



January 13, 2025

Khalil Muhammad, Planner
Lee County Community Development Dept.
Zoning Section
1500 Monroe Street
Fort Myers, FL 33901

RE: 94 4th St. CPD;
DCI2024-00024

Dear Mr. Muhammad,

Please accept the following information in response to your November 13, 2024 correspondence regarding the referenced project.

Zoning Review

A: Schedule of Permitted Uses

Comment 1:

Proposed Use #8
Please strike "Storage enclosed." The use is to be written out as "Contractors and Builders Group II" this use includes open/indoor storage per LDC Section 34-2.

Response 1:

This has been completed and the Schedule of Permitted Uses has been amended.

B: Master Concept Plan

Comment 1:

All requested deviations are to be depicted and called out with reference to a key that details the deviation per LDC Section 34-373(a)(6).

Response 1:

All deviations are denoted on the Master Concept Plan (MCP) by a symbol, which can be found in the legend. The number in the symbol corresponds to the deviation number from the schedule of deviations.

Comment 2:

Per LDC Section 33-1742(d), fences and walls must be constructed of conventional and traditional building materials, including, but not limited to, concrete block, brick, wood, decorative aluminum, iron, or steel, chain link or composite products manufactured specifically for fences and walls. Nontraditional materials, including, but not limited to, tires, mufflers, hubcaps, etc., are prohibited. Fabric sheets or nets, or plastic, metal, or vinyl sheets or slats may not be used as part of the fence or attached to a fence for the purpose of effecting privacy or required screening. Master Concept plan shows "8' Fence

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w/ Privacy Screen.”

Response 2:

Acknowledged. The MCP has been amended and it has been noted as an eight-foot block wall. Sight line exhibits have been added to show the view from the property zoned TFC-2 to the northwest and from 4th St.

Comment 3:

The location of the proposed fence will need to be revised to show compliance with the required buffers.

Response 3:

An eight-foot block wall will be installed in lieu of a fence. The proposed wall will be located on the property line and will meet LDC criteria.

Comment 4:

The Master Concept Plan must depict the location and explanation of all existing easements, whether those easements are recorded per LDC Section 34-373(a) (b) 9. If an easement is based upon a recorded document, the official records book reference must be stated. Please revise accordingly.

Response 4:

All easements are dimensioned and plat book referenced.

Comment 5:

The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions per LDC Section 34-373(a) (6) e. Please revise accordingly.

Response 5:

The MCP has been revised to show service areas.

Comment 6:

There is an “existing carport” called out; per LDC Section 34-2015(2) (d) you will need to demonstrate sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion. If unable to demonstrate compliance a deviation may be requested to allow an alternative.

Response 6:

The driveway stub out has been added to allow an automobile in the carport to reverse into the stub out and pull forward onto 4th St. Turning radius diagrams have been included.

Comment 7:

Please include all required MCP components as detailed in LDC Section 34-373(a) (6) a through I.

Response 7:

All the requirements have been met.

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C: Narrative

Comment 1:

The setbacks included on Page 8-Page 9 of the submitted document includes setbacks established by LDC Section 34-1352 (Display/Sales) and is noted as a “Minimum Setback” of 15 feet; however, this is not consistent with the Property Development Regulations provided, which lists “Minimum Setbacks” as 20 feet. Please clarify and make the necessary modifications for this document.

Response 1:

The narrative and the development regulations table have been revised accordingly.

Environmental Sciences

Comment 1:

The revised MCP does not show the code required five foot wide buffer along the rights-of-way. Building perimeter plantings may be used instead of the buffer, but those were not correctly shown on the MCP. Revise to show either buffers required under 10-425(f) or show the location of the building perimeter plantings. Pursuant to LDC Section 10-425(e), commercial development within the Mixed-Use Overlay is only required to provide perimeter plantings on two sides of the building.

Response 1:

The MCP has been amended to show the existing five-foot wide buffer along the right-of-way. The *Perimeter Planting notation* has been removed from the MCP. Photographs of existing vegetation along the right-of-way on 4th St. have been added for clarification.

Comment 2:

Revise the Deviation Requests and Justifications to cite the correct code for open space. Provide a Lee Plan analysis that indicates how the requested deviation meets Objective 31.1 of the Lee Plan. Revise the MCP to visually show where the 10% open space will be met and how the deviation will be equal to or better than what is required by code. Visual screening is still required under LDC Section 34-3005.

Response 2:

The deviations and justifications have been revised and an analysis of compliance with Objective 31.1 of the Lee Plan is provided. The open space areas are shown as shaded, as referenced in the legend.

Comment 3:

The MCP shows an 80 ft. drainage easement on the eastern property line. LDC Section 10-328(a) states that all easements or rights-of-way must be kept clear by the property owners, and LDC Section 10-421 states no landscaping can be proposed in any drainage, utility, or right-of-way easements. Revise the MCP to meet this section.

Response 3:

Please refer to the dry detention section. No plantings are proposed within the

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80-foot easement. An email from Bill Juhl of the Lee County Transportation Dept. is attached, which states the department does not have an issue with the gate placed in the easement. The Applicant is aware that if the fence needs to be removed, it would be at his expense.

Comment 4:

The MCP does not show a maintenance easement around the proposed detention ponds and the proposed retention areas do not appear to meet code. Please revise to meet LDC Section 10-328(a), 10-329(d) (1), and 34-373(a) (6) or request a deviation. Pursuant to LDC Section 10-328, drainage easement rights-of-way must be kept clear by the property owner. Revise the MCP to meet this requirement.

Response 4:

Dry detention areas have been labeled on the MCP and do not require a maintenance easement. The dry detention areas have been removed from the easement.

Planning:

Comment 1:

Incorporate the analysis of the policies staff requested in the first round of review (Objective 4.1 and Policy 31.5.1) in the Lee Plan consistency section of the application narrative.

Response 1:

A more thorough analysis of consistency with the objective and policy referenced is included in the revised narrative (please refer to pages 4 and 6).

Development Services:

Comment 1:

LDC Section 10-261 – Refuse and solid waste disposal facilities. Please provide refuse and solid waste disposal facilities in accordance with LDC Section 10-261. Staff acknowledges the response to comments that a dumpster will be provided in the equipment storage area. Please include the dumpster location on the proposed Master Concept Plan, along with a Letter of No Objection from the garbage hauler to the dumpster location being within a gated area.

Response 1:

The location of the dumpster has been included on the MCP and a letter of No Objection from the garbage hauler has been included in this submission.

Natural Resources:

Comment 1:

Staff is concerned the proposed detention within the IDD easement will impede Lee County's ability to operate, maintain, and construct drainage facilities within the IDD easement as outlined in the Page Park plat.

Response A:

The proposed detention areas have been removed from the easement.

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Comment 2:

Is wet or dry detention proposed? Please detail how the proposed design will continue to allow Lee County the ability to maintain and operate the IDD canal.

Response 2:

Dry detention is proposed.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

BARRACO AND ASSOCIATES, INC.



Vincent Cautero, AICP
Vice President of Planning

VAC/kl
24242

94 4TH ST.**Rezone****Request Narrative****Revised October 2024****2nd Revision January 2025****A. PURPOSE OF REQUEST**

The owner of property addressed as 94 4th St. is requesting a rezone from the Residential Two-Family Conservation (TFC-2) district to the Commercial Planned Development (CPD) district to allow a former single-family house located on the property to be used as an office for a masonry contractor, along with outdoor open and enclosed storage of commercial equipment. This is classified as a Contractor and Builder, Groups II and III, in accordance with the LDC. Storage of equipment to be used by Applicant only. There will be no sales or rentals. The office will be used by Minc Masonry/MEDENWALD, Inc., a local masonry contractor. The property owner, Mr. Robert Votaw, is an Officer of the company.

B. BACKGROUND

The property is located in the Page Park Planning Community of unincorporated Lee County. It is surrounded by a variety of land uses including multi-family residential, commercial, industrial, and institutional. The property is located approximately 0.9 miles east of US 41 and 0.7 miles south of Page Field Airport. The Page Park community is approximately 0.7 square miles in size. The US Bureau of the Census reported the area's population to be 747 in the 2020 census. The median income was \$23,660.00 and per capita income was \$14,281.00 as reported by the US Census Bureau in 2020.

The building intended for office use appeared on the Lee County tax rolls in 1957. Minc Masonry/MEDENWALD, Inc. has been in existence in southwest Florida since 1966.

One point of ingress and egress to the property is located on 4th St., south of Center Rd.

C. COMPATABILITY WITH SURROUNDING AREAS

Surrounding uses in the immediate area consist of multi-family residential, industrial, commercial, and institutional uses. Evangelical Christian High School is located directly across the street from the property. Industrial businesses are located east and northeast of the subject property.

The intended use falls under Section 34-622 (c) 9 of the County's Land Development Code – General Contractors' office - with outdoor storage of equipment. To allow flexibility in the design of the Master Concept Plan (MCP) and to assure various types of equipment can be stored can be on the property, we are requesting a rezone to the Commercial Planned Development category. This will ensure compatibility with surrounding uses. The intended use is consistent with the development character of the surrounding uses and enhanced buffering and screening will ensure impacts are mitigated.

A listing of surrounding uses, zoning, and future land uses is found below.

LOCATION	ZONING	FUTURE LAND USE	USES/NOTES
NORTH	<u>C-1A and TFC-2</u>	Central Urban	<u>Multi-Family Residential</u> ; Industrial uses are located northeast.
SOUTH	<u>TFC-2</u>	Central Urban	<u>Residential- Multi-Family</u>
EAST	IL	Central Urban	Industrial
WEST	<u>CF</u>	Central Urban	<u>Multi-Family Residential and Institutional (High School)</u>

1. Buffering and landscaping

Buffering is required by several sections of the LDC, but Section 10-425(f) (1-3) takes precedence (according to County staff). This subsection contains the buffering requirements of the Mixed-Use Overlay.

Buffering will be provided as follows:

- A. No buffer is required for property zoned or in use as commercial or multi-family residential.
- B. South side- No buffer is required for property zoned or in use as multi-family residential multi-family. An 8-foot high screen opaque fence will be placed along the southern portion of the property.
- C. East side- No buffer is required for property zoned industrial.
- D. West side – a five-foot buffer along the right-way with five trees will be provided. Existing vegetation and landscaping already exists that meets this requirement (please refer to the attached exhibits).

Required building perimeter planting will be used in lieu of buffers for the property on the west side, which is adjacent to the right-of-way. Perimeter planting will be added to the north side of the building.

An eight-foot opaque fence will be installed on the northern and southern portions of the property in accordance with LDC criteria side adjacent to the property used for multi-family residential. An eight-foot opaque fence will also be placed along the southern end of the property.

D. CONSISTENCY WITH GUIDING DOCUMENTS**1. Lee County Comprehensive Plan (Lee Plan)**

The property is designated as Central Urban on the Lee Plan Future Land Use Map. Goal 1 of the Lee Plan under the Future Land Use Map is found below:

GOAL 1: *To maintain and enforce a Future Land Use Map showing the distribution, location, and extent of future land use by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl. (Ord. 94-30).*

OBJECTIVE 1.1: FUTURE URBAN AND SUBURBAN AREAS

Designate areas with varying intensities on the Future Land Use Map that provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. (Ord. 17-13).

POLICY 1.1.3

The Central Urban future land use category can be best described as the “urban core” of the County. These areas are already heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public, and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 1.1, where appropriate. The standard density range is from eight dwelling units per acre to 10 dwelling units per acre, with a maximum total density of 15 dwelling units per acre. The maximum total density may be increased to 20 dwelling units per acre utilizing Greater Pine Island Transfer of Development Units. (Ord. 94-30, 02-02, 09-06, 16-07, 21-19).

Compliance - The proposed use is consistent with the future land use category goal, objective, and policy as it adds to the mix of uses that are deemed appropriate for the Central Urban Future Land Use category.

OBJECTIVE 2.1

Development Location: *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Ord. 94-30, 00-22).*

Compliance - The proposed use is to be developed as a Planned Development (PD) in order to provide sufficient criteria and standards assuring a compact development to mitigate impacts. The PD also allows for certainty, which creates an environment whereby adjacent and nearby property owners are aware of the potential uses.

OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS

Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order. (Ord. No. 17-13)

Compliance – The analysis does not indicate any negative impact upon environmental standards. All required standards will be met at the time a development order is issued. Water and sewer service is provided to meet the policies of the Lee Plan and the LDC. The project will be served by central water through Lee County Utilities and an existing septic sewer system, in proper working condition, consistent with Objectives 4.1 and 31.5.

POLICY 5.1.5

This policy is concerned with encroachment of uses that are potentially destructive to the character and integrity of the residential environment. You can see from the photographs and aeriels submitted with the original application the immediate area is made up of mixed uses, with many properties used for storage. The primary use of the subject site is an office with outdoor storage. The applicant intends to provide enhanced buffering to address negative impacts in a satisfactory manner. Inasmuch as this is a Planned Development, additional conditions can be imposed by the County Commission to minimize potential impacts.

POLICY 6.1.3

Commercial development requiring rezoning must be developed as Planned Development except if located within the Mixed Use Overlay. The Planned Development must be designed to arrange uses in an integrated and cohesive unit in order to: provide visual harmony and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access, and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and, provide necessary services and facilities where they are inadequate to serve the proposed use. (Ord. 94-30, 00-22, 21-09).

Compliance – The proposed development will avoid negative impacts by providing enhanced buffering and screening. The use will be condensed on a small piece of property and avoids negative impacts that could arise from additional strip commercial development.

POLICY 6.1.4

Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. (Ord. 94-30, 00-22).

Compliance – The office and storage uses proposed will be compatible with existing uses as the uses surrounding the property constitute a mix of residential and non-residential in varied zoning districts. This complements the Urban Central Future Land Use category goal.

POLICY 6.1.6

This policy contains language stating the land development regulations will require commercial development provide adequate and appropriate landscaping, open space, and buffering.

Compliance – Adequate buffering and landscaping will be provided to assure the development blends in with the character of the area. The appearance of the office building will be compatible as it was formerly a single-family residence.

POLICY 6.1.7

Prohibit commercial development from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

Compliance – The development will not open up the immediate area to development that would be premature or scattered since the area is heavily developed. Additionally, the conversion of the residential structure to an office represents a reuse that is compatible with the character of the surrounding area.

GOAL 31: PAGE PARK COMMUNITY PLAN

Revitalize the village-like residential neighborhood into a vibrant mixed use community, that captures the heritage of the Page Park Community Plan area by providing infrastructure, pedestrian and bicycle connections, and business opportunities together with consistency in signage, landscaping, and enhanced development standards, thereby promoting a mix of commercial and residential uses that will provide services to the local community and the driving public. (Ord. 09-08, 18-18).

OBJECTIVE 31.1

Enhance the existing physical appearance of Page Park while maintaining the historic character of the community. (Ord. No. 09-08, 18-18).

Compliance – **the proposed development will add features consistent to enhance the physical appearance of the site including buffering and screening. These additions represent significant improvements over those made by the previous owner.**

POLICY 31.1.1

Deviations from landscaping, buffering, signage or architectural requirements may not be granted unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34 (Ord. No. 09-08, 18-18).

Compliance – Landscaping and buffering requirements are being met through the PUD provisions and Mixed-Use Overlay sections of the LDC.

POLICY 31.5.1

Central sewer service is strongly recommended for future higher density and intensity developments proposed within the Page Park Community Plan area. Any new developments that meet the criteria outlined in Lee Plan Standard 4.1.2 are required to connect to a central sewer system. (Ord. No. 09-08, 18-18)

Compliance - the proposed development will not produce a higher intensity since it will not generate the level of commercial sewer usage outlined in Standard 4.1.2, which pertains to consumption of more than 5,000 gallons of sewage per day.

POLICY 31.2.1

New and stand-alone commercial activity and uses will be limited to Danley Drive and within commercial/mixed use areas shown on the Page Park Overlay (Map 1-C). Commercial uses will be permitted elsewhere within the community, but only as part of a mixed use development or as a mixed use building. This policy does not apply to existing commercial uses and property currently zoned for commercial uses. (Ord. 09-08, 18-18).

Compliance – The property is located within the Page Park Overlay commercial/mixed use section, which makes the proposal compatible with this policy as a new and stand-alone commercial development.

POLICY 125.1.3

The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems. (Ord. No. 00-22, 18-28)

Compliance- Stormwater run-off will be directed via sheet flow and closed conveyance to the proposed outfall structure, which will outfall into the existing off-site ditch. Discharge into Whiskey Creek shall be limited to 108 CSM for the 25-year, 3-day storm event in accordance with the Lee County Surface Water Management Plan. Onsite water quality for the system will be provided through a dry detention area. The outfall from this

system into Whiskey Creek will be regulated by a control structure. This control structure will provide water quality and attenuation.

E. CONSISTENCY WITH THE LEE COUNTY LAND DEVELOPMENT CODE (LDC)

1. Hearing Examiner

In accordance with **Section 34-145 (4) (a) (1)** of the LDC, the Hearing Examiner must make certain findings on rezone petitions prior to approval or recommending approval. The findings are as follows.

A. Rezoning. The Hearing Examiner must find the request:

1. Complies with the Lee Plan.

Response: See pages 2-4 of this narrative document for the explanation Lee Plan compliance.

2. Meets this Code and other applicable County regulations or qualifies for deviations.

Response: The single-family residence was consistent with the County's land development regulations in effect at the time of approval of construction. The proposed rezoning and use meet the applicable County regulations as detailed in the submitted Schedule of Uses and Property Development Regulations. Deviations for relief are being requested as noted in the submitted Schedule of Deviations and Justifications and on the Master Concept Plan.

3. Is compatible with existing and planned uses in the surrounding area.

Response: The former residence has been upgraded to serve as a business office. Surrounding uses include commercial, multi-family residential, industrial, and an educational facility (High School). The rezoning request of the subject site does not alter the character of the property, which assures that it remains compatible with neighboring properties.

4. Will provide access sufficient to support the proposed development intensity.

Response: The subject property has a points of ingress and egress off 4th St. The existing access points will remain for employees and customers to enter and exit the office.

5. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval.

Response: This rezoning action does not result in any additional operational impacts to transportation facilities. The amount of trips to and from the site will be de minimus.

6. Will not adversely affect environmentally critical or sensitive areas and natural resources.

Response: The subject site was previously developed. This proposed rezoning action does not result in impacts to environmentally critical or sensitive areas or natural resources.

7. Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

Response: Urban services are available to the property and are already provided to the development. The site is served by Lee County Utilities for water. A septic tank provides sanitary sewer service. The proposed water usage for the septic system is <200gpd. The standards contained in Lee Plan 4.1.1 and 4.1.2 will not be exceeded.

B. Planned Development Rezoning. The Hearing Examiner must also find:

1. The proposed use or mix of uses is appropriate at the proposed location.

The proposed rezoning is consistent with LDC Section 34-145 (d) (4) a.2, which is required for all planned developments. The principal use of the site will be an administrative office with outdoor storage of equipment. Some equipment will remain uncovered, while some will be enclosed.

2. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

All proposed conditions of the request are intended to protect the public interest. Safeguards to the public interest are also provided through the conformance of the Master Concept Plan, with use and development standards of the LDC, with deviations granted as warranted for unique conditions with the intent to protect the health, safety, and welfare of the community.

3. If the application includes deviations pursuant to Section 34-373(a) (9), that each requested deviation:

- i. **Enhances the achievement of the objectives of the planned development; and**
- ii. **Preserves and promotes the general intent of this Code to protect the public health, safety, and welfare.**

The Justification of Deviations submitted with this application demonstrates that the requested deviations enhance the achievement the planned development objectives and preserve and promote the general intent of the code to protect public health, safety, and welfare

C. Mixed Use Overlay

The proposed project is subject to Section 10-425- Open Space and Landscape Requirements in the Mixed Use Overlay. Specifically, buffers must be five-feet along rights-of-way planted with five trees per 100 linear feet. The required building perimeter planting may be used in lieu of a buffer if adjacent to the right-of-way. A 10-foot wide buffer with Type B plantings is required along property lines which abut single-family residences. There are no single-family residences on any side of the project site. Buffers are not required along property lines unless specified in the Mixed Use Overlay section of the LDC. We were informed by staff in their comment letter Section 10- 425 (f) the Mixed Use Overlay takes precedence. The buffering standards in this section become the setbacks.

D. Other applicable sections of the LDC

1. Section 33-1203 – Community Review

An informational meeting was conducted on June 3, 2024 at Kimmie's Recovery Zone located at 570 Center Rd. in the Page Park Community. An advertisement was placed in the News-Press prior to the meeting in compliance with LDC Section 33-1203 (b). Additionally, signs were posted at Kimmie's Recovery Zone as well as the location of the property under review. There were no participants at the meeting. At the time of submitting this application, the applicant is unaware as to any public comment.

~~Section 34-1352 – Setbacks~~

Setbacks are included in several sections of the LDC. ~~A recap of the applicable sections of the LDC and our proposal is found below.~~

~~A. General~~

- ~~• Street — 50 feet~~
- ~~• Side yard — 40 feet~~
- ~~• Rear yard — 40 feet~~

~~B. Page Park~~

- ~~• Side yard 0/15 feet minimum; N/A maximum~~
- ~~• Side 15 feet minimum; 0 feet maximum~~
- ~~• Rear 15 feet~~

~~C. A. Planned Developments~~

- ~~• Minimum setback – 15-feet for Commercial Planned Developments~~

~~We request a deviation from the side 15 foot setback to a setback of five feet on the south side and a two foot setback on the north side. The equipment and containers will be located behind a buffer screen and fencing on all three sides: north, east, and south. Buffering will be adequate to provide sufficient screening to the adjacent properties. Additionally, a six foot opaque fence or wall will be constructed with a swing gate on the east side (rear of the property).~~

~~Section 34-935(b)(1)(b) requires a minimum setback of 15 feet for commercial uses in a Planned Development. Please refer to the Property Development Regulations table for our proposed standards.~~

~~2. 3. Section 34-1352 (e) – Visual screening~~

~~Screening will be provided by enhanced buffering and a wall. The buffering parameters are shown on the Master Concept Plan (MCP).~~

~~4. 5. Section 33-1250 – Page Park, Division 2, Subdivision 1~~

~~Requirements are found below. The property development standards table will provide a recap of the proposed dimensions for each standard.~~

- ~~• Lot area none specified~~
- ~~• Lot width none specified~~
- ~~• Height 3 stories/40 feet~~
- ~~• Setbacks follow Section 34-2191~~
- ~~• Front minimum 0; maximum 25 feet~~
- ~~• Side minimum 15 feet; maximum none~~
- ~~• Side yard minimum 0/15 feet; maximum N/A~~
- ~~• Rear 15 feet~~
- ~~• Waterbody 25 feet~~
- ~~• Maximum ROW 25 feet~~

~~3. 5. Section 33-1255 – Parking~~

~~Parking will be located adjacent to the building and in the back of the building.~~

4. ~~6.~~ Section 33-1257 (b) – Transit Facilitation

The project site is adjacent to a public road and contains a sidewalk in the event a bus bench or stop is placed by the Transit Authority in front of the project site or nearby. If placed nearby, visitors can walk or bicycle to the site.

5. ~~7.~~ Section 33-1259 (a) - Public Open Space

A minimum of 10 percent public open space is required. We have provided at least 10 percent of open space. We request a deviation from the requirement for the open space to be *public* since an allowance of public space would not be practical nor safe in this area. Equipment and machinery will be placed on the property and is not advisable to allow public interaction.

6. ~~8.~~ Section 33-1310, Tables 1 and 2 – Buffers

~~The proposed use is Commercial and the requirement for buffering adjacent to single family and industrial uses is a type B buffer and no buffer is required for adjacency to multi-family residential. A type B buffer will be provided with fencing on all sides to ensure compatibility and screening from adjacent property uses. We are requesting a deviation from the 10-foot minimum buffer width requirement to five feet.~~

7. ~~9.~~ Section 10-416 (b) – Landscaping

Perimeter plantings must be equal to 10 percent of the proposed building gross ground level floor area, on three sides. Emphasis is placed on sides that that most visible from the public. A minimum width of 5-feet is required.

The plantings will be placed around the equipment storage area and will exceed 10 percent of the floor area of the building (81 feet).

8. ~~10.~~ Section 34-2020 (b) – Parking – General

One parking space per 300 square feet of total floor area must be provided. This would equal 3.38 spaces. The Mixed Use Overlay (LDC section 10-425) allows for a 0.50 reduction, which equates to 2.88 spaces. Three spaces and a handicap space will be provided. The final design of the parking spaces, i.e. angles, will be determined at the development order stage.

9. ~~11.~~ Section 34-1007 LCPA Airport Obstruction Notification Zone

Our reading of Map 8 in Appendix C of Ordinance 19-03 yields the property is located in the 25' to 50' Above Mean Sea Level (AMSL) category. However, the building on site is not greater than 25 feet in height. If notification is required prior to approval of a development order, it will be done by the applicant.

DEVIATION REQUESTS AND JUSTIFICATION

The requested deviations are marked on the Master Concept Plan.

1. **Public Open Space** [Section 1259 (a)]

Request: ~~Open space will be provided in accordance with LDC criteria. The request is from LDC Section 33-1259, which requires a development parcel or site, regardless for parcel size, contain a minimum of 10 percent public open space, to allow open space in accordance with LDC Section 10-25 (a). The request is a deviation from the requirement for open space to be made available to the public to general open space.~~ Given the size of the parcel and that equipment will be stored on the property, there is no practical way to secure open space available to the public. This could present hazards to the general public, which should be avoided.

2. **Setbacks** [Section 34-1352 and 34-935 (b) (1) (b)]

Request: ~~Setback deviations are requested as follows:~~

- ~~From 15 feet from the south property line to two feet from the buffer;~~
- ~~From 15 feet for equipment and other structures, e.g., enclosed storage, to 10 feet on the east end (rear of the property). The buffer area is proposed to be the setback and equipment storage would be allowed up to the buffer; and~~
- ~~From 15 feet from the north property for equipment and other structures to two feet from the buffer area.~~

~~The justification is to maximize the use of the property while providing adequate screening from neighboring uses.~~

3. **Buffers** [Section 1310, Table 2]

Request: ~~A deviation from the minimum 10 foot width requirement to a minimum width of five feet on the north and south sides of the property. This should provide adequate screening as fencing will also be incorporated into the final site design.~~

2. Connection Separation – [Section 10-285]

Request ~~from~~ the required connection separation of 60-feet **to allow** a separation of 38-feet between entrance points.

The justification is to separate the drive aisle used to access the parking spaces and existing driveway that was constructed for the former single-family home.

SCHEDULE OF PERMITTED USES

1. Accessory uses and structures in accordance with LDC criteria
2. Administrative offices
3. Water retention
4. Fences, walls
5. Parking area(s) for customers and employees
6. Signs, in accordance with LDC criteria
7. Storage, open. Equipment to include, but not limited to, concrete pumps, skid steers, tractors, and mini-excavators.
8. ~~Storage, enclosed.~~ Contractors and Builders Group II
9. Temporary uses

PROPERTY DEVELOPMENT REGULATIONS

The regulations table below is based on existing conditions and proposed property dimensions for the primary and ancillary uses.

	Office Building	Other Permitted Uses & Structures
Minimum Lot Area and Dimensions		
Lot Area (square feet)	0.5 acres	N/A
Width (feet)	N/A	N/A
Depth (feet)	N/A	N/A
Minimum Setbacks		
Street (feet)	20	20
Side (feet)	10 <u>20</u>	N/A <u>20</u>
Rear (feet)	20	N/A <u>20</u>
Building Separation (feet)	Determined by Building and/or Fire Code	Determined by Building and/or Fire Code
Perimeter (feet)	Refer to Rear Yard	

Subject 01-85624 MEDENWALD INC
From Customer Service
<customerservice@swwsfl.com>
To: MINCMASONRY@YAHOO.COM
<mincmasonry@yahoo.com>

Date Today at 10:48

Good morning, Chase,

Per operations we are authorize to service your
Dumpster at 94 4th St, Fort Myers, FL 33907 wherever
located from behind the gate of the property.

Kind Regards,

Kitty Pacheco

Customer Service Representative

T: 239-939-5050

E: customerservice@swwsfl.com

www.southwestwaste.com



12550 Professional Park Dr, Suite 11, Fort Myers, FL 33913

From: [Vincent Cautero](#)
To: [Kelly Liscum](#)
Subject: FW: DCI2024-00024 94 4th St. Minc Masonry/MEDENWALD
Date: Wednesday, January 8, 2025 9:21:33 AM
Attachments: [Votaw Site Plan.pdf](#)
[image002.png](#)
[image003.png](#)

This thread will be submitted with the package. Thanks.

Vince Cautero, AICP
Vice President of Planning
Barraco and Associates, Inc.
Civil Engineers ~ Land Surveyors ~ Planners
2271 McGregor Boulevard
Fort Myers, FL 33901
Phone: (239) 461-3170
Cell: (239) 825-0553
Fax: (239) 461-3169
vincec@barraco.net



From: Juhl, William <WJuhl@leegov.com>
Sent: Friday, December 6, 2024 8:29 AM
To: Vincent Cautero <vincec@barraco.net>
Cc: Kelly Liscum <kellyl@barraco.net>; Megan Strayhorn <megan@StrayhornLaw.com>; Hinman, Jason <JHinman@leegov.com>
Subject: RE: DCI2024-00024 94 4th St. Minc Masonry/MEDENWALD

Vince,

The location of the fence is approved however it may be subject to removal by Lee County if the hydraulic flow of the canal is impacted.

Bill Juhl

Project Manager
Lee County Dept of Transportation
Operations Division
5560 Zip Drive, Fort Myers, FL 33905
Tel (239) 533-9415

From: Juhl, William
Sent: Thursday, December 5, 2024 3:37 PM
To: Vincent Cautero <vincec@barraco.net>
Cc: Kelly Liscum <kellyl@barraco.net>; Megan Strayhorn <megan@StrayhornLaw.com>; Hinman,

Jason (JHinman@leegov.com) <JHinman@leegov.com>

Subject: RE: DCI2024-00024 94 4th St. Minc Masonry/MEDENWALD

Vince,

I should have an answer regarding this from the Canal Maintenance Department tomorrow.

Bill Juhl

Project Manager
Lee County Dept of Transportation
Operations Division
5560 Zip Drive, Fort Myers, FL 33905
Tel (239) 533-9415

From: Vincent Cautero <vincec@barraco.net>

Sent: Thursday, December 5, 2024 7:44 AM

To: Juhl, William <WJuhl@leegov.com>

Cc: Kelly Liscum <kellyl@barraco.net>; Megan Strayhorn <megan@StrayhornLaw.com>

Subject: DCI2024-00024 94 4th St. Minc Masonry/MEDENWALD

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good morning Mr. Juhl,

Our firm represents Minc Masonry/MEDENWALD in seeking a zoning change for their property on 4th St. in the Page Park Community. Our client, Chase Votaw, informed me he had conversations with you regarding a fence his company intends to locate towards the eastern end the property, which would encroach into the Iona DD ROW Canal L-9. He informed me that there wouldn't be an objection raised by Lee DOT since the fence is proposed on the western edge of the ROW.

Would it be possible for you to confirm this in writing so I can use it as part of our justification for the concept plan? Your assistance is greatly appreciated.

Vince Cautero, AICP
Vice President of Planning
Barraco and Associates, Inc.
Civil Engineers ~ Land Surveyors ~ Planners
2271 McGregor Boulevard
Fort Myers, FL 33901
Phone: (239) 461-3170
Cell: (239) 825-0553
Fax: (239) 461-3169
vincec@barraco.net



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MEDENWALD /
MINC
MASONRY, INC.

PROJECT DESCRIPTION

94 4TH
STREET

PART OF SECTION 12,
TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

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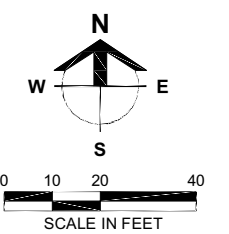
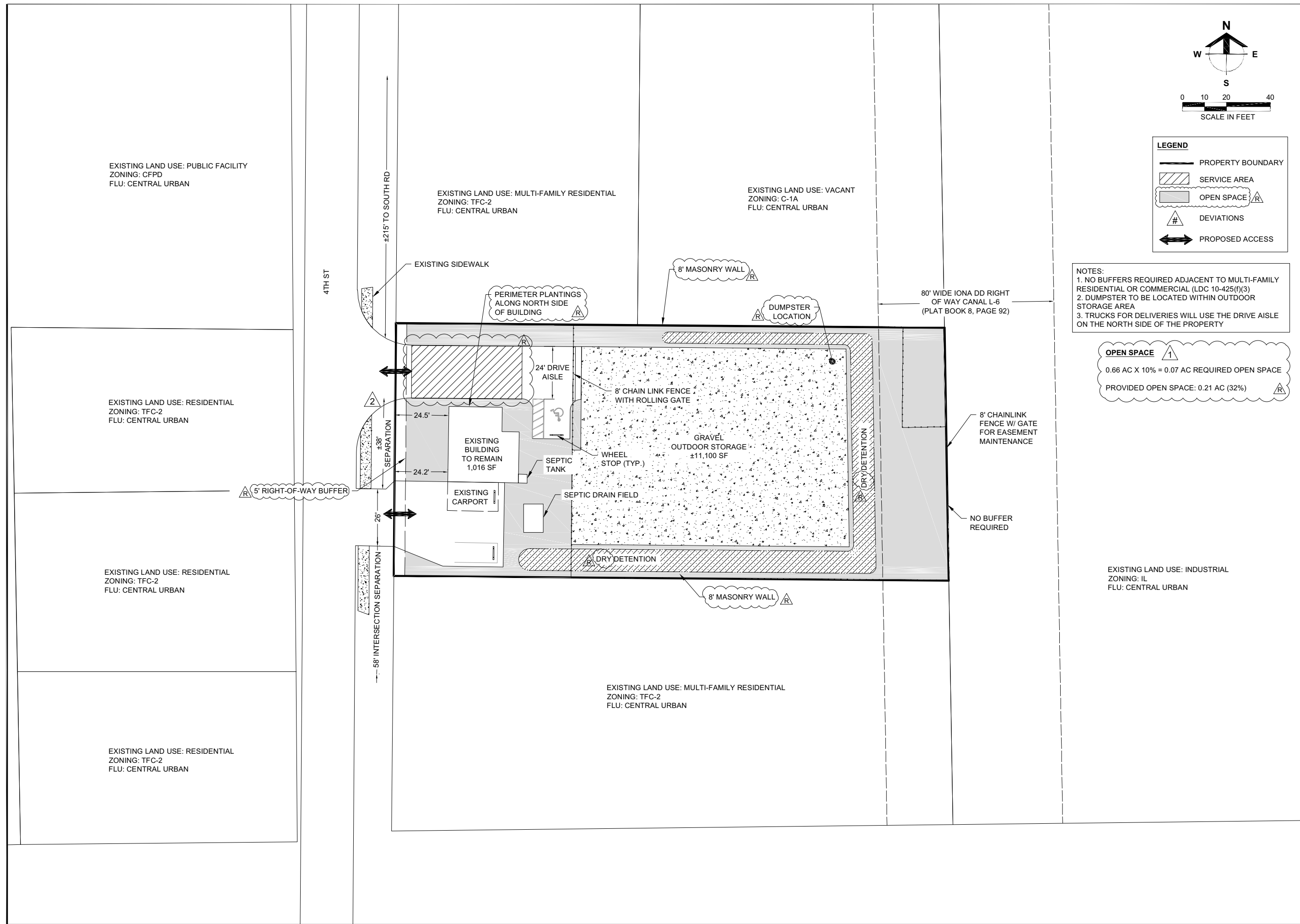
FILE NAME	24242202.DWG
LOCATION	J:\242422\DWG\ZONING\
PLOT DATE	TUE, 10-1-2024 - 4:19 PM
PLOT BY	ALYSSA FONTAINE
CROSS REFERENCED DRAWINGS	
BASEPLAN	24242200.DWG

[illegible]

PLAN STATUS

MASTER
CONCEPT
PLAN

PROJECT / FILE NO.	SHEET NUMBER
24242	



LEGEND	
	PROPERTY BOUNDARY
	SERVICE AREA
	OPEN SPACE
	DEVIATIONS
	PROPOSED ACCESS

NOTES:
1. NO BUFFERS REQUIRED ADJACENT TO MULTI-FAMILY RESIDENTIAL OR COMMERCIAL (LDC 10-425(f)(3))
2. DUMPSTER TO BE LOCATED WITHIN OUTDOOR STORAGE AREA
3. TRUCKS FOR DELIVERIES WILL USE THE DRIVE AISLE ON THE NORTH SIDE OF THE PROPERTY

OPEN SPACE 1
0.66 AC X 10% = 0.07 AC REQUIRED OPEN SPACE
PROVIDED OPEN SPACE: 0.21 AC (32%)

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POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FORT MYERS | PANAMA CITY BEACH
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

**MEDENWALD /
MINC
MASONRY, INC.**

PROJECT DESCRIPTION

**94 4TH
STREET**

PART OF SECTION 12,
TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

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FILE NAME	24242202-OPT2.DWG
LOCATION	J:\24242\DWG\ZONING\
PLOT DATE	FRI. 1-10-2025 - 5:26 PM
PLOT BY	ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

BASEPLAN = 24242200-OPT2.DWG

PLAN REVISIONS

12-17-24	INSUFFICIENCY COMMENTS	

PLAN STATUS

**MASTER
CONCEPT
PLAN**

PROJECT / FILE NO.	SHEET NUMBER
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SCALE IN FEET

PROJECT DESCRIPTION

94 4TH STREET

PART OF SECTION 12,
TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
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SITE LAYOUT AND LAND USE
INTENSITIES OR DENSITIES MAY
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FILE NAME: 24242X00-OPT2_DRIVE OPT B.DWG

LOCATION: J:\24242\DWG\PRELIM

PLOT DATE: TUE. 1-7-2025 - 9:28 AM

PLOT BY: ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

BASEPLAN = 24242200-OPT2_DRIVE OPT A.DWG

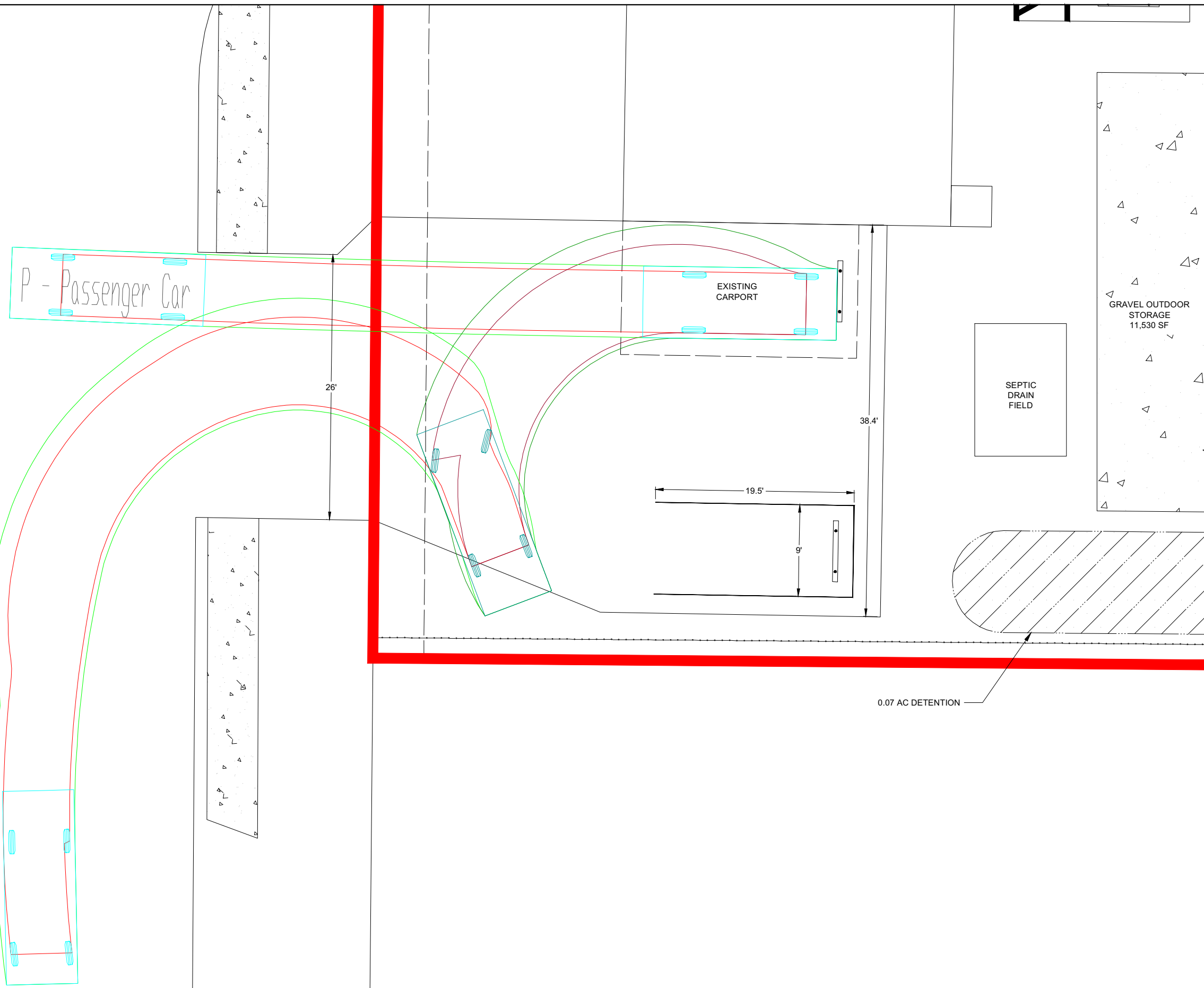
PLAN REVISIONS

PLAN STATUS

**PRELIMINARY
SITE PLAN
DRIVEWAY OPTION 3**

PROJECT / FILE NO.
24242

SHEET NUMBER
1



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PROJECT DESCRIPTION

94 4TH STREET

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LOCATION: J:\24242\DWG\PRELIM
PLOT DATE: TUE. 1-7-2025 - 9:28 AM
PLOT BY: ALYSSA FONTAINE

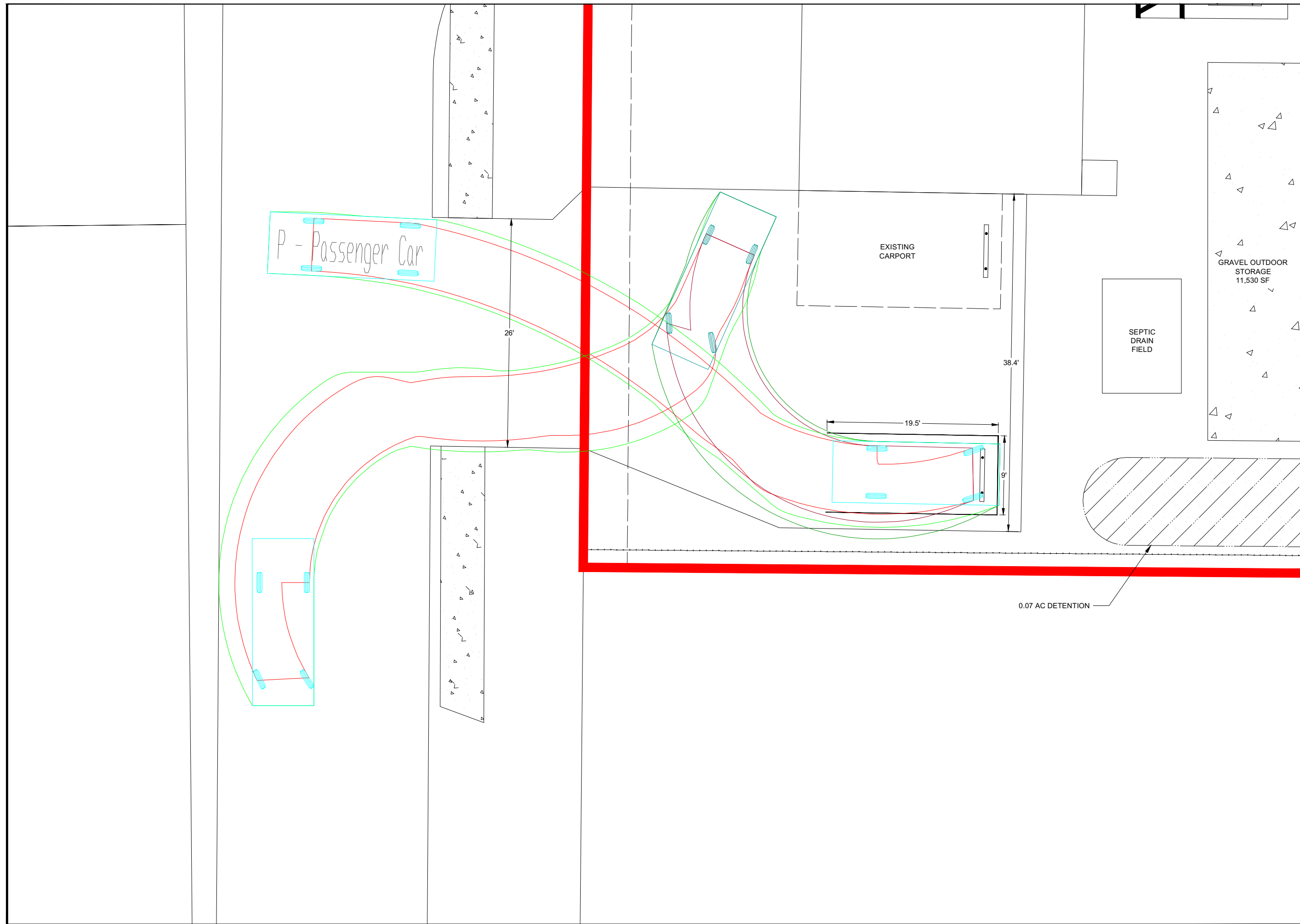
CROSS REFERENCED DRAWINGS
BASEPLAN = 24242200-OPT2_DRIVE OPT A.DWG

PLAN REVISIONS

PLAN STATUS

**PRELIMINARY
SITE PLAN
DRIVEWAY OPTION 3**

PROJECT / FILE NO. **24242** SHEET NUMBER **2**



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SCALE IN FEET

PROJECT DESCRIPTION

94 4TH STREET

PART OF SECTION 12,
TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

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FILE NAME: 24242X00-OPT2_DRIVE OPT B.DWG

LOCATION: J:\24242\DWG\PRELIM

PLOT DATE: TUE. 1-7-2025 - 9:28 AM

PLOT BY: ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

BASEPLAN = 24242200-OPT2_DRIVE OPT A.DWG

PLAN REVISIONS

PLAN STATUS

**PRELIMINARY
SITE PLAN
DRIVEWAY OPTION 3**

PROJECT / FILE NO. **24242**

SHEET NUMBER **3**

