



## **AGENDA FOR THE HEARING EXAMINER**

Tuesday, March 5, 2019

9:00 AM

Council Chambers

### **1. HEARINGS CALLED TO ORDER**

### **2. HEARINGS**

- A. Case # VA18-0021\* Continued; Address: 1205 SW 10th Terrace; Applicant: Michael and Julie Kayatta
- B. Case # VP18-0007\*; Address: 4033 Oasis Boulevard; Applicant: Keith D. Finkelstein and Elizabeth A. MacGuidwin
- C. Case # VP19-0001\*; Address: 2227-2401 SW 8th Place and 2228-2402 Skyline Boulevard; Applicant: Acorn Skyline, LLC

### **3. DATE AND TIME OF NEXT HEARINGS**

- A. Tuesday, March 19, 2019, at 9:00 a.m., in Council Chambers

### **4. ADJOURNMENT**

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons needing a special accommodation to participate in this proceeding should contact the City Clerk's Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0411 for assistance, if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (v) for assistance.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

#### **PLEDGE OF CIVILITY**

We will be respectful of each other even when we disagree.  
We will direct all comments to the issues. We will avoid personal attacks.

The hearing shall, to the extent possible, be conducted as follows:

1. The Clerk shall read into the record the Ordinance or Resolution Title and Number, or the Applicant's name, file number, and the subject matter to be decided if there is no ordinance or resolution.
2. The Applicant, staff, and all Participants requesting to speak or present evidence or both the hearing shall be collectively sworn by an oath or affirmation by the Clerk.
3. Staff will testify regarding proper notice of the Hearing in accordance with City requirements.
4. The Applicant may waive the Applicant's right to an evidentiary hearing if Applicant agrees with the staff recommendation and no one from the audience wishes to speak for or against the application. The Hearing Examiner shall rule on the matter or make a recommendation, based upon the staff report and any other materials contained within the official file. Regardless of a waiver by the Applicant, a Public Hearing shall be held for all decisions requiring an ordinance or resolution.
5. If there is an evidentiary hearing, the order of the presentation shall be as follows, unless the Hearing Examiner, determines to proceed in a different order, taking proper consideration of fairness and due process:
  - The Applicant shall make the Applicant's presentation, including offering any documentary evidence, and introduce any witnesses as Applicant desires. The Applicant shall present the Applicant's entire case in thirty (30) minutes.
  - Staff shall present a brief synopsis of the application; introduce any appropriate additional exhibits from the official file that have not already been transmitted to the Hearing Examiner with the agenda materials, as staff desires; summarize issues; and make a recommendation on the application. Staff shall also introduce any witnesses that it wishes to provide testimony at the hearing. Staff shall present its entire case in thirty (30) minutes.
  - Participants in opposition to or support of the application shall make their presentation in any order as determined by the Hearing Examiner. Each Participant shall present their argument in 5 minutes.
  - The Applicant may cross-examine any witness and respond to any testimony presented.
  - Staff may cross-examine any witness and respond to any testimony presented.
  - The Hearing Examiner may choose to allow Participants to respond to any testimony if the Hearing Examiner deems the response to be necessary to ensure fairness and due process.
  - The Hearing Examiner, may ask questions of the staff, Applicant, and Participants.
  - Final argument may be made by the Applicant, related solely to the evidence in the record.
  - Final argument may be made by the staff, related solely to the evidence in the record.
  - For good cause shown, the Hearing Examiner may grant additional time to any of the hereinabove time limitations.
  - The Hearing Examiner's, decisions must be based upon Competent Substantial Evidence in the record.

**Item Number:** 2.A.  
**Meeting Date:** 3/5/2019  
**Item Type:** HEARINGS

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case # VA18-0021\* Continued; Address: 1205 SW 10th Terrace; Applicant: Michael and Julie Kayatta

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan? No

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

The applicant requests a variance from City of Cape Coral Land Use and Development Regulations, Section 3.10 "Swimming Pools" which requires that all swimming pools be constructed behind a single-family home.

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Materials"

**PREPARED BY:**

Kristin  
Kantarze                      Division- Planning                      Department- Community Development

**SOURCE OF ADDITIONAL INFORMATION:**

Chad Boyko, AICP, Principal Planner, 239-573-3162, cboyko@capecoral.net

**ATTACHMENTS:**

Description	Type
Backup Materials	Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # VA 18-0021

REQUEST TO HEARING EXAMINER FOR A VARIANCE

FEE: SINGLE-FAMILY RESIDENTIAL USE \$150.00 (\$150.00 PER EACH ADDITIONAL REQUEST) ALL OTHER USES \$673.00. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising costs will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

OWNER OF PROPERTY  
Julie Kayatta

Address: 1205 SW 10th Terr  
City: Cape Coral State: FL Zip 33991  
Phone: 239-621-2639

APPLICANT

Same

Address: \_\_\_\_\_

EMAIL

Julie@body-as-one.com

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_  
Phone: \_\_\_\_\_

AUTHORIZED REPRESENTATIVE

Gary Ketter

Address: \_\_\_\_\_

EMAIL

Gary@ketterbois.com

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_  
Phone: \_\_\_\_\_

Unit W3 Block 4464 Lot(s) 34-37 Subdivision N/A  
Address of Property 1205 SW 10th Terr Cape Coral FL 33991  
Current Zoning SF Plat Book 21, Page 74  
Strap Number 224423C1044040360

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant, agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.



DEPARTMENT OF COMMUNITY DEVELOPMENT

CASE # \_\_\_\_\_

APPLICATION FOR VARIANCE

Questions: 239-574-0776

JULIE KAYATTA

APPLICANT NAME (PLEASE TYPE OR PRINT)

Julie Kayatta

APPLICANT'S SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FLORIDA, COUNTY OF

LEE

Sworn to (or affirmed) and subscribed before me this 20<sup>th</sup> day of August, 2018, by

Julie Kayatta

who is personally known or produced

as identification.

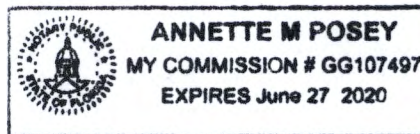
Exp. Date: June 27, 2020 Commission Number: GG107 497

NOTARY STAMP HERE

Signature of Notary Public:

Printed name of Notary Public:

Annette M. Posey  
Annette M. Posey





DEPARTMENT OF COMMUNITY DEVELOPMENT

CASE # \_\_\_\_\_

APPLICATION FOR VARIANCE

Questions: 239-574-0776

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT

Gary Heller Heller Pools Construction  
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE HEARING EXAMINER, OR CITY COUNCIL FOR

Variance  
(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT

BLOCK

LOT(S)

SUBDIVISION

OR LEGAL DESCRIPTION

Cape Coral Unit 63, BIK 4464, PB 21  
PG 74, LOTS 34 Thru 37

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

MICHAEL KAYATTA

PROPERTY OWNER (Please Print)

Michael Kayatta  
PROPERTY OWNER (Signature & Title)

JULIE KAYATTA

PROPERTY OWNER (Please Print)

Julie Kayatta  
PROPERTY OWNER (Signature & Title)

STATE OF FLORIDA, COUNTY OF

LEE

Subscribed and sworn to (or affirmed) before me this

20th

day of

August

, 2019, by

Michael Kayatta  
as identification.

who is personally known or produced

Julie Kayatta

Exp. Date: June 27, 2020 Commission Number:

GG107497

Signature of Notary Public:

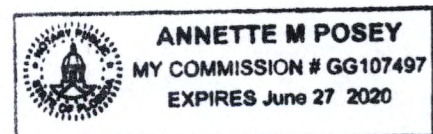
Annette M. Posey

Printed name of Notary Public:

Annette M. Posey

NOTARY STAMP HERE

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation paper.





DEPARTMENT OF COMMUNITY DEVELOPMENT

CASE # \_\_\_\_\_

APPLICATION FOR VARIANCE

Questions: 239-574-0776

### ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I or my representative must attend any applicable meetings scheduled for the Hearing Examiner, and City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

(SIGNATURE MUST BE NOTARIZED)

CORPORATION/COMPANY NAME

JULIE KAYATTA

PROPERTY OWNER (PLEASE TYPE OR PRINT)

*Julie Kayatta*  
PROPERTY OWNER'S SIGNATURE

STATE OF FLORIDA, COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 20<sup>th</sup> day of August, 2018, by  
Julie Kayatta who is personally known or produced  
as identification

Exp. Date: June 27, 2022 Commission Number: GG-107497

NOTARY STAMP HERE

Signature of Notary Public:

Printed name of Notary Public:

*Annette M. Posey*  
Annette M. Posey



DEPARTMENT OF COMMUNITY DEVELOPMENT  
APPLICATION FOR VARIANCE  
Questions: 239-574-0776

CASE # \_\_\_\_\_

**DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)**

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

JULIE KAYATTA  
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

*Julie Kayatta*  
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FLORIDA COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me on this 20<sup>th</sup> day of August,  
2018 by Julie Kayatta, who is personally known or who has produced \_\_\_\_\_ as  
Identification.

Exp. Date June 27, 2020  
Commission # GG107497

*Annette M. Posey*  
Signature of Notary Public  
Annette M. Posey  
Print Name of Notary Public



## City of Cape Coral Variance Request Letter of Intent

We, Michael and Julie Kayatta, are requesting a zoning variance in the matter of the non-conforming pool in our adjacent lot on the east side of our home. Our property is at 1205 SW 10<sup>th</sup> Terrace, Cape Coral, FL. 33991 and the Code Case # is VA18-0021. We purchased our home in 1995 and married the adjacent corner lot in 2010, with a future plan to build a beautiful pool project. We also planted a hedge around the entire additional property that exceeds 9 foot height for privacy with the intent of our pool project not impacting our neighborhood. We have contracted Keller Pools Construction Inc. to design and build a pool and spa at our home.

We request that a variance be approved that would allow the pool to be built on the side of our home on our married adjacent lot.

The special condition that exists is that the two oak trees were planed in accordance with ordnance and in memory of past family members. Over the years, our children have climbed and played in these trees, we look forward to our grandchildren having the same opportunity. The oak trees grew to be quite large and have extreme sentimental value and would be extremely costly to remove. Also, in addition to that, the space provided in our backyard would not allow this project to be completed.

We feel that applying for the zoning variance we are using the legal option that is available to many people who have used this avenue to clear similar problems. We have seen other properties in the City of Cape Coral that have their pools on the side of their homes. We an provide those addresses for you, if requested.

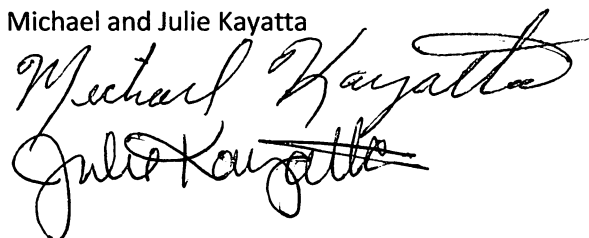
The hardship that would result from a denial of the variance request for us may sound small, be we have always wanted at pool to enjoy with our family and now to watch our grandchildren enjoy, making priceless memories. The hedge encloses the area and allows our neighbors to be unburned by the pool on the side of the house. The significant price of removing the very large sentimental oak trees would be financially detrimental.

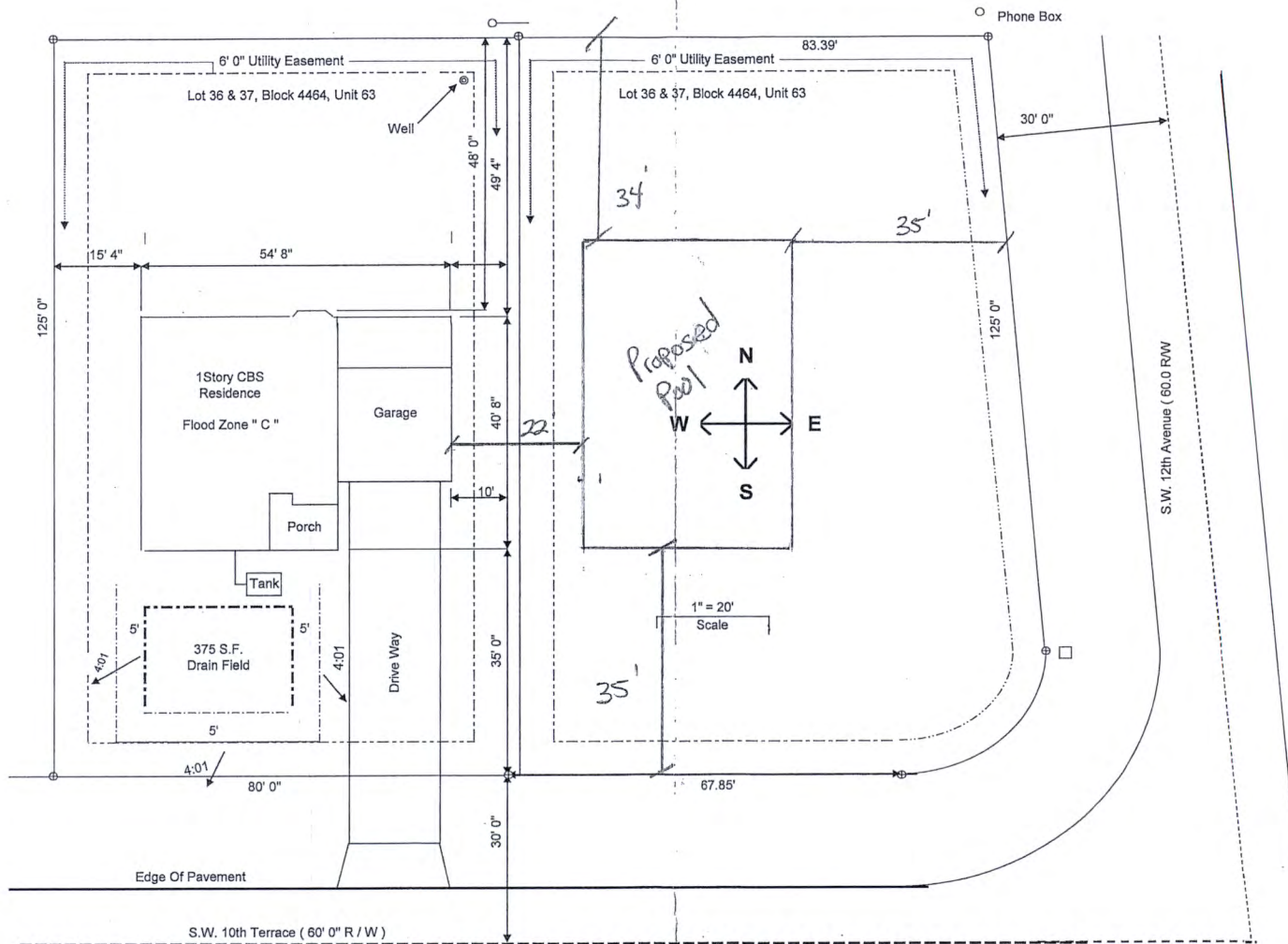
The minimum variance we are requesting is to allow the pool and spa to be built on our married adjacent corner lot.

The granting of this variance will not be injurious to the area and as you can see by signed letter from our closest neighbors, they have no objections to the building of our dream pool and spa.

Thank you for considering our request,

Michael and Julie Kayatta

Handwritten signatures of Michael and Julie Kayatta. The signature of Michael Kayatta is written in a cursive script, and the signature of Julie Kayatta is written below it, also in cursive.



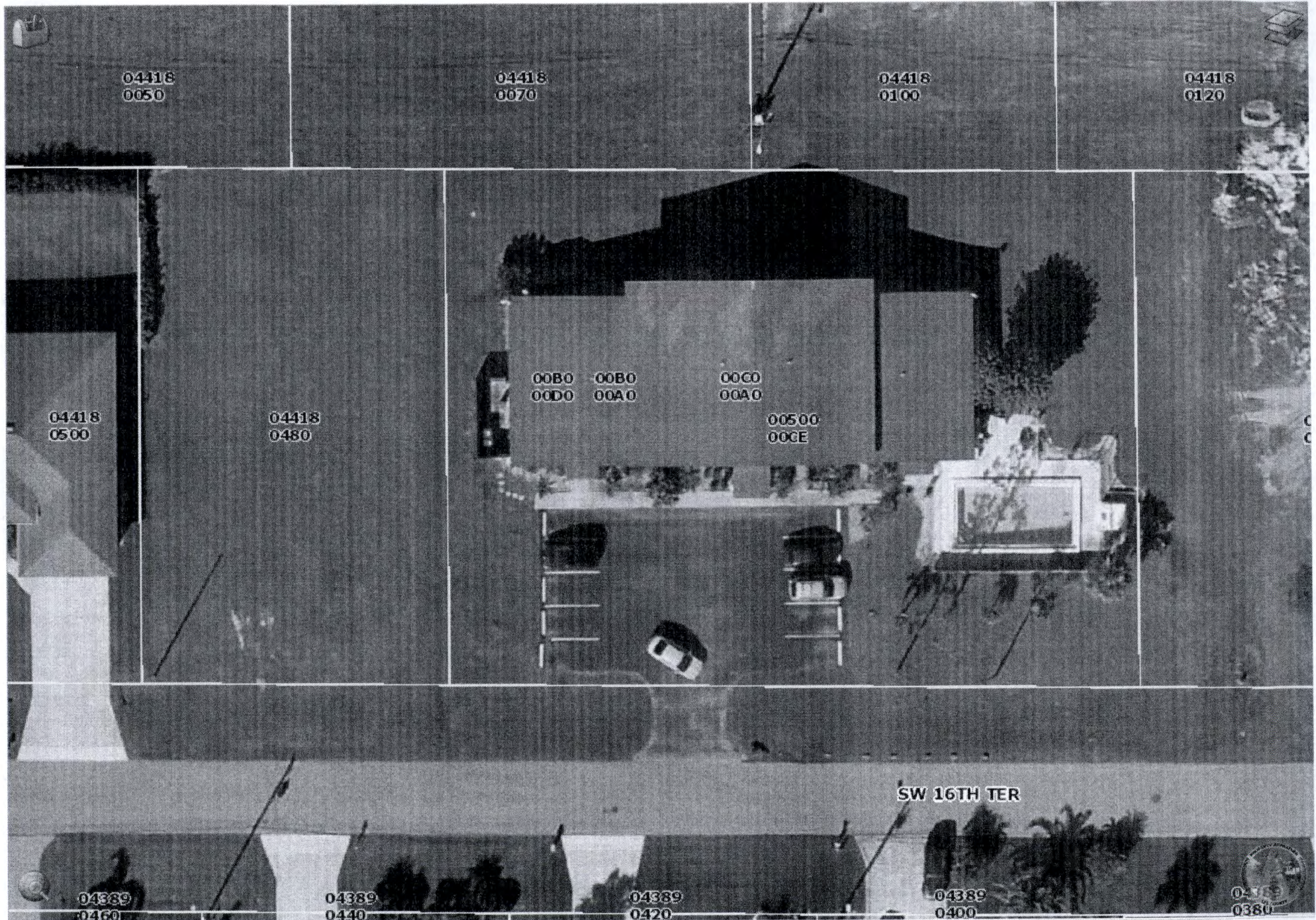








✕	STRAP	Folio	Owner Name	Site Address	Last Trans. Date	Last Trans.
			Steven & Maria Mullins	1422 SW 4th Ave		



STRAP

Folio

Owner Name

Site Address

Last Trans. Date

Last Trans.

SW 16TH TER

**Review Date:** December 18, 2018

**Applicant/  
Property Owner:** Michael and Julie Kayatta  
1205 SW 10<sup>th</sup> Terrace  
Cape Coral, FL 33991

**Authorized Rep:** Gary Keller, Keller Pools Construction

**Request:** The applicant requests a variance from City of Cape Coral Land Use and Development Regulations, Section 3.10 "Swimming Pools" which requires that all swimming pools be constructed behind a single-family home.

**Location:** 1205 SW 10<sup>th</sup> Terrace  
Cape Coral, FL 33991  
Strap number: 22-44-23-C1-04464.0360  
Unit 63, Block 4464, Lots 34-37

**Prepared By:** Chad Boyko, AICP, Principal Planner

**Approved By:** Robert H. Pederson, AICP, Planning Division Manager

**Recommendation:** Denial

### Findings of Fact/Background:

The site is a 21,019 sq. ft. parcel in the southwest quadrant of the City. The site improved with a single-family home and is at the intersection of SW 10<sup>th</sup> Terrace and SW 12<sup>th</sup> Avenue<sup>1</sup>. The site is four lots and the single-family home is on western side of the property. The site has a Single-Family (SF) future land use designation and a Single-Family Residential (R-1B) zoning designation. The surrounding area is single-family homes and scattered, undeveloped lots in all directions.

### Similar Variances Cases within Block 4464

City records show there have been no variances awarded to properties in Block 4464 or within 500 feet of the site.

### Applicable Regulation:

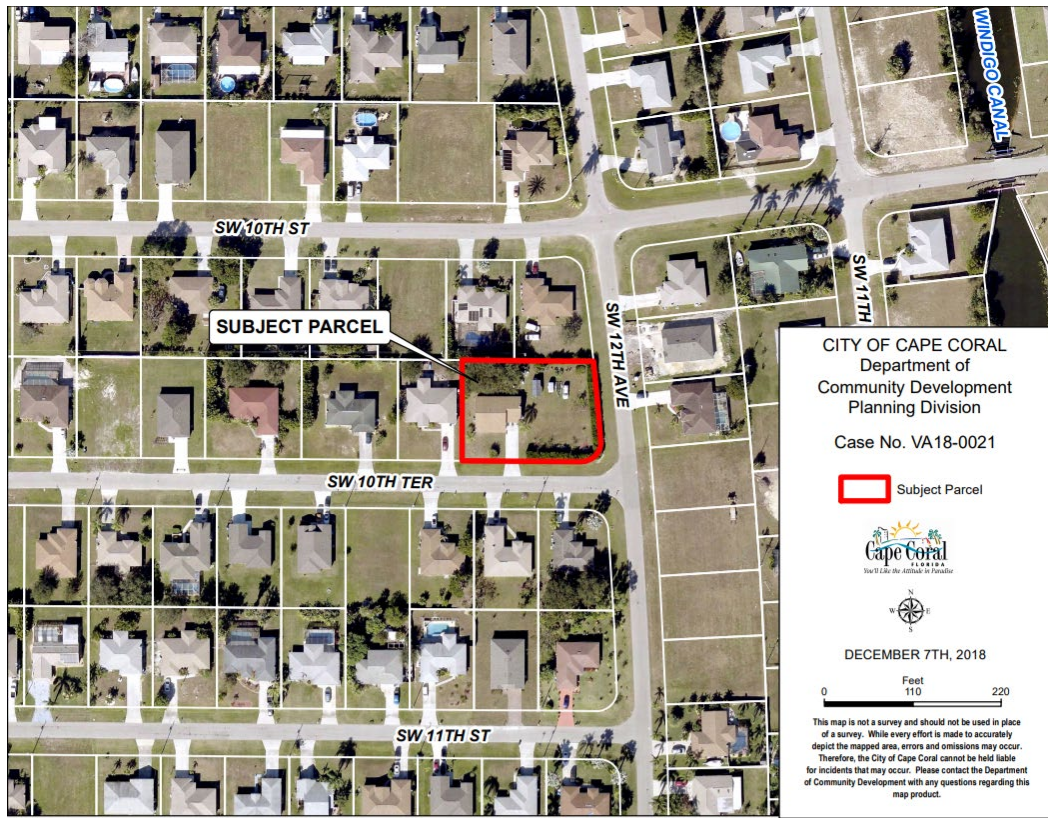
LUDR, Section 3.10.1.A: *Location of pools; fencing, safety rails; solar screens*

"The construction of a swimming pool/spa/hot tub is prohibited in the front or side of any single-family or duplex residential structure except as permitted in the RE district."

The applicant is requesting the variance to construct a swimming pool in the side yard of the site. The swimming pool would be approximately 22 feet away from the house. The applicant has provided a site plan that is attached to this report as "Exhibit A".

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<sup>1</sup> Both local streets.

**Site Aerial:****Analysis:**

A variance is defined as a modification of the requirements of the City ordinance when such modification will not be contrary to the public interest where, because of conditions peculiar to the property involved and not the result of the actions of the applicant which occurred after the effective date of the ordinance, a literal interpretation of the ordinance would result in unnecessary and undue hardship.

Staff has reviewed this application based on the regulations regarding swimming pools in LUDR, Section 3.10, and the five standards for variances in LUDR, Section 8.10.3a-e and offers the following analysis:

1. *Special Conditions: The special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structure or buildings in the same zoning district; that the special conditions and circumstances do not result from the actions of the applicant.*

**Staff determination and analysis: Standard NOT MET by the applicant.**

The 20,019-sq. ft. site is flat and primarily rectangular, typical of most platted home sites in the City. The site is at the corner of two local streets and the corner portion of the site is

slightly widened due to a curve in the street. The applicants states that a special condition exists due to two large oak trees in the rear of the property that are sentimental and would be costly to remove. Staff acknowledges that the location and size of the oak trees would make construction of a pool in the rear yard difficult. The applicant has indicated that 18-20 feet of space is between the home and the two trees. While it may be possible to construct a small pool in the space available, other factors such as roots and tree canopy could make the construction difficult or impractical. While the trees would make placement of a pool difficult, the trees were planted by the applicant, therefore this condition is a result of the applicant's actions. Additionally, while staff acknowledges that the trees are sentimental to the applicant, the trees could be removed for construction of a pool that meets all applicable location requirements.

2. *No Special Privilege: The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.*

**Staff determination and analysis: Standard NOT MET by the applicant.**

Swimming pools are not allowed in the side yards of any single-family residential property in Cape Coral. The granting of the variance to allow a swimming pool would grant a special privilege to the applicant by allowing for the construction of a pool that is in the side yard of the site. The applicant provided a few examples where swimming pools have been constructed in a property's side yard. These examples are outliers and the vast majority of swimming pools in Cape Coral are built to the applicable regulations.

3. *Hardship: That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardships on the applicant.*

**Staff determination and analysis: Standard NOT MET by the applicant.**

The applicant would not be denied reasonable use of the site if the variance is not granted. The applicant built and has lived in a single-family home on the site for over 20 years. The applicant is requesting the variance to build a swimming pool which is an accessory feature to a single-family. While many single-family homes include swimming pools, the pools are not a requirement for reasonable use. Additionally, the applicant has the space available for construction of a swimming pool if the trees were removed. Developing a swimming pool in the side yard of a property is not a right that is commonly enjoyed by sites in the R-1B zoning district.

4. *Minimum Variance: That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*

**Staff determination and analysis: Standard NOT MET by the applicant.**

The variance sought by the applicant is the not minimum variance necessary to allow construction of a swimming pool. The plan submitted by the applicant shows a swimming

pool that is completely detached from the single-family home. The applicant could reduce the scale of their variance request by tying the swimming pool in with the single-family home or placing a portion of the pool behind the home. Staff also finds that the applicant currently has reasonable use of the site with the construction of the single-family home.

5. *Purpose and Intent; Public Interest: That the granting of the variance will be in harmony with the general intent and purpose of this ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

**Staff determination and analysis: Standard PARTIALLY MET by the applicant.**

Accessory structures and features such as swimming pools have setbacks to ensure separation and compatibility with surrounding residences. Swimming pools are required to be constructed behind a single-family home to create a consistent look within single-family neighborhoods. The site does include some unique features that would make the pool more compatible with the surrounding area. The proposed location of the swimming pool is buffered on three sides by an opaque hedge row that is between eight and 10 feet tall. The hedge would screen most of the pool from the view of surrounding properties. The site is also on a corner which increases separation from neighboring homes. Staff notes that while the hedge row currently provides adequate screening, the hedges could be removed at any time by the current or future owner of the site. If the hedges were removed, the swimming pool would be in plain sight from all directions. Staff finds that with the hedge row in place, the pool would be adequately screened and would not be injurious or detrimental to the public welfare.

**Consistency with the Comprehensive Plan**

This request is consistent with the following objective and policy.

Future Land Use Element

**Policy 1.15a:**

*Single Family Residential: Sites of 10,000 square feet and greater, with densities not to exceed 4.4 units per acre.*

**Staff comment:** The site has R-1B Zoning that is consistent with the Single Family Future Land Use Classification of the site. The site is 20,019 sq. ft. and has a single-family home. The site is well under the maximum density of 4.4 units per acre. The project is consistent with this policy.

**Recommendation:**

Staff finds that this variance meets one of the five standards established for variances. Since this request does not meet all five standards, staff recommends **denial**.

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**Staff Contact Information**

Chad Boyko, AICP, Principal Planner

PH: 239-573-3162/Email: [cboyko@capecoral.net](mailto:cboyko@capecoral.net)

This site plan illustrates the layout for a proposed pool and a 1-story CBS residence on two adjacent lots, Lot 36 & 37, Block 4484, Unit 63. The plan includes the following details:

- Proposed Pool:** A rectangular pool measuring 34' by 35' is located on the right side of the plan. It includes a compass rose indicating North (N), South (S), East (E), and West (W). A scale of 1" = 20' is provided.
- Residence and Structures:** A 1-story CBS Residence is situated on the left lot, with a Flood Zone "C" indicated. Adjacent to the residence is a Garage and a Porch. A Tank is located near the 375 S.F. Drain Field.
- Drainage and Easements:** A 375 S.F. Drain Field is shown with a 4:01 slope. A Drive Way is also indicated. The plan includes 6' 0" Utility Easements and a 6' 0" Easement along the top boundary.
- Dimensions and Boundaries:** The overall dimensions of the lots and surrounding areas are specified, including 125' 0" and 83.39' widths, and 15' 4" and 54' 8" lengths. A 30' 0" distance is marked from the pool area to the right boundary.
- Other Features:** A Well is located near the top left, and a Phone Box is marked on the top right. The plan also shows the Edge Of Pavement and the S.W. 10th Terrace (60' 0" R / W) at the bottom.



## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** VA18-0021

**REQUEST:** The applicant requests a variance from City of Cape Coral Land Use and Development Regulations, Section 3.10 "Swimming Pools" which requires that all swimming pools be constructed behind a single-family home.

**LOCATION:** 1205 SW 10<sup>th</sup> Terrace

**CAPE CORAL STAFF CONTACT:** Chad Boyko, AICP, Principal Planner, 239-573-3162, [cboyko@capecoral.net](mailto:cboyko@capecoral.net)

**PROPERTY OWNER(S):** Michael and Julie Kayatta

**AUTHORIZED REPRESENTATIVE:** Gary Keller, Keller Pools Construction

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, February 5, 2019 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

**HOW TO CONTACT:** Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

**ADA PROVISIONS:** In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

**APPEALS:** If a person decides to appeal any decision made by the Hearing Examiner with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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CAPE CORAL FL 33990  
USA

**Net Amt:** \$

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 01/26/19

**Text of Ad:**

**NOTICE OF PUBLIC HEARING**

**CASE NUMBER:** VA18-0021

**REQUEST:** The applicant requests a variance from City of Cape Coral Land Use and Development Regulations, Section 3.10 "Swimming Pools" which requires that all swimming pools be constructed behind a single-family home.

**LOCATION:** 1205 SW 10th Terrace

**CAPE CORAL STAFF CONTACT:** Chad Boyko, AICP, Principal Planner, 239-573-3162, cboyko@capecoral.net

**PROPERTY OWNER(S):** Michael and Julie Kayatta

**AUTHORIZED REPRESENTATIVE:** Gary Keller, Keller Pools Construction

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, February 5, 2019 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM

**HOW TO CONTACT:** Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

**ADA PROVISIONS:** In accordance with

the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

by order of  
Kimberly Bruns, CMC  
Interim City Clerk  
REF # VA18-0021  
AD# 3357057 Jan. 26, 2019

Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: KAYATTA MICHAEL K + JULIE R

APPLICATION NO: VA18-0021

STATE OF FLORIDA       )  
                                  ) §  
COUNTY OF LEE        )

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 28<sup>th</sup> day of January, 2019.

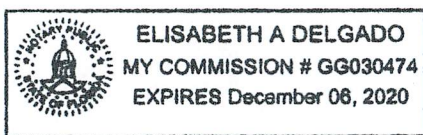


Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of January, 2019, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/16/20 Commission # 56030474




Elisabeth A. Delgado  
Signature of Notary Public

Elisabeth A. Delgado  
Print Name of Notary Public



CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

Case No. VA18-0021

 Subject Parcel



DECEMBER 7TH, 2018




This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.


CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT ZONING MAP  
500' Proximity Boundary

Case No. VA18-0021

**LEGEND**

 500' Proximity Boundary

 Subject Parcel

**Zoning**

 R-1B

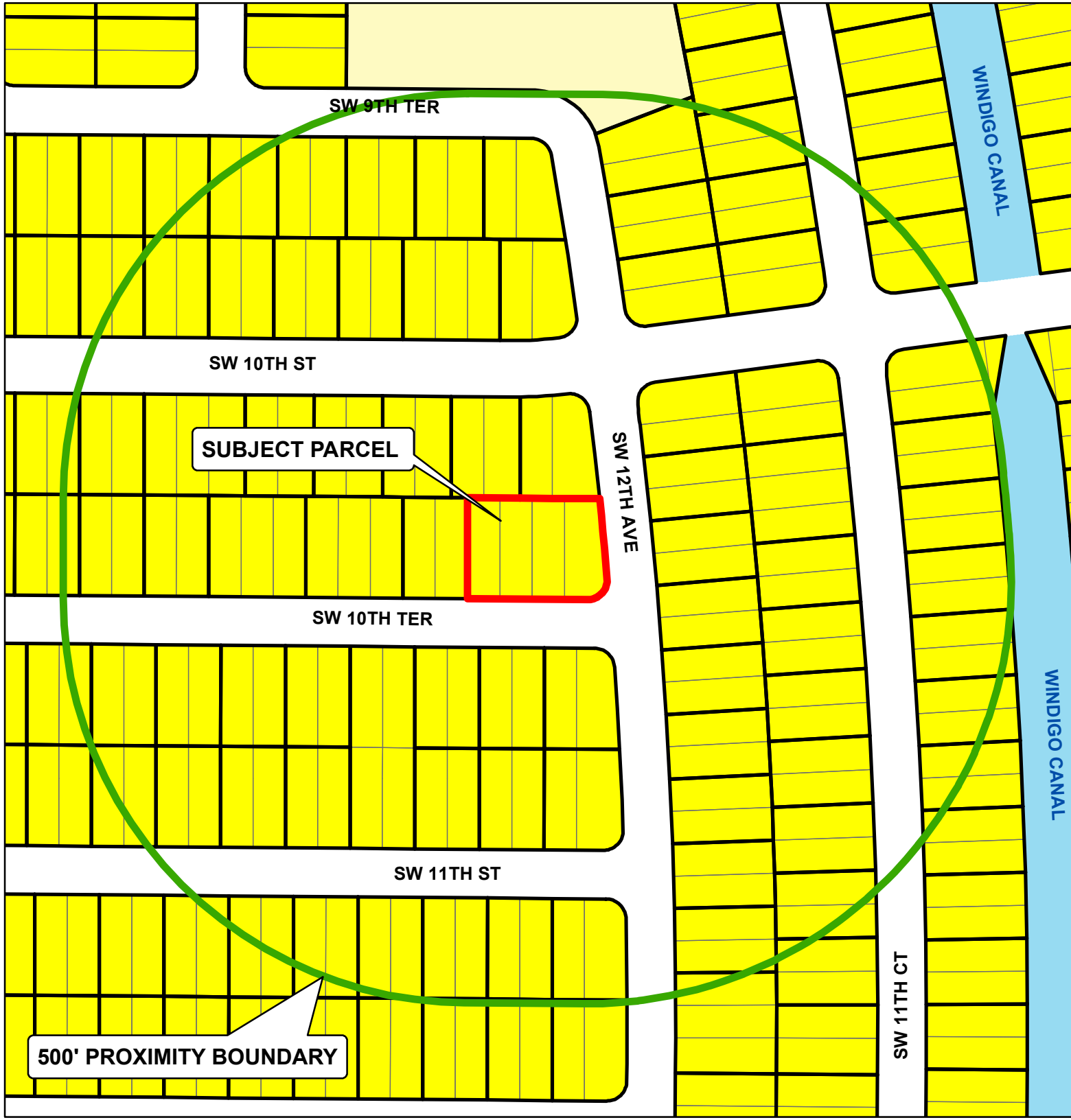
 RD



DECEMBER 7TH, 2018



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.



**Item Number:** 2.B.  
**Meeting Date:** 3/5/2019  
**Item Type:** HEARINGS

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case # VP18-0007\*; Address: 4033 Oasis Boulevard; Applicant: Keith D. Finkelstein and Elizabeth A. MacGuidwin

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan? No

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

The applicants, Keith D. Finkelstein and Elizabeth A. MacGuidwin, seek a vacation of plat for a canal right-of-way and underlying easements being a part of the Rose Canal, adjacent to Lot 23, Block 4944, Cape Coral Subdivision, Unit 74; the release of easements that were previously reserved by the City and more particularly described by Ordinance 56-02; and the vacation of easements occupying a portion of Lot 23, Block 4944, Unit 74; property located at 4033 Oasis Boulevard.

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Materials"

**PREPARED BY:**

Kristin  
Kantarze                      Division- Planning                      Department- Community Development

**SOURCE OF ADDITIONAL INFORMATION:**

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

**ATTACHMENTS:**

Description	Type
Material Backup	Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP 18-0007

REQUEST TO PLANNING & ZONING COMMISSION AND COUNCIL FOR A VACATION OF PLAT

FEE: \$843.00 – In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4) Advertising costs must be paid prior to public hearing otherwise case will be pulled from public hearing.

Following the approval of your request, the applicant shall be responsible for reimbursing the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

OWNER OF PROPERTY

Keith D. Finkelstein & Elizabeth A. MacGurwin

Address: 5131 SW 18<sup>th</sup> Ave

City: Cape Coral State: FL Zip 33914

Phone: 239-470-6489

APPLICANT

Keith D. Finkelstein & Elizabeth A. MacGurwin

EMAIL Keith@marketstrats.com

Address: 5131 SW 18<sup>th</sup> Ave

City: Cape Coral State: FL Zip 33914

Phone: 239-470-6489

AUTHORIZED REPRESENTATIVE

EMAIL \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_

Unit 74 Block 4944 Lot(s) 21-23-02 <sup>3661/4713</sup> Subdivision \_\_\_\_\_

Address of Property 4033 Oasis Blvd

Current Zoning Vacant Residential Plat Book 22, Page 114

Strap Number 08-45-23-C2-04944.0210



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant, agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

(SIGNATURE MUST BE NOTARIZED)

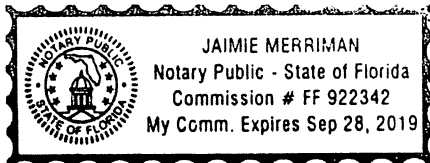
Keith Finkelstein Elizabeth MacGuidwin  
APPLICANT NAME (PLEASE TYPE OR PRINT)

Keith Finkelstein  
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 23 day of August, 2018 by  
Keith Finkelstein + Elizabeth MacGuidwin who is personally known or produced FL Driver Licenses  
as identification.

Exp. Date: 9.28.2019 Commission Number: FF922342



Signature of Notary Public:

Printed name of Notary Public:

Jaimie Merriman  
Jaimie Merriman



DEPARTMENT OF COMMUNITY DEVELOPMENT

Case # \_\_\_\_\_

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I or my representative must attend any applicable meetings scheduled for the Hearing Examiner, Planning & Zoning Commission/Local Planning Agency, and City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

N/A

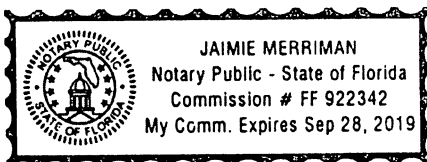
CORPORATION/COMPANY NAME

Keith Finkelstein Elizabeth MacGuidwin  
PROPERTY OWNER (PLEASE TYPE OR PRINT)

[Signature]  
PROPERTY OWNER'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 23 day of Aug 2018, by  
Keith Finkelstein + Elizabeth MacGuidwin who is personally known or produced FL Driver Licenses  
as identification. MacGuidwin



Exp. Date: 9.28.2019 Commission Number: FF 922342  
Signature of Notary Public: [Signature]  
Printed name of Notary Public: Jaimie Merriman  
(SIGNATURE MUST BE NOTARIZED)



DEPARTMENT OF COMMUNITY DEVELOPMENT

Case # \_\_\_\_\_

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

**DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)**

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Keith Finkelstein Elizabeth MacGuldwinn  
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

[Signature]  
OWNER/APPLICANT SIGNATURE

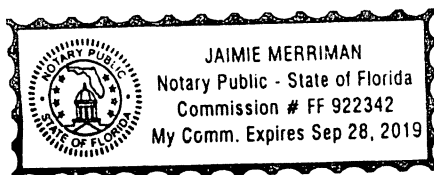
(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 23 day of August  
2018 by Keith Finkelstein +, who is personally known or who has produced \_\_\_\_\_  
as identification. Elizabeth MacGuldwinn

Exp. Date 9.28.2019  
Commission # FF 922342

Jaimie Merriman  
Signature of Notary Public  
Jaimie Merriman  
Print Name of Notary Public



08/18/2018

Director  
Department of Community Development  
City of Cape Coral  
P. O. Box 150027  
Cape Coral, FL 33915-0027

RE: LETTER OF INTENT FOR A VACATION OF PLAT

Dear Director:

We are requesting a vacation of plat on our property located at 4033 Oasis Blvd, Cape Coral, FL, 33914. This Vacation is necessary in order to build our future home. Please see the details of our request below:


1. Vacate all canal right-of-way between the rear property line of the site and the edge of the canal. This area was subject to a quit claim deed that was granted by the City to a previous owner.
2. Vacate all underlying easements within the canal right-of-way area except for the 25-foot wide area shown as a public utility, drainage, roadway, and bridge maintenance easement.
3. Vacate platted easements located along the north property line of Lot 23 as shown on the submitted sketch.
4. Request a release from the City of all easements within the canal right-of-way area except for the 25-foot wide area shown as a public utility, drainage, roadway, and bridge maintenance easement on the submitted sketch.

Enclosed you will find supporting documents and exhibits for the proposal above.

If you have any questions, please don't hesitate to call. Thank you.

Sincerely,

  
Keith Finkelstein  
239-470-6489

  
Elizabeth MacGuidwin  
517-648-1923



**Attention:**

Keith Finkelstein  
keith@marketstrats.com  
4033 Oasis Blvd  
Cape Coral, FL 33914  
Phone: (239) 470-6489

**Subject:** - Vacation of Easement on North Side of Lot 23 & adjacent lot north portion of the rose canal

**Site Address:** 4033 Oasis Blvd Cape Coral, FL 33914  
Strap# 08-45-23-C2-04944.0210

To whom it may concern

Regarding the referenced property above CenturyLink has **No Objection** to vacate the easement on the north side of lot 23 and adjacent lot north portion of the rose canal while still maintaining a 6' PUE around the properties parameter described by Keith Finkelstein.

Sincerely

A handwritten signature in cursive script that reads "Justin Lane".

Local Engineer  
3301 Del Prado Blvd S  
Office: (239)-984-7009  
justin.lane@centurylink.com



12600 Westlinks Drive Suite 4  
Fort Myers, FL 33913  
Phone: 239-432-1805

July 10, 2018

Re: 4033 Oasis Blvd. Cape Coral, 33914 (Strap# 08-45-23-C2-04944.0210)

Dear Keith Finkelstein,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above.

Should you require additional information or assistance, please feel free to contact me here at 432-1805.

Cordially,

A handwritten signature in blue ink, appearing to read 'Mark Cook'.

Mark Cook  
Project Coordinator



Lee County Electric Cooperative, Inc.  
Post Office Box 3455  
North Fort Myers, FL 33918-3455  
(239) 995-2121 • Fax (239) 995-7904  
[www.lcec.net](http://www.lcec.net)

August 1, 2018

Mr. Keith Finkelstein  
4033 Oasis Boulevard  
Cape Coral, FL 33904

Re: Letter of No Objection to Vacation of Utility Easement for 4033 Oasis Boulevard, Cape Coral, Florida 33904; Owner: Keith Finkelstein; Strap#: 08-45-23-C2-04944.0210.

Dear Mr. Finkelstein:

You have opened up negotiations on behalf of yourself, concerning the vacation of a certain utility easement that exists between parcels of land you own, known as Quit Claim Deed recorded at ORB 3661, Page 4773, and Lot 23, Block 4944, Unit 74, Cape Coral Subdivision, as recorded amongst the Public records of Lee County, Florida, at Plat Book 22, at Pages 111 through 131, inclusive.

We have reviewed the Plat, the request submitted, and our internal records. LCEC has **no objection** to the vacation as submitted and reflected in the request. However, we require a six-foot perimeter easement around the entire subject property in order to service the parcel in the after situation.

Should there be any questions please call me at 239-656-2112, or, if you prefer, I can be reached by email at [russe1.goodman@lcec.net](mailto:russe1.goodman@lcec.net).

Very truly yours,

Russ Goodman,  
SR/WA

Digitally signed by Russ  
Goodman, SR/WA  
Date: 2018.08.01 11:07:15  
-04'00'

Russel Goodman, SR/WA  
Senior Right of Way Agent

# **SURVEY NOTES:**

1. BASIS OF BEARING SHOWN HEREIN TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF DASIS BOULEVARD, AS BEING N00°57'27"E.
2. FIELD NOTES IN CAPE CORAL, BLOCK 4944.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 11X17, 30 SCALE DRAWING.

FLOOD ZONE: AE ELEVATION: 8.00' M.A.V.D.  
COMMUNITY No: 125095 PANEL No: 0385  
SUFFIX --- F REVISION DATE: 8/28/08  
MAP NUMBER: 12071C0385F

THIS SURVEY IS CERTIFIED TO  
KEITH FINKLESTEIN  
CITY OF CAPE CORAL

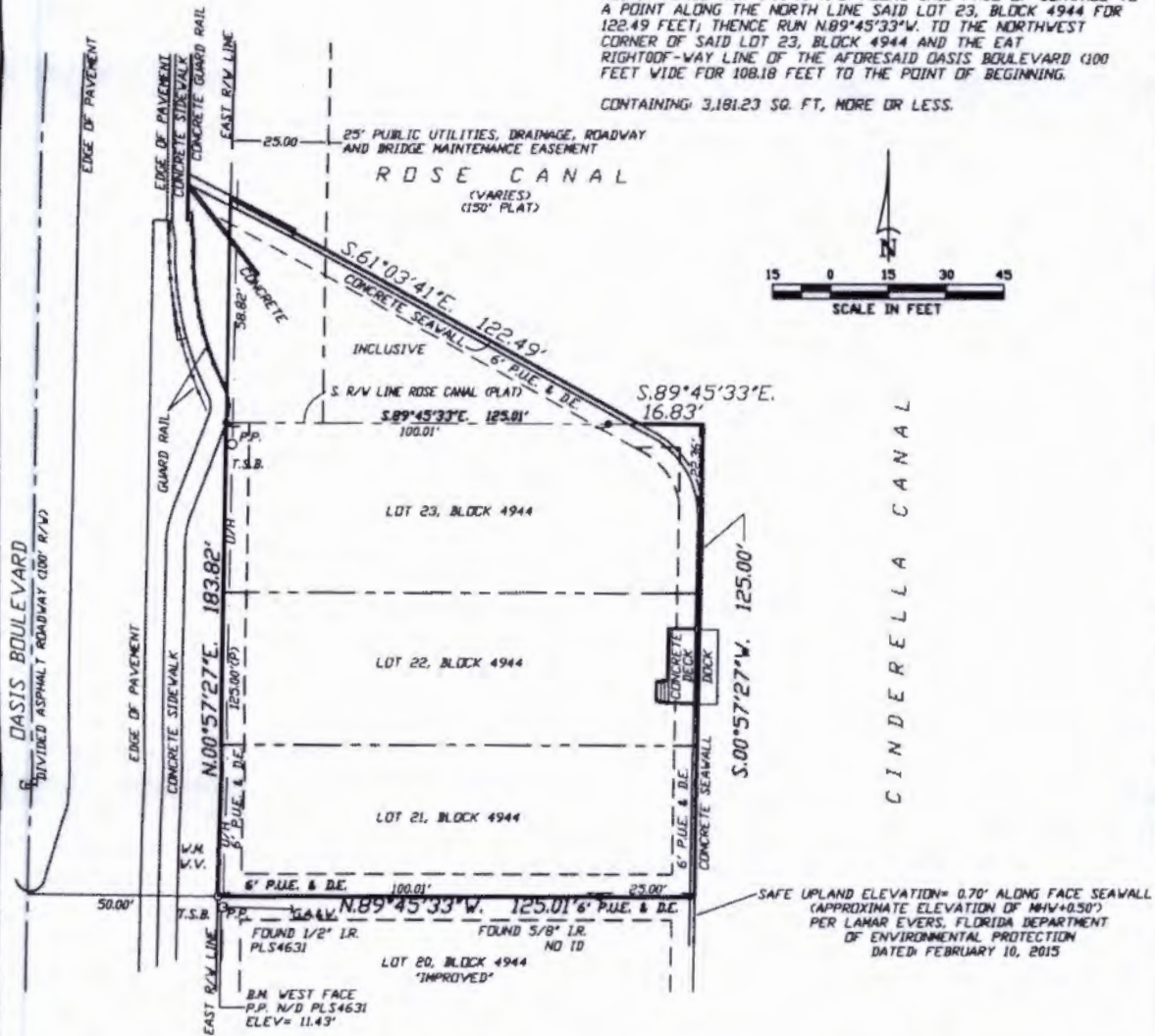
## BOUNDARY SURVEY OF **LOTS 21, 22 AND 23, BLOCK 4944 AND A PORTION OF ROSE CANAL RIGHT OF WAY ADJACENT TO LOT 23 CAPE CORAL UNIT 74**

SECTION 8, TOWNSHIP 45 SOUTH, RANGE 23 EAST  
(PLAT BOOK 22, PAGES 111-131)  
LEE COUNTY, FLORIDA

AND  
A PORTION OF ROSE CANAL RIGHT-OF-WAY, LYING IN CAPE CORAL, UNIT 74, AS RECORDED IN PLAT BOOK 22, PAGES 111-131 (INCLUSIVE), SITUATE IN SECTION 8, TOWNSHIP 45 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 23, BLOCK 4944 AND THE EAST RIGHT-OF-WAY LINE OF DASIS BOULEVARD (100 FEET WIDE), CAPE CORAL UNIT 74, AS RECORDED IN PLAT BOOK 22, AT PAGES 111-131 (INCLUSIVE), PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR A POINT OF BEGINNING; THENCE RUN N00°57'27"E. ALONG SAID EAST RIGHT-OF-WAY LINE TO A POINT ALONG WATERS EDGE FACE OF A CONCRETE SEAWALL FOR 58.82 FEET; THENCE RUN S.61°03'41"E. ALONG SAID FACE OF SEAWALL TO A POINT ALONG THE NORTH LINE SAID LOT 23, BLOCK 4944 FOR 122.49 FEET; THENCE RUN N.89°45'33"W. TO THE NORTHWEST CORNER OF SAID LOT 23, BLOCK 4944 AND THE EAST RIGHT-OF-WAY LINE OF THE AFORESAID DASIS BOULEVARD (100 FEET WIDE FOR 108.18 FEET TO THE POINT OF BEGINNING.

CONTAINING: 3,181.23 SQ. FT. MORE OR LESS.



### **LEGEND:**

OD	SET #4 IRON ROD (CAP LB #6921)	R.W.B.	RECLAIM WATER BOX
P.C.M.	FOUND IRON ROD (I.R.)	V.M.	WATER METER
P.C.P.	CONCRETE MONUMENT (C.M.)	V.V.	WATER VALVE
P.U.E.	PERMANENT REFERENCE MONUMENT	T.H.	FIRE HYDRANT
D.E.	PERMANENT CONTROL POINT	O/H	OVERHEAD POWER
L.M.E.	PUBLIC UTILITY EASEMENT	P.P.	POWER POLE
P.T.	DRAINAGE EASEMENT	G.A.W.	GUY ANCHOR & WIRE
Q.R.	LAKE MAINTENANCE EASEMENT	E.B.	ELECTRIC BOX
(S)	POINT OF CURVATURE	C.T.B.	CABLE TELEVISION BOX
(O)	POINT OF TANGENCY	T.S.B.	TELEPHONE SERVICE BOX
(P)	OFFICIAL RECORDS BOOK	N/D	NAIL & DISK
(D)	AS PER SURVEY	N/T.T.	NAIL & TINTAB
(L)	AS MEASURED	ELEV.	ELEVATION
(R)	AS PER PLAT	B.M.	BENCHMARK
(C)	AS PER DEED	T.S.B.	TYPICAL ELEVATION
(L)	CURVE NUMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	V.S.	WATER SYSTEM
C	CENTERLINE	P.E.	POOL EQUIPMENT
		C	CONCRETE

REVISED	DESCRIPTION	BY
DATE OF LAST FIELD WORK: 8/1/10		
DRAWN	CHECK	SCALE
RLB	PHM	1"=30'
SURVEY DATE		FILE NO.
8/1/10		43-23-08
SHT. - 1		OF - 1
PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER #6515 - STATE OF FLORIDA HARRIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-8624 FAX: (239) 257-2921		

FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921

## EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH  
(PROPOSED VACATION OF ANY AND ALL UNDERLYING EASEMENTS)

### *A PORTION OF ROSE CANAL RIGHT-OF-WAY, LYING IN CAPE CORAL, UNIT 74,*

SECTION 8, TOWNSHIP 45 SOUTH, RANGE 23 EAST (PLAT BOOK 22, PAGES 111-131)  
LEE COUNTY, FLORIDA

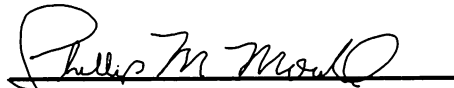
SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION  
\*\*NOT A BOUNDARY SURVEY\*\*

#### DESCRIPTION:

A PORTION OF ROSE CANAL RIGHT-OF-WAY, LYING IN CAPE CORAL, UNIT 74, AS RECORDED IN PLAT BOOK 22, PAGES 111-131 (INCLUSIVE), SITUATE IN SECTION 8, TOWNSHIP 45 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 23, BLOCK 4944 AND THE EAST RIGHT-OF-WAY LINE OF OASIS BOULEVARD (100 FEET WIDE), CAPE CORAL UNIT 74, AS RECORDED IN PLAT BOOK 22, AT PAGES 111-131 (INCLUSIVE), PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR A POINT OF BEGINNING; THENCE RUN N.20°04'32"E. TO A POINT ALONG WATERS EDGE FACE OF A CONCRETE SEAWALL FOR 52.57 FEET; THENCE RUN S.61°03'41"E. ALONG SAID FACE OF SEAWALL TO A POINT ALONG THE NORTH LINE SAID LOT 23, BLOCK 4944 FOR 102.98 FEET; THENCE RUN N.89°45'33"W. TO THE NORTHWEST CORNER OF SAID LOT 23, BLOCK 4944 AND THE EAST RIGHT-OF-WAY LINE OF THE AFORESAID OASIS BOULEVARD (100 FEET WIDE FOR 108.18 FEET TO THE POINT OF BEGINNING.

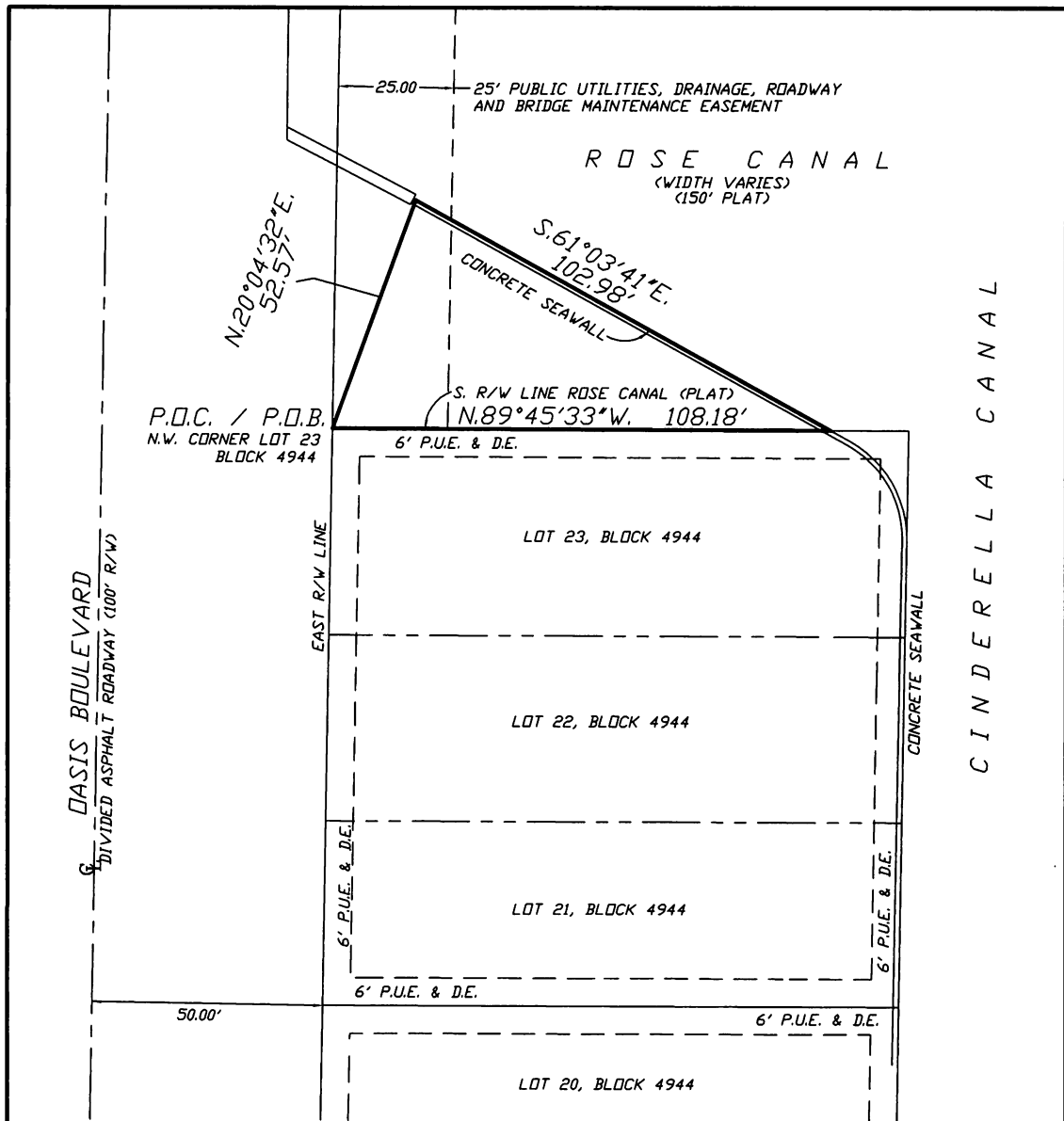
CONTAINING: 2,674.8 SQ. FT, MORE OR LESS.



PHILLIP M. MOULD  
PROFESSIONAL SURVEYOR AND MAPPER  
#6515 - STATE OF FLORIDA  
1/23/2019

SHEET 2 OF 2  
FILE: CC-U74-4944-21

PHILLIP M. MOULD  
8180 GULL LANE  
FORT MYERS, FLORIDA 33967  
239-645-1348  
EMAIL: phillipmould@live.com



#### LEGEND:

P.O.C. POINT OF COMMENCEMENT  
P.O.B. POINT OF BEGINNING  
P.U.E. PUBLIC UTILITY EASEMENT  
D.E. DRAINAGE EASEMENT  
P.C. POINT OF CURVATURE  
P.T. POINT OF TANGENCY  
O.R. OFFICIAL RECORDS BOOK  
(1) CURVE NUMBER  
R/W RIGHT-OF-WAY  
C CENTERLINE  
W.M. WATER METER  
O/H OVERHEAD POWER  
P.P. POWER POLE  
CONCRETE

SKETCH TO ACCOMPANY DESCRIPTION:  
(PROPOSED VACATION OF ANY AND ALL UNDERLYING EASEMENTS)

## A PORTION OF ROSE CANAL RIGHT-OF-WAY,

LYING IN CAPE CORAL, UNIT 74,  
SECTION 8, TOWNSHIP 45 SOUTH, RANGE 23 EAST (PLAT BOOK 22, PAGES 111-131)  
LEE COUNTY, FLORIDA

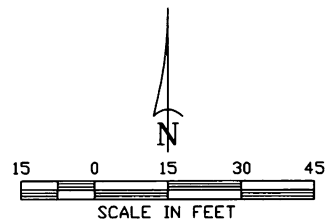
SEE EXHIBIT "A" SHEET 2 OF 2 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

\*\*NOT A BOUNDARY SURVEY\*\*

#### SKETCH NOTES:

1. BASIS OF BEARING: S. R/W OF ROSE CANAL AS BEING "ASSUMED" AS N. 89° 45' 33" W.
2. FIELD NOTES IN CAPE CORAL, BLOCK 4944.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14" 30 SCALE DRAWING.

NOT A BOUNDARY SURVEY



SHEET 1 OF 2  
FILE: CC-U74-4944-21

PHILLIP M. MOULD  
8180 GULL LANE  
FORT MYERS, FLORIDA 33967  
239-645-1348  
EMAIL: phillipmould@live.com

EXHIBIT "B"

DESCRIPTION TO ACCOMPANY SKETCH

*VACATION OF A PORTION OF  
PUBLIC UTILITY AND DRAINAGE EASEMENT  
LYING IN LOT 23, BLOCK 4944,  
CAPE CORAL UNIT 74,*

SECTION 8, TOWNSHIP 45 SOUTH, RANGE 23 EAST (PLAT BOOK 22, PAGES 111-131)  
LEE COUNTY, FLORIDA

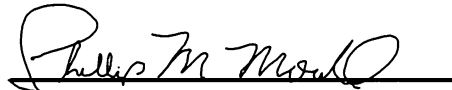
SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION  
\*\*NOT A BOUNDARY SURVEY\*\*

DESCRIPTION:

DESCRIPTION:  
(PROPOSED) VACATION OF A PORTION OF PUBLIC UTILITY AND  
DRAINAGE EASEMENT LYING IN LOT 23, BLOCK 4944, CAPE  
CORAL, UNIT 74, AS RECORDED IN PLAT BOOK 22, PAGES  
111-131 (INCLUSIVE), SITUATE IN SECTION 8, TOWNSHIP 45  
SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA BEING MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 23, BLOCK  
4944 AND THE EAST RIGHT-OF-WAY LINE OF OASIS  
BOULEVARD (100 FEET WIDE), CAPE CORAL UNIT 74, AS  
RECORDED IN PLAT BOOK 22, AT PAGES 111-131 (INCLUSIVE),  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA THENCE RUN  
S.89°45'33"E. ALONG THE NORTH LINE OF SAID LOT 23, BLOCK  
4944 FOR 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN  
S.89°45'33"E. ALONG THE NORTH LINE SAID LOT 23 FOR 89.68  
FEET; THENCE RUN S.61°03'41"E. FOR 12.50 FEET; THENCE RUN  
N.89°45'33"W. PARALLEL WITH AND 6 FEET SOUTH OF AS  
MEASURED ON A PERPENDICULAR FOR 100.72 FEET; THENCE RUN  
N.00°57'27"E. FOR 6.00 FEET TO THE POINT OF BEGINNING.

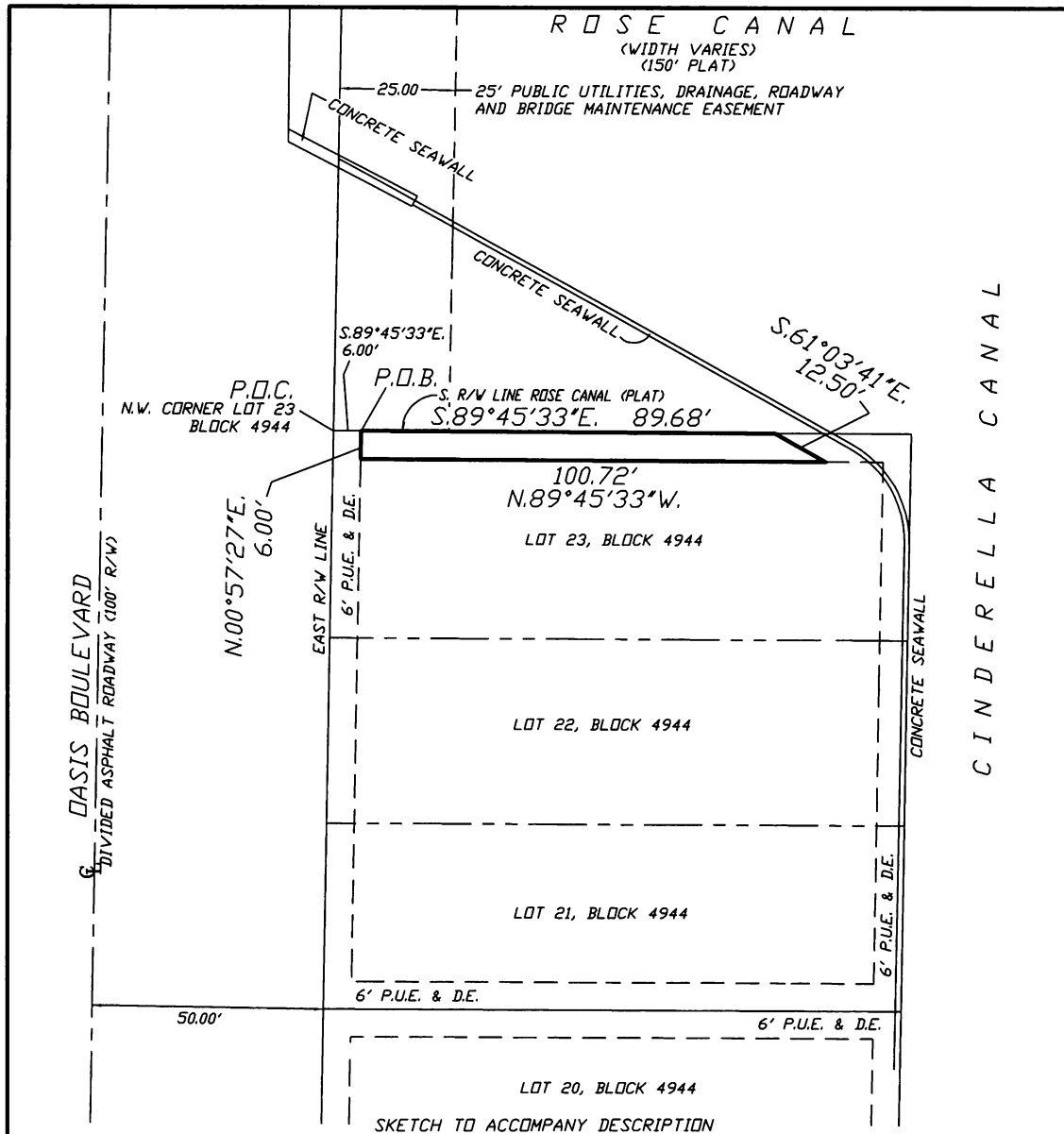
CONTAINING: 571.18 SQ. FT, MORE OR LESS.



PHILLIP M. MOULD  
PROFESSIONAL SURVEYOR AND MAPPER  
#6515 - STATE OF FLORIDA  
8/13/18

SHEET 2 OF 2  
FILE: CC-U72-5008-1

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239-645-1348  
EMAIL: phillipmould@live.com



# **VACATION OF A PORTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN LOT 23, BLOCK 4944, CAPE CORAL UNIT 74,**

SECTION 8, TOWNSHIP 45 SOUTH, RANGE 23 EAST (PLAT BOOK 22, PAGES 111-131)  
LEE COUNTY, FLORIDA

SEE EXHIBIT "B" SHEET 2 OF 2 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION  
\*\*NOT A BOUNDARY SURVEY\*\*

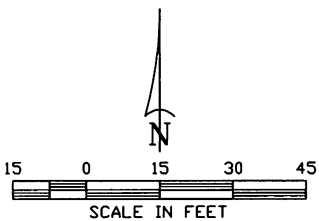
## **SKETCH NOTES:**

1. BASIS OF BEARING: S. R/W OF ROSE CANAL AS BEING "ASSUMED" AS N.89°45'33"W.
2. FIELD NOTES IN CAPE CORAL, BLOCK 4944.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
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9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14" 30 SCALE DRAWING.

**NOT A BOUNDARY SURVEY**

## **LEGEND:**

P.O.C. POINT OF COMMENCEMENT  
P.O.B. POINT OF BEGINNING  
P.U.E. PUBLIC UTILITY EASEMENT  
D.E. DRAINAGE EASEMENT  
P.C. POINT OF CURVATURE  
P.T. POINT OF TANGENCY  
O.R. OFFICIAL RECORDS BOOK  
(1) CURVE NUMBER  
R/W RIGHT-OF-WAY  
C CENTERLINE  
W.M. WATER METER  
O/H OVERHEAD POWER  
P.P. POWER POLE  
CONCRETE CONCRETE



SHEET 1 OF 2  
FILE: CC-U74-4944-21

PHILLIP M. MOULD  
8180 GULL LANE  
FORT MYERS, FLORIDA 33967  
239-645-1348  
EMAIL: phillipmould@live.com

## EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH  
(PROPOSED)

PUBLIC UTILITY, DRAINAGE AND  
BRIDGE AND CANAL MAINTENANCE EASEMENT)

*LYING IN A PORTION OF ROSE CANAL  
RIGHT-OF-WAY,*

*LYING IN CAPE CORAL, UNIT 74,*

SECTION 8, TOWNSHIP 45 SOUTH, RANGE 23 EAST (PLAT BOOK 22, PAGES 111-131)  
LEE COUNTY, FLORIDA

\*\*\*NOT A BOUNDARY SURVEY\*\*\*

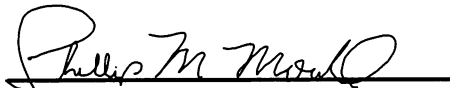
SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

### DESCRIPTION:

A PORTION OF ROSE CANAL RIGHT-OF-WAY, LYING IN CAPE CORAL, UNIT 74, AS RECORDED IN PLAT BOOK 22, PAGES 111-131 (INCLUSIVE), SITUATE IN SECTION 8, TOWNSHIP 45 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 23, BLOCK 4944 AND THE EAST RIGHT-OF-WAY LINE OF OASIS BOULEVARD (100 FEET WIDE), CAPE CORAL UNIT 74, AS RECORDED IN PLAT BOOK 22, AT PAGES 111-131 (INCLUSIVE), PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR A POINT OF BEGINNING; THENCE RUN N.20°04'32"E. TO A POINT ALONG WATERS EDGE FACE OF A CONCRETE SEAWALL FOR 52.57 FEET; THENCE RUN S.61°03'41"E. ALONG SAID FACE OF SEAWALL FOR 87.37 FEET; THENCE RUN N.89°45'33"W. FOR 69.38 FEET; THENCE RUN S.00°57'27"W. TO A POINT ALONG THE NORTH LINE OF SAID LOT 23, BLOCK 4944 FOR 7.50 FEET; THENCE RUN N.89°45'33"W. TO A POINT ALONG THE AFORESAID EAST RIGHT-OF-WAY LINE OF OASIS BOULEVARD (100 FEET WIDE) AND THE SAID NORTHWEST CORNER OF LOT 23, BLOCK 4944 FOR 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 2,102.76 SQ. FT, MORE OR LESS.

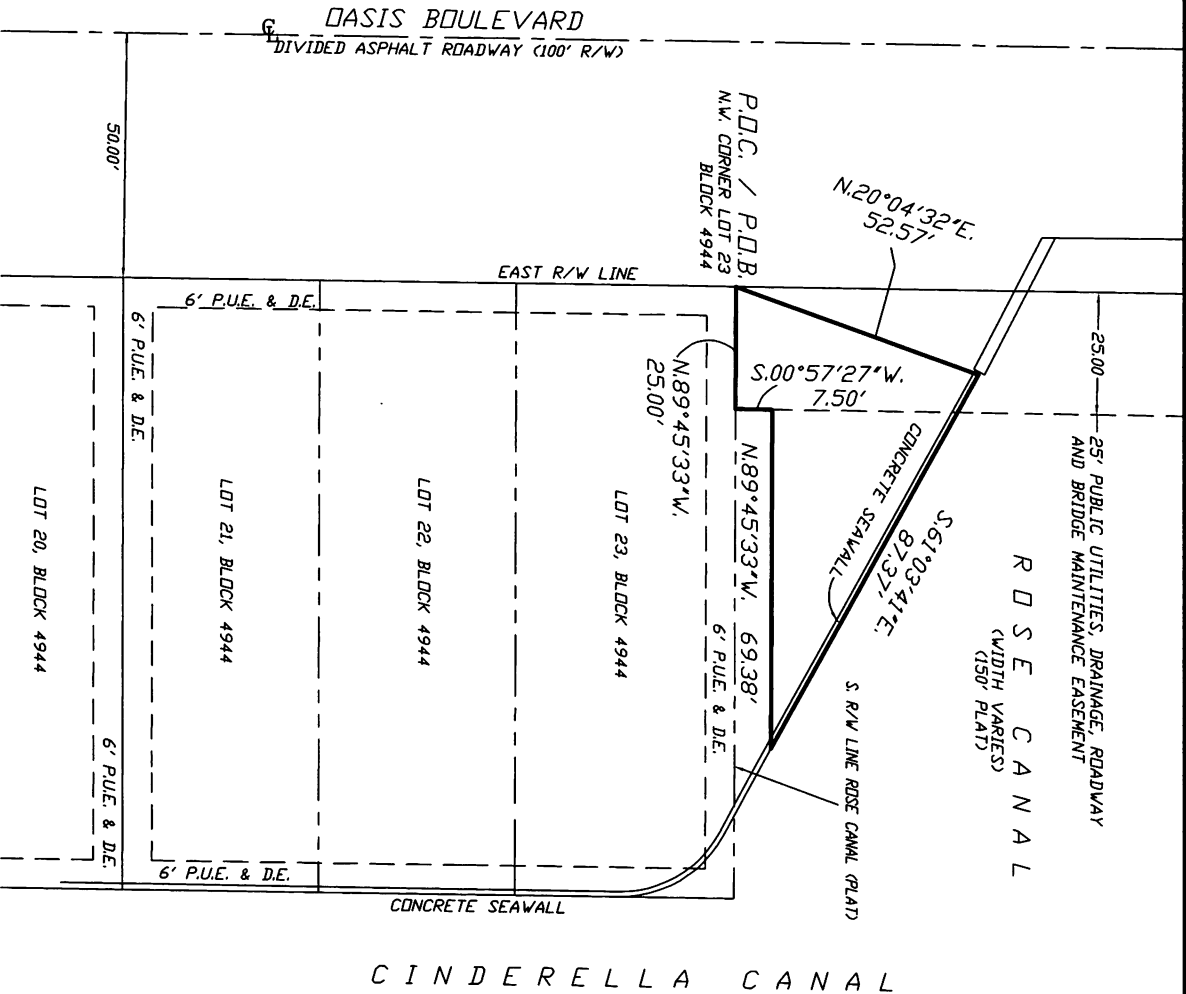


PHILLIP M. MOULD  
PROFESSIONAL SURVEYOR AND MAPPER  
#6515 - STATE OF FLORIDA  
1/23/2019

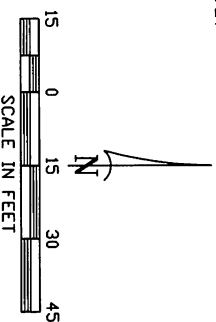
SHEET 2 OF 2

FILE: CC-U74-4944-21

PHILLIP M. MOULD  
8180 GULL LANE  
FORT MYERS, FLORIDA 33967  
239-645-1348  
EMAIL: phillipmould@live.com



- SKETCH NOTES:**
1. BASIS OF BEARING, S. R/V OF ROSE CANAL AS BEING "ASSUMED" AS N89°45'33"W.
  2. FIELD NOTES IN CAPE CORAL, BLOCK 4944.
  3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
  4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREIN. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
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  8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
  9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14" 30 SCALE DRAWING.



NOT A BOUNDARY SURVEY

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8180 GULL LANE  
FORT MYERS, FLORIDA 33967  
239-645-1348  
EMAIL: philipmould@live.com

## EXHIBIT "B"

DESCRIPTION TO ACCOMPANY SKETCH  
(PROPOSED PUBLIC UTILITY AND DRAINAGE EASEMENT)

*LYING IN A PORTION OF ROSE CANAL  
RIGHT-OF-WAY AND LOT 23, BLOCK 4944;*

*LYING IN CAPE CORAL, UNIT 74,  
SECTION 8, TOWNSHIP 45 SOUTH, RANGE 23 EAST (PLAT BOOK 22, PAGES 111-131)  
LEE COUNTY, FLORIDA*

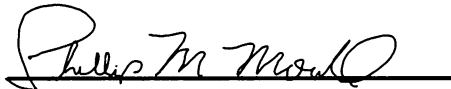
SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION  
\*\*NOT A BOUNDARY SURVEY\*\*

### DESCRIPTION:

A PORTION OF ROSE CANAL RIGHT-OF-WAY AND A PORTION OF LOT 23, BLOCK 4944, LYING IN CAPE CORAL, UNIT 74, AS RECORDED IN PLAT BOOK 22, PAGES 111-131 (INCLUSIVE), SITUATE IN SECTION 8, TOWNSHIP 45 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 23, BLOCK 4944 AND THE EAST RIGHT-OF-WAY LINE OF OASIS BOULEVARD (100 FEET WIDE), CAPE CORAL UNIT 74, AS RECORDED IN PLAT BOOK 22, AT PAGES 111-131 (INCLUSIVE), PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.89°45'33"E. ALONG THE NORTH LINE SAID LOT 23, BLOCK 4944 FOR 95.68 FEET TO THE POINT OF BEGINNING; THENCE RUN N.61°03'41"W. FOR 15.62 FEET; THENCE RUN S.89°45'33"E. TO A POINT ALONG THE WATERS EDGE OF FACE OF A CONCRETE SEAWALL FOR 12.50 FEET; THENCE RUN S.61°03'41"E. ALONG SAID WATERS EDGE FACE TO A POINT OF CURVATURE FOR 20.25 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT AND THE SAID WATERS EDGE FACE OF A CONCRETE SEAWALL FOR 8.63 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 24.00 FEET, A CENTRAL DELTA ANGLE OF 20°36'34", A CHORD THAT BEARS S.50°45'24" AND A CHORD DISTANCE OF 8.59 FEET; THENCE RUN S.00°57'27"W. TO A POINT OF CUSP OF A CURVE FOR 15.87 FEET; THENCE RUN ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST FOR 19.48 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 18.00 FEET, A CENTRAL DELTA ANGLE OF 62°01'08", A CHORD THAT BEARS N.30°03'07"W AND A CHORD DISTANCE OF 18.55 FEET; THENCE RUN N.61°03'41"W. TO A POINT ALONG THE NORTH LINE OF SAID LOT 23, BLOCK 4944 FOR 15.60 FEET TO THE POINT OF BEGINNING.

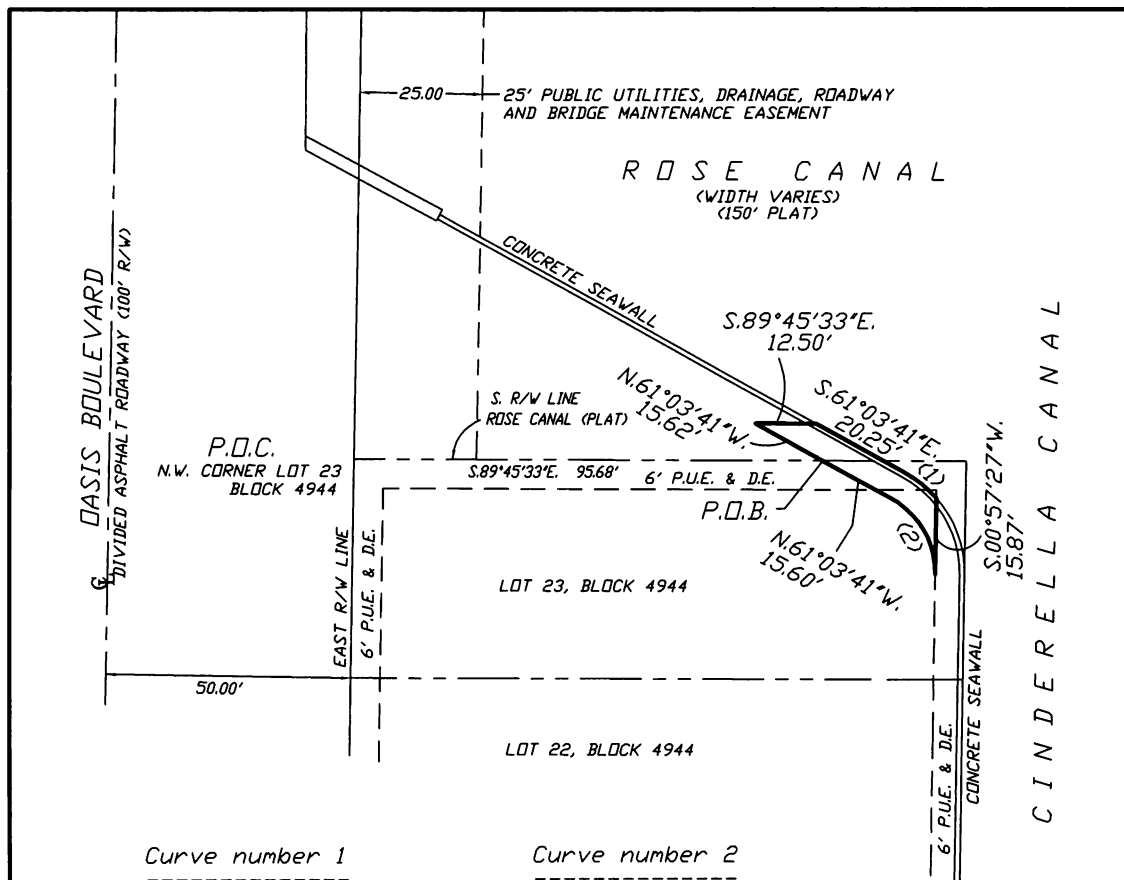
CONTAINING: 225.5 SQ. FT, MORE OR LESS.



PHILLIP M. MOULD  
PROFESSIONAL SURVEYOR AND MAPPER  
#6515 - STATE OF FLORIDA  
1/23/2019

SHEET 2 OF 2  
FILE: CC-U74-4944-21

PHILLIP M. MOULD  
8180 GULL LANE  
FORT MYERS, FLORIDA 33967  
239-645-1348  
EMAIL: phillipmould@live.com



Curve number 1

Radius= 24.00'  
Delta= 20°36'34"  
Arc= 8.63'  
Tangent= 4.36'  
Chord= 8.59'  
Chord Brg.= S.50°45'24"E.

Curve number 2

Radius= 18.00'  
Delta= 62°01'08"  
Arc= 19.48'  
Tangent= 10.82'  
Chord= 18.55'  
Chord Brg.= N.30°03'07"W.

SKETCH TO ACCOMPANY DESCRIPTION  
(PROPOSED PUBLIC UTILITY AND DRAINAGE EASEMENT)

**LYING IN A PORTION OF ROSE CANAL  
RIGHT-OF-WAY AND LOT 23, BLOCK 4944;**

**LYING IN CAPE CORAL, UNIT 74,**

SECTION 8, TOWNSHIP 45 SOUTH, RANGE 23 EAST (PLAT BOOK 22, PAGES 111-131)  
LEE COUNTY, FLORIDA

SEE EXHIBIT "B" SHEET 2 OF 2 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION  
\*\*\*NOT A BOUNDARY SURVEY\*\*\*

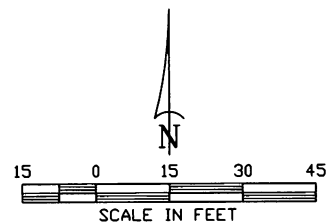
**LEGEND:**

P.D.C. POINT OF COMMENCEMENT  
P.D.B. POINT OF BEGINNING  
P.U.E. PUBLIC UTILITY EASEMENT  
D.E. DRAINAGE EASEMENT  
P.C. POINT OF CURVATURE  
P.T. POINT OF TANGENCY  
O.R. OFFICIAL RECORDS BOOK  
(1) CURVE NUMBER  
R/W RIGHT-OF-WAY  
C CENTERLINE  
W.M. WATER METER  
O/H OVERHEAD POWER  
P.P. POWER POLE  
CONCRETE CONCRETE

**SKETCH NOTES:**

1. BASIS OF BEARING: S. R/W OF ROSE CANAL AS BEING "ASSUMED" AS S.89°45'33"W.
2. FIELD NOTES IN CAPE CORAL, BLOCK 4944.
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NOT A BOUNDARY SURVEY



SHEET 1 OF 2  
FILE: CC-U74-4944-21

PHILLIP M. MOULD  
8180 GULL LANE  
FORT MYERS, FLORIDA 33967  
239-645-1348  
EMAIL: phillipnould@live.com

## Planning Division Case Report

VP 18-0007

**Review Date:** February 13, 2019

**Applicant/  
Property Owner:** Keith D. Finkelstein and Elizabeth A. MacGuidwin

**Owner Address:** 5131 SW 18<sup>th</sup> Avenue  
Cape Coral, FL 33914

**Requests:** The applicant requests the following:

- 1) Vacate  $\pm 2,674.8$  sq. ft. of canal right-of-way (ROW) and all underlying easements.
- 2) Vacate  $\pm 571.18$  sq. ft. of platted easements in Lot 23, Block 4944.
- 3) A release of  $\pm 2,674.8$  sq. ft. of ROW, public utility, drainage, and channel enlargement easements previously reserved by Ordinance 56-02.

**Property Location:** 4033 Oasis Boulevard  
Cape Coral, FL 33914  
Cape Coral Subdivision, Unit 74, Block 4944, Lots 21-23

**Prepared By:** Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

**Approved By:** Robert H. Pederson, AICP, Planning Manager

**Recommendation:** **Approval with conditions**

**Urban Service** Transition

### Property Description:

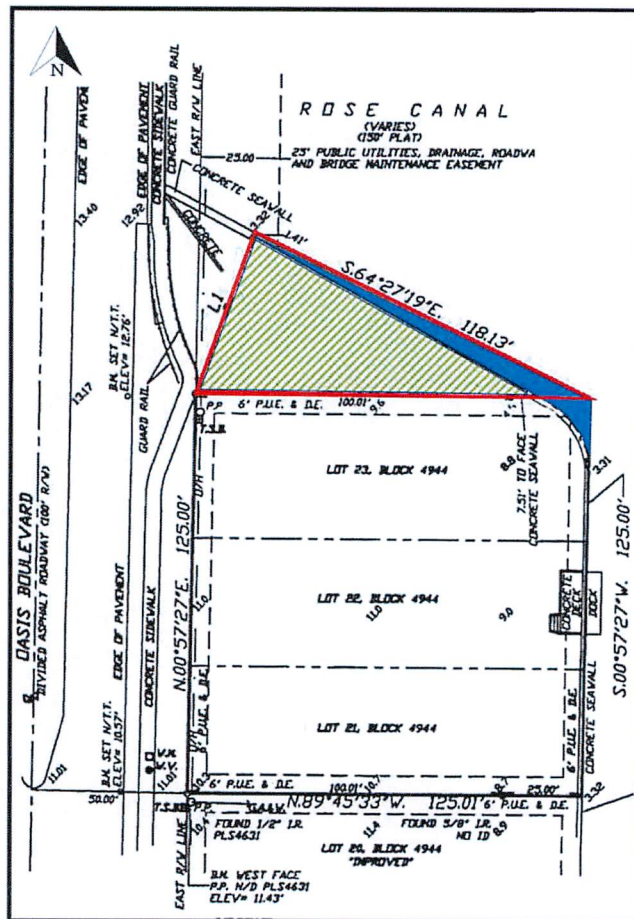
The applicant owns a three-lot platted site at 4033 Oasis Boulevard. Except for a concrete dock on Lot 22, the site is undeveloped. The site is at the intersection of the Cinderella and Rose Canals. The site has a Single Family Future Land Use Classification (FLUC) and Single Family Residential (R-1B) Zoning. All properties within 1,500 feet of the site share the same future land use and zoning classifications.

The plat for Unit 74 shows this site has water frontage along the Rose Canal to the north. However, land with a bridge abutment to the north of the site occupies platted canal ROW that extends along the north property line of Lot 23. A survey depicted in Figure 1 shows a concrete headwall extending about 30 linear feet eastward beginning near the bridge with a concrete seawall present along the rest of the water frontage line of the site.

In 2002 the City adopted Ordinance 56-02 that declared a triangular-shaped parcel of the Rose Canal as *"unusable municipal surplus real property no longer needed by the City."* This ordinance authorized the City to grant the owner (Joan Falcetta) of Lot 23 a quit-claim deed for 3,156 sq. ft. of land to the north of her site. The current owners, Keith D. Finkelstein and Elizabeth A. MacGuidwin, request to vacate  $\pm 2,674.8$  sq. ft. of the "quit-claim area" and underlying and adjacent easements for constructing a single-family

residence on the site. This vacation will allow the current owners to demonstrate ownership of this triangular piece of land abutting their site consistent with Chapter 177 of the Florida Statutes.

Figure 1. Image from a survey prepared by Harris-Jorgensen, Inc. dated 02-04-15. The quit-claim area associated with Ordinance 56-02 is outlined in red and included area occupied by the Rose Canal shown in blue. The applicants in VP18-0007 are requesting to vacate the area indicated by the green cross-hatch pattern.



### Zoning History of Block 4944

The FLUC of Lots 21-23 was amended from Single Family/Multi Family by PDP to Single Family by Ordinance 39-02. The site has always had R-1B Zoning.

### Analysis:

Staff analyzed this request with the Land Use and Development Regulations (LUDR), Section 8.11, "Vacation of plats, rights-of-way and other property." The City Comprehensive Plan was also reviewed for policies on vacations.

### Request No. 1: Vacate ±2,674.8 sq. ft. of ROW Adjacent to the Rose Canal

This vacation involves canal ROW directly to the north of Lot 23. Ordinance 56-02 identified 3,156 sq. ft. of ROW as surplus property and authorized and directed the Mayor and City Clerk to effectuate a deed granting the surplus property to the owner of Lot 23. The owners requesting this vacation, however, are seeking to vacate only 2,674.8 sq. ft. of ROW. The discrepancy between these two numbers

results from the quit-claim area identified in a 2002 survey that included part of the canal proper compared to a survey from 2018 that identified only "dry" ROW as the vacation area.

Public Works would generally prefer to retain all ROW along bridge sites, as future street and bridge maintenance obligations and canal expansion needs are difficult to predict. Retaining all 2,674.8 sq. ft. of ROW would provide the City with maximum flexibility should maintenance or major changes to the street or canal network be required. However, considering previous City Council action that relinquished claims of City ownership to this area in 2002, staff supports vacating this area.

Approval of this vacation will: 1) demonstrate private ownership of the vacated area to lenders, title companies, and insurers; 2) prohibit public access to this ROW; and 3) convey land to the owners consistent with prior City Council action in adopting Ordinance 56-02.

Request No. 2: Vacate 2,674.8 sq. ft. of Easements Underlying the Subject ROW

The applicant seeks to vacate 2,674.8 sq. ft. of easements underlying the ROW described under Request No. 1. The City lacks facilities within these easements. Century Link, Comcast, and LCEC also lack utilities in these easements. The applicant will deed to the City 2,102.76 sq. ft. of easements. This vacation will allow the property owner to construct a new home on the site based on the owner's preferred design, while the City will continue to hold an easement over most of the original area. LCEC requires that a six-foot wide perimeter easement be provided around the expanded site for future utility installation and maintenance; a condition of approval that is also recommended by City staff.

Request No. 3: Release of 2,674.8 sq. ft. Easements Underlying the Subject ROW

The applicant seeks a release of 2,674.8 sq. ft. of ROW, public utility, drainage, and canal and bridge maintenance easements. These easements were reserved by the City for the quit-claim area in 2002 by Ordinance 56-02. Since these easements were reserved by the City, these easements cannot be vacated but must be released by the City Council.

In evaluating this request, Planning has conferred with Public Works and Real Estate staff. Existing easements in the ROW retained by the City and new easements that will be deeded by the owner to the City will be adequate for future bridge access and maintenance purposes.

Request No. 4: Vacate 571.18 sq. ft. of Easements along the North Property Line of Lot 23

The applicant seeks to vacate 571.18 sq. ft. of platted easements along the north property line of Lot 23. The utility providers lack facilities in these easements and all three providers have no objection to this request. The City also lacks facilities within this easement. This platted easement will no longer be necessary as the owner will be providing the City with six-foot wide replacement easement around the perimeter of the expanded site.

**Consistency with the Comprehensive Plan**

The City lacks specific policies in the Comprehensive Plan for vacations involving residential-zoned lands. This request is consistent with Policy 1.15 of the Future Land Use Element.

**Policy 1.15:** *Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.*

- a. Single Family Residential: *Sites of 10,000 square feet and greater, with densities not to exceed 4.4 units per acre.*

**Staff comment:** This request is consistent with Policy 1.15.a as the site is an estimated 18,779 sq. ft. following the ROW vacation and the property will have a maximum of one single-family home. This equates to a density of 2.32 dwelling units per acre. This density is less than the maximum 4.4 dwelling units per acre allowed within this future land use classification. This request complies with this policy.

**Recommendation:**

Staff recommends **approval** of all vacation requests as well as the request to release easements associated with the quit claim area that was deeded by the City in 2002 with the following conditions.

**Conditions of Approval**

1. The vacation of the 2,674.8 sq. ft. of ROW and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Phillip M. Mould entitled *"Proposed Vacation of Any and All Underlying Easements – A Portion of Rose Canal Right-of-Way"* dated January 23, 2019.
2. The vacation of the 571.18 sq. ft. of easements lying in Lot 23, Block 4944 shall be consistent with that shown in the sketch and accompanying legal description prepared by Phillip M. Mould entitled *"Vacation of a Portion of Public Utility and Drainage Easement Lying in Lot 23, Block 4944, Cape Coral Unit 74"*, dated August 13, 2018.
3. All ROW, public utility, drainage, and canal and bridge maintenance easements shall be released by the City for the quit claim area described in Ordinance 56-02.
4. Within 60 days from the date of adoption of this vacation, the owner shall provide to the City an easement deed for bridge maintenance, public utility, and drainage purposes consistent with that shown in the sketch and accompanying legal description prepared by Phillip M. Mould entitled *"Public Utility, Drainage and Bridge and Canal Maintenance Easement Lying in a Portion of Rose Canal Right-of-Way"*, dated January 23, 2019. This deed shall be approved by the City Property Broker prior to execution.
5. Within 60 days from the date of adoption of this vacation, the owner shall provide to the City an easement deed for public utility and drainage purposes consistent with that shown in the sketch and accompanying legal description prepared by Phillip M. Mould entitled *"Proposed Public Utility and Drainage Easement Lying in a Portion of Rose Canal Right-of-Way and Lot 23, Block 4944"*, dated January 23, 2019. This deed shall be approved by the City Property Broker prior to execution.
6. This resolution shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant provides the City with easement deeds as described in Conditions #4 and #5 and reimburses the Department of Community Development for all fees for recording the resolution and easement deeds.

---

**Staff Contact Information**

Mike Struve, AICP, LEED Green Associate, Development Management Team Coordinator

PH: 239-242-3255

Email: [mstruve@capecoral.net](mailto:mstruve@capecoral.net)

AN ORDINANCE DECLARING A TRIANGULAR-SHAPED PARCEL OF PROPERTY BEING A PART OF ROSE CANAL AS SHOWN ON THE PLAT CONTAINING LOT 23, BLOCK 4944, CAPE CORAL, UNIT 74, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 111 THROUGH 131, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN, AS UNUSABLE AUTHORIZING AND DIRECTING THE MAYOR AND CLERK TO EXECUTE A DEED CONVEYING THE AFOREMENTIONED SURPLUS REAL PROPERTY TO JOAN FALCETTA, AFTER THE GRANTEE HEREIN HAS CONSTRUCTED A SEAWALL UPON SAID PROPERTY, A COPY OF THE PROPOSED DEED IS ATTACHED HERETO AS EXHIBIT "1"; RESERVING THE RIGHT-OF-WAY AND UTILITY EASEMENTS FOR THE CITY OF CAPE CORAL, PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral Public Works Department and the City Manager have recommended that a parcel of land being a part of Rose Canal as shown on the plat of Unit 74, Block 4944, Cape Coral Subdivision, is of no value and use to the City of Cape Coral, and would be of greater value to the City of Cape Coral if deeded to the property owner because of increased tax revenues; and

WHEREAS, after examination of the canal and after considering the recommendations of the Engineering Division of the Public Works Department and City Staff, it is evident that it would be in the best interest of the City to deed said parcel subject to right-of-way and utility easements for City of Cape Coral and Lee County in the future.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

Section 1. That the parcel of land being a part of Rose Canal as shown on the plat containing Lot 23, Block 4944, Unit 74, Cape Coral Subdivision, said parcel being near the intersection of Oasis Boulevard and the bridge spanning the Rose Canal, more particularly described as follows:

A parcel of land being a portion of Rose Canal right of way adjacent to Lot 23, Block 4944, Cape Coral Subdivision, Unit 74, according to Plat Book 22, Pages 111 through 131, of the Public Records of Lee County, Florida, and being more particularly described as follows:

Commencing at the northwest corner of said Lot 23, being a point on the easterly right of way line of Oasis Boulevard and the point of Beginning; Thence N20°04'32"E a distance of 53.68 feet; Thence S64°27'19"E a distance of 118.13 feet; Thence N89°45'33"W a distance of 125.01 feet along the northerly line of said Lot 23 to the Point of Beginning, said parcel containing 3,156 square feet, or 0.0725 acres, more or less.

Reserving therefrom the westerly 25 feet as a Public Utilities, Drainage, Roadway and Bridge Maintenance Easement; the northeasterly 6 feet is reserved as a Public Utilities and Drainage Easement.

Said parcel is hereby declared to be of no use to the City of Cape Coral because of its odd shape and location and as surplus property is no longer needed for municipal use or purposes that require retaining municipal ownership.

The above described property shall immediately revert to grantor herein should grantee, its successors or assigns, fail to construct a seawall on said property within six (6) months of the date of this conveyance.

Section 2. That upon the recommendations of the City Staff, it is in the best interest of the City of Cape Coral to deed the

above-described property to the owner of Lot 23, Block 4944, Cape Coral, Unit 74, according to the plat thereof, as recorded in Plat Book 22, Pages 111 through 131, of the Public Records of Lee County, Florida, subject to any easements, restrictions and reservations of record because the City will receive additional tax revenues by this grant. Accordingly, the Mayor and the Clerk of the City of Cape Coral are hereby authorized to effectuate a quit claim deed granting the property described herein to Joan Falcetta, the owner of property located at 4033 Oasis Boulevard, Cape Coral, Florida. Said grant shall be subject to the City retaining a right-of-way easement across the property granted for the purpose of entering upon said property for the expansion of the canal system, including a right-of-way across said parcel for the maintenance, construction, and renovation of the canal or bridge system, and reserving a right-of-way across said parcel for any utility lines including water, sewer, electrical and a drainage easement to enlarge the existing channel in the future, a copy of the Quitclaim Deed is attached hereto as Exhibit "1."


Section 3. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall become effective immediately upon its adoption.

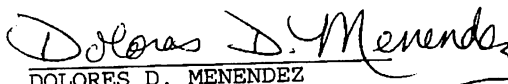
ADOPTED AT A REGULAR COUNCIL MEETING THIS 3rd DAY OF June, 2002.

  
ARNOLD E. KEMPE, MAYOR

ATTESTED TO AND FILED IN MY OFFICE THIS 6th DAY OF June, 2002.

  
BONNIE J. MAZURKIEWICZ  
CITY CLERK

APPROVED AS TO FORM:

  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
ord\triprop-falcetta

# QUITCLAIM DEED

PREPARED BY:  
Marilyn W. Miller  
Assistant City Attorney  
City of Cape Coral  
P.O. Box 150027  
Cape Coral, Florida 33915-0027

\*\*\*\*\*  
\*\*\*\*\*  
THIS QUITCLAIM DEED, EXECUTED this 7 day of June, 2002.

by first party: CITY OF CAPE CORAL, A MUNICIPAL CORPORATION  
whose post office address is: Post Office Box 150027, Cape Coral, Florida 33915-0027  
to second party: Joan Falcetta, a single woman  
whose post office address is: 401 East 64<sup>th</sup> Street, Apt. 5B  
New York, NY 10021

**WITNESSETH**, that the said first party, for good consideration and for the sum of Ten Dollars (\$10.00) paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Lee, State of Florida to wit:

A parcel of land being a portion of Rose Canal right of way adjacent to Lot 23, Block 4944, Cape Coral Subdivision, Unit 74, according to Plat Book 22, Pages 111 through 131, of the Public Records of Lee County, Florida, and being more particularly described as follows:

Commencing at the northwest corner of said Lot 23, being a point on the easterly right of way line of Oasis Boulevard and the Point of Beginning; Thence N20°04'32"E a distance of 53.68 feet; Thence S64°27'19"E a distance of 118.13 feet; Thence N89°45'33"W a distance of 125.01 feet along the northerly line of said Lot 23 to the Point of Beginning, said parcel containing 3,156 square feet, or 0.0725 acres, more or less.

Reserving therefrom the westerly 25 feet as a Public Utilities, Drainage, Roadway and Bridge Maintenance Easement; the northeasterly 6 feet is reserved as a Public Utilities and Drainage Easement.

**IN WITNESS WHEREOF**, that said first party has signed and sealed these presents the day and year first written.

Signed, sealed and delivered in presence of:

Bonnie J. Mazurkiewicz  
Witness - Signature

Bonnie J. MAZURKIEWICZ  
Witness - Print or Type Name

Wendy K. Levy  
Witness - Signature

Wendy K. Levy  
Witness - Print or Type Name

Arnold E. Kempe  
Grantor - Signature


Arnold E. Kempe  
Grantor - Print or Type Name

STATE OF FLORIDA §

COUNTY OF LEE §

The foregoing instrument was acknowledged before me this 7 day of June, 2002 by Arnold E. Kempe, Mayor, who is personally known by me or has produced as identification and who did/did not take an oath. (Describe identification)

My Commission Expires:

 Virginia A. Konior-Gladick  
My Commission DD112568  
Expires May 14, 2006  
Notary Number

Virginia A. Konior-Gladick  
Notary Public (Signature)

Virginia A. Konior-Gladick  
Print or Type Name

WWW.DOVESURVEY.COM

**& ASSOCIATES**  
OF SOUTHWEST FLORIDA INC. 1762 POWLER STREET, FORT MYERS, FLORIDA 33901  
(239) 332-7600 FAX (239) 332-8838 • Toll Free • 1-888-332-7601

[illegible]

**OVERHEAD POWER LINES**

CERTIFIED TO:  
Joan M. Falsetta  
Attorney, Larry D. Sutton  
Attorney's Title Insurance Fund Inc.  
Edison National Bank

LEGAL DESCRIPTION:  
Lots 21, 22, & 23 Block 4944 Unit 74 of Cape  
Coral Subdivision as recorded in Plat Book 22  
Page 114 of the records of Lee County, Florida

This survey meets the minimum technical standards set forth by the Florida Board of Professional Land Surveyors pursuant to Section 472.027, Florida Statute, and Chapter 61C17-6, Florida Administrative Code.

Notes:

- 1) Only increments shown were located.
- 2) Personal subject is female and deceased, therefore, no further information is available.
- 3) Subject was of "color".
- 4) Subject was a member of the Communist Party, and other communists participating in the extended plot were also arrested.
- 5) The elements are furnished to the attorney by the client or the informant.
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By: Keith David Clay  
Registered Surveyor & Mapper  
Certificate No. 6267

Certificate of authorization number LB 6611  
© 2002 by Dove & Associates of Southwest Florida Inc.

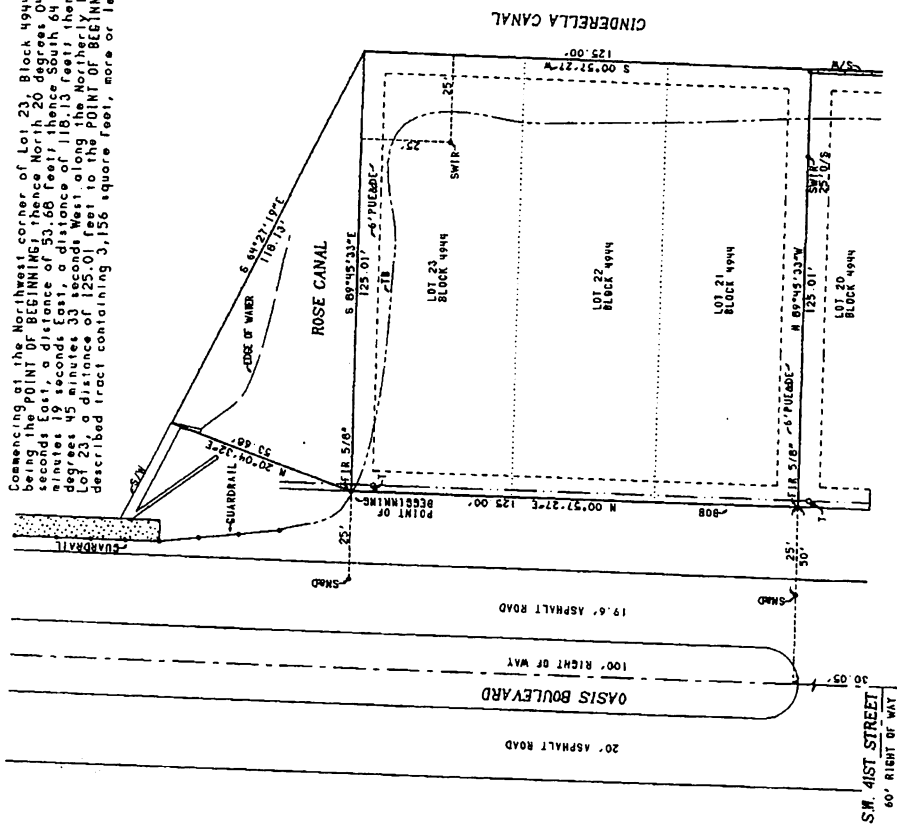
# Boundary Survey

Scale 1"=30'

## LEGAL DESCRIPTION OF PROPOSED QUIT CLAIM AREA:

A tract or parcel of land lying Unit 74, of Cape Coral, a subdivision according to the map or plat thereof, on file and recorded in Plat Book 22, pages 111-13) inclusive. Which tract or parcel is described as follows:

Commencing at the Northwest corner of Lot 23, Block 4944, said point being the POINT OF BEGINNING; thence North 20 degrees 04 minutes 37 seconds East, a distance of 33.68 feet; thence South 64 degrees 27 minutes 19 seconds West, a distance of 118.13 feet; thence North 69 degrees 45 minutes 33 seconds East, a distance of 125.01 feet; thence along the NORTH LINE of said LOT 23, a distance of 125.01 feet to the POINT OF BEGINNING; said described tract containing 3,156 square feet, more or less.





## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** VP18-0007

**REQUEST:** The applicants, Keith D. Finkelstein and Elizabeth A. MacGuidwin, seek a vacation of plat for a canal right-of-way and underlying easements being a part of the Rose Canal, adjacent to Lot 23, Block 4944, Cape Coral Subdivision, Unit 74; the release of easements that were previously reserved by the City and more particularly described by Ordinance 56-02; and the vacation of easements occupying a portion of Lot 23, Block 4944, Unit 74; property located at 4033 Oasis Boulevard.

**CAPE CORAL STAFF CONTACT:** Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, [mstruve@capecoral.net](mailto:mstruve@capecoral.net)

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, March 5, 2019 on the above-mentioned case. The public hearing will be held in the Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available five days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

**HOW TO CONTACT:** Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

**ADA PROVISIONS:** In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

**APPEALS:** If a person decides to appeal any decision made by the Hearing Examiner with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Department of Community Development  
Post Office Box 150027 • Cape Coral, Florida 33915-0027  
1015 Cultural Park Blvd. • Cape Coral, Florida 33990  
Email: [planningquestions@capecoral.net](mailto:planningquestions@capecoral.net)

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Local #  
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**Customer:** CITY OF CAPE CORAL\_DEPT OF COM

**Ad No.:** 0003404898

**Address:** 1015 CULTURAL PARK BLVD  
CAPE CORAL FL 33990  
USA

**Net Amt:** \$

**Run Times:** 1

**No. of Affidavits:**

**Run Dates:** 02/23/19

**Text of Ad:**

**NOTICE OF PUBLIC HEARING**

**CASE NUMBER:** VP18-0007

**REQUEST:** The applicants, Keith D. Finkelstein and Elizabeth A. MacGuidwin, seek a vacation of plat for a canal right-of-way and underlying easements being a part of the Rose Canal, adjacent to Lot 23, Block 4944, Cape Coral Subdivision, Unit 74; the release of easements that were previously reserved by the City and more particularly described by Ordinance 56-02; and the vacation of easements occupying a portion of Lot 23, Block 4944, Unit 74; property located at 4033 Oasis Boulevard.

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Boulevard, Cape Coral, Florida; tele-  
phone 1-239-574-0530 for assistance; if  
hearing impaired, telephone the Flori-  
da Relay Service Numbers, 1-800-955-  
8771 (TDD) or 1-800-955-8770 (v) for  
assistance.

by order of  
Kimberly Bruns, CMC  
Interim City Clerk  
REF # VP18-0007  
AD# 3404898 Feb. 23, 2019

Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: FINKELSTEIN KEITH D & MACGUIDWIN ELIZABETH A

APPLICATION NO: VP18-0007

STATE OF FLORIDA       )  
                                      ) §  
COUNTY OF LEE        )

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 26 day of 2, 2019.



Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

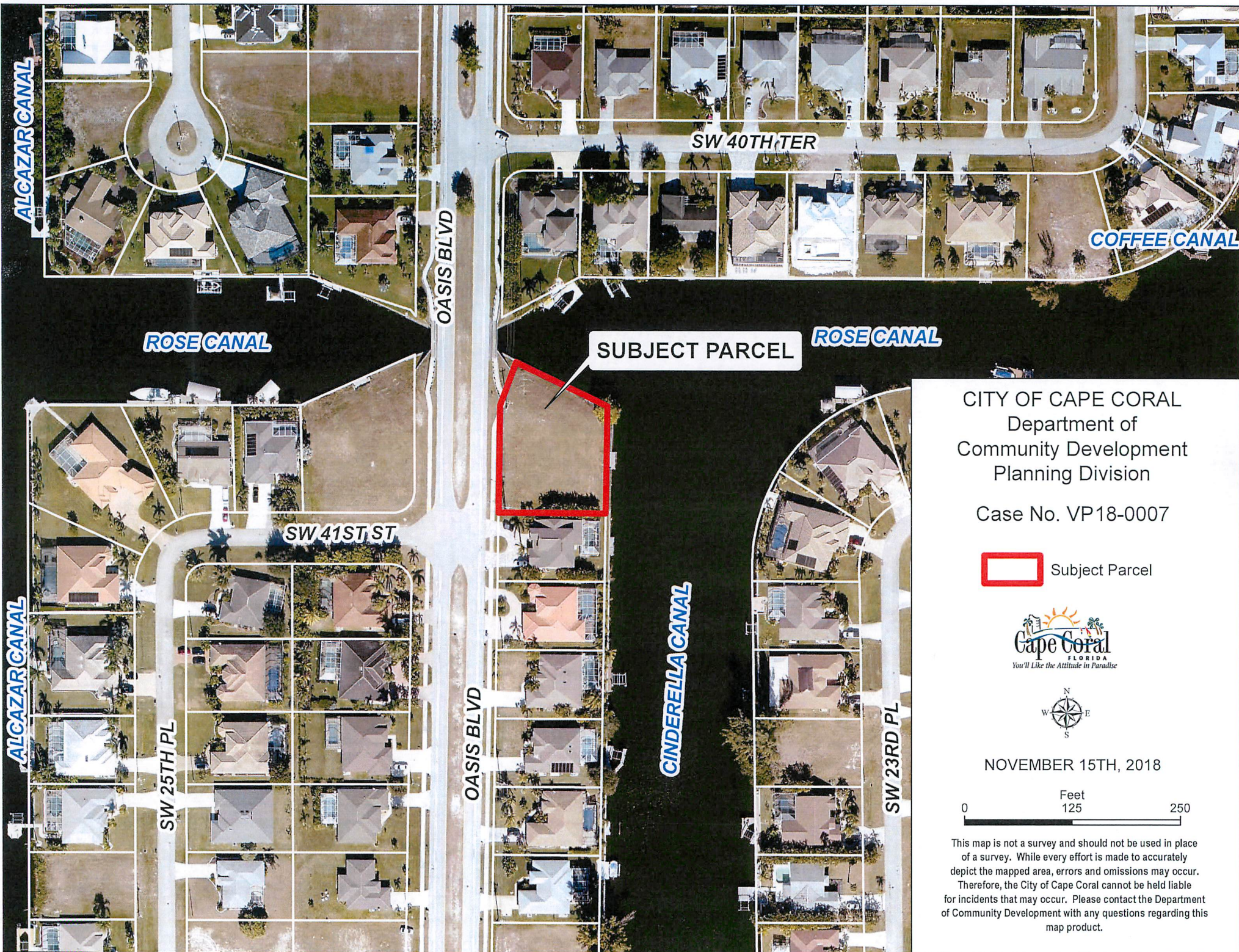
The foregoing instrument was acknowledged before me this 26 day of 2, 2019, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 7-7-21 Commission # 66070536



  
Signature of Notary Public

Frank Moreno  
Print Name of Notary Public



CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

Case No. VP18-0007



NOVEMBER 15TH, 2018




This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.

CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT ZONING MAP  
500' Proximity Boundary

Case No. VP18-0007

LEGEND

 500' Proximity Boundary

 Subject Parcel

Zoning

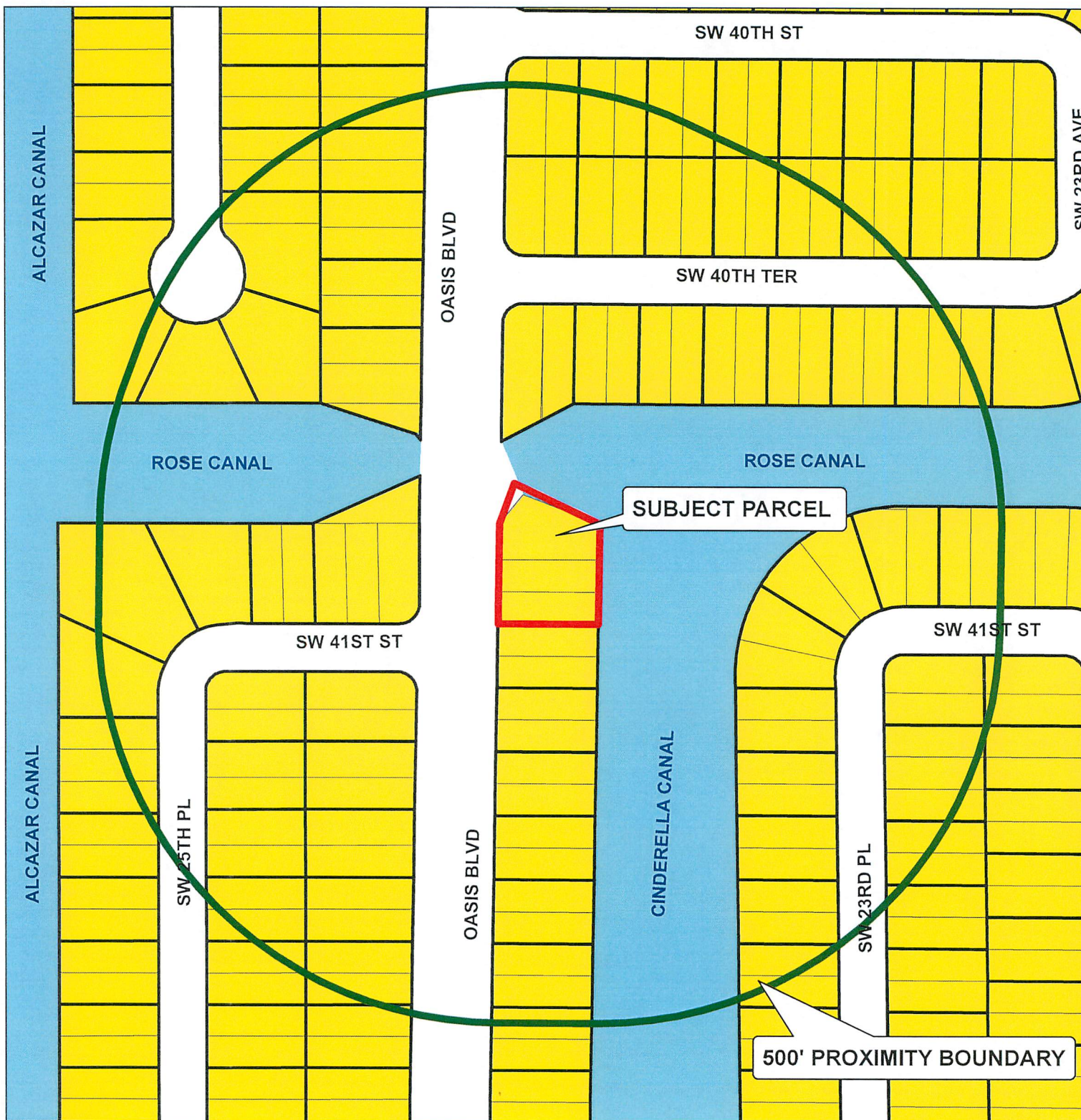
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NOVEMBER 15TH, 2018



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**Item Number:** 2.C.  
**Meeting Date:** 3/5/2019  
**Item Type:** HEARINGS

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case # VP19-0001\*; Address: 2227-2401 SW 8th Place and 2228-2402 Skyline Boulevard;  
Applicant: Acorn Skyline, LLC

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No  
If Yes, Priority Goals Supported are listed below.  
If No, will it harm the intent or success of the Strategic Plan? No

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

The applicant, Acorn Skyline, LLC, seek a vacation of plat for a platted alley right-of-way and all underlying easements between Lots 5-24 and 25-44 in Block 4383, Unit 63, and a vacation of platted easements along the east side of Lots 5-24 and the west side of Lots 25-44, Block 4383, Unit 63; property located at 2227-2401 SW 8<sup>th</sup> Place and 2228-2402 Skyline Boulevard.

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Materials"

**PREPARED BY:**

Kristin  
Kantarze                      Division- Planning                      Department- Community Development

**SOURCE OF ADDITIONAL INFORMATION:**

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255,  
mstruve@capecoral.net

**ATTACHMENTS:**

Description	Type
□ Backup Material	Backup Material





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP19-0001

DEC 27 '18 PM 12:57

REQUEST TO PLANNING & ZONING COMMISSION AND COUNCIL FOR A VACATION OF PLAT

FEE: \$843.00 – In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4) Advertising costs must be paid prior to public hearing otherwise case will be pulled from public hearing.

Following the approval of your request, the applicant shall be responsible for reimbursing the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

OWNER OF PROPERTY

Acorn Skyline, LLC

Address: 1515 U.S Hwy 1, Suite #103

City: Sebastian State: FL Zip 32958

Phone: 772-589-6350

APPLICANT Acorn Skyline, LLC  
By: David Fahmie, Manager

Address: 1515 U.S. Hwy 1, Suite #103

EMAIL  
davidfahmie@acornmini.com

City: Sebastian State: FL Zip 32958

Phone: 772-589-6350

AUTHORIZED REPRESENTATIVE  
Linda Miller, AICP

Address: 2503 Del Prado Boulevard South, Suite 200

EMAIL linda@avaloneng.com

City: Cape Coral State: FL Zip 33904

Phone: 239-573-2077

Unit 63 Block 4383 Lot(s) 5-44 Subdivision Cape Coral

Address of Property Multiple Addresses - See Attached Parcel Listing

Current Zoning RD Plat Book 21, Page 52

Strap Number Multiple Strap Numbers- See Attached Parcel Listing



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant, agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

(SIGNATURE MUST BE NOTARIZED)

Acorn Skyline, LLC  
By: David Fahmie, Manager

APPLICANT NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

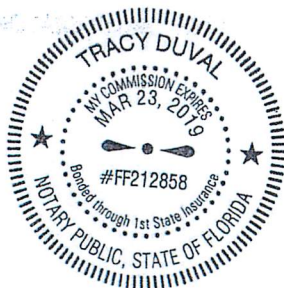
STATE OF FL, COUNTY OF INDIAN RIVER

Sworn to (or affirmed) and subscribed before me this 18<sup>th</sup> day of DECEMBER, 2018, by  
David Fahmie who is personally known or produced  
as identification.

Exp. Date: Mar 23, 2019 Commission Number: FF212858

Signature of Notary Public:

Printed name of Notary Public:



David Fahmie



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I or my representative must attend any applicable meetings scheduled for the Hearing Examiner, Planning & Zoning Commission/Local Planning Agency, and City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

Acorn Skyline, LLC

CORPORATION/COMPANY NAME

David Fahmie, Manager

PROPERTY OWNER (PLEASE TYPE OR PRINT)

PROPERTY OWNER'S SIGNATURE

STATE OF FL, COUNTY OF

INDIAN RIVER

Sworn to (or affirmed) and subscribed before me this 18 day of Dec., 2018, by DAVID FAHMIE who is personally known or produced as identification.

Exp. Date: 3/23/19 Commission Number: FF212858

Signature of Notary Public:

Printed name of Notary Public:

(SIGNATURE MUST BE NOTARIZED)





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT

Avalon Engineering, Inc

(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING & ZONING COMMISSION/ LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR  
A VACATION OF A PLATTED ALLEY AND THE UNDERLYING AND ADJOINING EASEMENTS

UNIT 63 BLOCK 4383 LOT(S) 5-44 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

Acorn Skyline, LLC

PROPERTY OWNER (Please Print)

MANAGER

PROPERTY OWNER (Signature & Title)

David Fahmie, Manager

PROPERTY OWNER (Please Print)

MANAGER

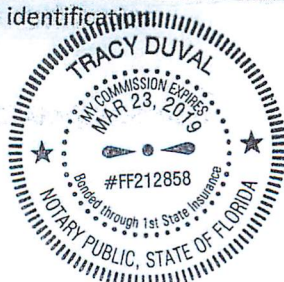
PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF INDIAN RIVER

Subscribed and sworn to (or affirmed) before me this 18 day of December, 2018, by

David Fahmie who is personally known or produced

as identification



Exp. Date: 3/23/19 Commission Number: FF212858

Signature of Notary Public:

Tracy Duval

Printed name of Notary Public:

Tracy Duval

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation paper.



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # \_\_\_\_\_

**DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)**

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Acorn Skyline, LLC  
By: David Fahmie, Manager

OWNER/APPLICANT (PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF INDIAN RIVER

Sworn to (or affirmed) and subscribed before me on this 18 day of DECEMBER  
2018 by David Fahmie, who is personally known or who has produced \_\_\_\_\_  
as identification.

Exp. Date 3/23/19  
Commission # FF212858

Signature of Notary Public

Tracy Duval  
Print Name of Notary Public





[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

## Detail by Entity Name

Florida Limited Liability Company  
ACORN SKYLINE, LLC

### Filing Information

**Document Number** L18000206975  
**FEI/EIN Number** NONE  
**Date Filed** 08/29/2018  
**State** FL  
**Status** ACTIVE

### Principal Address

1515 U.S.1,STE 103  
SEBASTIAN, FL 32958

### Mailing Address

1515 U.S.1,STE 103  
SEBASTIAN, FL 32958

### Registered Agent Name & Address

GREENE, ROBERT F, ESQ.  
601 12TH STREET WEST  
BRADENTON, FL 34205

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

FAHMIE, DAVID  
1515 U.S.1,STE 103  
SEBASTIAN, FL 32958

### Annual Reports

**No Annual Reports Filed**

### Document Images

[08/29/2018 -- Florida Limited Liability](#)

[View image in PDF format](#)



**Avalon Engineering, Inc.**

2503 Del Prado Boulevard South, Suite 200  
Cape Coral, Florida 33904  
Phone: (239) 573-2077 Fax: (239) 573-2076  
#AA C001936 #EB 0003128

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December 27, 2018

Mr. Bob Pederson, Planning Manager  
Department of Community Development  
City of Cape Coral  
1015 Cultural Park Boulevard  
Cape Coral, Florida 33915

PROJECT: VACATION OF AN ALLEY WITHIN BLOCK 4383  
NW CORNER OF SKYLINE BLVD AND VETERANS PARKWAY

SUBJECT: VACATION OF PLAT LETTER OF INTENT

Dear Mr. Pederson:

On behalf of the property owner, Acorn Storage, LLC, we request approval of a Vacation of Plat to vacate an existing alley and the underlying and adjoining easements within Block 4383.

Acorn Storage has obtained ownership of the remaining lots within Block 4383, Lots 5-44. Prior to development of this site, Acorn Storage is requesting approval to vacate the alley, the underlying easements and the 6' easements adjoining the alley on the west and east sides. A legal description and sketch of the area to be vacated is provided, see Exhibit A.

A 6' PUE will be maintained around the perimeter of the site when the lots are strapped together. Two legal descriptions and sketches are provided, see Exhibit B and Exhibit C.

Avalon has requested no objection letters from all of the local service providers. We are in receipt of all providers letters with the exception of Lee County Electric Cooperative.

We respectfully request approval of this Vacation of Plat Application. If you have any questions or require additional information please let me know.

Sincerely,

AVALON ENGINEERING, INC.

Linda Miller, AICP  
Senior Planner

c: David Fahmie, Acorn Storage, LLC

STRAP NUMBER LISTING
27-44-23-C3-04383.0050
27-44-23-C3-04383.0070
27-44-23-C3-04383.0090
27-44-23-C3-04383.0120
27-44-23-C3-04383.0160
27-44-23-C3-04383.0190
27-44-23-C3-04383.0230
27-44-23-C3-04383.0250
27-44-23-C3-04383.0270
27-44-23-C3-04383.0300
27-44-23-C3-04383.0320
27-44-23-C3-04383.0340
27-44-23-C3-04383.0360
27-44-23-C3-04383.0380
27-44-23-C3-04383.0410
27-44-23-C3-04383.0430

Linda Doggett, Lee County Clerk of Circuit Court  
INSTR. # 2018000294021, Doc Type D, Pages 2, Recorded 12/17/2018 at 4:03 PM, Deputy Clerk WMILLER  
Rec Fees: \$18.50 Deed Doc: \$7,525.00

6.50  
1525.00  
7543.50

Prepared by and return to:  
Title Professionals of Florida  
13241 University Drive, Suite 103  
Fort Myers, Florida 33907  
Incidental to the issuance of a title insurance policy.  
Parcel Identification Number: 27-44-23-C3-04383.0050  
File Number: 18008589TPF

(Space Above This Line For Recording Data)

### Warranty Deed

This Warranty Deed made this 13th day of December, 2018, by

Commonwealth Foundation for Cancer Research, a Virginia non-stock corporation

hereinafter called the GRANTOR, to

Acorn Skyline, LLC, A Florida Limited Liability Company

whose post office address is 1515 US Highway 1, Suite 103, Sebastian, FL 32958  
hereinafter called the GRANTEE:

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations.)

Witnesseth, that the GRANTOR, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land, situate in Lee County, Florida, viz:

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44, Block 4383, Cape Coral Unit 63, a subdivision according to the map or plat thereof, as recorded in Plat Book 21, Pages 48 through 81, inclusive, Public Records of Lee County, Florida.

Subject property is vacant land and is not now, never has been, nor is contiguous to the homestead property of the Grantor(s)

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2018 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has hereunto has signed and sealed these presents the date set forth above.

Signed, sealed and delivered in our presence:  
(TWO WITNESSES REQUIRED)

WITNESSES:

Signature of Witness

Printed Name of Witness: Malia D'Connell

Signature of Witness

Printed Name of Witness: Jena Delgado-Burnett

Commonwealth Foundation for Cancer Research,  
a Virginia Non-Stock Corporation

James A. Jones, Authorized Signer

STATE OF Virginia  
City of Richmond  
COUNTY OF Richmond

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared James A. Jones, Authorized Signer, of Commonwealth Foundation for Cancer Research, a Virginia non-stock corporation, known to me to be the person(s) described in and who executed the foregoing instrument, who acknowledged before me that he, she and/or they, executed the same, and an oath was not taken. (Check one) ☒ Said person(s) is/are personally known to me. ☐ Said person(s) provided the following type of identification: ✓

WITNESS my hand and official seal in the County and State last aforesaid this 10th day of December, 2018.

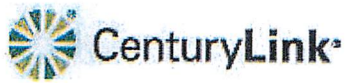


Sherry G. Bowery  
Commonwealth of Virginia  
Notary Public  
Commission No. 222806  
My Commission Expires 2/28/2022

Notary Public

Printed Name Sherry G. Bowery

My Commission Expires: 2/28/2022



**Attention:**

Linda Millar, AICP  
2503 Del Prado Blvd S #200  
Avalon Engineering, Inc.  
Phone: 239-573-2077  
Linda@AVALONENG.COM

**Subject:** - No Objection of Vacation Alley & Re-plat

**Site Address:** Skyline Blvd & SW 22<sup>nd</sup> Ter & Veterans Pkwy  
Strap# 27-44-23-C3-04383.0250 & Block 4383 Lots 5-44

Dear Linda Miller

Regarding the referenced property above CenturyLink has **No Objection** to the Re- Plat described by Avalon Engineering. The re-plat the portion of block 4383 lots 5-44 to close Alley and maintain a 6' PUE around perimeter of new proposed lot.

Sincerely

*Justin Lane*

THANK YOU!

*Justin Lane*

OSP Engineering

Office: (239)-984-7009

justin.lane@centurylink.com



**12600 Westlinks Drive Suite 4  
Fort Myers, FL 33913  
Phone: 239-432-1805**

November 12, 2018

Avalon Engineering, Inc  
C/O Linda Miller  
2503 Del Prado Blvd. So. Suite 200  
Cape Coral, Florida 33904

RE: Block 4383, Lots 5-44, Northwest Corner of Skyline Blvd. and Veterans Pkwy

Dear Linda Miller,

This letter will serve to inform you that Comcast has no objection to your vacate of the easements referenced above.

Should you require additional information or assistance, please feel free to contact me here at 432-1805.

Cordially,

A handwritten signature in black ink, appearing to read 'Mark Cook'.

Mark Cook  
Project Coordinator



November 28, 2018

Lynda Brooks  
**Avalon Engineering, Inc.**  
2503 Del Prado Boulevard S., #200  
Cape Coral, Florida 33904  
Phone: (239) 573-2077, Ext. 252  
Fax: (239) 573-2076  
E-mail: [lbrooks@avaloneng.com](mailto:lbrooks@avaloneng.com)

**RE: Letter of "No Objection" for the Vacation of**  
**Site Addresses: 2401-2317-2313-2305-2241-2233-2227 SW 8<sup>th</sup> Place**  
**STRAP: 27-44-23-C3-04383.0050, 0070, 0090, 0120, 0160, 0190, 0230**  
**Folio: 10076603 - 10076609**  
**Site Addresses: 2228-2234-2238-2242-2314-2318-2324-2328 Skyline Boulevard**  
**STRAP: 27-44-23-C3-04383.0250, 0270, 0300, 0320, 0340, 0360, 0380, 0410, 0430**  
**Folio: 10076610 - 10076618**  
**Municipality: Cape Coral**  
**County: Lee**

TECO Peoples Gas System has received and reviewed the request for a Letter of "No Objection" for the Vacation of the 6' (PUE) Public Utility Easement and Alleyway along and/or within the listed properties referenced above.

TECO Peoples Gas System currently has **Natural Gas Infrastructure** within the 6' (PUE) Public Utility Easement, Alleyway and/or Properties within **STRAP: 27-44-23-C3-04383** in Cape Coral, Lee County referenced above.

Therefore, TECO Peoples Gas System has **"No Objection"** to the Vacation of the 6' (PUE) Public Utility Easement and Alleyway along and/or within the listed properties referenced above in Cape Coral, Lee County

Should you have any questions or require further information, please contact me at telephone and cellular numbers (239) 690-5517, (239) 896-0812 or by e-mail at [mdaloi@tecoenergy.com](mailto:mdaloi@tecoenergy.com)

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Aloï", written over a horizontal line.

Marilyn D. Aloï  
Gas Design Project Manager



Lee County Electric Cooperative, Inc.  
Post Office Box 3455  
North Fort Myers, FL 33918-3455  
(239) 995-2121 • Fax (239) 995-7904  
[www.lcec.net](http://www.lcec.net)

January 8, 2019

Ms. Linda Miller, AICP  
Avalon Engineering, Inc.  
2503 Del Prado Boulevard So., #200  
Cape Coral, Florida 33904

Re: Letter of No Objection to Vacation of Alley between Lots 5 through 24, and Lots 25 through 44, Block 4383, Cape Coral Subdivision, Unit 63, Plat Book 21, Pages 48-81, inclusive: Owner: Acorn Skyline, LLC; Strap#: 27-44-23-C3-04383.0050 through 27-44-23-C3-04383.0430.

Dear Ms. Miller:

You have opened up negotiations, on behalf of your client, Acorn Skyline, LLC, concerning the vacation of a certain alley at the rear between Lots 5 through 24, and Lots 25 through 44, all contained within Block 4383 for the solely purposes of vacating the alley and the adjacent parallel easements.

We have reviewed the Plat, the request with submitted with materials, and our internal records. LCEC has **no objection** to the vacation as requested, provided the alley has placed upon the north end and the south end a six-foot wide 32-foot easement in order to complete the perimeter easement. This vacation is solely for the vacation of the Alley and the adjacent six-foot parallel easements.

However, should there be any substantive changes to the plans, as submitted, LCEC reserves its rights to additional review and comment with additional conditions, if necessary, consistent with its findings. If the vacation is not be submitted for jurisdictional approval within six months, this letter will be deemed void.

Should there be any questions please call me at 239-656-2112, or, if you prefer, I can be reached by email at [russel.goodman@lcec.net](mailto:russel.goodman@lcec.net).

Very truly yours,

**Russ Goodman,** Digitally signed by Russ  
Goodman, SR/WA  
**SR/WA** Date: 2019.01.08 16:36:01  
-05'00'

Russel Goodman, SR/WA  
Design & Engineering Coordinator – Land Rights

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

*VACATION OF A PORTION OF A 20 FOOT WIDE  
ALLEY, ANY AND ALL UNDERLYING  
EASEMENTS  
LYING IN BLOCK 4383,  
CAPE CORAL, UNIT 63,*

SECTION 27, TOWNSHIP 44 SOUTH, RANGE 23 EAST,  
(PLAT BOOK 21, PAGES 48-81),  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA


SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS  
DESCRIPTION

NOT A BOUNDARY SURVEY

*DESCRIPTION:*

*COMMENCING AT THE SOUTHWEST CORNER OF LOT 44, BLOCK  
4383, CAPE CORAL UNIT 63, AS RECORDED IN PLAT BOOK 21,  
PAGES 48-81, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR  
A POINT OF BEGINNING; THENCE RUN S.89°34'44"W FOR 20.00  
FEET; THENCE RUN N.00°12'55"E. TO A POINT ALONG THE SOUTH  
RIGHT OF WAY LINE OF S.W 22ND TERRACE (60 FEET WIDE)  
811.89 FEET; THENCE RUN N.89°45'39"E. ALONG SAID SOUTH  
RIGHT OF WAY FOR 20.00 FEET; THENCE RUN S.00°12'55"W. TO  
THE AFORESAID SOUTHWEST CORNER LOT 44, BLOCK 4383, FOR  
811.89 FEET TO THE POINT OF BEGINNING.*

*CONTAINING: 16,237.8 SQ. FT±*



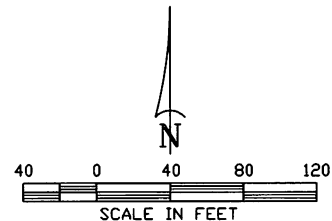
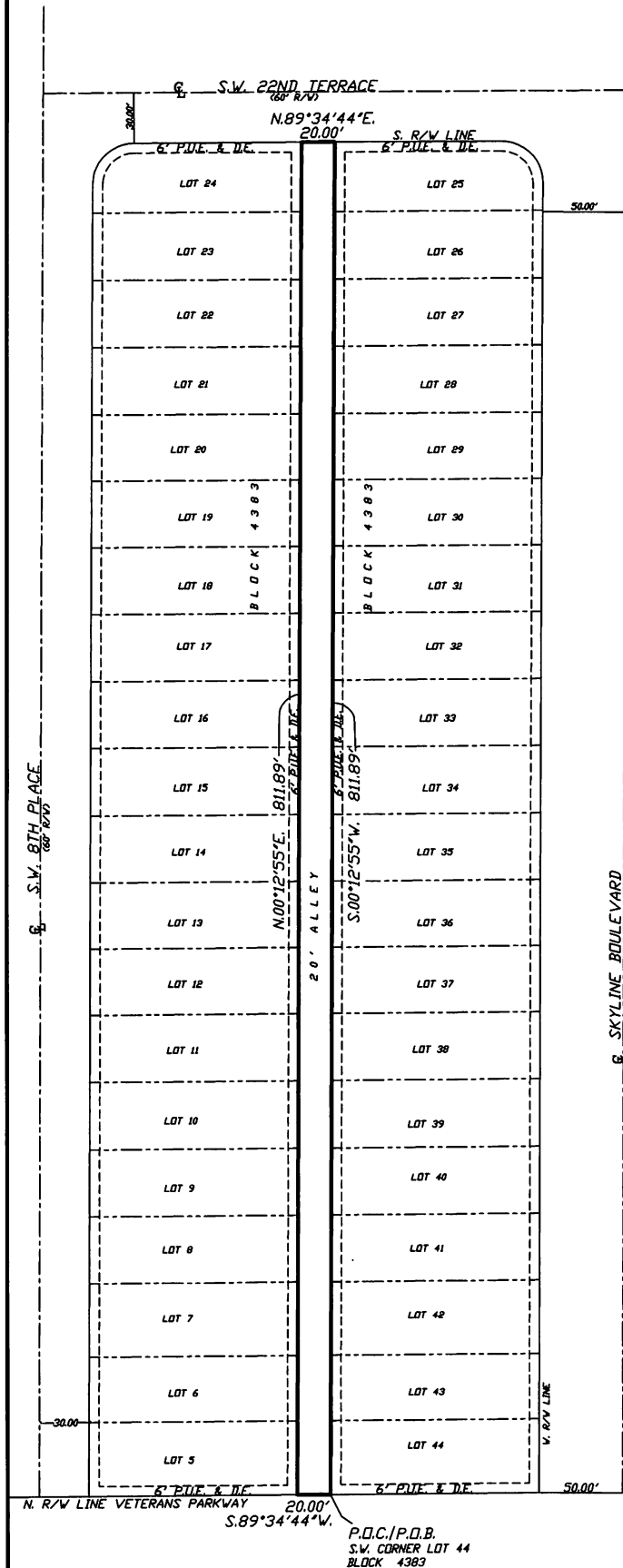
PHILLIP M. MOULD  
PROFESSIONAL SURVEYOR AND MAPPER  
#6515 - STATE OF FLORIDA  
1/23/2019

CC-U63-4383-5

SKETCH TO ACCOMPANY DESCRIPTION  
 VACATION OF A PORTION OF A  
 20 FOOT WIDE ALLEY, ANY AND  
 ALL UNDERLYING EASEMENTS  
 LYING IN BLOCK 4383,  
 CAPE CORAL, UNIT 63,

SECTION 27, TOWNSHIP 44 SOUTH, RANGE  
 23 EAST (PLAT BOOK 21, PAGES 48-81)  
 PUBLIC RECORDS OF LEE COUNTY, FLORIDA

SEE EXHIBIT 'A' SHEET 2 OF 2 FOR  
 DESCRIPTION TO ACCOMPANY THIS SKETCH



LEGEND:

O.R. OFFICIAL RECORDS BOOK  
 P.O.B. POINT OF BEGINNING  
 P.O.C. POINT OF COMMENCEMENT  
 R/W RIGHT-OF-WAY  
 C CENTERLINE  
 P.U.E. PUBLIC UTILITY EASEMENT  
 P.O.C. POINT OF COMMENCEMENT  
 P.O.B. POINT OF BEGINNING  
 D.E. DRAINAGE EASEMENT

SHEET 1 OF 2

CC-U63-4383-5

HARRIS-JORGENSEN, LLC.  
 3048 DEL PRADO BLVD. .S  
 #100  
 CAPE CORAL, FL. 33904  
 239-257-2624

SEE SHEET 2 OF 2 FOR DESCRIPTION TO ACCOMPANY THIS SKETCH  
 NOT A BOUNDARY SURVEY

EXHIBIT "C"

DESCRIPTION TO ACCOMPANY SKETCH

*VACATION OF A PORTION OF A 6 FOOT WIDE  
PUBLIC UTILITY AND DRAINAGE EASEMENT  
LYING IN BLOCK 4383,  
CAPE CORAL, UNIT 63,*

SECTION 27, TOWNSHIP 44 SOUTH, RANGE 23 EAST,  
(PLAT BOOK 21, PAGES 48-81),  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

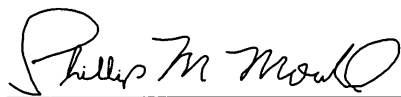
SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS  
DESCRIPTION

NOT A BOUNDARY SURVEY

DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 44, BLOCK 4383, CAPE CORAL UNIT 63, AS RECORDED IN PLAT BOOK 21, PAGES 48-81, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR A POINT OF BEGINNING; THENCE RUN N.00°12'55"E. TO A POINT ALONG THE SOUTH RIGHT OF WAY LINE OF S.W 22ND TERRACE (60 FEET WIDE) 811.89 FEET; THENCE RUN N.89°45'39"E. ALONG SAID SOUTH RIGHT OF WAY FOR 6.00 FEET; THENCE RUN S.00°12'55"W. TO A POINT ALONG THE SOUTH LINE SAID LOT 44 BLOCK 4383 FOR 811.89 FEET; THENCE RUN S.89°34'44"W TO THE AFORESAID SOUTHWEST CORNER OF LOT 44, BLOCK 4383 FOR 6.00 TO THE POINT OF BEGINNING.

CONTAINING: 4,871.34 SQ. FT±



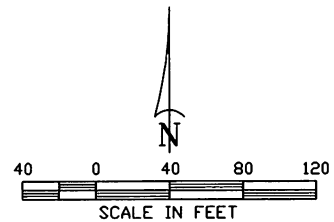
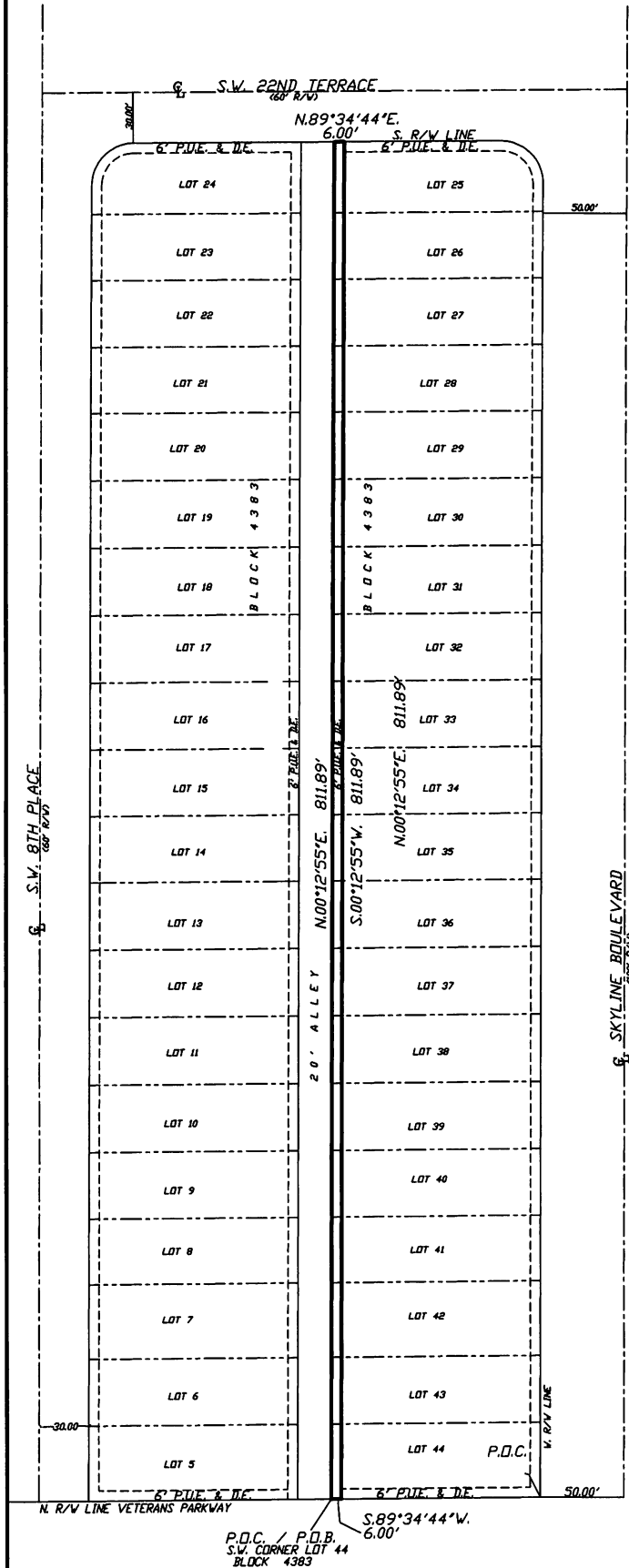
PHILLIP M. MOULD  
PROFESSIONAL SURVEYOR AND MAPPER  
#6515 - STATE OF FLORIDA  
1/23/2019

CC-U63-4383-5

SKETCH TO ACCOMPANY DESCRIPTION  
 VACATION OF A PORTION OF A  
 6 FOOT WIDE PUBLIC UTILITY  
 AND DRAINAGE EASEMENT  
 LYING IN BLOCK 4383,  
 CAPE CORAL, UNIT 63,

SECTION 27, TOWNSHIP 44 SOUTH, RANGE  
 23 EAST (PLAT BOOK 21, PAGES 48-81)  
 PUBLIC RECORDS OF LEE COUNTY, FLORIDA

SEE EXHIBIT 'C' SHEET 2 OF 2 FOR  
 DESCRIPTION TO ACCOMPANY THIS SKETCH



LEGEND:

- O.R. OFFICIAL RECORDS BOOK
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- R/W RIGHT-OF-WAY
- C CENTERLINE
- P.U.E. PUBLIC UTILITY EASEMENT
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- D.E. DRAINAGE EASEMENT

SHEET 1 OF 2

CC-U63-4383-5

HARRIS-JORGENSEN, LLC.  
 3048 DEL PRADO BLVD., S.  
 #100  
 CAPE CORAL, FL. 33904  
 239-257-2624

SEE SHEET 2 OF 2 FOR DESCRIPTION TO ACCOMPANY THIS SKETCH  
 NOT A BOUNDARY SURVEY

EXHIBIT "B"

DESCRIPTION TO ACCOMPANY SKETCH

*VACATION OF A PORTION OF A 6 FOOT WIDE  
PUBLIC UTILITY AND DRAINAGE EASEMENT  
LYING IN BLOCK 4383,  
CAPE CORAL, UNIT 63,*

SECTION 27, TOWNSHIP 44 SOUTH, RANGE 23 EAST,  
(PLAT BOOK 21, PAGES 48-81),  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

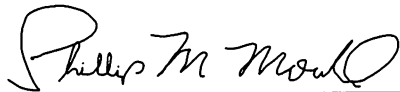
SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS  
DESCRIPTION

NOT A BOUNDARY SURVEY

DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5, BLOCK 4383, CAPE CORAL UNIT 63, AS RECORDED IN PLAT BOOK 21, PAGES 48-81, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR A POINT OF BEGINNING; THENCE RUN S.89°34'44"W FOR 6.00 FEET; THENCE RUN N.00°12'55"E. TO A POINT ALONG THE SOUTH RIGHT OF WAY LINE OF S.W 22ND TERRACE (60 FEET WIDE) 811.89 FEET; THENCE RUN N.89°45'39"E. ALONG SAID SOUTH RIGHT OF WAY FOR 6.00 FEET; THENCE RUN S.00°12'55"W. TO THE AFORESAID SOUTHEAST CORNER LOT 5, BLOCK 4383 FOR 811.89 FEET TO THE POINT OF BEGINNING.

CONTAINING: 4,871.34 SQ. FT±



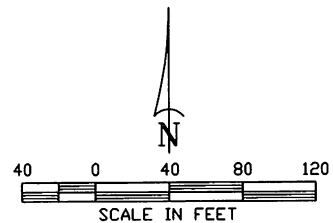
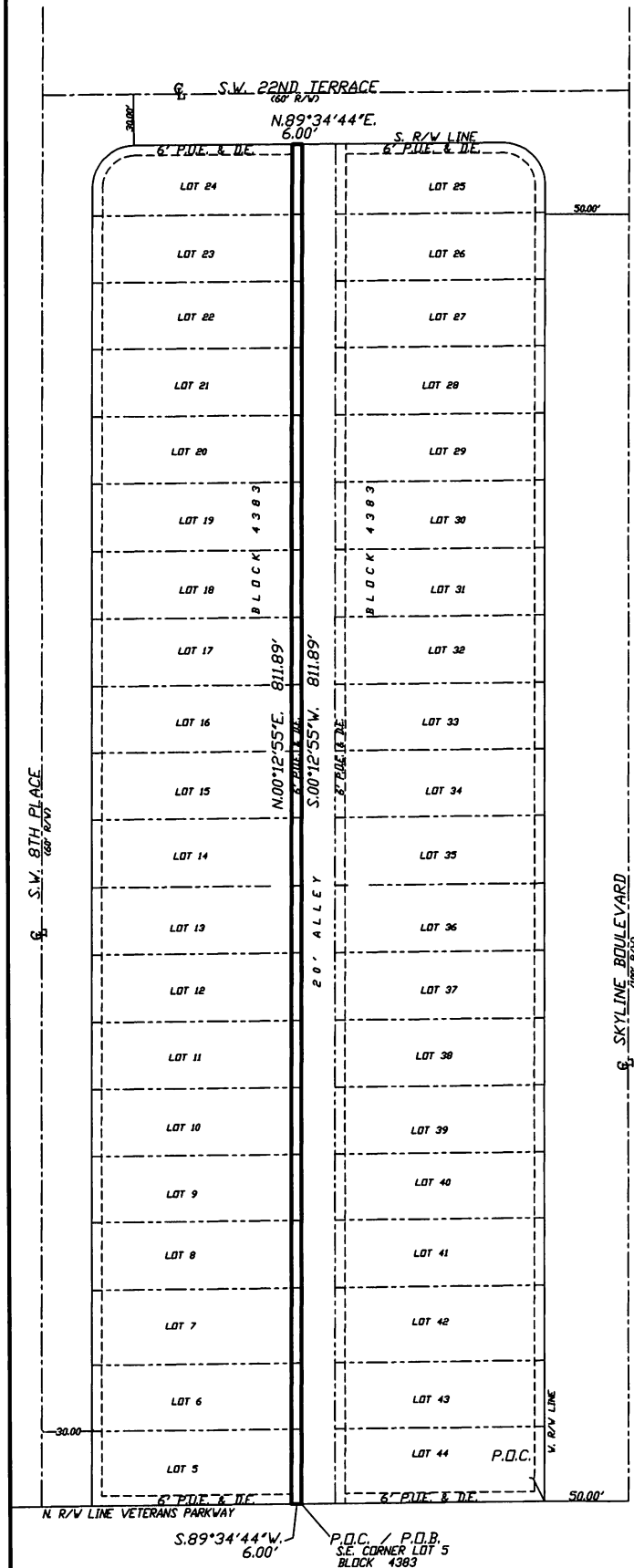
PHILLIP M. MOULD  
PROFESSIONAL SURVEYOR AND MAPPER  
#6515 - STATE OF FLORIDA  
1/23/2019

CC-U63-4383-5

SKETCH TO ACCOMPANY DESCRIPTION  
 VACATION OF A PORTION OF A  
 6 FOOT WIDE PUBLIC UTILITY  
 AND DRAINAGE EASEMENT  
 LYING IN BLOCK 4383,  
 CAPE CORAL, UNIT 63,

SECTION 27, TOWNSHIP 44 SOUTH, RANGE  
 23 EAST (PLAT BOOK 21, PAGES 48-81)  
 PUBLIC RECORDS OF LEE COUNTY, FLORIDA

SEE EXHIBIT 'B' SHEET 2 OF 2 FOR  
 DESCRIPTION TO ACCOMPANY THIS SKETCH



LEGEND:

O.R. OFFICIAL RECORDS BOOK  
 P.O.B. POINT OF BEGINNING  
 P.O.C. POINT OF COMMENCEMENT  
 R/W RIGHT-OF-WAY  
 C CENTERLINE  
 P.U.E. PUBLIC UTILITY EASEMENT  
 P.O.C. POINT OF COMMENCEMENT  
 P.O.B. POINT OF BEGINNING  
 D.E. DRAINAGE EASEMENT

SHEET 1 OF 2

CC-U63-4383-5

HARRIS-JORGENSEN, LLC.  
 3048 DEL PRADO BLVD., S  
 #100  
 CAPE CORAL, FL. 33904  
 239-257-2624

SEE SHEET 2 OF 2 FOR DESCRIPTION TO ACCOMPANY THIS SKETCH  
 NOT A BOUNDARY SURVEY

EXHIBIT "B"

DESCRIPTION TO ACCOMPANY SKETCH

**6 FOOT WIDE PUBLIC UTILITY EASEMENT  
AND DRAINAGE EASEMENT  
LYING IN A PORTION OF  
BLOCK 4383, CAPE CORAL, UNIT 63,**

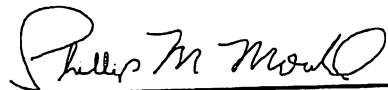
SECTION 27, TOWNSHIP 44 SOUTH, RANGE 23 EAST (PLAT  
BOOK 21, PAGES 48-81)  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY  
THIS DESCRIPTION

NOT A BOUNDARY SURVEY

**DESCRIPTION:**

COMMENCING AT THE NORTHEAST CORNER OF LOT 24, BLOCK 4383, AND ALONG THE SOUTH RIGHT OF WAY LINE OF S.W. 22ND TERRACE, (60 FEET WIDE) CAPE CORAL UNIT 63, AS RECORDED IN PLAT BOOK 21, PAGES 48-81, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR A POINT OF BEGINNING; THENCE RUN N.89°34'44"E. ALONG THE SOUTH RIGHT OF WAY LINE OF S.W. 22ND TERRACE (60 FEET WIDE) FOR 26.00 FEET; THENCE RUN S.00°12'55"W. FOR 6.00 FEET; THENCE RUN S.89°34'44"W. ALONG A LINE 6 FEET SOUTH OF THE AFORESAID SOUTH RIGHT OF WAY LINE AS MEASURED ON A PERPENDICULAR FOR 32.00 FEET; THENCE RUN N.00°12'55"E. TO A POINT ALONG THE SAID SOUTH RIGHT OF WAY LINE OF 22ND TERRACE (60 FEET WIDE) FOR 6.00 FEET; THENCE RUN N.89°34'44"E. ALONG SAID SOUTH RIGHT OF WAY LINE FOR 6.00 FEET TO THE POINT OF BEGINNING.  
CONTAINING: 192.01 SQ. FT±



PHILLIP M. MOULD  
PROFESSIONAL SURVEYOR AND MAPPER  
#6515 - STATE OF FLORIDA  
10/22/18

CC-U62-3071-24

SHEET 2 OF 2

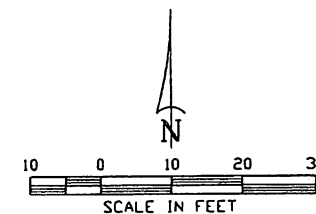
SEE SHEET 1 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

HARRIS-JORGENSEN, LLC.  
3046 DEL PRADO BLVD. S  
3A  
CAPE CORAL, FL. 33904  
239-257-2624

SECTION 27, TOWNSHIP 44 SOUTH, RANGE 23 EAST,  
(PLAT BOOK 21, PAGES 48-81)  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

**LEGEND:**

O.R.	OFFICIAL RECORDS BOOK
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
R/W	RIGHT-OF-WAY
C	CENTERLINE
P.U.E.	PUBLIC UTILITY EASEMENT
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
D.E.	DRAINAGE EASEMENT



SHEET 1 OF 2  
SEE SHEET 2 OF 2 FOR DESCRIPTION TO ACCOMPANY THIS SKETCH

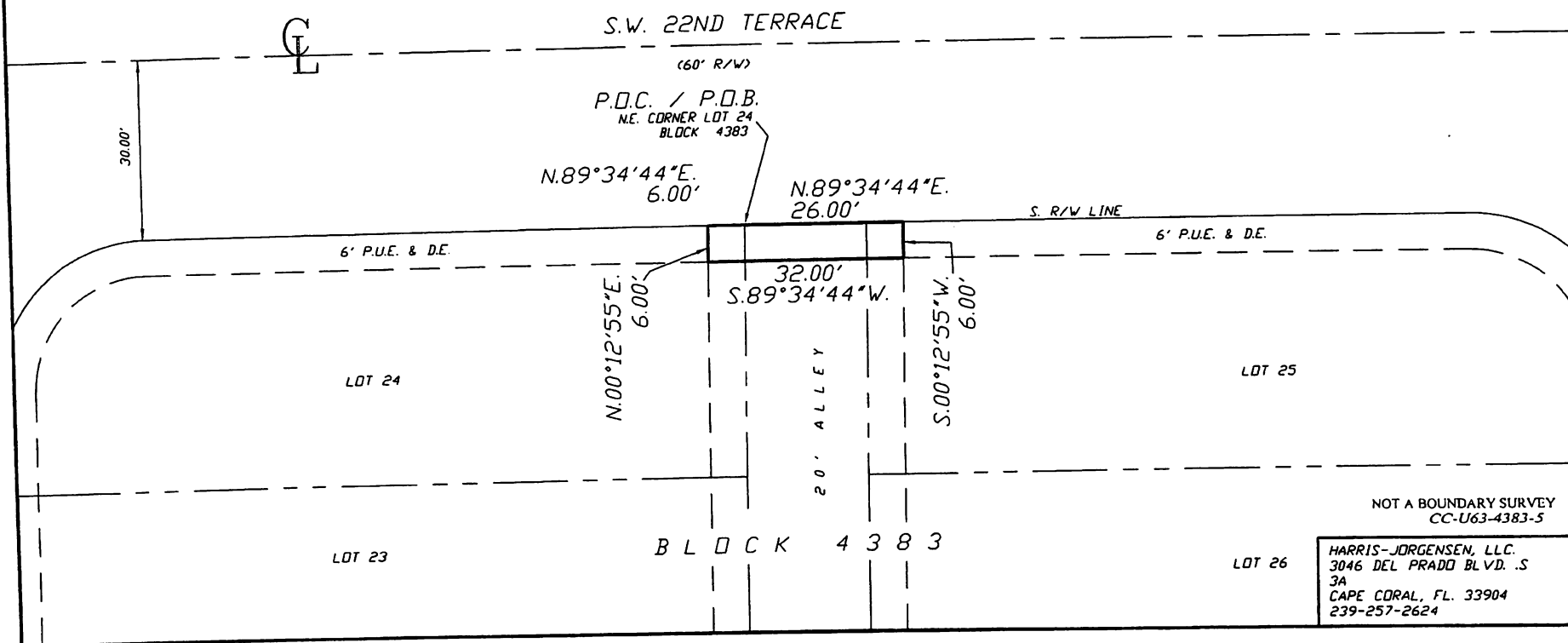


EXHIBIT "C"

DESCRIPTION TO ACCOMPANY SKETCH

**6 FOOT WIDE PUBLIC UTILITY EASEMENT  
AND DRAINAGE EASEMENT  
LYING IN A PORTION OF  
BLOCK 4383, CAPE CORAL, UNIT 63,**

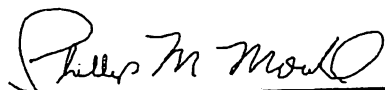
SECTION 27, TOWNSHIP 44 SOUTH, RANGE 23 EAST (PLAT  
BOOK 21, PAGES 48-81)  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY  
THIS DESCRIPTION

NOT A BOUNDARY SURVEY

**DESCRIPTION:**

COMMENCING AT THE SOUTHWEST CORNER OF LOT 44, BLOCK 4383, CAPE CORAL UNIT 63, AS RECORDED IN PLAT BOOK 21, PAGES 48-81, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND ALONG THE NORTH RIGHT OF WAY LINE OF VETERANS PARKWAY (RIGHT OF WAY WIDTH VARIES) FOR A POINT OF BEGINNING; THENCE RUN S.89°34'44"W. FOR 26.00 FEET; THENCE RUN N.00°12'55"E. FOR 6.00 FEET; THENCE RUN N.89°34'44"E. FOR 32.00 FEET; THENCE RUN S.00°12'55"W. TO A POINT ALONG THE AFORESAID NORTH RIGHT OF WAY LINE OF VETERANS PARKWAY (RIGHT OF WAY WIDTH (VARIES) FOR 6.00 FEET; THENCE RUN S.89°34'44"W. FOR 6.00 FEET TO THE POINT OF BEGINNING A POINT OF BEGINNING; THENCE RUN N.89°34'44"E. ALONG THE SOUTH RIGHT OF WAY LINE OF S.W 22ND TERRACE (60 FEET WIDE) FOR 26.00 FEET; THENCE RUN S.00°12'55"W. FOR 6.00 FEET; THENCE RUN S.89°34'44"W. ALONG A LINE 6 FEET SOUTH OF THE AFORESAID SOUTH RIGHT OF WAY LINE AS MEASURED ON A PERPENDICULAR FOR 32.00 FEET; THENCE RUN N.00°12'55"E. TO A POINT ALONG THE SAID SOUTH RIGHT OF WAY LINE OF 22ND TERRACE (60 FEET WIDE) FOR 6.00 FEET; THENCE RUN N.89°34'44"E. ALONG SAID SOUTH RIGHT OF WAY LINE FOR 6.00 FEET TO THE POINT OF BEGINNING.  
CONTAINING: 192.01 SQ. FT±



PHILLIP M. MOULD  
PROFESSIONAL SURVEYOR AND MAPPER  
#6515 - STATE OF FLORIDA  
10/22/18

CC-U62-3071-24

SHEET 2 OF 2

SEE SHEET 1 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

HARRIS-JORGENSEN, LLC.  
3046 DEL PRADO BLVD. .S  
3A  
CAPE CORAL, FL. 33904  
239-257-2624

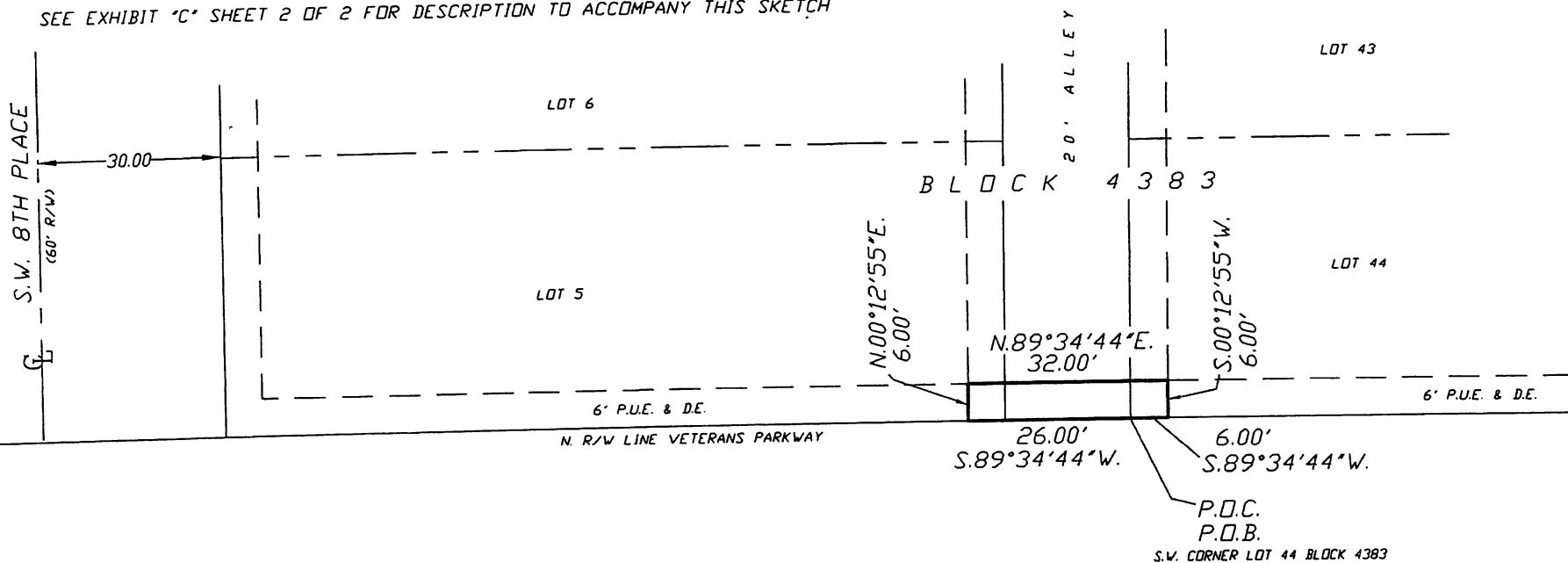
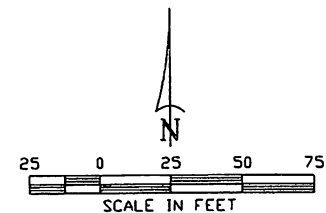
SKETCH TO ACCOMPANY DESCRIPTION

6 FOOT WIDE PUBLIC UTILITY EASEMENT AND DRAINAGE  
EASEMENT IN A PORTION OF BLOCK 4383,  
CAPE CORAL, UNIT 63,

SECTION 27, TOWNSHIP 44 SOUTH, RANGE 23 EAST,  
(PLAT BOOK 21, PAGES 48-81)  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

SEE EXHIBIT "C" SHEET 2 OF 2 FOR DESCRIPTION TO ACCOMPANY THIS SKETCH

LEGEND:  
O.R. OFFICIAL RECORDS BOOK  
P.O.B. POINT OF BEGINNING  
P.O.C. POINT OF COMMENCEMENT  
R/W RIGHT-OF-WAY  
C CENTERLINE  
P.U.E. PUBLIC UTILITY EASEMENT  
P.O.C. POINT OF COMMENCEMENT  
P.O.B. POINT OF BEGINNING  
D.E. DRAINAGE EASEMENT



NOT A BOUNDARY SURVEY  
CC-U63-4383-5

HARRIS-JORGENSEN, LLC.  
3046 DEL PRADO BLVD. .S  
3A  
CAPE CORAL, FL. 33904  
239-257-2624

## Planning Division Case Report

VP 19-0001

**Review Date:** February 4, 2019

**Owner:** Acorn Skyline, LLC

**Authorized Rep:** Avalon Engineering, Inc.

**Request:** The applicant requests to vacate:

1. ±16,237.80 sq. ft. of platted alley right-of-way (ROW) and underlying easements between Lots 5-24 and Lots 25-44, Block 4383.
2. ±9,742.68 sq. ft. of platted easements along the east side of Lots 5-24 and the west side of Lots 25-44, Block 4383.

**Prepared By:** Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

**Approved By:** Robert H. Pederson, AICP, Planning Manager

**Recommendation:** **Approval with conditions**

**Urban Service Area:** Transition

### **ROW Description:**

The subject alley is 20 feet wide, unimproved, and runs north to south, parallel to Skyline Boulevard. This alley is between Lots 5-24 and Lots 25-44<sup>1</sup> in Block 4383 in central Cape Coral, near the northwest corner of Veteran's Memorial Parkway and Skyline Boulevard.

### **Description of Block 4383:**

Block 4383 is bound by four streets: SW 22<sup>nd</sup> Terrace to the north; Skyline Boulevard to the east; Veteran's Memorial Parkway to the south; and SW 8<sup>th</sup> Place to the west.

The block has 16 parcels; seven west of the alley and nine to the east. The collective area is 4.65 acres. All parcels are undeveloped and under common ownership.

All parcels in Block 4383 have a Commercial/Professional Future Land Use Classification (FLUC) and Residential Development (RD) Zoning. Since the RD Zoning is not consistent with the Commercial/Professional FLUC, a rezoning is required before the block can be developed.

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<sup>1</sup> Lots 1-4 and 45-48 at the south end of Block 4383 were previously acquired by Lee County for right-of-way for constructing Veteran's Memorial Parkway.

Figure 1. Parcels in the Block 4383 along with the 20-Foot Wide Alley Outlined in Blue.



#### Purpose of the Vacation

The Letter of Intent does not provide a stated purpose for the requested vacations. However, vacating the alley along with the underlying and adjacent easements will provide the following two benefits: 1) add 16,237.80 sq. ft. to the owner's site; and, 2) create a single, unified site that will provide greater flexibility for development of this block.

#### Zoning History of Block 4383

The FLU Classification of Block 4383 was changed from Single Family/Multi Family to Commercial/Professional by Ordinance 44-02.

The zoning was changed from Multi-Family Residential (R-3) to RD by Ordinance 61-90.

#### Analysis:

Staff analyzed this request with the Land Use and Development Regulations (LUDRs), Section 8.11, "Vacation of plats, rights-of-way and other property." The City Comprehensive Plan was also reviewed for policies on vacations.

#### Request to Vacate Alley Right-of-Way and Underlying Easements

The applicant owns all lots in Block 4383 and is, therefore, eligible to request these vacations.

About 16,237.80 sq. ft. of alley ROW will be vacated. All sites in Block 4383 are undeveloped. Likewise, the alley is unimproved and in this state cannot be used by motorists. Since the block is under common ownership and is bound by four streets, the alley is not needed for access. This vacation will eliminate a platted alley that serves no current or foreseeable future purpose. The alley vacation will enlarge the owner's site by over 16,000 sq. ft. By eliminating the alley, the owner could develop a single project on a 5.03-acre site with full block depth at a major intersection of the City. City maintenance obligations will be reduced by eliminating the alley. The alley vacation by enlarging the applicant's site, will add a corresponding area of land to the City tax rolls.

About 16,237.80 sq. ft. of easements underlying the alley are also requested to be vacated. All four utility providers, Century Link, Comcast, LCEC, and Tico, lack facilities in these easements. The City also lacks infrastructure in the easements. Eliminating these easements will provide greater flexibility in building placement when the block is developed. Easements at the north and south end of the block will be deeded by the owner to the City for providing a continuous perimeter easement around the consolidated site.

#### Request to Vacate Six-Foot Wide Adjoining Platted Easements

The applicant requests to vacate the six-foot wide platted easements along the east side of Lots 5-24 and the west side of Lots 25-44.

Century Link, Comcast, LCEC, and Tico do not have utilities within these easements. As a result, these utility providers do not object to this vacation request. The City also lacks facilities within these easements. Since the entire block is under common ownership, a perimeter easement around the block will be adequate for future utility installation and maintenance.

#### **Consistency with the Comprehensive Plan**

The project is consistent with the following policy appearing in the Comprehensive Plan.

#### Future Land Use Element

Policy 5.5. The City may consider the vacation of rights-of-way to facilitate land assembly and the development of a unified, contiguous commercial project. **Staff comment: The alley vacation will allow 16 commercial properties owned by Acorn Skyline, LLC to be assembled into a single 5.03-acre site at the intersection of two major streets. This policy is supportive of this request.**

#### **Recommendation:**

Staff recommends approval of all requested vacations with the following conditions:

1. The vacation of the platted alley and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen, LLC, dated January 23, 2019, and entitled *"Vacation of a Portion of a 20 Foot Wide Alley, any and all Underlying Easements Lying in Block 4383, Cape Coral, Unit 63."*
2. The vacation of the six-foot wide platted public utility and drainage easements along the east property line of Lots 5-24 and the west property line of Lots 25-44 shall be consistent with that shown in the sketches and accompanying legal descriptions prepared by Harris-Jorgensen, LLC, dated January 23, 2019, and entitled *"Vacation of a Portion of a 6 Foot Wide Public Utility and Drainage Easement Lying in Block 4383, Cape Coral, Unit 63."*
3. Within 60 days of the adoption of this vacation, the owner shall provide to the City with easement deed for providing a continuous perimeter easement around the consolidated site. The easement deed shall be consistent with that shown in the sketches and accompanying legal descriptions prepared by Harris-Jorgensen, LLC, dated October 22, 2018, entitled *"6 Foot Wide Public Utility*

*and Drainage Easement in a Portion of Block 4383, Cape Coral, Unit 63".* This easement shall be approved by the City Property Broker prior to recording.

4. This resolution shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant provides the City with the easement deed described in Conditions #1 above and reimburses the Department of Community Development for all recording fees associated with this resolution and the easement deed.

---

**Staff Contact Information**

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

Planning Division

PH: 239-242-3255

Email: [mstruve@capecoral.net](mailto:mstruve@capecoral.net)

# The News-Press media group

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239-335-0258

Email  
FNPLegals@gannett.com

**Customer:** CITY OF CAPE CORAL\_DEPT OF COM

**Ad No.:** 0003404915

**Address:** 1015 CULTURAL PARK BLVD  
CAPE CORAL FL 33990  
USA

**Net Amt:** \$

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 02/23/19

**Text of Ad:**

NOTICE OF PUBLIC HEARING

CASE NUMBER: VP19-0001

**REQUEST:** The applicant, Acorn Skyline, LLC, seek a vacation of plat for a platted alley right-of-way and all underlying easements between Lots 5-24 and 25-44 in Block 4383, Unit 63, and a vacation of platted easements along the east side of Lots 5-24 and the west side of Lots 25-44, Block 4383, Unit 63; property located at 2227-2401 SW 8th Place and 2228-2402 Skyline Boulevard.

**CAPE CORAL STAFF CONTACT:** Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, March 5, 2019 on the above-mentioned case. The public hearing will be held in the Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available five days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on "Public Hearing Information", use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 A.M. and 4:30 P.M.

**HOW TO CONTACT:** Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from

time to time as necessary.

**ADA PROVISIONS:** In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

by order of  
Kimberly Bruns, CMC  
Interim City Clerk  
REF # VP19-0001  
AD# 3404915 Feb. 23, 2018

Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: ACORN SKYLINE LLC

APPLICATION NO: VP19-0001

STATE OF FLORIDA       )  
                                      ) §  
COUNTY OF LEE        )

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 26 day of 2, 2019.



Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 26 day of 2, 2019, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 2/7/21 Commission # 66070536



Signature of Notary Public

FRANK MORENO  
Print Name of Notary Public

CITY OF CAPE CORAL  
 Department of  
 Community Development  
 Planning Division

AERIAL MAP

Case No. VP19-0001

LEGEND



Subject Parcels

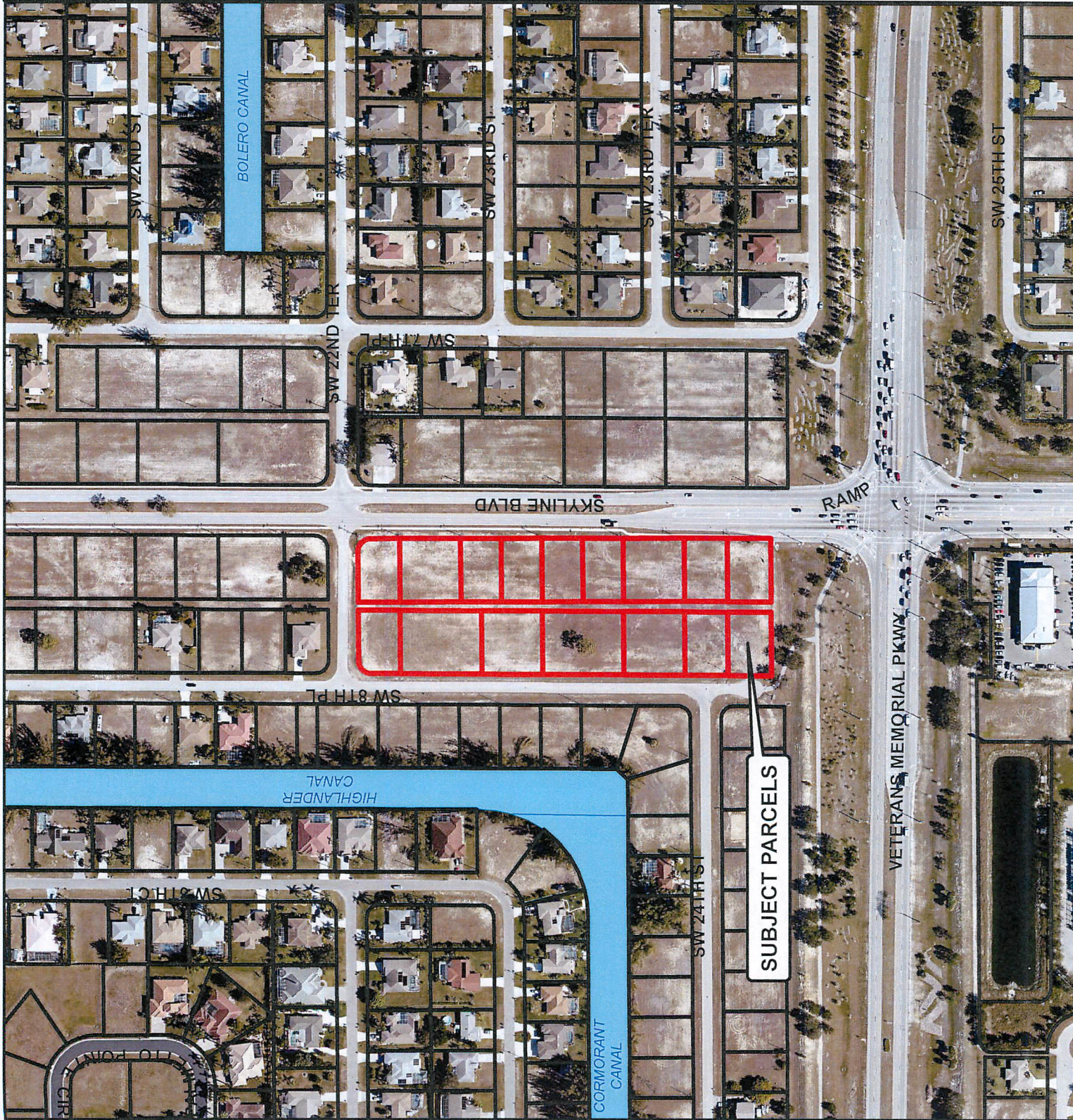


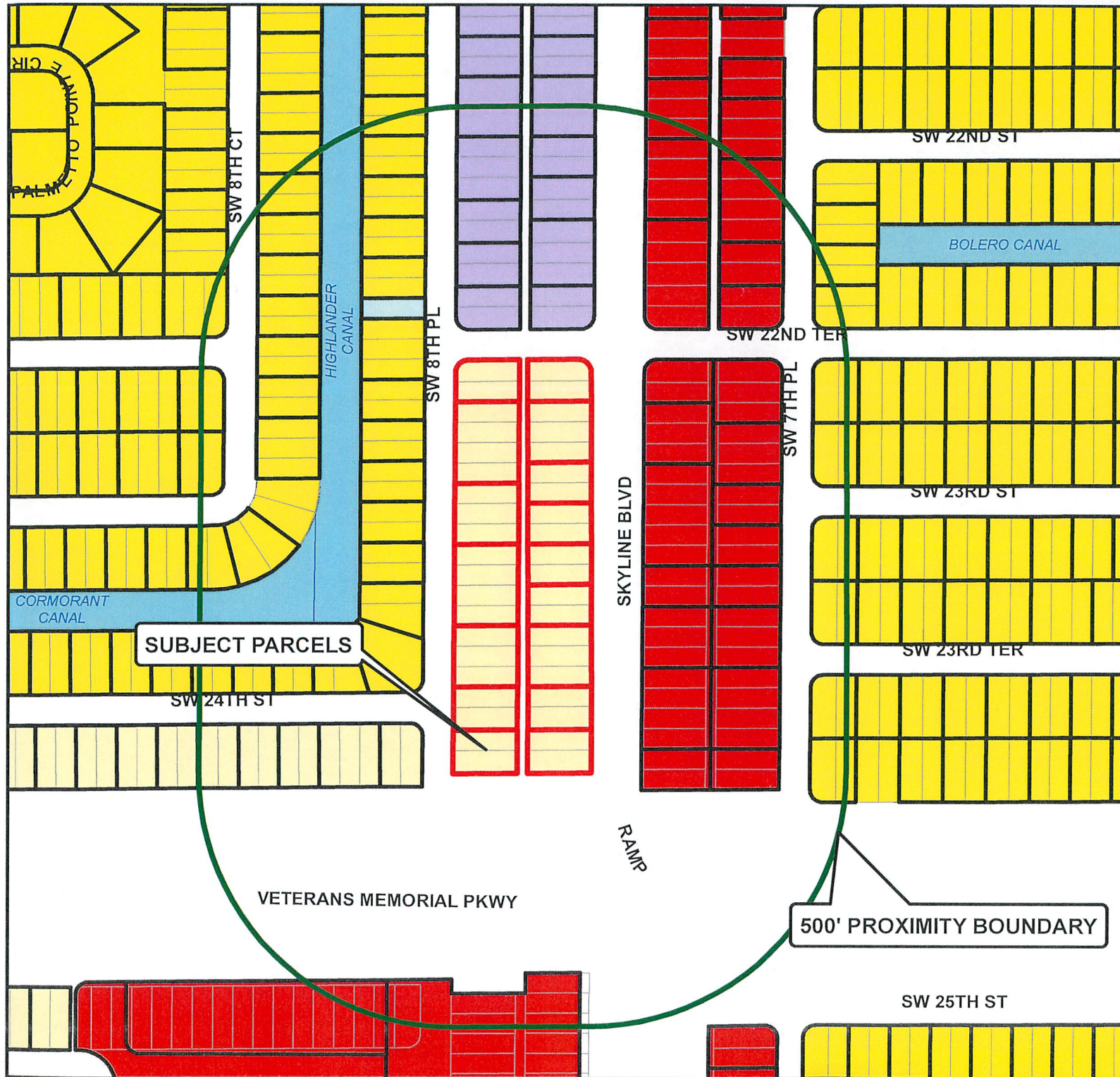
FEBRUARY 11, 2019



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation, or any other purpose. For more information, please contact the Department of Community Development with any questions regarding this map product.

KRKA





# CITY OF CAPE CORAL

Department of  
Community Development  
Planning Division

CURRENT ZONING MAP  
500 Proximity Boundary

Case No. VP19-0001

## LEGEND

- Subject Parcels
- 500' Boundary
- C-1
- MR
- P-1
- R-1B
- RD



FEBRUARY 11, 2019



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development with any questions regarding this map product.

KRKA

Item Number:	3.A.
Meeting Date:	3/5/2019
Item Type:	DATE AND TIME OF NEXT MEETING

**AGENDA REQUEST  
FORM**  
CITY OF CAPE CORAL



**TITLE:**

Tuesday, March 19, 2019, at 9:00 a.m., in Council Chambers

**REQUESTED ACTION:**

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?
2. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

WHAT THE ORDINANCE ACCOMPLISHES:

**LEGAL REVIEW:**

**EXHIBITS:**

**PREPARED BY:**

Division- Department-

**SOURCE OF ADDITIONAL INFORMATION:**