



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

Elliano's Coffee
Schedule of Deviations
Revised 10-8-2025

DEVIATIONS APPROVED – Z-08-045

DEVIATION #1:

Parking Lot Buffer – Deviation (1) seeks relief from the LDC §10-416(d)(6) requirement to provide a 25-foot wide landscape buffer with a solid wall, when a parking lot or a driveway is proposed within 125 feet of any residential properties, to allow for a 5-foot wide landscape buffer. This deviation is APPROVED.

DEVIATION #2:

Buffer next to Residential – Deviation (2) seeks relief from the LDC §10-416(d)(3) requirement to provide a type “C” or “F” buffer when a commercial development abuts a residentially zoned or used property, to allow for a 5-foot wide landscape buffer. This deviation is APPROVED.

NOTE: The justification for Deviations #1 and #2 remains the same. No changes are proposed with this application that affect these deviations.

DEVIATIONS APPROVED – ADD2010-00090

DEVIATION #3:

Deviation (3) reducing the required intersection separation of 125 feet established for local streets to 110 feet is hereby APPROVED.

DEVIATION #4:

Deviation (4) increasing the width of the driveway from a maximum of 35 feet at property line to 60 feet is hereby APPROVED.

NOTE: The justification for Deviations #3 and #4 remains the same. No changes are proposed with this application that affect these deviations.

PROPOSED DEVIATIONS

DEVIATION #5

Seeks relief from the LDC Sec. 34-1353(c)(3) requirement of a minimum lot area of 25,000 square feet for convenience food and beverage stores, automotive service stations, fast food restaurants, and car washes. Request to permit the proposed fast-food restaurant to have a minimum lot area of 24,380 square feet.

JUSTIFICATION:

The commercial planned development consists of three (3) lots – the existing Family Dollar store located at 3519 Lee Blvd, the proposed fast-food restaurant at 3513 Lee Blvd, and the future commercial development at 3512 - 3514 4th Street W. The property at 3514 4th Street W is currently used for single-family residential, but will be developed for commercial use at a later date as shown on the MCP. The Applicant is the current property owner of 3513 Lee Blvd and 3512 – 3514 4th Street W. The land is part of a subdivision plat – Tracts P and Q – Unit 7. The applicant is proposing to utilize the existing platted lot lines to create each development. As a result, the lot for the fast-food restaurant is 24,380 square feet. In order to comply with the LDC minimum requirement of 25,000 square feet, the applicant would have to replat the land.

The proposed fast-food restaurant is a drive-thru only coffee shop. The MCP is consistent with the Lee Plan, the LDC, and the previous zoning resolutions and amendments to the maximum extent possible. Permitting the minimum lot area to be 24,380 square feet will not be detrimental to the public health, safety or welfare. The applicant respectfully requests approval of this deviation.

DEVIATION #6

Seeks relief from the LDC Sec. 34-1353(e)(1) requirement that landscaping adjacent to rights-of-way external to the development project must be located within a landscape buffer that is a minimum of 25 feet in width or 15 in width if abutting an internal accessway to a commercial development. Request to permit the north right-of-way buffer to be 15 feet in width and the internal buffer be 4.5 feet in width (5.5' with curbing).

JUSTIFICATION:

The applicant is proposing a 15-foot wide buffer along the north property line abutting the Lee Boulevard right-of-way. The site is constrained by an existing interconnect to the east and west, which is required by the LDC. That leaves only 33 feet for parking, buffers, and drainage. LDC Sec. 34-1353(e)(3) and (4) requires the buffer vegetation to include five (5) canopy trees per 100 linear feet, which must be a minimum of 14 feet in height at time of installation with a 3 ½-inch caliper at 12 inches above the ground and a six (6) foot spread. In addition, shrubs must be a minimum of three (3) gallon, 24 inches in height at time of planting and a height of 36" within one year of installation. The applicant will provide the minimum vegetation required, which is already enhanced for fast-food restaurants.

The proposed coffee shop is only 819 square feet and is set back from the right-of-way 88 feet, when the minimum requirement is only 50 feet for arterials and collectors. Reducing the buffer width to 15 feet, but with the required "enhanced" vegetation, plus the additional building setback, meets the intent of the LDC to buffer and shield fast food restaurants from the right-of-way. The applicant is able to comply with other sections of the LDC with the reduced buffer width. The applicant respectfully requests approval of this deviation. Permitting a 15' wide buffer width along the north property line will not be detrimental to the public health, safety or welfare.

As stated above, there's an existing interconnect between the commercial properties to the east and west. Both properties are already developed, so the interconnect cannot be changed. In addition, the lot is shallow, with only 153 feet in depth. The surrounding developments to the east, west, and south are all developed with commercial uses. The site is located in an urban environment along an arterial roadway, in the mixed-use overlay. Providing a 15' buffer along the right-of-way and then another 15' wide buffer along the interconnect is excessive and redundant at this location. The applicant is providing a 4.5 wide buffer surrounded by curbing one-half foot in width to buffer the commercial development from the interconnect. Landscaping within the buffer will comply with

the LDC at time of DO permitting. Reducing the buffer along the interconnect at this location will not cause a detriment to the public health, safety or welfare. This deviation enhances the objectives of the achievement of the planned development. The applicant respectfully requests approval of this deviation.

DEVIATION #7

Seeks relief from the LDC 33-1405(3) requirement that when commercial, place of worship, industrial, or public active recreational park uses abut single- or multiple-family residential uses a buffer must be provided that is 25 feet in width with seven (7) trees, a double hedge row, and 33 groundcovers per 100 linear feet. The applicant is requesting to provide a 5-foot wide Type A buffer between the proposed coffee shop and the existing single-family home to the south.

JUSTIFICATION:

The Applicant owns both the proposed coffee shop property along Lee Boulevard and the property to the south along 4th Street W. The lot at 3514 4th Street W. is zoned CPD, but has an existing single-family residential use. The revised MCP shows future commercial along the lots on 4th Street W. LDC Sec. 33-1405(c)(1) states that a Type A buffer is required between commercial uses to allow for pedestrian, bicycle and automobile connections through adequate spacing between trees. In addition, the property is in the Mixed-Use Overlay. Per LDC Sec. 10-425(f)(2), 10-foot wide buffers with Type B plantings are required along property lines which abut single-family residences. And LDC Sec. 34-1353(e)(5) states that landscaping adjacent to the rear and side property lines must comply with the minimum requirements established in Section 10-416 dependent on adjacent land uses; however, in this case, Chapter 33, Article V – Lehigh Acres Community Plan Area supersedes Section 10-416.

The Applicant is requesting to provide the standard 5' wide Type A buffer between the commercial uses since the lot at 3514 4th Street W is already zoned for commercial use and is part of the phased commercial planned development. It's unwarranted to require a 25-foot wide buffer with seven trees, a double hedge row, and 33 groundcovers per 100 linear feet between the proposed and future commercial uses. In addition, providing a 25-foot wide buffer would create a hardship on the proposed development. The coffee shop is only 819 square feet in size. The 25' wide buffer makes the proposed development impossible. The previous applicant requested a similar deviation (approved Deviations #1 and #2) with the original rezoning request. Staff supported the deviation requests, the Hearing Examiner recommended approval of the deviation requests, and the BOCC ultimately approved the deviation requests. The Applicant is requesting the same consideration as before since it has already been demonstrated that a Type A buffer is sufficient between a commercial use and existing residential use (with commercial zoning) on this block of commercial properties in the Lehigh Acres planning community area. The Applicant respectfully requests approval of this deviation.

DEVIATION #8

Seeks relief from the LDC Sec. 10-416(b) requirement that all new development in commercial zoning districts and commercial components of planned development districts and DRIs must provide building perimeter plantings equal to ten percent of the proposed building gross ground level floor area. These planting areas must be located abutting three sides of the building with emphasis on the sides most visible to the public, not including the loading area. Request to permit the building perimeter plantings be located on two sides of the building.

JUSTIFICATION:

The proposed development is for a drive-thru coffee shop. The one-story building is only 819 square feet in size and oriented east to west with pick up windows on the north and south sides of the building. In order to comply with the Land Development Code regarding vehicle stacking, setbacks, adequate traffic circulation, and the required interconnect along Lee Boulevard, there isn't enough room to provide building perimeter plantings along the north façade facing Lee Boulevard. The nature of the business with the drive-thru lanes and the architectural floor plan and façade doesn't leave room for an area dedicated to building perimeter plantings. The Applicant is proposing building perimeter plantings on the east and west facades, the next most prominent locations. In addition, the plantings are proposed to be 216 square feet, which is 26% of the building perimeter. This deviation enhances the achievements of the planned development and will not cause a detriment to the public health, safety or welfare.

SUMMARY

LDC Sec. 34-373(a)(9) requires proposed deviations to enhance the achievement of the objectives of the planned development and to not cause a detriment to public interests. The Applicant has demonstrated that the additional deviations enhance the achievements of the objectives of the Planned Development and will not cause a detriment to the public health, safety, or welfare. The Applicant respectfully requests approval of the requested deviations.