



AGENDA FOR THE HEARING EXAMINER

Tuesday, September 5, 2017

9:00 AM

Council Chambers

1. HEARINGS CALLED TO ORDER

2. HEARINGS

- A. Case # VA17-0015*; Address: 5337 Cocoa Court; Applicant: Ronald and Dianne Pica
- B. Case # VP17-0006*; Address: 2603-2607 Skyline Boulevard and 2602-2606 SW 7th Place; Applicant: LJH Investments, LLC

3. DATE AND TIME OF NEXT HEARINGS

- A. Tuesday, September 19, 2017, at 9:00 a.m., in Council Chambers

4. ADJOURNMENT

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

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

PLEDGE OF CIVILITY

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

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

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

Item Number: 2.A.
Meeting Date: 9/5/2017
Item Type: HEARINGS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Case # VA17-0015*; Address: 5337 Cocoa Court; Applicant: Ronald and Dianne Pica

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

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

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

The applicant requests a variance of 6.2 feet to the minimum front setback requirement of 25 ft. for a site in the Single Family Residential (R-1B) District.

LEGAL REVIEW:

EXHIBITS:

See attached "Backup Material"

PREPARED BY:

Kristin Division- Planning Department- Community
Kantarze Development

SOURCE OF ADDITIONAL INFORMATION:

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

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Backup Material	Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # VA17-0015

REQUEST TO HEARING EXAMINER FOR A VARIANCE

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

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

OWNER OF PROPERTY
Ronald & Dianne Pica

Address: 5337 Cocoa Court

City: Cape Coral State: FL Zip 33904

Phone: 603-770-3734

APPLICANT
Ronald & Dianne Pica

Address: 5337 Cocoa Court

EMAIL
picaeng@comcast.net

City: Cape Coral State: FL Zip 33904

Phone: 603-770-3734

AUTHORIZED REPRESENTATIVE

Address: _____

EMAIL

City: _____ State: _____ Zip _____

Phone: _____

Unit 4 PT 2 Block 150 PB Lot(s) 37+38 Subdivision _____

Address of Property 5337 Cocoa Court, Cape Coral, FL 33904

Current Zoning R-1B Single-Family Residential Plat Book 12, Page 13-12

Strap Number 13-45-23-C4-00150.0370

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

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

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



DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # VA17-0015

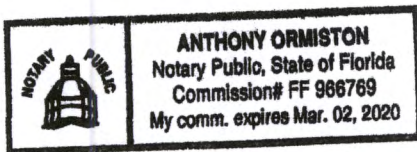
RONALD J. PICA + DIANNE A. PICA
APPLICANT NAME (PLEASE TYPE OR PRINT)

Ronald J. Pica + Dianne A. Pica
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF LEE (SIGNATURE MUST BE NOTARIZED)

Sworn to (or affirmed) and subscribed before me this 9 day of JUNE, 2017, by
RONALD J. PICA + DIANNE A. PICA who is personally known or produced FLORIDA NH OR LISC.
as identification.

Exp. Date: 03/02/2020 Commission Number: FF 966769



Signature of Notary Public:
Printed name of Notary Public:

Anthony Ormiston
ANTHONY ORMISTON



DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # VA17-0015

ACKNOWLEDGEMENT FORM

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

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

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

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

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

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

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

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

(SIGNATURE MUST BE NOTARIZED)

CORPORATION/COMPANY NAME

RONALD J PICA + DIANNE A. PICA
PROPERTY OWNER (PLEASE TYPE OR PRINT)

Ronald J Pica + Dianne A. Pica
PROPERTY OWNER'S SIGNATURE

STATE OF FL, COUNTY OF LEE

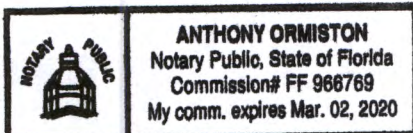
Sworn to (or affirmed) and subscribed before me this 9 day of JUN, 2017, by
RONALD J PICA + DIANNE A PICA who is personally known or produced FL DL 156 NH DL 156
as identification.

Exp. Date: 03-02-2020 Commission Number: EF 966769

Signature of Notary Public:

Printed name of Notary Public:

Anthony Ormiston
ANTHONY ORMISTON





DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR VARIANCE

Questions: 239-574-0776

CASE # VA17-0015

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.

RONALD J PICA + DIANNE A. PICA
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

Ronald J Pica + Dianne A. Pica
OWNER/APPLICANT SIGNATURE

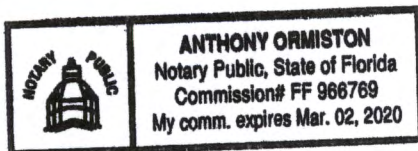
(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me on this 9 day of JUNE, 2017 by Ronald J Pica + Dianne A. Pica is personally known or who has produced FL DL 215C as identification. NH DL 215C

Exp. Date 03/02/2020
Commission # FF 966769

Anthony Ormiston
Signature of Notary Public
ANTHONY ORMISTON
Print Name of Notary Public



Ronald & Dianne Pica
5337 Cocoa Court
Cape Coral, Fl. 33904

June 11, 2017

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

**RE: REQUEST FOR VARIANCE FROM ZONING ARTICLE 2. SECTION 7. FOR PARCEL: Unit 4 PT 2 BLK 150 PB
12 PG 13 LOTS 37 & 38.**

Dear Sir or Madam,

The purpose of this letter is to ask you to approve a dimensional variance of 6.2 feet to the required twenty-five (25) foot setback to the front property line. Zoning reference: Article 2. Section 7. Because of the present position of the existing house we are unable to construct a two-stall garage and stay within the setback requirements.

We feel that the present position of our structure is different from other properties in the same zoning district. The structure is set 12.7 feet and 12.6 feet from the side lines and 44 feet from the rear property lines. Had the structure been position closer to the southerly property line or closer to the rear property line a two stall garage could have been constructed without the need for a variance. This special condition did not result from our action.

We do not feel that this variance would give us special privilege because other residential homes on the same block have two-car garages. Also we feel that this request is reasonable because a similar variance has been approved for another lot on this same block to allow the construction of a two stall garage. The similar variance on the same street was approved for a dimensional variance of 7.8 feet from the twenty five (25) foot setback from the front property line which is a greater dimension than our request of 6.2 feet.

RE: REQUEST FOR VARIANCE, UNIT 4 PT 2 BLK 150 PB 12 PG 13 LOTS 37 & 38

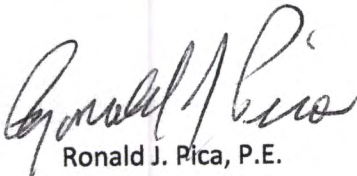
The literal interpretation of this ordinance would deprive us of the right to have a two-car garage and would cause undue hardship because a one-car garage offers no storage area and no space for our second car.

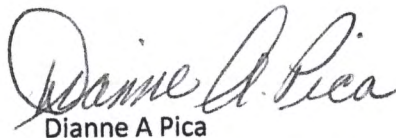
The 6.2 foot variance is the minimum amount needed to build a 24x24 attached garage to fit two (2) regular size cars and to have reasonable assessable space.

Granting of this variance will be in harmony with the general intent and purpose of the Ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. Most of the homes on this street have a two stall garage and a variance for the same purpose was previously granted for one home on the street. Our request to construct a two stall garage and to encroach 6.2 feet into the front yard is consistent with the neighborhood. Also once the garage is constructed there will be 18.8 feet of driveway length on my property for guest parking.

We respectfully request that you grant this dimensional variance.

Sincerely,


Ronald J. Pica, P.E.


Dianne A Pica

Ronald & Dianne Pica

5337 Cocoa Court

Cape Coral, Fl. 33904

June 11, 2017

Department Director of Community Development

City of Cape Coral

P.O. Box 150027

Cape Coral, FL. 33915

RE: REQUEST FOR VARIANCE FROM ZONING ARTICLE 2. SECTION 7. FOR Unit 4 PT 2 BLK 150 PB 12 PG 13
LOTS 37 & 38.

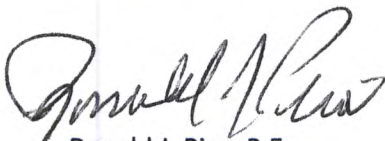
Dear Sir or Madam,

Please find enclosed an application and site plan for a dimensional variance of 6.2 feet to the required twenty-five foot set back to the front property line for the purpose of constructing a two stall garage attached to our home on Cocoa Court in Cape Coral.

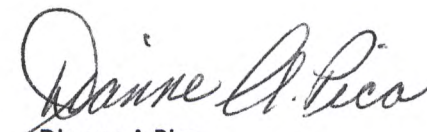
We would appreciate it if you could schedule a Hearing for us on your regularly scheduled Hearing in October of this year.

We respectfully request that you allow us to appear at the October Hearing so we can present our case for a variance.

Sincerely,



Ronald J. Pica, P.E.



Dianne A Pica

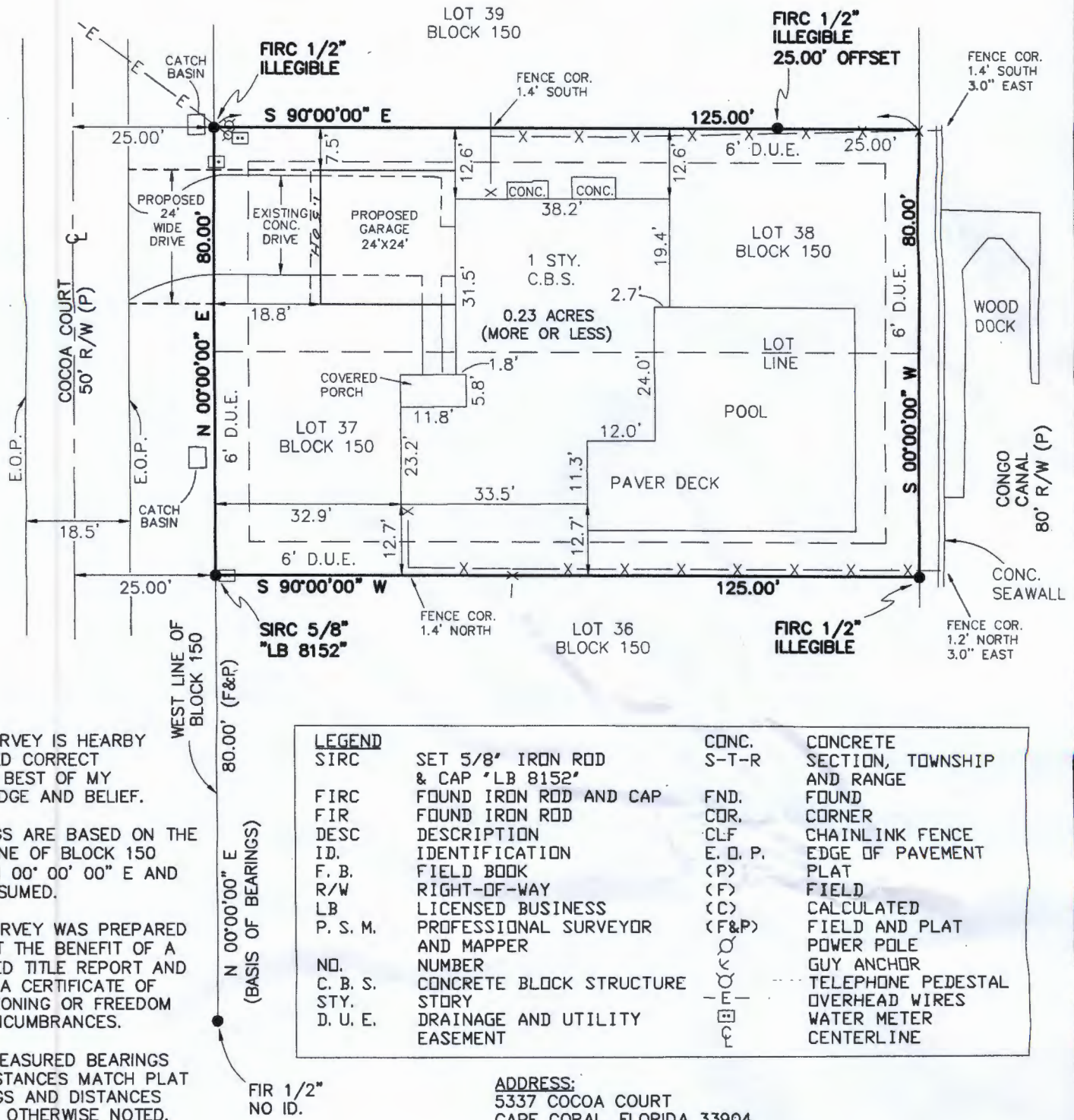
BOUNDARY SURVEY LYING IN
SECTION 13, TOWNSHIP 45 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

BEARINGS SHOWN ARE ASSUMED
UNLESS OTHERWISE NOTED. THE
INFORMATION HEREON IS SUBJECT TO
EASEMENTS, RESTRICTIONS AND
RESERVATIONS OF RECORD. NO
UNDERGROUND INSTALLATIONS,
IMPROVEMENTS OR ENCROACHMENTS
HAVE BEEN LOCATED EXCEPT AS SHOWN
HEREON. THE CERTIFICATION OF THIS
SURVEY APPLIES ONLY TO THE
PERSON/PERSONS SHOWN.



LEGAL DESCRIPTION

LOTS 37 AND 38, BLOCK 150, UNIT 4, PART 2, CAPE
CORAL SUBDIVISION, A SUBDIVISION ACCORDING TO THE
PLAT THEREOF RECORDED AT PLAT BOOK 12, PAGES 13
THROUGH 22, INCLUSIVE, IN THE PUBLIC RECORDS OF LEE
COUNTY, FLORIDA.



NOTES:
THIS SURVEY IS HEARBY
CERTIFIED CORRECT
TO THE BEST OF MY
KNOWLEDGE AND BELIEF.

BEARINGS ARE BASED ON THE
WEST LINE OF BLOCK 150
BEING N 00° 00' 00" E AND
ARE ASSUMED.

THIS SURVEY WAS PREPARED
WITHOUT THE BENEFIT OF A
CERTIFIED TITLE REPORT AND
IS NOT A CERTIFICATE OF
TITLE, ZONING OR FREEDOM
FROM INCUMBRANCES.

FIELD MEASURED BEARINGS
AND DISTANCES MATCH PLAT
BEARINGS AND DISTANCES
UNLESS OTHERWISE NOTED.

LEGEND

SIRC	SET 5/8" IRON ROD & CAP "LB 8152"	CONC.	CONCRETE
FIRC	FOUND IRON ROD AND CAP	S-T-R	SECTION, TOWNSHIP AND RANGE
FIR	FOUND IRON ROD	FND.	FOUND
DESC	DESCRIPTION	COR.	CORNER
ID.	IDENTIFICATION	CLF	CHAINLINK FENCE
F. B.	FIELD BOOK	E. D. P.	EDGE OF PAVEMENT
R/W	RIGHT-OF-WAY	(P)	PLAT
LB	LICENSED BUSINESS	(F)	FIELD
P. S. M.	PROFESSIONAL SURVEYOR AND MAPPER	(C)	CALCULATED
NO.	NUMBER	(F&P)	FIELD AND PLAT
C. B. S.	CONCRETE BLOCK STRUCTURE	POW	POWER POLE
STY.	STORY	GUY	GUY ANCHOR
D. U. E.	DRAINAGE AND UTILITY EASEMENT	TEL	TELEPHONE PEDESTAL
		OW	OVERHEAD WIRES
		WM	WATER METER
		CL	CENTERLINE

ADDRESS:
5337 COCOA COURT
CAPE CORAL, FLORIDA 33904

KP

CERTIFIED TO: RON PICA

LAST DATE OF FIELD WORK: 05/31/17

PROJECT No: 17-0070

PROJECT Desc: BOUNDARY SURVEY

F.B. 6

PG. 43

S-T-R 13-45-23

COUNTY LEE

CHECKED BY: KP

KP Surveying, Inc.
LB NUMBER 8152
2802 W. Cypress Avenue S.E.
Fort Myers, Florida 33905
(239) 462-1901
www.kpsurveying.com

FIELD DATE: 05/31/17

DRAWN BY: KP

DATE DRAWN: 06/04/17

CAD FILE: 17-0070

NOT VALID WITHOUT
THE SIGNATURE AND
THE ORIGINAL
RAISED SEAL OF A
FLORIDA LICENSED
SURVEYOR AND
MAPPER.

Ken Pufahl, P.S.M.
6/7/2017
DATE
PROFFESIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NUMBER 6126



Planning Division Case Report

VA17-0015

Review Date: August 24, 2017

Property Owners: Ronald and Dianne Pica
5337 Cocoa Court
Cape Coral, FL 33904

Applicant: Ronald and Dianne Pica

Request: The applicant requests a variance of 6.2 ft. to the minimum front setback requirement of 25 ft. for a site in the Single Family Residential (R-1B) District.

Location: 5337 Cocoa Court
Cape Coral, FL 33904
Strap number: 13-45-23-C4-001500.0370
Unit 4, Part 2, Block 150, Lots 37-38

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

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

Recommendation: Denial

Urban Service Area: Infill

Code Compliance Case: No

Right of Way Access: The site has access to Cocoa Court, a two-lane local street.

Background:

The ±10,000-sq. ft. site is in southern Cape Coral and has water frontage along the Congo Canal. This site has a Single Family Future Land Use Classification and Single Family Residential (R-1B) Zoning. All properties within 1,500 feet of this site share the same future land use and zoning designations.

The site has a single-family home. According to the Lee County Property Appraiser (LEEPA) website, this house was constructed in 1962 and has a living area of 1,646 sq. ft. The house has three bedrooms and two bathrooms. An attached one-car garage is at the north end of the house. The garage is 15 ft. wide and 21 ft. deep.

The applicant seeks a variance of 6.2 ft. from the minimum 25-ft. front setback requirement to construct a new two-car, attached garage on the site; 18.8 ft. from the front property line. This garage would replace the existing one-car garage.

Similar Cases within Block 150:

Two variances granting front setback relief within Block 150 have been previously approved by the City. In 2003, a 7.8-ft. front setback variance was granted for the construction of a garage addition at 5321

Cocoa Court.¹ In 2005, a 9.6-ft. front setback variance was granted for the construction of a new garage at 5329 Cocoa Court.²

Applicable Regulation:

The Land Use and Development Regulations (LUDR), Section 2.7.1, Table R-1, requires a minimum front setback of 25 ft. for buildings in the R-1B District.

Analysis:

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

Staff has reviewed this application based on the five standards in LUDR, Section 8.10.3a-e and offers the following analysis:

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

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

The 10,000-sq. ft. site is flat and rectangular, typical of most platted home sites in the City. Staff finds there are no unique or special features about the physical nature of the lot.

The applicant states a special condition exists because the house is 44 feet from the rear property line. Had the house been constructed closer to the rear property line, adequate room would exist for a two-car garage without a variance. While staff agrees the placement of the house affects the applicant's renovation plans, this circumstance is not unique to this site. Other properties in the City have houses that have been constructed with setbacks significantly greater than the minimum for the zoning district. The original placement of those buildings likewise has the potential to affect the redevelopment of those sites.

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

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

The City requires all new single-family homes to have a garage that has a 14-ft. wide by 20 ft. long unobstructed parking area. Based on information from the LEEPA website, the applicant's garage is 15 ft. by 21 ft. Thus, this existing garage fully complies with City

¹ Approved by Resolution VA 8-2003.

² Approved by Resolution VA 20-2005.

requirements. The applicant's claim the variance will not result in a special privilege since other single-family homes on the same block have two-car garages. Staff does not dispute this claim but notes that the block contains homes with both one- and two-car garages.

Staff would likely view this standard differently if the house lacked a garage altogether or had a garage that did not meet the minimum dimension standard of 14 ft. by 20 ft. In a situation like this, a variance may be appropriate to eliminate a nonconformity. However, in this case, since the applicant has a garage that meets current code, staff finds that the awarding of a variance will confer a special privilege to the applicant.

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

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

While a house lacking a two-car garage may be considered inconvenient or undesirable, such a condition by itself does not constitute a hardship. The house complies with City requirements for having one garage that meets the minimum dimensions. The owner enjoys reasonable use of the property without a variance. Besides wanting to provide protection of a second car, the applicant states a larger garage is needed for storage. However, other options exist for providing storage that include a shed, a more limited renovation to the house, and off-site storage. Furthermore, unlike some variance requests where an applicant discovers a minor setback infringement after acquiring a property, the owners in this case presumably purchased the home with full knowledge that the house had a one-car garage. Had the design of the garage constituted a "hardship" to the applicants at that time, a different single-family home may have been sought.

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

Staff determination and analysis: Standard MET by the applicant.

There is no widely accepted standard for dimensions of two-car garages. However, based on staff research, the 24 ft. by 24 ft. garage sought by the applicant requiring this variance appears reasonable. Dimensions for two-car garages can vary based on factors including vehicle length and desired storage space. As a result, staff finds this standard has been met.

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

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

The purpose of setbacks includes: providing space for lawns and trees, providing for adequate light and air, reducing the spreading of fire, and minimizing hazards associated with visibility at street corners. Since property owners frequently choose to construct houses at the front setback line, front setbacks often serve an aesthetic function by providing a uniform line of sight for buildings along a street.

Given the magnitude of this variance (24.8% setback relief), the proposed renovation has the potential to cause this house to appear out of alignment with most of the other houses along the east side of Cocoa Court. Since the variance will result in an addition to the house that may be noticeably closer to the front property line than allowed by City regulations, this variance will not be harmonious with the neighborhood.

The above factor is partially mitigated by the public interest that is served by the homeowner seeking to modernize their home and improve their property. In general, homeowners are encouraged to take an active role in maintaining their properties for improving neighborhood conditions.

Consistency with the Comprehensive Plan

This request is consistent with the following objective and policy.

Housing Element

Objective 5: Housing Quality. The City will continue to maintain a high standard of quality for new and existing housing.

Staff comment: This request is consistent with Objective 5 as the City encourages existing housing to be maintained and kept in good repair.

Future Land Use Element

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

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

Staff comment: This request is consistent with Policy 1.15.a as the site is 10,000 sq. ft. and has one single-family home.

Recommendation:

Since the variance does not meet all five standards for considering such requests, staff recommends **denial**.

Staff Contact Information

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

PH: 239-242-3255/Email: mstruve@capecoral.net



NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: VA17-0015

REQUEST: The applicant requests a variance of 6.2 feet to the minimum front setback requirement of 25 ft. for a site in the Single Family Residential (R-1B) District.

LOCATION: 5337 Cocoa Court

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

PROPERTY OWNER(S): Ronald and Dianne Pica

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, September 5, 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. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

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

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

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

The News-Press media group

news-press.com A GANNETT COMPANY

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

TOLL-FREE
888-516-9220

Local #
239-335-0258

Email
FNPLegals@gannett.com

Customer: CITY OF CAPE CORAL_DEPT OF COM

Ad No.: 0002367225

Address: 1015 CULTURAL PARK BLVD
CAPE CORAL FL 33990
USA

Net Amt: \$

Run Times: 1

No. of Affidavits: 1

Run Dates: 08/26/17

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: VA17-0015

REQUEST: The applicant requests a variance of 6.2 feet to the minimum front setback requirement of 25 ft. for a site in the Single Family Residential (R-1B) District.

LOCATION: 5337 Cocoa Court

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

PROPERTY OWNER(S): Ronald and Dianne Pica

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, September 5, 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.

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

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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 # VA17-0015
AD# 2367225 Aug. 26,2017

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Ronald Pica

APPLICATION NO: VA17-0015

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 28th day of August, 2017.

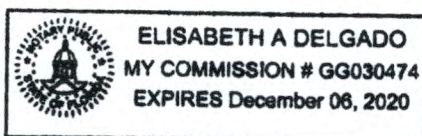


Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 28th day of August, 2017, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # 66030474



Elisabeth A. Delgado
Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public




SUBJECT PARCEL

COCOA CT

CONGO CANAL

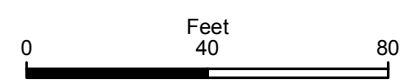
CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. VA17-0015

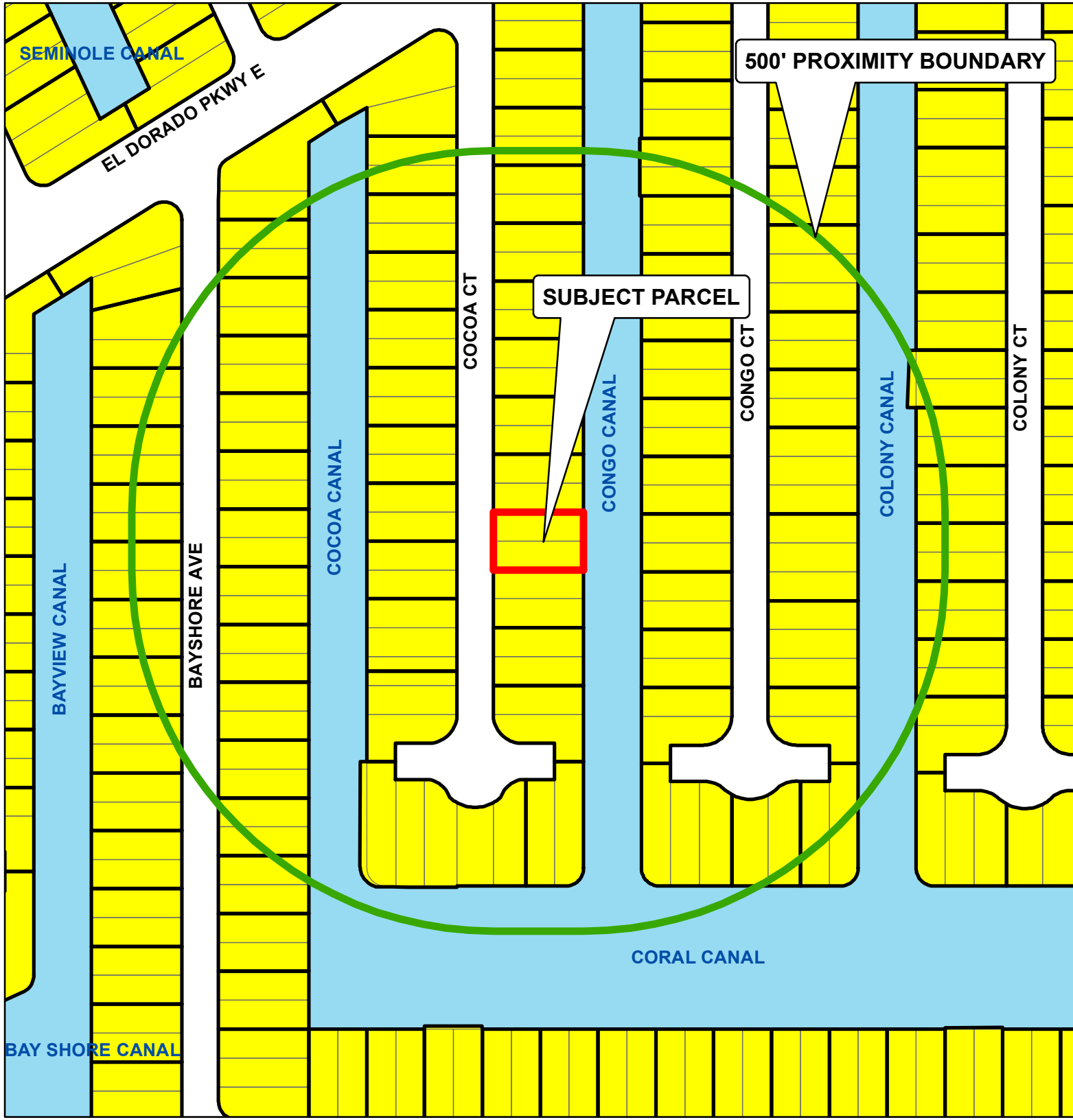
 Subject Parcel



AUGUST 11TH, 2017



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





CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Buffer

Case No. VA17-0015

LEGEND

 500' Proximity Boundary

 Subject Parcel

Zoning

 R-1B



AUGUST 11TH, 2017



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

Item Number: 2.B.
Meeting Date: 9/5/2017
Item Type: HEARINGS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Case # VP17-0006*; Address: 2603-2607 Skyline Boulevard and 2602-2606 SW 7th Place;
Applicant: LJH 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:

A request to vacate the plat for a portion of an alley and the underlying public utility and drainage easements located between Lots 20-23 and Lots 24-27, Block 1904, Cape Coral Unit 45, Part 1; and adjacent public utility and drainage easements along the eastern property line of Lots 20-23 and the western property line of Lots 24-27; property located at 2603-2607 Skyline Boulevard and 2602-2606 SW 7th Place.

LEGAL REVIEW:

EXHIBITS:

See attached "Backup Material"

PREPARED BY:

Kristin
Kantarze Division- Planning Department- Community Development

SOURCE OF ADDITIONAL INFORMATION:

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

ATTACHMENTS:

	Description
▢	Backup Material

Type
Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP17 - 0006

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

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

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

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

OWNER OF PROPERTY

LJH Investments, LLC - Sharon Pettit, Manager

Address: 2524 Laurel Glen Drive

City: Lakeland State: FL Zip 33803

Phone: 813-752-8552

APPLICANT same as owner

tsash@windsorthomas.com (Tom Sash)

EMAIL

Address: same as owner

City: _____ State: _____ Zip _____

Phone: _____

AUTHORIZED REPRESENTATIVE

Avalon Engineering, Inc

EMAIL Linda@avaloneng.com

Address: 2503 Del Prado Blvd Suite 200

City: Cape Coral State: FL Zip 33904

Phone: 239-573-2077

Unit 45 part 1 Block 1904 Lot(s) 20-23, 24-27 Subdivision Cape Coral

Address of Property 2607 Skyline Blvd Cape Coral, FL 33914

Current Zoning C-1 Plat Book 21 , Page 145

Strap Number 35-44-23-C1-01904.0210, 35-44-23-C1-01904.0024,
35-44-23-C1-01904.0260 and part of
35-44-23-C1-01904.0190



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP17-0006

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

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

(SIGNATURE MUST BE NOTARIZED)

LJH Investments, LLC
Sharon Pettit, Manager

APPLICANT NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF POLK

Sworn to (or affirmed) and subscribed before me this 8 day of May, 2017, by

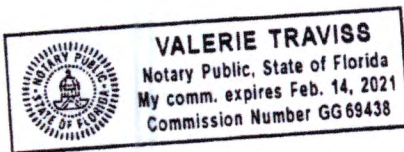
Sharon Pettit who is personally known or produced
as identification.

Exp. Date: 2/14/2021 Commission Number: GG69438

Signature of Notary Public:

Printed name of Notary Public:

Valerie Traviss
Valerie Traviss





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP17-0006

ACKNOWLEDGEMENT FORM

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

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

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

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

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

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

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

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

LJH Investments, LLC

CORPORATION/COMPANY NAME

Sharon Pettit, Manager

PROPERTY OWNER (PLEASE TYPE OR PRINT)

PROPERTY OWNER'S SIGNATURE

STATE OF FL, COUNTY OF

POLK

Sworn to (or affirmed) and subscribed before me this 8 day of MAY, 2017, by

Sharon Pettit

who is personally known or produced

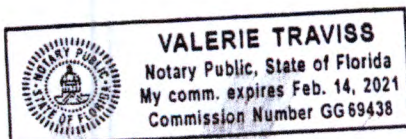
as identification.

Exp. Date: 2/14/2021 Commission Number: GG69438

Signature of Notary Public:

Printed name of Notary Public:

(SIGNATURE MUST BE NOTARIZED)





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP17-0006

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT

Avalon Engineering, Inc

(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING & ZONING COMMISSION/ LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR
Vacation of Plat for Alley

UNIT 45 part 1 BLOCK 1904 LOT(S) 20- 23, 24 - 27 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION

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

LJI Investments, LLC Sharon Pettit, Manager

N/A

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

Sharon Pettit
PROPERTY OWNER (Signature & Title)

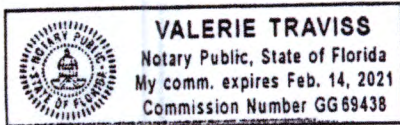
N/a

PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF POLK

Subscribed and sworn to (or affirmed) before me this 8 day of May, 2017 by
Sharon Pettit who is personally known or produced
as identification.

Exp. Date: 2/14/2021 Commission Number: GG69438



Signature of Notary Public:

Printed name of Notary Public:

Valerie Travis
Valerie Travis

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



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

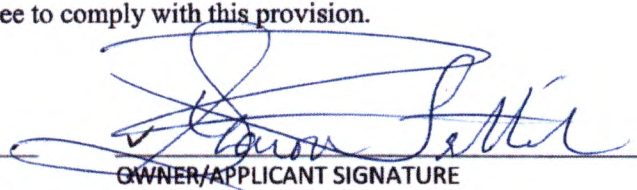
Case # VP17-0006

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.

LJH Investments, LLC
Sharon Pettit, Manager



OWNER/APPLICANT (PLEASE TYPE OR PRINT)

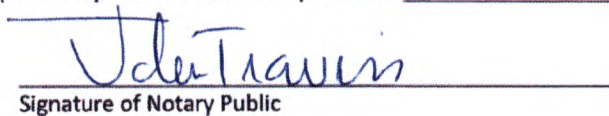
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF POLK

Sworn to (or affirmed) and subscribed before me on this 8 day of May
20 17 by Sharon Pettit, who is personally known or who has produced _____
as identification.

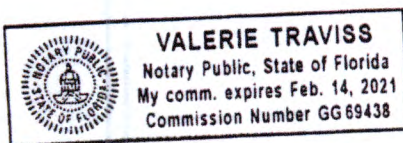
Exp. Date 2/14/2021
Commission # GG69438



Signature of Notary Public

Valerie Travis

Print Name of Notary Public





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

May 9, 2017
Revised August 11, 2017

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

PROJECT: AUTO ZONE - BLOCK 1904, LOTS 20-23 & 24-27
SUBJECT: VACATION OF PLAT FOR A PORTION OF THE ALLEY, THE UNDERLYING PUE
WITHIN THE ALLEY, AND THE ADJOINING 6' PU/D EASEMENTS

Dear Mr. Cautero:

It is the intent of the property owner, LJH Investments, LLC, to request approval of a Vacation of Plat, as specified in the City's Land Use and Development Regulations, Section 8.11, in order to vacate a portion (3,300 square feet) of the alley lying in Block 1904, the underlying easement within the alley, and the adjoining 6' public utility and drainage easement between Lots 20-23 & 24-27 of Block 1904.

A 20 foot wide easement (alley access) will be provided in the north 20 feet of Lot 19 within Block 1904. This easement will also be utilized for the southern part of a shared driveway from Skyline Blvd.

The site is zoned C-1 (Pedestrian Commercial) and has a Land Use Designation of CP (Commercial/Professional). The vacation of a portion of the alley would add an additional 0.07 acres to the site and provide a lot depth of 270 feet for development.

The Vacation of Plat requests approval to vacate the following:

- 1) 3,300 square feet of the Alley (Exhibit A)
- 2) 3,060 square feet of the underlying easement within the alley (Exhibit B)
- 3) Two 6' PU/D easements, each containing 918 square feet, within the eastern 6' of Lots 20-23 of Block 1904 and the western 6' of Lot 24-27 of Block 1904 (Exhibit C)

The vacations are being requested in order to construct a AutoZone on this site. The development will maintain a 6' PUE around the perimeter of the site and provide a 20' alley access easement on Lot 19 (Exhibit D).

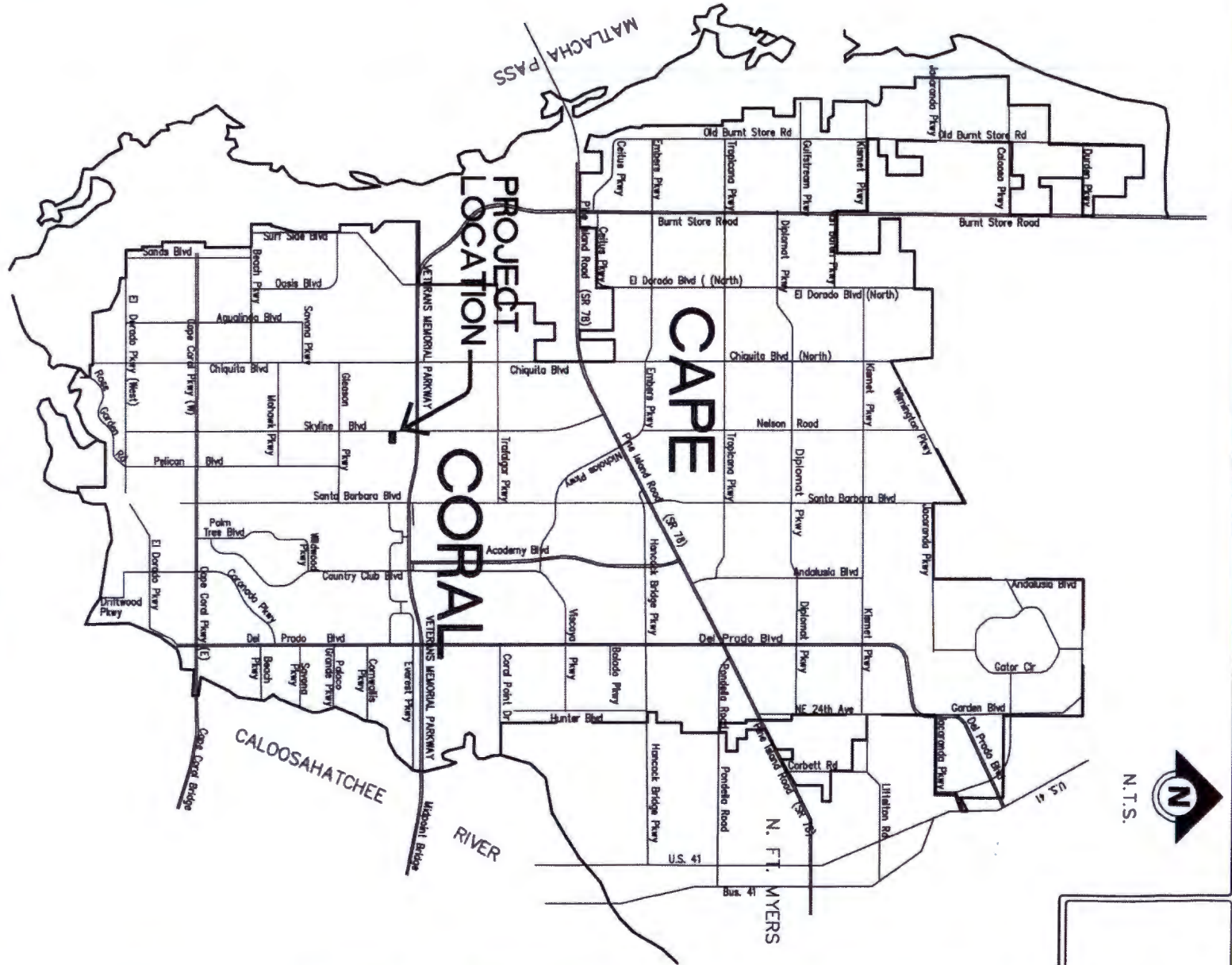
Please call if you have any questions or need further information.

Sincerely,

AVALON ENGINEERING, INC.

Linda Miller, AICP
Senior Planner

G:\2017\17-107\Vacation of Plat\WOP Letter of Intent.doc



LOCATION: 2537 SKYLINE BLVD.

CAPE CORAL, FL. 33990

STRAP #'s: 35-44-23-C1-01904.0190

35-44-23-C1-01904.0210

35-44-23-C1-01904.0240

35-44-23-C1-01904.0260



17-07/LUM
1 of 1

LOCATION
MAP

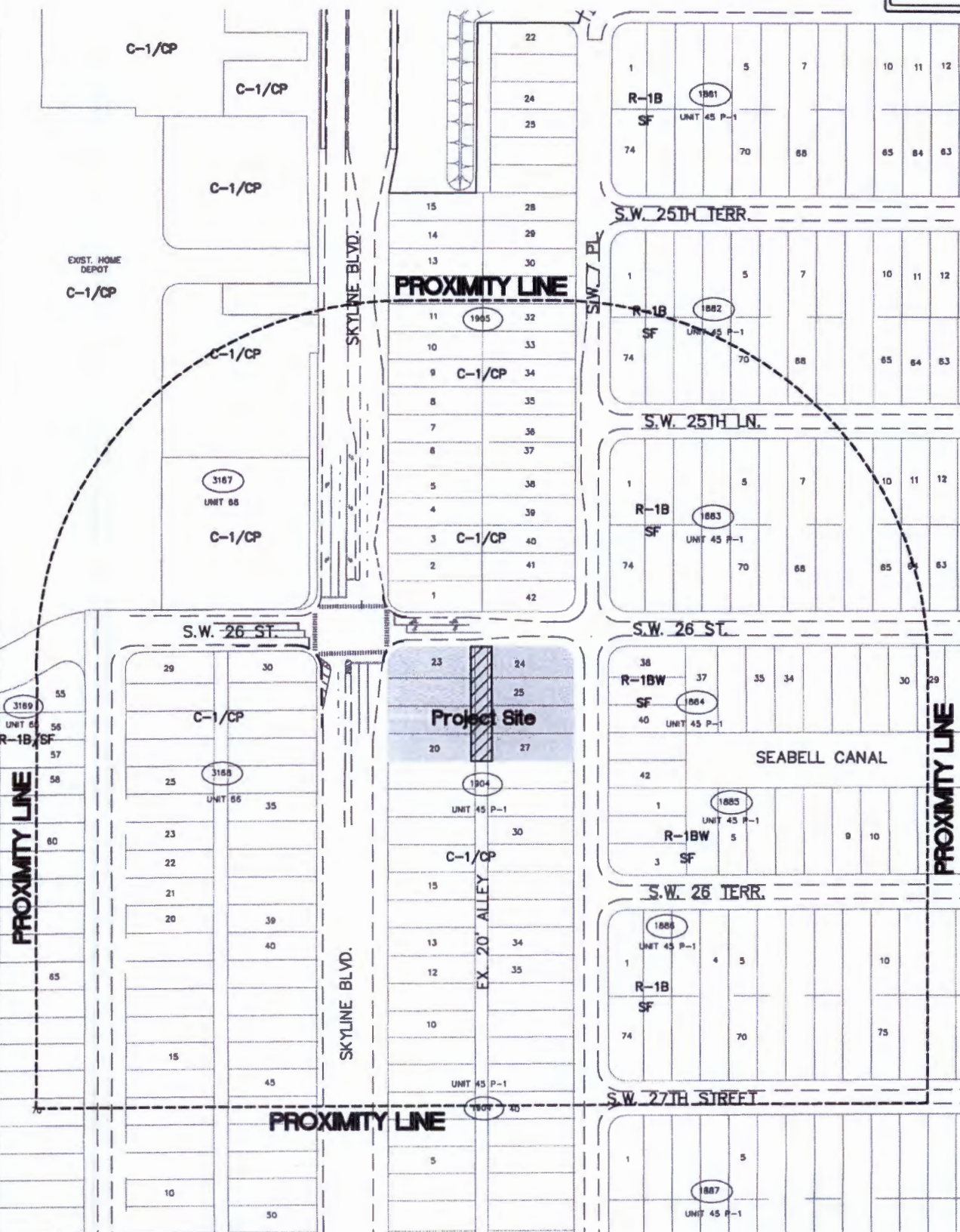
AUTOZONE
2507 SKYLINE BLVD.
CAPE CORAL, FL 33914

DEVELOPER: AUTOZONE
1235 FRONT STREET
3rd FLOOR
MEMPHIS, TN. 38103

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#3128 (239) 573-2077

DATE	BY	REVISION	DESCRIPTION
05/25/17	AS	V01	INITIAL SUBMITTAL

THIS PLAN IS INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY. SITE LAYOUT
MAY CHANGE SIGNIFICANTLY BASED UPON
SURVEY, ENVIRONMENTAL AND REGULATORY
CONSTRAINTS. NOT FOR CONSTRUCTION.



500' PROXIMITY MAP

17-107/LUMA

1 of 1

DEVELOPER: AUTOZONE
1235 FRONT STREET
3rd FLOOR
MEMPHIS, TN 38103

AUTOZONE
2607 SKYLINE BLVD.
CAPE CORAL, FL 33914

DATE 05/05/17 **BY** J.S. **REVISION DESCRIPTION** 15' VOR INITIAL SUBMITTAL

NOTES:
THIS PLAN IS ISSUED FOR CONSTRUCTION PURPOSES ONLY. THE LAYOUT MAY CHANGE SIGNIFICANTLY BASED UPON SAFETY ENGINEERING AND REGULATORY CONSULTANTS. NOT FOR CONSTRUCTION.

AVOLON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FPE#43128 (239) 573-2077



1 of 1

VICINITY MAP (AERIAL)

AUTOZONE
2807 SKYLINE BLVD.
CAPE CORAL, FL 33914

DEVELOPER: AUTOZONE
1235 FRONT STREET
3rd FLOOR
MEMPHIS, TN. 38103

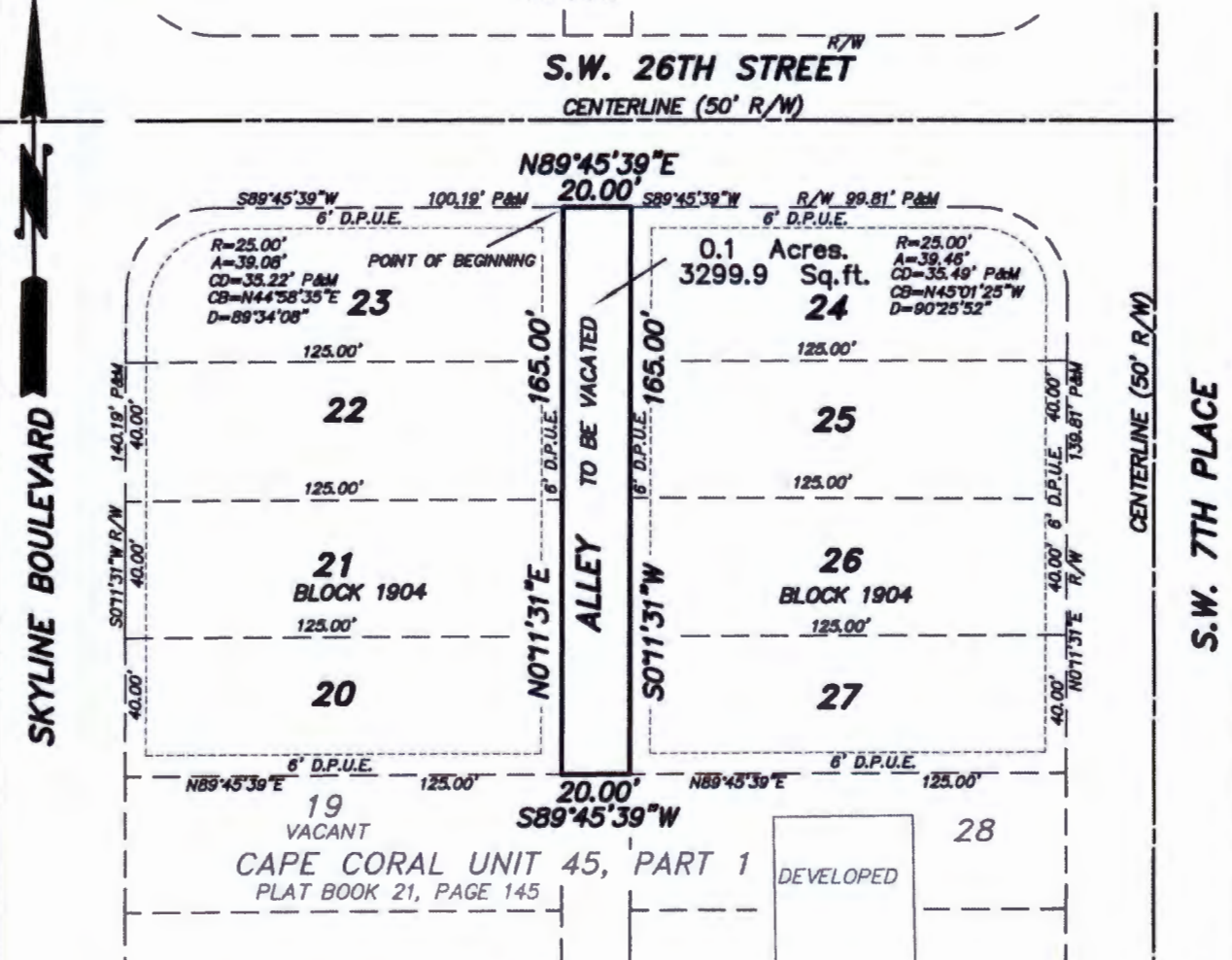
AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#3125 (239) 573-2077

DATE	BY	REVISION DESCRIPTION
05/05/17	JS	VOP INITIAL SUBMITTAL

THIS PLAN IS INTENDED FOR CONCEPTUAL PLANNING PURPOSES ONLY. SITE LAYOUT MAY CHANGE SIGNIFICANTLY BASED UPON SURVEY, ENVIRONMENTAL AND REGULATORY CONSTRAINTS. "NOT FOR CONSTRUCTION"

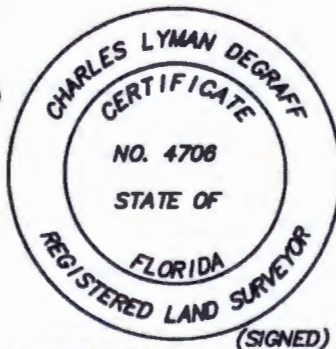
SKETCH AND DESCRIPTION

SKETCH



0 25 50 100
SCALE IN FEET

NOT A SURVEY



Charles L. DeGraff

Digitally signed by Charles L. DeGraff
DN: c=US, st=Florida, l=Debary, email=charles.degraff@gmail.com, o=Charles DeGraff Land Surveyor, cn=Charles L. DeGraff
Date: 2017.05.02 21:53:17 -04'00'

NOTE: SEE SHEET 2 FOR LEGAL DESCRIPTION

NOT VALID WITHOUT SHEET 2

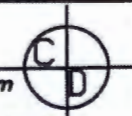
CHARLES L. DEGRAFF PSM #4706

The seal appearing on this document was authorized by Charles DeGraff PSM 4706 on May 02, 2017.

CHARLES DEGRAFF LAND SURVEYOR

Land Surveyors and Mappers
301 Hazeltine Drive, Debary, Florida 32713

Phone (239) 699-8572
Email charles.degraff@gmail.com



SHEET 1 OF 2

SKETCH AND DESCRIPTION

ALLEY TO BE VACATED

LEGAL DESCRIPTION:

A 20 foot alley lying contiguous to Lots 20 through 27 inclusive, Block 1904, Cape Coral Unit 45, Part 1, as recorded in Plat Book 21, Page 145, Official Records of Lee County, Florida further described as follows: Begin at the Northeast Corner of Lot 23 of said Block 1904; thence N89°45'39"E a distance of 20.00 feet to the Northwest Corner of Lot 24 of said Block 1904; thence S00°11'31"W, along the West Line of Lots 24 through 27 inclusive of said Block 1904, a distance of 165.00 feet to the Southwest Corner of Lot 27 of said Block 1904; thence S89°45'39"W a distance of 20.00 feet to the Southeast Corner of Lot 20 of said Block 1904; thence N00°11'31"E, along the East Line of Lots 20 through 23 inclusive of said Block 1904, a distance of 165.00 feet to the Point of Beginning, in the City of Cape Coral, Lee County, Florida.

NOTE: SEE SHEET 1 FOR SKETCH.

NOT A SURVEY

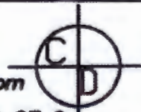
NOT VALID WITHOUT SHEET 1

The seal appearing on this document was authorized by Charles DeGraff PSM 4706 on May 02, 2017.

CHARLES DEGRAFF LAND SURVEYOR

Land Surveyors and Mappers
301 Hazeltine Drive, Debary, Florida 32713

Phone (239) 699-8572
Email charles.degraff@gmail.com



SHEET 2 OF 2

SHEET 1 OF 2

SKETCH AND DESCRIPTION

UTILITY EASEMENT IN ALLEY TO BE VACATED

LEGAL DESCRIPTION:

The utility easement lying in that part of the 20 foot alley lying contiguous to Lots 20 through 27 Inclusive, Block 1904, Cape Coral Unit 45, Part 1, as recorded in Plat Book 21, Page 145, Official Records of Lee County, Florida described as follows: Commence at the Northeast Corner of Lot 23 of said Block 1904; thence S00°11'31"W a distance of 6.00 feet for the Point of Beginning; thence N89°45'39"E a distance of 20.00 feet to the West Line of Lot 24 of said Block 1904; thence S00°11'31"W, along the West Line of Lots 24 through 27 inclusive of said Block 1904, a distance of 153.00 feet to a point 6.00 feet north of the Southwest Corner of Lot 27 of said Block 1904; thence S89°45'39"W a distance of 20.00 feet to the East Line of Lot 20 of said Block 1904; thence N00°11'31"E, along the East Line of Lots 20 through 23 inclusive of said Block 1904, a distance of 153.00 feet to the Point of Beginning, in the City of Cape Coral, Lee County, Florida.

NOTE: SEE SHEET 1 FOR SKETCH.

NOT A SURVEY

NOT VALID WITHOUT SHEET 1

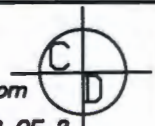
The seal appearing on this document was authorized by Charles DeGraff PSM 4706 on August 04, 2017.

CHARLES DEGRAFF LAND SURVEYOR

Land Surveyors and Mappers

301 Hazeltine Drive, Debary, Florida 32713

Phone (239) 699-8572
Email charles.degraff@gmail.com



SHEET 2 OF 2

SKETCH AND DESCRIPTION

SKETCH

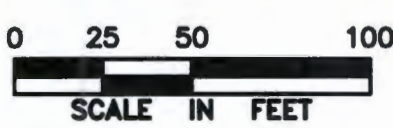
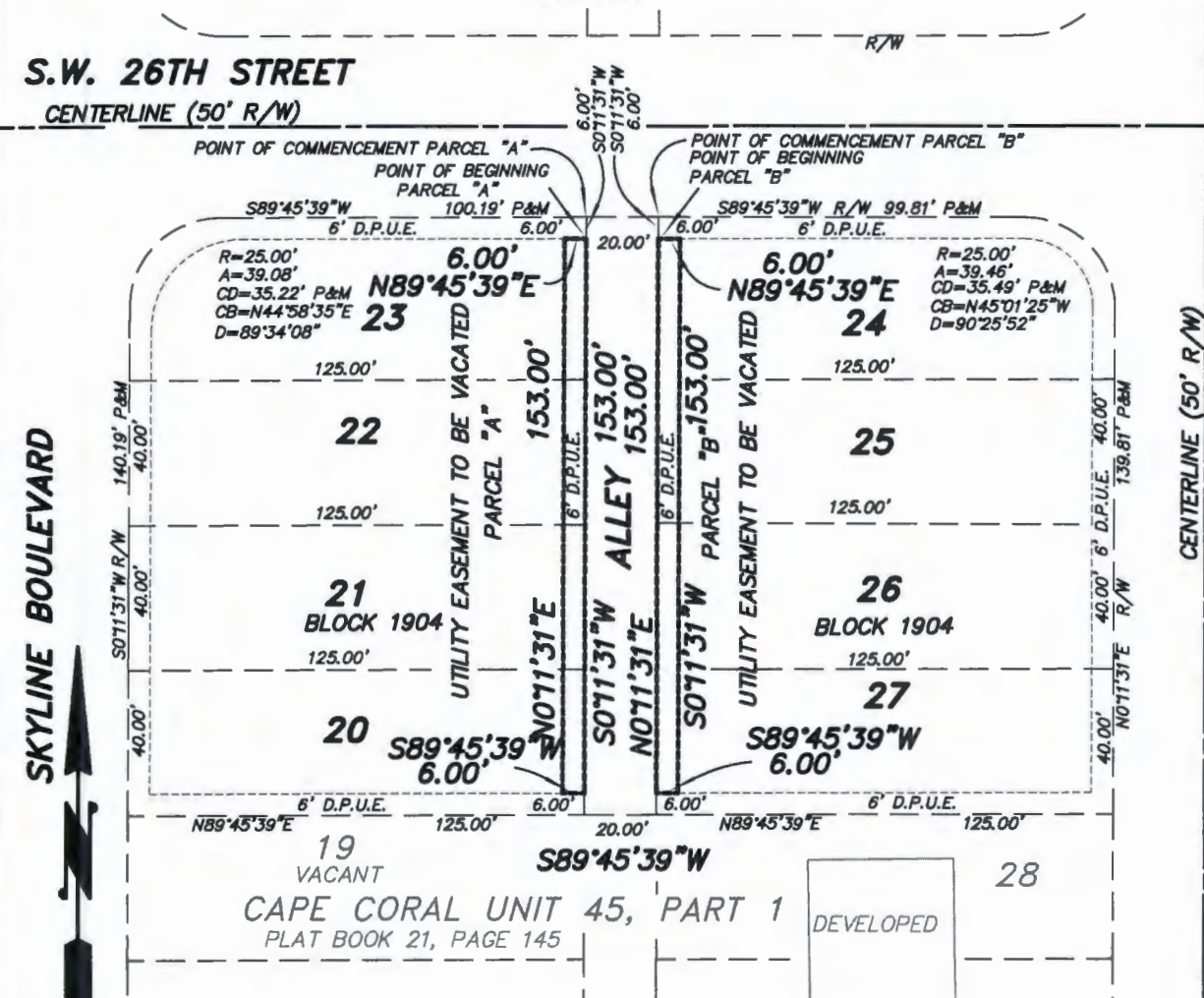
S.W. 26TH STREET

CENTERLINE (50' R/W)

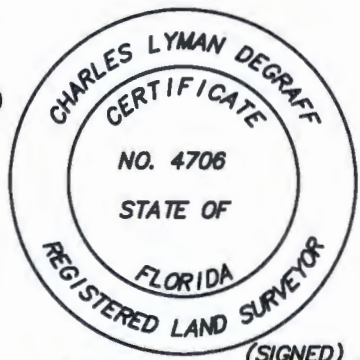
SKYLINE BOULEVARD

CENTERLINE (50' R/W)

S.W. 7TH PLACE



NOT A SURVEY



NOTE: SEE SHEET 2 FOR LEGAL DESCRIPTION
 NOT VALID WITHOUT SHEET 2
 (SIGNED) CHARLES L. DEGRAFF PSM #4706

The seal appearing on this document was authorized by Charles DeGraff PSM 4706 on August 04, 2017.

CHARLES DEGRAFF LAND SURVEYOR
 Land Surveyors and Mappers
 301 Hazeltine Drive, Debary, Florida 32713

Phone (239) 699-8572
 Email charles.degraff@gmail.com



SKETCH AND DESCRIPTION

UTILITY EASEMENT TO BE VACATED

LEGAL DESCRIPTION PARCEL "A":

The 6 foot utility easement lying in that part of Lots 20 through 23 inclusive, Block 1904, Cape Coral Unit 45, Part 1 as recorded in Plat Book 21, Page 145, Official Records of Lee County, Florida described as follows: Commence at the Northeast Corner of Lot 23 of said Block 1904; thence S00°11'31"W a distance of 6.00 feet for the Point of Beginning; thence S00°11'31"W, along the East Line of Lots 20 through 23 inclusive of said Block 1904, a distance of 153.00 feet to a point 6.00 feet north of the Southeast Corner of Lot 20 of said Block 1904; thence S89°45'39"W a distance of 6.00 feet; thence N00°11'31"E, parallel with the East Line of Lots 20 through 23 inclusive of said Block 1904, a distance of 153.00 feet; thence N89°45'39"E 6.00 feet to the Point of Beginning, in the City of Cape Coral, Lee County, Florida.

LEGAL DESCRIPTION PARCEL "B":

The 6 foot utility easement lying in that part of Lots 24 through 27 inclusive, Block 1904, Cape Coral Unit 45, Part 1, as recorded in Plat Book 21, Page 145, Official Records of Lee County, Florida described as follows: Commence at the Northwest Corner of Lot 24 of said Block 1904; thence S00°11'31"W a distance of 6.00 feet for the Point of Beginning; thence N89°45'39"E a distance of 6.00 feet; thence S00°11'31"W, parallel with the West Line of Lots 24 through 27 inclusive of said Block 1904, a distance of 153.00 feet to a point 6.00 feet north of the South Line of Lot 27 of said Block 1904; thence S89°45'39"W a distance of 6.00 feet; thence N00°11'31"E, parallel with the West Line of Lots 24 through 27 inclusive of said Block 1904, a distance of 153.00 feet; to the Point of Beginning, in the City of Cape Coral, Lee County, Florida.

NOTE: SEE SHEET 1 FOR SKETCH.

NOT A SURVEY

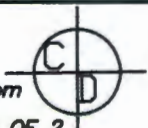
NOT VALID WITHOUT SHEET 1

The seal appearing on this document was authorized by Charles DeGraff PSM 4706 on August 04, 2017.

CHARLES DEGRAFF LAND SURVEYOR

Land Surveyors and Mappers
301 Hazeltine Drive, Debary, Florida 32713

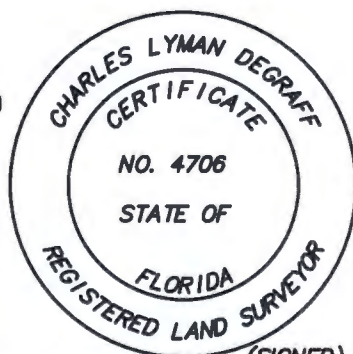
Phone (239) 699-8572
Email charles.degraff@gmail.com



SHEET 2 OF 2

[illegible]

NOT A SURVEY



(SIGNED)

CHARLES L. DEGRAFF PSM #4706

NOT VALID WITHOUT SHEET 2

The seal appearing on this document was authorized by Charles DeGraff PSM 4706 on August 09, 2017.

CHARLES DEGRAFF LAND SURVEYOR
Land Surveyors and Mappers
301 Hazeltine Drive, Debary, Florida 32713

Phone (239) 699-8572
Email charles.degraff@gmail.com



SHEET 1 OF 2

SKETCH AND DESCRIPTION

20 FOOT PROPOSED JOINT ACCESS EASEMENT

LEGAL DESCRIPTION:

A 20 foot Joint Access Easement along and over the North 20 feet of Lot 19, Block 1904, Cape Coral Unit 45, Part 1 as recorded in Plat Book 21, Page 145, Official Records of Lee County, Florida, in the City of Cape Coral, Lee County, Florida.

NOTE: SEE SHEET 1 FOR SKETCH.

NOT A SURVEY

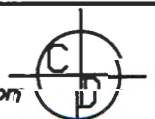
NOT VALID WITHOUT SHEET 1

The seal appearing on this document was authorized by Charles DeGraff PSM 4706 on August 09, 2017.

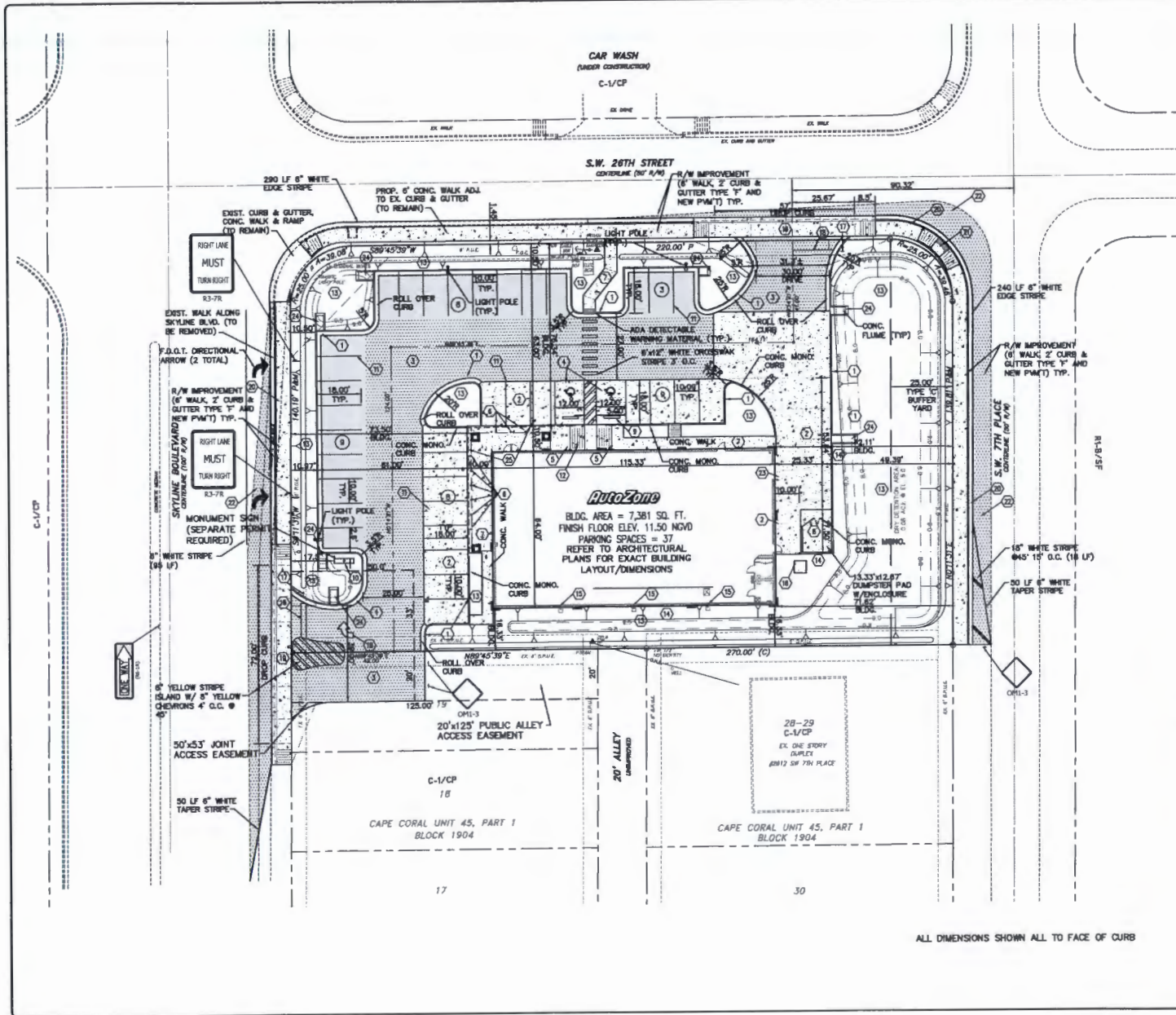
CHARLES DEGRAFF LAND SURVEYOR

Land Surveyors and Mappers
301 Hazeltine Drive, Debary, Florida 32713

Phone (239) 699-8572
Email charles.degraff@gmail.com



SHEET 2 OF 2



17-107
C4 of 11



Attention:

Linda Miller, AICP
Avalon Engineering, Inc
2503 Del Prado Boulevard S, Suite 200
Cape Coral, FL 33904
Phone: (239) 573-2077
Fax: (239) 573-2076

Subject: - Vacation of Plat Application (Alley)

Site Address: 2607 Skyline Blvd

Strap #35-44-23-C1-01904.0190 (Lot20 only), 35-44-23-C1-01904.0210,
35-44-23-C1-01904.0240, 35-44-23-C1-01904.0260 Unit 45 Part 1, Block 1904 Lots
20-27 Cape Coral. FL

Dear Linda Miller

In regard to the referenced property above, after review CenturyLink currently has facilities in the 6'PUE. If facilities were to be re-located around property in 6' PUE CenturyLink would need a contact to Bill for re-locate cost. Please see Sketch for CenturyLink green lines and proposed re-locate if needed.

Sincerely

A handwritten signature in black ink, appearing to read "Justin Lane", written over the word "THANK YOU!".

THANK YOU!

Justin Lane
OSP Engineering
3301 Del Prado Blvd S
Office: (239)-984-7009
justin.lane@centurylink.com



**12600 Westlinks Drive Suite 4
Fort Myers Fl. 33913
Phone: 239-432-1805**

May 4, 2017
Avalon Engineering, Inc.
Linda Miller
2503 Del Prado Blvd. South Suite 200
Cape Coral, Florida 33904

Re: 2607 Skyline Blvd. Part of 35-44-23-C1-01904.0190 (Lot 20 only) 35-44-23-C1-01904.0210, 35-44-23-C1-01904.0240 and 35-44-23-C1-01904.0260 Cape Coral, Fl. (lots 20-23 and lots 24-27 of block 1904)

Dear Linda Miller,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above with a relocation charge of \$754.80. Should you require additional information or assistance, please feel free to contact me here at 432-1805.

Cordially,

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

Mark Cook
Project Coordinator



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

June 28, 2017

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

Re: Request for Vacation of Alley and Utility easements; Location: 2607 Skyline Boulevard,
Cape Coral, FL; Owner: AutoZone.

Dear Ms. Miller:

Your firm, and on behalf of your client, AutoZone, has opened up negotiations concerning the vacation of an Alley and related utility easements on said proposed subdivision plat.

We have reviewed and note, that the alley runs north and south with rear platted utility easements adjacent to the proposed alley vacation parcel. These are depicted by Charles L. DeGraff, PSM, dated 5/1/2017 and a preliminary site plan created by Elizabeth Fountain, P.E. of JR Evans Engineering known as Project# 223, dated 4/10/2017. LCEC has **no objection** to the plans as presented, provided, that:

1. A 6-foot wide perimeter easement be granted to LCEC in the after situation to ensure the company's ability to service the site; and,
2. Payment contracted for the relocation of service connections, wires, and facilities affected by the vacation within and no later than 90 days from the date of this letter of No Objection.

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

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

Best regards,

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: 2017.06.28 18:39:37 -04'00'

Russ Goodman, SR/WA
D & E Coordinator, Land Rights

Planning Division Case Report

VP 17-0006

Review Date: August 29, 2017

**Applicant/
Property Owner:** L/H Investments, LLC

Owner Address: 2524 Laurel Glen Drive
Lakeland, FL 33803

**Authorized
Representative** Avalon Engineering, Inc.

Request: The applicant is requesting to vacate the following:

- (1) About 3,300 sq. ft. of alley right-of-way (ROW) between Lots 20-23 and Lots 24-27, Block 1904, Cape Coral, Unit 45, Part 1.
- (2) About 3,060 sq. ft. of underlying easements associated with the alley ROW between Lots 20-23 and Lots 24-27, Block 1904, Cape Coral, Unit 45, Part 1.
- (3) About 1,836 sq. ft. of six-foot wide platted easements along the eastern property line of Lots 20-23 and and the western property line of Lots 24-27, Block 1904, Cape Coral, Unit 45, Part 1.

Property Location: 2603-2607 Skyline Boulevard and 2602-2606 SW 7th Place

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

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

Recommendation: **Approval with conditions**

Urban Service Transition

Property Description:

The applicant owns four unimproved parcels totaling 1.06 acres at the northern end of Block 1904. The applicant also owns an additional eight properties within the Block that are not part of this application. The site is about 1,100 feet south of the Veteran's Memorial Parkway and Skyline Boulevard intersection. The site is split by a 20-foot wide, platted alley that runs north to south through the middle of Block 1904. This alley is unimproved.

The applicant requests vacating the northern end of the alley (165 linear feet) to unify Lots 20-23 with Lots 24-27. Easements underlying the alley along with platted easements associated the eastern property line of Lots 20-23 and and the western property line of Lots 24-27 are also requested to be vacated. The Letter of Intent states these vacations are sought to construct an AutoZone (classified as an automotive

parts store) on the site. A site plan (SP17-0058) for an automotive parts store is currently being reviewed by City staff and this use is allowed in the Pedestrian Commercial (C-1) District. However, approval of a vacation by the City Council does not in itself bind a developer to a particular site plan, project, or use.

All parcels in Block 1904 have a Commercial/Professional Future Land Use Designation and C-1 Zoning. Two sites in the block (Lots 28-29 and Lots 30-32) are developed with duplexes. All other sites are undeveloped.

Analysis:

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

Request to Vacate Alley ROW

The applicant owns all property covered by the plat for which the vacation is sought (LUDR, Section 8.11.3.b.1) and is therefore eligible to request this vacation.

The applicant requests vacating about 165 linear feet of a platted alley at the northern end of Block 1904. This vacation will increase the area of the site by 3,300 sq. ft. More importantly, the vacation will facilitate the merging of two parcels on the east and west sides of the block into a single, four-parcel site. The vacation will yield a single site with full block depth with the potential to increase access to the site, improve traffic flow and circulation, and provide greater flexibility in site design. The vacation of this alley segment will not pose any hardship to property owners within the block as no owner relies on this ROW segment for access or services, such as garbage collection.

To avoid an alley terminating in a dead-end, the applicant will deed a perpetual cross-access easement on Lot 19 to the City. If needed, this cross-access easement could be improved in the future to provide access from the alley to Skyline Boulevard. South of the site, the remainder of the platted alley in Block 1904 will remain.

Request to Vacate Underlying and Adjacent Easements to the ROW

The applicant also requests to vacate 3,060 sq. ft. of underlying easements associated with the subject alley, and 1,836 sq. ft. of six-foot wide platted easements along the eastern property line of Lots 20-23 and the western property line of Lots 24-27. Except for a six-foot wide perimeter easement that will remain, the easement vacation will allow improvements to occur throughout the eight-lot site.

CenturyLink, Comcast, and LCEC have facilities in the easements the applicant seeks to vacate. These facilities include an electric box and overhead power lines that are shown on the topographic survey submitted by the applicant. However, these utility providers do not object to this vacation provided their respective facilities are relocated to other public utility easements at the applicant's expense.

The vacation requests are consistent with Policy 5.5 of the Future Land Use Element that states *"The City may consider the vacation of rights-of-way to facilitate land assembly and the development of a unified, contiguous commercial project."* **This vacation will add 0.08 acres to the site, and will unify properties previously separate by an alley to provide for a single development site with full block depth. The**

vacation may result in increased access to the site, improved traffic flow and circulation, and greater flexibility in site design.

Recommendation:

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

Conditions of Approval

1. The vacation of the platted alley shall be consistent with that shown in the sketch and accompanying legal description prepared by Charles DeGraff Land Surveyor entitled "*Alley to be Vacated*", dated May 2, 2017.
2. The vacation of the underlying easements associated with the vacated alley shall be consistent with that shown in the sketch and accompanying legal description prepared by Charles DeGraff Land Surveyor entitled "*Utility Easement in Alley to be Vacated*", dated August 4, 2017.
3. The vacation of six-foot wide drainage easements associated with eastern property line of Lots 20-23 and and the western property line of Lots 24-27 Block 1904, Cape Coral, Unit 45 shall be consistent with that shown in the sketch and accompanying legal description prepared by Charles DeGraff Land Surveyor entitled "*Utility Easement to be Vacated*", dated August 4, 2017.
4. The City shall retain a six-foot wide public utility and drainage easement around the site consisting of Lots 20-23 and Lots 24-27, Block 1904.
5. Within 60 days from the date of adoption of this vacation, the owner shall provide to the City for recording a perpetual cross-access easement on and across Lot 19. This easement shall be approved by the City Development Services Manager and the Property Broker prior to recording.
6. Prior to the City recording the resolution approving this vacation with the Lee County Clerk of Court: 1) the City shall accept the perpetual cross-access easement described in Condition #5; 2) the applicant shall provide to the City proof of payment to the utility providers for relocating all affected utilities; and, 3) the applicant shall reimburse the City for all recording fees associated with vacation resolution and cross-access easement.

Staff Contact Information

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

PH: 239-242-3255

Email: mstruve@capecoral.net



NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: VP17-0006

REQUEST: A request to vacate the plat for a portion of an alley and the underlying public utility and drainage easements located between Lots 20-23 and Lots 24-27, Block 1904, Cape Coral Unit 45, Part 1; and adjacent public utility and drainage easements along the eastern property line of Lots 20-23 and the western property line of Lots 24-27; property located at 2603-2607 Skyline Boulevard and 2602-2606 SW 7th Place.

LOCATION: 2603-2607 Skyline Boulevard and 2602-2606 SW 7th Place

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

PROPERTY OWNER(S): LJH Investments, LLC

AUTHORIZED REPRESENTATIVE: Avalon Engineering, Inc.

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, September 5, 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, www.capecoral.net/publichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

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

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

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

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

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239-335-0258

Email
FNPLegals@gannett.com

Customer: CITY OF CAPE CORAL_DEPT OF COM

Ad No.: 0002367246

Address: 1015 CULTURAL PARK BLVD
CAPE CORAL FL 33990
USA

Net Amt: \$

Run Times: 1

No. of Affidavits: 1

Run Dates: 08/26/17

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: VP17-0006

REQUEST: A request to vacate the plat for a portion of an alley and the underlying public utility and drainage easements located between Lots 20-23 and Lots 24-27, Block 1904, Cape Coral Unit 45, Part 1; and adjacent public utility and drainage easements along the eastern property line of Lots 20-23 and the western property line of Lots 24-27; property located at 2603-2607 Skyline Boulevard and 2602-2606 SW 7th Place.

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

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by order of
Rebecca van Deutekom, MMC
City Clerk
REF # VP17-0006

AD# 2367246 Aug. 26, 2017

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: LJH Investments, LLC

APPLICATION NO: VP17-0006

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.

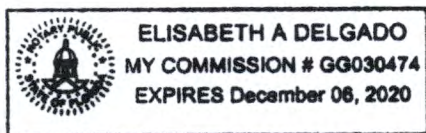
DATED this 28th day of August, 2017.



Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 28th day of August, 2017, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.



Exp. Date 12/6/20 Commission # GG030474


Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public

SUBJECT ALLEY

SW 25TH LN

SW 8TH PL

SKYLINE BLVD
SKYLINE BLVD

SW 7TH PL

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. VP17-0006



Subject Alley



AUGUST 22ND, 2017

0 Feet 130 260

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

500' PROXIMITY BOUNDARY

SUBJECT ALLEY

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Boundary

Case No. VP17-0006


LEGEND

 500' Proximity Boundary

 Subject Alley

Zoning

 C-1

 R-1B



AUGUST 22ND, 2017

0 Feet 200 400

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

Owner_Name	Mailing_Ad	Mailing_Ci	Mailing_Zi
YOUNISIAN AMI	14 MALCHERI-ISRAEL STREET	ASHKELON 78334	ISRAEL
RAMDASS RAMNARINE + JEAN TARA	4 GASTON ST	CHAGUANAS	TRINIDAD A
2537 SKYLINE BLVD LLC	1300 US BANK PLAZA	MINNEAPOLIS	MI 55402
ALLEN ST PROPERTIES LLC	2604 FAIRMONT COVE CT	CAPE CORAL	FL 33991
BANK OF AMERICA NA	101 N TRYON ST	CHARLOTTE	NC 28246
BRIGHTBILL MATTHEW JAMES &	702 SW 26TH TER	CAPE CORAL	FL 33914
CAPE CORAL POOH LLC	101 W 55TH ST	NEW YORK	NY 10019
CASSETTA STACY	319 CEDAR ISLAND TR	HOLLY RIDGE	NC 28445
CHANG YIN CHUN	3860 CASEY KEY RD	NOKOMIS	FL 34275
CHRISTIANA TRUST TR	5720 PREMIER PARK DR	WEST PALM BEACH	FL 33407
COLON ELIZABETH 1/3 +	2614 SW 7TH PL	CAPE CORAL	FL 33914
COMMONWEALTH FOUNDATION			
FOR CA	800 CANAL ST STE 1900	RICHMOND	VA 23219
CORTES RAMON A	2613 SW 7TH PL	CAPE CORAL	FL 33914
DELGADO ALEIN	3991 SW 129TH AVE	MIAMI	FL 33175
FERNANDEZ EMILIO + MIGDALIA	2710 SW 25TH ST	MIAMI	FL 33133
FL ROI LLC	6351 TIDEWATER ISLAND CIR	FORT MYERS	FL 33912
GATTURNA FRANCIS + BETH	2620 SW 8TH PL	CAPE CORAL	FL 33914
GAVIRIA MARCOLFIA	1629 EL DORADO PKWY W	CAPE CORAL	FL 33914
GONAZLEZ JORGE + FARIDA	21825 SW 309TH ST	HOMESTEAD	FL 33030
GUNNERY LLC	3757 SE 6TH AVE	CAPE CORAL	FL 33904
HANCOCK BUILDERS LLC	1985 CEDAR BRIDGE AVE STE 1	LAKEWOOD	NJ 08701
HAUCK GAIL D	705 SW 27TH ST	CAPE CORAL	FL 33914
HOME DEPOT USA INC	PO BOX 105842	ATLANTA	GA 30348
KRAUS FOODS INC	2324 SAPODILLA LN	SAINT JAMES CITY	FL 33956
LE LEHANG THI	10200 HICKORY RIDGE RD APT 204	COLUMBIA	MI 21044
LEE COUNTY REALTY INC TR	PO BOX 60313	FORT MYERS	FL 33906
LJH INVESTMENTS LLC	2524 LAUREL GLEN DR	LAKELAND	FL 33803
MILLER CHERYL	706 SW 26TH TER	CAPE CORAL	FL 33914
MILLER ELZIE I JR	3248 S ASHLEY AVE	SPRINGFIELD	MO 65809
OREILLY AUTOMOTIVE STORES INC	PO BOX 06116	CHICAGO	IL 60606
PIZARRO GEORGE R	7443 SW 93RD CT	MIAMI	FL 33173
REALTY INCOME PROPERTIES 29 LL	11995 EL CAMINO REAL DEPT 4300	SAN DIEGO	CA 92130
ROMEO KIMBERLY +	396 B HYSTRIX PLAZA	MONROE	NJ 08831
SANTANA REINALDO A +	435 SUN CREST CT	OVIEDO	FL 32765
SOTO JAVIER EDUARDO SALDANA &	709 SW 27TH ST	CAPE CORAL	FL 33914
SULLICO II LLC	15946 DOUBLE EAGLE DR	MORRISON	CO 80465
WINDSOR-THOMAS GROUP INC	607 S ALEXANDER ST STE 204	PLANT CITY	FL 33563