



**1520 Royal Palm Square Blvd, Suite 100**  
**Fort Myers, FL 33919**  
**Phone: 239-433-4231**  
**www.tdmcivilengineering.com**  
**Certificate of Authorization # 29086**

August 6, 2024

Ms. MarySue Groth, Planner  
**Lee County Department of Community Development**  
1500 Monroe Street  
Fort Myers, FL 33901

**Reference: 2265 Laurel Lane - CPD Amendment**  
**DCI2024-00019 (2nd Resubmittal)**

Dear Ms. Groth:

We are in receipt of your review letter dated July 23, 2024 for the above referenced project. Please note the Application has been revised to specify the maximum square footage requested with this application (max. 2,000 sf).

The following items are submitted for your continued review per this request for additional information:

1. One (1) copy of the revised Application for Planned Development;
2. One (1) copy of the revised Master Concept Plan; and
3. One (1) copy of the revised Schedule of Deviations.

Responses to each individual item/comment are as follows:

**Planning Review Comments:**

Reviewer: Joseph Sarracino

1. Note 5 of Table 1 in F.A.C. 64E-6.008 suggests that Food Operations – Food Outlet is intended to be used in conjunction with service station calculations. Food Operations – Carry Out most closely resembles the intended use of the property.

**Response:** We are in receipt of the email correspondence where staff prefers the applicant use Food Operations – Carry Out instead of Food Operations – Food Outlet to more accurately represent the daily flow; however, we respectfully disagree. Note 5 states that the estimated sewage flows for Convenience Stores shall be determined by adding flows for food outlets AND service stations. The primary use is Food Store. Per LDC Sec. 34-622(c)16, Food Stores are retail stores primarily engaged in selling food for home preparation and consumption and shall not be interpreted to include establishments primarily engaged in selling prepared foods. Per the LDC, Food Stores

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**Group I includes grocery stores, bakeries, produce markets, meat markets, etc. Therefore, Food Operations – Food Outlet is the accurate calculation to use. In addition, the MCP is conceptual in nature. An architectural floor plan and septic design will be required at time of development order permitting, which will give staff the opportunity to review the proposed development/use. Also, please note the septic drainfield has been enlarged and relocated slightly to comply with future design requirements.**

**Environmental Sciences Review Comments:**

Reviewer: Elizabeth Workman

2. As previously requested, to determine that the buffers being proposed will be compatible with the surrounding uses, provide cross-sections for the south and west buffers. The west buffer cross section must depict the property line, buffer width, eight-foot wall, and the overlapping septic drain field. The south buffer cross section must depict the property line, buffer width, drainage swale width and depth, and the location of the wall.

**Response: Please see the revised MCP with cross-sections as requested. Also, please note the building size has been reduced 2,000 sf, the septic drainfield has been enlarged and the detention area has been relocated to accommodate the site design. This also allows the applicant to provide a full size parking island.**

3. Explain how the septic drain field will be protected from the required buffer tree and shrub root systems.

**Response: The west buffer is proposed to be a 15-foot wide Type C buffer, which consists of five (5) trees and eighteen (18) shrubs per one hundred (100) linear feet plus an 8-foot high wall. The west property line is one hundred (100) feet wide, so only five (5) trees and eighteen (18) shrubs are required within the 15-foot wide buffer. The general requirement is to keep trees and shrubs a minimum of five (5) feet from the septic system and to provide vegetation with shallow root systems or physical root barriers. There is sufficient space within the buffer area to plant five (5) trees and eighteen (18) shrubs without impacting the septic system. There are many species of trees and shrubs with shallow root systems that are safe to plant near septic systems, including Pine, Maple, Ash, Holly, Crape Myrtle, Dogwood and Boxwood, among others.**

4. Deviation requests must provide an alternative to the required landscaping that is equal to or better than the Land Development Code. The applicant has not demonstrated how the alternative south buffer is equal to or better due to the lack of a cross-section depicting the swale depth and how the buffer will be designed to screen the abutting property.

**Response: See the revised Schedule of Deviations for additional information regarding the alternative landscaping as requested.**

This should allow for continued review and a finding of sufficiency of this rezoning request. Your time and attention to this matter is appreciated. Should County staff require additional information or have any questions regarding this submittal, feel free to call this office.

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Sincerely,

**TDM CONSULTING, INC.**



Veronica Martin  
Senior Planner



# APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

**Project Name:** 2265 Laurel Lane

**Request:** Rezone from: \_\_\_\_\_ To: \_\_\_\_\_

Type: ☐ Major PD ☐ Minor PD ☐ DRI w/Rezoning ☐ PRFPD  
☐ Major PD Amendment ☒ Minor PD Amendment

**Bonus Density included?** ☒ NO ☐ YES<sup>1</sup> for: \_\_\_\_\_ Bonus Units

<sup>1</sup> If **YES**, submit additional fee required by LDC 2-147(A)(3)

## Summary of Project:

Amend the CPD to revise the MCP, schedule of uses, and schedule of deviations.

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## PART 1 APPLICANT/AGENT INFORMATION

**A. Name of Applicant:** Terra Firma Ventures, LLC  
 Address: 1193 Laurel Valley Ct  
 City, State, Zip: Buford, GA 30519  
 Phone Number: \_\_\_\_\_  
 E-mail Address: Terrafirma.v@gmail.com

**B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:**  
☐ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]

☒ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]

☐ Application is County initiated. Attach BOCC authorization.

**C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]**

**1. Company Name:** TDM Consulting, Inc.  
**Contact Person:** Veronica Martin  
 Address: 43 Barkley Cir, Suite 200  
 City, State, Zip: Fort Myers, FL 33907  
 Phone Number: 239-433-4231 Email: vmartin@tdmconsulting.com

**2. [Additional Agent\(s\)](#):** Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

LEE COUNTY COMMUNITY DEVELOPMENT  
 PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902  
 PHONE (239) 533-8585

**PART 2  
PROPERTY OWNERSHIP**

**A. Property owner(s):** If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]

Name: Same as Applicant

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

**B. Disclosure of Interest [34-202(a)(2)]:**

☒ Attach [Disclosure of Interest](#) Form.

**C. Multiple parcels: NA**

☐ Property owners list. [34-202(a)(8)]

☐ Property owners map. [34-202(a)(8)]

**D. Certification of Title and Encumbrances [34-202(a)(7)]**

1. Title certification document, no greater than 90 days old.

2. Date property was acquired by present owner(s): December 3, 2023

**PART 3  
PROPERTY INFORMATION**

**A. STRAP Number(s):** [Attach extra sheets if additional space is needed.] [34-203(a)(5)]

25-43-24-03-00068.001C

**B. Street Address of Property:** 2265 Laurel Lane, North Fort Myers, FL 33917

**C. Legal Description (must submit) [34-202(a)(5)]:**

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

**OR**

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.)

**AND**

**Boundary Survey [34-202(a)(6)]:**

☒ A Boundary survey, tied to the state plane coordinate system.

**OR**

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

**D. Surrounding property owners** (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. ☒ List of surrounding property owners. [34-202(a)(9)]

2. ☒ Map of surrounding property owners. [34-202(a)(9)]

3. ☒ One set of mailing labels. [34-202(a)(9)]

*Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.*

**E. Current Zoning of Property:** CPD

☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

**F. Use(s) of Property:**

1. Current uses of property are: Vacant

2. Intended uses of property are: Commercial

**G. Future Land Use Classification (Lee Plan):**

|          |             |       |            |            |
|----------|-------------|-------|------------|------------|
| Suburban | <u>0.33</u> | Acres | <u>100</u> | % of Total |
|          |             | Acres |            | % of Total |
|          |             | Acres |            | % of Total |

**H. Property Dimensions:**

|                                             |                |                      |                    |        |
|---------------------------------------------|----------------|----------------------|--------------------|--------|
| 1. Width (average if irregular parcel):     | <u>145</u>     | Feet                 |                    |        |
| 2. Depth (average if irregular parcel):     | <u>100</u>     | Feet                 |                    |        |
| 3. Total area:                              | <u>0.33 AC</u> | Acres or square feet |                    |        |
| 4. Frontage on road or street:              | <u>145</u>     | Feet on              | <u>Laurel Lane</u> | Street |
| 2 <sup>nd</sup> Frontage on road or street: | <u>100</u>     | Feet on              | <u>Hart Drive</u>  | Street |

**I. Planning Communities/Community Plan Area Requirements:** If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

- ☐ Not Applicable  
☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]  
☐ North (Upper) Captiva Community Plan area. [33-1711]  
☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]  
☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]  
☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]  
☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]  
☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]  
☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]  
☐ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]  
☒ North Fort Myers Planning Community. [33-1532(a)&(b)]  
☐ North Olga Community Plan area. [33-1663(a)&(b)]

**J. Waivers from Application Submission Requirements:** Attach waivers, if any, approved by the Director of Zoning. [34-201(c)]

### PART 4 TYPES OF LAND AREA ON PROPERTY

|                                                                                              |          |             |              |
|----------------------------------------------------------------------------------------------|----------|-------------|--------------|
| <b>A. Gross Acres (total area within described parcel)</b>                                   |          | <u>0.33</u> | <b>Acres</b> |
| 1. Submerged land subject to tidal influence                                                 |          | <u>0</u>    | Acres        |
| 2. a. Preserved freshwater wetlands                                                          | <u>0</u> | Acres       |              |
| b. Impacted wetlands                                                                         | <u>0</u> | Acres       |              |
| c. Preserved saltwater wetlands                                                              | <u>0</u> | Acres       |              |
| d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)                                           |          | <u>0</u>    | Acres        |
| 3. R-O-W providing access to non-residential uses                                            |          | <u>0</u>    | Acres        |
| 4. Non-residential use areas <sup>(1) (2)</sup>                                              |          | <u>0.33</u> | Acres        |
| <b>B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).</b>   |          | <u>0.33</u> | <b>Acres</b> |
| <b>C. Gross residential acres. (A minus B) <sup>(3)</sup></b>                                |          | <u>0</u>    | <b>Acres</b> |
| <b>D. Gross residential acres (by Land Use Category) <span style="color: red;">NA</span></b> |          |             |              |
| 1. a. Intensive Development – upland                                                         |          |             | Acres        |
| b. Intensive Development – preserved freshwater wetlands                                     |          |             | Acres        |
| c. Intensive Development – impacted wetlands                                                 |          |             | Acres        |
| 2. a. Central Urban – upland                                                                 |          |             | Acres        |
| b. Central Urban – preserved freshwater wetlands                                             |          |             | Acres        |
| c. Central Urban – impacted wetlands                                                         |          |             | Acres        |
| 3. a. Urban Community or Suburban – upland                                                   |          |             | Acres        |
| b. Urban Community or Suburban – preserved freshwater wetlands                               |          |             | Acres        |
| c. Urban Community or Suburban – impacted wetlands                                           |          |             | Acres        |

|     |    |                                                          |       |       |
|-----|----|----------------------------------------------------------|-------|-------|
| 4.  | a. | Suburban – upland                                        | _____ | Acres |
|     | b. | Suburban – preserved freshwater wetlands                 | _____ | Acres |
|     | c. | Suburban – impacted wetlands                             | _____ | Acres |
| 5.  | a. | Outlying Suburban – upland                               | _____ | Acres |
|     | b. | Outlying Suburban – preserved freshwater wetlands        | _____ | Acres |
|     | c. | Outlying Suburban – impacted wetlands                    | _____ | Acres |
| 6.  | a. | Sub-Outlying Suburban – upland                           | _____ | Acres |
|     | b. | Sub-Outlying Suburban – preserved freshwater wetlands    | _____ | Acres |
|     | c. | Sub-Outlying Suburban – impacted wetlands                | _____ | Acres |
| 7.  | a. | Rural, Outer Island, Rural Community Preserve – upland   | _____ | Acres |
|     | b. | Rural, Outer Island, Rural Community Preserve – wetlands | _____ | Acres |
| 8.  | a. | Open Lands – upland                                      | _____ | Acres |
|     | b. | Open Lands – wetlands                                    | _____ | Acres |
| 9.  | a. | Resource – upland                                        | _____ | Acres |
|     | b. | Resource – wetlands                                      | _____ | Acres |
| 10. | a. | Wetlands                                                 | _____ | Acres |
| 11. | a. | New Community – upland                                   | _____ | Acres |
|     | b. | New Community – wetlands                                 | _____ | Acres |
| 12. | a. | University Community – upland                            | _____ | Acres |
|     | b. | University Community – wetlands                          | _____ | Acres |
| 13. | a. | Coastal Rural – upland                                   | _____ | Acres |
|     | b. | Coastal Rural – wetlands                                 | _____ | Acres |

**TOTAL** (should equal "C" above)

**0** **Acres**

**Notes:**

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

**PART 5 NA**

**RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS**

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

**A. Future Land Use Category:** \_\_\_\_\_

|    |                                                                | <b>Lee Plan Table 1(a)</b>   |        |              |
|----|----------------------------------------------------------------|------------------------------|--------|--------------|
|    |                                                                | <b>Max. standard density</b> |        | <b>Units</b> |
| 1. | <b>Standard Units</b>                                          |                              |        |              |
|    | a. Total upland acres (from Part 4, D.)                        | _____ x _____                | equals | _____        |
|    | b. Total preserved freshwater wetlands acres (from Part 4, D.) | _____ x _____                | equals | _____        |
|    | c. Total impacted wetlands acres (from Part 4, D.)             | _____ x _____                | equals | _____        |
|    | d. <b>Total Allowed Standard Units</b> <sup>(1)</sup>          |                              |        | _____        |
| 2. | <b>Bonus Units [2-143]</b>                                     |                              |        |              |
|    | a. Site-built Affordable Housing                               |                              |        | _____        |
|    | b. Transferrable Dwelling Units                                |                              |        | _____        |
|    | c. Sub-total                                                   |                              |        | _____        |
| 3. | <b>Total Permitted Units</b> <sup>(1)</sup>                    |                              |        | _____        |

**Note:**

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

**PART 6  
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS  
PRELIMINARY INTENSITY CALCUATIONS**

|           |                                   |               |                                           |
|-----------|-----------------------------------|---------------|-------------------------------------------|
| <b>A.</b> | <b>Commercial</b>                 | <b>Height</b> | <b>Total Floor Area<br/>(Square Feet)</b> |
|           | 1. Medical                        |               |                                           |
|           | 2. General Office                 |               |                                           |
|           | 3. Retail                         | 35'           | 2,000 sf                                  |
|           | 4. Other: _____                   |               |                                           |
|           | 5. <b>TOTAL FLOOR AREA</b>        |               |                                           |
|           |                                   |               |                                           |
| <b>B.</b> | <b>Industrial</b>                 | <b>Height</b> | <b>Total Floor Area<br/>(Square Feet)</b> |
|           | 1. Under Roof                     |               |                                           |
|           | 2. Not Under Roof                 |               |                                           |
|           | 3. <b>TOTAL FLOOR AREA</b>        |               |                                           |
|           |                                   |               |                                           |
| <b>C.</b> | <b>Mining</b>                     | <b>Depth</b>  | <b>Total Acres</b>                        |
|           | 1. Area to be excavated           |               |                                           |
|           |                                   |               |                                           |
| <b>D.</b> | <b>Assisted Living Facilities</b> | <b>Height</b> | <b>Total Beds/Units</b>                   |
|           | 1. Dependent Living Units         |               |                                           |
|           | 2. Independent Living Units       |               |                                           |
|           | 3. <b>TOTAL BEDS/UNITS</b>        |               |                                           |
|           |                                   |               |                                           |
| <b>E.</b> | <b>Hotels/Motels (Room Size)</b>  | <b>Height</b> | <b>Total Rental Units</b>                 |
|           | 1. < 425 sq. ft.                  |               |                                           |
|           | 2. 426-725 sq. ft.                |               |                                           |
|           | 3. 725 < sq. ft.                  |               |                                           |
|           | 4. <b>TOTAL UNITS</b>             |               |                                           |

**PART 7  
ACTION REQUESTED**

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
- 1. Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**
  - 2. Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. [34-373(a)(9)]

D. **Bonus Density:** [34-202(a)(11)]

- ☒ Not Applicable  
☐ Bonus Density will be used. Provide the number of Bonus Density units being requested and a narrative of how the request meets the requirements of LDC Section 2-146.

## PART 8 ENVIRONMENTAL REQUIREMENTS

- A. **Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)b.iv.]  
**The surface elevation is relatively flat ranging from 11.8' along Laurel Lane to 12.2' in the center of the site to 12.7' along the south property line.**
- 
- B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473(f)].  
**No environmentally sensitive lands are located on-site.**
- 
- C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:  
**NA**
- 
- D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:  
**NA**
- 
- E. **Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)b.i.]
- F. **FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)c.]
- G. **Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)b.iii.]
- H. **Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)b.v.]

## PART 9 SANITARY SEWER & POTABLE WATER FACILITIES

- A. **Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:  
**No special effluent is currently anticipated.**
- 
- B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:
1. Method and degree of treatment:  
**A standard on-site sewage treatment and disposal system will be utilized and permitted per LCDOH & FDEP criteria.**

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  2. Quality of the effluent:  
**Baseline system standards for the treated effluent at the base of the 24" unsaturated zone is less than 5 mg/1 CBOD, less than 5 mg/1 TSS, 15-20 mg/1 TN, less than 5 mg/1 TP, and undetectable fecal coliform, as required per LCDOH & FDEP criteria.**

3. Expected life of the facility:  
15 years with property maintenance.
4. Who will operate and maintain the internal collection and treatment facilities:  
The applicant will operate and maintain all on-site collection and treatment facilities.
5. Receiving bodies or other means of effluent disposal:  
Effluent disposal will be via an on-site drainfield designed and permitted per LCDOH & FDEP criteria.

**C. Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:  
NA
2. Current water table conditions:  
NA
3. Proposed rate of application:  
NA
4. Back-up system capacity:  
NA

**PART 10 NA**  
**ADDITIONAL REQUIREMENTS**

**A. Major Planned Developments:**

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

**B. Amendments to Built Planned Developments:** The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. Attach proof of notice to other property. **[34-373(c)]**

**C. Development of Regional Impact:** Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(9)]**

**D. Private Recreational Facility Planned Developments (PRFPDs):**

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)(1)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**

5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**
6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**
- E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(a)(10)] Potable water is available**
- ☒ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(a)(10)] Sanitary sewer is not available**
- F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(a)(12)]**
- G. **Flood Hazard:**
- ☐ Not applicable
- ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☒ The minimum elevation required for the first habitable floor is AE-EL15 NAVD (MSL)
- H. **Excavations/Blasting:**
- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Hazardous Materials Emergency Plan for Port Facilities: [12-110(a)(16)]**
- ☒ Not Applicable
- ☐ Provide a Hazardous materials emergency plan.
- J. **Mobile Home Park: [34-174(h)]**
- ☒ Not Applicable
- ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- K. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
- ☒ Not Applicable
- ☐ Property is located within \_\_\_\_\_ Airport Noise Zone: **[34-1104]**
- ☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
- ☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
- ☐ A Tall Structures Permit is required. **[34-1108]**

| PART 5<br>SUBMITTAL REQUIREMENT CHECKLIST                    |                                     |                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Clearly label your attachments as noted in bold below</i> |                                     |                                                                                                                                                                                                                                                                                                               |
| Copies Required                                              |                                     | SUBMITTAL ITEMS                                                                                                                                                                                                                                                                                               |
| 3                                                            | <input checked="" type="checkbox"/> | Completed application for Public Hearing [34-202(a)(1)]                                                                                                                                                                                                                                                       |
| 1                                                            | <input checked="" type="checkbox"/> | Filing Fee - [34-201(d)]                                                                                                                                                                                                                                                                                      |
| 1                                                            | NA                                  | Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]                                                                                                                                                                                                                                                    |
| 3                                                            | <input checked="" type="checkbox"/> | <a href="#">Affidavit of Authorization</a> (notarized) Form [34-202(a)(3)]                                                                                                                                                                                                                                    |
| 3                                                            | <input checked="" type="checkbox"/> | <a href="#">Additional Agents</a> [34-202(a)(4)]                                                                                                                                                                                                                                                              |
| 3                                                            | NA                                  | <b>Multiple Owners List</b> (if applicable) [34-202(a)(2)]                                                                                                                                                                                                                                                    |
| 3                                                            | <input checked="" type="checkbox"/> | <a href="#">Disclosure of Interest</a> Form (multiple owners) [34-202(a)(2)]                                                                                                                                                                                                                                  |
| 3                                                            | <input checked="" type="checkbox"/> | <b>Legal description (must submit)</b> [34-202(a)(5)]                                                                                                                                                                                                                                                         |
|                                                              | <input checked="" type="checkbox"/> | Legal description (metes and bounds) and sealed sketch of legal description                                                                                                                                                                                                                                   |
|                                                              |                                     | <b>OR</b>                                                                                                                                                                                                                                                                                                     |
|                                                              | <input type="checkbox"/>            | Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ( <a href="#">Click here</a> to see an example of a legal description with no metes and bounds.) |
| 3                                                            | <input checked="" type="checkbox"/> | <b>Boundary Survey</b> – not required if platted lot (2 originals required) [34-202(a)(6)]                                                                                                                                                                                                                    |
| 3                                                            | NA                                  | <b>Property Owners list</b> (if applicable) [34-202(a)(8)]                                                                                                                                                                                                                                                    |
| 3                                                            | NA                                  | <b>Property Owners map</b> (if applicable) [34-202(a)(8)]                                                                                                                                                                                                                                                     |
| 3                                                            | <input checked="" type="checkbox"/> | Confirmation of <b>Ownership/Title Certification</b> [34-202(a)(7)]                                                                                                                                                                                                                                           |
| 3                                                            | NA                                  | <b>STRAP Numbers</b> (if additional sheet is required) [34-202(a)(5)]                                                                                                                                                                                                                                         |
| 1                                                            | <input checked="" type="checkbox"/> | <b>List of Surrounding Property Owners</b> [34-202(a)(9)]                                                                                                                                                                                                                                                     |
| 1                                                            | <input checked="" type="checkbox"/> | <b>Map of Surrounding Property Owners</b> [34-202(a)(9)]                                                                                                                                                                                                                                                      |
| 1                                                            | <input checked="" type="checkbox"/> | <b>Mailing labels</b> [34-202(a)(9)]                                                                                                                                                                                                                                                                          |
| 3                                                            | <input checked="" type="checkbox"/> | List of <b>Zoning Resolutions</b> and Approvals                                                                                                                                                                                                                                                               |
| 3                                                            | <input checked="" type="checkbox"/> | Summary of <b>Public Informational Session</b> (if applicable)                                                                                                                                                                                                                                                |
| 3                                                            | NA                                  | <b>Waivers</b> from Application Submission Requirements (if applicable) [34-201(c)]                                                                                                                                                                                                                           |
| 3                                                            | NA                                  | Preliminary <b>Density</b> Calculations (if applicable)                                                                                                                                                                                                                                                       |
| 3                                                            | <input checked="" type="checkbox"/> | <b>Request Statement</b> [34-373(a)(5)]                                                                                                                                                                                                                                                                       |
| 3                                                            | <input checked="" type="checkbox"/> | Traffic Impact Statement ( <b>TIS</b> ) (not required for existing development) [34-373(a)(7)]                                                                                                                                                                                                                |
| 3                                                            | <input checked="" type="checkbox"/> | Master Concept Plan ( <b>MCP</b> ), <b>Non-PRFPD</b> [34-373(a)(6)]                                                                                                                                                                                                                                           |
| 3                                                            | <input checked="" type="checkbox"/> | <b>Schedule of Uses</b> [34-373(a)(8)]                                                                                                                                                                                                                                                                        |
| 3                                                            | <input checked="" type="checkbox"/> | Schedule of <b>Deviations</b> and Written <b>Justification</b> [34-373(a)(9)]                                                                                                                                                                                                                                 |
| 3                                                            | <input checked="" type="checkbox"/> | <b>Topography</b> (if available) [34-373(a)(4)b.iv.]                                                                                                                                                                                                                                                          |
| 3                                                            | <input checked="" type="checkbox"/> | <b>Soils Map</b> [34-373(a)(4)b.9.]                                                                                                                                                                                                                                                                           |
| 3                                                            | <input checked="" type="checkbox"/> | <b>FLUCCS Map</b> [34-373(a)(4)c.]                                                                                                                                                                                                                                                                            |
| 3                                                            | NA                                  | Rare & Unique <b>Upland Habitat Map</b> [34-373(a)(4)b.iii.]                                                                                                                                                                                                                                                  |
| 3                                                            | NA                                  | Existing and Historic <b>Flow-Ways Map</b> [34-373(a)(4)b.v.]                                                                                                                                                                                                                                                 |
| 3                                                            | <input checked="" type="checkbox"/> | <b>Surface Water Management Plan</b> (if applicable) [34-373(b)(1)]                                                                                                                                                                                                                                           |
| 3                                                            | NA                                  | <b>Phasing Program</b> (if applicable) [34-373(b)(3)]                                                                                                                                                                                                                                                         |
| 3                                                            | <input checked="" type="checkbox"/> | <b>Protected Species Survey</b> (if applicable) [34-373(b)(2)]                                                                                                                                                                                                                                                |
| 3                                                            | NA                                  | <b>Proof of Notice</b> (if applicable) [34-373(c)]                                                                                                                                                                                                                                                            |

|   |                                     |                                                                                                                                                                                                                             |
|---|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 | NA                                  | <b>Binding Letter</b> from DCA (if applicable) [34-373(d)(9)]                                                                                                                                                               |
| 3 | NA                                  | Master Concept Plan ( <b>MCP</b> ), <b>PRFPD</b> (if applicable) [34-941(g)(1)]                                                                                                                                             |
| 3 | NA                                  | <b>Conceptual Surface Water Management Plan</b> (if applicable) [34-941(d)(3)b.i.1)]                                                                                                                                        |
| 3 | NA                                  | <b>Well Drawdown</b> Information (if applicable) [34-941(d)(3)d.]                                                                                                                                                           |
| 3 | NA                                  | Preliminary Indigenous <b>Restoration Plan</b> (if applicable) [34-941(e)(5)f.iii.]                                                                                                                                         |
| 3 | NA                                  | <b>Environmental Assessment</b> (if applicable) [34-941(g)(2)]                                                                                                                                                              |
| 3 | NA                                  | Demonstration of <b>Compatibility</b> (if applicable) [34-941(g)(4)]                                                                                                                                                        |
| 3 | <input checked="" type="checkbox"/> | <b>Potable Water &amp; Sanitary Sewer.</b> Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)] |
| 3 | NA                                  | Existing <b>Agricultural Use Affidavit</b> (if applicable) [34-202(a)(12)]                                                                                                                                                  |
| 3 | NA                                  | Information Regarding <b>Proposed Blasting</b> (if applicable).                                                                                                                                                             |
| 3 | NA                                  | Hazardous Materials <b>Emergency Plan</b> (if applicable)                                                                                                                                                                   |
| 3 | NA                                  | Mobile Home Park <b>Dislocated Owners</b> Information (if applicable) [34-202(b)(4)]                                                                                                                                        |
| 3 | NA                                  | <b>Tall Structures Permit</b> (if applicable) [34-1108]                                                                                                                                                                     |



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**Laurel Lane CPD**  
**Schedule of Deviations**  
**Revised 8-6-2024**

**DEVIATION #1:**

Seeks relief from the **LDC §10-285** requirement to provide a minimum connection separation of 330 feet on major collector roads in a future suburban area. Request to permit a minimum connection separation of 101 feet between the proposed driveway and the edge of pavement of Laurel Lane.

**JUSTIFICATION:**

The subject property is only 100 feet wide by 145 feet deep. Laurel Lane, a county-maintained major collector road, is located along the north property line and Hart Drive, a county-maintained major collector road is located along the east property line. The minimum connection separation required for a major collector road in a future suburban area is 330 feet. Due to the size of the property, it isn't possible to comply with the minimum connection separation of 330 feet on either road frontage. The applicant is proposing to locate the driveway as far south on Hart Road as possible, which is  $\pm 101$  feet south of Laurel Lane. This is also where the previous driveway was located per historic aerials. While there are multiple commercial and residential driveways on Laurel Lane, there are only residential driveways in proximity to the subject property on Hart Drive. The applicant considered the uses of the abutting properties, the existing site configuration, and the other requirements of the land development code, including buffers, parking and surface water management, when designing the site and the driveway location. The location is based on sound engineering practices, enhances the achievement of the objectives of the planned development and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare. The applicant respectfully requests approval of this Deviation.

**DEVIATION #2:**

Seeks relief from the **LDC §33-1542** requirement that any structure other than a single-family, two-family attached or duplex or its associated accessory structures must have a minimum setback of 50 feet between the nearest points on the building and/or structure (not including wing walls, overhangs, shutters, awnings, and canopies) and an existing large lot residential subdivision. Request to permit the minimum setback between the proposed commercial building and the residentially zoned lot to the south to be 29.0 feet.

**JUSTIFICATION:**

The subject property is only 100 feet wide by 145 feet deep. The abutting lot to the south meets the definition of an existing large residential lot (greater than 14,520 sf) per LDC Sec. 33-1537.

## Schedule of Deviations

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The minimum setbacks for the proposed building are 50 feet to the south, 25 feet to the north and east (rights-of-way), and 15 feet to the west (buffer width). That only leaves a space of 25' wide by 105' deep for a building. However, that building size and configuration doesn't allow the development to comply with the other requirements of the LDC including parking, drainage, access, buffers, etc. Complying with the 50' setback to the south property line would create such a small building footprint that it would prevent the applicant from reasonable use of the land.

Per LDC Section 33-1543, the buffer vegetation required between commercial developments and existing large lot residential subdivisions is enhanced and provides more mature trees and shrubs at time of installation as well as an increase in the number of trees and shrubs. The vegetation, in addition to the 8' foot high solid, opaque wall, shields the residential lot from the noise, glare, etc associated with a commercial use. The required trees and palms are required to be clustered in double rows with a minimum of 3 trees per cluster and canopy trees must be planted a maximum of 20 feet on center within a cluster. Palms must be planted in staggered heights to a minimum of 3 palms per cluster, spaced at a maximum of 8 feet on center, with a minimum of 4-foot difference in height between each tree. In addition, all shrubs must be a minimum of 10 gallons, 4 feet in height with a 3-foot spread, planted 4 feet on center at installation. Permitting the building setback to be 29 feet from the south property line is not detrimental to the public health, safety or welfare. In addition, the deviation enhances the achievement of the objectives of the planned development. The applicant respectfully requests approval of this Deviation.

**DEVIATION #3:**

Seeks relief from the **LDC §33-1543(a)** requirement that landscape buffers for high density or high intensity development abutting a subdivided lot in an existing large lot residential subdivision must utilize, at a minimum, a 30-foot wide buffer width. Request to permit the buffer width to be 14 feet wide with an 8-foot high solid opaque wall to the south property line. **The buffer vegetation will remain as required by the LDC.**

**JUSTIFICATION:**

The subject property is small and is a corner lot at an intersection of two major collector streets. The lots to the south and west are residential lots, with the lot to the south defined as existing large residential subdivided lot per LDC Sec. 33-1537 (greater than 14,520 sf). As a result, a 30-foot wide buffer is required to the south property. Complying with the buffer requirements in addition to the other requirements of the LDC, including parking, surface water management, solid waste, access, pedestrian facilities, setbacks, etc, forces the applicant to either request deviations or construct such a small building that it would prevent the applicant from having reasonable use of his land.

The landscaping requires per LDC Sec. 33-1543(c) and (d) are as follows:

*The required trees and palms must be clustered in double rows with a minimum of three trees per cluster. Canopy trees must be planted a maximum of 20 feet on center within a cluster. The use of palms within the buffer must be limited to areas adjacent to vehicular access points, as appropriate, for sight clearances. Palms must be planted in staggered heights to a minimum of three palms per cluster, spaced at a maximum of eight feet on center, with a minimum of a four-foot difference in height between each tree. Exceptions will be made for Roystonea spp.,*

## Schedule of Deviations

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*Bismarkia spp. and Phoenix spp. (not including robellini), which may be planted one palm per cluster. A maximum spacing of 25 feet between all types of tree clusters must be maintained (25 feet from the closest tree in one cluster to the closest tree in another cluster).*

*All required shrubs must be a minimum of ten gallons, four feet in height with a three-foot spread, planted four feet on center at installation.*

The LDC requires the 30-foot wide buffer to provide 5 trees and 18 shrubs per 100 linear feet. The applicant is proposing to increase the number of trees to 7 trees per 100 linear feet plus a double-staggered hedgerow at this location. In addition, all native vegetation will be proposed on-site.

The proposed buffer is 14 feet wide with the 8-foot high wall separating the dumpster, loading zone and parking lot from the existing large residential lot to the south. The proposed buffer vegetation is enhanced and provides more mature trees and shrubs at time of installation as well as an increase in the number of trees and shrubs. The vegetation, in addition to the 8'foot high solid, opaque wall, shields the residential lots from the noise, glare, lights, etc associated with a commercial use. The required trees and palms are required to be clustered in double rows with a minimum of 3 trees per cluster and canopy trees must be planted a maximum of 20 feet on center within a cluster. Palms must be planted in staggered heights to a minimum of 3 palms per cluster, spaced at a maximum of 8 feet on center, with a minimum of 4-foot difference in height between each tree. In addition, all shrubs must be a minimum of 10 gallons, 4 feet in height with a 3-foot spread, planted 4 feet on center at installation. The applicant respectfully requests approval of this deviation as it enhances the achievement of the objectives of the planned development and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare.

**DEVIATION #4:**

WITHDRAWN

**DEVIATION #5:**

Seeks relief from the **LDC §34-2192** requirement that all buildings and structures must be set back a minimum of 25 feet from the adjacent street easement or right-of-way. Request to permit the minimum building setback to be 15 feet from the Laurel Lane right-of-way.

**JUSTIFICATION:**

LDC Sec. 34-2192(a) permits the applicant to request a variance or deviation from minimum street setbacks. The subject property is a corner lot that is only 100 feet wide by 145 feet deep. The minimum setbacks for the proposed building are 25 feet to the north and east (rights-of-way), 50 feet to the south and 15 feet to the west. That only leaves a space of 25' wide by 105' deep for the building footprint. That building size and configuration doesn't allow the development to comply with the other requirements of the LDC including parking, drainage, access, buffers, etc. The applicant is proposing to provide a 15-foot building setback to Laurel Lane along with a 15-foot wide buffer. There's an existing 8-foot wide pedestrian facility along with a planting strip within the 100-foot wide Laurel Lane right-of-way, which provides a additional "buffer" between the road and the commercial development. The proposed 15-foot building setback permits the

## Schedule of Deviations

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development to function as a small commercial development. The code required setback of 25 feet would reduce the size of the building to the point that it wouldn't be practical to develop the site – the cost of construction would prohibit the success of the development. Permitting the 15-foot building setback is not detrimental to the public health, safety or welfare. In addition, the deviation enhances the achievement of the objectives of the planned development. The applicant respectfully requests approval of this Deviation.

**DEVIATION #6:**

WITHDRAWN

