

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