



Lee County
Southwest Florida

Board of County Commissioners

Writer's Direct Dial # (239) 533-8542

Kevin Ruane
District One

January 31, 2025

Cecil L. Pendergrass
District Two

David Mulicka
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

Patrick Murray
111 North Magnolia Avenue Suite 1350
Orlando, FL 32801

RE: Request for a Special Exception
Case No. SEZ2025-00001

Dear Mr. Murray:

The Zoning Section has reviewed the information provided for the above-referenced application. The Lee County Land Development Code (LDC) requires additional information for the application to be sufficient.

Please respond to the sufficiency review comments contained herein within thirty (30) calendar days of the date of this letter. A public hearing date will not be scheduled until a complete application is submitted. This application may be considered withdrawn if no response is received within this timeframe.

Please feel free to contact me at KMuhammad@leegov.com or (239) 533-8542 if you have any questions.

Sincerely,
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section
Electronically signed on 1/31/2025 by
Khalil Muhammad, Planner (Zoning)
Lee County Department of Community Development
Khalil Muhammad
Planner
KAM

1. Zoning Review

A. Missing Application Documents LDC Section 34-202(b)(5)d.2 requires the following information for Special Exception for on premises consumption of alcoholic beverages. The type of license requested, a floor plan showing the proposed indoor and outdoor service areas, and if in conjunction with a restaurant, a copy of the menu must be provided. Please provide this information.

B. Narrative Revision

- Section V (Design Standards) needs to be revised to demonstrate compliance with the required amount of parking according to Table 34-2020(b) (Required Parking Spaces for Non-Residential Uses). Staff will apply the parking requirements for "Meeting halls, clubs (fraternal and membership) and other places for group assembly not otherwise listed". The special exception must be revised to depict the parking spaces on the site plan.
- Please specify how much of the floor area within the 5,800 sq. ft. and 5,000 sq. ft. buildings is going to be dedicated for event use. The parking calculation included in the Narrative will need to be revised as noted above as the use is not classified as Outdoor Recreation and will be classified as a Meeting Hall (requiring 1 parking space per every 100sq. ft. of area).
- "NATURAL RESOURCES" Policy 61.3.3: is misquoted should read "Policy 61.1.3."
- Please provide the Agricultural Exemption for the property from the Lee County Property Appraiser.
- Please elaborate on the plan to ensure that the COP activities will not be injurious to the surrounding neighborhood, specifically the vehicular movement along Hendry Creek Drive. Please clarify if there will be any mode of security provided like entrance and exit gates to reduce the potential of any negative impact upon property owners across Hendry Creek Drive in accordance with LDC Section 34-145(c)(2).

2. Environmental

A. The times proposed for the use on the narrative are from the middle of the night through till the evening in the next day (Monday through Saturday

12am to 10pm). Is this an accurate time schedule of the proposed use?
Lee County Ordinance 79-01 specifies the following:

- "All places or establishments within the unincorporated area of the County and lawfully licensed by the State Division of Alcoholic Beverages and Tobacco, may sell, serve or consume, or permit to be sold, served or consumed, any type of alcoholic beverage of any kind whatsoever for consumption both on or off the premises only during the hours of 7:00 a.m. and 2:00 a.m. of the following morning every day of the week, including Sundays."
- B. Policy 5.1.5 has not been adequately addressed. Pursuant to LDC Section 34-1261, the burden of proof that the grant of the special exception will not have an adverse effect on surrounding properties lies with the applicant. Currently no buffers are shown to demonstrate the proposed use will be compatible with the surrounding existing single family residential housing.
- C. The proposed use is commercial and requires buffering pursuant to LDC Section 10-416(d) in order to demonstrate compatibility. Revise the site plan to provide the Type-C or Type-F buffer required between commercial and residential uses.

3. Natural Resources

- A. Please address how the project will comply with LDC Section 10-328 regarding drainage and access easement.

4. Legal Review

- A. Sec. 34-202(a). Submittal requirements for applications requiring public hearing.
 - 1. Please provide a boundary survey of the subject property in accordance with the requirements of Lee County LDC §34-202(a)(6).
 - The survey must be based upon the title certification submitted and certified to the present owner as reflected in the title documentation submitted. The boundary survey must identify and depict all easements affecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. The survey must be tied to the State plane coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates,

one coordinate being the point of beginning (POB) and the other an opposing corner.

- The boundary survey does not identify/depict the easement listed as #7 on the title (OR Book 1926, Page 426).
 - The boundary survey does certify to the present owner but does not sufficiently reference the exact title certification submitted (i.e. date, file number, issuing title company).
2. The legal description and sketch on the boundary survey do not match the separate legal description and sketch submitted to satisfy LDC Section 34-202(a)(5). The written legal description on the separate legal description and sketch must be and is not shown on the boundary survey; this description and the description on the title certification must be shown on the boundary survey. The directional bearings and distances between the POC and POB must and do not match, even if the POB is the same location on each.
 3. Labels for the state plane coordinates at the POB and an opposing corner are missing and must be included.