ADMINISTRATIVE APPROVAL (ASV) ADD2007-00229

ADMINISTRATIVE APPROVAL LEE COUNTY, FLORIDA

WHEREAS, William R. Cook, Jr., in reference to Hess Express 09217, filed an application for administrative approval for administrative setback variance to allow a landscape buffer reduction for development of property located at 14690 Metro Parkway, described more particularly as:

LEGAL DESCRIPTION: In Section 30, Township 45 South, Range 25 East, Lee County, Florida:

See Exhibit "A"

WHEREAS, the applicant has indicated the property's current STRAP number is 30-45-25-00-0008.002B; and

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

WHEREAS, the property was originally rezoned to Commercial Planned Development (CPD) in resolution number Z-93-055 and amended by AA-PD-97-061, ADD2000-00067 and ADD2006-00107; and

WHEREAS, Development Order #98-02-141.00D was approved for a convenience store with gas pumps in 1999; and

WHEREAS, the convenience store is located on the northwest corner of the intersection of Metro Parkway and Six Mile Cypress Parkway; and

WHEREAS, the Development Order approved a 10 foot wide buffer with 40 shrubs along Metro Parkway and Six Mile Cypress Parkway and a total of 29 general trees throughout the property as shown on the Site Plan/Landscape Plan attached as Exhibit "B"; and

WHEREAS, during Staff's site inspection, it was noted the subject property does not have the required number of shrubs as required by the approved Development Order; and

WHEREAS, Metro Parkway is a State road maintained by Florida Department of Transportation (FDOT) road and is proposed to be widen under eminent domain; and

WHEREAS, the widening of Metro Parkway requires a 30 foot wide taking by FDOT which includes 5 feet of the existing 10 foot wide landscape buffer; and

WHEREAS, the applicant will relocate the existing trees and shrubs within the right of way taking and replace them with 4 live oak trees (10 feet in high, 2" diameter @12" above

ground) and 23 shrubs (12 shrubs per 100 linear feet) as shown on Exhibit "C"; and

WHEREAS, as part of the taking, the existing identification sign must be relocated and is currently being reviewed by LDO2007-00178. The new location for the sign must be located outside of the new right-of-way and must comply with the 15 foot setback requirement from both Metro Parkway and Six Mile Cypress Parkway. A separate sign permit is required; and

WHEREAS, an application for approval of an administrative setback variance has been filed pursuant to the Lee County Land Development Code Section 34-268; and

WHEREAS, the Lee County Land Development Code provides for administrative approval from the Zoning Regulations for matters involving setbacks in LDC Sections 34-651 through 34-1041 and 34-1744; and

WHEREAS, administrative approval is requested in the CPD zoning district, as provided by the Lee County Land Development Code Section 34-268, from the Lee County Zoning Regulations contained in LDC Chapter 10, from the following:

From LDC Section 10-416(d)(4), from the minimum required Type "D" right-of-way buffer width of 15 feet along Metro Parkway to allow a 5 foot wide buffer along Metro Parkway.

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 no apparent deleterious effects upon the adjoining property owners;
- 2. The modifications will not have an adverse impact on the public health, safety and welfare; and
- 3. The modifications will be the minimum required.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Administrative Approval for relief in the CPD zoning district from the Lee County Land Development Code Chapter 10, from:

From LDC Section 10-416(d)(4), from the minimum required Type "D" right-of-way buffer width of 15 feet along Metro Parkway to allow a 5 foot wide buffer along Metro Parkway

is APPROVED with the following conditions and limited to the site plan dated December 21, 2007. A reduced copy is attached hereto as Exhibit "C":

- 1) Prior to the issuance of Limited Development Order 2007-00178, the applicant must provide a landscape plan that is reviewed and approved by Lee County Division of Environmental Sciences for the replacement of the required shrubs along Six Mile Cypress Parkway and Metro Parkway as required by Development Order #98-02-141,00D.
- 2) Prior to the issuance of the Certificate of Compliance (CC) for LDO 2007-00178, the applicant must replace the existing trees and shrubs within the right of way taking and replace them with 4 live oak trees (10 feet in high. 2" diameter @12" above ground) and 23 shrubs (12 shrubs per 100 linear feet) as shown on Exhibit "C".

DULY PASSED AND ADOPTED this 15th day of Lauring, A.D., 2008.

Pam Houck, Director Division of Zoning

Department of Community Development

Exhibits:

A - Legal Description

B - Approved Development Order Plans

C - General Arrangement Plan

A -3.C.1.



E.F. Gaines Surveying Services, Inc.

Description of a 2.111 Acre Parcel located in Section 30, Township 45 South, Range 25 East, Lee County, Florida

All that part of Section 30, Township 45 South, Range 25 East, Lee County, Florida being more particularly described as follows:

COMMENCING at the West one-quarter corner of said Section 30;

thence along the East-West quarter section line of said Section 30 N.88°55'23"E. for 256.60 feet; thence along the easterly right-of-way line of the Seaboard Coastline Railroad S.00°40'41"E. for 660.57 feet to the north line of those lands as described in Official Records Book 2988, Page 3308, Public Records of Lee County, Florida; thence along said north line N.88°57'08"E. for 386.18 feet to the westerly right-of-way line of Metro Parkway; thence along said westerly right-of-way line S.07°53'17"W. for 74.69 feet; thence continue along said westerly right-of-way line S.00°38'34"E. for 160.00 feet to the Point of Beginning of the parcel herein described;

thence S.89°21'26"W. for 23.80 feet; thence S.00°38'34"E. for 21.07 feet; thence S.89°21'26"W. for 235.76 feet; thence S.00°38'34"E. for 230.92 feet; thence S.06°39'00"W. for 75.16 feet; thence S.89°06'33"W. for 10.27 feet; thence S.06°39'00"W. for 18.29 feet to the northerly right-of-way line of Six Mile Cypress Parkway; thence along said northerly right-of-way line N.89°06'33"E. for 301.70 feet to the aforementioned westerly right-of-way line of Metro Parkway; thence along said westerly right-of-way line of Metro Parkway N.00°38'34"W. for 343.42 feet; thence continue along said right-of-way line S.89°21'26"W. for 20.00 feet to the Point of Beginning of the Parcel herein described;

Containing 2.111 acres, more or less;

Subject to easements, restrictions and reservations of record;

Bearings are based on the easterly right-of-way line of the Seaboard Coastline Railroad being N.00°40'41"W.

Prepared by:

E.F. Gaines Surveying Services, Inc.

PERMIT COUNTER

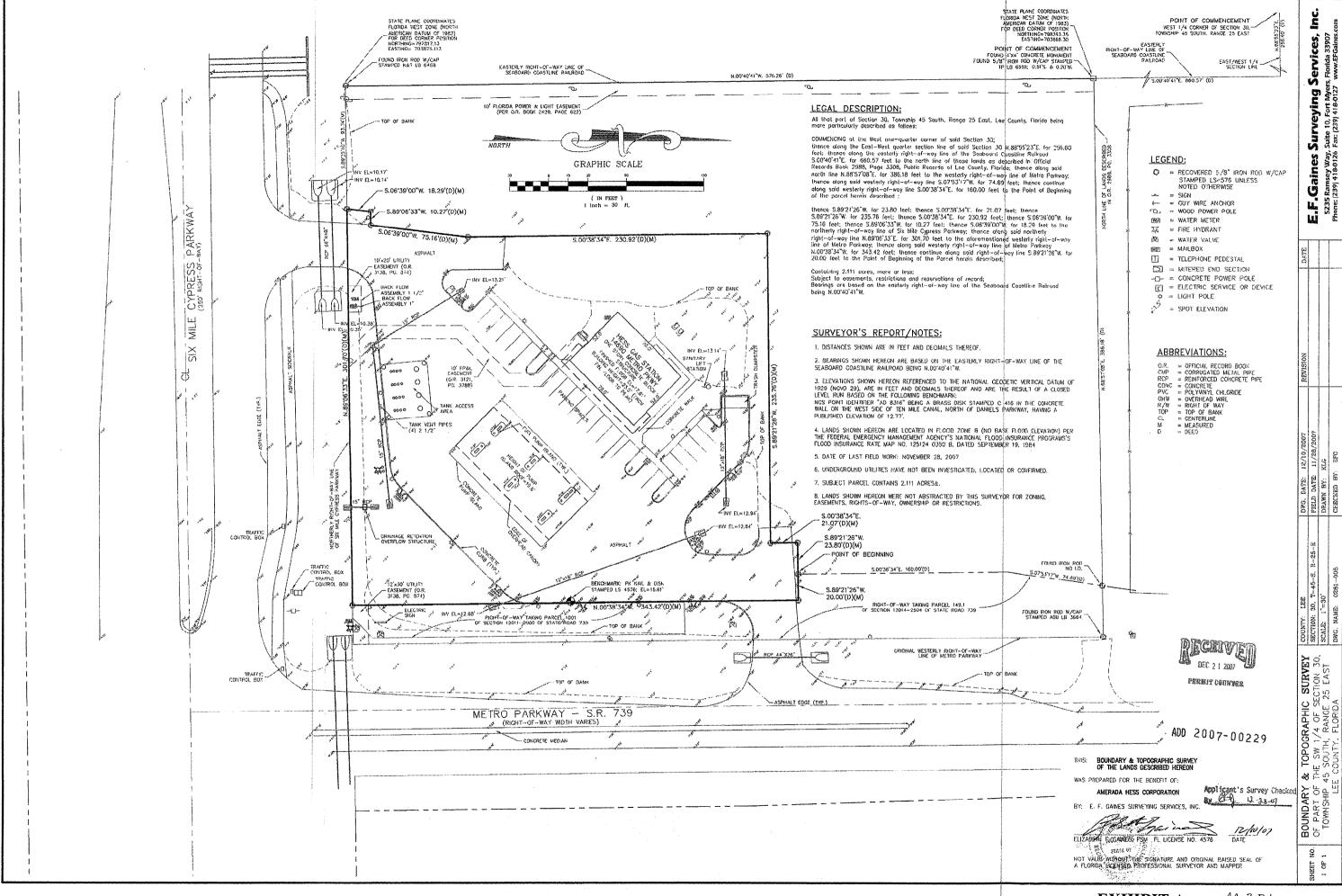
Elizabeth F. Gaines, PSM

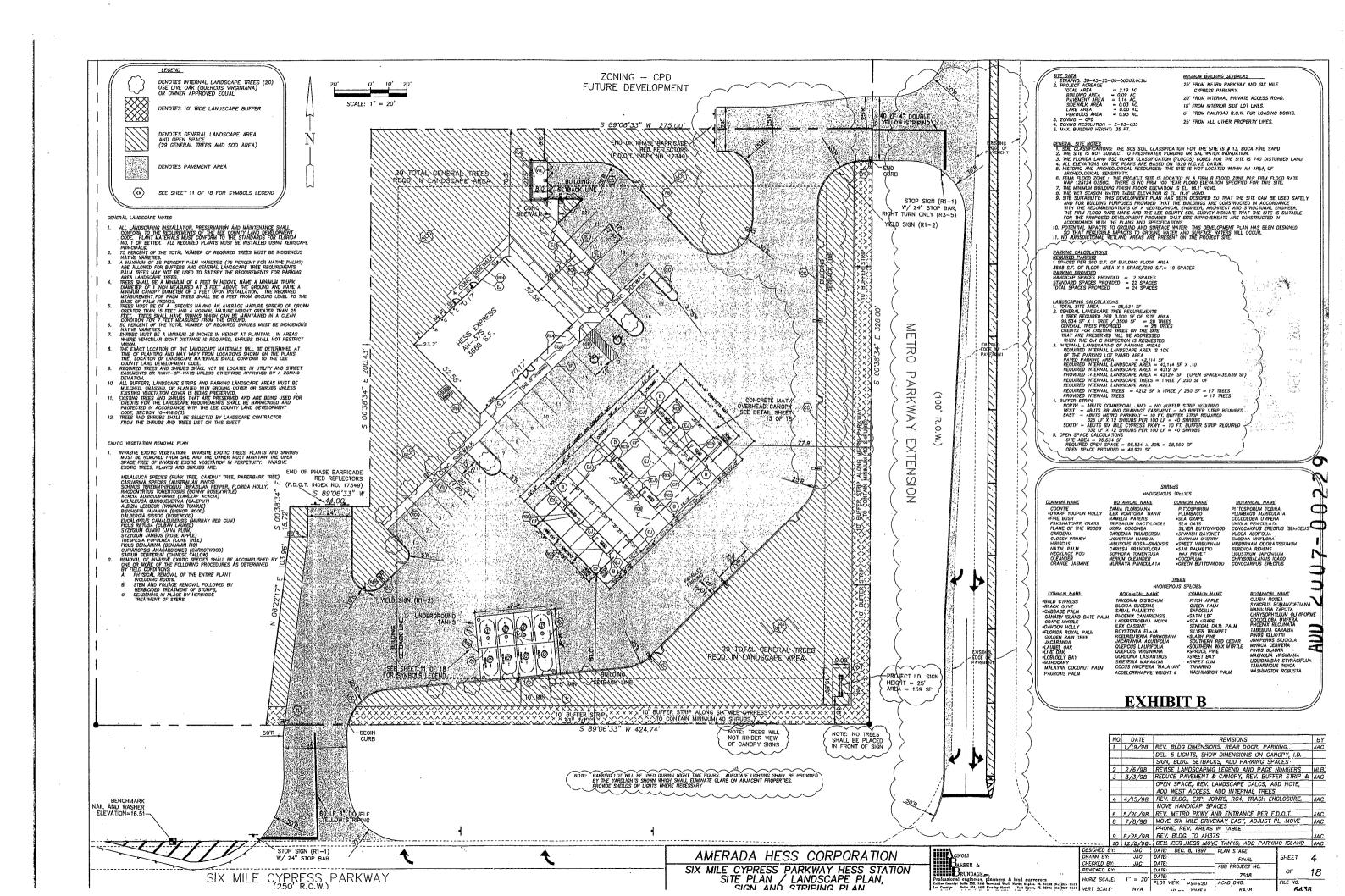
See EFG Drawing No. 0281-005

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ADD 2007-00229

policant's L**egal** Chackad





	LEGEND DESCRIPTION 4000 P.S.I. CONCRETE CURBING (Jun. 8" ABOVE FINISHED GRAZE UNLESS OTHERWISE NOTED) MEETING REQUIREMENTS GRAZE UNLESS OTHERWISE NOTED) MEETING REQUIREMENTS 201-0" MAXMAILM. SEE DETAILS AND SPECIFICATION FOR ARE ENTRANMENT, REMPORTMENT, ENTRANGEMENT, ENTRANGEME			
SYMBOL				
DC				
EJ	FULL DEPTH EXPANSION JOINT, PROVIDE SEALER AND BACKER ROD AT ALL 6" THICK AND 8" THICK CONCRETE MATS, SEE SPECIFICATIONS,			
FL	CONSTRUCT FLUME- SEE DETAIL.			
ID	EXISTING IDENTIFICATION SIGN TO SHALL BE RELOCATED AND CONSTRUCTED ON NEW FOUNDATION WITH ELECTRIC SERVICE TO ACCOMMODATE NEW LOCATION.			
L	LANDSCAPED AREA: 4 LIVE OAK REPLACEMENT TREES (10' IN HEIGHT, 2" DIA © 12" ABOVE GROUND). SHRUB REPLACEMENT 12/ 100'. CONSTRUCT SOD IN ALL AREAS DISTRUBED BY CONSTRUCTION.			
MOT	MAINTENANCE OF TRAFFIC AS REQUIRED.			
PR	ROMOVE EXISTING PAVEMENT AND BASE.			
RC	ROMOVE EXISTING CURB, PAVEMENT, PLANT MATERIAL, SPRINKLER SYSTEM AS REQUIRED FOR CONSTRUCTION.			
RYL.	RELOCATE EXISTING LIGHT.			
SCR	SILT SCREEN OR HAY BALES. SEE DETAIL			
SOD .	SODDED ALL AREAS DISTURBED BY CONSTRUCTION: TOPSOIL, LIME, FERTILIZER AND SOD.			
SP	EXISTING SPRINKLER SYSTEM SHALL BE REMOVED FROM RIGHT OF WAY AND MODIFIED TO ACCOMMODATE NEW CONSTRUCTION AND REPIPED TO ASSURED IT OPERATES CORRECTLY TO IRRIGATE LANDSCAPE AREA.			
SW	SAW CUT.			
TŘ	CONSTRUCT 2.5° DIA. AT DBH OAK TREE.			
WM	EXISTING WATER METER.			
YL .	RELOCATED YARD LIGHT, WRING AND CONDUIT AS REQUIRED. CONTRACTOR SHALL OBTAIN ELECTRICAL PERMIT FOR WORK THROUGH LEE COUNTY			
	EXISTING FEATURES.			
ATTITUTE !	EXISTING ITEMS TO BE REMOVED AND DISPOSED OF OFF SITE.			

UTILITY COMPANIES AND COUNTY DEPARTMENTS:

LEE COUNTY UTLITIES 1500 MORROE STREET FT. MYERS, FL 33901 CONTACT: UTLITIES PHONE NO.: 238-478-8165

POWER: FT. MYERS, FLORIDA PH.: 239-332-9123

TELEPHONE: SPRINT
2820 CARGO STREET, BUILDING A
FT. MYERS, FL 33916
PH: 239-939-1449

SOUTH TRAIL FIRE DISTRICT 5531 HALIFAX AVENUE FT. MYERS, FLORIDA 33912 PH: 941-433-0800

LEE COUNTY SOLID WASTE DAYSON

THIS SITE PLAN HAS BEEN PREPARED BASED ON INFORMATION CONTAINED IN A SURVEY PREPARED BY: E.F. GAINES SURVEYING SERVICES, INC. PH.: 239-418-0128 DATES: 12/16/07

APPROVED Plan

Subject to Case # ADD2007-00229 Date 1/15/2008

LEGAL DESCRIPTION:

All that part of Section 30, Township 45 South, Range 25 East, Lee County, Florida being more particularly described as follows:

COMMENCING at the West one-quarter corner of said Section 30; thence along the East-West quarter section line of said Section 30 N.88'55'23"E. for 256.60 feet; thence along the easterly right-of-way line of the Seaboard Coastline Railroad S.00'40'41"E. for 660.57 feet to the north line of those lands as described in Official Records Book 2988, Page 3308, Public Records of Lee County, Florida; thence along said north line N.88'57'08"E. for 386.18 feet to the westerly right-of-way line of Metro Parkway, thence along said westerly right-of-way line S.07 53'17"W. for 74.69 feet; thence continue along said westerly right-of-way line S.00'38'34"E. for 160.00 feet to the Point of Beginning of the parcel herein

thence S.89°21'26"W. for 23.80 feet; thence S.00°38'34"E. for 21.07 feet; thence S.89°21'26"W. for 235.76 feet; thence S.00°38'34"E. for 230.92 feet; thence S.06'39'00"W. for 75.16 feet; thence S.89'06'33"W. for 10.27 feet; thence S.06'39'00"W. for 18.29 feet to the northerly right-of-way line of Six Mile Cypress Parkway, thence along said northerly right-of-way line N.89'06'33"E. for 301.70 feet to the aforementioned westerly right-of-way line of Metro Parkway; thence along said westerly right-of-way line of Metro Parkway N.00'38'34"W. for 343.42 feet; thence continue along said right-of-way line \$.89'21'26"W. for 20.00 feet to the Point of Beginning of the Parcel herein described;

Containing 2.111 acres, more or less; Subject to easements, restrictions and reservations of record; Bearings are based on the easterly right-of-way line of the Seaboard Coastline Railroad being N.00°40'41"W.

GENERAL NOTES:

1. THE CONTRACTOR SHALL VERIFY CONTROL POINTS FOR LINE AND GRADE PRIOR TO CONSTRUCTION

3. THE CONTRACTOR SHALL VERIFY THE LOCATION, ELEVATION, AND DIMENSIONS OF ALL EXISTING UTILITIES, STRUCTURES, AND OTHER FEATURES AFFECTING HIS WORK AND SHALL COMPLY WITH ALL STATE, COUNTY, AND LOCAL GROWNINGS AND OBTAIN ANY NECESSARY WORK PERMITS THAT MAY BE REQUIRED PRIOR TO CONSTRUCTION.

5. THE ENGINEER RESERVES THE RIGHT TO PERFORM QUALITY ASSURANCE TESTING ON ALL MATERIALS DELIVERED TO PROJECT.

6. IN THE EVENT UNSUITABLE MATERIAL IS ENCOUNTERED DURING EXCAVATION, IT SHALL BE REMOVED FROM THE SITE UNLESS OTHERWISE DIRECTED BY THE PRINGHER PROGRESS.

8. THE CONTRACTOR SHALL ENDEAVOR TO PROTECT PRINATE PROPERTY. ANY DAMAGE CAUSED BY THE CONTRACTOR IN THE PERFORMANCE OF HIS WORK SHALL BE CORRECTED TO THE SATIFACTION OF THE ENGINEER AT THE CONTRACTOR'S EXPENSE. PAYMENT SHALL NOT BE MADE FOR THIS WORK.

10. ANY U.S.C. AND G.S. MONUMENT WITHIN LIMITS OF CONSTRUCTION SHALL BE PROTECTED BY THE CONTRACTOR, IF IN DANGER OF DAMAGE, THE CONTRACTOR SHALL MODIES.

RIFY.
DIRECTOR, CHARTING & GEODETIC SERVICES
BOO1 EXECUTIVE BLVD.
ATTN. C172
ROCKVILE, MARYLAND 20852
PHONE: (301) 433-8319

11. CONSTRUCTION OF POTABLE WATER AND SANITARY SEWAGE SYSTEMS ARE TO INCLUDE CONNECTION TO EXISTING FACILITIES AS SHOWN.

12. ANY SIDEWALKS TO BE CONSTRUCTED SHALL BE IN ACCORDANCE WITH LEE COUNTY AND/OR FOOT REQUIREMENTS.

13. WHEREVER MATERIAL OR CONSTRUCTION ITEM SPECIFICATIONS ARE NOT SPECIFICALLY COVERED BY THESE PLANS, LEE COUNTY, OR SDIRECTED BY THE ENGINEER, "THE FLORIDA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" LATEST EDITION, SHALL APPLY.

14. COMPACTION FOR BACKFILL SHALL BE 98% ASSHTO, T-180 AND COMPLY WITH THE LEE COUNTY AND FOOT STANDARDS.

15. ALL STORM WATER CONSTRUCTION TO BE IN ACCORDANCE WITH THE CURRENT LEE COUNTY STANDARDS AND SPECIFICATIONS. ALL WATER AND SANTTARY SEKET FACILITIES CONSTRUCTION SHALL BE IN ACCORDANCE WITH LEE COUNTY UTILITIES STANDARDS AND SPECIFICATIONS.

18. FLORIDA STATUTE REQUIRES A MINIMUM OF 2 DAYS AND A MAXIMUM OF 5 DAYS NOTICE BEFORE A CONTRACTOR MAY EXCAVATE. THE CONTRACTOR SHALL CALL SUNSHINE 1-800 432-4770 BEFORE EXCAVATION SHALL COMMENCE. 17. ALL FILL UP TO THE SPRING LINE OF THE PIPE MUST BE MECHANICALLY

19. THE CONTRACTOR SHALL SELECT A LOCAL TESTING LABORATORY FOR ON SITE TESTS SUICH AS CONCRETE STRENGTH, SUMP, DENSITIES OR LIBR OF ROADBEDS. ETC. COPIES OF ALL TESTS SHALL BE SENT TO THE TENINER AND/OR ARCHITECT CONTRACTOR.
WITHIN 10 DAYS OF THE TESTS. RETEST WILL BE AT THE EXPENSE OF THE

21. PRIOR TO BEGINNING WORK, THE CONTRACTOR SHALL EXPOSE ALL EXISTING UTILITIES TO BE EXTENDED OR CROSSED. ANY CONFLICTS AND THE CONTRACTOR PROPOSED RESOLUTIONS SHALL BE BROUGHT TO THE ENGINEER'S IMMEDIATE ATTENTION FOR APPROVAL

22. ALL PRACTICABLE EFFORT SHALL BE TAKEN DURING CONSTRUCTION TO CONTROL AND PREVENT EROSION AND TRANSPORT OF SEDIMENT MATERIALS TO RILETS, SUFFACE BRAINS, WETLANDS AND LAKE AREAS, THE CONTROLTOR SHALL BE RESPONSIBLE FOR ALL RESTORATION EFFORTS THAT MAY BE REQUIRED.

23. THE CONTRACTOR IS TO CONTROL ALL FUGITIVE DUST ORIGINATING ON THIS PROJECT BY WATERING OR OTHER METHODS AS REQUIRED.

24. ALL DISTURBED AREAS SHALL BE SODDED AND MULCHED, UNLESS OTHERWISE NOTED, AFTER REGRADING.

26. CONTRACTOR SHALL COORDINATE AND REIMBURSE THE APPROPRIATE OVERHEAD UTILITY COMPANY FOR REQUIRED SUPPORT OF UTILITY POLES WHERE CONSTRUCTION MAY CAUSE THE POLE TO LOSE ITS SELF SUPPORTING ABILITY.

27. SPECIAL PIPE FOUNDATIONS, IF REQUIRED, SHALL BE DETERMINED IN THE FIELD. AND THE TYPE REQUIRED WILL BE AS DIRECTED BY THE ENGINEER. 28. FINISHED GRADE FOR GROUND ELEVATIONS ON DRAWINGS REFER TO GRADE AFTER SODDING:

29. ALL EXISTING DRAINAGE STRUCTURES WITHIN THE RIGHT-OF-WAY SHALL REMAIN UNLESS SHOWN ON THE PLANS TO BE REMOVED.

30. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING AND MAINTAINING MEASURES TO MITIGATE ADVERSE IMPACT OFF—SITE. THE CONTRACTOR SHALL MERE PROVIDE ERGOSOM AND SEMENT CONTROL MERE SHOWN ON THE PLANS AND MICRE NECESSARY. BALED HAY OR STRAW BARRIERS AND SILT FENCE SHALL BE PROVIDED PER FOOT INDEX NO. 102.

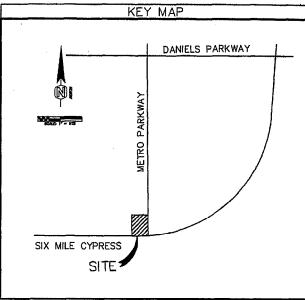
31. THE STORAGE OF MATERIALS, SOIL OR HEAVY EQUIPMENT SHALL NOT BE PERMITTED IN AREAS IN OR ADJACENT TO THEE BARRICAGES. REFER TO LANDSCAPE PLAN AND TREE PROTECTION PLAN FOR ADDITIONAL TREE PROTECTION DETAILS.

32. REFER TO LANDSCAPE PLAN FOR GUIDELINES AND RESTRICTIONS FOR WORK NEAR EXISTING TREES, AND FOR PRUNING TECHNIQUES AND EQUIPMENT.

33. ALL ELEVATIONS ARE NOVD (1929).

34. CONTRACTOR SHALL RAISE ALL VALVES BOXES AND CLEAN-OUTS AS NEEDED DUE TO CONSTRUCTION.

35. WETLAND IMPACTS: NONE.



SITE DATA

IRON HORSE COMMERCIAL PARK SITE DATA:
ORIGINAL REZONING CASE NO.: Z-93-055
ZONING ACTIONS: PD-97-061; ADD 2000-00067; Z-80-373
DEVELOPMENT ORDERS: DOSZ000-00174; DOS980214100D
ADMINISTRATIVE AMENDMENT: PD2008-00107

.OT AREA = +-2.11 AC.
IMINIMUM BUILDING SETBACKS:
25° FROM METRO PARKWAY AND SIX MILE CYPRESS PARKWAY.
20° FROM INTERNAL PRIVATE ACCESS ROADS.
15° FROM INTERNAL SIDE LOT LINES.
0° FROM RALROAD R.O.W. FOR LOADING DOCKS.
25° FROM ALL PROPERTY UNES.

22 SPACES PROVIDED- NO CHANGE IS PROPOSED.

BUILDING AND CANOPY:
BUILDING AREA = 3688 SF- NO CHANGE IS PROPOSED
BUILDING HEIGHT: 22.67 FT, CONE STORY)- NO CHANGE IS PROPOSED.
CANOPY AREA = 4284 SF- NO CHANGE IS PROPOSED.
CANOPY HEIGHT = 18' (BOTTOM OF STRUCTURE)- NO CHANGE

15' BUFFER ALONG METRO PARKWAY
REQUEST BUFFER REDUCTION TO 5' ALONG METRO PARKWAY.

IMPERVIOUS AREA (PAVEMENT) REDUCTION: 1000 S.F. PROVIDE CODE LANDSCAPING ALONG METRO PARKWAY.

OWNER AND PROFESSIONAL INFORMATION

OWNER/ APPLICANT: HESS CORPORATION 1 HESS PLAZA WOODBRIDGE, NJ 07095 (732) 750-6000

ENGINEER:
W. R. COOK ENGINEERING LLC
3012 RIVERVEW BOULEVARD
BRADENTON, FL 34205
PH; 941-224-4839

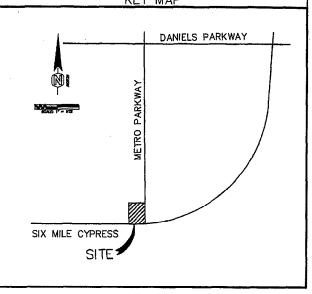
SURVEYOR: E.F. GAINES SURVEYING SERVICES, INC. 5235 RAMSEY WAY, SUITE 10 FORT MYERS, FLORIDA 33907 PH.: 239-418-0128

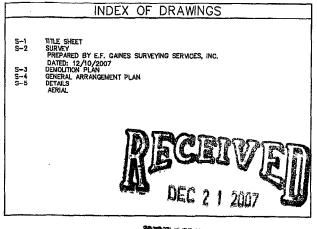
LEE COUNTY TAX ID NO.: 30-45-25-00-00008 002

LOT AREA = +-2.11 AC.

ZONING CATAGORY: SITE: CPD NORTH: CDP EAST: IL WEST: CPD SOUTH: CPD

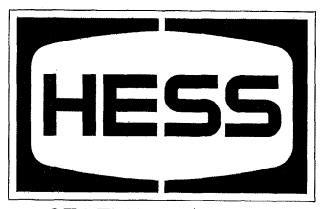
PARKING:





PERMIT COUNTER

ADD 2007-00229



STATION #09217

14690 METRO PARKWAY FT. MYERS, FL 33912

CONSTRUCTION PLAN

SEC. 30, TOWNSHIP 45 S., RANGE 25 F

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3							
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1							
REV.	DATE	BY	DESCRIPTION				APPD
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TITLE			· · · · · · · · · · · · · · · · · · ·	Techa			
				P-04	DRAIMH BY	DATE	
		COV	/ER-SHEET	NONE	WRC	12/1/	2007
		CO	/ER-SHEET	1	1	12/1/	2007
	Tr V			NONE	WRC LEE COUNT	12/1/	2007 RRV.
	EX		/ER-SHEET IBIT C	NONE LOCATION	WRC	12/1/	
	EX			NONE LOCATION	WRC LEE COUNT	12/1/	
W. I	R. CO	CH OK E	IBIT C	NONE LOCATION	WRC LEE COUNT	12/1/	
W. I	R. CO	CH OK E	IBIT C	NONE LOCATION	WRC LEE COUNT	12/1/	

