



## **AGENDA FOR THE HEARING EXAMINER**

Tuesday, November 6, 2018

9:00 AM

Council Chambers

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

### **2. HEARINGS**

- A. Case #DE18-0024\*; Address: 3603 SE 21st Place; Applicant: Thomas J. Summerour Jr.
- B. Case #SE18-0010\*; Address: 1910 Del Prado Boulevard South; Applicant: Brandenburg Properties of Florida, LLC
- C. Case #SE18-0008\*; Address: 213 SW 3rd Avenue; Applicant: Giang Chau
- D. Case #VP18-0003\*; Address: PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF CHIQUITA BOULEVARD AND TRAFALGAR PARKWAY; Applicant: 38335 Chiquita Trafalgar, LLC
- E. Case #VP18-0005\*; Address: 824 SW 42nd Terrace; Applicant: Skyline Self Storage, LLC

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

- A. November 13, 2018 at 9 a.m. in Council Chambers
- B. November 20, 2018 Hearing Has Been Canceled

### **4. ADJOURNMENT**

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

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

of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

**PLEDGE OF CIVILITY**

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



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

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

**Item Number:** 2.A.  
**Meeting Date:** 11/6/2018  
**Item Type:** HEARINGS

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case #DE18-0024\*; Address: 3603 SE 21st Place; Applicant: Thomas J. Summerour Jr.

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

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

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

A 345 sq. ft. deviation to Section 3.16.2.D of the Land Use and Development Regulations (LUDR) to allow a marine improvement with an area of 1,545 sq. ft.

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Materials"

**PREPARED BY:**

Kristin                      Division- Planning                      Department- Community  
Kantarze                      Development

**SOURCE OF ADDITIONAL INFORMATION:**

Justin Heller, Planner, 239-574-0587, [jheller@capecoral.net](mailto:jheller@capecoral.net)

**ATTACHMENTS:**

Description	Type
Backup Materials	Backup Material



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

Case # DE DE18-0024

AUG 23 18 AM 10.43 #

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

APPLICANT/OWNER OF PROPERTY

Thomas Summerour

Email Address jeff.summerour@gmail.com

Address

3603 Se 21st PL

Cape Coral Zip Code 33904

Phone 757-572-5648

AUTHORIZED REPRESENTATIVE

Stokes Marine Inc.

Email Address permitting@stokesmarine.com

Address

15055 Pine Ridge Rd

FL Myers Zip Code 33904

Phone 239-489-3625

Location: Unit 11 Block 562 Lot(s) 71-73 Subdivision Cape Coral

Legal Description

Address Of Property 3603 Se 21 PL

Current Zoning VACANT

Plat Book 13 Page 44

Strap Number 05-45-24-C3-00562 0710

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or his authorized representative 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.

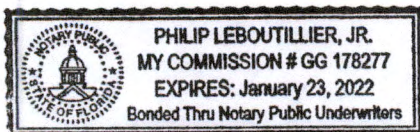
THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

Thomas J. Summerour, Jr  
Name (Type or Print)

Thomas J. Summerour, Jr  
Applicant's Signature

STATE OF FLORIDA COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 16th day of August 20 18 by Thomas Summerour, who is personally known or has produced as identification.



Exp. Date 1/23/22 Commission # 178277

Philip G. Leboutillier  
Signature of Notary Public

Philip G. Leboutillier  
Print Name of Notary Public





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

ACKNOWLEDGEMENT FORM

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

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals, and Council.

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

I understand that I am responsible for recording the approved Resolution/Ordinance with the Lee County Clerk of Circuit Courts and providing a copy of the recorded Resolution/Ordinance to the City of Cape Coral Planning and Growth Management Division.

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

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

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

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

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

Thomas J. Summerour, Jr  
PROPERTY OWNER (PLEASE PRINT)

Thomas J. Summerour, Jr  
PROPERTY OWNER (SIGNATURE)

STATE OF FLORIDA COUNTY OF Lee

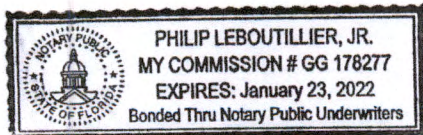
Sworn to (or affirmed) and subscribed before me this 16<sup>th</sup> day of August 20 18, by  
Thomas Summerour, who is personally known or has produced  
\_\_\_\_\_ as identification.

Exp. Date

1/23/22

Commission Number

178277



Philip LeBoutillier  
Signature of Notary Public

Philip G. LeBoutillier  
Print Name of Notary Public



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

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Phil Leboutillier  
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE APPEAL TO THE PLANNING & ZONING  
COMMISSION/LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS  
AND/OR CITY COUNCIL FOR

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

BLOCK 5602 LOTS 71-73 UNIT 11 SUBDIVISION Cape Coral

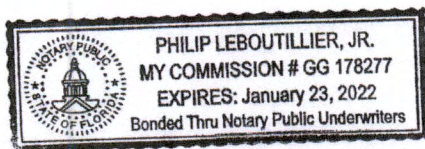
OR LEGAL DESCRIPTION \_\_\_\_\_

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

Thomas S. Summerour, Jr Thomas S. Summerour, Jr  
PROPERTY OWNER (PLEASE PRINT) PROPERTY OWNER (SIGNATURE)

STATE OF Florida COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 16th day of August 2018, by  
Thomas Summerour, who is personally known or has produced  
\_\_\_\_\_ as identification.



Exp. Date 4/23/22 Commission Number 178277

Philip G. Leboutillier  
Signature of Notary Public

Philip G. LeBoutillier  
Print Name of Notary Public

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





15955 PINE RIDE RD  
FORT MYERS, FL. 33908  
239-489-3625 (OFFICE)  
239-693-3625 (FAX)

August 22, 2018

City Of Cape Coral  
PO Box 150027  
Cape Coral, Fl 33915

**RE: STRAP: 05-45-24-C3-00562.0710**

Dear Director:

The purpose of this request is to obtain a deviation of 345 Sq. Ft. from the marine improvement areas specified in Section 3.16.N.1 of the City of Cape Coral Land Use and Development Regulation.

The deviation is well within the "frontage – 20' x ½ buildable distance" requirement. If granted, this dock will still allow safe access around all neighboring docks. This lot has 450 of water side frontage. Based on the calculation used for Cape coral maximum square footage, they should be allowed to have 6,450 square feet of dock.

The issuance of this deviation will not give special privileges as there are other residences on the canal with boat docks and boat lifts. The current dock design will remain inside the 12' property line set back and will not extend beyond the maximum protrusion into the waterway.

Sincerely,

Phil LeBoutillier  
Stokes Marine



# FLORIDA DEPARTMENT OF Environmental Protection

South District  
Post Office Box 2549  
Fort Myers, Florida 33902-2549  
[SouthDistrict@FloridaDEP.gov](mailto:SouthDistrict@FloridaDEP.gov)

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

## **Permittee/Authorized Entity:**

Thomas Summerour  
3603 SE 21st Place  
Cape Coral, Florida 33904  
[jeff.summerour@gmail.com](mailto:jeff.summerour@gmail.com)

## **Single-Family Dock**

## **Authorized Agent:**

Brent Stokes  
9340 College Parkway  
Fort Myers, Florida 33919  
[permitting@stokesmarine.com](mailto:permitting@stokesmarine.com)

## **Environmental Resource Permit**

**State-owned Submerged Lands Authorization –Not Applicable**

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization  
Required**

Permit No.: 0350349-002

**Permit Issuance Date: August 13, 2018**

**Permit Construction Phase Expiration Date: August 13, 2023**

## Environmental Resource Permit

Permittee: Thomas Summerour  
Permit No: 0350349-002

### PROJECT LOCATION

The activities authorized by this permit are located at 3603 SE 21ST Place, Cape Coral Florida 33904 (PID# 05 45 24 C3 00562 0710), in Section 05, Township 45, Range 24 in Lee County.

### PROJECT DESCRIPTION

The permittee is authorized to construct a 2,448-square foot single family dock with two boat lifts (one of which is covered), and a jet ski lift, for the purpose of mooring four vessels, in a canal, Class III Waters. Authorized activities are depicted on the attached exhibits.

### AUTHORIZATIONS

#### Single-Family Dock

##### Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

##### Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined the activity is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, F.S., or Rule 18-21, F.A.C.

##### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **may be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. **The Corps has assigned file number 2018-1885 to your project.** The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at Fort Myers Regulatory Field Office at 1520 Royal Palm Square Blvd, Ste 310, Fort Myers FL 33919-103, or by telephone at (239) 334-1975, or electronically at SF.New.Applications@usace.army.mil, for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

### PERMIT

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**



- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit, as described.

#### **SPECIFIC CONDITIONS – ADMINISTRATIVE**

1. All required submittals, such as certifications, monitoring reports, notifications, etc., shall be submitted to the Florida Department of Environmental Protection, South District Office, Submerged Lands and Environmental Resource Permitting, P.O. Box 2549, Fort Myers, FL 33902-2549 or via e-mail to [FTMERP\\_Compliance@dep.state.fl.us](mailto:FTMERP_Compliance@dep.state.fl.us). All submittals shall include the project name and indicated permit number when referring to this project.

*Note: In the event of an emergency, the Permittee should contact the Department by calling (800)320-0519. During normal business hours, the permittee should call (239)344-5600.*

#### **SPECIFIC MANATEE PROTECTION CONDITIONS**

2. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with, and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
3. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels shall follow routes of deep water whenever possible.
4. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers shall not impede manatee movement.
5. All on-site project personnel are responsible for observing water-related activities for the presence of manatees. All in-water operations, including vessels, shall be shutdown if a manatee comes within 50 feet of the operation. Activities shall not resume until every



manatee has moved beyond the 50-foot radius of the project operation, or until 30 minutes has elapsed wherein a manatee has not reappeared within 50 feet of the operation. Animals shall not be herded away or harassed into leaving.

6. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida.
7. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Please see the Florida Fish and Wildlife Conservation Commission website for information on how to obtain appropriate signs: [http://www.myfwc.com/docs/WildlifeHabitats/Manatee\\_EducationalSign.pdf](http://www.myfwc.com/docs/WildlifeHabitats/Manatee_EducationalSign.pdf)

#### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment



control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
- b. For all other activities "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
- b. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;



- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

12. The permittee shall notify the Agency in writing:

- a. Immediately if any previously submitted information is discovered to be inaccurate; and
- b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be



disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.



The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within **21** days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within **21** days of publication of the notice or within **21** days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within **21** days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

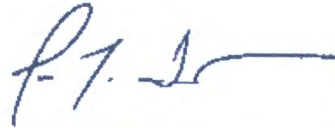
#### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal.

The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart  
District Director  
South District Office

JMI/rsh

**Attachments:**

2 project drawing(s)

'Post Issuance' forms: <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm>

**Copies furnished to:**

U.S. Army Corps of Engineers, [Fort Myers](#)

Lee County Property Appraiser, [dataservices@leepa.org](mailto:dataservices@leepa.org)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit, including all copies, were mailed before the close of business on **August 13, 2018**, to the above listed persons.

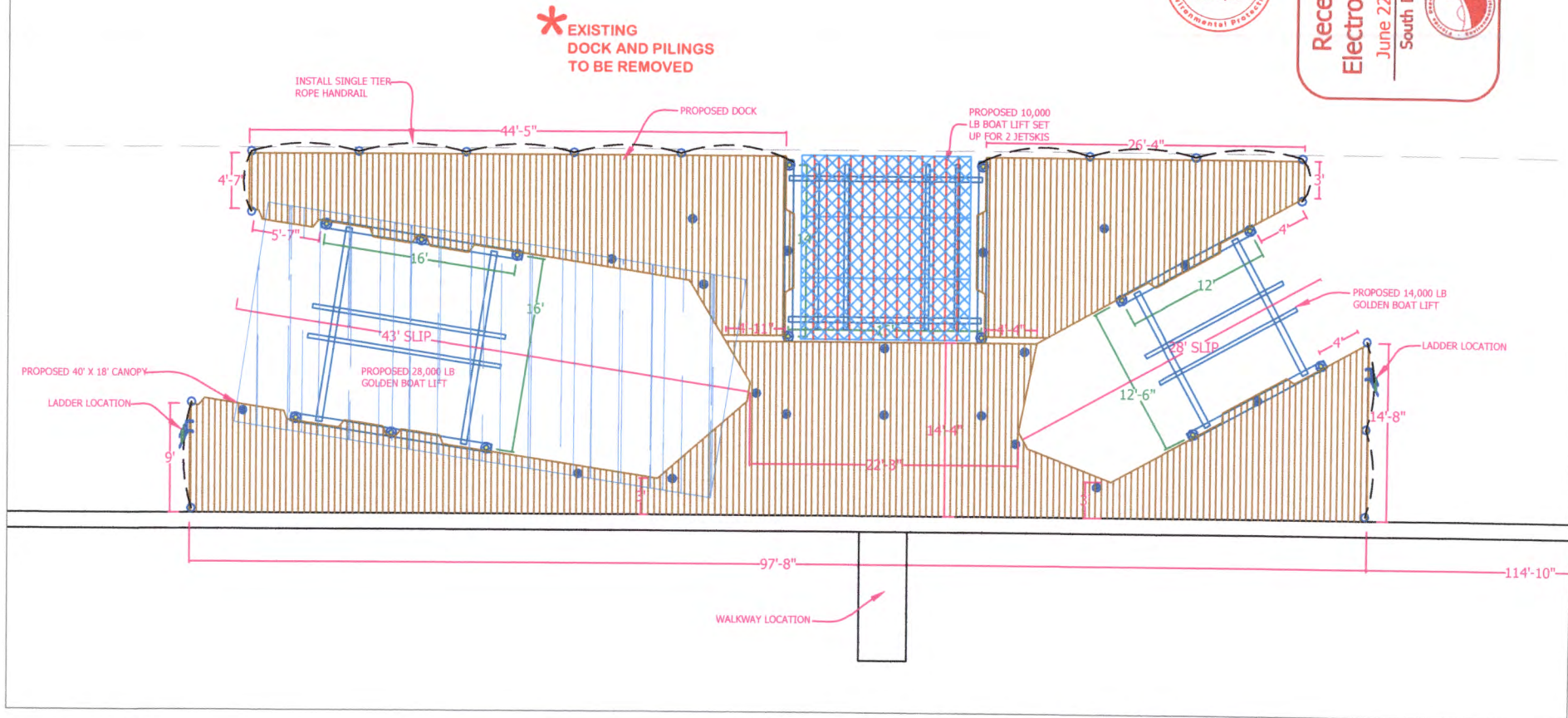
FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.

  
Clerk

August 13, 2018  
Date





#### SQUARE FOOTAGE

EXISTING SQUARE FOOTAGE  
PROPOSED SQUARE FOOTAGE OVER WATER  
PROPOSED SQUARE FOOTAGE OVER LAND

**590**

**1512**

**0**

PLATFORM SQUARE FOOTAGE

**210**

CANOPY SQUARE FOOTAGE

**726**

TOTAL DECKING SQUARE FOOTAGE

**1512**

TOTAL SQUARE FOOTAGE OVER WATER

**2448**

#### LEGEND

- 8" PILING - PILING HEIGHTS TO VARY
- 10" PILING - PILING HEIGHTS TO VARY
- 8" PILING - UNDER DECK
- ROPE HANDRAIL

#### ADDITIONAL INFORMATION

- ALL PILINGS TO BE 2.5 CCA MARINE GRADE BUTT PILE
- ALL DECKING HARDWARE TO BE STAINLESS STEEL SCREWS
- ALL STRINGER TO BE .60 CCA/2"x8" R/S
- REQUIRED REFLECTORS TO BE INSTALLED
- BLACK PLASTIC PILING WRAP TO BE INSTALLED

APPROVAL OF PROPOSED BASE OPTION \_\_\_\_\_

APPROVAL DATE: \_\_\_\_\_

INITIAL OPTIONS SELECTED:

OPTION 1 \_\_\_\_\_

OPTION 2 \_\_\_\_\_

**\*\*ALL DIMENSIONS HEREIN AND ON SITE ARE APPROXIMATE +/- 3"-4"\*\***

**\*\*DOCK TO BE BUILT LEVEL REGARDLESS OF VARYING ELEVATIONS OF SEAWALL CAP\*\***

**\*\*ALL BOAT LIFT PILING DIMENSIONS ARE MEASURED FROM CENTER OF PILING TO CENTER OF PILING\*\***

# L-2



## DOCK AND SEAWALL LANDSCAPE

### STOKES MARINE, INC.

LICENSE #CBC1251150  
15955 PINE RIDGE ROAD, FORT MYERS, FLORIDA 33908  
OFFICE: 239.489.DOCK FACSIMILE: 239.693.DOCK  
WWW.STOKESMARINE.COM

SCALE:  
N.T.S.  
DATE:  
2018-06-05  
REVISION:

SALESMAN: **PHIL LeBOUTILLIER**  
DRAWN BY: **STEVE BALL**

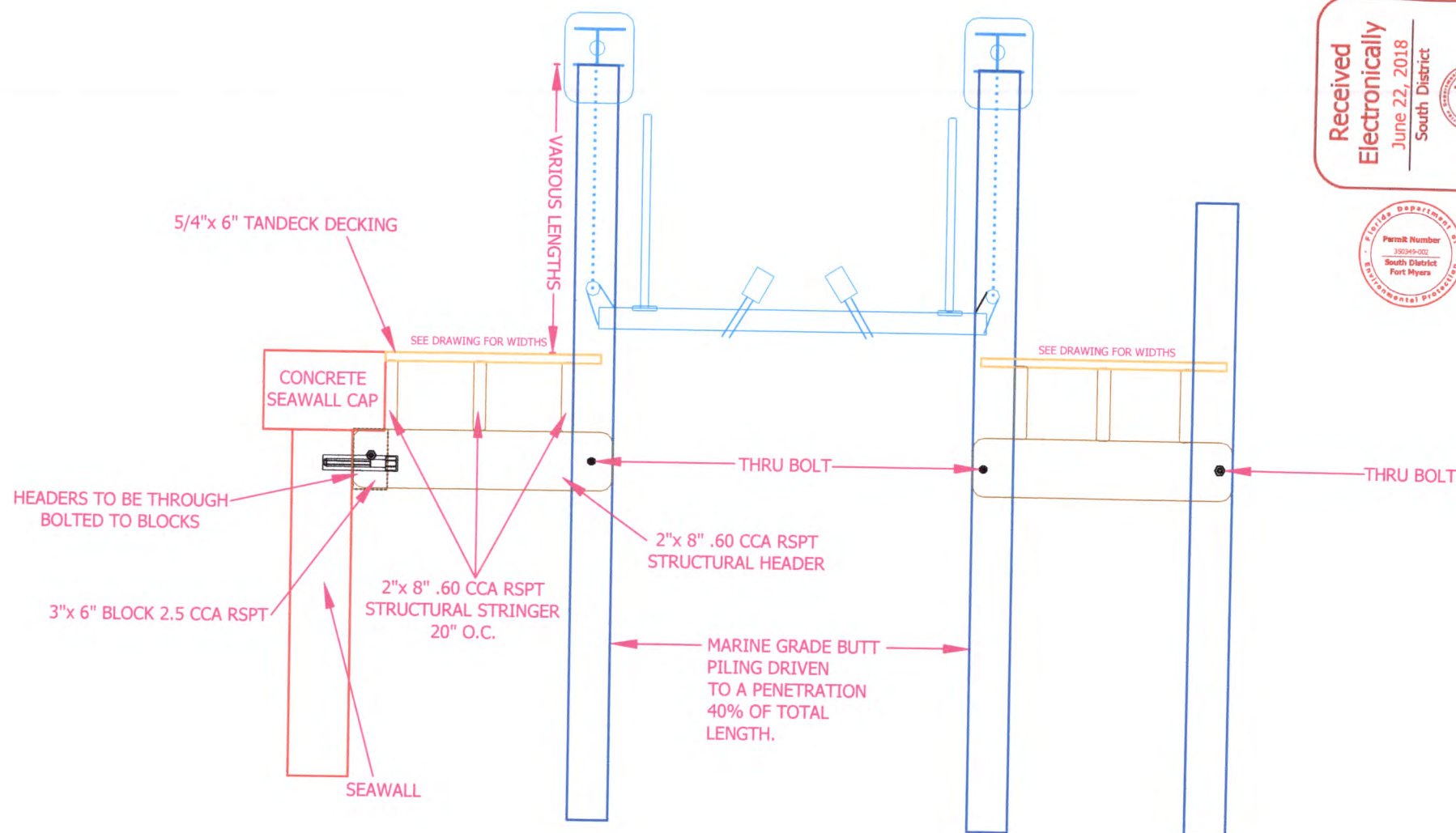
SITE ADDRESS: **3603 SE 21ST PL CAPE CORAL FL 33904**

STRAP NUMBER: **05-45-24-C3-00562.0710**

OWNER NAME: **JEFF SUMMEROUR**

JOB # 0000





\* SEE GOLDEN ATTACHMENTS FOR LIFT SPECIFICATIONS (IF APPLICABLE).

\* NOT TO SCALE

CS-1

## DOCK AND SEAWALL LANDSCAPE



**STOKES MARINE, INC.**

LICENSE #CBC1251150  
9340 COLLEGE PARKWAY, FORT MYERS, FLORIDA 33919  
OFFICE: 239.489.DOCK • FACSIMILE: 239.693.DOCK  
WWW.STOKESMARINE.COM

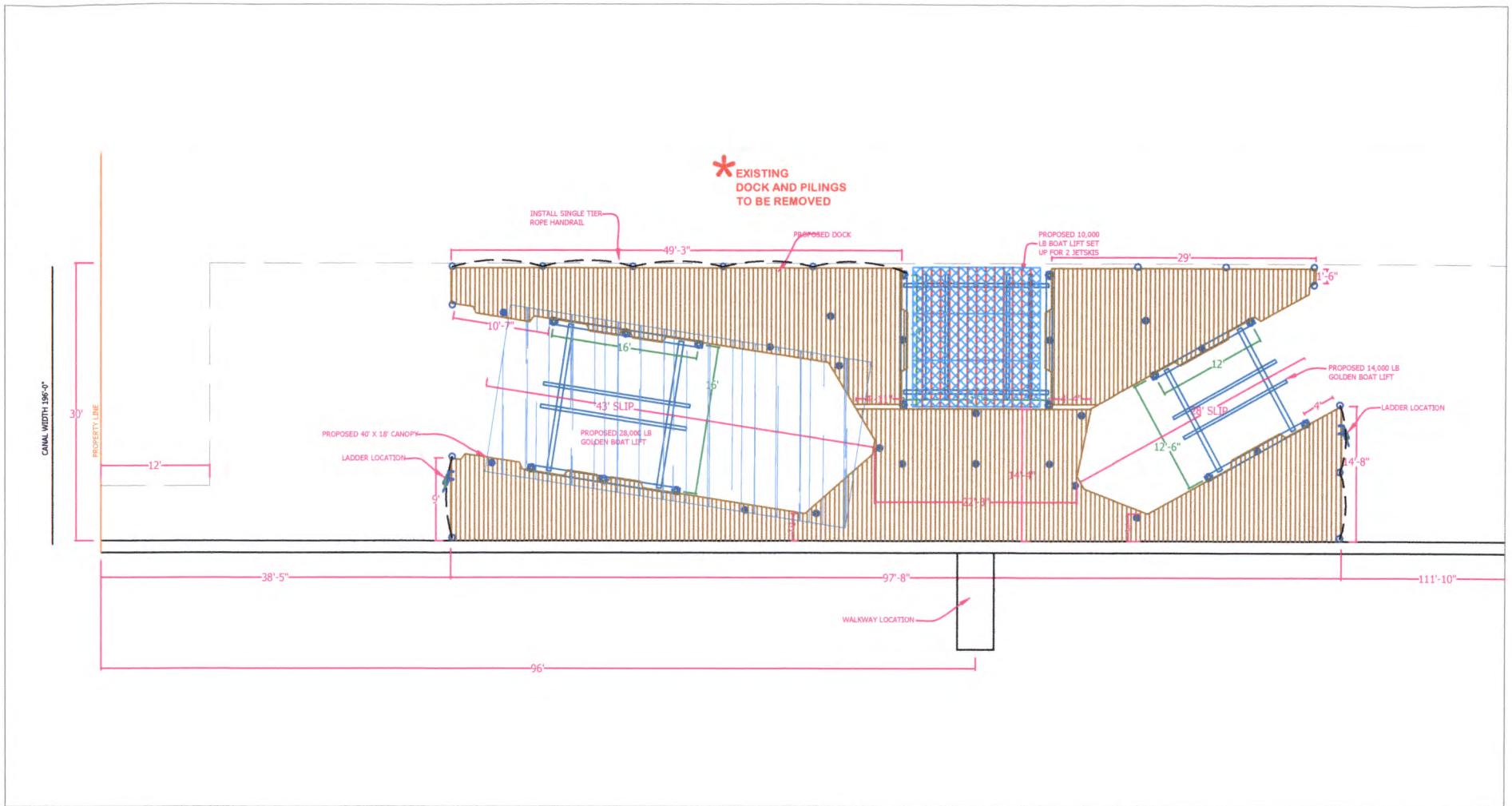
SCALE:  
N.T.S.  
DATE:  
2018-06-05  
REVISION:

SALESMAN: **PHIL LeBOUTILLIER**  
DRAWN BY: **STEVE BALL**

SITE ADDRESS: 3603 SE 21ST PL CAPE CORAL FL 33904

STRAP NUMBER: 05-45-24-C3-00562.0710

OWNER NAME: JEFF SUMMEROUR



#### SQUARE FOOTAGE

EXISTING SQUARE FOOTAGE  
PROPOSED SQUARE FOOTAGE OVER WATER  
PROPOSED SQUARE FOOTAGE OVER LAND

**590**  
**1545**  
**0**

PLATFORM SQUARE FOOTAGE  
CANOPY SQUARE FOOTAGE  
TOTAL DECKING SQUARE FOOTAGE  
TOTAL SQUARE FOOTAGE OVER WATER

**210**  
**726**  
**1545**  
**2481**

#### LEGEND

- 8" PILING - PILING HEIGHTS TO VARY
- 10" PILING - PILING HEIGHTS TO VARY
- 8" PILING - UNDER DECK
- ROPE HANDRAIL

#### ADDITIONAL INFORMATION

ALL PILINGS TO BE 2.5 CCA MARINE GRADE BUTT PILE  
ALL DECKING HARDWARE TO BE STAINLESS STEEL SCREWS  
ALL STRINGER TO BE .60 CCA/2"x8" R/S  
REQUIRED REFLECTORS TO BE INSTALLED  
BLACK PLASTIC PILING WRAP TO BE INSTALLED

APPROVAL OF PROPOSED BASE OPTION \_\_\_\_\_

APPROVAL DATE: \_\_\_\_\_

INITIAL OPTIONS SELECTED:

OPTION 1 \_\_\_\_\_

OPTION 2 \_\_\_\_\_

**\*\*ALL DIMENSIONS HEREIN AND ON SITE ARE APPROXIMATE +/- 3"-4"\*\***

**\*\*DOCK TO BE BUILT LEVEL REGARDLESS OF VARYING ELEVATIONS OF SEAWALL CAP\*\***

**\*\*ALL BOAT LIFT PILING DIMENSIONS ARE MEASURED FROM CENTER OF PILING TO CENTER OF PILING\*\***

**L-3**

## DOCK AND SEAWALL LANDSCAPE



**STOKES MARINE, INC.**

LICENSE #CBC1251150  
15955 PINE RIDGE ROAD, FORT MYERS, FLORIDA 33908  
OFFICE: 239.489.DOCK FACSIMILE: 239.693.DOCK  
WWW.STOKESMARINE.COM

SCALE:  
N.T.S.  
DATE:  
2018-08-16  
REVISION:

SITE ADDRESS: 3603 SE 21ST PL CAPE CORAL FL 33904

STRAP NUMBER: 05-45-24-C3-00562.0710

OWNER NAME: JEFF SUMMEROUR

SALESMAN: PHIL LeBOUTILLIER  
DRAWN BY: STEVE BALL

JOB # 0000

**Planning Division Case Report**  
**DE18-0024**

---

**Review Date:** October 3, 2018

**Owner/Applicant:** Thomas J. Summerour Jr.

**Authorized Representative:** Stokes Marine Inc., Phil Leboutillier

**Request:** A 345 sq. ft. deviation to Section 3.16.2.D of the Land Use and Development Regulations (LUDR) to allow a marine improvement with an area of 1,545 sq. ft.

**Location:** 3603 SE 21<sup>st</sup> Place, Block 562, Lots 71-73

**Prepared By:** Justin Heller, Planner

**Reviewed By:** Mike Struve, AICP, Planning Team Coordinator

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

**Recommendation:** **Approval**

**Property Description:**

The 30,513-sq. ft. site is improved with a single-family home and dock with boat lift. The site is at the intersection of Palaco Grande Canal and the Caloosahatchee River and has about 405 ft. of water frontage as measured by GIS. The canal width at the site is about 196 ft. The surrounding area consists primarily of single-family homes. The site and all surrounding properties have Single Family (SF) Future Land Use Classification and Single Family Residential (R-1B) Zoning.

**Project Description:**

The applicant proposes to construct a dock with two boat slips with lifts and a jet ski lift. A sketch of the proposed marine improvements is provided in Exhibit 1.

LUDR, Section 3.16.2.D restricts marine improvements to a maximum area of 1,200 sq. ft. The applicant requests a 345-sq. ft. deviation to allow a marine improvement that is 1,545 sq. ft.

LUDR, Section 3.16.2.D.1 states:

“For parcels with more than 40 feet of water frontage, the maximum deck surface area coverage shall be calculated as follows: the linear feet of water frontage of the parcel minus 20 feet times one-half times the linear feet of the maximum projection into the waterway (25% of the calculated width of the waterway or 30 feet, whichever is less). However, the maximum deck surface area allowed under this section shall not exceed 1,200 square feet for marine improvements which project from parcels utilized for single-family residential dwelling units in R-1B, RD, RE, and/or RX zoning districts.”

The site has about 405 ft. of water frontage and a maximum allowable projection of 30 ft. into the Palaco Grande Canal. Applying the water frontage and allowable projection for the site, the following formula calculates the maximum area for a marine improvement.

$$(405 \text{ Frontage}) - 20 \times \frac{1}{2} (30 \text{ projection}) = 5,775 \text{ sq. ft.}$$

**Analysis:**

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

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

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

The proposed dock complies with the maximum allowed projections into the canal. These improvements also comply with the 12 ft. side setbacks. There is sufficient width in the canal to accommodate the dock, and the dock should not interfere with navigability or views of the waterway. The neighbor on the opposite side of the canal, at 3531 SE 22<sup>nd</sup> Place, has provided an email stating no objection to the deviation.

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

The intent of the regulation is to protect the navigability of canals and the aesthetics of waterfront properties by limiting the maximum area of marine improvements through the application of a formula that considers canal width and the amount of linear water frontage of the site. Based solely on the formula found in LUDR, Section 3.16.2.D.1, that calculates the maximum area allowed, the site would be allowed a marine improvement with a maximum area of 5,775 sq. ft.

The regulation also states that no marine improvement shall exceed 1,200 sq. ft. Staff notes that this ordinance was likely intended for two-lot platted sites with 80-100 feet of water frontage and does not take into account properties with greater water frontage, similar to the subject site.

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

The applicant has a property with 405 ft. of water frontage, which is several times greater than a standard site. It can be reasonably expected that a larger marine improvement could be accommodated on the site. Therefore, conditions do not exist which are a result of the applicant.

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

The property owner could reasonably expect to construct a larger marine improvement to fully utilize the property. The formula in LUDR, Section 3.16.2.D.1 would allow the applicant a marine improvement almost five times the stated maximum improvement area. The inability to construct an improvement over the 1,200 sq. ft. could be considered a hardship because the formula considers factors that affect navigability and safety. The area of the improvement would be

appropriate for the site and will not adversely affect the waterways or surrounding properties. Therefore, the inability of the applicant to construct the marine improvement can be considered an undue hardship.

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

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

The proposed dock will project 25% of the canal width or 30 ft. into Palace Grande Canal. The marine improvement will have no effect on the ability of others to navigate in this canal.

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

The design and location of the proposed improvements meet City code requirements. The collective area of the dock does not exceed the maximum area of 5,775 sq. ft. as calculated by the formula provided in Section 3.16.2.D.1.

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

The proposed dock meets all setback requirements. The dock should have no negative effect on existing marine improvements in the canals.

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

The proposed deviation is not necessarily the minimum deviation, however, a 1,545 sq. ft. dock is significantly less than the 5,775 sq. ft. improvement that would be permitted using the formula in Section 3.16.2.D.1. The area of the marine improvement would be appropriate for the site given the large amount of water frontage.

#### **Comprehensive Plan:**

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

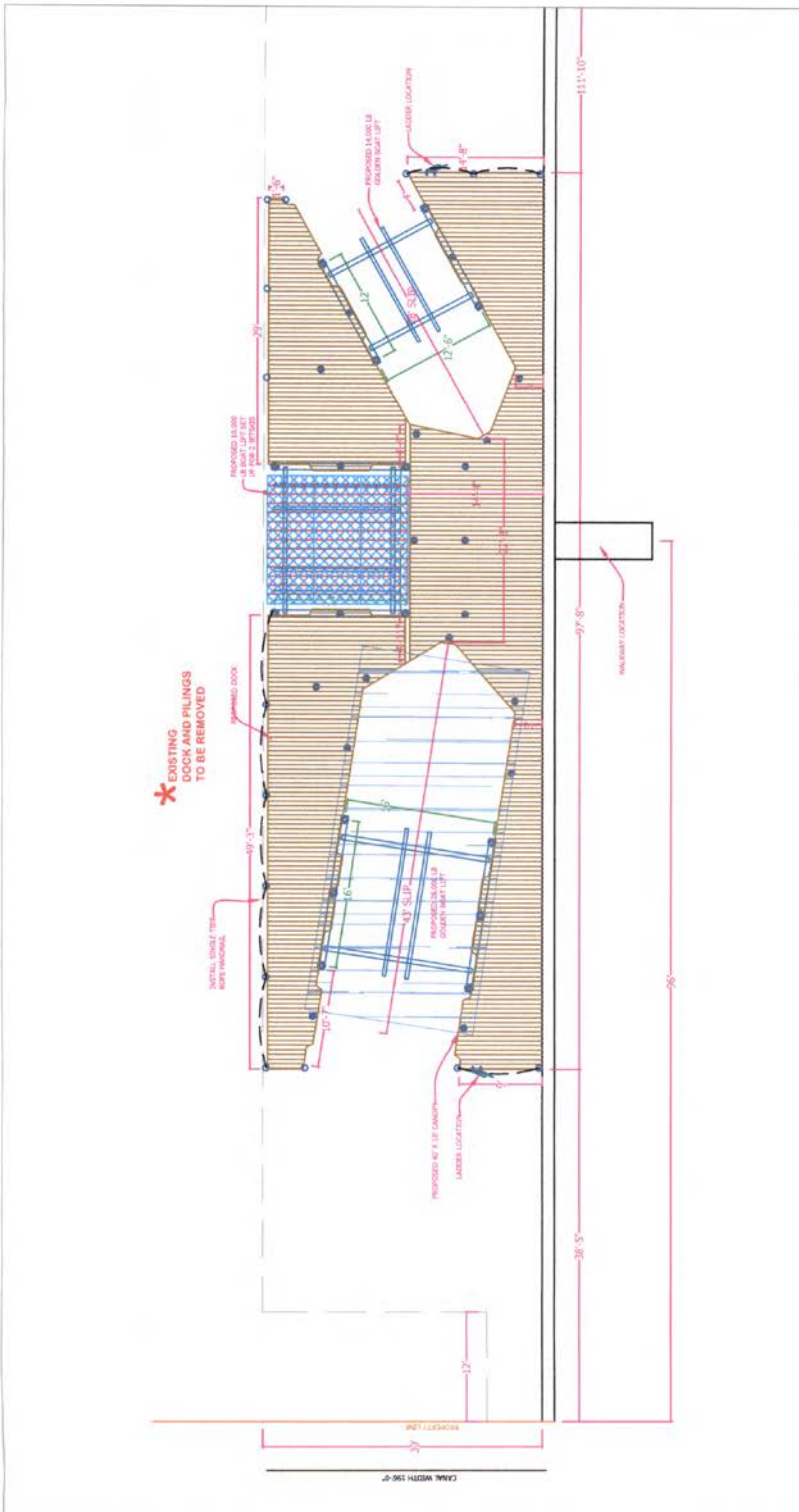
#### **Recommendation:**

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

- 1) The dock shall be consistent with the sketch plan shown in Exhibit 1, provided by Stokes Marine, Inc.

**Exhibit 1:**





## APPROVAL OF PROPOSED BASE OPTION

APPROVAL DATE:

INITIAL OPTIONS SELECTED:

OPTION 1

\*\*ALL DIMENSIONS HEREIN AND ON SITE ARE APPROXIMATE +/- 3"-4"\*\*\*

# DOCK AND SEAWALL LANDSCAPE

STOKES MARINE, INC.

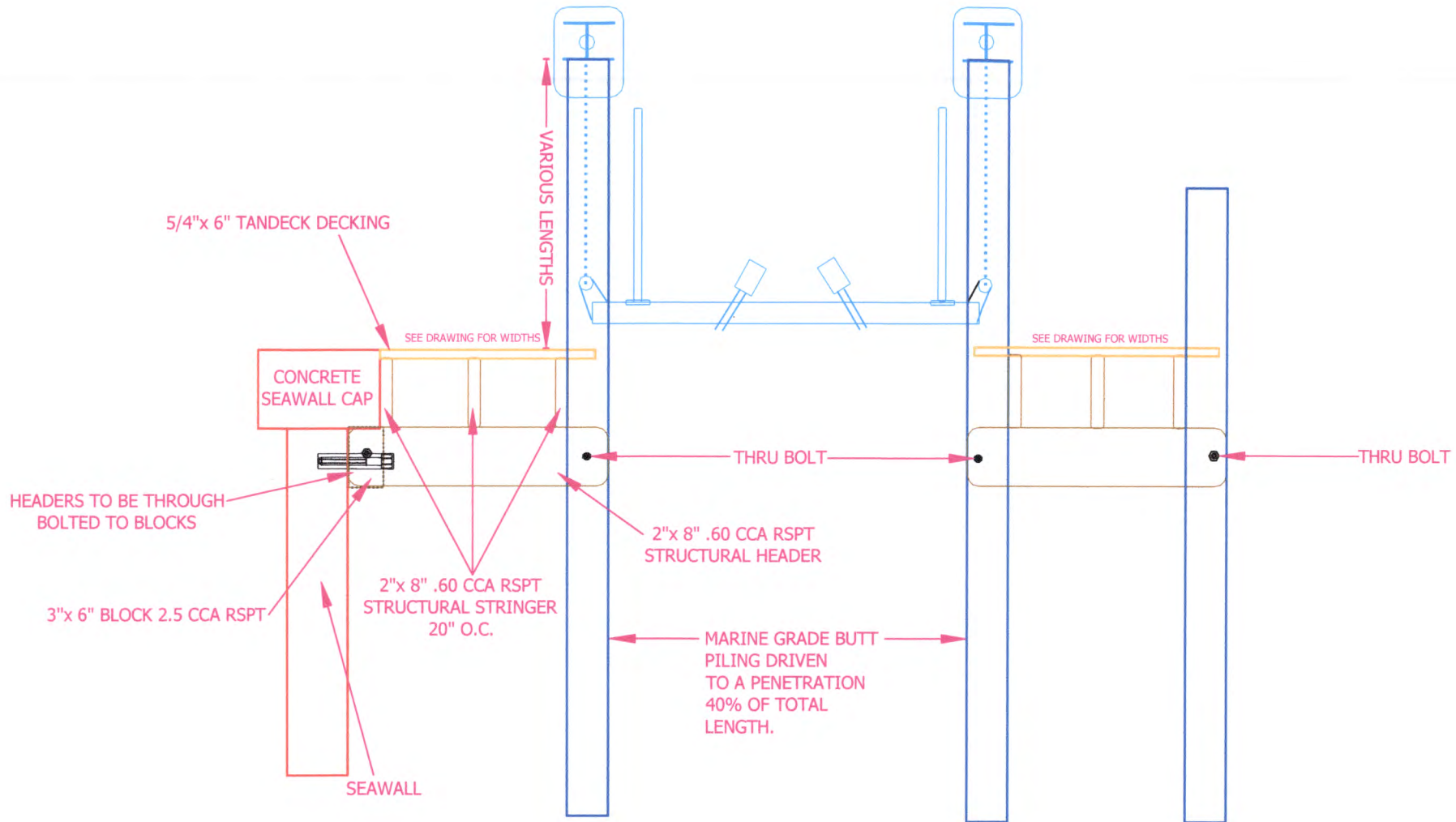
LICENSE #CBC1251150  
15955 PINE RIDGE ROAD, FORT MYERS, FLORIDA 33908  
OFFICE: 239-488-DOCK#FACSIMILE: 239-683-DOCK  
WWW.STOKESMARINE.COM



3-7

SALESMAN: PHIL LeBOUTILLIER	JOB # 0000
DRAWN BY: STEVE BALL	
SITE ADDRESS: 3603 SE 21ST PL CAPE CORAL FL 33904	
STRAP NUMBER: 05-45-24-C3-00562-0710	
OWNER NAME: JEFF SUMMEROUR	

JOB # 0000



\* SEE GOLDEN ATTACHMENTS FOR LIFT SPECIFICATIONS (IF APPLICABLE).

\* NOT TO SCALE

CS-1



## DOCK AND SEAWALL LANDSCAPE

**STOKES MARINE, INC.**

LICENSE #CBC1251150  
9340 COLLEGE PARKWAY, FORT MYERS, FLORIDA 33919  
OFFICE: 239.489.DOCK • FACSIMILE: 239.693.DOCK  
WWW.STOKESMARINE.COM

SCALE:  
N.T.S.  
DATE:  
2018-06-05  
REVISION:

SITE ADDRESS: 3603 SE 21ST PL CAPE CORAL FL 33904

STRAP NUMBER: 05-45-24-C3-00562.0710

OWNER NAME: JEFF SUMMEROUR

SALESMAN: **PHIL LeBOUTILLIER**  
DRAWN BY: **STEVE BALL**



7/26/2018

Gmail - Message from John G. Kulhavi

## Message from John G. Kulhavi

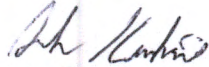
Nalezty, Mary J - FARMINGTON MI <maryjo\_nalezty@ml.com>  
To: "jeff.summerour@gmail.com" <jeff.summerour@gmail.com>

Thu, Jul 19, 2018 at 4:05 PM

To Whom It May Concern:

I hereby give my permission for a dock variance for Jeff Summerour. This larger dock has no impact on my property.

Sincerely,



John G. Kulhavi

3531 SE 22<sup>nd</sup> Place

Cape Coral, FL 33904

(248) 887-4935

jkulhavi@me.com

This message, and any attachments, is for the intended recipient(s) only, may contain information that is privileged, confidential and/or proprietary and subject to important terms and conditions available at <http://www.bankofamerica.com/emaildisclaimer>. If you are not the intended recipient, please delete this message.

Renee & Jeremy Vokt  
3607 SE 21<sup>st</sup> PL  
Cape Coral, FL 33904

Jeff Summerour  
3603 SE 21st Place  
Cape Coral, FL 33904

RE: Dock Replacement

Jeff

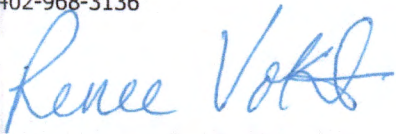
We are the owners of:

3607 SE 21<sup>st</sup> PL  
Cape Coral, FL 33904

Please be advised that we have reviewed your plans for the replacement of your dock. We have no issue with the plan and feel it should be allowed.

Please feel free to contact us or have the building department contact me with any questions or concerns.

Regards  
Renee & Jeremy Vokt  
402-968-3136



Jeff & Donna Summerour  
3603 SE 21<sup>st</sup> Place  
Cape Coral, FL 33904

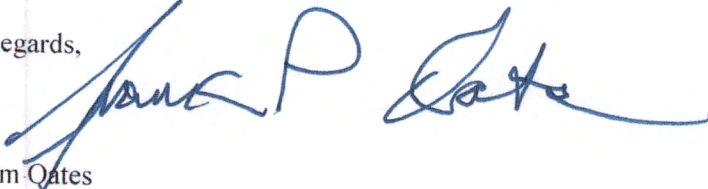
Subj: Dock Replacement; Plan Review & Approval

To Whom It May Concern:

I am the owner of 2113 SE 36<sup>th</sup> Terrace, Cape Coral, FL 33904. I live next to the Summerour's on the Palaco Grande canal with a vacant lot between our properties.

I have reviewed the plan to replace the Summerour's dock. I have no issue with the plan and support it being approved.

Regards,



Jim Oates  
[jpo@freshsilk.com](mailto:jpo@freshsilk.com)  
415-740-8098

## NOTICE OF COMMENCEMENT

Permit No. \_\_\_\_\_  
Tax Folio No. \_\_\_\_\_  
State of FLORIDA  
County of LEE

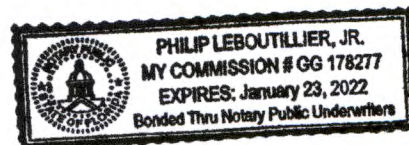
The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in the Notice of Commencement.

1. **Description of property:** (legal description of property and street address if available).  
3603 SE 21ST PL CAPE CORAL FL STRAP: 05-45-24-C3-00562.0710
2. **General description of improvement:**  
MARINE IMPROVEMENTS
3. **Owner information:**  
Name SUMMEROUR THOMAS J JR + SUMMEROUR DONNA J  
Address 3603 SE 21ST PL CAPE CORAL FL  
Phone 757-572-5648 Fax 954-210-7361  
Interest in property: OWNER  
Name and address of fee simple titleholder (if other than Owner) \_\_\_\_\_
4. **Contractor:**  
Name STOKES MARINE, INCORPORATED  
Prepared by BRENT STOKES  
Address 15955 PINE RIDGE ROAD FORT MYERS FL 33908  
Phone (239) 489-3625 Fax (239) 693-3625
5. **Surety:**  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Amount of Bond: \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_
6. **Lender:**  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_
7. **Persons within the State of Florida designated by Owner upon whom notices of other documents may be served as provided by Section 713.13(1)(a)7., Florida Statutes.**  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_
8. **In addition to himself or herself, Owner designates the following person(s) to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes.**  
Name Aybuchon Homes, Inc. ATTN: Amy Spurgeon  
Address 4707 S.E. 9th Place, Cape Coral, FL 33904  
Phone 239-549-6358 Fax \_\_\_\_\_
9. **Expiration date of notice of commencement** (the expiration date is 1 year from date of recording unless a different date is specified)  
\_\_\_\_\_

Signature Thomas J. Summerour / Donna Summerour  
Owner's Name SUMMEROUR THOMAS J JR + SUMMEROUR DONNA J  
Owner's Address 3603 SE 21ST PL CAPE CORAL FL

Sworn to (or affirmed) and subscribed before me this 12th day of June 2018  
who is personally known to me OR produced Drivers License 6566-830-56-4610 as identification.

Signature of Notary Philip LeBoutillier Jr Seal: \_\_\_\_\_  
Printed Name of Notary PHILIP LEBOUTILLIER JR  
Commission No. 178277 Expiration Date 1.23.22







## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** DE18-0024

**REQUEST:** A 345 sq. ft. deviation to Section 3.16.2.D of the Land Use and Development Regulations (LUDR) to allow a marine improvement with an area of 1,545 sq. ft.

**LOCATION:** 3603 SE 21<sup>st</sup> Place, Block 562, Lots 71-73

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

**PROPERTY OWNER(S):** Thomas J. Summerour Jr.

**AUTHORIZED REPRESENTATIVE:** Stokes Marine Inc., Phil Leboutillier

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:0 A.M. on Tuesday, November 6, 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

news-press.com A GANNETT COMPANY

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

**TOLL-FREE**  
888-516-9220

**Local #**  
239-335-0258

**Email**  
FNPLegals@gannett.com

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

**Ad No.:** 0003219115

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

**Net Amt:** \$348.86

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 10/27/18

**Text of Ad:**

**NOTICE OF PUBLIC HEARING**

**CASE NUMBER:** DE18-0024

**REQUEST:** A 345 sq. ft. deviation to Section 3.16.2.D of the Land Use and Development Regulations (LUDR) to allow a marine improvement with an area of 1,545 sq. ft.

**LOCATION:** 3603 SE 21st Place, Block 562, Lots 71-73

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

**PROPERTY OWNER(S):** Thomas J. Summerour Jr.

**AUTHORIZED REPRESENTATIVE:** Stokes Marine Inc., Phil Leboutillier

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:0 A.M. on Tuesday, November 6, 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/publ](http://www.capecoral.net/publ) ichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM

**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 # DE18-0024  
AD# 3219115

Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Thomas Summerour

APPLICATION NO: DE18-0024

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 29<sup>th</sup> day of October, 2018.

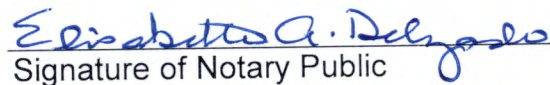
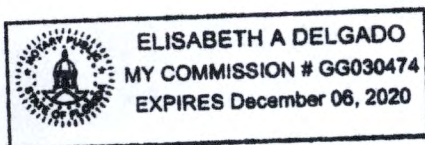


Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of October, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # 66030474



Signature of Notary Public

Elisabeth A. Delgado  
Print Name of Notary Public





**SUBJECT PARCEL**

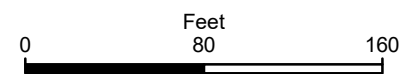
**CITY OF CAPE CORAL**  
Department of  
Community Development  
Planning Division

Case No. DE18-0024

 Subject Parcel

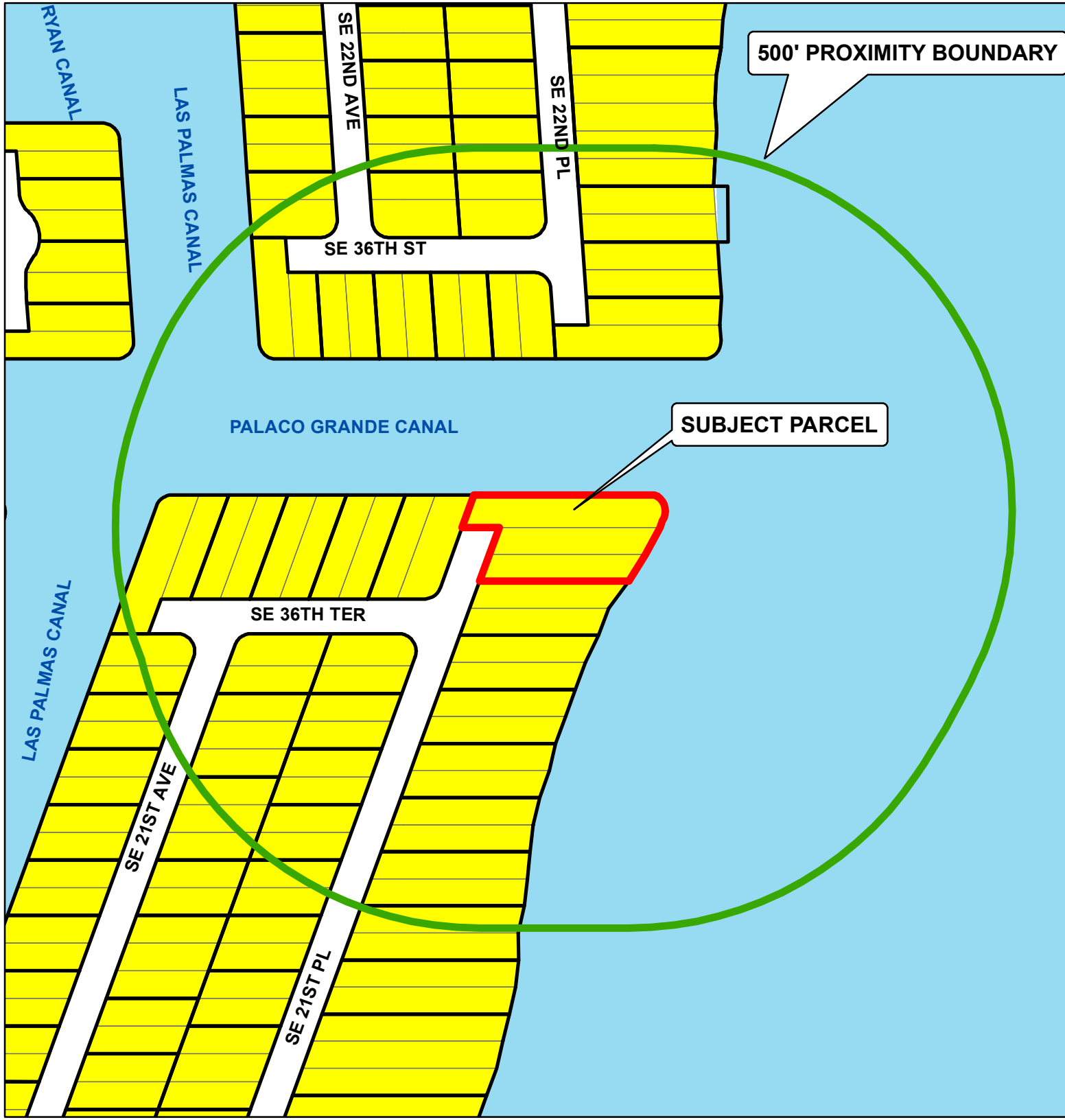


OCTOBER 5TH, 2018



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







CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT ZONING MAP  
500' Proximity Boundary

Case No. DE18-0024

**LEGEND**

 500' Proximity Boundary

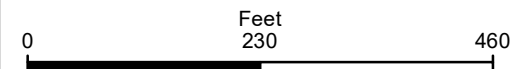
 Subject Parcel

**Zoning**

 R-1B



OCTOBER 5TH, 2018



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

**Item Number:** 2.B.  
**Meeting Date:** 11/6/2018  
**Item Type:** HEARINGS

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case #SE18-0010\*; Address: 1910 Del Prado Boulevard South; Applicant: Brandenburg Properties of Florida, LLC

**REQUESTED ACTION:**

Approve or Deny

**STRATEGIC PLAN INFO:**

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

**Planning & Zoning Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

A special exception to allow a Used Merchandise Stores - Group V use on lots zoned Pedestrian Commercial (C-1).

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Materials"

**PREPARED BY:**

Kristin  
Kantarze                      Division- Planning                      Department- Community Development

**SOURCE OF ADDITIONAL INFORMATION:**

Justin Heller, Planner, 239-574-0587, [jheller@capecoral.net](mailto:jheller@capecoral.net)

**ATTACHMENTS:**

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



DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # SE18-0010

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

Brandonburg Properties of Florida, LLC

Email: Tad@SBrealtyinc.com

Address: 1122 willow ST. STE 200  
City: San Jose State CA Zip 95125

Phone: 239-997-4000

APPLICANT (if different from Owner)

Frank Pugliese

Email: frankatli@embargmail.com

Address: 1329 NE 16<sup>th</sup> Terr  
City: Cape Coral State FL Zip 33909

Phone: 239-699-7651

AUTHORIZED REPRESENTATIVE

Phil Deems for Frank Pugliese

Email: phildeems@gmail.com

Address: 2804 Del Prado Blvd  
City: Cape Coral State FL Zip 33904

Phone: 239-945-4540

Unit 21 Block 699 Lot(s) 66-71 Subdivision Cape Coral  
Address of Property 1910 Del Prado Blvd S. Cape Coral, FL-33990

Plat Book 13 Page 170

Current Zoning C-1 Strap Number 30-44-24-C2-00699.0660

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.

Frank Pugliese  
NAME (PLEASE TYPE OR PRINT)

TBD  
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.

Frank Pugliese

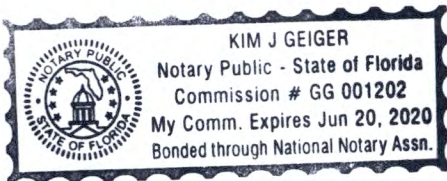
STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 16 day of Aug, 2016, by Frank Pugliese who is personally known or produced FL Driver license as identification.

Exp. Date: June 20, 2020 Commission Number: GG 001202

Signature of Notary Public:  
Printed name of Notary Public:

Kim J Geiger







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

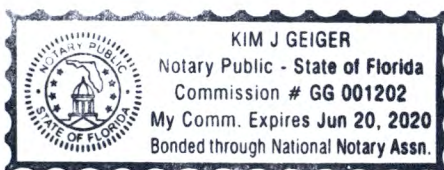
16 day of August, 2018

Frank Pugliese  
PRINT APPLICANT'S NAME

[Signature]  
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 16 day of August, 2018, by Frank Pugliese who is personally known or produced as identification. Fl. Driver license



Exp. Date: June 20, 2020 Commission Number: GG001202

Signature of Notary Public: [Signature]

Printed name of Notary Public: Kim J Geiger





DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

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

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT

Frank Pugliese & Phil Deems Jr.  
(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 21 BLOCK 699 LOT(S) 66-71 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION \_\_\_\_\_

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

Brandenburg Properties of Florida, LLC

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF CA, COUNTY OF

Santa Clara

Subscribed and sworn to (or affirmed) before me this

16

day of

Aug, 2018

as identification.

William B. Baron who is personally known or produced

State License



Exp. Date: 12.12.19

Commission Number: 2133908

Signature of Notary Public:

Printed name of Notary Public:

Davone Rodgers  
DAVONE RODGERS

Also



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 # \_\_\_\_\_

**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.

Frank Pugliese  
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 16 day of August, 2016 by Frank Pugliese, who is personally known or who has produced FL Driver License as identification.

Exp. Date June 30, 2020  
Commission # GG 001202

[Signature]  
Signature of Notary Public

Kim J Geiger  
Print Name of Notary Public





## **Special Exception Request - Letter of Intent**

To: Planning and Zoning Commission

This application requests approval for a Special Exception to allow a Pawn Shop in the Pedestrian Commercial C-1 Zoning District in Cape Coral.

The subject property was originally developed in 1984 as a funeral home but later repurposed as a retail building and is located at 1910 Del Prado Blvd. S. Cape Coral, Florida 33990.

**North** of subject property is a 7,500 square foot multi tenant retail plaza C-1.

**South** of subject property is an 11,000 square foot multi tenant retail plaza C-1.

**East** of the subject property, is the new Nathan's Famous Hot Dogs, Headpinz and the Publix anchored Coral Point Shopping Center C-1.

**West** of the subject property are two duplexes, rental home and a parking lot R-3.

The intent is to receive approval for the Special Exception to operate a pawn shop whose industry does have a long and reputable history of helping people and businesses in financial distress.

NOTE: Pawn shops are businesses that offer loans on items that are not accepted as collateral by traditional banks. Loan amounts are usually determined by an item's market value and are expected to be repaid within a specified time frame. If the loan is not repaid (with interest), the borrower's collateral will be liquidated to recoup any losses incurred by default.

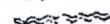
Building: 6,985 square feet

Property: 30,000 square feet (240' X 125') with two Del Prado Blvd. access points for ingress and egress.

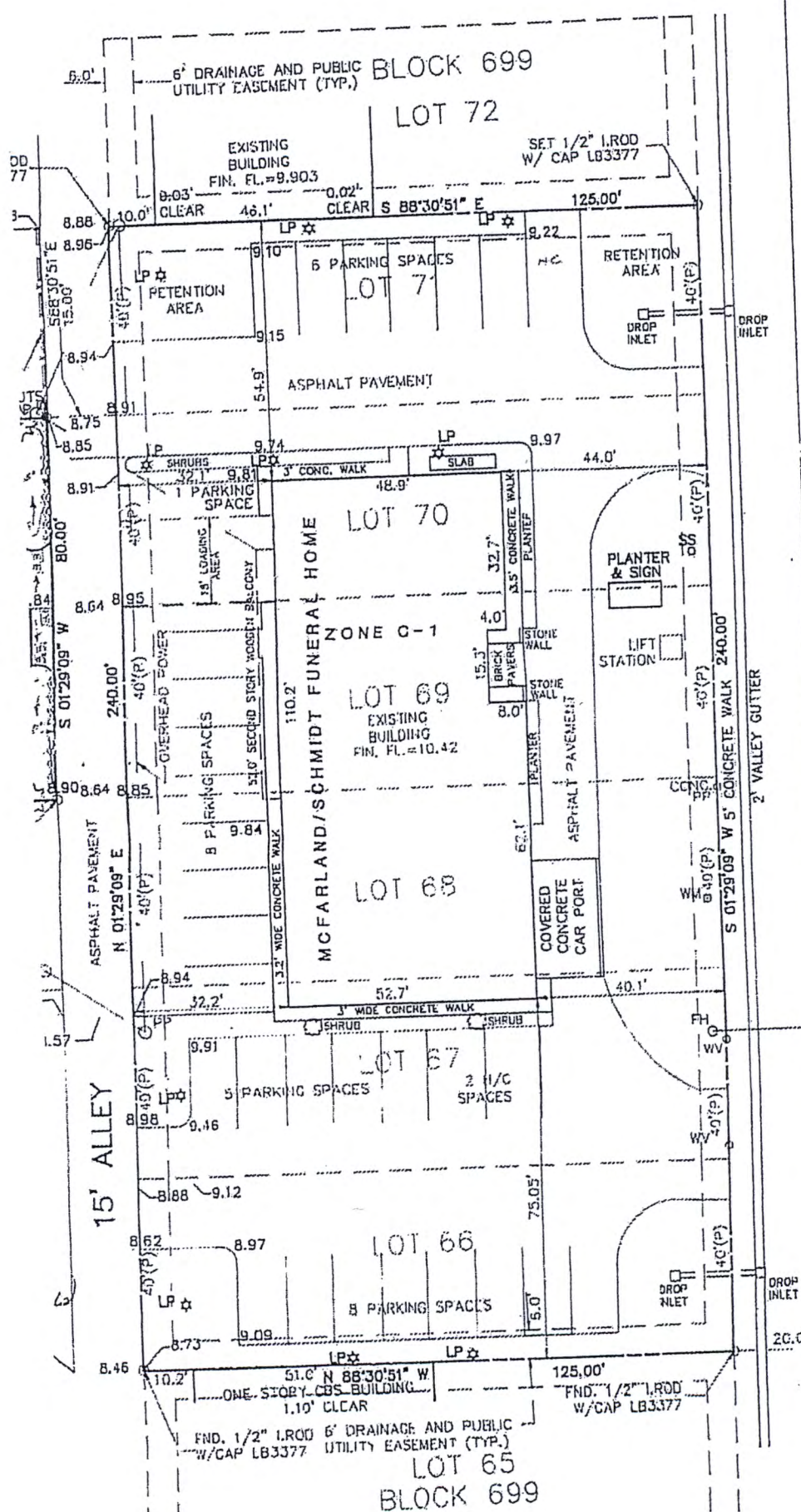
Hours of operation: 9:00 am to 6:00 pm - 7 days.

Thank you for your consideration, Frank Pugliese - Cape Coral resident for over 30 years.

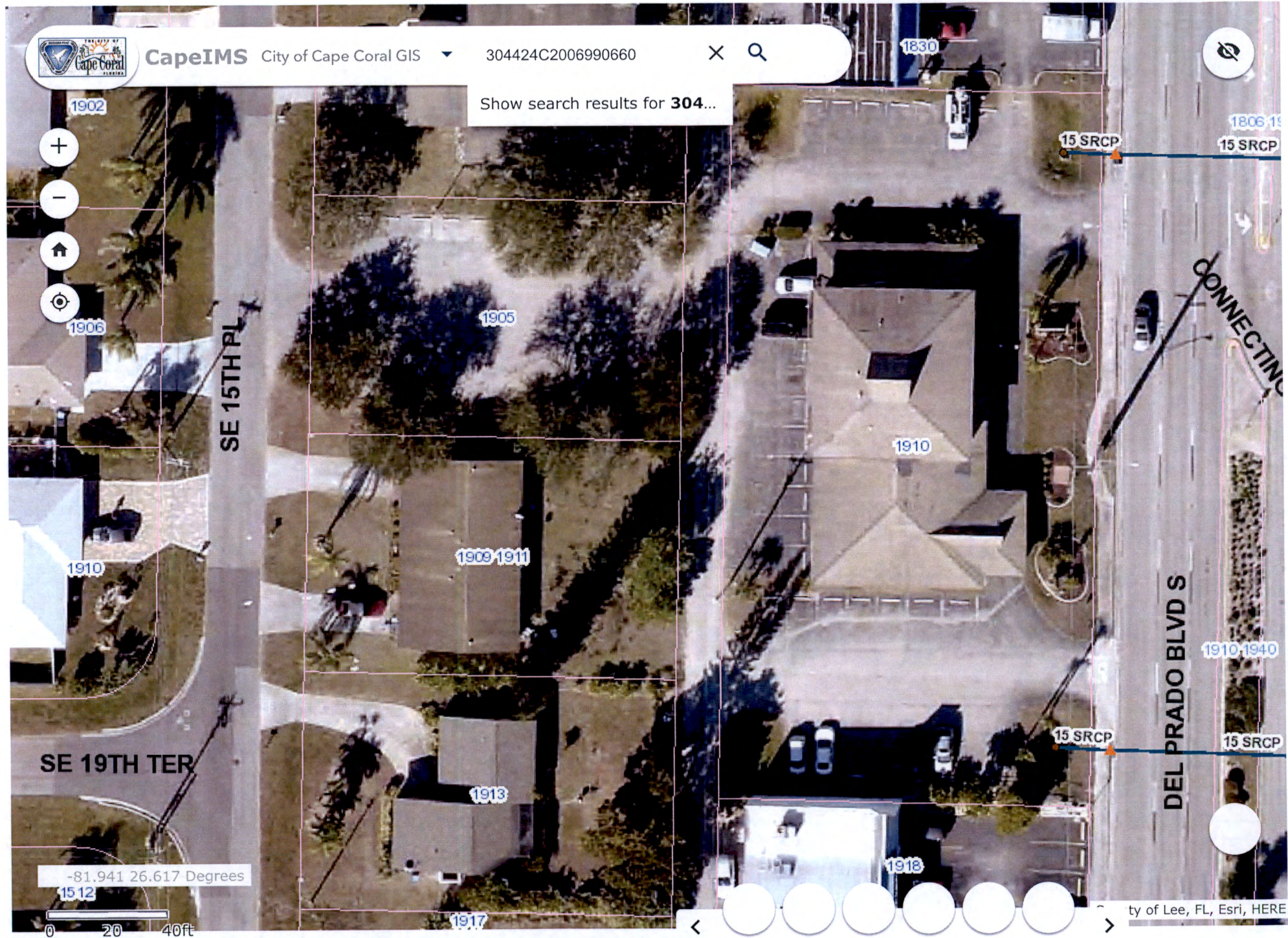
### PROPOSED HEDGE SHRUBS



DEL PRADO BOULEVARD









## Planning Division Case Report

SE18-0010

<b>Review Date:</b>	October 1, 2018
<b>Property Owner:</b>	Brandenburg Properties of Florida, LLC.
<b>Applicant:</b>	Frank Pugliese
<b>Representative:</b>	Phil Deems Jr.
<b>Request:</b>	A special exception to allow a Used Merchandise Stores - Group V use on lots zoned Pedestrian Commercial (C-1).
<b>Location:</b>	1910 Del Prado Boulevard S. Unit 21, Block 699, Lots 66-71
<b>Prepared By:</b>	Justin Heller, Planner
<b>Reviewed By:</b>	Mike Struve, AICP, Planning Team Coordinator
<b>Approved By:</b>	Robert Pederson, AICP, Planning Manager
<b>Recommendation:</b>	<b>Approval</b>

### Property Description and Background:

The 0.69 ± acre site is rectangular and consists of six lots. The site has frontage on Del Prado Boulevard South with alley access to the rear. The property is zoned C-1 (Pedestrian Commercial) and has a CP (Commercial Professional) Future Land Use (FLU) Classification. The zoning history of the site is R-3 to R4 by ordinance 16-74; R4 to RC1 by ordinance 68-76; and RC1 to C1 by ordinance 104-85.

All adjacent properties to the north, south, and east have C-1 zoning and CP future land use. Properties to the west have Multi-Family Residential Zoning (R-3) and a CP Future Land Use Classification. Adjacent uses include a parking lot, single family residences, and duplexes to the west; retail uses to the north and south; and the Coral Point Shopping Center to the east across Del Prado Boulevard. The site has a 6,985 sq. ft. building that was developed in 1984 as a funeral home and is currently being used for retail. No modification to the building or site improvements are proposed with this application. The applicant plans to operate a pawn shop. One of the primary characteristics of this type of use involves offering secured loans to people, with items of personal property used as collateral.

### Analysis:

The Planning Division reviewed this application based on the Land Use and Development Regulations (LUDR), Section 2.7.7, the C-1 District, and the five standards under LUDR, Section 8.8.5a-e for special exceptions and offers the following analysis for consideration:

- 1) *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 site has had C-1 Zoning since 1985 (Ordinance 104-85), which is consistent with the CP FLU classification. Pawn shops are allowed as a special exception in the C-1 Zoning District. The City lacks special regulations that govern this particular use.

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

The site is in a well-defined commercial corridor along Del Prado Blvd, a major arterial, with various commercial developments to the north, south, and east of the site. The existing building and parking spaces are suitable for the proposed use, which are currently being used for retail.

Duplex and single-family residences are to the west of the site across the alley. These residents should not be affected by the proposed use as there will be no changes to the building or site layout. The use should not generate additional traffic than already exists with the existing retail uses. According to the applicant, the business will be open from 9 a.m. to 6 p.m., seven days a week.

- 3) *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.*

The site has frontage along Del Prado Boulevard. There is no minimum frontage requirement for the C-1 District. The parking area is accessible from Del Prado Boulevard and from the alley to the rear of the building. The site has sufficient parking for this use.

- 4) *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 complies with the setbacks established for the C-1 District. No modification to the building or site improvements are proposed.

- 5) *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 site has minimal landscaping, most of which is concentrated on the east and north sides of the building. Limited foundation landscaping is present on the north side of the building consisting of small trees and shrubs. Landscaping in the front of the building consists of several queen palms and landscaped islands with small shrubs. A row of shrubs is between the parking lots and the south property line. Due to the existing parking spaces and alleyway to the rear of the building, there is little opportunity for providing new landscaping to the west of the building.

## Comprehensive Plan

The project is consistent with the following policies of the Future Land Use Element of the Comprehensive Plan.

*1.15c: Intensities of use in the Commercial/Professional land use classification shall not exceed a floor to lot area ratio (FAR) of 1.0.* The site has a FAR ratio of 0.23.

*8.5c: Primary site access provided from arterials, collectors or access streets in order to discourage traffic from directly entering residential areas.* Primary access to the site is from Del Prado Boulevard, a major arterial.

## Recommendation:

Planning staff finds that the special exception will not be contrary to the public interest and will be in harmony with the general intent and purpose of the LUDRs. The Planning Division recommends **approval** with the following condition:

1. Outdoor storage of merchandise shall be prohibited.





## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** SE18-0010

**REQUEST:** A special exception to allow a Used Merchandise Stores - Group V use on lots zoned Pedestrian Commercial (C-1).

**LOCATION:** 1910 Del Prado Boulevard S.

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

**PROPERTY OWNER(S):** Brandenburg Properties of Florida, LLC

**AUTHORIZED REPRESENTATIVE:** Phil Deems Jr.

**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, November 6, 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

news-press.com A GANNETT COMPANY

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

**TOLL-FREE**  
888-516-9220

**Local #**  
239-335-0258

**Email**  
FNPLegals@gannett.com

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

**Ad No.:** 0003219141

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

**Net Amt:** \$345.17

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 10/27/18

**Text of Ad:**

**NOTICE OF PUBLIC HEARING**

**CASE NUMBER:** SE18-0010

**REQUEST:** A special exception to allow a Used Merchandise Stores - Group V use on lots zoned Pedestrian Commercial (C-1).

**LOCATION:** 1910 Del Prado Boulevard S.

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

**PROPERTY OWNER(S):** Brandenburg Properties of Florida, LLC

**AUTHORIZED REPRESENTATIVE:** Phil Deems Jr.

**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, November 6, 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/publ](http://www.capecoral.net/publ) ichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM

**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 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; 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 # SE18-0010  
AD# 3219141 Oct. 27, 2018



Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: CHAU GIANG DUYEN

APPLICATION NO: SE18-0008

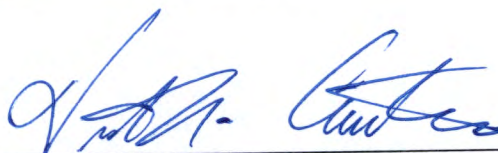
STATE OF FLORIDA     )  
                                  ) §  
COUNTY OF LEE        )

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 29<sup>th</sup> day of October, 2018.

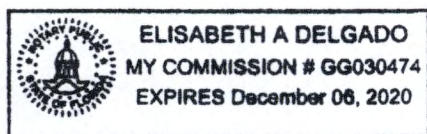


Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of October, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # 96030474



Elisabeth A. Delgado  
Signature of Notary Public

Elisabeth A. Delgado  
Print Name of Notary Public





SUBJECT PARCEL

CONNECTING RD

FOUR MILE COVE PKWY

COACH RD

SE 15TH PL

SE 19TH TER

SE 19TH LN


DEL PRADO BLVD S

DEL PRADO BLVD S

SE 16TH PL

CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

Case No. SE18-0010

 Subject Parcel



OCTOBER 9TH, 2018

0 Feet 110 220

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





CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT ZONING MAP  
500' Proximity Boundary

Case No. SE18-0010


**LEGEND**

 500' Proximity Boundary

 Subject Parcel

**Zoning**

 C-1

 P-1

 R-1B

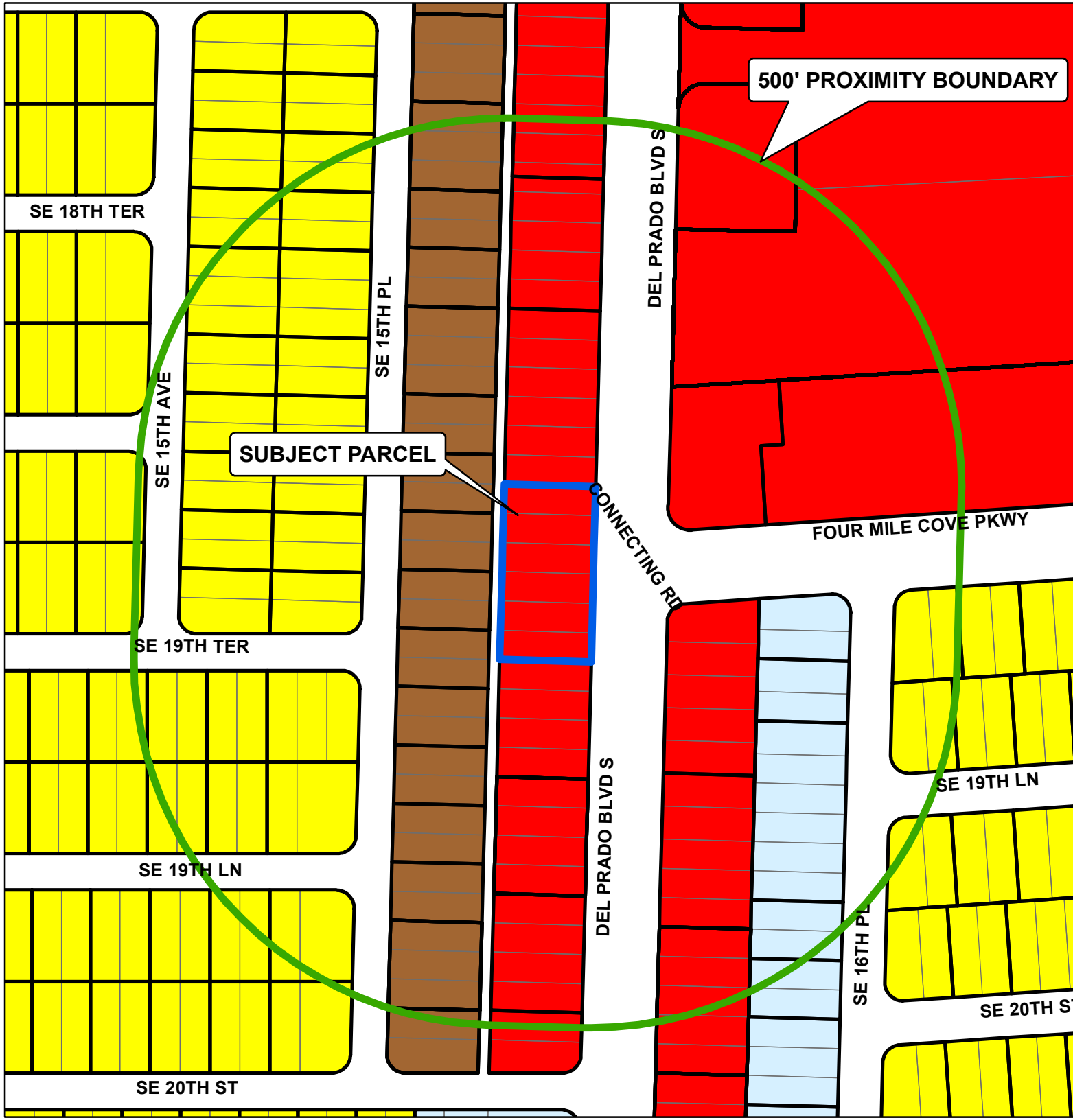
 R-3



OCTOBER 9TH, 2018



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





**Item Number:** 2.C.  
**Meeting Date:** 11/6/2018  
**Item Type:** HEARINGS

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case #SE18-0008\*; Address: 213 SW 3rd Avenue; Applicant: Giang Chau

**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, Giang Chau, seeks to amend Resolution SE 2-2009 that granted a special exception to construct and operate an Automotive Repair and Service – Group I use in the Corridor District on property described as Lots 8 and 9, Block 1952, Unit 29, Cape Coral. This amendment is requested to expand the project area of this use to include Lots 6 and 7, Block 1952, Unit 29, Cape Coral. The site is located at 213 SW 3<sup>rd</sup> Avenue.

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Materials"

**PREPARED BY:**

Kristin  
Kantarze                      Division- Planning                      Department- Community Development

**SOURCE OF ADDITIONAL INFORMATION:**

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

**ATTACHMENTS:**

Description	Type
□ Backup Materials	Backup Material





DEPARTMENT OF COMMUNITY DEVELOPMENT  
SPECIAL EXCEPTION APPLICATION  
Questions: 239-574-0553

Case # SE18-0008

REQUEST TO BOARD OF ZONING ADJUSTMENT & APPEAL FOR A SPECIAL EXCEPTION

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.

OWNER OF PROPERTY

Address: 213 SW 3rd Ave  
City: Cape Coral State FL Zip 33955  
Email: Qualitytax213@yahoo.com Phone: \_\_\_\_\_

APPLICANT (if different from Owner)

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

AUTHORIZED REPRESENTATIVE

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

Unit 29 Block 1952 Lot(s) 6-9 Subdivision \_\_\_\_\_  
Address of Property 213 SW 3rd Ave  
Plat Book 16 Page 24  
Current Zoning CORR Strap Number 14-44-23-C2-0195-0080

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.

Giang Chau  
NAME (PLEASE TYPE OR PRINT)

Alfordable Taxing & Quality  
CORPORATION/COMPANY NAME Service  
Huong Chen  
APPLICANT'S SIGNATURE JAC

(SIGNATURE MUST BE NOTARIZED)





DEPARTMENT OF COMMUNITY DEVELOPMENT  
SPECIAL EXCEPTION APPLICATION  
Questions: 239-574-0553

Case # SE18-0008

#### ACKNOWLEDGEMENT FORM

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals, and Council.

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

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

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

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

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

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

I hereby acknowledge that I have read and understood the above affidavit on the

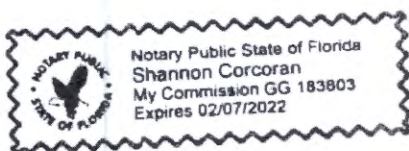
7<sup>th</sup> day of August, 2018

Giang Chau  
PRINT APPLICANT'S NAME

Giang Chau  
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 24<sup>th</sup> day of July, 2018 by  
Giang Chau who is personally known or produced Driver's License  
as identification.



Exp. Date: 2/7/22 Commission Number: GG 183803  
Signature of Notary Public: [Signature]  
Printed name of Notary Public: Shannon Corcoran



DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0553

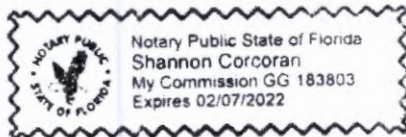
Case # SE18-0008

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

STATE OF Florida, COUNTY OF Charlotte

Sworn to (or affirmed) and subscribed before me this 24<sup>th</sup> day of July, 2018, by  
Giang Chau who is personally known or produced Driver's License  
as identification.

Exp. Date: 2/7/22 Commission Number: GG 183803



Signature of Notary Public: [Signature]

Printed name of Notary Public: Shannon Corcoran

August 7, 2018

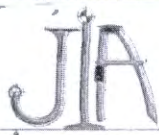
Affordable Towing & Quality Service  
213 SW 3<sup>rd</sup> Ave  
Cape Coral, FL 33991  
239-458-7500

Dear City of Cape Coral County Committee,

It is our intent to ask the County to allow us to extend previously approved exception SE08-400021 on Strap number 14-44-23-C2-01952.0080 Lots 8 & 9 onto Lot 6 & 7 initially Strap number 14-44-23-C2-01952-0060. We initially purchased the property with the intent to expand our vehicle storage area due to limited space. This space limitation was a common challenge that faced by the auto repair and towing industry and for us it was a progressively uphill challenge at the start of the business acquisition due to the increase of quantity of tows we were being called as a result of our towing team's dedication to be of service to both Cape Coral Police Department (CCPD) and Lee County Sheriff's Department (LCSO) Rotation. We followed appropriate procedures in obtaining correct permitting for fencing of the additional space including as informed permitting officials. We were granted permit to build fence for purposes of using as additional parking / storage area. However, due to no fault of any particular party, we can just say we experienced a swiss cheese effect error and are now finding ourselves in an unintentional code compliance due to lack of knowledge or information throughout previous applications regarding improvement to the property. We hope you consider our application plea and grant us a special exception to 14-44-23-C2-01952-0060. Thank you for your consideration and look forward to hearing from you.

Sincerely,  
Giang D. Chau  
CEO





# JOHN IBARRA & ASSOCIATES, INC.

Professional Land Surveyors & Mappers

WWW.IBARRALANDSURVEYORS.COM

777 N.W. 72nd AVENUE  
SUITE 3025  
MIAMI, FLORIDA 33126  
PH: (305) 262-0400  
FAX: (305) 262-0401

2804 DEL PRADO BLVD SOUTH  
SUITE NO. 202 UNIT 1  
CAPE CORAL, FL 33904  
PH: (239) 540-2660  
FAX: (239) 540-2664



## LOCATION SKETCH

SCALE = N.T.S.



## VIEW OF SUBJECT PROPERTY

213 SW 3RD AVENUE CAPE CORAL, FLORIDA 33991

## ABBREVIATIONS

A	ANCHOR	E.T.P.	ELECTRIC TRANSFORMER PAD	O.T.R.	OFFICIAL RECORDS BOOK	T	TANGENT
A.S.	AIR CONDITIONER PAD	E.T.V.	ELEVATION	O.V.H.	OUTRIGING	T.B.	TELEPHONE BOOTH
A.E.	ANCHOR EASEMENT	ENCR.	ENCROACHMENT	P.A.V.	PAVEMENT	T.B.M.	TEMPORARY BENCHMARK
A.L.	ALLIANCE (SHEET)	E.H.	EASE HORIZONTAL	P.L.	PLANT	T.U.E.	TECHNOLOGY UTILITY EASEMENT
ASPH.	ASPHALT	E.P.	FOUND RICH PIPE	P.L.	PROPERTY LINE	T.S.B.	TRAFFIC SIGNAL BOX
B.C.	BLOCK CORNER	E.R.	FOUND RICH ROD	P.C.C.	POINT IN COMPOUND CURVATURE	T.S.P.	TRAFFIC SIGNAL POLE
BLDT.	BUILDING	E.S.	FOUND RICH ELEVATION	P.C.	POINT OF CURVATURE	TWP.	TOWNSHIP
B.M.	BENCHMARK	E.D.	FOUND MARK & DISC	P.O.T.	POINT OF TANGENCY	U.T.R.	UTILITY
B.C.R.	BROWARD COUNTY RECORDS	FT.	FEET	P.O.C.	POINT OF COMMENCEMENT	U.E.	UTILITY EASEMENT
B.D.	BASIS OF BEARING	F.N.	FEDERAL NATIONAL INSURANCE PROGRAM	P.O.R.	POINT OF REVERSE CURVATURE	U.P.	UTILITY POLE
B.S.	BROWARD COUNTY RECORDS	H.	HIGH OR HEIGHT	P.P.	POWER POLE	W.M.	WATER METER
C.	CALCULATED	H.S.	INGRESS AND EGRESS EASEMENT	P.S.	PERMANENT REFERENCE MONUMENT	W.F.	WOOD FENCE
C.B.	CATCH BASIN	I.C.V.	IRRIGATION CONTROL VALVE	P.S.	PROFESSIONAL LAND SURVEYOR	W.P.	WOOD PORCH
C.B.S.	CONCRETE BLOCK STRUCTURE	I.F.	IRON FENCE	P.P.	POWER POLE	W.R.	WOOD ROOF
C.W.	CONCRETE BLOCK WALL	I.B.	IRON BUSH	P.P.S.	POWER PUMP STATION	W.V.	WATER VALVE
CH.	CHORD	L.P.	LOWEST FLOOR ELEVATION	P.U.E.	UTILITY EASEMENT	W.	WATER
CH.B.	CHORD BEARING	L.M.E.	LAND MAINTENANCE EASEMENT	R.	RIGHT OF WAY	W.	WATER
C.N.L.	CHORD LENGTH	M.	MEASURED DISTANCE	R.A.D.	RADIUS OF MAGN.	W.	WATER
CL.	CHAIN LINK FENCE	M.B.	MAR BOX	R.A.D.	RADIUS OF MAGN.	W.	WATER
C.L.	CANAL MAINTENANCE EASEMENT	M.D.C.R.	MAR BOX	R.B.	RIDGE	W.	WATER
C.M.C.	CONCRETE	M.E.	MAINTENANCE EASEMENT	R.E.	RIGHT OF WAY	W.	WATER
C.U.P.	CONCRETE UTILITY POLE	M.H.	MANHOLE	R.S.	RIGHT OF WAY	W.	WATER
C.F.	CONCRETE FENCE	N.A.P.	NOT A PART OF	R.W.	RIGHT OF WAY	W.	WATER
C.S.	CONCRETE SLAB	NGVD	NATIONAL GEODETIC VERTICAL DATUM	R.W.	RIGHT OF WAY	W.	WATER
C.W.	CONCRETE WALL	N.T.S.	NOT TO SCALE	R.W.	RIGHT OF WAY	W.	WATER
D.E.	DRAINAGE EASEMENT	N.D.	NOT TO SCALE	R.W.	RIGHT OF WAY	W.	WATER
D.M.E.	DRAINAGE MAINTENANCE EASEMENT	N.S.	NOT TO SCALE	R.W.	RIGHT OF WAY	W.	WATER
D.W.	DRIVEWAY	O.S.	OFF SET	R.W.	RIGHT OF WAY	W.	WATER
D.W.	DRIVEWAY	O.N.	OVERLAP	R.W.	RIGHT OF WAY	W.	WATER
D.	DEGREE	O.N.	OVERLAP	R.W.	RIGHT OF WAY	W.	WATER
E.	ELECTRIC BOX	O.N.	OVERLAP	R.W.	RIGHT OF WAY	W.	WATER

## LEGEND

---	OVERHEAD UTILITY LINES
---	CONCRETE BLOCK WALL
---	CHAIN LINK FENCE
---	WOOD FENCE
---	WOOD PORCH
---	WOOD ROOF
---	WATER VALVE
---	WATER METER
---	WATER
---	WATER
---	WATER

## LEGAL NOTES TO ACCOMPANY SKETCH OF SURVEY:

- THERE MAY BE EASEMENTS RECORDED IN THE PUBLIC RECORDS NOT SHOWN ON THIS SURVEY.
- THE PURPOSE OF THIS SURVEY IS FOR USE IN OBTAINING TITLE INSURANCE AND EASEMENTS AND SHOULD NOT BE USED FOR CONVEYANCE PURPOSES.
- EXAMINATIONS OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THE PROPERTY.
- THIS SURVEY IS SUBJECT TO DEEDS, EASEMENTS, RESTRICTIONS, RESERVATIONS OR EASEMENTS OF RECORD.
- FINAL DESCRIPTIONS PROVIDED BY CLIENT OR ATTORNEY'S FIRM.
- BENCHMARK SURVEY MEANS A DRAWING AND/OR A GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, COLOR OR DRAWN AT A SPECIFIC SCALE AND/OR NOT TO SCALE. THE WALLS OR FENCES MAY BE ENLARGED FOR CLARITY PURPOSES.
- EASEMENTS AS SHOWN ARE PER PLAT BOOK, UNLESS INDICATED OTHERWISE.
- THE TERM "ENCROACHMENT" MEANS VIOLATION OF ABOVE GROUND ENCROACHMENTS.
- ADJACENTS SHALL VERIFY PLANNING REGULATIONS, RESTRICTIONS, SETBACKS AND NOT BE RESPONSIBLE FOR SETTING PLAT PLANS WITH CORRECT APPROPRIATE FOR ALL INFORMATION TO THE PROPERTY AUTHORITY'S RECORD CONSTRUCTION.
- THE SURVEYOR HAS NOT ATTEMPTED TO LOCATE EXISTING ANCHORS OR MONUMENTS.
- THIS PLAN OF SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE CLIENT'S SUBSCRIPTION TO THE CERTIFICATE OF TITLE. IT DOES NOT EXTEND TO ANY OTHER PARTY.

## SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THIS "BOUNDARY SURVEY" OF THE PROPERTY DESCRIBED HEREON, HAS BEEN SURVEYED AND DRAWN UNDER MY SUPERVISION, AND COMPLETION WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 11, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472.02, FLORIDA STATUTES.

BY CARLOS IBARRA 05/01/17  
(DATE OF FIELD WORK)

PROFESSIONAL LAND SURVEYOR NO. 6770 STATE OF FLORIDA  
(NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPING)

## FLOOD ZONE INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X (WITH A BASE FLOOD ELEVATION OF 10.0). THIS PROPERTY WAS FOUND IN CITY OF CAPE CORAL, COMMUNITY NUMBER 125095, DATED 08/28/08.

DRAWN BY: E.A.

FIELD DATE: 5/1/2017

SURVEY NO: 17-001940

SHEET: 1 OF 2

## SURVEYOR'S NOTES:

1. IF SHOWN, BEARINGS ARE REFERRED TO AN ASSUMED MERIDIAN BY SAID PLAT IN THE DESCRIPTION OF THE PROPERTY. IF NOT, BEARINGS ARE THEN REFERRED TO COUNTY TOWNSHIP MAPS.
2. THE CLOSURE IN THE BOUNDARY SURVEY IS ABOUT 1.7500 FT.
3. CERTIFICATE OF AUTHORIZATION 1818006.





# JOHN IBARRA & ASSOCIATES, INC.

Professional Land Surveyors & Mappers

WWW.IBARRALANDSURVEYORS.COM

777 N.W. 72nd AVENUE  
SUITE 3025  
MIAMI, FLORIDA 33126  
PH: (305) 202-0400  
FAX: (305) 202-0401

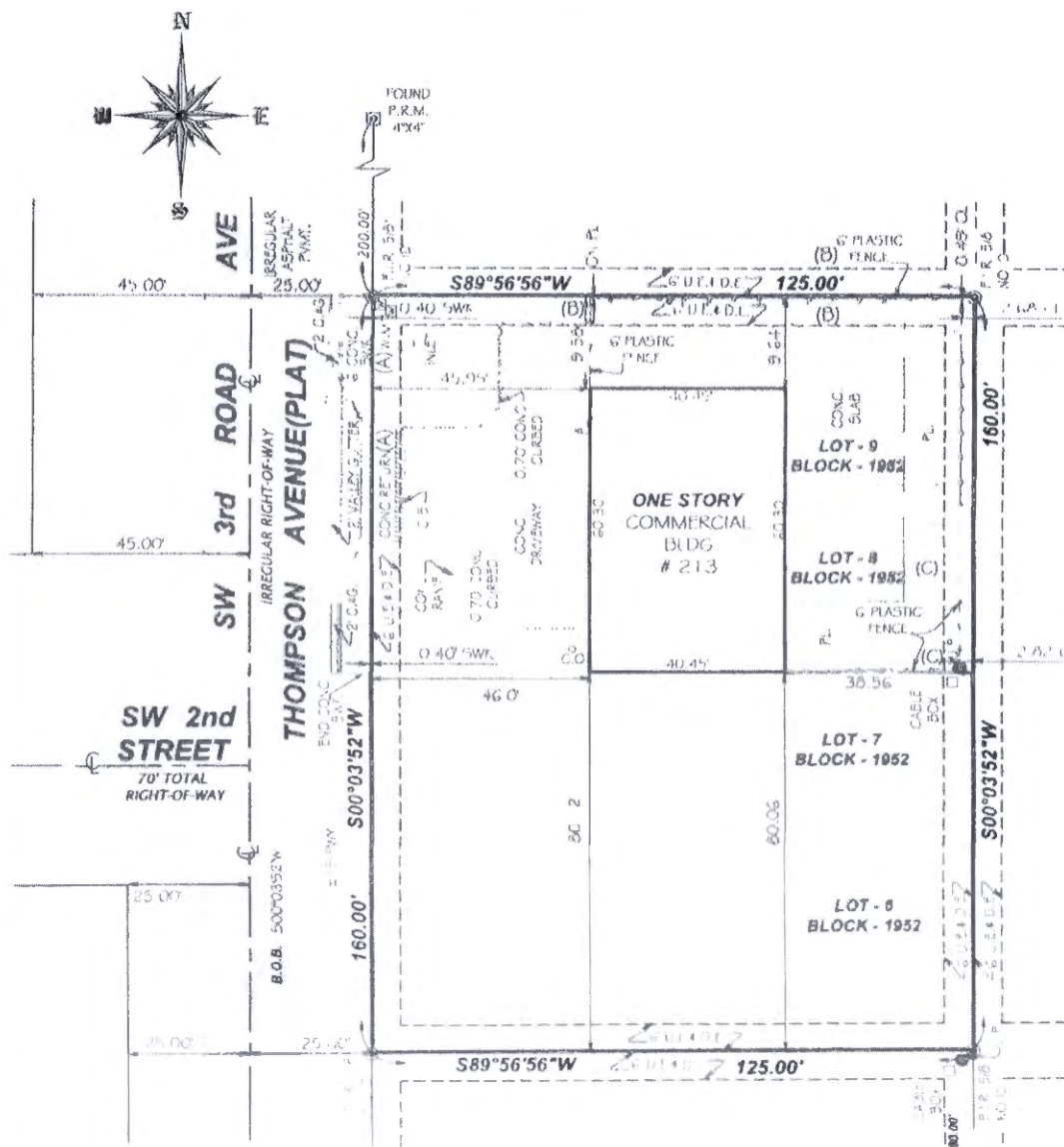
2804 DEL PRADO BLVD SOUTH  
SUITE NO. 202 UNIT 1  
CAPE CORAL, FL 33904  
PH: (239) 840-2880  
FAX: (239) 840-2884



## MAP OF BOUNDARY SURVEY

213 SW 3RD AVENUE CAPE CORAL, FLORIDA 33991

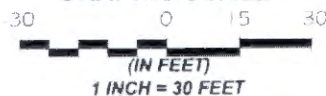
(REV.1 5/3/2017)



### ENCROACHMENT NOTES:

- WEST SIDE OF THE SUBJECT PROPERTY. CONCRETE RETURN IS ENCROACHING INTO THE 8 FOOT UTILITY AND DRAINAGE EASEMENT. WATER METERS LIE INTO THE SUBJECT PROPERTY.
- NORTH SIDE OF THE SUBJECT PROPERTY. PLASTIC FENCE AND CONCRETE SLAB ARE ENCROACHING INTO THE 8 FOOT UTILITY AND DRAINAGE EASEMENT.
- EAST SIDE OF THE SUBJECT PROPERTY. PLASTIC FENCE IS ENCROACHING INTO THE 8 FOOT UTILITY AND DRAINAGE EASEMENT. UTILITY POLE LIES INTO THE SUBJECT PROPERTY.

### GRAPHIC SCALE



### LEGAL DESCRIPTION:

LOT 6 THROUGH 9, CAPE CORAL UNIT 29 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 16, PAGE 24 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

### CERTIFICATION:

CHAU GIAN DUYN AND JOHNATHAN HERRERA

DRAWN BY:

EA

FIELD DATE:

5/1/2017

SURVEY NO:

17-001940

SHEET:

2 OF 2



## Planning Division Case Report

SE18-0008

**Review Date:** October 13, 2018

**Property Owner:** Giang Chau

**Owner Address:** 24321 Captain Kidd Boulevard  
Punta Gorda, FL 33955

**Applicant:** Giang Chau

**Request:** The applicant requests to amend a previously approved special exception for an Automotive Repair and Service, Group I use for a towing establishment in the Corridor District. Resolution SE 2-2009 approved a towing establishment on Lots 8 and 9, in Block 195. The applicant requests to expand this use to Lots 6 and 7 to the south.

**Location:** 213 SW 3<sup>rd</sup> Avenue  
Cape Coral Subdivision, Unit 29, Block 1952, Lots 6-9  
Strap Number 14-44-23-C2-01952.0080

**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:** Transition

**Right of Way Access:** The site has frontage along SW 3<sup>rd</sup> Avenue, a local street.

**Site Visit:** September 19, 2018

### Property Description:

The 20,010 sq. ft. site is rectangular and east of the intersection of SW 2<sup>nd</sup> Terrace and SW 3<sup>rd</sup> Avenue. The north half of the site has a 2,400 sq. ft. commercial building that was constructed in 2009. The south half of site has a fenced yard that is used for securing towed vehicles.

The site has a Pine Island Road District Future Land Use Classification and Corridor Zoning. All immediately surrounding sites share the same future land use classification and zoning designation.



**Figure 1. Aerial of the site. Lots 8 and 9 constitute the north half of the site that received special exception approval in 2009. Lots 6 and 7 constitute the south half and represent the land involved in the requested amendment.**



**Background:**

Automotive Repair and Service, Group 1 uses include towing establishments, brake and carburetor repairs, inspection services, glass replacement and repair, muffler sales and installation, tire repairs, transmission repairs, wheel alignments, and oil changes. More extensive repair work including major body work, engine repairs, axle straightening, frame and front-end work, and painting and rust proofing are classified as Automotive Repair and Service, Group II uses.

The City defines automotive towing establishments as *"a premise or portion of a premises occupied by an establishment in which a person, or persons, practice a vocation or occupation that performs a type of labor, act, or work off the premises that results in the towing of motor vehicles. Tow trucks or wreckers may be stored on the premises, but no towed vehicles shall be stored on the premises."*

In 2009 the Board of Zoning Adjustment and Appeals granted a special exception for an Automotive Repair and Service, Group I use at 213 SW 3<sup>rd</sup> Avenue. The site consisted of Lots 8 and 9 in Block 1952.

A 2,400 sq. ft. building was constructed on the site in 2009. A six-foot tall PVC fence was installed that enclosed the north and east sides of the site. Affordable Towing and Storage, Inc. has operated a towing business on the site since 2009.

In 2017 Lots 6 and 7 were added to the site to increase the use area to  $\pm 20,009$  sq. ft. A fence permit was also approved that resulted in the construction of a six-foot tall chain link fence enclosing most of the area south of the building. Improvements to these two lots occurred without special exception or site plan approval.

### **Current Operation of the Establishment**

The following description is based on information provided by Mr. Jonathon Hoyos, a partner of Affordable Towing. The business employs two to three people and the normal operating hours are 8:00 a.m. to 5:00 p.m., Monday thru Friday. However, requests to tow vehicles can occur at any time.

Towed vehicles are kept in the fenced area south of the building until claimed by the owner. Inoperable vehicles that are unclaimed are generally sold for salvage or transported to a recycling center in Fort Myers. Vehicles are occasionally kept on the site for as long as one to two weeks.

Generally, 10 to 15 towed vehicles are kept on site at a time. The company has two towing vehicles that are also kept in the fenced area while not in use. Automotive repairs are not performed on this site.

### **Zoning History of the Site**

The Future Land Use Classification of the site was amended from Commercial/Professional to the Pine Island Road District by Ordinance 38-02.

The site was rezoned from Multi-Family (R-3) to Professional Office (P-1) by Ordinance 61-90, and to the Corridor District by Ordinance 8-04.

### **Analysis:**

This application was reviewed based on the Land Use and Development Regulations (LUDR), Section 2.7.13, the Corridor District, and the five standards in Section 8.8.5a-e for special exceptions. Compliance with conditions of approval appearing in Resolution SE 2-2009 was also evaluated.

#### *1. Generally*

This standard involves whether a special exception complies with the requirements of the zoning district where the use is proposed, and any other applicable regulations. Because this request is an amendment to an existing special exception use, and since Resolution SE 2-2009 imposed conditions on this use, compliance with conditions appearing in Resolution SE 2-2009 are also evaluated in this section.

The Corridor Zoning of the site is consistent with the Pine Island Road District Future Land Use. There is no minimum area requirement for automotive repair and service, group I uses. The City does not have special regulations governing this use.

Three conditions in Resolution SE 2-2009 appear below along with a brief evaluation of compliance.

- A. *The proposed fence enclosing the rear property is to be constructed so as to form a six-foot high, 100% opaque barrier between the subject property and the surrounding*



*properties.* **Staff comments:** The rear and north side yard of the site is enclosed by a six-foot tall, continuous opaque fence. The project is compliant with this condition.

- B. *The applicant shall install Coco Plum shrubs, placed 2.5 feet on center, of a minimum height of 42 inches at planting, to screen the northwest driveway gate. Shrubs shall be located as depicted on plans, from curb corner, running northward to swale.* **Staff comments:** A row of shrubs is present, planted in a row, parallel to SW 3<sup>rd</sup> Avenue. These planting are consistent with a landscaping plan for the site that was submitted with SE 08-00400021. The project is compliant with this condition.
- C. *The 100% opaque fence shall be of a PVC material.* **Staff comments:** A site visit by staff confirmed the opaque fence is composed of PVC or vinyl. Staff considers these two materials to be indistinguishable from a compliance standpoint. The project is compliant with this condition.

## 2. Compatibility

The surrounding area is sporadically developed despite the proximity of these lands to Pine Island Road and the availability of centralized utilities. Uses are varied within 500 feet of the site and include residential uses, a church, light manufacturing, and a school. The nearest residential use is about 120 feet to the northeast. In Block 1952, less than half of the land is developed. A special exception for another towing establishment (SE18-0011) has been filed with the City for Lots 1-5, immediately south of this site.

Lots 6 and 7 are used for parking towed vehicles and towing trucks. Most of these vehicles are kept within a yard that is enclosed with a six-foot tall chain link fence.

Negative attributes associated with towing establishments would generally include site aesthetics, lighting, and noise. Each factor is addressed separately below.

### Site aesthetics

Towing establishments typically impound vehicles on-site until each vehicle is reclaimed by the owner or transferred to auction, a scrap yard, or recycler. Since vehicles involved in accidents are frequently impounded at these facilities, screening these vehicles is important for maintaining good site aesthetics and promoting a development that is compatible with the area.

Lots 6 and 7 contain an impoundment area where towed vehicles and towing trucks are kept. The perimeter of this area is secured with chain-link fence. Landscaping is lacking from this area of the site. On a recent site visit, both towed vehicles and towing trucks were visible from the front and the rear of the site. Vehicles were also observed parked on grass in front of the fenced area. Areas for impounding vehicles should be screened from surrounding sites. Landscaping in front of this area and the street is recommended to improve the aesthetics of the site.



#### Lighting

Services offered by towing companies include transporting vehicles involved in accidents that are inoperable. As a result, trips to the impoundment yards are unpredictable and can occur at any time of the day. Lights from vehicles could have a detrimental effect on residents living near to such establishments. A duplex to the east and a multi-family development to the southeast appear to have the greatest exposure to headlights. Screening the impoundment area will restrict the exposure to lighting experienced by these residents. A small number of residential uses exist to the north and south of the site although these residents are likely shielded from headlights by buildings.

#### Noise

Towing establishments can produce noise especially if repairs occur on site. Minor repairs are allowed by Automotive Repair and Service, Group I uses. However, more substantial repairs that involve frame and axle repairs and rebuilding engines that typically produce greater levels of noise, are prohibited. Repairs are not currently performed at this site. Staff did not notice noise originating from the building on a visit to the site.

#### Summary

The site is in a sporadically developed area with a mix of residential and nonresidential uses. The nearest residential use is 120 feet to the northeast. Based on the existing land use and zoning patterns, any new residential development will be a minimum of 250 feet from the site. Since this application represents an expansion to an existing special exception use, property owners and residents in the area are likely accustomed to the operation of this use. Based on the nature of the proposed use, the surrounding zoning and land use patterns, and staff recommended conditions, the expansion of this use should be harmonious with the surrounding area. Recommended conditions require a site plan review for improvements to Lots 6 and 7 and require screening and buffering of the impoundment area.

### *3. Minimum Lot Frontage; Access*

The site has about 160 feet of frontage on SW 3<sup>rd</sup> Avenue. The site has two driveways; one that provides access to the building on Lots 8 and 9; a second driveway provides access to the impoundment area. The second driveway is unpermitted and does not meet City standards. The site exceeds the minimum width at the building line requirement of 50 feet for sites less than 45,000 sq. ft. in the Corridor District.

The minimum parking standard for the use is two parking spaces per bay plus one space per employee. The building has one bay. City records show the site has two striped parking spaces in front of the building. Additional paved area exists to the rear of the building where a limited number of vehicles could be parked.

#### 4. Building Location; Setbacks

The building on Lots 8 and 9 is compliant with the minimum setbacks of the Corridor District for sites less than 45,000 sq. ft. (front: 25 feet; side: 0 feet; and rear: 10 feet). No building is proposed for Lots 6 and 7.

#### 5. Screening and Buffering

Limited landscaping exists on the site with most of the landscaping in front of the building. Landscaping is absent on Lots 6 and 7.

### Consistency with the Comprehensive Plan

With the implementation of conditions recommended by staff, the project will be consistent with the following goals and policies.

#### Future Land Use Element

##### **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 area 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 site has Corridor Zoning that is consistent with the Pine Island Road District Future Land Use Classification. The site has an FAR of 0.12. 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 west property line of Lots 8 and 9. Lots 6 and 7 will be required to meet minimum landscaping standards as part of the site plan**



review process. Landscaping is recommended along the fence where vehicles are impounded. 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 exists along the west property line of Lots 8 and 9. Lots 6 and 7 will be required to meet minimum landscaping standards. Landscaping is recommended along the fence where vehicles are impounded. 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 lacks a loading dock and rooftop equipment that requires screening. An existing opaque fence on Lots 8 and 9 screen the rear of the building. Landscaping is recommended along the fence enclosing the impoundment area to buffer this use. This policy is supportive of this request.

**Recommendation:**

Staff recommends **approval** of the expansion of the existing an automotive repair and service, group I use to Lots 6 and 7 in Block 1952 with the following conditions:

1. Within 90 days of approval of the special exception, the owner shall submit a site plan for improvements on Lots 6 and 7. Within 30 days following site plan approval, the owner shall begin construction of the improvements depicted on the site plan. Extensions to either the submittal of the site plan or the commencement of construction activities on the site may be granted by the DCD Director if good cause is demonstrated by the owner. These two lots shall not be used as part of the towing establishment until the City has approved a site plan for these two lots and all improvements appearing on the site plan have been constructed by the owner and inspected by the City.
2. The existing driveway to Lots 6 and 7 shall be modified or constructed to meet standards for driveways established by the City.
3. The area used for impounding vehicles on Lots 6 and 7 shall be enclosed with a six-foot tall opaque fence. A row of canopy trees spaced 20 feet on center, and a row of shrubs installed at



three feet on center shall be planted on the west side of the impoundment area directly in front of the fence. The row of landscaping shall be continuous except for a drive isle that provides access to the impoundment area. Alternatively, the existing chain-link fence can be used to meet this requirement if shrubs are installed along the east, south, and west sides of the fence. The shrubs may be planted either inside or outside the fence. For both options described within this condition, the shrubs shall consist of cocoplums (*Chrysobalanus icaco*) planted three feet on center at a minimum height of 32 inches. The shrubs shall be maintained at a minimum height of five feet at maturity. The City, at its sole discretion, may approve a different species of shrubs provided the substituted species can achieve the necessary height and provide similar screening benefits as the cocoplums.

4. All towed vehicles and tow trucks shall be parked within a fenced impoundment area or inside the building.
5. Automotive repairs performed on the site (Lots 6-9) shall be limited to the hours beginning at 8:00 a.m. and ending at 6:00 p.m., Monday thru Saturday. No repair work shall be allowed on Sundays. All repair shall be conducted inside the building.

---

**Staff Contact Information**

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator  
Planning Division  
PH: 239-242-3255  
Email: [mstruve@capecoral.net](mailto:mstruve@capecoral.net)

## RESOLUTION SE 2 - 2009

A RESOLUTION PURSUANT TO THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE VIII, ADMINISTRATION, SECTION 8.3, PUBLIC HEARINGS, AND SECTION 8.8, SPECIAL EXCEPTIONS, AND THE CITY OF CAPE CORAL COMPREHENSIVE PLAN, GRANTING A SPECIAL EXCEPTION TO CONSTRUCT AND OPERATE AN AUTOMOTIVE REPAIR AND SERVICE - GROUP I USE IN A CORRIDOR (CORR) ZONE ON REAL PROPERTY DESCRIBED AS LOTS 8 AND 9, BLOCK 1952, UNIT 29, CAPE CORAL; PROPERTY LOCATED AT 213 SW 3<sup>RD</sup> AVENUE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application by DAVID AND SHIRLEY MALMBERG has been submitted and reviewed by the Planning and Zoning Commission, the City of Cape Coral, and has been presented to the City of Cape Coral Board of Zoning Adjustment and Appeals at a Public Hearing for Special Exception.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING ADJUSTMENT AND APPEALS OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. That the City of Cape Coral Board of Zoning Adjustment and Appeals having specifically considered the recommendations of the City of Cape Coral Planning and Zoning Commission, Local Planning Agency, the City of Cape Coral Planning Division, and the presentation made at the Public Hearing, the criteria set forth in the City of Cape Coral Code Article VIII, Administration, Section 8.3, Public Hearings, and Section 8.8, Special Exceptions, the City of Cape Coral Comprehensive Plan and the application materials submitted with Application SE 08-00400021 the Board of Zoning Adjustment and Appeals hereby grants the below-described real property A SPECIAL EXCEPTION TO CONSTRUCT AND OPERATE AN AUTOMOTIVE REPAIR AND SERVICE - GROUP I USE IN A CORRIDOR (CORR) zone on the below-described property:

LEGAL DESCRIPTION: LOTS 8 AND 9, BLOCK 1952, UNIT 29, CAPE CORAL, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 15 THROUGH 25, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

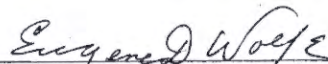
PROPERTY LOCATED AT: 213 SW 3<sup>RD</sup> AVENUE

Section 2. The applicant shall meet the following terms and conditions:

1. The proposed fence enclosing the rear of the property is to be constructed so as to form a six-foot high, 100% opaque barrier between the subject property and the surrounding properties.
2. The applicant shall install Coco Plum shrubs, placed 2.5 feet on center, of a minimum height of 42 inches at planting, to screen the northwest driveway gate. Shrubs shall be located as depicted on plans, from curb corner, running northward to swale.
3. The 100% opaque fence shall be of a PVC material.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE BOARD OF ZONING ADJUSTMENT AND APPEALS OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 4th DAY OF FEBRUARY, 2009.

  
EUGENE D. WOLFE, CHAIRMAN  
BOARD OF ZONING ADJUSTMENT  
AND APPEALS

ATTESTED TO AND FILED IN MY OFFICE THIS 12th DAY OF February,  
2009.

Bonnie J. Potter  
BONNIE J. POTTER, CITY CLERK

APPROVED AS TO FORM:

Brian R. Bartos  
BRIAN R. BARTOS  
ASSISTANT CITY ATTORNEY  
SE084-21





## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** SE18-0008

**REQUEST:** The owner, Giang Chau, seeks to amend Resolution SE 2-2009 that granted a special exception to construct and operate an Automotive Repair and Service – Group I use in the Corridor District on property described as Lots 8 and 9, Block 1952, Unit 29, Cape Coral. This amendment is requested to expand the project area of this use to include Lots 6 and 7, Block 1952, Unit 29, Cape Coral. The site is located at 213 SW 3<sup>rd</sup> Avenue.

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

**PROPERTY OWNER:** Giang Chau

**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, November 6, 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 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

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

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

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

# The News-Press media group

news-press.com A GANNETT COMPANY

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

**TOLL-FREE**  
888-516-9220

**Local #**  
239-335-0258

**Email**  
FNPLegals@gannett.com

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

**Ad No.:** 0003219162

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

**Net Amt:** \$352.55

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 10/27/18

**Text of Ad:**

**NOTICE OF PUBLIC HEARING**

**CASE NUMBER:** SE18-0008

**REQUEST:** The owner, Giang Chau, seeks to amend Resolution SE 2-2009 that granted a special exception to construct and operate an Automotive Repair and Service – Group I use in the Corridor District on property described as Lots 8 and 9, Block 1952, Unit 29, Cape Coral. This amendment is requested to expand the project area of this use to include Lots 6 and 7, Block 1952, Unit 29, Cape Coral. The site is located at 213 SW 3rd Avenue.

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

**PROPERTY OWNER:** Giang Chau

**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, November 6, 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 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 # SE18-0008  
AD# 3219162 Oct. 27, 2018



Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: CHAU GIANG DUYEN

APPLICATION NO: SE18-0008

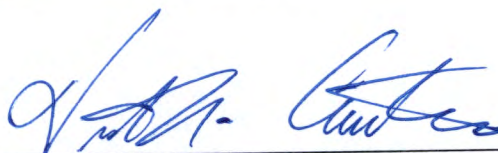
STATE OF FLORIDA     )  
                                  ) §  
COUNTY OF LEE        )

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 29<sup>th</sup> day of October, 2018.

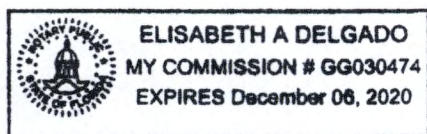


Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of October, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # 96030474



Elisabeth A. Delgado  
Signature of Notary Public

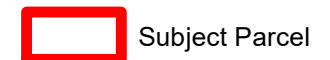
Elisabeth A. Delgado  
Print Name of Notary Public





CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

Case No. SE18-0008



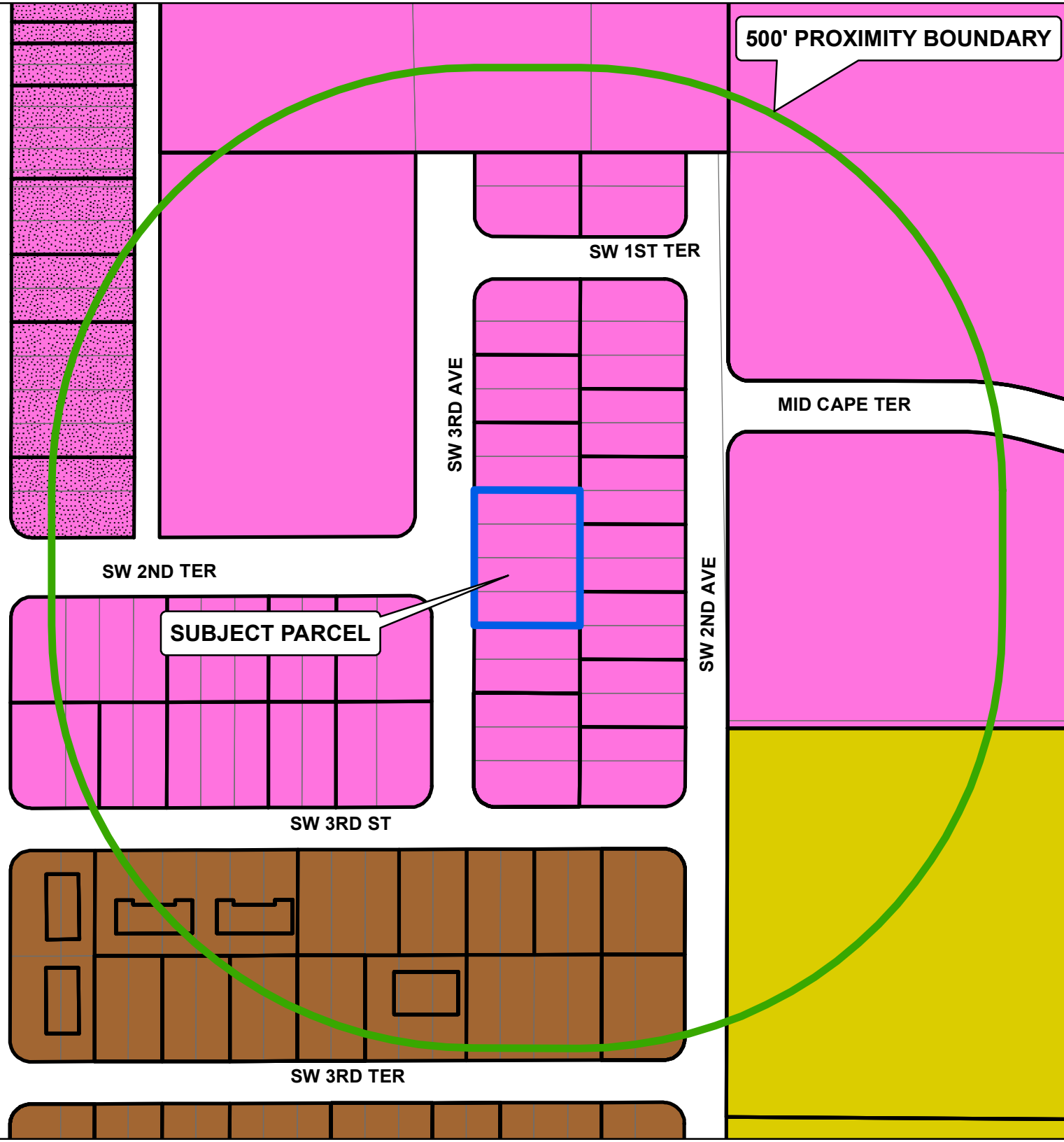
SEPTEMBER 21ST, 2018



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.



SW 3RD PL



500' PROXIMITY BOUNDARY

SW 1ST TER

MID CAPE TER

SW 3RD AVE

SW 2ND AVE

SW 2ND TER

SW 3RD ST

SW 3RD TER

SUBJECT PARCEL


CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT ZONING MAP  
500' Proximity Boundary

Case No. SE18-0008

LEGEND

 500' Proximity Buffer

 Subject Parcel

Zoning

 CORR

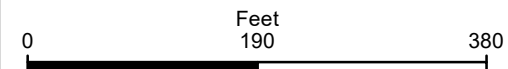
 CORR/CPO

 R-1A

 R-3



SEPTEMBER 21ST, 2018



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



**Item Number:** 2.D.  
**Meeting Date:** 11/6/2018  
**Item Type:** HEARINGS

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case #VP18-0003\*; Address: PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF CHIQUITA BOULEVARD AND TRAFALGAR PARKWAY;  
Applicant: 38335 Chiquita Trafalgar, 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:**

**RESOLUTION 244 – 18:** A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR AN ALLEY AND THE UNDERLYING PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED BETWEEN LOTS 1-3, BLOCK 4819 AND BLOCK 4819-A, BETWEEN LOTS 10-13, BLOCK 4819 AND BLOCK 4819-A, AND BETWEEN LOTS 17-22, BLOCK 4819 AND BLOCK 4819-A, ALL IN CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS LYING WITHIN LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, AND WITHIN BLOCK 4819-A, ALL IN CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PLATTED LOT LINES ASSOCIATED WITH LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, CAPE CORAL UNIT 71; PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF CHIQUITA BOULEVARD AND TRAFALGAR PARKWAY; PROVIDING AN EFFECTIVE DATE.

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Materials"

**PREPARED BY:**

Kristin  
Kantarze

Division- Planning

Department- Community  
Development

**SOURCE OF ADDITIONAL INFORMATION:**

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

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Advertising Affidavit	Backup Material
▣ Backup Materials	Backup Material

Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Quattrone, P.E.

APPLICATION NO: VP18-0003

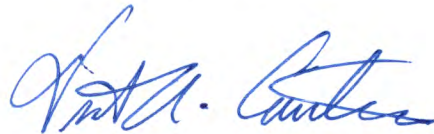
STATE OF FLORIDA       )  
                                      ) §  
COUNTY OF LEE        )

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

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

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

DATED this 29<sup>th</sup> day of October, 2018.

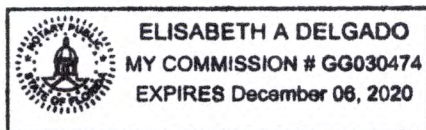


Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of October, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # GG030474



Elisabeth A. Delgado  
Signature of Notary Public

Elisabeth A. Delgado  
Print Name of Notary Public





**Engineers, Planners & Development Consultants**

4301 Veronica Shoemaker Blvd. Fort Myers, FL  
239.936.5222 | QAINC.net | f 239.936.7228

AUG 10 '18 PM 1:35 W

August 1, 2018

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

RE: Letter-of-Intent for a Vacation of an Alley, PUE/DE's and Internal Lot Lines

Dear Director:

It is the intent of the property owner, 38335 Chiquita Trafalgar, LLC to vacate a portion of a platted alley, multiple platted Public Utility Easements / Drainage Easements (PUE / DE) and internal lot lines located within the Plat of Cape Coral Unit 71, as recorded in Plat Book 22, Page 88 and specifically shown on Page 105, of the Public Records of Lee County, Florida as more specifically described below:

- Vacate the 20-foot wide alley and all underlying easements between Lots 1-3, 10-13, 17-22 and Block 4819-A.
- Vacate all Internal Platted Public Utility Easements and Drainage Easements located within Lots 1-3, 12-15, 17-18, and in Block 4819-A of the Plat of Cape Coral Unit 71, as recorded in Plat Book 22, Page 88 and specifically shown on Page 105.
- Vacate all Internal Platted Lot Lines located within Lots 1-3, 12-15, 17-18, and in Block 4819-A of the Plat of Cape Coral Unit 71, as recorded in Plat Book 22, Page 88 and specifically shown on Page 105.

This Vacation is sought to allow the owner to combine the lots into one parcel for a 7-Eleven convenience store and future commercial development. The vacated easements will be replaced a new PUE / DE that will go around the inside perimeter of the combined site. A 20' wide access/drainage/utility easement will be granted back to the City between Lots 1-3 and Block 4819-A and across Lot 9.

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

Sincerely,  
**QUATTRONE & ASSOCIATES, INC.**

A handwritten signature in cursive script, appearing to read 'Sharon Hrabak', is written in dark ink.

Sharon Hrabak  
Permit Manager



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP18-0003

INSTRUCTIONS - APPLICATION FOR VACATION OF A  
PLAT, STREET, ALLEY, CANAL, RIGHT OF WAY or EASEMENT

1. Application, Acknowledgement Form, Authorization to Represent.
  - a. All forms must be filled out completely.
  - b. All forms must be signed by the property owner(s) and must be notarized.
  - c. If the Authorized Representative is an attorney, the Application and the Acknowledgement form may be signed by the attorney and an Authorization to Represent Property Owner is not required.
2. Letter of intent identifying your request.
3. Proof of title to the tract or parcel of land covered by the plat or, of the plat of which vacation is sought.
4. Letters of approval from the following:

<i>Lee County Electric Cooperative, Inc</i>	<i>Century Link (Telephone)</i>	<i>Comcast (Cable)</i>
Russell Goodman	Justin Lane	Mark Cook
Project Coordinator-Land Acquisition	OSP Engineering	Project Coordinator
LCEC, PO Box 3455 North Ft Myers, FL 33918-3455	3301 Del Prado Blvd S. Cape Coral, FL	26100 Westlinks Drive Suite 4 Fort Myers, FL 33913
Russel.goodman@lcec.net	Justin.lane@centurylink.com	Mark_cook@comcast.com
(239) 656-2112	(239) 984-7009	(239) 432-1805

5. A sketch and legal description of the area proposed to be vacated area.
6. If there are any deed restrictions on the property, a copy of the restrictions will be required.
7. Certified topographic survey (done within the past six (6) months), and showing all pavement, utility and drainage features in said area, including but not limited to water, sewer and irrigation lines and manholes; power, cable and utility lines and poles; catch basins, inlets, pipes, and swales. In the case where no features exist, a signed, sealed and dated certification by a Florida registered Professional Engineer can be submitted which certifies that there are no such roadway, utility or drainage features within the limits of and adjacent to the proposed vacated area.
8. Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.
9. IT IS REQUIRED THAT APPLICANT AND/OR REPRESENTATIVE ATTEND HEARINGS BEFORE BOTH THE HEARING EXAMINER AND THE CITY COUNCIL.





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP16-0003

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

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

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

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

OWNER OF PROPERTY

38335 Chiquita Trafalgar, LLC

Address: 900 SW Pine Island Road, Suite 202

City: Cape Coral State: FL Zip 33991

Phone: 239-673-7328

APPLICANT

M. Dan Creighton, Manager of 38335 Chiquita Trafalgar, LLC

EMAIL dcreighton@creightondev.com

Address: 900 SW Pine Island Road, Suite 202

City: Cape Coral State: FL Zip 33991

Phone: 239-673-7328

AUTHORIZED REPRESENTATIVE

Quattrone & Associates, Inc-Jeff Wright

EMAIL Al@qainc.net

Address: 4301 Veronica Shoemaker Blvd.

City: Fort Myers State: FL Zip 33916

Phone: 239-673-7328

Unit 71 Block 4819A Lot(s) \_\_\_\_\_ Subdivision Cape Coral Unit 71

Address of Property 1518 Chiquita Blvd S. Cape Coral, FL 33991

Current Zoning C-1 Plat Book 22 , Page 105

Strap Number 21-44-23-C3-04819.A000

See Attachment "A" for additional  
Strap Numbers





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP18-0003

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

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

(SIGNATURE MUST BE NOTARIZED)

M. Dan Creighton

APPLICANT NAME (PLEASE TYPE OR PRINT)

[Signature]  
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 17 day of October, 2018, by

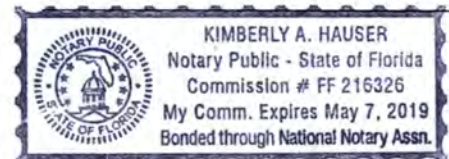
M. Dan Creighton who is personally known or produced  
as identification.

Exp. Date: 5/7/19

Commission Number: FF216326

Signature of Notary Public: [Signature]

Printed name of Notary Public:





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP18-0003

ACKNOWLEDGEMENT FORM

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

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

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

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

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

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

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

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

38335 Chiquita Trafalgar, LLC

CORPORATION/COMPANY NAME

M. Dan Creighton

PROPERTY OWNER (PLEASE TYPE OR PRINT)

STATE OF

FL

COUNTY OF

Lee

Sworn to (or affirmed) and subscribed before me this 17 day of Oct, 2018, by

M. Dan Creighton who is personally known or produced  
as identification.

Exp. Date:

5/7/19

Commission Number:

FF216326

Signature of Notary Public:

Kimberly A. Hauser

Printed name of Notary Public:

(SIGNATURE MUST BE NOTARIZED)







DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VR8-0003

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT

Quattrone & Associates, Inc & Jeff Wright

(Name of person giving presentation)

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

Vacation

UNIT 71

BLOCK 4819A

LOT(S) All of 4819 A

SUBDIVISION Cape Coral Unit 71

OR LEGAL DESCRIPTION

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

38335 Chiquita Trafalgar, LLC

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

M. Dan Creighton-Manager

PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF

FL

COUNTY OF

Lee

Subscribed and sworn to (or affirmed) before me this

17

day of

Oct

, 2018 by

M. Dan Creighton

who is personally known or produced

as identification.

Exp. Date:

5/7/19

Commission Number:

FF216326

Signature of Notary Public:

Kimberly A. Hauser

Printed name of Notary Public:



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





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # Vp18-0003

**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.

M. Dan Creighton  
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

[Signature]  
OWNER/APPLICANT SIGNATURE

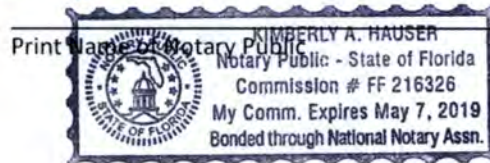
(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 17 day of October  
2018 by M. Dan Creighton who is personally known or who has produced  
as identification

Exp. Date 5/7/19  
Commission # FF 216326

[Signature]  
Signature of Notary Public



## Attachment "A"

1533 SW 16 <sup>th</sup> Ct	21-44-23C3-04819.0010
1531 SW 16 <sup>th</sup> Ct	21-44-23C3-04819.0020
1529 SW 16 <sup>th</sup> Ct	21-44-23C3-04819.0030
1517 SW 16 <sup>th</sup> Ct	21-44-23C3-04819.0090
1511 SW 16 <sup>th</sup> Ct	21-44-23C3-04819.0120
1509 SW 16 <sup>th</sup> Ct	21-44-23C3-04819.0130
1618 SW 15 <sup>th</sup> Ct	21-44-23C3-04819.0140
1516 SW 15 <sup>th</sup> Ct	21-44-23C3-04819.0150
1512 SW 15 <sup>th</sup> Ct	21-44-23C3-04819.0170
1510 SW 15 <sup>th</sup> Ct	21-44-23C3-04819.0180



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

## Detail by Entity Name

Florida Limited Liability Company  
38335 CHIQUITA TRAFALGAR, LLC

### Filing Information

Document Number	L18000134695
FEI/EIN Number	NONE
Date Filed	05/31/2018
State	FL
Status	ACTIVE

### Principal Address

900 SW PINE ISLAND ROAD, SUITE 202  
CAPE CORAL, FL 33991

### Mailing Address

900 SW PINE ISLAND ROAD, SUITE 202  
CAPE CORAL, FL 33991

### Registered Agent Name & Address

HF REGISTERED AGENTS, LLC  
1715 MONROE STREET  
FORT MYERS, FL 33901

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

CREIGHTON, M. DAN  
900 SW PINE ISLAND ROAD, SUITE 202  
CAPE CORAL, FL 33991

### Annual Reports

**No Annual Reports Filed**

### Document Images

[05/31/2018 -- Florida Limited Liability](#) [View image in PDF format](#)



Plat Vacation Notice/ No Objection Letter

To: City of Cape Coral  
Department of Community Development

From: Mione Pizza, Inc.  
C/O Domino's Pizza  
1133 Del Prado Blvd S Suite 1  
Cape Coral, FL 33990

Mione Pizza, Inc., being the property owner of 1506 Chiquita Blvd S, Cape Coral, FL 33991 has no objection to the vacation of the alley and public utility easement (PUE) adjacent to the lots located below. In addition, Mione Pizza, Inc. agrees to enter into a shared driveway agreement with the adjacent property owner to the south, on terms and conditions acceptable to Mione Pizza, Inc., for a driveway easement located on the Easterly \_\_\_\_\_ feet of the current alley for access to Chiquita Blvd. S.

Lot 19 Thru 22, Block 4819, Unit 71, Cape Coral Subdivision, according to the plat thereof as recorded in Plat Book 22, page 105, Public Records of Lee County, Florida

Mione Pizza, Inc.

By: Nancy Drury  
Nancy Drury, President

Date: 12-1-17

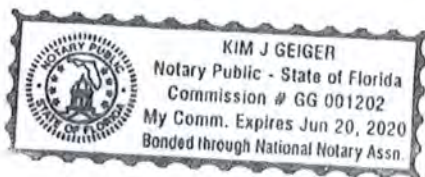
NOTARY FORM

STATE OF FLORIDA)

COUNTY OF LEE)

December The foregoing instrument was acknowledged before me this 1 day of ~~October~~, 2017, by Nancy Drury, as President of Mione Pizza, Inc., who ☐ is personally known to me or who ☒ has produced FL. DRIVER LICENSE as identification.

NOTARY RUBBER STAMP SEAL  
OR EMBOSSED SEAL



Kim J. Geiger  
Notary Public

Printed Name

GG001202  
Commission No.

June 20, 2020  
Expiration Date



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

## Detail by Entity Name

Florida Profit Corporation  
MIONE PIZZA, INC.

### Filing Information

<b>Document Number</b>	G60441
<b>FEI/EIN Number</b>	59-2336551
<b>Date Filed</b>	09/21/1983
<b>State</b>	FL
<b>Status</b>	ACTIVE

### Principal Address

1133 DEL PRADO BLVD  
SUITE 1  
CAPE CORAL, FL 33990

Changed: 03/30/2017

### Mailing Address

1133 DEL PRADO BLVD  
SUITE 1  
CAPE CORAL, FL 33990

Changed: 03/30/2017

### Registered Agent Name & Address

DRURY, NANCY LYNN  
1133 DEL PRADO BLVD  
SUITE 1  
CAPE CORAL, FL 33990

Address Changed: 03/30/2017

### Officer/Director Detail

#### **Name & Address**

Title DP

DRURY, NANCY  
1133 DEL PRADO BLVD  
SUITE 1  
CAPE CORAL, FL 33990

Title VP

DENNIS, SCOTT F  
 1133 DEL PRADO BLVD  
 SUITE 1  
 CAPE CORAL, FL 33990

#### Annual Reports

Report Year	Filed Date
2016	04/01/2016
2017	03/30/2017
2018	04/03/2018

#### Document Images

<a href="#">04/03/2018 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/30/2017 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/01/2016 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/24/2015 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/15/2014 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/26/2013 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/29/2012 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/07/2011 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/10/2010 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/06/2009 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/04/2008 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/29/2007 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/23/2006 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">07/06/2005 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/02/2004 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/13/2003 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/21/2002 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/30/2001 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/25/2000 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/22/1999 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/26/1998 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/28/1997 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/26/1996 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/23/1995 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>



Plat Vacation Notice/ No Objection Letter

To: City of Cape Coral  
Department of Community Development

From: Cape Holdings Enterprises Inc  
210 N Pinnacle Ridge Rd  
Beech Mountain, NC 28604

I/We, Cape Holdings Enterprises being the property owner(s) of 1523 SW 16<sup>th</sup> Ct and 1513 SW 16<sup>th</sup> Ct, Cape Coral, FL 33991 have no objection to the vacation of the alley and public utility easement (PUE) adjacent to our lots:

Lots 5 + 6 and 10 + 11, Block 4819, Unit 71, Cape Coral Subdivision, according to the plat thereof as recorded in Plat Book 22, pages 88 through 107, Public Records of Lee County, Florida

[Signature] 10/19/2017  
Signature Date

NOTARY FORM

STATE OF NC

COUNTY OF AUGUSTA

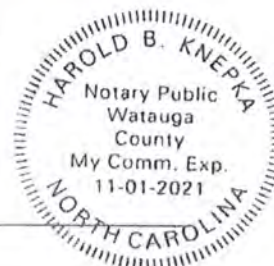
I, HAROLD B. KNEPKA, a Notary Public, do hereby certify that on this 19<sup>th</sup> day of OCTOBER, 2017, personally appeared before me J CRAIG REITH known to me to be the person whose name is subscribed to the foregoing instrument, and swore and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed, and that the statements contained therein are true and correct.

[Signature]

Notary Public, State of NORTH CAROLINA

Name, Typed or Printed: HAROLD B. KNEPKA

My Commission Expires: 11/01/2021





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

## Detail by Entity Name

Florida Profit Corporation  
CAPE HOLDINGS ENTERPRISES, INC.

### Filing Information

Document Number	P98000074355
FEI/EIN Number	65-0860558
Date Filed	08/26/1998
State	FL
Status	ACTIVE

### Principal Address

12764 Yacht Club Circle  
Fort Myers, FL 33919

Changed: 03/21/2016

### Mailing Address

12764 Yacht Club Circle  
FORT MYERS, FL 33919

Changed: 03/21/2016

### Registered Agent Name & Address

REITAN, J.C.  
12764 Yacht Club Circle  
FORT MYERS, FL 33919

Name Changed: 04/07/2000

Address Changed: 03/21/2016

### Officer/Director Detail

#### **Name & Address**

Title PD

REITAN, J C  
12764 Yacht Club Circle  
FORT MYERS, FL 33919

Title STD

REITAN. KAREN M

12764 Yacht Club Circle  
FORT MYERS, FL 33919

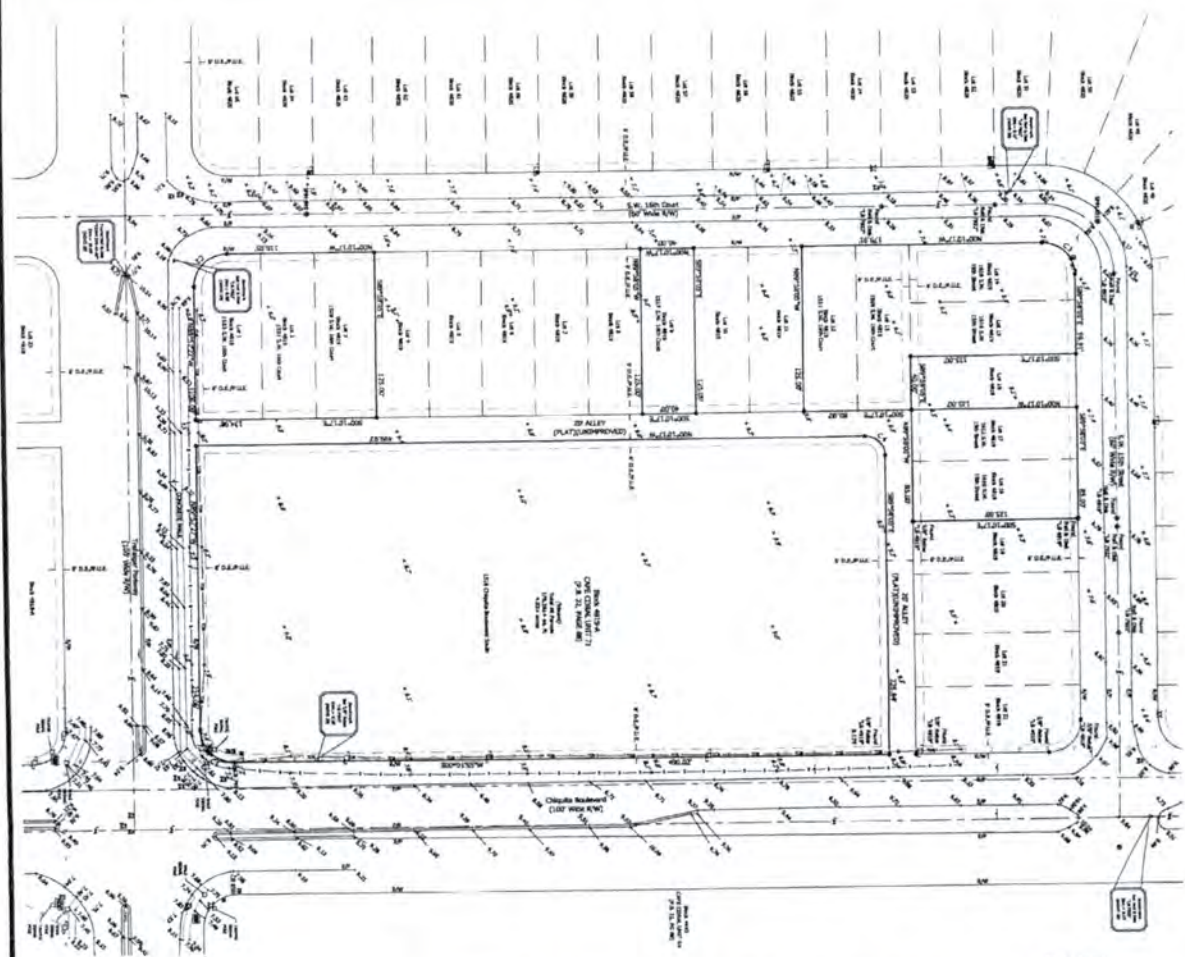
### Annual Reports

Report Year	Filed Date
2016	03/21/2016
2017	02/13/2017
2018	01/20/2018

### Document Images


<a href="#">01/20/2018 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/13/2017 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/21/2016 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/09/2015 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/17/2014 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/14/2013 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/10/2012 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/23/2011 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/13/2010 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/18/2009 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/03/2008 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/01/2007 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/17/2006 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/03/2005 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/06/2004 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/20/2003 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/11/2002 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/03/2001 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/07/2000 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/21/1999 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">08/26/1998 -- Domestic Profit</a>	<a href="#">View image in PDF format</a>





Case	Material	Length	Core Size	Core Length
1	15.8	10.7	10.7	10.7
2	15.8	10.7	10.7	10.7
3	15.8	10.7	10.7	10.7
4	15.8	10.7	10.7	10.7
5	15.8	10.7	10.7	10.7

CHLOROPH <i>a</i>	SP. NO. / LIT	1970	1971	1972
12 May	17-812	1.52	1.49	4.96
13 May	27-812	1.56	4.51	4.57
20 May	27-812	1.47	3.90	
27 May	27-812			1.17
3 May	27-812			1.22
10 May	27-812			4.17
17 May	27-812			3.96
24 May	27-812			4.88
31 May	27-812			3.87
7 June	27-812			3.87

TO:   
 Engineering Commission, LLC   
 10000 Highway 100, Suite 100   
 Houston, Texas 77036 and 800 747-7474   
 FROM:   
 The City of Houston, Department of Public Works, Division of Engineering, 1500 Texas Avenue, Suite 14.11, Houston, Texas 77002   
 SUBJECT:   
 Request for Proposal for Bridge Repairs (RFP # 030704)   
 Date of First City Council Meeting: 11/03/04   
 I hereby request that the following Engineer be added to the list of approved Engineers for the City of Houston:   
   
 City of Houston, Department of Public Works, Division of Engineering, 1500 Texas Avenue, Suite 14.11, Houston, Texas 77002   
 Date: 11/03/04   
 City of Houston, Department of Public Works, Division of Engineering, 1500 Texas Avenue, Suite 14.11, Houston, Texas 77002

[illegible][illegible]

**ACKNOWLEDGMENTS**  
The authors thank COPE (COPOL, CURE) for providing the data used in preparing this review. The authors also thank the reviewers of *Law Currents*, *Pharm* for their helpful comments.

[illegible]

ALTA/NSPS Survey  
A Portion of Block 4819 and Block 4819-A CAPE  
CORAL UNIT 71  
(Plat Book 22, Page 88)  
lying in Section 21, Township 44 South, Range 23  
East, Cape Coral, Lee County, Florida.

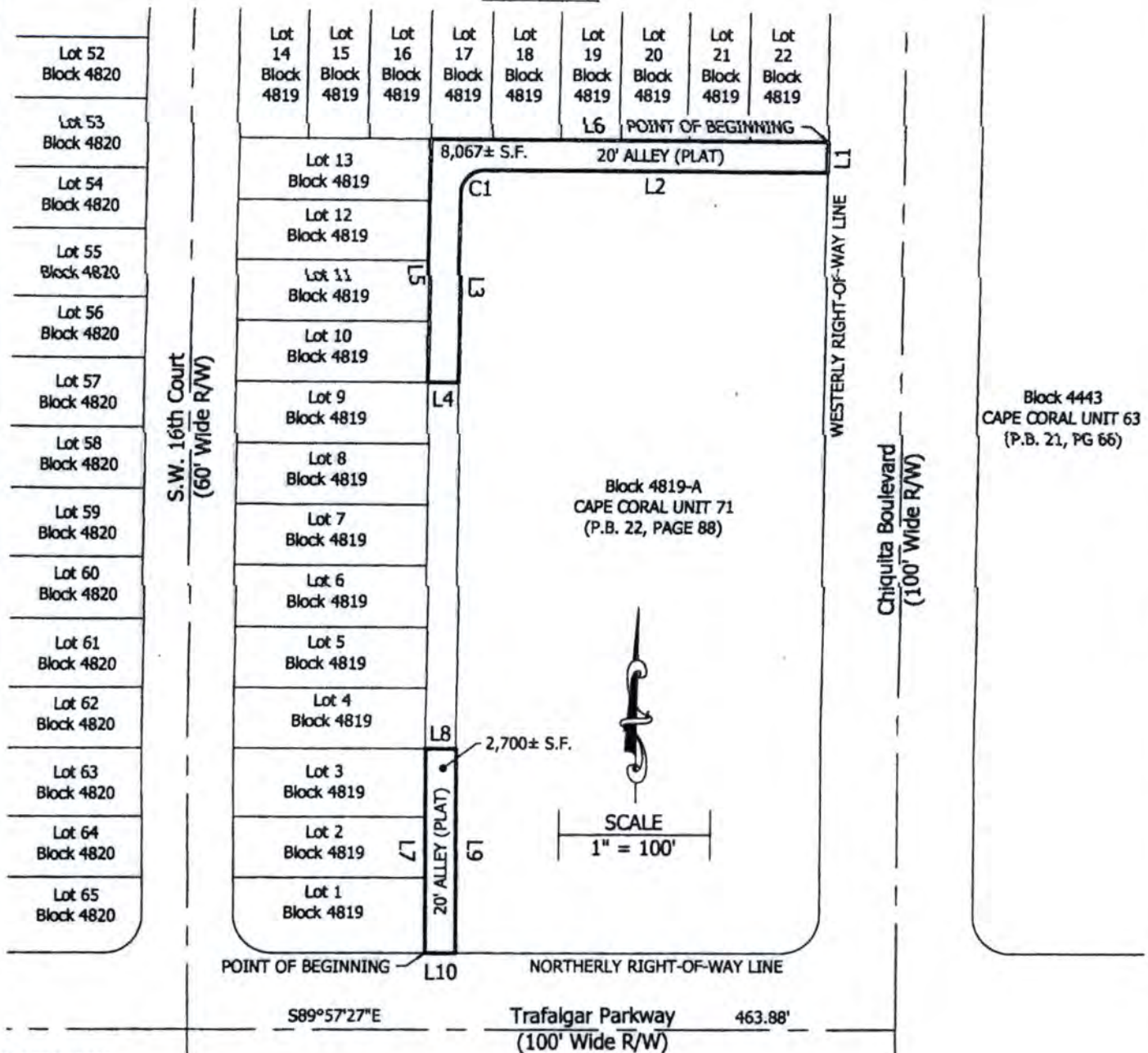
**STOUTENCRAMER**  
PROFESSIONAL SURVEYORS

CERTIFICATE OF AUTHORIZATION LB7912  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-8541 Fax: (239) 424-8141  
www.jaltest.com

18  
STATE OF



### Sketch



**SURVEY NOTES:**

1. BEARINGS ARE BASED ON THE CENTERLINE OF TRAFALGAR PARKWAY BEING S89°57'27"E.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. *COPYRIGHT 2017, KING ENGINEERING ASSOCIATES, INC., ALL RIGHTS RESERVED.*
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
6. NOT VALID WITHOUT SHEETS 2 & 3 OF 3.

**LEGEND:**

P.U.E. = PUBLIC UTILITY EASEMENT  
S.F. = SQUARE FEET  
P.B. = PLAT BOOK  
R/W = RIGHT-OF-WAY

Sheet 1 of 3

### Sketch to Accompany Description

**Proposed Alley Vacation**  
in Block 4819, CAPE CORAL UNIT 71 as  
recorded in Plat Book 22, Pages 88-107  
lying in Section 21, Township 44 South,  
Range 23 East, Lee County, Florida

**THIS IS NOT A SURVEY**

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

# King

CERTIFICATE OF AUTHORIZATION: LB2610  
Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
[www.kingengineering.com](http://www.kingengineering.com)

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **January 23, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 51-17, Florida Administrative Code, pursuant to Section 472.021-Florida Statutes.

JEFFREY D. STOUTEN (FOR THE FIRM)  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6394  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHEET 1 OF 3

JOB # 17-5205 PREPARED FOR: Creighton Companies, LLC

SECTION 21, TOWNSHIP 44S, RANGE 23E



## Tables

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	15.00	23.62	90°12'12"	S44°55'49"W	21.25

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°10'17"E	20.00'
L2	N89°58'05"W	225.84'
L3	S00°10'17"E	124.95'
L4	N89°57'27"W	20.00'
L5	N00°10'17"W	160.00'
L6	S89°58'05"E	260.89'

LINE TABLE		
LINE	BEARING	LENGTH
L7	N00°10'17"W	134.98'
L8	S89°58'05"E	20.00'
L9	S00°10'17"E	134.99'
L10	N89°57'27"W	20.00'

**THIS IS NOT A SURVEY**

**Tables to Accompany Sketch**

**Proposed Alley Vacation**  
*in Block 4819, CAPE CORAL UNIT 71 as recorded  
 in Plat Book 22, Pages 88-107 lying in Section 21,  
 Township 44 South, Range 23 East, Lee County,  
 Florida*

*Not Valid without Sheets 1&3 of 3*

*Sheet 2 of 3*

**STOUTENCRAMER**  
 A KING ENGINEERING COMPANY

**King**  
 ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
 324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
 Phone: (239) 673-9541 Fax: (239) 424-8181  
[www.kingengineering.com](http://www.kingengineering.com)

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **October 12, 2017** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

*See Sheet 1 of 3 for Signature and Seal*

JOB # 17-5205 PREPARED FOR: Creighton Companies, LLC

SECTION 21, TOWNSHIP 44S, RANGE 23E

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



## Description

### Subject Parcel Description:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Southeast corner of Lot 22, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' R/W) thence run S00°10'17"E, along said Westerly right-of-way line, a distance of 20.00 feet to an intersection with the Northerly line of Block 4819A of said CAPE CORAL UNIT 71; thence run the following three (3) courses and distances along the boundary of said Block 4819A, also being the Southerly and Easterly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; (1) N89°58'05"W a distance of 225.84 feet to a point of curvature; (2) thence run 23.62 feet along the arc of said curve to the left of radius 15.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of S44°55'49"W and a chord length of 21.25 feet to a point of tangency; (3) thence run S00°10'17"E a distance of 124.95 feet; thence run N89°57'27"W a distance of 20.00 feet to the Southeast corner of Lot 10 of said Block 4819, being a point on the Westerly line of said alley; thence run N00°10'17"W, along said Westerly line, a distance of 160.00 feet to the Southwest corner of Lot 17, said Block 4819; thence run S89°58'05"E, along the Southerly line of said Block 4819 and the Northerly line of said alley, a distance of 260.89 feet to the Point of Beginning.

Said Parcel Contains 8,067 sq. ft. (more or less)

AND

Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of lot 3 of said block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

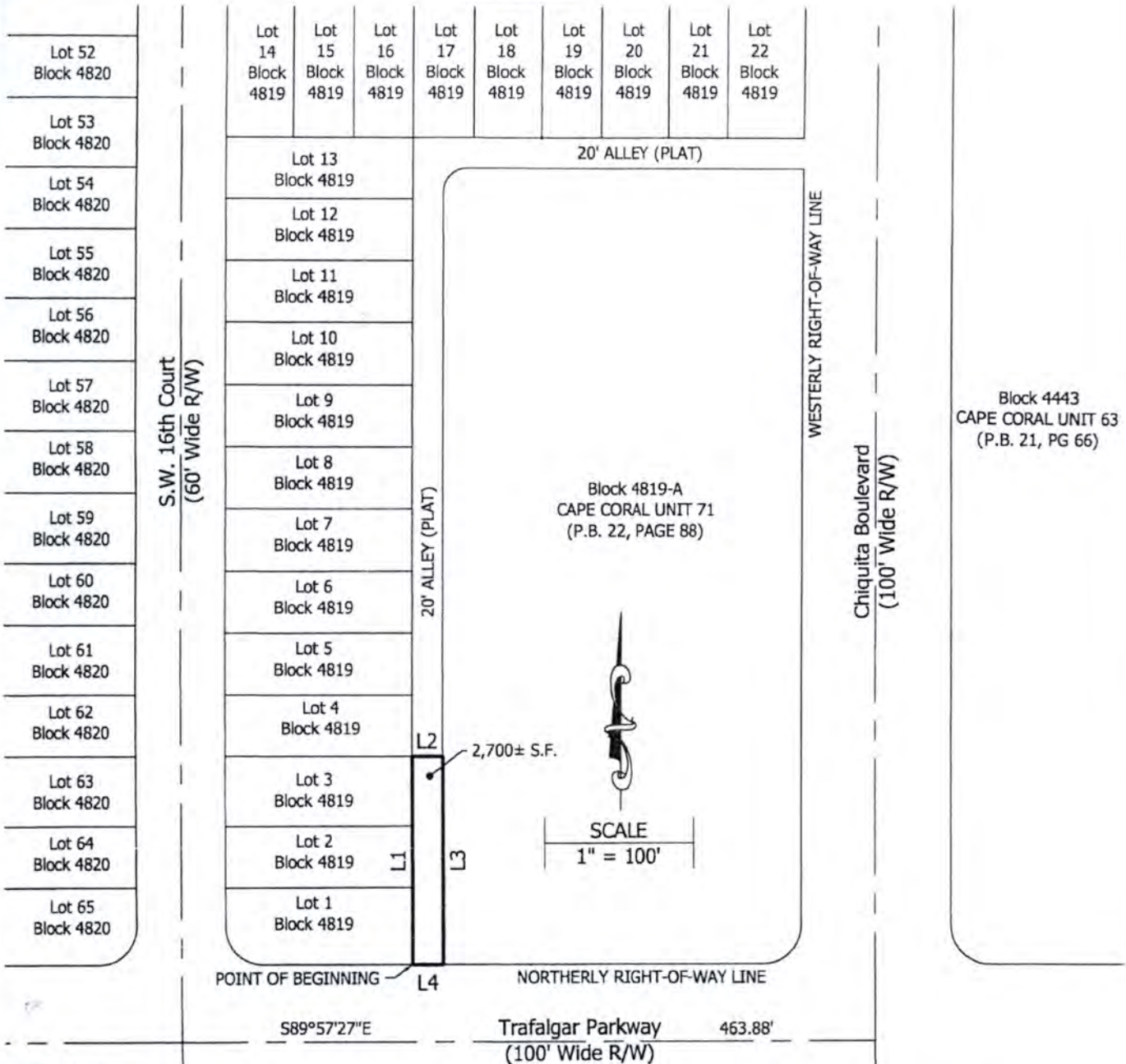
Said Parcel Contains 2,700 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.

<b>THIS IS NOT A SURVEY</b>	<b>Description to Accompany Sketch</b> <b>Proposed Alley Vacation</b> <i>in Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22, Pages 88-107 lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida</i>	<i>Not Valid without Sheets 1&amp;2 of 3</i>
<i>Sheet 3 of 3</i>	<b>STOUTENCRAMER</b> A KING ENGINEERING COMPANY <b>King</b> ENGINEERING ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION: LB2610 324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 <a href="http://www.kingengineering.com">www.kingengineering.com</a>	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>October 12, 2017</b> is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.  <i>See Sheet 1 of 3 for Signature and Seal</i>  <b>JEFFREY D. STOUTEN (FOR THE FIRM)</b> FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER



# Sketch



## SURVEY NOTES:

1. BEARINGS ARE BASED ON THE CENTERLINE OF TRAFALGAR PARKWAY BEING S89°57'27"E.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2018, KING ENGINEERING ASSOCIATES, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING ASSOCIATES, INC.
6. NOT VALID WITHOUT SHEETS 2 & 3 OF 3.

## LEGEND:

P.U.E. = PUBLIC UTILITY EASEMENT  
S.F. = SQUARE FEET  
P.B. = PLAT BOOK  
R/W = RIGHT-OF-WAY

Sheet 1 of 3

Sketch to Accompany Description  
**Proposed Access Easement**  
in Block 4819, CAPE CORAL UNIT 71 as  
recorded in Plat Book 22, Pages 88-107  
lying in Section 21, Township 44 South,  
Range 23 East, Lee County, Florida

SHEET 1 OF 3

JOB # 17-5205 PREPARED FOR: Creighton Companies, LLC

SECTION 21, TOWNSHIP 44S, RANGE 23E

**THIS IS NOT A SURVEY**

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **March 22, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

*[Signature]*

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

# Tables

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°10'17"W	134.98'
L2	S89°58'05"E	20.00'
L3	S00°10'17"E	134.99'
L4	N89°57'27"W	20.00'

**THIS IS NOT A SURVEY**

**Tables to Accompany Sketch**

**Proposed Access Easement**

*in Block 4819, CAPE CORAL UNIT 71 as recorded  
in Plat Book 22, Pages 88-107 lying in Section 21,  
Township 44 South, Range 23 East, Lee County,  
Florida*

*Not Valid without Sheets 1&3 of 3*

*Sheet 2 of 3*

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **March 22, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

*See Sheet 1 of 3 for Signature and Seal*

JOB # 17-5205 PREPARED FOR: Creighton Companies, LLC

SECTION 21, TOWNSHIP 44S, RANGE 23E

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



## Description

### Subject Parcel Description:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

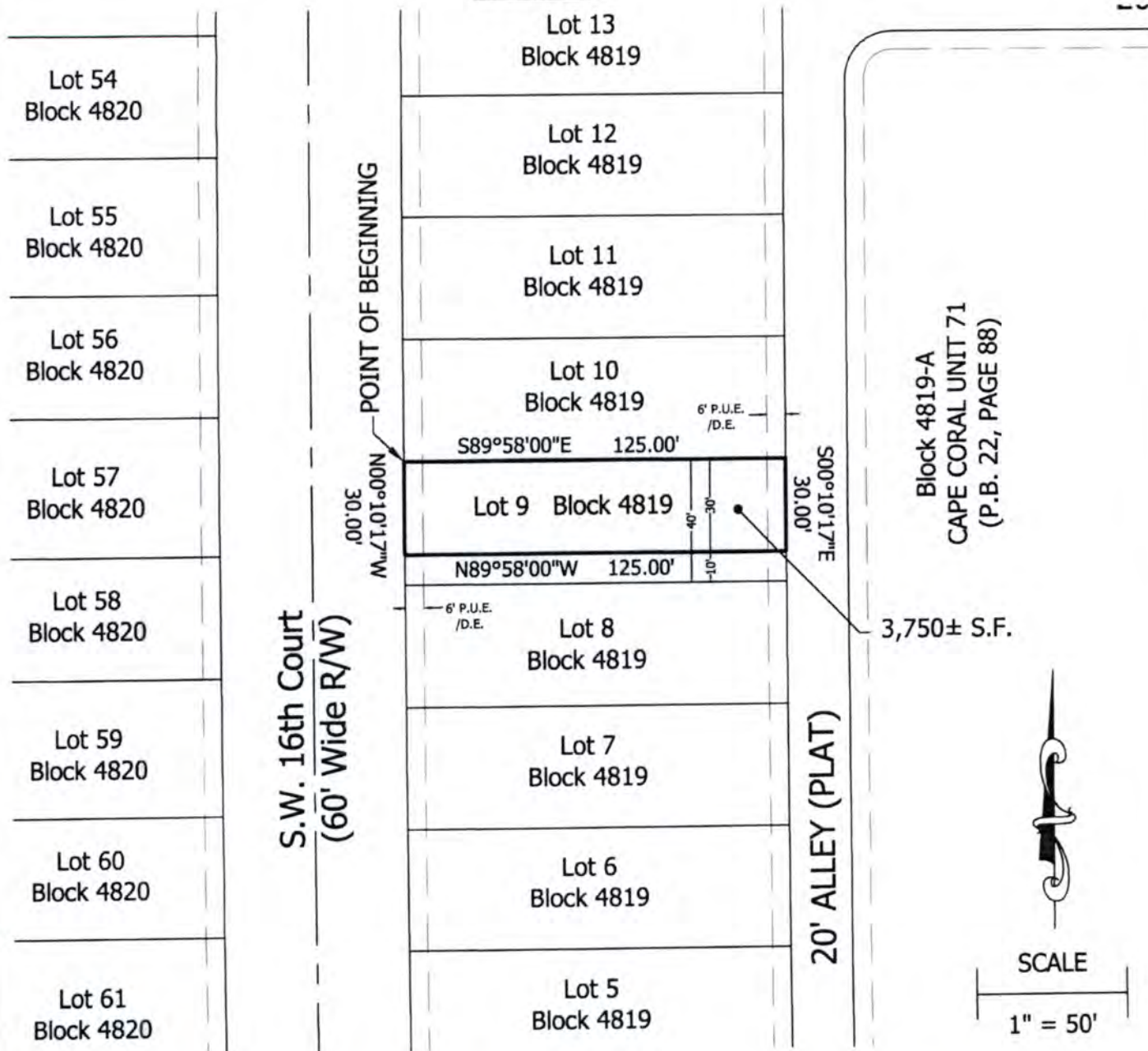
Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of Lot 3 of said Block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

Said Parcel Contains 2,700 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.

<b>THIS IS NOT A SURVEY</b>	<b>Description to Accompany Sketch</b> <b>Proposed Access Easement</b> <i>in Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22, Pages 88-107 lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida</i>	<i>Not Valid without Sheets 1&amp;2 of 3</i>
<i>Sheet 3 of 3</i>	<b>STOUTENCRAMER</b> A KING ENGINEERING COMPANY <b>King</b> ENGINEERING ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION: LB2610 324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 <a href="http://www.kingengineering.com">www.kingengineering.com</a>	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>March 22, 2018</b> is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.  <i>See Sheet 1 of 3 for Signature and Seal</i>  <b>JEFFREY D. STOUTEN (FOR THE FIRM)</b> FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

# Sketch



## SURVEY NOTES:

1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. **THIS IS NOT A SURVEY**
3. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2017, KING ENGINEERING ASSOCIATES, INC., ALL RIGHTS RESERVED.
4. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
5. NOT VALID WITHOUT SHEET 2 OF 2.

## LEGEND:

- P.U.E. = PUBLIC UTILITY EASEMENT  
S.F. = SQUARE FEET  
P.B. = PLAT BOOK  
R/W = RIGHT-OF-WAY

Sheet 1 of 2

## Sketch to Accompany Description

### ACCESS EASEMENT

in Lot 9, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22, Pages 88-107 lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida

## THIS IS NOT A SURVEY

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **January 25, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

6584  
STATE OF FLORIDA

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

SHEET 1 OF 3

JOB # 17-5205 PREPARED FOR: Creighton Companies, LLC

SECTION 21, TOWNSHIP 44S, RANGE 23E



## Description

### Subject Parcel Description:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and being the Northerly 30 feet of Lot 9, Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

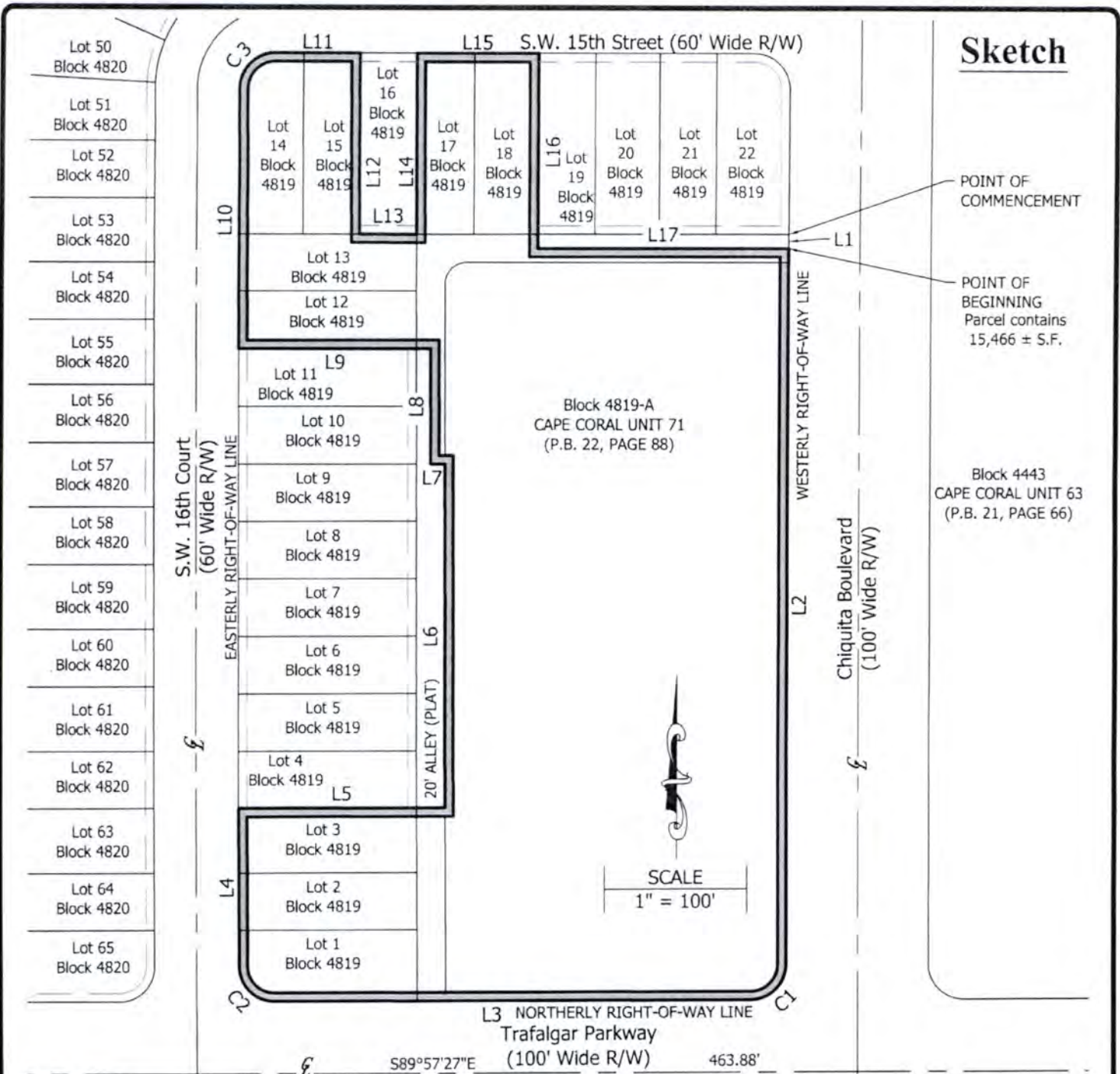
Beginning at the Northwest corner of Lot 9, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107 of the Public Records of Lee County, being a point on the Easterly right-of-way line of SW 16th Court (60' R/W), thence run S89°58'00"E for 125.00 feet to the Northeast corner of said lot 9; thence run S00°10'17"E along the Easterly line of lot 9 for 30.00 feet; thence leaving said line, run N89°58'00"W for 125.00 feet to an intersection with the Westerly line of lot 9; thence run N00°10'17"W along said Westerly line for 30.00 feet to the Point of Beginning.

Said Parcel Contains 3,750 sq. ft. (more or less)

Bearings are based on the centerline of SW 16th Court Parkway being N00°10'17"W.

<b>THIS IS NOT A SURVEY</b>	<b>Description to Accompany Sketch</b> <b>ACCESS EASEMENT</b> <i>in Lot 9, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22, Pages 88-107 lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida</i>	<i>Not Valid without Sheet 1 of 2</i>
<i>Sheet 2 of 2</i>  <small>JOB # 17-5205   PREPARED FOR: Creighton Companies, LLC SECTION 21, TOWNSHIP 44S, RANGE 23E</small>	<b>STOUTENCRAMER</b> A KING ENGINEERING COMPANY <b>King</b> <small>ENGINEERING ASSOCIATES, INC.</small> CERTIFICATE OF AUTHORIZATION: LB2610 324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991 Phone: (239) 673-9541 Fax: (239) 424-8181 <a href="http://www.kingengineering.com">www.kingengineering.com</a>	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on <b>January 25, 2018</b> is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. <i>See Sheet 1 of 2 for Signature and Seal</i> <b>JEFFREY D. STOUTEN (FOR THE FIRM)</b> FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER





#### SURVEY NOTES:

1. BEARINGS ARE BASED ON THE CENTERLINE OF TRAFALGAR PARKWAY BEING S89°57'27"E.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2018, KING ENGINEERING ASSOCIATES, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING ASSOCIATES, INC.
6. NOT VALID WITHOUT SHEETS 2 & 3 OF 3.

#### LEGEND:

- P.U.E. = PUBLIC UTILITY EASEMENT  
 S.F. = SQUARE FEET  
 P.B. = PLAT BOOK  
 R/W = RIGHT-OF-WAY  
 CL = CENTERLINE

Sheet 1 of 3

Sketch to Accompany Description  
**Proposed Public Utility Easement**  
 in Blocks 4819 & 4819A, CAPE CORAL  
 UNIT 71 as recorded in Plat Book 22,  
 Pages 88-107 lying in Section 21,  
 Township 44 South, Range 23 East, Lee  
 County, Florida

SHEET 1 OF 3

JOB # 17-6482 PREPARED FOR: Creighton Companies, LLC

SECTION 21, TOWNSHIP 44S, RANGE 23E

**THIS IS NOT A SURVEY**

**STOUTENCRAMER**  
 A KING ENGINEERING COMPANY

**King**  
 ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
 324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991  
 Phone: (239) 673-9541 Fax: (239) 424-8181  
 www.kingengineering.com

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **August 6, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.



Digitally signed by  
 Jeffrey D. Stouten  
 Date: 2018.08.07  
 13:31:46 -04'00'

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

## Tables

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	39.27	25.00	90°00'38"	S 45°02'14" W	35.36
C2	39.18	25.00	89°47'10"	N 45°03'52" W	35.29
C3	39.36	25.00	90°12'12"	N 44°55'49" E	35.42

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 00°01'55" W	10.00'
L2	S 00°01'55" W	500.02'
L3	N 89°57'27" W	334.16'
L4	N 00°10'17" W	110.05'
L5	S 89°58'05" E	145.00'
L6	N 00°10'17" W	240.00'
L7	N 89°58'05" W	10.00'
L8	N 00°10'17" W	80.00'
L9	N 89°58'05" W	135.00'
L10	N 00°10'17" W	179.91'
L11	S 89°58'05" E	59.91'
L12	S 00°10'17" E	125.00'
L13	S 89°58'05" E	40.00'
L14	N 00°10'17" W	125.00'
L15	S 89°58'05" E	85.00'
L16	S 00°10'17" E	135.00'
L17	S 89°58'05" E	175.93'

**THIS IS NOT A SURVEY**

**Tables to Accompany Sketch**  
**Proposed Public Utility Easement**  
*in Blocks 4819 & 4819A, CAPE CORAL UNIT 71 as  
 recorded in Plat Book 22, Pages 88-107 lying in  
 Section 21, Township 44 South, Range 23 East, Lee  
 County, Florida*

*Not Valid without Sheets 1&3 of 3*

*Sheet 2 of 3*

**STOUTENCRAMER**  
 A KING ENGINEERING COMPANY  
  
 ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
 324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991  
 Phone: (239) 673-9541 Fax: (239) 424-8181  
 www.kingengineering.com

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **August 6, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

*See Sheet 1 of 3 for Signature and Seal*

JOB # 17-6482 PREPARED FOR: Creighton Companies, LLC

SECTION 21, TOWNSHIP 44S, RANGE 23E

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



## Description

### Subject Parcel Description:

A Public Utility Easement, six feet in width to the interior (as measured on a perpendicular) of the following described boundary, lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Blocks 4819 and 4819A, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

COMMENCING at the Southeast corner of Lot 22, Block 4819, of said CAPE CORAL UNIT 71, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' right-of-way) thence run S00°01'55"W, along said Westerly right-of-way line, a distance of 10.00 feet to the POINT OF BEGINNING; thence continue S00°01'55"W, along said Westerly right-of-way line, a distance of 500.02 feet to a point of curvature; thence run 39.27 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northwest, having a delta angle of 90°00'38", a chord bearing of S45°02'14"W and a chord length of 35.36 feet to a point of tangency, being a point on the Northerly right-of-way line of Trafalgar Parkway (100' right-of-way); thence run N89°57'27"W, along said Northerly right-of-way line, a distance of 334.16 feet to a point of curvature; thence run 39.18 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northeast, having a delta angle of 89°47'10", a chord bearing of N45°03'52"W and a chord length of 35.29 feet to a point of tangency, being a point on the Easterly right-of-way line of S.W. 16th Court (60' right-of-way); thence run N00°10'17"W, along said Easterly right-of-way line, a distance of 110.05 feet to the Southwest corner of Lot 4 of said Block 4819; thence run S89°58'05"E, along the South line of said Lot 4 and an extension thereof, a distance of 145.00 feet to an intersection with the Westerly line of said Block 4819A; thence run N00°10'17"W, along said Westerly line, a distance of 240.00 feet; thence run N89°58'05"W, departing said Westerly line, a distance of 10.00 feet to an intersection with a line, parallel to and lying 10.00 feet Westerly of (as measured on a perpendicular) the Westerly line of said Block 4819A; thence run N00°10'17"W, along said parallel line, a distance of 80.00 feet to an intersection with an extension of the Northerly line of Lot 11, said Block 4819; thence run N89°58'05"W along said Northerly line and extension thereof, a distance of 135.00 feet to the Northwest corner of said Lot 11, being a point on the Easterly right-of-way line of said S.W. 16th Court (60' right-of-way); thence run N00°10'17"W, along said Easterly right-of-way line, a distance of 179.91 feet to a point of curvature; thence run 39.36 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of N44°55'49"E and a chord length of 35.42 feet to a point of tangency, being a point on the Southerly right-of-way line of S.W. 15th Street 60' right-of-way); thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 59.91 feet to the Northwest corner of Lot 16, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 16, a distance of 125.00 feet to the Southwest corner of said Lot 16; thence run S89°58'05"E, along the South line of said Lot 16, a distance of 40.00 feet to the Southeast corner of said Lot 16; thence run N00°10'17"W, along the East line of said Lot 16, a distance of 125.00 feet to the Northeast corner of said Lot 16, being a point on the Southerly right-of-way line of said S.W. 15th Street; thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 85.00 feet to the Northwest corner of Lot 19, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 19 and an extension thereof, a distance of 135.00 feet to an intersection with a line parallel to and 10.00 feet Southerly of (as measured on a perpendicular) the South line of said Block 4819; thence run S89°58'05"E, along said parallel line, a distance of 175.93 feet to the POINT OF BEGINNING.

Said parcel contains 15,466 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.

**THIS IS NOT A SURVEY**

#### Description to Accompany Sketch

**Proposed Public Utility Easement**  
in Blocks 4819 & 4819A, CAPE CORAL UNIT 71 as  
recorded in Plat Book 22, Pages 88-107 lying in  
Section 21, Township 44 South, Range 23 East, Lee  
County, Florida

*Not Valid without Sheets 1 & 2 of 3*

*Sheet 3 of 3*

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610

324 Nicholas Parkway West, Suite A, Cape Coral, FL 33991

Phone: (239) 673-9541 Fax: (239) 424-8181

www.kingengineering.com

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **August 6, 2018** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 53-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

*See Sheet 1 of 3 for Signature and Seal*

**JEFFREY D. STOUTEN (FOR THE FIRM)**

FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JOB # 17-6482 PREPARED FOR: Creighton Companies, LLC

SECTION 21, TOWNSHIP 44S, RANGE 23E





Engineering Department, 4195 King's Hwy., Port Charlotte, Florida 33980-8499

12/08/2017

Sharon Hrabak  
QUATTRONE & ASSOCIATES, INC.  
4301 Veronica Shoemaker Blvd.  
Ft. Myers FL

RE: VACATION OF ALLEY CHIQUITA BLVD SOUTH  
STRAP #21-44-23-C3-04819.A000 - .0190

Sharon

In regard to your request to vacate the alley for the building of the new Seven-Eleven,  
CenturyLink has no objections.

Sincerely,

Bryan Corrigan

Network Engineer II

941-637-5167



**12600 Westlinks Drive Suite 4  
Fort Myers, Fl. 34135  
Phone: 239-432-1805**

December 7, 2017  
Quattrone & Associates, Inc.  
C/O Sharon Hrabak  
4301 Veronica Shoemaker Blvd.  
Fort Myers, Florida 33916

Re; 1518, 1506 Chiquita Bl. S. 1533, 1531, 1529 1527, 1523, 1521, 1519, 1517, 1513  
1511, 1509 SW 16<sup>th</sup> Ct. 1618, 1616, 1614, 1612, 1610 15<sup>th</sup> St. Cape Coral 33991

Dear Sharon Hrabak,

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

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

Cordially,

Mark Cook  
Project Coordinator



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

January 16, 2018

Mr. Al Quattrone  
Quattrone & Associates  
4301 Veronica Shoemaker Blvd.  
Fort Myers, FL 33916

Re: Letter of No Objection to Plat; 7-11 ( Trafalgar); Owner: Creighton Development;

Dear Mr. Quattrone:

Your firm, and on behalf of your client, Creighton Development, has opened up negotiations concerning the vacation of certain of utility easements and alley on said proposed Master Concept Plan.

We have reviewed your submission and our internal files, that the vacation of certain utility easements located on the Master Concept Plan created by your firm proposed as 7-11 (Trafalgar). LCEC has **no objection** to the plans as presented.

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

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

Very truly yours,

Russel  
Goodman, SR/  
WA

Digitally signed by Russel Goodman, SR/  
WA  
DN: cn=Russel Goodman, SR/WA, o=Lee  
County Electric Co-operative,  
ou=Design and Engineering,  
email=Russel.Goodman@lcec.net, c=US  
Date: 2018.01.16 11:51:58 -05'00'

Russel Goodman, SR/WA  
Senior Rights of Way Agent



## Planning Division Case Report

**VP 18-0003 (Resolution 244-18)**

**Review Date:** October 25, 2018

**Property Owner:** 38335 Chiquita Trafalgar, LLC

**Owner Address:** 900 SW Pine Island Road, Suite 200  
Cape Coral, FL 33991

**Applicant:** 38335 Chiquita Trafalgar, LLC

**Authorized Rep:** Quattrone and Associates, Inc. and Jeff Wright

**Requests:** The applicant is requesting to vacate:

- (1) Alley right-of-way (ROW) and underlying easements totaling 10,767 sq. ft. between A) Lots 1-3 in Block 4819 and Block 4819-A; and B) Lots 10-13 and 17-22 in Block 4819, and Block 4819-A, Cape Coral, Unit 71.
- (2) All platted easements associated with Lots 1-3, 12-15, 17-18 in Block 4819; and all platted easements associated with Block 4819-A.
- (3) All platted lot lines associated with Lots 1-3, 12-15, 17-18 in Block 4819.

**Property Location:** Multiple sites at the northwest corner of the intersection of Chiquita Boulevard and Trafalgar Parkway

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

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

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

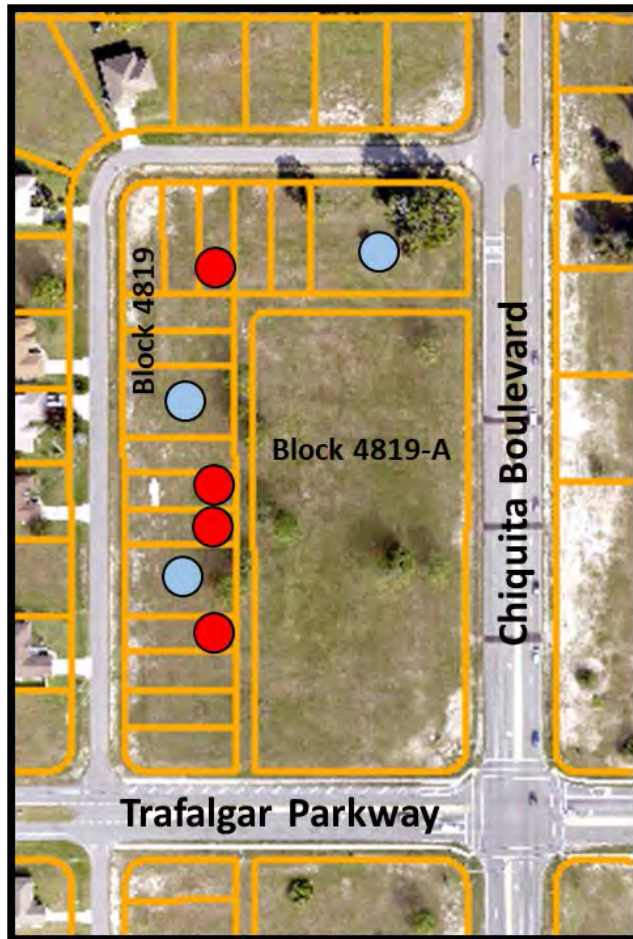
**Urban Service** Transition

### Property Description

Block 4819 and 4819-A are at the northwest corner of Chiquita Boulevard and Trafalgar Parkway (Figure 1). All properties in both blocks have a Commercial/Professional Future Land Use Classification and Pedestrian Commercial (C-1) Zoning. A 20-foot wide platted alley separates lots in Block 4819 from Block 4819-A that consists of a single tract. Sites in both blocks are undeveloped.

A special exception for an automotive service station limited use (more commonly referred to as a convenience store with fuel) was approved for the southern half of Block 4819-A by SE HEX Order 2-2018. A site plan (SP18-0002) for this project was approved by the City on June 6, 2018. A site plan amendment involving a redesign of the project is under review.

**Figure 1. Aerial of Blocks 4819 and 4819-A showing the platted alley. All sites not represented by colored dots are owned by 38335 Chiquita Trafalgar, LLC. Sites with a blue dot are owned by entities that support the requested vacations. Sites with red dots represent four owners that are not part of the application.**



Despite the availability of centralized utilities, all four corners of the Chiquita Boulevard/Trafalgar Parkway intersection are undeveloped. Several hundred feet from this intersection in all four directions, scattered single-family residences are common on residential-zoned sites.

#### **Purpose of the Vacation**

The vacations are sought to create one large parcel under common ownership. While the configuration of the parcel is irregular, the area of the site would slightly exceed four acres. According to the letter of intent, the vacation will create an assembly of property for commercial development that includes a convenience store with fuel.

#### **Zoning History of the Site**

The Future Land Use Classification of all sites in Blocks 4819 and 4819-A has always been Commercial/Professional.

All sites in both blocks were rezoned from C-2 to C-1 by Ordinance 61-90.

In 1994 a Planned Development Project (PDP) entitled "Trafalgar Plaza" was approved by the City Council for 33,072 sq. ft. of retail space for Blocks 4818-A and 4819-A. However, since substantial construction never began on this project, the PDP was voided (see LUDR, Section 4.2.4H).

#### **Analysis:**

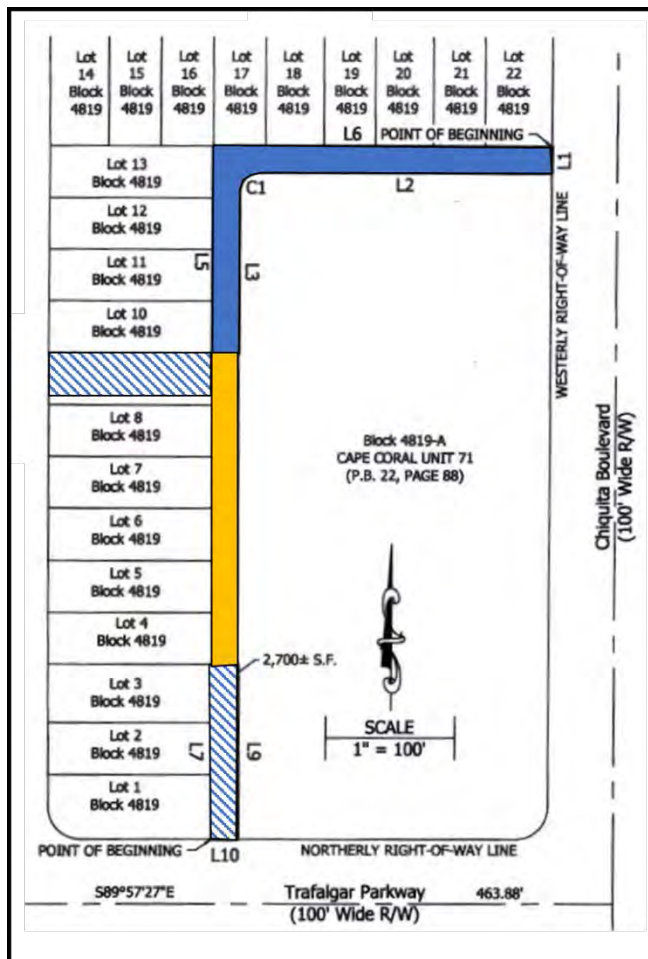
Staff analyzed all vacation requests with the Land Use and Development Regulations (LUDR), Section 8.11, "Vacation of plats, rights-of-way and other property." The City Comprehensive Plan was also reviewed for policies on vacations.

#### **Request to Vacate Alley ROW and Underlying Easements**

The owner requests to vacate both ends of the alley; the eastern segment providing access to Chiquita Boulevard, and the southern portion providing access to Trafalgar Boulevard (Figure 2). About 240 linear feet of platted alley will remain. This alley segment, along with about 130 feet of vacated alley east of

Lots 1-3 will be paved by the owner. A drive isle will be constructed on Lot 9 that is owned by 38335 Chiquita Trafalgar, LLC. Perpetual cross-access agreements will be provided by the owner to the City for the drive isle on Lot 9 and a similar drive isle that will be deeded to the City adjacent to Lots 1-3. The two drive isles in concert with the improved alley will allow vehicles to travel between Blocks 4819 and 4819-A between Trafalgar Boulevard and SW 16<sup>th</sup> Court.

**Figure 2. Alley segments proposed to be vacated are shown in blue. A remaining alley segment is shown in yellow. Two cross access easements, including one occupying part of Lot 9, are depicted in a diagonal pattern.**



The owner, 38335 Chiquita Trafalgar, LLC, owns all sites except for three along the ROW requested to be vacated. However, the owners of these properties, Cape Holdings Enterprises, Inc (Lots 10-11) and Mione Pizza (Lots 19-22) have provided the City with letters supporting the vacation. As a result, the owner meets the color of title criterion (LUDR, Section 8.11.3.b.1) and is eligible to request this vacation.

The applicant also requests to vacate all underlying easements associated with the two alley segments. The City lack drainage facilities in these easements. Century Link, Comcast, and Lee County Electric Cooperative (LCEC) also lack utilities within these easements. These providers do not object to the vacations.

These vacations will allow the owner to assemble a site, while irregular, that is about four acres.

Three property owners, each owning 5,000 sq. ft. sites in Block 4819 (Lots 4, 7, and 8) are not part of this application. A fourth property owner (Lot 16) has a site that does not abut the alley. Since 38335 Chiquita Trafalgar, LLC will improve the

vacated alley along the eastern side of Lots 1-3 and the remaining alley along Lots 4-9 each of these three owners will enjoy public access to the rear of their respective sites. As a result, staff finds each of these owners should not be harmed by this vacation but may benefit from the vacation and associated alley improvements.

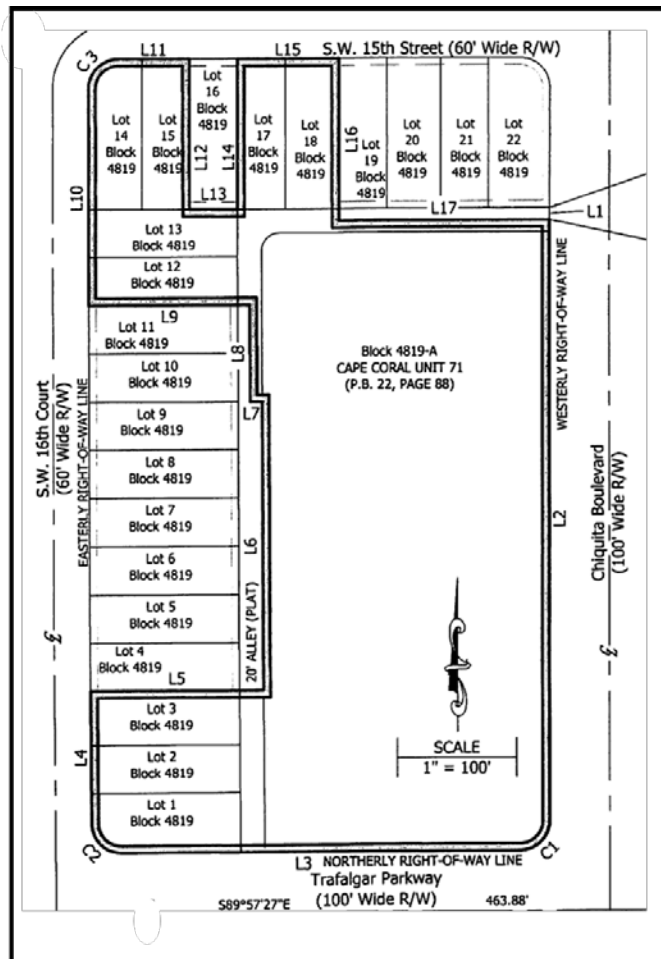
#### Request to Vacate Platted Easements

The applicant also requests to vacate all platted easements associated with the following sites: Lots 1-3, 12-15, and 17-18, all in Block 4819; and all easements occupying Block 4819-A. The owner will provide a six-foot wide perimeter easement around the four-acre site (Figure 3). This vacation will produce a large commercial site that will be free of easements except for the perimeter easement. The vacation will



provide greater flexibility on the future development of the site that will be unencumbered by platted easements.

**Figure 3. Diagram of the assembled parcel following the alley vacation showing the perimeter easement.**



in terms of what parts of an alley remain. While the vacated alley becomes part of the adjoining property owners' sites, the City remains responsible for maintaining the portion of the alley that was not vacated.

The applicant does meet those requirements found in LUDR, Section 8.11 for vacating a right-of-way. The request is consistent with Policy 5.5 of the Future Land Use Element as the vacation will yield a single commercial site with an area of about four acres at a major intersection in the City. Staff recommends the owner, not the City, assume responsibility of maintaining the remaining alley segment between the two blocks. Based on the above analysis, staff recommends **approval** of the requested vacations with the following conditions.

#### **Conditions of Approval**

1. The vacation of the platted alley shall be consistent with that shown in the sketch and accompanying legal description prepared by Stouten Cramer entitled "*Proposed Alley Vacation*", dated January 23, 2018.
2. Within 60 days of the adoption of this vacation, the owner shall provide to the City an easement deed for providing a perimeter easement around the four-acre consolidated site. The easement deed shall be consistent with that shown in a sketch and accompanying legal description prepared by Stouten Cramer entitled "*Proposed Public Utility Easement*", dated August 6, 2018. This easement shall be approved by the City Development Services Manager and the Property Broker prior to recording.
3. Within 60 days from the date of adoption of this vacation, the owner shall provide to the City for recording a two perpetual cross-access easements as follows: 1) a 20-foot wide cross-access easement between Lots 1-3, Block 4819 and Block 4819-A consistent with that shown in a sketch and accompanying legal description prepared by Stouten Cramer entitled "*Proposed Access Easement*", dated March 22, 2018; and 2) a 30-foot wide cross-access easement on Lot 9, Block 4819 consistent with that shown in a sketch and accompanying legal description prepared by Stouten Cramer entitled "*Access Easement*", dated January 25, 2018. Both access easements shall be approved by the City Development Services Manager and the Property Broker prior to recording.
4. The owner, 38335 Chiquita Trafalgar, LLC, shall be responsible for maintaining the alley in good condition between Lots 4-9, Block 4819 and Block 4819-A in perpetuity.
5. This resolution shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant provides the City with the easement deed and cross-access easements as described in Conditions #2 and #3 above and reimburses the Department of Community Development for all recording fees associated with this resolution and the easements.

---

#### **Staff Contact Information**

Mike Struve, AICP, LEED Green Associate, Development Management Team Coordinator  
PH: 239-242-3255  
Email: [mstruve@capecoral.net](mailto:mstruve@capecoral.net)

RESOLUTION 244 - 18

A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR AN ALLEY AND THE UNDERLYING PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED BETWEEN LOTS 1-3, BLOCK 4819 AND BLOCK 4819-A, BETWEEN LOTS 10-13, BLOCK 4819 AND BLOCK 4819-A, AND BETWEEN LOTS 17-22, BLOCK 4819 AND BLOCK 4819-A, ALL IN CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS LYING WITHIN LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, AND WITHIN BLOCK 4819-A, ALL IN CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PLATTED LOT LINES ASSOCIATED WITH LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, CAPE CORAL UNIT 71; PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF CHIQUITA BOULEVARD AND TRAFALGAR PARKWAY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Petition was filed by 38335 CHIQUITA TRAFALGAR, LLC, for the vacation of plat on property described herein; and

WHEREAS, the Petition meets the requirements of Land Use Development Regulations, Article VIII, Section 8.11, Vacation of Plats, Streets and Other Property of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The following-described alley and the underlying public utility and drainage easements, as shown in Exhibit A, are hereby vacated by the City of Cape Coral, to wit:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Southeast corner of Lot 22, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' R/W) thence run S00°10'17"E, along said Westerly right-of-way line, a distance of 20.00 feet to an intersection with the Northerly line of Block 4819A of said CAPE CORAL UNIT 71; thence run the following three (3) courses and distances along the boundary of said Block 4819A, also being the Southerly and Easterly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; (1) N89°58'05"W a distance of 225.84 feet to a point of curvature; (2) thence run 23.62 feet along the arc of said curve to the left of radius 15.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of S44°55'49"W and a chord length of 21.25 feet to a point of tangency; (3) thence run S00°10'17"E a distance of 124.95 feet; thence run N89°57'27"W a distance of 20.00 feet to the Southeast corner of Lot 10 of said Block 4819, being a point on the Westerly line of said alley; thence run N00°10'17"W, along said Westerly line, a distance of 160.00 feet to the Southwest corner of Lot 17, said Block 4819; thence run S89°58'05"E, along the Southerly line of said Block 4819 and the Northerly line of said alley, a distance of 260.89 feet to the Point of Beginning.

Said Parcel Contains 8,067 sq. ft. (more or less)

AND

Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of lot 3 of said block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of



Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

Said Parcel Contains 2,700 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.

Section 2. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The platted public utility and drainage easements within Lots 1-3, Lots 12-15, and Lots 17-18, Block 4819, and within Block 4819-A, all in Cape Coral Unit 71, as recorded in Plat Book 22, Pages 88-107, Public Records of Lee County, Florida are hereby vacated.

Section 3. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The platted lot lines associated with Lots 1-3, Lots 12-15, and Lots 17-18, Block 4819, Cape Coral Unit 71, as recorded in Plat Book 22, Pages 88-107, Public Records of Lee County, Florida, are hereby vacated.

Section 4. The City shall retain a six-foot wide public utility and drainage easement around the perimeter of the site, as shown in Exhibit B and described as follows:

A Public Utility Easement, six feet in width to the interior (as measured on a perpendicular) of the following described boundary, lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Blocks 4819 and 4819A, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

COMMENCING at the Southeast corner of Lot 22, Block 4819, of said CAPE CORAL UNIT 71, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' right-of-way) thence run S00°01'55"W, along said Westerly right-of-way line, a distance of 10.00 feet to the POINT OF BEGINNING; thence continue S00°01'55"W, along said Westerly right-of-way line, a distance of 500.02 feet to a point of curvature; thence run 39.27 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northwest, having a delta angle of 90°00'38", a chord bearing of S45°02'14"W and a chord length of 35.36 feet to a point of tangency, being a point on the Northerly right-of-way line of Trafalgar Parkway (100' right-of-way); thence run N89°57'27"W, along said Northerly right-of-way line, a distance of 334.16 feet to a point of curvature; thence run 39.18 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northeast, having a delta angle of 89°47'10", a chord bearing of N45°03'52"W and a chord length of 35.29 feet to a point of tangency, being a point on the Easterly right-of-way line of S.W. 16th Court (60' right-of-way); thence run N00°10'17"W, along said Easterly right-of-way line, a distance of 110.05 feet to the Southwest corner of Lot 4 of said Block 4819; thence run S89°58'05"E, along the South line of said Lot 4 and an extension thereof, a distance of 145.00 feet to an intersection with the Westerly line of said Block 4819A; thence run N00°10'17"W, along said Westerly line, a distance of 240.00 feet; thence run N89°58'05"W, departing said Westerly line, a distance of 10.00 feet to an intersection with a line, parallel to and lying 10.00 feet Westerly of (as measured on a perpendicular) the Westerly line of said Block 4819A; thence run N00°10'17"W, along said parallel line, a distance of 80.00 feet to an intersection with an extension of the Northerly line of Lot 11, said Block 4819; thence run N89°58'05"W along said Northerly line and extension thereof, a distance of 135.00 feet to the Northwest corner of said Lot 11, being a point on the Easterly right-of-way line of said S.W. 16th Court (60' right-of-way); thence run N00°10'17"W, along said Easterly right-of-way line, a distance of 179.91 feet to a point of curvature; thence run 39.36 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of N44°55'49"E and a chord length of 35.42 feet to a point of tangency, being a point on the Southerly right-of-way line of S.W. 15th Street 60' right-of-way); thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 59.91 feet to the Northwest corner of Lot 16, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 16, a distance of 125.00 feet to the Southwest corner of said Lot 16; thence run S89°58'05"E, along the South line of said Lot 16, a distance of 40.00 feet to the Southeast corner of said Lot 16; thence run N00°10'17"W, along the East line of said Lot 16, a distance of 125.00 feet to the Northeast corner of said Lot 16, being a point on the Southerly right-of-way line of said S.W. 15th Street; thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 85.00 feet to the Northwest corner of Lot 19, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 19 and an extension thereof, a distance of 135.00 feet to an intersection



with a line parallel to and 10.00 feet Southerly of (as measured on a perpendicular) the South line of said Block 4819; thence run S89°58'05"E, along said parallel line, a distance of 175.93 feet to the POINT OF BEGINNING.

Said parcel contains 15,466 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.

Section 5. Within sixty (60) days from the date of adoption of this resolution, applicant shall provide to the City for recording a Perpetual Cross Access Easement, as shown in Exhibit C and described as follows:

Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of lot 3 of said block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

Said Parcel Contains 2,700 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.

Section 6. Within sixty (60) days from the date of adoption of this resolution, applicant shall provide to the City for recording a Perpetual Cross Access Easement, as shown in Exhibit D and described as follows:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and being the Northerly 30 feet of Lot 9, Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Northwest corner of Lot 9, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107 of the Public Records of Lee County, being a point on the Easterly right-of-way line of SW 16th Court (60' R/W), thence run S89°58'00"E for 125.00 feet to the Northeast corner of said lot 9; thence run S00°10'17"E along the Easterly line of lot 9 for 30.00 feet; thence leaving said line, run N89°58'00"W for 125.00 feet to an intersection with the Westerly line of lot 9; thence run N00°10'17"W along said Westerly line for 30.00 feet to the Point of Beginning.

Said Parcel Contains 3,750 sq. ft. (more or less)

Bearings are based on the centerline of SW 16th Court Parkway being N00°10'17"W.

Section 7. The Applicant shall meet the following terms and conditions:

1. The vacation of the platted alley and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Stouten Cramer entitled "Proposed Alley Vacation," dated January 23, 2018, and attached hereto as Exhibit A.
2. Within 60 days of the adoption of this resolution, the owner shall provide to the City an easement deed for providing a perimeter easement around the four-acre consolidated site. The easement deed shall be consistent with that shown in a sketch and accompanying legal description prepared by Stouten Cramer entitled "Proposed Public Utility Easement," dated August 6, 2018, and attached hereto as Exhibit B. This easement shall be approved by the City Development Services Manager and the Property Broker prior to recording.
3. Within 60 days from the date of adoption of this vacation, the owner shall provide to the City for recording two perpetual cross-access easements as follows: 1) a 20-foot wide cross-access easement between Lots 1-3, Block 4819 and Block 4819-A consistent with that shown in a sketch and accompanying legal description prepared by Stouten Cramer entitled "Proposed Access Easement," dated March 22, 2018, and attached hereto as Exhibit C; and 2) a 30-foot wide cross-access easement on Lot 9, Block 4819 consistent with that shown in a sketch and accompanying legal description prepared by Stouten Cramer entitled "Access Agreement,"

dated January 25, 2018, attached hereto as Exhibit D. Both access easements shall be approved by the City Development Services Manager and the Property Broker prior to execution.

4. The owner, 38335 Chiquita Trafalgar, LLC, shall be responsible for maintaining the alley in good condition between Lots 4-9, Block 4819 and Block 4819-A in perpetuity.
5. Prior to the City recording the resolution approving this vacation with the Office of the Lee County Clerk of Court: 1) the City shall accept the perpetual cross-access easements described in Condition #3; and 2) the applicant shall reimburse the City for all recording fees associated with this resolution and cross-access easements.

Section 8. This Resolution shall take effect upon its recording within the Office of the Lee County Clerk of Court by the City of Cape Coral.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO  
GUNTER  
CARIOSCIA  
STOUT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NELSON  
STOKES  
WILLIAMS  
COSDEN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM,  
CITY CLERK

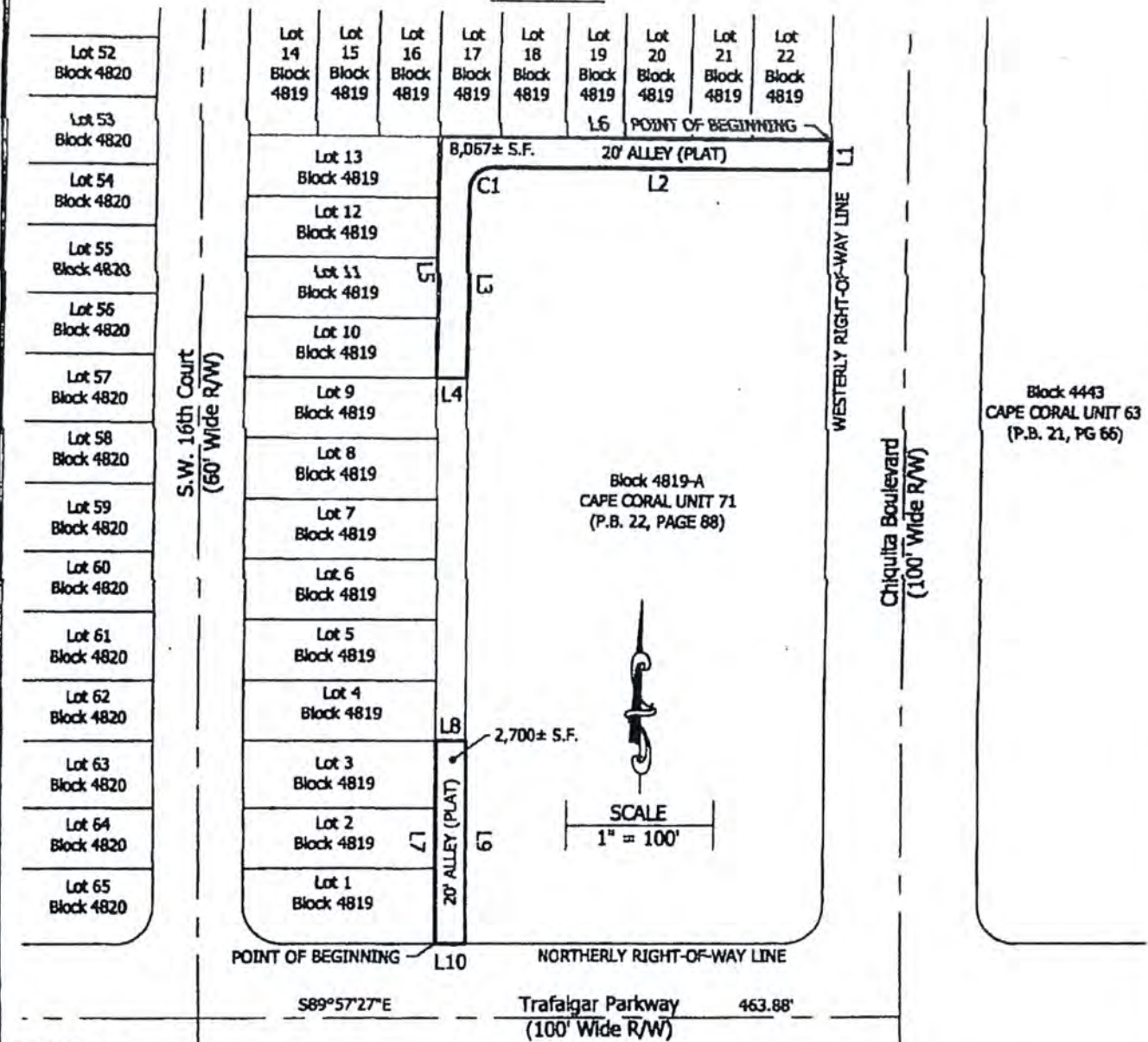
APPROVED AS TO FORM:



BRIAN R. BARTOS  
ASSISTANT CITY ATTORNEY  
res/vp18-0003



### Sketch



**SURVEY NOTES:**

1. BEARINGS ARE BASED ON THE CENTERLINE OF TRAFALGAR PARKWAY BEING S89°57'27"E.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. THIS IS NOT A SURVEY
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2017, KING ENGINEERING ASSOCIATES, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
6. NOT VALID WITHOUT SHEETS 2 & 3 OF 3.

**LEGEND:**

P.U.E. = PUBLIC UTILITY EASEMENT  
S.F. = SQUARE FEET  
P.B. = PLAT BOOK  
R/W = RIGHT-OF-WAY

Sheet 1 of 3

### Sketch to Accompany Description

**Proposed Alley Vacation**  
in Block 4819, CAPE CORAL UNIT 71 as  
recorded in Plat Book 22, Pages 88-107  
lying in Section 21, Township 44 South,  
Range 23 East, Lee County, Florida

**SHEET 1 OF 3**

JOB # 17-5205 PREPARED FOR: Creighton Companies, LLC

SECTION 21, TOWNSHIP 44S, RANGE 23E

**THIS IS NOT A SURVEY**

**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

# King

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
[www.kinaseengineering.com](http://www.kinaseengineering.com)

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented herein, made under my direction on January 28, 2018 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mapping in Chapter 11-77, Florida Administrative Code, pursuant to Section 472.02, Florida Statute.

ST. OF  
JEFFREY D. STOUTEN (FOR THE KING)  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6384  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

### Description of the Alleyway Vacation Areas

#### Subject Parcel Description:

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Southeast corner of Lot 22, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' R/W) thence run S00°10'17"E, along said Westerly right-of-way line, a distance of 20.00 feet to an intersection with the Northerly line of Block 4819A of said CAPE CORAL UNIT 71; thence run the following three (3) courses and distances along the boundary of said Block 4819A, also being the Southerly and Easterly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; (1) N89°58'05"W a distance of 225.84 feet to a point of curvature; (2) thence run 23.62 feet along the arc of said curve to the left of radius 15.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of S44°55'49"W and a chord length of 21.25 feet to a point of tangency; (3) thence run S00°10'17"E a distance of 124.95 feet; thence run N89°57'27"W a distance of 20.00 feet to the Southeast corner of Lot 10 of said Block 4819, being a point on the Westerly line of said alley; thence run N00°10'17"W, along said Westerly line, a distance of 160.00 feet to the Southwest corner of Lot 17, said Block 4819; thence run S89°58'05"E, along the Southerly line of said Block 4819 and the Northerly line of said alley, a distance of 260.89 feet to the Point of Beginning.

Said Parcel Contains 8,067 sq. ft. (more or less)

AND

Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of lot 3 of said block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

Said Parcel Contains 2,700 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.







**Proposed Six-Foot Wide Public Utility and Drainage Easement Around the Expanded Site Following the Vacations**

**Subject Parcel Description:**

A Public Utility Easement, six feet in width to the interior (as measured on a perpendicular) of the following described boundary, lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and lying in Blocks 4819 and 4819A, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

COMMENCING at the Southeast corner of Lot 22, Block 4819, of said CAPE CORAL UNIT 71, being a point on the Westerly right-of-way line of Chiquita Boulevard (100' right-of-way) thence run S00°01'55"W, along said Westerly right-of-way line, a distance of 10.00 feet to the POINT OF BEGINNING; thence continue S00°01'55"W, along said Westerly right-of-way line, a distance of 500.02 feet to a point of curvature; thence run 39.27 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northwest, having a delta angle of 90°00'38", a chord bearing of S45°02'14"W and a chord length of 35.36 feet to a point of tangency, being a point on the Northerly right-of-way line of Trafalgar Parkway (100' right-of-way); thence run N89°57'27"W, along said Northerly right-of-way line, a distance of 334.16 feet to a point of curvature; thence run 39.18 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northeast, having a delta angle of 89°47'10", a chord bearing of N45°03'52"W and a chord length of 35.29 feet to a point of tangency, being a point on the Easterly right-of-way line of S.W. 16th Court (60' right-of-way); thence run N00°10'17"W, along said Easterly right-of-way line, a distance of 110.05 feet to the Southwest corner of Lot 4 of said Block 4819; thence run S89°58'05"E, along the South line of said Lot 4 and an extension thereof, a distance of 145.00 feet to an intersection with the Westerly line of said Block 4819A; thence run N00°10'17"W, along said Westerly line, a distance of 240.00 feet; thence run N89°58'05"W, departing said Westerly line, a distance of 10.00 feet to an intersection with a line, parallel to and lying 10.00 feet Westerly of (as measured on a perpendicular) the Westerly line of said Block 4819A; thence run N00°10'17"W, along said parallel line, a distance of 80.00 feet to an intersection with an extension of the Northerly line of Lot 11, said Block 4819; thence run N89°58'05"W along said Northerly line and extension thereof, a distance of 135.00 feet to the Northwest corner of said Lot 11, being a point on the Easterly right-of-way line of said S.W. 16th Court (60' right-of-way); thence run N00°10'17"W, along said Easterly right-of-way line, a distance of 179.91 feet to a point of curvature; thence run 39.36 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Southeast, having a delta angle of 90°12'12", a chord bearing of N44°55'49"E and a chord length of 35.42 feet to a point of tangency, being a point on the Southerly right-of-way line of S.W. 15th Street 60' right-of-way); thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 59.91 feet to the Northwest corner of Lot 16, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 16, a distance of 125.00 feet to the Southwest corner of said Lot 16; thence run S89°58'05"E, along the South line of said Lot 16, a distance of 40.00 feet to the Southeast corner of said Lot 16; thence run N00°10'17"W, along the East line of said Lot 16, a distance of 125.00 feet to the Northeast corner of said Lot 16, being a point on the Southerly right-of-way line of said S.W. 15th Street; thence run S89°58'05"E, along said Southerly right-of-way line, a distance of 85.00 feet to the Northwest corner of Lot 19, said Block 4819; thence run S00°10'17"E, along the West line of said Lot 19 and an extension thereof, a distance of 135.00 feet to an intersection with a line parallel to and 10.00 feet Southerly of (as measured on a perpendicular) the South line of said Block 4819; thence run S89°58'05"E, along said parallel line, a distance of 175.93 feet to the POINT OF BEGINNING.

Said parcel contains 15,466 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.



Sketch

**Description of the Perpetual Cross-Access Easement Between Lots 1-3, Block 4819, and Block 4819-A**

**Subject Parcel Description:**

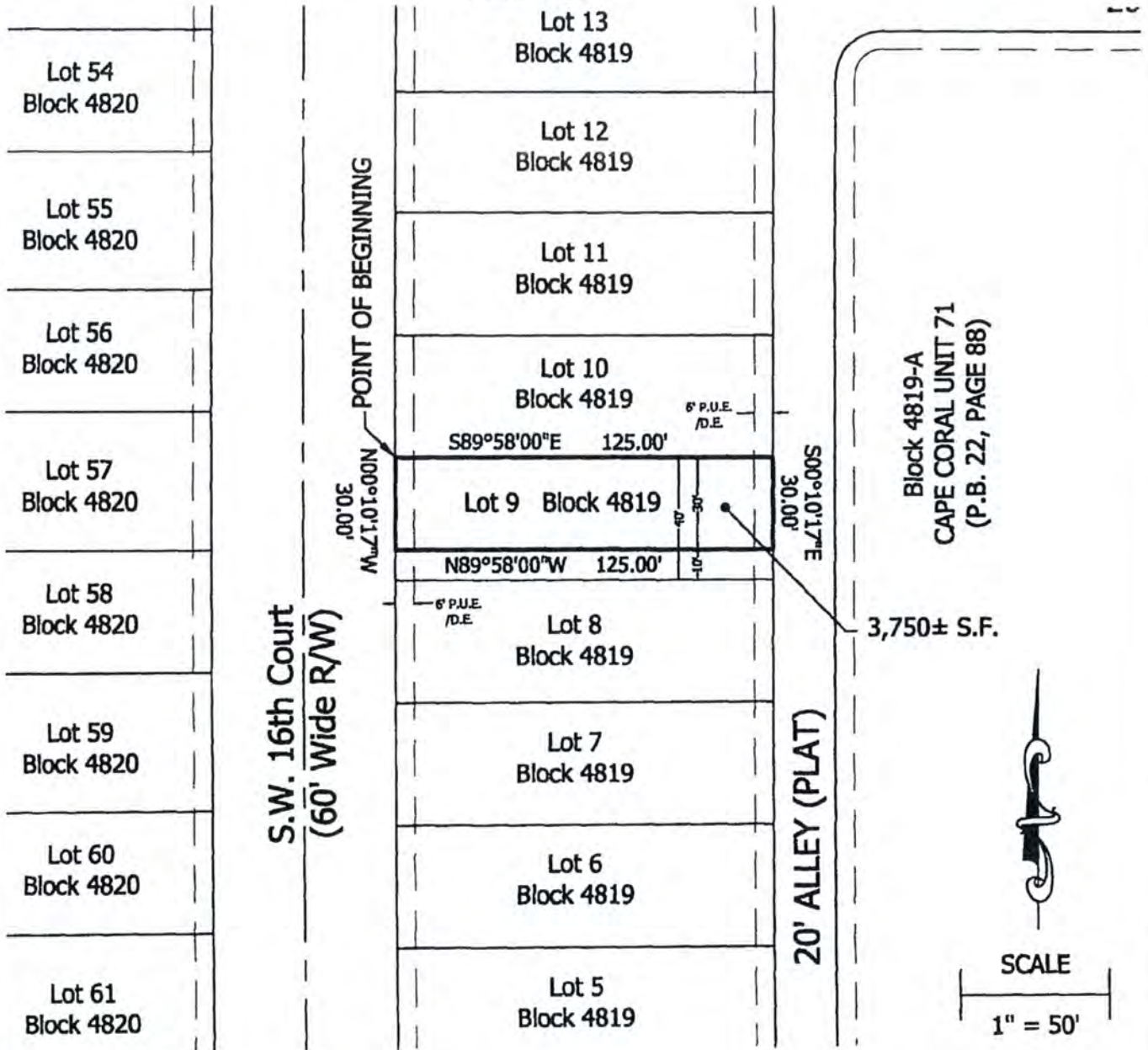
Beginning at the Southeast corner of Lot 1, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, being a point on the Westerly line of a 20 feet wide alley as platted in said CAPE CORAL UNIT 71; thence run N00°10'17"W, along said Westerly right-of-way line, a distance of 134.98 feet to the Northeast corner of lot 3 of said block 4819; thence run S89°58'05"E, a distance of 20.00 feet to an intersection with the Westerly line of Block 4819-A of said CAPE CORAL UNIT 71; thence run along said Westerly line S00°10'17"E for a distance of 134.99 feet to the Southwest corner of said Block 4819-A; thence leaving said line run N89°57'27"W for 20.00 feet to the Point of Beginning.

Said Parcel Contains 2,700 sq. ft. (more or less)

Bearings are based on the centerline of Trafalgar Parkway being S89°57'27"E.



# Sketch



## SURVEY NOTES:

1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. THIS IS NOT A SURVEY
3. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2017, KING ENGINEERING ASSOCIATES, INC., ALL RIGHTS RESERVED.
4. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF KING ENGINEERING, INC.
5. NOT VALID WITHOUT SHEET 2 OF 2.

## LEGEND:

- P.U.E. = PUBLIC UTILITY EASEMENT  
S.F. = SQUARE FEET  
P.B. = PLAT BOOK  
R/W = RIGHT-OF-WAY

Sheet 1 of 2

Sketch to Accompany Description  
**ACCESS EASEMENT**  
in Lot 9, Block 4819, CAPE CORAL  
UNIT 71 as recorded in Plat Book 22,  
Pages 88-107 lying in Section 21,  
Township 44 South, Range 23 East, Lee  
County, Florida

**THIS IS NOT A SURVEY**  
**STOUTENCRAMER**  
A KING ENGINEERING COMPANY

**King**  
ENGINEERING ASSOCIATES, INC.

CERTIFICATE OF AUTHORIZATION: LB2610  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.kingengineering.com

I hereby certify that, to the best of my knowledge and belief, the sketch and description furnished herein, made under my direction on January 23, 2018, is in accordance with the Standards of Practice as established by the Florida Board of Professional Surveyors & Mappers in Chapter 47, Florida Administrative Code, pursuant to Section 472.04, Florida Statutes.

6584  
STATE OF FLORIDA  
JEFFREY D. STOUTENCRAMER  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 554  
NOT VALID WITHOUT THE MONITORING AND/OR ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHEET 1 OF 3

JOB # 17-5205 PREPARED FOR: Creighton Companies, LLC

SECTION 21, TOWNSHIP 44S, RANGE 23E

K:\land\2017\2017-5205\2017-5205.dwg 1/23/2018 2:07:03 PM EST

Exhibit D

**Description of the Perpetual Cross-Access Easement Area on Lot 9**

**Subject Parcel Description:**

A parcel of land lying in Section 21, Township 44 South, Range 23 East, Lee County, Florida and being the Northerly 30 feet of Lot 9, Block 4819, CAPE CORAL UNIT 71, as recorded in Plat Book 22 at Pages 88 through 107, of the Public Records of Lee County, Florida being more particularly described as follows:

Beginning at the Northwest corner of Lot 9, Block 4819, CAPE CORAL UNIT 71 as recorded in Plat Book 22 at Pages 88 through 107 of the Public Records of Lee County, being a point on the Easterly right-of-way line of SW 16th Court (60' R/W), thence run S89°58'00"E for 125.00 feet to the Northeast corner of said lot 9; thence run S00°10'17"E along the Easterly line of lot 9 for 30.00 feet; thence leaving said line, run N89°58'00"W for 125.00 feet to an intersection with the Westerly line of lot 9; thence run N00°10'17"W along said Westerly line for 30.00 feet to the Point of Beginning.

Said Parcel Contains 3,750 sq. ft. (more or less)

Bearings are based on the centerline of SW 16th Court Parkway being N00°10'17"W.





## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** VP18-0003

**RESOLUTION 244 – 18:** A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR AN ALLEY AND THE UNDERLYING PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED BETWEEN LOTS 1-3, BLOCK 4819 AND BLOCK 4819-A, BETWEEN LOTS 10-13, BLOCK 4819 AND BLOCK 4819-A, AND BETWEEN LOTS 17-22, BLOCK 4819 AND BLOCK 4819-A, ALL IN CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS LYING WITHIN LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, AND WITHIN BLOCK 4819-A, ALL IN CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PLATTED LOT LINES ASSOCIATED WITH LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, CAPE CORAL UNIT 71; PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF CHIQUITA BOULEVARD AND TRAFALGAR PARKWAY; PROVIDING AN EFFECTIVE DATE.

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

**PROPERTY OWNER** 38335 Chiquita Trafalgar, LLC

**AUTHORIZED REPRESENTATIVE:** Quattrone and Associates, Inc. and Jeff Wright

**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, November 6, 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.

Notice is hereby given that a final public hearing on Resolution 244-18 will be held before the City Council on Monday, November 19, 2018 at 4:30 P.M. This hearing will be held in the City of Cape Coral Council Chambers located at 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard at each hearing. All materials presented before the Hearing Examiner and City Council 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 each 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. 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

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)

whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

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





# The News-Press media group

news-press.com

A GANNETT COMPANY

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

TOLL-FREE  
888-516-9220

Local #  
239-335-0258

Email  
FNPLegals@gannett.com

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

**Ad No.:** 0003223343

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

**Net Amt:** \$880.22

**Run Times:** 2

**No. of Affidavits:** 1

**Run Dates:** 10/27/18, 11/03/18

**Text of Ad:**

**NOTICE OF PUBLIC HEARING**

**CASE NUMBER:** VP18-0003

**RESOLUTION 244 - 18:** A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR AN ALLEY AND THE UNDERLYING PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED BETWEEN LOTS 1-3, BLOCK 4819 AND BLOCK 4819-A, BETWEEN LOTS 10-13, BLOCK 4819 AND BLOCK 4819-A, AND BETWEEN LOTS 17-22, BLOCK 4819 AND BLOCK 4819-A, ALL IN CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS LYING WITHIN LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, AND WITHIN BLOCK 4819-A, ALL IN CAPE CORAL UNIT 71; PROVIDING FOR THE VACATION OF PLAT FOR ALL PLATTED LOT LINES ASSOCIATED WITH LOTS 1-3, 12-15, AND 17-18, BLOCK 4819, CAPE CORAL UNIT 71; PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF CHIQUITA BOULEVARD AND TRAFALGAR PARKWAY; PROVIDING AN EFFECTIVE DATE.

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

**PROPERTY OWNER** 38335 Chiquita Trafalgar, LLC

**AUTHORIZED REPRESENTATIVE:** Quattrone and Associates, Inc. and Jeff Wright

**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, November 6, 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.

Notice is hereby given that a final public hearing on Resolution 244-18 will be held before the City Council on Monday, November 19, 2018 at 4:30 P.M. This hearing will be held in the City of Cape Coral Council Chambers located at 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard at each hearing. All materials presented before the Hearing Examiner and City Council 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 each hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

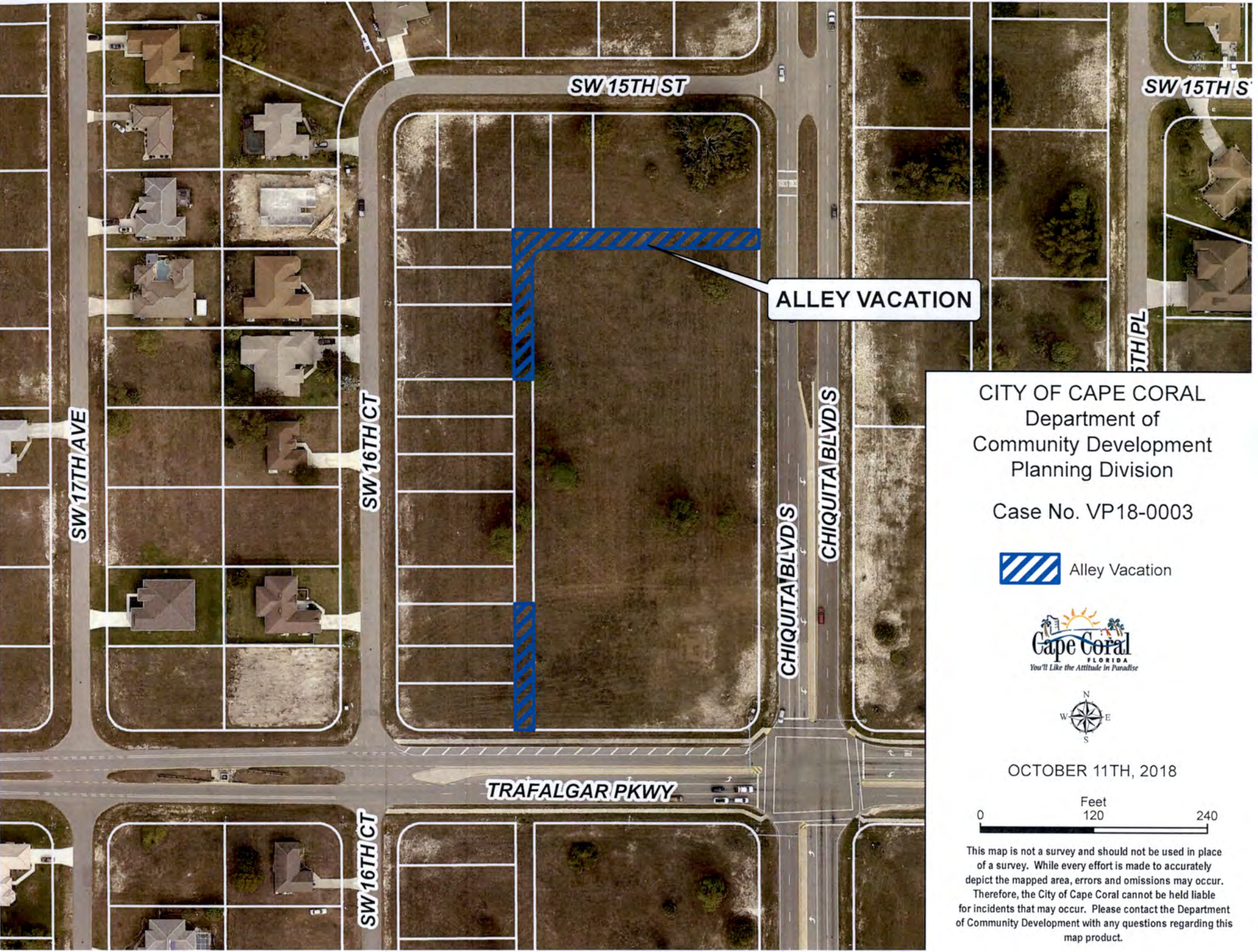
**DETAILED INFORMATION:** The case report and colored maps for this application are available at the City of Cape Coral website, [www.capecoral.net/publichearing](http://www.capecoral.net/publichearing) (Click on 'Public Hearing Information', use the case number referenced above to access the information); 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 # VP18-0003  
AD# 3223343 Oct. 27 Nov. 3, 2018





CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

Case No. VP18-0003

 Alley Vacation



OCTOBER 11TH, 2018



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





CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT ZONING MAP  
500' Proximity Boundary

Case No. VP18-0003

LEGEND

-  Alley Vacation
-  500' Proximity Boundary

Zoning

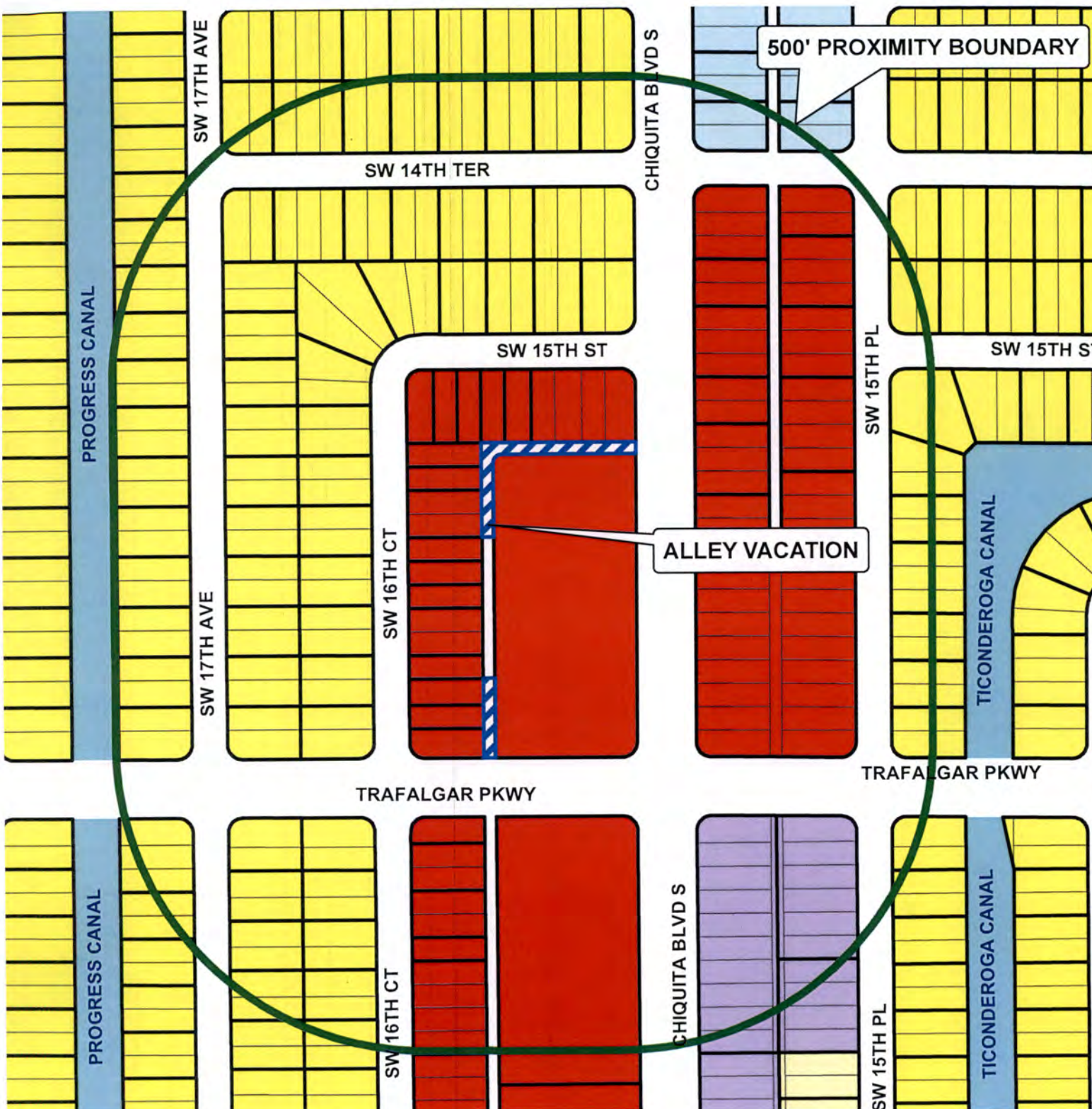
-  C-1
-  MR
-  P-1
-  R-1B
-  RD



OCTOBER 11TH, 2018



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



**Item Number:** 2.E.  
**Meeting Date:** 11/6/2018  
**Item Type:** HEARINGS

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Case #VP18-0005\*; Address: 824 SW 42nd Terrace; Applicant: Skyline Self Storage, 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:**

Skyline Self Storage, LLC seeks a vacation of plat for easements underlying a platted walkway and a portion of a platted alley whose rights-of-way were previously vacated by Resolution 140-91 in Block 3367, Unit 65, Cape Coral; and a vacation of platted easements and lot lines in Lots 36-45, 51-62, and 76-89 in Block 3367, Unit 65, Cape Coral. The property is located at 824 SW 42<sup>nd</sup> Terrace.

**LEGAL REVIEW:**

**EXHIBITS:**

See attached "Backup Materials"

**PREPARED BY:**

Kristin  
Kantarze                      Division- Planning                      Department- Community Development

**SOURCE OF ADDITIONAL INFORMATION:**

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

**ATTACHMENTS:**

Description	Type
□ Backup Materials	Backup Material







DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

VP  
Case # ~~18~~ 18-0005

MAY 21 2018 11:48

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

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

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

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

OWNER OF PROPERTY

Skyline Self Storage, LLC

Address: 4848 SW 23rd Ave

City: Cape Coral State: FL Zip 33914

Phone: 239-980-4613

APPLICANT

Skyline Self Storage LLC

EMAIL john@ringland.bz

Address: 4848 SW 23rd Ave

City: Cape Coral State: FL Zip 33914

Phone: 239-980-4613

AUTHORIZED REPRESENTATIVE

Joe Mazurkiewicz/BJM Consulting, Inc

EMAIL joe@bjmconsult.com

Address: PO Box 101655

City: Cape Coral State: FL Zip 33910

Phone: 239-470-5778

Unit 65 Block 3367 Lot(s) See List Subdivision Cape Coral

Address of Property 818 SW 42nd Terrace

Current Zoning C-1 Plat Book 21 , Page 160

Strap Number 10-45-23-C2-03367.0600 plus (See List)





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

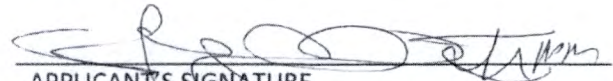
VP  
Case # VP18-0005

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

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

(SIGNATURE MUST BE NOTARIZED)

Skyline Self Storage LLC, Charles Ringland, Manager  
APPLICANT NAME (PLEASE TYPE OR PRINT)

  
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 30 day of APRIL, 2018 by  
Charles Ringland who is personally known or produced  
as identification.

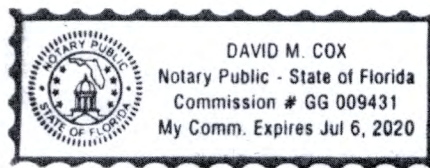
Exp. Date: 7/6/20 Commission Number: GG 009431

Signature of Notary Public:



Printed name of Notary Public:

David Cox





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # <sup>VP</sup> ~~BA~~ 18-0005

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.

Skyline Self Storage LLC  
CORPORATION/COMPANY NAME

Charles Ringland, Manager  
PROPERTY OWNER (PLEASE TYPE OR PRINT)

[Signature]  
PROPERTY OWNER'S SIGNATURE

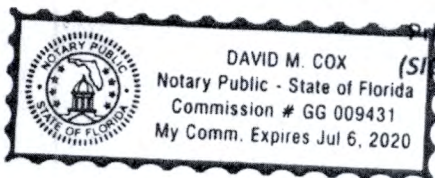
STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 30 day of April, 2018 by  
Charles Ringland who is personally known or produced  
as identification.

Exp. Date: 7/6/2020 Commission Number: G6009431

Signature of Notary Public: [Signature]

Printed name of Notary Public: David Cox  
(SIGNATURE MUST BE NOTARIZED)







DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

VP  
Case # VA18-0005

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT

Joe Mazurkiewicz/BJM Consulting, Inc.  
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING & ZONING COMMISSION/ LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR  
Vacation of all Internal Lot Lines, all existing PUD Easements and the establishment of a new PUD Easement

UNIT 65                      BLOCK 3367                      LOT(S) See List                      SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION                      10-45-23-C2-03367.0600 and others (See List)

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

Skyline Self Storage LLC, Charles Ringland, Manager  
PROPERTY OWNER (Please Print)

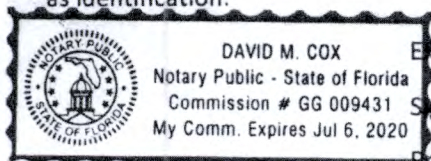
[Signature]  
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 30 day of April, 2018 by  
Charles Ringland who is personally known or produced  
as identification.



Exp. Date:

7/6/20

Commission Number:

66 009431

Signature of Notary Public:

Printed name of Notary Public:

David Cox

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



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

VP  
Case # 18-0005

**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.

Skyline Self Storage LLC, Charles Ringland, Manager  
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

[Signature]  
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 30 day of April  
20 18 by Charles Ringland, who is personally known or who has produced \_\_\_\_\_  
as identification.

Exp. Date 7/6/2020  
Commission # GG009431

[Signature]  
Signature of Notary Public

David Cox  
Print Name of Notary Public





## Detail by Entity Name

Florida Limited Liability Company  
SKYLINE SELF STORAGE, LLC

### Filing Information

<b>Document Number</b>	L17000038737
<b>FEI/EIN Number</b>	81-5443770
<b>Date Filed</b>	02/17/2017
<b>Effective Date</b>	02/20/2017
<b>State</b>	FL
<b>Status</b>	ACTIVE

### Principal Address

4848 S.W. 23RD AVENUE  
CAPE CORAL, FL 33914

### Mailing Address

4848 S.W. 23RD AVENUE  
CAPE CORAL, FL 33914

### Registered Agent Name & Address

ROLLINGS, HARVEY  
1633 S.E. 47TH TERRACE  
CAPE CORAL, FL 33904

### Authorized Person(s) Detail

#### **Name & Address**

Title CO - MGR

RINGLAND, CHARLES J, II  
4848 S.W. 23RD AVENUE  
CAPE CORAL, FL 33914

### Annual Reports

<b>Report Year</b>	<b>Filed Date</b>
2018	04/24/2018

### Document Images

[04/24/2018 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[02/17/2017 -- Florida Limited Liability](#)

[View image in PDF format](#)

### **Skyline Self Storage Strap Numbers and Lots**

<u>Strap Numbers</u>	<u>Lots</u>
10-45-23-C2-03367.0350	35
10-45-23-C2-03367.0360	36
10-45-23-C2-03367.0370	37
10-45-23-C2-03367.0390	39
10-45-23-C2-03367.0400	40
10-45-23-C2-03367.0410	41
10-45-23-C2-03367.0420	42
10-45-23-C2-03367.0430	43
10-45-23-C2-03367.0440	44
10-45-23-C2-03367.0450	45
10-45-23-C2-03367.0500	50
10-45-23-C2-03367.0510	51
10-45-23-C2-03367.0520	52
10-45-23-C2-03367.0530	53
10-45-23-C2-03367.0540	54
10-45-23-C2-03367.0550	55
10-45-23-C2-03367.0560	56
10-45-23-C2-03367.0570	57
10-45-23-C2-03367.0580	58
10-45-23-C2-03367.0590	59
10-45-23-C2-03367.0600	60
10-45-23-C2-03367.0610	61
10-45-23-C2-03367.0620	62



<u>Strap Numbers</u>	<u>Lots</u>
10-45-23-C2-03367.0760	76
10-45-23-C2-03367.0770	77
10-45-23-C2-03367.0780	78
10-45-23-C2-03367.0790	79
10-45-23-C2-03367.0800	80
10-45-23-C2-03367.0820	82
10-45-23-C2-03367.0830	83
10-45-23-C2-03367.0860	86
10-45-23-C2-03367.0870	87
10-45-23-C2-03367.0880	88



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

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

October 23, 2018

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

Dear Mr. Cautero,

BJM Consulting, Inc. representing Skyline Self Storage, LLC, requests the following vacations for property located at 842 SW 42<sup>nd</sup> Terrace:

- A vacation of all underlying easements associated with a previously vacated alley and walkway rights-of-way, that was approved by Resolution 140-91;
- A vacation of all platted easements associated with Lots 36-45, 51-62, and 76-89 in Block 3367; and
- A vacation of all platted lot lines associated with Lots 36-45, 51-62, and 76-89 in Block 3367.

The owner will provide to the City a six-foot wide perimeter easement around the site for public utility and drainage purposes.

The owner will also provide a 12-foot wide easement on the east side of Lots 36-45 to protect existing overhead power lines.

The site is adjacent to the City owned parking lot in Block 3367 fronting on Skyline Blvd. The entire site has a commercial/professional (C/P) land use and is zoned C-1 Commercial. The site is currently serviced by all three utilities which we will hook up to during the development process.

The site has been approved for a special exception to allow for self-storage units and a site plan has also been approved for the initial phase of the development. This vacation and creation of a new PUD easement will allow for the remaining phases of the development to be constructed as show in our latest site plan submittal.

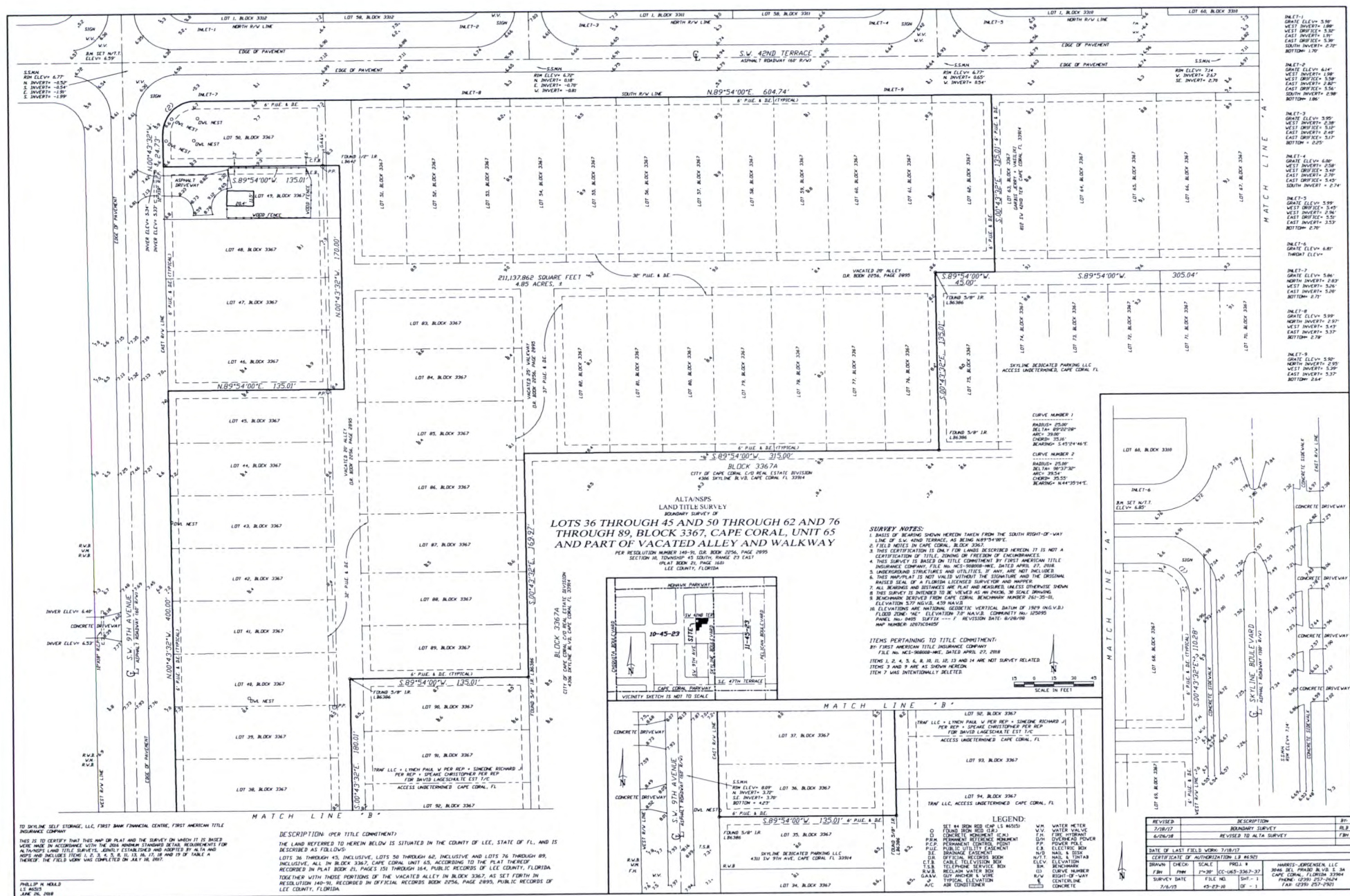
Please let us know if you have any questions or concerns regarding these applications.



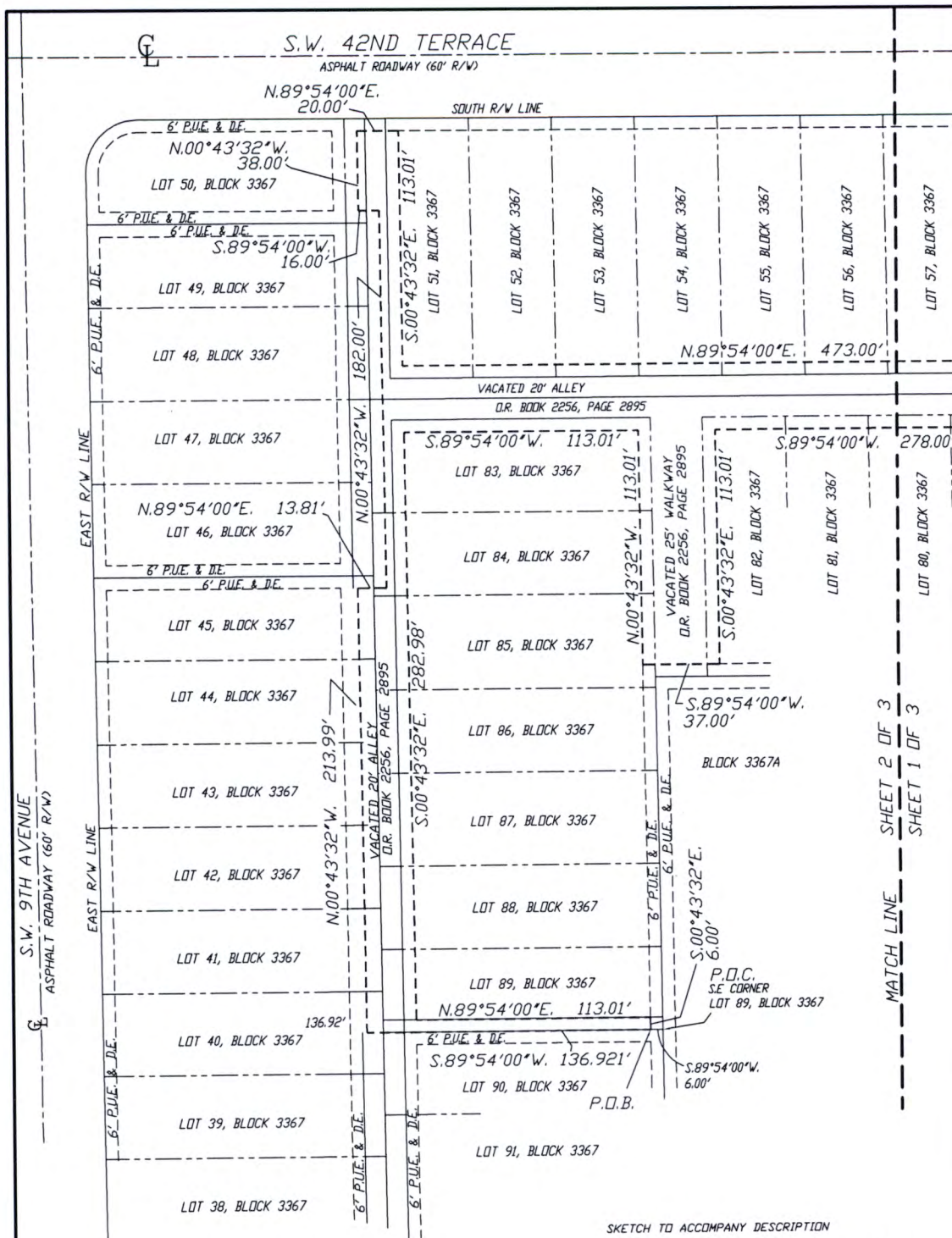
Sincerely,

*Joe Mazurkiewicz, Jr.*

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

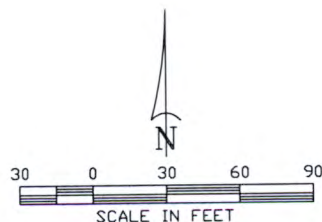






# **LEGEND:**

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



**SHEET 1 OF 3**  
**SEE SHEET 1 OF 3 FOR CONTINUATION OF THIS SKETCH**  
**SEE SHEET 3 OF 3 FOR DESCRIPTION TO ACCOMPANY THIS SKETCH**

## **SKETCH TO ACCOMPANY DESCRIPTION**

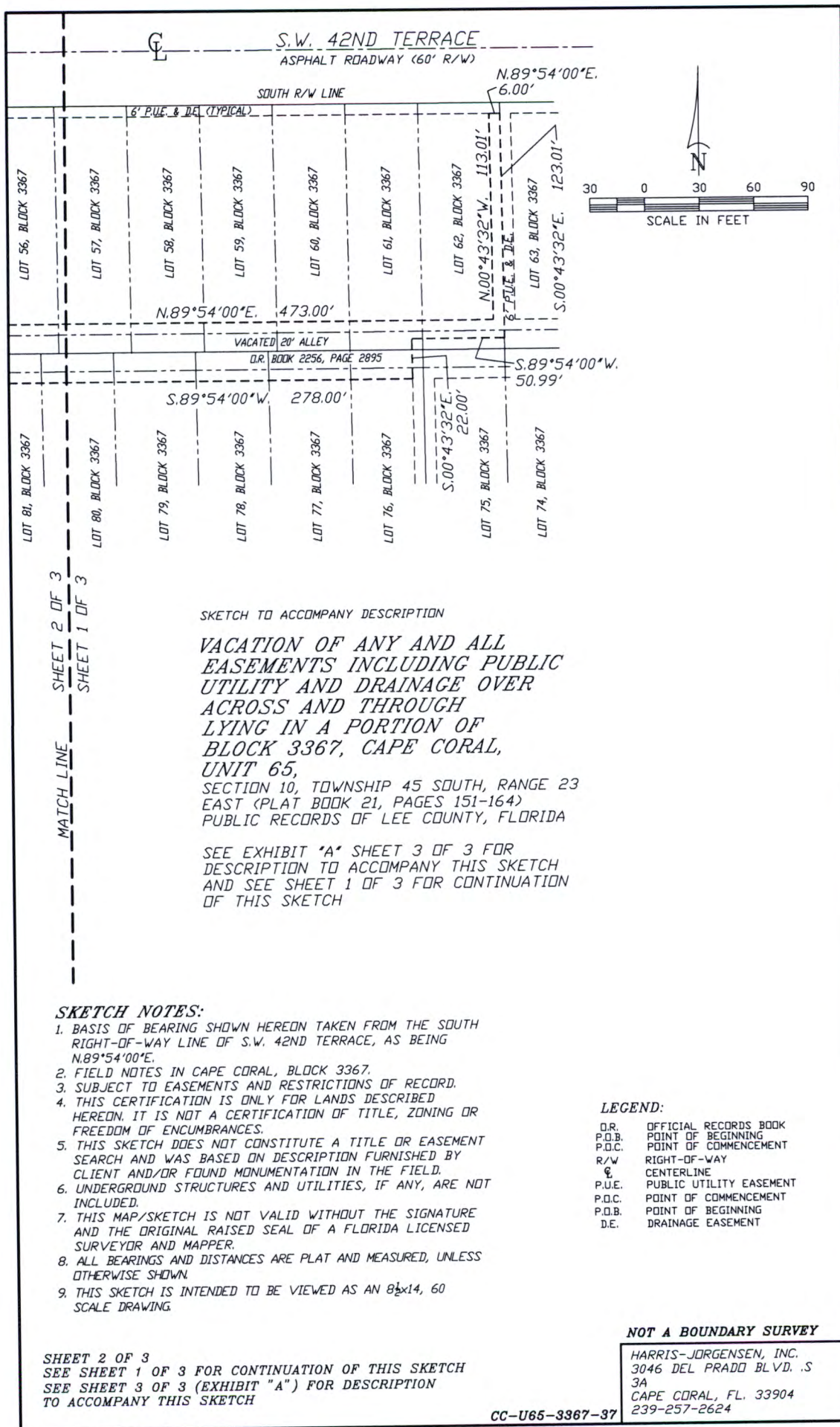
**VACATION OF ANY AND ALL EASEMENTS INCLUDING PUBLIC UTILITY AND DRAINAGE OVER ACROSS AND THROUGH LYING IN A PORTION OF BLOCK 3367, CAPE CORAL, UNIT 65, SECTION 10, TOWNSHIP 45 SOUTH, RANGE 23 EAST (PLAT BOOK 21, PAGES 151-164) PUBLIC RECORDS OF LEE COUNTY, FLORIDA**

**SEE EXHIBIT 'A' SHEET 3 OF 3 FOR DESCRIPTION TO ACCOMPANY THIS SKETCH AND SEE SHEET 2 OF 3 FOR CONTINUATION OF THIS SKETCH**

## **NOT A BOUNDARY SURVEY**

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

**CC-U65-3367-37**



SKETCH TO ACCOMPANY DESCRIPTION

**VACATION OF ANY AND ALL  
 EASEMENTS INCLUDING PUBLIC  
 UTILITY AND DRAINAGE OVER  
 ACROSS AND THROUGH  
 LYING IN A PORTION OF  
 BLOCK 3367, CAPE CORAL,  
 UNIT 65,  
 SECTION 10, TOWNSHIP 45 SOUTH, RANGE 23  
 EAST (PLAT BOOK 21, PAGES 151-164)  
 PUBLIC RECORDS OF LEE COUNTY, FLORIDA**

SEE EXHIBIT "A" SHEET 3 OF 3 FOR  
 DESCRIPTION TO ACCOMPANY THIS SKETCH  
 AND SEE SHEET 1 OF 3 FOR CONTINUATION  
 OF THIS SKETCH

**SKETCH NOTES:**

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF S.W. 42ND TERRACE, AS BEING N.89°54'00"E.
2. FIELD NOTES IN CAPE CORAL, BLOCK 3367.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8½x14, 60 SCALE DRAWING.

**LEGEND:**

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

**NOT A BOUNDARY SURVEY**

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

SHEET 2 OF 3  
 SEE SHEET 1 OF 3 FOR CONTINUATION OF THIS SKETCH  
 SEE SHEET 3 OF 3 (EXHIBIT "A") FOR DESCRIPTION  
 TO ACCOMPANY THIS SKETCH

CC-U65-3367-37



## EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

*VACATION OF ANY AND ALL EASEMENTS  
INCLUDING PUBLIC UTILITY AND DRAINAGE  
EASEMENTS OVER ACROSS AND THROUGH  
LYING IN A PORTION OF BLOCK 3367,*

*CAPE CORAL, UNIT 65,*

SECTION 10, TOWNSHIP 45 SOUTH, RANGE 23 EAST (PLAT BOOK 21, PAGES 151-164)  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

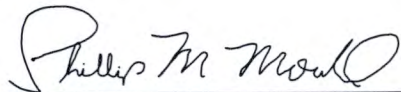
SEE SHEETS 1 AND 2 OF 3 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

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

### DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 89, BLOCK 3367, CAPE CORAL UNIT 65, AS RECORDED IN PLAT BOOK 21, PAGES 151-164, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.89°54'00"W. ALONG THE SOUTH LINE SAID LOT 89, BLOCK 3367 FOR 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN S.89°54'00"W. FOR 136.92 FEET; THENCE RUN N.00°43'32"W. FOR 213.99 FEET; THENCE RUN N.89°54'00"E. FOR 13.81 FEET; THENCE RUN N.00°43'32"W. FOR 182.00 FEET; THENCE RUN S.89°54'00"W. FOR 16.00 FEET; THENCE RUN N.00°43'32"W. TO A POINT LYING 6.00 FEET SOUTH AS MEASURED ON A PERPENDICULAR OF THE SOUTH RIGHT-OF-WAY LINE OF S.W. 42ND TERRACE (60 FEET WIDE) OF THE AFORESAID CAPE CORAL UNIT 65 FOR 38.00 FEET; THENCE RUN N.89°54'00"E. FOR 20.00 FEET; THENCE RUN S.00°43'42"E. FOR 113.01 FEET; THENCE RUN N.89°54'00"E. FOR 473.00 FEET; THENCE RUN N.00°43'32"W. TO A POINT 6.00 SOUTH AS MEASURED ON A PERPENDICULAR FROM SAID SOUTH RIGHT-OF-WAY LINE OF S.W. 42ND TERRACE (60 FEET WIDE) FOR 113.0 FEET; THENCE RUN N.89°54'00"E. FOR 6.00 FEET; THENCE RUN S.00°43'32"E. FOR 123.01 FEET; THENCE RUN S.89°54'00"W. FOR 50.99 FEET; THENCE RUN S.00°43'32"E. FOR 22.00 FEET; THENCE RUN S.89°54'00"W. FOR 278.00 FEET; THENCE RUN S.00°43'32"E. FOR 113.01 FEET; THENCE RUN S.89°54'00"W. FOR 37.00 FEET; THENCE RUN N.00°43'32"W. FOR 113.01 FEET; THENCE RUN S.89°54'00"W. FOR 113.01 FEET; THENCE RUN S.00°43'32"E. FOR 282.98 FEET; THENCE RUN N.89°54'00"E. FOR 113.01 FEET; THENCE RUN S.00°43'32"E. FOR 6.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 27,429.27 SQ FT, MORE OR LESS.



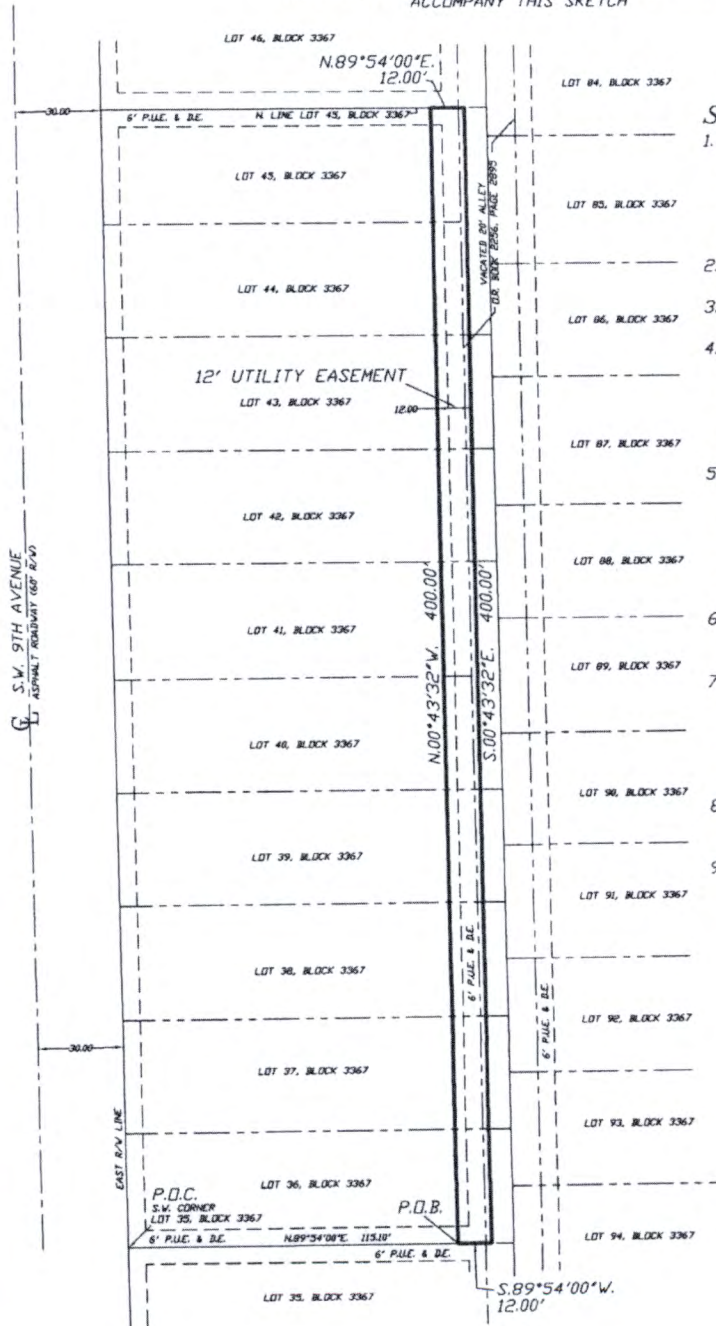
PHILLIP M. MOULD  
PROFESSIONAL SURVEYOR AND MAPPER  
#6515 - STATE OF FLORIDA  
2/14/18

**CC-U65-3367-37**  
**NOT A BOUNDARY SURVEY**

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

SKETCH TO ACCOMPANY DESCRIPTION  
12 FOOT WIDE UTILITY EASEMENT IN  
BLOCK 3367, CAPE CORAL, UNIT 65,

SECTION 10, TOWNSHIP 45 SOUTH, RANGE 23 EAST  
(PLAT BOOK 21, PAGES 151-164)  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA  
SEE EXHIBIT "A" SHEET 2 OF 2 FOR DESCRIPTION TO  
ACCOMPANY THIS SKETCH

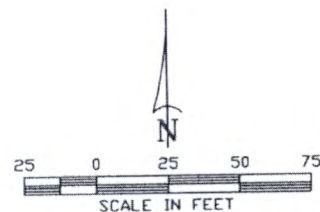


**SKETCH NOTES:**

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF S.W. 9TH AVENUE TERRACE, AS BEING "ASSUMED" AS N.00°43'32"W.
2. FIELD NOTES IN CAPE CORAL, BLOCK 3367.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 x 14, 50 SCALE DRAWING.

**LEGEND:**

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



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

CC-U65-3367-37

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



# EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

## *12 FOOT WIDE UTILITY EASEMENT IN BLOCK 3367, CAPE CORAL, UNIT 65,*

SECTION 10, TOWNSHIP 45 SOUTH, RANGE 23 EAST (PLAT BOOK 21, PAGES 151-164)  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

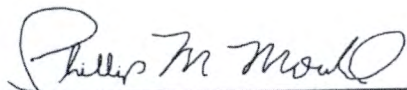
SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

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

### DESCRIPTION: UTILITY EASEMENT

COMMENCING AT THE SOUTHWEST CORNER OF LOT 36, BLOCK 3367 AND THE EAST RIGHT-OF-WAY LINE OF S.W. 9TH AVENUE (60 FEET WIDE), CAPE CORAL UNIT 65, AS RECORDED IN PLAT BOOK 21, PAGES 151-164, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°54'00"E. ALONG THE SOUTH LINE SAID LOT 36, BLOCK 3367 FOR 115.10 FEET TO THE POINT OF BEGINNING; THENCE RUN N.00°43'32"W. TO A POINT ALONG THE NORTH LINE OF LOT 45, OF SAID BLOCK 3367 FOR 400.00 FEET; THENCE RUN N.89°54'00"E FOR 12.00 FEET; THENCE RUN S.00°43'32"E. FOR 400.00 FEET; THENCE RUN S.89°54'00"W. FOR 12.00 FEET TO THE POINT OF BEGINNING.

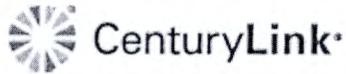
CONTAINING: 4,800 SQ FT, MORE OR LESS.



PHILLIP M. MOULD  
PROFESSIONAL SURVEYOR AND MAPPER  
#6515 - STATE OF FLORIDA  
4/17/18

CC-U65-3367-37  
NOT A BOUNDARY SURVEY

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



**Attention:**

Joe Mazurkiewicz  
*joe@bjmconsult.com*  
P O Box 101655  
Cape Coral, FL 33910  
Phone: (239) 470-5778

**Subject:** - No Objection Request/ Vacation of Internal Lot Lines and PUD's, BLK 3367

**Site Address:** Skyline Self Storage 818 SW 42nd Terrace Cape Coral FL  
33 lots in Block 3367 Strap# 10-45-23-C2-03367.0510

Dear Joe Mazurkiewicz (BJM Consulting, INC)

Regarding the referenced property above CenturyLink has **No Objection** to the Vacation of Internal Lot Lines and PUD's, BLK 3367 described by BJM Consulting. This will effectively remove all internal PUE between the 33 lots but keep a 6' PUE around the perimeter of said 33 lots described by BJM Consulting on their Exhibit Plan.

Sincerely

*JUSTIN LANE*

THANK YOU!

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





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

May 3, 2018

BJM Consulting  
C/O Joe Mazurkiewicz  
P.O. Box 101655  
Cape Coral, Florida 33910

Re; Vacation of Internal lot lines and PUD's, BLK 3367 (818 SW 42<sup>nd</sup> Terrace)

Dear Joe Mazurkiewicz,

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

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

Cordially,

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

Mark Cook  
Project Coordinator



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

May 14, 2018

Mr. Joe Mazurkiewicz, Jr.  
BJM Consulting  
P.O. Box 101655  
Cape Coral, FL 33910

Re: Letter of No Objection to Vacation of Internal Lot Lines Blks 4722 through 4725; Owner: Skyline Self Storage.

Dear Mr. Mazurkiewicz:

Your company, BJM Consulting, has opened up discussions on behalf of your client, Skyline Self Storage, LLC, with LCEC concerning development work performed affecting our easement located on blocks of the proposed subdivision plat.

We have reviewed your request, submitted related documents, and our internal files. LCEC has **no objection** to the development work being performed on the property and does not negatively affect our projected easement rights.

However, should there be any substantial changes to the plans as submitted, LCEC reserves its rights to additional, and further review and comment with additional conditions, if necessary, consistent with its findings.

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

Very truly yours,

*Russel Goodman, SR/WA*

Russel Goodman, SR/WA  
Senior Right of Way Agent - Land Rights



**Review Date:** October 23, 2018

**Property Owner:** Skyline Self Storage, LLC

**Applicant:** Skyline Self Storage, LLC

**Owner Address:** 4848 SW 23<sup>rd</sup> Ave  
Cape Coral, FL 33914

**Authorized Rep.** Joe Mazurkiewicz, BJM Consulting

**Request:** The applicant requests to vacate the following easements and lot lines in Unit 65, Block 3367, Cape Coral Subdivision:

- 1) Easements underlying a platted walkway and a portion of a platted alley whose rights-of-way were previously vacated by Resolution 140-91 as depicted in Exhibit A;
- 2) All platted easements associated with Lots 36-45, 51-62, and 76-89; and
- 3) All internal lot lines associated with Lots 36-45, 51-62, and 76-89.

**Property Location:** 824 SW 42<sup>nd</sup> Terrace

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

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

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

**Urban Service Area:** Infill and Transition

**Property Description:**

The site is ±4.85 acres, west of Skyline Boulevard, about 0.6 miles north of Cape Coral Parkway. The site is irregular and constitutes an assembly of 37 lots that includes a vacated walkway and part of a vacated alley (Figure 1). The site has frontage along two local streets; SW 42<sup>nd</sup> and Terrace SW 9<sup>th</sup> Avenue and is at the northwest corner of a deed-restricted City parking lot at 4306 Skyline Boulevard. Owners of sites adjacent to deed-restricted City parking lots are entitled to use these City properties to satisfy off-street parking area requirements provided the owner constructs the number of spaces necessary to satisfy the minimum number of parking spaces required by the Land Use and Development Regulations (LUDRs).

Resolution 140-91 vacated two, 25-foot wide walkways and part of a 20-foot wide alley in Block 3367. However, the underlying easements associated with the vacated alley were retained by the City. It is also unclear from the language in Resolution 140-91 whether easements associated with the walkways were retained by the City. For this reason, the applicant is requesting easements underlying a vacated walkway in the site be vacated as well.

The site has a Commercial/Professional Future Land Use Classification and Pedestrian Commercial (C-1) Zoning. Sites to the east and south share the same future land use and zoning classifications. Sites to the



north and west have either a Single Family or Multi-Family Future Land Use Classification and either Single Family Residential (R-1B) or Multi-Family Residential (R-3) Zoning.

**Figure 1. Aerial map showing the parcel owned by Skyline Self Storage, LLC outlined in blue with respect to the adjacent City parking lot.**



#### Zoning History of the Site

The Future Land Use Classification of the site has always been Commercial/Professional.

The zoning of the site has always been C-1.

On July 12, 2017 a special exception use for a Neighborhood Storage Facility use was approved for the site.

On June 14, 2018 a site plan for a 90,317 sq. ft. neighborhood storage facility was approved for the site.

#### Analysis:

Staff has analyzed this request for compliance with LUDR, Section 8.11, "Vacation of plats, rights-of-way and other property," and consistency with the Comprehensive Plan.

#### Request to Vacate Public Utility and Drainage Easements Underlying the Vacated Alley and Walkway

Because of the earlier alley and walkway vacations, these easements now occupy the mid portion of the site and therefore restrict the future placement of buildings on the site. The applicant seeks to vacate easements underlying a platted walkway and a portion of a platted alley whose rights-of-way were previously vacated by Resolution 140-91 as more specifically depicted and described in Exhibit "A." The area of the easements requested to be vacated is  $\pm 27,429.27$  sq. ft.

All easements are on property owned by Skyline Self Storage, LLC. The utility providers (CenturyLink, Comcast, and LCEC) lack facilities in these easements do not object to this request. The City also lacks facilities in the easements. Staff recommends a six-foot wide easement be provided by the applicant around the perimeter of the site for future utility installation and maintenance.



### Request to Vacate Platted Easements

The applicant requests that all platted easements be vacated for Lots 36-45, 51-62, 76-89, all in Block 3367. Lot 50 that is owned by Skyline Self Storage, LLC is not included in this request as an anchor wire associated with a power pole occupies a platted easement associated with this lot. Overhead power lines are in the platted easements on the east side of Lots 36-45. These platted easements are proposed to be vacated. However, to protect these facilities, the owner will provide a 12-foot wide easement along the east side of Lots 36-45 as depicted and described in Exhibit "B." Elsewhere, utilities are lacking in the remaining platted easements. As a result, all three providers (Century Link, Comcast, and LCEC) do not object to this request. The City also lacks facilities in all the platted easements. This action will create a single parcel for new development that will be unencumbered by platted easements.

### Request to Vacated Platted Lot Lines

The applicant requests that all platted lot lines be vacated for Lots 36-45, 51-62, 76-89, all in Block 3367. While the site can be developed lawfully consistent with City regulations with the lot lines intact, Planning staff has no objection to this request. Approval of this request may eliminate ambiguity on the part of developers, lenders, and insurers as to the immediate suitability of the site for development.

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

The vacation requests are consistent with the following policy that appears in the Comprehensive Plan.

### Future Land Use Element

**Policy 5.5.** The City may consider the vacation of rights-of-way to facilitate land assembly and the development of a unified, contiguous commercial project. **Staff comment: The vacation of easements and lot lines will provide a "clean," consolidated building site and may eliminate uncertainty on the part of the development community as to the suitability of the site for new construction. This policy is supportive of this request.**

### **Recommendation:**

Staff recommends **approval** of all requested vacations with the following conditions.

### Conditions of Approval

1. The vacation of the underlying easements associated with the vacated alley along with the adjacent six-foot wide platted easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen, Inc. entitled *"Vacation of any and all easements including public utility and drainage over, across, and through lying in a portion of Block 3367, Cape Coral, Unit 65"*, (Sheets 1-3), and referred to as Exhibit "A" in this report.
2. Within 60 days from the date of adoption of this vacation, the owner shall provide to the City an easement deed that grants a minimum six-foot wide public utility and drainage easement around the perimeter of the site. The deed shall be approved by the City Property Broker prior to execution.

3. Within 60 days from the date of the adoption of this vacation, the owner shall provide to the City an easement deed that grants a 12-foot wide public utility and drainage easement along the east property line of Lots 36 to 45 in Block 3367 consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen, Inc. entitled "*12 foot wide utility easement in Block 3367, Cape Coral, Unit 65,*" and referred to as Exhibit "B" in this report. The deed shall be approved by the City Property Broker prior to execution.
4. This resolution shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant provides the City with easement deeds as described in Conditions #2 and #3 above and reimburses the Department of Community Development for all recording fees associated with this resolution and the easement deeds.

---

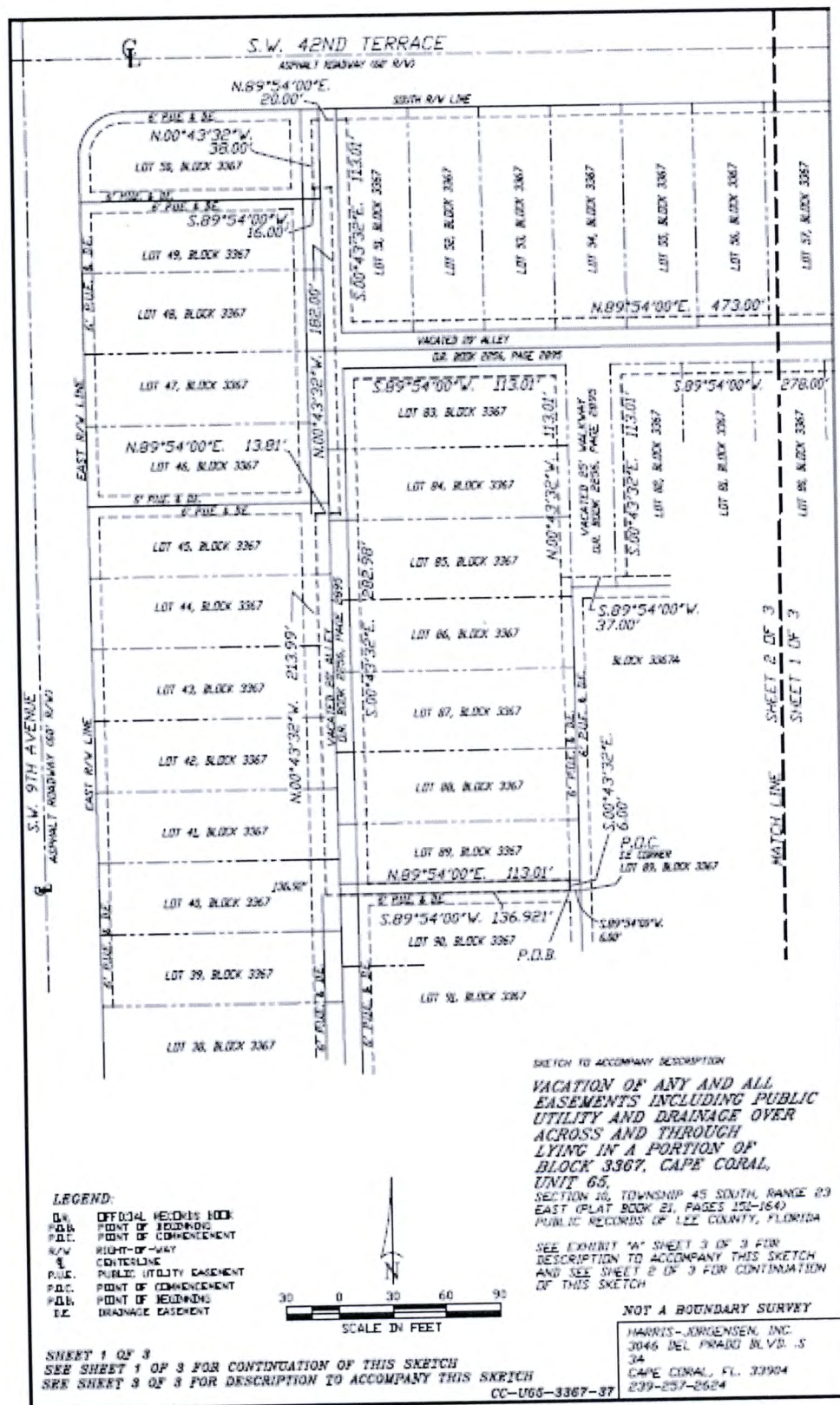
**Staff Contact Information**

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

PH: 239-242-3255

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









**Exhibit "A" (Page 3 of 3)**

**Legal Description of Vacated Area**

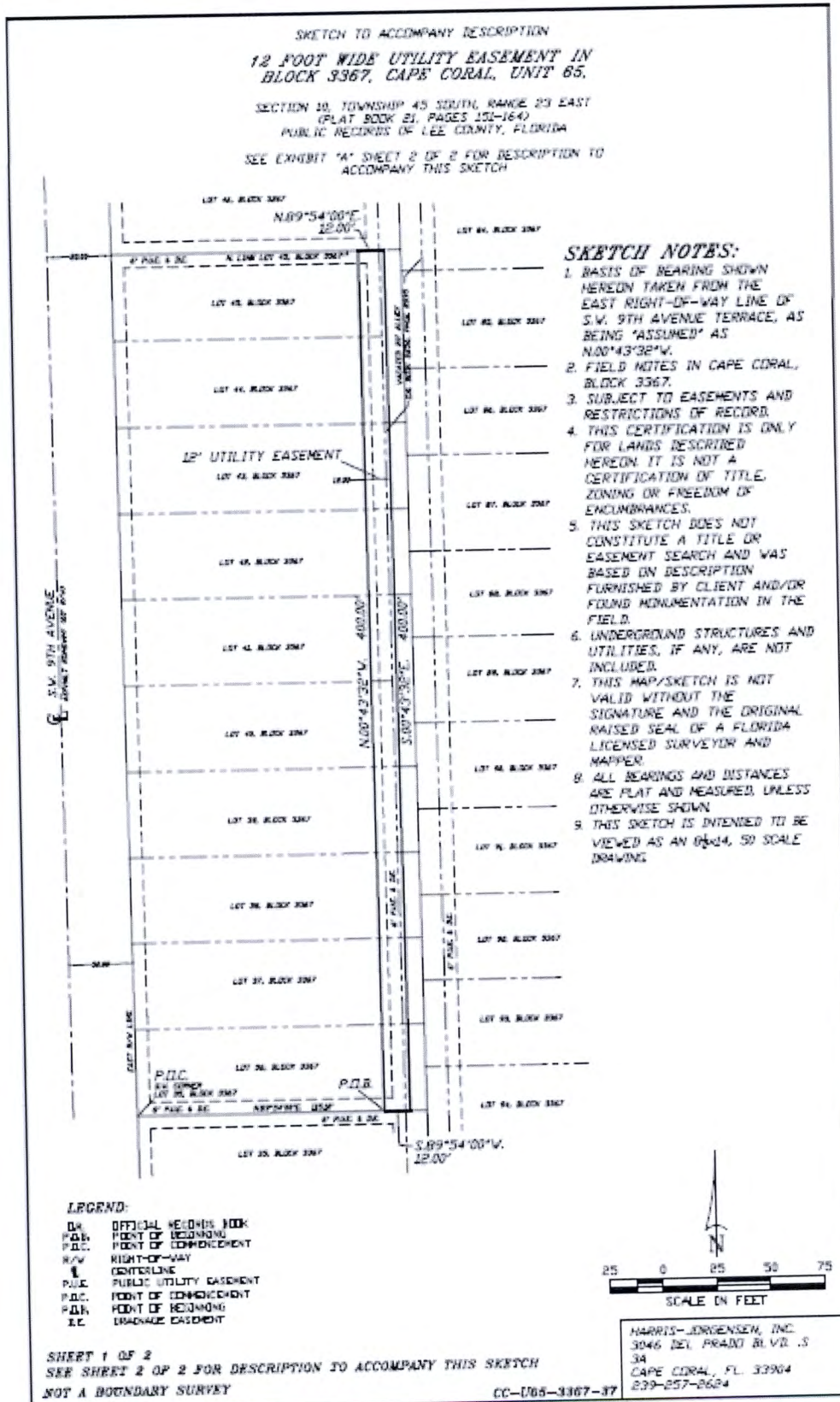
VACATION OF ANY AND ALL EASEMENTS INCLUDING PUBLIC UTILITY AND DRAINAGE EASEMENTS OVER ACROSS AND THROUGH LYING IN A PORTION OF BLOCK 3367, CAPE CORAL, UNIT 65, SECTION 10, TOWNSHIP 45 SOUTH, RANGE 23 EAST (PLAT BOOK 21, PAGES 151-164) PUBLIC RECORDS OF LEE COUNTY, FLORIDA

**DESCRIPTION:**

COMMENCING AT THE SOUTHEAST CORNER OF LOT 89, BLOCK 3367, CAPE CORAL UNIT 65, AS RECORDED IN PLAT BOOK 21, PAGES 151-164, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.89°54'00"W. ALONG THE SOUTH LINE SAID LOT 89, BLOCK 3367 FOR 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN S.89°54'00"W. FOR 136.92 FEET; THENCE RUN N.00°43'32"W. FOR 213.99 FEET; THENCE RUN N.89°54'00"E. FOR 13.81 FEET; THENCE RUN N.00°43'32"W. FOR 182.00 FEET; THENCE RUN S.89°54'00"W. FOR 16.00 FEET; THENCE RUN N.00°43'32"W. TO A POINT LYING 6.00 FEET SOUTH AS MEASURED ON A PERPENDICULAR OF THE SOUTH RIGHT-OF-WAY LINE OF S.W. 42ND TERRACE (60 FEET WIDE) OF THE AFORESAID CAPE CORAL UNIT 65 FOR 38.00 FEET; THENCE RUN N.89°54'00"E. FOR 20.00 FEET; THENCE RUN S.00°43'42"E. FOR 113.01 FEET; THENCE RUN N89°54'00"E. FOR 473.00 FEET; THENCE RUN N.00°43'32"W. TO A POINT 6.00 SOUTH AS MEASURED ON A PERPENDICULAR FROM SAID SOUTH RIGHT-OF-WAY LINE OF S.W. 42ND TERRACE (60 FEET WIDE) FOR 113.0 FEET; THENCE RUN N89°54'00"E. FOR 6.00 FEET; THENCE RUN S.00°43'32"E. FOR 123.01 FEET; THENCE RUN S.89°54'00"W. FOR 50.99 FEET; THENCE RUN S.00°43'32"E. FOR 22.00 FEET; THENCE RUN S.89°54'00"W. FOR 278.00 FEET; THENCE RUN S.00°43'32"E. FOR 113.01 FEET; THENCE RUN S.89°54'00"W. FOR 37.00 FEET; THENCE RUN N.00°43'32"W. FOR 113.01 FEET; THENCE RUN S.89°54'00"W. FOR 113.01 FEET; THENCE RUN S.00°43'32"E. FOR 282.98 FEET; THENCE RUN N.89°54'00"E. FOR 113.01 FEET; THENCE RUN S.00°43'32"E. FOR 6.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 27,429.27 SQ FT, MORE OR LESS.

Exhibit "B" (Page 1 of 2)





**Exhibit "B" (Page 2 of 2)**

**Legal Description**

12 FOOT WIDE UTILITY EASEMENT IN BLOCK 3367, CAPE CORAL, UNIT 65,  
SECTION 10, TOWNSHIP 45 SOUTH, RANGE 23 EAST (PLAT BOOK 21, PAGES 151-164)  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA;

**DESCRIPTION: UTILITY EASEMENT**

COMMENCING AT THE SOUTHWEST CORNER OF LOT 36, BLOCK 3367 AND THE EAST RIGHT-OF-WAY  
LINE OF S.W. 9TH AVENUE (60 FEET WIDE), CAPE CORAL UNIT 65, AS RECORDED IN PLAT BOOK 21,  
PAGES 151-164, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°54'00"E. ALONG THE  
SOUTH LINE SAID LOT 36, BLOCK 3367 FOR 115.10 FEET TO THE POINT OF BEGINNING; THENCE RUN  
N.00°43'32"W. TO A POINT ALONG THE NORTH LINE OF LOT 45, OF SAID BLOCK 3367 FOR 400.00 FEET;  
THENCE RUN N.89°54'00"E FOR 12.00 FEET; THENCE RUN S.00°43'32"E. FOR 400.00 FEET; THENCE RUN  
S.89°54'00"W. FOR 12.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 4,800 SQ FT, MORE OR LESS.

COUNCILMEMBER GIEBELS

VP 09-91-508  
09/30/91

## RESOLUTION 140 - 91

A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR A PORTION OF A TWENTY (20) FOOT ALLEY AND TWO (2) TWENTY-FIVE (25) FOOT WALKWAYS LYING WITHIN BLOCK 3367, UNIT 65, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 21, PAGE 157 AND 160, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; PROPERTY LOCATED WEST ON SKYLINE, BETWEEN SOUTHWEST 42ND TERRACE AND SOUTHWEST 44TH STREET; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Petition was filed by CITY OF CAPE CORAL for the vacation of plat on property described herein; and

WHEREAS, the Petition meets the requirements of Land Use Development Regulations, Article VIII, Section 8.11, Vacation of Plats, Streets and Other Property of the Code of Ordinances of the City of Cape Coral and it is to the best interest of the public that such Petition be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. That the Petition meets the requirements of City of Cape Code Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The following-described portion of a twenty (20) foot alley and two (2) twenty-five (25) foot walkways are hereby vacated except the City retains and reserves the entire described alley for public utilities and drainage, and incidentals therewith, and all existing utility easements, to wit:

Two certain tracts of land situated in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 of Section 10, Township 45 South, Range 23 East, Lee County, Florida, being a portion of alleys and walkways located in Block 3367, Cape Coral Subdivision, Unit 65, as recorded in Plat Book 21, Pages 157 and 160, of the Public Records of Lee County, FLorida, being more particularly described as follows:

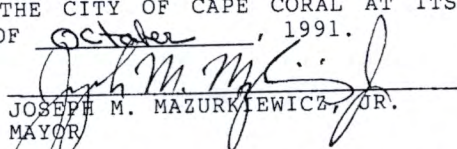
TRACT ONE: Commencing at the northwest corner of Lot 51, Block 3367, the Point of Beginning, being a point on the south right of way line of SW 42 Terrace; Thence S00°43'32"E a distance of 125.01 feet to the southwest corner of Lot 51; Thence N89°54'00"E a distance of 745.05 feet along the south line of Lots 51 through 68, to the southeast corner of Lot 68, being a point on the west right of way line of Skyline Boulevard; Thence S00°43'32"E a distance of 20.00 feet along the last described line, to the northeast corner of Lot 69; Thence S89°54'00"W a distance of 595.04 feet along the north line of Lots 69 through 82 to the northwest corner of Lot 82; Thence S00°43'32"E a distance of 125.01 feet to the southwest corner of Lot 82; Thence S89°54'00"W a distance of 25.00 feet along the south line of a walkway to a point on the east line of Lot 85; Thence N00°43'32"W a distance of 125.01 feet along the east line of Lots 83 through 85, to the northeast corner of Lot 83; Thence S89°54'00"W a distance of 125.01 feet to the northwest corner of Lot 83; Thence S00°43'32"E a distance of 1,019.98 feet along the west line of Lots 83 through 107 to the southwest corner of Lot 107; Thence S89°54'00"W a distance of 20 feet to a point on the east line of Lot 22; Thence N00°43'32"W a distance of 1164.99 feet along the west line of Lots 22 through 50, to the northeast corner of Lot 50, being also a point on the south right of way line of SW 42 Terrace; Thence N89°54'00"E a distance of 20.00 feet to the Point of Beginning, said tract containing 41,324 square feet of 0.949 acres, more or less.



TRACT TWO: Commencing at the northwest corner of Lot 108, Block 3367, the Point of Beginning; being also the northeast corner of a walkway; Thence S00°43'32"E a distance of 125.01 feet to the southwest corner of Lot 108, being a point on the north line of an alley and also the southeast corner of a walkway; Thence S89°54'00"W a distance of 25.00 feet along the last described line to the southeast corner of Lot 107, being also the southwest corner of a walkway; Thence N00°43'32"W a distance of 125.01 feet along the east line of Lots 104 through 107, to the northwest corner of a walkway; Thence N89°54'00"E a distance of 25.00 feet along the north line of a walkway, to the Point of Beginning, said tract containing 3,125 square feet, or 0.072 acres, more or less.

Section 2. This Resolution shall take effect immediately upon adoption.

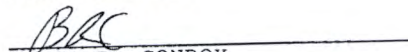
ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 28th DAY OF October, 1991.

  
JOSEPH M. MAZURKIEWICZ, JR.  
MAYOR

ATTESTED TO AND FILED IN MY OFFICE THIS 30th DAY OF October, 1991.

  
EULA R. JORGENSEN, CITY CLERK

LEGAL REVIEW:

  
BRUCE R. CONROY  
CITY ATTORNEY  
2544E/81



## NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** VP18-0005

**REQUEST:** Skyline Self Storage, LLC seeks a vacation of plat for easements underlying a platted walkway and a portion of a platted alley whose rights-of-way were previously vacated by Resolution 140-91 in Block 3367, Unit 65, Cape Coral; and a vacation of platted easements and lot lines in Lots 36-45, 51-62, and 76-89 in Block 3367, Unit 65, Cape Coral. The property is located at 824 SW 42<sup>nd</sup> Terrace.

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

**PROPERTY OWNER(S):** Skyline Self Storage, LLC

**AUTHORIZED REPRESENTATIVE:** Joe Mazurkiewicz, BJM Consulting, Inc.

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, November 6, 2018 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

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

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

news-press.com A GANNETT COMPANY

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

**TOLL-FREE**  
888-516-9220

**Local #**  
239-335-0258

**Email**  
FNPLegals@gannett.com

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

**Ad No.:** 0003219169

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

**Net Amt:** \$393.14

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 10/27/18

**Text of Ad:**

**NOTICE OF PUBLIC HEARING**  
CASE NUMBER: VP18-0005

**REQUEST:** Skyline Self Storage, LLC seeks a vacation of plat for easements underlying a platted walkway and a portion of a platted alley whose rights-of-way were previously vacated by Resolution 140-91 in Block 3367, Unit 65, Cape Coral; and a vacation of platted easements and lot lines in Lots 36-45, 51-62, and 76-89 in Block 3367, Unit 65, Cape Coral. The property is located at 824 SW 42nd Terrace.

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

**PROPERTY OWNER(S):**  
Skyline Self Storage, LLC

**AUTHORIZED REPRESENTATIVE:**  
Joe Mazurkiewicz, BJM Consulting, Inc.

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, November 6, 2018 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

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

After Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice when this case is scheduled for a City Council hearing.

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

val. 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 # VP18-0005  
AD# 3219169 Oct. 27, 2018



Department of Community Development  
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Skyline Self Storage LLC

APPLICATION NO: VP18-0005

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 29<sup>th</sup> day of October, 2018.

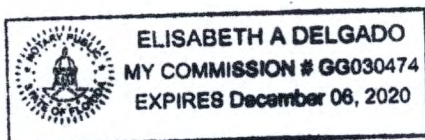


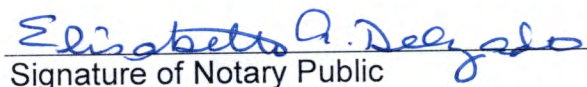
Vincent A. Cautero, AICP

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of October, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # 66030474



  
Signature of Notary Public

Elisabeth A. Delgado  
Print Name of Notary Public



SUBJECT PARCEL

SW 8TH CT

SW 8TH PL

SW 42ND TER

SKYLINE BLVD

SW 7TH PL

SW 9TH PL

SW 9TH AVE

CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

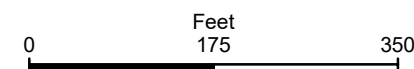
Case No. VP18-0005



Subject Parcel



AUGUST 16TH, 2018



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





CITY OF CAPE CORAL  
Department of  
Community Development  
Planning Division

CURRENT ZONING MAP  
500' Proximity Boundary

Case No. VP18-0005

**LEGEND**

 500' Proximity Boundary

 Subject Parcel

**Zoning**

 C-1

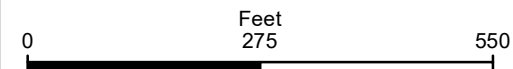
 R-1B

 R-3

 W



AUGUST 16TH, 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.

