

ADMINISTRATIVE APPROVAL (ASV) ADD2024-00225

ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, Quattrone and Associates, Inc., in reference to Ray Avenue Gas Station, filed an application for administrative approval of variances from the following Land Development Code (LDC) Sections:

1. 34-1353(d)(1), which establishes a street right-of-way setback of 50 feet for buildings and structures located on arterial or collector roads, to allow a minimum setback of 48 feet from SR 82 (State Maintained Arterial Road) for a proposed fuel canopy and 20 feet on Meadow Road (County Maintained Minor Collector Road) for a proposed convenience store;
2. 34-1353(e)(1), which establishes 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, to allow a buffer that is 15 feet in width along SR 82 and a 20-foot-wide enhanced buffer along Meadow Road; and
3. 10-288, which refers to Lee County Administrative Code turn lane policy (AC-11-4), requiring the applicant to provide a certain length for the proposed right turn lane on Meadow Road (County Maintained Minor Collector Road), to provide a reduced right turn lane length; and

WHEREAS, the subject property located at 604 Meadow Road, Lehigh Acres, FL 33973, (STRAP Number of 05-45-26-L1-03035.0010), and a legal description of the property is attached as Exhibit "A"; and

WHEREAS, the subject property is zoned Commercial (C-2) and is located in the Central Urban Future Land Use Category as designated by the Lee County Comprehensive Plan (LeePlan); and

WHEREAS, the subject property is also in the Lehigh Acres Community Plan area and Mixed-Use Overlay as designated by the Lee Plan; and

WHEREAS, the applicant has applied for a development order (DOS2024-00147) that is currently under review to develop the site with a convenience food and beverage store with fuel pumps; and

WHEREAS, the subject property was approved through Special Exception (SEZ2024-00010) (see Exhibit "B") to allow an increase in the number of permitted fuel pumps from eight pumps to twelve in conjunction with the proposed convenience food and beverage store; and

WHEREAS, the proposed convenience food and beverage use is regulated by LDC Section 34-1353, which establishes different property development regulations and landscape requirements for development of this use; and

WHEREAS, the general property development regulations for Commercial Zoning Districts

and properties within the Mixed-Use Overlay established in LDC Section 34-845 are not applicable for this development; and

WHEREAS, the subject property is 0.83± acres in area and has street frontage on three sides of the property, Meadow Road to the northeast, Ray Avenue South to the northwest, and SR 82 to the southwest; and

WHEREAS, LDC Section 34-1354(3) allows properties that are less than three acres in size to obtain administrative relief from the requirements of LDC Section 34-1353; and

WHEREAS, an application for approval of an administrative variance has been filed pursuant to LDC Section 34-174(a); and

WHEREAS, the applicant seeks relief from LDC Section 34-1353(d)(1), which establishes a street right-of-way setback of 50 feet for buildings and structures located on arterial or collector roads, to allow a minimum setback of 48 feet on SR 82 (State Maintained Arterial Road) for a proposed fuel canopy and 20 feet on Meadow Road (County Maintained Minor Collector Road) for a proposed convenience store; and

WHEREAS, the applicant also seeks relief from LDC Section 34-1353(e)(1), which establishes 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, to allow a buffer that is 15 feet in width along SR 82 and a 20-foot-wide enhanced buffer along Meadow Road; and

WHEREAS, the applicant's justification for this request notes that development of the site with the required infrastructure under the existing site constraints provide a challenge in properly developing the site in compliance with the regulations established in LDC Section 34-1353 for a convenience food and beverage store (see Exhibit "C"); and

WHEREAS, LDC Sections 34-845 and 10-425(f)(1) establish the Mixed-Use Overlay standards for commercial development, which permit a 0-foot street right-of-way setback and a five-foot-wide reduced landscape buffer along rights-of-way planted with five trees per 100 feet linear feet; and

WHEREAS, the requested relief will allow for the construction of sidewalks along street rights-of-way to provide safe pedestrian connections between the subject property and nearby commercial and residential uses (see Exhibit "C"); and

WHEREAS, the applicant also seeks relief from LDC Section 10-288, which refers to Lee County Administrative Code turn lane policy (AC-11-4), requiring the applicant to provide a certain length for the proposed right turn lane on Meadow Road (County Maintained Minor Collector Road), to provide a reduced right turn lane length; and

WHEREAS, the applicant's justification for the requested relief states the proposed reduced turn lane length will accommodate turning movements to the greatest extent feasible and the required length will be evaluated and finalized during Development Order review to ensure safe vehicle operations (see Exhibit "C"); and

WHEREAS, the requested turn lane deviation is based on sound engineering practices, is no less consistent with the health, safety and welfare of the abutting landowners and the general public

than standard from which the deviation is requested, and is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance, or any Lee Plan provision; and

WHEREAS, Lee County Department of Transportation has reviewed the request and recommends approval; and

WHEREAS, Condition 3 of the approved Special Exception (SEZ2024-00010) allows for modifications to the approved site plan to address alternative access locations or design modifications required from other agencies to be approved through an administrative process (see Exhibit "B"); and

WHEREAS, the applicant has provided a modified site plan that adjusts the site design to eliminate the access point located closer to the northwestern corner of Ray Avenue South and Meadow Road and keep the access point located further southeast on Meadow Road (see Exhibit "D"); and

WHEREAS, LDC Section 33-1401 does not require properties located within the Lehigh Acres Community Plan area to have a publicly advertised information session for administrative variance requests, however, the applicant did conduct one publicly advertised information session for the Special Exception (SEZ2024-00010); 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;
- (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 administrative variances from LDC Sections:

1. 34-1353(d)(1), which establishes a street right-of-way setback of 50 feet for buildings and structures located on arterial or collector roads, to allow a minimum setback of 48 feet from SR 82 (State Maintained Arterial Road) for a proposed fuel canopy and 20 feet on Meadow Road (County Maintained Minor Collector Road) for a proposed convenience store;
2. 34-1353(e)(1), which establishes 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, to allow a buffer that is 15 feet in width along SR 82 and a 20-foot-wide

enhanced buffer along Meadow Road; and

3. 10-288, which refers to Lee County Administrative Code turn lane policy (AC-11-4), requiring the applicant to provide a certain length for the proposed right turn lane on Meadow Road (County Maintained Minor Collector Road), to provide a reduced right turn lane length; and

is **APPROVED**, subject to the following conditions:

1. **Development must be in substantial compliance with the Site Plan entitled “Ray Avenue Gas Station” prepared by Quattrone & Associates, Inc., a copy of which is attached hereto as Exhibit “D,” and the conditions of Special Exception approval SEZ2024-00010, a copy of which is attached hereto as Exhibit “B,” except as amended herein.**
2. **Development must comply with the Lee Plan and LDC, except where variances are approved herein. Changes to the Site Plan may require further development approvals.**
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 02/27/2026

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

Community Development

List of Exhibits

Exhibit A: Legal Description

Exhibit B: SEZ2024-00010

Exhibit C: Applicant's Request Narrative

Exhibit D: Site Plan

Exhibit A

CASE NUMBER: ADD2024-00225

LEGAL DESCRIPTION

Lots 1, 2, 3, & 4, Block 35, Unit 3, Lehigh Acres, According to the Map or Plat Thereof on file in the Office of the Clerk of Circuit Court, Recorded in Plat Book 15, Pages 1-101, Public Records Of Lee County, Florida.

STRAP NUMBER

05-45-26-L1-03035.0010

REVIEWED

Project: ADD2024-00225

By: Richard Burris

Dept: Legal Review

Date: 03/01/2026

Exhibit B

**M E M O R A N D U M
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER**

DATE: April 10, 2025

**TO: Board of County Commissioners FROM: Amanda L. Rivera
Lee County Deputy Hearing Examiner**

**RE: RAY AVENUE GAS STATION
Hearing Examiner Decision**

Deputy Hearing Examiner Amanda L. Rivera has rendered a Decision on the following zoning request:

RAY AVENUE GAS STATION

SEZ2024-00010

HEARD: April 9, 2025

A copy of the Decision is attached for ready reference.

cc: Anthony Rodriguez / Zoning Section
Brianna Schroeder / Zoning Section
Warren Baucom / Economic Development
Phil Gillogly / Natural Resources
Tracy Toussaint / Community Development
Applicant(s) & Representative(s)
Other Interested Parties

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

SPECIAL EXCEPTION: SEZ2024-00010

Regarding: RAY AVENUE GAS STATION

Location: 604 Meadow Road
Lehigh Acres Planning Community
(District 5)

Hearing Date: April 9, 2025

I. Request

Special Exception in the Commercial (C-2) zoning district to allow a Convenience Food and Beverage Store with 12 self-service fuel pumps.

II. Hearing Examiner Decision

Approval, subject to conditions set forth in Section V.

III. Discussion

The request seeks to increase the permitted number of self-service fuel pumps from eight to 12 on a 0.8± acre vacant parcel along SR 82.

The parcel lies within the Lehigh Acres Planning Community, at the SR 82/Griffin Drive intersection.¹ The site is uniquely positioned with frontages on three roads: Meadow Road, Ray Avenue South, and SR 82.² Commercial uses line SR 82 while residential uses dominate lands to the east. Gateway High School sits across SR 82.

Applicant seeks to develop a convenience store with 12 self-service fuel pumps. Convenience food and beverage stores with eight fuel pumps are permitted by right in the C-2 district.³ Requests for more than eight pumps require approval by special exception.⁴ Accordingly, the scope of review for this request is limited to

¹ Lee Plan Map 1-B, 2-A, 2-B.

² Meadow Road is a county-maintained minor collector road. Ray Avenue South is a county-maintained local road. SR 82 is a state-maintained arterial roadway. See Staff Report (pg. 1).

³ LDC §34-844.

⁴ LDC §34-844, Note 19.

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compliance with Land Development Code (LDC) and Lee Plan standards relating to the additional four fuel pumps.⁵

Department of Community Development staff recommended approval, finding the proposed special exception satisfies LDC review criteria.

Special Exceptions

Special exceptions are departures from County land development regulations for uses generally not permitted within a zoning district but that may be permitted when controlled by conditions.⁶

The Hearing Examiner has final decision-making authority on special exceptions.⁷

The Hearing Examiner *must* grant a special exception *unless*:

1. The request is contrary to public interest and the health, safety, welfare, comfort, and convenience of the citizens; or,
2. The requested use conflicts with findings necessary to grant a special exception under the LDC.

The Hearing Examiner may attach conditions to an approved special exception to protect public health, safety, and welfare.⁸

Lee Plan Consistency

Special exceptions must be consistent with the Lee Plan.⁹

The property is zoned C-2 and designated Central Urban by the Lee Plan.¹⁰ Central Urban areas are the county's urban core, with access to a wide array of public services and infrastructure.¹¹ Residential, commercial, public, quasi-public, and limited light industrial uses can be found on Central Urban lands.

The request is suitable within the Central Urban category. The site has access to public services and infrastructure, including improved roads, transit, and

⁵ LDC §34-145(c).

⁶ LDC §34-2.

⁷ LDC §34-145(c).

⁸ LDC §34-145(c)(4)b.

⁹ LDC §§34-145(c)(3) a.1, §34-491(a).

¹⁰ Lee Plan Future Land Use Map 1-A, Policy 1.1.1. The property is also within the Mixed-Use Overlay. Lee Plan Map 1-C, Goal 11.

¹¹ Lee Plan Policy 1.1.3.

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bike/pedestrian facilities.¹² The proposal promotes compact and contiguous development patterns and constitutes infill development.¹³

Lee Plan maps further designate the property within the Lehigh Acres Community Plan and the Commercial Overlay Zone.¹⁴ The request achieves the goals of these designations by providing employment opportunities and offering a fueling facility with convenience store for area residents and the traveling public.¹⁵

The property may develop with a convenience food and beverage store and eight fuel pumps by right. The requested four additional fuel pumps on the site remain consistent with the Lee Plan.¹⁶

Natural Resources/Environmental Areas

Special exceptions must protect environmentally critical/sensitive areas where applicable.¹⁷

The property does not contain environmentally critical or sensitive features. Environmental reviews confirmed there are no wetlands or protected species on site.¹⁸

Injury to Neighborhood/Public Welfare

Special exceptions may not injure the neighborhood or be a detriment to the public welfare.¹⁹

Commercial land uses feature prominently along the SR 82 corridor. The proposed convenience store will be located at the corner of a highly trafficked

¹² Lee Plan Policies 6.1.1, 39.2.1. Conditions of approval require connection to potable water. Condition 5. Lee Plan Policy 25.9.1 directs availability of sewer and water within the Commercial Overlay Zone cannot be a requirement for zoning approval. The project must still comply with Standards 4.1.1 and 4.1.2. The request does not generate sufficient demand to require sewer connection under the Standard. Accordingly, Applicant will utilize a septic system. See Staff Report (pg. 6, Attachment J).

¹³ Lee Plan Objective 2.2, Policy 6.1.7. The site plan provides for interconnection to the adjacent property consistent with Lee Plan Policy 25.8.4.

¹⁴ Lee Plan Maps 2-A and 2-B, Goal 25, Objective 25.6.

¹⁵ Lee Plan Goal 25, Policy 25.6.1. The land is zoned for commercial use.

¹⁶ Lee Plan Goals 1, 4, 6, 25, 63, 77, Objectives 25.6, Policy 1.1.3, 2.1.1, 2.1.2, 5.1.5, 6.1.1, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 6.1.8, 11.2.2, 25.8.4, 25.9.1, 25.9.2. Hearing testimony confirmed the additional pumps did not materially change expert findings of the project's compatibility or off-site impacts.

¹⁷ LDC §34-145(c)(3)a.2.

¹⁸ See Staff Report (pg. 6, Attachment G & O).

¹⁹ LDC §34-145(c)(3)a.4.

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intersection.²⁰ Lands across Ray Avenue host a variety store with an automotive repair/service center forthcoming.²¹

Residential uses occupy lands north of Meadow Road. Conditions of approval impose enhanced buffering to mitigate off-site impacts for nearby residents.²²

Site design contemplates two access points on Meadow Road. Applicant provided auto-turn exhibits demonstrating various circulation patterns to accommodate fuel trucks and other vehicles accessing the site.²³ Conditions of approval acknowledge access points may be adjusted during the development review process.²⁴

The proposed convenience food/beverage store with fuel pumps will serve the surrounding community and traveling public. Conditions of approval adequately mitigate off-site impacts.²⁵

Compliance with Zoning Regulations

Special exceptions must comply with zoning regulations and be compatible with existing/planned uses.²⁶

The purpose of the C-2 zoning district is to regulate commercial land uses lawfully existing as of August 1, 1986.²⁷ New applications to rezone property to the C-2 district are limited to lands within a Mixed-Use Overlay.²⁸ Since C-2 is a conventional zoning district, site development must comply with the LDC or seek variances.

Convenience food and beverage stores are subject to site specific development regulations to ensure compatibility with surrounding land uses.²⁹ Applicant seeks administrative relief from LDC standards to accommodate the proposed

²⁰ Gateway High School is located across SR 82. The record demonstrates the four additional requested fuel pumps do not jeopardize students. Lee Plan Policy 6.1.8, See Staff Report (pg. 5, Attachment M).

²¹ See Staff Report (pg. 2, *citing* DOS2025-00022).

²² Condition 6 requires an enhanced 20-foot buffer with 10 native trees planted per 100 feet and a double-staggered hedgerow planted at 36 inches/maintained at 48 inches. Hearing testimony confirms the enhanced buffering will mitigate headlight intrusion into proximate residential areas.

²³ See Staff Report (Attachment N).

²⁴ Condition 4. Hearing testimony confirmed the pending Administrative Amendment seeking relief from LDC development standards would be necessary even if the site provided only eight fuel pumps.

²⁵ Condition 3 limits hours of deliveries and Condition 4 imposes enhanced buffering standards.

²⁶ LDC §34-145(c)(3)a.5, LDC §34-145(c)(3)a.3.

²⁷ LDC §34-841(b).

²⁸ *Id.* The property is already designated within the Mixed Use Overlay. Lee Plan Map 1-C.

²⁹ LDC §34-1353, §34-1354.

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development separate from this special exception request.³⁰ Administrative requests for relief are undergoing Staff review.³¹

Site development must also comply with commercial design standards adopted for the Lehigh Acres Community.³²

Public Participation

Applicant held a community meeting consistent with LDC requirements for special exception requests in the Lehigh Acres Planning Community.³³

No members of the public attended the hearing before the Hearing Examiner.

Conditions

The County must administer the zoning process so that proposed land uses acceptably minimize adverse impacts on adjacent residential property. Conditions must rationally relate to impacts anticipated from the requested special exception.³⁴

Special exception approval will be subject to conditions to ensure compliance with Applicant's proposed site plan and protect neighboring residents.³⁵

Conclusion

The Hearing Examiner concurs with Staff's recommendation of approval. A special exception allowing up to 12 fueling stations meets LDC approval criteria. The Hearing Examiner also finds that, as conditioned, the requested special exception will not be detrimental or injurious to County residents.

³⁰ See Staff Report (pg. 3, *citing* ADD2024-00225, seeking relief from LDC §34-1353(e)(1), §34-1353(d)(1), and §10-285).

³¹ See *Id.* Lee County Department of Transportation will re-evaluate access points during the development review process.

³² See LDC §§33-1411 *et. seq.*

³³ LDC §33-1401. The meeting was held before the Lehigh Acres Architectural, Planning, & Zoning Review Board on November 21, 2024. See Staff Report (Attachment F).

³⁴ LDC §34-145(c)(4)b.

³⁵ Condition 1 requires site design to substantially comply with the site plan in the Staff Report (Attachment D). Hours of delivery and enhanced buffer requirements mitigate off-site impacts to neighboring residents.

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IV. Findings and Conclusions

Based upon the testimony and evidence presented in the record, the Hearing Examiner concludes that the requested special exception is approved subject to conditions, and finds the request:

- A. Is consistent with the Lee Plan. Lee Plan Goals 2, 4, 6, 25, Objectives 2.1, 4.1, 25.6, Policies 1.1.3, 2.1.1, 2.1.2, 6.1.1, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 11.2.2, 25.8.4, 25.9.1, 25.9.2, Maps 1-A, 1-B, 1-C, 2-A, 2-B, 3-C, 3-D, 4-A, Table 1(b).
- B. Will be compatible with existing or planned uses. Lee Plan Goals 2, 6, 25, Objectives 2.1, 2.2, Policies 1.1.3, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 6.1.4, 25.6.1.
- C. Will not be injurious to the neighborhood or detrimental to the public welfare. Lee Plan Policies 6.1.4, 6.1.5, 6.1.6, 6.1.8.
- D. Will comply with LDC zoning regulations. LDC Chapters 2, 10, 33, and 34.

V. Conditions of Approval

- 1. Site Plan. Development must be in substantial compliance with the Site Plan entitled "Ray Avenue Gas Station" prepared by Quattrone & Associates, Inc., stamped received March 25, 2025 (Exhibit B).
- 2. Development Parameters. Development is limited to a 2,220 square-foot convenience food and beverage store with a maximum of 12 fuel pumps.
- 3. Hours of Deliveries: Deliveries are limited to 6:00 a.m. to 8:00 p.m., Daily.
- 4. Connection Separation: Final approval of connection separation along Meadow Road is subject to ADD2024-00225. Modifications to the Special Exception site plan to address alternative access locations or design modifications required for permits from other agencies may be approved through the administrative amendment process.
- 5. Public Utilities: Development must connect to potable water.
- 6. Buffer conditions: Development Order plans must depict the following buffers:
 - a. North (Meadow Road): Enhanced 20-foot buffer with 10 native trees planted per 100 linear feet, and a double-staggered hedgerow planted at 36 inches and maintained at 48 inches.

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- b. South (SR 82): 15-foot right of way buffer, with 5 trees planted per 100 linear feet, and a double-staggered hedgerow.
 - c. West (Ray Avenue): 25-foot right-of-way buffer along Ray Avenue, with 5 native trees planted per 100 linear feet, and a double-staggered hedgerow as required by LDC Section 34-1353(e).
7. Development Permits. Special exception approval does not establish a right to obtain permits from state or federal agencies. Further, approval does not establish county liability if Applicant: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies; or (b) undertakes actions that result in a violation of state or federal laws.

VI. Participants

Staff

Brianna Schroeder

Applicant Representatives

Josh Eisenoff

Public Participants

None

VII. Legal Description

Exhibit A (scanned legal description with vicinity map).

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VIII. Exhibits Submitted at Hearing

Staff Exhibits

- 1. *DCD Staff Report with attachments*: Prepared by Brianna Schroeder, Planner, date received May 11, 2025 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

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2. *Affidavit of Publication*: For Zoning Case SEZ2024-00010 Ray Avenue Gas Station (1 page – 8.5"x11")
3. *PowerPoint Presentation*: Prepared by Lee County Staff for SEZ2024-00010, Ray Avenue Gas Station, dated April 9, 2025 (multiple pages – 8.5"x11")

Applicant Exhibits

1. *PowerPoint Presentation*: Prepared by Quattrone & Associates, Inc., for SEZ2024-00010, Ray Avenue Gas Station, dated April 9, 2025 (multiple pages – 8.5"x11")
2. *Résumé*: For Joshua Eisenoff, P.E., Project Manager (1 page – 8.5"x11")

IX. Unauthorized Communications

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

X. Appeals

This Hearing Examiner Decision is final on the date rendered. The Decision may be appealed to the Lee County Circuit Court within 30 days of the date rendered. Appeal is by Petition for *Writ of Certiorari* in accordance with LDC 34-146.

XI. Copies of Testimony and Transcripts

- A. Every hearing is recorded. Recordings are public records that are part of the case file maintained by the Department of Community Development. Case files and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:00 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.

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Decision rendered April 10, 2025.



Amanda L. Rivera
Deputy Hearing Examiner

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

Exhibits to Hearing Examiner Decision

- A: Legal Description and Vicinity Map
- B: Site Plan, stamped 3/25/25

Exhibit A

CASE NUMBER: SEZ2024-00010

LEGAL DESCRIPTION

LOTS 1, 2, 3, AND 4 BLOCK 35 LEHIGH ESTATES UNIT 3, SECTION 05, TOWNSHIP 45 SOUTH, RANGE 26 EAST, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, RECORDED IN PLAT BOOK 15, PAGE 83, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

STRAP NUMBER

05-45-26-03-00035.0010

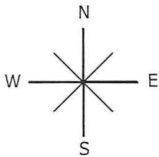
REVIEWED
SEZ2024-00010
Rick Burris, Principal
Planner
Lee County DCD/Planning
10/1/2024



SEZ2024-00010

Zoning

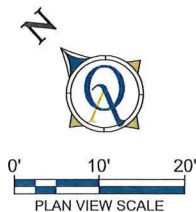
 Subject Property



0 500
Feet



LOCATED IN SECTION 05, TOWNSHIP 45-S, RANGE 26-E, LEE COUNTY, FLORIDA



This map shows the coastal region of Florida, specifically Charlotte County, Lee County, and Collier County. The Gulf of Mexico is to the west. Major roads are shown as black lines, and water bodies are in blue. The 'PROJECT SITE' is marked with a rectangle in the central part of Lee County, near the intersection of US Highway 90 and State Road 30. Other labeled locations include Fort Myers, Naples, and various smaller towns and roads. A north arrow is located in the bottom left corner.

PROJECT SUMMARY:

FUTURE LAND USE DESIGNATION

CENTRAL URBAN & MIXED-USE OVERLAY

PLANNING COMMUNITY

LEHIGH ACRES

CURRENT ZONING
C-2

PROPOSED ZONING
NO ZONING CHANGES ARE PROPOSED

STRAP #(S)
05-45-26-03-00035.0010

PROJECT ACREAGE
0.85 ACRES (37,187 SF - INCLUDES R.O.W. AREA)
0.80 ACRES (34,862 SF - EXCLUDES R.O.W. AREA)

OPEN SPACE REQUIREMENT
MIXED-USE OVERLAY FOR SMALL PROJECT SITE:
10% REQUIRED (0.08 ACRES), PROVIDED: 39% (0.31 ACRES)

PARKING CALCULATIONS REQUIREMENT
CONVENIENCE FOOD & BEVERAGE STORE W/ (12) FUEL PUMPS
 (1) SPACE PER 200 SQ. FT. OF GROSS FLOOR AREA MINUS
 (1) SPACE PER (4) FUEL PUMPS

2,200 SQ. FT. / 200 SQ. FT. = (11) SPACES MINUS (3) SPACES
FOR (12) FUEL PUMPS = (8) REQUIRED SPACES

0.55% REDUCTION PER THE 'MIXED-USE OVERLAY' LAND USE DESIGNATION = (5) REQUIRED SPACES

 - DEVIATION / VARIANCE

 **Quattrone & Associates, Inc.**
Engineers, Planners & Development Consultants

Exhibit C**REQUEST STATEMENT****Ray Avenue Gas Station**

Administrative Variance/Deviation

0.80 ACRES

Strap # 05-45-26-03-00035.0010

Undetermined, Lehigh Acres, FL 33973

The applicant is requesting the following administrative variance from portions of the Lee County Land Development Code (LDC) Section 34-1353 to facilitate a new Convenience food and beverage store Gas Station on a commercial parcel less than 3 acres pursuant the LDC Section 34-1353(d) in the Mixed-Use Overlay.

Deviation/ Variance Request #1:

From LDC section 34-1353(d)(1) which requires a 50-foot setback for arterials and collectors to allow a minimum setback of 48.6 ft to S.R. 82 (State Maintained Arterial Road) and minimum setback of 20 ft to Meadow Rd.) Lee County Maintained Minor Collector)

The subject property consists of a 0.80-acre parcel located at the southwest corner of S. R. 82 and Ray Ave. S. within the Lehigh Commercial Overlay within the Lehigh Acres Community Planning area. The property is located within the Central Urban future land use category and the Mixed Use Overlay and is zoned Commercial District C-2. There is a concurrent development order under review under case number DOS2024-00147 for a gas station with 12 fueling pumps and a 2,220-sf convenience store and associated infrastructure.

The site is currently vacant; however, the site abuts three Right-of Ways, S.R. 82 (State Maintained Arterial Road), Meadow Rd. (a County Maintained Minor Collector Road) and Ray Avenue (a County Maintained local Road). This, along with the requirement to construct a 6' sidewalk connecting Meadow Road to S. R. 82, significantly reduces the amount of the site available for development

The request falls under LDC Section 34-1354(3) which states, in part, that commercial or industrial zoned properties less than three acres in size may obtain administrative relief from Section 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 Section 34-1353 given existing site constraints such as location and configuration of existing buildings, parking areas, drainage, easements and/or other conditions.





The request complies with the Lee County Land Development Code (LDC) Section 34-174(a)(2) as follows:

There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question.

a. The following are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and relate to requested variance.

- The site is only ± 0.80 -acre and LDC Section 34-1354(3) allows administrative relief for properties up to 3 acres in size.
- The site abuts three ROW that significantly reduces the amount of site available for development.
- The site is located within the Mixed-Use Overlay.

b. 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

The parcel borders three rights-of-way: S.R. 82 (a State-Maintained Arterial Road), Meadow Rd. (a County-Maintained Minor Collector Road), and Ray Avenue (a County-Maintained Local Road). The site was designed to optimize drive circulation while also adhering to FDOT drainage specifications.

The requested reduction from the of the required 50-foot setback for the convenience store and open canopy, to for arterials and collectors to allow a minimum setback of 20.7 ft to Meadow Road (County Maintained Minor Collector Road) and a minimum setback of 48.6 ft to SR 82 (State Maintained Arterial Road)

The Mixed-Use Overlay allows for a 0' street setback for the subject property pursuant to LDC Table 34-845. LDC Section 34-1353(a) states, in part, that convenience food and beverage stores with or without gas pumps supplemental regulations are to ensure these developments do not adversely impact adjacent land uses which may otherwise be incompatible with surrounding uses, specifically residential.

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

The proposed site improvements bring the site into compliance with the LDC to the maximum extent possible by providing the minimum required buffer width along the portions of the property that faces residentially zoned property across Meadow



Rd, approximately 73 feet from the subject property line and providing all required landscaping on site. Development of the site will also provide for construction of a sidewalk along all ROW with a connection to S.R. 82 and provide a much-needed additional commercial establishment in Lehigh Acres to provide services and employment opportunities to the Lehigh Acres community. The Mixed-Use Overlay allows for a 0' street setback for the subject property pursuant to LDC Table 34-845. The proposed minimum setback of 20.7 ft to Meadow Road and minimum 48.6-foot from S.R. 82 will not have an adverse impact to adjacent land uses nor will it be injurious to the neighborhood or otherwise detrimental to the public welfare. The request also complies with LDC Section 34-1354(2) as the granting of the deviation or variance will not have an adverse impact on adjacent land uses

The request is in compliance with the Lee Plan. Approval of the request and concurrent Development Order will establish commercial use providing needed services to Lehigh Acres. The requested use is consistent with Central Urban Policy 1.1.3 as it provides an appropriate commercial use on existing commercially zoned property. An interconnect is provided to the adjacent retail development, consistent with Mixed Use Overlay Policy 11.2.2 and Lehigh Acres Policy 25.8.4. The requested variances are also consistent with Mixed Use Overlay Policy 11.2.5 which encourages urban forms of development. The request is consistent with Objective 25.6 and Policy 25.6.1 as it provides additional commercial use within the Lehigh Acres Commercial Overlay.

Deviation 2 Request:

Relief from the LDC Section 34-1353(e)(1) which requires a landscape buffer that is a minimum 25 feet in width to allow 15 feet in width along the SR 82 ROW and a 20' enhanced buffer along Meadow Road ROW, and 10' along the above ground venting for the fuel storage tank

Justification

The subject property consists of a 0.80± acre parcel located at the southeast corner of S. R. 82 and Ray Ave. S. within the Lehigh Commercial Overlay within the Lehigh Acres Community Planning area. The property is located within the Central Urban future land use category and the Mixed Use Overlay and is zoned Commercial District C-2. There is a concurrent development order under review under case number DOS2024-00147 for a gas station and associated infrastructure.

The Mixed-Use Overlay typically allows a 5-foot buffer along rights-of-way. The supplemental regulations are primarily to provide compatibility to adjacent residential land uses, so the applicant is providing the minimum 15-foot buffer width along Meadow Road, Ray Road and SR 82 which results in a 10-foot reduction in the buffer widths. The applicant is providing all required plantings within the provided 15-foot buffer which is the minimum variance.

The request falls under LDC Section 34-1354(3) which states, in part, that commercial or industrial zoned properties less than three acres in size may obtain administrative relief from Section 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 Section 34-1353 given existing site constraints such as location and configuration of buildings, parking areas, drainage, easements and/or other conditions.



Deviation 3 Request:

Relief from AC-11-4 Section V.II.A which gives formulas for calculating the storage length for right turn lanes in conjunction with deceleration required for transitions to be reduced based.

Justification

The project site is a corner lot, and there is insufficient space to provide the full required turn lane length without impacting the intersection.

Given the physical limitations, we propose a reduced turn lane length that still accommodates turning movements to the extent feasible. The required deceleration length for the transition will be evaluated and finalized during Development Order review to ensure safe vehicle operations. We believe this alternative meets the intent of the policy while addressing the constraints of the site.

“Deviations from Turn Lane Policy AC 11-4. Section V.II: may be granted administratively from the Turn Lane Policy for the following reasons:

1. Roadway and driveway geometry does not permit the installation of a left or right turn lane or dictates deviations from design standards; or
2. Right-of-way constraints do not permit the installation of a left or right turn lane, or dictate deviations from design standards; or
3. Land uses, such as churches or unconventional developments, where the traffic generation patterns do not make the lane warrants applicable; or
4. Existing topographic features would cause construction of a turn lane to be prohibitively expensive, or dictate deviations from design standards; or
5. Unusual roadway features would cause a turn lane to be detrimental to the health, safety and general welfare of the traveling public. “

Per the requirements of the LDC Sec.10-104(b), the deviation request is:

- The alternative proposed to the standards contained herein is based on sound engineering practices.

RESPONSE: The driveways have been designed according to sound engineering practices and to allow for optimum mobility for all vehicles including emergency apparatus within the site.

- 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.

RESPONSE: Similar driveway designs have been established throughout Lee County for similar land uses to accommodate safe and efficient maneuverability for vehicles including emergency apparatus. This deviation to the standard is not uncommon throughout the County.



- For division 7 of article III of this chapter, the required facility would unnecessarily duplicate existing facilities;

RESPONSE: This access will not duplicate any existing facilities

- 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; and

RESPONSE: The sought driveway separations are consistent with the Lee Plan.

- 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.

Not Applicable

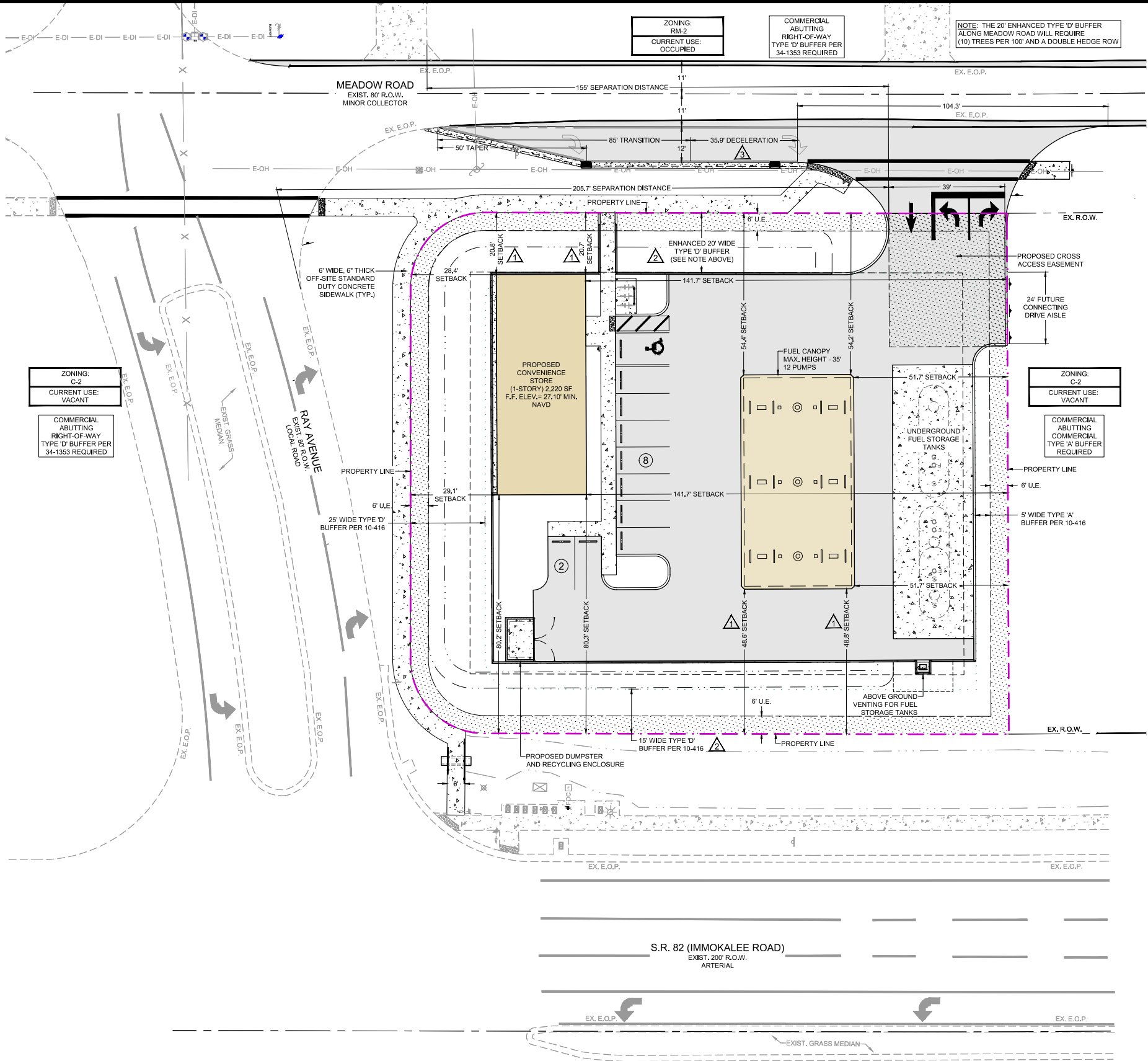
- For sections 10-329(f) and 10-418(5), the proposed use of hardened structures for restoration of existing lake bank slopes will be evaluated on a case by case basis.

Not Applicable

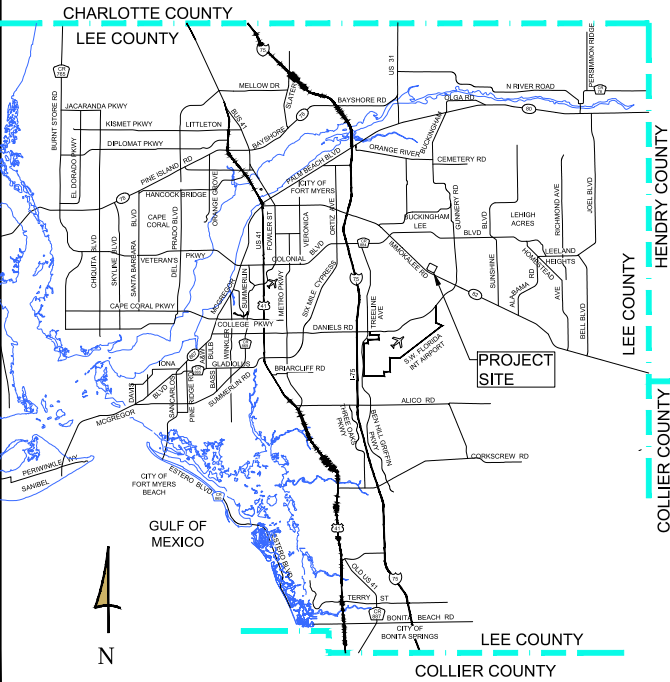
RAY AVE. GAS STATION

Exhibit D

LOCATED IN SECTION 05, TOWNSHIP 45-S, RANGE 26-E, LEE COUNTY, FLORIDA



MASTER CONCEPT PLAN



LOCATION MAP
(NOT TO SCALE)

PROJECT SUMMARY:

FUTURE LAND USE DESIGNATION
CENTRAL URBAN & MIXED-USE OVERLAY

PLANNING COMMUNITY
LEHIGH ACRES

CURRENT ZONING
C-2

PROPOSED ZONING
NO ZONING CHANGES ARE PROPOSED

STRAP #(S)
05-45-26-03-00035.0010

PROJECT ACREAGE
0.85 ACRES (37,187 SF - INCLUDES R.O.W. AREA)
0.80 ACRES (34,862 SF - EXCLUDES R.O.W. AREA)

OPEN SPACE REQUIREMENT
MIXED-USE OVERLAY FOR SMALL PROJECT SITE:
10% REQUIRED (0.08 ACRES), PROVIDED: 39% (0.31 ACRES)

PARKING CALCULATIONS REQUIREMENT
CONVENIENCE FOOD & BEVERAGE STORE W/ (12) FUEL PUMPS
(1) SPACE PER 200 SQ. FT. OF GROSS FLOOR AREA MINUS
(1) SPACE PER (4) FUEL PUMPS

2,200 SQ. FT. / 200 SQ. FT. = (11) SPACES MINUS (3) SPACES
FOR (12) FUEL PUMPS = (8) REQUIRED SPACES

0.55% REDUCTION PER THE 'MIXED-USE OVERLAY' LAND USE
DESIGNATION = (5) REQUIRED SPACES

Δ - DEVIATION / VARIANCE