AGENDA FOR THE HEARING EXAMINER

Tuesday, July 10, 2018
9:00 AM
Council Chambers

1. HEARINGS CALLED TO ORDER

2. HEARINGS

A. Case # PDP18-0003*; Address: 124 and 128 Nicholas Parkway East; Applicant: Jadboir Ventures LLC

B. Case # ZA18-0001*; Address: 2121 SE 15th Place; Applicant: Lazaro Flores

C. Case # ZA18-0003*; Address: 1829 SE 15th Place; Applicant: Paul Travis One, Inc.

D. Case # ZA18-0004*; Address: 6 Burnt Store Road, 16 Burnt Store Road, 22 Burnt Store Road, 5 NW 32nd Place; Applicant: Harold and Pamela Arkin, Trustees, Marlin Properties, LLC, Esta Rubinstein Trust

E. Case # VP18-0001*; Address: 2315-2333 Andalusia Boulevard and 2320-2330 NE 8th Place; Applicant: Harry M. Lowell and CJ Investment Services, Inc. and Bubbas Building Trust, LLC

F. Case # SE17-0016*; Address: 2315-2333 Andalusia Boulevard and 2320-2330 NE 8th Place; Applicant: Harry M. Lowell and CJ Investment Services, Inc. and Bubbas Building Trust, LLC

3. DATE AND TIME OF NEXT HEARINGS

A. Tuesday, July 24, 2018, 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:	**7/10/2018**
Item Type:	**HEARINGS**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
Case # PDP18-0003*; Address: 124 and 128 Nicholas Parkway East; Applicant: Jadboir Ventures 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 project amending Ordinance 43-98, as amended by Ordinance 8-06 approving a Planned Development Project in the City of Cape Coral, Florida entitled "Santa Barbara Plaza East" for certain property described as Lots 12, 13, 14, and 15 of Block 1027, Unit 24, Cape Coral Subdivision, according to the plat thereof, recorded in Plat Book 14, Pages 63-77, of the Public Records of Lee County, Florida and Lots 8 through 11, Block 1027, inclusive, and a part of Lot 7, Block 1027, all of Lots 3 through 14, Block 1026, inclusive, Cape Coral Subdivision, Unit 24, according to the plat thereof, recorded in Plat Book 14, Pages 63-77, inclusive, of the Public Records of Lee County, Florida as more particularly described herein; property located at 1025-1031 Santa Barbara Boulevard and 124-128 Nicholas Parkway East; expanding the project area to include Lots 12 thru 15 in Block 1027, and granting development plan approval.

LEGAL REVIEW:

EXHIBITS:
See attached "Backup Materials"

PREPARED BY:

Kristin Kantarze	Division- Planning	Department-	Community Development

SOURCE OF ADDITIONAL INFORMATION:

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

ATTACHMENTS:

Description	Type
Backup Materials	Backup Material
ORDINANCE 8-06	Backup Material
ORDINANCE 43-98	Backup Material

Cape Coral FLORIDA

PLANNED DEVELOPMENT PROJECT (PDP) APPLICATION

PROPERTY OWNER IS A CORPORATION, LIMITED LIABILITY COMPANY (LLC), LIMITED COMPANY (LC), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUST

Project Name: Santa Barbara Plaza Additional Parking

Project Number: PDP18-0003

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 Joe Mazurkiewicz, Jr., as the owner of this property or the duly Authorized Representative, 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)

Joe Mazurkiewicz, Jr. , President, BJM Consulting, Inc.

By: NAME AND TITLE (PLEASE TYPE OR PRINT) SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL , COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 2nd day of March, 2018, by Joe Mazurkiewicz, Jr. who is personally known or produced NA as identification.

Annette M. Carrasquillo
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG116285
Expires 7/15/2021

Exp. Date: 7/15/2021 Commission Number: GG116285

Signature of Notary Public:

Printed name of Notary Public: Annette M. Carrasquillo

*Please include additional pages for multiple property owners.

Authorization to Represent Property Owner(s) – Property Owner is a Corporation, Limited Liability Company (LLC), Limited Company (LC), Partnership, Limited Partnership, or Trustee

Please be advised that Joe Mazurkiewicz, Jr. / BJM Consulting, Inc
(*Name of Authorized Representative(s)* and 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 24 Block 1027 Lot 12-15 Subdivision Cape Coral

Or Legal Description: ☐ (described as an exhibit A in Microsoft Word format and attached hereto)

* Jadboir Ventures LLC
** Name of Entity (Corporation, Partnership, LLC, etc)

Registered Agent and MGR
Title of Signatory

Signature

Calla Reid
Name (Please print or type)

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 1st day of March, 2018, by Calla Reid who is personally known or produced Florida Drivers License as identification.

Exp. Date: Feb 16, 2021 Commission Number: GG 74013

PEDRO J. PEREZ
MY COMMISSION # GG 74013
EXPIRES: February 16, 2021
Bonded Through National Notary Assn.

Signature of Notary Public:
Printed name of Notary Public: Pedro J. Perez

*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."
In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

PDP Applicant Checklist

Project Name: Santa Barbara Plaza Additional Parking

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:

_____ 11 sets of plans, in paper format, as described above
_____ 11 signed and sealed Boundary Surveys, in paper format, as described above
_____ One (1) copy of the application & all other documents you are submitting for review
_____ 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.

JM authorized representative or property owner's initials

GENERAL INFORMATION

Project Name: Santa Barbara Plaza Additional Parking

Applicant: Jadboir Ventures LLC

Address: 4822 Agualinda Blvd, Cape Coral, FL 33914

Phone: 239-878-5010 Fax: _____ E-Mail: isyr@earthlink.net

***Property Owner:** Jadboir Ventures LLC

Address 4822 Agualinda Blvd, Cape Coral, FL 33914

Phone 239-878-5010 Fax _____ E-Mail isyr@earthlink.net

Authorized Representative Joe Mazurkiewicz, Jr./BJM Consulting, Inc

Address PO Box 101655

Phone 239-470-5778 Fax _____ E-Mail joe@bjmconsult.com

Location

Unit 24 Block 1027 Lot(S) 12-15

Subdivision Cape Coral Strap Number(s) 24-44-23-C1-01027.0120 and .0140

Legal Description ☐ (Described as Exhibit A in Microsoft Word Format and attached hereto)

Property Address: 124 and 128 Nicholas Parkway E

Plat Book 14 Page 66 Current Zoning C1 Commercial Future Land Use C/P

This application includes the following requests: (Please check all that apply)			
☐ Subdivision	☐ Special Exception	☐ Rezoning	☐ Variance
☐ Deviation to Landscaping	☐ Deviation to Non-residential Design Standards	☐ Deviation to Engineering Design Standards (EDS)	☐ All Other Deviation Requests
☐ Borrow Pit	☐ Vacation of Plat		

*Please include additional pages for multiple property owners.

PROPERTY and PROJECT DEVELOPMENT DATA

a.	Zoning District	C1			
b.	Future Land Use Class	C/P			
c.	Area of Subject Property	0.459 acres			
d.	Type of Development	Additional parking area			
e.	Estimated Number of Employees	0			
	Number of Seats in Assembly	0			
f.	Parking Spaces Required	0			
g.	Parking Spaces Provided	44			
h.	Parking and Street Area	12,507 sq. ft.	62.54 % of Site		
i.	Ground Floor Building Area	N/A sq. ft.	N/A % of Site		
j.	Total Floor Area	N/A sq. ft	N/A % of Site		
k.	Building Heights	N/A feet		N/A stories	
l.	Total Proposed Impervious Surface Area	sq. ft. 12,507		% of Site 62.54	
m.	Permanent Open Space	sq. ft. N/A		% of Site N/A	
	Landscaped Area	7,496 sq. ft.		% of Site 37.46	
n.	Recreation Area	_____ sq. ft.		% of Site _____	

If the proposed project is a multifamily residential development, the following additional data shall be shown on the plans.

o.	Number of Dwelling Units (du)	_____		
p.	Gross Density (du/acres)	_____		
q.	Number, 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. _____

JM authorized representative or property owner's initials

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

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 N/A 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 greater 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.

JM authorized representative or property owner's initials

GRAPHIC STANDARDS: GENERAL INFORMATION

Sheet # of submitted plans:	
	The Development Plan shall be of sufficient scale to show all detail. The scale of the Plan shall be illustrated by a graphic scale on every sheet. The date and true north arrow shall be shown on every sheet. The following general information is required:
1	1. Names and addresses of the owners, planner, architect, landscape architect Engineer and surveyor.
1	2. 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.
N/A	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	1. Acreage of land within property.
2	2. Boundary lines of the project and their bearings and distances.
2	3. Existing and proposed easements and their locations, widths and distance, as well as existing structures.
3	4. Streets and waterways on and adjacent to the project, their names, widths and other dimensions as may be required.
4	5. The location of all existing utilities connections available to the property site.
5	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.
N/A	7. Environmental Site Survey - see the City's guidelines for conducting an environmental survey
N/A	8. Flood elevation data and flood zone boundary lines delineated, if applicable.
N/A	9. Any other significant existing features, as may be required by the Director.

JM authorized representative or property owner's initials

DEVELOPMENT PLANS

Sheet # of submitted plans:	The Development Plan should be viewed as a conceptual plan and not construction drawings or a site plan. A high level detailed site plan with information not needed will be rejected at submittal. The Development 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.
1	1. Name of project, north arrow, date and scale.
N/A	2. Elevations, (drawing of front, sides, and rear faces of buildings), and use of all proposed buildings and structures.
5	3. Internal and peripheral landscaping locations showing landscape area sizes and overall dimensions of the various planting areas, providing calculations per Article 5.2.
4	4. Approximate location of curb cuts, driveways, access roads, alleys, and parking areas indicating the number of spaces and all dimensions.
4	5. Location of existing and proposed pedestrian walks, malls, yards, and open areas.
N/A	6. Location, number, dimensions, character and orientation of all existing and proposed signs.
N/A	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.
4	9. 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: a) Estimate of the average daily flow for potable water. b) Estimate of the average daily flow of wastewater c) Estimate of the average daily flow for irrigation water.
4	10. Location of all known existing and proposed easements and /or right of way.
4	11. Location of proposed outdoor lighting, showing direction, height and type.
N/A	12. An exhibit providing the peak hour trip distribution at the project entrance and adjacent local streets out to a collector.
2	13. 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.

JM authorized representative or property owner's initials

ADDITIONAL INFORMATION

Sheet # of submitted plans:

N/A 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.

N/A 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.

N/A 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:
   a. 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

JM authorized representative or property owner's initials

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).

N/A 1. Contours at an interval of not greater than one foot.

N/A 2. Access roads and their relationship to existing and proposed streets, alleys and other public ways.

N/A 3. Setback lines, permanent open space, recreation areas, separation strips, existing and proposed landscape areas and general land use activity areas.

N/A 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.

N/A 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.

N/A 6. Utility locations on and adjacent to the project showing proposed dimensions and connections to existing utility systems.

N/A 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.

N/A 8. Approximate location of proposed and existing surface water management system components including treatment, storage, conveyance, and discharge locations.

N/A 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.

N/A 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.

N/A 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.

N/A 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.

N/A 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.

N/A 14. Any other appropriate certification required by the Governing Body or Necessary to comply with Florida Statutes, Chapter 177.

JM authorized representative or property owner's initials

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: _____ acres x $55.00 for each acre or portion thereof in excess of 10 acres.	(with maximum cap of **$3,625.00** for additional acres)	$
[ ]	PDP - with Subdivision	$2,815.00	$
[ ]	** Additional charge for PDP's in excess of ten (10) acres: _____ acres x $55.00 for each acre or portion thereof in excess of 10 acres.	(with maximum cap of **$3,915.00** for additional acres)	$
	Fire Review		
[x]	Fire review (mandatory)	$104.00	$ 104.00
	Public Hearing		
[x]	PDP - without Subdivision	$665.00	$ 665.00
[ ]	PDP - with Subdivision	$1,415.00	$
[ ]	Zoning Amendment within PDP	$1,165.00	$
[ ]	Vacation of Plat within PDP	$880.00	$
[ ]	Variance/Deviation within PDP	$1,250.00	$
[ ]	Special Exception within PDP	$1,365.00	$
[ ]	Borrow Pit within PDP	$1,725.00	$
		Total	$ 3,294.00

* 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)

JM authorized representative or property owner's initials

BJM Consulting, Inc.

Joe Mazurkiewicz, Jr.
President
P O Box 101655
Cape Coral, FL 33910

Telephone 239-470-5778
Email: joe@bjmconsult.com

March 2, 2018

Mr. Vince Cautero, Director
Department Community Development
City of Cape Coral
PO Box 150027
Cape Coral FL 33915-0027

RE: PDP Amendment Application for Santa Barbara Plaza Additional Parking

Dear Mr. Cautero,

BJM Consulting, Inc. represents Jadboir Ventures LLC/Owner of Santa Barbara Plaza. Please accept this as our Letter of Intent for a PDP Amendment to PDP 03-00800002 to add additional parking necessary to maximize the use of the existing retail center.

The site is located at the intersection of Santa Barbara Blvd and Nicholas Pkwy. The address of the property being used for this amendment is 124 and 128 Nicholas Pkwy, Block 1027 Lots 12 – 15. The property has a land use of C/P Commercial Professional and is zoned C1 Pedestrian Commercial. The site is serviced by all three city utilities.

The existing uses operating in the Center have a required parking requirement of 91 spaces and there are 61 spaces existing on site. Our amended PDP application will provide an additional 44 spaces bringing the total number of spaces available for the center to 105 spaces. The additional parking area will provide the spaces which are required for the present uses, as well as, the expansion of the restaurant on site and parking for two units which are presently vacant.

Please let us know if you have any questions or concerns regarding these applications.
Sincerely,

Joe Mazurkiewicz, Jr.

Joe Mazurkiewicz, Jr. Ph.D.
President, BJM Consulting, Inc.

LEGAL DESCRIPTION

Prepared by Geometric Surveying Inc.

124/128 Nicholas Pkwy East, Cape Coral, FL 33990.

1025/1031 Santa Barbara Blvd Cape Coral, FL 33991.

LOTS 12, 13, 14, AND 15 OF BLOCK 1027, UNIT 24, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGES 63-77, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. AND LOTS 8 THROUGH 11, BLOCK 1027, INCLUSIVE, AND A PART OF LOT 7, BLOCK 1027, ALL OF LOTS 3 THROUGH 14, BLOCK 1026, INCLUSIVE, CAPE CORAL SUBDIVISION, UNIT 24, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGES 63-77, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED IN ORDINANCE 8-06 AS PREPARED BY THE CITY OF CAPE CORAL, BEGINNING ON PAGE 3, SECTION G, WHICH DESCRIBES THE PLANNED DEVELOPMENT PROJECT AS AMENDED, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF CAPE CORAL, BEING ALL OF LOTS 8 THROUGH 11, BLOCK 1027, INCLUSIVE AND A PART OF LOT 7, BLOCK 1027, ALL OF LOTS 3 THROUGH 14, BLOCK 1026, INCLUSIVE, CAPE CORAL SUBDIVISION, UNIT 24, SAID LOTS RECORDED IN PLAT BOOK 14, PAGES 63-77, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 44 SOUTH, RANGE 23 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 9, BLOCK 1026; THENCE N00°35'59"E FOR 330.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NICHOLAS PARKWAY (100 FEET WIDE); THENCE S89°24'01"E ALONG SAID RIGHT-OF-WAY LINE FOR 355.09 FEET TO THE NORTHEAST CORNER OF LOT 15, BLOCK 1027; THENCE S00°35'59"W FOR 125.00 FEET ALONG THE EAST LINE OF LOT 15, BLOCK 1027, THENCE N89°24'01"W ALONG THE SOUTH LINE OF LOT 15 FOR 196.51, THENCE S00°25'03 "E FOR 80.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 12, BLOCK 1026; THENCE S89°24'01 "E FOR 80.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 14, BLOCK 1026; THENCE S00°35'59"W ALONG THE EAST LINE OF SAID LOT 14, BLOCK 1026 FOR 125.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 14, BLOCK 1026, BEING ALSO ON THE NORTH RIGHT-OF-WAY LINE OF S.E. 11TH TERRACE (50 FEET WIDE); THENCE N89°24'01 "W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 240.00 FEET TO THE POINT OF BEGINNING. TOGETHER WITH ALL OF LOTS 3 THROUGH 8, BLOCK 1026, INCLUSIVE, CAPE CORAL SUBDIVISION, UNIT 24, AS RECORDED IN PLAT BOOK 14, PAGES 63-77 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. LESS AND EXCEPT THAT PARCEL OF LAND CONVEYED FOR RIGHT-OF-WAY PURPOSES TO THE CITY OF CAPE CORAL AT INSTRUMENT #2008000101755 MORE PARTICULARLY DESCRIBED AS FOLLOWS: A PARCEL OF LAND BEING PART OF LOTS 3 AND 4, BLOCK 1026, CAPE CORAL UNIT 24 AS RECORDED IN PLAT BOOK 4, PAGES 63 THROUGH 77 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 2, BLOCK 1026, BEING ALSO THE NORTHWESTERLY CORNER OF LOT 3 OF SAID BLOCK 1026 AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SANTA BARBARA BOULEVARD (1 00 FOOT RIGHT-OF-WAY); RUN S89°25' 17"E, 11.00 FEET ALONG THE NORTH LINE OF SAID LOT 3; THENCE RUN S11 °58'2L"W, 51.20 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE; THENCE RUN ALONG SAID EASTERLY RIGHT OF WAY LINE N00°26' 14"W, 50.19 FEET TO THE POINT OF BEGINNING. TOGETHER WITH A 6 (SIX) FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, THE WESTERLY LINE WHICH IS COINCIDENT WITH THE EASTERLY LINE OF THE PROPOSED RIGHT OF WAY LINE.

GEOMETRIC SURVEYING INC.

2804 DEL PRADO BLVD S, SUITE 202
CAPE CORAL, FL 33904
(239)-540-6257

124/128 NICHOLAS PKWY E, CAPE CORAL, FLORIDA, 33990
&
1025/1031 SANTA BARBARA BLVD CAPE CORAL FL, 33991

SKETCH OF LEGAL DESCRIPTION

THIS IS NOT A SURVEY

LEGAL DESCRIPTION:

LOTS 12, 13, 14, AND 15 OF BLOCK 1027, UNIT 24, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGES 63-77, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. AND LOTS 8 THROUGH 11, BLOCK 1027, INCLUSIVE, AND A PART OF LOT 7, BLOCK 1027, ALL OF LOTS 3 THROUGH 14, BLOCK 1026, INCLUSIVE, CAPE CORAL SUBDIVISION, UNIT 24, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGES 63-77, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED IN ORDINANCE 8-06 AS PREPARED BY THE CITY OF CAPE CORAL, BEGINNING ON PAGE 3, SECTION G, WHICH DESCRIBES THE PLANNED DEVELOPMENT PROJECT AS AMENDED, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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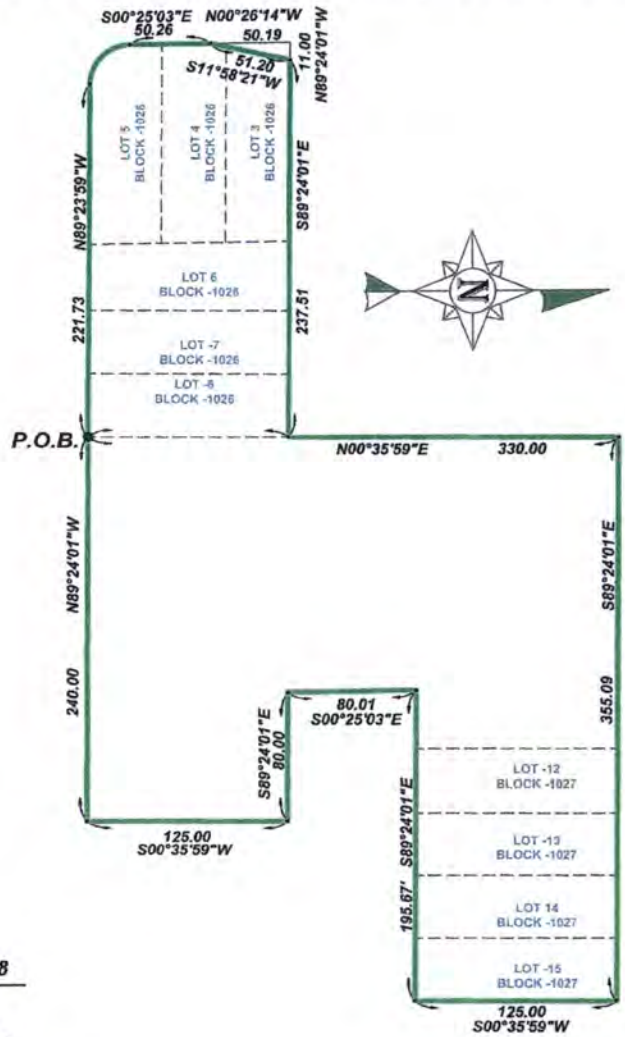
CONTAINING: 117, 649 SQ.FT OR 2.70 ACRES



SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY: THAT THIS SKETCH OF LEGAL DESCRIPTION WAS PREPARED UNDER MY SUPERVISION AND THAT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.050-52 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472 OF THE FLORIDA STATUTES AND THAT THE SKETCH THEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: Karl F. Kuhn 02/08/2018
KARL F. KUHN (DATE)

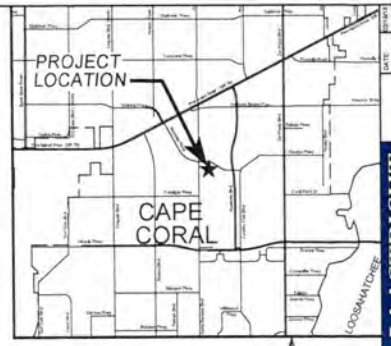
PROFESSIONAL LAND SURVEYOR AND MAPPER LS#5953
STATE OF FLORIDA (NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER)

KARL KUHN
LICENSE NUMBER
5953
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA

L.B.# 8203
L.S.# 5953
SEAL

NOTE:
THESE PLANS MAY HAVE BEEN REDUCED OR INCREASED IN SIZE BY REPRODUCTION(S). THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

AMENDMENT TO
P.D.P. 03-00800002
FOR
SANTA BARBARA PLAZA
ADDITIONAL PARKING
SECTION 24, TOWNSHIP 44 S, RANGE 23E
CAPE CORAL , FLORIDA 33990



LOCATION MAP
N.T.S.

VICINITY MAP
SCALE 1" =200' (24X36)
1" =400' (11X17)

SURVEYOR:
GEOMETRIC SURVEYING INC.
2804 DEL PRADO BLVD SOUTH, SUITE 202
CAPE CORAL, FL 33904
(239) 540-6257

INDEX OF SHEETS

1. COVER SHEET
2. EXISTING CONDITIONS
3. OVERALL SITE PLAN
4. SITE, G.P.D, & CROSS SECTION
5. LANDSCAPE PLAN

SITE DATA TABLE

SITE ADDRESS:	124 & 128 NICHOLAS PARKWAY EAST CAPE CORAL, FL. 33990
SITE AREA:	117,649 SF. (2.70 AC.) TOTAL P.D.P. 20,000 S.F. (0.459 AC.) AMENDMENT AREA
STRAP NUMBER:	24-44-23-C1-01027.0120 , 24-44-23-C1-01027.0140 & 24-44-23-C1-01026.0030
EXISTING ZONING DESIGNATION:	C-1A (PEDESTRIAN COMMERCIAL)
PROPOSED ZONING DESIGNATION:	C-1A (PEDESTRIAN COMMERCIAL)
FUTURE LAND USE :	CP (COMMERCIAL PROFESSIONAL)
DEVELOPMENT TYPE:	ADDITIONAL PARKING
FEMA FLOOD ZONE:	"X"
FLUCCS CODE:	(1920) INACTIVE LANDS WITH STREET PATTERN
SOILS:	(18) MATLACHA GRAVELLY FINE SAND, LIMESTONE SUBSTATUM

PROJECT AREAS

	EXISTING P.D.P.				PROPOSED AMENDMENT				TOTAL		
	SITE S.F.	ACRES	%		SITE S.F.	ACRES	%		SITE S.F.	ACRES	%
TOTALS	97,649	2.242	100.0	TOTALS	20,000	0.459	100.0	TOTALS	117,649	2.701	100.0
BLDG.	20,826	0.478	21.32	BLDG.	0	0.000	00.00	BLDG.	20,826	0.478	17.70
* PAVEMENT/CONC.	43,153	0.991	44.19	PAVEMENT/CONC.	12,507	0.287	62.54	PAVEMENT/CONC.	55,660	1.278	46.61
IMPERVIOUS	63,979	1.469	65.55	IMPERVIOUS	12,504	0.287	62.54	IMPERVIOUS	75,660	1.737	64.31
PERVIOUS	33,670	0.773	34.45	PERVIOUS	7,496	0.172	37.46	PERVIOUS	41,989	0.964	35.69

* EXIST PAVE / CONC. 39,695 SF. + PROP. PAVE / CONC. 3,458 SF. INCLUDED

MAASTRICHT ENGINEERING

DATE: 02/14/23
PROJ. #: 18-108
CAD FILE: Tbd
ENGINEER: DANIEL P. JOHNSON P.E.
FL. LICENSE NUMBER: 37573

DEVELOPER:
LAUREL VENTURES, LLC
4622 AQUALINDA BLVD
CAPE CORAL, FL 33914

DATE	BY	REVISION DESCRIPTION

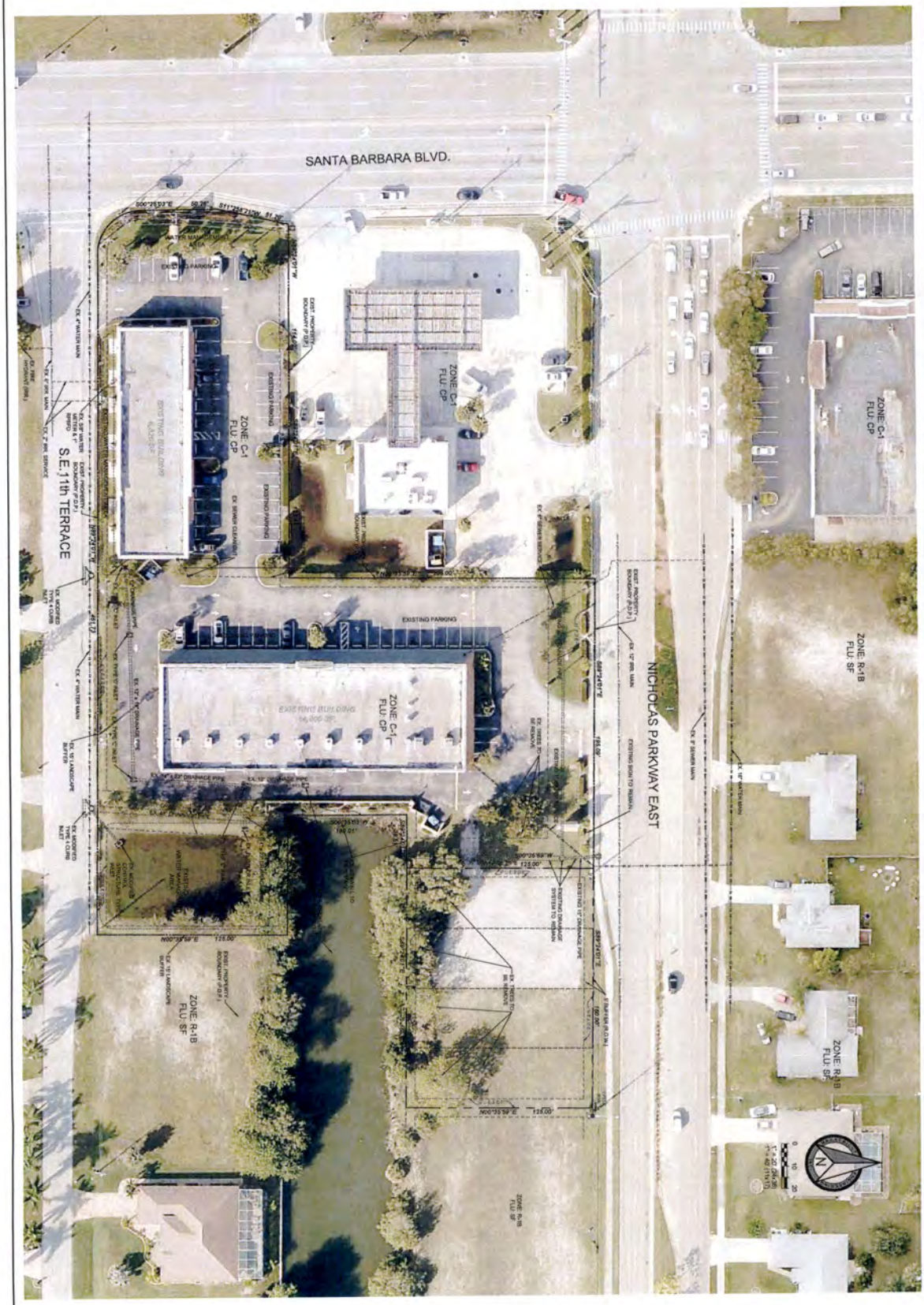
AMENDMENT TO P.D.P. 03-00800002
FOR SANTA BARBARA PLAZA
ADDITIONAL PARKING
CAPE CORAL, FLORIDA 33990

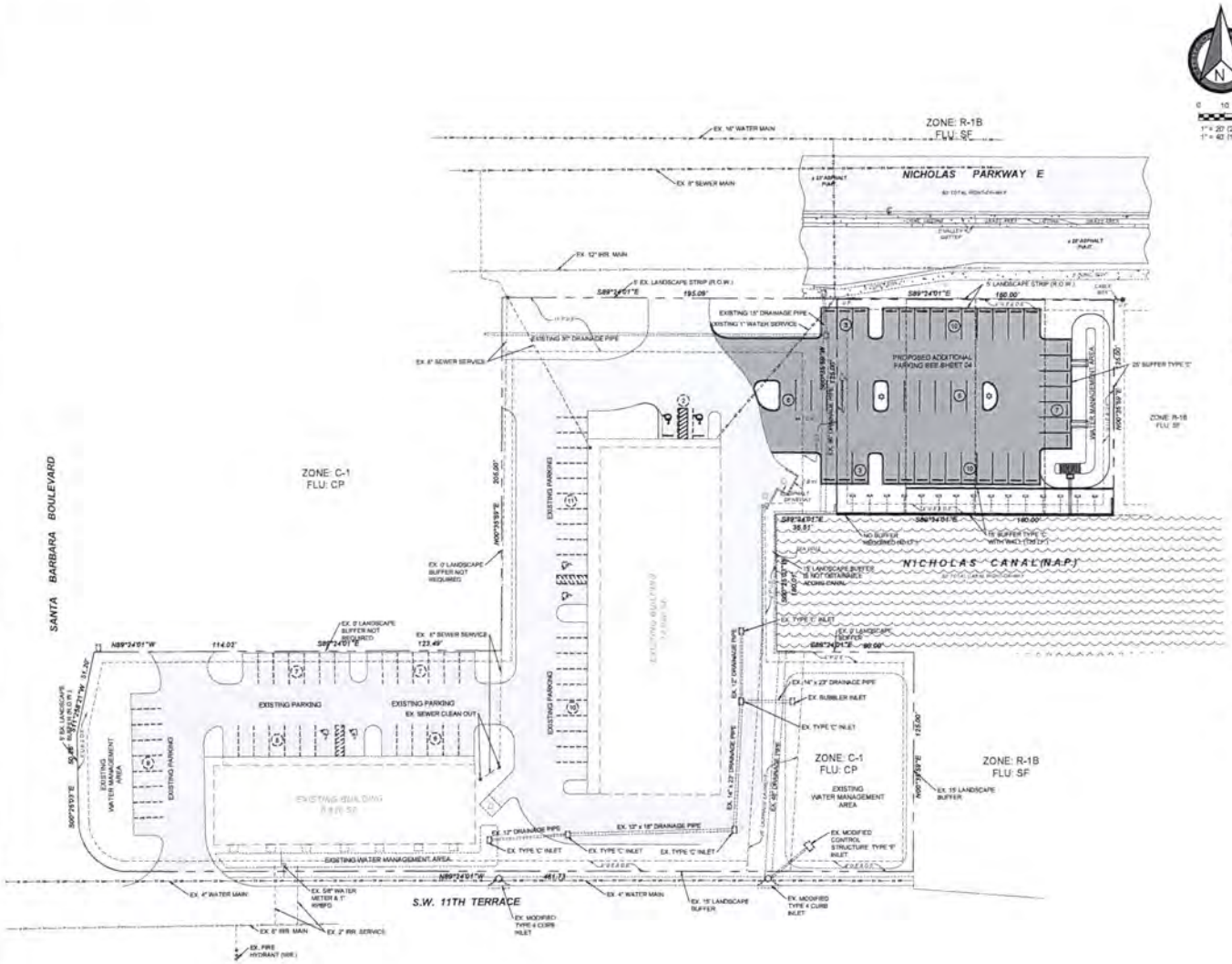
COVER SHEET

SHEET 1 of 5

\\MAASTRICHT-NAS\Maastricht Engineering\MAASTRICHT ENGINEERING\CAD\2018\18-108\03P2418-108 PDP Sht 01.dwg Tuesday, February 20, 2018 4:07:32 PM

\\MAASTRICHT-NAS\Maastricht Engineering\MAASTRICHT ENGINEERING\CAD\2018\18-105\PDP\18-105 PDP Sht 02.dwg Thursday, February 22, 2018 8:59:38 AM


SANTA BARBARA BLVD.
NICHOLAS PARKWAY EAST
S.E. 11th TERRACE
ZONE C-1
FLU: CP
ZONE R-1B
FLU: SF
EXISTING PARKING
EXISTING BUILDING
16,000 SF
EXISTING BUILDING
6,000 SF
EXISTING SIGN TO REMAIN
EXISTING 15' DRAINAGE PIPE
EX. 15' LANDSCAPE BUFFER
EX. 6" WATER MAIN
EX. 6" IRR. MAIN
EX. 12" IRR. MAIN
EX. 8" SEWER MAIN
EX. 10" WATER MAIN
EX. 12" IRR. MAIN
EX. 12" DRAINAGE PIPE
EX. 18" DRAINAGE PIPE
EX. 24" DRAINAGE PIPE
EXIST. PROPERTY BOUNDARY
EXISTING PARKING
EXISTING SIGN TO REMAIN
EXISTING 15' DRAINAGE PIPE
EX. TREES TO BE REMOVED
EX. 15' LANDSCAPE BUFFER
EXISTING 15' DRAINAGE PIPE
EX. 6" WATER MAIN
EX. 6" IRR. MAIN
EX. 6" IRR. SERVICE
EX. 6" WATER MAIN
EX. 15' LANDSCAPE BUFFER
EX. MODIFIED TYPE "C" CURB INLET
EX. MODIFIED TYPE "C" CURB INLET
EX. FIRE HYDRANT (IRR.)
EX. 6" WATER MAIN
EX. 8" IRR. MAIN
EX. 8" IRR. SERVICE
EX. 8" WATER MAIN
EXIST. PROPERTY BOUNDARY
EXIST. PROPERTY BOUNDARY
EXIST. PROPERTY BOUNDARY



ZONING

SITE:	(C-1)	PROJECT SITE
NORTH:	(R-1B)	RESIDENTIAL
EAST:	(R-1B)	RESIDENTIAL
SOUTH:	(C-1/R-1B)	COMMERCIAL & RESIDENTIAL
WEST:	(C-1)	COMMERCIAL

LANDSCAPE BUFFERS

	REQ'D	PROV'D	ZONE
NORTH:	5'	5'	(R.O.W.)
WEST:	0'	15'	(C-1)
EAST:	25'	25'	(R-1B)
SOUTH:	0 /15' w/WALL	40'	(C-1 / R-1B)

PARKING REQUIREMENTS

EXISTING RETAIL:

1 SPACE PER 300 SF. GROSS OF BUILDING
6,826 SF. + 10,800 SF. = 17,626 TOTAL SF.

17,626 SF. / 300 SF. = 58.7 (59) SPACES REQUIRED

EXISTING RESTAURANT:

1 SPACE PER 100 SF. OF GROSS FLOOR AREA
3,200 TOTAL SF.

3,200 SF. / 100 SF. = 32 SPACES REQUIRED

TOTALING = 91 SPACES REQUIRED
EXISTING PARKING = 61 SPACES
ADDITIONAL PARKING SPACES REQUIRED = 30 SPACES

ADDITIONAL SPACES PROVIDED = 44 SPACES

TOTALING SPACE PROVIDED = 105 SPACES

MAASTRICHT ENGINEERING

DATE | DESIGNED
FIELD # | DRAWN
CAD FILE# | CHK
ENGINEER: DANIEL F. ZAPANCA P.E.
FL LICENSE NUMBER 37573

DEVELOPER:
ARMOR VENTURES, LLC
4622 AQUALINA BLVD
CAPE CORAL, FL 33914

DATE	BY	REVISION DESCRIPTION

AMENDMENT TO P.D.P. 03-00090002
FOR SANTA BARBARA PLAZA
ADDITIONAL PARKING
CAPE CORAL, FLORIDA 33990

OVER-ALL SITE
PALN

SHEET
3 OF 5

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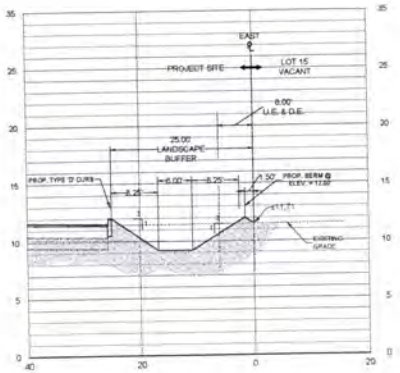
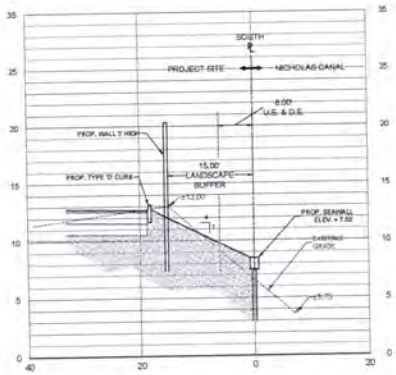


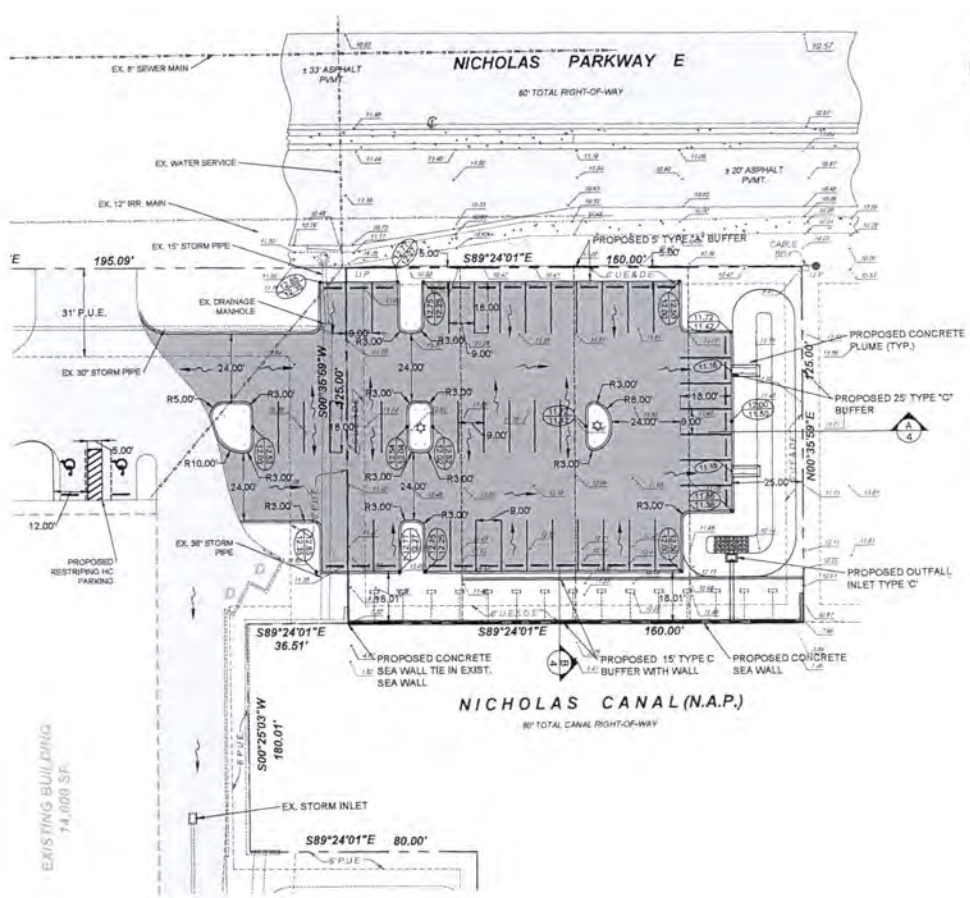
SECTION "A"

Scales: 1" = 10' (HORIZ.) (24x36)
1" = 5' (VERT.) (24x36)
1" = 20' (HORIZ.) (11x17)
1" = 10' (VERT.) (11x17)



SECTION "B"

Scales: 1" = 10' (HORIZ.) (24x36)
1" = 5' (VERT.) (24x36)
1" = 20' (HORIZ.) (11x17)
1" = 10' (VERT.) (11x17)



DEVELOPER:
JADGOR VENTURES, LLC
4602 AQUARIUS BLVD
CAPE CORAL, FL 33914

MAASTRICHT ENGINEERING

SANTA BARBARA PLAZA
ADDITIONAL PARKING
124 & 134 NICHOLAS PARKWAY E
SEC. 10, T. 45 S., R. 24 E.
CAPE CORAL, FLORIDA 33990

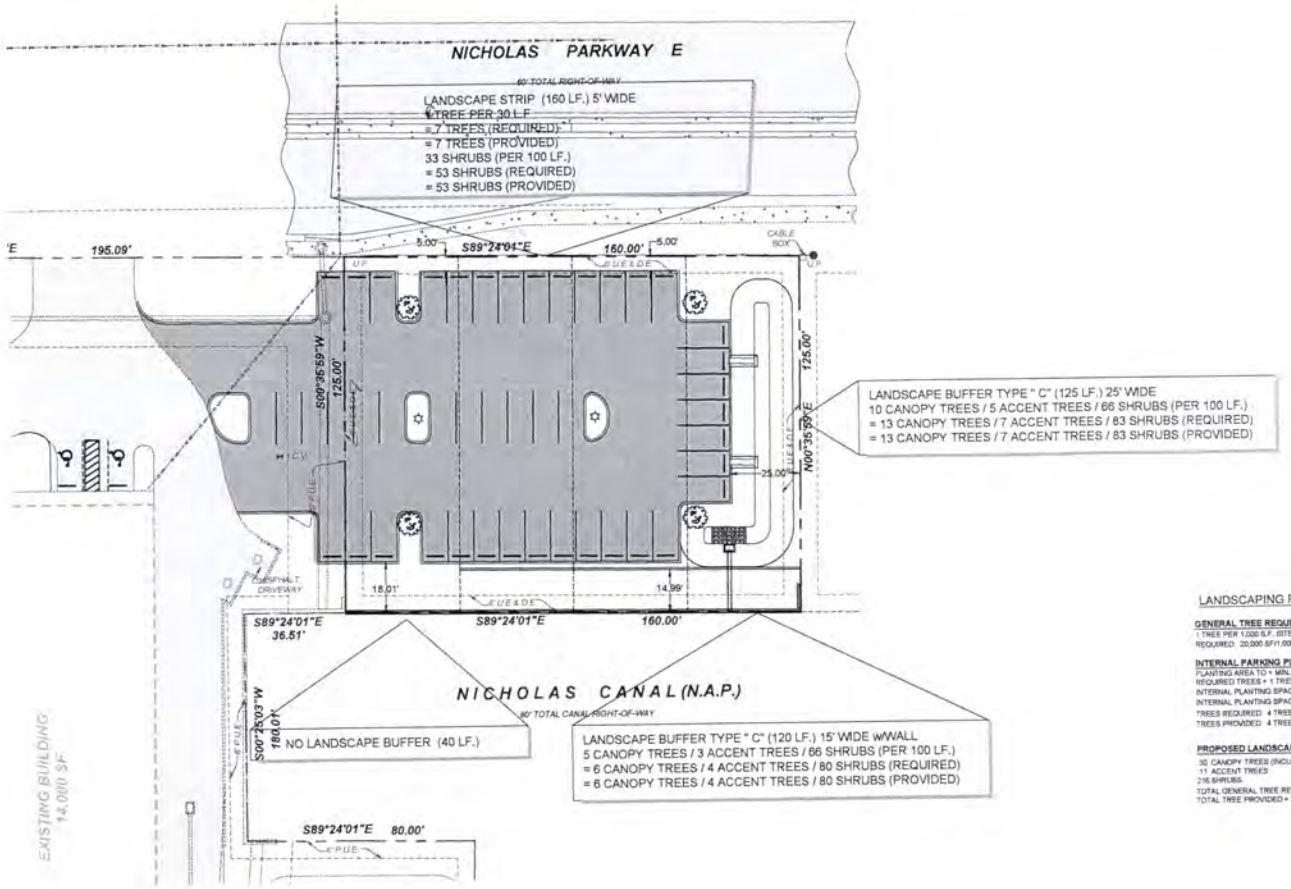
SITE, PAVING, DRAINAGE, GRADING AND CROSS SECTION PLAN

SHEET 4 OF 5

DATE	BY	REVISION DESCRIPTION

DATE 2/25/14
SCALE 1" = 10'-0"
DRAWN BY TMP
DESIGNER DANIEL P. JOHNSON P.E.
FL LICENSE NUMBER 73573

\\MAASTRICHT-AS\Maastricht Engineering\MAASTRICHT ENGINEERING\CAD\2018\18-135\PDF\18-135 PDP SW.DS - 04 Jeg Monday, February 25, 2019 1:42:58 PM



LANDSCAPING REQUIREMENTS

GENERAL TREE REQUIREMENTS:
1 TREE PER 1,000 S.F. SITE AREA
REQUIRED: 20,000 SF/1,000 S.F. = 20 TREES

INTERNAL PARKING PLANTING AREAS
PLANTING AREA TO = MIN. 5% OF PAVED AREA = 12,473 x .05 = 624
REQUIRED TREES = 1 TREE PER 150 SF OF REQ. PLANTING AREA
INTERNAL PLANTING SPACE REQUIRED: 624 S.F.
INTERNAL PLANTING SPACE PROVIDED: 624 S.F.
TREES REQUIRED: 4 TREES
TREES PROVIDED: 4 TREES

PROPOSED LANDSCAPE BUFFER
30 CANOPY TREES (INCLUDED PARKING TREES)
11 ACCENT TREES
216 SHRUBS
TOTAL GENERAL TREE REQUIRED = 20 TREES
TOTAL TREE PROVIDED = 30 CANOPY TREES

MAASTRICHT ENGINEERING

DATE	BY	REVISION DESCRIPTION

DEVELOPER:
JASNOR VENTURES, LLC
4622 AQUALINDA BLVD
CAPE CORAL, FL 33914

AMENDMENT TO P.D.P. 03-00800002
FOR SANTA BARBARA PLAZA
ADDITIONAL PARKING
CAPE CORAL, FLORIDA 33990

LANDSCPE PLAN

SHEET 5 OF 5

DATE 2/22/18
FIELD 5.5.18
CAD TECH TMN
ENGINEER DANIEL P. JOHNSON P.E.
FL LICENSE NUMBER 73573

\\MAASTRICHT-NAS\Maastricht Engineering\MAASTRICHT ENGINEERING\CADD\2018-105\PDP\2018-105 PDP SH 05.dwg Thursday, February 22, 2018 9:58:28 AM

BJM Consulting, Inc.

Joe Mazurkiewicz, Jr.
President
P O Box 101655
Cape Coral, FL 33910

Mobil Phone 239-470-5778
Email: joe@bjmconsult.com

March 21, 2018

Vincent Cautero, Director
Department Of Community Development
1015 Cultural Park Blvd. South
Cape Coral, FL 33990

RE: Environmental Survey for Santa Barbara Plaza PDP Amendment

Mr. Cautero:

On March 21, 2018 we did a site inspection for the purpose of an environmental survey for the above describe property. Please see the attached aerial indicating the locations of the transects. This survey was completed by Joe Mazurkiewicz, Jr. President of BJM Consulting, Inc. the authorized representative for the owners of the property.

Procedures used to survey the site were those described by the city in their Survey Guidelines. We started at 2:30pm on the northwest corner of the property and walked the property north and south every 10 feet (3 paces) finishing at the southern edge of the property. We then started at the southeast corner of the property and walked east west every 10 feet (3 paces) finishing at the southwest corner of the property. We also walked the perimeter of the parcel to observe the front and rear easements to make sure the area was observed completely.

The majority of the site was filled with Gravel and use as a temporary overflow parking lot at least 10 year ago and recently new gravel was added to the site to fill depressed areas caused by the rains and hurricane of 2017. There are no tress or other growth on the property with the exception of trees and bushes on the embankment going down to the canal at the rear of the property.

We did not observe any evidence of listed species or any other wild life on the site.

If you have any question please contact me.

Joe Mazurkiewicz, Jr.

Joe Mazurkiewicz, Jr. Ph.D.
President BJM Consulting, Inc.

GeoView Map

March 21, 2018

1:569

0 25 50 100 ft

0 5 10 20 m

- HospitalLocations
- Library Locations

School Locations

- School Locations

Detail by Entity Name

Florida Limited Liability Company
JADBOIR VENTURES LLC

Filing Information

Document Number	L12000158634
FEI/EIN Number	47-1351707
Date Filed	12/20/2012
State	FL
Status	ACTIVE

Principal Address

4822 AGUALINDA BOULEVARD
CAPE CORAL, FL 33914

Mailing Address

4822 AGUALINDA BOULEVARD
CAPE CORAL, FL 33914

Registered Agent Name & Address

REID, CALLA
4822 AGUALINDA BOULEVARD
CAPE CORAL, FL 33914

Authorized Person(s) Detail

Name & Address

Title MGRM

SPENCER HOLDING CORP.
187 E WARM SPRINGS ROAD SUITE B
LAS VEGAS, NV 89119

Title MGR

REID, CALLA
4822 AGUALINDA BOULEVARD
CAPE CORAL, FL 33914

Annual Reports

Report Year	Filed Date
2015	01/21/2015
2016	03/15/2016
2017	04/14/2017

Lee County Property Appraiser

Tax Year

Next Parcel Number Previous Parcel Number Tangible Accounts Tax Estimator Cape Coral Fees Tax Bills Print

Property Data

STRAP: 24-44-23-C1-01026.0030 Folio ID: 10079626

Owner Of Record

JADBOIR VENTURES LLC
4822 AQUALINDA BLVD
CAPE CORAL FL 33914

Site Address

1025/1031 SANTA BARBARA BLVD 1-10
CAPE CORAL FL 33991

ALTERNATE ADDRESS INFORMATION:
1031 SANTA BARBARA BLVD 11-17

Property Description

Do not use for legal documents!

CAPE CORAL UNIT 24 PB 14 PG 66 BLK 1026 LOTS 3 THRU 14 + BLK 1027 LOTS 8 THRU 11 + E 35.09 FT LOT 7 + VAC 2978/2258 LESS ROW INST# 2008000101755

Classification / DOR Code

COMMUNITY SHOPPING CENTER / 16

[Tax Map Viewer]

[Pictometry Aerial Viewer]

Current Working Values

Just	1,035,955	As Of	07/10/2017

Attributes

Land Units Of Measure	Multiple - see Appraisal Details
Units	Multiple - see Appraisal Details
Frontage	0
Depth	0
Total Number of Buildings	2
Total Bedrooms / Fixtures	0 / 14
Total Living Area	18,372
1st Year Building on Tax Roll	2008
Historic District	No

Image of Structure

Photo Date October of 2017

+ **Exemptions**

+ **Values (2017 Tax Roll)**

+ **Taxing Authorities**

+ **Sales / Transactions**

+ **Building/Construction Permit Data**

+ **Parcel Numbering History**

+ **Location Information**

+ **Solid Waste (Garbage) Roll Data**

+ **Flood and Storm Information**

Lee County Property Appraiser

Tax Year

Next Parcel Number Previous Parcel Number Tax Estimator Cape Coral Fees Tax Bills Print

Property Data

STRAP: 24-44-23-C1-01027.0120 Folio ID: 10079661

Owner Of Record

JADBOIR VENTURES LLC
4822 AQUALINDA BLVD
CAPE CORAL FL 33914

Site Address

124 NICHOLAS PKWY E
CAPE CORAL FL 33990

Property Description

Do not use for legal documents!

CAPE CORAL UNIT 24
BLK.1027 PB 14 PG 66
LOTS 12 + 13

Classification / DOR Code

VACANT COMMERCIAL / 10

[Tax Map Viewer]

[Pictometry Aerial Viewer]

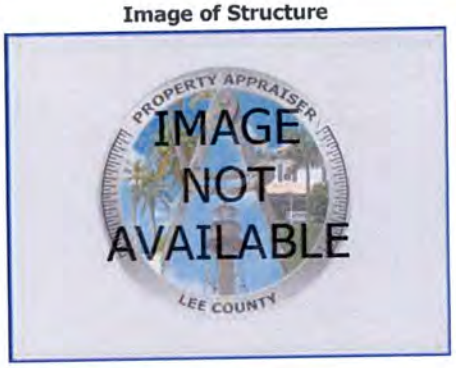
Current Working Values

Just	14,695	As Of	07/10/2017

Attributes

Land Units Of Measure	SF
Units	10000.00
Frontage	80
Depth	125
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0
Total Living Area	0
1st Year Building on Tax Roll	N/A
Historic District	No

Image of Structure



+ **Exemptions**

+ **Values (2017 Tax Roll)**

+ **Taxing Authorities**

+ **Sales / Transactions**

+ **Parcel Numbering History**

+ **Location Information**

+ **Solid Waste (Garbage) Roll Data**

+ **Flood and Storm Information**

Lee County Property Appraiser

Tax Year

Next Parcel Number Previous Parcel Number Tax Estimator Cape Coral Fees Tax Bills Print

Property Data

STRAP: 24-44-23-C1-01027.0140 Folio ID: 10079662

Owner Of Record

JADBOIR VENTURES LLC
4822 AQUALINDA BLVD
CAPE CORAL FL 33914

Site Address

128 NICHOLAS PKWY E
CAPE CORAL FL 33990

Property Description

Do not use for legal documents!

CAPE CORAL UNIT 24
BLK 1027 PB 14 PG 66
LOTS 14 + 15

Classification / DOR Code

VACANT COMMERCIAL / 10

[Tax Map Viewer]

[Pictometry Aerial Viewer]

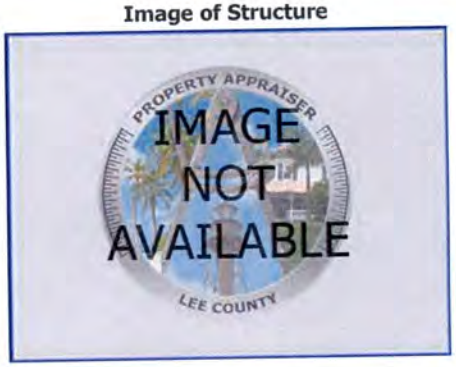
Current Working Values

Just	14,695	As Of	07/10/2017

Attributes

Land Units Of Measure	SF
Units	10000.00
Frontage	80
Depth	125
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0
Total Living Area	0
1st Year Building on Tax Roll	N/A
Historic District	No

Image of Structure



+ Exemptions

+ Values (2017 Tax Roll)

+ Taxing Authorities

+ Sales / Transactions

+ Parcel Numbering History

+ Location Information

+ Solid Waste (Garbage) Roll Data

+ Flood and Storm Information

Santa Barbara Plaza East PDP Amendment (PDP18-0003)

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

June 12, 2018

PURPOSE

This document provides a single, consolidated review for a Planned Development Project (PDP) amendment entitled "Santa Barbara Plaza East." Within this report the following topics are addressed:

- Description of the site.
- Description of the proposed project.
- Previously granted entitlements for the site.
- Need for the PDP amendment.
- Analysis of applicant request: expand project area of the PDP.
- Analysis of the project on surrounding properties.
- Analysis of general standards and requirements for PDPs.
- Concurrency review.
- Consistency with the Comprehensive Plan.
- Consistency with the SW Florida Regional Planning Council Strategic Regional Policy Plan.
- Summary of the positive and negative aspects of the project.
- Project recommendation.

DESCRIPTION OF THE SITE

The 2.26-acre site has frontage along three streets; Santa Barbara Boulevard to the west, Nicholas Parkway to the north, and SE 11th Terrace to the south (Figure 1). Santa Barbara Boulevard is classified as a Major Arterial and Nicholas Parkway is classified as a Minor Arterial. SE 11th Terrace is a local street. A driveway to the site is along Nicholas Parkway. The site is in the Urban Services Transition Area and has the full complement of City utility services.

DESCRIPTION OF THE PROPOSED PROJECT

The developer requests to add Lots 12 thru 15 in Block 1027 to the project. These four lots are east of the existing project and have a collective area of 20,000 sq. ft. The addition of these four lots will increase the overall area of the site to 2.70 acres.

The four lots are vacant. Within the past year, gravel was spread on this land to provide a parking surface for customers visiting businesses in the plaza. This improvement was made without a City permit. The City requires parking lots to be paved, landscaped, and designed to capture and treat runoff generated on the site. The PDP amendment will add these four lots to the existing project area and approve a development plan for a parking lot with an internal connection to the plaza.

Figure 1. Aerial map showing the Santa Barbara Plaza site outlined in blue. Lots 12-15 proposed to be added to this project are outlined in red.

PREVIOUSLY APPROVED ENTITLEMENTS FOR THE SITE

In 1998 a PDP for Lots 1-12 in Block 1026, and Lots 1-11 in Block 1027, was approved by Ordinance 43-98 for a project entitled "Hess Service Station." Ordinance 43-98 granted the following:

- A rezoning of Lots 1-5, Block 1026 from P-1 to C-1;
- A rezoning of Lots 6-10, Block 1026 from R-1B to C-1;
- A rezoning of Lots 1-3, Block 1027 from P-1 to C-1;
- A rezoning of Lots 4-11, Block 1027 from R-1B to C-1;
- A special exception for an automotive service station limited use in the C-1 District;
- A vacation of 203 feet of the western end the Nicholas Canal;
- A vacation of all interior lot lines and easements on the site; and
- Site plan approval.

In 2006 the project was amended by Ordinance 8-06. This PDP amendment granted the following:

- Renaming the project from the "Hess Service Station" to "Santa Barbara Plaza East,"

- Expanding the project onto Lots 13 and 14, Block 1026;
- Construction of two additional buildings on the project area;
- A vacation for a portion of the Nicholas Canal;
- A rezoning of Lots 11-14, Block 1026 from R-1B to C-1;
- A vacation of all interior lot lines and easements;
- A deviation for a 15-foot front setback along SE 11th Terrace;
- A deviation for a seven-foot, four-inch landscape buffer along the easterly property line that borders the Nicholas Canal;
- A parking deviation of 17 spaces;
- Site plan approval.

NEED FOR THE PDP AMENDMENT

A PDP amendment is required since the developer is requesting to incorporate new land into the existing PDP project area (LUDR, Section 4.2.5A.3).

ANALYSIS OF APPLICANT REQUEST: EXPAND PROJECT AREA OF THE PDP

Request:
The developer requests incorporating 20,000 sq. ft. of new land into the existing project area. This land consists of Lots 12-15 in Block 1027. This land is east of the existing development and all four lots have frontage along Nicholas Parkway. This area will be developed as a parking lot for additional parking for businesses at 1025 and 1031 Santa Barbara Boulevard.

Background:
The existing site has two buildings. The smaller building, parallel to SE 11th Terrace, has seven multi-tenant spaces with a collective area of 6,825 sq. ft. The building on the east side of the site has ten multi-tenant spaces with a collective area of 14,000 sq. ft. City records show when the project was approved in the mid-2000s, most of the larger building was proposed for a warehouse. Warehouse uses have a lower parking standard compared to most commercial uses. Over time, units in this building converted from warehouse to restaurant and personal services uses. These new uses all require considerably more parking than the original warehouse use. The original development was approved with 63 parking spaces for the plaza. Today, depending on the number of units occupied and the uses occupying individual units, the minimum parking requirements for the plaza can exceed 100 spaces.

The development plan shows the four-lot site would be developed as a 45-space parking lot. This number is tentative as a site plan for the project has not been submitted to the City for formal review.

Analysis:
LUDR, Section 4.2.5A.3.b provides criteria for evaluating PDP projects where an expansion to the site is proposed. Each criterion is identified below along with the staff analysis.

1. The property controlled by the existing PDP development plan consists of more than one parcel or tract of land and all owners of at least one of the parcels or tracts of land has submitted an application for the amendment. **Staff analysis: Jadboir Ventures, LLC is the sole owner of the Santa Barbara Plaza site and the only applicant to this PDP amendment. This criterion has been met.**

2. The party or parties making application for the amendment of the existing PDP development plan includes the party or parties who hold title to ownership of 100% of the property onto which the project is proposed to expand, or is a third party with written consent of all owner(s) of the property that would be included in the proposed expansion for which the third party will apply. **Staff analysis: Jadboir Ventures, LLC is the sole owner of Lots 12-15 in Block 1027. These four lots represents 100% of the project expansion area. This criterion has been met.**

3. If the amendment to the existing PDP development plan involved a physical change to the development that was previously approved for any parcel or tract of land, the owner or owner(s) of such parcel or tract of land shall join in the application for amendment. For purposes of this section, such "physical change" would include, but not be limited to, any alteration to the design or layout of any structure(s), other improvements(s), or infrastructure as previously approved for a parcel or tract of land, and/or the addition or deletion of any structure(s), other improvement(s), or infrastructure as previously approved for a parcel or tract of land. **Staff analysis: Parts of Lots 10 and 11 of the existing site will be developed as a drive isle and the western portion of a parking lot. Jadboir Ventures, LLC owns the property to which these improvements are proposed and this entity is also the sole applicant to this PDP amendment. This criterion has been met.**

4. The proposed amendment would not negatively affect the lawful existence of the existing PDP development plan as it relates to the property that is controlled by such development plan and that would not be included in the proposed amendment. **Staff analysis: Lots 12-15 are to the east and contiguous to the existing project area. The new land area will be developed as a parking lot for two buildings on the existing project area. The project is currently deficient in parking and the PDP amendment will rectify this situation by adding land that will provide additional parking. The proposed amendment will not negatively affect the existing PDP, but will instead have a positive effect on businesses operating in the Santa Barbara Plaza by addressing the current parking shortage.**

Recommendation:
The request to add Lots 12-15 to the existing PDP project area is consistent with the four standards in LUDR, Section 4.2.5A.3.b. Staff recommends approval of this request to expand the area of the project.

ANALYSIS OF THE PROJECT ON SURROUNDING PROPERTIES

Residential-zoned lands developed with single-family homes are to the north, east, and south of the proposed parking lot. The development plan appears to show two free-standing lights in the proposed parking lot although the symbols used are not clearly identified on this plan. Lighting from the parking lot has the potential to adversely affect surrounding residents. These impacts include lighting originating from free-standing lights in the parking lot and headlights from vehicles. To minimize the effects of lighting from headlights on surrounding residents, a condition is recommended to extend a landscaped buffer along the entire southern property line of Lots 12-15. Other conditions are recommended to minimize light trespass from at the property lines of these lots.

Recommended Conditions

1. Landscape buffer plantings shall be installed along the entire length of the southern property line of Lots 12-15 in Block 1027. These planting shall comply with all landscape requirements for a Landscape Buffer "C" as specified in LUDR, Section 5.2.

2. Lighting levels along all the north and south property lines of Lots 12-15 and the east property line of Lot 15 shall not exceed 0.3 foot-candles. The Developer shall submit a lighting plan demonstrating compliance with this requirement prior to site plan approval.

3. Lighting trespass and glare shall be limited by using shielding and directional lighting methods. All free-standing lights on Lots 12-15 shall be aimed downward and away from property lines.

ANALYSIS OF GENERAL STANDARDS AND REQUIREMENTS FOR PDPS

This project was 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 was performed on Lots 12-15 in Block 1027 on March 21, 2018. This survey did not identify state or federally protected species on this four-lot site. The majority of the PDP existing project area is built-out. The western portion of the parking lot will result in the redevelopment of Lots 10 and 11. The project is compliant with the four standards in LUDR, Section 5.4.

B. *Maintenance of improvements:* General landscape areas are shown on the Landscape Plan (Sheet 5 fo 5). Compliance with City landscaping regulations will be reviewed when a site plan for the project is submitted. The project is compliant with this general standard.

C. *Consistency with Comprehensive Plan:* This project is consistent with several policies contained in the Comprehensive Plan 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:* No building is proposed for Lots 12-15 and these lots will be added to the existing project area. This standard is not applicable.

F. *Maximum density:* This project does not involve a residential use. This standard is not applicable.

G. *Minimum parcel size:* The C-1 District does not have a minimum lot area requirement. In addition, the project is not in the Urban Services Reserve Area. This standard is not applicable.

H. *Time limitation:* Substantial construction is required to commence within two years from the date of project approval by the City Council or within one year from the last permit approval for all appropriate regulatory bodies, whichever is less.

I. *Ownership requirements:* Jadboir Ventures, LLC owns 100% of the property subject to this PDP amendment. The project complies with this standard.

J. *Special exceptions:* This project does not involve a special exception use. This standard is not applicable.

K. *Deviations:* This project does not involve a deviation. This standard is not applicable.

L. *Underground Utilities:* New utilities serving the site will be placed underground. This project complies with this standard.

CURRENCY REVIEW

The project will meet concurrency requirements for solid waste, drainage, potable water, sewer, and transportation. Details are provided in Table 1.

Table 1. Information on Design Capacity, Usage, and Concurrency Status for Various Services.

SERVICE	FACILITY DESIGN CAPACITY	USAGE	STATUS
Solid Waste[1]	1,836 Tons	1,384 Tons	Capacity exists
Drainage[2]	NA	NA	NA
Potable Water	30.1 MGD[3]	9.4 MGD	Capacity exists
Sewer	28.4 MGD	12.8 MGD	Capacity exists
Roads			
Nicholas Parkway[4]	Level of Service D	14,400 AADT[6]	Capacity exists
Santa Barbara Boulevard[5]	Level of Service D	13,300 AADT	Capacity exists
SE 11th Terrace	Level of Service D	No data	Capacity exists

CONSISTENCY WITH THE COMPREHENSIVE PLAN

This project is consistent with the policies listed below.

Conservation and Coastal Management Element

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. **Staff comments: A protected species assessment of the site, prepared by BJM Consulting, Inc., was conducted on March 21, 2018. No state or federally protected species were reported nor sensitive lands found. As a result, a protected species management plan was not required. This policy is supportive of this request.**

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[1] Solid waste services are provided by Lee County Government.
[2] Projects are reviewed for compliance with South Florida Water Management District standards during site plan review.
[3] MGD stands for millions of gallons per day.
[4] 2012/2013 data.
[5] 2011 data.
[6] AADT stands for Average Annual Daily Trips.

Future Land Use Element

Policy 1.15.c: "...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 large 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 generated relatively high levels of vehicular trips from customers and sometimes delivery vehicles, preferred locations for the C-1 District have direct access onto arterial or collector roads and adequate depth (a minimum of 250 feet) for larger-scale development..." **Staff comments: The site has C-1 Zoning that is consistent with the Commercial/Professional Future Land Use Classification. The project is at the intersection of two major streets (Nicholas Parkway and Santa Barbara Boulevard). This policy is supportive of this request.**

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." **Staff comments: Landscape buffers will be required along the east and south property lines where the site is adjacent to lands with residential zoning. This policy is supportive of this request.**

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." **Staff comments: The site is in the Urban Services Transition Area. This policy is supportive of this request.**

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." **Staff comments: The project meets concurrency requirements for solid waste, drainage, potable water, sewer, and transportation. This policy is supportive of this request.**

Policy 8.2: "Land development regulations, adopted pursuant to s. 163.3202, F.S., will require the buffering of incompatible land uses." **Staff comments: Landscape buffers will be required along the east and south property lines where the site is adjacent to lands with residential zoning. This policy is supportive of this request.**

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 commerical 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." **Staff comments: The four-lot site will be a parking area. Landscape buffers will be required along the east and south property lines of the parking lot where the site is adjacent to lands with residential zoning. A five-foot wide landscaped area will be provided on the site along Nicholas Parkway between the site and residential-zoned properties to the**

north. Conditions to limit lighting on Lots 12-15 to protect residents are recommended. This policy is supportive of this request.

Transportation Element

Policy 2.2.7: "The City shall discourage new strip style commercial development through efforts to promote the concentration of commercial development at the nodes of major intersections." **Staff comments: This project represents the expansion of an existing site that is at the intersection of two major streets. This policy is supportive of this request.**

CONSISTENCY WITH THE SW FL REGIONAL PLANNING COUNCIL STRATEGIC REGIONAL POLICY PLAN

"Increase the retention and expansion of local business and industry and encourage local entrepreneurial development." **Staff comments: This PDP amendment involves adding 20,000 sq. ft. to the existing site to provide additional parking for two existing buildings. While this expansion is modest, the project will eliminate a parking deficiency that currently exists at the Santa Barbara Plaza. This request is consistent with this strategy found in the Economic Development Element of this plan.**

SUMMARY OF THE POSITIVE AND NEGATIVE ASPECTS OF THE PROJECT

POSITIVE ASPECTS OF THE PROJECT
• The addition of the four adjacent lots to the east represent a logical expansion of the site. • The project will eliminate a parking deficiency for the Santa Barbara Plaza. • The parking area is adjacent to a major City street; no new driveways are proposed. • Except to the east, the parking lot will have landscaping around the perimeter of the site.
NEGATIVE ASPECTS OF THE PROJECT
• Lighting from Lots 12-15 has the potential to adversely affect surrounding residents.
MITIGATING MEASURES
• Landscaped buffers will reduce lighting from car headlights. • Conditions on free-standing lights will limit impacts on surrounding residents.

PROJECT RECOMMENDATION

Staff finds that this PDP amendment is consistent with the City LUDRs and Comprehensive Plan. Staff recommends approval.

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: PDP18-0003

REQUEST: A project amending Ordinance 43-98, as amended by Ordinance 8-06 approving a Planned Development Project in the City of Cape Coral, Florida entitled "Santa Barbara Plaza East" for certain property described as Lots 12, 13, 14, and 15 of Block 1027, Unit 24, Cape Coral Subdivision, according to the plat thereof, recorded in Plat Book 14, Pages 63-77, of the Public Records of Lee County, Florida and Lots 8 through 11, Block 1027, inclusive, and a part of Lot 7, Block 1027, all of Lots 3 through 14, Block 1026, inclusive, Cape Coral Subdivision, Unit 24, according to the plat thereof, recorded in Plat Book 14, Pages 63-77, inclusive, of the Public Records of Lee County, Florida as more particularly described herein; property located at 1025-1031 Santa Barbara Boulevard and 124-128 Nicholas Parkway East; expanding the project area to include Lots 12 thru 15 in Block 1027, and granting development plan approval.

LOCATION: 124 and 128 Nicholas Parkway East

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

PROPERTY OWNER(S): Jadboir Ventures LLC

AUTHORIZED REPRESENTATIVE: Joe Mazurkiewicz, BJM Consulting, Inc

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, July 10, 2018 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 A.M. and 4:30 P.M. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

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

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

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

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USA

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Net Amt: $374.69

Run Times: 1

No. of Affidavits: 1

Run Dates: 06/30/18

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: PDP18-0003

REQUEST: A project amending Ordinance 43-98, as amended by Ordinance 8-06 approving a Planned Development Project in the City of Cape Coral, Florida entitled "Santa Barbara Plaza East" for certain property described as Lots 12, 13, 14, and 15 of Block 1027, Unit 24, Cape Coral Subdivision, according to the plat thereof, recorded in Plat Book 14, Pages 63-77, of the Public Records of Lee County, Florida and Lots 8 through 11, Block 1027, inclusive, and a part of Lot 7, Block 1027, all of Lots 3 through 14, Block 1026, inclusive, Cape Coral Subdivision, Unit 24, according to the plat thereof, recorded in Plat Book 14, Pages 63-77, inclusive, of the Public Records of Lee County, Florida as more particularly described herein; property located at 1025-1031 Santa Barbara Boulevard and 124-128 Nicholas Parkway East; expanding the project area to include Lots 12 thru 15 in Block 1027, and granting development plan approval.

LOCATION: 1025-1031 Santa Barbara Boulevard and 124 and 128 Nicholas Parkway East

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

PROPERTY OWNER(S): Jadboir Ventures LLC

AUTHORIZED REPRESENTATIVE:
Joe Mazurkiewicz, BJM Consulting, Inc

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HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community

Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

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

by order of
Rebecca van Deutekom, MMC
City Clerk
REF # PDP18-0003
AD# 3005743 June 30, 2018

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Jadboir Ventures LLC

APPLICATION NO: PDP18-0003

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 2nd day of July, 2018.

Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

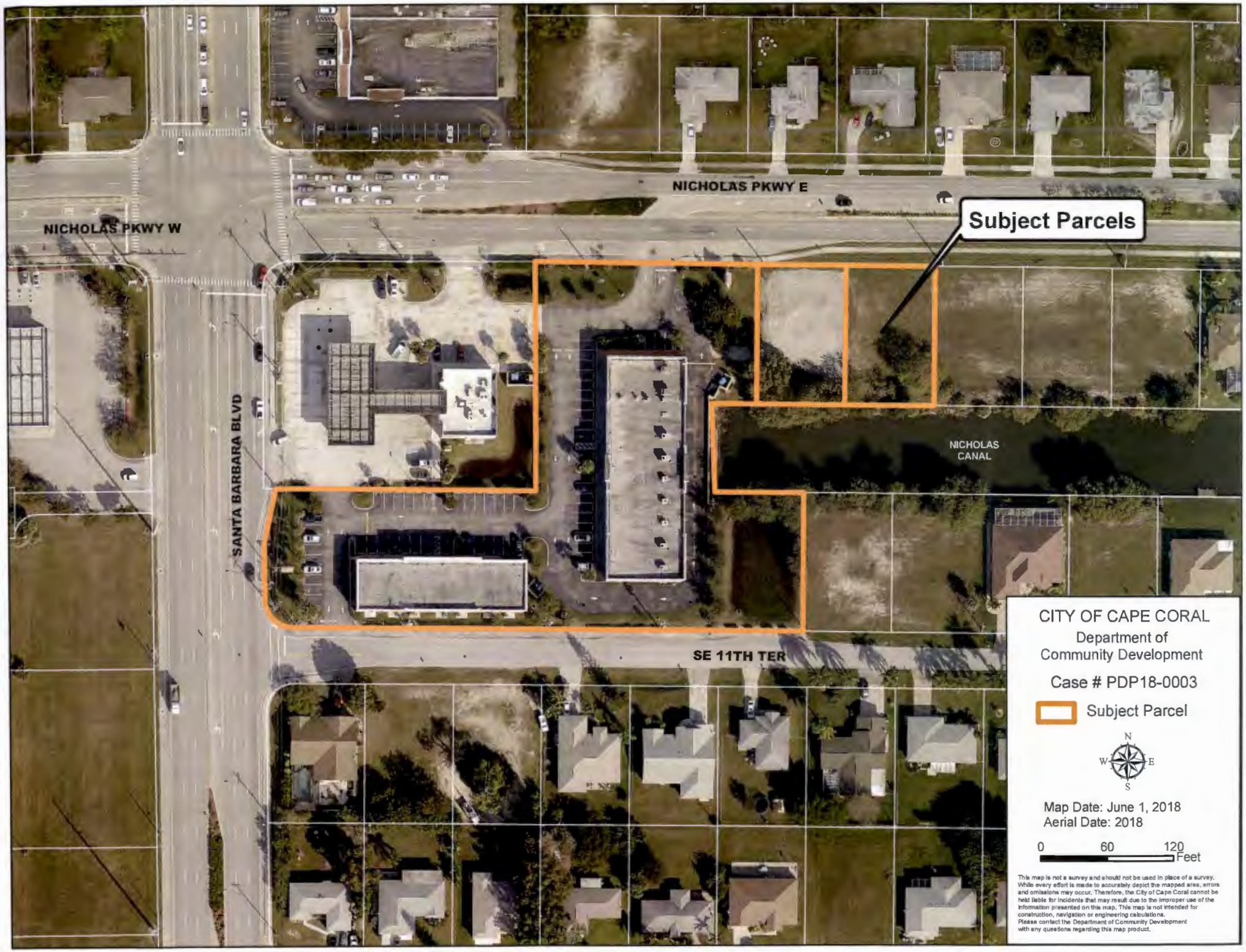
The foregoing instrument was acknowledged before me this 2nd day of July, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # GG030474

ELISABETH A DELGADO
MY COMMISSION # GG030474
EXPIRES December 06, 2020

Elisabeth A. Delgado
Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public


NICHOLAS PKWY E
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Subject Parcels
SANTA BARBARA BLVD
NICHOLAS CANAL
SE 11TH TER
CITY OF CAPE CORAL
Department of Community Development
Case # PDP18-0003
Subject Parcel
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Map Date: June 1, 2018
Aerial Date: 2018
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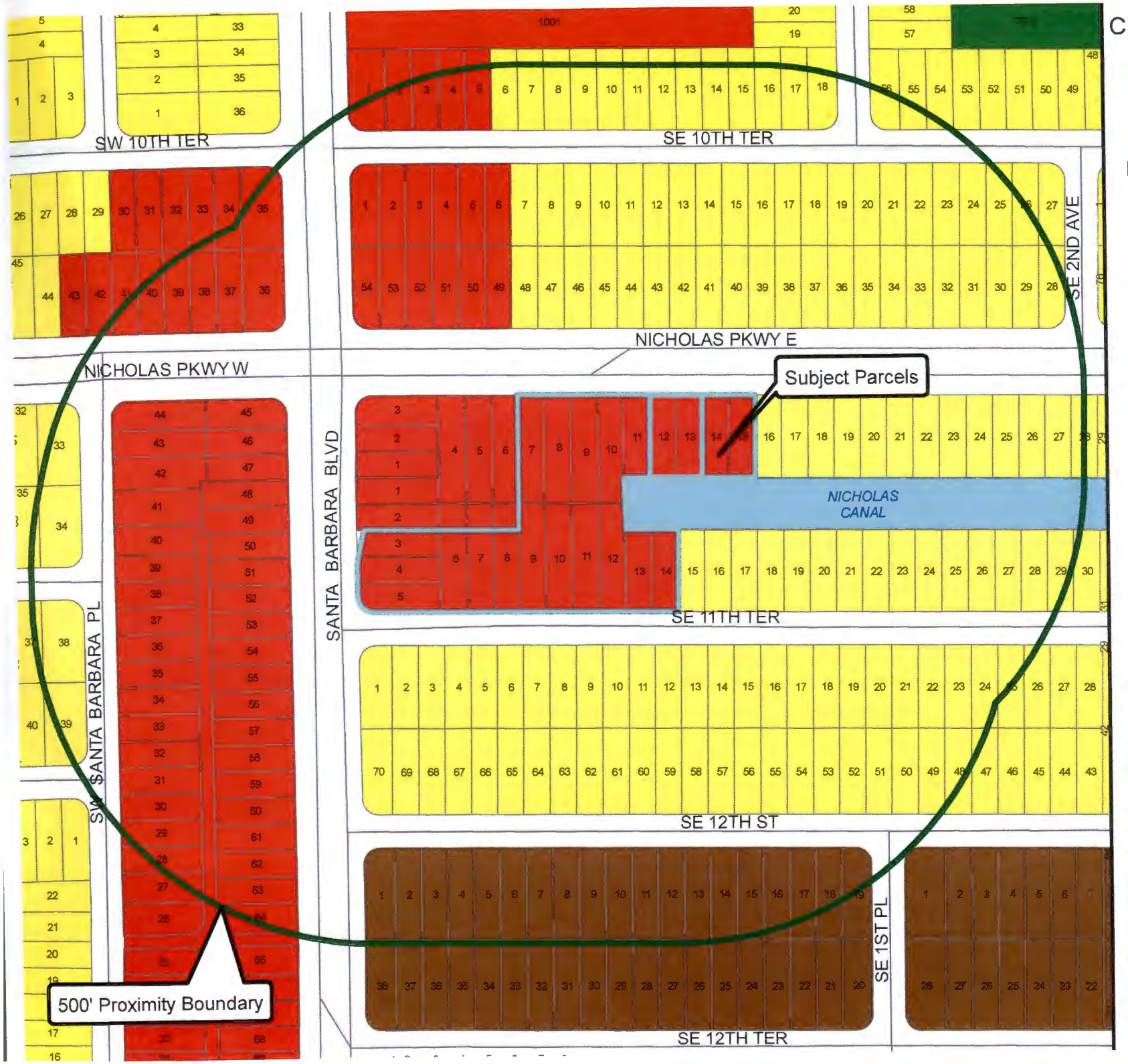
120
Feet
This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations.
Please contact the Department of Community Development with any questions regarding this map product.



CITY OF CAPE CORAL

Department of Community Development Planning Division

FUTURE LAND USE MAP
500 Proximity Boundary

Case No. PDP18-0003

Legend

- 500' Boundary
- Subject Parcels

Future Land Use

- SF
- MF
- CP
- PK
- Canals/Lakes

Cape Coral FLORIDA

N W E S

JUNE 1, 2018

0 75 150 225 300 Feet

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

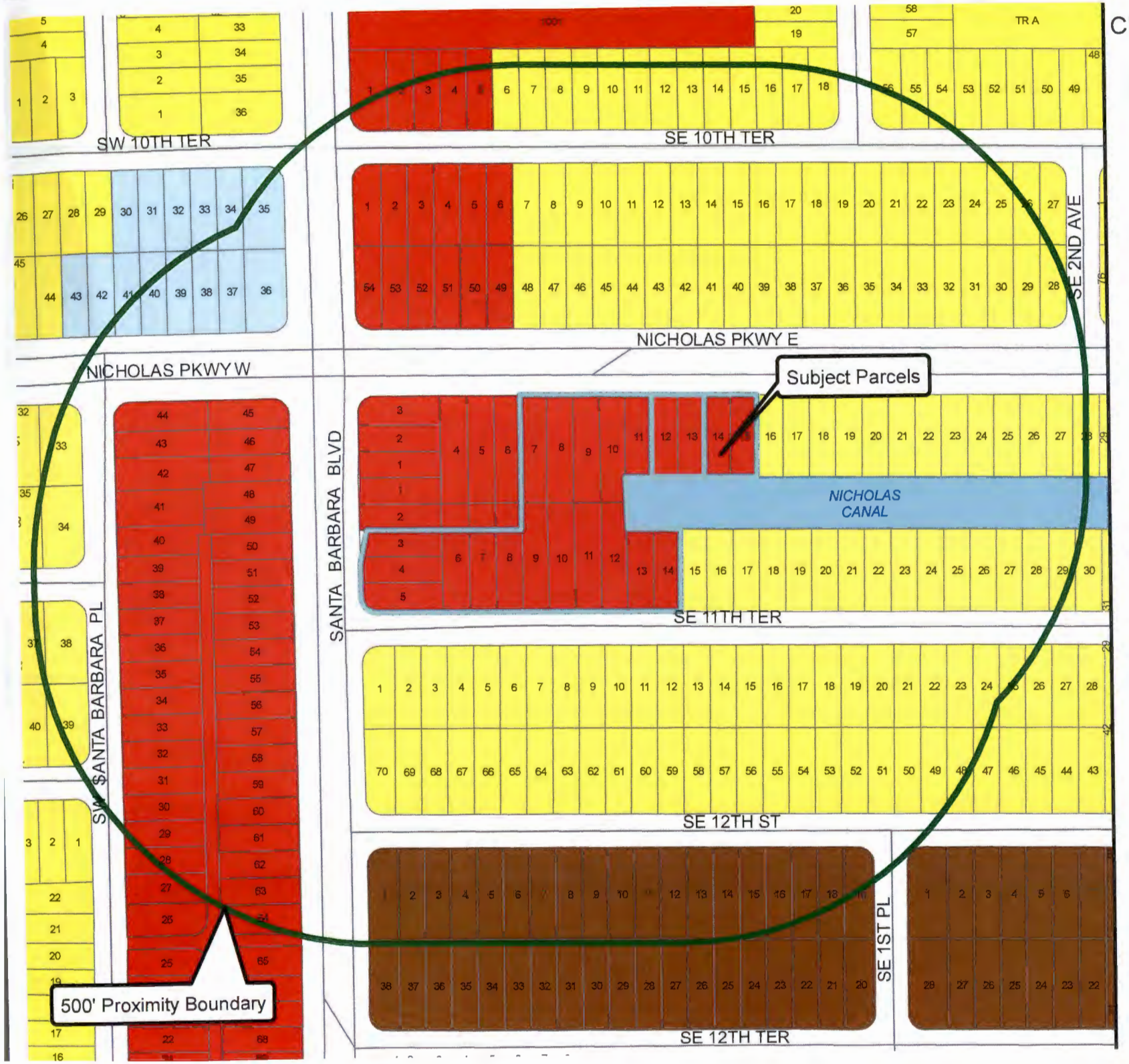
KRKA

CITY OF CAPE CORAL

Department of
Community Development
Planning Division

ZONING MAP
500 Proximity Boundary

Case No. PDP18-0003



Legend

- 500' Boundary
- Subject Parcels
- C-1
- P-1
- R-1B
- R-3
- Canals/Lakes

JUNE 1, 2018

0 75 150 225 300 Feet

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

KRKA

INSTR # 2006000139771, Doc Type ORD, Pages 9, Recorded 04/05/2006 at 11:01 AM, Charlie Green, Lee County Clerk of Circuit Court, Rec. Fee $78.00 Deputy Clerk KCRAYTON

COUNCILMEMBER BOYD

PDP 03-00800002
01/11/06
01/18/06
01/19/06
02/27/06

STATE OF FLORIDA
CITY OF CAPE CORAL FLORIDA
CORPORATE SEAL 1970

ORDINANCE 8 - 06

AN ORDINANCE AMENDING ORDINANCE 43-98 WHICH APPROVED A PLANNED DEVELOPMENT PROJECT IN THE CITY OF CAPE CORAL, FLORIDA ENTITLED "HESS SERVICE STATION" FOR CERTAIN PROPERTY DESCRIBED AS LOTS 1-12, BLOCK 1026, AND LOTS 1-11, BLOCK 1027, UNIT 24, CAPE CORAL SUBDIVISION AND THAT VACATED PORTION OF NICHOLAS CANAL RIGHT OF WAY, ALL AS MORE PARTICULARLY DESCRIBED HEREIN; RENAMING THE PROJECT FROM "HESS SERVICE STATION" TO "SANTA BARBARA PLAZA EAST"; BY APPROVING EXPANSION OF THE PROJECT ONTO LOTS 13 AND 14, BLOCK 1026, UNIT 24, CAPE CORAL SUBDIVISION; PROVIDING CONDITIONS FOR THE CONSTRUCTION OF TWO ADDITIONAL BUILDINGS ON THE PARCEL DESCRIBED AS LOTS 8-11 AND A PORTION OF LOT 7, BLOCK 1027, AND LOTS 3-14, BLOCK 1026, AND THAT VACATED PORTION OF NICHOLAS CANAL RIGHT OF WAY, ALL AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 1021 SANTA BARBARA BOULEVARD AND 118 NICHOLAS PARKWAY; APPROVING A VACATION OF PLAT IN ORDER TO VACATE A PORTION OF THE NICHOLAS CANAL AS MORE PARTICULARLY DESCRIBED HEREIN; APPROVING THE REZONING OF LOTS 11 THROUGH 14, BLOCK 1026, UNIT 24, FROM SINGLE-FAMILY RESIDENTIAL (R-1B) TO PEDESTRIAN COMMERCIAL (C-1); APPROVING VACATION OF PLAT IN ORDER TO VACATE ALL INTERIOR LOT LINES AND DEDICATED EASEMENTS, WHILE RESERVING THE SIX (6) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENTS ADJOINING THE PROPERTY BOUNDARY, AND A TWENTY-FIVE (25) FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT DESCRIBED IN EXHIBIT "A"; APPROVING A DEVIATION OF TEN (10) FEET FROM THE MINIMUM TWENTY-FIVE (25) FOOT FRONT YARD REQUIRED BY SECTION 2.7, DISTRICT REGULATIONS, OF THE LAND USE AND DEVELOPMENT REGULATIONS, IN ORDER TO ALLOW A FIFTEEN (15) FOOT FRONT YARD ALONG SE 11TH TERRACE; APPROVING A DEVIATION OF SEVEN FEET EIGHT INCHES (7'8") FROM THE MINIMUM FIFTEEN (15) FOOT BUFFER YARD REQUIRED BY SECTION 5.2, LANDSCAPING, OF THE LAND USE AND DEVELOPMENT REGULATIONS, TO ALLOW A LANDSCAPE BUFFER YARD OF SEVEN FEET FOUR INCHES (7'4") ALONG EIGHTY (80) FEET OF THE EASTERLY PROPERTY LINE THAT BORDERS THE NICHOLAS CANAL; APPROVING A PARKING DEVIATION OF SEVENTEEN (17) SPACES FROM THE EIGHTY (80) SPACES REQUIRED BY SECTION 5.1.7 TABLE OF PARKING STANDARDS, IN ORDER TO ALLOW THE PROJECT TO DEVELOP WITH SIXTY-THREE (63) PARKING SPACES; GRANTING SITE PLAN APPROVAL FOR PURPOSES OF DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTION 4.2 OF THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR ACTION ON REQUEST; PROVIDING FOR LEGAL EFFECT AND LIMITATIONS OF THIS PDP DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the "Hess Service Station" Planned Development Project was approved by the City Council of the City of Cape Coral by Ordinance 43-98; and an application has been received from Mid Point Plaza, LLC, requesting amendment of Ordinance 43-98, requesting renaming, Rezoning, Deviations, Vacation of Plat, and Site Plan Approval; and

WHEREAS, said application received is by parties holding title to ownership of one hundred percent (100%) of the property included in the requested amendment; and

WHEREAS, the request has been reviewed by the Cape Coral Planning and Zoning Commission/Local Planning Agency and;

I CERTIFY THIS DOCUMENT TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE
CHARLIE GREEN, CLERK CIRCUIT COURT
LEE COUNTY, FLORIDA 04-05-2006
DATED:
BY: Kimberly Crayton
Deputy Clerk

WHEREAS, the City Council has considered the recommendations of the Planning and Zoning Commission/Local Planning Agency.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION I. PDP AMENDMENT APPROVAL, REZONING, DEVIATIONS, VACATION OF PLAT, SITE PLAN APPROVAL, AND RENAMING THE PROJECT.

Having reviewed the application requesting approval of a Planned Development Project amendment for Hess Service Station, requesting renaming the project from "Hess Service Station" to "Santa Barbara Plaza East"; requesting expansion of the project onto Lots 13 and 14, Block 1026, Unit 24, Cape Coral Subdivision; requesting the construction of two additional buildings on Lots 8-11 and a portion of Lots 7, Block 1027, and Lots 3-14, Block 1026, and the vacated portion of Nicholas Canal right-of-way, as more particularly described herein; requesting a vacation of plat in order to vacate a portion of the Nicholas Canal as more particularly described herein; requesting the rezoning of Lots 11-14, Block 1026, Unit 24, from Single-Family Residential (R-1B) to Pedestrian Commercial (C-1); requesting a vacation of plat in order to vacate all interior lot lines and dedicated easements, while reserving the six (6) foot public utility and drainage easements adjoining the property boundary, and a twenty-five (25) foot wide public utility and drainage easement described in Exhibit "A"; requesting a deviation of ten (10) feet from the minimum twenty-five (25) foot front yard required by Section 2.7, District Regulations, of the Land Use and Development Regulations in order to allow a fifteen (15) foot front yard along SE 11th Terrace; requesting a deviation of seven feet eight inches (7'8") from the minimum fifteen (15) foot buffer yard required by Section 5.2, Landscaping, of the Land Use and Development Regulations, to allow a landscape buffer yard of seven feet four inches (7'4") along eighty (80) feet of the easterly property line that borders the Nicholas Canal; requesting a parking deviation of seventeen (17) spaces from the eighty (80) spaces required by Section 5.1.7 Table of Parking Standards, in order to allow the project to develop with sixty-three (63) parking spaces; and requesting site plan approval for purposes of development plan approval pursuant to Section 4.2 of the City of Cape Coral Land Use and Development Regulations; and having considered the recommendations of the Planning and Zoning Commission and the Local Planning Agency, the City Council of the City of Cape Coral, Florida, does hereby grant the aforesaid PDP amendment, including renaming, rezoning, deviations to the Land Use and Development Regulations, vacation of plat, and site plan approval, subject to the terms and conditions set forth below.

SECTION II. FINDING OF FACT/CONCLUSION OF LAW

A. The "Hess Service Station" PDP development, which is located at 1021 Santa Barbara Boulevard and 118 Nicholas Parkway, is hereby renamed "Santa Barbara Plaza East". The development is a Commercial/Professional Planned Development Project (PDP) currently consisting of a 2,960 square foot building containing a convenience store use that is located on 1.1 +/- acres of the total 3.19 +/- acre parcel of land. The development is being expanded onto an additional .23 +/- acre parcel as described in Section II.E. below for a total development located on approximately 3.4 +/- acres. The two (2) new additional buildings approved herein contain approximately 20,826 square feet, situated on 98,970 square feet of land (approximately 2.27 +/- acres) of the total project area, as expanded, of 3.4 +/- acres. The total development project will contain 23,786 square feet of a convenience store, business office, and retail uses. The development which is the subject of this PDP amendment will occur in one (1) phase with a build out in ten (10) years.

B. The names of the legal and equitable owners are Mid Point Plaza, LLC and HMH Investments, Inc.

C. The following described portion of the Nicholas Canal is hereby vacated by the City of Cape Coral, viz:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 8 OF BLOCK 1027, CAPE CORAL SUBDIVISION UNIT 24, ACCORDING TO PLAT BOOK 14, PAGES 63-77 OF THE PUBLIC RECORDS OF LEE COUNTY, BEING ALSO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NICHOLAS CANAL (80 FOOT RIGHT-OF-WAY); THENCE RUN N89 DEGREES 24 MINUTES 01 SECONDS W ALONG THE

STATE OF FLORIDA CITY OF CAPE CORAL CORPORATE SEAL

SOUTH LINE OF BLOCK 1027 AND NORTH RIGHT-OF-WAY LINE FOR 200.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTHEAST CORNER OF LOT 1 OF BLOCK 1027, BEING ALSO THE NORTHEAST CORNER OF LOT 1 OF BLOCK 1026; THENCE RUN S00 DEGREES 25 MINUTES 03 SECONDS E ALONG THE EAST LINE OF LOT 1 AND LOT 2 OF BLOCK 1026 AND ALONG THE WEST RIGHT-OF-WAY LINE OF NICHOLAS CANAL FOR 80.01 FEET TO A POINT COMMON TO LOT 2, LOTS 3 AND 6 OF BLOCK 1026 AND NICHOLAS CANAL RIGHT-OF-WAY; THENCE RUN S89 DEGREES 24 MINUTES 01 SECONDS E ALONG THE NORTH LINE OF BLOCK 1026 AND THE SOUTH RIGHT-OF-WAY LINE OF NICHOLAS CANAL FOR 283.49 FEET TO THE NORTHEAST CORNER OF LOT 12 OF BLOCK 1026; THENCE RUN N00 DEGREES 25 MINUTES 03 SECONDS W FOR 80.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NICHOLAS CANAL, SAID POINT ALSO BEING ON THE SOUTHERN PROPERTY LINE OF LOT 11 OF BLOCK 1027; THENCE RUN N89 DEGREES 24 MINUTES 01 SECONDS W ALONG SAID NICHOLAS CANAL RIGHT-OF-WAY FOR 83.49 FEET TO THE POINT OF BEGINNING.

TRACT CONTAINS 22,676.20 SQUARE FEET (0.52 ACRES) MORE OR LESS.

D. The legal description for the property subject to the extant PDP Development Order, in addition to the portion of the Nicholas Canal hereby vacated is described as follows:

LOTS 1 THROUGH 12, BLOCK 1026 AND LOTS 1 THROUGH 11, BLOCK 1027, CAPE CORAL UNIT 24 ACCORDING TO PLAT BOOK 14, PAGES 63 THROUGH 77, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

E. The "Santa Barbara Plaza East" Development Order expansion onto Lots 13 and 14, Block 1026, Unit 24, Cape Coral Subdivision, is hereby approved.

F. The City of Cape Coral Official Zoning District map of all of the property within the limits of the City of Cape Coral is hereby amended with respect to real property described as:

FROM SINGLE-FAMILY RESIDENTIAL (R-1B) TO PEDESTRIAN COMMERCIAL (C-1)

LOTS 11-14, BLOCK 1026, CAPE CORAL SUBDIVISION UNIT 24, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 14 PAGES 63 THROUGH 77 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA

G. The legal description of the portion of the property for which the Planned Development Project is being amended, along with the expansion of the property from the extant PDP, and the portion of the Nicholas Canal vacated herein, is as follows:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF CAPE CORAL, BEING ALL OF LOTS 8 THROUGH 11, BLOCK 1027 INCLUSIVE, AND A PART OF LOT 7, BLOCK 1027, ALL OF LOTS 3 THROUGH 14, BLOCK 1026, INCLUSIVE, CAPE CORAL SUBDIVISION, UNIT 24, SAID LOTS RECORDED IN PLAT BOOK 14, PAGES 63-77, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 44 SOUTH, RANGE 23 EAST, BEING MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 9, BLOCK 1026, THENCE N. 00 DEGREES 35 MINUTES, 59 SECONDS E. FOR 330.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NICHOLAS PARKWAY (100 FEET WIDE); THENCE S. 89 DEGREES 24 MINUTES, 01 SECONDS E. ALONG SAID RIGHT-OF-WAY LINE FOR 195.09 FEET TO THE NORTHEAST CORNER OF SAID LOT 11, BLOCK 1027; THENCE S. 00 DEGREES 35 MINUTES, 59 SECONDS W. ALONG THE EAST LINE OF SAID LOT 11, BLOCK 1027 FOR 125.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 11, BLOCK 1027; THENCE N. 89 DEGREES 24 MINUTES 01 W. ALONG THE SOUTH LINE OF SAID LOT 11, BLOCK 1027 FOR 96.51 FEET; THENCE S. 00 DEGREES 25 MINUTES 03 SECONDS E. FOR 80.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 12, BLOCK 1026; THENCE N. 89 DEGREES 24 MINUTES 01 SECONDS E. FOR 80 FEET TO THE

STATE OF FLORIDA CORPORATE SEAL

NORTHEAST CORNER OF SAID LOT 14, BLOCK 1026; THENCE S. 00 DEGREES 35 MINUTES 59 SECONDS W. ALONG THE EAST LINE OF SAID LOT 14, BLOCK 1026 FOR 125.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 14, BLOCK 1026, BEING ALSO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF S.E. 11TH TERRACE (50 FEET WIDE); THENCE N. 89 DEGREES 24 MINUTES 01 SECONDS W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 240.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL OF LOTS 3 THROUGH 8, SAID BLOCK 1026, CAPE CORAL SUBDIVISION, UNIT 24.

SUBJECT TO THE TWENTY-FIVE (25) FOOT WIDE PERMANENT UTILITY AND DRAINAGE EASEMENT AS RECORDED AS OFFICIAL RECORD INSTRUMENT # 2005000010250 DATED 9/6/2005 IN THE PUBLIC RECORDS OF LEE COUNTY FLORIDA (SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE).

H. The Santa Barbara Plaza East PDP is on property zoned C-1 (Pedestrian Commercial), pursuant to the authority of Chapter 166, Florida Statutes, and the Land Use and Development Regulations, Cape Coral, Florida, as same may hereafter be amended, with a Future Land Use designation of Commercial Professional.

I. All existing and future structures and uses, population density, building intensity, and building height shall conform to the respective provisions of the Pedestrian Commercial (C-1) Zoning District of the Land Use and Development Regulations, Cape Coral, Florida, as same may hereafter be amended. In addition, the development shall obtain all local development permits from the City of Cape Coral, Florida, and other governmental jurisdictions. Failure of this agreement to address a particular permit, condition, term, restriction, or zoning regulation shall not relieve the Developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, restrictions, or zoning regulations.

J. The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

K. The Santa Barbara Plaza East, as noted, is consistent with the adopted City of Cape Coral Comprehensive Plan, and the City of Cape Coral Land Use and Development Regulations.

L. The term Developer for purposes of this development order shall mean and refer to Mid Point Plaza, LLC, and HMH Investments, Inc., their successors in interest, lessees, and/or assigns.

SECTION III. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

A. DEVIATIONS

The Deviations stated herein shall apply only to the parcel described in Section II.G. above on which two (2) new structures are to be constructed. The following deviations are hereby approved:

1. A deviation of seven feet eight inches (7'8") from the minimum fifteen (15) foot buffer yard required by Section 5.2, Landscaping, of the Land Use and Development Regulations, to allow a landscape buffer yard of seven feet four inches (7'4") along eighty (80) feet of the easterly property line that borders the Nicholas Canal.

2. A parking deviation of seventeen (17) spaces from the eighty (80) spaces required by Section 5.1.7 Table of Parking Standards, in order to allow the project to develop with sixty-three (63) parking spaces.

3. A deviation of ten (10) feet from the minimum twenty-five (25) foot front yard required by Section 2.7, District Regulations, of the Land Use and Development Regulations in order to allow a fifteen (15) foot front yard along SE 11th Terrace.

STATE OF FLORIDA CITY OF CAPE CORAL CORPORATE SEAL 1970

B. GENERAL CONSIDERATIONS

1. The following General Considerations shall apply to the two (2) new structures constructed on the parcel described in Section II.G. above only.

   a. Within the development, all building and freestanding signage must be consistent in terms of design and architectural elements, including, but not limited to, the following: colors, construction materials, architectural design, illumination method, copy style and sign type. All building signs must be located at a consistent location on each unit. No sign permits shall be approved for any signs unless and until the City has verified the consistency of the signage(s) with the requirements of this Development Order.

   b. All commercial buildings shall have a parapet wall which extends at least two (2) feet above the highest level of the roof and screens any roof top equipment from view from all public rights-of-way. Equipment, including, but not limited to, air conditioners, air handlers, heating equipment, etc., shall not be permitted to be attached to the side walls of any building.

   c. All lighting along the eastern and southern boundary of the site shall be arranged so as to direct any lighting away from the adjacent residential property. Lighting trespass and glare shall be limited to a reasonable level through the use of shielding and directional lighting methods, including, but not limited to, fixture location and height. The lighting for the site shall be designed so that the light does not exceed one (1) foot-candle when measured along the eastern and southern property lines bordering the canal and SE 11th Terrace, respectively.

   d. No more than 30% of the front surface of any exterior wall facing any public right of way shall be metal.

   e. All landscaping and shrubs located in the rear of the building shall be installed and maintained at a minimum height of sixty (60) inches for the life of the development, and all trees located at the rear of the building shall be installed and maintained at a minimum of fourteen (14) feet in height for the life of the development. All other shrubs depicted on the landscape plan shall be installed and maintained at a minimum height of forty-eight (48) inches for the life of the development.

   f. The rear (south) elevation of the building shall be architecturally consistent with the front (north) elevation in terms of columns and upper level banding details.

2. All provisions and conditions contained in Ordinance 43-98 shall remain in full force and effect, except as otherwise stated in this Development Order.

3. The existing 30" Reinforced Concrete Pipe, (RCP), which lies parallel to Nicholas Parkway and extends to the east from Santa Barbara Blvd to the existing 36" RCP, and the 36" RCP which lies perpendicular to Nicholas Parkway and extends to the south from Nicholas Parkway to Nicholas Canal, must remain in place for the life of the development.

4. The design of the surface water management system for the remaining parcel must include the run-off from the two existing driveways.

SECTION IV. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

This Development Order shall constitute an ordinance of the City of Cape Coral, adopted by this council in response to the Planned Development Project Application filed for the Santa Barbara Plaza East PDP.

STATE OF FLORIDA CITY OF CAPE CORAL FLORIDA CORPORATE SEAL 1970

access to the project site for the purpose of assuring compliance with this Development Order.

J. The Developer, or its successors in title to the undeveloped portion of the subject property, shall submit a report annually to the Cape Coral City Council, the Director, and all affected permit agencies. This report shall describe the state of development and compliance as of the date of submission.

The first monitoring report shall be submitted to the Director not later than one (1) year from the effective date of this order, and further reports shall be submitted not later than annually thereafter. The Developer shall so inform any successor in title to any undeveloped portion of the real property covered by this Development Order. This shall not be construed to require reporting from tenants or owners of individual lots or units. Annual Monitoring Reports including Traffic Monitoring Reports shall be required until such time as the project is complete, at which time, a final development report shall be submitted to the City.

K. Within thirty (30) days of adoption of this Ordinance, this Development Order shall be recorded in the Office of the Clerk of the Circuit Court by the Developer or Authorized Representative, who shall thereafter return the original recorded Development Order to the City.

SECTION V. SEVERABILITY.

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

SECTION VI. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its adoption by the Cape Coral City Council. Permits issued prior to or after the effective date of this Ordinance are obtained solely at the risk of the Developer.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 27TH DAY OF February, 2006.

Eric Feichthaler
ERIC P. FEICHTHALER, MAYOR

ATTESTED TO AND FILED IN MY OFFICE THIS 31ST DAY OF March, 2006.

Yvonne Gladue acting
for BONNIE J. VENT, CITY CLERK

APPROVED AS TO FORM:

Dolores D. Menendez
DOLORES D. MENENDEZ
CITY ATTORNEY
ord/pdp038-2

I HEREBY CERTIFY that I am the duly appointed and qualified Clerk of the City of Cape Coral, Florida, and the keeper of the records and corporate seal of said municipality; that this is a true and correct copy of Ordinance 8-06

Yvonne Gladue
Acting City Clerk

COUNCILMEMBER HABA

PDP #98-00800003
05/26/98
06/09/98

ORDINANCE 43 - 98

AN ORDINANCE APPROVING A PLANNED DEVELOPMENT PROJECT IN THE CITY OF CAPE CORAL, FLORIDA ENTITLED "HESS SERVICE STATION"; PROVIDING FOR PLANNED DEVELOPMENT PROJECT APPROVAL FOR CERTAIN PROPERTY DESCRIBED AS BLOCK 1026, LOTS 1 THROUGH 12, AND BLOCK 1027, LOTS 1 THROUGH 11, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 1021 SANTA BARBARA BOULEVARD; REZONING BLOCK 1026, LOTS 1 THROUGH 5, FROM P-1 (PROFESSIONAL) TO C-1 (PEDESTRIAN COMMERCIAL); REZONING BLOCK 1026, LOTS 6 THROUGH 10, FROM R-1B (SINGLE-FAMILY) TO C-1 (PEDESTRIAN COMMERCIAL); REZONING BLOCK 1027, LOTS 1 THROUGH 3, FROM P-1 (PROFESSIONAL) TO C-1 (PEDESTRIAN COMMERCIAL); REZONING BLOCK 1027, LOTS 4 THROUGH 11, FROM R-1B (SINGLE-FAMILY) TO C-1 (PEDESTRIAN COMMERCIAL); GRANTING A SPECIAL EXCEPTION FOR AN AUTOMOTIVE SERVICE STATION LIMITED WITHIN A C-1 (PEDESTRIAN COMMERCIAL) ZONING DISTRICT; GRANTING A VACATION OF PLAT IN ORDER TO VACATE TWO HUNDRED AND THREE (203) FEET OF THE WESTERN END OF THE NICHOLAS CANAL LYING BETWEEN BLOCK 1026, LOTS 6 THROUGH 12, AND BLOCK 1027, LOTS 4 THROUGH 10; GRANTING A VACATION OF PLAT IN ORDER TO VACATE ALL INTERIOR LOT LINES AND EASEMENTS WHILE MAINTAINING THE PERIMETER SIX (6) FOOT DRAINAGE AND UTILITY EASEMENTS FOR BLOCK 1026, LOTS 1 THROUGH 12, AND BLOCK 1027, LOTS 1 THROUGH 11; GRANTING SITE PLAN APPROVAL; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR ACTION ON REQUEST AND CONDITIONS OF APPROVAL; PROVIDING FOR LEGAL EFFECT AND LIMITATIONS OF THIS PDP DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, an application from Amerada Hess Corporation has been received requesting approval of a Planned Development Project (PDP) for Hess Service Station (PDP 98-00800003); requesting rezoning Block 1026, Lots 1 through 5, from P-1 (Professional) to C-1 (Pedestrian Commercial); rezoning Block 1026, Lots 6 through 10, from R-1B (Single-Family) to C-1 (Pedestrian Commercial); rezoning Block 1027, Lots 1 through 3, from P-1 (Professional) to C-1 (Pedestrian Commercial); rezoning Block 1027, Lots 4 through 11, from R-1B (Single-Family) to C-1 (Pedestrian Commercial); a Special Exception for an Automotive Service Station Limited within a C-1 (Pedestrian Commercial) zoning district; a vacation of plat in order to vacate two hundred and three (203) feet of the western end of the Nicholas Canal lying between Block 1026, Lots 6 through 12, and Block 1027, Lots 4 through 10; a vacation of plat in order to vacate all interior lot lines and easements while maintaining the perimeter six (6) foot drainage and utility easements for Block 1026, Lots 1 through 12, and Block 1027, Lots 1 through 11; and site plan approval; and

WHEREAS, the request has been reviewed by the Cape Coral Planning and Zoning Commission/Local Planning Agency; and

WHEREAS, the City Council has considered the recommendations of the Planning and Zoning Commission/Local Planning Agency.

NOW,THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION I. PDP APPROVAL, VARIANCE, SITE PLAN, SPECIAL EXCEPTION, REZONING.

The City of Cape Coral City Council having considered the recommendations of the Planning and Zoning Commission and the Local Planning Agency, does hereby grant said PDP approval, and rezoning Block 1026, Lots 1 through 5, from P-1 (Professional) to C-1 (Pedestrian Commercial); rezoning Block 1026, Lots 6 through 10, from R-1B (Single-Family) to C-1 (Pedestrian Commercial);

rezoning Block 1027, Lots 1 through 3, from P-1 (Professional) to C-1 (Pedestrian Commercial); rezoning Block 1027, Lots 4 through 11, from R-1B (Single-Family) to C-1 (Pedestrian Commercial); a Special Exception for an Automotive Service Station Limited within a C-1 (Pedestrian Commercial) zoning district; a vacation of plat in order to vacate two hundred and three (203) feet of the western end of the Nicholas Canal lying between Block 1026, Lots 6 through 12, and Block 1027, Lots 4 through 10; a vacation of plat in order to vacate all interior lot lines and easements while maintaining the perimeter six (6) foot drainage and utility easements for Block 1026, Lots 1 through 12, and Block 1027, Lots 1 through 11; and site plan approval from the date of adoption of this ordinance. Approval of the PDP shall be subject to the terms and conditions set forth below.

SECTION II. FINDING OF FACT/CONCLUSION OF LAW

A. The Hess Service Station development is an automotive service station limited Planned Development Project (PDP). This development consists of a convenience market with gasoline pumps and land for future development on 3.19 acres of land located at 1021 Santa Barbara Boulevard. The first phase of the proposed development will contain 4,950 square foot building. Approximately 0.70 acres of the site will be provided for ingress, egress, and internal site circulation and 0.84 acres of the site are to be provided as surface water management tracts. The development will occur in two (2) phases with a build out in ten (10) years.

B. The proposed conditions below meet the criteria found in Section 163.3227, Florida Statutes.

C. The names of the legal and equitable owners are David W. Gomer, TR; Manuel and Barbara Desousa; Phil Deems; and Michael McKinley.

D. The legal description of the property is as follows:

LOTS 1 THROUGH 12, BLOCK 1026 AND LOTS 1 THROUGH 11, BLOCK 1027, CAPE CORAL UNIT 24 ACCORDING TO PLAT BOOK 14, PAGES 63 THROUGH 77, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

E. The subject parcel has 2.97 acres with a zoning district of C-1 (Pedestrian Commercial) and 0.22 acres with a zoning district of R-1B (Single-Family), pursuant to the authority of Chapter 166, Florida Statutes, and the Land Use and Development Regulations, Cape Coral, Florida, as amended. The subject parcel has a Future Land Use designation of Commercial/Professional and Single-Family.

F. All existing and future structures and uses, population density, building intensity, and building height shall conform with the provisions of the C-1 (Pedestrian Commercial) and R-1B (Single-Family) Zoning Districts of the Land Use and Development Regulations, Cape Coral, Florida, as same may hereafter be amended. In addition, the development shall obtain all local development permits from the City of Cape Coral, Florida, and other governmental jurisdictions. Failure of this agreement to address a particular permit, condition, term, restriction, or zoning regulation shall not relieve the Developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, restrictions, or zoning regulations.

G. The Application for Development Approval is consistent with the requirements of Chapter 163, Florida Statutes.

H. The proposed development is not located in an Area of Critical State Concern, pursuant to the provisions of Chapter 380.05, Florida Statutes.

I. The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

J. The proposed development, as noted, is consistent with the adopted City of Cape Coral Comprehensive Plan, and the City of Cape Coral Land Use and Development Regulations.

K. The term "Developer" for purposes of this development order, shall mean and refer to Amerada Hess Corporation; David W. Gomer, TR; Manuel and Barbara Desousa; Phil Deems; and Michael McKinley, their heirs, successors in interest, lessees, and/or assigns.

SECTION III. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, be it ordained by the City Council of Cape Coral, Florida, in public meeting duly advertised, constituted and assembled this 15th day of June, 1998, that the Planned Development Project application for Development Approval submitted by Amerada Hess Corporation, is hereby ordained approved, subject to the following conditions, restrictions, and limitations deemed necessary for the public health, safety, and welfare.

A. DRAINAGE/WATER QUALITY

1. Prior to the issuance of any building permits, a general permit and stormwater discharge certification shall be obtained from the South Florida Water Management District (SFWMD). With each individual site development submitted, the Developer shall be required to provide on-site stormwater runoff provisions, with either a letter of compliance, modification, or exemption, as applicable, from South Florida Water Management District.

2. The Developer shall provide, as part of the site's overall management plan, regularly scheduled parking lot vacuum sweeping to help ensure optimal stormwater runoff quality protection.

3. Prior to the issuance of any building permits, if applicable, the Developer shall coordinate with the City of Cape Coral, the Florida Department of Environmental Protection (DEP), and the SFWMD in the siting of any on-site temporary transfer and storage facilities for all special or hazardous waste that may be generated within the project site. Any facility constructed on-site shall be located as far away from the surface water management system as feasible.

4. At completion of construction, as required by the conditions imposed by SFWMD and prior to the issuance of a Certificate of Occupancy, the Developer will be required to provide certification by the Engineer of Record that all stormwater infrastructure and facilities have been constructed in accordance with the design approved by SFWMD and the City of Cape Coral, and should consist of the wording "Construction Compliance Certification".

5. Approval from the Army Corps of Engineers is required for the filling of the western 203 feet of the Nicholas Canal. A copy of the approval from the Army Corps of Engineers shall be submitted to the City prior to the filling of the canal.

B. ENERGY

Where feasible, the Developer shall incorporate at a minimum the following energy conservation measures into this development:

1. Use of energy efficient features in window design (e.g., tinting and exterior shading).

2. Use of operable windows and ceiling fans.

3. Installation of energy-efficient appliances and equipment.

4. Installation of energy-efficient lighting for streets, parking areas, and other interior and exterior public areas.

5. Cooperation in the location of bus stops, shelters, and other passenger and system accommodations for a transit system to service the project area.

6. Selection, installation, and maintenance of plants, trees, and other vegetation and landscape design features that have minimal requirements for water, fertilizer, maintenance, and other needs.

7. Planting of shade trees to provide shade for all street and parking areas.

8. Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.

9. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.

10. Provision for structural shading (e.g., trellises, awnings, and roof overhangs), wherever practical when natural shading cannot be used effectively.

11. Provision of bicycle racks or storage facilities.

C. HURRICANE EVACUATION

1. Prior to issuance of building permits, the Developer shall meet with the Lee County Emergency Management Cape Coral Emergency Management officials to discuss and identify (if appropriate) any areas in the common portion of the project that may be utilized as public shelter. A letter documenting this meeting shall be submitted to the City.

2. The Developer shall incorporate the sheltering demands of the employees and their families, if possible, within their building design.

D. WETLANDS, VEGETATION, AND WILDLIFE

1. Ongoing control and removal of nuisance exotic plants on-site is required including but not limited to Casuarina sp. (Australian Pine), Melaleuca quinquenervia (melaleuca), and schinus terebinthifolius (Brazilian Pepper).

2. Required on-site landscaping and screening shall be maintained throughout the life of this development.

3. A protective barrier composed of stakes (or other scrap lumber) and rope or other suitable material shall be placed around all existing trees to remain.

   (a) The protective barrier shall be erected prior to land preparation or construction activities.

   (b) The protective barrier shall be placed at or greater than the full dripline of all protected trees and shall be maintained and remain in place until all major construction activity is terminated.

   (c) No equipment, chemicals, soil deposits or construction materials shall be placed within such protective barriers.

   (d) Light construction activities subsequent to the removal of protective barriers shall be accomplished with light machinery or hand labor.

E. FIRE PROTECTION

1. Fire impact fees shall be paid as specified by City Ordinance.

2. The Developer shall review site development plans with the fire department to incorporate fire protection design recommendations into the project.

F. WATER CONSERVATION

1. The Developer shall incorporate the use of water conserving devices as required by state law (Section 553. 14, Florida Statutes).

2. For the purpose of non-potable water conservation, the development shall utilize xeriscape principals in the design and installation of the project's landscaping.

3. No irrigation shall take place on the site between the hours of 9:00 A.M. and 5:00 P.M. after the establishing of landscaping, and prior to the installation and hook-up to the secondary water system, if applicable. After the secondary water system is installed, there will be no watering restrictions unless mandated by the City or SFWMD for conservation or other health, safety, and welfare reasons.

G. SOLID WASTE

1. The Developer and tenants of the project shall utilize all methods of reducing solid waste volume generated at the project.

2. The Developer and tenants of the project shall identify to the City, the presence of and the proper on-site handling and temporary storage procedures for hazardous waste that may be generated on-site, in accordance with local, regional and state hazardous waste programs.

3. The Developer will require that an EPA/DEP approved holding storage tank be provided on-site along with the proper monitoring devices if a prospective user has the potential for producing toxic or industrial waste. These wastes will be disposed of off-site by a company licensed to dispose of such wastes.

4. The Developer shall inform the waste hauler and disposer of the nature of any hazardous waste on the site, to determine if, and the extent of, any special precautions that may be necessary.

5. No on-site solid waste disposal facilities shall be located on the site.

6. The Developer shall participate in recycling programs.

7. Solid waste disposal shall be provided through Lee County, Florida pursuant to Special Act, Chapter 85-447. Current and planned facilities have sufficient capacity to meet the demands of this development.

H. WASTEWATER MANAGEMENT

1. Wastewater (sewer) service is available to the site.

2. The Developer shall design, construct and install all improvements required by the City to connect to the City's wastewater system. Said design, construction, and installation shall be accomplished in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance.

3. Wastewater containing hazardous materials shall be segregated and handled in accordance with Florida Department of Environmental Protection (DEP) criteria. Wastewater entering the City system shall meet quality limitations as specified by City Ordinance(s).

4. Sewer impact fees, betterment fees, and/or all other applicable fees shall be paid as specified by City Ordinance(s).

5. The Developer shall connect to City wastewater facilities within thirty (30) days notification of requirement for connection.

6. The Developer shall grant appropriate easements to City for utility service prior to issuance of a building permit. Prior to connection of this development to City utility facilities, the Developer shall convey to the City the component parts of the Wastewater system that were constructed by Developer by bill of sale in a form satisfactory to the City Attorney, together with such other evidence as may be required by the City that the utility system proposed to be transferred to the City is free of all liens and encumbrances.

I. WATER SERVICE

1. Water service is available to the site.

2. The Developer shall design, construct and install all improvements required by the City to connect to the City's water system. Said design, construction, and installation shall be accomplished in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance.

3. Water impact fees, betterment fees, and/or all other applicable fees shall be paid as specified by City Ordinances(s).

4. The Developer shall connect to City water facilities within thirty (30) days notification of requirement for connection.

5. The Developer shall grant appropriate easements to City for utility service prior to issuance of a building permit. Prior to connection of this development to City utility facilities, the Developer shall convey to the City the component parts of the water system that were constructed by Developer by bill of sale in a form satisfactory to the City Attorney, together with such other evidence as may be required by the City that the utility system proposed to be transferred to the City is free of all liens and encumbrances.

J. IRRIGATION SERVICE

1. Irrigation service is available to the site.

2. The Developer shall connect to the City's irrigation system as prescribed by City Ordinance. The Developer shall design, construct and install all improvements required by the City to connect to the City's irrigation system. Said design, construction, and installation shall be accomplished in accordance with prevailing City design criteria and shall be subject to City inspection and approval prior to acceptance.

3. Irrigation betterment fees and/or all other applicable fees shall be paid as specified by City Ordinance(s).

4. The Developer shall grant appropriate easements to City for utility service prior to issuance of a building permit. Prior to connection of this development to City utility facilities, the Developer shall convey to the City the component parts of the irrigation system that were constructed by Developer by bill of sale in a form satisfactory to the City Attorney, together with such other evidence as may be required by the City that the utility system proposed to be transferred to the City is free of all liens and encumbrances.

K. AIR QUALITY

1. If the development creates a complex source of pollution as defined by Florida Department of Environmental Protection (DEP) rules, application shall be made directly to DEP for permitting.

2. The development will be required to comply with all federal, state and local laws and codes governing air quality and emissions.

L. HISTORICAL/ARCHAEOLOGICAL

During the life of the project, if any historical or archaeological sites are uncovered, work in the vicinity shall cease until the proper authorities can be contacted and an evaluation of the site carried out.

M. TRANSPORTATION

1. The traffic impact assessment upon which this development order for Hess Service Station PDP is based assumes project buildout in ten (10) years. The traffic impact assessment included the expected impacts of an automotive service station proposed land use.

2. The traffic impacts of this development do not degrade roadway and intersection level of service (LOS) below LOS standards adopted in the City of Cape Coral Comprehensive Plan.

3. The Developer shall provide the City of Cape Coral all appropriate Road Impact Fees at the time of application for each building permit.

4. The Developer shall provide the City of Cape Coral with an Annual Traffic Monitoring Report each year until the development reaches buildout. Preparation of the report shall not begin until the Developer provides the City of Cape Coral with an acceptable methodology for preparing the report. If this report shows impacts greater than those estimated at the time of original approval and or determines that the LOS is degraded below adopted LOS standards, the Developer shall provide mitigation actions to assure that all roadways and intersections shall be improved so as to maintain the adopted peak hour LOS standard.

N. GENERAL CONSIDERATIONS

1. The Developer may be entitled to credit for contributions, construction, expansion, or acquisition of public facilities. The local government and the Developer shall enter into a capital contribution front-ending agreement to reimburse the Developer with impact fee credits for voluntary contributions in excess of his fair share.

2. The vacation of the western 203 feet of the Nicholas Canal is particularly described as follows:

   BEGINNING AT THE SOUTHEAST CORNER OF LOT 8 OF BLOCK 1027, CAPE CORAL UNIT 24, ACCORDING TO PLAT BOOK 14, PAGES 63-77 OF THE PUBLIC RECORDS OF LEE COUNTY, BEING ALSO THE NORTH RIGHT-OF-WAY LINE OF NICHOLAS CANAL (80 FOOT RIGHT-OF-WAY); THENCE RUN N89°24'01"W ALONG THE SOUTH LINE OF BLOCK 1027 AND NORTH RIGHT-OF-WAY LINE FOR 200.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTHEAST CORNER OF LOT 1 OF BLOCK 1027, BEING ALSO THE NORTHEAST CORNER OF LOT 1 OF BLOCK 1026; THENCE RUN S00°25'03"E ALONG THE EAST LINE OF LOT 1 AND LOT 2 OF BLOCK 1026 AND ALONG THE WEST RIGHT-OF-WAY LINE OF NICHOLAS CANAL FOR 80.01 FEET TO A POINT COMMON TO LOT 2, LOTS 3 AND 6 OF BLOCK 1026 AND NICHOLAS CANAL RIGHT-OF-WAY; THENCE RUN S89°24'01"E ALONG THE NORTH LINE OF BLOCK 1026 AND THE SOUTH RIGHT-OF-WAY LINE OF NICHOLAS CANAL FOR 283.49 FEET TO THE NORTHEAST CORNER OF LOT 12 OF BLOCK 1026; THENCE RUN N00°25'03"W FOR 80.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NICHOLAS CANAL, SAID POINT ALSO BEING ON THE SOUTHERN PROPERTY LINE OF LOT 11 OF BLOCK 1027; THENCE RUN N89°24'00"W ALONG SAID NICHOLAS CANAL RIGHT-OF-WAY FOR 83.49 FEET TO THE POINT OF BEGINNING.

TRACT CONTAINS 22,676.20 SQUARE FEET (0.52 ACRES) MORE OR LESS.

3. Prior to the application for any building permits for the second phase of the development, the Developer shall submit an application to the Department of Community Development for the amendment of this Planned Development Project. The amendment shall include all development activities within the second phase of development.

4. No signage shall be placed on the eastern or southern face of the building.

5. A five foot hedge shall be placed behind the building on the east side of the parcel on which the Automotive Service Station Limited use is located.

6. The driveway providing access to and from the Automotive Service Station Limited Use onto S.E. 11th Terrace shall be located twenty (20) feet to the west of the position shown on the approved Site Plan.

O. CONCURRENCY

The Hess Service Station PDP is concurrent for roads, sewer, water, drainage, solid waste, and parks based on the analysis of the proposed development and specific mitigation programs specified herein.

SECTION IV. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

A. This Development Order shall constitute an ordinance of the City of Cape Coral, adopted by this Council in response to the Planned Development Project Application for Development Approval filed for Hess Service Station.

B. This Development Order shall be binding on the Developer.

C. The terms and conditions set out in this document constitute a basis upon which the Developer and City may rely in future actions necessary to implement fully the final development contemplated by this Development Order.

D. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorney's fees, shall be paid by the defaulting party.

E. Any references herein to any governmental agency shall be construed to mean to include any future instrumentality which may be created and designated as successor in interest to or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

F. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the Developer to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval shall also not obviate the duty of the Developer to comply with any City Ordinance or other regulations adopted after the effective date of this Development Order.

G. Subsequent requests for local development permits shall not require further review pursuant to Sections 163.3220-163.3243, Florida Statutes, unless it is found by the City Council, after due notice and hearing, that a substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans which create a reasonable likelihood of adverse impacts which were not evaluated in the review by the City, has occurred and/or would result from the issuance of the local development permit. Substantial deviations include but are not limited to:

1. A greater than five (5) percent increase in the square footage of the development.

2. Any change that requires a variance to code or other requirements over and above those specifically incorporated herein.

3. An expiration of the period of effectiveness of this Development Order as herein provided.

4. A failure to carry out Development Order conditions and/or Developer commitments incorporated within the Development Order to mitigate impacts to the extent indicated in the Development Order, or in accordance with the Development Order.

Upon a finding that any of the above is present, the City Council may order a termination of all development activity until such time as a new PDP Application for Development Approval has been submitted, reviewed and approved in accordance with Chapter 163, Florida Statutes, and all local approvals have been obtained.

H. The deadline for commencing physical development under this Development Order shall be two (2) years from the date of adoption of the Order or one (1) year from final permit approval from all appropriate governmental jurisdictions, whichever is less, provided that all conditions are met in a timely manner and further provided that this effective period may be extended by this Council upon a finding of excusable delay in any proposed development activity and that considerations have not changed sufficiently to warrant further consideration of the development. In the event the Developer fails to commence significant physical development of that property identified in this Development Order within two (2) years from the date of rendition of this Development Order, development approval shall terminate and the development shall be subject to further consideration. Significant physical development shall include obtaining a certificate of compliance or occupancy on some substantial portion of the project (e.g., water management system or major road system). This Development Order shall otherwise terminate in ten (10) years from the date of this Development Order, unless an extension is approved by this Council. An extension may be granted if the project has been developing substantially in conformance with the original plans and approved conditions, and if no substantial adverse impacts not known to Cape Coral at the time of their review and approval, or arising due to the extension, have been identified. For the process of determining when the build-out date has been exceeded, the time shall be tolled during the pendency of administrative and judicial proceedings relating to development permits.

I. The Director of the Cape Coral Department of Community Development or his/her designee, shall be the local official responsible for assuring compliance with this Development Order. Upon reasonable notice by the City and at all reasonable times, the Developer shall allow the City of Cape Coral, its agents, employees, and/or representatives, access to the project site for the purpose of assuring compliance with this Development Order.

J. The Developer, or its successors in title to the undeveloped portion of the subject property, shall submit a report annually to the Cape Coral City Council, the Director, and all affected permit agencies. This report shall describe the state of development and compliance as of the date of submission.

The first monitoring report shall be submitted to the Director not later than one (1) year from the effective date of this order, and further reportings shall be submitted not later than annually thereafter. The Developer shall so inform any successor in title to any undeveloped portion of the real property covered by this Development Order. This shall not be construed to require reporting from tenants or owners of individual lots or units. Annual Monitoring Reports including Traffic Monitoring Reports shall be required until such time as the project is complete, at which time, a final development report shall be submitted to the City.

K. Copies of this recorded Development Order will be forwarded to the Developer, the Department of Community Affairs, and all permitting agencies. Upon this Development Order becoming effective, notice of its adoption shall be recorded in the Office of the Clerk of the Circuit Court by the City, as provided in Section 163.3239, Florida Statutes.

SECTION V. SEVERABILITY.

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

SECTION VI. EFFECTIVE DATE.

Upon its adoption by the Cape Coral City Council, this ordinance shall take effect when it has been recorded in the public records of the County and thirty (30) days after having been received by the State Land Planning Agency pursuant to Section 163.3239, Florida Statutes. Permits issued prior to or after the effective date of this Ordinance are obtained solely at the risk of the Developer and are subject to the requirements and review pursuant to Chapter 163, Florida Statutes.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 15th DAY OF June, 1998.

Roger G. Butler

ROGER G. BUTLER, MAYOR

ATTESTED TO AND FILED IN MY OFFICE THIS 22nd DAY OF June, 1998.

Bonnie J. Vent

BONNIE J. VENT, CITY CLERK

LEGAL REVIEW:

BRC

BRUCE R. CONROY
CITY ATTORNEY
ord\98800003.pdp

Item Number:	**2.B.**
Meeting Date:	**7/10/2018**
Item Type:	**HEARINGS**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
Case # ZA18-0001*; Address: 2121 SE 15th Place; Applicant: Lazaro Flores

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 is requesting to Rezone a 0.23-acre parcel from Multi-Family (R-3) to Pedestrian Commercial (C-1).

LEGAL REVIEW:

EXHIBITS:
See attached "Backup Materials"

PREPARED BY:

Kristin Kantarze	Division- Planning	Department-	Community Development

SOURCE OF ADDITIONAL INFORMATION:
Justin Heller, Planner, 239-574-0587, jheller@capecoral.net

ATTACHMENTS:

Description	Type
Backup Materials	Backup Material

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

Case # ZA18-0001

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
Lazaro Flores
Address: 830 N.E. 10th Ave.
City Cape Coral State: FL Zip 33909
Email: andres@boralengineering.com
Phone: 239.247.9962

AUTHORIZED REPRESENTATIVE
Steven L. Darby, P.E.
Address: 2638 Stonyhill Court
City Cape Coral State: FL Zip 33991
Email: steve@dei-fla.com
Phone: 239.945.0551

Unit 21 Block 665 Lot(s) 11 & 14 Subdivision Cape Coral
Address of Property 2121 S.E. 16th Place
Current Zoning MF Plat Book 13 , Page 167
Proposed Zoning C1 Strap Number 30-44-24-C3-00665.0110

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.

Cape Coral FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT

REQUEST FOR REZONING APPLICATION

Questions: 239-574-0776

Case # ZA18-0001

(SIGNATURE MUST BE NOTARIZED)

Lazaro Flores

NAME (PLEASE TYPE OR PRINT)

X

APPLICANT'S SIGNATURE

STATE OF Florida, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 25 day of January, 2018, by Lazaro Flores who is personally known or produced FL Drivers License as identification.

Exp. Date: 5/16/2019 Commission Number: FF 210979

Signature of Notary Public:

Printed name of Notary Public: Gladys S. Mendoza

SIGNATURE MUST BE NOTARIZED)

GLADYS S MENDOZA
MY COMMISSION # FF210979
EXPIRES May 16, 2019
(407) 398-0153 FloridaNotaryService.com

Cape Coral FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT

REQUEST FOR REZONING APPLICATION

Questions: 239-574-0776

Case # ZA18-0001

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT Steven L. Darby, P.E.
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE HEARING EXAMINER, OR CITY COUNCIL FOR Zoning
(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT 21 BLOCK 665 LOT(S) 11 & 12 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION

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

Lazaro Flores
PROPERTY OWNER (Please Pint)

X
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF Florida, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 25 day of January, 2018, by Lazaro Flores who is personally known or produced Fl Drivers License as identification.

Exp. Date: 5/16/2019 Commission Number: FF 210979

NOTARY STAMP HERE

Signature of Notary Public:

Printed name of Notary Public: Gladys S. Mendoza

GLADYS S MENDOZA
MY COMMISSION # FF210979
EXPIRES May 16, 2019
(407) 398-0153 FloridaNotaryService.com

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

Cape Coral FLORIDA

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

Case # ZA18-0001

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.

I hereby acknowledge that I have read and understood the above affidavit on the 25 day of January, 20 18

Lazaro Flores
NAME (PLEASE TYPE OR PRINT)

X
APPLICANT'S SIGNATURE

STATE OF Florida, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 25 day January, 2018, by Lazaro Flores who is personally known or FL Drivers License as identification.

Exp. Date: 5/16/2019 Commission Number: FF 210979

Signature of Notary Public:

Printed name of Notary Public: Gladys S. Mendoza

GLADYS S MENDOZA
MY COMMISSION # FF210979
EXPIRES May 16, 2019
(407) 398-0153 FloridaNotaryService.com

Case # ZA18-0001

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.

Lazaro Flores
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

X
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 25 day of January, 2018 by Lazaro Flores, who is personally known or who has produced FL Drivers License as identification.

Exp. Date 5-16-2019
Commission # FF 210979

Signature of Notary Public

Gladys S Mendoza
Print Name of Notary Public

GLADYS S MENDOZA
MY COMMISSION # FF210979
EXPIRES May 16, 2019
(407) 398-0153 FloridaNotaryService.com

DEI
Civil Engineers & Planners
2638 Stonyhill Court, Cape Coral, Florida 33991
Phone: (239) 945-0551 Fax: (239) 772-0141
Email: steve@dei-fla.com Website: www.dei-fla.com

February 5, 2018

Mr. Vince Cautero, AICP
Community Development Director
Dept. of Community Development
City of Cape Coral
P.O. Box 150027
Cape Coral, FL 33915-0027

Re: Letter of Intent for a re-zoning application
2121 S.E. 15TH Parking Lot
STRAP# 30-44-24-C3-00665.0110, Block 665, Lots 11 & 12, Unit 21
2121 S.E. 15TH Place, Cape Coral, Florida 33990

Dear Mr. Cautero:

It is the intent of the property owner, Lazaro Flores, to request a zoning application for additional parking from R-3 to C-1 zoning. This site comprises of 0.23 acres with proposed access points off S.E. 15TH Place to the west and the existing alley to the east. No building is proposed since the owner just received Site Development Plan approval for the site east of the alley under SP17-0015. The access will be constructed to meet the City's Engineering Design Standard of minimum 6" thick concrete. The future land use for this property is CP (Commercial Professional) and a sidewalk will be proposed along the entire S.E. 15th Place roadway limits of the parcel.

The project will consist of parking area, landscape buffers, and stormwater drainage improvements including an outfall structure to the existing stormwater inlet within the City's right-of-way on S.E. 15th Place. No utility connections are proposed since not building is requested. The intent of this zoning application is to construct the necessary improvements to the C-1 zoning regulations. The existing zoning north and south of the lot is zoning R-3 with Future Land Use of CP and west across S.E. 15th Place zoned residential and on the east side of the alley is C-1, therefore, a 15 foot buffer with a 6 foot high CMU wall is proposed with the required landscaping within the buffer on the north, south and west portions of the property.

A dumpster will not be required for a parking area only. The project will be design to meet the landscaping within the City's landscape regulations.

The trips generated by this project will not exceed the 300 peak driveway volumes therefore, not requiring a traffic impact study. A traffic generation is enclosed with a statement on the Master Concept plan sheet MCP-1.

There are no existing borrowing owls and endanger species found on-site with a letter enclosed stating the site review. The project will not require a Pollution Prevention Plan and an NOI from the owner and contractor since site disturbance will be less than one acre.

Provided are survey, Master Concept plan, along with the supporting documentation for the site development plan submittal.

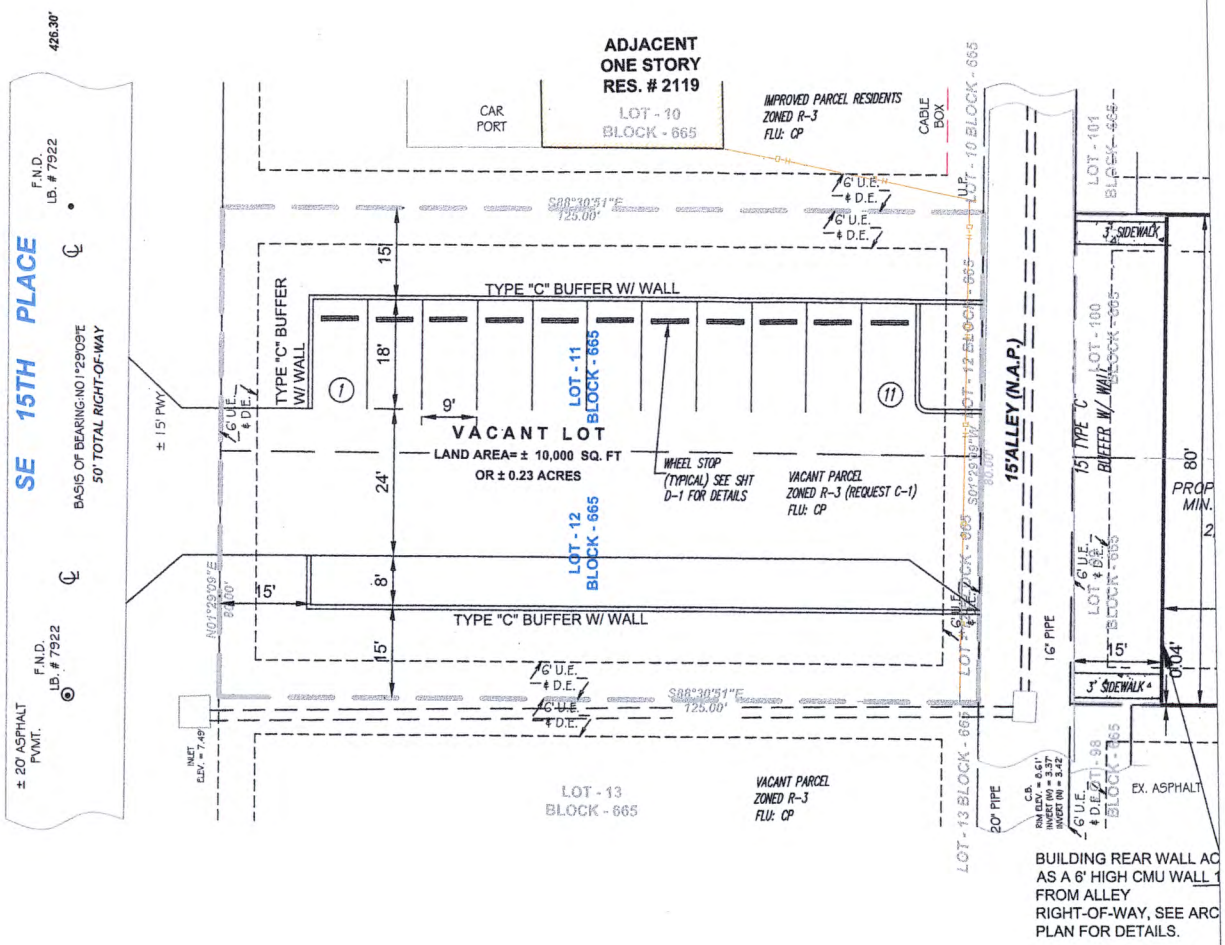
Should you require any additional information, please contact me at 239-945-0551.

Sincerely,

DARBY Engineering, Inc./Boral Engineering

Steven L. Darby, P.E.
President

Attachments:



SITE INFORMATION

ZONING:		R-3 (REZONING TO C1 PENDING)
FUTURE LANDUSE:		CP
TOTAL ACREAGE:		0.23 ACRES

MINIMUM SETBACKS

FRONT	=	25 FEET
SIDE	=	0 FEET OR 10 FEET
REAR	=	10 FEET

BUILDING INFORMATION

NUMBER OF BUILDINGS	=	0
NUMBER OF STORIES	=	0
BUILDING HEIGHT MAX.	=	38 FEET
MIN. DESIGN FLOOR ELEVATION	=	9.00 FEET N.G.V.D

GRAPHIC SCALE

0 10 20

DO NOT SCALE DRAWING MAY BE REDUCED

PARKING REQUIREMENTS

STAND ALONE PARKING				0 REQUIRED SPACES
				11 SPACES PROVIDED
REQUIRED PARKING	=	0	SPACES	
PROVIDED PARKING	=	11	SPACES	

1. CONTRACTOR TO SUPPLY TRAFFIC CONTROL PLAN FOR ALL WORK WITHIN THE RIGHT-OF-WAY TO OBTAIN A PUBLIC WORKS DEPT. RIGHT-OF-WAY USAGE PERMIT.

2. EROSION & SILT FENCE LOCATED AROUND ENTIRE PROPERTY AT PROPERTY LIMITS SEE DETAIL. EROSION CONTROL ALSO TO BE INSTALLED AROUND LIMITS OF WORK WITHIN CITY RIGHT-OF-WAY.

3. NO EXTERIOR LIGHTING, EXCEPT BUILDING MOUNTED.

4. CONTRACTOR TO OBTAIN PERMIT FOR SIGNAGE FROM THE CITY OF CAPE CORAL BUILDING DEPARTMENT.

5. GARAGE COLLECTION WILL BE PROVIDED BY WASTE PRO FOR ALLEY SIDE PICK-UP.

SITE DEVELOPMENT DATA

BUILDING	=	0 SF	0.00 AC	0.0 %
PAVEMENT	=	4830 SF	0.11 AC	48.3 %
WALKS	=	0 SF	0.00 AC	0.0 %
PERVIOUS	=	5170.00 SF	0.12 AC	51.7 %
TOTAL SITE	=	10000 SF	0.23 AC	100.0 %

SIGNAGE AND PAVEMENT MARKING NOTES

1. ALL SIGNAGE AND PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE F.D.O.T. STANDARDS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION, THE F.D.O.T. ROADWAY AND TRAFFIC DESIGN STANDARDS, LATEST EDITION, THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND CITY OF CAPE CORAL PUBLISHED STANDARDS.

2. PAVEMENT MARKINGS SHALL BE PERMANENT REFLECTIVE TRAFFIC PAINT WITH GLASS BEADS IN ACCORDANCE WITH F.D.O.T. STANDARD SPECIFICATION SECTION 710.

3. MATCH EXISTING PAVEMENT MARKINGS AT EXISTING ROADS.

4. REMOVE ANY EXISTING SIGNS OR PAVEMENT MARKINGS IN CONFLICT WITH THOSE SHOWN ON PLANS.

5. ALL STOP SIGN LOCATIONS SHALL INCLUDE A 24" PAINTED WHITE STOP BAR UNLESS NOTED OTHERWISE.

6. THE CONTRACTOR SHALL COMPLY WITH THE "STATE OF FLORIDA MANUAL OF TRAFFIC CONTROL AND SAFE PRACTICES FOR STREET AND HIGHWAY CONSTRUCTION, MAINTENANCE, AND UTILITY OPERATIONS" AND WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES."

7. ALL SIGNING, PAVEMENT MARKINGS, ETC. ARE TO BE INCLUDED IN THE LUMP SUM PRICE FOR SIGNING AND MARKING.

BORAL ENGINEERING & DESIGN

(239) 692-0509 www.boralengineering.com

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DESIGN BY: SLD
DRAWN BY: SLD
CHECK BY: SLD
SCALE: 1"=20'
DATE: FEB. 2018

REVISIONS			
FEB. 2018	PERMIT REVIEW SET		

LAZARO FLORES
830 N.E. 10TH LANE
CAPE CORAL, FLORIDA 33909

STEVEN L. DARBY, P.E.
FL. REG. # 45190
NOT VALID UNLESS SIGNED & EMBOSSED SEALED

DEI Civil Engineers & Planners
CERTIFICATE OF AUTHORIZATION NO. 26460
2638 STONYHILL COURT, CAPE CORAL, FLORIDA 33991
(239) 945-0551 FAX: (239) 772-0141 WEBSITE: WWW.DEI-FLA.COM

2121 S.E. 15TH PLACE PARKING

MASTER CONCEPT PLAN

DEI PROJECT NO.: 18-131-01

SHEET NO.: MCP

Feb 04, 2019 - 9:16am C:\Users\steve\Dropbox\Darby Engineering Active Projects\2122 Del Prado Retail\DWG\C3 SITE PLAN.dwg steve

Lee County Property Appraiser

Tax Year 2017

Next Parcel Number Previous Parcel Number Tax Estimator Cape Coral Fees Tax Bills Print

Property Data

STRAP: 30-44-24-C3-00665.0110 Folio ID: 10179576

Owner Of Record - Sole Owner

FLORES LAZARO
830 NE 10TH AVE
CAPE CORAL FL 33909

Site Address

2121 SE 15TH PL
CAPE CORAL FL 33990

Property Description

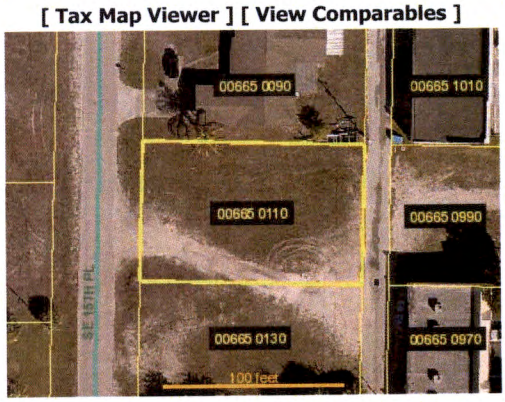
Do not use for legal documents!

CAPE CORAL UNIT 21
BLK 665 PB 13 PG 167
LOTS 11 + 12

Classification / DOR Code

VACANT RESIDENTIAL / 00

[Tax Map Viewer] [View Comparables]



[Pictometry Aerial Viewer]

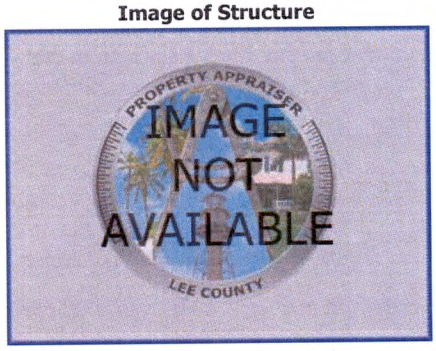
Current Working Values

Just	25,436	As Of	07/10/2017

Attributes

Land Units Of Measure	UT
Units	1.00
Frontage	80
Depth	125
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0
Total Living Area	0
1st Year Building on Tax Roll	N/A
Historic District	No

Image of Structure



Exemptions

No existing exemptions found for this property.

Values (2017 Tax Roll)

Property Values		Attributes	
Just	25,436	Land Units Of Measure	UT
Assessed	25,436	Units	1.00
Portability Applied	0	Frontage	80
Cap Assessed	25,436	Depth	125
Taxable	25,436	Total Number of Buildings	0
Cap Difference	0	Total Bedrooms / Bathrooms	0
		Total Living Area	0
		1st Year Building on Tax Roll	N/A
		Historic District	No

Taxing Authorities

CITY OF CAPE CORAL / 057

Name / Code	Category	Mailing Address

LEE CO GENERAL REVENUE / 044	County	Lee County Office of Management & Budget PO BOX 398 FORT MYERS FL 33902-0398
LEE CO ALL HAZARDS PROTECTION DIST / 101	Dependent District	Lee County Office of Management & Budget PO BOX 398 FORT MYERS FL 33902-0398
LEE CO LIBRARY DIST / 052	Dependent District	Lee County Office of Management & Budget PO BOX 398 FORT MYERS FL 33902-0398
MUNICIPAL SOLID WASTE DISPOSAL MSTU / 116	Dependent District	Lee County Office of Management & Budget PO BOX 398 FORT MYERS FL 33902-0398
LEE CO HYACINTH CONTROL DIST / 051	Independent District	RUSSELL BAKER 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
LEE CO MOSQUITO CONTROL DIST / 053	Independent District	RUSSELL BAKER 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
WEST COAST INLAND NAVIGATION DIST / 098	Independent District	CHARLES W LISTOWSKI EXECUTIVE DIRECTOR 200 MIAMI AVE E VENICE FL 34285-2408
CITY OF CAPE CORAL / 014	Municipal	VICTORIA BATEMAN FINANCIAL SERVICES DIRECTOR PO BOX 150027 CAPE CORAL FL 33915-0027
PUBLIC SCHOOL - BY LOCAL BOARD / 012	Public Schools	AMI DESAMOURS BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
PUBLIC SCHOOL - BY STATE LAW / 013	Public Schools	AMI DESAMOURS BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
SFWMD-DISTRICT-WIDE / 110	Water District	MICHELLE QUIGLEY 3301 GUN CLUB RD WEST PALM BEACH, FL 33406
SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084	Water District	MICHELLE QUIGLEY 3301 GUN CLUB RD WEST PALM BEACH, FL 33406
SFWMD-OKEECHOBEE BASIN / 308	Water District	MICHELLE QUIGLEY 3301 GUN CLUB RD WEST PALM BEACH FL 33406

Sales / Transactions

Sale Price	Date	OR Number	Type	Description	Vacant/Improved
40,000.00	11/16/2017	2017000249300	01	**Sales qualified and included for sales ratio analysis** Transfers qualified as arm's length because of examination of the deed or other instrument transferring ownership of real property	V
21,000.00	12/02/2016	2016000260525	01	**Sales qualified and included for sales ratio analysis** Transfers qualified as arm's length because of examination of the deed or other instrument transferring ownership of real property	V
100.00	08/11/2008	2008000227446	04	**Sales disqualified as a result of examination of the deed** Disqualified (Multiple STRAP # - 01,03,04,07) There are 1 additional parcel(s) with this document (may have been split after the transaction date)... 30-44-24-C3-00665.0130	V
100.00	08/02/2005	2005000039284	04	**Sales disqualified as a result of examination of the deed** Disqualified (Multiple STRAP # - 01,03,04,07) There are 1 additional parcel(s) with this document (may have been split after the transaction date)... 30-44-24-C3-00665.0130	V
100.00	11/12/1997	2888/3440	03	**Sales disqualified as a result of examination of the deed** Disqualified (Interest Sales / Court Docs / Government)	V
100.00	07/01/1989	2088/1919	01	**Sales disqualified as a result of examination of the deed** Disqualified (Doc Stamp .70 / SP less th $100 / Other Disq)	V
35,000.00	02/01/1988	1969/4066	02	**Sales qualified but excluded from sales ratio analysis** Qualified (Multiple STRAP # / 06-09I)	V

Parcel Numbering History

Prior STRAP	Prior Folio ID	Renumber Reason	Renumber Date
30-44-24-B2-00665.0110	N/A	Reserved for Renumber ONLY	01/26/1997

Location Information

Township	Range	Section	Block	Lot
44	24E	30		

Municipality	Latitude	Longitude
City of Cape Coral	26.61258	-81.94183

Links

View Parcel on Google Maps View Parcel on GeoView

Solid Waste (Garbage) Roll Data

Solid Waste District	Roll Type	Category	Unit / Area	Tax Amount

Flood and Storm Information

Flood Insurance Find my flood zone

Community	Panel	Version	Date	Storm Surge Zone	Evacuation Zone
125095	0405	F	8/28/2008	B	B

Appraisal Details (2017 Tax Roll)

Land

Land Tracts

Use Code	Use Code Description	Depth	Frontage	Number of Units	Unit of Measure
0	Vacant Residential	125	80	1.00	Units

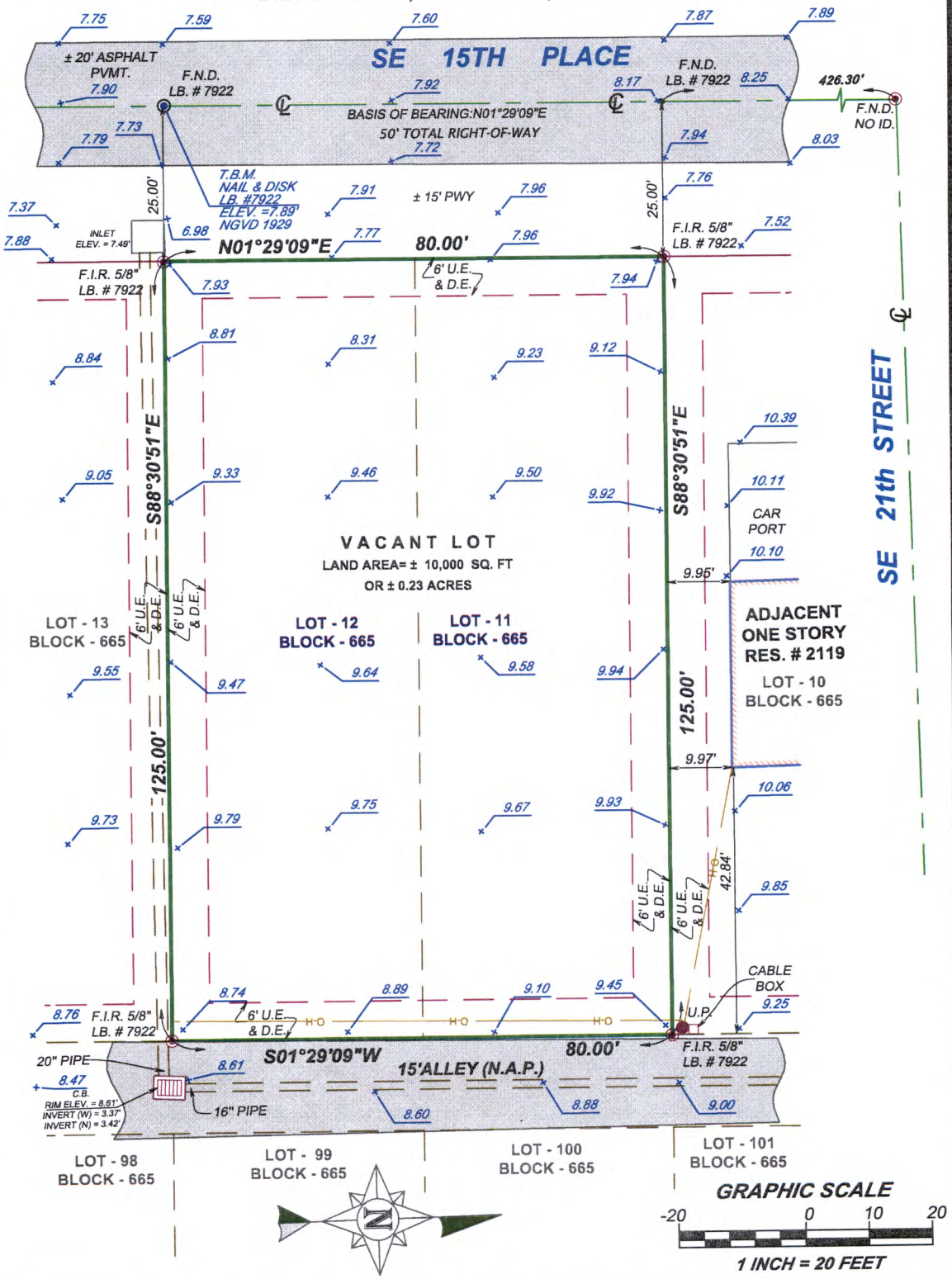
Previous Parcel Number Next Parcel Number New Query Search Results Home

TRIM (proposed tax) Notices are available for the following tax years
[2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017]

GEOMETRIC SURVEYING INC.
2804 DEL PRADO BLVD S, SUITE 202
CAPE CORAL, FL 33904
(239)-540-6257

MAP OF BOUNDARY SURVEY

2121 SE 15th PL, CAPE CORAL, FL 33990



SEAL

KARL KUHN
LICENSE NUMBER 5953
STATE OF FLORIDA
PROFESSIONAL SURVEYOR & MAPPER

L.S.#5953 L.B.#8203

LEGAL DESCRIPTION:
LOT(S) 11 & 12, BLOCK 665, UNIT 21, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE(S) 149 TO 173, INCLUSIVE, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

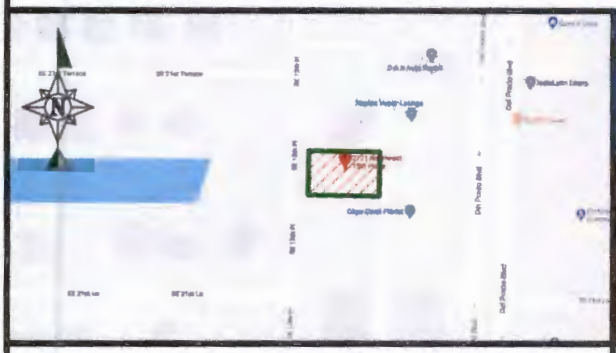
CERTIFICATION:
LAZARO FLORES

THIS PAGE IS NOT VALID WITHOUT ALL OTHERS

DRAWN BY:	AHV
FIELD DATE:	12/28/2017
SURVEY NO:	17-000591
SHEET:	2 OF 2

GEOMETRIC SURVEYING INC.

2804 DEL PRADO BLVD S, SUITE 202
CAPE CORAL, FL 33904
(239)-540-6257



LOCATION SKETCH

SCALE = N.T.S.

VIEW OF SUBJECT PROPERTY

2121 SE 15th PL, CAPE CORAL, FL 33990

ABBREVIATIONS

A	= ARC.
A/C	= AIR CONDITIONER PAD
A.E.	= ANCHOR EASEMENT
A.R.	= ALUMINUM ROOF
A.S.	= ALUMINUM SHED
ASPH.	= ASPHALT
B.C.	= BLOCK CORNER
BLDG.	= BUILDING
B.M.	= BENCH MARK
B.O.B.	= BASIS OF BEARING
B.S.L.	= BUILDING SETBACK LINE
(C)	= CALCULATED
C.B.	= CATCH BASIN
C.B.S.	= CONCRETE BLOCK STUCCO
C.B.W.	= CONCRETE BLOCK WALL
CH.	= CHORD
CH.B.	= CHORD BEARING
CL.	= CLEAR
C.O.	= CLEAN OUT
C.L.F.	= CHAIN LINK FENCE
C.M.E	= CANAL MAINTENANCE EASEMENT
CONC.	= CONCRETE
C.U.P.	= CONCRETE UTILITY POLE
C.P.	= CONCRETE PORCH
C.S.	= CONCRETE SLAB
C.W.	= CONCRETE WALK
D.E.	= DRAINAGE EASEMENT
D.H.	= DRILL HOLE
D.M.E.	= DRAINAGE MAINTENANCE EASEMENT
DRIVE	= DRIVEWAY
°	= DEGREES
EB	= ELECTRIC BOX
E.T.P.	= ELECTRIC TRANSFORMER PAD
ELEV.	= ELEVATION
ENCR.	= ENCROACHMENT
F.H.	= FIRE HYDRANT
F.I.P.	= FOUND IRON PIPE
F.I.R.	= FOUND IRON ROD
F.F.E.	= FINISHED FLOOR ELEVATION
F.N.D.	= FOUND NAIL & DISK
FT.	= FEET
NFIP.	= NATIONAL FLOOD INSURANCE PROGRAM
F.N.	= FOUND NAIL
H.	= HIGH OR (HEIGHT)
IN.&EG.	= INGRESS AND EGRESS EASEMENT
I.C.V.	= IRRIGATION CONTROL VALVE
ID?	= IDENTIFICATION ILLEGIBLE
I.F.	= IRON FENCE
L.B.	= LICENSED BUSINESS
L.P	= LIGHT POLE
L.F.E.	= LOWEST FLOOR ELEVATION
L.M.E.	= LAKE MAINTENANCE EASEMENT
'	= MINUTES
(M)	= MEASURED
M.B.	= MAIL BOX
M.E.	= MAINTENANCE EASEMENT
M.H.	= MANHOLE
N.A.P.	= NOT A PART OF
NAVD	= NORTH AMERICAN VERTICAL DATUM 1988
NGVD	= NATIONAL GEODETIC VERTICAL DATUM 1929
NO.ID	= NO IDENTIFICATION
N.T.S.	= NOT TO SCALE
# OR NO.	= NUMBER
O/S	= OFFSET
O.H.	= OVERHEAD
O.H.L.	= OVERHEAD UTILITY LINES
O.R.B.	= OFFICIAL RECORDS BOOK
O.V.H.	= OVERHANG
PVMT.	= PAVEMENT
PL.	= PLANTER
P.B.	= PLAT BOOK
P.G.	= PAGE
P.L.	= PROPERTY LINE
P.C.C.	= POINT OF COMPOUND CURVATURE
P.C.P.	= PERMANENT CONTROL POINT
P.C.	= POINT OF CURVATURE
P.O.T.	= POINT OF TANGENCY
P.O.C.	= POINT OF COMMENCEMENT
P.O.B.	= POINT OF BEGINNING
P.R.C.	= POINT OF REVERSE CURVATURE
PWY	= PARKWAY
P.R.M.	= PERMANENT REFERENCE MONUMENT
P.S.M.	= PROFESSIONAL SURVEYOR & MAPPER
P.L.S.	= PROFESSIONAL LAND SURVEYOR
P.P.	= POWER POLE
P.P.S.	= POOL PUMP SLAB
P.U.E.	= PUBLIC UTILITY EASEMENT
(R)	= RECORD
R.R.	= RAIL ROAD
RES.	= RESIDENCE
R/W	= RIGHT-OF-WAY
RAD.	= RADIUS OR RADIAL
RGE.	= RANGE
R.O.E.	= ROOF OVERHANG EASEMENT
SEC.	= SECTION
STY.	= STORY
SWK.	= SIDEWALK
S.I.R.	= SET IRON ROD
S.I.P.	= SET IRON PIPE
S.N.D.	= SET NAIL & DISK
S	= SOUTH
S.P.	= SCREENED PORCH
S.V.	= SEWER VALVE
"	= SECONDS
T	= TANGENT
TB	= TELEPHONE BOOTH
T.B.M.	= TEMPORARY BENCHMARK
T.U.E.	= TECHNOLOGY UTILITY EASEMENT
TSB	= TRAFFIC SIGNAL BOX
T.S.P.	= TRAFFIC SIGNAL POLE
TWP	= TOWNSHIP
UTIL.	= UTILITY
U.E.	= UTILITY EASEMENT
U.P.	= UTILITY POLE
W.M.	= WATER METER
W.F.	= WOOD FENCE
W.P.	= WOOD PORCH
W.R.	= WOOD ROOF
W.V.	= WATER VALVE
M/L	= MONUMENT LINE
℄	= CENTER LINE
△	= DELTA

LEGEND

- = OVERHEAD UTILITY LINES
- = CENTERLINE
- = CONCRETE BLOCK STUCCO WALL
- = CHAIN LINK FENCE
- = IRON FENCE
- = WOOD FENCE
- = WIRE FENCE
- = BUILDING SETBACK LINE
- = UTILITY EASEMENT
- = LIMITED ACCESS R/W
- =RGE, TWP, SEC, ¼SEC LINE
- = NON-VEHICULAR ACCESS R/W
- 0.00' = EXISTING ELEVATIONS

SURVEYOR NOTES :

- THERE MAY BE EASEMENTS RECORDED IN THE PUBLIC RECORDS NOT SHOWN ON THIS SURVEY.
- EXAMINATIONS OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THE PROPERTY.
- THIS SURVEY MAY BE SUBJECT TO DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS, ENCUMBRANCES OR EASEMENTS OF RECORD THE SAME THAT MAY NOT BE NOTED OR DEPICTED HEREON.
- LEGAL DESCRIPTIONS PROVIDED BY CLIENT OR ATTESTING TITLE COMPANY.
- BOUNDARY SURVEY MEANS A DRAWING AND/ OR A GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, COULD BE DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE; THE WALLS OR FENCES MAY BE EXAGGERATED FOR CLARITY PURPOSES.
- EASEMENTS AS SHOWN ARE PER PLAT, UNLESS NOTED OR DEPICTED OTHERWISE.
- THE TERM "ENCROACHMENT" REFERS TO ABOVE GROUND INTRUSIONS OF IMPROVEMENTS ONTO SUBJECT PROPERTY FROM ADJOINERS PROPERTY OR ONTO ADJOINERS PROPERTY FROM SUBJECT PROPERTY.
- ARCHITECTS AND ENGINEERS SHALL VERIFY ZONING REGULATIONS, RESTRICTIONS, SETBACKS AND WILL BE RESPONSIBLE FOR SUBMITTING PLANS WITH CORRECT INFORMATION TO BUILDING AND ZONING OFFICIALS OR ANY OTHER AUTHORITIES FOR APPROVAL OF PLANS FOR NEW CONSTRUCTION. THEY WILL ALSO BE RESPONSIBLE FOR SUBMITTING PLANS WITH CORRECTPROPOSED BUILDING HEIGHTS AND PROPOSED FINISHED FLOOR ELEVATION WITH DATUM FOR NEW BUILDINGS.TO THE PROPER AUTHORITIES IN NEW CONSTRUCTION.
- UNLESS OTHERWISE SHOWN RECORD AND MEASURED CALLS ARE IN SUBSTANTIAL AGREEMENT.
- UNDERGROUND UTILITIES ARE NOT DEPICTED HEREON
- UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE UNDERGROUND FOOTINGS AND/OR FOUNDATIONS.
- **FENCE OWNERSHIP NOT DETERMINED.**
- THIS PLAN OF SURVEY, HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON, THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTY.
- FENCE TIES ARE TO CENTERLINE OF THE SAME.
- WALL TIES ARE TO THE THE FACE OF THE SAME.

SURVEYOR'S CERTIFICATION:

THEREBY CERTIFY: THAT THE SKETCH OF THIS BOUNDARY SURVEY WAS PREPARED UNDER MY SUPERVISION AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER 5J-17.050.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472 OF THE FLORIDA STATUTES AND THAT THE SKETCH HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: Karl F. Kuhn **12/28/2017**

KARL F. KUHN (DATE OF FIELDWORK)

PROFESSIONAL SURVEYOR AND MAPPER LS# 5953 STATE OF FLORIDA
(NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER).

REVISED ON: _____

REVISED ON: _____

FLOOD ZONE INFORMATION:

THE NFIP FLOOD MAPS HAVE DESIGNATED THE HEREIN DESCRIBED LAND TO BE SITUATED IN:

FLOOD ZONE:	"X"
BASE FLOOD ELEVATION:	N/A.
COMMUNITY:	125095
PANEL:	0405
SUFFIX:	F
DATE OF FIRM:	08/28/2008

THE SUBJECT PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA.

DRAWN BY:	**AHV**
FIELD DATE:	**12/28/2017**
SURVEY NO:	**17-000591**
SHEET:	**1 OF 2**

THIS PAGE IS NOT VALID WITHOUT ALL OTHERS

SEAL

KARL KUHN
LICENSE NUMBER 5953
STATE OF FLORIDA
PROFESSIONAL SURVEYOR & MAPPER

L.S.#5953 L.B.#8203

INSTR # 2017000249300, Doc Type D, Pages 1, Recorded 12/01/2017 at 12:38 PM, Linda Doggett, Lee County Clerk of Circuit Court, Deed Doc. D $280.00 Rec. Fee $10.00 Deputy Clerk CMASSEY

Corporate Warranty Deed

This Indenture, made this 16th day of Nov., 20 17 A.D.

Between

ALLIANCE HOMES, LLC, a Florida Limited Liability Company, whose post office address is: 2508 DEL PRADO BLVD S, Cape Coral, Florida 33904, Grantor, and

LAZARO FLORES,
whose post office address is: **830 NE 10TH Avenue, Cape Coral, Florida 33909,** Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars ($10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of **Lee,** State of Florida, to wit:

Lots 11 & 12, Block 665, Unit 21, CAPE CORAL SUBDIVISION, according to the plat thereof, as recorded in Plat Book 13, Page(s) 149 to 173, inclusive, in the Public Records of Lee County, Florida.

Subject To taxes for the calendar year 2017, covenants, restrictions and easements of record, if any.
Parcel Identification Number: 30-44-24-C3-00665.0110

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

To Have and to Hold, the same in fee simple forever.

And, the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Signed and Sealed in Our Presence:
→ ***TWO Separate Witnesses Required***

ALLIANCE HOMES, LLC, a Florida Limited Liability Company

By: _____
Daniel Kelly
Its, Manager

(1) _____
Witness
Printed Name: Wendi Dahlman

(2) _____
Witness
Printed Name: Joan Cormier

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 16th day of November 20 17 by **Daniel Kelly, Manager of ALLIANCE HOMES, LLC, a Florida Limited Liability Company,** on behalf of the company. He/She is personally known to me or has produced a _____ as identification.

FABIOLA ESPOSITO
MY COMMISSION # FF 189271
EXPIRES: February 6, 2019
Bonded Thru Notary Public Underwriters

Affix Stamp/Seal

Notary Public Signature
Notary Printed Name: Fabiola Esposito
My Commission Expires: 2/6/2019

Prepared by:
Stephen D. Merkle, an employee of
CAPE CORAL TITLE INSURANCE AGENCY, INC.,
1307 Cape Coral Parkway East
Cape Coral, Florida 33904
File Number: 64765

Planning Division Case Report ZA18-0001

Review Date: June 1, 2018

Property Owner: Lazaro Flores

Representative: Steven L. Darby

Request: Rezone a 0.23-acre parcel from Multi-Family (R-3) to the Pedestrian Commercial (C-1) District

Location: 2121 SE 15th Place.
Block 665, Lots 11 + 12
STRAP: 30-44-24-C3-00665.0110

Prepared By: Justin Heller, Planner

Reviewed By: Mike Struve, Planning Team Coordinator; Robert Pederson, Planning Manager

Recommendation: **Approval**

Description of Property: The site is 0.23 acres and is in SE Cape Coral with frontage on SE 15th Place to the west and an existing alley to the east. Del Prado Boulevard is about 150 feet to the east. City utilities are available to the site.

The site has a Commercial Professional (CP) Future Land Use Classification and Multi-Family (R-3) Zoning (Figure 1). The surrounding future land use and zoning classifications are listed below:

Table 1. Future Land Use and Zoning of the Site and Adjacent Lands.

Subject Property:	***Future Land Use***	***Zoning***
Current:	Commercial Professional (CP)	Multi-Family (R-3)
Proposed:	N/A	Pedestrian Commercial (C-1)
	Surrounding Future Land Use	***Surrounding Zoning***
North:	CP	R-3
South:	CP	R-3
East:	CP	C-1
West:	Single-Family (SF)	Single-Family (R-1B)

Figure 1: Zoning map showing the site outlined in blue.

Within the subject block all but three of the parcels are improved. The block is developed primarily with commercial uses along Del Prado Boulevard and multi-family uses along SE 15th Place. Single-family homes are to the west of SE 15th Place (Figure 2).

Purpose of the Rezone Request

Based on the Future Land Use Element (Policy 1.15.) of the Comprehensive Plan, the R-3 Zoning is not consistent with the CP Future Land Use Classification. As a result, a development permit for the site cannot be issued by the City until this inconsistency is resolved.

Figure 2. Aerial map showing the site outlined in blue.

Analysis:

The Planning Division has reviewed this application based on the ten General Standards provided in Section 8.7.3.B of the Land Use and Development Regulations (LUDRs).

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

The requested rezone should increase the value of the property. The C-1 District allows 73 permitted uses and 19 special exception uses, while the R-3 District allows 13 permitted uses and 20 special exception uses. The greater number of uses allows a wider range of development options for the owner of the site.

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 in Block 665 since all sites have a Commercial/Profession Future Land Use Classification. Sites to the west with a Single-Family Future Land Use Classification are separated from the site by SE 15th Pl.

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

   The current R-3 Zoning is inconsistent with the CP Future Land Use Classification (FLU). The rezoning will bring the site into consistency with the future land use classification, and will allow the City to issue development permits for construction.

   This site is adjacent to properties with C-1 Zoning. While the site is small for most commercial development, it can be combined with adjacent properties for a larger building site. Several businesses on Del Prado including Pool Doctor, Bill Smith Appliance, and KFC have already done this to create additional areas for parking. The owner also owns the site to the east which could be combined with this site for a larger buildable parcel.

   Given the future land use classification of the site, the surrounding future land use and rezoning patterns in Block 665, staff finds that the site is suitable for the requested C-1 zoning.

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

   The block is transitioning to commercial uses. The subject block has a CP Future Land Use and is comprised mostly of commercial buildings with some multi-family housing and several vacant lots. To the west are single-family homes and to the east is Del Prado Boulevard and additional commercial and office buildings.

   Immediately adjacent to the subject site are residential uses, including duplexes to the north and south and single-family homes to the west. Architectural standards for buildings and landscape buffers for C-1 zoned sites will assist in promoting a development that is harmonious with the existing residential development in the area.

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

   While the site is small, the rezone will benefit the community by allowing commercial development at the neighborhood scale, through job creation, and by increasing the commercial tax base of the City.

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 land within Cape Coral. The proposed rezoning will assist in a small way in addressing the City's imbalance of commercial development.

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 has had R-3 zoning since the City Comprehensive Plan was adopted.

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 Comprehensive Plan, the change will assist with the community's long-term vision of adding commercial land at an appropriate location. The proposed rezoning will not negatively affect the health, safety or welfare of the community because other properties with commercial zoning exist within 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:*

   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:*

    The current R-3 zoning of the site is inconsistent with the Commercial/Professional Future Land Use Classification. This rezoning application, if approved, will provide consistency

between the future land use classification and the new C-1 District. While the site itself is small, the recommended C-1 zoning will maintain consistency with other commercial-zoned sites in Block 665 that includes a site to the immediate east that is also owned by the applicant in this case.

Recommendation:

This rezoning request will result in consistency of the zoning of the subject property with the future land use classification of the property, and as a result, staff recommends **approval** of this rezone.

Staff Contact Information
Justin Heller, Planner
Planning Division
PH: 239-574-0587
Email: jheller@capecoral.net

NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: ZA18-0001

REQUEST: Applicant is requesting to Rezone a 0.23-acre parcel from Multi-Family (R-3) to Pedestrian Commercial (C-1).

LOCATION: 2121 SE 15th Place

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

PROPERTY OWNER(S): Lazaro Flores

AUTHORIZED REPRESENTATIVE: Steven L. Darby

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, July 10, 2018 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.

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

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CAPE CORAL FL 33990
USA

Ad No.: 0003005711

Net Amt: $371.00

Run Times: 1

No. of Affidavits: 1

Run Dates: 06/30/18

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: ZA18-0001

REQUEST: Applicant is requesting to Rezone a 0.23-acre parcel from Multi--Family (R-3) to Pedestrian Commercial (C-1).

LOCATION: 2121 SE 15th Place

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

PROPERTY OWNER(S): Lazaro Flores

AUTHORIZED REPRESENTATIVE:
Steven L. Darby

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by order of
Rebecca van Deutekom, MMC
City Clerk
REF # ZA18-0001
AD# 3005711 June 30, 2018

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Lazaro Flores

APPLICATION NO: ZA18-0001

STATE OF FLORIDA)
) §
COUNTY OF LEE)

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

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

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

DATED this 2nd day of July, 2018.

Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

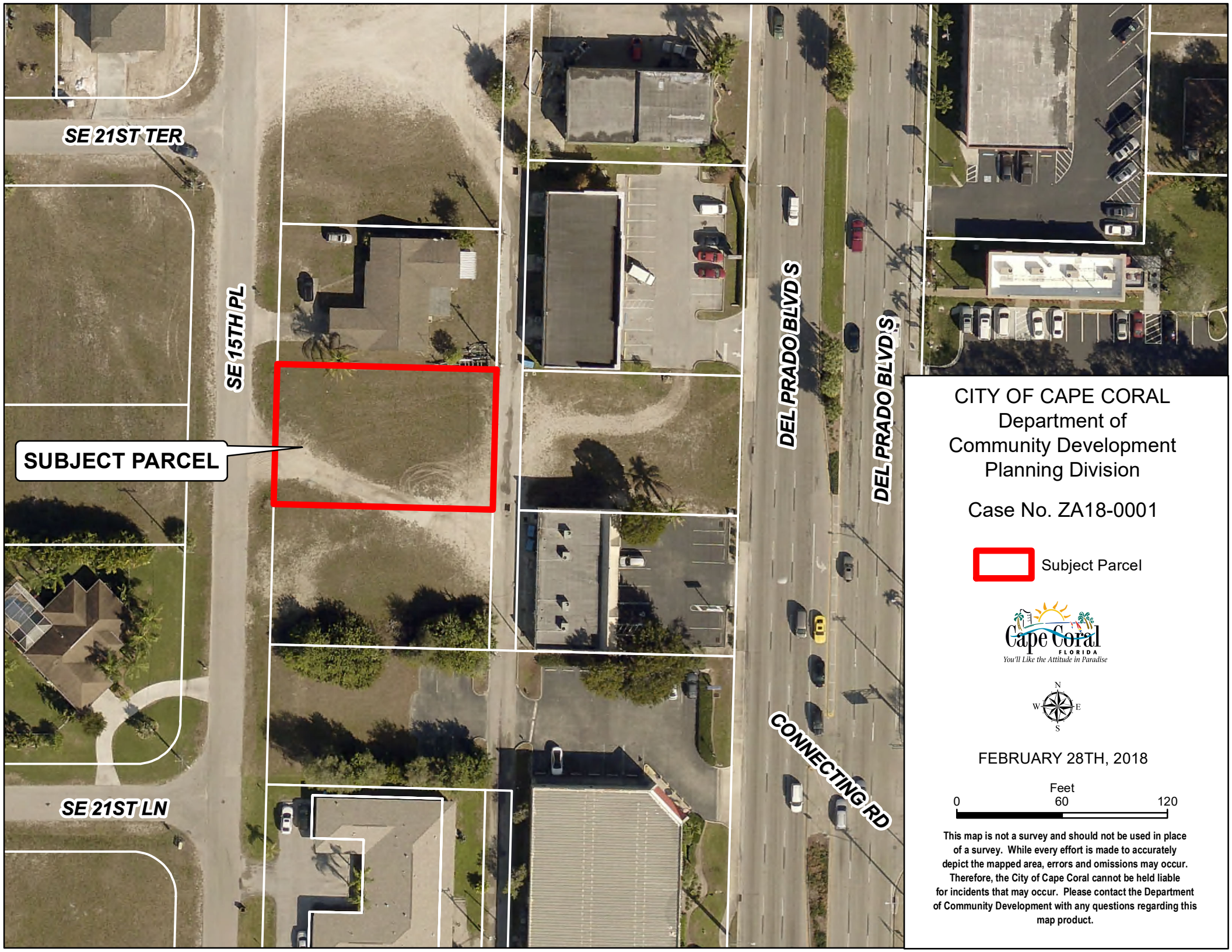
The foregoing instrument was acknowledged before me this 2nd day of July, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # GG030474

ELISABETH A DELGADO
MY COMMISSION # GG030474
EXPIRES December 06, 2020

Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public


SE 21ST TER
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CONNECTING RD
CITY OF CAPE CORAL
Department of
Community Development
Planning Division
Case No. ZA18-0001
Subject Parcel
Cape Coral
FLORIDA
You'll Like the Attitude in Paradise
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FEBRUARY 28TH, 2018
Feet
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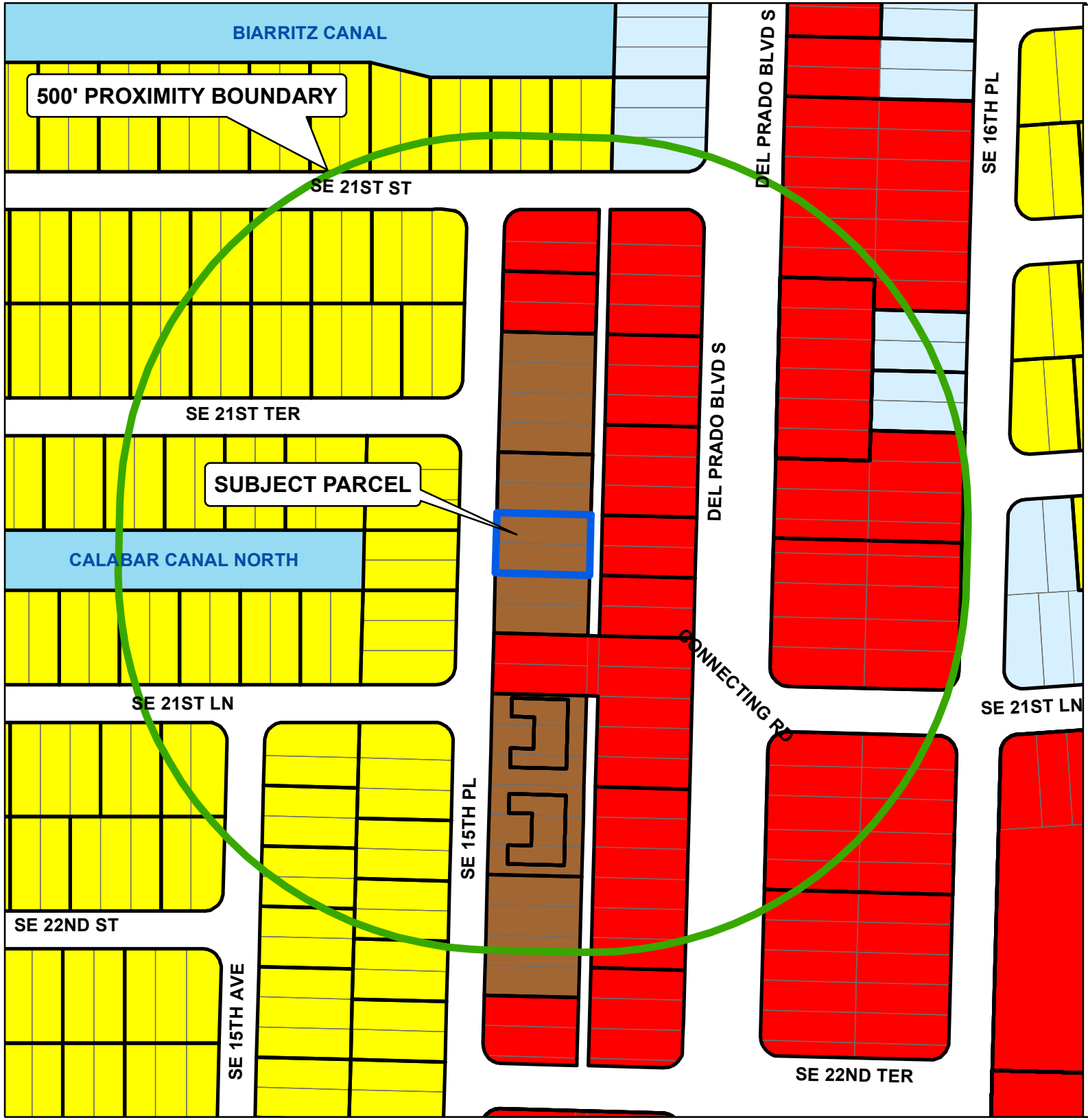
120
This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development 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. ZA18-0001

LEGEND

Subject Parcel

500' Proximity Boundary

Zoning

C-1

P-1

R-1B

R-3

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N W E S

FEBRUARY 28TH, 2018

Feet
0 210 420

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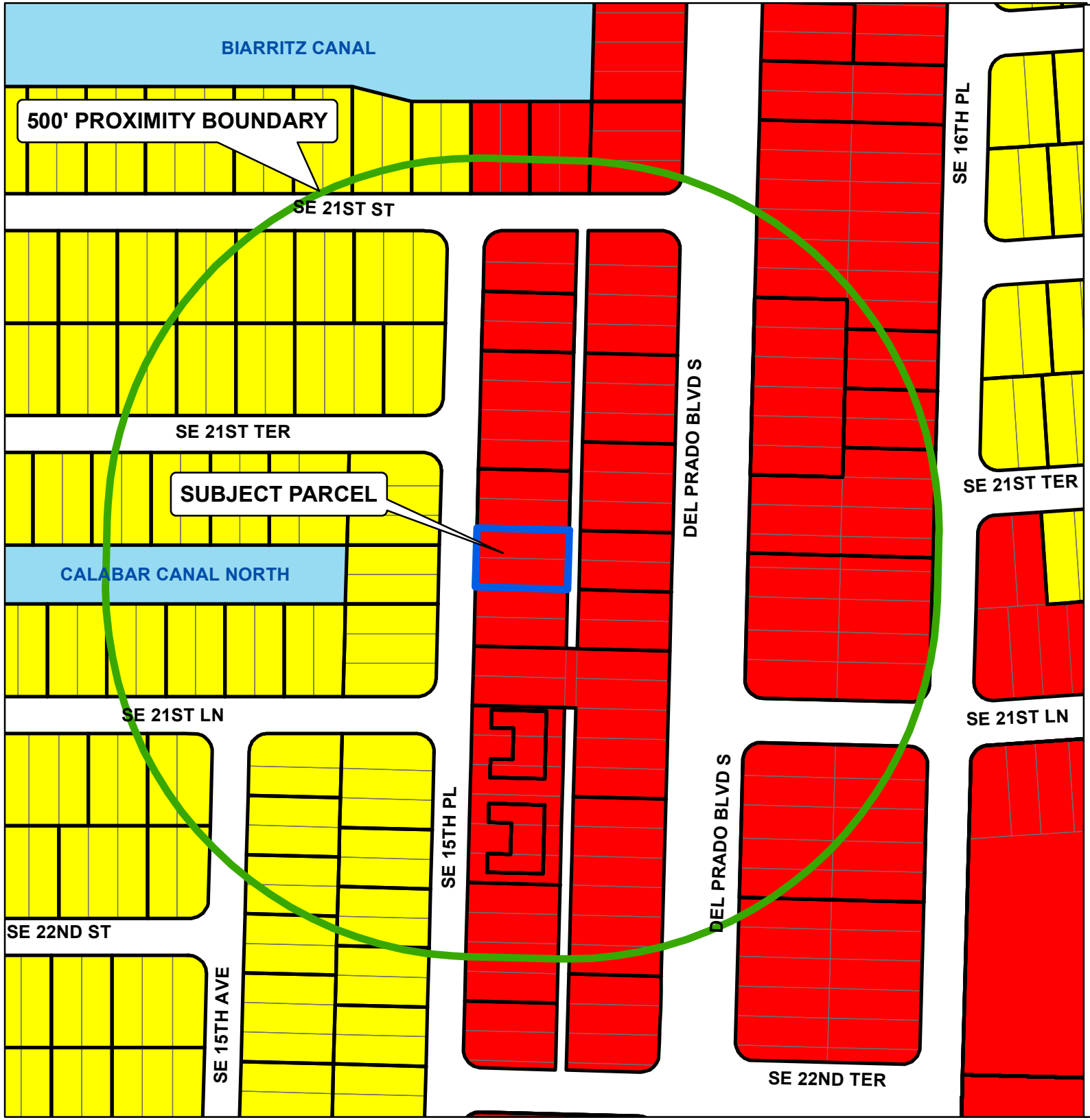

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT FUTURE
LAND USE MAP
500' Proximity Boundary

Case No. ZA18-0001

LEGEND

500' Proximity Boundary

Subject Parcel

Future Land Use

SF

CP

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N W E S

FEBRUARY 28TH, 2018

Feet
0 210 420

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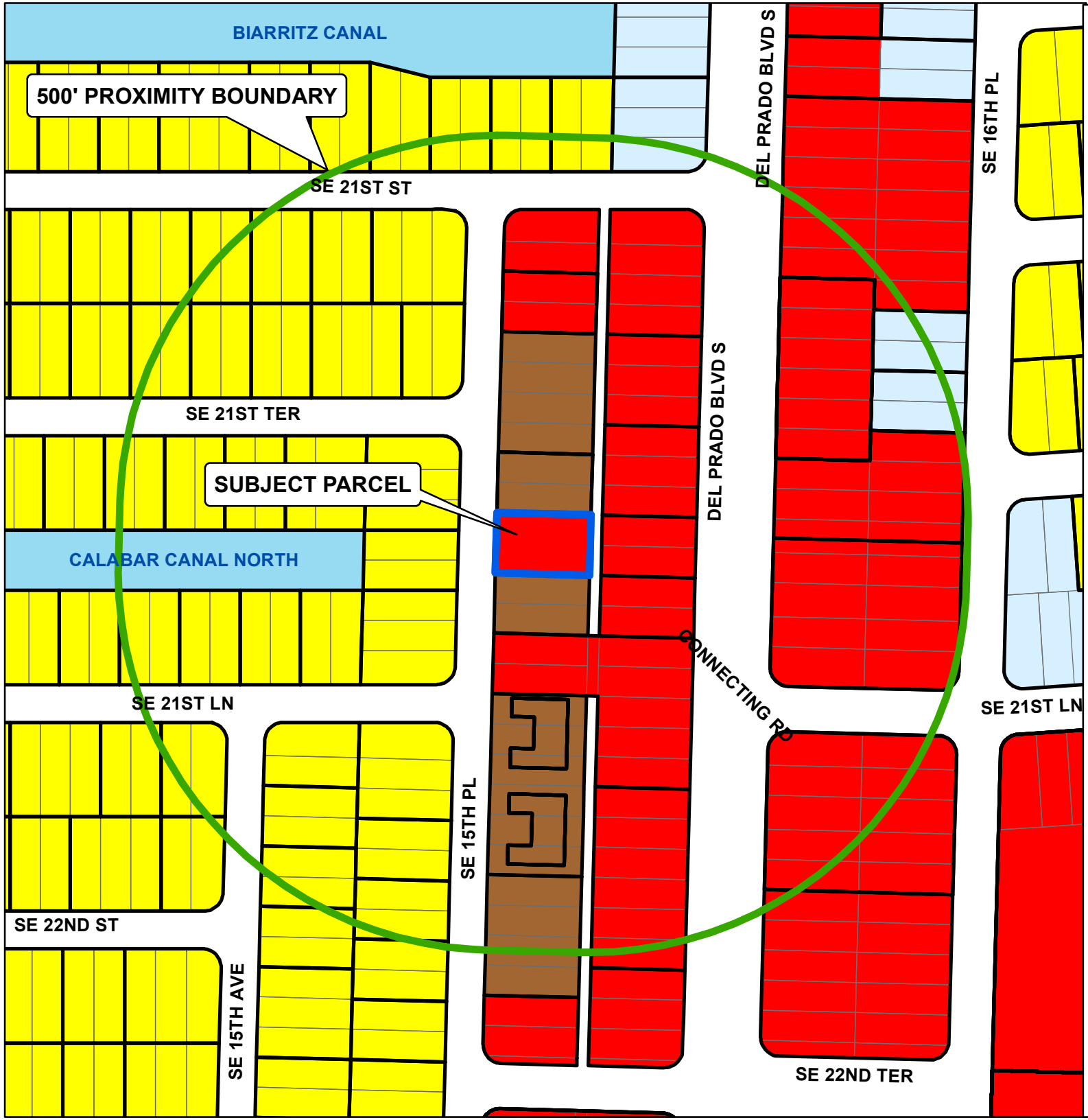

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

PROPOSED ZONING MAP
500' Proximity Buffer

Case No. ZA18-0001

LEGEND

- Subject Parcel
- 500' Proximity Boundary

Zoning

- C-1
- P-1
- R-1B
- R-3

Cape Coral FLORIDA
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N W E S

FEBRUARY 28TH, 2018

Feet
0 210 420

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Item Number:	**2.C.**
Meeting Date:	**7/10/2018**
Item Type:	**HEARINGS**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
Case # ZA18-0003*; Address: 1829 SE 15th Place; Applicant: Paul Travis One, 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:
Privately-initiated rezone for one 0.23-acre property from Multi-Family Residential District (R-3) to the Pedestrian Commercial District (C-1).

LEGAL REVIEW:

EXHIBITS:
See attached "Backup Materials"

PREPARED BY:

Kristin Kantarze	Division- Planning	Department-	Community Development

SOURCE OF ADDITIONAL INFORMATION:
Wyatt Daltry, AICP, Planning Team Coordinator (239) 573-3160, wdaltry@capecoral.net

ATTACHMENTS:

Description	Type
Backup Materials	Backup Material

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

Case # ZA18-0003

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

Paul Travis One, Inc. (George Skaperd

Address: 6 Cove Meadow Lane

City Oyster Bay State: NY Zip 11771

Email: george@pbtins.com

Phone:

AUTHORIZED REPRESENTATIVE

Steven L. Darby, P.E.

Address: 2638 Stonyhill Court

City Cape Coral State: FL Zip 33991

Email: steve@dei-fla.com

Phone: 239.945.0551

Unit 21 Block 699 Lot(s) 29 & 3[illegible] Subdivision Cape Coral

Address of Property 1829 S.E. 15th Place

Current Zoning MF Plat Book 13 , Page 170

Proposed Zoning C1 Strap Number 30-44-24-C2-00699.0290

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
REQUEST FOR REZONING APPLICATION
Questions: 239-574-0776

Case # ZA18-0003

(SIGNATURE MUST BE NOTARIZED)

George Skaperdas
NAME (PLEASE TYPE OR PRINT)

George Skaperdas
APPLICANT'S SIGNATURE

STATE OF NY, COUNTY OF Suffolk

Sworn to (or affirmed) and subscribed before me this 25 day of January, 2018, by George Skaperdas who is personally known or produced NY Driver License as identification.

Exp. Date: _____ Commission Number: _____

Signature of Notary Public: _____

Printed name of Notary Public: Carlos Londono

SIGNATURE MUST BE NOTARIZED)

CARLOS LONDONO
Notary Public - State of New York
No. 01LO6332264
Qualified in Suffolk County
My Commission Expires Oct. 26, 2019

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

Case # ZA18-0003

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT Steven L. Darby, P.E.
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE HEARING EXAMINER, OR CITY COUNCIL FOR Zoning
(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT 21 BLOCK 699 LOT(S) 29 & 30 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION

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

George Skaperdas
PROPERTY OWNER (Please Pint)

PROPERTY OWNER (Please Print)

George Skaperdas Pres.
PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF NY, COUNTY OF Suffolk

Subscribed and sworn to (or affirmed) before me this 25 day of January, 2018 by George Skaperdas who is personally known or produced NY DL as identification.

Exp. Date: _____ Commission Number:

Signature of Notary Public:

Printed name of Notary Public: Carlos Londono

CARLOS LONDONO
Notary Public - State of New York
No. 01LO6332264
Qualified in Suffolk County
My Commission Expires Oct. 26, 2019

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

Case # ZA18-0003

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.

I hereby acknowledge that I have read and understood the above affidavit on the 25 day of January, 20 18

George Skaperdas
NAME (PLEASE TYPE OR PRINT)

George Skaperdas
APPLICANT'S SIGNATURE

STATE OF NY. COUNTY OF Suffolk

Subscribed and sworn to (or affirmed) before me this 25 day January, 2018, by George Skaperdas who is personally known or NY DL as identification.

Exp. Date: _____ Commission Number: _____

Signature of Notary Public: Carlos Londono

Printed name of Notary Public: Carlos Londono

CARLOS LONDONO
Notary Public - State of New York
No. 01LO6332264
Qualified in Suffolk County
My Commission Expires Oct. 26, 2019

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.

George Skaperdas
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

George Skaperdas
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF New York **COUNTY OF** Suffolk

Sworn to (or affirmed) and subscribed before me on this 25 day of January, 2018 by George Skaperdas, who is personally known or who has produced NY DL as identification.

Exp. Date _____
Commission # _____

Signature of Notary Public

Carlos Londono
Print Name of Notary Public

CARLOS LONDONO
Notary Public - State of New York
No. 01LO6332264
Qualified in Suffolk County
My Commission Expires Oct. 26, 2019

DEI
Civil Engineers & Planners
2638 Stonyhill Court, Cape Coral, Florida 33991
Phone: (239) 945-0551 Fax: (239) 772-0141
Email: steve@dei-fla.com Website: www.dei-fla.com

MAR 8'18 14.62

March 7, 2018

Mr. Vince Cautero, AICP
Community Development Director
Dept. of Community Development
City of Cape Coral
P.O. Box 150027
Cape Coral, FL 33915-0027

Re: Letter of Intent for a re-zoning application
1829 S.E. 15TH Place Parking Lot
STRAP# 30-44-24-C2-00699.0290, Block 699, Lots 29 & 30, Unit 21
1829 S.E. 15TH Place, Cape Coral, Florida 33990

Dear Mr. Cautero:

It is the intent of the property owner, George with Paul Travis One, Innc., to request a zoning application for additional parking from R-3 to C-1 zoning. This site comprises of 0.23 acres with proposed access points off S.E. 15TH Place to the west and the existing alley to the east. No building is proposed since the owner request additional parking for his strip center east across the alley. The access will be constructed to meet the City's Engineering Design Standard of minimum 6" thick concrete. The future land use for this property is CP (Commercial Professional) and a sidewalk will be proposed along the entire S.E. 15th Place roadway limits of the parcel.

The project will consist of parking area, landscape buffers, and stormwater drainage improvements including an outfall structure to the existing stormwater inlet within the City's right-of-way on S.E. 15th Place. No utility connections are proposed since not building is requested. The intent of this zoning application is to construct the necessary improvements to the C-1 zoning regulations. The existing zoning north and south of the lot is zoning R-3 with Future Land Use of CP and west across S.E. 15th Place zoned residential and on the east side of the alley is C-1, therefore, a 15 foot buffer with a 6 foot high CMU wall is a required landscaping buffer on the north, south and west portions of the property. The owner would like to request a deviation to the City's Landscape Code section 5.2 to allow a 5 foot reduction to the buffers allowing 10 foot buffer on the north and south property limits only. Also the owner would like to request a deviation to the City's engineering design standards for traffic circulation since the proposed parking will not be directly connected to the existing parking located off Del Prado Blvd.

A dumpster will not be required for a parking area only. The project will be design to meet the landscaping within the City's landscape regulations except the deviation requested above.

The trips generated by this project will not exceed the 300 peak driveway volumes therefore, not requiring a traffic impact study.

There are no existing borrowing owls and endanger species found on-site. The project will not require a Pollution Prevention Plan and an NOI from the owner and contractor since site disturbance will be less than one acre.

Provided are survey, along with the supporting documentation for the site development plan submittal.

Should you require any additional information, please contact me at 239-945-0551.

Sincerely,

DARBY Engineering, Inc.

Steven L. Darby, P.E.
President

Attachments:

Lee County Property Appraiser

Tax Year 2017

Next Parcel Number Previous Parcel Number Tax Estimator Cape Coral Fees Tax Bills Print

Property Data

STRAP: 30-44-24-C2-00699.0290 Folio ID: 10180404

Owner Of Record

PAUL TRAVIS ONE INC
6 COVE MEADOW LN
OYSTER BAY NY 11771

Site Address

1829 SE 15TH PL
CAPE CORAL FL 33990

Property Description

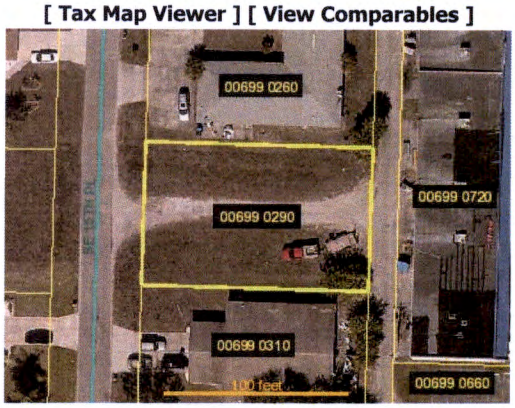
Do not use for legal documents!

CAPE CORAL UNIT 21
BLK.699 PB 13 PG 170
LOTS 29 + 30

Classification / DOR Code

VACANT RESIDENTIAL / 00

[Tax Map Viewer] [View Comparables]



[Pictometry Aerial Viewer]

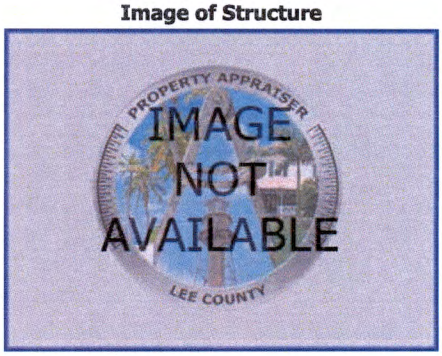
Current Working Values

Just	25,436	As Of	07/10/2017

Attributes

Land Units Of Measure	UT
Units	1.00
Frontage	80
Depth	125
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0
Total Living Area	0
1st Year Building on Tax Roll	N/A
Historic District	No

Image of Structure



Exemptions

No existing exemptions found for this property.

Values (2017 Tax Roll)

Property Values		Attributes	
Just	25,436	Land Units Of Measure	UT
Assessed	25,436	Units	1.00
Portability Applied	0	Frontage	80
Cap Assessed	15,014	Depth	125
Taxable	15,014	Total Number of Buildings	0
Cap Difference	10,422	Total Bedrooms / Bathrooms	0
		Total Living Area	0
		1st Year Building on Tax Roll	N/A
		Historic District	No

Taxing Authorities

CITY OF CAPE CORAL / 057

Name / Code	Category	Mailing Address
LEE CO GENERAL REVENUE / 044	County	Lee County Office of Management & Budget PO BOX 398 FORT MYERS FL 33902-0398
LEE CO ALL HAZARDS PROTECTION DIST / 101	Dependent District	Lee County Office of Management & Budget PO BOX 398 FORT MYERS FL 33902-0398
LEE CO LIBRARY DIST / 052	Dependent District	Lee County Office of Management & Budget PO BOX 398 FORT MYERS FL 33902-0398
MUNICIPAL SOLID WASTE DISPOSAL MSTU / 116	Dependent District	Lee County Office of Management & Budget PO BOX 398 FORT MYERS FL 33902-0398
LEE CO HYACINTH CONTROL DIST / 051	Independent District	RUSSELL BAKER 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
LEE CO MOSQUITO CONTROL DIST / 053	Independent District	RUSSELL BAKER 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
WEST COAST INLAND NAVIGATION DIST / 098	Independent District	CHARLES W LISTOWSKI EXECUTIVE DIRECTOR 200 MIAMI AVE E VENICE FL 34285-2408
CITY OF CAPE CORAL / 014	Municipal	VICTORIA BATEMAN FINANCIAL SERVICES DIRECTOR PO BOX 150027 CAPE CORAL FL 33915-0027
PUBLIC SCHOOL - BY LOCAL BOARD / 012	Public Schools	AMI DESAMOURS BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
PUBLIC SCHOOL - BY STATE LAW / 013	Public Schools	AMI DESAMOURS BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
SFWMD-DISTRICT-WIDE / 110	Water District	MICHELLE QUIGLEY 3301 GUN CLUB RD WEST PALM BEACH, FL 33406
SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084	Water District	MICHELLE QUIGLEY 3301 GUN CLUB RD WEST PALM BEACH, FL 33406
SFWMD-OKEECHOBEE BASIN / 308	Water District	MICHELLE QUIGLEY 3301 GUN CLUB RD WEST PALM BEACH FL 33406

Sales / Transactions

Sale Price	Date	OR Number	Type	Description	Vacant/Improved
512,400.00	11/01/1990	2189/272	02	**Sales qualified but excluded from sales ratio analysis** Qualified (Multiple STRAP # / 06-09I)	V
100.00	11/01/1990	2189/271	01	**Sales disqualified as a result of examination of the deed** Disqualified (Doc Stamp .70 / SP less th $100 / Other Disq)	V

Parcel Numbering History

Prior STRAP	Prior Folio ID	Renumber Reason	Renumber Date
30-44-24-B2-00699.0290	N/A	Reserved for Renumber ONLY	01/26/1997

Location Information

Township	Range	Section	Block	Lot
44	24E	30		

Municipality	Latitude	Longitude
City of Cape Coral	26.61764	-81.94169

Links

View Parcel on Google Maps View Parcel on GeoView

Solid Waste (Garbage) Roll Data

Solid Waste District	Roll Type	Category	Unit / Area	Tax Amount

Flood and Storm Information

Flood Insurance Find my flood zone

Community	Panel	Version	Date	Storm Surge Zone	Evacuation Zone
125095	0405	F	8/28/2008	B	B

Appraisal Details (2017 Tax Roll)

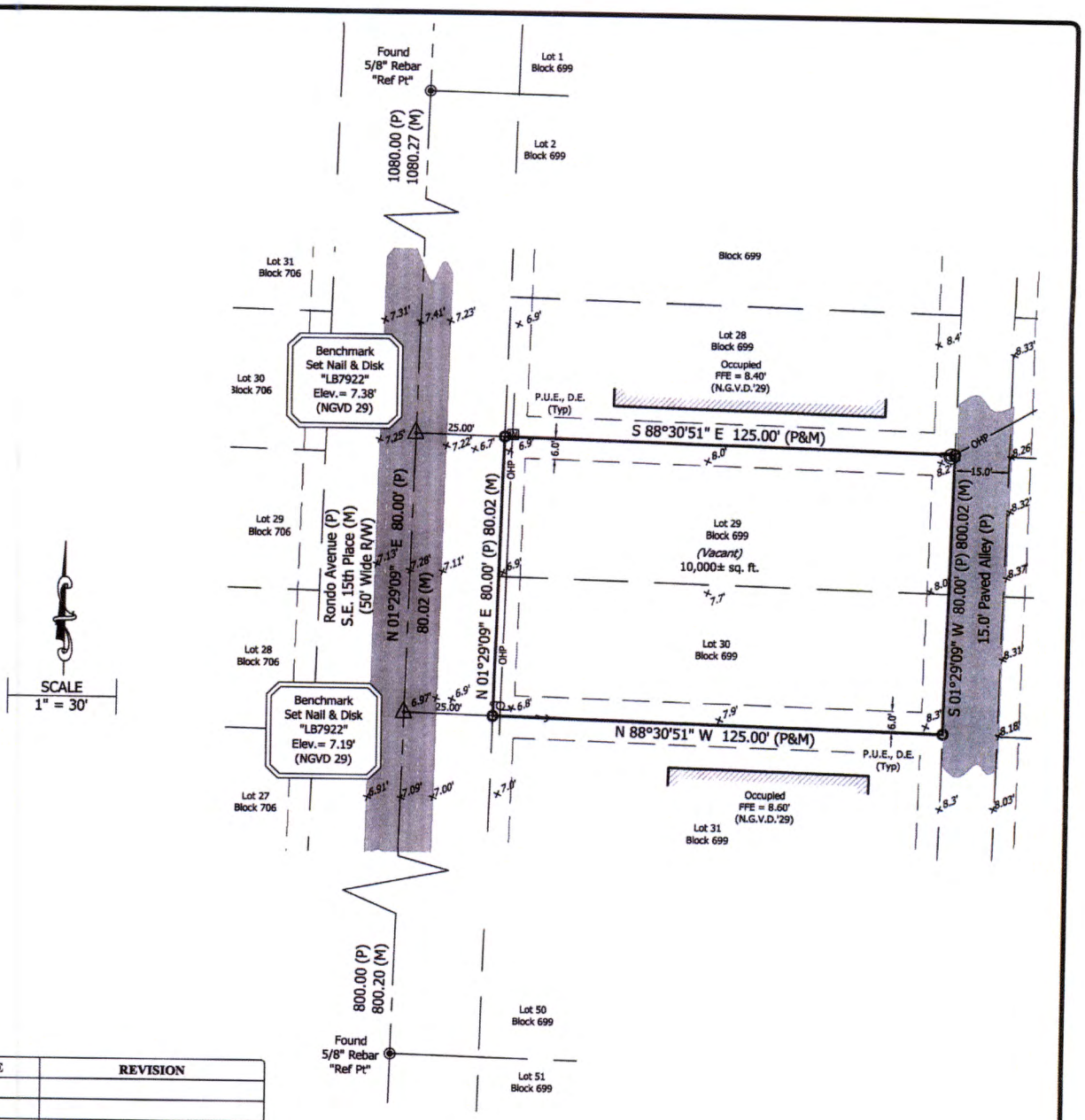
Land

Land Tracts

Use Code	Use Code Description	Depth	Frontage	Number of Units	Unit of Measure
0	Vacant Residential	125	80	1.00	Units

Previous Parcel Number Next Parcel Number New Query Search Results Home

TRIM (proposed tax) Notices are available for the following tax years
[2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017]



DATE	REVISION

SURVEY NOTES:

1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED, UNLESS OTHERWISE SHOWN.
4. NOT VALID WITHOUT SIGNATURE AND RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER (P.S.M.)
5. ELEVATIONS SHOWN HEREON ARE IN REFERENCE TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D.29) AND BASED ON CITY OF CAPE CORAL BENCHMARK (132-58-01).
6. THE NATIONAL FLOOD INSURANCE INFORMATION:
   COMMUNITY NUMBER: 125095
   PANEL NUMBER: 12071 C 0405
   SUFFIX: F
   EFFECTIVE DATE: 08/28/2008
   FIRM ZONE: X
   BASE FLOOD ELEVATION: N/A
   (FIRM PANEL LISTED ABOVE SHOULD BE CONSULTED FOR VERIFICATION OF ALL FLOOD RELATED INFORMATION)
7. BEARINGS ARE BASED ON THE CENTERLINE OF SE 15th PLACE AS MONUMENTED IN THE FIELD, BEING N 01°29'09" E.
8. DATE OF LAST FIELD WORK : FEBRUARY 27th, 2018.
9. RECORDING INSTRUMENTS LISTED HEREON SHOULD BE CONSULTED AND REVIEWED FOR ADDITIONAL INFORMATION.
10. THIS SURVEY WAS COMPLETED WITHOUT BENEFIT OF AN UP TO DATE TITLE COMMITMENT.
11. ADDITIONS TO OR DELETIONS FROM SURVEY OR REPORTS BY OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2018, KING ENGINEERING, INC., ALL RIGHTS RESERVED. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
12. THIS SURVEY WAS PREPARED ONLY FOR THE CLIENTS AS NAMED HEREON AND NO THIRD OR OTHER PARTY CERTIFICATION IS EXPRESSED OR IMPLIED.
13. ADJACENT FINISHED FLOOR ELEVATIONS SHOWN HEREON ARE APPROXIMATES AND SHOULD BE FIELD VERIFIED.
14. OVERHEAD POWER LINES SHOWN HEREON ARE APPROXIMATE BASED ON CENTERLINE OF UTILITY POLES AND ARE NOT REPRESENTATIVE OF THE NUMBER OF LINES.

CERTIFIED TO:

George Skaperdas

JOB # 18-0973 | PREPARED FOR: George Skaperdas

SECTION 30, TOWNSHIP 44S, RANGE 24E

Previous Job No.:

PARCEL DESCRIPTION:
Lots 29-30, Block 699, Unit 21, CAPE CORAL SUBDIVISION, according to the Plat thereof recorded in Plat Book 13, Pages 149 through 173, inclusive, in the Public Records of Lee County, Florida.

Boundary and Topographic Survey of
1829 SE 15th Place,
Lots 29-30, Block 699, Unit 21, Cape Coral, According to Plat Book 13, Page 149 Through 173 of the Public Records of Lee County, Florida.

STOUTENCRAMER
A KING ENGINEERING COMPANY
King ENGINEERING ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION: LB2610
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991
Phone: (239) 673-9541 Fax: (239) 424-8181
www.kingengineering.com

LEGEND

	FOUND NAIL AND TAB	SQ. FT.	SQUARE FEET
	SET NAIL AND TAB "LB 7922"	CONC.	CONCRETE
	FOUND STEEL PIN	MON.	MONUMENT
	SET 5/8" IRON ROD & CAP "LB7922"	R/W	RIGHT OF WAY
	WATER METER	E/P	EDGE OF PAVEMENT
	WATER VALVE	D.E.	DRAINAGE EASEMENT
	WOOD POWER POLE	P.U.E.	PUBLIC UTILITY EASEMENT
	GUY WIRE ANCHOR	(P)	PLAT MEASUREMENT
	CATCH BASIN	(M)	FIELD MEASUREMENT
	STORM MANHOLE	(C)	CALCULATED MEASUREMENT
	SANITARY MANHOLE	F.F.	FINISHED FLOOR ELEVATION
	CLEAN OUT	-P-	OVERHEAD POWER LINES
	IRRIGATION METER		

I hereby certify that, to the best of my knowledge and belief, the survey represented hereon, made under my direction on **February 27, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6584
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

6.00
2818.

Return to:
Name LEIGH M. FISHER
Address 4002 Del Prado Blvd.
Cape Coral, Florida 33904

Property Appraiser's
Parcel Identification No. 30-44-24-B2-00699-072
30-44-24-B2-00699-076
30-44-24-B2-00699-029

This instrument was prepared by:
Name
Address LEIGH M. FISHER
Attorney at Law
P. O. Drawer 1465
CAPE CORAL, FLORIDA 33910

2943060

OR 2189 PG0272

Grantee S.S. No. PAUL TRAVIS ONE, INC.- TAX ID [redacted]
Name

Grantee S.S. No.
Name

[Space above this line for recording data.]

WARRANTY DEED (STATUTORY FORM — SECTION 689.02, F.S.)

This Indenture, made this day of 1990, **Between**

PAULA SKAPERDAS, a married woman,

of the County of NEW YORK, State of NEW YORK, grantor*, and

PAUL TRAVIS ONE, INC., a Florida Corporation,

whose post office address is 1840 S.E. 40th Street, Cape Coral, Florida 33904
of the County of LEE, State of FLORIDA, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 ($10.00)------
---------- Dollars,
and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in LEE County, Florida, to-wit:

LOTS 72 THROUGH 77, and 29 AND 30, BLOCK 699, UNIT 21, CAPE CORAL SUBDIVISION, according to the Plat thereof recorded in Plat Book 13, Pages 149 through 173, inclusive, in the Public Records of Lee County, Florida.

SUBJECT TO easements, restrictions and reservations of record and taxes for the current year and all subsequent years.

This property is not the homestead property of the grantors, has never been the homestead property of the grantors and is not contiguous to the homestead property of the grantors.

90 NOV 28 PM 1:13
CHARLIE GREEN LEE CTY FL

Documentary Tax Pd. $ 2818.20
$ ——— Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By C. Hom Deputy Clerk

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*"Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:

Paula Skaperdas (Seal)
PAULA SKAPERDAS

(Seal)

STATE OF New York
COUNTY OF Nassau

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

PAULA SKAPERDAS, a married woman,

to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 19 day of Nov., 19 90.

My commission expires: STANLEY WEISS
Notary Public, State of New York
No. 01WE4850993
Qualified in Suffolk County
Commission Expires 2/31/91

Notary Public

22-F-761-001

Printed for Attorneys' Title Insurance Fund, Inc., Orlando, Florida

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: C. HOM, D.C.

STAFF REPORT ZA18-0003	Paul Travis One, Inc.
DOCKET/CASE/APPLICATION NUMBER	APPLICANT/PROPERTY OWNER
Wyatt Daltry, AICP, Planning Team Coordinator (239) 573-3160, wdaltry@capecoral.net	1829 SE 15th Place Cape Coral, FL 33990
STAFF PLANNER	PROPERTY ADDRESS/LOCATION

SUMMARY OF REQUEST **Privately-initiated rezone for one 0.23-acre property from Multi-Family Residential District (R-3) to the Pedestrian Commercial District (C-1).**	

STAFF RECOMMENDATION:
APPROVAL

Positive Aspects of Application:	• Brings zoning into conformity with future land use
Negative Aspects of Application:	• None.
Mitigating Factors:	• Property to be used as a parking lot, according to applicant; lack of visibility to major roadway likely restricts usage of site for other, more intense uses

Additional Applicant Information

Applicant's Representative: Steve Darby, P.E.
2638 Stonyhill Court
Cape Coral, FL 33991
(239) 945-0551

Additional Site Information

Urban Service Area: Infill

City Water and Sewer: The area is serviced by City water and sewer.

Street Access: The site is accessible from SE 15th Place, a local street.

STRAP Number: 30-44-24-C2-00699.0290

Block/Lot(s): Block 699, Lots 29 and 30

Subdivision: Cape Coral Subdivision, Unit 21

Zoning and Land Use Information:

Subject Property:	***Future Land Use***	***Zoning***
Current:	Commercial/Professional (CP)	Multi-Family Residential (R-3)
Proposed:	N/A	Pedestrian Commercial (C-1)

Surrounding Areas	**Future Land Use**	**Zoning**
North:	CP	R-3
South:	CP	R-3
East:	CP	C-1
West:	Single Family Residential (SF)	Single-Family Residential (R-1B)

Background

The area surrounding the site consists of multi-family developments that mostly comprise of duplexes. These properties had developed in the mid-to-late 1980's, which had the effect of constraining commercial development on Del Prado to wide but "shallow" commercial sites, which rarely exceed 125 feet of depth.

In 1989, the City of Cape Coral adopted the Comprehensive Plan and established the Future Land Use Map. At that time, the City's long-term planning horizon was the year 2000, and in preparation for the future, the City identified this and other properties along SE 15th Place as critical to the Del Prado Boulevard commercial corridor. As a result, the City placed a Commercial/Professional future land use upon the property and other like properties on SE 15th Place. Over the last 30 years, there has been sporadic conversion of multi-family sites to commercial sites, as commercial entities with frontage on Del Prado have expanded. However, most of the multi-family residential development which existed in 1989, still exists and is used for residential purposes.

The applicant requests this rezone in order to provide additional parking for the strip commercial center located directly east of the property, at 1830 Del Prado Boulevard South. The applicant owns the adjacent commercial center to the east.

Comprehensive Plan Analysis

Staff analyzed the Comprehensive Plan to determine what policies support or undermine the proposed rezone.

C-1 zoning is consistent with the CP future land use map classification. The rezone is consistent with Objective 2 and Policy 3.4 of the Future Land Use Element.

<u>OBJECTIVE 2:</u> Location of New Commercial Development: New commercial development shall be so located to provide minimal vehicle trip lengths, at or near transportation nodes, and compatible with neighboring residential uses.

…

<u>Policy 3.4:</u> The City shall initiate and/or consider privately initiated future land use map amendments necessary to provide an adequate supply of lands designated for retail, office, and services uses in quantities and locations appropriate for such uses, generally consistent with the findings of the Commercial Corridor Study (City of Cape Coral, 2003), or other subsequent analysis.

Overall, the rezone is consistent with the policies of the Comprehensive Plan.

Land Use and Development Regulations -- Section 8.7 Amendments:

Staff reviewed this request in accordance with Section 8.7 Amendments, .3 Consistency with Comprehensive Plan and General Standards, B. 1.-10. of the Land Use and Development Regulations and provides the following analysis. This section is used for future land use map amendments, comprehensive plan amendments, and for rezone requests.

1. <u>The extent to which the value of the property is diminished by the proposed land use restriction or zoning of the property.</u>

A rezone from R-3 to C-1 **would not** diminish the land value because this property is currently vacant, has incompatible land use and zoning, and is used unlawfully by vehicles utilizing the alley to the east. The C-1 zoning district permits the development of the site, which would increase its value, and remove the unlawful passage of vehicles through an undeveloped property.

2. The extent to which the removal of a proposed land use restriction or change depreciates the value of other properties in the area.

   The proposal is **not anticipated** to depreciate the value of other properties in the area. Nearby commercial uses, have been in operation for decades, and the proposed usage of the site is that of a parking lot, which would be a passive commercial use.

3. The suitability of the property for the zoning purpose or land use restriction imposed on the property as zoned.

   The proposed zoning district will be consistent with the land use classification of the Commercial Professional Future Land Use Map Classification. The site is small, at 0.23 acres, but is adjacent to existing commercial uses. Therefore, the request is **suitable**.

4. The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed land use restriction or zoning.

   The surrounding area has a commercial character to the east. Single-family residential uses are present to the west, across SE 15th Place. Multi-Family residential uses, which have been in a legal, non-conforming status since 1989, are present to the north and south. The proposed rezone is **compatible** with some of the surrounding area.

5. The relative gain to the community as compared to the hardship, if any imposed, by the proposed land use restrictions or from rezoning said property.

   The effect of this rezoning is to better reflect the actual use of the property on the City's zoning maps. As a result, this proposed rezone **is likely neutral** to the community.

6. The community need for the use proposed by the zoning or land use restriction.

   Providing consistency between the future land use and the zoning is valuable to the community. The stated purpose of the rezone, to permit a commercial parking lot, has value in that commercial uses on Del Prado can be optimized for visibility. The proposed rezone has a **positive** effect on the needs of the community.

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 property is undeveloped.

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

Approval of this rezone should have a **negligible effect** upon the health, general welfare, safety, or morals of the community due to the lack of effect upon the primary use on-site. Providing a zoning designation that is more consistent with the future land use map classification should have a **positive effect** on the general welfare for the community.

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

   Impacts on infrastructure for development on this site will be **negligible** as facility capacity exists for the transportation and utility infrastructure network.

10. Whether the proposed land use restriction, removal of a restriction, or zoning is consistent with the City of Cape Coral Comprehensive Land Use Plan.

    The proposed C-1 zoning designation is **consistent** with the CP future land use classification.

Public Notification

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

Publication: A legal ad will be prepared and sent to the *News-Press* announcing the intent of the petitioners to rezone the property described within this report. The ad will appear in the *News-Press* a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner. Following the public hearing before the Hearing Examiner, the ad announcing the final public hearing before the City Council will appear once in the *News-Press*. The ad will appear in the newspaper not less than 10 days prior to the date of the final public hearing before the City Council.

Written notice: Property owners located within 500 feet from the property line of the land which the petitioners request to rezone will receive written notification of the scheduled public hearings. These letters will be mailed to the aforementioned parties a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner.

Posting of a Sign: A large sign identifying the case and providing salient information will be posted on the property, as another means of providing notice of the rezoning request.

Recommendation:

Planning staff has reviewed this request in accordance with Section 8.7 Amendments, .3 Consistency with the Comprehensive Plan and General Standards A., B. 1.-10 of the Land Use and Development Regulations and the City's Comprehensive Plan. Planning Division recommends **approval** of the rezone request.

Staff Contact Information:

Wyatt Daltry, AICP
Planning Team Coordinator
Department of Community Development
Planning Division
(239) 573-3160
email: wdaltry@capecoral.net

NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: ZA18-0003

REQUEST: Privately-initiated rezone for one 0.23-acre property from Multi-Family Residential District (R-3) to the Pedestrian Commercial District (C-1).

LOCATION: 1829 SE 15th Place

CAPE CORAL STAFF CONTACT: Wyatt Daltry, AICP, Planning Team Coordinator (239) 573-3160, wdaltry@capecoral.net

PROPERTY OWNER(S): Paul Travis One, Inc.

AUTHORIZED REPRESENTATIVE: Steven L. Darby, P.E.

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, July 10, 2018 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.

APPEALS: If a person decides to appeal any decision made by the Hearing Examiner with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that,

for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

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	Local #	Email
888-516-9220	239-335-0258	FNPLegals@gannett.com

Customer: CITY OF CAPE CORAL_DEPT OF COM

Address: 1015 CULTURAL PARK BLVD
CAPE CORAL FL 33990
USA

Ad No.: 0003005634

Net Amt: $378.38

Run Times: 1

No. of Affidavits: 1

Run Dates: 06/30/18

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: ZA18-0003

REQUEST: Privately-initiated rezone for one 0.23-acre property from Multi--Family Residential District (R-3) to the Pedestrian Commercial District (C-1).

LOCATION: 1829 SE 15th Place

CAPE CORAL STAFF CONTACT: Wyatt Daltry, AICP, Planning Team Coordinator (239) 573-3160, wdaltry@capecoral.net

PROPERTY OWNER(S): Paul Travis One, Inc.

AUTHORIZED REPRESENTATIVE: Steven L. Darby, P.E.

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by order of
Rebecca van Deutekom, MMC
City Clerk
REF # ZA18-0003
AD# 3005634 June 30, 2018

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Jadboir Ventures LLC

APPLICATION NO: PDP18-0003

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 2nd day of July, 2018.

Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

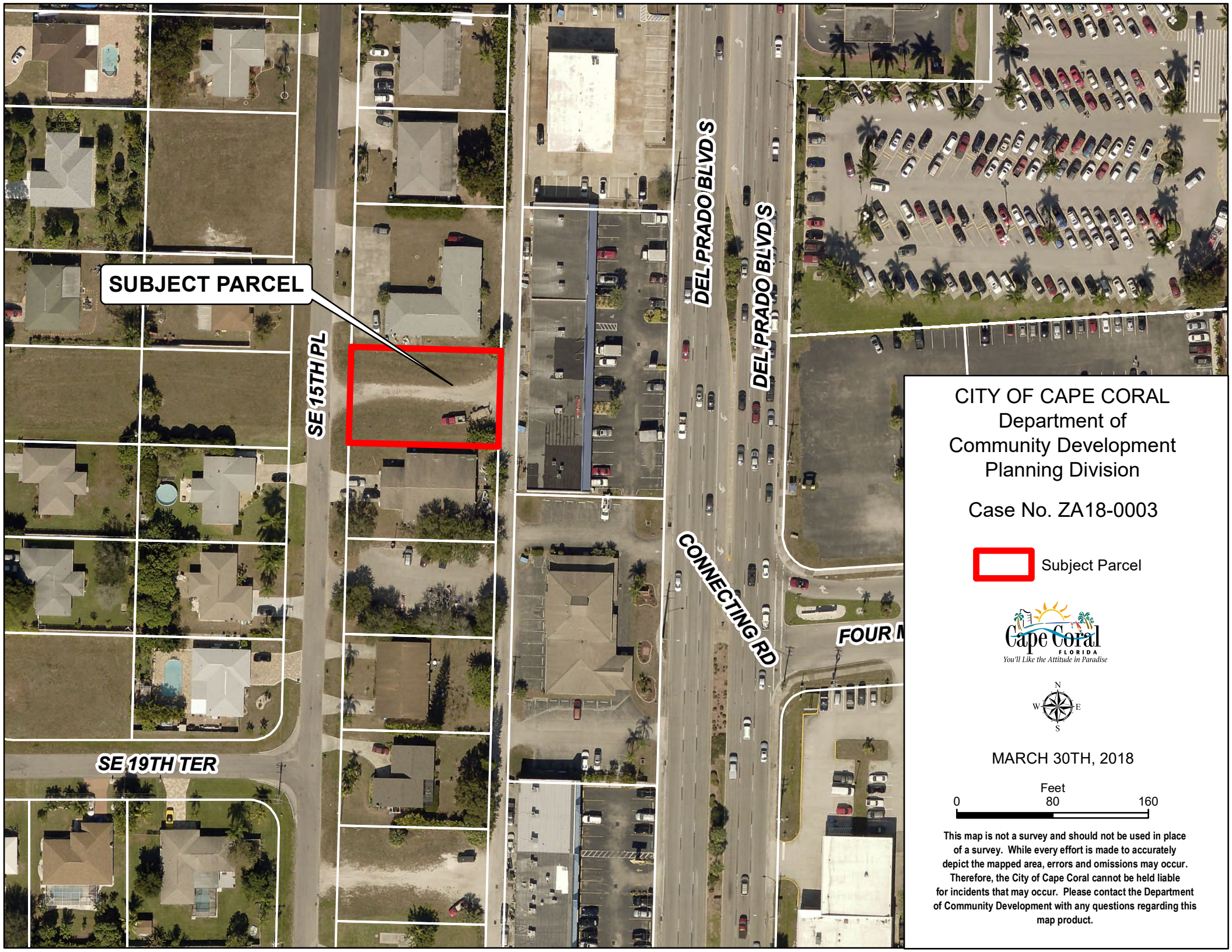
The foregoing instrument was acknowledged before me this 2nd day of July, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # GG030474

ELISABETH A DELGADO
MY COMMISSION # GG030474
EXPIRES December 06, 2020

Elisabeth A. Delgado
Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public


SUBJECT PARCEL
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CONNECTING RD
FOUR M
CITY OF CAPE CORAL
Department of
Community Development
Planning Division
Case No. ZA18-0003
Subject Parcel
Cape Coral
FLORIDA
You'll Like the Attitude in Paradise
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E
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MARCH 30TH, 2018
Feet
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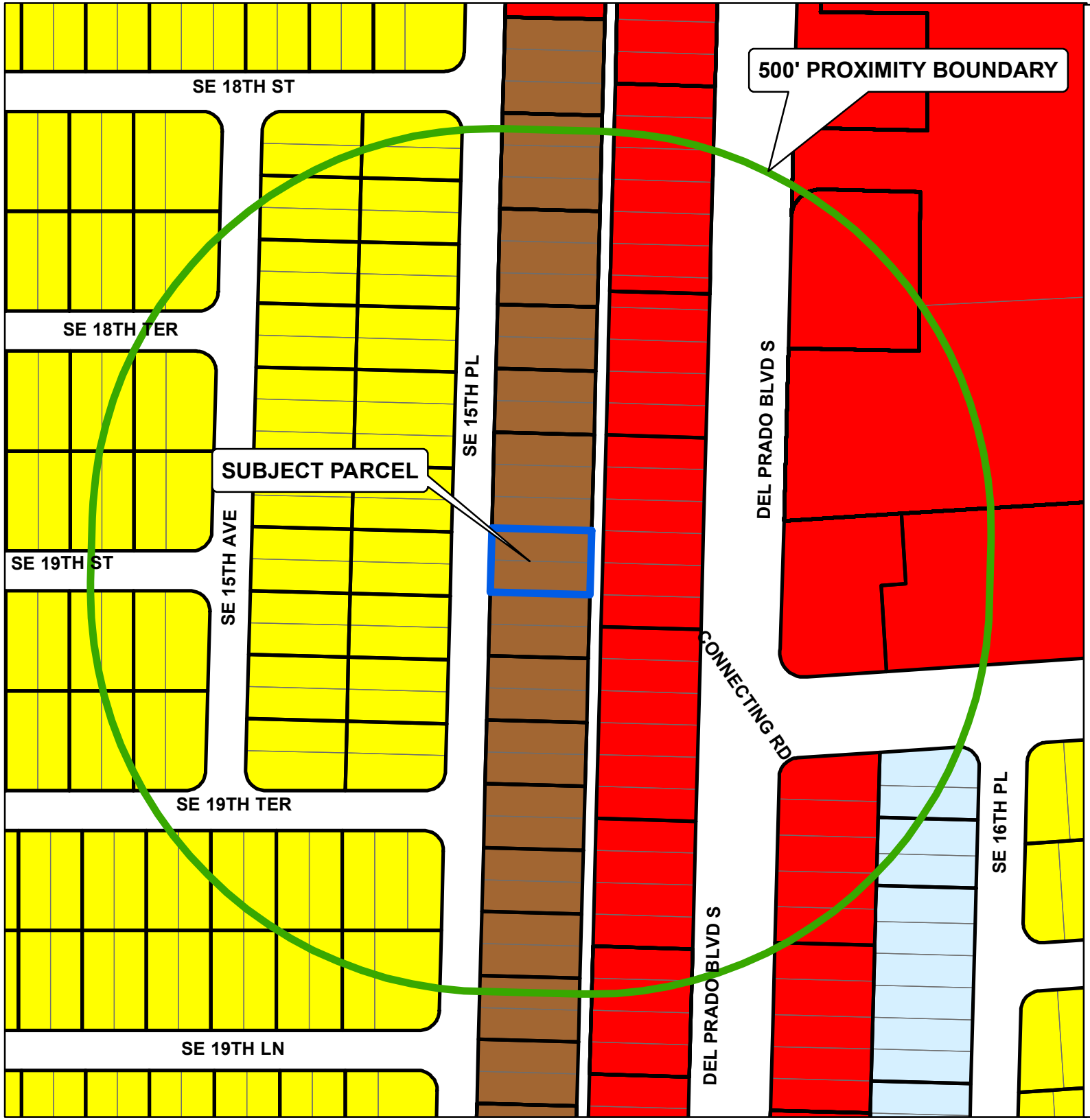
80
160
This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community 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. ZA18-0003

LEGEND

- Subject Parcel
- 500' Proximity Boundary

Zoning

- C-1
- P-1
- R-1B
- R-3

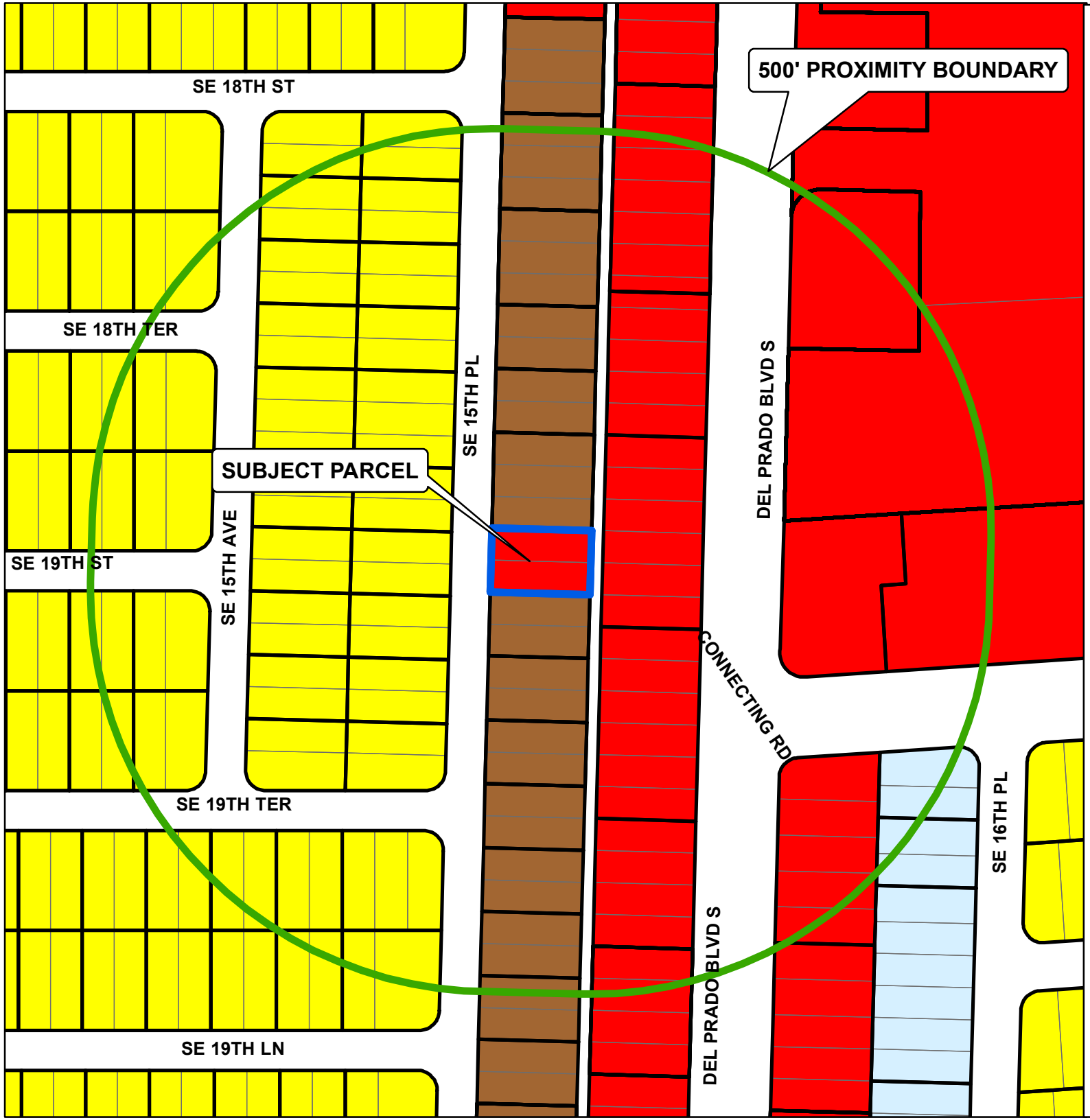
Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

MARCH 30TH, 2018

Feet
0 200 400

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.



CITY OF CAPE CORAL
Department of
Community Development
Planning Division

PROPOSED ZONING MAP
500' Proximity Buffer

Case No. ZA18-0003

LEGEND

- Subject Parcel
- 500' Proximity Boundary

Zoning

- C-1
- P-1
- R-1B
- R-3

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

MARCH 30TH, 2018

Feet
0 200 400

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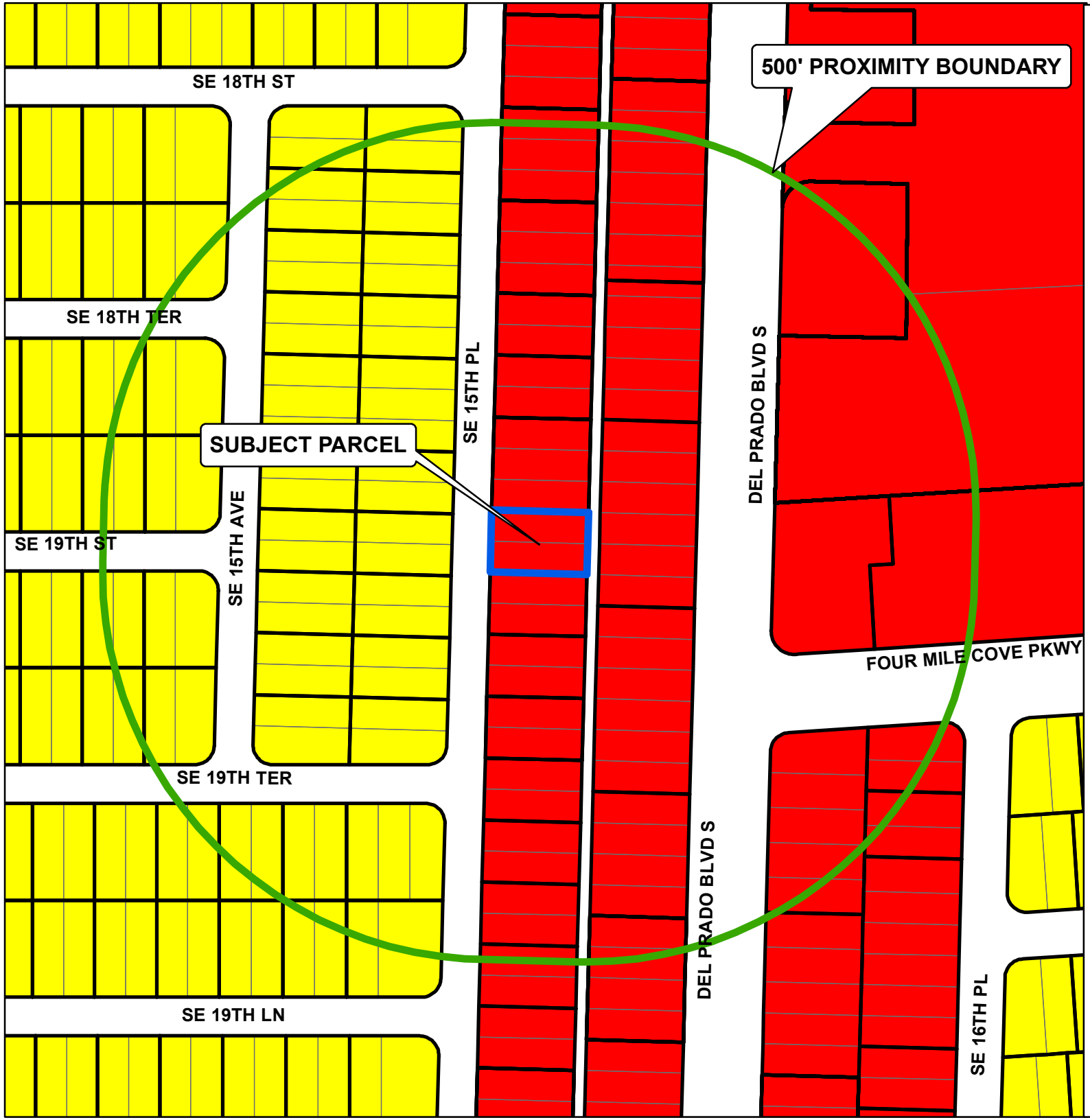

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT FUTURE
LAND USE MAP
500' Proximity Boundary

Case No. ZA18-0003

LEGEND

500' Proximity Boundary

Subject Parcel

Future Land Use

SF

CP

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

MARCH 30TH, 2018

Feet
0 200 400

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.

Item Number:	**2.D.**
Meeting Date:	**7/10/2018**
Item Type:	**HEARINGS**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
Case # ZA18-0004*; Address: 6 Burnt Store Road, 16 Burnt Store Road, 22 Burnt Store Road, 5 NW 32nd Place; Applicant: Harold and Pamela Arkin, Trustees, Marlin Properties, LLC, Esta Rubinstein Trust

REQUESTED ACTION:
Approve or Deny

STRATEGIC PLAN INFO:

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

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:
The applicants propose a rezone for four undeveloped sites (2.4 acres) from Residential Development (RD) to Pedestrian Commercial (C-1). The future land use designation is Commercial/Professional (CP).

LEGAL REVIEW:

EXHIBITS:
See attached "Backup Materials"

PREPARED BY:

Kristin Kantarze	Division- Planning	Department-	Community Development

SOURCE OF ADDITIONAL INFORMATION:
Chad Boyko, AICP, Principal Planner, 239-573-3162/cboyko@capecoral.net

ATTACHMENTS:

Description	Type

Backup Materials

Backup Material

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

Case # ZA18-0004

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 See Property Owner Attachment

Address: _____
City _____ State: _____ Zip _____

Email: _____ Phone: _____

AUTHORIZED REPRESENTATIVE
Greg Stuart, MUP

Address: 7910 Summerlin Lakes Drive
City Fort Myers State: FL Zip 33993

Email: Greg@stuarturbandesign.com Phone: 239 677 6126

Unit _____ Block _____ Lot(s) _____ Subdivision _____

Address of Property See Property Owner Attachment

Current Zoning Residential Development Plat Book See Attachment , Page

Proposed Zoning C-1 Pedestrian Com. Strap Number

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.

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT Greg Stuart, MUP
(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
Land Use Amendment and Rezoning
(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT 59 BLOCK 4127 LOT(S) below: SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION Lots 1 - 6 & 67 - 72

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

Hal Arkin, Tr.
PROPERTY OWNER (Please Print)

HAL ARKIN
PROPERTY OWNER (Please Print)

Hal Ark
PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 19 day of Feb, 2018 by _____ who is personally known or produced _____ as identification.

Exp. Date: _____ Commission Number: _____

Signature of Notary Public: _____

Printed name of Notary Public: _____

KAREN CICHON
Notary Public - State of Florida
Commission # GG 122994
My Comm. Expires Jul 11, 2021
Bonded through National Notary Assn.

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

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 19 day of FEBRUARY, 2018

Hal Arkin, Tr.
NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

STATE OF Fl, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 19 day of Feb, 2018, by _____ who is personally known or produced _____ as identification.

Exp. Date: _____ Commission Number: _____

Signature of Notary Public: _____

Printed name of Notary Public: _____

KAREN CICHON
Notary Public - State of Florida
Commission # GG 122994
My Comm. Expires Jul 11, 2021
Bonded through National Notary Assn.

Estimated peak hour trip ends:

If 300 or less peak hour trip ends are projected, the applicant must provide the source of the traffic projection. If more than 300 peak hour trip ends are projected, a traffic impact study must be completed and submitted as part of the application (see attachments).

City Sewer: Yes ☒ No ☐
City Water: Yes ☒ No ☐

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.

Hal Arkin, Tr.
NAME (PLEASE TYPE OR PRINT)

AUTHORIZED SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL, COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 19 day of Feb, 2018, by _____ who is personally known or produced _____ as identification.

Exp. Date: _____ Commission Number: _____

Signature of Notary Public:
Printed name of Notary Public:

KAREN CICHON
Notary Public - State of Florida
Commission # GG 122994
My Comm. Expires Jul 11, 2021
Bonded through National Notary Assn.

COPY

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT Greg Stuart, MUP
(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
Land Use Amendment and Rezoning
(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT 59 BLOCK 4127 LOT(S) 63-66 SUBDIVISION CC

OR LEGAL DESCRIPTION

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

Esta J. Rubinstein
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

Estelle Rubinstein
PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF FL., COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 21 day of February, 2018, by James Massey who is personally known or produced as identification.

Exp. Date: May 26, 2018 Commission Number: FF 126171

Signature of Notary Public: James Massey

Printed name of Notary Public: James Massey

NOTARY PUBLIC STATE OF FLORIDA
JAMES MASSEY
MY COMMISSION # FF 126171
EXPIRES: May 26, 2018
Bonded Thru Budget Notary Services

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

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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I hereby acknowledge that I have read and understood the above affidavit on the 19 day of February, 20 18

Esta Y. Rubinstein
NAME (PLEASE TYPE OR PRINT)

Esta Y. Rubinstein
APPLICANT'S SIGNATURE

STATE OF FLA. COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 21 day of February, 2018, by James Massey who is personally known or produced _____ as identification.

Exp. Date: May 26, 2018 Commission Number: FF 126171

NOTARY PUBLIC STATE OF FLORIDA
JAMES MASSEY
MY COMMISSION # FF 126171
EXPIRES: May 26, 2018
Bonded Thru Budget Notary Services

Signature of Notary Public: James Massey

Printed name of Notary Public: James Massey

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City Sewer: Yes ☒ No ☐
City Water: Yes ☒ No ☐

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.

Esta Y. Rubinstein — Esta Y. Rubinstein
NAME (PLEASE TYPE OR PRINT) — AUTHORIZED SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL, COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 21 day of February, 2018 by James Massey who is personally known or produced _____ as identification.

Exp. Date: May 26, 2018 Commission Number: FF 126171

Signature of Notary Public: James Massey
Printed name of Notary Public: James Massey

NOTARY PUBLIC STATE OF FLORIDA
JAMES MASSEY
MY COMMISSION # FF 126171
EXPIRES: May 26, 2018
Bonded Thru Budget Notary Services

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

Case # _____

(SIGNATURE MUST BE NOTARIZED)

GREG STUART
NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

STATE OF Florida, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 7th day of March, 2018, by Greg Stuart who is personally known or produced Florida drivers license. as identification.

STEPHANIE SCHUETZ
MY COMMISSION # FF948726
EXPIRES: January 20, 2020

Exp. Date: 1/20/20 Commission Number: FF948726

Signature of Notary Public: Stephanie Schuetz.

Printed name of Notary Public: STEPHANIE SCHUETZ.

SIGNATURE MUST BE NOTARIZED)

Case # _____

ACKNOWLEDGEMENT FORM

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

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

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

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

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

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

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

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

I hereby acknowledge that I have read and understood the above affidavit on the 7th day of March, 20 18

GREG STUART
NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 7th day March, 2018, by Greg Stuart who is personally known or FL drivers license. as identification.

Exp. Date: 1/20/20 Commission Number: FF948726

STEPHANIE SCHUETZ
MY COMMISSION # FF948726
EXPIRES: January 20, 2020

Signature of Notary Public: Stephanie Schuetz

Printed name of Notary Public: STEPHANIE SCHUETZ

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.

Greg Stuart
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL **COUNTY OF** Lee

Sworn to (or affirmed) and subscribed before me on this 7th day of March, 20 18 by Greg Stuart, who is personally known or who has produced FL drivers license as identification.

Exp. Date 1/20/20
Commission # FF948726

Signature of Notary Public

STEPHANIE SCHUETZ
Print Name of Notary Public

STEPHANIE SCHUETZ
MY COMMISSION # FF948726
EXPIRES: January 20, 2020

STUART AND ASSOCIATES
Planning and Design Services

7910 Summerlin Lakes Drive
Fort Myers, FL 33907

C 239-677-6126
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The Request To Rezone The Embers Parkway and Burnt Store Road 2.4-acre +/- Tract From RD to C-1

March 6, 2018

Introduction:

The rezoning request is for four parcels located at the northwest corner of Embers Parkway and Burnt Store Road. The specific parcel addresses are located at 6 Burnt Store Road N., 16 Burnt Store Road N., 22 Burnt Store Rd. N. and 5 NW 32nd Place, Cape Coral, FL 33993. The Future Land Use category is Commercial Professional. To the north is vacant and partially developed single-family residential with an SM Future Land Use category. To the west is vacant and partially developed single-family with an SM Future Land Use category. To the south is a vacant and partially developed single-family. Finally to the east and across Burnt Store Road is a vacant Commercial Activity Center. The purpose of the zoning is to support C-1 Pedestrian Commercial uses to facilitate a range of professional office, business services, personal services and small scale neighborhood retail uses.

The Embers Parkway Zoning Location Map

Utilities and Site Access:

The property located within Utility Extension Project North 2 and is currently classified as an Urban Services Transition and Reserve Area by the comprehensive plan. The North 2 UEP is anticipated to begin in 2018. Property is accessible from Burnt Store Road via an existing full turning movement median opening at the Embers Parkway intersection. When Burnt Store Road will be reconstructed to a four lane arterial section, the median opening will remain designated as a full turning movement median. Property direct access is also provided by NW 32nd Place.

Street Network Air Photo Map

Neighborhood Context:

The subject property is located within the NW Cape Coral community. It is strategically located at the intersection of Embers Prky. and Burnt Store Road in a manner that will serve as a gateway to the pending Seven Islands Mixed Use development. This attribute is important due to the relative isolation and major intersection distance of the Seven Islands project in so far as commercial use feasibility and viability. Through the rezoning to commercial, the proposed 2.4 acre map amendment amendment will better serve as a gateway attractor to the Seven Islands project. The Seven Islands project is currently owned by the City; it may include up to 995 dwelling units, 70,000 sf of commercial that may include a hotel and restaurant, and improved marina and park. The City has

recently initiated a Future Land Use Map amendment for 50.7-acres, from Single-family/Multi-family and Parks and Recreation, to Mixed Use. Currently funded neighborhood infrastructure improvements include widening and improving Old Burnt Store Road for the segment associated with the Seven Islands project, and the North Two Utility Expansion Project. The Lee Co. south Burnt Store Road segment, from Pine Island Road to Tropicana Prky., is funded for fiscal year 2019/2020. The NW Cape community, as defined by the area west of El Dorado Blvd., and north of Pine Island Road to the county line, had a 2015 estimated population of 9,455 persons and 3,348 households. The population and household 2020 projections are 11,247 and 3,988; 2030 projections are 15,913 persons and 5,643 households.

Physical Site Conditions:

The subject property is an urbanized and cleared site (FLUCCS 192 Inactive Land) with what appear to be two abandoned burrowing owl holes. No other potential protected or endangered species has the potential to use the site. Consistent with Cape Coral Policy 1.2.5, the Applicant will provide professionally accepted Protected and Endangered Species surveys as part of City mandated development permitting approval processes. The site is underlain by Matlacha Gravelly Fine Sands. Though this soil has various site development limitations, these limitations are typically overcome by using various civil engineering solutions such as and including importing clean fill dirt. Hence this soil type does not present any obstacle to future site development.

Consistency With The Cape Coral Future Land Use Plan & LDC:

Policy 1.20: "The City will promote the development of identifiable residential and commercial districts through the encouragement of more compact development patterns, the use of shared design and landscaping characteristics, and the development of landmarks and gateways."

- Response: The rezoning consolidates four individual parcels into one unified property to facilitate a small and identifiable commercial project. The commercial project will serve as the non-residential Embers Parkway gateway, from Burnt Store Road to the pending Seven Islands mixed use project.

Policy 3.1: "The City of Cape Coral will encourage the development of future commercial (retail, office and/or services) areas at or near transportation nodes by assigning appropriate future land use designations."

- Response: The rezoning is for a 2.4 acre site located at the northwest quadrant of the intersection of Embers Parkway and Burnt Store Road. This intersection is identified on the Burnt Store Road South Phase as a full turning movement intersection for the four-lane Burnt Store Road segment. The property is ideally located for commercial land uses and supports viable transportation nodal planning.

Policy 3.3: "Application of the commercial areas along and proximate to commercial corridors at key locations is intended to address the projected demand for commercial development as summarized in the Table below, or other subsequent analysis."

- Response: In the City's Land Use Element Policy 3.3 Commercial Centers by Corridor table, the City has identified 190 acres of land along Tropicana and Embers Parkway needed for commercial development. According the the City (see LU17-0002; 04/27/17), at present approximately 90 acres along these roadways are identified as commercial. Therefore at present, a deficit of 100 acres exists. The requested 2.4 acre C-1 zoning provides needed commercial land inventory as identified by the City.

Policy 3.4: " The City shall initiate and/or consider privately initiated future land use map amendments necessary to provide an adequate supply of lands designated for retail, office and service uses in quantities and locations appropriate for such uses, generally consistent with the findings of the Commercial Corridor Study, or other subsequent analysis."

- Response: See the response to Policy 3.3; the rezoning is consistent with 3.4.

Objective 4 Location of Future Development: "Future private development requiring public water and wastewater will be directed into the Urban Services Infill Area and the Urban Services Transition Area illustrated on the Future Land Use Map, unless specifically accepted by the provisions of this plan."

- Response: The subject property is in the Urban Services Transition Area; utilities will be extended into this area as part of the North 2 UEP, anticipated to begin in 2018.

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, public water and sanitary sewer, solid waste, storm water facilities and other services in this plan."

- Response: The requested rezoning will have available to it all needed urban services at acceptable levels, including central water and sanitary sewer service. Based upon the subject property's platted lot structure, it is reasonable to assume that the property can currently support nine single-family homes. The requested zoning is projected to have 17,765 sf general office and 3,135 sf commercial bank (20,900 sf total). The specific service impact assessments are as follows --

  - Water Use _ Zero presently; proposed commercial @ 20,900 sf x 0.3 gal/sf/day = 6,270 GPD (City permitted usage @ 16.9 MGD).

  - Sanitary Sewer_ Zero presently; proposed commercial @ 20,900 sf x 0.3 gal/sf/day = 6,270 GPD (City permitted usage @ 28.4 MGD).

- Solid Waste _ Zero presently; proposed commercial @ 20,900 sf x 0.136 lbs/sf/day = 2,842 lbs/day; (City Facility Capacity @ 1,836 tons/day with Existing Demand @ 1,384 tons/day).

- Traffic Daily Trips _ Zero presently; proposed 17,765 sf general office and 3,135 sf commercial bank equals 195 ADT general office and 436 ADT commercial bank (631 total ADT). Embers Parkway provides direct access to the subject property. It is a Minor Arterial Road that surpasses the minimum acceptable LOS D and thus has adequate capacity.

- Hurricane Evacuation, Park Lands and School Impacts _ The requested rezoning reduces accommodated dwelling units. In so doing it will have no impact on hurricane evacuation times, decreases the demand for public park lands and decreases the demand for schools and student class rooms.

Policy 8.4: "The city shall encourage transitions from commercial uses to less intensive land uses and site design that considers the following preferred characteristics to attain compatibility with adjacent residential uses -

a. Site Orientation

a.i Vehicular access should be from a collector, arterial, access street or an alley if the subject uses are located within the Downtown Community Redevelopment Area.

a.ii Pedestrian access should be designed to provide internal and external circulation from adjacent neighborhoods.

a.iii Streets should be designed with elements to provide visual or physical buffering may serve as boundaries between different intensities of land uses.

a.iv Site improvements within commercial areas such as lighting, signage and landscaping should be designed and coordinated in order to create a positive identity and visual image throughout the development area.

b. Site design should promote the preservation and integration of mature trees, natural vegetation and environmentally sensitive areas whenever feasible.

c. Screening and Landscaping

c.i Creative and extensive use of landscaping and berming techniques for natural transitions between differing intensities of land uses is encouraged.

c.ii Fences should not be uses as a sole method of providing screening and buffering between differing intensities of land uses.

c.iii The City shall review and revise landscaping and signage standards for commercial development to enhance the visual and physical environment to foster its integration of other land uses.

d. Lighting used to illuminate parking areas, signs or structures, should be placed and designed to deflect light away from adjoining property or public streets through fixture type, height, orientation and location.

- Response: The ultimate commercial office site development of the property will adhere to Cape Coral land development code rules and regulations relating to buffering, landscaping, lighting, screening and building setbacks. The site will be accessed by Embers Parkway, and with residential neighborhood separation provided by NW 32nd. Place. Pedestrian access will be provided by the new Burnt Store Road sidewalk/bike path system to be built as part of the funded Burnt Store Road South improvement phase. Pedestrian access may also be provided along Embers Parkway as part of the project's offsite sidewalk improvement program. It is envisioned that site design elements will match the Seven Islands development, and in so doing contribute to a themed Seven Islands District design. Landscape plantings and screening walls will be used where residential homes and lots are interfaced by the development. It is envisioned that the project will be commercial service and professional office. This is in response to the fact that the commercial retail marketplace is dominated by the Publix community shopping center located immediately south at Pine Island Road and Burnt Store Road. Commercial office uses are an appropriate "step-down" use between an arterial highway and single-family residential.

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 20 day of February, 20 ~~17~~ 18

Dan Read Manager, Big Marlin Properties LLC
NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 20th day of February, ~~2017~~ 2018, by Personally Known who is personally known or produced as identification.

Exp. Date: July 26, 2021 Commission Number: GG 087242

Signature of Notary Public:

Printed name of Notary Public: Joyce Lima

JOYCE LIMA
MY COMMISSION # GG 087242
EXPIRES: July 26, 2021
Bonded Thru Notary Public Underwriters

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT Greg Stuart, MUP
(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
Land Use Amendment and Rezoning
(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT 59 BLOCK 4127 LOT(S) 61-62 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION

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

Dan Read Manager, Big Marlin Properties LLC
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 20 day of February, 2018 by Personally Known who is personally known or produced as identification.

Exp. Date: July 26, 2021 Commission Number: GG 057242

Signature of Notary Public:

Printed name of Notary Public: Joyce Lima

JOYCE LIMA
MY COMMISSION # GG 057242
EXPIRES: July 26, 2021
Bonded Thru Notary Public Underwriters

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

Estimated peak hour trip ends:

If 300 or less peak hour trip ends are projected, the applicant must provide the source of the traffic projection. If more than 300 peak hour trip ends are projected, a traffic impact study must be completed and submitted as part of the application (see attachments).

City Sewer: Yes ☒ No ☐
City Water: Yes ☒ No ☐

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.

Dan Read
NAME (PLEASE TYPE OR PRINT)

AUTHORIZED SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL, COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 20TH day of FEBRUARY, ~~2017~~ 2018, by PERSONALLY KNOWN who is personally known or produced _____ as identification.

Exp. Date: July 26, 2021 Commission Number: GG 087242

Signature of Notary Public:
Printed name of Notary Public: JOYCE LIMA

JOYCE LIMA
MY COMMISSION # GG 087242
EXPIRES: July 26, 2021
Bonded Thru Notary Public Underwriters

STUART AND ASSOCIATES
Planning and Design Services

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Fort Myers, FL 33907

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The Embers Parkway Pedestrian Commercial Zoning Application

March 2, 2018

Location:
NW Cape Coral Unit 59, Cape Coral Subdivision

PROPERTY OWNERS	STRAP #	BLOCK	LOTS	SITE ADDRESS
Hal & Pam Arkin, TR.	07-44-23-C3-04127.0670	4127	67 thru 72	6 Burnt Store Road N, CC 33993
Hal & Pam Arkin, TR.	07-44-23-C3-04127.0010	4127	1 thru 6	5 NW 32nd Place, CC 33993
Marlin Properties LLC	07-44-23-C3-04127.0610	4127	61 thru 62	22 Burnt Store Road N,CC 33993
Esta Rubinstein, TR.	07-44-23-C3-04127.0630	4127	63 thru 66	16 Burnt Store Road N,CC 33993

STRAP #	PLAT BOOK & PAGE	CURRENT ZONING	PROPOSED	ACREAGE
07-44-23-C3-04127.0670	PB 19 PG 143	RD	C-1 Pedestrian Commercial	0.87 ac.
07-44-23-C3-04127.0010	PB 19 PG 143	RD	C-1 Pedestrian Commercial	0.69 ac.
07-44-23-C3-04127.0610	PB 19 PG 143	RD	C-1 Pedestrian Commercial	0.28 ac.
07-44-23-C3-04127.0630	PB 19 PG 143	RD	C-1 Pedestrian Commercial	0.56 ac.
Subtotoal Area				2.4 ac. +/-

PLANNING DIVISION STAFF REPORT
ZA18-0004

PROPERTY ADDRESSES	**APPLICANTS/PROPERTY OWNERS**
6 Burnt Store Road 16 Burnt Store Road 22 Burnt Store Road 5 NW 32nd Place	Harold and Pamela Arkin, Trustees Marlin Properties, LLC Esta Rubinstein Trust

SUMMARY OF REQUEST

The applicants propose a rezone for four undeveloped sites (2.4 acres) from Residential Development (RD) to Pedestrian Commercial (C-1). The future land use designation is Commercial/Professional (CP).

MAP SOURCE

STAFF RECOMMENDATION: APPROVAL

Positive Aspects of Application:	Provides additional commercial land at an existing intersection of two arterial roads. The block is sparsely developed with single-family homes to the north. This area will receive City water, sewer, and irrigation within 1-3 years. Provides consistency with recently adopted Commercial/Professional future land use designation.
Negative Aspects of Application:	There is no existing commercial development in the block to integrate with. One single-family home is adjacent to the site.
Mitigating Factors:	The site has frontage along a principal arterial. Burnt Store Road has access management plan to encourage cohesive development.

Site Information

Urban Service Area: All sites are in the Transition Urban Service Area, except for 16 Burnt Store Road which is in the Reserve Urban Service Area.

City Water and Sewer: The area is not currently serviced by City water and sewer, however, the site is in the North 2 (N2) Utility Expansion Project Area, which has begun installation of utilities.

Street Access: The site has access from three streets: Burnt Store Road, Embers Parkway, and NW 32nd Place[1].

STRAP Number:
6 Burnt Store Road – 07-44-23-C3-04127.0670
16 Burnt Store Road – 07-44-23-C3-04127.0610
22 Burnt Store Road - 07-44-23-C3-04127.0630
5 NW 32nd Place - 07-44-23-C3-04127.0010

Block/Lot(s): The site is in Block 4127/Lots 1-6 and 61-72.

Zoning and Land Use Information:

Subject Property:	**Future Land Use**	**Zoning**
Current:	Commercial/Professional (CP)	Residential Development (RD)
Proposed:	N/A	Pedestrian Commercial (C-1)

Surrounding Areas	**Future Land Use**	**Zoning**
North:	SM	RD
South:	Single-Family Residential (SF)	Single-Family Residential (R-1B)
East:	SM	RD
West:	SF	R-1B

[1] A Principal Arterial, Minor Arterial, and Local street, respectively.

Background

The 2.4 acre site is an undeveloped assemblage of parcels in the northwestern quadrant of the City. The site is at the intersection of Embers Parkway and Burnt Store Road and bisected by an unimproved 20-foot wide alley right-of-way (ROW). Surrounding development consists of undeveloped parcels and single-family homes. City water and sewer are not available, however, the site is in the N2 section of the Utility Expansion Project (UEP) which is currently under construction. There is no existing access to the site, however, access from Embers Parkway and NW 32nd Place is probable. Burnt Store Road is a controlled access road and under the jurisdiction of the Lee County Department of Transportation (LCDOT). Ingress and egress from Burnt Store Road would need approval from LCDOT.

The future land use designation of the site was recently amended to Commercial/Professional (CP) from Single-Family/Multi-Family (SM). The SM future land use designation had been in place since 1989. There have been no other Future Land Use Map amendments or rezones in Block 4127. Several properties to the east across Burnt Store Road were amended to Commercial Activity Center (CAC) in 2004, however, the properties were never rezoned.

The applicant states in their "Letter of Intent" that the properties are suited for commercial development based upon their location at a major intersection and they are part of "the gateway" into the future Seven Islands development along Old Burnt Store Road.

Additional Site Information

Protected Species

The applicant has not performed a Protected Species Survey, however, the sites are clear of vegetation and no wetlands are present. The City requires species surveys prior to issuance of City of Cape Coral permits or development approvals, in accordance with the Conservation and Coastal Management Element of the Comprehensive Plan.

Should additional protected species be identified on the property as part of the development review of the site, the City will abide by Policy 1.2.5 of the Conservation and Coastal Management Element, which states:

> "Policy 1.2.5: The City will assist in the implementation of and compliance with all state and federal regulations concerning species listed as endangered, threatened, species of special concern, or commercially exploited by monitoring development activities, providing information on listed species in building permit packages, and assisting in investigations as requested."

Soils and Drainage

The site has one soil classification; Matlacha Gravelly Fine Sand. This soil has limitations for development, which are typically overcome using various engineering solutions such as importing fill. The soil type should not present an obstacle to future land development although special feasibility studies may be required.

Analysis

Comprehensive Plan

The following policies are applicable to the proposed rezone:

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: No development is proposed with the rezone; however, all future 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 has the preferred depth of 250 feet, however, the site may not have the preferred direct access onto an arterial or collector road[2].**

"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 two regulations intended to place limitations on C-1 properties that either lack ideal road access or are near single-family homes. The first regulation requires a Special Exception for various uses which may be considered intrusive, if the proposed site only has access from a local street. The**

[2] Depending on the access granted from Lee County Department of Transportation (LCDOT)

second regulation requires a Planned Development (PDP) or an enhanced buffer if the site is adjacent to 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 in LUDR, Section 8.7.3.B and offers the following analysis for consideration:

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

Response: The requested rezone should increase the value of the property. The C-1 district allows 73 permitted uses and 19 special exception uses, while the RD district allows 14 permitted uses and 20 special exception uses. The greater number of uses will allow a wider range of commercial 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 RD are residential or public service uses[3].

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

Response: Most of the nearby development is single-family homes and many surrounding properties are undeveloped. While a couple of existing homes may be impacted by the rezone, the site is at a commercial node and development is likely to be oriented towards the intersection to increase visibility and access. Furthermore, there are several regulations in the LUDR that help increase combability between residential and non-residential uses.

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

Response: Planning staff finds that the site is suited for C-1 zoning due to many factors such as parcel size, frontage on an arterial road, and future land use designation. The site is over two acres in size and has some full block depth. The site has frontage on an arterial roadway and the site has a CP future land use designation. The surrounding area is predominantly residential and the site has had a future land use designation of Multi-Family Residential (MF) for several years.

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

Response: The surrounding neighborhood is primarily undeveloped parcels with some scattered single-family homes. The site has frontage on Burnt Store Road, which is a principal arterial, and an unimproved alley bisects the block. The surrounding zoning is either Single-Family Residential (R-1B) or Residential Development (RD). While the surrounding zoning is primarily residential, the area is sparsely developed with single-family homes.

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

Response: The City of Cape Coral historically has had a deficit of commercial land due to Cape Coral being a pre-platted city. The rezone will provide commercial development opportunities at a designated commercial node.

[3] Such as churches, parks, or essential services.

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

Response: The rezone will provide for commercial development that can meet the needs of the residential community. While the northwest quadrant of the City is the least developed residential area, the northwest quadrant also lacks commercial development. The rezone will provide commercial opportunities for nearby residents.

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:

Response: The future land use designation was amended from Single-Family/Multi-Family (SM) to Commercial/Professional (CP) in 2018. The zoning has been Residential Development (RD) since 1990.

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

Response: The proposed C-1 zoning will be consistent with the City Comprehensive Land Use Plan and the change will provide additional area for commercial development at an appropriate location. The proposed rezone should not negatively affect the health, safety, or welfare of the community because the site is at a commercial node with frontage on a principal arterial and the low level of residential development in the nearby area.

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

Response: The site is in the Urban Service Transition Area and is part of the North 2 Utility Expansion Program. Water, sewer, and irrigation will be available upon completion of the Utility. Future development will be required to connect to City utility system.

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

Response: The proposed rezone is consistent Comprehensive Plan Policy 1.15 as the Future Land Use classification is CP and the proposed zoning is C-1. Properties with the CP future land use are compatible with the C-1 district. Staff finds that the requested zoning is appropriate for the site.

Regional Plan Analysis

Southwest Florida Regional Planning Council's (SWFRPC) Strategic Regional Policy Plan (SRPP):

This amendment is consistent with the SRPP Strategy locating commercial development along transportation corridors.

Lee County Metropolitan Planning Organization's (MPO) 2040 Long Range Transportation Plan:

Burnt Store Road has been identified for improvements and widening in the MPO's 2040 Long Range Transportation Plan. Burnt Store Road is being widened to four lanes and will be utilized as an evacuation route in the event of impending natural disasters.

Recommendation:

Planning Division staff finds that the proposed Future Land Use amendment is consistent with several policies of the Citys Comprehensive Plan and is compatible with area and therefore recommends **approval** of the proposed small-scale future land use map amendment request.

Planning Staff Contact Information

Chad Boyko, AICP, Principal Planner

239-573-3162/cboyko@capecoral.net

NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: ZA18-0004

REQUEST: The applicants propose a rezone for four undeveloped sites (2.4 acres) from Residential Development (RD) to Pedestrian Commercial (C-1). The future land use designation is Commercial/Professional (CP).

LOCATION: 6 Burnt Store Road
16 Burnt Store Road
22 Burnt Store Road
5 NW 32nd Place

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

PROPERTY OWNER(S): Harold and Pamela Arkin, Trustees
Marlin Properties, LLC
Esta Rubinstein Trust

AUTHORIZED REPRESENTATIVE: Greg Stuart, MUP

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, July 10, 2018 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.

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	Local #	Email
888-516-9220	239-335-0258	FNPLegals@gannett.com

Customer: CITY OF CAPE CORAL_DEPT OF COM

Address: 1015 CULTURAL PARK BLVD
CAPE CORAL FL 33990
USA

Ad No.: 0003005601

Net Amt: $400.52

Run Times: 1

No. of Affidavits: 1

Run Dates: 06/30/18

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: ZA18-0004

REQUEST: The applicants propose a rezone for four undeveloped sites (2.4 acres) from Residential Development (RD) to Pedestrian Commercial (C-1). The future land use designation is Commercial/Professional (CP).

LOCATION: 6 Burnt Store Road
16 Burnt Store Road
22 Burnt Store Road
5 NW 32nd Place

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

PROPERTY OWNER(S): Harold and Pamela Arkin, Trustees
Marlin Properties, LLC
Esta Rubinstein Trust

AUTHORIZED REPRESENTATIVE:
Greg Stuart, MUP

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, July 10, 2018 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

HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time

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

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

by order of
Rebecca van Deutekom, MMC
City Clerk
REF # ZA18-0004
AD# 3005601 June 30, 2018

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Harold Arkin

APPLICATION NO: ZA18-0004

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 2nd day of July, 2018.

Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

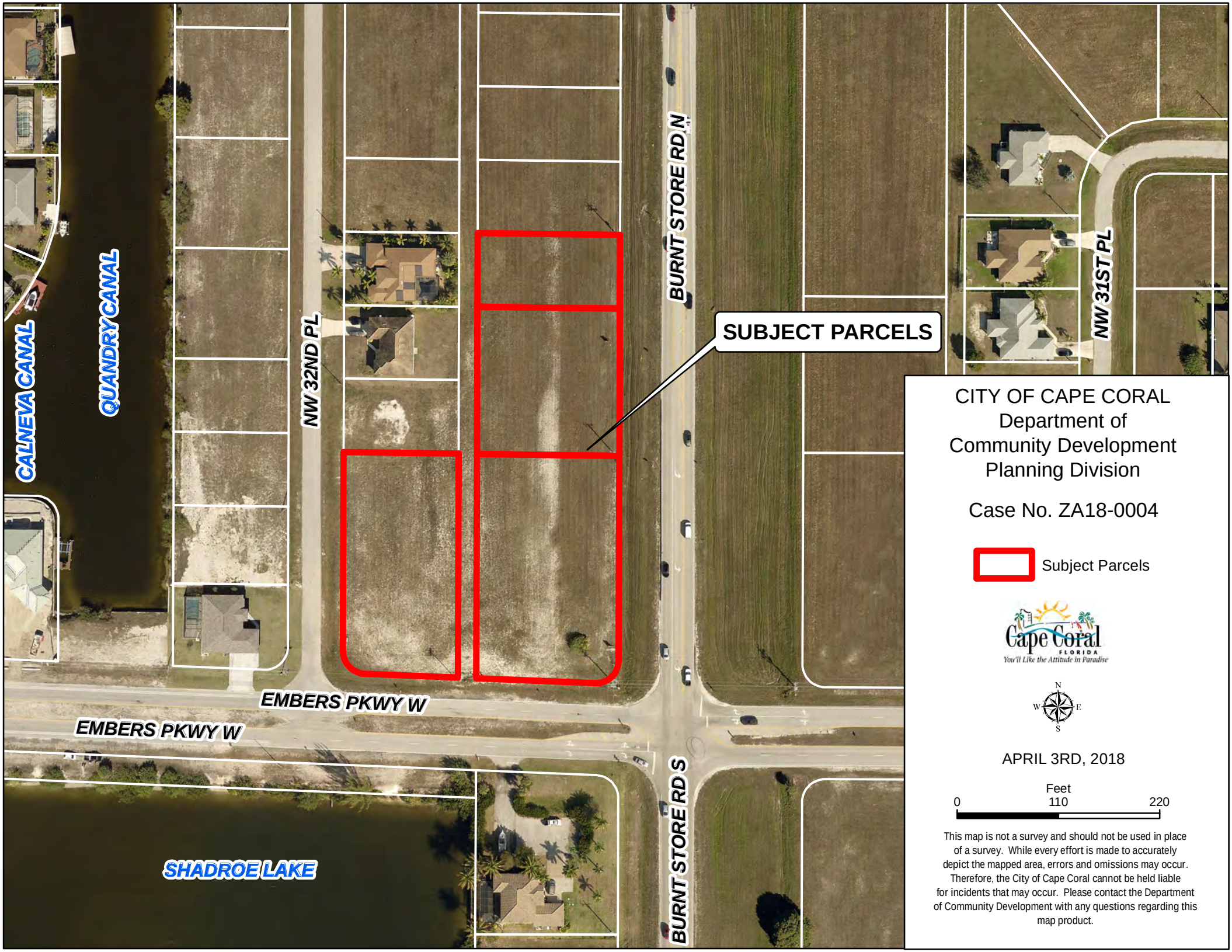
The foregoing instrument was acknowledged before me this 2nd day of July, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

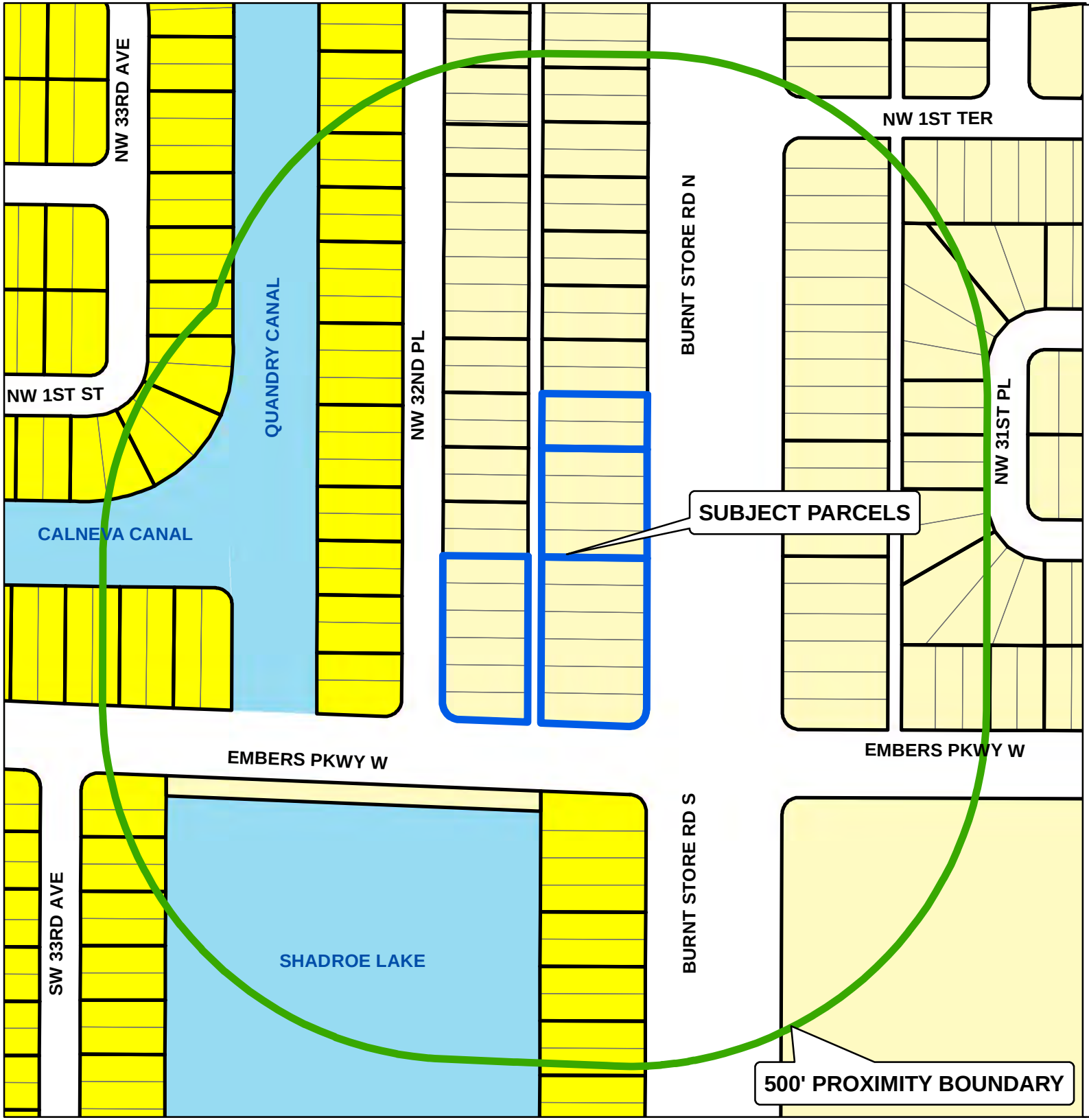
Exp. Date 12/6/20 Commission # GG030474

ELISABETH A DELGADO
MY COMMISSION # GG030474
EXPIRES December 06, 2020

Elisabeth A. Delgado
Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public


CALNEVA CANAL
QUANDRY CANAL
NW 32ND PL
BURNT STORE RD N
NW 31ST PL
SUBJECT PARCELS
EMBERS PKWY W
EMBERS PKWY W
BURNT STORE RD S
SHADROE LAKE
CITY OF CAPE CORAL
Department of
Community Development
Planning Division
Case No. ZA18-0004
Subject Parcels
Cape Coral
FLORIDA
You'll Like the Attitude in Paradise
N
W
E
S
APRIL 3RD, 2018
Feet
0
110
220
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. ZA18-0004

LEGEND

500' Proximity Boundary

Subject Parcels

Zoning

R-1B

RD

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

APRIL 3RD, 2018

Feet
0 230 460

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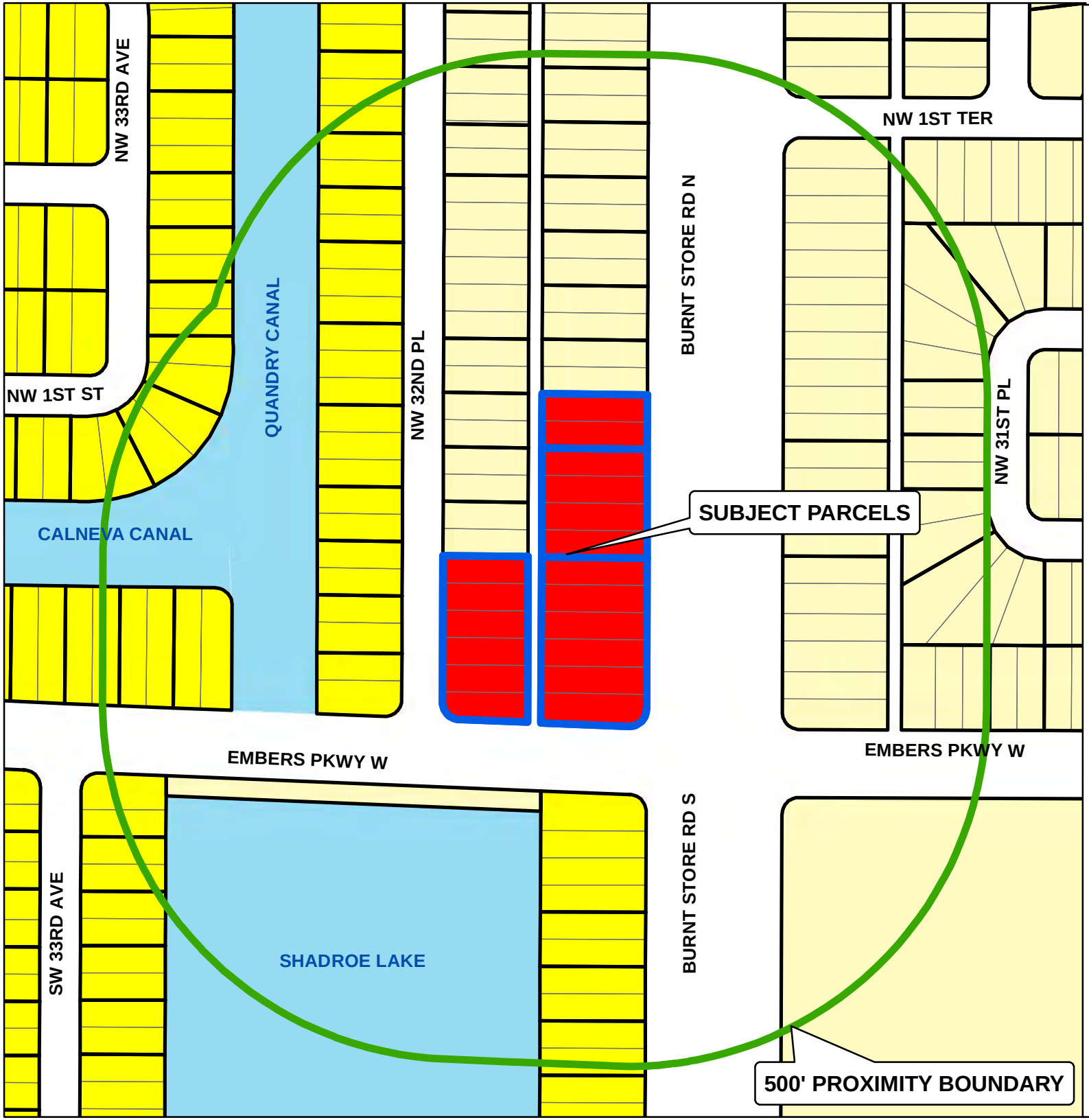

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

PROPOSED ZONING MAP
500' Proximity Buffer

Case No. ZA18-0004

LEGEND

500' Proximity Boundary
Subject Parcels

Zoning

R-1B
RD
C-1

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

APRIL 3RD, 2018

Feet
0 230 460

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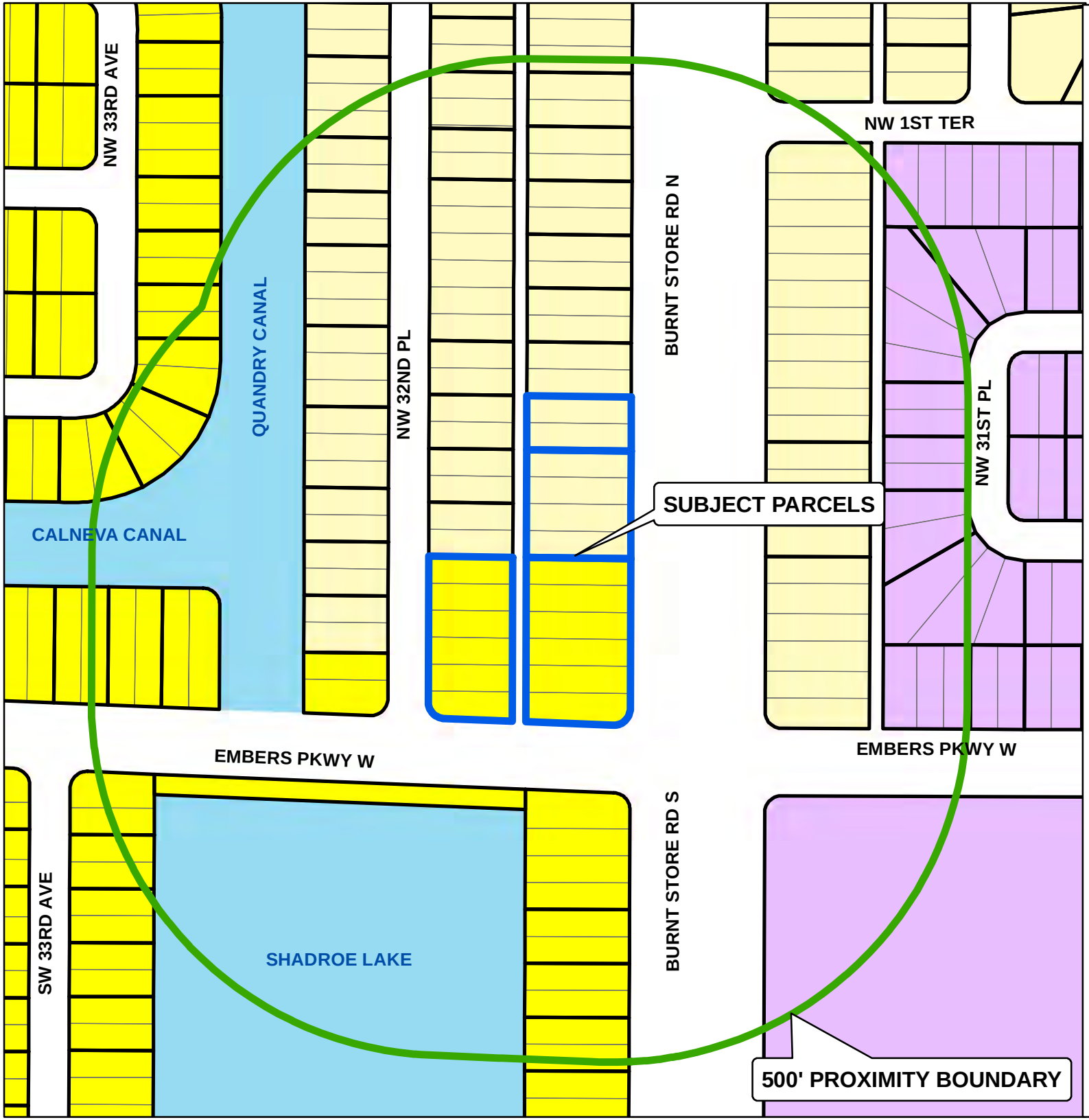

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT FUTURE
LAND USE MAP
500' Proximity Boundary

Case No. ZA18-0004

LEGEND

500' Proximity Boundary

Subject Parcels

Future Land Use

SF

SM

CAC

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

APRIL 3RD, 2018

Feet
0 230 460

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.E.**
Meeting Date:	**7/10/2018**
Item Type:	**HEARINGS**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
Case # VP18-0001*; Address: 2315-2333 Andalusia Boulevard and 2320-2330 NE 8th Place; Applicant: Harry M. Lowell and CJ Investment Services, Inc. and Bubbas Building Trust, 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, Quattrone and Associates, Inc., requests a vacation of plat for a platted alley and all underlying easements located between Lots 29-37 and 38-46, Block 2162, Cape Coral Unit 32, and requesting a vacation of plat for all public utility and drainage easements associated with Lots 27-37 and 38-46, Block 2162, Cape Coral Unit 32; property is located at 2315-2333 Andalusia Boulevard and 2320-2330 NE 8th Place.

LEGAL REVIEW:

EXHIBITS:
See attached "Backup Materials"

PREPARED BY:

Kristin Kantarze	Division- Planning	Department-	Community Development

SOURCE OF ADDITIONAL INFORMATION:
Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

ATTACHMENTS:

Description	Type
Backup Materials	Backup Material

City of Cape Coral

Department of Community Development

CASE VP# VP18-0001 REVISED

REQUEST TO PLANNING & ZONING COMMISION/LOCAL PLANNING AGENCY 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.

OWNER OF PROPERTY

Lowell Harry M 1/2 + CJ Investment Services LTD 1/2

Address: P.O. BOX 1121
City ESTERO State: ___ Zip 33928
Phone: (231) 845-3936

APPLICANT

AL QUATTRONE, P.E.

EMAIL al@qainc.net

Address: 4301 Veronica Shoemaker Blvd
City Fort Myers State: FL Zip 33916
Phone: 239-936-5222

AUTHORIZED REPRESENTATIVE

AL QUATTRONE, P.E.

EMAIL srwhitley@wwrecpa.com

Address: 4301 Veronica Shoemaker Blvd
City Fort Myers State: FL Zip 33916
Phone: (239)-936-5222

Unit 32 Block 2162 Lot(s) 27 thru 43 Subdivision Cape Coral Unit 32

Address of Property 2315, 2321, 2325, 2329 , 2333 Andalusia Blvd.& 2330, 2324 NE 8th PL Cape Coral, FL 33909

Current Zoning C-1 Plat Book 16 , Page 11

Strap Number 31-43-24-C1-02162.0270, 0290, 0320, 0340, 0360, 0380, 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.

(SIGNATURE MUST BE NOTARIZED)

Al Quattrone, P.E.

APPLICANT NAME (PLEASE TYPE OR PRINT) APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF LC

Sworn to (or affirmed) and subscribed before me this 23 day of May, 20 18, by Al Quattrone, P.E who is personally known or produced ___ as identification.

SHARON HRABAK MY COMMISSION EXPIRES JUL 23, 2019

Exp. Date: July 23 2016 Commission Number: FF 902842

Signature of Notary Public:

Printed name of Notary Public: Sharon Hrabak

City of Cape Coral

Department of Community Development

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.

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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.

Lowell Harry M 1/2 + CJ Investment Services LTD 1/2
CORPORATION/COMPANY NAME

Harry Lowell
PROPERTY OWNER (PLEASE TYPE OR PRINT)

Harry M Lowell
PROPERTY OWNER'S SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF Fl, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 5 day of Jan, 2018, by _____ who is personally known or produced _____ as identification.

SHARON HRABAK
MY COMMISSION EXPIRES JUL 23, 2019
#FF902862
Bonded through 1st State Insurance
NOTARY PUBLIC, STATE OF FLORIDA

Exp. Date: 7/23/19 Commission Number: FF902862

Signature of Notary Public: _____

Printed name of Notary Public: Sharon Hrabak

KRKA 10/8/14

City of Cape Coral

Department of Community Development

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT Quattrone & Associates, Inc / Matt Uhle

(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 Alley

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

UNIT BLOCK LOT(S) SUBDIVISION

OR LEGAL DESCRIPTION

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

Lowell Harry M 1/2 + CJ Investment Services LTD 1/2 /Harry Lowell

PROPERTY OWNER (Please Print)

Harry M Lowell

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

Harry M Lowell

PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 5 day of Jan, 2018, by who is personally known or produced as identification.

Exp. Date: 7/23/19 Commission Number: FF902862

Signature of Notary Public:

Printed name of Notary Public: Sharon Hrabak

SHARON HRABAK MY COMMISSION EXPIRES JUL 23, 2019 #FF902862 Bonded through 1st State Insurance NOTARY PUBLIC, STATE OF FLORIDA

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

City of Cape Coral

Department of Community Development

CASE VP# VP18-0001 REVISED

REQUEST TO PLANNING & ZONING COMMISION/LOCAL PLANNING AGENCY AND COUNCIL FOR A VACATION OF PLAT

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APPLICANT

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Address: 4301 Veronica Shoemaker Blvd
City Fort Myers State: FL Zip 33916
Phone: 239-936-5222

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Al Quattrone, P.E.
EMAIL hlowell42@yahoo.com

Address: 4301 Veronica Shoemaker Blvd
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Phone: (231) 845-3936

Unit 32 Block 2162 Lot(s) 27 thru 43 Subdivision Cape Coral Unit 32

Address of Property 2315, 2321, 2325, 2329 , 2333 Andalusia Blvd.& 2330, 2324 NE 8th PL Cape Coral, FL 33909

Current Zoning C-1 Plat Book 16 , Page 11

Strap Number 31-43-24-C1-02162. 0270. 0290. 0320. 0340. 0360. 0380. 0420

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(SIGNATURE MUST BE NOTARIZED)

Al Quattrone, PE.

APPLICANT NAME (PLEASE TYPE OR PRINT) APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 23 day of May, 2018, by Al Quattrone, P.E. who is personally known or produced ___ as identification.

SHARON HRABAK
MY COMMISSION EXPIRES JUL 23, 2019
#FF902862
Bonded through 1st State Insurance
NOTARY PUBLIC, STATE OF FLORIDA

Exp. Date: July 23, 19 Commission Number: FF902862

Signature of Notary Public:

Printed name of Notary Public: Sharon Hrabak

KRKA 10/8/14

City of Cape Coral

Department of Community Development

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.

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Lowell Harry M 1/2 + CJ Investment Services LTD 1/2
CORPORATION/COMPANY NAME

Steven Whitley
PROPERTY OWNER (PLEASE TYPE OR PRINT)

PROPERTY OWNER'S SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 18 day of Dec, 2017, by Steven R Whitley who is personally known or produced _____ as identification.

CINDY D. MULROY
MY COMMISSION EXPIRES MARCH 30, 2021
#GG 056858
Bonded thru Troy Fain Insurance
NOTARY PUBLIC, STATE OF FLORIDA

Exp. Date: 3/30/2021 Commission Number: GG 056858

Signature of Notary Public: Cindy D Mulroy
Printed name of Notary Public: Cindy D Mulroy

City of Cape Coral

Department of Community Development

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT Quattrone & Associates, Inc / Matt Uhle
(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 Alley
(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT BLOCK LOT(S) SUBDIVISION

OR LEGAL DESCRIPTION

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

Lowell Harry M 1/2 + CJ Investment Services LTD 1/2 / Harry Lowell
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

Pres CJ Management
PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF Florida, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 18th day of December, 2017 by Steven R. Whitley who is personally known or produced as identification.

CINDY D. MULROY
MY COMMISSION EXPIRES MARCH 30, 2021
#GG 056858
Bonded thru Troy Fain Insurance
NOTARY PUBLIC, STATE OF FLORIDA

Exp. Date: 3/30/2021 Commission Number: GG 056858

Signature of Notary Public: Cindy D Mulroy

Printed name of Notary Public: Cindy D Mulroy

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

Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Limited Partnership
CJ INVESTMENT SERVICES, LTD.

Filing Information

Document Number	A01000001523
FEI/EIN Number	02-0605048
Date Filed	11/13/2001
State	FL
Status	ACTIVE

Principal Address

5249 SUMMERLIN COMMONS BLVD.
100
FT. MYERS, FL 33907

Changed: 01/05/2010

Mailing Address

C/O STEVEN R WHITLEY
P O BOX 1020
FT. MYERS, FL 33902

Changed: 02/16/2007

Registered Agent Name & Address

GFPAC SERVICES, LLC
PELICAN BAY CORPORATE CENTRE
5551 RIDGEWOOD DR, SUITE 501
NAPLES, FL 34108

Name Changed: 02/16/2007

Address Changed: 02/16/2007

General Partner Detail

Name & Address

Document Number P01000109583

CJ MANGEMENT SERVICES, INC.
5249 SUMMERLIN COMMONS BLVD.
FT. MYERS, FL 33907

Annual Reports

Report Year	Filed Date
2016	04/25/2016
2017	03/20/2017
2018	03/20/2018

Document Images

03/20/2018 -- ANNUAL REPORT	View image in PDF format
03/20/2017 -- ANNUAL REPORT	View image in PDF format
04/25/2016 -- ANNUAL REPORT	View image in PDF format
03/08/2015 -- ANNUAL REPORT	View image in PDF format
01/30/2014 -- ANNUAL REPORT	View image in PDF format
03/11/2013 -- ANNUAL REPORT	View image in PDF format
05/01/2012 -- ANNUAL REPORT	View image in PDF format
02/17/2011 -- ANNUAL REPORT	View image in PDF format
01/05/2010 -- ANNUAL REPORT	View image in PDF format
01/22/2009 -- ANNUAL REPORT	View image in PDF format
01/09/2008 -- ANNUAL REPORT	View image in PDF format
02/16/2007 -- ANNUAL REPORT	View image in PDF format
04/07/2006 -- ANNUAL REPORT	View image in PDF format
05/06/2005 -- ANNUAL REPORT	View image in PDF format
04/07/2004 -- ANNUAL REPORT	View image in PDF format
03/13/2003 -- ANNUAL REPORT	View image in PDF format
04/10/2002 -- ANNUAL REPORT	View image in PDF format
11/13/2001 -- Domestic LP	View image in PDF format

Florida Department of State, Division of Corporations

Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Profit Corporation
CJ MANAGEMENT SERVICES, INC.

Filing Information

Document Number	P01000109583
FEI/EIN Number	65-1159478
Date Filed	11/13/2001
State	FL
Status	ACTIVE

Principal Address

C/O STEVEN R WHITLEY
5249 SUMMERLIN COMMONS BLVD.
FORT MYERS, FL 33907

Changed: 01/22/2009

Mailing Address

C/O STEVEN R WHITLEY
P O BOX 1020
FORT MYERS, FL 33902

Changed: 02/16/2007

Registered Agent Name & Address

Whitley, Steven R
C/O STEVEN R WHITLEY
5249 SUMMERLIN COMMONS BLVD.
FORT MYERS, FL 33907

Name Changed: 04/30/2014

Address Changed: 04/30/2014

Officer/Director Detail

Name & Address

Title CCEO

LOWELL, CAROLYN
675 LONGBOAT CLUB RD, UNIT 22B
LONGBOAT KEY, FL 34228

Title P

WHITLEY, STEVEN R
P O BOX 1020
FORT MYERS, FL 33902

Title VTS

KRICHBAUM, RICHARD E
6216 WHISKEY CREEK DR, STE A
FORT MYERS, FL 33919

Annual Reports

Report Year	Filed Date
2016	04/25/2016
2017	02/07/2017
2018	03/20/2018

Document Images

03/20/2018 -- ANNUAL REPORT	View image in PDF format
02/07/2017 -- ANNUAL REPORT	View image in PDF format
04/25/2016 -- ANNUAL REPORT	View image in PDF format
03/08/2015 -- ANNUAL REPORT	View image in PDF format
04/30/2014 -- ANNUAL REPORT	View image in PDF format
04/16/2013 -- ANNUAL REPORT	View image in PDF format
05/01/2012 -- ANNUAL REPORT	View image in PDF format
02/17/2011 -- ANNUAL REPORT	View image in PDF format
01/07/2010 -- ANNUAL REPORT	View image in PDF format
01/22/2009 -- ANNUAL REPORT	View image in PDF format
01/09/2008 -- ANNUAL REPORT	View image in PDF format
02/16/2007 -- ANNUAL REPORT	View image in PDF format
04/05/2006 -- ANNUAL REPORT	View image in PDF format
04/30/2005 -- ANNUAL REPORT	View image in PDF format
04/07/2004 -- ANNUAL REPORT	View image in PDF format
03/10/2003 -- ANNUAL REPORT	View image in PDF format
06/04/2002 -- ANNUAL REPORT	View image in PDF format
11/13/2001 -- Domestic Profit	View image in PDF format

Florida Department of State, Division of Corporations

City of Cape Coral

Department of Community Development

CASE VP# VP18-0001 REVISED

REQUEST TO PLANNING & ZONING COMMISION/LOCAL PLANNING AGENCY 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.

OWNER OF PROPERTY

Bubbas Building Trust LLC

Address: PO Box 101526
City Cape Coral State: FL Zip 33910
Phone: 231-845-3936

APPLICANT

AL QUATTRONE, P.E.
EMAIL al@qainc.net

Address: 4301 Veronica Shoemaker Blvd
City Fort Myers State: FL Zip 33916
Phone: 239-936-5222

AUTHORIZED REPRESENTATIVE

Al Quattrone, P.E.
EMAIL hlowell42@yahoo.com

Address: 4301 Veronica Shoemaker Blvd
City Fort Myers State: FL Zip 33916
Phone: (231) 845-3936

Unit 32 Block 2162 Lot(s) 44 thru 46 Subdivision Cape Coral Unit 32
Address of Property 2320 NE 8th PL Cape Coral, FL 33909
Current Zoning C-1 Plat Book 16, Page 11
Strap Number 31-43-24-C1-02162. 0440

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)

Al Quattrone, P.E.
APPLICANT NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 23 day of May, 2018, by Al Quattrone, PE. who is personally known or produced _____ as identification.

Exp. Date: July 23 2018 Commission Number: FF902862

Signature of Notary Public:

Printed name of Notary Public: Sharon Hrabak

SHARON HRABAK
MY COMMISSION EXPIRES JUL 23, 2019
#FF902862
Bonded through 1st State Insurance
NOTARY PUBLIC, STATE OF FLORIDA

KRKA 10/8/14

City of Cape Coral

Department of Community Development

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.

Bubbas Building Trust, LLC-Harry Lowell
CORPORATION/COMPANY NAME

Harry Lowell
PROPERTY OWNER (PLEASE TYPE OR PRINT)

PROPERTY OWNER'S SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 5 day of Jan, 2018, by

who is personally known or produced

as identification.

SHARON HRABAK
MY COMMISSION EXPIRES JUL 23, 2019
#FF902862
Bonded through 1st State Insurance
NOTARY PUBLIC, STATE OF FLORIDA

Exp. Date: 7/23/19 Commission Number: FF 902862

Signature of Notary Public:
Printed name of Notary Public: Sharon Hrabak

KRKA 10/8/14

City of Cape Coral

Department of Community Development

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT Quattrone & Associates, Inc / Matt Uhle
(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 Alley
(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT 32 BLOCK 2162 LOT(S) 44 thru 46 SUBDIVISION Cape Coral Unit 32

OR LEGAL DESCRIPTION

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

Bubbas Building Trust, LLC- Harry Lowell
PROPERTY OWNER (Please Print)

Harry Lowell
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

Harry M Lowell
PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 5 day of Jan, 2018 by
who is personally known or produced
as identification.

SHARON HRABAK
MY COMMISSION EXPIRES JUL 23, 2019
#FF902862
Bonded through 1st State Insurance
NOTARY PUBLIC, STATE OF FLORIDA

Exp. Date: 7/23/19 Commission Number: FF902862

Signature of Notary Public:

Printed name of Notary Public: Sharon Hrabak

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

DIVISION OF CORPORATIONS

Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Limited Liability Company
BUBBAS BUILDING TRUST LLC

Filing Information

Document Number	L08000048437
FEI/EIN Number	59-3248182
Date Filed	05/14/2008
Effective Date	05/14/2008
State	FL
Status	ACTIVE

Principal Address

5230 Clayton Court
Suite 3
Fort Myers, FL 33907

Changed: 04/03/2018

Mailing Address

P O BOX 61647
Fort Myers, FL 33906

Changed: 04/03/2018

Registered Agent Name & Address

Black, Louis E, Esq.
5230 Clayton Court
Suite 3
Fort Myers, FL 33907

Name Changed: 04/03/2018

Address Changed: 04/03/2018

Authorized Person(s) Detail

Name & Address

Title MGRM

Stephen W Haywood Revocable Trust dated October 30, 2015
P O BOX 61647
Fort Myers, FL 33906

Title MGR

LOWELL, HARRY M
12995 S CLEVELAND AVENUE PBS 34
FORT MYERS, FL 33907

Annual Reports

Report Year	Filed Date
2016	01/17/2016
2017	01/28/2017
2018	04/03/2018

Document Images

04/03/2018 -- ANNUAL REPORT	View image in PDF format
01/28/2017 -- ANNUAL REPORT	View image in PDF format
01/17/2016 -- ANNUAL REPORT	View image in PDF format
01/20/2015 -- ANNUAL REPORT	View image in PDF format
01/24/2014 -- ANNUAL REPORT	View image in PDF format
02/21/2013 -- ANNUAL REPORT	View image in PDF format
01/04/2012 -- ANNUAL REPORT	View image in PDF format
02/10/2011 -- ANNUAL REPORT	View image in PDF format
01/19/2010 -- ANNUAL REPORT	View image in PDF format
01/30/2009 -- ANNUAL REPORT	View image in PDF format
05/14/2008 -- Florida Limited Liability	View image in PDF format

Florida Department of State, Division of Corporations

REVISED 6/6/18

Quattrone & Associates, Inc.

Engineers, Planners & Development Consultants

4301 Veronica Shoemaker Blvd. Fort Myers, FL
239.936.5222 | QAINC.net | f 239.936.7228

May 23, 2018

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

RE: Vacation of Plat Application (Alley)
7-Eleven Andalusia-Kismet
Letter of Intent

Dear Director:

It is the intent of the property owner, (Bubbas Building Trust, LLC, Lowell Harry ½ + CJ Investment Services LTD ½), to vacate a portion of a platted alley and multiple platted Public Utility Easements \ Drainage Easements (P.U.E. \ D.E.) located within Block 2162, Unit 32, Cape Coral as recorded in Plat Book 16 at pages 1 through 13, of the Public Records of Lee County, Florida as more specifically described below;

Vacate the 20-foot wide alley and all underlying easements between Lots 29 and 46 and Lots 37 and 38

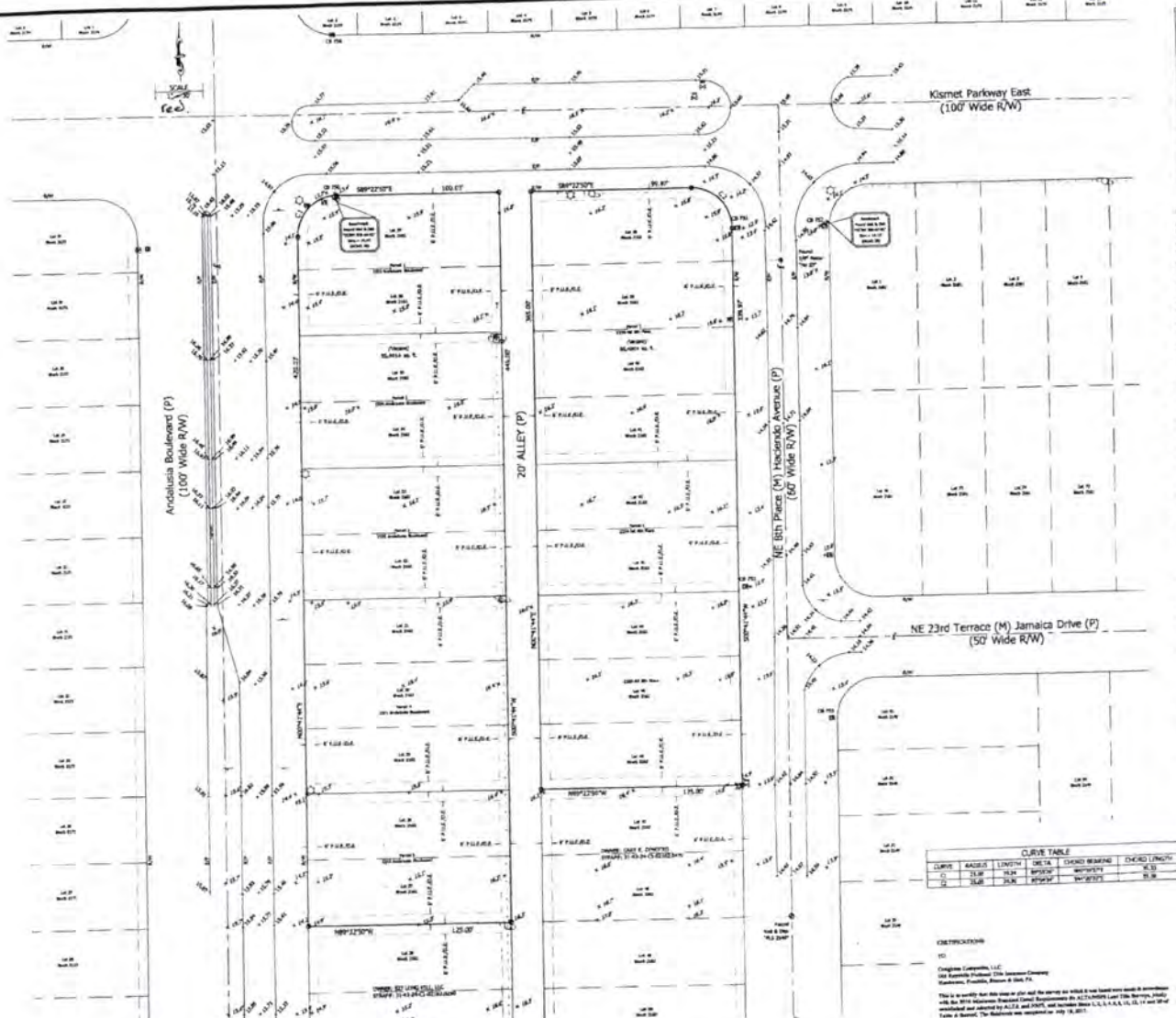
Vacate all platted easements associated with Lots 27-46 in Block 2162.

This Vacation is sought to allow to the owner to combine the lots into one developable parcel for a 7-Eleven Convenience store. A public access/utility and drainage easement will be developed over the alternate access improvements with a 6' PUE-DE placed on the development side of the access.

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

Sincerely,
QUATTRONE & ASSOCIATES, INC.

Sharon Hrabak
Permit Manager



VICINITY MAP
(NOT TO SCALE)

Description:

Parcel 1: Lots 14 and 15, Block 2142, Unit 32, CAPE CORAL, according to the plat thereof as recorded in Plat Book 16 at Pages 1 through 13, of the Public Records of Lee County, Florida.

Parcel 2: Lots 16 and 17, Block 2142, Unit 32, CAPE CORAL, according to the plat thereof as recorded in Plat Book 16 at Pages 1 through 13, of the Public Records of Lee County, Florida.

Parcel 3: Lots 22 and 23, Block 2142, Unit 32, CAPE CORAL, according to the plat thereof as recorded in Plat Book 16 at Pages 1 through 13, of the Public Records of Lee County, Florida.

Parcel 4: Lots 29, 30 and 31, Block 2142, Unit 32, CAPE CORAL, according to the plat thereof as recorded in Plat Book 16 at Pages 1 through 13, of the Public Records of Lee County, Florida.

Parcel 5: Lots 37 and 38, Block 2142, Unit 32, CAPE CORAL, according to the plat thereof as recorded in Plat Book 16 at Pages 1 through 13, of the Public Records of Lee County, Florida.

Parcel 6: Lots 42 and 43, Block 2142, Unit 32, CAPE CORAL, according to the plat thereof as recorded in Plat Book 16 at Pages 1 through 13, of the Public Records of Lee County, Florida.

Parcel 7: Lots 28, 29, 44 and 45, Block 2142, Unit 32, CAPE CORAL, according to the plat thereof as recorded in Plat Book 16 at Pages 1 through 13, of the Public Records of Lee County, Florida.

Together With:

Lots 44, 45 and 46, Block 2142, Unit 32, CAPE CORAL, according to the plat thereof as recorded in Plat Book 16 at Pages 1 through 13, of the Public Records of Lee County, Florida.

SCHEDULE B II NOTES TO COMMITMENT FOR TITLE INSURANCE:

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
FILE NO.: 1706041-CD
COMMITMENT DATE: MAY 16, 2017 AT 8:00 AM

NOTES TO SCHEDULE B-II (FOR A SURVEY MATTERS):

11. ALL MATTERS CONTAINED ON THE PLAT OF UNIT 32, CAPE CORAL, AS RECORDED IN PLAT BOOK 16, PAGES 1 THROUGH 13. (PLAT MATTERS SHOWN ON SURVEY).

SCHEDULE B II NOTES TO COMMITMENT FOR TITLE INSURANCE:

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
FILE NO.: 1706041-CD
COMMITMENT DATE: MAY 16, 2017 AT 8:00 AM

NOTES TO SCHEDULE B-II (FOR A SURVEY MATTERS):

11. ALL MATTERS CONTAINED ON THE PLAT OF UNIT 32, CAPE CORAL, AS RECORDED IN PLAT BOOK 16, PAGES 1 THROUGH 13. (PLAT MATTERS SHOWN ON SURVEY).

SURVEY NOTES:

1. AREA DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED. UNLESS OTHERWISE NOTED.
4. NOT VALID WITHOUT SIGNATURE AND RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER. (F.S.Ch.)
5. ELEVATIONS SHOWN HEREON ARE AS REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29) AND BASED ON CITY OF CAPE CORAL BENCHMARK (99-08-01).
6. THE NATIONAL FLOOD INSURANCE PROGRAM
COMMUNITY NUMBER: 120683
PANEL NUMBER: 0671 C 0291
SUFFIX: F
EFFECTIVE DATE: 08/28/2008
FIRM ZONE: X
BASE FLOOD ELEVATION: N/A
FIRM PANEL LISTED ABOVE INDICATES NO FLOOD HAZARD
VERIFICATION OF ALL FLOOD RELATED INFORMATION
7. BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF ANDALUSIA BOULEVARD BEING N89°22'50"W.
8. DATE OF LAST FIELD WORK : JULY 18, 2017.
9. BENCHMARK BENCHMARK 15 LISTED HEREON SHOULD BE CONSULTED AND REVIEWED FOR ADDITIONAL INFORMATION.
10. THIS SURVEY WAS COMPLETED WITH THE BENEFIT OF AMERICAN LAND TITLE ASSOCIATION COMMITMENT ORDER BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NO. 1706041-CD, COMMITMENT DATE MAY 16, 2017 AT 8:00 AM AND AMERICAN LAND TITLE ASSOCIATION COMMITMENT ORDER BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NO. 1706041-CD COMMITMENT DATE MAY 16, 2017 AT 8:00 AM.
11. EXCEPTIONS TO OUR OBJECTIONS FROM SURVEY OR EXPERTS BY OTHERS THAN THE REGISTERED SURVEYOR AND MAPPER AND PROFESSIONAL ENGINEER WITHOUT THE EXPRESS WRITTEN CONSENT OF THE REGISTERED SURVEYOR AND MAPPER.
COPYRIGHT 2017, STOUTENCRAMER, INC. ALL RIGHTS RESERVED. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF STOUTENCRAMER, INC.
12. NO CEMETERIES, NO NON-VISIBLE, NO GAPS OR GORES, PROPERTY HAS ACCESS TO PUBLIC STREETS AND NO GAINS NO NON-VISIBLE WORK.
13. FOUNDERS SHOWN HEREON ARE AS REFERENCED AND CURRENTLY ESTABLISHED AUTHORITY FOR THE LEE COUNTY, FLORIDA PROPERTY APPRAISER WEBSITE.

STRUCTURE #	PIPE SIZE & TYPE	DIRECTION	INV. EL.	INV. EL.	BOTTOM BOX EL.
CB 7M	15" CMP	N	14.64	13.87	11.47
CB 7U	15" CMP	E	14.19	13.39	11.37
CB 7U	15" CMP	W	14.12	13.37	10.11
	15" CMP	NW		13.37	
	15" CMP	S		13.37	
CB 7U	15" CMP	SE	13.24	13.40	10.15

STRUCTURE #	PIPE SIZE & TYPE	DIRECTION	INV. EL.	INV. EL.	BOTTOM BOX EL.
CB 7U	15" CMP	N	13.64	9.24	8.24
	15" CMP	S		8.38	
	15" CMP	NW		10.38	
CB 7M	15" CMP	S	14.12	11.42	11.42
	15" CMP	E		11.42	
	15" CMP	W		11.38	

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	25.00'	39.24'	90°00'00"	N44°37'10"E	35.36'
C2	25.00'	39.24'	90°00'00"	N44°37'10"E	35.36'

SURVEY LEGEND

●	FOUND NAIL & TAG
⊗	FOUND IRON ROD & CAP
○	SET 1/2" IRON ROD & CAP (S# 7422)
△	SET NAIL & DISK (LP 7422)
FH	FIRE HYDRANT
WV	WATER VALVE
IV	IRRIGATION SERVICE VALVE
EB	ELECTRIC BOX
LP	LIGHT POLE
℄	CENTERLINE
CB	CATCH BASIN
SM	SEWER MANHOLE
SV	SANITARY VARIFOLD
WP	WOOD POWER POLE
GV	GAS VALVE
WM	WATER METER
BF	BACKFLOW PREVENTOR VALVE
MB	MAILE BOX
UTB	UTILITY BOXES
BCW	BURIED CABLE WARNING

SURVEY ABBREVIATIONS

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
NAIL & DISK	NAIL & DISK
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DEED/PLAT
(M)	MEASURED
(C)	CALCULATED
(F)	FIELD
R/W	RIGHT OF WAY
P.L.	PROPERTY LINE
T/P	TOP OF PARAPET
T/W	TOP OF WALL
T/B	TOP OF BLOCK
C/B	CATCH BASIN
C/W	CONCRETE WALK WAY
C/P	CONCRETE METAL PIPE
R/P	CORRUGATED METAL PIPE
C/P	CONCRETE CONCRETE PIPE
P/P	POLYVINYL CHLORIDE PIPE
(M)	(MEAS)

STOUTENCRAMER
PROFESSIONAL SURVEYORS
CERTIFICATE OF AUTHORIZATION LB7422
124 Nassau Street, Cape Coral, FL 33991
Phone: (239) 573-5941 Fax: (239) 424-8181
www.stoutencramer.com

ALTA/NSPS Survey of
Lots 27 through 43, Block 2142
CAPE CORAL UNIT 32
(Plat Book 16, Pages 1 through 13)
Lying in Section 31, Township 43 South, Range 24 East,
Cape Coral, Lee County, Florida.

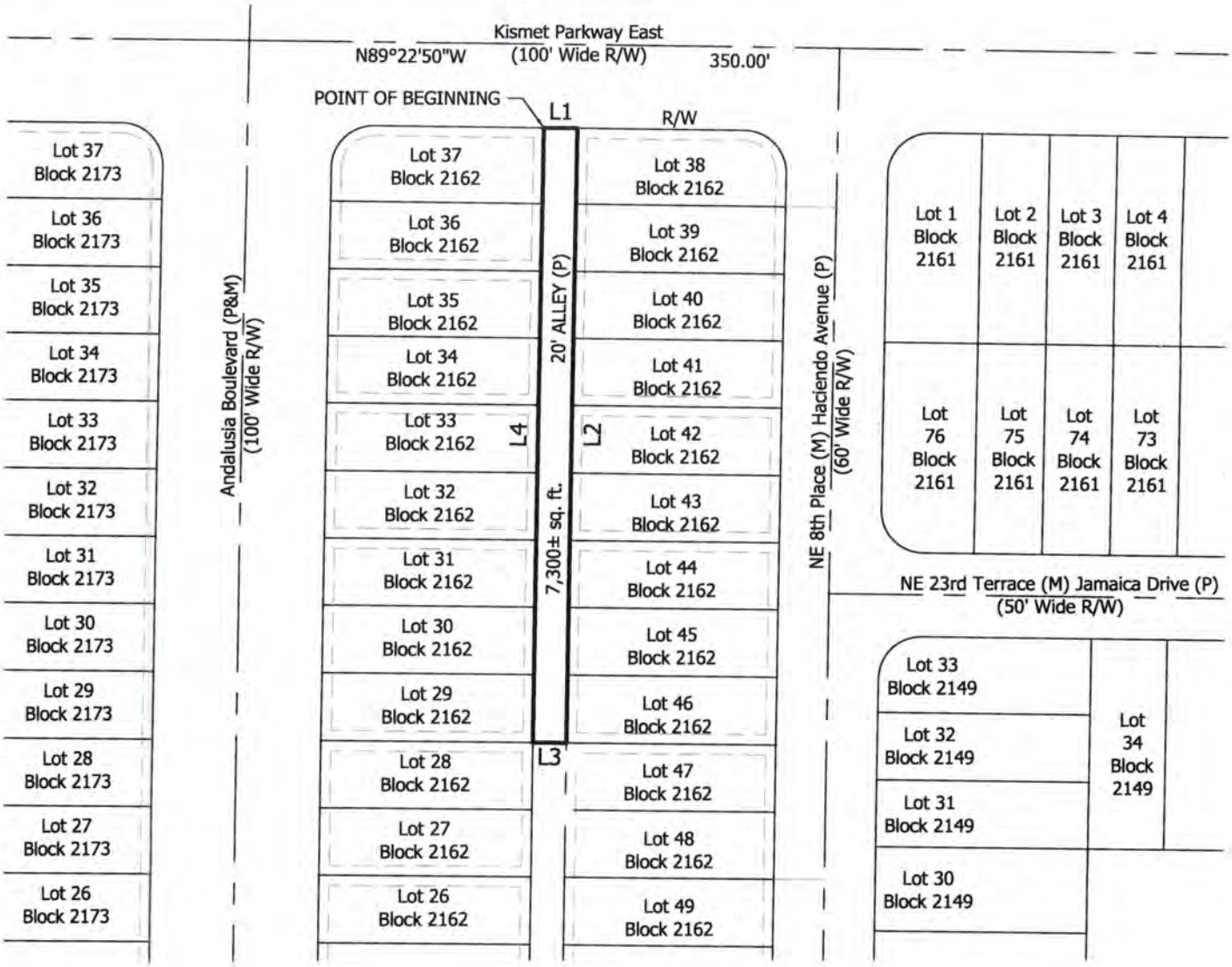
SECTION 31, TOWNSHIP 43 S, RANGE 24E

Prepared for: Creighton
Prepared by: Stouten Cramer

DATE	REVISION	DRAWN BY:	CHECKED BY:	JOB No.
	UPDATED TITLE COMMITMENT AND BOUNDARY	L.S. &	JDS	15-014

SHEET

Sketch



LEGEND:
(P) = PLAT
(M) = MAP
R/W = RIGHT OF WAY

SCALE
1" = 100'

SURVEY NOTES:
1. BEARINGS ARE BASED ON THE CENTERLINE OF KISMET PARKWAY BEING N89°22'50"W.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. *COPYRIGHT 2017, KING ENGINEERING ASSOCIATES, INC., ALL RIGHTS RESERVED.*
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING ASSOCIATES, INC.
6. NOT VALID WITHOUT SHEETS 2&3 OF 3.

Sheet 1 of 3

Sketch to Accompany Description

Proposed Alley Vacation
in Block 2162 CAPE CORAL UNIT 32 as recorded in Plat Book 16, Pages 1-13, lying in Section 31, Township 43 South, Range 24 East, Lee County, Florida

SHEET 1 OF 3

JOB # 17-5204 | PREPARED FOR: Creighton Companies, LLC

SECTION 31, TOWNSHIP 43S, RANGE 24E

THIS IS NOT A SURVEY

STOUTENCRAMER
A KING ENGINEERING COMPANY
King
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991
Phone: (239) 673-9541 Fax: (239) 424-8181
www.kingengineering.com

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **October 12, 2017** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

Digitally signed by Jeffrey Stouten
DN: cn=Jeffrey Stouten, o=Stouten Cramer, Inc., ou, email=jeff@scisurvey.com, c=US
Date: 2017.10.31 15:31:47 -04'00'

JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

K:\Land\CCU 32\dwg\Block 2162 Andalusia + Kismet Alley Vacation S + D.dwg 10/31/2017 10:20:28 AM EDT

TABLES

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°22'50"E	20.00'
L2	S00°41'44"W	365.00'
L3	N89°22'50"W	20.00'
L4	N00°41'44"E	365.00'

THIS IS NOT A SURVEY

Tables to Accompany Sketch

Proposed Alley Vacation

in Block 2162 CAPE CORAL UNIT 32 as recorded in Plat Book 16, Pages 1-13, lying in Section 31, Township 43 South, Range 24 East, Lee County, Florida

Not Valid without Sheets 1 & 3 of 3

Sheet 2 of 3

JOB # 17-5204 | PREPARED FOR: Creighton Companies, LLC

SECTION 31, TOWNSHIP 43S, RANGE 24E

STOUTENCRAMER
A KING ENGINEERING COMPANY
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CERTIFICATE OF AUTHORIZATION: LB2610
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991
Phone: (239) 673-9541 Fax: (239) 424-8181
www.kingengineering.com

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **October 12, 2017** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

See Sheet 1 of 3 for Signature and Seal

JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Description

Subject Parcel Description:

A parcel of land lying in Section 31, Township 43 South, Range 24 East, Lee County, Florida, being a portion of Block 2162, CAPE CORAL UNIT 32 as recorded in Plat Book 16 at Pages 1 through 13, Public Records of Lee County, Florida and being more particularly described as follows:

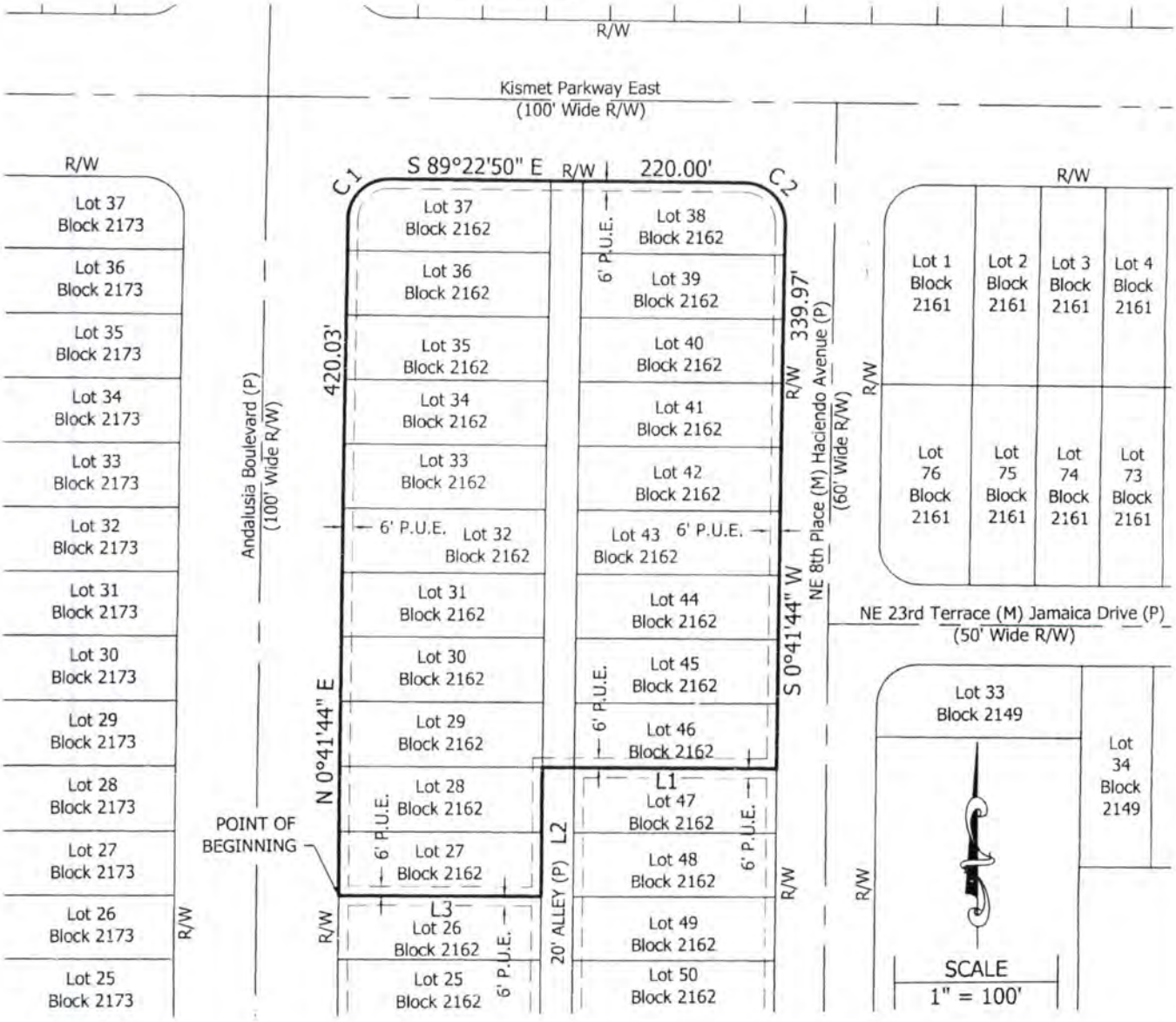
Beginning at the Northeast corner of Lot 37, Block 2162, CAPE CORAL UNIT 32, as recorded in Plat Book 16 at Pages 1 through 13, Public Records of Lee County, Florida, being a point on the Southerly right-of-way line of Kismet Parkway East (100' Wide), thence run S89°22'50"E, along said Southerly right-of-way line, a distance of 20.00 feet to the Northwest corner of Lot 38, Block 2162, of said CAPE CORAL UNIT 32, being a point on the Easterly line of a 20.00 feet wide alley as recorded in said plat of CAPE CORAL UNIT 32; thence run S00°41'44"W, along said Easterly line, a distance of 365.00 feet to the Southwest corner of Lot 46, said Block 2162; thence run N89°22'50"W, along an extention of the South line of said Lot 46, a distance of 20.00 feet to the Southeast corner of Lot 29, said Block 2162, being a point on the Westerly line of said alley; thence run N00°41'44"E, along said Westerly line, a distance of 365.00 feet to the Point of Beginning.

Said Parcel Contains 7,300 sq ft. (more or less)

Bearings are based on the centerline of Kismet Parkway East being N89°22'50"W.

THIS IS NOT A SURVEY	Description to Accompany Sketch **Proposed Alley Vacation** *in Block 2162 CAPE CORAL UNIT 32 as recorded in Plat Book 16, Pages 1-13, lying in Section 31, Township 43 South, Range 24 East, Lee County, Florida*	*Not Valid without Sheets 1 & 2 of 3*
Sheet 3 of 3	STOUTENCRAMER A KING ENGINEERING COMPANY King ENGINEERING ASSOCIATES, INC.	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **October 12, 2017** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. *See Sheet 1 of 3 for Signature and Seal*
JOB # 17-5204 | PREPARED FOR: Creighton Companies, LLC SECTION 31, TOWNSHIP 43S, RANGE 24E	CERTIFICATE OF AUTHORIZATION: LB2610 324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 www.kingengineering.com	**JEFFREY D. STOUTEN (FOR THE FIRM)** FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Sketch



LEGEND:

P.U.E. = PUBLIC UTILITY EASEMENT
R/W = RIGHT-OF-WAY
(P) = PLAT
(M) = MAP

SURVEY NOTES:

1. BEARINGS ARE BASED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF KISMET PARKWAY EAST BEING S89°22'50"E.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. *COPYRIGHT 2018, KING ENGINEERING, INC., ALL RIGHTS RESERVED.*
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
6. NOT VALID WITHOUT SHEETS 2 & 3 OF 3.

Sketch to Accompany Description

Proposed 6' Public Utility Easement
lying in Block 2162, CAPE CORAL, UNIT 32 as recorded in Plat Book 16, Pages 1-13, lying in Section 31, Township 43 South, Range 24 East, Lee County, Florida

SHEET 1 OF 3

JOB # 17-5204 | PREPARED FOR: Creighton Companies, LLC

SECTION 31, TOWNSHIP 43S, RANGE 24E

THIS IS NOT A SURVEY

STOUTENCRAMER
A KING ENGINEERING COMPANY
King
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991
Phone: (239) 673-9541 Fax: (239) 424-8181
www.kingengineering.com

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **June 5, 2018**, is in accordance with Standards of Practice as set forth by the Florida State Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

6584
STATE OF FLORIDA

JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

K:\Land\CCL32\dwg\Block 2162 Lots 27-46 PUE Sketch.dwg 6/5/2018 10:22:46 AM EDT

Tables

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	39.24	25.00	89°55'26"	N 45°39'27" E	35.33
C2	39.30	25.00	90°04'34"	S 44°20'33" E	35.38

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 89°22'50" W	145.00'
L2	S 00°41'44" W	80.00'
L3	N 89°22'50" W	125.00'

THIS IS NOT A SURVEY

Tables to Accompany Sketch

Proposed 6' Public Utility Easement

lying in Block 2162, CAPE CORAL, UNIT 32 as recorded in Plat Book 16, Pages 1-13, lying in Section 31, Township 43 South, Range 24 East, Lee County, Florida

Not Valid without Sheet 1 & 3 of 3

Sheet 2 of 3

STOUTENCRAMER
A KING ENGINEERING COMPANY
King
ENGINEERING ASSOCIATES, INC.

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **June 6, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

See Sheet 1 of 3 for Signature and Seal

JOB # 17-5204 | PREPARED FOR: Creighton Companies, LLC

SECTION 31, TOWNSHIP 43S, RANGE 24E

CERTIFICATE OF AUTHORIZATION: LB2610
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991
Phone: (239) 673-9541 Fax: (239) 424-8181
www.kingengineering.com

JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Description

Subject Parcel Description:

A 6.00 foot wide parcel of land lying in Block 2162, CAPE CORAL, Unit 32 as recorded in Plat Book 16, Pages 1 through 13, inclusive, Public Records of Lee County, Florida, lying in Section 31, Township 43 South, Range 24 East, Lee County, Florida being more particularly described as lying 6.00 feet to the interior (as measured on a perpendicular) of the following described parcel:

Beginning at the Southwest corner of Lot 27 of said Block 2162, being a point on the Easterly right-of-way line of Andalusia Boulevard (100' R/W), thence run N00°41'44"E, along said Easterly right-of-way line, a distance of 420.03 feet to a point of curvature; thence run 39.24 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Southeast, having a delta angle of 89°55'26", a chord bearing of N45°39'27"E and a chord length of 35.33 feet to a point of tangency, being a point on the Southerly right-of-way line of Kismet Parkway East (100' R/W); thence run S89°22'50"E, along said Southerly right-of-way line, a distance of 220.00 feet to a point of curvature; thence run 39.30 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Southwest, having a delta angle of 90°04'34", a chord bearing of S44°20'33"E and a chord length of 35.38 feet to a point of tangency, being a point on the Westerly right-of-way line of N.E. 8th Place (60' R/W); thence run S00°41'44"W, along said Westerly right-of-way line, a distance of 339.97 feet to the Southeast Corner of Lot 46, said Block 2162; thence run N89°22'50"W, along the South line of said Lot 46 and an extension thereof, a distance of 145.00 feet to an intersection with the West line of a 20.00 feet wide alley as recorded in said CAPE CORAL, Unit 32; thence run S00°41'44"W, along the West line of said alley, a distance of 80.00 feet to the Southeast corner of said Lot 27; thence run N89°22'50"W, along the South line of said Lot 27, a distance of 125.00 feet to the Point of Beginning.

Said Parcel Contains 8,323 sq ft. (more or less)

Bearings are based on the Southerly right-of-way line of Kismet Parkway East being S89°22'50"E.

THIS IS NOT A SURVEY	Description to Accompany Sketch **Proposed 6' Public Utility Easement** *lying in Block 2162, CAPE CORAL, UNIT 32 as recorded in Plat Book 16, Pages 1-13, lying in Section 31, Township 43 South, Range 24 East, Lee County, Florida*	*Not Valid without Sheet 1 & 2 of 3*
Sheet 3 of 3	STOUTENCRAMER A KING ENGINEERING COMPANY King ENGINEERING ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION: LB2610 324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 www.kingengineering.com	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **June 6, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. *See Sheet 1 of 3 for Signature and Seal*
JOB # 17-5204 PREPARED FOR: Creighton Companies, LLC SECTION 31, TOWNSHIP 43S, RANGE 24E		**JEFFREY D. STOUTEN (FOR THE FIRM)** FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

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

December 8, 2017

Sharon Hrabak
Permitting Coordinator
Quattrone & Associates
4301 Veronica Shoemaker Blvd.
Fort Myers Florida 33916

Re: Partial Vacation of Easements; Removal of poles and wires; Letter of No Objection; 7-11 Retail Store at 2315 Andalusia Blvd., located in Cape Coral, Florida.

Dear Ms. Hrabak:

Your company, Quattrone & Associates, has open up discussions on behalf of your client, Creighton Commercial Development, LLC, a Florida limited liability company, with LCEC concerning the partial vacation of utility easements on said subdivision plat and removal and relocation of two poles and spans of wire. The removal of the poles and wires and reconfiguring the feed of that circuit is estimated at $7,000. This is ball park figure.

The sketch and legal submitted are dated, 8/18/2017, and were created by Jeffrey D. Stouten, PSM, of StoutenCramer, Professional Mappers, having a project reference of Job # 17-3244. We have reviewed and noted that the proposed alley way on the north end has buried facilities. This can be addressed by your client in either of two ways: 1) Shorten your vacation of the alleyway by six feet and provide connecting easements so there is a continuous perimeter easement; or 2) by vacating the alleyway length as shown and simultaneously grant a 6 by 20 foot easement to continue the perimeter easement at both the south and north ends. Either way will work. LCEC has **no objection** to the plans as submitted provided funds for the removal of the poles and wires are paid and received by the Company.

However, should there be any substantial changes to the plans as submitted, LCEC reserves its rights to additional, and further review and comment with additional conditions, if necessary, consistent with its findings. Should the project not be submitted for development to proper governmental jurisdictions within six months of this dated Letter of No Objection, this letter will be deemed void and the applicant shall re-apply *ab initio.*

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.

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: 2017.12.08 17:06:30 -05'00'

Russel Goodman, SR/WA
Senior Right of Way Agent

REVISED 6/6/18

CenturyLink
Stronger Connected

Engineering Department, 4195 King's Hwy., Port Charlotte, Florida 33980-8499

05/22/2018

Sharon Hrabak
Quattrone & Associates
4301 Veronica Shoemaker Blvd.
Ft. Myers FL

RE: Vacate the 20-foot wide alley and all underlying easements between Lots 29 and 46 and Lots 37 and 38, Vacate all 6' platted easements associated with Lots 27-46 in Block 2162

Sharon Hrabak/QUATTRONE & ASSOCIATES

Regarding your request to vacate the 20-foot wide alley and all underlying easements between Lots 29 and 46 and Lots 37 and 38, and Vacate all 6' platted easements associated with Lots 27-46 in Block 2162 per your request dated September 27, 2017, CenturyLink has no objections.

Sincerely,

Bryan J. Corrigan
OSP Engineer II
941-637-5167

REVISED 4/6/18

COMCAST

12600 Westlinks Drive Suite 4
Fort Myers, Fl. 34135
Phone: 239-432-1805

March 30, 2018
Quattrone & Associates, Inc.
C/O Sharon Hrabak
4301 Veronica Shoemaker Blvd.
Fort Myers, Florida 33916

Re; 7 Eleven Andalusa

Dear Sharon Hrabak,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above. To include a 20 foot wide ally and underlying easements between lots 29 and 46 and lots 37 and 38, vacate all platted easements associated with lots 27-46 in Block 2162.

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

Cordially,

Mark Cook
Project Coordinator

Help

Real Property Information

New Search

Account	Tax Year	Status
31-43-24-C1-02162.0270	2017	PAID
Original Account	**Book/Page**	
31-43-24-C1-02162.0270	3825/518	
Owner		
LOWELL HARRY M 1/2 + CJ INVESTMENT SERVICES LTD 1/2 LAURIE A SLOAT		
Physical Address	**Mailing Address**	
2315 ANDALUSIA BLVD CAPE CORAL FL 33909	PO BOX 1121 ESTERO FL 33928 USA	
Legal Description		
CAPE CORAL UNIT 32 BLK 2162 PB 16 PG 11 LOTS 27 + 28		
Outstanding Balance as of 12/21/2017		**$0.00**

Additional Options:

- eNotify
- Tax Detail
- Payments Made
- All Unpaid Taxes
- Tax History
- Link to Property Appraiser's Tax Estimator

See also:

Property Appraiser

Clerk of Court

Help

Real Property Information

New Search

Account	Tax Year	Status
31-43-24-C1-02162.0360	2017	PAID
Original Account	Book/Page	
31-43-24-C1-02162.0360	3825/555	
Owner		
LOWELL HARRY M 1/2 INT + CJ INVESTMENT SERVICES INC 1/2 T/C LAURIE A SLOAT		
Physical Address	Mailing Address	
2333 ANDALUSIA BLVD CAPE CORAL FL 33909	PO BOX 1121 ESTERO FL 33928 USA	
Legal Description		
CAPE CORAL UNIT 32 BLK.2162 PB 16 PG 11 LOTS 36 + 37		
Outstanding Balance as of 12/21/2017		**$0.00**

Additional Options:

- eNotify
- Tax Detail
- Payments Made
- All Unpaid Taxes
- Tax History
- Link to Property Appraiser's Tax Estimator

See also:

Property Appraiser

Clerk of Court

Help

Real Property Information

New Search

Account	Tax Year	Status
31-43-24-C1-02162.0380	2017	PAID
Original Account	Book/Page	
31-43-24-C1-02162.0380	3822/2909	
Owner		
LOWELL HARRY M 1/2 + CJ INVESTMENT SERVICES LTD 1/2 LAURIE A SLOAT		
Physical Address	Mailing Address	
2330 NE 8TH PL CAPE CORAL FL 33909	PO BOX 1121 ESTERO FL 33928 USA	
Legal Description		
CAPE CORAL UNIT 32 BLK.2162 PB 16 PG 11 LOTS 38 THRU 41		
Outstanding Balance as of 12/21/2017		**$0.00**

Additional Options:

- eNotify
- Tax Detail
- Payments Made
- All Unpaid Taxes
- Tax History
- Link to Property Appraiser's Tax Estimator

See also:

Property Appraiser

Clerk of Court

Help

Real Property Information

New Search

Account	Tax Year	Status
31-43-24-C1-02162.0420	2017	PAID
Original Account	Book/Page	
31-43-24-C1-02162.0420	3825/559	
Owner		
LOWELL HARRY M 1/2 + CJ INVESTMENT SERVICES LTD 1/2 LAURIE A SLOAT		
Physical Address	Mailing Address	
2324 NE 8TH PL CAPE CORAL FL 33909	PO BOX 1121 ESTERO FL 33928 USA	
Legal Description		
CAPE CORAL UNIT 32 BLK 2162 PB 16 PG 11 LOTS 42 + 43		
Outstanding Balance as of 12/21/2017		**$0.00**

Additional Options:

- eNotify
- Tax Detail
- Payments Made
- All Unpaid Taxes
- Tax History
- Link to Property Appraiser's Tax Estimator

See also:

Property Appraiser

Clerk of Court

Help

Real Property Information

New Search

Account	Tax Year	Status
31-43-24-C1-02162.0440	2017	PAID
Original Account	Instrument No	
31-43-24-C1-02162.0440	2008000330362	
Owner		
BUBBAS BUILDING TRUST LLC		
Physical Address	Mailing Address	
2320 NE 8TH PL CAPE CORAL FL 33909	PO BOX 101526 CAPE CORAL FL 33910 USA	
Legal Description		
CAPE CORAL UNIT 32 BLK 2162 PB 16 PG 11 LOTS 44 THRU 46		
Outstanding Balance as of 12/21/2017		**$0.00**

Additional Options:

- eNotify
- Tax Detail
- Payments Made
- All Unpaid Taxes
- Tax History
- Link to Property Appraiser's Tax Estimator

See also:

Property Appraiser

Clerk of Court

INSTR # 2008000330362, Doc Type D, Pages 1, Recorded 12/18/2008 at 04:44 PM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Rec. Fee $10.00 Deputy Clerk DMERCIER

Prepared By and Return To:
Stephen W. Haywood
Post Office Box 101526
Cape Coral, FL 33910

QUIT CLAIM DEED

THIS DEED WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH.

This Quit Claim Deed dated this 31st day of ~~July~~ October 2008,

By Stephen W. Haywood, a single man, as to his 62.5% interest, and Harry Lowell, a single man, as to an undivided 37.5% interest,

whose post office address is: Post Office Box 101526, Cape Coral, FL 33910,

hereinafter called the GRANTOR,

To Bubbas Building Trust LLC, a Florida Limited Liability Company,

whose post office address is: Post Office Box 101526, Cape Coral, FL 33910,

hereinafter called the GRANTEE,

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

WITNESSETH, that the Grantor, for and in consideration of the sum of $10.00, and other valuable consideration, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain parcel of land in the County of Lee, State of Florida, viz:

Lots 44, 45 and 46, Block 2162, Unit 91, Unit 32, CAPE CORAL, according to the plat thereof as recorded in Plat Book 16, Pages 1 through 13, of the Public Records of Lee County, Florida. Strap No. 31-43-24-C1-02162.0440

Grantors hereby warrant that the above captioned property is not their homestead as defined in the Constitution of the State of Florida, said property is vacant land.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year of 2008 and subsequent years; and to applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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

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

AND the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey this land; that the Grantor hereby fully warrants the title to the land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature
Connie Bieling
Printed Name
Witness Signature
E. Jane Funk
Printed Name

Stephen W. Haywood

Harry Lowell

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 10th day of ~~October~~ November 2008, by Stephen W. Haywood, a single man, and Harry Lowell, a single man, who are personally known to me or who have provided driver's license as identification and who did (did not) take an oath.

Notary Public: Eleanor Jane Funk

My Commission Expires:

(Notary Seal)

ELEANOR JANE FUNK
MY COMMISSION # DD 4729
EXPIRES: October 12, 2009
Bonded Thru Budget Notary Services

Return to: Tracy L Elston
Sunbelt Title Agency
4957 South Cleveland Avenue, Suite 101
Ft. Myers, FL 33907

INSTR # 5846237
Official Records BK 03953 PG 0337
RECORDED 06/06/2003 10:37:55 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEED DOC 175.00
DEPUTY CLERK C Keller

SPECIAL WARRANTY DEED

Made this 23rd day of May, 2003, by **JAMES C. GAINER** whose address is: **1989 BISCAYNE DRIVE, WINTER PARK , FL 32789** hereinafter called Grantor, and to: **HARRY LOWELL, AN UNMARRIED MAN** and whose mailing address is: **P.O. BOX 60634, FORT MYERS , FL 33906,** hereinafter called the Grantee. *AS TO AN UNDIVIDED 1/2 interest and CG INVESTMENT SERVICES, LLC, A FLORIDA LIMITED PARTNERSHIP, AS TO AN UNDIVIDED 1/2 interest, as tenants in common* Grantor, in consideration of TEN DOLLARS ($10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION paid by Grantee, grants and conveys to Grantee that property located in the County of LEE, State of Florida, described more particularly as follows:

LOTS 32 AND 33, BLOCK 2162 OF CAPE CORAL, UNIT 32, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 1 THROUGH 16, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the state of Florida in that neither Grantor(s) nor any member of the household of Grantor(s) reside thereon.

PARCEL ID #: 31-43-24-C1-02162.0320

Subject to easements and restrictions of record.
Subject to the lien of the General Taxes for the year 2003 and thereafter.

Grantor covenants as follows:
1. That the premises are free from all encumbrances made by Grantor; and
2. That Grantor will warrant and defend the property hereby conveyed against the lawful claims and demands of all persons claiming by, through, or under him, but against none other.

Signed, sealed and delivered in our presence:

Mildred G. Tucker
mildred G. Tucker
Printed Name:

Joshua W Burr
JOSHUA W. BURR
Printed Name:

James C. Gainer
JAMES C. GAINER
1989 BISCAYNE DRIVE
WINTER PARK , FL 32789

STATE OF: FLORIDA
COUNTY OF: ORANGE

The foregoing instrument was acknowledged before me this 21 day of May, 2003, by, **JAMES C. GAINER**, who is personally known to me or who has produced driver's license as identification.

Joshua W Burr
NOTARY PUBLIC (signature)
Print Name: JOSHUA W BURR
My Commission Expires: 04/07/06
Stamp/Seal:

JOSHUA W. BURR
Notary Public, State of Florida
My comm. exp. Apr. 7, 2006
Comm. No. DD 106283

Prepared by: Tracy L Elston
Sunbelt Title Agency
4957 South Cleveland Avenue, Suite 101
Ft. Myers, FL 33907
FILE NUMBER: 742030528

RECORDER'S MEMO
Legibility of Writing, Typing or Printing Unsatisfactory in this Document When Received.

swdcorp
rev. 10/01/02
jt

This Instrument Prepared
Without Benefit of Legal Opinion of Title
or Examination of Title

(4)

INSTR # 5685380
OR BK 03825 PG 0559
RECORDED 01/16/2003 01:26:55 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 19.50
DEED DOC 0.70
DEPUTY CLERK G Sherwood

Warranty Deed

Parcel I.D. No.

This Indenture, Made this 27th day of December, 2002, BETWEEN **CJ Management Services, Inc.** (taxpayer identification number 65-1159478), whose address is c/o L. Gail Markham, Markham Norton Stroemer & Company, P.A., 8961 Conference Drive, Fort Myers, FL 33919 3, GRANTOR*; AND **CJ Investment Services, LTD.** (taxpayer identification number 69-0004857), whose address is c/o L. Gail Markham, Markham Norton Stroemer & Company, P.A., 8961 Conference Drive, Fort Myers, FL 33919, GRANTEE*.

Witnesseth that said grantor for and in consideration of the sum of TEN and 00/100 Dollars ($10.00), and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

See Schedule "A" attached hereto and by this reference made a part hereof.

SUBJECT TO easements, restrictions and reservations of record.

Subject to comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions and matters appearing on the plat or otherwise common to the subdivision; outstanding oil, gas and mineral rights of record without right of entry; public utility easements of record; and, taxes for the year 2002 and subsequent years.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

* "Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Brynn Barale
(Witness Signatur)

BRYNN BARALE
(Print Name)

Kathleen A. Hoffay
(Witness Signature)

KATHLEEN A. HOFFAY
(Print Name)

CJ MANAGEMENT SERVICES, INC., a Florida Corporation

_____(SEAL)
L. Gail Markham, President

STATE OF FLORIDA
COUNTY OF LEE

I Hereby Certify on this day before me an officer duly qualified to take acknowledgments, personally appeared **L. Gail Markham**, as President of CJ Management Services, Inc., a Florida Corporation who is personally known to me or who has presented his Florida Driver's License as identification, and who executed the foregoing instrument and acknowledged before me that she executed the same.

Witness my hand and official seal in the County and State last aforesaid this 27th day of December, 2002.

Notary Seal

STATE OF FLORIDA NOTARY PUBLIC
LEONA L. GONTHIER
My Comm Exp. 11/12/04
No. CC 981073
X Personally Known ( ) Other I.D.

Leona L Gonthier
Leona L. Gonthier, Notary Public
(Print Name)

Commission No.
My commission expires:

STATE OF FLORIDA NOTARY PUBLIC
LEONA L. GONTHIER
My Comm Exp. 11/12/04
No. CC 981073
X Personally Known ( ) Other I.D.

This instrument prepared by:

Dennis R. White, Esq.
Florida Bar No. 153095
DENNIS R. WHITE, P.A.
4099 Tamiami Trial North, Suite 300
Naples, Florida 34103-3548
Telephone: (239) 261-4700
Internet: drw@whitelaw.com

Schedule "A"

An undivided **0.0005** interest in the following parcels:

Parcel 1
All of Block 2297B, Unit 36, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 112 to 130, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 36-43-23-C1-02297.B00B)

Parcel 2
Lots 11 and 12, Block 2314, Unit 36, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 112 to 130, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 25-43-23-C3-02314.0110)

Parcel 3
Lots 1 and 2, Block 1852, Unit 45, Part 1, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 21, pages 135 through 150, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 35-44-23-C2-01852.0010)

Parcel 4
Lots 3, 4 and 5, Block 1852, Unit 45, Part 1, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 21, pages 135 through 150, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 35-44-23-C2-01852.0030)

Parcel 5
Lots 6 and 7, Block 1852, Unit 45, Part 1, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 21, pages 135 to 150, inclusive, in the Public Records of Lee County, Florida (Parcel I.D. No. 35-44-23-C2-01852.0060)

Parcel 6
Lots 27, 28 and 29, Block 2061, Part 2, CAPE CORAL SUBDIVISION, according to the plat thereof as recorded in Plat Book 23, Pages 6 to 8, inclusive, in the Public Records of Lee County, Florida (Parcel I.D. No. 06-44-24-C3-02061.0270)

Parcel 7
Lots 27 and 28, Block 2162, Unit 32, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 1 to 13, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 31-43-24-C1-02162.0270)

Parcel 8
Lots 29, 30 and 31, Block 2162, Unit 32, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 1 to 13, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 31-43-24-C1-02162.0290)

Parcel 9
Lots 34, 35, 36, 37, 38, 39, 40 and 41, Block 2162, Unit 32, CAPE CORAL SUBDIVISION, according to the Plat thereof as recorded in Plat Book 16, pages 1 to 13, inclusive, Public Records of Lee County, Florida. (Parcel I.D. Nos. 31-43-24-C1-02162.0340; 31-43-24-C1-02162.0360; and 31-43-24-C1-02162.0380)

Parcel 10
Lots 42 and 43, Block 2162, Unit 32, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, Pages 1 to 13, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 31-43-24-C1-02162.0420)

Parcel 11
Lots 32, 33 and 34, Block 2173, Unit 32, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 1 to 13, inclusive, Public Records of Lee County, Florida. (Parcel I.D. Nos. 31-43-24-C1-02173.0320)

Parcel 12
Lots 35, 36 and 37, Block 2173, Unit 32, CAPE CORAL SUBDIVISION, according to the plat thereof as recorded in Plat Book 16, Page 11, Public Records of Lee County, Florida. (Parcel I.D. No. 31-43-24-C1-02173.0350)

Parcel 13
Lots 38 and 39, Block 2173, Unit 36, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 112 to 130, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 36-43-23-C2-02173.0380)

Parcel 14
Lot 35, Block 3367, Unit 65, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 21, pages 151 to 164, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 10-45-23-C2-03367.0350)

Parcel 15
Lots 98, 99 and 100, Block 3367, Unit 65, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 21, pages 151 to 164, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 10-45-23-C2-03367.0980)

Said properties are not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

This Instrument Prepared
Without Benefit of Legal Opinion of Title
or Examination of Title

(4)

INSTR # 5685379
OR BK 03825 PG 0555
RECORDED 01/16/2003 01:26:55 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 19.50
DEED DOC 0.70
DEPUTY CLERK G Sherwood

Warranty Deed

Parcel I.D. No.

This Indenture, Made this 26th day of December, 2002, BETWEEN **Carolyn J. Lowell**, a single person (Social Security No. [redacted] whose address is 14213 Reflection Lakes Drive, Fort Myers, FL 33907, GRANTOR*; AND **CJ Investment Services, LTD.**. (taxpayer identification number 69-0004857), whose address is c/o L. Gail Markham, Markham Norton Stroemer & Company, P.A., 8961 Conference Drive, Fort Myers, FL 33919, GRANTEE*.

Witnesseth that said grantor for and in consideration of the sum of TEN and 00/100 Dollars ($10.00), and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

See Schedule "A" attached hereto and by this reference made a part hereof.

SUBJECT TO easements, restrictions and reservations of record.

Subject to comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions and matters appearing on the plat or otherwise common to the subdivision; outstanding oil, gas and mineral rights of record without right of entry; public utility easements of record; and, taxes for the year 2002 and subsequent years.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

* "Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

(Witness Signature as to Carolyn J. Lowell)

(Print Name)

(Witness Signature as to Carolyn J. Lowell)

KATHLEEN A. HOFFAY
(Print Name)

(SEAL)
Carolyn J. Lowell

STATE OF FLORIDA
COUNTY OF LEE

I Hereby Certify on this day before me an officer duly qualified to take acknowledgments, personally appeared **Carolyn J. Lowell**, who is personally known to me or who has presented his Florida Driver's License as identification, and who executed the foregoing instrument and acknowledged before me that she executed the same.

Witness my hand and official seal in the County and State last aforesaid this 26th day of December, 2002.

Notary Seal

LEONA L. GONTHIER
My Comm Exp. 11/12/04
No. CC 981073
Personally Known ☐ Other I.D.

Leona L. Gonthier, Notary Public
(Print Name)
Commission No.
My commission expires

LEONA L. GONTHIER
My Comm Exp. 11/12/
No. CC 98107
Personally Known

This instrument prepared by:

Dennis R. White, Esq.
Florida Bar No. 153095
DENNIS R. WHITE, P.A.
4099 Tamiami Trial North, Suite 300
Naples, Florida 34103-3548
Telephone: (239) 261-4700
Internet: drw@whitelaw.com

Schedule "A"

An undivided **0.4995** interest in the following parcels:

Parcel 1
All of Block 2297B, Unit 36, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 112 to 130, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 36-43-23-C1-02297.B00B)

Parcel 2
Lots 11 and 12, Block 2314, Unit 36, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 112 to 130, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 25-43-23-C3-02314.0110)

Parcel 3
Lots 1 and 2, Block 1852, Unit 45, Part 1, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 21, pages 135 through 150, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 35-44-23-C2-01852.0010)

Parcel 4
Lots 3, 4 and 5, Block 1852, Unit 45, Part 1, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 21, pages 135 through 150, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 35-44-23-C2-01852.0030)

Parcel 5
Lots 6 and 7, Block 1852, Unit 45, Part 1, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 21, pages 135 to 150, inclusive, in the Public Records of Lee County, Florida (Parcel I.D. No. 35-44-23-C2-01852.0060)

Parcel 6
Lots 27, 28 and 29, Block 2061, Part 2, CAPE CORAL SUBDIVISION, according to the plat thereof as recorded in Plat Book 23, Pages 6 to 8, inclusive, in the Public Records of Lee County, Florida (Parcel I.D. No. 06-44-24-C3-02061.0270)

Parcel 7
Lots 27 and 28, Block 2162, Unit 32, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 1 to 13, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 31-43-24-C1-02162.0270)

Parcel 8
Lots 29, 30 and 31, Block 2162, Unit 32, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 1 to 13, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 31-43-24-C1-02162.0290)

Parcel 9
Lots 34, 35, 36, 37, 38, 39, 40 and 41, Block 2162, Unit 32, CAPE CORAL SUBDIVISION, according to the Plat thereof as recorded in Plat Book 16, pages 1 to 13, inclusive, Public Records of Lee County, Florida. (Parcel I.D. Nos. 31-43-24-C1-02162.0340; 31-43-24-C1-02162.0360; and 31-43-24-C1-02162.0380)

Parcel 10
Lots 42 and 43, Block 2162, Unit 32, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, Pages 1 to 13, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 31-43-24-C1-02162.0420)

Parcel 11
Lots 32, 33 and 34, Block 2173, Unit 32, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 1 to 13, inclusive, Public Records of Lee County, Florida. (Parcel I.D. Nos. 31-43-24-C1-02173.0320)

Parcel 12
Lots 35, 36 and 37, Block 2173, Unit 32, CAPE CORAL SUBDIVISION, according to the plat thereof as recorded in Plat Book 16, Page 11, Public Records of Lee County, Florida. (Parcel I.D. No. 31-43-24-C1-02173.0350)

Parcel 13
Lots 38 and 39, Block 2173, Unit 36, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 112 to 130, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 36-43-23-C2-02173.0380)

Parcel 14
Lot 35, Block 3367, Unit 65, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 21, pages 151 to 164, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 10-45-23-C2-03367.0350)

Parcel 15
Lots 98, 99 and 100, Block 3367, Unit 65, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 21, pages 151 to 164, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 10-45-23-C2-03367.0980)

Said properties are not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Planning Division Case Report VP 18-0001

Review Date: June 14, 2018

Property Owners: Harry M. Lowell and CJ Investment Services, Inc. (Lots 29-43)
Bubbas Building Trust, LLC (Lots 44-46)

Owner Addresses: Harry M. Lowell and CJ Investment Services, Inc.
c/o Laurie A. Sloat
PO Box 1121
Estero, FL 33928

Bubbas Building Trust, LLC
PO Box 101526
Cape Coral, FL 33910

Applicant: Quattrone and Associates, Inc.

Authorized Rep: Quattrone and Associates, Inc. and Matt Uhle

Requests: The applicant is requesting to vacate:

(1) About 7,300 sq. ft. of alley right-of-way (ROW) between Lots 29-37 and Lots 38-46, Block 2162, Cape Coral, Unit 32.

(2) About 7,300 sq. ft. of underlying easements associated with the alley ROW between Lots 29-37 and Lots 38-46, Block 2162, Cape Coral, Unit 32.

(3) All platted six-foot wide easements in Lots 27-46, Block 2162, Cape Coral, Unit 32.

Property Location: 2315-2333 Andalusia Boulevard and 2320-2330 NE 8th Place
Lots 29-46, Block 2162, Unit 32, Cape Coral Subdivision

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

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

Recommendation: **Approval of all requested vacations with conditions**

Urban Service Transition

Property Description and Purpose of the Vacation:

The applicant requests to vacate about 365 linear feet of platted alley at the north end of Block 2162. The alley is 20 feet wide and is unimproved. All sites abutting this portion of the alley are unimproved.

The vacation is sought to gain full block depth at the north end of the block for a proposed convenience store with fuel use. A related special exception case (SE17-0016) for an Automotive Service Station Limited Use has been filed with the City. A site plan (SP17-0086) for the project has also been submitted to the City for review. The site plan shows a 3010-sq. ft. convenience store, a 1,006-sq. ft. car wash, and a fuel canopy with six fuel dispenser stations allowing up to 12 vehicles to refuel at the same time.

Zoning History of the Site

The Future Land Use Classification of the site was amended from Multi-Family to Commercial/Professional by Ordinance 58-15.

The site was rezoned from R-3 to C-1 by Ordinance 57-15.

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 365 linear feet of a platted alley at the northern end of Block 2162. This vacation will increase the area of the site by 7,300 sq. ft. The vacation will also facilitate the merging of parcels on the east and west sides of the block into a single, consolidated site. The resulting site will have 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 alley is unimproved throughout the length of the block. Properties to the south of Lots 29-46 have R-3 zoning and unlike commercial sites, the City does not require owners of residential properties to pave adjacent alley ROW when these sites are developed. As a result, it is likely the alley in Block 2162 will be constructed or paved in the future. The vacation of this alley segment will not pose any hardship to property owners within the block as property owners do not rely on this ROW 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 Lots 27 and 28 to the City. If needed, this cross-access easement could be improved in the future to provide access from the alley to Andalusia Boulevard. South of the site, the remainder of the platted alley in Block 2162 will remain.

Request to Vacate Underlying and Adjacent Easements to the ROW

The applicant also requests to vacate 7,300 sq. ft. of easements underlying the platted alley described above, and all platted easements associated with Lots 29-46, Block 2162. The City lacks facilities in these easements. LCEC has two wood poles with power lines on the west side of the alley. Century Link and Comcast lack facililties in these easements. None of utilities providers object to the requested vacations

provided that 1) the power poles and lines are relocated to existing public utility easements at the developer's expense, and 2) a six-foot wide easement is provided around the perimeter of the site.

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 0.17 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 Stouten Cramer entitled *"Proposed Alley Vacation in Block 2162 CAPE CORAL UNIT 32"*, dated October 12, 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 Stouten Cramer entitled *"Proposed Alley Vacation in Block 2162 CAPE CORAL UNIT 32"*, dated October 12, 2017.

3. The City shall retain a six-foot wide public utility and drainage easement around the site consisting of Lots 27-46, Block 2162 consistent with that shown in the sketch and accompanying legal description prepared by Stouten Cramer entitled *"Proposed 6' Public Utility Easement in Block 2162 CAPE CORAL UNIT 32"*, dated June 5, 2018.

4. 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 Lots 27 and 28 in Block 2162. This easement shall be approved by the City Development Services Manager and the Property Broker prior to recording.

5. 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 #4; 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: VP18-0001

REQUEST: The applicant, Quattrone and Associates, Inc., requests a vacation of plat for a platted alley and all underlying easements located between Lots 29-37 and 38-46, Block 2162, Cape Coral Unit 32, and requesting a vacation of plat for all public utility and drainage easements associated with Lots 27-37 and 38-46, Block 2162, Cape Coral Unit 32; property is located at 2315-2333 Andalusia Boulevard and 2320-2330 NE 8th Place.

LOCATION: 2315-2333 Andalusia Boulevard and 2320-2330 NE 8th Place
Lots 27-46, Block 2162, Unit 32, Cape Coral Subdivision

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

PROPERTY OWNERS: Harry M. Lowell and CJ Investment Services, Inc. and
Bubbas Building Trust, LLC

AUTHORIZED REPRESENTATIVE: Quattrone and Associates, Inc. and Matt Uhle

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, July 10, 2018 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, www.capecoral.net/publichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 A.M. and 4:30 P.M. 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	Local #	Email
888-516-9220	239-335-0258	FNPLegals@gannett.com

Customer: CITY OF CAPE CORAL_DEPT OF COM

Address: 1015 CULTURAL PARK BLVD
CAPE CORAL FL 33990
USA

Ad No.: 0003005668

Net Amt: $385.76

Run Times: 1

No. of Affidavits: 1

Run Dates: 06/30/18

Text of Ad:

NOTICE OF PUBLIC HEARING
CASE NUMBER: VP18-0001

REQUEST: The applicant, Quattrone and Associates, Inc., requests a vacation of plat for a platted alley and all underlying easements located between Lots 29-37 and 38-46, Block 2162, Cape Coral Unit 32, and requesting a vacation of plat for all public utility and drainage easements associated with Lots 27-37 and 38-46, Block 2162, Cape Coral Unit 32; property is located at 2315-2333 Andalusia Boulevard and 2320-2330 NE 8th Place.

LOCATION: 2315-2333 Andalusia Boulevard and 2320-2330 NE 8th Place

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

PROPERTY OWNERS: Harry M. Lowell and CJ Investment Services, Inc. and Bubbas Building Trust, LLC

AUTHORIZED REPRESENTATIVE: Quattrone and Associates, Inc. and Matt Uhle

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by order of
Rebecca van Deutekom, MMC
City Clerk
REF # VP18-0001
AD# 3005668 June 30, 2018

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Bubbas Building Trust, LLC

APPLICATION NO: VP18-0001

STATE OF FLORIDA)
) §
COUNTY OF LEE)

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

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

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

DATED this 2nd day of July, 2018.

Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

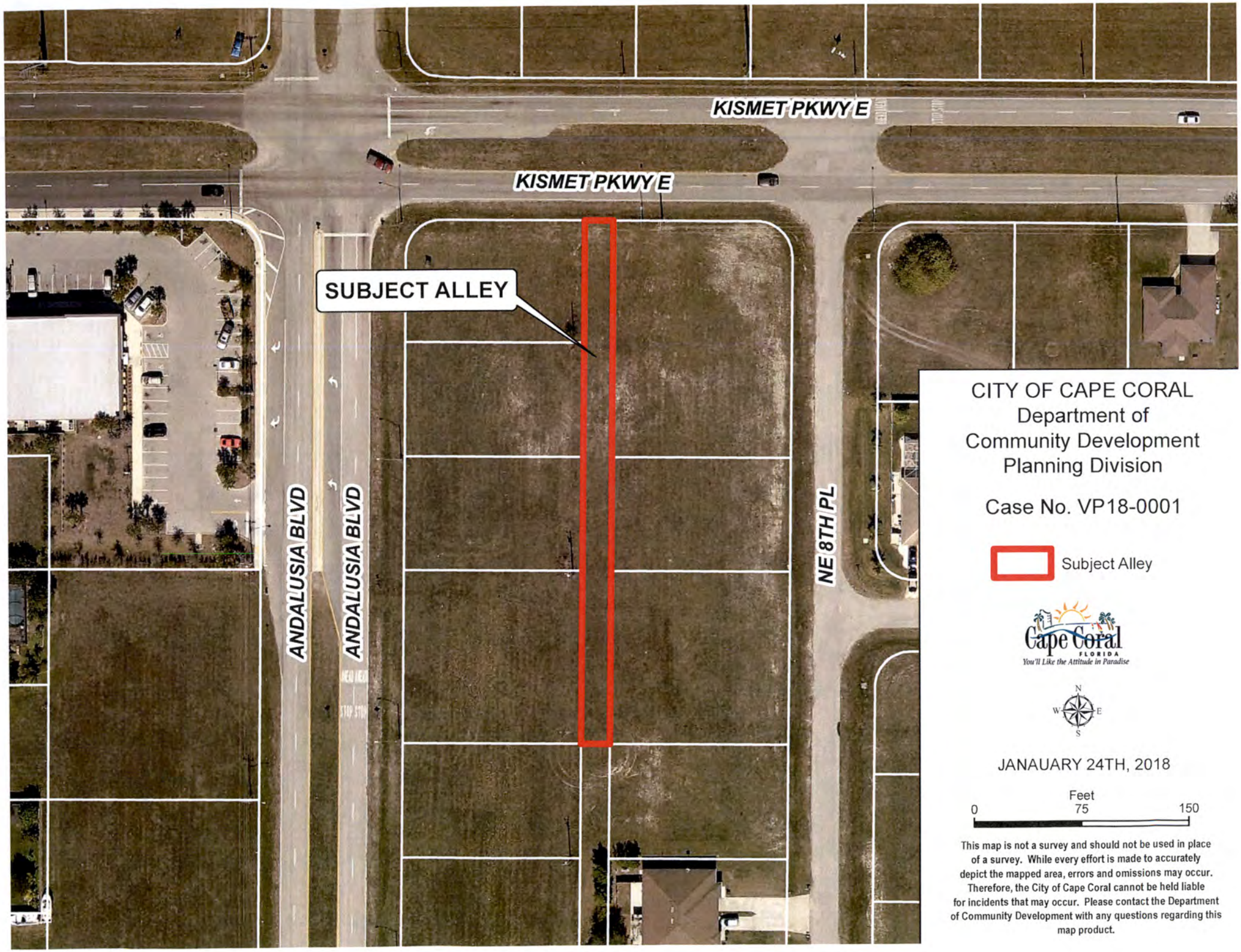
The foregoing instrument was acknowledged before me this 2nd day of July, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # GG030474

ELISABETH A DELGADO
MY COMMISSION # GG030474
EXPIRES December 06, 2020

Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public



CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. VP18-0001

Subject Alley

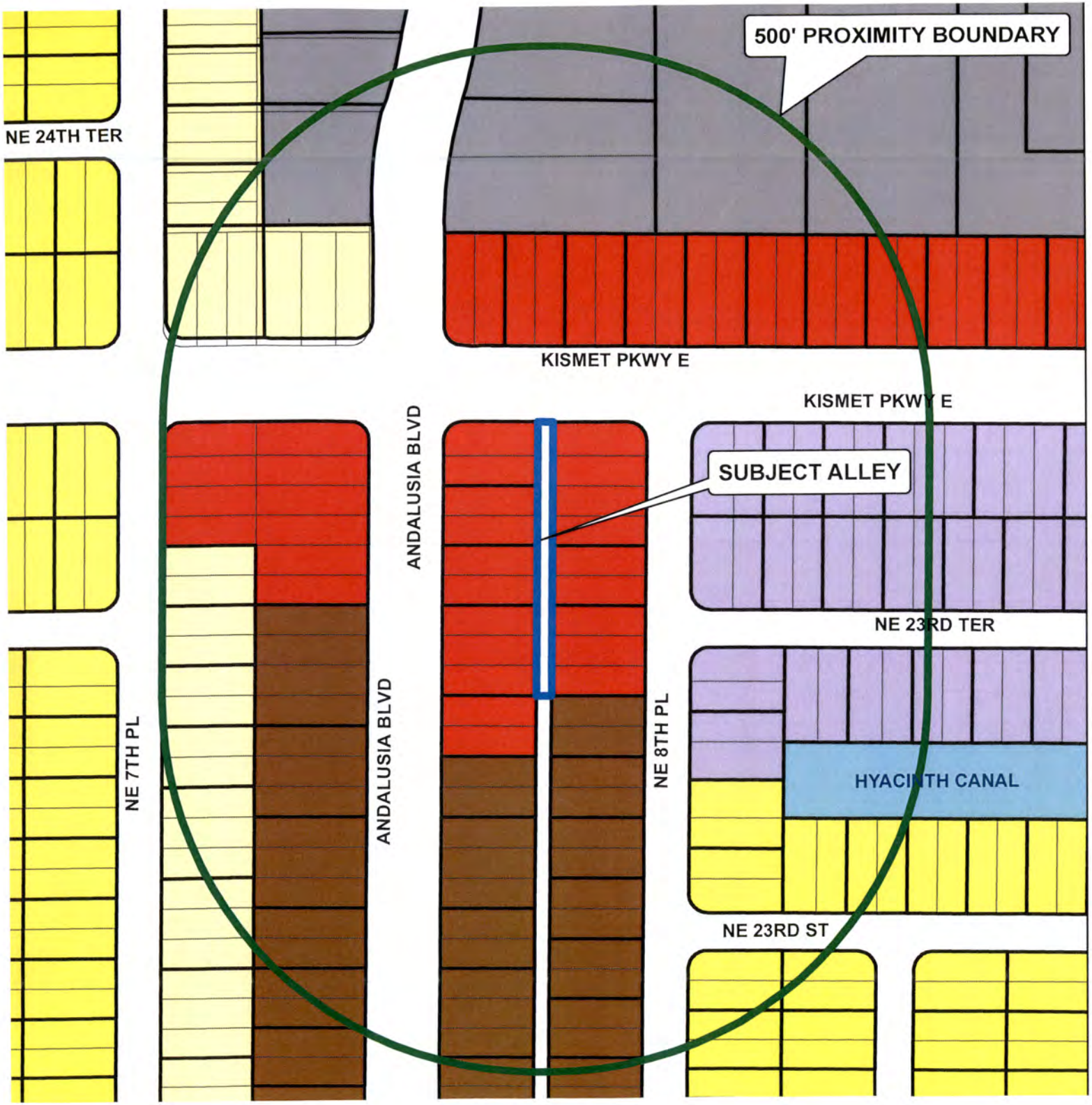
Cape Coral
FLORIDA
You'll Like the Attitude in Paradise

N
W E
S

JANAUARY 24TH, 2018

Feet
0 75 150

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



CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Boundary

Case No. VP18-0001

LEGEND

- 500' Proximity Boundary
- Subject Alley

Zoning

- C-1
- I-1
- MR
- R-1B
- R-3
- RD

Cape Coral FLORIDA
You'll Like the Attitude in Paradise

N W E S

JANUARY 24TH, 2018

Feet
0 210 420

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Item Number:	**2.F.**
Meeting Date:	**7/10/2018**
Item Type:	**HEARINGS**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
Case # SE17-0016*; Address: 2315-2333 Andalusia Boulevard and 2320-2330 NE 8th Place; Applicant: Harry M. Lowell and CJ Investment Services, Inc. and Bubbas Building Trust, 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, Quattrone and Associates, Inc., requests a Special Exception for an Automotive Service Station Limited Use in the Pedestrian Commercial (C-1) District on Lots 27-46, Block 2162, Unit 32, Cape Coral Subdivision.

LEGAL REVIEW:

EXHIBITS:
See attached "Backup Materials"

PREPARED BY:

Kristin Kantarze	Division- Planning	Department-	Community Development

SOURCE OF ADDITIONAL INFORMATION:
Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

ATTACHMENTS:

Description	Type

Backup Materials

Backup Material

Cape Coral
FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT
SPECIAL EXCEPTION APPLICATION
Questions: 239-574-0776

Case # SE17-0016

REQUEST FOR A SPECIAL EXCEPTION USE

FEE: $833.00 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 fees 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.

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
Lowell Harry M 1/2 + CJ Investment Services LTD 1/2
Address: P.O. Box 1121
City: Estero State FL Zip 33928
Email:
Phone:

APPLICANT (if different from Owner)
Al Quattrone, P.E.
Address: 4301 Veronica Shoemaker Blvd
City: Fort Myers State FL Zip 33916
Email: al@qainc.net
Phone: 239-936-5222

AUTHORIZED REPRESENTATIVE
Steve R Whitley srwhitley@lawrecpa.com
Address: 5249 Summerlin Commons Blvd
City: Fort Myers State FL Zip 33907
Email: HLOWELL42@yahoo.com
Phone:
HARRY M LOWELL Harry M Lowell

Unit 32 Block 2162 Lot(s) 27 Thru 43 Subdivision Cape Coral Unit 32
Address of Property 2315,2324,2325,2329,2333 Andalusia Blvd & 2330,2324 NE 8th Place Cape Coral, FL 33909
Plat Book 16 Page 11
Current Zoning C-1 Strap Number 31-43-24-C1-02162.0270, 0290, 0320, 0340, 0360, 0380, 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.

CJ Investment Services LTD
CORPORATION/COMPANY NAME

Steven R Whitley
NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

Cape Coral
FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # _____

(SIGNATURE MUST BE NOTARIZED)

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.

STATE OF Florida, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 13th day of Dec, 2017, by Steven Whitley & Harry Lowell

who is personally known or produced _____

as identification.

Exp. Date: 12/15/18 Commission Number: FF 151888

NOTARY PUBLIC STATE OF FLORIDA
DEBORAH A. PLOURDE
MY COMMISSION # FF 151888
EXPIRES: December 15, 2018
Bonded Thru Budget Notary Services

Signature of Notary Public: Deborah A. Plourde

Printed name of Notary Public: Deborah A. Plourde

Cape Coral
FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT
SPECIAL EXCEPTION APPLICATION
Questions: 239-574-0776

Case # _____

ACKNOWLEDGEMENT FORM

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

I hereby acknowledge that I have read and understood the above affidavit on the 13th day of December, 20 17

Steven R Whitley
PRINT APPLICANT'S NAME

APPLICANT'S SIGNATURE

HARRY M Lowell

Harry M Lowell

STATE OF FL, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 13th day of December, 2017 by Steven Whitley + Harry Lowell who is personally known or produced _____ as identification.

Exp. Date: 12/15/18 Commission Number: FF 151888

DEBORAH A. PLOURDE
MY COMMISSION # FF 151888
EXPIRES: December 15, 2018
Bonded Thru Budget Notary Services

Signature of Notary Public: Deborah A Plourde

Printed name of Notary Public: Deborah A. Plourde

Cape Coral
FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT
SPECIAL EXCEPTION APPLICATION
Questions: 239-574-0776

Case # _____

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT Quattrone & Associates, Inc and Matt Uhle
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE HEARING EXAMINER, OR CITY COUNCIL FOR Special Exception
(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT 32 BLOCK 2162 LOT(S) 27+ 43 SUBDIVISION Cape Coral Unit 32

OR LEGAL DESCRIPTION _____

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

Steven R Whitley
PROPERTY OWNER (Please Print)

HARRY M LOWELL
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 13th day of Dec, 2017 by Steven Whitley + Harry Lowell who is personally known or produced _____ as identification.

DEBORAH A. PLOURDE
MY COMMISSION # FF 151888
EXPIRES: December 15, 2018
Bonded Thru Budget Notary Services

Exp. Date: 12/15/18 Commission Number: FF 151888

Signature of Notary Public: Deborah A. Plourde

Printed name of Notary Public: Deborah A. Plourde

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

Cape Coral
FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION 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.

Harry M Lowell
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

Harry M Lowell
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida **COUNTY OF** Lee

Sworn to (or affirmed) and subscribed before me on this 13th day of December, 2017 by Harry Lowell, who is personally known or who has produced _____ as identification.

Exp. Date 12/15/18
Commission # FF 151888

Deborah A. Plourde
Signature of Notary Public

Deborah A Plourde
Print Name of Notary Public

NOTARY PUBLIC STATE OF FLORIDA
DEBORAH A. PLOURDE
MY COMMISSION # FF 151888
EXPIRES: December 15, 2018
Bonded Thru Budget Notary Services

Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Limited Partnership
CJ INVESTMENT SERVICES, LTD.

Filing Information

Document Number	A01000001523
FEI/EIN Number	02-0605048
Date Filed	11/13/2001
State	FL
Status	ACTIVE

Principal Address

5249 SUMMERLIN COMMONS BLVD.
100
FT. MYERS, FL 33907

Changed: 01/05/2010

Mailing Address

C/O STEVEN R WHITLEY
P O BOX 1020
FT. MYERS, FL 33902

Changed: 02/16/2007

Registered Agent Name & Address

GFPAC SERVICES, LLC
PELICAN BAY CORPORATE CENTRE
5551 RIDGEWOOD DR, SUITE 501
NAPLES, FL 34108

Name Changed: 02/16/2007

Address Changed: 02/16/2007

General Partner Detail

Name & Address

Document Number P01000109583

CJ MANGEMENT SERVICES, INC.
5249 SUMMERLIN COMMONS BLVD.
FT. MYERS, FL 33907

DIVISION OF CORPORATIONS

Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Profit Corporation
CJ MANAGEMENT SERVICES, INC.

Filing Information

Document Number	P01000109583
FEI/EIN Number	65-1159478
Date Filed	11/13/2001
State	FL
Status	ACTIVE

Principal Address

C/O STEVEN R WHITLEY
5249 SUMMERLIN COMMONS BLVD.
FORT MYERS, FL 33907

Changed: 01/22/2009

Mailing Address

C/O STEVEN R WHITLEY
P O BOX 1020
FORT MYERS, FL 33902

Changed: 02/16/2007

Registered Agent Name & Address

Whitley, Steven R
C/O STEVEN R WHITLEY
5249 SUMMERLIN COMMONS BLVD.
FORT MYERS, FL 33907

Name Changed: 04/30/2014

Address Changed: 04/30/2014

Officer/Director Detail

Name & Address

Title CCEO

LOWELL, CAROLYN
675 LONGBOAT CLUB RD, UNIT 22B
LONGBOAT KEY, FL 34228

Cape Coral
FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # _____

REQUEST FOR A SPECIAL EXCEPTION USE

FEE: $833.00 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 fees 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.

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
Bubbas Building Trust, LLC
Address: P.O. Box 101526
City: Cape Coral State FL Zip 33910
Email: hlowell42@yahoo.com
Phone: (231) 845-3936

APPLICANT (if different from Owner)
Al Quattrone, P.E
Address: 4301 Veronica Shoemaker Blvd
City: Fort Myers, FL State ____ Zip 33916
Email: al@qainc.net
Phone: 239-936-5222

AUTHORIZED REPRESENTATIVE
Harry M Lowell
Address: 603 N Lakeshore Drive
City: Ludington State MI Zip 49431
Email: hlowell42@yahoo.com
Phone: (231) 845-3936

Unit 32 Block 2162 Lot(s) 44 Thru 46 Subdivision Cape Coral Unit 32
Address of Property 2320 NE 8th PL Cape Coral, FL 33909
Plat Book 16 Page 11
Current Zoning C-1 Strap Number 31-43-24-C1-02162. 0440

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.

Bubbas Building Trust, LLC
CORPORATION/COMPANY NAME

Harry M Lowell
NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

Cape Coral
FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # _____

ACKNOWLEDGEMENT FORM

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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.

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I hereby acknowledge that I have read and understood the above affidavit on the 4 day of Oct, 20 17

Harry M Lowell
PRINT APPLICANT'S NAME

APPLICANT'S SIGNATURE

STATE OF MI, COUNTY OF MASON

Subscribed and sworn to (or affirmed) before me this 4th day of Oct, 2017, by Harry Lowell who is personally known or produced Drivers License as identification.

Exp. Date: 6-17-19 Commission Number:

Signature of Notary Public: Carol Gilbert Foote

Printed name of Notary Public: Carol Gilbert Foote

Carol Gilbert Foote
Notary Public- State Of Michigan
County of Mason
My Commission Expires 06/17/2019

Special_exception_application_11_21_16

Cape Coral
FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # _____

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT Quattrone & Associates, Inc and Matt Uhle
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE HEARING EXAMINER, OR CITY COUNCIL FOR
Special Exception
(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT 32 BLOCK 2162 LOT(S) 44-46 SUBDIVISION Cape Coral Unit 32

OR LEGAL DESCRIPTION Cape Coral Unit 32 BLK 2162 PB 16 PG 11
Lots 44 Thru 46

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

Bubbas Building Trust, LLC -Harry Lowell
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

Harry Lowell
PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF MI, COUNTY OF Mason

Subscribed and sworn to (or affirmed) before me this 24th day of Oct, 2017, by Harry Lowell who is personally known or produced Driver's License as identification.

Exp. Date: 6-17-19 Commission Number:

Signature of Notary Public: Carol Gilbert Foote

Printed name of Notary Public: Carol Gilbert Foote

Carol Gilbert Foote
Notary Public- State Of Michigan
County of Mason
My Commission Expires 06/17/2019

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

Cape Coral
FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION 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.

Bubbas Building Trust, LLC-Harry M Lowell
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF MI **COUNTY OF** MASON

Sworn to (or affirmed) and subscribed before me on this 4th day of October, 2017 by Harry Lowell, who is personally known or who has produced Drivers License as identification.

Exp. Date 6-17-19
Commission #_____

Signature of Notary Public

Carol Gilbert Foote
Print Name of Notary Public

Carol Gilbert Foote
Notary Public- State Of Michigan
County of Mason
My Commission Expires 06/17/2019

Cape Coral
FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # _____

(SIGNATURE MUST BE NOTARIZED)

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STATE OF MI, COUNTY OF MASON

Sworn to (or affirmed) and subscribed before me this 4th day of Oct, 2017, by Harry Lowell who is personally known or produced Driver's License as identification.

Exp. Date: 6-17-19 Commission Number:

Signature of Notary Public: Carol Gilbert Foote

Printed name of Notary Public: Carol Gilbert Foote

Carol Gilbert Foote
Notary Public- State Of Michigan
County of Mason
My Commission Expires 06/17/2019

Detail by Entity Name

Florida Limited Liability Company
BUBBAS BUILDING TRUST LLC

Filing Information

Document Number	L08000048437
FEI/EIN Number	59-3248182
Date Filed	05/14/2008
Effective Date	05/14/2008
State	FL
Status	ACTIVE

Principal Address

5230 Clayton Court
Suite 3
Fort Myers, FL 33907

Changed: 04/03/2018

Mailing Address

P O BOX 61647
Fort Myers, FL 33906

Changed: 04/03/2018

Registered Agent Name & Address

Black, Louis E, Esq.
5230 Clayton Court
Suite 3
Fort Myers, FL 33907

Name Changed: 04/03/2018

Address Changed: 04/03/2018

Authorized Person(s) Detail

Name & Address

Title MGRM

Stephen W Haywood Revocable Trust dated October 30, 2015
P O BOX 61647
Fort Myers, FL 33906

Title MGR

LOWELL, HARRY M
12995 S CLEVELAND AVENUE PBS 34
FORT MYERS, FL 33907

Annual Reports

Report Year	Filed Date
2016	01/17/2016
2017	01/28/2017
2018	04/03/2018

Document Images

04/03/2018 -- ANNUAL REPORT	View image in PDF format
01/28/2017 -- ANNUAL REPORT	View image in PDF format
01/17/2016 -- ANNUAL REPORT	View image in PDF format
01/20/2015 -- ANNUAL REPORT	View image in PDF format
01/24/2014 -- ANNUAL REPORT	View image in PDF format
02/21/2013 -- ANNUAL REPORT	View image in PDF format
01/04/2012 -- ANNUAL REPORT	View image in PDF format
02/10/2011 -- ANNUAL REPORT	View image in PDF format
01/19/2010 -- ANNUAL REPORT	View image in PDF format
01/30/2009 -- ANNUAL REPORT	View image in PDF format
05/14/2008 -- Florida Limited Liability	View image in PDF format

Florida Department of State, Division of Corporations

Quattrone & Associates, Inc.
Engineers, Planners & Development Consultants
4301 Veronica Shoemaker Blvd. Fort Myers, FL 33916
239.936.5222 | QAINC.NET | f 239.936.7228

October 24, 2017

Director
Department of Community Development
City of Cape Coral
1015 Cultural Park Boulevard
Cape Coral, Florida 33990

RE: 7-Eleven # 1040485
Andalusia Boulevard & Kismet Parkway East
Unit 32, Block 2162, Lot 27 thru 43, Cape Coral Unit 32

Special Exception Application Letter of Intent

Dear Director:

Attached please find an application for a special exception approval for a proposed convenience store with fuel pumps to be located on the subject property referenced above. The subject property is currently zoned C-1. The applicant is proposing ± 3,010s.f. convenience store with eight multi-product dispensers (MPD) on lots 27 thru 43 in the Cape Coral Unit 32 subdivision. A site development plan is going to be filed concurrently with this application that will predicate the Special Exception approval.

Pursuant to LDR Article II, Section 2.7.7(C)(3), an automotive service station limited with convenience store is permitted in the Pedestrian Commercial district as a special exception.

We respectfully request approval and if you have any comments or questions please do not hesitate to contact me at (239)936-5222 or al@qainc.net

Sincerely,
QUATTRONE & ASSOCIATES, INC.

Al Quattrone, P.E.
President

Quattrone & Associates, Inc.

Letter of Intent

7-Eleven Andalusia/ Kismet
#1040485
Special Exception

This application requests approval for a special exception to permit a convenience store with gas pumps and a car wash in the C-1 zoning district. The property is located on the southeast corner of Andalusia Boulevard and Kismet Parkway East in the City of Cape Coral. The site consists of nine (9) parcels with an overall boundary of 2.53 acres when including the 0.2-acre alley and is currently vacant.

7-Eleven proposes to construct a new ±3,010 SF convenience store, including new underground fuel storage tanks, fuel distribution and vent piping, six (6) multi-product dispensers, a free-standing canopy, air/vac, a new trash enclosure, and a self-service car wash.

The subject property is currently zoned C-1 (Pedestrian Commercial district) and carries a future land use designation of CP (Commercial/Professional). The C-1 zoning district allows for a self-service fuel pump station convenience store and allows for fuel sales with the approval of a special exception. The facility can be open 24/7 but limited hours of operation may be implemented as part of the Special Exception approval. With evidence of valid state license for sales of beer and wine for off premises consumption, 7-Eleven can sell carry- out beer and wine with the approval of a special exception.

The request complies with the standards for special exceptions as follows:

Standards. The following standards 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, the Land Use and Development Regulations, and all other applicable law.**

The proposed automotive service station, limited with a convenience store is permitted in the C-1 zoning district as a special exception. The convenience food and beverage component is permitted by right in the C-1 zoning district. The automotive service station, limited use requires the special exception review process. The proposed automotive service station with convenience store will also include an accessory single bay automated car wash. All of the proposed improvements are consistent with the C-1 zoning district development standards. No deviations from the code are required.

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.**

The project is compatible with the surrounding existing and planned uses. The site is bounded on three sides by roads and the property south is zoned R-3. A 25' wide landscape buffer is proposed where the project abuts vacant residential lots. The gas fueling facilities are to be located in the NW corner, adjacent to Andalusia, and are not oriented toward the nearby residential areas.

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 Hearing Examiner.**

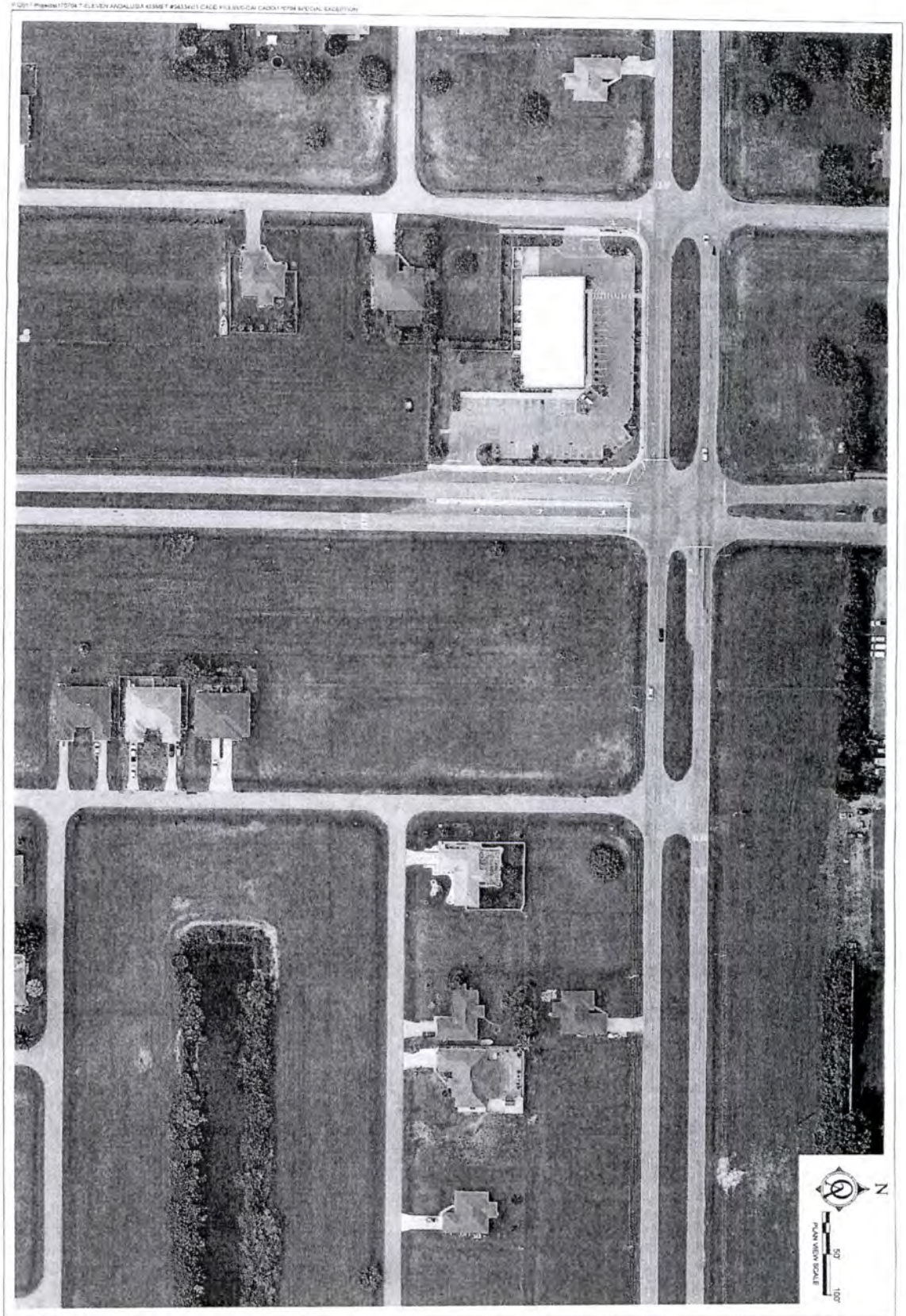
The project site exceeds the minimum spacing requirements of 250'. Two access points are being proposed, one on Andalusia, and the other on NE 8th Place. The accesses widen along the length on the property line, taper at each end, and will include a 6' concrete sidewalk, 2' Type F curb and lane widening to the end of existing pavement. No ingress or egress is proposed to Kismet Parkway East.

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 buildings and site improvements have been located on the site in accordance with the C-1 zoning district requirements. For the convenience store gas use, vehicular circulation is important. The fuel islands and canopy are oriented towards Kismet Parkway East and the convenience store is located in a manner to provide additional separation and buffering from the properties to the south zoned R-3.

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 Hearing Examiner 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.**

A 25' landscape buffer is proposed where the site is adjacent to residentially zoned property. Additional separation from those nearby lots is assured by providing a dry detention area for stormwater adjacent to the buffer.



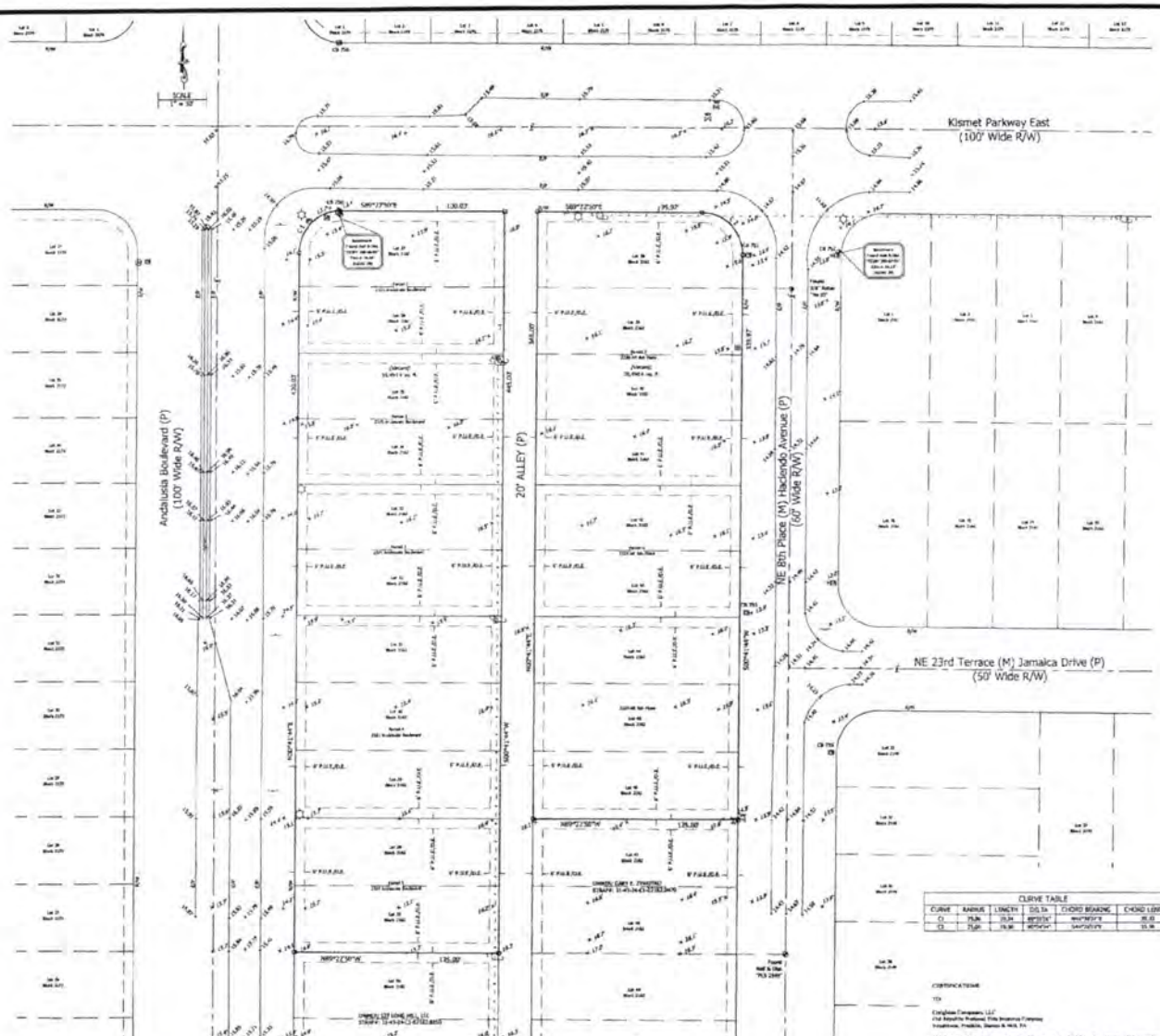
Quattrone & Associates, Inc.
Engineers, Planners, & Developmenta Consultants
4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239 936-5232
Certificate of Authorization Number 9465

7-ELEVEN @ ANDALUSIA
SPECIAL EXCEPTION
2333 ANDALUSIA BOULEVARD,
CAPE CORAL, FLORIDA 33909

#	DATE	COMMENT

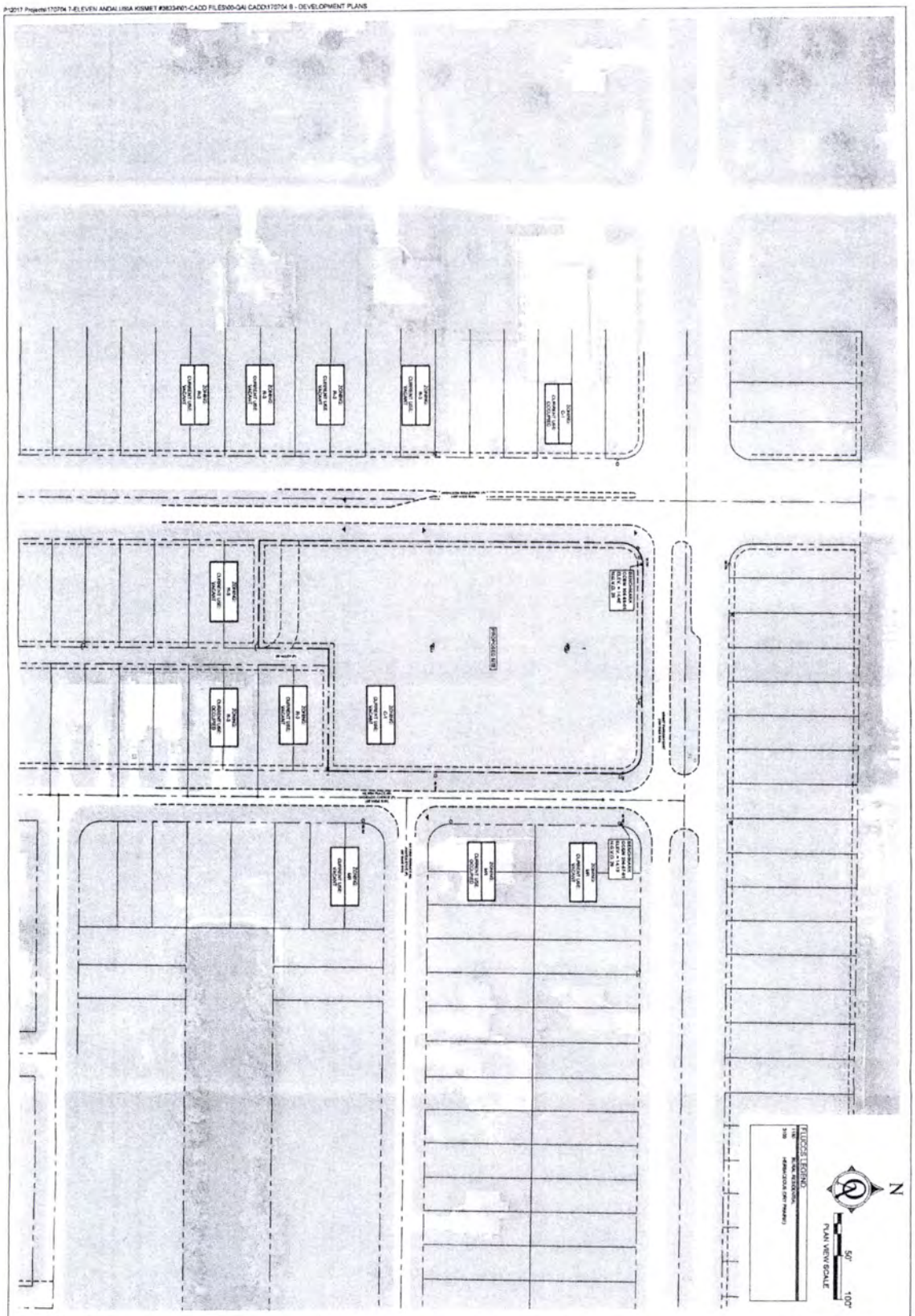
SHEET 01 OF 01

170704 SPECIAL EXCEPTION.DWG



KISMET PARKWAY EAST
PROJECT
NE 23rd TERRACE
NE 23rd STREET
NE 23rd TERRACE
NE 23rd STREET
NE 23rd TERRACE
NE 8th PLACE
NE 8th PLACE
NE 8th PL

P:\2017 Projects\170704 7-ELEVEN ANDALUSIA KISMET #36334N01-CADD FILES\00-QAI CADD\170704 B - DEVELOPMENT PLANS



Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222
Certificate of Authorization Number: 3463

7-ELEVEN @ ANDALUSIA
AERIAL & FLUCCS PLAN
2333 ANDALUSIA BOULEVARD,
CAPE CORAL, FLORIDA 33909

DATE	COMMENT

SHEET
SD-03
03 OF 11

170704 B - DEVELOPMENT PLANS.DWG

SITE PLAN LEGEND:

- PROPOSED PAVEMENT
- PROPOSED CONCRETE / WALKS
- PROPOSED BUILDING LINE
- PAVEMENT TO BE REMOVED
- PROPOSED GRAVEL PARKING
- PAINTED HANDICAP PARKING STARS
- PROPOSED STOP SIGN
- NUMBER OF PARKING SPACES IN ROW
- SIGN AND POST
- DUMPSTER ENCLOSURE
- CENTER LINE
- EAST/WEST LINES (POWER, WALKS, ECT.)
- RIGHT OF WAY
- SITE BOUNDARY
- TYPE D CURB & PAVEMENT
- FENCE
- SWING GATE (CHAIN LINK)
- PROJECT PHASE LINE
- EASEMENTS
- DETECTABLE WARNING PER FDOT INDEX 304
- PAINTED TRAFFIC ARROWS

PROJECT PHASING PLAN:

THIS PROJECT SHALL BE CONSTRUCTED IN ONE (1) PHASE.

WILL INCLUDE: ENTRANCE IMPROVEMENTS, OFFSITE IMPROVEMENTS, MAIN BUILDING, CARWASH, UNDERGROUND GAS TANKS, VSI, SPLIT PRODUCT DISPENSERS, CANOPY ROOF, ASPHALT PAVEMENT AREA, PARKING SPACES, DOUBLE DUMPSTER ENCLOSURE, ALL UTILITIES (WATER, SEWER & IRRIGATION), BUFFER LANDSCAPING, GENERAL LANDSCAPING, DETENTION AREA, DRAINAGE STRUCTURES, PUMPER STOP SIGN, AND BUT FENCING.

LAND USE BREAKDOWN:

TOTAL SITE AREA	105,363 SF	2.42 AC		
BUILDING AREA	2,310 SF	0.01 AC	2.19%	
CARWASH AREA	1,596 SF	0.02 AC	2.03%	
PAVEMENT AREA ON-SITE (ASPHALT + CONCRETE)	42,481 SF	0.97 AC	37.29%	
PAVEMENT AREA OFF-SITE	18,250 SF	0.41 AC	16.42%	
CONCRETE AREA (SIDEWALK & DUMPSTER)	2,349 SF	0.05 AC	2.39%	
OPEN SPACE	61,815 SF	1.42 AC	58.35%	
TOTAL IMPERVIOUS AREA ON-SITE	47,260 SF	1.09 AC	43.87%	
TOTAL IMPERVIOUS AREA OFF-SITE	21,596 SF	0.50 AC	20.31%	
TOTAL PERVIOUS AREA	61,815 SF	1.41 AC	56.31%	
			100.00%	

SETBACK TABLE:

	REQUIRED	PROVIDED
ROAD (FRONT)	25	49
SIDE YARD (NORTH & NE STRIPE)	25	49.88' & 49.12'
REAR YARD	25	190
MAX. BUILDING HEIGHT (OR 3 STORY)	< 35'	< 35

SITE DATA:

MINIMUM PAVEMENT ELEV.	DIRECTION ELEVATION
ELEV. 15.50' NGVD	ELEV. 12.42' NGVD
MINIMUM FINISH FLOOR ELEVATION	FEMA FIRM ELEVATION
ELEV. 16.00' NGVD	ELEV. = 11.00' NGVD
AVERAGE EXISTING GROUND ELEVATION	ZONING
ELEV. 15.00' NGVD	C1 - PEDESTRIAN COMMERCIAL DISTRICT
PROPOSED USE	STRIP MALL
RETAIL	SELF SERVE FUEL
SOILS	FLOOD ZONE
12 - METLACOMB GRAVELLY FINE SAND; LIME STONE SUBSTRATUM	7180 - RURAL RESIDENTIAL; 5100 - HERBACEOUS (DRY PRAIRIE)

FEMA FLOOD ZONE:

THIS PROPERTY IS LOCATED FLOOD ZONE X BASE FLOOD ELEV. = UNDETERMINED
INTERIM COMMUNITY CODE: PANEL NO. 0070 MAP # 12071C0070F DATE 08/28/2008

REFUSE AND SOLID WASTE DISPOSAL FACILITIES: LDC 10-261

1. A MINIMUM OVERHEAD CLEARANCE OF 22 FEET IS REQUIRED AND A 12' WIDE UNOBSTRUCTED ACCESS OPENING MUST BE PROVIDED TO ACCOMMODATE ALL STORAGE AREAS/CONTAINERS.
2. ALL STORAGE AREAS / CONTAINERS MUST BE ADEQUATELY SHIELDED BY LANDSCAPED SCREEN OR SOLID FENCING ALONG AT LEAST THREE SIDES. USE OF CHAIN LINK FENCING TO MEET THIS REQUIREMENT IS PROHIBITED. REFER TO LEE COUNTY LDC 10-261(b)(2) FOR GUIDELINES.
3. COMMERCIAL, INDUSTRIAL & MULTI-FAMILY DEVELOPMENT USING A COMPACTOR FOR GARBAGE COLLECTION MUST PROVIDE SUFFICIENT SPACE FOR THE COMPACTOR (INCLUDING RECEIVER) IN ADDITION TO SPACE REQUIRED FOR RECYCLABLE COLLECTION.
4. ENCLOSURE SETBACKS, CONTAINER SPACE SIZES, OTHER USES AS PROVIDED IN ACCORD WITH LEE COUNTY LDC. (BARRIERS & (4) CONCRETE WALL ENCLOSURES MAY NOT BE LOCATED WITHIN A PUBLIC UTILITY OR DRAINAGE EASEMENT.

8-7,000 SF REQUIRE 96 SF (GARBAGE) & 24 SF (RECYCLABLE), TOTAL = 96 SF
7,001 - 10,000 SF REQUIRES 96 SF (GARBAGE) & 48 SF (RECYCLABLE), TOTAL = 138 SF
10,001 - 25,000 SF REQUIRES 180 SF (GARBAGE) & 90 SF (RECYCLABLE), TOTAL = 216 SF
25,000 SF + REQUIRES 216 SF FOR THE FIRST 25,000 SF PLUS 8 SF FOR EACH ADDITIONAL 1,000 SF.

BUILDING USE: 3,100 SF STORE + 1,000 SF CARWASH = 4,117 SF
DOUBLE DUMPSTER ENCLOSURE = 20' * 12'x12' = 288 SF

TOTAL REQUIRED DISPOSAL AREA (SF) =	84
TOTAL PROVIDED DISPOSAL AREA (SF) =	288

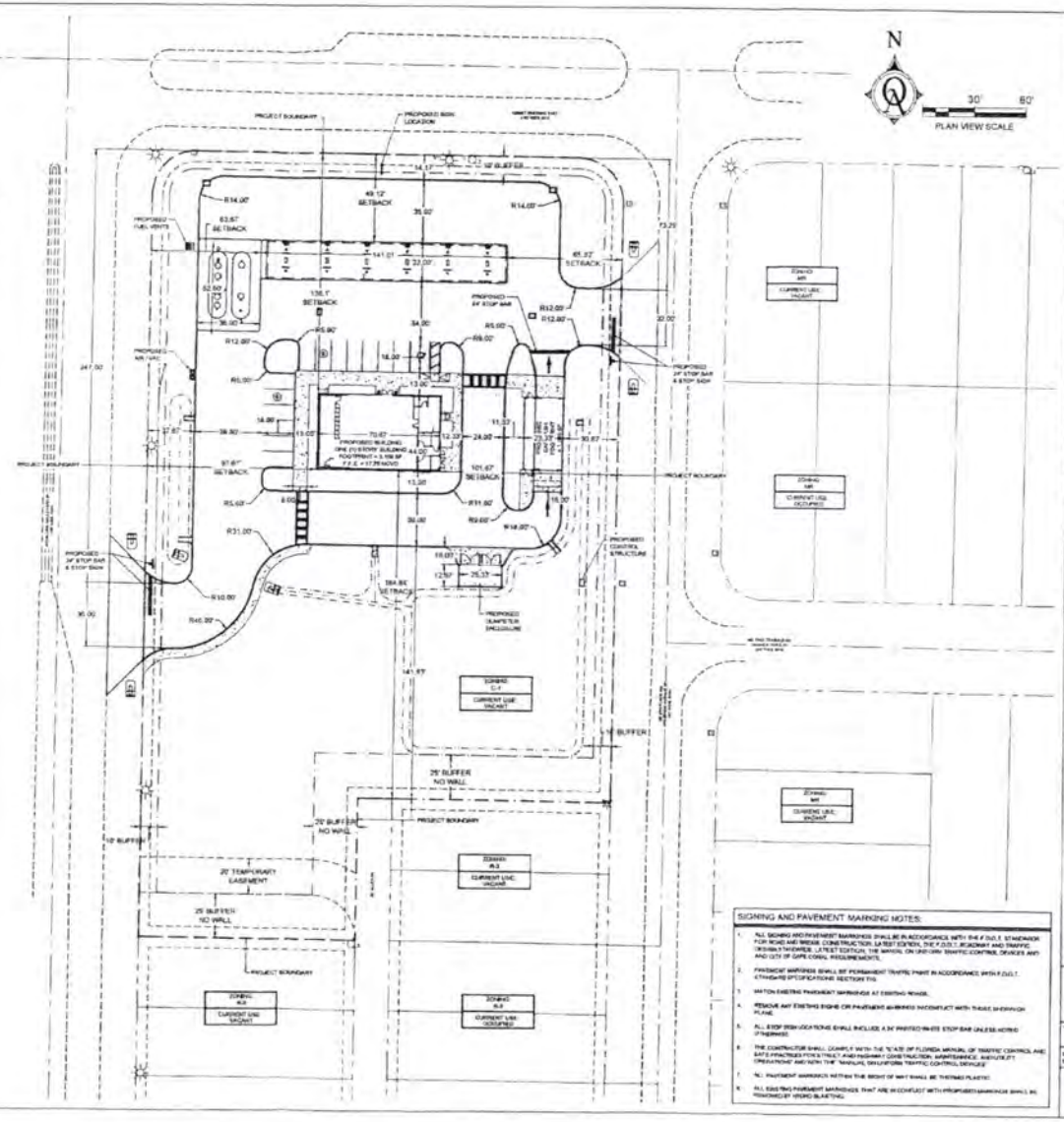
PARKING CALCULATIONS: LDC ARTICLE V: SUPPLEMENTARY DEV. REG.

C1 - PEDESTRIAN COMMERCIAL DISTRICT

PARKING SPACES REQUIRED: 1 SPACES / 200 SF (GFA) & 1 SPACE / 400 SF (GFA) STORAGE)

TOTAL BUILDING SQUARE FOOTAGE	= 5,100 S.F.
TOTAL GLAD STORAGE: (5 SF / 800 SF) = 5x7 SF = (1 SF / 160 SF)	= 1 SPACE
TOTAL REMAINING FLOOR AREA: (1 SF / 200 SF) = 5,100 SF + 147 / 200 SF)	= 13 SPACES (1 HC)
TOTAL PARKING REQUIRED	= 14 SPACES
TOTAL PARKING PROVIDED	= 14 SPACES

PARKING ALLOCATION MAY BE MODIFIED AS NECESSARY TO ACCOMMODATE REVISED BUILDING FOOTPRINTS. UNTIL THE ACTUAL USES AND SQUARE FOOTAGE ARE DETERMINED AT TIME OF ISSUANCE OF A BUILDING PERMIT, THE REQUIRED NUMBER OF PARKING SPACES CANNOT BE DETERMINED. APPROVAL OF THE DEVELOPMENT ORDER DOES NOT ENSURE ADEQUATE PARKING FOR ALL USES.



SIGNING AND PAVEMENT MARKING NOTES:

1. ALL SIGNING AND PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE F.D.O.T. STANDARDS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION, THE F.D.O.T. ROADWAY AND TRAFFIC DESIGN STANDARDS, LATEST EDITION, THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND THE CITY OF CAPE CORAL REQUIREMENTS.
2. PAVEMENT MARKINGS SHALL BE PERMANENT TRAFFIC PAINT IN ACCORDANCE WITH F.D.O.T. STANDARD SPECIFICATIONS, SECTION 710.
3. PAINTED EXISTING PAVEMENT MARKINGS AT EXISTING SIGNALS.
4. REMOVE ANY EXISTING SIGNS OR PAVEMENT MARKINGS INCONSISTENT WITH THESE SIGNING PLANS.
5. ALL STOP SIGN LOCATIONS SHALL INCLUDE A 24" PAINTED WHITE STOP BAR UNLESS NOTED OTHERWISE.
6. THE CONTRACTOR SHALL COMPLY WITH THE STATE OF FLORIDA MANUAL OF TRAFFIC CONTROL AND SAFE PRACTICES FOR STREET AND HIGHWAY CONSTRUCTION, MAINTENANCE, AND UTILITY OPERATIONS AND WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES".
7. ALL PAVEMENT MARKINGS WITHIN THE RIGHT OF WAY SHALL BE THERMO PLASTIC.
8. ALL EXISTING PAVEMENT MARKINGS THAT ARE IN CONFLICT WITH PROPOSED MARKINGS SHALL BE REMOVED BY VISUAL BLASTING.

7-ELEVEN STORE #38334
MASTER SITE PLAN
ANDALUSIA BLVD & KISMET PKWY E.,
CAPE CORAL, FLORIDA 33909

Quattrone & Associates, Inc.
Engineers, Planners & Development Consultants
4301 Veterans Memorial Blvd - Fort Myers, Florida 33916 - 239-656-1222
Certificate of Authorization Number: 3448

SHEET
SD-05
04 OF 12

170794 C - DEVELOPMENT PLANS.DWG

TR TRANSPORTATION CONSULTANTS, INC

2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

January 17, 2018

Lauren Evans
Creighton Construction & Development
900 SW Pine Island Road, Suite 202
Cape Coral, FL 33991

RE: 7-Eleven - Lowell
Project No: SE17-0016

Dear Mrs. Evans:

TR Transportation Consultants, Inc. has reviewed the comments issued by the City of Cape Coral for the proposed 7-Eleven development located at the southeast corner of Kismet Parkway East and Andalusia Boulevard in the City of Cape Coral, Florida. The comments and TR Transportation's response to those comments are listed below for reference.

Sufficiency Checklist

1) Please provide a trip distribution and turn lane analysis for the project in accordance with the adopted Lee County Turn Lane Policy. Of particular interest are the right and left turning movements onto NE 8th Pl. from Kismet Pkwy.

Attached **Figure A-1** illustrates the percent project traffic distribution and assignment of the net new project trips for the proposed 7-Eleven. The trip distribution of pass-by trips was also formulated. Attached **Figure A-2** illustrates the percent traffic distribution and assignment of pass-by trips. Attached **Figure 1** illustrates the assignment of all project related trips (net new + pass-by).

A turn lane analysis was completed at the two proposed site access drives (one right-in/right-out only on Andalusia Boulevard and one full-site access to NE 8th Place) based on the guidelines published in the Lee County Turn Lane Policy (Administrative Code 11-4). Based on the Lee County Department of Transportation Road Maintenance System webpage Andalusia Boulevard is classified as a major collector roadway and NE 8th Place is classified as a local road. The criteria for right turn lanes along collector and local roadways are identified on the next page.

Right Turn Lane On Collector – Andalusia Boulevard

Posted speed limit is equal to or greater than 35 mph – Criteria Met – **Yes (45 mph is the posted speed limit on Andalusia Boulevard).**

Number of right turning movements from the collector street is equal to or greater than forty-five (45) during either AM or PM peak hour of the arterial – Criteria Met – **No, as shown in the attached Figure 1 the number of right turning movements is less than 45 vehicles.**

Available Sight Distance for right turning vehicle to be seen by through traffic traveling in the same direction is less than the values shown in Table A-1 for the posted speed limit of the arterial street – Criteria Met – **No.**

Traffic control of intersection street or access point is a traffic signal – Criteria Met – **No.**

At least two or more criteria need to be med to warrant a right turn lane. Since two criteria are not met, a right turn lane is **NOT** warranted at the proposed right-in/right-out only access drive on Andalusia Boulevard.

Right Turn Lane on Local Road – NE 8th Place

Posted speed limit of the local street is equal to or greater than 30 mph – Criteria Met – **No (based on the Lee County DOT Road Maintenance System webpage the speed limit on NE 8th Place is 25 mph).**

Number of right turning movements from the collector street is equal to or greater than sixty (60) during either AM or PM peak hour of the local street – Criteria Met – **No, as shown in Figure 1 the number of right turning movements is less than 60 vehicles.**

Available Sight Distance for right turning vehicle to be seen by through traffic traveling in the same direction is less than the values shown in Table A-1 for the posted speed limit of the local street – Criteria Met – **No.**

Traffic control of intersection street or access point is a traffic signal – Criteria Met – **No.**

At least two or more criteria need to be med to warrant a right turn lane. Since two criteria are not met, a right turn lane is **NOT** warranted at the proposed full-site access drive on NE 8th Place. Attached to this response is also the Administrative Code 11-4 for reference.

Additionally, since the intersection of NE 8th Place and Kismet Parkway is an off-site intersection, a payment of road impact fees will be paid by the developer in order to accommodate any future off-site roadway improvements.

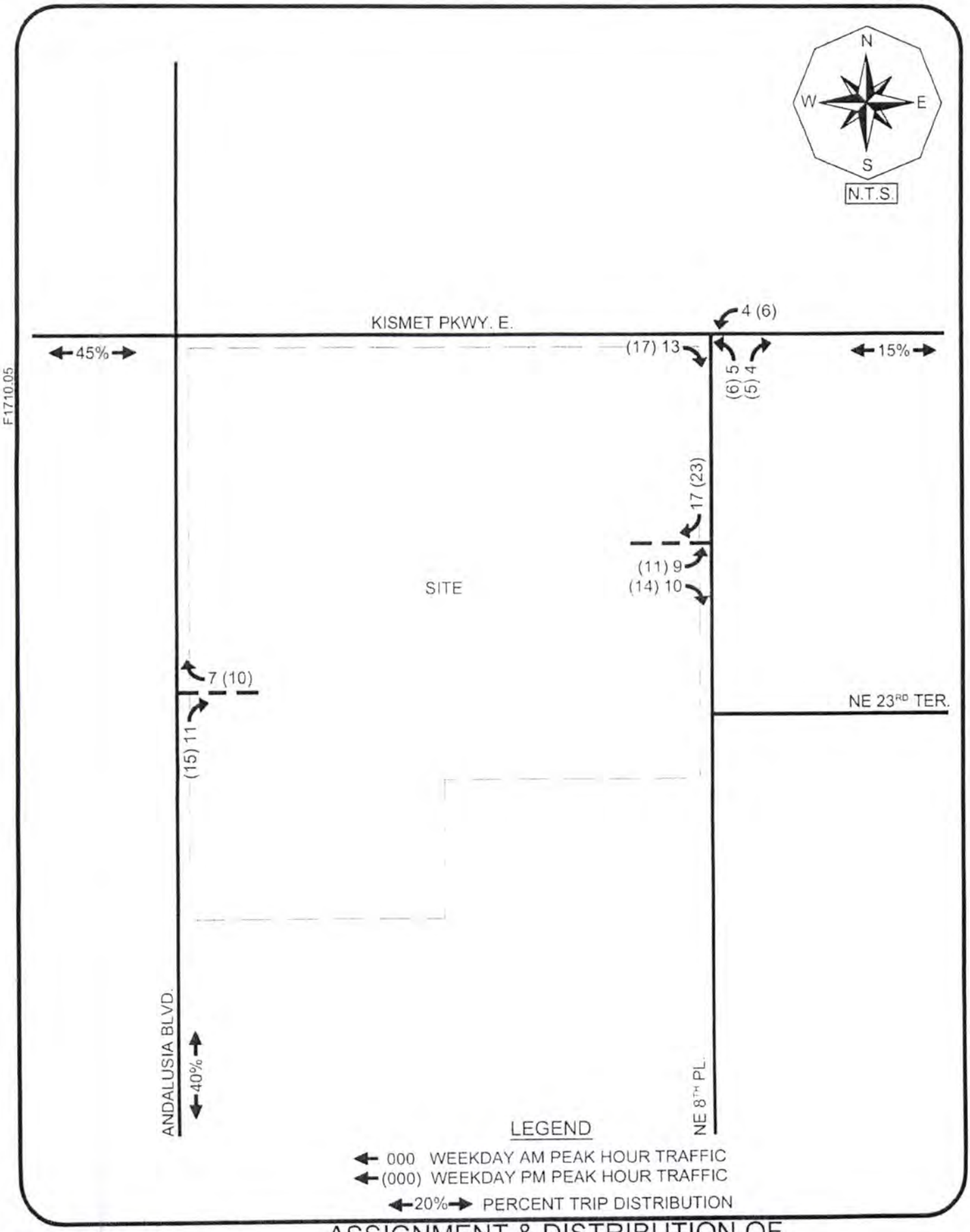
If you have any additional questions, please do not hesitate to contact us.

Sincerely,

Ted B. Treesh, PTP
President

Yury Bykau, E.I.
Transportation Consultant

Attachments



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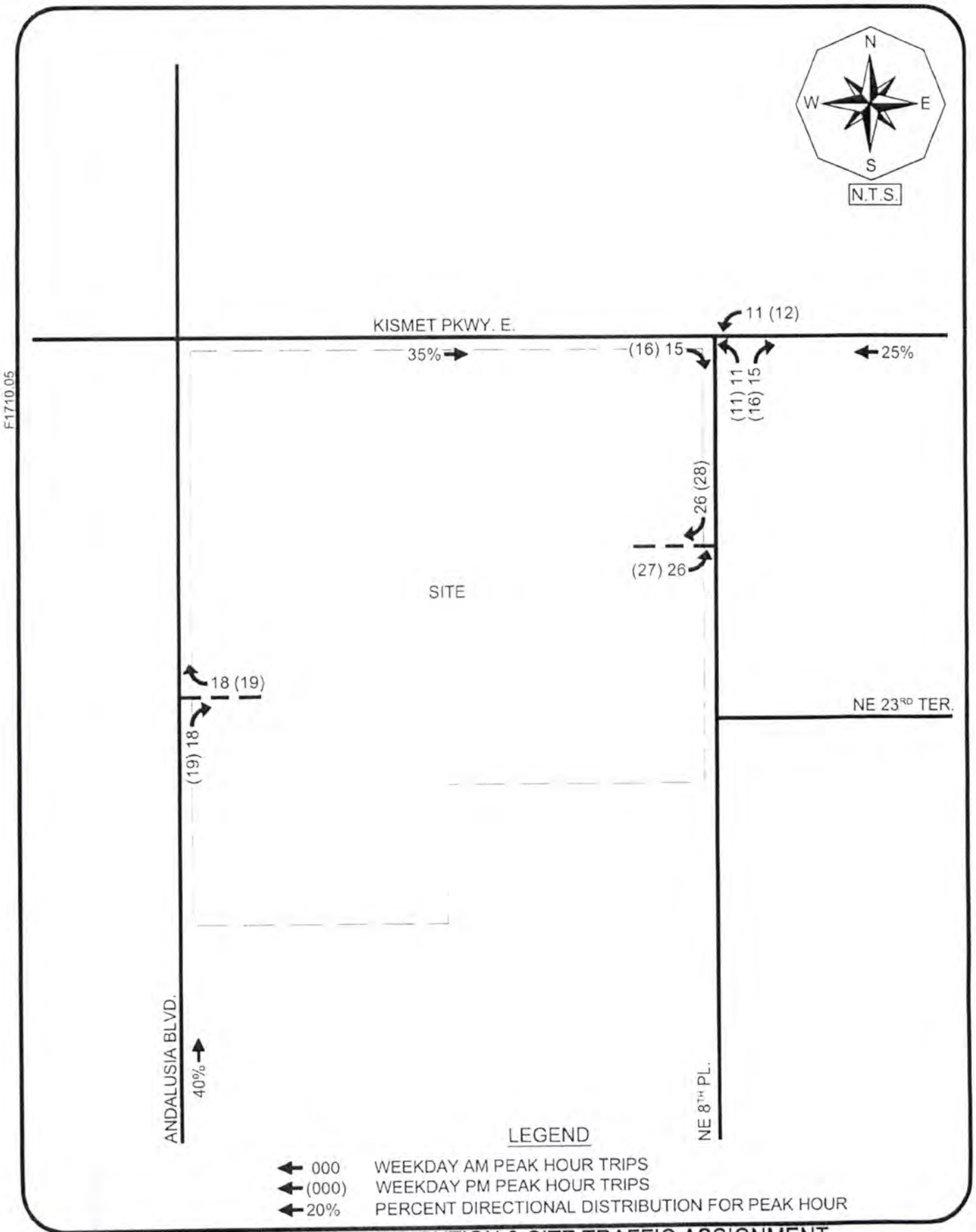
TR TRANSPORTATION CONSULTANTS, INC

ASSIGNMENT & DISTRIBUTION OF
NET NEW PROJECT TRIPS
7-ELEVEN @ KISMET & ANDALUSIA

Figure A-1



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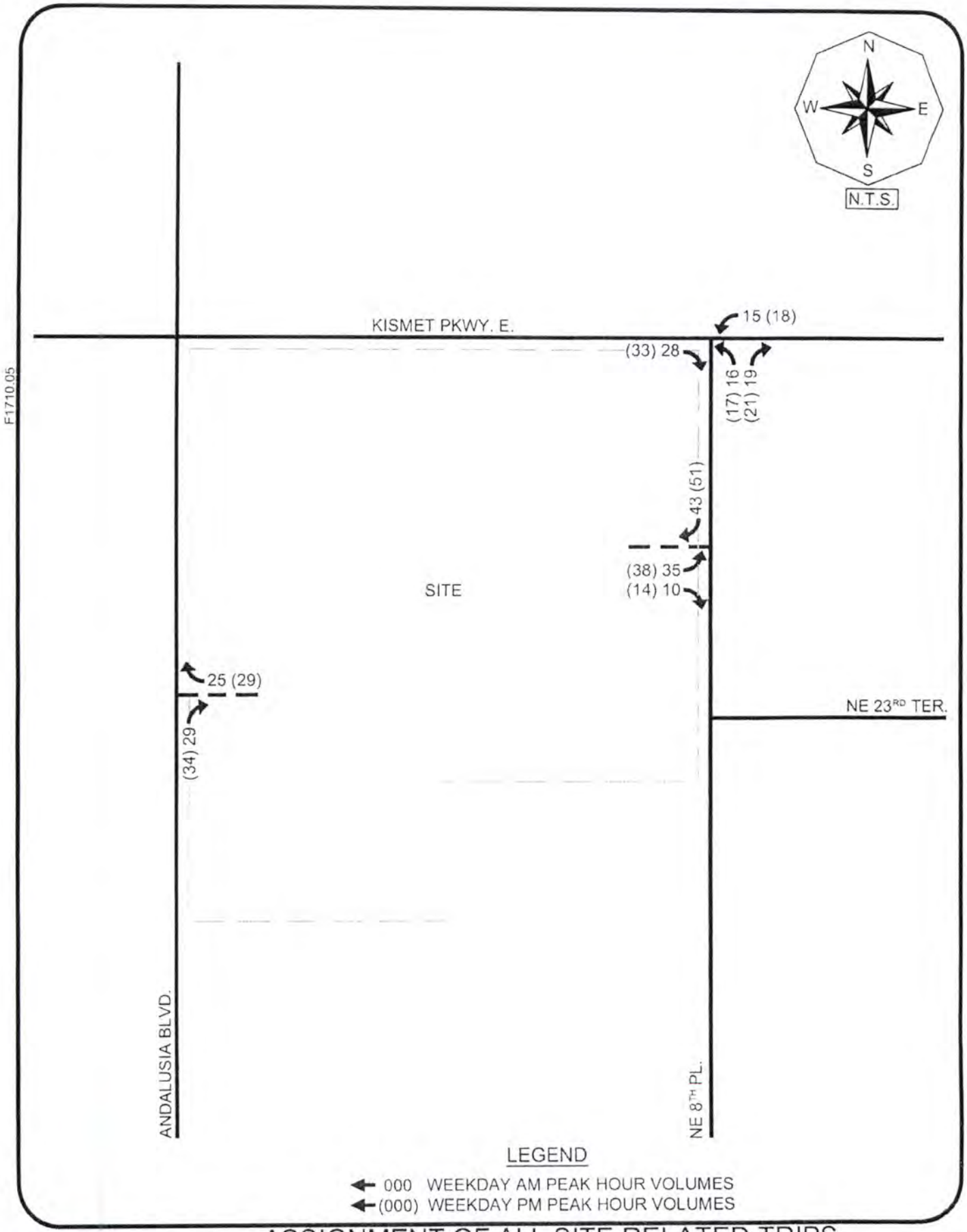
TRANSPORTATION CONSULTANTS, INC

TRIP DISTRIBUTION & SITE TRAFFIC ASSIGNMENT
OF PASS-BY TRIPS
7-ELEVEN @ KISMET & ANDALUSIA

Figure A-2



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TR TRANSPORTATION CONSULTANTS, INC

ASSIGNMENT OF ALL SITE RELATED TRIPS
NET NEW + PASS-BY TRIPS
7-ELEVEN @ KISMET & ANDALUSIA

Figure 1

ADMINISTRATIVE CODE
BOARD OFCOUNTYCOMMISSIONERS

CATEGORY: TRANSPORTATION AND TRAFFIC MANAGEMENT	CODE NUMBER: AC-11-4
TITLE: TURN LANE POLICY	ADOPTED: 10/19/88
	AMENDED: 10/16/91 3/24/98
	ORIGINATING DEPARTMENT: TRANSPORTATION

PURPOSE/SCOPE:

GENERAL

I. SCOPE

Deceleration, left and right turn lanes are desirable for the safe execution of speed change maneuvers and for storage and protection of left and right turning vehicles. These additional lanes for exit or entrance maneuvers shall be provided in accordance with County Design Standards herein. The pavement width and cross slopes of such lanes shall meet minimum requirements; however, special designs may be allowed when deemed necessary by the Director of the Division of Transportation for County maintained facilities and the Director of the Division of Development Services for privately-maintained facilities. Shoulders and recovery areas should be provided in accordance with the same requirements for other travel lanes; wherever possible.

It should be realized that deceleration, left and right turn lanes constitute an integral part of the geometric design of streets and highways and shall be included in the design for all new and replacement construction projects. At times, deceleration, left and right turn lanes may need to be installed at an existing intersection or access point to improve the existing or outdated design, if and when a traffic analysis shows that the LOS is being degraded by the proposed project traffic, or the turning movements at the intersection are being created at the intersection by the proposed projects traffic. This Policy addresses the warrants and design features for both cases.

POLICY/PROCEDURE:

II. POLICY AND PROCEDURE

Deceleration, left and right turn lanes shall be provided at all intersections and/or access points on county-maintained and privately-maintained facilities as required by this policy. Deceleration, left and right turn lane requirements shall not apply to a single family residence, a duplex residence, or two (2) family residence. When an existing development increases trip generation by expanding facilities or by change in use, a one-time deviation may be granted whereby only the increased trip generation is considered in determining if the warrants for requiring deceleration, left and right turn lanes are satisfied providing such deviation does not create a new or increased existing hazard which is detrimental to the health, safety and welfare of the traveling public.

This policy shall not be used to deny access to county maintained facilities for property which otherwise has the right of access; and for which it is not possible to provide deceleration, left and right turn lanes without acquiring additional Right-of-way (ROW) beyond the limits of the subject property. Nothing in this policy shall be construed to place an obligation upon the County to permit left turn lanes into or out of any development via either any existing or proposed street or access point driveway from any street or highway facility where the Director of the Division of Transportation or the Director of the Division of Development Services (hereinafter referred to as the "Directors") has determined it is not in the best interests of the health, safety and general welfare of the traveling public to allow such left turning movement.

access facility by the BOCC.

(d) Traffic Control

of the intersecting street or access point connection is a traffic signal.

2. Intersection/Connection to Collector Street

(a) Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty five (35) mph.

(b) Number of left turning vehicles from the intersecting street or access point connection is equal to or greater than sixty (60) vehicles during either the A.M. or P.M. peak hour of the collector street.

(c) Traffic Control

of the intersecting street or access point connection is a traffic signal.

3. Intersection/Connection to Local Street

(a) Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty (30) mph.

(b) Number of leftturning vehicles from the intersecting street or access point connection is equal to or greater than ninety (90) vehicles during either the A.M. or P.M. peak period of the local street.

(c) Traffic Control

of the intersecting street or access point connection is a traffic signal.

V. DECELERATION AND RIGHT TURN LANES

As defined in Section III. A. 1 and 2. b., a deceleration and right turn will be required when any two (2) or more of the following warrants are satisfied:

A. Arterial Street

1 Posted speed limit of the arterial street is equal to or greater than thirty-five (35) mph.

2 . Number or right turning movements from the arterial street is equal to or greater than thirty (30) during either the A.M. or P.M. peak hour of the arterial street.

3. Available Sight Distance

of a right turning vehicle to be seen by through traffic traveling in the same direction is less than the value shown in Table A-I for the posted speed limit of the arterial street.

4. Arterial Street has been designated as a controlled access facility by the BOCC.

5. Traffic Control of the

intersecting street or access point connection is a traffic signal.

B. Collector Street

1. Posted speed limit of the collector street is equal to or greater than thirty five (35) mph.

2. Number of right turning movements from the collector street is equal to or greater than forty-five (45) during either the A.M. or P.M. peak hour of the collector street.

3. Available Sight Distance

   for a right turning vehicle to be seen by through traffic traveling in the same direction is less than the value shown in Table A-I for the posted speed limit of the collector street.

4. Traffic Control of the

   intersecting street or access point connection is a traffic signal.

C. Local Street

1. Posted speed limit of the local street is equal to or greater than thirty (30) mph.

2. Number of right turning movements from the local street is equal to or greater than sixty (60) during either the A.M. or P.M. peak hour of the local street.

3. Available Sight Distance

   for a right turning vehicle to be seen by through traffic traveling in the same direction is less than the value shown in Table A-I for the posted speed limit of the local street.

4. Traffic Control of the

   intersecting street or access point connection is a traffic signal.

D. Separate Right Turn Lanes are required on an intersecting street or access point connection when any two (2) or more of the following warrants are satisfied: Separate right turn lanes will not be required if the street being intersected or connected to is operating at Level of Service "C" or better on a peak season, peak hour basis.

1. Intersection/Connection to Arterial Street

   (a) Posted Speed Limit of the intersecting street or access point connection is equal to or greater than forty five (45) mph.

   (b) Number of right turning vehicles from the intersecting street or access point connection is equal to or greater than sixty (60) during either the A.M. or P.M. peak hour of the arterial street.

   (c) Arterial street which is being entered has been designated as a controlled access facility by the BOCC.

   (d) Traffic control of the

   intersecting street or access point connection is by a traffic signal.

2. Intersection/Connection to Collector Street

   (a) Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty tive (35) mph.

TR TRANSPORTATION CONSULTANTS, INC

2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
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TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

MEMORANDUM

TO: Mrs. Lauren Evans
Creighton Construction & Development

FROM: Ted B. Treesh
President

DATE: October 17, 2017

RE: 7-Eleven Store
SEC Kismet Parkway East at Andalusia Boulevard

TR Transportation Consultants, Inc. has prepared the trip generation for the proposed 7-Eleven facility located in the southeast corner of Kismet Parkway East and Andalusia Boulevard in the City of Cape Coral, Florida. The proposed 7-Eleven Convenience Store will have a 3,109 square foot convenience store with a 1,008 square foot car wash and 12 refueling positions (6 pumps).

The attached trip generation for the proposed development was prepared by utilizing the Institute of Transportation Engineers Report titled ***Trip Generation***, 9th Edition.

Based on the results of the trip generation, the proposed 7-Eleven facility is not anticipated to generate more than 300 peak hour peak direction trips.

Attachment

TRIP GENERATION

CONVENIENCE STORE WITH SELF SERVE FUEL PUMPS AND CAR WASH

ITE TRIP GENERATION REPORT, 9th EDITION
3,109 SQ. FT. CONVENIENCE STORE AND 1,008 SQ.FT. CAR WASH
12 RE-FUELING POSITIONS

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Gasoline/Service Station with Convenience Market and Car Wash (LUC 946)	T = 11.84 (X) (51% In/49% Out)	T = 13.86 (X) (51% In/49% Out)	T = 152.84 (X)
T = Number of trips, X = Number of Vehicle Fueling Positions			

Table 1
Trip Generation – Total Trips
7- Eleven @ Kismet & Andalusia

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Gasoline Service Station With Convenience Market and Car Wash (12 Re-Fueling Positions)	72	70	142	85	81	166	1,834

Table 2
Pass-by Trip Reduction Factors
7- Eleven @ Kismet & Andalusia

Land Use	Percentage Trip Reduction
Gasoline Service Station With Convenience Market (LUC 945)	62% A.M. 56% P.M./Daily

Note: Pass-By Reduction was based on LUC 945 due to lack of information

Table 3
Trip Generation – Net New Trips
7- Eleven @ Kismet & Andalusia

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Total Trips	72	70	142	85	81	166	1,834
Less LUC 945 Pass-by	-44	-44	-88	-47	-46	-93	-1,027
Net New Trips	**28**	**26**	**54**	**38**	**35**	**73**	**807**

City of Cape Coral

Department of Community Development

Burrowing Owl/Gopher Tortoise Affidavit

Contractor or Owner
Creighton Construction & Management, LLC

Block	Lot	Unit	Strap # 31-43-23-C1-02162.0360, 31-43-23-C1-02162.0380, 31-43-23-C1-02162.0420,31-43-23-C1-02162.0440 31-43-23-C1-02162.0270, 31-43-23-C1-02162.0290, 31-43-23-C1-02162.0320,31-43-23-C1-02162.0340

Site Address
2333 Andalusia Blvd. Cape Coral, FL 33909

Within the last 30 days, I have inspected the property described above AND any vacant properties near the jobsite where I or my subcontractors may drive vehicles or place construction material.

1. **I have found the following number of Burrowing Owl and/or Gopher Tortoise burrow(s) located on the property or adjacent to the aforementioned property, including those located in abutting City rights-of-way.**

   ☒ **No burrows found on the Property, Adjacent Property, or Right-of-Way**

   ☐ **On Property: Number of burrows** ☐ One (1) ☐ Two (2) ☐ Three (3) ☐ (Other)_____

   ☐ **Adjacent Property or Right-of-Way: Number of burrows** ☐ One (1) ☐ Two (2) ☐ Three (3) ☐ (Other)_____

2. **Please select ONE of the three available options below:**

☐ **STATE AND/OR FEDERAL PERMITS ARE NECESSARY. I cannot protect the burrow(s) per instruction. I understand that State and/or Federal permits are required prior to the commencement of development activity.**
***Please indicate species, if known.* ☐ BURROWING OWL ☐ GOPHER TORTOISE

☒ **No Burrowing Owl and/or Gopher Tortoise burrows exist on or adjacent to the aforementioned property, including those located in abutting City rights-of-way.**

☐ **NO STATE PERMITS ARE NECESSARY. I agree that adequate protection zones will be maintained during all phases of development.**
***Please indicate species, if known.* ☐ BURROWING OWL ☐ GOPHER TORTOISE

By accepting City building permits, I assume all responsibility of ensuring protection of Burrowing Owl and/or Gopher Tortoise and their burrow(s) during all phases of development activity. **Burrowing Owls**: protection zone should extend a radius of **33 feet** (66-foot diameter) from the owl burrow entrance, and **Gopher Tortoises**: a radius of **25 feet** (50-foot diameter) from the tortoise burrow entrance. All burrows must be staked and roped off using these dimensions. **No activity, materials, equipment, or parking is allowed within these buffers.** I understand that molesting, harassing, or injuring Burrowing Owls or Gopher Tortoises or their burrows is a State/Federal crime. The City is required to notify the law enforcement division of the Florida Fish & Wildlife Conservation Commission if a Wildlife violation is observed and the permit holder will be responsible for any illegal activity.

I fully understand the Federal and State regulations that prohibit the endangerment and/or harassment of Burrowing Owls or Gopher Tortoises and their burrows, and I accept full responsibility for the actions of my employees and subcontractors.

I understand that the City is not liable for an applicant(s) violation of State or Federal law. I understand that I, the applicant, is liable for any failure to obtain state and/or federal permits, failure to fulfill obligations imposed by a state and/or federal agency, and will be liable for any violations to state and/or federal law. Further, I also understand that the City requires that all applicable state and federal permits be obtained **prior to** the commencement of development activities and copies of permits are required prior to any City inspection. I am fully aware that the failure to secure such permits after work has commenced will result in a **Stop Work Order** being issued on my site.

Under penalty of perjury, I declare that I have read the foregoing document and that all information contained herein is true and correct to the best of my knowledge and that violation of these Laws is punishable by a fine and/or imprisonment.

BY: Grayson Brent Evans

Print Name & Title of Contractor or Property Owner **Signature of Contractor or Property Owner (Signature Must be Notarized)**

STATE OF FL, COUNTY OF Lee

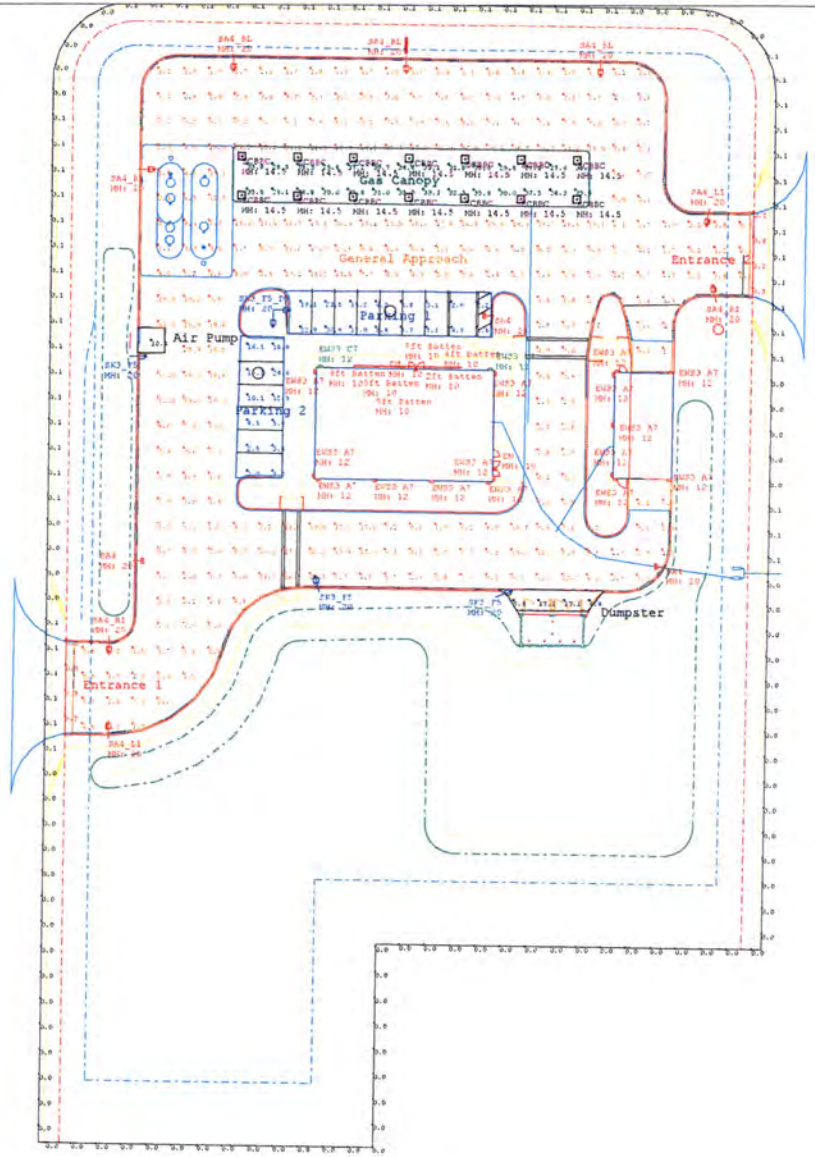
Subscribed and sworn to (or affirmed) before me this 24 day of Oct, 20 17, by

Grayson Brent Evans who is personally known or produced _____
Printed name of person signing as identification

HEATHER KIESEL
NOTARY PUBLIC-STATE OF FLORIDA
COMM. # FF 957109
MY COMM. EXPIRES 03-12-2020

Exp. Date: 3/12/20 Commission Number: FF 957109
Signature of Notary Public: Heather Kiesel
Printed name of Notary Public: Heather Kiesel

Rev. 4/10/2017



Scale: 1 inch= 24.00 Ft.

THIS IS A D SIZE SHEET. THE NOTED SCALE IS NOT VALID IF PRINTED AS ANY OTHER SIZE.

7-ELEVEN

current powered by GE

Provided for:
John Downing
CURRENT, POWERED BY GE

Provided BY:
Application Solution Center
Current, Powered by GE
NELA Park, East Cleveland OH
P: 1-216-266-4660

Designer: Joshua Watkins

Date: 1/23/2018

GE Drawing #: [illegible]

7-ELEVEN STORE #38334
Andalusia & Kismet Pkwy, Cape Coral, FL
MOUNTING HEIGHT AS NOTED
MAINTAINED LIGHTING LEVELS INDICATED

Luminaire Schedule							
Symbol	Qty	Label	Arrangement	LLF	Description	Arr. Watts	Arr. Lum. Lumens
	4	SA4_BL	SINGLE	1.000	1-EASC0A4F550DC____D with ELSEASXRBLBLCK	44	4000
	1	2ft Batten	SINGLE	1.000	GE 24 4100K Batten Strip GEWI102441BAT-SY	8.34	768
	1	4ft batten	SINGLE	1.000	GE 48 4100K Batten Strip GEWI104841BAT-SY	16.68	1536
	4	8ft Batten	SINGLE	1.000	GE 96 4100K Batten Strip GEWI109641BAT-SY	33	3073
	14	ECBBC	SINGLE	1.000	ECBB0C5F5501AWHTE	110	13550
	2	EM	SINGLE	0.010	LEDPRS-BR-CL (Phillips)	20	32
	15	EWS3 A7	SINGLE	1.000	EWS3_A7D150_____-120-277V	25	2900
	2	EWS3 C7	SINGLE	1.000	EWS3_C7D150_____-120-277V	41	5000
	3	SA4	SINGLE	1.000	EASC_A4F550_____	44	4200
	2	SA4_L1	SINGLE	1.000	1-EASC0A4F550DC____D with ELSEASXRS1BLCK (Left)	44	2400
	2	SA4_R1	SINGLE	1.000	1-EASC0A4F550DC____D with ELSEASXRS1BLCK (Right)	44	2400
	3	SK3_F5	SINGLE	1.000	1-EASC0K3F550DC____D with ELSEASXWF5BLCK (Front)	283	31000
	1	SK3_F5_D3	2 @ 90 DEGREES_1	1.000	1-EASC0K3F550DC____D with ELSEASXWF5BLCK (Front)	566	62000

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Air Pump	Illuminance	Fc	10.40	10.4	10.4	1.00	1.00
Dumpster	Illuminance	Fc	10.25	13.1	6.4	1.60	2.05
Entrance 1	Illuminance	Fc	0.30	0.4	0.2	1.50	2.00
Entrance 2	Illuminance	Fc	0.23	0.3	0.2	1.15	1.50
Gas Canopy	Illuminance	Fc	33.39	38.8	27.6	1.21	1.41
General Approach	Illuminance	Fc	6.59	27.0	0.4	16.48	67.50
Parking 1	Illuminance	Fc	10.91	30.8	2.2	4.96	14.00
Parking 2	Illuminance	Fc	10.33	24.6	2.0	5.17	12.30
Property Line	Illuminance	Fc	0.04	0.1	0.0	N.A.	N.A.

City Ordinance: Illumination levels shall be limited at the property line to 0.1 foot-candles or less.

Due to the ordinance, this design does not meet 7-Eleven spec.

Standard 7-Eleven Lighting Specification	
Entrances	10FC AVG
Air Pump	10FC
Gasoline Canopy	30FC
Dumpster	10FC
Parking	10FC
General Approach	3FC
Sidewalk	NO SPEC
Property Line	NO SPEC

* Levels designed to be at initial output or 1.0LLF

7-ELEVEN

current powered by GE

Calculations and results are based on equipment and data that has been supplied to GE. We do not guarantee the accuracy of the data provided and deviations in the actual electrical product efficiencies could cause the distribution, color, lighting levels or ratios provided. Site lighting recommendations depend on a site which meets manufacturer's specifications and installation instructions.

For IES files:

Provided for:
John Deering
CURRENT, POWERED BY GE

Provided BY:
Application Solution Center
Current, Powered by GE
NELA Park, East Cleveland OH
P: 1-216-266-4560

Designer: Joshua Watkins

Date:1/23/2018

GE Drawing #: A35067-7-Eleven 38334 Cape Coral FL.AGI

7-ELEVEN STORE #38334
Andalusia & Kismet Pkwy, Cape Coral, FL
MOUNTING HEIGHT AS NOTED
MAINTAINED LIGHTING LEVELS INDICATED

GE
Lighting

Batten LED Luminaire

Utility Lighting and More.

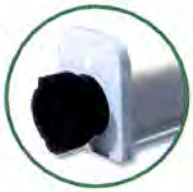
New **Batten LED Luminaire** gives you more performance in tight, demanding situations where cold and damp conditions along with the outdoor elements come into play. It brings the money-saving benefits of GE LED technology to ATMs, awnings, drive-thru areas... places where dependable utilitarian light is required.

More Lighting Performance

- Maximizes coverage through wide, uniform Lambertian light distribution
- Extruded plastic design protects against moisture, dust and damage
- No decrease of light output in cold settings—as can happen with fluorescent
- Can be used in -40°C to 60°C (-40°F to 140°F)
- Lumen Output: 400 lumens/foot
- 50,000-hour rated life
- Color Temperatures: 7100K, 5000K, 4000K, 3000K
- Sizes: 2ft, 4ft, 8ft

More Savings on Installation and Operation

- Installation is fast and easy with mounting clips
- Integrated power supply eliminates separate drivers
- Easily daisy chain (jumper wire & end-to-end) up to 40 feet of product
- Energy Consumption: 4.5 System watts/ft
- Input Voltage: 90-277 VAC
- Damp Rated
- IP66 Tested
- For use in damp applications



Applications:

- LED Luminaire Fixture
- Awnings
- ATMs
- Drive-thrus

Batten LED Luminaire comes in 3 sizes 2ft, 4ft & 8ft

imagination at work

Components

SKU	Description	Long Description	Package Quantity
94456	GEWI102432BAT-SY	GE 24" 3000K LED Fixture Single Unit	1 Fixture per box
94455	GEWI102441BAT-SY	GE 24" 4000K LED Fixture Single Unit	1 Fixture per box
94459	GEWI104832BAT-SY	GE 48" 3000K LED Fixture Single Unit	1 Fixture per box
94458	GEWI104841BAT-SY	GE 48" 4000K LED Fixture Single Unit	1 Fixture per box
94462	GEWI109641BAT-SY	GE 96" 3000K LED Fixture Single Unit	1 Fixture per box
94461	GEWI109641BAT-SY	GE 96" 4000K LED Fixture Single Unit	1 Fixture per box
64409	GEWI102432BAT	GE 24" 3000K LED Fixtures	4 Fixtures per box
64430	GEWI102441BAT	GE 24" 4000K LED Fixtures	4 Fixtures per box
64431	GEWI102450BAT	GE 24" 5000K LED Fixtures	4 Fixtures per box
94454	GEWI102471BAT	GE 24" 7100K LED Fixtures	4 Fixtures per box
64432	GEWI104832BAT	GE 48" 3000K LED Fixtures	4 Fixtures per box
64433	GEWI104841BAT	GE 48" 4000K LED Fixtures	4 Fixtures per box
64434	GEWI104850BAT	GE 48" 5000K LED Fixtures	4 Fixtures per box
94457	GEWI104871BAT	GE 48" 7100K LED Fixtures	4 Fixtures per box
64472	GEWI109632BAT	GE 96" 3000K LED Fixtures	4 Fixtures per box
64473	GEWI109641BAT	GE 96" 4000K LED Fixtures	4 Fixtures per box
65653	GEWI109650BAT	GE 96" 5000K LED Fixtures	4 Fixtures per box
94460	GEWI109671BAT	GE 96" 7100K LED Fixtures	4 Fixtures per box
96440	GERBL-02FP-10-LC72IN	GE 6ft Leader Cable	1 Leader Cables per bag
96441	GERBL-02MG-10-JC24IN	GE 2ft Jumper Cable	1 Jumper Cables per bag
96442	GEMOUNTCLP	GE Mounting Clips	12 clips per bag

Technical Specifications

Specification Item	Wavelength	Typical Brightness (lumens/fixture)	Energy Consumption (System/Module)	Maximum Run Length	Light Distribution	Dimensions
Batten LED Luminaire 2 Foot	7100K, 5000K 4000K, 3000K	800	9.00	40 ft/12 meters	Lambertian	24.7 in x 1.48 in x 2.02 in
Batten LED Luminaire 4 Foot	7100K, 5000K 4000K, 3000K	1600	16.00	40 ft/12 meters	Lambertian	46.7 in x 1.48 in x 2.02 in
Batten LED Luminaire 8 Foot	7100K, 5000K 4000K, 3000K	3200	32.00	40 ft/12 meters	Lambertian	90.9 in x 1.48 in x 2.02 in

Specification Item	Specification
Applications	Awnings, Drive Thru, ATM
Operating Environment	-40 °C to +60 °C
Voltage	120- 277 VAC
Warranty	GE offers a limited system warranty of up to five (5) years
System Certifications	UL Classified #E320964

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SIGN12B (Rev 10/01/14)

GE
Lighting

Evolve™ LED Area Light

Scalable Area Light (EASC)

imagination at work

Product Features

The GE Evolve LED Scalable Wall Pack is optimized for customers looking for an efficient and reliable LED solution to replace 75W - 250W Metal Halide wall mounted, site, area and general lighting applications.

Depending on the application, Evolve™ LED Scalable Wall Pack can yield up to a 75% reduction in system energy consumption compared with standard HID systems. Standard 0-10V dimming and an optional motion sensor with daylight harvesting can provide additional energy savings. The EWS3 offers a typical 105 LPW and is available in key lumen packages and reflective optics to optimize light output for most applications. This reliable system operates well in cold temperatures and offers more than 11 years of service life to reduce maintenance frequency and expense, based on a 50,000 hour rated life and 12 hours of operation per day. Containing no mercury or lead, this environmentally responsible product is RoHS compliant.

Applications

- Wall mounted, site, area and general lighting utilizing an advanced LED optical system providing uniformity, vertical light distribution, reduced offsite visibility, reduced on-site glare and effective security light levels.

Housing

- Die-cast aluminum housing.
- Sleek architectural design incorporating a heat sink directly into the unit ensuring maximum heat transfer and long LED life.
- Meets 1.5 G vibration standards per ANSI C136.31-2010.

LED & Optical Assembly

- Structured LED array for optimized light distribution.
- Evolve™ LED light engine utilizes reflective technology to optimize application efficiency and minimize glare.
- Utilizes high brightness LEDs, 70 CRI at 3000K, 4000K & 5000K typical.
- LM-79 tests and reports are performed in accordance with IESNA standards.

Lumen Maintenance

- Projected L90>47,000 hours per IES TM-21
- Projected Lxx per IES TM-21 at 25°C for reference:

SKU	LXX (10K) HOURS		
	25,000 HR	50,000 HR	100,000 HR
EWS3	L94	L89	L80

Note: 1) Projected Lxx based on LM80 (10,000 hour testing). 2) DOE Lighting Facts Verification Testing Tolerances apply to initial Luminous flux and lumen maintenance measurements.

Lumen Ambient Temperature Factors:

AMBIENT TEMPERATURE (°C)	INITIAL FLUX FACTOR
10	1.02
20	1.01
25	1.00
30	0.99
40	0.98
50	0.97

Ratings

- UL listed, suitable for wet locations.
- cUL listed with option code "J" SKUs.
- IP 65 rated optical enclosure per ANSI C136.25-2013.
- Title 24 compliant with motion sensor option.
- Temperature rated at –40° to 50°C. (35°C for high wattage 90W SKU).
- Upward Light Output Ratio (ULOR) = 0
- Complies with the material restrictions of RoHS.

Mounting

- Flush wall mount to "J" box with inspection hole for IP 65.

Finish

- Corrosion resistant polyester powder paint, minimum 2.0 mil. thickness.
- Standard colors: Black and Dark Bronze.
- RAL & custom colors available.

Electrical

- 120-277 volt and 347-480 volt available.
- System power factor is >90% and THD <20%*.
- Surge protection per ANSI C136.2-2015:
  - Exceeds "Basic" (6kV/3kA) (120 strike)
- EMI: FCC Title 47 CFR Part 15 Class A.
- Motion sensor with dimming capability available with "H" option code.
- Button PE Sensitivity: Fixture on-3.5Fc
  Fixture off-11.8 Fc

** System THD <26% for 347-480v supply with A7 power level.*

Accessories

- Escutcheon Plates - See page 6

Warranty

- 5 Year standard

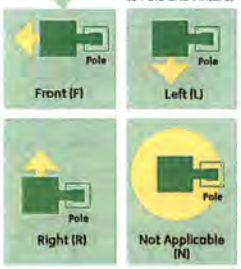
Ordering Number Logic

Evolve™ LED Scalable Area Light (EASC)

E A S C

PROD. ID	PHOTOMETRIC	VOLTAGE	OPTICAL CODE	DISTRIBUTION ORIENTATION	DRIVE CURRENT	LED COLOR TEMP	PE FUNCTION	MOUNTING ARM	COLOR	OPTIONS
E = Evolve A = Area S = Scalable	C = Photometric Series	0 = 120 - 277 1 = 120* 2 = 208* 3 = 240* 4 = 277* 5 = 480* D = 347* H = 347-480 *Specify single voltage if fuse option is selected.		F = Front L = Left R = Right N = Not Applicable	5 = 525mA 7 = 700mA* * Only select for product 395W.	40 = 4000K 50 = 5000K	1 = None A = ANSI C136.41 7-pin dimming PE Receptacle †# D = ANSI C136.41 7-pin dimming PE Receptacle with Shorting Cap †# † When ordering PE function socket A-D, a dimming driver must also be ordered under the "OPTIONS" column. # Order Dimming/Control PE as a separate item.	A = 10" Arm for Square Pole supplied with leads B = 10" Arm for Round Pole supplied with leads C = EXT Slip-fitter 2" Pipe (2.378 in. OD) supplied with leads D = 10" Arm for round or square poles, supplied with leads and additional hardware S = Knuckle Slipfitter for 2.3 in. - 3.0 in. OD Tenon, supplied with leads. 0-45° vertical aiming angles achievable.	BLCK = Black DKBZ = Dark Bronze GRAY = Gray WHTE = White Contact manufacturer for other colors.	C = IEC D = Dimming (0-10 Volt Input)† F = Fusing H = Motion Sensor**# J = cUL/Canada R = 10kV Extra Surge Protection XXX = Special Options † Dimming leads will be provided through the back of the arm, unless specified with A or D PE Function. ** When ordering Motion Sensing Option H - "A" or "B" Mounting Arm must be selected. Fixture power increase of 1W expected with sensor use. # Dimming is standard with H option code. Do not also select D option. Not compatible with PE receptacle options A, or D.

Light pattern thrown in direction specified in relation to Pole and Fixture.

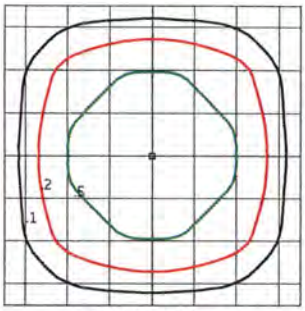


	OPTICAL CODE	TYPE	TYPICAL INITIAL LUMENS 4000K & 5000K	TYPICAL SYSTEM WATTAGE 120-277V & 347-480V	DISTRIBUTION ORIENTATION AVAILABLE	BUG RATING* 4000K & 5000K B	U	G	IES FILE NUMBER 4000K	5000K
TYPE V	D5	Symmetric Medium	8300	82	N	3	0	2	EASC_D5N540_____.IES	EASC_D5N550_____.IES
	E5	Symmetric Medium	12700	119	N	4	0	2	EASC_E5N540_____.IES	EASC_E5N550_____.IES
	F5	Symmetric Medium	15000	137	N	4	0	2	EASC_F5N540_____.IES	EASC_F5N550_____.IES
	G5	Symmetric Medium	17100	156	N	4	0	2	EASC_G5N540_____.IES	EASC_G5N550_____.IES
	H5	Symmetric Medium	21200	199	N	4	0	2	EASC_H5N540_____.IES	EASC_H5N550_____.IES
	J5	Symmetric Medium	25200	235	N	5	0	3	EASC_J5N540_____.IES	EASC_J5N550_____.IES
	K5	Symmetric Medium	30000	283	N	5	0	3	EASC_K5N540_____.IES	EASC_K5N550_____.IES
	L5	Symmetric Medium	38000	395	N	5	0	4	EASC_L5N740_____.IES	EASC_L5N750_____.IES
	N5	Symmetric Short	9200	82	N	3	0	1	EASC_N5N540_____.IES	EASC_N5N550_____.IES
	P5	Symmetric Short	13800	119	N	3	0	2	EASC_P5N540_____.IES	EASC_P5N550_____.IES
	Q5	Symmetric Short	16400	137	N	4	0	2	EASC_Q5N540_____.IES	EASC_Q5N550_____.IES
	R5	Symmetric Short	18700	156	N	4	0	2	EASC_R5N540_____.IES	EASC_R5N550_____.IES
	S5	Symmetric Short	23100	199	N	4	0	2	EASC_S5N540_____.IES	EASC_S5N550_____.IES
	T5	Symmetric Short	27400	235	N	4	0	2	EASC_T5N540_____.IES	EASC_T5N550_____.IES
	U5	Symmetric Short	33000	283	N	5	0	2	EASC_U5N540_____.IES	EASC_U5N550_____.IES
	V5	Symmetric Short	41500	395	N	5	0	3	EASC_V5N740_____.IES	EASC_V5N750_____.IES
TYPE IV	A4	Asymmetric Forward	4200	44	F, L, R	1	0	1	EASC_A4F540_____.IES	EASC_A4F550_____.IES
	B4	Asymmetric Forward	6500	62	F, L, R	1	0	2	EASC_B4F540_____.IES	EASC_B4F550_____.IES
	C4	Asymmetric Forward	7600	72	F, L, R	1	0	2	EASC_C4F540_____.IES	EASC_C4F550_____.IES
	D4	Asymmetric Forward	8700	82	F, L, R	1	0	2	EASC_D4F540_____.IES	EASC_D4F550_____.IES
	E4	Asymmetric Forward	12900	119	F, L, R	2	0	3	EASC_E4F540_____.IES	EASC_E4F550_____.IES
	F4	Asymmetric Forward	15400	144	F, L, R	2	0	3	EASC_F4F540_____.IES	EASC_F4F550_____.IES
	G4	Asymmetric Forward	17100	156	F, L, R	2	0	3	EASC_G4F540_____.IES	EASC_G4F550_____.IES
	H4	Asymmetric Forward	21200	199	F, L, R	3	0	4	EASC_H4F540_____.IES	EASC_H4F550_____.IES
	J4	Asymmetric Forward	25200	235	F, L, R	3	0	4	EASC_J4F540_____.IES	EASC_J4F550_____.IES
	K4	Asymmetric Forward	30000	283	F, L, R	3	0	5	EASC_K4F540_____.IES	EASC_K4F550_____.IES
	L4	Asymmetric Forward	38300	395	F, L, R	3	0	5	EASC_L4F740_____.IES	EASC_L4F750_____.IES
TYPE III	A3	Asymmetric Wide	4700	44	F, L, R	1	0	1	EASC_A3F540_____.IES	EASC_A3F550_____.IES
	B3	Asymmetric Wide	7100	62	F, L, R	1	0	1	EASC_B3F540_____.IES	EASC_B3F550_____.IES
	C3	Asymmetric Wide	8300	72	F, L, R	1	0	2	EASC_C3F540_____.IES	EASC_C3F550_____.IES
	D3	Asymmetric Wide	9500	82	F, L, R	2	0	2	EASC_D3F540_____.IES	EASC_D3F550_____.IES
	E3	Asymmetric Wide	13900	119	F, L, R	2	0	2	EASC_E3F540_____.IES	EASC_E3F550_____.IES
	F3	Asymmetric Wide	16800	144	F, L, R	2	0	2	EASC_F3F540_____.IES	EASC_F3F550_____.IES
	G3	Asymmetric Wide	18700	156	F, L, R	2	0	2	EASC_G3F540_____.IES	EASC_G3F550_____.IES
	H3	Asymmetric Wide	23100	199	F, L, R	3	0	3	EASC_H3F540_____.IES	EASC_H3F550_____.IES
	J3	Asymmetric Wide	27400	235	F, L, R	3	0	3	EASC_J3F540_____.IES	EASC_J3F550_____.IES
	K3	Asymmetric Wide	33000	283	F, L, R	3	0	4	EASC_K3F540_____.IES	EASC_K3F550_____.IES
	L3	Asymmetric Wide	41500	395	F, L, R	3	0	4	EASC_L3F740_____.IES	EASC_L3F750_____.IES
TYPE II	A2	Asymmetric Narrow	4600	44	F, L, R	1	0	1	EASC_A2F540_____.IES	EASC_A2F550_____.IES
	B2	Asymmetric Narrow	6800	62	F, L, R	1	0	1	EASC_B2F540_____.IES	EASC_B2F550_____.IES
	C2	Asymmetric Narrow	8000	72	F, L, R	2	0	2	EASC_C2F540_____.IES	EASC_C2F550_____.IES
	D2	Asymmetric Narrow	9100	82	F, L, R	2	0	2	EASC_D2F540_____.IES	EASC_D2F550_____.IES
	E2	Asymmetric Narrow	13400	119	F, L, R	2	0	2	EASC_E2F540_____.IES	EASC_E2F550_____.IES
	F2	Asymmetric Narrow	16200	144	F, L, R	3	0	3	EASC_F2F540_____.IES	EASC_F2F550_____.IES
	G2	Asymmetric Narrow	18000	156	F, L, R	3	0	3	EASC_G2F540_____.IES	EASC_G2F550_____.IES
	H2	Asymmetric Narrow	22300	199	F, L, R	3	0	3	EASC_H2F540_____.IES	EASC_H2F550_____.IES
	J2	Asymmetric Narrow	26500	235	F, L, R	3	0	3	EASC_J2F540_____.IES	EASC_J2F550_____.IES
	K2	Asymmetric Narrow	31900	283	F, L, R	3	0	4	EASC_K2F540_____.IES	EASC_K2F550_____.IES
	L2	Asymmetric Narrow	40000	395	F, L, R	4	0	4	EASC_L2F740_____.IES	EASC_L2F750_____.IES
	KA	Asymmetric 100° Wide Auto	35400	283	F, L, R	4	0	3	EASC_KAF540_____.IES	EASC_KAF550_____.IES
	LA	Asymmetric 100° Wide Auto	46900	398	F, L, R	5	0	4	EASC_LAF740_____.IES	EASC_LAF750_____.IES

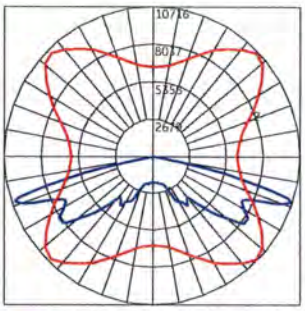
*Rating values for B and G are based on rated lumens and may vary due to flux tolerances.

Photometrics

EASC Type V - Symmetric Medium (K5)
30,000 Lumens, 5000K (EASC_K5N550__.ies)

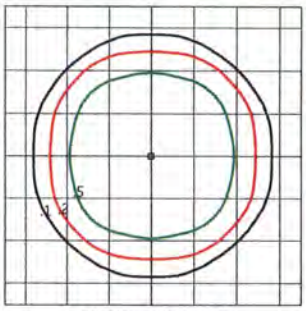


Grid Distance in Units of Mounting Height at 40' Initial Footcandle Values at Grade

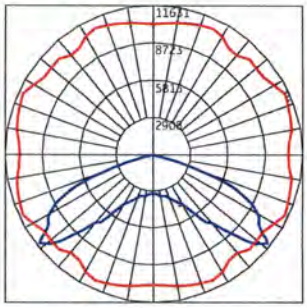


— Vertical plane through horizontal angle of maximum candlepower at 45°
— Vertical plane through horizontal angle of 72°

EASC Type V - Symmetric Short (U5)
33,000 Lumens, 5000K (EASC_U5N550__.ies)

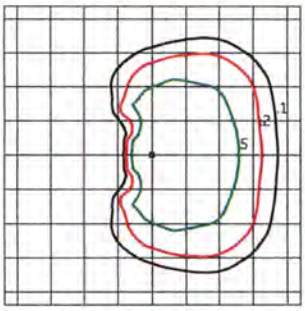


Grid Distance in Units of Mounting Height at 40' Initial Footcandle Values at Grade

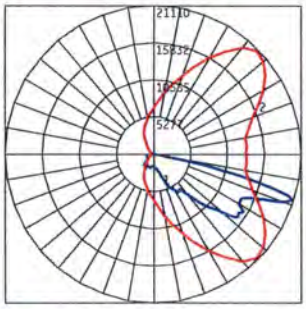


— Vertical plane through horizontal angle of maximum candlepower at 20°
— Vertical plane through horizontal angle of 52°

EASC Type IV - Asymmetric Forward (K4)
30,000 Lumens, 5000K (EASC_K4F550__.ies)

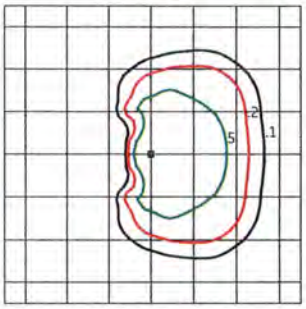


Grid Distance in Units of Mounting Height at 40' Initial Footcandle Values at Grade

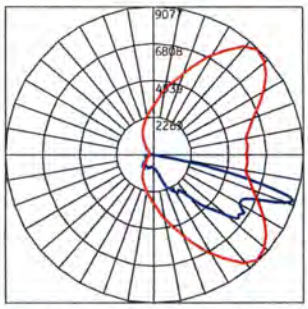


— Vertical plane through horizontal angle of maximum candlepower at 45°
— Vertical plane through horizontal angle of 72°

EASC Type IV - Asymmetric Forward (E4)
12,900 Lumens, 5000K (EASC_E4F550__.ies)

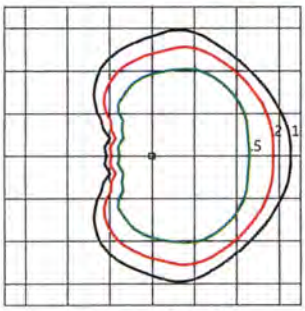


Grid Distance in Units of Mounting Height at 30' Initial Footcandle Values at Grade

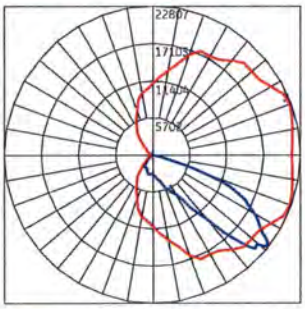


— Vertical plane through horizontal angle of maximum candlepower at 45°
— Vertical plane through horizontal angle of 72°

EASC Type III - Asymmetric Wide (K3)
33,000 Lumens, 5000K (EASC_K3F550__.ies)

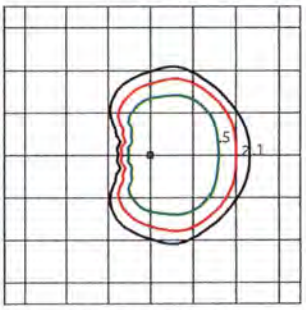


Grid Distance in Units of Mounting Height at 40' Initial Footcandle Values at Grade

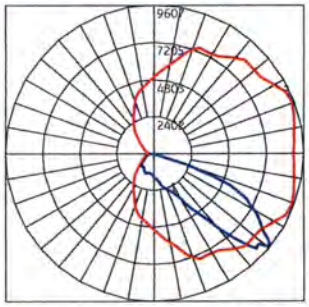


— Vertical plane through horizontal angle of maximum candlepower at 20°
— Vertical plane through horizontal angle of 52°

EASC Type III - Asymmetric Wide (E3)
13,900 Lumens, 5000K (EASC_E3F550__.ies)

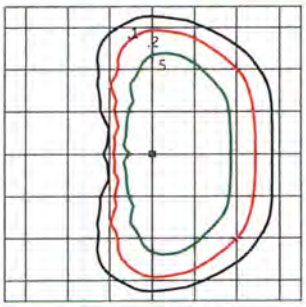


Grid Distance in Units of Mounting Height at 30' Initial Footcandle Values at Grade

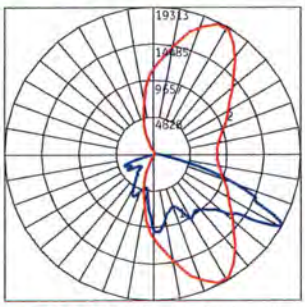


— Vertical plane through horizontal angle of maximum candlepower at 20°
— Vertical plane through horizontal angle of 52°

EASC Type II - Asymmetric Narrow (K2)
31,900 Lumens, 5000K (EASC_K2F550__.ies)

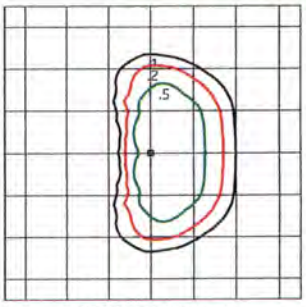


Grid Distance in Units of Mounting Height at 40' Initial Footcandle Values at Grade

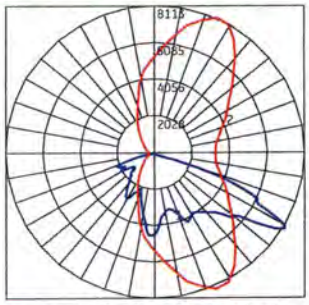


— Vertical plane through horizontal angle of maximum candlepower at 65°
— Vertical plane through horizontal angle of 60°

EASC Type II - Asymmetric Narrow (E2)
13,400 Lumens, 5000K (EASC_E2F550__.ies)



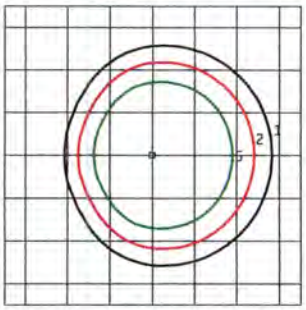
Grid Distance in Units of Mounting Height at 30' Initial Footcandle Values at Grade



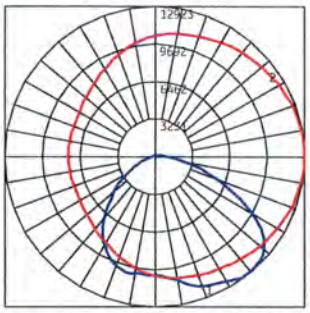
— Vertical plane through horizontal angle of maximum candlepower at 65°
— Vertical plane through horizontal angle of 60°

Photometrics

EASC Type II - Assymetric Auto (KA)
35,400 Lumens, 5000K (EASC_KAF550__.ies)

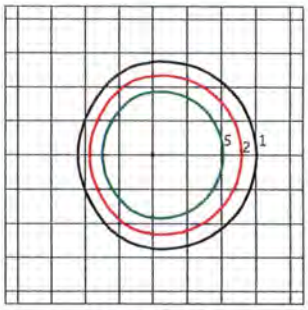


Grid Distance in Units
of Mounting Height at 40' Initial
Footcandle Values at Grade

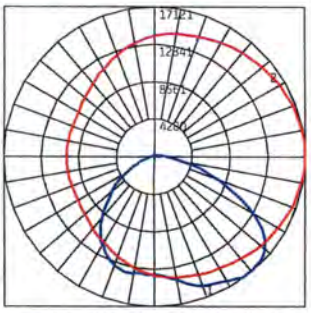


— Vertical plane through horizontal angle of maximum candlepower at 0°
— Vertical plane through horizontal angle of 37°

EASC Type II - Assymetric Auto (LA)
46,900 Lumens, 5000K (EASC_LAF750__.ies)

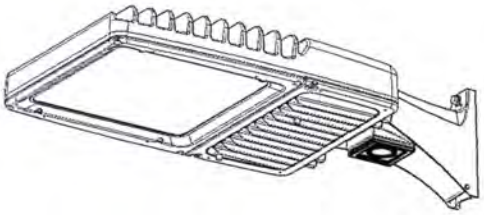


Grid Distance in Units
of Mounting Height at 40' Initial
Footcandle Values at Grade



— Vertical plane through horizontal angle of maximum candlepower at 0°
— Vertical plane through horizontal angle of 37°

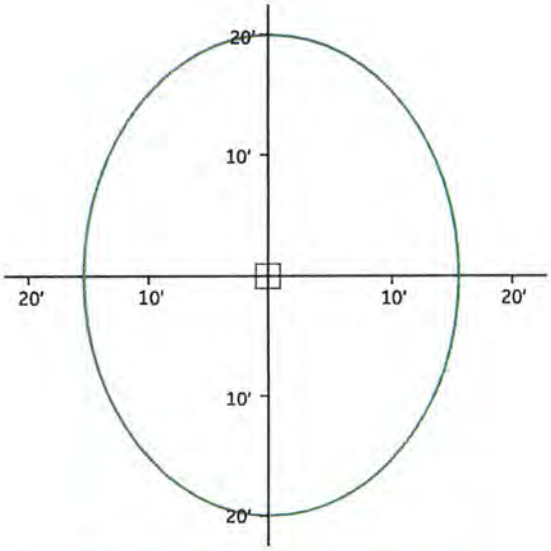
H-Motion Sensing Option:



- Intended for high mounting applications, between 15-30ft (4.57-9.14m). For mounting heights exceeding 30ft, pole mounted sensors are recommended.
- Provides a coverage area radius for walking motion of 15-20ft (4.57-6.10m).
- Provides 270° of coverage (~90° is blocked by the pole).
- Comes standard with 50% dimmed light output with no occupancy, and full power at occupancy.
- Comes standard with photocell function. Note: It is not necessary to also purchase PE receptacle or control.
- Comes standard with a 5 minute occupancy time delay and a 5 minute ramp-down to the 50% dimmed level.
- Must order with decorative mounting arm options "A" or "B".
- Fixture power increase of 1W expected with sensor use.

Note: Standard options may be reprogrammed in the field. Reprogramming instructions included in product shipment.

Sensor Pattern:

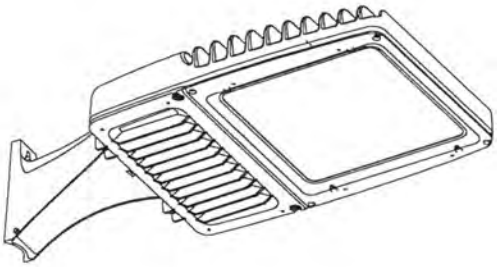


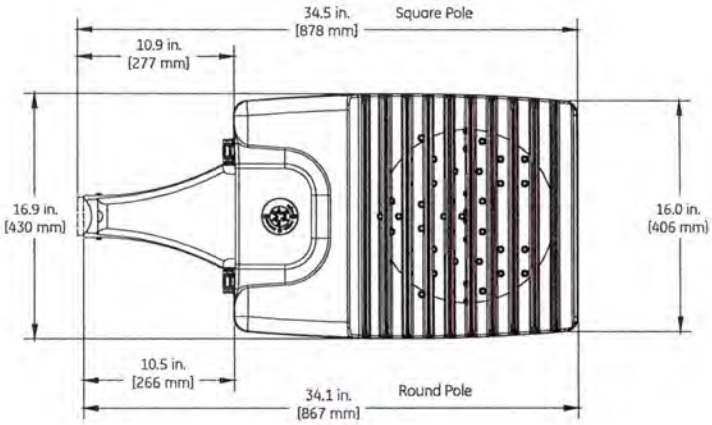
Sensing Pattern Area Fixture
Up to 30 ft.

Product Dimensions

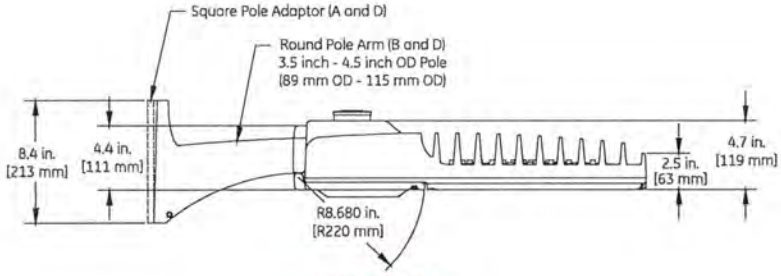
(Option A) 10" Arm for Square Pole Mount
(Option B) 10" Arm for Round Pole Mount
(Option D) 10" Arm for Square Pole Mount or Round Pole Mount

Option D includes all mounting hardware in Option A and Option B

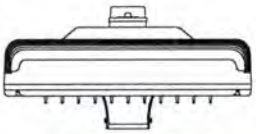




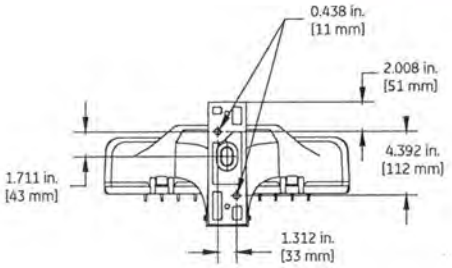
TOP VIEW



SIDE VIEW

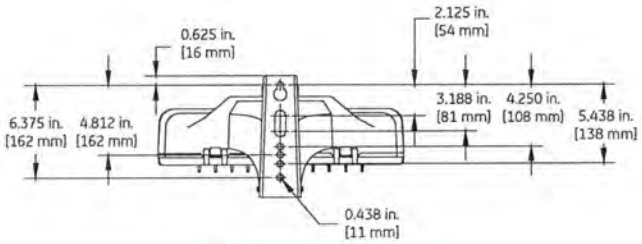


FRONT VIEW



BACK VIEW

Option A and D Square Pole
3.5 inch - 4.5 inch Pole
(89 mm - 115 mm)



BACK VIEW

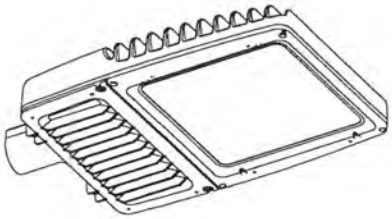
Option B and D Round Pole
3.5 inch - 4.5 inch OD Pole
(89 mm OD - 115 mm OD)

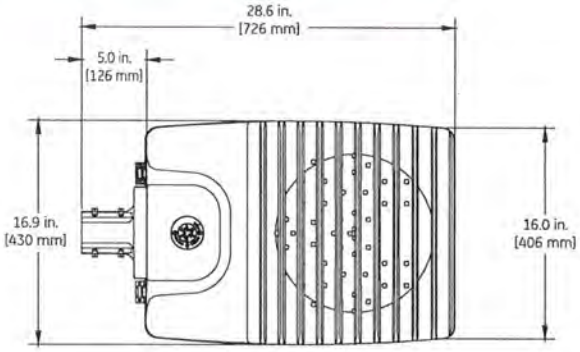
DATA

- Approximate net weight: 43-47 lbs (19.50 - 21.32 kgs)
  Contact manufacturer for specific configuration weight.
- Effective Projected Area (EPA) with 10" Mounting Arm: 0.97 sq ft max (0.09 sq m)

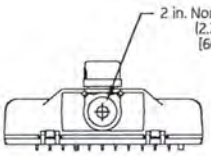
Product Dimensions

(Option C) Slipfitter Arm Mount

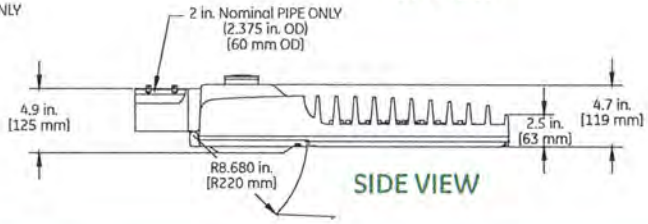




TOP VIEW



BACK VIEW



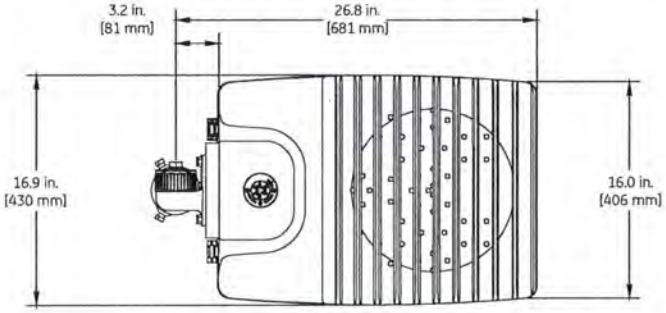
SIDE VIEW

FRONT VIEW

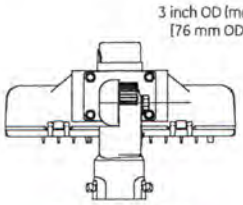
DATA

- Approximate net weight: 41-45 lbs (18.60 - 20.41 kgs)
  Contact manufacturer for specific configuration weight.
- Effective Projected Area (EPA) with Slipfitter: 0.47 sq ft max (0.04 sq m)

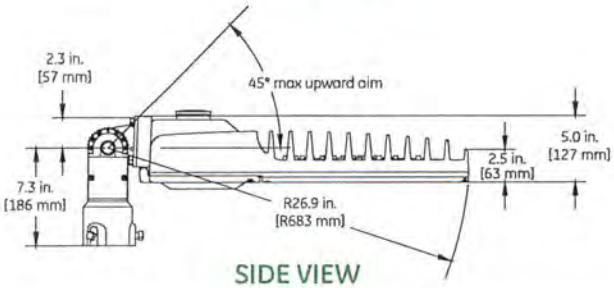
(Option S) Knuckle Arm Mount



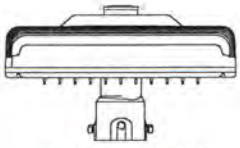
TOP VIEW



BACK VIEW



SIDE VIEW



FRONT VIEW

DATA

- Approximate net weight: 41-45 lbs (18.60 - 20.41 kgs)
  Contact manufacturer for specific configuration weight.
- Effective Projected Area (EPA) with fixture mounted at 45° upward: 1.97 sq ft max

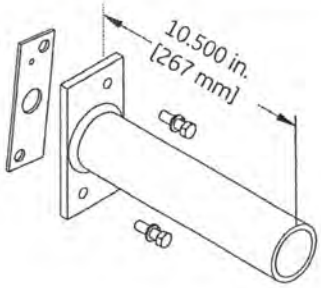
Mounting Information

Mounting Arms for Slipfitter

Order separately with Mounting Option C (External Slipfitter)

SQUARE POLE MOUNTING ARM

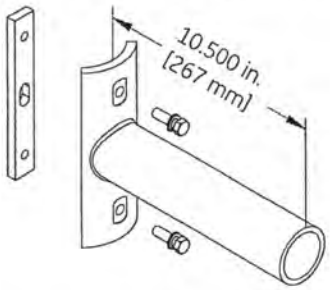
3.5 TO 4.5-inch (89 to 114mm) SQUARE
(WILL ALLOW 4 FIXTURES PER POLE @ 90 DEGREES.)



ORDER SEPARATELY FROM FIXTURE AS CATALOG NUMBER
SPA-EAMT10BLCK "Black"
SPA-EAMT10DKBZ "Dark Bronze"

ROUND POLE MOUNTING ARM

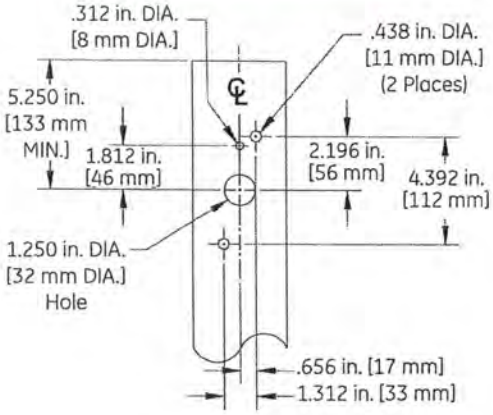
3.5 TO 4.5-inch (89 to 114mm) OD
(WILL ALLOW 4 FIXTURES PER POLE @ 90 DEGREES.)



ORDER SEPARATELY FROM FIXTURE AS CATALOG NUMBER
RPA-EAMT10BLCK "Black"
RPA-EAMT10DKBZ "Dark Bronze"

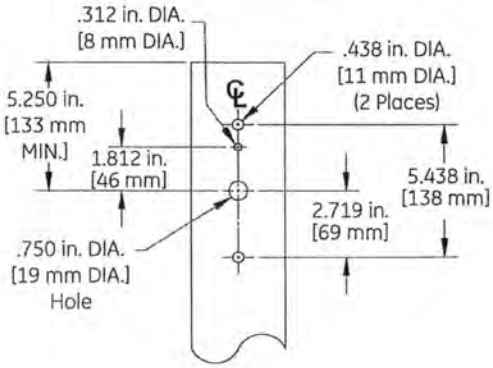
Drilling Templates for Slipfitter Arms & Arm Mount

SQUARE POLE MOUNTING



ROUND POLE MOUNTING

3.5 TO 4.5-inch (89 to 114mm) OD
round pole mounting arm



Wall Mounting Bracket Adapter Plate

ORDER SEPERATELY FROM FIXTURE AS CATALOG NUMBER
WMB-EAMT06
NOTE: For Wall Mounting, order luminaire with mounting arm: C = EXT Slip-fitter 2" Pipe (2.378 in. OD) supplied with leads.

Other mounting patterns are available for retrofit installations.
Contact manufacturing for other available mounting patterns.

www.gelighting.com

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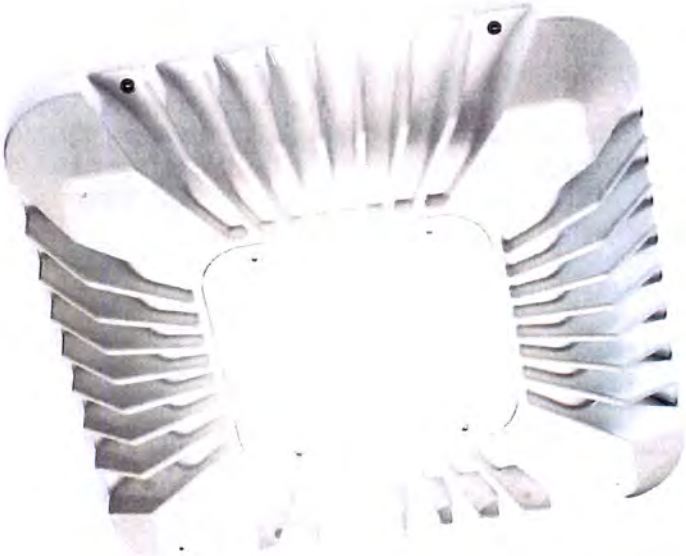
OLP3090 (Rev 03/29/17) Based on 03/24/16 Revision

GE
Lighting

Evolve™ LED Area Lighting

Canopy Light (ECB)



imagination at work

Product Features

The next evolution of the GE Evolve™ LED Area Light continues to deliver outstanding features, while adding greater flexibility, style and scalability. This latest design offers higher lumen outputs and provides photometric combinations with high efficacy, providing the ability to meet even a wider range of area lighting needs. Additionally, the new EASC Evolve Luminaire comes with a specially designed auto dealership optic for exceptional illuminance on the dealership's front row. Optional programmable motion sensing for Title 24 compliance is available.

Applications

- Site, area, and general lighting applications utilizing advanced LED optical system providing high uniformity, excellent vertical light distribution, reduced offsite visibility, reduced on-site glare and effective security light levels.
- Ideal for small to large retailers, commercial to medical properties, and big box retailers.

Housing

- Die-cast aluminum housing.
- Slim architectural design incorporates an integral heat sink and light engine, ensuring maximum heat transfer, long LED life, and a reduced Effective Projected Area (EPA).
- Meets 3G vibration standards per ANSI C136.31-2010 for Slipfitter and Mounting Arm configurations. Meets 1.5G vibration standards for Knuckle Slipfitter Mounting.

LED & Optical Assembly

- Structured LED arrays for optimized area light photometric distribution.
- Evolve light engine with directional reflectors designed to optimize application efficiency and minimize glare.
- Utilizes high brightness LEDs, 70 CRI at 4000K and 5000K typical.

Lumen Maintenance

- Projected L90>100,000 hours per IES TM-21
- Projected Lxx per IES TM-21 at 25°C for reference:

Optical Code	Lxx (10k) @ Hours*		
	25,000 hr	50,000 hr	100,000 hr
All (up to 398 Watts)	L98	L95	L91

Note:
- *Projected Lxx based on LM80 (10,000 hour testing). **Projected Lxx based on LM80 (6,000 hour testing).
- DOE Lighting Facts Verification Testing Tolerances apply to initial luminous flux and lumen maintenance measurements.

Lumen Ambient Temperature Factors:

Ambient Temperature (°C)	Initial Flux Factor
10	1.02
20	1.01
25	1.00
30	0.99
40	0.98

DLC Standard qualified models available. **Most SKUs of L-Series & V-Series will not meet DLC 4.1.** Please refer to http://www.designlights.org/QPL for complete information.

Ratings

- (UL) listed, suitable for wet locations.
- c(UL) listed with option code "J" SKUs.
- IP65 rated optical enclosure per ANSI C136.25-2009.
- Temperature rated at -40° to 50°C (-40° to 35°C for fixtures over 390 watts).
- Upward Light Output Ratio (ULOR) = 0.
- Title 24 compliant with "H" motion sensor option.
- Compliant with the material restriction requirements of RoHS.

Mounting

Option A
- 10-inch (254mm) mounting arm for square pole prewired with 24-inch (610mm) leads.

Option B
- 10-inch (254mm) mounting arm for round pole prewired with 24-inch (610mm) leads.

Option C
- Slipfitter mounting for 2 3/8-inch (60mm) O.D. pipe prewired with 24-inch (610mm) leads.

Option D
- 10-inch (254mm) mounting arm for round or square pole prewired with 24-inch (610mm) leads.

Option S
- Knuckle Slipfitter mounting for 2.3-3" O.D. pipe, pre-wired with 24-inch (610mm) leads.

Finish

- Corrosion resistant polyester powder painted, minimum 2.0 mil. thickness.
- Standard colors: Black & Dark Bronze.
- RAL & custom colors available.

Electrical

- 120-277 volt and 347-480 volt available.
- System power factor is >90% and THD <20%.*
- Class "A" sound rating.
- Photo electric sensors (PE) available for all voltages.
- ANSI C136.41 dimmable PE receptacle is available making the unit "adaptive controls ready."
- Surge Protection Options:
  For 120-277VAC and 347-480VAC per IEEE/ANSI C136.2-2015.
  - 6kV/3kA "Basic" surge protection, standard.
  - 10kV/5kA "Enhanced" surge protection available with R option.

** System power factor and THD is tested and specified at 120V input and maximum load conditions.*

Ordering Number Logic

Evolve™ LED Canopy Light (ECB)

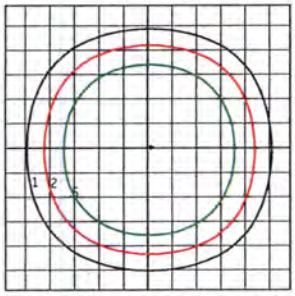
E C B B _ _ _ _ 5 _ _ _ A _ _ _ _ _ _ _

PRODUCT ID	PRODUCT GENERATION	VOLTAGE	OPTICAL CODE	LENS TYPE	DRIVE CURRENT	LED COLOR TEMP	MOTION SENSOR/ PE FUNCTION	MOUNTING	COLOR	OPTIONS
E = Evolve C = Canopy B = Housing	B = Photometric Series "B"	0 = 120 - 277 H = 347-480V* * See below table for available options		F = Flat Lens D = Drop Lens	5 = 525mA	40 = 4000K 50 = 5000K	1 = None 4 = Motion Sensor and Integral Photocell	A = Surface Mount Other mounting options are available in the ECB accessories datasheet.	WHTE = White BLCK = Black DKBZ = Dark Bronze Contact manufacturer for additional colors.	D = Dimmable (0-10 Volt Input) † 002 = Non-Dimming with Junction Box D01 = Dimming with Junction Box R = 10kV/5kA Surge Protection M = NOM31 † Dimming leads will be proivded and terminated with quick-disconnect terminals.

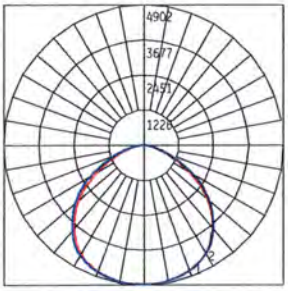
	PHOTOMETRIC TYPE	OPTICAL CODE	LENS TYPE	TYPICAL INITIAL LUMENS		TYPICAL SYSTEM WATTAGE		IES FILE NUMBERS	
				4000K	5000K	120-277V	347-480V	4000K	5000K
TYPE V	Symmetric Wide	A5	Flat Lens	4170	4230	35	NA	ECBB_A5F540__120-277V.ies	ECBB_A5F550__120-277V.ies
	Symmetric Wide	B5	Flat Lens	8010	8110	64	64	ECBB_B5F540__.ies	ECBB_B5F550__.ies
	Symmetric Wide	C5	Flat Lens	13410	13550	110	110	ECBB_C5F540__.ies	ECBB_C5F550__.ies
	Symmetric Wide	A5	Drop Lens	4150	4220	35	NA	ECBB_A5D540__120-277V.ies	ECBB_A5D550__120-277V.ies
	Symmetric Wide	B5	Drop Lens	7990	8090	64	64	ECBB_B5D540__.ies	ECBB_B5D550__.ies
	Symmetric Wide	C5	Drop Lens	13370	13510	110	110	ECBB_C5D540__.ies	ECBB_C5D550__.ies

Photometrics

ECB Type V - Symmetric Wide - Flat Lens
13,510 Lumens, 5000K (ECBB_C5D550.ies)

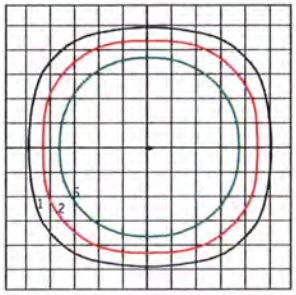


Grid Distance in Units of Mounting Height of 15'
Initial Footcandle Values at Grade

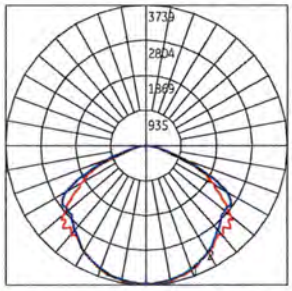


— Vertical plane through horizontal angle of maximum candlepower at 60°
— Horizontal cone through vertical angle of maximum candlepower at 4°

ECB Type V - Symmetric Wide - Drop Lens
13,550 Lumens, 5000K (ECBB_C5F550.ies)



Grid Distance in Units of Mounting Height of 15'
Initial Footcandle Values at Grade



— Vertical plane through horizontal angle of maximum candlepower at 0°
— Horizontal cone through vertical angle of maximum candlepower at 2°

JOB NAME:

TYPE NO.:

CATALOG NO.:

Crescent®

High-Lites

Pluralux Series Wet Location LED Emergency Lighting Units

Standard with dark bronze finish

Self-Diagnostic Operation Plus High-Output LED Lamp!

ORDERING INFORMATION

Catalog Number: **Example:** LEDPRSWCL

LEDPRS		
MODEL NUMBER	HOUSING COLOR	OPTIONS
	BR - Dark Bronze **B** - Black **W** - White	see below

OPTIONS

CL	Cold Location Operation

Also available in black or white finishes

PRODUCT FEATURES

- Attractive, architectural styling
- Low profile design - meets ADA requirements
- Die-cast aluminum housing
- Choice of three decorator color finishes
- Self-diagnostic circuitry standard
- Ultra bright white LED lamps provide superior emergency lighting levels
- Polycarbonate lens and mirrored reflector provide even illumination
- Fast, easy wall mount installation
- Provision for back wiring or surface conduit entry
- Universal 120/277VAC input
- Fully automatic charger standard
- Maintenance-free nickel cadmium battery standard
- 90 minutes of emergency illumination
- Momentary test switch and AC ready indicator
- UL924 and UL Wet Location listed
- Suitable for damp and wet location applications
- Meets NFPA Life Safety Code 101, NEC and OSHA
- UL operating range 32°F to 122°F (0°C to 50°C)
- Cold location option allows operation range of -4°F to 122°F (-20°C to 50°C)

SPECIFICATIONS

Construction	Housings and backplates are constructed of rugged die-cast aluminum finished in scuff resistant, textured powder coat paint standard. All housings are sealed and gasketed for damp and wet location applications. Prismatic Lens: Unit lens is constructed of clear, high impact polycarbonate.
Installation	The housing backplate provides knockouts for mounting the unit to wall surfaces and/or standard 31/2" and 4" utility boxes. Wiring: Knockouts in the unit backplate allow rear wiring input from utility boxes. An entry point is also provided on the top of the unit housing to allow connection to rigid surface conduit.
Illumination	Emergency illumination is provided by 4.8V, 5W ultra bright white LED Prismatic lenses provide bright, even, glare-free operation in a wide pattern across the path of egress.
Electronics	• Dual input 120/277VAC, 60 Hz • AC-On indicator light and test switch • Automatic, constant current charger • AC Lockout protection • Low voltage battery disconnect • Automatic brownout protection
Power Consumption	Input Power: 10W (maximum charge), 3.5W ready state
Battery	4.8V nickel cadmium sealed maintenance free battery. Optimum operating temperature range: 32°F to 122°F (0°C to 50°C). Provides a minimum of 90 minutes of full output emergency illumination.
Code Compliance	Listed to UL924. Meets NFPA Life Safety Code 101. Complies with NEC and OSHA.
Warranty	Limited 3-year warranty. 5-year nickel cadmium pro-rata battery warranty.

DIMENSIONS

NOTE: *Dimensions and specifications subject to change without notice.*

Form 1278A 04/12

© 2006 Philips group

Specifications are subject to change without notice. Consult website for latest version of this spec sheet.

Crescent/Stonco • 200 Franklin Square Drive • Somerset, NJ 08873 • www.crescentlighting.com

Crescent is a Philips company

PHILIPS

Evolve™ LED Area Light

Scalable Wall Pack (EWS3)

current
powered by GE

Product Features

The GE Evolve™ LED Canopy Light family provides an energy-efficient and robust means for lighting areas with canopies, such as gas stations, truck stops and drive-thrus at banks, pharmacies and restaurants. Offering easy installation and maintenance, along with various lumen levels at both 4000K and 5000K color temperatures, this canopy light provides a great LED lighting solution for their outdoor space.

Housing

- Die -cast aluminum housing.
- Integral heat sink for maximum heat transfer.
- Meets 1.5G vibration standards per ANSI C136.31-2010.

LED & Optical Assembly

- Structured LED array for optimized area lighting photometric distributions.
- Evolve™ light engine consisting of reflective technology designed to optimize application efficiency and minimize glare.
- Utilizes high brightness LEDs, 70 CRI at 4000K and 5000K color temperature.
- Drop Lens distribution added for unique applications requiring high angled light and increased visibility to the light source.
- LM-79 tests and reports are performed in accordance with IESNA standards.

Lumen Maintenance

ECBB SKU	Lxx@50Khrs
A5	L90
B5	L90
C5	L85

- Per TM-21 calculator.
- L70 > 100,000 hrs for all power levels.
- Mounted to Sheet Metal per typical canopy install.
- Ambient Operating condition 25°C.

Ratings

- UL/cUL Listed, suitable for wet locations per UL 1598.
- IP66 rated optical enclosure per ANSI C136.25-2009.
- Temperature rated at -40°C to 50°C (C5 SKUs: -40°C to 40°C).
- Upward Light Output Ratio (ULOR) = 0.
- Compliant with the material restriction requirements of RoHS.

Finish

- Corrosion resistant polyester powder paint.
- Standard colors: White, Dark Bronze and Black.

Electrical

- 120-277 volt and 347-480 volt (B5 and C5 optical only), 50/60Hz.
- System power factor is >90% and THD<20%.
- Class "A" Sound rating.
- EMI: Title 47 CFR 15 Class A.
- Motion sensor and integral photo electric sensor available.
- Surge Protection Options: For 120-277VAC and 347-480VAC per IEEE/ANSI C136.2-2015.
  - 6kV/3kA "Basic" standard.
  - 10kV/5kA "Enhanced" R option.

Warranty

- Limited 5-Year Warranty for product launch standard.

Accessories

- Refer to ECB accessories datasheet for more information.
- 24" Escutcheon Plate.
- 32" Escutcheon Plate.
- Shoebox Mounting.

Ordering Number Logic

Scalable Wall Pack (EWS3)

E W S 3

PROD. ID	VOLTAGE	POWER LEVEL	PHOTOMETRIC TYPE	LED COLOR TEMP	PE FUNCTION	COLOR	OPTIONS
E = Evolve **W** = Wallpack **S** = Scalable **3** = Product Generation	**0** = 120-277* **1** = 120 **2** = 208 **3** = 240 **4** = 277 **5** = 480 **D** = 347 **H** = 347-480* *Not available with Fusing. Must choose a descreet voltage with F Option.		**D1** = Asymmetric Forward **E1** = Asymmetric Medium	**30** = 3000K **40** = 4000K **50** = 5000K	**1** = None **3** = Button PE* *Button PE not available with motion sensor option. Only available with descreet voltages. Not available with voltage options D, H or 5.	**BLCK** = Black **DKBZ** = Dark Bronze **GRAY** = Gray **WHTE** = White Contact manufacturer for other colors.	**F** = Fusing **H** = Motion Sensor* **J** = cUL/Canada **XXX** = Special Options *Option H only available in 120-277V. Reference page 5 (under H Motion Sensing Option) for more details.

POWER LEVEL	PHOTOMETRIC TYPE	TYPICAL INITIAL LUMENS 3000K	TYPICAL INITIAL LUMENS 4000K & 5000K	TYPICAL SYSTEM WATTAGE 120-277V	TYPICAL SYSTEM WATTAGE 347-480V	B-U-G RATING 3000K	B-U-G RATING 4000K & 5000K	IES FILE NUMBERS 120-277V 3000K	IES FILE NUMBERS 120-277V 4000K	IES FILE NUMBERS 120-277V 5000K
A7	D1	2800	2900	25	28	1-0-1	1-0-1	EWS3_A7D130____-120-277V.IES	EWS3_A7D140____-120-277V.IES	EWS3_A7D150____-120-277V.IES
	E1	2800	2900	25	28	1-0-0	1-0-1	EWS3_A7E130____-120-277V.IES	EWS3_A7E140____-120-277V.IES	EWS3_A7E150____-120-277V.IES
B7	D1	3700	3800	32	35	1-0-1	1-0-1	EWS3_B7D130____-120-277V.IES	EWS3_B7D140____-120-277V.IES	EWS3_B7D150____-120-277V.IES
	E1	3700	3800	32	35	1-0-1	1-0-1	EWS3_B7E130____-120-277V.IES	EWS3_B7E140____-120-277V.IES	EWS3_B7E150____-120-277V.IES
C7	D1	4900	5000	41	45	1-0-1	1-0-1	EWS3_C7D130____-120-277V.IES	EWS3_C7D140____-120-277V.IES	EWS3_C7D150____-120-277V.IES
	E1	4900	5000	41	45	1-0-1	1-0-1	EWS3_C7E130____-120-277V.IES	EWS3_C7E140____-120-277V.IES	EWS3_C7E150____-120-277V.IES
D3	D1	6500	6700	67	67	2-0-1	2-0-1	EWS3_D3D130____.IES	EWS3_D3D140____.IES	EWS3_D3D150____.IES
	E1	6500	6700	67	67	2-0-1	2-0-1	EWS3_D3E130____.IES	EWS3_D3E140____.IES	EWS3_D3E150____.IES
E3	D1	8200	8600	90	90	2-0-2	2-0-2	EWS3_E3D130____.IES	EWS3_E3D140____.IES	EWS3_E3D150____.IES
	E1	8200	8600	90	90	2-0-1	2-0-1	EWS3_E3E130____.IES	EWS3_E3E140____.IES	EWS3_E3E150____.IES

POWER LEVEL	PHOTOMETRIC TYPE	TYPICAL INITIAL LUMENS 3000K	TYPICAL INITIAL LUMENS 4000K & 5000K	TYPICAL SYSTEM WATTAGE 120-277V	TYPICAL SYSTEM WATTAGE 347-480V	B-U-G RATING 3000K	B-U-G RATING 4000K & 5000K	IES FILE NUMBERS 347-480V 3000K	IES FILE NUMBERS 347-480V 4000K	IES FILE NUMBERS 347-480V 5000K
A7	D1	2800	2900	25	28	1-0-1	1-0-1	EWS3_A7D130____-347-480V.IES	EWS3_A7D140____-347-480V.IES	EWS3_A7D150____-347-480V.IES
	E1	2800	2900	25	28	1-0-0	1-0-1	EWS3_A7E130____-347-480V.IES	EWS3_A7E140____-347-480V.IES	EWS3_A7E150____-347-480V.IES
B7	D1	3700	3800	32	35	1-0-1	1-0-1	EWS3_B7D130____-347-480V.IES	EWS3_B7D140____-347-480V.IES	EWS3_B7D150____-347-480V.IES
	E1	3700	3800	32	35	1-0-1	1-0-1	EWS3_B7E130____-347-480V.IES	EWS3_B7E140____-347-480V.IES	EWS3_B7E150____-347-480V.IES
C7	D1	4900	5000	41	45	1-0-1	1-0-1	EWS3_C7D130____-347-480V.IES	EWS3_C7D140____-347-480V.IES	EWS3_C7D150____-347-480V.IES
	E1	4900	5000	41	45	1-0-1	1-0-1	EWS3_C7E130____-347-480V.IES	EWS3_C7E140____-347-480V.IES	EWS3_C7E150____-347-480V.IES
D3	D1	6500	6700	67	67	2-0-1	2-0-1	EWS3_D3D130____.IES	EWS3_D3D140____.IES	EWS3_D3D150____.IES
	E1	6500	6700	67	67	2-0-1	2-0-1	EWS3_D3E130____.IES	EWS3_D3E140____.IES	EWS3_D3E150____.IES
E3	D1	8200	8600	90	90	2-0-2	2-0-2	EWS3_E3D130____.IES	EWS3_E3D140____.IES	EWS3_E3D150____.IES
	E1	8200	8600	90	90	2-0-1	2-0-1	EWS3_E3E130____.IES	EWS3_E3E140____.IES	EWS3_E3E150____.IES

This Instrument Prepared
Without Benefit of Legal Opinion of Title
or Examination of Title

(4)

INSTR # 5685380
OR BK 03825 PG 0559
RECORDED 01/16/2003 01:26:55 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 19.50
DEED DOC 0.70
DEPUTY CLERK G Sherwood

Warranty Deed

Parcel I.D. No.

This Indenture, Made this 27th day of December, 2002, BETWEEN **CJ Management Services, Inc.** (taxpayer identification number 65-1159478), whose address is c/o L. Gail Markham, Markham Norton Stroemer & Company, P.A., 8961 Conference Drive, Fort Myers, FL 33919 3, GRANTOR*; AND **CJ Investment Services, LTD.** (taxpayer identification number 69-0004857), whose address is c/o L. Gail Markham, Markham Norton Stroemer & Company, P.A., 8961 Conference Drive, Fort Myers, FL 33919, GRANTEE*.

Witnesseth that said grantor for and in consideration of the sum of TEN and 00/100 Dollars ($10.00), and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

See Schedule "A" attached hereto and by this reference made a part hereof.

SUBJECT TO easements, restrictions and reservations of record.

Subject to comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions and matters appearing on the plat or otherwise common to the subdivision; outstanding oil, gas and mineral rights of record without right of entry; public utility easements of record; and, taxes for the year 2002 and subsequent years.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

* "Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

(Witness Signatur)

BRYNN BARALE
(Print Name)

(Witness Signature)

KATHLEEN A. HOFFAY
(Print Name)

CJ MANAGEMENT SERVICES, INC., a Florida Corporation

(SEAL)
L. Gail Markham, President

STATE OF FLORIDA
COUNTY OF LEE

I Hereby Certify on this day before me an officer duly qualified to take acknowledgments, personally appeared **L. Gail Markham**, as President of CJ Management Services, Inc., a Florida Corporation who is personally known to me or who has presented his Florida Driver's License as identification, and who executed the foregoing instrument and acknowledged before me that she executed the same.

Witness my hand and official seal in the County and State last aforesaid this 27th day of December, 2002.

Notary Seal

STATE OF FLORIDA NOTARY PUBLIC
LEONA L. GONTHIER
My Comm Exp. 11/12/04
No. CC 981073
X Personally Known [ ] Other I.D.

Leona L. Gonthier, Notary Public
(Print Name)

Commission No.
My commission expires:

LEONA L. GONTHIER
My Comm Exp. 11/12/04
No. CC 981073
X Personally Known [ ] Other I.D.

This instrument prepared by:

Dennis R. White, Esq.
Florida Bar No. 153095
DENNIS R. WHITE, P.A.
4099 Tamiami Trial North, Suite 300
Naples, Florida 34103-3548
Telephone: (239) 261-4700
Internet: drw@whitelaw.com

Schedule "A"

An undivided **0.0005** interest in the following parcels:

Parcel 1
All of Block 2297B, Unit 36, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 112 to 130, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 36-43-23-C1-02297.B00B)

Parcel 2
Lots 11 and 12, Block 2314, Unit 36, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 112 to 130, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 25-43-23-C3-02314.0110)

Parcel 3
Lots 1 and 2, Block 1852, Unit 45, Part 1, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 21, pages 135 through 150, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 35-44-23-C2-01852.0010)

Parcel 4
Lots 3, 4 and 5, Block 1852, Unit 45, Part 1, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 21, pages 135 through 150, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 35-44-23-C2-01852.0030)

Parcel 5
Lots 6 and 7, Block 1852, Unit 45, Part 1, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 21, pages 135 to 150, inclusive, in the Public Records of Lee County, Florida (Parcel I.D. No. 35-44-23-C2-01852.0060)

Parcel 6
Lots 27, 28 and 29, Block 2061, Part 2, CAPE CORAL SUBDIVISION, according to the plat thereof as recorded in Plat Book 23, Pages 6 to 8, inclusive, in the Public Records of Lee County, Florida (Parcel I.D. No. 06-44-24-C3-02061.0270)

Parcel 7
Lots 27 and 28, Block 2162, Unit 32, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 1 to 13, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 31-43-24-C1-02162.0270)

Parcel 8
Lots 29, 30 and 31, Block 2162, Unit 32, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 1 to 13, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 31-43-24-C1-02162.0290)

Parcel 9
Lots 34, 35, 36, 37, 38, 39, 40 and 41, Block 2162, Unit 32, CAPE CORAL SUBDIVISION, according to the Plat thereof as recorded in Plat Book 16, pages 1 to 13, inclusive, Public Records of Lee County, Florida. (Parcel I.D. Nos. 31-43-24-C1-02162.0340; 31-43-24-C1-02162.0360; and 31-43-24-C1-02162.0380)

Parcel 10
Lots 42 and 43, Block 2162, Unit 32, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, Pages 1 to 13, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 31-43-24-C1-02162.0420)

Parcel 11
Lots 32, 33 and 34, Block 2173, Unit 32, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 1 to 13, inclusive, Public Records of Lee County, Florida. (Parcel I.D. Nos. 31-43-24-C1-02173.0320)

Parcel 12
Lots 35, 36 and 37, Block 2173, Unit 32, CAPE CORAL SUBDIVISION, according to the plat thereof as recorded in Plat Book 16, Page 11, Public Records of Lee County, Florida. (Parcel I.D. No. 31-43-24-C1-02173.0350)

Parcel 13
Lots 38 and 39, Block 2173, Unit 36, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 16, pages 112 to 130, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 36-43-23-C2-02173.0380)

Parcel 14
Lot 35, Block 3367, Unit 65, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 21, pages 151 to 164, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 10-45-23-C2-03367.0350)

Parcel 15
Lots 98, 99 and 100, Block 3367, Unit 65, CAPE CORAL SUBDIVISION, according to the plat thereof recorded in Plat Book 21, pages 151 to 164, inclusive, Public Records of Lee County, Florida. (Parcel I.D. No. 10-45-23-C2-03367.0980)

Said properties are not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

INSTR # 2008000330362, Doc Type D, Pages 1, Recorded 12/18/2008 at 04:44 PM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Rec. Fee $10.00 Deputy Clerk DMERCIER

Prepared By and Return To:
Stephen W. Haywood
Post Office Box 101526
Cape Coral, FL 33910

QUIT CLAIM DEED

THIS DEED WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH.

This Quit Claim Deed dated this 31st day of ~~July~~ October 2008,

By Stephen W. Haywood, a single man, as to his 62.5% interest, and Harry Lowell, a single man, as to an undivided 37.5% interest,

whose post office address is: Post Office Box 101526, Cape Coral, FL 33910,

hereinafter called the GRANTOR,

To Bubbas Building Trust LLC, a Florida Limited Liability Company,

whose post office address is: Post Office Box 101526, Cape Coral, FL 33910,

hereinafter called the GRANTEE,

[wherever used herein the terms "GRANTOR" and "GRANTEE" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.]

WITNESSETH, that the Grantor, for and in consideration of the sum of $10.00, and other valuable consideration, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain parcel of land in the County of Lee, State of Florida, viz:

Lots 44, 45 and 46, Block 2162, Unit 91, Unit 32, CAPE CORAL, according to the plat thereof as recorded in Plat Book 16, Pages 1 through 13, of the Public Records of Lee County, Florida. **Strap No. 31-43-24-C1-02162.0440**

Grantors hereby warrant that the above captioned property is not their homestead as defined in the Constitution of the State of Florida, said property is vacant land.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year of 2008 and subsequent years; and to applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any;

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

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

AND the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey this land; that the Grantor hereby fully warrants the title to the land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature
Connie Bieling
Printed Name
Witness Signature
E. Jane Funk
Printed Name

Stephen W. Haywood

Harry Lowell

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 10th day of ~~October~~ November 2008, by Stephen W. Haywood, a single man, and Harry Lowell, a single man, who are personally known to me or who have provided driver's license as identification and who did (did not) take an oath.

Notary Public: _____

My Commission Expires: _____

(Notary Seal)

ELEANOR JANE FUNK
MY COMMISSION # DD 472917
EXPIRES: October 12, 2009
Bonded Thru Budget Notary Service

Return to: Tracy L Elston
Sunbelt Title Agency
4957 South Cleveland Avenue, Suite 101
Ft. Myers, FL 33907

INSTR # 5846237
Official Records BK 03953 PG 0337
RECORDED 06/06/2003 10:37:55 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEED DOC 175.00
DEPUTY CLERK C Keller

SPECIAL WARRANTY DEED

Made this 23rd day of May, 2003, by **JAMES C. GAINER** whose address is: **1989 BISCAYNE DRIVE, WINTER PARK , FL 32789** hereinafter called Grantor, and to: **HARRY LOWELL, AN UNMARRIED MAN** and whose mailing address is: **P.O. BOX 60634, FORT MYERS , FL 33906,** hereinafter called the Grantee. *AS TO AN UNDIVIDED 1/2 interest and **GJ INVESTMENT SERVICES, LLC, A FLORIDA LIMITED PARTNERSHIP,** AS TO AN UNDIVIDED 1/2 interest, as tenants in common Grantor, in consideration of TEN DOLLARS ($10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION paid by Grantee, grants and conveys to Grantee that property located in the County of LEE, State of Florida, described more particularly as follows:

LOTS 32 AND 33, BLOCK 2162 OF CAPE CORAL, UNIT 32, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 1 THROUGH 16, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the state of Florida in that neither Grantor(s) nor any member of the household of Grantor(s) reside thereon.

PARCEL ID #: 31-43-24-C1-02162.0320

Subject to easements and restrictions of record.
Subject to the lien of the General Taxes for the year 2003 and thereafter.

Grantor covenants as follows:
1. That the premises are free from all encumbrances made by Grantor; and
2. That Grantor will warrant and defend the property hereby conveyed against the lawful claims and demands of all persons claiming by, through, or under him, but against none other.

Signed, sealed and delivered in our presence:

Mildred G. Tucker
Mildred G. Tucker
Printed Name:

Joshua W. Burr
JOSHUA W. BURR
Printed Name:

James C. Gainer
JAMES C. GAINER
1989 BISCAYNE DRIVE
WINTER PARK , FL 32789

STATE OF: FLORIDA
COUNTY OF: ORANGE

The foregoing instrument was acknowledged before me this 21 day of May, 2003, by, **JAMES C. GAINER**, who is personally known to me or who has produced driver's license as identification.

Joshua W. Burr
NOTARY PUBLIC (signature)
Print Name: JOSHUA W BURR
My Commission Expires: 04/07/06
Stamp/Seal:

JOSHUA W. BURR
Notary Public, State of Florida
My comm. exp. Apr. 7, 2006
Comm. No. DD 106283

Prepared by: Tracy L Elston
Sunbelt Title Agency
4957 South Cleveland Avenue, Suite 101
Ft. Myers, FL 33907
FILE NUMBER: 742030528

RECORDER'S MEMO
Legibility of Writing, Typing or Printing Unsatisfactory in this Document When Received.

swdcorp
rev. 10/01/02
ll

Old Republic National Title Insurance Company
4315 Metro Parkway, Suite 500
Ft. Myers, Florida 33916

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

Transaction Identification Data for reference only:

Issuing Agent: **HENDERSON FRANKLIN STARNES & HOLT, PA**	ALTA Universal ID:	Commitment Number:	Issuing Office File Number: **22256-166**
Issuing Office: **P.O. Box 280** **Fort Myers, FL 33902**	Loan Number:	Revision Number:	Property Address: **2333 Andalusia Blvd, Cape Coral, FL 33909** **2329 Andalusia Blvd, Cape Coral, FL 33909** **2325 Andalusia Blvd, Cape Coral, FL 33909** **2321 Andalusia Blvd, Cape Coral, FL 33909** **2315 Andalusia Blvd, Cape Coral, FL 33909** **2324 NE 8th Place, Cape Coral, FL 33909** **2330 NE 8th Place, Cape Coral, FL 33909**

SCHEDULE A

FILE NO.: 17063264 CJ3

1. Commitment Date: May 16, 2017 at 8:00am

2. Policy to be issued:

(a) ALTA 2006 OWNER'S POLICY (with Florida Modifications) Proposed Insured: — Proposed Policy Amount: $626,000.00

Creighton Companies, LLC

(b) ALTA 2006 LOAN POLICY (with Florida Modifications) Proposed Insured: — Proposed Policy Amount: N/A

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions.

N/A

3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.

4. Title to the estate or interest in the Land is at the Commitment Date vested in:

Harry Lowell and CJ Investment Services, Ltd., a Florida limited partnership, each as to 1/2 undivided interest

5. The Land is described as follows:

See Attached Legal Description

Issued through the Office of:
HENDERSON FRANKLIN STARNES & HOLT, PA
P.O. Box 280
Fort Myers, FL 33902
Phone: 239-344-1100

Thomas H. Gunderson, Esq.

SCHEDULE B - I

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

2. Pay the agreed amount for the estate or interest to be insured.

3. Pay the premiums, fees, and charges for the Policy to the Company.

4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

5. Warranty Deed from Harry Lowell, joined by spouse, if married, or include non-homestead language, to the proposed insured.

6. Warranty Deed from CJ Investment Services, Ltd., a Florida limited partnership, executed by a general partner(s) with authority, to the proposed insured.

7. Other instruments which must be properly executed, delivered and duly filed for record, and/or other matters which must be furnished to the company

8. Provide a satisfactory Owner's Affidavit of Possession and No Liens. Said affidavit, when properly executed at closing by the seller(s) if any and mortgagor's herein will serve to delete the standard lien and possession exceptions for the policy(ies) to be issued.

9. Determination must be made that there are no unrecorded special assessment liens or unrecorded liens arising by virtue of ordinances, unrecorded agreements as to impact or other development fees, unpaid waste fees payable to the county or municipality, or unpaid service charges under Ch. 159, F.S., or county ordinance.

10. Satisfactory survey, in conformity with the minimum standards for land surveys made for title insurance purposes, certified to the company and/or its agents, through a current date, disclosing the nature and extent of any encroachments, overlaps, boundary line discrepancies, or other matters adversely affecting title to the property to be insured. Additional requirements and/or exceptions will be made for matters disclosed by the survey.

11. Satisfactory evidence must be furnished establishing that CJ Investment Services, Ltd. is a limited partnership in good standing under the laws of Florida from date of purchase through the present;

    Together with an affidavit from one or more general partners should be recorded stating:

    (A) that the general partner executing the deed or mortgage is authorized under the partnership

agreement or has obtained the consent of all the general partners to convey or mortgage the partnership's real property;
(B) that the partnership has not been dissolved; and
(C) that the partnership agreement has not been revoked or amended to prohibit the subject transaction.

12. Record that certain document authorizing Gerald L. Shawhan to execute, on behalf of St. Gertrude's Chapel, Inc., an Ohio not-for-profit corporation, that certain Warranty Deed recorded in Official Records Book 2173, Page 1800. Note: The Company reserves the right to impose additional requirements or exceptions upon review thereof. (as to Parcel 4)

13. Submission of Trust Agreement of CJ Descendants Trust U/A dated December 19, 2001, together with all amendments thereto, if any, for review by the Company, having previously acquired title via Warranty Deed recorded in Official Records Book 3825, Page 518 and conveyed title via Warranty Deed recorded in Official Records Book 3825, Page 550. Further requirements may be necessary upon review of the trust agreement. (as to Parcels 1, 2, 4, 5, 6 and 7)

Note: Taxes for the year 2017 became a lien on the land January 1st although not due or payable until November 1st of said year. Taxes for the year 2016 in the various amounts are paid under Tax ID Numbers 31-43-24-C1-02162.0360, 31-43-24-C1-02162.0340, 31-43-24-C1-02162.0320, 31-43-24-C1-02162.0290, 31-43-24-C1-02162.0270, 31-43-24-C1-02162.0420 and 31-43-24-C1-02162.0380.

Note: Verify with the current owner that there are no open mortgages that would affect the subject property as a search of the Public Records does not reveal one.

NOTE: All recording references in this commitment/policy shall refer to the Public Records of Lee County, unless otherwise noted.

SCHEDULE B SECTION II IS CONTINUED ON AN ADDED PAGE

SCHEDULE B - II

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

2. Facts which would be disclosed by an accurate and comprehensive survey of the premises herein described.

3. Rights or claims of parties in possession.

4. Construction, Mechanic's, Contractors' or Materialmen's lien claims, if any, where no notice thereof appears of record.

5. Easements or claims of easements not shown by the public records.

6. General or special taxes and assessments required to be paid in the year 2017 and subsequent years.

7. Any lien provided by County Ordinance or by Ch. 159, F.S., in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.

8. Rights of tenants and/or parties in possession, and any parties claiming, by through or under said tenants or parties in possession, as to any unrecorded leases or rental agreements.

9. Liability under this commitment/policy as to all City of Cape Coral assessments and fees is hereby limited to only that which the City of Cape Coral has filed in the public records of Lee County, Florida and which contain the property description, name of owners and amount of lien.

10. Subject land lies within the boundaries of Cape Coral Dual Water/Sewer/Irrigation Assessments District(s) and is subject to any assessments therefor. Liability under this commitment/policy as to all City of Cape Coral Assessments is hereby limited to only that which the City of Cape Coral has filed in the Public Records of Lee County, Florida and which contain the property description, name of owners and amount of lien.

11. All matters contained on the Plat of Unit 32, Cape Coral, as recorded in Plat Book 16, Pages 1 through 13.

EXHIBIT A

Parcel 1: Lots 36 and 37, Block 2162, Unit 32, Cape Coral, according to plat thereof as recorded in Plat Book 16, Pages 1 through 13, of the Public Records of Lee County, Florida.

Parcel 2: Lots 34 and 35, Block 2162, Unit 32, Cape Coral, according to plat thereof as recorded in Plat Book 16, Pages 1 through 13, of the Public Records of Lee County, Florida.

Parcel 3: Lots 32 and 33, Block 2162, Unit 32, Cape Coral, according to plat thereof as recorded in Plat Book 16, Pages 1 through 13, of the Public Records of Lee County, Florida.

Parcel 4: Lots 29, 30 and 31, Block 2162, Unit 32, Cape Coral, according to plat thereof as recorded in Plat Book 16, Pages 1 through 13, of the Public Records of Lee County, Florida.

Parcel 5: Lots 27 and 28, Block 2162, Unit 32, Cape Coral, according to plat thereof as recorded in Plat Book 16, Pages 1 through 13, of the Public Records of Lee County, Florida.

Parcel 6: Lots 42 and 43, Block 2162, Unit 32, Cape Coral, according to plat thereof as recorded in Plat Book 16, Pages 1 through 13, of the Public Records of Lee County, Florida.

Parcel 7: Lots 38, 39, 40 and 41, Block 2162, Unit 32, Cape Coral, according to plat thereof as recorded in Plat Book 16, Pages 1 through 13, of the Public Records of Lee County, Florida.

American Land Title Association Commitment for Title Insurance

Issued By Old Republic National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Florida Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Issued through the Office of:
HENDERSON FRANKLIN STARNES & HOLT, PA
P.O. Box 280
Fort Myers, FL 33902
Phone: 239-344-1100

THOMAS H. GUNDERSON, ESQ.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.

COMMITMENT CONDITIONS

1. DEFINITIONS

(a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.

(b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.

(c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.

(d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.

(e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.

(f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.

(g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.

(h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

(a) the Notice;

(b) the Commitment to Issue Policy;

(c) the Commitment Conditions;

(d) Schedule A;

(e) Schedule B, Part I—Requirements;

(f) Schedule B, Part II—Exceptions; and

(g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

(a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:

(i) comply with the Schedule B, Part I –Requirements;

(ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or

(iii) acquire the Title or create the Mortgage covered by this Commitment.

(b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.

(c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

(d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
(e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
(f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I— Requirements have been met to the satisfaction of the Company.
(g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. **LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT**
(a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
(b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
(c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
(d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
(e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
(f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. **IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**
The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. **PRO-FORMA POLICY**
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

Planning Division Case Report SE17-0016

Review Date:	June 14, 2018
Property Owners:	Harry M. Lowell and CJ Investment Services, Inc. (Lots 27-43) Bubbas Building Trust, LLC (Lots 44-46)
Owner Addresses:	Harry M. Lowell and CJ Investment Services, Inc. c/o Laurie A. Sloat PO Box 1121 Estero, FL 33928 Bubbas Building Trust, LLC PO Box 101526 Cape Coral, FL 33910
Applicant:	Al Quattrone, P.E., Quattrone and Associates, Inc.
Authorized Rep.	Quattrone and Associates and Matt Uhle
Request:	The applicant requests a Special Exception for an Automotive Service Station Limited Use in the Pedestrian Commercial (C-1) District.
Location:	2315-2333 Andalusia Boulevard and 2320-2330 NE 8th Place Lots 27-46, Block 2162, Unit 32, Cape Coral Subdivision
Prepared By:	Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator
Reviewed By:	Robert H. Pederson, AICP, Planning Manager
Recommendation:	**Approved with conditions**
Urban Service Area:	Transition
Right-of-Way Access:	The site has frontage on three streets; Andalusia Boulevard, a collector; Kismet Parkway East, a minor arterial; and NE 8th Place, a local street.

Site Description:

The site consists of eight undeveloped parcels. A 20-foot wide platted alley oriented in a north/south direction bisects Block 2162. A separate application[1] has been submitted to the City for vacating the northern part of the alley to create full block depth for the automotive service station. Including the land potentially gained from the alley vacation, the site is 2.49 acres.

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[1] Case number VP18-0001.

The site has Commercial/Professional (CP) Future Land Use and Pedestrian Commercial (C-1) Zoning. Future land use, zoning, and existing uses of the site and adjacent parcels are shown in Table 1.

Table 1. Zoning Classifications, Future Land Use Designations, and Existing Uses of the Site and Surrounding Parcels.

Subject Parcel	Zoning	Future Land Use (FLU)	Existing Use
Current:	Pedestrian Commercial (C-1)	Commercial/Professional	Undeveloped Parcels
	Surrounding Zoning	**Surrounding FLU**	**Surrounding Existing Uses**
North:	Kismet Parkway East ROW and Pedestrian Commercial (C-1)	Kismet Parkway East ROW and Commercial/Professional	ROW and Undeveloped Parcels
South:	Multi-Family (R-3)	Multi-Family (R-3)	Undeveloped Parcels
East:	NE 8th Place ROW and Marketplace-Residential (MR)	NE 8th Place ROW and Commercial Activity Center	ROW, Single-Family Dwelling, and Undeveloped Parcels
West:	Andalusia Boulevard ROW, Pedestrian Commercial (C-1) and Multi-Family (R-3)	Andalusia Boulevard ROW, Commercial/Professional and Multi-Family	ROW, Variety Store, and Undeveloped Parcels

Project Description:

A Special Exception is requested for an Automotive Service Station Limited Use (referred to hereafter in this report as a gas station). The City defines this use as *"An establishment primarily engaged in the retail sale of motor fuel and lubricants, but which may also include facilities for washing, waxing, detailing, polishing, greasing, tire repair (no recapping or vulcanizing) and other minor incidental repairs."*

A 3,010-sq. ft. convenience store is proposed with the detached fuel canopy to the north, parallel with Kismet Parkway. The fuel canopy will have six fuel dispenser stations allowing up to 12 vehicles to refuel at the same time. A 1,006-sq. ft. carwash is proposed east of the convenience store. Incidental vehicle repairs will not occur at this site. A dry detention pond will be to the south of the convenience store and car wash. The site will have single driveways along Andalusia Boulevard and NE 8th Place.

Two related cases concerning the site are also being reviewed by staff. A site plan (SP17-0086) for this project has been submitted to the City. To provide the site with full block depth, a request to vacate the 20-foot wide platted alley (VP18-0001) has also been filed with the City.

Zoning History of the Site

The Future Land Use Classification of the site was amended from Multi-Family to Commercial/Professional by Ordinance 58-15.

The site was rezoned from R-3 to C-1 by Ordinance 57-15.

Analysis:

This application was reviewed based on the Land Use and Development Regulations (LUDR), Section 2.7.7, the C-1 District, and the five standards in Section 8.8.5a-e for Special Exceptions Uses.

1. *Generally*

   The C-1 Zoning is consistent with the Commercial/Professional Future Land Use Classification. Gas stations are allowed as a Special Exception in the C-1 District. The area proposed for this use is 2.49 acres that includes a portion of a vacated alley. The C-1 District lacks an area requirement for this use. The area and shape of the site is suitable for a gas station based on the recent history of permitting similar establishments in the City. Since the design of the site is contingent on the alley vacation being approved by the City Council, staff will condition this use based on the approval of the vacation.

2. *Compatibility*

   The site is at the intersection of two major streets; Andalusia Boulevard and Kismet Parkway. Such sites are usually considered desirable for gas stations as these streets are designed to accommodate large volumes of traffic. Corner properties also provide opportunities for multiple driveways that can improve site access, enhance visibility and traffic circulation within the site, and facilitate deliveries to these establishments.

   Sites with either C-1 or MR Zoning exist to the north, east, and west of the site. However, residential-zoned sites also exist to the east, west, and south of the proposed development. While two single-family dwellings are within 100 feet of the site, most residential development in this area is sporadic with developed sites interspersed with vacant lots.

   A lighting plan shows illumination levels at the property line at 0.1 foot-candles or less except for the two entrances to the development. These levels are sufficiently low to likely avoid disrupting residents in the area. Besides restricting illumination levels at the property lines, staff recommends several other conditions to reduce unnecessary lighting and minimize light trespass from the site.

   Weekday P.M. peak hour trips are estimated at 166. While the number of trips is substantial, it is lower than the 300-trip threshold that triggers a more detailed Traffic Impact Study. Furthermore, certain uses, including gas stations, generally capture trips from the traffic already passing the site. Thus, for a substantial percentage of the estimated trips, visits to this development will be a secondary part of a linked trip such as from work to home. Of the peak hour trips for this project, 44% represent new external trips added to the road network by this project, with the remaining 56% constituting pass-by trips.

   Noise from commercial uses has the potential to disrupt residents. Background levels of noise likely exist since the site is at the intersection of two major streets and an existing store

is to the west. Residential development near site is sporadic and is interspersed with vacate sites. Except for residential development in Block 2162 to the south, residential dwellings in the other three directions are separated from the site by streets.

While not commonly employed, staff has recommended limiting the hours of operation for gas stations where a substantial number of residents live close (within about 50 feet) to the proposed use. However, in this case, factors including the location of the use at the north end of the block, the zoning of lands surrounding the site, the scattered pattern of residential development in the area, and the existence of streets providing separation between the use and most existing dwellings, do not warrant limitations on the hours of operation.

3. *Minimum Lot Frontage; Access*

The site has over 250 feet of frontage on Kismet Parkway and over 350 feet of frontage on Andalusia Boulevard and NE 8th Place. Two driveways are proposed; a single right-in, right-out driveway along Andalusia, and a full-access driveway along NE 8th Place. The two driveways will provide options for customers, delivery vehicles, and service providers entering and exiting the site, and will promote traffic circulation within the development.

Should the alley vacation be approved, the owners of the site will deed to the City a cross-access easement on Lots 27 and 28. This easement will provide access from the alley to Andalusia Boulevard should the southern portion of this alley be improved.

4. *Building Location; Setbacks*

Based on the Master Site Plan, the convenience store, fuel canopy, and carwash buildings will exceed the minimum C-1 setback requirements.

5. *Screening and Buffering*

A 10-foot wide landscaped area that includes canopy trees and shrubs is required along all three streets. A Buffer "C" is required along the south property line. A Buffer "C" must achieve a minimum width of 15 feet and include canopy trees, accent trees, and shrubs.

Consistency with the Comprehensive Plan:

This use is consistent with several policies of the Future Land Use and Transporation Elements as described below.

<u>Future Land Use Element</u>

Policy 1.6
"The City shall develop regulations that establish enhanced landscaping, buffering and signage standards and develop architectural design guidelines for nonresidential development." **Staff comments:**

Landscaping will be provided around the perimeter of the site. All buildings will comply with the nonresidential design standards established by the City. This policy is supportive of this request.

Policy 1.15.c.
"...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 large 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 generated relatively high levels of vehicular trips from customers and sometimes delivery vehicles, preferred locations for the C-1 District have direct access onto arterial or collector roads and adequate depth (a minimum of 250 feet) for larger-scale development..." **Staff comments: The site has C-1 Zoning that is consistent with the Commercial/Professional Future Land Use Classification. Should the vacation of the alley be approved, the site will have over 250 feet of depth and is at the intersection of an arterial (Kismet Parkway) and a collector (Andalusia Boulevard) street. The policy is supportive of this request.**

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." **Staff comments: Landscaping will be installed around the perimeter of the site. This policy is supportive of this request.**

Objective 2
"Location of New Commercial Development: New commercial development shall be so located to provide minimal vehicle trip lengths, at or near transportation nodes, and compatible with neighboring residential uses." **Staff comments: The site is at transportation node or the intersection of two major streets, Andalusia Boulevard and Kismet Parkway. With staff conditions, the use will be compatible with the surrounding area. This policy is supportive of this request.**

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." **Staff comments: The site is in the City Urban Services Transition Area and has access to City water and sewer services. This policy is supportive of this request.**

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 commerical 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." **Staff comments: Landscaping around the site will buffer this use from surrounding properties. The fuel canopy and convenience will be oriented parallel to Kismet Parkway near the northern end of the site, and away from residential sites to the south. This policy is supportive of this request.**

Policy 8.4

"The City shall encourage transitions from commercial uses to less intensive land uses and site design that considers the following preferred characteristics to attain compatibility with adjacent residential uses:

a. Site Orientation

i. Vehicular access should be from a collector, arterial, access street, or an alley if the subject uses are located within the Downtown Community Redevelopment Area.

ii. Pedestrian access should be designed to provide internal and external circulation from adjacent neighborhoods.

iii. Streets should be designed with elements to provide visual or physical buffering may serve as boundaries between different intensities of land uses.

iv. Site improvements within commercial areas such as lighting, signage and landscaping should be designed and coordinated in order to create a positive identity and visual image throughout the development area.

b. Site design should promote the preservation and integration of mature trees, natural vegetation, natural and environmentally sensitive areas whenever feasible.

c. Screening and landscaping

i. Creative and extensive use of landscaping and berming techniques for natural transitions between differing intensities of land uses is encouraged.

ii. Fences should not be used as a sole method of providing screening and buffering between differing intensities of land uses.

iii. The City shall review and revise landscaping and signage standards for commercial development to enhance the visual and physical environment to foster its integration of other land uses.

d. Lighting used to illuminate parking areas, signs or structures should be placed and designed to deflect light away from adjoining property or public streets through fixture type, height, orientation and location." **Staff comments: The site has direct access from Andalusia Boulevard, a collector street. Landscaping will be around the perimeter of the site. Free-**

standing lighting will be aimed downward and away from property lines. Light fixtures mounted under the canopy will be recessed into the canopy. Several provisions of this policy are supportive of this request.

Transportation Element

Policy 1.1.11
Notwithstanding Policy 1.1.8 and Policy 1.1.9, all new development proposals that generate three hundred (300) or more cumulative trips in the peak hour shall submit a traffic impact study (TIS) in accordance with the City of Cape Coral Engineering Design Standards. **Staff comments: The project will generate an estimated 166 weekday P.M. peak hour trips. A TIS was not required since the number of peak hour trips is less than 300. This policy is supportive of this request.**

Policy 2.1.5
"The City shall continue to require new development to incorporate design elements to accommodate and protect bicyclists and pedestrians. **Staff comments: Required off-site improvements will include sidewalks along Andalusia, Kismet, and NE 8th Place along the frontage of the site. These improvements will be constructed at the developer's expense. This policy is supportive of this request.**

Recommendation:

This request is consistent with the Comprehensive Plan and the five standards for evaluating Special Exceptions. Staff recommends **approval** with the following conditions.

1. The approval of this Special Exception is contingent on the alley vacation request (VP18-0001) being approved by the City Council. In the event the alley vacation is withdrawn by the applicant or denied by the City Council, approval of the special exception shall be considered null and void.

2. Except for driveway areas, lighting levels along all property lines shall not exceed 0.2 foot-candles. The Developer shall submit a lighting plan demonstrating compliance with this requirement prior to site plan approval.

3. Lighting trespass and glare shall be limited by shielding and directional lighting methods. All free-standing lights on the site shall be aimed downward and away from the property lines.

4. Light fixtures mounted under the canopy shall be completely recessed into the canopy with flat lenses that are translucent and flush with the bottom surface of the canopy.

5. Lights shall not be mounted on the exterior sides or face of the fuel canopy and the sides of the canopy shall not be illuminated.

6. Vehicle services shall be limited to standard convenience store services of fuel, vaccum, water, and air, along with car washing and waxing. Automotive repairs are prohibited on this site.

7. Any vending machines, automated teller machines (ATMs), or similar equipment or display items shall be inside the store.

8. The outdoor storage of products and materials is prohibited. This provision, however, shall not apply ice freezers that are used solely to store ice or to propane tank racks.

9. In addition to the canopy trees and shrubs required along Andalusia Boulevard, Kismet Parkway, and NE 8th Place, plantings along these streets shall include a row of accent trees spaced 30 feet apart. The accent trees shall be staggered with the canopy trees to improve the buffering of these areas. Bald cypress and slash pines are prohibited in planting areas along these streets.

10. The convenience store, car wash building, and columns of the gas canopy shall feature similar aesthetic characteristics including exterior materials and color.

11. Electronic Message Center (EMC) signs are prohibited on the east side of the site along NE 8th Place. For the purposes of this condition, an EMC sign is any electrically changeable sign whose variable message or graphic presentation capability can be electronically programmed by computer from a remote location. Furthermore, any sign that blinks, fluctuates, moves, or changes message, characters, or background is prohibited along NE 8th Place.

12. The layout and design of the site shall be consistent with the Master Site Plan prepared by Quattrone and Associates, Inc., dated October 25, 2017.

Staff Contact Information

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

NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: SE17-0016

REQUEST: The applicant, Quattrone and Associates, Inc., requests a Special Exception for an Automotive Service Station Limited Use in the Pedestrian Commercial (C-1) District on Lots 27-46, Block 2162, Unit 32, Cape Coral Subdivision.

LOCATION: 2315-2333 Andalusia Boulevard and 2320-2330 NE 8th Place

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

PROPERTY OWNERS: Harry M. Lowell and CJ Investment Services, Inc. and Bubbas Building Trust, LLC

AUTHORIZED REPRESENTATIVES: Quattrone and Associates, Inc. and Matt Uhle

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, July 10, 2018 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.

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 A.M. and 4:30 P.M. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

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

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

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

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

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Run Dates: 06/30/18

Text of Ad:

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by order of
Rebecca van Deutekom, MMC
City Clerk
REF # SE17-0016
AD# 3005593 June 30, 2018

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Harry Lowell / 7-11

APPLICATION NO: SE17-0016

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 2nd day of July, 2018.

Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

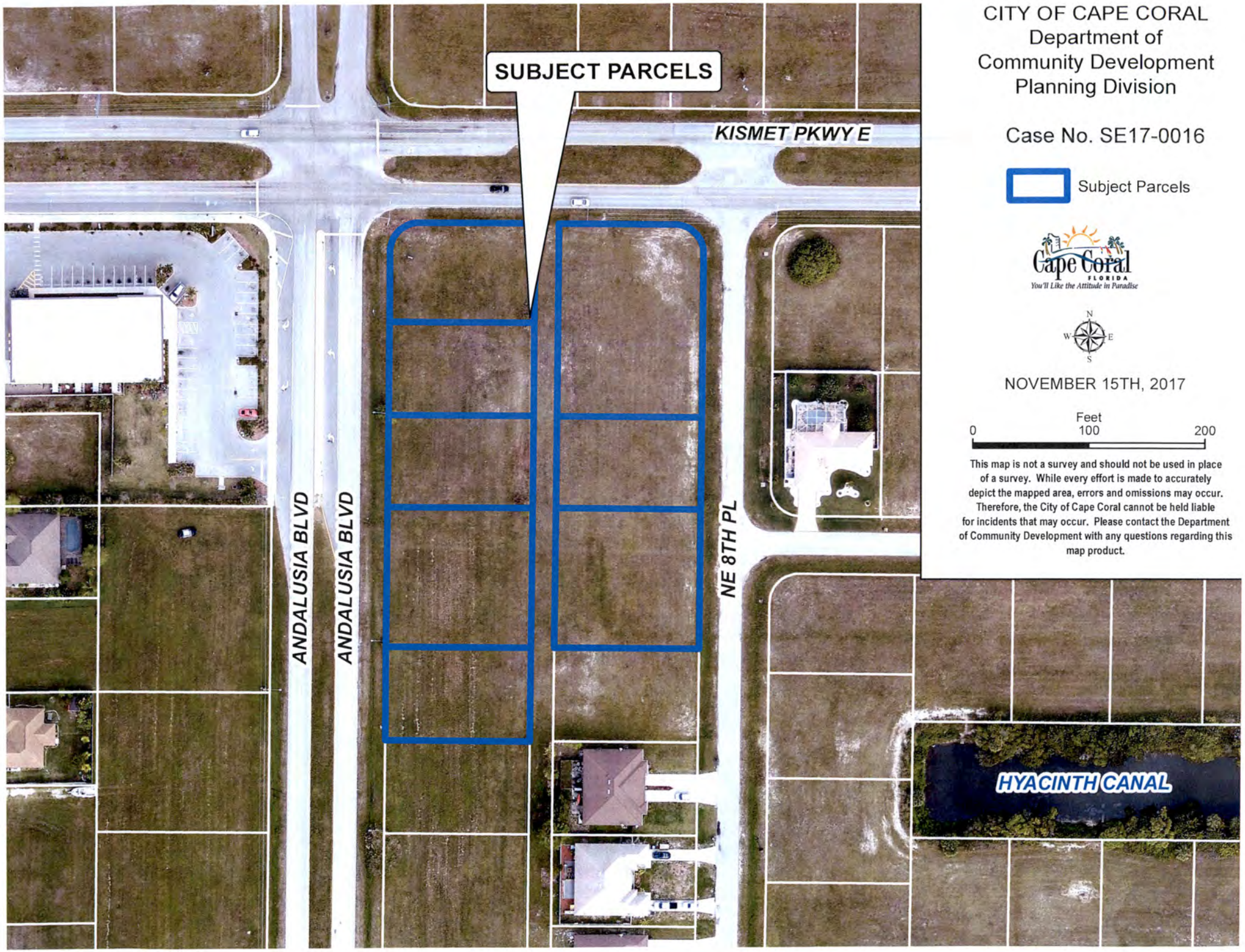
The foregoing instrument was acknowledged before me this 2nd day of July, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # GG030474

ELISABETH A DELGADO
MY COMMISSION # GG030474
EXPIRES December 06, 2020

Elisabeth A. Delgado
Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public



CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. SE17-0016

Subject Parcels

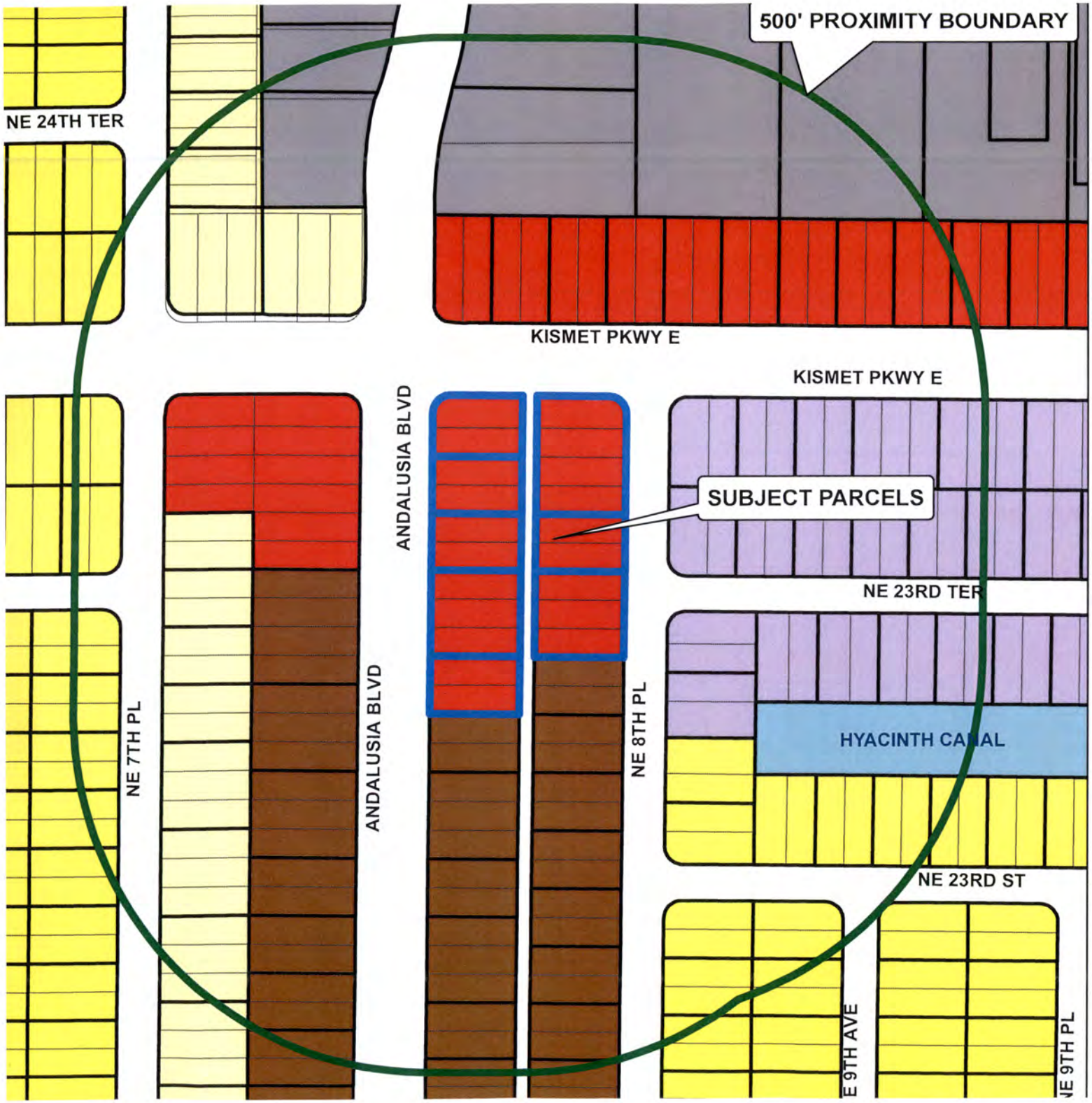
Cape Coral
FLORIDA
You'll Like the Attitude in Paradise

N
W E
S

NOVEMBER 15TH, 2017

Feet
0 100 200

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. SE17-0016

LEGEND

- 500' Proximity Boundary
- Subject Parcels

Zoning

- C-1
- I-1
- MR
- R-1B
- R-3
- RD

Cape Coral FLORIDA
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NOVEMBER 15TH, 2017

Feet
0 225 450

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Item Number:	**3.A.**
Meeting Date:	**7/10/2018**
Item Type:	**DATE AND TIME OF NEXT MEETING**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
Tuesday, July 24, 2018, at 9:00 a.m. in Council Chambers.

REQUESTED ACTION:

STRATEGIC PLAN INFO:

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

   If Yes, Priority Goals Supported are listed below.

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

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:
WHAT THE ORDINANCE ACCOMPLISHES:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:
Division- Department-

SOURCE OF ADDITIONAL INFORMATION: