

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

TO: Donna Marie Collins
Hearing Examiner

DATE: January 28, 2025

FROM: MarySue Groth
Senior Planner

RE: **Staff 48-Hour Letter**
DCI2024-00019 – 2265 Laurel Lane

SUMMARY:

The above-referenced case is scheduled to be heard by the Hearing Examiner on Thursday, January 30, 2025.

The original staff report recommended approval of the request and found that it complies with the decision-making criteria for amendments to a planned development found in the Lee County Land Development Code Section 34-145.

The attached revised Master Concept Plan and Schedule of Deviations have been provided by the applicant to reflect the corrected number of deviations in the request after two deviations were withdrawn during the review process. The staff recommendation remains unchanged by the modification to the Master Concept Plan and Deviations.

Please contact me if you have any questions or concerns.

Respectfully Submitted,

MarySue Groth

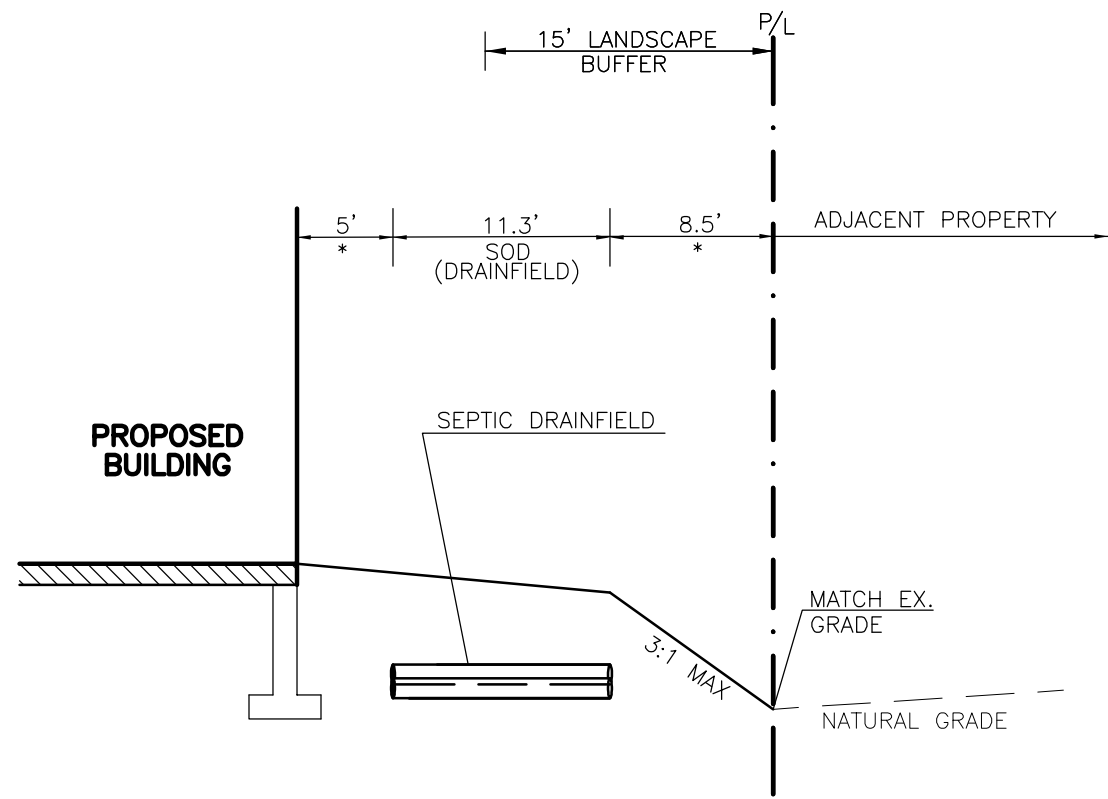
MarySue Groth
Senior Planner, Zoning Section

Attachments

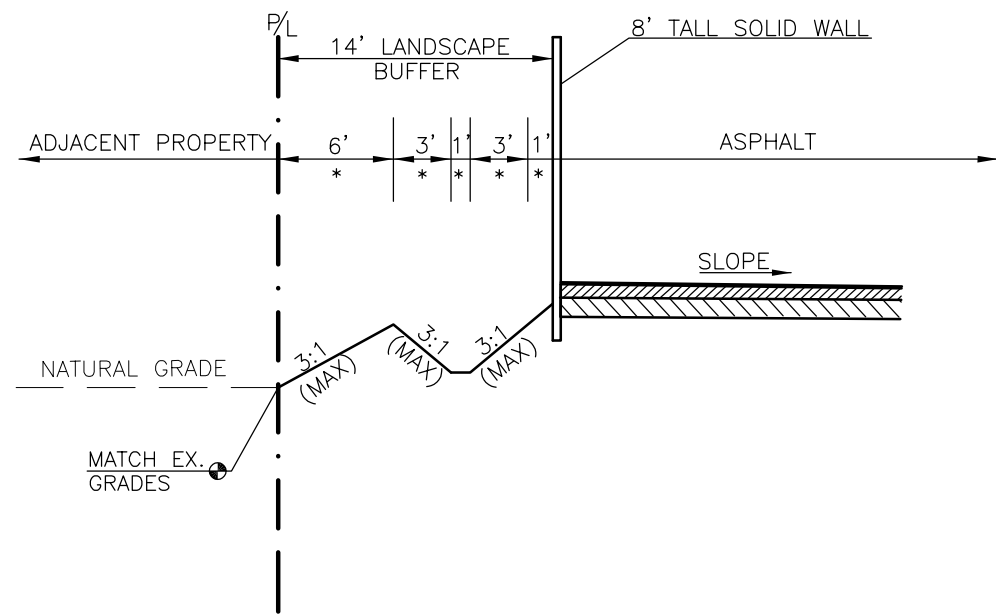
Revised Master Concept Plan dated June 2024
Revised Schedule of Deviations

STREET ADDRESS
2265 LAUREL LANE
NORTH FORT MYERS, FLORIDA 33917

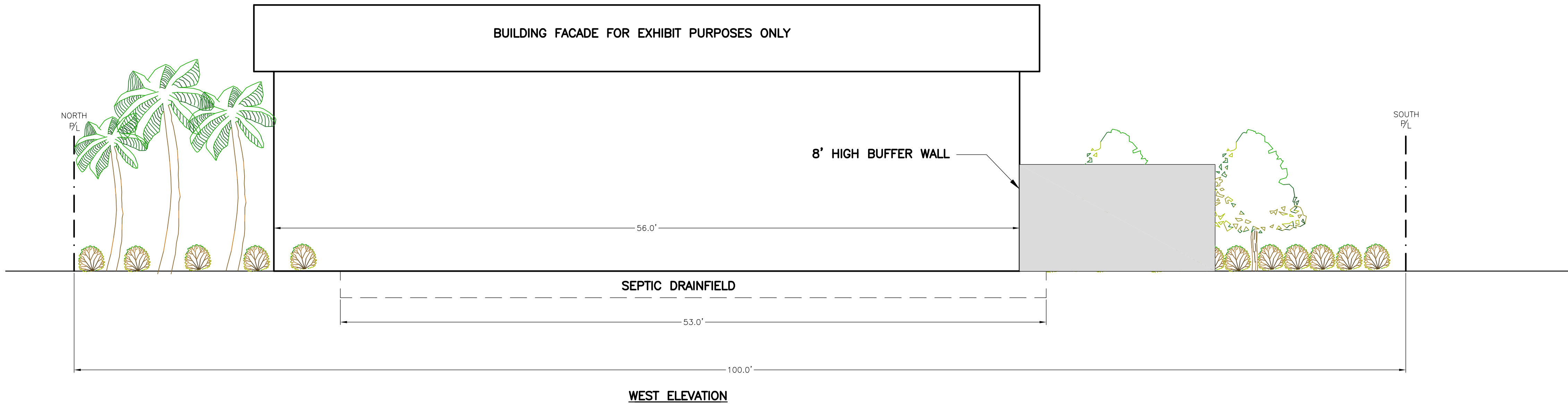
STRAP NUMBER
25-43-24-03-00068.001C



* = SOD OR LANDSCAPE MATERIAL
CROSS-SECTION A-A
N.T.S.



* = SOD OR LANDSCAPE MATERIAL
CROSS-SECTION B-B
N.T.S.



WEST ELEVATION

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE, AND DATE.

SHEET #
2 of 2

SCALE: AS NOTED

DATE: 04/2024

DESIGNED BY: VM

DRAWN BY: VM

CHECKED BY: TDM

APPROVED BY: TDM

REVISIONS

1 REVISED PER LEE COUNTY COMMENTS

2 REVISED PER LCCOT COMMENTS

3 REVISED PER LEE COUNTY COMMENTS

2265 LAUREL LANE

MASTER CONCEPT PLAN

Civil Engineering and Planning

1520 Royal Palm Square
Boulevard, Suite 100
Phone: (239) 433-4231
Fax: (239) 433-9632
Cert. of Authorization # 29086

Dean Martin, P.E.
Florida #52022

DATE:

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

DRAWING NAME: 2265 Laurel Lane

DRAWING NUMBER: TDM SH



1520 Royal Palm Square Blvd, Suite 100
Fort Myers, FL 33919
Phone: 239-433-4231
www.tdmcivilengineering.com
Certificate of Authorization # 29086

**Laurel Lane CPD
Schedule of Deviations
Renumbered for HEX 1-28-2025**

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.

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

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:

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 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.