



LETTER OF TRANSMITTAL

TO: Development Services Division
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33902-0398

PROJECT #: 23-126

PROJECT: Lee Boulevard Convenience Store
Lee County Special Exception
SEZ2024-00001 – RAI 3

FROM: Linda Miller, AICP
Vice President

DATE: November 22, 2024

WE ARE SENDING YOU THE FOLLOWING ITEMS:

☒ Attached Via eConnect ☐ Under Separate Cover Via _____

☐ Plans/Prints ☐ Shop Drawings ☐ Specifications ☐ Contract ☐ Disc

☐ Permit Applications ☐ Other

DESCRIPTION
Response to Staff Comments
Request for a Waiver of Submittal Requirements
Special Exception & Administrative Deviation Exhibit

THIS DATA IS TRANSMITTED AS CHECKED BELOW:

☐ as requested ☐ for approval ☐ for signature ☒ for review & comment

☐ for your use/files/information ☒ for your distribution ☐ to be returned

REMARKS:

Transmittal For RAI 3.Doc



Application for Special Exception
Lee Boulevard Convenience Store
SEZ2024-00001
Responses to Staff's 3rd Review Comments
Project Engineer: Brendan Sloan, PE
(239-573-2077 or brendan@avaloneng.com)
November 22, 2024

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.

Response: A request for a Waiver of Submittal Requirements has been included in this resubmittal.

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.

Response: Per staff meeting held 11/4/2024, this development is requesting an administrative deviation to the proposed five (5) subdivision lots, of which all are under 3 acres. For this reason, the above code section does not apply to this development.

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.

Response: Per staff meeting held 11/4/2024, this project does not propose any new street easements or rights-of-ways, therefore this code section does not apply.

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.

Response: No code required trees or shrubs will be within the on-site FGUA or FPL easements. The revised plan exhibit more clearly illustrates the 7.5' planting area within the 15' landscape buffer. The landscape plan resubmitted for the DO application has been revised to meet this requirement.

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).

Response: Per staff meeting held 11/4/2024, none of the proposed sitework for this project is classified as an excavation per the LDC, therefore this code section does not apply.

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.

Response: The site plan exhibits resubmitted for SEZ2024-00001 and ADD2024-00074 have been revised to match, per staff's request.





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:	portion of 30-44-26-05-00000.B010		
Name of Project:	Lee Boulevard Commercial Subdivision		
Name of Agent:	Avalon Engineering, Inc. , Brendan Sloan, P.E.		
Street Address:	2503 Del Prado Boulevard South, Suite 200		
City, State, Zip:	Cape Coral, Florida 33904		
Phone Number:	239-573-2077	Email Address:	brendan@avaloneng.com
Name of Applicant*:	MHM Lee Blvd, LLC By: Michael H. Metcalf, its manager		
Street Address:	2670 Horseshoe Drive North, Suite 201		
City, State, Zip:	Naples, Florida 34104		
Phone Number:	239-933-1701	Email Address:	mike@mhmddev.com

***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
#3	subject to zoning approval
#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.

11/18/2024

Signature of Applicant

Date

.....
FOR STAFF USE ONLY

DIRECTOR'S DECISION:
☐

Request Denied

☐

Request Approved

☐

Request Approved Per Attached Comments

Director Signature

Date