

ADMINISTRATIVE AMENDMENT (ASV) ADD2025-00138

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Bowman Consulting, in reference to Chick-Fil-A 05587, has filed an application for the following administrative variances on a conventionally zoned Commercial (C-2) property pursuant to LDC Sections 10-104(a)(3) and 34-1353 to facilitate redevelopment of the subject property with a fast-food restaurant:

1. LDC Section 10-285, Table 1, which requires a minimum connection separation distance of 330 feet on minor arterial roadways in Future Urban Areas where the posted speed limit is less than 45 miles per hour, to allow for minimum connection separation distances of 117.1 feet between the proposed site access located on Homestead Road N and an existing access point for the existing commercial development to the northwest and 245.5 feet between the proposed site access on Homestead Road N and Ashlar Avenue to the southeast;
2. LDC Section 34-1353(e)(1), which requires landscaping adjacent to rights-of-way external to the development project to be located within a landscape buffer that is a minimum 25 feet in width, to allow for a landscape buffer that is a minimum width of 15 feet and a maximum width of 25 feet (as depicted on the Alternate Proposal Plan) with enhanced plantings consisting of trees a minimum of 16 feet in height and a minimum four inch caliper at time of planting, and a double staggered hedge row a minimum of 36 inches in height at time of planting; and
3. LDC Section 34-1353(e)(2), which requires projects with an open drainage system to provide buffers with an undulating berm with a maximum slope of 3:1 at a minimum height of two feet as measured from the grade of the parking lot, to allow no berm within the required buffers; and

WHEREAS, the applicant has indicated that the property's current STRAP number is 31-44-27-05-00006.30B0 (see Exhibit "A"); and

WHEREAS, the subject property is in the Intensive Development Future Land Use Category and in the Mixed Use Overlay as designated by the Lee Plan; and

WHEREAS, the subject property is in the Commercial (C-2) zoning district; and

WHEREAS, the existing site was previously developed and occupied by SunTrust Bank of Southwest Florida (Development Order 96-04-285.12L); and

WHEREAS, the applicant proposes to redevelop the property with a fast-food restaurant, which requires compliance with LDC Section 34-1353; and

WHEREAS, LDC Section 34-1354(c) allows commercially zoned properties that are less than three acres in size to obtain administrative relief from the requirements of LDC Section 34-1353 to facilitate redevelopment; and

WHEREAS, the parcel is approximately 1.85 acres; and

WHEREAS, the applicant is requesting Deviation (1) from LDC Section 10-285, Table 1, which requires a minimum connection separation of 330 feet between access points on minor arterial roads in Future Urban Areas with a posted speed limit less than 45 miles per hour, to allow connection separation distances of 117.1 feet between the proposed site access and the existing access point to the abutting commercial property to the northwest and 245.5 feet between the proposed site access and Ashlar Avenue to the southeast as depicted on the Alternate Proposal Plan (see Exhibit "C"); and

WHEREAS, the request meets the administrative deviation criteria in accordance with LDC Section 10-104(b); and

WHEREAS, the applicant's narrative provides the justification demonstrating sound engineering, noting that the alternative separation distance is no less consistent with the health, safety and welfare of abutting landowners and the general public, and the deviation is not inconsistent with other ordinances and the Lee Plan (Exhibit "B"); and

WHEREAS, the applicant is requesting Deviation (2) from LDC Section 34-1353(e)(1), which requires external right-of-way buffers for the use to be located within a landscape buffer easement that is a minimum of 25 feet in width, to allow the buffers along Ashlar Avenue and Homestead Road to be a minimum of 15 feet wide (Exhibit "C"); and

WHEREAS, the applicant is requesting Deviation (3) from LDC Section 34-1353(e)(2), which requires buffers to be constructed with an undulating berm with a maximum slope of 3:1 along the entire length of the landscape buffer, to allow no undulating berm abutting Ashlar Avenue and Homestead Road (Exhibit "C"); and

WHEREAS, the site was previously developed as a bank with 15-foot right-of-way buffers along Ashlar Avenue and Homestead Road; and

WHEREAS, the applicant proposes to demolish the existing bank structure and redevelop the site with a fast-foot restaurant with drive-thru; and

WHEREAS, the site is within the Mixed-Use Overlay and the Intensive Development Future Land Use Category which allows reduction in parking in accordance with LDC Section 34-2020(e); and

WHEREAS, despite the reduction in parking provided within the Mixed-Use Overlay, the applicant cannot provide the 25-foot right-of-way buffer due to utility easements and the triangular shape of the property; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the requested relief will bring the site into greater compliance given existing site constraints including the location and configuration of the existing building and parking area, the property's location along two roadways, and the property's nonconforming lot dimensions.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative variances from certain provisions of LDC Sections 10-285 and 34-1353 to facilitate redevelopment of the subject property with a fast-foot restaurant is **APPROVED subject to the following conditions:**

1. The Development must be in compliance with the Site Plan entitled Chick-Fil-A Lehigh Acres FSU# 05587 Alternate Proposed Site Plan, prepared by Bowman Consulting, dated November 10, 2025, a copy of which is attached hereto as Exhibit "C."

2. The following deviations are hereby approved:

Deviation (1) from LDC Section 10-285, Table 1, which requires a minimum connection separation distance of 330 feet on minor arterial roadways in Future Urban Areas where the posted speed limit is less than 45 miles per hour, to allow for minimum connection separation distances along Homestead Road N of 117.1 feet between the proposed site access and the existing access point to the abutting commercial property to the northwest and 245.5 feet between the proposed site access and Ashlar Avenue to the southeast as depicted on the Alternate Proposal Plan.

Deviation (2) from LDC Section 34-1353(e)(1), which requires landscaping adjacent to rights-of-way external to the development project to be located within a landscape buffer that is a minimum 25 feet in width, to allow for a landscape buffer that is a minimum width of 15 feet and a maximum width of 25 feet (as depicted on the Alternate Proposal Plan) with enhanced plantings consisting of trees a minimum of 16 feet in height and a minimum four inch caliper at time of planting, and a double staggered hedge row a minimum of 36 inches in height at time of planting.

Deviation (3) from LDC Section 34-1353(e)(2), which requires for projects with an open drainage system, an undulating berm with a maximum slope of 3:1 must be constructed and maintained at a minimum height of two feet as measured from the grade of the parking lot, to allow no undulating berm abutting Ashlar Avenue and Homestead Road.

3. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

Duly passed, adopted, and electronically signed on 01/07/2026

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

Community Development

List of Exhibits

Exhibit A: Legal Description

Exhibit B: Request Narrative

Exhibit C: Chick-Fil-A Lehigh Acres FSU# 05587 Alternate Proposed Site Plan, prepared by Bowman Consulting, dated November 10, 2025

LEGAL DESCRIPTION

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 31, TOWNSHIP 44 SOUTH, RANGE 27 EAST, GO NORTH ALONG THE EAST BOUNDARY OF SAID SECTION 31 ON A BEARING OF NORTH 00°52'08" EAST, A DISTANCE OF 1,618.87 FEET TO THE NORTH RIGHT-OF-WAY OF HOMESTEAD ROAD, THENCE ALONG THE NORTHEAST RIGHT-OF-WAY OF HOMESTEAD ROAD ON A BEARING OF NORTH 45°11'33" WEST, A DISTANCE OF 319.87 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN TO BE DESCRIBED: THENCE CONTINUING NORTH 45°11'33" WEST, 370.66 FEET, THENCE NORTH 44°48'27" EAST, 250.00 FEET TO THE POINT OF A CURVE HAVING A TANGENT AT THIS POINT, WITH A BEARING AT THIS POINT OF SOUTH 45°11'33" EAST, THENCE ALONG THIS CURVE TO THE LEFT, SAID CURVE HAVING A DELTA ANGLE OF 43°56'19" AND A RADIUS OF 200.00 FEET, AN ARC DISTANCE OF 153.37 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE SOUTH 00°52'08" WEST, A DISTANCE OF 293.84 FEET TO THE POINT OF CURVE OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA ANGLE OF 43°56'19" AND A RADIUS OF 100.00 FEET FOR AN ARC DISTANCE OF 76.68 FEET, THENCE SOUTH 44°48'27" WEST, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE LANDS DESCRIBED.

THE ABOVE DESCRIPTION BEING THE SAME PROPERTY WHICH IS DESCRIBED AS TRACT B, LOT 6, SUNSHINE SHOPPING PLAZA, A MAP OF WHICH IS ATTACHED TO DEED RECORDED IN OFFICIAL RECORDS BOOK 364, PAGE 882, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LESS AND EXCEPT FROM THE ABOVE DESCRIBED LANDS:

A 2.00 FOOT STRIP OF LAND PARALLEL TO AND ADJOINING THE NORTHWEST BOUNDARY OF TRACT B, BOCK 6, OF THE PLAT OF SUNSHINE SHOPPING PLAZA, AND LYING AND BEING WITHIN SAID TRACT B, COPY OF WHICH PLAT IS ATTACHED TO DEED RECORDED IN OFFICIAL RECORDS BOOK 364, PAGE 882, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING THE SAME PROPERTY DESCRIBED IN TRACT B, LOT 6, SUNSHINE SHOPPING PLAZA.

Explanation and Justification of Request Chick-fil-A 05587 Lehigh Acres Administrative Deviation

Summary of Request

This is a request for the following administrative deviations:

1. **Deviation 1** requests relief from Table 1 of LDC Section 10-285, *Connection Separation*, which requires a minimum connection separation distance of 330 feet on minor arterial roadways in Future Urban Areas where the posted speed limit is less than 45 miles per hour, to allow for a minimum connection separation distance of 119 feet for the proposed access located on Homestead Road N.
2. **Deviation 2** requests relief from LDC Section 34-1353(e)(1), *Convenience Food and Beverage Stores, Automotive Service Stations, Fast Food Restaurants, and Car Washes*, which requires landscaping adjacent to rights-of-way external to the development project to be located within a landscape buffer that is a minimum 25 feet in width, to allow for a landscape buffer that is a minimum width of 15 feet and a maximum width of 25 feet (as depicted on the Alternate Proposal Plan) with enhanced plantings consisting of trees a minimum of 16 feet in height and a min. 4 inch in caliper at time of planting, and a double staggered hedge row a minimum of 36 inches in height at time of planting.
3. **Deviation 3** requests relief from LDC Section 34-1353(e)(2), *Convenience Food and Beverage Stores, Automotive Service Stations, Fast Food Restaurants, and Car Washes*, which requires for projects with an open drainage system, an undulating berm with a maximum slope of 3:1 must be constructed and maintained at a minimum height of two feet as measured from the grade of the parking lot, to allow for no berm to be required.

Development Location

The subject property is ±1.82 acres in size and located north of Homestead Road N., at the northwestern corner of the intersection of Homestead Rd. N and Ashlar Ave. The property is zoned C-2 – Commercial District and is designated Intensive Development on the Future Land Use Map (FLUM) and is located with the Lehigh Acres Planning Community.

The property is abutted on the north (across Ashlar Ave.) by a church, on the south (across Homestead Rd. N.) by commercial uses, on the east by commercial use and a church a parking lot, and on the west by medical offices zoned C-2. Please see the table below for zoning and existing land uses surrounding the property.

	Zoning	Existing Land Use
North	C-2	Across Ashlar Ave., Iglesia Hermanos En Cristo Lehigh.
South	C-2	Across Homestead Rd. N., O'Reilly Auto Parts.
East	C-2	Across Ashlar Ave., parking lot for Victory Church, JR Appliances and Mattress.
West	C-2	MD Now Urgent Care.

Justification

Connection Separation

The project has frontage along Homestead Road N., an arterial road that provides access to the subject property and other surrounding C-2 districts. The existing access to the site is approximately 33 feet from the access to the adjacent property to the north and approximately 330 feet from the intersection of Homestead Road and Ashlar Avenue. The proposed access has been located to make the best use of the proposed layout and facilitate the safe flow of vehicles through the site, as well as those entering and exiting via Homestead Road N. The proposed development includes a right turn lane from Homestead Road to the site to allow vehicles entering the site to decelerate without impeding vehicles within the travel lanes. The new access point provides the greatest separation possible from both the existing access to the property to the north and the intersection of Homestead Road North and Ashlar Avenue. The proposed development has been designed to incorporate a stub-out to the property to the north to allow for cross access if the adjacent parcel is redeveloped. The proposed access point is compatible with the surrounding commercial uses; is located like existing points of access found in the surrounding area; and is consistent with the health, safety, and welfare of abutting landowners and the general public.

Street Right-of-Way Buffer Landscaping

Article VII, *Supplementary District Regulations*, provides specific requirements for fast food restaurants that include street right-of-way buffer landscaping requirements (LDC Section 34-1353). LDC Section 34-1354(3) allows for “*Commercial or industrial zoned properties less than three acres in size may obtain administrative relief from Sections 34-1352 and/or 34-1353 to facilitate new development or redevelopment. Development of these sites will be limited to development that will bring the site into greater compliance with Sections 34-1352 and 34-1353 given existing site constraints such as location and configuration of existing buildings, parking areas, drainage, easements and/or other conditions.*”

The subject property is zoned C-2 and constrained by the irregular shape of the parcel, having three front yards by being adjacent to the north, south, and east to right-of-way, and utility easements along Homestead Road N and Ashlar Avenue. In addition, a right-hand turn lane is required within Homestead Road N. There is not enough right-of-way, so a portion of the required sidewalk will be on the subject property. The property has also been developed without street right-of-way buffer landscaping along both Homestead Road N and Ashlar Avenue. The proposed development will provide right-of-way buffering, bringing it into greater compliance with the LDC. Due to the site constraints and the proposed street right-of-way buffer landscaping bringing the site further into compliance with the LDC, Deviations 2 and 3 can be requested and reviewed administratively.

The applicant is proposing to redevelop the site with a Chick-fil-A fast food restaurant. Chick-fil-A is a high demand restaurant and the drive through facilities see extensive use. The requested

reduction in buffer width allows for the design flexibility needed to design the site to locate and utilize dual drive through lanes that can accommodate significant stacking to ensure there are no impacts to the surrounding roadways and minimizes the interaction between the drive through facilities and guests dining in to ensure internal pedestrian safety, while meeting the LDC required parking standards.

LDC Section 34-1353 requires landscaping adjacent to the external rights-of-way a minimum of 25 feet in width. There is a 6-foot utility easement adjacent to the project's frontage along Ashlar Avenue and Homestead Road. The requested buffer width is sufficient to ensure the health and viability of the proposed plantings and locates the plantings outside of the adjacent utility easement. To meet the purpose and intent of the LDC landscaping requirements and ensure the proposed development does not adversely impact adjacent land uses, the landscaping will be enhanced via the use of trees and shrubs taller than what is required at the time of planting. In addition to the enhanced plantings proposed within the perimeter buffers, there are areas where there is additional width and plantings outside of the required perimeter landscape buffers (as depicted on the landscape plans submitted as part of DOS2024-00061).

Please see the table below for additional details regarding the proposed buffering adjacent to right-of-way.

	Required	Provided
Trees	Min. 14 ft. in height and Min. 3.50 in. caliper at time of planting.	Min. 16 ft. in height and Min. 4 in. caliper at time of planting.
Shrubs	Min. 24 in. in height at time of planting and maintained at a minimum of 36 in. in height within one year of planting.	Double staggered hedge row min. of 36 in. in height at time of planting.

Decision Making Criteria

In accordance with LDC Section 10-104(b), *Criteria for administrative deviations*, the data and analysis provided in the enclosed application demonstrates the following:

b) *Criteria for administrative deviations*. Administrative deviations may be granted only where the following criteria have been met:

- 1) **The alternative proposed to the standards contained herein is based on sound engineering practices (not applicable to Sections 10-352, 10-353, and Division 7 of Article III of this chapter);**

The alternative proposed is based on sound engineering practices and will not be a detriment to the health, safety and welfare of the general public.

- 2) **The alternative is no less consistent with the health, safety, and welfare of abutting landowners and the general public than the standard from which the deviation is being requested;**

The proposed alternative is consistent with the health, safety and welfare of abutting landowners and the general public. The surrounding area is developed with commercial uses that utilize similar access spacing without issue. Internally, the site has been designed to utilize the appropriate amount of stacking to ensure vehicles are not stacking on Ashlar Ave. or Homestead Rd. N. The drive-through and accesses have been designed to route vehicles away from parking areas to facilitate pedestrian safety. The proposed street right-of-way buffer landscaping utilizes enhanced plantings to create an aesthetically pleasing streetscape that provides adequate screening.

- 3) For Division 7 of Article III of this chapter, the required facility would unnecessarily duplicate existing facilities;**

Not applicable.

- 4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision;**

The granting of the proposed deviations is not inconsistent with any specific policy directive of the Board of County Commissioners or any other ordinance or any Lee Plan provision. Similar deviations have been approved throughout the County without any issue to the surrounding area.

- 5) For Sections 10-352 and 10-353, the utility that would otherwise serve the development cannot provide the service at the adopted level of service standard due to an inadequate central facility; and**

Not applicable.

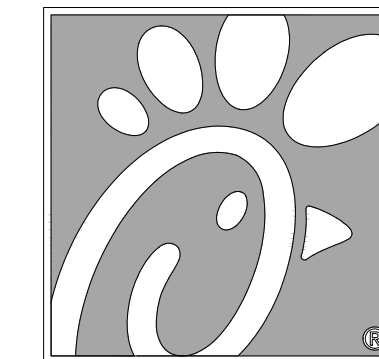
- 6) For Sections 10-329(f) and 10-418(4), the proposed use of hardened structures for restoration of existing lake bank slopes will be evaluated on a case-by-case basis. The application for the hardened structure must demonstrate this is the most appropriate and minimum stabilization technique necessary as designed and sealed by a licensed professional engineer. The application must also demonstrate compliance with Section 10-418(3) for compensatory littorals as well as previously approved littoral and deep lake management plan requirements. However, existing lakes within the DR/GR may not utilize hardened structures through the administrative process.**

Not applicable.



3 DEVIATION 3 REQUESTS RELIEF FROM LDC SECTION 34-1353 (e)(2), CONVENIENCE FOOD AND BEVERAGE STORES, AUTOMOTIVE SERVICE STATIONS, FAST FOOD RESTAURANTS AND CAR WASHES, WHICH REQUIRES FOR PROJECTS WITH AN OPEN DRAINAGE SYSTEM, AN UNDULATING BERM WITH A MAXIMUM SLOPE OF 3:1 MUST BE CONSTRUCTED AND MAINTAINED AT MINIMUM HEIGHT OF 2 FEET AS MEASURED FROM THE GRADE OF THE PARKING LOT, TO ALLOW FOR NO BERM TO BE REQUIRED.

- | | |
|---|--|
|  | PLANTING AREA WITH
ENHANCED PLANTINGS |
|  | 6' UTILITY EASEMENT |
|  | OR 364 PG 882 |
|  | RETENTION AREA |



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CHICK-FIL-A
LEHIGH ACRES FSU

11110 HOMESTEAD RD N
LEHIGH ACRES, FL 33936
LEE COUNTY

FSU# 05587

<u>REVISION SCHEDULE</u>		
<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1	04/02/25	RFI RESPONSES
2	04/17/25	DRAINAGE MODIFICATIONS
3	07/18/25	COUNTY COMMENTS
4	09/17/25	COUNTY COMMENTS
5	10/13/25	FGUA COMMENTS
6	11/04/25	COUNTY AND WMD COMMENTS

CURRENT DESIGN NOTE APPLIED	2021-005
PROJECT #	010014-01-211
PRINTED FOR	
DATE	11/10/2025
DRAWN BY	R M

SHEET
ALTERNATE PROPOSAL
PLAN
SHEET NUMBER

2

EXHIBIT C

GRAPHIC SCALE

