

GIS Tracking Sheet

Case No.: DCF 2010-00027

Intake Date: October 29, 2010

Project Name: Gulf Seafood CPD

STRAP Number(s): 02-46-23-00-00022.0010+02-46-23-00-00022.0020

Planner Name: Nettie Richardson Ext. 38786

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 11/2/10

INTAKE: DCF 10027

LEGAL SUFFICIENT

☒ YES

☐ NO

Initials: cl

If not, give brief explanation:

APPROVED

MAP UPDATE following FINAL ACTION

Date:

☐ Hearing Examiner Decision

☐ Board of County Commissioner's Resolution

☐ Administrative Approval

☐ Blue Sheet

Zoning Notes:

6/2/11

MAP UPDATED

☒ YES

☐ NO

Initials: cl

If not, give brief explanation:

ZONE: CPD: 501510

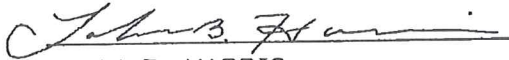
DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE AFORESAID SECTION 2; THENCE RUN S.00°56'21"E. ALONG THE EAST LINE OF SAID FRACTION OF A SECTION FOR 217.20 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (S.R. 867, 100 FEET WIDE); THENCE RUN S.62°58'00"W. ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE FOR 66.81 FEET; THENCE RUN N.00°56'21"W. FOR 246.59 FEET TO THE NORTH LINE OF THE AFORESAID FRACTION OF A SECTION; THENCE RUN N.89°03'39"E. ALONG THE NORTH LINE OF SAID FRACTION OF A SECTION FOR 60.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 13,913.642 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 2, AS BEING S.00°56'21"E.



JOHN B. HARRIS
PLS #4631
OCTOBER 21, 2010

RECEIVED

OCT 29 2010

COMMUNITY DEVELOPMENT

DCI 2010-00027

APPROVED
LEGAL

89 11/2/10

RECEIVED
OCT 29 2010

COMMUNITY DEVELOPMENT

N.89°03'39"E.

60.00'

POINT OF BEGINNING

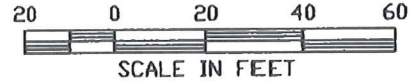
N.E. CORNER S1/2 SE1/4 S.W.1/4
SECTION 2-46-23

STATE PLANE COORDINATES

FLORIDA WEST ZONE

N=785839.03

E=664076.08



DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

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BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 2, AS BEING S.00°56'21"E.

STATE PLANE COORDINATES
FLORIDA WEST ZONE
N=785591.50
E=664020.12

N.00°56'21"W. 246.59'

EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 2-46-23

S.00°56'21"E. 217.20'

NORTHWESTERLY R/W LINE

66.81'

S.62°58'00"W.

50.00'

MCGREGOR BOULEVARD / S.R. 867
(100' R/W)

John B. Harris

OCTOBER 21, 2010

JOHN B. HARRIS, PSM
FLORIDA LAND SURVEYOR #4631

HARRIS-JORGENSEN, INC.
2706 S.E. SANTA BARBARA PLACE
CAPE CORAL, FLORIDA
PHONE: (239) 772-9939
FAX: (239) 772-1315

REVISED:	DESCRIPTION:	BY:

DATE OF LAST FIELD WORK: 10/13/10

DRAWN:	CHECK:	SCALE	PROJ. #
FBH	JBH	1"=40'	16980MB
SKETCH DATE:		FILE NO.	SHT. - 1
10/21/10		46-23-2	OF - 1

FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921

DCI 2010-00027

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, Jons Lindquist, to rezone 0.32 acres from Agriculture (AG-2) and Community Commercial (CC) to Commercial Planned Development (CPD), in reference to Gulf Seafood CPD; and,

WHEREAS, a public hearing was advertised and held on February 23, 2011, with the record held open until March 4, 2011, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2010-00027; and

WHEREAS, a second public hearing was advertised and held on April 18, 2011, and then continued and held on May 16, 2011, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 0.32 acres from AG-2 and CC to CPD to allow a fish market/retail sales, a caretaker's residence, and associated parking. No blasting is requested. Maximum height is 35 feet/ 3 story. This development will not connect to existing potable water and sanitary sewer but continue to use the existing on-site septic tank. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Master Concept Plan/Development Parameters.

The development of this project must be substantially consistent with the single-page Master Concept Plan (MCP), attached hereto as Exhibit C, entitled "Gulf Seafood CPD," dated 10-20-10, last revised 2-28-11, and date-stamped "Received MAR 02 2011 Community Development," except as modified by the conditions below.

2. Uses and Site Development Regulations

The proposed development is limited to 300 square feet of retail and a 200-square foot concession trailer and uses:

a. Schedule of Uses

Accessory Uses and Structures
Caretaker's Residence
Essential Services
Excavation, water retention
Fences, walls
Food stores, Group I only
Home Occupation
Non-store retailers, Group I only
Parking lot, accessory
Restaurants, Group I only
Signs in accordance with LDC Chapter 30
Temporary Uses

b. Site Development Regulations

Minimum lot size: 7,500 square feet
Minimum lot width: 60 feet
Minimum lot depth: 100 feet

Minimum Setbacks:

Street: 25 feet (McGregor Boulevard)
Sides: 12 feet
Rear: 30 feet

Maximum Building Height: 35 feet/3-stories

Open Space: 20 percent

3. Environmental Conditions

- a. Prior to local development order approval, the Development Order plans must delineate a minimum of 40 percent open space.

- b. Prior to local development order approval, the Development Order plans must demonstrate the use of 100 percent native vegetation for all required landscaping on site.
- c. Prior to local development order approval, the Applicant will remove the existing structures and improvements located in the northeast corner of the subject property, and restore that area to an appropriate "open space" condition approved by Lee County Department of Environmental Sciences to facilitate the installation of the required buffer.

Additionally, to the extent permitted by the Davis Woods Condominium Homeowners Association, the Applicant will also remove any encroaching structures and restore the area immediately adjacent to the northeast corner of the subject property to a natural condition (removing all structures or portions thereof, removing any trash or debris, and filling in any holes or excavations previously created).

4. Utilities

Prior to the issuance of a Certificate of Completion (CC), an inspection report (from the Florida Department of Health, a State licensed septic contractor or a State licensed Professional Engineer) with regard to the condition of the existing on-site septic system must be provided to Lee County Development Services indicating that the septic tank is in satisfactory condition and that the on-site septic system is operating as designed. The inspection report must be updated every 5 years.

If requested by Lee County Utilities, the property owner must hook up to central sewer in accordance with statutory requirements.

5. Vehicular/Pedestrian Impacts

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

6. Lee County Comprehensive Plan Consistency

Approval of this zoning request does not guarantee local development order approval. Future Development Order approvals must satisfy the requirements of the Lee County Comprehensive 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, as well as all other Lee County Comprehensive Plan provisions.

7. 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 County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

8. Compliance with the LDC

This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

9. Solid Waste Management

As part of any local development order approval for vertical development, the Development Order plans must include facilities in compliance with LDC §10-261 and Lee County 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.

SECTION C. DEVIATIONS:

1. **Intersection Separation:** Deviation (1) seeks relief from the LDC §10-285 requirement to provide a connection separation of 660 feet for an arterial road, to allow 260 feet along McGregor Boulevard. This deviation is APPROVED, SUBJECT TO the following condition:

1. The project must provide a cross access easement to the adjacent property to the west for the possibility of future inter-connection.

2. **Right-of-way Buffer:** Deviation (2) seeks relief from the LDC §10-416(d)(3) requirement to provide a Type "D," 15-foot-wide, Right-of-Way (ROW) buffer, to allow a 10-foot-wide buffer in front of the handicapped parking space along McGregor Boulevard. This deviation is APPROVED, SUBJECT TO installation of the buffer as depicted on the approved MCP.

3. **Buffer along western property line:** Deviation (3) seeks relief from the LDC §10-416(d) (3) requirement to provide Type "A" plantings, to allow Type "A" plantings within open areas along the western property line in lieu of the required five-foot buffer. This deviation is APPROVED, SUBJECT TO the following condition:
 1. Prior to local development order approval, the Development Order plans must demonstrate the planting of 10 trees along the west property line within open space areas to meet the requirements of the type "A" buffer.
4. **Setback for sign:** Deviation (4) seeks relief from the LDC §30-153(3)(e) requirement which, for identification signs, requires a minimum 15-foot setback from any Right-of-Way (ROW) or easement, to allow a setback of 10 feet from McGregor Boulevard. This deviation is APPROVED, SUBJECT TO the following condition:
 1. At time of building permit, the Applicant must demonstrate compliance with LDC Chapter 30.
5. **Parking lot surface:** Deviation (5) seeks relief from the LDC §34-2017(b) requirement which requires the parking lot to meet the surfacing requirement for high turnover parking lots (aisles must be provided with a paved, dust free, all-weather surface), to allow the proposed parking lot to meet the surfacing requirement for low turnover parking lots. This deviation is APPROVED, SUBJECT TO the following condition:
 1. At the time of local development order approval, an alternative surface may be permitted provided the area is adequately drained and continuously maintained in a dust free manner. Alternative surfaces may include gravel, crushed shell or other similar materials. Parking on grass or other unimproved surfaces such as sand or dirt is prohibited.
6. **Parking aisle width:** Deviation (6) requests relief from the LDC §34-2016(3) requirement which requires a two-way parking aisle width of 24 feet, to allow a parking aisle width of 16 feet. This deviation is APPROVED.
7. **Buffer along eastern property line:** Deviation (7) requests relief from the LDC §10-416(d)(3) requirement which requires a Type "F," 30-foot-wide buffer, along the portion of the east property line that abuts the existing Multiple-Family use, to allow a 23-foot-wide buffer. This deviation is APPROVED, SUBJECT TO the following condition:

1. The Applicant will still provide the required type "F" buffer plantings in this area consistent with the LDC.

SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

- c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner John E. Manning made a motion to adopt the foregoing resolution, seconded by Commissioner Tammara Hall. The vote was as follows:

John E. Manning	Aye
Brian Bigelow	Absent
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 16th day of May, 2011.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Kathleen A. Motz
Deputy Clerk

BY: Frank Mann
Frank Mann, Chair



Approved as to form by:

John J. Fredyma
John J. Fredyma
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE

2011 MAY 19 AM 11:21

CASE NO: DCI2010-00027

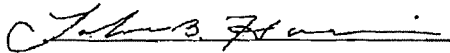
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JOHN B. HARRIS
PLS #4631
OCTOBER 21, 2010

RECEIVED

OCT 29 2010

COMMUNITY DEVELOPMENT

OCT 2010-00027

APPROVED
LEGAL
BG 11/2/10

16980MB LD

RECEIVED

OCT 29 2010

COMMUNITY DEVELOPMENT

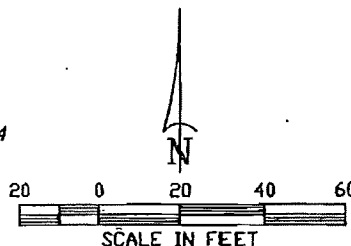
N.89°03'39"E.

60.00'

POINT OF BEGINNING
N.E. CORNER S1/2 SE1/4 S.W.1/4
SECTION 2-46-23
STATE PLANE COORDINATES
FLORIDA WEST ZONE
N=785839.03
E=664076.08

SKETCH OF LEGAL DESCRIPTION
**PART OF THE S.W.1/4
OF SECTION 2**

TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



DESCRIPTION:

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E=664020.12

N.00°56'21"W. 246.59'

EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 2-46-23
S.00°56'21"E. 217.20'

NORTHWESTERLY R/W LINE

66.81'

S.62°58'00"W.

50.00'

MCGREGOR BOULEVARD / S.R. 867
(100' R/W)

John B. Harris

OCTOBER 21, 2010

JOHN B. HARRIS, PSM
FLORIDA LAND SURVEYOR #4631

HARRIS-JORGENSEN, INC.
2706 S.E. SANTA BARBARA PLACE
CAPE CORAL, FLORIDA
PHONE: (239) 772-9939
FAX: (239) 772-1315

REVISED	DESCRIPTION	BY

DATE OF LAST FIELD WORK: 10/13/10

DRAWN	CHECK	SCALE	PROJ. #
FBH	JBH	1"=40'	16980MB
SKETCH DATE		FILE NO.	SHT. - 1
10/21/10		46-23-2	OF - 1

FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921

DCI 2010-00027

EXHIBIT "A"

(Page 2 of 2)

Zoning Map

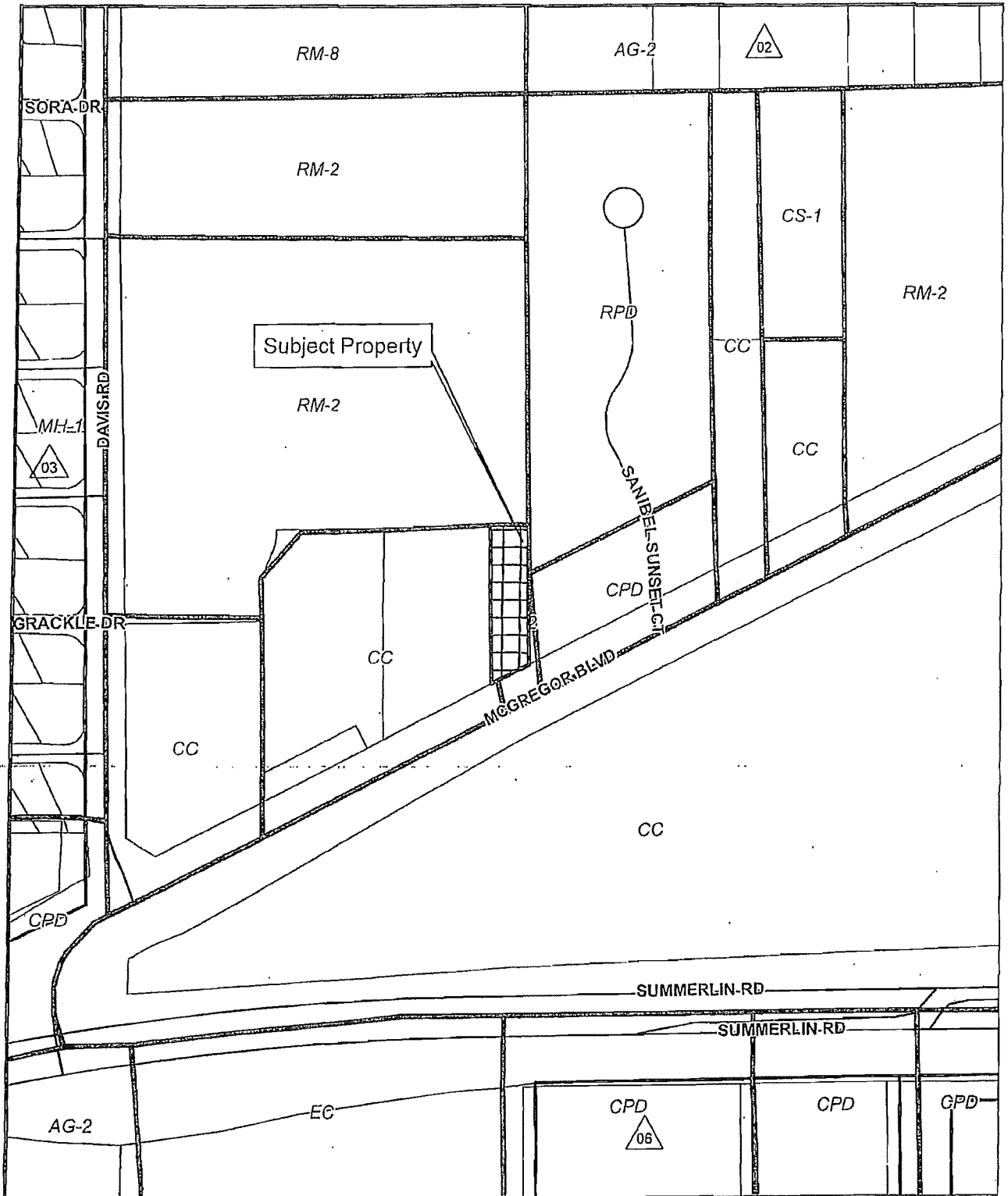
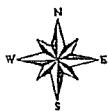


EXHIBIT "B"

100 50 0 100 200
Feet

Gulf Seafood CPD

DCI 2010-00027

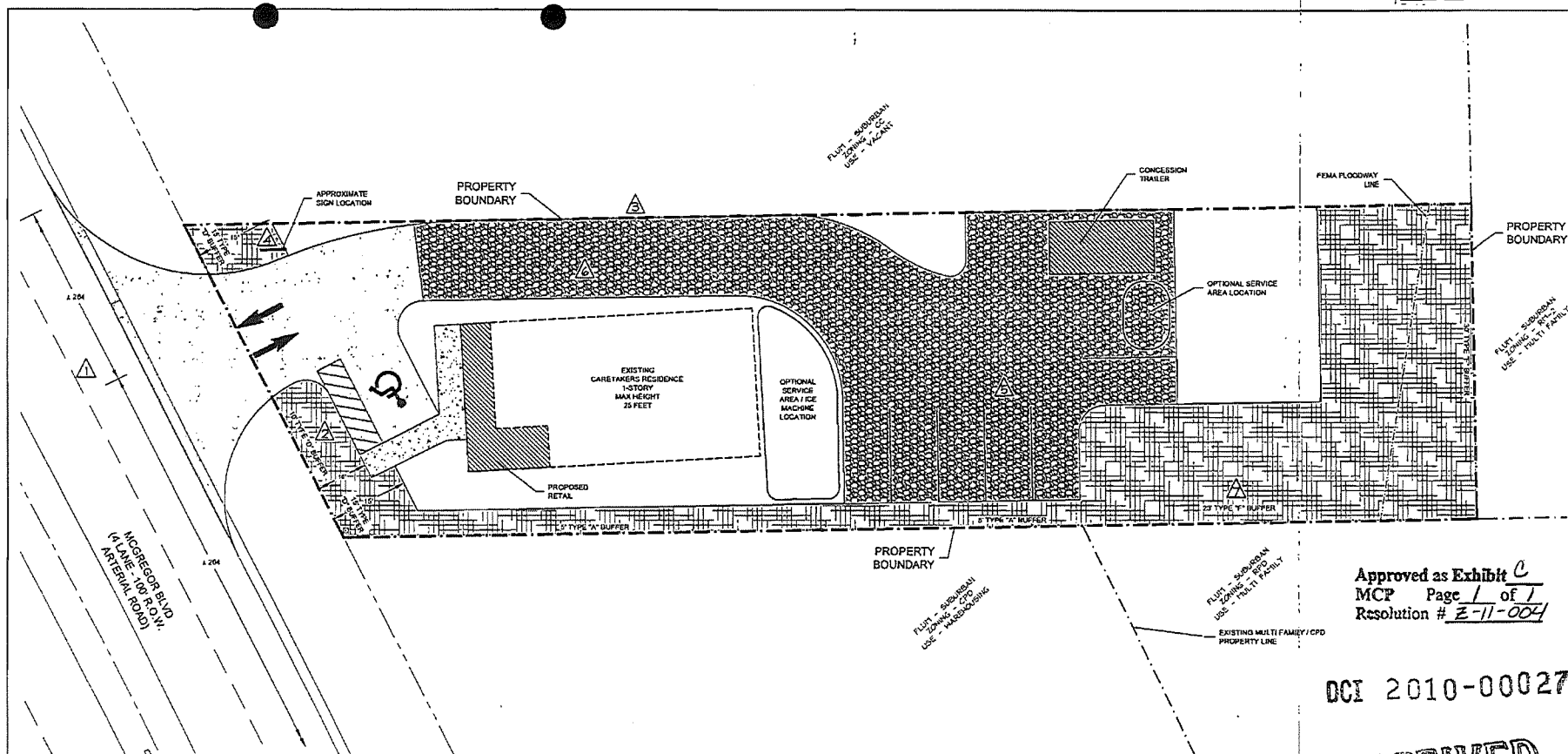
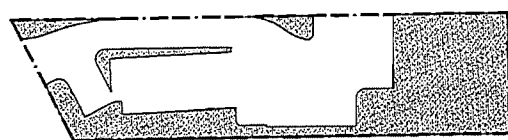
COMMUNITY DEVELOPMENT

REVISIONS		DATE
NO.	DESCRIPTION	
R1	REVISED PER COMMENTS DATED 11-21-16	10-27-16
R2	REVISED PER COMMENTS DATED 12-11-16	12-27-16
R3	Revised per meeting Engineer's meeting	2-23-17
R4		
R5		

DATE:	10-29-
PROJECT NO.	1159-
FILE NO.	1159-01-MCPO
SCALE:	A1 5/8"

MASTER
CONCEPT
PLAN

D-7-M.2



OPEN SPACE DIAGRAM:

OPEN SPACE (± 0.14 AC.)
ONLY 0.06 AC. REQUIRED

LEGEND:

 RETAIL AREA
 BUFFER AREA
 PAVEMENT AREA
 ALTERNATIVE SURFACE AREA
 DENOTES LOCATION OF REQUESTED DEVIATIONS
 DENOTES FLOOD WAY

TABLE A

OPEN SPACE CALCULATIONS:

PARCEL	AREA	REQD OPEN SPACE	PROVIDED OPEN SPACE
CPD	0.32 AC.	0.06 (20%)	0.16 (44%)
TOTAL	0.32 AC.		TOTAL 0.16 AC

TABLE B

PARKING CALCULATIONS:

USE	SQUARE FOOTAGE	NEED PARKING	PROVIDED PARKING
CARETAKERS RESIDENCE	1 UNIT	2 SPACES	2 SPACES
GROUP 1 RESTAURANT	200 S.F.	3 SPACES (14 SPACE PER 1,000 S.F.)	3 SPACES
FISH MARKET	300 S.F.	2 SPACES (13SPACE PER 200 S.F.)	2 SPACES
	TOTAL	7 SPACES	7 SPACES

NOTES:

- 1) RETAIL SQUARE FOOTAGE IS LIMITED TO A MAXIMUM OF 500 S.F.
2) NO ENCROACHMENT PERMITTED IN FEMA FLOODWAY

Mr. Jons Lindquist
16980 McGregor Blvd
Fort Myers, FL 33908

Gulf Seafood CPD

Approved as Exhibit
MCP Page 1 of 1
Resolution # E-11-004

DCI 2010-00027

RECEIVED
MAR 02 2011

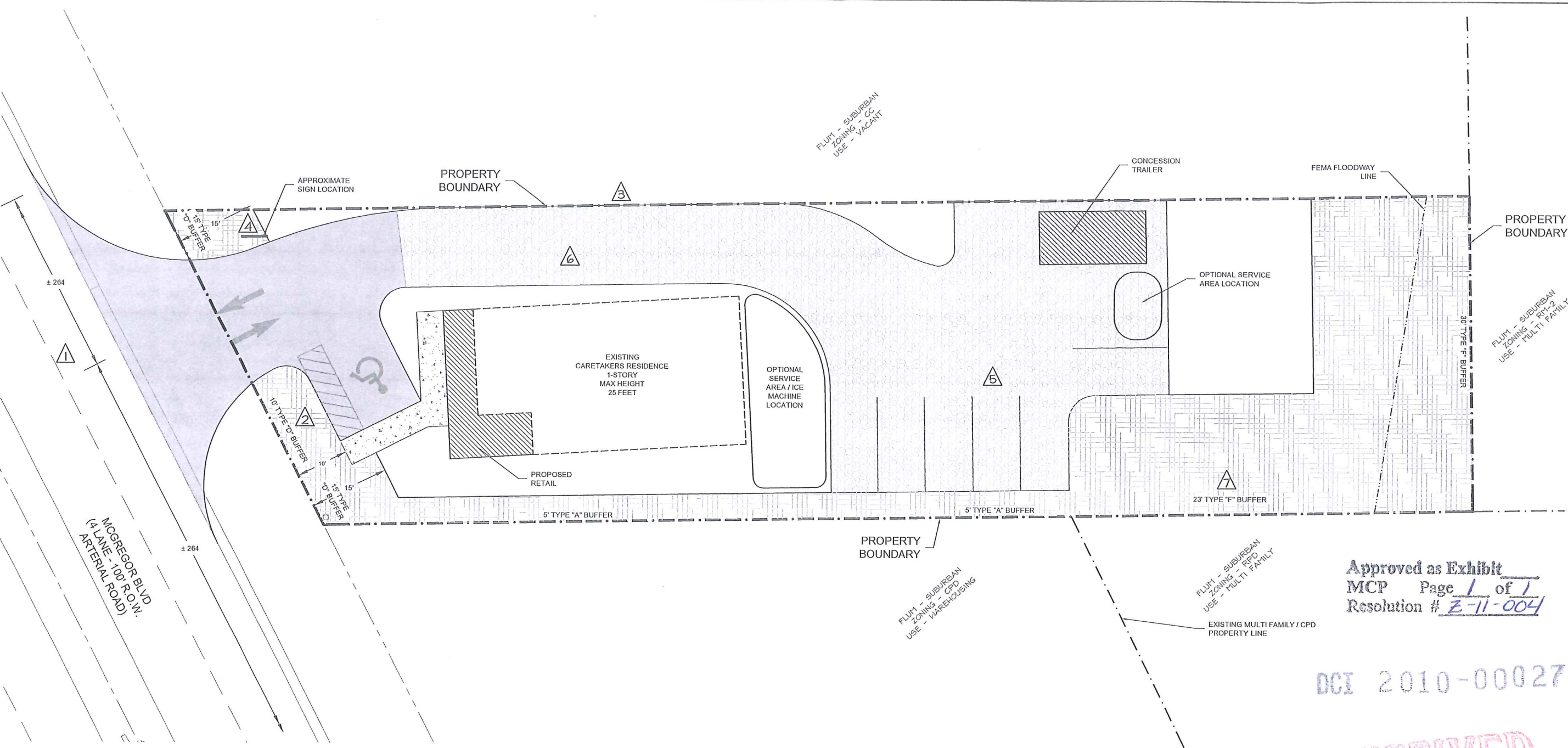
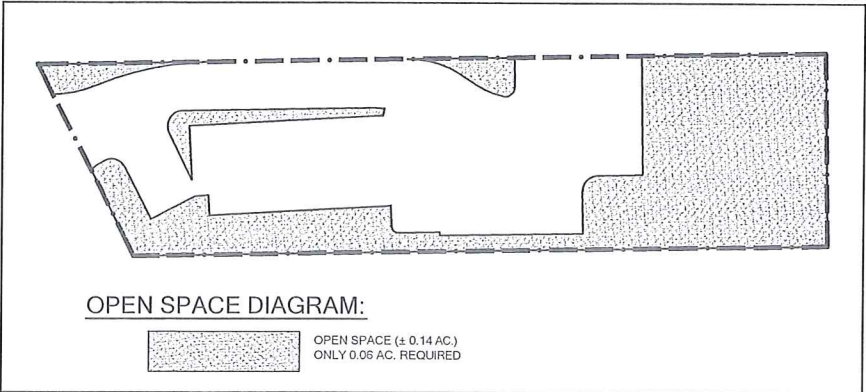
COMMUNITY DEVELOPMENT

NO.	DATE	DESCRIPTION
R1	12-3-10	REVISED PER COMMENTS DATED 1-22-10
R2	12-27-10	REVISED PER COMMENTS DATED 12-21-10
R3	2-28-11	Revised per Hearing Examiner's Hearing
R4		
R5		
R6		

DATE: 10-20-10
PROJECT NO. 1159-01
FILE NO. 1159-01-MCP01
SCALE: As Shown

MASTER
CONCEPT
PLAN

D-7-M.2



- LEGEND:
- RETAIL AREA
 - BUFFER AREA
 - PAVEMENT AREA
 - ALTERNATIVE SURFACE AREA
 - DENOTES LOCATION OF REQUESTED DEVIATIONS.
 - DENOTES FLOOD WAY

TABLE A

OPEN SPACE CALCULATIONS:			
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MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: May 12, 2011

To: Board of County Commissioners

FROM: Alvin Block, AICP

Principal Planner

Alvin Block

SUBJECT: DCI2010-00027, Gulf Seafood CPD

Staff respectfully requests the Board, as part of any motion to approve the request, include the following Change to Condition 4. Staff and the applicant have agreed to this change (strike-through language is deleted and underline language is proposed).

4. Utilities

~~Preparation of food on site is prohibited until the property owner connects to central water and sewer.~~

Prior to the issuance of Certification of Completion (CC), an inspection report (from the Florida Department of Health, a State licensed septic contractor or a State licensed Professional Engineer) with regard to the condition of the existing on-site septic system must be provided to Lee County Development Services indicating that the septic tank is in satisfactory condition and that the on-site septic system is operating as designed. The inspection report must be updated every 5 years.

If requested by Lee County Utilities, the property owner must hook-up to central sewer in accordance with statutory requirements.

cc: Zoning File

MEMORANDUM
From The
Department Of
Community Development
Zoning Division

Date: May 3, 2011

To: DCI2010-00027

FROM: Jamie Pringing

RE: Notice of Public Hearing - May 16, 2011 (continued date)
Lee County Board of County Commissioners Meeting

I, Jamie Pringing, Administrative Assistant, Zoning Division, do hereby certify that I have mailed **notices to the participants** in regard to the above referenced meeting, in the attached style, pursuant to the list marked and attached hereto and made a part of the certification.

NOTICE TO PARTICIPANT

CASE NUMBER: DCI2010-00027

NAME: GULF SEAFOOD CPD

REQUEST: Rezone 0.32 acres from Agriculture (AG-2) and Community Commercial (CC) to Commercial Planned Development (CPD) to allow a fish market/retail sales, a caretaker's residence and associated parking. No blasting is requested. Maximum height is 25 feet/1 story. This development will not connect to existing potable water and sanitary sewer but continue to use the existing on-site septic tank.

LOCATION: 16980 McGregor Blvd., Iona/McGregor Planning Community, Lee County, FL.

PROPERTY OWNER'S SHELLIE JOHNSON
REPRESENTATIVE: ENSITE
239-226-0024

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 am on Monday, May 16, 2011, to review the written recommendation made by the Hearing Examiner and make a final decision in the above-referenced case. This hearing will be held in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers FL.

The law states that, as a participant, you have the right to appear and address the Board on this case. However, the law strictly limits all testimony before the Board to statements challenging the correctness of findings and conclusions contained in the record, or statements alleging the discovery of relevant new evidence which was not known by the speaker at the time of the Hearing Examiner's hearing and not otherwise disclosed in the record. Statements will be limited to five (5) minutes or as the Board may otherwise allow.

Additional copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Call 533-8585 for additional information.

In accordance with the Americans with Disabilities Act and F.S. s. 286.26, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Princing at 533-8585.

DEPARTMENT OF COMMUNITY
DEVELOPMENT
Zoning Division

DCI2010-00027 / Gulf Seafood CPD

Ms. Shellie Johnson
Ensite, Inc.
1514 Broadway, Ste 201
Fort Myers, FL 33901

Jons Linquist
16980 McGregor Blvd.
Fort Myers, FL 33908

Drew Drake
5260 South Landings Drive # 1201
Fort Myers, FL 33919

Fred Jasinski
16881 Davis Road
Fort Myers, FL 33908

Stanley Mogilski
16881 Davis Road # 524
Fort Myers, FL 33908



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

May 02, 2011

533-8585

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

SHELLIE JOHNSON
ENSITE
2401 FIRST STREET
STE. 201
FORT MYERS, FL 33901

RE: **Agenda Schedule for GULF SEAFOOD CPD**
Case No. DCI2010-00027

Dear SHELLIE JOHNSON :

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: CONTINUED HEARING DATE - Monday, May 16, 2011.
Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room
2120 Main Street
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Jamie Prancing
Administrative Assistant

cc: JONS LINDQUIST
LINDQUIST JONS ALBERT L/E
Nettie M Richardson, Principal Planner
Zoning File

Princing, Jamie

From: Richardson, Nettie
Sent: Tuesday, April 19, 2011 11:34 AM
To: Princing, Jamie
Subject: FW: Public Notice for Gulf Seafood

Can you make this change now please. Thanks

Nettie Richardson
Principal Planner
Lee County Zoning
1500 Monroe Street
Fort Myers, Florida 33901
(239) 533-8786

From: Shellie Johnson [mailto:ShellieJ@en-site.com]
Sent: Tuesday, April 19, 2011 11:28 AM
To: Richardson, Nettie
Subject: RE: Public Notice for Gulf Seafood

Ok, glad I was not responsible for that☺

Please accept this email as formal request to revise the agent list, providing just myself as the representative for EnSite, Inc.

Thanks,
Shellie

From: Richardson, Nettie [mailto:NRichardson@leegov.com]
Sent: Tuesday, April 19, 2011 8:06 AM
To: Shellie Johnson
Subject: RE: Public Notice for Gulf Seafood

Shellie,

I found out why. When the application was submitted everyone in the Ensite office was listed as a separate agent so we send notices to each agent. To fix this, could you send me an email requesting that you be the main representative for this case and then we can fix it.

Nettie Richardson
Principal Planner
Lee County Zoning
1500 Monroe Street
Fort Myers, Florida 33901
(239) 533-8786

From: Shellie Johnson [mailto:ShellieJ@en-site.com]
Sent: Monday, April 18, 2011 2:34 PM
To: Richardson, Nettie
Subject: Public Notice for Gulf Seafood

Nettie:

Me, Alexis and Brian are all receiving individual notices for this project!! Is there a way to just update the mailing list to only include me for EnSite?

(Please note our new address below)

Shellie Johnson, AICP
EnSite
2401 First Street, Suite 201
Fort Myers, FL 33901

CELL/TEXT: (239) 898-0125
OFFICE: (239) 226-0024
FAX: (239) 226-0094

ShellieJ@en-site.com
www.en-site.com



Think Green.

Please consider the environment before printing this e-mail.

DISCLAIMER: Upon receipt of any electronic file/data from EnSite, the recipient agrees to the following conditions: This file/data is for informational purposes only. EnSite reserves the right to modify the file/data without notice. It is the responsibility of the recipient to reconcile this electronic file/data with the actual project site conditions. Recipient agrees to indemnify and hold harmless EnSite for any defects or errors in this file/data.

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Princing, Jamie

From: Sanchez, Maria
Sent: Friday, April 15, 2011 2:36 PM
To: Princing, Jamie
Subject: FW: Gulf Seafood CPD (DCI2010-00027) - Draft Zoning Resolution Z-11-004
Attachments: Legal Verification.pdf

Jamie, attached is the legal verification for "Gulf Seafood CPD". Please let me know if you have any questions.

From: Sanchez, Maria
Sent: Friday, April 15, 2011 2:28 PM
To: 'Shellie Johnson'
Cc: Fredyma, John
Subject: RE: Gulf Seafood CPD (DCI2010-00027) - Draft Zoning Resolution Z-11-004

Shellie, thank you so much for your prompt response.

The County's purpose in requesting that you verify the legal description is part of the County's effort to avoid potential errors in the resolution. Accordingly, the County will consider your statement "the legal description correctly describes the subject property" as verification that the legal description attached to the draft resolution accurately and correctly describes the property intended to be rezoned under the pending action. If this was not the intent of your statement as quoted above, please notify our office. Should you have any questions concerning the above, please do not hesitate to contact me.

This matter is now ready to go before Board Zoning on Monday, April 18, 2011.

Maria M. Sanchez

Legal Administrative Assistant
Lee County Attorney's Office
Tel. 239/533-2236
Fax 239/485-2106
MSanchez@leegov.com

From: Shellie Johnson [<mailto:ShellieJ@en-site.com>]
Sent: Tuesday, April 12, 2011 1:47 PM
To: Sanchez, Maria
Subject: RE: Gulf Seafood CPD (DCI2010-00027) - Draft Zoning Resolution Z-11-004

Thank you, Maria. Please accept this email as confirmation that the legal description correctly describes the subject property.

Shellie

From: Sanchez, Maria [<mailto:MSANCHEZ@leegov.com>]
Sent: Tuesday, April 12, 2011 1:12 PM
To: Shellie Johnson
Cc: Fredyma, John; Houck, Pamela; Derheimer, Suzanne; Richardson, Nettie; Jacoby, Billie
Subject: Gulf Seafood CPD (DCI2010-00027) - Draft Zoning Resolution Z-11-004

Enclosed is the current draft resolution pertaining to the above-referenced zoning case. It is based on the Hearing Examiner's recommendation with the understanding that changes may be made by the Commissioners at the final hearing. Please review this draft and let me know if any changes are necessary to accurately reflect the Hearing Examiner's recommendation. County staff will also review the draft resolution.

A revised MCP consistent with the resolution adopted by the Board will be required for attachment to the zoning resolution prior to Board execution of the resolution. If you would like to meet to discuss any necessary changes after the final hearing, please contact the Planner at 533-8585. The revised MCP, including the required two full-size and 15 11" by 17" sheets, must be delivered to County Staff at the first floor zoning counter at the Department of Community Development (1500 Monroe Street).

We have found that the legal description submitted with the zoning application often does not truly represent the property intended to be rezoned. Therefore, to prevent potential errors in the resolution, please review the attached legal description to confirm that all of the property intended to be rezoned is accurately described. Please advise my office in writing regarding the results of your review. If the property to be rezoned is not completely and correctly described, necessary changes must be made before the final hearing so that the resolution can be signed promptly after the hearing.

Maria M. Sanchez

Legal Administrative Assistant
Lee County Attorney's Office
Tel. 239/533-2236
Fax 239/485-2106
MSanchez@leegov.com

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This matter is now ready to go before Board Zoning on Monday, April 18, 2011.

Maria M. Sanchez

Legal Administrative Assistant
Lee County Attorney's Office
Tel. 239/533-2236
Fax 239/485-2106
MSanchez@leegov.com

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Sent: Tuesday, April 12, 2011 1:12 PM
To: Shellie Johnson
Cc: Fredyma, John; Houck, Pamela; Derheimer, Suzanne; Richardson, Nettie; Jacoby, Billie
Subject: Gulf Seafood CPD (DCI2010-00027) - Draft Zoning Resolution Z-11-004

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Maria M. Sanchez

Legal Administrative Assistant

Lee County Attorney's Office

Tel. 239/533-2236

Fax 239/485-2106

MSanchez@leegov.com

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APPLICATION FOR REQUEST FOR CONTINUANCE,
DEFERRAL, WITHDRAWAL, OR REHEARING
FOR UNINCORPORATED LEE COUNTY



REQUEST IS FOR: (refer to back of sheet for special notes)

☒ CONTINUANCE ☐ DEFERRAL ☐ WITHDRAWAL
☐ REHEARING ☐ WITHDRAWAL OF ADMINISTRATIVE APPEAL

If a DEFERRAL OR CONTINUANCE is requested, please indicate:

Length of time: One Month

From: Hearing Examiner ☒ BOCC (must be submitted 5 calendar days prior to hearing)

1. Date of Scheduled Hearing: April 18, 2011
2. Applicant/Project Name: Jons Lundquist/Gulf Seafood CPD
3. Tracking/Hearing/Application Number: DCI2010-00027
4. Date Decision was Rendered (if applicable): _____
5. Type of Application (check appropriate type):
☒ Rezoning ☐ Special Exception ☐ Variance ☐ Other
6. Reason for request (If rehearing is requested, see Special Notes on reverse side):

Applicant is not able to attend the hearing on this date.

Shellie Johnson
Signature of applicant or property owner

April 11, 2011
Date

Shellie Johnson, AICP with EnSite, Inc.

Name (typed or printed legibly)

2401 First Street, Suite 201, Fort Myers, FL 33901

Address

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 11 day of April
20 11 by Shellie Johnson who is personally known to me or who produced
as identification.



STEVE POLADIAN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE057135
Expires 1/23/2015

Steve Poladian
Signature of Notary Public

STEVE POLADIAN
Printed Name of Notary Public

FEE \$ _____

DATE PAID: _____

RECEIPT NUMBER: _____

INTAKE BY: _____

News-Press.com Online Public Notice: Detail

2011-04-07 Notice of Public Hearing

NOTICE OF
PUBLIC HEARING

Notice is hereby given that at 9:30 a.m. on Monday, 18 April, 2011, the Lee County Board of County Commissioners will hold public hearings in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers, FL, to review the written recommendations made by the Hearing Examiner and make a final decision on the cases below.

If you did not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners.

If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, that person will need a record of the proceedings. For such purpose, that person may need to ensure that a verbatim record of the proceeding is made that includes the testimony and evidence upon which the appeal is to be based.

Statements before the Board of County Commissioners will be strictly limited to the findings of fact or conclusions of law contained in the record, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the hearing before the Hearing Examiners and not otherwise disclosed in the record.

Copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Telephone 533-8585 for additional information.

In accordance with the Americans with Disabilities Act and F.S. s. 286.26, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Prining at 533-8585.

The following cases will be heard: DCI2010-00027. Gulf Seafood CPD. Rezone 0.32 acres from Agriculture (AG-2) and Community Commercial (CC) to Commercial Planned Development (CPD) to allow a fish market/retail sales, a caretaker's residence and associated parking. No blasting is requested. Maximum height is 25 feet/1 story. This development will not connect to existing potable water and sanitary sewer but continue to use the existing on-site septic tank. Property located at 16980 McGregor Blvd., Iona/McGregor Planning Community, Lee County, FL. Project Representative: Alexis Crespo, Ensite, Inc 239-226-0024.

REZ2010-00008. Galt Preserve. Rezone 774 +/- acres from Agricultural (AG-2) and Residential Single-Family (RS-1) to Environmentally Critical (EC). Property located at 3841 Stringfellow Rd., Pine Island Planning Community, Lee County, FL. Project Representative: Paul O'connor, Lee Co. Division Of Planning 239-533-8309.

REZ2010-00007. Lower Orange River Complex. Rezone 60 +/- acres of Conservation 20/20 lands from AG-2, C-1A to EC and rezone 49.1 +/- acres owned by FDEP, Florida Audubon Society and Lee County Lands from AG-2, MH-2, and RS-1 to EC. The parcels combined are 109.1 +/- acres. Property located at 10651 Palm Beach Blvd.; 5240 Lake Caloosa Dr; Government Lot; Wetlands; Palm Beach Blvd., Ft. Myers Shores Planning Community, Lee County, FL. Project Representative: Paul O'connor, Lee Co. Division Of Planning 239-533-8309.

Apr 7 No. 1426941

[print this notice](#) [close window](#)

For MAC users try cmd+P

MEMORANDUM
From The
Department Of
Community Development
Zoning Division

Date: April 5, 2011

To: DCI2010-00027

FROM: Jamie Pringing

RE: Notice of Public Hearing - April 18, 2011
Lee County Board of County Commissioners Meeting

I, Jamie Pringing, Administrative Assistant, Zoning Division, do hereby certify that I have mailed **notices to the participants** in regard to the above referenced meeting, in the attached style, pursuant to the list marked and attached hereto and made a part of the certification.

NOTICE TO PARTICIPANT

CASE NUMBER: DCI2010-00027

NAME: GULF SEAFOOD CPD

REQUEST: Rezone 0.32 acres from Agriculture (AG-2) and Community Commercial (CC) to Commercial Planned Development (CPD) to allow a fish market/retail sales, a caretaker's residence and associated parking. No blasting is requested. Maximum height is 25 feet/1 story. This development will not connect to existing potable water and sanitary sewer but continue to use the existing on-site septic tank.

LOCATION: 16980 McGregor Blvd., Iona/McGregor Planning Community, Lee County, FL.

PROPERTY OWNER'S
REPRESENTATIVE: ALEXIS CRESPO
239-226-0024

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 am on Monday, April 18, 2011, to review the written recommendation made by the Hearing Examiner and make a final decision in the above-referenced case. This hearing will be held in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers FL.

The law states that, as a participant, you have the right to appear and address the Board on this case. However, the law strictly limits all testimony before the Board to statements challenging the correctness of findings and conclusions contained in the record, or statements alleging the discovery of relevant new evidence which was not known by the speaker at the time of the Hearing Examiner's hearing and not otherwise disclosed in the record. Statements will be limited to five (5) minutes or as the Board may otherwise allow.

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DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

DCI2010-00027 / Gulf Seafood CPD

Ms. Alexis Crespo
Ensite, Inc.
1514 Broadway, Ste 201
Fort Myers, FL 33901

Natalia McGuckian
Ensite, Inc.
1514 Broadway, Ste 201
Fort Myers, FL 33901

Jeffery Roman
Ensite, Inc.
1514 Broadway, Ste 201
Fort Myers, FL 33901

Brian Smith
Ensite, Inc.
1514 Broadway, Ste 201
Fort Myers, FL 33901

Jons Linquist
16980 McGregor Blvd.
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Drew Drake
5260 South Landings Drive # 1201
Fort Myers, FL 33919

Fred Jasinski
16881 Davis Road
Fort Myers, FL 33908

Stanley Mogilski
16881 Davis Road # 524
Fort Myers, FL 33908



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

March 30, 2011

533-8585

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

ALEXIS CRESPO
ENSITE, INC
1514 BROADWAY, STE 201
FORT MYERS, FL 33901

RE: **Agenda Schedule for GULF SEAFOOD CPD**
Case No. DCI2010-00027

Diana M. Parker
County Hearing
Examiner

Dear ALEXIS CRESPO :

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: Monday, April 18, 2011. Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room
2120 Main Street
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Jamie Princing
Administrative Assistant

cc: JONS LINDQUIST
LINDQUIST JONS ALBERT L/E
BRIAN SMITH, ENSITE, INC.
JEFFREY M ROMAN, P.E., ENSITE, INC.
NATALIA MCGUCKIAN, MCMAHON ASSOC, INC.
Nettie M Richardson, Principal Planner

Zoning File

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

**RECEIVED
MAR 18 2011
ZONING**

REZONING: DCI2010-00027
APPLICANT: JONS LINDQUIST, in reference to
GULF SEAFOOD COMMERCIAL PLANNED DEVELOPMENT
HEARING DATE: FEBRUARY 23, 2011
WRITTEN SUBMISSION: MARCH 4, 2011

I. APPLICATION:

This matter came before the Lee County Hearing Examiner as an Application for a Rezoning to a Commercial Planned Development (CPD) pursuant to Lee County Land Development Code (LDC).

Filed by JONS LINDQUIST, 16980 McGregor Boulevard, Fort Myers, Florida 33908 (Applicant/Owner); ALEXIS V. CRESPO, AICP, LEED AP, c/o ENSITE, INC., 1514 Broadway, Suite 201, Fort Myers, Florida 33901; BRIAN SMITH, c/o ENSITE, 1514 Broadway, Suite 201, Fort Myers, Florida 33901; JEFFREY M. ROMAN, P.E., LEED AP BD+C, 1514 Broadway, Suite 201, Fort Myers, Florida 33901; NATALIA MCGUCKIAN, P.E., c/o McMAHON ASSOCIATES, INC., 1514 Broadway, Suite 201, Fort Myers, Florida 33901 (Agents).

Request is to Rezone 0.32 acres from Agriculture (AG-2) and Community Commercial (CC) to Commercial Planned Development (CPD) to allow a fish market/retail sales, a caretaker's residence, and associated parking. No blasting is requested. Maximum height is 35 feet/ 3 story. This development will not connect to existing potable water and sanitary sewer but continue to use the existing on-site septic tank.

The subject property is located at 16980 McGregor Blvd., Iona/McGregor Planning Community, Section 2, Township 46 South, Range 23 East, Lee County, Florida (District #1).

II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Nettie M. Richardson. The Staff Report is incorporated herein by this reference.

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request for a Commercial Planned Development (CPD), authorizing a fish market/retail sales, a caretaker's residence, and associated parking, for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

A. CONDITIONS:

1. Master Concept Plan/Development Parameters.

The development of this project must be substantially consistent with the one-page Master Concept Plan, attached hereto as **Exhibit B**, entitled "Gulf Seafood CPD," stamped received MAR 02 2011 except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code 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.

2. Uses and Site Development Regulations

The proposed development is limited to 300 square feet of retail and 200-square-foot concession trailer and uses:

a. Schedule of Uses

Accessory Uses and Structures
Caretaker's Residence
Essential Services
Excavation, water retention
Fences, walls
Food stores, Group I
Home Occupation
Non-store retailers, Group I
Parking lot, accessory
Restaurants, Group I
Signs in accordance with Chapter 30
Temporary Uses

b. Site Development Regulations

Minimum lot size: 7,500 square feet
Minimum lot width: 60 feet
Minimum lot depth: 100 feet

Minimum Setbacks:
Street: 25± feet (McGregor Boulevard)
Sides: 12± feet
Rear: 30± feet

Maximum Building Height: 35 feet/3-story
Open Space: 20 percent

3. Environmental Conditions

a. Prior to local Development Order approval, the Development Order plans must delineate a minimum of 40 percent open space.

b. Prior to local Development Order approval, the Development Order plans must demonstrate the use of 100 percent native vegetation for all required landscaping on site.

c. Prior to local Development Order approval, the Applicant will remove the existing structures and improvements located in the northeast corner of the subject property, and restore that area to an appropriate "open space" condition approved by Lee County Department of Environmental Sciences to facilitate the installation of the required buffer.

Additionally, to the extent permitted by the Davis Woods Condominium Homeowners Association, the Applicant will also remove any encroaching structures and restore the area immediately adjacent to the northeast corner of the subject property to a natural condition (removing all structures or portions thereof, removing any trash or debris, and filling in any holes or excavations previously created).

4. Utilities

Preparation of food on-site is prohibited until the property owner connects to central water and sewer.

5. Vehicular/Pedestrian Impacts

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County Land Development Code may be required to obtain a local Development Order.

6. Lee County Comprehensive Plan Consistency

Approval of this zoning request does not guarantee local Development Order approval. Future Development Order approvals must satisfy the requirements of the Lee County Comprehensive 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, as well as all other Lee County Comprehensive Plan provisions.

7. Concurrency

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in Lee County Land Development Code Chapter 2 and the Lee County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local Development Order.

8. Compliance to Lee County Land Development Code

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 deviations approved as part of this planned development.

9. Solid Waste Management

As part of any local Development Order approval for vertical development, the Development Order plans must include facilities in compliance with Lee County Land Development Code 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.

B. DEVIATIONS:

Deviation 1 seeks relief from Section 10-285 of the Land Development Code (LDC), which requires a connection separation of 660 feet for an arterial road, to allow 260 feet along McGregor Boulevard.

Justification: The subject property has one existing access point onto McGregor Boulevard. The subject property has approximately 65 feet of frontage along McGregor Boulevard and has insufficient frontage to meet the minimum separation required for an arterial roadway. The Master Concept Plan (MCP) represents a narrower access point than currently exists, therefore the proposed access will provide enhanced safety for vehicles entering and exiting the property. The Applicant submits the deviation for the reduced connection separation will not negatively impact, public health, safety or welfare.

Recommendation: The Hearing Examiner recommends **APPROVAL** of this deviation request with the following condition:

1. The project must provide a cross access easement to the adjacent property to the west for the possibility of future inter-connection.

Deviation 2 seeks relief from Section 10-416(d)(3) of the Land Development Code (LDC), which requires a Type "D," 15-foot-wide, Right-of-Way (ROW) buffer, to allow a 10-foot-wide buffer in front of the handicapped parking space along McGregor Boulevard.

Justification: The existing building was developed in 1958 prior to the substantial Right-of-Way (ROW) takings to widen McGregor Boulevard. As a result of the takings, there is limited depth (27± feet) between the existing Right-of-Way line and the building. The reduced buffer width is requested in order to accommodate the minor retail uses and handicap a space in the front of the existing building to provide convenience to future patrons. The Applicant is proposing a reduction in plant materials, therefore, Type "D" plantings will be provided in accordance with Section 10-416. Based on the proposed plantings, the intent of the Code will be maintained via adequate screening along the McGregor Right-of-Way. Additionally, the Applicant has provided the full 15-foot-width along the southern portion of the frontage. The deviation represents betterment to the project and will not impact public health, safety or welfare, as handicapped patrons will enjoy enhanced access to the retail sales portion of the project.

Recommendation: The Applicant is proposing a type "D" buffer adjacent to the ROW to the south. Deviation #2 is requesting relief from the 15-foot required width along a portion of the south property line to allow a 10-foot width. This request is being made due to the location of the existing structure and the requirement for a handicapped parking space and a sidewalk close to the building. Additionally, the property boundaries were reduced in the past due to a right of way taking for the widening of McGregor Blvd. The Applicant will still provide the required type "D" buffer plantings in this area consistent with the Lee County Land Development Code. The Hearing Examiner recommends **APPROVAL** of this deviation request.

Deviation 3 seeks relief from Section 10-416(d) (3) of the Land Development Code (LDC), which requires Type "A" plantings, to allow Type "A" plantings within open areas along the western property line in lieu of the required five-foot buffer.

Justification: The subject property is uniquely narrow in width and provides limited width to accommodate vehicular circulation. The existing building, built in 1958, is currently located on the site and restricts the ability to provide a sufficiently wide drive aisle to access the rear parking area. In order to achieve the maximum drive aisle width possible, the Applicant is seeking relief from the five-foot buffer width requirement in light of the future commercial use intended for the property to the west. The Applicant will provide Type "A" plantings with open areas along the western property line to enhance views of the property.

Recommendation: The Applicant is proposing a type "A" buffer along the east property line that abuts the commercial development. This is consistent with the Lee County Land Development Code. Along the west property line the Applicant is requesting a deviation for relief from the required five-foot Type "A" buffer along a portion of the west property line. This deviation is being requested due to the location of the existing structure and the required width of the drive isle to access the parking in the rear. The Applicant has agreed to calculate the required type "A" buffer plants for the entire property line (approximately 245 linear feet) and plant these trees within the open areas along the west property line. The Hearing Examiner recommends **APPROVAL** of this deviation request with the following condition:

1. Prior to local Development Order approval, the Development Order plans must demonstrate the planting of 10 trees along the west property line within open space areas to meet the requirements of the type "A" buffer.

Deviation 4 seeks relief from Section 30-153(3)(e) of the Land Development Code (LDC), which for identification signs requires a minimum 15-foot setback from any Right-of-Way (ROW) or easement, to allow a setback of 10 feet from McGregor Boulevard.

Justification: The subject property has a uniquely narrow width along McGregor Boulevard. The majority of the frontage is utilized for driveway area and handicapped access, leaving minimal area for signage. With the proposed reduction, the sign will remain upwards of 30 feet from vehicle travel lanes along McGregor Boulevard. The proposed location provides maximum visibility of the identification while upholding public health, safety and welfare.

Recommendation: The proposed location of the sign will be 30 feet from the edge of pavement of McGregor Boulevard. There is not enough road frontage for the sign to comply with the 15-foot setback. The Lee County Land Development Code allows the placement of a 64-square-foot sign which cannot be closer than five feet to any side property line and a height of 20 feet. The Applicant does not have any specific sign elevations; however, they must comply with the side setback and height in order to obtain the sign permit. The Hearing Examiner recommends **APPROVAL** of this deviation request with the following condition:

1. At time of building permit, the Applicant must demonstrate compliance with Chapter 30 of the Lee County Land Development Code.

Deviation 5 seeks relief from Section 34-2017(b) of the Land Development Code (LDC), which requires the parking lot to meet the surfacing requirement for high turnover parking lots (aisles must be provided with a paved, dust free, all-weather surface), to allow the proposed parking lot to meet the surfacing requirement for low turnover parking lots.

Justification: The property is located in the Suburban Land Use Category; will have nine parking spaces to support the 500-square-foot retail sales use, in addition to the caretaker's residence; will be required to provide on-site water management to enhance the current drainage of the site and will ensure the alternative parking surface will be maintained; and the property is located in an area of transition between greater Fort Myers and Fort Myers Beach and Sanibel area. The character of the area supports the request for alternative surfaces and there are a number of properties in close proximity, which demonstrate crushed shell or gravel parking lots, such as Oakes Brother Market at McGregor and John Morris Road intersection, Marilyn's Exotic Orchard on John Morris Road, and LCD Trucking on McGregor Boulevard.

Recommendation: The Land Development Code allows Director's discretion to permit high turnover parking lots (including parking lot aisles) to meet the surfacing standards for low turnover parking lots under certain circumstances. This can be done at time of Development Order, however to ensure the proposed development is allowed to provide an alternative surface such as crushed shell or gravel, the deviation is being requested at time of rezoning.

The subject property is not in the Intensive or Central Urban land use category; will have nine parking spaces to support the 500-square-foot retail sales use, in addition to the caretaker's residence; will be required to provide on-site water management to enhance the current drainage of the site at time of local Development Order and will ensure the alternative parking surface will be maintained; and the property is located in an area where there are other properties in close proximity that have crushed shell or gravel parking lots. The Hearing Examiner recommends **APPROVAL** of this deviation request with the following condition:

1. At time of Development Order, an alternative surface may be permitted provided the area is adequately drained and continuously maintained in a dust free manner. Alternative surfaces may include gravel, crushed shell or other similar materials. Parking on grass or other unimproved surfaces such as sand or dirt is prohibited.

Deviation 6 requests relief from Section 34-2016(3) of the Land Development Code (LDC), which requires a two-way parking aisle width of 24 feet, to allow a parking aisle width of 16 feet.

Justification: This deviation allows for greater design flexibility without jeopardizing safe vehicular circulation. The subject property is uniquely narrow in size and provides limited width to accommodate vehicular circulation properly, particularly in consideration of the existing building location. The deviation will allow for sufficient width to allow for one vehicle to enter the rear parking area and turn around to exit the site. Due to the project's limited retail uses and low trip generation, the proposed deviation will not negatively impact public health, safety or welfare and is necessary based on the existing site conditions.

Recommendation: The Hearing Examiner recommends **APPROVAL** of this deviation request.

Deviation 7 requests relief from Section 10-416(d)(3), which requires a Type "F," 30-foot-wide buffer, along the portion of the east property line that abuts the existing Multi-Family use, to allow a 23-foot-wide buffer.

Justification: The subject property is uniquely narrow in size and provides limited width to accommodate vehicular circulation and restricts the ability to provide the full 30 feet of the

required buffer. In order to provide adequate drive isle width and parking stalls, the Applicant seeks this deviation. The Applicant will provide the required Type "F" plantings within the 23-foot buffer.

Recommendation: The Applicant is proposing a type "F" buffer adjacent to the Multi-Family use along the north property line, which is consistent with the Lee County Land Development Code. The deviation request relief from the 30-foot-width required along the east property line that abuts the Multi-Family use to allow 23 feet of buffer width. The Applicant will still provide the required type "F" buffer plantings in this area consistent with the Lee County Land Development Code. In addition, there is an existing solid fence along the adjacent property line screening the Multi-Family use from the proposed commercial project. The Hearing Examiner recommends **APPROVAL** of this deviation request.

IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone a small, .32-acre parcel, at 16980 McGregor Boulevard, from Agricultural (AG-2) and Community Commercial (CC) Zoning Districts to a Commercial Planned Development (CPD). Approval will authorize the property to be used for fish market/retail sales, a caretaker's residence and associated parking. The site currently contains an existing single family home, where the Applicant resides and sells seafood. The subject property is in the Iona/McGregor Planning Community and the Suburban Future Land Use Designation.¹

The property is a small narrow shaped parcel, with 60± feet along McGregor Boulevard and 246± feet of depth. They built the existing home in 1958. McGregor Boulevard was then a two-lane road. The surrounding area is developed with both Commercial and Residential uses. Directly north of the site, and two hundred feet from the Applicant's home, is the Davis Woods Condominium Complex, in a Multi-family Residential Zoning District (RM-2). East of the property is a 7,000-square-foot commercial development, with 27 residential units placed behind that commercial structure. The closest residential unit, in that complex, is 140± feet from the Applicant's house. To the south is McGregor Boulevard, across from which is the Tangier Outlet Mall, in a Community Commercial Zoning District (CC), built in 1993. Finally, west of the site is a vacant 2.6± acre Community Commercial Zoning District (CC).

The Applicant has submitted a revised one-page Master Concept Plan (MCP) entitled "Gulf Seafood CPD" which is stamped received on March 2, 2011, see **Exhibit B** hereto. That plan depicts the 25-foot-high, one-story, existing residence. That home will be used as a caretaker's residence. It is found on the street front of the property. The Applicant will construct a 300-square-foot addition to that structure to be used for the retail sale of seafood. A handicapped parking space has been placed in front of the building. A driveway, running along the west side of the building, will lead to the rear parking area for patrons.

¹

Lee County Comprehensive Plan Policy 1.1.5:

The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial uses are not permitted. Bonus densities are not allowed.

They also depict a 200-square-foot concession trailer. This vehicle will be used as a restaurant, Group I. It does not provide for indoor seating. There will be no on-site food preparation. Food will be prepared off-site and brought to the trailer for sale. The development will provide a Type "F" buffer along the property lines adjacent to the two residential developments. A Type "F" buffer will be 23 feet wide on the west property line and 30 feet wide along the north property line. Deviation # 7 is for a reduced buffer width from 30 feet to 23 feet along the eastern boundary line. However, the Applicant will provide the required Type "F" plantings in that area. An identification sign will be in the southwest corner of the subject property. Please note that part of the property, on the northern portion of the property, is within a FEMA floodway. They propose no development in this area.

The Division of Environmental Sciences (ES) Staff reviewed this application and found no environmental issues of concern.

The Division of Development Services Staff reviewed the request for traffic impacts. The project will generate 13 new trips in the PM peak hour. McGregor Boulevard will function at Level of Service "B" after the project traffic is added to the roadway. The project has no adverse traffic impacts.

The Applicant will not connect to potable water and central sewers. The facility is a low intensity commercial use. It has an existing on-site septic tank and well. They intend that will service the caretaker's residence and the restrooms supporting the limited 500 square feet of retail use. All food will be prepared at an off-site commissary. A condition (number 4) denies food preparation on the property.

Three members of the public, Drew Drake, Fred Jasinski, and Stanley Mogilski were present, and spoke, at the hearing before this Hearing Examiner. All three individuals were supportive of the Applicant's request.

The Suburban Future Land Use provides for a broad range of uses that include residential and commercial uses. This application will provide neighborhood-scale retail sales of seafood to the surrounding residential community and seasonal patrons. The proposed caretaker's residence allows a true live-work development that reduces vehicle miles traveled for the owner/operator. The request is consistent with Policy 1.1.5 of the Lee County Comprehensive Plan. See Footnote 1.

Buffers will provide adequate screening to the Residential uses. The development is on an arterial road, will be served by EMS, fire and police protection and will be compatible with the surrounding land uses. The project will not have an impact on adjacent land use and surrounding neighborhoods. The request is consistent with Lee County Comprehensive Plan Policies 2.2.1, 5.1.5 and 6.1.1.²

²

Lee County Comprehensive Plan Policy 2.2.1:

Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

Lee County Comprehensive Plan Policy 5.1.5:

Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event

The use of minor retail sales, limited to 500 square feet, for a fish market and the retail sale of seafood, in addition to the caretaker's residence, is less than two acres in size and will have a floor area less than 30,000 square feet. It is consistent with Lee County Land Development Code Policies 6.1.2, 6.1.4, and 6.1.6.³

New commercial development is required to connect to water and sewer systems, depending on the total floor area or the generation of gallons per day. The proposed development will not connect to potable water or sanitary sewer services because of the low intensity commercial use. The property has an existing on-site septic tank and well that will service the caretaker's home and restrooms to support the limited 500 square feet of retail use. The request is consistent with Standards 11.1 and 11.2 of the Lee County Land Development Code.⁴

The development will provide the required open space and improve the existing site. The open space will be dispersed throughout the site, which will enhance the view from

that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

Lee County Comprehensive Plan Policy 6.1.1:

All applications for commercial development will be reviewed and evaluated as to traffic and access impacts; screening and buffering; availability and adequacy of services and facilities; impact on adjacent land uses and surrounding neighborhoods; proximity to other similar centers; and environmental considerations.

³

Lee County Comprehensive Plan Policy 6.1.2:

All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Goal 32.

Lee County Comprehensive Plan Policy 6.1.4:

Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.

Lee County Comprehensive Plan Policy 6.1.6:

The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

⁴

Lee County Comprehensive Plan Standard 11.1:

WATER. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).

Lee County Comprehensive Plan Standard 11.2:

SEWER. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

neighboring properties. This is consistent with Goal 77 of the Lee County Comprehensive Plan.⁵

The undersigned Hearing Examiner finds that the requested rezoning, and deviations, meet the criteria necessary for approval, including consistency with the Lee County Comprehensive Plan and Lee County Land Development Code. The new zoning district is compatible with neighboring properties. Consequently, this Hearing Examiner recommends approval of rezoning the subject parcel to a Commercial Planned Development (CPD), subject to the conditions and deviations set forth herein. In compliance with Section 3.1 of Lee County Administrative Code AC-2-6, the undersigned Hearing Examiner conducted a site visit to the subject real property prior to issuing this recommendation.

V. FINDINGS AND CONCLUSIONS:

Based upon an analysis of the application and the standards for approval of planned development rezonings, the undersigned Hearing Examiner makes the following findings and conclusions:

- A. The Applicant has proven entitlement to the rezoning to Commercial Planned Development (CPD) by demonstrating compliance with the Lee County Comprehensive Plan, the Lee County Land Development Code, and other applicable Lee County Codes - specifically Lee County Comprehensive Plan Goal 77, Policies 1.1.5, 2.2.1, 6.1.1, 6.1.2, 6.1.4, 6.1.6, and Standards 11.1 and 11.2.
- B. The requested zoning:
 - 1. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request - specifically, Lee County Comprehensive Plan Goal 77, Policies 1.1.5, 2.2.1, 6.1.1, 6.1.2, 6.1.4, 6.1.6, and Standards 11.1 and 11.2.
 - 2. is consistent with the densities, intensities and general uses set forth in the Lee County Comprehensive Plan - specifically, Lee County Comprehensive Plan Goal 77, Policies 1.1.5, 2.2.1, 6.1.1, 6.1.2, 6.1.4, 6.1.6, and Standards 11.1 and 11.2,
 - 3. is compatible with existing or planned uses in the surrounding area. Specifically, Lee County Comprehensive Plan Policy 6.1.4, and
 - 4. will not adversely affect environmentally critical areas or natural resources. Specifically, Lee County Comprehensive Plan Goal 77 and Policy 6.1.6.
- C. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the

⁵

Lee County Comprehensive Plan Goal 77:

DEVELOPMENT DESIGN REQUIREMENTS. To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

Capacity to carry traffic generated by the development. Specifically, Lee County Comprehensive Plan Policies 6.1.1, 6.1.2, and 6.1.4.

- D. Urban services, as defined in the Lee County Comprehensive Plan, are, or will be, available and adequate to serve the proposed land use - specifically, Lee County Comprehensive Plan Standards 11.1 and 11.2.
- E. The proposed use or mix of uses is appropriate at the subject location.
- F. The recommended conditions to the Master Concept Plan and other applicable regulations provide sufficient safeguards to the public interest.
- G. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- H. The deviations, as conditioned:
 - 1. enhance the planned development; and
 - 2. preserve and promote the general intent of the Lee County Land Development Code to protect the public health, safety and welfare.

VI. LIST OF EXHIBITS:

STAFF'S EXHIBITS

- 1. 2010 Aerial Photograph, mapped February 2011, prepared by Lee County Department of Community Development (Color) [24"x36"]
- 2. Two (2) 2010 Aerial Photographs, provided by Lee County Department of Community Development {Composite} (one page) [8 ½"x11"]

Résumés of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

APPLICANT'S EXHIBITS

- 1. PowerPoint Presentation, prepared by EnSite, dated February 23, 2011 - CD and hard copy {12 pages} (Color) [8 ½" x 11"]
- 2. Master Concept Plan, prepared by EnSite, last revised December 21, 2010, date stamped "RECEIVED DEC 28 2010" [24"x36"]
- 3. Letters of support from customers and affected parties {Composite} (86 pages, 168 signatures) [8 ½" x 11"]
- 4. Amended Master Concept Plan and Conditions (3 pages 8 ½" x 11") (one page 11" x 17") (one page 24" x 36") {Composite - {Post Hearing Submittal}}

Résumés of Applicant's consultants are on file with the Hearing Examiner's Office and are incorporated herein.

VII. PRESENTATION SUMMARY:

The Hearing Examiner announced the case, which was a request for a rezoning of 0.32 acres for the property located at 16980 McGregor Boulevard. He noted that there were members of the public present and asked the Assistant County Attorney to make comments for the record at that time. Assistant County Attorney, John Fredyma, introduced himself for the record and explained that he represented the Board of County Commissioners (BOCC) and was also present to assist the County Staff, the Applicant, and the Hearing Examiner to ensure that the record in this case was complete.

He advised those who wished to participate in the hearing or those who wished to obtain a copy of the Hearing Examiner's Recommendation to fill out a Public Participation Form and submit it to the Hearing Examiner. He explained that at the conclusion of Staff's presentation, the Hearing Examiner would open the floor to public participation and comment, and at that time members of the public would have an opportunity to address the Hearing Examiner.

It was explained that all public comment and participation would be from the podium and that they should state their names and addresses for the record and explain whether they resided or owned in the area. They could ask questions or tell the Hearing Examiner what concerns they had with regard to the case.

Mr. Fredyma also explained that the Hearing Examiner would issue a Recommendation in this case, and it would go on for a subsequent hearing before the BOCC. Therefore, it was absolutely essential if they wanted to speak before the BOCC that they speak before the Hearing Examiner at the current hearing.

At that point, Nettie Richardson, Senior Planner for the Lee County Department of Community Development and the Zoning Division, and Shellie Johnson with EnSite, representing the Applicant, introduced themselves for the record.

Then the Hearing Examiner asked that anyone with a cell phone or pager turn it off so that they were not interrupted during the proceeding. There was no food or drink allowed in the hearing room except for water. The Hearing Examiner explained that he would swear everyone in en masse and asked participants who planned to come forward, to first give him their name, addresses, and indicate whether or not they had taken an oath. Then he placed all of the participants under oath.

Next, Ms. Johnson, reintroduced herself for the record. She explained that it was a rezoning request for what was known as Gulf Seafood CPD. The Applicant was requesting approval to rezone 0.32 acres from Agriculture (AG-2) and Community Commercial (CC) to Commercial Planned Development (CPD). The purpose of the rezoning was to allow for a fish market or retail sales and a caretaker's residence with the associated parking.

She explained that the project site is located on the north side of McGregor Boulevard across from the Tanger Outlets Shopping Center and accessed directly from McGregor Boulevard, which is an arterial roadway. Currently there is a single-family residence on the site and an area designated for the sale of seafood. The subject property is located within the suburban land use category and Iona/McGregor Planning Community.

Continuing, Ms. Johnson described what was surrounding the property. To the north, was a multi-family residential development known as Davis Woods, which was in the Suburban

future land use category and zoned Residential Multi-Family (RM-2). On the east side of the property was the Chippendale Commercial Planned Development/Residential Planned Development (CPD/RPD). The Multi-Family portion of the RPD abutted the northern third of the subject property. Then, there was a commercial development along the roadway's frontage. To the west was Suburban land use category and the Community Commercial zoning category was currently vacant. The Tanger Outlet Mall was located to the south across McGregor Boulevard. It fell within the Urban Community future land use category, but was also zoned Community Commercial and currently held the mall.

Ms. Johnson noted that the rezoning request was sort of initiated by a Code Violation for selling seafood on Agriculturally zoned property. She referred to the aerial photograph and pointed out that it showed the existing structure that was on the property. The Single-Family residence was identified by the blue roof. She explained that the seafood was typically sold out of the van and the little stand was next to it, as depicted on the photographs in Ms. Johnson's PowerPoint presentation. The van was always located along or on the edge of the McGregor Boulevard Right-of-Way (ROW). Therefore, it was toward the front or southern portion of the property.

The Applicant had come forward to try to abate the violation and by doing so wanted to continue his business of the sale of seafood, hence the CPD request. A Master Concept Plan (MCP) had been developed to bring the site up to today's regulations and allow for the continuance of the business. The existing one story structure is approximately 25 feet high, and is proposed to remain. Additional to that structure, the Applicant was proposing to add approximately 300 square feet of retail sale area to the front of that building, in order to continue the sale of seafood.

The MCP reflects improvements to the parking area and drive isle as well as a more defined access from McGregor Boulevard. With regard to the buffers, Ms. Johnson noted that they were proposed for all sides, as required by the code. Also, Ms. Johnson indicated a rectangular area in the back which was being proposed for a concession trailer. The idea was for the Applicant to sell prepared food during special events. However, this food would be prepared off the site and sold on the subject site. Therefore, there would be no cooking as part of that use and it would be an occasional thing that occurs onsite.

Ms. Johnson noted that Commercial was required to provide 20 percent open space and the Applicant was proposing approximately 48 percent open space on the subject property. Signage was also being proposed as part of the zoning, primarily because there were some challenges with the site since it was only 65 feet wide. The Applicant wanted to ensure that they could fit all of the elements on the site. Therefore, the Applicant tried to identify any potential deviations that might be needed from the Code and there was one for signage, which was included in the MCP.

The site is currently on well and septic and is allowed to remain as such because it is considered a low intensity commercial use. Ms. Johnson indicated that this is defined by property that has less than two and a half dwelling units per acre, less than 30,000 square feet of Commercial use and produces less than 5,000 gallons per day of waste. Also, the existing Level of Service (LOS) on McGregor Boulevard is a LOS "B," and a Traffic Impact Statement (TIS) reflected that it would not change as a result of the development.

With regard to compatibility, buffers would be provided on all four sides of the project. Then, Ms. Johnson referred to a picture of the northern property line. She pointed out the dense existing vegetation that would remain to satisfy the type "F" buffer that was required

adjacent to the Multi-Family development to the north and added that on the east side, a portion of that buffer that abuts the Residential development, will also be a type "F" buffer. Existing on the eastern property line was a six-foot privacy fence and in addition to that the proposed plantings will be added.

The development pattern on McGregor Boulevard was a mix of Commercial and Light Industrial. Therefore, the use that was being proposed was compatible and typical of what currently exists out there, which should be considered as an infill Commercial development. Ms. Johnson noted that what was depicted on the MCP was the Commercial use of the site, which was focused toward the front of the project site along McGregor Boulevard's frontage.

Ms. Johnson mentioned that there were seven deviations being proposed. The first Deviation was from the Land Development Code (LDC) Section 10-285, to reduce the connection separation from the required 660 feet to 260 feet. The existing driveway separation is approximately 264 feet in either direction and the deviation will allow for that to continue. The second Deviation was from Lee County Land Development Code Section 10-416(d)(3), which is for the type "D" ROW buffer to reduce the buffer from 15 feet to 10 feet. Ms. Johnson noted that the deviation only applies to the area of the frontage that was adjacent to the handicapped parking space. Because of constraints on the site and the Applicant's intention to bring it up to Code as much as possible, as well as placing the handicapped space in an area that was fully accessible to the retail area that was proposed, the ROW buffer needed to be reduced in that small area.

The third Deviation was from Section 10-416(d), which required a Type "A" buffer adjacent to Commercial property. This deviation was being requested for the western property line. It could be depicted from the MCP that in order to maximize the width of the drive isle that lead to the parking toward the rear of the property, there was not enough space to accommodate the five-foot Type "A" buffer. In lieu of that, the Applicant was proposing to provide the plantings, but have them clustered or spaced in the open space area.

The fourth Deviation was from Lee County Land Development Code Section 30-153(3)(e). This was to reduce the signage setback from 15 feet to 10 feet. The signage was proposed up on the western corner of the frontage. If they were to move the sign location back another five feet, because of the width of the drive isle, in particular at the access that the Applicant was trying to accommodate, there was concern that there maybe some safety issues with the drive isle, as well as encroachment issues to the adjacent property. Therefore, by maintaining the 10-foot setback, it allows enough clearance for an allowable sized sign.

The fifth Deviation, was from Lee County Land Development Code Section 34-2017(b). It was a deviation from the parking lot paved surface requirements to allow for an alternative parking surface. The parking area currently consists of gravel. Therefore, the Applicant was requesting to maintain it just to better organize it and define it better, as well as it keep with the character of the surrounding area. Ms. Johnson noted that there were some properties in the Iona/McGregor area that also used that sort of gravel or non-paved surface for driveway. Therefore, they were keeping up with the character of an area that served as sort of a transition from the urban area of Fort Myers to the beach.

The sixth Deviation was from Lee County Land Development Code Section 34-2016(3). This was to reduce the parking lot width from 24 feet to 16 feet. Ms. Johnson explained that due to constraints of the existing building and the narrowness of the parcel, the Applicant was only able to achieve a 16-foot-wide access point. The parking lot had been designed to allow for easy maneuverability.

The seventh Deviation was from Lee County Land Development Code Section 10-416(d)(3), which was to reduce the width of the Type "F" buffer along the east property line from 30 feet to 23 feet. Ms. Johnson indicated it was in the back of the property adjacent to the rear parking in order to achieve or accommodate appropriate width for the drive isle and the parking as well as some maneuverability.

In reference to compliance with the Lee County Comprehensive Plan, Ms. Johnson noted that Policy 1.1.5 is the Suburban land use designation, which allows for a broad range of uses, but limits Commercial development to just neighborhood centers. The subject site meets the Urban community intensity and the proposed maximum 500-square-foot retail sale areas are consistent with the design standards for the Suburban land use.

Next, Ms. Johnson noted that as mentioned before, the project falls in the Iona/McGregor Planning Community. It was anticipated that the area of planning community will redevelop as the market seeks areas that were quick to access the beach and the urban services of Fort Myers. Therefore, retail was an appropriate use along the major roadways as well as consistent with the planning community.

She explained that Policy 5.1.5 talked about preservation of the existing character and maintaining the integrity of residential development. The emphasis of the policy was to ensure compatibility and would be achieved through the use of buffers and the placement of the commercial uses toward the front commercial area or commercial character of McGregor Boulevard. Policy 6.1.1 talked about impacts of traffic, access, buffers and impacts to adjacent residential development. The commercial portion of the development is proposed along McGregor Boulevard's frontage. There is access for emergency services that will be compatible with the adjacent residential properties via buffers and screening.

Policy 6.1.2 was in reference to the proposed development being governed by the minor commercial development standards. Ms. Johnson explained that the project site is located approximately one tenth of a mile from the intersection to the west of McGregor Boulevard and Davis Road, which was a collector arterial intersection. The property is less than two acres and the Applicant was proposing less than 30,000 square feet of commercial development. Therefore, it was in compliance with that policy.

With regard to Policies 6.1.4 and 6.1.6, which dealt with compatibility, Ms. Johnson noted that the issues would be addressed through adequate buffers, placement of the commercial activity toward the McGregor ROW and provide more than adequate open space. Also, Standards 11.1 and 11.2 talked about water and sewer. Then, Ms. Johnson proceeded to explain that the property was currently on well and septic and qualified as a low intensity commercial development and; therefore, complied with those standards.

In reference to Goal 77, she mentioned that it talked about aesthetics and the visual care of the property. The Applicant was proposing approximately 48 percent open space and all the required plantings will accommodate native vegetation.

In conclusion, Ms. Johnson mentioned that the Applicant was in support of Staff's recommendation and conditions. Then, she noted that there had been a 24-hour memo submitted to the Hearing Examiner prior to the hearing, regarding Condition 2, in which the Applicant was requesting that the building height remained at 35 feet, however the number of stories was to be increased from two-stories to three-stories. Furthermore, Ms. Johnson explained that the request was to accommodate any future redevelopment of the site or

architectural style that may require a difference in stories in order to accommodate the height just because of the way height was measured.

In conclusion, Ms. Johnson noted that they found the proposed rezoning to be consistent with the Lee County Comprehensive Plan and the Lee County Land Development Code. It would also be compatible with the existing and future developments surrounding the project site. Also, there was adequate infrastructure to service the development program. Therefore, the Applicant was requesting approval of the request. Then, she mentioned that the Applicant was present to answer any questions.

At that point, the Hearing Examiner wanted to know if there were any objections to the introduction of the Applicant's PowerPoint presentation. Hearing none, the PowerPoint presentation was admitted as Applicant's Exhibit One. Also, the Applicant's MCP was admitted as Applicant's Exhibit Two. Then, the Hearing Examiner wanted to know if County Staff or County Attorney had any questions for the Applicant.

Mr. Fredyma wanted to know if Ms. Johnson had introduced herself at the beginning of her presentation. Then, Ms. Johnson apologized and indicated that she was an AICP Planner. She noted that she had previously testified as an expert witness and would like to be accepted as such. Hearing no objections, the Hearing Examiner declared the witness to be an expert in land use planning and accepted her testimony as an expert witness.

Then, Mr. Fredyma asked if the Hearing Examiner had received the 24-hour memo. The Hearing Examiner confirmed that he had received the memo and had read it. Then the Hearing Examiner asked Ms. Johnson if she had any other witness that wished to speak. Ms. Johnson explained that there was none at the time. The others were only there to answer questions if there were any.

Next, Ms. Richardson reintroduced herself for the record. She indicated her resume was on file and that she had been declared an expert in zoning and land use issues in the past and would like to be accepted as such for this hearing. After hearing no objections, the Hearing Examiner declared the witness an expert in the fields indicated.

Ms. Richardson mentioned that Ms. Johnson had explained most of the things in Ms. Richardson's presentation so there was not a lot to add. Then, Ms. Richardson noted that the improvements being proposed for the subject property would definitely be an improvement to the surrounding community. Ms. Richardson told the Hearing Examiner that at the time of his site visit he would notice the existing Single-Family home, as well as the area where the Applicant is selling the seafood right now. She indicated that the Applicant would have a uniform driveway, a parking space, a small parking area to the rear of the building, and Staff was in support of that.

She explained that the Applicant requested seven deviations and all had been approved by Staff. Some of them were approved with conditions. Some conditions went along with the deviations regarding future development. For example, the Department of Transportation (DOT), was asking them to provide a cross access easement to the adjacent property to the west for the possibility of future inter-connection, since it is a vacant piece of property.

Ms. Richardson also mentioned buffer conditions. The Applicant was required to do some things at the time of local Development Order to prove that they were going to provide the number of plantings in those appropriate areas being designated. There was also a condition regarding the parking lot area. The Applicant wanted to keep a kind of shell base

format. Ms. Richardson noted that, at time of the Development Order, they would have to make a statement that it would be adequately drained and continuously maintained in a dust free manner. Another condition required the sign to be in compliance with Chapter 30 of the Lee County Land Development Code.

Staff reviewed the request and found it to be consistent with all the Policies that were outlined in the Staff Report, which was prepared February 7, 2011. Ms. Richardson indicated that all the Comprehensive Plan Policies were listed in there as well and the request was also consistent with them. Therefore, Staff recommended approval with some conditions. She explained that Aaron Martin from Environmental Sciences was also present at the hearing to answer any questions regarding the landscape buffers proposed or the deviations requested.

At that point, the Hearing Examiner wanted to know if Ms. Richardson had received the 24-hour letter submitted by the Applicant. In response, Ms. Richardson indicated she did and she had no objections. Then, the Hearing Examiner wanted to know if the Assistant County Attorney had any questions. Consequently, Mr. Fredyma inquired about the size of the subject property. Ms. Richardson confirmed that it was a small piece of property.

Mr. Fredyma mentioned that the Applicant could seek to rezone to a conventional zoning district. Subsequently, Mr. Fredyma wanted to know if, given the size of the property, it was a better approach to do the request as a Planned Development (PD) from a finding perspective. Ms. Richardson stated that it was, because there were very limited uses that could go on the piece of property for future development. Mr. Fredyma had no other questions at the time.

Next, the Hearing Examiner wanted to know if they Applicant had any questions. The Applicant had no questions. The Hearing Examiner inquired if there was any other witness from Staff that wanted to do a presentation. In response, Ms. Richardson noted that Mr. Martin was just there to answer any questions if there were any. Then, the Hearing Examiner indicated that he had no questions. That concluded Staff's presentation.

At that time, the Hearing Examiner opened up the hearing for public participation. He asked for members of the public to submit their Public Participation Forms if they had not done so. Also, he told them to state their names, addresses, and indicate whether or not they had taken an oath. It was also explained that the Hearing Examiner would make a Recommendation to the BOCC, after which, a second public hearing would be conducted based on that recommendation. In order to speak before the BOCC, it was important that members of the public spoke before the Hearing Examiner to preserve that opportunity.

Then, Stanley Mogilski was called upon. Mr. Mogilski introduced himself for the record and indicated he lived at Davis Woods Community, Apartment 524. He also noted that he was a full time resident there and president of the association. The Hearing Examiner inquired if he had taken an oath. Mr. Mogilski confirmed he had taken an oath.

Mr. Mogilski indicated that he was "for" the rezoning, but he had a few questions. The association was called because they would like that area cleaned up. Referring to the north end of the property, he wanted to know if the cooler and the screened-in porch were going to be removed. He wanted to know if the coolers were going to be part of the buffer. In response, Ms. Johnson mentioned that the survey reflected an existing cooler in the northeast corner of the property. There were no plans at the time to move that or relocate it. However, Ms. Johnson indicated that the Applicant might be willing to move it.

Consequently, the Hearing Examiner mentioned that if the project was approved, it was being approved based on the MCP. Therefore, if there were other things that were going to be on the property, they should be on the MCP, otherwise it would be removed. Then, Mr. Mogilski noted that it was encroaching on their property about a foot or foot and a half. The Hearing Examiner indicated that he had not looked at the survey so he was concerned that the Applicant was asking for approval of the project based on the MCP that he was looking at, and he did not see any cooler listed. Therefore, he was not approving the cooler.

Ms. Johnson mentioned that she may need to have the Applicant talk about it. The survey showed that it slightly encroached onto the property to the north and east about six inches. She also indicated that the Applicant was willing to relocate it if it was necessary. They understood that a 30-foot type "F" buffer was needed. Consequently, the Hearing Examiner wanted to know what the Applicant was proposing. He also noted that they could not have an ice machine in the buffer. Then, Ms. Johnson mentioned that they would relocate it. In addition, she referred to a rectangular area that was left as an open area which was forward of the buffer. The Hearing Examiner stated that if an ice machine was placed there, then it would not be an open area anymore and they would be changing the computation with regard to open areas.

The hearing was recessed so the Applicant could discuss the issue. Then when they were back on the record, the Hearing Examiner wanted to know what they had decided. Ms. Johnson explained that the Applicant was proposing to move the cooler that was currently in the northeastern corner of the property to an area that was called an optional service area, and they would have to recalculate the open space.

She didn't believe there was going to be a problem meeting the 20 percent open space since there was 48 percent proposed. She explained that they would also have to amend Condition 3.a. to adjust the percentage of open space.

The Hearing Examiner determined they would take care of all of those amendments at the end of the hearing.

At that point, Mr. Mogilski wished to discuss one more item. The Hearing Examiner told him to go ahead. Mr. Mogilski explained that last summer a gentleman brought in a backhoe on the property, dug a hole, and brought some stone in. He thought they planned to use it as a dry route to take out the drainage water from the cooling system. They wanted to have him come back in and restore that area, and just fill that hole back in. Currently, the dirt was piled up on their property and there was a hole right behind the cooler. They wanted to have that restored.

The Hearing Examiner wanted to know if they would have to restore that as part of the buffer program. Mr. Mogilski explained that it was their property, but he had done it without their knowledge and when they saw him they stopped him from doing anymore. Then it stayed that way.

The Hearing Examiner explained that the problem was that he didn't know that he could authorize a condition for the landowner to do something to somebody else's property.

Mr. Mogilski explained that he brought it up to find out what they could do. Then the Hearing Examiner asked the Applicant if they would consent to restoring the adjacent property owner's property to its original condition. Ms. Johnson answered "yes."

Mr. Lindquist explained that he didn't know that they were encroaching at that time. There was a pile of dirt approximately two feet high, which they could level down. That was the only damage he could see. He thought it was their property. The Hearing Examiner planned to put something in the recommendation with respect to that acknowledging that the Applicant had consented to do that.

The Hearing Examiner wanted to know if he had anything else to add. Mr. Mogilski had one more question. The rest of the owners that talked to him were wondering if there could be a fence instead of a buffer. He thought it was supposed to be an "F" buffer and that no fence was required. The Hearing Examiner confirmed that.

Then the Hearing Examiner commented that aesthetically, he thought they would rather look at an "F" buffer than a fence. Mr. Mogilski was suggesting something that he could bring back to the membership. The Hearing Examiner wanted to know if the Applicant wanted to respond to that. Ms. Johnson agreed that a Type "F" buffer with the level of plantings that were required was going to be prettier to look at than the back of a fence. Mr. Mogilski indicated that was fine.

Then Ms. Johnson pointed out that there was a significant cost associated with a fence and they were trying to keep the cost of the improvements within control. Because the existing buffering was already there, it was one less improvement that needed to be made to the property. So they would really prefer to stay with the Type "F" buffer. That answered Mr. Mogilski's question. The Hearing Examiner thanked him for coming in.

Next, the Hearing Examiner called upon Fred Jasinski. Mr. Jasinski having been previously sworn, introduced himself for the record and indicated he was secretary/treasurer for Davis Woods Condo Association. He thought Mr. Mogilski had covered most everything that everybody in their association was concerned about. He reiterated that they were in favor of this particular rezoning. He had one or two other areas of concern.

He pointed out trees that were currently in that "F" buffer area and wanted to know if they were on the Applicant's property, if they were going to be remaining or if they were going to be removed to put the new plantings in. The Hearing Examiner wanted to know if the Applicant wanted to respond to that.

Ms. Johnson explained that they were proposing to perhaps keep the remaining vegetation as part of the Type "F" buffer to satisfy the Type "F" buffer. Mr. Jasinski was also concerned because that back area had become a dumping ground and they were concerned, because they didn't want to have dumping occurring again when they put in that buffer. He had a couple of pictures of that particular area. He didn't know if they were pertinent at this time.

The Hearing Examiner explained that he really didn't care what it looked like now, because he was dealing with approving something for the future. He suggested that in the future, after they put in the buffer, if they continued to have a problem with dumping, they should call Code Enforcement, who would go down there and cite them. He explained that was the way to handle it. If they didn't eliminate the problem, then Code Enforcement would bring them back before this Office and they would impose fines. Mr. Jasinski replied: "very well."

Next, Mr. Jasinski referred to the sewer situation. He was wondering where the drainage was going to go from the cooler and so on. Currently, they had a pipe that was coming from his property onto their property and draining something. He said they could see puddles

in the last couple of days and that it used to be an ongoing situation. They didn't want to have drainage again coming back onto their property.

The Hearing Examiner was going to ask the Applicant to address that. He thought they were proposing to put the cooler almost "dead center" in their property, so it would be well removed from where it was currently located.

Ms. Johnson agreed that the relocation of the ice cooler should really alleviate that problem. It was moving toward the front half of the property, so whatever drainage system was there now for the ice was going to have to be relocated as well.

Mr. Jasinski reiterated that pending all these hopeful changes, they (as Davis Woods) and he himself (as an owner) there, were "for" the rezoning. The Hearing Examiner thanked him.

Ms. Johnson had a question, which she meant to ask the other speaker as well. She wanted to know if he was representing the homeowner's association or just himself. Mr. Jasinski explained that he and Mr. Mogilski had both been appointed by their association to represent the entire complex, the condominium association.

Then, the Hearing Examiner wanted to know if they had a meeting to tell them that. Mr. Jasinski answered: "Yes. We have the minutes of the meeting showing that if you'd like to see those." The Hearing Examiner did not need them. He indicated he would take their representation that they had a meeting. Mr. Jasinski explained that it was a board meeting doing that appointment. The Hearing Examiner thanked him.

Next, the Hearing Examiner called upon Drew Drake. Mr. Drake having been previously sworn, introduced himself for the record and explained that he lived at 5260 South Landings Drive in Fort Myers. He represented the property owner to the west. He was one of three partners in that project, McGregor Land Associates. It was a vacant piece of ground that continues west to Davis Road. He was present in support of the rezoning request. He knew the Applicant personally and liked the fact that he was upgrading his property. He liked his new site plan.

He also liked the fact that he would like for him to maintain his business as is, with his ability to sell his vegetables, flowers, and obviously his fish. The seafood was fantastic. He explained that it was a valuable asset to that part of Fort Myers or Lee County.

Mr. Drake explained that he was a longtime Lee County resident and he had lived on Fort Myers Beach for most of his life. He thought it was really nice to be able to see the old Florida elements still able to be around and conduct business that way. He reiterated that he was in support of the application and he hoped the Hearing Examiner would follow through and grant his approval. The Hearing Examiner thanked him and asked if the Applicant had any questions. Neither the Applicant, Staff, nor the Assistant County Attorney had any questions. The Hearing Examiner thanked Mr. Drake for coming in.

As there were no other members of the public who wished to speak, the Hearing Examiner concluded the public session. He didn't know if anybody needed to say anything by way of rebuttal because he thought they had taken care of all of the public's issues.

At that point, there was a bit of housekeeping to handle. After hearing no objections, the large aerial photograph of the property was introduced as Staff's Exhibit 1 and the 8 ½ x 11 sheet with two aerial photographs was admitted as Staff's Exhibit 2.

After some discussion, the Hearing Examiner left the record open until March 4, 2011, Friday, close of business, for the Applicant to submit an amended Master Concept Plan designating the location of the ice cooler and proposed changes to the conditions regarding open space.

He asked if there were any other changes to be made on that and Mr. Fredyma suggested they could pick an area such as a 15 x 20-foot area behind the existing building for that equipment to be located as opposed to the actual dimensions of what the ice machine or cooler might be. That was fine with the Hearing Examiner. Mr. Fredyma pointed out it would give them a service area for it. It was fine with the Hearing Examiner because he really wouldn't want them to have to get a surveyor to go out there and place it because they didn't need that expense. Mr. Fredyma didn't want that either.

Mr. Fredyma also wanted to know if the word "substantially" could be inserted into the first condition so that it would read: "the project must be substantially consistent with the MCP."

The Applicant had no objection. The Hearing Examiner explained that he would issue an order. If Staff had any objection to that Master Concept Plan or the amended condition, they were to let him know. Ms. Richardson indicated they would. The Hearing Examiner explained that they could also submit language with regard to the Applicant bringing the north boundary of the property back into its original condition and with the consent of the adjacent landowner, any modifications that they had made to the adjacent landowner's property. The Hearing Examiner wanted a condition.

Mr. Fredyma explained that some of it would occur when the Development Order was ultimately issued because they would be required to remove the cooler or whatever was there from that area and then that would become buffer area.

The Hearing Examiner was concerned more about the other property owner. He didn't have the authority to do it, but since that property owner was present and had consented to it, they would put some language in there.

The Hearing Examiner also had a group of faxes. Ms. Johnson apologized for forgetting to mention those. They were petitions that the Applicant was able to obtain. They had been categorized into those that fell within the affected property area and those that she thought were primarily customers of their business.

The Hearing Examiner assumed they were all in favor and Ms. Johnson thought he could assume that. The petitions/faxes were accepted as Applicant's Composite Exhibit 3. As there were no other matters to come before the Hearing Examiner, he thanked them all for attending and the hearing was concluded.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Amanda Canada, 6308 Grove Boulevard, Punta Gorda, Florida 33982
2. Shellie Johnson, c/o EnSite, Inc., 2401 First Street, Fort Myers, Florida 33902

ADDITIONAL COUNTY STAFF:

1. John Fredyma, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VII.):

For:

1. Drew Drake, 5260 South Landings Drive #1201, Fort Myers, Florida 33919
(Proximity to subject property - Adjacent West)
2. Fred Jasinski, 16881 Davis Road, Fort Myers, Florida 33908
(Proximity to subject property - Abutting)
3. Stanley Mogilski, 16881 Davis Road #524, Fort Myers, Florida 33908
(Proximity to subject property - Adjacent)

Against: NONE

General: NONE

B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER RECOMMENDATION:

For: NONE

Against: NONE

General: NONE

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Lee County Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [Lee County Land Development Code Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the unauthorized communication. [Lee County Land Development Code Section 34-52(b)(1)b.2.]; OR

A fine not exceeding \$500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [Lee County Land Development Code Section 1-5(c)]

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 18th day of March, 2011. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

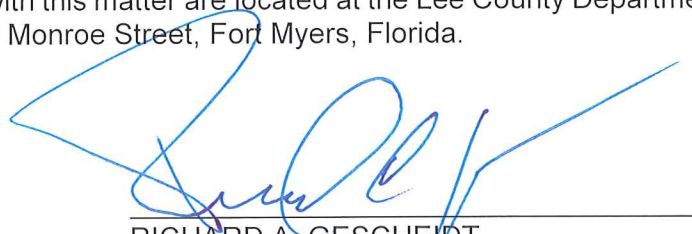
B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

C. The Board of County Commissioners will hold a hearing at which they will consider the record made before the Hearing Examiner. The Department of Community Development will send written notice to all hearing participants of the date of this hearing before the Board of County Commissioners. Only participants, or their representatives, will be allowed to address the Board. The content of all statements by persons addressing the Board shall be strictly limited to the correctness of Findings of Fact or Conclusions of Law contained in the recommendation, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the earlier hearing before the Hearing Examiner and not otherwise disclosed in the record.

D. The original file containing the original documents used in the hearing before the Hearing Examiner will be brought by the Staff to the hearing before the Board of County Commissioners. Any or all of the documents in the file are available on request at any time to any County Commissioner.

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

A verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.



RICHARD A. GESCHEIDT
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, Florida 33902-0398
Telephone: 239/533-8100
Facsimile: 239/485-8406

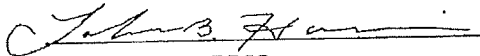
DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE AFORESAID SECTION 2; THENCE RUN S.00°56'21"E. ALONG THE EAST LINE OF SAID FRACTION OF A SECTION FOR 217.20 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (S.R. 867, 100 FEET WIDE); THENCE RUN S.62°58'00"W. ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE FOR 66.81 FEET; THENCE RUN N.00°56'21"W. FOR 246.59 FEET TO THE NORTH LINE OF THE AFORESAID FRACTION OF A SECTION; THENCE RUN N.89°03'39"E. ALONG THE NORTH LINE OF SAID FRACTION OF A SECTION FOR 60.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 13,913.642 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 2, AS BEING S.00°56'21"E.



JOHN B. HARRIS
PLS #4631
OCTOBER 21, 2010

RECEIVED

OCT 29 2010

COMMUNITY DEVELOPMENT

DCI 2010-00027

APPROVED
LEGAL

BG 11/2/10

16980MB LD

EXHIBIT A

RECEIVED
OCT 29 2010

COMMUNITY DEVELOPMENT

N.89°03'39"E.

60.00'

N.00°56'21"W. 246.59'

STATE PLANE COORDINATES
FLORIDA WEST ZONE
N=785591.50
E=664020.12

EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 2-46-23

S.00°56'21"E. 217.20'

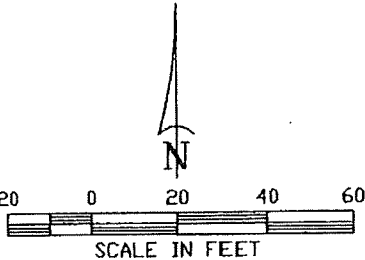
66.81'

S.62°58'00"W.

50.00'

McGREGOR BOULEVARD / S.R. 867
(100' R/W)

POINT OF BEGINNING
N.E. CORNER S1/2 SE1/4 S.W.1/4
SECTION 2-46-23
STATE PLANE COORDINATES
FLORIDA WEST ZONE
N=785839.03
E=664076.08



SKETCH OF LEGAL DESCRIPTION
**PART OF THE S.W.1/4
OF SECTION 2**
TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

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BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 2, AS BEING S.00°56'21"E.

John B. Harris

OCTOBER 21, 2010

JOHN B. HARRIS, PSM
FLORIDA LAND SURVEYOR #4631

HARRIS-JORGENSEN, INC.
2706 S.E. SANTA BARBARA PLACE
CAPE CORAL, FLORIDA
PHONE: (239) 772-9939
FAX: (239) 772-1315

REVISED:	DESCRIPTION:	BY:

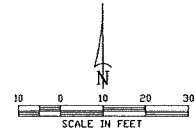
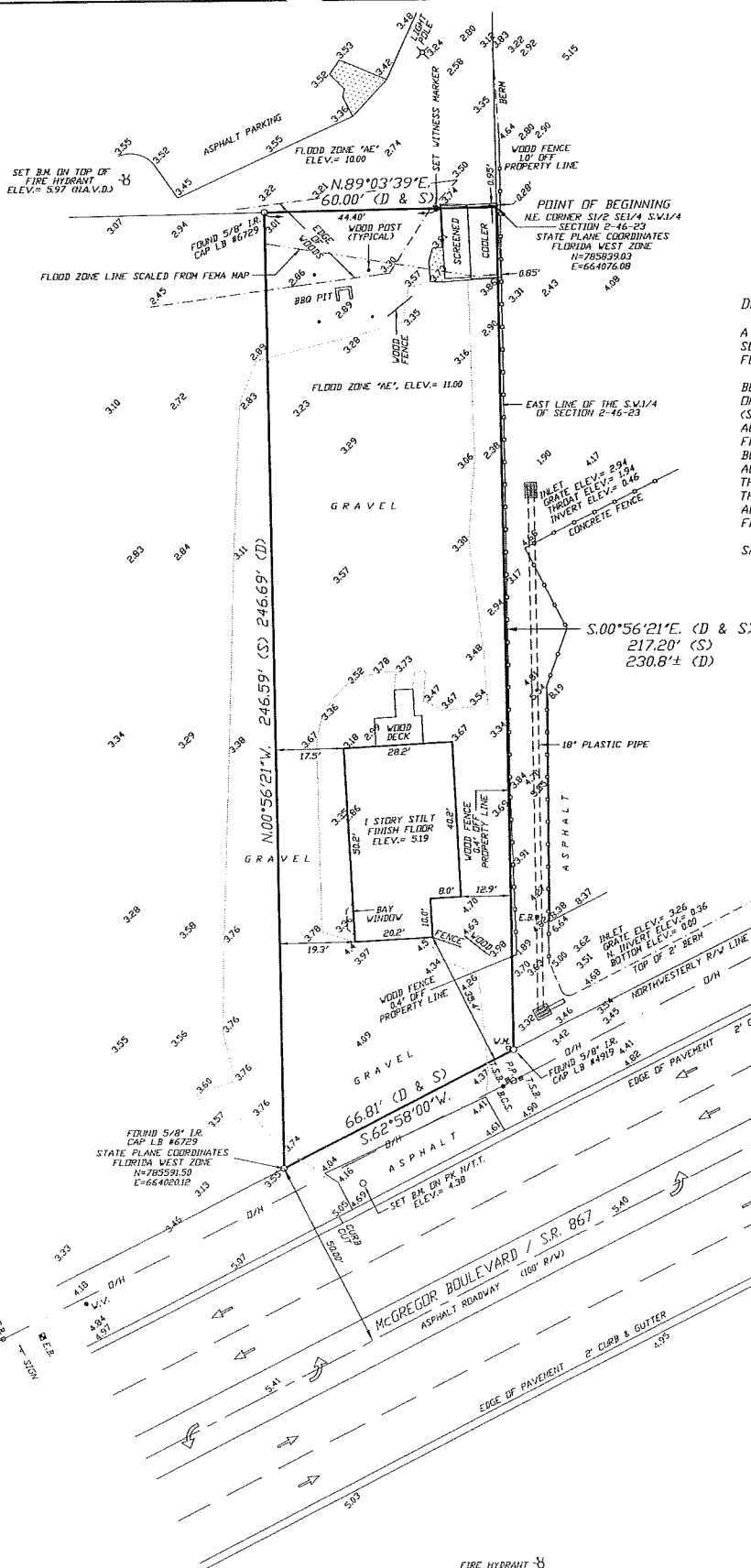
DATE OF LAST FIELD WORK: 10/13/10

DRAWN:	CHECK:	SCALE	PROJ. #
FBH	JBH	1"=40'	16980MB
SKETCH DATE:		FILE NO.	SHT.- 1
10/21/10		46-23-2	OF - 1

FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921

OCT 2010-00027

BOUNDARY & PARTIAL TOPOGRAPHIC SURVEY OF
PART OF THE S.W. 1/4
OF SECTION 2
 TOWNSHIP 46 SOUTH, RANGE 23 EAST
 LEE COUNTY, FLORIDA



DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

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SAID TRACT CONTAINS 13,913.642 SQUARE FEET, MORE OR LESS.

LEGEND:

- SET IRON ROD (CAP PLS #4631)
- FOUND IRON ROD (R)
- CONCRETE MONUMENT (CM)
- PRM PERMANENT REFERENCE MONUMENT
- PDP PERMANENT CONTROL POINT
- PUE PUBLIC UTILITY EASEMENT
- DE DRAINAGE EASEMENT
- LME LAKE MAINTENANCE EASEMENT
- PC POINT OF CURVATURE
- PT POINT OF TANGENCY
- DR OFFICIAL RECORD BOOK
- (S) AS PER SURVEY
- (M) AS MEASURED
- (P) AS PER PLAT
- (C) AS PER DEED
- (D) CURVE NUMBER
- LI LINE NUMBER
- R/W RIGHT-OF-WAY
- C CENTERLINE
- B.C.S. BURIED CABLE SIGN
- WM WATER METER
- WV WATER VALVE
- F.H. FIRE HYDRANT
- D/H INVERTED POWER
- P.H. POWER POLE
- E.B. ELECTRIC BOX
- C.T.B. CABLE TELEVISION BOX
- T.S.B. TELEPHONE SERVICE BOX
- N/B NAIL & DISK
- N/T.NAIL & TINNAIL
- D.H. DRILL HOLE
- ELEV. ELEVATION
- B.M. BENCHMARK
- A/C AIR CONDITIONER
- W.S. WATER SYSTEM
- P.E. PUMP EQUIPMENT
- CONC. CONCRETE

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 OCT 23 2010

COMMUNITY DEVELOPMENT
 OCT 2010-00027

SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 2-46-23, AS BEING S.00°56'21\"/>

THIS SURVEY IS CERTIFIED TO
 ENSURE
 JOHN ALBERT LINDQUIST L/E

REVISED	DESCRIPTION	BY

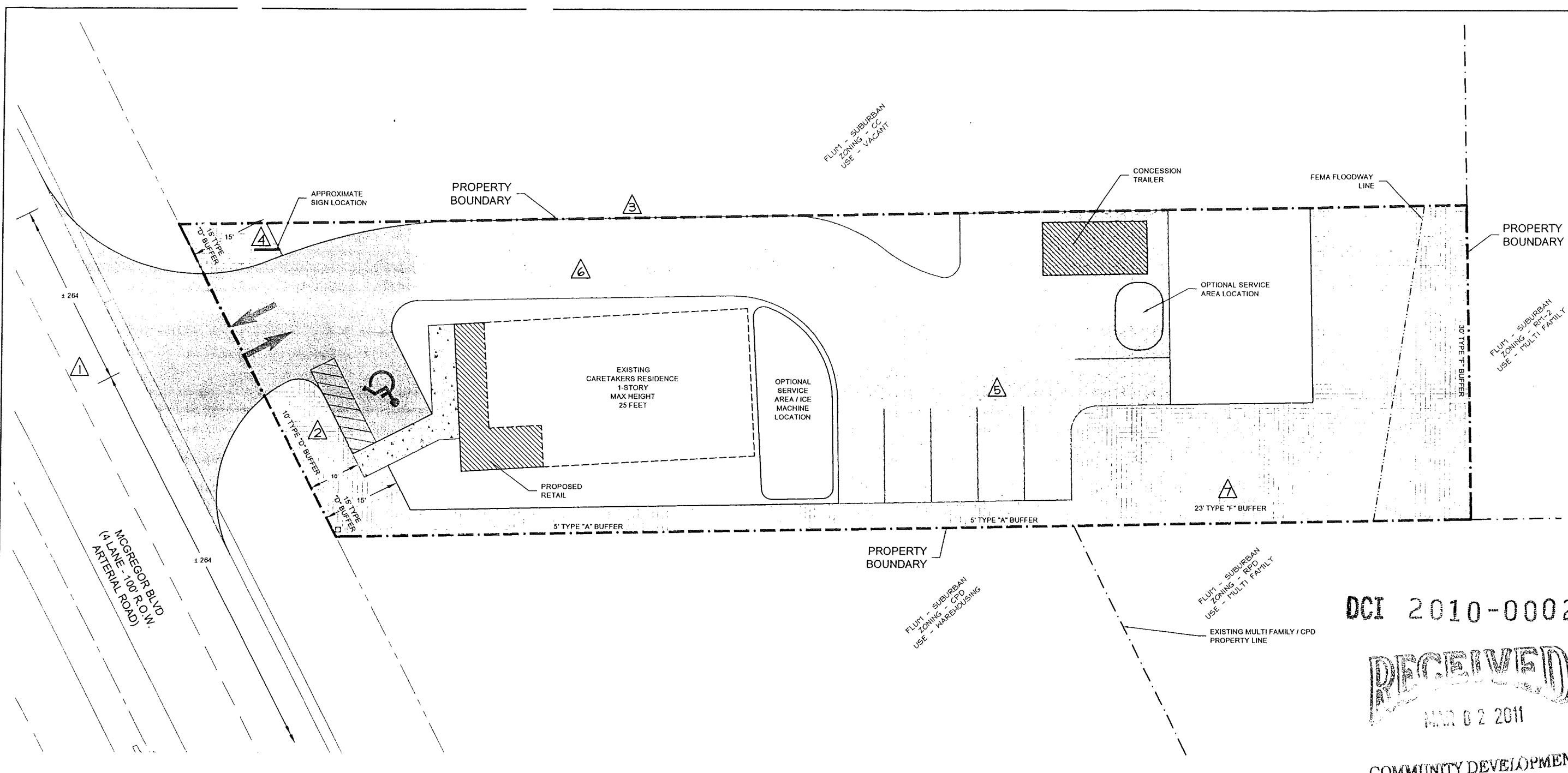
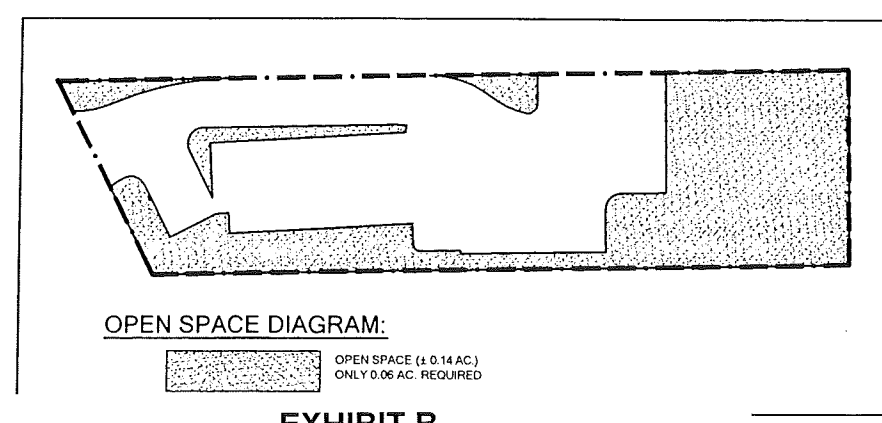
DATE OF LAST FIELD WORK: 10/13/10

BRAVNS	CHECK	SCALE	PROJ. #
FBH	JBH	1\"/>	

SURVEY DATE: 10/13/10

FILE NO.	SHT. -	DF -
46-23-2	1	1

FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921



LEGEND:

- RETAIL AREA
- BUFFER AREA
- PAVEMENT AREA
- ALTERNATIVE SURFACE AREA
- DENOTES LOCATION OF REQUESTED DEVIATIONS
- DENOTES FLOOD WAY

TABLE A

OPEN SPACE CALCULATIONS:

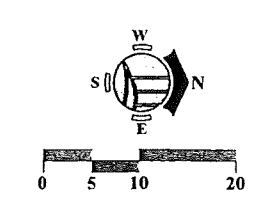
PARCEL	AREA	REQ'D OPEN SPACE	PROVIDED OPEN SPACE
CPD	0.32 AC.	0.06 (20%)	0.14 (44%)
TOTAL	0.32 AC.		TOTAL 0.14 AC.

TABLE B

PARKING CALCULATIONS:

USE	SQUARE FOOTAGE	REQ'D PARKING	PROVIDED PARKING
CARETAKERS RESIDENCE	1 UNIT	2 SPACES	2 SPACES
GROUP I RESTAURANT	200 S.F.	3 SPACES (14 SPACE PER 1,000 S.F.)	3 SPACES
FISH MARKET	300 S.F.	2 SPACES (1SPACE PER 200 S.F.)	2 SPACES
TOTAL		7 SPACES	7 SPACES

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- NOTES:
- 1) RETAIL SQUARE FOOTAGE IS LIMITED TO A MAXIMUM OF 500 S.F.
 - 2) NO ENCROACHMENT PERMITTED IN FEMA FLOODWAY

ensite
1514 BROADWAY, SUITE 201
FORT MYERS, FLORIDA 33901
PH (239) 226-0224 - FX (239) 226-0054
EB-26544 CA/C 26000374

Mr. Jons Lindquist
16980 McGregor Blvd
Fort Myers, FL 33908

Gulf Seafood CPD

REVISIONS

NO.	DATE	DESCRIPTION
R1	12-3-10	REVISED PER COMMENTS DATED 11-22-10
R2	12-27-10	REVISED PER ES COMMENTS DATED 12-21-10
R3	2-28-11	Revised per Hearing Examiner's Hearing
R4		
R5		
R6		

DATE: 10-20-10
PROJECT NO. 1159-01
FILE NO. 1159-01-MCP01
SCALE: As Shown

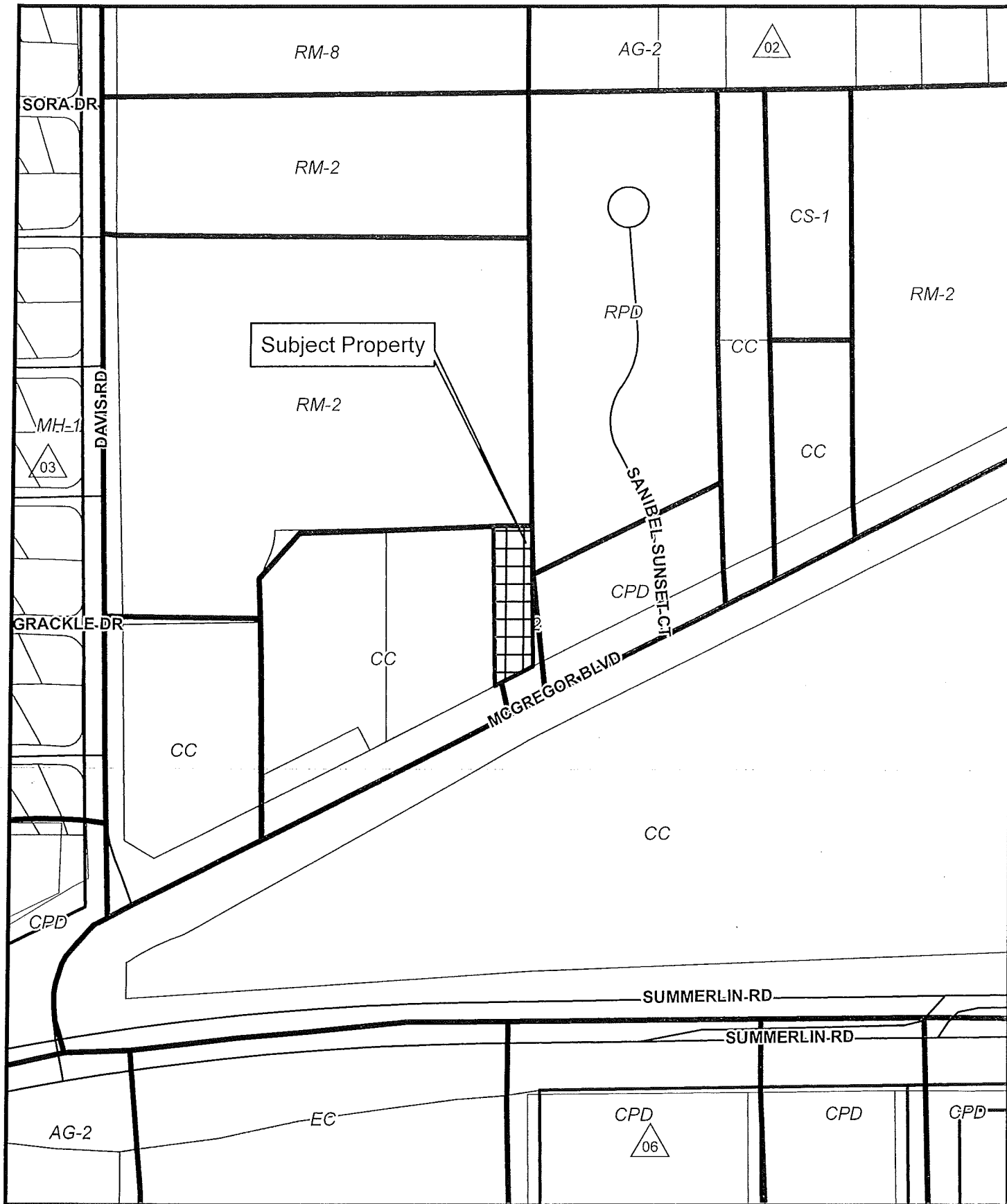
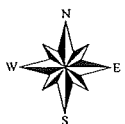
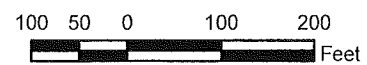
MASTER
CONCEPT
PLAN

D-7-M.2

Attachment "A" Zoning Map

DCI2010-00027

1/24/2011



EnSite

1514 Broadway, Suite 201

Fort Myers, FL 33901

Phone (239) 226-0024 - Fax (239) 226-0094



ensite

Transmittal

Attention: Richard Gescheidt, Lee County Hearing Examiner	From: Shellie Johnson, AICP
Company: Lee County Office of the Hearing Examiner	Date: March 2, 2011
Address: 1500 Monroe Street	Project No: DCI2010-00027
Fort Myers, FL 33901	Project Name: Gulf Seafood CPD
	cc: Nettie Richardson, Principal Planner
Regarding: Order of Continuance	

Sent Via: ☐ US Mail ☐ Pick-Up ☒ Hand Delivery ☐ Overnight Delivery ☐ Other

	Copies	Description
1.	1	Order of Continuance Memorandum
2.	2	11 x 17 Master Concept Plan
3.	1	24 x 36 Master Concept Plan
4.		
5.		
6.		
7.		
8.		

☐ For Your Use☐ As Requested☐ For Approval☐ Signature☐ For File☐ For Review and Comment☐ Other

Memo:
Thank you!

If you do not receive all of the above mentioned items, please notify our office

DCI 2010-00027

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MAR 02 2011

COMMUNITY DEVELOPMENT



DCI 2010-00027

MEMORANDUM

TO: Richard A. Gescheidt, Lee County Hearing Examiner
Office of the Hearing Examiner

CC: Nettie Richardson, Principal Planner
Lee County Community Zoning

FROM: Shellie Johnson, AICP

DATE: March 2, 2011

RE: Order for Continuance
DCI2010-00027/Gulf Seafood CPD

RECEIVED
MAR 02 2011

COMMUNITY DEVELOPMENT

At the Hearing held on February 23, 2011 for Gulf Seafood Commercial Planned Development, the Hearing Examiner continued the matter to March 4, 2011, to allow staff and the applicant time to submit additional materials regarding modification to Condition 3.a. and the respective Master Concept Plan.

The applicant has worked with staff and we are all in agreement with the proposed revisions.

Condition 3.a has been revised to require removal of existing structures located in the buffer area of the northeast corner of the property and to address restoration of the area, as well as any encroachment that has occurred on the adjacent property to the north.

The Master Concept Plan has been revised to reflect a proposed service area/ice machine location, to be located at the rear of the existing residential structure.

Additionally, upon further discussion with staff and at the request of the applicant, staff has agreed to reduce the required open space from 45% to 40%, to allow for some flexibility at the time of actual re-development of the subject property. While the revision to the Master Concept Plan reduced the open space

from 45% to 44%, the applicant is specifically requesting further reduction to 40%.

Condition 3.a.

Prior to local development order approval, the development order plans must delineate a minimum of ~~45%~~ 40% open space.

Proposed Additional Condition per HEX discussion:

Condition 3.c.

Prior to local development order approval, the applicant will remove the existing structures and improvements located in the northeast corner of the subject property, and restore that area to an appropriate "open space" condition approved by Lee County Department of Environmental Sciences to facilitate the installation of the required buffer.

Additionally, to the extent permitted by the Davis Woods Condominium Homeowners Association, the applicant will also remove any encroaching structures and restore the area immediately adjacent to the northeast corner of the subject property to a natural condition (removing all structures or portions thereof, removing any trash or debris, and filling in any holes or excavations previously created).

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MAR 02 2011

COMMUNITY DEVELOPMENT

DCI 2010-00027

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

CASE NUMBER: DCI2010-00027
APPLICANT: JONS LINDQUIST, in reference to
GULF SEAFOOD COMMERCIAL PLANNED DEVELOPMENT
RESPONSE DATES: MARCH 4, 2011

The hearing on the above-styled case began as scheduled on February 23, 2011. At the conclusion of the presentations of Staff and Applicant and, following the comments and presentations of other interested parties present, the matter was continued to the date and time set forth below to allow the Staff and the Applicant to submit additional materials, only as requested by the Hearing Examiner, which are responsive to questions, issues and concerns which arose during the course of the proceedings.

Written submissions shall be in the form of:

1. Applicant's submittal of an amended Master Concept Plan and Conditions.

This matter is continued to FRIDAY, MARCH 4, 2011, AT 5:00 P.M., FOR SUBMISSION OF MATERIALS AS REQUESTED BY THE HEARING EXAMINER. At, or before this time, the requested materials will be submitted to the Hearing Examiner, and other responding parties, and the Hearing Examiner will determine if these submissions are sufficient. **NO HEARING WILL BE HELD AND NO TESTIMONY WILL BE HEARD.** If the Hearing Examiner determines that these submissions are insufficient, a subsequent hearing will be set to discuss this matter further and notices will be sent to all parties involved.

Accordingly, written submittals will be delivered to the Office of the Hearing Examiner, 1500 Monroe Street, Suite 218, Fort Myers, Florida, on or before these dates. Copies of this order will be furnished to the Staff, the Applicant, and all hearing participants.

DONE AND ORDERED this 23rd day of FEBRUARY, 2011.



RICHARD A. GESCHEIDT
LEE COUNTY HEARING EXAMINER
P. O. Box 398 (1500 Monroe Street, Suite 218)
Fort Myers, Florida 33902-0398
Telephone: 239/533-8100 Fax: 239/485-8406

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforesaid Order was sent to all hearing participants, officially established as of the above Order date, either by U.S. Mail, Inter-County Mail, or Facsimile Transfer on the 24th day of February, 2011.


Linda M. Waters / Administrative Specialist

February 23, 2011

EnSite

1514 Broadway, Suite 201

Fort Myers, FL 33901

Phone (239) 226-0024 - Fax (239) 226-0094

LEE COUNTY
HEARING EXAMINER

2011 FEB 17 PM 1:28



ensite

Transmittal

Attention: Lee County Hearing Examiner	From: Shellie Johnson, AICP
Company: Lee County	Date: February 17, 2011
Address: 1500 Monroe Street	Project No: DCI2010-00027
Fort Myers, FL 33901	Project Name: Gulf Seafood CPD
	cc: Nettie Richardson
Regarding: 24-Hour Memorandum	

Sent Via: ☐ US Mail ☐ Pick-Up ☐ Hand Delivery ☐ Overnight Delivery ☐ Other

	Copies	Description
1.	1	24-Hour Memorandum
2.		
3.		
4.		
5.		
6.		
7.		
8.		

☒ For Your Use

☐ As Requested

☐ For Approval

☐ Signature

☐ For File

☐ For Review and Comment

☐ Other

Memo:
Thank you!

If you do not receive all of the above mentioned items, please notify our office



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MEMORANDUM

TO: Lee County Hearing Examiner
1500 Monroe St., Room 218
Ft. Myers FL 33901

CC: Nettie Richardson, Principal Planner

FROM: Shellie Johnson, AICP 
Project Manager and Authorized Representative for the Project

RE: 24-Hour Memorandum for DCI2010-00027/Gulf Seafood CPD

DATE: February 17, 2011

LEE COUNTY
HEARING EXAMINER
2011 FEB 17 PM 1:28

The applicant respectfully requests consideration of a change to the proposed building height from 35 feet/2 stories to 35 feet/3 stories.

The existing structures on the property are single story and this proposed change does not affect the current use of the property. However, the proposed Schedule of Uses provides for future redevelopment of the property. The applicant would like to structure the CPD approval with as much flexibility as possible. Future architectural styles may include significant roof height, which can affect the overall height of a building.

The Land Development Code's definition of height may include some portion of the roof of a building, depending on the style of roof:

Sec. 34-2171. - Measurement.

"(a) Except as provided in this subdivision, the height of a building or structure is measured as the vertical distance from grade* to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs, and to the highest point of any other structure (excluding fences and walls)."

If future redevelopment of this site includes an architectural style that includes a minimal roof structure, the applicant would like the ability to maximize the number of stories of habitable space.

This request does not affect the finished building height, as that remains proposed at 35 feet. It simply allows for a maximum of three stories.

EnSite

1514 Broadway, Suite 201

Fort Myers, FL 33901

Phone (239) 226-0024 - Fax (239) 226-0094



FEB 17 2011
C.F.A.
COMMUNITY DEVELOPMENT

ensite

Transmittal

Attention: Lee County Hearing Examiner	From: Shellie Johnson, AICP
Company: Lee County	Date: February 17, 2011
Address: 1500 Monroe Street	Project No: DCI2010-00027
Fort Myers, FL 33901	Project Name: Gulf Seafood CPD
	cc: Nettie Richardson
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Sent Via: ☐ US Mail ☐ Pick-Up ☐ Hand Delivery ☐ Overnight Delivery ☐ Other

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☒ For Your Use☐ As Requested☐ For Approval☐ Signature☐ For File☐ For Review and Comment☐ Other

Memo:
Thank you!

If you do not receive all of the above mentioned items, please notify our office



ensite

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1500 Monroe St., Room 218
Ft. Myers FL 33901

CC: Nettie Richardson, Principal Planner

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Project Manager and Authorized Representative for the Project

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COMMUNITY DEVELOPMENT

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If future redevelopment of this site includes an architectural style that includes a minimal roof structure, the applicant would like the ability to maximize the number of stories of habitable space.

This request does not affect the finished building height, as that remains proposed at 35 feet. It simply allows for a maximum of three stories.

News-Press.com Online Public Notice: Detail**2011-02-10 Notice of Public Hearing****NOTICE OF
PUBLIC HEARING**

Notice is hereby given that on Wednesday, February 23, 2011, the Hearing Examiner of Lee County will hold public hearings in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL, on the case below. You must appear in person, through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

If you did not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in these cases.

Copies of staff report(s) are available one week prior to the hearing except for DCI (Development of Community Impact), DRI (Development of Regional Impact) and REZ (Rezoning) cases which are available two weeks prior to the hearing. The file can be reviewed at the Zoning Division, 1500 Monroe St., Fort Myers, FL. Call 533-8585 for additional information.

In accordance with the Americans with Disabilities Act and F.S. s. 286.26, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Prining at 533-8585.

The following case will be heard: **DCI2010-00027**. Gulf Seafood CPD. 10:00am. Rezone 0.32 acres from Agriculture (AG-2) and Community Commercial (CC) to Commercial Planned Development (CPD) to allow a fish market/retail sales, a caretaker's residence and associated parking. No blasting is requested. Maximum height is 25 feet/1 story. This development will not connect to existing potable water and sanitary sewer but continue to use the existing on-site septic tank. Property located at 16980 McGregor Blvd., Iona/McGregor Planning Community, Lee County, FL. Direct inquiries to Nettie Richardson, Principal Planner 239-533-8786 in Zoning. Project Representative: Alexis Crespo, Ensite, Inc 239-226-0024.
Feb 10 No. 1422402

[print this notice](#) [close window](#)

For MAC users try cmd+P

**MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION**

DATE: February 8, 2011

TO: File - DCI2010-00027

FROM: Jamie Pringing
Secretary, Internal Services

RE: Notice of Public Hearing -February 23, 2011 HEX

I, Jamie Pringing, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed notices to the adjacent property owners on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

NOTICE TO F .OPERTY OWNERS WITH J 500 FEET

CASE NUMBER: DCI2010-00027

CASE NAME: GULF SEAFOOD CPD

REQUEST: Rezone 0.32 acres from Agriculture (AG-2) and Community Commercial (CC) to Commercial Planned Development (CPD) to allow a fish market/retail sales, a caretaker's residence and associated parking. No blasting is requested. Maximum height is 25 feet/1 story. This development will not connect to existing potable water and sanitary sewer but continue to use the existing on-site septic tank.

LOCATION: The subject property is located at 16980 McGregor Blvd.,
Iona/McGregor Planning Community, Lee County, FL.

SIZE OF PROPERTY: 0.32 Acres ±

STAFF REPORT: Direct inquiries to Nettie M Richardson, Principal Planner, at 239-533-8786,
at the Department of Community Development, 1500 Monroe St., Ft. Myers,
FL 33901.

PROPERTY OWNER'S ALEXIS CRESPO
REPRESENTATIVE: ENSITE, INC
239-226-0024

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 10:00 AM on 02/23/2011 on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in this case.

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/533-8585 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Prining at 239/533-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

02-46-23-00-00012.0000
TANGER PROPERTIES LP
STANLEY K TANGER
PO BOX 10889
GREENSBORO, NC 27404

02-46-23-00-00017.0010
SOUTHWEST FLORIDA BAPTIST
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-00-00022.0000
MCGREGOR LAND ASSOC LLC
DREW DRAKE
16385 RAINBOW MEADOWS CT
FORT MYERS, FL 33908

02-46-23-00-00023.0080
MCGREGOR LAND ASSOC LLC
DREW DRAKE
16385 RAINBOW MEADOWS CT
FORT MYERS, FL 33908

02-46-23-09-00000.00CE
DAVIS WOODS CONDOMINIUM
9411 CYPRESS LAKE DR STE 2
FORT MYERS, FL 33919

02-46-23-09-00000.1120
CLAWSON CAROL A
16881 DAVIS RD #112
FORT MYERS, FL 33908

02-46-23-09-00000.1140
BIANCO ROSEMARIE
148 ATLANTIC AVE
HAWTHORNE, NY 10532

02-46-23-09-00000.1160
FAZIO PAUL L
51 BRIGHT ST
WALTHAM, MA 02453

02-46-23-09-00000.1220
ERGAS IRA
PO BOX 100
ROCKAWAY, NJ 07866

02-46-23-09-00000.1240
GREGG RUDOLPH R + FRIEDA E
53 GABRIELLA CIR
MANCHESTER, NJ 08759

02-46-23-00-00017.0000
SOUTHWEST FLORIDA BAPTIST
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-00-00018.0000
VELOCITY COMMERCIAL CAPITAL
30699 RUSSELL RANCH RD STE 295
WESTLAKE VILLAGE, CA 91362

02-46-23-00-00023.0070
MCGREGOR LAND ASSOC LLC
DREW DRAKE
16385 RAINBOW MEADOWS CT
FORT MYERS, FL 33908

02-46-23-00-00023.0090
MCGREGOR LAND ASSOC LLC
DREW DRAKE
16385 RAINBOW MEADOWS CT
FORT MYERS, FL 33908

02-46-23-09-00000.1110
HARLOW PATRICIA
PO BOX 142
SANIBEL, FL 33957

02-46-23-09-00000.1130
DASCO ANDREW A + ADELINE R
1252 WILLOWAY SE
NORTH CANTON, OH 44720

02-46-23-09-00000.1150
CALNAN KAREN JEAN
16881 DAVIS RD #115
FORT MYERS, FL 33908

02-46-23-09-00000.1210
DEAN MICHELLE ANN
16881 DAVIS RD #121
FORT MYERS, FL 33908

02-46-23-09-00000.1230
STODDARD PHILIP A +
115 RIVERMEAD RD
PETERBOROUGH, NH 03458

02-46-23-09-00000.1250
ENTRUST FREEDOM LLC
4560 VIA ROYALE # 1
FORT MYERS, FL 33919

02-46-23-09-00000.1260
RIORDAN MICHAEL J + BONNIE TR
7310 LEONARD DR
DARIEN, IL 60561

02-46-23-09-00000.3120
DRAKOS NICHOLAS G
16881 DAVIS RD APT 426
FORT MYERS, FL 33908

02-46-23-09-00000.3140
BILLEH FUAD I +
920 LONG RD
GLENVIEW, IL 60025

02-46-23-09-00000.3160
GOOD JERI D +
2603 BARRETT RD
ROCHESTER, IN 46975

02-46-23-09-00000.3220
MCALLISTER HARRY + SUSAN
10052 SW 117TH CT
MIAMI, FL 33186

02-46-23-09-00000.3240
KEOUGH DANIEL F TR
1026 ALLOUEZ RD
MARQUETTE, MI 49855

02-46-23-09-00000.3260
TONEY JAMES H + RITA E
647 EDWARD DR
CARNEGIE, PA 15106

02-46-23-09-00000.4120
TURNER JOSEPH M + SUSAN C J/T
44476 STATE HIGHWAY 25 N
DAVENPORT, WA 99122

02-46-23-09-00000.4140
JOHNSON JAMES H + FAYE C
8539 CLARA DR
NILES, IL 60714

02-46-23-09-00000.4160
MCNAMARA OWEN M + CHARLENE A
74 BELGIAN WAY
FITCHBURG, MA 01420

02-46-23-09-00000.3110
EVANS JAMES T JR
12111 CONCORD HAMB DEN RD
PAINESVILLE, OH 44077

02-46-23-09-00000.3130
JASINSKI FREDERICK + JUDITH K
7 WALDEN DR
MERRIMACK, NH 03054

02-46-23-09-00000.3150
SETLIFF JONNIE
16881-315 DAVIS RD
FORT MYERS, FL 33908

02-46-23-09-00000.3210
KOMPINSKI LYNN
16881 DAVIS RD #321
FORT MYERS, FL 33908

02-46-23-09-00000.3230
JANNELLI CHRIS + SUSIE
342 W CHAPMAN AVE
ROSEBURG, OR 97470

02-46-23-09-00000.3250
SMITH ROBERT E +
6165 SNOWAPLE DR
CLARKSTON, MI 48346

02-46-23-09-00000.4110
RIES PAUL M
16881 DAVIS RD APT 411
FORT MYERS, FL 33908

02-46-23-09-00000.4130
CATALFU PETER J + JOAN
70 LONG BEACH LN
ANGOLA, NY 14006

02-46-23-09-00000.4150
GIBBONS JAMES M
4846 SUN CITY CENTER BLVD #130
SUN CITY CENTER, FL 33573

02-46-23-09-00000.4210
NICHOLAS ALICE S L/E
4120 HIGEL AVE
SARASOTA, FL 34242

02-46-23-09-00000.4220
BAKER ROGER A + LOIS A
62 GLENRIDGE RD
EAST AURORA, NY 14052

02-46-23-09-00000.4240
CARLETTI SHIRLEY A TR
PO BOX 100
COLUMBIANA, OH 44408

02-46-23-09-00000.4260
DRAKOS NICHOLAS G
16881 DAVIS RD #426
FORT MYERS, FL 33908

02-46-23-09-00000.5120
ARNOLD SAM W JR + JOHNNIE C
205 QUEENSWAY DR
CYNTHIANA, KY 41031

02-46-23-09-00000.5140
KRESMERY LOUIS G + JANE M
5 PLEASANT TRL
KILLINGWORTH, CT 06419

02-46-23-09-00000.5160
BREDAHL ROY E + LILA M
4138 OAKBROOKE TRL
EAGAN, MN 55122

02-46-23-09-00000.5220
PAINTER MILDRED M TR
2815 E PERKINS AVE
SANDUSKY, OH 44870

02-46-23-09-00000.5240
MOGILSKI STANLEY
16881 DAVIS RD #524
FORT MYERS, FL 33908

02-46-23-09-00000.5260
CANBY DONALD S + DEE ANN L/E
925 KATYS LN
WILMINGTON, OH 45177

02-46-23-09-00000.6120
DEAN MICHELLE ANN
2840 VAN WORMER RD
SAGINAW, MI 48609

02-46-23-09-00000.4230
ANTHONY JOHN L + GERELDA J TR
842 KELLY DR
WAPAKONETA, OH 45895

02-46-23-09-00000.4250
CARLETTI SHIRLEY A TR
PO BOX 100
COLUMBIANA, OH 44408

02-46-23-09-00000.5110
RYDER BRENDA J
1679 GERSHWIN AVENUE N
OAKDALE, MN 55128

02-46-23-09-00000.5130
CHAPLIN JOHN R
11 MCGREGOR AVE
MOUNT ARLINGTON, NJ 07856

02-46-23-09-00000.5150
FOLEY DENNIS G +
PO BOX 213
MIDDLE ISLAND, NY 11953

02-46-23-09-00000.5210
GIBSON DAVID W + DEBORAH R
16600 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-09-00000.5230
VENTRICE DONALD J
5 SCORALICK LN
VALHALLA, NY 10595

02-46-23-09-00000.5250
MENDONCA RICHARD + GIESELA R
139 FIELDWOOD AVE
SEEKONK, MA 02771

02-46-23-09-00000.6110
KALMBACH FEEDS INC
7148 STATE HWY 199
UPPER SANDUSKY, OH 43351

02-46-23-09-00000.6130
REILLY ADRIENNE LESLIE
338 BROOKSTONE RD
COLUMBUS, NC 28722

02-46-23-09-00000.6140
KALMBACH RUTH E TR
20127 SR 37
MT BLANCHARD, OH 45867

02-46-23-09-00000.6160
BROESCH DONALD M + LYNN A
W165N11061 KINGS CT
GERMANTOWN, WI 53022

02-46-23-09-00000.6220
STONE DEBRA L
249 PALM LAKE DR
SANIBEL, FL 33957

02-46-23-09-00000.6240
GARRISON RONALD + NANCY
1122 CHILLEN DR
BATAVIA, IL 60510

02-46-23-09-00000.6260
BEILER CARL
5223 ZION RD
CLEVES, OH 45002

02-46-23-09-00000.7120
RORER JOE + LONA
483 HANDYMAN LN
CYNTHIANA, KY 41031

02-46-23-09-00000.7140
LEONE DIANA J TR
474 GARDEN RIDGE CT
BOARDMAN, OH 44512

02-46-23-09-00000.7160
KLEMAN ABBY LEE STATH
12601 MASTIQUE BCH BLVD #1901
FORT MYERS, FL 33908

02-46-23-09-00000.7220
BROWN RHONDA S
110 STONE COVE DR
PARIS, KY 40361

02-46-23-09-00000.7240
HEBERLEIN CHARLES E + EMMA
12 SPRINGBROOK SHORES DR
ELMA, NY 14059

02-46-23-09-00000.6150
KALMBACH RUTH E TR
20127 SR 37
MT BLANCHARD, OH 45867

02-46-23-09-00000.6210
CARLQUIST SHARON K
4180 ABINGTON WOODS CIR
VERO BEACH, FL 32967

02-46-23-09-00000.6230
VOWELL ANN K TR +
861 HIGHVIEW AV
GLEN ELLYN, IL 60137

02-46-23-09-00000.6250
SCHLITT JOHN + MAGDA +
2280 CHARING CROSS RD
BALDWIN, NY 11510

02-46-23-09-00000.7110
GIBSON CYNTHIA H TR
14548 AERIES WAY DR
FORT MYERS, FL 33912

02-46-23-09-00000.7130
CHAPLIN DOREEN +
115 MCGREGOR AVE
MT ARLINGTON, NJ 07856

02-46-23-09-00000.7150
SCHEFFERS STEVEN +
11309 BARR RD ST
PEOTONE, IL 60468

02-46-23-09-00000.7210
DALEY ROBERT J +
153 NORTHWOOD DR
DEPEW, NY 14043

02-46-23-09-00000.7230
COCKRELL CLYDE M +
1715 US HIGHWAY 27 S
CYNTHIANA, KY 41031

02-46-23-09-00000.7250
BAER DENNIS L + JEAN M
1418 SAND CASTLE RD
SANIBEL, FL 33957

02-46-23-09-00000.7260

JOHANNESSEN JOHN E TR
8432 ARBOR CT
FORT MYERS, FL 33908

02-46-23-09-00000.8120

BRAUN KENNETH
3874 S PARK AVE
BLASDELL, NY 14219

02-46-23-09-00000.8140

KLEMAN ABBY LEE STATH
12601 MASTIQUE BCH BLVD #1901
FORT MYERS, FL 33908

02-46-23-09-00000.8160

SEIPPEL STEVE H + SALLY M
16881 DAVIS RD #816
FORT MYERS, FL 33908

02-46-23-09-00000.8220

SANTACROCE JAMES + BEVERLY A
16881 DAVIS RD #822
FORT MYERS, FL 33908

02-46-23-09-00000.8240

BOYLE JOHN C
16881 DAVIS RD APT 824
FORT MYERS, FL 33908

02-46-23-09-00000.8260

FARMER DANNY +
145 WINDY RIDGE CT
MINERAL BLUFF, GA 30559

02-46-23-09-00000.9120

SIMON MICHAEL L + COLLEEN O
2945 113TH ST
TOLEDO, OH 43611

02-46-23-09-00000.9150

BRAUN CALVIN
3919 S PARK AVE
BLASDELL, NY 14219

02-46-23-18-00000.3110

TALIAFERRO RIXINE N
326 CYPRESS ST
SALEM, VA 24153

02-46-23-09-00000.8110

FODOR ROBERT +
1417 JAMAICA DR
SANIBEL, FL 33957

02-46-23-09-00000.8130

VASIL JOHN F + DOLORES R
PO BOX 721
WEST BROOKFIELD, MA 01585

02-46-23-09-00000.8150

SPIRITO JOSEPH F + HELENE
16881 DAVIS RD #815
FORT MYERS, FL 33908

02-46-23-09-00000.8210

MAZZONE MARK I + MURIEL L
PO BOX 555
SHASTA, CA 96087

02-46-23-09-00000.8230

BANDIERO JOANNE PER REP
6115 BAYSIDE DR
NEW PORT RICHEY, FL 34652

02-46-23-09-00000.8250

SOUSA RICHARD G + JANICE L
39 PHYLLIS RD
RAYNHAM, MA 02767

02-46-23-09-00000.9110

SAMYN DANIEL C + LORETTA TR
425 MAXWELL ST
LAKE GENEVA, WI 53147

02-46-23-09-00000.9140

CAPPALLI RICHARD A + REGINA TR
23436 VALDERAMA LN
SORRENTO, FL 32776

02-46-23-18-00000.00CE

DAVIS COURT CONDO
MARQUIS MANAGEMENT
12661 NEW BRITTANY BLVD
FORT MYERS, FL 33907

02-46-23-18-00000.3120

JACKSON RANDY C +
3011 DORAL DR
GODFREY, IL 62035

02-46-23-18-00000.3130
FOARILE JOSEPH + ANN +
14 E CHESTER ST
VALLEY STREAM, NY 11580

02-46-23-18-00000.3150
GROSS ARTUR B JR TR +
PO BOX 308
CUBA, MO 65453

02-46-23-18-00000.3220
CAROLAN MARY SUSAN TR
10 WEYBOSSET ST
PROVIDENCE, RI 02903

02-46-23-18-00000.3240
BLASER RAYMOND P
126-10 9TH AV
COLLEGE POINT, NY 11356

02-46-23-19-00000.00A0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00C0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00D0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00F0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00H0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.0J00
CURTIS RALPH C TR
PO BOX 349
SANIBEL, FL 33957

02-46-23-18-00000.3140
LEONZO ROBERT R + ANDREA M
36 JARDIN DR
EAST HAVEN, CT 06513

02-46-23-18-00000.3210
MORAVUS CHARLES + LANA
110 VALLEY VIEW RD
OTISVILLE, NY 10963

02-46-23-18-00000.3230
LANIER LOWELL + W FAYE
1795 FLORINE BLVD
SAINT CHARLES, MO 63303

02-46-23-18-00000.3250
FAY ROBERT A + GLORIA 1/2 +
12 CANAPITSIT DR
EAST FALMOUTH, MA 02536

02-46-23-19-00000.00B0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00CE
PINES PLAZA OFFICE CONDO
16956 MC GREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00E0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00G0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00I0
CRUZ ADRIANA Y + RAFAEL A
1666 N FLOSSMOOR RD
FORT MYERS, FL 33919

02-46-23-21-00000.00CE
SANIBEL SUNSET VILLAS CONDO
P+M PROPERTY MGMT
14360 S TAMIAMI TRL STE B
FORT MYERS, FL 33912

02-46-23-21-00001.1010
COLE KEITH A + YEONSOON L
6846 CORDER LN
LORTON, VA 22079

02-46-23-21-00001.1030
LYALL KEITH +
1511 MARLOWE AVE
LAKEWOOD, OH 44107

02-46-23-21-00002.2020
JONES JAMES A + JOYCE A
1624 JUSTIN ST
JASPER, IN 47546

02-46-23-21-00003.0301
NOLETTE MARY A + MICHAEL R W/H
63 MORRISON DR
LONDONDERRY, NH 03053

02-46-23-21-00003.0303
MEINERT RICHARD E + DONNA J TR
1836 MICHIGAN BLVD
RACINE, WI 53402

02-46-23-21-00006.0602
MATUSZAK JAMES F + MARCELLA
16810 SANIBEL SUNSET CT #602
FORT MYERS, FL 33908

02-46-23-21-00007.7010
GROSS ARTHUR B TR +
PO BOX 308
CUBA, MO 65453

02-46-23-21-00007.7030
VALIQUETTE MICHAEL +
1206 BAY DR
SANIBEL, FL 33957

02-46-23-21-00008.0802
SLIWINSKI KRISTINA M
16830 SANIBEL SUNSET CT #802
FORT MYERS, FL 33908

02-46-23-21-00009.0901
FELLMAN LAURENCE S PER REP
16840 SANIBEL SUNSET CT #901
FORT MYERS, FL 33908

02-46-23-21-00001.1020
DEMINIE AMANDA
16841 SANIBEL SUNSET CT #102
FORT MYERS, FL 33908

02-46-23-21-00002.2010
MCALLISTER RICHARD L +
554 JORDAN CIR
COLGATE, WI 53017

02-46-23-21-00002.2030
BENNETT CARLYLE + LAURIANNE E
16821 SANIBEL SUNSET CT #203
FORT MYERS, FL 33908

02-46-23-21-00003.0302
MCMAHON EDWARD G +
48 SANDIA HAVEN DR
CEDAR CREST, NM 87008

02-46-23-21-00006.0601
RITCHIE MARY G
16810 SANIBEL SUNSET CT #601
FORT MYERS, FL 33908

02-46-23-21-00006.0603
BEACHVIEW GOLF CLUB EST INC
1100 PAR VIEW DR
SANIBEL, FL 33957

02-46-23-21-00007.7020
COUTURE JAMES + CAROLE
16820 SANIBEL SUNSET CT #702
FORT MYERS, FL 33908

02-46-23-21-00008.0801
KILGORE COLON W + NOLA M
16830 SANIBEL SUNSET CT #801
FORT MYERS, FL 33908

02-46-23-21-00008.0803
CARVALHO JAMES P + JANET
18 TRACYS PATH
MARSHFIELD, MA 02050

02-46-23-21-00009.0902
CORNELIUS JOSEPH
5502 EMERALD RIDGE BLVD
LAKELAND, FL 33813

02-46-23-21-00009.0903
DEPAOLI MICHAEL E
320 N 6TH AVE APT M-1
ROYERSFORD, PA 19468

LINDQUIST JONS ALBERT L/E
16980 MCGREGOR BLVD
FORT MYERS FL 33908

MRS. NETTI RICHARDSON

BRIAN SMITH
ENSITE, INC.
1514 BROADWAY, STE 201
FORT MYERS FL 33901

NATALIA MCGUCKIAN
MCMAHON ASSOC, INC.
1514 BROADWAY, STE 201
FORT MYERS FL 33901

JEFFREY M ROMAN, P.E.
ENSITE, INC.
1514 BROADWAY, SUITE 201
FORT MYERS, FL 33901

ALEXIS CRESPO
ENSITE, INC
1514 BROADWAY, STE 201
FORT MYERS FL 33901

Charles Fuechsel, President
Palm Acres Homeowner's Association
P.O. Box 08191
Fort Myers, FL 33908

Nancy Feldman, Chairperson
Kelly Greens Community Awareness Committee
16161 Kelly Cove Drive
Fort Myers, FL 33908

Barbara England, CAM
Lexington Country Club
16257 Willowcrest Way
Fort Myers, FL 33908

Frank Shockey
Town of Fort Myers Beach
2523 Estero Boulevard
Fort Myers Beach, FL 33931

INSTRUCTIONS

(Section C.1.c., Lee County Administrative Code LC 2-8)

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of the Hearing Examiner's Public Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Zoning Division in the following manner:

- Signs for case #DCI2010-00027 must be posted by **Tuesday, February 8, 2011**.
- The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
- If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY ZONING DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Michelle Johnson
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE
LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION
REFERENCED BELOW:

Michelle Johnson
SIGNATURE OF APPLICANT OR AGENT

Michelle Johnson
NAME (TYPED OR PRINTED)

1514 Broadway Ste. 201
ST. OR PO BOX

Fort Myers FL 33902
CITY, STATE & ZIP

#DCI2010-00027/GULF SEAFOOD CPD /02/23/2011/JLP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 3rd day of February,
2001, by Michelle Johnson, personally known to me or who produced _____
as identification and who did did not take an oath.



STEVE POLADIAN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE057135
Expires 1/23/2015

Steve Poladian
Signature of Notary Public

Steve Poladian
Printed Name of Notary Public



My Commission Expires:
(Stamp with serial number)

fhexhearing.rpt



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

January 24, 2011

533-8585

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

ALEXIS CRESPO
ENSITE, INC
1514 BROADWAY, STE 201
FORT MYERS, FL 33901

RE: Agenda Schedule for GULF SEAFOOD CPD
Case No. DCI2010-00027

Diana M. Parker
County Hearing
Examiner

Dear ALEXIS CRESPO :

Your zoning request has been scheduled before the Hearing Examiner on Wednesday, February 23, 2011, at 10:00 AM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner accepts exhibits on boards for demonstrative purposes and for use in her/his decision making; however, an official exhibit entered into the record must be either a foldable copy of the exhibit or an 11 x 17 duplicate of the board exhibit (clipping the exhibit to the board rather than gluing it is an acceptable form since it can be removed from the board and folded to be put in the file.

Your zoning sign will be ready for pickup any time after Tuesday, January 25, 2011, at the second floor reception desk at 1500 Monroe St., Ft. Myers, FL. If you would like to pick them up at the drive-thru window, please call 533-8585 to make the appropriate arrangements. This sign must be posted in accordance with Department procedures no later than Tuesday, February 8, 2011, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Jamie Prining
Administrative Assistant

cc: JONS LINDQUIST
LINDQUIST JONS ALBERT L/E
NATALIA MCGUCKIAN, MCMAHON ASSOC, INC.
JEFFREY M ROMAN, P.E., ENSITE, INC.
BRIAN SMITH, ENSITE, INC.
Nettie M Richardson, Principal Planner

Zoning File

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Nettie M Richardson

DATE: 01/03/2011

John Fredyma, Asst County Attorney
DS Reviewer - Becky Penfield
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Becky Sweigert, Environmental Sciences
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works

PROJECT NAME: GULF SEAFOOD CPD
INFORMATION SUMMARY:

CASE #: DCI2010-00027

To update your file
☒ Review and forward substantive comments **ASAP**.

FINAL STAFF REPORT Comments due to Nettie by 01/17/2011

Additional Comments:

SUFFICIENCY LETTER DISTRIBUTION

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Prancing

Date: 01/03/2011



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8786

John E. Manning
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

January 3, 2011

ALEXIS CRESPO
ENSITE, INC
1514 BROADWAY, STE 201
FORT MYERS, FL 33901

Re: GULF SEAFOOD CPD
DCI2010-00027 - PDS Application (Minor PD)

Dear ALEXIS CRESPO :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

Rezone 0.32 acres from Agriculture (AG-2) and Community Commercial (CC) to Commercial Planned Development (CPD) to allow for a fish market/retail sales and associated parking. No blasting is requested. Maximum height is 25 feet/1 story.

NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by January 17, 2011 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on February 23, 2011. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

ALEXIS CRESPO
ENSITE, INC
RE: GULF SEAFOOD CPD
DCI2010-00027
January 3, 2011
Page 2

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

A handwritten signature in black ink, appearing to read "Nettie Richardson". The signature is fluid and cursive, with the first name "Nettie" and last name "Richardson" clearly distinguishable.

Nettie M Richardson
Principal Planner

copy w/o attachments

John Fredyma, Assistant County Attorney
DS Reviewer - Becky Penfield
Pamela Houck, Division Director
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Robert Price, TIS Reviewer
Dawn Gordon, Lee County School District
Jamie Prancing, DCD Administration

DCI Zoning File
DCI Working File

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

Michael D Jacob, Asst County Attorney
DS Reviewer - Becky Penfield
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Aaron Martin, Environmental Sciences
Lili Wu, LCDOT
Mike Pavese, Public Works

FROM: Nettie M Richardson

DATE: 12/28/2010

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: GULF SEAFOOD CPD

CASE #: DCI2010-00027

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
X Review and forward sufficiency questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 01/11/2011

Additional Comments:

FYI - Everyone found this case sufficient during the last resubmittal of Dec. 6, 2010 except Environmental Sciences. The applicant revised the MCP to address ES comments. Attached is a revised schedule of deviations and MCP dated Dec. 28, 2010 which should replace the Dec. 6, 2010 documents.

Thanks

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Billie Jacoby

Date: 12/29/2010

EnSite
 1514 Broadway, Suite 201
 Fort Myers, FL 33901
 Phone (239) 226-0024 - Fax (239) 226-0094

OCT 2010-00027

ensite

Transmittal

Attention: Aaron Martin, Environmental Sciences Division	From: Shellie Johnson
Company: Lee County Dept. of Community Development	Date: December 28, 2010
Address:	Project No:
	Project Name: DCI2010-00027/Gulf Seafood CPD
	cc:
Regarding: Environmental Final Revision	

Sent Via: ☐ US Mail ☐ Pick-Up ☒ Hand Delivery ☐ Overnight Delivery ☐ Other

	Copies	Description
1.	1	24 x 36 MCP
2.	6	11 x 17 MCP
3.	6	Revised Schedule of Deviations
4.		
5.		
6.		
7.		
8.		

☐ For Your Use ☒ As Requested ☐ For Approval ☐ Signature
☐ For File ☐ For Review and Comment ☐ Other

Memo:
Thank you!

If you do not receive all of the above mentioned items, please notify our office

RECEIVED
 DEC 28 2010

COMMUNITY DEVELOPMENT

**EXHIBIT D-7-Q: SCHEDULE OF DEVIATIONS & JUSTIFICATIONS
GULF SEAFOOD COMMERCIAL PLANNED DEVELOPMENT**



REVISED DECEMBER 27, 2010

Deviation 1: Deviation from Section 10-285 of the Land Development Code (LDC) to allow for a reduction in the connection separation along McGregor, from 660 feet to 260 feet.

The subject property has one (1) existing access point onto McGregor Boulevard, as shown on the attached boundary survey and Master Concept Plan. The subject property has approximately 65 feet of frontage along McGregor Boulevard, and therefore has insufficient frontage to meet the minimum separation required per the arterial roadway classification. The proposed MCP represents a narrower access point than currently exists, therefore the proposed access will provide enhanced safety for vehicles entering and exiting the property. In light of the existing conditions and proposed improvements, the Applicant respectfully submits that the deviation for reduced connection separation will not negatively impact, public health, safety or welfare.

Deviation 2: Deviation from Section 10-416(d)(3) of the LDC to allow for a ten-foot Type "D" buffer along the McGregor Boulevard right-of-way.

The existing building was developed in 1958 prior to the substantial right-of-way takings to widen McGregor Boulevard. As a result of these takings, there is limited depth between the existing right-of-way line and the building. The reduced buffer width is requested in order to accommodate the minor retail uses and handicap space in the front of the existing building to provide convenience to future patrons. The Applicant is not proposing a reduction in plant materials, therefore Type "D" plantings will be provided in accordance with Sec. 10-416. Based on the proposed plantings, the intent of the code will be maintained via adequate screening along the McGregor right-of-way. Additionally, the Applicant has provided the full fifteen-foot width along the southern portion of the frontage. The deviation represents betterment to the project and will not impact public health, safety or welfare, as handicapped patrons will enjoy enhanced access to the retail sales portion of the project.

Deviation 3: Deviation from Section 10-416(d)(3) of the LDC to allow for ~~no buffer yard along the western property line. Type "A" plantings within open areas along the western property line, in lieu of the required 5-foot buffer yard.~~

The subject property is uniquely narrow in size and provides limited width to accommodate vehicular circulation. The existing building, built in 1958, is centrally located on the site and restricts the ability to provide a sufficiently wide drive aisle to access the rear parking area. In order to achieve the maximum drive aisle width possible, the Applicant is seeking relief from the 5-foot buffer width requirements in light of the future commercial use intended for the property to the west. The Applicant will provide Type "A" plantings within open areas along the western property line to enhance views of the property.

Emerging best practices for connectivity and pedestrian access encourage reduction or elimination of buffer yards between similar, compatible uses in order to encourage pedestrian movement between properties and limit the segregation of like uses. In light of the designation

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for future commercial uses intended for the adjacent property to the west, the Applicant respectfully submits that the deviation will not negatively impact public, health, safety or welfare and will allow for greater design flexibility and enhanced connectivity.

Deviation 4: Deviation from Section 30-153(e) to allow the identification sign to be located a minimum of 10 feet from the right-of-way.

This deviation is requested due to the uniquely narrow shape of the subject property. The majority of the frontage is utilized for driveway area and handicapped access, leaving minimal area for signage. With the proposed reduction, the sign will remain upwards of 30 feet from vehicle travel lanes along McGregor Boulevard. The proposed location provides maximum visibility of the identification while upholding public health, safety and welfare.

Deviation 5: Deviation from Section 34-2017(b) to permit high turnover parking lots (including parking lot aisles), to meet the surfacing standards for low turnover parking lots.

This deviation is appropriate at the subject property per compliance with the following review criteria set forth in the Section 34-2017 of the LDC:

a) The property is not located in the intensive development or central urban land use categories;

The property is located in the Suburban Future Land Use Category.

b) The proposed parking lot will contain no more than 25 spaces;

The property will have nine (9) parking spaces to support the 500 square foot retail sales use, in addition to the caretaker's residence.

c) The proposed alternative surface will be adequately drained;

Through the rezoning and development order processes the project will be required to provide on-site water management to enhance the current drainage of the site and ensure the alternative parking surface will be maintained.

d) The proposed alternative surface is consistent with the uses and the parking lot surfaces in the surrounding neighborhood.

The property is located in an area of transition between greater Fort Myers and the Fort Myers Beach and Sanibel area. The character of the area supports the request for alternative surfaces and there are a number of properties in close proximity which demonstrate crushed shell or gravel parking lots. Examples include: Oakes Brother Market at the McGregor Blvd. & John Morris Rd. intersection, Marilyn's Exotic Orchard at 16710 John Morris Rd., and LCD Trucking at 13782 McGregor Blvd.

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Deviation 6: Deviation from Section 34-2016(3) to allow for a reduction in parking aisle width from 24 feet to 16 feet.

This deviation allows for greater design flexibility without jeopardizing safe vehicular circulation. As stated above, the subject property is uniquely narrow in size and provides limited width to accommodate vehicular circulation properly, particularly in consideration of the existing building location. The requested deviation will allow for sufficient width to allow for one (1) vehicle to enter the rear parking area and turn around to exit the site. Due to the project's limited retail uses and low trip generation, the proposed deviation will not negatively impact public health, safety or welfare and is necessary based on the existing site conditions.

Deviation 7: Deviation from Section 10-416(d)(3) of the LDC to allow for a twenty-three foot Type "F" buffer along the eastern property line.

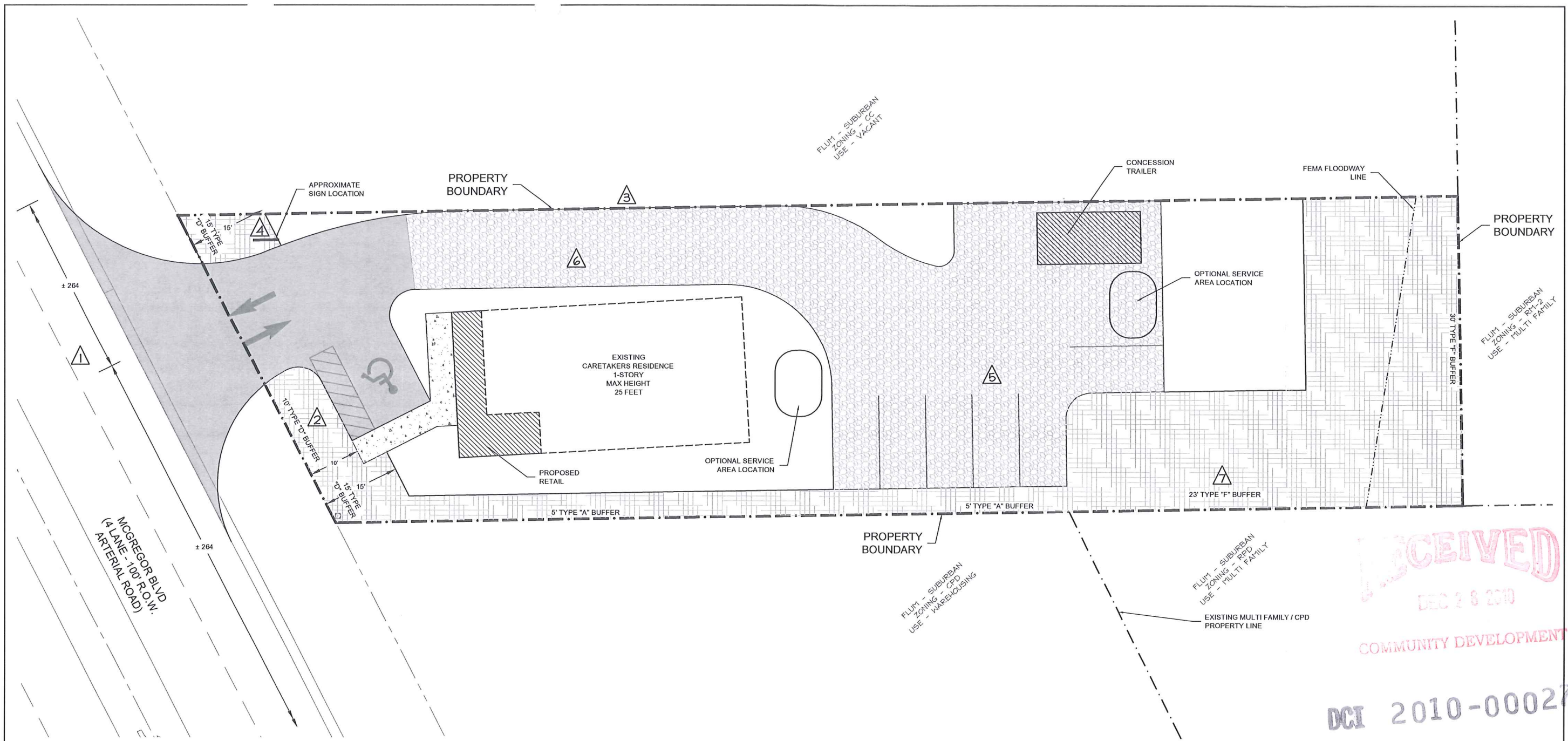
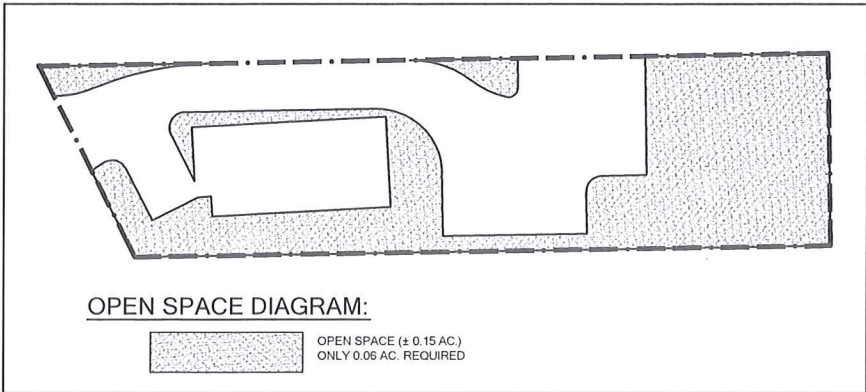
The subject property is uniquely narrow in size and provides limited width to accommodate vehicular circulation and restricts the ability to provide the full thirty (30) feet of the required buffer. In order to provide adequate drive isle width and parking stalls, the Applicant is seeking relief from the 30-foot buffer width requirements. The Applicant will provide the required Type "F" plantings within the twenty-three (23) feet provided.

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- LEGEND:**
- RETAIL AREA
 - BUFFER AREA
 - PAVEMENT AREA
 - ALTERNATIVE SURFACE AREA
 - △ DENOTES LOCATION OF REQUESTED DEVIATIONS
 - DENOTES FLOOD WAY

TABLE A

OPEN SPACE CALCULATIONS:

PARCEL	AREA	REQ'D OPEN SPACE	PROVIDED OPEN SPACE
CPD	0.32 AC.	0.06 (20%)	0.15 (48%)
TOTAL	0.32 AC.		0.15 AC.

TABLE B

PARKING CALCULATIONS:

USE	SQUARE FOOTAGE	REQ'D PARKING	PROVIDED PARKING
CARETAKERS RESIDENCE	1 UNIT	2 SPACES	2 SPACES
GROUP 1 RESTAURANT	200 S.F.	3 SPACES (14 SPACE PER 1,000 S.F.)	3 SPACES
FISH MARKET	300 S.F.	2 SPACES (1SPACE PER 200 S.F.)	2 SPACES
TOTAL		7 SPACES	7 SPACES

- NOTES:**
- 1) RETAIL SQUARE FOOTAGE IS LIMITED TO A MAXIMUM OF 500 S.F.
 - 2) NO ENCROACHMENT PERMITTED IN FEMA FLOODWAY

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1514 BROADWAY, SUITE 201
FORT MYERS, FLORIDA 33901
PH: (239) 226-0024 • FX: (239) 226-0094
EB-26544 CALC20000374

Mr. Jons Lindquist
16980 McGregor Blvd
Fort Myers, FL 33908

Gulf Seafood CPD

NO.	REVISIONS	DATE
R1	REVISED PER COMMENTS DATED 11-22-10	12-23-10
R2	REVISED PER COMMENTS DATED 12-21-10	12-27-10
R3		
R4		
R5		
R6		

DATE: 10-20-10
PROJECT NO. 1159-01
FILE NO. 1159-01-MCP01
SCALE: As Shown

MASTER CONCEPT PLAN

D-7-M.2

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Nettie M Richardson

DATE: 12/06/2010

Michael D Jacob, Asst County Attorney
DS Reviewer - Becky Penfield

Rob Price, TIS Reviewer
Paul O'Connor, Planning
Susie Derheimer/Aaron Martin, Env. Sciences
Lili Wu, LCDOT

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: GULF SEAFOOD CPD

CASE #: DCI2010-00027

INFORMATION SUMMARY:

RESUBMITTAL

☒ To update your file
☐ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 12/20/2010

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Billie Jacoby

Date: 12/08/2010

December 6, 2010



Ms. Nettie Richardson
Zoning Division
Department of Community Development
P.O. Box 398
Fort Myers, FL 33901

Re: Gulf Seafood CPD
DCI2010-00027 PDS Application (Minor PD)



Dear Ms. Richardson,

This letter is in response to the sufficiency review comments dated November 22, 2010. The following responses are numbered in accordance with your letter.

Environmental Sciences Comments

DCI 2010-00027

Comment 1

Please provide a separate open space diagram.

Response 1

Please refer to attached, revised Master Concept Plan (MCP).

Comment 2

Please revise the open space calculation to indicate the amount provided on site.

Response 2

Please refer to attached, revised MCP.

Comment 3

Please revise the MCP to indicate where the commercial and residential areas begin along the east property line.

Please revise the MCP to remove the fence label along the east property line since this is not on the property.

Please note ES staff feels a type C buffer with a wall may be excessive along the east property line. The applicant could provide a type F buffer with a deviation request for reduced width. This would be consistent with the type F buffer along the north property line.

Please note ES staff will support the deviation for no type A buffer area along the west property line, however the plants required could be provided in the open areas along the property line. Would the applicant be agreeable to eliminating the buffer width but still allowing the buffer plants? If so, please revise the deviation narrative.

Please revise the MCP to demonstrate the areas along the ROW where a 15' wide buffer can be applied and the exact location of the 10' deviation.

Response 3

Per the revised MCP attached, the property line between the RPD and CPD to the east has been clearly defined. Off-site fences and walls have also been removed.

The buffer along the eastern boundary adjacent to the RPD has been revised to reflect Type "F" plantings as suggested.

Deviation 3 regarding the request for no western buffer yard has been revised to indicate that Type "A" plantings will be provided in open areas along the western property line.

Lastly, the MCP has been revised to demonstrate the full 15-foot ROW buffer along the southern portion of the McGregor Boulevard frontage, where width permits.

Comment 4

Pending ES site inspection.

Response 4

So noted.

Comment 5

Please revise the Lee Plan narrative to address goal 77.

Response 5

Please refer to the revised Lee Plan narrative attached.

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Public Works Comments

Comment 1

The Master Concept Plan should be revised to incorporate required facilities for solid waste/recycling storage and pick-up in compliance with LDC Section 10-261.

Response 1

The revised MCP demonstrates two (2) optional service area locations as requested.

Transportation Comments

Comment 1

The TIS was based on Land Use Code 820 (Shopping Center), but the schedule of uses seems to limit the use to a lower intensity restaurant/retail use. Perhaps the Specialty Retail is more

appropriate. Additionally, please explain the Home Occupation use. Could the dwelling unit on the site be utilized as some sort of office use in conjunction with the proposed retail use?

Response 1

Please refer to the revised traffic impact study prepared by McMahon Associates, Inc. The requested home occupation use is intended to allow for a mail order business as an extension of the existing retail seafood operation. Approval of this use would permit the Applicant to ship seafood products to clientele outside of the immediate area. The Applicant is amenable to limiting the schedule of uses based upon this intent.

Comment 2

Lee County recognizes a maximum pass-by reduction for retail uses of 30%

Response 2

Please refer to the revised, traffic impact study prepared by McMahon Associates, Inc.

Comment 3

No Level of Service analysis has been provided. The TIS must contain a numerical projection of the Level of Service. What is the existing traffic on McGregor Boulevard? What will the traffic conditions be under background conditions at the buildout year? What are the buildout traffic volumes? What will the Level of Service be in all of these instances? This information must be provided to make substantive comments to the Board.

Response 3

Please refer to the revised traffic impact study prepared by McMahon Associates, Inc.

Comment 4

No directional splits have been provided. Please distribute the project traffic to McGregor Boulevard.

Response 4

Please refer to the revised traffic impact study prepared by McMahon Associates, Inc.

If you should have any questions or comments, please do not hesitate to contact me directly at (239) 226-0024 or shelliej@en-site.com.

Sincerely,



Shellie Johnson, AICP
Director of Planning

Cc: Amanda Canada w/enclosures

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EXHIBIT D-7-Q: SCHEDULE OF DEVIATIONS & JUSTIFICATIONS
GULF SEAFOOD COMMERCIAL PLANNED DEVELOPMENT

REVISED DECEMBER 6, 2010

DCI 2010-00027

Deviation 1: Deviation from Section 10-285 of the Land Development Code (LDC) to allow for a reduction in the connection separation along McGregor, from 660 feet to 260 feet.

The subject property has one (1) existing access point onto McGregor Boulevard, as shown on the attached boundary survey and Master Concept Plan. The subject property has approximately 65 feet of frontage along McGregor Boulevard, and therefore has insufficient frontage to meet the minimum separation required per the arterial roadway classification. The proposed MCP represents a narrower access point than currently exists, therefore the proposed access will provide enhanced safety for vehicles entering and exiting the property. In light of the existing conditions and proposed improvements, the Applicant respectfully submits that the deviation for reduced connection separation will not negatively impact, public health, safety or welfare.

Deviation 2: Deviation from Section 10-416(d)(6) of the LDC to allow for a ten-foot Type "D" buffer along the McGregor Boulevard right-of-way.

The existing building was developed in 1958 prior to the substantial right-of-way takings to widen McGregor Boulevard. As a result of these takings, there is limited depth between the existing right-of-way line and the building. The reduced buffer width is requested in order to accommodate the minor retail uses and handicap space in the front of the existing building to provide convenience to future patrons. The Applicant is not proposing a reduction in plant materials, therefore Type "D" plantings will be provided in accordance with Sec. 10-416. Based on the proposed plantings, the intent of the code will be maintained via adequate screening along the McGregor right-of-way. Additionally, the Applicant has provided the full fifteen-foot width along the southern portion of the frontage. The deviation represents betterment to the project and will not impact public health, safety or welfare, as handicapped patrons will enjoy enhanced access to the retail sales portion of the project.

Deviation 3: Deviation from Section 10-416(d)(6) of the LDC to allow for no buffer yard along the western property line. Type "A" plantings within open areas along the western property line, in lieu of the required 5-foot buffer yard.

The subject property is uniquely narrow in size and provides limited width to accommodate vehicular circulation. The existing building, built in 1958, is centrally located on the site and restricts the ability to provide a sufficiently wide drive aisle to access the rear parking area. In order to achieve the maximum drive aisle width possible, the Applicant is seeking relief from the 5-foot buffer width requirements in light of the future commercial use intended for the property to the west. The Applicant will provide Type "A" plantings within open areas along the western property line to enhance views of the property.

Emerging best practices for connectivity and pedestrian access encourage reduction or elimination of buffer yards between similar, compatible uses in order to encourage pedestrian movement between properties and limit the segregation of like uses. In light of the designation

for future commercial uses intended for the adjacent property to the west, the Applicant respectfully submits that the deviation will not negatively impact public, health, safety or welfare and will allow for greater design flexibility and enhanced connectivity.

Deviation 4: Deviation from Section 30-153(e) to allow the identification sign to be located a minimum of 10 feet from the right-of-way.

This deviation is requested due to the uniquely narrow shape of the subject property. The majority of the frontage is utilized for driveway area and handicapped access, leaving minimal area for signage. With the proposed reduction, the sign will remain upwards of 30 feet from vehicle travel lanes along McGregor Boulevard. The proposed location provides maximum visibility of the identification while upholding public health, safety and welfare.

Deviation 5: Deviation from Section 34-2017(b) to permit high turnover parking lots (including parking lot aisles), to meet the surfacing standards for low turnover parking lots.

This deviation is appropriate at the subject property per compliance with the following review criteria set forth in the Section 34-2017 of the LDC:

a) The property is not located in the intensive development or central urban land use categories;

The property is located in the Suburban Future Land Use Category.

b) The proposed parking lot will contain no more than 25 spaces;

The property will have nine (9) parking spaces to support the 500 square foot retail sales use, in addition to the caretaker's residence.

c) The proposed alternative surface will be adequately drained;

Through the rezoning and development order processes the project will be required to provide on-site water management to enhance the current drainage of the site and ensure the alternative parking surface will be maintained.

d) The proposed alternative surface is consistent with the uses and the parking lot surfaces in the surrounding neighborhood.

The property is located in an area of transition between greater Fort Myers and the Fort Myers Beach and Sanibel area. The character of the area supports the request for alternative surfaces and there are a number of properties in close proximity which demonstrate crushed shell or gravel parking lots. Examples include: Oakes Brother Market at the McGregor Blvd. & John Morris Rd. intersection, Marilyn's Exotic Orchard at 16710 John Morris Rd., and LCD Trucking at 13782 McGregor Blvd.

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Deviation 6: Deviation from Section 34-2016(3) to allow for a reduction in parking aisle width from 24 feet to 16 feet.

This deviation allows for greater design flexibility without jeopardizing safe vehicular circulation. As stated above, the subject property is uniquely narrow in size and provides limited width to accommodate vehicular circulation properly, particularly in consideration of the existing building location. The requested deviation will allow for sufficient width to allow for one (1) vehicle to enter the rear parking area and turn around to exit the site. Due to the project's limited retail uses and low trip generation, the proposed deviation will not negatively impact public health, safety or welfare and is necessary based on the existing site conditions.

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EXHIBIT D-7-J: LEE PLAN COMPLIANCE NARRATIVE
GULF SEAFOOD COMMERCIAL PLANNED DEVELOPMENT

REVISED DECEMBER 6, 2010

Mr. Jons Lindquist is requesting approval of a Commercial Planned Development (CPD) rezoning to allow for retail sales of seafood at the subject property and resolve VIO2010-04242. The project will include 500 s.f. of retail seafood sales and one (1) caretaker's residence. The following is an analysis of how the proposed CPD is consistent with goals, objectives and policies of the Lee Plan (Plan).

Policy 1.1.2: Suburban

The subject property is designated within the Suburban Future Land Use Category (FLUC), which allows for a broad range of uses including residential, commercial, recreational and institutional. Per this policy, the Gulf Seafood CPD will provide neighborhood-scale retail sales of seafood, limited to maximum of 500 s.f., to service the surrounding residential community, as well as seasonal patrons. The proposal includes one (1) caretaker's residence to allow for a true live-work development that minimizes vehicle miles travelled for the owner/operator.

Therefore, the Gulf Seafood CPD is consistent with this Policy, as the proposed development program includes commercial retail uses permitted within the underlying FLUC at an appropriate intensity.

Policy 6.1.2: Commercial Location Standards

The subject property fronts along McGregor Boulevard, an arterial roadway, and is located one-tenth of a mile north of the McGregor Boulevard/Davis Road intersection (intersection of an arterial and collector, respectively). Proposed development consists of minor retail uses, limited to 500 square feet of fish market/retail sales of seafood, in addition to one (1) caretaker's residence.

Based on the property's size, the proposed retail uses are in substantial compliance with policy governing minor commercial development within the Lee Plan. Due to the property's frontage along an arterial roadway and the nature of existing and approved surrounding uses, commercial use is the only reasonable use of the subject property.

Policy 6.1.4: Compatibility

The proposed Master Concept Plan demonstrates compatibility with surrounding multi-family properties per proposed buffer yards and existing fences/walls that effectively screen the subject property. The property fronts along McGregor Blvd. and is adjacent to existing or permitted commercial uses to the east and west. The Applicant is proposing 4-foot Type "A" buffers along both these property lines to provide adequate screening. Additionally, the property is bound by an existing 8-foot wooden fence to the east to provide further buffering.

The property is adjacent to multi-family uses to the north, and immediately abuts the parking area of the Davis Wood condominiums. The Applicant is proposing a 30-foot Type "F" buffer

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yard in compliance with the Land Development Code. Based on these prescribed site development standards, the project adequately addresses compatibility with surrounding uses.

Policy 6.1.6: Landscaping, Open Space & Buffering

Per this policy, the Applicant is proposing perimeter buffer yards that will adequately screen adjacent properties, as shown on the attached Master Concept Plan and described above. Additionally, the required 20% open space is provided in accordance with the LDC. Due to the character and existing development of the property, there are no significant environmental features that require preservation through the rezoning process.

Standards 11.1 & 11.2: Water & Sewer

Due to the low intensity proposed (maximum 500 s.f. of commercial uses), the CPD will not connect to potable water or sanitary sewer services. Any prepared seafood sold on the property will be prepared at an off-site commissary.

Standard 11.3: Traffic Impact Statement

Per the attached Trip Generation Letter prepared by McMahon and Associates, Inc., the proposed development is supported by an adequate transportation network and will not negatively impact Level of Service along McGregor Boulevard or other surrounding roadways.

Goal 77: Development Design Requirements

The proposed CPD provides for adequate on-site open space in accordance with Chapter 10 of the LDC. The open space is dispersed throughout the site to ensure enhanced view sheds from neighboring properties. Native on-site vegetation will be preserved to the furthest extent possible when detailed site planning occurs at the time of Development Order.

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McMAHON ASSOCIATES, INC.
5500 Village Boulevard | Suite 103 | West Palm Beach, FL 33407
p 561-840-8650 | f 561-840-8590
www.mcmtrans.com

PRINCIPALS

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Gary R. McNaughton, P.E., PTOE

ASSOCIATES

John J. Mitchell, P.E.
Christopher J. Williams, P.E.
John F. Yacapsin, P.E.

December 3, 2010

VIA E-MAIL/U.S. MAIL

Mr. Brian R. Smith
EnSite – Historic Kress Building
1514 Broadway, Suite 201
Fort Myers, FL 33901

RE: Gulf Seafood Traffic Analysis
McMahon Project No. H10499.01

Dear Brian:

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McMahon Associates, Inc. (McMahon) has completed a Traffic Analysis for the zoning of a parcel of land located at 16980 McGregor Boulevard, in the City of Fort Myers, Florida. The project STRAP numbers are 02-46-23-00-00022.0010 and 02-46-23-00-00022.0020. A single-family dwelling unit currently exists on the site. The proposed development will include the one single-family dwelling unit plus the addition of 500 square feet of fish market retail uses.

Trip Generation Analysis

Using information contained in the Institute of Transportation Engineer's (ITE), *Trip Generation*, 8th Edition, trip generation estimates were developed for the existing and proposed developments. Pass-by capture rates were based on information provided in the ITE *Trip Generation Handbook*, June 2004 and adjusted to a maximum of 30 percent for the retail use based on information provided by Lee County staff. **Table 1** indicates that the proposed development is expected to generate a net increase of 152 daily, five (5) AM peak hour and 13 PM peak hour total trips, after accounting for pass-by traffic and the existing development.

Driveway Analysis

The project trip distribution for the proposed development, graphically depicted in **Figure 1**, was based on a review of existing travel patterns surrounding the project site. Project trips expected to be generated by the proposed development were distributed to the driveway connection along McGregor Boulevard based on the project distribution and trip generation analyses. The resulting driveway volumes are graphically shown on Figure 1.

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TABLE 1
TRIP GENERATION ANALYSES
GULF SEAFOOD TRAFFIC ANALYSIS

AM PEAK HOUR

LAND USE	ITE CODE	INTENSITY	TRIP GENERATION RATE ⁽¹⁾	IN	OUT	TOTAL TRIPS			PASS-BY CAPTURE ⁽²⁾		NEW TRIPS			
						IN	OUT	TOTAL			IN	OUT	TOTAL	
EXISTING USES														
Single Family	210	1 DU	T= 0.70 (X)+ 9.74	25%	75%	3	7	10	0	0%	3	7	10	
SUBTOTAL						3	7	10	0		3	7	10	
PROPOSED USES														
Retail	820	500 SF	Ln(T)= 0.59 Ln(X)+ 2.32	61%	39%	4	3	7	2	30%	3	2	5	
Single Family	210	1 DU	T= 0.70 (X)+ 9.74	25%	75%	3	7	10	0	0%	3	7	10	
SUBTOTAL						7	10	17	2		6	9	15	
NET DIFFERENCE						4	3	7	2		3	2	5	

PM PEAK HOUR

LAND USE	ITE CODE	INTENSITY	TRIP GENERATION RATE ⁽¹⁾	IN	OUT	TOTAL TRIPS			PASS-BY CAPTURE ⁽²⁾		NEW TRIPS			
						IN	OUT	TOTAL			IN	OUT	TOTAL	
EXISTING USES														
Single Family	210	1 DU	Ln(T)= 0.9 Ln(X)+ 0.51	63%	37%	1	1	2	0	0%	1	1	2	
SUBTOTAL						1	1	2	0		1	1	2	
PROPOSED USES														
Retail	820	500 SF	Ln(T)= 0.67 Ln(X)+ 3.37	49%	51%	9	9	18	5	30%	7	6	13	
Single Family	210	1 DU	Ln(T)= 0.9 Ln(X)+ 0.51	63%	37%	1	1	2	0	0%	1	1	2	
SUBTOTAL						10	10	20	5		8	7	15	
NET DIFFERENCE						9	9	18	5		7	6	13	

DAILY

LAND USE	ITE CODE	INTENSITY	TRIP GENERATION RATE ⁽¹⁾	IN	OUT	TOTAL TRIPS			PASS-BY CAPTURE ⁽²⁾		NEW TRIPS			
						IN	OUT	TOTAL			IN	OUT	TOTAL	
EXISTING USES														
Single Family	210	1 DU	$\ln(T)=0.92 \ln(X)+2.71$	50%	50%	8	7	15	0	0%	8	7	15	
SUBTOTAL						8	7	15	0		8	7	15	
PROPOSED USES														
Retail	820	500 SF	$\ln(T)=0.65 \ln(X)+5.83$	50%	50%	109	108	217	65	30%	77	75	152	
Single Family	210	1 DU	$\ln(T)=0.92 \ln(X)+2.71$	50%	50%	8	7	15	0	0%	8	7	15	
SUBTOTAL						117	115	232	65		85	82	167	
NET DIFFERENCE						109	108	217	65		77	75	152	

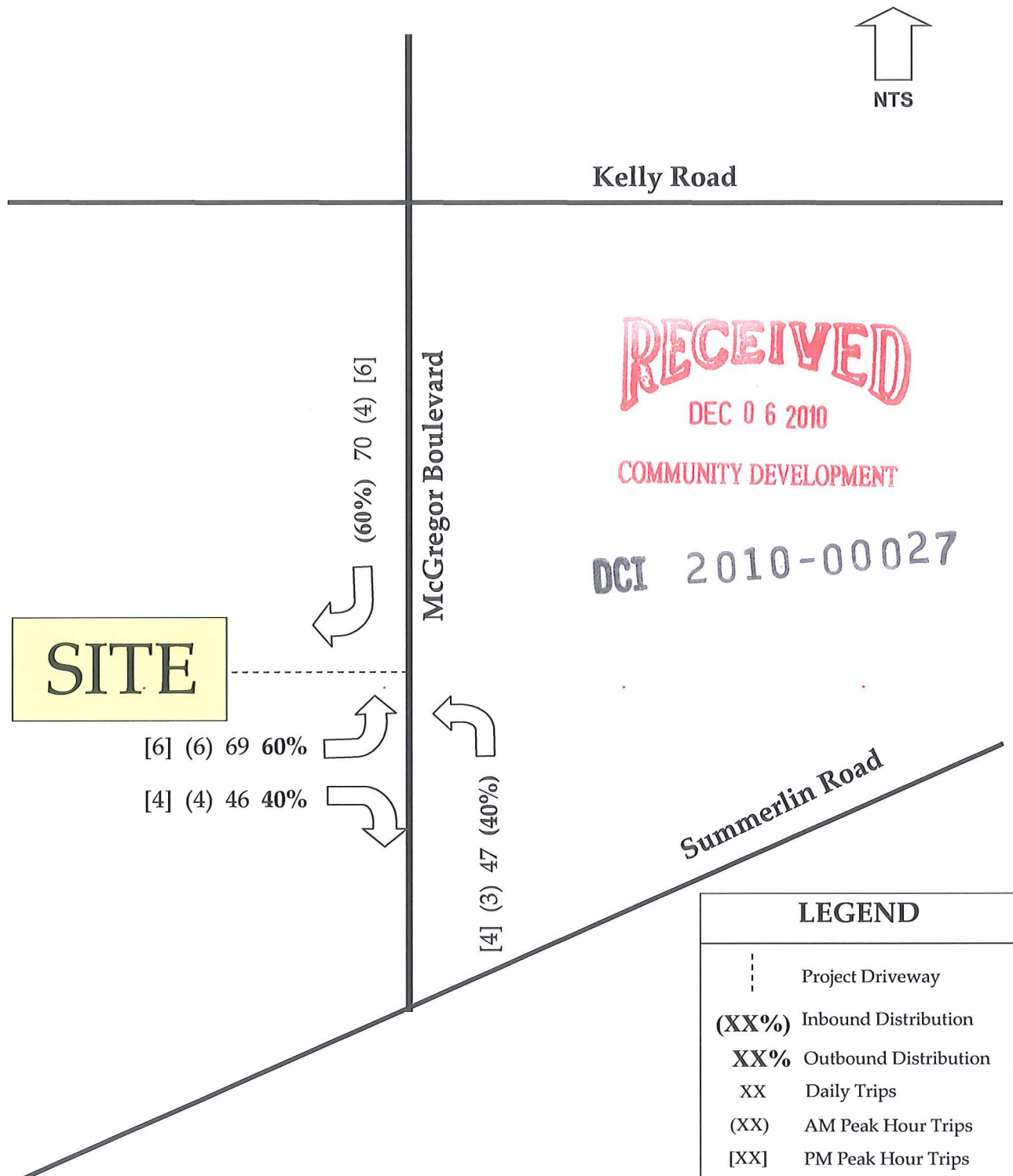
Notes:

- (1) Source: ITE Trip Generation Manual, 8th Edition.
(2) Source: ITE Trip Generation Handbook, June 2004.

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Figure 1
 Driveway Volumes
Gulf Seafood Traffic Analysis
 Fort Myers, Florida

Access to the site is provided along McGregor Boulevard just north of Summerlin Road. Based on a review of existing travel patterns and directional volume splits along McGregor Road near the site, 60 percent of the project traffic was assumed to be destined to and from the north along McGregor Boulevard and the remaining 40 percent was assumed to be destined to and from the south along McGregor Boulevard.

A review of the Lee County Turn Lane Policy (AC-11-4) indicates that neither left or right-turn lanes are required at the driveway connections for the proposed development.

Level of Service Analysis

A peak-hour, peak-direction level of service analysis was performed. Existing (2009) volumes were obtained from the Lee County 2010 Concurrency Report. As shown in **Table 2**, McGregor Boulevard between Summerlin Road and Kelly Road currently operates at an acceptable Level of Service "A".

Background traffic volumes were developed for Year 2015 based on applying a compound growth rate (CGR) to Year 2009 volumes. The background growth rate was determined based on a review of historical daily traffic (2000 to 2009) obtained from the Lee County 2009 Traffic Count Report. Review of the volumes indicated a negative growth rate. Therefore, for analysis purposes, a minimum one (1) percent CGR was used. Results of the link analysis indicate that McGregor Boulevard from Summerlin Road to Kelly Road will operate at an acceptable Level of Service "B" in Year 2015.

Project trips were added to the Year 2015 background volumes to determine the total Year 2015 traffic volumes. With the addition of project trips from the proposed development, McGregor Boulevard between Summerlin Road and Kelly Road will continue to operate at an acceptable Level of Service "B".

Based on the analysis provided herein, the proposed development is not anticipated to significantly impact the surrounding roadway network.

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COMMUNITY DEVELOPMENT

DCI 2010-00027

TABLE 2
PEAK-HOUR, PEAK-DIRECTION CAPACITY ANALYSIS
GULF SEAFOOD TRAFFIC ANALYSIS

ROADWAY	FROM	TO	FACILITY TYPE ⁽¹⁾	PERFORMANCE STANDARD ⁽¹⁾		EXISTING 2009 CONDITIONS ⁽¹⁾		COMPOUND GROWTH RATE ⁽²⁾	BACKGROUND 2015 CONDITIONS		PROJECT TRAFFIC		TOTAL 2015 CONDITIONS	
				LOS	CAPACITY	LOS	VOLUME		LOS	VOLUME	DISTRIBUTION	TRIPS	LOS	VOLUME
McGregor Boulevard	Summerlin Road	Project Site	4LD	E	1,950	A	553	1%	B	587	40%	4	B	591
	Project Site	Kelly Road	4LD	E	1,950	A	553	1%	B	587	60%	6	B	593

Notes:

(1) Facility Type, Performance Standard and Existing 2009 Conditions based on Lee County 2010 Concurrency Report.

(2) Compound Growth Rate based on historical AADT (2000 - 2009) from Lee County 2009 Traffic Count Report.

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DEC 06 2010

Mr. Brian R. Smith
December 3, 2010
Page 6

Should you have any questions or comments regarding these findings, please do not hesitate to call me.

Sincerely,



Natalia Thais Lercari, P.E.
Professional Engineer
License No. 68205
State of Florida, Board of Professional Engineers
Certificate of Authorization No. 4908

NLM/hsv
Enclosure

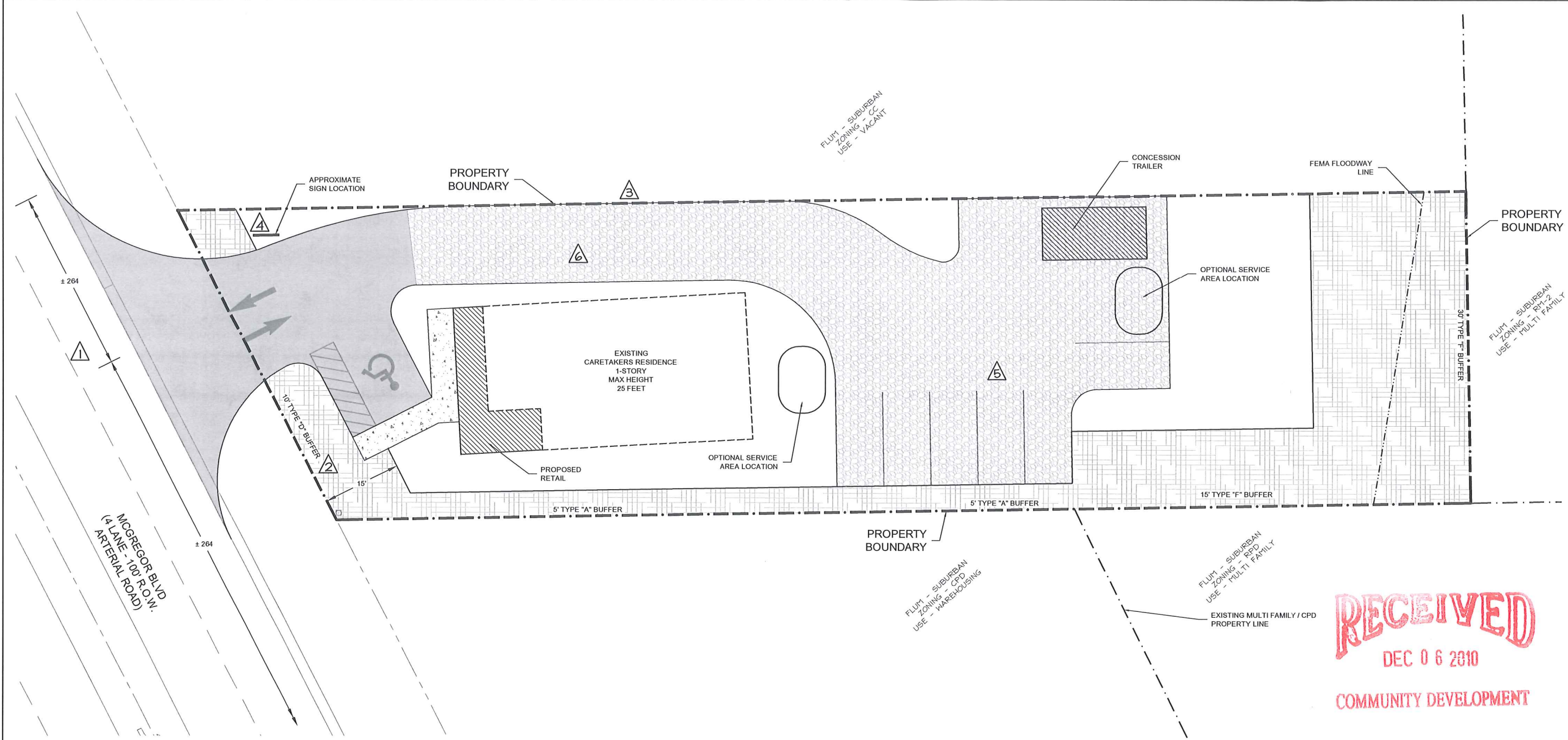
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COMMUNITY DEVELOPMENT

DCI 2010-00027

NO.	REVISIONS	DESCRIPTION	DATE	REVISED PER COMMENTS DATED	11-22-10	R1	R2	R3	R4	R5	R6

DATE:	10-20-10
PROJECT NO.	1159-01
FILE NO.	1159-01-MCP01
SCALE:	As Shown



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DCI 2010-00027

TABLE A

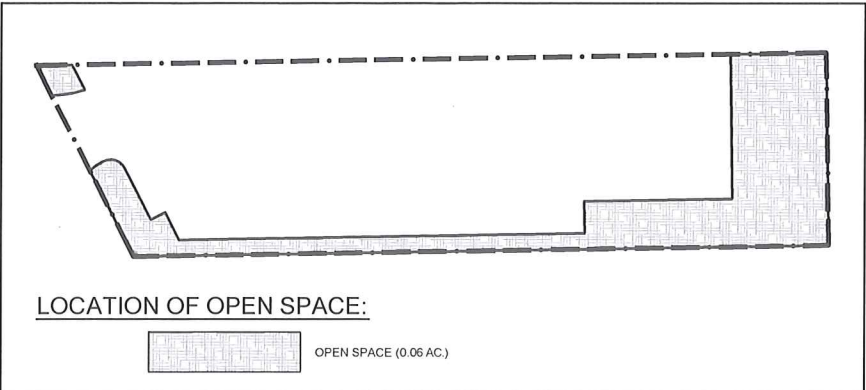
OPEN SPACE CALCULATIONS:			
PARCEL	AREA	REQ'D OPEN SPACE	PROVIDED OPEN SPACE
CPD	0.32 AC.	0.06 (20%)	0.06 (20%)
TOTAL	0.32 AC.	TOTAL	0.06 AC.

TABLE B

PARKING CALCULATIONS:			
USE	SQUARE FOOTAGE	REQ'D PARKING	PROVIDED PARKING
CARETAKERS RESIDENCE	1 UNIT	2 SPACES	2 SPACES
GROUP I, RESTAURANT	200 S.F.	3 SPACES (14 SPACE PER 1,000 S.F.)	3 SPACES
FISH MARKET	300 S.F.	2 SPACES (1SPACE PER 200 S.F.)	2 SPACES
TOTAL		7 SPACES	7 SPACES

LEGEND:

- RETAIL AREA
- BUFFER AREA
- PAVEMENT AREA
- ALTERNATIVE SURFACE AREA
- DENOTES LOCATION OF REQUESTED DEVIATIONS.
- DENOTES FLOOD WAY



- NOTES:
- 1) RETAIL SQUARE FOOTAGE IS LIMITED TO A MAXIMUM OF 500 S.F.
 - 2) NO ENCROACHMENT PERMITTED IN FEMA FLOODWAY



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8786

John E. Manning
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

November 22, 2010

ALEXIS CRESPO
ENSITE, INC
1514 BROADWAY, STE 201
FORT MYERS, FL 33901

Re: GULF SEAFOOD CPD
DCI2010-00027 - PDS Application (Minor PD)

Dear ALEXIS CRESPO :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Nettie M Richardson
Principal Planner

ALEXIS CRESPO
ENSITE, INC
RE: GULF SEAFOOD CPD
DCI2010-00027
November 22, 2010
Page 2

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Robert Price, TIS Reviewer
Jamie Prining, DCD Administration
Michael D Jacob, Assistant County Attorney
Becky Penfield, Development Review
DCI Zoning File
DCI Working File

ALEXIS CRESPO
ENSITE, INC
RE: GULF SEAFOOD CPD
DCI2010-00027
November 22, 2010
Page 3

**LC Environmental Sciences PD Application Sufficiency Checklist
(Ord 09-23)**

12h) Open Space Design Plan. Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LCLDC Section 10-415(b) must be shown on the Master Concept Plan. [34-373(a)(6)g.]

Please provide a separate open space diagram.

12i) Open Space Percentage. The percentage of open space must be shown on the Master Concept Plan unless the proposed development consists solely of conventional single-family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)h.]

Please revise the open space calculation to indicate the amount provided on site.

12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses if the types of proposed uses require buffer separations, must be shown on the Master Concept Plan. [34-373(a)(6)i.]

Please revise the MCP to indicate where the commercial and residential areas begin along the east property line.

Please revise the MCP to remove the fence label along the east property line since this is not on the property.

Please note ES staff feels a type C buffer with a wall may be excessive along the east property line. The applicant could provide a type F buffer with a deviation request for reduced width. This would be consistent with the type F buffer along the north property line.

Please note ES staff will support the deviation for no type A buffer area along the west property line, however the plants required could be provided in the open areas along the property line. Would the applicant be agreeable to eliminating the buffer width but still allowing the buffer plants? If so please revise the deviation narrative.

Please revise the MCP to demonstrate the areas along the ROW where a 15' wide buffer can be applied and the exact location of the 10' deviation.

12l) Protected Species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]

Pending ES site inspection.

ALEXIS CRESPO
ENSITE, INC
RE: GULF SEAFOOD CPD
DCI2010-00027
November 22, 2010
Page 4

18b1) LEE Plan Compliance. A narrative explanation as to how the proposed development complies with the LEE Plan must be submitted. [34-941(g)(3)]

Please revise the Lee Plan narrative to address goal 77.

20) Contact. The Environmental Planner may be contacted regarding any questions on the LC Environmental Sciences Planned Development Application Sufficiency Checklist.

Aaron Martin, amartin@leegov.com, 239-533-8522

LC Public Works Short Checklist

1) Miscellaneous Items.

The Master Concept Plan should be revised to incorporate required facilities for solid waste/recycling storage and pick-up in compliance with LDC Section 10-261.

2) The reviewer may be contacted for additional information regarding this Public Works checklist.

Please contact Mike Pavese at 533-8360 or by email at paveseamp@leegov.com if there are any questions regarding these review comments.

LC ZTIS PD Application Sufficiency Checklist (Ord 09-23)

2) Trip End Rates or Equations. The TIS must contain the equations or the average trip end generation rates for each type of use proposed and the name of the document from which this information was obtained (i.e. ITE TRIP GENERATION, current edition). [AC-13-17]

The TIS was based on Land Use Code 820 (Shopping Center), but the schedule of uses seems to limit the use to a lower intensity restaurant/retail use. Perhaps Specialty Retail is more appropriate. Additionally, please explain the Home Occupation use. Could the dwelling unit on the site be utilized as some sort of office use in conjunction with the proposed retail use?

2b) Trip generation equations or average trip rates must be complete and correct. [AC-13-17]

Lee County recognizes a maximum pass-by reduction for retail uses of 30%.

4) Background Traffic. The TIS must contain 100th highest hour traffic for the current year and for the year following the year in which the project is expected to be completed. [AC-13-17]

No Level of Service analysis has been provided. The TIS must contain a numerical projection of the Level of Service. What is the existing traffic on McGregor Boulevard? What will the traffic conditions be under background conditions at the buildout year? What are the buildout traffic volumes? What will the Level of Service be in all of these instances? This information must be provided to make substantive comments to the Board.

ALEXIS CRESPO
ENSITE, INC
RE: GULF SEAFOOD CPD
DCI2010-00027
November 22, 2010
Page 5

5) Directional Splits. The TIS must contain a drawing showing the percentage, number of trips, and the direction of travel for trips entering and exiting the project at each proposed access point. [AC-13-17]

No directional splits have been provided. Please distribute the project traffic to McGregor Boulevard.

11) Contact. The Staff reviewer may be contacted with any questions relative to this LC ZTIS PD Application Sufficiency Checklist.

Please contact Rob Price at RPrice@leegov.com or 239-533-8355 with any questions regarding these comments.



COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date: November 18, 2010

Case Number: DCI2010-00027

Case Name: GULF SEAFOOD CPD

Request: Rezone 0.32 +/- acres from Agriculture (AG-2) and Community Commercial (CC) to Commercial Planned Development (CPD) to allow a fish market/retail sales and associated parking at 16980 McGregor Boulevard.

Location: 16980 McGregor Blvd., Iona/McGregor Planning Community, Lee County, FL.

Location Map: SEE REVERSE

PROPERTY OWNER'S
REPRESENTATIVE: ALEXIS CRESPO
ENSITE, INC
239-226-0024

Lee County Planner: Nettie M Richardson
239-533-8786

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/533-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.



Area Location Map
EXHIBIT PH-3.F / D-7-B

Gulf Seafood CPD

RECEIVED
OCT 29 2010



Date: 10-19-10

Map Number:
1159-01-PH3F-D7B

Project Number:
1159-01



Gulf Seafood CPD
Mr. Jons Lindquist

16980 McGregor Blvd
Fort Myers, FL 33908

400 200 0 400
Feet

Source: Lee County Property Appraiser Office.

It is the end user's responsibility to verify the data contained herein. EnSite assumes no responsibility for errors or omissions contained herein.

DCI 2010-00027

02-46-23-00-00012.0000
TANGER PROPERTIES LP
STANLEY K TANGER
PO BOX 10889
GREENSBORO, NC 27404

02-46-23-00-00017.0010
SOUTHWEST FLORIDA BAPTIST
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-00-00022.0000
MCGREGOR LAND ASSOC LLC
DREW DRAKE
16385 RAINBOW MEADOWS CT
FORT MYERS, FL 33908

02-46-23-00-00023.0080
MCGREGOR LAND ASSOC LLC
DREW DRAKE
16385 RAINBOW MEADOWS CT
FORT MYERS, FL 33908

02-46-23-09-00000.00CE
DAVIS WOODS CONDOMINIUM
9411 CYPRESS LAKE DR STE 2
FORT MYERS, FL 33919

02-46-23-09-00000.1120
CLAWSON CAROL A
16881 DAVIS RD #112
FORT MYERS, FL 33908

02-46-23-09-00000.1140
BIANCO ROSEMARIE
148 ATLANTIC AVE
HAWTHORNE, NY 10532

02-46-23-09-00000.1160
FAZIO PAUL L
51 BRIGHT ST
WALTHAM, MA 02453

02-46-23-09-00000.1220
ERGAS IRA
PO BOX 100
ROCKAWAY, NJ 07866

02-46-23-09-00000.1240
GREGG RUDOLPH R + FRIEDA E
53 GABRIELLA CIR
MANCHESTER, NJ 08759

02-46-23-00-00017.0000
SOUTHWEST FLORIDA BAPTIST
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-00-00018.0000
VELOCITY COMMERCIAL CAPITAL
30699 RUSSELL RANCH RD STE 295
WESTLAKE VILLAGE, CA 91362

02-46-23-00-00023.0070
MCGREGOR LAND ASSOC LLC
DREW DRAKE
16385 RAINBOW MEADOWS CT
FORT MYERS, FL 33908

02-46-23-00-00023.0090
MCGREGOR LAND ASSOC LLC
DREW DRAKE
16385 RAINBOW MEADOWS CT
FORT MYERS, FL 33908

02-46-23-09-00000.1110
HARLOW PATRICIA
PO BOX 142
SANIBEL, FL 33957

02-46-23-09-00000.1130
DASCO ANDREW A + ADELINE R
1252 WILLOWAY SE
NORTH CANTON, OH 44720

02-46-23-09-00000.1150
CALNAN KAREN JEAN
16881 DAVIS RD #115
FORT MYERS, FL 33908

02-46-23-09-00000.1210
DEAN MICHELLE ANN
16881 DAVIS RD #121
FORT MYERS, FL 33908

02-46-23-09-00000.1230
STODDARD PHILIP A +
115 RIVERMEAD RD
PETERBOROUGH, NH 03458

02-46-23-09-00000.1250
ENTRUST FREEDOM LLC
4560 VIA ROYALE # 1
FORT MYERS, FL 33919

02-46-23-09-00000.1260
RIORDAN MICHAEL J + BONNIE TR
7310 LEONARD DR
DARIEN, IL 60561

02-46-23-09-00000.3120
DRAKOS NICHOLAS G
16881 DAVIS RD APT 426
FORT MYERS, FL 33908

02-46-23-09-00000.3140
BILLEH FUAD I +
920 LONG RD
GLENVIEW, IL 60025

02-46-23-09-00000.3160
GOOD JERID +
2603 BARRETT RD
ROCHESTER, IN 46975

02-46-23-09-00000.3220
MCALLISTER HARRY + SUSAN
10052 SW 117TH CT
MIAMI, FL 33186

02-46-23-09-00000.3240
KEOUGH DANIEL F TR
1026 ALLOUEZ RD
MARQUETTE, MI 49855

02-46-23-09-00000.3260
TONEY JAMES H + RITA E
647 EDWARD DR
CARNEGIE, PA 15106

02-46-23-09-00000.4120
TURNER JOSEPH M + SUSAN C J/T
44476 STATE HIGHWAY 25 N
DAVENPORT, WA 99122

02-46-23-09-00000.4140
JOHNSON JAMES H + FAYE C
8539 CLARA DR
NILES, IL 60714

02-46-23-09-00000.4160
MCNAMARA OWEN M + CHARLENE A
74 BELGIAN WAY
FITCHBURG, MA 01420

02-46-23-09-00000.3110
EVANS JAMES T JR
12111 CONCORD HAMB DEN RD
PAINESVILLE, OH 44077

02-46-23-09-00000.3130
JASINSKI FREDERICK + JUDITH K
7 WALDEN DR
MERRIMACK, NH 03054

02-46-23-09-00000.3150
SETLIFF JONNIE
16881-315 DAVIS RD
FORT MYERS, FL 33908

02-46-23-09-00000.3210
KOMPINSKI LYNN
16881 DAVIS RD #321
FORT MYERS, FL 33908

02-46-23-09-00000.3230
JANNELLI CHRIS + SUSIE
342 W CHAPMAN AVE
ROSEBURG, OR 97470

02-46-23-09-00000.3250
SMITH ROBERT E +
6165 SNOWAPLE DR
CLARKSTON, MI 48346

02-46-23-09-00000.4110
RIES PAUL M
16881 DAVIS RD APT 411
FORT MYERS, FL 33908

02-46-23-09-00000.4130
CATALFU PETER J + JOAN
70 LONG BEACH LN
ANGOLA, NY 14006

02-46-23-09-00000.4150
GIBBONS JAMES M
4846 SUN CITY CENTER BLVD #130
SUN CITY CENTER, FL 33573

02-46-23-09-00000.4210
NICHOLAS ALICE S L/E
4120 HIGEL AVE
SARASOTA, FL 34242

02-46-23-09-00000.4220
BAKER ROGER A + LOIS A
62 GLENRIDGE RD
EAST AURORA, NY 14052

02-46-23-09-00000.4240
CARLETTI SHIRLEY A TR
PO BOX 100
COLUMBIANA, OH 44408

02-46-23-09-00000.4260
DRAKOS NICHOLAS G
16881 DAVIS RD #426
FORT MYERS, FL 33908

02-46-23-09-00000.5120
ARNOLD SAM W JR + JOHNNIE C
205 QUEENSWAY DR
CYNTHIANA, KY 41031

02-46-23-09-00000.5140
KRESMERY LOUIS G + JANE M
5 PLEASANT TRL
KILLINGWORTH, CT 06419

02-46-23-09-00000.5160
BREDAHL ROY E + LILA M
4138 OAKBROOKE TRL
EAGAN, MN 55122

02-46-23-09-00000.5220
PAINTER MILDRED M TR
2815 E PERKINS AVE
SANDUSKY, OH 44870

02-46-23-09-00000.5240
MOGILSKI STANLEY
16881 DAVIS RD #524
FORT MYERS, FL 33908

02-46-23-09-00000.5260
CANBY DONALD S + DEE ANN L/E
925 KATYS LN
WILMINGTON, OH 45177

02-46-23-09-00000.6120
DEAN MICHELLE ANN
2840 VAN WORMER RD
SAGINAW, MI 48609

02-46-23-09-00000.4230
ANTHONY JOHN L + GERELDA J TR
842 KELLY DR
WAPAKONETA, OH 45895

02-46-23-09-00000.4250
CARLETTI SHIRLEY A TR
PO BOX 100
COLUMBIANA, OH 44408

02-46-23-09-00000.5110
RYDER BRENDA J
1679 GERSHWIN AVENUE N
OAKDALE, MN 55128

02-46-23-09-00000.5130
CHAPLIN JOHN R
11 MCGREGOR AVE
MOUNT ARLINGTON, NJ 07856

02-46-23-09-00000.5150
FOLEY DENNIS G +
PO BOX 213
MIDDLE ISLAND, NY 11953

02-46-23-09-00000.5210
GIBSON DAVID W + DEBORAH R
16600 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-09-00000.5230
VENTRICE DONALD J
5 SCORALICK LN
VALHALLA, NY 10595

02-46-23-09-00000.5250
MENDONCA RICHARD + GIESELA R
139 FIELDWOOD AVE
SEEKONK, MA 02771

02-46-23-09-00000.6110
KALMBACH FEEDS INC
7148 STATE HWY 199
UPPER SANDUSKY, OH 43351

02-46-23-09-00000.6130
REILLY ADRIENNE LESLIE
338 BROOKSTONE RD
COLUMBUS, NC 28722

02-46-23-09-00000.6140
KALMBACH RUTH E TR
20127 SR 37
MT BLANCHARD, OH 45867

02-46-23-09-00000.6160
BROESCH DONALD M + LYNN A
W165N11061 KINGS CT
GERMANTOWN, WI 53022

02-46-23-09-00000.6220
STONE DEBRA L
249 PALM LAKE DR
SANIBEL, FL 33957

02-46-23-09-00000.6240
GARRISON RONALD + NANCY
1122 CHILLEN DR
BATAVIA, IL 60510

02-46-23-09-00000.6260
BEILER CARL
5223 ZION RD
CLEVES, OH 45002

02-46-23-09-00000.7120
RORER JOE + LONA
483 HANDYMAN LN
CYNTHIANA, KY 41031

02-46-23-09-00000.7140
LEONE DIANA J TR
474 GARDEN RIDGE CT
BOARDMAN, OH 44512

02-46-23-09-00000.7160
KLEMAN ABBY LEE STATH
12601 MASTIQUE BCH BLVD #1901
FORT MYERS, FL 33908

02-46-23-09-00000.7220
BROWN RHONDA S
110 STONE COVE DR
PARIS, KY 40361

02-46-23-09-00000.7240
HEBERLEIN CHARLES E + EMMA
12 SPRINGBROOK SHORES DR
ELMA, NY 14059

02-46-23-09-00000.6150
KALMBACH RUTH E TR
20127 SR 37
MT BLANCHARD, OH 45867

02-46-23-09-00000.6210
CARLQUIST SHARON K
4180 ABINGTON WOODS CIR
VERO BEACH, FL 32967

02-46-23-09-00000.6230
VOWELL ANN K TR +
861 HIGHVIEW AV
GLEN ELLYN, IL 60137

02-46-23-09-00000.6250
SCHLITT JOHN + MAGDA +
2280 CHARING CROSS RD
BALDWIN, NY 11510

02-46-23-09-00000.7110
GIBSON CYNTHIA H TR
14548 AERIES WAY DR
FORT MYERS, FL 33912

02-46-23-09-00000.7130
CHAPLIN DOREEN +
115 MCGREGOR AVE
MT ARLINGTON, NJ 07856

02-46-23-09-00000.7150
SCHEFFERS STEVEN +
11309 BARR RD ST
PEOTONE, IL 60468

02-46-23-09-00000.7210
DALEY ROBERT J +
153 NORTHWOOD DR
DEPEW, NY 14043

02-46-23-09-00000.7230
COCKRELL CLYDE M +
1715 US HIGHWAY 27 S
CYNTHIANA, KY 41031

02-46-23-09-00000.7250
BAER DENNIS L + JEAN M
1418 SAND CASTLE RD
SANIBEL, FL 33957

02-46-23-09-00000.7260
JOHANNESSEN JOHN E TR
8432 ARBOR CT
FORT MYERS, FL 33908

02-46-23-09-00000.8120
BRAUN KENNETH
3874 S PARK AVE
BLASDELL, NY 14219

02-46-23-09-00000.8140
KLEMAN ABBY LEE STATH
12601 MASTIQUE BCH BLVD #1901
FORT MYERS, FL 33908

02-46-23-09-00000.8160
SEIPPEL STEVE H + SALLY M
16881 DAVIS RD #816
FORT MYERS, FL 33908

02-46-23-09-00000.8220
SANTACROCE JAMES + BEVERLY A
16881 DAVIS RD #822
FORT MYERS, FL 33908

02-46-23-09-00000.8240
BOYLE JOHN C
16881 DAVIS RD APT 824
FORT MYERS, FL 33908

02-46-23-09-00000.8260
FARMER DANNY +
145 WINDY RIDGE CT
MINERAL BLUFF, GA 30559

02-46-23-09-00000.9120
SIMON MICHAEL L + COLLEEN O
2945 113TH ST
TOLEDO, OH 43611

02-46-23-09-00000.9150
BRAUN CALVIN
3919 S PARK AVE
BLASDELL, NY 14219

02-46-23-18-00000.3110
TALIAFERRO RIXINE N
326 CYPRESS ST
SALEM, VA 24153

02-46-23-09-00000.8110
FODOR ROBERT +
1417 JAMAICA DR
SANIBEL, FL 33957

02-46-23-09-00000.8130
VASIL JOHN F + DOLORES R
PO BOX 721
WEST BROOKFIELD, MA 01585

02-46-23-09-00000.8150
SPIRITO JOSEPH F + HELENE
16881 DAVIS RD #815
FORT MYERS, FL 33908

02-46-23-09-00000.8210
MAZZONE MARK I + MURIEL L
PO BOX 555
SHASTA, CA 96087

02-46-23-09-00000.8230
BANDIERO JOANNE PER REP
6115 BAYSIDE DR
NEW PORT RICHEY, FL 34652

02-46-23-09-00000.8250
SOUSA RICHARD G + JANICE L
39 PHYLLIS RD
RAYNHAM, MA 02767

02-46-23-09-00000.9110
SAMYN DANIEL C + LORETTA TR
425 MAXWELL ST
LAKE GENEVA, WI 53147

02-46-23-09-00000.9140
CAPPALLI RICHARD A + REGINA TR
23436 VALDERAMA LN
SORRENTO, FL 32776

02-46-23-18-00000.00CE
DAVIS COURT CONDO
MARQUIS MANAGEMENT
12661 NEW BRITTANY BLVD
FORT MYERS, FL 33907

02-46-23-18-00000.3120
JACKSON RANDY C +
3011 DORAL DR
GODFREY, IL 62035

02-46-23-18-00000.3130
FOARILE JOSEPH + ANN +
14 E CHESTER ST
VALLEY STREAM, NY 11580

02-46-23-18-00000.3150
GROSS ARTUR B JR TR +
PO BOX 308
CUBA, MO 65453

02-46-23-18-00000.3220
CAROLAN MARY SUSAN TR
10 WEYBOSSET ST
PROVIDENCE, RI 02903

02-46-23-18-00000.3240
BLASER RAYMOND P
126-10 9TH AV
COLLEGE POINT, NY 11356

02-46-23-19-00000.00A0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00C0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00D0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00F0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00H0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.0J00
CURTIS RALPH C TR
PO BOX 349
SANIBEL, FL 33957

02-46-23-18-00000.3140
LEONZO ROBERT R + ANDREA M
36 JARDIN DR
EAST HAVEN, CT 06513

02-46-23-18-00000.3210
MORAVUS CHARLES + LANA
110 VALLEY VIEW RD
OTISVILLE, NY 10963

02-46-23-18-00000.3230
LANIER LOWELL + W FAYE
1795 FLORINE BLVD
SAINT CHARLES, MO 63303

02-46-23-18-00000.3250
FAY ROBERT A + GLORIA 1/2 +
12 CANAPITSIT DR
EAST FALMOUTH, MA 02536

02-46-23-19-00000.00B0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00CE
PINES PLAZA OFFICE CONDO
16956 MC GREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00E0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00G0
SWFBC ENTERPRISES INC
16940 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-19-00000.00I0
CRUZ ADRIANA Y + RAFAEL A
1666 N FLOSSMOOR RD
FORT MYERS, FL 33919

02-46-23-21-00000.00CE
SANIBEL SUNSET VILLAS CONDO
P+M PROPERTY MGMT
14360 S TAMIAMI TRL STE B
FORT MYERS, FL 33912

02-46-23-21-00001.1010
COLE KEITH A + YEONSOON L
6846 CORDER LN
LORTON, VA 22079

02-46-23-21-00001.1030
LYALL KEITH +
1511 MARLOWE AVE
LAKEWOOD, OH 44107

02-46-23-21-00002.2020
JONES JAMES A + JOYCE A
1624 JUSTIN ST
JASPER, IN 47546

02-46-23-21-00003.0301
NOLETTE MARY A + MICHAEL R W/H
63 MORRISON DR
LONDONDERRY, NH 03053

02-46-23-21-00003.0303
MEINERT RICHARD E + DONNA J TR
1836 MICHIGAN BLVD
RACINE, WI 53402

02-46-23-21-00006.0602
MATUSZAK JAMES F + MARCELLA
16810 SANIBEL SUNSET CT #602
FORT MYERS, FL 33908

02-46-23-21-00007.7010
GROSS ARTHUR B TR +
PO BOX 308
CUBA, MO 65453

02-46-23-21-00007.7030
VALIQUETTE MICHAEL +
1206 BAY DR
SANIBEL, FL 33957

02-46-23-21-00008.0802
SLIWINSKI KRISTINA M
16830 SANIBEL SUNSET CT #802
FORT MYERS, FL 33908

02-46-23-21-00009.0901
FELLMAN LAURENCE S PER REP
16840 SANIBEL SUNSET CT #901
FORT MYERS, FL 33908

02-46-23-21-00001.1020
DEMINIE AMANDA
16841 SANIBEL SUNSET CT #102
FORT MYERS, FL 33908

02-46-23-21-00002.2010
MCALLISTER RICHARD L +
554 JORDAN CIR
COLGATE, WI 53017

02-46-23-21-00002.2030
BENNETT CARLYLE + LAURIANNE E
16821 SANIBEL SUNSET CT #203
FORT MYERS, FL 33908

02-46-23-21-00003.0302
MCMAHON EDWARD G +
48 SANDIA HAVEN DR
CEDAR CREST, NM 87008

02-46-23-21-00006.0601
RITCHIE MARY G
16810 SANIBEL SUNSET CT #601
FORT MYERS, FL 33908

02-46-23-21-00006.0603
BEACHVIEW GOLF CLUB EST INC
1100 PAR VIEW DR
SANIBEL, FL 33957

02-46-23-21-00007.7020
COUTURE JAMES + CAROLE
16820 SANIBEL SUNSET CT #702
FORT MYERS, FL 33908

02-46-23-21-00008.0801
KILGORE COLON W + NOLA M
16830 SANIBEL SUNSET CT #801
FORT MYERS, FL 33908

02-46-23-21-00008.0803
CARVALHO JAMES P + JANET
18 TRACYS PATH
MARSHFIELD, MA 02050

02-46-23-21-00009.0902
CORNELIUS JOSEPH
5502 EMERALD RIDGE BLVD
LAKELAND, FL 33813

LINDQUIST JONS ALBERT L/E
16980 MCGREGOR BLVD
FORT MYERS FL 33908

MRS. NETTI RICHARDSON

JEFFREY M ROMAN, P.E.
ENSITE, INC.
1514 BROADWAY, SUITE 201
FORT MYERS, FL 33901

ALEXIS CRESPO
ENSITE, INC
1514 BROADWAY, STE 201
FORT MYERS FL 33901

JONS LINDQUIST
16980 MCGREGOR BLVD
FORT MYERS FL 33908

BRIAN SMITH
ENSITE, INC.
1514 BROADWAY, STE 201
FORT MYERS FL 33901

NATALIA MCGUCKIAN
MCMAHON ASSOC, INC.
1514 BROADWAY, STE 201
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02-46-23-21-00009.0903
DEPAOLI MICHAEL E
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ROYERSFORD, PA 19468

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Kelly Greens Community Awareness Committee
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Fort Myers, FL 33908

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Palm Acres Homeowner's Association
P.O. Box 08191
Fort Myers, FL 33908

Frank Shockey
Town of Fort Myers Beach
2523 Estero Boulevard
Fort Myers Beach, FL 33931

Barbara England, CAM
Lexington Country Club
16257 Willowcrest Way
Fort Myers, FL 33908

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Nettie M Richardson

DATE: 10/29/2010

Michael D Jacob, Asst County Attorney
DS Reviewer - Becky Penfield
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: GULF SEAFOOD CPD

CASE #: DCI2010-00027

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 11/12/2010

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file

DCI Zone File

Distributed by: Donna M Hock

Date: 11/02/2010

**LEE COUNTY, FLORIDA
ZONING DIVISION
STAFF REPORT**

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI2010-00027

HEARING EXAMINER DATE: February 23, 2011

I. APPLICATION SUMMARY:

- A. Applicant: Jons Lindquist in reference to Gulf Seafood Commercial Planned Development
- B. Request: Rezone 0.32 acres from Agriculture (AG-2) and Community Commercial (CC) to Commercial Planned Development (CPD) to allow a fish market/retail sales, a caretaker's residence and associated parking. No blasting is requested. Maximum height is 25 feet/1 story. This development will not connect to existing potable water and sanitary sewer but continue to use the existing on-site septic tank.
- C. Location: The subject property is located at 16980 McGregor Blvd., Iona/McGregor Planning Community, Lee County, FL. (District #1)
- D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property and Road Classification:

Land Use Designation: Suburban

Current Zoning: Agriculture (AG-2) and Community Commercial (CC)

Current Use: Single- family residence

Road Classification: McGregor Boulevard, a County maintained, 4-lane arterial road with 100 feet of right-of-way

E. Surrounding Land Use:

Existing Zoning & Land Use

North: RM-2 developed with Davis Woods, a residential multi-family condominium

East: Chippendale CPD/RPD, developed with 7,000 square feet of commercial and 27 units

Future Land Use Map

Suburban

Suburban

South: McGregor Boulevard, then CC
Developed with Tanger Outlet shopping center

Urban Community

West: CC, a vacant 2.5 acre parcel

Suburban

F. Size of Property: 0.32± acres

II. **RECOMMENDATION:**

Staff recommends **APPROVAL** of the Applicant's request for rezoning from Agriculture (AG-2) and Community Commercial (CC) to Commercial Planned Development (CPD) with the following conditions and deviations:

A. Conditions:

1. Master Concept Plan/Development Parameters

The development of this project must be consistent with the one-page Master Concept Plan entitled "Gulf Seafood CPD," stamped received December 28, 2010, except as modified by the conditions below. 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.

2. Uses and Site Development Regulations

The proposed development is limited to 300 square feet of retail and 200 square foot concession trailer and uses:

a. Schedule of Uses

Accessory Uses and Structures
Caretaker's Residence
Essential Services
Excavation, water retention
Fences, walls
Food stores, Group I
Home Occupation
Non-store retailers, Group I
Parking lot, accessory
Restaurants, Group I
Signs in accordance with Chapter 30
Temporary Uses

b. Site Development Regulations

Minimum lot size: 7,500 square feet
Minimum lot width: 60 feet

Minimum lot depth: 100 feet

Minimum Setbacks:

Street: 25± feet (McGregor Boulevard)

Sides: 12± feet

Rear: 30± feet

Maximum Building Height: 35 feet/2-story

Open Space: 20%

3. Environmental Conditions

a. Prior to local development order approval, the development order plans must delineate a minimum of 45% open space.

b. Prior to local development order approval, the development order plans must demonstrate the use of 100% native vegetation for all required landscaping on site.

4. Utilities

Preparation of food on-site is prohibited until the property owner connects to central water and sewer.

5. Vehicular/Pedestrian Impacts

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

6. Lee Plan Consistency

Approval of this zoning request 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, as well as all other Lee Plan provisions.

7. 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 prior to issuance of a local development order.

8. Compliance to LDC

This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

9. Solid Waste Management: As part of any local Development Order approval for vertical development, the development order plans must include 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.

B. Deviations

The applicant requested 7 deviations for the proposed development as follows:

Deviation No.1 from Section 10-285 of Land Development Code (LDC) from the connection separation requirement for an arterial road of 660 feet, to allow 260 feet along McGregor Boulevard.

Justification: The subject property has 1 existing access point onto McGregor Boulevard. The subject property has approximately 65 feet of frontage along McGregor Boulevard and has insufficient frontage to meet the minimum separation required for an arterial roadway. The Master Concept Plan (MCP) represents a narrower access point than currently exists, therefore the proposed access will provide enhanced safety for vehicles entering and exiting the property. The applicant submits the deviation for the reduced connection separation will not negatively impact, public health, safety or welfare.

Recommendation: Lee County Department of Transportation (LCDOT) reviewed the deviation request (see Attachment "G") and recommends **APPROVAL with the following condition:**

The project provide a cross access easement to the adjacent property to the west for the possibility of future inter-connection.

Deviation No. 2 is from Section 10-416(d)(3) from the Type "D", 15 foot wide, right-of-way buffer requirement, to allow a 10 foot wide buffer in front of the handicapped parking space along McGregor Boulevard.

Justification: The existing building was developed in 1958 prior to the substantial right-of-way takings to widen McGregor Boulevard. As a result of the takings, there is limited depth (27± feet) between the existing right-of-way line and the building. The reduced buffer width is requested in order to accommodate the minor retail uses and handicap a space in the front of the existing building to provide convenience to future patrons. The applicant is proposing a reduction in plant materials, therefore Type "D" plantings will be provided in accordance with Section 10-416. Based on the proposed plantings, the intent of the code will be maintained via adequate screening along the McGregor right-of-way. Additionally, the applicant has provided the full 15 foot width along the southern portion of the frontage. The deviation represents betterment to the project and will not impact public health, safety or welfare, as handicapped patrons will enjoy enhanced access to the retail sales portion of the project.

Recommendation: The applicant is proposing a type "D" buffer adjacent to the ROW to the south. Deviation #2 is requesting relief from the 15' required width along a portion of the

south property line to allow a 10' width. This request is being made due to the location of the existing structure and the requirement for a handicap parking space and a sidewalk close to the building. Additionally, the property boundaries were reduced in the past due to a right of way taking for the widening of McGregor Blvd. The applicant will still provide the required type "D" buffer plantings in this area consistent with the LDC. ES staff recommends **APPROVAL** of this deviation request.

Deviation No. 3 is from Section 10-416(d) (3) from the Type "A" planting requirements, to allow Type "A" plantings within open areas along the western property line in lieu of the required 5 foot buffer.

Justification: The subject property is uniquely narrow in width and provides limited width to accommodate vehicular circulation. The existing building, built in 1958, is currently located on the site and restricts the ability to provide a sufficiently wide drive aisle to access the rear parking area. In order to achieve the maximum drive aisle width possible, the applicant is seeking relief from the 5 foot buffer width requirement in light of the future commercial use intended for the property to the west. The applicant will provide Type "A" plantings with open areas along the western property line to enhance views of the property.

Recommendation: The applicant is proposing a type "A" buffer along the east property line that abuts the commercial development. This is consistent with the LDC. Along the west property line the applicant is requesting **deviation #3** which is for relief from the required 5' type "A" buffer along a portion of the west property line. This deviation is being requested due to the location of the existing structure and the required width of the drive isle to access the parking in the rear. The applicant has agreed to calculate the required type "A" buffer plants for the entire property line (approximately 245 linear feet) and plant these trees within the open areas along the west property line. ES staff recommends **APPROVAL** of this deviation with the following condition:

Prior to local development order approval, the development order plans must demonstrate the planting of 10 trees along the west property line within open space areas to meet the requirements of the type "A" buffer.

Deviation No. 4 is from Section 30-153(3)(e) from the setback requirement for identification signs from a minimum of 15 feet from any right-of-way or easement, to allow a setback of 10 feet from McGregor Boulevard.

Justification: The subject property has a uniquely narrow width along McGregor Boulevard. The majority of the frontage is utilized for driveway area and handicapped access, leaving minimal area for signage. With the proposed reduction, the sign will remain upwards of 30 feet from vehicle travel lanes along McGregor Boulevard. The proposed location provides maximum visibility of the identification while upholding public health, safety and welfare.

Recommendation: The proposed location of the sign will be 30 feet from the edge of pavement of McGregor Boulevard. There is not enough road frontage for the sign to comply with the 15 foot setback. The LDC allows the placement of a 64 square foot sign which cannot be closer than 5 feet to any side property line and a height of 20 feet. The applicant does not have any specific sign elevations however, they must be comply with the side

setback and height in order to obtain the sign permit. Staff reviewed this deviation and recommends **APPROVAL with the following condition:**

At time of building permit, the applicant must demonstrate compliance with Chapter 30 of the LDC.

Deviation No. 5 is from Section 34-2017(b) from the parking lot surface requirement for high turnover parking lots aisles must be provided with a paved, dustfree, all-weather surface, to allow the proposed parking lot to meet the surfacing requirement for low turnover parking lots.

Justification: The property is located in the Suburban land category; will have 9 parking spaces to support the 500 square foot retail sales use, in addition to the caretaker's residence; will be required to provide on-site water management to enhance the current drainage of the site and will ensure the alternative parking surface will be maintained; and the property is located in an area of transition between greater Fort Myers and Fort Myers Beach and Sanibel area. The character of the area supports the request for alternative surfaces and there are a number of properties in close proximity which demonstrate crushed shell or gravel parking lots, such as Oakes Brother Market at McGregor & John Morris Road intersection, Marilyn's Exotic Orchard on John Morris Road, and LCD Trucking on McGregor Boulevard.

Recommendation: The Land Development Code allows Director's discretion to permit high turnover parking lots (including parking lot aisles) to meet the surfacing standards for low turnover parking lots under certain circumstances. This can be done at time of Development Order, however to ensure the proposed development is allowed to provide an alternative surface such as crushed shell or gravel, the deviation is being requested at time of rezoning.

The subject property is not in the intensive or central urban land use category; will have 9 parking spaces to support the 500 square foot retail sales use, in addition to the caretaker's residence; will be required to provide on-site water management to enhance the current drainage of the site at time of local Development Order and will ensure the alternative parking surface will be maintained; and the property is located in an area where there are other properties in close proximity that have crushed shell or gravel parking lots. Staff reviewed this deviation and recommends **APPROVAL with the following condition:**

At time of Development Order, an alternative surface may be permitted provided the area is adequately drained and continuously maintained in a dustfree manner. Alternative surfaces may include gravel, crushed shell or other similar materials. Parking on grass or other unimproved surfaces such as sand or dirt is prohibited.

Deviation No. 6 is from Section 34-2016(3) from the required 2-way parking aisle width of 24 feet, to allow parking aisle width of 16 feet.

Justification: This deviation allows for greater design flexibility without jeopardizing safe vehicular circulation. The subject property is uniquely narrow in size and provided limited width to accommodate vehicular circulation properly, particularly in consideration of the

existing building location. The deviation will allow for sufficient width to allow for 1 vehicle to enter the rear parking area and turn around to exit the site. Due to the project's limited retail uses and low trip generation, the proposed deviation will not negatively impact public health, safety or welfare and is necessary based on the existing site conditions.

Recommendation: Staff reviewed this deviation and recommends **APPROVAL**.

Deviation No. 7 is from Section 10-416(d)(3) from the required Type "F", 30 foot wide buffer requirement along the portion of the east property line that abuts the existing multi-family use, to allow a 23 foot wide buffer.

Justification: The subject property is uniquely narrow in size and provides limited width to accommodate vehicular circulation and restricts the ability to provide the full 30 feet of the required buffer. In order to provide adequate drive isle width and parking stalls, the applicant seeks this deviation. The applicant will provide the required Type "F" plantings within the 23 foot buffer.

Recommendation: The applicant is proposing a type "F" buffer adjacent to the multifamily use along the north property line which is consistent with the LDC. **Deviation #7** is requesting relief from the 30' width required along the east property line that abuts the multifamily use to allow 23' of buffer width. The applicant will still provide the required type "F" buffer plantings in this area consistent with the LDC. In addition, there is an existing solid fence along the adjacent property line screening the multifamily use from the proposed commercial project. ES staff recommends **APPROVAL** of this deviation request.

C. Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has proven entitlement to the rezoning to Commercial Planned Development (CPD) by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations. Policies 1.1.5, 2.2.1, 6.1.1, 6.1.2, 6.1.4, 6.1.6, Standards 11.1 and 11.2, and Goal 77
2. The requested zoning:
 - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; Policies 1.1.5, 2.2.1, 6.1.1, 6.1.2, 6.1.4, 6.1.6, Standards 11.1 and 11.2, and Goal 77
 - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan; Policies 1.1.5, 2.2.1, 6.1.1, 6.1.2, 6.1.4, 6.1.6, Standards 11.1 and 11.2, and Goal 77
 - c) is compatible with existing or planned uses in the surrounding area; Policy 6.1.4 and

- d) will not adversely affect environmentally critical areas or natural resources. Policy 6.1.6 and Goal 77
- 3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development. Policies 6.1.1, 6.1.2, 6.1.4
- 4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use. Standards 11.1. and 11.2
- 5. The proposed use or mix of uses is appropriate at the subject location.
- 6. The recommended conditions to the master concept plan and other applicable regulations provide sufficient safeguards to the public interest.
- 7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- 8. The deviations, as conditioned:
 - a) enhance the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

Requested is a rezone from Agriculture (AG-2) and Community Commercial (CC) to Commercial Planned Development (CPD) to allow the applicant to have a fish market/retail sales, a caretaker's residence and associated parking on property located at 16980 McGregor Boulevard.

Located on the subject property is an existing single family residence where the applicant resides and sells seafood. Rezoning the subject property to CPD will allow the applicant the ability to have retail sales of seafood and resolve a code violation (VIO2010-04242) for the selling of seafood on AG-2 zoned property, see Attachment "C". This code violation is pending this rezoning request. The applicant will continue to live in the residence.

Master Concept Plan

The Master Concept Plan (MCP) is a one-page plan labeled "Gulf Seafood CPD" and is stamped received on December 28, 2010, see Attachment "D". The plan shows a 25 foot high, 1-story existing residence to be used by the applicant as a caretaker's residence in the front portion of the property. A proposed 300 square foot area for retail sales of seafood will be built onto the front of the caretaker's residence. A handicapped parking space will be located in front of the building. A driveway along the west side of the building will extend behind the building and provide a parking area for patrons. Also shown on the

MCP is a 200 square foot concession trailer to be used as a restaurant, Group I. This type of establishment normally does not provide indoor seating. The applicant proposes there will be no on-site food preparation in the trailer. Food for sale will be prepared off site and brought to the trailer for sale.

The MCP also shows an identification sign located in the southwest corner of the subject property. Buffers will be located along the property lines with some deviations being requested.

A portion of the property located on the northern portion of the property is located within a FEMA floodway and does not show any development.

Planning Community Map and Allocation Table

The subject property is located in the Iona/McGregor Planning Community. This Community is located primarily south of Gladiolus Drive west of Hendry Creek and contains all of the islands not included in the Town of Fort Myers Beach. This community primarily has lands designated as Central Urban, Urban Community, Suburban, and Outlying Suburban. There is also an industrial area located west of Pine Ridge road north and south of Summerlin Road. This community, due to its proximity to the area beaches, will continue to be a popular area for seasonal residents. This community has three discernible sub-areas: McGregor Boulevard/San Carlos Boulevard, Summerlin Road, and San Carlos Island.

The McGregor Blvd./San Carlos Blvd area will be approaching build out by 2030 and some of the older (pre 1980) developments will begin to redevelop to take advantage of a higher end market seeking a combination of quick beach access and closeness to urban services. This area will remain primarily residential with retail uses located at the major intersections.

The Summerlin Road Corridor will develop a new look by 2030 and will emerge as one of the county's primary medical service areas. This portion of the community will also continue to develop as a strong residential area with an influx of new gated communities.

The San Carlos Island area, which is nearly built out today, will continue to develop its infill areas while maintaining its marine oriented nature.

Residents of this community will address current planning concerns in a comprehensive review of this area and future amendments to this plan will be made to address these concerns. This area is anticipated to grow substantially from today to 2030.

Lee Plan Considerations

The subject property is located in the Suburban land use category according to the Lee Plan land use map. Suburban is described by **POLICY 1.1.5** as areas that are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial

development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.

The Suburban land use allows for a broad range of uses that include residential and commercial uses. Gulf Seafood CPD will provide a neighborhood-scale retail sales of seafood, limited to 500 square feet of area to service the surrounding residential community and seasonal patrons. The proposed caretaker's residence allows a true live-work development that minimizes vehicle miles traveled for the owner/operator. Staff finds this request to rezone to CPD is **CONSISTENT** with Policy 1.1.5.

Other Lee Plan policies, standards and goals that the proposed project is **CONSISTENT** with are:

POLICY 2.2.1: Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

The proposed buffers along the property lines will provide adequate screening to the residential uses. Even tho the applicant is seeking reduction in the buffer size along the west and east properties lines, the applicant will provide the required number of plantings which will protect the residential uses.

POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated as to traffic and access impacts; screening and buffering; availability and adequacy of services and facilities; impact on adjacent land uses and surrounding neighborhoods; proximity to other similar centers; and environmental considerations.

The proposed commercial development with a caretaker's residence is located on an arterial road, will be served by EMS, fire and police protection and will be compatible with the surrounding land uses. The development will provide buffers along the south, east and west property lines and as conditioned will not have an impact on adjacent land use and surrounding neighborhoods. Staff finds the request **CONSISTENT** with Policies 2.1.1 and 6.1.1.

POLICY 6.1.2: All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Goal 32.

This development consists of minor retail sales limited to 500 square feet for a fish market/retail sales of seafood in addition to the caretaker's residence. The property is located near the intersection an arterial and collector roadway (McGregor Boulevard and Davis Road), is less than 2 acres in size and will have a floor area less than 30,000 square feet. Staff finds the request **CONSISTENT** with Policy 6.1.2.

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.

The proposed development will provide buffers along the property lines that will adequately screen the use, especially from the multi-family properties. A 30 foot wide, Type "F" buffer will be planted along the north property line and as requested in Deviation #7, a 23 foot wide, Type F will be planted along the portion of the property that abuts the multi-family property to the east. As buffered and conditioned, Staff finds the request **CONSISTENT** with Policy 6.1.4.

POLICY 6.1.6: The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

The applicant is proposing perimeter buffer yards that will adequately screen adjacent properties, especially the multi-family properties. The development is required to provide 20% of open space however 48% will be provided. According to the applicant, this business has been operating at this location for many years. It is their desire to keep the parking lot and the existing building in its current state which has blended with the surrounding area over the years. Staff finds the request **CONSISTENT** with Policy 6.1.6.

STANDARD 11.1: WATER.

Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).

STANDARD 11.2: SEWER.

Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

These standards requires new commercial development to connect to water and sewer systems depending on the total floor area or the generation of gallons per day. The proposed development will not connect to potable water or sanitary sewer

services because of the low intensity commercial use. The property has an existing on-site septic tank and well that will service the caretaker's residence and restrooms to support the limited 500 square foot of retail use. Any prepared seafood sold on the property will be prepared at an off-site commissary; therefore no food preparation will occur at the subject property. As conditioned, Staff finds the request **CONSISTENT** with Standards 11.1 and 11.2.

GOAL 77: DEVELOPMENT DESIGN REQUIREMENTS. To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

The proposed development will provide the required open space improving the existing site. The open space will be dispersed throughout the site which will enhance the view from neighboring properties. Staff finds the request **CONSISTENT** with Goal 77.

Neighborhood Compatibility

The subject property is located on McGregor Boulevard which is a 4 lane arterial road. It is a small narrow shaped parcel with 60± feet along McGregor Boulevard and 246± feet of depth. The existing single family residence was built in 1958 when McGregor Boulevard was a 2 lane road. At that time, the house was setback more than 25 feet from McGregor Boulevard but when McGregor was widened, it left the house at it current location with a 27± foot setback.

The surrounding area is developed with both commercial and residential uses as follows:

South: Across McGregor Boulevard to the south is the Tanger Outlet mall zoned CC. This mall was built in 1993.

West: A vacant 2.6± acre parcel zoned CC.

East: A CPD/RPD developed with 7,000 square feet of commercial and 27 residential units. The commercial portion is located along McGregor and the residential units are behind the commercial building. The closest residential unit is 140± feet from the existing single family residence on the subject property.

North: Davis Woods condominiums zoned RM-2. These residential units are located over 200 feet from the existing single family residence on the subject property.

The proposed development will provided a Type "F" buffer along the property lines of the 2 residential developments. A Type "F" buffer will be 23 feet wide on the est property line and 30 feet wide along the north property line. Deviation # 7 is for a reduced buffer width from 30 feet to 23 feet however, the applicant will provided the required Type "F" plantings in that area.

Environmental Issues

The Division of Environmental Sciences (ES) staff reviewed the proposed development and found no environmental issues, see Attachment "E". ES staff did offer conditions to ensure the buffering and detention plantings are met.

Traffic

The Division of Development Services staff reviewed the request and found the proposed development will generate a total of 13 new trips in the PM peak hour. McGregor Boulevard will function at Level of Service "B" after the project traffic is added to the roadway, therefore no roadway link improvements are necessary, see Attachment F".

Utilities

The applicant indicates that they will not connect to potable water and central sewer because of the low intensity commercial use. The property has an existing on-site septic tank and well that will service the caretaker's residence and restrooms to support the limited 500 square foot of retail use. Any prepared seafood sold on the property will be prepared at an off-site commissary; therefore no food preparation will occur at the subject property. Staff recommends condition #5 which prohibits on-site food preparation.

IV. SUBJECT PROPERTY:

- A. STRAP: The applicant indicates the STRAP numbers are: 02-46-23-00-00022.0010 and 02-46-23-00-00022.0020

V. ATTACHMENTS:

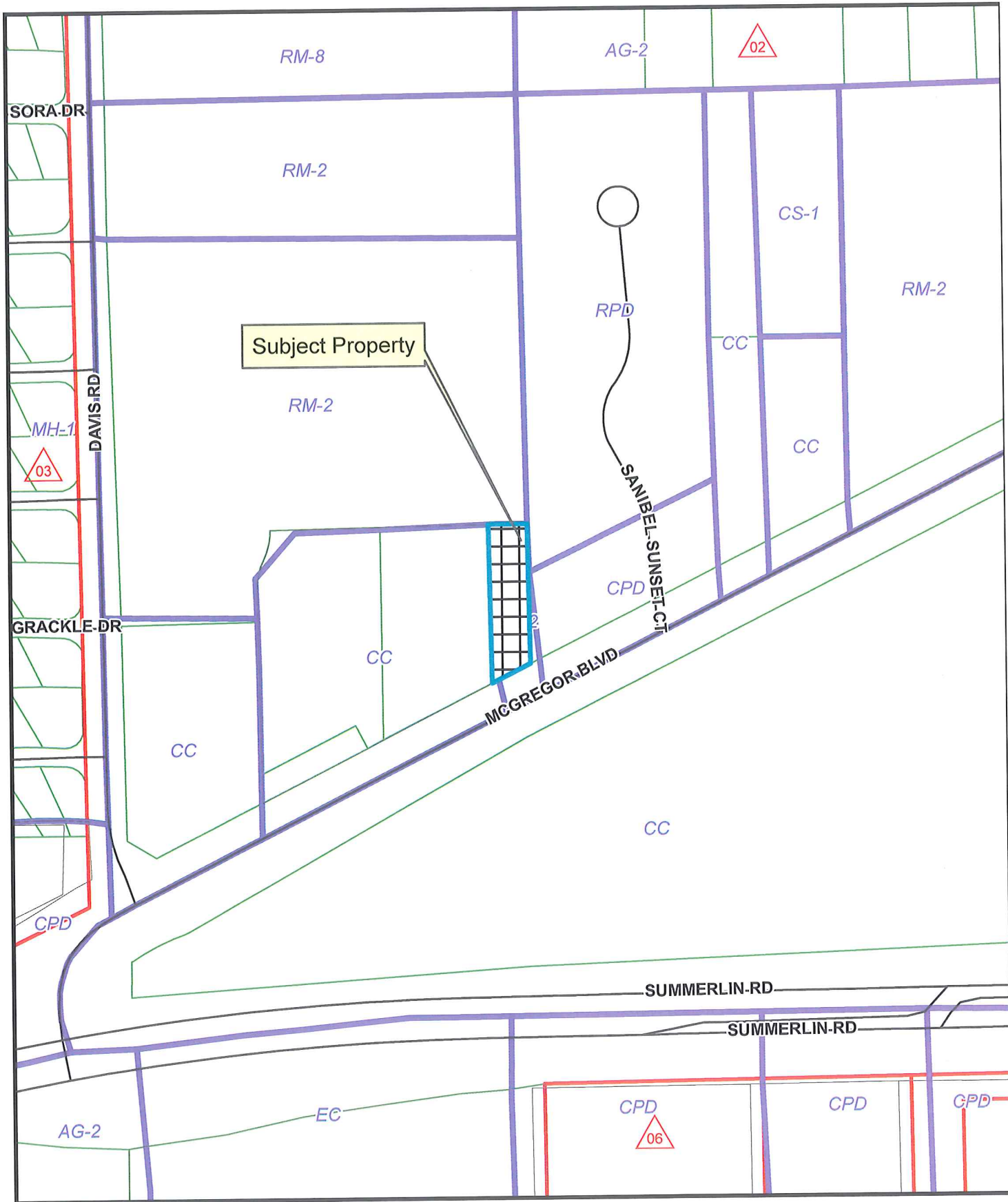
- A. Map of surrounding zoning
- B. LEGAL DESCRIPTION: See Exhibit A
- C. Notice of Code Violation VIO2010-04242
- D. Master Concept Plan dated December 28, 2010
- E. Lee County Environmental Sciences memo dated January 24, 2011
- F. Lee County Development Services memo dated January 26, 2011
- G. Lee County Dept. Of Transportation memo dated January 5, 2011

cc: Applicant
County Attorney
Zoning File

Attachment "A" Zoning Map

DCI2010-00027

1/24/2011



100 50 0 100 200
Feet

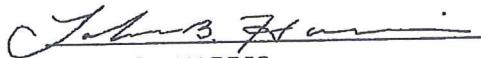
DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE AFORESAID SECTION 2; THENCE RUN S.00°56'21"E. ALONG THE EAST LINE OF SAID FRACTION OF A SECTION FOR 217.20 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (S.R. 867, 100 FEET WIDE); THENCE RUN S.62°58'00"W. ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE FOR 66.81 FEET; THENCE RUN N.00°56'21"W. FOR 246.59 FEET TO THE NORTH LINE OF THE AFORESAID FRACTION OF A SECTION; THENCE RUN N.89°03'39"E. ALONG THE NORTH LINE OF SAID FRACTION OF A SECTION FOR 60.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 13,913.642 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 2, AS BEING S.00°56'21"E.



JOHN B. HARRIS
PLS #4631
OCTOBER 21, 2010

RECEIVED

OCT 29 2010

COMMUNITY DEVELOPMENT

DCI 2010-00027

APPROVED
LEGAL

BQ 11/2/10

16980MB LD

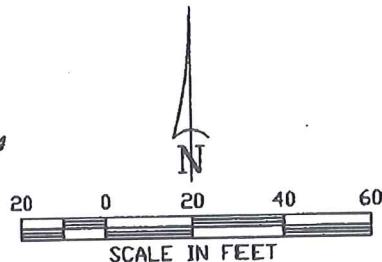
RECEIVED
OCT 29 2010

COMMUNITY DEVELOPMENT

N.89°03'39"E.

60.00'

POINT OF BEGINNING
N.E. CORNER S1/2 SE1/4 S.W.1/4
SECTION 2-46-23
STATE PLANE COORDINATES
FLORIDA WEST ZONE
N=785839.03
E=664076.08



DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE AFORESAID SECTION 2; THENCE RUN S.00°56'21"E. ALONG THE EAST LINE OF SAID FRACTION OF A SECTION FOR 217.20 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (S.R. 867, 100 FEET WIDE); THENCE RUN S.62°58'00"W. ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE FOR 66.81 FEET; THENCE RUN N.00°56'21"W. FOR 246.59 FEET TO THE NORTH LINE OF THE AFORESAID FRACTION OF A SECTION; THENCE RUN N.89°03'39"E. ALONG THE NORTH LINE OF SAID FRACTION OF A SECTION FOR 60.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 13,913.642 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 2, AS BEING S.00°56'21"E.

STATE PLANE COORDINATES
FLORIDA WEST ZONE
N=785591.50
E=664020.12

N.00°56'21"W. 246.59'

EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 2-46-23
S.00°56'21"E. 217.20'

66.81'

S.62°58'00"W.

50.00'

MCGREGOR BOULEVARD / S.R. 867
(100' R/W)

John B. Harris

OCTOBER 21, 2010

JOHN B. HARRIS, PSM
FLORIDA LAND SURVEYOR #4631

HARRIS-JORGENSEN, INC.
2706 S.E. SANTA BARBARA PLACE
CAPE CORAL, FLORIDA
PHONE: (239) 772-9939
FAX: (239) 772-1315

REVISED	DESCRIPTION	BY

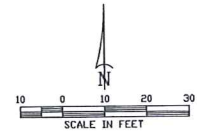
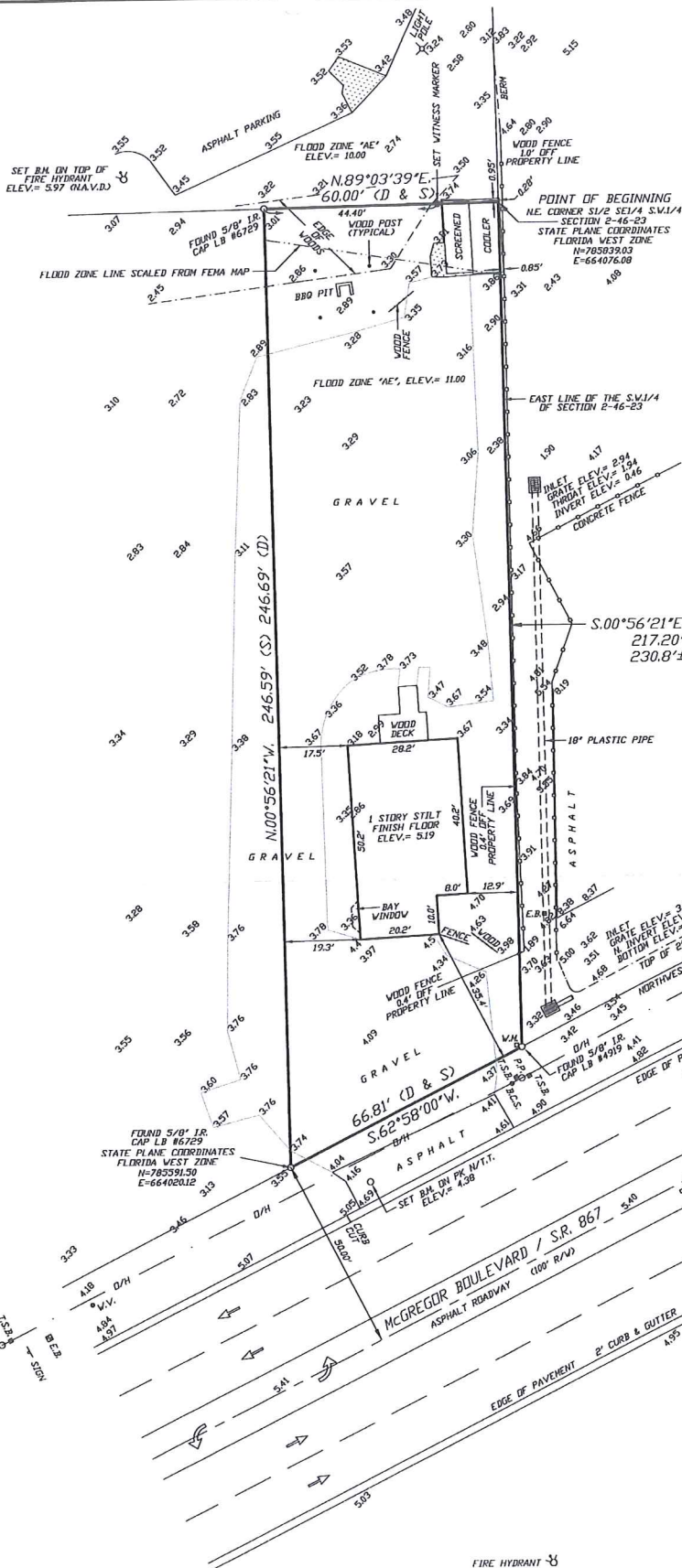
DATE OF LAST FIELD WORK: 10/13/10

DRAWN:	CHECK:	SCALE:	PROJ. #
FBH	JBH	1"=40'	16980MB
SKETCH DATE:		FILE NO.	SHT.- 1
10/21/10		46-23-2	OF - 1

FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921

DCI 2010-00027

BOUNDARY & PARTIAL TOPOGRAPHIC SURVEY OF
PART OF THE S.W. 1/4
OF SECTION 2
 TOWNSHIP 46 SOUTH, RANGE 23 EAST
 LEE COUNTY, FLORIDA



DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH HALF (S1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF THE AFORESAID SECTION 2; THENCE RUN S.00°56'21\"/>

SAID TRACT CONTAINS 13,913.642 SQUARE FEET, MORE OR LESS.

LEGEND:

●	SET IRON ROD (CAP PLS #4631)	B.C.S.	BURIED CABLE SIGN
○	FOUND IRON ROD (LR)	V.M.	WATER METER
□	CONCRETE MONUMENT (CM)	V.V.	WATER VALVE
P.M.	PERMANENT REFERENCE MONUMENT	F.H.	FIRE HYDRANT
P.C.P.	PERMANENT CONTROL POINT	O.V.P.	OVERHEAD POWER
P.U.E.	PUBLIC UTILITY EASEMENT	P.P.	POWER POLE
D.E.	DRAINAGE EASEMENT	E.B.	ELECTRIC BOX
L.W.E.	LAKE MAINTENANCE EASEMENT	C.T.B.	CABLE TELEVISION BOX
P.C.	POINT OF CURVATURE	T.S.B.	TELEPHONE SERVICE BOX
P.T.	POINT OF TANGENCY	N/D	NAIL & DISK
DR.	OFFICIAL RECORDS BOOK	N/T.T.	NAIL & TINTAB
(S)	AS PER SURVEY	D.H.	DRILL HOLE
(H)	AS MEASURED	ELEV.	ELEVATION
(P)	AS PER PLAT	B.H.	BENCHMARK
(D)	AS PER DEED	9	TYPICAL ELEVATION
(C)	CURVE NUMBER	A/C	AIR CONDITIONER
LI	LINE NUMBER	W.S.	WATER SYSTEM
R/W	RIGHT-OF-WAY	P.E.	PUMP EQUIPMENT
C	CENTERLINE	CONC.	CONCRETE

RECEIVED
 OCT 29 2010

COMMUNITY DEVELOPMENT

DCI 2010-00027

SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREIN TAKEN FROM THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 2-46-23, AS BEING S.00°56'21\"/>

THIS SURVEY IS CERTIFIED TO
 EXIST
 JONAS ALBERT LINDBLOST L/E

Notarize for my check
11/2/10

REVISED	DESCRIPTION	BY
DATE OF LAST FIELD WORK	10/13/10	
DRAWN	CHECK	SCALE
FBH	JBH	1\"/>

NOTICE OF CODE VIOLATION
Permitted Uses



Case # VIO2010-04242 **Date** 03/12/2010

LINDQUIST JONS ALBERT L/E
16980 MCGREGOR BLVD
FORT MYERS, FL 33908

DEPT. OF COMMUNITY DEVELOPMENT
CODE ENFORCEMENT OFFICE
PO BOX 398
FORT MYERS, FL 33902-0398

STRAP NO.: 02-46-23-00-00022.0010

RE: VIOLATION ADDRESS: 16980 MCGREGOR BLVD FORT MYERS 33908

(Located in Lee County, Florida)

Dear Property Owner/Tenant:

An inspection of the above-referenced property on 03/11/2010 disclosed the existence of a violation contrary to Lee County Land Development Code Chapter 34-652/653/654. You are directed to abate or remedy this condition within 15 days of receipt of this notice by ceasing sales operations from an Agricultural zoned property.

ONCE THE VIOLATION HAS BEEN ABATED, PLEASE CONTACT THE CODE ENFORCEMENT OFFICER NAMED BELOW AT 239-823-2570.

If you fail to remedy this condition within the time frame specified above, or if the violation is abated and reoccurs, this case will be scheduled before the Lee County Hearing Examiner or you may be issued a citation to appear in County Court. You will be notified as to time, date and location of this hearing. **If the County goes forward to hearing and obtains a finding of violation, you may be responsible for the costs of prosecution even if the violation is abated prior to hearing.**

Please be advised, under Florida Statutes Chapter 162 and Lee County Land Development Code Chapter 2, Article VII, that a fine of up to \$250 per day may be imposed for each day this violation continues to exist past the date for compliance by the Hearing Examiner. Further, if the violation is not corrected in accordance with applicable regulations, the County has the option to correct it and invoice you for the costs incurred. Should you fail to pay the invoice, the county will assess a lien against your property which will be recorded in the public records.

Violation: **Selling Shrimp & Fish from AG-2 zoned property.**

Please contact Lee County Code Enforcement at 239-823-2570 with respect to any question you may have regarding this notice.

O. Lanzante

PRINTED NAME of Accepting Party

Code Enforcement Officer

SIGNATURE of Accepting Party

DATE

SIGNATURE of Code Enforcement Officer

Acceptance of this document does not constitute an admission of responsibility, but does fulfill the statutory notice requirement of Florida Statute 162.12. The person accepting the document was informed of the contents at the time of delivery.

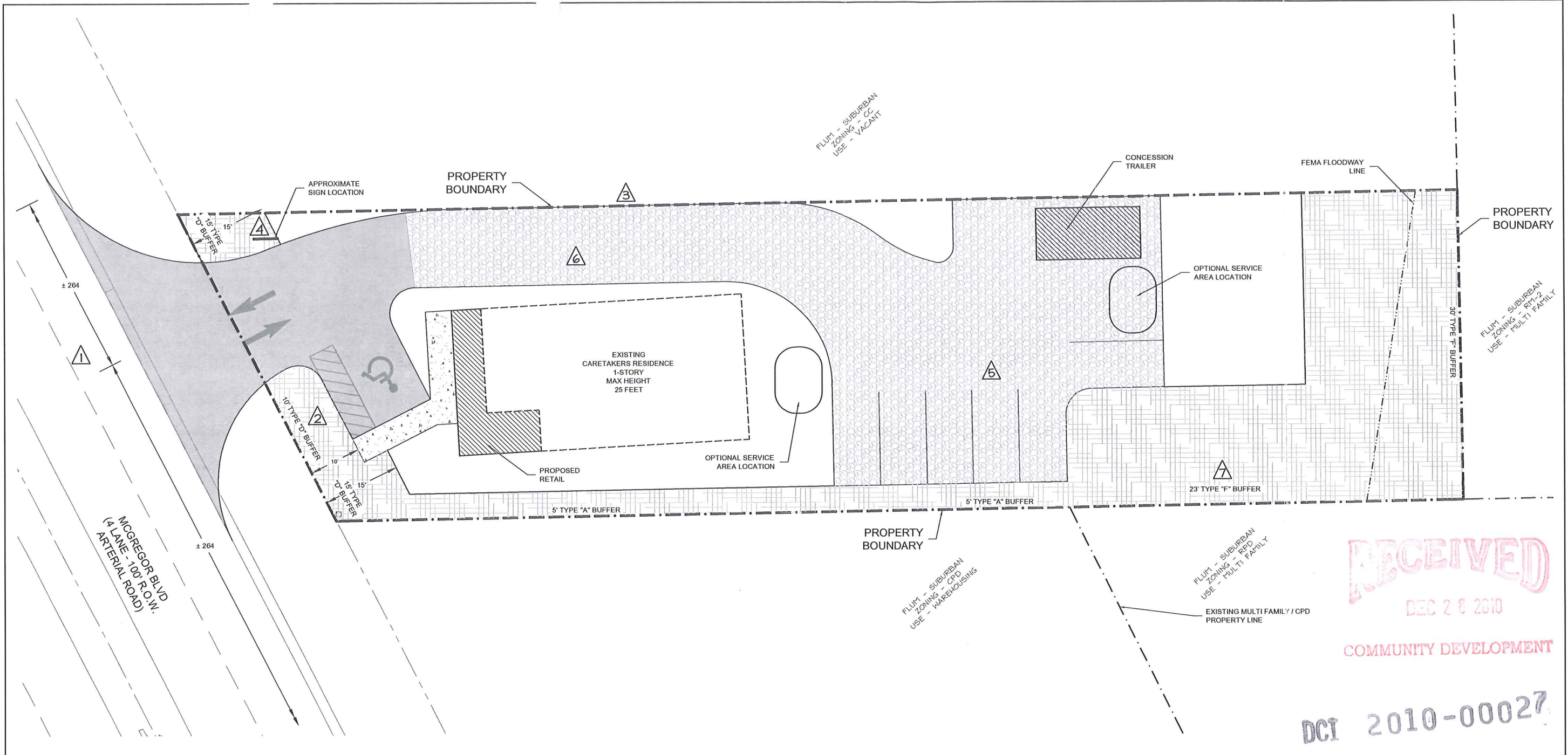
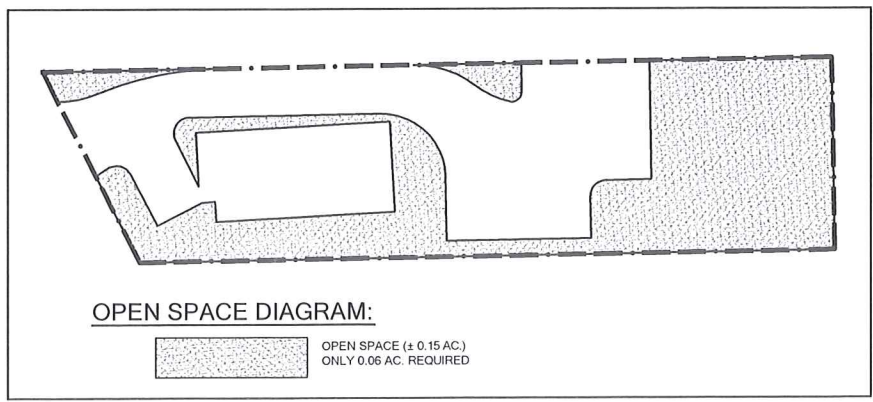
I swear or affirm the above statements are true and correct to the best of my knowledge and belief.

7008 1830 0003 2224 6552

Certified Mail

INSPECTOR/AFFIANT

DATE



- LEGEND:
- RETAIL AREA
 - BUFFER AREA
 - PAVEMENT AREA
 - ALTERNATIVE SURFACE AREA
 - DENOTES LOCATION OF REQUESTED DEVIATIONS.
 - DENOTES FLOOD WAY

TABLE A

OPEN SPACE CALCULATIONS:

PARCEL	AREA	REQ'D OPEN SPACE	PROVIDED OPEN SPACE
CPD	0.32 AC.	0.06 (20%)	0.15 (48%)
TOTAL	0.32 AC.		0.15 AC.

TABLE B

PARKING CALCULATIONS:

USE	SQUARE FOOTAGE	REQ'D PARKING	PROVIDED PARKING
CARETAKERS RESIDENCE	1 UNIT	2 SPACES	2 SPACES
GROUP I, RESTAURANT	200 S.F.	3 SPACES (14 SPACE PER 1,000 S.F.)	3 SPACES
FISH MARKET	300 S.F.	2 SPACES (1SPACE PER 200 S.F.)	2 SPACES
TOTAL		7 SPACES	7 SPACES

- NOTES:
- 1) RETAIL SQUARE FOOTAGE IS LIMITED TO A MAXIMUM OF 500 S.F.
 - 2) NO ENCROACHMENT PERMITTED IN FEMA FLOODWAY

ATTACHMENT D

REVISIONS

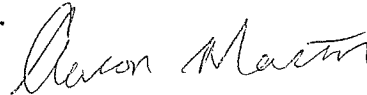
NO.	DATE	DESCRIPTION
R1	12-3-10	REVISED PER COMMENTS DATED 11-22-10
R2	12-27-10	REVISED PER ES COMMENTS DATED 12-21-10
R3		
R4		
R5		
R6		

**STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES**

Date: January 24, 2011

To: Nettie Richardson, Principal Planner

From: Aaron Martin, Environmental Planner
Phone: (239) 533- 8522
e-mail: amartin@leegov.com



Project: Gulf Seafood CPD

Case: DCI2010-00027

STRAP: 02-46-23-00-00022.0010 & 02-46-23-00-00022.0020

The Division of Environmental Sciences (ES) staff have reviewed the proposed Gulf Seafood Commercial Planned Development (CPD) and offer the following analysis and recommendation of approval with conditions

PROJECT SITE:

The project is located on McGregor Blvd. The project site is approximately $\pm$ 0.32 acres in size. The site is zoned AG-2 and CC with a future land use of Suburban. The site currently contains an existing home which will remain and be modified to act as retail location for the proposed development and a caretakers residence.

PROJECT DESCRIPTION:

The applicant is proposing a small commercial planned development. The master concept plan (MCP) propose a small seafood retail shop and a mobile food services trailer with associated stormwater management and infrastructure.

VEGETATION:

A Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant, and was field verified by ES staff on December 7, 2010. The site is comprised of 0.32 acres of FLUCCS 110 Residential. The site is mainly clear of vegetation except some scattered exotic plant species along the north property line consisting of brazilian pepper (*Schinus terebinthifolius*) and melaleuca (*Melaleuca quinquenervia*).

OPEN SPACE:

Per the LDC Section 10-415(a) small commercial planned developments are required to provide 20% of the total area of the project as open space; therefore, the proposed 0.32 acre project is required to

provide 0.06 acres of open space ($0.32 \times 0.20\% = 0.06$). Per the MCP stamped “received” December 28, 2010 the applicant is proposing to provide 48% or 0.15 acres as open space which exceeds the 20% open space required. ES staff is recommending the applicant provide a minimum 45% open space at time of local development order. This will allow some modifications to open space if unforeseen impervious surfaces arise such as an additional sidewalk or air conditioning pad. Given the 45% open space the applicant is proposing this project meets the requirements of the LDC and the Lee County Comprehensive Plan Goal.

The following Lee County Comprehensive Plan (Lee Plan) Goals, Objectives and Policies support ES staff analysis and recommended conditions:

Lee Plan Policy 6.1.6 states the land development regulations will require the commercial development to provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

Goal 77 requires new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

Objective 77.2 requires development regulations to require that new commercial developments provide sufficient open space for the benefit of their patrons and the general public.

Objective 77.3 requires new developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed/existing right-of-ways. This objective and subsequent policies are to be implemented through the zoning process.

ES staff is recommending the following condition to ensure the open space committed to by the applicant is met:

Prior to local development order approval, the development order plans must delineate a minimum of 45% open space.

BUFFERS & DEVIATIONS:

The proposed project boundary abuts a right of way (ROW) to the south, multifamily residential use to the north and a portion of the east, and commercial zoning to the west and the other portion of the east. Per the Land Development Code (LDC) 10-416(d)(3) commercial projects abutting ROW require a type “D” buffer, commercial projects abutting commercial projects require a type “A” buffer, and commercial projects abutting residential uses require either a type “C” or a type “F” buffer. Due to the existing developed nature of the site the applicant is requesting several deviations in regards to the required buffers.

The applicant is proposing a type “D” buffer adjacent to the ROW to the south. **Deviation #2** is requesting relief from the 15' required width along a portion of the south property line to allow a 10' width. This request is being made due to the location of the existing structure and the requirement for a handicap parking space and a sidewalk close to the building. Additionally, the property

boundaries were reduced in the past due to a right of way taking for the widening of McGregor Blvd. The applicant will still provide the required type "D" buffer plantings in this area consistent with the LDC. ES staff recommends approval of this deviation request.

The applicant is proposing a type "A" buffer along the east property line that abuts the commercial development. This is consistent with the LDC. Along the west property line the applicant is requesting **deviation #3** which is for relief from the required 5' type "A" buffer along a portion of the west property line. This deviation is being requested due to the location of the existing structure and the required width of the drive isle to access the parking in the rear. The applicant has agreed to calculate the required type "A" buffer plants for the entire property line (approximately 245 linear feet) and plant these trees within the open areas along the west property line. ES staff recommends approval of this deviation as conditioned below.

The applicant is proposing a type "F" buffer adjacent to the multifamily use along the north property line which is consistent with the LDC. **Deviation #7** is requesting relief from the 30' width required along the east property line that abuts the multifamily use to allow 23' of buffer width. The applicant will still provide the required type "F" buffer plantings in this area consistent with the LDC. In addition, there is an existing solid fence along the adjacent property line screening the multifamily use from the proposed commercial project. ES staff recommends approval of this deviation request.

The following Lee County Comprehensive Plan (Lee Plan) Goals, Objectives and Policies support ES staff analysis and recommended conditions:

Lee Plan Goal 5 Policy 5.1.5 Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

Policy 6.1.3 requires commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as CPDs designed to arrange uses in an integrated and cohesive unit in order to:

- provide visual harmony and screening;
- avoid negative impacts on surrounding land uses and traffic circulation;
- protect natural resources

Policy 6.1.6 requires that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking area and blend with the character of existing or planned surrounding land uses.

Policy 117.2.2 The county will provide education on water conservation through creative landscaping, and promote the conservation and use of native plant species through xeriscape landscaping techniques.

ES staff is recommending the following condition to ensure the buffering and detention plantings are met:

Prior to local development order approval, the development order plans must demonstrate the use of 100% native vegetation for all required landscaping on site.

Prior to local development order approval, the development order plans must demonstrate the planting of 10 trees along the west property line within open space areas to meet the requirements of the type "A" buffer.

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: January 26, 2011

To: Nettie Richardson, AICP
Principal Planner

FROM: 
Robert L. Price, P.E.
Senior Engineer

RE: **Gulf Seafood CPD**
Case No. DCI2010-00027

The proposed development is located on the north side of McGregor Boulevard between its intersection with Summerlin Road and John Morris Road. According to the current Master Concept Plan (MCP), access to the site is shown in one location directly to McGregor Boulevard. The proposed rezoning would approve the subject site for the existing single family residential home in addition to the development of a maximum 500 square foot commercial market on the site. The trip generation for the subject rezoning was calculated based on the information contained within the ITE Report titled ***Trip Generation, 8th Edition***. In order to assess the worst case impact of the proposed rezoning, Land Use Codes 210 (Single Family) and 820 (Shopping Center) were utilized. As a result, the proposed rezoning on the site would generate a total of 13 new trips in the PM peak hour (7 entering/6 exiting).

McGregor Boulevard was analyzed based on existing traffic conditions in addition to 2015 traffic conditions both with and without the proposed development. Resources utilized include the Lee County Traffic Count Report, the 2010 Lee County Concurrency Report, and the Lee County Generalized Level of Service Volumes. Based on the analysis provided, McGregor Boulevard will function at LOS "B" under background 2015 conditions, and it is anticipated to operate at LOS "B" after the project traffic is added to the roadway. Level of Service "B" is an acceptable Level of Service in accordance with the standards set forth in *THE LEE PLAN*, so no roadway link improvements are necessary as a result of the proposed development.

Memo

To: Nettie Richardsom, Senior Planner
Zoning Division

From: Lili Wu *Lili Wu*
Sr. Transportation Planner

Date: Jan. 5, 2011

Subject: Gulf Seafood CPD (DCI2010-00027)

The Lee County Department of Transportation (LCDOT) has reviewed the application for public hearing. This project is located on the north side of McGregor Blvd and about 670 feet east of Davis Rd. Access to the proposed development is shown on the Master Concept Plan via an access drive on McGregor Blvd. We recommend the Deviation #1, which requests the project driveway on McGregor Blvd is about 264 feet from the adjacent driveways from 660 feet requirement, be approved with the conditions that this project will provide a cross access easement to the adjacent property to the west for the possibility of future inter-connection.

LW/dn

cc: File

Gulf Seafood

Application for Commercial Planned Development Rezoning

ORIGINAL

RECEIVED
OCT 29 2010

October 28, 2010

COMMUNITY DEVELOPMENT

DCI 2010-00027

Prepared for:
Mr. Jons Lindquist

Submitted to:
Lee County Department of Community Development
Zoning Division
1500 Monroe Street
Fort Myers, FL 33901



EnSite
1514 Broadway, Suite 201
Fort Myers, FL 33901
P (239) 226-0024
F (239) 226-0094

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COMMUNITY DEVELOPMENT

APPLICATION FOR PUBLIC HEARING FOR ZONING ACTION UNINCORPORATED AREAS ONLY

Applicant's Name: Jons Lindquist

Project Name: Gulf Seafood Commercial Planned Development

STRAP Number(s): 02-46-23-00-00022.0010.0010; 02-46-23-00-00022.0020

TYPE OF APPLICATION

- ☐ Special Exception (attach Supplement A)
☐ Variance (attach Supplement B)
☐ Conventional Zoning (attach Supplement C)
☒ Planned Development (not PRFPD) (attach Supplement D)
☐ Amendment to built Planned Development (Supplement D may be required)
☐ Private Recreational Facilities Planned Development (attach Supplement D)
☐ Extension of a Master Concept Plan (attach Supplement E)
☐ Reinstatement of a Master Concept Plan (attach Supplement F)
☐ Limited Amendment to An Existing Mine Special Exception or (non MEPD) Planned Development for either dewatering or an extension of the mine duration under LCLDC Section 12-121(j) (attach Supplement G)
☐ N/A DRI - with rezoning (submit completed DRI Application Form {do not use this form} and Supplement D)
☐ N/A DRI - without rezoning (submit completed DRI Application Form {do not use this form})

Is this project located in one of the following planning communities: Boca Grande, Caloosahatchee Shores, Captiva, North Captiva, Estero, Page Park, Palm Beach Boulevard, Buckingham, Pine Island or Lehigh Acres?

☐ YES* ☐ NO *If YES, please note PART 4.G below for public information meeting summary document requirements.

STAFF USE ONLY

Case Number: DCI 2010-00027 Commission District: 1
Current Zoning: AG-2/CC Fee Amount: 5000.00
Land Use Classification: Suburban Intake by: Sne
Planning Community: Tona/McGregor

DCI 2010-00027

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

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PART 1
APPLICANT/AGENT INFORMATION

COMMUNITY DEVELOPMENT

A. Name of applicant: Jons Lindquist

Address: Street : 16980 McGregor Boulevard

City, State, Zip: Fort Myers, FL 33908

Phone Number: (239) 910-1374

Fax: N/A

E-mail address: nativeconnect02@aol.com

B. Relationship of Applicant to owner (check one):

☒ Applicant (including an individual or husband & wife) is the sole owner of the property.
[34-201(a)(1)a.1.]

Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2. (See Part 1 Exhibit Form A1 attached hereto for suggested Affidavit Form for an individual.) [34-202(b)(1)c.]

☐ Applicant has been authorized by the owner(s) to represent them for this action.

Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2. (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.) [34-202(b)(1)c.]

☐ Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2. [34-202(b)(1)c.] (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.)

☐ Application is County initiated. BOCC authorization is attached as Exhibit PH-1.B.3

C. Authorized Agent: Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(b)(1)c.]

C.1. Company Name: EnSite, Inc.

Contact Person: Alexis V. Crespo, AICP, LEED AP

Address: Street : 1514 Broadway, Suite 201

City, State, Zip: Fort Myers, FL 33901

Phone Number: (239) 226-0024

Fax: (239) 226-0094

E-mail address: alexisc@en-site.com

C.2. ☒ Additional Agent(s): The names of other agents that the County may contact concerning this application are attached as Exhibit PH-1.C.2. [34-202(b)(1)c.]

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PART 2
PROPERTY OWNERSHIP

COMMUNITY DEVELOPMENT

A. **Property Ownership: Single owner (individual or husband & wife only)** [34-201(a)(1)a.1.]

A.1. Name: Jons Lindquist

Mailing Address: Street: 16980 McGregor Blvd.

City, State, Zip: Fort Myers, FL 33908

Phone Number: (239) 910-1374 Fax Number: N/A

E-mail: nativeconnect02@aol.com

B. **Property Ownership: Multiple owners (Corporation, partnership, trust, association)** [34-201(a)(1)].

B.1. N/A Disclosure of (Ownership) Interests Form is attached as **Exhibit PH-2.B.1.** [34-201(b)(2)]

C. **Multiple parcels**

C.1. X Property owners list is attached as **Exhibit PH-2.C.1.** [34-202(a)(5)]

C.2. X Property owners map is attached as **Exhibit PH-2.C.2.** [34-202(a)(5)]

D. **Confirmation of Ownership/Title Certification** [34-202(a)(3)]

D.1. X Title certification document is attached as **Exhibit PH-2.D.1.** [34-202(a)(3)]

E. **Date property was acquired by present owner(s):** 1958

PART 3
PROPERTY INFORMATION

A. **STRAP Number(s):** 02-46-23-00-00022.0010 02-46-23-00-00022.0020

B. **Street Address of Property:** 16980 McGregor Blvd., Fort Myers, FL 33908

C. **Legal Description**

X Legal description (on 8 1/2" by 11" paper) is attached as **Exhibit PH-3.C.1.** [34-202(a)(1)]

X Sealed sketch of the legal description is attached as **Exhibit PH-3.C.2.** [34-202(a)(1)]

D. **Boundary Survey**

X A Boundary survey, tied to the state plane coordinate system, is attached as **Exhibit PH-3.D.1.** [34-202(a)(2)]

 This is not a Planned Development Application and the property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable Plat Book page(s) is attached as **Exhibit PH-3.D.2.** The Plat Book Number and the Page Number (or the Instrument Number) are provided as well as the Block Number and Lot Number (if applicable). [34-202(a)(2)]

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E. **Planning Community:** Iona/McGregor Planning Community

F. **General Location of Property:**

F.1. Area location map (for all applications other than Planned Developments) is attached as **Exhibit PH-3.F.** [34-202(a)(4)] {NOTE: For Planned Development Applications see Supplement D [34-
X 373(a)(4)b.]}

F.2. Directions to property:

From Lee County DCD: Take Right on Main Street, Proceed onto McGregor Boulevard/FL 867 S, make right onto Old McGregor Blvd. Continue southbound for 3 miles. Turn right into subject property.

G. **Surrounding property owners:**

- G.1. X List of surrounding property owners is attached as **Exhibit PH-3.G.1.** [34-202(a)(6)]
G.2. X Map of surrounding property owners is attached as **Exhibit PH-3.G.2.** [34-202(a)(7)]
G.3. X 2 sets of mailing labels are attached as **Exhibit PH-3.G.3.** [34-202(a)(6)]

H. **Current Zoning of Property:** AG-2; CC

H.1. Copies of all Zoning Resolutions and Zoning Approvals applicable to the subject property are
N/A attached as **Exhibit PH-3.H.1.** [34-202(a)(8)]

I. **Current use of property:**

I.1. X Current use(s) of the property are:

Single Family Residence

I.2. If buildings or structures exist on the property, an affidavit is required stating whether the buildings & structures will be removed or retained and specific details regarding any structures proposed to be retained. Attach as **Exhibit PH-3.I.2.** and entitle "**Structure Affidavit**". [34-202(b)(3)]
X

I.3. If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval an Existing Agricultural Use Affidavit must be provided. Attach as **Exhibit PH-3.I.3.** and entitled "**Existing Agricultural Uses at Time of Zoning Application.**" [34-202(b)(7)]
N/A

J. **Land Use Classification:**

Suburban	0.32	Acres	100	% of total
		Acres		% of total
		Acres		% of total
		Acres		% of total

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K. Flood Hazard (write NA if not applicable) [34-202(a)(8)]

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The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate
AE Maps (FIRM)s.

X The minimum elevation required for the first habitable floor is 9 FT NGVD (MSL)

L. Deed Restrictions [34-202(b)(2)]

L.1. X There are no deed restrictions or other covenants on this property that affect this request. [34-202(b)(2)]

L.2. Deed restrictions\ covenants that may affect this request are attached as **Exhibit PH-3.L.2.** [34-202(b)(2)]

L.3. A narrative explanation as to how the deed restrictions or covenants may affect this request. is attached as **Exhibit PH-3.L.3** [34-202(b)(2)]

M. Property Dimensions [34-202(a)(8)]

- | | | | |
|---|---------|----------------------|----------------------|
| 1. Width (average if irregular parcel): | 63+/- | Feet | |
| 2. Depth (average if irregular parcel): | 232+/- | Feet | |
| 3. Total area: | 0.28+/- | Acres or square feet | |
| 4. Frontage on road or street: | 65+/- | Feet on | McGregor Blvd Street |
| 2 nd Frontage on road or street: | | Feet on | Street |

**PART 4
ACTION REQUESTED**

A. Action Requested: [check applicable action(s)]

- Special Exception for _____ Attached is Supplement A
- Variance for _____ Attached is Supplement B
- Conventional Rezoning from: _____ to _____ Attached is Supplement C
- X Planned Development Rezoning from AG-2; CC to CPD
- DCI - Major: Attached is Supplement D
- X DCI - Minor: Attached is Supplement D
- Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area.
Attached is Supplement D
- Planned Development Amendment. Attached is Supplement D
- Extension of Master Concept Plan. Attached is Supplement E
- Reinstatement of Master Concept Plan. Attached is Supplement F
- Limited Amendment to an Existing Mine Special Exception or (non MEPD) Planned Development for either dewatering or an extension of the mine duration pursuant to 12-121(j). Attached is Supplement G

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B. Blasting:

 X No blasting will be used in the excavation of lakes or other site elements.

 N/A If blasting is proposed, Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information) is attached as **Exhibit PH-4.B** [34-202(b)(6)]

C. Bonus Density: (put NA if not applicable)

 N/A Bonus density will be used. Attached is a copy of the Bonus Density application showing calculations labeled as **Exhibit PH-4.C**. [34-202(b)(5)]

D. Hazardous materials: (put NA if not applicable)

 N/A A Hazardous materials emergency plan is attached as **Exhibit PH-4.D** [34-202(b)(4)]

E. Mobile Home Park: (put NA if not applicable)

 N/A Request includes rezoning of a Mobile Home Park. Attached is **Exhibit PH-4.E** [34-203(d)]

F. Aviation Hazard: (put NA if not applicable)

 N/A Property is subject to Airport Hazard District regulations. Attached is **Exhibit PH-4.F** [34-1001 et seq]

 N/A A tall structures permit will be required.

 N/A Property is located within Airport Noise Zone: _____

G. Planning Communities. A meeting summary document for the required public informational session (put NA if not applicable).

_____ **Estero Planning Community.** Attached is **Exhibit PH-4.G.1** [34-373(a)(10); 33-54(a) & (b); Lee Plan Policy 19.5.3]

_____ **Captiva Planning Community and/or North Captiva Community Plan area.** Attached is **Exhibit PH-4.G.2** [Lee Plan Policy 13.1.7 & 25.1.1]

_____ **Boca Grande Planning Community.** Attached is **Exhibit PH-4.G.3** [Lee Plan Policy 22.1.5]

_____ **Caloosahatchee Shores Community Plan area.** Attached is **Exhibit PH-4.G.4** [Lee Plan Policy 21.6.3]

_____ **Page Park Community Plan area.** Attached is **Exhibit PH-4.G.5** [Lee Plan Policy 27.11.2]

_____ **Palm Beach Boulevard Community Plan area.** Attached is **Exhibit PH-4.G.6** [Lee Plan Policy 23.5.2]

_____ **Buckingham Planning Community.** Attached is **Exhibit PH-4.G.7** [Lee Plan Policy 17.7.2]

_____ **Pine Island Planning Community.** Attached is **Exhibit PH-4.G.8** [Lee Plan Policy 14.7.1]

_____ **Lehigh Acres Planning Community.** Attached is **Exhibit PH-4.G.9** [Lee Plan Policy 32.12.2]

- H. **Waivers from Application Submission Requirements:** The following waivers, approved by the Director of Zoning Services, are attached as **Exhibit PH-4.H** [34-202(a)]

Section Number	Name of item
	SEE ATTACHED APPROVED WAIVER APPLICATION

- I. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property? _____ YES. X NO.

If the answer is YES, please provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service. Label letter as **Exhibit PH 4-I.** [34-202(b)(8)]

If the answer is NO, please provide a narrative explaining why the connection to potable water and/or central sewer is not planned. Label explanation as **Exhibit PH 4-I.** [BOCC Policy]

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PART 1 AFFIDAVIT A1
(EXHIBIT PH-1.B.2)

COMMUNITY DEVELOPMENT

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Jons Lindquist, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Jons Lindquist
Signature

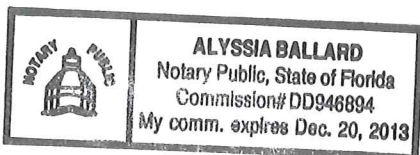
Jons Lindquist
(Type or printed name)

STATE OF FL
COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 9/30/10 (date) by Jons Albert Lindquist (name of person providing oath or affirmation), who is personally known to me or who has produced FLDL L532421472190 (type of identification) as identification.

Personal Barker
Signature of person taking oath or affirmation
Personal Barker
Title or rank

Alyssia Ballard
Name typed, printed or stamped
N/A
Serial number, if any



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EXHIBIT PH-1.C.2
ADDITIONAL AGENTS

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Company Name: EnSite
Contact Person: Brian R. Smith
Address: Street: 1514 Broadway, Suite 201
City, State, Zip: Fort Myers, FL 33901
Phone: 239-226-0024 **Fax:** 239-226-0094
E-mail: brians@en-site.com

Company Name: EnSite
Contact Person: Jeffrey M. Roman, P.E., LEED AP BD+C
Address: Street: 1514 Broadway, Suite 201
City, State, Zip: Fort Myers, FL 33901
Phone: 239-226-0024 **Fax:** 239-226-0094
E-mail: jeffr@en-site.com

Company Name: McMahon Associates, Inc.
Contact Person: Natalia McGuckian, P.E.
Address: Street: 1514 Broadway, Suite 201
City, State, Zip: Fort Myers, FL 33901
Phone: 239-337-7335 **Fax:** 239-337-7331
E-mail: Natalia.McGuckian@mcmtrans.com

Company Name:
Contact Person:
Address: Street :
City, State, Zip:
Phone: **Fax:**
E-mail:

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PUBLIC HEARING SUPPLEMENT D

ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

Case Number: _____

Project Name: Gulf Seafood

Applicant's Name: Jons Lindquist

STRAP Number(s): 02-46-23-00-00022.0010 and 02-46-23-00-00022.0020

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COMMUNITY DEVELOPMENT

Brief Summary of Project:

Rezone 0.32-acre subject property from AG-2 and CC to CPD to allow for fish market/retail sales and associated parking. No blasting is requested. Maximum height is 25 ft./1 story.

Select one application type only

- ☐ DRI (rezoning required)
- ☐ DCI-Major
- ☒ DCI-Minor
- ☐ DCI-Minor - Existing Development ⁽¹⁾
- ☐ DCI-Minor - Amendment to approved Master Concept Plan ⁽²⁾
- ☐ Amendment to built Planned Development meeting DCI threshold ⁽³⁾
- ☐ PRFPD in Private Recreational Facilities Overlay Area [(34-341(a)(2)]

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Notes:

- (1) Existing development. A development that has already been developed but does not conform to the regulations for a conventional district and is requesting a rezoning to a Planned Development classification. It will be reviewed in the same manner as a minor Planned Development except that a Traffic Impact Statement will not be required. [34-341(b)(2)d.1.]
- (2) Amendments to approved Master Concept Plan. Application to amend an approved Major or Minor Master Concept Plan or its attendant documentation, or for the extension of a vacated Master Concept Plan originally approved prior to December 2, 1991 will be treated procedurally as Minor Planned Developments (see exception below). These applications will require only as much information, as deemed necessary by the Director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding

land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application. [34-341(b)(2)d.2.]

If a proposed amendment to an approved Planned Development would, if taken by itself, constitute a Major Planned Development {Development of County Impact - see LCLDC Section 34-341(b)(1)} then the application to amend must proceed as a new and separate Major Planned Development. [34-380(c)]

- (3) Amendments to built planned developments (PD). Any part or all of a planned development that is built may be the subject of an application for a variance or other approval covered by this chapter wherein the subject property is the only part of the original planned development that will be affected by the requested approval. The application may include a legal description and sketch of the portion of the overall planned development that will be directly affected by the rezoning request. The application must include a legal description and sketch of the entire planned development boundary.

If the subject property meets the threshold for a development of county impact, it will be reviewed in accordance with the provisions in this chapter that apply to developments of county impact. If the subject property is not a development of county impact, it will be reviewed in accordance with the provisions in this chapter that apply to conventional zoning districts. In either case, the applicant will be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved master concept plan have been constructed and acknowledged by the county as complete. In the case of residential planned developments or mixed developments that include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots. [34-373(c)]

- (4) Applications for Rezoning in the Greater Pine Island Planning Community/Greater Pine Island Concurrency and Traffic-Based Growth Limitations. Concurrency compliance and traffic-based growth limitations for property located in Greater Pine Island, as identified on the future land use map and described in section 33-1002, will be determined in accordance with the level of service and restrictions set forth in Lee Plan policies 14.2.1 and 14.2.2 to the extent the policies provide additional restrictions that supplement other provisions of this code. These policies require the following:

- (a) The minimum acceptable level of service standard for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is level of service D on an annual average peak-hour basis and level of service E on a peak-season peak-hour basis using methodologies from the 1985 Highway Capacity Manual Special Report 209. This standard will be measured at the county's permanent count station #3 on Little Pine Island at the western edge of Matlacha and will apply to all of Greater Pine Island.
- (b) In addition, when traffic on Pine Island Road at the western edge of Matlacha reaches 810 peak-hour annual average two-way trips, rezonings in Greater Pine Island that increase traffic on Pine Island Road may not be granted. During the rezoning process only, three types of exceptions to this rule may be considered:
- (1) Minor rezonings on infill properties surrounded by development at similar densities or intensities. A minor rezoning under this exception may not rezone more than five acres of land or have a net effect of allowing more than 15 additional dwelling units.
- (2) Rezoning that would have insignificant or trivial effects on traffic flows at the western edge of Matlacha during peak periods in the peak (busier) direction, or would have positive effects by reducing trips during those peak flow periods.
- (3) Rezoning to accommodate small enterprises that promote the natural features or cultural heritage of Greater Pine Island. Small enterprises are those that operate with five or fewer full-time employees.
- [33-1011(a) & (b)]**

PART 1
GENERAL INFORMATION

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A. Comprehensive Plan Amendments (check one):

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- ☒ There are **NO** LEE Plan Amendments pending that could affect the future use of this property.
- ☐ The following LEE Plan Amendments **ARE** pending and could affect the future use of this property. (List uses and brief explanation of their effect on this application):

B. Archaeological/Historical (check one):

- ☒ There are **NO** known or recorded historical or archaeological sites on the property and no part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. [34-373(a)(4)h.]
- ☐ There are known or recorded historical or archaeological sites on the property or part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. Attached as **Exhibit D-1-B** is a map indicating the nature and location of known or recorded historical or archaeological or areas of the property located within level 1 or level 2 zones of archaeological sensitivity including the outline of historic buildings and approximate extent of archaeological sites. [34-373(a)(4)h.]

C. Public Transit (check one):

- ☐ Property is **NOT** within the Lee Tran public transit service area.
- ☒ Property is within the Lee Tran public transit service area. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops must be provided. Label as **Exhibit D-1-C**.

D. Density

- ☒ There are no residential dwelling units proposed for this development.
- ☐ The property is located within one or more Future Land Use categories. Density has been calculated in **Part 3** of this application and is summarized below:

Intensive Development	_____	Proposed dwelling units
Central Urban	_____	Proposed dwelling units
Urban Community	_____	Proposed dwelling units
Suburban	_____	Proposed dwelling units
Outlying Suburban	_____	Proposed dwelling units
University Community	_____	Proposed dwelling units
Rural	_____	Proposed dwelling units
Outer Islands	_____	Proposed dwelling units
Rural Community Preserve	_____	Proposed dwelling units
Open Lands	_____	Proposed dwelling units
DR/GR	_____	Proposed dwelling units
Coastal Rural	_____	Proposed dwelling units
Wetlands	_____	Proposed dwelling units
New Community	_____	Proposed dwelling units
TOTAL	<u>0</u>	Proposed dwelling units

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PART 2
TYPES OF LAND AREA ON PROPERTY

COMMUNITY DEVELOPMENT

A. Gross Acres (total area within described parcel)		<u>0.32</u> Acres
1.	Submerged land subject to tidal influence:	<u>0</u> Acres
2.	Other non-freshwater Wetlands:	<u>0</u> Acres
3.	R-O-W providing access to non-residential uses:	<u>0</u> Acres
4.	Non-residential use areas ⁽¹⁾	<u>0.32</u> Acres
B. Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.		<u>0.32</u> Acres
C. Gross residential acres. (A minus B) ⁽²⁾		<u>0</u> Acres
D. Gross residential acres by Land Use Category		
1.	a. Intensive development - upland	<u> </u> Acres
	b. Intensive development - freshwater wetland	<u> </u> Acres
2.	a. Central Urban - upland	<u> </u> Acres
	b. Central Urban - freshwater wetland	<u> </u> Acres
3.	a. Urban Community or Suburban - upland	<u> </u> Acres
	b. Urban Community or Suburban freshwater wetland	<u> </u> Acres
4.	a. Outlying Suburban - upland	<u> </u> Acres
	b. Outlying Suburban - freshwater wetland	<u> </u> Acres
5.	a. Rural, Outer Island, Rural Community Preserve - upland	<u> </u> Acres
	b. Rural, Outer Island, Rural Community Preserve -	<u> </u> Acres
6.	a. Open Lands - upland	<u> </u> Acres
	b. Open Lands - freshwater wetland	<u> </u> Acres
7.	a. DR/GR - upland	<u> </u> Acres
	b. DR/GR - freshwater wetland	<u> </u> Acres
8.	a. Wetlands - freshwater	<u> </u> Acres
	b. Wetlands - not freshwater	<u> </u> Acres
9.	a. New Community - Upland	<u> </u> Acres
	b. New Community - freshwater wetland	<u> </u> Acres
10.	a. University Community - upland	<u> </u> Acres
	b. University Community - freshwater wetland	<u> </u> Acres
11.	a. Coastal Rural-Upland	<u> </u> Acres
	b. Coastal Rural-freshwater wetland	<u> </u> Acres

TOTAL (should equal "C" above) 0 Acres

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included.
- (2) Lands to be used for residential uses including land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies.

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**PART 3
RESIDENTIAL DEVELOPMENTS
PRELIMINARY DENSITY CALCULATIONS* COMMUNITY DEVELOPMENT**

- * Note: i. Complete only if living units are proposed in a Future Land Use Category.
ii. If more than one classification, calculations for each classification must be submitted.
iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Intensive Development Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.1.a.)	_____ times 14 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.1.b.)	_____ times 14 equals	_____
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾		_____
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.1.a.)	_____ times 18 equals	_____
3. Total allowed standard units (A.1.c. or A.2.a., whichever is less)		_____
4. Bonus Units ⁽²⁾		
a. Low-moderate housing density:		_____
b. TDR units:		_____
c. Sub-total (A.4.a. plus A.4.b.)		_____
5. Total Permitted Units (A.3. plus A.4.c.): ⁽¹⁾		_____

B. Central Urban Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.2.a.)	_____ times 10 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.2.b.)	_____ times 10 equals	_____
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾		_____
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.2.a.)	_____ times 12.5 equals	_____
3. Total allowed standard units (B.1.c. or B.2.a., whichever is less)		_____
4. Bonus Units ⁽²⁾		
a. Low-moderate housing density:		_____
b. TDR units:		_____
c. Sub-total (B.4.a. plus B.4.b.)		_____
5. Total Permitted Units (B.3. plus B.4.c.): ⁽¹⁾		_____

Notes:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
(2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

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C. Urban Community Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.3.a.)	_____ times 6 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.3.b.)	_____ times 6 equals	_____
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾		_____
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.3.a.)	_____ times 8 equals	_____
3. Total allowed standard units (C.1.c. or C.2.a, whichever is less)		_____
4. Bonus Units ⁽²⁾		
a. Low-moderate housing density:		_____
b. TDR units:		_____
c. Sub-total (D.4.a. plus D.4.b.)		_____
5. Total Permitted Units (C.3. plus C.4.c.): ⁽¹⁾		_____

Notes:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
 (2) If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

D. Suburban Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.3.a.)	<u>0.32</u> times 6 equals	<u>1.92</u>
b. Total freshwater wetland Acres (from Part 2, D.3.b.)	<u>0</u> times 6 equals	<u>0</u>
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾		<u>1.92</u>
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.3.a.)	<u>0.32</u> times 8 equals	<u>2.56</u>
3. Total allowed standard units (D.1.c. or D.2.a., whichever is less)		<u>1.92</u>

E. Outlying Suburban Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.4.a.)	_____ times 3 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.4.b.)	_____ times 3 equals	_____
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾		_____
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.4.a.)	_____ times 4 equals ⁽¹⁾	_____
3. Total allowed standard units (E.1.c. or E.2.a., whichever is less)		_____

Notes:

- (1) Outlying Suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the LEE Plan): the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

PART 4
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES,
HOTELS & MOTELS
PRELIMINARY INTENSITY CALCULATIONS

A.	Commercial	Habitable Stories	Height	Total Floor Area
A.1.	Medical			Sq. Ft.
A.2.	General Office			Sq. Ft.
A.3.	Retail	1	25'	500 Sq. Ft.
A.4.	Other	1	25'	1,700 CARETAKER Sq. Ft.
A.5.	TOTAL FLOOR AREA			2,200 Sq. Ft.
B.	Industrial	Habitable Stories	Height	Total Floor Area
B.1.	Under Roof			Sq. Ft.
B.2.	Not under Roof	NA		Sq. Ft.
B.3.	TOTAL FLOOR AREA			0 Sq. Ft.
C.	Mining		Depth	Total Acres
C1.	Area to be excavated	NA		0 Acres
D.	Assisted Living Facilities	Habitable Stories	Height	Total Number of Beds/Units
D.1.	Dependent Living Units			Beds/Units
D.2.	Independent Living Units			Beds/Units
D.3.	TOTAL BEDS/UNITS			0 Beds/Units
E.	Hotels/Motels			
	Room Size	Habitable Stories	Height	Number of Rental Units
E.1.	< 425 sq. ft.			Units
E.2.	426-725 sq. ft.			Units
E.3.	725 < sq. ft.			Units
E.4.	TOTAL UNITS			0 Units

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**PART 5
ENVIRONMENTAL ISSUES**

A. Topography: Describe the range of surface elevations of the property:

Surface elevations range from a low of +/-2.5 feet to a high of +/-4 feet.

B. Sensitive Lands: Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473].

Per the attached aerial location map, the subject property does not contain environmentally sensitive lands or habitat for listed species, including wetlands, creek beds, sand dunes, or other unique land forms.

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continued

C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 4.B. above will be protected by the completed project:

At the time of project completion, the subject property will be enhanced through the removal of exotic vegetation and planting of native vegetation in the required perimeter buffer yards.

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

N/A

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PART 6
SANITARY SEWER & POTABLE WATER FACILITIES

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- A. **Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

N/A

- B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

2. Quality of the effluent:

3. Expected life of the facility:

4. Who will operate and maintain the internal collection and treatment facilities:

The property owner.

5. Receiving bodies or other means of effluent disposal:

continued

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C. Spray Irrigation: If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

N/A

2. Current water table conditions:

N/A

3. Proposed rate of application:

N/A

4. Back-up system capacity:

N/A

**EXHIBIT PH-2.C.1: OWNERS LIST
GULF SEAFOOD COMMERCIAL PLANNED DEVELOPMENT**

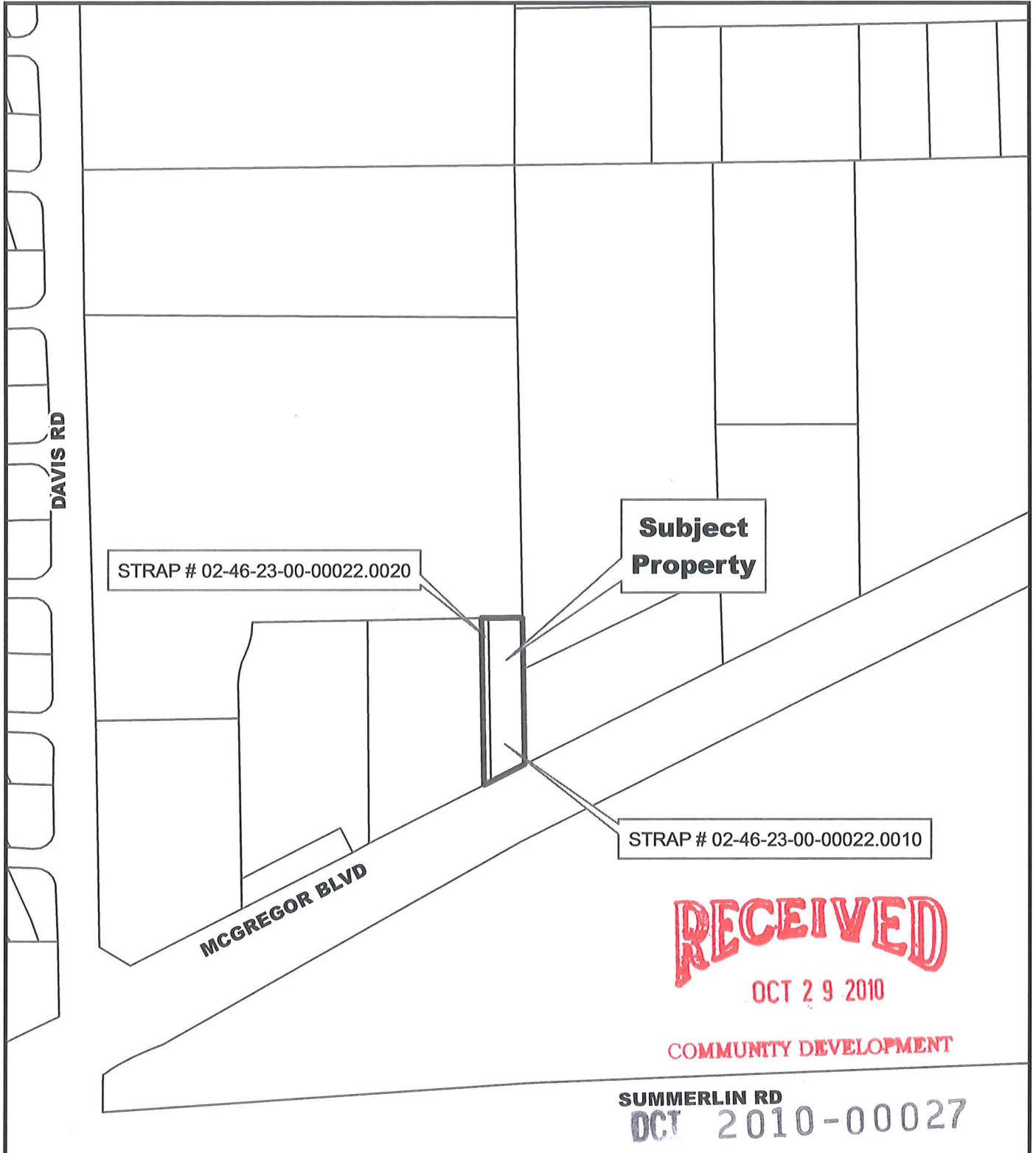


OWNER NAME	STRAP NO.	ACREAGE
JONS ALBERT LINDQUIST	02-46-23-00-00022.0010	10,500 SF
JONS ALBERT LINDQUIST	02-46-23-00-00022.0020	2,442 SF

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Subject Property Owners Map
EXHIBIT PH-2.C.2



Gulf Seafood CPD
Mr. Jons Lindquist

16980 McGregor Blvd
Fort Myers, FL 33908



Date: 10-19-10

Map Number:
1159-01-PH2C2

Project Number:
1159-01

Source: Lee County Property Appraiser Office.

It is the end user's responsibility to verify the data contained herein. EnSite assumes no responsibility for errors or omissions contained herein.

OLD REPUBLIC
National Title Insurance Company

14260 Metropolis Avenue, Suite 102
Fort Myers, FL. 33912
(239) 590-9001
(239) 590-9014 FAX

TITLE CERTIFICATION

Showing information required by F.S. 177.041 prior to platting lands:

File No. 10071279

Provided for: Board of County Commissioners of Lee County, Florida
P.O. Box 398
Fort Myers, Florida 33902

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Certified up to: September 16, 2010 at 11:00 P.M.

Description of Real Property situated in Lee County, Florida:

SEE EXHIBIT "A" ATTACHED HERETO

We hereby certify Record Title to the above described real property is vested in:

Jons Albert Lindquist, a life estate and Amanda Lee Canada, remainderman

The following mortgages are all the mortgages of record that have not been satisfied or released of record or otherwise terminated by law:

None

The property is subject to the following easements and rights-of-way of record:

None

All recording references are to the public records of Lee County, Florida.

NOTE: We do not certify to ownership of any oil, gas and mineral rights or interests.

This certification is provided pursuant to the requirements of Florida Statute 177.041 for the uses and purposes specifically stated therein and is not to be used as the basis for the issuance of a title insurance commitment or policy. The Company's liability hereunder shall not exceed the maximum of \$1,000.00 pursuant to Florida Statute 627.7843.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

DCI 2010-00027

By: Kay Johnson 10/5/2010
Authorized Officer or Agent

EXHIBIT "A"

A tract or parcel of land lying in the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, Township 46 South, Range 23 East, described as follows: From the Northeast corner of said fraction of a section run West along the North line of said fraction of a section for 50 feet, thence run South parallel to the East line of said fraction of a section for 255 feet more or less to the Northerly right-of-way of State Road 867 (McGregor Blvd.), thence run Northeasterly along said right-of-way line (40 feet from the center line) for 55.67 feet more or less to the East line of said fraction of a section, thence run North along said East line for 230.8 feet more or less to the Point of Beginning, AND

A parcel of land lying in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, Township 46 South, Range 23 East, described as follows: Commencing at the Northeast corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 46 South, Range 23 East, Lee County, Florida; thence S00°56'21"E along the East line of said fraction for 878.90 feet to the Northwest right-of-way line of McGregor Boulevard (State Road 867, 100 feet wide); thence S62°58'00"W along said Northwest right-of-way line for 55.68 feet to the Point of Beginning; thence continue S62°58'00"W for 11.14 feet; thence N00°56'21"W for 246.69 feet; thence N89°03'39"E for 10 feet; thence S00°56'21"E for 241.79 feet to the Point of Beginning.



McMAHON ASSOCIATES, INC.
5500 Village Boulevard | Suite 103 | West Palm Beach, FL 33407
p 561-840-8650 | f 561-840-8590
www.mcmtrans.com

PRINCIPALS
Joseph W. McMahon, P.E.
Joseph J. DeSantis, P.E., PTOE
John S. DePalma
William T. Steffens
Casey A. Moore, P.E.
Gary R. McNaughton, P.E., PTOE

ASSOCIATES
John J. Mitchell, P.E.
Christopher J. Williams, P.E.
John F. Yacapsin, P.E.

October 15, 2010

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VIA E-MAIL/U.S. MAIL

Mr. Brian R. Smith
EnSite – Historic Kress Building
1514 Broadway, Suite 201
Fort Myers, FL 33901

DCI 2010-00027

RE: Gulf Seafood Traffic Analysis
McMahon Project No. H10499.01

Dear Brian:

McMahon Associates, Inc. (McMahon) has completed a Traffic Analysis for the zoning of a parcel of land located at 16980 McGregor Boulevard, in the City of Fort Myers, Florida. The project STRAP numbers are 02-46-23-00-00022.0010 and 02-46-23-00-00022.0020. A single-family dwelling unit currently exists on the site. The proposed development will include the one single-family dwelling unit plus the addition of 500 square feet of fish market retail uses.

Using information contained in the Institute of Transportation Engineer's (ITE), *Trip Generation*, 8th Edition, trip generation estimates were developed for the existing and proposed developments. Pass-by capture rates were based on information provided in the ITE *Trip Generation Handbook*, June 2004. Table 1 indicates that the proposed development is expected to generate a net increase of 143 daily, 5 AM peak hour and 12 PM peak hour total trips, after accounting for pass-by traffic and the existing development.

Access to the proposed site will be along McGregor Boulevard just north of Summerlin Road. A review of the Lee County 2010 Concurrency Report indicates that McGregor Boulevard between Summerlin Road and Kelly Road currently operates at an acceptable level of service A. Given the low volumes anticipated from the proposed development, McGregor Boulevard will continue to operate at an acceptable level of service at the buildout of the project.

TABLE 1
TRIP GENERATION ANALYSES
GULF SEAFOOD TRAFFIC ANALYSIS

AM PEAK HOUR

LAND USE	ITE CODE	INTENSITY	TRIP GENERATION RATE ⁽¹⁾	IN	OUT	TOTAL TRIPS			PASS-BY CAPTURE ⁽²⁾		NEW TRIPS			
						IN	OUT	TOTAL			IN	OUT	TOTAL	
EXISTING USES														
Single Family	210	1 DU	T= 0.70 (X)+ 9.74	25%	75%	3	7	10	0	0%	3	7	10	
SUBTOTAL						3	7	10	0		3	7	10	
PROPOSED USES														
Retail	820	500 SF	Ln(T)= 0.59 Ln(X)+ 2.32	61%	39%	4	3	7	2	34%	3	2	5	
Single Family	210	1 DU	T= 0.70 (X)+ 9.74	25%	75%	3	7	10	0	0%	3	7	10	
SUBTOTAL						7	10	17	2		6	9	15	
NET DIFFERENCE						4	3	7	2		3	2	5	

PM PEAK HOUR

LAND USE	ITE CODE	INTENSITY	TRIP GENERATION RATE ⁽¹⁾	IN	OUT	TOTAL TRIPS			PASS-BY CAPTURE ⁽²⁾		NEW TRIPS			
						IN	OUT	TOTAL			IN	OUT	TOTAL	
EXISTING USES														
Single Family	210	1 DU	$\text{Ln}(T) = 0.9 \text{Ln}(X) + 0.51$	63%	37%	1	1	2	0	0%	1	1	2	
SUBTOTAL						1	1	2	0		1	1	2	
PROPOSED USES														
Retail	820	500 SF	$\text{Ln}(T) = 0.67 \text{Ln}(X) + 3.37$	49%	51%	9	9	18	6	34%	6	6	12	
Single Family	210	1 DU	$\text{Ln}(T) = 0.9 \text{Ln}(X) + 0.51$	63%	37%	1	1	2	0	0%	1	1	2	
SUBTOTAL						10	10	20	6		7	7	14	
NET DIFFERENCE						9	9	18	6		6	6	12	

DAILY

LAND USE	ITE CODE	INTENSITY	TRIP GENERATION RATE ⁽¹⁾	IN	OUT	TOTAL TRIPS			PASS-BY CAPTURE ⁽²⁾		NEW TRIPS			
						IN	OUT	TOTAL			IN	OUT	TOTAL	
EXISTING USES														
Single Family	210	1 DU	$\ln(T) = 0.92 \ln(X) + 2.71$	50%	50%	8	7	15	0	0%	8	7	15	
SUBTOTAL						8	7	15	0		8	7	15	
PROPOSED USES														
Retail	820	500 SF	$\ln(T) = 0.65 \ln(X) + 5.83$	50%	50%	109	108	217	74	34%	72	71	143	
Single Family	210	1 DU	$\ln(T) = 0.92 \ln(X) + 2.71$	50%	50%	8	7	15	0	0%	8	7	15	
SUBTOTAL						117	115	232	74		80	78	158	
NET DIFFERENCE						109	108	217	74		72	71	143	

Notes:

(1) Source: ITE Trip Generation Manual, 8th Edition.

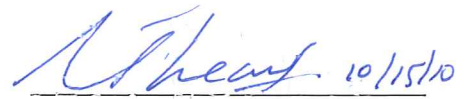
(2) Source: ITE Trip Generation Handbook, June 2004.

Mr. Brian R. Smith
October 15, 2010
Page 3

Based on the analysis provided herein, the proposed development is not anticipated to significantly impact the surrounding roadway network.

Should you have any questions or comments regarding these findings, please do not hesitate to call me.

Sincerely,



Natalia Thais Lercari, P.E.

Professional Engineer

License No. 68205

State of Florida, Board of Professional Engineers

Certificate of Authorization No. 4908

NLM/hsv
Enclosure

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**EXHIBIT D-7-P: SCHEDULE OF USES
GULF SEAFOOD COMMERCIAL PLANNED DEVELOPMENT**



Accessory uses & structures
Caretaker's residence
Essential services
Excavation, water retention
Fences, walls
Food stores, Group I
Home occupation
Non-store retailers, Group I
Parking lot, accessory
Restaurants, Group I
Signs in accordance with Chapter 30
Temporary Uses

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*Total combined retail uses limited to 500 s.f.
* Hours of operation 9 a.m. - 7 p.m., Monday through Sunday

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**EXHIBIT D-7-Q: SCHEDULE OF DEVIATIONS & JUSTIFICATIONS
GULF SEAFOOD COMMERCIAL PLANNED DEVELOPMENT**



ensite

Deviation 1: Deviation from Section 10-285 of the Land Development Code (LDC) to allow for a reduction in the connection separation along McGregor, from 660 feet to 260 feet.

The subject property has one (1) existing access point onto McGregor Boulevard, as shown on the attached boundary survey and Master Concept Plan. The subject property has approximately 65 feet of frontage along McGregor Boulevard, and therefore has insufficient frontage to meet the minimum separation required per the arterial roadway classification. The proposed MCP represents a narrower access point than currently exists, therefore the proposed access will provide enhanced safety for vehicles entering and exiting the property. In light of the existing conditions and proposed improvements, the Applicant respectfully submits that the deviation for reduced connection separation will not negatively impact, public health, safety or welfare.

Deviation 2: Deviation from Section 10-416(d)(6) of the LDC to allow for a ten-foot Type "D" buffer along the McGregor Boulevard right-of-way.

The existing building was developed in 1958 prior to the substantial right-of-way takings to widen McGregor Boulevard. As a result of these takings, there is limited depth between the existing right-of-way line and the building. The reduced buffer width is requested in order to accommodate the minor retail uses and handicap space in the front of the existing building to provide convenience to future patrons. The Applicant is not proposing a reduction in plant materials, therefore Type "D" plantings will be provided in accordance with Sec. 10-416. Based on the proposed plantings, the intent of the code will be maintained via adequate screening along the McGregor right-of-way. The deviation represents betterment to the project and will not impact public health, safety or welfare, as handicapped patrons will enjoy enhanced access to the retail sales portion of the project.

Deviation 3: Deviation from Section 10-416(d)(6) of the LDC to allow for no buffer yard along the western property line.

The subject property is uniquely narrow in size and provides limited width to accommodate vehicular circulation. The existing building, built in 1958, is centrally located on the site and restricts the ability to provide a sufficiently wide drive aisle to access the rear parking area. In order to achieve the maximum drive aisle width possible, the Applicant is seeking relief from the buffer requirements in light of the future commercial use intended for the property to the west.

Emerging best practices for connectivity and pedestrian access encourage reduction or elimination of buffer yards between similar, compatible uses in order to encourage pedestrian movement between properties and limit the segregation of like uses. In light of the designation for future commercial uses intended for the adjacent property to the west, the Applicant respectfully submits that the deviation will not negatively impact public, health, safety or welfare and will allow for greater design flexibility and enhanced connectivity.

Deviation 4: Deviation from Section 30-153(e) to allow the identification sign to be located a minimum of 10 feet from the right-of-way.

This deviation is requested due to the uniquely narrow shape of the subject property. The majority of the frontage is utilized for driveway area and handicapped access, leaving minimal area for signage. With the proposed reduction, the sign will remain upwards of 30 feet from vehicle travel lanes along McGregor Boulevard. The proposed location provides maximum visibility of the identification while upholding public health, safety and welfare.

Deviation 5: Deviation from Section 34-2017(b) to permit high turnover parking lots (including parking lot aisles), to meet the surfacing standards for low turnover parking lots.

This deviation is appropriate at the subject property per compliance with the following review criteria set forth in the Section 34-2017 of the LDC:

a) The property is not located in the intensive development or central urban land use categories;

The property is located in the Suburban Future Land Use Category.

b) The proposed parking lot will contain no more than 25 spaces;

The property will have nine (9) parking spaces to support the 500 square foot retail sales use, in addition to the caretaker's residence.

c) The proposed alternative surface will be adequately drained;

Through the rezoning and development order processes the project will be required to provide on-site water management to enhance the current drainage of the site and ensure the alternative parking surface will be maintained.

d) The proposed alternative surface is consistent with the uses and the parking lot surfaces in the surrounding neighborhood.

The property is located in an area of transition between greater Fort Myers and the Fort Myers Beach and Sanibel area. The character of the area supports the request for alternative surfaces and there are a number of properties in close proximity which demonstrate crushed shell or gravel parking lots. Examples include: Oakes Brother Market at the McGregor Blvd. & John Morris Rd. intersection, Marilyn's Exotic Orchard at 16710 John Morris Rd., and LCD Trucking at 13782 McGregor Blvd.

Deviation 6: Deviation from Section 34-2016(3) to allow for a reduction in parking aisle width from 24 feet to 16 feet.

This deviation allows for greater design flexibility without jeopardizing safe vehicular circulation. As stated above, the subject property is uniquely narrow in size and provides limited width to accommodate vehicular circulation properly, particularly in consideration of the existing building location. The requested deviation will allow for sufficient width to allow for one (1) vehicle to enter the rear parking area and turn around to exit the site. Due to the project's limited retail uses and low trip generation, the proposed deviation will not negatively impact public health, safety or welfare and is necessary based on the existing site conditions.





REQUEST FOR PUBLIC HEARING SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings (and other administrative applications) where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS (indicate the appropriate application type)

- ☐ Public Hearing - General Requirements (34-202)
☐ Public Hearing - Mining Excavation Planned Development (12-110)
☒ Public Hearing - Additional Requirements for:
 ☐ Development of Regional Impact (34-203(a))
 ☒ Planned Developments (34-203(b))
 ☐ Master Concept Plan Extension (34-381(c))
 ☐ Master Concept Plan Reinstatement (34-381(d))
 ☐ Rezoning other than Planned Developments (34-203 (c))
 ☐ Mobile Home Park (34-203(d))
 ☐ Special Exception (34-203(e))
 ☐ Variances (34-203(f))
☐ Administrative Action Requirements

OCT 18 2010
 10/18/10
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 PRE 2010-00274

PLEASE PRINT OR TYPE:

STRAP Number:		02-46-23-00-00022.0010 and 02-46-23-00-00022.0020			
Name of Project:		Gulf Seafood Commercial Planned Development			
Name of Agent:		Alexis V. Crespo, AICP, LEED AP			
Street Address:		1514 Broadway, Suite 201			
City:	Fort Myers	State:	Florida	Zip:	33901
Phone #:	(239) 226-0024			Fax:	(239) 226-0094
E-mail:	alexisc@en-site.com				
Name of Applicant*:		Mr. Jons A. Lindquist			
Street Address:		16980 McGregor Boulevard			
City:	Fort Myers	State:	Florida	Zip:	33908
Phone #:	(239) 910-1374			Fax #:	
E-mail:	Nativeconnect02@aol.com				

* If applicant is not the owner, a letter of authorization from the owner must be submitted.

LEE COUNTY
 COMMUNITY DEVELOPMENT
 P.O. BOX 398 (1500 MONROE STREET)
 FORT MYERS, FLORIDA 33902
 PHONE (239) 533-8585

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A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:		
Section Number		Requirement
#1 Sec. 34-373(a)(4)(h)		Historical or Archaeological Sites
#2 Sec. 34-373(a)(4)e.i		Soils Map
#3 Sec. 34-373(a)(4)e.ii		FLUCCS Map prepared by Environmental Consultant
#4 Sec. 34-373(a)(4)e.iv		Rare & Unique Upland Habitat Map
#5 Sec. 34-373(a)(4)e.v		Existing & Historic Flow-ways Map

B. SCOPE OF PROJECT AND REASON(s) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

The property is 12,000 s.f. in size and has been developed with single family residential uses since 1958. The site has also been used for retail sales of seafood for over four decades, which is the subject of the forthcoming CPD application. As shown on the attached aerial map, the property is largely disturbed and does not contain environmentally sensitive land or protected species habitat. Based on the current conditions of the property and absence of environmental sensitivity, the Applicant respectfully requests approval of this waiver.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Signature of Applicant

Directors Decision:



Request Approved

Request Denied

Comments:

per attached

Signature:

[Handwritten Signature]

Date:



COMMUNITY DEVELOPMENT
PRE2010 -00274



Case Activity Listing

Case #: PRE2010-00274

10/20/2010

9:25:46AM

Description	Activity Enter Date	Target Date	Activity Completed Date	Status	Assigned To	Done By	Notes
Development Services Comments	10/18/2010						
Submittal Waiver Request	10/18/2010		10/18/2010	DONE		JZC	
Final Document Imported	10/18/2010						
Zoning Comments	10/18/2010						
Environmental Review Comments	10/18/2010		10/20/2010	DONE	SMD	SMD	site is cleared and partially developed, no native habitats exist on subject site.
Planning Notes			10/19/2010	APPR	GMS	DXC	approve waiver for #2, 3, 4, and 5 Approved with the following condition: If in the course of the project development archaeological sites, objects or artifacts or human remains are uncovered STOP all ground disturbing activities and contact Lee County.

**EXHIBIT PH-4.I: UTILITIES NARRATIVE
GULF SEAFOOD COMMERCIAL PLANNED DEVELOPMENT**



Due to the low intensity proposed (maximum 500 s.f. of commercial uses), the CPD will not connect to potable water or sanitary sewer services. The existing on-site septic tank and well will service the caretaker's residence and restroom to support the retail square footage. Any prepared seafood sold on the property will be prepared at an off-site commissary; therefore no food preparation will occur at the subject property. The Applicant is amenable to conditioning the approval of the CPD request based on these parameters to ensure public health, safety and welfare is upheld.

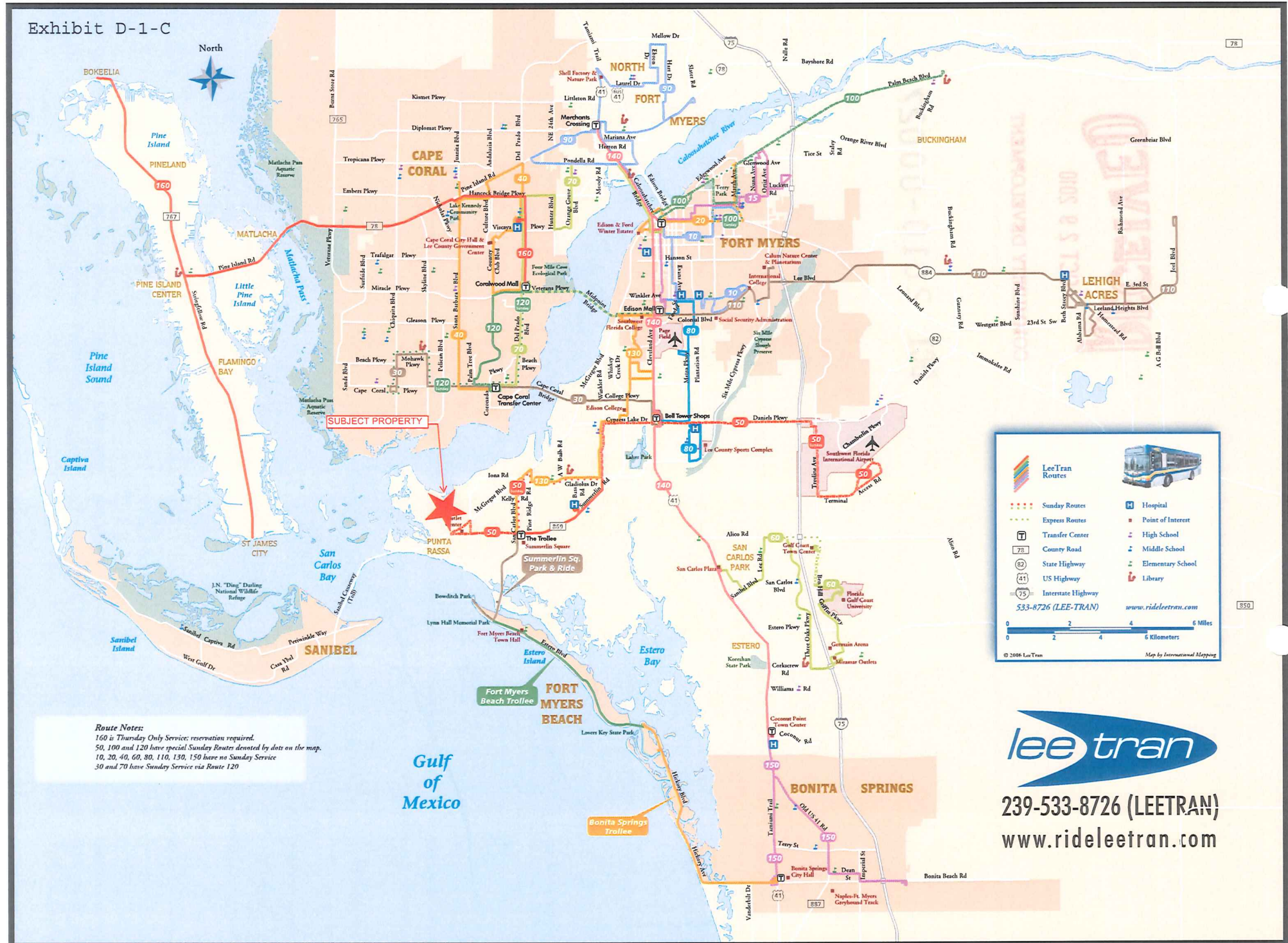
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COMMUNITY DEVELOPMENT

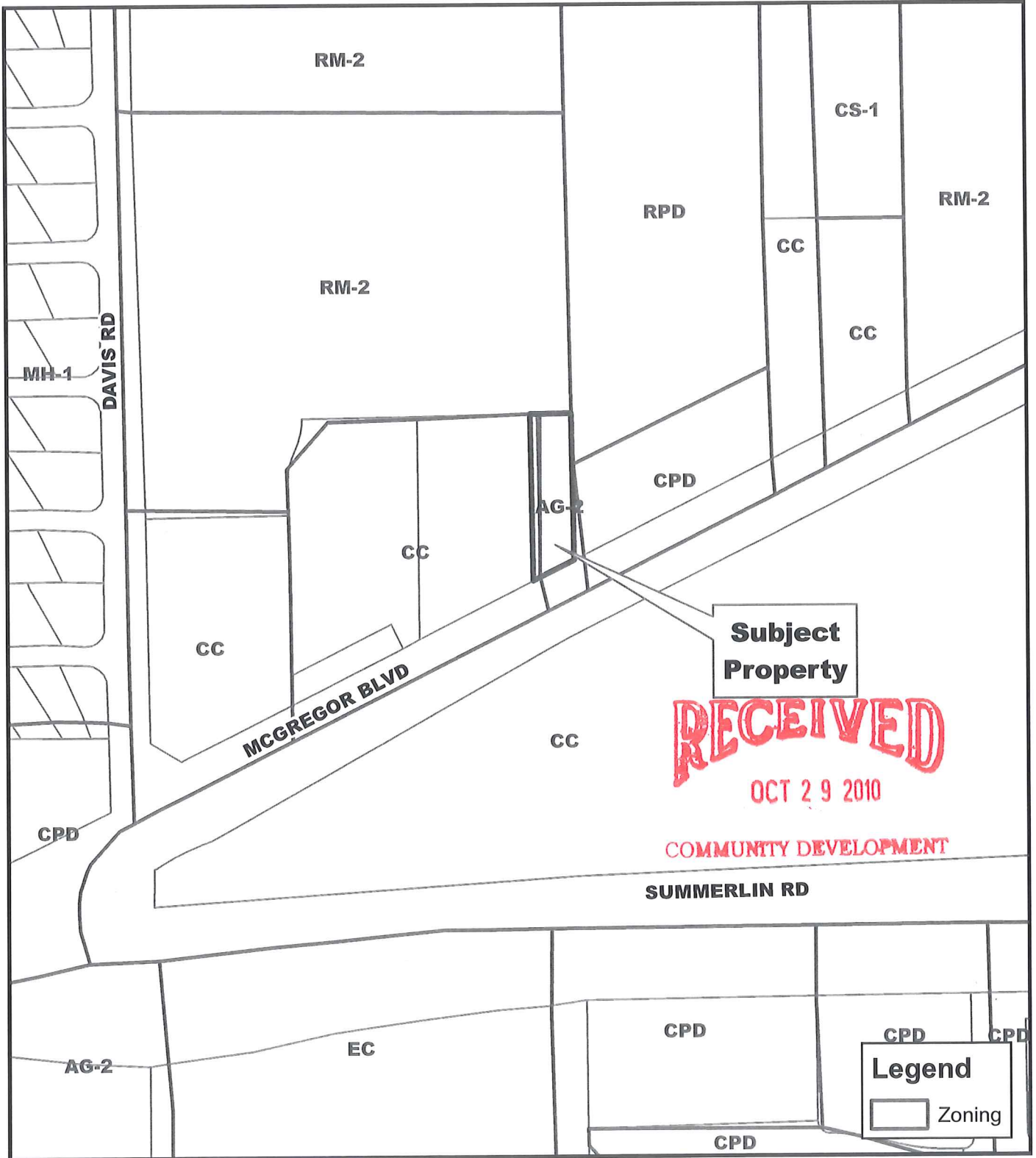
DCI 2010-00027

Exhibit D-1-C



lee tran

239-533-8726 (LEETRAN)
www.rideleetrans.com



Existing Zoning Map

EXHIBIT D-7-CA

Gulf Seafood CPD



Date: 10-15-10

Map Number:
1159-01-D-7-CA

Project Number:
1159-01



Gulf Seafood CPD
Mr. Jons Lindquist

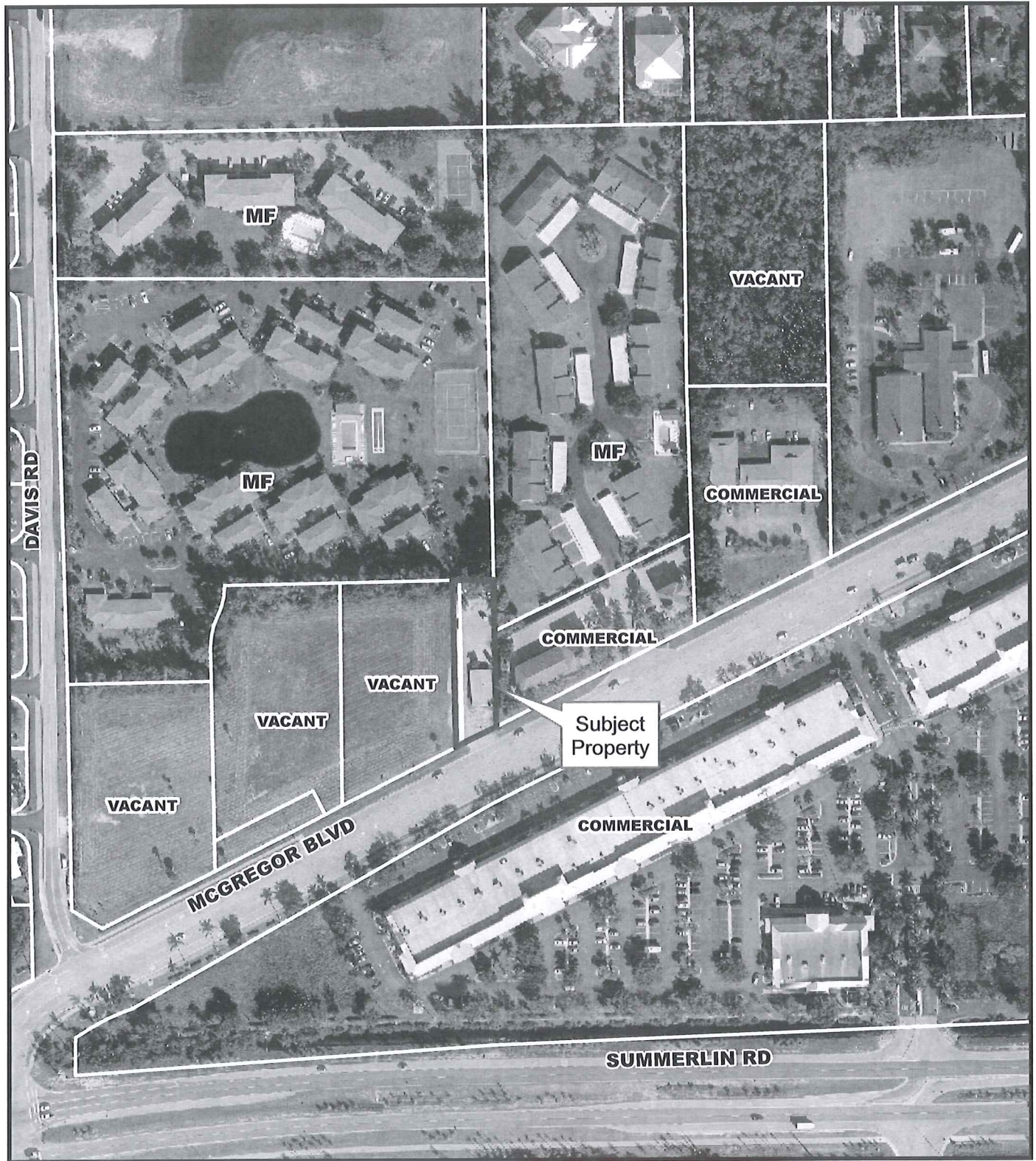
16980 McGregor Blvd
Fort Myers, FL 33908

200 100 0 200
Feet

Source: Lee County Property Appraiser Office.

It is the end user's responsibility to verify the data contained herein. EnSite assumes no responsibility for errors or omissions contained herein.

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Current Land Use Map
EXHIBIT D-7-CB

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Date: 10-19-10

Map Number:
1159-01-D-7-CB

Project Number:
1159-01



Gulf Seafood CPD
Mr. Jons Lindquist

16980 McGregor Blvd
Fort Myers, FL 33908

200 100 0 200 Feet

Source: Lee County Property Appraiser Office.

It is the end user's responsibility to verify the data contained herein. EnSite assumes no responsibility for errors or omissions contained herein.

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EXHIBIT D-7-J: LEE PLAN COMPLIANCE NARRATIVE
GULF SEAFOOD COMMERCIAL PLANNED DEVELOPMENT



ensite

Mr. Jons Lindquist is requesting approval of a Commercial Planned Development (CPD) rezoning to allow for retail sales of seafood at the subject property and resolve VIO2010-04242. The project will include 500 s.f. of retail seafood sales and one (1) caretaker's residence. The following is an analysis of how the proposed CPD is consistent with goals, objectives and policies of the Lee Plan (Plan).

Policy 1.1.2: Suburban

The subject property is designated within the Suburban Future Land Use Category (FLUC), which allows for a broad range of uses including residential, commercial, recreational and institutional. Per this policy, the Gulf Seafood CPD will provide neighborhood-scale retail sales of seafood, limited to maximum of 500 s.f., to service the surrounding residential community, as well as seasonal patrons. The proposal includes one (1) caretaker's residence to allow for a true live-work development that minimizes vehicle miles travelled for the owner/operator.

Therefore, the Gulf Seafood CPD is consistent with this Policy, as the proposed development program includes commercial retail uses permitted within the underlying FLUC at an appropriate intensity.

Policy 6.1.2: Commercial Location Standards

The subject property fronts along McGregor Boulevard, an arterial roadway, and is located one-tenth of a mile north of the McGregor Boulevard/Davis Road intersection (intersection of an arterial and collector, respectively). Proposed development consists of minor retail uses, limited to 500 square feet of fish market/retail sales of seafood, in addition to one (1) caretaker's residence.

Based on the property's size, the proposed retail uses are in substantial compliance with policy governing minor commercial development within the Lee Plan. Due to the property's frontage along an arterial roadway and the nature of existing and approved surrounding uses, commercial use is the only reasonable use of the subject property.

Policy 6.1.4: Compatibility

The proposed Master Concept Plan demonstrates compatibility with surrounding multi-family properties per proposed buffer yards and existing fences/walls that effectively screen the subject property. The property fronts along McGregor Blvd. and is adjacent to existing or permitted commercial uses to the east and west. The Applicant is proposing 4-foot Type "A" buffers along both these property lines to provide adequate screening. Additionally, the property is bound by an existing 8-foot wooden fence to the east to provide further buffering.

The property is adjacent to multi-family uses to the north, and immediately abuts the parking area of the Davis Wood condominiums. The Applicant is proposing a 30-foot Type "F" buffer yard in compliance with the Land Development Code. Based on these prescribed site

development standards, the project adequately addresses compatibility with surrounding uses.

Policy 6.1.6: Landscaping, Open Space & Buffering

Per this policy, the Applicant is proposing perimeter buffer yards that will adequately screen adjacent properties, as shown on the attached Master Concept Plan and described above. Additionally, the required 20% open space is provided in accordance with the LDC. Due to the character and existing development of the property, there are no significant environmental features that require preservation through the rezoning process.

Standards 11.1 & 11.2: Water & Sewer

Due to the low intensity proposed (maximum 500 s.f. of commercial uses), the CPD will not connect to potable water or sanitary sewer services. Any prepared seafood sold on the property will be prepared at an off-site commissary.

Standard 11.3: Traffic Impact Statement

Per the attached Trip Generation Letter prepared by McMahon and Associates, Inc., the proposed development is supported by an adequate transportation network and will not negatively impact Level of Service along McGregor Boulevard or other surrounding roadways.

**EXHIBIT D-7-K/L: DESIGN STANDARDS & DECISION MAKING COMPLIANCE
GULF SEAFOOD COMMERCIAL PLANNED DEVELOPMENT**



Application for Planned Development Rezoning

Mr. Jons Lindquist is requesting approval of an application to rezone a 0.32+/- acre property from Agricultural (AG-2) and Community Commercial (CC) to Commercial Planned Development (CPD) to allow for a maximum of 500 s.f. of retail uses and one (1) caretaker's residence.

The rezoning will allow for the continued use of the property as the Gulf Seafood Fish Market in response to VIO2010-04242. The site is not connected to public potable water and sanitary sewer services. No development blasting is being proposed. Maximum height proposed is 1 story/25 feet.

I. Development Location

The subject property is located on two (2) separate parcels identified as 16980 McGregor Boulevard. The property is approximately 1/10 mile east of the McGregor Boulevard/Davis Road intersection and is currently developed with one (1) single-family residence, built in 1958.

The property has approximately 65 feet of frontage along McGregor Boulevard, a 4-lane arterial roadway per Lee County Functional Classification of Roadways. Surrounding uses consist of a commercial/light industrial plaza to the east, vacant lands zoned for commercial uses to the west, and multi-family residential uses to the north and northeast. The Tanger Outlet Mall is located directly south of McGregor Boulevard, across the street from the project.

The property is designated within the Suburban Future Land Use Category (FLUC) and is primarily zoned for agricultural uses per the AG-2 zoning district. A narrow strip of the property along the western property boundary is zoned CC. Table 1 below provides an inventory of Future Land Use Designations, Zoning Districts, and existing land uses surrounding the subject property.

Table 1: Inventory of Surrounding Lands

DIRECTION	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USE
North	Suburban	RM-2	Multi-family Residential (Davis Woods)
South	Urban Community	CC	Commercial (Tanger Outlet Mall)
East	Suburban	CPD; RPD	Light Industrial (Ixpria Distributors) Multi-family Residential (Sanibel Sunset Villas)
West	Suburban	CC	Vacant

II. Proposed Uses

The Gulf Seafood CPD will consist of a maximum of 500 s.f. of retail seafood sales and one (1) caretaker's residence. The primary location for retail seafood sales will occur in the front portion of the caretaker's residence as shown on the attached MCP. This area will be constructed as a +/- 300 foot addition to the existing 1,700 s.f. structure.

A secondary location for the retail sales of raw and prepared seafood is shown on the western side of the property within a +/-200 s.f. mobile concession trailer/food cart. A photo of the trailer is attached within this application. The trailer will be placed on the site for special events throughout the year and is not intended to be a permanent on-site structure. Food preparation will only occur in the concession trailer, and not within the retail seafood sales portion of the project. The proposed hours of operation are Monday through Sunday, from 9 a.m. until 7 p.m.

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Gulf Seafood CPD
Exhibit D-7-K/L
Page 1 of 3

COMMUNITY DEVELOPMENT

In terms of parking, the Applicant is proposing a paved entrance and handicapped parking area along the McGregor Boulevard frontage, with crushed shell parking to the rear of the existing caretaker's residence. For parking calculation purposes, the 300 sq. ft. retail area on the front of the caretaker's residence is calculated as Food Market, Group I (fish market), and the mobile concession trailer is treated as 200 s.f. of Group I Restaurant. This calculation equates to seven (7) parking spaces, as provided on the MCP. The parking area is buffered from the Davis Woods and Sanibel Sunset Villas condominium properties via landscaped buffer yards which meet the requirements of the Section 10-416 of the LDC.

The proposed Master Concept Plan (MCP) allows for a compact development pattern that addresses street orientation, enhanced visual appearance of the property, and a commercial uses to fit with the context of the greater McGregor Boulevard corridor.

III. Design Standards

A. Compatibility

The property has 65 feet of frontage along the southern portion of McGregor Boulevard, a four-laned arterial roadway. The development pattern along this portion of McGregor is commercial and light industrial in nature, with Tanger Outlet Mall to the south, a warehousing and distribution operation to east, and vacant commercial lands to the west. Accordingly, the CPD request is to allow for infill commercial development that is compatible with the local context. Residential uses to the north and northeast will be appropriately buffered and will not be negatively impacted by approval of this request. Furthermore, the proposed retail operations have been located along the McGregor frontage and the western property line to provide maximum separation from nearby residential uses. Hours of operation are appropriately limited to further ensure compatibility.

Lastly, there is an existing wooden fence and concrete wall along the eastern property line to provide additional screening.

B. Access & Circulation

Per the attached MCP, there is one (1) proposed point of ingress/egress to the property from McGregor Boulevard. A deviation from access separation requirements is requested due to the surrounding buildout along McGregor Boulevard and the property's limited frontage.

As shown on the MCP, the subject property is uniquely narrow in size and provides limited width to accommodate vehicular circulation within property, particularly in consideration of the existing building location. The Applicant is requesting a deviation to allow for a 16-foot drive aisle to access the rear parking area. The parking area is designed with sufficient turnaround area to ensure safety. Due to the limited retail intensity and corresponding low trip generation discussed below, the proposed circulation will not negatively impact Gulf Seafood patrons.

C. Infrastructure

Per the traffic statement prepared by McMahon and Associates, Inc., the proposed CPD will generate approximately 200 daily trips, due to the limited square footage requested. Consequently, the project is supported by an adequate transportation network and will not negatively impact Level of Service along McGregor Boulevard or other surrounding roadways.

Due to the low intensity proposed, the CPD will not connect to potable water or sanitary sewer services. The existing on-site septic tank and well will service the caretaker's residence and restroom to support the retail square footage. Any prepared seafood sold on the property will be prepared at an off-site commissary and will be sold from the concession trailer/food cart. Therefore no food preparation will occur at the subject property.

D. Natural Resources

The subject property has been developed with single family uses since 1958. Per the attached aerial location map, the property is highly disturbed and does not contain significant natural resources including protected species or native habitat. Due to the size of the property, a Protected Species Survey is not required as part of this application.

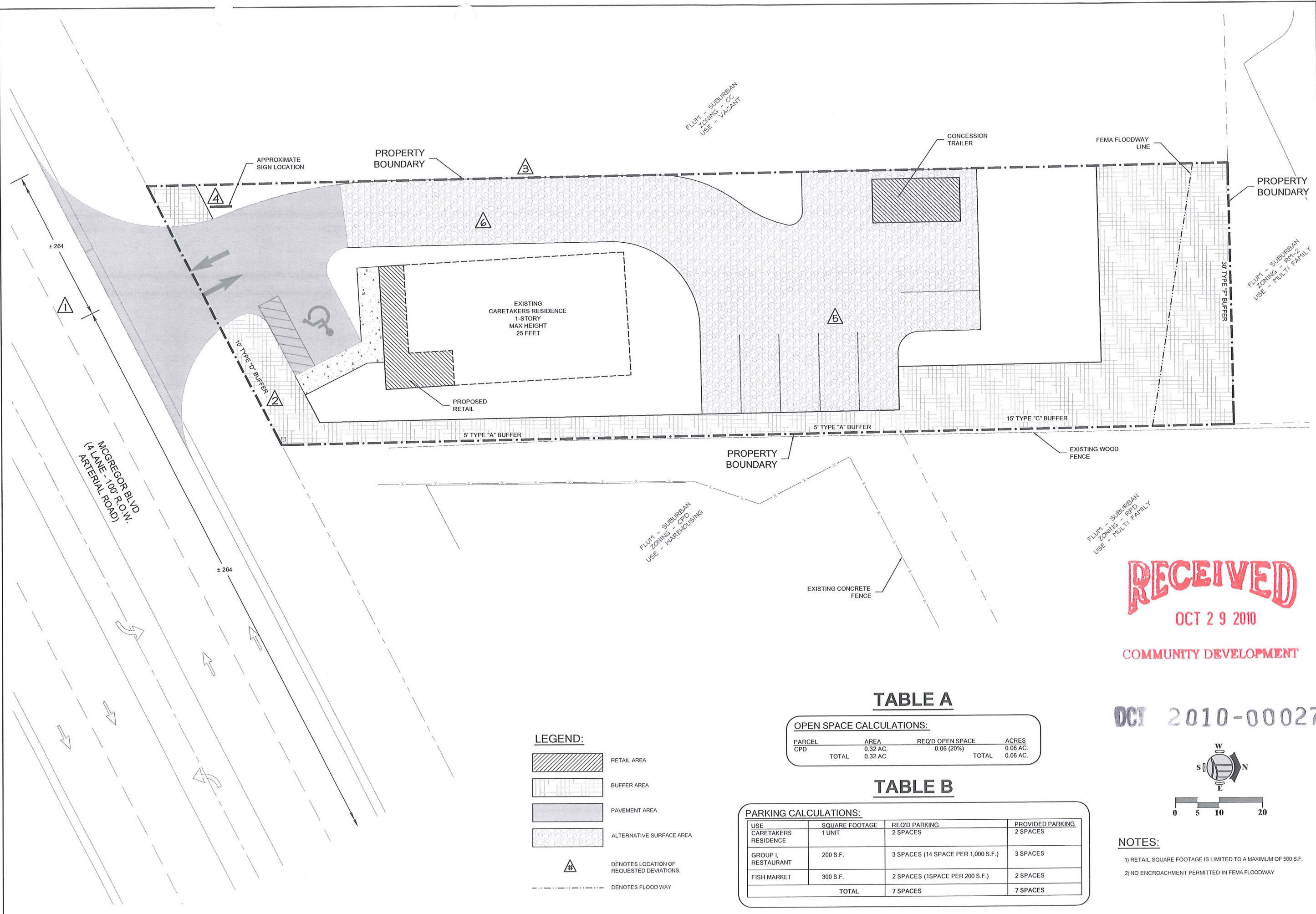
In terms of water management, the project will ultimately outfall to the Gulf of Mexico via existing drainage swales. The Applicant is not required to obtain an Environmental Resource Permit (ERP) from the South Florida Water Management District as the site meets the requirements of a No Notice General Permit. Pre-treatment areas will be provided on-site prior to outfall to swales.

IV. Rezoning Justification:

As required by Section 34-145(d)(3) of the LDC, the proposed development will not adversely impact the public interest and satisfies the following criteria:

- 1) The Applicant has proved entitlement to the rezoning by demonstrating compliance with the Lee Plan, Land Development Code, and any other applicable code or regulation;
- 2) The request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request;
- 3) The request is consistent with the densities, intensities and general uses set forth in the Lee Plan;
- 4) The request is compatible with existing or planned uses in the surrounding area;
- 5) Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities; and
- 6) The request will not adversely affect environmentally critical areas and natural resources.

As demonstrated above, the rezoning will allow for the appropriate rezoning of an agriculturally zoned property along a highly commercialized section of the McGregor Boulevard corridor. Surrounding properties to the east, west and south are commercial in nature, therefore the request is for infill commercial development in accordance with the local context. Residential uses to the north and northeast will be appropriately buffered as describe above and will not be negatively impacted by approval of this request. Due to the limited intensity requested, the Applicant has demonstrated that appropriate public and private on-site infrastructure is in place to service the proposed development. For these reasons, the applicant respectfully requests approval of the proposed CPD.



LEGEND:

- RETAIL AREA
- BUFFER AREA
- PAVEMENT AREA
- ALTERNATIVE SURFACE AREA
- △# DENOTES LOCATION OF REQUESTED DEVIATIONS.
- DENOTES FLOOD WAY

TABLE A

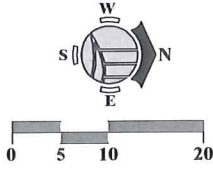
OPEN SPACE CALCULATIONS:			
PARCEL	AREA	REQ'D OPEN SPACE	ACRES
CPD	0.32 AC.	0.06 (20%)	0.06 AC.
TOTAL	0.32 AC.	TOTAL	0.06 AC.

TABLE B

PARKING CALCULATIONS:			
USE	SQUARE FOOTAGE	REQ'D PARKING	PROVIDED PARKING
CARETAKERS RESIDENCE	1 UNIT	2 SPACES	2 SPACES
GROUP I RESTAURANT	200 S.F.	3 SPACES (14 SPACE PER 1,000 S.F.)	3 SPACES
FISH MARKET	300 S.F.	2 SPACES (1SPACE PER 200 S.F.)	2 SPACES
TOTAL		7 SPACES	7 SPACES

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- NOTES:
- 1) RETAIL SQUARE FOOTAGE IS LIMITED TO A MAXIMUM OF 500 S.F.
 - 2) NO ENCROACHMENT PERMITTED IN FEMA FLOODWAY

1514 BROADWAY, SUITE 201
FORT MYERS, FLORIDA 33901
PH: (239) 226-0024 • FX: (239) 226-0084
EB-26544 CALC26000374

Mr. Jons Lindquist
16980 McGregor Blvd
Fort Myers, FL 33908

Gulf Seafood CPD

NO.	DATE	DESCRIPTION
R1		
R2		
R3		
R4		
R5		
R6		

DATE: 10-20-10
PROJECT NO. 1159-01
FILE NO. 1159-01-MCP01
SCALE: As Shown

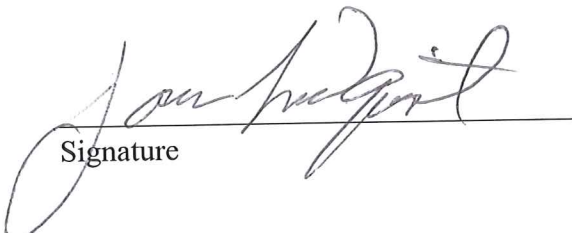
MASTER
CONCEPT
PLAN

D-7-M.2

EXHIBIT PH-3.I-2

I, Jons A. Lindquist, swear or affirm under oath, that I am the owner of the property that:

1. Contains existing structures as shown on Exhibit "A" attached;
2. Existing structures will be retained on the property following rezoning;
3. All structures will comply with the requirements of the Land Development Code, unless a deviation as been approved as part of the Planned Development.


Signature

Jons A. Lindquist

Printed Name

STATE OF Florida

COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 10-19-10 (date) by Jons Albert Lindquist (name of person providing oath or affirmation), who is personally known to me or who has produced FL DL (type of identification) as identification.


Signature of person taking oath or affirmation

Amanda Keller
Name typed, printed or stamped

Title or rank



Serial number, if any

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DCI 2010-00027

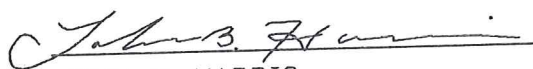
DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE AFORESAID SECTION 2; THENCE RUN S.00°56'21"E. ALONG THE EAST LINE OF SAID FRACTION OF A SECTION FOR 217.20 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (S.R. 867, 100 FEET WIDE); THENCE RUN S.62°58'00"W. ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE FOR 66.81 FEET; THENCE RUN N.00°56'21"W. FOR 246.59 FEET TO THE NORTH LINE OF THE AFORESAID FRACTION OF A SECTION; THENCE RUN N.89°03'39"E. ALONG THE NORTH LINE OF SAID FRACTION OF A SECTION FOR 60.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 13,913.642 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 2, AS BEING S.00°56'21"E.



JOHN B. HARRIS
PLS #4631
OCTOBER 21, 2010

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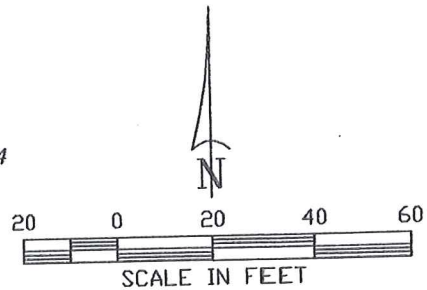
SKETCH OF LEGAL DESCRIPTION
**PART OF THE S.W. 1/4
 OF SECTION 2**

TOWNSHIP 46 SOUTH, RANGE 23 EAST
 LEE COUNTY, FLORIDA

N. 89°03'39"E.

60.00'

POINT OF BEGINNING
 N.E. CORNER S1/2 SE1/4 S.W. 1/4
 SECTION 2-46-23
 STATE PLANE COORDINATES
 FLORIDA WEST ZONE
 N=785839.03
 E=664076.08



DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE AFORESAID SECTION 2; THENCE RUN S.00°56'21"E. ALONG THE EAST LINE OF SAID FRACTION OF A SECTION FOR 217.20 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (S.R. 867, 100 FEET WIDE); THENCE RUN S.62°58'00"W. ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE FOR 66.81 FEET; THENCE RUN N.00°56'21"W. FOR 246.59 FEET TO THE NORTH LINE OF THE AFORESAID FRACTION OF A SECTION; THENCE RUN N.89°03'39"E. ALONG THE NORTH LINE OF SAID FRACTION OF A SECTION FOR 60.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 13,913.642 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 2, AS BEING S.00°56'21"E.

STATE PLANE COORDINATES
 FLORIDA WEST ZONE
 N=785591.50
 E=664020.12

N.00°56'21"W. 246.59'

EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 2-46-23

S.00°56'21"E. 217.20'

66.81'

S.62°58'00"W.

NORTHWESTERLY R/W LINE

50.00'

MCGREGOR BOULEVARD / S.R. 867
 (100' R/W)

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John B. Harris

OCTOBER 21, 2010

JOHN B. HARRIS, PSM
 FLORIDA LAND SURVEYOR #4631

HARRIS-JORGENSEN, INC.
 2706 S.E. SANTA BARBARA PLACE
 CAPE CORAL, FLORIDA
 PHONE: (239) 772-9939
 FAX: (239) 772-1315

REVISED:	DESCRIPTION:	BY:

DATE OF LAST FIELD WORK: 10/13/10

DRAWN:	CHECK:	SCALE	PROJ. #
FBH	JBH	1"=40'	16980MB
SKETCH DATE:	FILE NO.	SHT. - 1	
10/21/10	46-23-2	OF - 1	

FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921

OCI 2010-00027



Area Location Map EXHIBIT PH-3.F / D-7-B

Gulf Seafood CPD

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Date: 10-19-10

Map Number:
1159-01-PH3F-D7B

Project Number:
1159-01



Gulf Seafood CPD
Mr. Jons Lindquist

16980 McGregor Blvd
Fort Myers, FL 33908

400 200 0 400
Feet

Source: Lee County Property Appraiser Office.

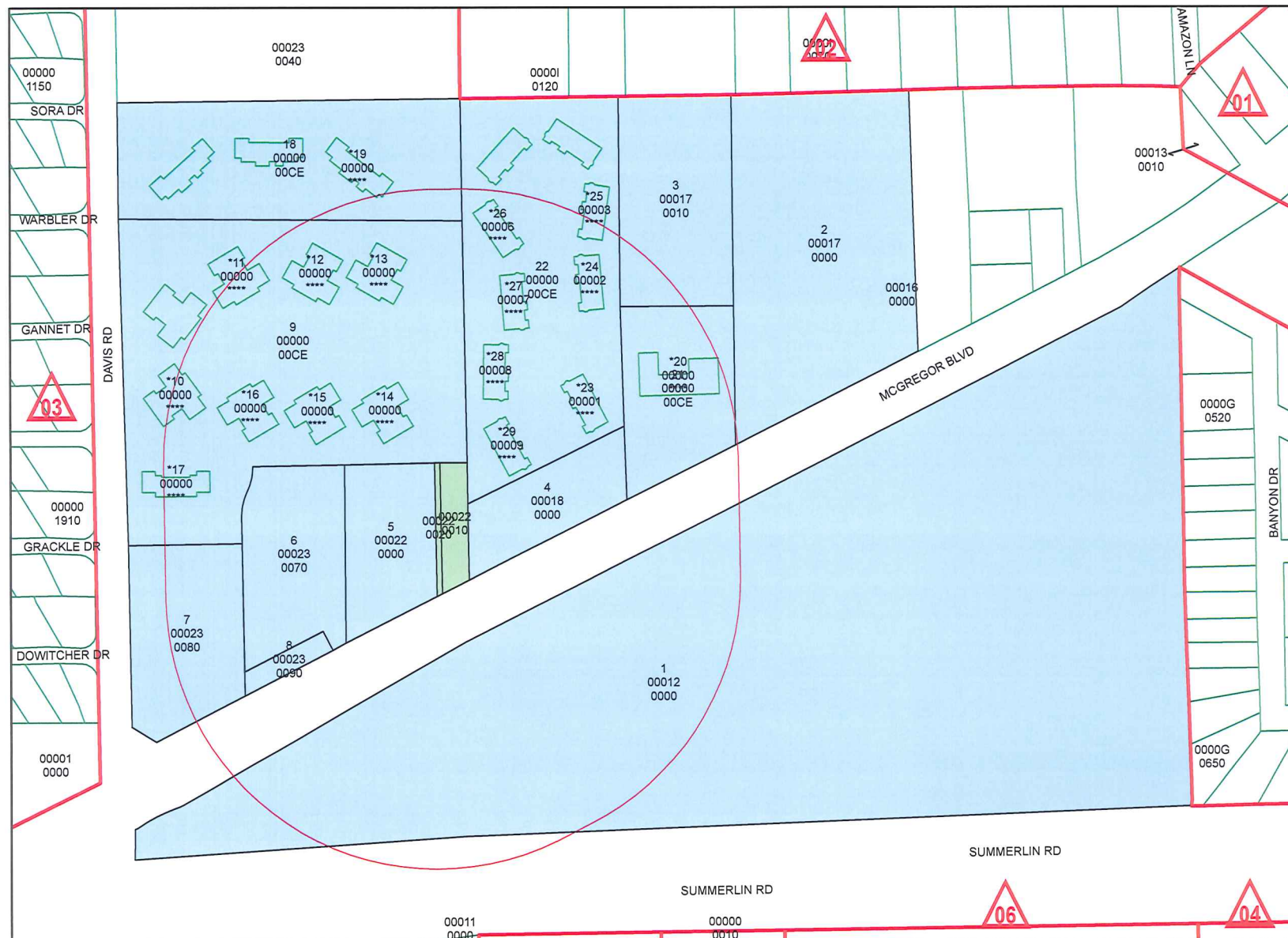
It is the end user's responsibility to verify the data contained herein. EnSite assumes no responsibility for errors or omissions contained herein.

DCI 2010-00027

VARIANCE REPORT

10/14/2010

Subject Parcels : 2 Affected Parcels : 141 Buffer Distance : 500 ft



02-46-23-00-00022.0010 et al.

310 155 0 310 Feet

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OCT 29 2010

DOI 2010-00027



Lee County Property, Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: October 14, 2010
Buffer Distance: 500 ft
Parcels Affected: 141
Subject Parcel: 02-46-23-00-00022.0010, 02-46-23-00-00022.0020

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
TANGER PROPERTIES LP STANLEY K TANGER PO BOX 10889 GREENSBORO NC 27404	02-46-23-00-00012.0000 20350 SUMMERLIN RD FORT MYERS FL 33908	PARL IN NW 1/4 OF SEC 11 + SE + SW 1/4 OF SEC 02 DESC OR 2314 PG 0394	1
SOUTHWEST FLORIDA BAPTIST 16940 MCGREGOR BLVD FORT MYERS FL 33908	02-46-23-00-00017.0000 16940 MCGREGOR BLVD FORT MYERS FL 33908	PARL IN S W 1/4 OF S E 1/4 SEC 2 TWP 46 R 23 DESC IN OR 903 PG 100	2
SOUTHWEST FLORIDA BAPTIST 16940 MCGREGOR BLVD FORT MYERS FL 33908	02-46-23-00-00017.0010 16960 MCGREGOR BLVD FORT MYERS FL 33908	PARL IN SW 1/4 OF SE 1/4 N OF MCGREGOR BLVD DESC IN OR1706/3993 LES OR1821/423	3
VELOCITY COMMERCIAL CAPITAL 30699 RUSSELL RANCH RD STE 295 WESTLAKE VILLAGE CA 91362	02-46-23-00-00018.0000 16960/966 MCGREGOR BLVD FORT MYERS FL 33908	BEG INTERSEC W LI OF SE 1/4 + N LI MC GREGOR BLVD DESC OR1844/1466 LESS 19.0	4
MCGREGOR LAND ASSOC LLC DREW DRAKE 16385 RAINBOW MEADOWS CT FORT MYERS FL 33908	02-46-23-00-00022.0000 16984 MCGREGOR BLVD FORT MYERS FL 33908	PARL IN SEC 02 T 46 R 23 DESC IN OR 1258 PG 1425 LESS INST#2006-441424	5
MCGREGOR LAND ASSOC LLC DREW DRAKE 16385 RAINBOW MEADOWS CT FORT MYERS FL 33908	02-46-23-00-00023.0070 16990 MCGREGOR BLVD FORT MYERS FL 33908	PARL IN SW 1/4 DESC IN OR 1353 PG 1484 LESS OR 1632 PG 1106 TO LEE COUNTY LESS PAR 0080 + 0090	6
MCGREGOR LAND ASSOC LLC DREW DRAKE 16385 RAINBOW MEADOWS CT FORT MYERS FL 33908	02-46-23-00-00023.0080 16998 MCGREGOR BLVD FORT MYERS FL 33908	PARL IN SW 1/4 DESC IN INST#2007-19119 LESS OR 1632 PG 1106 TO LEE COUNTY + LESS 0070 + 0090	7
MCGREGOR LAND ASSOC LLC DREW DRAKE 16385 RAINBOW MEADOWS CT FORT MYERS FL 33908	02-46-23-00-00023.0090 RIGHT OF WAY FL	PARL IN SW 1/4 DESC IN INST#2007-19119 LESS OR 1632 PG 1106 TO LEE COUNTY + LESS 0070 + 0080	8
DAVIS WOODS CONDOMINIUM 9411 CYPRESS LAKE DR STE 2 FORT MYERS FL 33919	02-46-23-09-00000.00CE 16815 DAVIS RD BONITA SPRINGS FL 34135	A CONDOMINIUM AS RECORDED IN OR 1580 PG 83 COMMON ELEMENTS-POOL-TENNIS-MAN AGER'S APT #913	9
HARLOW PATRICIA PO BOX 142 SANIBEL FL 33957	02-46-23-09-00000.1110 16881 DAVIS RD #111 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 111	*10
CLAWSON CAROL A 16881 DAVIS RD #112 FORT MYERS FL 33908	02-46-23-09-00000.1120 16881 DAVIS RD #112 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 112	*10
DASCO ANDREW A + ADELINE R 1252 WILLOWAY SE NORTH CANTON OH 44720	02-46-23-09-00000.1130 16881 DAVIS RD #113 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 113	*10
BIANCO ROSEMARIE 148 ATLANTIC AVE HAWTHORNE NY 10532	02-46-23-09-00000.1140 16881 DAVIS RD #114 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 114	*10

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CALNAN KAREN JEAN 16881 DAVIS RD #115 FORT MYERS FL 33908	02-46-23-09-00000.1150 16881 DAVIS RD #115 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 115	*10
FAZIO PAUL L 51 BRIGHT ST WALTHAM MA 02453	02-46-23-09-00000.1160 16881 DAVIS RD #116 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 116	*10
DEAN MICHELLE ANN 16881 DAVIS RD #121 FORT MYERS FL 33908	02-46-23-09-00000.1210 16881 DAVIS RD #121 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 121	*10
ERGAS IRA PO BOX 100 ROCKAWAY NJ 07866	02-46-23-09-00000.1220 16881 DAVIS RD #122 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 122	*10
STODDARD PHILIP A + 115 RIVERMEAD RD PETERBOROUGH NH 03458	02-46-23-09-00000.1230 16881 DAVIS RD #123 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 123	*10
GREGG RUDOLPH R + FRIEDA E 53 GABRIELLA CIR MANCHESTER NJ 08759	02-46-23-09-00000.1240 16881 DAVIS RD #124 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 124	*10
ENTRUST FREEDOM LLC 4560 VIA ROYALE # 1 FORT MYERS FL 33919	02-46-23-09-00000.1250 16881 DAVIS RD #125 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 125	*10
RIORDAN MICHAEL J + BONNIE TR 7310 LEONARD DR DARIEN IL 60561	02-46-23-09-00000.1260 16881 DAVIS RD #126 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 126	*10
EVANS JAMES T JR 12111 CONCORD HAMB DEN RD PAINESVILLE OH 44077	02-46-23-09-00000.3110 16881 DAVIS RD #311 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 311	*11
DRAKOS NICHOLAS G 16881 DAVIS RD APT 426 FORT MYERS FL 33908	02-46-23-09-00000.3120 16881 DAVIS RD #312 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 312	*11
JASINSKI FREDERICK + JUDITH K 7 WALDEN DR MERRIMACK NH 03054	02-46-23-09-00000.3130 16881 DAVIS RD #313 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 313	*11
BILLEH FUAD I + 920 LONG RD GLENVIEW IL 60025	02-46-23-09-00000.3140 16881 DAVIS RD #314 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 314	*11
SETLIFF JONNIE 16881-315 DAVIS RD FORT MYERS FL 33908	02-46-23-09-00000.3150 16881 DAVIS RD #315 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 315	*11
GOOD JERI D + 2603 BARRETT RD ROCHESTER IN 46975	02-46-23-09-00000.3160 16881 DAVIS RD #316 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 316	*11
KOMPINSKI LYNN 16881 DAVIS RD #321 FORT MYERS FL 33908	02-46-23-09-00000.3210 16881 DAVIS RD #321 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 321	*11
MCALLISTER HARRY + SUSAN 10052 SW 117TH CT MIAMI FL 33186	02-46-23-09-00000.3220 16881 DAVIS RD #322 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 322	*11
JANNELLI CHRIS + SUSIE 342 W CHAPMAN AVE ROSEBURG OR 97470	02-46-23-09-00000.3230 16881 DAVIS RD #323 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 323	*11
KEOUGH DANIEL F TR 1026 ALLOUEZ RD MARQUETTE MI 49855	02-46-23-09-00000.3240 16881 DAVIS RD #324 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 324	*11
SMITH ROBERT E + 6165 SNOWAPLE DR CLARKSTON MI 48346	02-46-23-09-00000.3250 16881 DAVIS RD #325 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 325	*11

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TONEY JAMES H + RITA E 647 EDWARD DR CARNEGIE PA 15106	02-46-23-09-00000.3260 16881 DAVIS RD #326 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 326	*11
RIES PAUL M 16881 DAVIS RD APT 411 FORT MYERS FL 33908	02-46-23-09-00000.4110 16881 DAVIS RD #411 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 411	*12
TURNER JOSEPH M + SUSAN C J/T 44476 STATE HIGHWAY 25 N DAVENPORT WA 99122	02-46-23-09-00000.4120 16881 DAVIS RD #412 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 412	*12
CATALFU PETER J + JOAN 70 LONG BEACH LN ANGOLA NY 14006	02-46-23-09-00000.4130 16881 DAVIS RD #413 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 413	*12
JOHNSON JAMES H + FAYE C 8539 CLARA DR NILES IL 60714	02-46-23-09-00000.4140 16881 DAVIS RD #414 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 414	*12
GIBBONS JAMES M 4846 SUN CITY CENTER BLVD #130 SUN CITY CENTER FL 33573	02-46-23-09-00000.4150 16881 DAVIS RD #415 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 415	*12
MCNAMARA OWEN M + CHARLENE A 74 BELGIAN WAY FITCHBURG MA 01420	02-46-23-09-00000.4160 16881 DAVIS RD #416 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 416	*12
NICHOLAS ALICE S L/E 4120 HIGEL AVE SARASOTA FL 34242	02-46-23-09-00000.4210 16881 DAVIS RD #421 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 421	*12
BAKER ROGER A + LOIS A 62 GLENRIDGE RD EAST AURORA NY 14052	02-46-23-09-00000.4220 16881 DAVIS RD #422 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 422	*12
ANTHONY JOHN L + GERELDA J TR 842 KELLY DR WAPAKONETA OH 45895	02-46-23-09-00000.4230 16881 DAVIS RD #423 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 423	*12
CARLETTI SHIRLEY A TR PO BOX 100 COLUMBIANA OH 44408	02-46-23-09-00000.4240 16881 DAVIS RD #424 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 424	*12
CARLETTI SHIRLEY A TR PO BOX 100 COLUMBIANA OH 44408	02-46-23-09-00000.4250 16881 DAVIS RD #425 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 425	*12
DRAKOS NICHOLAS G 16881 DAVIS RD #426 FORT MYERS FL 33908	02-46-23-09-00000.4260 16881 DAVIS RD #426 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 426	*12
RYDER BRENDA J 1679 GERSHWIN AVENUE N OAKDALE MN 55128	02-46-23-09-00000.5110 16881 DAVIS RD #511 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 511	*13
ARNOLD SAM W JR + JOHNNIE C 205 QUEENSWAY DR CYNTHIANA KY 41031	02-46-23-09-00000.5120 16881 DAVIS RD #512 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 512	*13
CHAPLIN JOHN R 11 MCGREGOR AVE MOUNT ARLINGTON NJ 07856	02-46-23-09-00000.5130 16881 DAVIS RD #513 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 513	*13
KRESMERY LOUIS G + JANE M 5 PLEASANT TRL KILLINGWORTH CT 06419	02-46-23-09-00000.5140 16881 DAVIS RD #514 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 514	*13
FOLEY DENNIS G + PO BOX 213 MIDDLE ISLAND NY 11953	02-46-23-09-00000.5150 16881 DAVIS RD #515 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 515	*13
BREDAHL ROY E + LILA M 4138 OAKBROOKE TRL EAGAN MN 55122	02-46-23-09-00000.5160 16881 DAVIS RD #516 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 516	*13

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GIBSON DAVID W + DEBORAH R 16600 ARBOR RIDGE DR FORT MYERS FL 33908	02-46-23-09-00000.5210 16881 DAVIS RD #521 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 521	*13
PAINTER MILDRED M TR 2815 E PERKINS AVE SANDUSKY OH 44870	02-46-23-09-00000.5220 16881 DAVIS RD #522 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 LPG 83 UNIT 522	*13
VENTRICE DONALD J 5 SCORALICK LN VALHALLA NY 10595	02-46-23-09-00000.5230 16881 DAVIS RD #523 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 523	*13
MOGILSKI STANLEY 16881 DAVIS RD #524 FORT MYERS FL 33908	02-46-23-09-00000.5240 16881 DAVIS RD #524 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 524	*13
MENDONCA RICHARD + GIESELA R 139 FIELDWOOD AVE SEEKONK MA 02771	02-46-23-09-00000.5250 16881 DAVIS RD #525 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 525	*13
CANBY DONALD S + DEE ANN L/E 925 KATYS LN WILMINGTON OH 45177	02-46-23-09-00000.5260 16881 DAVIS RD #526 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 526	*13
KALMBACH FEEDS INC 7148 STATE HWY 199 UPPER SANDUSKY OH 43351	02-46-23-09-00000.6110 16881 DAVIS RD #611 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 611	*14
DEAN MICHELLE ANN 2840 VAN WORMER RD SAGINAW MI 48609	02-46-23-09-00000.6120 16881 DAVIS RD #612 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 612	*14
REILLY ADRIENNE LESLIE 338 BROOKSTONE RD COLUMBUS NC 28722	02-46-23-09-00000.6130 16881 DAVIS RD #613 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 613	*14
KALMBACH RUTH E TR 20127 SR 37 MT BLANCHARD OH 45867	02-46-23-09-00000.6140 16881 DAVIS RD #614 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 614	*14
KALMBACH RUTH E TR 20127 SR 37 MT BLANCHARD OH 45867	02-46-23-09-00000.6150 16881 DAVIS RD #615 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 615	*14
BROESCH DONALD M + LYNN A W165N11061 KINGS CT GERMANTOWN WI 53022	02-46-23-09-00000.6160 16881 DAVIS RD #616 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 616	*14
CARLQUIST SHARON K 4180 ABINGTON WOODS CIR VERO BEACH FL 32967	02-46-23-09-00000.6210 16881 DAVIS RD #621 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 621	*14
STONE DEBRA L 249 PALM LAKE DR SANIBEL FL 33957	02-46-23-09-00000.6220 16881 DAVIS RD #622 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 622	*14
VOWELL ANN K TR + 861 HIGHVIEW AV GLEN ELLYN IL 60137	02-46-23-09-00000.6230 16881 DAVIS RD #623 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 623	*14
GARRISON RONALD + NANCY 1122 CHILLEN DR BATAVIA IL 60510	02-46-23-09-00000.6240 16881 DAVIS RD #624 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 624	*14
SCHLITT JOHN + MAGDA + 2280 CHARING CROSS RD BALDWIN NY 11510	02-46-23-09-00000.6250 16881 DAVIS RD #625 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 625	*14
BEILER CARL 5223 ZION RD CLEVES OH 45002	02-46-23-09-00000.6260 16881 DAVIS RD #626 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 626	*14
GIBSON CYNTHIA H TR 14548 AERIES WAY DR FORT MYERS FL 33912	02-46-23-09-00000.7110 16881 DAVIS RD #711 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 711	*15

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RORER JOE + LONA 483 HANDYMAN LN CYNTHIANA KY 41031	02-46-23-09-00000.7120 16881 DAVIS RD #712 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 712	*15
CHAPLIN DOREEN + 115 MCGREGOR AVE MT ARLINGTON NJ 07856	02-46-23-09-00000.7130 16881 DAVIS RD #713 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 713	*15
LEONE DIANA J TR 474 GARDEN RIDGE CT BOARDMAN OH 44512	02-46-23-09-00000.7140 16881 DAVIS RD #714 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 714	*15
SCHEFFERS STEVEN + 11309 BARR RD ST PEOTONE IL 60468	02-46-23-09-00000.7150 16881 DAVIS RD #715 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 715	*15
KLEMAN ABBY LEE STATH 12601 MASTIQUE BCH BLVD #1901 FORT MYERS FL 33908	02-46-23-09-00000.7160 16881 DAVIS RD #716 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 716	*15
DALEY ROBERT J + 153 NORTHWOOD DR DEPEW NY 14043	02-46-23-09-00000.7210 16881 DAVIS RD #721 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 721	*15
BROWN RHONDA S 110 STONE COVE DR PARIS KY 40361	02-46-23-09-00000.7220 16881 DAVIS RD #722 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 722	*15
COCKRELL CLYDE M + 1715 US HIGHWAY 27 S CYNTHIANA KY 41031	02-46-23-09-00000.7230 16881 DAVIS RD #723 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 723	*15
HEBERLEIN CHARLES E + EMMA 12 SPRINGBROOK SHORES DR ELMA NY 14059	02-46-23-09-00000.7240 16881 DAVIS RD #724 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 724	*15
BAER DENNIS L + JEAN M 1418 SAND CASTLE RD SANIBEL FL 33957	02-46-23-09-00000.7250 16881 DAVIS RD #725 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 725	*15
JOHANNESSEN JOHN E TR 8432 ARBOR CT FORT MYERS FL 33908	02-46-23-09-00000.7260 16881 DAVIS RD #726 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 726	*15
FODOR ROBERT + 1417 JAMAICA DR SANIBEL FL 33957	02-46-23-09-00000.8110 16881 DAVIS RD #811 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 811	*16
BRAUN KENNETH 3874 S PARK AVE BLASDELL NY 14219	02-46-23-09-00000.8120 16881 DAVIS RD #812 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 812	*16
VASIL JOHN F + DOLORES R PO BOX 721 WEST BROOKFIELD MA 01585	02-46-23-09-00000.8130 16881 DAVIS RD #813 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 813	*16
KLEMAN ABBY LEE STATH 12601 MASTIQUE BCH BLVD #1901 FORT MYERS FL 33908	02-46-23-09-00000.8140 16881 DAVIS RD #814 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 814	*16
SPIRITO JOSEPH F + HELENE 16881 DAVIS RD #815 FORT MYERS FL 33908	02-46-23-09-00000.8150 16881 DAVIS RD #815 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 815	*16
SEIPPEL STEVE H + SALLY M 16881 DAVIS RD #816 FORT MYERS FL 33908	02-46-23-09-00000.8160 16881 DAVIS RD #816 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 816	*16
MAZZONE MARK I + MURIEL L PO BOX 555 SHASTA CA 96087	02-46-23-09-00000.8210 16881 DAVIS RD #821 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 821	*16
SANTACROCE JAMES + BEVERLY A 16881 DAVIS RD #822 FORT MYERS FL 33908	02-46-23-09-00000.8220 16881 DAVIS RD #822 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 822	*16

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BANDIERO JOANNE PER REP 6115 BAYSIDE DR NEW PORT RICHEY FL 34652	02-46-23-09-00000.8230 16881 DAVIS RD #823 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 823	*16
BOYLE JOHN C 16881 DAVIS RD APT 824 FORT MYERS FL 33908	02-46-23-09-00000.8240 16881 DAVIS RD #824 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 824	*16
SOUSA RICHARD G + JANICE L 39 PHYLLIS RD RAYNHAM MA 02767	02-46-23-09-00000.8250 16881 DAVIS RD #825 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 825	*16
FARMER DANNY + 145 WINDY RIDGE CT MINERAL BLUFF GA 30559	02-46-23-09-00000.8260 16881 DAVIS RD #826 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 826	*16
SAMYN DANIEL C + LORETTA TR 425 MAXWELL ST LAKE GENEVA WI 53147	02-46-23-09-00000.9110 16881 DAVIS RD #911 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 911	*17
SIMON MICHAEL L + COLLEEN O 2945 113TH ST TOLEDO OH 43611	02-46-23-09-00000.9120 16881 DAVIS RD #912 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 912	*17
CAPPALLI RICHARD A + REGINA TR 23436 VALDERAMA LN SORRENTO FL 32776	02-46-23-09-00000.9140 16881 DAVIS RD #914 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 914	*17
BRAUN CALVIN 3919 S PARK AVE BLASDELL NY 14219	02-46-23-09-00000.9150 16881 DAVIS RD #915 FORT MYERS FL 33908	DAVIS WOODS CONDO OR 1580 PG 83 UNIT 915	*17
DAVIS COURT CONDO MARQUIS MANAGEMENT 12661 NEW BRITTANY BLVD FORT MYERS FL 33907	02-46-23-18-00000.00CE 16813 DAVIS RD FORT MYERS FL 33908	A CONDOMINIUM LOCATED IN SEC 02 TWP 46 RGE 23 AS DESC IN OR 1780 PG 3526 COMMON ELEMENT	18
TALIAFERRO RIXINE N 326 CYPRESS ST SALEM VA 24153	02-46-23-18-00000.3110 16813 DAVIS RD #311 FORT MYERS FL 33908	DAVIS COURT CONDO OR 1780 PG 3526 UNIT 311	*19
JACKSON RANDY C + 3011 DORAL DR GODFREY IL 62035	02-46-23-18-00000.3120 16813 DAVIS RD #312 FORT MYERS FL 33908	DAVIS COURT CONDO OR 1780 PG 3526 UNIT 312	*19
FOARILE JOSEPH + ANN + 14 E CHESTER ST VALLEY STREAM NY 11580	02-46-23-18-00000.3130 16813 DAVIS RD #313 FORT MYERS FL 33908	DAVIS COURT CONDO OR 1780 PG 3526 UNIT 313	*19
LEONZO ROBERT R + ANDREA M 36 JARDIN DR EAST HAVEN CT 06513	02-46-23-18-00000.3140 16813 DAVIS RD #314 FORT MYERS FL 33908	DAVIS COURT CONDO OR 1780 PG 3526 UNIT 314	*19
GROSS ARTUR B JR TR + PO BOX 308 CUBA MO 65453	02-46-23-18-00000.3150 16813 DAVIS RD #315 FORT MYERS FL 33908	DAVIS COURT CONDO OR 1780 PG 3526 UNIT 315	*19
MORAVUS CHARLES + LANA 110 VALLEY VIEW RD OTISVILLE NY 10963	02-46-23-18-00000.3210 16813 DAVIS RD #321 FORT MYERS FL 33908	DAVIS COURT CONDO OR 1780 PG 3526 UNIT 321	*19
CAROLAN MARY SUSAN TR 10 WEYBOSSET ST PROVIDENCE RI 02903	02-46-23-18-00000.3220 16813 DAVIS RD #322 FORT MYERS FL 33908	DAVIS COURT CONDO OR 1780 PG 3526 UNIT 322	*19
LANIER LOWELL + W FAYE 1795 FLORINE BLVD SAINT CHARLES MO 63303	02-46-23-18-00000.3230 16813 DAVIS RD #323 FORT MYERS FL 33908	DAVIS COURT CONDO OR 1780 PG 3526 UNIT 323	*19
BLASER RAYMOND P 126-10 9TH AV COLLEGE POINT NY 11356	02-46-23-18-00000.3240 16813 DAVIS RD #324 FORT MYERS FL 33908	DAVIS COURT CONDO OR 1780 PG 3526 UNIT 324	*19
FAY ROBERT A + GLORIA 1/2 + 12 CANAPITSIT DR EAST FALMOUTH MA 02536	02-46-23-18-00000.3250 16813 DAVIS RD #325 FORT MYERS FL 33908	DAVIS COURT CONDO OR 1780 PG 3526 UNIT 325	*19

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SWFBC ENTERPRISES INC 16940 MCGREGOR BLVD FORT MYERS FL 33908	02-46-23-19-00000.00A0 16956 MCGREGOR BLVD #1 FORT MYERS FL 33908	PINES PLAZA OFFICE CONDO OR 1821 PG 423 UNIT A	*20
SWFBC ENTERPRISES INC 16940 MCGREGOR BLVD FORT MYERS FL 33908	02-46-23-19-00000.00B0 16956 MCGREGOR BLVD #2 FORT MYERS FL 33908	PINES PLAZA OFFICE CONDO OR 1821 PG 423 UNIT B	*20
SWFBC ENTERPRISES INC 16940 MCGREGOR BLVD FORT MYERS FL 33908	02-46-23-19-00000.00C0 16956 MCGREGOR BLVD #3 FORT MYERS FL 33908	PINES PLAZA OFFICE CONDO OR 1821 PG 423 UNIT C	*20
PINES PLAZA OFFICE CONDO 16956 MC GREGOR BLVD FORT MYERS FL 33908	02-46-23-19-00000.00CE COMMON ELEMENT FORT MYERS FL 33908	A CONDOMINIUM LOCATED IN SEC 02 TWP 46 RGE 23 AS DESC IN OR 1821 PG 423 COMMON ELEMENT	21
SWFBC ENTERPRISES INC 16940 MCGREGOR BLVD FORT MYERS FL 33908	02-46-23-19-00000.00D0 16956 MCGREGOR BLVD #4 FORT MYERS FL 33908	PINES PLAZA OFFICE CONDO OR 1821 PG 423 UNIT D	*20
SWFBC ENTERPRISES INC 16940 MCGREGOR BLVD FORT MYERS FL 33908	02-46-23-19-00000.00E0 16956 MCGREGOR BLVD #5 FORT MYERS FL 33908	PINES PLAZA OFFICE CONDO OR 1821 PG 423 UNIT E	*20
SWFBC ENTERPRISES INC 16940 MCGREGOR BLVD FORT MYERS FL 33908	02-46-23-19-00000.00F0 16956 MCGREGOR BLVD #6 FORT MYERS FL 33908	PINES PLAZA OFFICE CONDO OR 1821 PG 423 UNIT F	*20
SWFBC ENTERPRISES INC 16940 MCGREGOR BLVD FORT MYERS FL 33908	02-46-23-19-00000.00G0 16956 MCGREGOR BLVD #7 FORT MYERS FL 33908	PINES PLAZA OFFICE CONDO OR 1821 PG 423 UNIT G	*20
SWFBC ENTERPRISES INC 16940 MCGREGOR BLVD FORT MYERS FL 33908	02-46-23-19-00000.00H0 16956 MCGREGOR BLVD #8 FORT MYERS FL 33908	PINES PLAZA OFFICE CONDO OR 1821 PG 423 UNIT H	*20
CRUZ ADRIANA Y + RAFAEL A 1666 N FLOSSMOOR RD FORT MYERS FL 33919	02-46-23-19-00000.00I0 16956 MCGREGOR BLVD #9 FORT MYERS FL 33908	PINES PLAZA OFFICE CONDO OR 1821 PG 0423 UNIT I	*20
CURTIS RALPH C TR PO BOX 349 SANIBEL FL 33957	02-46-23-19-00000.0J00 16956 MCGREGOR BLVD #10 FORT MYERS FL 33908	PINES PLAZA OFFICE CONDO OR 1821 PG 423 UNIT J	*20
SANIBEL SUNSET VILLAS CONDO P+M PROPERTY MGMT 14360 S TAMIAHI TRL STE B FORT MYERS FL 33912	02-46-23-21-00000.00CE COMMON ELEMENTS FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR 2772 PG 914 COMMON ELEMENTS	22
COLE KEITH A + YEONSOON L 6846 CORDER LN LORTON VA 22079	02-46-23-21-00001.1010 16841 SANIBEL SUNSET CT #101 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR BK 2772 PG 914 PH I BLDG 1 UNIT 101	*23
DEMINIE AMANDA 16841 SANIBEL SUNSET CT #102 FORT MYERS FL 33908	02-46-23-21-00001.1020 16841 SANIBEL SUNSET CT #102 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR BK 2772 PG 914 PH I BLDG 1 UNIT 102	*23
LYALL KEITH + 1511 MARLOWE AVE LAKEWOOD OH 44107	02-46-23-21-00001.1030 16841 SANIBEL SUNSET CT #103 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR BK 2772 PG 914 PH I BLDG 1 UNIT 103	*23
MCALLISTER RICHARD L + 554 JORDAN CIR COLGATE WI 53017	02-46-23-21-00002.2010 16821 SANIBEL SUNSET CT #201 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR BK 2772 PG 914 PH I BLDG 2 UNIT 201	*24
JONES JAMES A + JOYCE A 1624 JUSTIN ST JASPER IN 47546	02-46-23-21-00002.2020 16821 SANIBEL SUNSET CT #202 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR BK 2772 PG 914 PH I BLDG 2 UNIT 202	*24
BENNETT CARLYLE + LAURIANNE E 16821 SANIBEL SUNSET CT #203 FORT MYERS FL 33908	02-46-23-21-00002.2030 16821 SANIBEL SUNSET CT #203 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR BK 2772 PG 914 PH I BLDG 2 UNIT 203	*24
NOLETTE MARY A + MICHAEL R W/H 63 MORRISON DR LONDONDERRY NH 03053	02-46-23-21-00003.0301 16811 SANIBEL SUNSET CT #301 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR 3772 PG 914 PH II BLDG 3 UNIT 301	*25

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
MCMAHON EDWARD G + 48 SANDIA HAVEN DR CEDAR CREST NM 87008	02-46-23-21-00003.0302 16811 SANIBEL SUNSET CT #302 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR 3772 PG 914 PH II BLDG 3 UNIT 302	*25
MEINERT RICHARD E + DONNA J TR 1836 MICHIGAN BLVD RACINE WI 53402	02-46-23-21-00003.0303 16811 SANIBEL SUNSET CT #303 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR 3772 PG 914 PH II BLDG 3 UNIT 303	*25
RITCHIE MARY G 16810 SANIBEL SUNSET CT #601 FORT MYERS FL 33908	02-46-23-21-00006.0601 16810 SANIBEL SUNSET CT #601 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR 3772 PG 914 PH II BLDG 6 UNIT 601	*26
MATUSZAK JAMES F + MARCELLA 16810 SANIBEL SUNSET CT #602 FORT MYERS FL 33908	02-46-23-21-00006.0602 16810 SANIBEL SUNSET CT #602 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR 3772 PG 914 PH II BLDG 6 UNIT 602	*26
BEACHVIEW GOLF CLUB EST INC 1100 PAR VIEW DR SANIBEL FL 33957	02-46-23-21-00006.0603 16810 SANIBEL SUNSET CT #603 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR 3772 PG 914 PH II BLDG 6 UNIT 603	*26
GROSS ARTHUR B TR + PO BOX 308 CUBA MO 65453	02-46-23-21-00007.7010 16820 SANIBEL SUNSET CT #701 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR BK 2772 PG 914 PH I BLDG 7 UNIT 701	*27
COUTURE JAMES + CAROLE 16820 SANIBEL SUNSET CT #702 FORT MYERS FL 33908	02-46-23-21-00007.7020 16820 SANIBEL SUNSET CT #702 FORT MYERS FL 33908	SANIBEL SUNSET VISTAS CONDO DESC OR BK 2772 PG 914 PH I BLDG 7 UNIT 702	*27
VALIQUETTE MICHAEL + 1206 BAY DR SANIBEL FL 33957	02-46-23-21-00007.7030 16820 SANIBEL SUNSET CT #703 FORT MYERS FL 33908	SANIBEL SUNSET VISTAS CONDO DESC OR BK 2772 PG 914 PH I BLDG 7 UNIT 703	*27
KILGORE COLON W + NOLA M 16830 SANIBEL SUNSET CT #801 FORT MYERS FL 33908	02-46-23-21-00008.0801 16830 SANIBEL SUNSET CT #801 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR 3772 PG 914 PH I BLDG 8 UNIT 801	*28
SLIWINSKI KRISTINA M 16830 SANIBEL SUNSET CT #802 FORT MYERS FL 33908	02-46-23-21-00008.0802 16830 SANIBEL SUNSET CT #802 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR 3772 PG 914 PH I BLDG 8 UNIT 802	*28
CARVALHO JAMES P + JANET 18 TRACYS PATH MARSHFIELD MA 02050	02-46-23-21-00008.0803 16830 SANIBEL SUNSET CT #803 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR 3772 PG 914 PH I BLDG 8 UNIT 803	*28
FELLMAN LAURENCE S PER REP 16840 SANIBEL SUNSET CT #901 FORT MYERS FL 33908	02-46-23-21-00009.0901 16840 SANIBEL SUNSET CT #901 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR 3772 PG 914 PH I BLDG 9 UNIT 901	*29
CORNELIUS JOSEPH 5502 EMERALD RIDGE BLVD LAKELAND FL 33813	02-46-23-21-00009.0902 16840 SANIBEL SUNSET CT #902 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR 3772 PG 914 PH I BLDG 9 UNIT 902	*29
DEPAOLI MICHAEL E 320 N 6TH AVE APT M-1 ROYERSFORD PA 19468	02-46-23-21-00009.0903 16840 SANIBEL SUNSET CT #903 FORT MYERS FL 33908	SANIBEL SUNSET VILLAS CONDO DESC OR 3772 PG 914 PH I BLDG 9 UNIT 903	*29

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