

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

REZONING: DCI2024-00019

Regarding: LAUREL LANE CPD

Location: 2265 Laurel Lane
North Fort Myers Planning Community
(District)

Hearing Date: January 30, 2025
Record Closed: January 31, 2025

I. **Request**

Amend an approved Commercial Planned Development (CPD) to allow construction of a 2,000 square foot food store/market and small restaurant limited to carry out service.

Property legal description is set forth in Exhibit A.

II. **Hearing Examiner Decision**

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. **Discussion**

The Hearing Examiner has final decision making authority on applications to amend approved planned developments that do not affect maximum intensity permitted in the prior approvals.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to amend an approved CPD in the North Fort Myers Planning Community. Staff recommended approval with conditions.

In preparing a decision, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to facts adduced at hearing. The record must contain substantial competent evidence to support the recommendation.

Discussion supporting approval with conditions follows below.

¹ LDC §34-145(d)(1) e.

Request

The request amends an approved CPD to allow construction of a 2,000 square foot food store/market and small restaurant limited to carry out service. The parcel is 14,500 square feet in area and located at 2265 Laurel Lane Suncoast Estates North Fort Myers.

Applicant seeks four deviations from the LDC.

Building height will be limited to 30 feet.

The Master Concept Plan (MCP) depicts a one story building and parking area with single driveway access to Hart Road.

History

The property lies within a platted subdivision known as Suncoast Estates in North Fort Myers. The Board approved special permit zoning for a Trailer Subdivision in 1962.²

The Board approved the existing CPD in 1990 authorizing development of a lawn mower and small engine repair facility with 7 deviations.³ The building was limited to 2,200 square feet in area, and a height of 35 feet.

The site is vacant and cleared of most vegetation. The subject application seeks to amend prior CPD approvals to accommodate a food store and restaurant limited to carry out service.

Lee Plan

Planned developments must be consistent with the Lee Plan.⁴

The property is zoned CPD and designated Suburban by the Lee Plan.⁵ Lands designated Suburban consist primarily of residential land uses on the fringe intensely developed areas.⁶ The Lee Plan highlights the importance of protecting existing residential neighborhoods in the Suburban category.⁷ Maximum building height in the Suburban future land use category is 45 feet but may be as high as 75 feet if additional height is necessary to preserve natural or scenic resources.⁸ Applicant seeks a maximum building height of only 30 feet.

² Resolution Z-62-039 approved December 5, 1962.

³ Resolution Z-89-091, and 091A approved October 22, 1990, and December 10, 1990 (to correct an error in the legal description).

⁴ LDC §34-411(a).

⁵ Lee Plan Future Land Use Map 1-A.

⁶ Lee Plan Policy 1.1.5.

⁷ *Id.*

⁸ LDC §34-2175.

The property lies within the North Fort Myers Opportunity Zone.⁹ The Economic Element of the Lee Plan encourages expansion of the County's economic base.¹⁰ Commercial uses expand employment opportunities contributing to a positive business climate.¹¹

Development in North Fort Myers is subject to a Community Plan.¹² The Community Plan prioritizes improving economic vitality, revitalizing older neighborhoods and commercial corridors, and protecting community character and natural resources.¹³

The property lies at the intersection of Laurel Lane and Hart Road in Suncoast Estates.¹⁴ Laurel Lane serves as a commercial node hosting a number of small businesses.¹⁵ The site is one of only a few vacant tracts on Laurel Lane. The proposed food market promotes compact development patterns and will provide needed services to the community.¹⁶

Compatibility

Compatibility between land uses exists when land uses exist in proximity, and no one use unduly negatively impacts another use. Planned development zoning is useful when integrating new development with surrounding land uses.¹⁷ The planned development zoning district allows flexibility in site design to address potential incompatibilities with neighboring development.

The Board found commercial uses consistent with the Lee Plan on Laurel Lane in the past.¹⁸ The Laurel Lane road corridor features convenience stores, restaurants, food markets, contractors, and a car repair business.¹⁹

The Lee Plan encourages compact and contiguous development patterns in areas with services and infrastructure.²⁰ The plan of development consists of a

⁹ Testimony of Veronica Martin. The County Department of Economic Development identifies Opportunity Zones to spur economic development. New business investments in Opportunity Zones may be eligible for preferential tax treatment.

¹⁰ Lee Plan Goal 158, Objective 158.2.

¹¹ Lee Plan Goals 30, 158, Objective 158.3.

¹² Lee Plan Goal 30 adopted by Lee County Ordinance No. 09-11 on February 25, 2009. Community specific LDC regulations adopted by Lee County Ordinance No. 12-01 on January 10, 2012.

¹³ See Lee Plan Goal 30.

¹⁴ Both streets are County maintained collector roadways. Lee County Administrative Code 11-1 (Functional Classification of Roadways).

¹⁵ Existing commercial enterprises include food, fuel, car repair and contracting businesses.

¹⁶ Lee Plan Policies 1.1.5, 6.1.7

¹⁷ LDC §34-612(2).

¹⁸ Staff Report Attachment E: Resolutions Z-62-039, Z-89-091, 091A and Zoning Map of surrounding area.

¹⁹ Lee Plan Objectives 2.1, 2.2, Policy 2.1.2.

²⁰ Lee Plan Objectives 2.1, 2.2, Policies 1.1.5, 2.2.1, 2.2.2, 6.1.1, 6.1.4.

commercial business similar in scale to those approved on Laurel Lane.²¹ The project constitutes infill development and as designed, is consistent with existing development.²²

The site plan includes landscape buffers and a continuous visual screen along the south and west property lines to ensure compatibility with surrounding residential land uses.²³

The North Fort Myers Community Plan imposes heightened setbacks and landscape requirements when commercial land uses abut existing large lot residential subdivisions.²⁴ These requirements led to deviation requests seeking relief from setbacks and buffer width requirements. The MCP protects nearby residential land uses with an eight foot high fence/wall and buffers along property boundaries.²⁵ These features adequately address potential incompatibilities with surrounding development.²⁶

LDC

Development must comply with the LDC or seek deviations. A “deviation” is a departure from a land development regulation.²⁷ Applicants must demonstrate deviations enhance the planned development and will not cause a detriment to the public.²⁸

The request seeks four deviations. One deviation seeks relief from connection separation standards on collector roadways to authorize the driveway onto Hart Road. Two deviations seek relief from North Fort Myers Community Plan development standards. These deviations pertain to setbacks from large lot residential development.²⁹ The final deviation seeks relief from right of way easement set setback standards on Laurel Lane.

While Applicant seeks relief from setbacks/buffer widths, conditions of approval require compliance with buffer composition requirements.³⁰ Mobile homes abutting the site will overlook 14-15 feet of dense landscaping and an opaque fence/wall.

²¹ The property has been zoned for commercial land uses since 1990. Lee Plan Policies 6.1.4, 135.9.5, 135.9.6. Surrounding land uses feature small scale commercial development and mobile homes.

²² Lee Plan Policy 6.1.7. The zoning request is consistent with emerging development patterns in the area. See Lee Plan Glossary definition - infill.

²³ LDC §34-3005: continuous visual screen must be at least eight feet in height. LDC 34-3005. See Lee Plan Policies 1.1.5, 5.1.5, 6.1.4, 6.1.6. Properties to the south and west are zoned for mobile home development.

²⁴ LDC §33-1542 *et seq.*

²⁵ Staff Report Attachment J: MCP.

²⁶ Lee Plan Policies 5.1.5, 6.1.4.

²⁷ LDC §34-2.

²⁸ LDC §34-373(a)(9).

²⁹ LDC §33-1542 *et seq.*

³⁰ There will be no reduction in code required plant materials.

Setback deviations acknowledge site constraints posed by the small lot size. The project complies with remaining LDC site design standards.³¹

Staff recommended approval of the deviations. The Hearing Examiner agrees with this recommendation.³²

Applicant held a Public Information meeting at the North Fort Myers Recreation Center on May 7, 2024.³³

Future development permitting, including development orders, must comply with development standards in the North Fort Myers Community Plan.³⁴ Development will be subject road, fire, and emergency medical services impact fees.³⁵

Transportation

Requests to rezone property must provide access sufficient to support the proposed development intensity and address expected impacts to the transportation facilities by existing County regulations and conditions of approval.

The property is located on the south side of Laurel Lane, and west side of Hart Road. Both roads are County maintained collector roadways.³⁶ The MCP depicts a single access to Hart Road, which is sufficient to support the proposed use.³⁷ Hart Road connects to the County Road network via S.R 78.³⁸ The MCP also includes a cross access easement to the property to the south.

The Traffic Impact Statement concludes the project will not negatively impact area roadways.³⁹ The County transportation planner concurred with this assessment.⁴⁰ Road impact fees assessed at the time of development order approval will adequately address project impacts to the County network.

³¹ Specifically, parking, access, pedestrian connections, open space, surface water management etc.

³² The Hearing Examiner may recommend approval, approval with modifications or denial of deviations based on findings that a deviation (1) enhances the planned development and, (2) preserves/promotes public health, safety, and welfare. LDC §34-377(a)(4).

³³ LDC §33-1532(a). Staff Report Attachment F.

³⁴ North Fort Myers is subject to a community plan set forth in Lee Plan Goal 30 as well as supplemental development regulations in LDC §33-1531 *et seq.*, most notably design standards governing architecture, lighting, and site design.

³⁵ LDC Chapter 2, Article VI.

³⁶ Lee County Administrative Code 11-1

³⁷ Applicant seeks a deviation from LDC connection separation standards to accommodate the onsite driveway access to Hart Road.

³⁸ Speed limit on Hart Road is 30 mph. Testimony of Dean Martin, PE.

³⁹ Staff Report Attachment M: Traffic Impact Statement prepared by TDM Consulting, Inc. Dean Martin, PE testified the proposed commercial use will not trigger turn lanes on Hart Road.

⁴⁰ Staff Report Attachment N: Memorandum from Brittany Banker, DOT Plan Reviewer dated January 7, 2025.

The proposed food market is anticipated to have sizable pass by/capture of trips traveling on Laurel Lane and Hart Road.⁴¹ Moreover, it is likely many patrons will walk or bike to the market given its location within an established residential community served by shared use paths for pedestrians and cyclists.⁴²

The Lee Plan requires new development to incorporate Greenway Trails into development design.⁴³ The shared use path is eight feet wide within the Laurel Lane right-of-way. The MCP depicts a sidewalk from the shared use path into the site.

Environmental/Natural Resources

Rezoning requests must not adversely affect environmentally critical/sensitive areas or natural resources.

The site has been cleared and graded since 1968.⁴⁴ No native indigenous plant communities exist on site.⁴⁵ The MCP must devote a minimum of 20% of the site to open space. The MCP exceeds code requirements by devoting 40% of the site to open space.⁴⁶ The development order submittals will ensure buffers and landscaped areas follow Xeriscape principles.⁴⁷

Perimeter dry detention areas will provide water quantity, quality, and attenuation of storm water flows. The design includes an outfall to a roadside swale on Laurel Lane.⁴⁸

The Hearing Examiner finds the requested amendments to the CPD will not harm environmentally critical/sensitive areas or natural resources.⁴⁹

⁴¹ Testimony of Dean Martin, PE.

⁴² The shared use path on Laurel Lane is reflected on the Greenways Master Plan. Lee Plan Map 4-E.

⁴³ Lee Plan Policy 77.3.7.

⁴⁴ Staff Report Attachment O: Environmental Staff Report.

⁴⁵ *Id.*

⁴⁶ Lee Plan Goal 77, Objective 77.2, The MCP depicts 6,000 square feet of open space representing 40% of the site. Open space is comprised of landscaped buffers and dry detention areas.

⁴⁷ Lee Plan Objective 126.2, Policy 126.2.1. Required landscape buffers must consist of native landscape to conserve water.

⁴⁸ Testimony of Dean Martin, PE. See Staff Report Attachment K: Applicant Surface Water Management Narrative.

⁴⁹ Lee Plan Policy 125.1.2.

Public Services and Infrastructure

Public services include facilities, capital improvements, and infrastructure necessary to support development.⁵⁰ The Lee Plan requires an evaluation of public services during the rezoning process.⁵¹

Public services and infrastructure are available to serve the property.⁵² Development will connect to Lee County Utilities for potable water.⁵³ Project wastewater will be served with an onsite septic system because public sewer infrastructure is over 2,500 feet from the property.⁵⁴ The property has access to the County transportation network via Hart Road.

North Fort Myers Fire Control & Rescue Service District provides fire protection and emergency medical services from the Slater Road station.⁵⁵ Lee County Sheriff provides law enforcement services from the North Station on Pondella Road.⁵⁶

Lee Tran operates a bus route along Hart Road.⁵⁷ The route will facilitate community access to the proposed food market and carry out restaurant.⁵⁸

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County resources.⁵⁹ Conditions must be plausibly related to the project's anticipated impacts, and pertinent to mitigating impacts to the public.⁶⁰ The CPD is subject to conditions addressing impacts reasonably anticipated from development.⁶¹

Hearing Examiner revised conditions/deviations for clarity, compliance with state law.

⁵⁰ Public services and infrastructure available to serve the project will include public water and sewer (Lee County Utilities), paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.

⁵¹ Lee Plan Goal 95 and Policy 2.2.1.

⁵² Staff Report, Attachments G, L. See Lee Plan Goals 70, 95, Objective 158.3, Policies 2.2.1, 6.1.1, 6.1.4, 53.1.5, 158.3.1 Standards 4.1.1.

⁵³ Lee Plan Objective 53.1, Policy 53.1.5.

⁵⁴ Lee Plan Goal 4, Testimony of Veronica Martin.

⁵⁵ Lee Plan Objectives 65.1, 66.1, Policies 65.1.4, 65.2.1, Testimony of Veronica Martin. North Fort Myers Fire Department Station 3 located on Slater Road provides fire control and emergency medical services.

⁵⁶ Goal 70.

⁵⁷ Lee Tran Route 590. See Staff Report.

⁵⁸ Lee Plan Policy 158.3.1.

⁵⁹ Lee Plan Policies 5.1.5, 135.9.6; LDC §§34-145(d)(4) a.2.(b), 34-377(a)(3), 34-411, and 34-932(c).

⁶⁰ LDC §34-932(b).

⁶¹ LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objective 77.3, Policies 5.1.5, 6.1.4, 77.3.1.

Public

No members of the public attended the hearing.

Conclusion

The Hearing Examiner approves requested amendments to the CPD, subject to conditions in Exhibit B.

IV. Findings in Support of Approval

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

- A. The requested CPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 6, 30, 60, 61, 77, 95, 158, Objectives 2.1, 2.2, 4.1, 6.1, 77.2, 126.2, 158.2, 158.3, and Policies 1.1.5, 2.2.1, 2.2.2, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 17.3.3, 135.9.6, 159.2.1, Lee Plan Maps 1-A, 1-B, 4-A, 4-B.
- B. As conditioned, the CPD:
 - 1. Is consistent with the LDC or qualifies for deviations. LDC Chapters 2, 10, 33, and 34.
 - 2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, 77.3, and Policies 1.1.5, 5.1.5, 6.1.4, 77.3.7, 135.9.5, 135.9.6; LDC §§34-411, 34-413.
 - 3. Provides sufficient road access to support proposed development intensity. Lee Plan Policy 6.1.5.
 - 4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 158.3.1; LDC §§2-261 *et seq.*, 34-411.
 - 5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 60, 61, 77, Objectives 77.2, 77.3, 126.2, Policies 6.1.6, 60.1.1, 60.4.1, 61.2.4, 61.3.1, 61.3.6, 61.3.11, 77.3.7, 125.1.2, 126.2.1; and
 - 6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 6, 60, 70, 95, Objectives 2.1, 2.2, 4.1, 53.1, 65.1, 66.1, 158.3, Policies 2.2.1, 2.2.2, 6.1.4, 53.1.5, 60.1.1, 60.4.1, 61.3.1, 65.1.4, 65.2.1, 158.3.1, Standard 4.1.1.

- C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 4, 6, 30; Objectives 2.1, 2.2, Policies 1.1.5, 2.1.1, 2.1.2, 6.1.7, 6.1.8, 135.9.5, 135.9.6, 159.2.1.
- D. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Objectives 77.2, 126.2, Policies 5.1.5, 6.1.4, 53.1.5, 56.1.4, 135.9.5, 135.9.6: LDC §§34-377(a)(3), 34-411 and 34-932(c).
- E. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC §§34-373(a)(9), 34-377(a)(4).

Decision Rendered: January 31, 2025.



Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH:

PLOT 1C, BLOCK 68, SUNCOAST ESTATES, (UNRECORDED) LYING IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 25, THENCE RUN S.89°57'19"E. ALONG THE SOUTH LINE SAID SECTION FOR 2671.13 FEET; THENCE RUN N.00°02'41"E. TO A POINT ALONG THE SOUTH RIGHT OF WAY LINE OF LAUREL LANE (100 FEET WIDE), FOR 3256.32 FEET; THENCE RUN S.89°57'19"E. ALONG SAID SOUTH RIGHT OF WAY LINE OF LAUREL LANE (100 FEET WIDE), FOR 160.00 FEET, TO THE POINT OF BEGINNING; THENCE RUN S.89°57'19"E. ALONG SAID SOUTH RIGHT OF WAY LINE, FOR 145.00 FEET; THENCE RUN S.00°02'41"W., ALONG THE WEST RIGHT OF WAY LINE OF HART DRIVE (50 FEET WIDE), FOR 100.00 FEET; THENCE RUN N.89°57'19"W. FOR 145.00 FEET; THENCE RUN N.00°02'41"E. TO A POINT ALONG THE AFORESAID SOUTH RIGHT OF WAY LINE OF LAUREL LANE (100 FEET WIDE), FOR 100.00 FEET, TO THE POINT OF BEGINNING.
CONTAINING: 14,500.0 SQUARE FEET, MORE OR LESS.

REVIEWED
DCI2024-00019
Rick Burris, Principal
Planner
Lee County DCD/Planning
7/16/2024

Phillip M
Mould,
LS6515,
State of
Florida

Digitally signed
by Phillip M
Mould, LS6515,
State of Florida
Date: 2024.02.21
14:59:49 -05'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
2-20-2024

SHEET 2 OF 2

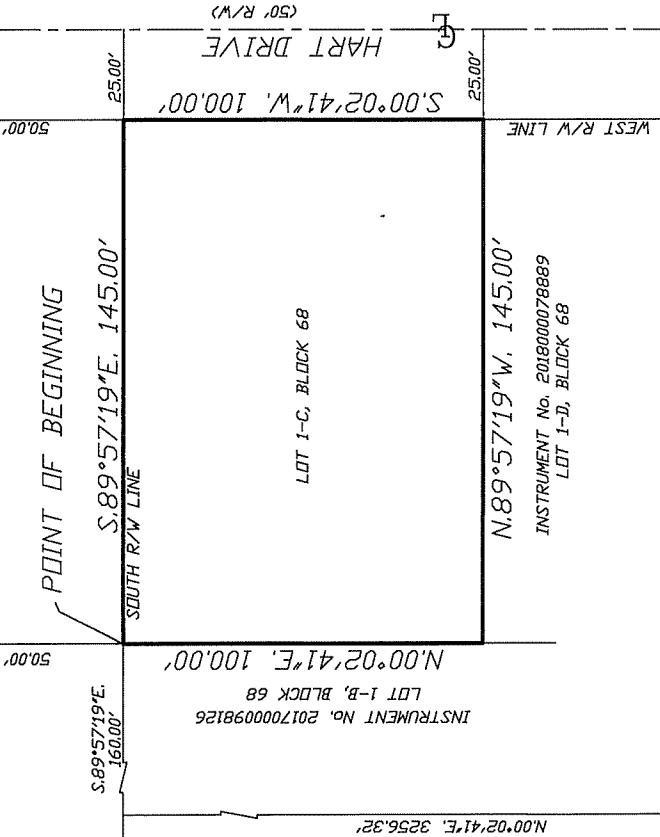
2265 LAUREL LN

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD, S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

SEE EXHIBIT "A" FOR DESCRIPTION TO
ACCOMPANY THIS SKETCH
"NOT A BOUNDARY SURVEY"

SKETCH TO ACCOMPANY DESCRIPTION
**LOT 1-C, BLOCK 68,
SUNCOAST ESTATES,**
(UNRECORDED)
SECTION 25, TOWNSHIP 43 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

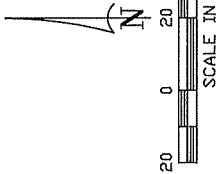
LAUREL LANE
(100' R/W)



HART DRIVE
(50' R/W)

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF LAUREL LANE, AS BEING S.89°57'19"E.
2. FIELD NOTES IN SUNCOAST ESTATES.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN
8. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 40 SCALE DRAWING.



LEGEND:

- OR: OFFICIAL RECORDS BOOK
- P.O.B: POINT OF BEGINNING
- P.O.C: POINT OF COMMENCEMENT
- R/W: RIGHT-OF-WAY
- & CENTERLINE
- P.U.E: PUBLIC UTILITY EASEMENT
- D.E: DRAINAGE EASEMENT

REVIEWED
RCD/2024-00019
R. J. Harris, Principal
Planner
Lee County DCD/Planning
7/16/2024

POINT OF COMMENCEMENT
S.W. CORNER OF
SECTION 25-43-24

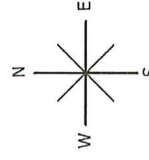
S.89°57'19"E. 2671.13'
SOUTH LINE OF SECTION 25-43-24

DRAWN: PMM	CHECK: FBH	SCALE: 1"=40'	PRJL. #: 2265 LAUREL LN	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE: 2-20-24	FILE NO.:	43-24-25	SHT.- 1 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921				

DCI2024-00019

Zoning

 Subject Property



0 500
Feet

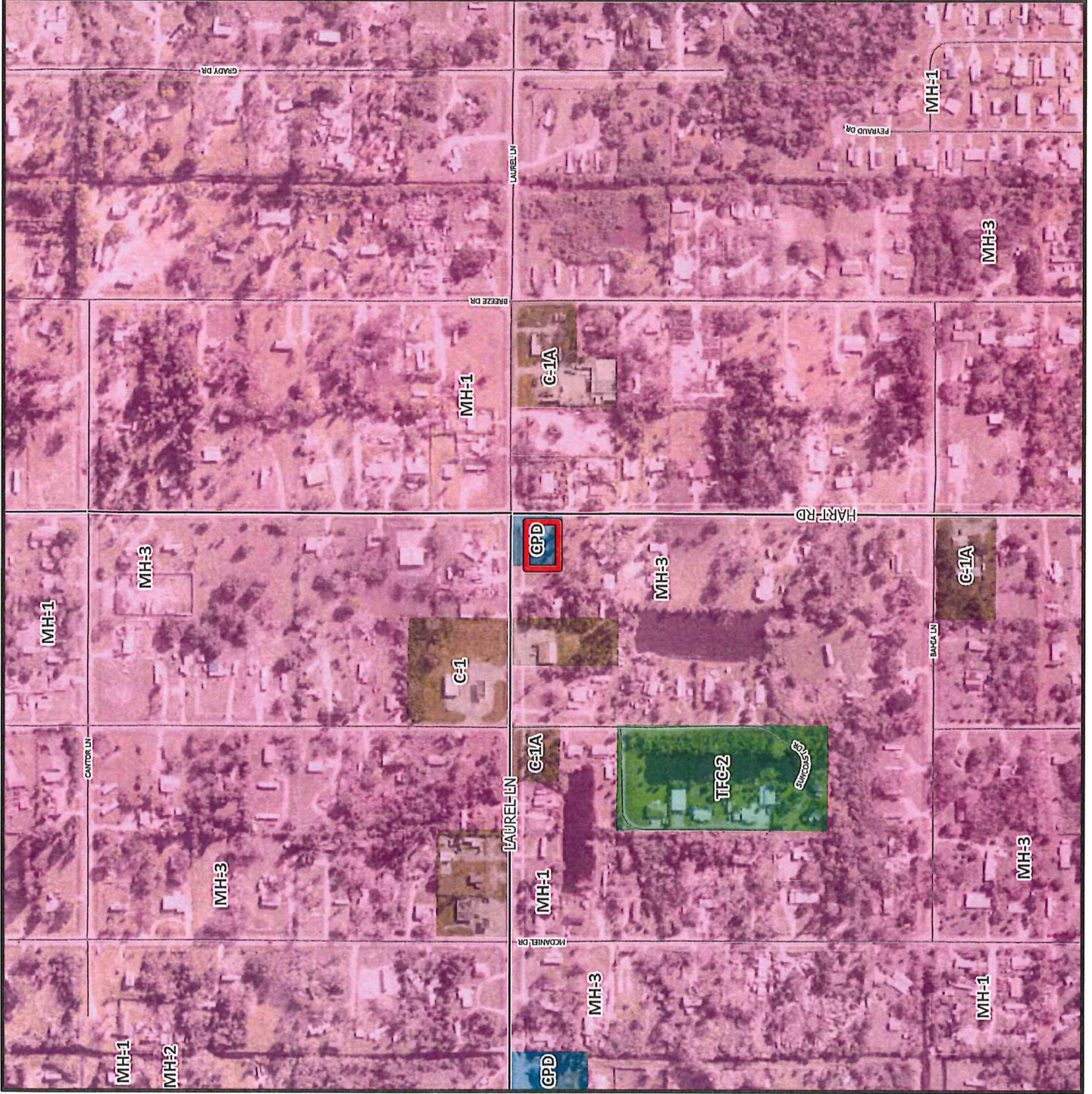
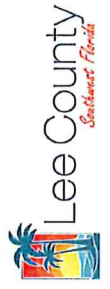


Exhibit B

CONDITIONS AND DEVIATIONS

As revised by the Hearing Examiner

CONDITIONS

1. Master Concept Plan (MCP). Development must be consistent with the two-page MCP entitled "2265 Laurel Lane Master Concept Plan" dated January 30, 2025, except as modified by the conditions below. (Exhibit B1).

Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC except where deviations are approved herein. Subsequent changes to the MCP or Conditions of Approval may require further development approvals.

Approved Development Parameters. 2,000 square feet of commercial floor area, and a maximum building height of 30 feet.

2. Uses and Site Development Regulations

- a. Schedule of Uses

Accessory Uses and Structures
ATM (Automatic Teller Machine)
Essential Services
Essential Services Facilities, Group I
Fences and Walls
Food Stores, Group I
Parking Lot, Accessory
Restaurants, Groups I, II (Carry-out only – no indoor seating)
Signs

- b. Site Development Regulations

Minimum Lot Size:	0.33 acres
Minimum Lot Depth:	100 feet
Minimum Lot Width:	145 feet
Maximum Building Height:	30 feet
Maximum Lot Coverage:	40 percent
Minimum Open Space:	40 percent

Minimum Setbacks:

Street, Local:	15 feet (Deviation 4)
Side (South):	29 feet (Deviation 2)
Rear (West):	15 feet

3. Open Space
Development order plans must depict 5,750 square feet (0.132 acres) of open space.
4. Buffers
Development order plans must depict a Type C buffer along the west property line. Type C Buffer is 15 feet in width, landscaped with 5 trees, 18 shrubs per 100 linear feet including a solid fence/wall at least 8 feet in height. The building's west side wall may serve as part of the solid fence/wall. Windows and doors are prohibited on the west side of the building.
5. Transportation
Development order plans must depict a cross-access easement extending to the abutting property to the south. The draft easement must include the legal description and a sketch for review and approval by the County Attorney. Developer must record the cross access easement in the Public Records prior to County issuance of a Certificate of Compliance.
6. State and Federal Permits
County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if Applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

DEVIATIONS

1. Connection Separation. Deviation 1 seeks relief from LDC §10-285, Table 1, which requires a minimum driveway separation of 330 feet on major collector roads in future suburban areas, to allow a minimum separation on Hart Road of 101 feet from the intersection of Laurel Lane.

Deviation approved.

2. Setback from Large Lot Residential Subdivision. Deviation 2 seeks relief from LDC §33-1542, which requires a minimum setback of 50 feet between the nearest point of a building/structure and an existing large lot residential subdivision, to allow a minimum setback of 29 feet between the proposed building and south property line.

Deviation Approved.

3. Buffer Width. Deviation 3 seeks relief from LDC §33-1543(a), which requires a 30-foot landscape buffer width when high intensity development abuts a subdivided

lot in an existing large lot residential subdivision, to allow a 14-foot wide buffer and an eight foot high opaque wall along the south property line.

Deviation approved.

4. Right of Way Setback. Deviation 4 seeks relief from LDC §34-2192, which requires buildings/structures to be set back a minimum of 25 feet from adjacent street easements/rights-of-way, to allow a minimum building setback of 15 feet from the Laurel Lane right-of-way.

Deviation approved.

Exhibits to Conditions:

B1: 2265 Laurel Lane Master Concept Plan dated January 30, 2025.

STREET ADDRESS
2265 LAUREL LANE
NORTH FORT MYERS, FLORIDA 33917

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

PROJECT INFORMATION

CURRENT ZONING = COMMERCIAL PLANNED DEVELOPMENT (CPD)
FUTURE LAND USE = SUBURBAN
LOT AREA = 0.33 ACRES
MAX. INTENSITY = 2,000 SQUARE FEET
MINIMUM WIDTH = 145 FEET
MINIMUM DEPTH = 100 FEET
MAXIMUM HEIGHT = 30 FEET
MINIMUM OPEN SPACE = 40%

BUILDING SETBACK REQUIREMENTS

PER LOC SEC. 33-1542 AND SEC. 34-935
STREET (LAUREL LN) = 15 FEET (SEE DEVIATION #1)
STREET (HART DR) = 25 FEET
SIDE YARD (SOUTH) = 29 FEET (SEE DEVIATION #2)
REAR YARD (WEST) = 15 FEET

ZONING/ACTUAL USE

NORTH = LAUREL LANE ROW
SOUTH = MH-1/VACANT
EAST = HART DRIVE ROW
WEST = MH-1/VACANT HOME

LANDSCAPE BUFFER REQUIREMENTS

PER LOC SEC. 33-1543 AND SEC. 10-416
NORTH: COM TO ROW: 15' WIDE TYPE "D" BUFFER
EAST: COM TO ROW: 15' WIDE TYPE "D" BUFFER
WEST: COM TO SFR: 15' WIDE TYPE C BUFFER WITH 8' HIGH WALL
SOUTH: COM TO SFR: 14' WIDE BUFFER WITH 8' HIGH WALL (SEE DEVIATION #3)

OPEN SPACE

MIN. REQUIRED: 14,200 SF X 20% = 2,840 SF
PROVIDED: 6,000 SF (BUFFERS AND DRY DETENTION AREAS)
= 6,000 SF (40%)

PARKING REQUIREMENTS

FOOD STORE:
REQUIRES: 1 SPACE PER 250 SF
2,000 SF / 250 SF = 8 SPACES
PROVIDED: 8 SPACES INCLUDING 1 HC SPACE

SOLID WASTE REQUIREMENTS

COMMERCIAL: 0 - 5,000 SF = 84 SF
REQUIRED: 2,000 SF = 84 SF
PROVIDED: 120 SF

LEGEND

R = RADIUS (5' UNLESS OTHERWISE NOTED)
EX = EXISTING
ROW = RIGHT-OF-WAY
E.O.P. = EDGE OF PAVEMENT
CONC. = CONCRETE
TYP. = TYPICAL
PROP. = PROPOSED
SF = SQUARE FEET
LF = LINEAR FEET
E.O.P. = EDGE OF PAVEMENT
C.P. = CONCRETE PAD
P.U.E. = PUBLIC UTILITY EASEMENT
D.E. = DRAINAGE EASEMENT
L.P. = LIGHT POLE
(OSP) = NUMBER OF PARKING SPACES IN LOT
[] = PROPOSED PAVEMENT
[] = PROPOSED CONCRETE
LDC = LAND DEVELOPMENT CODE
N.T.S. = NOT TO SCALE
Δ = DEVIATION

ZONING: MH-3
USE: AUTO REPAIR

LAUREL LANE
ASPHALT ROADWAY (100' R/W)

LEE COUNTY
HEARING EXAMINER
2025 JAN 31 AM 9:22

1" = 10'

ZONING: MH-3
USE: MOBILE HOMES

2265 LAUREL LANE
MASTER CONCEPT PLAN

Civil Engineering
and
Planning



dean@tdmconsulting.com
www.tdmconsulting.com



1520 Royal Palm Square
Boulevard, Suite 100
Palm Beach, FL 33480
Phone: (561) 433-4231
Fax: (561) 433-9832
Cert. of Authorization # 23086

DATE:
Dean Martin, P.E.
Florida #52022

1 of 2

SCALE: AS NOTED

EXHIBIT B-1

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

- a. *48-Hour Notice:* Email from MarySue Groth to Maria Perez and Veronica Martin, with copies to Tracy Toussaint, Lindsay Hickey, and Sandra David, dated Tuesday, January 28, 2025, 11:47 AM (multiple pages – 8.5"x11" & 2 pages – 11"x17")
- 1. *DCD Staff Report with attachments for DCI:* Prepared by MarySue Groth, Senior Planner, date received January 15, 2025 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
- 2. *PowerPoint Presentation:* Prepared for by Lee County Staff for 2265 Laurel Lane CPD, DCI2024-00019, dated January 30, 2025 (multiple pages – 8.5"x11") [color]
- 3. *Affidavit of Publication:* For Zoning Case DCI2024-00019, Laurel Lane CPD (1 page – 8.5"x11")
- 4. *Written Submissions:* Email from MarySue Groth to Maria Perez and Veronica Martin, with copies to Tracy Toussaint, Anthony Rodriguez and Dean Martin, dated Friday, January 31, 2025, 12:09 PM (3 pages – 8.5"x11")

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Veronica Martin to MarySue Groth, Maria Perez, and Hearing Examiner, dated Tuesday, January 23, 2025, 9:26 AM (multiple pages – 8.5"x11")
- 1. *PowerPoint Presentation:* Prepared for 2265 Laurel Lane CPD, DCI2024-00019, Hearing Examiner Public Hearing, dated January 30, 2025 (multiple pages – 8.5"x11") [color]
- 2. *Written Submissions:* Email from Veronica Martin to Maria Perea and Hearing Examiner, with copies to Tracy Toussaint, Anthony Rodriguez, Dean Martin, and MarySue Groth, dated Thursday, January 30, 2025, 4:25 PM (2 pages – 8.5"x11" and 2 pages - 11"x17")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. MarySue Groth

Applicant Representatives:

1. Dean Martin
2. Veronica Martin