



## **AGENDA FOR THE HEARING EXAMINER**

Tuesday, October 2, 2018

9:00 AM

Council Chambers

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

### **2. HEARINGS**

- A. Case # SE18-0005\*; Address: 2137 SW Santa Barbara Place; Applicant: Peter F. Simeone, Sr.
- B. Case # ZA18-0005\*; Address: 916 SW 37th Lane; Applicant: Mediterranean Village of Southwest Florida, LLC; Acreage: 3.12 Acre site
- C. Case # ZA18-0009\*; Address: 915, 919, and 923 SE 10th Street; Applicant: HBLB Properties III, LLC
- D. Case # PDP18-0002\*; Address: 1521 Del Prado Boulevard North ; Applicant: Xpress Storage Cape Coral, LLC
- E. Case # PDP18-0001\*; Address: 2555 NE Pine Island Road and near the southeast corner of Diplomat Parkway East and NE 24th Avenue; Applicant: Kirby Family Limited Partnership #3

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

- A. Tuesday, October 16, 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:
  - o 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.
  - o 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.
  - o 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.
  - o The Applicant may cross-examine any witness and respond to any testimony presented.
  - o Staff may cross-examine any witness and respond to any testimony presented.
  - o 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.
  - o The Hearing Examiner, may ask questions of the staff, Applicant, and Participants.
  - o Final argument may be made by the Applicant, related solely to the evidence in the record.
  - o Final argument may be made by the staff, related solely to the evidence in the record.
  - o For good cause shown, the Hearing Examiner may grant additional time to any of the hereinabove time limitations.
  - o The Hearing Examiner's, decisions must be based upon Competent Substantial Evidence in the record.

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

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case # SE18-0005\*; Address: 2137 SW Santa Barbara Place; Applicant: Peter F. Simeone, Sr.

**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, DeBono's Inc., requests a Special Exception for a Rental Establishment, Group III Use in the Pedestrian Commercial (C-1) District at 2137 SW Santa Barbara Place.

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Material"

**PREPARED BY:**

Kristin                      Division- Planning              Department- Community  
Kantarze                         Development

**SOURCE OF ADDITIONAL INFORMATION:**

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

**ATTACHMENTS:**

Description	Type
▢ Backup Materials	Backup Material
▢ Affidavit for Advertising	Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT  
 SPECIAL EXCEPTION APPLICATION  
 Questions: 239-574-0776

Case # SE18-0005

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  
PETER F SIMEONE SR.

Address: 14819 LAGUNA DR # 702  
 City: FORT MYERS State FL Zip 33908

Email: \_\_\_\_\_

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

APPLICANT (if different from Owner)  
DEBONO'S INC

Address: 2200 SANTA BARBARA BLVD  
 City: CAPE CORAL State FL Zip 33991

Email: CDEBONO591@AOL.COM

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

AUTHORIZED REPRESENTATIVE  
CHARLES DEBONO

Address: 2015 CORNWALLIS PKWY  
 City: CAPE CORAL State FL Zip 33907

Email: CDEBONO591@AOL.COM

Phone: 239-910-6032

Unit 62 Block 3047 Lot(s) 9THRU 16 Subdivision  
 Address of Property 2137 SW Santa Barbara PL CC FL 33991  
 Plat Book 21 Page 28  
 Current Zoning \_\_\_\_\_ Strap Number 26-44-23-0303047-0090

**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.

CHARLES DEBONO  
 NAME (PLEASE TYPE OR PRINT)

DEBONO'S INC  
 CORPORATION/COMPANY NAME  
[Signature]  
 APPLICANT'S SIGNATURE



DEPARTMENT OF COMMUNITY DEVELOPMENT  
SPECIAL EXCEPTION APPLICATION  
Questions: 239-574-0776

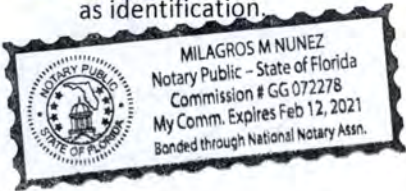
Case # \_\_\_\_\_

(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 FL, COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 21 day of 6, 2018 by  
CHARLES LUKE DE BONO who is personally known or produced  
as identification.



Exp. Date: 2/12/21 Commission Number: GG 072278  
Signature of Notary Public: [Signature]  
Printed name of Notary Public: MILAGROS M NUNEZ



DEPARTMENT OF COMMUNITY DEVELOPMENT  
SPECIAL EXCEPTION APPLICATION  
Questions: 239-574-0776

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

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT

CHARLES DEBONO  
(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 62 BLOCK 3047 LOT(S) 9 Thru 16 SUBDIVISION

OR LEGAL DESCRIPTION 2137 SANTA BARBARA PL  
CAPE CORAL FL. 33991

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

PETER SIMEONE SR \_\_\_\_\_ PROPERTY OWNER (Please Print)  
Peter Simone Sr. OWNER \_\_\_\_\_ PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 21 day of JUNE, 2018, by PETER SIMEONE who is personally known or produced FL/DL as identification.



Exp. Date: 2/12/21 Commission Number: GG 072278  
Signature of Notary Public: [Signature]  
Printed name of Notary Public: MILAGROS M NUNEZ

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



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 \_\_\_\_\_ day of \_\_\_\_\_, 2018

21 day of JUNE, 2018  
CHARLES DEBONO  
 PRINT APPLICANT'S NAME

[Signature]  
 APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 21 day of JUNE, 2018, by CHARLES LUKE DEBONO who is personally known or produced as identification. FL



Exp. Date: 2/12/21 Commission Number: GG072278  
 Signature of Notary Public: [Signature]  
 Printed name of Notary Public: MILAGROS M. NUNEZ





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.

PETER SIMEONE SR.  
 OWNER/APPLICANT (PLEASE TYPE OR PRINT)

Peter Simone Sr  
 OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me on this 21 day of JUNE  
 2018 by PETER SIMEONE, who is personally known or who has produced FL/DL  
 as identification.

Exp. Date 2/12/21  
 Commission # GG 072278

Milagos M. Nunez  
 Signature of Notary Public  
MILAGROS M. NUNEZ  
 Print Name of Notary Public



**DEBONO'S INC**

**D/B/A DEBONO'S STOP AND GO**

**2200 SANTA BARBARA BLVD.**

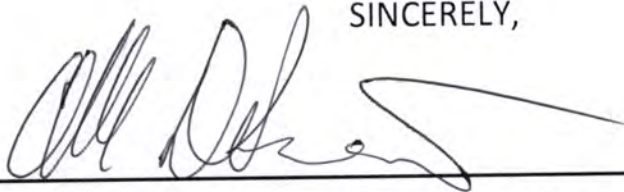
**CAPE CORAL FLORIDA 33991**

**PHONE: (239)-574-5757**

**RE: CITY OF CAPE CORAL SPECIAL EXCEPTION**

THIS LETTER IS TO ACCOMPANY OUR SPECIAL EXCEPTION REQUEST. IT IS OUR INTENTION TO RENT PART OF AN EXISTING PARKING LOT LOCATED AT 2137 SW SANTA BARBARA PLACE CAPE CORAL FLORIDA 33991. THIS PARKING LOT WILL BE USED TO PARK OUR LARGER U-HAUL TRUCKS ( 17FT- 20FT- 26FT) AND ANY OVERFLOW OF SMALLER TRUCKS AND TRAILERS WE MAY HAVE IN OUR INVENTORY. WE ARE RENTING 15 TOTAL SPACES. 8 LONG SPACES FOR THE LARGER TRUCKS AND 7 SPACES FOR THE SMALLER TRUCKS, TRAILERS AND TOWING EQUIPMENT. THEY WILL BE PARKED IN EXISTING STRIPED PARKING SPOTS ON THE PROPERTY . THANK YOU FOR YOUR HELP AND COOPERATION ON THIS MATTER

SINCERELY,



---

CHARLES DEBONO

PRESIDENT

239-910-6032

**COMMERCIAL LEASE AGREEMENT**

**THIS LEASE (this "Lease") dated this \_\_\_\_\_ day of July 2018**

**BETWEEN:**

**PETER SIMEONE SR. of 2138 Santa Barbara Blvd, Cape Coral, Florida, 33991**

Telephone: (239) 691-4680

(the "Landlord")

OF THE FIRST PART

**- AND -**

**DEBONO'S INC of 2200 SANTA BARBARA BLVD, CAPE CORAL, Florida, 33991**

Telephone: (239) 574-5757 Fax: (239) 574-9559

(the "Tenant")

OF THE SECOND PART

**IN CONSIDERATION OF** the Landlord leasing certain premises to the Tenant, the Tenant leasing those premises from the Landlord and the mutual benefits and obligations set forth in this Lease, the receipt and sufficiency of which consideration is hereby acknowledged, the Parties to this Lease (the "Parties") agree as follows:

**Definitions**

1. When used in this Lease, the following expressions will have the meanings indicated:
  - a. "Additional Rent" means all amounts payable by the Tenant under this Lease except Base Rent, whether or not specifically designated as Additional Rent elsewhere in this Lease;
  - b. Parking lot means lot located behind the building located 2138 Santa Barbara Blvd, Cape Coral,, FL, 33991, as from time to time altered, expanded or reduced by the Landlord in its sole discretion;
  - c. "Common Areas and Facilities" mean:
    - i. those portions 8 long spaces of the parking lot located at the north end center spots and 7 short spaces located at the north end and west side

- d. "Leasable Area" means with respect to any rentable premises, the area expressed in above description, 8 whole spaces north center of lot and 7 short spaces located at the north end and west side
- e. "Premises" means the commercial parking at 2138 Santa Barbara Blvd, Cape Coral., FL, 33991.
- f. "Rent" means the total of Base Rent

**Intent of Lease**

- 2. It is the intent of this Lease and agreed to by the Parties to this Lease that rent for this Lease will be on a gross rent basis meaning the Tenant will pay the Base Rent and any Additional Rent and the Landlord will be responsible for all other service charges related to the Premises and the operation of the Building save as specifically provided in this Lease to the contrary.

**Leased Premises**

- 3. The Landlord agrees to rent to the Tenant the commercial premises municipally described as (15 parking spaces) at 2138 Santa Barbara Blvd, Cape Coral., FL, 33991, (the "Premises"). The Premises are more particularly described as follows:  
8- 32 FT Long Parking spaces located at the North/Middle section of the parking lot for 26 FT and 20 FT Trucks  
7- 18Ft long parking spots located at the North/ West end of the parking lot for parking 15 FT and 10 FT Trucks, Vans and Trailers. The Premises will be used for only the following permitted use (the "Permitted Use"): Parking U-Haul trucks of 26 FT, 20 Ft, 15 FT, and 10 FT classifications U-Haul Vans and U-Haul Trailers and Towing equipment.

Neither the Premises nor any part of the Premises will be used at any time during the Term by Tenant for any purpose other than the Permitted Use.

- 4. While the Tenant, or an assignee or subtenant approved by the Landlord, is using and occupying the Premises for the Permitted Use and is not in default under the Lease, the Landlord agrees not to Lease space in the Building to any tenant who will be conducting in such premises as its principal business, the services of: Parking U-Haul trucks and Trailers
- 5. No pets or animals are allowed to be kept in or about the Premises or in any common areas in the building containing the Premises. Upon thirty (30) days notice, the Landlord may revoke any consent previously given under this clause. N/A

6. Subject to the provisions of this Lease, the Tenant is entitled to the use of 15 parking spaces (the 'Parking') on or about the Premises. Only properly insured motor vehicles may be parked in the Tenant's space.

**Term**

7. The term of the Lease commences at 12:00 noon on August 1, 2018 and ends at 12:00 noon on August 1, 2028 (the "Term").
8. Notwithstanding that the Term commences on August 1, 2018, the Tenant is entitled to possession of the Premises at 12:00 noon on August 1, 2018
9. Should the Tenant remain in possession of the Premises with the consent of the Landlord after the natural expiration of this Lease, a new tenancy from month to month will be created between the Landlord and the Tenant which will be subject to all the terms and conditions of this Lease but will be terminable upon either party giving one month's notice to the other party.

**Rent**

10. Subject to the provisions of this Lease, the Tenant will pay a base rent of \$600.00 (six hundred dollars) payable per month, for the Premises (the "Base Rent").
11. The Tenant will pay the Base Rent on or before the first of each and every month of the Term to the Landlord.
12. For any rent review negotiation, the basic rent will be calculated as being the higher of the Base Rent payable immediately before the date of review and the Open Market Rent on the date of review. N/A

**Use and Occupation**

13. The Tenant will use and occupy the Premises only for the Permitted Use and for no other purpose whatsoever. The Tenant will carry on business under the name of DeBono's Inc; and will not change such name without the prior written consent of the Landlord, such consent not to be unreasonably withheld. The Tenant will open the whole of the Premises for business to the public fully fixtured, stocked and staffed on the date of commencement of the term and throughout the term, will continuously occupy and utilize the entire Premises in the active conduct of its business in a reputable manner on such days and during such hours of business as may be determined from time to time by the Landlord.

14. The Tenant covenants that the Tenant will carry on and conduct its business from time to time carried on upon the Premises in such manner as to comply with all statutes, bylaws, rules and regulations of any federal, provincial, municipal or other competent authority and will not do anything on or in the Premises in contravention of any of them.

**Quiet Enjoyment**

15. The Landlord covenants that on paying the Rent and performing the covenants contained in this Lease, the Tenant will peacefully and quietly have, hold, and enjoy the Premises for the agreed term.

**Distress**

16. If and whenever the Tenant is in default in payment of any money, whether hereby expressly reserved or deemed as rent, or any part of the rent, the Landlord may, without notice or any form of legal process, enter upon the Premises and seize, remove and sell the Tenant's goods, chattels and equipment from the Premises or seize, remove and sell any goods, chattels and equipment at any place to which the Tenant or any other person may have removed them, in the same manner as if they had remained and been distrained upon the Premises, all notwithstanding any rule of law or equity to the contrary, and the Tenant hereby waives and renounces the benefit of any present or future statute or law limiting or eliminating the Landlord's right of distress. N/A

**Overholding**

17. If the Tenant continues to occupy the Premises without the written consent of the Landlord after the expiration or other termination of the term, then, without any further written agreement, the Tenant will be a month-to-month tenant at a minimum monthly rental equal to twice the Base Rent and subject always to all of the other provisions of this Lease insofar as the same are applicable to a month-to-month tenancy and a tenancy from year to year will not be created by implication of law.

**Additional Rights on Reentry**

18. If the Landlord reenters the Premises or terminates this Lease, then:
  - a. notwithstanding any such termination or the term thereby becoming forfeited and void, the provisions of this Lease relating to the consequences of termination will survive;

- b. the Landlord may use such reasonable force as it may deem necessary for the purpose of gaining admittance to and retaking possession of the Premises and the Tenant hereby releases the Landlord from all actions, proceedings, claims and demands whatsoever for and in respect of any such forcible entry or any loss or damage in connection therewith or consequential thereupon;
- c. the Landlord may expel and remove, forcibly, if necessary, the Tenant, those claiming under the Tenant and their effects, as allowed by law, without being taken or deemed to be guilty of any manner of trespass;

**Inspections and Landlord's Right to Enter**

- 19. Tenant acknowledges that it inspected the Premises, including the grounds and all buildings and improvements, and that they are, at the time of the execution of this Lease, in good order, good repair, safe, clean, and tenantable condition.

**Renewal of Lease**

- 20. Upon giving written notice no later than 60 days before the expiration of the Term, the Tenant may renew this Lease for an additional term. All terms of the renewed lease will be the same except for any signing incentives/inducements and this renewal clause.

**Tenant Improvements**

- 21. The Tenant will obtain written permission from the Landlord before doing any of the following:
  - a. painting, striping or labeling or in any way significantly altering the appearance of the Premises;

**Abandonment**

- 22. If at any time during the Term, the Tenant abandons the Premises or any part of the Premises, the Landlord may, at its option, enter the Premises by any means without being liable for any prosecution for such entering, and without becoming liable to the Tenant for damages or for any payment of any kind whatever, and may, at the Landlord's discretion, as agent for the Tenant, relet the Premises, or any part of the Premises, for the whole or any part of the then unexpired

term, and may receive and collect all rent payable by virtue of such reletting, and, at the Landlord's option, hold the Tenant liable for any difference between the Rent that would have been payable under this Lease during the balance of the unexpired term, if this Lease had continued in force, and the net rent for such period realized by the Landlord by means of the reletting. If the Landlord's right of reentry is exercised following abandonment of the premises by the Tenant, then the Landlord may consider any personal property belonging to the Tenant and left on the Premises to also have been abandoned, in which case the Landlord may dispose of all such personal property in any manner the Landlord will deem proper and is relieved of all liability for doing so.

### **Governing Law**

23. It is the intention of the Parties to this Lease that the tenancy created by this Lease and the performance under this Lease, and all suits and special proceedings under this Lease, be construed in accordance with and governed, to the exclusion of the law of any other forum, by the laws of the State of Florida, without regard to the jurisdiction in which any action or special proceeding may be instituted.

### **Severability**

24. If there is a conflict between any provision of this Lease and the applicable legislation of the State of Florida (the 'Act'), the Act will prevail and such provisions of the Lease will be amended or deleted as necessary in order to comply with the Act. Further, any provisions that are required by the Act are incorporated into this Lease.

### **Assignment and Subletting**

25. The Tenant will not assign this Lease, or sublet or grant any concession or license to use the Premises or any part of the Premises. An assignment, subletting, concession, or license, whether by operation of law or otherwise, will be void and will, at Landlord's option, terminate this Lease.

### **Bulk Sale**

26. No bulk sale of goods and assets of the Tenant may take place without first obtaining the written consent of the Landlord, which consent will not be unreasonably withheld so long as the Tenant and the Purchaser are able to provide the Landlord with assurances, in a form satisfactory to the Landlord, that the Tenant's obligations in this Lease will continue to be performed and respected, in the manner satisfactory to the Landlord, after completion of the said bulk sale. N/A



**Additional Provisions**

- 27. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Care and Use of Premises**

- 28. The Tenant will promptly notify the Landlord of any damage, or of any situation that may significantly interfere with the normal use of the Premises.
- 29. Vehicles which the Landlord reasonably considers unsightly, noisy, dangerous, improperly insured, inoperable or unlicensed are not permitted in the Tenant's parking stall(s), and such vehicles may be towed away at the Tenant's expense. Parking facilities are provided at the Tenant's own risk. The Tenant is required to park in only the space allotted to them.
- 30. The Tenant will not make (or allow to be made) any noise or nuisance which, in the reasonable opinion of the Landlord, disturbs the comfort or convenience of other tenants.
- 31. The Tenant will not engage in any illegal trade or activity on or about the Premises.
- 32. The Landlord and Tenant will comply with standards of health, sanitation, fire, housing and safety as required by law.

**Surrender of Premises**

- 33. At the expiration of the lease term, the Tenant will quit and surrender the Premises in as good a state and condition as they were at the commencement of this Lease, reasonable use and wear and damages by the elements excepted.

**Hazardous Materials**

- 34. The Tenant will not keep or have on the Premises any article or thing of a dangerous, flammable, or explosive character that might unreasonably increase the danger of fire on the Premises or that might be considered hazardous by any responsible insurance company.

**Rules and Regulations**

35. The Tenant will obey all rules and regulations posted by the Landlord regarding the use and care of the Building, parking lot and other common facilities that are provided for the use of the Tenant in and around the Building on the Premises.

**General Provisions**

36. Any waiver by the Landlord of any failure by the Tenant to perform or observe the provisions of this Lease will not operate as a waiver of the Landlord's rights under this Lease in respect of any subsequent defaults, breaches or nonperformance and will not defeat or affect in any way the Landlord's rights in respect of any subsequent default or breach.

37. This Lease will extend to and be binding upon and inure to the benefit of the respective heirs, executors, administrators, successors and assigns, as the case may be, of each party to this Lease. All covenants are to be construed as conditions of this Lease.

38. All sums payable by the Tenant to the Landlord pursuant to any provision of this Lease will be deemed to be Additional Rent and will be recoverable by the Landlord as rental arrears.

39. Where there is more than one Tenant executing this Lease, all Tenants are jointly and severally liable for each other's acts, omissions and liabilities pursuant to this Lease.

40. Time is of the essence in this Lease.

41. This Lease will constitute the entire agreement between the Landlord and the Tenant. Any prior understanding or representation of any kind preceding the date of this Lease will not be binding on either party to this Lease except to the extent incorporated in this Lease. In particular, no warranties of the Landlord not expressed in this Lease are to be implied.

**IN WITNESS WHEREOF** the Parties to this Lease have duly affixed their signatures under hand and seal, or by a duly authorized officer under seal, on this \_\_\_\_\_ day of July 2018

PETER SIMEONE (Landlord)

Per: \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
(Witness)

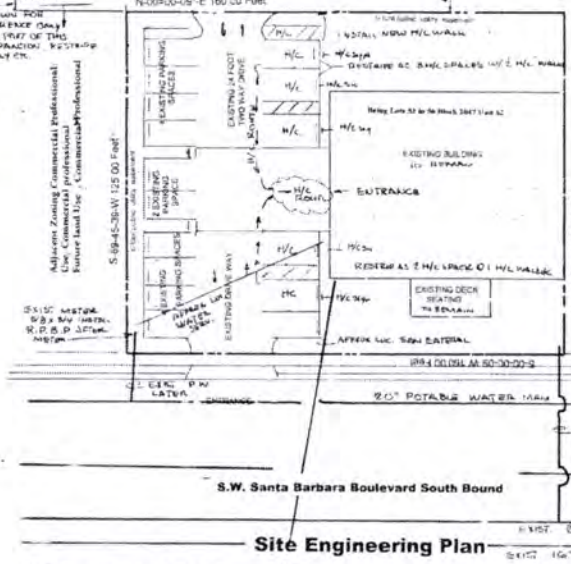
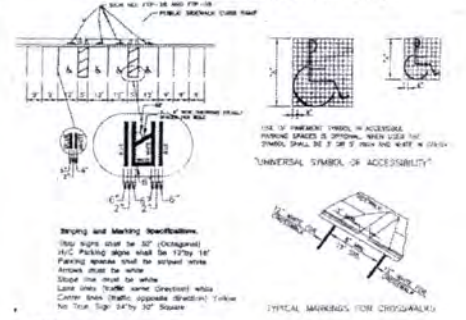
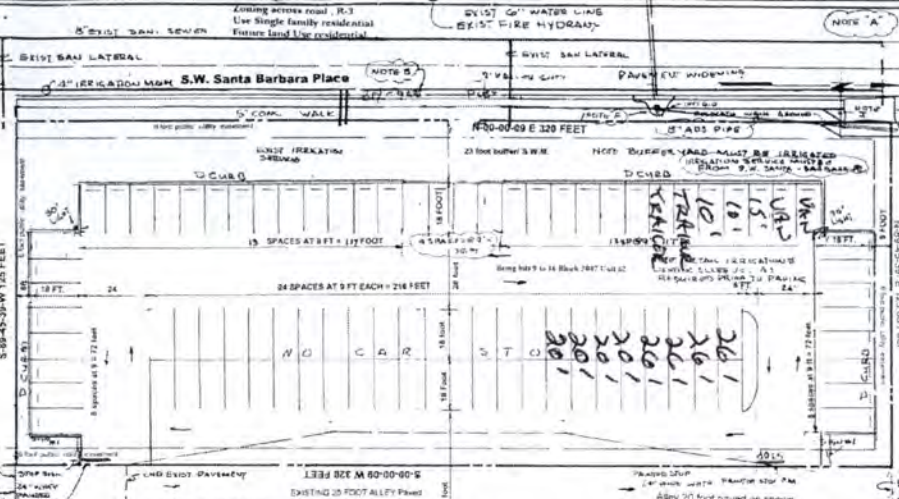
DEBONO'S INC (Tenant)

Per: \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
(Witness)

**WIDENING NOTES:-**  
**NOTE A:** FULLY WIDEN (PAVEMENT ONLY) NORTH 130.5 TO FULL IN TAPER  
**NOTE B:** CITY WILL DETERMINE LOCATION OF CURB SOUTH OF LIGHT STATION & GALL PAVT MAY BE LARGER THAN STANDARD  
**NOTE C:** ROADSIDE SWALES TO SCOUR TO DRAIN  
**NOTE D:** ALLEY BARICADES SHALL STATE "DO NOT ENTER" ON ROAD CLOSED AND SHALL REMAIN IN PLACE UNTIL WORK IS COMPLETED  
**NOTE E:** THE END OF THE SIDEWALK SHALL BE PLACED SOUTH OF THE SIDEWALK AND PAVED 100'-0" x 6" AS AN OVERLAP WITH THE SIDEWALK BE 1/4" DEPTH OF CURB MIN.  
**NOTE F:** SIDEWALK WIDTH SHALL BE THE TOTAL 3' x 5' x 4' FOOT UNDER THE SIDEWALK WIDTH SHALL BE THE TOTAL 3' x 5' x 4' FOOT UNDER SIDEWALK  
**NOTE G:** ADJUSTMENT OF WALK TO CONFORM TO ALIGNMENT NOTE G IS REQUIRED SEE ENG. SET ONLY C-3, C-4 & FOOT UNDER (10' FOR SPECIFIC)  
**NOTE H:** REMOVE CITY ROW'S OVERLEAF OR DAMAGED UNTIL SPECIALS FINAL TYPICALS SHALL BE PROVIDED BY HYDROLOGIST & CIVIL ENGINEER  
**NOTE I:** ALL NEW CONCRETE SHALL BE 3000 PSI MIN. BE PAVED ACCORDING TO NEW ADJACENT ZONING TO BE RECALLED COMMERCIAL PROFESSIONAL.  
 Use: Vacant Land  
 Future Land Use: Commercial Professional

**NOTE H:** AND DIFFERENCE IN GRADE (EXAMPLE, ALLEY PAVEMENT 20" x 4" TO EXISTING PROPOSED TO BE GRADED TO 4" 3" SLOPED)  
**NOTE I:** SUPPLY & INSTALL 3/4" TYPE 4 CURB MARKER SOUTH PROPERTY LINE IN 300' AREA. (NOTE G)  
**NOTE J:** ALL EXISTING IN WORK AREA TO BE RECALLED AND RECAL CONTACT WORK LINES (514-019)  
**NOTE K:** EXISTING CURBS TO BE MAINTAINED OR RECALLED AS NECESSARY. SEE FLORIDA STORM WATER DESIGN & DETAIL GUIDE FOR THE CITY AND STATE.



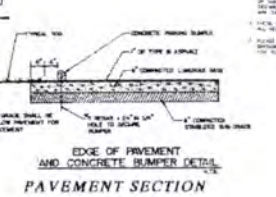
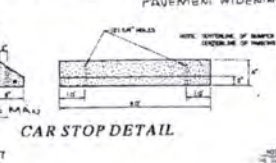
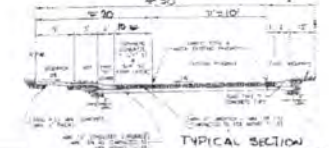
**PARKING REQUIREMENTS**  
 1.884 S.F. BUILDING FLOOR SPACE PER 100 S.F. REQUIRES 18 SPACES  
 420 S.F. OUTDOOR SEATING AREA REQUIRES 10 SPACES PER 42 SEATS  
 EXISTING TO REMAIN 16 SPACES PROPOSED 18 SPACES TOTAL = 34 SPACES OF WHICH 18 ARE BC

**Location Map**

NOTE SIGN BY 15' DRIVEWAY PARKING IS A MUTUAL PATROL ONLY 10' x 24' TO CURB

ITEM	AREA	ACRES	PERCENT SITE
Pool Area	25,076	0.648	72.67%
Green	10,914	0.25	27.31%

Ordinary Construction, In Sprinkled Type of Dev = pool hall with bar and lounge  
 Future Land Use = Commercial Professional  
 Use Commercial Professional 100% use



**LEGEND**  
 1. EXISTING GRADE (GROUND TO BE TOPO)  
 2. EXISTING GRADE (AS SHOWN)  
 3. EXISTING GRADE (AS SHOWN)

**Site Engineering Plan**

**NOTE B - ALL WORK OR MATERIALS WHICH DO NOT CONFORM TO CITY MAPS & REGULATIONS WILL BE REMOVED AT CONTRACTOR'S EXPENSE.**

**NOTE 1 - ALL GRADES WITHIN H/W ACCESS & PARKING AREA MUST NOT EXCEED 2% IN ANY AND ALL DIRECTIONS @ MAXIMUM DIFFERENCE. NEAR POINT MUST NOT EXCEED 1/4" ADJUST SITE AS NEEDED.**

- NOTES**
- CONSTRUCTION SHALL BE TO THE CENTERLINE OF MARKING.
  - NO ACCESS SHALL BE REQUIRED FOR EACH ACCESSIBLE DRIVE WITHIN THE PARKING SPACE.
  - ENTRANCE TO PARKING MARKED ONLY, NO PARKING SIGNIFICANT CLEARANCE LOCATIONS FOR MARK LOCATION SHALL BE PLACED.
  - ALL PAVEMENT MARKINGS SHALL BE IN WHITE TO WHICH CONCRETE SHALL BE APPLIED TO THE SURFACE.
  - THE PAINT SHALL BE MOUNTED BELOW THE 17'-15" SIGN.
- PAVEMENT MARKING FOR PUBLIC STORAGE CURB MARKERS IN BEST PRACTICES**

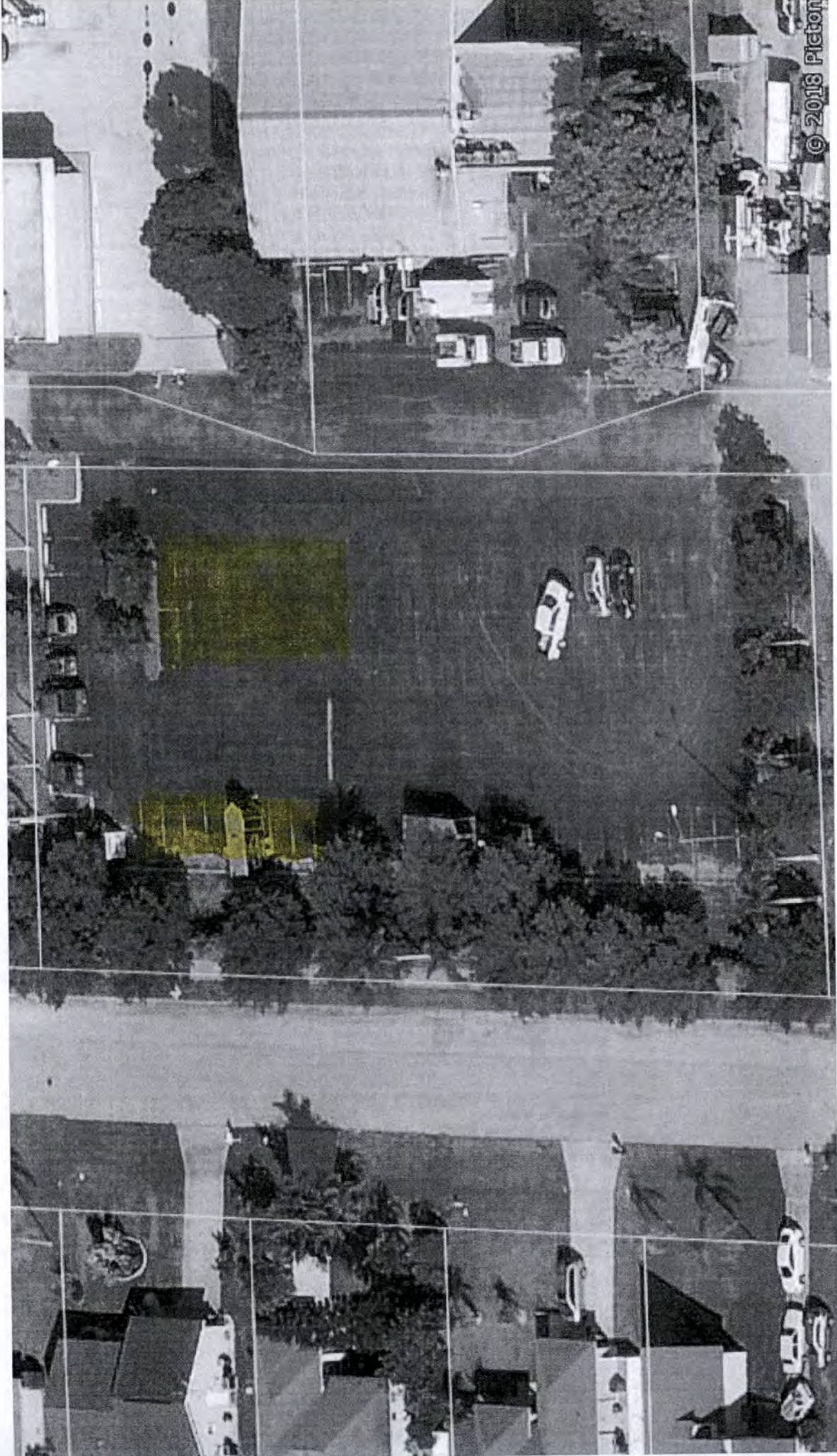
DATE: 12/14/01  
 DRAWN BY: HARRY TEETER

**Site Engineering Plan**  
 Parking Lot Addition to  
**B. A. HUSTLERS**  
 2138 SANTA BARBARA BLVD  
 CAPE CORAL, FLORIDA

**Harry Teeter P.E. 33910**  
 1031 Cape Coral Parkway, East # 206  
 Cape Coral, Florida 33904, Tel 540-1318

**SP3-00000S**  
**FINANC**  
**BLD**

**Drawing # C-1 File 3092**



© 2018 Pictor

# Planning Division Case Report

SE18-0005

**Review Date:** September 12, 2018

**Property Owner:** Peter F. Simeone, Sr.

**Owner Address:** 14819 Laguna Drive, #702  
Fort Myers, FL 339098

**Applicant** DeBono's Inc.

**Authorized Rep:** Charles DeBono

**Request:** The applicant requests a Special Exception for a Rental Establishment, Group III use.

**Location:** 2137 SW Santa Barbara Place  
Cape Coral, FL 33991  
Unit 62, Block 3047, Lots 9-16, Strap number: 26-44-23-C3-03047.0090

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

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

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

**Urban Service Area:** Infill

**Right of Way Access:** The site has frontage and driveway access along SW Santa Barbara Place, a local street. Access to the site is restricted to a 20-foot wide alley to the east.

## Property Description

The site is Lots 9-16 in Block 3047. The ±40,000 sq. ft. site is rectangular. A parking lot with 94 spaces occupies this site which received site plan approval in 2003. This property provides additional parking for the Midtown Lounge directly to the east at 2138 Santa Barbara Boulevard. Both sites are owned by Mr. Peter F. Simeone, Sr.

The site has a Commercial/Professional (CP) Future Land Use Classification and Pedestrian Commercial (C-1) Zoning. The entire block has a CP Future Land Use Classification and C-1 Zoning, although two properties on the west side of Block 3047 have nonconforming multi-family developments.

## Background

The applicant, Charles DeBono, owns the site at 2200 Santa Barbara Boulevard (Figure 1). The site received a Special Exception (SE 11-83-247) for fuel pumps in conjunction with a convenience store in 1983. In 2000 a Special Exception (Resolution 9-2000) was approved for a Rental Establishment, Group

III use. The Special Exception for the rental establishment was amended by Resolution 20-17. A condition of Resolution 20-17 limits the location, number, and types of vehicles that can be parked at 2200 Santa Barbara Boulevard.

**Figure 1. Map showing 2137 SW Santa Barbara Place outlined in red to the north (subject to this Special Exception) and 2200 Santa Barbara Boulevard outlined in blue to the south.**



In 2018 Mr. Bono was granted a Special Exception (SE HEX Order 3-2018; SE17-0010) for a Rental Establishment, Group III use at 2125 SW Santa Barbara Place. This Special Exception allows parking of larger rental trucks on this site that are prohibited at 2200 Santa Barbara Boulevard. Trucks with lengths over 21.58 feet are prohibited at 2200 Santa Barbara Boulevard. The area of the site approved for parking rental vehicles was unimproved. As improvements to the site were necessary, a site plan demonstrating compliance with landscaping and stormwater provisions was required. Since Mr. DeBono was leasing the site, apparently neither Mr. DeBono nor the owner were willing to construct these improvements.

Within this current application, Mr. DeBono is now requesting Special Exception approval for a Rental Establishment, Group III use at 2137 SW Santa Barbara Place. This site is northwest and adjacent to property owned by Mr. DeBono at 2200 Santa Barbara Boulevard.

### Zoning History of the Site

The site has always had a CP Future Land Use Classification.

The zoning of Lots 5-16 was amended by Ordinance 130-02 from Multi-Family Residential (R-3) to C-1.

A site plan for a parking lot for the site was approved on May 30, 2003.

## Analysis

Staff reviewed this application 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.

### 1. Generally

Rental Establishments, Group III uses are allowed by Special Exception in the C-1 District. This use has no minimum area requirement or other special regulations. Group III uses allow the renting of cars, small vans and trucks, recreation vehicles, and utility trailers. Mr. DeBono proposes to utilize 15 parking spaces on the site. Eight spaces will be reserved for large trucks while an additional seven spaces will be utilized by trailers, towing equipment, and smaller trucks. According to the letter of intent, large rental trucks that cannot be lawfully parked at 2200 Santa Barbara Boulevard (see Table 1) along with other rental vehicles will be parked at the site. Prior discussions with Mr. DeBono revealed that the 26-foot long trucks<sup>1</sup> are the most popular vehicle rented and returned to his business at 2200 Santa Barbara Boulevard.

**Table 1. Number, types, and sizes of rental vehicles approved for 2200 Santa Barbara Boulevard.**

Vehicle Type	No. of Vehicles	Stall Size
Trucks	5	Variable, but not to exceed a length of 15 feet.
Trailers	8	Variable, but not to exceed a length of 12 feet.
Vans	3	9' x 20'
Pick-ups	1	8' x 20'
Auto Transport	1	10' x 21'
Tow Dolly	2	9' x 12'

### 2. Compatibility

The site is surrounded on three sides (north, east, and south) with C-1 Zoning (Table 2). Sites to the west, across SW Santa Barbara Place, have R-1B Zoning and single-family residences. Residential sites to the west would likely be the most affected by the operation of this use. Adverse effects related to this use could include noise, lighting, and traffic.

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<sup>1</sup> U-Haul trucks with a length of 26 feet have a front to rear bumper length of 34 feet, one inch. (<https://www.uhaul.com/>).



**Table 2. Zoning, Future Land Use, and Existing Uses at 2125 SW Santa Barbara Place and Surrounding Sites.**

	Zoning	Future Land Use (FLU)	Existing Use
<b>Subject Parcel</b>	Pedestrian Commercial (C-1)	Commercial/Professional	Parking lot
	Surrounding Zoning	Surrounding FLU	Surrounding Uses
<b>North:</b>	Pedestrian Commercial (C-1)	Commercial/Professional	Parking lot
<b>South:</b>	Pedestrian Commercial (C-1)	Commercial/Professional	Vacant lots
<b>East:</b>	Pedestrian Commercial (C-1)	Commercial/Professional	Commercial recreation use (Uptown Lounge), two gas stations
<b>West:</b>	Single Family Residential (R-1B)	Single Family	Single-family dwellings

Noise

Rental vehicles being maneuvered on the site will increase activity, but it is not known if additional noise will be generated to a level inconsistent with City ordinances. Residents most affected by any increase in noise would likely be those living to the west. Noise would be most noticeable to residents when vehicles are entering or leaving the site before and after standard working hours (before 8:00 A.M. and after 5:00 P.M.). Staff recommends limiting the transporting of rental vehicles to 2125 SW Santa Barbara Place between sunrise and sunset daily to minimize the exposure of noise and lighting experienced by residents.

Lighting

Vehicle headlights could be disruptive to residents to the west. Placing restrictions on when rental vehicles can enter and leave the site will alleviate most conflicts involving lighting. It is recommended that only trailers and tow dollies be parked along the single row of spaces directly adjacent to SW Santa Barbara Place to minimize headlight glare. Landscaping along the western property line of the site will further reduce glare from headlights experienced by residents.

Traffic

The site is used by Midtown Lounge for parking; and therefore, currently generates an unknown number of trips. While a trip generation estimate was not provided with the application, based on the number of trucks the site could likely accommodate (10-25), staff anticipates the P.M. peak hour number of trips generated by the special exception use will be low compared to many commercial uses. An identical use approved by the City in 2016 that involved a mix of 17 rental vehicles had an estimated 15 P.M. peak hour trips.<sup>2</sup>

The recommended conditions of approval for this use are intended to minimize noise and lighting impacts associated with this use. With these conditions, staff finds that this use will be compatible with the surrounding area.

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<sup>2</sup> Ordinance 56-16 that approved a Special Exception for a Rental Establishment Group III Use for a Home Depot Store at 2508 Skyline Boulevard.

3. *Minimum Lot Frontage; Access*

The C-1 District has no minimum frontage requirement. The site has over 300 feet of frontage on SW Santa Barbara Place to the west and along an alley to the east. The site has access limited to the alley. No additional driveways are anticipated.

The site provides parking for Midtown Lounge to the east at 2136 Santa Barbara Boulevard. This business is classified as a commercial recreation, group 1 (billiard or pool hall) use. Based on the building area, 24 spaces are needed to meet the minimum parking requirement for this use at this site<sup>3</sup>. The parking lot site has 94 spaces and the adjacent Midtown Lounge site has another 20 spaces. More than adequate room exists in this parking lot for providing parking for the Midtown Lounge and provide limited space for rental vehicles.

4. *Building Location; Setbacks*

There are no buildings on the site. No new buildings are proposed or necessary for the special exception use.

5. *Screening and Buffering*

Landscaping exists along the north, south, and west property lines of the site. A 25-foot wide landscaped area comprised of a row of canopy trees and shrubs are along the west property line that will buffer, but not completely screen this use, from single-family residences across SW Santa Barbara Place. Since physical improvements to the site are not proposed, additional landscaping is not required nor recommended.

**Consistency with the Comprehensive Plan**

The project is consistent with the following goals and policies.

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 floor to lot area ratio (FAR) of 1.0 ... 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 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*

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<sup>3</sup> A minimum of 24 parking spaces are required for this use based on a total building area of 5,753 sq. ft. and the application of a parking standard that requires one space per 250 sq. ft. of total floor area.

*development.* **Staff comments:** The site has C-1 Zoning that is consistent with the Commercial/Professional Future Land Use Classification. The site has an FAR of 0. 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:** Landscaping exists along the north, south, and west property lines. While landscaping is lacking along the east property line, these abutting properties have C-1 zoning with commercial uses. 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:** Landscaping consisting primarily of canopy trees and shrubs are along the western property line and provides buffering between the parking lot and single-family residences to the west. 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 commercial development (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas and exterior storage) through the extensive uses of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and/or building orientation. Ensure that the placement of any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety and overall maintenance of commercial properties should be carefully monitored.”* **The site will lack a dumpster, loading docks, and rooftop equipment that typically requires screening. Trips to the site are anticipated to be low. Landscaping to the north, south, and west will provide buffering. This policy is supportive of this request.**

**Recommendation:**

The Planning Division recommends approval with the following conditions:

**Conditions of Approval**

1. The parking of rental vehicles on the site shall be limited to the north end of the site.
2. A maximum of 25 rental vehicles may be parked on the site. No more than 15 vehicles shall be rental trucks, cars, or vans.
3. Only trailers and tow dollies shall park along the single row of spaces directly adjacent to SW Santa Barbara Place.

4. A striping plan identifying parking spaces for rental vehicles shall be submitted to the Department of Community Development. A certificate of use shall not be issued by the City until the striping plan has been approved, improvements completed, and the site has been inspected by the City.
5. Rental vehicles shall not be moved to or from the site beginning at sunset and extending to sunrise the following day.

---

**Staff Contact Information**

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

PH: 239-242-3255

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



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

## Detail by Entity Name

Florida Profit Corporation  
DEBONO'S INC.

### Filing Information

<b>Document Number</b>	P09000058666
<b>FEI/EIN Number</b>	65-0903089
<b>Date Filed</b>	07/09/2009
<b>Effective Date</b>	07/09/2009
<b>State</b>	FL
<b>Status</b>	ACTIVE

### Principal Address

2200 SANTA BARBAA BLVD  
CAPE CORAL, FL 33991

Changed: 01/04/2012

### Mailing Address

2200 SANTA BARBAA BLVD  
CAPE CORAL, FL 33991

Changed: 01/04/2012

### Registered Agent Name & Address

MOORE, LORI L  
3501 DEL PRADO BLVD  
212  
CAPE CORAL, FL 33904

Name Changed: 02/06/2010

Address Changed: 01/04/2011

### Officer/Director Detail

#### **Name & Address**

Title PTD

DEBONO, CHARLES  
2015 Cornwallis Pkwy  
CAPE CORAL, FL 33904

Title VPSD

HIS VI CE

DEBONO, DONALD  
415 Hancock Bridge Pkwy  
CAPE CORAL, FL 33990

**Annual Reports**

Report Year	Filed Date
2016	01/10/2016
2017	01/07/2017
2018	01/08/2018

**Document Images**

<a href="#">01/08/2018 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/07/2017 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/10/2016 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
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<a href="#">07/09/2009 -- Domestic Profit</a>	<a href="#">View image in PDF format</a>

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CAPE CORAL FL 33990  
USA

**Net Amt:** \$356.24

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 09/22/18

**Text of Ad:**

**NOTICE OF PUBLIC HEARING**

**CASE NUMBER:** SE18-0005

**REQUEST:** The applicant, DeBono's Inc., requests a Special Exception for a Rental Establishment, Group III Use in the Pedestrian Commercial (C-1) District at 2137 SW Santa Barbara Place.

**LOCATION:** 2137 SW Santa Barbara Place; Cape Coral Subdivision, Unit 62, Block 3047, Lots 9-16

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

**PROPERTY OWNER:** Peter F. Simeone, Sr.

**AUTHORIZED REPRESENTATIVE:** Charles DeBono

**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 October 2, 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](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 A.M. and 4:30 P.M.

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

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

by order of  
Rebecca van Deutekom, MMC  
City Clerk  
REF # SE18-0005  
AD# 3167552 Sept. 22, 2018





## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** SE18-0005

**REQUEST:** The applicant, DeBono's Inc., requests a Special Exception for a Rental Establishment, Group III Use in the Pedestrian Commercial (C-1) District at 2137 SW Santa Barbara Place.

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**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.

**Subject Parcels**


SW SANTA BARBARA PL

SANTA BARBARA BLVD

**CITY OF CAPE CORAL**

Department of  
Community Development

Case # SE18-0005

 Subject Parcel



Map Date: September 13, 2018  
Aerial Date: 2018

0 50 100  
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

## ZONING MAP 500 Proximity Boundary

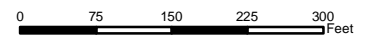
Case No. SE18-0005

### Legend

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



SEPTEMBER 13, 2018



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may 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.

SW 21ST ST

SW 21ST TER

SANDPIPER  
CANAL

SW 21ST LN

SW 1ST AVE

SW 22ND ST

SW 22ND TER

SW SANTA BARBARA PL

Subject Parcels

SANTA BARBARA BLVD

SE SANTA BARBARA PL

SE 21ST TER

CEYLON CANAL

SE 21ST LN

SE 1ST AVE

500' Proximity Boundary

Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: DeBono's

APPLICATION NO: SE18-0005

STATE OF FLORIDA     )  
                                  ) §  
COUNTY OF LEE        )

I, Vincent A. Caution, 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.

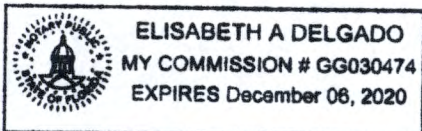
DATED this 25<sup>th</sup> day of September, 2018.

Vincent A. Caution, AICP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of September, 2018, by Vincent A. Caution, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # 66030474



Elisabeth A. Delgado  
Signature of Notary Public

Elisabeth A. Delgado  
Print Name of Notary Public

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

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case # ZA18-0005\*; Address: 916 SW 37th Lane; Applicant: Mediterranean Village of Southwest Florida, LLC; Acreage: 3.12 Acre site

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

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

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

The applicant requests a rezone from Residential Development (RD) to Multi-Family Residential(R-3) for a 3.12 acre site (136,020 sq. ft.)

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Material"

**PREPARED BY:**

Kristin                      Division- Planning              Department- Community  
Kantarze                         Development

**SOURCE OF ADDITIONAL INFORMATION:**

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

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
<input type="checkbox"/> Backup Materials	Backup Material
<input type="checkbox"/> Affidavit for Advertising	Backup Material



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

Case # 2A18-0005

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

MEDITERRANEAN VILLAGE OF SW FC LCC Address: 1840 PICEADILLY CIR  
 City CAPE CORAL State: FL Zip 33991  
 Email: BELVIEW CONSTRUCTION FC @ YAHOO.COM Phone: 239 229 1919

AUTHORIZED REPRESENTATIVE

SAVENIO CASPIA Address: 1840 PICEADILLY CIR  
 City CAPE CORAL State: FL Zip 33991  
 Email: BELVIEW CONSTRUCTION FC @ YAHOO.COM Phone: 239 229 1919

Unit 66 Block 3302 Lot(s) 6 THRU 15 Subdivision 18 THRU 34  
 Address of Property 916 SW 37TH LN CAPE CORAL FL 33914  
 Current Zoning RD Plat Book 22, Page 8  
 Proposed Zoning RD R3 Strap Number 03-45-23-C3-03302.0060

**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 # 2018-0005

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT

\_\_\_\_\_  
(Name of person giving presentation)

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

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

UNIT 66 BLOCK 3302 LOT(S) 6 THRU 15+  
18 THRU 34 SUBDIVISION

OR LEGAL DESCRIPTION 916 SW 37TH CK CAPE CORAL FL 33914  
03-45-23-P3-03302.0060

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

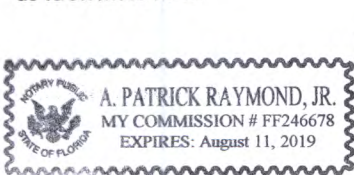
MEDITERRANEAN VILLAGE OF SW FL CC  
PROPERTY OWNER (Please Print)

SAVERIO LA SPIA  
PROPERTY OWNER (Please Print)

[Signature] P.  
PROPERTY OWNER (Signature & Title)  
STATE OF FLORIDA, COUNTY OF LEE

[Signature] P.  
PROPERTY OWNER (Signature & Title)

Subscribed and sworn to (or affirmed) before me this 27 day of APRIL, 2018, by  
SAVERIO LA SPIA who is personally known or produced FLORIDA PUBLIC UCA 15  
as identification.



Exp. Date: 8-11-2019 Commission Number: FF246678  
Signature of Notary Public: [Signature]  
Printed name of Notary Public: A. Patrick Raymond Jr.

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



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

Case # ZA18-0005

(SIGNATURE MUST BE NOTARIZED)

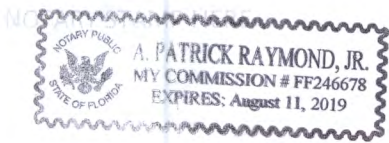
SAVERIO CASPIA  
NAME (PLEASE TYPE OR PRINT)

[Handwritten Signature]  
APPLICANT'S SIGNATURE

STATE OF FLORIDA, COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 27 day of April, 2018, by SAVERIO CASPIA who is personally known or produced FLORIDA DRIVER LICENSE as identification.

Exp. Date: 8-11-2019 Commission Number: FF2466678



Signature of Notary Public: A. Patrick Raymond Jr  
Printed name of Notary Public: A. Patrick Raymond Jr  
(SIGNATURE MUST BE NOTARIZED)





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

Case # 2018-0005

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 27 day of April, 2018

SAVERIO LA SPIA  
 NAME (PLEASE TYPE OR PRINT)

[Signature]  
 APPLICANT'S SIGNATURE

STATE OF FLORIDA, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 27 day of April, 2018, by  
SAVERIO LA SPIA who is personally known or Florida Driver License  
 as identification.

Exp. Date: 8-11-2019 Commission Number: FF 246678



Signature of Notary Public: A. Patrick Raymond  
 Printed name of Notary Public: A. Patrick Raymond



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

Case # ZA18-0005

**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.

SAVERIO CASPIA

OWNER/APPLICANT (PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FLORIDA

COUNTY OF LEE

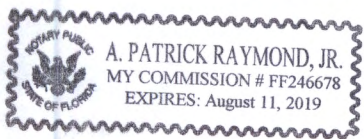
Sworn to (or affirmed) and subscribed before me on this 21 day of APRIL, 2018  
 by K, who is personally known or who has produced Florida License as identification.

Exp. Date 8-11-2019  
 Commission # FF246678

Signature of Notary Public

A. Patrick Raymond, Jr.

Print Name of Notary Public



Letter of intent

OWNER OF PROPERTY: Mediterranean Village of Southwest Florida LLC

Owner Address: 1840 Piccadilly Circle; Cape Coral, Fl 33991

Address of Property: 916 SW 37<sup>th</sup> LN Cape Coral, FL 33991

Unit: 66      Block: 3302      Lot(s): 6 THRU 15 +18 THRU 34

To who it may concern,

I'm requesting a change in zoning for the property from RD to R3. Which will allow me an increase in the allowed units within these properties. The change will increase the unit number from 24 to 48. The reasoning for this request will permit for an increase in the value of the property and as well as an increase to the tax monies that are able to be collected within the proposed 48 count unit. The location of the property will help the community within the nearby areas, by having more residences. Which will increase the income of businesses nearby as well as the public library. The Southwest area doesn't have that many parcels within that area that are zoned R3 for high density that can support a bigger project that would help to establish a greater residential area.

Sincerely,

Authorized Representative:

Saverio La Spia

04/27/18

**PLANNING DIVISION STAFF REPORT  
ZA18-0005**

<b>SITE ADDRESSES</b> 916 SW 37 <sup>th</sup> Lane	<b>APPLICANT/PROPERTY OWNER</b> Mediterranean Village of Southwest Florida, LLC
<b>AUTHORIZED REPRESENTATIVE</b> Saverio La Spia (owner)	

**SUMMARY OF REQUEST**

The applicant requests a rezone from Residential Development (RD) to Multi-Family Residential (R-3) for a 3.12 acre site (136,020 sq. ft.)



MAP SOURCE

**STAFF RECOMMENDATION: Approval**

<b>Positive Aspects of Application:</b>	Rezone will allow multi-family development in an area that has a mix of single and multi-family development. R-3 zoning will also bring the zoning into consistency with the future land use designation.
<b>Negative Aspects of Application:</b>	The site lacks frontage along an arterial or collector roadway.
<b>Mitigating Factors:</b>	The site is near an intersection of an arterial and collector roadway where goods and services would be nearby.

**SITE INFORMATION**

**Location:** 916 SW 37<sup>th</sup> Lane  
Unit 66. Block 3302. Lots 6 through 15 and 18 through 34.  
Northwest of Mohawk Parkway/Skyline Boulevard intersection.

**STRAP Numbers:** 03-45-23-C3-03302.0060

**Site Area:** 3.12 acres (136.020 sq. ft.)

<i>Site:</i>	<i>Future Land Use</i>	<i>Zoning</i>
<b>Current:</b>	<b>Multi-Family Residential (MF)</b>	<b>Residential Development (RD)</b>
<b>Proposed:</b>	<b>N/A</b>	<b>Multi-Family Residential (R-3)</b>
	<i>Surrounding Future Land Use</i>	<i>Surrounding Zoning</i>
<b>North:</b>	<b>Single-Family Residential (SF)</b>	<b>RD</b>
<b>South:</b>	<b>Public Facilities (PF)</b>	<b>RD</b>
<b>East:</b>	<b>MF</b>	<b>RD</b>
<b>West:</b>	<b>SF</b>	<b>RD</b>

**Urban Service**

**Area:** Transition

**City Water/Sewer:** Yes

**FINDINGS OF FACT**

The 3.12 acre site is comprised of 27 platted, undeveloped lots in Block 3302 in southwestern Cape Coral. The site has frontage on four local streets; SW 9<sup>th</sup> Avenue, SW 37<sup>th</sup> Lane, SW 38<sup>th</sup> Street, and SW 10<sup>th</sup> Place. The site comprises most of the block. Seven lots are not a part of the site or the requested rezone and are along SW 37<sup>th</sup> lane. Surrounding development consists of single-family homes to the north and west, the Cape Coral Public Library to the south, and a mix of single-family homes and multi-family developments to the east. The block has retained the Multi-Family Residential (MF) future land use designation since 2004. The block has been zoned Residential Development (RD) since 1990.

The applicant is seeking the rezone to allow multi-family residential development. The current future land use and zoning designation allows single-family, duplex, or multi-family development, however, the maximum density for duplex or multi-family dwellings is eight dwelling units per acre according to LUDR, Section 2.7.3. Table RD. R-3 zoning allows 16 dwelling units per acre for any site over one acre.

**ANALYSIS**

Comprehensive Plan

The site has a future land use designation of Multi-Family Residential (MF) which is described as:

### **Multi-Family Residential**

Not more than 16 units per acre. (Exception: The City may permit as many as 20 units per acre as an incentive for the assembly of large parcels). The development of multiple-family projects in the Urban Services Reserve Area is also subject to the terms of Policies 7.7 and 7.8, below.

**Response: The site is within the Urban Services Transition Area and municipal utilities to are available to the site. The site is not large enough to constitute incentives for large parcels. The maximum density is 16 dwelling units per acre and a maximum of 49 multi-family units would be permitted.**

### **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 rezone should increase the value of the property. R-3 zoning permits more allowed uses than the RD zoning district and has less restrictions on development such as minimum size requirements. R-3 zoning also allows for a higher residential density than the RD district. The increased range of uses should increase development flexibility.**

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

**Response: Most nearby development consists of single-family homes, duplexes, or multi-family development. The rezone is likely to result in multi-family development and should not have a substantial negative effect on the surrounding properties.**

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

**Response: Planning staff finds that the site is suited for R-3 zoning due to many factors such as parcel size, surrounding development patterns, and the Future Land Use designation. The site is over three acres in size and has full block depth. The surrounding area is predominantly residential, and the site has had the MF future land use designation over a decade.**

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

**Response: The surrounding neighborhood has residential dwelling units to the north, east, and west and a public library to the south. The site has frontage on four local street. The nearest collector or arterial road is at the intersection of Skyline Boulevard and Mohawk Parkway to the southeast. This intersection has a variety of commercial uses. The rezone will likely result in construction of residential dwelling units, which are compatible with the surrounding neighborhood.**

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 has a documented need for multi-family housing. The rezone will add land available for multi-family development at a location that is suitable for multi-family units. The rezone will bring the zoning into consistency with the future land use designation.**

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

**Response: The City of Cape Coral has a documented need for multi-family housing as reported by a study conducted in 2016. The study determined that the City needs 1,500 multi-family units over the next five years in order to meet demands. The rezone will allow up to 49 dwelling units, which could provide Cape Coral with additional multi-family housing.**

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: Block 3302 has retained the Multi-Family Residential (MF) future land use designation since 2004. The block has been zoned 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: R-3 zoning will be consistent with the City's Comprehensive Land Use Plan and the change will provide additional area for multi-family residential at an appropriate location. The proposed rezone should not negatively affect the health, safety, or welfare of the community because similar zoning already exists in general proximity to the subject property.**

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 City Urban Service Transition Area. Water, sewer, and irrigation are available. 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 proposed Future Land Use classification is MF. Properties with the MF future land use are compatible with the R-3 district. Staff finds that the requested R-3 zoning is appropriate for the site.**

#### ECONOMIC DEVELOPMENT MASTER PLAN ANALYSIS

**The rezone is supported by the City Economic Development Master Plan. The site is not within an Economic Opportunity Area, however, the amendment will potentially result in additional multi-family housing which the Economic Development Master Plan has identified as a need in Cape Coral.**

#### PUBLIC NOTIFICATION

This case will be publicly noticed as required by LUDR, Section 8.3.2.A and 8.3.4 as further described below.

Publication: A display ad will be prepared and sent to the *News-Press* announcing the intent of the petitioners to amend the land use of 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 Cape Coral Hearing Examiner. Following the public hearing before the Commission, the display 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. The display ads will not be published in the legal section of the *News-Press*.

Written notice: Property owners located within 500 feet from the property line of the land which the petitioners request to vacate will receive written notification of the scheduled public hearing. 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 land use amendment request.

## **RECOMMENDATION**

Through the analysis of the Cape Coral Comprehensive Plan and specifically the Future Land Use Element, the proposed rezone to Multi-Family Residential (R-3) zoning is consistent with the Comprehensive Plan, the Land Use and Development Regulations, and is compatible with the surrounding area, therefore, Planning Division staff recommends **approval** of the rezone request.





## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** ZA18-0005

**REQUEST:** The applicant requests a rezone from Residential Development (RD) to Multi-Family Residential(R-3) for a 3.12 acre site (136,020 sq. ft.)

**LOCATION:** 916 SW 37<sup>th</sup> Lane

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

**PROPERTY OWNER(S):** Mediterranean Village of Southwest Florida, LLC

**AUTHORIZED REPRESENTATIVE:** Saverio La Spia (owner)

**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, October 2, 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 may 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 if 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](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

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

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

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

# The News-Press media group

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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

**Ad No.:** 0003167563

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

**Net Amt:** \$371.00

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 09/22/18

**Text of Ad:**

**NOTICE OF PUBLIC HEARING**

**CASE NUMBER:** ZA18-0005

**REQUEST:** The applicant requests a rezone from Residential Development (RD) to Multi-Family Residential(R-3) for a 3.12 acre site (136,020 sq. ft.)  
**LOCATION:** 916 SW 37th Lane

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

**PROPERTY OWNER(S):** Mediterranean Village of Southwest Florida, LLC

**AUTHORIZED REPRESENTATIVE:** Saverio La Spia (owner)

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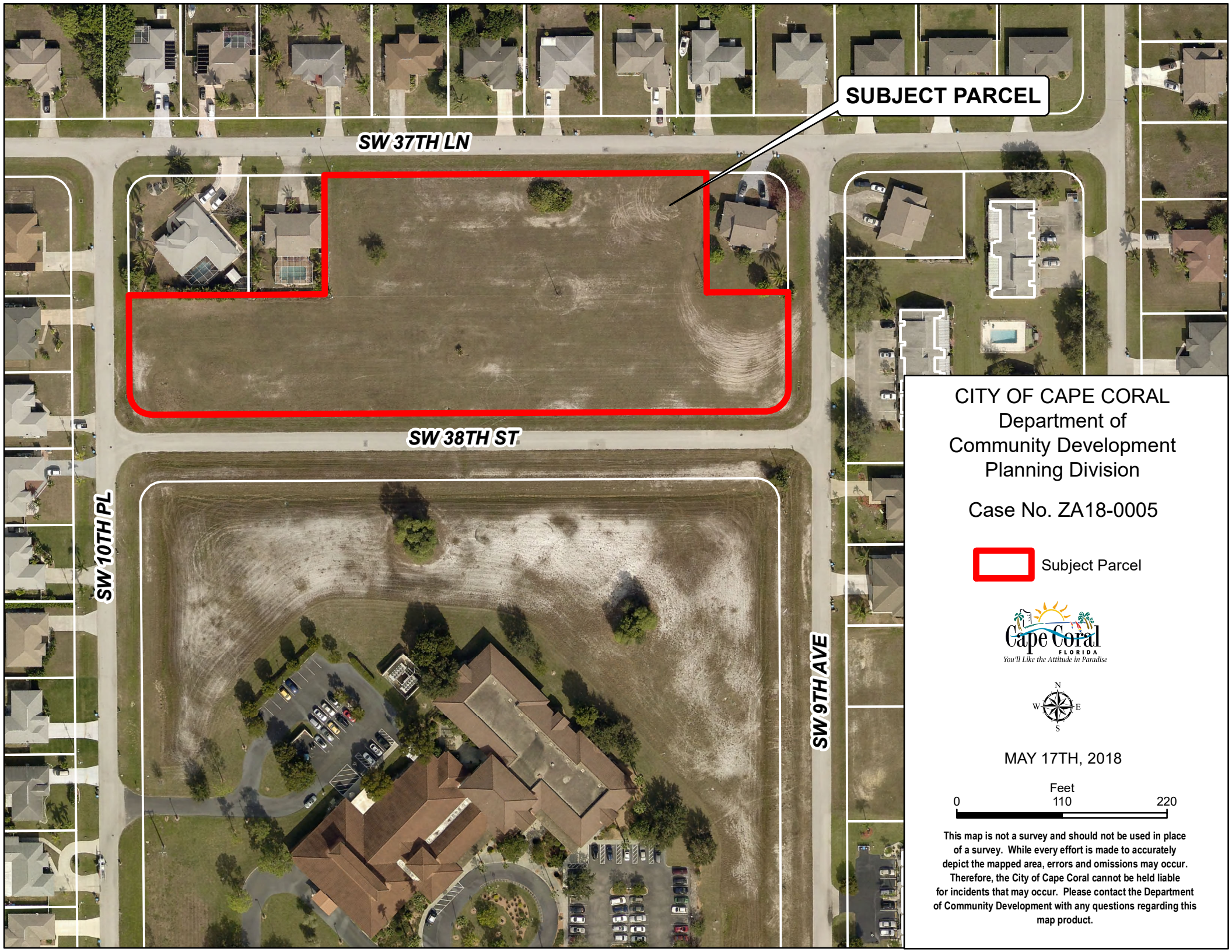
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Box 150027, Cape Coral, FL 33915-0027.  
The hearings may be continued from  
time to time as necessary.

**ADA PROVISIONS:** In accordance with  
the Americans With Disabilities Act,  
persons needing a special accommoda-  
tion 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; tele-  
phone 1-239-574-0530 for assistance; if  
hearing impaired, telephone the Flori-  
da Relay Service Numbers, 1-800-955-  
8771 (TDD) or 1-800-955-8770 (v) for  
assistance.

by order of  
Rebecca van Deutekom, MMC  
City Clerk  
REF # ZA18-0005  
AD# 3167563 Sept. 22, 2018



**SUBJECT PARCEL**

**SW 37TH LN**

**SW 38TH ST**

**SW 10TH PL**

**SW 9TH AVE**

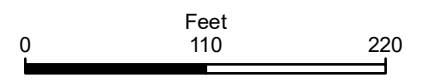
**CITY OF CAPE CORAL**  
Department of  
Community Development  
Planning Division

Case No. ZA18-0005

 Subject Parcel



MAY 17TH, 2018




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

CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT ZONING MAP  
500' Proximity Buffer

Case No. ZA18-0005

**LEGEND**

 500' Proximity Boundary

 Subject Parcel

**Zoning**

 C-1

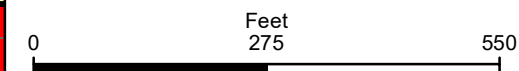
 R-1B

 R-3

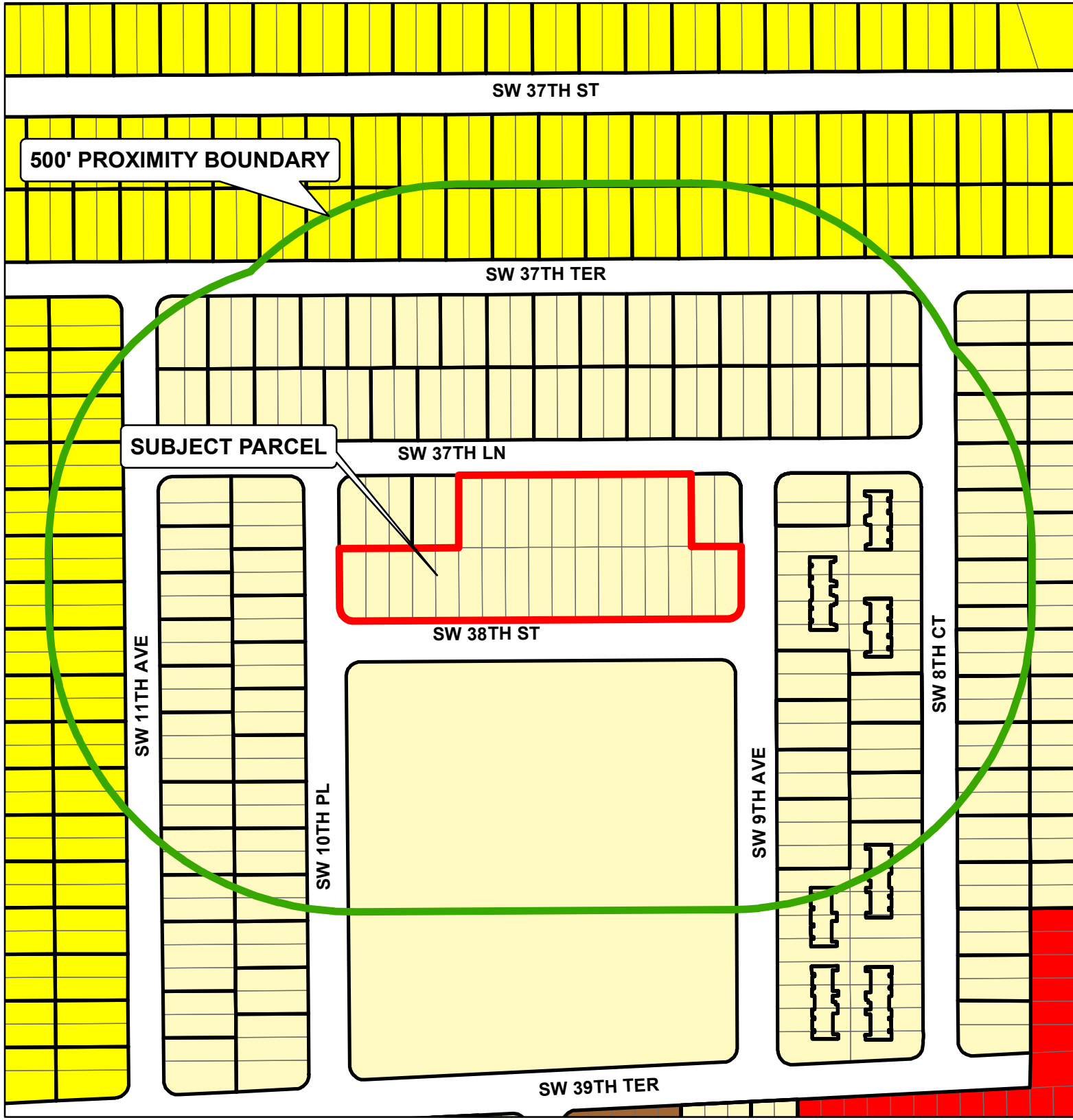
 RD



MAY 17TH, 2018



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CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT FUTURE  
LAND USE MAP  
500' Proximity Boundary

Case No. ZA18-0005

**LEGEND**

 500' Proximity Boundary

 Subject Parcel

**Future Land Use**

 SF

 MF

 CP

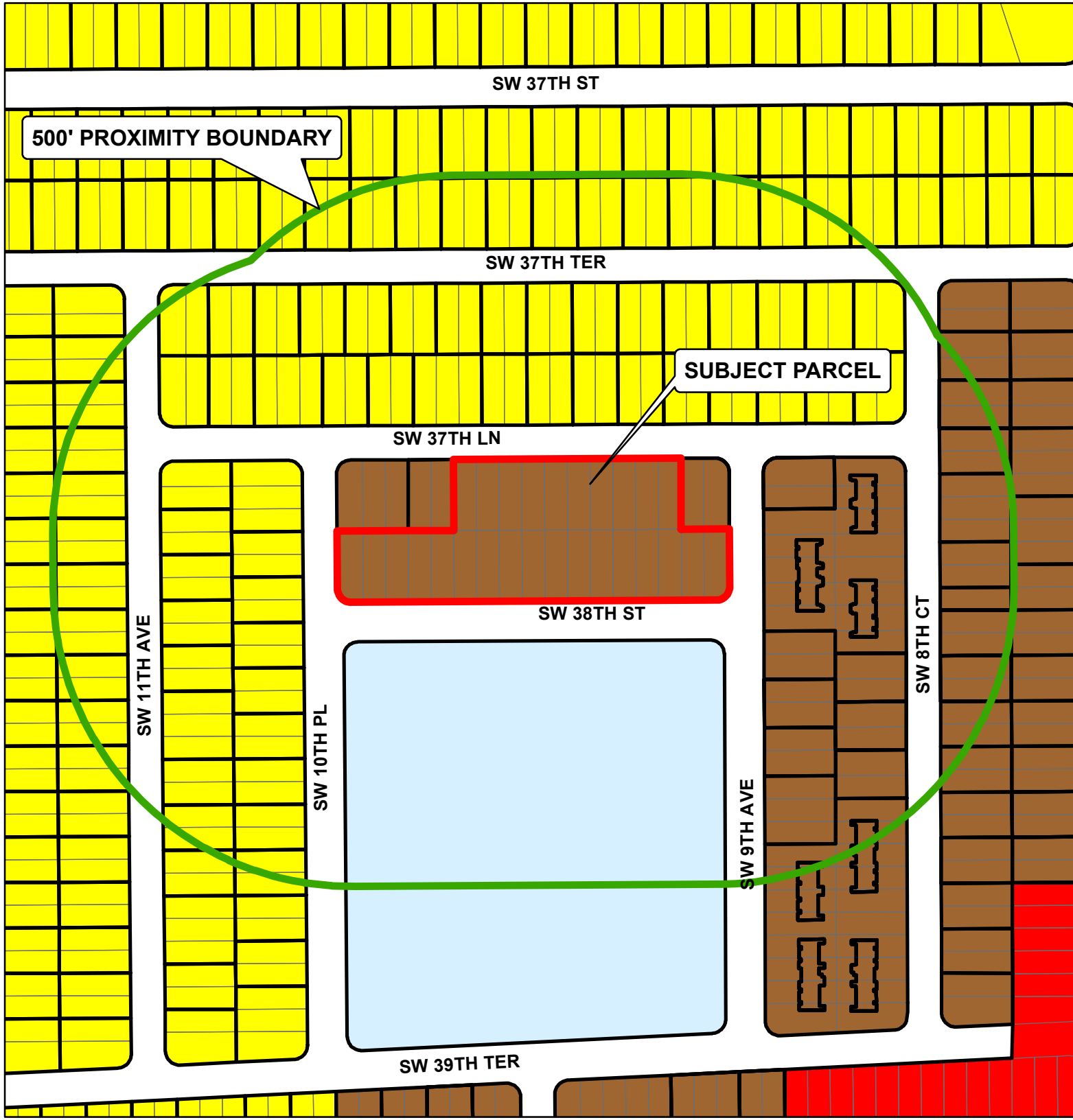
 PF



MAY 17TH, 2018



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CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

PROPOSED ZONING MAP  
500' Proximity Buffer

Case No. ZA18-0005

**LEGEND**

 500' Proximity Boundary

 Subject Parcel

**Zoning**

 C-1

 R-1B

 R-3

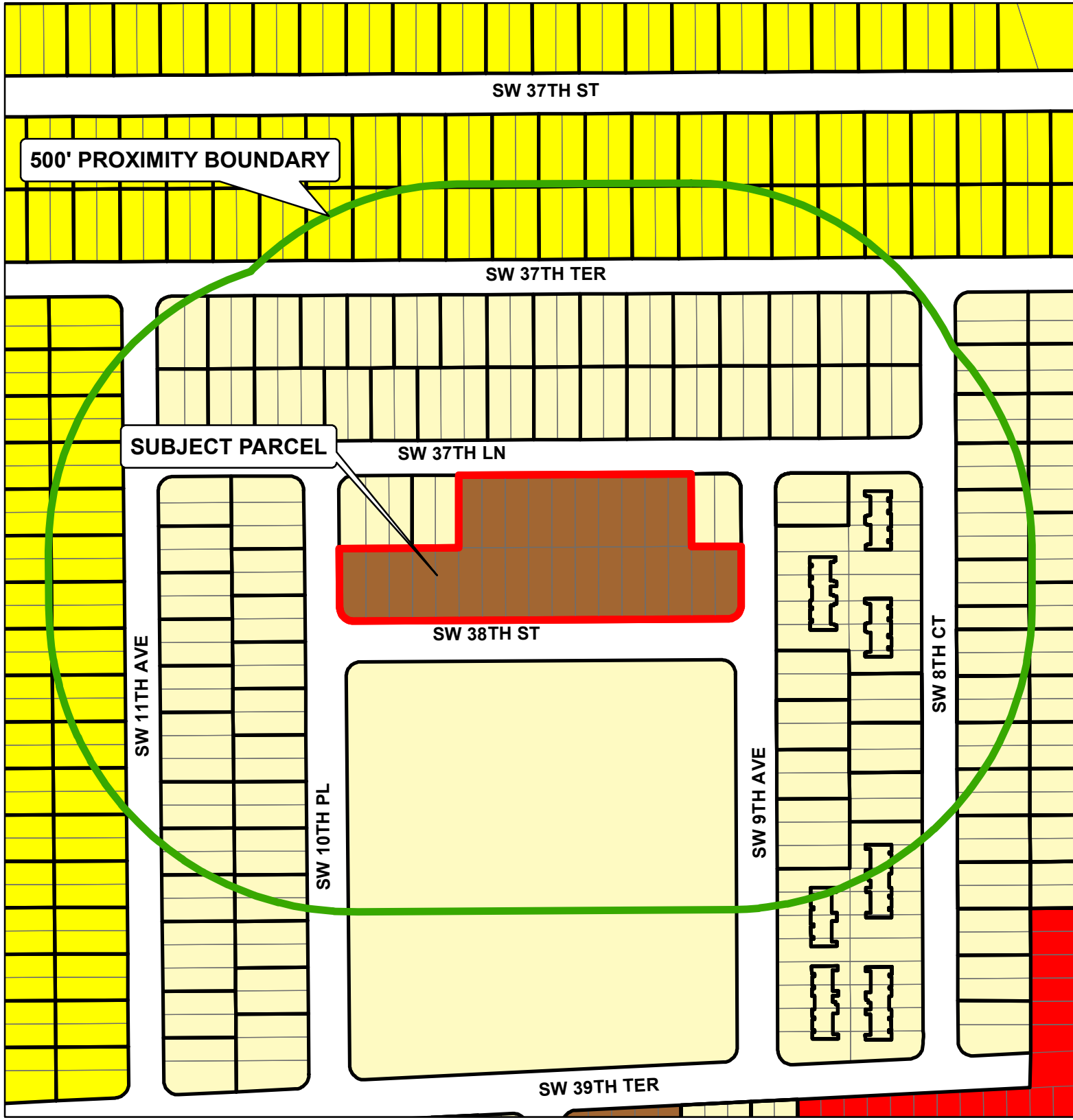
 RD



MAY 17TH, 2018



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



Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Mediterranean Village

APPLICATION NO: ZA18-0005

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.

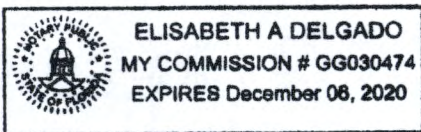
DATED this 25<sup>th</sup> day of September, 2018.

Vincent A. Cautero  
Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of September, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/10/20 Commission # 66030474



Elisabeth A. Delgado  
Signature of Notary Public

Elisabeth A. Delgado  
Print Name of Notary Public







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

Case # ZA18-0009

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

HBLB Properties III, LLC  
 Email: bbfinances@aol.com

Address: 375 South End Ave, Apt. 34G  
 City New York State: NY Zip 10280  
 Phone: 954-328-6959

AUTHORIZED REPRESENTATIVE

Veronica Martin, TDM Consulting, Inc.  
 Email: vmartin@tdmconsulting.com

Address: 43 Barkley Circle, Suite 200  
 City Fort Myers State: FL Zip 33907  
 Phone: 239-433-4231

Unit 22 Block 807 Lot(s) 31-36 Subdivision \_\_\_\_\_  
 Address of Property 915, 919, and 923 SE 10th Street, Cape Coral, FL 33990  
 Current Zoning P-1 Plat Book 14, Page 11  
 Proposed Zoning C-1 Strap Number 19-44-24-C1-00807.0310, 19-44-24-C1-00807.0330 and 19-44-24-C1-00807.0350

**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 # 2A18-0009

(SIGNATURE MUST BE NOTARIZED)

Ben BERMAN, MARM  
NAME (PLEASE TYPE OR PRINT)

[Signature]  
APPLICANT'S SIGNATURE

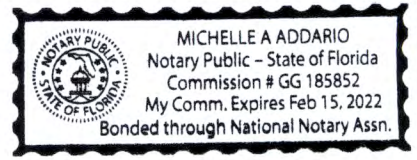
STATE OF FL, COUNTY OF LGE

Sworn to (or affirmed) and subscribed before me this 6 day of June, 2018, by Ben Berman who is personally known or produced Fl. Drivers License as identification.

Exp. Date: \_\_\_\_\_ Commission Number: \_\_\_\_\_

Signature of Notary Public: Michelle Addario

Printed name of Notary Public: \_\_\_\_\_  
(SIGNATURE MUST BE NOTARIZED)





Ben Berman, Managing Member

DEPARTMENT OF COMMUNITY DEVELOPMENT  
REQUEST FOR REZONING APPLICATION

Case # 2A18-0009

Questions: 239-574-0776

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT

Veronica Martin, TDM Consulting, Inc.  
(Name of person giving presentation)

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

Zoning Amendment

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

UNIT 22 BLOCK 807 LOT(S) 31-36 SUBDIVISION

OR LEGAL DESCRIPTION

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

Ben Berman, MGRM  
PROPERTY OWNER (Please Print)

Ben Berman, MGRM  
PROPERTY OWNER (Please Print)

[Signature]  
PROPERTY OWNER (Signature & Title)

[Signature]  
PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF LEE

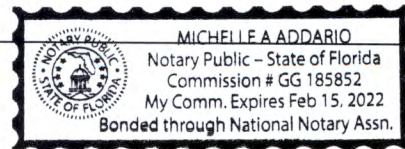
Subscribed and sworn to (or affirmed) before me this 16 day of June, 2018, by

Ben Berman who is personally known or produced FL Drivers License  
as identification.

Exp. Date: \_\_\_\_\_ Commission Number: \_\_\_\_\_

Signature of Notary Public: Michelle Addario

Printed name of Notary Public: \_\_\_\_\_



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



DEPARTMENT OF COMMUNITY DEVELOPMENT  
REQUEST FOR REZONING APPLICATION

Case # ZA18-0009

Questions: 239-574-0776

ACKNOWLEDGEMENT FORM

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

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

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

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

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

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

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

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

I hereby acknowledge that I have read and understood the above affidavit on the 6 day of June, 20 18

Ben Berman, MGRM

[Signature]

NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF

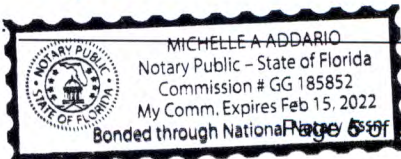
LEE

Subscribed and sworn to (or affirmed) before me this 6 day June, 20 18, by Ben Berman who is personally known or FL Drivers License as identification.

Exp. Date: \_\_\_\_\_ Commission Number: \_\_\_\_\_

Signature of Notary Public: [Signature]

Printed name of Notary Public: \_\_\_\_\_





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

Case # 2A18-0009

**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.

Ben Berman, MGRM  
 OWNER/APPLICANT (PLEASE TYPE OR PRINT)

[Signature]  
 OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

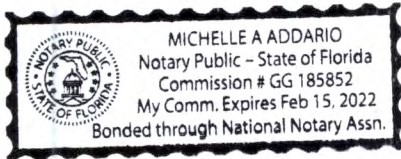
STATE OF FL COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me on this 6 day of June, 2018  
 by Ben Berman, who is personally known or who has produced Florida as identification.

Exp. Date \_\_\_\_\_  
 Commission # \_\_\_\_\_

[Signature]  
 Signature of Notary Public

\_\_\_\_\_  
 Print Name of Notary Public





**43 Barkley Circle, Suite 200  
Fort Myers, FL 33907  
Phone 239-433-4231 Fax 239-433-9632  
www.tdmcivilengineering.com  
Certificate of Authorization # 29086**

June 19, 2018

Development Services Manager  
Development Services Group  
City of Cape Coral  
1015 Cultural Park Boulevard  
Cape Coral, FL 33990

Project Name: 915-923 SE 10<sup>th</sup> Street Rezoning

STRAP #: 19-44-24-C1-00807.0310, 19-44-24-C1-00807.0330 & 19-44-24-C1-00807.0350

**SUBJECT: Letter of Intent for a Zoning Amendment**

Dear Development Services Manager,

The applicant, Mr. Ben Berman, Managing Member of HBLB Properties III, owns four contiguous properties at the northwest corner of Country Club Boulevard and SE 10<sup>th</sup> Street. The corner parcel is zoned C-1 (Pedestrian Commercial) while the remaining three parcels are zoned P-1 (Pedestrian Office). The P-1 zoning district limits the permitted uses to mainly offices. However, the location of the properties lend themselves to a broader range of commercial uses, including restaurants and retail. The applicant intends to rezone the three remaining properties (915, 919, and 923 SE 10<sup>th</sup> Street) from P-1 (Professional Office District) to C-1 (Pedestrian Commercial District). All four properties have a Future Land Use designation of C/P (Commercial/Professional).

The properties are located immediately west of the Country Club Boulevard and SE 10<sup>th</sup> Street intersection, across from Florida Heart Associates. The Montevideo Canal borders the properties to the north and across the canal is industrial zoned property (I-1). The corner property to the east is also owned by HBLB Properties III and is already zoned C-1. SE 10<sup>th</sup> Street borders the properties to the south and across the right-of-way are properties with a P-1 zoning designation. One property is the Florida Heart Associates while the other property is vacant at this time. The lot to the west of the subject properties is zoned P-1 and is currently used for multi-family residential. The Future Land Use of the subject properties and the lots to the east, west, and south is Commercial/Professional (CP). The industrial property to the north has a Future Land Use designation of Industrial (I). Attached exhibits include an Area Location Map, Zoning Map, and Future Land Use Map.

Land Use and Development Regulations

Per LUDR §2.1.2 Commercial Districts, the Pedestrian-Commercial District (C-1) *“is designed to encourage and facilitate commercial activities intended to serve a relatively large trade area and include major shopping facilities and goods oriented to pedestrian shoppers in areas sufficiently large to meet the needs of several types and varieties of general commercial activities”*.

Per LUDR §2.7.7.A, the Purpose and intent of the Pedestrian Commercial District is established to *“Permit areas designed to encourage and facilitate a wide array of commercial activities, including major shopping facilities with limitations on the range of uses, as appropriate for the property's access characteristics and the presence of neighboring residential uses”*.

Rezoning the three properties from P-1 to C-1 will create a block of land suitable for commercial development. The development will be located at the intersections of an arterial road (Country Club Boulevard) and a local road (SE 10<sup>th</sup> Street). SE 10<sup>th</sup> Street also connects to Cultural park Boulevard to the west, another arterial road. Surrounding uses include the Cape Coral Post Office, Cape Coral City Hall and the Department of Community Development, Florida Heart Associates, the Lee County Tax Collector and DMV, and the industrial park to the north. The uses permitted in the C-1 zoning district, including coffee shops and cafes, standard and carry-out/delivery restaurants, dry cleaners, pharmacy, etc, are compatible with existing uses in the area. It is the intent of the applicant to provide a commercial retail plaza that provides services to the nearby workforce in addition to the residential development east of Country Club Boulevard.

Comprehensive Plan

The Future Land Use designation of the property is Commercial/Professional (C/P). The surrounding land has a Future Land Use designation of Commercial/Professional (C/P), Mixed-Use (MX), Public Facilities (PF), and Industrial (IND). As stated above, the property is located at the intersection of an arterial and local road. The lots, when combined, are 325 feet wide by 125 feet in depth. This is consistent with Policy 1.13, Policy 1.14, and Policy 1.15.

Please feel free to contact this office if you have any questions.

Sincerely,

**TDM CONSULTING, INC.**



Veronica Martin  
Senior Planner



# 915-923 SE 10<sup>th</sup> Street Rezoning

## Area Location Map



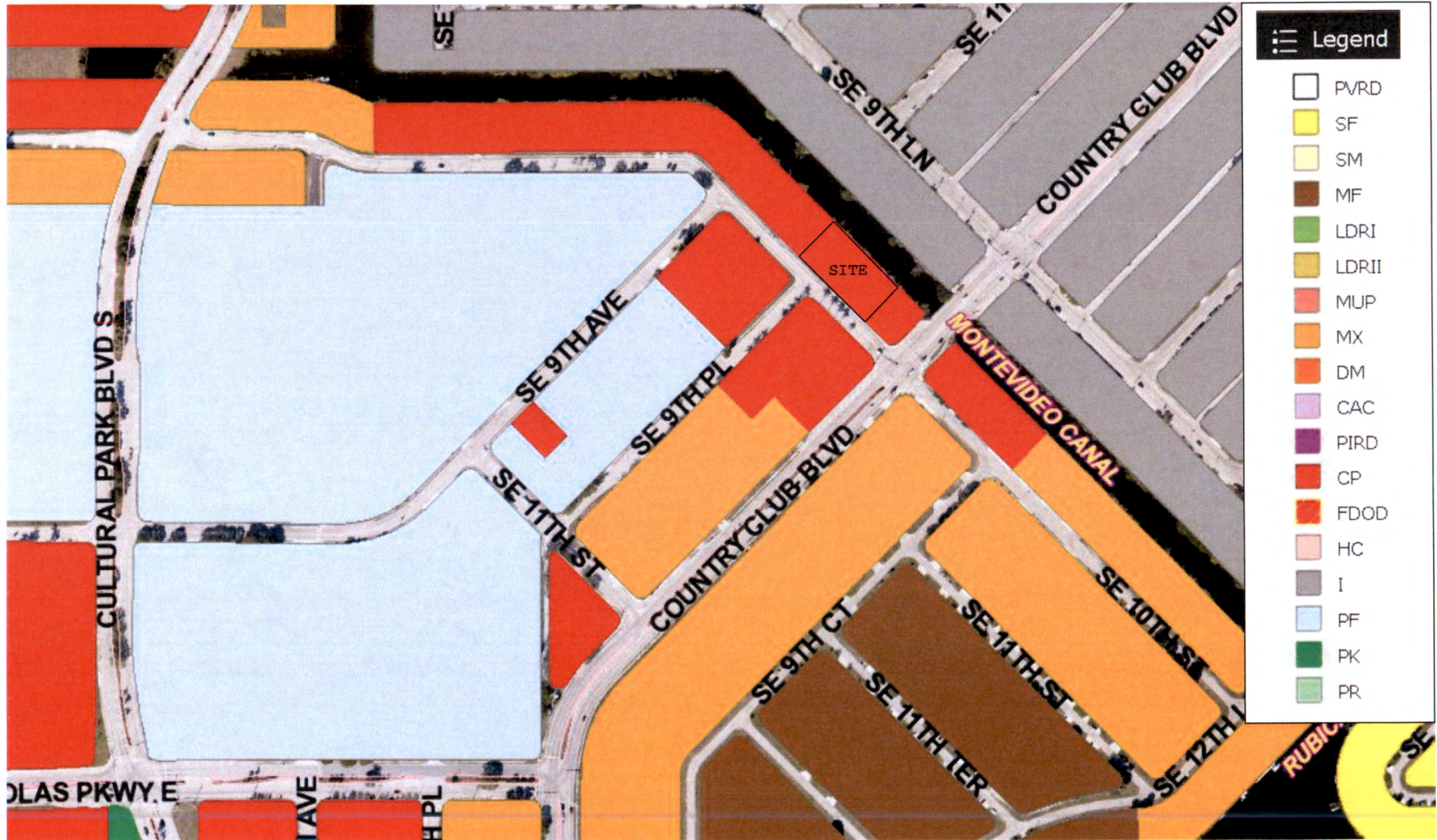
915-923 SE 10<sup>th</sup> Street Rezoning

Zoning Map



# 915-923 SE 10<sup>th</sup> Street Rezoning

## Future Land Use Map



**Electronic Articles of Organization  
For  
Florida Limited Liability Company**

L05000092541  
FILED 8:00 AM  
September 20, 2005  
Sec. Of State  
dcushing

**Article I**

The name of the Limited Liability Company is:  
HBLB PROPERTIES III, LLC

**Article II**

The street address of the principal office of the Limited Liability Company is:  
6800 MALONEY AVENUE  
UNIT 55  
KEY WEST, FL. 33040

The mailing address of the Limited Liability Company is:  
P.O. BOX 100790  
CAPE CORAL, FL. 33910

**Article III**

The purpose for which this Limited Liability Company is organized is:  
ANY AND ALL LAWFUL BUSINESS.

**Article IV**

The name and Florida street address of the registered agent is:  
BEN BERMAN  
6800 MALONEY AVENUE  
UNIT 55  
CAPE CORAL, FL. 33040

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: BEN BERMAN

### **Article V**

The name and address of managing members/managers are:

Title: MGRM  
BEN BERMAN  
6800 MALONEY AVE., UNIT 55  
KEY WEST, FL. 33040

L05000092541  
FILED 8:00 AM  
September 20, 2005  
Sec. Of State  
dcushing

### **Article VI**

The effective date for this Limited Liability Company shall be:

09/20/2005

Signature of member or an authorized representative of a member

Signature: BEN BERMAN

## Detail by Entity Name

Florida Limited Liability Company

**HBLB PROPERTIES III, LLC**

### Filing Information

**Document Number** L05000092541  
**FEI/EIN Number** 20-3506784  
**Date Filed** 09/20/2005  
**Effective Date** 09/20/2005  
**State** FL  
**Status** ACTIVE

### Principal Address

6800 MALONEY AVENUE  
 UNIT 55  
 KEY WEST, FL 33040

### Mailing Address

375 SOUTH END AVE. 34-G  
 NEW YORK, NY 10280

Changed: 01/30/2010

### Registered Agent Name & Address

BERMAN, BEN  
 6800 MALONEY AVENUE  
 UNIT 55  
 CAPE CORAL, FL 33040

### Authorized Person(s) Detail

#### **Name & Address**

#### **Title MGRM**

**BERMAN, BEN**  
**6800 MALONEY AVE., UNIT 55**  
**KEY WEST, FL 33040**

### Annual Reports

Report Year	Filed Date
2016	02/21/2016
2017	01/15/2017
2018	01/21/2018

### Document Images

<a href="#">01/21/2018 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/15/2017 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/21/2016 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/22/2015 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/08/2014 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/13/2013 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/07/2012 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>

Prepared by and return to:  
David M. Brown, an employee of  
Warranty Title Solutions, LLC,  
as a necessary incident to the fulfillment of conditions  
contained in a title insurance commitment issued by it,  
with an office address of:  
7290 College Parkway, Suite 425  
Fort Myers, Florida 33907  
239-936-0359 - Phone  
239-936-0379 - Fax

**QUITCLAIM DEED**

This Quitclaim Deed made this 21<sup>st</sup> day of September, 2005, by and between **Ben Berman, an unmarried man**, hereinafter called the Grantor; and **HBLB Properties III, LLC, a Florida limited liability company**, hereinafter called the Grantee, whose mailing address is P.O. Box 100790, Cape Coral, FL 33910.

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 releases, remises, and quitclaims unto the Grantee, and Grantee's successors, heirs, and assigns forever, all the right, title, and interest of the Grantor in and to that certain parcel of land in the County of Lee, State of Florida, to wit:

Lots 31, 32, 33, 34, 35, 36, 37 and 38, Block 807, Unit 22, CAPE CORAL, according to the plat thereof as recorded in Plat Book 14, Pages 1 – 16, Public Records of Lee County, Florida.

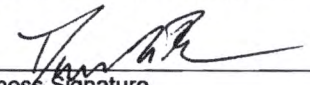
PARCEL I.D.: 19-44-24-C1-00807.0310, 19-44-24-C1-00807.0330, 19-44-24-C1-00807.0350, 19-44-24-C1-00807.0370  
PROPERTY ADDRESS: 915, 919, 923, and 927 SE 10<sup>TH</sup> STREET

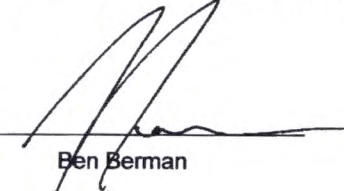
TOGETHER with all of the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

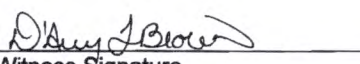
TO HAVE AND TO HOLD, the same in fee simple forever.

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:

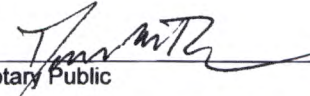
  
\_\_\_\_\_  
Witness Signature  
**David M. Brown**  
Printed Name

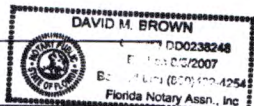
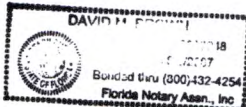
  
\_\_\_\_\_  
Ben Berman

  
\_\_\_\_\_  
Witness Signature  
**D'Arcy L. Brown**  
Printed Name

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of September, 2005 by Ben Berman, who is personally known to me or who has produced      Drivers License as identification.

  
\_\_\_\_\_  
Notary Public



**Review Date:** September 26, 2018

**Property Owner:** HBLB Properties III, LLC

**Representative:** Veronica Martin, TDM Consulting, Inc.

**Request:** Rezone Lots 31-36, Block 807, from Professional Office (P-1) to the Pedestrian Commercial (C-1) District

**Location:** 915, 919, and 923 SE 10<sup>th</sup> Street  
Block 807, Lots 31-36

**Prepared By:** Justin Heller, Planner

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

**Recommendation:** **Approval**

**Description of Property:**

The six lots total 0.69 acres and are in SE Cape Coral with street frontage on SE 10<sup>th</sup> Street. Country Club Boulevard is about 85 feet to the east. The lots are vacant, with city utilities available to the site.

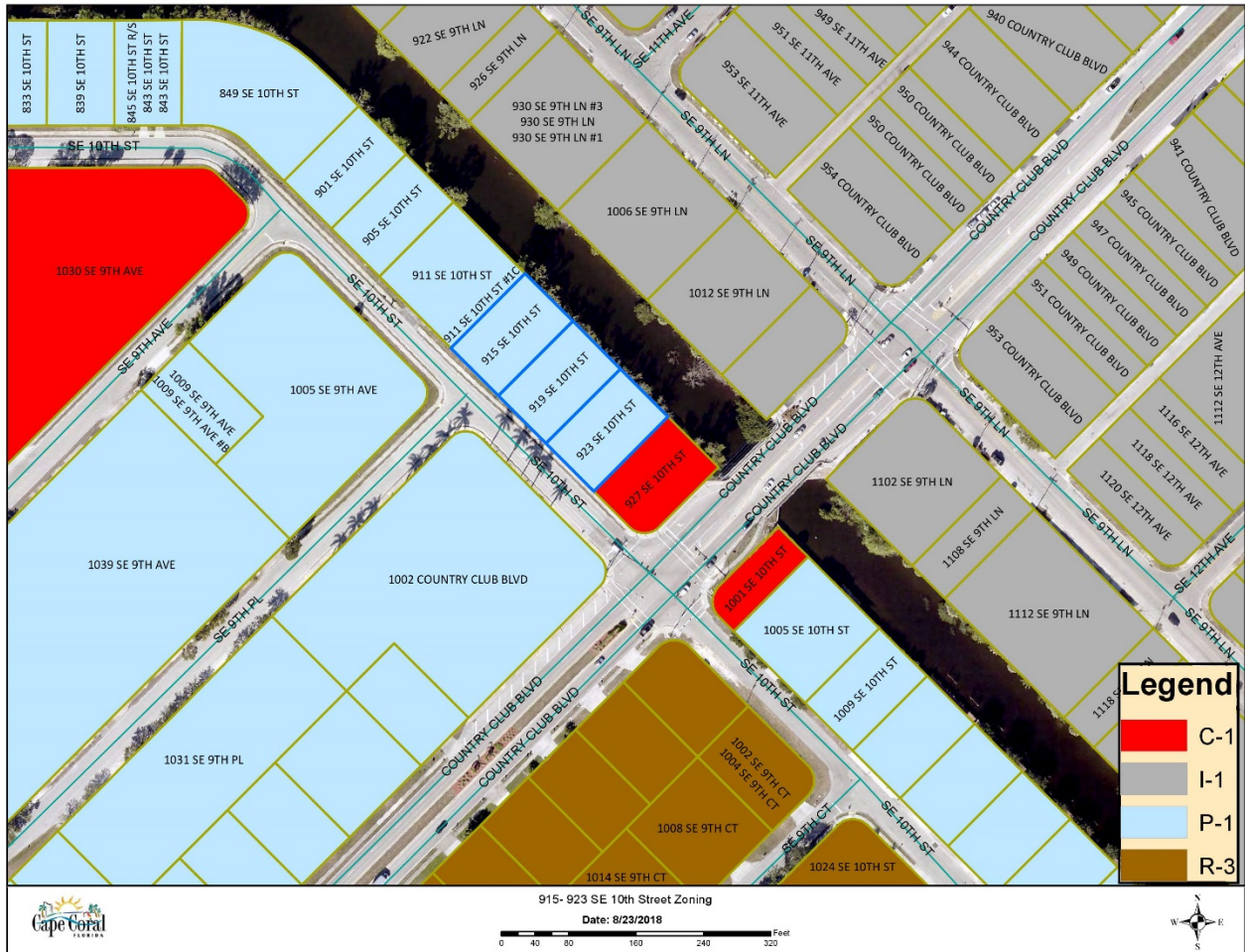
The parcels have a Commercial Professional (CP) Future Land Use Classification and Professional Office (P-1) Zoning (Figure 1). The surrounding future land use and zoning classifications are listed below in Table 1:

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

<b>Subject Property:</b>	<b>Future Land Use</b>	<b>Zoning</b>
<i>Current:</i>	Commercial Professional (CP)	Professional Office (P-1)
<i>Proposed:</i>	N/A	Pedestrian Commercial (C-1)
	<b>Surrounding Future Land Use</b>	<b>Surrounding Zoning</b>
<i>North:</i>	Light Industrial (I)	Industrial (I-1)
<i>South:</i>	CP; Mixed Use (MX)	P-1; Multi-Family (R-3)
<i>East:</i>	CP; I	C-1; I-1
<i>West:</i>	CP	P-1;



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



**Purpose of the Rezone Request:**

The applicant, who also owns the adjacent C-1 zoned corner parcel at 927 SE 10<sup>th</sup> Street, requests to rezone the three parcels to C-1 to assemble a larger parcel with consistent zoning.

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 P-1 District allows 21 permitted uses and 18 special exception uses. The greater number of uses allows a wider range of development options for 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 to C-1 should not diminish the value of surrounding properties as all adjacent sites have a Commercial/Professional or Industrial Future Land Use Classification. Single-family sites should not be adversely affected as the closest property is about 200 feet to the southeast across Country Club Boulevard. The value of a multi-family development to the west of the site will likely be unaffected by this rezone as this site is 80 feet south of several existing industrial uses.

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

The proposed C-1 zoning is consistent with the CP Future Land Use Classification (FLU). This site is adjacent to other sites with Commercial/Profession or Industrial Future Land Use Classification. The adjacent property to the SE, also owned by the applicant, currently has C-1 zoning. While each of the parcels are small, collectively these properties with common ownership yield a site that is 0.93 acres.

Based on Policy 1.15c of the Future Land Use Element of the Comprehensive Plan, ideal sites for C-1 Zoning have direct access to an arterial or collector street, and adequate depth (250 feet or more) for larger scale development. While the three subject properties have frontage on a local street, the sites are contiguous with a fourth parcel owned by the applicant that has frontage on Country Club Boulevard. The canal to the rear of these sites preclude the possibility of these sites achieving a depth greater than 125 feet.

Given the collective area of the sites, the presence of a fourth site that is owned by the applicant with frontage on a major street, and the surrounding land use and zoning patterns, 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 neighborhood is primarily commercial with a small residential area to the southeast across Country Club Boulevard. Nearby properties include City Hall, the Post Office, Cape Coral Public Works, and the Viscaya industrial area. One legal non-conforming multi-family property is present to the NW. Properties to the NW and SW have Professional Office (P-1) Zoning. An adjacent parcel to the SE has Pedestrian Commercial (C-1) Zoning; properties to the north have Industrial (I-1) Zoning; and to the south across Country Club Boulevard are some parcels with Multi-Family (R-3) Zoning.

Architectural standards for buildings and landscape buffers for C-1 zoned sites will assist in promoting a development that is harmonious with the existing community.

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

The rezone should not impose any hardship on the community. The rezone will benefit the community by allowing a wider array of commercial uses than the existing P-1 zoning at the neighborhood scale, promoting 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 by allowing additional commercial uses on the site. Future development of the site could provide a variety of uses, such as retail or restaurant establishments, to service the surrounding community which includes a multitude of businesses and workers in nearby City Hall, the post office, and the industrial park.

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 been vacant with P-1 zoning since 1990. The lots were rezoned from R-3 to P-1 by Ordinance 61-90.

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

The proposed rezoning should not negatively affect the health, safety or welfare of the community because other properties with commercial and industrial 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 proposed rezone is consistent with the following Comprehensive Plan policies:

*Policy 1.15c of the Future Land Use Element.* The proposed C-1 zoning is consistent with the Commercial/Professional Future Land Use Classification.

*Policy 1.14 of the Future Land Use Element.* *Assembly of pre-plated parcels for commercial development; New commercial properties should preferably be located adjacent to an intersection.* The Rezone will allow the applicant to assemble a larger buildable commercial site. The site is located at the intersection of Country Club Blvd. and SE 10<sup>th</sup> St.

**Recommendation:**

Based on the above analysis, staff recommends **approval** of this rezone.

---

**Staff Contact Information**

Justin Heller, Planner

Planning Division

PH: 239-574-0587

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



## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** ZA18-0009

**REQUEST:** Rezone Lots 31-36, Block 807, from Professional Office (P-1) to the Pedestrian Commercial (C-1) District.

**LOCATION:** 915, 919, and 923 SE 10<sup>th</sup> Street

**CAPE CORAL STAFF CONTACT:** Justin Heller, Planner, 239-574-0587, [jheller@capecoral.net](mailto:jheller@capecoral.net)

**PROPERTY OWNER(S):** HBLB Properties III, LLC

**AUTHORIZED REPRESENTATIVE:** Veronica Martin, TDM 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, October 2, 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 may 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 if 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](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

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

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

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

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

# The News-Press media group

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

**Ad No.:** 0003167591

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

**Net Amt:** \$378.38

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 09/22/18

**Text of Ad:**

**NOTICE OF PUBLIC HEARING**

**CASE NUMBER:** ZA18-0009

**REQUEST:** Rezone Lots 31-36, Block 807, from Professional Office (P-1) to the Pedestrian Commercial (C-1) District.

**LOCATION:** 915, 919, and 923 SE 10th Street

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

**PROPERTY OWNER(S):** HBLB Properties III, LLC

**AUTHORIZED REPRESENTATIVE:** Veronica Martin, TDM Consulting, Inc.

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by order of  
Rebecca van Deutekom, MMC  
City Clerk  
REF # ZA18-0009  
AD# 3167591 Sept. 22, 2018



Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: HBLB Properties

APPLICATION NO: ZA18-0009

STATE OF FLORIDA     )  
                                  ) §  
COUNTY OF LEE        )

I, Vincent A. Caution, 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.

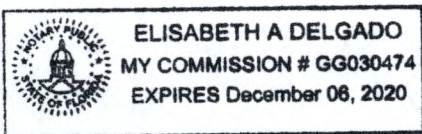
DATED this 25<sup>th</sup> day of September, 2018.

Vincent A. Caution  
Vincent A. Caution, AICP

STATE OF FLORIDA  
COUNTY OF LEE

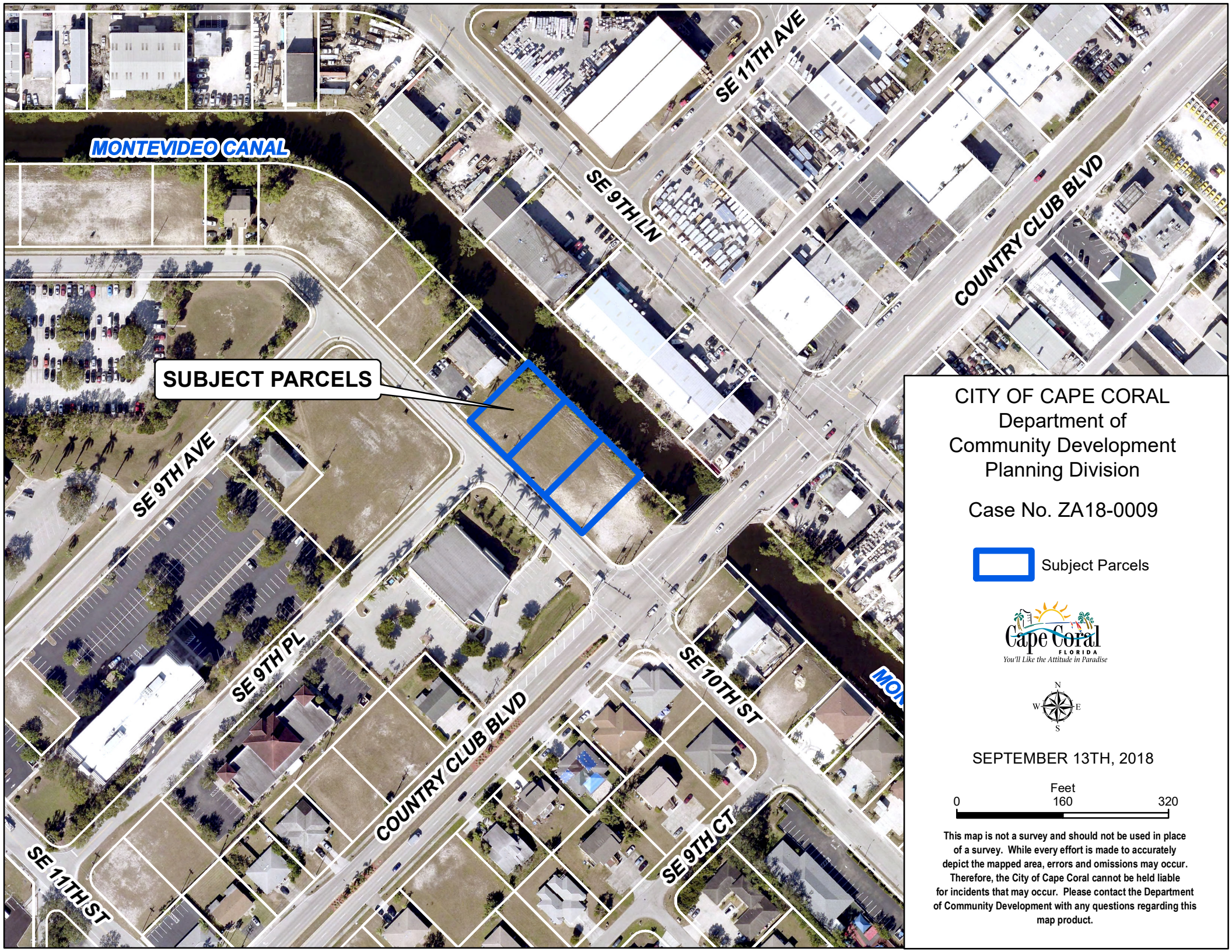
The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of September, 2018, by Vincent A. Caution, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # 66030474



Elisabeth A. Delgado  
Signature of Notary Public

Elisabeth A. Delgado  
Print Name of Notary Public




**MONTEVIDEO CANAL**

**SUBJECT PARCELS**

CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

Case No. ZA18-0009

 Subject Parcels



SEPTEMBER 13TH, 2018









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

CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT ZONING MAP  
500' Proximity Buffer

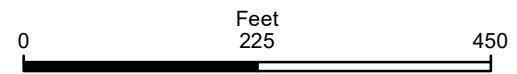
Case No. ZA18-0009

LEGEND

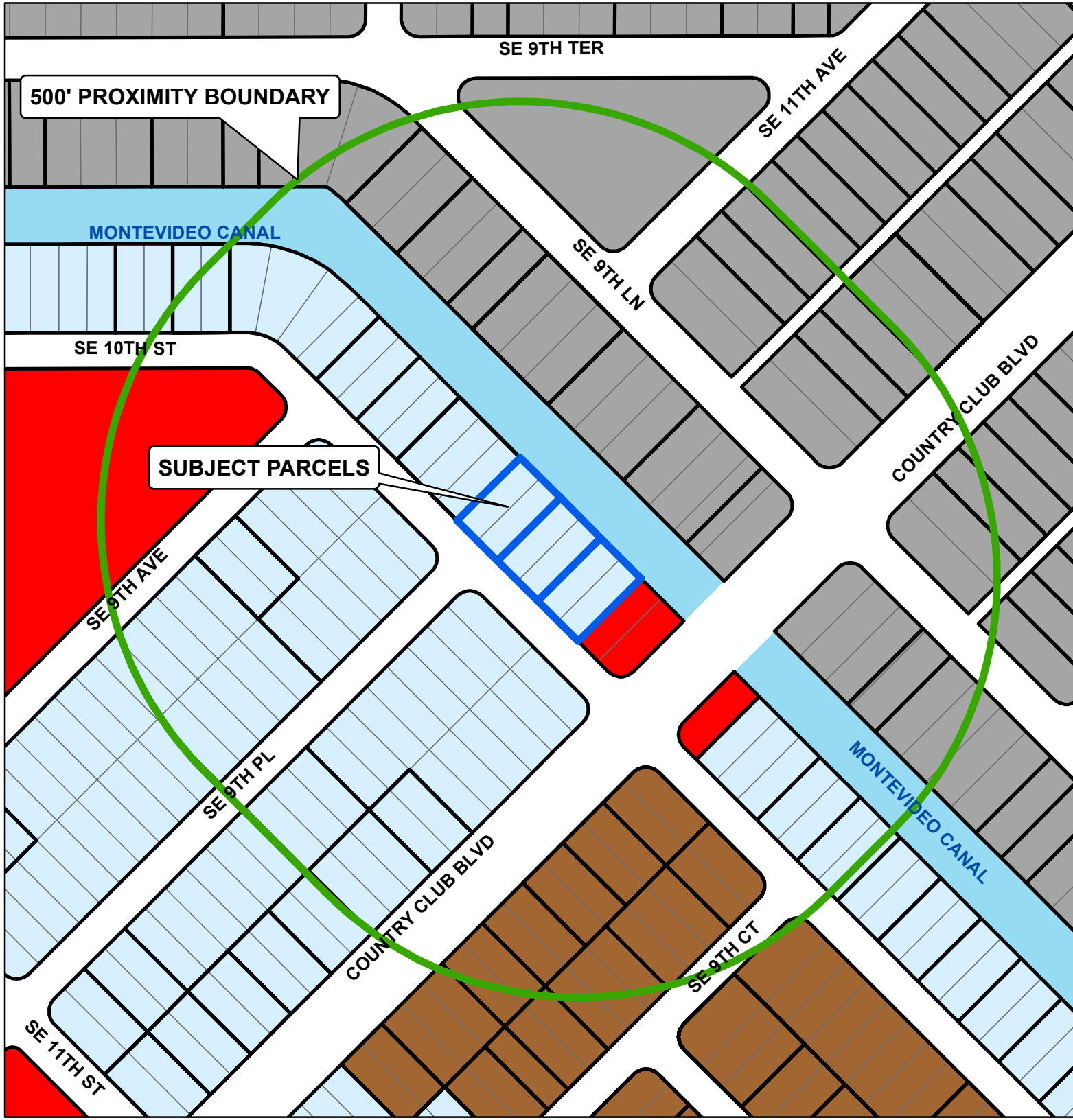
-  500' Proximity Boundary
-  Subject Parcels
- Zoning**
-  C-1
-  I-1
-  P-1
-  R-3



SEPTEMBER 13TH, 2018



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CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT FUTURE  
LAND USE MAP  
500' Proximity Boundary

Case No. ZA18-0009

**LEGEND**

 500' Proximity Boundary

 Subject Parcels


**Future Land Use**

 MF

 MX

 CP

 I

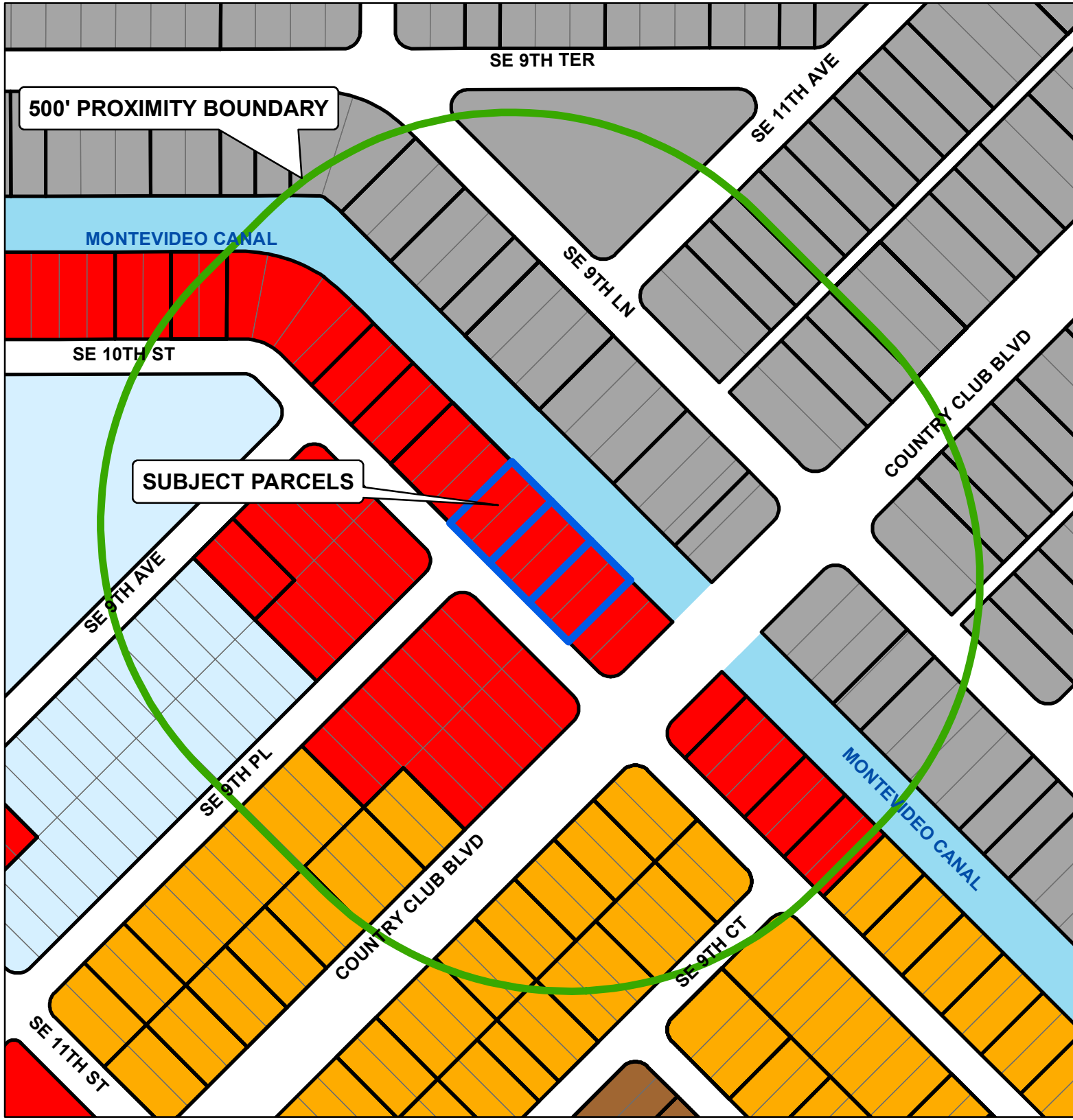
 PF



SEPTEMBER 13TH, 2018



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CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

PROPOSED ZONING MAP  
500' Proximity Buffer

Case No. ZA18-0009

LEGEND


 500' Proximity Boundary

 Subject Parcels

Zoning

 C-1

 I-1

 P-1

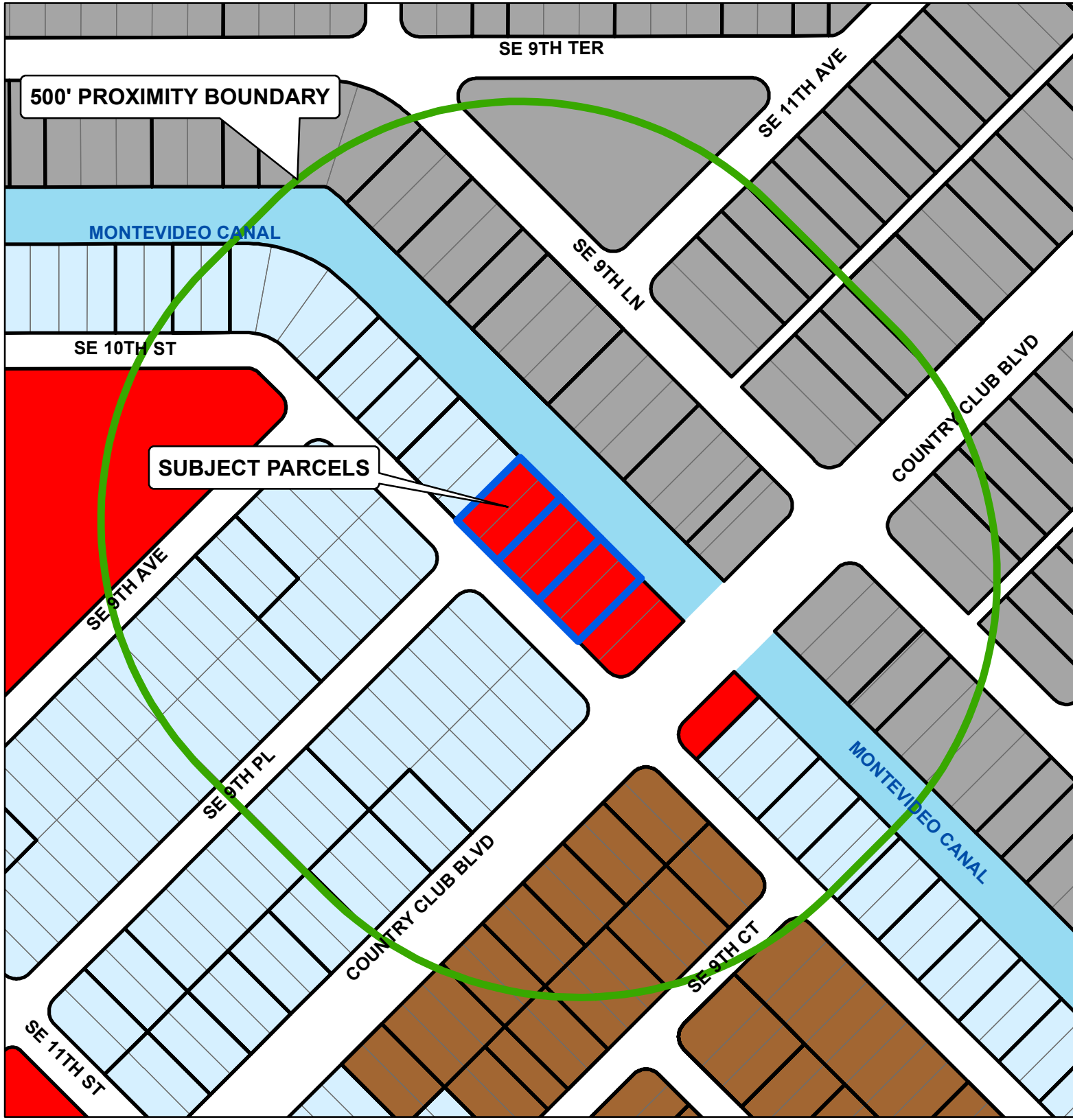
 R-3



SEPTEMBER 13TH, 2018



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

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case # PDP18-0002\*; Address: 1521 Del Prado Boulevard North ; Applicant: Xpress Storage Cape Coral, LLC

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

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

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

The applicant requests a Planned Development Project (PDP) to develop a neighborhood storage facility on a 3.14 acre site in the northeastern quadrant of Cape Coral. The applicant is requesting a special exception and three deviations.

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Material"

**PREPARED BY:**

Kristin                      Division- Planning                      Department- Community  
Kantarze                                                                Development

**SOURCE OF ADDITIONAL INFORMATION:**

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

**ATTACHMENTS:**

Description	Type
☐ Case # PDP18-0002	Backup Material



PLANNED DEVELOPMENT PROJECT (PDP) APPLICATION

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

Project Name: Cape Hide-away Storage
Project Number:

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 Stephen A. Wilson, 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)

\*Xpress Storage Cape Coral, LLC by Hide-Away Storage Services, Inc

Signature of Stephen A. Wilson

By: NAME AND TITLE (PLEASE TYPE OR PRINT)

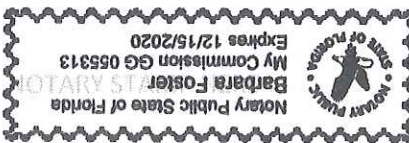
SIGNATURE

Stephen A. Wilson, President

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL, COUNTY OF Manatee

Sworn to (or affirmed) and subscribed before me this 2nd day of February, 2018, by Stephen A. Wilson who is personally known or produced as identification.



Exp. Date: Commission Number:

Signature of Notary Public: Barbara Foster

Printed name of Notary Public:

\*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 Avalon Engineering 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 31 & 47 Part 2 Block 2093 Lot 15-30 & 42-57 Subdivision Cape Coral

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

Xpress Storage Cape Coral, LLC by Hide-Away Storage Services, Inc President

\*\* Name of Entity (Corporation, Partnership, LLC, etc) Title of Signatory

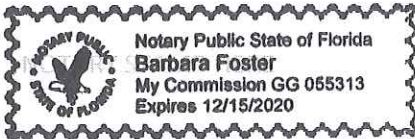
Stephen A. Wilson  
Signature

Stephen A. Wilson  
Name (Please print or type)

**(SIGNATURE MUST BE NOTARIZED)**

STATE OF FL, COUNTY OF MANATEE

Sworn to (or affirmed) and subscribed before me this 2nd day of February, 2018, by  
Stephen A. Wilson who is personally known or produced  
as identification.



Exp. Date: \_\_\_\_\_ Commission Number: \_\_\_\_\_

Signature of Notary Public: Barbara Foster  
Printed name of Notary Public: \_\_\_\_\_

\*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.*



## GENERAL INFORMATION

Project Name: Cape Hide-away Storage

Applicant: Xpress Storage Cape Coral, LLC c/o Stephen A. Wilson

Address: 6791 28th St Circle E, Sarasota, Florida 34243

Phone: 941-755-1166 ext 1001 Fax: N/A E-Mail: steve@hideawaystorage.com

\*Property Owner: same

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail \_\_\_\_\_

Authorized Representative Avalon Engineering Inc

Address 2503 Del Prado Blvd Suite 200, Cape Coral, Florida 33904

Phone 239-573-2077 Fax 239-573-2076 E-Mail linda@avaloneng.com

**Location**

Unit 31 & 47 Part 2 Block 2093 Lot(S) 15-30 & 42-57

Subdivision Cape Coral Strap Number(s) See strap number listing

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

Property Address: 1525 Del Prado Blvd North

Plat Book 14 & 23 Page 165 & 127 Current Zoning C-1 and R-1B Future Land Use CP and SF

This application includes the following requests: (Please check all that apply)			
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Special Exception	<input type="checkbox"/> Rezoning	<input type="checkbox"/> Variance
<input type="checkbox"/> Deviation to Landscaping	<input checked="" type="checkbox"/> Deviation to Non-residential Design Standards	<input type="checkbox"/> Deviation to Engineering Design Standards (EDS)	<input checked="" type="checkbox"/> All Other Deviation Requests
<input type="checkbox"/> Borrow Pit	<input type="checkbox"/> Vacation of Plat		

\*Please include additional pages for multiple property owners.

**PROPERTY and PROJECT DEVELOPMENT DATA**

a.	Zoning District	C-1 & R-1B		
b.	Future Land Use Class	CP & SF		
c.	Area of Subject Property	<u>3.14</u> acres		
d.	Type of Development	<u>Neighborhood Storage Facility</u>		
e.	Estimated Number of Employees	<u>N/A</u>		
	Number of Seats in Assembly	<u>N/A</u>		
f.	Parking Spaces Required	<u>8</u>		
g.	Parking Spaces Provided	<u>9</u>		
h.	Parking and Street Area	<u>39,262</u> sq. ft.	<u>28.7</u> % of Site	
i.	Ground Floor Building Area	<u>34,904</u> sq. ft.	<u>25.5</u> % of Site	
j.	Total Floor Area	<u>78,788</u> sq. ft.	<u>57.6</u> % of Site	
k.	Building Heights	<u>41' 4"</u> feet		<u>        </u> stories
l.	Total Proposed Impervious Surface Area	sq. ft. <u>75,294</u>	% of Site	<u>55.0</u>
m.	Permanent Open Space	sq. ft. <u>61,675</u>	% of Site	<u>45.1</u>
	Landscaped Area	<u>61,675</u> sq. ft.	% of Site	<u>45.1</u>
n.	Recreation Area	<u>N/A</u> sq. ft.	% of Site	<u>        </u>

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

N/A

o.	Number of Dwelling Units (du)	<u>        </u>		
p.	Gross Density (du/acres)	<u>        </u>		
q.	Number, Type, and Floor Area of each Dwelling Unit:			
1.	Efficiency	<u>        </u>	Floor Area <u>        </u>	sq. ft. <u>        </u>
2.	1 Bedroom	<u>        </u>	Floor Area <u>        </u>	sq. ft. <u>        </u>
3.	2 Bedroom	<u>        </u>	Floor Area <u>        </u>	sq. ft. <u>        </u>
4.	3 Bedroom	<u>        </u>	Floor Area <u>        </u>	sq. ft. <u>        </u>
5.	4 Bedroom	<u>        </u>	Floor Area <u>        </u>	sq. ft. <u>        </u>



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

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February 23, 2018 / Revised July 3, 2018

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

PROJECT: CAPE HIDE-AWAY STORAGE (Neighborhood Storage Facility)  
BLOCK 2093 LOTS 15-30 & 42-57

SUBJECT: PDP LETTER OF INTENT

Dear Mr. Cautero:

On behalf of the property owner and developer, Xpress Storage Cape Coral, LLC, we respectfully request approval of a PDP for the development of a Neighborhood Storage Facility on Block 2093 in NE Cape Coral. The site is located on the southeast corner of Del Prado Blvd North and Diplomat Parkway, abutting an existing gas station with convenience store along the northern property line. This PDP is required due to the re-design of the site for a three-story storage facility with three single-story buildings.

The subject property is located on Del Prado Blvd North, just south of the intersection of Diplomat Parkway. The project area consists of 3.14 acres. The development proposes four (4) storage buildings; one (1) three-story building with an office and three (3) single story building enclosed behind a wall, for a total building square footage of 78,786.

A Special Exception and a Deviation to the Non-Residential Design Standards were approved by the Hearing Examiner on July 11, 2017 for the same use (Neighborhood Storage Facility) but with a different site layout.

The subject parcels are zoned C-1 (Pedestrian Commercial) and R-1B (Single Family) and have a CP (Commercial Professional) and SF (Single Family) Future Land Use Designation. The buildings, driveway, and drive isles will be located within the 2.22 acres zoned commercial. The parcels zoned R-1B (Single Family residential) will contain green space, buffer landscaping, and the surface water management improvements needed for this facility, but these lots were also included in this project because they were undersized and mostly unbuildable, due to the road widening of Del Prado Blvd North.

To the east of the site, across NE 16th Place are parcels zoned R-1B (Single Family Residential) but have a CP (Commercial Professional) Land Use. To the south of the subject parcel are parcels zoned Single Family Residential and have a Single Family Residential Land Use. To the north, is existing commercial uses and to the West is Del Prado Blvd (County ROW).

Within the PDP, the applicant will request approval of a Special Exception use for a Neighborhood Storage Facility on the commercial zoned lots 2.22 acres and the following deviations to the City's Land Use and Development Regulations: A deviation to the Neighborhood Storage Facility Special Regulations for the height of a facility and the use of metal for the construction of the three (3) single story buildings, and a deviation to the Non-Residential Design Standards Section 5.6, for Buildings B, C, and D only.

This PDP will request approval of the following:

❖ **A Neighborhood Storage Use**

A Neighborhood Storage Facility is defined as any building or group of buildings on a common site designed to provide, generally for a fee, separate storage rooms or units for individuals or businesses, and constructed so that overhead doors or individual storage unit doors, that are not visible from adjoining property or from any public right-of-way, provide the only access to the aforesaid storage rooms or units.

❖ **A Special Exception Approval for a Neighborhood Storage Facility in the City's C-1 Zoning District**

A Special Exception was obtained for a Neighborhood Storage Facility use on July 13, 2017 and is required to be established within one year. Since the project had previously obtained site plan approval and is now seeking a PDP to construct a 3-story facility, the applicant request approval of a new Special Exception for a Neighborhood Storage Facility with the site layout now being proposed.

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

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

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

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

***A Neighborhood Storage Facility is a low intensity commercial use. This type of low intensity commercial use can act as a buffer between a major right-of-way planned for commercial development and residential development. The proposed development will utilize a large portion of Block 2093.***

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

***The site has frontage on two streets, Del Prado Blvd North and NE 16th Place. The only access into the facility is from a shared driveway off Del Prado Blvd North.***

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

***The building setbacks on all sides exceeds the minimum building setback requirement within the City's C-1 Zoning District. The setbacks range from 10 feet on the north side of the building adjacent to an existing commercial use to 279 feet on the southern property line adjacent to vacant residential zoned parcels. These wider building setbacks provide more separation and more green space for landscaping to screen this project from the surrounding properties.***

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

***Landscaping is provided on all property lines, with buffer yards provided along the eastern and southern property lines.***

❖ **Three (3) Deviations to the City's Land Use and Development Regulations**

**Deviation # 1 - Deviation to Section 2.7.7.D.5.f.**

The applicant requests a deviation to Section 2.7.7.D.5.f. that states "A neighborhood storage facility shall not be located in a metal building. In addition, the following exterior building materials shall not be used on any neighborhood storage facility exterior wall that is visible from adjoining property or from any public right-of-way: vinyl or plastic siding; corrugated, reflective, or metal panels; smooth, scored, or split-faced block; any translucent material other than glass" in order to have the three single story storage buildings be constructed of metal.

History of this project - This development was originally submitted, reviewed by staff and heard by the Hearing Examiner under the existing LUDR requirements for a Neighborhood Storage Facility use, prior to the approval of Ordinance 15-17 on April 3rd, 2017. Ordinance 15-17 modified the special regulations for a Neighborhood Storage Facility within the C-1 Zoning District. Under the regulations at the time of our original submittal there was requirements on the type of building materials provided for the predominant exterior building walls only, so the buildings proposed internally within the site and screened by an 8 foot high wall would not of required a deviation to be constructed of metal.

**DEVIATION QUALIFICATIONS**

As permitted by Section 4.2.4.K, deviations may be approved in a PDP provided that the PDP demonstrates unique and innovative design which would be enhanced by the approval of such deviation(s) and that the intent of such regulations to protect the health, safety, and welfare of the public would be served by the approval of the deviation.

The main focus of this development is on the 3-Story Storage Facility. This building will have the appearance of an office building and will meet all of the City's requirements for Non-Residential Design Standards buildings. Except for the signing on the building indicating that the use was for storage, the adjacent residents and the residents utilizing Del Prado Blvd will see a new three story building that has the appearance of being an office building. The three (3) metal buildings are located behind the entrance gate and enclosed with an 8 foot high opaque wall. The height of the metal buildings range from 8' 4" (lowest eave) to the peak of the roof being 10' 3", which would not be visible from behind the wall if standing on the sidewalk at NE16th Place or Del Prado Blvd Extension. (See site line exhibit provided).l

**Deviation # 2 - Deviation to Section 2.7.7.D.5.i.**

The applicant requests a deviation to Section 2.7.7.D.5.i. that states" The maximum building height of any newly constructed neighborhood storage facility shall be two stories or 35 feet; whichever is less", in order to construct a 3-story storage facility with a maximum height of 42'4".

History of this project - This development was originally submitted, reviewed by staff and the Hearing Examiner under the existing LUDR requirements for a Neighborhood Storage Facility use, prior to the approval of Ordinance 15-17 on April 3rd, 2017. Ordinance 15-17 modified the special regulations for a Neighborhood Storage Facility within the C-1 Zoning District. Under the regulations at the time of our original submittal there was no maximum height regulations, so the 3-Story Building that is being proposed would not of required a deviation for a height of 42'4".

**DEVIATION QUALIFICATIONS**

As permitted by Section 4.2.4.K, deviations may be approved in a PDP provided that the PDP demonstrates unique and innovative design which would be enhanced by the approval of such deviation(s) and that the intent of such regulations to protect the health, safety, and welfare of the public would be served by the approval of the deviation.

This 3-Story Storage Building will be the first of its kind in Cape Coral, providing more storage until space in less land area, and providing a building that has the appearance of being a multi-story office building with all of the architectural requirements for a commercial building.

40% of the site will be designated for open space, with trees and trees with shrubs provided around the building and the perimeter of the site.

**Deviation # 3 - Deviation to Section 5.6**

The applicant requests a deviation from all requirements associated with LUDR, Section 5.6, "Non-residential Design Standards" for all sides of building B, C, and D.

**DEVIATION QUALIFICATIONS**

As provided in Section 5.6.10 of the City's Land Use and Development Regulations Deviations from architectural requirements for non-residential buildings may be requested if the deviation will not be contrary to the public interest and will be in harmony with the general intent and purpose of the section and where either of the following applies:

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

The deviation is being sought based on a unnecessary or undue hardship. In determining whether the requested deviation should be approved as the result of unnecessary or undue hardship, the following factors were considered:

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

The site is 3.14 acres, is flat and is rectangular in shape. There are no physical features associated with the site that would interfere with complying with the architectural standards.

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

The architectural deviations are sought for the buildings that will not be visible from outside the development. The sides of each of these buildings are screened by either a buffer wall or the three - story storage facility. All of the walls visible from a street or visible from the outside of the facility will comply with City architectural requirements.

This type of use provides access to individual storage units within a building by the use of roll up doors. These roll up doors are provided on the sides of the building which are not visible to the outside of the facility and which are accessed only after entering through the entrance gate. No individual storage unit can be accessed from the front or side of the building facing a street or an adjacent parcel. The roll-up doors will occupy the vast majority of these building walls, providing limited space to accommodate the required architectural enhancements on these building walls.

- 3) *What effect will the requested deviation would have on the community appearance?*

The requested deviation is anticipated to have little, if any, negative effect on community appearance because the building walls in question will not be visible to the public. The building walls visible from a street or adjacent property will meet the design standards.

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

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

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

There will be no negative affect as loading activities occurring at individual storage units will be screened from all streets by an 8 foot high opaque wall that surrounds the single story storage buildings.

Minimum Deviation, Pursuant to LUDR Section 5.6.10.E

The applicant has requested the minimum deviation as the deviation requested is for architectural elements required for each wall of a building and all other requirements within Section 5.6 will be provided for within this development.

Comprehensive Plan Consistencies:

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

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

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

**The City has specified this site for commercial development.**

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

**Landscape buffering is required on the east and south sides of the project. Additional green space and plantings are provided along these property lines.**

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

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

**Special attention was made in the design of this site to properly screen all unloading and loading processes of this development from the adjacent neighborhoods.**



Cautero/Cape Hide-Away Storage  
PDP Letter of Intent  
February 23, 2018  
Revised July 3, 2018  
Page 7

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

***There is only one entrance into the facility with the access provided on Del Prado Blvd North. The air conditioning equipment will be placed and screened as to not be visible from outside the facility. No rooftop equipment is being considered. The dumpster will be located within the facility not visible from the right-of-ways.***

*Traffic and parking should not adversely affect neighborhood quality.*

***Access into the facility will not be from a local street within the neighborhood. No entrance to the facility will be provided from the local street.***

This facility is strategically located to serve the area. The facility will be aesthetically pleasing and provide a convenient, safe and comfortable storage option to homeowners and businesses.

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

Sincerely,

AVALON ENGINEERING, INC.



Linda Miller, AICP  
Senior Planner

Cape Hide-Away Storage  
Block 2093 Lots 15-30 & 42-57

**Protected Species Assessment**

Section 05 & 06, Township 44S, Range 24E  
Cape Coral, Florida

**January, 2018**

Prepared by:

**Avalon Engineering, Inc.**  
2503 Del Prado Boulevard South, Suite 200  
Cape Coral, Florida 33904

## INTRODUCTION

This 3.14 acre parcel is located at the southeast corner of Del Prado Blvd North and Diplomat Parkway. Adjacent properties consist of the following: to the north: C-1 (existing gas station with convenience store), to the south: Vacant Single Family Lots, to the east: ROW - NE16th Place and to the west: ROW (Del Prado Blvd North). The parcel is located in Section 05 & 06, Township 44S, Range 24E, Cape Coral, Florida.

## SITE CONDITIONS

A site inspection was conducted by Scott Tucker on 1/31/2018. The weather was clear with temperatures in the 50's.

## VEGETATION CLASSIFICATIONS

The table below displays the (#1) vegetative associations found on the subject parcel. These vegetative associations were identified using the Florida Land Use Cover Classification System. (FLUCCS) and are shown on the table below. Also included is a description of each FLUCCS association below.

<b>FLUCCS CODE</b>	<b>DESCRIPTION</b>	<b>APPROXIMATE ACREAGE</b>
192	Inactive lands with street patterns but without structures (routinely mowed).	3.14
<b>TOTAL ACREAGE</b>		<b>3.14</b>

## SURVEY METHOD

To provide at least 100% visual coverage, ten centered transects were completed at 30' intervals within the construction area. This method was selected to examine for the presence or absence of protected or listed species within the entire construction area.

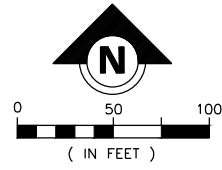
If a sign or sighting was observed, an aerial photograph was marked depicting the approximate location. The attached scale aerial map depicts the results of this survey. Other listed protected species which could occur on the subject parcel according to City of Cape Coral which were surveyed for are as follows:

<b>SPECIES</b>	<b>SCIENTIFIC NAME</b>	<b>OBSERVED</b>
Burrowing Owl	<i>Athene cunicularia</i>	None
Gopher Tortoise	<i>Gopherus polyphemus</i>	None

## RESULTS

The Protected Species Survey revealed the presence of no species listed by either the U.S. Fish & Wildlife Service (USFWS) or by the Florida Fish & Wildlife Conservation Commission (FFWCC).

Attachment: Transect Line Map



➔ PROTECTED SPECIES TRANSECT  
LINE 05/24/17

THIS PLAN IS INTENDED FOR CONCEPTUAL USE ONLY. IT IS NOT TO BE USED FOR PERMITS. THE USER MAY CHANGE SIGNIFICANTLY BASED UPON SURVEY, ENVIRONMENTAL AND REGULATORY CONSTRAINTS. NOT FOR CONSTRUCTION.

DATE	BY	REVISION DESCRIPTION

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

**Cape Hide-Away Storage**  
1825 DEL PRADO BOULEVARD NORTH  
CAPE CORAL, FLORIDA  
(area #1-30 & 42-45) 239 573 47-49

**DEVELOPER:**  
Hide-Away Storage Services  
6791 26th Street Circle E  
Sarasota, Florida 34243  
Phone: (941) 755-1166

**TRANSECT  
MAP**

Cape Hideaway Storage PDP 18-0002 Legal Description (updated 5/16/2018):

Lots 42 through 57, Block 2093, CAPE CORAL UNIT 47 Part 2 as recorded in Plat Book 23 at Pages 112 through 127, inclusive, of the Public Records of Lee County, Florida.

TOGETHER WITH:

Lots 15 through 30, Block 2093, CAPE CORAL UNIT 31 as recorded in Plat Book 14 at Pages 149 through 165, inclusive, of the Public Records of Lee County, Florida.

LESS AND EXCEPT:

That portion of Lots 17 through 30, Block 2093, CAPE CORAL UNIT 31 taken by Resolution 21-07 for right-of-way of Del Prado Boulevard as recorded in Instrument Number 2007000168184 of the Public Records of Lee County, Florida.

ALSO LESS AND EXCEPT:

That portion of Lots 15 and 16, Block 2093, CAPE CORAL UNIT 31 taken by Stipulated Order of Taking for right-of-way of Del Prado Boulevard as recorded in Instrument Number 2008000018589 of the Public Records of Lee County, Florida.

Said Parcels more particularly described as follow;

COMMENCING at the Northwest corner of Lot 40 of said Block 2093, Cape Coral Unit 47 Part 2 as recorded in Plat Book 23 at Pages 112 through 127, inclusive, of the Public Records of Lee County, Florida; Thence run S 00°21'01" E along the West line of Lots 40&41 of said block 2093, for 85.15 feet to the Southwest corner of Lot 41 of Said block 2093, to the POINT OF BEGINNING; Thence Run N 89°38'59" E along the South line of said Lot 41, a distance of 125.00 feet to the intersection with the Westerly Right-of-Way line of NE 16<sup>th</sup> Place of said Unit 47 Part 2; Thence run S 00°21'01" E along said Westerly Right-of-Way line, a distance of 660.00 feet to the Southwest corner of Lot 57, Block 2093 of said Unit 47 Part 2; Thence Leaving said Westerly Right-of-Way line run S 89°38'59" W along the South line of said Lot 57, a distance of 125.00 feet to the Southwest corner of Said Lot 57, Thence Run S 00°21'01" E along the West line of lot 58 of said Block 2093 Unit 31 as recorded in Plat Book 14 at Pages 149 through 165, inclusive, of the Public Records of Lee County, Florida, a distance of 14.85 feet; Thence run N 89°43'14" W along the South line of Lot 15 of Block 2093, a distance of 7.84 feet; Thence run along an arc having a radius of 2,286.60 feet to which a radial line bears S 84°51'58" W (delta 02°01'02"), (chord bearing N 06°08'33" W)(chord 80.50 feet) for 80.50 feet to an intersection with the South line of Lot 17 of said Block 2093 Unit 31; Thence run N 89°43'09" W along the South line of said Lot 17, a distance of 31.23 feet to an intersection with the Easterly Taking Right-of-Way Line of Del Prado Boulevard North (Instrument # 2007000168184); Thence run along the non-tangent arc having a radius of 2,255.60 feet (delta 05°04'11"), (chord bearing N 09°45'55" W)(chord 199.51 feet) being Easterly Right-of-Way of said Del Prado Boulevard North, for 199.58 feet; Thence continue along said Right-of-Way line, N 12°18'01" W a distance of 56.62 feet; Thence run along said Right-of-Way on an arc having a

radius of 2,033.40 feet (delta  $06^{\circ}31'16''$ ), (chord bearing  $N 09^{\circ}02'22'' W$ )(chord 231.31 feet) for 321.44 feet to an Intersection with South line of Lot 29 of said Block 2093 Unit 31, Thence run  $N 89^{\circ}44'38'' W$  along said South line of Lot 29 a distance of 13.50 feet; Thence run  $N 00^{\circ}21'15'' W$  a distance of 80.01 to intersection with North Line of Said Lot 30; Thence run  $S 89^{\circ}43'14'' E$  along the North Line of said Lot 30, a distance of 140.01 feet to the Northeast corner of said Lot 30; Thence run  $N 00^{\circ}21'01'' W$  along the East line of Lot 31 of said Block 2093 a distance of 34.85 feet to the POINT OF BEGINNING.

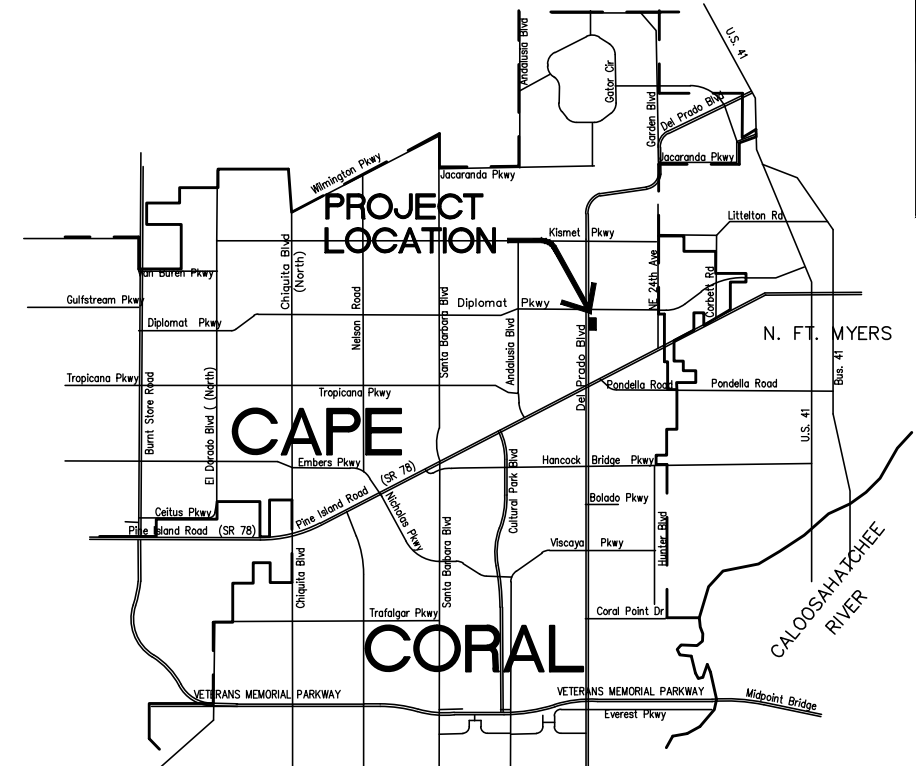
Said Parcels contains 3.14 Acres More or Less.

Bearings are based on the Westerly Right-of-Way line of NE 16th place, being  $S 00^{\circ}21'01'' E$ .

ATTENTION IS DIRECTED TO THE FACT THAT THESE PLANS MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

# PDP MASTER PLANS FOR "Cape Hide-Away Storage"

## 1525 DEL PRADO BOULEVARD (NORTH) CAPE CORAL, FLORIDA



**LOCATION MAP**  
N.T.S.

**SITE INFORMATION:**

ADDRESS: 1525 DEL PRADO BLVD. N.  
CAPE CORAL, FLORIDA  
LOCATION: LOTS 15-30, BLOCK 2093, UNIT 31 &  
LOTS 42-57, BLOCK 2093, UNIT 47-P2  
CAPE CORAL, FLORIDA

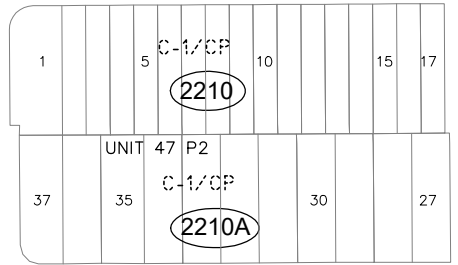
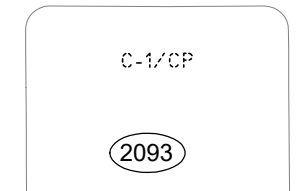
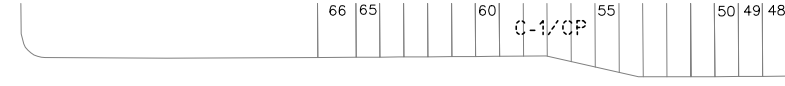
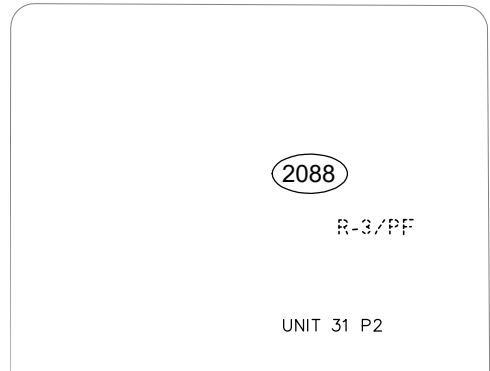
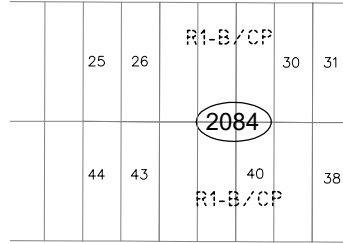
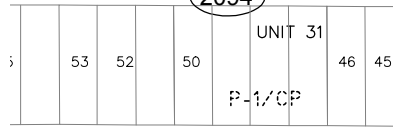
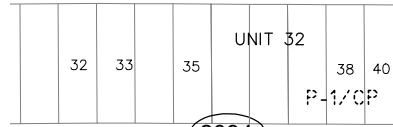
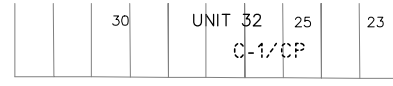
ZONING: C-1 (PEDESTRIAN COMMERCIAL) 2.22 AC &  
R-1B (SINGLE FAMILY) 0.92 AC  
FUTURE LAND USE: CP (COMMERCIAL PROFESSIONAL)  
& SF (SINGLE FAMILY)  
DEVELOPMENT TYPE: STORAGE FACILITY  
BUILDING USES: NEIGHBORHOOD STORAGE FACILITY

**BUILDING HEIGHT: MAX HEIGHT 42'-4"**

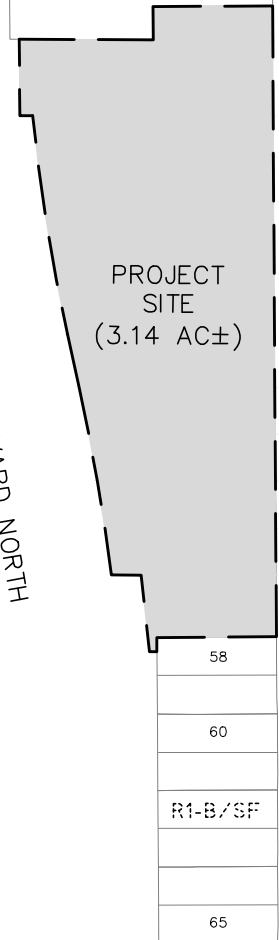
FLOOD ZONE: 'X'  
WATER: CITY OF CAPE CORAL  
SEWER: PRIVATE  
IRRIGATION: PRIVATE (WELL)

**INDEX OF SHEETS**

- 1 COVER SHEET AND LOCATION MAP
- 2 EXISTING SITE & EROSION CONTROL
- 3 MASTER DEVELOPMENT PLAN
- 4 PAVING, GRADING, & DRAINAGE PLAN
- 5-6 UTILITY PLAN
- 7 LANDSCAPE PLAN

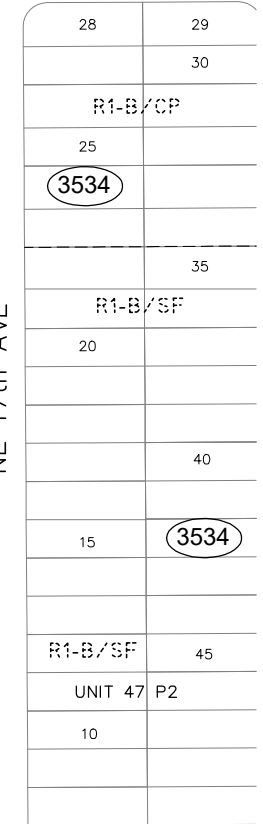
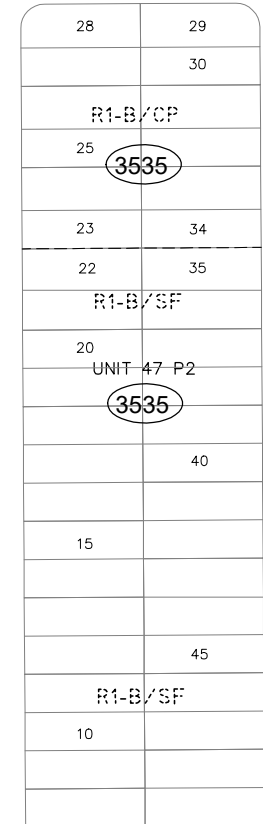


DEL PRADO BOULEVARD NORTH

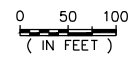


NE 16th PLACE

NE 17th AVE



**PROJECT SITE**



THIS PLAN IS INTENDED FOR CONCEPTUAL PURPOSES ONLY. THE USER SHALL BE RESPONSIBLE FOR VERIFYING ALL INFORMATION AND REGULATORY CONSTRAINTS. NOT FOR CONSTRUCTION.

DATE: 02/22/18 BY: JAS/REVISION DESCRIPTION: REVISION PDP INITIAL SUBMITTAL 05/17/18 JAS/REVISION PDP 1ST RESUBMITTAL

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

DEVELOPER:  
Hide-Away Storage Services  
6791 28th Street, Circle E  
Sarasota, Florida 34243  
Phone: (941) 755-1166

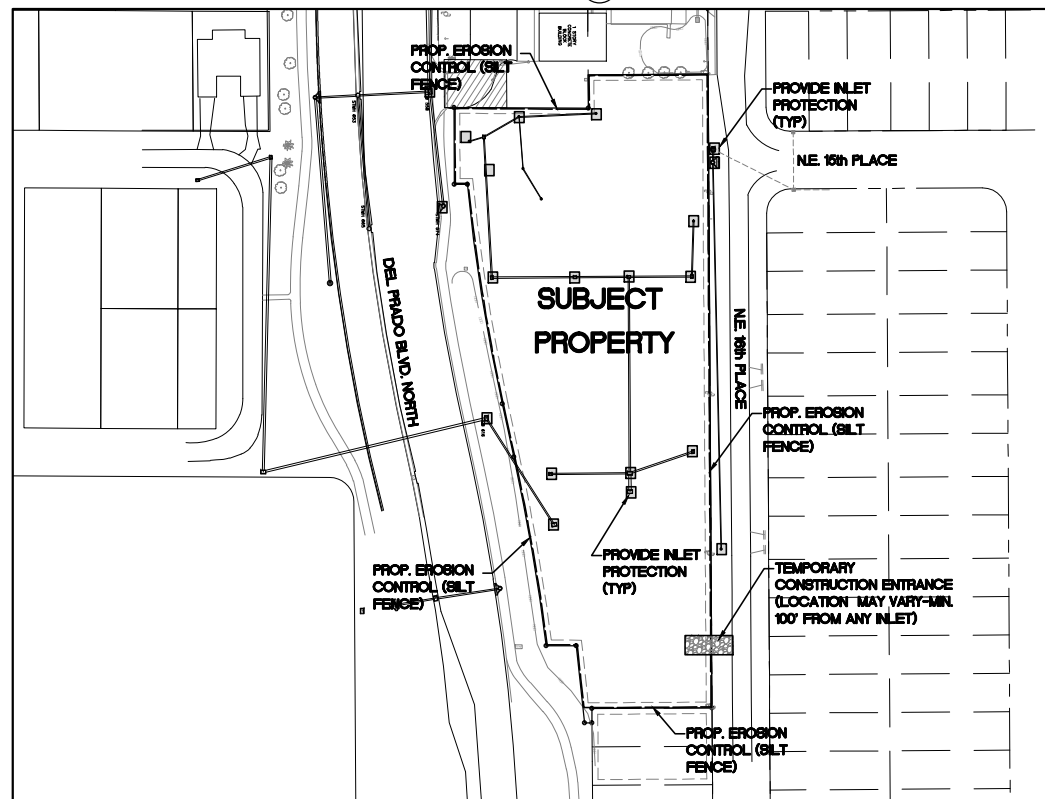
Cape Hide-Away  
Storage  
1525 Del Prado Boulevard North  
Cape Coral, Florida

COVER SHEET AND  
LOCATION MAP

18-123/PDP



EXISTING SURFACE HYDROLOGY

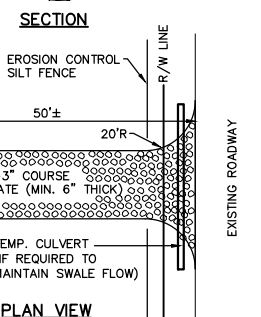
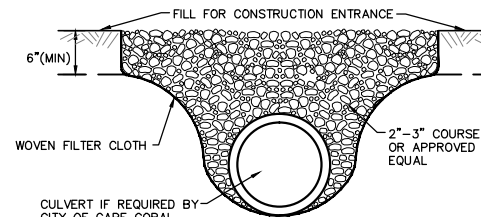


B.M.P. MAP

0 50 100  
( IN FEET )

**EROSION CONTROL NOTES**

1. THE CONTRACTOR SHALL ADHERE TO THE SEQUENCE OF OPERATIONS FOR EROSION CONTROL IMPLEMENTATION HEREON. ANY DEVIATION FROM THIS SEQUENCE DEEMED NECESSARY BY THE CONTRACTOR SHALL BE APPROVED BY THE OWNER.
2. THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS INVOLVED WITH THE CONSTRUCTION ACTIVITIES RELATED TO EROSION CONTROL AS SHOWN OR NOTED HEREON SHALL OBTAIN A COPY OF THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP), AS WELL AS THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR THIS SITE, AND BECOME FAMILIAR WITH THEIR CONTENTS.
3. ALL WASH WATER SHALL BE DISPOSED OF IN A MANNER THAT PREVENTS CONTACT BETWEEN WASH WATER POLLUTANTS AND STORM RUNOFF DISCHARGED FROM THIS SITE.
4. OIL AND GREASE ABSORBING MATERIALS SHALL BE READILY AVAILABLE ON-SITE AND SHALL BE PROMPTLY USED TO CONTAIN AND/OR CLEAN UP ALL FUEL OR CHEMICAL SPILLS OR LEAKS.
5. DUST CONTROL SHALL BE ACCOMPLISHED BY WATERING DRY, EXPOSED AREAS ON A REGULAR BASIS. SPRAYING OF PETROLEUM BASED OR TOXIC LIQUIDS FOR THIS IS PROHIBITED.
6. ALL CITY RIGHT-OF-WAYS THAT ARE DISTURBED DURING CONSTRUCTION SHALL BE PERMANENTLY SODDED PRIOR TO THE COMPLETION OF THE PROJECT.
7. DISTURBED AREAS OF THE SITE WHERE CONSTRUCTION AREAS HAVE PERMANENTLY CEASED SHALL BE PERMANENTLY SEEDED OR SODDED, AS SHOWN ON THE ATTACHED PLAN, WITHIN FOURTEEN DAYS.
8. ALL VEHICLES SHALL BE CLEANED AT THE CONSTRUCTION SITE PRIOR TO EXITING.
9. ALL MATERIALS SPILLED, DROPPED, WASHED OR TRACKED ONTO ADJACENT ROADWAYS BY VEHICLES EXITING THE SITE SHALL BE CLEANED OR REMOVED IMMEDIATELY.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROMPT REMOVAL OF ALL ACCUMULATED SILT IN THE STORM SEWER SYSTEM AND ALONG SILT FENCES.
11. SILT FENCES SHALL BE PLACED AROUND ANY STOCKPILES USED ON THIS SITE.
12. ANY ADDITIONAL EROSION CONTROL MEASURES REQUIRED TO ENSURE COMPLIANCE WITH THE U.S.E.P.A.; FLORIDA DEP AND LOCAL GOVERNING AGENCY STORM WATER POLLUTION REGULATIONS SHALL BE IMPLEMENTED BY THE CONTRACTOR, AT NO ADDITIONAL COST TO THE OWNER.
13. ALL TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED AND PROPERLY DISPOSED OF OFF-SITE WITHIN THIRTY DAYS AFTER STABILIZATION OF ALL SURFACES.
14. THE CONTRACTOR SHALL ASSUME LIABILITY FOR DAMAGE TO ADJACENT PROPERTIES AND/OR PUBLIC RIGHT-OF-WAY RESULTING FROM FAILURE TO FULLY IMPLEMENT AND EXECUTE ALL EROSION CONTROL PROCEDURES SHOWN AND NOTED IN THE PLANS.
15. WHENEVER DIRT, ROCK OR OTHER MATERIALS ARE EXPORTED FOR USE OFF OF THE PRIMARY CONSTRUCTION SITE, THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THAT EPA STORMWATER PERMITTING REQUIREMENTS ARE MET. PRIOR TO ANY EXPORT OF MATERIALS, THE CONTRACTOR SHALL FURNISH THE ENGINEER WITH A WRITTEN AGREEMENT WITH ANY LANDOWNER WHO WILL RECEIVE EXPORTED MATERIALS, STATING THAT THE SITE WILL BE PROPERLY PERMITTED WHEN REQUIRED AND DESCRIBE THE EROSION CONTROL MEASURES WHICH WILL BE USED. AT A MINIMUM, EROSION CONTROL MEASURES MUST CONSIST OF PERIMETER CONTROLS (SYNTHETIC BALES OR SILT FENCES) ON ALL DOWNSLOPE AND SIDESLOPE BOUNDARIES OF ANY DISTURBED AREAS, PLUS PROVISIONS FOR RE-VEGETATION AFTER THE FILL MATERIALS ARE IN PLACE.
16. PRIOR TO CONSTRUCTION FILTER FABRIC SILT FENCE, OR OTHER APPROVED EROSION CONTROL DEVICES SHALL BE INSTALLED ACROSS THE SWALE AT THE LOWEST DISTURBED POINT TO PREVENT EROSION MATERIAL FROM LEAVING THE CONSTRUCTION AREA, INCLUDING ANY VACANT AREAS USED FOR INGRESS AND EGRESS. ALTERNATIVE USES COULD BE GEO-HAY, WADDLES, TERRA TUBES, SEDIMENT LOGS, ETC.
17. ALL AFFECTED STORMWATER PIPES, INLETS AND CATCH BASINS SHALL BE PROTECTED BY EROSION CONTROL DEVICES TO PREVENT CONSTRUCTION RELATED EROSION MATERIAL FROM ENTERING THE STORMWATER SYSTEM. SHOULD THE EROSION CONTROLS NOT BE INSTALLED AND/OR FAIL THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING THE ENTIRE SYSTEM AS DEEMED NECESSARY BY THE ENGINEER AND GOVERNING AGENCY.
18. THE EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO ANY CONSTRUCTION PROCESS AND SHALL REMAIN IN PLACE UNTIL STABILIZED WITH SOD AND THE VACANT AREAS ARE SEEDED AND MULCHED.
19. REFER TO FDOT EROSION AND SEDIMENT CONTROL MANUAL & DETAILS.
20. ALL DEWATERING SHALL BE IN ACCORDANCE WITH S.F.W.M.D. CRITERIA.



**LEGEND**

—> SURFACE HYDROLOGY

--- EROSION CONTROL (SILT FENCING, TYP.)

■ INLET PROTECTION

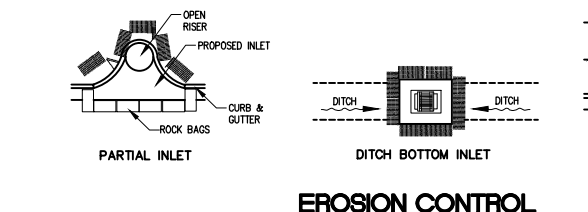
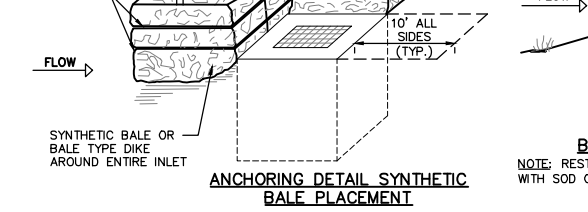
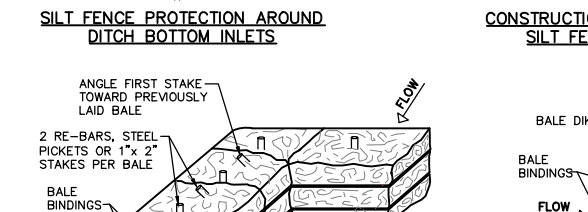
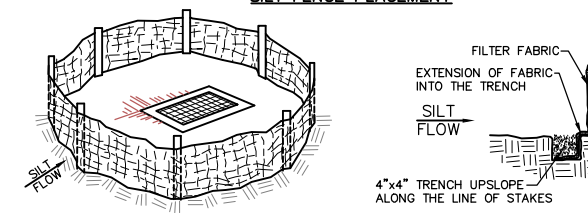
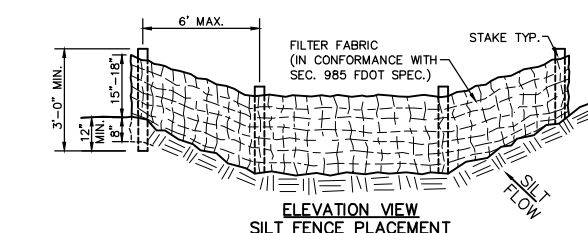
**SOILS**

42 WABASSO SAND, LIMESTONE SUBSTRATUM

**FL.U.C.C.S.**

192 INACTIVE LANDS WITH STREET PATTERNS BUT WITHOUT STRUCTURES (CLEARED)

**TEMP. CULVERT • CONSTRUCTION ENTRANCE**



DANDY SACK MAY BE SUBSTITUTED FOR SIMILAR PRODUCT

**DANDYSACK**<sup>TM</sup>

N.T.S.

Jack Schrager, P.E.  
FL. LICENSE # 24070

REVISION DESCRIPTION  
DATE BY  
05/17/18 JES INITIAL SUBMITAL

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

DEVELOPER:  
Cape Hide-Away Storage Services  
6791 28th Street Circle E  
Sarasota, Florida 34243  
Phone: (941) 755-1166

**Cape Hide-Away Storage**  
1525 Del Prado Boulevard North  
Cape Coral, Florida

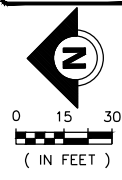
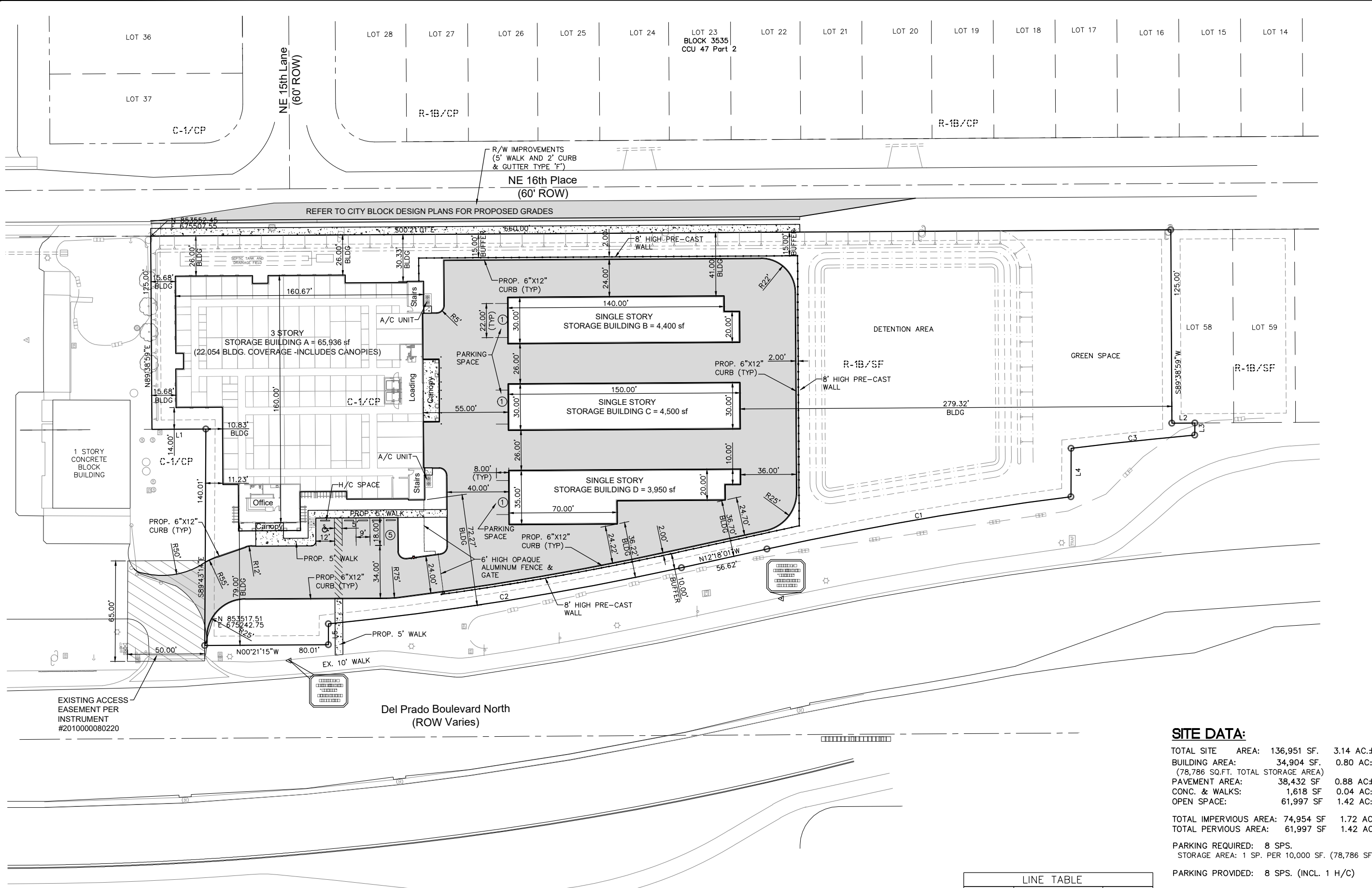
**EXISTING SITE AND EROSION CONTROL**

#18-123

2 of 13



P:\CAD\2018\18-123\18-123-PDP-PLAN.dwg, 3 MASTER, 5/17/2018 11:48:26 AM, Avalon Engineering Inc.



THIS PLAN IS INTENDED FOR CONCEPTUAL PURPOSES ONLY. THE USER SHALL BE RESPONSIBLE FOR VERIFYING ALL INFORMATION AND REGULATORY CONSTRAINTS. NOT FOR CONSTRUCTION.

DATE	BY	REVISION DESCRIPTION
02/22/18	US	REVISED PDP INITIAL SUBMITTAL
05/17/18	US	REVISED PDP 1ST RESUBMITTAL

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

**DEVELOPER:**  
Hide-Away Storage Services  
6791 28th Street Circle E  
Sarasota, Florida 34243  
Phone: (941) 755-1166

**Cape Hide-Away Storage**  
1625 Del Prado Boulevard North  
Cape Coral, Florida

**MASTER DEVELOPMENT PLAN**

Jack Schrage, P.E.  
FL LICENSE # 24070

**SITE DATA:**

TOTAL SITE AREA:	136,951 SF.	3.14 AC± (100%)
BUILDING AREA:	34,904 SF.	0.80 AC± ( 26%)
(78,786 SQ.FT. TOTAL STORAGE AREA)		
PAVEMENT AREA:	38,432 SF	0.88 AC± ( 28%)
CONC. & WALKS:	1,618 SF	0.04 AC± ( 1%)
OPEN SPACE:	61,997 SF	1.42 AC± ( 45%)
TOTAL IMPERVIOUS AREA:	74,954 SF	1.72 AC± ( 55%)
TOTAL PERVIOUS AREA:	61,997 SF	1.42 AC± ( 45%)

PARKING REQUIRED: 8 SPS.  
STORAGE AREA: 1 SP. PER 10,000 SF. (78,786 SF)

PARKING PROVIDED: 8 SPS. (INCL. 1 H/C)

**R/W IMPROVEMENTS:**

PAVEMENT AREA: 4,696 SF 0.11 AC±  
CONCRETE AREA: 2,940 SF 0.07 AC±

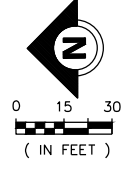
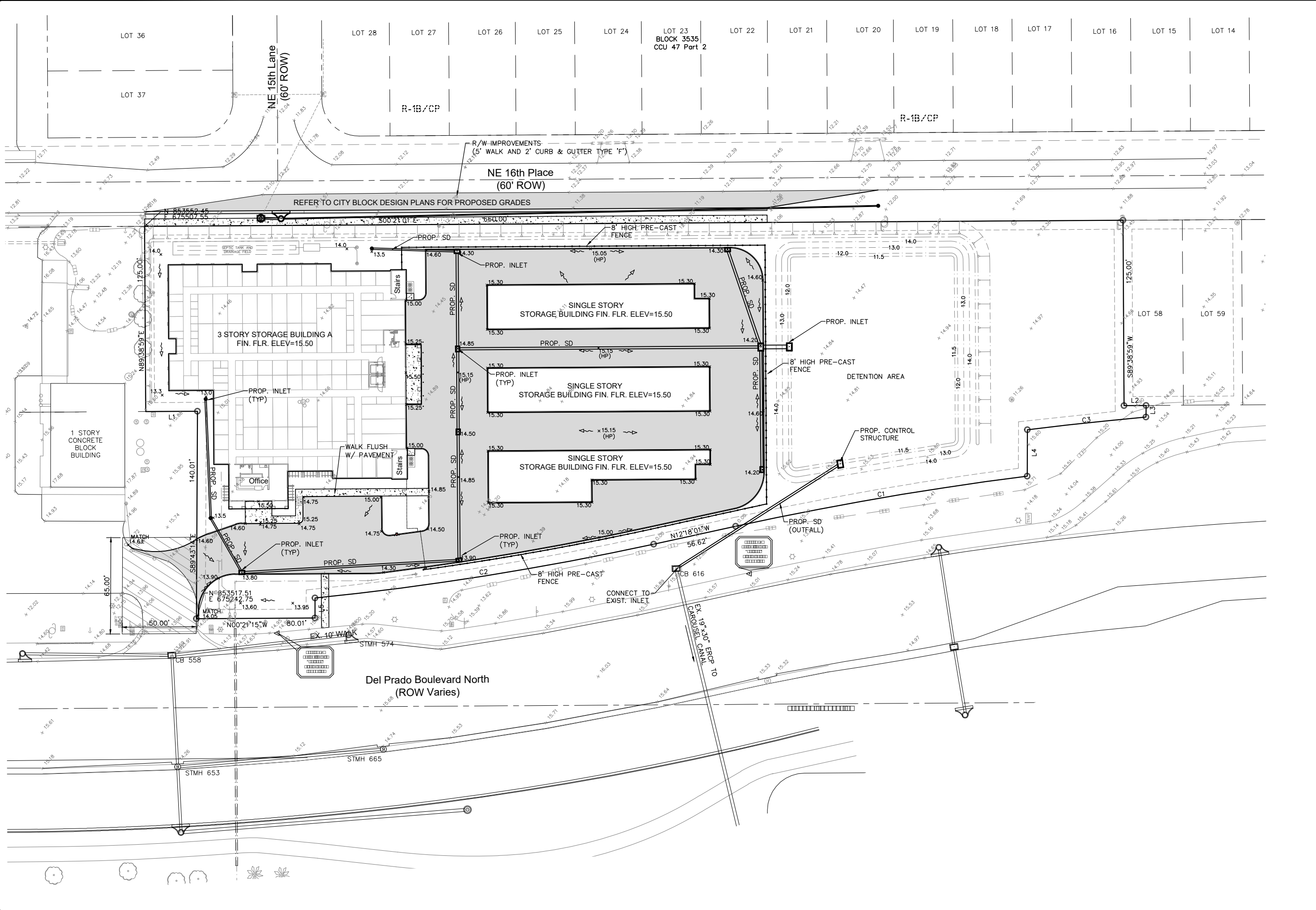
**CURVE TABLE**

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	2255.60	199.58	5°04'11"	N09°45'55"W	199.51
C2	2033.40	231.44	6°31'16"	N09°02'22"W	231.31
C3	2286.60	80.50	2°01'02"	N06°08'33"W	80.50

**LINE TABLE**

LINE	BEARING	LENGTH
L1	N00°21'01"W	34.85'
L2	S00°21'01"E	14.85'
L3	N89°43'14"W	7.84'
L4	N89°43'09"W	31.23'
L5	N89°44'38"W	13.50'

P:\CAD\2018\18-123\18-123-PDP-PLAN.dwg, 4 PAVING GRADING & 5/17/2018 11:48:37 AM, Avalon Engineering Inc.



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DATE	BY	REVISION DESCRIPTION
02/22/18	US	REVISED PDP INITIAL SUBMITTAL
05/17/18	US	REVISED PDP 1ST RESUBMITTAL

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

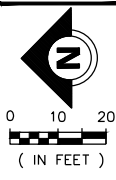
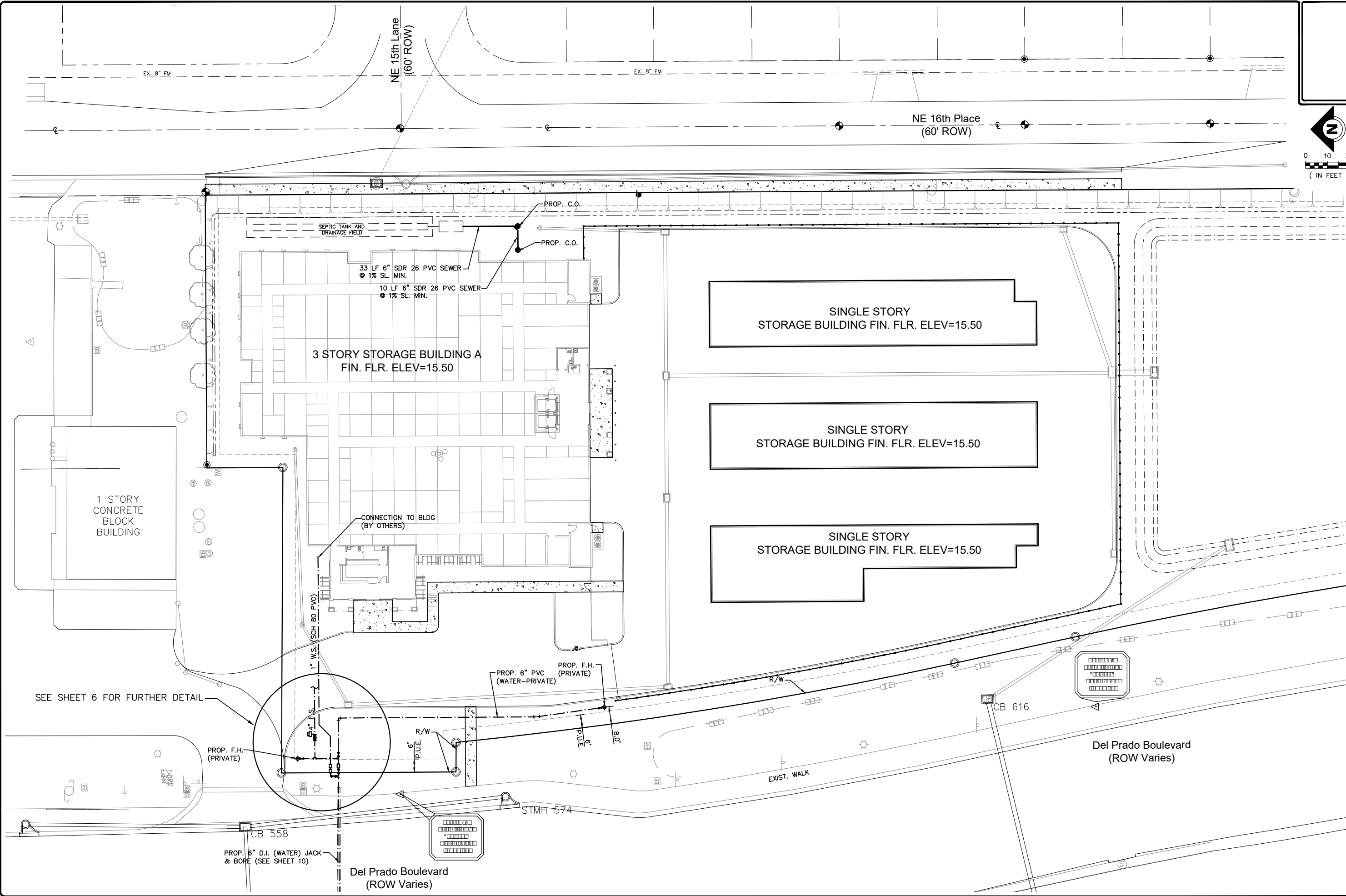
**DEVELOPER:** Hide-Away Storage Services  
6791 28th Street Circle E  
Sarasota, Florida 34243  
Phone: (941) 755-1166

**Cape Hide-Away Storage**  
1625 Del Prado Boulevard North  
Cape Coral, Florida

**PAVING, GRADING, & DRAINAGE PLAN**

Jack Schrage, P.E.  
FL LICENSE # 24070

P:\CAD\2018\18-123\PPD-PLOT18-123\_M-UTIL.dwg, 5 UTILITY, 5/17/2018 11:48:45 AM, Avalon Engineering Inc.



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DATE	BY	REVISION DESCRIPTION
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05/17/18	US	REVISED PDP 1ST RESUBMITTAL

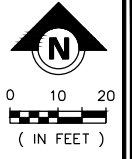
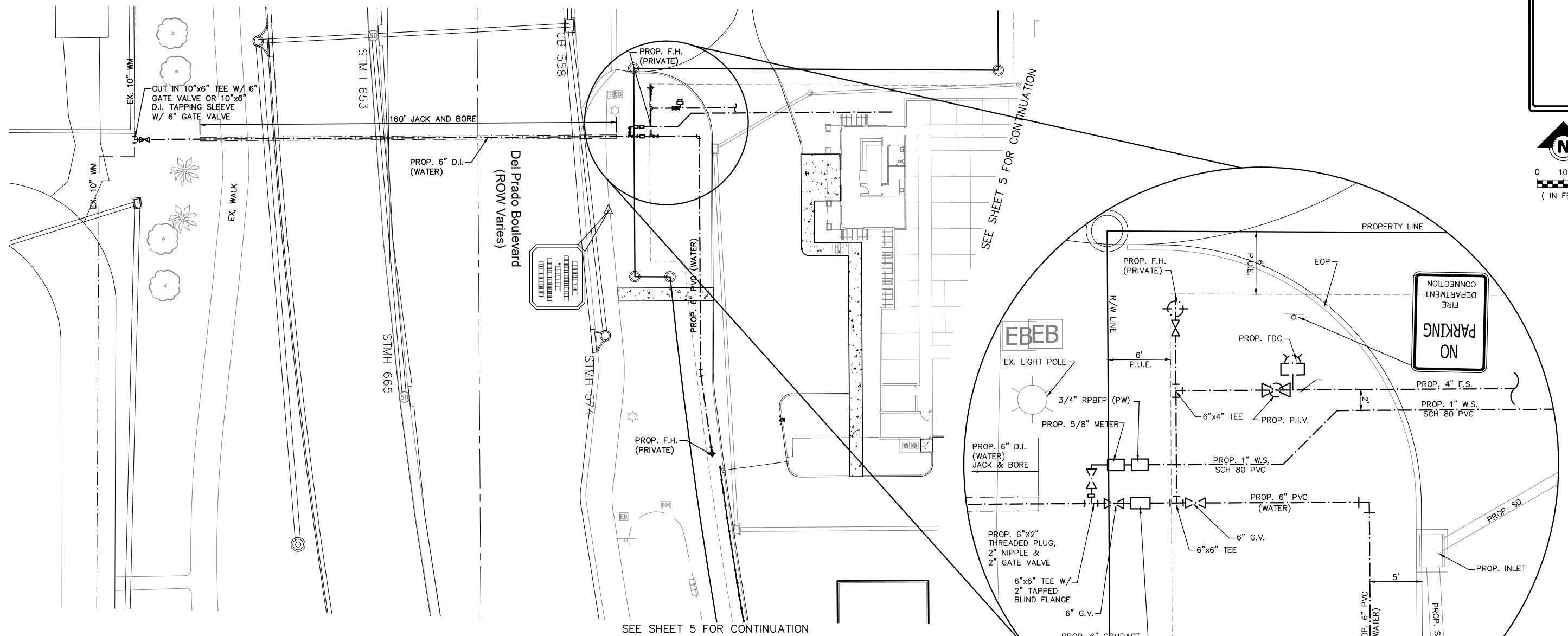
**AVOLON ENGINEERING, INC.**  
 2503 DEL PRADO BLVD. #200  
 CAPE CORAL, FLORIDA 33904  
 FBPE#3128 (239) 573-2077

**DEVELOPER:**  
 Cape Hide-Away Storage Services  
 6791 28th Street Circle E  
 Sarasota, Florida 34243  
 Phone: (941) 755-1166

**Cape Hide-Away Storage**  
 1625 Del Prado Boulevard North  
 Cape Coral, Florida

**UTILITY PLAN**

Jack Schrage, P.E.  
 FL LICENSE # 24070



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DATE	BY	REVISION DESCRIPTION
05/17/18	US	REVISED P.P.D. 1ST RESUBMITTAL
07/22/18	US	REVISED P.P.D. 1ST RESUBMITTAL
05/17/18	US	REVISED P.P.D. 1ST RESUBMITTAL

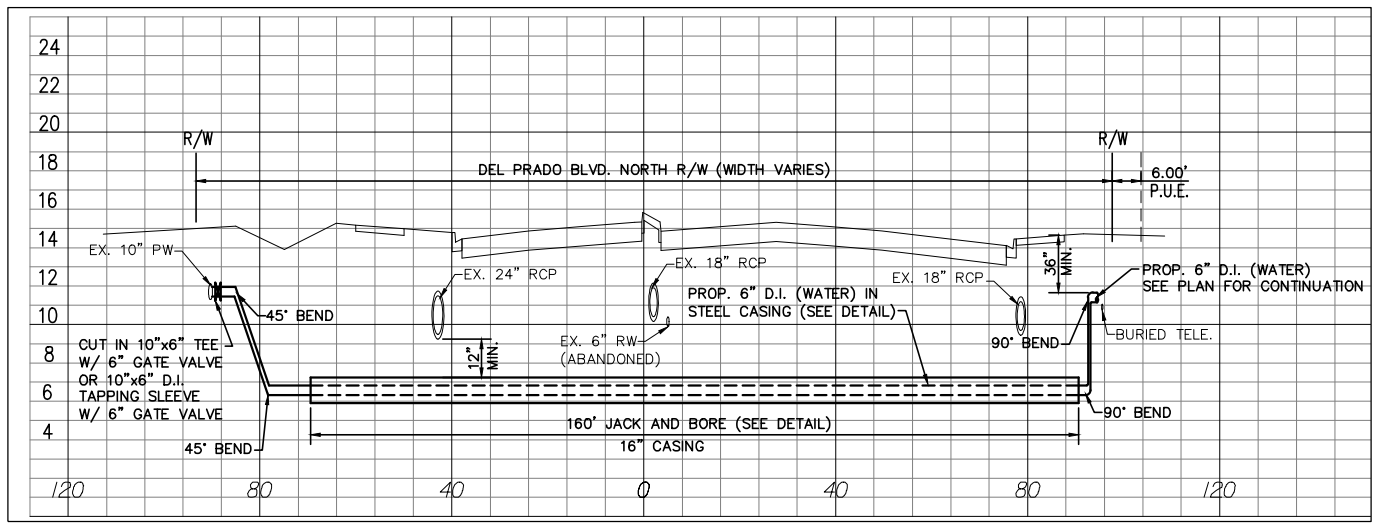
**AVOLON ENGINEERING, INC.**  
 2503 DEL PRADO BLVD. #200  
 CAPE CORAL, FLORIDA 33904  
 FBPE#3128 (239) 573-2077

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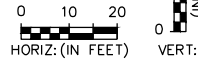
**Cape Hide-Away Storage**  
 1625 Del Prado Boulevard North  
 Cape Coral, Florida

**UTILITY PLAN**

Jack Schrage, P.E.  
 FL LICENSE# 24070



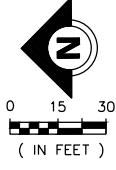
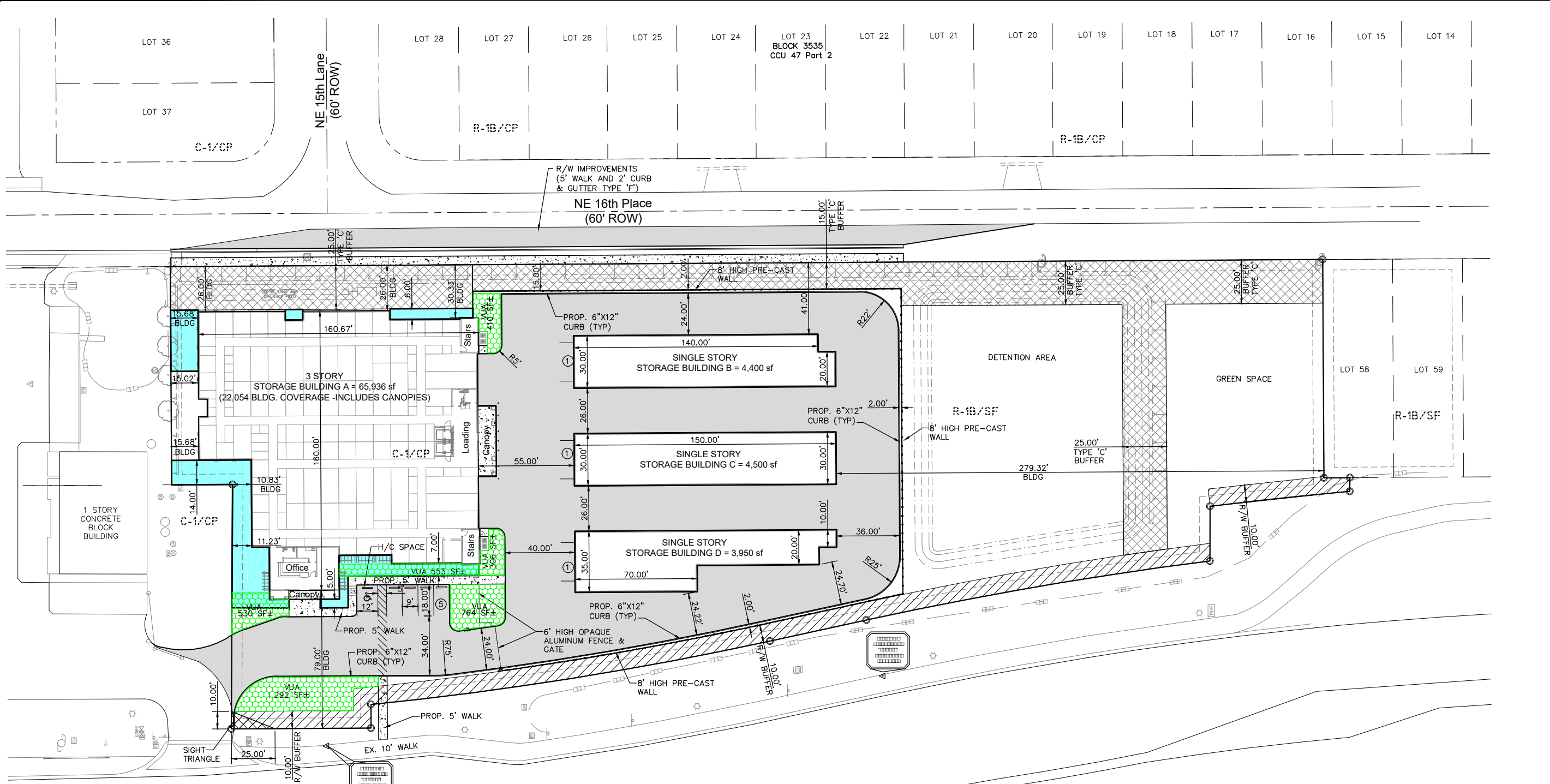
**6" WATER SERVICE JACK & BORE PROFILE**



**JACK & BORE NOTES:**

1. ALL 6" WATER PIPE SHALL BE D.I. CLASS 350, RESTRAINED JOINT.
2. CONTRACTOR TO VERIFY EXISTING UTILITIES AND DRAINAGE PIPES PRIOR JACK AND BORE INSTALLATION.

P:\CAD\2018\18-123\PP-PLOT18-123\_M-LANDSCAPE.dwg, 7 LANDSCAPE, 5/17/2018 11:48:56 AM, Avalon Engineering Inc.



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05/17/18	US	REVISED PDP 1ST SUBMITTAL

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

**DEVELOPER:**  
 Hide-Away Storage Services  
 6791 28th Street Circle E  
 Sarasota, Florida 34243  
 Phone: (941) 755-1166

**Cape Hide-Away Storage**  
 1625 Del Prado Boulevard North  
 Cape Coral, Florida

**LANDSCAPE PLAN**

#18-123/PDP

Del Prado Boulevard North  
(ROW Varies)

**LANDSCAPE LEGEND**

- BUFFER TYPE 'C' (WITH AND WITHOUT A WALL)
- 10' RIGHT-OF-WAY PLANTINGS (1 CANOPY TREE /30 LF & 1 SHRUB/3 LF)
- VEHICLE USE AREA (VUA)  
 REQUIRED AREA: (10% TOTAL PAVED AREA = 38,432 SF x 10% = 3,843 SF)  
 PROVIDED AREA: 3,855 SF
- FOUNDATION LANDSCAPING  
 REQUIRED AREA: (10% TOTAL BUILDING AREA = 34,904 SF x 10% = 3,490 SF)  
 PROVIDED AREA: 3,572 SF

**SITE DATA:**

TOTAL SITE AREA:	136,969 SF.	3.14 AC.± (100%)
BUILDING AREA:	34,904 SF.	0.80 AC± ( 26%)
(78,786 SQ.FT. TOTAL STORAGE AREA)		
PAVEMENT AREA:	38,432 SF	0.88 AC± ( 28%)
CONC. & WALKS:	1,618 SF	0.04 AC± ( 1%)
OPEN SPACE:	62,015 SF	1.42 AC± ( 45%)

TOTAL IMPERVIOUS AREA: 74,954 SF 1.72 AC± ( 55%)  
 TOTAL PERVIOUS AREA: 62,015 SF 1.42 AC± ( 45%)

PARKING REQUIRED: 8 SPS.  
 STORAGE AREA: 1 SP. PER 10,000 SF. (78,786 SF)  
 PARKING PROVIDED: 8 SPS. (INCL. 1 H/C)

**R/W IMPROVEMENTS:**

PAVEMENT AREA: 4,696 SF 0.11 AC±  
 CONCRETE AREA: 2,940 SF 0.07 AC±



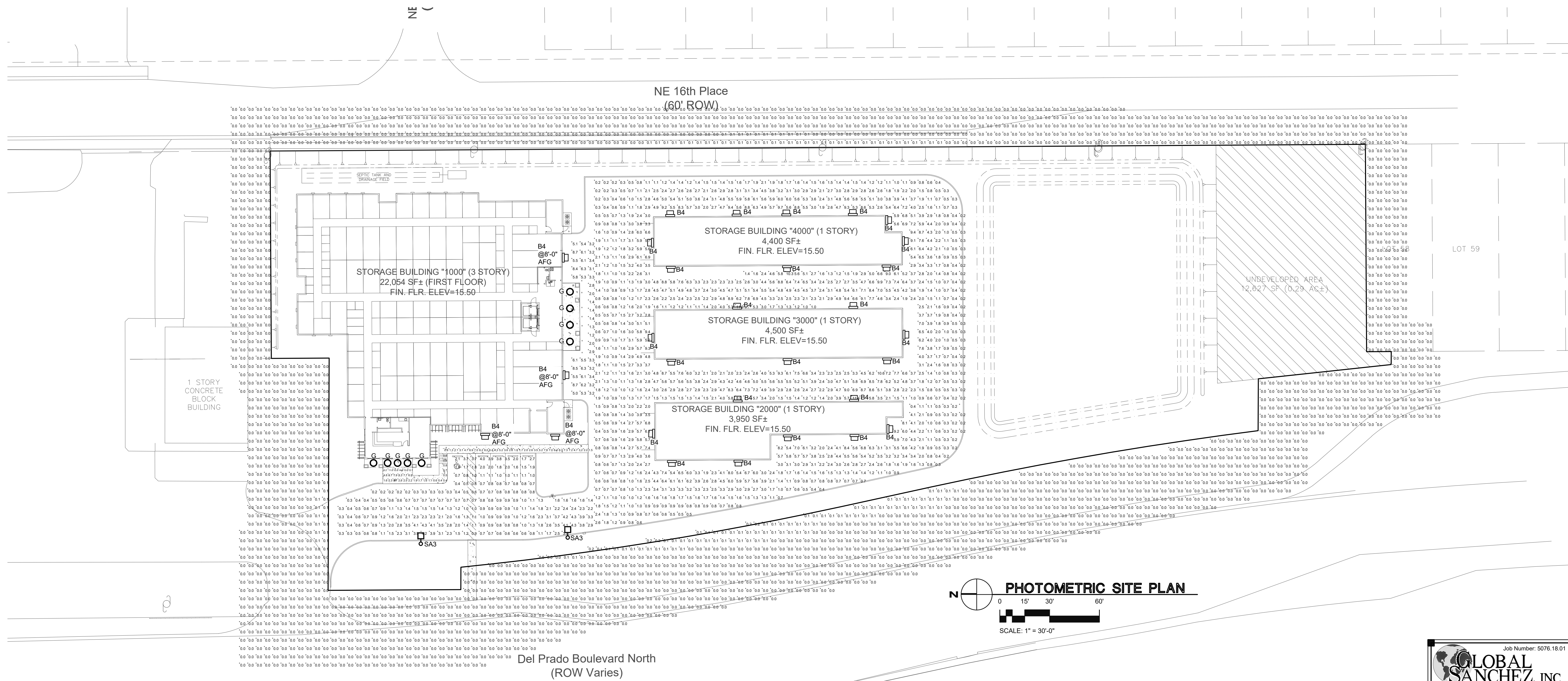
LUMINAIRE SCHEDULE					
Symbol	Qty	Label	Lumens	LLF	Description
	29	B4	N.A.	1.000	HUBBELL: TRP-30L4K-035-4-U-FINISH (7FT MOUNTING HEIGHT UNLESS OTHERWISE NOTED)
	2	SA3	N.A.	1.000	HUBBELL: ASL-A-8L-4K-210-3-EHS-VOLTAGE-COLOR DIRECT BURIAL SMOOTH ROUND COMPOSITE POLE 16FT AFG
	8	G	N.A.	1.000	LITEFRAME LF6LEDG4-6LLED5G4-30K-WT 6" ROUND OPEN LED DOWNLIGHT WITH CLEAR REFLECTOR

- ### GENERAL NOTES
- DO NOT SCALE FROM THESE DRAWINGS.
  - ALL WORK SHALL BE PERFORMED IN STRICT ACCORDANCE WITH THE 2014 NATIONAL ELECTRICAL CODE (NEC).
  - ELECTRICAL CONTRACTOR SHALL COORDINATE WORK WITH ALL OTHER TRADES TO ASSURE PROPER CLEARANCES FOR EQUIPMENT AND TO KEEP THE JOB PROGRESSING.
  - PROVIDE REVISED PHOTOMETRICS FOR ANY SUBSTITUTE FIXTURES.

### CALCULATION SUMMARY

Label	CalcType	Units	Avg	Max	Min	Max/Min	Avg/Min
ENTRY/PARKING	Illuminance	Fc	1.5	4.3	0.2	21.5:1	7.5:1
PARKING-ADA	Illuminance	Fc	2.8	11.9	0.2	59.5:1	28.0:1
DRIVE AISLES	Illuminance	Fc	2.0	6.3	0.6	10.5:1	3.3:1
LOADING AREA	Illuminance	Fc	4.5	8.7	1.2	7.3:1	3.8:1
SIDEWALK-ENTRY	Illuminance	Fc	4.6	14.8	0.3	49.3:1	15.3:1
SIDEWALK-GATE	Illuminance	Fc	4.5	7.6	0.8	9.5:1	5.6:1
LIGHT TRESPASS	Illuminance	Fc	0.0	0.2	0.0	N/A	N/A

- ### ELECTRICAL SYMBOL LEGEND
- LIGHTING FIXTURES**
- AREA/SITE LIGHTING FIXTURE. SEE LUMINAIRE SCHEDULE.
- ABBREVIATIONS**
- |        |   |        |                        |
|--------|---|--------|------------------------|
| A      | AMPERE  | NF     | NON-FUSED              |
| AFF    | HEIGHT ABOVE FINISHED FLOOR                           | P      | POLE                   |
| AFG    | HEIGHT ABOVE FINISHED GRADE                           | PH     | PHASE                  |
| ETR    | EXISTING TO REMAIN                                    | REL    | RELOCATED              |
| GFI    | GROUND FAULTY CIRCUIT INTERRUPTING TYPE WIRING DEVICE | REM    | TO BE REMOVED          |
| KW     | KILOWATT  | REP    | REPLACE WITH NEW       |
| LTG    | LIGHTING  | U.N.O. | UNLESS NOTED OTHERWISE |
| MTR    | MOTOR   | VA     | VOLT AMPERE (POWER)    |
| N.I.C. | NOT IN CONTRACT                                       | WP     | WEATHERPROOF ENCLOSURE |



REVISIONS

DRAWN BY  
P.FEIKEMA

5/11/2018

**Studio x 2 architects, pa**  
510 7th Street East  
Bradenton, Florida 34208  
941.747.0220  
www.studiox2architects.com



**Hide-Away Storage  
Del Prado Boulevard  
Photometric Site Plan**

1533 Del Prado Boulevard North, Cape Coral, Florida 33909

Job Number: 5076.18.01

**GLOBAL SANCHEZ, INC.**  
BUILDING SYSTEMS ENGINEERING  
info@global-sanchez.com CA#: 6237

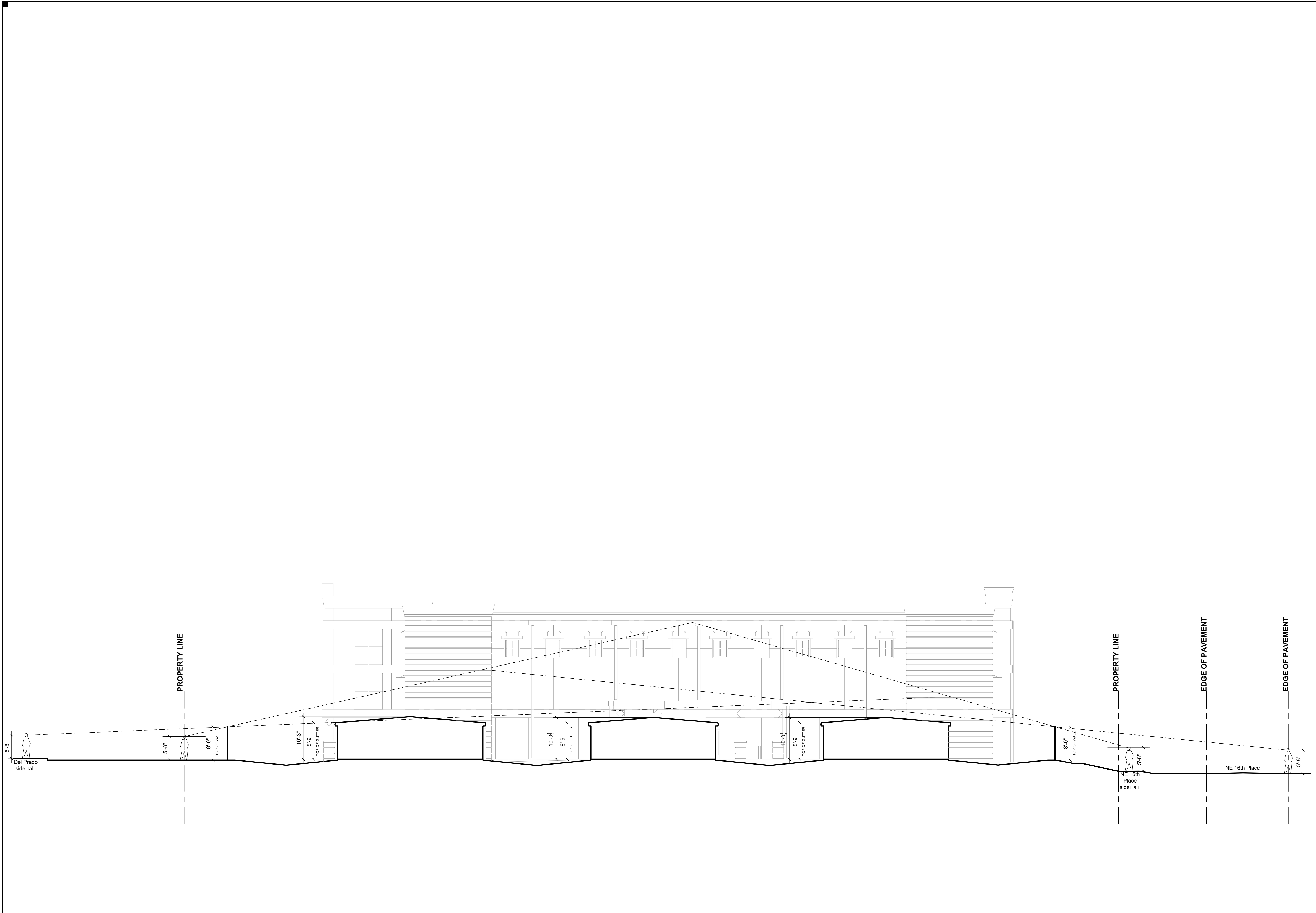
Bradenton: 816 Manatee Ave. E, Suite 18  
Bradenton, FL 34208  
Phone: 941-758-2551

Tampa: 3825 Henderson Blvd., Suite 103  
Tampa, FL 33629  
Phone: 813-281-0001

2016038  
JOB NO

**SL1.1**

DATE  
05/11/18



**1 SITE CROSS SECTION**  
SCALE: 1" = 10'-0"



REVISIONS
DRAWN BY <b>CSS</b>

CHESTER C. SCOTT III ART153	SEAL
TINA HUI LONG-FORSLUND ART148	

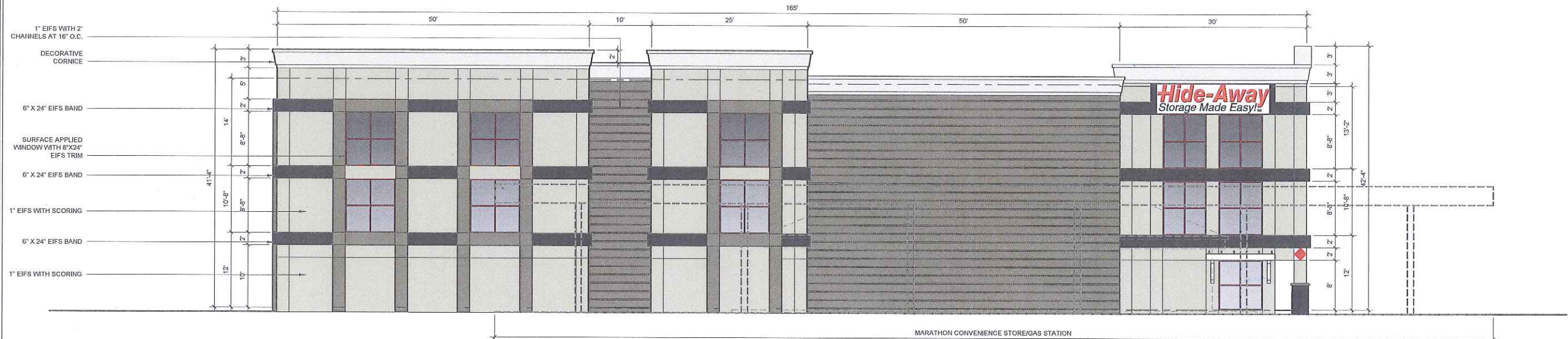
**Studio X 2**  
Architects, pa  
510 7th Street East  
Bradenton, Florida 34208  
941.747.0220  
www.studiox2architects.com



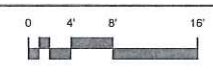
**Hide-Away Storage  
Del Prado Boulevard  
Fence and Gate Elevations**  
1533 Del Prado Boulevard North, Cape Coral, Florida 33909

JOB NO 20016028
<b>A1.4</b>
of 15
DATE 02/18/2018



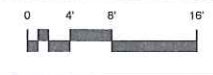


1 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



GLAZING AREA = 1035/2892 = 0.36

2 EAST ELEVATION  
SCALE: 1/8" = 1'-0"



REVISIONS
DRAWN BY CS3

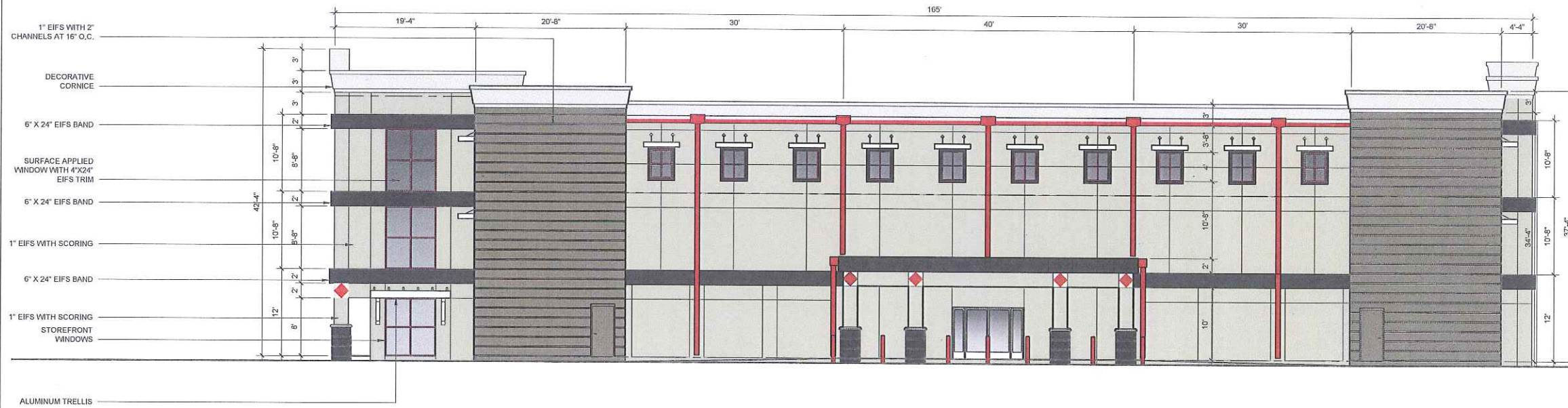
CHESTER C SCOTT II ARCHITECTS  
TINA HUE LONG-FORSLUND ARCHITECT

**Studio x 2**  
Architects, pa  
510 7th Street East  
Bradenton, Florida . 34208  
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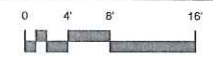


**Hide-Away Storage**  
**Del Prado Boulevard**  
**Building 1000 Elevations**  
1533 Del Prado Boulevard North, Cape Coral, Florida 33909

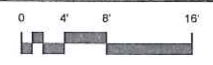
JOB NO	20016028
<b>Aa5.1</b>	
of	15
DATE	02/18/2018



**3 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**4 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



REVISIONS
DRAWN BY CS3

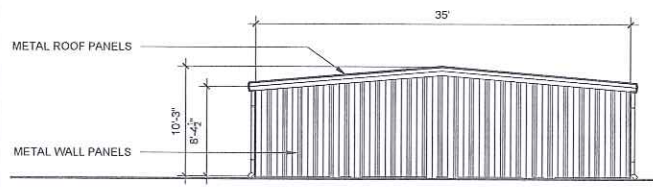
SEAL
CHESTER C SCOTT III A11183
TINA HE LONFORSLEND A11548

**Studio x 2 Architects, pa**  
510 7th Street East  
Bradenton, Florida, 34208  
941.747.0220  
www.studiox2architects.com

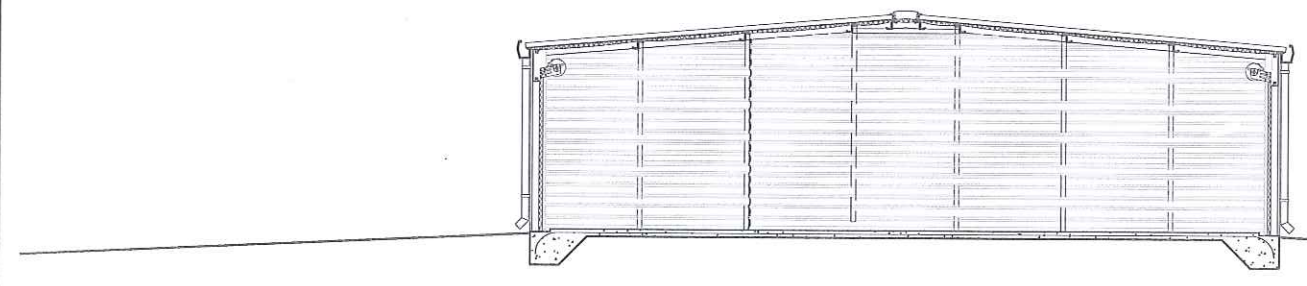
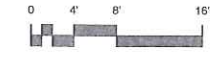
**Hide-Away Storage  
Del Prado Boulevard  
Building 1000 Elevations**  
1533 Del Prado Boulevard North, Cape Coral, Florida 33909

JOB NO	20016028
of	15
DATE	02/18/2018

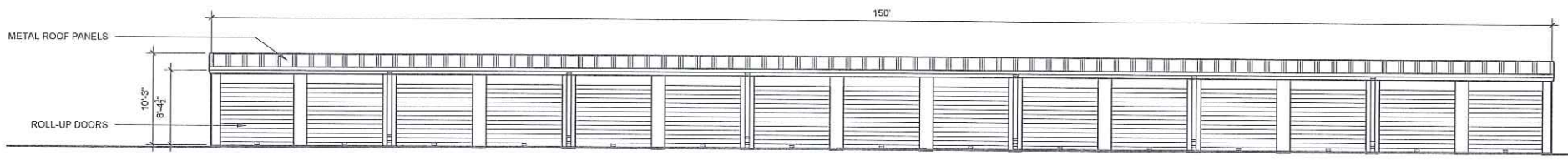
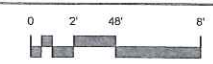
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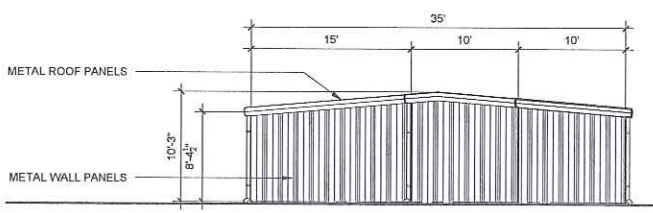
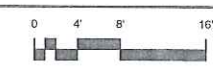
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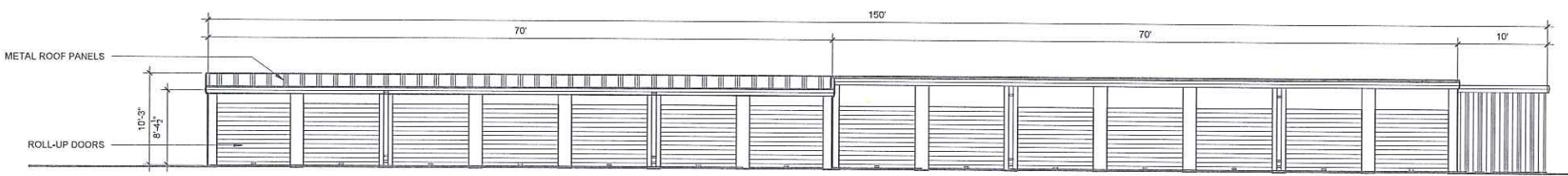
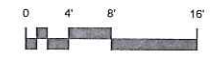
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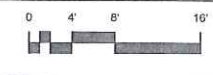
**2 EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**3 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**4 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



REVISIONS
DRAWN BY CS3
SEAL
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**Hide-Away Storage**  
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**Building 2000 Elevations**  
1533 Del Prado Boulevard North, Cape Coral, Florida 33909

JOB NO 20016028
<b>Ab5.1</b>
of 15
DATE 02/18/2018



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

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February 22, 2018

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

PROJECT: CAPE HIDEAWAY STORAGE  
BLOCK 2093 LOTS 15-30 & 42-57

SUBJECT: TRAFFIC GENERATION STATEMENT

Dear Mr. Cautero,

Included herewith are the traffic generation calculations for the above referenced project. As the project creates less than 300 vehicle trips, peak hour of the generator, a traffic impact statement will not be necessary.

Source: I.T.E. Trip Generation Manual, 9th Edition  
Land Use: (151) Neighborhood Storage Facility  
Gross Floor Area: 78,786 square feet

A.M. Peak Hour of the Generator:  
0.28 Average Rate per 1,000 SF

11.47 vehicles entering 52%  
10.59 vehicles exiting 48%  
22.06 TOTAL VEHICLES

P.M. Peak Hour of the Generator:  
0.29 Average Rate per 1,000 SF

12.11 vehicles entering 53%  
10.74 vehicles exiting 47%  
22.85 TOTAL VEHICLES

If you should have any questions or require additional information, please feel free to call me.

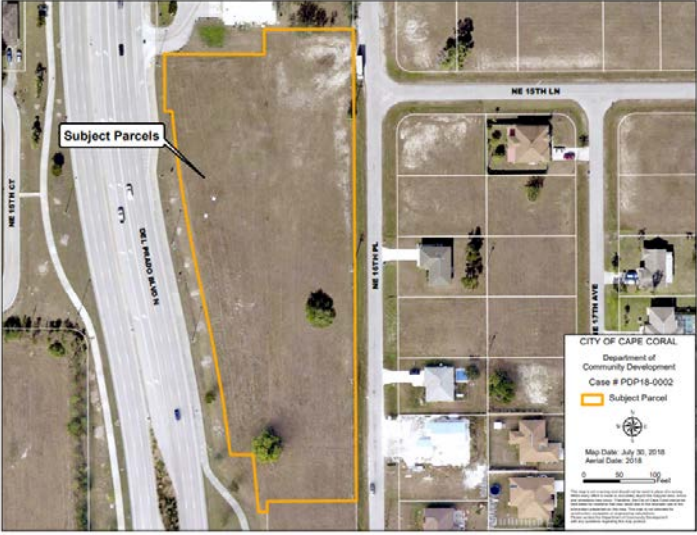
Sincerely,

AVALON ENGINEERING, INC.

Linda Miller, AICP  
Senior Planner

**PLANNING DIVISION STAFF REPORT**  
**PDP18-0002 – CAPE HIDE-AWAY STORAGE**

<p><b>SITE LOCATION</b>          1521 Del Prado Boulevard North.          Site is at the intersection of Del Prado Boulevard North and Diplomat Parkway East.</p>	<p><b>APPLICANT/PROPERTY OWNER</b>          Xpress Storage Cape Coral, LLC</p>
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<p><b>SUMMARY OF PDP REQUESTS</b></p> <p>The applicant requests approval of a Planned Development Project (PDP) entitled “Cape Hide-Away Storage” to develop a neighborhood storage facility on a 3.14 acre site in the northeastern quadrant of Cape Coral. The applicant requests the following approvals:</p> <ol style="list-style-type: none"> <li>1) Special exception for a “neighborhood storage facility”,</li> <li>2) Deviation from LUDR, Section 2.7.7.D.5.f,</li> <li>3) Deviation from LUDR, Section 2.7.7.D.5.i, and</li> <li>4) Deviation from LUDR, Section 5.6.</li> </ol>	
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IMAP SOURCE

**STAFF RECOMMENDATION:** **Approval with conditions.**

<p><b>Positive Aspects of Application:</b></p>	<p>Site has frontage on a major arterial. Proposed use will generate low levels of traffic, noise, and light. The site has adequate size for a neighborhood storage facility. Existing single-family homes are separated by a two-lane street.</p>
<p><b>Negative Aspects of Application:</b></p>	<p>Residential properties are on two sides of the site.</p>
<p><b>Mitigating Factors:</b></p>	<p>The development will be screened and buffered from nearby residential properties.</p>

**SITE INFORMATION**

**Location:** 1521 Del Prado Boulevard North.  
 Unit 31. Block 2093. Lots 15-30 and 42-57.  
 Southeast intersection of Del Prado Boulevard North and Diplomat Parkway East.

**STRAP Number:** 06-44-24-C2-02093.0230

**Site Area:** 3.14 acres

<i>Site:</i>	<i>Future Land Use</i>	<i>Zoning</i>
<b>Current:</b>	<b>Commercial/Professional</b>	<b>Pedestrian Commercial (C-1) / Single-Family Residential (R-1B)</b>
	<b>Surrounding Future Land Use</b>	<b>Surrounding Zoning</b>
<b>North:</b>	<b>CP</b>	<b>C-1</b>
<b>South:</b>	<b>Single-Family Residential (SF)</b>	<b>R-1B</b>
<b>East:</b>	<b>CP and SF</b>	<b>C-1 and R-1B</b>
<b>West:</b>	<b>SF</b>	<b>R-1B</b>

**Urban Service Area:** Transition

**City Water/Sewer:** Yes

**Access Road:** The site has frontage on two streets – Del Prado Boulevard North and NE 16<sup>th</sup> Place. Access from Del Prado Boulevard would be via an existing driveway currently used by a gas station north of the site. Access via NE 16<sup>th</sup> Place will be limited to emergency vehicles.

**PROJECT REQUESTS**

The Cape Hide-Away Storage PDP includes the five following requests for approval:

- 1.Special exception for a “Neighborhood Storage Facility”,
- 2.Deviation from LUDR, Section 2.7.7.D.5.f,
- 3.Deviation from LUDR, Section 2.7.7.D.5.i,
- 4.Deviation from LUDR, Section 5.6, and
- 5.Development Plan approval.

**PROJECT DESCRIPTION**

The applicant is seeking PDP approval for a development that will include a neighborhood storage facility along with associated parking, landscaping, and water management system. A neighborhood storage facility is defined in the City LUDR as:

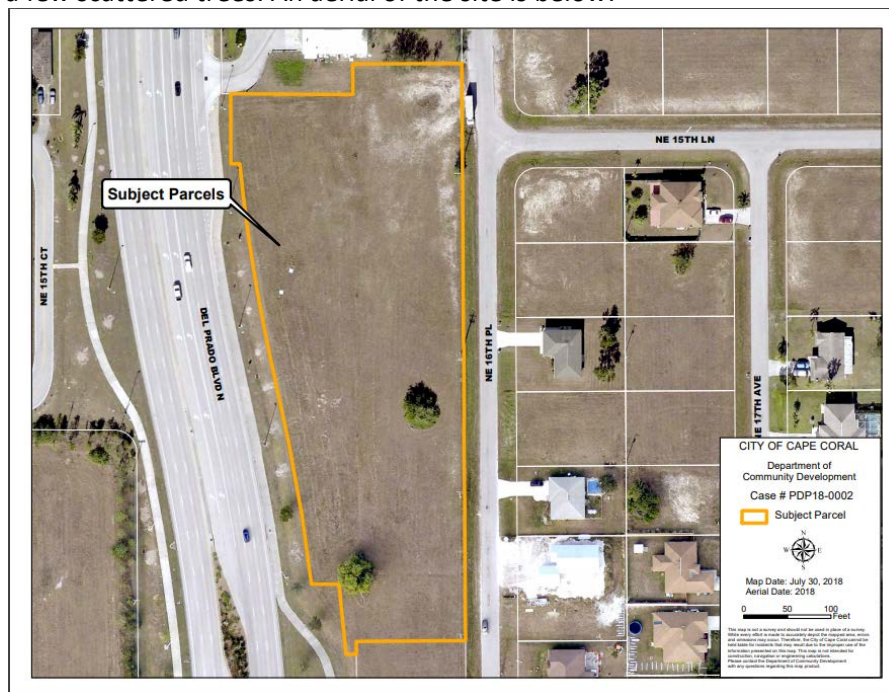
“any building or group of buildings on a common site designed to provide, generally for a fee, separate storage rooms or units or businesses, and constructed so that overhead doors or individual

storage unit doors that are not visible from adjoining property or from any public right-of-way and provide the only access to the aforesaid storage rooms or units.”

The neighborhood storage facility will consist of one 22,054 sq. ft. three-story storage building and three additional storage buildings that range from 3,9050 sq. ft. to 4,500 sq. ft. All four buildings total 34,904 sq. ft. The development will have access from Del Prado Boulevard via a driveway that is shared with the development to the north. The development will also include an 8’ high pre-cast wall that will be on the east, west, and south sides of the neighborhood storage facility. All individual storage units will be screened from adjacent properties by either a buffer wall or the wall of a storage building. LUDR, Section 2.7.7.5 has several special regulations for neighborhood storage facilities that include restrictions on outdoor storage, lighting, and regulations regarding building aesthetics.

### FINDINGS OF FACT

The 3.14 acre site in northeastern Cape Coral<sup>1</sup>. The site has two separate future land use and zoning designations. 2.2 acres of the site has a future land use designation of Commercial/Professional (CP) and the zoning is Pedestrian Commercial (C-1). The remaining 0.94 acres, the southern portion of the site, has a future land designation of Single-Family Residential (SF) and the zoning designation is Single-Family Residential (R-1B). The applicant seeks approval of a special exception for the northern 2.2 acre portion of the site, while the remaining portion of the site will be utilized as a stormwater retention area and is not included in the special exception request. The site has frontage along Del Prado Boulevard to west and NE 16<sup>th</sup> Place<sup>2</sup> to the east. The surrounding area is a convenience store with gas pumps to the north, single-family residences and scattered undeveloped lots to the east and south, and Del Prado Boulevard to the west. The site is in the Urban Services Transition Area and municipal utilities are available. Most of the site is cleared, the only vegetation is a few scattered trees. An aerial of the site is below:



<sup>1</sup> The special exception is limited to 2.2 acres.

<sup>2</sup> A principal arterial and local road, respectively.

## **ANALYSIS**

### Special Exception

The applicant seeks a special exception use for 2.2 acres to build and operate a neighborhood storage facility. The LUDR defines a special exception as "A use which is essential to or would promote the public health, safety, or welfare in one or more districts, but which would impair the integrity and character of the district in which it is located, or in adjoining districts unless restrictions or conditions on location, size, extent and character of performance are imposed in addition to those imposed in this ordinance." Staff reviewed this application based on LUDR, Section 2.7.7 (C-1 zoning district) and Section 8.8.5, which provides standards for review and applicability.

#### *1. Generally*

C-1 zoning is consistent with the Commercial/Professional future land use designation. Special regulations for neighborhood storage facilities require sites to have a minimum of three acres. While the special exception will only cover 2.2 acres, the total site including water management facilities exceeds the minimum size threshold. The C-1 district has additional regulations regarding loading or unloading of materials, access, storage of materials etc. The development will be required to meet these regulations prior to occupancy of the storage facility and during the operation of the business.

#### *2. Compatibility*

The site comprises 48% of Block 2093.<sup>3</sup> The remainder of the block consists of a gas station, north of the site, and seven single-family residential parcels to the south. One of the parcels south of the site is developed with a single-family home, while the remaining parcels are undeveloped. Single-family homes are to the east of the site and are separated by a two-lane local street. A combination of buildings and a buffer wall will screen individual storage unit doors and loading activities from nearby properties. Additionally, the applicant is proposing to install perimeter landscaping to further buffer and soften the appearance of the buildings. The applicant has also submitted landscape plans that show a Buffer 'C' along the southern retention area.

A Traffic Generation Statement submitted by the applicant states that the development will generate 19 A.M. peak hour trips and 20 P.M. peak hour trips. This is a minimal number of trips for a commercial development with frontage along a major arterial. All vehicles entering and exiting the site will use the access from Del Prado Boulevard. The lack of ingress or egress onto local streets should result in minimal impact to surrounding homes.

The applicant has submitted a Photometric Plan that demonstrates light levels will not exceed 0.3 footcandles. This level of illumination should not be disruptive to residents. Additional regulations in the LUDR restrict the height for outdoor lighting to 15 feet and to shield the light from nearby properties.

Noise associated with this use should be low compared to several uses allowed in the C-1 zoning district. The neighborhood storage facility use does not include outdoor storage, repairs, or involve fabrication that could generate noise.

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<sup>3</sup> Total area of Block 2093 is 6.5 acres. The site is 3.14 acres.



The site will be lined by buildings on all four sides. Visible building walls will include reliefs and offsets. The buildings will have varied roof lines and decorative parapets. Windows will be limited so storage areas within buildings will not be visible to the public. The applicant has requested deviations from the Non-Residential Design Standards, however, the walls of the storage facilities will be internal and not visible to the public. The applicant has also indicated that all landscaping will be placed on the exterior of the storage facility to allow more visual buffering.

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

3. *Minimum Lot Frontage; Access*

The site has 570 feet of frontage along Del Prado Boulevard, however, the area covered by the special exception has 410 feet of frontage. The site also has frontage along NE 16<sup>th</sup> Avenue, a local street. The only entrance available to the public will be on Del Prado Boulevard, which is a shared driveway. A secondary access for fire trucks or emergency vehicles will be on NE 16<sup>th</sup> Ave, however, this will not be available to customers. The applicant will be required to meet the City parking standard for the storage facility.

4. *Building Location; Setbacks*

All buildings will have a minimum front setback of 25 feet from the eastern property line and a 10-foot setback from the north, south, and west property lines.

5. *Screening and Buffering*

The applicant's Development Plan shows perimeter landscaping along the east, south, and west sides of the project. The southern end of the project is the stormwater retention area and a buffer is shown along this retention area. The eastern side of the development is separated from R-1B zoning by only a two-lane road, therefore, a Buffer "C" will be required along. The development will also require landscaping along rights-of-way and will be required to provide a minimum of one tree per 1,000 feet of development.

A combination of buildings and a buffer wall around the development's perimeter will screen storage unit doors from public streets and nearby properties. All loading activities will be screened from view by building walls and the buffer wall.

Special Exception Recommendation

Planning staff finds the applicant's request for a special exception is consistent with LUDR, 8.8.5 and recommends approval with the following conditions:

1. The project shall be generally consistent with the following plans submitted by the applicant:
  - a. Master Development Plan
  - b. Photometric Plan
  - c. Landscape Plan

2. The development shall not be built without the proposed eight-foot wall surrounding the development as shown on the Master Development Plan.
3. A certificate of use shall not be issued for any building until Buildings “B”, “C”, and “D” have been constructed, the wall along NE 16<sup>th</sup> Place has been installed, and all landscaping on the site has been installed and inspected by the City.

#### Deviation from LUDR, Section 2.7.7.D.5.f

LUDR, Section 2.7.7.D.5.f states that “a neighborhood storage facility shall not be located in a metal building. In addition, the following exterior building materials shall not be used on any neighborhood storage facility exterior wall that is visible from adjoining property or from any public right-of-way: vinyl or plastic siding; corrugated, reflective, or metal panels; smooth, scored, or split-faced block; any translucent material other than glass”.

The applicant is requesting the deviation to allow three single-story buildings constructed of metal. The applicant states that a previous neighborhood storage facility was approved under a set of regulations. The previous regulations only prohibited metal for predominant exterior building walls. The applicant states the new design of the project will be focused on the three-story storage building that will be designed similar to an office building. The applicant states that the one-story metal buildings will be screened by an eight-foot high opaque wall. The height of the metal buildings will range from 8’4” to 10’3”.

#### Analysis and Recommendation

Deviations requested within a PDP are reviewed according to the standards set forth in LUDR, Section 4.2.4.K., which state the following:

“To provide design flexibility in developing land through the PDP process, deviations from the City of Cape Coral Land Use and Development Regulations which relate to standards of the zoning district of the site in question, including, but not limited to, area, dimensional, and other standards, may be approved in a PDP development order by the City Council provided that the PDP demonstrates unique and innovative design which would be enhanced by the approval of such deviation(s) and that the intent of such regulations to protect the health, safety, and welfare of the public would be served by the approval of the deviation.”

As discussed previously, the applicant states in their letter of intent that the buildings will be built behind an eight-foot opaque wall that will screen the buildings from view. Additionally, the applicant has submitted a sight line exhibit that shows the buildings being adequately screened from view by the wall.

#### **Unique and Innovative Design**

LUDR, Section 4.2.4.K provides examples of what may constitute a unique and innovative design. Such examples include dedication of open space for recreational use, the setting aside of land for conservation purposes or providing areas for public assembly. Planning staff finds that the applicant has demonstrated adequate justification for the deviation request as the applicant proposes to build a wall that screens the buildings from view. The construction of the wall and associated buildings is a unique design that will provide visual relief to the surrounding neighborhoods.

## **Health, Safety and Welfare of Public**

Planning staff finds that the applicant's requested deviation does not have a specific negative impact on the health, safety or welfare of the public, and the development's design including the wall and landscaping may slightly enhance the health, safety and welfare of the community by screening the smaller buildings from view. The wall and landscaping should increase the compatibility between the development and community.

Planning staff finds that the applicant's request for a deviation from LUDR, Section 2.7.7.D.5.f meets both criteria found in LUDR, Section 4.2.4.K and staff recommends approval.

### Deviation from LUDR, Section 2.7.7.D.5.i

LUDR, Section 2.7.7.D.5.i states that "the maximum building height of any newly constructed neighborhood storage facility shall be two stories or 35 feet; whichever is less". The applicant is requesting the deviation to construct a three-story storage facility with a maximum height of 42'4".

The applicant states that the three-story storage facility will be the first of its kind in Cape Coral, providing more storage in less land area, while providing a building that is similar to an office building in appearance. The applicant also states that the building height will allow the development to have 40% open spaces with trees and shrubs provided around the building and the perimeter of the site.

### Analysis and Recommendation

Deviations requested within a PDP are reviewed according to the standards set forth in LUDR, Section 4.2.4.K., which state the following:

"To provide design flexibility in developing land through the PDP process, deviations from the City of Cape Coral Land Use and Development Regulations which relate to standards of the zoning district of the site in question, including, but not limited to, area, dimensional, and other standards, may be approved in a PDP development order by the City Council provided that the PDP demonstrates unique and innovative design which would be enhanced by the approval of such deviation(s) and that the intent of such regulations to protect the health, safety, and welfare of the public would be served by the approval of the deviation."

As discussed previously, the applicant states in their letter of intent that the three-story storage building will be designed to look like an office building rather than a more traditional storage building.

### **Unique and Innovative Design**

LUDR, Section 4.2.4.K provides examples of what may constitute a unique and innovative design. Such examples include dedication of open space for recreational use, the setting aside of land for conservation purposes or providing areas for public assembly. Planning staff finds that the design of the three-story to resemble an office or retail building qualifies as unique or innovative design. The architectural design will make the building similar to other office or retail buildings along Del Prado Boulevard. Planning staff also finds that the C-1 district does not have a maximum building height, even though the special regulations for neighborhood storage facilities restrict height to a maximum of 35 feet. The three-story building will also provide a denser development that allows for approximately 40% open space, even though the open space will not be available for recreational use.

## Health, Safety and Welfare of Public

Planning staff finds that the applicant's requested deviation does not have a specific negative impact on the health, safety or welfare of the public, and the development's design such as enhanced architectural elements may slightly improve the health, safety and welfare of the community by providing a building that looks like similar to commercial buildings along the Del Prado Boulevard corridor.

Planning staff finds that the applicant's request for a deviation from LUDR, Section 2.7.7.D.5.i meets both criteria found in LUDR, Section 4.2.4.K and staff recommends approval.

### Deviation from LUDR, Section 5.6

LUDR, Section 5.6 requires all non-residential developments to follow the "Non-Residential Design Standards". The applicant is requesting the deviation for all sides of the three one-story storage buildings.

The applicant states that adherence to these standards would be an undue hardship because the buildings will be screened by an opaque eight-foot wall and the buildings will not be visible to the public. The buildings will only be visible on the interior of the development by customers utilizing the facility.

### Analysis and Recommendation

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

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

The applicant states they are requesting the deviation from LUDR, Section 5.6 due to the hardship criterion.

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

**Staff response:** No. The site has over 3 acres and is flat and has the shape of a rectangle. There are no physical features associated with the site that would interfere with complying with the architectural standards.

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

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

The first factor is regarding the visibility of the buildings from outside the development. Deviations are sought to the sides of buildings that will not be visible from outside the development. These walls will be screened by a buffer wall

and landscaping. Building walls, such as the walls on the three-story building, visible from a street will comply with City architectural requirements.

The second factor is regarding the nature of the development. Most building walls facing the interior to the development will be lined with roll-up, overhead doors. These doors provide access to individual storage units. Because these doors take up most these building walls, limited space and, therefore, limited opportunity exists to meet the required architectural enhancements on these building walls.

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

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

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

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

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

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

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

Planning staff finds that the applicant's request for a deviation from LUDR, Section 5.6 meets the criteria found in LUDR, Section 5.6.10 and staff recommends approval.

### Comprehensive Plan

#### **Policy 1.15 - Commercial/Professional (CP)**

Intensities of use in the CP land use classification shall not exceed a floor to lot area ratio (FAR) of 1.0. Density, as permitted within the Flexible Development Overlay District (see below), shall not exceed 16 units per acre. (Note: Zoning districts compatible with this classification may also be used in conjunction with the Mixed Use (MX) future land use classification. When used in conjunction with the MX Classification, densities, intensities and other parameters, as described for these districts may differ from those described for the CP Classification.) 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. However, the City may develop additional zoning districts, compatible with the CP future land use classification, in the future.

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 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 Response:** The sites zoning has the preferred depth for the C-1 district and the development will meet several recommendations found in the CP designation such as meeting the maximum FAR and providing sole access from an arterial roadway.

**Policy 8.3**

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

**Staff Response:** The development will have several feature that should minimize negative impacts on surrounding residential uses such as limited access, an eight-foot hall opaque wall, and perimeter landscaping. Additionally, the traffic and noise generated by the development should be minimal.

General Standards and Requirements for PDPs

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

- A. *Environmental control standards:* The authorized representative reported the results of an environmental survey that was conducted on August 1, 2017. No state or federally protected species were reported nor sensitive lands were found. The project complies with the four standards in LUDR, Section 5.4.
- B. *Maintenance of improvements:* A landscape plan was submitted as part of the PDP application. Full compliance with the City landscaping regulations will be verified when a site plan for the project is submitted.
- C. *Consistency with Comprehensive Plan:* This project is consistent with several policies and goals in the Comprehensive Plan that are discussed in greater detail elsewhere in this report.
- D. *Financial Responsibility:* This standard is not applicable as the owner will not be required to provide a statement of financial responsibility for this project.
- E. *Dimensional requirements:* The project is compliant with dimensional requirements for the C-1 District.
- F. *Maximum density:* This project does not involve a residential use. As a result, this standard is not applicable.
- G. *Minimum parcel size:* The C-1 District requires a minimum of three acres for a Neighborhood Storage Facility Use. The site has an area of 3.14 acres and meets this criterion.

- H. *Time limitation:* Substantial construction is required to commence within two years from the date of project approval or within one year fo the last permit approval for all appropriate regulatory bodies, whichever is less.
- I. *Ownership requirements:* The property owners have signed the PDP application as required by the City.
- J. *Special exceptions:* The Special Exception, with conditions recommended by staff, meets the five standards for evaluating this use.
- K. *Deviations:* Three deviations are requested. The deviations have been justified adequately by the applicant, meet the deviation standards in the LUDR, and staff recommends approval.
- L. *Underground Utilities:* This project will involve new construction and utilities will be placed underground.

Economic Development Master Plan Analysis

The amendment is not directly supported or in conflict with the City Economic Development Master Plan. The site is not within an Economic Opportunity Area nor will the amendment result in addition or deletion of potential multi-family housing.

Concurrency Review

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

**Table 2. Information on Design Capacity, Usage, and Concurrency Status for Various Services.**

SERVICE	FACILITY DESIGN CAPACITY	USAGE	STATUS
Solid Waste	1,836 Tons	1,384 Tons	Capacity exists
Drainage	NA	NA	NA
Potable Water	30.1 MGD <sup>4</sup>	9.4 MGD	Capacity exists
Sewer	28.4 MGD	12.8 MGD	Capacity exists
Roads			
Del Prado Blvd	Level of Service D	14,500 AADT	Capacity exists
NE 16 <sup>th</sup> PI	Level of Service D	No data	Capacity exists

Public Notification

This case will be publicly noticed as required by LUDR, Section 8.3.2.A and 8.3.4 as further described below.

---

Publication: A display ad will be prepared and sent to the *News-Press* announcing the intent of the petitioners as 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.

Written notice: Property owners located within 500 feet from the property lines of the PDP will receive written notification of the scheduled public hearing. 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 request.

## **RECOMMENDATION**

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

---

### **Staff Contact Information**

Chad Boyko, AICP, Principal Planner

PH: 239-573-3162

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



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.





## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** PDP18-0002

**REQUEST:** The applicant requests a Planned Development Project (PDP) to develop a neighborhood storage facility on a 3.14 acre site in the northeastern quadrant of Cape Coral. The applicant is requesting a special exception and three deviations.

**LOCATION:** 1521 Del Prado Boulevard North

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

**PROPERTY OWNER(S):** Xpress Storage Cape Coral, LLC

**AUTHORIZED REPRESENTATIVE:** Avalon Engineering Inc

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, October 2, 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.

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

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

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

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

# The News-Press media group

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

<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
888-516-9220	239-335-0258	FNPLegals@gannett.com

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

**Ad No.:** 0003167079

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

**Net Amt:** \$356.24

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 09/22/18

**Text of Ad:**

**NOTICE OF PUBLIC HEARING**

**CASE NUMBER:** PDP18-0002

**REQUEST:** The applicant requests a Planned Development Project (PDP) to develop a neighborhood storage facility on a 3.14 acre site in the northeastern quadrant of Cape Coral. The applicant is requesting a special exception and three deviations.

**LOCATION:** 1521 Del Prado Boulevard North

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

**PROPERTY OWNER(S):** Xpress Storage Cape Coral, LLC

**AUTHORIZED REPRESENTATIVE:** Avalon Engineering Inc

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by order of  
Rebecca van Deutekom, MMC  
City Clerk  
REF # PDP18-0002  
AD# 3167079 Sept. 22, 2018

Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Xpress Storage Cape Coral LLC

APPLICATION NO: PDP18-0002

STATE OF FLORIDA        )  
                                      ) §  
COUNTY OF LEE         )

I, Vincent A. Caution, 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.

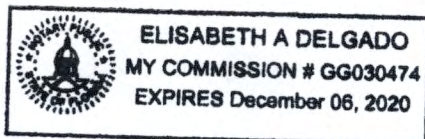
DATED this 25<sup>th</sup> day of September, 2018.

Vincent A. Caution, AICP

STATE OF FLORIDA  
COUNTY OF LEE

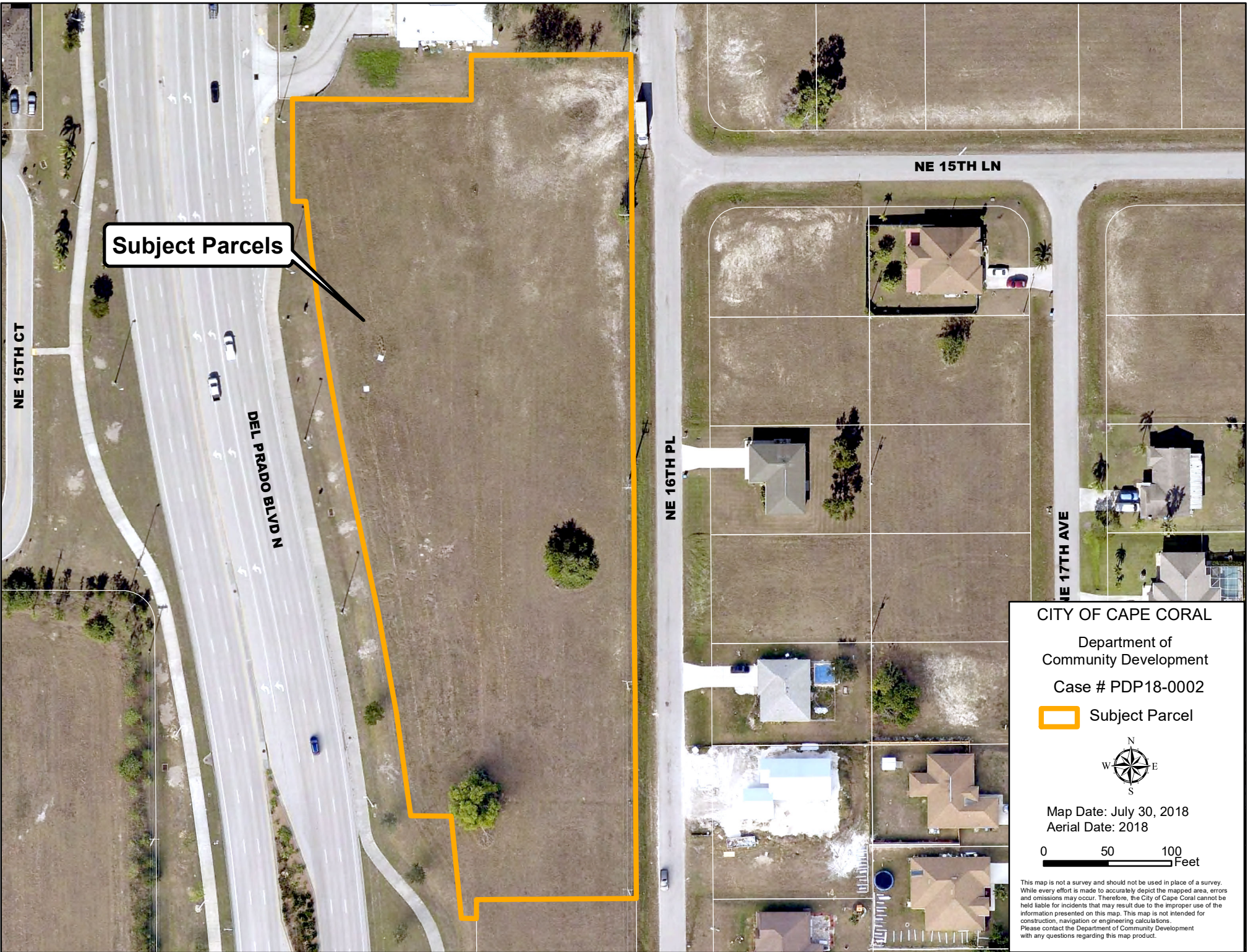
The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of September, 2018, by Vincent A. Caution, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/16/20 Commission # 66030474



Elisabeth A. Delgado  
Signature of Notary Public

Elisabeth A. Delgado  
Print Name of Notary Public



**Subject Parcels**

NE 15TH CT

DEL PRADO BLVD N

NE 16TH PL


NE 15TH LN

NE 17TH AVE

CITY OF CAPE CORAL

Department of  
Community Development

Case # PDP18-0002

 Subject Parcel



Map Date: July 30, 2018  
Aerial Date: 2018

0 50 100  
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

## ZONING MAP 500 Proximity Boundary

Case No. PDP18-0002

### Legend

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



JULY 30, 2018



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may 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.



Subject Parcels

500' Proximity Boundary

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

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case # PDP18-0001\*; Address: 2555 NE Pine Island Road and near the southeast corner of Diplomat Parkway East and NE 24th Avenue; Applicant: Kirby Family Limited Partnership #3

**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 owner, Kirby Family Limited Partnership #3, seeks to amend Ordinance 6-98, as amended by Ordinance 17-17, that approved a Planned Development Project in the City of Cape Coral, Florida entitled "A-1 Shelters Self Storage, Hancock Creek Site"; providing for Planned Development Project approval for certain property described as a parcel of land located in the southwest quarter of Section 33, Township 43 South, Range 24 East and in the northwest quarter of Section 4, Township 44 South, Range 24 East, Lee County, Florida; properties located at 2555 NE Pine Island Road and near the southeast corner of Diplomat Parkway East and NE 24<sup>th</sup> Avenue; expanding the project area by 3.7 acres to include a parcel of land northwest of the existing site; all being more particularly described herein; granting a deviation from the requirement that building walls used for meeting the screening requirement within a Commerce Park Overlay Buffer be composed of stucco, brick, stone, textured concrete masonry units, or other concrete surfaces to allow the walls of buildings within the new 3.7 acre project area to be composed of metal; granting a deviation from the non-residential design standards to allow new buildings within the project to be exempt from the non-residential design standards; granting development plan approval pursuant to Section 4.2 of the City of Cape Coral Land Use and Development Regulations.

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Material"



**PREPARED BY:**

Kristin 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:**

<b>Description</b>	<b>Type</b>
□ Backup Materials	Backup Material



PLANNED DEVELOPMENT PROJECT (PDP) APPLICATION

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

Project Name: PDP Amendment for Stor-rite Storage Facility
Project Number: PDP 18-0001

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 Lynn A. Kirby, 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.

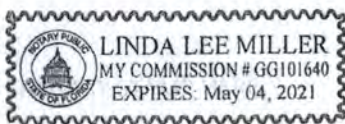
(Name of Entity) Kirby Family LP #3

Lynn A. Kirby, Trustee
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 17th day of April, 2018, by Lynn A. Kirby who is personally known or produced as identification.



Exp. Date: 5/4/2021 Commission Number: GG101640
Signature of Notary Public: Linda Lee Miller
Printed name of Notary Public: Linda Lee Miller

\*Please include additional pages for multiple property owners.

Authorized representative or property owner's initials

**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 Avalon Engineering, 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 \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_ Subdivision Cape Coral

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

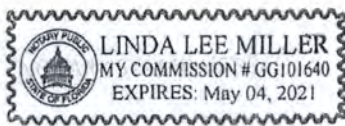
\* Kirby Family LP # 3 \_\_\_\_\_ Trustee  
\*\* Name of Entity (Corporation, Partnership, LLC, etc) Title of Signatory

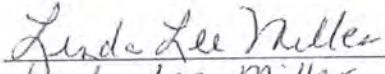
Signature  \_\_\_\_\_ Lynn A. Kirby  
Name (Please print or type)

**(SIGNATURE MUST BE NOTARIZED)**

STATE OF FL, COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 17th day of April, 2018, by  
Lynn A. Kirby who is personally known or produced \_\_\_\_\_  
as identification.



Exp. Date: 5/4/2021 Commission Number: GG-101640  
Signature of Notary Public:   
Printed name of Notary Public: Linda Lee Miller

\*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.*

## GENERAL INFORMATION

Project Name: PDP Amendment for Stor-rite Storage Facility  
 Applicant: Kirby Family LP # 3 By: Lynn A. Kirby, Trustee  
 Address: 1406 S.E. 46th Lane, Cape Coral, Florida 33904  
 Phone: 239-542-5430 Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

\*Property Owner: Same as Applicant

Address \_\_\_\_\_  
 Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail \_\_\_\_\_

Authorized Representative Avalon Engineering, Inc

Address 2503 Del Prado Blvd South, Suite 200, Cape Coral, Florida 33904  
 Phone 239-573-2077 Fax 239-573-2076 E-Mail linda@avaloneng.com

**Location**

Unit \_\_\_\_\_ Block \_\_\_\_\_ Lot(S) \_\_\_\_\_

Subdivision \_\_\_\_\_ Strap Number(s) 04-44-24-C1-00001.0040 & 04-44-24-C1-00012.0030

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

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

Plat Book \_\_\_\_\_ Page \_\_\_\_\_ Current Zoning CORR /CPO Future Land Use PIRD

This application includes the following requests: (Please check all that apply)			
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Special Exception	<input type="checkbox"/> Rezoning	<input type="checkbox"/> Variance
<input type="checkbox"/> Deviation to Landscaping	<input checked="" type="checkbox"/> Deviation to Non-residential Design Standards	<input type="checkbox"/> Deviation to Engineering Design Standards (EDS)	<input checked="" type="checkbox"/> All Other Deviation Requests
<input type="checkbox"/> Borrow Pit	<input type="checkbox"/> Vacation of Plat		

\*Please include additional pages for multiple property owners.

**PROPERTY and PROJECT DEVELOPMENT DATA**

a.	Zoning District	<u>CORR/CPO</u>		
b.	Future Land Use Class	<u>PIRD</u>		
c.	Area of Subject Property	<u>9.79</u> acres		
d.	Type of Development	<u>Storage and Covered Parking</u>		
e.	Estimated Number of Employees	<u>N/A</u>		
	Number of Seats in Assembly	<u>N/A</u>		
f.	Parking Spaces Required	<u>5</u>		
g.	Parking Spaces Provided	<u>5</u>		
h.	Parking and Street Area	<u>121,152</u> sq. ft.	<u>32</u> % of Site	
i.	Ground Floor Building Area	<u>105,462</u> sq. ft.	<u>27</u> % of Site	
j.	Total Floor Area	<u>105,462</u> sq. ft.	<u>27</u> % of Site	
k.	Building Heights	<u>20'4"</u> feet		<u>        </u> stories
l.	Total Proposed Impervious Surface Area	sq. ft. <u>260,117</u>	% of Site <u>68</u>	
m.	Permanent Open Space	sq. ft. <u>120,385</u>	% of Site <u>32</u>	
	Landscaped Area	<u>120,385</u> sq. ft.	% of Site <u>32</u>	
n.	Recreation Area	<u>N/A</u> sq. ft.	% of Site <u>        </u>	

**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)	<u>N/A</u>		
p.	Gross Density (du/acres)	<u>        </u>		
q.	Number, Type, and Floor Area of each Dwelling Unit:			
	1. Efficiency	<u>        </u>	Floor Area <u>        </u>	sq. ft. <u>        </u>
	2. 1 Bedroom	<u>        </u>	Floor Area <u>        </u>	sq. ft. <u>        </u>
	3. 2 Bedroom	<u>        </u>	Floor Area <u>        </u>	sq. ft. <u>        </u>
	4. 3 Bedroom	<u>        </u>	Floor Area <u>        </u>	sq. ft. <u>        </u>
	5. 4 Bedroom	<u>        </u>	Floor Area <u>        </u>	sq. ft. <u>        </u>



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

---

January 3, 2018  
Revised September 25, 2018

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

PROJECT: A-1 SHELTERS SELF STORAGE (HANCOCK CREEK SITE)  
SUBJECT: PLANNED DEVELOPMENT PROJECT (PDP) AMENDMENT LETTER OF  
INTENT

Dear Mr. Cautero:

It is the intent of the property owner, Kirby Family LP # 3, to request approval of an Amendment to a Commerce Park Overlay Planned Development Project (PDP) approved by Ordinance 17-17 this past year, in order to increase the boundary area of the PDP and to request approval of the entitlements received in the original PDP for the extended land area.

This application is amending the northern area of the development only.

#### Location

The subject property is between Diplomat Parkway on the north and Pine Island Road on the south, just east of NE 24th Avenue. The original site consisted of two parcels; the southern parcel (7.6 acres) and is developed as a mini-warehouse facility. The northern parcel (6.1 acres) and is currently vacant. This PDP Amendment will increase the boundary area of the northern parcel by an additional 3.7 acres. The total boundary area of this PDP after approval of this expansion area will be 17.4 acres.

#### Zoning / Land Use

All of the parcels are zoned Corridor with Commerce Park Overlay and have a Land Use Designation of Pine Island Road District.

#### Adjacent Zoning

The subject parcels are adjacent to the Hancock Creek Commerce Park on the east and two parcels zoned Corridor and Commerce Park Overlay to the west (along NE 24th Street), of which, the southern parcel is currently under development as a Mixed Use project consisting of Multi-family units, Commercial out-parcels and a Assistant Living Facility. To the north of the subject parcel, across Diplomat Parkway, are Commerce Park Overlay (CPO) zoned parcels that are currently vacant. To the south of the subject parcel is Pine Island Road, and parcels not currently within the City of Cape Coral city limits, zoned Commercial.

### History of the Project

The existing mini warehouse facility was developed under the City's C-3 (Highway Commercial Zoning District) and complied with the requirements of that district when constructed in 1998. The City of Cape Coral rezoned the parcel to Corridor in 2003. Ordinance 17-17 rezoned the southern parcel to Commerce Park Overlay. Applying the Commerce Park Overlay District to the southern parcel brought the existing mini-warehouse use into compliance and also provide a consistent zoning district for the proposed expansion.

The existing Stor-rite Development (southern parcel) consists of eighteen (18) self-storage buildings, containing a total of 121,700 square feet. Minor modifications are being proposed per Ordinance 17-17, in order to provide a connection to the northern development and to improve and enhance the registration office and main entrance area. An additional 274 building square footage is being added to the administrative office.

Ordinance 17-17 approved within the northern parcel an RV Parking/Storage Facility with seven (7) covered parking areas for a total of 145 Recreational Vehicles storage/parking spaces with a total square footage of 79,361, a restroom, a mechanical building and a covered entrance area.

### Comprehensive Plan Consistencies

The City of Cape Coral's Pine Island Road Land Use specifics two zoning categories, Village or Corridor, which when applied to parcels with this Land Use are determined to be consistent with the City's Comprehensive Plan - Future Land Use Element Policy 1.15.m.

The location of the parcel complies with the City's Policies and methods of determining the proper locations for commercial uses within the City (Objective 3 of the Future Land Use Element of the City's Comprehensive Plan).

### PDP Amendment Requests

This PDP will request the following:

- I) Approval to expand the project area of the PDP by adding 3.7 acres to the west of the original northern parcel;
- II) approval to establish the proposed uses;
- III) approval of the same deviations to the City's Land Use and Development Regulations for architectural requirements within the City's Non-Residential Design Standards and to the CPO Regulations that had been previously approved within Ordinance 17-17;
- IV) approval of a Phasing Plan;
- V) Master Development Plan approval to developed a fully enclosed RV storage & mini-warehouse facility or a mini-warehouse facility only;
- VI) establishment of an expiration date.

I. Approval to Increase the Project Area of the PDP

The applicant request to increase the project area of the A-1 Shelters Self Storage PDP by 3.7 acres, from 13.7 acres to 17.4 acres. This PDP is amending the northern project area of the PDP. The boundary survey of the PDP Amendment area is provided within this submittal along with the Legal Description for the Entire PDP area (Northern, Southern and Newly Expanded Northern) - Exhibit A, the Legal Description of the total area included in this PDP Amendment Area - Exhibit B and the Legal Description for just the expansion area - Exhibit C.

II. Approval of the Proposed Uses within the Northern Parcel

The applicant requests approval of these uses separately or in any combination:

Mini-Warehouse  
Storage Enclosed (for RV Storage)

The Master Development Plan (MDP) proposes a Mini-Warehouse and RV (Storage Enclosed) Facility, as one option for development. The MDP consists of an RV Storage use with seven (7) covered parking areas ranging in size from 20 - 80 feet in depth and 50 - 303 feet in length to provide for a minimum of 136 Recreational Vehicles and a mini-warehouse use consisting of four (4) buildings with a total of 41,659 square feet but the development could develop with all RV Storage areas or all mini-warehouse buildings in any combination.

In addition, the facility will have a restroom and a mechanical room.

III. Deviations to the City's Land Use and Development Regulations

The Northern parcel will provide a continuous opaque feature around the entire development, connecting to the existing southern parcel. The opaque feature will consist of an 8' high fence, some 14'2" fence sections and walls (the back of buildings) that are 9'4", 14'2", and 20'4" in height. The required height of the opaque feature within the CPO buffer requirements is eight (8) feet, the proposed opaque feature will be installed up to six (6) feet higher than required along the entire western and southern property lines, providing a much greater screening due to the height of the items being stored within the facility. The proposed opaque features (fence and the back of the building walls) will require the following deviations to the City's Land Use and Development Regulations - CPO dimensional requirements and the Non-Residential Design Standards:



A. Deviation to the City of Cape Coral's Land Use and Development Regulations Section 2.7.13.J.6.c.(5) Commerce Park Buffer

The applicant requests approval of a deviation to Section 2.7.13.J.6.c.(5) - Commerce Park Buffer for a wall of a building used as the opaque feature required within a Commerce Park Buffer to be surfaced with stucco, brick, stone or textured concrete masonry units, in order for this development to provide a 14'2" metal opaque feature (building wall) without adding stucco, brick, stone or textured concrete for the Buildings ( 3, 4, 5,) that face the western and southern property lines.

As required by Section 4.2.4.K of the City's Land Use and Development Regulations, please accept these justifications for the approval of the requested deviation:

Unique and Innovative Design / Protect the Health, Safety and Welfare of the Public

The buffer yard along the western and southern property lines consists of two types of opaque features, a fence and a wall (rear of the building). Section 2.7.13.J.6.c.(5) requires the portion of the opaque feature that is the wall (rear of the building) to be surfaced with stucco or a textured concrete, while not requiring the opaque fence to be surfaced with stucco.

The height of the wall 14'2" is much greater than the required 8' fence, providing more of a visual barrier than the fence would provide from the adjacent parcels. The building walls cover 71% of the linear length of the western property line, and 62% of the linear length of the southern property line. These building walls are setback a distance of 125 to 149 feet on the western property line and 20-28 feet on the southern property line in lieu of the 15 feet of green space that is required. This design approach provides a unique screening of this facility, improves security, and provides a pleasing passive visual appearance for this low intensity commercial use.

B. Deviation to the City of Cape Coral's Land Use and Development Regulations Section 5.6 Non-Residential Design Standards, in its entirety

The applicant has developed a distinctive architectural approach that makes a rather industrial type use (Storage of Vehicles) look passive and non-intrusive. This approach involves incorporating a fence/wall (with a protective roof) that visually hides the internal functions of the storage of RVs and also provides a functional cover that protects these vehicles from the elements.

Approval of a relief from the architectural standards would allow this method to be utilized to its fullest extent, enclosing the entire facility, forming a compound that minimizes sound and virtually eliminates the visual impact of the storing of the RVs and mini-warehouse activities.

Since the City's Building Division views the covered storage areas as buildings, these covered storage areas are required to meet the City's Land Use and Development Regulations, Section 5.6 - Non-Residential Design Standards.

The applicant requests a deviation to Section 5.6 - Non-Residential Design Standards, in its entirety, for buildings 3,4,5,9, and 10, that in whole or in part occupy the 3.7 acres being added to the site, in order to utilize a design approach which will provide a distinctive type of screening, improve security, and provide a pleasing passive visual appearance for this low intensity commercial use.

As permitted by Section 5.6.10.B of the City's Land Use and Development Regulations, please accept these justifications for the approval of the requested deviation:

Unnecessary or Undue Hardship / Not Contrary to the Public Interest

The RV Storage area is actually a fenced compound with portions of the fence being roofed to protect the stored vehicles. Although the City may define the roofed structures as a building, and require architectural features on the sides of the building, these structures are not typical nor should they be viewed as conventional in any way. These roofed structures are more of an enclosure system and as such should not be required to meet the architectural requirements associated with a commercial building. Applying the Non-Residential Designs Standards to this project is not necessary or economically feasible. The distinctive design of the fence/wall system, the location of the project being behind an existing development from Pine Island Road and deeper within the site from Diplomat Parkway, and the specialize use (RV storage) makes this project a suitable development to obtain approval of this deviation. Approving the deviation will not be detrimental to the health, safety or welfare of the public and will permit the utilization of a distinctive type of screening which will screen the proposed use and provide a visual pleasing development.

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

***No. While the property is irregularly shaped and rather narrow, there are no physical features associated with the site that would interfere with complying with the architectural standards.***

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

***\* Several factors are present that make compliance with this section impractical.***

***\* The nature of the development. A combination of buildings and walls will form the perimeter of the project. Except for the entryway feature off Diplomat Parkway, the site will have an uninterrupted opaque feature around the site. The buildings will be roofed and visibility into the site will be minimal.***

***\* CPO Buffers are required for the western property line of the site. Both the Buffer X and W subtypes allow metal walls with no required architectural treatments.***

***\* Utilizing a fence along with the back of the building walls as the opaque feature, will provide a continuous screen along the project boundary lines.***

**\* CPO Buffers are required along the west property line of the storage site that will provide suitable "softening" of the perimeter wall.**

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

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

- **The integration of several buildings into the perimeter wall enclosing the storage area will provide for seamless screening of the use.**
- **Landscaping on the outer perimeter of the development will buffer this use and reduce the starkness of the walls.**
- **The distance of the development from Pine Island Road and Diplomat Parkway, coupled with Preservation lands to the east of the site, will contribute to a development that is largely hidden from view except for along the west side of the site.**

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

**There will be no negative affect as loading areas are absent from this development. All RVs will be stored within the enclosed area and all mini-warehouse facilities are accessed from within the development, not visible outside to the facility.**

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

**The health, safety, and welfare of the public will be served by the approval of this deviation as the wall around this facility will shield the public for RVs and items stored within the mini-warehouse units. Aesthetic appeal will be achieved by providing a continuous, seamless screening treatment around the site that will be well buffered. Furthermore, the relatively remote location of this development with direct access only from Diplomat Parkway will mean this site will be rather inconspicuous to most residents living and working in this area.**

#### IV. Approval of the Phasing Plan

The applicant requests approval to phase the development. All site work, including landscaping and buffering and the installation of the opaque fence and walls, will be constructed within Phase 1. The buildings and cover parking space areas will be provided through the life of the PDP, as needed.

V. Master Development Plan Approval

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

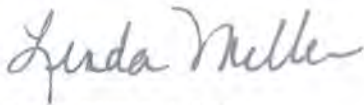
VI. PDP Expiration Date

The applicant requests approval to terminate the physical development granted within this PDP ten (10) years from the date of approval.

Approving this Planned Development Project will provide for the expansion of a successful mini-warehouse facility with a much needed place for the storage of Recreational Vehicles. Should you or your staff have questions regarding this project, please feel free to contact me.

Sincerely,

AVALON ENGINEERING, INC.



Linda Miller, AICP  
Senior Planner



**EXHIBIT A Revised 4/17/2018**

**Legal Description of the Entire Stor-rite PDP Area (includes original southern parcel) and new western parcel:**

PARCEL 1 (O.R. 4751, Pg. 2927):

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF TRACT "D", BLOCK 6951, AS SHOWN ON THE PLAT OF HANCOCK CREEK COMMERCE PARK, PHASE 1, RECORDED IN PLAT BOOK 43 AT PAGES 8 THROUGH 10 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 89°52'56" WEST FOR A DISTANCE OF 300.00 FEET; THENCE RUN NORTH FOR A DISTANCE OF 543.36 FEET; THENCE RUN NORTH 47°25'02" WEST FOR A DISTANCE OF 245.35 FEET; THENCE RUN NORTH 23°53'26" WEST FOR A DISTANCE OF 156.33 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100'), AS DESCRIBED IN OFFICIAL RECORDS BOOK 2840 AT PAGES 2685 THROUGH 2687 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE CONCAVE NORTHWEST, WHOSE RADIUS POINT BEARS NORTH 19°45'23" WEST A DISTANCE OF 850.00 FEET THEREFROM; THENCE RUN NORTHEASTERLY ALONG SAID LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 850.00 FEET, THROUGH A CENTRAL ANGLE OF 08°56'30", SUBTENDED BY A CHORD OF 132.52 FEET AT A BEARING OF NORTH 65°46'22" EAST, FOR AN ARC LENGTH OF 132.65 FEET TO THE END OF SAID CURVE, ALSO BEING THE NORTHWESTERLYMOST CORNER OF TRACT "A", AS SHOWN ON THE PLAT OF HANCOCK CREEK COMMERCE PARK, PHASE 1, RECORDED IN PLAT BOOK 43 AT PAGES 8 THROUGH 10 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING ELEVEN (11) COURSES ALONG THE WESTERLY LINES OF SAID TRACT "A": THENCE RUN SOUTH 13°50'31" EAST FOR A DISTANCE OF 69.72 FEET; THENCE RUN SOUTH 32°15'11" EAST FOR A DISTANCE OF 79.79 FEET; THENCE RUN SOUTH 47°32'06" EAST FOR A DISTANCE OF 94.41 FEET; THENCE RUN SOUTH 69°11'47" EAST FOR A DISTANCE OF 34.29 FEET; THENCE RUN NORTH 51°50'39" EAST FOR A DISTANCE OF 24.73 FEET; THENCE RUN SOUTH 70°28'12" EAST FOR A DISTANCE OF 61.97 FEET; THENCE RUN SOUTH 53°27'48" EAST FOR A DISTANCE OF 26.00 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; THENCE CONTINUE SOUTH 53°27'48" EAST FOR A DISTANCE OF 69.88 FEET; THENCE RUN SOUTH 61°12'51" EAST A DISTANCE OF 63.69 FEET; THENCE RUN SOUTH 10°06'09" EAST FOR A DISTANCE OF 27.60 FEET; THENCE RUN SOUTH 40°08'39" EAST FOR A DISTANCE OF 70.63 FEET TO THE NORTHWEST CORNER OF TRACT "D" AS SHOWN ON SAID PLAT OF HANCOCK CREEK COMMERCE PARK, PHASE 1; THENCE RUN SOUTH 00°07'04" EAST, ALONG THE WEST LINE OF SAID TRACT "D", FOR A DISTANCE OF 520.63 FEET TO THE POINT OF BEGINNING. CONTAINING 5.380 ACRES, MORE OR LESS. BEARINGS REFER TO THE EAST RIGHT-OF-WAY LINE (60') OF N.E. 24TH AVENUE AS SHOWN ON THE PLAT OF CAPE CORAL UNIT 47, PART 2, RECORDED IN PLAT BOOK 23 AT PAGES 112 THROUGH 124 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; ALSO BEING THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; AS BEING NORTH 05°12'18" WEST.

TOGETHER WITH:

PARCEL 2 (INSTRUMENT NUMBER 2013000001569):

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF TRACT D, BLOCK 6951, AS SHOWN ON THE PLAT OF HANCOCK CREEK COMMERCE PARK, PHASE 1, AS RECORDED IN PLAT BOOK 43, PAGES 8 THROUGH 10, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN NORTH 89°52'56" EAST, ALONG THE SOUTH LINE OF SAID TRACT D, FOR A DISTANCE OF 72.70 FEET TO A POINT ON THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3036, PAGES 2251 THROUGH 2253 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 04°56'55" EAST ALONG SAID WEST LINE, FOR A DISTANCE OF 290.00 FEET; THENCE RUN SOUTH 89°52'56" WEST FOR A DISTANCE OF 35.00 FEET; THENCE RUN NORTH 31°02'52" WEST FOR A DISTANCE OF 243.94 FEET; THENCE RUN NORTH 04°56'55" WEST FOR A DISTANCE OF 80.00 FEET; THENCE RUN NORTH 89°52'56" EAST FOR A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.688 ACRES, MORE OR LESS. BEARINGS REFER TO THE SOUTH LINE OF SAID TRACT "D", AS BEING NORTH 89°52'56" EAST.

TOGETHER WITH:

PARCEL B

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF TRACT "D", BLOCK 6951, AS SHOWN ON THE PLAT OF HANCOCK CREEK COMMERCE PARK, PHASE 1, RECORDED IN PLAT BOOK 43 AT PAGES 8 THROUGH 10 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 89°52'56" WEST FOR A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°52'56" WEST FOR A DISTANCE OF 242.21 FEET; THENCE RUN NORTH 00°07'04" WEST FOR A DISTANCE OF 852.81 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100'), AS DESCRIBED IN OFFICIAL RECORDS BOOK 2840 AT PAGES 2685 THROUGH 2687 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 23°53'26" EAST, DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 156.33 FEET; THENCE RUN SOUTH 47°25'02" EAST FOR A DISTANCE OF 245.35 FEET; THENCE RUN SOUTH 00°00'00" WEST FOR A DISTANCE OF 543.36 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

(O.R. 3036, Pg. 2251)

Part of the Northwest 1/4 of Section 4, Township 44 South, Range 24 East, Lee County, Florida, being described as follows:

Commencing at the Northwest corner of Section 4, thence;

1. North 89°47'36" East, 1332.14 feet, along part of the North line of said Section 4, to the east line of Northwest 1/4 of the Northwest 1/4 of Section 4, thence;
2. South 04°56'55" East, 677.55 feet, along said East line, to the North line of the South 1/2 of the Northwest 1/4 of the Northwest 1/4 of said Section 4, and to the TRUE POINT OF BEGINNING of the tract of land described herein, thence;

3. South  $04^{\circ}56'55''$  East, 1029.67 feet, along the aforesaid East line, to the Northerly R/W line of Pine Island Road (SR-78) (66' road R/W), thence;
4. South  $61^{\circ}59'29''$  West, 325.63 feet, to the East side of a proposed 60' road R/W, thence;
5. North  $04^{\circ}56'55''$  West, 1182.54 feet, along the East side of a proposed 60' road R/W, to the North line of the South 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section, thence;
6. North  $89^{\circ}52'56''$  East, 300.68 feet, along said line, to the TRUE POINT OF BEGINNING, containing a computed area of 7.608 acres of land.

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



## EXHIBIT B Revised 4/17/2018

### Legal Description of the PDP 18-0001 Amendment Area:

PARCEL 1 (O.R. 4751, Pg. 2927):

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF TRACT "D", BLOCK 6951, AS SHOWN ON THE PLAT OF HANCOCK CREEK COMMERCE PARK, PHASE 1, RECORDED IN PLAT BOOK 43 AT PAGES 8 THROUGH 10 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 89°52'56" WEST FOR A DISTANCE OF 300.00 FEET; THENCE RUN NORTH FOR A DISTANCE OF 543.36 FEET; THENCE RUN NORTH 47°25'02" WEST FOR A DISTANCE OF 245.35 FEET; THENCE RUN NORTH 23°53'26" WEST FOR A DISTANCE OF 156.33 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100'), AS DESCRIBED IN OFFICIAL RECORDS BOOK 2840 AT PAGES 2685 THROUGH 2687 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE CONCAVE NORTHWEST, WHOSE RADIUS POINT BEARS NORTH 19°45'23" WEST A DISTANCE OF 850.00 FEET THEREFROM; THENCE RUN NORTHEASTERLY ALONG SAID LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 850.00 FEET, THROUGH A CENTRAL ANGLE OF 08°56'30", SUBTENDED BY A CHORD OF 132.52 FEET AT A BEARING OF NORTH 65°46'22" EAST, FOR AN ARC LENGTH OF 132.65 FEET TO THE END OF SAID CURVE, ALSO BEING THE NORTHWESTERMOST CORNER OF TRACT "A", AS SHOWN ON THE PLAT OF HANCOCK CREEK COMMERCE PARK, PHASE 1, RECORDED IN PLAT BOOK 43 AT PAGES 8 THROUGH 10 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING ELEVEN (11) COURSES ALONG THE WESTERLY LINES OF SAID TRACT "A": THENCE RUN SOUTH 13°50'31" EAST FOR A DISTANCE OF 69.72 FEET; THENCE RUN SOUTH 32°15'11" EAST FOR A DISTANCE OF 79.79 FEET; THENCE RUN SOUTH 47°32'06" EAST FOR A DISTANCE OF 94.41 FEET; THENCE RUN SOUTH 69°11'47" EAST FOR A DISTANCE OF 34.29 FEET; THENCE RUN NORTH 51°50'39" EAST FOR A DISTANCE OF 24.73 FEET; THENCE RUN SOUTH 70°28'12" EAST FOR A DISTANCE OF 61.97 FEET; THENCE RUN SOUTH 53°27'48" EAST FOR A DISTANCE OF 26.00 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; THENCE CONTINUE SOUTH 53°27'48" EAST FOR A DISTANCE OF 69.88 FEET; THENCE RUN SOUTH 61°12'51" EAST A DISTANCE OF 63.69 FEET; THENCE RUN SOUTH 10°06'09" EAST FOR A DISTANCE OF 27.60 FEET; THENCE RUN SOUTH 40°08'39" EAST FOR A DISTANCE OF 70.63 FEET TO THE NORTHWEST CORNER OF TRACT "D" AS SHOWN ON SAID PLAT OF HANCOCK CREEK COMMERCE PARK, PHASE 1; THENCE RUN SOUTH 00°07'04" EAST, ALONG THE WEST LINE OF SAID TRACT "D", FOR A DISTANCE OF 520.63 FEET TO THE POINT OF BEGINNING. CONTAINING 5.380 ACRES, MORE OR LESS. BEARINGS REFER TO THE EAST RIGHT-OF-WAY LINE (60') OF N.E. 24TH AVENUE AS SHOWN ON THE PLAT OF CAPE CORAL UNIT 47, PART 2, RECORDED IN PLAT BOOK 23 AT PAGES 112 THROUGH 124 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; ALSO BEING THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; AS BEING NORTH 05°12'18" WEST.

TOGETHER WITH:

PARCEL 2 (INSTRUMENT NUMBER 2013000001569):

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF TRACT D, BLOCK 6951, AS SHOWN ON THE PLAT OF HANCOCK CREEK COMMERCE PARK, PHASE 1, AS RECORDED IN PLAT BOOK 43, PAGES 8 THROUGH 10, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN NORTH 89°52'56" EAST, ALONG THE SOUTH LINE OF SAID TRACT D, FOR A DISTANCE OF 72.70 FEET TO A POINT ON THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3036, PAGES 2251 THROUGH 2253 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 04°56'55" EAST ALONG SAID WEST LINE, FOR A DISTANCE OF 290.00 FEET; THENCE RUN SOUTH 89°52'56" WEST FOR A DISTANCE OF 35.00 FEET; THENCE RUN NORTH 31°02'52" WEST FOR A DISTANCE OF 243.94 FEET; THENCE RUN NORTH 04°56'55" WEST FOR A DISTANCE OF 80.00 FEET; THENCE RUN NORTH 89°52'56" EAST FOR A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.688 ACRES, MORE OR LESS. BEARINGS REFER TO THE SOUTH LINE OF SAID TRACT "D", AS BEING NORTH 89°52'56" EAST.

TOGETHER WITH:

PARCEL B

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF TRACT "D", BLOCK 6951, AS SHOWN ON THE PLAT OF HANCOCK CREEK COMMERCE PARK, PHASE 1, RECORDED IN PLAT BOOK 43 AT PAGES 8 THROUGH 10 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 89°52'56" WEST FOR A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°52'56" WEST FOR A DISTANCE OF 242.21 FEET; THENCE RUN NORTH 00°07'04" WEST FOR A DISTANCE OF 852.81 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100'), AS DESCRIBED IN OFFICIAL RECORDS BOOK 2840 AT PAGES 2685 THROUGH 2687 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 23°53'26" EAST, DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 156.33 FEET; THENCE RUN SOUTH 47°25'02" EAST FOR A DISTANCE OF 245.35 FEET; THENCE RUN SOUTH 00°00'00" WEST FOR A DISTANCE OF 543.36 FEET TO THE POINT OF BEGINNING.

**EXHIBIT C Revised 4/17/2018**

**Legal Description of the New Area added to PDP (PARCEL B):**

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF TRACT "D", BLOCK 6951, AS SHOWN ON THE PLAT OF HANCOCK CREEK COMMERCE PARK, PHASE 1, RECORDED IN PLAT BOOK 43 AT PAGES 8 THROUGH 10 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 89°52'56" WEST FOR A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°52'56" WEST FOR A DISTANCE OF 242.21 FEET; THENCE RUN NORTH 00°07'04" WEST FOR A DISTANCE OF 852.81 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100'), AS DESCRIBED IN OFFICIAL RECORDS BOOK 2840 AT PAGES 2685 THROUGH 2687 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 23°53'26" EAST, DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 156.33 FEET; THENCE RUN SOUTH 47°25'02" EAST FOR A DISTANCE OF 245.35 FEET; THENCE RUN SOUTH 00°00'00" WEST FOR A DISTANCE OF 543.36 FEET TO THE POINT OF BEGINNING.



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

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January 3, 2018

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

PROJECT: STOR-RITE EXPANSION PDP

SUBJECT: TRAFFIC GENERATION STATEMENT

Dear Mr. Cautero,

Included herewith are the traffic generation calculations for the above referenced project. As the project creates less than 300 vehicle trips, peak hour of the generator, a traffic impact statement will not be necessary.

Source: I.T.E. Trip Generation Manual, 9th Edition  
Land Use: (151) Mini-Warehouse  
Gross Floor Area: 163,258 square feet

A.M. Peak Hour of the Generator:  
0.28 Average Rate per 1,000 SF

21.94 vehicles entering 48%  
23.77 vehicles exiting 52%  
45.71 TOTAL VEHICLES

P.M. Peak Hour of the Generator:  
0.29 Average Rate per 1,000 SF

25.09 vehicles entering 53%  
22.25 vehicles exiting 47%  
47.34 TOTAL VEHICLES

If you should have any questions or require additional information, please feel free to call me.

Sincerely,

AVALON ENGINEERING, INC.

Linda Miller, AICP  
Senior Planner

c: Brian Kirby, Kirby Family Limited Partnership #3  
G:\2017\17-501\PDP Amendment\PDP Amendment\Traffic Generation Statement.doc

# **STOR-RITE EXPANSION PARCEL**

Section 4, Township 44 South, Range 24 East  
City of Cape Coral, Florida

## **Environmental Survey**

**April 2018**

Prepared for:

**Kirby Family Limited Partnership 3  
1406 SW 46th Lane, Suite 4  
Cape Coral, FL 33904**

Prepared by:

***DexBender*  
4470 Camino Real Way, Suite 101  
Fort Myers, FL 33966  
(239) 334-3680**

## INTRODUCTION

This 17.39± acre project (is located within a portion of Section 4, Township 44 South, Range 24 East, City of Cape Coral, Florida. The property is bordered to the north by Diplomat Parkway East, to the east by preserved wetlands, to the west by undeveloped lands and land currently under development, and to the south by NE Pine Island Road. The original PDP boundary was expanded from 13.68 acres to 17.39 acres by adding a 3.71 acre area to the west of the original boundary (Figure 1).

## SITE CONDITIONS

The southern half of the property consists of an existing self-storage facility. The northern portion consists of undeveloped forested areas. The northern portion of the property is also located within the Hancock Creek Commerce Park that was permitted for development by the South Florida Water Management District (SFWMD) (Permit Number 36-00873-S) in 1988.

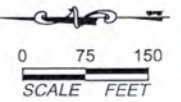
## VEGETATIVE CLASSIFICATIONS

The predominant vegetation associations were mapped in the field on 2016 digital 1" = 150' scale aerial photography. The property boundary was provided by Avalon Engineering and inserted into the digital aerial. The property boundary was staked in the field at the time of our site inspection. Ten vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Figure 1 depicts the approximate location and configuration of these vegetation associations and Table 1 summarizes the acreages by FLUCCS Code. A brief description of each FLUCCS Code is provided below.

Table 1. Acreage Summary by FLUCCS Code

FLUCCS CODE	DESCRIPTION	ACREAGE
140	Commercial and Services	6.78
411	Pine Flatwoods	4.97
414	Pine - Mesic Oak	0.81
414E	Pine - Mesic Oak Invaded by Exotics (5 - 9%)	2.30
414E3	Pine - Mesic Oak Invaded by Exotics (51 - 75%)	0.23
438E3	Mixed Hardwoods Invaded by Exotics (51 - 75%)	0.70
525	Stormwater Management Pond	0.84
617E1	Mixed Wetland Hardwoods Invaded by Exotics (10 - 25%)	0.33
619	Exotic Wetland Hardwoods	0.29
740	Disturbed Land	0.14
	<b>Total</b>	<b>17.39</b>

SECTION: 4  
 TOWNSHIP: 44 S  
 RANGE: 24 E



- Notes:
1. Property boundary and surveyed wetland/TOB lines provided by Avalon Engineering, Inc.
  2. Mapping based on photointerpretation of 2016 aerial photography and ground truthing in June 2016.
  3. Delineation of SFWMD jurisdictional wetlands along the eastern edge of property field reviewed/approved on June 14, 2017. Mapping within the 3.72± acres of western additional land has not been reviewed/approved.
  4. Protected species assessment conducted on June 22, November 16, 2016, and on October 12, 2017.

FLUCCS	Description	Acreage
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411	Pine Flatwoods	4.97 ac.
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619	Exotic Wetland Hardwoods	0.29 ac.
740H	Hydric Disturbed Land	0.14 ac.
	<b>Total</b>	<b>17.39 ac.</b>

- ☒ Potentially Occupied Gopher Tortoise Burrow (1)
- ② Potential Cavity (typ.)(2)

October 31, 2017 9:20:01 a.m. Drawing: KIRBY1PLAN.DWG  
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Figure 1. Protected Species Assessment Map

Stor-Rite Expansion



#### FLUCCS Code 140, Commercial and Services

The southern portion of the property contains an existing self-storage facility and consists primarily of buildings and pavement. The perimeter of the building area is landscaped with scattered black olive (*Bucida buceras*), mahogany (*Swietenia mahagoni*), live oak (*Quercus virginiana*), and St. Augustine grass (*Stenotaphrum secundatum*).

#### FLUCCS Code 411, Pine Flatwoods

The central portion of the property consists of upland flatwoods with an open canopy of slash pine (*Pinus elliottii*). Scattered live oak, laurel oak (*Quercus laurifolia*), and cabbage palm (*Sabal palmetto*) are present in the midstory. Shrubs, such as rusty lyonia (*Lyonia ferruginea*), tarflower (*Befaria racemosa*), and winged sumac (*Rhus copallinum*), are also present. The ground cover strata is dominated by saw palmetto (*Serenoa repens*) with scattered open areas vegetated by species such as penny royal (*Piloblephis rigida*), running oak (*Quercus pumila*), blueberry (*Vaccinium* sp.), lichens (*Cladonia* spp.), and wiregrass (*Aristida beyrichiana*).

#### FLUCCS Code 414, Pine - Mesic Oak

The mesic flatwoods in the northeastern portion of the property are characterized by an almost closed canopy of live oak, laurel oak, and slash pine. These species, along with cabbage palm, also are common in the midstory. Saw palmetto is the dominant ground cover species.

#### FLUCCS Code 414E, Pine - Mesic Oak Invaded by Exotics (5 – 9%)

A portion of the mesic flatwoods has scattered exotics in the canopy and midstory. These exotics consist of java plum (*Syzygium cumini*), melaleuca (*Melaleuca quinquenervia*), and Brazilian pepper (*Schinus terebinthifolius*).

#### FLUCCS Code 414E3, Pine - Mesic Oak Invaded by Exotics (51 – 75%)

A small area of the mesic flatwoods contains a significant density of exotics. The canopy consists of laurel oak, slash pine, and scattered java plum. The midstory/shrub strata contain Brazilian pepper with wax myrtle (*Myrica cerifera*) and saltbush (*Baccharis halimifolia*). Ground cover is sparse and consists primarily of greenbrier (*Smilax bona-nox*).

#### FLUCCS Code 438E3, Mixed Hardwoods Invaded by Exotics (51 – 75%)

The portion of the property adjacent to Diplomat Parkway East has become dominated by exotics. The canopy is vegetated by live oak, laurel oak, and lead tree (*Leucaena leucocephala*). Brazilian pepper is common in the midstory. Ground cover consists primarily of air potato (*Dioscorea bulbifera*), wedelia (*Wedelia trilobata*), and mother-in-law's tongue (*Sansevieria hyacinthoides*). The air potato is also growing on the midstory and canopy vegetation.

#### FLUCCS Code 525, Stormwater Management Pond

A stormwater management pond is located immediately north of the existing buildings. The area consists primarily of open water with the banks vegetated by widely scattered cattail (*Typha* sp.).



FLUCCS Code 617E1, Mixed Wetland Hardwoods Invaded by Exotics (10 - 25%)

The canopy and midstory of this wetland is vegetated by cabbage palm, laurel oak, slash pine, dahoon holly (*Ilex cassine*), swamp bay (*Persea palustris*), and widely scattered cypress (*Taxodium* sp.). Exotics, such as Brazilian pepper, java plum, bishopwood (*Bischofia javanica*), and widely scattered melaleuca, are also present in the canopy and midstory. Ground cover consists of sword fern (*Nephrolepis exaltata*) with scattered Caesar weed (*Urena lobata*), saw palmetto, grape vine (*Vitis* sp.), and Virginia creeper (*Parthenocissus quinquefolia*).

FLUCCS Code 619, Exotic Wetland Hardwoods

This wetland area appears to have been previously cleared. The area is dominated by Brazilian pepper with scattered java plum, cabbage palm, red maple (*Acer rubrum*), and laurel oak. The ground cover is sparse and consist of species such as greenbrier, redroot (*Lachnanthes caroliniana*), and torpedo grass (*Panicum repens*).

FLUCCS Code 740, Disturbed Land

The non-forested portion of the previously cleared area described above is currently vegetated by weedy species such as torpedo grass, saltbush, wild bushbean (*Macroptilium lathyroides*), and pepper-vine (*Ampelopsis arborea*).

**SURVEY METHOD**

A series of north-south and east-west meandering belt pedestrian transects were walked across the property per The City of Cape Coral July 2009 Environmental Survey guidelines. The transects were spaced approximately 50 feet apart to inspect the site for evidence of species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS). Listed species that could potentially occur on-site based on general habitat type are listed in Table 2. The bald eagle (*Haliaeetus leucocephalus*) (which has been delisted by the FWC and FWS but is still protected by the City of Cape Coral) was also included in the survey. The approximate locations of all direct sighting or signs (such as tracks, nests, burrows, and droppings) of a listed species were denoted on the aerial photography. The location of listed species nests or burrows were also located using a handheld GPS unit with an estimated accuracy of five to ten feet. The Protected Species Assessment Map (Figure 1) depicts the approximate location of the survey transects and the results of the survey.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Species Name	Present	Absent
140	None		√

FLUCCS CODE	Species Name	Present	Absent
411	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )	√	√
	Gopher Tortoise ( <i>Gopherus polyphemus</i> )		√
	Red-cockaded Woodpecker ( <i>Picoides borealis</i> )		√
	Southeastern American Kestrel ( <i>Falco sparverius paulus</i> )		√
	Florida bonneted-bat ( <i>Eumops floridanus</i> )		√
	Shermans Fox Squirrel ( <i>Sciurus niger shermani</i> )		√
414 414E 414E3	Gopher Frog ( <i>Rana areolata</i> )		√
	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )		√
	Florida bonneted-bat ( <i>Eumops floridanus</i> )		√
	Shermans Fox Squirrel ( <i>Sciurus niger shermani</i> )		√
438E3	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )		√
	Gopher Tortoise ( <i>Gopherus polyphemus</i> )		√
	Florida bonneted-bat ( <i>Eumops floridanus</i> )		√
	Shermans Fox Squirrel ( <i>Sciurus niger shermani</i> )		√
525	American Alligator ( <i>Alligator mississippiensis</i> )		√
617E1	Little Blue Heron ( <i>Egretta caerulea</i> )		√
	Shermans Fox Squirrel ( <i>Sciurus niger shermani</i> )		√
	Tricolored Heron ( <i>Egretta tricolor</i> )		√
	Florida Black Bear ( <i>Ursus americanus floridanus</i> )		√
	Florida bonneted-bat ( <i>Eumops floridanus</i> )		√
619	None		
740	Gopher Tortoise ( <i>Gopherus polyphemus</i> )		√
	Burrowing Owl ( <i>Athene cunicularia</i> )		√
	Least Tern ( <i>Sterna antillarum</i> )		√

Prior to conducting the initial protected species survey, a search of the FWC listed species database (updated June 2015) was conducted to determine the known occurrence of listed species in the project area. This search revealed no known protected species occurring on or immediately adjacent to the site.

The City of Cape Coral Department of Community Development, Planning Division was also contacted on June 15, 2016 to identify listed species occurrences on the subject property as shown on the City of Cape Coral's database. The response indicated that the City is not aware of any protected species occurring on or immediately adjacent to the site.

During the listed species surveys, the property was also evaluated for the presence of heritage trees as defined in the City of Cape Coral Land Use and Development

Regulations Section 5.2.2. All Florida native canopy trees with a 20-inch or greater caliper diameter at breast height (DBH) were flagged, the species and DBH recorded, and their location recorded with the handheld GPS.

The listed species and heritage tree surveys for the easterly 13.68± acres was conducted by Craig Smith and Dan Underhill of *DexBender* during the mid-morning hours of June 22 and November 16, 2016. The listed species and heritage tree surveys for the westerly 3.71± acres was conducted by Parke Lewis and Paul Owen of *DexBender* during the mid-morning hours of October 12, 2017. The weather during the survey events was warm and sunny.

Prior to the October 2017 field work both the FWC and City data bases (updated June 2016 and March 2017 respectively) were again searched for this property. This updated search revealed no known protected species occurring on or immediately adjacent to the site.

## **SURVEY RESULTS**

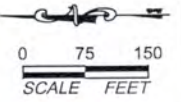
One potentially occupied gopher tortoise burrow was observed on the site during the environmental survey. This burrow is located in the northwesterly portion of the project within upland pine flatwoods (Figure 1).

Two snags containing cavities that could potentially be utilized as roosting/nesting cavities by the Florida bonneted bat were observed (Figure 1). The northern snag is a 12 inch diameter at breast height (DBH) dead slash pine approximately 34 feet in height. The tree is in an advanced stage of decay. The southern snag is an 18 inch DBH dead slash pine approximately 34 feet in height which is also in an advanced stage of decay. The cavities in those snags were visually inspected (peeped) on April 6, 2017 using a HD low-light performance camera mounted on a telescoping rod. The cavities were probed in numerous orientations in order to obtain views of the entire cavity. An assessment of the cavity contents, recorded with the camera, was conducted in the field and office. No evidence of Florida bonneted bats or their guano were observed in the cavities or around the base of those trees. Several of the cavities in the northern snag had a significant quantity of spider webs. Based on these observations, Florida bonneted bats are not currently roosting on the property.

No additional species listed by either the FWS or the FWC were observed on the site during the protected species surveys. In addition to the site inspections, a search of the FWC species database (updated June 2016) and inquiries with the City of Cape Coral revealed no known protected species within or immediately adjacent to the project limits.

A total of nine heritage trees were observed on the site during the surveys. Eight of the nine trees were slash pines ranging in size from 20.0± inches DBH to 24.2± inches DBH. The other heritage tree is a 21.0± inch DBH live oak. The approximate locations of these trees are shown on Figure 2.

SECTION: 4  
 TOWNSHIP: 44 S  
 RANGE: 24 E



Tree No.	Species	DBH
1	Slash Pine	20.8"
2	Slash Pine	20.2"
3	Slash Pine	20.0"
4	Slash Pine	24.2"
5	Slash Pine	22.1"
6	Slash Pine	20.5"
7	Live Oak	21.0"
8	Slash Pine	21.0"
9	Slash Pine	20.0"

PDP 3.71 Acre Expansion Area Boundary

FLUCCS	Description	Acreage
140	Commercial and Services	6.78 ac.
411	Pine Flatwoods	4.97 ac.
414	Pine - Mesic Oak	0.81 ac.
414E	Pine - Mesic Oak Invaded by Exotics (5-9%)	2.30 ac.
414E3	Pine - Mesic Oak Invaded by Exotics (51-75%)	0.23 ac.
438E3	Mixed Hardwoods Invaded by Exotics (51-75%)	0.70 ac.
525	Stormwater Management Pond	0.84 ac.
617E1	Mixed Wetland Hardwoods Invaded by Exotics (10-25%)	0.33 ac.
619	Exotic Wetland Hardwoods	0.29 ac.
740H	Hydric Disturbed Land	0.14 ac.
<b>Total</b>		<b>17.39 ac.</b>

Heritage Tree (typ.)(9)

- Notes:
1. Property boundary and surveyed wetland/TOB lines provided by StoutenCramer.
  2. Mapping based on photointerpretation of 2016 aerial photography and ground truthing in June 2016.
  3. Delineation of SFWMD jurisdictional wetlands field reviewed/approved on June 14, 2017.
  4. Heritage tree survey did not include existing developed areas.

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April 12, 2018 2:49:18 p.m.  
 Drawing: KIRBY1PLAN.DWG

Figure 2. Heritage Tree Survey Map

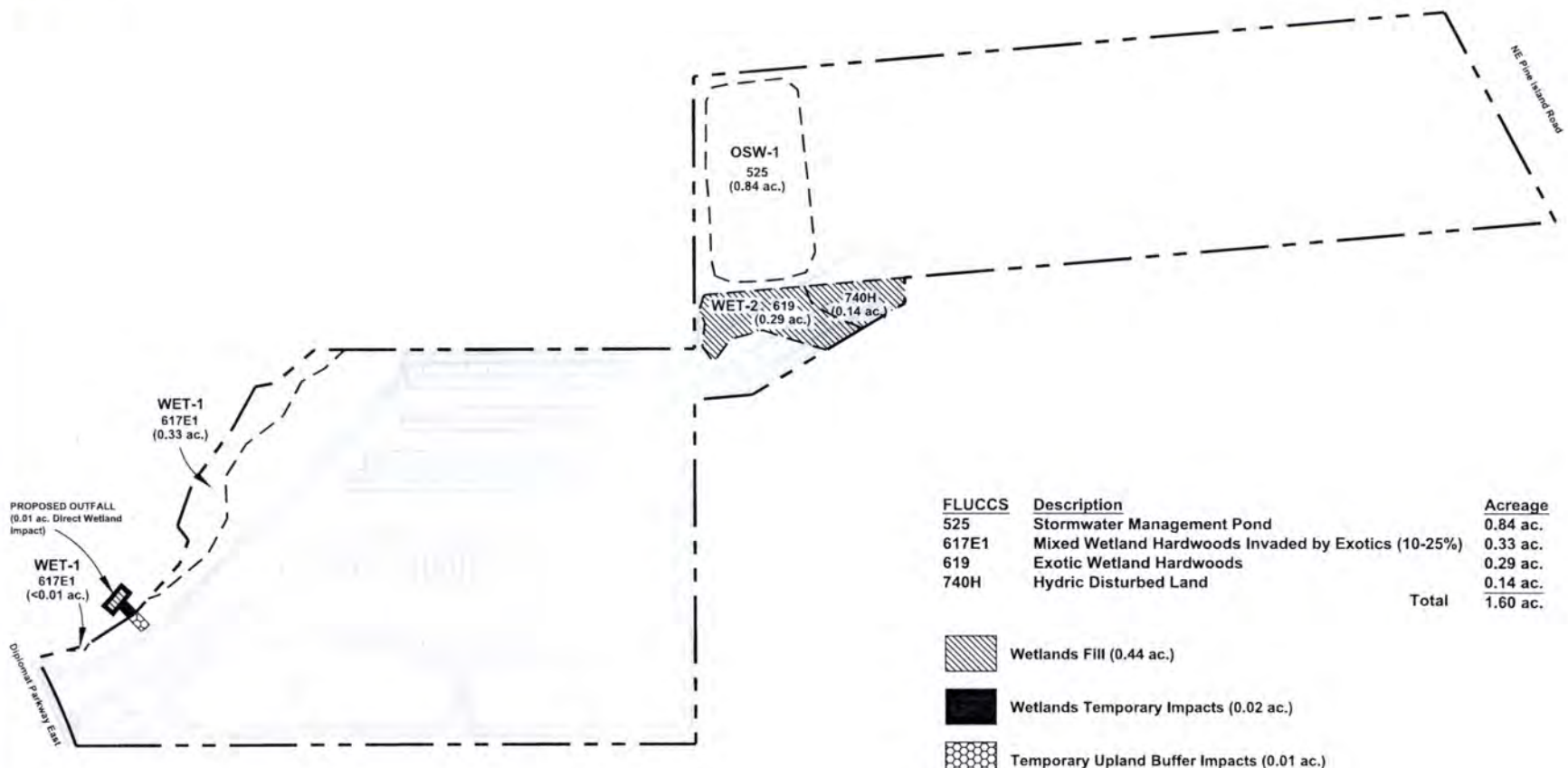
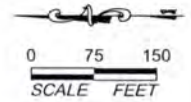
Stor-Rite Expansion

**DEXBENDER**  
 ENVIRONMENTAL CONSULTING  
 FORT MYERS 239-334-3680

The site has been previously reviewed for wetlands by the SFWMD. Based on the SFWMD review, there are 0.76 acre of wetland on-site. Of that total, 0.43 acres of low quality wetland will be impacted and the remaining 0.33 acre will be enhanced and preserved.




There are no unique features found on the site.

SECTION: 4  
 TOWNSHIP: 44 S  
 RANGE: 24 E



FLUCCS	Description	Acreage
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617E1	Mixed Wetland Hardwoods Invaded by Exotics (10-25%)	0.33 ac.
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740H	Hydic Disturbed Land	0.14 ac.
<b>Total</b>		<b>1.60 ac.</b>

	Wetlands Fill (0.44 ac.)
	Wetlands Temporary Impacts (0.02 ac.)
	Temporary Upland Buffer Impacts (0.01 ac.)

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February 22, 2018 8:19:01 a.m.  
 Drawing: KIRBYIMPACT.DWG

Exhibit C.3.1.c Wetland Impact Map

Stor-Rite Expansion



# **STOR-RITE EXPANSION PARCEL**

Section 4, Township 44 South, Range 24 East  
City of Cape Coral, Florida

## **Protected Species Assessment**

**November 2017**

Prepared for:

**Kirby Family Limited Partnership 3  
1406 SW 46th Lane, Suite 4  
Cape Coral, FL 33904**

Prepared by:

***DexBender*  
4470 Camino Real Way, Suite 101  
Fort Myers, FL 33966  
(239) 334-3680**

## INTRODUCTION

This 17.39± acre project (is located within a portion of Section 4, Township 44 South, Range 24 East, City of Cape Coral, Florida. The property is bordered to the north by Diplomat Parkway East, to the east by preserved wetlands, to the west by undeveloped lands and land currently under development, and to the south by NE Pine Island Road.

## SITE CONDITIONS

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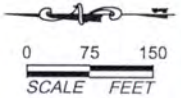
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PDP 3.71 Acre Expansion Area Boundary

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April 12, 2018 2:49:18 p.m.  
 Drawing: KIRBY1PLAN.DWG

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Stor-Rite Expansion



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A stormwater management pond is located immediately north of the existing buildings. The area consists primarily of open water with the banks vegetated by widely scattered cattail (*Typha* sp.).

FLUCCS Code 617E1, Mixed Wetland Hardwoods Invaded by Exotics (10 - 25%)

The canopy and midstory of this wetland is vegetated by cabbage palm, laurel oak, slash pine, dahoon holly (*Ilex cassine*), swamp bay (*Persea palustris*), and widely scattered cypress (*Taxodium* sp.). Exotics, such as Brazilian pepper, java plum, bishopwood (*Bischofia javanica*), and widely scattered melaleuca, are also present in the canopy and midstory. Ground cover consists of sword fern (*Nephrolepis exaltata*) with scattered Caesar weed (*Urena lobata*), saw palmetto, grape vine (*Vitis* sp.), and Virginia creeper (*Parthenocissus quinquefolia*).

FLUCCS Code 619, Exotic Wetland Hardwoods

This wetland area appears to have been previously cleared. The area is dominated by Brazilian pepper with scattered java plum, cabbage palm, red maple (*Acer rubrum*), and laurel oak. The ground cover is sparse and consist of species such as greenbrier, redroot (*Lachnanthes caroliniana*), and torpedo grass (*Panicum repens*).

FLUCCS Code 740, Disturbed Land

The non-forested portion of the previously cleared area described above is currently vegetated by weedy species such as torpedo grass, saltbush, wild bushbean (*Macroptillium lathyroides*), and pepper-vine (*Ampelopsis arborea*).

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FLUCCS CODE	Species Name	Present	Absent
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	Gopher Tortoise ( <i>Gopherus polyphemus</i> )	√	
	Red-cockaded Woodpecker ( <i>Picoides borealis</i> )		√
	Southeastern American Kestrel ( <i>Falco sparverius paulus</i> )		√
	Florida bonneted-bat ( <i>Eumops floridanus</i> )		√
	Shermans Fox Squirrel ( <i>Sciurus niger shermani</i> )		√
414E 414E3	Gopher Frog ( <i>Rana areolata</i> )		√
	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )		√
	Florida bonneted-bat ( <i>Eumops floridanus</i> )		√
	Shermans Fox Squirrel ( <i>Sciurus niger shermani</i> )		√
438E3	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )		√
	Gopher Tortoise ( <i>Gopherus polyphemus</i> )		√
	Florida bonneted-bat ( <i>Eumops floridanus</i> )		√
	Shermans Fox Squirrel ( <i>Sciurus niger shermani</i> )		√
525	American Alligator ( <i>Alligator mississippiensis</i> )		√
617E1	Little Blue Heron ( <i>Egretta caerulea</i> )		√
	Shermans Fox Squirrel ( <i>Sciurus niger shermani</i> )		√
	Tricolored Heron ( <i>Egretta tricolor</i> )		√
	Florida Black Bear ( <i>Ursus americanus floridanus</i> )		√
	Florida bonneted-bat ( <i>Eumops floridanus</i> )		√
619	None		
740	Gopher Tortoise ( <i>Gopherus polyphemus</i> )		√
	Burrowing Owl ( <i>Athene cunicularia</i> )		√
	Least Tern ( <i>Sterna antillarum</i> )		√

Prior to conducting the protected species survey, a search of the FWC listed species database (updated June 2015) was conducted to determine the known occurrence of listed species in the project area. This search revealed no known protected species occurring on or immediately adjacent to the site.

The City of Cape Coral Department of Community Development, Planning Division was also contacted on June 15, 2016 to identify listed species occurrences on the subject property as shown on the City of Cape Coral's database. The response indicated that the City is not aware of any protected species occurring on or immediately adjacent to the site.

The listed species survey for the easterly 13.67± acres was conducted by Craig Smith and Dan Underhill of *DexBender* during the mid-morning hours of June 22 and November

16, 2016. The listed species survey for the westerly 3.72± acres was conducted by Parke Lewis and Paul Owen of *DexBender* during the mid-morning hours of October 12, 2017. The weather during the survey events was warm and sunny.

Subsequent to the listed species field work both the FWC and City data bases (updated June 2016 and March 2017 respectively) were again searched for this property. This updated search revealed no known protected species occurring on or immediately adjacent to the site.

## **SURVEY RESULTS**

One potentially occupied gopher tortoise burrow was observed on the site during the environmental survey. This burrow is located in the northwesterly portion of the project within upland pine flatwoods (Figure 1).

Two snags containing cavities that could potentially be utilized as roosting/nesting cavities by the Florida bonneted bat were observed (Figure 1). The northern snag is a 12 inch diameter at breast height (DBH) dead slash pine approximately 34 feet in height. The tree is in an advanced stage of decay. The southern snag is an 18 inch DBH dead slash pine approximately 34 feet in height which is also in an advanced stage of decay. The cavities in those snags were visually inspected (peeped) on April 6, 2017 using a HD low-light performance camera mounted on a telescoping rod. The cavities were probed in numerous orientations in order to obtain views of the entire cavity. An assessment of the cavity contents, recorded with the camera, was conducted in the field and office. No evidence of Florida bonneted bats or their guano were observed in the cavities or around the base of those trees. Several of the cavities in the northern snag had a significant quantity of spider webs. Based on these observations, Florida bonneted bats are not currently roosting on the property.

No additional species listed by either the FWS or the FWC were observed on the site during the protected species surveys. In addition to the site inspections, a search of the FWC species database (updated June 2016) and inquires with the City of Cape Coral revealed no known protected species within or immediately adjacent to the project limits.

# **STOR-RITE EXPANSION PARCEL**

Section 4 Township 44 South, Range 24 East  
City of Cape Coral, Florida

## **Gopher Tortoise Management Plan**

**April 2018**

Prepared for:

**Kirby Family Limited Partnership 3  
1406 SW 46th Lane, Suite 4  
Cape Coral, FL 33904**

Prepared by:

***DexBender*  
4470 Camino Real Way, Suite 101  
Fort Myers, FL 33966  
(239) 334-3680**

## INTRODUCTION

This 17.39± acre project is located within a portion of Section 4, Township 44 South, Range 24 East, City of Cape Coral, Florida. The property is bordered to the north by Diplomat Parkway East, to the east by preserved wetlands, to the west by undeveloped lands and land currently under development, and to the south by NE Pine Island Road.

## SITE CONDITIONS

The southern half of the property consists of an existing self-storage facility. The northern portion consists of undeveloped forested areas. The forested areas consist primarily of upland flatwoods with an open canopy of slash pine (*Pinus elliottii*). Scattered live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), and cabbage palm (*Sabal palmetto*) are present in the midstory. Shrubs, such as rusty lyonia (*Lyonia ferruginea*), tarflower (*Befaria racemosa*), and winged sumac (*Rhus copallinum*), are also present. The ground cover strata is dominated by saw palmetto (*Serenoa repens*) with scattered open areas vegetated by species such as penny royal (*Piloblephis rigida*), running oak (*Quercus pumila*), blueberry (*Vaccinium* sp.), lichens (*Cladonia* spp.), and wiregrass (*Aristida beyrichiana*). A forested wetland, vegetated by cabbage palm, laurel oak, slash pine, dahoon holly (*Ilex cassine*), swamp bay (*Persea palustris*), and widely scattered cypress (*Taxodium* sp.) is present along the eastern edge of the property.

## PROTECTED SPECIES SURVEY

A series of north-south and east-west meandering belt pedestrian transects were walked across the property per the City of Cape Coral July 2009 Environmental Survey guidelines. This listed species survey for the easterly 13.67± acres was conducted by on June 22 and November 16, 2016. The listed species survey for the westerly 3.72± acres was conducted on October 12, 2017. One potentially occupied gopher tortoise burrow was observed on the site. This burrow is located in the northwesterly portion of the project within upland pine flatwoods.

## GOPHER TORTOISE MANAGEMENT PLAN

Prior to the initiation of construction activities, a gopher tortoise survey of the potential gopher tortoise habitat on-site will be conducted and the property owner will obtain a relocation permit from the Florida Fish and Wildlife Conservation Commission (FWC). All potentially occupied gopher tortoise burrow(s) identified during the survey will be excavated and the occupant tortoise(s) captured. The excavation will occur only on the first day of a three-day period during which the low temperature during the entire three-day period is forecasted by the U.S. National Weather Service to be above 50° F. In the event that excavating the burrow(s) is not possible, the gopher tortoise(s) will be either

live trapped or bucket trapped. Given current site conditions, adjacent land uses, the proposed site plan, and current FWC regulations, on-site relocation of the resident gopher tortoise(s) is not practicable. Therefore, the gopher tortoise(s) (if present) will be relocated to a FWC approved gopher tortoise recipient site. A copy of the FWC permit will be provided to the City upon receipt.

## **EDUCATIONAL MATERIALS**

A sample of the educational materials that will be provided to the contractors is provided in Attachment A.



**ATTACHMENT A**  
**SAMPLE GOPHER TORTOISE BROCHURE**

## Protecting gopher tortoises benefits the environment and the landowner

- Home sites that have on-site preserves offer added value for wildlife viewing.
- Financial and technical assistance is available to certified gopher tortoise recipient sites that create and manage habitat for tortoises displaced by development.
- Florida Fish and Wildlife Conservation Commission's (FWC) Landowner Assistance Program has cost-share opportunities available for activities associated with wildlife habitat conservation and management on private lands.



### Gopher tortoise conservation

In September 2007, the FWC approved the Gopher Tortoise Management Plan. The goal of the plan is to restore and maintain viable populations of gopher tortoises throughout Florida. To meet this goal, the plan includes four conservation objectives:

- Improve habitat management on protected lands;
- Increase protected gopher tortoise habitat;
- Restock gopher tortoises to protected and managed habitats; and
- Decrease gopher tortoise mortality on lands proposed for development.

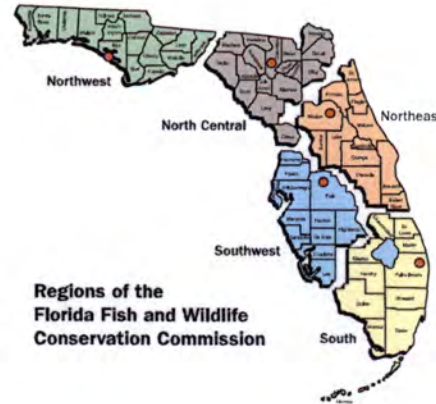
These objectives will be met by implementing actions outlined in broad categories such as permitting, local government coordination, law enforcement, habitat preservation and management, population and disease management, landowner incentives, monitoring and research, and education and outreach.

Before you clear land or move tortoises, know the law and obtain proper permits. Visit [MyFWC.com/GopherTortoise](http://MyFWC.com/GopherTortoise) or call the gopher tortoise conservation biologist in your region.



Gopher tortoises generally graze within 160 feet of their burrow on a variety of plant types including broadleaf grasses, wiregrass, prickly pear cactus, clover, dandelion and seasonal fruits and berries - wild grape, blackberry, blueberry and partridge berry.

Robert La Follette



Regions of the Florida Fish and Wildlife Conservation Commission

#### Northwest Region

3911 Highway 2321  
Panama City, FL 32409-1658  
850-265-3676

#### North Central Region

3377 East U.S. Highway 90  
Lake City, FL 32055-8795  
386-758-0525

#### Northeast Region

1239 S.W. 10th Street  
Ocala, FL 34474-2797  
352-732-1225

#### Southwest Region

3900 Drane Field Road  
Lakeland, FL 33811-1299  
863-648-3203

#### South Region

8535 Northlake Boulevard  
Palm Beach, FL 33412-3303  
561-625-5122

For more information on gopher tortoise permits and gopher tortoise habitat management, contact your regional gopher tortoise conservation biologist or call 850-488-3831, or visit [MyFWC.com/GopherTortoise](http://MyFWC.com/GopherTortoise).

printed on recycled paper

## Before you build

What every landowner should know about gopher tortoises before breaking ground



Cliff Leonard



Florida Fish and Wildlife Conservation Commission

[MyFWC.com](http://MyFWC.com)



Barney J. Hill

A gopher tortoise burrow is a tunnel in the ground with a half moon-shaped (flat bottom, arched roof) burrow entrance. Gopher tortoises typically excavate and use two or more burrows.

## The gopher tortoise and land development

### A keystone species

The gopher tortoise is an industrious and ancient reptile that inhabits dry upland areas throughout Florida. It has stumpy, elephantine hind feet and flattened, shovel-like forelimbs perfectly designed for digging.

This remarkable tortoise excavates underground burrows that average 15 feet long and 6 feet deep. Burrows maintain a near constant temperature and humidity year-round, providing a safe haven from temperature extremes, predators and seasonal fires.

More than 350 animals depend on these burrows for refuge including several state and federally protected species, such as the gopher frog, burrowing owl, Florida pine snake, Florida mouse and eastern indigo snake. The gopher tortoise is a “keystone species” because so many other species depend on it for their survival – a decline in gopher tortoise numbers results in a decline in the other species that rely on its burrows.

### Determine if you have gopher tortoises on your land

Before disturbing vegetation or ground in preparation for development, survey the entire property to determine the number and location of gopher tortoise burrows.

If possible, conduct burrow surveys when tortoises are most active, April – October; this window is extended in southern Florida.

During the colder months, burrows may appear abandoned. Consider burrows with eroded or debris-covered entrances as potentially occupied.

You may wish to consult with an authorized gopher tortoise agent (a person who possesses a permit and is qualified to capture and relocate gopher tortoises) to determine whether gopher tortoises inhabit your property. A list of authorized agents is available at [MyFWC.com/GopherTortoise](http://MyFWC.com/GopherTortoise).



CEI Lovvorn

Gopher tortoise burrows are usually easy to spot because of the sand mound or “apron” created during excavation at the burrow entrance. Tortoise tracks, scat, shell fragments (tortoises may lay eggs in sand outside the burrow) or feeding trails in the surrounding area indicate tortoise activity.

### If you have gopher tortoises on your land, your options are:

- Avoid development altogether.
- Avoid destruction of tortoise burrows and any impacts within 25 feet of the burrow.
- Preserve additional habitat on-site, and relocate all gopher tortoises to this area. A permit is required.
- Relocate tortoises off-site to protected recipient sites. A permit is required.

Clearing, grading or other site disturbance which occurs before you receive your permit or before “100% burrow surveys” have been verified by Florida Fish and Wildlife Conservation Commission’s (FWC) may result in a violation. It also may delay your project and increase cost. Bottom line – make sure you have received your permit and that burrow surveys have been verified by FWC before land clearing starts.

An authorized gopher tortoise agent permitted by the FWC must assist with all relocation activities under all permits, except on-site relocation conducted under the “10 or Fewer Burrows” permit.

Submit application forms for gopher tortoise permits at least 90 days prior to the time needed.

For information about permitting or to apply for a gopher tortoise permit online, visit [MyFWC.com/GopherTortoise](http://MyFWC.com/GopherTortoise) and click on permits.



Robert La Follette



George Sumner

### Legal protection for gopher tortoises and their burrows

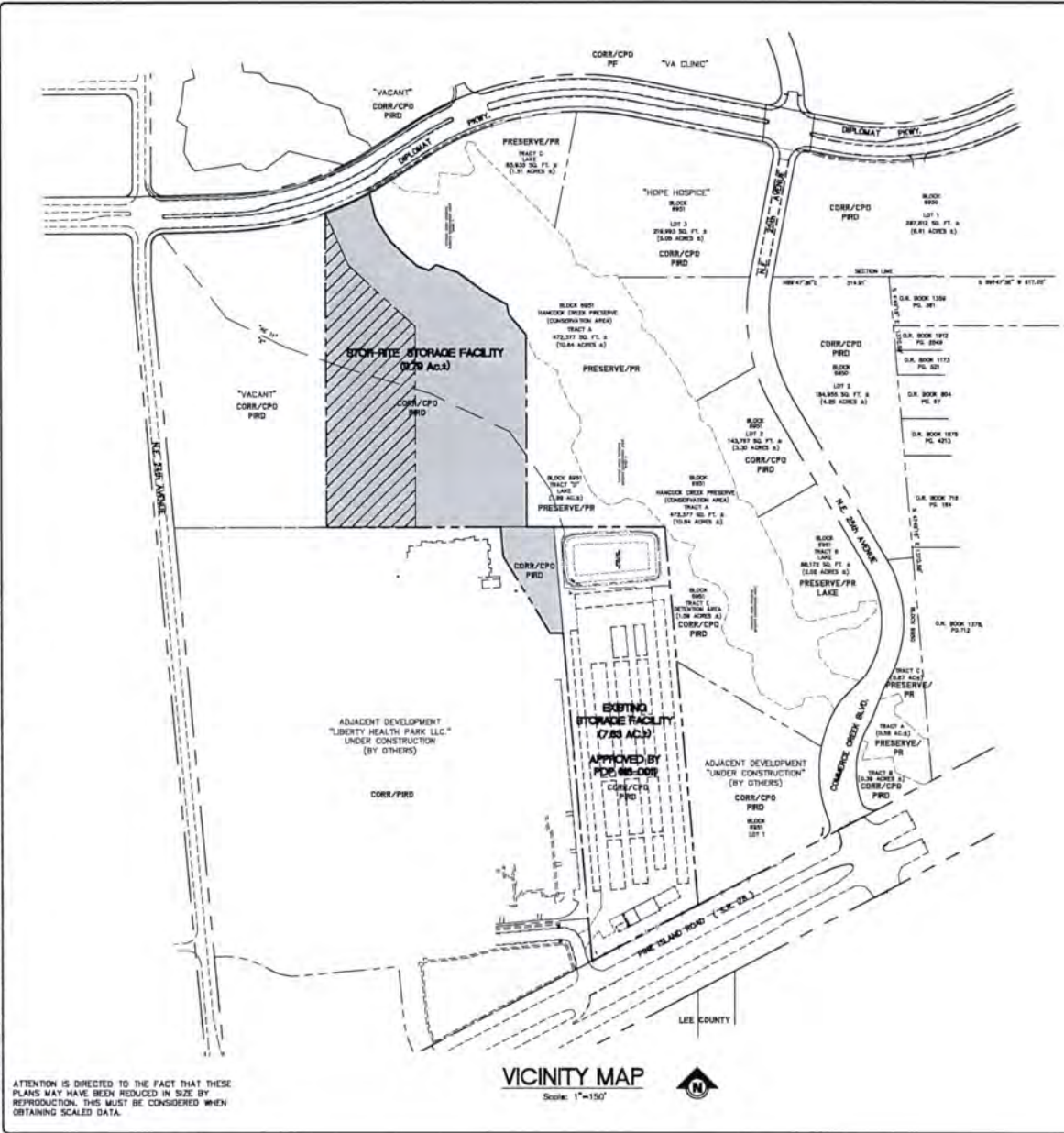
During the last century gopher tortoise numbers in Florida have declined. Habitat destruction, fragmentation and degradation have placed these burrow-building tortoises in peril.

The gopher tortoise is classified as a threatened species in Florida. Florida law (Chapter 68A-27, Florida Administrative Code), makes it illegal to take, harm, harass, capture, possess, sell or transport any gopher tortoise or parts thereof or their eggs, or molest, damage or destroy gopher tortoise burrows, except as authorized by specific Commission permit.

Impacts to gopher tortoises and their burrows may constitute “taking” under the law. An illegal take of a gopher tortoise burrow includes, but is not limited to, damaging, collapsing or covering a gopher tortoise burrow from land clearing, bulldozing, grading, paving or building construction associated with land development, except as authorized by specific Commission permit.

Property owners (or their agents) must obtain permits from the FWC to capture and relocate all gopher tortoises before any land clearing, grading or other development-related activities can begin.

P:\CAD\2017\17-501\PPV\17-501\_PDP\_cdw.dwg, 1 COVER SHEET, 5/29/2018 11:04:26 AM, Avalon Engineering Inc.



## PDP Master Plans For STOR-RITE STORAGE FACILITY 2555 N.E. Pine Island Road Cape Coral, Florida

**SITE INFO:**  
 LOCATION: 2555 N.E. PINE ISLAND ROAD  
 CAPE CORAL, FLORIDA  
 ZONING: CORR W/CPD  
 FUTURE LAND USE: PIRD  
 DEVELOPMENT TYPE: COMMERCIAL  
 BUILDING USAGES: MINI WAREHOUSE & ENCLOSED STORAGE  
 FLOOD ZONE: "AE11.0" & "X" NAVD  
 FINISH FLOOR: 13.60 NGVD  
 CONTROL ELEV: 8.20 NGVD  
 WATER/SEWER: CITY OF CAPE CORAL  
 IRRIGATION: WELL (SFWMD PERMIT#36-06966-W)

PDP EXPANSION AREA: 3.7 Ac±  
 PDP AMENDMENT AREA: 9.79 Ac±

- INDEX OF SHEETS**
- 1 COVER SHEET / LOCATION MAP
  - 2 EXISTING CONDITIONS / EROSION CONTROL
  - 3 MASTER SITE DEVELOPMENT PLAN
  - 4 MASTER GRADING AND DRAINAGE PLAN
  - 5 MASTER UTILITY PLAN
  - 6 MASTER LANDSCAPE PLAN
  - SURVEY (BY OTHERS)

ATTENTION IS DIRECTED TO THE FACT THAT THESE PLANS MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

**VICINITY MAP**  
Scale: 1"=150'

Joseph W. Edwards, P.E.  
FL LICENSE# 30813

DATE	BY	REVISION DESCRIPTION

**AVALON ENGINEERING, INC.**  
 2503 DEL PRADO BLVD. #200  
 CAPE CORAL, FLORIDA 33904  
 PHONE: (239) 319-3077  
 FAX: (239) 319-3078  
 WWW.AVALON-ENG.COM

City of Cape Coral, University of  
 Florida, and Lee County  
 2555 N.E. PINE ISLAND ROAD  
 CAPE CORAL, FLORIDA  
 (239) 319-3077  
 CITY OF CAPE CORAL, FLORIDA

COVER SHEET  
LOCATION MAP

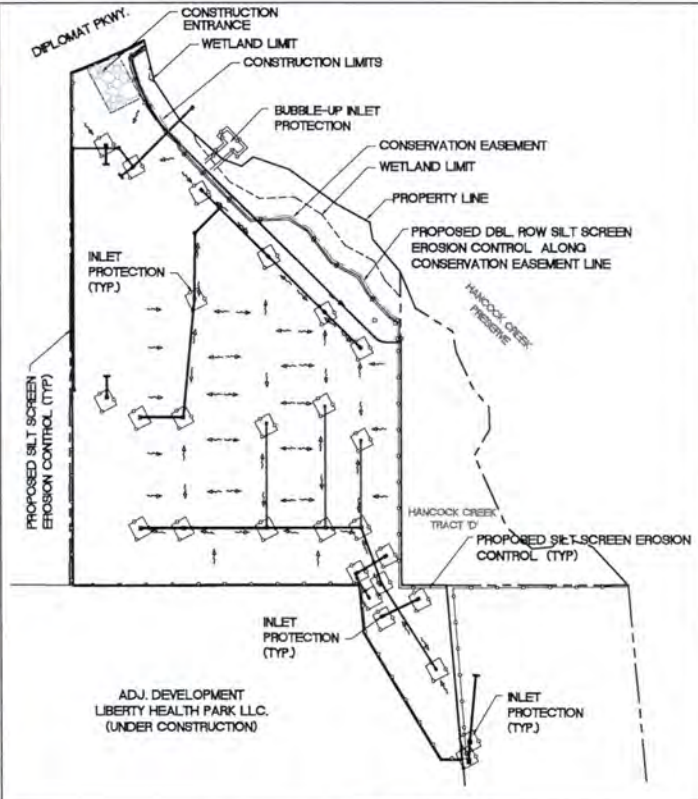
17-501-PPV  
1 of 6

PDP# 18-0001

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**EXISTING SURFACE HYDROLOGY MAP**  
N.T.S.



**B.M.P. MAP**  
N.T.S.

**EROSION CONTROL NOTES**

1. THE CONTRACTOR SHALL ADHERE TO THE SEQUENCE OF OPERATIONS FOR EROSION CONTROL IMPLEMENTATION HERE ON. ANY DEVIATION FROM THE SEQUENCE DEEMED NECESSARY BY THE CONTRACTOR SHALL BE APPROVED BY THE OWNER.
2. THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS INVOLVED WITH THE CONSTRUCTION ACTIVITIES RELATED TO EROSION CONTROL AS SHOWN OR NOTED HEREON SHALL OBTAIN A COPY OF THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AS WELL AS THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR THIS SITE, AND BECOME FAMILIAR WITH THEIR CONTENTS.
3. ALL WASH WATER SHALL BE DISPOSED OF IN A MANNER THAT PREVENTS CONTACT BETWEEN WASH WATER POLLUTANTS AND STORE RUNOFF DISCHARGED FROM THIS SITE.
4. OIL AND GREASE ABSORBING MATERIALS SHALL BE READILY AVAILABLE ON-SITE AND SHALL BE PROMPTLY USED TO CONTAIN AND/OR CLEAN UP ALL FUEL OR CHEMICAL SPILLS OR LEAKS.
5. DIRT CONTROL SHALL BE ACCOMPLISHED BY WATERING DIRT, EXPOSED AREAS ON A REGULAR BASIS. SPRAYING OF PETROLEUM BASED OR TOXIC LIQUIDS FOR THIS IS PROHIBITED.
6. ALL CITY RIGHT-OF-WAYS THAT ARE DISTURBED DURING CONSTRUCTION SHALL BE PERMANENTLY SEEDED PRIOR TO THE COMPLETION OF THE PROJECT.
7. DISTURBED AREAS OF THE SITE WHERE CONSTRUCTION AREAS HAVE PERMANENTLY CEASED SHALL BE PERMANENTLY SEEDED OR BODDED, AS SHOWN ON THE ATTACHED PLAN, WITHIN FOURTEEN DAYS.
8. ALL VEHICLES SHALL BE CLEANED AT THE CONSTRUCTION SITE PRIOR TO EXITING.
9. ALL MATERIALS SPILLED, UNPROPPED, WASHED OR TRACKED ONTO ADJACENT ROADWAYS BY VEHICLES EXITING THE SITE SHALL BE CLEANED OR REMOVED IMMEDIATELY.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROMPT REMOVAL OF ALL ACCUMULATED SILT IN THE STORM SEWER SYSTEM AND ALONG SILT FENCES.
11. SILT FENCES SHALL BE PLACED AROUND ANY STOCKPILES USED ON THIS SITE.
12. ANY ADDITIONAL EROSION CONTROL MEASURES REQUIRED TO ENSURE COMPLIANCE WITH THE U.S.E.P.A.'S, FLORIDA DEP AND LOCAL GOVERNING AGENCIES SHALL BE IMPLEMENTED BY THE CONTRACTOR, AT NO ADDITIONAL COST TO THE OWNER.
13. ALL TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED AND PROMPTLY DISPOSED OF OFF-SITE WITHIN THIRTEEN DAYS AFTER STABILIZATION OF ALL SURFACES.
14. THE CONTRACTOR SHALL ASSUME LIABILITY FOR DAMAGE TO ADJACENT PROPERTIES AND/OR PUBLIC RIGHT-OF-WAY RESULTING FROM FAILURE TO FULLY IMPLEMENT AND EXECUTE ALL EROSION CONTROL PROCEDURES SHOWN AND NOTED IN THE PLANS.
15. WHENEVER DIRT, ROCK OR OTHER MATERIALS ARE EXPORTED FOR USE OFF OF THE PROJECT CONSTRUCTION SITE, THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THAT EPA STORMWATER PERMITTING REQUIREMENTS ARE MET. PRIOR TO ANY EXPORT OF MATERIALS, THE CONTRACTOR SHALL CONSULT WITH THE ENGINEER WITH A WRITTEN AGREEMENT THAT THE SITE WILL BE PROMPTLY PERMITTED, REDESIGNED AND DESIGN THE EROSION CONTROL MEASURES WHICH WILL BE USED. AT A MINIMUM, EROSION CONTROL MEASURES MUST CONSIST OF PREPARED CONTROLS (SYNTHETIC BALES OR SILT FENCES) ON ALL CONTOURLINE AND SLOPELINE BOUNDARIES OF ANY DISTURBED AREAS PLUS PROVISIONS FOR REVEGETATION AFTER THE FILL MATERIALS ARE IN PLACE.
16. PRIOR TO CONSTRUCTION FILTER FABRIC SILT FENCE, OR OTHER APPROVED EROSION CONTROL DEVICES SHALL BE INSTALLED ACROSS THE SHALE AT THE LOWER DISTURBED POINT TO PREVENT EROSION MATERIAL FROM LEAVING THE CONSTRUCTION AREA, INCLUDING ANY VACANT AREAS USED FOR STORAGE AND EROSION. ALTERNATIVE USES COULD BE GOLF-COURTS, WOODS, TERRA TERRES, SEDIMENT LOGS, ETC.
17. ALL AFFECTED STORMWATER PIPES, INLETS AND CATCH BASINS SHALL BE PROTECTED BY EROSION CONTROL DEVICES TO PREVENT CONSTRUCTION RELATED EROSION MATERIAL FROM ENTERING THE STORMWATER SYSTEM. SHOULD THE EROSION CONTROL NOT BE INSTALLED AND/OR FAIL, THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING THE ENTIRE SYSTEM AS DEEMED NECESSARY BY THE ENGINEER AND GOVERNING AGENCY.
18. THE EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO ANY CONSTRUCTION PROCEED AND SHALL REMAIN IN PLACE UNTIL STABILIZED WITH 300 AND THE VACANT AREAS ARE SEEDED AND MAINTAINED.
19. REFER TO FOOT EROSION AND SEDIMENT MANUAL FOR ADDITIONAL DETAILS, NOTES AND SPECIFICATIONS.
20. ALL DEMATERING SHALL BE IN ACCORDANCE WITH S.F.W.M.D. CRITERIA.

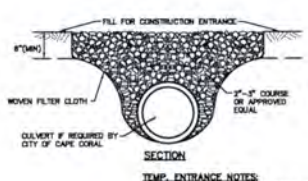
PROJECT SITES WITHIN CITY OF CAPE CORAL: CONTRACTOR TO REFER TO CITY OF CAPE CORAL ENGINEERING DESIGN STANDARDS FOR ADDITIONAL EROSION CONTROL DETAILS (SHEET M-1 THRU M-27) AS REQUIRED.

**STORM WATER POLLUTION LEGEND**

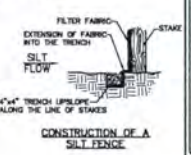
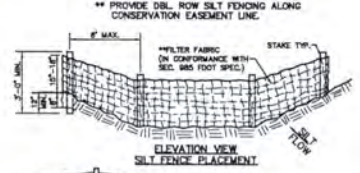
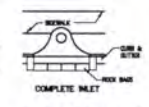
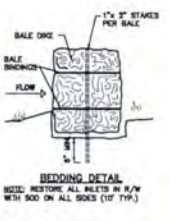
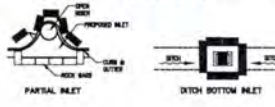
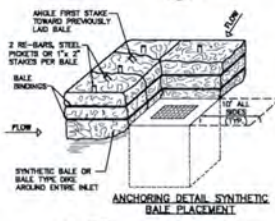
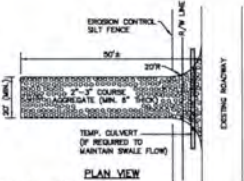
- STAKED SILT FENCE (EROSION CONTROL)
- SURFACE HYDROLOGY
- ◇ STAKED SYNTHETIC HAY BALE OR STAKED SILT FENCE ● INLETS
- POTENTIALLY OCCUPIED GOPHER TORTOISE BURROW (1)

- SOILS**
- 30 OLDSMAR SAND
  - 42 WABASSO SAND LIMESTONE SUBSTRATUM

**FL.U.C.C.S**  
SEE ENVIRONMENTAL REPORT (Oct. 2017)



- TEMP. ENTRANCE NOTES**
- 1) THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC R/W. THIS MAY REQUIRE TOP DRESSING, REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT.
  - 2) WHEN NECESSARY, WHEELS SHALL BE CLEANED PRIOR TO ENTRANCE ONTO PUBLIC R/W.
  - 3) WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED BY CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN.
- TEMP. CULVERT • CONSTRUCTION ENTRANCE**  
N.T.S.



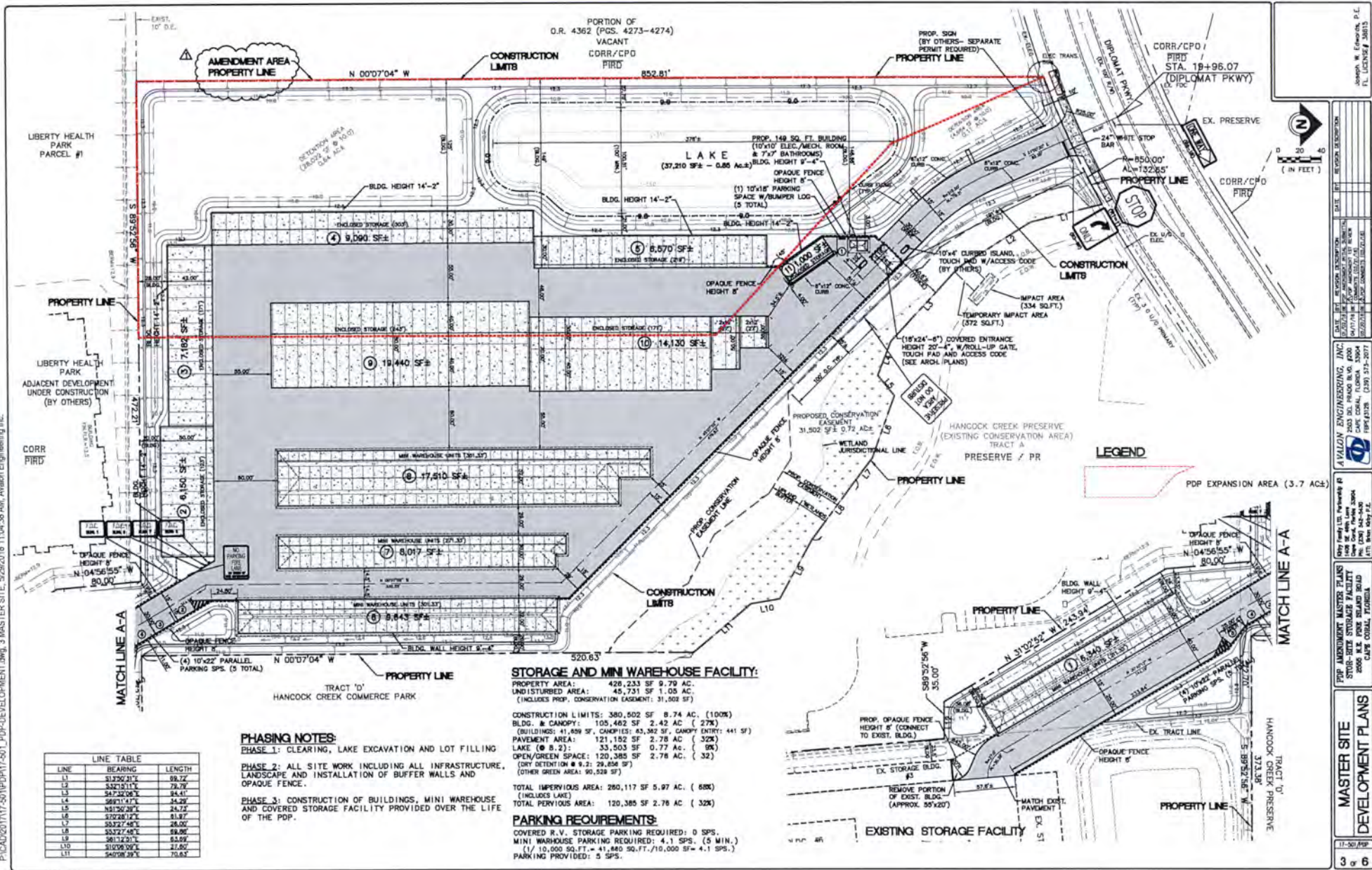
Joseph W. Edwards, P.E.  
FL. LICENSE # 30815

**AVALON ENGINEERING, INC.**  
2603 S.W. 17th Blvd. #100  
CAPE CORAL, FLORIDA 33904  
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FAX: (239) 342-3430  
WWW.AVALON-ENG.COM

City of Cape Coral, Florida  
17-501-POP

**POP AMBUSHMENT MASTER PLANS**  
STORM-WATER STORAGE FACILITY  
8000 N.E. PINE BLVD. ROAD  
CAPE CORAL, FLORIDA

**EXIST. CONDITIONS**  
**EROSION CONTROL**



LINE	BEARING	LENGTH
L1	S17°50'21"W	98.72
L2	S32°13'11"E	79.79
L3	S47°32'08"E	94.41
L4	S69°11'47"E	34.29
L5	N51°29'30"E	34.72
L6	S70°28'12"E	81.87
L7	S37°27'49"E	28.00
L8	S37°27'49"E	89.86
L9	S81°12'31"E	63.69
L10	S10°08'59"E	27.80
L11	S40°08'39"E	70.67

**PHASING NOTES:**

**PHASE 1:** CLEARING, LAKE EXCAVATION AND LOT FILLING  
**PHASE 2:** ALL SITE WORK INCLUDING ALL INFRASTRUCTURE, LANDSCAPE AND INSTALLATION OF BUFFER WALLS AND OPAQUE FENCE.  
**PHASE 3:** CONSTRUCTION OF BUILDINGS, MINI WAREHOUSE AND COVERED STORAGE FACILITY PROVIDED OVER THE LIFE OF THE PDP.

**STORAGE AND MINI WAREHOUSE FACILITY:**

PROPERTY AREA: 428,233 SF 9.79 AC.  
 UNDISTURBED AREA: 45,731 SF 1.05 AC.  
 (INCLUDES PROP. CONSERVATION EASEMENT: 31,502 SF)  
**CONSTRUCTION LIMITS:** 380,502 SF 8.74 AC. (100%)  
 BLDG. & CANOPY: 105,462 SF 2.42 AC. (27%)  
 (BUILDINGS: 41,489 SF, CANOPIES: 43,973 SF, CANOPY ENTRY: 441 SF)  
 PAVEMENT AREA: 121,152 SF 2.78 AC. (32%)  
 LAKE (Ø 8.2): 33,503 SF 0.77 AC. (8%)  
 OPEN/GREEN SPACE: 120,385 SF 2.78 AC. (32)  
 (CITY INTENT ION Ø 9.21 29,658 SF)  
 (OTHER GREEN AREA: 90,528 SF)  
**TOTAL IMPERVIOUS AREA:** 260,117 SF 5.97 AC. (68%)  
 (INCLUDES LAKE)  
**TOTAL PERVIOUS AREA:** 120,385 SF 2.78 AC. (32%)  
**PARKING REQUIREMENTS:**  
 COVERED R.V. STORAGE PARKING REQUIRED: 0 SPS.  
 MINI WAREHOUSE PARKING REQUIRED: 4.1 SPS. (5 MIN.)  
 (1/ 10,000 SQ.FT. = 41,880 SQ.FT./10,000 SF = 4.1 SPS.)  
 PARKING PROVIDED: 5 SPS.

DATE: 05/29/2018  
 TIME: 11:04:38 AM  
 PROJECT: 17-50 HDP/17-501 PDP-DEVELOPMENT  
 DRAWING: 3 MASTER SITE  
 SCALE: AS SHOWN  
 SHEET: 3 OF 6

**AVALLON ENGINEERING, INC.**  
 2303 DEL PRADO BLVD. #200  
 CAPE CORAL, FLORIDA 33904  
 TEL: (941) 573-1178  
 FAX: (941) 573-1179  
 WWW.AVALLON-ENG.COM

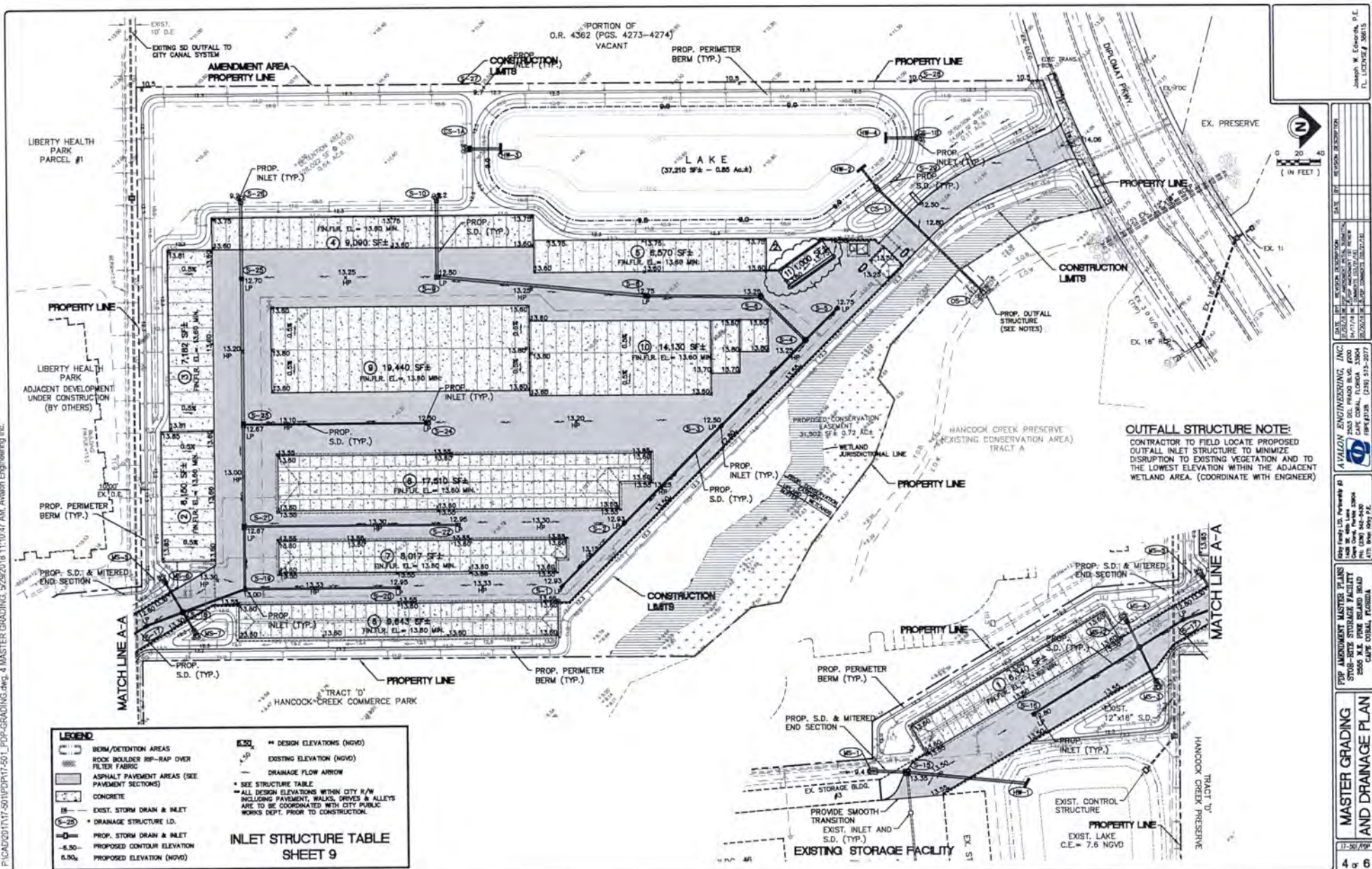
**PREP AND SUBMIT MASTER PLANS**  
 2005 S.E. FORK ISLAND ROAD  
 CAPE CORAL, FLORIDA

**MASTER SITE DEVELOPMENT PLANS**

17-50/PH3

3 OF 6

P:\CAD\2017\17-501\PRV\17-501\_PDP-GRADING.dwg, 4 MASTER GRADING, 5/29/2018 11:10:47 AM, Avalon Engineering Inc.



LEGEND	
	BERM/DETENTION AREAS
	ROCK BOULDER RIP-RAP OVER FILTER FABRIC
	ASPHALT PAVEMENT AREAS (SEE PAVEMENT SECTIONS)
	CONCRETE
	EXIST. STORM DRAIN & INLET
	DRAINAGE STRUCTURE I.D.
	PROP. STORM DRAIN & INLET
	PROPOSED CONTOUR ELEVATION
	PROPOSED ELEVATION (NGVD)
	DESIGN ELEVATIONS (NGVD)
	EXISTING ELEVATIONS (NGVD)
	DRAINAGE FLOW ARROW
	SEE STRUCTURE TABLE
	ALL DESIGN ELEVATIONS WITHIN CITY R/W INCLUDING PAVEMENT, WALKS, DRIVES & ALLEYS ARE TO BE COORDINATED WITH CITY PUBLIC WORKS DEPT. PRIOR TO CONSTRUCTION.

**INLET STRUCTURE TABLE  
SHEET 9**

**OUTFALL STRUCTURE NOTE:**  
CONTRACTOR TO FIELD LOCATE PROPOSED OUTFALL INLET STRUCTURE TO MINIMIZE DISRUPTION TO EXISTING VEGETATION AND TO THE LOWEST ELEVATION WITHIN THE ADJACENT WETLAND AREA. (COORDINATE WITH ENGINEER)

Joseph W. Edwards, P.E.  
FL LICENSE # 38673

DATE: 5/29/2018  
SCALE: AS SHOWN  
PROJECT: HANCOCK CREEK COMMERCE PARK  
SHEET: 9 OF 10

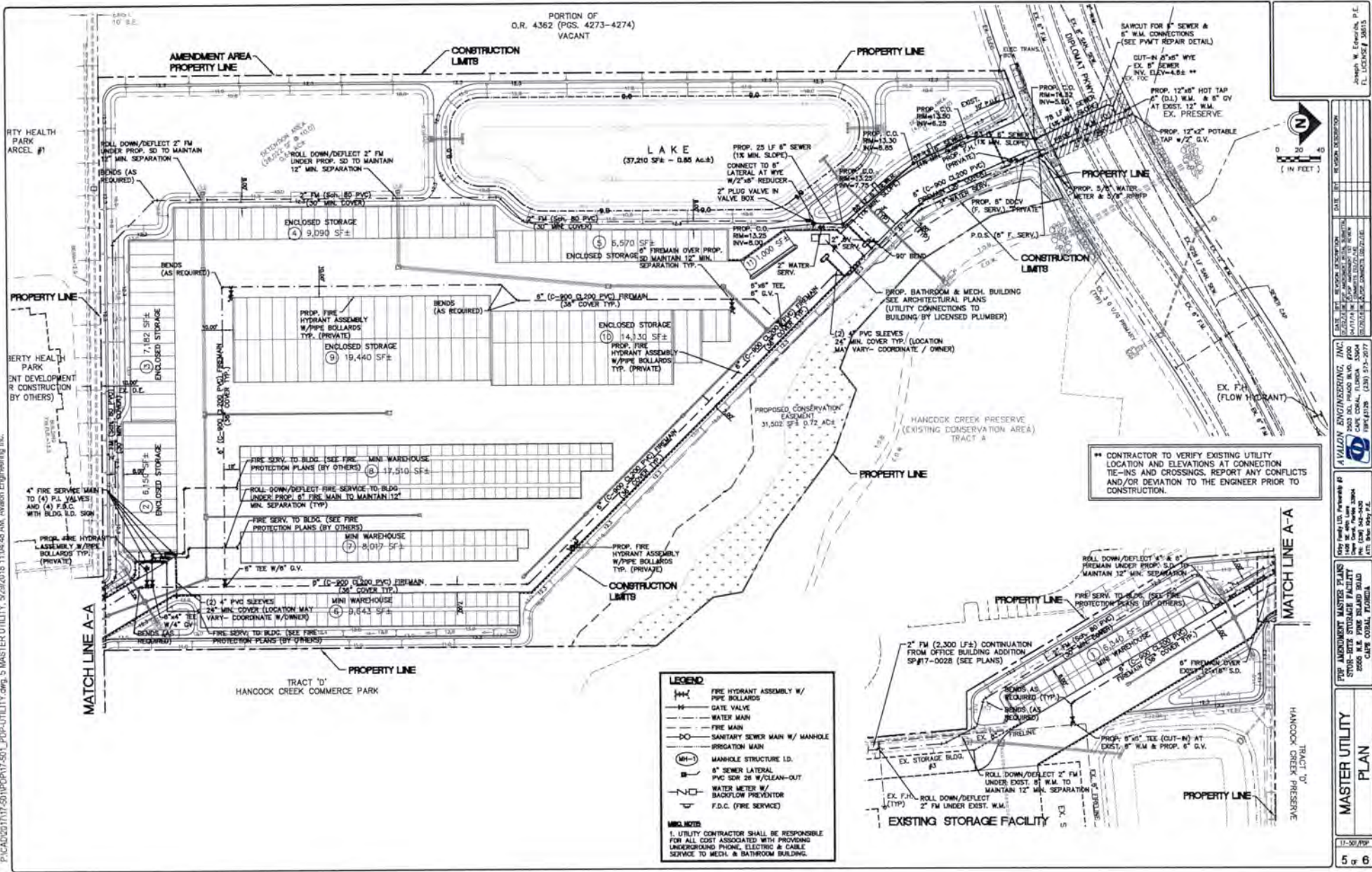
AVOLON ENGINEERING, INC.  
2500 S.W. PALM BLVD. #200  
CLAY COUNTY, FLORIDA 33004  
TEL: 904.878.1111 FAX: 904.878.1122  
WWW.AVALON-ENG.COM

PROJ. APPROV. MASTER PLANS  
STORAGE BLDG. STORAGE FACILITY  
2500 S.W. PALM BLVD.  
CLAY COUNTY, FLORIDA

**MASTER GRADING  
AND DRAINAGE PLAN**

17-501/PRV  
4 of 6

PORTION OF  
O.R. 4362 (PGS. 4273-4274)  
VACANT



**LEGEND**

- FIRE HYDRANT ASSEMBLY W/ PIPE BOLLARDS
- GATE VALVE
- WATER MAIN
- FIRE MAIN
- SANITARY SEWER MAIN W/ MANHOLE
- IRRIGATION MAIN
- MANHOLE STRUCTURE I.D.
- 8" SEWER LATERAL
- PVC SEWER W/ CLEAN-OUT
- WATER METER W/ BACKFLOW PREVENTOR
- F.D.C. (FIRE SERVICE)

**MRG. NOTES**

- UTILITY CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COST ASSOCIATED WITH PROVIDING UNDERGROUND PHONE, ELECTRIC & CABLE SERVICE TO MECH & BATHROOM BUILDING.

\*\* CONTRACTOR TO VERIFY EXISTING UTILITY LOCATION AND ELEVATIONS AT CONNECTION TIE-INS AND CROSSINGS. REPORT ANY CONFLICTS AND/OR DEVIATION TO THE ENGINEER PRIOR TO CONSTRUCTION.

Joseph W. Edwards, P.E.  
FL LICENSE # 38873



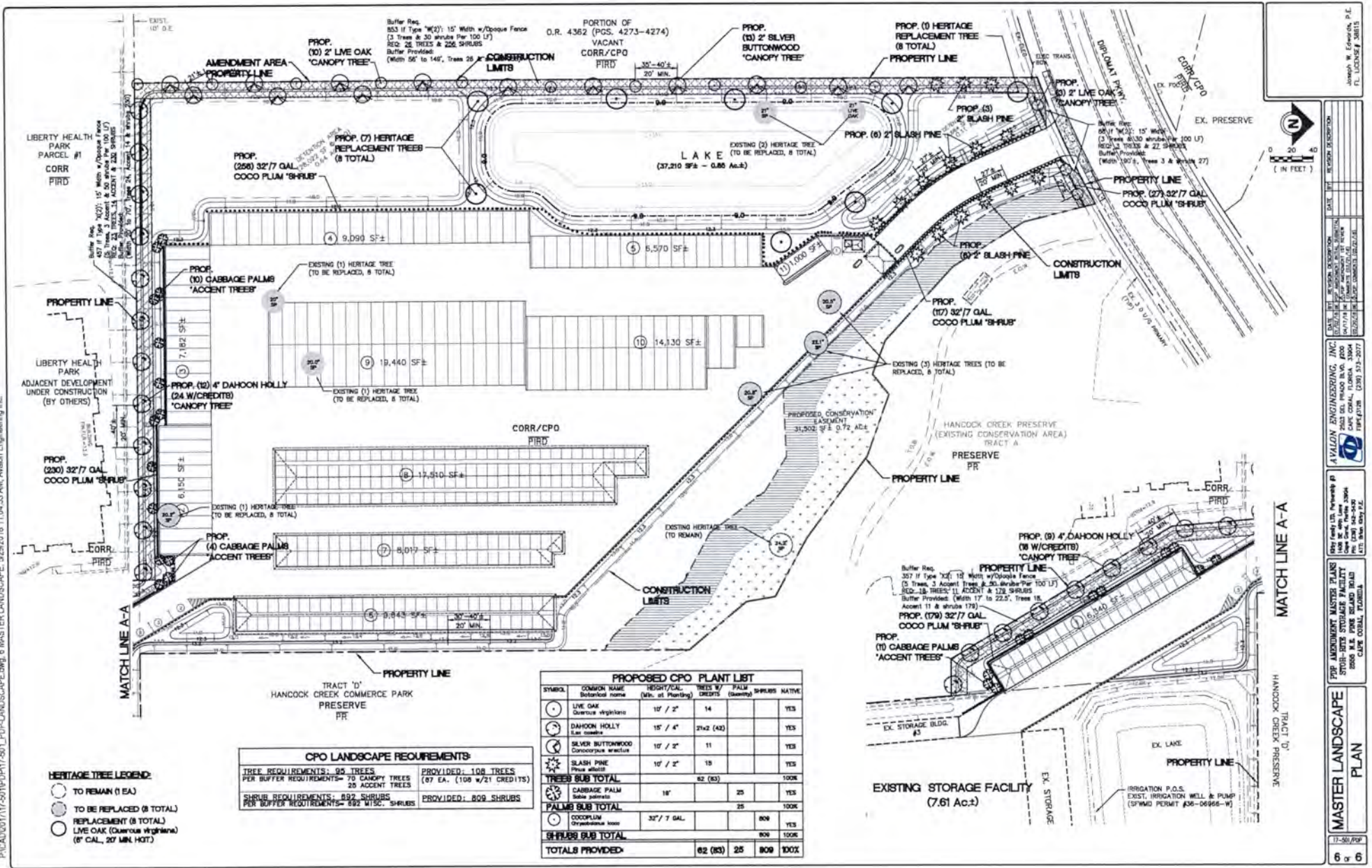
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01/20/2018	JWE	ISSUED FOR PERMIT
01/20/2018	JWE	REVISED PER COMMENTS
01/20/2018	JWE	REVISED PER COMMENTS
01/20/2018	JWE	REVISED PER COMMENTS

AVALLON ENGINEERING, INC.  
2500 S.W. 10TH AVENUE, SUITE 200  
MIAMI, FLORIDA 33135  
TEL: (305) 441-2000  
FAX: (305) 441-2001  
WWW.AVALLONENGINEERING.COM

FOR AMENDMENT MASTER PLANS  
STOR-872X STORAGE FACILITY  
2500 S.W. 10TH AVENUE, SUITE 200  
MIAMI, FLORIDA 33135  
TEL: (305) 441-2000

**MASTER UTILITY PLAN**





**HERITAGE TREE LEGEND:**

- TO REMAIN (1 EA)
- TO BE REPLACED (8 TOTAL)
- REPLACEMENT (8 TOTAL)
- LIVE OAK (*Quercus virginiana*) (8" CAL., 20' MIN. HGT.)

**CPO LANDSCAPE REQUIREMENTS:**

TREE REQUIREMENTS: 95 TREES PER BUFFER REQUIREMENTS= 70 CANOPY TREES 25 ACCENT TREES	PROVIDED: 108 TREES (87 EA., (108 w/21 CREDITS)
SHRUB REQUIREMENTS: 892 SHRUBS PER BUFFER REQUIREMENTS= 892 MISC. SHRUBS	PROVIDED: 809 SHRUBS

**PROPOSED CPO PLANT LIST**

SYMBOL	COMMON NAME <i>Botanical name</i>	HEIGHT/CAL. (Min. w/ Planting)	TREES W/ CREDITS	PALM SHRUBS NATIVE (Inventory)
○	LIVE OAK <i>Quercus virginiana</i>	10' / 2"	14	YES
●	DAHOOH HOLLY <i>Ilex dahoonii</i>	15' / 4"	21x2 (42)	YES
○	SILVER BUTTWOOD <i>Conocarpus erectus</i>	10' / 2"	11	YES
○	SLASH PINE <i>Pinus elliotii</i>	10' / 2"	19	YES
○	CABBAGE PALM <i>Sabal palmetto</i>	18'	25	YES
○	COCOPLUM <i>Crytanthus loomii</i>	32" / 7 GAL.	25	NO
<b>TREES SUB TOTAL</b>			62 (85)	100K
<b>PALM SUB TOTAL</b>			25	100K
<b>SHRUBS SUB TOTAL</b>			809	100K
<b>TOTALS PROVIDED:</b>			62 (85)	25 809 100K

Joseph W. Edwards, P.E.  
FL LICENSE # 28113

0 20 40  
( IN FEET )

N

DATE	BY	REVISION DESCRIPTION
05/27/18	JWE	ISSUE FOR PERMIT
05/23/18	JWE	REVISED PER COMMENTS
05/22/18	JWE	REVISED PER COMMENTS
05/21/18	JWE	REVISED PER COMMENTS

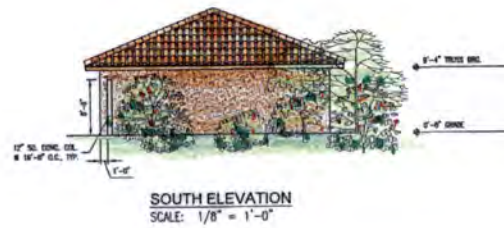
**MAVALLON ENGINEERING, INC.**  
 2022 S.W. PALM BLVD. #200  
 CAPE CORAL, FLORIDA 33904  
 TEL: (239) 342-3000  
 FAX: (239) 342-3077  
 www.mavallon.com

**PROJ. AMENDMENT MASTER PLANS**  
 STOR-0103 STORAGE FACILITY  
 2805 N.E. PINE ISLAND ROAD  
 CAPE CORAL, FLORIDA  
 LIT. SHEET 01-A

**MASTER LANDSCAPE PLAN**

11-50/PPR  
6 of 6





**SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**EAST ELEVATION**  
SCALE: 1/8" = 1'-0"

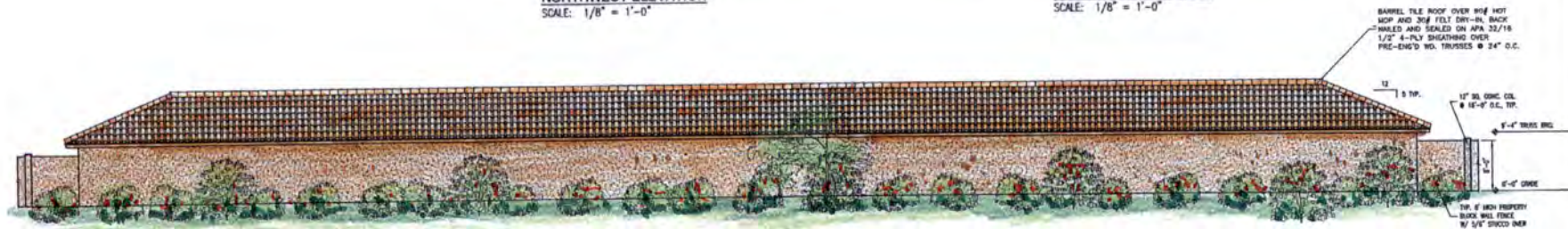
6 BUILDING '6'  
A2 SCALE: 1/8" = 1'-0"



**NORTHWEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**SOUTHEAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**SOUTHWEST ELEVATION**  
SCALE: 1/8" = 1'-0"

1 BUILDING '1'  
A2 SCALE: 1/8" = 1'-0"



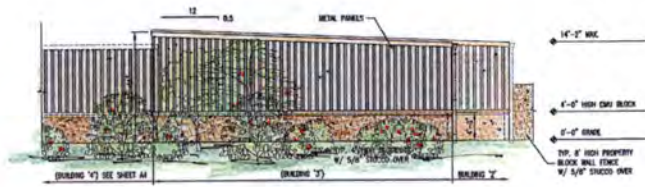
111 BUNN RD  
111 BUNN RD  
PO BOX 20147-180  
DALLAS, TEXAS 75220-1804  
Gensdorf & Gensdorf, Inc.  
Architects  
M. 020748

REVISIONS:  
DATE: APR. 17, 2018  
DRAWN BY: BJS  
CHECKED BY: DMS  
ISSUE DATE:  
AUG. 20, 2018

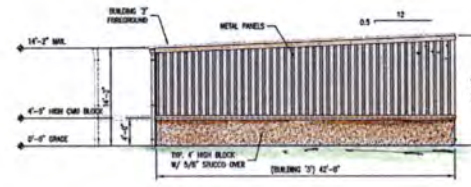
**STOR-RITE  
STORAGE FACILITY**  
2555 N.E. PINE ISLAND ROAD  
CAPE CORAL, FLORIDA

BUILDINGS '1' & '6'  
SCALE: 1/8" = 1'-0"

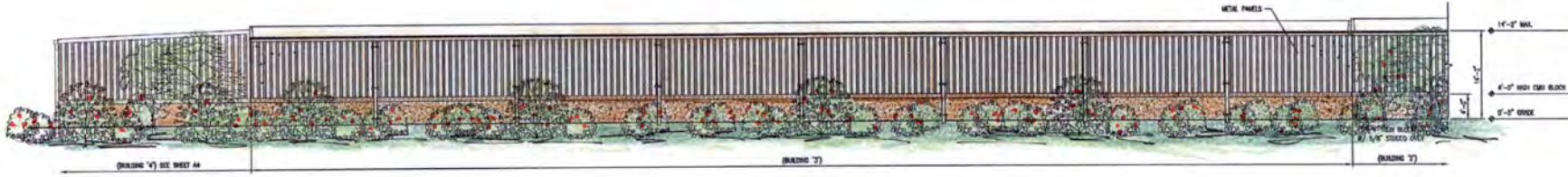
A2



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"

**3 BUILDING '3'**  
SCALE: 1/8" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"

**2 BUILDING '2'**  
SCALE: 1/8" = 1'-0"



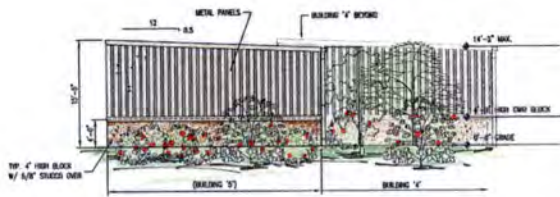
Gersdorf &  
Gersdorf, Inc.  
Architects  
114 BUCKNER BL.  
FT. WALKER, FLORIDA 32032  
PHONE: 238-447-0186  
FAX: 238-447-0186  
WWW: gersdorfarchitect.com  
FL. LIC. # 10007149

REVISIONS:  
  
DATE: AUG. 17, 2019  
DRAWN BY: RFB  
CHECKED BY: DWG  
ISSUED DATE:  
AUG. 20, 2018

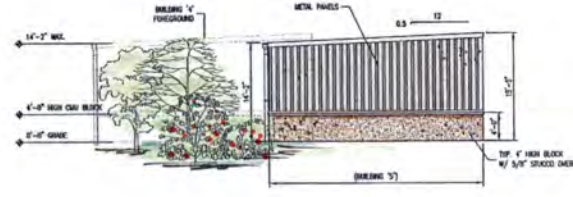
**STOR-RITE  
STORAGE FACILITY**  
2555 N.E. PINE ISLAND ROAD  
CAPE CORAL, FLORIDA

**BUILDINGS '2' & '3'**  
SCALE: 1/8" = 1'-0"

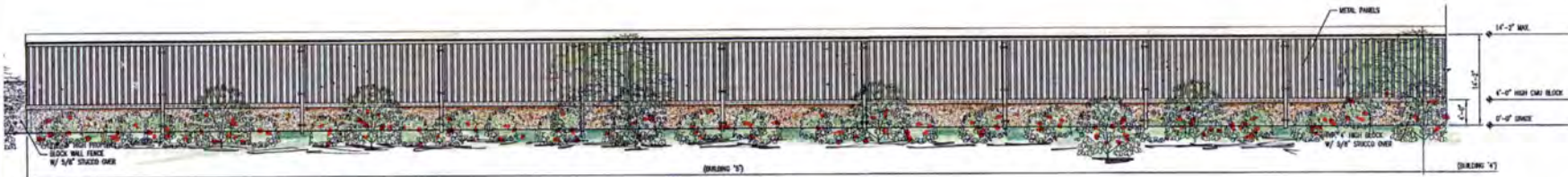
**A3**



**NORTH ELEVATION**  
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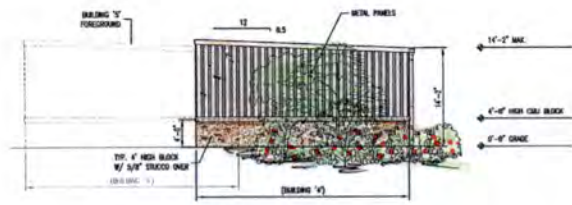


**SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"

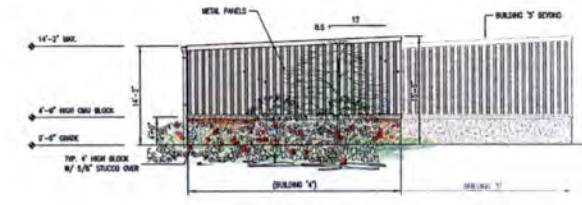


**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

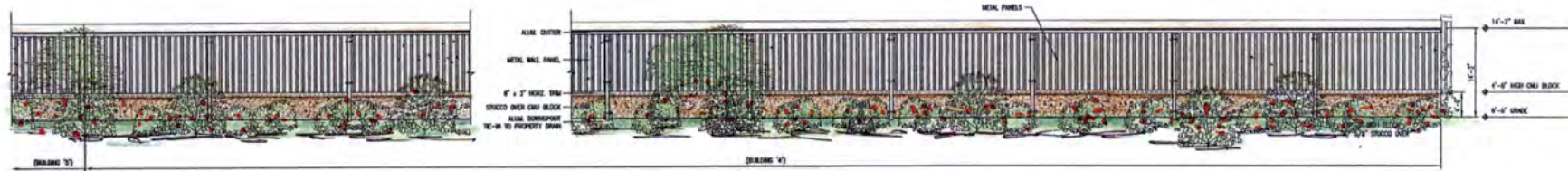
**5 BUILDING '5'**  
SCALE: 1/8" = 1'-0"



**NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

**4 BUILDING '4'**  
SCALE: 1/8" = 1'-0"



144 ANDREWS BL.  
FT. WATTS, FLORIDA 32605  
PHONE 334-437-1800  
C-0001 09/01/2016/01/16  
**Grandorf & Grandorf, Inc.**  
**Architects**  
A4 10012145

REVISIONS:  
  
DATE: AUG. 17, 2018  
DRAWN BY: RBZ  
CHECKED BY: DMS  
ISSUED DATE:  
AUG. 20, 2018

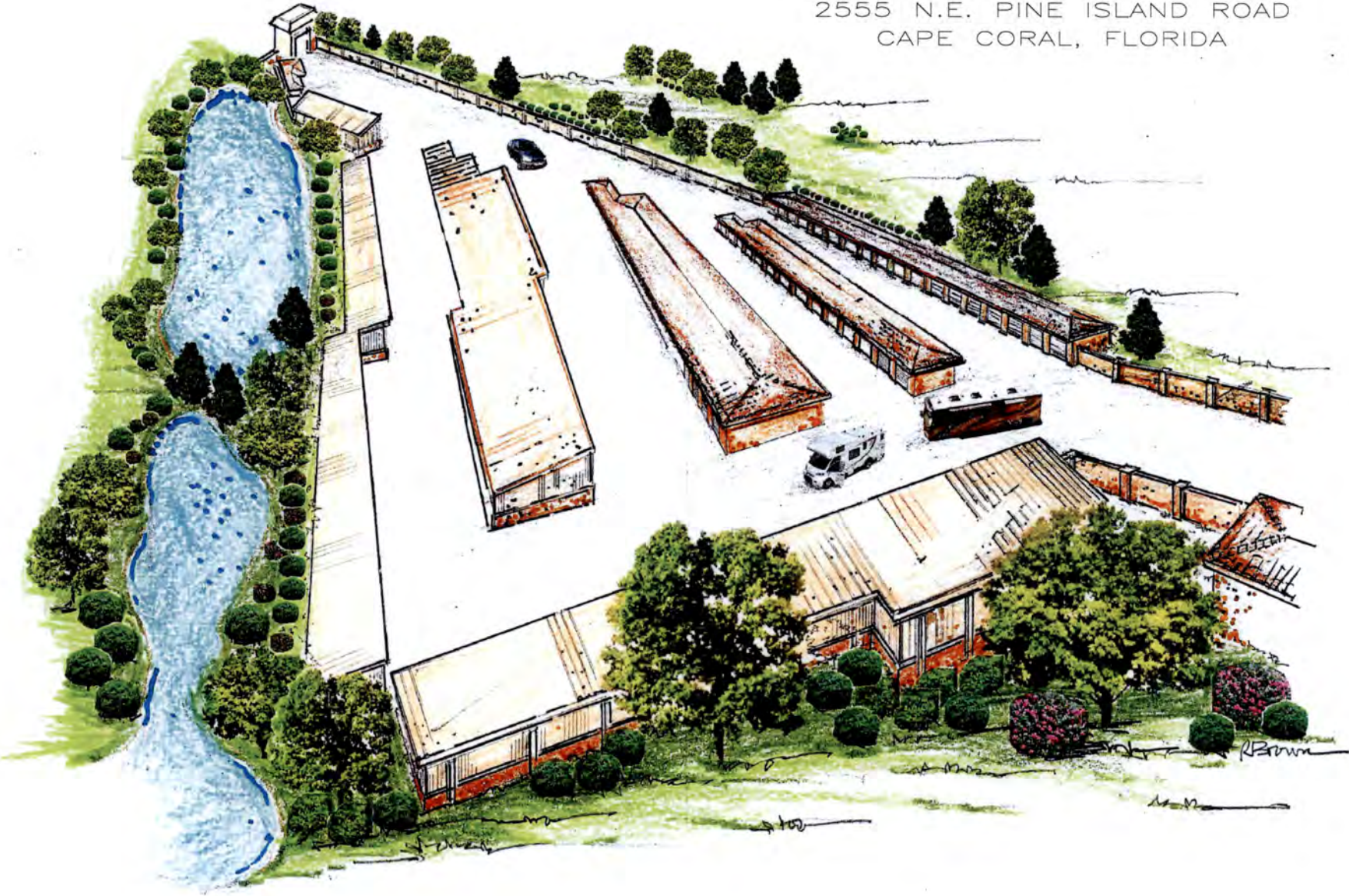
**STOR-RITE**  
**STORAGE FACILITY**  
2555 N.E. PINE ISLAND ROAD  
CAPE CORAL, FLORIDA

**BUILDINGS '4' & '5'**  
SCALE: 1/8" = 1'-0"

**A4**

# STOR-RITE STORAGE FACILITY

2555 N.E. PINE ISLAND ROAD  
CAPE CORAL, FLORIDA



**A-1 Shelters Self Storage,  
Hancock Creek Site PDP Amendment (PDP18-0001)**

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

*September 24, 2018*

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**PURPOSE**

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

- Description of the site.
- Previously approved entitlements for the site.
- Need for the PDP amendment.
- Description of the proposed project.
- Analysis of applicant requests.
- 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 Plan.
- Summary of the positive and negative aspects of the project.
- Project recommendation.

**DESCRIPTION OF THE SITE**

The 17.4-acre site has frontage along two streets; Pine Island Road to the south and Diplomat Parkway to the north. Pine Island Road is classified as a Principal Arterial and Diplomat Parkway is classified as a Minor Arterial. While the site will have driveways along both streets, the main access will be from Pine Island Road as it presently exists. The site is in the Urban Services Transition Area.

The site is irregular and relatively long, but narrow. The site has a length of over 2,100 feet and at its narrowness point, a width of only about 70 feet. The southern-most 7.6 acres has a mini-warehouse facility that includes a stormwater pond. This project does not propose changes to the existing mini-warehouse facilities. The remaining 9.8 acres is forested and has a small wetland (less than 0.2 acres).

The northern 5.4 acres of the site was part of the Hancock Creek Commerce Park Development of Regional Impact (DRI). This DRI was adopted in 1989 but abandoned by the City in 2011. Only three parcels developed in the 218-acre DRI, as changes in market conditions were no longer favorable for industrial development.

## PREVIOUSLY APPROVED ENTITLEMENTS FOR THE SITE

A PDP for the southern 7.6 acres was approved in 1998 for “A-1 Shelters Self Storage, Hancock Creek Site.” Ordinance 6-98 granted the following:

- A deviation of 12 feet from the minimum front setback requirement of 50 feet; and
- A deviation of 58 parking spaces to allow a project with four parking spaces.

The PDP approved 121,700 sq. ft. of self-storage uses that included office space and caretaker residence uses. This site was zoned Industrial (I-1) at the time. In 2011 the City changed the future land use classification to the Pine Island Road District and zoning to the Corridor (CORR) District. Similar land use and zoning changes were made to other properties in this area to improve the development potential of lands near the VA Clinic that opened in 2012.

In 2017 the project was amended by Ordinance 17-17. This ordinance granted the following:

- An expansion of the project to include 6.10 acres southeast of the intersection of Diplomat Parkway East and NE 24<sup>th</sup> Avenue;
- A rezone of 8.3 acres from CORR to the CORR District with the Commerce Park Overlay (CPO);
- A deviation that limits metal to 30% of the front surface of walls facing a public right-of-way;
- A deviation of 12 feet, four inches that limits walls to a maximum height of eight feet;
- A deviation to allow a building wall used for screening in a CPO Buffer to consist of metal; and
- A deviation to allow buildings within the enclosed storage facility to be exempt from the nonresidential design standards.

## NEED FOR THE PDP AMENDMENT

A PDP amendment is required as additional lands are being incorporated into the PDP project area (LUDR, Section 4.2.5.A.3), and a deviation is sought that can only be granted by PDP (LUDR, Section 4.2.4.K).

## DESCRIPTION OF THE PROPOSED PROJECT

The current PDP amendment includes adding 3.7 acres (northwest of the mini-warehouse facility) into the project (Figure 1). The new land area will allow the mini-warehouse use to increase from 121,700 sq. ft. to 163,210 sq. ft. This increase in mini-warehouse area will occur partially at the expense of the area previously approved for enclosed storage uses, or more specifically for recreational vehicles (RVs). Building area previously approved for enclosed storage uses by Ordinance 17-17 will be reduced by 15,799 sq. ft. by this amendment to 63,562 sq. ft. (Table 1).

**Table 1. Land Areas, and Mini Warehouse and Enclosed Storage Building Areas Associated with Ordinance 6-98, Ordinance 17-17, and the Current PDP Amendment.**

	ORD 8-98	ORD 17-17	Current PDP Amendment (PDP18-0001)
Land Area (acres)	7.6	13.7	17.4
Mini Warehouse (sq. ft.)	121,700	121,700	163,210
Enclosed Storage (sq. ft.)	0	79,361	63,562



The 6.1 acres of land added to the project by Ordinance 17-17 and the additional 3.7 acres of land added to the project by this PDP amendment will include a combination of new mini-warehouse and enclosed storage buildings. The perimeter of this area will be lined with a combination of both buildings along with connecting free-standing walls. The height of the mini-warehouse buildings will be nine feet, four inches and the height of the enclosed storage buildings will be 14 feet, two inches. The connecting walls will be eight feet tall. Landscaping will be installed around the perimeter of the site for buffering.

The entire 17.4-acre site has Corridor Zoning with the Commerce Park Overlay (CPO). Enclosed storage and mini-warehouse uses are allowed as permitted uses in the CPO. Since the applicant has chosen to seek entitlements under the CPO, compliance with the CPO Buffers is required.

**Figure 1. Project area associated with Ordinance 17-17 shown in green. Area (3.7 acres) being added to the project in this PDP amendment is shown in a red cross-hatch pattern.**



#### ANALYSIS OF APPLICANT REQUESTS

Within this PDP amendment, the developer requests:

- The addition of 3.7 acres to the project.

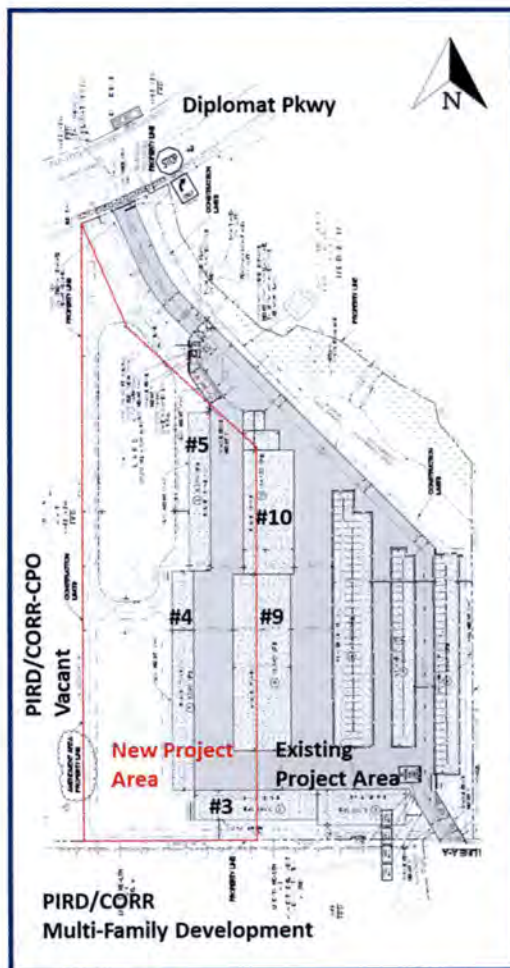
- A deviation from the requirement that building walls meeting the opaque feature requirement within a CPO Buffer must be surfaced with stucco, brick, stone, textured concrete masonry units, or other concrete surfaces.
- A deviation from the nonresidential design standards for several mini-warehouse and enclosed storage buildings.
- Development Plan approval.

#### A) Expand Project Area of the PDP

##### Request and Background:

The developer requests adding 3.7 acres of land into the existing project area. This area is currently undeveloped and is to the west of the existing site. This area will be developed with storage uses. More specifically, this land will include stormwater and landscape areas, Buildings 4 and 5, and portions of Buildings 3, 9, and 10 (Figure 2).

**Figure 2. A-1 Shelters Self Storage, Hancock Creek Site showing the new area being added to the project along with improvements proposed for this land. Numbers shown reference specific buildings.**



##### 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: Kirby Family Limited Partnership (LP) #3 is the sole owner of the two parcels that comprise the existing 13.7-acre PDP project. Kirby Family LP #3 is 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: Kirby Family LP #3 is the sole owner of the 3.7-acre parcel that is proposed to be added to the PDP project. This site constitutes 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: An enclosed storage use is planned for the undeveloped portion of the existing site. However, revisions to the development plan approved by Ordinance 17-17 will occur. These changes include increasing the building area associated with mini-warehouse uses, and relocating stormwater areas, buildings, and drive isles. Kirby Family LP #3 owns all 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: The new land area will be developed with enclosed storage uses. Stormwater areas, drive isles, and buildings will be "shared" between the two sites. Landscaping, architectural treatments, and building heights will be similar throughout the existing and new storage areas. This design will promote a project that is well integrated between these two properties. The proposed amendment will not negatively affect the existing PDP, but will allow for the orderly expansion of the project.**

Recommendation:

The request to add 3.7 acres 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.

**B) LUDR Deviations**

Request: Deviation #1

The developer requests a deviation to LUDR, Section 2.7.13J.6.c(5) for building walls used for screening in a CPO Buffer to have stucco, brick, stone, textured concrete masonry units, or other concrete surfaces. The developer proposes building walls in this buffer that include metal surfaces. This deviation involves Buildings 3, 4, and 5.

Analysis

Staff analyzed this request based on LUDR, Section 4.2.4.K. "*Deviations.*" Deviations to the LUDRs provide flexibility in developing land through the PDP process. Such requests allow for standards different from those appearing in the LUDRs for zoning of the site and that may include area, dimensional, and other regulations. The City Council may approve one or more deviations within a PDP, provided the project demonstrates a unique and innovative design that would be enhanced by the approval of the deviation, and the public health, safety, and welfare would be served by the approval of the deviation.

LUDR, Section 4.2.4.K provides examples of unique and innovative design elements that may include but are not limited to the following:

1. Providing usable common space within the development to offset and compensate for decreases in typical lot sizes or yard requirements;
2. Applying different requirements than those found within the applicable zoning district in question to promote compatibility with surrounding uses;
3. Providing places for public assembly that are linked together and centrally located for accessibility;
4. Locating buildings and dwelling units to provide optimum access to open space areas; and
5. Providing for the integration and preservation of natural resources within development.

This deviation applies to the southern and western property lines of the 3.7-acre site. The CPO Buffer will include two opaque features, buildings and walls. A similar deviation was granted by Ordinance 17-17. This deviation is needed since the project area is being expanded as part of the current PDP amendment.

The types of materials allowed in CPO Buffers is variable based on the buffer type. Free-standing walls used for screening in a Buffer W and X subtype required in this project can be comprised of metal. Other allowable materials include chain link with slats, masonry, PVC, and wood. When a wall of a building is used as the required opaque feature in a buffer yard, however, the building wall is limited to stucco, brick, stone, textured concrete masonry units, or other concrete surfaces.

The building walls used for screening will have a height of 14 feet, two inches. The first four feet of these walls beginning at ground level will have a stucco finish. The remainder of the wall will consist of metal.

The free-standing walls will consist of pre-fabricated panels. The panels will be comprised of pre-cast material that has a finish that will similar to the stucco on both RV storage and mini-storage buildings. The walls will be eight feet in height and will have columns that are spaced 20 feet apart.

Most of the buffer along the southern property boundary ranges from 20 to 28 feet. This buffer will include canopy and accent trees, and shrubs. The buffer along the western property line will range from 56 to 149 feet. This buffer will include canopy trees and shrubs.

Building walls along the south property line will be adjacent to a multi-family development. These walls will have a four-foot wide stucco band along the bottom of the buildings. Above the stucco band, the buildings will have metal panels. While the majority of these walls will be metal, the materials will not be corrugated metal, a material that generally has less aesthetic appeal compared to other metal products. When viewed from ground level, the height of the walls should be effective in screening RVs and other items stored within this facility. Conditions recommended by staff include larger trees and shrubs than required by code for the south property line. Staff is also requiring canopy trees that will produce broad, full crowns for effective buffering. Accent trees are recommended along most of the southern property line for filling in gaps between adjacent canopy trees. Collectively, these plantings will provide better buffering at the onset of the project for residents living south of the site. Along the western property line, 32-inch tall shrubs are recommended. These plantings in conjunction with the wider buffers provided should be sufficient for buffering the development as the site to the west is undeveloped at this time.

With conditions, staff finds this deviation request is consistent with LUDR, Section 4.2.4.K as the project will applying different requirements that include greater buffer widths and larger plantings than those found within the CPO to promote compatibility with surrounding uses.

Recommendations

Staff recommends approval of this deviation with the following conditions:

1. Canopy trees planted in the CPO Buffer along the south property line as depicted on Sheet 6 entitled "Master Landscape Plan" shall be limited to one or more of the following trees: Black Olive, Gumbo Limbo, Live Oak, or Mahogany. The City at its discretion may approve a different species of tree than those listed in this subsection provided the substituted species can achieve a similar height and crown at maturity. All canopy trees shall be installed at a minimum height of 14 feet with a minimum caliper of 3.5 inches.
2. For the CPO Buffer along the south property line, except for the group of four cabbage palms shown at the southeast corner of Building #2, palm trees shall not be substituted for accent trees. All accent trees shall be installed at a minimum height of 10 feet with a minimum caliper of two inches.
3. All shrubs in the CPO Buffer along the south and west property lines shall have a minimum height of 32 inches and shall occupy a seven-gallon container at the time of planting. All shrubs within these buffers shall be maintained at a minimum height of 48 inches at maturity.
4. The width of the CPO Buffers shall range from 20-70 feet wide and 56-149 feet wide along the south and west property lines, respectively of the enclosed storage use as depicted on Sheet 6 entitled "Master Landscape Plan." Changes to reduce the buffer width may be approved by the DCD Director, or designee, provided good cause is demonstrated by the developer, compliance with the CPO minimum buffer width is achieved, and such changes affect no more than 10% of the total buffer length.
5. The building walls used for screening in the CPO buffers shall have a minimum four-foot tall stucco band as depicted on Sheets A3 and A4 prepared by Gersdorf and Gersdorf, Inc. Architects, with an issued date of August 20, 2018.

Request: Deviation #2

The developer requests a deviation from all requirements associated with LUDR, Section 5.6 entitled "Non-residential design standards." This deviation is sought for five buildings (Buildings 3, 4, 5, 9, and 10) that in whole or in part occupy the 3.7 acres being added to the site. These buildings will protect RVs stored on this site.

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

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

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

### Analysis

Staff has analyzed this request based on a claim of unnecessary or undue hardship.

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

**Staff response: No.** While the property is irregularly shaped, particularly to the north, there are no physical features associated with the site that hinder compliance with the architectural standards.

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

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

***The nature of the development.*** A combination of buildings and walls will form the perimeter of the storage yard. Beginning at the entryway of the enclosed storage facility off Diplomat Parkway, the project will have an uninterrupted wall around the site ranging from eight to 14 feet, two inches tall. The buildings will be roofed and will mimic the appearance of a carport with multiple stalls for storing RVs.

***The CPO regulations.*** CPO Buffers are required for the southern and western property lines of the site. Both the Buffer X and W subtypes allow metal walls with a height of eight feet with no required architectural treatments. Such unadorned walls would partially screen or conceal buildings with required architectural enhancements. Taller canopy and accent trees along the south property line are recommended for more effective screening of the project for an adjacent multi-family development.

***The visibility of the buildings from outside the development.*** Exterior building facades that will have a four-foot tall stucco band at the bottom and will provide for a smooth transition between the building facades and walls of the site. Buildings 9 and 10 will be placed in the interior of the storage area but will probably not be visible from ground level outside the site. A multi-family project to the south of the site has eight, four-story residential buildings. Individuals residing on floors #2-4 in one building

along the north property line adjacent to the storage facility may have views of the interior of the storage facility.

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

**Staff response:** The requested deviation is anticipated to have minimal negative effect on community appearance for the following reasons.

- The integration of several buildings into the perimeter wall enclosing the storage area will provide for uninterrupted screening of the use.
- Landscaping on the outer perimeter of the development will buffer this use and reduce the starkness of the walls.
- CPO buffer widths, particularly on the west side of the site, substantially exceeds the minimum width required by the LUDRs.
- No building should be visible from a public right-of-way.

On an adjacent site to the south, residents in one multi-family building on floors 2-4 may be able to see inside the storage facility. However, the openings to the storage buildings will be oriented away from the residential site and it is unlikely that most individuals living in this building will have unobstructed views of items stored in these buildings.

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

**Staff response:** There will be no negative affect as loading areas are absent from this development. All RVs will be stored within the enclosed area and will not be visible except to customers visiting this business.

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

**Staff response:** The health, safety, and welfare of the public will be served by the approval of this deviation as the wall around this storage use will shield the public from RVs and items stored within the enclosed area. Aesthetic appeal will be achieved by providing a continuous screening treatment around the site that will be well buffered. Furthermore, the relatively remote location of this development with direct access only from Diplomat Parkway will mean this site will be rather inconspicuous to most residents living and working in this area.

#### Recommendation

Staff recommends approval of this deviation.

#### **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 April, 2018 Environmental Survey was submitted by DexBender. One potentially occupied Gopher Tortoise burrow was reported from the 3.7-acre parcel being added to the project. The report notes that based on a review by the South Florida Water Management District (SFWMD), about 0.76 acres of wetlands exist on this site. About 0.43 acres of low quality wetlands will be impacted, and the remaining 0.33 acres will be enhanced and preserved. An Environmental Resource Permit will likely be needed from the SFWMD. The project is compliant with the four standards in LUDR, Section 5.4.
- B. *Maintenance of improvements:* General landscape areas are shown on the development plan. Compliance with City landscaping regulations will be reviewed when a site plan is submitted.
- C. *Consistency with Comprehensive Plan:* This project is consistent with several policies and goals contained within 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:* The project is compliant with dimensional requirements for the Corridor District.
- F. *Maximum density:* This project does not involve a residential use. This standard is not applicable.
- G. *Minimum parcel size:* The Corridor District does not have a minimum lot area requirement. In addition, the project is not in the Urban Services Reserve Area.
- H. *Time limitation:* Substantial construction is required to commence within two years from the date of project approval or within one year for the last permit approval for all appropriate regulatory bodies, whichever is less.
- I. *Ownership requirements:* Kirby Family LP #3 owns all property in the project area.
- J. *Special exceptions:* This project does not involve a special exception use.
- K. *Deviations:* Two deviations are sought. One deviation will allow building walls meeting the screening requirement in a CPO Buffer to have metal walls instead of stucco brick, stone, or textured concrete masonry units. The other deviation will grant relief from the nonresidential design standards for several buildings. Staff supports both requests.
- L. *Underground Utilities:* New utilities serving the site will be placed underground.

## **CURRENCY REVIEW**

The project will meet concurrency requirements for solid waste, drainage, potable water, sewer, and transportation. Details are provided in Table 2.



**Table 2. Information on Design Capacity, Usage, and Concurrency Status for Various Services.**

SERVICE	FACILITY DESIGN CAPACITY	USAGE	STATUS
Solid Waste <sup>1</sup>	1,836 Tons	1,384 Tons	Capacity exists
Drainage <sup>2</sup>	NA	NA	NA
Potable Water	30.1 MGD <sup>3</sup>	9.4 MGD	Capacity exists
Sewer	28.4 MGD	12.8 MGD	Capacity exists
Roads			
<i>NE Pine Island Road</i> <sup>4</sup>	Level of Service D	13,300	Capacity exists
<i>Diplomat Parkway</i>	Level of Service D	7,300 AADT <sup>5</sup> No data	Capacity exists

**CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The project is consistent with the following goals and policies.

Conservation and Coastal Management Element**Policy 1.2.1**

*“By 2009, the City of Cape Coral will adopt regulations to ensure that, prior to property development, or habitat alteration, of any kind, owners of properties having viable native habitat and/or which may contain habitat for protected species, undergoing significant development and/or habitat alteration, will be required to provide an environmental survey of their properties and undertake acceptable mitigation, as appropriate.”* **Staff comments: An environmental survey of the site, dated April, 2018, was prepared by DexBender. This policy is supportive of this request.**

**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: The environmental survey of the site, included a protected species survey. One potentially occupied Gopher Tortoise burrow was reported. This policy is supportive of this request.**

**Policy 1.5.2**

*“The City will continue to conserve and protect its wetlands in accordance with standards set by FDEP and SFWMD. The City shall direct future land uses incompatible with protection and conservation of wetlands away from wetlands. The evaluation of incompatibility shall include the following factors for land uses:*

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

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

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

<sup>4</sup> East of SW 19<sup>th</sup> Avenue as reported by Lee County DOT.

<sup>5</sup> AADT stands for average annual daily trips.

*types, intensity, density, extent, distribution, and location of allowable land uses. The evaluation of incompatibility shall include the following attributes of the wetlands: types, value, function, size, conditions, and location.*” **Staff comments:** The environmental survey reported, based on a review by the South Florida Water Management District (SFWMD), about 0.76 acres of wetlands exist on this site. About 0.43 acres of low quality wetlands will be impacted, and the remaining 0.33 acres will be enhanced and preserved. An Environmental Resource Permit will likely be needed from the SFWMD. This policy is supportive of this request.

#### Future Land Use Element

##### **Policy 1.9**

*“The City will issue no development orders or construction permits, which result in a reduction in the level of service for any affected public facility below the level of service standard adopted in this comprehensive plan.”* **Staff comments:** The project is concurrent with City services as outlined earlier within this report. This policy is supportive of this request.

##### **Policy 1.15.m**

*“Pine Island Road District: Under this land use designation, at least two distinctive zoning categories will be allowed: Village and Corridor zoning. The Village zone is intended to promote maximum pedestrian friendliness and minimal automobile traffic between residential areas, shopping destinations, a variety of entertainment establishments, and employment opportunities. The Corridor zone designation will be placed on the land located between the Villages and will include larger scale, less pedestrian-oriented uses. This Land Use designation will encourage mixed-use development at key intersections with major North-South streets along Pine Island Road. The Pine Island Road District will be defined as the union of two major mixed-use areas defined below as follows: ...*

*... Corridor: The land located between the Villages and includes such uses as, retail, office, office/warehouse, light manufacturing, institutional (schools, colleges), single family residential, multi-family residential golf courses, larger scale commercial retail (big box stores over 50,000 square-feet) and government uses such as parks and public facilities. Commercial and light manufacturing uses shall not exceed a floor to lot area ratio (FAR) of 1.25 in accordance with City design standards. Public facilities shall be subject to Policy 1.15.i of the Future Land Use Element and parks and recreation shall be subject to Policy 1.15.j of the Future Land Use Element.”* **Staff comments:** The Corridor Zoning of the site that includes the Commerce Park Overlay is consistent with the Pine Island Road District Future Land Use Classification. 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:** CPO buffers are will be along the south and west property lines of the site. A Corridor-zoned site to the south is developed with a multi-family project. Larger plantings are recommended along the south property line to strengthen buffering between the residential and storage uses. 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. 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 is concurrent with City services as outlined earlier within this report. 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 south and west property lines. Landscaping along with south property will provide buffering between the storage use and a multi-family development. 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 commercial development (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas and exterior storage) through the extensive uses of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and/or building orientation. Ensure that the placement of any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety and overall maintenance of commercial properties should be carefully monitored."* **Staff comments: CPO Buffers are required along the south and west property lines. Larger plantings are recommended along the south property line to provide better buffering from a multi-family project. Both buffers will have widths that exceed City standards. The storage use generates a small number of P.M. peak hour trips (48). The use is not anticipated to produce noise that would be disruptive to the area. This policy is supportive of this request.**

Transportation Element**Policy 1.1.1**

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

- a) Del Prado Boulevard (Cape Coral Parkway to SR 78) – LOS E  
Del Prado Boulevard (SR 78 to US 41) – LOS D
- b) State Road 78 (Pine Island Road) West of Del Prado Boulevard – LOS C  
State Road 78 (Pine Island Road) East of Del Prado Boulevard – LOS D
- c) Pondella Road – LOS E
- d) Hancock Bridge Parkway (City Limits to Del Prado Boulevard) – LOS E
- e) Cape Coral Parkway (Cape Coral Bridge to Pelican Boulevard) – LOS E
- f) Burnt Store Road/Veterans Parkway Corridor – LOS E

- g) All other local, collector, and arterial roadways – LOS D
- h) All other limited access facilities – LOS D
- i) All other roads within City jurisdictions – LOS D”

**Staff comments:** P.M. peak hour trips generated by the project will not affect established level of service standards for City streets or Pine Island Road. 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.”* **The ROW adjacent to the frontage of the site along Diplomat Parkway will be improved with curb, gutter, and sidewalks. These improvements will be at the expense of the developer. This policy is supportive of this request.**

**CONSISTENCY WITH THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL STRATEGIC REGIONAL POLICY PLAN**

The project is consistent with one strategy in the Economic Development Element of this plan.

*“Increase the retention and expansion of local business and industry and encourage local entrepreneurial development.”* **Staff comments: This PDP amendment will add 3.7 acres to the project and increase the mini-warehouse use from 121,700 sq. ft. to 163,210 sq. ft. This policy is supportive of this request.**

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

POSITIVE ASPECTS OF THE PROJECT
<ul style="list-style-type: none"> <li>• The commercial site has frontage along two major streets.</li> <li>• The project will generate a low number of vehicle trips.</li> <li>• The addition of 3.7 acres land will result in an expansion to an existing project.</li> </ul>
NEGATIVE ASPECTS OF THE PROJECT
<ul style="list-style-type: none"> <li>• A multi-family project to the immediate south of the site.</li> </ul>
MITIGATING MEASURES
<ul style="list-style-type: none"> <li>• The perimeter of the site will be screened by a combination of buildings and walls with landscaping placed on the outside of these structures.</li> <li>• Larger plantings are recommended along the south property line to improve buffering.</li> <li>• Wider buffers than required by code will be provided along the south and west property lines.</li> </ul>

**PROJECT RECOMMENDATION**

Staff finds that this PDP amendment with conditions is consistent with the City LUDRs and Comprehensive Plan. Staff supports all requests made by the applicant and recommends approval.



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## Detail by Entity Name

Florida Limited Partnership

KIRBY FAMILY LIMITED PARTNERSHIP #3

### Filing Information

**Document Number** A98000000899  
**FEI/EIN Number** 65-0849026  
**Date Filed** 04/10/1998  
**State** FL  
**Status** ACTIVE

### Principal Address

1406 SE 46TH LANE,  
UNIT 4  
CAPE CORAL, FL 33904

Changed: 01/13/2004

### Mailing Address

1406 SE 46TH LANE,  
UNIT 4  
CAPE CORAL, FL 33904

Changed: 01/13/2004

### Registered Agent Name & Address

KIRBY, LYNN A  
1406 SE 46TH LANE,  
UNIT 4  
CAPE CORAL, FL 33904

Address Changed: 01/13/2004

### General Partner Detail

#### **Name & Address**

KIRBY, LYNN ATRUSTEE  
1406 SE 46TH LANE #4  
CAPE CORAL, FL 33904

KIRBY, BRIAN RTRUSTEE  
1406 SE 46TH LANE #4  
CAPE CORAL, FL 33904

**Annual Reports**

Report Year	Filed Date
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2017	01/16/2017
2018	01/24/2018

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<a href="#">04/10/1998 -- Domestic LP</a>	View image in PDF format



## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** PDP18-0001

**REQUEST:** The owner, Kirby Family Limited Partnership #3, seeks to amend Ordinance 6-98, as amended by Ordinance 17-17, that approved a Planned Development Project in the City of Cape Coral, Florida entitled "A-1 Shelters Self Storage, Hancock Creek Site"; providing for Planned Development Project approval for certain property described as a parcel of land located in the southwest quarter of Section 33, Township 43 South, Range 24 East and in the northwest quarter of Section 4, Township 44 South, Range 24 East, Lee County, Florida; properties located at 2555 NE Pine Island Road and near the southeast corner of Diplomat Parkway East and NE 24<sup>th</sup> Avenue; expanding the project area by 3.7 acres to include a parcel of land northwest of the existing site; all being more particularly described herein; granting a deviation from the requirement that building walls used for meeting the screening requirement within a Commerce Park Overlay Buffer be composed of stucco, brick, stone, textured concrete masonry units, or other concrete surfaces to allow the walls of buildings within the new 3.7 acre project area to be composed of metal; granting a deviation from the non-residential design standards to allow new buildings within the project to be exempt from the non-residential design standards; granting development plan approval pursuant to Section 4.2 of the City of Cape Coral Land Use and Development Regulations.

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

**AUTHORIZED REPRESENTATIVE:** Avalon Engineering, Inc.

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, October 2, 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](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

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

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

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





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**NOTICE OF PUBLIC HEARING**

CASE NUMBER: PDP18-0001

**REQUEST:** The owner, Kirby Family Limited Partnership #3, seeks to amend Ordinance 6-98, as amended by Ordinance 17-17, that approved a Planned Development Project in the City of Cape Coral, Florida entitled "A-1 Shelters Self Storage, Hancock Creek Site"; providing for Planned Development Project approval for certain property described as a parcel of land located in the southwest quarter of Section 33, Township 43 South, Range 24 East and in the northwest quarter of Section 4, Township 44 South, Range 24 East, Lee County, Florida; properties located at 2555 NE Pine Island Road and near the southeast corner of Diplomat Parkway East and NE 24th Avenue; expanding the project area by 3.7 acres to include a parcel of land northwest of the existing site; all being more particularly described herein; granting a deviation from the requirement that building walls used for meeting the screening requirement within a Commerce Park Overlay Buffer be composed of stucco, brick, stone, textured concrete masonry units, or other concrete surfaces to allow the walls of buildings within the new 3.7 acre project area to be composed of metal; granting a deviation from the non-residential design standards to allow new buildings within the project to be exempt from the non-residential design standards; granting development plan approval pursuant to Section 4.2 of the City of Cape Coral Land Use and Development Regulations.

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

**AUTHORIZED REPRESENTATIVE:** Avalon Engineering, Inc.

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, October 2, 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.

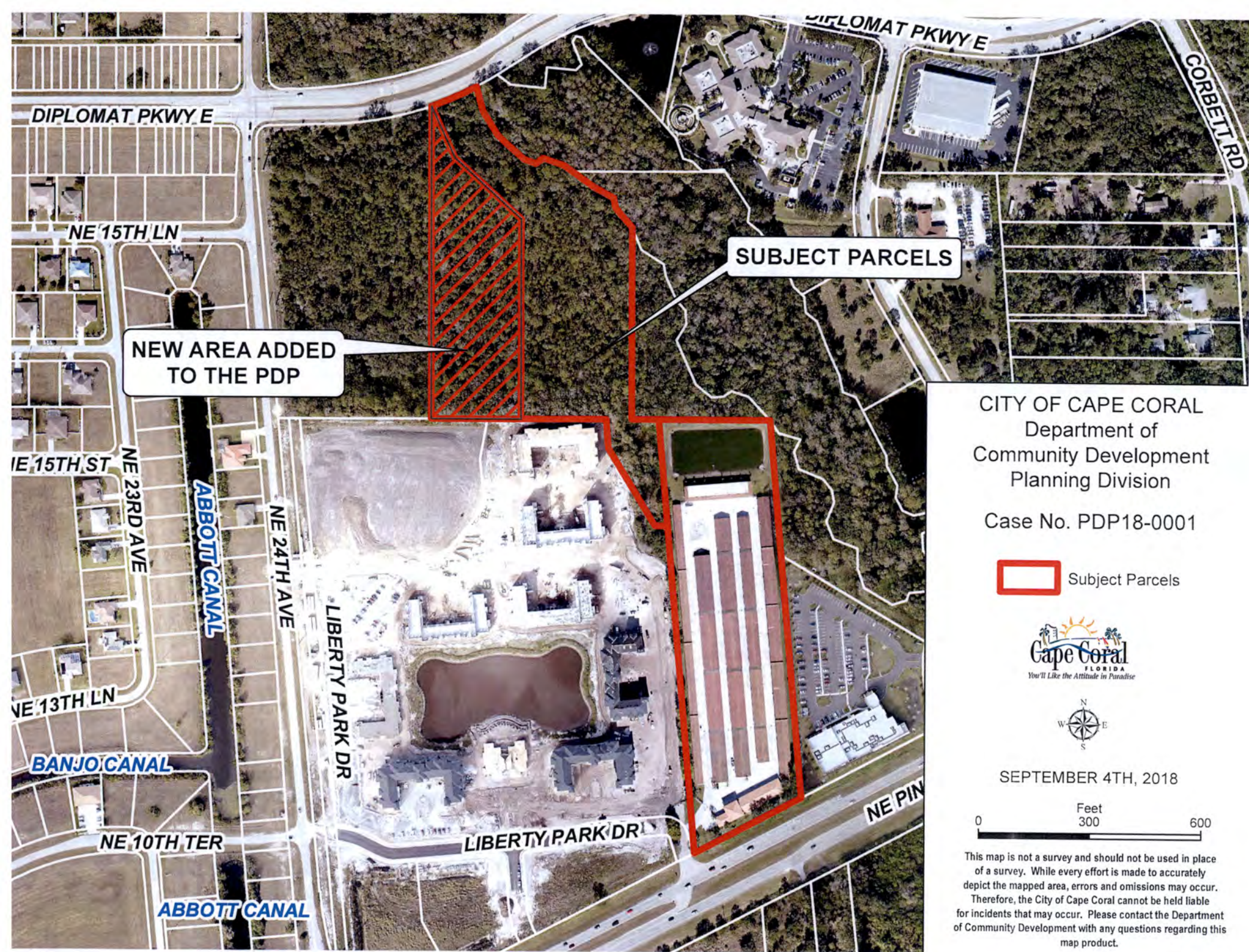
After Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice when this case is scheduled for a City Council hearing.

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

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

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

by order of  
Rebecca van Deutekom, MMC  
City Clerk  
REF # PDP18-0001  
AD# 3167606 Sept. 22, 2018




NEW AREA ADDED TO THE PDP

SUBJECT PARCELS

CITY OF CAPE CORAL  
 Department of  
 Community Development  
 Planning Division

Case No. PDP18-0001

 Subject Parcels



SEPTEMBER 4TH, 2018




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

CURRENT ZONING MAP  
500' Proximity Boundary

Case No. PDP18-0001

LEGEND

 500' Proximity Boundary

 Subject Parcels

Zoning

 C-1

 CORR

 CORR/CPO

 PRES

 R-1B

 R-3

 RX

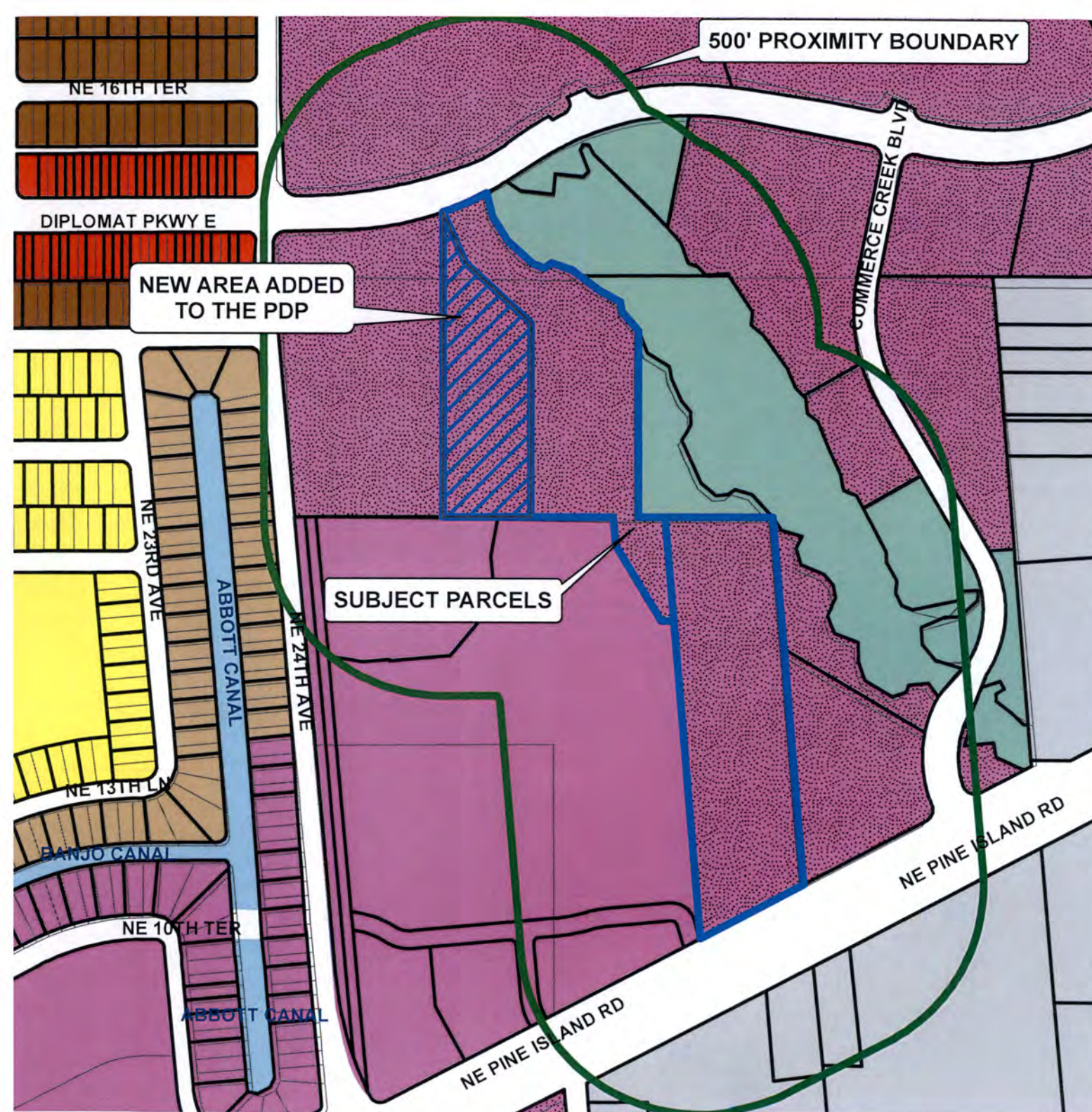
 LEE COUNTY ZONING



SEPTEMBER 4TH, 2018



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<b>Item Number:</b>	<b>3.A.</b>
<b>Meeting Date:</b>	<b>10/2/2018</b>
<b>Item Type:</b>	<b>DATE AND TIME OF NEXT MEETING</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Tuesday, October 16, 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:**