

EXHIBITS

from HEX hearing

CASE #: DC12007-00026

CASE NAME: Pine Shadow Air Park

Attach a copy of this form to the top of packet of the exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? ☐ YES ☐ NO

LOCATION OF BOARDS:

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

EXHIBITS

1/23/09

APPLICANT

#1 _____

#2 _____

#3 _____

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

OTHER EXHIBITS

NAME

#1 _____

#2 _____

#3 _____

#4 _____

#5 _____

STAFF

#1 Halley Resume

#2 _____

#3 _____

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

NAME

#1 _____

#2 _____

#3 _____

#4 _____

#5 _____

EXHIBITS

APPLICANT

- #1 MCP (2 pages)
- #2 _____
- #3 _____
- #4 _____
- #5 _____
- #6 _____
- #7 _____
- #8 _____
- #9 _____
- #10 _____

STAFF

- #1 to large aerial
- #2 small aerial
- #3 5 photos & prop-
- #4 Prop Appraiser Records
- #5 Ownership Records / Air Strip
- #6 Prairie Pines Pasture
- #7 Site Plan
- #8 _____
- #9 _____
- #10 _____

OTHER EXHIBITS

NAME

- #1 Marz - Zoning
- #2 _____
- #3 _____
- #4 _____
- #5 _____

NAME

- #1 _____
- #2 _____
- #3 _____
- #4 _____
- #5 _____



BETWEEN HANGARS



BETWEEN + BACK BY PRESERVE



PARCEL C



EXHIBIT #1
PC007
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PC099
PC100



PARCEL C



BETWEEN HANGARS

01.19.2006



BETWEEN HANGARS



PARCEL C

01.18.2006



02.26.2006

PARCEL A



PARCEL C

03.02.2006



02.25.2006

PARCEL A



03.01.2006

PARCEL A TO RIGHT OF WAY

2277 Main Street
Fort Myers, FL 33901
Telephone (239) 332-2100
Facsimile (239) 332-2150
jmadden@myfloridaattorney.com

**Law Office of
Joseph M. Madden, Jr., LLC**

Fax

Diana Parker, Chief

To: Hearing Examiner

From: Joseph M. Madden, Jr.

Fax: 485-8406

Pages: 2

Phone:

Date: 2-6-09

Re:

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

LEE COUNTY
HEARING EXAMINER
09 FEB -6 PM 2:29

IF YOU DO NOT RECEIVE THE COMPLETE TRANSMISSION, OR HAVE ANY PROBLEMS WITH THE TRANSMITTAL, PLEASE CALL 239-332-2100.

The information contained in this facsimile transaction is attorney privileged and confidential information intended only for the use of the individual named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the United States Postal Service.

*Madden Exh. 1
(post hrg. submittal)
DCI 2007-00026*

Law Office of
Joseph M. Madden Jr.
LLC

February 6, 2009

Via Facsimile

Ms. Diana Parker, Chief Hearing Examiner
Lee County Hearing Examiner
1500 Monroe Street
Fort Myers, FL 33901

RE: Pine Shadows Airpark Property Owner's Association, Inc.'s Zoning Application
Case No.: DCI2007-00026

Dear Ms. Parker:

Below please find the Pine Shadows Airpark Property Owner's Association's response to the staff proposals and applicant proposals circulated during the pendency of the continuance on the above-referenced case.

The Shadows Airpark Property Owner's Association hereby renews its objection to the approval of any office use at the western side of the runway for Pine Shadows Airpark. Based upon the testimony and evidence submitted to you at the earlier hearing, this objection is renewed despite the attempts to make such use compatible and/or consistent with the county regulations and rules, and attempts to protect the public safety and welfare.

With regard to open storage on Parcel C, our clients have also renewed their position very clearly stated at the hearing. That position is that open storage is not appropriate next to the runway parcel. In the event that the Hearing Examiner finds that open storage use is appropriate, it is imperative that such open storage be buffered in the same manner as was originally contemplated in Zoning Resolution Z-98-069, with a fifteen foot buffer on the north side of the open storage and a fifteen foot buffer to the east side of the open storage, together with the wall and height limitations outlined in the County's new recommendation.

We appreciate the difficult task ahead of you and ask that the testimony and evidence submitted by the parties affected most by this proposal, our clients, be given great weight.

Sincerely,


Joseph M. Madden, Jr.

JMM:sc

cc: Jerry Ellis, on behalf of Pine Shadows Airpark Property Owner's Association [VIA EMAIL]
Mike Roeder, Esq., on behalf of the Applicant [VIA FAX & EMAIL]
Tony Palermo, Senior Planner, AICP [VIA EMAIL]

*** RX REPORT ***

RECEPTION OK

TX/RX NO	5075
DESTINATION TEL #	239+332+2150
DESTINATION ID	
ST. TIME	02/06 03:25
TIME USE	00'25
PGS.	2
RESULT	OK

My name is Linda Yorde & I reside with my husband Roger at 18771 Crosswind Avenue, in Pine Shadows Airpark. This is our home & we are permanent residents. We developed, owned and operated Yorde Aviation in Delaware for several years prior to moving to the Keys where we were part owners, as well as manager, secretary & treasurer of a private airport for over 20 years. All that is to say we've been involved in aviation, airports, zoning, FAA regulations, etc., for most of our adult lives.

We are opposed to granting the request of the applicant. Some of the grounds are that additional, occupied development this close to the end of the runway is not needed and could endanger continued operation of the airfield because of noise complaints from occupants of a new office/professional building. Small airports throughout the country have closed due to similar complaints, even though runways had been established long before other development occurred. Other communities are spending large amounts of money for noise mitigation in buildings surrounding airports.

Due to a history of code violations, we do not believe the applicant can be relied on to meet conditions which are set forth in the staff report/recommendations. The burden would continue to be on airpark residents to report code violations as they are sure to occur. Even today, there is unauthorized outside storage of vehicles, trailers, etc. on the south side of the property.

We do not believe Runway Street, which is a private street owned and maintained by Pine Shadows Homeowners Association, should be utilized by the proposed additional development. Although the applicant currently has an easement to use our road, he does not contribute to its upkeep. With the number of vehicles currently using the existing development, the traffic count rivals that of the homeowners. What will it be with 43 new parking spaces east of the proposed building?

However, if further development is approved, we have some recommended changes to be included in this, or subsequent approvals:


- 1) All three walls of the fence surrounding the outside storage area need to be reinforced, finished masonry.
- 2) Maximum height of the trees on the north side of the fence surrounding the outside storage area needs to be addressed. They cannot be allowed to grow into the trapezoid.
- 3) Address soundproofing of the new building so occupants do not complain of aircraft noise during direct overflight (normal operation).
- 4) In Staff Report prepared for the December 4, 2008 hearing, Section II A 2, Schedule of Uses, (page 2 of 13), delete "*caretaker's residence*" and delete Section 5 **NO RETAIL SALES.**
- 5) Same report, Section II A 2, Schedule of Uses, Storage – Open (page 3 of 21), add, "after large trucks, i.e. semi-trailers" "**...garbage trucks, large motor homes, school buses**"...

These recommendations are in addition to those outlined by Mr. Palermo in his January 16, 2008 memo.

In conclusion, we urge you not to approve applicant's request. If, however, you recommend approval, request you consider incorporating the above suggestions.

Thank you.

Respectfully,


ROGER AND LINDA YORDE

cc: Lee County Planner
Hearing Examiner

EXHIBIT #1
DCI2007-
YORDE 00026

Knott, Consoer, Ebelini

Hart & Swett, P.A.

ATTORNEYS - AT - LAW

mroeder@knott-law.com

1625 HENDRY STREET (33901)
POST OFFICE BOX 2449
FORT MYERS, FL 33902-2449TELEPHONE (239) 334-2722
TELECOPIER (239) 334-1446
WWW.KNOTT-LAW.COM**FAX TRANSMITTAL COVER SHEET**TOTAL PAGES INCLUDING COVER PAGE: 3

DATE: February 6, 2009
TO: Lee County Hearing Examiner
FAX #: 479-8106
FROM: Mike Roeder
COMMENTS: Re: DCI2007-00026 Pine Shadows CPD Amendment

Attached please find Feb. 6th memo.

9067.000

INITIALS: NMER

ORIGINAL: Mailed- ☐Federal Expressed- ☐Held in File- ☒

SHOULD YOU HAVE PROBLEMS RECEIVING THIS TRANSMISSION, PLEASE CALL SENDER AT (239) 334-2722.

THIS FAX SENT FROM FAX # (239) 334-1446 ☒ (239) 334-2801 ☐ (239) 334-8458 ☐ by: ZW

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G:\ZONING\MacDuff\HEX fax3.wpd

Applicant's Exh. 2
(post hrg. submittal)
DCI2007-00026

Knott, Consoer, Ebelini**Hart & Swett, P.A.**

ATTORNEYS - AT - LAW

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett
Aaron A. Haak++

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* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer
++ Board Certified Construction Lawyer

mroeder@knott-law.com

Michael E. Roeder, AICP
Director of Zoning
and Land Use Planning

MEMORANDUM

TO: Lee County Hearing Examiner

FROM: Mike Roeder

DATE: February 6, 2009

RE: DCI2007-00026 Pine Shadows CPD Amendment

In response to the revised staff conditions dated January 28, 2009, the Applicant would note the following disagreement:

1. Condition 2: Schedule of Uses - Staff is recommending excluding garbage trucks, motor homes, and school buses from the open storage. We would object to the exclusion of motor homes as that is a very likely potential tenant for this facility.
2. Condition 7: It would still be the Applicant's intent to vacate the 10 foot utility easement on the north side of the property, and if that is accomplished, the 7.5 foot wide buffer would go in that location on the north side of the proposed wall. If the vacation is not approved, the 7.5 foot wide buffer, if required, would have to go on the south side of the existing easement, and we would request that the condition allow for a design for a diagonal access into the storage area. This would mean stopping the wall approximately 10 feet further east than previously shown on the MCP.
3. Condition 16: We continue to object to the requirement to remove the septic system within 90 days of approval of the zoning. We would agree to remove the septic tank within one year of notification by North Fort Myers Utility of sewer availability or when the office building is developed, whichever occurs first.
4. Condition 17: We would agree to enclose the existing solid waste facilities concurrently with the installation of the required buffer, if that buffer is required at the time of the development of the open storage facility and its buffer.

Lee County Hearing Examiner
February 6, 2009

5. Condition for Deviation #2: We continue to object to the 6 month deadline to install the required buffers along the south property line. Our position is that the buffer for the open storage area and the existing warehouse building should be required at the time that the open storage area is developed, and the buffer for the office building should be required at the time the development order for that office building is approved.

6. Condition for Deviation #3: We are in agreement with this condition with the understanding that a vacation of the easement may be pursued, and if approved, the wall and buffer would go within that area. Otherwise, as noted above, we would request that the wall be shortened slightly on the north side to allow for a diagonal entranceway into the storage area that would be more functional.

MER:zw

cc: Tony Palermo
John Fredyma, Esq.
Joe Madden
Jay MacDuff

*** RX REPORT ***

RECEPTION OK

TX/RX NO	5078
DESTINATION TEL #	239 334 1446
DESTINATION ID	
ST. TIME	02/06 05:10
TIME USE	00'31
PGS.	3
RESULT	OK

Knott, Consoer, Ebelini

Hart & Swett, P.A.

ATTORNEYS - AT - LAW

mroeder@knott-law.com

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G:\ZONING\MacDuff\HEX fax3.wpd

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Lee County Hearing Examiner
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MER:zw

cc: Tony Palermo
John Fredyma, Esq.
Joe Madden
Jay MacDuff

*** RX REPORT ***

RECEPTION OK

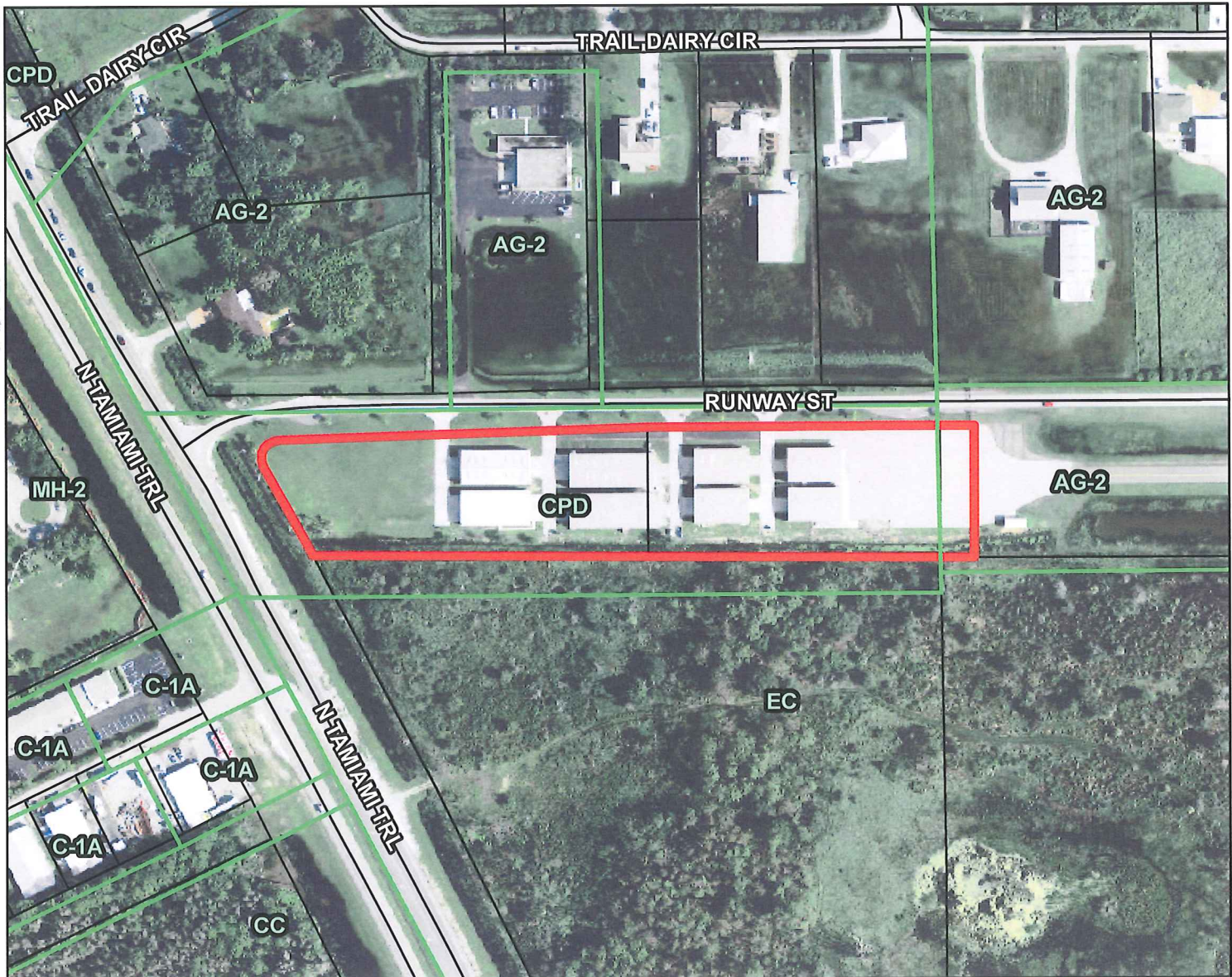
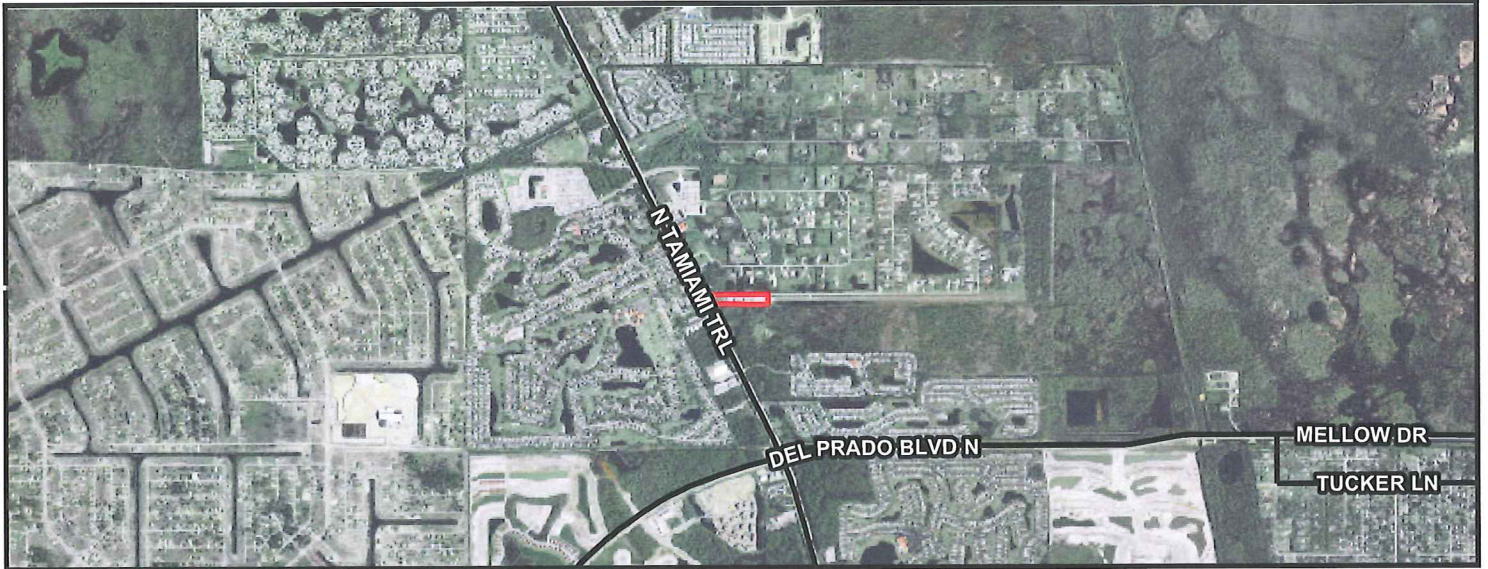
TX/RX NO	5077
DESTINATION TEL #	239 334 1446
DESTINATION ID	
ST. TIME	02/06 05:09
TIME USE	00'31
PGS.	3
RESULT	OK



This map drawn for visual purposes only.
Not to be used for official zoning map.

2007 Aerial Photography
Printed Oct. 29, 2008

Pine Shadow Air Park
CPD
DCI2007-00026



Staff's ex #2 DCI2007 00026



Slack 443
0012007-00026



OCT 14 2008



OCT 14 2008





OCT 14 2008

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 16-43-24-03-00000.F000

TAX YEAR 2008 FINAL

Parcel data is available for the following tax years:

[[2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) | [2006](#) | [2007](#) | 2008 (Final)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#) | [Display Tangible Accounts on this Parcel](#) | [Display Tax Bills on this Parcel](#) | [Tax Estimator](#)]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE. LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2008 FINAL ROLL.

PROPERTY DETAILS

OWNER OF RECORD

MACDUFF JAY A
TR
FOR JAY A
MACDUFF TRUST
PO BOX 101177
CAPE CORAL FL
33910

SITE ADDRESS

2860 RUNWAY ST
NORTH FORT
MYERS FL 33917

LEGAL DESCRIPTION

PINE SHADOWS
AIR PARK
REPLAT PT PB 39
PG 6
TRACT F

[[VIEWER](#)] TAX MAP [[PRINT](#)]

IMAGE OF STRUCTURE



Photo Date: April of 2004

[[PICTOMETRY](#)]

TAXING DISTRICT

039 - NORTH FORT MYERS FIRE

DOR CODE

20 - AIRPORTS, TERMINALS, PIERS

PROPERTY VALUES (TAX ROLL 2008)

[[HISTORY CHART](#)]

JUST	924,720
ASSESSED	924,720
ASSESSED SOH	924,720
TAXABLE	924,720
BUILDING	452,690

EXEMPTIONS

HOMESTEAD
WIDOW
WIDOWER
DISABILITY
WHOLLY

ATTRIBUTES

0	LAND UNITS OF	SF
0	MEASURE	
0	TOTAL NUMBER OF	115,434.00
0	LAND UNITS	
0	FRONTAGE	0
0	DEPTH	0

STAFF EXHIBIT #

BUILDING	9,300	INCL. IN
FEATURES		BLDG VALUE.
LAND	472,030	
LAND	68,010	INCL. IN LAND
FEATURES		VALUE.
SOH DIFFERENCE	0	

AGRICULTURE

0	BEDROOMS	0
	BATHROOMS	4
	TOTAL BUILDING	24,279
	SQFT	
	1ST YEAR BUILDING	1987
	ON TAX ROLL	
	HISTORIC DISTRICT	NO

SALES/TRANSACTIONS

SALE PRICE	DATE	OR NUMBER	TYPE	TRANSACTION DETAILS DESCRIPTION	VACANT / IMPROVED
525,000	8/29/2003	4057/3459	06	Qualified (Fair Market Value / Arms Length / One STRAP #)	I
100	9/25/2001	3491/611	01	Disqualified (Doc Stamp .70 / SP less th \$100 / Other Disq)	I
400,000	5/7/1998	2960/2810	06	Qualified (Fair Market Value / Arms Length / One STRAP #)	I
460,500	9/1/1995	2635/3387	04	Disqualified (Multiple STRAP # - 01,03,04,07) There are 1 additional parcel(s) with this document (may have been split after the transaction date)... 16-43-24-03-00000.E01A	I
100	3/1/1995	2592/3123	03	Disqualified (Interest Sales / Court Docs / Government) There are 2 additional parcel(s) with this document (may have been split after the transaction date)... 15-43-24-00-00004.0010 , 16-43-24-03-00000.E01A	I

PARCEL NUMBERING HISTORY

CREATION DATE - 1/1/1988

PRIOR STRAP
15-43-24-01-00000.F000

RENUMBER REASON
Reserved for Renumber ONLY

RENUMBER DATE

SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY	UNIT/AREA	TAX AMOUNT
005 - Service Area 5	C - Commercial Category	B	23598	411.52
COLLECTION DAYS				
GARBAGE Thursday	RECYCLING Monday	HORTICULTURE Monday		

ELEVATION INFORMATION

STORM SURGE CATEGORY	FLOOD INSURANCE (FIRM FAQ)				
	RATE CODE	COMMUNITY	PANEL	VERSION	DATE
4/5	X	125124	0260	F	8/28/2008

[[Show](#)]**APPRAISAL DETAILS**TRIM (*proposed tax*) Notices are available for the following tax years:[[1997](#) | [1998](#) | [1999](#) | [2000](#) | [2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) | [2006](#) | [2007](#) | [2008](#)][[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#)][[New Query](#) | [Parcel Queries Page](#) | [Lee PA Home](#)]

This site is best viewed with [Microsoft Internet Explorer 5.5+](#) or [Netscape Navigator 6.0+](#).
Page was last modified Thursday, October 30, 2008 1:23:02 PM.

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 16-43-24-03-00000.E01A

TAX YEAR 2008 FINAL

Parcel data is available for the following tax years:

[[2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) | [2006](#) | [2007](#) | 2008 (Final)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#) | [Display Tangible Accounts on this Parcel](#) | [Display Tax Bills on this Parcel](#) | [Tax Estimator](#)]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE. LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2008 FINAL ROLL.

PROPERTY DETAILS

OWNER OF RECORD

PINE SHADOWS
STORAGE LLC
PO BOX 101177
CAPE CORAL FL
33910

SITE ADDRESS

2920 RUNWAY ST
NORTH FORT
MYERS FL 33917

LEGAL DESCRIPTION

PINE SHADOWS
AIR PARK
PB 34 PG 61
TRACT E
DESC IN OR 1821
PG 3193

[[VIEWER](#)] TAX MAP [[PRINT](#)]

IMAGE OF STRUCTURE



Photo Date: May of 2007

[[PICTOMETRY](#)]

TAXING DISTRICT

039 - NORTH FORT MYERS FIRE

DOR CODE

20 - AIRPORTS, TERMINALS, PIERS

PROPERTY VALUES (TAX ROLL 2008)

[[HISTORY CHART](#)]

JUST	631,550
ASSESSED	631,550
ASSESSED SOH	631,550
TAXABLE	631,550
BUILDING	260,730
BUILDING	INCL. IN

EXEMPTIONS

HOMESTEAD
WIDOW
WIDOWER
DISABILITY
WHOLLY
AGRICULTURE

0
0
0
0
0
0

ATTRIBUTES

LAND UNITS OF MEASURE	SF
TOTAL NUMBER OF LAND UNITS	87,120.00
FRONTAGE	0
DEPTH	0
BEDROOMS	0

FEATURES	10,850	BLDG VALUE.
LAND		370,820
LAND	109,460	INCL. IN
FEATURES		LAND VALUE.
SOH DIFFERENCE		0

BATHROOMS	0
TOTAL BUILDING	16,524
SqFT	
1ST YEAR BUILDING	1987
ON TAX ROLL	
HISTORIC DISTRICT	NO

SALES/TRANSACTIONS

SALE PRICE	DATE	OR NUMBER	TYPE	TRANSACTION DETAILS DESCRIPTION	VACANT / IMPROVED
700,000	9/1/2005	2005000039849	06	Qualified (Fair Market Value / Arms Length / One STRAP #)	I
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PARCEL NUMBERING HISTORY

CREATION DATE - 1/1/1986

PRIOR STRAP
15-43-24-01-00000.E01A

RENUMBER REASON
Reserved for Renumber ONLY

RENUMBER DATE

SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY	UNIT/AREA	TAX AMOUNT
----------------------	-----------	----------	-----------	------------

005 - Service Area 5	C - Commercial Category	B	16524	288.90
COLLECTION DAYS				
GARBAGE	RECYCLING	HORTICULTURE		
Thursday	Monday	Monday		

ELEVATION INFORMATION

STORM SURGE CATEGORY	FLOOD INSURANCE (FIRM FAQ)				
	RATE CODE	COMMUNITY	PANEL	VERSION	DATE
4/5	X	125124	0260	F	8/28/2008

[[Show](#)]

APPRAISAL DETAILS

TRIM (*proposed tax*) Notices are available for the following tax years:
[[1997](#) | [1998](#) | [1999](#) | [2000](#) | [2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) | [2006](#) | [2007](#) | [2008](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#)]

[[New Query](#) | [Parcel Queries Page](#) | [Lee PA Home](#)]

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Page was last modified Thursday, October 30, 2008 1:23:02 PM.

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 15-43-24-01-0000A.00CE **TAX YEAR 2008 FINAL**

Parcel data is available for the following tax years:

[[2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) | [2006](#) | [2007](#) | 2008 (Final)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#) | [Display Tax Bills on this Parcel](#) | [Tax Estimator](#)]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE. LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2008 FINAL ROLL.

PROPERTY DETAILS

OWNER OF RECORD

PINE SHADOWS AIR PARK
 OWNERS ASSN
 18591 BASE LEG AVE
 NORTH FORT MYERS FL 33917

SITE ADDRESS

COMMON ELEMENT
 NORTH FORT MYERS FL 33917

LEGAL DESCRIPTION

PINE SHADOWS AIR PARK
 PB 34 PG 67
 TRACTS A B C D

[[VIEWER](#)] TAX MAP [[PRINT](#)][[PICTOMETRY](#)]

TAXING DISTRICT

039 - NORTH FORT MYERS FIRE

DOR CODE

99 - ACREAGE NOT AG CLASSIFIED

PROPERTY VALUES (TAX ROLL 2008)

[[HISTORY CHART](#)]

JUST	0	
ASSESSED	0	
ASSESSED SOH	0	
TAXABLE	0	
BUILDING	0	
BUILDING	0	INCL. IN BLDG
FEATURES	0	VALUE.
LAND	0	
LAND	0	INCL. IN LAND
FEATURES	0	VALUE.

EXEMPTIONS

HOMESTEAD
 WIDOW
 WIDOWER
 DISABILITY
 WHOLLY
 AGRICULTURE

ATTRIBUTES

0	LAND UNITS OF MEASURE	
0	FRONTAGE	0
0	DEPTH	0
0	BEDROOMS	
0	BATHROOMS	
0	TOTAL BUILDING SQFT	
	1ST YEAR BUILDING ON TAX	
	ROLL	0
	HISTORIC DISTRICT	No

SOH DIFFERENCE

0

SALES/TRANSACTIONS

SALE PRICE	DATE	OR NUMBER	TYPE	TRANSACTION DETAILS DESCRIPTION	VACANT / IMPROVED
100	1/1/1982	1574/1890	01	Disqualified (Doc Stamp .70 / SP less th \$100 / Other Disq)	V

PARCEL NUMBERING HISTORY

CREATION DATE - 1/1/1989

PRIOR STRAP	RENUMBER REASON	RENUMBER DATE
15-43-24-01-00000.A000	Delete Parcel-add back to roll under new STRAP (same value)	Tuesday, February 09, 1999
00-00-00-00-00000.0000	Combined (With another parcel-Delete Occurs)	

SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY	UNIT/AREA	TAX AMOUNT
005 - Service Area 5	-		0	0.00
COLLECTION DAYS				
GARBAGE Thursday	RECYCLING Monday	HORTICULTURE Monday		

ELEVATION INFORMATION

STORM SURGE CATEGORY	RATE CODE	FLOOD INSURANCE (FIRM FAQ)	COMMUNITY	PANEL	VERSION	DATE
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4/5

X

125124

0260

F

8/28/2008

[\[Show \]](#)

APPRAISAL DETAILS

[\[Next Lower Parcel Number \]](#) [\[Next Higher Parcel Number \]](#)[\[New Query \]](#) [\[Parcel Queries Page \]](#) [\[Lee PA Home \]](#)

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James R. Halley, III
20031 Barletta Lane, Apt. 2322
Estero, FL 33928
(305) 992-1643
JimHalley3rd@yahoo.com

PROFILE

- Experienced project coordinator with a background in airport planning, operations, land use, noise program management, and airspace analysis.
- Accomplished military leader and manager with Special Forces training.
- Proven record of outstanding leadership, planning, and organization.

PROFICIENCIES/SKILLS

- Systems/Programs: Lochard's ANOMS and WebTrak, 3DAAP (certified), AutoCAD, GPS, SIMMOD, INM, GIS, and Microsoft Office.
- Experience with Part 150 studies, Part 139 and General Aviation Airport operations, airport master plans, Advisory Circulars, public presentations, and a thorough knowledge of planning principals and practices.
- Collaborating with team members to devise management plans based on community input and observations.
- Writing technical papers, data analysis, presenting research, and written and verbal communication.

EDUCATION

Florida Institute of Technology
M.S.A. in Applied Aviation Safety
B.S. in Aviation Management

2003 - Present
December, 2003

Flight Experience

- 50 hours completed towards private pilot certification in a T-41/Cessna 172 and a Piper Warrior.
- Completed Aeronautics I and II, the ground-based schools corresponding to VFR and IFR pilot certification.

PROFESSIONAL EXPERIENCE

Lee County Port Authority – Department of Planning and Environmental Compliance August, 2007-Present
Airport Planner/ Noise and Airspace Project Coordinator for Southwest Florida International Airport and Page Field

- Assisted in the revision of Lee County Land Development Code Section 34 addressing airspace obstruction analyses and land use compatibility reviews for off-airport development.
- Oversaw the Port Authority's study of and involvement in the FAA's West Coast Airspace Redesign Initiative, performed impact research, formed cooperative relationships with LCPA staff, consultants, the FAA, and county officials, and created maps and documents subsequently adopted for use by the FAA.
- Assisted in the master plan update process for a reliever airport averaging over 80,000 operations per year.
- Perform FAA Part 77 surface analyses, review development plans to ensure compliance with local development standards, zoning ordinances, county comprehensive plan, and FAA and FDOT regulations, and process tall structures permits for Lee County.
- Testify before the county hearing examiner as a witness on airspace issues.
- Research, interpret, and apply local and FAA noise and airspace regulations.
- Maintain a comprehensive noise program for one of the 50 busiest airports in the nation and its reliever airport.
- Perform noise impact analyses, prepare impact reports for Lee County, and prepare and conduct community outreach presentations relating to the Port Authority's noise abatement program.
- Assist airport operations to develop and implement new arrival and departure procedures.
- Engage in extensive public relations, attendance and participation at county hearings, and liaison work with local, county, state, and federal officials.

Body of Change/LA Fitness

January, 2007-August, 2007

Assistant Manager of Training/Personal Trainer

- Consistently in the top 10% of the company's national sales statistics.
- Assisted the general manager in maintaining the club's status as number one in the nation.
- Devised new marketing techniques to achieve monthly sales goals.
- Managed trainers, ensured compliance with the company's regulations, and assisted in hiring new employees.

STAFF EXHIBIT # 1
DC/2007-00006
1/23/09

Aaron's Sales and Lease

October, 2006-December, 2006

Assistant Manager

- Developed new procedures to assist habitually delinquent customers in becoming current on their accounts.
- Managed customer accounts, customer service, accounts receivable, and employee duties.
- Organized efforts to meet monthly sales goals.

United States Marine Corps

June, 1998-June, 2006

Commissioned and Noncommissioned Officer

Fast-track career promotion through a series of increasingly responsible management positions leading large-scale operations. Honored with numerous commendations and awards for outstanding leadership and performance.

- Honor Graduate, Marine Artillery Scout Observer Course
- Honor Graduate, Shore Fire Control Party Course
- Letter of Commendation
- Presidential Unit Citation
- Meritorious Unit Commendation
- Navy Unit Commendation

Operations Management

- Eight years of management experience in the strategic planning, staffing, budgeting, resource allocation, and leadership of administrative, field, maintenance, equipment, technology, training, and logistics operations.
- Developed plans based on commander's requirements, managed multiple tasks simultaneously, and communicated with commanders from other units to organize the necessary training for Marines.
- Created, evaluated, and updated operations manuals, standard operations procedures, and operational execution appraisal standards.

Command and Control Center Operations

- Coordinated and managed command operation centers and communication centers to support operations and exercises comprised of up to 1,200 Marines.
- Organized subordinate Marines into task-specific teams to accomplish directives from higher commands.
- Developed emergency response procedures, implemented and supervised drills to evaluate emergency plans, and created and maintained lines of communications supporting emergency response actions.

Communication and Reporting

- Ensured successful execution of orders through daily written and verbal communication to superior and subordinate officers.
- Conducted frequent briefings to battalion and regimental commanding officers, detailing operational plans, emergency courses of action, and communication plans.
- Responsible for daily documentation of personnel status, training plans, unit readiness, and staff safety.
- Frequent audits and reporting of equipment, safety, training, logistics, maintenance, and unit readiness.

Project Coordination and Leadership

- Planned and directed cooperative operations between the Marine Corps and Army Green Berets through direct leadership of multinational teams.
- Performed organizational funding analyses, prepared budget requests, oversaw the distribution of funds, and managed complex financial needs.

Safety Management

- Extensive qualifications in the planning, development, and leadership of safety programs supporting artillery and close air support operations throughout the U.S. and abroad.
- Equally extensive qualifications in garrison safety program design, instruction, evaluation, and improvement.
- Reviewed and ensured compliance with multiple Marine Corps safety regulations, submitted daily safety reports to superior officers, and performed monthly audits of and revisions to current safety procedures.

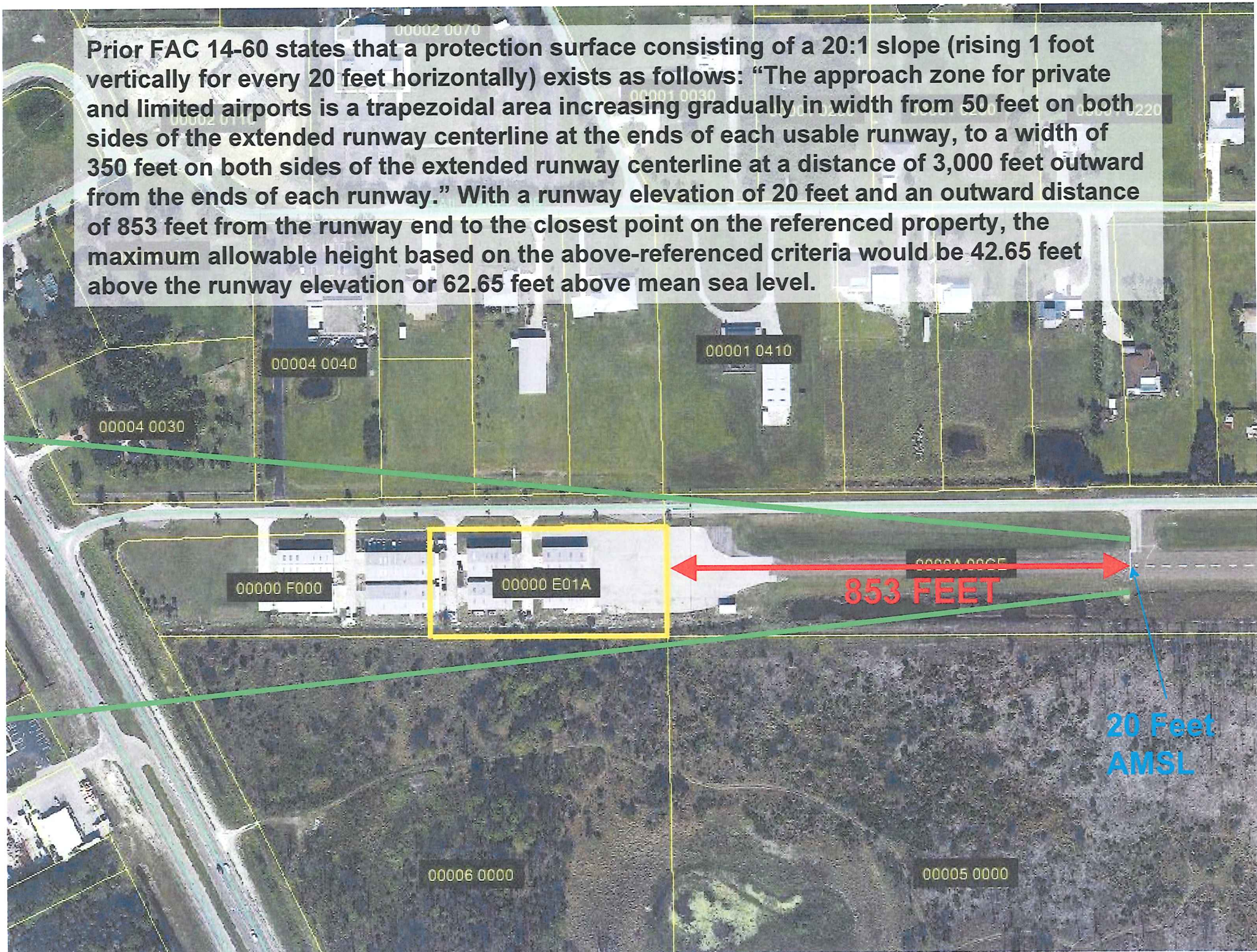
Team Leadership and Human Resource Management

- Direct supervision over teams of up to 50 Marines with full responsibility for work assignments, scheduling, performance reviews, disciplinary actions, and long-term career planning, development, and promotion.
- Decisive leadership qualifications with particular strengths in planning, performance and quality improvement, and mission accomplishment.
- Established evaluation techniques, training exercises, mentoring programs, leadership building exercises, and policies and procedures for subordinate Marines.

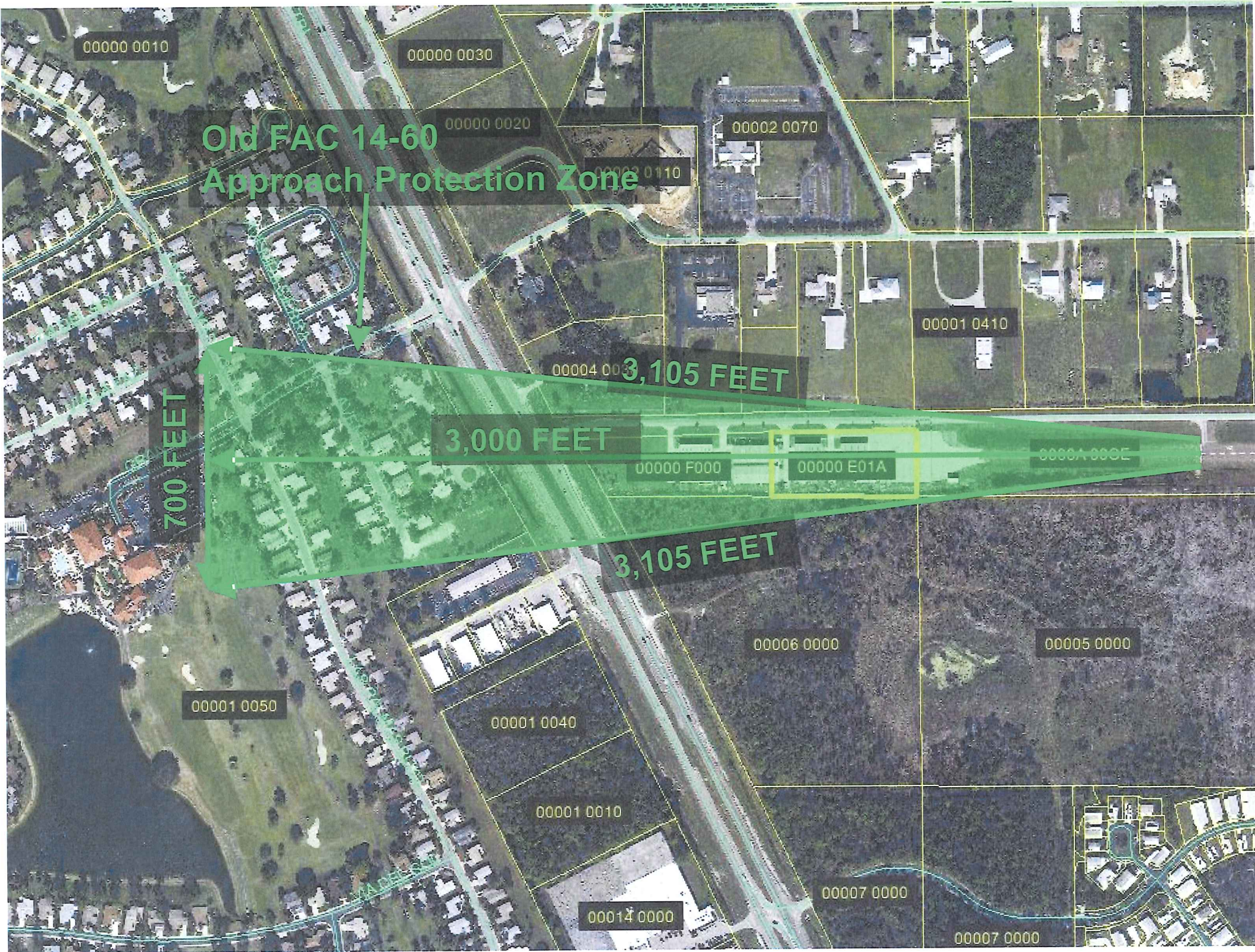
VOLUNTEER/ORGANIZATIONS

- Florida Airports Council 2007-Present
- Leukemia and Lymphoma Society 2006-Present
- Veterans of Foreign Wars 2003-Present
- Marine Corps Toys-For-Tots 1998-2004
- International Society of Air Safety Investigators 2001-2003
- Alpha Eta Rho Professional Aviation Fraternity 1998-2002

Prior FAC 14-60 states that a protection surface consisting of a 20:1 slope (rising 1 foot vertically for every 20 feet horizontally) exists as follows: "The approach zone for private and limited airports is a trapezoidal area increasing gradually in width from 50 feet on both sides of the extended runway centerline at the ends of each usable runway, to a width of 350 feet on both sides of the extended runway centerline at a distance of 3,000 feet outward from the ends of each runway." With a runway elevation of 20 feet and an outward distance of 853 feet from the runway end to the closest point on the referenced property, the maximum allowable height based on the above-referenced criteria would be 42.65 feet above the runway elevation or 62.65 feet above mean sea level.



staff ex 17 DCI 2007-00026



Recommended conditions and deviations are shown in strike-through underline format. Conditions in black are agreed to by both parties. Blue are conditions as recommended by staff, and not agreed to by the applicant.

Conditions

1. **MASTER CONCEPT PLAN:** The development of the subject property must be in substantial compliance with the approved Master Concept Plan which is a two-page document entitled "~~Pine Shadows Air Park Master Concept Plan for "Pine Shadows Airpark" dated March 16, 1998, and stamped received at the Permit Counter on May 12, 1998~~ **DEC. 13, 2007 ***.
(Or new stamp date as appropriate) *

This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Maximum Commercial Floor Area: SEE CONDITION #4.

2. **SCHEDULE OF USES:** The list of permitted uses is limited to the following:

Accessory Uses

Administrative Offices

Automobile Restoration - limited to restoration and maintenance of privately owned automobiles by their owners who are tenants of the property owner.

Business Services, Group I, limited to ~~Tract F-1~~ Parcel "A"

Caretaker's Residence

Essential Services

Essential Service Facilities - LDC Section 34-622(c)(13), Group I

Mini-Warehouse - Limited to ~~Tract F-1 and existing asphalt pad on Tract F-2.~~
Parcels B and C. See Condition 8.

Parking Lot, Accessory, Temporary

Signs, in accordance with Chapter 30

~~Self Service Fuel Pump, - limited to existing aircraft fuel dispensing system located on Tract E.~~

Storage, Open - limited to Parcel C ~~Tract F-1~~ and excluding construction equipment, **garbage trucks, motor homes, school buses** and large trucks, i.e. semi-trailers, etc.

The master concept plan must be corrected to depict the location of Open Storage where it depicts "Asphalt Parking").

Limited to 40,000 square feet maximum.

Warehouse, public - limited to existing structures only as depicted on the MCP.

3. **PROPERTY DEVELOPMENT REGULATIONS:** Development of the subject property must comply with the following Property Development Regulations:

Minimum Setbacks - Buildings And Structures:

Staff's Exh. 8
(post hrg. submit)
DCI2007-00026

Street: 25 feet
Side: 15 feet
Rear: 25 feet
Water body: 25 feet

Maximum Lot Coverage: 40%

Maximum Building Height: Maximum Building Height: 2 stories/25 feet above existing grade **(all parcels).**

Maximum Height for Open Storage: 15 feet maximum above existing grade.

No architectural features higher than the maximum building height. No additional height utilizing LDC Sec. 34-2174 "Additional permitted height when increased setbacks provided." The height of a building must also be measured from the vertical distance from existing grade to the highest point of the roof surface, regardless of roof type (See LDC Sec. 34-2171 Measurement).

4. **DEVELOPMENT LIMITS:** Future dDevelopment of the subject property is limited to a total maximum of 15,000 square feet of floor area on Parcel "A" Tract F-1, and a total of five thousand (5,000) square feet on the vacant asphalt pad on Tract F-2, with the total square footage of including existing and approved structures not to exceed 55,000 square feet of floor area for the entire site. Open Storage may not exceed 40,000 square feet.
5. **NO RETAIL SALES:** No retail sales are permitted on the subject parcel. ~~except for those associated with the existing aircraft fuel dispensing system located on Tract E.~~
6. **COMMERCIAL USE/STORAGE UNITS:** Commercial use of individual storage units and public warehouse space is prohibited. Commercial establishments may rent units or warehouse space for storage use only.
7. **OPEN STORAGE/REQUIRED BUFFER:** Open storage use is limited to Tract F-1 Parcel C and must be completely enclosed by an 8-foot high, painted, concrete (block or precast) masonry wall. In addition, a 15-foot wide buffer containing a minimum of 5 trees and 12 shrubs per 100 linear feet must be provided on the exterior side of the masonry wall; in compliance with the conditions per Deviation #2 below **(south side wall and vegetative landscape buffer required).** **Also see Deviation #3.**

An 8-foot opaque wall is required to the north, south and east per the approved Master Concept Plan, and as conditioned.

A 7.5-foot wide buffer containing a minimum of 5 trees and 12 shrubs per 100 linear feet must be provided on the exterior side of the wall on the north side.

No vegetative landscape buffer is required to the west adjacent to the runway.

8. **MINI-WAREHOUSE:** The mini-warehouse use is limited to ~~Tract F-1 and the existing asphalt pad located on Tract F-2.~~ Parcels B and C.
9. **PARKING:** Required parking for all uses must be provided in accordance with LDC Section 34-2020. In addition to any new spaces, the parking spaces designated on the Master Concept Plan must be delineated and provided with parking blocks in accordance with LDC Section 34-2016.
10. **TRAFFIC:** This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local Development Order approval.
11. **LEE PLAN:** ~~Approval of this rezoning does not give the Developer an undeniable right to receive local Development Order approval. Future Development Order approvals must satisfy the requirements of the 2020 Planning Community's Acreage Allocations of the Lee Plan.~~

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function (for commercial uses), as well as all other Lee Plan provisions.

12. ~~This development must comply with all of the requirements of the Lee County Land Development Code at the time of local Development Order approval, except as may be granted by deviation as part of this planned development.~~ **CONCURRENCY:** Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local development order.
13. **NO BLASTING:** No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
14. **ACCESSORY USES** Within the Commercial Planned Development, accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
15. **AGRICULTURAL USES** No agricultural uses exist on this property and none are approved as a part of this rezoning.
16. **WATER AND SEWER** Development of this project must connect to both public water and public sewer, for both existing and future uses. At time of local

development order, the developer must also demonstrate there is adequate water and sewer capacity to handle the level of development as proposed in the development order submittal. **The master concept plan must also be corrected to remove the reference to the septic tank mound.**

The removal of the septic systems and connection to central sewer for existing development must take place within a minimum of 90 days after the date of approval of this rezoning amendment. The developer must also demonstrate to the Department of Community Development there is adequate water and sewer capacity for existing development in order to comply with this condition.

17. **SOLID WASTE/RECYCLING:** Prior to any local Development Order approval for vertical development, the developer must provide facilities in compliance with LDC Section 10-261 and Solid Waste Ordinance # 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local Development Order application.

The existing solid waste facilities (dumpsters) must be enclosed in compliance with LDC Sec. 10-261 concurrently with the installation of the required buffer along the southern property line.

Or -- within 90 days after the approval of this rezoning amendment.*

*** The wording of this condition will depend on the timing of the buffer to the south.**

18. **ZONING RESOLUTION:** Upon approval of this zoning resolution, Zoning Resolution Z-98-069 shall become null and void.

19. **OPEN SPACE:** Prior to local development order approval, development order plans must delineate a minimum 1.56 acres of open space.

20. **DEVIATIONS:** The Master Concept Plan must accurately depict any approved deviations prior to final zoning resolution approval.

21. **WALL:** The Master Concept Plan must depict the appropriate wall approved through the deviation prior to final zoning resolution approval.

22. **BUFFER:** Prior to local development order approval, landscape plans must depict the proposed Type D right-of-way buffer along US 41 to include a minimum of 5 trees per 100 linear feet and hedges planted in double staggered rows to be maintained 36 inches in height and to provide continuous visual screening within one year after time of planting.

23. TOTAL PROPERTY: The total acreage as depicted on page 1 master concept plan must be corrected to 4.65 ± acres.
24. ZONING TO THE SOUTH: The master concept plan must be corrected to show the property to the south zoned Environmentally Critical (EC), not "MHP vacant".
25. NO OBSTRUCTION: Due to the proximity to the airport runways, all buildings including open storage, may only be approved if after review by the Lee County Port Authority, they are found not to be an obstruction to air traffic, and in compliance with Land Development Code Sec. 34-1004 "Flight Obstruction Surfaces."
26. TALL STRUCTURES: New development, including open storage, will be subject to the provisions of the Lee County Land Development Code Sec. 34-1008 "Permit for Tall Structures." Depending on the height and location of the proposed structures, an application may need to be submitted for review and approval to the Lee County Port Authority to determine airspace impacts of proposed permanent buildings, open storage, and any temporary construction equipment (such as cranes) within the site.
27. BUFFER PLANTINGS/HEIGHT: All proposed buffer planting species and potential growth heights should compliment airport runway usage.
28. PROXIMITY TO AIRFIELD:
- A. Prior to the issuance of the first development order for this project, the Applicant must record the following statement in the Public Records of Lee County, Florida:
- Notification of Proximity to Air Strip – The property described in Exhibit A, attached hereto, is located proximate to an active aircraft landing strip. Future owners and/or tenants residing on or leasing the property in this development may experience aircraft over-flight activity, including noise, associated with the use of the land strip of Pine Shadows Airpark.
- B. This statement must also be included in all lease, deed, covenant and deed restriction documents for the proposed development."

Deviations

Deviation #1 from LDC Section 10-415(b)(1) which required a Type "D" landscape buffer located adjacent to all street rights-of-way; to eliminate this requirement for the subject property along Runway Street. This deviation was approved per #Z-98-069. Staff recommends **APPROVAL** of the request.

Deviation #2 from LDC Section 10-416(d)(3) requires an 8-foot concrete wall (per Condition #7 of Z-98-069) with additional landscaping (Type "F" buffer) adjacent to a Lee County preserve to require an 8-foot concrete wall only where open storage would abut a public preserve to the south.

Staff recommends **DENIAL** of the applicant's request, as is, but offer the following condition to **APPROVE** a modification of the required Type "F" buffer to the south (wall and landscaping) as follows:

1. Prior to local development order approval, development order plans must depict for review and approval by the Division of Environmental Sciences and Conservation 20/20 staff the vegetation buffer and wall between the proposed/existing development and the 40 foot wide drainage/public utility easement consistent with the attached ES Staff Buffer Exhibit to include:
 - the proposed two-story building on Parcel A must be reconfigured to provide the minimum 15 feet of plantable area for the required Type F buffer plantings; and
 - once the septic area is removed on Parcel A, the area must be used to provide a minimum 15-feet of plantable area for the required Type F buffer plantings; and
 - the 5-15 foot wide area between the existing buildings/impervious driveways and drainage/public utility easement on Parcels B and C must be planted with a single hedge row (installed at 48 inches, maintained at 60 inches to provide continuous visual screening within 1 year after time of planting) and 5 trees per 100 linear feet, clustered at corners of buildings, to buffer drives and overhead doors; and
 - an 8-foot high concrete block wall with no required vegetation must be installed within the 2-3 foot wide area between the existing impervious surface and drainage/public utility easement on Parcel C; and
 - vegetation not compatible with Conservation 20/20 Lands prescribed burning; such as wax myrtle, cabbage palms, and saw palmetto; may not be permitted or planted within the south buffer.

Within six (6) months of the approval of the zoning request, at minimum, a limited development order and subsequent commercial permit must be obtained and certificate of compliance issued for the installation of all required buffer plantings and construction of the wall along the south property line in substantial compliance with the attached ES Staff Buffer Exhibit. The plantings and wall must not encroach into the platted 40-foot wide drainage/public utility easement.

Deviation #3 from LDC Section 10-417 "Irrigation design standards" to provide for a temporary irrigation system (as conditioned) and not an automatic irrigation system, for the required buffer on the exterior of the wall located along the north property line.

Staff recommends **APPROVAL** of the request with the following condition.

1. Prior to local development order approval, landscaping plans must depict a minimum of 7.5 feet of plantable area provided on the exterior side of the open storage wall located along the north property line. The plantings must meet the plant material and installation requirements of LDC Sec. 10-420 and 10-421. The landscape and temporary irrigation plans for this buffer area must depict and include:

- 100% native drought- and cold-tolerant species;
- an available source of water;
- temporary irrigation to be installed at grade;
- a buffering monitor plan to be reviewed and approved by Environmental Sciences staff to include a watering schedule, buffer planting success criteria for establishment and long-term survival, and buffer monitoring report criteria;
- bi-annual buffer monitoring reports provided to Environmental Sciences staff for a minimum of 5 years to determine buffer planting success;
- temporary irrigation in place and utilized until Environmental Sciences staff determines buffer plantings are established;
- should die back of buffer plantings occur then plantings must be replaced with like-size, approved species and the irrigation requirement may be revised by Environmental Sciences staff to insure planting success.