



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
County Hearing
Examiner

November 8, 2024

Michael H. Metcalf, MHM Lee BLVD, LLC
2670 Horseshoe Drive North, Suite 201
Naples, FL 34104

RE: Application for Special Exception
Lee Boulevard Convenience Store
5541 Brookfield Street
Lehigh Acres, FL 33971
SEZ2024-00001

Dear Mr. Metcalf,

The Zoning Section has reviewed the submission package for the above-referenced zoning application. Staff has found that the application is insufficient. Please provide the following items in order for staff to find the application sufficient for public hearing:

- A. Boundary Survey and Certification of Title and Encumbrances:
 1. Staff will be able to meet sufficiency for the legal description using previous submissions. Normally, this would require a new Boundary Survey and Certification of Title and Encumbrances. However, Staff recommends that the applicant submit a Request for a Waiver of Submittal Requirements for these two items. Staff has attached the form for this request to this letter with the specific request language section filled in.
- B. Environmental Sciences:
 1. LDC 34-1353 (e), incorporates 10-416 by reference, and pursuant to 34-1354, projects over 3 acres in size are ineligible for administrative deviations from 34-1353 and 34-1354. Either revise the MCP to meet code or arrange a meeting with staff to discuss planning revisions.
 2. No code required landscaping may be located in any street easement or right-of-way; variances or deviations from the requirements of this subsection are prohibited [LDC 10-421], and pursuant to 10-415 (d), buffers may not be located on any portion

of an existing or dedicated street right-of-way, except that buffers may be located within slope easements as long as appropriate planting soil is provided in the slope.

3. No code required trees or shrubs may be located in any utility or drainage easement unless a written statement from the entity holding interest in the easement is submitted specially stating that the entity has no objection to the landscaping, and that landscaping will not interfere with the long-term maintenance of the infrastructure. Provide use agreements from FGUA and FPL to place code required trees or shrubs within the utility easement area.
4. No excavations will be allowed within 25 feet of an existing or proposed street right-of-way or easement for a local street unless granted an administrative deviation, and no excavations will be allowed within 50 ft. of any existing or proposed right-of-way or easement for a collector or arterial street. Revise the proposal or request a deviation from sec 10-329 (d) (1).
5. Deviations have been keyed to lots 2-5 yet staff do not know the intended uses. Staff are unable to approve deviations from buffers when the land use has not been identified. Furthermore, SEZ2024-00001 and ADD2024-00074 have conflicting exhibits. SEZ2024-0001 exhibit currently includes a site plan for lot 1, and a site plan showing lots 1 through 5. ADD2024-00074 includes only the large development area. Both of the MCP's for SEZ2024-00001 and ADD2024-00074 must contain the same site exhibits and plans.

Please respond to the enclosed sufficiency review comments within thirty (30) calendar days of the date of this letter. This application will be considered withdrawn if no response is received within this timeframe.

Please feel free to contact me at (239) 533-8312 or blackwpc@leegov.com if you have any questions.

Sincerely,

Electronically signed on 11/8/2024 by
Peter Blackwell, Planner
Lee County DCD

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section



REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS (indicate the appropriate application type)

- ☒ Public Hearing - General Requirements **(34-202)**
- ☐ Public Hearing - Mining Excavation Planned Development **(12-110)**
- ☐ Public Hearing - Additional Requirements for:
- ☐ Development of Regional Impact **(34-202(b)(1))**
 - ☐ Planned Developments **(34-202(b)(2))**
 - ☐ Planned Development Amendment **(34-202(b)(2))**
 - ☐ Rezoning other than Planned Developments **(34-202(b)(3))**
 - ☐ Special Exceptions **(34-202(b)(5))**
 - ☐ Variances **(34-202(b)(6))**
 - ☐ Limited Amendment to Existing Mine Zoning Approval **[12-121(j)]**
 - ☐ Private Recreational Facilities Planned Development **(34-941(g))**
- ☐ Development Order - Submittal Requirements **(10-152)**
- ☐ Application Form and Contents **(10-153)**
 - ☐ Additional Required Submittals **(10-154)**
- ☐ Limited Review Development Order – Submittal Requirements **(10-152)**
- ☐ Required Submittals **(10-175)**
- ☐ Administrative Action Application Requirements **[34-203]**
- State the Type of Administrative Application: _____

PLEASE PRINT OR TYPE:

STRAP Number: _____
Name of Project: _____

Name of Agent: _____
Street Address: _____
City, State, Zip: _____
Phone Number: _____ Email Address: _____

Name of Applicant*: _____
Street Address: _____
City, State, Zip: _____
Phone Number: _____ Email Address: _____

***If applicant is not the owner, a letter of authorization from the owner must be submitted.**

LEE COUNTY COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET), FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

Section Number	Requirement
#1 Sec. 34-202.(a)(6)	Boundary Survey of the subject property
#2 Sec. 34-202.(a)(7)	Certification of title and encumbrances submitted for property subject to zoning approval
#3	
#4	
#5	
#6	
#7	
#8	
#9	

B. SCOPE OF PROJECT AND REASON(s) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

The subject property is a portion of the area covered by the boundary survey and certification of title. These documents have been submitted for SEZ2024-00001.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Signature of Applicant

Date

.....
FOR STAFF USE ONLY
.....

DIRECTOR'S DECISION:

☐

Request Denied

☐

Request Approved

☐

Request Approved Per Attached Comments

Director Signature

Date