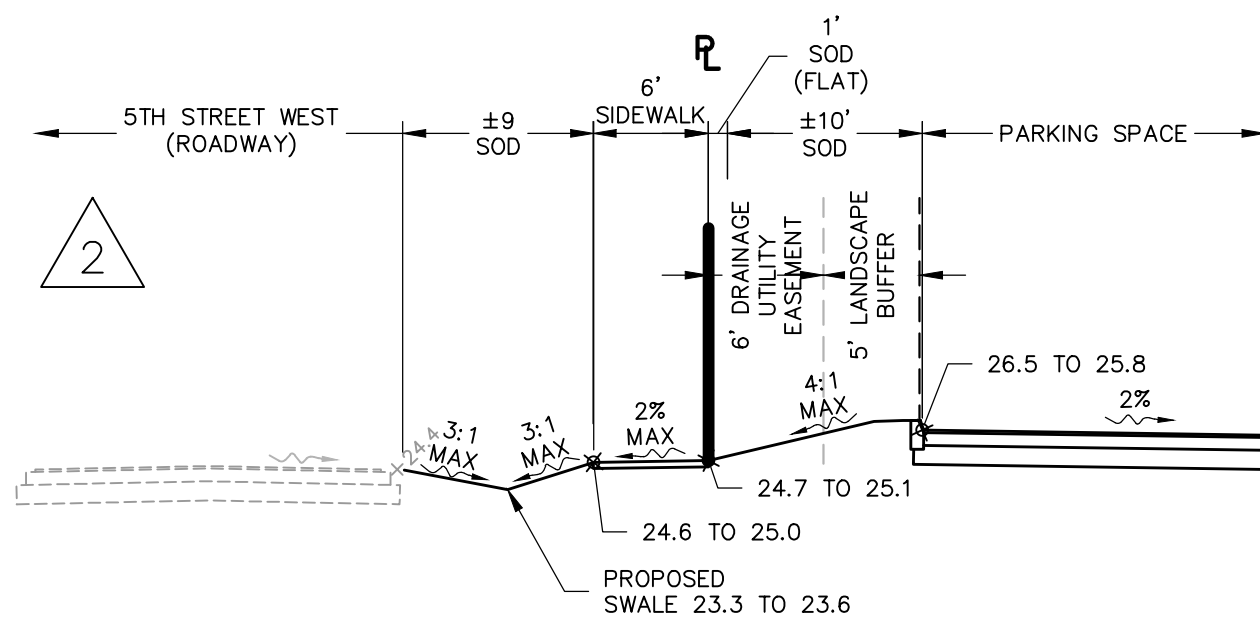
- NOTES:
- ALL PAVEMENT MARKINGS WITHIN THE COUNTY RIGHT-OF-WAY SHALL BE THERMOPLASTIC MATERIAL.
  - SEE SHEET C18 FOR ASPHALT + PAVEMENT DETAILS
  - ALL DETECTABLE WARNING SURFACE SHALL BE CAST-IN-PLACE (WET-SET AND ANCHORED IN CONCRETE)
  - INSTALLATION OF ALL TRAFFIC SIGNS WITHIN COUNTY RIGHT OF WAY SHALL COMPLY WITH THE CURRENT LEE COUNTY DESIGN STANDARDS FOR SIGN INSTALLATION.

|               | Land Use Summary                 |          |              |          |                            |          |                  |                    |
|---------------|----------------------------------|----------|--------------|----------|----------------------------|----------|------------------|--------------------|
|               | Existing Off-Site Project Limits |          | Proposed R/W |          | Proposed Property Boundary |          | Proposed Project | Proposed Breakdown |
|               | Existing                         | Proposed | Existing     | Proposed | Existing                   | Proposed | (Ac.)            | (%)                |
| Building      | 0.00                             | 0.00     | 0.00         | 0.00     | 0.00                       | 0.24     | 0.24             | 11.3%              |
| Pervious      | 0.30                             | 0.17     | 0.06         | 0.04     | 1.49                       | 0.37     | 0.58             | 27.2%              |
| Impervious    | 0.27                             | 0.40     | 0.00         | 0.02     | 0.01                       | 0.83     | 1.25             | 58.7%              |
| Dry Detention | 0.00                             | 0.00     | 0.00         | 0.00     | 0.00                       | 0.06     | 0.06             | 2.8%               |
| Total         | 0.57                             | 0.57     | 0.06         | 0.06     | 1.50                       | 1.50     | 2.13             | 100.0%             |

ALL ELEVATIONS ARE REFERENCED TO NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988, UNLESS OTHERWISE NOTED. CONVERSION TO NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929 IS: NAVD 1988 (+) 1.20 = NGVD 1929.

| PARKING CALCULATIONS                                          |                                |   |             |
|---------------------------------------------------------------|--------------------------------|---|-------------|
| REQUIRED:                                                     |                                |   |             |
| FAST FOOD:                                                    | 3,600 SF @ 13 SPACE/1,000 SF   | = | 46.8 SPACES |
| RETAIL:                                                       | 5,950 SF @ 1 SPACE/250 SF      | = | 23.8 SPACES |
| OFFICE:                                                       | 4,900 SF @ 4.5 SPACES/1,000 SF | = | 22.1 SPACES |
| TOTAL:                                                        | 92.7 SPACES x 0.55             | = | 51 SPACES   |
| PROVIDED:                                                     |                                |   |             |
| 51 SPACES (INCLUDING 3 ADA)                                   |                                |   |             |
| BICYCLE PARKING REQUIRED PER LDC SEC. 10-610(d)(3)            |                                |   |             |
| 5% OF REQUIRED PARKING SPACES% X 51 SPACES = 3 BICYCLE SPACES |                                |   |             |

| SOLID WASTE CALCULATIONS                                             |   |        |  |
|----------------------------------------------------------------------|---|--------|--|
| REQUIRED:                                                            |   |        |  |
| 10,001-25,000 BUILDING SF = 120 SF FOR GARBAGE + 96 SF FOR RECYCLING | = | 216 SF |  |
| PROVIDED:                                                            |   |        |  |
| 18 FT x 18 FT TOTAL FOR GARBAGE & RECYCLING                          | = | 324 SF |  |



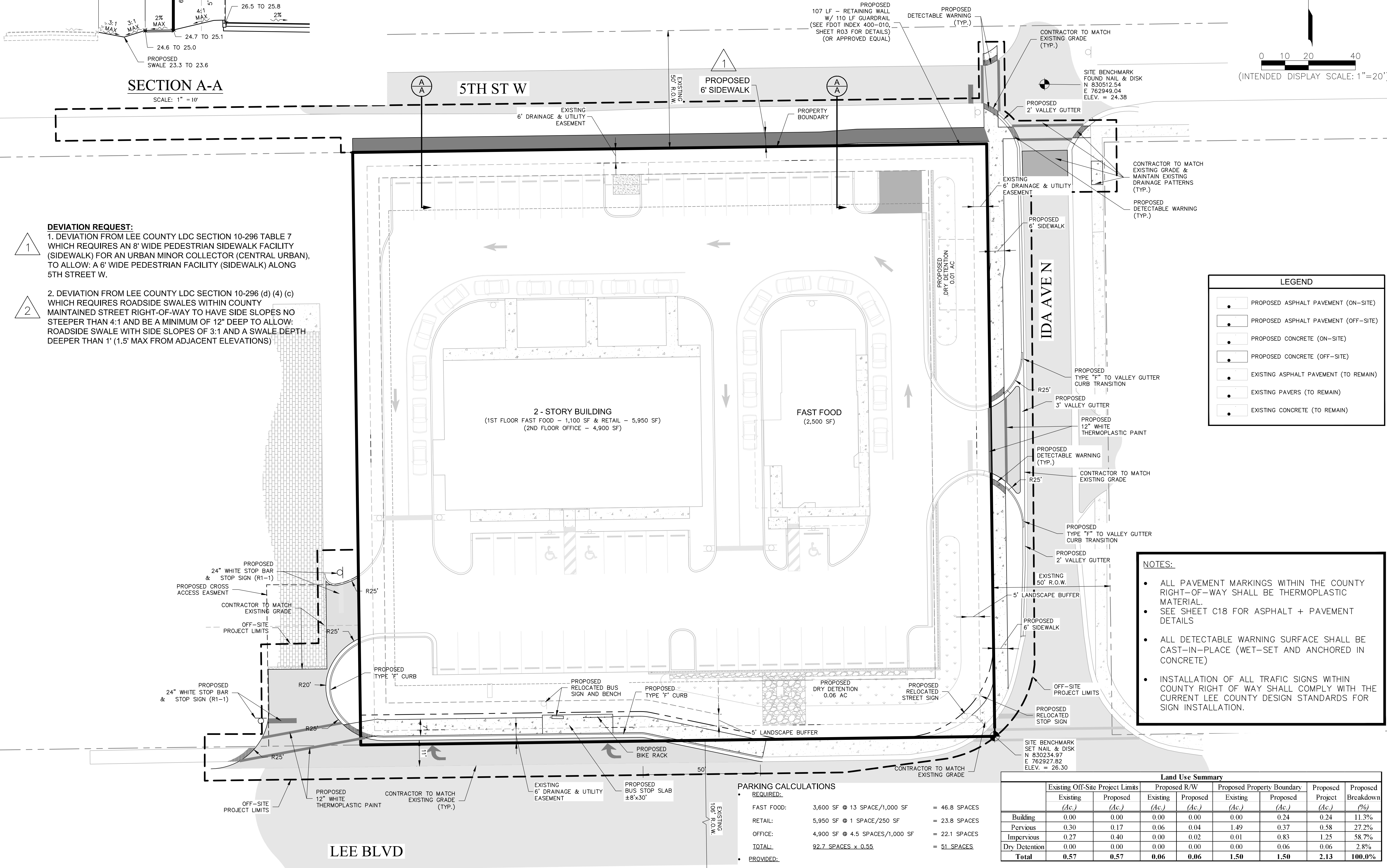
SECTION A-A

SCALE: 1" = 10'

DEVIATION REQUEST:

1. DEVIATION FROM LEE COUNTY LDC SECTION 10-296 TABLE 7 WHICH REQUIRES AN 8' WIDE PEDESTRIAN SIDEWALK FACILITY (SIDEWALK) FOR AN URBAN MINOR COLLECTOR (CENTRAL URBAN), TO ALLOW: A 6' WIDE PEDESTRIAN FACILITY (SIDEWALK) ALONG 5TH STREET W.

2. DEVIATION FROM LEE COUNTY LDC SECTION 10-296 (d) (4) (c) WHICH REQUIRES ROADSIDE SWALES WITHIN COUNTY MAINTAINED STREET RIGHT-OF-WAY TO HAVE SIDE SLOPES NO STEEPER THAN 4:1 AND BE A MINIMUM OF 12" DEEP TO ALLOW: ROADSIDE SWALE WITH SIDE SLOPES OF 3:1 AND A SWALE DEPTH DEEPER THAN 1' (1.5' MAX FROM ADJACENT ELEVATIONS)



APPROVED  
ADD2024-00100  
Allyson Hall, Development Services Plan Reviewer  
Lee County Development Services  
7/10/2024