ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, Sevan Multi-Site Solutions filed an application for administrative approval of a variance from Lee County Land Development Code (LDC) Sections 34-1353 (e)(1) and 34-1353(e)(3), to allow the right-of-way buffer to be maintained as is for a project known as Whataburger; and

WHEREAS, the subject property is located at 12916 S Cleveland Ave., and the applicant has indicated the property's current STRAP Number is 14-45-24-00-00004.012C (see Exhibit "A"); and

WHEREAS, the subject property is zoned Commercial (C-1) and Tourist Commercial (CT) and is located in the Intensive Development Future Land Use Category and the Mixed-Use Overlay (MUO) as designated by the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, BJA Properties II, LLC, the owner of the subject parcel, has authorized Sevan Multi-Site Solutions to act as to pursue this application; and

WHEREAS, Lee County Land Development Code (LDC) Section 34-1353(e)(1) requires a 25-foot landscape buffer to external rights-of-way; and

WHEREAS, Lee County Land Development Code (LDC) Section 34-1353(e)(3) requires five canopy trees per 100 linear feet within the required right-of-way buffer and allows limited three clustered sabal palms allowed as substitutes for one canopy tree to comprise a maximum of 50 percent of the right-of-way tree requirement; and

WHEREAS, LDC Section 34-1354 allows for variances or deviations from LDC Sections 34-1352 and 34-1353 for commercial or industrial zoned properties less than three acres to be obtained administratively; and

WHEREAS, the applicant has requested to maintain the existing right-of-way buffer as is due to pre-existing site configuration constraints; and

WHEREAS, the subject property was previously developed with a Group II Restaurant with drive-through that is approximately 3,366 square feet, and the applicant proposes to modify the site to accommodate a fast food restaurant (see Exhibit "B"); and

WHEREAS, property located in the Intensive Development Future Land Use Category and the Mixed-Use Overlay (MUO) is entitled to a 50 percent reduction in the required number of parking spaces (LDC Section 34-2020(e)); and

WHEREAS, after MUO parking reduction the Restaurant, Group II, for fast food requires a total of 23 parking spaces and 38 parking spaces are being provided on the subject property

(see Exhibit “B”); 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; and

WHEREAS the following findings of fact are offered:

(1) There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question; and

(2) The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to the property; and

(3) The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an administrative variance from Lee County Land Development Code (LDC) Section 34-1353(e)(1), which requires a 25-foot landscape buffer from a right-of-way and LDC Section 34-1353 (e)(3) which requires five canopy trees per 100 linear feet within this buffer and limits three clustered sabal palms as substitutes for up to 50 percent of the required canopy trees **is APPROVED subject to the following conditions:**

1. **This approval is limited to relief for the existing right-of-way buffer along S Cleveland Avenue. The right-of-way buffer must include ten 24-inch, 3-gallon shrubs that are native Florida species and drought-tolerant. Shrubs may be clustered and are not required to be planted in a hedgerow. All other development must comply with the LDC.**

2. **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 01/09/2026
Anthony R. Rodriguez, AICP, CPM, Zoning Manager
Community Development

Exhibits
Exhibit A: Legal & STRAP
Exhibit B: Site Plan

Exhibit A

PROPERTY DATA

Lee County
Community Development
1500 Monroe Street
Fort Myers, FL 33902

REVIEWED
Project: ADD2025-00241
By: Larissa Narkiewicz
Dept: Legal Review
Date: 11/25/2025

SITE ADDRESS:
12916 S CLEVELAND AVE
FORT MYERS FL 33907

STRAP:
14-45-24-00-00004.012C

FOLIO ID:
10198896

FULL LEGAL DESCRIPTION:
PARL IN S E 1/4 OF S E 1/4 SEC 14 TWP 45 RGE 24 DESC IN OR 1293 PG 1001

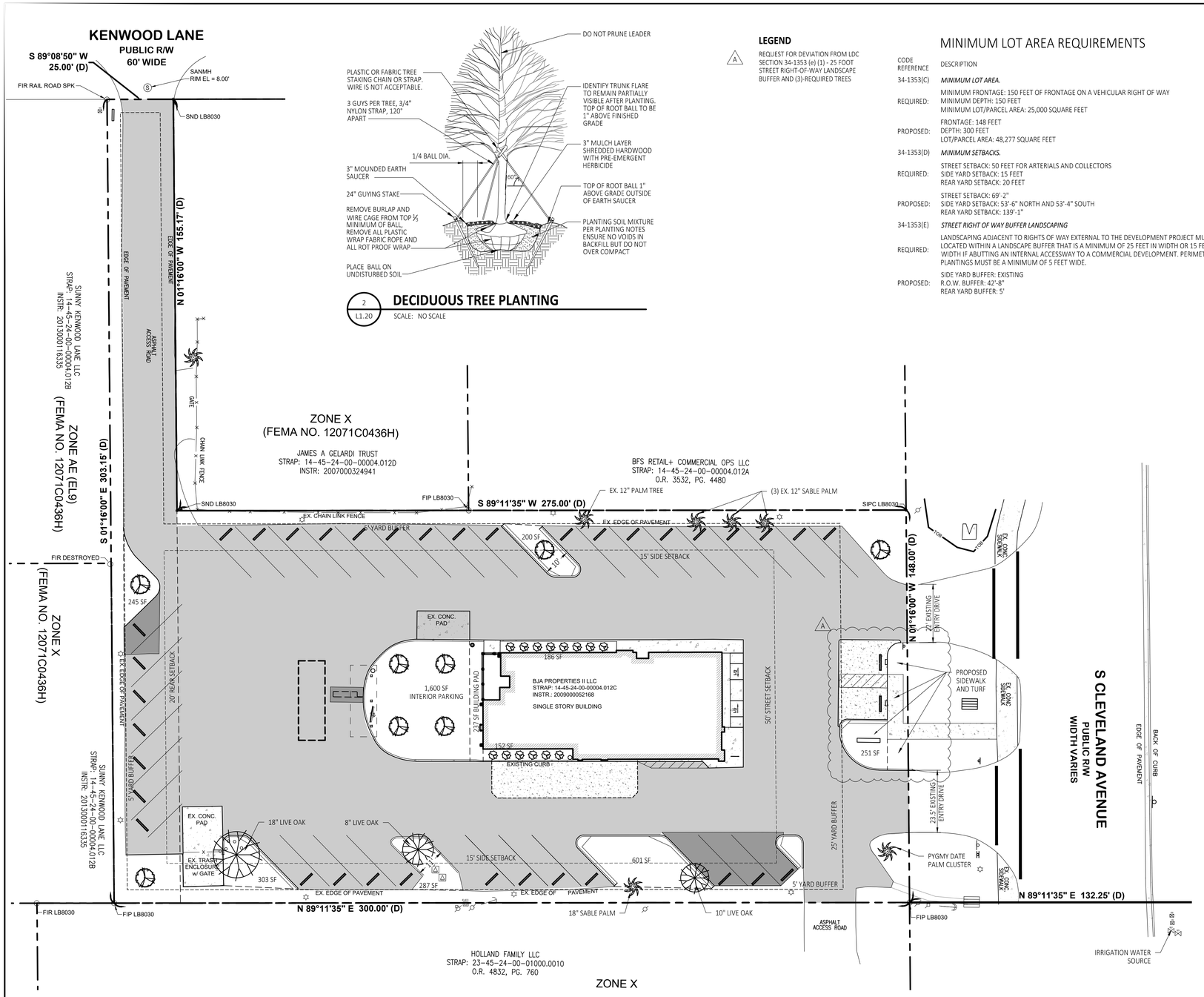
Please feel free to contact me with any questions, comments, or concerns.

Sincerely,

Wendy Hall
Project Manager, Civil, Zoning, & Permitting

352-999-4168
sevan.com
sevan
MULTI-SITE SOLUTIONS
INTEGRITY | RESPECT | TEAMWORK | EXCELLENCE | CHARITY

ADD2025-00241 Lee County ePlan



2 L1.20 **DECIDUOUS TREE PLANTING**

SCALE: NO SCALE

LEGEND

A REQUEST FOR DEVIATION FROM LDC SECTION 34-1353 (e) (1) - 25 FOOT STREET RIGHT-OF-WAY LANDSCAPE BUFFER AND (3)-REQUIRED TREES

MINIMUM LOT AREA REQUIREMENTS

CODE REFERENCE	DESCRIPTION
34-1353(C)	***MINIMUM LOT AREA.***
REQUIRED:	MINIMUM FRONTAGE: 150 FEET OF FRONTAGE ON A VEHICULAR RIGHT OF WAY MINIMUM DEPTH: 150 FEET MINIMUM LOT/PARCEL AREA: 25,000 SQUARE FEET
PROPOSED:	FRONTAGE: 148 FEET DEPTH: 300 FEET LOT/PARCEL AREA: 48,277 SQUARE FEET
34-1353(D)	***MINIMUM SETBACKS.***
REQUIRED:	STREET SETBACK: 50 FEET FOR ARTERIALS AND COLLECTORS SIDE YARD SETBACK: 15 FEET REAR YARD SETBACK: 20 FEET
PROPOSED:	STREET SETBACK: 69'-2" SIDE YARD SETBACK: 53'-6" NORTH AND 53'-4" SOUTH REAR YARD SETBACK: 139'-1"
34-1353(E)	***STREET RIGHT OF WAY BUFFER LANDSCAPING***
REQUIRED:	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 FEET IN WIDTH IF ABUTTING AN INTERNAL ACCESSWAY TO A COMMERCIAL DEVELOPMENT. PERIMETER PLANTINGS MUST BE A MINIMUM OF 5 FEET WIDE.
PROPOSED:	SIDE YARD BUFFER: EXISTING R.O.W. BUFFER: 42'-8" REAR YARD BUFFER: 5'

LANDSCAPE CODE COMPLIANCE

CODE REFERENCE	DESCRIPTION
10-425	***OPEN SPACE. SMALL DEVELOPMENTS MUST PROVIDE A MINIMUM OF TEN PERCENT OPEN SPACE***
REQUIRED:	TOTAL SITE AREA = 48,277 SF * .10 = 4,827 SF REQUIRED
PROPOSED:	POST-DEVELOPED GREEN AREA = 9,609 SF PROVIDED = 20% AN INCREASE OF 1,228 SF OF GREEN AREA AS COMPARED TO EXISTING CONDITIONS
10-425	*GENERAL TREE REQUIREMENTS. ONE CANOPY TREE MUST BE PROVIDED PER 1,000 SQUARE FEET OF REQUIRED OPEN SPACE.*
REQUIRED:	REQUIRED OPEN SPACE = 4,827 SF / 1,000 SF = 5 CANOPY TREES REQUIRED
PROPOSED:	3 EXISTING TREES TO REMAIN + 2 PROPOSED TREES = 5 CANOPY TREES
10-425	*INDIGENOUS VEGETATION. INDIGENOUS REQUIREMENTS MUST BE CONSISTENT WITH SECTION 10-415(B).*
REQUIRED:	PRESERVATION OF INDIGENOUS TREE CLUSTERS IS PREFERRED OVER INDIVIDUAL TREE PROTECTION - SALVAGING EXISTING NATIVE PLANTS.
PROPOSED:	ALL EXISTING TREES ARE BEING PROTECTED AND PRESERVED.
10-425	*BUILDING PERIMETER. COMMERCIAL DEVELOPMENT WITHIN THE MIXED-USE OVERLAY IS REQUIRED TO PROVIDE BUILDING PERIMETER PLANTING ON ONLY THE TWO SIDES OF THE BUILDING WHICH ARE MOST VISIBLE TO THE PUBLIC. ALL OTHER REQUIREMENTS OF SECTION 10-416(B) MUST BE MET. - PROVIDE BUILDING PERIMETER PLANTINGS EQUAL TO TEN PERCENT OF THE PROPOSED BUILDING GROSS GROUND LEVEL FLOOR AREA.*
REQUIRED:	PROVIDE PLANTINGS ON 2 SIDES OF THE BUILDING EXISTING BUILDING TO REMAIN - 3,361 SF * .10 = 336 SF REQUIRED
PROPOSED:	PLANTINGS PROVIDED ON THE NORTH, WEST AND SOUTH SIDES OF THE BUILDING BUILDING PERIMETER GREEN AREA = 575 SF PROVIDED
10-425	*LANDSCAPING OF PARKING AND VEHICLE USE AREAS. LANDSCAPING MUST BE CONSISTENT WITH SECTION 10-416(C).*
REQUIRED:	THE FRONT OF A VEHICLE MAY OVERHANG ANY LANDSCAPED AREA A MAXIMUM OF TWO FEET, PROVIDED THE LANDSCAPED AREA IS PROTECTED BY MOTOR VEHICLE WHEEL STOPS OR CURBING.
PROPOSED:	WHEEL STOPS PROVIDED TO MAINTAIN REQUIRED CLEAR DISTANCE IN LANDSCAPE AREAS
REQUIRED:	LANDSCAPED AREAS ON THE PARKING AREA PERIMETER OR INTERNAL ISLANDS MUST EQUAL OR EXCEED A MINIMUM OF TEN PERCENT OF THE TOTAL PAVED SURFACE AREA. PAVED AREA - 29,960 SF * .10 = 2,996 SF REQUIRED
PROPOSED:	INTERIOR SPACES = 3,514 SF PROVIDED
REQUIRED:	AT LEAST ONE CANOPY TREE OR A CLUSTER OF THREE SABAL PALMS MUST BE PLANTED OR RETAINED FOR EVERY 250 SQUARE FEET OF REQUIRED INTERNAL PLANTING AREA, AND NO PARKING SPACE MAY BE MORE THAN 200 FEET FROM A TREE PLANTED IN A PERMEABLE ISLAND, PENINSULA OR MEDIAN. 2,996 SF / 250 SF = 12 CANOPY TREES AND OR CLUSTERS OF 3 PALMS
PROPOSED:	3 EXISTING CANOPY TREES AND 1 CLUSTER OF SABLE PALMS TO REMAIN + 8 PROPOSED = 12 PROVIDED
REQUIRED:	THE MINIMUM DIMENSION OF ANY REQUIRED INTERNAL LANDSCAPED AREA MUST BE TEN FEET
PROPOSED:	MINIMUM DIMENSION ON ISLAND IS 10'
REQUIRED:	NO MORE THAN AN AVERAGE OF TEN PARKING SPACES MUST OCCUR IN AN UNINTERRUPTED ROW WITH A MAXIMUM OF 13 PARKING SPACES BETWEEN LANDSCAPE AREAS
PROPOSED:	MAXIMUM NUMBER OF SPACES IN A ROW = 9

GENERAL NOTES

1 AT THE TIME OF SITE PREPARATION, CONTRACTOR TEAM (GENERAL, GRADING & LANDSCAPE) TO REVIEW ALL EXISTING VEGETATION, AND TAG MATERIALS TO BE SAVED OR RELOCATED.

2 PRIOR TO INSTALLATION, THE LANDSCAPE CONTRACTOR SHALL INSPECT THE SUBGRADE, GENERAL SITE CONDITIONS, VERIFY ELEVATIONS, UTILITY LOCATIONS, IRRIGATION, APPROVE TOPSOIL PROVIDED BY GENERAL CONTRACTOR AND OBSERVE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE DONE. NOTIFY GENERAL CONTRACTOR OF ANY UNSATISFACTORY CONDITIONS AND WORK SHALL NOT PROCEED UNTIL SUCH CONDITIONS HAVE BEEN CORRECTED AND ARE ACCEPTABLE TO THE LANDSCAPE CONTRACTOR.

3 IF THE LANDSCAPE CONTRACTOR OBSERVES ANY DEFICIENCIES IN THE PLANT SELECTIONS, SOIL CONDITIONS OR ANY OTHER CONDITION WHICH MIGHT NEGATIVELY AFFECT PLANT ESTABLISHMENT, SURVIVAL OR GUARANTEE, HE SHALL NOTIFY THE LANDSCAPE ARCHITECT OR OWNERS REPRESENTATIVE PRIOR TO PROCUREMENT AND/OR INSTALLATION.

4 LOCATE ALL UTILITIES PRIOR TO DIGGING, CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGES. DO NOT PLANT TREES , EVERGREENS , AND SHRUBS OVER ANY EXISTING OR PROPOSED UTILITY LINES AS SHOWN ON THE OVERALL LANDSCAPE PLAN. ANY ITEM OR AREAS DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED TO ITS ORIGINAL CONDITION AT THE CONTRACTORS EXPENSE.

5 ALL PLANTING BEDS TO RECEIVE 6" MIN. OF PREPARED BACKFILL MIX. ALL INDIVIDUALLY PLANTED TREES AND SHRUBS TO BE BACKFILLED WITH WITH PREPARED BACKFILL MIX. PREPARED BACKFILL MIXTURES SHALL BE MIXED ON SITE, CONSISTING OF ONE PART TOPSOIL, ONE PART SOIL AMENDMENT, ONE PART SOIL FROM EXCAVATION.

6 PLANT BEDS TO DRESSED WITH PRE-EMERGENT HERBICIDE AND MULCHED WITH 3" OF SHREDDED HARDWOOD WITH . SEE DETAIL THIS SHEET.

7 ALL PLANTING BED EDGES TO BE SMOOTH FLOWING ARCS. BEDS TO BE LAID OUT AND APPROVED BY LANDSCAPE ARCHITECT OR OWNERS REPRESENTATIVE PRIOR TO PLANTING. LAWN TREES TO BE MULCHED WITH 4' DIAMETER BED WITH 3" MULCH RING

8 SEED OR SOD ALL AREAS, WITHIN CONTRACT LIMITS, NOT COVERED BY PAVING, BUILDINGS OR PLANTING BEDS UNLESS OTHERWISE NOTED. SODDING SHALL NOT BEGIN UNTIL AREA HAS RECEIVED A FINISHED GRADE. SEE SOD/SEED NOTES.

9 SUBSTITUTIONS SHALL BE PERMITTED WITH NOTIFICATION AND WRITTEN APPROVAL FROM LANDSCAPE ARCHITECT OR OWNERS REPRESENTATIVE. SUBSTITUTED MATERIAL SHALL BE THE NEAREST EQUIVALENT SIZE, CONDITION AND GROWTH HABIT HAVING THE SAME ESSENTIAL CHARACTERISTICS WITH AN EQUITABLE ADJUSTMENT IN WHOLESALE PRICE.

10 LANDSCAPING TO COMPLY WITH APPLICABLE ZONING REGULATIONS OF THE CITY OF FT. MEYER FL

SODDING NOTES

SITE PREPARATION:

1 SITE TO BE FINE GRADED BEFORE PERMANENT SEEDING OR SODDING.

2 SOIL SHALL BE LOOSENED TO A DEPTH OF (4) INCHES BY DISCING, RAKING, ROTOTILLING OR OTHER ACCEPTABLE MEANS. AND RAKED SMOOTH AND FREE OF ROOTS AND STONES OVER 1"Ø.

3 ENSURE PROPER DRAINAGE AND CHANNEL FLOW PROTECTION

SOD INSTALLATION

1 ALL SOD AND INSTALLATION TECHNIQUES SHALL ADHERE TO TURFGRASS PRODUCERS INTERNATIONAL, GUIDELINE SPECIFICATIONS, CURRENT EDITION.

2 SODDING IS TO BE DONE IN EARLY-SPRING OR EARLY-FALL

3 SOD SHALL BE INSTALLED WITHIN 24 HOURS OF ARRIVAL AT THE SITE

4 SOD SHALL BE LAID PARALLEL TO THE CONTOURS AND SHALL HAVE STAGGERED JOINTS. ON SLOPES GREATER THAN 3:1 OR IN DRAINAGE SWALES SOD SHALL BE STAKED

5 APPLY STARTER FERTILIZER AT TIME OF SODDING AT RATE RECOMMENDED BY MANUFACTURER. CONTRACTOR IS RESPONSIBLE FOR THE INITIAL WATERING.

MAINTENANCE:

1 WATER 1 INCH MIN. WITHIN THE FIRST HOUR OF SOD OR SEED INSTALLATION BEGIN IRRIGATION. SYSTEM DURING THE FOLLOWING 3 DAYS KEEPING THE SODDED OR SEEDED AREA MOIST.

2 CONTINUED MAINTENANCE (MOWING, FERTILIZATION, WEEDING, ECT.) OF THE SODDED OR SEEDED AREA SHOULD BE PROVIDED BY A PROFESSIONAL LANDSCAPE MAINTENANCE CONTRACTOR.

PARKING REQUIREMENTS:			
MIN. STANDARD SPACE SIZE	90°: 9'X18' 45°: 8.5'X18'	9'X18' MIN.	SEC. 34-2016
PARKING CALCULATION	13 SPACES PER 1,000 SF 3,366/1,000 = 3.4*13 44 SPACES REQUIRED	38 SPACES PROVIDED	SEC. 34-2020
ADA PARKING SPACE SIZE	12'X18' W/ 5' AISLE (AISLE MAY BE SHARED)	12'X18' PROVIDED	
MIN. LOADING ZONE SIZE	10'X30'	10'x30'	SEC. 34-1986

PLANTING SCHEDULE

SYMBOL	QUAN.	BOTANICAL NAME COMMON NAME	SIZE CONDITION		COMMENTS
	8	QUERCUS VIRGINIANA LIVE OAK	14' HT	B & B	CANOPY TREE
	10	CHRYSOBALANUS ICACO 'RED TIP' COCOPLUM	18' -24' HT	CONT	DENSE FULL CLUMP

ALL DISTURBED LAWN AREAS SHALL BE RESTORED TO ORIGINAL GRADE AND PREPARED WITH LOCALLY GROWN SOD. SEE IS NOT ACCEPTABLE

N

EXHIBIT

SCALE: 1" = 20'-0"

0 20' 40'

Exhibit "B"

Sunshine State One Call of Florida, Inc. 811

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PLOT: 10/2/25 1:10:2 PM BY: Henry, Sam

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INTEGRITY | RESPECT | TEAMWORK
EXCELLENCE | CHARITY
FLORIDA ENGINEERING BUSINESS REGISTRY No. 37440

CLIENT

WHATABURGER

SEAL

REVISIONS

REV.	DATE	DESCRIPTION
0	08.18.2025	DO PERMIT SUBMITTAL
1	10.13.2025	DO PERMIT SUBMITTAL 2
2	12.09.2025	DO PERMIT SUBMITTAL 3

CONSULTANTS

PROJECT INFORMATION

EXHIBIT

WB FT MYERS RENOVATION
12916 S CLEVELAND AVENUE
FT MYERS, FLORIDA, 33907
LEE COUNTY

SHEET MANAGEMENT

PROJECT NUMBER:	FT MYERS RENOVATION
ISSUED DATE:	08.18.2025
DRAWN BY:	JS
CHECKED BY:	DK
PROJ. MGR:	EH

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SHEET NUMBER

EX 1