

ADMINISTRATIVE APPROVAL (ASV) ADD2024-00030

ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, Paul Easton of Boggs Engineering, LLC, on behalf of MidFlorida Credit Union, filed an application for administrative approval of a variance from Land Development Code (LDC) Section 34-2013(a), which requires that parking lots must be designed to allow vehicles to exit a parking lot in a forward motion, to allow parking spaces along the north side of the property to be designed to back into a privately-maintained local road in an existing shopping center; and

WHEREAS, the subject property is located at for 13550 S Tamiami Trail, STRAP Number 23-45-24-00-00002.0050 (Attached as Exhibit "A"); and

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

WHEREAS, the property is zoned General Commercial (CG) and is in the Mixed-Use Overlay; and

WHEREAS, an application for approval of an administrative variance has been filed pursuant to LDC Section 34-174(a); and

WHEREAS, the applicant has provided a request statement that details the nature of the request (Attached as Exhibit "B"); and

WHEREAS, the subject property was previously developed as a restaurant and is being redeveloped as a Bank, Group I; and

WHEREAS, Costco Plaza Road is a privately-maintained local road that runs along the north and east property line of the subject property; and

WHEREAS, this roadway is used to connect adjacent commercial outparcels; and

WHEREAS, the applicant has requested to allow back-out parking spaces onto Costco Plaza Road; and

WHEREAS, Development Services has reviewed this request and did not object to the allowance of back out parking spaces; and

WHEREAS, the applicant has provided a site plan that shows the location and setbacks of the proposed structure and location of the proposed back-out parking spaces (Attached as Exhibit "C"); 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; and

WHEREAS the following findings of fact are offered:

- (1) There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question;
- (2) The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to the property; and
- (3) The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an administrative variance from Section 34-2013(a), which requires parking lots to be designed to allow vehicles to exit a parking lot in a forward motion, to allow parking spaces along the north side of the property to be designed to back into a privately-maintained local road in an existing shopping center **is APPROVED, subject to the following conditions:**

1. **This approval is limited to the back-out parking spaces along the north portion of the property as depicted in the site plan entitled "MidFlorida Credit Union – Site Plan," a copy of which is attached hereto as Exhibit "C".**
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 7/18/2024

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

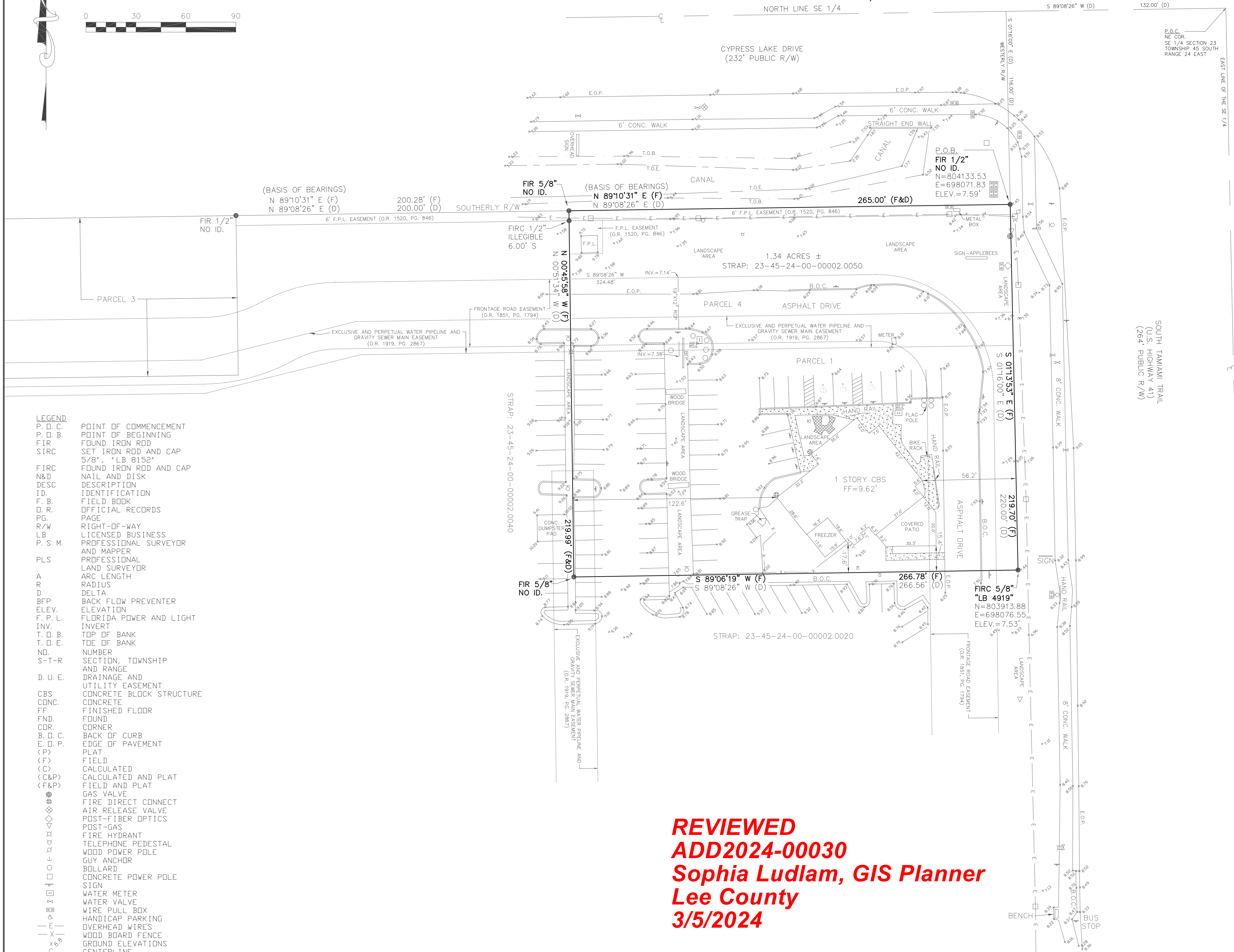
Exhibits:

Exhibit A – Legal Description

Exhibit B – Request Statement

Exhibit C – Site Plan

BOUNDARY AND TOPOGRAPHIC SURVEY
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



LEGAL DESCRIPTION:
A TRACT OF PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

PARCEL 1:

STARTING AT THE NORTHEAST CORNER OF SAID SOUTHEAST ONE QUARTER (SE 1/4) THENCE S 89°08'26" W ALONG THE CENTERLINE OF CYPRESS LAKE DRIVE FOR 132.00 FEET; THENCE S 01°16'00" E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF US 41 (TAMiami TRAIL - SR 45) FOR 116.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF CYPRESS LAKE DRIVE AND THE POINT OF BEGINNING; THENCE CONTINUE S 01°16'00" E ALONG SAID WESTERLY LINE FOR 220.00 FEET; THENCE S 89°08'26" W FOR 266.56 FEET; THENCE N 00°51'34" W FOR 219.99 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE; THENCE N 89°08'26" E ALONG SAID SOUTHERLY LINE FOR 265.00 FEET TO THE POINT OF BEGINNING.

INCLUDING ALL OF GRANTOR'S INTEREST, IF ANY, IN THE FOLLOWING:

PARCEL 2:

TOGETHER WITH ALL APPURTENANT EASEMENTS CREATED BY THAT CERTAIN DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENT ENTERED INTO BY CYPRESS LAKE ASSOCIATES, A FLORIDA GENERAL PARTNERSHIP, AS DECLARANT, AND FILED FOR RECORD IN O.R. BOOK 1848, PAGE, 2699, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND

PARCEL 3:

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND PARKING, RECORDED IN O.R. BOOK 1937, PAGE 3356, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL 4:

TOGETHER WITH EASEMENTS FOR INGRESS AND EGRESS AS CONTAINED IN DOCUMENT
RECORDED IN O.R. BOOK 1851, PAGE 1794, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

NOTES:

BEARINGS AND DISTANCES ARE STATE PLANE, FLORIDA WEST ZONE.

BEARINGS ARE BASED ON THE SOUTHERLY RIGHT OF WAY OF CYPRESS LAKE DRIVE HAVING
A BEARING OF N 89° 10' 31" E.

ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATE OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES.

UNDERGROUND IMPROVEMENTS, OTHER THAN SHOWN, IF ANY, WERE NOT LOCATED.

PARCEL LIES IN FLOOD ZONE AE, WITH A BASE FLOOD ELEVATION OF 7 FEET, AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY MAP 12071C0436G, EFFECTIVE DATE: 12/07/2018.

PARCEL SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

THE FLORIDA DEPARTMENT OF TRANSPORTATION PERMANENT CONTROL NETWORK WAS UTILIZED ON THIS BOUNDARY SURVEY AND THE DATUM IS NORTH AMERICAN DATUM NAD(83)-(2011)-(EPOCH 2017,000). THE STATED HORIZONTAL ACCURACY IS 1-2 CENTIMETER. THE STATED VERTICAL ACCURACY IS 2-3 CENTIMETER.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THIS SURVEY OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND CONFORMS TO THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS OUTLINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

KENNETH PUFAHL Digitally signed by KENNETH PUFAHL
Date: 2021.03.30 19:03:46 -04'00'

Date: 2021.03.30 19:03:46 -04'00'

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	No	DATE	BY	REVISION DESCRIPTION	THIS SURVEY REFLECTS THE DESCRIPTION PROVIDED BY THE CLIENT. NO ABSTRACT EXAMINATION IS IMPLIED. THIS SURVEY IS NOT VALID UNLESS SIGNED AND EMBOSSED WITH SEAL. BEARINGS SHOWN HEREON ARE ASSUMED UNLESS OTHERWISE NOTED. THE INFORMATION HEREON IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD. THE CERTIFICATION OF THIS SURVEY APPLIES ONLY TO THE PERSON/PERSONS SHOWN.	KP SURVEYING, INC. LB 8152 2802 W. CYPRESS AVENUE FT. MYERS, FLORIDA 33905 (239) 462-1901	SURVEY RECORD		SECTION:	TOWNSHIP:	RANGE:	LAST DATE OF FIELD WORK:		STRAP: 23-45-24-00-00002.0050			
BOUNDARY AND TOPOGRAPHIC SURVEY							FIELD BOOK:	PAGE:	23	45 SOUTH	24 EAST	11/04/2019		PLAN:	PLAN	SHEET:	
PREPARED BY: KEN PUFAHL, P.S.M.							11	65	COUNTY:	LEE	FIELD BY:	KP	DATE:	11/04/2019	FILE NAME:	13350 S. TAMiami TRAIL	1
							ADDRESS: 13550 S. TAMiami TRAIL FORT MYERS, FL 33912	CLIENT NAME:	BBE-BOGGS ENGINEERING, LLC	DRAWN:	KP	DATE:	11/04/2019	PROJECT NUMBER:			
KENNETH PUFAHL, P.S.M.							INSTRUMENT#	2018000194245	CHECKED:	KP	DATE:	11/05/2019	19-0272	OF SH.OF			

Exhibit B***ADD2024-00030******Revised Variance Request Statement and
Variance Criteria Narrative (5/14/2024)***

The applicant is requesting an administrative variance from Lee County Land Development Code (“LDC”) Section 34-2013(a) requirement, that the Subject Property’s parking lot must be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion, to instead allow the parking spaces along the north side of the proposed building to enter in a backwards motion.

The Subject Property consists of a ±1.34 acre outparcel with an existing shopping center development that is ±38 years old (D.S.O. No. 6-12-85, Project Name: Cypress Lake Shopping Center). The Subject Property is located in the Intensive Development future land use category, is zoned CG and is located in the Mixed Use Overlay. The Subject Property is a corner outparcel with an existing frontage roadway easement area (the “Frontage Easement”), located on the north and east sides that is 40-feet-wide, executed on March 31, 1986 (OR Book 1851/Page 1794). The Subject Property has existing non-conforming parking that backs out into the Frontage Easement. The Subject Property is proposed for a financial institution with a drive thru.

The request is made pursuant to LDC Section 34-174(a)(1)g, which indicates the Director is authorized to administratively approve variances from requirements of Chapters 30, 33 and 34 found by the Director to be similar in nature, which are not contrary to the Lee Plan and do not diminish public, health, safety, and welfare.

The request satisfies each of the LDC Section 34-174(a)(2) as follows, making it appropriate for approval by the Director:

- a. There are several exceptional or extraordinary conditions and circumstances that are inherent to the Subject Property.*** The Subject Property is part of an existing shopping center development that is ±38 years old (D.S.O. No. 6-12-85, Project Name: Cypress Lake Shopping Center) and is uniquely situated and spatially constrained. The Subject Property is a corner outparcel with an existing Frontage Easement located on the north and east sides that is 40-feet-wide. The areas within the Subject Property that lie to the north and east of the existing Frontage Easement are reserved for the overall development’s master stormwater retention system. In conjunction with the Frontage Easement, the portion of the master stormwater system that is located within the Subject Property renders approximately 0.32 acres of the Subject Property undevelopable. Due to the location, magnitude, and extent of both of these constraints, the proposed building orientation cannot be revised to eliminate the non-forward movement into the Frontage Easement without infringing upon the Frontage easement itself or the required landscape buffers. The Subject Property has existing non-conforming parking that backs out into the Frontage Easement.

The existing corner outparcel configuration within an ±38 year old existing shopping center development, the long-standing 40-foot-wide Frontage Easement that wraps around the interior of the east and north property lines (set in 41-feet and ± 12.4-feet from the north

and east property lines, respectively), the non-conforming parking along the north of the original building having backed out into the Frontage Easement over the last ± 38 years, and the Subject Property's location in the Mixed Use Overlay are each exceptional and extraordinary conditions inherent to the Subject Property.

- b. The requested variance is the minimum that will relieve the applicant of an unreasonable burden caused by LDC Section 34-2013(a).*** The applicant is seeking the minimum variance relief. The applicant's request only pertains to the row of parking along the north side of the proposed building, which is inherently burdened by the application of this Code section particularly due to the "wrap around" nature of the existing 40-foot-wide Frontage Easement set inside of the property lines on the east and north sides. The applicant is also bringing the Subject Property into compliance with the contemporary LDC to the maximum extent possible and enhancing handicap space and parking striping.
- c. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*** Parking along the north side of the original building on the Subject Property historically backed out into the Frontage Easement over the last ± 38 years. Approval of this request and the companion Development Order (pending resubmission), will bring the site into compliance with the LDC to the maximum extent possible, including improvements to parking and vehicular movement. In particular, the row of parking to be located on the north side of the proposed building will serve patrons with disabilities, and, if the variance relief sought is approved, this will allow for the shortest accessible route to the primary, accessible entrance to the proposed financial institute. Accordingly, there are public benefits afforded should this request be approved.

Other similar requests to deviate from the Code to allow for back-in movement into a right-of-way or easement, have likewise been found to not be injurious, and were approved by the Director (e.g., ADD2023-00095).

Exhibit C

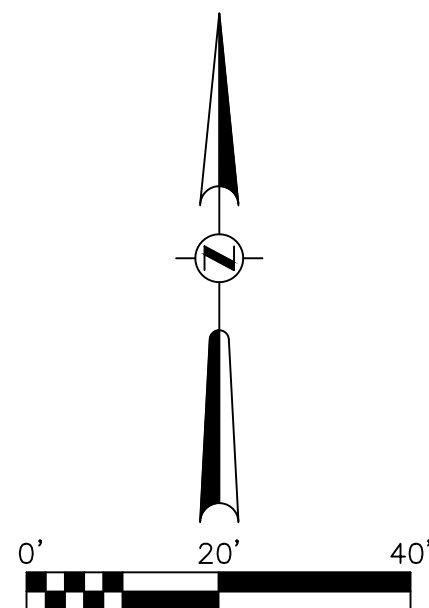
CYPRESS LAKE DRIVE

(232' public r/w)

S 89°08'26" W (D)

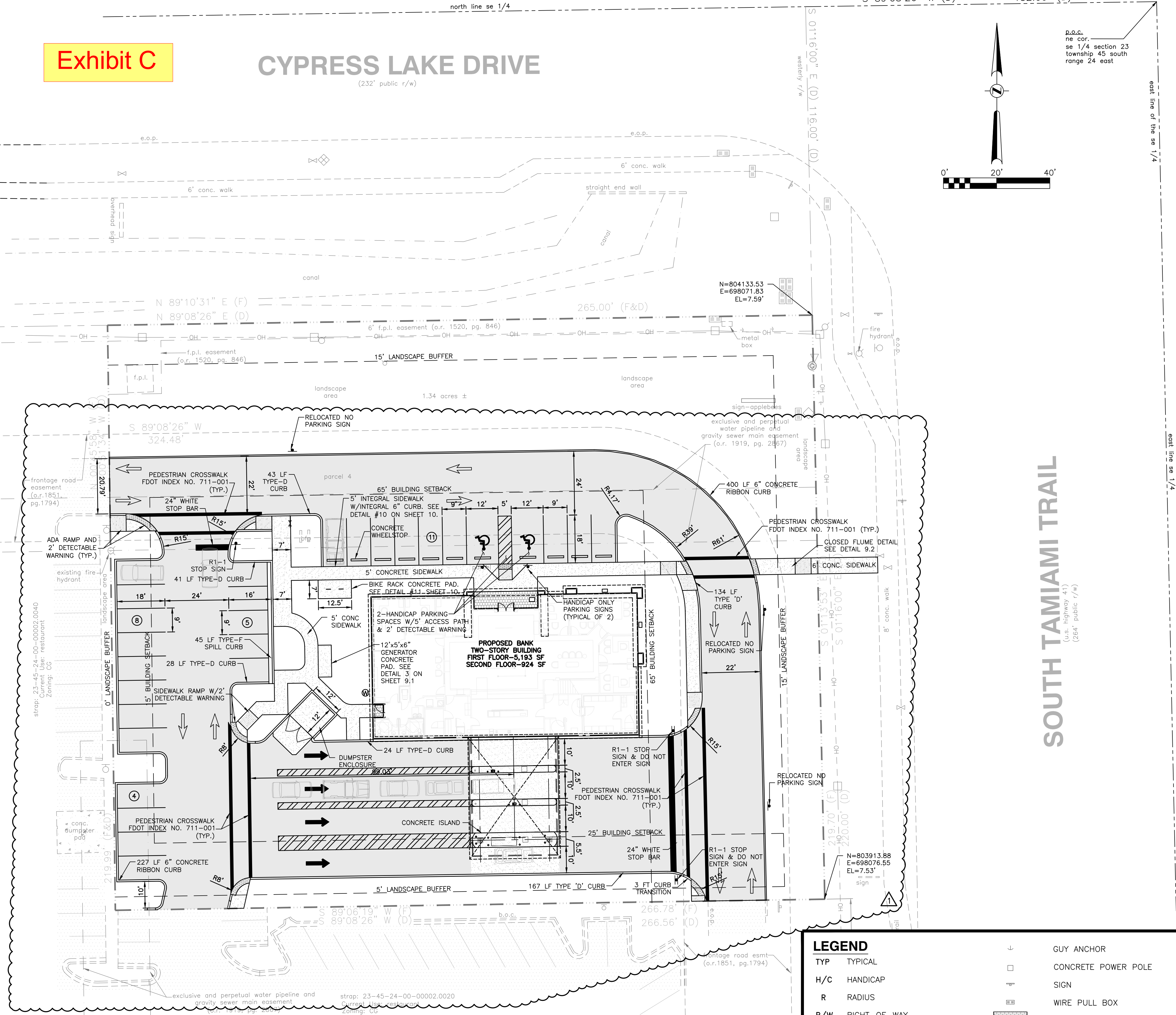
132.00' (D)

north line se 1/4



p.o.c.
ne cor.
se 1/4 section 23
township 45 south
range 24 east

east line of the se 1/4



SOUTH TAMAMI TRAIL
(u.s. highway 41)
(264' public r/w)

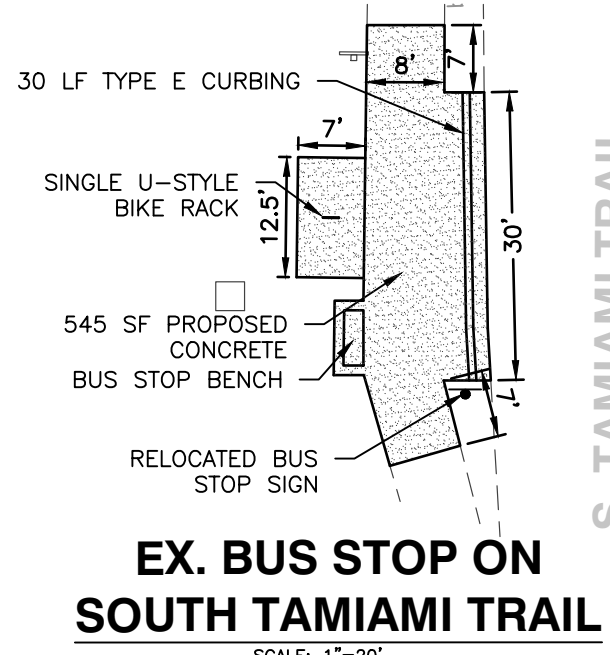
LEGEND

- TYP TYPICAL
H/C HANDICAP
R RADIUS
R/W RIGHT-OF-WAY
TRAFFIC FLOW (INFORMATIONAL ONLY)
TRAFFIC FLOW (PAVEMENT MARKING)
HANDICAP PARKING
GAS VALVE
AIR RELEASE VALVE
POST-FIBER OPTICS
POST-GAS
FIRE HYDRANT
TELEPHONE PEDESTAL
WOOD POWER POLE

- GUY ANCHOR
CONCRETE POWER POLE
SIGN
WIRE PULL BOX
PROPOSED PAVERS
EXISTING OVERHEAD POWER LINES
PROPOSED CURB
PROPERTY LINE
RIGHT-OF-WAY
EXISTING EDGE OF PAVEMENT
PROPOSED CONCRETE PAVEMENT
PROPOSED ASPHALT PAVEMENT
EXISTING ASPHALT PAVEMENT
EXISTING CONCRETE PAVEMENT

SITE PLAN NOTES:

- ALL DIMENSIONS SHOWN ARE TO FACE OF CURB. BUILDING DIMENSIONS ARE TO FACE OF BUILDING.
- EXISTING IMPROVEMENTS SHOWN ARE TAKEN FROM BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY KP SURVEYING, INC., DATED 11/4/19.
- BUILDING AND SIDEWALK DIMENSIONS ARE TO OUTSIDE EDGE OF WALL.
- ALL TIES TO THE PROPERTY LINE ARE BASED ON THE BOUNDARY & TOPOGRAPHIC SURVEY.
- ALL CURB RADIUS ARE 3' UNLESS OTHERWISE NOTED.
- PARKING SPACES STRIPING IS TO BE ALL-WEATHER PAINTED LINES NOT LESS THAN FOUR INCHES IN WIDTH, CENTERED ON THE DIVIDING LINE BETWEEN SPACES. PARKING SPACES FOR PERSONS WITH DISABILITIES MUST BE PROMINENTLY OUTLINED WITH BLUE PAINT, AND MUST BE REPAINTED WHEN NECESSARY TO BE CLEARLY DISTINGUISHABLE AS A PARKING SPACE DESIGNATED FOR PERSONS WHO HAVE DISABILITIES. SIGN ERECTED AFTER OCTOBER 1, 1996 MUST INDICATE THE PENALTY FOR ILLEGAL USE OF THE SPACE.



EX. BUS STOP ON
SOUTH TAMAMI TRAIL

SCALE: 1"=20'

SITE DATA

- SITE ADDRESS: 13550 SOUTH TAMAMI TRAIL, FORT MYERS, FLORIDA 33912
- GROSS SITE AREA: 58,456 SF 1.34 AC
- EXISTING ZONING: CG
- FUTURE LAND USE: INTENSIVE DEVELOPMENT (ID)
- OVERLAY DISTRICT: MIXED USE OVERLAY (MUO)
- PRESENT USE: RESTAURANT
- PROPOSED USE: FINANCIAL ESTABLISHMENT
- BUILDING SETBACKS: FRONT (NORTH & EAST) 65 FT, SIDE (WEST) 15 FT, REAR (SOUTH) 25 FT
- LANDSCAPE BUFFERS: FRONT (NORTH & EAST) 15 FT, SIDE (WEST) 0 FT, REAR (SOUTH) 5 FT
- FOLIO NUMBER: 10210120
- SITE AREAS:

VEHICULAR USE AREA	26,920 SF	46.05%
BUILDING AREA	5,193 SF	8.88%
TRASH ENCLOSURE AREA	142 SF	0.24%
SIDEWALK AREA	1,279 SF	2.19%
TOTAL IMPERVIOUS AREA	33,534 SF	57.37%
PERVIOUS AREA	24,922 SF	42.63%
GROSS SITE AREA	58,456 SF	100.00%
FLOOR AREA RATIO	0.105	
GARBAGE COLLECTION AREA REQUIRED	5000 TO 10,000 SF BUILDING = 80 SF	
GARBAGE COLLECTION AREA PROVIDED	= 80 SF	
RECYCLABLE COLLECTION AREA REQUIRED	= 48 SF	
RECYCLABLE COLLECTION AREA PROVIDED	= 48 SF	

- PARKING DATA:

PARKING ESTABLISHMENT	3 SPACES PER 1000 SF	= 18.4 OR 19 SPACES
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PARKING REQUIRED BY COUNTY:

BANK WITH DRIVE-THRU	6,117/1,000 x 3	
FIRST FLOOR	5,193 SF/(1,000 SF/SPACES) x 3	=15.58 SPACES
SECOND FLOOR	924 SF/(1,000 SF/SPACES) x 3	= 2.77 SPACES
TOTAL PARKING SPACES REQUIRED		= 19 SPACES
TOTAL PARKING SPACES PROVIDED		= 28 SPACES
TOTAL HANDICAPPED PARKING SPACES REQUIRED		= 2 SPACES
TOTAL HANDICAPPED PARKING SPACES PROVIDED		= 2 SPACES
TOTAL BICYCLE PARKING SPACES REQUIRED	0.05 x 31	= 1.55 OR 2 SPACES
TOTAL BICYCLE PARKING SPACES PROVIDED		= 2 SPACES

PARKING REQUIRED BY DCR & E:

BANK WITH DRIVE-THRU	4.5 SPACES PER 1,000 SF OF FLOOR AREA	
	6,117 SF/(1,000 SF/SPACES) x 4.5	= 27.53 =28 SPACES

- UTILITIES:

WATER SERVICE WILL BE PROVIDED BY: LEE COUNTY UTILITIES DEPT. CONTACT NAME: NATHAN BEALS, 1500 MONROE STREET, 3RD FLOOR UTILITIES, FORT MYERS, FL 33901, PH# (239) 533-8181

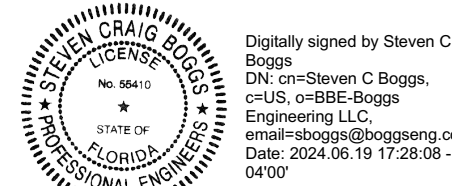
SEWER SERVICE WILL BE PROVIDED BY: LEE COUNTY UTILITIES DEPT. CONTACT NAME: NATHAN BEALS, 1500 MONROE STREET, 3RD FLOOR UTILITIES, FORT MYERS, FL 33901, PH# (239) 533-8181

ELECTRIC SERVICE WILL BE PROVIDED BY: FLORIDA POWER & LIGHT, CONTACT NAME: JOEL BRAY, PH# (386) 586-6403

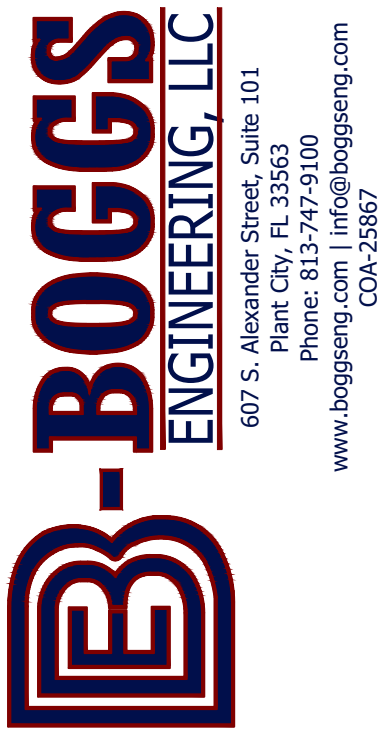
TELEPHONE SERVICE WILL BE PROVIDED BY: SPRINT, 2820 CARGO STREET, BLDG. A, FORT MYERS, FL 33902, CONTACT NAME: LEON BRYANT, PH# (239) 336-2123

GAS SERVICE WILL BE PROVIDED BY: TECO PEOPLES GAS, 8416 PALM RIVER ROAD, TAMPA, FL 34236, CONTACT NAME: JOAN DOMNING, PH# (813) 275-3783

- FLOOD ZONE: PARCEL LIES IN FLOOD ZONE AE, WITH A BASE FLOOD ELEVATION OF 7 FEET, AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY MAP 12071C0436H, EFFECTIVE DATE: 11/17/22.
- OWNER: MIDFLORIDA CREDIT UNION, 129 SOUTH KENTUCKY AVENUE SUITE 600, LAKELAND, FLORIDA 33801
- THERE ARE NO ENVIRONMENTALLY SENSITIVE AREAS ON THIS SITE.
- MAX BUILDING HEIGHT = 35 FT.
- PROPOSED BUILDING HEIGHT = 26 FT.
- MAX LOT COVERAGE = 40%.
- PROPOSED LOT COVERAGE = 8.9%.
- CONSTRUCTION TYPE = V(B).
- REQUIRED STACKING - FINANCIAL ESTABLISHMENT: 5 VEHICLES @ 18FT/EACH=90 FEET PROVIDED STACKING=(99.03')



NO.	DATE	REVISION DESCRIPTION
1	4/24/24	LEE COUNTY COMMENTS 04/17/24



MIDFLORIDA CREDIT UNION
13550 SOUTH TAMAMI TRAIL
FORT MYERS, FLORIDA 33912

STEVEN C. BOGGS
STATE OF FLORIDA
PROFESSIONAL ENGINEER
LICENSE NO. 55410

THIS ITEM HAS BEEN
ELECTRONICALLY
SIGNED AND SEALED
BY STEVEN C. BOGGS
ON 04/24/24 AT 10:00
AM EDT. THE SEAL
COPIES OF THIS DOCUMENT ARE NOT
VALID UNLESS THE
SIGNATURE AND
CODE ARE VERIFIED ON ANY
ELECTRONIC COPY.



DATE: 4/26/24
DESIGNED BY: PME
DRAWN BY: NB
CHECKED BY: SCB
PROJECT NO:
19250
DRAWING TITLE:

SITE PLAN

SHEET NO:
6.0