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Certificate of Authorization # 29086

October 19, 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 (4th ReSubmittal)

Dear Ms. Groth:

We are in receipt of your review letter dated September 19, 2024 for the above referenced project. The following items are submitted for your continued review per this request for additional information:

1. One (1) copy of the revised Master Concept Plan with cross-sections and exhibit of the West elevation; and
2. One (1) copy of the updated Schedule of Deviations with Justification.

Responses to each individual item/comment are as follows:

Environmental Sciences Review Comments:

Reviewer: Elizabeth Workman

1. Depict the 8-foot wall on the MCP. Staff is not understanding how the buffer requirements will be met and also be compatible with the septic drainage areas. Please depict the location of the 8-foot wall on the MCP, all cross sections, and provide a buffer typical depicting how the landscaping will be installed to not impact the septic drainage area.

Response: A 15-foot wide Type C buffer is proposed along the west property line; however, the applicant is proposing that the building act as the buffer wall for a distance of 56 linear feet. No doors or windows will be located on the western façade of the proposed structure and the buffer wall will not extend into the north right-of-way buffer along Laurel Lane. The 8-foot high buffer wall will extend from the southwest corner of the proposed building to connect with the south buffer wall, which is set 14 feet from the south property line per the requested deviation. There's 24.8 feet between the west property line and the proposed building and buffer wall. The septic drainfield is located between the building and west property line and will overlap the 15' wide buffer by 7.50 feet, leaving an 8.5-foot wide planting shelf. A Type C buffer requires five (5) trees and eighteen (18) shrubs per 100 linear feet. In this case, the property width is 100 linear feet, so a minimum of 5 trees and 18 shrubs can be easily planted in

2265 Laurel Lane – CPD Amendment

October 18, 2024

Page 2 of 2

the space available without impacting the septic drainage area. Trees and shrubs with shallow root systems such as pine, crape myrtle, Japanese maple, magnolia, boxwood, holly, etc. are examples that will do well at this location without impacting the septic/drainfield. Please see the revised MCP, cross-sections, and west elevation exhibit for additional information.

2. The MCP notes an 8-foot wall and cross section A-A does not depict the location of the 8-foot wall. Revise cross section A-A to depict the wall.

Response: Please note that the wall of the proposed building will act as the buffer wall for 56 linear feet as noted on the MCP. Cross-section A-A depicts the location of the building wall, septic drain field and buffer. Please see the revised MCP and cross-sections for the information requested.

3. It is unclear as to how the required plantings for the south and west buffers will be installed abutting septic drainage areas. The cross sections do not depict the trees and shrubs required per LDC Section 33-1543. In addition, explain how the root systems will not impact the drainage fields.

Response: There's 24.8 feet between the west property line and the proposed building and buffer wall. The septic drainfield is located between the building and west property line and will overlap the 15' wide buffer by 7.50 feet, leaving an 8.5-foot wide planting shelf. A Type C buffer requires five (5) trees and eighteen (18) shrubs per 100 linear feet. In this case, the property width is 100 linear feet, so a minimum of 5 trees and 18 shrubs can be easily planted in the space available without impacting the septic drainage area. Trees and shrubs with shallow root systems such as pine, crape myrtle, Japanese maple, magnolia, boxwood, holly, etc. are examples that will do well at this location without impacting the septic/drainfield. The south buffer wall is located 14 feet from the south property line per the deviation request. In addition, there's a small drainage swale overlapping a portion of the buffer. Please see the revised MCP, cross-sections, and west elevation exhibit for additional information.

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.

Sincerely,

TDM CONSULTING, INC.



Veronica Martin
Senior Planner



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**Laurel Lane CPD
Schedule of Deviations
Revised 10-19-2024**

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 ± 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. LCDOT staff requested a future cross-access easement to the property directly south of the subject property just in case that property is rezoned for commercial use in the future. The proposed cross-access easement will provide an interconnect and reduce access points 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.

Schedule of Deviations

Page 2 of 4

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. 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, those building dimensions don'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

Schedule of Deviations

Page 3 of 4

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., 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

Schedule of Deviations

Page 4 of 4

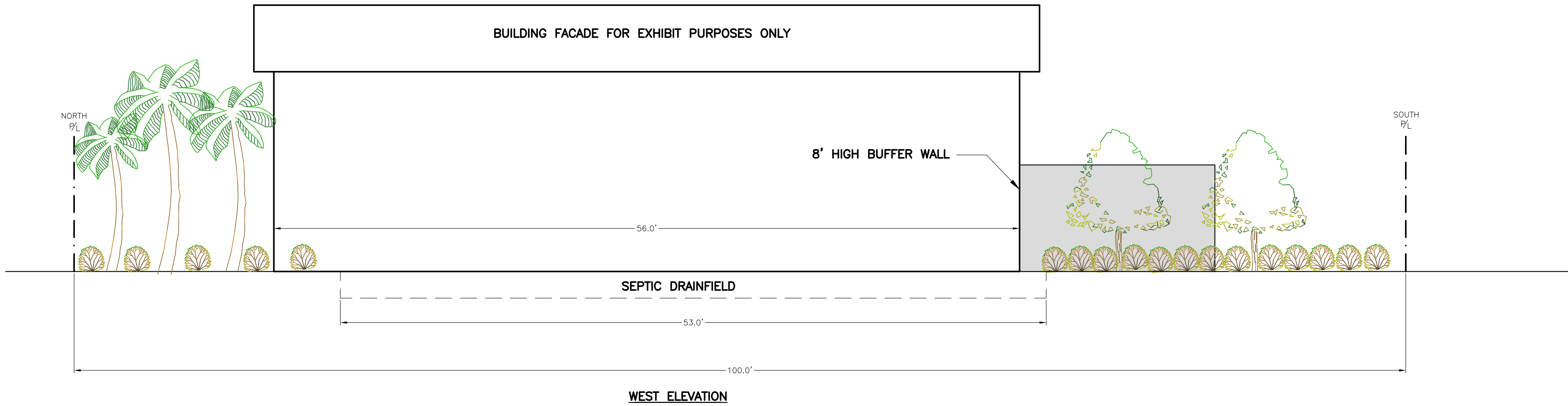
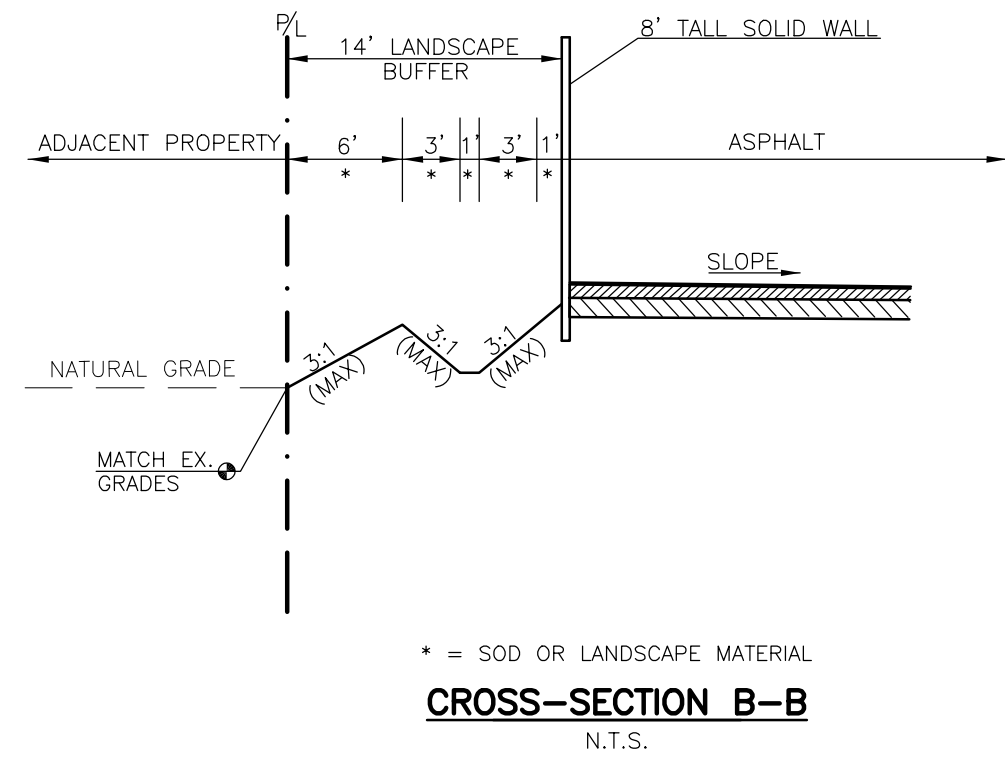
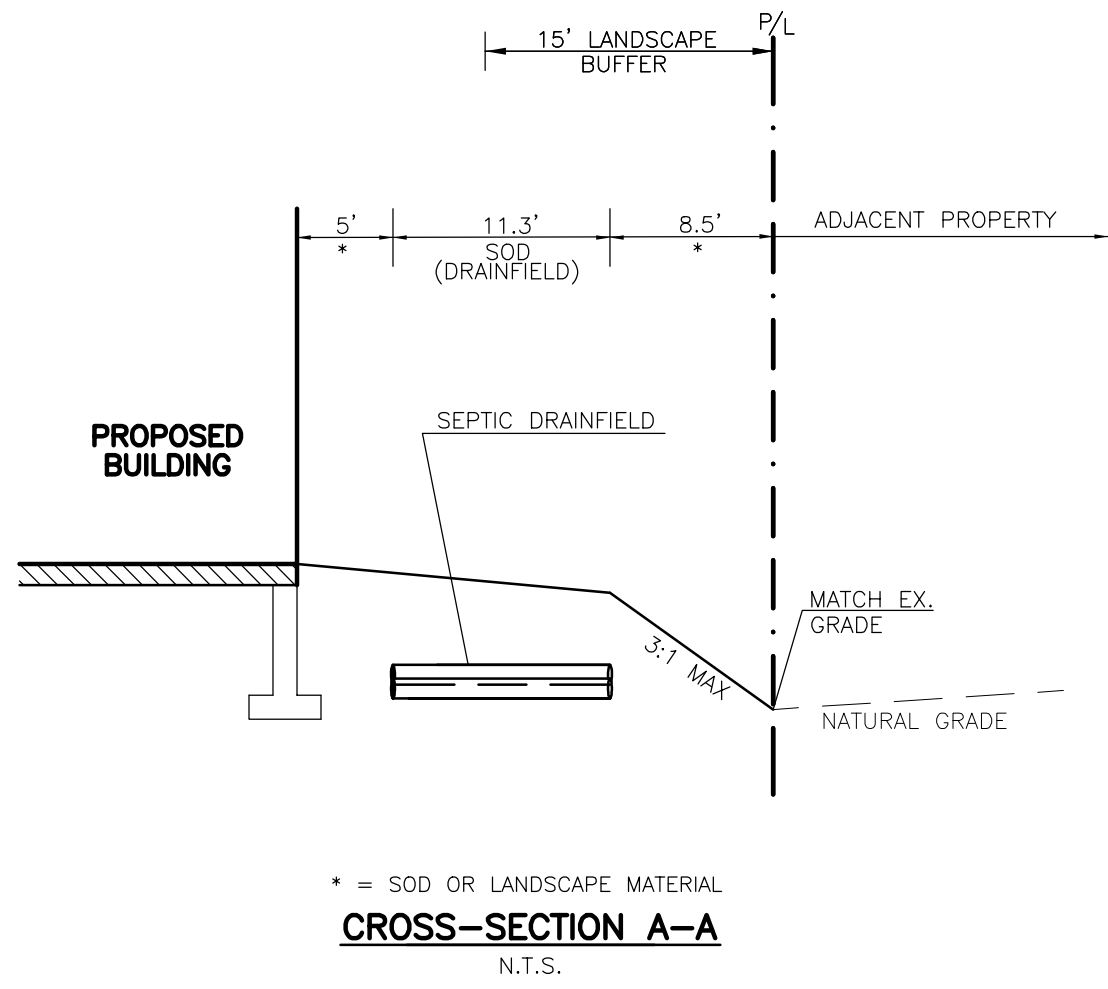
wide buffer. There's an existing 8-foot wide pedestrian facility along with a planting strip within the 100-foot wide Laurel Lane right-of-way, which provides a additional "buffer" between the road and the commercial development. The proposed 15-foot building setback permits the development to function 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

STREET ADDRESS
2265 LAUREL LANE
NORTH FORT MYERS, FLORIDA 33917

STRAP NUMBER
25-43-24-03-00068.001C



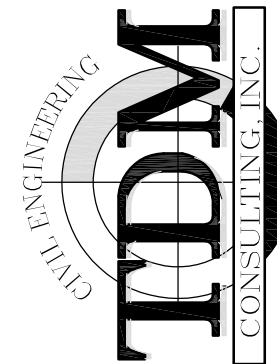
NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE, AND DATE.

SHEET #

2 of 2

SCALE: AS NOTED

Civil Engineering
and
Planning



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Dean Martin, P.E.
Florida #52022
DATE: _____

This form has been digitally signed and sealed by Dean Martin on the
code adjacent to the field. Printed copies of this document are not
considered signed and sealed for electronic copies.

2265 LAUREL LANE
MASTER CONCEPT PLAN

#	DATE	REVISIONS	DESIGNED BY:
1	6/2024	REVISED PER LEE COUNTY COMMENTS	VM
2	7/2024	REVISED PER LCOOT COMMENTS	DRAWN BY:
3	10/2024	REVISED PER LEE COUNTY COMMENTS	VM
			CHECKED BY:
			TDM
			APPROVED BY:
			TDM
DRAWING NAME: 2265 Laurel Lane			
DRAWING NUMBER: TDM 25-43-24-03-00068.001C			