

# AGENDA FOR THE HEARING EXAMINER

Tuesday, May 16, 2017 9:00 AM Council Chambers

# 1. HEARINGS CALLED TO ORDER

# 2. HEARINGS

- A. Case # VA16-0016\*; Address: 2109 Coral Point Drive; Applicant: SGI Group, LLC and Excell Investments, LLC
- B. Case #ZA17-0004\*; Address: 912 SW 39th Terrace; Applicant: Treu Properties, Inc.
- C. Case #ZA17-0002\*; Address: 3523 Del Prado Boulevard; Applicant: International Support, LLC
- D. Case #VP17-0001\*; Address: 2210 SW 15th Place; Applicant: Robert and Fern Brereton
- E. Case #PDP16-0014\*; Address: 4414-4530 Chiquita Boulevard and 4419-4431 SW 16th Place; Applicant: Ralph D. and Catherine M. Sangiovanni, and Judy Fabiano, Marisa Maune, Cathleen Marchiori, and Roxane Carrozza
- F. Case #DE16-0056\*; Address: 2852 SW 51st Street; Applicant: Samir Salman (Continued from 5-2-2017)

# 3. DATE AND TIME OF NEXT HEARINGS

A. Tuesday, June 6, 2017, at 9:00 a.m., in Council Chambers

# 4. ADJOURNMENT

In accordance with the Americans with Disabilities Act and <u>Florida Statutes</u> 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: 5/16/2017 Item Type: HEARINGS

CITY OF CAPE CORAL



#### TITLE:

Case # VA16-0016\*; Address: 2109 Coral Point Drive; Applicant: SGI Group, LLC and Excell Investments, 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 owners, SGI Group, LLC and Excell Investments, LLC seek a variance of 1,550 sq. ft. to the 10,000 sq. ft. area requirement in the Land Use and Development Regulations (LUDR), Section 2.7.1, to construct a single-family dwelling on a site with Single Family Residential (R-1B) Zoning.

## LEGAL REVIEW:

**EXHIBITS:** See attached "Backup Material"

## PREPARED BY:

Kristin Division- Community Development

Department-Planning

## SOURCE OF ADDITIONAL INFORMATION:

Mike Struve, Planning Team Coordinator, AICP, 239-242-3255 or email mstruve@capecoral.net

ATTACHMENTS:

#### Description

Backup Material

**Type** Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT APPLICATION FOR VARIANCE Questions: 239-574-0553

CASE # VA 16-0016

REQUEST TO BOARD OF ZONING ADJUSTMENT & APPEAL FOR A DIMENSIONAL 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	
SGI GROUPLIC/ EXCEL INVESTIN	City: MIAMI BEALH State: FI Zip 33140
1 LLC	City: MIAMI BEACH State: 17 Zip 33140
	Phone: (732) 551-0000
APPLICANT	
WADE D. GOUDWM	Address: 2733 DAK Ridge Ct Stelos
WADE GUCFL. COM	City: Ft Muyes State: FL Zip 3790
	Phone: (239) 410-0726
AUTHORIZED REPRESENTATIVE	
INADE D. GOODWN	Address: 2733 OAK Ridge Ct Ste 101
	City: FL Myens State: Fl. Zip 33901
	Phone: (239) 410-872C
Unit Block 2 Lot(s) 65	64 subdivision Comon POINT
Address of Property 2109 COMM	POINT DRIVE, CAPE CONVIL, FL. 53920
Current Zoning	Plat Book 150 , Page 315-320
	Strap Number Z9-44-Z4-CZ-0020Z-0650
	Strap Number 27-99-27 22 00202-000 0

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.

APPLICANT NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

Cellphone (239) 410-9726

Variance application 06/09/15



DEPARTMENT (	<b>OF COMMUNITY</b>	DEVELOPMENT
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EXPIRES: November 2, 2017 Bonded Thru Pichard Insurance Agency CASE # \_\_\_\_\_

#### APPLICATION FOR VARIANCE

Questions: 239-574-0553

(SIGNATURE MUST BE NOTARIZED) STATE OF FI, COUNTY OF 1455 Sworn to (or affirmed) and subscribed before me this 19th day of \_\_\_\_\_ \_\_\_\_\_, 201(Gby who is personally known or produced as identification. Exp. Date: Nov 72017 Commission Number: FFLENTUS DOLLY F. OROZCO MY COMMISSION # FF 65508

Signature of Notary Public: Printed name of Notary Public:



DEPARTMENT OF COMMUNITY DEVELOPMENT APPLICATION FOR VARIANCE

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

#### Questions: 239-574-0553

#### 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 Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals, and 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 that I am responsible for recording the approved Resolution/Ordinance with the Lee County Clerk of Circuit Courts and providing a copy of the recorded Resolution/Ordinance to the City of Cape Coral Planning and Growth Management Division.

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.

RIZED)
MARK BERGAR V ANAGIN
PROPERTY OWNER'S SIGNATURE
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ay of A, 2d by MAN Perger
Commission Number
Public:
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DEPARTMENT OF COMMUNITY DEVELOPMENT APPLICATION FOR VARIANCE CASE #\_\_\_\_\_

Questions: 239-574-0553

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[SIGN/I SILE MOST DE NOT	ANIZED
SGT GROW, LLC CORPORATION/COMPANY NAME	
CORPORATION/COMPANY NAME	
Jony	J SOVA MANAGER
PROPERTY OWNER (PLEASE TYPE OR PRINT)	PROPERTY OWNER'S SIGNATURE
STATE OF <u>F</u> , COUNTY OF <u>LCC</u>	
Sworn to (or affirmed) and subscribed before me this	day of Ct, 20/ aby 5h-1 Takt
who is personally know	wh or produced
as identification.	Commission Number:
NATE NO. 2010 Signature of Notary P	
Variance application 06/09/15	ary Public:

(SIGNATURE MUST BE NOTARIZED)



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

APPLICATION FOR VARIANCE

DEPARTMENT OF COMMUNITY DEVELOPMENT

Questions: 239-574-0553

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)	
PLEASE BE ADVISED THAT WADE D GOODWIN (Name of person giving presentation)	
IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING & ZONING COMMISSION/ LOCAL PLANN AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR Specime Exception	VING
(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)	
UNIT BLOCK 2 LOT(S) is-66 SUBDIVISION CORAL POINT	
OR LEGAL DESCRIPTION LOTS 45/66 BLOCK Z, COMM POINT, AV UNA SUBDIVISION OR BOOK 150, PAGE 315-320 PUBLIC RECORDS OF LISE COUNT FLORIDA LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.	
SGJ GROUP, LLC PROPERTY OWNER (Please Print) DSCMM	uc
PROPERTY OWNER (Signature & Title)  PROPERTY OWNER (Signature & Title)  PROPERTY OWNER (Signature & Title)	am
STATE OF FL, COUNTY OF LAC	
Subscribed and sworn to (or affirmed) before me this day of Oct , 2010t N Sove Mining Who is personally known or produced as identification. Moldo 14 400 Mining Exp. Date: Commission Number: Maga Mining Commission Num	у

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

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C

# **GOODWIN CONSTRUCTION CORPORATION**

12/13/16

To: The Department of Community Development

**Application for Variance** 

RE: 2109 Coral Point Dr. Cape Coral, Fl. 33990

Letter of Intent

I am requesting a variance on the minimum required square footage of a lot zoned R-1B.

The property was purchased to build a new single family home and after the purchase and the lot was surveyed it was realized that it did not meet the square foot requirements.

- A. Special Conditions: The actual lot size of subject property is 8,454 sq. ft. After the property was purchased and surveyed it was discovered that at some point there was a mistake on the platting of the lots on Coral Point Drive, which left the subject property approximately 10' short on the width.
- B. No Special Privilege: By granting of this variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in same zoning district.
- C. 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 applicant, as this property was purchased to build a new single family home. As it sits the property does not have enough square footage to build a new single family home and renders the property unbuildable.
- D. Minimum Variance: When the variance is granted it will be the minimum variance to construct a new single family home.
- E. Purpose and Intent; Public Interest: That the granting of the variance will be in harmony with the general intent and purpose of this ordinance, the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. By allowing this variance it will also increase the tax base upon completion of a new single family home.

2733 Oak Ridge Court • Suite 101/102 • Fort Myers, FL 33901 (239) 313-7090 • Fax: (239) 313-7014 • Lic. # CGC 059611 www.goodwinconstructioncorp.com

# **Planning Division Case Report**

Review Date:	April 12, 2017
Property Owners:	SGI Group, LLC and Excell Investments, LLC
Applicant:	Wade D. Goodwin
Request:	A variance of 1,550 sq. ft. to the 10,000 sq. ft. area requirement in the Land Use and Development Regulations (LUDR), Section 2.7.1, to construct a single-family dwelling on a site with Single Family Residential (R-1B) Zoning.
Location:	2109 Coral Point Drive Cape Coral, FL 33990 Strap number: 29-44-24-C2-00202.0650 Lots 65 and 66, Block 2, Coral Point, an unrecorded subdivision
Prepared By:	Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator
Approved By:	Robert H. Pederson, AICP, Planning Division Manager
Recommendation:	Approval with conditions
Urban Service Area:	Infill
Code Compliance Case:	Νο
Site Visit:	January 11, 2017
Right of Way Access:	The site has frontage along Coral Point Drive, a two-lane local street.

#### Background:

The 8,450-sq. ft. site is in eastern Cape Coral, about 0.9 miles east of the intersection of Del Prado Boulevard and Coral Point Drive in the unrecorded Coral Point Subdivision. The site is rectangular and undeveloped. The site has a Single Family Future Land Use Classification and R-1B Zoning. All immediately surrounding properties share the same future land use and zoning designations.

The owner purchased this site to construct a single-family home. The R-1B District requires a minimum area of 10,000 sq. ft. for a single-family home. The survey submitted by the applicant shows this site is 8,450 sq. ft., a deficiency of 1,550 sq. ft.

The Coral Point Subdivision plan shows two-lot sites with dimensions of 80 ft. by 120 ft., yielding areas of 9,600 sq. ft. The survey for this site shows an area of 9,596 sq. ft. An "overlap area" of 1,146 sq. ft. along

the east boundary is also shown on the survey. It appears this area was originally part of Lot 66, but this strip of land has been improved by the owner of Unit 1, Block 1, Lot 1, of Shorehaven Subdivision to the east. The owner is not claiming ownership of this strip of land. As a result, the owner requests a variance of 1,550 sq. ft. rather than seeking a variance based on the area of the two lots shown on the subdivision plan. Even if the owner obtained title to the overlap area, a variance would still be recorded.

#### 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 usually reviews variances based on LUDR, Section 8.10.3a-e, and the five standards for evaluating these requests. However, undeveloped lawfully platted and recorded lots are reviewed under LUDR, Section 8.10.6:

- a. If the deficiency in lot area is 200 square feet or less, the City Manager or City Manager's designee may grant a variance to allow the owner reasonable use of his or her premises, in lieu of the general conditions found in Section 8.10.3a-e.
- b. If the deficiency in lot area is more than 200 square feet, the Hearing Examiner may grant a variance to allow the owner reasonable use of his or her premises, in lieu of the general conditions found in Section 8.10.3a-e.
- c. In both cases, review of such variances in this subsection shall find that the undeveloped lawfully platted and recorded lot existed prior to January 1, 1992, and that said undeveloped lot is not adjacent to another lot owned by the same property owner. If either of these findings is not met, then the variance shall not be granted.

The site is in the Coral Point Subdivision. The subdivision plan for Coral Point is dated 1968, well before the January 1, 1992 date specified in the LUDR. While this subdivision is not recorded, the lots within this subdivision are lots of record, meaning deeds have been recorded for properties in the Coral Point Subdivision that references lots shown on the subdivision plan. Since the subdivision plan created two-lot sites measuring 80 ft. by 120 ft., resulting in areas less than 10,000 sq. ft., a circumstance exists that was not the result of the property owner. Additional area appears to have been "lost" from this two-lot site influenced by prior development of nearby lots. The circumstances that contributed to this loss of land were beyond the control of the property owner. The property owner does not own either adjacent lot so an assembly of land to meet the area requirement is not possible. Based on the restricted number of uses in the R-1B District and the area of the site, no reasonable use of the land exists unless the variance is approved.

While approval of the variance for this site would allow for construction of a single-family home, the variance would not grant the owner relief from other dimensional standards established for the R-1B District, including setbacks.

#### Consistency with the Comprehensive Plan

This request is consistent with Policy 1.18 of the Future Land Use Element.

#### Policy 1.18:

Vested Rights. In circumstances in which constitutionally protected property rights or valid development expectations conflict with the City of Cape Coral Comprehensive Plan and judicially defined principles of equitable estoppel may override otherwise valid limitations imposed by the Plan, such property rights or expectations may be recognized by the Cape Coral City Council, acting by resolution after review and recommendation by the Cape Coral Planning & Zoning Commission/Local Planning Agency, on a case-by-case basis.

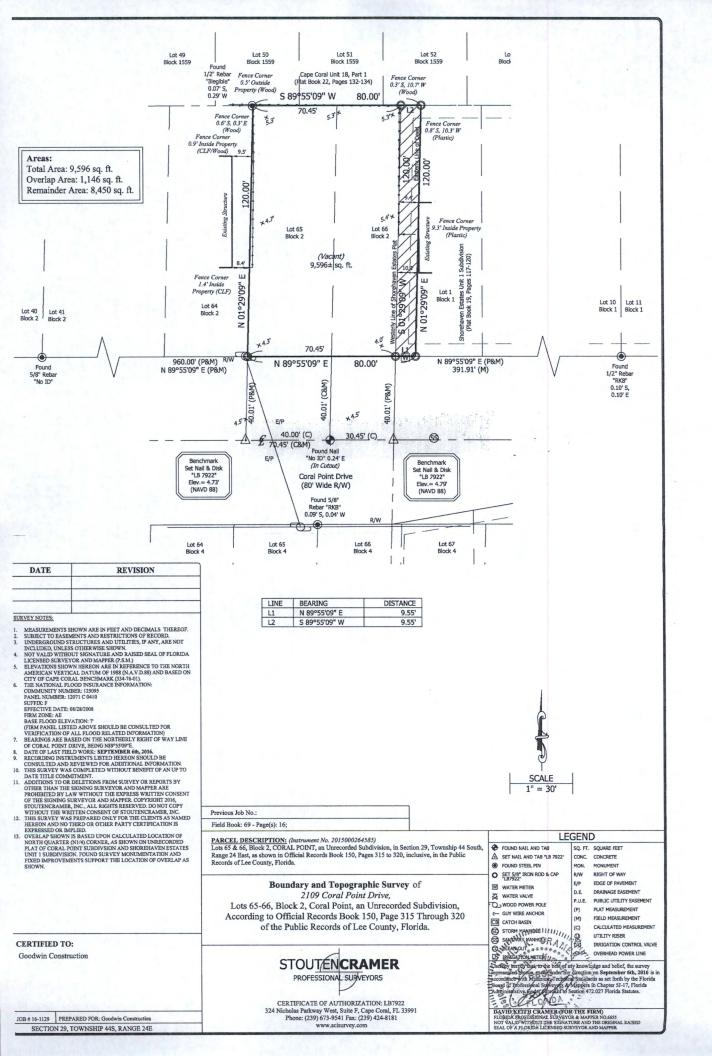
#### **Recommendation:**

Staff recommends **approval** of the variance with the following condition.

#### **Condition of Approval**

This variance shall be recorded with the Office of the Lee County Clerk of Circuit Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant reimburses the Department of Community Development for all recording fees associated recording the variance.

Staff Contact Information Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator Planning Division PH: 239-242-3255 Email: mstruve@capecoral.net





#### Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

	<b>TOLL-FREE</b> 888-516-9220	Local # 239-335-0258	Email FNPLegals@gannett.com
Customer:	CITY OF CAPE CORAL_DEPT OF COM	Ad No.:	0002118611
<u>Address:</u>	1015 CULTURAL PARK BLVD CAPE CORAL FL 33990 USA	Net Amt:	\$422.66
Run Times:	1	No. of Affidavits:	1
Run Dates:	05/06/17		
Text of Ad:	NOTICE OF PUBLIC HEARING		
SE NUMBER: VA			
1,550 sq. ft. to the ent Regulations (L	ers, SGI Group, LLC and Excell Investments, LLC seek a varianc e 10,000 sq. ft. area requirement in the Land Use and Develop UDR), Section 2.7.1, to construct a single-family dwelling on y Residential (R-1B) Zoning.	-	
CATION: 2109 Co	oral Point Drive, Cape Coral, FL 33990		
PE CORAL STAFF C	CONTACT: Mike Struve, 239-242-3255 or email mstruve@cap	e	
OPERTY OWNER(S)	: SGI Group, LLC and Excell Investments, LLC		
THORIZED REPRES	ENTATIVE: Wade D. Goodwin		
aring Examiner w	HEARING: Notice is hereby given that the City of Cape Cora ill hold a public hearing at 9:00AM on May 16,2017 on th se. The public hearing will be held in the City of Cape Cora 115 Cultural Park Boulevard, Cape Coral, FL.	e	
blic hearing may l s public hearing w Il be available 5 d	s are invited to appear and be heard. All materials presenter Examiner will become a permanent part of the record. Th be continued to a time and date certain by announcement a vithout any further published notice. Copies of the staff repor ays prior to the hearing. The file can be reviewed at the Cap evelopment Department, Planning Division, 1015 Cultural Par	t t e	
ailable at the City Public Hearing II	<b>FION:</b> The case report and colored maps for this application ar of Cape Coral website, www.capecoral.net/publichearing (Clic nformation', use the case number referenced above to acces , at the Planning Division counter at City Hall, between th 44:30 PM	k s	
oject to proper rul ar at the public he ed with the Direct mber above within Development, Pla	Any person may appear at the public hearing and be hearc es of conduct. You are allowed sufficient time to write or ap aring to voice your objections or approval. Written comment or will be entered into the record. Please reference the cas n your correspondence and mail to: Department of Communi nning Division, P.O. Box 150027, Cape Coral, FL 33915-0027 continued from time to time as necessary.	 S e 	
eding a special acc e Human Resource 15 Cultural Park Bo tance; if hearing in	a accordance with the Americans With Disabilities Act, person commodation to participate in this proceeding should contac ss Department whose office is located at Cape Coral City Hal oulevard, Cape Coral, Florida; telephone 1-239-574-0530 for as mpaired, telephone the Florida Relay Service Numbers, 1-800 800-955-8770 (v) for assistance.	t  , ;-	
order of becca van Deuteko y Clerk F # VA16-0016 0# 2118584 May 6,			

#### Department of Community Development Planning Division

#### AFFIDAVIT

IN RE: APPLICATION OF: SGI Group, LLC

APPLICATION NO: VA16-0016

) §

STATE OF FLORIDA

I, Paul B. Dickson, BO having first been duly sworn according to law, state on my oath the following:

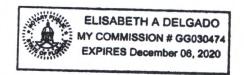
That I am the acting Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

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	Sor	day of	May, 2017.
			() e b
			Paul B. Dickson, BO

#### STATE OF FLORIDA COUNTY OF LEE

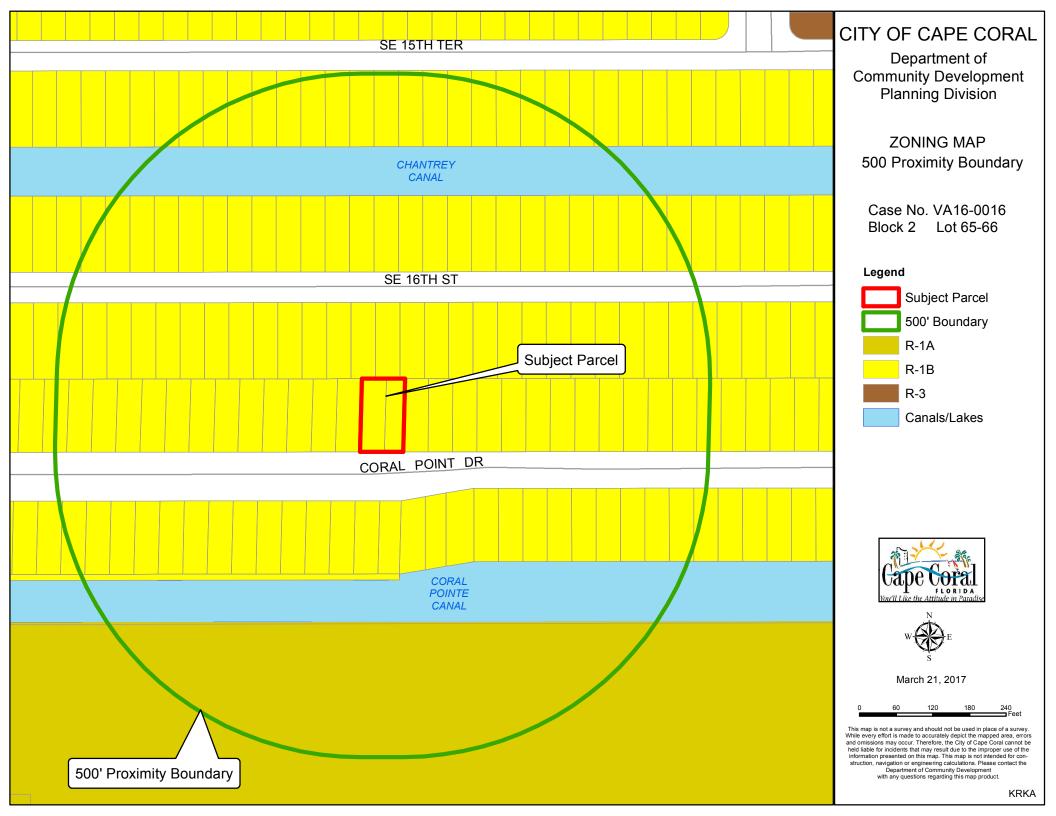
The foregoing instrument was acknowledged before me this  $\underline{\mathscr{B}}^{\mu}$  day of  $\underline{\mathscr{M}}_{\mathfrak{G}}$ ,  $\underline{2017}$ , by Paul B. Dickson, BO, who is personally known to me and who did not take an oath.

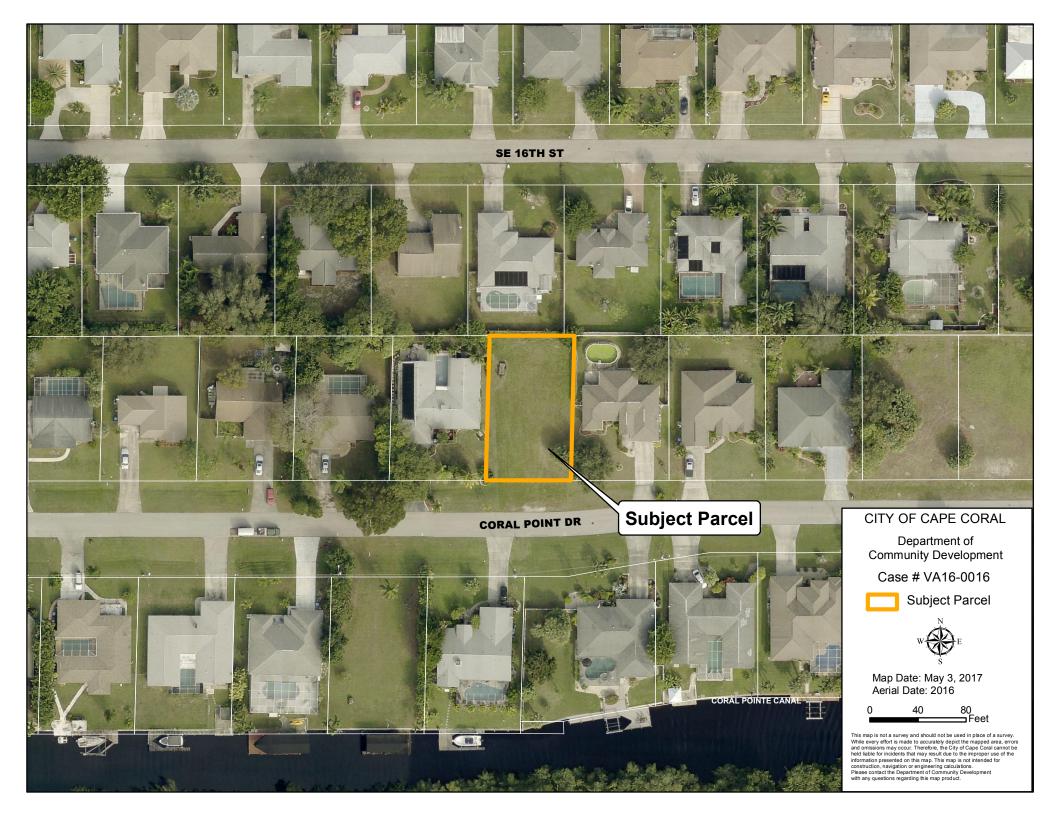


Exp. Date 12 6 Commission # 66030474

Elisabetta . Dela Signature of Notary Public

Flisabeth A. DeLado Print Name of Notary Public





Item Number:2.B.Meeting Date:5/16/2017Item Type:HEARINGS

# AGENDA REQUEST FORM

CITY OF CAPE CORAL



#### TITLE:

Case #ZA17-0004\*; Address: 912 SW 39th Terrace; Applicant: Treu Properties, Inc.

#### **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:

Applicant requests to rezone a 0.59-acre parcel from Residential Development (RD) to Multi-Family (R-3)

## LEGAL REVIEW:

#### **EXHIBITS:** See attached "Backup material"

#### PREPARED BY:

Kristin Division- Community Development

Department-Planning

## SOURCE OF ADDITIONAL INFORMATION:

Kathy Eastley, AICP, 239-574-0605 or email keastley@capecoral.net

ATTACHMENTS:

**Type** Backup Material

Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT REQUEST FOR REZONING APPLICATION Questions: 239-574-0553

Case # ZA 17 - 00

# REQUEST TO PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY AND COUNCIL FOR A REZONING

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L'and

FEE \$2,050.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. 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.

Treu Properties, MC.	Address: 1220 SE 13th Ave City Cape Coral State: FL Zip 33990
Email: Dront@tarponDayconstr	Phone: 739-573-4733 239-896.0390
Jettiey Schepp	Address: 1012 SUS6t st City Carp Corp State: FL Zip 33914
Email: Jeff a tor por bay construction Unit (10 Block 3298 Lot(s) 1 thrus Address of Property 912 Sch 394 Current Zoning RD	Subdivision       239.851-0609         Subdivision       Cape coral         Ter.       Plat Book         22       , Page         mber       03-45-23-03-03298.0010
THIS APPLICATION SHALL ALSO HAVE ANY ADDIT	

(SIGNATURE MUST BE NOTARIZED)



DEPARTMENT OF COMMUNITY REQUEST FOR REZONING APPL Questions: 239-574-0553	Case #	
STATE OF <b>FL</b> , COUNT		1 2011, by
Sworn to (or affirmed) and subscription as identification.	bed before me this 14 day of N who is personally known or produced Exp. Date: 5/20/19 Comm	
EXPIRES May 26, 2019 Fixed another Service con.	Signature of Notary Public: Printed name of Notary Public:	Brent Schepp



Case	#	

DEPARTMENT OF COMMUNITY DEVELOPMENT REQUEST FOR REZONING APPLICATION Questions: 239-574-0553

AUTHORIZATION TO REPRESENT	PROPERTY OWNER(S)
PLEASE BE ADVISED THAT	hepp
Name of pers	son giving presentation)
IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS A	ND APPEALS AND/OR CITY COUNCIL FOR
(Type of Public Hearing i.e., PDP, Zoning, Special Excep	tion, Variance, etc.)
	nus subdivision Cape Coral
OR LEGAL DESCRIPTION CAPE CORAL PG 5 LOTS	UNITULO BLK 3298 PB 22
LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, F	
LOCATED IN THE CITY OF CAFE CORAL, COUNT OF 222,	
love Schebo	
PROPERTY OWNER (Please Pint)	PROPERTY OWNER (Please Print)
han	
PROPERTY OWNER (Signature & Title)	PROPERTY OWNER (Signature & Title)
STATE OF FL , COUNTY OF LEE	
	14 day of March 2017 by
Subscribed and sworn to (or affirmed) before me this	day of March 201 rby
as identification.	or produced
Exp. Date: 5)26/19	Commission Number: FF213230
	-
BRENT SCHEPP MY COMMISSION # FF213230 Sgnature of Notary Public:	0
EXPIRES May 26, 2019 Printed name of Notary Pub	plic: Brent Schepp

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



Case #

DEPARTMENT OF COMMUNITY DEVELOPMENT REQUEST FOR REZONING APPLICATION Questions: 239-574-0553

#### 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 Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals, and 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.

I hereby acknowledge that I have read and understood the above affidavit on the 14 day of Maron, 20	רו ס
NAME (PLEASE TYPE OR PRINT)	
STATE OF FL . COUNTY OF LEE	
Subscribed and sworn to (or affirmed) before me this 14 day March, 2017 by who is personally known or	
as identification. Exp. Date: 5 aol19 Commission Number: FF313230 BRENT SCHEPP MY COMMISSION # FF213200 ature of Notary Public:	
EXPIRES May 26, 2019 Frinted name of Notary Public: Brent Schupp	



March 28, 2017

City of Cape Coral Community Development P.O. Box 150027 Cape Coral, FL 33915

RE: 912 SW 39<sup>th</sup> Terrace 03-45-23-C3-03298.0010 Letter of Intent

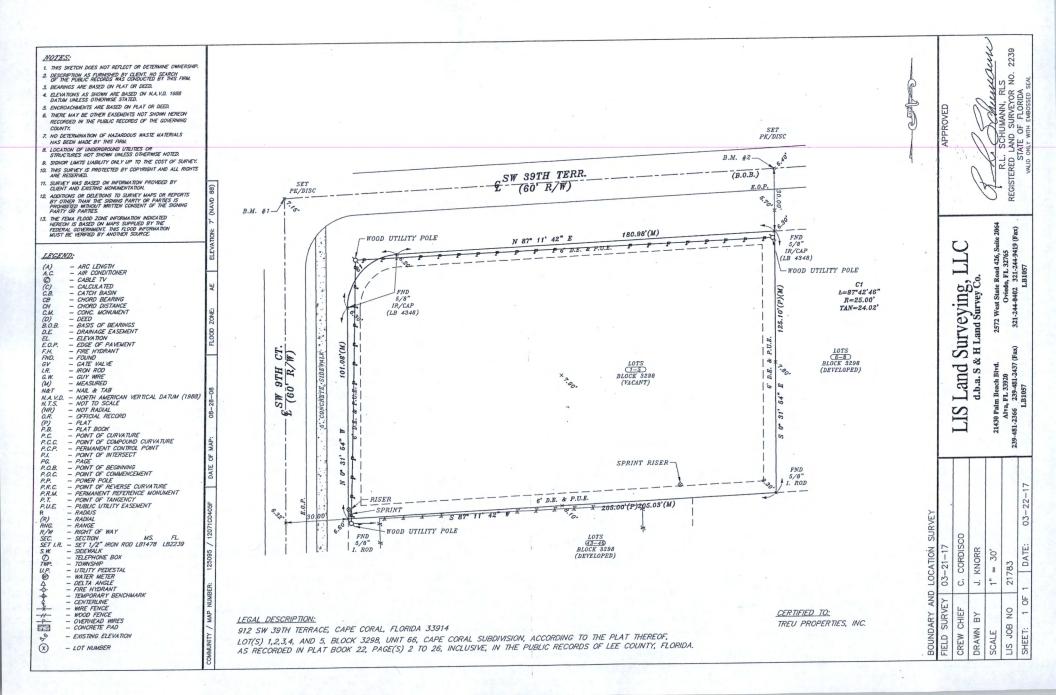
To Whom It May Concern,

We are requesting the property at 912 SW 39<sup>th</sup> Terrace be rezoned from RD to R3. Once rezoned our intentions are to build an 8-10 unit multifamily condo or apartment building, space permitting.

Respectfully,

Brent Schepp VP Treu Properties, Inc.

1220 SE 13<sup>th</sup> AVENUE CAPE CORAL, FL. 33990 239/573-4733 FAX 239/573-8141 Jeff Schepp, Inc. dba Tarpon Bay Construction LIC. # CGC062983 brent@TarponBayConstruction.com



# **Planning Division Case Report**

Review Date:	April 21, 2017	
Property Owner:	Treu Properties, Inc.	
Representative:	Jeffrey Schepp, Tarpon Bay Construction	
Request:	Rezone a 0.59-acre parcel from Residential Development (RD) to Multi- Family (R-3)	
Location:	912 SW 39 <sup>th</sup> Terrace	
Prepared By:	Kathy Eastley, AICP Senior Planner	
Approved By:	Mike Struve, AICP, LEED Green Associate Planning Team Coordinator	
Recommendation:	Approval	
Right of Way Access: SW 39 <sup>th</sup> Terrace and SW 9 <sup>th</sup> Court.		

**Description of Property:** The 0.59-acre site is undeveloped, and consists of Lots 1 through 5, Block 3298, Unit 66, Cape Coral Subdivision. The site is about 1,200 feet west of the intersection of Mohawk Parkway and Skyline Boulevard at 912 SE 39<sup>th</sup> Terrace, immediately south of the Cape Coral Lee County Public Library. City utilities are available to the site.

The site has a Multi-Family (MF) Future Land Use Designation and Residential Development (RD) Zoning. The surrounding future land use and zoning designations are listed below:

Subject	Future Land Use	Zoning
Property:		
Current:	Multi-Family	Residential Development (RD)
Proposed:	N/A	Multi-Family (R-3)
	Surrounding Future Land Use	Surrounding Zoning
North:	Public Facilities	Residential Development (RD)
South:	Multi-Family	Residential Development (RD)
East:	Multi-Family and Commercial/Professional	Residential Development (RD) and Pedestrian
		Commercial (C-1)
West:	Multi-Family and Single-Family	Residential Development (RD)

Within the subject block three of seven of the parcels are improved; south of the site a duplex was constructed in 1982 on a 20,500 sq. ft. lot and two duplexes are constructed to the immediate east on lots of 10,000 sq. ft. and a 15,000 sq. ft. The remaining four parcels in the block are vacant and range in size from 10,000 sq. ft. to 15,000 sq. ft., with the exception of the rezone, which exceeds 25,500 sq. ft. Development within 500 feet consists of single-family homes and duplexes, multi-family, vacant residential properties, the Cape Coral Lee County Public Library, and several commercial parcels at the intersection of Skyline Boulevard and Mohawk Parkway, including a grocery store (Figure 1).



Figure 1. Map showing the Site Outlined in Blue with the Surrounding Area.

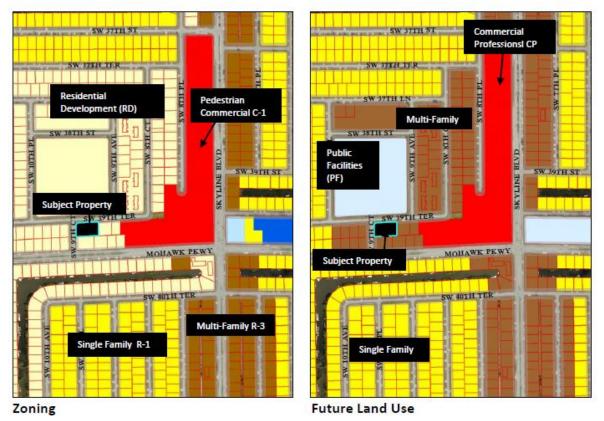


Figure 2. Maps showing the Zoning and Future Land Use

**Purpose of the Rezoning Request** 

The site has a Future Land Use Classification of Multi-Family and Residential Development (RD) Zoning, as shown in Figure 2. Based on the Future Land Use Element (Policy 1.15) of the City Comprehensive Plan and the Land Use and Development Regulations (LUDRs), the proposed R-3 Zoning is consistent with the standards for uses and densities or intensities as described in the land use classification. although the existing zoning is consistent with the Multi-Family classification, the minimum lot area requirement and density allowed in the RD District are not congruent with those allowed in the Multi-Family Future Land Use Classification.

#### Analysis:

The Planning Division has reviewed this application based on the ten General Standards provided within Section 8.7.3.B of the LUDRs and the City Comprehensive Plan.

1. The extent to which the value of the property is diminished by the proposed zoning of the property;

The rezone may marginally increase the value of the site as R-3 Zoning allows for greater residential density, as compared to the RD District.

R-3 Zoning will permit up to ten multi-family units whereas the RD Zoning would allow a maximum of three multi-family units. Under the current RD Zoning, development of multi-family or duplex on the site would require the owner to demonstrate that the assemblage of a three-acre parcel was not possible within Block 3298.

2. The extent to which the removal of a proposed change in zoning depreciates the value of other property in the area;

Multi-family units have been developed on the east side of the library, therefore, multi-family units constructed south of the library should not depreciate the value of other properties in the area. Further, in support of this criterion, parcels to the east, west, and northeast share the Multi-Family Future Land Use Classification with the site.

The LUDRs require a minimum five-foot wide landscaped buffer when a parcel with R-3 Zoning is developed next to a site with Single-Family Residential (R-1A or R-1B) or RD Zoning. Such a buffer will be required along the eastern and southern property lines since adjacent properties to the east and south have RD Zoning.

3. The suitability of the property for the zoning purpose;

The RD Zoning is not inconsistent with the Multi-Family Future Land Use Classification; however, a limiting factor is the inability of the site to meet minimum lot size requirements in the RD zone. The proposed R-3 district is also consistent with the Multi Family Future Land Use Classification and will allow development of multi-family on this site.

An analysis of the uses permitted in RD indicates similar uses to those permitted in R-3. The main difference between the two is the area required for a multi-family use. The RD District has a minimum area requirement of three acres while the R-3 District requires a minimum of 15,000 sq. ft.

Given the future land use classification of the site, the surrounding future land use, and rezoning patterns present in this area of the City, staff concludes that the site is suitable for the requested R-3 zoning.

4. The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed zoning;

The site is about 1,200 feet from a grocery store on the northwest corner of the intersection of Mohawk Parkway and Skyline Boulevard. The Cape Coral Lee County Library is across SW 39<sup>th</sup> Terrace and existing multi-family development is on the east side of the library. Immediately adjacent to the site are residential uses, including duplexes to the south and east. The rezone to R-3 helps provide a transitional area between commercial uses at the Mohawk and Skyline intersection and single-family development west of the site.

5. The relative gain to the community as compared to the hardship, if any imposed, from rezoning said property;

RD Zoning allows the site to be developed with a single-family home or, upon review and approval from the City, a duplex or a maximum of three multi-family units, if the owner demonstrates that the minimum lot size requirement of three acres cannot be achieved within the block.

The density restriction related to the minimum lot size requirements of the RD District poses difficulties for development of the site, as the property exceeds the typical 10,000 to 15,000 sq. ft. lot sizes in the City yet is limited to single family development. If rezoned to R-3, the property could be developed with up to ten (10) multi-family units consistent with the Multi-Family Future Land Use Classification. The development would result in a gain to the community in allowing needed multi-family units.

6. The community need for the use proposed by the zoning;

The rezone will allow up to ten multi-family units on the site. The City has a documented shortage of such units. This request will not have major land use or financial implications for the City, who will benefit when the property can be developed consistent with the future land use.

7. Length of time the property proposed to be rezoned has been vacant, as zoned, when considered in the context of the City of Cape Coral Comprehensive Land Use Plan for the development of the proposed property and surrounding property;

The site was rezoned from R-3 to RD by Ordinance 61-90. Subsequently, this site underwent a land use change from Single Family Multi-Family by PDP to Multi-Family by Ordinance 93-04.

8. The extent to which the proposed zoning promotes the health, safety, morals, or general welfare of this community;

RD Zoning allows single-family, duplex, and multi-family units; however, a minimum lot size of three acres is required for duplex or multi-family development. R-3 zoning eliminates the three acre requirement and slightly increases the number of nonresidential uses allowed on this site. The proposed R-3 Zoning promotes the general welfare of the community by allowing for multi-family development at a density that is appropriate for the site.

9. The extent to which the proposed zoning will impact the level of service standards for public facilities as specified in the Comprehensive Plan;

The level of service standards for utilities, roads, and public services are anticipated to be unaffected by this rezone. Centralized water, sewer, and irrigation services are available to the site.

10. Whether the proposed zoning is consistent with the City of Cape Coral's Comprehensive Land Use Plan.

This rezone is consistent with Policy 1.15 of the Future Land Use Element and the goal of the Housing Element of the City Comprehensive Plan.

#### **Recommendation:**

This rezoning request will result in consistency of the zoning of the subject property with the future land use classification of the property. This request is consistent with Policy 1.15 of the Future Land Use Element of the City Comprehensive Plan, and as a result, staff recommends **approval** of this rezone.

Staff Contact Information Kathy Eastley, AICP, Senior Planner Planning Division PH: 239-574-0605 Email: keastley@capecoral.net





## NOTICE TO SURROUNDING PROPERTY OWNERS

#### CASE NUMBER: ZA17-0004

**REQUEST:** Rezone a 0.59-acre parcel from Residential Development (RD) to Multi-Family (R-3)

LOCATION: 912 SW 39<sup>th</sup> Terrace

CAPE CORAL STAFF CONTACT: Kathy Eastley, 239-574-0605 or email keastley@capecoral.net

PROPERTY OWNER(S): Treu Properties, Inc.

AUTHORIZED REPRESENTATIVE: Jeffrey Schepp, Tarpon Bay Construction

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00am on May 16, 2017 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.

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. You will receive another public hearing notice when this case is scheduled for a City Council hearing.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, <u>www.capecoral.net/publichearing</u> (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.

<u>APPEALS</u>: 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.



#### Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

Please contact us with changes or cancellatior TOLL-FREE 888-516-9220	Is as soon as possible, otherwis Local # 239-335-0258	E ho further action heeded. Email FNPLegals@gannett.com
Customer: CITY OF CAPE CORAL_DEPT OF COM	Ad No.:	0002118708
Address: 1015 CULTURAL PARK BLVD CAPE CORAL FL 33990 USA	Net Amt:	\$
Run Times: 1	No. of Affidavits:	1
Run Dates: 05/06/17		
Text of Ad: NOTICE OF PUBLIC HEARING		
CASE NUMBER: ZA17-0004		
<b>REQUEST:</b> Rezone a 0.59-acre parcel from Residential Development (RD) to Multi- Family (R-3)		
LOCATION: 912 SW 39th Terrace		
CAPE CORAL STAFF CONTACT: Kathy Eastley, 239-574-0605 or email keastley@capecoral.net		
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by order of Rebecca van Deutekom, MMC City Clerk REF # ZA17-0004 AD# 2118708 May 6, 2017		

#### Department of Community Development Planning Division

#### AFFIDAVIT

APPLICATION OF: Treu Properties, INC

) §

APPLICATION NO: ZA17-0004

STATE OF FLORIDA

COUNTY OF LEE

I, Paul B. Dickson, BO having first been duly sworn according to law, state on my oath the following:

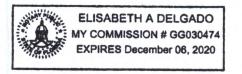
That I am the acting Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

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	8th	day of	May, 2017.
			B
			Paul B. Dickson, BO

#### STATE OF FLORIDA COUNTY OF LEE

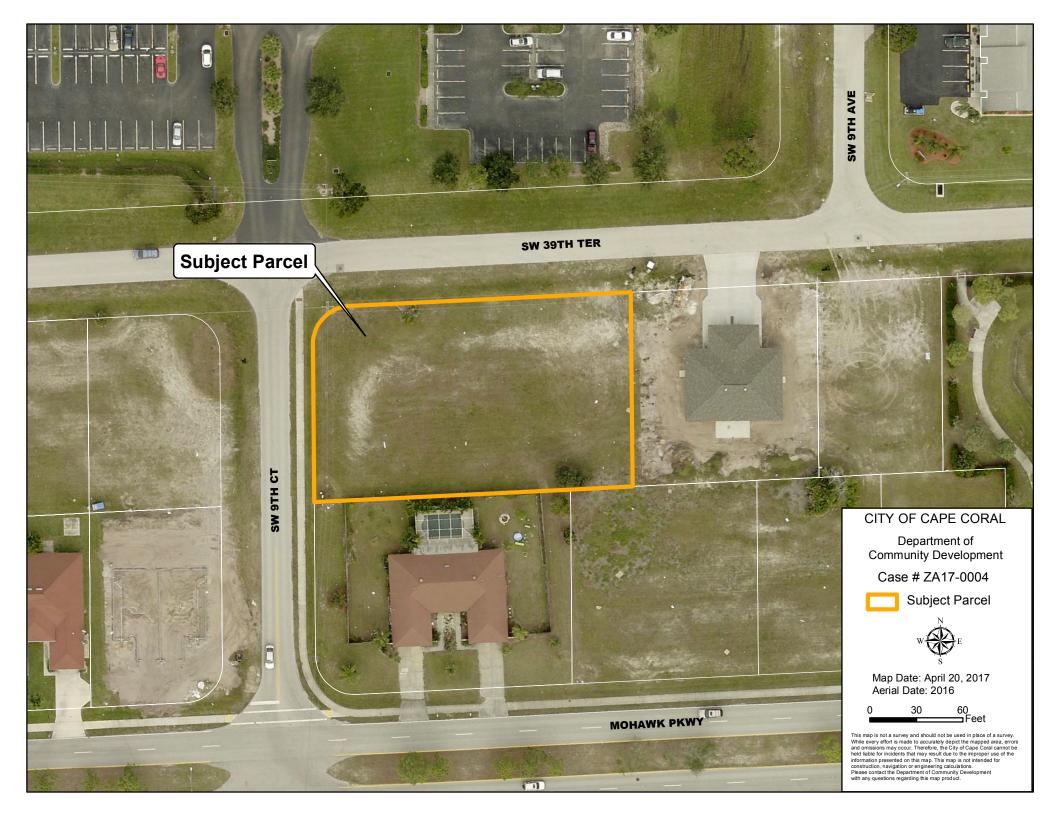
The foregoing instrument was acknowledged before me this  $3^{2}$  day of  $3^{2}$ ,  $3^{2}$ , by Paul B. Dickson, BO, who is personally known to me and who did not take an oath.

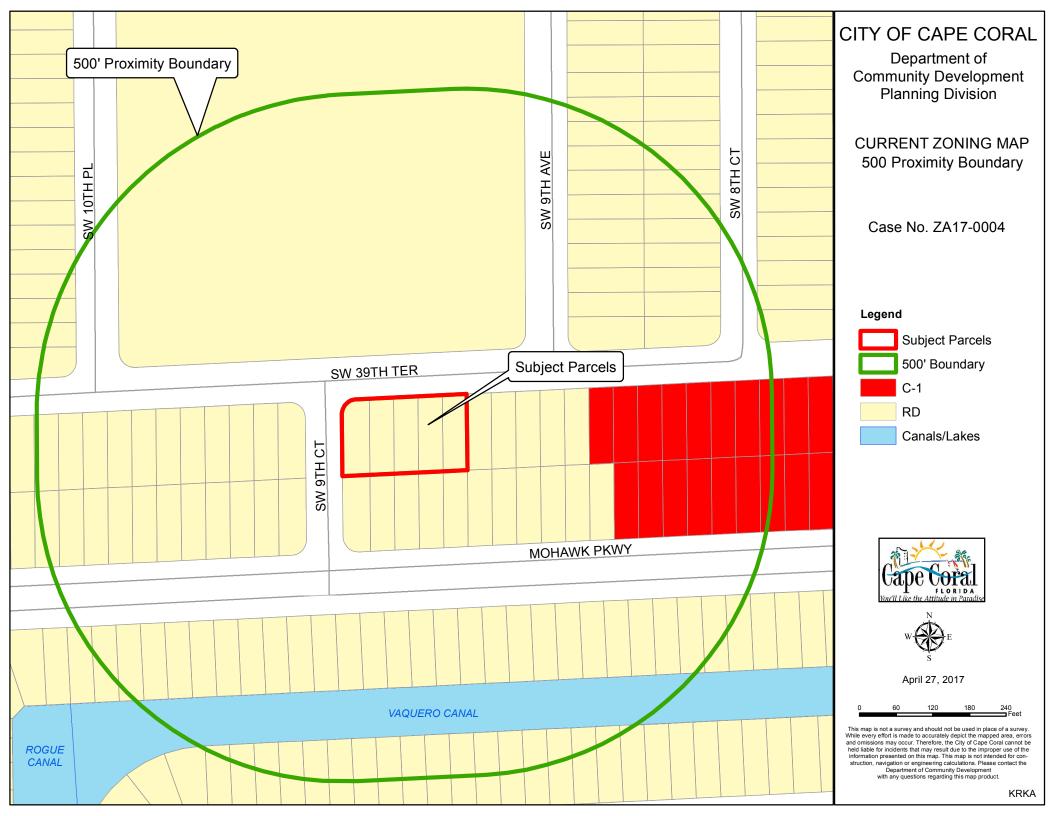


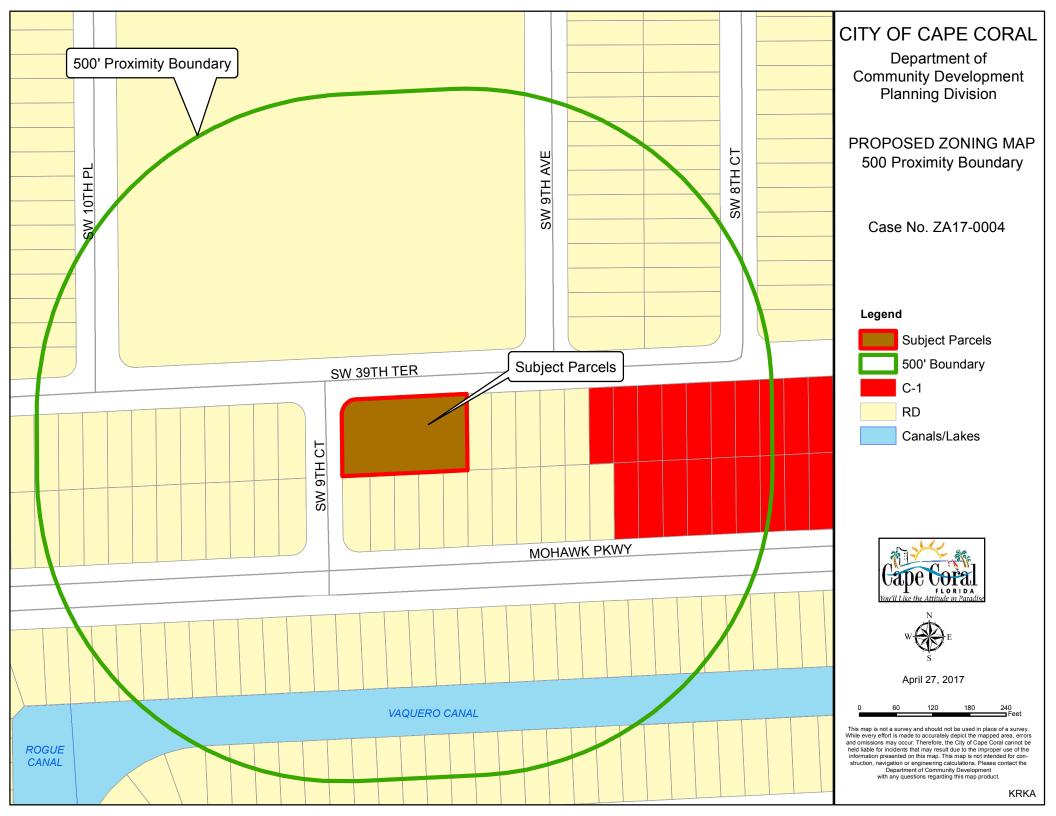
Exp. Date 10 00 commission #6 6030474

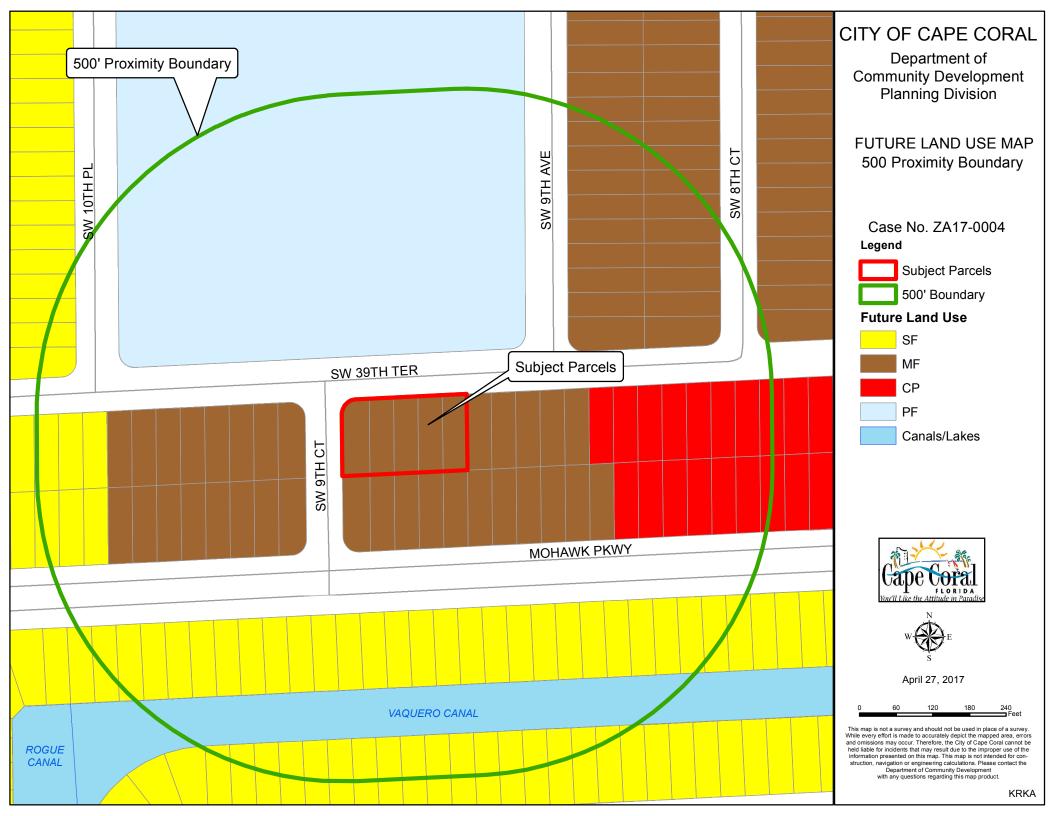
Zlisabetu Q. Dehado Signature of Notary Public

Elisabeth A. Delgado Print Name of Notary Public









Item Number:2.C.Meeting Date:5/16/2017Item Type:HEARINGS

## AGENDA REQUEST FORM

CITY OF CAPE CORAL



## TITLE:

Case #ZA17-0002\*; Address: 3523 Del Prado Boulevard; Applicant: International Support, 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 requests approval of a rezone from Professional Office (P-1) to Pedestrian Commercial (C-1)

## LEGAL REVIEW:

### **EXHIBITS:** See attached "Backup Material"

## PREPARED BY:

Kristin Kantarze Division-Community Development

Department-Planning

## SOURCE OF ADDITIONAL INFORMATION:

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

ATTACHMENTS:

## Description

**Type** Backup Material

Backup Material



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

Case # ZA17-0002

#### **REQUEST FOR A REZONING**

FEE \$2,050.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. 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.

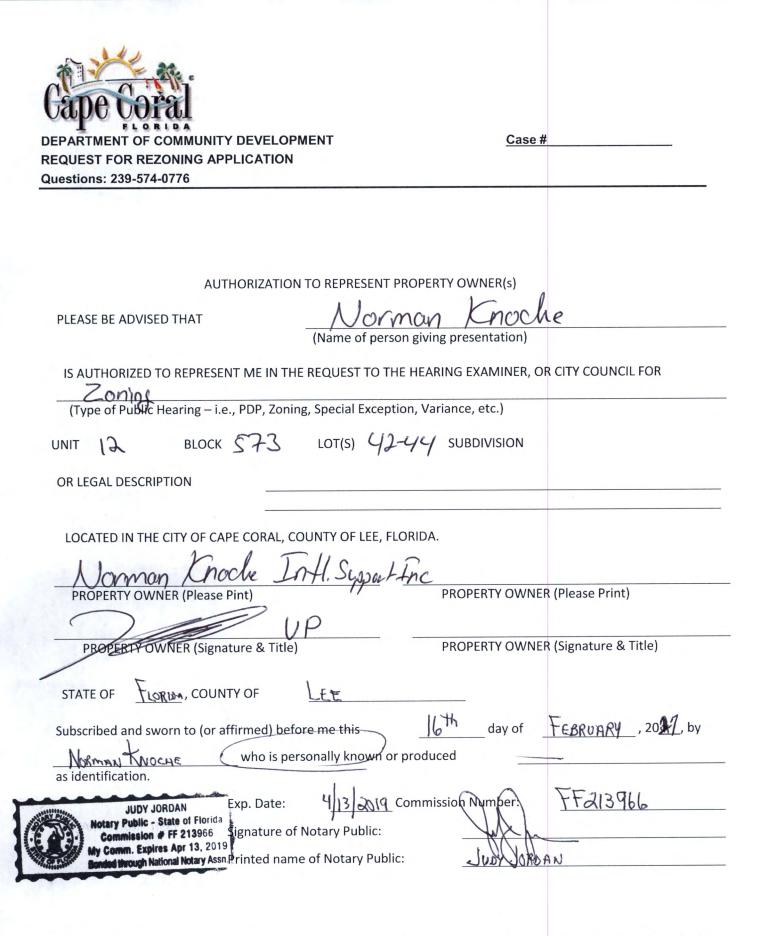
Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property 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 International Suppo Email: Normon @ 24 capeco	irt Inc Addre	ess: 1529	SE 47	2 th Ter
Email: Normon @24 capeco	City oral. (om Phone	e: 239-	8/0-/5	e: <u>FC</u> Zip <u>33909</u> P9
AUTHORIZED REPRESENTATIVE	Addre	ess: 1529	SE	
	City	- 1000	ral State	e: FC Zip 33909
Email:	Phone	e:	-810-1	589
Unit 12 Block S73 Lot(s)	42-44 Subdi	ivision		
Address of Property 3523	Del Prado	Blud S.		
Current Zoning P-1	Plat B	Book	, Page	
Proposed Zoning C-1	Strap Number	05-45-24	4-C1-	00573.0420

#### 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.



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



DEPARTMENT OF COMMUNITY REQUEST FOR REZONING API Questions: 239-574-0776		Case #
	(SIGNATURE MUST	T BE NOTARIZED)
Norman K	Snoche	
STATE OF TURIDA, COUN	TY OF LEE	APPLICANT'S SIGNATURE
Sworn to (or affirmed) and subsc Norma w Knoche as identification.	who is personally known of	
JUDY JORDAN Notary Public - State of FN Commission # FF 2139 My Comm Expires Apr 13, My Comm Expires Apr 13, My Comm Expires Apr 13,	Exp. Date: APRIL 13 Signature of Notary Public Printed name of Notary P SIGNATURE MUST E	Public: JUDY JORDAN



DEPARTMENT OF COMMUNITY DEVELOPMENT REQUEST FOR REZONING 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.

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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.

I hereby acknowledge that I have read and understood the above affidavit on the 16 day of Feb , 20 17

APPLICANT'S SIGNATURE NAME (PLEASE TYPE OR PR TURIDA . COUNTY OF STATE OF Subscribed and sworn to (or affirmed) before me this 16th ,20 17, by day TEBRUARY who is personally known of ORMAN KNOCHE as identification. Exp. Date: Arr. 13, 2019 Commission Number: FF213966 JUDY JORDAN Votary Public - State of Florida Signature of Notary Public: Commission # FF 213966 m. Expires Apr 13, 2019 Printed name of Notary Public: الإلامال A Notary Assn.



DEPARTMENT OF COMMUNITY DEVELOPMENT
REQUEST FOR REZONING 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.

Owner/Applicant (please type or print	T) OWNER/APPLICANT SIGNATURE	
(SIG	NATURE MUST BE NOTARIZED)	
STATE OF TORNA COUNTY OF	LEE	
Sworn to (or affirmed) and subscribed before by NORMAN KNOCHE, who is per	sonally known or who has produced	, 20 <u></u> 17 as identification.
Exp. Date <u>APR. 13, 2019</u> Commission # <u>FF213966</u>	Signature of Votary Public	
JUDY JORDAN Notary Public - State of Florida Commission # FF 213966 My Comm. Expires Apr 13, 2019 Bonded through National Notary Assn.	Print Name of Notary Public	



# **International Support, Inc.**

1529 SE 47th Ter Cape Coral, FL 33904 239-540-0085

February 16th, 2017

Department of Community Development City of Cape Coral 1015 Cultural Park Blvd. Cape Coral, FL 33990

Project: International Support, Inc - 3523 Del Prado Blvd. S CAPE CORAL UNIT 12 BLK 573 PB 13 PG 54 LOTS 42 THRU 44 STRAP: 05-45-24-C1-00573.0420

#### **Regarding Zoning Change**

To whom this may concern;

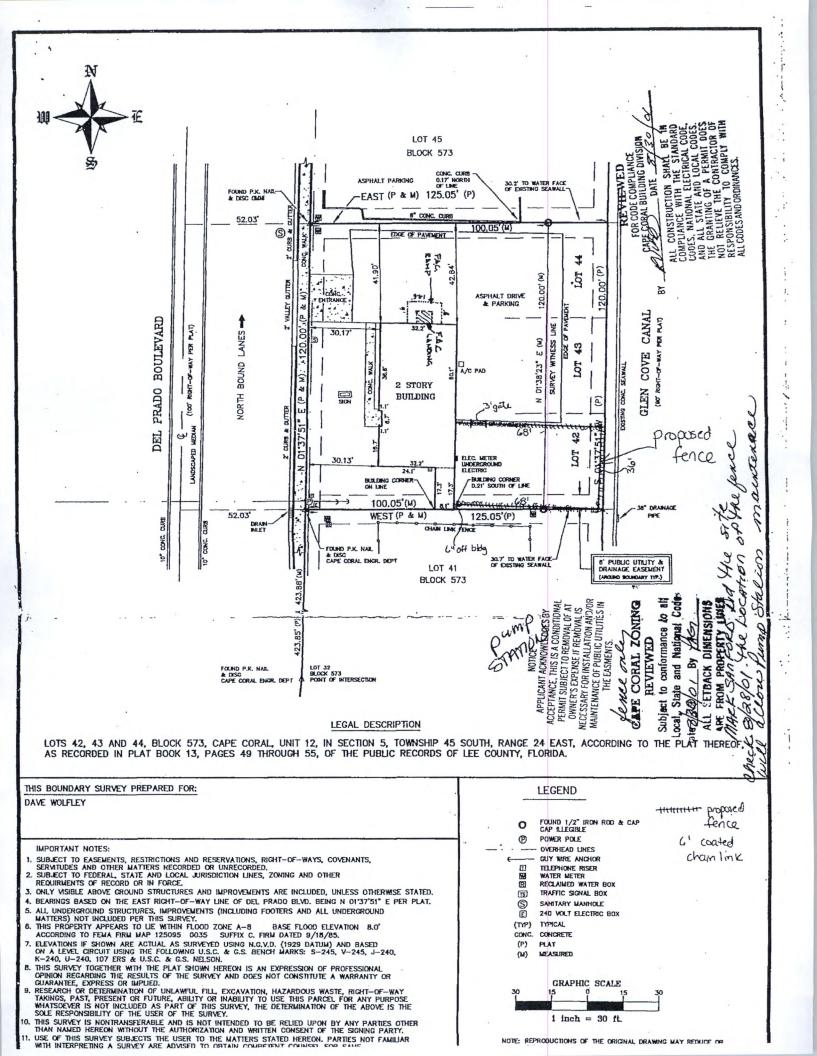
It is the intent of the property owner, International Support, Inc., to have the zoning changed from the current P1 Professional to C1 Commercial to allow for more business types and increase the economic value of Del Prado Boulevard.

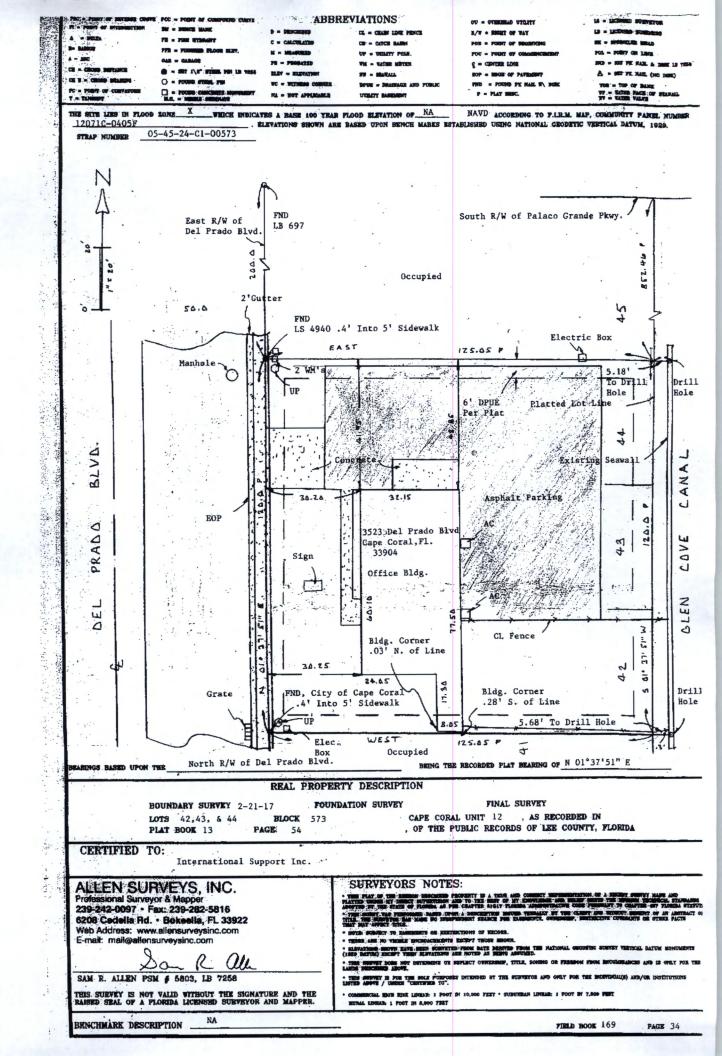
The adjacent property to the North is already zoned C1 as well.

If you have any questions, please feel free to contact us.

Best regards

Norman Knoche International Support, Inc





#### **Planning Division Case Report**

Staff Recommendation:	Approval
Request:	Approval of a rezone from Professional Office (P-1) to Pedestrian Commercial (C-1).
Applicant:	International Support, LLC
Case No:	ZA17-0002

#### Site Information:

The property is a 15,000 sq. ft. site at 3523 Del Prado Boulevard and is developed with a 2,694 sq. ft. commercial building. The site is in Block 573 and development in this block is primarily commercial or office buildings along with a few vacant parcels. Block 573 is only 125 feet wide and the entire length of the block has frontage on Del Prado Boulevard to the west and Glen Cove Canal to the east. The surrounding area includes commercial businesses to the north, south, and west and single-family homes to the east across the Glen Cove Canal. The site is at the intersection of two roads; Del Prado Boulevard and SE 36<sup>th</sup> Street<sup>1</sup>. The site has access to municipal water, sewer, and irrigation. Surrounding future land use designation and zoning are listed below:

Subject	Future Land Use	Zoning
Property:		
Current:	Commercial/Professional (CP)	Professional Office (P-1)
Proposed:	N/A	Pedestrian Commercial (C-1)
	Surrounding Future Land Use	Surrounding Zoning
North:	СР	C-1
South:	СР	P-1
East:	Glen Cove Canal and Single-Family Residential (SF)	Single-Family Residential (R-1B)
West:	Del Prado Blvd and CP	C-1

#### Summary:

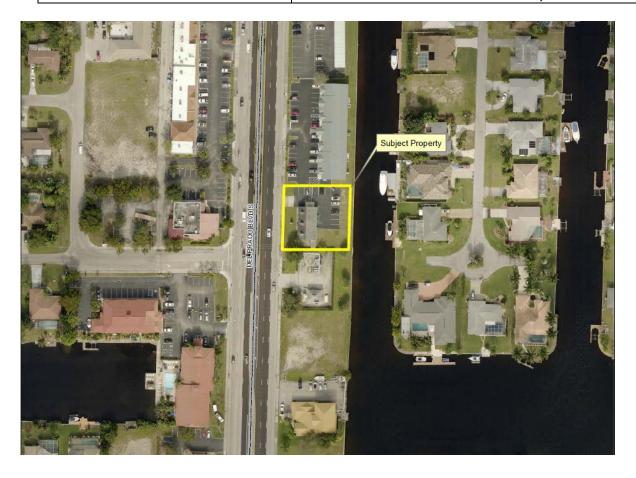
The site has a Commercial/Professional (CP) future land use designation and Professional Office (P-1) zoning. The site has been designated CP since the adoption of the Comprehensive Plan in 1989. The property was rezoned from Recreation Commercial<sup>2</sup> to Professional Office (P-1) in 1990. The property to the north with C-1 zoning was rezoned as part of a Planned Development Project (PDP) in 1995. The remainder of property in Block 573 have a CP future land use designation and P-1 zoning. The applicant requested the rezone from P-1 to C-1 to allow additional commercial uses on the site.

<sup>&</sup>lt;sup>1</sup> A principal arterial and a local road, respectively.

<sup>&</sup>lt;sup>2</sup> A zoning district that no longer exists.

The request is consistent with the City standards for rezoning in LUDR, Section 8.7 and with the City Comprehensive Plan, Chapter 4, Future Land Use Element.

Positive Aspects of Application:	<ul> <li>Proposed zoning is compatible with future land use designation</li> <li>Existing C-1 site is adjacent</li> <li>Access along arterial roadway</li> </ul>
Negative Aspects of Application:	Single-family homes are nearby across from a canal
Mitigating Factors	<ul> <li>Area has an established commercial/professional district for nearly 30 years</li> <li>Canal provides physical separation between homes and the commercial block nearby.</li> </ul>



#### **Detailed Analysis:**

#### Comprehensive Plan

The following policy is applicable:

Chapter 4 Future Land Use Element, Policy 1.15.C, Commercial/Professional (CP):

"Intensities of use in the Commercial/Professional land use classification shall not exceed a lot floor area ratio (FAR) of 1.0..."

#### Response: The site is currently developed and is under the FAR threshold of 1.0. If the site is redeveloped in the future, all development will be limited to a FAR of 1.0.

"Permitted uses will ultimately depend upon the zoning district of the subject parcel. Generally, three zoning districts are found in the Commercial/Professional future land use classification..."

#### Response: The applicant is requesting a rezone to Pedestrian Commercial (C-1).

"The Pedestrian Commercial (C-1) District is designed to facilitate a broad variety of large or small commercial uses. Uses allowed in the C-1 district range from a variety of small or neighborhood-based commercial uses to larger retail or service uses, which may serve a relatively large trade area and, which may be developed as major shopping facilities. As many commercial uses have the potential to generate relatively high levels of vehicular trips from customers and sometimes delivery vehicles, preferred location for the C-1 district have direct access onto arterial or collector and adequate depth (a minimum of 250 feet) for larger-scale development..."

## Response: The site lacks the preferred adequate depth, however, the site has direct access from a principal arterial.

"In certain locations, fragmented ownership of relatively small properties, or other factors, may preclude the creation of larger properties with access onto a collector or arterial roadway. Under such circumstances, it may be appropriate for the C-1 Zoning District to place additional limits on the intensities of commercial development on these properties. It may also be appropriate, under certain circumstances to place restriction on some commercial uses, such as those with high trip generation rates, adverse aesthetic attributes, and generation of disturbing noises or odors. Factors to consider when establishing such limits on intensities or uses include the following: the depth of the property, whether the property is adjacent to a waterway, whether the property is adjacent to or proximate to future land use classifications or zoning districts that allow residential uses, and/or the functional classification of street(s) available for street access. The placement of limitations upon the types and intensities of uses allowed within the C-1 zoning district, in accordance with the factors described above, is intended to reduce the conflicts between the C-1 District and adjacent or nearby residential zoning districts..." Response: The C-1 zoning district has a regulation intended to place limitations on C-1 properties that are near single-family homes. The C-1 zoning district requires a Planned Development (PDP) or an enhanced buffer if the site is adjacent to<sup>3</sup> properties with a residential zoning designation. The intent of these regulations is to increase compatibility of development on C-1 sites with surrounding residential areas.

#### Land Use and Development Regulations

The Planning Division reviewed this request based on the ten general Standards provided within Section 8.7.3.B of the Land Use and Development Regulations (LUDR) and offers the following analysis for consideration:

#### 1. The extent to which the property is diminished by the proposed zoning of the property:

The requested C-1 zoning should increase the value of the property. The C-1 district allows 73 permitted uses and 19 special exception uses, while the P-1 district allows 21 permitted uses and 18 special exception uses. The greater number of uses allows a wider range of development options for current or future owners of the site. Additionally, many commercial uses are allowed in the C-1 whereas most uses allowed in the P-1 district are office or public service uses<sup>4</sup>.

# 2. The extent to which the removal of a proposed change in zoning depreciates the value of other property in the area:

The proposed rezone should not diminish the value of surrounding properties because of nearby properties have similar zoning. Most surrounding properties have P-1 or C-1 zoning. The only properties with residential zoning are east across the Glen Cove Canal.

#### *3. The suitability of the property for the zoning purpose:*

Planning staff finds that the site is well-suited for the C-1 zoning district due to its location along a principal arterial and in a commercial corridor. Del Prado Boulevard is a principal arterial and most property along this road are zoned P-1 or C-1. Additionally, the property to the north of the site is zoned C-1. Planning staff finds that the property does not have ideal depth for the C-1 zoning district, however, the district has regulations that offset the site's lack of depth. If the site is redeveloped or the if the development on the site expands, the C-1 district requires a PDP or an enhanced buffer from the residential property to the east.

<sup>&</sup>lt;sup>3</sup> Or separate by a canal or alley.

<sup>&</sup>lt;sup>4</sup> Such as churches, parks, or essential services.

4. The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed zoning:

The surrounding neighborhood predominantly has commercial zoning<sup>5</sup> and development to the north, west, and south. To the east of the site are properties that have residential zoning and single-family homes. Since most of the surrounding area is commercial, staff finds that the proposed zoning will be compatible with the neighborhood.

5. The relative gain to the community as compared to the hardship, if any imposed, from rezoning said property:

Planning staff finds that the C-1 zoning district will allow for a greater variety of commercial uses along a commercial corridor.

6. The community need for the use proposed by the zoning:

As noted in the Future Land Use Element of the City of Cape Coral Comprehensive Plan, the City has identified a need for increasing commercial uses within Cape Coral. This rezoning will allow for a wider range of commercial development in an existing commercial area.

7. Length of time the property proposed to be rezoned has been vacant, as zoned, when considered in the context of the City of Cape Coral Comprehensive Land Use Plan for the development of the proposed property and surrounding property:

The Commercial/Professional (CP) future land use was adopted in 1989 as part of the adoption of the City Comprehensive Plan. The property was rezoned in 1990 from Neighborhood Commercial to Professional Office (P-1).

8. The extent to which the proposed zoning promotes the health, safety, morals, or general welfare of this community:

Because the proposed zoning is consistent with the City Comprehensive Land Use Plan, the change will assist with the long-term vision of adding or expanding commercial land at an appropriate location. The proposed rezone will not negatively affect the health, safety, or welfare of the community because other properties with commercial zoning are already in the general proximity of the site.

9. The extent to which the proposed zoning will impact the level of service standards for public facilities as specified in the Comprehensive Plan.

<sup>&</sup>lt;sup>5</sup> Either C-1 or P-1 zoning.

The subject parcel is in the City Urban Service Infill Area. The site has access to the City water, sewer, and irrigation network where sufficient capacity exists.

10. Whether the proposed zoning is consistent with the City of Cape Coral's Comprehensive Land Use Plan.

The proposed rezone is consistent with the City Comprehensive Plan Policy 1.15 as the Future Land Use classification is CP. Properties with the CP future land use are compatible with the C-1, Professional Office (P-1) and the Professional Business (P-2) zoning districts. Staff finds that the requested C-1 zoning is appropriate for the site.

#### **Public Notification**

This case will be publicly noticed as required by LUDR, Section 8.3.2 as further described below.

<u>Publication</u>: A legal ad will be prepared and sent to the *New Press*. The ad will appear in the *News Press* a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner and the City Council.

<u>Written notice</u>: Property owners within 500 feet from the property line of the subject property will receive written notification of the scheduled public hearing. These letters will be mailed to the parties a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner and the City Council.

<u>Posting of a Sign</u>: A sign will be posted on the subject property a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner and City Council.

#### Staff Recommendation:

This request is consistent with the City's Comprehensive Plan and the City's LUDR. Staff finds that rezoning request is suitable for the subject property and with the surrounding neighborhood.

Therefore, the Planning Division recommends **approval** of the rezoning to C-1 based on the application.

#### **Staff Contact Information:**

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





## NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: ZA17-0002

**<u>REQUEST</u>**: Approval of a rezone from Professional Office (P-1) to Pedestrian Commercial (C-1).

LOCATION: 3523 Del Prado Boulevard

<u>CAPE CORAL STAFF CONTACT</u>: Chad Boyko, AICP, Principal Planner, (239) 573-3162, <u>cboyko@capecoral.net</u>

PROPERTY OWNER(S): International Support, LLC

AUTHORIZED REPRESENTATIVE: Norman Knoch

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 on Tuesday, May 16<sup>th</sup>, 2017 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.

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. You will receive another public hearing notice when this case is scheduled for a City Council hearing.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, <u>www.capecoral.net/publichearing</u> (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.

<u>APPEALS</u>: 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.



#### Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

P	TOLL-FREE 888-516-9220	Local # 239-335-0258	Email FNPLegals@gannett.com
Customer:	CITY OF CAPE CORAL_DEPT OF COM	Ad No.:	0002118670
<u>Address:</u>	1015 CULTURAL PARK BLVD CAPE CORAL FL 33990 USA	Net Amt:	\$
Run Times:	1	No. of Affidavits:	1
Run Dates:	05/06/17		
Text of Ad: CASE NUMBER: ZA1	NOTICE OF PUBLIC HEARING 7-0002 al of a rezone from Professional Office (P-1) to Pedestrian		
Commercial (C-1).			
	Prado Boulevard South C <b>ONTACT</b> : Chad Boyko, AICP, Principal Planner, (239) 573-3162, .t		
	): International Support, LLC		
AUTHORIZED REPRES	ENTATIVE: Norman Knoch		
Hearing Examiner w 2017 on the above n	HEARING: Notice is hereby given that the City of Cape Coral ill hold a public hearing at 9:00 AM on Tuesday. May 16th, nentioned case. The public hearing will be held in the City of nambers, 1015 Cultural Park Boulevard, Cape Coral, FL.		
Coral Community De Blvd., Cape Coral, FL.	s are invited to appear and be heard. All materials presented Examiner will become a permanent part of the record. The oc continued to a time and date certain by announcement at ithout any further published notice. Copies of the staff report ays prior to the hearing. The file can be reviewed at the Cape velopment Department, Planning Division, 1015 Cultural Park iner has made a written recommendation, the case will be ic hearing before the City Council who will review the recom- e a final decision. You will receive another public hearing no- scheduled for a City Council hearing.		
available at the City of	<b>TON:</b> The case report and colored maps for this application are of Cape Coral website, www.capecoral.net/publichearing (Click nformation', use the case number referenced above to access, at the Planning Division counter at City Hall, between the 4:30 PM		
pear at the public he filed with the Direct number above withir ty Development, Pla	Any person may appear at the public hearing and be heard, es of conduct. You are allowed sufficient time to write or ap- aring to voice your objections or approval. Written comments or will be entered into the record. Please reference the case 1 your correspondence and mail to: Department of Communi- nning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. continued from time to time as necessary.		
needing a special acc the Human Resource 1015 Cultural Park Bc sistance; if hearing ir	accordance with the Americans With Disabilities Act, persons commodation to participate in this proceeding should contact s Department whose office is located at Cape Coral City Hall, Julevard, Cape Coral, Florida; telephone 1-239-574-0530 for as- mpaired, telephone the Florida Relay Service Numbers, 1-800- 300-955-8770 (v) for assistance.		
by order of Rebecca van Deuteko City Clerk REF # ZA17-0002 AD# 2118670 May 6, 3			

## Department of Community Development Planning Division

## AFFIDAVIT

APPLICATION OF: International Support, INC

)§

APPLICATION NO: ZA17-0002

STATE OF FLORIDA

COUNTY OF LEE

I, Paul B. Dickson, BO having first been duly sworn according to law, state on my oath the following:

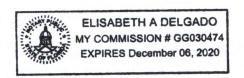
That I am the acting Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

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	- Site	day of	May, 2017.	
			Jand 5	
			Paul B. Dickson, BO	

### STATE OF FLORIDA COUNTY OF LEE

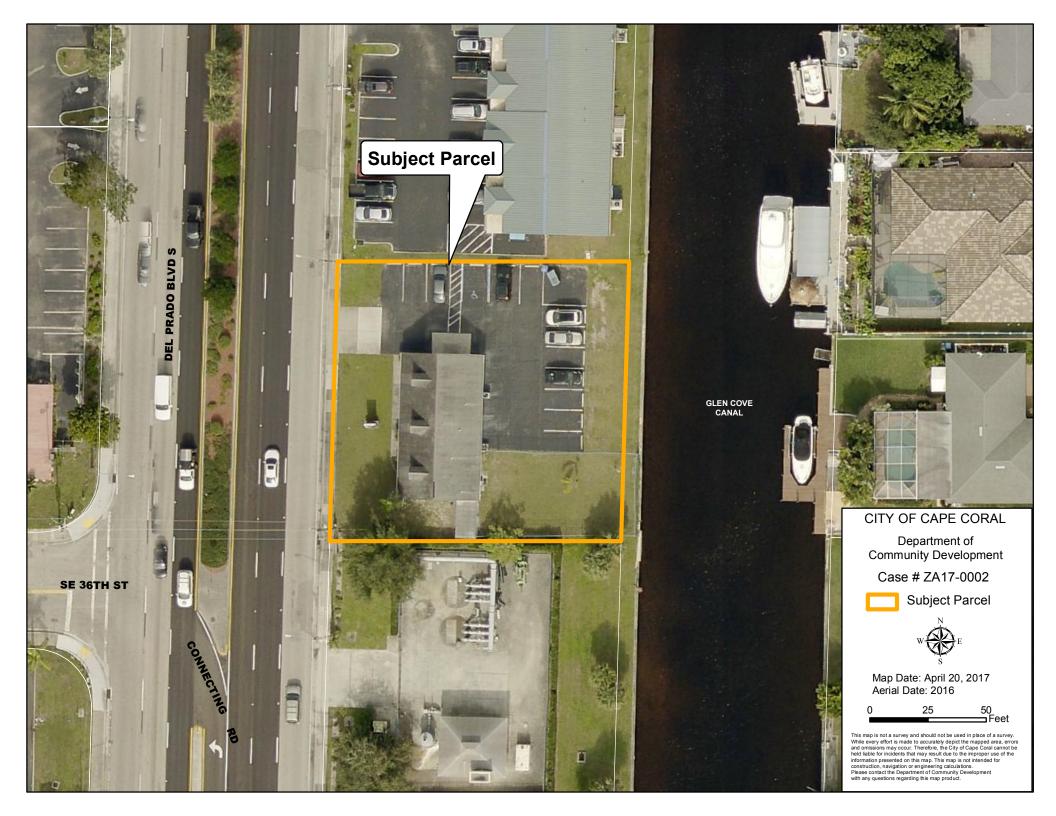
The foregoing instrument was acknowledged before me this  $\underline{\mathcal{S}^{\mu}}$  day of  $\underline{\mathcal{M}_{\mu}}$ , 2017, by Paul B. Dickson, BO, who is personally known to me and who did not take an oath.

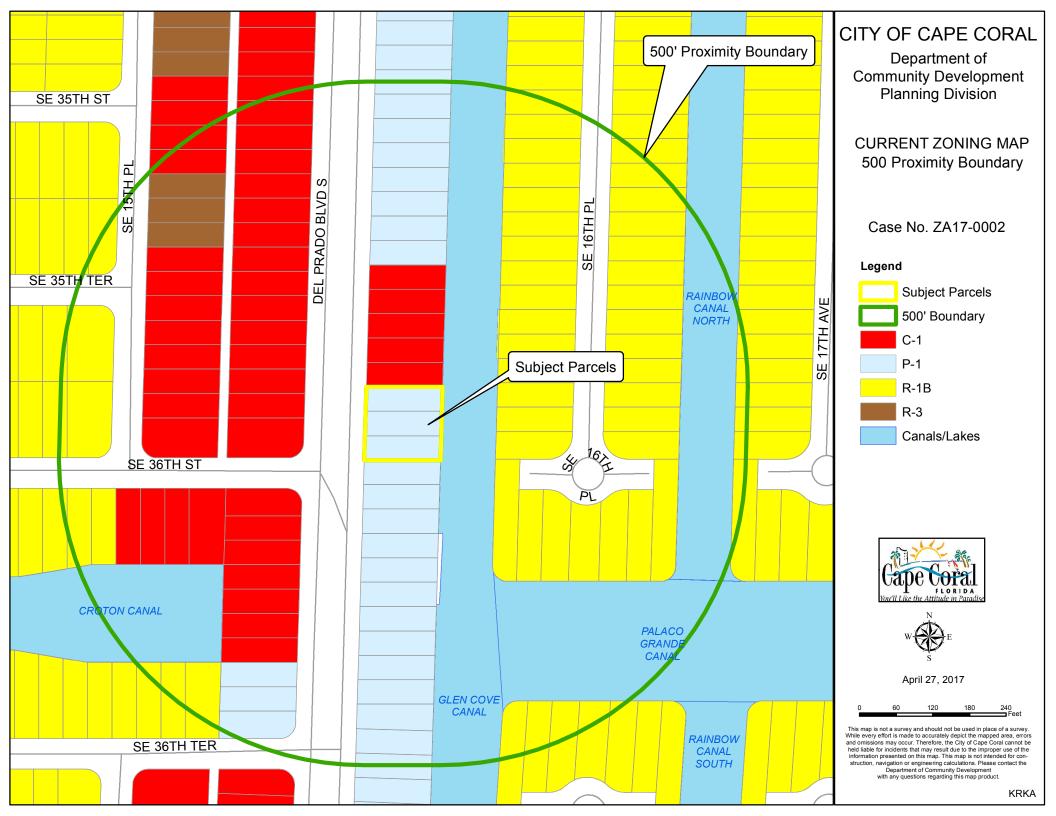


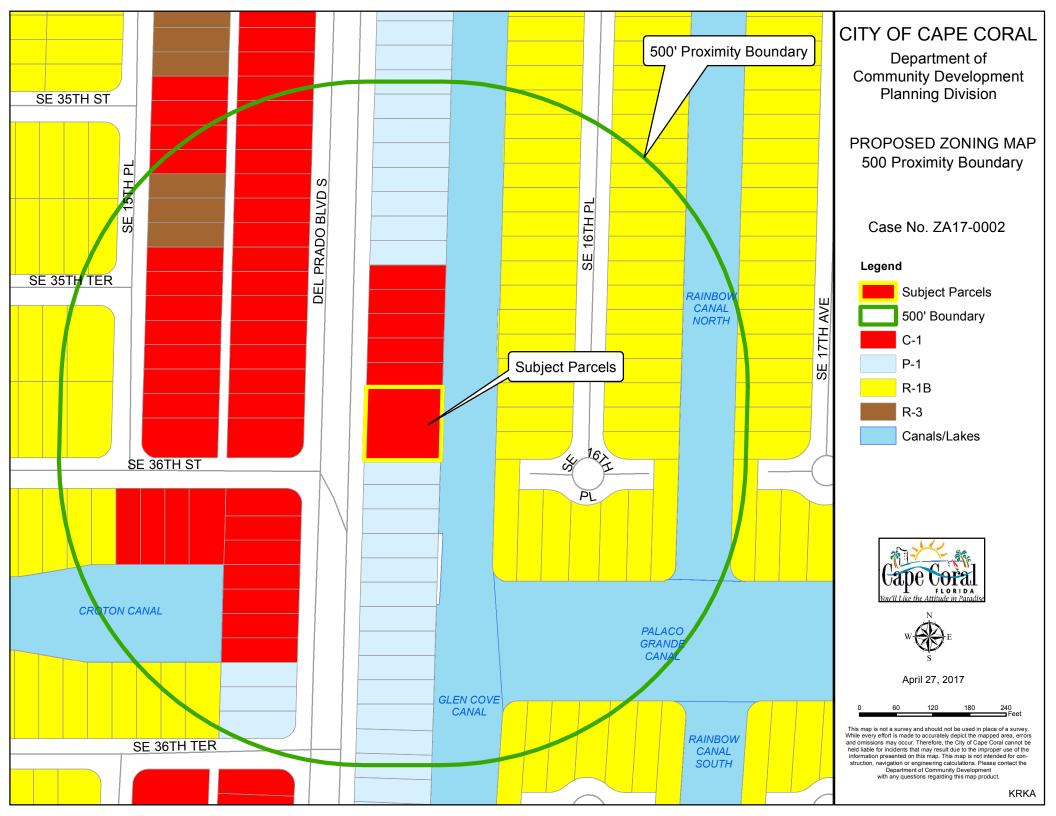
Elisabeth Q. Degalo Signature of Notary Public

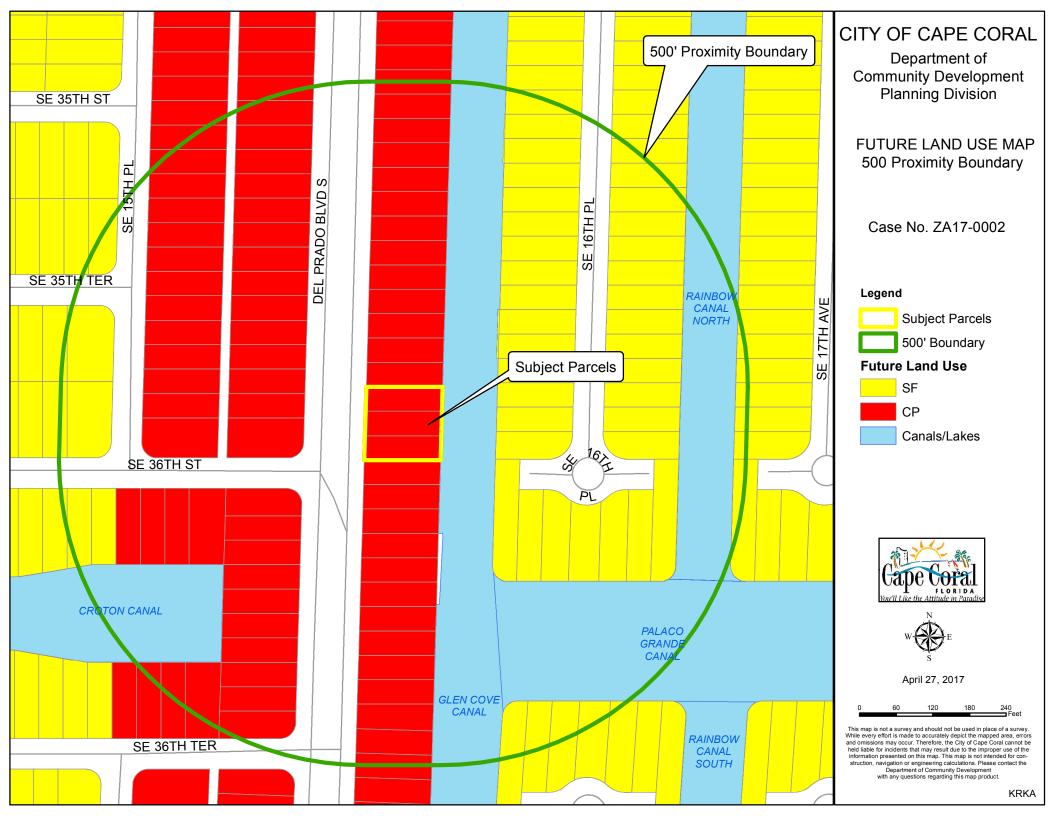
Exp. Date 12/6/20 Commission #66030474

Elisabeth A. Dolgado Print Name of Notary Public









Item Number: 2.D. Meeting Date: 5/16/2017 Item Type: HEARINGS

## AGENDA REQUEST FORM

CITY OF CAPE CORAL



## TITLE:

Case #VP17-0001\*; Address: 2210 SW 15th Place; Applicant: Robert and Fern Brereton

## **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:

Robert and Fern Brereton seek to vacate the following: a portion of a platted alley and underlying easements between Lots 21 through 46, Block 4405, Unit 63, Cape Coral Subdivision; easements associated with Lots 1 through 66, Block 4405, Unit 63, Cape Coral Subdivision, and easements associated with Lots 1 through 7, Block 4404, Unit 63, Cape Coral Subdivision.

## LEGAL REVIEW:

**EXHIBITS:** See Attached "Backup Material"

## PREPARED BY:

Kristin Kantarze Division- Community Development

**Department-Planning** 

## SOURCE OF ADDITIONAL INFORMATION:

Justin Heller, 239-574-0587 or email jheller@capecoral.net

ATTACHMENTS:

## Description

Backup Material

**Type** Backup Material



Case # YP17-0001

VACATION OF PLAT APPLICATION

Questions: 239-574-0553

REQUEST TO PLANNING & ZONING COMMISION 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 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	ulacin l	1. 1 D. 11	a Do Antios
BOBERT + FERN BRERETON	Address: 14380 F	JVA Dell	<u>Ago Dr Ap</u> 7605 
	City: FORT MYER	S State: F-L	<u></u> _/
	Phone: <u>239-</u>	313-6667	
APPLICANT 2			
BOBERT - FEAN BRERETON	Address:		
EMAIL RF BRERETON @ VALOO, COM	City:	State:	Zip
	Phone:		
AUTHORIZED REPRESENTATIVE		1	
Self - PROPERTY OWNERS	Address:	tme	
EMAIL SAMe	City:	State:	Zip
	Phone:		
Unit 63 Block 4405 Lot(s)		100 (000	1
Unit $63$ Block $4405$ Lot(s)	Subdivision	HPE CORTA	
Address of Property			
Current Zoning C1 Plat Boo	ok, Page		
Strap N	umber		
			TALL C
THIS APPLICATION SHALL ALSO HAVE ANY	ADDITIONAL REQUIRED SUF	PORTING DOCUM	IENIS

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 NO	TARIZED
APPLICANT NAME (PLEASE TYPE OR PRINT)	(APPLICANT'S SIGNATURE)
STATE OF FL COUNTY OF Lee	
Sworn to (or affirmed) and subscribed before me on this $12^{4}$ day $R$ over $M$ becce, who is personally known or who has	of <u>January</u> , 20 <u>17</u> by produced <u>FCOC</u> as identification.
Exp. Date 12/17/17 Mu	tule Carole
MICHELE COCOLA MY COMMISSION #FF060840 EXPIRES December 17, 2017 Print Name o	Michele Cocolo f Notary Public
(407) 398-0153 FloridaNotaryService.com	



DEPARTMENT OF COMMUNITY DEVELOPMENT

Case # VP17-2001

VACATION OF PLAT APPLICATION

Questions: 239-574-0553

#### 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 Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals, and 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 that I am responsible for recording the approved Resolution/Ordinance with the Lee County Clerk of Circuit Courts and providing a copy of the recorded Resolution/Ordinance to the City of Cape Coral Planning and Growth Management Division.

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.

ERN BRERETON CORPORATION/COMPANY NAME PRERETON

PROPERTY OWNER (PLEASE TYPE OR PRINT)

PROPERTY OWNER'S SIGNATURE

Inrid A STATE OF A

(SIGNATURE MUST BE NOTARIZED) COUNTY OF

Sworn to (or affirmed) and subscribed before me on this  $\frac{1}{2}$ 2017 day of as identification. opert Brereton , who is personally known or who has produced ern Brereton 12/12/17 Exp. Date Signature of Notary Public Commission # FFDL0084C

Print Name of Notary Public

MICHELE COCOLA MY COMMISSION #FF060840 EXPIRES December 17, 2017 FloridaNotaryService.com (407) 398-0153

Application\_for\_Vacatian\_of\_Plat



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0553

Case # VP17-0001

PLEASE BE ADVISED THAT HARD ARKIN (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				
	4405	21-46		
UNIT 63	BLOCK 4405	LOT(S) 1-66	SUBDIVISION CAPE	GORA/
OR LEGAL DESC	CRIPTION 4404	1-7		
LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.				
PROPERTY O	BRERETON WNER (Please Print)	V	PROPERTY OWNER (Please	e Print)
4 Son	" Prece	ton		
PROPERTY O	WNER (Signature & Title)		PROPERTY OWNER (Signa	ture & Title)
STATE OF	FL, COUNTY OF	Lee		
Subscribed and su Fern Brere as identification.	worn to (or affirmed) before	e me this rsonally known or produ	I th day of Ma uced Drivers	<u>Ч</u> , 20 <u>17</u> by
MY COI		Feb 8, 2020 Notary Public:	ission Number: /ichie_Al	angs
COFFLO, Bonded I	Thru Budget Notary Services Printed nam	e of Notary Public:	Vickie Mar	giel

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

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

February, 16, 2017

To: City of Cape Coral From: Robert and Fern Brereton 14380 Riva Del Lago Dr. Apt 1605 Fort Myers, Fl 33907

Letter of Intent: VP17-0001

My husband and I own Block 4404, Lots 1-7 and All of Block 4405. We are requesting Vacation of 20 foot wide alley. Described as Cape Coral Unit 63 lots 21-46, Block 4405, Section 27. Township 44 South, Range 23 East. Plat Book 21, pages 53, Lee County, Florida.

Our purpose and long term goal has been to accumulate the entire block, and after 20+ years are close to our goal. Most of the Alley has been vacated with the exception of this small section, described above. Our plans are for commercial or business development.

We have contacted and obtained letter of NO OBJECTIONS from LCEC, Comcast and Century Link, included in this request.

This approval will mean 1 contiguous block on the NE corner of Veterars F<sup>3</sup>arkway and Chiquita Boulevard, zoned C-1, and is suitable for many Commercial and Business uses.

With all due respect, we hereby request the City of Cape Coral's approval for Vacation of Plat.

Thank /vou.

Robert and Fern Brereton 14380 Riva Del Lago Dr Apt. 1605 Fort Myers, FI 33907 239-313-6667



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

February 3, 2017

Mr. and Mrs. Robert Brereton 1831 Snyder Drive Alva, FL 33920

Re: Letter of No Objection to Vacation of Alley: Block 4405, Unit 5, Cape Coral Subdivision, Plat Book 21, Pages 48 through 81; Owners: Robert and Fern Brereton.

Dear Mr. and Mrs. Brereton:

You have opened up negotiations, on behalf of you and your husband, concerning the vacation of a certain alley located in Block 4405 as cited above.

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 will require the northern six feet of the alley be dedicated for utility purposes such that there will be a continuous 6 foot platted utility easement surrounding the property.

Should there be any questions please call me at 239-656-2112, or, if you prefer, I can be reached by email at <u>russel.goodman@lcec.net</u>.

Very truly yours,

Russel Goodman, SR/ WA Digitally signed by Russel Goodman, SR/ WA DN: cn=Russel Goodman, SR/WA, o=Lee County Electric Co-operative, ou=Design and Engineering, email=Russel.Goodman@lcec.net, c=US Date: 2017.02.03 17:12:24 -05'00'

Russel Goodman, SR/WA Senior Right of Way Agent 02/22/2017 11:22 FAX

21/2017

(1931 unread) - rfbrereton - Yahoo Mail

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12600 Westlinks Drive Fort Myers, Fl. 33913 Phone: 239-432-1805

January 26, 2017

Robert and Fern Brereton 14380 Riva Del Lago Apt. 1605 Fort Myers, FL 33907

Re: Block 4404 and 4405 on the NE corner of Veterans and Chiquita, Cape Coral Fl. (Lee County)

Dear Robert Brereton,

This letter will serve to inform you that Comeast 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 239-432-1805.

Cordially,

Mark Cook Project Coordinator

Back to Message

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February 13,2017

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Attention: BRERETON TRUST TO: Robert M Brereton & Fern S Brereton 14380 Riva Del Lago Dr, Apt 1605 Fort Myers, FL 33907 Phone 239.313.6667 rfbrereton@yahoo.com

STRAP: 27-44-23-C4-04405.0010 Folio ID: 10077045 Legal Description : CAPE CORAL UNIT 63 PB 21 PG 49 BLK 4404 LOTS 1 THRU 7 + BLK 4405 LOTS 1 THRU 20 + LOTS 47 THRU 66 + VAC ALLEY + ROW AS DESC IN INST #2013000283451

Site Addresses: 2301 CHIQUITA BLVD S CAPE CORAL FL 33991

Owner of Record BRERETON ROBERT M TR + BRERETON FERN S TR FOR BRERETON TRUST 14380 RIVA DEL LAGO DR APT 1605 FORT MYERS FL 33907

Dear Robert & Fern Brereton, A CenturyLink Engineer has reviewed record documents. Based on research of information noted above, CenturyLink has no known facilities in the 20' alley right-of-way of property referenced.

CenturyLink has No Objection to the requested vacation of recorded alley right-of-way.

For any questions, or additional information, please contact CenturyLink Engineer Willis Gilson

Sincerely, V:081-WILLIS J. GILSON

CenturyLink ENG II East-South FL-Engineering Cape Coral, FL Office: 1-239-984-7001

Fax: 1-239-959-3111

## **Planning Division Case Report**

Review Date:	April 26, 2017		
Owner/Applicant:	Robert & Fern Brereton		
Requests:	The applicants are requesting to vacate:		
	<ol> <li>10,399.71 sq. ft. of platted alley right-of-way and all underlying easements in Block 4405, between Lots 21-46.</li> <li>355,862.73 sq. ft of public utility and drainage easements in Block 4405, Lots 1-66.</li> <li>34,866.43 sq. ft of public utility and drainage easements in Block 4404, Lots 1-7.</li> </ol>		
Location:	2301 Chiquita Boulevard south Unit 63, Block 4404, Lots 1-7; Block 4405, Lots 1-66		
Prepared By:	Justin Heller, Planner		
Reviewed By:	Mike Struve, AICP, Planning Team Coordinator		
Approved By:	Robert Pederson, AICP, Planning Manager		
Recommendation:	Approval		
Urban Service	Transition		

	Surrounding Zoning	Surrounding Future Land Use
North:	Residential Development (RD)	Public Facilities (PF)
South:	RD	Single Family (SF)
East:	Single Family (R-1B); Pedestrian Commercial (C-1)	SF; Commercial Professional (CP)
West:	R-1B; C-1; Professional Office (P-1)	SF; CP

#### **Property Description:**

The Breretons own all of Block 4405 and Lots 1-7 of Block 4404, totaling about 9.35 acres. The site is near the intersection of Chiquita Boulevard South and Veterans Memorial Parkway in SW Cape Coral. The site has frontage on Chiquita Boulevard South, a Major Arterial, to the west; SW 15<sup>th</sup> Place, a Local Street, to the east; and SW 22<sup>nd</sup> Street, a Local Street, to the north. The site has a Commercial Professional Land Use Classification and C-1 Zoning.

#### **Project Description:**

The applicants seek to vacate a 10,399.71 sq. ft. platted alley and all underlying easements in Block 4405, between Lots 21-46 (Exhibits A & B). They also seek to vacate 355,862.73 sq. ft of public utility and drainage easements around each individual lot in Block 4405, Lots 1-66 (Exhibit C), and 34,866.43 sq. ft of public utility and drainage easements in Block 4404, Lots 1-7 (Exhibit D). The intent of the vacation is to prepare the site for a future commercial development.

#### Previous Vacation of Alley, ROW, and Easments:

<u>Resolution 50-13</u>: This resolution granted a vacation of the platted alley and easements underlying and adjacent to the alley lying between Lots 1 through 20 and Lots 47 through 66, Block 4405, with the exception of a 20-foot wide drainage easement between Lots 14 and 15 and Lots 52 and 53. This resolution also vacated the SW 24<sup>th</sup> Street right-of-way between Block 4404 and 4405 but drainage and utility easements associated with this right-of-way were retained by the City.

#### Analysis:

Staff analyzed this request with the standards in LUDR, Section 8.11, "Vacation of plats, rights-of-way and other property."

The alley right-of-way is in an undeveloped block and the alley is unimproved. Except for a drainage pipe between Lots 14 and 15 and Lots 52 and 53, there are no utilities in the alley. The vacation will allow for the consolidation of several commercial properties into one large parcel that could contribute to a larger commercial development – at a commercial node. The vacation of the alley will also marginally increase the tax base by adding about 10,400 sq. ft. of commercial property to the tax roll. The alley vacation will eliminate City maintenance responsibilities for this right-of-way.

The letter of intent did not provide specific information how this site will be developed. However, the land gained by the owners from this vacation, along with a more uniform site configuration, should provide greater flexibility in the design of a future commercial project on this site.

This request also includes vacating underlying easements. The applicant has provided letters of no objection from the utility providers, although LCEC requires a continuous six-foot public utility easement be provided around the perimeter of the site. To accomplish this, the owner will deed  $\pm 21,163$  sq. ft. of easements to the City of Cape Coral (Exhibit F). The City will retain a 20 ft. wide drainage easement between Lots 14 and 15 and 52 and 53 in Block 4405. Underlying drainage and public utility easements associated with a previously vacated portion of S.W. 24<sup>th</sup> Street will also be retained. (Exhibit E).

Staff finds that the requested right-of-way vacation will provide a more uniform site and will enlarge this parcel by about 10,400 sq. ft. The right-of-way and easements to be vacated are not required to meet or fulfill any current or forseeable public use. As such, the approval of this request will not be harmful to the community. This request is consistent with the public interest by providing greater flexibility in developing this commercial site, eliminating future maintenance obligations of the City, and adding a small amount of property to the *ad valorem* tax rolls.

#### **Comprehensive Plan:**

This request is consistent with Policy 5.5 of the Future Land Use Element that states: "The City of Cape Coral may consider vacation of rights-of-way to facilitate land assembly and the development of a unified, contiguous commercial project."

#### **Recommendation:**

Based on the above analysis, staff recommends **approval** with the following conditions.

#### **Conditions of Approval**

- 1. The area of alley, drainage easements, and utility easements to be vacated shall be consistent with the sketch and legal descriptions provided by Harris-Jorgensen, Inc. (dated 12/27/2016), as shown in Exhibits A-E.
- 2. Within 60 days from the date of adoption of this vacation, the applicant shall provide an easement deed to the City for 21,162.69 sq. ft. in easements for utility and drainage purposes as shown in the sketch and legal description dated 3/21/2017, and prepared by Harris-Jorgensen, Inc., as depicted in Exhibit "F". This deed shall be approved by the City prior to execution.
- 3. 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 an easement deed as described above, and reimburses the Department of Community Development for all recording fees associated with this resolution.

## EXHIBIT "A"

(PROPOSED) VACATION OF ANY UNDERLYING EASEMENTS LYING IN A PORTION OF 20 FOOT WIDE ALLEY, BLOCK 4405, CAPE CORAL UNIT 5, SECTION 27, TOWNSHIP 44 SOUTH, RANGE 23 EAST (PLAT BOOK 21, PAGES 48-81) LEE COUNTY, FLORIDA.

DESCRIPTION: (VACATION OF ANY UNDERLYING EASEMENTS IN 20 FOOT WIDE ALLEY)

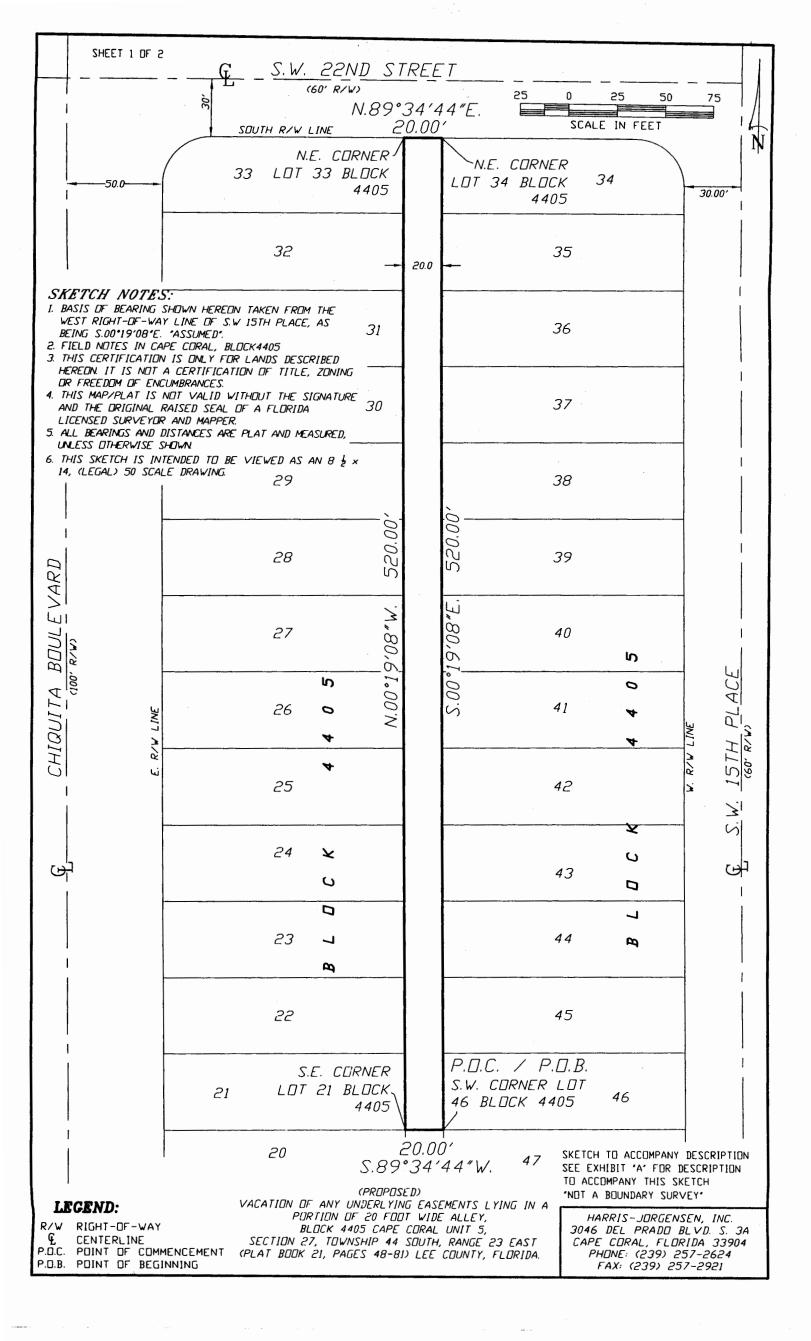
COMMENCING FROM THE SOUTHWEST CORNER OF LOT 46, BLOCK 4405, CAPE CORAL UNIT 63, AS RECORDED IN PLAT BOOK 21, PAGES 48-81, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR A POINT OF BEGINNING; THENCE RUN S.89°34′44″W. TO THE SOUTHEAST CORNER OF LOT 21, SAID BLOCK 4405 FOR 20.00 FEET; THENCE RUN N.00°19′08″W. TO THE SOUTH RIGHT OF WAY LINE OF S.W. 22ND STREET (60 FEET WIDE) AND THE NORTHEAST CORNER LOT 33, SAID BLOCK 4405, CAPE CORAL UNIT 63 FOR 520.00 FEET; THENCE RUN N.89°34′44″E. ALONG SAID SOUTH RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF LOT 34 SAID BLOCK 4405 FOR 20.00 FEET; THENCE RUN S.00°19′08″E. TO THE SOUTHWEST CORNER SAID LOT 46, BLOCK 4405 FOR 520.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 10,399.71 SQ. FT ±

PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER #6515 - STATE OF FLORIDA 12/27/2016

> HARRIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921

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# EXHIBIT "B"

(PROPOSED) VACATION OF A PORTION OF 20 FOOT WIDE ALLEY, CAPE CORAL UNIT 5, BLOCK 4405 SECTION 27, TOWNSHIP 44 SOUTH, RANGE 23 EAST (PLAT BOOK 21, PAGES 48-81) LEE COUNTY, FLORIDA.

DESCRIPTION: (VACATION OF ANY UNDERLYING EASEMENTS IN 20 FOOT WIDE ALLEY)

COMMENCING FROM THE SOUTHWEST CORNER OF LOT 46, BLOCK 4405, 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. TO THE SOUTHEAST CORNER OF LOT 21, SAID BLOCK 4405 FOR 20.00 FEET; THENCE RUN N.00°19'08'W. TO THE SOUTH RIGHT OF WAY LINE OF S.W. 22ND STREET (60 FEET WIDE) AND THE NORTHEAST CORNER LOT 33, SAID BLOCK 4405, CAPE CORAL UNIT 63 FOR 520.00 FEET; THENCE RUN N.89°34'44'E. ALONG SAID SOUTH RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF LOT 34 SAID BLOCK 4405 FOR 20.00 FEET; THENCE RUN S.00°19'08'E. TO THE SOUTHWEST CORNER SAID LOT 46, BLOCK 4405 FOR 520.00 FEET TO THE POINT OF BEGINNING.

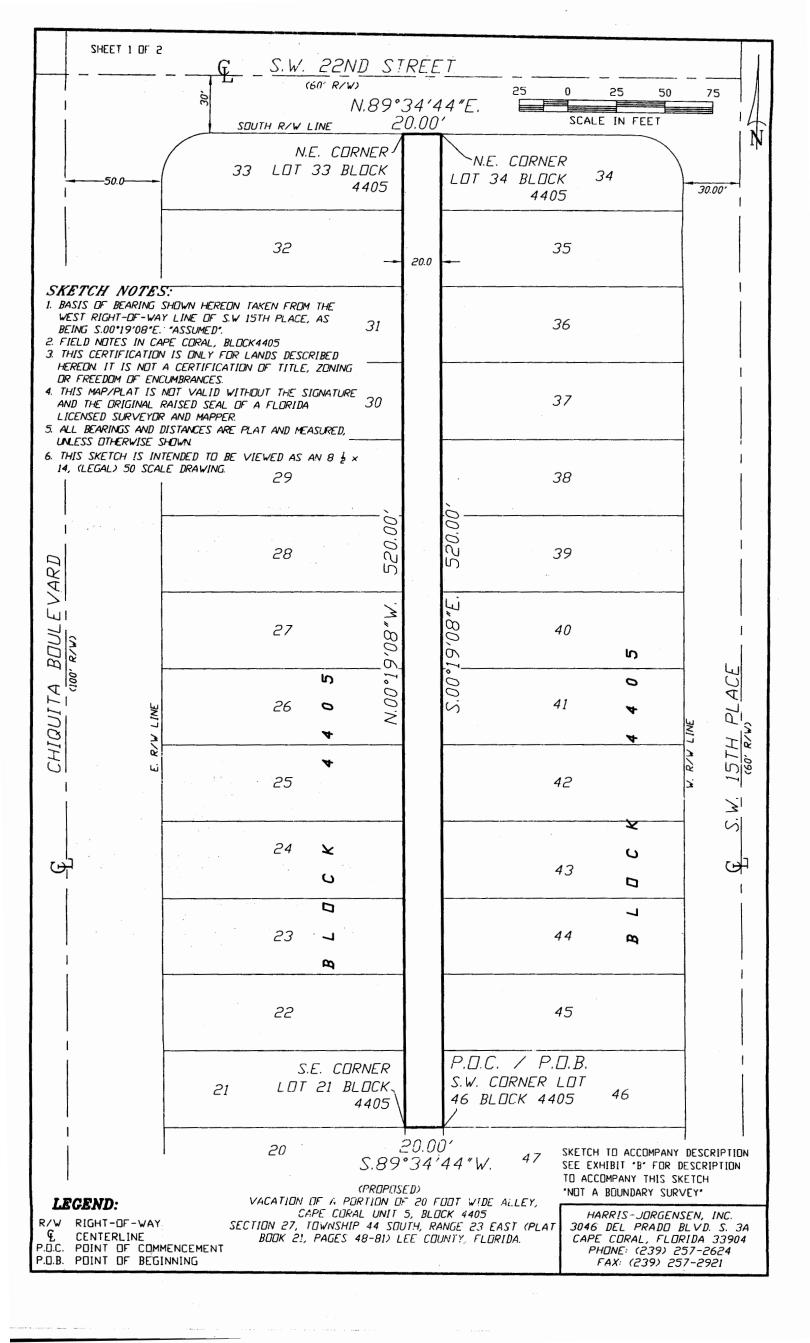
CONTAINING: 10,399.71 SQ. FT ±

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PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER #6515 - STATE OF FLORIDA 12/27/2016

> HARRIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921

SHEET 2 DF 2



# EXHIBIT "C"

(PROPOSED)

VACATION OF ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS, FOR BLOCK 4405 CAPE CORAL UNIT 63, SECTION 27, TOWNSHIP 44 SOUTH, RANGE 23 EAST, (PLAT BOOK 21, PAGES 48-81) LEE COUNTY, FLORIDA.

DESCRIPTION: VACATION OF ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS BLOCK 4405, CAPE CORAL UNIT 63, AS RECORDED IN PLAT BOOK 21, PAGES 48-81, PUBLIC RECORDS LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST CORNER OF LOT 1, BLOCK 4405, 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. TO A POINT OF CURVATURE FOR 99.96 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT FOR 39.31 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 90°06'08", A CHORD THAT BEARS N.45°22'112'W. AND A CHORD DISTANCE OF 35.39 FEET TO A POINT OF TANGENCY; THENCE RUN N.00°19'08'W. ALONG THE WEST LINE SAID BLOCK 4405 TO A POINT OF CURVATURE FOR 1270.00 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT FOR 39.23 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 89°53'52", A CHORD THAT BEARS N.44°37'48"E. AND A CHORD DISTANCE OF 35.32 FEET TO A POINT OF TANGENCY; THENCE RUN N.89°34'44"E. TO A POINT OF CURVATURE FOR 220.00 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT FOR 39.31 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 90°06'08", A CHORD THAT BEARS S.45°22'12"E. AND A CHORD DISTANCE OF 35.39 FEET TO A POINT OF TANGENCY; THENCE RUN S.00°19'08'E. TO A POINT OF CURVATURE ALONG THE EAST LINE SAID BLOCK 4405 FOR 1270.00 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT FOR 39.23 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 89°53'52", A CHORD THAT BEARS S.44"37'48"W., A CHORD DISTANCE OF 35.32 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°34'44'W. TO THE SOUTHEAST CORNER SAID LOT 1, BLOCK 4405 FOR 120.04 FEET TO THE POINT OF BEGINNING.

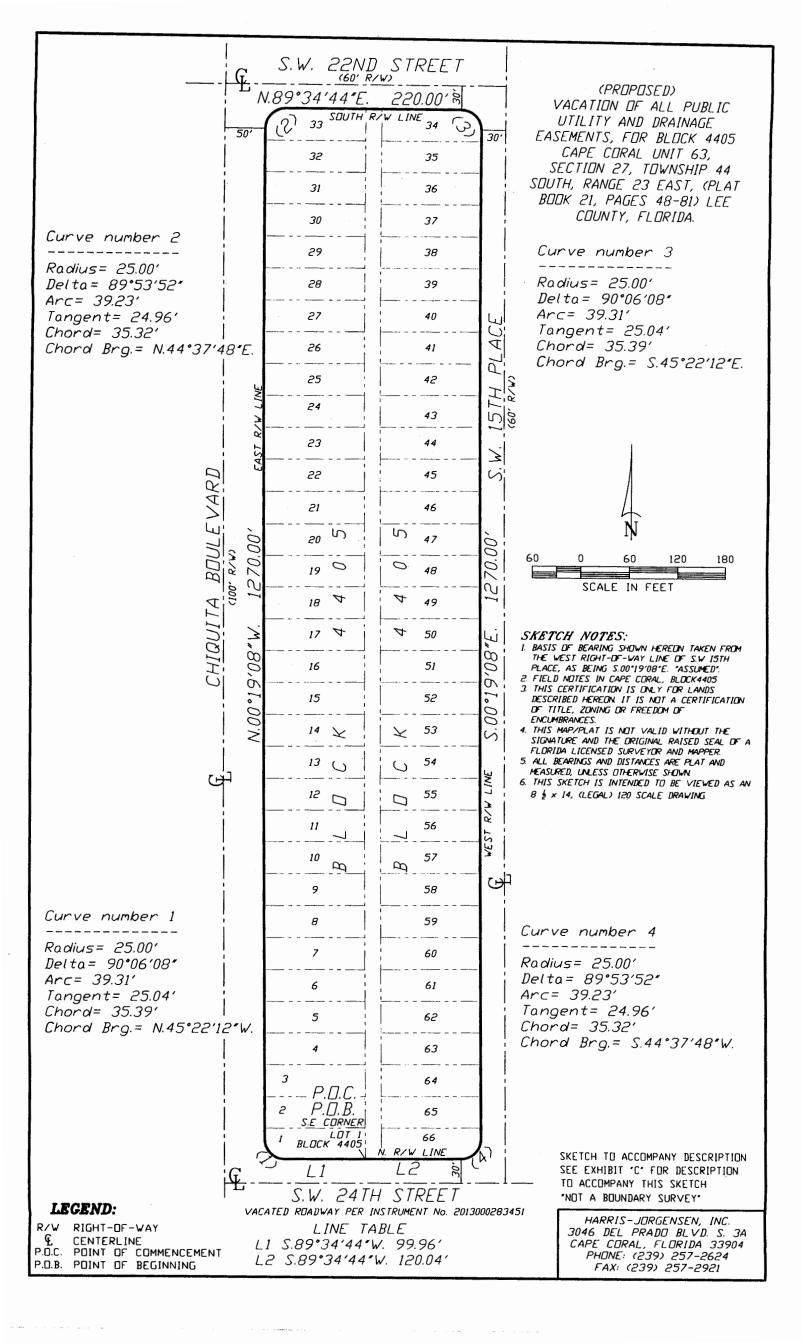
CONTAINING: 355,862.73 SQ. FT ±

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PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER #6515 - STATE OF FLORIDA 12/27/2016

HARRIS-JDRGENSEN, INC. 3046 DEL PRADD BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921

SHEET 2 DF 2



## EXHIBIT "D"

(PROPOSED)

VACATION OF ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS, FOR LOTS 1 THRU 7, BLOCK 4404, CAPE CORAL UNIT 63, SECTION 27, TOWNSHIP 44 SOUTH, RANGE 23 EAST, (PLAT BOOK 21, PAGES 48-81) LEE COUNTY, FLORIDA.

DESCRIPTION: VACATION OF ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS IN LOTS 1 THROUGH 7, BLOCK 4404, CAPE CORAL UNIT 63, AS RECORDED IN PLAT BOOK 21, PAGES 48-81, PUBLIC RECORDS LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF LOT 7, BLOCK 4404, 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.00°19'08'E. TO THE SOUTHEAST CORNER SAID LOT 7 FOR 125.00 FEET; THENCE RUN S.89°34'44'W. TO A POINT ALONG THE EAST RIGHT OF WAY LINE OF CHIQUITA BOULEVARD (100 FEET WIDE) SAID CAPE CORAL UNIT 63 FOR 280.00 FEET; THENCE RUN N.00°19'08'W. ALONG THE EAST RIGHT OF WAY LINE SAID CHIQUITA BOULEVARD (100 FEET WIDE) TO A POINT OF CURVATURE FOR 100.04 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT FOR 39.23 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 89°53'52' A CHORD BEARS N.44°37'38'E. AND A CHORD DISTANCE OF 35.32 FEET TO A POINT OF TANGENCY; THENCE RUN N.89°34'44'E. TO THE NORTHEAST CORNER SAID LOT 7, BLOCK 4404 FOR 255.04 FEET TO THE POINT OF BEGINNING.

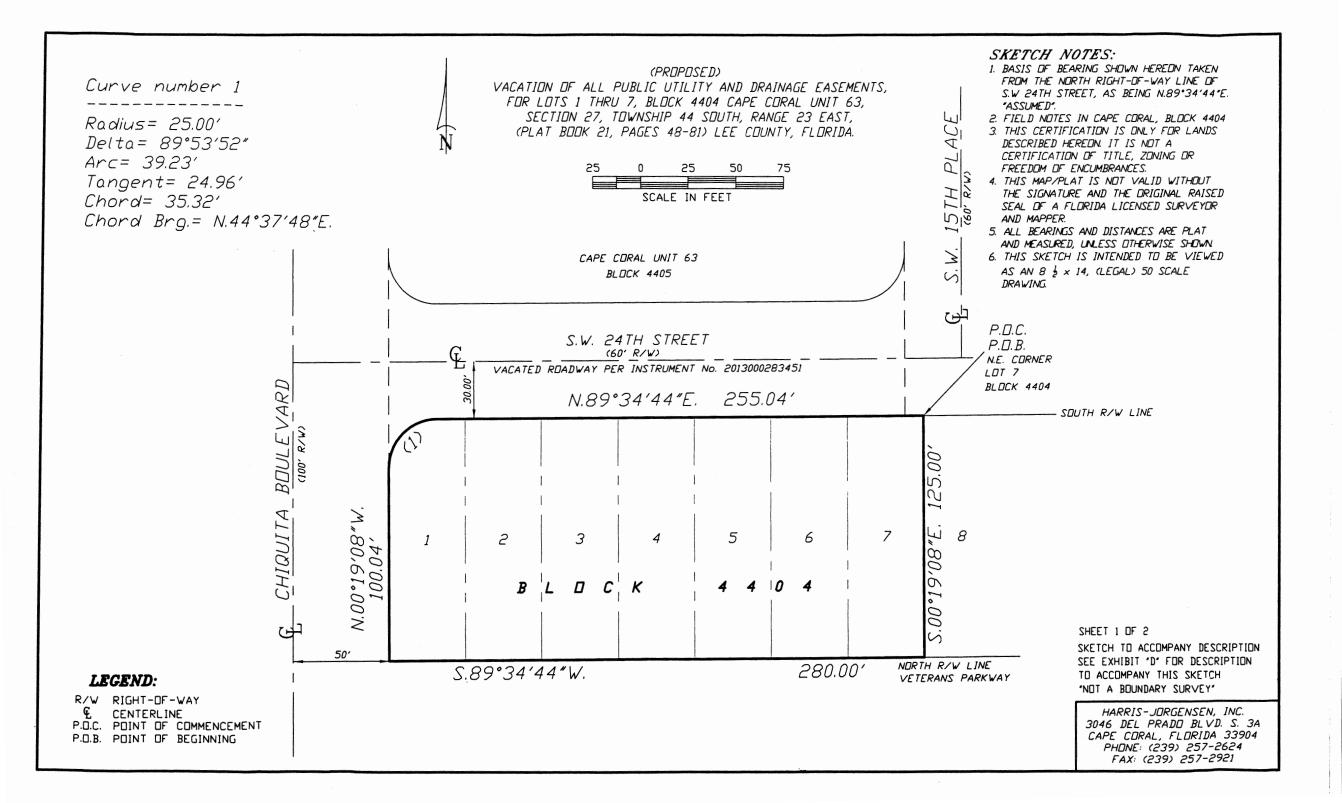
CONTAINING: 34,866.43 SQ. FT ±

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PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER #6515 - STATE OF FLORIDA 12/27/2016

HARRIS-JDRGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921

SHEET 2 DF 2



# EXHIBIT "E"

ALL OF BLOCK 4405 AND LOTS 1 THRU 7, BLOCK 4404, AND THAT INCLUSIVE PORTION OF VACATED ROAD RIGHT OF WAY S.W 24TH STREET, (AS RECORDED IN INSTRUMENT No. 2013000283451) AND THAT INCLUSIVE PORTION OF VACATED ALLEY (AS RECORDED IN INSTRUMENT No. 2013000283451) CAPE CORAL UNIT 63, AS RECORDED IN PLAT BOOK 48, PAGES 41–84, SECTION 27, TOWNSHIP 44 SOUTH, RANGE 23 EAST, PUBLIC RECORDS OF (PLAT BOOK 21, PAGES 48–81) LEE COUNTY, FLORIDA, FURTHER DESCRIBED AS FOLLOWS:

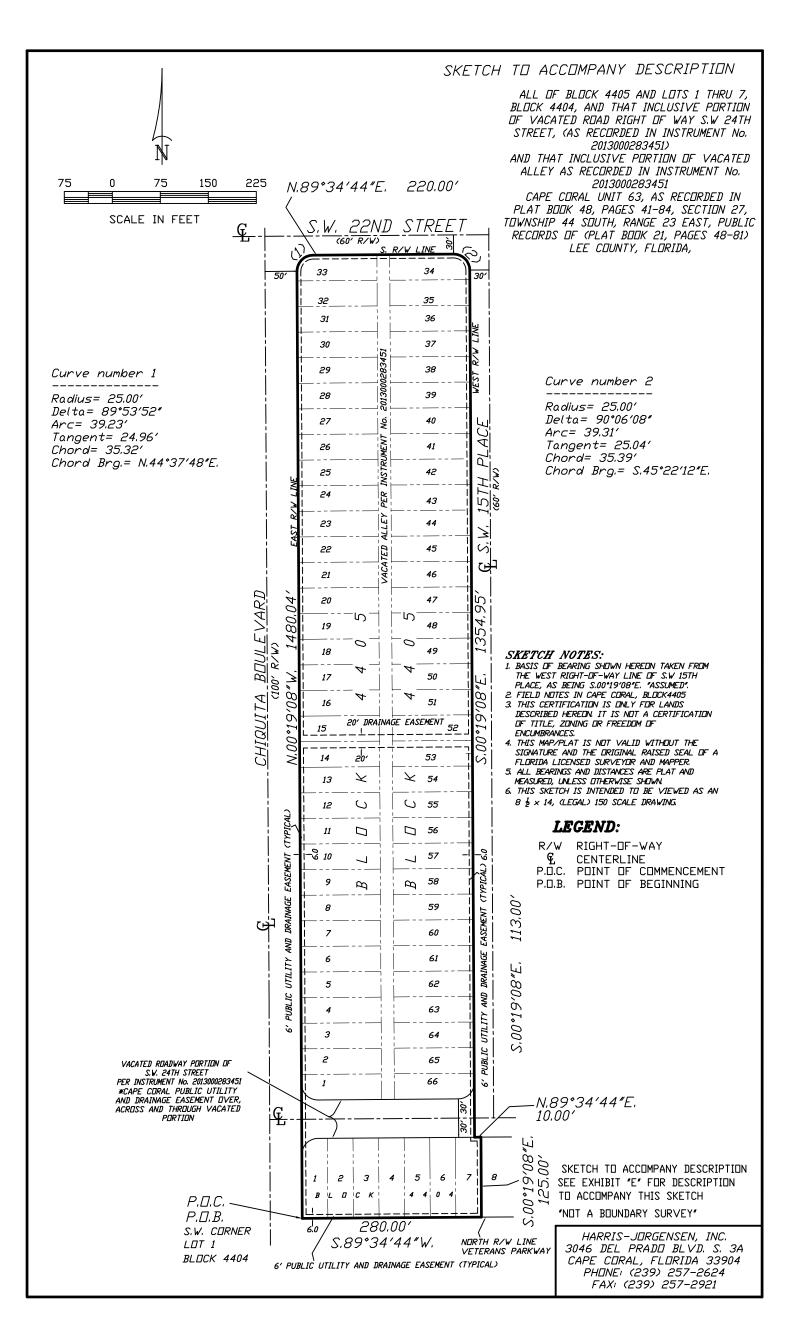
#### DESCRIPTION

COMMENCING FROM THE SOUTHWEST CORNER OF LOT 1, BLOCK 4404, AND THE EAST RIGHT OF WAY LINE OF CHIQUITA BOULEVARD (100 FEET WIDE) CAPE CORAL UNIT 63, AS RECORDED IN PLAT BOOK 21, PAGES 48-81, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR A PDINT OF BEGINNING; THENCE RUN N.00°19'08"W. ALONG SAID EAST RIGHT OF WAY LINE TO A POINT OF CURVATURE FOR 1480.04 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT FOR 39.23 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 89°53'52", A CHORD THAT BEARS N.44°37'48"E. AND A CHORD DISTANCE OF 35.32 FEET TO A POINT OF TANGENCY; THENCE RUN N.89°34'44'E. ALONG THE SOUTH RIGHT OF WAY S.W. 22ND STREET (60 FEET WIDE) SAID CAPE CORAL UNIT 63 TO A POINT OF CURVATURE FOR 220.00 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT FOR 39.31 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET; A CENTRAL DELTA ANGLE OF 90°06'08", A CHORD THAT BEARS S.45°22'12"E. AND A CHORD DISTANCE OF 35.39 TO A POINT OF TANGENCY; THENCE RUN S.45°22'12"E. ALONG THE WEST RIGHT OF WAY LINE OF S.W. 15TH PLACE, SAID CAPE CORAL UNIT 63 TO A POINT ALONG THE SOUTH RIGHT OF WAY LINE OF S.W. 24TH STREET (60 FEET WIDE) SAID CAPE CORAL UNIT 63 FOR 1354.95 FEET; THENCE RUN N.89°34'44"E. ALONG THE SOUTH RIGHT OF WAY LINE SAID 24TH STREET (60 FEET WIDE) FOR 10.00 FEET; THENCE RUN S.00°19'08'E. ALONG THE EAST LINE OF LOT 7, BLOCK 4404, SAID CAPE CORAL UNIT 63 FOR 125.00 FEET; THENCE RUN S.89°34'44"W. TO A POINT ALONG THE EAST RIGHT OF WAY LINE SAID CHIQUITA BOULEVARD (100 FEET WIDE) TO THE POINT OF BEGINNING.

CONTAINING: 407,330.97 SQ. FT ±

SHEET 2 DF 2

PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER #6515 - STATE OF FLORIDA 12/27/2016 HARRIS-JDRGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921



# EXHIBIT "F"

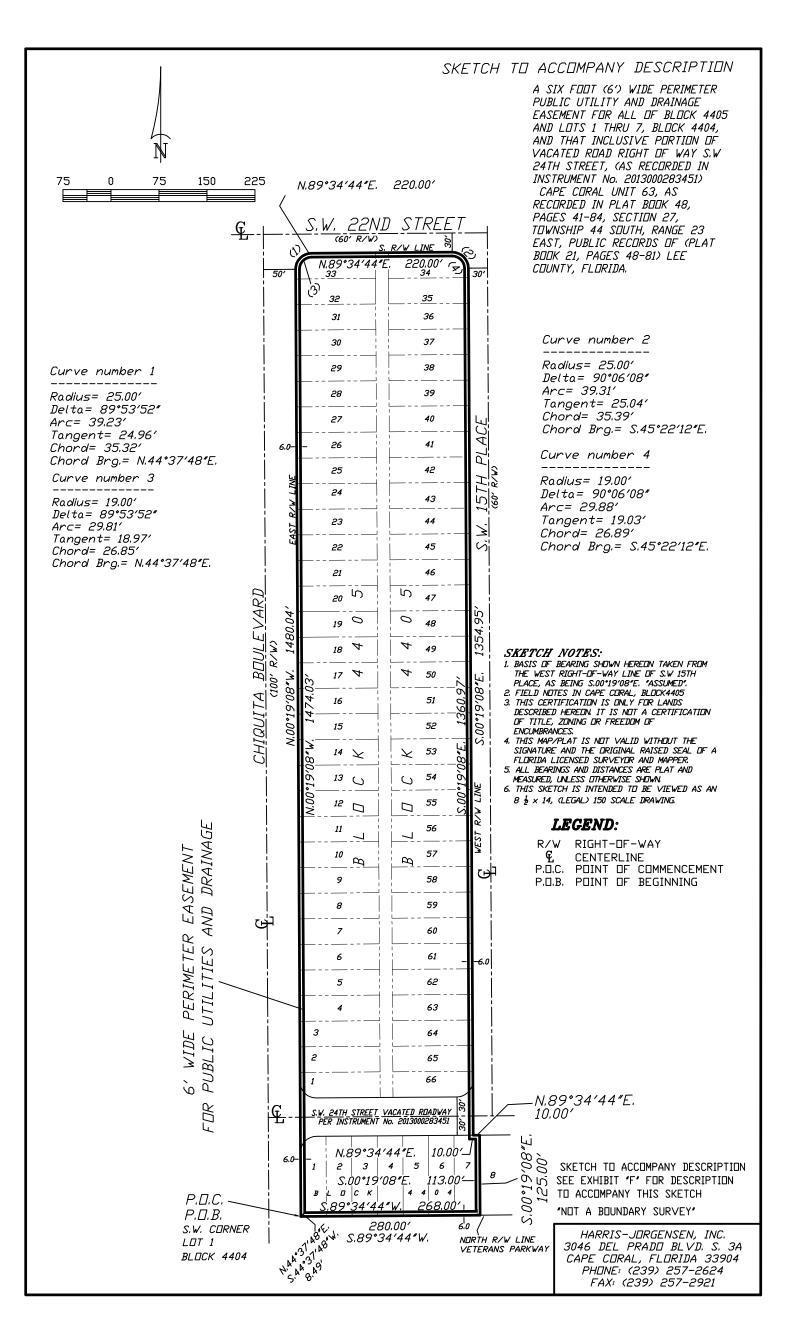
A SIX FOOT (6') WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG THE PERIMETER OF ALL OF BLOCK 4405 AND LOTS 1 THRU 7, BLOCK 4404, AND THAT INCLUSIVE PORTION OF VACATED ROAD RIGHT OF WAY S.W 24TH STREET, (AS RECORDED IN INSTRUMENT No. 2013000283451) CAPE CORAL UNIT 63, AS RECORDED IN PLAT BOOK 48, PAGES 41-84, SECTION 27, TOWNSHIP 44 SOUTH, RANGE 23 EAST, PUBLIC RECORDS OF (PLAT BOOK 21, PAGES 48-81) LEE COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOW:

COMMENCING AT THE. S.W. CORNER LOT 1, BLOCK 4404, CAPE CORAL UNIT 63, AS RECORDED IN PLAT BOOK 48, PAGES 41-84 (INCLUSIVE) PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE EAST RIGHT OF WAY LINE OF CHIQUITA BOULEVARD 100 FEET SAID CAPE CORAL UNIT 63 FOR A POINT OF BEGINNING; THENCE RUN N.01°19′08″W. ALONG SAID EAST RIGHT OF WAY LINE CHIQUITA BOULEVARD (100 FEET WIDE) TO A POINT OF CURVATURE FOR 1480.04 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT FOR 39.23 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 89°53'52", A CHORD THAT BEARS N.44°37′48″E. AND A CHORD DISTANCE OF 35.32 FEET TO A POINT OF TANGENCY; THENCE RUN N.89°34'44"E, ALONG THE SOUTH RIGHT OF WAY LINE OF 22ND STREET (60 FEET WIDE) TO A POINT OF CURVATURE FOR 220.00 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT FOR 39.31 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 90°06′08″, A CHORD THAT BEARS S.45°22'12'E. AND A CHORD DISTANCE OF 35.39 FEET TO A POINT OF TANGENCY; THENCE RUN S.00°19'08"E. ALONG THE WEST RIGHT OF WAY LINE OF S.W. 15TH PLACE (60 FEET WIDE) FOR TO A POINT ALONG THE SOUTH RIGHT OF WAY LINE DF S.W. 24TH STREET FDR 1354.95 FEET; THENCE RUN N.89°34'44"E. ALDNG THE SDUTH RIGHT OF WAY SAID S.W. 24TH STREET (60 FEET WIDE) FOR 10.00 FEET; THENCE RUN S.00°19'08"E. ALONG THE EAST LINE LOT 7, BLOCK 4404, SAID CAPE CORAL UNIT 63 FOR TO A POINT ALONG THE NORTHERLY RIGHT OF WAY LINE OF VETERANS PARKWAY AND THE SOUTHEAST CORNER SAID LOT 7, BLOCK 4404 FOR 125.00 FEET; THENCE RUN S.89°34′44″W. ALONG THE SAID NORTHERLY RIGHT OF WAY LINE VETERANS PARKWAY TO THE SOUTHWEST CORNER SAID LOT 1, BLOCK 4404 FOR 280.00 FEET; THENCE RUN N.44°37′48″E. FOR 8.49 FEET; THENCE N.00°19′08″W. PARALLEL WITH AND 6 FEET EAST OF SAID EAST RIGHT OF WAY LINE CHIQUITA BOULEVARD (100 FEET WIDE) TO A POINT OF CURVATURE FOR 1474.03 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT FOR 29.81 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 19.00 FEET, A CENTRAL DELTA ANGLE OF 89°53′52″, A CHORD THAT BEARS N.44°37'48"E. TO A POINT OF TANGENCY; THENCE RUN N.89°34'44"E. ALONG A LINE 6 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE S.W. 22ND STREET TO A POINT OF CURVATURE FOR 220.00 FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT FOR 29.88 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 19.00 FEET, A CENTRAL DELTA ANGLE OF 90°06′08″, A CHORD THAT BEARS S.45°22′12″E. AND A CHORD DISTANCE OF 26.89 FEET TO A POINT OF TANGENCY; THENCE RUN S.00°19'08'E. ALONG A LINE 6 FEET WEST OF AND PARALLEL THE SAID WEST RIGHT OF WAY LINE S.W. 15TH PLACE (60 FEET WIDE) 1360.97 FEET; THENCE RUN N.89°34'44"E. FOR 10.00 FEET; THENCE RUN FΠR S.00°19'08"E. ALONG A LINE 6 FET WEST OF A PARALLEL WITH SAID LOT 7, BLOCK 4404FOR 113.00 FEET; THENCE RUN S.89°34'44"W. ALONG A LINE 6 FEET NORTH OF PARALLEL TO SAID NORTH RIGHT OF WAY LINE VETERANS PARKWAY FOR FOR 268.00 FEET; THENCE RUN S.44°37′48″W. TO THE SOUTHWEST CORNER SAID LOT 1 BLOCK 4404 FOR 8.49 FEET TO THE POINT OF BEGINNING.

CONTAINING: 21,162.69 SQ. FT±

SHEET 2 DF 2

PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER #6515 - STATE OF FLORIDA 3/21/2017 HARRIS-JDRGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921





#### Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

Plea	ase contact us with changes or cancellation TOLL-FREE 888-516-9220	s as soon as possible, otherwis Local # 239-335-0258	e no further action needed. Email FNPLegals@gannett.com
Customer: (	CITY OF CAPE CORAL_DEPT OF COM	Ad No.:	0002118652
(	1015 CULTURAL PARK BLVD CAPE CORAL FL 33990 USA	Net Amt:	\$
Run Times: 1		No. of Affidavits:	1
Run Dates: 05	5/06/17		
Text of Ad:	NOTICE OF PUBLIC HEARING		
platted alley and under Unit 63, Cape Coral St Block 4405, Unit 63, Ca	Fern Brereton seek to vacate the following: a portion of a rlying easements between Lots 21 through 46, Block 4405, ubdivision; easements associated with Lots 1 through 66, pe Coral Subdivision, and easements associated with Lots 1		
through 7, Block 4404, U	Jnit 63, Cape Coral Subdivision. ocated near the intersection of Veterans Parkway and Chi-		
	ITACT: Justin Heller, 239-574-0587 or email		
PROPERTY OWNER(S): F	Robert and Fern Brereton		
AUTHORIZED REPRESEN	TATIVE: Robert and Fern Brereton		
Hearing Examiner will above mentioned case.	ARING: Notice is hereby given that the City of Cape Coral hold a public hearing at 9:00AM on May 16, 2017 on the The public hearing will be held in the City of Cape Coral Cultural Park Boulevard, Cape Coral, FL.		
All interested parties ar before the Hearing Ex- public hearing may be this public hearing with will be available 5 days Coral Community Devel Blvd., Cape Coral, FL.	re invited to appear and be heard. All materials presented aminer will become a permanent part of the record. The continued to a time and date certain by announcement at iout any further published notice. Copies of the staff report prior to the hearing. The file can be reviewed at the Cape lopment Department, Planning Division, 1015 Cultural Park		
After Hearing Examine scheduled for a public h mendation and make a tice when this case is sch	r has made a written recommendation, the case will be hearing before the City Council who will review the recom- final decision. You will receive another public hearing no- leduled for a City Council hearing.		
available at the City of (	N: The case report and colored maps for this application are Cape Coral website, www.capecoral.net/publichearing (Click rmation', use the case number referenced above to access t the Planning Division counter at City Hall, between the 30 PM		
subject to proper rules pear at the public heari filed with the Director number above within y ty Development, Planni	by person may appear at the public hearing and be heard, of conduct. You are allowed sufficient time to write or ap- ng to voice your objections or approval. Written comments will be entered into the record. Please reference the case our correspondence and mail to: Department of Communi- ing Division, P.O. Box 150027, Cape Coral, FL 33915-0027. ntinued from time to time as necessary.		
needing a special accon the Human Resources D 1015 Cultural Park Bould sistance; if hearing imp	cordance with the Americans With Disabilities Act, persons nmodation to participate in this proceeding should contact Department whose office is located at Cape Coral City Hall, evard, Cape Coral, Florida; telephone 1-239-574-0530 for as- aired, telephone the Florida Relay Service Numbers, 1-800- P955-8770 (v) for assistance.		
by order of Rebecca van Deutekom, City Clerk REF # VP17-0001 AD# 2118652 May 6, 201			

### **Department of Community Development Planning Division**

### **AFFIDAVIT**

APPLICATION OF: Brereton APPLICATION NO: VP17-0001 STATE OF FLORIDA ) §

COUNTY OF LEE

I, Paul B. Dickson, BO having first been duly sworn according to law, state on my oath the following:

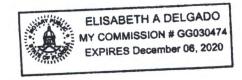
That I am the acting Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

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	Str	day of	May, 2017.
			Paul B. Dickson, BO

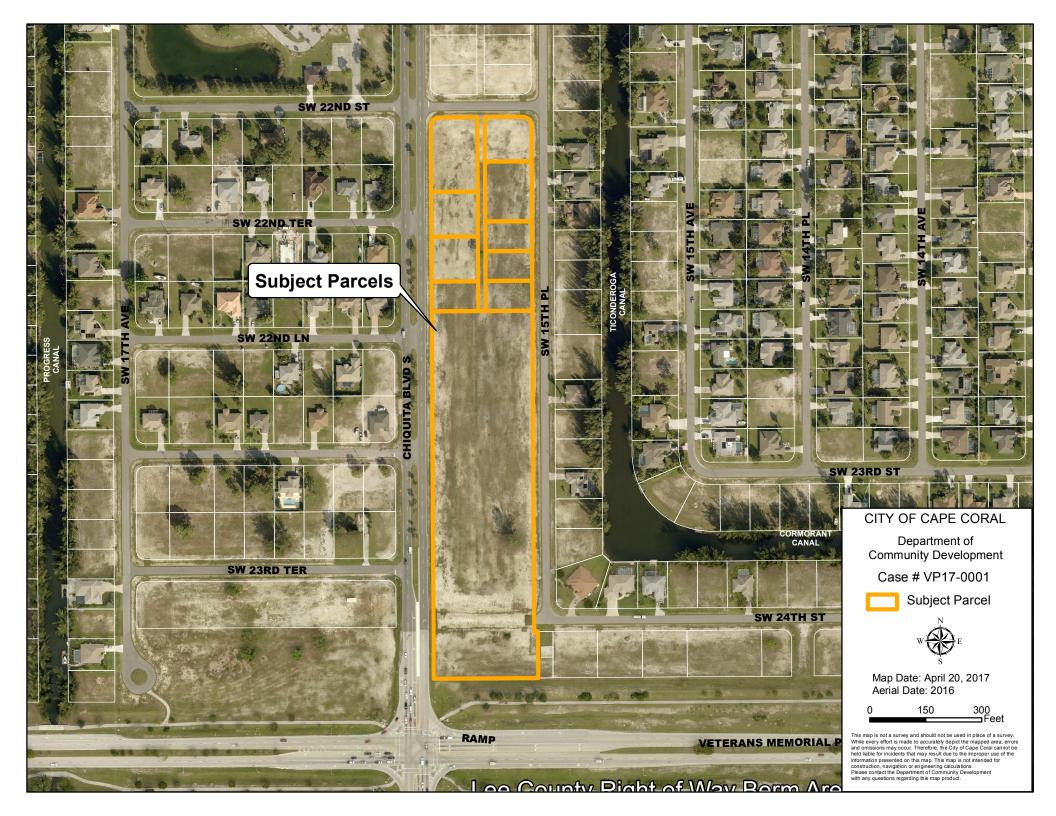
### STATE OF FLORIDA COUNTY OF LEE

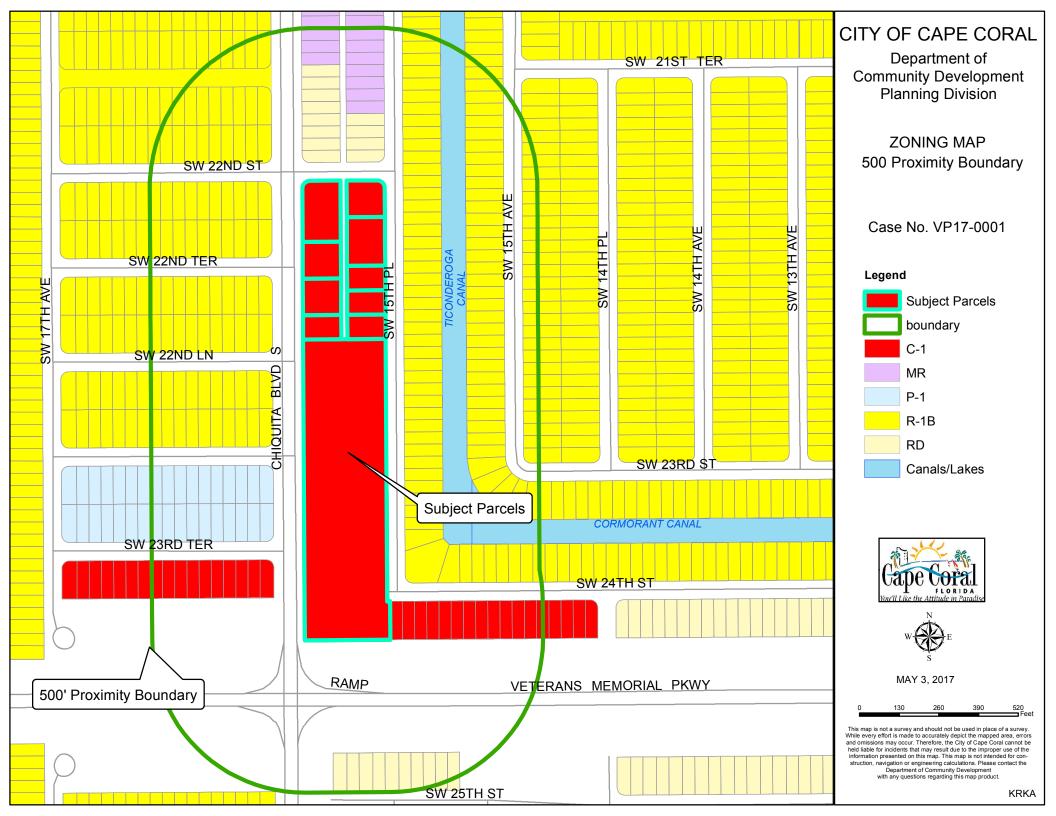
The foregoing instrument was acknowledged before me this strument and of May, 2017, by Paul B. Dickson, BO, who is personally known to me and who did not take an oath.



Exp. Date 120 Commission #66030474

Elisabeth A. Delgado Frint Name of Notary Public





Item Number: 2.E. Meeting Date: 5/16/2017 Item Type: HEARINGS

# AGENDA REQUEST FORM

CITY OF CAPE CORAL



## TITLE:

Case #PDP16-0014\*; Address: 4414-4530 Chiquita Boulevard and 4419-4431 SW 16th Place; Applicant: Ralph D. and Catherine M. Sangiovanni, and Judy Fabiano, Marisa Maune, Cathleen Marchiori, and Roxane Carrozza

# **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 property owners, Ralph D. and Catherine M. Sangiovanni, and Judy Fabiano, Marisa Maune, Cathleen Marchiori, and Roxane Carrozza seek approval for a Planned Development Project in the City of Cape Coral, Florida entitled "A-1 Shelters Self Storage, Chiquita Boulevard Site" for certain property described as Lots 8 through 47, Block 4745, Unit 70, Cape Coral Subdivision, according to the plat thereof recorded in Plat Book 22, Pages 58 through 87 inclusive, public records of Lee County Florida; property located at 4414-4530 Chiquita Boulevard and 4419-4431 SW 16<sup>th</sup> Place; rezoning the subject property from Professional Office (P-1) to the Pedestrian Commercial (C-1) Zone; requesting a special exception to allow a Neighborhood Storage Facility Use in a C-1 Zone; requesting a deviations from the City of Cape Coral Land Use and Development Regulations; granting development plan approval pursuant to Section 4.2 of the City of Cape Coral Land Use and Development Regulations.

# LEGAL REVIEW:

## EXHIBITS:

See attached "Backup Material"

# PREPARED BY:

Kristin Division- Community Development

# SOURCE OF ADDITIONAL INFORMATION:

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

# ATTACHMENTS:

# Description

- Backup Material Part 1
- Backup Material Part 2
- Backup Material Part 3

Туре

Backup Material Backup Material Backup Material



### PLANNED DEVELOPMENT PROJECT (PDP) APPLICATION PROPERTY OWNER IS A CORPORATION, LIMITED LIABILITY COMPANY (LLC), LIMITED COMPANY (LC), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUST

Project Name: Project Number:

0

A1 Shelters Self Storage

To help prepare this application, the applicant should obtain copies of the following:

- Land Use and Development Regulations (this document is linked)
  - 1. Land Development Regulations (Article 4)
  - 2. Parking Requirements (Article 5.1)
  - 3. Landscape Ordinance (Article 5.2)
  - 4. Sign Ordinance (Article 7)
  - NFPA 1 Fire Prevention Code
- Engineering Design Standards

The advisory review is conceptual only and any staff comments are subject to change based on detailed information with an application to the City of Cape Coral. Formal review may result in additional changes not noted at this time. The final design or project must comply with the Land Use and Development Regulations, Engineering Design Standards, City Code of Ordinances, Comprehensive Plan and other applicable laws and regulations.

#### ACKNOWLEDGEMENT

I Linda Miller \_\_\_\_\_\_, as the owner of this property or the duly <u>Authorized Representative</u>, agree to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State and County laws, and certify that all information supplied is correct to the best of my knowledge.

In addition, I understand that prior to the issuance of the Certificate of Occupancy for this development, the engineer of record must supply the Department of Community Development with record drawings and a letter of substantial compliance for the project.

In addition, I authorize the staff of the City of Cape Coral to enter upon the property for purposes of investigating and evaluating the request made through this application.

Please note: Advertising fees must be paid in full at least 10 days prior to public hearing or the item may be pulled from the agenda and continued to a future date once the fees have been paid.

(Name of Entity) \*Avalon Engineering, Inc.

By: NAME AND TITLE (PLEASE TYPE OR PRINT) Linda Miller, Authorized Representative

ð	finde	nelle
CIC	MATUDE	

SIGNATURE

STATE OF, COUNT	(SIGNATURE MUST BE NOTARIZED) Y OF Lee
Linda Miller	bed before me this <u>14</u> day of <u>Nov.</u> , 20 <u>16</u> , by vho is <u>personally known</u> or produced
as identification.	Exp. Date: 8/26/2017 Commission Number: FF 012481
LYNDA G, BROOKS Commission # FF 012481 Expires August 26, 2017 Bended Yhru Trey Fain Insurance 800-385-7019	Signature of Notary Public:
*Please include additional pages	Printed name of Notary Public: for multiple property owners.

PDP Application June, 2014

# **GENERAL INFORMATION**

Project Name:	A1 Shelters Self Storage	e		
Applicant:				
Address:	1406 SE 46th Lane, Ca	pe Coral, Florida	33904	
Phone: 239-573-2077	Fax:		E-Mail: _t	orian@a1shelters.com
*Property Owner:	attached Property Owne	and liet	0	iovanni, Judy Fabino, Marisa Maune, nd Roxanne Carrozza)
Address				
Phone	Fa	ах	E	-Mail
Authorized Representativ	ve	Avalon E	ngineering, Inc.	, Linda Miller
Address 25	03 Del Prado Boulevard \$	South, Suite 200, (	Cape Coral, Flor	ida 33904
Phone 239-573-207	Fa	239-573-20	076 E	-Mail Imiller@avaloneng.com
Location	Disak	4745	Let/C	8 thru15 + 42-47 16 thru 21; 22 thru 27; 28 +29; 30 thru 35; and 36 thru 41
Unit 70	Block	4745	Lot(S)	
Subdivision Cape Coral Strap Number(s) See attached Property Data List				
Legal Description X (Described as Exhibit A in Microsoft Word Format and attached hereto)				
Property Address:	4530 Chiquita Boulevard		al, Florida 33914	
Plat Book 22		Current Zoning	P-1	Future Land Use CP

		udes the following requests: neck all that apply)	
Subdivision	X Special Exception	X Rezoning	Variance
X Deviation to	Deviation to	Deviation to	All Other Deviation
Landscaping	Non-residential Design	Engineering Design	Requests
	Standards	Standards (EDS)	
Borrow Pit	Vacation of Plat		

\*Please include additional pages for multiple property owners.

authorized representative or property owner's initials

### A1 SHELTERS SELF STORAGE Property Data

STRAP NUMBERS	BLOCK	LOTS	PROPERTY OWNERS	ADDRESS
09-45-23-C3-04745.0080	4745	8-15 + 42-47	Judy Fabianao + Marisa Maune + Cathleen Marchioro + Roxanne Carrozza T/C	4530 Chiquita Boulevard South
09-45-23-C3-04745.0160	4745	16 thru 21	Ralph + Catherine Sangiovanni	4431 SW 16th Place
09-45-23-C3-04745.0220	4575	22 thru 27	Ralph + Catherine Sangiovanni	4419 SW 16th Place
09-45-23-C3-04745.0280	4575	28 + 29	Ralph + Catherine Sangiovanni	4414 Chiquita Boulevard South
09-45-23-C3-04745.0030	4575	30 thru 35	Ralph + Catherine Sangiovanni	4422 Chiquita Boulevard South
09-45-23-C3-04745.0360	4575	36 thru 41	Ralph + Catherine Sangiovanni	4434 Chiquita Boulevard South

Authorization to Represent Property Owner(s) Property Owner is an Individual(s)
Please be advised that (Name of Authorized Representative(s), and his/her/their business entity, if any)
is authorized to submit an application and represent me in the hearing(s) to the Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals and /or City Council for a Planned Development Project. Unit Block $4745$ Lot $67676$ Lot $70676$ Subdivision $28729$
Or Legal Description: 🛛 🔀 (described as an exhibit A in Microsoft Word format and attached hereto)
* RALPH SANGIOVANNI PROPERTY OWNER PROPERTY OWNER
PROPERTY OWNER PROPERTY OWNER
Catherine Sangeoranni
PROPERTY OWNER (Signature) PROPERTY OWNER (Signature)
(SIGNATURE MUST BE NOTARIZED)
STATE OF FL, COUNTY OF Lee
Sworn to (or affirmed) and subscribed before me this <u>14</u> day of <u>October</u> , 20 <u>16</u> , by
who is/are personally known to me or produced
as identification.
LINDA A. BIONDI Exp. Date: 3/19/2017 Commission Number: EE 873584
Signature of Notary Public: Linds Q - Binds
Bonded Through National Notary Assn. Printed name of Notary Public:

\*Please include additional pages for multiple property owners.

A authorized representative or property owner's initials

Please be advised that Av	alon Engineering, Inc.
(/	Name of Authorized Representative(s) and business entity, if any)
	ation and represent me in the hearing(s) to the Planning & Zoning Commission/Local g Adjustments and Appeals and /or City Council for a Planned Development Project.
Unit 70 Block 4745	5 Lot + 42-47 Subdivision Cape Coral
Or Legal Description: 🛛 🔀 (de	escribed as an exhibit A in Microsoft Word format and attached hereto)
* 🔿	
** Name of Entity (Corporation, Pa	
Signature all	1722 hoyanne Carrozza
Signature	Name (Please print or type)
3	
STATE OF <u>JC</u> , COUNT	Y OF Could
	ibed before me this <u>17</u> , day of <u>October</u> , 20 <u>16</u> , by who is personally known or produced
as identification.	
$\frac{1}{\sqrt{2}} \sum_{i=1}^{N} \frac{1}{\sqrt{2}} \sum_{i=1}^{$	Exp. Date: 12-27-2019 Commission Number: 689047
V R HERNANDEZ	Signature of Notary Public: VMemander
My Commission Expires December 27, 2019	Printed name of Notary Public: Valerie Herhandez

\*Please include additional pages for multiple property owners.

\*\*Notes:

If the applicant is a corporation, then it is executed by the corp. pres. or v. pres, sec, tres, or a director, .

If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should be signed by the Company's "Managing Member."

If the applicant is a partnership, then a partner can sign on behalf of the partnership.

If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.

If the applicant is a trust, then they must include their title of "trustee."

authorized representative or property owner's initials

Please be advised that Av	alon Engineering, Inc.
(/	<i>Jame of Authorized Representative(s</i> ) and business entity, if any)
is authorized to submit an applic Planning Agency, Board of Zoning	ation and represent me in the hearing(s) to the Planning & Zoning Commission/Local g Adjustments and Appeals and /or City Council for a Planned Development Project.
Unit 70 Block 474	8 thru 15 Lot + 42-47 Subdivision Cape Coral
Or Legal Description: X (de	scribed as an exhibit A in Microsoft Word format and attached hereto)
*	
** Name of Entity (Corporation, Pa	artnership, LLC, etc) Title of Signatory
Query Faliar	Name (Please print or type)
Signature	Name (Please print or type)
STATE OF <u>JL</u> , COUNT	Y OF
Sworn to (or affirmed) and subscr	ibed before me this day of, 20 <u>16</u> , by
	who is personally known or produced
as identification.	
	Exp. Date: 12-27-2019Commission Number: 489047
STAMV BIHEBNANDEZ OFFICIAL SEAL Notary Public, State of Illinois My Commission Expires December 27, 2019	Signature of Notary Public: Villevie Hernandez

\*Please include additional pages for multiple property owners.

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authorized representative or property owner's initials

Please be advised that A	valon Engineering, Inc.			
(	Name of Authorized Representative(s) and business entity, if any)			
	ation and represent me in the hearing(s) to the Planning & Zoning Commission/Local g Adjustments and Appeals and /or City Council for a Planned Development Project.			
Unit 70 Block 474	5 Lot + 42-47 Subdivision Cape Coral			
Or Legal Description: X (de	escribed as an exhibit A in Microsoft Word format and attached hereto)			
*				
** Name of Entity (Corporation, P	artnership, LLC, etc) Title of Signatory			
Signature	uchini CATTLEEN MARCHORI			
Signature	Name (Please print or type)			
STATE OF <u>IL</u> , COUN	(SIGNATURE MUST BE NOTARIZED)			
Sworn to (or affirmed) and subscribed before me this <u>17</u> day of <u>0cfuber</u> , 20 <u>16</u> , by who is personally known or produced				
as identification.				
a Star of the well as a star of the set Star of St	Exp. Date: <u>12-27-2019</u> Commission Number: <u>689047</u>			
V R HERNANDEZ STAIOFRICIAL SEAL Notary Public, State of Illinois My Commission Expires December 27, 2019	Signature of Notary Public: VICAeuandez Printed name of Notary Public: Valerce Hernandez			

\*Please include additional pages for multiple property owners.

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authorized representative or property owner's initials

Please be advised that	Avalon Engineering,	Inc.			
	(Name of Authoriz	ed Represe	entative(s) and b	ousiness entity, if any)	
				the Planning & Zoning Commission/Local uncil for a Planned Development Project.	
Unit 70 Block	4745 Lot	8 thru 15 + 42-47	Subdivision	Cape Coral	
Or Legal Description: X	(described as an exh	nibit A in N	licrosoft Word f	ormat and attached hereto)	
* ** Name of Entity (Corporation	· Dantagashin U.C. ata		Title of Signato	NP17	
		.)	× -		
Maria Marine			·	MAUNE	
Signature			Name (Please print or type)		
STATE OF JL, CO		and approximately service the s	ST BE NOTARIZE	D)	
Sworn to (or affirmed) and sul	bscribed before me t who is personally			20 <u>//</u> , by	
as identification.					
V R HERNANDEZ OFFICIAL SEAL NotaryiPublic, State of II My Commission Exp December 27, 201	llinois Dires Signature of No	tary Public		Number: 489047 Malemanda Valerie Hermandez	

\*Please include additional pages for multiple property owners.

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authorized representative or property owner's initials

# PDP Applicant Checklist

Project Name: A1 Shelters Self Storage

Applicant must submit the completed application and the associated documentation listed below, collated into 17 separate packets (one (1) original and 16 copies). These are minimum requirements for all PDP applications. Based on the nature of your project, additional items may be required by staff.

## Incomplete submittals will not be accepted

- \_\_\_\_\_ All application pages must be initialed by the property owner or their authorized representative
- 24" x 36" engineered PDP Development Plans, including landscape buffer areas and building elevations See pages 7 10 for further information
- Certified Boundary Surveys, in NGVD 1929, completed within the last six (6) months showing elevations See page 7 for further information
- PDP application fees paid in full at time of application See page 11 for further information
- \_\_\_\_\_ Letter of Intent (LOI) See page 6 for further instructions
- \_\_\_\_\_ Environmental Survey/Report See page 7 for further instructions
- Warranty or Quit Claim Deed Applicant shall provide a copy of Warranty or Quit Claim Deed for one hundred (100) percent of the property comprising the Planned Development Project.
- \_\_\_\_\_ Vacation of Plat requests must include letter of "No Objection" from the electric company, the telephone company, and the cable company See page 9 for further instructions
- Page 1 must be signed and notarized by either all property owner(s) or the authorized agent
- \_\_\_\_\_ The *"Authorization to Represent Property Owners"*, page of the application, must be signed by all property owner(s) and notarized
- Properties owned by corporations, limited liability companies, limited partnerships, general partnerships, and trustees must provide legal documentation (For example, the Articles of Incorporation) listing persons authorized to sign for the entity and in these situations the property owner(s) must sign all applicable PDP forms in their corporate capacity.

### As an alternative to submitting everything in paper format, the applicant may opt to submit the following:

- X 11 sets of plans, in paper format, as described above
- X 11 signed and sealed Boundary Surveys, in paper format, as described above
- X One (1) copy of the application & all other documents you are submitting for review
- X 1 CD/DVD with PDFs of documents you are submitting:
  - Each document you are submitting needs to be a separate PDF, appropriately identified by name. For example, the application will be one PDF, titled "Application", the Letter of Intent will be another PDF, titled "Letter of Intent", plans, boundary surveys, etc.

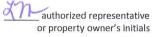
authorized representative or property owner's initials

# **PROPERTY and PROJECT DEVELOPMENT DATA**

a. b. c.	Zoning District Future Land Use Class Area of Subject Property	P-1 CP 4.62 acres	
d.	Type of Development	Commercial	
e.	Estimated Number of Employees	N/A	
	Number of Seats in Assembly	N/A	
f.	Parking Spaces Required	8	
g.	Parking Spaces Provided	9 w/1 HC	
h.	Parking and Street Area	<u>58,455</u> sq. ft	<sup>29</sup> % of Site
i.	Ground Floor Building Area	<u>78,300</u> sq. ft	39 % of Site 5 Buildings
j.	Total Floor Area	<u>78,300</u> sq. ft	<u>39</u> % of Site + 2 Towers 225 sq.ft. ea. + 450 sq. ft.
k.	Building Heights	9' <u>4" to 26'</u> feet	stories
I.	Total Proposed Impervious Surface Area	sq. ft. <u>136,330</u>	% of Site <u>68</u>
m.	Permanent Open Space	sq. ft. <u>64,692</u>	% of Site <u>32</u>
	Landscaped Area	64,692 sq. ft.	% of Site <u>32</u>
n.	Recreation Area	<u>N/A</u> sq. ft.	% of Site

If the proposed project is a multifamily residential development, the following additional data shall be shown on the plans. NOT APPLICABLE

Num	ber of Dwelling Units (du)		
Gros	s Density (du/acres)		
Num	ber, Type, and Floor Area	of each Dwelling Unit:	
1.	Efficiency	Floor Area	sq. ft
2.	1 Bedroom	Floor Area	sq. ft
3.	2 Bedroom	Floor Area	sq. ft
4.	3 Bedroom	Floor Area	sq. ft
5.	4 Bedroom	Floor Area	sq. ft



о. p. q.

### LETTER OF INTENT

Please include a Letter of intent (LOI), stipulating your request, addressed to the Community Development Director. This letter must specify all applicable requests. Such requests may include any and/or all of the following:

- a. General purpose and intent of the PDP
- b. Subdivision requests See Article 4.1 and 4.2.5
- c. Rezoning requests specifying the actual request and explanation of need for the rezoning
- d. Special exception requests and explanation of need for the special exception
- e. Variance requests specifying the actual request and explanation of need. All variance requests must address the five (5) criteria for the granting the a variance, per Land Use and Development Regulations, section 8.10. Note: Variances run with the land.
- f. Vacation of Plat as outlined in section 8.11 and explanation of vacation request
- g. Borrow pit requests as outlined in section 3.23, 4.2.5, and 8.3.2

# **DEVIATION REQUEST LETTER(S)**

Applicant must complete a separate deviation request letter for each deviation type requested. Please ensure that proper justification for the requested deviation accompanies each request. Staff will not analyze any requested deviation that does not include justification for the deviation sought and this may result in a rejection of your application. Refer to the appropriate section of the LUDRs for guidance on the criteria for which a particular deviation may be sought. Note: Deviations do not run with the land.

- Landscaping Deviations shall be in accordance with Section 5.2.19
- Non-residential Design Standards Deviations shall be in accordance with Section 5.6.10 Deviation,
- Engineering Design Standards (EDS) Deviations in accordance with sheet 1, "Foreword" paragraph 5,
- All Other Deviation Requests, shall be in accordance with Section 4.2.4.K

## TRAFFIC GENERATION ESTIMATE

### SEE ATTACHED TRAFFIC GENERATION STATEMENT

The following will determine the need of a Traffic Impact Statement. Trip Generation Estimate, based on the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation manual:

ITE Code	Is estimate based on locally collected data?			
Regression equation (if used)				
Independent Variable				
Daily Two Way Trip Estimate				
Peak Hour (of generator) Entering				
Peak Hour (of generator) Exiting				
Total Peak Hour (of generator)				
Peak Hour Entering and Exiting trips great	er than 300 trips			

If the total peak hour traffic exceeds 300 trips, a Traffic Impact Statement (TIS) will be required. A methodology meeting with the City staff is required prior to submitting the TIS. The methodology meeting will be scheduled after the initial submittal of the PDP application.

### **GRAPHIC STANDARDS: GENERAL INFORMATION**

Sheet # of<br/>submittedThe Development Plan shall be of sufficient scale to show all detail. The scale of the Plan shall be<br/>illustrated by a graphic scale on every sheet. The date and true north arrow shall be shown on every<br/>sheet. The following general information is required:

 Names and addresses of the owners, planner, architect, landscape architect Engineer and surveyor.

A General Location and Vicinity Map (plat sheet). Please indicate the relationship of the proposed project site to surrounding existing land uses, zonings, future land uses, community facilities, major streets, utilities and any other principal buildings or physical features in and adjoining the subject property. These features shall be indicated for a distance of three hundred (300) feet from the outside boundaries of the subject property. Indicate all names and locations of adjoining subdivisions, development projects, unplatted properties, and streets within unincorporated Lee County.

Survey 3. Certified Boundary Survey, completed within the last 6 months, meeting the Minimum Technical Standards as set forth in Chapter 5J-17, Florida Administrative Code.

### **EXISTING PROPERTY CONDITIONS**

Sheet # of submitted plans:		
	1.	Acreage of land within property.
Survey	2.	Boundary lines of the project and their bearings and distances.
Survey	3.	Existing and proposed easements and their locations, widths and distance, as well as existing structures.
	4.	Streets and waterways on and adjacent to the project, their names, widths and other dimensions as may be required.
5  See Environment	5. al	The location of all existing utilities connections available to the property site.
Survey	6.	Tree Survey: The location, quantity, diameter/caliper, botanical and common name, and native status of all heritage trees and other existing trees with a caliper of two inches or greater, and whether they are proposed to be preserved or removed. Trees to be removed, if any, shall be indicated on a separate sheet. Reference 5.2.6 of the City's Land Development Regulations. The City is a designated "Tree City" and tree retention is encouraged.
See Environment	tal	
Survey	7.	Environmental Site Survey - see the City's guidelines for conducting an environmental survey
Survey	8.	Flood elevation data and flood zone boundary lines delineated, if applicable.
	9.	Any other significant existing features, as may be required by the Director.

### **DEVELOPMENT PLANS**

Sheet # of<br/>submitted<br/>plans:The Development Plan should be viewed as a conceptual plan and not construction drawings or a site<br/>plan. A high level detailed site plan with information not needed will be rejected at submittal. The<br/>Development Plan shall show the following information, as applicable to the type of project being<br/>proposed, including the proposed dimensions, size, location and arrangement of the following.

All	1.	Name of project, north arrow, date and scale.
E <u>levation</u> s Landscape	2.	Elevations, (drawing of front, sides, and rear faces of buildings), and use of all proposed buildings and structures.
Plans	3.	Internal and peripheral landscaping locations showing landscape area sizes and overall dimensions of the various planting areas, providing calculations per Article 5.2.
3	4.	Approximate location of curb cuts, driveways, access roads, alleys, and parking areas indicating the number of spaces and all dimensions.
3	5.	Location of existing and proposed pedestrian walks, malls, yards, and open areas.
3	6.	Location, number, dimensions, character and orientation of all existing and proposed signs.
3	7.	Location and heights of all proposed buffers, fences, screens, and walls.
3	8.	Location of all existing and proposed buildings and structures with setback distances from the property lines and roadways.
5	9.	<ul> <li>Location of all known existing and proposed water, sewer and irrigation mains including the point of connection to the existing system and buildings, if applicable, including: <ul> <li>a) Estimate of the average daily flow for potable water.</li> <li>b) Estimate of the average daily flow of wastewater</li> <li>c) Estimate of the average daily flow for irrigation water.</li> </ul> </li> </ul>
3 & Survey	10.	Location of all known existing and proposed easements and /or right of way.
Photometric Plan Exhibit	11.	Location of proposed outdoor lighting, showing direction, height and type.
Provided		An exhibit providing the peak hour trip distribution at the project entrance and adjacent local streets out to a collector.
N/A Curbside Pick Up		Location and character of all outside waste disposal facilities and existing or proposed appropriate screening.
N/A	14.	Phasing Plan: Where a project will be developed in phases, a Phasing Plan shall be presented for review of the entire project. Proposed development phases shall be numbered in sequence, and shall indicate the density for residential and/or floor area for non-residential uses, as applicable, for each phase. The phasing plan shall identify size location, sequence and timing of the various

phases of the development.

for each phase. The phasing plan shall identify size, location, sequence and timing of the various

# ADDITIONAL INFORMATION

#### Sheet # of submitted plans:

#### Provided 1. Landscape Maintenance:

The proposed method of assuring the provision and permanent maintenance of areas required for landscaping, screening, and common uses, including a proposed statement of such assurance. The coordinated development of the site shall be compatible with the surrounding area.

# Provided 2. Maintenance Assurance:

The proposed method of assuring the perpetual ownership and maintenance of areas within the project that area to be used for open space, recreation or other quasi-public purposes, including a detailed statement of such assurance, including covenants, agreements or other specific documents as required.

### N/A 3. If seeking Subdivision approval; Covenants:

Copies of proposed restriction or protective covenants, if any.

### Provided 4. Economics:

The Commission or City Council, as applicable, may also require that the applicant provide additional supporting data, such as economic justification, financing, and construction scheduling, topographic data or similar information when deemed necessary for project review.

### N/A 5. Vacation of Plat

In the case of vacation of plats submitted in conjunction with a PDP, the following additional information shall be required:

- Affidavits of city and county tax collectors stating that all city and county taxes levied against land covered by the portion of the plat of which vacation is sought have been paid;
- b. Sketches and descriptions; and
- c. Letter of no objection from the following utilities:
  - i. Lee County Electric Cooperative, Inc (LCEC)
  - ii. Century Link Telephone Company
  - iii. Comcast Cable Company

authorized representative or property owner's initials

#### NOT APPLICABLE

# SUBDIVISION, PER FLORIDA STATUTES, CHAPTER 177 – IF APPLICABLE

Sheet # of submitted plans

The Subdivision Plan shall show the following information, as applicable to the type of project being
 proposed, including the proposed dimensions, size, location and arrangement of the following with
 accurate dimensions to the nearest one-hundredth of a foot. If flexibility is requested for property lines
 prior to Plat recording, this request must be requested in the Letter of Intent (LOI).

- 1. Contours at an interval of not greater than one foot.
- 2. Access roads and their relationship to existing and proposed streets, alleys and other public ways.
- Setback lines, permanent open space, recreation areas, separation strips, existing and proposed landscape areas and general land use activity areas.
  - 4. Location of areas and their acreages, if any, to be reserved or dedicated for public parks, playgrounds, schools, or other public uses, including bikeways or walks.
  - 5. Proposed lot numbers, lot lines, lot dimensions, lot areas, lot descriptions, lot locations, minimum yard requirements, and any other appropriate data and information for areas or parcels within the project property lines which have been designated for subdivision for any purpose or use.
    - 6. Utility locations on and adjacent to the project showing proposed dimensions and connections to existing utility systems.
  - 7. All dimensions, angles, bearings and similar data on the plan shall be tied to primary control points approved by the City Engineer. The location and description of said control points shall be given.
  - 8. Approximate location of proposed and existing surface water management system components including treatment, storage, conveyance, and discharge locations.
  - 9. Project boundary lines, right-of-way lines of streets, waterways, easements and other rights-of-way. Bearings or deflection angles, radii, arcs and central angles of all curves with dimensions to the nearest minute shall be provided for the center line of all streets and easements. Block corner radii dimensions shall also be shown.
  - 10. Name of each street, waterway, easement or other right-of-way and the designation of all buildings, parking areas, access roads, permanent open spaces, recreation areas, separation strips, landscaped areas, dedication or reserved areas, and other land use activity areas by name, use, purpose or other appropriate method as well as by width, length, land area or floor area devoted to such use or purpose.
  - 11. Certification of title and dedication, on plat, showing that the applicant is the owner and a statement by such owner dedicating streets, rights-of-way and any other sites for public use, if any.
  - 12. Certification by the City Engineer, on plat, that a surety bond, certified check or other guarantee has been posted with the City in sufficient amount to assure completion of all such required site improvements.
  - 13. Certificate of approval for recording, on plat, suitable to be signed by the Mayor as applicable, to indicate that the plan has been approved for recording.
  - 14. Any other appropriate certification required by the Governing Body or Necessary to comply with Florida Statutes, Chapter 177.

# Planned Development Project (PDP) Application Fees $^{*}$

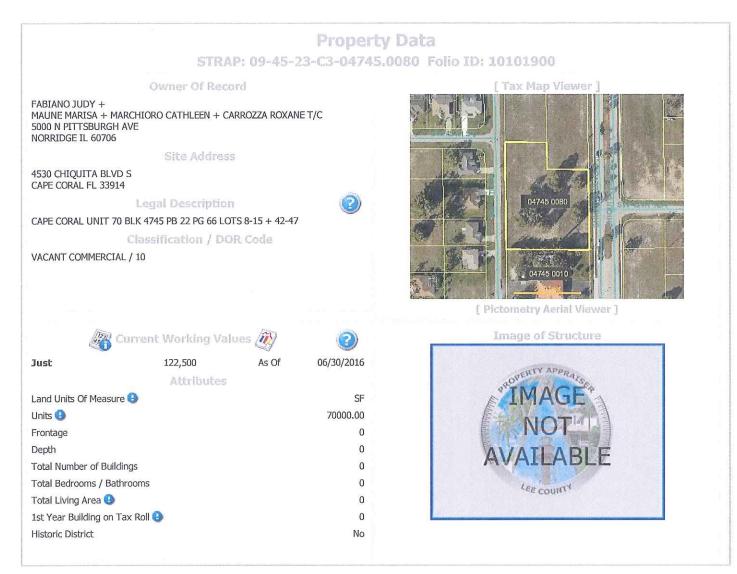
	Administrative Review	Fees	Your Costs
X	PDP - without Subdivision	\$2,525.00	\$2,525.00
	** Additional charge for PDP's in excess of ten (10) acres:	(with maximum cap	
	acres x \$55.00 for each acre or portion thereof in excess of 10 acres.	of \$3,625.00 for additional acres)	\$
	PDP - with Subdivision	\$2,815.00	\$
	** Additional charge for PDP's in excess of ten (10) acres:	(with maximum cap	
	acres x \$55.00 for each acre or portion thereof in excess of	of <b>\$3,915.00</b> for	6
	10 acres.	additional acres)	\$
	ant as t		1
	Fire Review		
		¢104.00	\$ 104.00
X	Fire review (mandatory)	\$104.00	Ş 104.00
	Public Hearing	· ·	1
X	PDP - without Subdivision	\$665.00	\$ 665.00
	PDP - with Subdivision	\$1,415.00	\$
X	Zoning Amendment within PDP	\$1,165.00	\$1,165.00
	Vacation of Plat within PDP	\$880.00	\$
X	Variance/Deviation within PDP	\$1,250.00	\$ 1,250.00
X	Special Exception within PDP	\$1,365.00	\$1,365.00
	Borrow Pit within PDP	\$1,725.00	\$
		Total	\$7,074.00

\* Advertising fees will be due at time of advertising.

\*\* PDP – Acres x \$55.00 for each acre or portion thereof in excess of 10 acres (i.e. A 20.2 acre of land is calculated as follows.

20.2 - 10.00 = 10.2, then the 10.2 acres is rounded up to 11 acres)

authorized representative or property owner's initials



Tax Year	Just	Market Assessed	Capped Assessed	Taxable
1992	11,530	11,530	11,530	11,530
1993	12,540	12,540	12,540	12,540
1994	9,410	9,410	9,410	9,410
1995	19,600	19,600	19,600	19,600
1996	19,600	19,600	19,600	19,600
1997	19,600	19,600	19,600	19,600
1998	19,600	19,600	19,600	19,600
1999	16,150	16,150	16,150	16,150
2000	16,150	16,150	16,150	16,150
2001.	16,150	16,150	16,150	16,150
2002	16,150	16,150	16,150	16,150
2003	100,820	100,820	100,820	100,820
2004	150,450	150,450	150,450	150,450
2005	432,880	432,880	432,880	432,880
2006	739,200	739,200	739,200	739,200
2007	665,280	665,280	665,280	665,280
2008	595,000	595,000	595,000	595,000
2009	350,000	350,000	350,000	350,000
2010	98,000	98,000	98,000	98,000
2011	70,000	70,000	70,000	70,000
2012	70,000	70,000	70,000	70,000
2013	70,000	70,000	70,000	70,000
2014	70,000	70,000	70,000	70,000
2015	70,000	· 70,000	70,000	70,000
2016	122,500	122,500	77,000	77,000

## **Property Value History**

The Just value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to Fair Market Value we produce and is dated as of January 1st of the tax year in question (F.A.C. 12D-1.002).



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Tax Year	Just	Market Assessed	Capped Assessed	Taxable
1992	17,290	17,290	17,290	17,29
1993	18,820	18,820	18,820	18,82
1994	14,110	14,110	14,110	14,11
1995	29,400	29,400	29,400	29,40
1996	29,400	29,400	29,400	29,40
1997	29,400	29,400	29,400	29,40
1998	29,400	29,400	29,400	29,40
1999	24,230	24,230	24,230	24,23
2000	24,230	24,230	24,230	24,23
2001	24,230	24,230	24,230	24,23
2002	24,230	24,230	24,230	24,23
2003	25,870	25,870	25,870	25,87
2004	63,090	63,090	63,090	63,09
2005	185,520	185,520	185,520	185,52
2006	316,800	316,800	316,800	316,80
2007	285,120	285,120	285,120	285,12
2008	217,500	217,500	217,500	217,50
2009	105,000	105,000	105,000	105,00
2010	37,500	37,500	37,500	37,50
2011	30,000	30,000	30,000	30,00
2012	22,500	22,500	22,500	22,50
2013	22,500	22,500	22,500	22,50
2014	22,500	22,500	22,500	22,50
2015	22,500	22,500	22,500	22,50
2016	45,000	45,000	24,750	24,75

The Just value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to Fair Market Value we produce and is dated as of January 1st of the tax year in question (<u>F.A.C. 12D-1.002</u>).

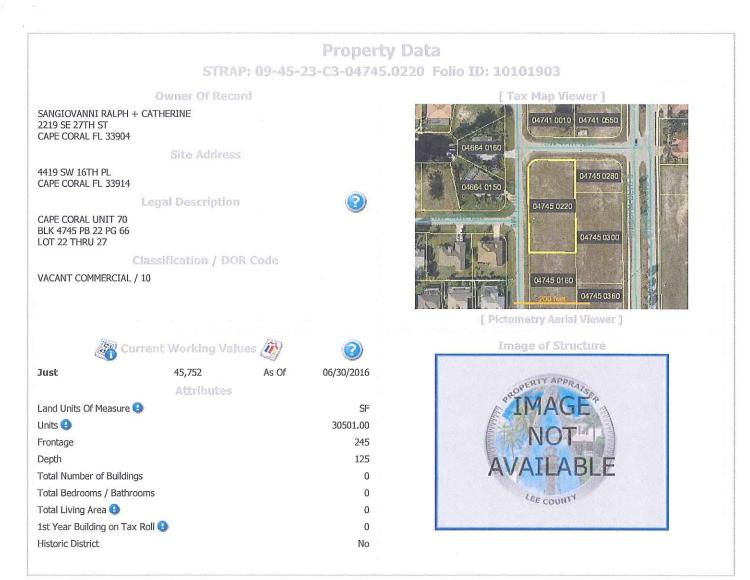
			Property	Data
	STRA	P: 09-45-	23-C3-04745.0	300 Folio ID: 10101905
	Owner Of Rec	ord		[ Tax Map Viewer ]
SANGIOVANNI RALP 2219 SE 27TH ST CAPE CORAL FL 3390				03326 0170 04745 0280 03326 0150
	Site Addres	9		
4422 CHIQUITA BLVI CAPE CORAL FL 3391				04745 0220
	Legal Description	1	(2)	04745 0300
CAPE CORAL UNIT 70 BLK 4745 PB 22 PG 6 LOTS 30 THRU 35			Ŭ	03926 0010
	Classification / DC	R Code		04745 0160
VACANT COMMERCIA	AL / 10			04745 0360
				200 rest
				[ Pictometry Aerial Viewer ]
1793		1273		[ Pictometry Aerial Viewer ]
	Current Working Val	ues 颜		[ Pictometry Aerial Viewer ] Image of Structure
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Just	60,000 Attributes	4		Image of Structure
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Just Land Units Of Measur Units ()	60,000 Attributes	4	SF 30000.00	Image of Structure
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Just Land Units Of Measur Units () Frontage Depth	60,000 Attributes	4	SF 30000.00 240 125	Image of Structure
Just Land Units Of Measur Units () Frontage Depth Total Number of Build	60,000 Attributes	4	SF 30000.00 240 125 0	Image of Structure
Just Land Units Of Measur Units Frontage Depth Total Number of Build Total Bedrooms / Bat	60,000 Attributes	4	SF 30000.00 240 125 0 0	Image of Structure
Just Land Units Of Measur Units () Frontage Depth	60,000 Attributes re 3 dings throoms	4	SF 30000.00 240 125 0	Image of Structure

	Property val				
Tax Year	Just	Market Assessed			
1992	17,290	17,290			
1993	18,820	18,820			
1994	14,110	14,110			
1995	29,400	29,400			
1996	29,400	29,400			
1997	29 400	29 400			

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Tax Year	Just	Market Assessed	Capped Assessed	Taxable
1992	17,290	17,290	17,290	17,290
1993	18,820	18,820	18,820	18,820
1994	14,110	14,110	14,110	14,110
1995	29,400	29,400	29,400	29,400
1996	29,400	29,400	29,400	29,400
1997	29,400	29,400	29,400	29,400
1998	29,400	29,400	29,400	29,400
1999	29,400	29,400	29,400	29,400
2000	29,400	29,400	29,400	29,400
2001	29,400	29,400	29,400	29,400
2002	66,330	66,330	66,330	66,330
2003	66,330	66,330	66,330	66,330
2004	66,330	66,330	66,330	66,330
2005	185,520	185,520	185,520	185,520
2006	316,800	316,800	316,800	316,800
2007	285,120	285,120	285,120	285,120
2008	255,000	255,000	255,000	255,000
2009	150,000	150,000	150,000	150,000
2010	42,000	42,000	42,000	42,000
2011	30,000	30,000	30,000	30,000
2012	30,000	30,000	30,000	30,000
2013	30,000	30,000	30,000	30,000
2014	30,000	30,000	30,000	30,000
2015	30,000	30,000	30,000	30,000
2016	60,000	60,000	33,000	33,000

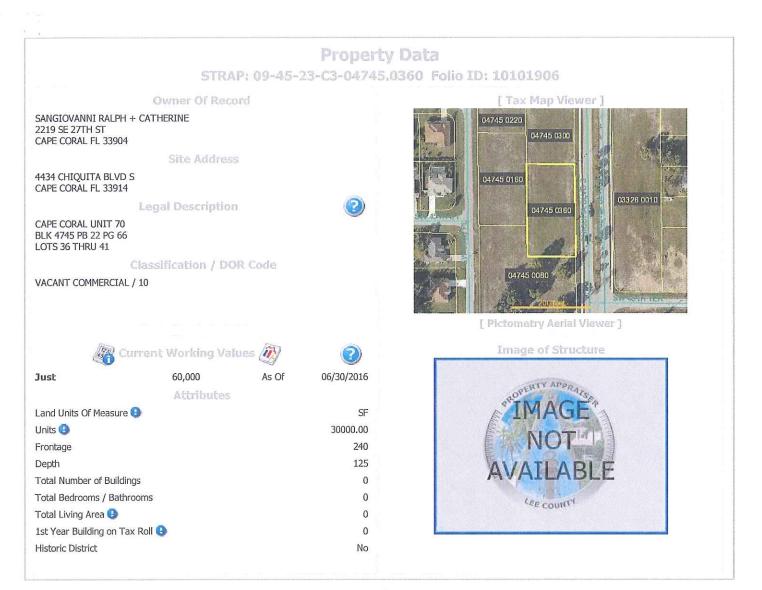
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PTO	perty	value	e History
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Tax Year	Just	Market Assessed	Capped Assessed	Taxable
1992	17,650	17,650	17,650	17,650
1993	19,210	19,210	19,210	19,210
1994	14,410	14,410	14,410	14,410
1995	30,010	30,010	30,010	30,010
1996	30,010	30,010	30,010	30,010
1997	30,010	30,010	30,010	30,010
1998	30,010	30,010	30,010	30,010
1999	24,730	24,730	24,730	24,730
2000	24,730	24,730	24,730	24,730
2001	24,730	24,730	24,730	24,730
2002	24,730	24,730	24,730	24,730
2003	26,410	26,410	26,410	26,410
2004	64,410	64,410	64,410	64,410
2005	185,520	185,520	185,520	185,520
2006	316,800	316,800	316,800	316,800
2007	285,120	285,120	285,120	285,120
2008	221,130	221,130	221,130	221,130
2009	106,750	106,750	106,750	106,750
2010	38,126	38,126	38,126	38,126
2011	30,501	30,501	30,501	30,501
2012	22,876	22,876	22,876	22,876
2013	22,876	22,876	22,876	22,876
2014	22,876	22,876	22,876	22,876
2015	22,876	22,876	22,876	22,876
2016	45,752	45,752	25,164	25,164

The Just value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to Fair Market Value we produce and is dated as of January 1st of the tax year in question (F.A.C. 12D-1.002).



Tax Year	Just	Market Assessed	Capped Assessed	Taxable
1992	17,290	17,290	17,290	17,290
1993	18,820	18,820	18,820	18,820
1994	14,110	14,110	14,110	14,110
1995	29,400	29,400	29,400	29,400
1996	29,400	29,400	29,400	29,400
1997	29,400	29,400	29,400	29,400
1998	29,400	29,400	29,400	29,400
1999	29,400	29,400	29,400	29,400
2000	29,400	29,400	29,400	29,400
2001	29,400	29,400	29,400	29,400
2002	66,330	66,330	66,330	66,330
2003	66,330	66,330	66,330	66,330
2004	66,330	66,330	66,330	66,330
2005	185,520	185,520	185,520	185,520
2006	316,800	316,800	316,800	316,800
2007	285,120	285,120	285,120	285,120
2008	255,000	255,000	255,000	255,000
2009	150,000	150,000	150,000	150,000
2010	42,000	42,000	42,000	42,000
2011	30,000	30,000	30,000	30,000
2012	30,000	30,000	30,000	30,000
2013	30,000	30,000	30,000	30,000
2014	30,000	30,000	30,000	30,000
2015	30,000	30,000	30,000	30,000
2016	60,000	60,000	33,000	33,000

The Just value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to Fair Market Value we produce and is dated as of January 1st of the tax year in question (F.A.C. 12D-1.002).



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Tax Year	Just	Market Assessed	Capped Assessed	Taxable
1992	6,120	6,120	6,120	6,1
1993	6,660	6,660	6,660	6,6
1994	5,000	5,000	5,000	5,0
1995	10,410	10,410	10,410	10,4
1996	10,410	10,410	10,410	10,4
1997	10,410	10,410	10,410	10,4
1998	10,410	10,410	10,410	10,4
1999	10,410	10,410	10,410	10,4
2000	10,410	10,410	10,410	10,4
2001	10,410	10,410	10,410	10,4
2002	23,490	23,490	23,490	23,4
2003	23,490	23,490	23,490	23.4

23,490

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2005 2006

2007

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2010 2011

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2015

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# **Property Value History**

23,490

61,840

105,600

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89,260

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The Just value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to Fair Market Value we produce and is dated as of January 1st of the tax year in question (F.A.C. 12D-1.002).



**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

November 15, 2016 Revised April 25, 2017

Mr. Vince Cautero, Director Department of Community Development City of Cape Coral 1015 Cultural Park Boulevard Cape Coral, Florida 33990

# PROJECT: A1 SHELTERS SELF STORAGE NEIGHBORHOOD STORAGE FACILITY BLOCK 4745 LOTS 8-47

# SUBJECT: PLANNED DEVELOPMENT PROJECT (PDP) LETTER OF INTENT

Dear Mr. Cautero:

On behalf of the property owners, Ralph & Catherine Sangiovanni, Judy Fabino, Marisa Maune, Cathleen Marchioro, and Roxanne Carrozza, and the developers of this project, Kirby Family Limited Partnership 3, we respectfully request approval of a Commercial PDP for a Neighborhood Storage Facility on Chiquita Blvd South within Block 4745.

The subject property is located on Chiquita Blvd South, between SE 44th Street to the north, SW 16th Place to the west, and a Fire Station to the south. The site is approx 4.6 acres and consists of six parcels: Strap # 09-45-23-C3-04745.0080, 09-45-23-C3-04745.0160, 09-45-23-C3-04745.0220,09-45-23-C3-04745.0280,09-45-23-C3-04745.0300,and09-45-23-C3-04745.0360.

The PDP will include a Zoning Map Amendment from P-1 to C-1, a Special Exception for a Neighborhood Storage Facility within a C-1 Zoning District, deviations to the City of Cape Coral Land Use and Development Regulations (Non-Residential Design Standards and Landscaping Regulations), and Master Development Plan approval.

The specific requests within this PDP are as follows:

# Zoning Map Amendment from P-1 to C-1

The applicant requests approval to amend the City of Cape Coral's Zoning Map for Lots 8-47, Block 4745, from P-1 (Professional Office) to C-1 (Pedestrian Commercial). The legal description and sketch is provided as Exhibit A.

As required by Section 8.7.3.A and 8.7.3.B of the City's Land Use and Development Regulations, the Zoning Map Amendment requested within this PDP is consistent with the City of Cape Coral's Comprehensive Plan for the Policies listed and these General Standards:

# Comprehensive Plan Consistencies:

The City of Cape Coral's Commercial Professional Land Use specifics a variety of commercial and professional zoning categories which when applied to parcels with this Land Use are determined to be consistent with the City's Comprehensive Plan - Future Land Use Element Policy 1.15.c.

## C-1 is a compatible zoning to the Commercial Professional (CP) Land Use.

Policy 1.2.17: The City shall require, as a condition of approval for Planned Development Projects and Site Plan Reviews, a protected species survey, which reflects the current conditions (at the time of the review) on the development site.

A Protected Species Survey was prepared for this site. No protected species were found.

Policy 4.1.3: Development review for projects within the coastal high hazard area shall consider significant impacts upon evacuation routes and sheltering, and shall require appropriate mitigation, if deemed necessary.

The site consists of 4.6 acres and could be developed with a variety of uses, including a medical clinic, contractor-builder office, general office building or complex of smaller office buildings, which would generate double to three times the amount of traffic proposed by the Neighborhood Storage Use and which would employ more staff. The proposed use provides less of an evacuation impact than other professional uses and would not impact evacuation sheltering.

Policy 4.3.6: Within the coastal high-hazard area, the City shall prohibit new mobile home planned development projects (MHPDPs), private package treatment plants, and industrial development.

# The proposed development is a low intensity commercial use and not one of the prohibited uses specified in this Policy.

Policy 1.16: Land development regulations, whether adopted or revised subsequent to the adoption of this plan, will address the location and extent of both residential and nonresidential land uses in accordance with the Future Land Use Map and the policies and description of types, sizes, densities, and intensities of land use contained in the "Future Land Use Map" section of this Element.

The Land Use for this site was amended from Single Family / Multi-family by PDP (SM) to Commercial Professional (CP) in 2002 by Ordinance 45-02 when the City extended the Utilities to this area. The City has specified this site for commercial development.

Policy 1.17: Land development regulations, whether adopted or revised subsequent to the adoption of this plan, will address buffering and open space requirements, and will protect existing residential land uses from incompatible land uses.

Landscape buffering is required on three sides of the project (the north, west, and southern property lines). Additional green space and plantings are provided along these property lines.

Policy 7.10: The City shall discourage illogical and inefficient leapfrog development, by encouraging and directing development to areas adjacent to section of the City served by existing centralized utilities, and that the extension of centralized utilities will abide by Policy 1.1.6 of the Infrastructure Element.

The site is within the Urban Service Transition Area and has access to centralized utilities.

Policy 8.3: Commercial developments shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses.

The design should ensure adequate screening of unsightly views of commercial developments (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas and exterior storage) through the extensive use of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and/or building orientation.

Special attention was made in the design of this site to properly screen all unloading and loading processes of this development from the adjacent neighborhoods. All mechanical equipment is located inside the buildings. The parking lot is located along Chiquita Blvd and not off either of the two side streets. Wider landscape areas and a taller wall has been provided along the northern, western and southern property lines to properly screen the facility from the residential blocks adjacent to this development.

Ensure that the placement of any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment and dumpster collections are designed to minimize any adverse noise effects.

There is only one entrance into the facility with the access provided on Chiquita Blvd. The air conditioning equipment is proposed within the buildings, not outside and no rooftop equipment is being considered. The project is not proposing a dumpster. Trash pick-up will be curbside.

Traffic and parking should not adversely affect neighborhood quality.

Access into the facility will not be from a local street within the neighborhood. No entrance to the facility will be provided from the local street. A secondary access point is being considered for future installation. This second access point would be utilized to allow for a vehicle to exist the facility only, and only in certain situations.

# General Standards:

1. The extent to which the value of the property is diminished by the proposed zoning of the property;

The zoning amendment is being requested specifically for a Neighborhood Storage Facility, as such, the zoning amendment will increase the value of the property being developed by permitting the proposed use. The proposed zoning will support the highest and best use of the subject property.

2. The extent to which the change in zoning depreciates the value of other property in the area;

The proposed zoning amendment will have little effect on the value of the surrounding parcels as the proposed use Neighborhood Storage Facility is not an intrusive commercial use. The entire facility will be screen from the surrounding community.

3. The suitability of the property for the zoning being proposed on the property;

The subject parcel is suited for the proposed zoning due to the following reasons: The subject parcel is located on Chiquita Blvd and has 780 feet of street frontage on this collector roadway. The depth of the parcel is 250 feet and includes the entire width of the block. This project will: develop the remaining portion of the block as one project; does not provide for access into the facility from the local streets;, provides the proper screening of this use from the adjacent residential lots; is a low traffic generator; the entire storage area is screened from view; and the site is in close proximity (one block north of the intersection of Cape Coral Parkway and Chiquita Blvd. The Block to the south of the site is planned for commercial development as well as the Block to the east across Chiquita Blvd.

The City staff has continued to support commercial zoning district and commercial development in designated areas, along major arterials, in order to increase the amount of commercial uses provided within the City.

4. The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed zoning;

There is existing or proposed commercial development south and east of the subject parcel with residential lots (vacant or with existing homes) to the north and west of the site. Most parcels fronting Chiquita Blvd that are in close proximity to a major intersection, like this parcel have a commercial zoning and land use. All of these parcels front Chiquita Blvd and are separated from residential development by a 2lane street. The character of Chiquita Blvd is so that major intersections (Cape Coral Parkway, Mohawk Parkway, Gleason Parkway, Veterans Memorial Parkway, Trafalgar Parkway, and Pine Island Road) are planned for commercial development with multifamily and single family planned for blocks between the intersections.

5. The relative gain to the community as compared to the hardship, if any imposed, the rezoning of said property;

There will be a positive gain for the subject parcel and for the community. The proposed zoning will help promote a unified development on the remaining parcels within Block 4745 for a low intensity commercial use. The proposed development will utilize the existing city services, provide one access point into the site, and for the size of this development actually reduce the impact to City services and public facilities than if the parcels developed separately with office uses. This project will be a low water user (one administrative office), the buildings have fire protection, and this use is a low traffic generator.

6. The community need for the use proposed by the zoning;

The City of Cape Coral is deficient in commercial development and has determined the amount of commercial square foot necessary along Chiquita Blvd to serve the needs of the residential homes within the SW Section of Cape Coral. Even though the zoning amendment requested for the subject parcel does not actually increase the amount of commercial acreage in the City of Cape Coral, since the Land Use of the parcels are already designated as Commercial, it does provide a means to develop the parcels with a commercial use.

 Length of time the property proposed to be rezoned has been vacant, as zoned, when considered in the context of the City of Cape Coral Comprehensive Land Use Plan for the development of the proposed property and surrounding property;

The subject parcels were rezoned from RD (Residential Development) to (P-1) Professional Office in 2002. The parcel has remained vacant with this zoning since the zoning was amended. The Block to the south of the site, at the intersection of Cape Coral Parkway, is zoned C-1 and is mostly developed at this time.

8. The extent to which the proposed zoning promotes the health, safety, morals, or general welfare of this community;

The purpose of the Pedestrian Commercial Zoning (C-1) as stated in Section 2.7.7.A of the City of Cape Coral's Land Use and Development Regulations is to permit areas designed to encourage and facilitate a wide array of commercial activities as appropriate for the property's access characteristics and the presence of neighboring residential uses. The proposed use, a Neighborhood Storage Facility, designed to comply with the special regulations in Section 2.7.7.5. a-I, facilitates a commercial activity that is appropriate at the proposed location, and which protects the residential uses surrounding the parcel.

9. The extent to which the proposed zoning will impact the level of service standards for public facilities as specified in the Comprehensive Plan; and

The proposed zoning will not impact the level of service standards for public facilities. The proposed C-1 Zoning is for a Neighborhood Storage Facility use. This use is a low traffic generator and required less water usage than other commercial and professional uses. This development will utilize the existing city services within the area and for a development of this size will lower the impact to public facilities.

# Special Exception Approval

The applicant is requesting approval of a Special Exception for a Neighborhood Storage Facility within the City of Cape Coral's C-1 Zoning District. The proposed development complies with the following special regulations, as specified in Section 2.7.7.5 a-l:

No activity other than loading, unloading, and storage of goods is allowed from any storage unit.

# Will be a restriction within the lease agreement.

No business may be operated from any storage unit.

# Will be a restriction within the lease agreement.

No loading and unloading activity shall be performed so as to be visible from the public right-ofway.

The proposed development does not propose any loading or unloading areas along the front of the project including the three (3) property lines adjacent to the City Right-of-ways. All storage activity is within the facility screened from all right-of-ways.

No hazardous or dangerous materials shall be stored in a neighborhood storage facility.

Will be a restriction within the lease agreement.

A neighborhood storage facility shall be located on a site that is not less than three (3) acres in size.

# The site is 4.6 acres and consists only of this neighborhood storage facility.

No outdoor storage of any kind shall occur or be allowed on a premises containing a neighborhood storage facility.

# Outdoor storage is not proposed within this project. All storage is within a building.

All storage associated with a neighborhood storage facility shall be entirely confined within one or more enclosed buildings.

# The storage units are within the buildings only. There are no stand alone storage units or open areas for storage.

A neighborhood storage facility shall not be located in a metal building. The following exterior building materials shall not be used on any neighborhood storage facility exterior wall that is visible from adjoining property or from any public right-of-way: vinyl or plastic siding; corrugated, reflective or metal panels; smooth, scored, or split-faced block; any translucent material other than glass.

# The exterior building materials for this project will predominantly be concrete with stucco.

All heating, air conditioning or other mechanical equipment located on the premises of a neighborhood storage facility shall be shielded or screened so as to minimize the effects of such equipment on surrounding properties.

# All mechanical and air conditioning equipment is located inside of the buildings.

All outdoor lighting located on the premises of a neighborhood storage facility shall be not more than 15 feet in height when measured from the ground and shall be shielded so as to minimize the effects of such lighting on the surrounding properties.

# The project is proposing only building mounted lighting. A photometric plan with the proposed levels of candle footprints at the property line is provided.

The roof pitch of any newly-constructed neighborhood storage facility shall be not less than three feet vertical in 12 feet horizontal and not more than 12 feet vertical in twelve feet horizontal.

# The roof pitch will be 5 /12 (5 feet vertical in 12 feet horizontal).

Variations in roof lines shall be used to add interest and reduce massing of buildings. At intervals of no more than 50 linear feet, the roof line shall be varied by interrupting the roof line vertically or horizontally no less than two feet as measured at the roof ridge line.

# The facility will have variation in roof lines. Every 50 linear feet the roof line will change. The change will be no less than two feet. The building heights range from 9'4" to 12' and the tower elements are 26'4".

All rooftop equipment shall be concealed from public view on all sides in a manner consistent with the architectural design of the building.

# No rooftop equipment is being proposed.

The maximum building height of any newly constructed neighborhood storage facility shall be two stories or 35 feet; whichever is less.

# The storage building height is 9' 4" to 12' feet. The tower elements are 26 '4".

All exterior walls that are visible from adjoining property or from any public right-of way shall have wall relief at intervals of not more than 50 linear feet. A break or offset of not less than two feet in the vertical plane of the exterior wall shall be located at intervals that are not greater than 50 linear feet.

# All building exterior walls facing the property lines will have wall reliefs two (2) feet to five (5) feet in depth.

No storage shall be visible from the exterior of the neighborhood storage facility.

# All of the storage units are internally within the project. No storage will be visible from the exterior of the facility.

And as required by Section 8.8.5 of the Land Use and Development Regulations, the following addresses standards that shall apply to all applications for Special Exception uses

a. *Generally* - The proposal shall comply with all requirements of the zoning districts in which the property is located, this ordinance, and all other applicable law.

The proposed development complies with all of the dimensional requirements within the City of Cape Coral's C-1 (Pedestrian Commercial) Zoning District.

b. *Compatibility* - The tract of land must be suitable for the type of special exception use proposed by virtue of its location, shape, topography and the nature of surrounding development.

A Neighborhood Storage Facility is a low intensity commercial use. This type of low intensity commercial use can act as a buffer between a highly commercial right-of-way and residential development. The proposed development will utilize the entire remaining part of Block 4745 with one major means of access.

c. *Minimum lot frontage; access.* Minimum lot frontage on a street shall be sufficient to permit properly spaced and located access points designed to serve the type of special exception use proposed. Wider spacing between access points and intersecting street right-of-way lines should be required when the lot has more than the minimum required frontage on a street. All access points shall be specifically approved by the Board.

The site has frontage on three streets but has only one access into the facility on Chiquita Blvd. The access point has been located as to be as far away from the residential lots as possible and to align with the residential street across Chiquita Blvd.

d. *Building location; setbacks.* All buildings shall be located an adequate distance from all property lines and street right-of-way lines. Greater building setback lines may be required when the lot has more than the minimum lot area required or when deemed necessary to protect surrounding properties.

The building setback width along the northern, southern, and western property lines equal or exceed the required building setback of 15 feet. The building setbacks range from 15' to 69' feet along these property lines, providing more separation and more green space with landscaping to screen this project from the surrounding properties.

e. Screening and buffering. A continuous strip of properly maintained landscaped area should be provided along all property lines and along all streets serving the premises. Such continuous strip of properly maintained landscaped area may, however, be allowed to contain walkway(s) and driveway entrances. The Board shall also require that the premises be permanently screened from adjoining and contiguous properties by a fence, evergreen hedge and/or other approved enclosure when deemed appropriate to buffer the special exception use from surrounding uses.

Shrubs are provided along all property lines. The site is completely screened from all property lines with a wall or the front of the storage buildings. In front of the wall and buildings are green spaces consisting of 15 feet to 69 feet with 5 canopy trees, 3 accent trees and 66 shrubs every 100 linear feet.

Deviations to the City of Cape Coral's Land Use and Development Regulations

# 1. Section 5.6.5.D Non Residential Design Standard - Sides of the Building

The applicant request approval of a deviation from Section 5.6.5.D - Non-Residential Design Standards of the City's Land Use and Development Regulations, which requires all sides of a building to comply with the standards of 5.6.5.D.1 through 5.6.5.D.3 of the Non-Residential Design Standards, in order for the internal walls of the outer buildings (west side of Building A, north side of Building E, south side of Building D, and all of the building sides for both interior buildings (B and C), to provided a limited amount of architectural features, as these buildings are not visible from outside of the development and will include roll-up doors for exterior entrance into the storage units.

As permitted by Section 5.6 of the City's Land Use and Development Regulations, please accept these justifications for the approval of the requested deviation:

# Unnecessary or Undue Hardship / Not Contrary to the Public Interest

The intent of the City's Non-Residential Design Standards is to provide architectural features on all sides of a commercial building that are visual to the public. Sides of a building built flush with a side lot line, or a side of a building that faces a rear lot line of an abutting property, or a side of a building that faces a property line that abuts an alley, are not required to provide architectural features on the sides of the buildings that are not visual to the public. As the internal side of Buildings A, D, and E and all sides of Buildings B and C are not visual to the public because they are screened by other building sides and a wall, applying architectural standards to all sides of these buildings would create a unnecessary and undue hardship.

The Neighborhood Storage Facility Special Regulations require that storage units not within a building, those that can be accessed from a roll-up door on the outside of the building, be placed where they are not visible to the public. As such, all of the storage units that can be accessed from the outside of the building are totally screened from view. All of the architectural features proposed for this project are provided on the sides of the buildings facing a Right-of-way or an adjacent property, where they are visual to the public and where they add value to the appearance of the project. Obtaining a deviation to this standards would not be contrary to the Public Interest.

# Deviations to the City of Cape Coral's Land Use and Development Regulations

# 2. Section 5.2.13.C.5 Landscaping Buffer Yard Requirements

The applicant requests approval of a deviation from Section 5.2.13.C.5 of the City's Land Use and Development Regulations, which requires a wall as an opaque feature within a Buffer Yard Type C Option 2, in order to allow the western sides of Buildings "D" and "E" to connect to the proposed buffer wall and to serve as a part of the opaque feature required for a buffer yard along the western property line of the site.

As permitted by Section 5.2 of the City's Land Use and Development Regulations, please accept these justifications for the approval of the requested deviation:

# Unnecessary or Undue Hardship / Not Contrary to the Public Interest

The intent of the City's Landscape Regulations is for commercial developments to be properly screened, with an opaque feature and the required plantings, from residential lots when the two uses are separated by only by a two-lane street. The type of opaque screening (wall) is required to comply with the Section 3.9 - Fences/Walls.

A side (wall) of a building, even when those sides are designed with no windows or doorways, is not recognized as a fence/wall according to Section 3.9. and as such, is not able to be utilized to meet the buffer yard opaque feature requirements.

The proposed combination of the western side of Buildings D & E along with a decorative wall provides an appealing opaque screening along the western property line of this project and meets the intent of the buffer yard requirements. The sides of the wall, when included with the buffer wall, provides some of the same architectural elements that are shared with the other sides of the building, providing a unified appearance of the project from all property lines.

Requiring this development to place the wall in front of the building wall would be an unnecessary or undue hardship as the wall would screen some architectural elements provided for the building. Obtaining a deviation to this standards would not be contrary to the Public Interest as the wall/sides of the building provided are more decorative and provided a much more appealing screening of this facility.

## Master Development Plan Approval

The applicant is requesting Master Development Plan approval. Site Plan approval, as required by Section 4.4. of the City's Land Use and Development Regulations, will be requested for the construction of the project under a separate application process.

# Project Considerations

<u>Determination of the Front / Rear Yards:</u> Since the site is located on the corner of three streets, the City has determined that the Front Yard of the project is along Chiquita Blvd and also along SW 44th Street. The rear of the project is located on SW 16th Place.

<u>Screening of the Special Exception Use:</u> The applicant is requesting approval to construct a wall that is a minimum of 8' and up to 13' 6" in height. The additional height will allow for decorative column caps and ornamental details, which will enhance the appearance of the wall along SW 16th Place.

<u>Phasing Plan Approval</u> - The applicant is requesting approval to construct the project in Phases. All site related improvements and the exterior buildings and wall will be provided in Phase 1. All interior buildings and the build-out of the exterior units will be completed in no established phases over the life of the PDP.

<u>Full Directional Median Opening</u> - The applicant is providing median improvements to Chiquita Blvd in order to establish and maintain a full directional median opening for this facility. The facility has one access from Chiquita Blvd and the median opening will provide safe movement into and from the site. The second access if constructed will be for special cases only. The second access will be utilized only when authorized by a staff member of the facility. This entrance will not be key or code operated.

This project is strategically located to serve the area. The project will be an asset to the area providing a well designed, ascetically pleasing facility, that will fit in and compliment the fabric and appearance of the community, while providing a convenient, safe and comfortable storage option to homeowners and businesses.

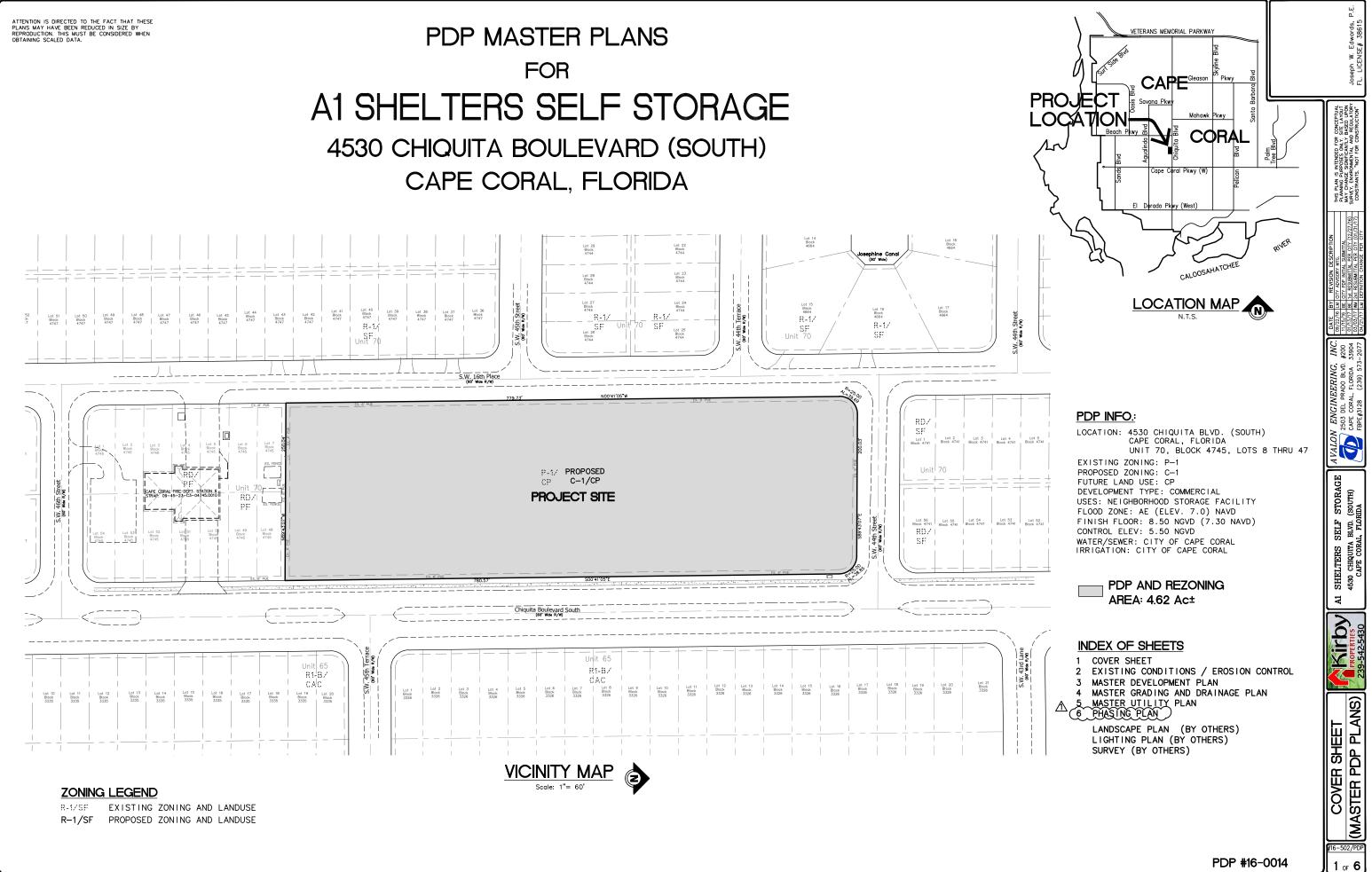
Should you or your staff have questions or need additional information regarding this project, please feel free to contact me.

Sincerely,

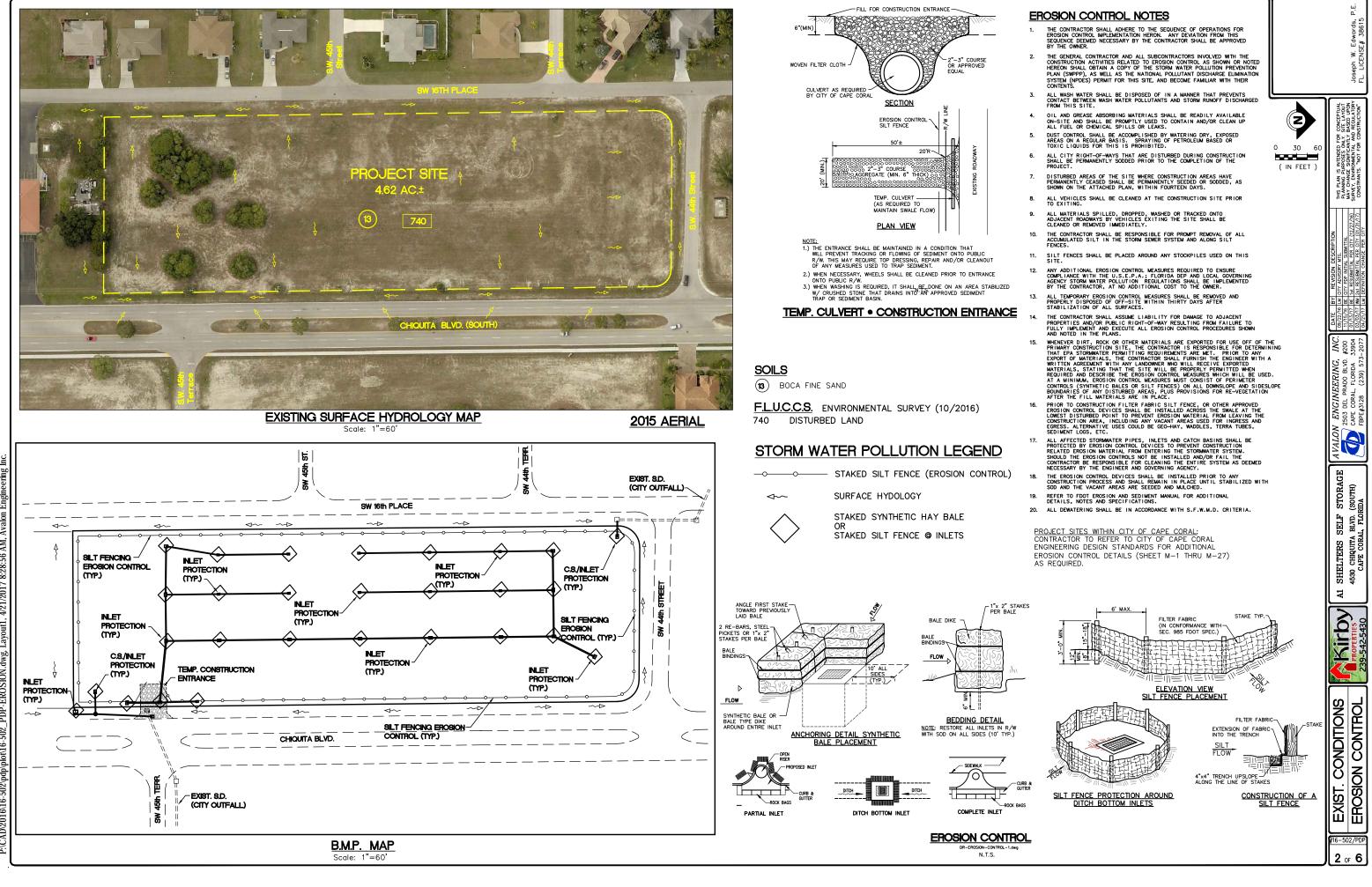
AVALON ENGINEERING, INC.

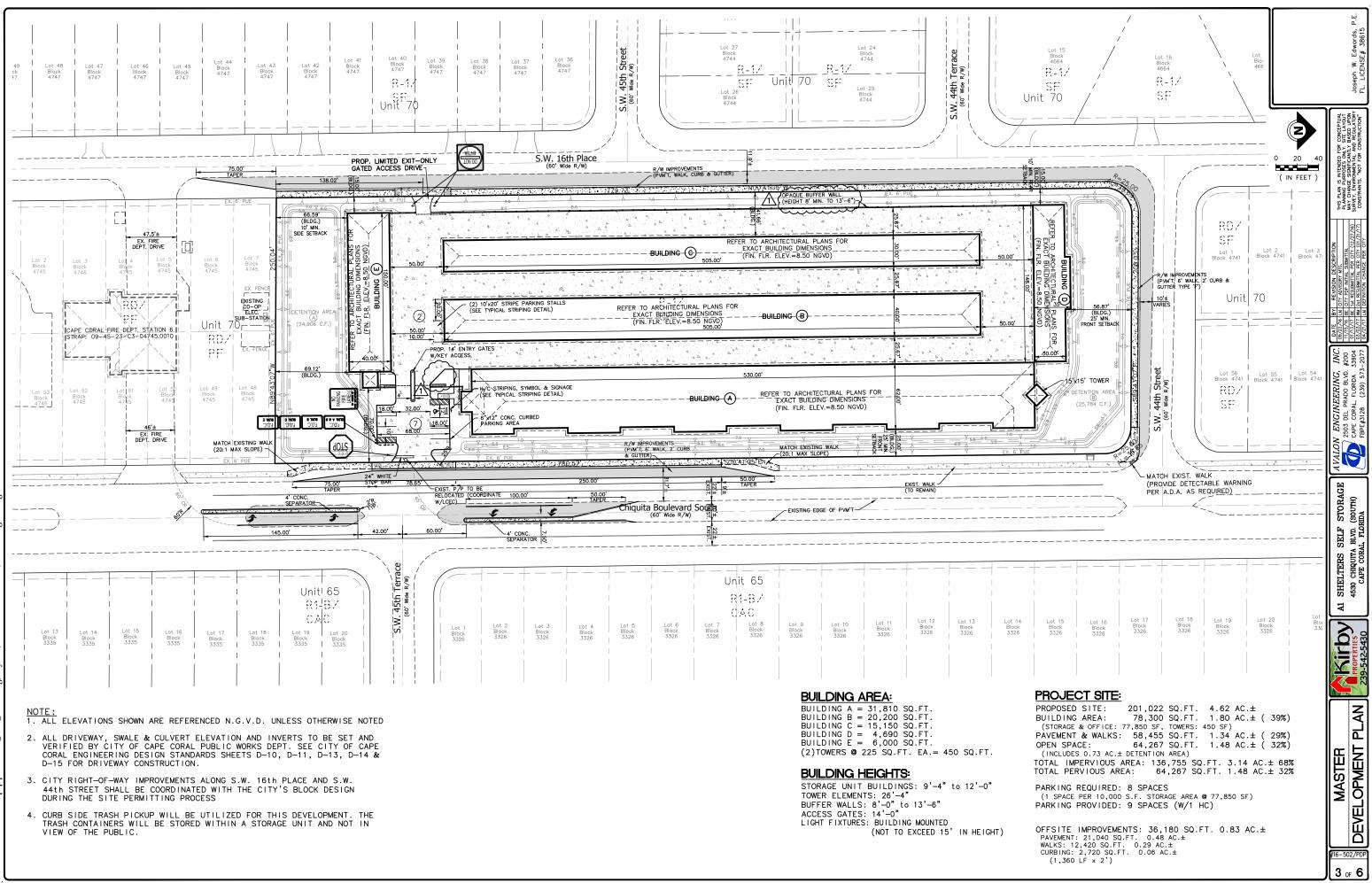
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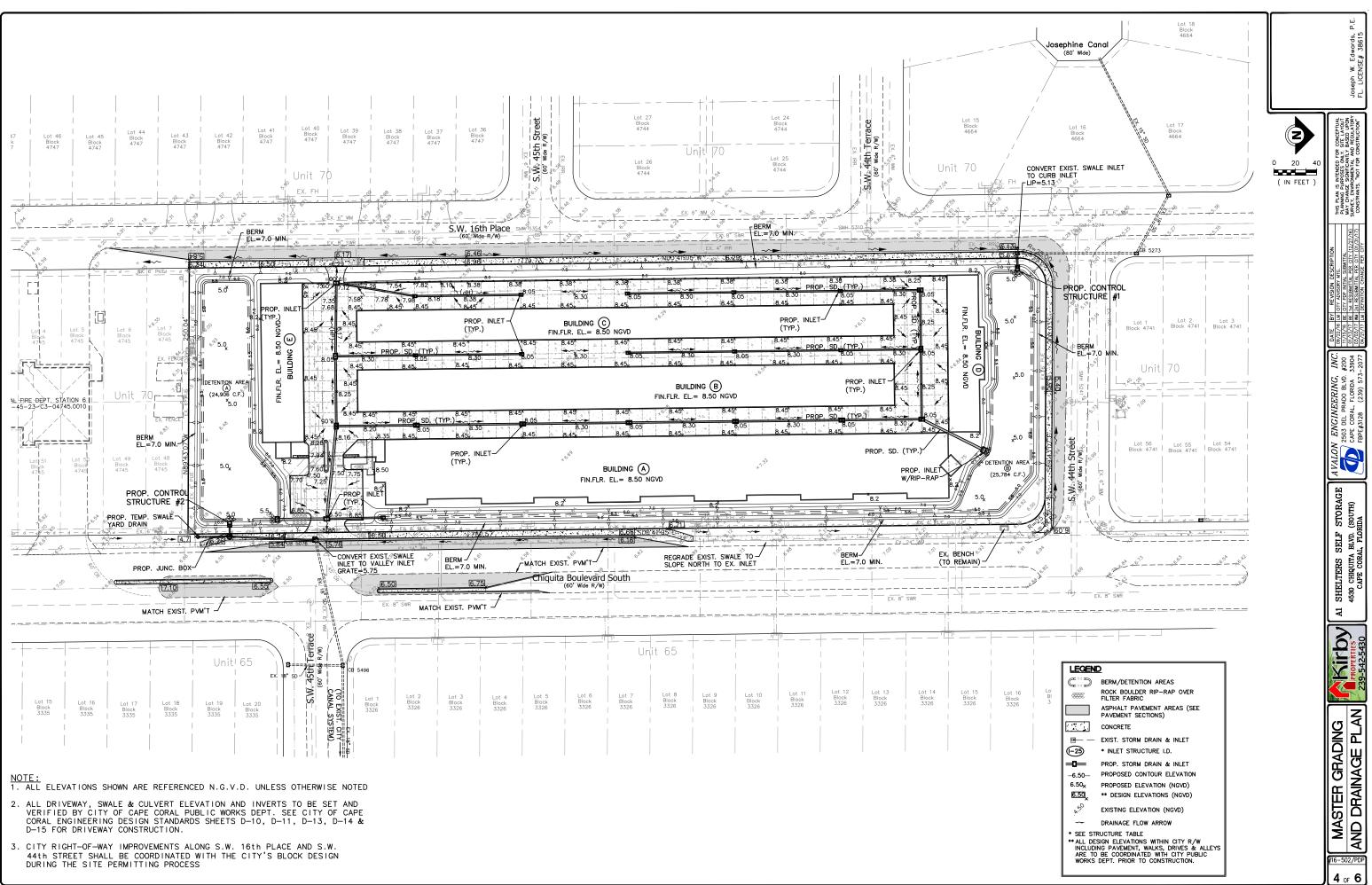
Linda Miller, AICP Senior Planner G:2016/16-502/City/PDP/Public Hearing\PDP Letter of Intent final.doc



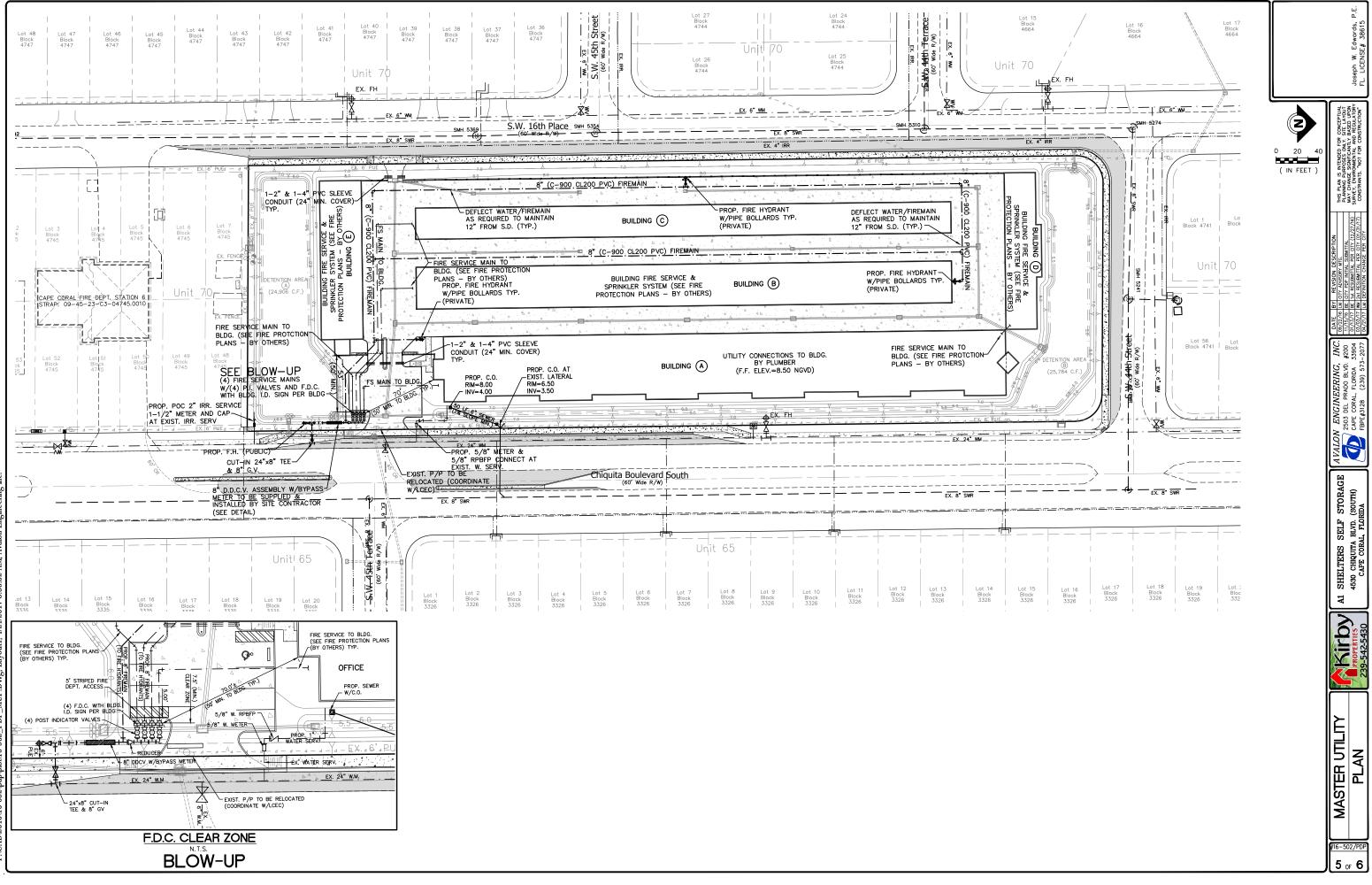
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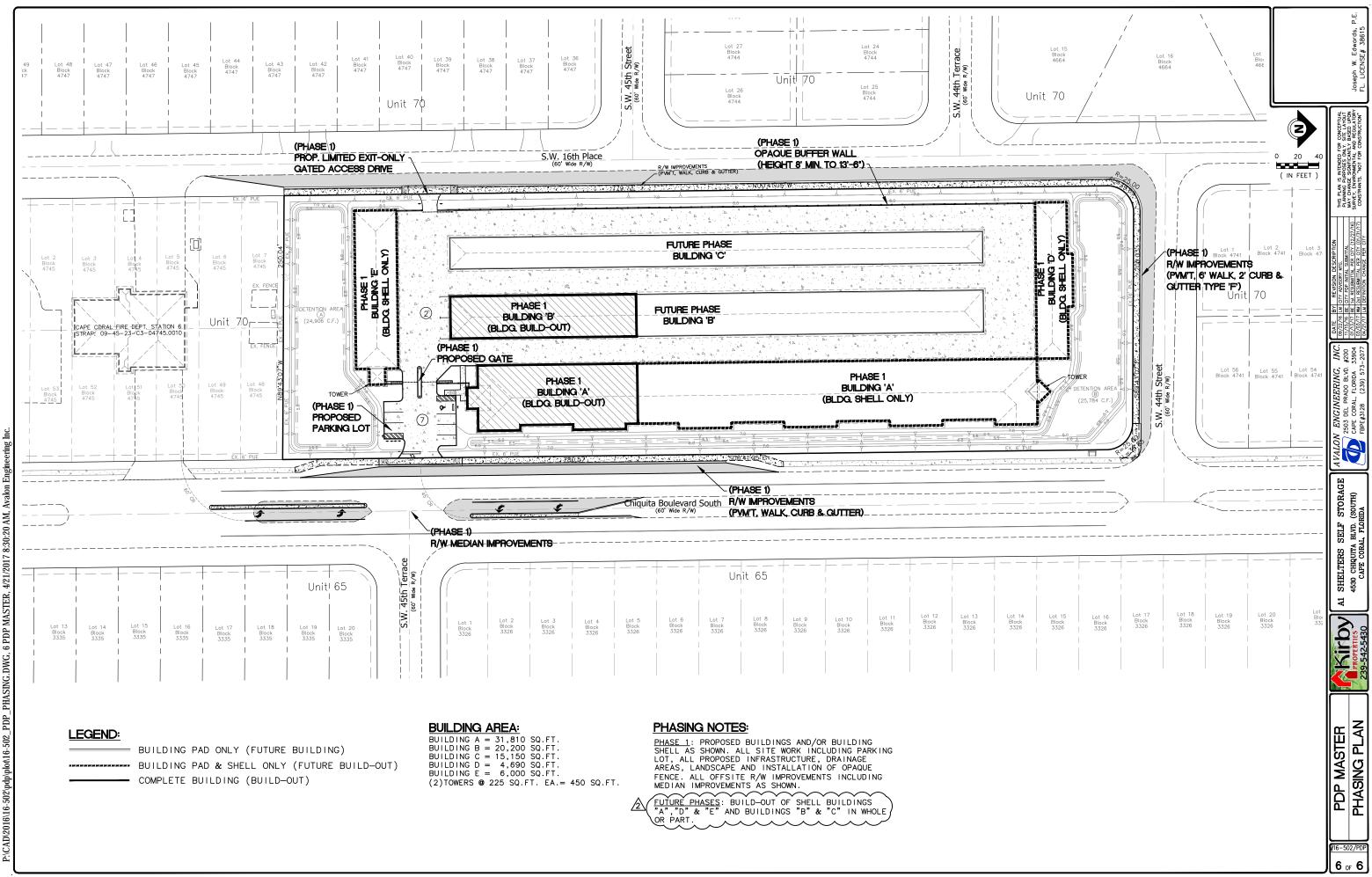




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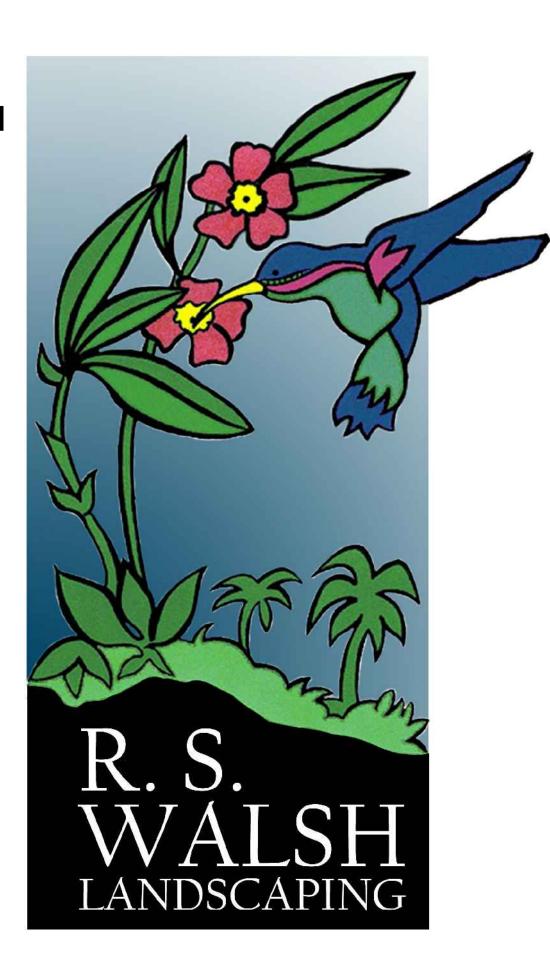
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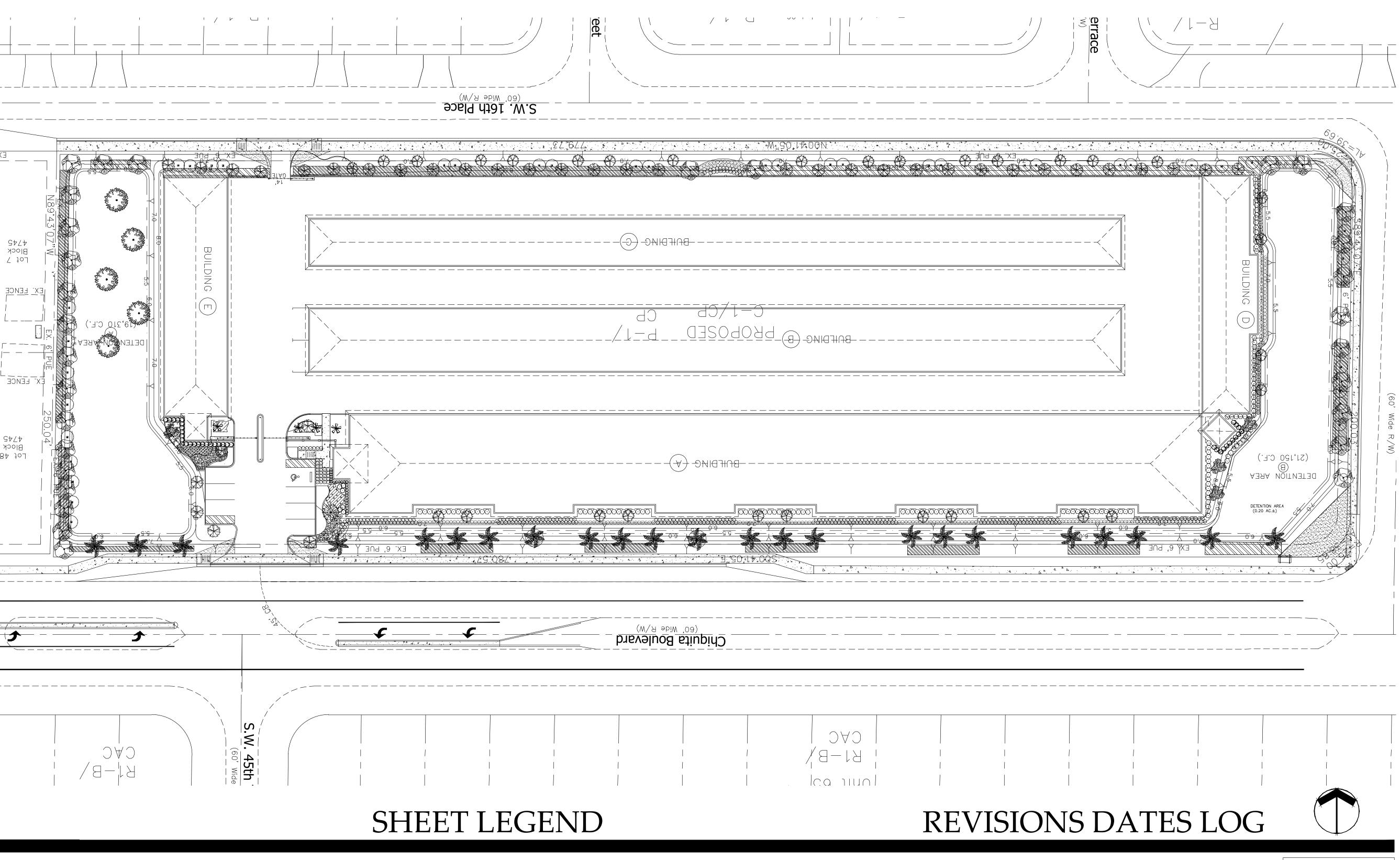


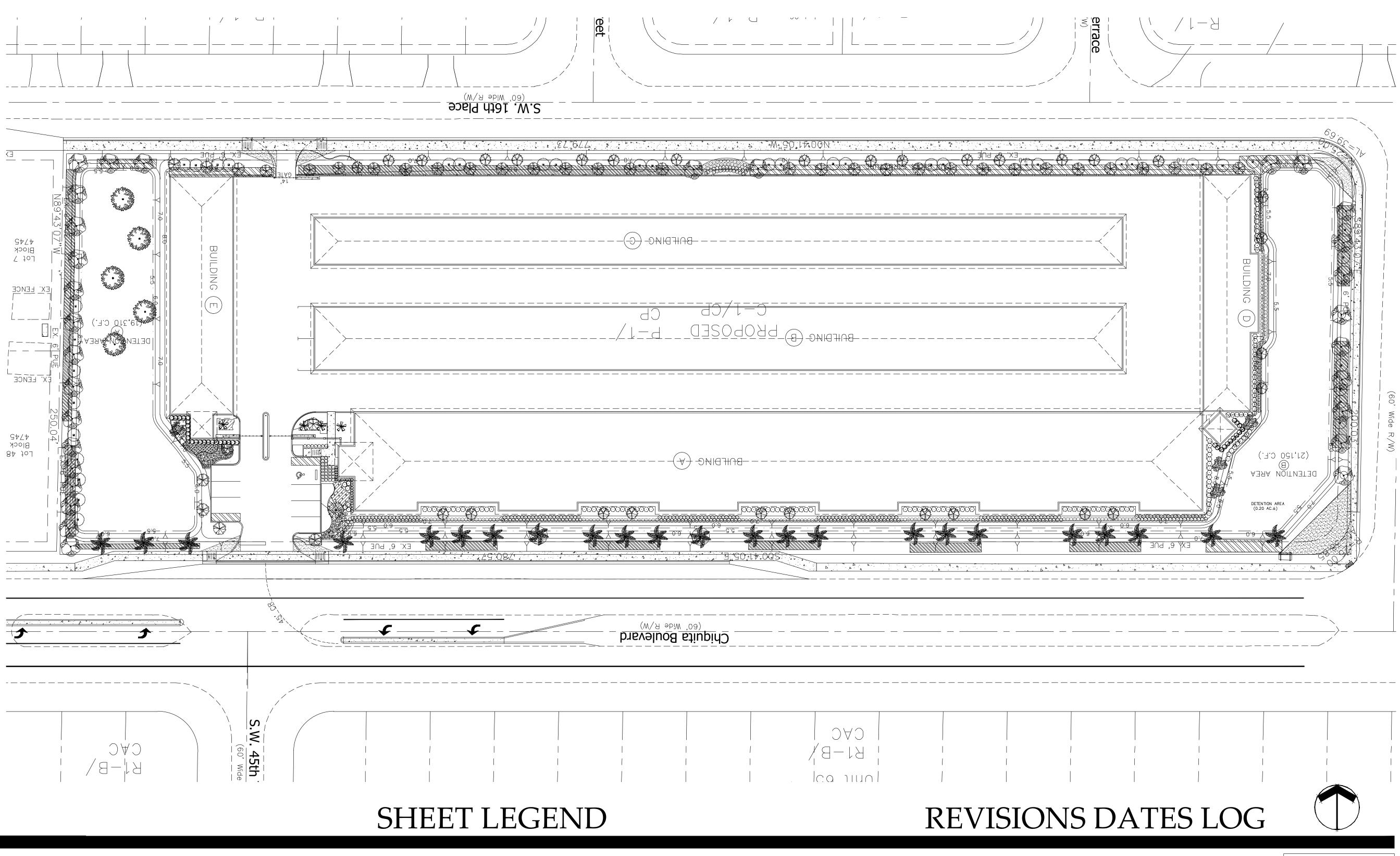


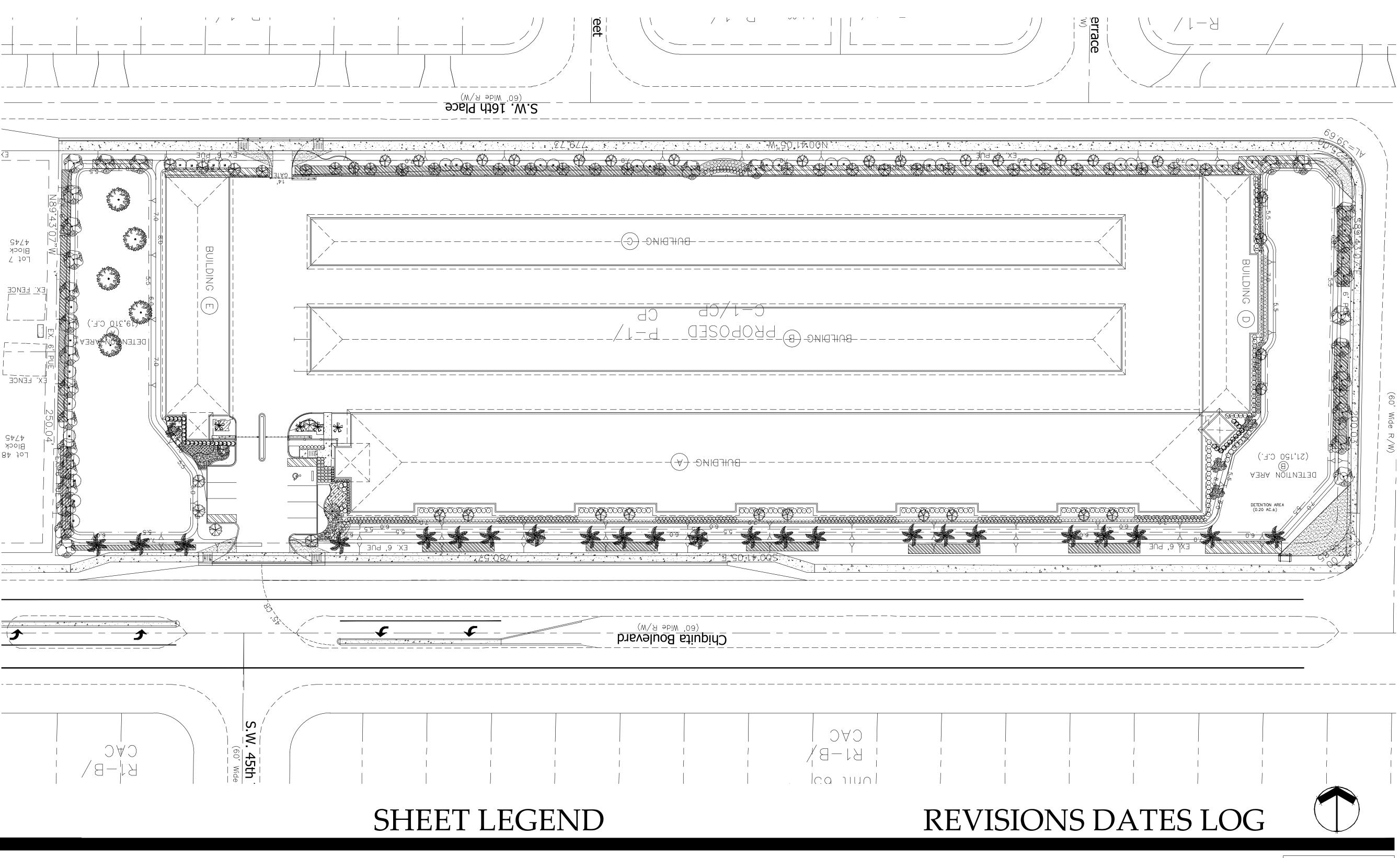
# R. S. Walsh Landscaping, Inc. 8050 Penzance Blvd. Fort Myers, FL 33912 Landscape Architect Bus #:LC26000301

Design & Main Office 239.768.5655 In The Garden: 239.395.5859 Fax: 239.768.2970 Website: www.rswalsh.com

# **A-1 SHELTERS SELF STORAGE 4530 CHIQUITA BLVD SOUTH CAPE CORAL, FLORIDA**







# DESIGN TEAM

**ARCHITECT:** LANDSCAPE ARCHITECT: **CIVIL ENGINEER: PLANNER:** 

**GERSDORF & GERSDORF INC., ARCHITECTS RSWALSH LANDSCAPING, INC** LANDSCAPE CONTRACTOR: RSWALSH LANDSCAPING, INC AVALON ENGINEERING, INC **AVALON ENGINEERING, INC** 

- **COVER PAGE:**
- L.1: CODE LANDSCAPE PLAN
- L.2: BUFFER, FOUNDATION & VEHICULAR USE AREA CALCULATIONS PLAN
- L.3: PLANT SCHEDULE & CODE CALCULATIONS PLAN

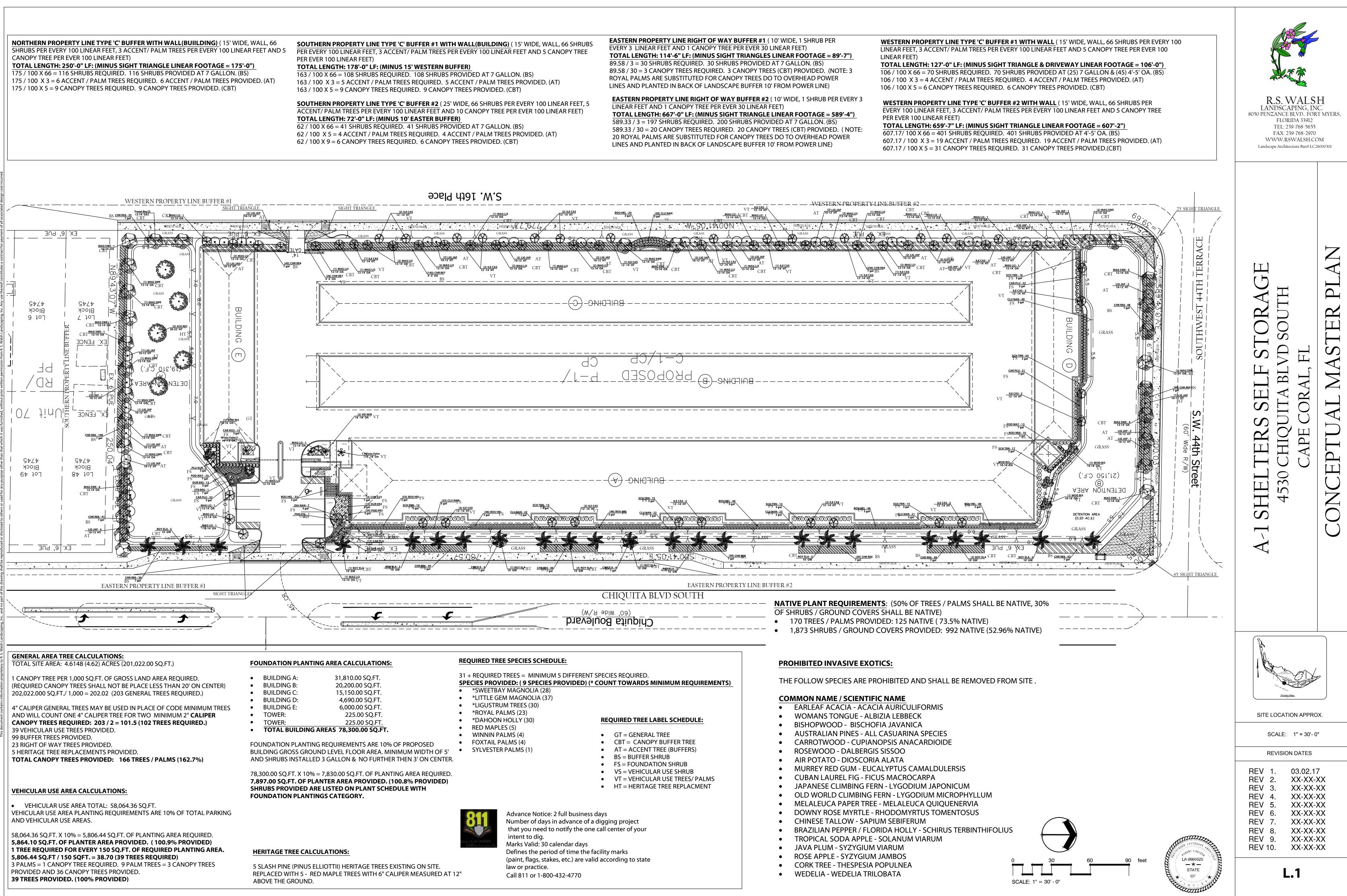
# **COVER PAGE NOVEMBER 08,2016 CODE LANDSCAPE PLAN SET**

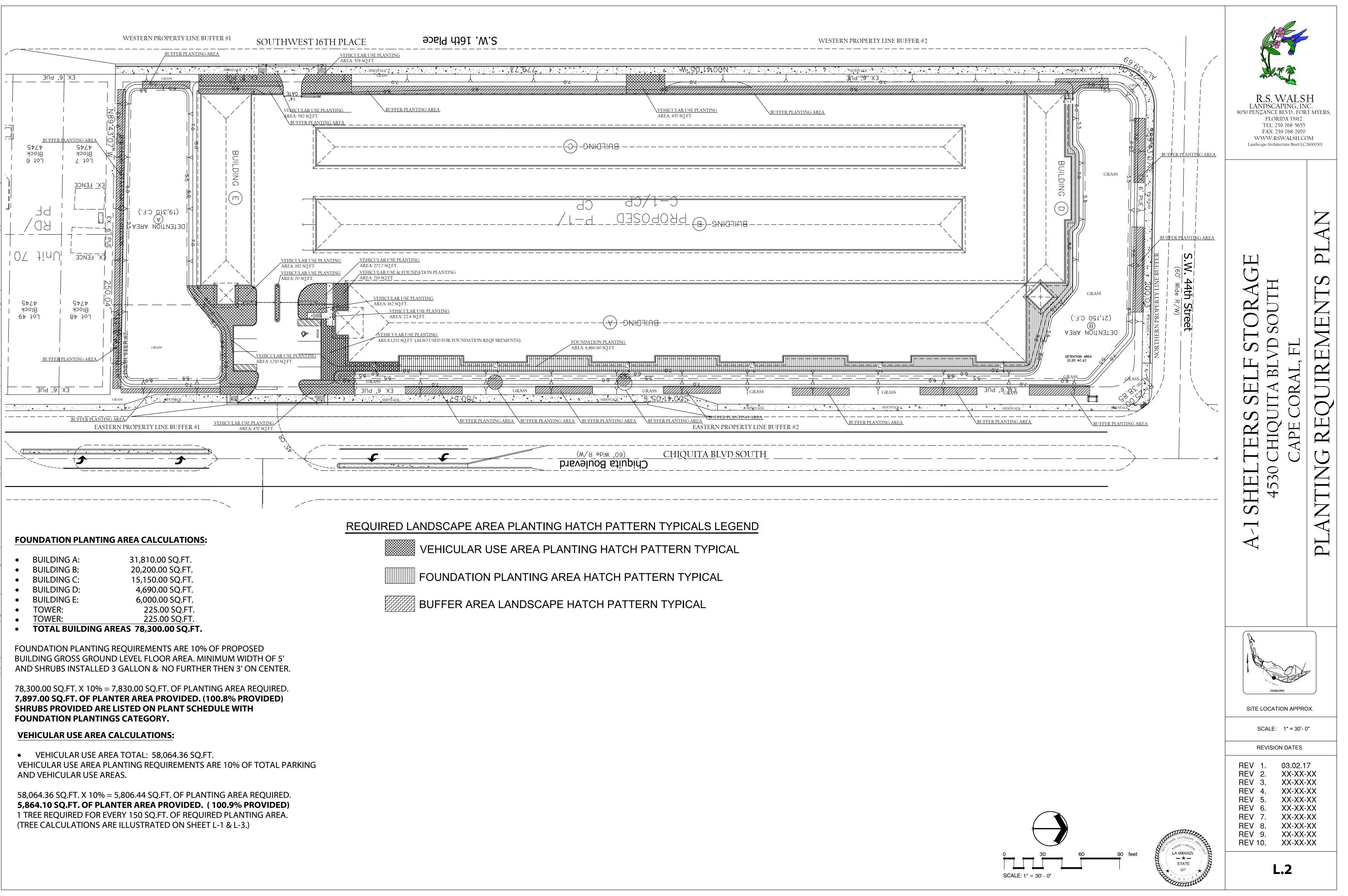
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REV	6.	XX-XX-XX
REV	7.	XX-XX-XX
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REV	9.	XX-XX-XX
REV	10.	XX-XX-XX

SIGNED AND SEALED BY LA 6666825 -\*-STATE

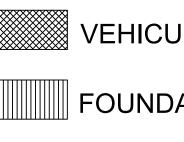
ROBERT R MELZER JR LA#6666825

163 / 100 X 66 = 108 SHRUBS REQUIRED. 108 SHRUBS PROVIDED AT 7 GALLON. (BS)





•	<b>BUILDING A:</b>	31,810.00 SQ.FT.
•	BUILDING B:	20,200.00 SQ.FT.
•	<b>BUILDING C:</b>	15,150.00 SQ.FT.
•	BUILDING D:	4,690.00 SQ.FT.
•	BUILDING E:	6,000.00 SQ.FT.
•	TOWER:	225.00 SQ.FT.
•	TOWER:	225.00 SQ.FT.



NORTHERN PROPERTY LINE TYPE 'C' BUFFER WITH WALL(BUILDING) (15' WIDE, WALL, 66 SHRUBS PER EVERY 100 LINEAR FEET, 3 ACCENT/ PALM TREES PER EVERY 100 LINEAR FEET AND 5 CANOPY TREE PER EVER 100 LINEAR FEET)

TOTAL LENGTH: 250'-0" LF: (MINUS SIGHT TRIANGLE LINEAR FOOTAGE = 175'-0") 175 / 100 X 66 = 116 SHRUBS REQUIRED. 116 SHRUBS PROVIDED AT 7 GALLON. (BS)

175 / 100 X 3 = 6 ACCENT / PALM TREES REQUIRED. 6 ACCENT / PALM TREES PROVIDED. (AT) 175 / 100 X 5 = 9 CANOPY TREES REQUIRED. 9 CANOPY TREES PROVIDED. (CBT)

# SOUTHERN PROPERTY LINE TYPE 'C' BUFFER #1 WITH WALL(BUILDING) (15' WIDE, WALL, 66 SHRUBS PER EVERY 100 LINEAR FEET, 3 ACCENT/ PALM TREES PER EVERY 100 LINEAR FEET AND 5 CANOPY TREE PER EVER 100 LINEAR FEET)

TOTAL LENGTH: 178'-0" LF: (MINUS 15' WESTERN BUFFER) 163 / 100 X 66 = 108 SHRUBS REQUIRED. 108 SHRUBS PROVIDED AT 7 GALLON. (BS) 163 / 100 X 3 = 5 ACCENT / PALM TREES REQUIRED. 5 ACCENT / PALM TREES PROVIDED. (AT) 163 / 100 X 5 = 9 CANOPY TREES REQUIRED. 9 CANOPY TREES PROVIDED. (CBT)

SOUTHERN PROPERTY LINE TYPE 'C' BUFFER #2 (25' WIDE, 66 SHRUBS PER EVERY 100 LINEAR FEET, 5 ACCENT/ PALM TREES PER EVERY 100 LINEAR FEET AND 10 CANOPY TREE PER EVER 100 LINEAR FEET) TOTAL LENGTH: 72'-0" LF: (MINUS 10' EASTER BUFFER) 62 / 100 X 66 = 41 SHRUBS REQUIRED. 41 SHRUBS PROVIDED AT 7 GALLON. (BS) 62 / 100 X 5 = 4 ACCENT / PALM TREES REQUIRED. 4 ACCENT / PALM TREES PROVIDED. (AT) 62 / 100 X 9 = 6 CANOPY TREES REQUIRED. 6 CANOPY TREES PROVIDED. (CBT)

# **GENERAL AREA TREE CALCULATIONS:** TOTAL SITE AREA: 4.6148 (4.62) ACRES (201,022.00 SQ.FT.)

1 CANOPY TREE PER 1,000 SQ.FT. OF GROSS LAND AREA REQUIRED. (REQUIRED CANOPY TREES SHALL NOT BE PLACE LESS THAN 20' ON CENTER) 202,022.000 SQ.FT./ 1,000 = 202.02 (203 GENERAL TREES REQUIRED.)

4" CALIPER GENERAL TREES MAY BE USED IN PLACE OF CODE MINIMUM TREES AND WILL COUNT ONE 4" CALIPER TREE FOR TWO MINIMUM 2" CALIPER CANOPY TREES REQUIRED: 203 / 2 = 101.5 (102 TREES REQUIRED.)

39 VEHICULAR USE TREES PROVIDED.

99 BUFFER TREES PROVIDED.

23 RIGHT OF WAY TREES PROVIDED. 5 HERITAGE TREE REPLACEMENTS PROVIDED.

TOTAL CANOPY TREES PROVIDED: 166 TREES / PALMS (162.7%)

# **VEHICULAR USE AREA CALCULATIONS:**

VEHICULAR USE AREA TOTAL: 58,064.36 SQ.FT. VEHICULAR USE AREA PLANTING REQUIREMENTS ARE 10% OF TOTAL PARKING AND VEHICULAR USE AREAS.

58,064.36 SQ.FT. X 10% = 5,806.44 SQ.FT. OF PLANTING AREA REQUIRED. 5,864.10 SQ.FT. OF PLANTER AREA PROVIDED. (100.9% PROVIDED) 1 TREE REQUIRED FOR EVERY 150 SQ.FT. OF REQUIRED PLANTING AREA. 5,806.44 SQ.FT / 150 SQFT. = 38.70 (39 TREES REQUIRED) 3 PALMS = 1 CANOPY TREE REQUIRED. 9 PALM TREES = 3 CANOPY TREES PROVIDED AND 36 CANOPY TREES PROVIDED. **39 TREES PROVIDED. (100% PROVIDED)** 

# FOUNDATION PLANTING AREA CALCULATIONS:

-	BUILDING A:	31,810.00 SQ.FT.
•		, ,
•	BUILDING B:	20,200.00 SQ.FT.
•	BUILDING C:	15,150.00 SQ.FT.
•	BUILDING D:	4,690.00 SQ.FT.
•	BUILDING E:	6,000.00 SQ.FT.
•	TOWER:	225.00 SQ.FT.
•	TOWER:	225.00 SQ.FT.

• TOTAL BUILDING AREAS 78,300.00 SQ.FT.

FOUNDATION PLANTING REQUIREMENTS ARE 10% OF PROPOSED BUILDING GROSS GROUND LEVEL FLOOR AREA. MINIMUM WIDTH OF 5' AND SHRUBS INSTALLED 3 GALLON & NO FURTHER THEN 3' ON CENTER.

78,300.00 SQ.FT. X 10% = 7,830.00 SQ.FT. OF PLANTING AREA REQUIRED. 7,897.00 SQ.FT. OF PLANTER AREA PROVIDED. (100.8% PROVIDED) SHRUBS PROVIDED ARE LISTED ON PLANT SCHEDULE WITH FOUNDATION PLANTINGS CATEGORY.

**REQUIRED TREE SPECIES SCHEDULE:** 

• RED MAPLES (5)

• WINNIN PALMS (4)

31 + REQUIRED TREES = MINIMUM 5 DIFFERENT SPECIES REQUIRED.

# **HERITAGE TREE CALCULATIONS:**

5 SLASH PINE (PINUS ELLIOTTII) HERITAGE TREES EXISTING ON SITE. REPLACED WITH 5 - RED MAPLE TREES WITH 6" CALIPER MEASURED AT 12" ABOVE THE GROUND.

# **PROHIBITED INVASIVE EXOTICS:**

THE FOLLOW SPECIES ARE PROHIBITED AND SHALL BE REMOVED FROM SITE .

# **COMMON NAME / SCIENTIFIC NAME**

- EARLEAF ACACIA ACACIA AURICULIFORMIS
- WOMANS TONGUE ALBIZIA LEBBECK
- BISHOPWOOD BISCHOFIA JAVANICA
- AUSTRALIAN PINES ALL CASUARINA SPECIES
- CARROTWOOD CUPIANOPSIS ANACARDIOIDE
- ROSEWOOD DALBERGIS SISSOO
- **AIR POTATO DIOSCORIA ALATA**
- MURREY RED GUM EUCALYPTUS CAMALDULERSIS
- CUBAN LAUREL FIG FICUS MACROCARPA
- JAPANESE CLIMBING FERN LYGODIUM JAPONICUM OLD WORLD CLIMBING FERN - LYGODIUM MICROPHYLLUM
- MELALEUCA PAPER TREE MELALEUCA QUIQUENERVIA
- DOWNY ROSE MYRTLE RHODOMYRTUS TOMENTOSUS •
- CHINESE TALLOW SAPIUM SEBIFERUM
- BRAZILIAN PEPPER / FLORIDA HOLLY SCHIRUS TERBINTHIFOLIUS
- TROPICAL SODA APPLE SOLANUM VIARUM
- JAVA PLUM SYZYGIUM VIARUM
- ROSE APPLE SYZYGIUM JAMBOS CORK TREE - THESPESIA POPULNEA
- WEDELIA WEDELIA TRILOBATA

# EASTERN PROPERTY LINE RIGHT OF WAY BUFFER #1 (10' WIDE, 1 SHRUB PER EVERY 3 LINEAR FEET AND 1 CANOPY TREE PER EVER 30 LINEAR FEET)

TOTAL LENGTH: 114'-6" LF: (MINUS SIGHT TRIANGLES LINEAR FOOTAGE = 89'-7") 89.58 / 3 = 30 SHRUBS REQUIRED. 30 SHRUBS PROVIDED AT 7 GALLON. (BS) 89.58 / 30 = 3 CANOPY TREES REQUIRED. 3 CANOPY TREES (CBT) PROVIDED. (NOTE: 3 ROYAL PALMS ARE SUBSTITUTED FOR CANOPY TREES DO TO OVERHEAD POWER LINES AND PLANTED IN BACK OF LANDSCAPE BUFFER 10' FROM POWER LINE)

**EASTERN PROPERTY LINE RIGHT OF WAY BUFFER #2** (10' WIDE, 1 SHRUB PER EVERY 3 LINEAR FEET AND 1 CANOPY TREE PER EVER 30 LINEAR FEET) TOTAL LENGTH: 667'-0" LF: (MINUS SIGHT TRIANGLE LINEAR FOOTAGE = 589'-4") 589.33 / 3 = 197 SHRUBS REQUIRED. 200 SHRUBS PROVIDED AT 7 GALLON. (BS) 589.33 / 30 = 20 CANOPY TREES REQUIRED. 20 CANOPY TREES (CBT) PROVIDED. (NOTE: 20 ROYAL PALMS ARE SUBSTITUTED FOR CANOPY TREES DO TO OVERHEAD POWER LINES AND PLANTED IN BACK OF LANDSCAPE BUFFER 10' FROM POWER LINE)

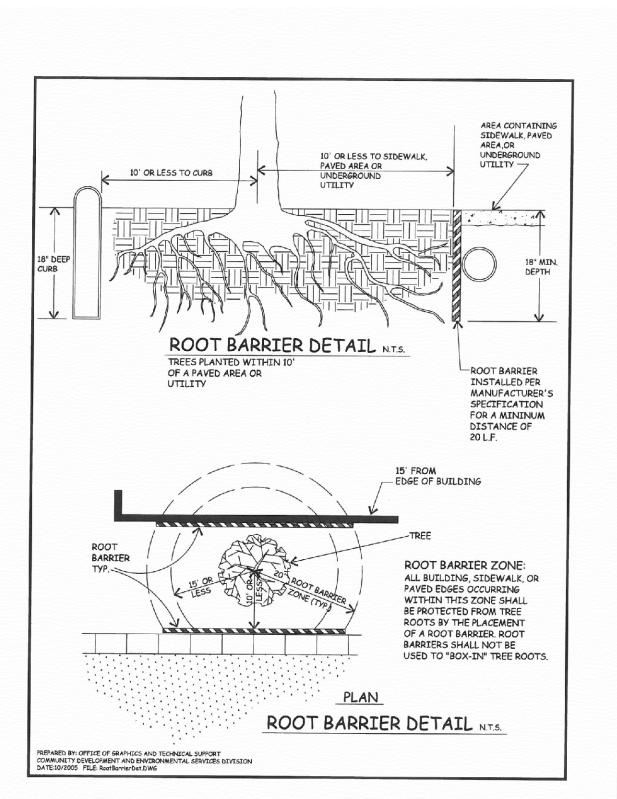
LINEAR FEET)

PER EVER 100 LINEAR FEET)

# SPECIES PROVIDED: ( 9 SPECIES PROVIDED) (\* COUNT TOWARDS MINIMUM REQUIREMENTS) \*SWEETBAY MAGNOLIA (28) • \*LITTLE GEM MAGNOLIA (37) \*LIGUSTRUM TREES (30) • \*ROYAL PALMS (23) **REQUIRED TREE LABEL SCHEDULE:** \*DAHOON HOLLY (30) • GT = GENERAL TREE • CBT = CANOPY BUFFER TREE • FOXTAIL PALMS (4) • SYLVESTER PALMS (1)

- AT = ACCENT TREE (BUFFERS)
- BS = BUFFER SHRUB
- FS = FOUNDATION SHRUB
- VS = VEHICULAR USE SHRUB • VT = VEHICULAR USE TREES/ PALMS
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PLANT_SCHEDUL				
TREES	QTY	CATEGORY	NATIVE	COMMON NAME / BC
ACE RE2	5	HERITAGE TREE REPLACMENT	YES	Red Maple / Acer rubi
ILE CAS	30	VEHICULAR USE TREE	YES	Dahoon Holly / Ilex ca 3·5" Min· Cal·, Full P
LIG JAP	38	BUFFER ACCENT TREE	NO	Japanese Privet / Ligu 8` Spread, Symmetric
MAG LI2	37	BUFFER CANOPY TREE	YES	Dwarf Southern Magno
MAG SWE	30	BUFFER CANOPY TREE	YES	Sweet Bay / Magnolia
PALM TREES	QTY			COMMON NAME / BC
РНО БУГ	1	VEHICULAR USE TREE	NO	Sylvester Palm / Phoe Full Crown, Florida Far
ROY ELA	23	BUFFER CANOPY TREE	YES	Florida Royal Palm / R Heavy Caliper, Min∙ 9
VEI WIN	4	VEHICULAR USE TREE	NO	Winin Palm / Veitchia
WOD BI3	4	VEHICULAR USE TREE	NO	Foxtail Palm TRP / W Double Trunk
SHRUBS	QTY	1		COMMON NAME / BC
BOU HEL	334	FOUNDATION & VEHICULAR USE SHRUB	NO	Bougainvillea hybrid `H
BOU NEG	10	FOUNDATION SHRUB	NO	New River Purple Bou Trellis
CAR PLU	92	FOUNDATION & VEHICULAR USE SHRUB	NO	Dwarf Natal Plum / C
CHR ICA	8	BUFFER SHRUB	YES	Coco Plum / Chrysobal native
CLU NAN	187	FOUNDATION SHRUB	NO	Dwarf Pitch Apple / C
COR A23	6	FOUNDATION SHRUB	NO	Ti Plant / Cordyline fr
POD MAT	36	FOUNDATION SHRUB	NO	Podocarpus / Podocarp 36" HT 14" W· HealtI
POD PR2	24	FOUNDATION SHRUB	NO	Dwarf Podocarpus / Po
SCH TRN	132	FOUNDATION SHRUB	NO	Trinette Arboricola / 5 20-24"
STR REG	4	FOUNDATION SHRUB	NO	Orange Bird Of Paradis 20-22"
SHRUB AREAS				COMMON NAME / BC
CAR HO2	10	FOUNDATION SHRUB	NO	Natal Plum / Carissa r
CHR RE7	171	BUFFER SHRUB	YES	Cocoplum / Chrysobala 4`-5` OA, 36" oc
CHR REG	813	BUFFER SHRUB	YES	Cocoplum / Chrysobala 24" hight, 36" oc
DIA NAN	7	FOUNDATION SHRUB	NO	Dwarf Flax Lily / Dian
DUR ER2	27	FOUNDATION SHRUB	NO	Gold Mound Duranta 1 24" high, 36" oc
PLU AUR	12	FOUNDATION SHRUB	NO	Blue Plumbago / Plum 24" high, 36" oc

**NATIVE PLANT REQUIREMENTS**: (50% OF TREES / PALMS SHALL BE NATIVE, 30% OF SHRUBS / GROUND COVERS SHALL BE NATIVE)

• 170 TREES / PALMS PROVIDED: 125 NATIVE (73.5% NATIVE) • 1,873 SHRUBS / GROUND COVERS PROVIDED: 992 NATIVE (52.96% NATIVE)

WESTERN PROPERTY LINE TYPE 'C' BUFFER #1 WITH WALL (15' WIDE, WALL, 66 SHRUBS PER EVERY 100 LINEAR FEET, 3 ACCENT/ PALM TREES PER EVERY 100 LINEAR FEET AND 5 CANOPY TREE PER EVER 100

TOTAL LENGTH: 127'-0" LF: (MINUS SIGHT TRIANGLE & DRIVEWAY LINEAR FOOTAGE = 106'-0") 106 / 100 X 66 = 70 SHRUBS REQUIRED. 70 SHRUBS PROVIDED AT (25) 7 GALLON & (45) 4'-5' OA. (BS) 106 / 100 X 3 = 4 ACCENT / PALM TREES REQUIRED. 4 ACCENT / PALM TREES PROVIDED. (AT) 106 / 100 X 5 = 6 CANOPY TREES REQUIRED. 6 CANOPY TREES PROVIDED. (CBT)

WESTERN PROPERTY LINE TYPE 'C' BUFFER #2 WITH WALL (15' WIDE, WALL, 66 SHRUBS PER EVERY 100 LINEAR FEET, 3 ACCENT/ PALM TREES PER EVERY 100 LINEAR FEET AND 5 CANOPY TREE

TOTAL LENGTH: 659'-7" LF: (MINUS SIGHT TRIANGLE LINEAR FOOTAGE = 607'-2") 607.17/ 100 X 66 = 401 SHRUBS REQUIRED. 401 SHRUBS PROVIDED AT 4'-5' OA. (BS) 607.17 / 100 X 3 = 19 ACCENT / PALM TREES REQUIRED. 19 ACCENT / PALM TREES PROVIDED. (AT) 607.17 / 100 X 5 = 31 CANOPY TREES REQUIRED. 31 CANOPY TREES PROVIDED.(CBT)

TANICAL NAME	CONT	CAL	SIZE	
um	20-22`HT	6"Cal		
sine ramidal Shape	14-16` OA	4"Cal		
strum japonicum I, Solid Branching, 5`CT	10-12`HT	2"Cal		
lia / Magnolia grandiflora `Little Gem`	12-14` OA	2"Cal		
virginiana	14-16`HT	2"Cal		
TANICAL NAME	CONT	CAL	SIZE	
nix sylvestris cy, Matching	4`CT		8`-10` HT x 6`-7` SPD	
oystonea elata Fronds, No Scarred Trunks, Specimen	10` GW		24` O·A·	
winin	16`-18` OA			
odyetia bifurcata	10-16` OA			
TANKAL NAME	VIZE		riri da	
TANICAL NAME elen Johnson`	SIZE 3 gal	FIELD2	FIELD3	
	5 gui			
gainvillea / Bougainvillea x `New River`	3 gal			
rrissa macrocarpa `Horizontalis`	3 gal			
inus icaco	7 gal			$\left  \right $
usia rosea `Nana`	3 gal			
uticosa Auntie Lou	7 gal			
ıs macrophyllus y leaves, disease free·	7 gal			
docarpus macrophyllus `Pringles`	3 gal			
chefflera arboricola "Trinette"	3 gal			
e / Strelitzia reginae	7 gal			
TANICAL NAME	CONT	FIELD2	FIELD3	
nacrocarpa `Horizontalis`	3 gal			+
us icaco	4`-5` 0A			
us icaco	7 gal			
ila tasmanica `Nana`	<del>3 gal</del>			<u> </u>
Duranta erecta `Gold Mound`	3 gal			
ago auriculata	<del>3 gal</del>			



R.S. WALSH LANDSCAPING, INC 8050 PENZANCE BLVD.. FORT MYERS, FLORIDA 33912 TEL: 239-768-5655 FAX: 239-768-2970 WWW.RSWALSH.COM Landscape Architecture Bus#:LC26000301

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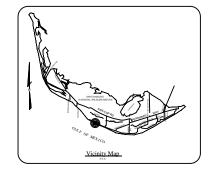
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SITE LOCATION APPROX.

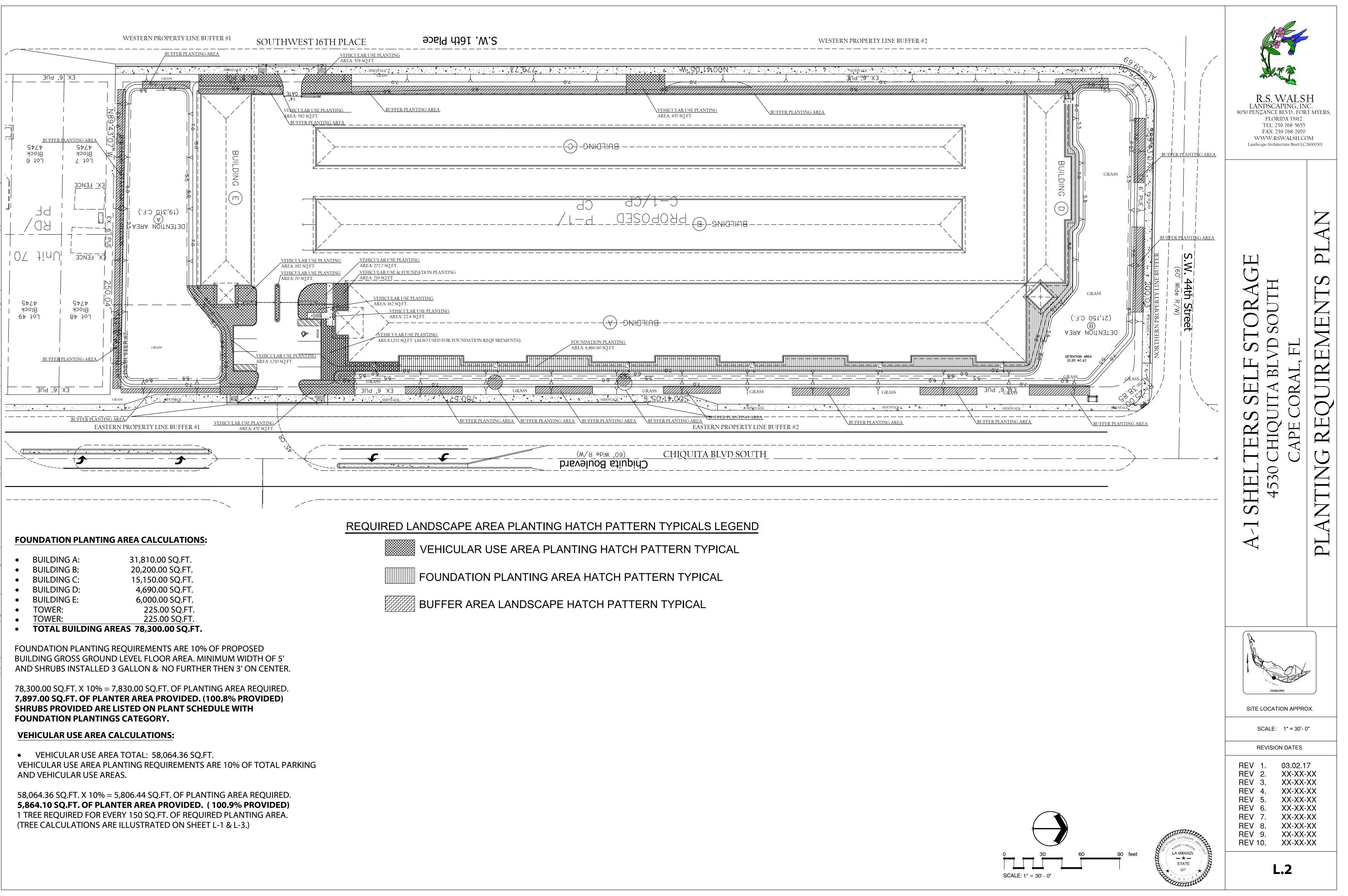
SCALE: 1" = 30'- 0"

# **REVISION DATES**

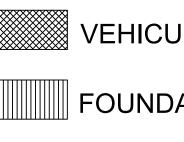
REV 5. XX-XX-XX REV 6. XX-XX-XX REV 7. XX-XX-XX REV 8. XX-XX-XX REV 9. XX-XX-XX	REV REV REV REV	6. 7. 8. 9.	03.02.17 XX-XX-XX XX-XX-XX XX-XX-XX XX-XX-XX XX-XX-
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**L.3** 



•	<b>BUILDING A:</b>	31,810.00 SQ.FT.
•	BUILDING B:	20,200.00 SQ.FT.
•	<b>BUILDING C:</b>	15,150.00 SQ.FT.
•	BUILDING D:	4,690.00 SQ.FT.
•	BUILDING E:	6,000.00 SQ.FT.
•	TOWER:	225.00 SQ.FT.
•	TOWER:	225.00 SQ.FT.



NORTHERN PROPERTY LINE TYPE 'C' BUFFER WITH WALL(BUILDING) (15' WIDE, WALL, 66 SHRUBS PER EVERY 100 LINEAR FEET, 3 ACCENT/ PALM TREES PER EVERY 100 LINEAR FEET AND 5 CANOPY TREE PER EVER 100 LINEAR FEET)

TOTAL LENGTH: 250'-0" LF: (MINUS SIGHT TRIANGLE LINEAR FOOTAGE = 175'-0") 175 / 100 X 66 = 116 SHRUBS REQUIRED. 116 SHRUBS PROVIDED AT 7 GALLON. (BS)

175 / 100 X 3 = 6 ACCENT / PALM TREES REQUIRED. 6 ACCENT / PALM TREES PROVIDED. (AT) 175 / 100 X 5 = 9 CANOPY TREES REQUIRED. 9 CANOPY TREES PROVIDED. (CBT)

# SOUTHERN PROPERTY LINE TYPE 'C' BUFFER #1 WITH WALL(BUILDING) (15' WIDE, WALL, 66 SHRUBS PER EVERY 100 LINEAR FEET, 3 ACCENT/ PALM TREES PER EVERY 100 LINEAR FEET AND 5 CANOPY TREE PER EVER 100 LINEAR FEET)

TOTAL LENGTH: 178'-0" LF: (MINUS 15' WESTERN BUFFER) 163 / 100 X 66 = 108 SHRUBS REQUIRED. 108 SHRUBS PROVIDED AT 7 GALLON. (BS) 163 / 100 X 3 = 5 ACCENT / PALM TREES REQUIRED. 5 ACCENT / PALM TREES PROVIDED. (AT) 163 / 100 X 5 = 9 CANOPY TREES REQUIRED. 9 CANOPY TREES PROVIDED. (CBT)

SOUTHERN PROPERTY LINE TYPE 'C' BUFFER #2 (25' WIDE, 66 SHRUBS PER EVERY 100 LINEAR FEET, 5 ACCENT/ PALM TREES PER EVERY 100 LINEAR FEET AND 10 CANOPY TREE PER EVER 100 LINEAR FEET) TOTAL LENGTH: 72'-0" LF: (MINUS 10' EASTER BUFFER) 62 / 100 X 66 = 41 SHRUBS REQUIRED. 41 SHRUBS PROVIDED AT 7 GALLON. (BS) 62 / 100 X 5 = 4 ACCENT / PALM TREES REQUIRED. 4 ACCENT / PALM TREES PROVIDED. (AT) 62 / 100 X 9 = 6 CANOPY TREES REQUIRED. 6 CANOPY TREES PROVIDED. (CBT)

# **GENERAL AREA TREE CALCULATIONS:** TOTAL SITE AREA: 4.6148 (4.62) ACRES (201,022.00 SQ.FT.)

1 CANOPY TREE PER 1,000 SQ.FT. OF GROSS LAND AREA REQUIRED. (REQUIRED CANOPY TREES SHALL NOT BE PLACE LESS THAN 20' ON CENTER) 202,022.000 SQ.FT./ 1,000 = 202.02 (203 GENERAL TREES REQUIRED.)

4" CALIPER GENERAL TREES MAY BE USED IN PLACE OF CODE MINIMUM TREES AND WILL COUNT ONE 4" CALIPER TREE FOR TWO MINIMUM 2" CALIPER CANOPY TREES REQUIRED: 203 / 2 = 101.5 (102 TREES REQUIRED.)

39 VEHICULAR USE TREES PROVIDED.

99 BUFFER TREES PROVIDED.

23 RIGHT OF WAY TREES PROVIDED. 5 HERITAGE TREE REPLACEMENTS PROVIDED.

TOTAL CANOPY TREES PROVIDED: 166 TREES / PALMS (162.7%)

# **VEHICULAR USE AREA CALCULATIONS:**

VEHICULAR USE AREA TOTAL: 58,064.36 SQ.FT. VEHICULAR USE AREA PLANTING REQUIREMENTS ARE 10% OF TOTAL PARKING AND VEHICULAR USE AREAS.

58,064.36 SQ.FT. X 10% = 5,806.44 SQ.FT. OF PLANTING AREA REQUIRED. 5,864.10 SQ.FT. OF PLANTER AREA PROVIDED. (100.9% PROVIDED) 1 TREE REQUIRED FOR EVERY 150 SQ.FT. OF REQUIRED PLANTING AREA. 5,806.44 SQ.FT / 150 SQFT. = 38.70 (39 TREES REQUIRED) 3 PALMS = 1 CANOPY TREE REQUIRED. 9 PALM TREES = 3 CANOPY TREES PROVIDED AND 36 CANOPY TREES PROVIDED. **39 TREES PROVIDED. (100% PROVIDED)** 

# FOUNDATION PLANTING AREA CALCULATIONS:

-	BUILDING A:	31,810.00 SQ.FT.
•		, ,
•	BUILDING B:	20,200.00 SQ.FT.
•	BUILDING C:	15,150.00 SQ.FT.
•	BUILDING D:	4,690.00 SQ.FT.
•	BUILDING E:	6,000.00 SQ.FT.
•	TOWER:	225.00 SQ.FT.
•	TOWER:	225.00 SQ.FT.

• TOTAL BUILDING AREAS 78,300.00 SQ.FT.

FOUNDATION PLANTING REQUIREMENTS ARE 10% OF PROPOSED BUILDING GROSS GROUND LEVEL FLOOR AREA. MINIMUM WIDTH OF 5' AND SHRUBS INSTALLED 3 GALLON & NO FURTHER THEN 3' ON CENTER.

78,300.00 SQ.FT. X 10% = 7,830.00 SQ.FT. OF PLANTING AREA REQUIRED. 7,897.00 SQ.FT. OF PLANTER AREA PROVIDED. (100.8% PROVIDED) SHRUBS PROVIDED ARE LISTED ON PLANT SCHEDULE WITH FOUNDATION PLANTINGS CATEGORY.

**REQUIRED TREE SPECIES SCHEDULE:** 

• RED MAPLES (5)

• WINNIN PALMS (4)

31 + REQUIRED TREES = MINIMUM 5 DIFFERENT SPECIES REQUIRED.

# **HERITAGE TREE CALCULATIONS:**

5 SLASH PINE (PINUS ELLIOTTII) HERITAGE TREES EXISTING ON SITE. REPLACED WITH 5 - RED MAPLE TREES WITH 6" CALIPER MEASURED AT 12" ABOVE THE GROUND.

# **PROHIBITED INVASIVE EXOTICS:**

THE FOLLOW SPECIES ARE PROHIBITED AND SHALL BE REMOVED FROM SITE .

# **COMMON NAME / SCIENTIFIC NAME**

- EARLEAF ACACIA ACACIA AURICULIFORMIS
- WOMANS TONGUE ALBIZIA LEBBECK
- BISHOPWOOD BISCHOFIA JAVANICA
- AUSTRALIAN PINES ALL CASUARINA SPECIES
- CARROTWOOD CUPIANOPSIS ANACARDIOIDE
- ROSEWOOD DALBERGIS SISSOO
- **AIR POTATO DIOSCORIA ALATA**
- MURREY RED GUM EUCALYPTUS CAMALDULERSIS
- CUBAN LAUREL FIG FICUS MACROCARPA
- JAPANESE CLIMBING FERN LYGODIUM JAPONICUM OLD WORLD CLIMBING FERN - LYGODIUM MICROPHYLLUM
- MELALEUCA PAPER TREE MELALEUCA QUIQUENERVIA
- DOWNY ROSE MYRTLE RHODOMYRTUS TOMENTOSUS •
- CHINESE TALLOW SAPIUM SEBIFERUM
- BRAZILIAN PEPPER / FLORIDA HOLLY SCHIRUS TERBINTHIFOLIUS
- TROPICAL SODA APPLE SOLANUM VIARUM
- JAVA PLUM SYZYGIUM VIARUM
- ROSE APPLE SYZYGIUM JAMBOS CORK TREE - THESPESIA POPULNEA
- WEDELIA WEDELIA TRILOBATA

# EASTERN PROPERTY LINE RIGHT OF WAY BUFFER #1 (10' WIDE, 1 SHRUB PER EVERY 3 LINEAR FEET AND 1 CANOPY TREE PER EVER 30 LINEAR FEET)

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**EASTERN PROPERTY LINE RIGHT OF WAY BUFFER #2** (10' WIDE, 1 SHRUB PER EVERY 3 LINEAR FEET AND 1 CANOPY TREE PER EVER 30 LINEAR FEET) TOTAL LENGTH: 667'-0" LF: (MINUS SIGHT TRIANGLE LINEAR FOOTAGE = 589'-4") 589.33 / 3 = 197 SHRUBS REQUIRED. 200 SHRUBS PROVIDED AT 7 GALLON. (BS) 589.33 / 30 = 20 CANOPY TREES REQUIRED. 20 CANOPY TREES (CBT) PROVIDED. (NOTE: 20 ROYAL PALMS ARE SUBSTITUTED FOR CANOPY TREES DO TO OVERHEAD POWER LINES AND PLANTED IN BACK OF LANDSCAPE BUFFER 10' FROM POWER LINE)

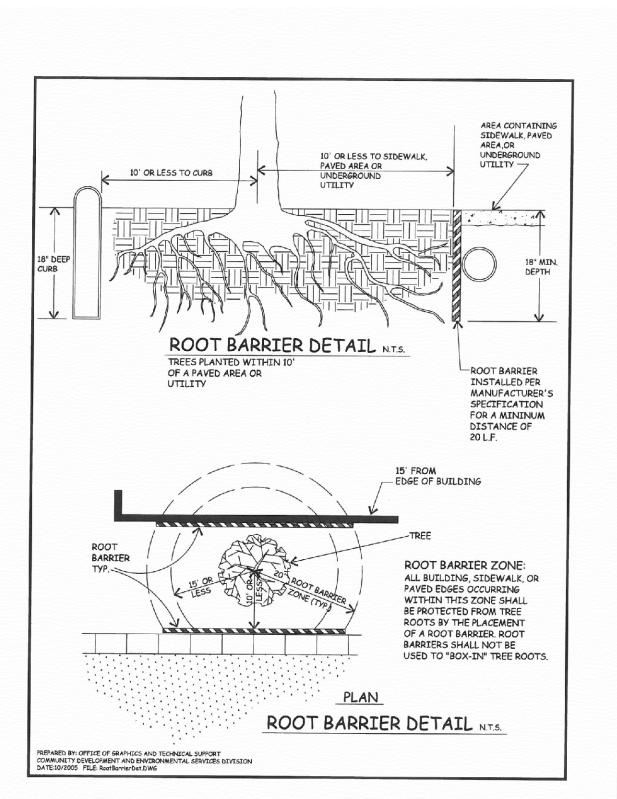
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winin	16`-18` OA			
odyetia bifurcata	10-16` OA			
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Duranta erecta `Gold Mound`	3 gal			
ago auriculata	<del>3 gal</del>			
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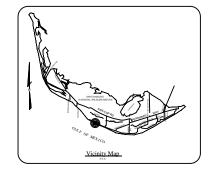
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SITE LOCATION APPROX.

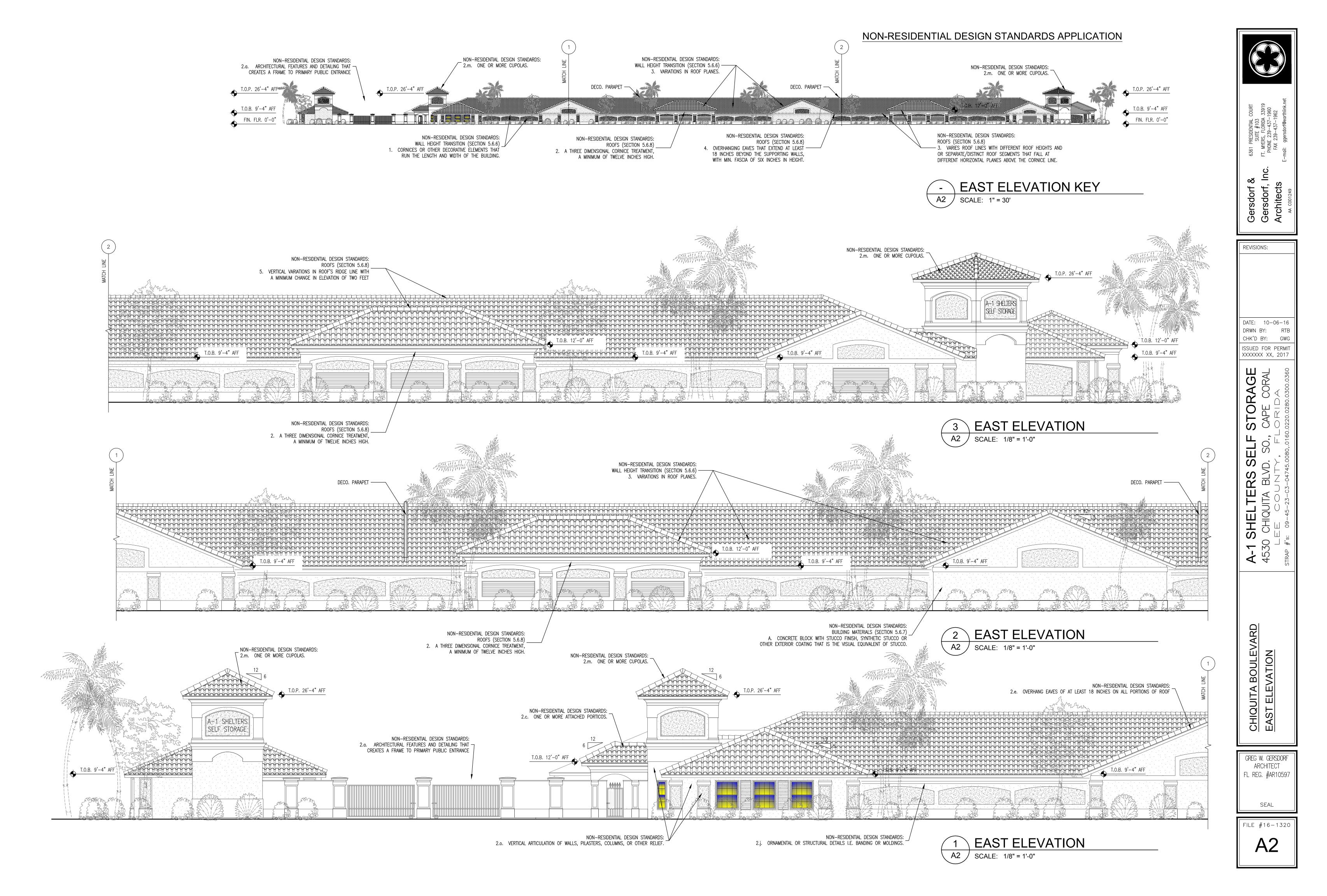
SCALE: 1" = 30'- 0"

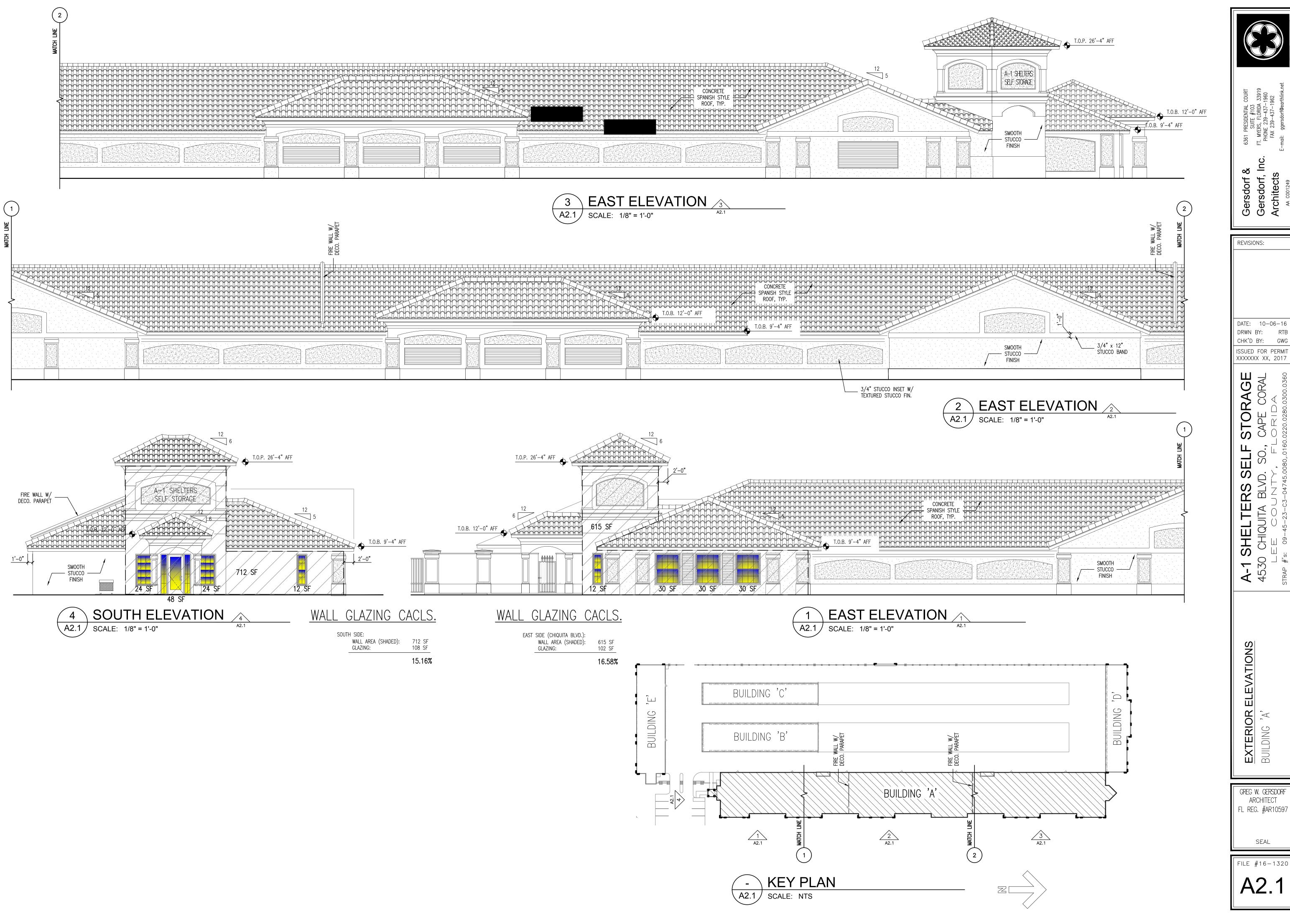
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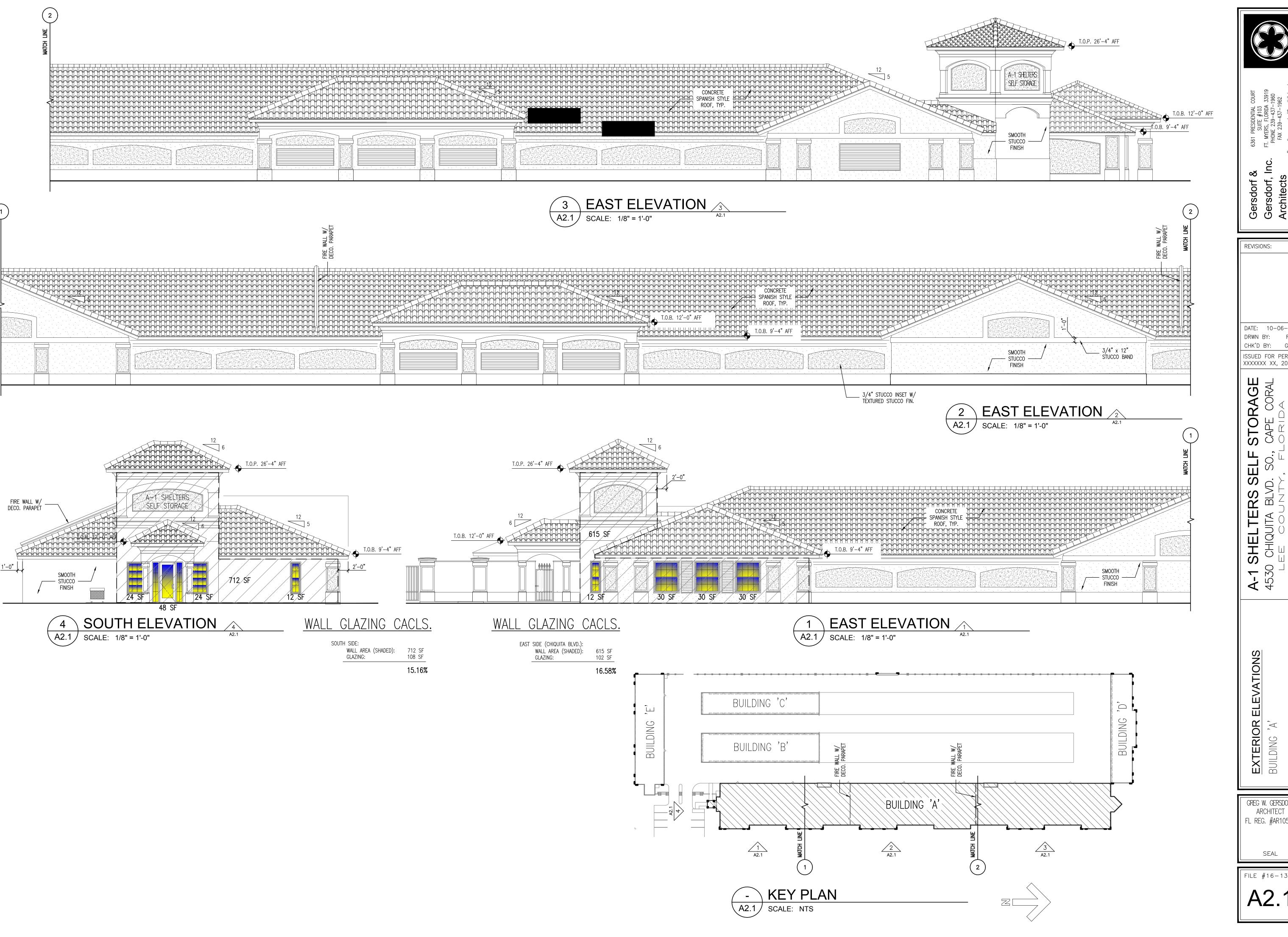
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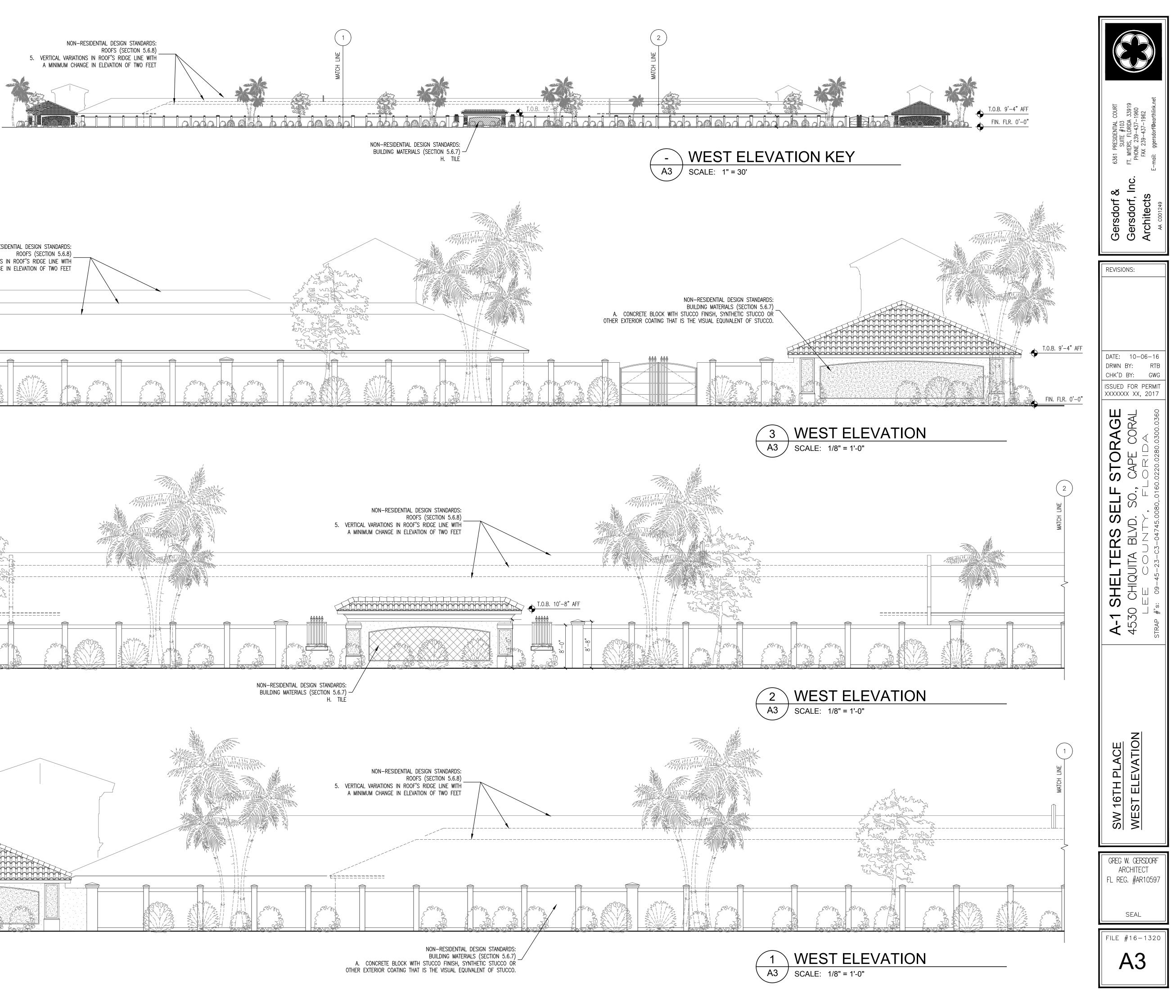


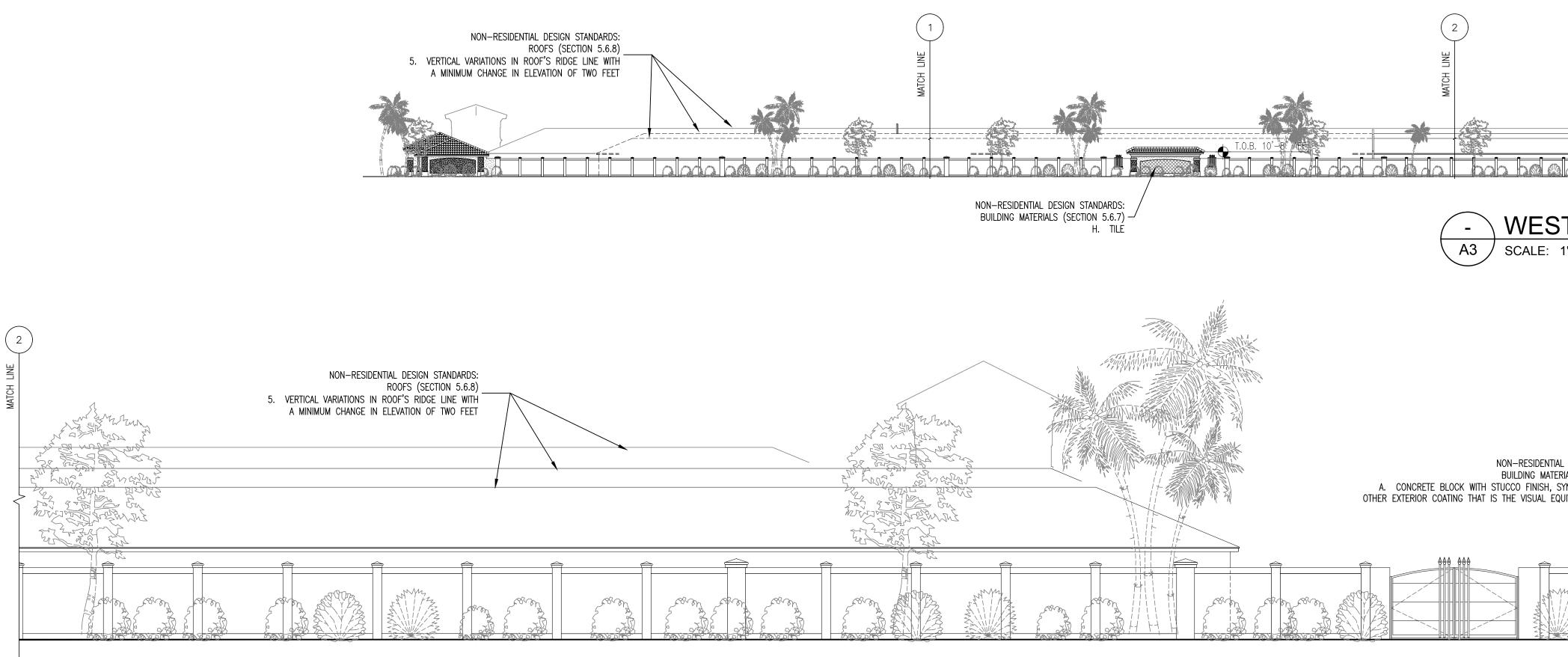
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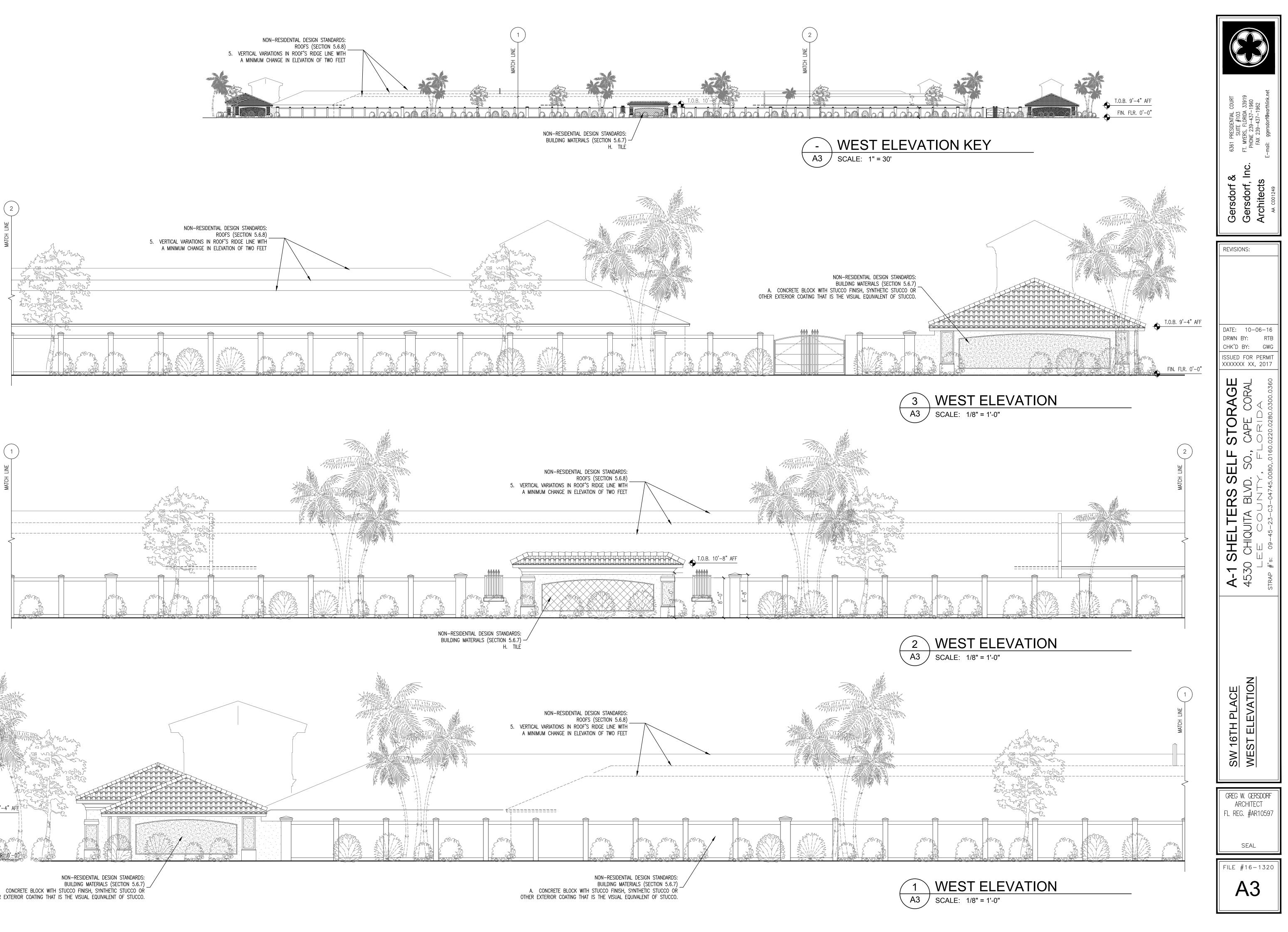


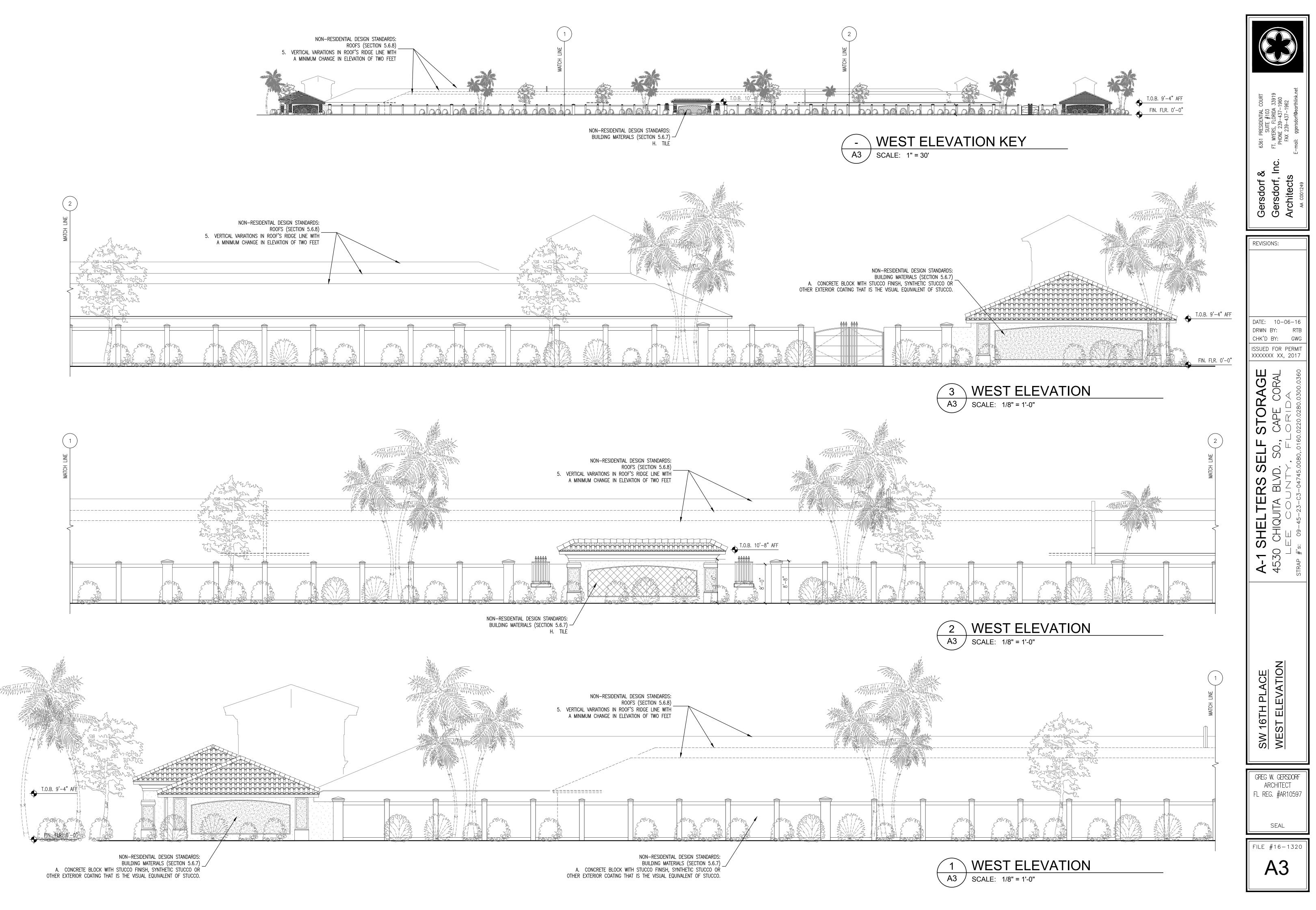


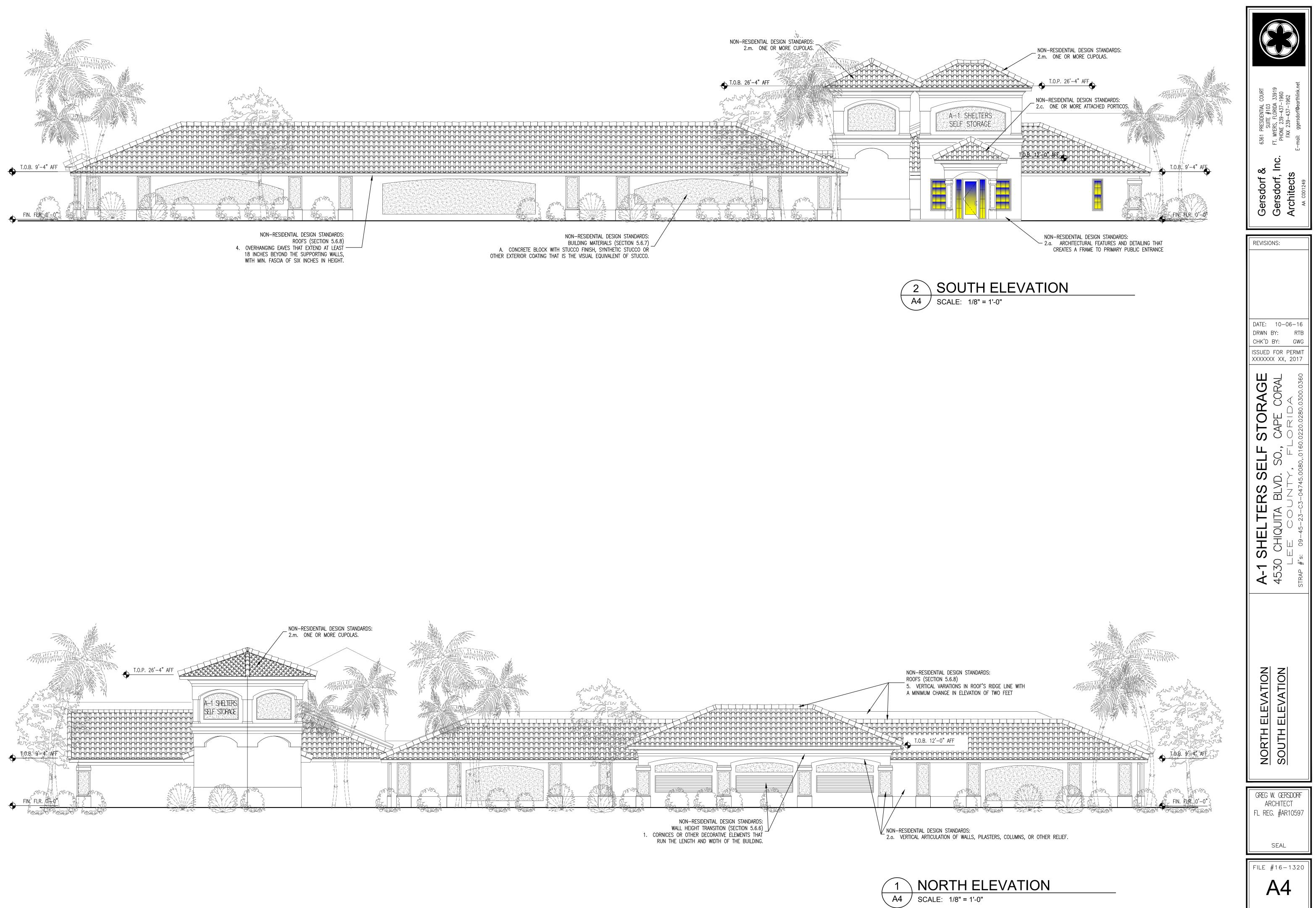


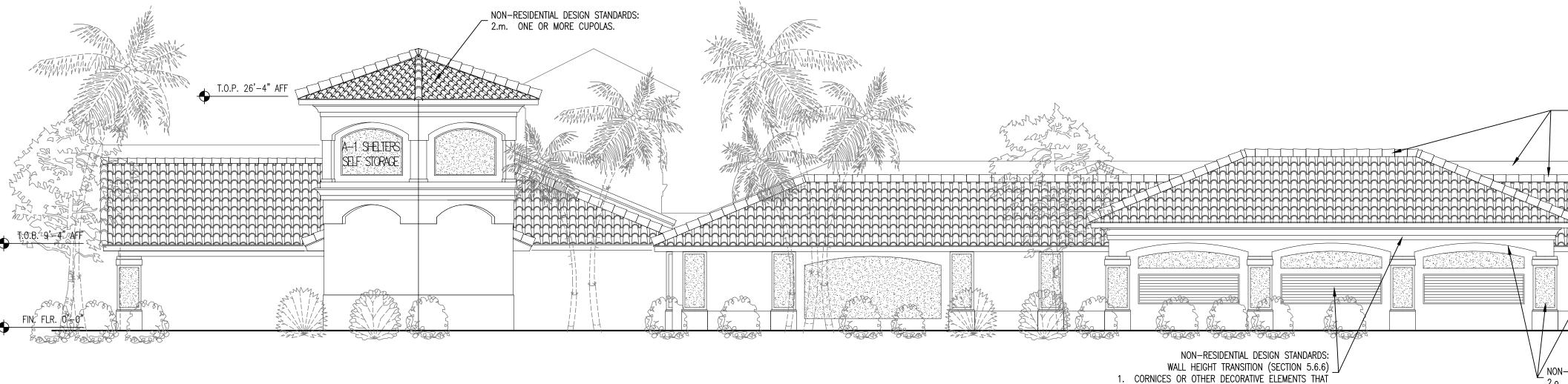


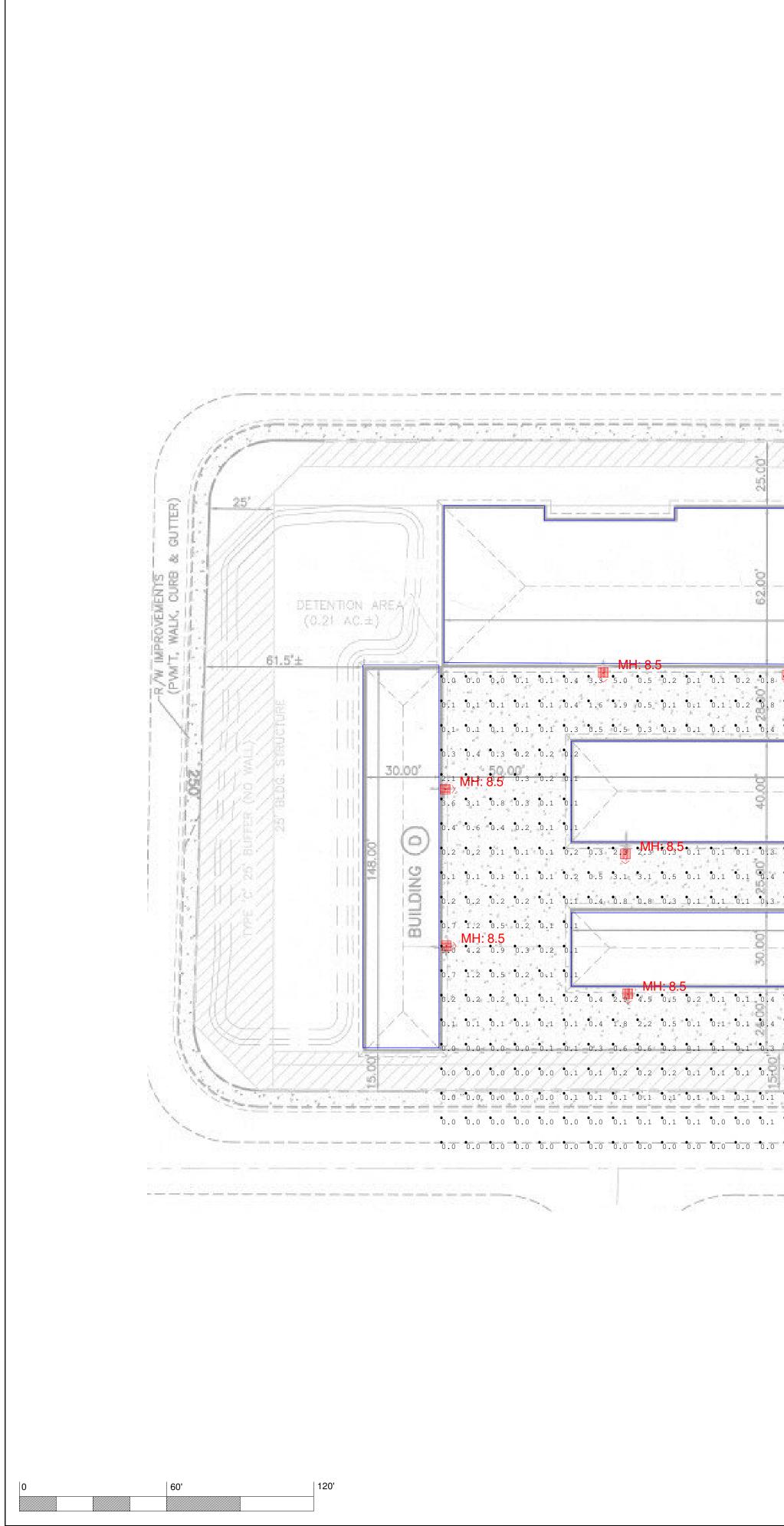




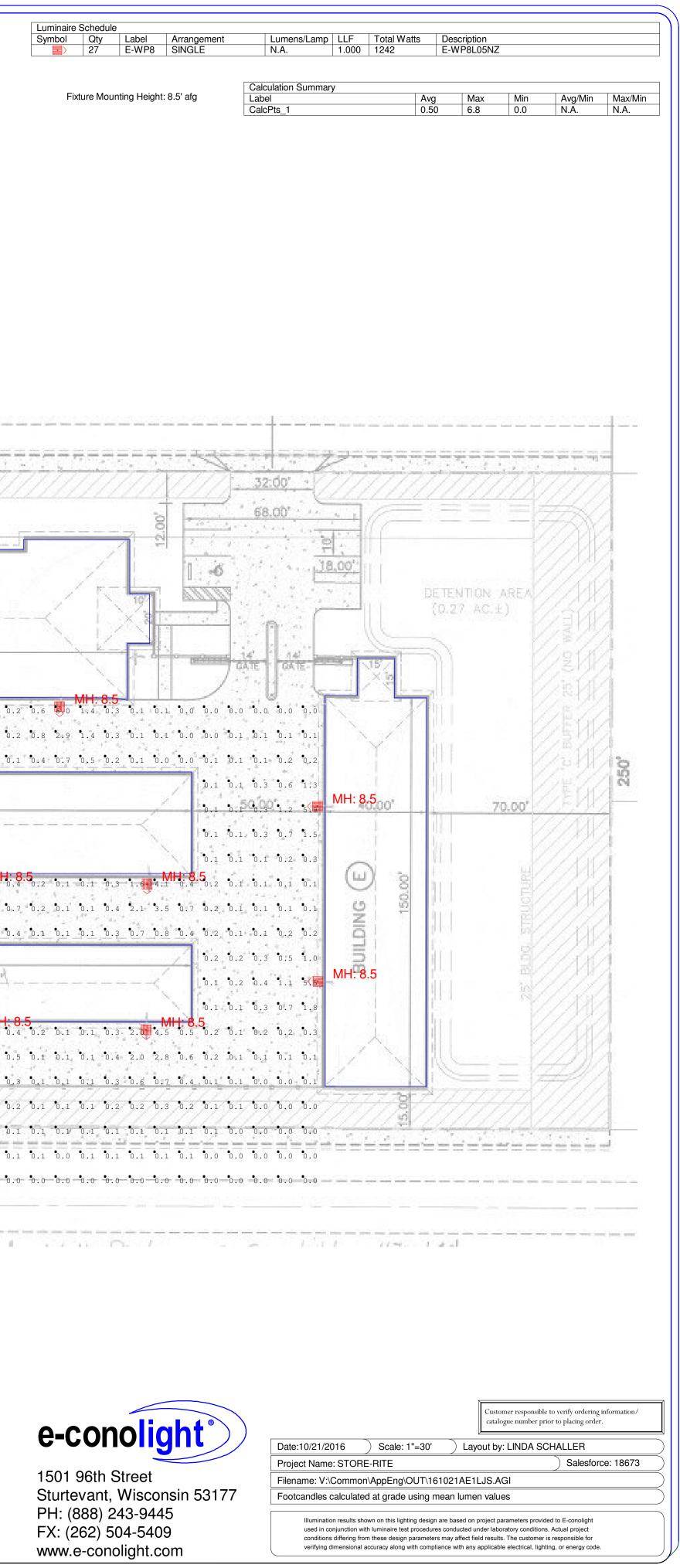








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# A-1 Shelters Self Storage, Chiquita Boulevard Site PDP 16-0014

Planning Division Final Project Staff Report

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

Approved by Robert H. Pederson, AICP, Planning Manager

# April 26, 2017

# PURPOSE

This document provides a single, consolidated review for a Planned Development Project (PDP) entitled "A-1 Shelters Self Storage, Chiquita Boulevard Site." Within this report the following topics are addressed:

- Description of the site;
- Need for the PDP;
- Description of the proposed project;
- Analysis of applicant requests;
- Analysis of the project regarding general standards and requirements for PDPs;
- Concurrency review;
- Consistency with the City Comprehensive Plan;
- Summary of the positive and negative aspects of the project; and
- Project recommendation.

# DESCRIPTION OF THE SUBJECT PROPERTY

The 4.61-acre site consists of six parcels and has frontage on three streets; SW 44<sup>th</sup> Terrace to the north, Chiquita Boulevard to the east, and SW 16<sup>th</sup> Place to the west. Chiquita Boulevard is classified as a Major Arterial while both SW 44<sup>th</sup> Terrace and SW 16<sup>th</sup> Place are Local Streets.

The site is rectangular and undeveloped. The site occupies all of Block 4540, except for a 1.62-acre parcel at the southern end of the block that is owned by the City and is developed with a fire station.

# NEED FOR THE PDP AMENDMENT

A PDP is not mandatory for this project. Presumably, the PDP was submitted to allow the project to undergo a single review, and in so doing, reduce the number of public hearings for this project.

# DESCRIPTION OF THE PROPOSED PROJECT

The Developer seeks to construct a Neighborhood Storage Facility. The project will have five buildings with a collective area of 78,300 sq. ft. The project will include a 15-foot wide landscaped buffer with an eight-foot wall along the western side of the site. A short section of the wall (about 20 feet in length) will feature a decorative segment with a height of 13.5 feet. The LUDRs generally limit the maximum height of walls to six feet. However, LUDR, Section 3.9.2.B.1.c allows taller walls when required for screening a

Special Exception Use. All individual storage units will be screened from adjacent properties by either a buffer wall or the wall of a storage building. The main access to the site will be from Chiquita Boulevard South, with a second driveway on SW 16<sup>th</sup> Place. For administering setbacks, the western property line will be the rear and a 10-foot rear setback will be required (refer to LUDR, Section 3.8.2.C).

# ANALYSIS OF APPLICANT REQUESTS

The applicant's requests and staff recommendations are summarized in Table 1. A thorough analysis of each request is provided later in this report.

# Table 1. Summary of applicant requests and staff recommendations for the A-1 Shelters Self Storage,Chiquita Boulevard Project.

Category	Request	Recommendation
Rezoning	Rezone parcel from P-1 to C-1.	Approve
Special Exception	Special Exception for a Neighborhood Storage Facility Use.	Approve with
		conditions
Deviation to LUDR,	Deviation to allow western sides of Buildings "D" and "E" to	Approve
Section 5.2.13.C.5	serve as part of the opaque feature of a buffer yard.	
Deviation, LUDR,	Deviation to allow certain sides of specific buildings to be	Approve with
Section 5.6.5	granted relief from the nonresidential design standards.	conditions

# A) Rezoning

# Request:

The applicant seeks a rezone of the site from the Professional Office (P-1) to the Pedestrian Commercial (C-1) District.

# Analysis:

Staff reviewed this application based on LUDR, Section 2.7.7, the C-1 District, and the ten (10) General Standards provided within LUDR, Section 8.7.3.B and offers the following analysis:

1. The extent to which the value of the property is diminished by the proposed zoning of the property;

A rezone of the site from P-1 to C-1 will not diminish the value of the six parcels involved in this request. The value of these parcels will likely increase because the C-1 District allows a greater number of uses compared to the P-1 District. The C-1 District allows 92 Permitted or Special Exception Uses while the P-1 District allows 39 uses.

2. The extent to which the removal of a proposed change in zoning depreciates the value of other property in the area;

It is unlikely that the value of surrounding properties will be diminished by the rezone. Dating back to 2002, the site has had Commercial/Professional Future Land Use and, therefore,

these properties have been considered commercial for over a decade. The only parcel in Block 4745 that is not part of this rezone is at the southern end of the block (the municipal fire station). Residential-zoned properties exist to the north, east, and west but these properties are separated from the site by public streets with a width of 60 feet or greater. City regulations will require landscaping with a minimum width of 10 feet or greater, along all four property lines.

3. The suitability of the property for the zoning purpose;

This 4.61-acre site has a Commercial/Professional Future Land Use Designation. The requested C-1 District is consistent with this future land use classification.

The property is relatively flat, rectangular, and has considerable depth (250 feet) throughout the length of the site. The area and depth is adequate to accommodate commercial development with adequate parking, stormwater treatment, and landscaping. The site has frontage on three streets. This provides flexibility for accommodating multiple driveways and promoting traffic circulation for a commercial development. The site has about 800 feet of frontage along Chiquita Boulevard, a Major Arterial, that is designed to accommodate commercial traffic.

4. The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed zoning;

Surrounding future land use, zoning, and existing uses of the site and surrounding parcels are shown in Table 1.

Table 2. Zoning Classifications, Future Land Use Designations and Existing Uses of the Site andSurrounding Parcels.

Subject Parcel	Zoning
Current:	Professional Office (P-1)
Proposed:	Pedestrian Commercial (C-1)
	Surrounding Zoning
North:	SW 44 <sup>th</sup> Street ROW/Resident
South:	Residential Development (RD)
East:	Chiquita Blvd ROW/Single Fam
West:	SW 16 <sup>th</sup> Place ROW/Single Fan

Properties on all four sides has residential zoning. Only adjacent properties to the west have single-family homes. Sites to the east are undeveloped. To the north is a vacant lot and a City lift station. The site to the south has a fire station.

This rezone is requested for a Neighbor Storage Use but the staff analysis considers the full range of permitted uses in the C-1 District. The LUDRs require a minimum 10-foot wide landscaped area along the north and east property lines. A Buffer "C" consisting of a 15-foot wide landscaped area with a wall, or a 25-foot wide landscaped area without a wall, is required along the west property line.

Given the nonresidential use to the south and City streets that separate the site from adjacent property to the north, east, and south, the range of uses permitted in C-1 Zoning should be compatible with the surrounding area. City requirements include architectural standards for buildings and landscaping near property lines with frontage along City streets will promote compatibility between commercial sites and adjacent properties.

5. The relative gain to the community as compared to the hardship, if any imposed, from rezoning said property;

Since the site can currently be developed with P-1 uses, staff does not envision a major gain to the community should this request be approved. On the other hand, to the extent C-1 Zoning facilitates development of the site sooner than would occur with P-1 Zoning, the community would benefit in the short-term by having goods and services provided at the neighborhood scale, facilitating job creation, and an expanded tax base.

6. The community need for the use proposed by the zoning;

The P-1 and C-1 Districts are each consistent with the Commercial/Professional Future Land Use Classification. As a result, development under either zoning designation will assist in addressing the imbalance of commercial development in the City.

7. Length of time the property proposed to be rezoned has been vacant, as zoned, when considered in the context of the City of Cape Coral Comprehensive Land Use Plan for the development of the proposed property and surrounding property;

The future land use of the site was amended from Single Family and Multi Family by PDP to Commercial/Professional by Ordinance 45-02. The site has had P-1 Zoning since 2002.

8. The extent to which the proposed zoning promotes the health, safety, morals, or general welfare of this community;

P-1 and C-1 Zoning will promote the health, safety, and general welfare of the community by allowing uses appropriate for the location, area, and configuration of this site.

9. The extent to which the proposed zoning will impact the level of service standards for public facilities as specified in the Comprehensive Plan;

Potable water, sewer, and irrigation services are available to the site. The intended Neighborhood Storage Facility will generate an estimated 23 trips per PM peak hour. The estimated number of trips will not adversely affect level of service standards for City streets.

Should other C-1 uses be developed on this site, substantially greater numbers of trips may be generated. Any use or combination of uses that produce 300 or more PM peak hour trips would require the developer to submit a Traffic Impact Study to the City.

10. Whether the proposed zoning is consistent with the City of Cape Coral's Comprehensive Land Use Plan.

The P-1 and C-1 Districts are each consistent with the Commercial/Professional Future Land Use Designation, as outlined within Policy 1.15 of the Future Land Use Element of the Comprehensive Plan.

Although not requested with this application, the P-2 (Professional Business) District is also consistent with this future land use designation. The P-2 District was designed for lands adjacent to C-1 properties where the potential for foot traffic is strong among office, retail, food service, and related establishments existing in a more intense, urban environment than that which occurs near this site. Since these types of commercial establishments are lacking in this area and pedestrian activity is, the site is a poor candidate for P-2 Zoning.

# **Recommendation:**

Staff recommends approval of a request to C-1 Zoning. Key factors supporting C-1 Zoning include:

- The area and depth of the site.
- Surrounding future land use patterns. Properties with Commercial Activity Center Future Land Use are to the east; a parcel with Public Facilities Future Land Use is to the south.
- Frontage on a major City street.
- Separation of the site, except for the parcel to the south, from adjacent properties by two- or fourlane streets.

# B) Special Exception

# Request:

The applicant seeks a Special Exception Use for a Neighborhood Storage Facility. The City defines this use as "any building or group of buildings on a common site designed to provide, generally for a fee, separate storage rooms or units for individuals or businesses, and constructed so that over-head doors or individual storage unit doors that are not visible from adjoining property or from any public right-of-way provide the only access to the aforesaid storage rooms or units."

# Analysis:

Staff reviewed this application based on LUDR, Section 2.7.7, the C-1 District, and the five standards in Section 8.8.5a-e for Special Exception Uses. We offer the following analysis:

1. Generally

C-1 Zoning is consistent with the Commercial/Professional Future Land Use. A minimum land area of three acres is required for this use in the C-1 District. The site has 4.61 acres and exceeds the area criterion.

2. Compatibility

The site comprises all of Block 4745 except for a City fire station at the south end of the block. The site is separated from residential or mixed-use land by public streets. A combination of buildings and a buffer wall will screen individual storage unit doors as well as loading activities from the public. Perimeter landscaping will buffer and soften the appearance of the buildings. No existing single-family home will be within 100 feet of a storage building.

The number of PM peak hour trips is estimated at 23. This is a relatively low number of trips for a commercial property that exceeds four acres. All vehicles entering the site will use the entrance on Chiquita Boulevard. Vehicles leaving the site will have the option of using the exit on Chiquita or SW 16<sup>th</sup> Place. Regardless of the driveway used, the number of commercial trips utilizing SW 16<sup>th</sup> Place will be relatively low and should not be disruptive to people living along this local street.

A photometric plan shows that lighting levels will not exceed 0.1 foot-candles at the property lines. This level of illumination should not be disruptive to residents. The height of lighting fixtures will be 8.5 feet. Outdoor lighting for Neighborhood Storage Facilities cannot exceed 15 feet in height and must be shielded to limit light levels on surrounding properties.

Noise associated with this use will be low compared to several uses allowed in C-1 Zoning. This use does not involve outdoor storage, repairs, or involve fabrication that generates noise and is frequently associated with other C-1 uses.

The site will be lined by three buildings and a wall along the western property line. Visible building walls will include columns and arches. The buildings will have varied roof lines and feature tiled roofs. Windows will be limited so storage areas within buildings will not be visible to the public. While a deviation from the City architectural requirements is sought for several building walls, all such walls will be internal to the storage facility and thus, will not be visible to the public. Since the interior of the storage facility will lack landscaping, all trees and shrubs will be concentrated around the periphery of the site where these plantings will have their greatest visual impact.

Based on the factors discussed in this section, which include the separation of the site from existing single-family homes, the small number of trips generated, and screening and buffering of the project, staff finds that the use should be compatible with the surrounding area.

#### 3. Minimum Lot Frontage; Access

The site has about 800 feet of frontage along Chiquita Boulevard South. The site also has frontage along two local streets; SW 16<sup>th</sup> Place and SW 44<sup>th</sup> Street. The main entrance will be on Chiquita Boulevard South. This entrance will align with a median cut on Chiquita to allow north- and south-bound traffic to enter the site from this street. A driveway on SW 16<sup>th</sup> Place will provide a second option for customers exiting the site. Nine parking spaces will comply with the City parking standard for this use.

#### 4. Building Location; Setbacks

Buildings will have a minimum 25-foot front setback from the east property line. Ten-foot setbacks are required from the north (side), south (side), and west (rear) property lines.

# 5. Screening and Buffering

The perimeter of the site will be landscaped. Landscaping includes a required Buffer "C" along the north, south, and west property lines. Each buffer will be at least 25 feet wide except along the west property line where this buffer will have a width of 15 feet and include a wall. A 10-foot wide strip of landscaping will be along the eastern property line adjacent to Chiquita Boulevard.

A combination of buildings and a buffer wall around the perimeter will screen storage unit doors from public streets and adjoining properties. All loading activities will also be screened from view from the three public streets adjacent to the site.

# **Recommendation:**

Staff recommends **approval** of the Special Exception with the conditions listed below:

- 1. To minimize light trespass on surrounding properties and to reduce glare from on-site lighting, the following conditions are prescribed:
  - a. Except for the two project driveways where lighting levels shall not exceed 1.0 footcandles, lighting levels along all property lines shall not exceed 0.2 foot-candles. A lighting plan must be submitted that demonstrates compliance with this requirement prior to site plan approval.
  - b. Lighting trespass and glare shall be limited to a reasonable level through the use of shielding and directional lighting methods.
- 2. An opaque wall, with a minimum height of eight feet, as depicted on Sheet A-3 prepared by Gersdorf & Gersdorf, Inc. Architects is required. The wall shall have posts or columns with a spacing no greater than 10 feet apart.
- A certificate of use shall not be issued for any building until Buildings "A", "D", and "E" have been constructed, the wall along SE 16<sup>th</sup> Place has been installed, and all landscaping on the site has been installed and inspected by the City.
- 4. Accent trees required to meet the buffer requirements along the western property line shall have a minimum height of 10 feet and a minimum caliper of two inches. Canopy trees required to meet the buffer requirements along the western property line shall have a minimum height of 14 feet and a minimum caliper of 3.5 inches. All palms required to meet the buffer requirements along the western property line shall have a minimum of 11 feet clear trunk.

# C) LUDR Deviations

#### Deviation #1: Request

The Developer requests a deviation to LUDR, Section 5.2.13.C.5 to allow the western sides of Buildings "D" and "E" to serve as a part of the opaque feature required for a buffer yard along the western property.

## **Background**

LUDR, Section 5.2.19 addresses deviations to City landscaping regulations. Such requests may be approved by the City Council provided the deviation will not be contrary to the public interest and will be in harmony with the general intent and purpose of this section and where either of the following applies:

- 1. Conditions exist that are not the result of the applicant and which are such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship; or
- 2. Literal conformity with the regulations would inhibit innovation or creativity in design.

LUDR, Section 5.2.19.B states "In determining whether a particular deviation request should be approved as the result of unnecessary or undue hardship, factors the Hearing Examiner (or the City Council, when applicable) shall consider include, but are not limited to, the following: site constraints such as shape, topography, dimension, and area of the property, the effect other regulations would have on the proposed development, or other locational factors that may make compliance with this section impossible or impracticable, and the effect the requested deviation would have on the community appearance. Additionally, the Hearing Examiner (or the City Council, when applicable) shall find that the approval of the deviation(s) would serve the intent of this section to protect the health, safety, and welfare of the public while ensuring a high level of overall aesthetic appeal and visual interest in the City."

This deviation is sought by the Developers based on hardship.

Are there site constraints such as shape, topography, dimensions and area of the property?

#### Staff analysis and comments

No. The site has an area of 4.61 acres. The site is flat and rectangular. There are no physical features associated with the site that would interfere with complying with the wall required for a Buffer "C."

Are other regulations present in this situation that would affect the proposed development or other locational factors that may make compliance with this section impossible or impractical?

#### Staff analysis and comments

Other factors exist that make compliance with this regulation impractical. A Buffer "C" is required along the western property line. To comply with this provision, a 15-foot wide landscaped area with a wall is required. LUDR, Section 5.2.13.C.5 does not allow building walls to meet this screening requirement. The design of the project shows that the western end of Buildings "D" and "E" will be 15 feet from the western property line. To comply with this landscaping provision, the Developer would need to place a free-standing wall in the buffer between the building and the western property line. This free-standing wall is not necessary to provide screening beyond that already provided by the two building façades. A buffer wall in front of the two buildings is unnecessary and adds to the cost of the project with no additional screening benefit realized.

# What effect would the requested deviation would have on community appearance?

The deviation will have no negative effect on community appearance. Since the building walls will be slightly taller than the free-standing wall, equal or slightly better screening of the development will be provided. Landscaping between the western property line and the walls that will provide buffering along SE 16<sup>th</sup> Place.

# Staff analysis and comments

Would the deviation protect the health, safety, and welfare of the public while ensuring a high level of overall aesthetic appeal and visual interest in the City?

#### Staff analysis and comments

The two building facades will form a continuous screening treatment that will be employed in conjunction with a buffer wall. The height of the two buildings will be nine feet, four inches that will be about a foot taller than the buffer wall. The building walls will provide equal or slightly better screening than the shorter buffer wall. The western façade of each building will be concrete block with a stucco finish. The building wall materials and finish will complement that of the buffer wall. The two building facades will also include columns and each building will have a tiled roof. These design elements will provide for a well-integrated screening treatment with a high level of aesthetic appeal.

#### Recommendation

Staff recommends approval.

#### Deviation #2: Request

The Developer requests a deviation from all requirements associated with LUDR, Section 5.6, "Non-residential Design Standards" for building sides identified in Table 3.

#### Table 3. Building Walls for which Deviations are Sought from the Nonresidential Design Standards.

Building	North Elevation	South Elevation	East Elevation	West Elevation	Walls Visible from ROW
Building "A"	Comply with	Comply with	Comply with	Deviation	North, South,
	standards	standards	standards	requested	and East
Building "B"	Deviation	Deviation	Deviation	Deviation	None
	requested	requested	requested	requested	

Building "C"	Deviation	Deviation	Deviation	Deviation	None
	requested	requested	requested	requested	
Building "D"	Comply with	Deviation	Comply with	Comply with	North, East,
	standards	requested	standards	standards	and West
Building "E"	Deviation	Comply with	Comply with	Comply with	South, East,
	requested	standards	standards	standards	and West

LUDR, Section 5.6.10 addresses deviations from architectural requirements for nonresidential buildings. Such requests may be approved by the City Council provided the deviation will not be contrary to the public interest and will be in harmony with the general intent and purpose of this section and where either of the following applies:

- 1. Conditions exist that are not the result of the applicant and which are such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship; or,
- 2. Literal conformity with the regulations would inhibit innovation or creativity in design.

LUDR, Section 5.6.10.B states "in determining whether a particular deviation request should be approved as the result of unnecessary or undue hardship, factors the Hearing Examiner (or the City Council, when applicable) shall consider include, but are not limited to, the following: site constraints such as shape, topography, dimensions, and area of the property, the effect other regulations would have on the proposed development, or other locational factors that may make compliance with this section impossible or impracticable, the effect the requested deviation would have on the community appearance including, but not limited to, consideration of the mass, scale, and other characteristics of a proposed building relative to the characteristics of existing and approved surrounding buildings whether on the same or nearby sites, and the relative visibility and character of equipment or loading areas which are otherwise required to be screened along with constraints on alternative location of such equipment or loading areas. Additionally, the Hearing Examiner (or the City Council, when applicable) shall find that the approval of the deviation(s) would serve the intent of this section to protect the health, safety, and welfare of the public while ensuring a high level of overall aesthetic appeal and visual interest in the City." This deviation is sought by the Developers based on hardship.

# <u>Analysis</u>

Are site constraints present (like shape, topography, dimensions, or area of the properties) that would interfere or impede with the implementation of the nonresidential design standards?

Staff response: No. The site has 4.61 acres. The site is flat and has the shape of a rectangle. There are no physical features associated with the site that would interfere with complying with the architectural standards.

Are other regulations or locational factors present that make compliance with this section (i.e., the nonresidential design standards) impossible or impractical?

Staff response: Two factors are present that make compliance with this section impractical.

The visibility of the buildings from outside the development. Deviations are sought to the sides of buildings that will not be visible from outside the development. These walls will be screened by either a buffer wall or a building. Building walls visible from a street will comply with City architectural requirements.

The nature of the development. Most building walls facing the interior to the development will be lined with roll-up, overhead doors. These doors will provide access to individual storage units. Because these doors collectively will occupy the vast majority of these building walls, limited space, and therefore limited opportunity, exists for accommodating the required architectural enhancements on these building walls.

# What effect will the requested deviation would have on the community appearance?

Staff response: The requested deviation is anticipated to have little, if any, negative effect on community appearance for the following reasons.

- The building walls in question will not be visible to the public.
- Building walls visible from a street or adjacent property will meet the design standards.

What affect would the deviation have on the relative visibility and character of equipment or loading areas which are otherwise required to be screened along with constraints on alternative location of such equipment or loading areas?

Staff response: There will be no negative affect as loading activities occurring at individual storage units will be screened from all streets by building walls and a buffer wall that lines the perimeter of the facility.

Will the approval of the deviation protect the health, safety, and welfare of the public while ensuring a high level of overall aesthetic appeal and interest in the City?

Staff response: The health, safety, and welfare of the public will be served by the approval of this deviation as only building walls interior to the development and not visible to the public would be granted relief from the nonresidential design standards.

#### <u>Recommendation</u>

Staff recommends approval of this deviation with the following condition.

 Roofs of all buildings shall be constructed of concrete tile or an acceptable alternative material. Acceptable alternative materials, having similar durability and aesthetic characteristics, including exterior appearance and color, may be approved by the DCD Director. Asphalt shingles are prohibited.

#### GENERAL STANDARDS AND REQUIREMENTS FOR PDPS

This project was also evaluated for compliance with general standards and requirements found in LUDR, Section 4.2 that is provided below.

- A. *Environmental control standards:* An Environmental Survey, dated October, 2016, was submitted by W. Dexter Bender and Associates, Inc. No state or federally protected species were reported nor sensitive lands were found. The project complies with the four standards in LUDR, Section 5.4.
- B. *Maintenance of improvements:* A Master Landscape Plan was submitted as part of the PDP application. Full compliance with the City landscaping regulations will be verified when a site plan for the project is submitted.
- C. *Consistency with Comprehensive Plan:* This project is consistent with several policies and goals in the Comprehensive Plan that are discussed in greater detail elsewhere in this report.
- D. *Financial Responsibility:* This standard is not applicable as the owner will not be required to provide a statement of financial responsibility for this project.
- E. *Dimensional requirements:* The project is compliant with dimensional requirements for the C-1 District.
- F. *Maximum density:* This project does not involve a residential use. As a result, this standard is not applicable.
- G. *Minimum parcel size:* The C-1 District requires a minimum of three acres for a Neighborhood Storage Facility Use. The site has an area of 4.61 acres and thus meets this criterion.
- H. *Time limitation:* Substantial construction is required to commence within two years from the date of project approval or within one year fo the last permit approval for all appropriate regulatory bodies, whichever is less.
- I. *Ownership requirements:* All six property owners have signed the PDP application as required by the City.
- J. *Special exceptions:* The Special Exception, with conditions recommended by staff, meets the five standards for evaluating this use.
- K. *Deviations:* Two deviations are requested. Both deviations have been justified adequately by the applicant, meets the standards for the deviations requested, and staff recommends approval of both.
- L. *Underground Utilities:* This project will involve new construction. As a result, utilities will be placed underground.

# **CURRENCY REVIEW**

The project will meet concurrency requirements for solid waste, drainage, potable water, sewer, and transportation. Details are provided in Table 4.

Table 4. Information on Design Capacity, Usage, and Concurrency Status for Various Services.

SERVICE	FACILITY DESIGN CAPACITY	USAGE	STATUS
Solid Waste <sup>1</sup>	1,836 Tons	1,384 Tons	Capacity exists
Drainage <sup>2</sup>	NA	NA	NA
Potable Water	30.1 MGD <sup>3</sup>	9.4 MGD	Capacity exists
Sewer	28.4 MGD	12.8 MGD	Capacity exists
Roads			
Chiquita Blvd	Level of Service D	14,500	Capacity exists
SW 16 <sup>th</sup> Place	Level of Service D	AADT <sup>4</sup>	Capacity exists
SW 44 <sup>th</sup> Street	Level of Service D	No data	Capacity exists
		No data	

#### CONSISTENCY WITH THE COMPREHENSIVE PLAN

A list of Comprehensive Plan objectives and policies applicable to this request appears in Exhibit "A."

#### SUMMARY OF THE POSITIVE AND NEGATIVE ASPECTS OF THE PROJECT

#### **POSITIVE ASPECTS OF THE PROJECT**

- The commercial site has frontage along three streets.
- The property has sufficient area and depth for a Neighborhood Storage Use.
- Nearest single-family homes are separated from the site by two and four-lane streets.

<sup>&</sup>lt;sup>1</sup> Solid waste services are provided by Lee County Government.

<sup>&</sup>lt;sup>2</sup> Projects are reviewed for compliance with South Florida Water Management District standards during site plan review.

<sup>&</sup>lt;sup>3</sup> MGD stands for millions of gallons per day.

<sup>&</sup>lt;sup>4</sup> AADT stands for average annual daily trips; 2013 data.

- Noise levels associated with this use will be low.
- New trips generated by the development will be relatively low.

# **NEGATIVE ASPECTS OF THE PROJECT**

- Residential or mixed-use zoned properties are on all four sides of the site.
- Additional traffic on City streets resulting from this development will occur.

# MITIGATING MEASURES

- Lighting levels will be restricted along all four property lines and will be relatively low.
- The development will be well screened and buffered along all four property lines.

## **PROJECT RECOMMENDATION**

Staff finds that this PDP is consistent with the City LUDRs and Comprehensive Plan. Staff supports all requests and recommends approval of the PDP.

#### Staff Contact Information

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator PH: 239-242-3255 Email: <u>mstruve@capecoral.net</u>

# A-1 Shelters Self Storage, Chiquita Boulevard Site (PDP16-0014) EXHIBIT "A"

**Conservation and Coastal Management Element** 

# Policy 1.2.1

"By 2009, the City of Cape Coral will adopt regulations to ensure that, prior to property development, or habitat alteration, of any kind, owners of properties having viable native habitat and/or which may contain habitat for protected species, undergoing significant development and/or habitat alteration, will be required to provide an environmental survey of their properties and undertake acceptable mitigation, as appropriate."

# Policy 1.2.17

"The City shall require, as a condition of approval for Planned Development Projects and Site Plan Reviews, a protected species survey, which reflects the current conditions (at the time of the review) on the development site. If listed species are known to inhabit or use the site, the applicant shall prepare a protected species management plan."

# Future Land Use Element

# Policy 1.9

"The City will issue no development orders or construction permits, which result in a reduction in the level of service for any affected public facility below the level of service standard adopted in this comprehensive plan."

# Policy 1.17

"Land development regulations, whether adopted or revised subsequent to the adoption of this plan, will address buffering and open space requirements, and will protect existing residential land uses from incompatible land uses."

# Policy 4.1

"Future development requiring access or connection to public water and sewer facilities will be located within either the Urban Services Infill or Transition areas."

# Policy 5.3

"New commercial development shall meet all of the requirements for adequate facilities based on the level of service standards adopted for roads, potable water and sanitary sewer, solid waste, storm water facilities and other services in this plan."

# Policy 8.2

"Land development regulations, adopted pursuant to s. 163.3202, F.S., will require the buffering of incompatible land uses."

#### Policy 8.3

"Commercial developments shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses. The design should ensure adequate screening of unsightly views of commercial development (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas and exterior storage) through the extensive uses of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and/or building orientation. Ensure that the placement of any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety and overall maintenance of commercial properties should be carefully monitored."

# Infrastructure Element

# Goal 2

"Provision of Sanitary Sewer, Drainage, Potable Water, and Solid Waste Services – the City of Cape Coral will provide sanitary sewer, drainage, and potable water facilities, and will coordinate with private and County sources for the provision of solid waste facilities to meet existing and projected needs identified in this plan."

# Transportation Element

# Policy 1.1.1

"The City shall review professionally accepted studies and current traffic counts to determine levels of service standards within Cape Coral. The City hereby adopts the following peak hour, peak season Level of Service Standards for the following facilities:

- a) Del Prado Boulevard (Cape Coral Parkway to SR 78) LOS E Del Prado Boulevard (SR 78 to US 41) – LOS D
- b) State Road 78 (Pine Island Road) West of Del Prado Boulevard LOS C State Road 78 (Pine Island Road) East of Del Prado Boulevard – LOS D
- c) Pondella Road LOS E
- d) Hancock Bridge Parkway (City Limits to Del Prado Boulevard) LOS E
- e) Cape Coral Parkway (Cape Coral Bridge to Pelican Boulevard) LOS E
- f) Burnt Store Road/Veterans Parkway Corridor LOS E
- g) All other local, collector, and arterial roadways LOS D
- h) All other limited access facilities LOS D
- i) All other roads within City jurisdictions LOS D"

# Policy 2.1.1

"The City will continue to implement specific, non-motorized transportation policies and programs within the Urban Services Infill and Transition Areas, which will eventually result in the establishment of regularly maintained and improved bicycle and pedestrian facilities throughout the City of Cape Coral."

# Policy 2.1.5

"The City shall continue to require new development to incorporate design elements to accommodate and protect bicyclists and pedestrians."

# Policy 2.2.3

"Through the Planned Development Project (PDP) process and other site plan review procedures, the City shall require new development to accommodate public transit, bicycles, pedestrians, and other alternative modes in the project's site design."





# NOTICE TO SURROUNDING PROPERTY OWNERS

# CASE NUMBER: PDP16-0014

**REQUEST:** The property owners, Ralph D. and Catherine M. Sangiovanni, and Judy Fabiano, Marisa Maune, Cathleen Marchiori, and Roxane Carrozza seek approval for a Planned Development Project in the City of Cape Coral, Florida entitled "A-1 Shelters Self Storage, Chiquita Boulevard Site" for certain property described as Lots 8 through 47, Block 4745, Unit 70, Cape Coral Subdivision, according to the plat thereof recorded in Plat Book 22, Pages 58 through 87 inclusive, public records of Lee County Florida; property located at 4414-4530 Chiquita Boulevard and 4419-4431 SW 16<sup>th</sup> Place; rezoning the subject property from Professional Office (P-1) to the Pedestrian Commercial (C-1) Zone; requesting a special exception to allow a Neighborhood Storage Facility Use in a C-1 Zone; requesting a deviations from the City of Cape Coral Land Use and Development Regulations; granting development plan approval pursuant to Section 4.2 of the City of Cape Coral Land Use and Development Regulations. **LOCATION:** 4414-4530 Chiquita Boulevard and 4419-4431 SW 16<sup>th</sup> Place

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

**PROPERTY OWNER(S):** Ralph D. and Catherine M. Sangiovanni, and Judy Fabiano, Marisa Maune, Cathleen Marchiori, and Roxane Carrozza

AUTHORIZED REPRESENTATIVE: Avalon Engineering, Linda Miller

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 AM on Tuesday, May 16, 2017 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 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. You will receive another public hearing notice when this case is scheduled for a City Council hearing.

**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, <u>www.capecoral.net/publichearing</u> (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.

<u>APPEALS</u>: 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



#### Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

P	lease contact us with changes or cancellatior TOLL-FREE 888-516-9220	ns as soon as possible, otherwis Local # 239-335-0258	e no further action needed. Email FNPLegals@gannett.com
Customer:	CITY OF CAPE CORAL_DEPT OF COM	Ad No.:	0002118584
<u>Address:</u>	1015 CULTURAL PARK BLVD CAPE CORAL FL 33990 USA	Net Amt:	\$
Run Times:	1	No. of Affidavits:	1
Run Dates:	05/06/17		
Text of Ad:	NOTICE OF PUBLIC HEARING		
CASE NUMBER: PDF			
REQUEST: The prope Fabiano, Marisa Mau for a Planned Devel. Shelters Self Storage Lots 8 through 47, E plat thereof recorder of Lee County Florida 4431 SW 16th Place; the Pedestrian Comm Neighborhood Stora City of Cape Coral La plan approval pursua velopment Regulatio	erty owners, Ralph D. and Catherine M. Sangiovanni, and Judy une, Cathleen Marchiori, and Roxane Carrozza seek approval opment Project in the City of Cape Coral, Florida entitled "A-1 , Chiquita Boulevard Site" for certain property described as lock 4745, Unit 70, Cape Coral Subdivision, according to the d in Plat Book 22, Pages 58 through 87 inclusive, public records a; property located at 4414-4530 Chiquita Boulevard and 4419- rezoning the subject property from Professional Office (P-1) to mercial (C-1) Zone; requesting a special exception to allow a ge Facility Use in a C-1 Zone; requesting a deviations from the ind Use and Development Regulations; granting development ant to Section 4.2 of the City of Cape Coral Land Use and De- ns.		
LOCATION: 4414-453	0 Chiquita Boulevard and 4419-4431 SW 16th Place		
<b>CAPE CORAL STAFF</b> Team Coordinator, 23	CONTACT: Mike Struve, AICP, LEED Green Associate, Planning 39-242-3255, mstruve@capecoral.net		
PROPERTY OWNER(S Marisa Maune, Cathle	<ul> <li>i): Ralph D. and Catherine M. Sangiovanni, and Judy Fabiano, een Marchiori, and Roxane Carrozza</li> </ul>		
AUTHORIZED REPRES	ENTATIVE: Avalon Engineering, Linda Miller		
on the above mentic Coral Council Chamb	HEARING: Notice is hereby given that the City of Cape Coral II hold a public hearing at 9:00 AM on Tuesday, May 16, 2017 oned case. The public hearing will be held in the City of Cape ers, 1015 Cultural Park Boulevard, Cape Coral, FL.		
After Hearing Exam scheduled for a publ mendation and make	s are invited to appear and be heard. All materials presented Examiner will become a permanent part of the record. The oc continued to a time and date certain by announcement at vithout any further published notice. Copies of the staff report e days prior to the hearing. The file can be reviewed at the ity Development Department, Planning Division, 1015 Cultural I, FL. iner has made a written recommendation, the case will be ic hearing before the City Council who will review the recom- e a final decision. You will receive another public hearing no- scheduled for a City Council hearing.		
available at the City on 'Public Hearing II	<b>TON:</b> The case report and colored maps for this application are of Cape Coral website, www.capecoral.net/publichearing (Click formation', use the case number referenced above to access, at the Planning Division counter at City Hall, between the 4:30 PM		
subject to proper rul pear at the public he filed with the Direct number above within ty Development, Pla	Any person may appear at the public hearing and be heard, es of conduct. You are allowed sufficient time to write or ap- aring to voice your objections or approval. Written comments or will be entered into the record. Please reference the case n your correspondence and mail to: Department of Communi- nning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. continued from time to time as necessary.		
needing a special act the Human Resource 1015 Cultural Park Bo sistance; if hearing in	accordance with the Americans With Disabilities Act, persons commodation to participate in this proceeding should contact s Department whose office is located at Cape Coral City Hall, oulevard, Cape Coral, Florida; telephone 1-239-574-0530 for as- mpaired, telephone the Florida Relay Service Numbers, 1-800- 300-955-8770 (v) for assistance.		
by order of Rebecca van Deutekc City Clerk REF # PDP16-0014 AD# 2118 May 6, 201			

# Department of Community Development Planning Division

# AFFIDAVIT

IN RE: APPLICATION OF: Kirby Family Limited Partnership 3

APPLICATION NO: PDP16-0014

STATE OF FLORIDA ) ) § COUNTY OF LEE )

I, Paul B. Dickson, BO having first been duly sworn according to law, state on my oath the following:

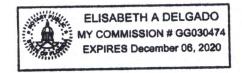
That I am the acting Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

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	SE	day of	May, 2017.
			Paul B. Dickson, BO

# STATE OF FLORIDA COUNTY OF LEE

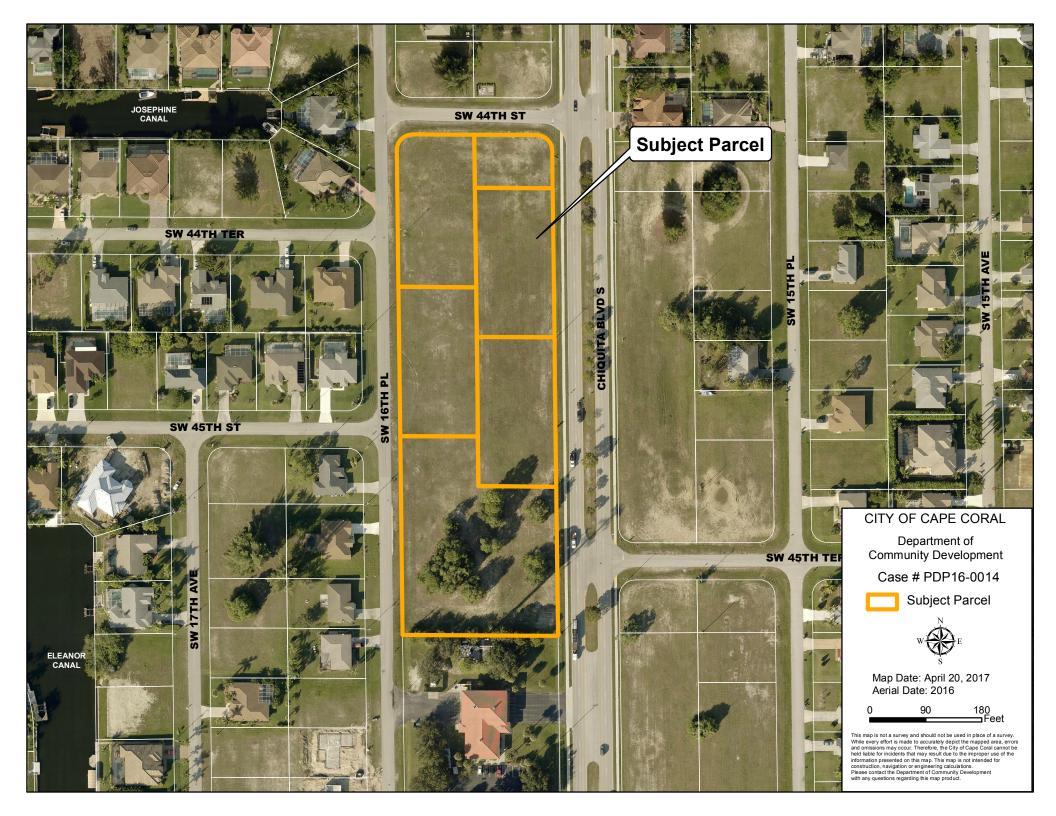
The foregoing instrument was acknowledged before me this  $3^{2}$  day of  $3^{2}$ , 2017, by Paul B. Dickson, BO, who is personally known to me and who did not take an oath.

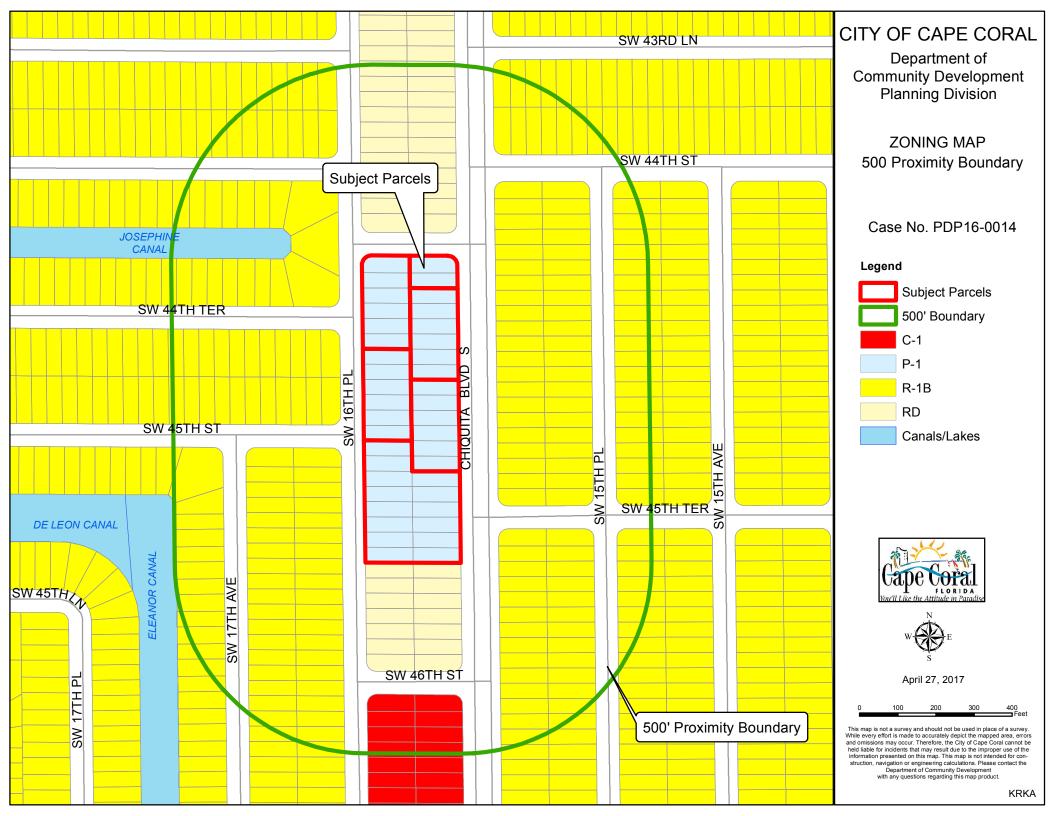


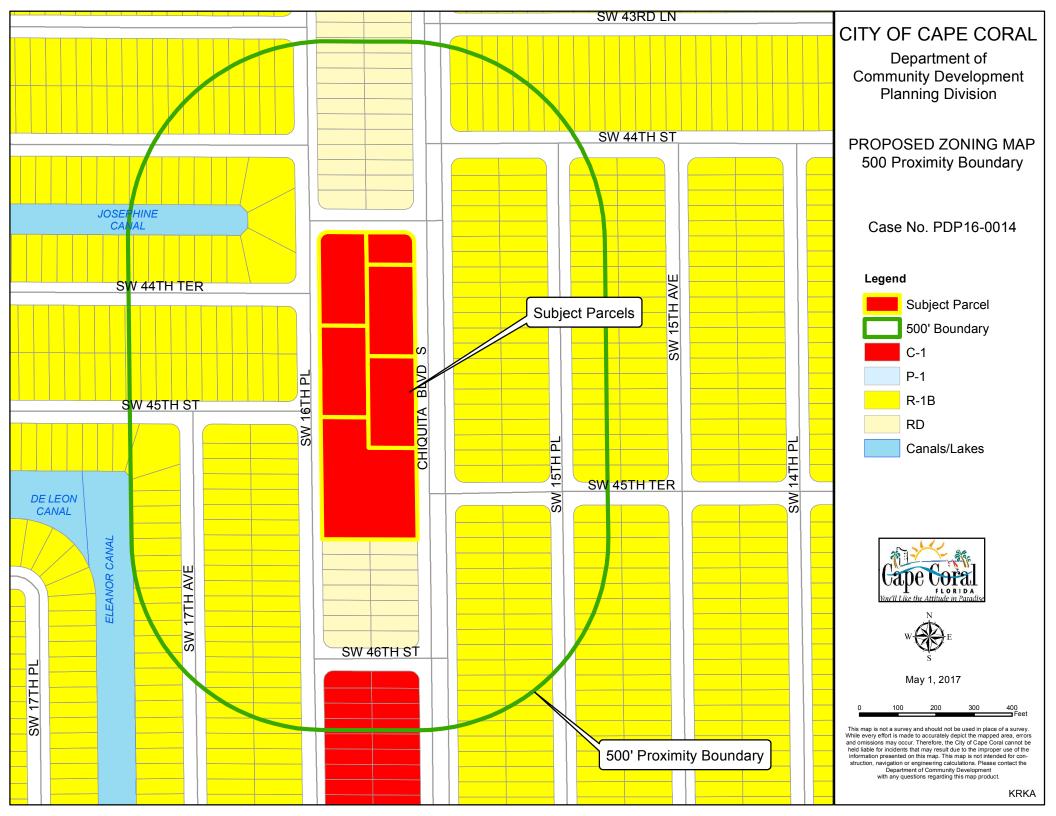
Exp. Date al Commission # 66 030474

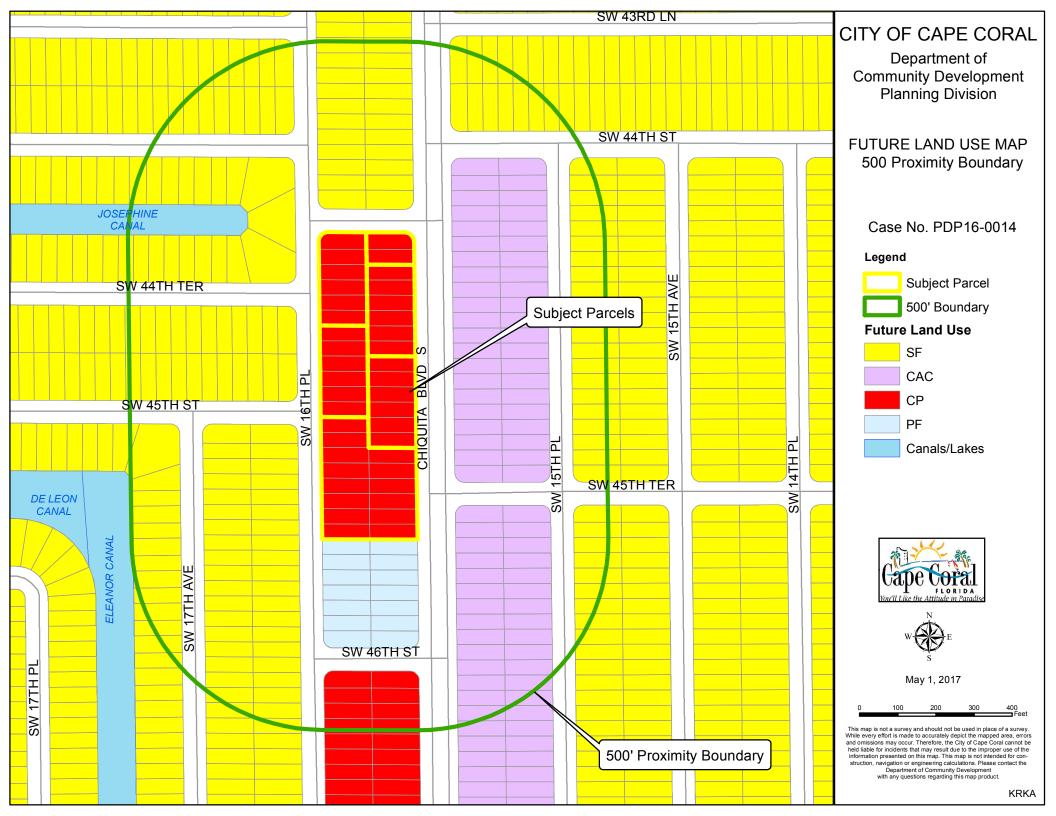
Elisabetro Q. D.L. Signature of Notary Public

Elisabeth A. Delgado Print Name of Notary Public









Item Number:2.F.Meeting Date:5/16/2017Item Type:HEARINGS

AGENDA REQUEST FORM

CITY OF CAPE CORAL



# TITLE:

Case #DE16-0056\*; Address: 2852 SW 51st Street; Applicant: Samir Salman (Continued from 5-2-2017)

# **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 180 sq. ft. deviation to Section 3.16.2.D of the Land Use and Development Regulations (LUDR) to allow a marine improvement with an area of 1,380 sq. ft.

# LEGAL REVIEW:

# EXHIBITS:

See attached Back up Material

# PREPARED BY:

Kristin Kantarze

**Division-** Planning

Department-Community Development

# SOURCE OF ADDITIONAL INFORMATION:

Justin Heller, Planner, 239 574-0587, jheller@capecoral.net

# ATTACHMENTS:

DescriptionBack up Material

**Type** Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT REQUEST TO BOARD OF ZONING ADJUSTMENT & APPEAL FOR A DEVIATION TO MARINE IMPROVEMENT STANDARDS

Case # DE DE16-0056

Print Name of Notary Public

RESIDENTIAL FEE \$150.00; COMMERCIAL FEE \$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 permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

APPLICANT/OWNER OF PROPERTY	2887 Chestnut Run Dr
Email Address js Salman Eyghion, can	City Bloomfield Hills State M1 Zip Code U8302 Phone 248-464-0512
AUTHORIZED REPRESENTATIVE	Address
Sour Terry Willoughby	1008 NE 7th Ter UnitE
Email Address Terry @ wbdocks . com	City <u>Cape Coral</u> StateFL_Zip Code <u>33909</u> Phone (239) 283 2013
Location: Unit 72 Block 5008 Lot(s) 26	Subdivision
Legal Description 2852 SW 51St	st Cape leval pe
Address of Property 2852 SW SISt	St Plat Book Page
Current Zoning Single - Annily ne sidentical Strap	Number 17-45-23- C1-05008, 0260
THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQ The owner of this property, or his authorized representative Coral and to all applicable Federal, State, and County laws an best of their knowledge.	agrees to conform to all applicable laws of the City of Cape
THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQ	UIRED SUPPORTING DOCUMENTS
Tarry willor - 264	Sources
Name (Type or Print)	Applicant's Signature
STATE OF FL COUNTY OF LEC	<u>+</u>
Sworn to (or affirmed) and subscribed before me this <u>3</u> <u>Terry</u> <u>Willoughby</u> as identification.	day of <u>Nove wher</u> 2010 by
	Exp. Date $6.18.18$ Commission #FF 134167
M. MAKEEVA	M. Makaeva
MY COMMISSION # FF 134167 EXPIRES: June 18, 2018 Bonded Thru Notary Public Underwriters	Signature of Notary Public Margarita Makeeva

Revised 06/20/2016



## DEPARTMENT OF COMMUNITY DEVELOPMENT REQUEST TO BOARD OF ZONING ADJUSTMENT & APPEAL

## 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 Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals, and 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 that I am responsible for recording the approved Resolution/Ordinance with the Lee County Clerk of Circuit Courts and providing a copy of the recorded Resolution/Ordinance to the City of Cape Coral Planning Division.

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.

Samir Salman PROPERTY OWNER (PLEASE PRINT)

Salm

PROPERTY OWNER (SIGNATURE)

STATE OF Life FL COUNTY OF the Lee Sworn to (or affirmed) and subscribed before me this 23 day of <u>November</u> 20/4, by

Sumir Salman

who is personally known or has produced

Michigan DL 5455758012 as identification.



Exp. Date <u>G.18.18</u> Commission Number <u>FF13416</u>7

Signature of Notary Public

Margarife Makelva Print Name of Notary Public

Revised 06/20/2016



DEPARTMENT OF COMMUNITY DEVELOPMENT REQUEST TO BOARD OF ZONING ADJUSTMENT & APPEAL

# AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT Temy willoughby (Name of person giving presentation)
IS AUTHORIZED TO REPRESENT ME IN THE APPEAL TO THE PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR
Doch Deviation
(Type of Public Hearing – i.e. PDP, Zoning, Special Exception, Variance, etc.)
BLOCK 5008 LOTS 26+27 UNIT 72 SUBDIVISION
OR LEGAL DESCRIPTION
LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.
Samir Salman S-Salm
PROPERTY OWNER (PLEASE PRINT) PROPERTY OWNER (SIGNATURE)
STATE OF COUNTY OF ELee
Sworn to (or affirmed) and subscribed before me this day of and subscribed before me this day of who is personally known or has produced Michigan PC
54557580133 as identification.
Exp. Date 6.18.18 Commission Number FF134167
M. MAKETINA MY COMMISSION # 134167 EXPIRES: UNIT + 2018 Signature of Notary Public
Print Name of Notary Public

Note: Please list all owners, if a corporation; please supply the Planning Division with a copy of corporation papers.

Friday, April 7, 2017

Department of Community Development Director City of Cape Coral P.O. Box 150027 Cape Coral, FL 33915-0027 RE: Block 5008 Lots 26-27

#### Dear Director:

The purpose of this letter is to ask you to approve a dimensional marine deviation of a 1,380 - square foot wood dock that extends into the canal 30'0" and has 12'0" setbacks. Because our lot is oversized and we sit on a lager canal with a width of 225', we feel we have the room to construct a larger square footage dock and stay within the setback requirements.

We feel that the oversized shape of our property and the wider canal is different from other properties in the same zoning district. These special conditions do not result from our actions, but they do give us more room to accommodate this larger structure.

We feel that by applying for the deviation we are using the legal option that is available to many people who have oversized lots that sit on larger canals.

The literal interpretation of this ordinance would deprive us of the anticipated enjoyment we expected to have when we purchased this home on the waterfront.

The 1,380 – square foot dock is the minimum Variance that will allow us to get the full enjoyment out of our waterfront property.

Granting of this deviation would be within the purpose of this ordinance because it would not be injurious to the area or otherwise detrimental to the public welfare. The proposed dock would not impede on the adjacent properties, affect navigation in the canal, nor damage the surrounding landscape or wild life.

We respectfully request that you grant this dock deviance.

Sincerely, Samir Salman

# Planning Division Case Report DE16-0056

Review Date:	April 14, 2017
Owner/Applicant:	Samir Salman
Authorized Representative:	Terry Willoughby
Request:	The applicant requests a 180 sq. ft. deviation to Section 3.16.2.D of the Land Use and Development Regulations (LUDR) to allow a marine improvement with an area of 1,380 sq. ft.
Location:	2852 SW 51 <sup>st</sup> St. Block 5008, Lots 26+27 17-45-23-C1-05008.0260
Prepared By:	Justin Heller, Planner
Reviewed By:	Mike Struve, AICP, Planning Team Coordinator
Approved By:	Robert Pederson, AICP, Planning Manager
Recommendation:	Approval

# **Property Description:**

The 13,928 sq. ft. site is improved with marine improvements that include a seawall, dock, and boat lift with canopy (Exhibit 1). An existing home on the site was recently demolished to make way for construction of a new home. The surrounding area consists of single-family homes with a State Preserve to the south across the waterway. The site and all surrounding properties have a Single Family Future Land Use Classification and Single Family Residential (R-1B) Zoning. The site has 113 feet of water frontage on the South Spreader Waterway which is about 240 feet wide at the applicant's property.

# **Project Description:**

LUDR, Section 3.16 restricts marine improvements to an area of 1,200 sq. ft. The applicant requests a 180 sq. ft. deviation to allow a marine improvement with an area of 1,380 sq. ft.

# LUDR, Section 3.16.2.D.1 states,

*"For parcels with more than 40 feet of water frontage, the maximum deck surface area coverage shall be calculated as follows: the linear feet of water frontage of the parcel minus 20 feet* 

times one-half times the linear feet of the maximum projection into the waterway (25% of the calculated width of the waterway or 30 feet, whichever is less). However, the maximum deck surface area allowed under this section shall not exceed 1,200 square feet for marine improvements which project from parcels utilized for single-family residential dwelling units in R-1, RD, RE, and/or RX zoning districts"

The site has about 113 feet of water frontage on the South Spreader Waterway. A marine improvement would be allowed to extend up to 30 feet into the canal. Based upon the applicant's water frontage and the allowable projection, the following formula would be used to calculate the maximum area for a marine improvement on the site.

(113 Frontage) – 20 x ½ (30 Projection) = 1,395 sq. ft.

The applicant proposes a new dock with an area of 1,380 sq. ft. An additional 368 sq. ft. of decking will cover the seawall and an existing concrete dock on the land, which will not project into the waterway. The dock includes two boat lifts and a double jet-ski lift (see Exhibit 2).

# Analysis:

The Planning Division has reviewed this application based on LUDR, Section 3.16, Marine Improvements, and offers the following analysis:

LUDR, Section 3.16.9.C allows for deviations for marine improvements based upon the following general standards:

1. The deviation is not contrary to the public interest.

The marine improvement complies with the 30 ft. allowed projection into the waterway and the 12 ft. side setbacks. There is sufficient width in the 240 ft. wide canal to accommodate the marine improvement. The dock should not interfere with navigability or views of the waterway.

2. The deviation will be in harmony with the general intent and purpose of this section.

The intent of the regulation is to protect canal navigability and aesthetics by limiting the area of marine improvements through the application of a formula that considers canal width and water frontage of a site. Based solely on the formula found in LUDR, Section 3.16.2.D.1, that calculates the maximum area allowed, a marine improvement with a maximum area of 1,395 sq. ft. would be allowed.

The regulation also states that no marine improvement shall exceed 1,200 sq. ft. Staff notes that this ordinance does not consider properties that have significantly greater water frontage, compared to the more commonly encountered two-lot platted home sites with 80 ft. of water frontage.

There should be no navigation or safety issues accessing the marine improvements on either the subject property or neighboring properties.

3. Conditions do not exist which are the result of the applicant.

The applicant has a platted property with 113 ft. of water frontage which is greater than the standard 80 ft. wide sites. It can be reasonably expected that a larger marine improvement could be accommodated on this site compared to a typical site (10,000 sq. ft.; 80-ft. wide by 125-ft. long). Therefore, conditions do not exist which are a result of the applicant.

4. A literal enforcement of the regulations involved would result in unnecessary or undue hardship.

The owner could reasonably expect to construct a larger marine improvement commensurate with the amount of water frontage. The inability to construct an improvement that is 180 sq. ft. over the maximum could be considered a hardship because the formula considers factors including navigability and safety. The size of the improvement would be appropriate for the site and does not affect the canal or surrounding neighbors. Therefore, the applicant's inability to construct the improvement can be considered a hardship.

# Specific Deviation Review Criteria Pursuant to LUDR Section 3.16.9.C

1. Effect of proposed deviation on navigability of the waterway involved.

The dock will extend 30 ft. (12.5%) into the canal and should have no effect on the ability of boaters to navigate within the waterway.

2. Design, size and proposed location of the marine improvement for which the deviation is sought.

Except for area, the dock meets all City requirements. The area of the dock is less than the maximum 1,395 sq. ft. calculated by the formula in Section 3.16.2.D.1.

3. Effect, if any, that the proposed deviation would have on any extant marine improvements in the subject waterway.

The dock complies with the setback requirements. The deviation should have no negative effect on the existing marine improvements in the canal.

4. Is the minimum deviation from the provisions of the applicable section necessary to avoid the unnecessary or undue hardship required herein.

The proposed deviation is not necessarily the minimum deviation, however, a 1,380 sq. ft. dock sought by the applicant is less than the 1,395 sq. ft. allowed by the formula in Section

3.16.2.D.1. The area of the marine improvement is appropriate considering the extent of water frontage on the site.

# **Comprehensive Plan:**

The project is consistent with Objective 1.3 and Policy 1.3.5 of the Conservation and Coastal Management Element of the Comprehensive Plan. The deviation does not propose introducing any new fueling or repair facilities in a residential area.

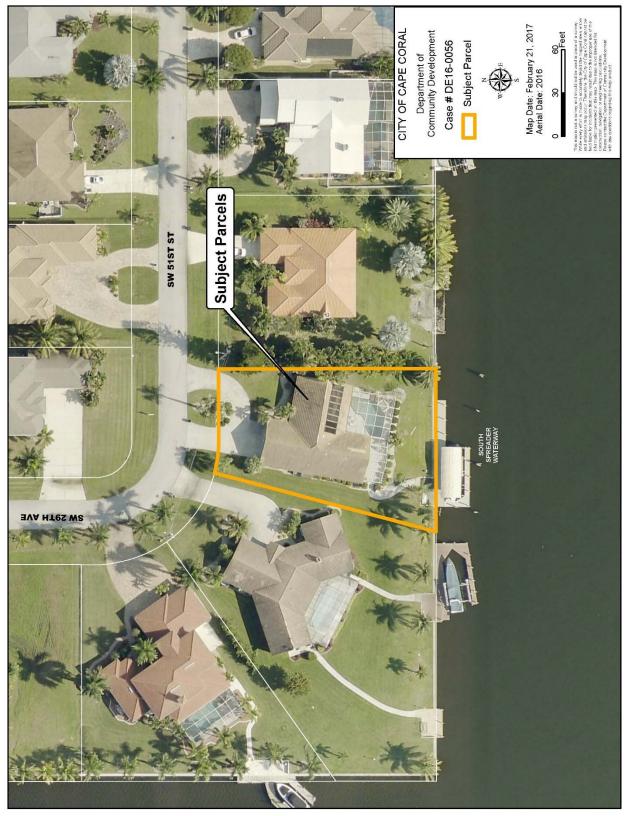
# Recommendation:

Planning staff finds that the proposed deviation meets the intent of the LUDRs and meets the requirements for a deviation under LUDR, Section 3.16.9.B.2. Staff recommends **approval** of the deviation with the following condition.

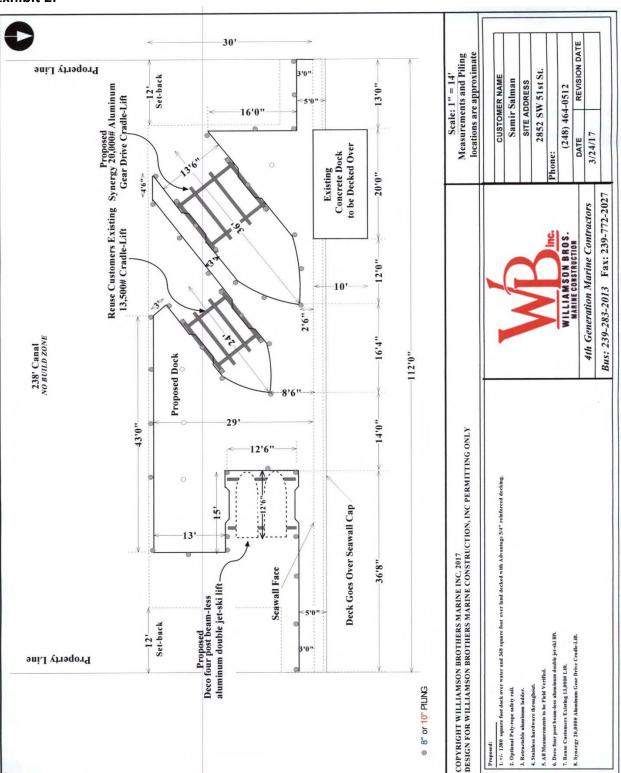
- 1) The project shall be consistent with the site plan prepared by Williamson Bros. Marine Construction, dated 3/24/17, which is attached as Exhibit 2 in this report.
- 2) A new construction permit for the home will be required prior to issuance of a dock permit.

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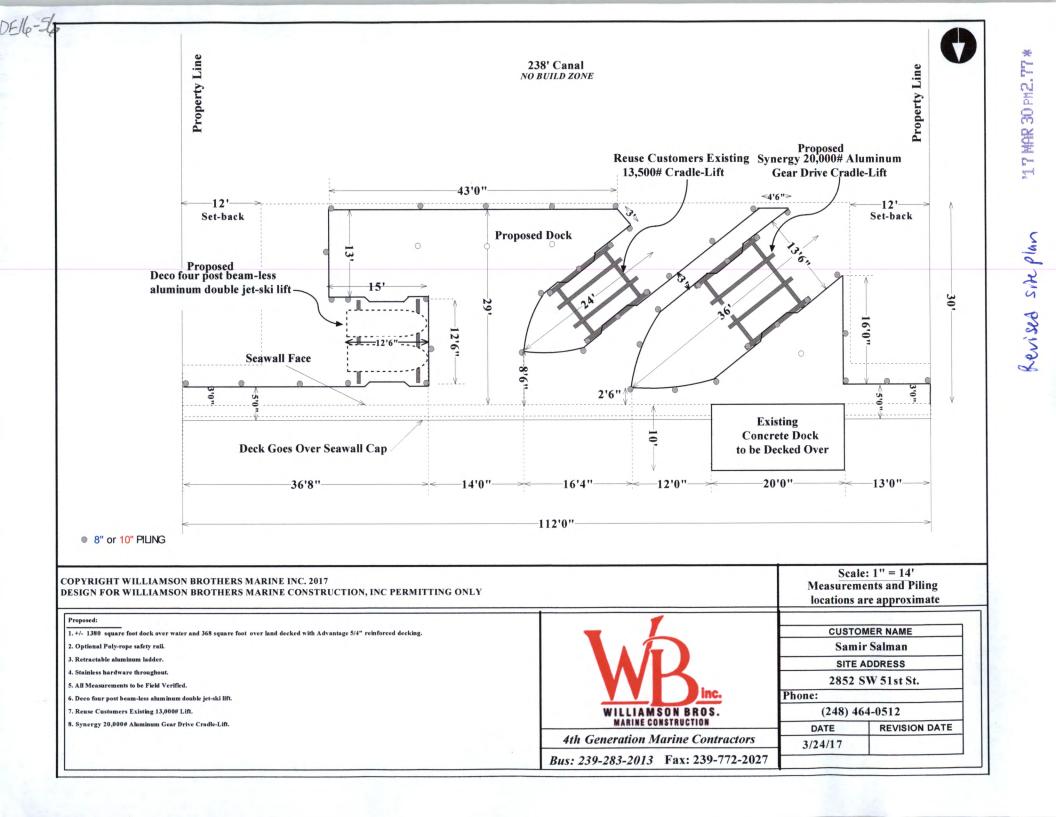
# Exhibit 1:







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**Notice of Public** Hearing

#### NOTICE OF PUBLIC HEARING

CASE NUMBER: DE16-0056

**REQUEST:** The applicant requests a 180 sq. ft. deviation to Section 3.16.2.D of the Land Use and Development Regulations (LUDR) to allow a marine improvement with an area of 1,380 sq. ft.

LOCATION: 2852 SW 51st Street

CAPE CORAL STAFF CONTACT: Justin Heller, Planner, 239-574-0587, jheller@capecor al.net

PROPERTY OWNER(S): Samir Salman

AUTHORIZED REPRESENTATIVE: Terry Willoughby

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00AM on Tuesday, May 2nd, 2017 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 (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 Communi-ty 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 Rebecca van Deutekom, MMC City Clerk REF # DE16-0056 AD# 2087291 Apr. 22, 2017

# Department of Community Development Planning Division

# AFFIDAVIT

IN RE: APPLICATION OF: Samir Salman

APPLICATION NO: DE16-0056

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

day of

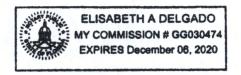
244

April

Vincent A. Cautero, AICP

# STATE OF FLORIDA COUNTY OF LEE

The foregoing instrument was acknowledged before me this  $24^{\pm}$  day of <u>April</u>, <u>2017</u>, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.



Exp. Date 12 10 Commission # 66030474

Elisabeth Q. Deligado Signature of Notary Public

Flisabeth A. Delgado Print Name of Notary Public

