



Board of County Commissioners

August 9, 2024

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Dave Harner, II
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Chief County Hearing
Examiner

Patty Kulak
RVI Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305
Bonita Springs, FL 34135

RE: JBRA CPD (Planned Development Rezoning Application) DCI2024-00023

Ms. Kulak,

The Zoning Section has reviewed the information provided for the above-referenced application. The Lee County Land Development Code (LDC) requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached checklist. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

A public hearing date will not be scheduled until a complete application is submitted.

Please respond to the sufficiency review comments contained within thirty (30) calendar days of the date of this letter. This application may be considered withdrawn if no response is received within this timeframe. Please feel free to contact me at Amendez@leegov.com or (239) 533-8325 if you have any questions.

Zoning

1. Master Concept Plan. The Master concept plan must show and identify the following omitted information pursuant to LDC Section 34-373(a)(6):
 - A. The location and explanation of all existing easements, whether or not those easements are recorded. If an easement is based upon a recorded document, the official records book reference must be stated. *Depict all easements per Boundary Survey and please clarify source of Building Setback Line (B.S.L) depicted on the boundary survey.*
 - B. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions.
 - C. If future deviations are requested/modified, the location of any requested deviations, keyed to the schedule of deviations, including drawings

demonstrating the effect the requested deviations will have on the site plan if necessary. Please see Comment #2 for further deviation information.

- D. The request includes retention of the existing duplex as Existing Only. Please provide an alternate MCP depicting future use of the subject property for duplex purposes.
- E. LDC Section 10-416(d)(6) requires a specific buffer for parking lots within 125 feet of single-family lots.

2. Deviations.

- A. Deviation #5 should be separated into two separate deviation requests. One for each buffer type. The boundary survey depicts area along San Carlos Boulevard within the property boundary which may provide an alternate right-of-way buffer to pair with landscaping both on and off the property. Please consider an alternate buffer width/plant material in lieu of no buffer.
- B. The Deviation #6 request relief from LDC Section 33-1744(a)(3) of the San Carlos Island Redevelopment Overlay District. These regulations are optional pursuant to 33-1742(b) below. Please confirm if the intent of this planned development request is to opt into the Overlay District development regulations, or to proceed under the general County regulations.

3. COM2024-00820 (Project Name: Vixen's Small Goods Retail Store). Staff is in receipt of the above-referenced companion interior remodel permit request at 19260 San Carlos Boulevard. The Proposed Floor Plan (see *Attachment*) depicts a portion of the proposed floor area for package sales, including backstock and administrative office area, and a separate floor area allocation for use incidental to adjacent adult entertainment business under common ownership. Please clarify/classify the intended use and assess parking calculations accordingly, and if applicable, provide analysis of LDC Sections 34-1201 through 34-1204.

Planning

- 1. The Lee Plan compliance analysis states that a Comprehensive Plan Amendment (CPA) was submitted in conjunction with this application. Planning staff are not aware of any CPA relating to the subject property. Clarify whether a CPA has been submitted for this project. If no CPA accompanies this project, remove that statement.
- 2. Confirm that the project will be connecting to Lee County Utilities for sewer and water service in the analysis of Policy 4.1.1 and 4.1.2.
- 3. Provide analysis of Lee Plan Policies 5.1.5, 32.2.2, and 101.1.1.
- 4. Explain how Deviations 8, 6, and 2, and the removal of the existing interconnection with the property to the north are consistent with Policy 6.1.3.

Development Services

1. LDC Sec. 34-373(a)(6) requires applicants to submit a boundary survey with public hearing applications. The boundary survey must identify and depict all easements affecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection.
 - Survey Note #2 specifically exempts recorded encumbrances and does not meet the referenced LDC requirement.
2. Please depict the parking space dimensions for the proposed 45-degree parking spaces for the proposed package store in accordance with LDC 34-2016(1)b.2.
3. Informational Comment: At time of Development Order, a draft Parking Lot Interconnection Cross Access Easement will be requested, along with the legal description & sketch of the easement area, for legal sufficiency review by the County Attorney's Office per LDC Sec. 10-610(e) for the proposed interconnection to 19240 San Carlos Blvd.
4. Please provide a vehicle analysis, which depicts that the vehicles exiting the proposed package store have sufficient space to back up into the proposed 8.5' wide parking aisle and exit in a safe manner.

Environmental Sciences

1. Depict the 2.5-foot-wide utility/drainage easements on the main MCP to demonstrate that no required buffer plantings are located in any easement. Buffers widths may overlap easement by on-half the required buffer width (15-foot-wide buffer may overlap 7.5 feet into an easement) but no buffer may be less than five feet in width per LDC Section 10-421(a)(2)(5).
2. Deviation #4 is a request to reduce the terminal landscape island width to less than ten feet. Revise the request to specify the width to ensure parking canopy tree survivability.
3. Revise the MCP to state the open space required per LDC Section 10-415 and the open space being provided.

Legal Description

1. Legal Description. Please provide a legal description and sketch in accordance with the requirements of Lee County LDC §34-202(a)(5):
 - If the application seeks to rezone undivided, platted lots, then a complete legal description (i.e. lot, block, subdivision name, public records recording information) of the platted subject property is required. A sketch of the undivided, platted lots to be rezoned is not required.

2. Certification of title and encumbrances. Please provide a title certification for the property subject to zoning approval in accordance with the requirements of Lee County LDC §34-202(a)(7).

- Document submitted needs to be one of the forms listed in LDC §34-202(a)(7)(a) with required content included. A title commitment is not an accepted form of Title.
- If Title insurance policy is being submitted to satisfy this requirement, an affidavit of no change covering the period of time between issuance of the policy and the application date. If submission of a complete affidavit of no change is not possible, a title certificate, or title opinion must be submitted in the alternative.

Natural Resources

1. Please provide a written description of the surface water management plan that meets the requirements outlined in 34-373(b)(1).
2. Please provide an analysis of applicable policies within Lee Plan goal 101.

Traffic Impact Analysis

1. Given the schedule of uses, LUC 851-Convenience Store would be the most intense trip generator. Revise the TIS accordingly.
2. The commercial parking lot must be considered new trips since it does not currently exist.
3. The LOS thresholds for 1 lane should be used for southbound traffic on San Carlos Blvd.
4. Provide justification for the 2% growth rate used on San Carlos Blvd.
5. Due to the new trips during peak hour exceeding 100, link LOS and intersection LOS (within 0.25 mi) must be provided. Revise the TIS accordingly.

Lee County DOT

1. A meeting with the applicant has been scheduled to discuss the requests discussed below.
2. LCDOT will not support the approval of Deviation 6, on the grounds that deviating from this standard adds an unnecessary access point. Which would be less than 100 ft from the intersection of Main St and San Carlos Blvd. This intersection is planned to become signalized in the future. Additionally, the proposed parking lot to the west provides interconnectivity with the property to the north.

3. Allowing for the existing connection to remain on Main St would also require a deviation from LDC 10-285(b), which requires connection separation of 100 ft from an arterial, which LCDOT will also not support the approval of.
4. LCDOT will not be in support the approval of Deviation 2 on the grounds that the parking lot can be designed with a single access point which would make this deviation unnecessary.
5. At the time of development order, the driveway widths radii etc. must comply with the most current standards in the Lee County Land Development Code (LDC).

Lee Tran

1. The proposed development is commercial and within a one-quarter mile of bus stop #11319. This triggers LDC section 10-442 (a)(1), and if this becomes a DO or LDO type D, and based on the Transit LDC, the developer is required to install a pedestrian walkway to the bus stop, a bicycle storage rack, and an 8' x 30' pad. However, FDOT is making improvements to San Carlos Blvd as outlined in the FDOT Work Program. Therefore, LeeTran recommends a fee-in-lieu based on LDC Section 10-443.

ATTACHMENT:
COM2024-00820 Proposed Floor Plan

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section

Electronically signed on 8/9/2024 by
Adam Mendez,
Senior Planner



VIXENS

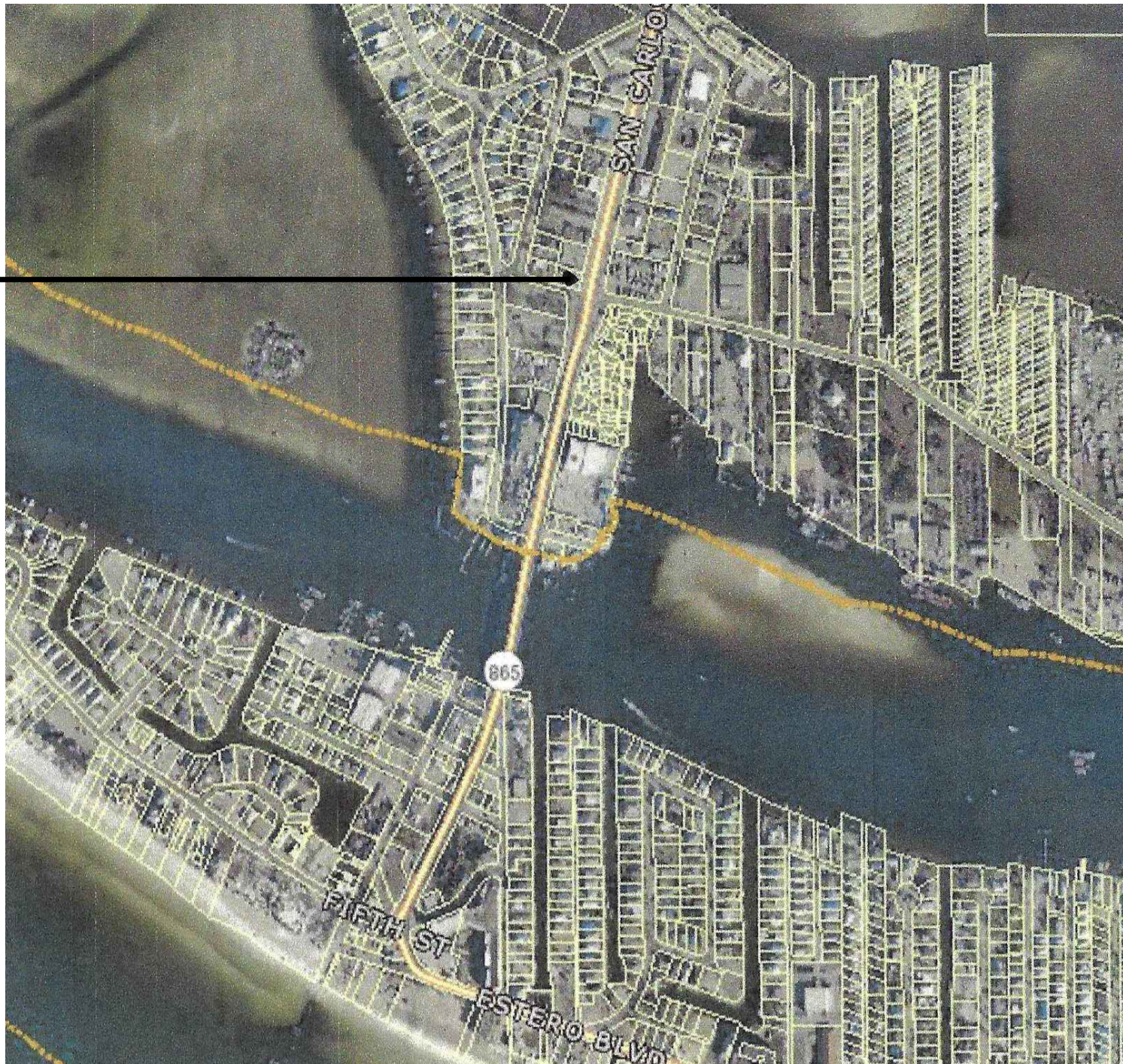
VIXEN'S SMALL GOODS RETAIL STORE

19260 SAN CARLOS BLVD - FORT MYERS BEACH

LDO NUMBER - LDO2024-00124

PROJECT LOCATION

NORTH



BASIC REVIEW OF BUILDING AND FIRE CODES		
	FBC 2023	FPFC 2023
USE -	PER 309 MERCANTILE PER 304 BUSINESS	CHAPTER 36 - MERCANTILE CHAPTER 38 - BUSINESS
OCCUPANTS -	TABLE 1004.5 RETAIL - 60 SF GROSS STOCK ROOM - 500 GROSS DRESSING ROOM - 50 SF GROSS	TABLE 7.3.1.2 RETAIL - 30 SF/OCCUPANT STOCK - 300 NET/OCCUPANT DRESSING 50 NET/OCCUPANT
TRAVEL DIST -	TABLE 1006.2.1 MERCANTILE - 75 LF BUSINESS - 100 LF	12.2.6.2 200 LF TOTAL

REFERENCED ITEMS TO BE SUBJECT TO SEPARATE PERMITS

- LOW VOLTAGE SYSTEMS
- EXTERIOR SIGNAGE - POWER SUPPLIED UNDER THIS PERMIT

PROJECT DESCRIPTION

PROJECT INCLUDES THE DEVELOPMENT OF A NEW SMALL GOODS RETAIL STORE AND POTENTIAL LEASED SPACE FOR A DRESSING AREA FOR THE ADJACENT PROPERTY INTO AN EXISTING BUILDING THAT WAS DAMAGED FROM A RECENT HURRICANE.

DRAWING INDEX

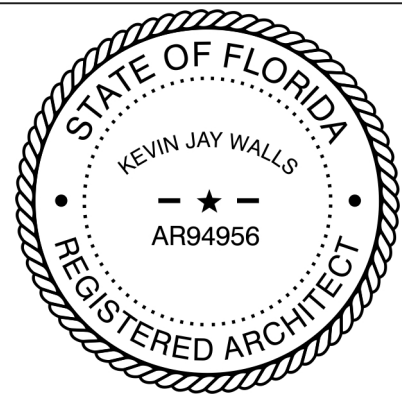
SHEET #	SHEET DESCRIPTION
1	COVER SHEET
2	GENERAL INFORMATION
3	SITE LOCATION PLAN
4	EXISTING PLAN
5	DEMOLITION PLAN
6	LIFE SAFETY PLAN
7	PROPOSED FLOOR PLAN
8	DIMENSIONED PLAN
9	ROOF PLAN
10	ELEVATIONS
11	SECTIONS
12	EXPANDED PLANS & RCP
13	DOORS AND WINDOWS
14	DETAILS
15	SPECIFICATIONS
16	PLUMBING
17	HVAC
18	ELECTRICAL POWER
19	ELECTRICAL LIGHTING

DESIGN PARAMETERS

APPLICABLE CODES: BUILDING CODE= 2023 FLORIDA BUILDING CODE 8th EDITION MECHANICAL CODE= FLORIDA BUILDING CODE, MECHANICAL 2023 8th EDITION PLUMBING CODE= FLORIDA BUILDING CODE, PLUMBING 2023 8th EDITION ELECTRICAL CODE= N.E.C. 2020 EDITION LIFE SAFETY CODE= FLORIDA FIRE PREVENTION CODE 2023 8TH Ed. ACCESSIBILITY CODE= FLORIDA BUILDING CODE, BUILDING 2023 8th EDITION ENERGY CODE= FLORIDA BUILDING CODE, BUILDING 2023 8th EDITION		BUILDING CONSTRUCTION TYPE: ☐ TYPE I-A ☒ TYPE IV ☐ TYPE II-B (SPRINKLER) ☐ TYPE V-B ☐ TYPE III-A	
BASIC WIND SPEED: ☒ 170 MPH (3-SECOND GUST)= 132 MPH (FASTEST MILE) ☐ 160 MPH (3-SECOND GUST)= 124 MPH (FASTEST MILE) ☐ 150 MPH (3-SECOND GUST)= 116 MPH (FASTEST MILE)		EXPOSURE CATEGORY: ☐ A ☐ C ☐ B ☒ D	
RISK CATEGORY ☐ (BUILDING CATEGORY I) ☐ (BUILDING CATEGORY III) ☒ (BUILDING CATEGORY II) ☐ (BUILDING CATEGORY IV)		WINDBORNE DEBRIS REGION: ☐ NO ☒ YES ☒ IMPACT RESISTANT GLAZING ☐ IMPACT RESISTANT COVERING ☐ COMBINATION OF IMPACT RESISTANT GLAZING / COVERING	
BUILDING OCCUPANCY CLASSIFICATION: ☒ GROUP M - MERCANTILE AND GROUP B - BUSINESS - SEE SHEET 2		INTERNAL PRESSURE COEFFICIENTS: ☐ 0.00 (OPEN) ☒ + 0.18, -0.18 (ENCLOSED) ☐ + 0.55, -0.55 (PARTIALLY ENCLOSED)	
FLOOD ZONE: AE-1 I SEE ADDITIONAL INFORMATION SHEET 3		NOTES: RENOVATION AND REPAIR OF HURRICANE DAMAGED BUILDING	



THIS PLAN HAS BEEN REVIEWED,
AND SUPERVISED BY:
KEVIN J WALLS, AIA
FLORIDA LIC#AR-94956
12691 BUTTONBUSH PLACE,
BONITA SPRINGS, FL 34135



VIXEN'S SMALL GOODS RETAIL STORE
19260 SAN CARLOS BLVD
FORT MYERS BEACH, FLORIDA 33931

Ashmore Design LLC, hereby reserves its common law
copyright and other property rights in these plans,
designs, arrangements and ideas. These ideas, plans
and designs are not to be reproduced, changed or
copied in any form or manner whatsoever, nor are they
to be assigned to any third party without first obtaining
the express written permission from Ashmore Design
LLC. Written dimensions on these drawings have
precedence over scale dimensions. Contractors shall
verify and be responsible for all dimensions and
conditions of the job. Ashmore Design, LLC, shall be
notified in writing of any variations or discrepancies from
the dimensions, conditions and specifications shown by
these drawings. All construction shall be in accordance
with Florida Building Code 8th Edition 2023.

REVISIONS

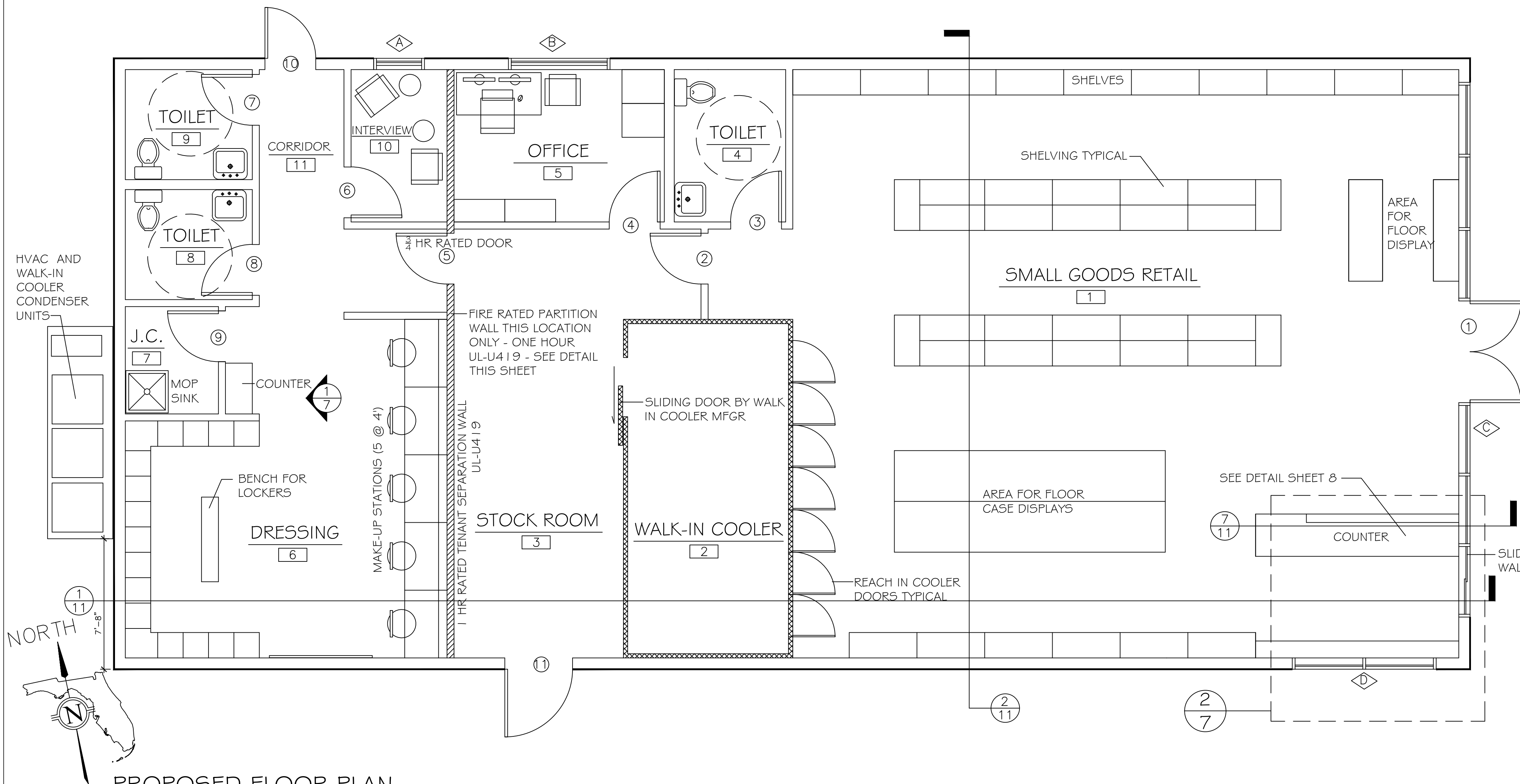
MK	DATE	DESCRIPTION
A	4-25-24	REVIEW SET
O	5-1-24	IFP SET

JOB NO: A23-5733
DATE: 2-7-24
DRAWN BY: KJW
CHK'D BY:

COVER SHEET

SHEET NUMBER

1

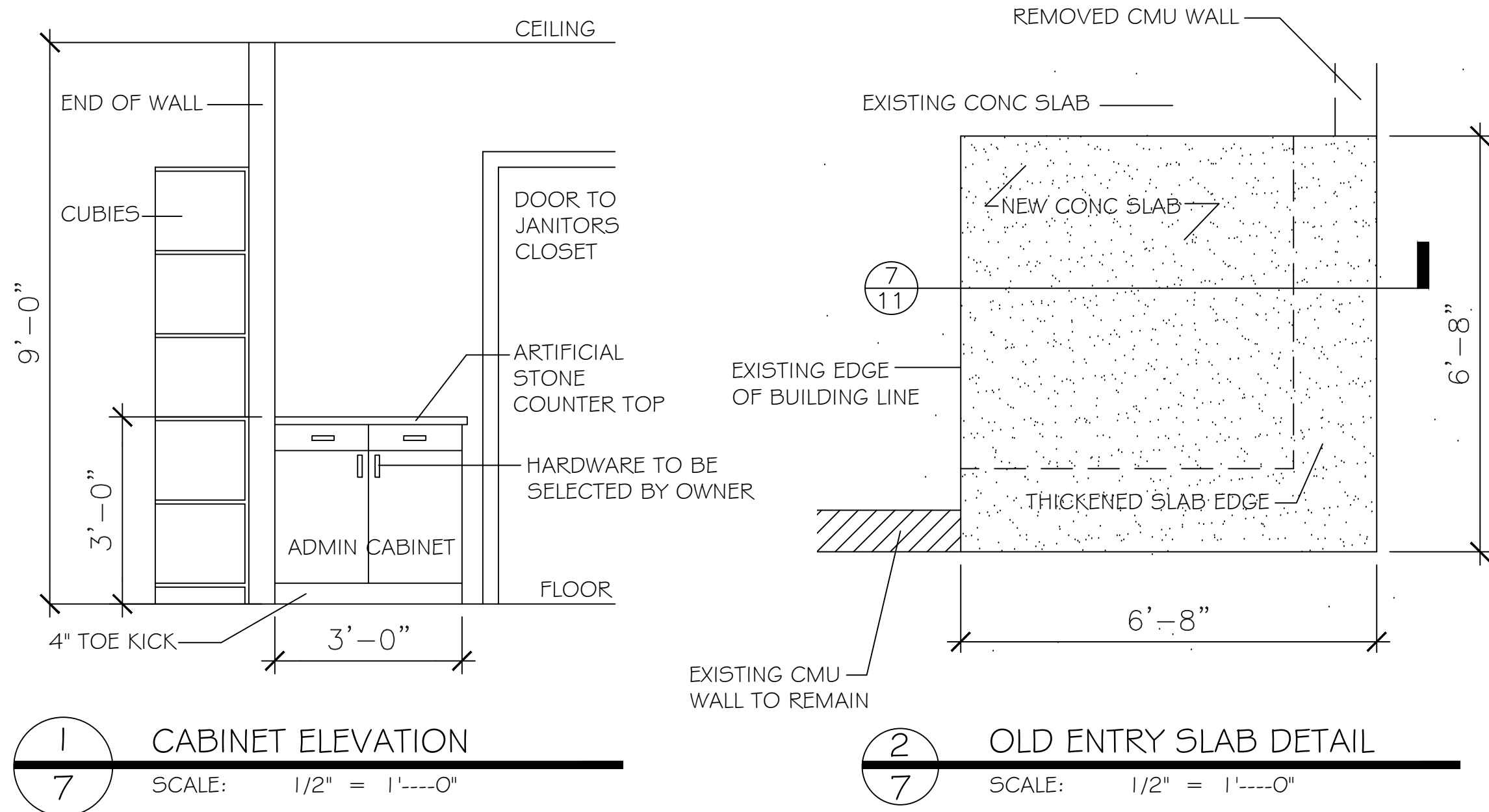


PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-----0"

GENERAL NOTES

- THIS PROJECT INCLUDES A RETAIL STORE WITH SUPPORT SPACES INCLUDING TOILET, OFFICE AND STOCK ROOM. A PANELIZED WALK-IN COOLER UNIT INCLUDING FLOOR, WALLS, CEILING AND COOLER EQUIPMENT SHALL BE SUPPLIED INDEPENDENTLY BY A MANUFACTURER. THERE IS ALSO A SPACE LEASED TO AN ADJOINING BUSINESS FOR A DRESSING ROOM.
- OFFICE AND INTERVIEW ROOM FURNITURE TO BE SUPPLIED AND INSTALLED BY OWNER.
- WALK-IN COOLER TO BE PANELIZED AND ERECTED FROM MODULES AS SUPPLIED BY COOLER MANUFACTURER. COOLER TO INCLUDE PANELS FOR FLOOR, WALLS, AND CEILING. ANY RAMP REQUIRED FOR DOOR TO BE INCLUDED IN MANUFACTURER'S PACKAGE. SUBMIT SHOP DRAWINGS OF PROPOSED COOLER TO DESIGN PROFESSIONALS FOR COORDINATION WITH OVERALL CONSTRUCTION.



CABINET ELEVATION

SCALE: 1/2" = 1'-----0"

OLD ENTRY SLAB DETAIL

SCALE: 1/2" = 1'-----0"

ROOM FINISH SCHEDULE

ROOM NO.	USE	FLOOR	WALLS	BASE	CEILING	CLG HT.	NOTES
1	CONV STOR	CONC	GWB	VIN	GWB	9'-0"	
2	WI COOLER	MFGR	MFGR	NA	MFGR	8'-0"	PANELIZED
3	STOCK RM	CONC	GWB	NA	GWB	9'-0"	
4	TOILET	CONC	GWB	CT	GWB	9'-0"	
5	OFFICE	CONC	GWB	VIN	GWB	9'-0"	
6	DRESSING	CONC	GWB	VIN	GWB	9'-0"	
7	JAN CLOS	CONC	GWB	NA	GWB	9'-0"	
8	TOILET	CONC	CT	CT	GWB	9'-0"	
9	TOILET	CONC	CT	CT	GWB	9'-0"	
10	INTERVIEW	CONC	GWB	VIN	GWB	9'-0"	
11	CORRIDOR	CONC	GWB	VIN	GWB	9'-0"	

NOTES:

CT - CERAMIC TILE
GWB - GYPSUM WALLBOARD
VIN - VINYL WALL BASE
SAT - SUSPENDED ACOUSTICAL TILE
MFGR - BY MANUFACTURER
CONC - CONCRETE

WALK-IN COOLER NOTES

- WALK-IN COOLER IS 10' X 20' IN FOOTPRINT. HEIGHT TO BE 8'. ALL CAN BE MODIFIED BY OWNER FOLLOWING REVIEW OF SHOP DRAWINGS.
- 3.5' WIDE SLIDING DOOR AS SHOWN FOR ACCESS INTO COOLER.
- COOLER TO BE A DISPLAY COOLER WITH 7 GLAZED DOORS ON PUBLIC SIDE FOR ACCESS BY CUSTOMERS.
- LIGHTS BY COOLER MANUFACTURER TO INCLUDE CEILING LIGHTS AND LIGHTS BY ACCESS DOORS TO PROVIDE LIGHTS ON DISPLAY ITEMS.
- CONDENSER UNIT TO BE MOUNTED ON PLATFORM ON WEST SIDE OF BUILDING. WORK WITH HVAC SUBCONTRACTOR TO PROVIDE SIZE AND EXACT LOCATION OF COOLER CONDENSER UNIT.
- COOLER UNIT TO BE INSULATED PER MANUFACTURER'S RECOMMENDATIONS.

UL ONLINE CERTIFICATIONS DIRECTORY

BXUV.U419
Fire Resistance Ratings - ANSI/UL 263

Page Bottom

Design/System/Construction/Assembly Usage Disclaimer

- Authorities Having Jurisdiction should be consulted in all cases as to the particular requirements covering the installation and use of UL Listed or Classified products, equipment, system, devices, and materials.
- Authorities Having Jurisdiction should be consulted before construction.
- Fire resistance assemblies and products are developed by the design submitter and have been investigated by UL for compliance with applicable requirements. The published information cannot always address every construction nuance encountered in the field.
- When field issues arise, it is recommended the first contact for assistance be the technical service staff provided by the product manufacturer noted for the design. Users of fire resistance assemblies are advised to consult the general Guide Information for each product category and each group of assemblies. The Guide Information includes specifics concerning alternate materials and alternate methods of construction.
- Only products which bear UL's Mark are considered as Classified, Listed, or Recognized.

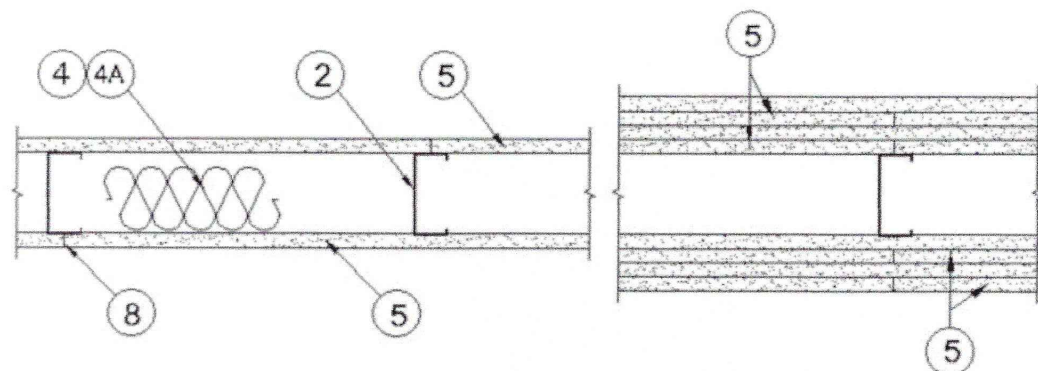
Fire Resistance Ratings - ANSI/UL 263

See General Information for Fire Resistance Ratings - ANSI/UL 263

Design No. U419

February 18, 2010

Nonbearing Wall Ratings — 1, 2, 3 or 4 Hr (See Items 4 & 5)



1. **Floor and Ceiling Runners** — (Not shown) — For use with Item 2 - Channel shaped, fabricated from min 25 MSG corrosion-protected steel, min depth to accommodate stud size, with min 1-1/4 in. long legs, attached to floor and ceiling with fasteners 24 in. OC max.

1A. **Framing Members* - Floor and Ceiling Runners** — (Not shown - In lieu of Item 1) — For use with Item 2A, proprietary channel shaped, min. 3-5/8 in. deep, fabricated from min. 0.015 in. (min bare metal thickness) galvanized steel, attached to floor and ceiling with fasteners 24 in. OC max. Effective thickness is 0.034 in.

CLARKWESTERN BUILDING SYSTEMS INC — UltraSTEEL®

DIETRICH INDUSTRIES INC — UltraSTEEL®

1B. **Framing Members* - Floor and Ceiling Runners** — (Not shown - In lieu of Item 1) — For use with Item 2A, proprietary channel shaped, min. 2-1/2 in. deep, fabricated from min. 0.015 in. (min bare metal thickness) galvanized steel, attached to floor and ceiling fasteners 24 in. OC max. Effective thickness is 0.034 in.



ASHMORE
[design]

27499 RIVERVIEW CENTER BLVD
BONITA SPRINGS, FL 34134
239.444.5780
www.AshmoreLLC.com

THIS PLAN HAS BEEN REVIEWED,
AND SUPERVISED BY:

KEVIN J WALLS, AIA
FLORIDA LIC#AR-94956

12691 BUTTONBUSH PLACE,
BONITA SPRINGS, FL 34135

SEAL

VIXEN'S SMALL GOODS RETAIL STORE
19260 SAN CARLOS BLVD
FORT MYERS BEACH, FLORIDA 33931

Ashmore Design, LLC, hereby reserves its common law copyright and other property rights in these plans, designs, arrangements and ideas. These ideas, plans and designs are not to be reproduced, changed or copied in any form or manner whatsoever, nor are they to be assigned to any third party without first obtaining the express written permission from Ashmore Design, LLC. Written dimensions on these drawings have precedence over scale dimensions. Contractors shall verify and be responsible for all dimensions and conditions of the job. Ashmore Design, LLC, shall be notified in writing of any variations or discrepancies from the dimensions, conditions and specifications shown by these drawings. All construction shall be in accordance with Florida Building Code 6th Edition 2023.

REVISIONS

MK.	DATE	DESCRIPTION
A	4-25-24	REVIEW SET
O	5-1-24	IFP SET

JOB NO: A23-5733
DATE: 2-7-24
DRAWN BY: KJW
CHKD BY:

PROPOSED PLAN

SHEET NUMBER

7