GIS Tracking Sheet

Case No.: DCI 2016-00013

Intake Date:

Project Name: O'SULLIAN CPD

STRAP Number(s):

Planner Name: Ext.

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: INTAKE:

LEGAL SUFFICIENT ☐ YES ☐ NO Initials:

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date:

☐ Hearing Examiner Decision ☐ Board of County Commissioner's Resolution

☐ Administrative Approval ☐ Blue Sheet

Zoning Notes:

8/29/16

MAP UPDATED ☒YES ☐NO Initials: JJ

If not, give brief explanation: ZONE: CPD; SD SIS

GIS Tracking Sheet

Case No.: DCI2010-00013

Intake Date: June 25, 2010

Project Name: O'Sullivan CPD

STRAP Number(s): 28-44-26-05-00055.0010, 28-44-26-05-00055.0020, and 28-44-26-05-00055.0030

Planner Name: Ext.

LEGAL DESCRIPTION VERIFICATION and **INITIAL GIS MAPPING**

Date: INTAKE: DC110013

LEGAL SUFFICIENT 11/24/10 ☒YES ☐NO Initials: cl

If not, give brief explanation:

Need Meter & Bounds
" Symbols
Survey Tied to S.D.
" " " ATTACHED

APPROVED.

Not MAPPED ON Survey

MAP UPDATE following **FINAL ACTION**

Date:

☐ Hearing Examiner Decision ☐ Board of County Commissioner's Resolution

☐ Administrative Approval ☐ Blue Sheet

Zoning Notes:

MAP UPDATED ☐YES ☐NO Initials:

If not, give brief explanation:

S:\WRITERS\Murphyge\gistracking.wpd

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 26, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 55, UNIT 5, SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEHIGH ACRES, PLAT BOOK 15, PAGE 78, LEE COUNTY PUBLIC RECORDS; THENCE N4°46'35"W FOR 272.98 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 55 AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LINE OF 5TH STREET W; THENCE N89°23'44"E ALONG THE NORTH LINE OF LOT 3 AND ALONG THE SOUTH RIGHT-OF WAY LINE OF 5TH STREET W FOR 131.86 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF GUNNERY ROAD AND THE NORTHEAST CORNER OF SAID LOT 3, BLOCK 55; THENCE S4°45'31"E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID GUNNERY ROAD FOR 218.88 FEET; THENCE S38°36'03"W FOR 64.39 FEET; THENCE S85°33'02"W FOR 59.98 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LEE BOULEVARD; THENCE S89°23'44"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF LEE BOULEVARD FOR 27.36 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.79 ACRES MORE OR LESS.

BEARINGS BASED ON THE NORTH RIGHT-OF-WAY LINE OF LEE BOULEVARD BEING S89°23'44"W (PLAT BEARING).

1-11-11

STATE OF FLORIDA
Professional Surveyor & Mapper

DCI 2010-00013

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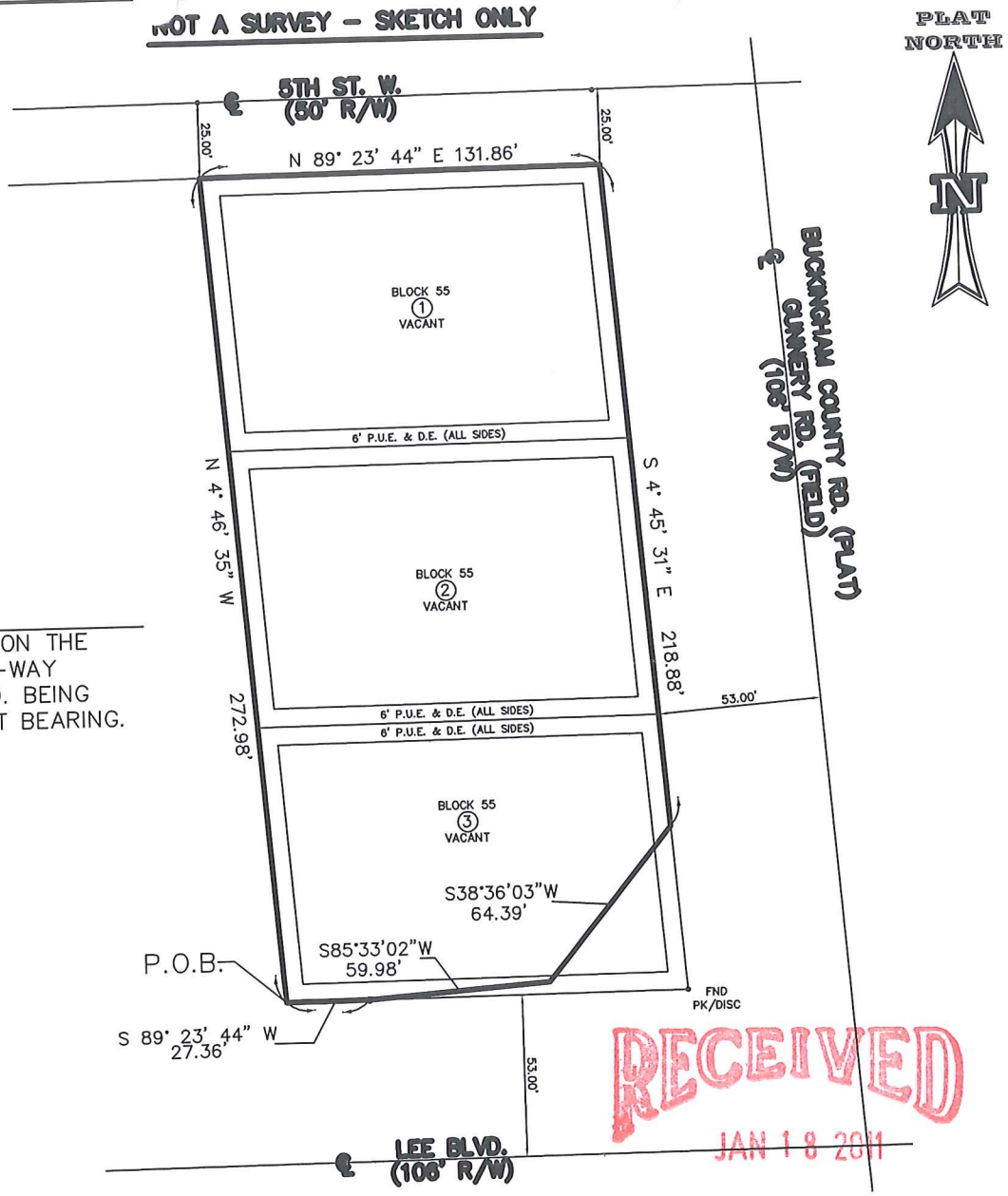
JAN 18 2011
COMMUNITY DEVELOPMENT

APPROVED
LEGAL
BG 1/24/11

NOT A SURVEY – SKETCH ONLY



NOTE:
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RECEIVED
JAN 18 2011
COMMUNITY DEVELOPMENT

405/407/409 GUNNERY RD. N
LOTS 1-2-3, BLOCK 55, UNIT 5
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 15, PAGE 78, OF THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

DCI 2010-00013

LEHIGH SURVEYING, INC.
LB7462
715 GREENWOOD AVENUE
LEHIGH ACRES, FLORIDA 33972
239-368-7400 239-368-7685 (FAX)

APPROVED LEGAL
1/24/11

1-7-10

CHRISTOPHER B. STILL
REGISTERED LAND SURVEYOR NO. 5941

SHEET 1 OF 2
SCALE: 1" = 60'
FILE NO. 06162-5

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ELEVATIONS SHOWN ARE BASED ON DATA FROM THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, UNLESS OTHERWISE NOTED.

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TITLE OPINION WAS FURNISHED BY GEORGE CONSOER DATED JANUARY 6, 2011.

LEGEND:

A	– ARC LENGTH
A/C	– AIR CONDITIONER
Ⓒ	– CABLE TV
(C)	– CALCULATED
CB	– CHORD BEARING
CE	– COVERED ENTRY
CH	– CHORD DISTANCE
C.M.	– CONC. MONUMENT
COR.	– CORNER
(D)	– DEED
B.O.B.	– BASIS OF BEARINGS
D.E.	– DRAINAGE EASEMENT
D.H.	– DRILL HOLE
EL.	– ELEVATION
ENC.	– ENCROACHMENT
E.O.P.	– EDGE OF PAVEMENT
FND.	– FOUND
I.R.	– IRON ROD
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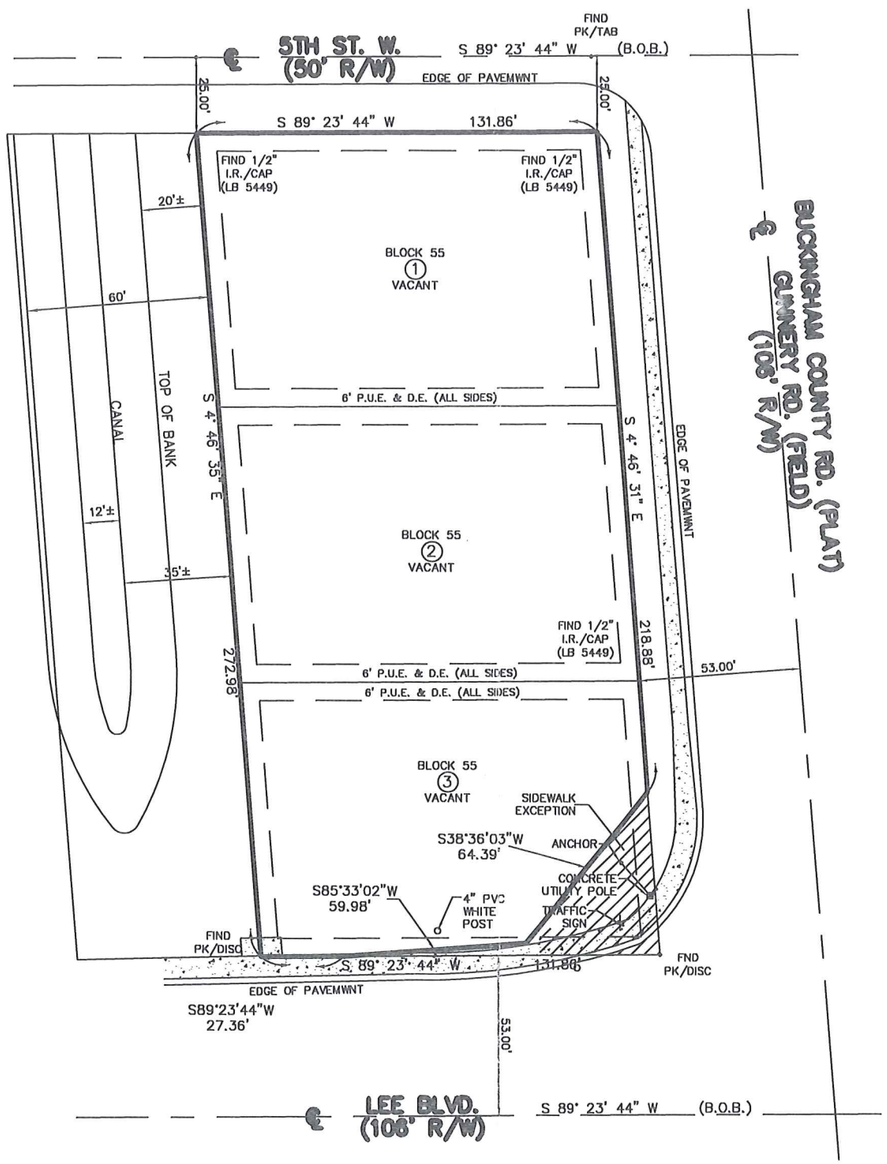
P.T.	– POINT OF TANGENCY
P.U.E.	– PUBLIC UTILITY EASEMENT
R	– RADIUS
(R)	– RADIAL
RNG.	– RANGE
R/W	– RIGHT OF WAY
SEC.	– SECTION
SET I.R.	– SET 1/2" IRON ROD LB7462
S.E.	– SCREEN ENCLOSURE
S.T.	– SEPTIC TANK
Ⓣ	– TELEPHONE BOX
TWP.	– TOWNSHIP
(PR)	– PRORATED
T.B.M.	– TEMPORARY BENCHMARK
U.P.	– UTILITY PEDESTAL
Ⓦ	– WATER METER
Δ	– DELTA ANGLE
	– POWER POLE
	– FIRE HYDRANT
	– TEMPORARY BENCHMARK
℄	– CENTERLINE
	– WIRE FENCE
	– WOOD FENCE
	– OVERHEAD WIRES
	– CONCRETE PAD
100X00	– EXISTING ELEVATION
(XX)	– LOT NUMBER



RECEIVED
JAN 18 2011
COMMUNITY DEVELOPMENT
Applicant's Survey Checked
By BG 1/24/11

DCI 2010-00013

FIELD SURVEY:	11-2-10
CREW CHIEF:	C. CORDISCO
DRAWN BY:	J. KNORR
SCALE:	1" = 50'
SHEET:	1 OF 1
JOB NO:	06162-5
FIELD BOOK: XX	PAGE: XX

LEHIGH SURVEYING, INC.
LB7462
1130-E LEE BOULEVARD
LEHIGH ACRES, FLORIDA 33936
239-368-7400 239-368-7685 (FAX)

11-8-10

CHRISTOPHER B. STILL
REGISTERED LAND SURVEYOR NO. 5941

PLATTED DATE: AUGUST 1958	COMMUNITY PANEL NUMBER: 125124 0375 B	DATE OF MAP: NOT PRINTED	FLOOD ZONE: B	ELEVATION: N/A

PLAT NORTH

BOUNDARY SURVEY
405/407/409 GUNNERY RD. N
LOTS 1-2-3, BLOCK 55, UNIT 5
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 15, PAGE 78, OF THE
OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

CERTIFIED TO:
CORNELIUS P. O'SULLIVAN AND ESTELLE O'SULLIVAN
TRUSTEES OF THE CORNELIUS P. O'SULIVAN LIVING TRUST
KNOTT, CONSOER, EBELINI, HART & SWETT, P.A.
ATTORNEYS' TITLE INSURANCE SERVICES, LLC

NOT VALID UNLESS SIGNED AND RAISED SEAL

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Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS · AT · LAW

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

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

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
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MRoeder@knott-law.com

Natly Torres-Alvarado
David A. Burt
David L. Ciccarello
Madeline Ebelini

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

LEE COUNTY
HEARING EXAMINER
2011 APR 19 AM 9:39

MEMO

TO: Lee County Hearing Examiner
via hand delivery

FROM: Mike Roeder

RE: 24 Hour Notice for DCI2010-00013 (Cornelius O'Sullivan)

DATE: April 18, 2011

1. The only issue with the staff report is that we disagree with Condition A.2.a., Schedule of Uses, where the staff recommends denial of the Convenience Food and Beverage Store in Plan 4. We would also disagree with the recommendation of denial on the related Deviation #2.

2. We would also note for the record that Condition A.2.b. requires a minimum of 20% open space, while Condition A.3 a. requires a minimum of 40% open space. We can agree to 40%.

cc: Nettie Richardson
County Attorney
Matthew D. Uhle, Esquire

RESOLUTION NUMBER Z-11-006

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

WHEREAS, the property owner, Cornelius P. O'Sullivan, filed an application to rezone a 0.79± acre parcel from Residential Single-Family RS-1 to Commercial Planned Development (CPD) in reference to O'Sullivan CPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Richard A. Gescheidt, was advertised and held on April 20, 2011. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to his Office on or before April 29, 2011; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2010-00013 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on June 20, 2011 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners 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 a 0.79± acre parcel from RS-1 to CPD, to allow up to 7,500 square feet of commercial uses with a maximum building height of 35 feet.

The property is located in the Central Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviation 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. Development of this project must be substantially consistent with the one-page Master Concept Plan (MCP) entitled "O'Sullivan CPD," prepared by Gary F. Muller, AICP., dated 06/11, last revised 06/11 and date-stamped "Received JUL 05 2011 Community Development," and attached hereto as Exhibit C, except as modified by the conditions below.

06-20-11 Z

Development must comply with all requirements of the 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 MCP are subsequently pursued, appropriate approvals will be necessary.

2. Uses and Site Development Regulations

The following Limits apply to the project and uses in Plans 1, 2, and 3 only and are limited up to 7,500 square feet of commercial uses:

a. Schedule of Uses

USES	Plan 1	Plan 2	Plan 3
Administrative Offices	P	P	P
ATM	P	P	P
Automobile repair and services, all Groups	P	P	--
Banks and financial establishments	P	P	P
Business services, Groups I and II only	P	P	--
Cleaning and maintenance services	P	P	--
Clothing stores	P	P	--
Clubs, private	P	P	--
Consumption on premises	P	P	--
Day care center, child and adult	P	P	--
Drive-through	--	--	P
Drugstore, pharmacy	P	P	P
Essential services	P	P	P
Fences, walls	P	P	P
Food stores, Groups I and II only	P	P	--
Hardware store	P	P	--
Health care facilities, Group III only	P	P	--
Hobby, toy and game shops	P	P	--
Household and office furnishing	P	P	--
Laundry or dry cleaning	P	--	--
Lawn and garden supply stores	P	P	--

Medical office	P	P	--
Package store	P	P	--
Paint, glass and wallpaper	P	P	--
Personal Services, Group I only	P	P	--
Real Estate sales office	P	P	--
Rental and leasing establishments, Groups I and II only	P	P	--
Repair shops, Groups I and II only	P	P	--
Restaurant, Groups I, II and III	P	P	--
Schools, commercial	P	P	--
Signage, in accordance with LDC Chapter 30	P	P	P
Social services, Groups I and II only	P	P	--
Specialty retail, Groups I, II and III	P	P	--
Studios	P	P	--
Used merchandise stores, Groups I and II only	P	P	--
Variety store	P	P	--

"P" = permitted; "--" = not permitted

b. Site Development Regulations

Minimum Lot Area: 0.79 acres

Minimum Lot Width: 130 feet average
Minimum Lot Depth: 272 feet average

Minimum Setbacks:

Street: 25 feet
Water body: 20 feet from drainage canal

Maximum Building Height: 35 feet/2-stories

Maximum lot coverage: 40 percent
Minimum open space: 40 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 development order plans must demonstrate a 20-foot-wide buffer with type "F" plantings along the west property line. This buffer must include a minimum of seven canopy trees and three palm trees per 100 linear feet.

d. Prior to local development order approval, the landscape plans must delineate the planting of the dry detention. The plantings must include at a minimum three native species, a minimum 1-gallon container size, planted three feet on center (Note these plantings are in addition to any other LDC required landscaping. The applicant may not take credits for planting detention areas to off set general trees).

4. Certain Public Utility Easements Must be Vacated

Prior to the issuance of a local development order, the 6-foot public utility easements bisecting the subject properties must be vacated.

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 rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations 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. 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 No. 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum areas required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

SECTION C. DEVIATION:

1. Intersection Separation: Deviation (1) seeks relief from the LDC §10-285(a) requirement to provide a connection separation on a local street to be a minimum distance of 125 feet, to allow a distance of 97 feet along 5th Street West. This deviation is APPROVED.

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 deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

John Manning	Aye
Brian Bigelow	Nay
Ray Judah	Nay
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 20th day of June, 2011.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Frank Mann, Chair

Approved as to form by:

_____
Michael D. Jacob
Assistant County Attorney
County Attorney's Office

SEAL
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

RECEIVED
MINUTES OFFICE
MW
2011 AUG 10 AM 7:06

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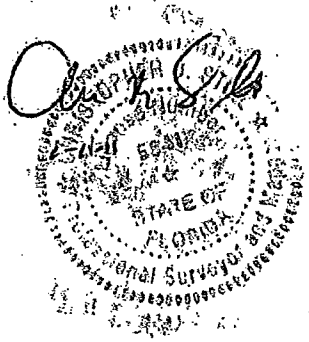

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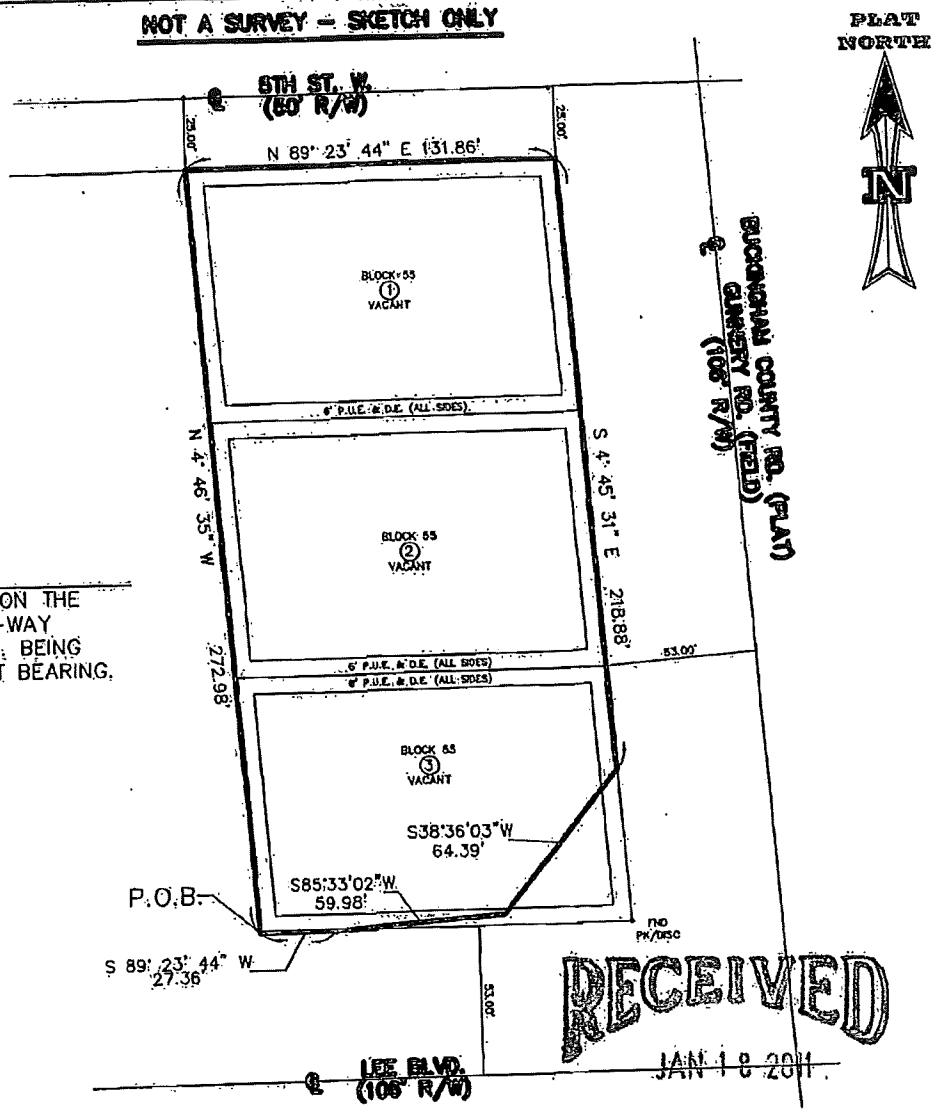

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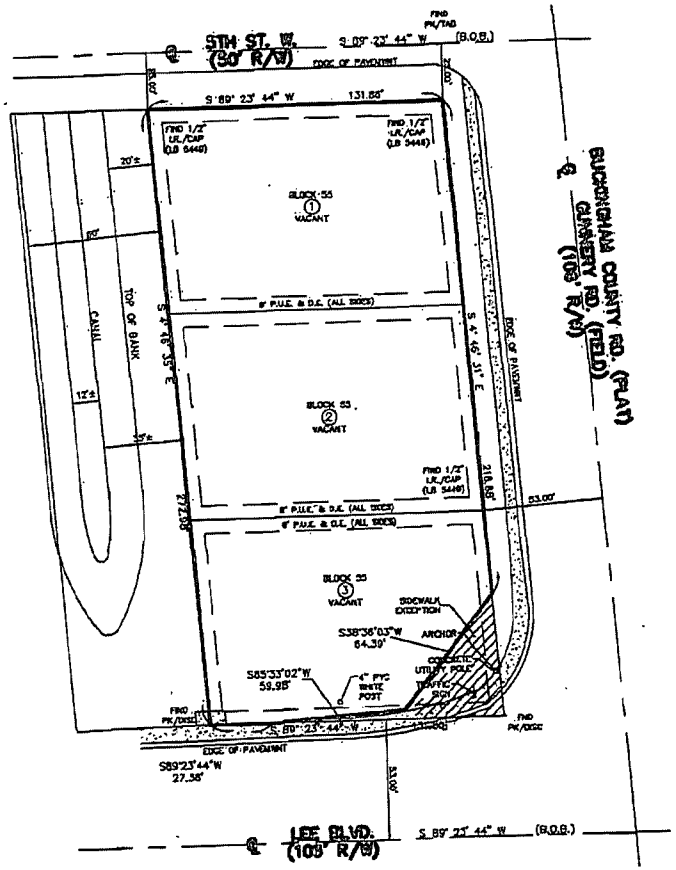
R	– RADIUS
(R)	– RADIAL
RNG.	– RANGE
R/W	– RIGHT OF WAY
SEC.	– SECTION
SET I.R.	– SET 1/2" IRON ROD LB7462
S.E.	– SCREEN ENCLOSURE
S.T.	– SEPTIC TANK
Ⓣ	– TELEPHONE BOX
TWP.	– TOWNSHIP
(TR)	– PRORATED
T.B.M.	– TEMPORARY BENCHMARK
U.P.	– UTILITY PEDESTAL
Ⓦ	– WATER METER
Δ	– DELTA ANGLE
○	– POWER POLE
	– FIRE HYDRANT
	– TEMPORARY BENCHMARK
	– CENTERLINE
	– WIRE FENCE
	– WOOD FENCE
	– OVERHEAD WIRES
	– CONCRETE PAD
10.00	– EXISTING ELEVATION
⊗	– LOT NUMBER



RECEIVED
JAN 18 2011
COMMUNITY DEVELOPMENT
Applicant's Survey Checked
1/24/11

DCI 2010-00013

FIELD SURVEY:	11-2-10
CREW CHIEF:	C. CORDISCO
DRAWN BY:	J. KNORR
SCALE:	1" = 50'
SHEET:	1 OF 1
JOB NO:	06162-5
FIELD BOOK:	XX PAGE: XX

LEHIGH SURVEYING, INC.
LB7462
1130-E LEE BOULEVARD
LEHIGH ACRES, FLORIDA 33936
239-368-7400 239-368-7685 (FAX)

11-8-10

CHRISTOPHER B. STILL
REGISTERED LAND SURVEYOR NO. 5941

PLATTED DATE:	AUGUST 1958	COMMUNITY PANEL NUMBER:	125124 0375 B	DATE OF MAP:	NOT PRINTED	FLOOD ZONE:	B	ELEVATION:	N/A

PLAT NORTH

BOUNDARY SURVEY
405/407/409 GUNNERY RD. N
LOTS 1-2-3, BLOCK 55, UNIT 5
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 15, PAGE 78, OF THE
OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

CERTIFIED TO:
CORNELIUS P. O'SULLIVAN AND ESTELLE O'SULLIVAN
TRUSTEES OF THE CORNELIUS P. O'SULIVAN LIVING TRUST
KNOTT, CONSOER, EBELINI, HART & SWETT, P.A.
ATTORNEYS' TITLE INSURANCE SERVICES, LLC

STATE OF FLORIDA
NOT VALID UNLESS SIGNED AND RAISED SEAL

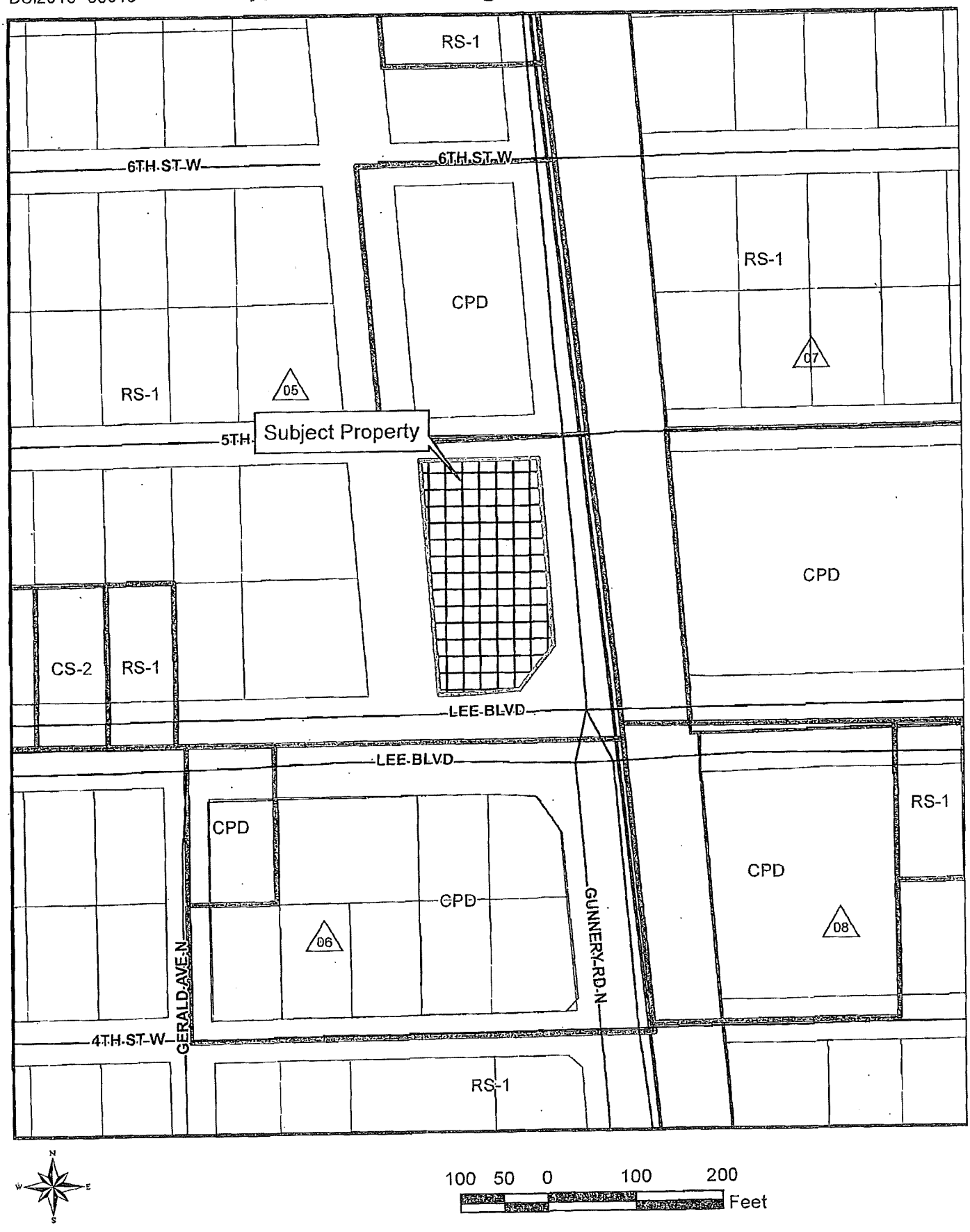
© 2007 LEHIGH SURVEYING, INC. – ALL RIGHTS RESERVED.

EXHIBIT B

DCI2010 -00013

Zoning Map

3/7/2011



RECEIVED
JUL 05 2011
COMMUNITY DEVELOPMENT

DCI 2010-00013

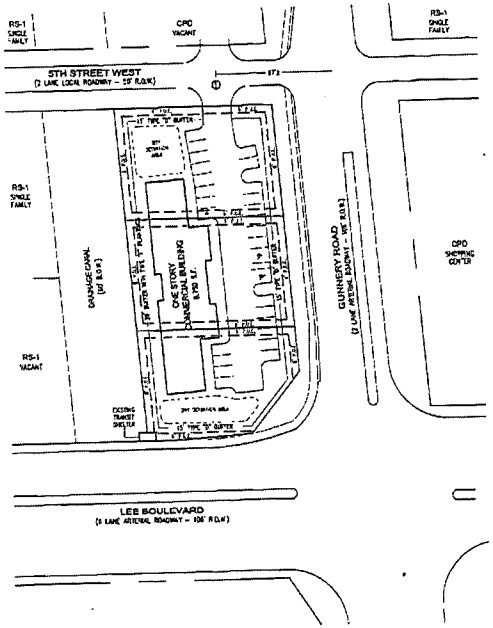
ALTERNATIVE PLAN #1

SITE DATA
TOTAL SITE AREA: 0.79 ACRES
COMMERCIAL BUILDING AREA: 6,750 S.F.
MAXIMUM BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 27 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.79 ACRES X 40% = 0.32 ACRES
OPEN SPACE PROVIDED: 0.41 ACRES[1]
[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.

LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: ①



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

ALTERNATIVE PLAN #2

SITE DATA
TOTAL SITE AREA: 0.79 ACRES
COMMERCIAL BUILDING AREA: 7,500 S.F.
MAXIMUM BUILDING HEIGHT: 35 FEET
PARKING PROVIDED: 30 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.79 ACRES X 40% = 0.32 ACRES
OPEN SPACE PROVIDED: 0.41 ACRES[1]
[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

INDIGENOUS VEGETATION CALCULATIONS
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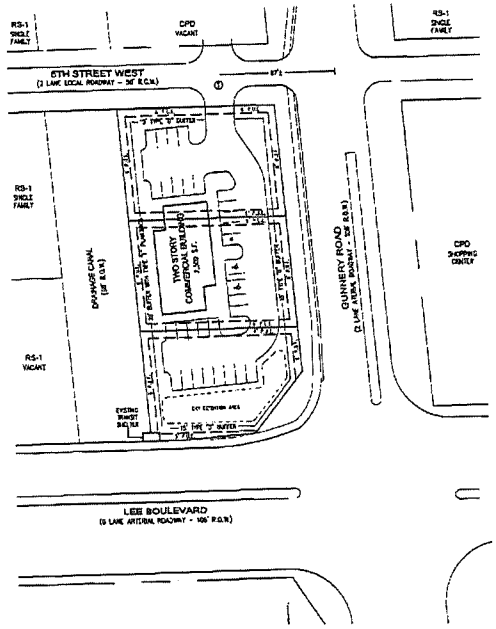
LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: ①



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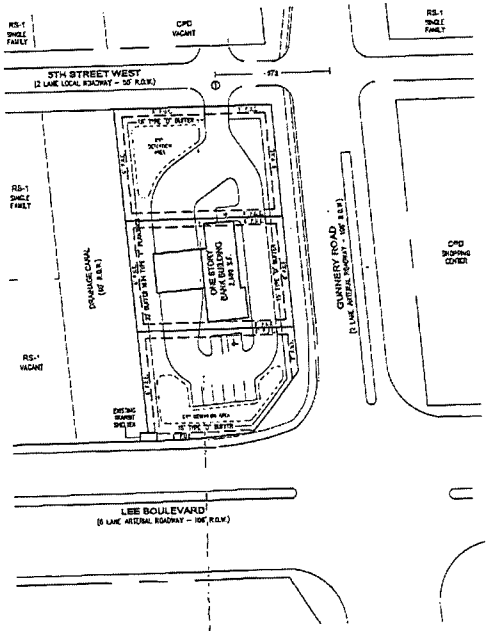
ALTERNATIVE PLAN #3

SITE DATA
TOTAL SITE AREA: 0.79 ACRES
COMMERCIAL BUILDING AREA: 2,400 S.F.
MAXIMUM BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 8 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.79 ACRES X 40% = 0.32 ACRES
OPEN SPACE PROVIDED: 0.39 ACRES[1]
[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.

LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: ①



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Approved as Exhibit C
MCP Page 1 of 1
Resolution #Z-11-006

EXHIBIT D-7-M.2

FILE # 10021MCP
DATE 06/11
SCALE NOTED
DESIGN GTM
DRAWN GTM
CHECK GTM

GARY F. MULLER, AICP
1455 ARGYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 936-4111

MASTER CONCEPT PLAN
O'SULLIVAN CPD

SEC 28, TWP 44S, RGE 26E.
LEE COUNTY, FLORIDA

DWG. NO.
1002

EXHIBIT C

RECEIVED
JUL 05 2011
COMMUNITY DEVELOPMENT

DCI 2010-00013

ALTERNATIVE PLAN #1

N

0 10 20 30 40 50 100
SCALE FEET

SITE DATA
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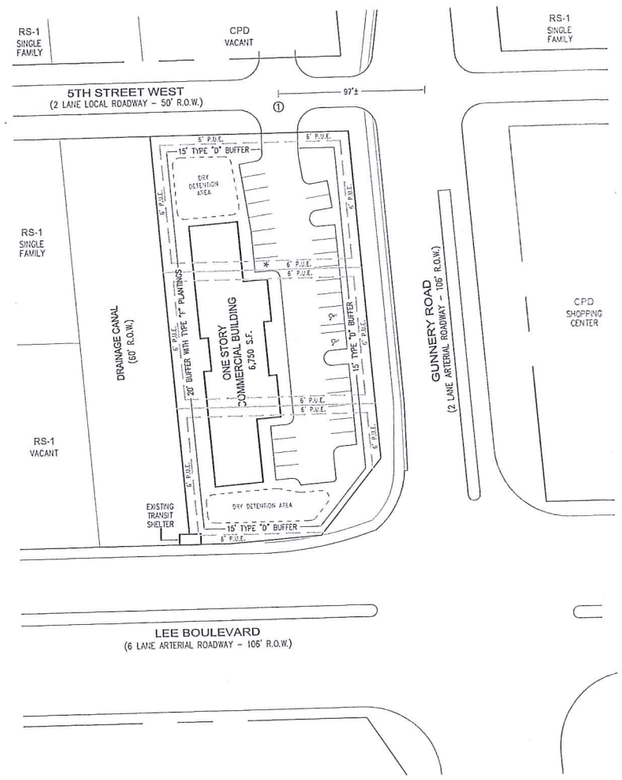
REQUESTED DEVIATION: ①



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ALTERNATIVE PLAN #2

N

0 10 20 30 40 50 100
SCALE FEET

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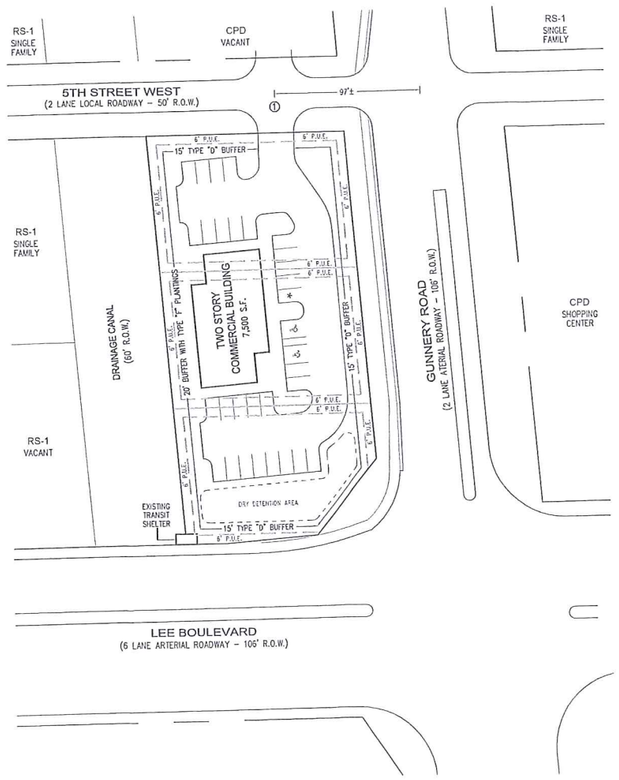
LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: ①



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ALTERNATIVE PLAN #3

N

0 10 20 30 40 50 100
SCALE FEET

SITE DATA
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COMMERCIAL BUILDING AREA: 2,400 S.F.
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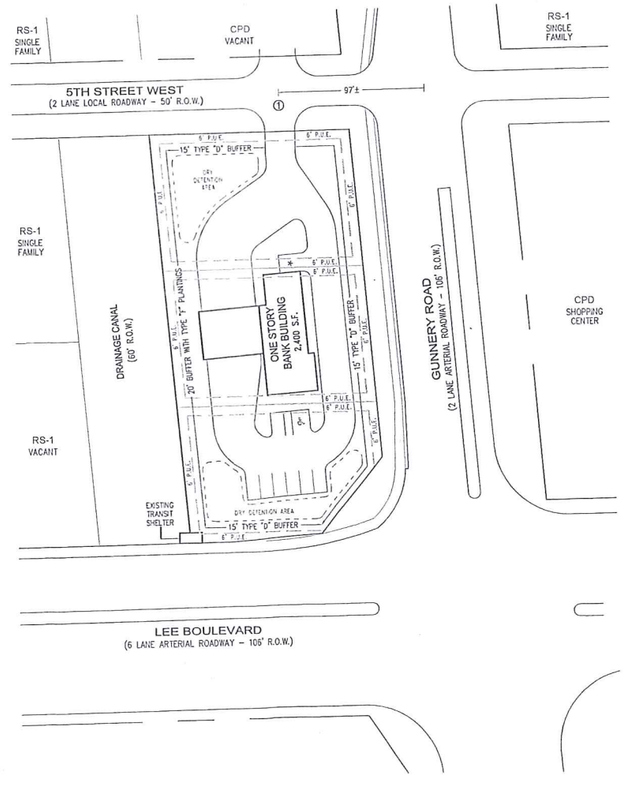
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: ①



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Approved as Exhibit
MCP Page 1 of 1
Resolution #Z-11-006

EXHIBIT D-7-M.2

FILE #	1002FMCP
DATE	06/11
SCALE	NOTED
DESIGN	GFM
DRAWN	GFM
CHECK	GFM

GARY F. MULLER, AICP
gfm
1482 ARGYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 939-0111

SEC 28, TWP 44S., RGE 26E.
LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN
O'SULLIVAN CPD

DWG. NO.
1002

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

June 01, 2011

533-8585

MICHAEL E. ROEDER
KNOTT, CONSOER, EBELINI, HART
1625 HENDRY STREET
#301
FORT MYERS, FL 33901

RE: **Agenda Schedule for O'SULLIVAN CPD**
Case No. DCI2010-00013

Dear MICHAEL E. ROEDER :

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, June 20, 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: CORNELIUS P O'SULLIVAN
OSULLIVAN CORNELIUS P TR +
Nettie M Richardson, Principal Planner
Zoning File

News-Press.com Online Public Notice: Detail

2011-06-09 Notice of Public Hearing

NOTICE OF
PUBLIC HEARING
Notice is hereby given that at 9:30 a.m. on Monday, 20 June, 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 Princing at 533-8585.
The following cases will be heard: REZ2011-00001. Estero Bay Preserve State Park. Rezone +/- 9.9 acres from Residential Planned Development (RPD) to Environmentally Critical (EC). Property located at 4940 Broadway West, Estero Planning Community, Lee County, FL. Project Representative: James T Farr, AICP, George F Young, Inc. 941-747-2981.
DCI2010-00013. O'Sullivan CPD.Rezone 0.79+/- acres from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) to allow up to a 7,500 square feet of commercial uses with a maximum building height of 35 feet.Property located at 405, 407, and 409 Gunnery Rd. North, Lehigh Acres Planning Community, Lee County, FL. Project Representative: Michael E Roeder, Knott, Consoer 239-334-2722.
June 9 No. 1431179

print this notice close window
For MAC users try cmd+P

MEMORANDUM

From The

Department Of

Community Development

Zoning Division

Date: June 7, 2011

To: DCI2010-00013 FROM: Jamie Princing

RE: Notice of Public Hearing - June 20, 2011
Lee County Board of County Commissioners Meeting

I, Jamie Princing, 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:	DCI2010-00013
NAME:	O'SULLIVAN CPD
REQUEST:	Rezone 0.79+/- acres from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) to allow up to a 7,500 square feet of commercial uses with a maximum building height of 35 feet.
LOCATION:	405, 407, and 409 Gunnery Road North, Lehigh Acres Planning Community, Lee County, FL.
PROPERTY OWNER'S REPRESENTATIVE:	MICHAEL E ROEDER 239-334-2722

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 am on Monday, June 20, 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

DCI2010-00013
O'Sullivan CPD

Mr. Mike Roeder
Knott Consoer
1625 Hendry Street, # 301
Fort Myers, FL 33901

Linda Carter
704 Homer Avenue North
Lehigh Acres, FL 33971-1142

Barry Gionfriddo
2506 Queen Drive
Lehigh Acres, FL 33971

Edd Weiner
20048 Lake Vista Circle
Lehigh Acres, FL 33936

Cornelius O'Sullivan
15643 Carriedale Lane
Fort Myers, FL 33912

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
John Fredyma, Asst County Attorney
DS Reviewer - Becky Penfield
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Aaron Martin, Environmental Sciences
Mike Pavese, Public Works

FROM: Nettie M Richardson

DATE: 07/05/2011

PROJECT NAME: O'SULLIVAN CPD

CASE #: DCI2010-00013

INFORMATION SUMMARY:

_X_ . To update your file

Comments due to Nettie M Richardson by 07/19/2011

Additional Comments:
Revised MCP for your files - only change was to make all 3 alternate plans reflect 40% open space

cc: DCI planner/working file
DCI Zone File

Revised MCP Jamie Princing

Date: 07/06/2011

1482 Argyle Drive
Fort Myers, FL 33919
(239) 939-0111
Fax: (239) 939-0611

RECEIVED
JUL 05 2011
COMMUNITY DEVELOPMENT
DCI 2010-00013

Gary F. Muller, AICP

LETTER OF TRANSMITTAL

To: Nettie Richardson

Date: 7/5/11

Re: O'Sullivan CPD
DCI2010-00013

The following items are being transmitted:

Copies	Description
2	Revised MCP (24" x 36")
6	Revised MCP (11" x 17")

[x] **As Requested** [ ] **For Your Use** [ ] **For Review and Comment**

Remarks: Revised required open space from 20% to 40%.

Copy To:

Signed:

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst County Attorney
DS Reviewer - Becky Penfield
Rob Price, TIS Reviewer
Aaron Martin, Environmental Sciences
Lili Wu, LCDOT

FROM: Nettie M Richardson

DATE: 04/28/2011

PROJECT NAME: O'SULLIVAN CPD

CASE #: DCI2010-00013

INFORMATION SUMMARY:

_X_ To update your file

Comments due to Nettie M Richardson by 05/12/2011

Additional Comments:
Attached is a revised MCP that eliminates Alternative Plan #4 and revised the open space calculations. At the April 20, 2011 hearing, the HEX left the record open for the applicant to submit the revise MCP. This is the revise MCP. This is to update your file.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 05/10/2011

1482 Argyle Drive
Fort Myers, FL 33919
(239) 939-0111
Fax: (239) 939-0611

Gary F. Muller, AICP

RECEIVED
APR 28 2011
Kal
COMMUNITY DEVELOPMENT

LETTER OF TRANSMITTAL

To: Nettie Richardson

Date: 4/28/11

Re: O'Sullivan CPD
DCI2010-00013

The following items are being transmitted:

Copies	Description
2	Revised MCP (24" x 36")
6	Revised MCP (11" x 17")

[x] **As Requested** [x] **For Your Use** [x] **For Review and Comment**

Remarks: Revisions as requested:
1) Removed Alternative Plan #4 and Deviation #2.
2) Revised site boundary.
3) Revised site area and open space to reflect new boundary.

Copy To:

Signed:

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2010-00013
APPLICANT: CORNELIUS P. O'SULLIVAN, TRUSTEE, in reference to O'SULLIVAN CPD
HEARING DATE: APRIL 20, 2011
WRITTEN SUBMISSION: APRIL 29, 2011

RECEIVED
MAY 16 2011
ZONING

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 the Lee County Land Development Code (LDC).

Filed by CORNELIUS P. O'SULLIVAN, TRUSTEE, 15643 Carriedale Lane, Fort Myers, Florida 33912 (Applicant/ Owner); KNOTT, CONSOER, EBELINI, HART & SWETT, P.A., c/o MICHAEL E. ROEDER, AICP, 1625 Hendry Street, Fort Myers, Florida 33901 (Agent).

Request is to rezone 0.79+/- acres from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) to allow up to 7,500 square feet of commercial uses with a maximum building height of 35 feet.

The subject property is located at 405, 407, and 409 Gunnery Road North, Lehigh Acres Planning Community, Section 26, Township 44 South, Range 26, Lee County, Florida (District # 5).

II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Nettie 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 to rezone 0.79+/- acres from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) 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 consistent with the one-page Master Concept Plan entitled "O'Sullivan CPD," stamped received April 28, 2011 by the Lee County Hearing Examiners' Office, attached as **Exhibit B,** and 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 following Limits apply to the project and uses in Plans 1, 2, and 3 only and are limited up to 7,500 square feet of commercial uses:

a. Schedule of Uses

USES	Plan 1	Plan 2	Plan 3
Administrative Offices	X	X	X
ATM	X	X	X
Automobile repair and services, all Groups	X	X	--
Banks and financial establishments	X	X	X
Business services, Groups I and II	X	X	--
Cleaning and maintenance services	X	X	--
Clothing stores	X	X	--
Clubs, private	X	X	--
Consumption on premises	X	X	--
Day care center, child and adult	X	X	--
Drive-through	--	--	X
Drugstore, pharmacy	X	X	X
Essential services	X	X	X
Fences, walls	X	X	X
Food stores, Groups I and II	X	X	--
Hardware store	X	X	--
Health care facilities, Group III	X	X	--
Hobby, toy and game shops	X	X	--
Household and office furnishing	X	X	--
Laundry or dry cleaning	X	--	--
Lawn and garden supply stores	X	X	--
Medical office	X	X	--
Package store	X	X	--
Paint, glass and wallpaper	X	X	--
Personal Services, Group I	X	X	--
Real estate sales office	X	X	--
Rental and leasing establishments, Groups I and II	X	X	--
Repair shops, Groups I and II	X	X	--
Restaurant, Groups I, II and III	X	X	--
Schools, commercial	X	X	--
Signage, in accordance with Chapter 30	X	X	X
Social services, Groups I and II	X	X	--
Specialty retail, Groups I, II and III	X	X	--
Studios	X	X	--
Used merchandise stores, Groups I and II	X	X	--
Variety store	X	X	--

b. Site Development Regulations

Minimum Lot Area: 0.79 acres

Minimum Lot Width: 130 feet average
Minimum Lot Depth: 272 feet average

Minimum Setbacks:
Street: 25 feet
Water body: 20 feet from drainage canal

Maximum Building Height: 35 feet/2-stories

Maximum lot coverage: 40 percent
Minimum 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 Development Order plans must demonstrate a 20-foot-wide buffer with type "F" plantings along the west property line. This buffer must include a minimum of seven canopy trees and three palm trees per 100 linear feet.

d. Prior to local Development Order approval, the landscape plans must delineate the planting of the dry detention. The plantings must include at a minimum three native species, a minimum 1-gallon container size, planted three feet on center (Note these plantings are in addition to any other Code required landscaping. The Applicant may not take credits for planting detention areas to off set general trees).

4. Public Utility Easements

Prior to the issuance of a local Development Order, the 6-foot public utility easements on the subject properties must be vacated.

5. Vehicular/Pedestrian Impacts

Approval of this zoning request does not address mitigation if 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 areas 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 Lee County Land Development Code Section 10-285(a), which requires a connection separation on a local street to be a minimum distance of 125 feet, to allow a distance of 97 feet along 5th Street West.

Justification: The subject property is 0.79-acres located along the west side of Gunnery Road between the intersection with Lee Boulevard and the intersection with 5th Street West. The subject property has frontage on all three of these existing roadways, however, cannot meet the required access separation standards due to limiting the size and the location of a previously approved access point along 5th Street West. The parcel has only 131.95 feet of frontage on Lee Boulevard (a 6-laned arterial roadway requiring an intersection separation distance of 660 feet) and only 272.98 feet of frontage along Gunnery Road (a 2-lane collector roadway requiring an intersection separation distance of 330 feet). The parcel also has 131.95 feet of frontage on 5th Street West, however, a deviation that was previously granted for the Varsity Commercial Center CPD (approved pursuant to Resolution Z-99-055), to allow an access point on the north side of 5th Street West, located 97 feet west of the intersection with Gunnery Road, makes it impossible to provide the 125-foot connection separation distance required along local roadways.

The granting of this deviation will not be detrimental to the general health, safety, and welfare of the public due to the fact that it will allow the access for the proposed development to line up with the previously approved access point for the proposed Varsity Commercial Center CPD to the north which should enhance future traffic circulation patterns by providing an interconnection between the two projects.

The Lee County Department of Transportation (LCDOT) reviewed this deviation and recommends approval of this deviation. LCDOT advises the Applicant that the painted median at the intersection of Gunnery Road and 5th Street West may be modified in the future as a response to safety and operation issues that may arise at the time of development.

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

Deviation 2 - WITHDRAWN BY THE APPLICANT.

IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone, from a Residential Single-Family Zoning District (RS-1) to Commercial Planned Development (CPD), a vacant .79-acre parcel (three platted lots) on the northwest corner of Lee Boulevard and Gunnery Road, in Lehigh Acres. Approval will authorize up to 7,500 square feet of commercial uses, including a bank, with drive-thru, and a convenience food store with eight gas pumps. The subject property is in the Lehigh Acres Planning Community and the Central Urban Community Future Land Use Category.[1]

North of the property is 5th Street West, across from which is a vacant Commercial Planned Development. West of the site is a drainage canal, then developed and vacant lots in Residential Single-Family zoning districts. South of the parcel is Lee Boulevard, across from which is an undeveloped Commercial Planned Development. Finally, east of the site is Gunnery Road, and then a Commercial Planned Development. The property is at the corner of two arterial roadways. The other quadrants of the intersection are zoned Commercial Planned Development (CPD). Rezoning the subject property will be compatible with the other nearby Commercial Planned Developments and the required buffers will provide adequate protection to the residential homes.

The Applicant has submitted a Master Concept Plan (MCP), received April 28, 2011, at 9:55a.m., by the Lee County Hearing Examiners' Office. See Exhibit B hereto. That Plan contains three alternative development plans, described as follows:

Plan One depicts a 1-story building with 6,750 square feet of commercial uses facing toward Gunnery Road. Parking is in front of the building from the Gunnery Road side. They show two areas of dry detention along Lee Boulevard and 5th Street West. A 15-foot-wide, type "D" buffer will be provided along Lee Boulevard, Gunnery Road and 5th Street West. A 20-foot-wide, Type "F" buffer will be provided along the west property line abutting the drainage canal

Plan Two depicts a 2-story building with 7,500 square feet of Commercial uses facing toward Gunnery Road. They wrap parking around three sides of the building. A dry detention area

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[1] **Lee County Comprehensive Plan Policy 1.1.3:**

The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre).

is shown at the corner of Lee Boulevard and Gunnery Road. A 20-foot-wide, Type "F" buffer will be provided along the west property line abutting the drainage canal.

Plan Three shows a 1-story building with 2,400 square feet for a bank building with drive-through lanes. The building faces Gunnery Road and the drive-through lanes are behind the building. Parking is on Lee Boulevard side with the access along Gunnery Road. Two dry detention areas are shown along Lee Boulevard and 5th Street West. A 20-foot-wide, Type "F" buffer will be provided along the west property line abutting the drainage canal.

In all scenarios access to the subject property is from 5th Street West. This requires a deviation for a reduction in distance separation of 97 feet along 5th Street West. An existing LeeTran bus shelter is located on Lee Boulevard.

Most of the Uses listed in the Schedule of Uses are proposed to be developed in Plan One and Two. There is a concern that the parking spaces depicted on Plan One and Two may not be in compliance with the Lee County Land Development Code. However, the required number of parking spaces for each use will be determined at the Development Order review.

The Division of Environmental Sciences reviewed this application and found no environmental issues or protected species on the site. The site is cleared of vegetation and consists of mowed grass. The project will provide 50 percent or 0.41 acres of open space. We require 20 percent. The Environment Sciences Staff recommends that the Applicant provide 40 percent open space at time of local Development Order to allow some modifications to open space, if unforeseen impervious surfaces arise. See Condition #3a.

Lee County Development Services Staff reviewed the application to assess the traffic impacts. They performed a comprehensive review of the proposed schedule of uses. The conclusion is that both Lee Boulevard and Gunnery Road will operate, with the proposed project, at a Level of Service "C." No roadway link improvements are necessary as a result of the proposed development.

The Lee County Department of Transportation reviewed the request and advised the Applicant that, in the future, they may modify the painted median at the intersection of Gunnery Road and 5th Street West as a response to safety and operational issues.

The Central Urban Land Use Category allows commercial development and the uses that are proposed in Applicant's Alternative Plans. The request is therefore consistent with Lee County Comprehensive Plan Policy 1.1.3. (See Footnote 1)

Other Lee County Comprehensive Plan policies, goals and objectives the proposed commercial development is consistent with are as follows:

The property is located at the intersection of two arterial roads, and will promote growth pattern. Those roads operate at a Level of Service "C" at this location. Public water and sewer service are available at this site. The request is consistent with Objectives 2.1 and 2.2, and Policy 6.1.2 of the Lee County Comprehensive Plan.[2]

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[2] **Lee County Comprehensive Plan Objective 2.1:**

DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The subject property is located within the Florida Governmental Utility Authority (FGUA) service area, and there is sufficient capacity to provide potable water and sanitary sewer for the project. The request is consistent with Standards 11.1 and 11.2 of the Lee County Comprehensive Plan.[3]

In 2010, the Board of County Commissioners amended the Goals, Objectives, Policies and Standard of the Lee County Comprehensive Plan, that are applicable to Lehigh Acres. The Hearing Examiner finds the Applicant request consistent with those amendments; specifically, Goal 32, Objective 32.5, and Policies 32.1.1, 32.1.10, 32.2.2, 32.2.3, 32.2.7, 32.5.1, 32.5.3, 32.9.1 and 32.10.1. [4]

Lee County Comprehensive Plan Objective 2.2:

DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.

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.

[3] **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 hat 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.

[4] **Lee County Comprehensive Plan Goal 32:**

LEHIGH ACRES. To ensure that continued development and redevelopment within the Lehigh Acres Planning Community converts this largely single use, antiquated pre-platted area into a vibrant residential and commercial community consisting of: safe and secure single family and multi-family neighborhoods; vibrant commercial and employment centers; pedestrian friendly mixed-use activity centers and neighborhood nodes; with adequate green space and recreational opportunities. This Goal and subsequent Objectives and Policies apply to The Lehigh Acres Planning Community, as depicted on Map 1.

Lee County Comprehensive Plan Objective 32.5:

NEIGHBORHOOD MIXED-USE ACTIVITY CENTER. Are areas of sufficient size and location that will help to contribute the uses needed to support large portions of the Lehigh Acres Planning Community including: residential; public and private education; live-work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. These locations are identified on Map 1.

Lee County Comprehensive Plan Policy 32.1.1:

The County will incentivize the development of specialized mixed use nodes within the Lehigh Acres Planning Community in a sustainable pattern that will provide opportunities for employment, housing, recreation, goods, and services.

The subject property is located in the Lehigh Acres Planning Community. The Lee County Comprehensive Plan allocates 8,200 acres to commercial uses in this Planning Community. From that acreage 4,996 acres are still available to new rezonings. Therefore, this request is consistent with the Policy 1.7.6 of the Lee County Comprehensive Plan.

The Applicant is required to hold a public informational meeting for the proposed development in accordance with Lee County Comprehensive Plan Policy 32.12.2. The Applicant presented the proposed development to the Lehigh Acres Planning Panel on September 8, 2010. **Exhibit C** hereto. That panel had four concerns which ranged from parking for the bank, turning radius for the tanker trucks at the gas pumps, using the

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Lee County Comprehensive Plan Policy 32.1.10(a):

The Lehigh Acres Community Plan Overlays Map, Future Land Use Map 1, Page 8 of 8, subdivides the Lehigh Acres Community into 3 Tiers:

a. Tier 1 consists of the older urbanized core of Lehigh Acres that is largely served by an existing array of public services and facilities, including a well-developed road network, water and sewer facilities, schools, and the bulk of Lehigh Acres' commercial development.

Lee County Comprehensive Plan Policy 32.2.2:

All rezoning in these areas must be reviewed as a Planned Development, except for the DR/GR Mixed-Use Community node shown on Map 17 south of SR 82 at Daniels Parkway.

Lee County Comprehensive Plan Policy 32.2.3:

In order to promote a sustainable urban form, these areas are expected to develop at the higher end of the density and intensity ranges, including bonus density.

Lee County Comprehensive Plan Policy 32.2.7:

Within these nodes, promote the establishment of pedestrian friendly mixed use development:

a. Buffer walls between commercial and residential uses are not required.
b. Bicycle and pedestrian facilities will be provided throughout these developments.
c. Connections between all uses are required to facilitate alternative modes of transportation.
d. Connections to adjacent developments will be provided.
e. Vehicular connections between different uses will be provided to facilitate the internal capture of trips.

Lee County Comprehensive Plan Policy 32.5.1:

The emphasis of the future development of these areas is to provide mixed use facilities offering goods and services that support the surrounding neighborhoods as well as local employment opportunities and alternate housing types.

Lee County Comprehensive Plan Policy 32.5.3:

In areas that are already platted, the utilization of the existing street network and block design is strongly encouraged.

Lee County Comprehensive Plan Policy 32.9.1:

Whenever possible, all new commercial development adjacent to Lee Boulevard right-of-way must provide access to either 5th Street West, 4th Street West, or other local, collector or arterial roadway. Direct access to Lee Boulevard is discouraged.

Lee County Comprehensive Plan Policy 32.10.1:

The availability of sewer and water to serve uses within the Specialized Mixed-Use Nodes and the Commercial Overlay Zones is not a requirement for zoning approval. However, sewer and water must be available to the property in accordance with Standard 11.1 and 11.2 of this Plan before a development order will be issued.

drainage canal for parking, and a loop drive around the parking lot in Plan Number 1 and Plan Number 2. The Applicant's agent addressed each issue at the meeting and followed up with a letter dated November 17, 2010 to the chairman, see **Exhibit D** hereto. This letter provided a turning radius analysis and information regarding the Applicant's proposal regarding the drainage canal. There was no indication in the minutes from the Applicant if the committee's position on the proposed development was for or against the project.

The undersigned Hearing Examiner finds that the requested rezoning meets the criteria necessary for approval, as set forth in the Lee County Land Development Code. It is also consistent with the Lee County Comprehensive Plan. The rezoning request is compatible with neighboring properties. Consequently, this Hearing Examiner recommends approval the requested rezoning, and any deviations herein, from Residential Single-Family Zoning District (RS-1) to a Commercial Planned Development, subject to the conditions 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 the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

A. The Applicant has proved entitlement to the rezoning to Commercial Planned Development by demonstrating compliance with the Lee County Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.

B. The requested zoning:

1. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; specifically Standards 11.1 and 11.2 of the Lee County Comprehensive Plan

2. is consistent with the densities, intensities and general uses set forth in the Lee County Comprehensive Plan; specifically Policy 1.1.3, Objectives 2.1.and 2.2, Policies 31.1.1, 32.1.10, 32.2.2, 32.2.7, Objective 32.5, Policies 32.5.1, 32.5.3 and 32.9.1.

3. is compatible with existing or planned uses in the surrounding area; see Lee County Comprehensive Plan Policy 5.1.5, and

4. will not adversely affect environmentally critical areas or natural resources. See Lee County Comprehensive Plan Policies 6.1.3 and 6.1.6, Objective 60.5, Policies 60.5.1 and 61.2.4, Goal 77, Objectives 77.2 and 77.3, and Objective 117.2.2.

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 capacity to carry traffic generated by the development. See Lee County Comprehensive Plan Objective 2.2, Policies 6.1.2, 32.2.7, and 32.5.3

D. Urban services, as defined in the Lee County Comprehensive Plan, are, or will be, available and adequate to serve the proposed land use. See Lee County Comprehensive Plan Standards 11.1 and 11.2

E. The proposed use or mix of uses is appropriate at the subject location. See Lee County Comprehensive Plan Policy 5.1.5

F. The recommended conditions to the Master Concept Plan and other applicable regulations proved sufficient safeguards to the public interest.

G. The recommended conditions are reasonable related to the impacts on the public's interest created by or expected from the proposed development.

H. The Deviation for Plan 1, 2 and 3 will:

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. An aerial photograph prepared by Lee County Department of Community Development DCD, Mapped April 2011, dated 2010, depicting the subject property and surrounding area, with an overlay (color) [24" x 36"]

2. Two Aerial photographs on one page, prepared by Lee County Department of Community Development (DCD), printed April 2011, dated 2010 (color) [8.5" x 11]

3. Staff's memorandum dated April 29, 2011 (8.5" x 11") with Applicant's submittal attached - revised Master Concept Plan (MCP) date stamped "RECEIVED APR 28 2011, Community Development" (11" x 17") and (24" x 36") [Composite] [post hearing submittal]

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

APPLICANT'S EXHIBITS

1. Master Concept Plan (MCP) date stamped "RECEIVED FEB 07 2011COMMUNITY DEVELOPMENT" (24" X 36")

2. Letter of Transmittal from Gary F. Muller, AICP, along with a copy of the Applicant's revised Master Concept Plan (MCP) date stamped "LEE COUNTY HEARING EXAMINER 2011 APR 28 AM 9:55" (11" x 17") [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 introduced the case for the record and asked the Assistant County Attorney to make a statement for the members of the public who were present. At that point, Michael Jacob, Assistant County Attorney, introduced himself for the record and explained that it was his role in the hearing to assist Staff, the Applicant, and the Hearing Examiner to ensure that the record was complete.

Mr. Jacob explained that once the Applicant and Staff provided their presentations, the Hearing Examiner would open the floor up to public participation. He pointed out the location of the white Public Participation Forms near the back door of the hearing room. He explained that members of the public should complete the forms and submit them to the Hearing Examiner when he asked them to come forward. He also advised those present who wanted to receive a copy of the Hearing Examiner's Recommendation to provide an email address on that form, if they had one, because it would be better for Staff and a little cheaper than mailing it out.

He explained that this hearing was the first proceeding on the matter and the case would be going before the Board of County Commissioners (BOCC). He advised participants who wanted to be heard before the BOCC that they must speak in this proceeding. Those who did not wish to speak, but wanted a copy of the Recommendation should still complete the white Public Participation Form and indicate that was the reason they were providing the form.

He called for introductions and at that point, Nettie Richardson, Principal Planner, with the Division of Zoning; Aaron Martin, with Environmental Sciences; Mike Roeder, Planner, present on behalf of the Applicant; Matt Uhle, Attorney for the Applicant, and Gary Muller, Planner for the Applicant, all introduced themselves for the record.

The Hearing Examiner explained how they would proceed. The Applicant would make a presentation through their witnesses and exhibits. They would be subject to examination by the County Attorney and County Staff. Following the Applicant's presentation in like fashion, the County Staff would make a presentation and they would be subject to questioning by the County Attorney and the Applicant. Following those two presentations, the proceedings would be opened to the public. At that point in time, they could come forward and make a statement or ask any questions that they wanted to ask. The only limitation was that it had to be relevant to the issues before the Hearing Examiner.

The public participants would also be subject to questioning by the Applicant and County Staff or the Assistant County Attorney. He asked anyone who had a cell phone or pager to please turn them off so that they would not be disturbed during this proceeding. Florida Law required that everything said before the Hearing Examiner must be under oath, consequently, he would swear everyone in en masse.

He explained that when they came forward, they should tell him their name and address, and indicate whether or not they had taken an oath. Then he placed them under oath.

First to speak was Attorney, Matt Uhle, representing the Applicant. He pointed out that the Hearing Examiner should have received their 24-hour notice. He needed to discuss it because there was one major issue, which they were planning to remove. There was also a smaller issue that they needed to add. He explained that he made Ms. Richardson aware of the issues that morning.

The item they needed to add related to the minimum lot size requirement, which was shown in the Staff Report as .82 acres. That figure came from their Master Concept Plan (MCP), which indicated that the site consisted of .82 acres. When it was just the three platted lots, that was probably accurate, but if you looked at their survey, which Mr. Muller had apparently looked at the night before, you could see that there was a small triangular piece (.03-acres), which was presumably carved out as part of Lee Boulevard's improvements. This caused them to ask for some changes.

Mr. Uhle pointed out that page three of the Staff Report referred to the minimum lot area of .82 acres. They would be asking that it be changed to .79 acres, which was the figure actually provided in their legal description. He thought the minimum lot width and depth were probably correct, if they were described as average widths and depths, if not, then those figures would probably need to be looked at.

Mr. Uhle also pointed out that they would have to revise their MCP slightly to adjust the amount of open space that was being provided. It was his understanding that the .03 acres would probably have to be a reduction from the open space that was being requested, but even with the reduction of .03 acres, they were well over the 40 percent figure that Staff had proposed, so they did not need to change that and it shouldn't be a problem.

Next he referred to the item they were deleting (Alternative Plan #4 - the convenience store with gas pumps). Staff was not recommending approval for Alternative Plan #4.

He explained that initially, when they analyzed it, they thought it would work from a transportation perspective and in some respects it did. However, when they did further preparation for the hearing, they discovered that there were problems with the circulation that had not been contemplated and that made it difficult to justify that particular request.

Removing the gas pumps, which were really the key to the problem, would not necessarily cause them to remove scenario #4 altogether, because there was such a thing as a convenience store without gas pumps. However, a convenience store without gas pumps would not be laid out the way they had proposed in Alternative #4.

In addition to that he referred to their Schedule of Uses for Alternatives #1 and #2, which showed Food Stores Group I. Mr. Uhle reviewed the definition of that and it seemed to him that the difference between Food Store Group I and a Convenience Store without gas pumps, was somewhere between negligible and nonexistent. So they believed that particular Scenario was already adequately covered under Scenarios #1 and #2. Therefore, it was possible for them to withdraw Alternative Plan #4.

The Hearing Examiner noted that Mr. Uhle had referred to "Alternative" #4 and "Scenario" #4, but the Staff's Report, referred to it as "Plan" #4 and he took it that Mr. Uhle was referring to Plan #4. Mr. Uhle confirmed that and pointed out that on the MCP it was called "Alternative" Plan #4.

Mr. Uhle explained that was the essential background and the case would not be lengthy. Mr. Muller would describe the surrounding area and the characteristics of the subject property and the individual site plans except for Alternative Plan #4. After his presentation, Mr. Roeder would address the Lee County Comprehensive Plan consistency of the proposal and then Mr. Uhle would speak again if necessary.

Mr. Muller reintroduced himself. He was the land planner for the Applicant. His address was 1482 Argyle Drive, Fort Myers, Florida 33919. He had been previously accepted as an expert witness in land use planning and zoning issues, and he requested to be accepted as an expert in those areas for this hearing. After hearing no objection, he was declared to be an expert in the fields he indicated.

Mr. Muller explained that he would be providing background information on the existing site conditions and surrounding land uses and discussing the proposed MCP. The subject property was .79 acres located at the northwest corner of Lee Boulevard and Gunnery Road in Lehigh Acres. He noted the property consisted of three platted lots, which were all

currently zoned Residential (RS-1). The site had previously been cleared of all vegetation other than grass, so basically, it was three mowed lots.

He referred to the aerial photograph and pointed out the subject property, which was outlined in red. The approximate property dimensions were 130 feet by 272 feet. To the south of the property was Lee Boulevard, which was a 6-lane arterial roadway. To the east was Gunnery Road, which was a 2-lane arterial roadway. Along the northern property line was 5th Street West, which was a 2-lane local roadway.

Next, he referred to the surrounding land uses. To the north was .82 acres, which was vacant, and zoned Commercial Planned Development (CPD). It had been approved for 8,000 square feet of commercial uses. To the east across Gunnery Road was an existing shopping center zoned CPD, which was about 3.15 acres. It had about 25,000 square feet of commercial uses. To the southeast across the intersection was an existing 7-11 convenience store with gas pumps also zoned CPD.

To the south across Lee Boulevard was 2.45 acres, zoned CPD, which was basically vacant, with the exception of an existing Single-Family house, which he thought was just left on the corner. The project was approved for 30,000 square feet of commercial uses. West of the subject property was a 60-foot drainage ditch followed by two Single-Family residences. They were both zoned RS-1. The property to the north, fronting along 5th Street West had an existing Single-Family residence on it. The parcel to the south, fronting Lee Boulevard, was presently vacant.

After hearing no objection, the Hearing Examiner admitted the aerial photograph as Staff's Exhibit 1. Since there were no questions regarding the existing site conditions or surrounding land uses, Mr. Muller wanted to discuss the three remaining development scenarios shown on the proposed MCP.

He explained that Alternative Plan #1 depicted a 6,750-square-foot, 1-story commercial building. The access to the site would be off of 5th Street West and line up with the previously approved access point to the CPD project to the north. They were proposing a 15-foot Type D buffer along all three roadways - 5th Street West, Gunnery Road, and Lee Boulevard. It would consist of five trees per 100 linear feet and a double-staggered hedge to be maintained at a height of 36 inches.

Along the western property line, where they abutted the drainage canal, they would be providing a 20-foot buffer with Type F plantings, which would consist of 10 trees per 100 linear feet and a double-staggered hedge, which would be maintained at a height of 60 inches. The open space currently shown on the Site Plan was .43 acres or 52 percent of the site. If they shaved off some of the open space, he still thought they would be able to meet the required 40 percent, which Mr. Uhle stated was listed in the Staff Report.

Mr. Muller wanted to point out that there was an existing sidewalk, both along Gunnery Road and Lee Boulevard and there was also an existing transit shelter station along Lee Boulevard near the southwest corner of the site. Basically, they had come up with 27 parking spaces for the 6,750 square feet on the plan. This number was based on one parking space per 250 square feet. It was used for preliminary planning purposes, assuming they would have an equal mix of retail and office uses with parking requirements for Retail - one space for 200 (square feet) and parking requirements for Office - one space for 300 (square feet). So that was how the parking was calculated for preliminary purposes.

Next, he referred to Alternative Plan #2, in which they were showing basically a 2-story building with 7,500 square feet and 30 parking spaces for preliminary planning purposes,

wherein they had based the parking on one space per 250 square feet of building area. The access to the site was exactly the same as on Alternative Plan #1, as were the buffers. They were going to be providing the 15-foot Type D buffers along the perimeter roadways and the 20-foot buffer with Type F plantings along the drainage ditch. The open space on this plan was also .43 acres or 52 percent of the site.

Mr. Muller referred to Alternative Plan #3, which showed a 1-story 2,400-square-foot bank building with a drive-through. They planned eight spaces and a drive-through window for three lanes. Each lane would have stacking to accommodate at least five cars. Access would be the same as on Alternative Plan #1 and Alternative Plan #2. The buffering would be the same as well, with the Type D buffer along the roadways and the 20-foot buffer with the Type F plantings along the canal/drainage ditch.

In conjunction with the CPD rezoning request, the Applicant was also requesting one deviation from the Lee County Land Development Code (LDC), which would allow the proposed access point to be located 97 feet west of the intersection of Gunnery Road and 5th Street West. He pointed out the intersection and the proposed access point of 97 feet.

He explained that normally, the minimum connection separation distance along a local roadway was 125 feet. In this particular case, the deviation was needed to allow the site access to line up with the previously approved CPD to the north, which was also granted the same deviation. He wanted to also point out that they did not have enough frontage along Lee Boulevard or Gunnery Road to warrant an access point on either one of those arterial roadways. Therefore, basically, this was the only location for the access to the site and Staff recommended approval of this deviation.

That concluded Mr. Muller's testimony. For clarification purposes, Mr. Jacob wanted to know if Deviation 2 had been withdrawn along with (Alternative) Plan #4. Mr. Muller confirmed it was.

The Hearing Examiner wanted to know for the record how potable water and sewer service would be provided. Mr. Muller indicated Florida Governmental Utility Authority (FGUA) would provide for both sewer and water. The Hearing Examiner wanted to know if they had indicated that there was sufficient availability. Mr. Muller confirmed there was a letter in the Staff Report. There were no other questions for Mr. Muller.

Next, Mike Roeder, Director of Planning, at Knott, Consoer, introduced himself for the record. He had also been accepted as an expert witness in land use planning and zoning in the past. He asked to be accepted as such for this hearing. After hearing no objection, he was declared to be an expert in the fields indicated and the Hearing Examiner also admitted the Applicant's MCP as Applicant's Exhibit 1.

Mr. Roeder planned to speak briefly on the compliance of the request with the Lee County Comprehensive Plan. He thought Staff had done a very thorough job of analyzing that and they were in basic agreement with everything in the Staff Report. He referred to two sets of policies. One was from the Lee County Comprehensive Plan, which applied to everybody, especially as it applied to commercial development, and the other one came from the Lehigh Acres Community Plan, which was recently adopted. In terms of the overall Lee County Comprehensive Plan, he explained that the site was in the Central Urban land use category - Policy 1.1.3. It was the second most intense category in the Lee County Comprehensive Plan for urban use.

The subject property was located at the intersection of two arterial roads, so the idea that this should be zoned RS-1 for Single-Family was in itself, not consistent with the plan. It really

needed to be Commercial, and in fact, this site was designated Commercial on the original Lehigh Acres Commercial Overlay Plan in 1996. So it had been earmarked for that use for a long time.

Next, he referred to Objectives 2.1 and 2.2, relating to development location and timing. He referred to standard conditions, noting they had access to central water and sewer. Both roads were at a very good Level of Service (LOS). They were not really subject to the site location criterion because the subject property was in Lehigh Acres, but if they had been, they would be consistent with Policy 6.1.2, Standard 11.1, and Standard 11.2 as well.

He noted Ms. Richardson had also mentioned Policy 5.1.5, because they abutted residentially zoned property on the west. With the 60-foot and the 20-foot buffer with Type F plantings, Staff found that was a reasonable response to that Policy and it made it consistent with Policy 5.1.5.

Goal 32 related to Lehigh Acres in particular and Objective 32.5 was right on point for them, because it designated Neighborhood Mixed-Use activity centers, of which, this was one. It recognized the need for commercial development in Lehigh Acres to provide employment opportunities. It also required that any Commercial development be rezoned as a planned development, which they had done.

Continuing, he pointed out that this was a planned development, but, he thought there was a bit of tension because Policy 32.1.1 said the County will incentivize the development of these specialized nodes. He could vouch from experience that when you had to go through planned development proceedings, it was more time consuming and expensive. It was really not that easy, especially in a case like this, where the owner didn't know what was going to happen. That was why they had provided three alternatives. In the old days, they would have just rezoned this to Community Commercial (CC) and then been done with it, but now they had to provide all of this detail.

He reiterated that they had done that in response to the Lehigh Plan and he believed that it was as responsive as possible in all of the details. There was some question about the parking, and again that would have to be sorted out when the Development Order was applied for, but Policy 32.2.8 in the Lehigh Plan said that existing or future regulations that inhibit the development of these Mixed-Use projects would be given strong consideration for deviations. Therefore, they believed that even if the parking was not quite in accordance with the general rules, there might be a potential for deviation based on the individual circumstances at that time.

Mr. Roeder explained that in general, they believed it was consistent with the Lee County Comprehensive Plan and the Lehigh Acres Community Plan within that. It was a small Neighborhood Mixed-Use development and exactly what the Plan envisioned for this area.

In order to clarify what Mr. Roeder said about the parking, Mr. Uhle explained that they were not asking for a deviation. It was there position that they would not know if there was any issue with the parking until a mix of tenants actually came in. Then they would find out. However, they did want to put it on the record, since Staff had expressed some concern about how that might work out in the future. The Lee County Comprehensive Plan did indicate that deviations could be granted under conditions that would make development in the activity nodes more difficult, so that was something that could be explored, if and when it became relevant, but it was not. There were no questions for Mr. Roeder.

Mr. Uhle explained that although it was a little bit tempting to get up and philosophize about the Lehigh Plan, Mixed-Use projects, and so on, he was going to resist that.

At that point, Nettie Richardson, Principal Planner, with the Division of Zoning reintroduced herself for the record. Her resume was on file. She had been declared an expert in zoning and land use issues and wanted to be accepted again today. After hearing no objection, the Hearing Examiner declared her to be an expert in the fields she indicated.

Ms. Richardson pointed out that Mr. Muller and Mr. Roeder had presented all of the information to the Hearing Examiner about what the request was. Alternative Plan #4 was being withdrawn. She wanted to go over the Schedule of Uses listed in the Staff Report, dated March 25, 2011, which had been provided to the Hearing Examiner. She referred to pages 2 and 3, which listed all of the different uses. She had prepared a table to try and make it a little more clear. Alternative Plan #1 and Alternative Plan #2 would have the majority of the commercial uses. Alternative Plan #3 was designated mainly for just the bank. However, some other uses could possibly go on there. Mostly, everything was in Alternative Plan #1 and Alternative Plan #2.

Ms. Richardson explained that they were allowed to develop up to a maximum of 7,500 square feet of floor area. She also wanted to point out her numbering system on page 4 of 16. For some reason she had two number sevens (7s). She explained that the condition for Concurrency, should be number 7, the condition for Compliance to the Lee County Land Development Code should be number 8 and the condition for Solid Waste Management should be number 9.

Next, she discussed the surrounding areas, noting there were CPDs at the three corners and RS-1 zoning surrounding to the west. The Applicants were proposing the Type F buffer with enhanced plantings along that property line, so Staff believed that the proposed development would be consistent and compatible with the surrounding area. It would protect the Residential neighborhood from the potential commercial uses.

They had also asked for one deviation in regard to connection separation along 5th Street West. She also wanted to put on the record that when the Department of Transportation (DOT) reviewed this, they had no objection to the approval of that deviation, however, they wanted to put the Applicants on notice. She believed that they had been informed that in the future DOT may redo the striping there at the corner at 5th Street West and Gunnery Road. However, currently, there was a painted median and they could drive right over it if they wanted to do that.

Ms. Richardson explained that sometime in the future they might close that off and have it become a median so that you could not drive through there and the project would only be able to have a right-out only. They would come out onto 5th Street West and onto Gunnery Road and down to Lee Boulevard and go straight or go through 5th Street West to the left.

The Hearing Examiner noted Ms. Richardson said a "right-out only." He took it that she also meant a "left-in." She confirmed that there would be a left-in and a lane to get in because there might be a full median and the current access might close. She reiterated that DOT had no concept of when that was going to happen, but they said that it could happen in the future due to public safety and concerns and they could close that off. They did the same thing also at the south of another intersection, which used to be an open intersection. It was currently a fully closed median intersection. So they might do the same thing there.

She explained that they could come in for their Development Order after this was approved by the Board of County Commissioners (BOCC) or the Hearing Examiner within two weeks. If they got their Development Order, they would get their building permits and start building and if DOT had not done this yet, it would affect their development in the future. So it was just to put on the record and put them on notice that it could possibly happen.

The biggest concerns they had during the review of this was of course, with Alternative Plan #4 and those concerns were all taken away. Staff recommended approval of the CPD zoning with the three Alternative Plans.

Ms. Richardson wished to make one other correction on page 10 of the Staff Report. She had stated that both Lee Boulevard and Gunnery Road operated at a Level of Service (LOS) "B." She pointed out that should be LOS "C." Development Services reviewed that and they said that both roads operated at a LOS "C."

Water and Sewer would be provided by Florida Governmental Utilities Authority (FGUA). The Applicant had all the services that would be provided for the uses. The subject property was located in a Neighborhood Mixed Use area, according to the Lehigh Acres Plan.

The Applicant held their public informational meeting with the Lehigh Acres Planning Panel. She believed that there was someone present from the Planning Panel who wished to address some of their concerns and the issues, which they had talked about there. However, Staff had never received any minutes that said whether or not they were for or against the project.

She concluded her presentation, noting that Aaron Martin was present with her to address any environmental issues regarding the buffers or any landscaping questions they might have. There were no questions for Ms. Richardson.

At that point, the Hearing Examiner opened the hearing to members of the public. As he had indicated before, they could come forward and make any statements they wanted to make and ask any questions they wanted to ask. The only limitation was that it had to be relevant to this rezoning. At that point, only one Public Participation Form had been submitted to the Hearing Examiner. He requested any others and pointed out where they were located in the hearing room in case anyone else wished to complete one.

The Hearing Examiner first called upon Linda Carter to speak. He asked her to give her name, address, and indicate whether or not she had taken an oath. Ms. Carter introduced herself for the record and explained that she lived at 704 Homer Avenue North, in Lehigh. She pointed out the location of her home on the map displayed. She pointed out the entrance they used as an emergency entrance in and out of their neighborhood. The Hearing Examiner wanted to know which street she was indicating. She explained it was 5th Street West.

Then she explained that during the construction of Lee Boulevard about eight years ago that area had been closed off. She had requested that they open up 5th Street West for school buses to run in the mornings and afternoons. So they had school buses coming in there. They had the only traffic circle in a residential area. The school buses got around it carefully, but she was concerned about large trucks or any other vehicles going through there, and more traffic in their neighborhood.

She explained that children walked through there going to and from school. That intersection was dangerous enough as it was. Children were currently getting out of school and crossing over to the shopping center. She pointed out where they lived and explained where they crossed over. With one way in, if that area was closed, it would mean they couldn't even put fire trucks in there. She pointed out where they would have to go around and come back into that area.

Ms. Carter was concerned that if they went with a 2-story building, the 74-foot or 85-foot fire trucks couldn't go in there, because they couldn't turn around. All of these entrances and all

of their Master Plans were 1-way in entrances. The only way to get a truck out was to back up. They were not looking for safety in this area because that was a major, critical arterial access road. Since they currently had two major schools up there and the regional library, they had a lot of pedestrians that went in and out of that area.

Next, she pointed out that 5th Street West was not sidewalked. People walking down there were walking among cars. She pointed out that people that had wheel chairs were in among cars. It was not going to be safe for people down through there, with the amount of traffic that was going to be going in through there. She lived there and she went through that intersection four times per day to and from school. When they left in the afternoons and they went to Lehigh, the safest way during business hours instead of coming across six lanes of traffic was to come out of the road and turn at the light.

She explained that if they tried to cross in another area during busy hours, they might sit there for five minutes waiting for traffic to slow down. They couldn't do that. If they blocked the intersection and they had more traffic coming into the area, it was going to be a big problem.

She was concerned they would not be able to do anything if they had big trucks with that area closed. Safety wise, it was not practical. She thought it would work for a small mixed node, but the way they had it designed and planned was not safe. They saw it every day. She pointed out that the house right above was an abandoned foreclosed house and it had not been finished. Then she pointed out another abandoned house. So that meant in order to do it effectively, it would take buying those two houses and building a big area there to make it easier for access. But those three lots were not safe.

She explained that she was against it right now, based on that matter, because if they blocked their intersection during a disaster, they couldn't get in and out depending on what lines they were going down for egress. She indicated that she was concerned that the residents would be put at risk if they redesigned Gunnery Road for 4-lanes there within the next six years without planning ahead of time. That completed her presentation. There were no questions for Ms. Carter, although the Respondent planned to put on responsive testimony.

Next, Barry Gionfriddo was called upon and introduced himself for the record. His address was 2506 Queen Drive, Lehigh, Florida 33971. He had taken an oath. He explained that he had just received a "Notice to Property Owner" and that was why he was present. He was looking at it and he just wanted to find out what was going on. The Hearing Examiner asked him where his property was located. Mr. Gionfriddo explained that it was just a vacant lot and pointed it out on the map. The Hearing Examiner noted it was located directly west of the subject property on Lee Boulevard.

Mr. Gionfriddo thought it was a perfect location for Commercial development. He could not foresee anyone building Residential houses there. He explained that he was in favor of the project and that he didn't know what else they could do there except Commercial. There were no questions for Mr. Gionfriddo.

The next witness called was Edd Weiner, who indicated he had not been sworn. He was placed under oath. Then he gave his address, which was 20048 Lake Vista Circle, Lehigh Acres, Florida 33936. Mr. Weiner explained that he was the President of the Lehigh Acres Community Planning Panel and the CEO of the Economic Development Board in Lehigh Acres.

He noted that in September, Mr. Uhle brought the project before them. He believed the site plans were the same four site plans as submitted to the Planning Panel. After reviewing those site plans, the Panel had some difficulties especially with traffic circulation.

He referred to Site Plan Alternative Plan One and explained that at approximately 300 feet deep, there was no way to get back out of the driveway. A truck, such as a fire truck or delivery vehicle, would have to back out onto 5th Street West. Site Plan Alternative Plan Two had a similar situation. He didn't know how high the bank canopy drive-through would be, but there would be a serious problem with circulation for that site plan as well.

Mr. Weiner referred to Site Plan Alternative Plan Four, which was presented to them as a potential 7-11 or Circle K with gas pumps. The Hearing Examiner pointed out that Site Plan Alternative Plan Four had been deleted.

Mr. Weiner explained that Site Plan Alternative Plan Two was the only one that was worth discussing, except that it only had a driveway with no circulation around the building. They had suggested to Mr. Uhle that he contact his client and talk about purchasing the East County Water Control Easement located directly to the west, which according to East County Water Control was a dead-end canal. They did not need that easement and they were willing to sell that easement for the same dollar value as the appraised value of the parcel adjacent to it. If that was done, it would give them circulation and possibly a second driveway onto 5th Street West, which would enable trucks and other vehicles to circulate that property without having to back out onto 5th Street West.

He explained that their concern was that according to their Master Plan, this was an Intense use Commercial area and could not and should not be used for Residential. The area from Gunnery Road - west, should be rezoned to a Commercial use. However, if they took parcel by parcel and rezoned it, they would almost end up with a "model row" similar to what they currently had, because the structures would not be large enough to contribute anything Commercially to the area. It would not follow the Master Plan by being an Intense Commercial use.

He was concerned about the lack of circulation or entrance or exit out onto Lee Boulevard and out onto Gunnery Road. Again, they were faced with backing up to a Residential area, so all traffic that was going to be zoned Commercially, would be forced into using 5th Street West with the adjacent property to its north - Single-Family.

They were eliminating traffic on the collector and the arterial and putting it on a Residential local street. The Hearing Examiner wanted to know if the property to the north was a vacant CPD. Mr. Weiner explained that the CPD located directly to its north was a CPD, but to its west, it was zoned Single-Family. The Hearing Examiner was correct. He explained that was why the driveways lined up, because the property located directly to the north was a vacant CPD.

They were taking traffic that should be on a collector or an arterial (road) and putting it on a local Residential street, which was in extremely poor condition and more traffic and trucks would destroy it. He explained that the Planning Panel was concerned with circulation and the intensity with which that property and its adjacent properties to the west should be developed. He thought that when Mr. Uhle sent out his Notice to Property Owners, the gentleman who owned the house two to three lots away was concerned that his house would be purchased. He offered the Planning Panel an objection, because he didn't want his house purchased.

Mr. Weiner explained that might or might not be valid, but in reality, his house should be purchased. That entire block from Gunnery Road - west to Gordon Avenue North should be a Commercially zoned piece of property with an Intense Commercial use on it.

He briefly read the Staff Report and he found several of the uses extremely objectionable, such as a bus station, and a drive-through. He didn't know if the drive-through was in conjunction with a restaurant. He explained that the Planning Panel had said in no uncertain terms that they were through with fast food in Lehigh Acres. They had every fast food restaurant known to man. If the drive-through was referring to a fast food restaurant, then that was an objectionable use. He explained that he could go on.

He was extremely disappointed that Staff recommended approval of this application. He explained that when they asked Mr. Uhle to come back to the Panel with revisions to the Plan and to let them know whether or not it was possible to buy the drainage canal to the west, they never came back the second time. Although he was not sure of the time frame, he thought that Mr. Uhle left the firm and that someone took over and gave him the reply that the gentleman couldn't afford Mr. Uhle's services to have him return to the Planning Panel. That was why Ms. Richardson didn't have a letter from the Planning Panel either affirming or denying this report.

Mr. Weiner reiterated that they had some problems with this. They wanted to work with the proponent. They wanted to wear two hats with one as the Planning Panel and one as the CEO bringing business into the community. They would love to have businesses in the community, but they needed to have the businesses done right and appropriate to the situation and conforming to their Comprehensive Plan. There were no questions for Mr. Weiner.

There were no other members of the public who wished to speak, so public discussion was closed. The Hearing Examiner called upon the Applicant for rebuttal and comments in regard to the items brought to his attention by members of the public.

Mr. Uhle wanted to ask Mr. Muller some questions. Mr. Muller came forward and indicated he was still under oath. Mr. Uhle asked Mr. Muller why it was that there were no accesses shown on Lee Boulevard for Alternative Plans #1, #2, and #3. Mr. Muller explained that basically, according to the Lee County Land Development Code, intersection separation distances along arterial roadways generally needed to be a minimum of 660 feet. In this particular case, they only had 130 feet of frontage on Lee Boulevard and about 270 feet of frontage on Gunnery Road. In some cases for corner parcels they did make exceptions at 245 feet. However, there was another intersection there. So they had some problems.

He also pointed out that they had a median on Lee Boulevard and there was also the painted median, which could be crossed. He explained that going out there during busy times, you could see, especially when the school got out that the traffic basically backed up all the way up to 5th Street West, so from a practical standpoint, it was really not feasible to get a secondary access, along with the fact that based on County Regulations they were not able to get an access. As he had explained before, basically the only viable access point on the site was where they had it located.

Mr. Uhle wanted to know if the Lee County Comprehensive Plan said anything about Commercial projects and where the access was supposed to go in Lehigh Acres. Mr. Muller believed there was a Policy there that actually encouraged a specific location for the access. He thought they mentioned 5th Street West in there by name as one of the roads. Basically, they were trying to take the access off of the arterial and collector roadways and put them

back on that. He guessed it served basically, as a reverse frontage road, so to speak, in this particular case.

Mr. Uhle wanted to know if in Mr. Muller's opinion, the access that was provided there was consistent with the intent of the Comprehensive Plan. He confirmed it was. Mr. Uhle wanted to know if it would be possible in Scenarios #1, #2, and #3 to move the building so that there would be a driveway that would loop around the building so that there would be absolutely no chance of anybody backing out onto 5th Street West. He also wanted to know what he thought the danger was if people backed out onto 5th Street West.

Mr. Muller explained that basically they had 130 feet of property. Other than fire trucks, he really didn't foresee a lot of big semi-tractor trucks coming into these sites. If there was a flower shop or something like that most of the people coming in would be coming in with typically smaller delivery vans. He thought there would be ample room to maneuver. In regard to fire trucks, he explained that was an issue they were going to have to address during the Development Order stage. They required a 20-foot stabilized access around the building, and they had 20 feet in the rear there, but it might be a potential problem due to the buffering. There was also the alternative of sprinkling the buildings, which was what most people did in really tight sites like this.

Mr. Uhle wanted to know if he looked at any scenarios where the building would be moved to permit circulation around it. Mr. Muller indicated he did. Mr. Uhle wanted to know what happened when he did that. Mr. Muller explained that you could not get the parking and it was not feasible to put a 15-foot-wide building in there with parking around it. Mr. Uhle wanted to know if there was anything about these parking lots that was inconsistent with the Lee County Land Development Code (LDC). Mr. Muller's answer was "no." He understood that they had dead end parking lots but they did provide the five-foot turnaround, which was required by the Lee County Land Development Code for dead end parking lots.

Mr. Uhle wanted to know if in his opinion, the scheme with the access and the parking lots was safe. Mr. Muller confirmed it was.

The Hearing Examiner took it that the Applicant had a choice of either complying with the Fire Department's Regulations or sprinkling the building. Mr. Muller confirmed that. He added that the Regulation was generally a 20-foot stabilized access, so it did not necessarily have to be paved. The Hearing Examiner wanted to know if that could be provided in the swale. Mr. Muller explained that there were different ways. They were going to have the buffer along there. So it would be tough. However, he thought that in an emergency situation, there was plenty of room along the top of the bank of the canal for a fire truck to get down there. A trail behind it was also pointed out. Mr. Muller pointed out that it could be seen on the ariel photograph. There was 60 feet and the actual water body was probably only 15 feet across. So there was an opportunity to get a truck back there in an extreme emergency.

Next, Mr. Uhle called upon Mr. O'Sullivan. Cornelius O'Sullivan came forward and introduced himself for the record. He lived at 15643 Carriedale Lane, Fort Myers, Florida 33912. He was placed under oath at that time.

Mr. O'Sullivan was the owner of the subject property. Mr. Uhle asked Mr. O'Sullivan to please describe the interactions he had with the East County Water Control District, relative to purchasing an interest in their property. Mr. O'Sullivan explained that approximately two years ago he had spoken with Mr. Lindsay and epxressed an interest in the canal, which was behind the subject property. They gave him some applications to fill out. Then about three months later he went back and spoke to Mr. Lindsay and got a little more information. He

explained that basically the Applicant would have to pay for an appraisal and then pay for and have an appraisal done by the Water District. He was given just general information.

A couple of months later he went down and had a few more questions, and basically they told him that he was only interested in buying the property now that the value was down. So he didn't say a word, he just walked out. That was basically his conversation with Mr. Lindsay. Mr. Uhle wanted to know if he sensed there was any possibility of purchasing this property for the price that he was willing to pay. Mr. O'Sullivan explained that would take a little consideration when they talked about the price. At this point, he wasn't thinking about purchasing the canal. Mr. Uhle noted he did not have money to write a check for this property under present circumstances. Mr. O'Sullivan indicated that was correct.

Mr. Uhle had a few brief remarks for the record. In regard to Mr. Weiner's concern about the Schedule of Uses, he explained that they probably wouldn't have a big problem with removing "bus station" from the list. The drive-through was accessory to the bank and not to a restaurant. They did not ask for a fast-food restaurant. It was not in the Schedule of Uses.

The Hearing Examiner wanted to know if it would also be accessory to a pharmacy. Mr. Uhle explained that was also true. That wasn't specifically the scenario that was proposed, but that was a possible use with drive-throughs and Staff had indicated that was a permitted use so they did not have a problem with that.

Mr. Uhle thought that what this came down to, was that they had a situation where their plan complied with the Code. They had provided the only access that the Code would permit them to have. It was one that was consistent with the previous approval for the property to the north. The County would require them to do the interconnection there to make sure that everything lined up, so they really didn't have any choice about where the access on this property was going to go.

He thought it was also clear from the plan and Mr. Muller's testimony that there was no practical way, given that the parcel was the size it was, of moving buildings around so that they could actually provide additional roads around the building. That was not required by the Code , in any event. So what this ultimately came down to, was a decision as to whether or not they were going to approve this rezoning request, which was for Commercial uses mandated by the Lee County Comprehensive Plan, or say nothing could happen on this property until the Applicant bought an interest in property that it didn't own and was not in a position to buy right now. He reiterated that the Applicant actually made an effort to discuss it with the East Water Control District.

He thought the Hearing Examiner would have to look really hard in the Lee County Comprehensive Plan to find any obligation to go out and buy additional property in order to put a reasonable use to your site that was consistent with the Lee County Comprehensive Plan. So their position was that this was in fact, consistent with the Lee County Comprehensive Plan and should be approved with the recommendations of the Staff as revised during this public hearing.

Ms. Richardson had no rebuttal with what was put on record in the hearing and still recommended approval.

The Hearing Examiner referred to a couple of housekeeping items. He believed Staff wanted him to allow into evidence the two smaller photographs contained on one sheet of paper in addition to the large aerial photograph. He admitted those two smaller photographs as Staff's Composite Exhibit 2.

He asked if he was correct that Mr. Uhle desired to submit an amended Master Concept Plan (MCP). Mr. Uhle indicated the Hearing Examiner was correct. They would need to do that whether or not they did it now or between now and the Board Hearing. The Hearing Examiner preferred they do that now so that his Recommendation could refer to it. He asked how long they would need. They requested a week to 10 days. There was some discussion about the date and it was determined that the record would be left open until close of business on April 29, 2011, for the Applicant to submit a revised MCP. He also requested that if Ms. Richardson had any objection to the plan submitted to let him know as soon as possible. Mr. Uhle explained that they would take out Alternative Plan #4 on the revised plan.

The Hearing Examiner asked if there were any other issues with the regard to the case. Hearing none, the Hearing Examiner concluded the hearing and thanked them all for attending.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Gary Muller, Gary F. Muller, AICP, 1482 Argyle Drive, Fort Myers, Florida 33919

2. Matthew D. Uhle, Esquire, Law Office of Matthew D. Uhle, 1617 Hendry Street, Suite 411, Fort Myers, Florida 33901

ADDITIONAL COUNTY STAFF:

1. Michael Jacob, 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. Barry Gionfriddo, 2506 Queen Drive, Lehigh Acres, Florida 33971

Against:

1. Linda Carter, 704 Homer Avenue North, Lehigh Acres, Florida 33971-1142

2. Edd Weiner, 20048 Lake Vista Circle, Lehigh Acres, Florida 33936

General:

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 16th day of May, 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.

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Facsimile: 239/485-8406

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 26, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 55, UNIT 5, SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEHIGH ACRES, PLAT BOOK 15, PAGE 78, LEE COUNTY PUBLIC RECORDS; THENCE N4°46'35"W FOR 272.98 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 55 AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LINE OF 5TH STREET W; THENCE N89°23'44"E ALONG THE NORTH LINE OF LOT 3 AND ALONG THE SOUTH RIGHT-OF WAY LINE OF 5TH STREET W FOR 131.86 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF GUNNERY ROAD AND THE NORTHEAST CORNER OF SAID LOT 3, BLOCK 55; THENCE S4°45'31"E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID GUNNERY ROAD FOR 218.88 FEET; THENCE S38°36'03"W FOR 64.39 FEET; THENCE S85°33'02"W FOR 59.98 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LEE BOULEVARD; THENCE S89°23'44"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF LEE BOULEVARD FOR 27.36 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.79 ACRES MORE OR LESS.

BEARINGS BASED ON THE NORTH RIGHT-OF-WAY LINE OF LEE BOULEVARD BEING S89°23'44"W (PLAT BEARING).

1-11-11

DCI 2010-00013

RECEIVED

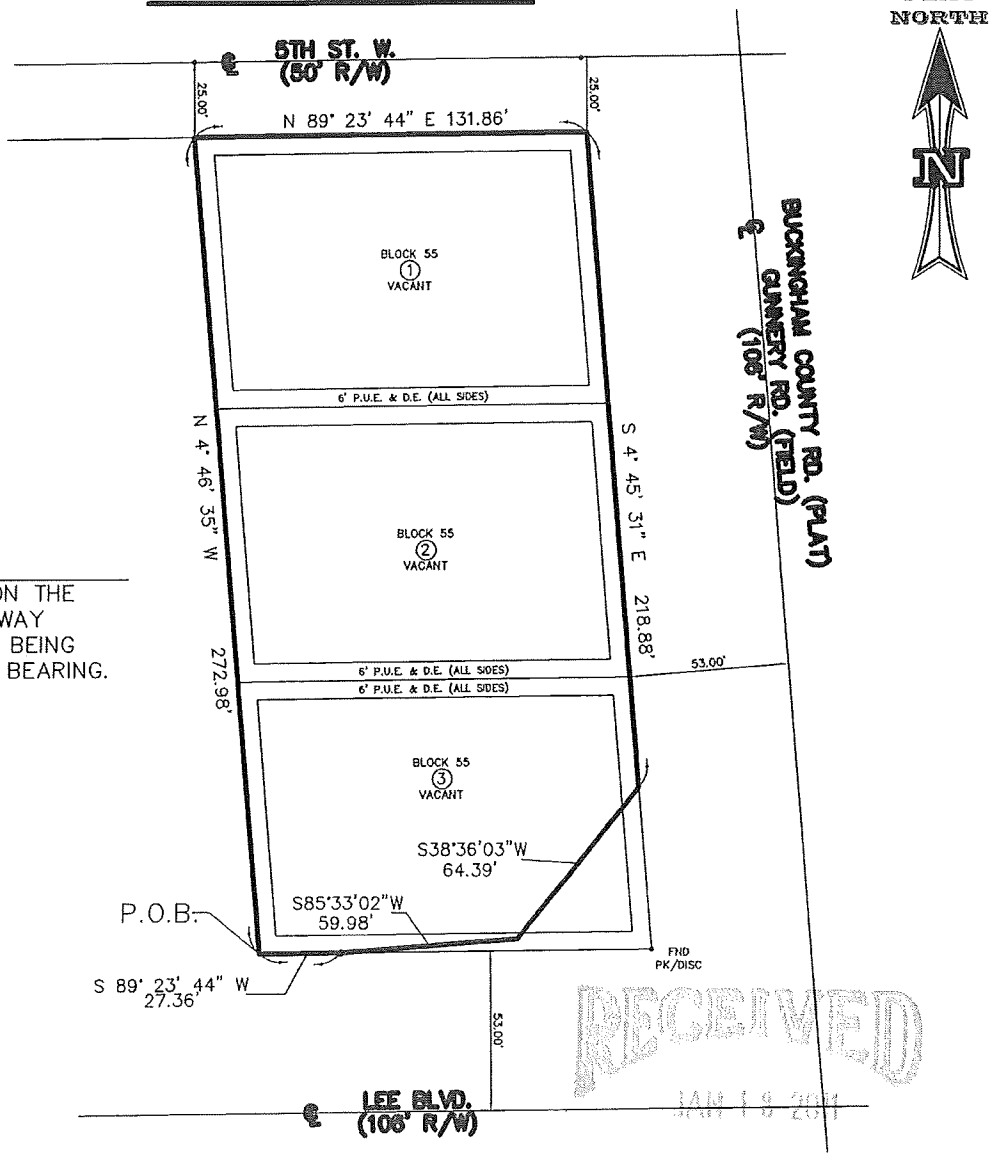
JAN 18 2011

COMMUNITY DEVELOPMENT

APPROVED
LEGAL
BJ 11/24/10

EXHIBIT A

NOT A SURVEY – SKETCH ONLY



NOTE:
BEARINGS BASED ON THE NORTH RIGHT-OF-WAY LINE OF LEE BLVD. BEING S89°23'44"W. PLAT BEARING.

RECEIVED
JAN 19 2011
COMMUNITY DEVELOPMENT

405/407/409 GUNNERY RD. N
LOTS 1-2-3, BLOCK 55, UNIT 5
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 15, PAGE 78, OF THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

DC 2010-00013

LEHIGH SURVEYING, INC.
LB7462
715 GREENWOOD AVENUE
LEHIGH ACRES, FLORIDA 33972
239-368-7400 239-368-7685 (FAX)

APPROVED
LEGAL
1/24/11

1-7-10

CHRISTOPHER B. STILL
REGISTERED LAND SURVEYOR NO. 5941

SHEET 1 OF 2
SCALE: 1" = 60'
FILE NO. 06162-5

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ELEVATIONS SHOWN ARE BASED ON DATA FROM THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, UNLESS OTHERWISE NOTED.

THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN SHOWN.

ONLY IMPROVEMENTS SHOWN WERE FIELD LOCATED.

BEARINGS BASED ON PLAT, DEED OR ASSUMED DATUM.

UNDERGROUND IMPROVEMENTS SUCH AS SEPTIC TANKS, DRAINFIELDS, ETC. ARE APPROXIMATE ONLY AND MUST BE VERIFIED BY ANOTHER SOURCE.

LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE SHOWN.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

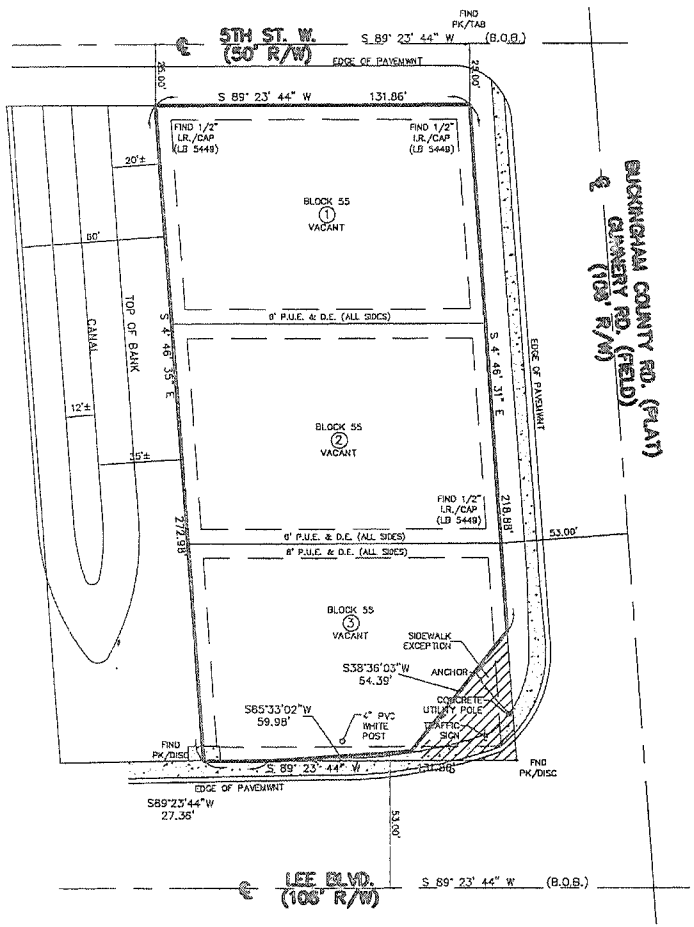
ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.

TITLE OPINION WAS FURNISHED BY GEORGE CONSOER DATED JANUARY 6, 2011.

LEGEND:

A	– ARC LENGTH
A/C	– AIR CONDITIONER
Ⓒ	– CABLE TV
(C)	– CALCULATED
CB	– CHORD BEARING
CE	– COVERED ENTRY
CH	– CHORD DISTANCE
C.M.	– CONC. MONUMENT
COR.	– CORNER
(D)	– DEED
B.O.B.	– BASIS OF BEARINGS
D.E.	– DRAINAGE EASEMENT
D.H.	– DRILL HOLE
EL.	– ELEVATION
ENC.	– ENCROACHMENT
E.O.P.	– EDGE OF PAVEMENT
FND.	– FOUND
I.R.	– IRON ROD
(M)	– MEASURED
N&T	– NAIL & TAB
N.T.S.	– NOT TO SCALE
(NR)	– NOT RADIAL
O.R.	– OFFICIAL RECORD
(P)	– PLAT
P.B.	– PLAT BOOK
P.C.	– POINT OF CURVATURE
P.C.C.	– POINT OF COMPOUND CURVATURE
P.C.P.	– PERMANENT CONTROL POINT
P.E.	– POOL ENCLOSURE
PG.	– PAGE
P.O.B.	– POINT OF BEGINNING
P.O.C.	– POINT OF COMMENCEMENT
P.P.	– POWER POLE
P.R.C.	– POINT OF REVERSE CURVATURE
P.R.M.	– PERMANENT REFERENCE MONUMENT
P.T.	– POINT OF TANGENCY
P.U.E.	– PUBLIC UTILITY EASEMENT
R	– RADIUS
(R)	– RADIAL
RNG.	– RANGE
R/W	– RIGHT OF WAY
SEC.	– SECTION
SET I.R.	– SET 1/2" IRON ROD LB7462
S.E.	– SCREEN ENCLOSURE
S.T.	– SEPTIC TANK
Ⓣ	– TELEPHONE BOX
TWP.	– TOWNSHIP
(PR)	– PRORATED
T.B.M.	– TEMPORARY BENCHMARK
U.P.	– UTILITY PEDESTAL
Ⓦ	– WATER METER
△	– DELTA ANGLE
☼	– POWER POLE
⊕	– FIRE HYDRANT
⊕	– TEMPORARY BENCHMARK
℄	– CENTERLINE
-x-	– WIRE FENCE
-/-	– WOOD FENCE
-E-	– OVERHEAD WIRES
[CP]	– CONCRETE PAD
100.00	– EXISTING ELEVATION
(XX)	– LOT NUMBER



RECEIVED
JAN 10 2011
COMMUNITY DEVELOPMENT
Applicant's Survey Checked
By 1/24/11

DOC 2010-00013

FIELD SURVEY:	11-2-10
CREW CHIEF:	C. CORDISCO
DRAWN BY:	J. KNORR
SCALE:	1" = 50'
SHEET:	1 OF 1
JOB NO:	06162-5
FIELD BOOK:	XX PAGE: XX

LEHIGH SURVEYING, INC.
LB7462
1130-E LEE BOULEVARD
LEHIGH ACRES, FLORIDA 33936
239-368-7400 239-368-7685 (FAX)

11-8-10

CHRISTOPHER B. STILL
REGISTERED LAND SURVEYOR NO. 5941

PLATTED DATE:	AUGUST 1956	COMMUNITY PANEL NUMBER:	125124 0375 B	DATE OF MAP:	NOT PRINTED	FLOOD ZONE:	B	ELEVATION:	N/A

PLAT NORTH

BOUNDARY SURVEY
405/407/409 GUNNERY RD. N
LOTS 1-2-3, BLOCK 55, UNIT 5
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 15, PAGE 78, OF THE
OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

CERTIFIED TO:
CORNELIUS P. O'SULLIVAN AND ESTELLE O'SULLIVAN
TRUSTEES OF THE CORNELIUS P. O'SULIVAN LIVING TRUST
KNOTT, CONSOER, EBELINI, HART & SWETT, P.A.
ATTORNEYS' TITLE INSURANCE SERVICES, LLC

NOT VALID UNLESS SIGNED AND RAISED SEAL

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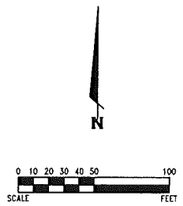
ALTERNATIVE PLAN #1



SITE DATA

TOTAL SITE AREA:	0.79 ACRES
COMMERCIAL BUILDING AREA:	6,750 S.F.
MAXIMUM BUILDING HEIGHT:	25 FEET
PARKING PROVIDED:	27 SPACES

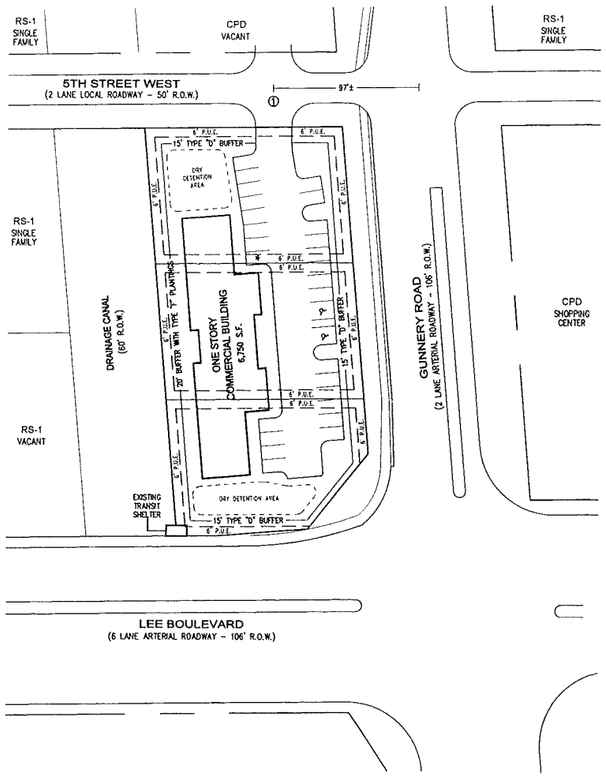
OPEN SPACE CALCULATIONS

REQUIRED: 0.79 ACRES X 20% =	0.16 ACRES
OPEN SPACE PROVIDED:	0.41 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

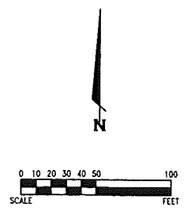
INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.

LEGEND
PROPOSED LOADING AREA: ★
REQUESTED DEVIATION: Ⓔ



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

ALTERNATIVE PLAN #2



SITE DATA

TOTAL SITE AREA:	0.79 ACRES
COMMERCIAL BUILDING AREA:	7,500 S.F.
MAXIMUM BUILDING HEIGHT:	35 FEET
PARKING PROVIDED:	30 SPACES

OPEN SPACE CALCULATIONS

REQUIRED: 0.79 ACRES X 20% =	0.16 ACRES
OPEN SPACE PROVIDED:	0.41 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

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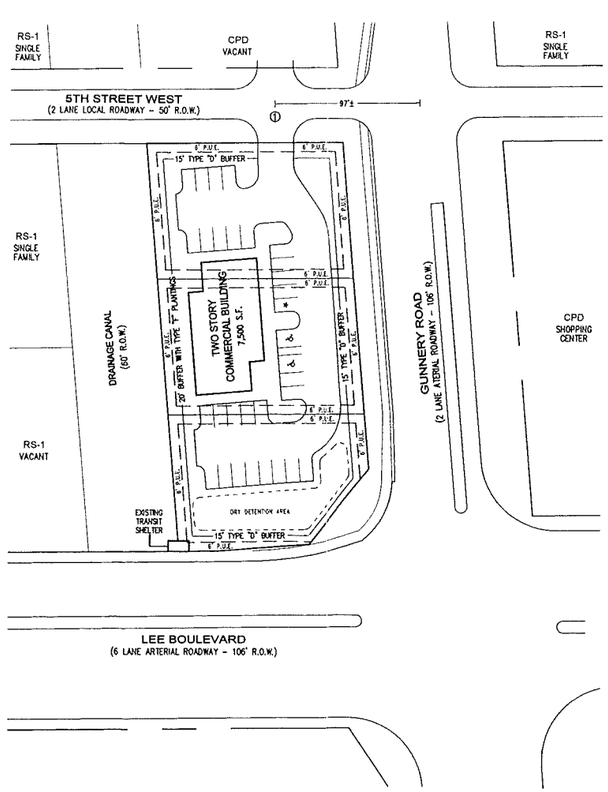
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.

LEGEND
PROPOSED LOADING AREA: ★
REQUESTED DEVIATION: Ⓔ



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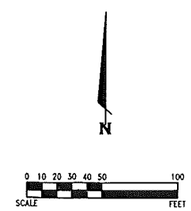
ALTERNATIVE PLAN #3



SITE DATA

TOTAL SITE AREA:	0.79 ACRES
COMMERCIAL BUILDING AREA:	2,400 S.F.
MAXIMUM BUILDING HEIGHT:	25 FEET
PARKING PROVIDED:	8 SPACES

OPEN SPACE CALCULATIONS

REQUIRED: 0.79 ACRES X 20% =	0.16 ACRES
OPEN SPACE PROVIDED:	0.39 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.

LEGEND
PROPOSED LOADING AREA: ★
REQUESTED DEVIATION: Ⓔ

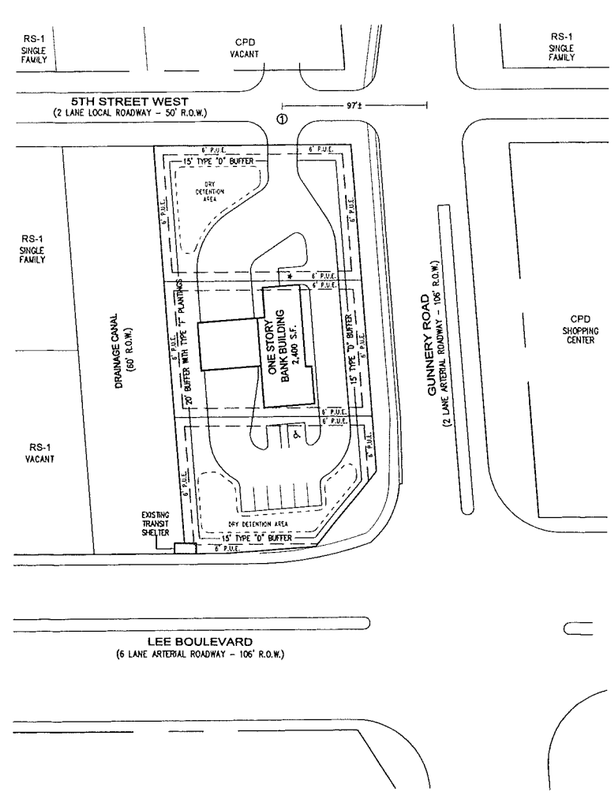


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EXHIBIT B

LEE COUNTY
HEARING EXAMINER
2011 APR 28 AM 9:55

EXHIBIT D-7-M.2

FILE #	1002MCP4
DATE	04/11
SCALE	NOTED
DESIGN	GFM
DRAWN	GFM
CHECK	GFM

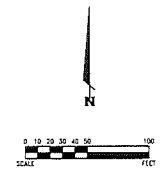
GARY F. MULLER, AICP
gfm
1482 ARGYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 939-0111

SEC 28, TWP 44S., RGE 26E.
LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN
O'SULLIVAN CPD

DWG. NO.
1002

ALTERNATIVE PLAN #1



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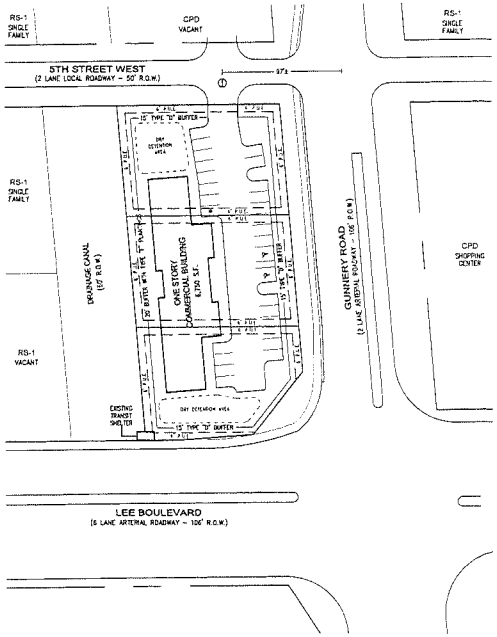
MAXIMUM BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 27 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.79 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.41 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: ①

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



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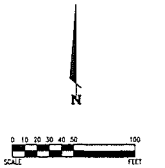
ALTERNATIVE PLAN #2



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LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: ①

INDIGENOUS VEGETATION CALCULATIONS
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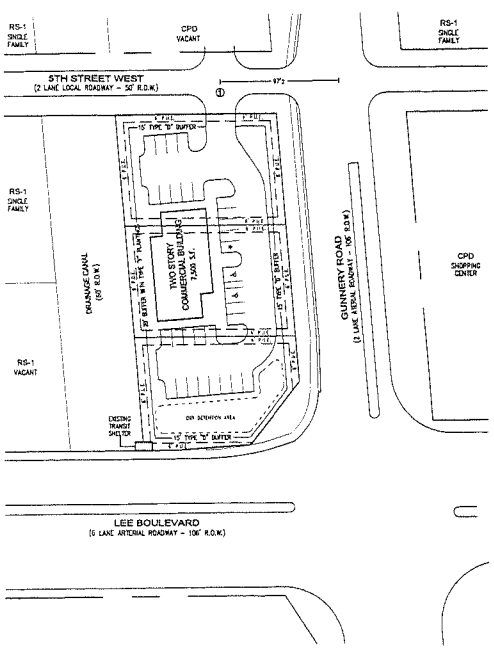

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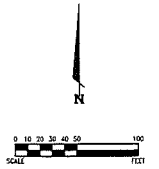
ALTERNATIVE PLAN #3



SITE DATA
TOTAL SITE AREA: 0.79 ACRES
COMMERCIAL BUILDING AREA: 2,400 S.F.
MAXIMUM BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 8 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.79 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.39 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: ①

INDIGENOUS VEGETATION CALCULATIONS
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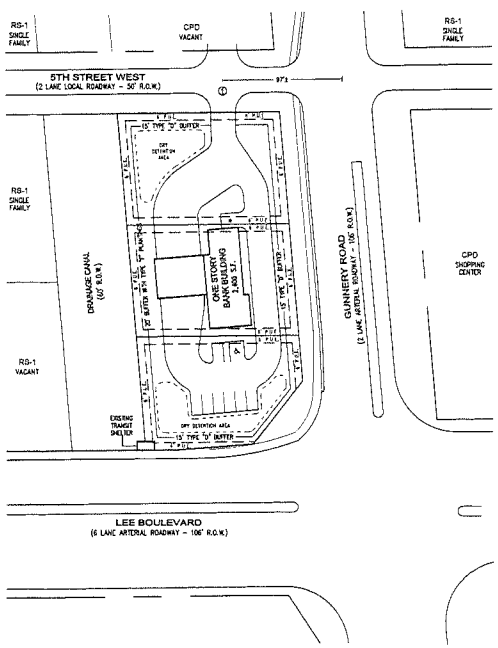

NOTES
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EXHIBIT B

LEE COUNTY
HEARING EXAMINER
2011 APR 28 AM 9:55

EXHIBIT D-7-M.2

FILE #	1002MCP4
DATE	04/11
SCALE	NOTED
DESIGN	GFM
DRAWN	GFM
CHECK	GFM

GARY F. MULLER, AICP
1482 ARGYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 939-0111

SEC 28, TWP 44S., RGE 26E.
LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN
O'SULLIVAN CPD

DWG. NO.
1002

To: Nettie Richardson

From: Matt Uhle

Date: November 15, 2010

Re: O'Sullivan CPD/Meeting with Lehigh Planning Panel

I met with the panel on September 8. Approximately 15 members of the public attended the meeting, although several of them left before my item was called. The only public comments regarding the project came from the owners of the parcel immediately to the west of the drainage conveyance located just west of the site. They were concerned that the zoning application might in some way require them to sell their property to the developer. I, and some of the members of the panel, provided them with reassurance on this point.

The most significant concerns identified by the panel members were as follows:

1. The parking for the bank scenario is inadequate.

   RESPONSE: The parking is consistent with the applicable LDC requirements.

2. The convenience store scenario does not work, because the plan does not include an adequate turning radius for tanker trucks.

   RESPONSE: Gary Muller reviewed the plan after receiving this input and concluded that the property could, in fact, accommodate the tanker trucks. The plan has been modified slightly to address this concern.

3. An agreement should be reached with the East County Water Control District to permit the use of the drainage conveyance for parking.

   RESPONSE: Assuming, for purposes of argument, that the District would agree to permit its property to be used for parking, this would require revisions to the survey, the legal description, and the title opinion, as well as to the MCP. In addition, the County would prohibit the use of this area for required spaces if the District retained the right to remove the spaces, even temporarily, for maintenance.

4. The building in the first two scenarios should be brought closer to Gunnery Road in order to permit a loop drive around the building and thus avoid dead-end parking lots.

   RESPONSE: The parking lots, as proposed, do not violate any LDC requirements. Given the setbacks and buffering standards in the LDC, there is not enough room on the site to

DCI 2010-00013

JAN 18 2011

COMMUNITY DEVELOPMENT

EXHIBIT C

accommodate a driveway around all sides of the building without reducing the size of the building.

RECEIVED
JAN 18 2011
COMMUNITY DEVELOPMENT

DCI 2010-00013

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS - AT - LAW

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

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Facsimile (239) 334-1446

Natly Torres-Alvarado
David A. Burt
David L. Ciccarello
Madeline Ebelini

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

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

November 17, 2010

Mr. Edd Weiner
20048 Lake Vista Cir.
Lehigh Acres, FL 33936

Re: O'Sullivan CPD Application

Dear Edd:

Attached please find the notes from the meeting on September 8th which were prepared by Matt Uhle and Gary Mueller. I am enclosing a copy of the turning movement analysis prepared by Gary that is in response to item number 2 on this summary sheet.

As you will see, after consulting with our client, it was concluded that no further changes were necessary or advisable regarding the proposed plans. In particular, to try to obtain control of the property now owned by East Lee County Water Control District would be very time consuming and expensive, and would require significant modifications to the current site plan.

The client does not have a budget for us to attend any additional meetings in Lehigh, so we would respectively request that you accept this attached memo as the applicants response to the panel's questions and concerns.

Please do not hesitate to contact me should you have any questions.

Very truly yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Mike Roeder

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

RECEIVED
JAN 18 2011
COMMUNITY DEVELOPMENT
DCI 2010-00013

EXHIBIT D

DCI2010 -00013

Attachment "A"
Zoning Map

3/7/2011

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

CASE NUMBER: DCI2010-00013
APPLICANT: CORNELIUS P. O'SULLIVAN, TRUSTEE, in reference to O'SULLIVAN CPD
RESPONSE DATE: APRIL 29, 2011

The hearing on the above-styled case began as scheduled on April 20, 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 a revised Master Concept Plan.

This matter is continued to FRIDAY, APRIL 29, 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 20th day of April, 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 21th day of April, 2011.

Maria D. Perez/Administrative Specialist

April 20, 2011

INSTRUCTIONS
(Section C.1.c., Lee County Administrative Code AC 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:

a. Signs for case #DCI2010-00013 must be posted by **Tuesday, April 5, 2011**.
b. 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.
c. 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.
d. 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.
e. 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.)

DCI 2010-00013

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED MICHAEL ROEDER
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:

RECEIVED
APR 12 2011
COMMUNITY DEVELOPMENT

Michael Roeder
SIGNATURE OF APPLICANT OR AGENT

MICHAEL ROEDER
NAME (TYPED OR PRINTED)

1625 HENDRY ST #301
ST. OR PO BOX

FT MYERS, FL 33901
CITY, STATE & ZIP

#DCI2010-00013/O'SULLIVAN CPD /04/20/2011/JLP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 5th day of April, 2011, by MICHAEL ROEDER, personally known to me or who produced _____ as identification and who did/did not take an oath.

PAULA A. WELLER
MY COMMISSION # DD 836632
EXPIRES: January 31, 2013
Bonded Thru Notary Public Underwriters

Paula A. Weller
Signature of Notary Public

PAULA A. WELLER
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)

News-Press.com Online Public Notice: Detail

2011-04-07 Notice of Public Hearing

NOTICE OF
PUBLIC HEARING
Notice is hereby given that on Wednesday, April 20, 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 cases 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 in regard to: DCI2010-00013, and REZ2011-00001.
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.
The Hearing Examiner's written decision in regard to: VAR2010-00009, SEZ2011-00002, and COP2010-00151 becomes final on the date rendered. That decision may be appealed to Circuit Court in Lee County if an appeal is filed within thirty (30) days of the date the decision is rendered.
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 Princing at 533-8585.
The following cases will be heard: (Lee County Land Development Code is abbreviated throughout the agenda as LDC) VAR2010-00009. 11194 Matlacha Ave.9:00am. Variances in the Residential (RS-1) zoning district from the following provisions of the LDC: 1) Section 34-3273(a)(2)a.ii that requires a minimum lot depth of 75 ft to allow a 46.72 ft lot depth; 2) Section 34-695 that permits a maximum lot coverage of 40% to allow a maximum lot coverage of 55%; 3) Section 34-3273(d)(2) that requires a minimum 10 ft side setback to allow a minimum 0.45 ft side setback to the existing detached garage; 4) Sections 34-695, 34-2192(a) and 34-3273(d)(1) that require a minimum 25 ft street setback to allow a minimum 2.09 ft street setback to the existing single family residence and a minimum 5.09 ft setback to the existing detached garage; 5) Sections 34-2194 and 34-2194(c)(3)c.1. that require a minimum 25 ft water body setback to allow a minimum 21+/- ft setback to the existing single family residence and a minimum 11+/- ft water body setback to the existing attached roofed screen porch; and 6) Section 34-2194(c)(3)c.2. that requires a minimum 10 ft water body setback for accessory structures with roofs not structurally built as the principal structure to allow a minimum 2 ft setback from the existing detached garage and a minimum 4 ft setback from the existing tiki hut to the boat slip. Property located at 11194 Matlacha Ave., Pine Island Planning Community, Lee County, FL. Direct inquiries to Mikki Rozdolski, Senior Planner 239-533-8317 in Zoning.Project Representative: Howard Freidin, Freidin & Inglis, P.A. 239-337-1918.
SEZ2011-00002. Kates Family Daycare.10:00am.Special exception in the RS-1 zoning district to allow a child day care center pursuant to LDC Section 34-694.Property located at 3902 Sunset Rd., Lehigh Acres Planning Community, Lee County, FL. Direct inquiries to Mikki J Rozdolski, Senior Planner 239-533-8317 in Zoning.Project Representative: Kristi Kates .
COP2010-00151. Miromar Outlet CPD. 11:00am. Special Exception in the CPD zoning district (commonly known as Miromar Outlets) to allow existing and future restaurants (Groups II and III) to have indoor and outdoor consumption on premises with a square footage that may not exceed 15% of the total approved regional mall square footage. Property located at 10801 Corkscrew Rd., Estero Planning Community, Lee County, FL. Direct inquiries to Mikki Rozdolski, Senior Planner 239-533-8317 in Zoning.Project Representative: Neale Montgomery, Pavese Law Firm 239-336-6235.
DCI2010-00013. O'Sullivan CPD. 1:00pm.Rezone 0.82+/- acres from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) to allow up to a 7,500 square feet of commercial uses with a maximum building height of 35 feet.Property located at 405, 407, and 409 Gunnery Rd. North, Lehigh Acres Planning Community, Lee County, FL. Direct inquiries to Nettie M Richardson, Principal Planner 239-533-8786 in Zoning. Project Representative: Michael Roeder, Knott, Consoer, Ebelini 239-334-2722.
REZ2011-00001. Estero Bay Preserve State Park.3:00pm.Rezone +/- 9.9 acres from Residential Planned Development (RPD) to Environmentally Critical (EC).Property located at 4940 Broadway West, Estero Planning Community, Lee County, FL.Direct inquiries to Tony Palermo, AICP, Senior Planner 239-533-8325 in Zoning.Project Representative: James Farr, Aicp, George F Young, Inc. 941-747-2981.
Apr 7 No. 1426947

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MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: April 5, 2011

TO: File - DCI2010-00013

FROM: Jamie Princing
Secretary, Internal Services

RE: Notice of Public Hearing -**April 20, 2011 HEX**

I, Jamie Princing, 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 P..OPERTY OWNERS WITH.. 500 FEET

CASE NUMBER: DCI2010-00013

CASE NAME: O'SULLIVAN CPD

REQUEST: Rezone 0.82+/- acres from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) to allow up to a 7,500 square feet of commercial uses with a maximum building height of 35 feet.

LOCATION: The subject property is located at 405, 407, and 409 Gunnery Road North, Lehigh Acres Planning Community, Lee County, FL.

SIZE OF PROPERTY:

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 REPRESENTATIVE: MICHAEL E ROEDER
KNOTT, CONSOER, EBELINI, HART
239-334-2722

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 1:00PM PM on 04/20/2011 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 Princing at 239/533-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

28-44-26-05-00050.0070
UNIVERSAL MORTGAGE CORP
12080 N CORPORATE PKWY
MEQUON, WI 53092

28-44-26-05-00050.0080
PARAJON KEYLA
4404 6TH ST W
LEHIGH ACRES, FL 33971

28-44-26-05-00050.0090
CADRETTE JOSEPH J +
N87W16459 APPLETON AVE
MENOMONEE FALLS, WI 53051

28-44-26-05-00051.0020
PNC MORTGAGE
3232 NEWMARK DR
MIAMISBURG, OH 45342

28-44-26-05-00051.0030
BOKTOR NADER W
4409 6TH ST W
LEHIGH ACRES, FL 33971

28-44-26-05-00051.0040
DIAZ ALEX A + MAUREEN
4407 6TH ST W
LEHIGH ACRES, FL 33971

28-44-26-05-00051.0050
HENDERSON R A + JOANN G
630 SHORELINE DR
NAPLES, FL 34119

28-44-26-05-00051.0060
HERNANDEZ EQUITY INVESTMENT
1458 WASHINGTON AVE
MIAMI BEACH, FL 33139

28-44-26-05-00051.0070
HERNANDEZ EQUITY INVESTMENT
1458 WASHINGTON AVE
MIAMI BEACH, FL 33139

28-44-26-05-00051.0080
PRETICO VICENTE
1409 ALWYNNE DR S
LEHIGH ACRES, FL 33936

28-44-26-05-00051.0090
BARTHOLOMEW ROBIN C + SUSAN +
30556 DEPOT ST
NEW CHURCH, VA 23415

28-44-26-05-00051.0100
BLD ASSOCIATES LLC +
DORAGH LAW FIRM PL
6700 WINKLER RD STE 4
FORT MYERS, FL 33919

28-44-26-05-00051.0110
TERAN GUSTAVO + SCHEHEREZADE
4412 5TH ST W
LEHIGH ACRES, FL 33971

28-44-26-05-00052.0020
THOMAS BILLY E + PATRICIA D
4413 5TH ST W
LEHIGH ACRES, FL 33971

28-44-26-05-00052.0030
PUNWASI SHARDA
1003 CARDINAL ST
NAPLES, FL 34104

28-44-26-05-00052.0040
PEREZ LUIS +
7627 BRISTOL CIR
NAPLES, FL 34120

28-44-26-05-00052.0050
KELLEY THERESA F
4407 5TH ST W
LEHIGH ACRES, FL 33971

28-44-26-05-00052.0060
VALLEJO PABLO + MARIA
706 OTTO AVE
LEHIGH ACRES, FL 33971

28-44-26-05-00052.0070
GIONFRIDDO BARRY
2506 QUEEN DR
LEHIGH ACRES, FL 33971

28-44-26-05-00052.0080
LANDOLFI STEVEN
22 VETO ST
PROVIDENCE, RI 02908

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28-44-26-05-00052.0090
LANDOLFI STEVEN J
5781 LEE BLVD STE 208
BOX 247
LEHIGH ACRES, FL 33970

28-44-26-05-00052.0100
MILLER THERESA 1/2 +
4980 TAMIAMI TRAIL STE 200
NAPLES, FL 34103

28-44-26-05-00052.0120
FEDERAL NATIONAL MORTGAGE ASSN
3185 S CONWAY RD
ORLANDO, FL 32812

28-44-26-05-00053.0020
GARCIA ALEXIS
603 GUNNERY RD N
LEHIGH ACRES, FL 33971

28-44-26-05-00053.0030
ANGLICKIS RICHARD A TR
PO BOX 111
LEHIGH ACRES, FL 33970

28-44-26-05-00054.0010
PHAM BAO H +
9877 WEATHER STONE PL
FORT MYERS, FL 33913

28-44-26-06-00056.0080
MATABEEK VIJAY +
4701 BRIXTON CT
LEHIGH ACRES, FL 33973

28-44-26-06-00056.0090
MATABEEK VIJAY +
4701 BRIXTON CT
LEHIGH ACRES, FL 33973

28-44-26-06-00056.0100
STURZL JOHN + SHELLY
7846 REGAL LN
PULASKI, WI 54162

28-44-26-06-00056.0110
STURZL JOHN + SHELLY
7846 REGAL LN
PULASKI, WI 54162

28-44-26-06-00056.0120
STURZL JOHN + SHELLY
7846 REGAL LN
PULASKI, WI 54162

28-44-26-06-00058.0010
DISTRESSED CAPITAL II LLC
STE 6
8911 DANIELS PKWY
FORT MYERS, FL 33912

28-44-26-06-00058.0020
DISTRESSED CAPITAL II LLC
STE 6
8911 DANIELS PKWY
FORT MYERS, FL 33912

28-44-26-06-00058.0040
DISTRESSED CAPITAL II LLC
STE 6
8911 DANIELS PKWY
FORT MYERS, FL 33912

28-44-26-06-00058.0050
DISTRESSED CAPITAL II LLC
STE 6
8911 DANIELS PKWY
FORT MYERS, FL 33912

28-44-26-06-00058.0060
DISTRESSED CAPITAL II LLC
STE 6
8911 DANIELS PKWY
FORT MYERS, FL 33912

28-44-26-06-00058.0070
DISTRESSED CAPITAL II LLC
STE 6
8911 DANIELS PKWY
FORT MYERS, FL 33912

28-44-26-06-00058.0080
DISTRESSED CAPITAL II LLC
STE 6
8911 DANIELS PKWY
FORT MYERS, FL 33912

28-44-26-06-00058.0090
DISTRESSED CAPITAL II LLC
STE 6
8911 DANIELS PKWY
FORT MYERS, FL 33912

28-44-26-06-00058.0100
DISTRESSED CAPITAL II LLC
STE 6
8911 DANIELS PKWY
FORT MYERS, FL 33912

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28-44-26-06-00059.0010
ESQUIRE INTERNATIONAL PROP INC
PO BOX 611174
NORTH MIAMI, FL 33261

28-44-26-06-00059.0020
WHITLOCK GREGORY A
4407 4TH ST W
LEHIGH ACRES, FL 33971

28-44-26-06-00059.0030
PARRACK WILLIAM E + BARBARA
4405 W 4TH ST
LEHIGH ACRES, FL 33971

28-44-26-06-00059.0050
HEINEN PAT J UCHYTIL
3409 TALLY HO LN
MADISON, WI 53705

28-44-26-07-00068.0260
KASHSHIAN A + NORA
5427 ELM DR
LEWISTON, NY 14092

28-44-26-07-00068.0270
HERNANDEZ ISMAEL + LUZ N
4324 6TH ST W
LEHIGH ACRES, FL 33971

28-44-26-07-00068.0280
LEHIGH INVESTMENT GROUP LLC
20900 NE 30TH AVE 8TH FL
AVENTURA, FL 33180

28-44-26-07-00069.0010
GARTNER JOHN M +
4326 5TH ST W
LEHIGH ACRES, FL 33971

28-44-26-07-00069.0020
RIGGS HAROLD W
4325 6TH ST W
LEHIGH ACRES, FL 33971

28-44-26-07-00069.0030
CHAVEZ PABLO + ISMARA
4323 6TH ST W
LEHIGH ACRES, FL 33971

28-44-26-07-00069.0040
VICKERS W J + WILMA P
303 BUFFALO CREEK RD
KENOVA, WV 25530

28-44-26-07-00069.0240
LAWRENCE RICHARD + JOAN
JOAN MOLZON
2413 BEECH ST
MANASQUAN, NJ 08736

28-44-26-07-00069.0250
AUGUSTIN ANGELET + ARNOLD
4320 5TH ST W
LEHIGH ACRES, FL 33971

28-44-26-07-00069.0260
BULLOCK INELDA +
1410 SEMINOLE PALMS DR
GREEN ACRES
LAKE WORTH, FL 33463

28-44-26-07-00069.0270
GARTNER JOHN M
4326 5TH ST W
LEHIGH ACRES, FL 33971

28-44-26-07-00069.0280
GARTNER JOHN M
628 GRASSY KNOB RD
RUTHERFORDTON, NC 28139

28-44-26-07-00070.0010
D SAM ENTERPRISES LLC
1831 HURRICANE HARBOR
NAPLES, FL 34102

28-44-26-08-00071.0010
7-ELEVEN INC
TAX DEPT 32291
2711 N HASKELL AVE
DALLAS, TX 75204

28-44-26-08-00071.0030
WONG NYET Y + KIM K
305 GREENWOOD AV
LEHIGH ACRES, FL 33936

28-44-26-08-00071.0040
STEVE WONG LLC
305 GREENWOOD AVE
LEHIGH ACRES, FL 33936

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28-44-26-08-00072.0010
MERTILUS SALANGE
4325 4TH ST W
LEHIGH ACRES, FL 33971

28-44-26-08-00072.0010
MERTILUS SALANGE
4325 4TH ST W
LEHIGH ACRES, FL 33971

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MICHAEL E ROEDER
KNOTT, CONSOER, EBELINI, HART
1625 HENDRY STREET
#301
FORT MYERS FL 33901

MRS. NETTI RICHARDSON

Lehigh Acres Community Planning Assoc.
536 Whispering Wind Bend
Lehigh Acres, FL 33936

Charlie DiFelice
Lehigh Acres Community Planning Assoc.
702 Willow Drive
Lehigh Acres, FL 33936

Robert Anderson
Lehigh Acres Watchdog Inc.
PO Box 1778
Lehigh Acres, FL 33970

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LEE COUNTY, FLORIDA

ZONING DIVISION

STAFF REPORT

TYPE OF CASE: **PLANNED DEVELOPMENT/ DCI**

CASE NUMBER: **DCI2010-00013**

HEARING EXAMINER DATE: **APRIL 20, 2011**

I. APPLICATION SUMMARY:

A. Applicant: Cornelius P. O'Sullivan, Trustee in reference to O'Sullivan CPD

B. Request: Rezone 0.82+/- acres from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) to allow up to 7,500 square feet of commercial uses with a maximum building height of 35 feet.

C. Location: The subject property is located at 405, 407, and 409 Gunnery Road North, Lehigh Acres Planning Community, Lee County, FL. (District # 5)

D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property and Road Classification:

Land Use Designation: Central Urban
Current Zoning: Residential Single-Family (RS-1)
Current Use: Vacant
Road Classification: Lee Boulevard, county maintained, 6-lane arterial road and Gunnery, county maintained, 2-lane arterial

E. Surrounding Land Use:

Existing Zoning & Land Use	Future Land Use Map
North: Vacated Varsity Center CPD approved for 8,000 sq. ft of commercial	Central Urban
East: Gunnery Road then D. Sam Plaza CPD approved for 25,127 sq. ft. of commercial	Central Urban
South: Lee Boulevard then Allessandro CPD approved for 30,000 sq. ft. of office and retail	Central Urban
West: RS-1, developed with single-family residences	Central Urban

F. Size of Property: 0.82 ± acres

II. RECOMMENDATION:

Staff recommends **APRROVAL** of the Applicant's rezoning request to Commercial Planned Development (CPD) with a maximum of 7,500 square feet with the following conditions and deviations but **DENIAL** of **Plan #4**:

A. Conditions:

1. Master Concept Plan/Development Parameters

The development of this project must be consistent with the one-page Master Concept Plan entitled "O'Sullivan CPD," stamped received February 7, 2011, 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 pursed, appropriate approvals will be necessary.

2. Uses and Site Development Regulations

The following Limits apply to the project and uses in Plans 1, 2 and 3 only and are limited up to 7,500 square feet of commercial uses:

a. Schedule of Uses

USES	Plan 1	Plan 2	Plan 3	Plan 4
Administrative Offices	X	X	X	X
ATM	X	X	X	X
Automobile repair and services, all Groups	X	X	--	--
Banks and financial establishments	X	X	X	X
Business services, Groups I and II	X	X	--	--
Bus Station	X	X	--	--
Cleaning and maintenance services	X	X	--	--
Clothing stores	X	X	--	--
Clubs, private	X	X	--	--
Consumption on premises	X	X	--	--
~~Convenience food and beverage store~~	~~--~~	~~--~~	~~--~~	~~X~~
Day care center, child and adult	X	X	--	--
Drive-through	--	--	X	--
Drugstore, pharmacy	X	X	X	X
Essential services	X	X	X	X
Fences, walls	X	X	X	X
Food stores, Groups I and II	X	X	--	--
Hardware store	X	X	--	--
Health care facilities, Group III	X	X	--	--
Hobby, toy and game shops	X	X	--	--

Household and office furnishing	X	X	--	--
Laundry or dry cleaning	X	--	--	--
Lawn and garden supply stores	X	X	--	--
Medical office	X	X	--	--
Package store	X	X	--	--
Paint, glass and wallpaper	X	X	--	--
Personal Services, Group I	X	X	--	--
Real estate sales office	X	X	--	--
Rental and leasing establishments, Groups I and II	X	X	--	--
Repair shops, Groups I and II	X	X	--	--
Restaurant, Groups I, II and III	X	X	--	--
Schools, commercial	X	X	--	--
Signage, in accordance with Chapter 30	X	X	X	X
Social services, Groups I and II	X	X	--	--
Specialty retail, Groups I, II and III	X	X	--	--
Studios	X	X	--	--
Used merchandise stores, Groups I and II	X	X	--	--
Variety store	X	X	--	--

b. Site Development Regulations

Minimum Lot Area: 0.82 acres

Minimum Lot Width: 130 feet
Minimum Lot Depth: 272 feet

Minimum Setbacks:
Street: 25 feet
Water body: 20 feet from drainage canal

Maximum Building Height: 35 feet/2-stories

Maximum lot coverage: 40%
Minimum open space: 20%

3. Environmental Conditions

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

c. Prior to local development order approval, the development order plans must demonstrate a 20' wide buffer with type "F" plantings along the west

property line. This buffer must include a minimum of 7 canopy trees and three palm trees per 100 linear feet.

d. Prior to local development order approval, the landscape plans must delineate the planting of the dry detention. The plantings must include at a minimum (3) native species, a minimum 1 gallon container size, planted 3 feet o.c. (Note these plantings are in addition to any other code required landscaping. The applicant may not take credits for planting detention areas to off set general trees).

Public utility easements

4. Prior to the issuance of a local Development Order, the 6 foot public utility easements on the subject properties must be vacated.

5. Vehicular/Pedestrian Impacts
Approval of this zoning request does not address mitigation if 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.

7. 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.

8. 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 minimums area required for, and specific locations of, these facilities will be reviewed at the time of local Development Order application.

B. Deviations

The applicant has requested two deviations as follows:

Deviation #1 is from LDC Section 10-285(a) from the requirement that the connection separation on a local street must be a minimum distance of 125 feet, to allow a distance of 97 feet along Fifth Street West.

Applicant's Justification: The subject property is a 0.82 acre parcel located along the west side of Gunnery Road between the intersection with Lee Boulevard and the intersection with Fifth Street West. The subject property has frontage on all three of these existing roadways, however, cannot meet the required access separation standards due to its limits size and the location of a previously approved access point along Fifth Street West. The parcel has only 131.95 feet of frontage on Lee Boulevard (a six land arterial roadway requiring an intersection separation distance of 660 feet) and only 272.98 feet of frontage along Gunnery Road (a two lane collector roadway requiring an intersection separation distance of 330 feet). The parcel also has 131.95 feet of frontage on Fifth Street West, however, a deviation that was previously granted for the Varsity commercial Center CPD (approved pursuant to Resolution Z-99-055), to allow an access pint on the north side of Fifth Street West located 97 feet west of the intersection with Gunnery Road, make it impossible to provide the 125 foot connection separation distance required along local roadways.

The granting of this deviation will not be detrimental to the general health, safety and welfare of the public due to the fact that it will allow the access for the proposed development to line up with the previously approved access point for the proposed Varsity Commercial Center CPD to the north which should enhance future traffic circulation patter s by providing an interconnection between the two projects.

Staff Recommendation: Lee County Department of Transportation (LCDOT) reviewed this deviation and recommends **APPROVAL** of this deviation. LCDOT advises the applicant that the painted median at the intersection of Gunnery Road and Fifth Street West may be modified in the future as a response to safety and operation issues that may arise at the time of development. See Attachment "H".

Deviation #2 is from LDC Section 34-1353(c)(2) from the required lot depth of 150 feet, to allow a lot depth of 131.95 feet for a convenience store with gas pumps as depicted on Alternative Plan #4.

Applicant's Justification: The subject property has a platted lot depth of 131.95 feet which does not comply with the minimum lot depth of 150 feet needed to allow a convenience food and beverage store. The property does, however, exceed all other site development criteria for the proposed use – including a lot width of 272.98 feet (a minimum of 150 feet is required) and a lot area of 35,924 square feet (a minimum of 25,000 square feet is required). In addition, the proposed plan for the convenience store indicates that all building setbacks will

be provided in accordance with the requirements of LDC Section 34-1353(d) and all street right-of-way buffers will be provided in accordance with the requirements of LDC Section 34-1353(e). Based on this information, the granting of this deviation will not be detrimental to the health, safety and welfare of the public due to the fact that the site design for the convenience store with gas pumps will still meet the general purpose and intent of the LDC Section 34-1353(a).

Staff Recommendation: The subject lots as platted, has a lot depth of 131 feet but is required to have a lot depth of 150 feet for a convenience store with gas pumps. The LDC was amended in 2009 requiring specific uses, such as convenience food and beverage stores, automotive service stations, fast food restaurants, and car washes to provide increased buffers and setbacks which requires a larger lot. The applicant has provided 4 different Alternative Plans for the subject property with various commercial uses. The subject property is a small site consisting of only 0.82 acres. Staff finds the proposed development on the subject property is too small and therefore cannot support the deviation. The deviation will not enhance the planned development or preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

Staff recommends **DENIAL** of deviation #2.

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 proved 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.

2. The requested zoning:

   a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; *Standards 11.1 and 11.2*

   b) is consistent with the densities, intensities and general uses set for t in the Lee Plan; *Policy 1.1.3, Objectives 2.1.and 2.2, Policies 31.1.1, 32.1.10, 32.2.2, 32.2.7, Objective 32.5, Policies 32.5.1, 32.5.3 and 32.9.1.*

   c) is compatible with existing or planned uses in the surrounding area; *Policy 5.1.5* and

   d) will not adversely affect environmentally critical areas or natural resources. *Policies 6.1.3 and 6.1.6, Objective 60.5, Policies 60.5.1*

and 61.2.4, Goal 77, Objectives 77.2 and 77.3, and Objective 117.2.2.

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. *Objective 2.2, Policies 6.1.2, 32.2.7, and 32.5.3*

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. *Policy 5.1.5*

6. The recommended conditions to the master concept plan and other applicable regulations proved sufficient safeguards to the public interest.

7. The recommended conditions are reasonable related to the impacts on the public's interest created by or expected from the proposed development.

8. Deviations for Plan 1, 2 and 3 will:

   a) enhance the planned development; and

   b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

   Deviation for Plan 4 will not :

   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 Residential Single-Family (RS-1) to Commercial Planned Development (CPD) to allow up to 7,500 square feet of commercial uses to include a bank with drive-thru and a convenience food store with 8 gas pumps. The subject property is 0.82 acres and is bound by Lee Boulevard, Gunnery Road and Fifth Street West in Lehigh Acres. A 60 foot wide drainage canal abuts the property to the west. The property is currently vacant.

The subject property is comprised of three platted lots recorded in Plat Book 15 at Page 78 in 1961. Each lot has a 6 foot wide public utility easement on all sides and will be required to be vacated prior at time of local development order.

Master Concept Plan

The Master Concept Plan (MCP) is a one-page plan entitled O'Sullivan CPD and dated received on February 7, 2011 with 4 alternative development plans that range from 1,350 square feet to 7,500 square feet of commercial uses, see Attachment "C". The 4 alternative plans are as follows:

- Plan #1 shows a 1-story building with 6,750 square feet of commercial uses facing towards Gunnery Road. Parking is located in front of the building from the Gunnery Road side. Two areas of dry detention are shown along Lee Boulevard and Fifth Street West. A 15 foot wide, type "D" buffer will be provided along Lee Boulevard, Gunnery Road and Fifth Street West. A 20 foot wide, Type "F" buffer will be provided along the west property line abutting the drainage canal

- Plan #2 shows a 2-story building with 7,500 square feet of commercial uses facing towards Gunnery Road. Parking is wrapped around 3 sides of the building. A dry detention area is shown at the corner of Lee Boulevard and Gunnery Road. A 20 foot wide, Type "F" buffer will be provided along the west property line abutting the drainage canal.

- Plan #3 shows a 1-story building with 2,400 square feet for a bank building with drive-through lanes. The building faces Gunnery Road and the drive-through lanes are located behind the building. Parking is located on Lee Boulevard side with the access ways along Gunnery Road. Two dry detention areas are shown along Lee Boulevard and Fifth Street West. A 20 foot wide, Type "F" buffer will be provided along the west property line abutting the drainage canal.

- Plan #4 shows a 1-story building with 1,350 square feet for convenience food and beverage store with 8 gas pumps. The building is in the northern portion of the building and faces toward Gunnery Road. The gas pumps are located at the corner of Lee Boulevard and Gunnery Road. A dry detention area is located along Fifth Street West. A 25 foot wide buffer will be provided along Lee Boulevard, Gunnery Road and Fifth Street West. A 20 foot wide, Type "F" buffer will be provided along the west property line abutting the drainage canal. Deviation #2 for a reduction in lot depth has been requested to allow the convenience food and beverage store with gas pumps.

All 4 alternative development plans show the access to the subject property from Fifth Street West. All 4 alternative plans include Deviation #1 for a reduction in distance separation of 97 feet along Fifth Street West. An existing Lee Tran bus shelter is located on Lee Boulevard.

The majority of the Uses listed in the Schedule of Uses are proposed to be developed in Plan 1 and 2. Staff is concerned that the parking spaces shown on Plan 1 and 2 may not be in compliance with the LDC, however the required number of parking spaces for each use will be determined during the Development Order review.

Planning Community Map and Allocation Table

The subject property is located in the Lehigh Acres Planning Community. This community is described as a "sustainable community of choice" is comprised of a collection of unique and inviting neighborhoods with involved citizens, a healthy environment, housing and employment opportunities, a full range of public services, and an efficient multi-modal transportation network connecting adjacent uses and neighboring communities. Residents will be encouraged to live a healthy and active lifestyle and will be provided opportunities to connect to the natural environment and their neighbors. This is the community vision of Lehigh Acres. Achieving the vision in the Lehigh Acres Planning Community will require improving the pattern of development to reduce dependence on neighboring communities for employment, recreation, and public services. Accomplishing this vision will reduce transportation impacts in neighboring communities and provide benefits to all of Lee County. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12, 10-16)

POLICY 1.7.6: The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2020. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.

> The subject property is located within the Lehigh Acres Planning Community. Table 1(b) of the Lee Plan allocates 8,200 acres to commercial uses in this Planning Community. From that acreage 4,996 acres are still available to new rezonings. Therefore, this request is **CONSISTENT** with the Policy 1.7.6 of the Lee Plan.

Lee Plan Considerations

The subject property is located in the Central Urban Community land use category according to the Lee Plan. Lee Plan **POLICY 1.1.3** characterizes the Central Urban areas as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02, 09-06)

The Central Urban land use category allows commercial development such as the uses that are proposed in each Alternative Plan. Staff finds the request to rezone to CPD is **CONSISTENT** with Policy 1.1.3.

Other Lee Plan policies, goals and objectives the proposed commercial development is consistent with are as follows:

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)

The subject property is located at an arterial /arterial intersection that has been designated as a Neighborhood Mixed Use Activity Center which will promote growth pattern. Both Lee Boulevard and Gunnery Road operate at a Level of Service "B" at this location. Public water and sewer service are available at this site. Staff finds the proposed rezoning to CPD **CONSISTENT** with Objectives 2.1 and 2.2.

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. (Amended by Ordinance No. 10-16)

The subject property meets the criteria for a minor commercial center as outlined in Policy 6.1.2, however, Policy 32.2.4 states the site location standards described in Policy 6.1.2 do not apply within the areas designated as specialized mixed use nodes. The subject property is located with the Neighborhood Mixed Use Activity Center in Lehigh Aces. Based on Policy 32.2.4, the proposed rezoning is **CONSISTENT** with Policy 6.1.2 and 32.2.4.

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 hat 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.

The subject property is located within the Florida Governmental Utility Authority (FGUA) district. The applicant has provided a letter from FGUA stating there is sufficient capacity to provide potable water and sanitary sewer for the proposed development. The proposed rezone is **CONSISTENT** with Standards 11.1 and 11.2.

The Lehigh Acres Goals, Objectives and Standard in the Lee Plan were amended by the Board of County Commissioners in 2010. This amendment was based on the aspirations and concerns expressed by the residents of Lehigh for a long term vision for Lehigh. The residents want to become a sustainable community of choice that is safe, affordable, connected, well served, livable, attractive, and populated by a diverse and engaged citizenry.

GOAL 32: LEHIGH ACRES. To ensure that continued development and redevelopment within the Lehigh Acres Planning Community converts this largely single use, antiquated pre-platted area into a vibrant residential and commercial community consisting of: safe and secure single family and multi-family neighborhoods; vibrant commercial and employment centers; pedestrian friendly mixed-use activity centers and neighborhood nodes; with adequate green space and recreational opportunities. This Goal and subsequent Objectives and Policies apply to The Lehigh Acres Planning Community, as depicted on Map 1. (Added by Ordinance No. 10-16)

POLICY 32.1.1: The County will incentivize the development of specialized mixed use nodes within the Lehigh Acres Planning Community in a sustainable pattern that will provide opportunities for employment, housing, recreation, goods, and services. (Added by Ordinance No. 10-16)

The proposed development consists of 3 platted lots to be developed with various commercial uses for the community. The property is located in an area designated as a Neighborhood Mixed Use Activity Center which will provide employment to the community and will be pedestrian friendly. The proposed rezoning is **CONSISTENT** with Goal 32 and Policy 32.1.1.

POLICY 32.1.10: The Lehigh Acres Community Plan Overlays Map, Future Land Use Map 1, Page 8 of 8, subdivides the Lehigh Acres Community into 3 Tiers:

a. Tier 1 consists of the older urbanized core of Lehigh Acres that is largely served by an existing array of public services and facilities, including a well-developed road network, water and sewer facilities, schools, and the bulk of Lehigh Acres' commercial development.

The subject property is located in Tier 1 as designated in the Map 1, page 8 of 8. The property will be served by FGUA, is located at an arterial/arterial intersection and is located within 1,000 feet of a school. Staff finds the proposed rezoning **CONSISTENT** with Policy 32.1.10.

POLICY 32.2.2: All rezoning in these areas must be reviewed as a Planned Development, except for the DR/GR Mixed-Use Community node shown on Map 17 south of SR 82 at Daniels Parkway. (Added by Ordinance No. 10-16)

The applicant is requesting a commercial planned development as required by this policy. The proposed rezoning is **CONSISTENT** with Policy 32.2.2.

POLICY 32.2.3: In order to promote a sustainable urban form, these areas are expected to develop at the higher end of the density and intensity ranges, including bonus density. (Added by Ordinance No.10-16.)

POLICY 32.2.7: Within these nodes, promote the establishment of pedestrian friendly mixed use development:

a. Buffer walls between commercial and residential uses are not required.

b. Bicycle and pedestrian facilities will be provided throughout these developments.

c. Connections between all uses are required to facilitate alternative modes of transportation.

d. Connections to adjacent developments will be provided.

e. Vehicular connections between different uses will be provided to facilitate the internal capture of trips.

The proposed commercial development will consist of various commercial uses on the property. The majority of the commercial uses are to be developed in Plans 1 and 2 only, while Plan 3 and Plan 4 are designed for a more intense commercial use such as a bank with drive-thru and a convenience food store with gas pumps. The applicant is proposing buffers along each property line and will provide an average of 50% or 0.41 acres of open space which exceeds the 20% requirement. Existing sidewalks are located on Lee Boulevard and Gunnery Road making the development pedestrian and bicycle friendly. The project's access point has been aligned to match up with the CPD property to the north, thus promoting a connection to the only possible development adjacent to the site. Staff finds the proposed rezoning **CONSISTENT** with Policy 32.2.3 and Policy 32.2.7.

OBJECTIVE 32.5.: NEIGHBORHOOD MIXED-USE ACTIVITY CENTER. Are areas of sufficient size and location that will help to contribute the uses needed to support large portions of the Lehigh Acres Planning Community including: residential; public and private education; live-work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. These locations are identified on Map 1. (Added by Ordinance No. 10-16)

The proposed development will include retail, office and medical uses which are uses anticipated in the Neighborhood Mixed Use Activity Center. Staff finds the proposed rezoning **CONSISTENT** with Objective 32.5.

POLICY 32.5.1: The emphasis of the future development of these areas is to provide mixed use facilities offering goods and services that support the surrounding neighborhoods as well as local employment opportunities and alternate housing types. (Added by Ordinance No. 10-16)

The proposed retail, office and medical uses will are oriented to serve the local neighborhood and community. Staff finds the proposed rezoning **CONSISTENT** with Objective 32.5.1.

POLICY 32.5.3: In areas that are already platted, the utilization of the existing street network and block design is strongly encouraged. (Added by Ordinance No. 10-16)

The proposed development consists of 3 platted lots and will utilize the existing street network of Lee Boulevard, Gunnery Road and Fifth Street West. Staff finds the proposed rezoning **CONSISTENT** with Objective 32.5.3.

POLICY 32.9.1: Whenever possible, all new commercial development adjacent to Lee Boulevard right-of-way must provide access to either 5th Street West, 4th Street West, or other local, collector or arterial roadway. Direct access to Lee Boulevard is discouraged. (Added by Ordinance No. 10-16)

The proposed development will provide access from Fifth Street West. Access from Lee Boulevard or Gunnery Road is not shown on the MCP. Staff finds the proposed rezoning **CONSISTENT** with Objective 32.9.1.

POLICY 32.10.1: The availability of sewer and water to serve uses within the Specialized Mixed-Use Nodes and the Commercial Overlay Zones is not a requirement for zoning approval. However, sewer and water must be available to the property in accordance with Standard 11.1 and 11.2 of this Plan before a development order will be issued. (Added by Ordinance No. 10-16)

The subject property is located within the Florida Governmental Utility Authority (FGUA) district. The applicant has provided a letter from FGUA stating there is sufficient capacity to provide potable water and sanitary sewer for the proposed development. Staff finds the proposed rezoning **CONSISTENT** with Policy 32.10.1.

Neighborhood Compatibility

The subject property is zoned RS-1 and is located at the corner of an arterial (Lee Boulevard) and an arterial (Gunnery Road). Other properties located at the intersection are zoned Commercial Planned Development (CPD). Some are developed and some remain vacant. Properties to the west, across the drainage canal are zoned RS-1 and are developed with residential single-family homes. Rezoning the subject property to CPD will be compatible with the other CPD developments and with the proposed buffers will provide adequate protection to the residential homes.

Lee Plan **POLICY 5.1.5** is to 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. (Amended by Ordinance No. 94-30, 99-15, 00-22)

With the proposed buffers along the west property lines, the residential homes will be protected from the proposed commercial uses. The convenience food and

beverage store with gas pumps are required by Section 34-1353 to provide bigger buffers along Lee Boulevard, Gunnery Road and Fifth Street West. A 20 foot wide buffer with Type "F" plantings will be provided along the drainage canal to the west. Staff finds the proposed rezoning to CPD as conditioned to be **CONSISTENT** with Policy 5.1.5.

The applicant is required to hold a public informational meeting for the proposed development in accordance with Lee Plan **POLICY 32.12.2. This** policy states the owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Lehigh Acres Planning Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 10-16)

The applicant presented the proposed development to the Lehigh Acres Planning Panel on September 8, 2010, see Attachment "D". At the meeting, the panel had 4 concerns which ranged from parking for the bank, turning radius for the tanker trucks at the gas pumps, using the drainage canal for parking, and a loop drive around the parking lot in Plan #1 and Plan #2. The applicant's agent addressed each issue at the meeting and followed up with a letter dated November 17, 2010 to the chairman, see Attachment "E". This letter provided a turning radius analysis and information regarding the applicant's proposal regarding the drainage canal. There was no indication in the minutes from the applicant if the committee's position on the proposed development was for or against the project.

Environmental Issues

The Division of Environmental Sciences reviewed the rezoning request and found no environmental issues or protected species on site, see Attachment "F". The site is cleared of vegetation and consists of mowed grass.

ES staff found the proposed development will provide 50% or 0.41 acres as open space which exceeds the 20% open space requirement. However, ES staff recommends that the applicant provide 40% open space at time of local development order to allow some modifications to open space if unforeseen impervious surfaces arise. To ensure the open space committed to by the applicant is met, Staff recommends Condition #3a.

The applicant is providing the required buffers for each Alternative Plan as required by the LDC. ES staff found the buffers and found the buffers shown on Alternative Plan #1-3 are adequate. Alternative Plan #4 shows the convenience food and beverage store with gas pumps with a 20 foot wide Type "F" buffer along the west property line abutting the drainage canal. The Type "F" includes 10 trees per 100 linear feet and a double hedge row planted at 4 feet in height to be maintained at 5 feet in height. This buffer is above code minimum requirements and will provide increased screening to the

residential uses to the west. To increase this screening ES staff recommends that the Type "F" buffer also include a minimum of 7 canopy trees out of the 10 required. This will provide a greater canopy cover which would allow for 100% palm tree use within this buffer area. ES staff also recommends the dry detention areas be planted. This will further enhance the buffer and will provide a surface water system that mimics a natural system. To ensure the buffering and detention plantings, Staff recommends Conditions #3b, 3c and 3d.

Traffic

Lee County Development Services staff reviewed the proposed rezone request to CPD and offer their comments in Attachment "G". In order to assess the traffic impacts associated with the proposed rezoning, a comprehensive review of the proposed schedule of uses was performed and the use that is demonstrated to have the worst case traffic impact was chosen, the gasoline/service station with 8 fueling positions.

The conclusion is that both Lee Boulevard and Gunnery Road will operate at Level of Service "C" which is an acceptable level of service and no roadway link improvements are necessary as a result of the proposed development.

Development Services staff does have a concern with the proposed development of Plan 4 for the gas station/convenience store. Specifically, the truck circulation would appear to be challenging. The site is small for this type of development. Also, providing the necessary number of parking spaces may be problematic, however this specific detail is typically designed at the Development Order stage.

Lee County Department of Transportation (LCDOT) reviewed the request and advises the applicant that in the future LCDOT may modify the painted median at the intersection of Gunnery Road and Fifth Street West as a response to safety and operational issues that may arise at time of development, see Attachment "H".

Availability of Utilities

The applicant indicates that they will connect to potable water and central sewer. The subject property is located within the Florida Governmental Utility Authority (FGUA) district. The applicant has provided a letter from FGUA stating there is sufficient capacity to provide potable water and sanitary sewer for the proposed development, see Attachment "I".

IV. SUBJECT PROPERTY:

A. STRAP: The applicant indicates the STRAP numbers are: 28-44-26-05-00055.0010, 28-44-26-05-00055.0020, and 28-44-26-05-00055.0030

V. ATTACHMENTS:

A. Map of surrounding zoning

B. LEGAL DESCRIPTION: See Exhibit A

C. Master Concept Plan dated February 7, 2011

D. Minutes from Lehigh Acres Planning Panel meeting of September 8, 2010

E. Follow up letter dated November 17, 2010 to Lehigh Acres Planning Panel

F. Staff Report from Environmental Sciences dated March 4, 2011

G. Development Services memo dated March 14, 2011

H. Lee County Department of Transportation memo dated March 1, 2011

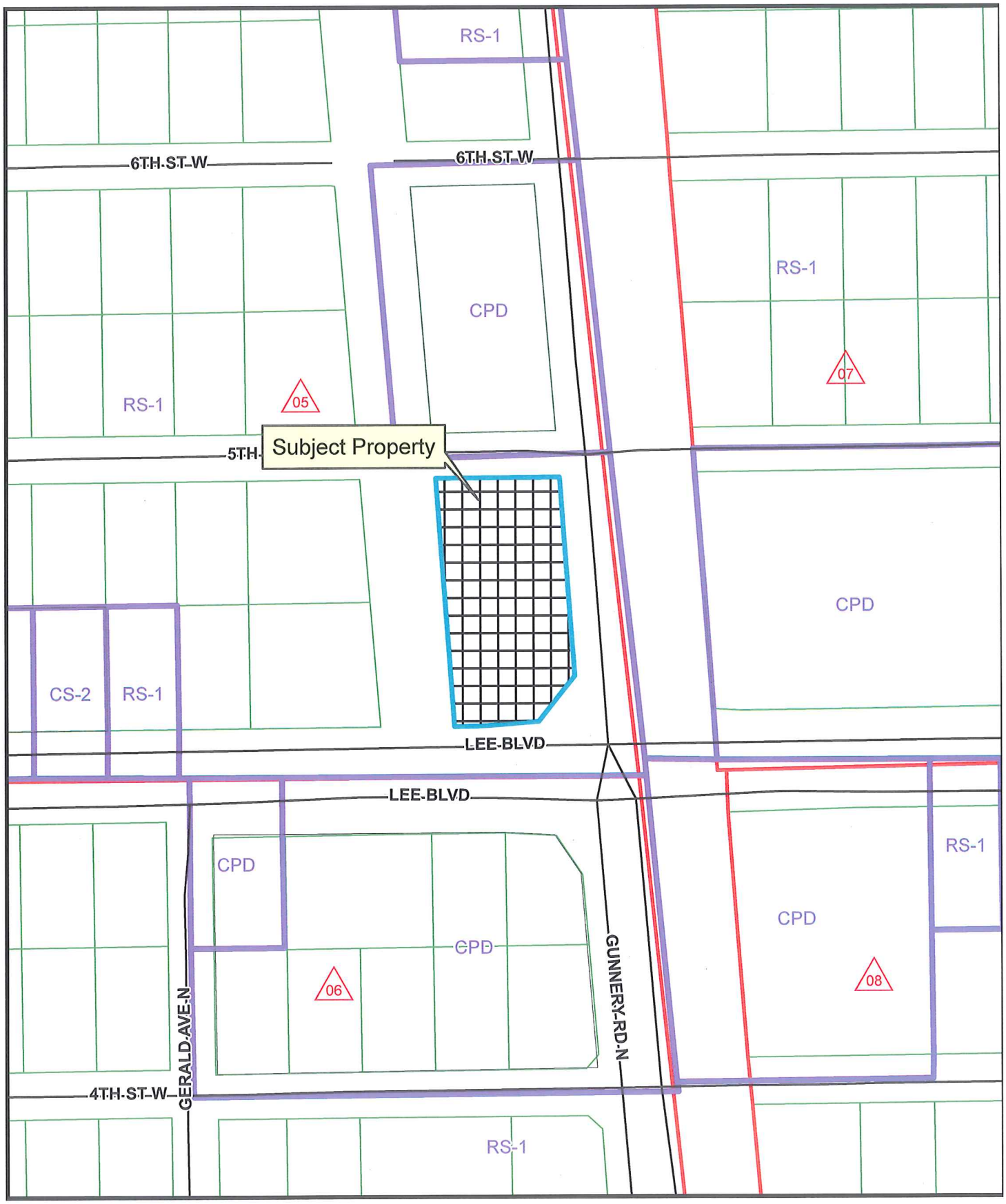
I. FGUA letter dated July 2, 2010

cc: Applicant
County Attorney
Zoning File

Attachment "A"
Zoning Map

DCI2010 -00013

3/7/2011



LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 26, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 55, UNIT 5, SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEHIGH ACRES, PLAT BOOK 15, PAGE 78, LEE COUNTY PUBLIC RECORDS; THENCE N4°46'35"W FOR 272.98 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 55 AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LINE OF 5TH STREET W; THENCE N89°23'44"E ALONG THE NORTH LINE OF LOT 3 AND ALONG THE SOUTH RIGHT-OF WAY LINE OF 5TH STREET W FOR 131.86 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF GUNNERY ROAD AND THE NORTHEAST CORNER OF SAID LOT 3, BLOCK 55; THENCE S4°45'31"E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID GUNNERY ROAD FOR 218.88 FEET; THENCE S38°36'03"W FOR 64.39 FEET; THENCE S85°33'02"W FOR 59.98 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LEE BOULEVARD; THENCE S89°23'44"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF LEE BOULEVARD FOR 27.36 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.79 ACRES MORE OR LESS.

BEARINGS BASED ON THE NORTH RIGHT-OF-WAY LINE OF LEE BOULEVARD BEING S89°23'44"W (PLAT BEARING).

1-11-11

STATE OF FLORIDA

DCI 2010-00013

RECEIVED

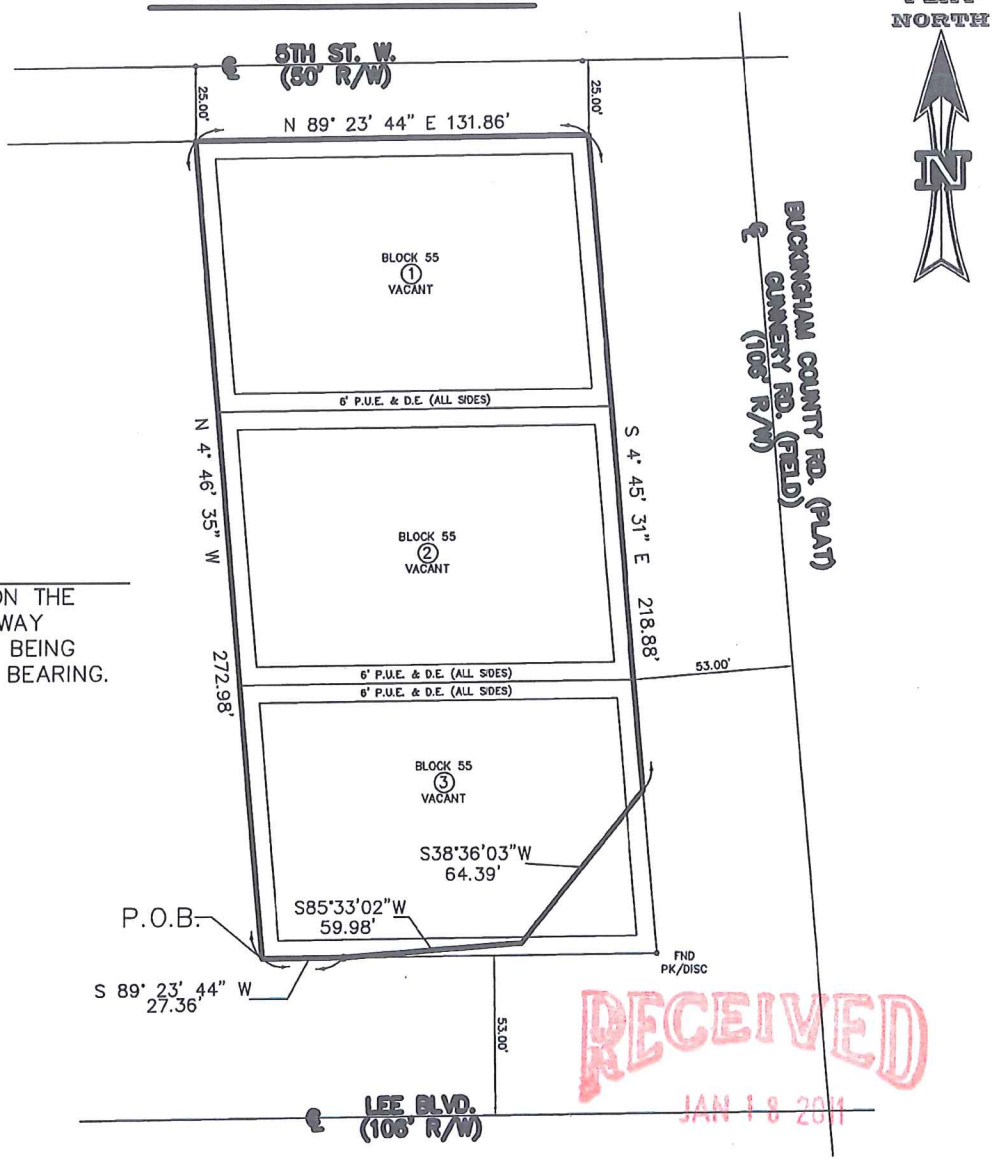
JAN 18 2011

COMMUNITY DEVELOPMENT

APPROVED
LEGAL
1/24/11

ATTACHMENT B

NOT A SURVEY – SKETCH ONLY



NOTE:
BEARINGS BASED ON THE NORTH RIGHT-OF-WAY LINE OF LEE BLVD. BEING S89°23'44"W. PLAT BEARING.

RECEIVED
JAN 18 2011
COMMUNITY DEVELOPMENT
DCI 2010-00013

405/407/409 GUNNERY RD. N
LOTS 1-2-3, BLOCK 55, UNIT 5
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 15, PAGE 78, OF THE
OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

LEHIGH SURVEYING, INC.
LB7462
715 GREENWOOD AVENUE
LEHIGH ACRES, FLORIDA 33972
239-368-7400 239-368-7685 (FAX)

1-7-10

CHRISTOPHER B. STILL
REGISTERED LAND SURVEYOR NO. 5941

APPROVED
LEGAL
1/24/11

SHEET 1 OF 2
SCALE: 1" = 60'
FILE NO. 06162-5

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ELEVATIONS SHOWN ARE BASED ON DATA FROM THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, UNLESS OTHERWISE NOTED.

THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN SHOWN.

ONLY IMPROVEMENTS SHOWN WERE FIELD LOCATED.

BEARINGS BASED ON PLAT, DEED OR ASSUMED DATUM.

UNDERGROUND IMPROVEMENTS SUCH AS SEPTIC TANKS, DRAINFIELDS, ETC. ARE APPROXIMATE ONLY AND MUST BE VERIFIED BY ANOTHER SOURCE.

LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE SHOWN.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

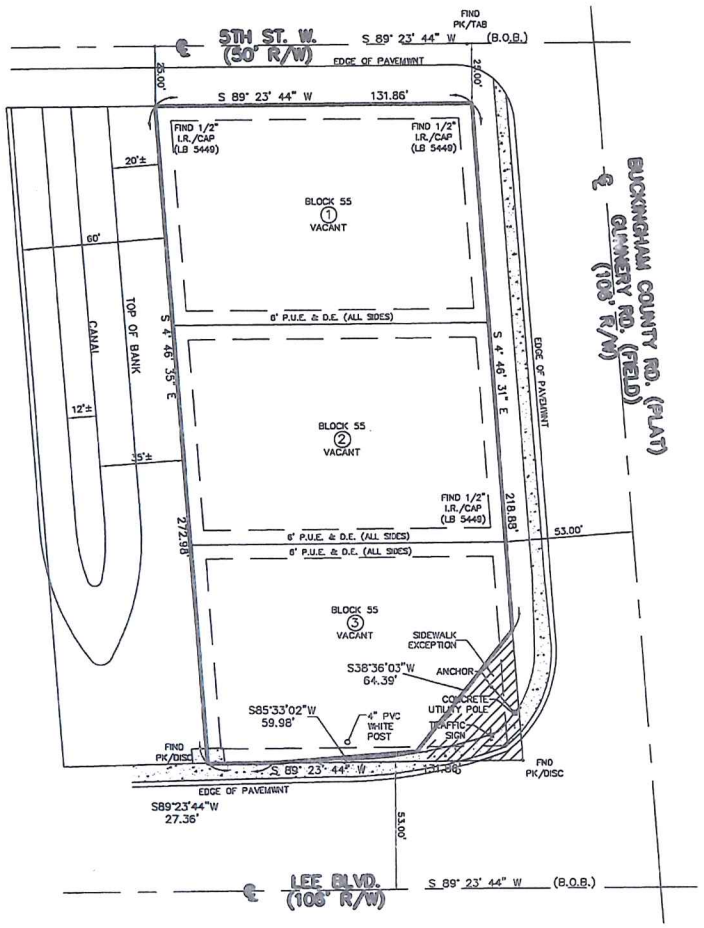
ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.

TITLE OPINION WAS FURNISHED BY GEORGE CONSOER DATED JANUARY 6, 2011.

LEGEND:

A	– ARC LENGTH
A/C	– AIR CONDITIONER
Ⓒ	– CABLE TV
(C)	– CALCULATED
CB	– CHORD BEARING
CE	– COVERED ENTRY
CH	– CHORD DISTANCE
C.M.	– CONC. MONUMENT
COR.	– CORNER
(D)	– DEED
B.O.B.	– BASIS OF BEARINGS
D.E.	– DRAINAGE EASEMENT
D.H.	– DRILL HOLE
EL.	– ELEVATION
ENC.	– ENCROACHMENT
E.O.P.	– EDGE OF PAVEMENT
FND.	– FOUND
I.R.	– IRON ROD
(M)	– MEASURED
N&T	– NAIL & TAB
N.T.S.	– NOT TO SCALE
(NR)	– NOT RADIAL
O.R.	– OFFICIAL RECORD
(P)	– PLAT
P.B.	– PLAT BOOK
P.C.	– POINT OF CURVATURE
P.C.C.	– POINT OF COMPOUND CURVATURE
P.C.P.	– PERMANENT CONTROL POINT
P.E.	– POOL ENCLOSURE
PG.	– PAGE
P.O.B.	– POINT OF BEGINNING
P.O.C.	– POINT OF COMMENCEMENT
P.P.	– POWER POLE
P.R.C.	– POINT OF REVERSE CURVATURE
P.R.M.	– PERMANENT REFERENCE MONUMENT
P.T.	– POINT OF TANGENCY
P.U.E.	– PUBLIC UTILITY EASEMENT
R	– RADIUS
(R)	– RADIAL
RNG.	– RANGE
R/W	– RIGHT OF WAY
SEC.	– SECTION
SET I.R.	– SET 1/2" IRON ROD LB7462
S.E.	– SCREEN ENCLOSURE
S.T.	– SEPTIC TANK
Ⓣ	– TELEPHONE BOX
TWP.	– TOWNSHIP
(PR)	– PRORATED
T.B.M.	– TEMPORARY BENCHMARK
U.P.	– UTILITY PEDESTAL
Ⓦ	– WATER METER
Δ	– DELTA ANGLE
☼	– POWER POLE
☼	– FIRE HYDRANT
⊕	– TEMPORARY BENCHMARK
℄	– CENTERLINE
—x—	– WIRE FENCE
—/x/—	– WOOD FENCE
—P—	– OVERHEAD WIRES
[XX]	– CONCRETE PAD
100X00	– EXISTING ELEVATION
(XX)	– LOT NUMBER



RECEIVED
JAN 18 2011
COMMUNITY DEVELOPMENT
Applicant's Survey Checked
BG 1/24/11

DCI 2010-00013

FIELD SURVEY:	11-2-10
CREW CHIEF:	C. CORDISCO
DRAWN BY:	J. KNORR
SCALE:	1" = 50'
SHEET:	1 OF 1
JOB NO:	06162-5
FIELD BOOK: XX	PAGE: XX

LEHIGH SURVEYING, INC.
LB7462
1130-E LEE BOULEVARD
LEHIGH ACRES, FLORIDA 33936
239-368-7400 239-368-7685 (FAX)

11-8-10

CHRISTOPHER B. STILL
REGISTERED LAND SURVEYOR NO. 5941

PLATTED DATE:	AUGUST 1958	COMMUNITY PANEL NUMBER:	125124 0375 B	DATE OF MAP:	NOT PRINTED	FLOOD ZONE: B	ELEVATION: N/A

PLAT NORTH

BOUNDARY SURVEY
405/407/409 GUNNERY RD. N
LOTS 1-2-3, BLOCK 55, UNIT 5
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 15, PAGE 78, OF THE
OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

CERTIFIED TO:

CORNELIUS P. O'SULLIVAN AND ESTELLE O'SULLIVAN
TRUSTEES OF THE CORNELIUS P. O'SULIVAN LIVING TRUST
KNOTT, CONSOER, EBELINI, HART & SWETT, P.A.
ATTORNEYS' TITLE INSURANCE SERVICES, LLC

NOT VALID UNLESS SIGNED AND RAISED SEAL

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ALTERNATIVE PLAN #1

N

0 20 40 60 120
SCALE FEET

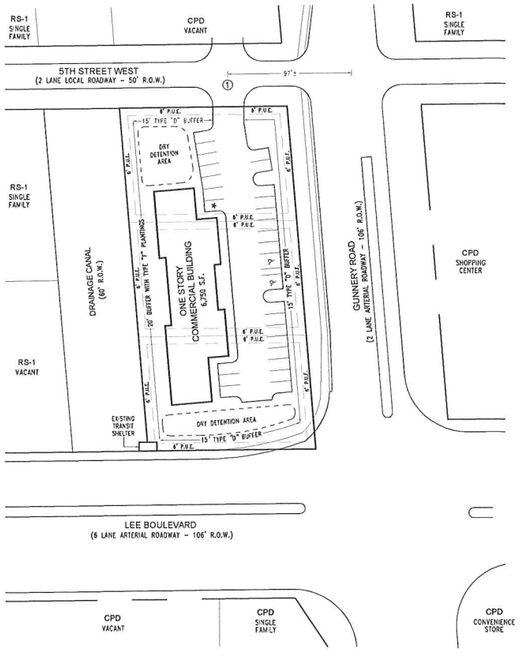
SITE DATA
TOTAL SITE AREA: 0.82 ACRES
COMMERCIAL BUILDING AREA: 6,750 S.F.
MAXIMUM BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 27 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.82 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.43 ACRES[1]

[1]ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

LEGEND
PROPOSED LOADING AREA: ★
REQUESTED DEVIATION: (#)

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

ALTERNATIVE PLAN #2

N

0 20 40 60 120
SCALE FEET

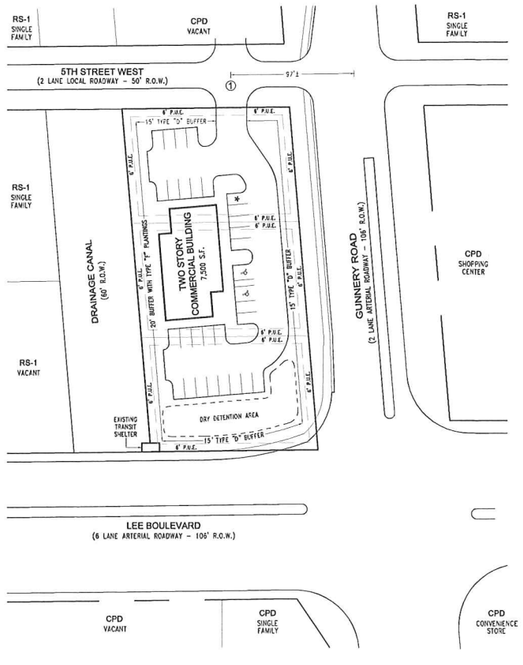
SITE DATA
TOTAL SITE AREA: 0.82 ACRES
COMMERCIAL BUILDING AREA: 7,500 S.F.
MAXIMUM BUILDING HEIGHT: 35 FEET
PARKING PROVIDED: 30 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.82 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.43 ACRES[1]

[1]ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

LEGEND
PROPOSED LOADING AREA: ★
REQUESTED DEVIATION: (#)

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

ALTERNATIVE PLAN #3

N

0 20 40 60 120
SCALE FEET

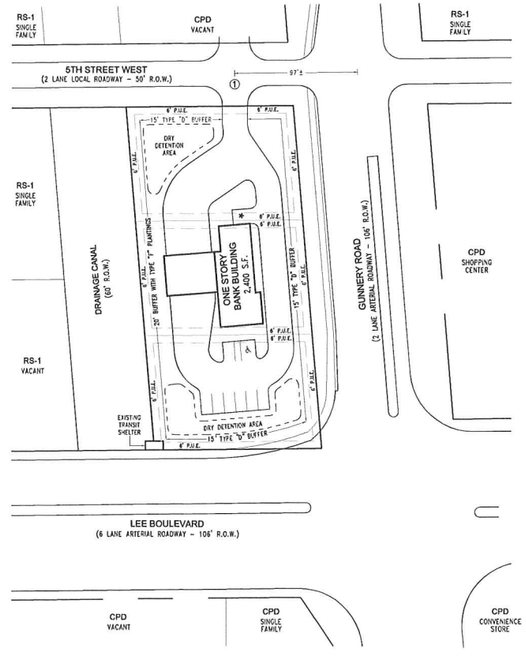
SITE DATA
TOTAL SITE AREA: 0.82 ACRES
COMMERCIAL BUILDING AREA: 2,400 S.F.
MAXIMUM BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 8 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.82 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.44 ACRES[1]

[1]ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

LEGEND
PROPOSED LOADING AREA: ★
REQUESTED DEVIATION: (#)

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

ALTERNATIVE PLAN #4

N

0 20 40 60 120
SCALE FEET

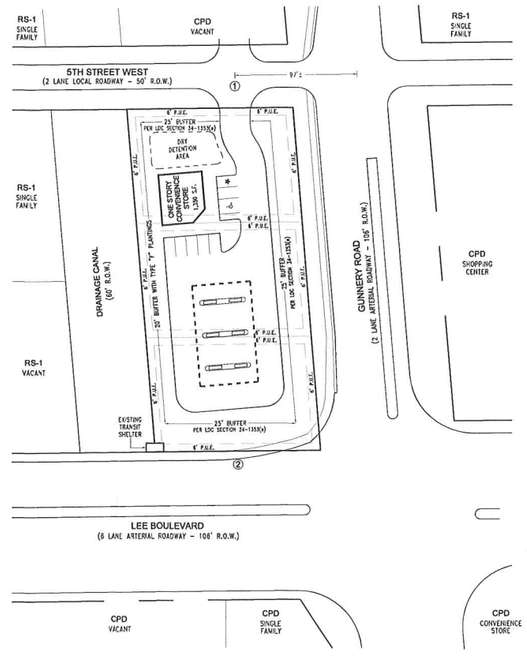
SITE DATA
TOTAL SITE AREA: 0.82 ACRES
COMMERCIAL BUILDING AREA: 1,350 S.F.
MAXIMUM BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 7 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.82 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.44 ACRES[1]

[1]ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

LEGEND
PROPOSED LOADING AREA: ★
REQUESTED DEVIATION: (#)

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

DCI 2010-00013
ATTACHMENT C
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EXHIBIT D-7-M.2

FILE #	1002MCP3
DATE	02/11
SCALE	NOTED
DESIGN	GFM
DRAWN	GFM
CHECK	GFM

GARY F. MULLER, AICP
gfm
1482 ARGYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 939-0111

SEC 28, TWP 44S., RGE 26E.
LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN
O'SULLIVAN CPD

DWG. NO.
1002

To: Nettie Richardson

From: Matt Uhle

Date: November 15, 2010

Re: O'Sullivan CPD/Meeting with Lehigh Planning Panel

I met with the panel on September 8. Approximately 15 members of the public attended the meeting, although several of them left before my item was called. The only public comments regarding the project came from the owners of the parcel immediately to the west of the drainage conveyance located just west of the site. They were concerned that the zoning application might in some way require them to sell their property to the developer. I, and some of the members of the panel, provided them with reassurance on this point.

The most significant concerns identified by the panel members were as follows:

1. The parking for the bank scenario is inadequate.

   RESPONSE: The parking is consistent with the applicable LDC requirements.

2. The convenience store scenario does not work, because the plan does not include an adequate turning radius for tanker trucks.

   RESPONSE: Gary Muller reviewed the plan after receiving this input and concluded that the property could, in fact, accommodate the tanker trucks. The plan has been modified slightly to address this concern.

3. An agreement should be reached with the East County Water Control District to permit the use of the drainage conveyance for parking.

   RESPONSE: Assuming, for purposes of argument, that the District would agree to permit its property to be used for parking, this would require revisions to the survey, the legal description, and the title opinion, as well as to the MCP. In addition, the County would prohibit the use of this area for required spaces if the District retained the right to remove the spaces, even temporarily, for maintenance.

4. The building in the first two scenarios should be brought closer to Gunnery Road in order to permit a loop drive around the building and thus avoid dead-end parking lots.

   RESPONSE: The parking lots, as proposed, do not violate any LDC requirements. Given the setbacks and buffering standards in the LDC, there is not enough room on the site to

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ATTACHMENT D

accommodate a driveway around all sides of the building without reducing the size of the building.

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DCI 2010-00013

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS - AT - LAW

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

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

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Facsimile (239) 334-1446

Natly Torres-Alvarado
David A. Burt
David L. Ciccarello
Madeline Ebelini

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

November 17, 2010

Mr. Edd Weiner
20048 Lake Vista Cir.
Lehigh Acres, FL 33936

Re: O'Sullivan CPD Application

Dear Edd:

Attached please find the notes from the meeting on September 8th which were prepared by Matt Uhle and Gary Mueller. I am enclosing a copy of the turning movement analysis prepared by Gary that is in response to item number 2 on this summary sheet.

As you will see, after consulting with our client, it was concluded that no further changes were necessary or advisable regarding the proposed plans. In particular, to try to obtain control of the property now owned by East Lee County Water Control District would be very time consuming and expensive, and would require significant modifications to the current site plan.

The client does not have a budget for us to attend any additional meetings in Lehigh, so we would respectively request that you accept this attached memo as the applicants response to the panel's questions and concerns.

Please do not hesitate to contact me should you have any questions.

Very truly yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Mike Roeder

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

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DCI 2010-00013

ATTACHMENT E

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: **March 4, 2011**
To: **Nettie Richardson, Principal Planner**

From: **Aaron Martin, Environmental Planner**
Phone: (239) 533- 8522
e-mail:amartin@leegov.com

Project: **O'Sullivan CPD**
Case: **DCI2010-00013**
STRAP: **28-44-26-05-00055.0010, 28-44-26-05-00055.0020, & 28-44-26-05-00055.0030**

The Division of Environmental Sciences (ES) staff has reviewed the proposed O'Sullivan Commercial Planned Development (CPD) and offer the following analysis and recommendation of approval with conditions

PROJECT SITE:
The project is located on the northwest corner of Lee Blvd and Gunnery Rd. The project site is approximately ±0.82 acres in size. The site is zoned RS-1 with a future land use of Central Urban.

PROJECT DESCRIPTION:
The applicant is proposing a small commercial planned development. There are four proposed master concept plans (MCP). Alternative plan #1 proposes a one story commercial building with parking and associated infrastructure. Alternative plan #2 proposes a two story commercial building with parking and associated infrastructure. Alternative plan #3 proposes a bank with drive through, parking, and associated infrastructure. Finally, alternative plan #4 proposes a gas station with parking and associated infrastructure.

VEGETATION:
A waiver from the Florida Land Use, Cover and Classification System (FLUCCS) map was requested by the applicant and granted. The site is comprised of 0.82 acres of FLUCCS 110 Residential. The site is clear of vegetation and consists of mowed grass. ES staff performed a site inspection on July 13, 2010 to confirm the site conditions and that no protected species existed on site.

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 0.82 acre project is required to provide 0.16 acres of open space (0.82 x 0.20% = 0.16). Per the MCP stamped "received" February 07, 2011 the applicant is proposing to provide an average 50% or 0.41 acres as open space on the four MCPs which exceeds the 20% open space required. ES staff is recommending the applicant provide a minimum 40% 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 40% 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:

Policy 6.1.6: 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: 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.
Objective 77.2: Development regulations will continue to require that new commercial developments provide sufficient open space for the benefit of their patrons and the general public.
Objective 77.3: 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 40% open space.

BUFFERS:
The proposed project boundary abuts a right of way (ROW) to the south, north, and east; and a ROW drainage canal to the west with residential lots and homes on the opposite side of the drainage canal. Per the Land Development Code (LDC) 10-416(d)(3) commercial projects abutting ROW require a type "D" buffer. Additionally, MCP #4 which proposes a gas station has buffer requirements that must be consistent with LDC 34-1353(e). This requires that gas station developments provide a 25' wide type "D" buffer adjacent to a ROW.

The applicant is proposing a type "D" buffer adjacent to the ROW to the south, north and east consistent with the required buffers required per LDC 10-416(d)(3) for MCPs #1-3. For MCP #4 the applicant is providing the 25' wide type D buffer per LDC 34-1353(e). Along the west property line the, abutting the ROW drainage canal, the code requires a type "D" buffer however recognizing the existing residential homes to the west of the canal the applicant has offered to provide a 20' wide buffer with type "F" plantings. The type "F" plantings include 10 trees per 100 linear feet and a double hedge row planted at 4 feet in height to be maintained at 5 feet in height. This buffer is above code minimum requirements and will provide increased screening to the residential uses to the west. To increase this screening staff is recommending that the type "F" buffer along the west include a minimum of 7 canopy trees out of the 10 required. This will provide a greater canopy cover over the code minimum which would allow for 100% palm tree use within this buffer area. To further enhance the buffering ES staff is suggesting that the dry detention areas be planted. Not only would this enhance the buffering around the site but it would also provide a surface water system that mimics a natural system. This would make the site consistent with the LDC and the Lee County Comprehensive Plan.

The following Lee County Comprehensive Plan (Lee Plan) Goals, Objectives and Policies support ES staff analysis and recommended conditions:

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: 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;
- reduce dependence on the automobile;
- promote pedestrian movement within the development;
- utilize joint parking, access and loading facilities;
- avoid negative impacts on surrounding land uses and traffic circulation;
- protect natural resources; and
- provide necessary services and facilities where they are inadequate to serve the proposed use.

Policy 6.1.6: 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.

Objective 60.5: The long-term benefits of incorporating green infrastructure as part of the surface water management system to include improved water quality, improved air quality, improved water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief within the urban environment.

Policy 60.5.1: The County encourages new developments to design their surface water management systems to incorporate best management practices including, but not limited to, filtration marshes, grassed swales planted with native vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands and meandering flow-ways.

Policy 61.2.4: Where feasible within future urban areas, surface water management plans are encouraged that mimic the functions of natural systems.

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 a 20' wide

buffer with type "F" plantings along the west property line. This buffer must include a minimum of 7 canopy trees and three palm trees per 100 linear feet.

Prior to local development order approval, the landscape plans must delineate the planting of the dry detention. The plantings must include at a minimum (3) native species, a minimum 1 gallon container size, planted 3 feet o.c. (Note these plantings are in addition to any other code required landscaping. The applicant may not take credits for planting detention areas to off set general trees).

MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: March 14, 2011

TO: Nettie Richardson, AICP
Principal Planner

FROM: Robert L. Price, P.E.
Senior Engineer

RE: **O'Sullivan CPD**
Case No. DCI2010-00013

The proposed development is located in the northwest corner of the intersection of Lee Boulevard and Gunnery Road in Lehigh Acres. Access to the subject site is proposed via a single access to 5th Street West along the northern property boundary. The Applicant has requested a deviation from the connection separation requirements in the Land Development Code in order to align the access drive with the access to the vacant CPD on the north side of 5th Street West. Staff recommends approval of the deviation request.

Currently, the 0.82-acre subject parcel is zoned to RS-1 to consist of residential uses. The site is currently vacant. The proposed rezoning would amend the existing zoning on the site to Commercial Planned Development (CPD) and permit the construction of various different commercial uses. In order to assess the traffic impacts associated with the proposed rezoning, a comprehensive review of the proposed Schedule of Uses was performed, and the use that is demonstrated to have the worst case traffic impact was chosen. Therefore, the subject rezoning was analyzed based on a gasoline/service station with 8 fueling positions. The traffic associated with the proposed rezoning was determined based on Land Use Code 945 (Gasoline/Service Station with Convenience Market) from the Institute of Engineers report titled ***Trip Generation***, *8th Edition*. After a reduction for pass-by traffic to account for traffic already on the roadway, the site was determined to have an impact of 574 trips over the course of the entire day. This correlates to a peak hour impact of 47 two-way trips (24 entering, 23 exiting) in the PM peak hour under buildout conditions.

Gunnery Road and Lee Boulevard were analyzed based on existing traffic conditions in addition to 2015 traffic conditions both with and without the proposed rezoning. 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, both Gunnery Road and Lee Boulevard will operate at LOS "C" under background 2015 conditions and under 2015 buildout conditions. Level of Service "C" 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.

The Master Concept Plan submitted with the proposed rezoning request indicates four (4) different alternative designs for the subject site. Staff is concerned with the viability of alternative #4 indicating the gas station/convenience market. Specifically, truck circulation would appear to

be challenging. Additionally, it would seem that providing the necessary number of parking spaces in an acceptable layout may be problematic. These site specific details are typically designed at the Development Order stage.

LEE COUNTY
SOUTHWEST FLORIDA

DEPARTMENT OF TRANSPORTATION

Memo

To: Nettie Richardsom, Senior Planner
Zoning Division

From: Lili Wu
Sr. Transportation Planner

Date: March 1, 2011

Subject: O'Sullivan CPD (DCI2010-00013)

The Lee County Department of Transportation (LCDOT) has reviewed the application for public hearing. This project is located on the northwest corner of Lee Blvd/Gunnery Rd intersection. Access to the proposed development is shown on the Master Concept Plan via an access drive on 5th Street. We have no objection to the Deviation #1 which requests the proposed project driveway on 5th Street about 97 feet from Gunnery Rd from 125 feet requirement since it is aligned with an approved driveway cross street. However, there is a painted median at the intersection of Gunnery Rd/5th Street where the design may be modified in the future as a response to safety and operational issues that may arise at the time of development.

LW/dn

cc: File

ATTACHMENT H

July 2, 2010

Cornelius P. O'Sullivan, Trustee
Estelle O'Sullivan, Trustee
1564 Carriedale Ln
Ft. Myers, Fl 33912

% Michael E. Roeder, AICP
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street, Suite 301
Ft. Myers, Fl 33901

LEA ANN THOMAS, CHAIR
Polk County

JIM LAVENDER
Lee County

ROBERT KNIGHT
Citrus County

SHANE PARKER
Hendry County

MICHELE BAKER
Pasco County

CHRIS M. ROGERS
DeSoto County

RE: Water and Wastewater Availability
Strap # 28-44-26-05-00055.0030; .0020; .0010
Address: 405, 407 & 409 Gunnery Road, Lehigh Acres
O'Sullivan CPD

Dear Mr. Roeder:

Potable water lines and wastewater lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of a(n) retail/office building with an estimated flow demand of 1,000 GPD for water and 1,000 GPD for wastewater. FGUA presently has sufficient capacity to provide potable water and sanitary sewer as estimated above.

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Prior to beginning design work on this project, a meeting may be scheduled with Pradeep Sethi to determine the best point of connection and discuss requirements for construction. He can be reached at 407-629-6900 ext. 122 or via e-mail at psethi@govmserv.com .

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Lehigh Acres Water Treatment Plant # 1 and the Mirror Lakes Water Treatment Plant.

ADD 2010-00013

Sanitary sewer service will be provided by the recently upgraded Lehigh Acres Wastewater Treatment Plant. The FGUA Utilities' Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system. A site map showing the approximate location of the utilities is included for your reference as well as list of the next steps to be taken in order to move your project forward.

FGUA OPERATIONS OFFICE
Government Services Group, Inc.
280 Wekiva Springs Rd., Ste 2000
Longwood FL 32779

877/552-3482 Toll Free
407/629-6900 Tel
407/629-6963 Fax

EXHIBIT PH 4-I.

ATTACHMENT I

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date hereof. Florida Governmental Utility Authority will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of water and wastewater service is to be utilized for development review for this project only. Individual letters of availability will be required for the purpose of obtaining building permits.

When you are ready to move forward with your project, please submit a copy of this letter along with four (4) sets of plans for review, an engineer's opinion of probable construction cost (EOPCC) and a check to cover plan review fees in the amount of $300 for the first nine (9) sheets (or less) and an additional $25 for every sheet over 9 sheets.

If you should have any further questions please feel free to contact our development review team at 407-629-6900.

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Tarek Fahmy
Director of Operations

TMF/jdk

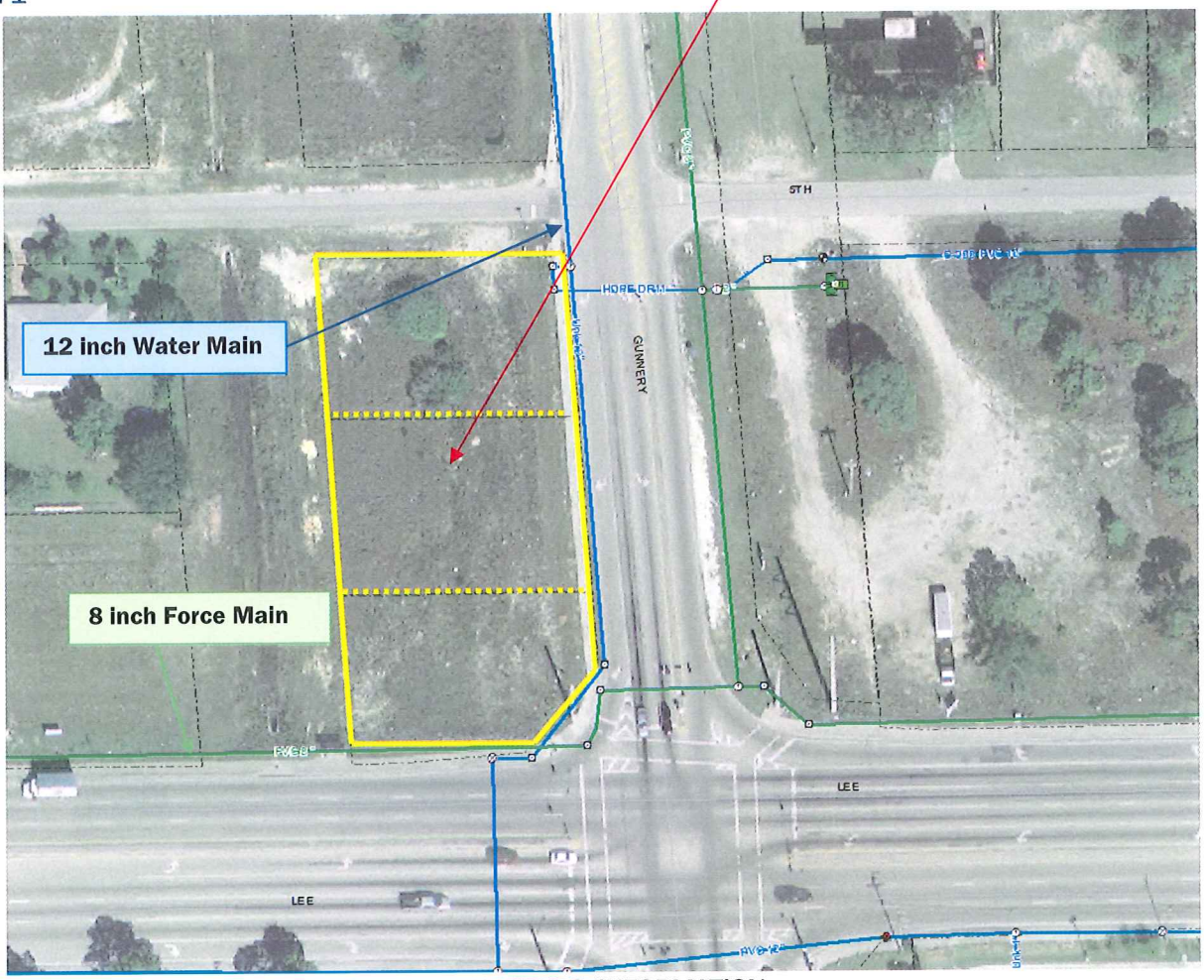
ADD 2010-00013

COMMUNITY DEVELOPMENT

June 21, 2010

O'Sullivan CPD

STRAP #: 28-44-26-05-00055.0030, 0020 & 0010: Address: 405, 407 & 409 Gunnery Road, Lehigh Acres FL 33971



NEXT STEPS/INFORMATION

1. Four Sets of signed and sealed Construction Plans With a Plan review Check for $ 300.00 for the first 9 sheets and additional $ 25.00 for each additional sheet
   a. Construction plans to show property lines clearly marked
   b. Identify the connecting points to the FGUA mains
   c. Locate the Water meters, fire meters (preferably) outside property limits within ROW
   d. Identify easements to be provided to FGUA
2. Submit the EOPCC (Engineer's Opinion of Probable Cost of Construction)
3. On receipt of this information as identified at 1 & 2 above FGUA will submit the following for your prompt attention
   a. The fee estimate which must be paid upfront
   b. The Conveyance and Service Agreement (CSA) which must be executed by the owner or authorized person to sign contracts as legal entity.
4. This CSA has to be accepted by the FGUA board.
5. The FDEP apps for construction will be signed by FGUA after Fees is paid and the CSA is accepted by the FGUA Board.
6. The capacity fees will be charged and paid for each unit based on its actual use.

All Utility Locations shown here are approximate and Engineer's surveyor to determine the exact locations and determine the feasibility to connect

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O'Sullivan CPD Tax Map

Tax Map Legend

Selected Parcel | Road Centerlines | Parcels | Easements

Aerial Image Set	2010 Hi-Res (1/2 foot)	**Map Currency Date**	6/21/2010 4:59:52 PM
Selected Parcel	28-44-26-05-00055.0030	**Legal Description**	LEHIGH ACRES UNIT 5 BLK.55 PB 15 PG 78 LOT 3 LESS ROW DESC IN OR 2845/1965
Parcel Owner	OSULLIVAN CORNELIUS P TR + OSULLIVAN ESTELLE TR FOR CORNELIUS P OSULLIVAN TRUST 15643 CARRIEDALE LN FORT MYERS FL 33912	**Property Address**	405 Gunnery Rd N Lehigh Acres, FL 33971

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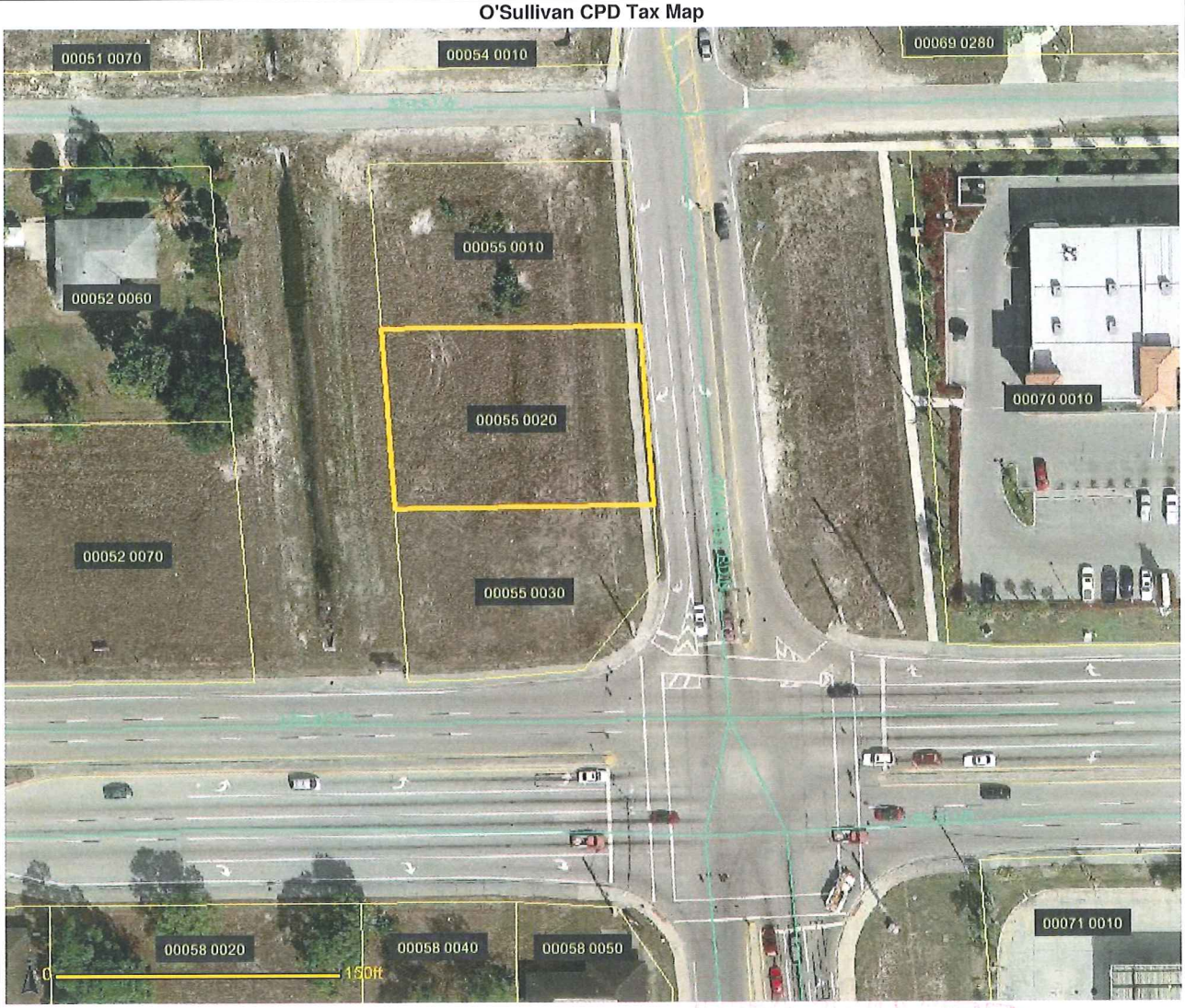
O'Sullivan CPD Tax Map



Tax Map Legend

Selected Parcel | Road Centerlines | Parcels | Easements

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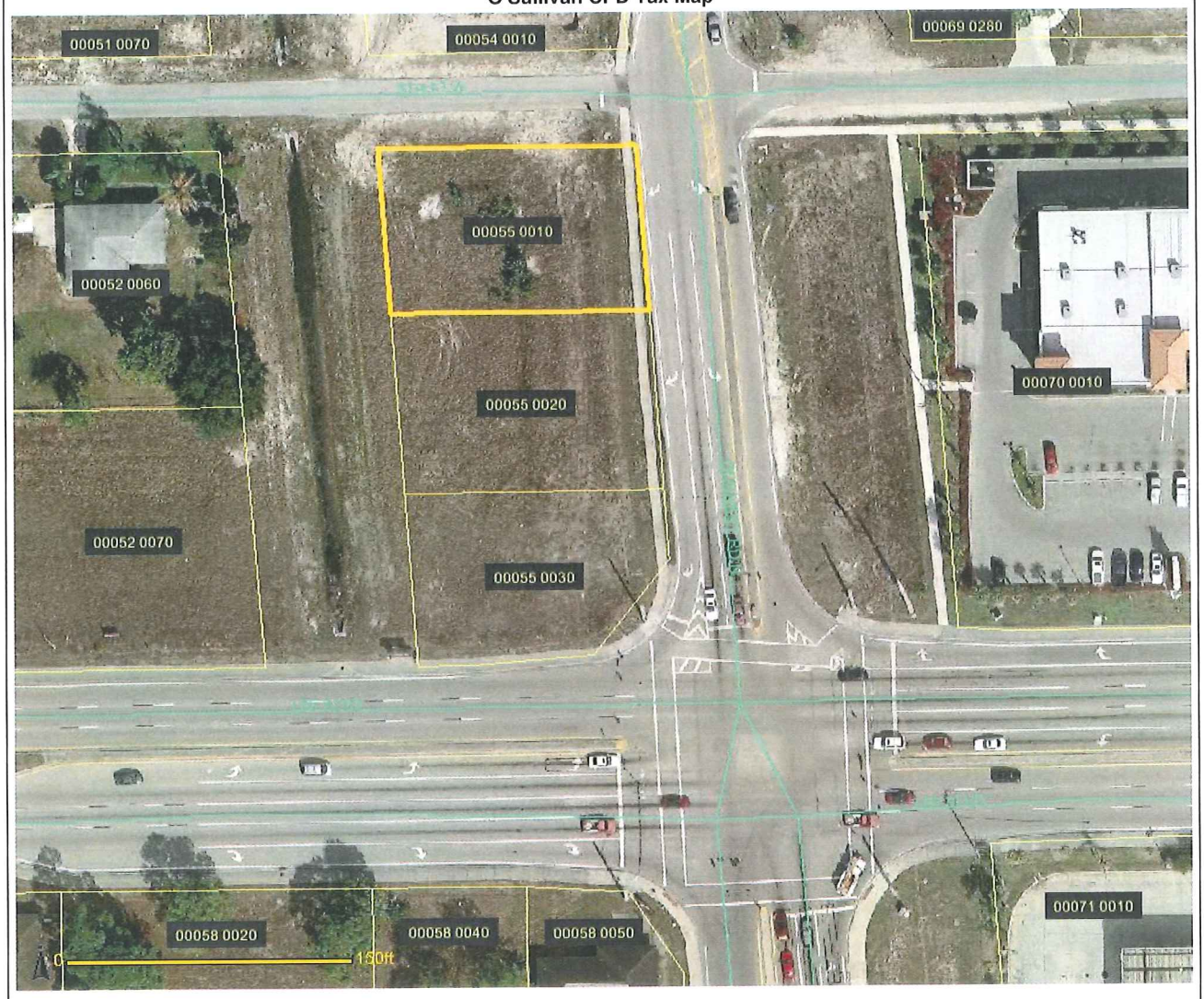
Aerial Image Set	2010 Hi-Res (1/2 foot)	**Map Currency Date**	6/21/2010 5:02:14 PM
Selected Parcel	28-44-26-05-00055.0020	**Legal Description**	LEHIGH ACRES UNIT 5 BLK 55 PB 15 PG 78 LOT 2
Parcel Owner	OSULLIVAN CORNELIUS P TR + OSULLIVAN ESTELLE TR + FOR CORNELIUS P OSULLIVAN TRUST 15643 CARRIEDALE LN FORT MYERS FL 33912	**Property Address**	407 Gunnery Rd N Lehigh Acres, FL 33971

ADD 2010-00013

O'Sullivan CPD Tax Map



Tax Map Legend

Selected Parcel | Road Centerlines | Parcels | Easements

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Aerial Image Set	2010 Hi-Res (1/2 foot)	**Map Currency Date**	6/21/2010 5:03:17 PM
Selected Parcel	28-44-26-05-00055.0010	**Legal Description**	LEHIGH ACRES UNIT 5 BLK 55 PB 15 PG 78 LOT 1
Parcel Owner	OSULLIVAN CORNELIUS P TR + OSULLIVAN ESTELLE TR FOR CORNELIUS P OSULLIVAN TRUST 15643 CARRIEDALE LN FORT MYERS FL 33912	**Property Address**	409 Gunnery Rd N Lehigh Acres, FL 33971

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Florida Governmental Utility Authority (F.G.U.A.) @ www.fgua.com

Instructions for Plan submission

System:	Water & Wastewater	
Project Name:	O'Sullivan CPD	
County:	Lee County	
Engineer:	Knott, Consoer, Ebelini, Hart & Swett P.A. 1625 Hendry St, Fort Myers FL 33901	

Submit Four (4) signed and sealed plans with complete details like a cover sheet and standard details etc.

ADD THE FOLLOWING TO GENERAL NOTES:

1. All construction shall meet Lee County/~~Collier County/Pasco County~~ Standards and Specifications as applicable.
2. A FGUA representative is to be present during connections to existing facilities with 72 hour notification.
3. All utilities within the property lines to be owned and maintained by the owner
4. Any utilities (Pipes, Valves, Backflow preventors and associated hardware) to be conveyed to FGUA will be on the ROW and/or a specific utility easement will be provided to FGUA.
5. Any Real property (Lift Stations, pump houses, wells etc) will not be on ROW and will be conveyed to FGUA via a specific warranty deed to FGUA.
6. Low Pressure Air Test, and TVing are required (gravity system)
7. Install 3M Magnetic Markers at each valve. Markers to be installed beside valve box 12" min – 18" max and over all bends and every 50' over centerline of water mains and force Mains at a depth of 12" min - 18" max below final grade.
8. All water/wastewater FM crossing LCDOT rights of way to be constructed with a casing.
9. A Reduced Pressure Zone (RPZ), Backflow Prevention Assembly (BFP) is required. Acceptable models Febco 825Y, Watts 909, Wilkins 975XL, or Conbraco 400.
10. Stainless steel tapping sleeve and valve for proposed water and force main connections to be used.
11. Water tapping saddles to be Brass
12. All fire flow lines will have a fire detection meter or a full sized flow meter and a Fire Line Backflow Prevention Assembly (BFP) assembly shall include a low flow BY-PASS meter w/ RPZ
13. Manhole Frames & Covers, and CO Caps are to be water tight, if needed existing Man hole tops are to be adjusted to proposed grade
14. All FM lines to be min 4 inches PVC
15. A ball check valve followed by a Plug Valve will be provided on force mains leaving from privately owned Lift Stations connecting into the Utility mains
16. Connection to existing manholes and/or lift stations shall be by core bore with Kor-N-Seal connectors.

ENSURE THAT THE DRAWINGS INCLUDE TO SHOW

1. The Utility Plans to clearly delineate the proposed and/or existing side walks to all meter boxes valve pads, hydrant branch Valves and assemblies, preferably by 2 feet. Meter boxes cannot be located in side walks or driveways. Please show the property line distinctly on the Utility Plans.
2. All fire lines (for sprinkler systems and Fire hydrants) will be metered (Fire rated compound meter) and will run separate from the water lines and will follow specifications as per Florida statutes and to the Fire Marshal's specifications.
3. Clearly delineate on every utility plan sheet the limits and extent of existing and/or proposed ROW(s), PUE(s) and FGUA existing or proposed Utility Easements
4. If the Project has multiple units than each unit will have a separate meter to be located within the ROW or abutting the Property line. Separate lines of size min 1 inch will be laid to each business unit. Or the water line will run through a master meter to be installed at the point of entry to the property.

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LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Diana M. Parker
County Hearing Examiner

March 16, 2011

533-8585

MICHAEL E. ROEDER
KNOTT, CONSOER, EBELINI, HART
1625 HENDRY STREET
#301
FORT MYERS, FL 33901

RE: Agenda Schedule for O'SULLIVAN CPD
Case No. DCI2010-00013

Dear MICHAEL E. ROEDER :

Your zoning request has been scheduled before the Hearing Examiner on Wednesday, April 20, 2011, at 1:00 PM. 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 Monday, March 21, 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, April 5, 2011, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jamie Princing
Administrative Assistant

cc: CORNELIUS P O'SULLIVAN
OSULLIVAN CORNELIUS P TR +
Nettie M Richardson, Principal Planner
Zoning File

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS - AT - LAW

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

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

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Facsimile (239) 334-1446

Thart@knott-law.com

Natly Torres-Alvarado
David A. Burt
David L. Ciccarello
Madeline Ebelini

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

MEMO

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DCI 2010-00013

TO: Nettie Richardson
via hand delivery

FROM: Paula A. Weller, FRP
for Michael E. Roeder

RE: DCI2010-00013 / O'Sullivan CPD

DATE: March 7, 2011

Attached is the Variance Report, per your instructions. Thank you.

attachment

VARIANCE REPORT

3/3/2011

Subject Parcels : 3 Affected Parcels : 61 Buffer Distance : 500 ft

28-44-26-05-00055.0010 et al.

300 150 0 300 Feet

DOI 2010-0001 4

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Lee County Propert, Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

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VARIANCE REPORT

Date of Report: March 03, 2011
Buffer Distance: 500 ft
Parcels Affected: 61
Subject Parcel: 28-44-26-05-00055.0010, 28-44-26-05-00055.0020, 28-44-26-05-00055.0030

DCI 2010-00013

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
UNIVERSAL MORTGAGE CORP 12080 N CORPORATE PKWY MEQUON WI 53092	**28-44-26-05-00050.0070** 4402 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK.50 PB 15 PG 78 LOT 7	1
PARAJON KEYLA 4404 6TH ST W LEHIGH ACRES FL 33971	**28-44-26-05-00050.0080** 4404 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 50 PB 15 PG 78 LOT 8	2
CADRETTE JOSEPH J + N87W16459 APPLETON AVE MENOMONEE FALLS WI 53051	**28-44-26-05-00050.0090** 4406 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 50 PB 15 PG 78 LOT 9	3
PNC MORTGAGE 3232 NEWMARK DR MIAMISBURG OH 45342	**28-44-26-05-00051.0020** 4411 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 51 PB 15 PG 78 LOT 2	4
BOKTOR NADER W 4409 6TH ST W LEHIGH ACRES FL 33971	**28-44-26-05-00051.0030** 4409 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 51 PB 15 PG 78 LOT 3	5
DIAZ ALEX A + MAUREEN 4407 6TH ST W LEHIGH ACRES FL 33971	**28-44-26-05-00051.0040** 4407 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK.51 PB 15 PG 78 LOT 4	6
HENDERSON R A + JOANN G 630 SHORELINE DR NAPLES FL 34119	**28-44-26-05-00051.0050** 4405 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK.51 PB 15 PG 78 LOT 5	7
HERNANDEZ EQUITY INVESTMENT 1458 WASHINGTON AVE MIAMI BEACH FL 33139	**28-44-26-05-00051.0060** 4403 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 51 PB 15 PG 78 LOT 6	8
HERNANDEZ EQUITY INVESTMENT 1458 WASHINGTON AVE MIAMI BEACH FL 33139	**28-44-26-05-00051.0070** 4404 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 51 PB 15 PG 78 LOT 7	9
PRETICO VICENTE 1409 ALWYNNE DR S LEHIGH ACRES FL 33936	**28-44-26-05-00051.0080** 4406 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK.51 PB 15 PG 78 LOT 8	10
BARTHOLOMEW ROBIN C + SUSAN + 30556 DEPOT ST NEW CHURCH VA 23415	**28-44-26-05-00051.0090** 4408 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 51 PB 15 PG 78 LOT 9	11
BLD ASSOCIATES LLC + DORAGH LAW FIRM PL 6700 WINKLER RD STE 4 FORT MYERS FL 33919	**28-44-26-05-00051.0100** 4410 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 51 PB 15 PG 78 LOT 10	12
TERAN GUSTAVO + SCHEHEREZADE 4412 5TH ST W LEHIGH ACRES FL 33971	**28-44-26-05-00051.0110** 4412 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 51 PB 15 PG 78 LOT 11	13
THOMAS BILLY E + PATRICIA D 4413 5TH ST W LEHIGH ACRES FL 33971	**28-44-26-05-00052.0020** 4413 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK.52 PB 15 PG 78 LOT 2	14

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
PUNWASI SHARDA 1003 CARDINAL ST NAPLES FL 34104	**28-44-26-05-00052.0030** 4411 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK.52 PB 15 PG 78 LOT 3	15
PEREZ LUIS + 7627 BRISTOL CIR NAPLES FL 34120	**28-44-26-05-00052.0040** 4409 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 52 PB 15 PG 78 LOT 4	16
KELLEY THERESA F 4407 5TH ST W LEHIGH ACRES FL 33971	**28-44-26-05-00052.0050** 4407 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 52 PB 15 PG 78 LOT 5	17
VALLEJO PABLO + MARIA 706 OTTO AVE LEHIGH ACRES FL 33971	**28-44-26-05-00052.0060** 4405 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK.52 PB 15 PG 78 LOT 6	18
GIONFRIDDO BARRY 2506 QUEEN DR LEHIGH ACRES FL 33971	**28-44-26-05-00052.0070** 4406 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 52 PB 15 PG 78 LOT 7	19
LANDOLFI STEVEN 22 VETO ST PROVIDENCE RI 02908	**28-44-26-05-00052.0080** 4408 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 52 PB 15 PG 78 LOT 8	20
LANDOLFI STEVEN J 5781 LEE BLVD STE 208 BOX 247 LEHIGH ACRES FL 33970	**28-44-26-05-00052.0090** 4410 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 52 PB 15 PG 78 LOT 9	21
MILLER THERESA 1/2 + 4980 TAMIAMI TRAIL STE 200 NAPLES FL 34103	**28-44-26-05-00052.0100** 4412 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 52 PB 15 PG 78 LOT 10	22
FEDERAL NATIONAL MORTGAGE ASSN 3185 S CONWAY RD ORLANDO FL 32812	**28-44-26-05-00052.0120** 4416 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 52 PB 15 PG 78 LOTS 11 + 12	23
GARCIA ALEXIS 603 GUNNERY RD N LEHIGH ACRES FL 33971	**28-44-26-05-00053.0020** 603 GUNNERY RD N LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 53 PB 15 PG 78 LOT 2	24
ANGLICKIS RICHARD A TR PO BOX 111 LEHIGH ACRES FL 33970	**28-44-26-05-00053.0030** 601 GUNNERY RD N LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 53 PB 15 PG 78 LOT 3	25
PHAM BAO H + 9877 WEATHER STONE PL FORT MYERS FL 33913	**28-44-26-05-00054.0010** 505 GUNNERY RD N LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 54 PB 15 PG 78 LOTS 1 THRU 3	26
MATABEEK VIJAY + 4701 BRIXTON CT LEHIGH ACRES FL 33973	**28-44-26-06-00056.0080** 4415 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 56 PB 15 PG 78 LOT 8	27
MATABEEK VIJAY + 4701 BRIXTON CT LEHIGH ACRES FL 33973	**28-44-26-06-00056.0090** 4413 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 56 PB 15 PG 78 LOT 9	28
STURZL JOHN + SHELLY 7846 REGAL LN PULASKI WI 54162	**28-44-26-06-00056.0100** 4411 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 56 PB 15 PG 78 LOT 10	29
STURZL JOHN + SHELLY 7846 REGAL LN PULASKI WI 54162	**28-44-26-06-00056.0110** 4500 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK.56 PB 15 PG 78 LOT 11	30
STURZL JOHN + SHELLY 7846 REGAL LN PULASKI WI 54162	**28-44-26-06-00056.0120** 4502 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 56 PB 15 PG 78 LOT 12	31
DISTRESSED CAPITAL II LLC STE 6 8911 DANIELS PKWY FORT MYERS FL 33912	**28-44-26-06-00058.0010** 4409 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK.58 PB 15 PG 78 LOT 1 LESS ROW OR 2944 PG 1696	32
DISTRESSED CAPITAL II LLC STE 6 8911 DANIELS PKWY FORT MYERS FL 33912	**28-44-26-06-00058.0020** 4407 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 58 PB 15 PG 78 LOTS 2 + 3 LESS ROW OR 2944 PG 1697	33

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OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
DISTRESSED CAPITAL II LLC STE 6 8911 DANIELS PKWY FORT MYERS FL 33912	**28-44-26-06-00058.0040** 4403 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 58 PB 15 PG 78 LOT 4 LESS ROW OR 2943 PG 1394	34
DISTRESSED CAPITAL II LLC STE 6 8911 DANIELS PKWY FORT MYERS FL 33912	**28-44-26-06-00058.0050** 4401 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 58 PB 15 PG 78 LOT 5 LESS ROW OR 2943 PG 1733	35
DISTRESSED CAPITAL II LLC STE 6 8911 DANIELS PKWY FORT MYERS FL 33912	**28-44-26-06-00058.0060** 4400 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK.58 PB 15 PG 78 LOT 6	36
DISTRESSED CAPITAL II LLC STE 6 8911 DANIELS PKWY FORT MYERS FL 33912	**28-44-26-06-00058.0070** 4402 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK.58 PB 15 PG 78 LOT 7	37
DISTRESSED CAPITAL II LLC STE 6 8911 DANIELS PKWY FORT MYERS FL 33912	**28-44-26-06-00058.0080** 4404 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 58 PB 15 PG 78 LOT 8	38
DISTRESSED CAPITAL II LLC STE 6 8911 DANIELS PKWY FORT MYERS FL 33912	**28-44-26-06-00058.0090** 4406 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 58 PB 15 PG 78 LOT 9	39
DISTRESSED CAPITAL II LLC STE 6 8911 DANIELS PKWY FORT MYERS FL 33912	**28-44-26-06-00058.0100** 4408 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 58 PB 15 PG 78 LOT 10	40
ESQUIRE INTERNATIONAL PROP INC PO BOX 611174 NORTH MIAMI FL 33261	**28-44-26-06-00059.0010** 4409 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK.59 PB 15 PG 78 LOT 1	41
WHITLOCK GREGORY A 4407 4TH ST W LEHIGH ACRES FL 33971	**28-44-26-06-00059.0020** 4407 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 59 PB 15 PG 78 LOT 2	42
PARRACK WILLIAM E + BARBARA 4405 W 4TH ST LEHIGH ACRES FL 33971	**28-44-26-06-00059.0030** 4405 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 59 PB 15 PG 78 LOTS 3 + 4	43
HEINEN PAT J UCHYTIL 3409 TALLY HO LN MADISON WI 53705	**28-44-26-06-00059.0050** 4401 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK.59 PB 15 PG 78 LOT 5 LESS OR 4764 PG 801	44
KASHSHIAN A + NORA 5427 ELM DR LEWISTON NY 14092	**28-44-26-07-00068.0260** 4322 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.68 PB 15 PG 78 LOT 26	45
HERNANDEZ ISMAEL + LUZ N 4324 6TH ST W LEHIGH ACRES FL 33971	**28-44-26-07-00068.0270** 4324 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.68 PB 15 PG 78 LOT 27	46
LEHIGH INVESTMENT GROUP LLC 20900 NE 30TH AVE 8TH FL AVENTURA FL 33180	**28-44-26-07-00068.0280** 4326 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.68 PB 15 PG 78 LOT 28	47
GARTNER JOHN M + 4326 5TH ST W LEHIGH ACRES FL 33971	**28-44-26-07-00069.0010** 4327 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.69 PB 15 PG 78 LOT 1	48
RIGGS HAROLD W 4325 6TH ST W LEHIGH ACRES FL 33971	**28-44-26-07-00069.0020** 4325 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.69 PB 15 PG 78 LOT 2	49
CHAVEZ PABLO + ISMARA 4323 6TH ST W LEHIGH ACRES FL 33971	**28-44-26-07-00069.0030** 4323 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK 69 PB 15 PG 78 LOT 3	50
VICKERS W J + WILMA P 303 BUFFALO CREEK RD KENOVA WV 25530	**28-44-26-07-00069.0040** 4321 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.69 PB 15 PG 78 LOT 4	51
LAWRENCE RICHARD + JOAN JOAN MOLZON 2413 BEECH ST MANASQUAN NJ 08736	**28-44-26-07-00069.0240** 4318 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK 69 PB 15 PG 78 LOT 24	52

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COMMUNITY DEVELOPMENT
DCI 2010-00017

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
AUGUSTIN ANGELET + ARNOLD 4320 5TH ST W LEHIGH ACRES FL 33971	**28-44-26-07-00069.0250** 4320 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK 69 PB 15 PG 78 LOT 25	53
BULLOCK INELDA + 1410 SEMINOLE PALMS DR GREEN ACRES LAKE WORTH FL 33463	**28-44-26-07-00069.0260** 4322 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.69 PB 15 PG 78 LOT 26	54
GARTNER JOHN M 4326 5TH ST W LEHIGH ACRES FL 33971	**28-44-26-07-00069.0270** 4324 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.69 PB 15 PG 78 LOT 27	55
GARTNER JOHN M 628 GRASSY KNOB RD RUTHERFORDTON NC 28139	**28-44-26-07-00069.0280** 4326 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.69 PB 15 PG 78 LOT 28	56
D SAM ENTERPRISES LLC 1831 HURRICANE HARBOR NAPLES FL 34102	**28-44-26-07-00070.0010** 4316 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK 70 PB 15 PG 78 LOTS 1 THRU 6 + 22 THRU 26	57
7-ELEVEN INC TAX DEPT 32291 2711 N HASKELL AVE DALLAS TX 75204	**28-44-26-08-00071.0010** 4325 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 8 BLK.71 PB 15 PG 78 LOTS 1 + 2 + 25 + 26	58
WONG NYET Y + KIM K 305 GREENWOOD AV LEHIGH ACRES FL 33936	**28-44-26-08-00071.0030** 4321 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 8 BLK 71 PB 15 PG 78 LOTS 3 + 24	59
STEVE WONG LLC 305 GREENWOOD AVE LEHIGH ACRES FL 33936	**28-44-26-08-00071.0040** 4319 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 8 BLK 71 PB 15 PG 78 LOT 4	60
MERTILUS SALANGE 4325 4TH ST W LEHIGH ACRES FL 33971	**28-44-26-08-00072.0010** 4325 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 8 BLK 72 PB 15 PG 78 LOT 1	61

61 RECORDS PRINTED

OCI 2010-00013

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DEC 06 2011
COMMUNITY DEVELOPMENT

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, 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

FROM: Nettie M Richardson

DATE: 02/23/2011

PROJECT NAME: O'SULLIVAN CPD

CASE #: DCI2010-00013

INFORMATION SUMMARY:

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

FINAL STAFF REPORT Comments due to Nettie by 03/14/2011

Additional Comments:
Sufficiency letter distribution

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 02/23/2011

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Diana M. Parker
County Hearing Examiner

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

February 23, 2011

MICHAEL E. ROEDER
KNOTT, CONSOER, EBELINI, HART
1625 HENDRY STREET
#301
FORT MYERS, FL 33901

Re: O'SULLIVAN CPD
DCI2010-00013 - PDS Application (Minor PD)

Dear MICHAEL E. ROEDER :

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 0.82+/- acres from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) to allow up to a 7,500 square foot commercial building with a height of 35 feet.
>
> 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 March 9, 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 April 20, 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.

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

Nettie M Richardson
Principal Planner

copy w/o attachments
- Donna Marie Collins, 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 Princing, 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
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works

FROM: Nettie M Richardson

DATE: 02/07/2011

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

PROJECT NAME: O'SULLIVAN CPD

CASE #: DCI2010-00013

INFORMATION SUMMARY:

RESUBMITTAL

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

RESPONSE REQUIRED BY: 02/21/2011

Additional Comments:

Attached is a revised MCP dated Feb. 7, 2011 which only changes the layout for Alternative Plan #4. The applicant also has included Deviation #2 only applicable to Plan #4 for reduction in lot depth. Please review and forward your comments to me by Feb. 21. 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: Jamie Princing

Date: 02/08/2011

Knott, Consoer, Ebelini
Hart & Swett, P.A.
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+ Board Certified Business Litigation Lawyer
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David A. Burt
David L. Ciccarello
Madeline Ebelini

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

MEMO

TO: Nettie Richardson

FROM: Mike Roeder, AICP

RE: O'Sullivan CPD (DCI 2010-00013)

DATE: **February 7, 2011**

Nettie,

Attached please find the revised master concept plan.

Please contact me if you have any questions.

DCI 2010-00013

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COMMUNITY DEVELOPMENT

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FEB 0 2 2011
ZONING

EXHIBIT D-7-Q

PROPOSED SCHEDULE OF DEVIATIONS

1) Deviation from the requirement that the connection separation along local streets must be a minimum centerline distance of 125 feet, per LDC Section 10-285(a), to allow a connection separation distance of 97 feet along Fifth Street West.

   JUSTIFICATION: The subject property is a 0.82 acre parcel located along the west side of Gunnery Road between the intersection with Lee Boulevard and the intersection with Fifth Street West. The subject property has frontage on all three of these existing roadways, however, cannot meet the required access separation standards due to its limited size and the location of a previously approved access point along Fifth Street West. The parcel has only 131.95 feet of frontage on Lee Boulevard (a six lane divided arterial roadway requiring an intersection separation distance of 660 feet) and only 272.98 feet of frontage along Gunnery Road (a two lane collector roadway requiring an intersection separation distance of 330 feet). The parcel also has 131.95 feet of frontage on Fifth Street West, however, a deviation that was previously granted for the Varsity Commercial Center CPD (approved pursuant to Zoning Resolution Z-99-055), to allow an access point on the north side of Fifth Street West located 97 feet west of the intersection with Gunnery Road, makes it impossible to provide the 125 foot connection separation distance required along local roadways.

   In support of this request, please note that the granting of this deviation will not be detrimental to the general health, safety and welfare of the public due to the fact that it will allow the access for the proposed development to line up with the previously approved access point for the proposed Varsity Commercial Center CPD to the north which should enhance future traffic circulation patterns by providing an interconnection between the two projects.

2) Deviation from the requirement that parcels for convenience food and beverage stores, automotive service stations, fast food restaurants, and car washes have a minimum lot depth of 150 feet, per LDC Section 34-1353(c)(2), to allow a minimum lot depth of 131.95 feet for a convenience store with gas pumps as depicted on Alternative Plan #4 of the proposed Master Concept Plan.

   JUSTIFICATION: The subject property has a platted lot depth of 131.95 feet which does not comply with the minimum lot depth of 150 feet needed to allow a convenience food and beverage store. The property does, however, exceed all other site development criteria for the proposed use – including a lot width of 272.98 feet (a minimum of 150 feet is required) and a lot area of 35,924 square feet (a minimum of 25,000 square feet is required). In addition, the proposed plan for the convenience store indicates that all building setbacks will be provided in accordance with the requirements of LDC Section 34-1353(d) and all

street right-of-way buffers will be provided in accordance with the requirements of LDC Section 34-1353(e). Based on this information, the granting of this deviation will not be detrimental to the health, safety and welfare of the public due to the fact that the site design for the convenience store with gas pumps will still meet the general purpose and intent of LDC Section 34-1353(a).

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FEB 0 2 2011
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ALTERNATIVE PLAN #1

N

0 20 40 60 120
SCALE FEET

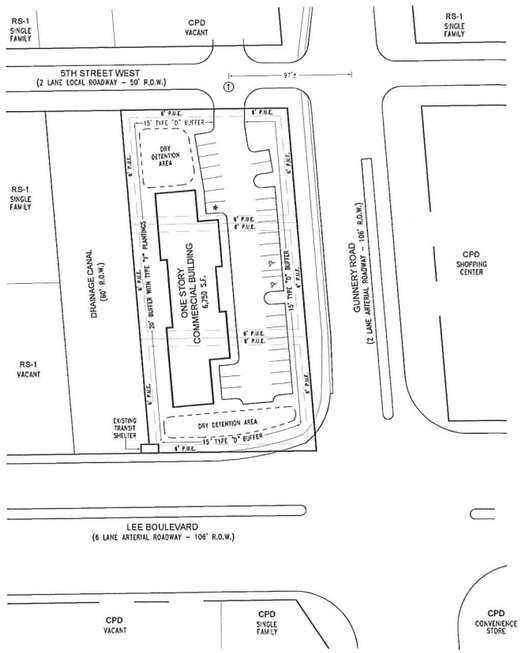
SITE DATA
TOTAL SITE AREA: 0.82 ACRES
COMMERCIAL BUILDING AREA: 6,750 S.F.
MAXIMUN BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 27 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.82 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.43 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

LEGEND
PROPOSED LOADING AREA: ✱
REQUESTED DEVIATION: (#)

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

ALTERNATIVE PLAN #2

N

0 20 40 60 120
SCALE FEET

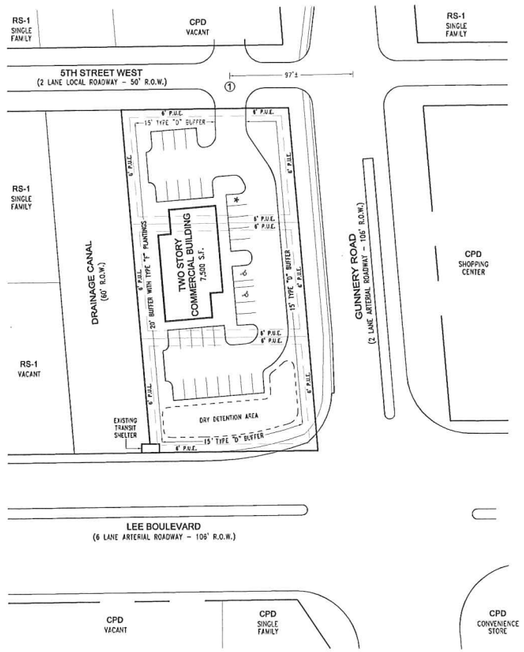
SITE DATA
TOTAL SITE AREA: 0.82 ACRES
COMMERCIAL BUILDING AREA: 7,500 S.F.
MAXIMUN BUILDING HEIGHT: 35 FEET
PARKING PROVIDED: 30 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.82 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.43 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

LEGEND
PROPOSED LOADING AREA: ✱
REQUESTED DEVIATION: (#)

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

ALTERNATIVE PLAN #3

N

0 20 40 60 120
SCALE FEET

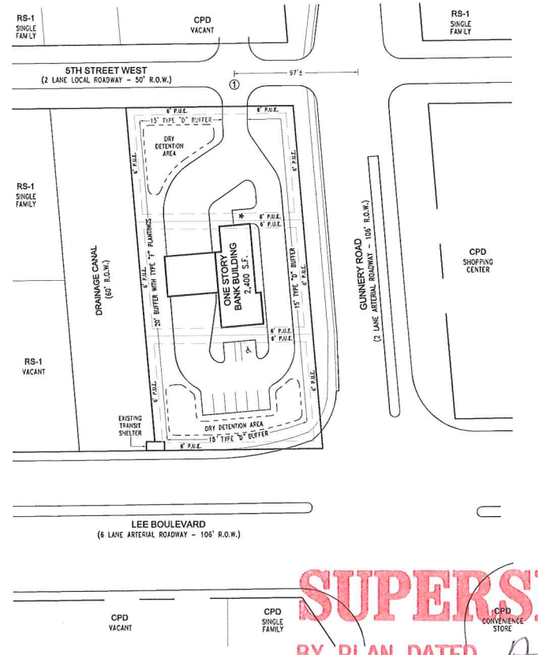
SITE DATA
TOTAL SITE AREA: 0.82 ACRES
COMMERCIAL BUILDING AREA: 2,400 S.F.
MAXIMUM BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 8 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.82 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.44 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

LEGEND
PROPOSED LOADING AREA: ✱
REQUESTED DEVIATION: (#)

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

ALTERNATIVE PLAN #4

N

0 20 40 60 120
SCALE FEET

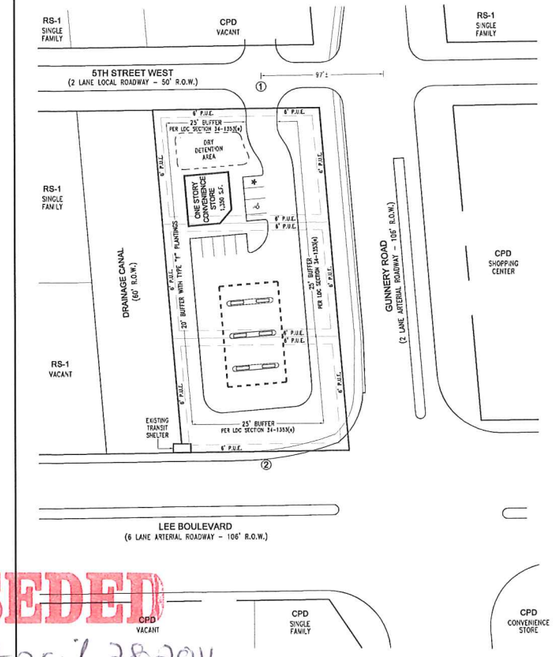
SITE DATA
TOTAL SITE AREA: 0.82 ACRES
COMMERCIAL BUILDING AREA: 1,350 S.F.
MAXIMUN BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 7 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.82 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.44 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

LEGEND
PROPOSED LOADING AREA: ✱
REQUESTED DEVIATION: (#)

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

SUPERSEDED
BY PLAN DATED April 28, 2011

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FEB 07 2011
COMMUNITY DEVELOPMENT

DCI 2010-00013

EXHIBIT D-7-M.2

FILE #	1002MCP3
DATE	02/11
SCALE	NOTED
DESIGN	GFM
DRAWN	GFM
CHECK	GFM

GARY F. MULLER, AICP
gfm
1482 ARGYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 939-0111

SEC 28, TWP 44S., RGE 26E.
LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN
O'SULLIVAN CPD

DWG. NO. 1002

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
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works

FROM: Nettie M Richardson

DATE: 01/18/2011

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

PROJECT NAME: O'SULLIVAN CPD

CASE #: DCI2010-00013

INFORMATION SUMMARY:

RESUBMITTAL

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

RESPONSE REQUIRED BY: 02/01/2011

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: Jamie Princing

Date: 01/24/2011

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS - AT - LAW

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

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Natly Torres-Alvarado
David A. Burt
David L. Ciccarello
Madeline Ebelini

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

January 13, 2011

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JAN 18 2011
COMMUNITY DEVELOPMENT

Ms. Nettie M. Richardson
Lee County Division of Zoning
P.O. Box 398
Fort Myers, FL 33902

Re: O'Sullivan CPD
Case DCI2010-00013

Dear Nettie:

Please consider the following our response to your July 14th sufficiency letter:

ZONING ACTION LEGAL REQUIREMENTS CHECKLIST

1. 9) A metes and bounds legal description has been provided with the resubmittal package.

2. 9a) A sealed sketch is included in the resubmittal package.

3. 9b) The metes and bounds description does not include any "less and except" language.

4. 10a) A title opinion is included in the resubmittal package.

5. 10c) A waiver has been approved for the state plane coordinate requirement and is attached.

6. 10e) See above.

11) The notes referenced in the sufficiency letter have been removed from the survey.

DCI 2010-00013
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JAN 18 2011
COMMUNITY DEVELOPMENT

ZTIS SUFFICIENCY CHECKLIST

1. 1) The schedule of uses has been revised to delete some of the uses that were of concern. The TIS is now based on a worst case scenario of a convenience store with 8 gas pumps.

2. 2a) The worst case scenario is now the convenience store, as noted above.

ENVIRONMENTAL SCIENCES CHECKLIST

1. 10) Acknowledged. Staff previously waived all of the environmental submittals on the ground that no indigenous vegetation existed on the property.

2. 12a) The MCP has been revised to show all easements.

3. 12h) An open space diagram is only required to show indigenous preserve areas, of which there are none, since there is no indigenous vegetation left on the site. General open space is shown in the calculations.

4. 12j) Gas stations and fast food restaurants have been removed from the schedule of uses. A new scenario showing a convenience store, with the appropriate LDC buffers, has been added. The buffer along the west side has been shown as a 20 foot buffer on the new MCP as per your request.

5. 18b1) This very small commercial use, which does not abut any residential uses, is consistent with Goal 77, Objective 77.2, and Policies 6.1.3 and 6.1.6 in that the LDC requirements for buffers and open space are being met without any deviations. There are no natural resources to protect on the site.

The applicant will agree to comply with appropriate conditions regarding green infrastructure to maintain consistency with Objective 60.5, Policy 60.5.1, and Policy 61.2.4.

7. 19) The applicant conducted a meeting in Lehigh Acres on September 8, 2010. A synopsis of the meeting is attached.

DEVELOPMENT SERVICES CHECKLIST

1. 4) All easements have been shown on the revised MCP.

SUPPLEMENT D CHECKLIST

1. 24) The project was presented at a meeting in Lehigh Acres on September 8, 2010. Information pertinent to the meeting is attached.

PUBLIC WORKS CHECKLIST

1. 1) A note addressing the dumpster location has been added to each of the scenarios on the MCP.

COUNTY ATTORNEY ITEMS

As noted above, a title opinion has been provided, and the survey has been revised. There are no additional trust beneficiaries.

Very truly yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Mike Roeder

Michael E. Roeder, AICP
Director of Zoning & Land Use Planning
cc: Neil O'Sullivan

RECEIVED
JAN 18 2011
COMMUNITY DEVELOPMENT

DCI 2010-00013

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS - AT - LAW

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David L. Ciccarello
Madeline Ebelini

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

Gconsoer@knott.law.com

DCI 2010-00013

RECEIVED
JAN 18 2011
COMMUNITY DEVELOPMENT

January 6, 2011

Lee County Board of County Commissioners
P. O. Box 398
Fort Myers, Florida 33902-0398

Re: Title Certification
Parcel 1: 409 Gunnery Rd. N., Lehigh Acres, FL 33971/STRAP 28-44-26-05-00055.0010
Parcel 2: 405 Gunnery Rd. N., Lehigh Acres, FL 33971/STRAP 28-44-26-05-00055.0030
Parcel 3: 407 Gunnery Rd. N., Lehigh Acres, FL 33971/STRAP 28-44-26-05-00055.0020
Legal Description of Property Attached as Exhibit "A"

Dear Commissioners:

Please be advised that I have examined Title to the above referenced real properties. Basing my opinion on the title search report 18-2010-3303-A1, as prepared by Attorneys' Title Fund Services, LLC, I have found that as of December 20, 2010.

1. **Owners of the Fee Title**: Cornelius P. O'Sullivan and Estelle O'Sullivan, Trustees of the Cornelius P. O'Sullivan Living Trust dated 2/25/08

2. **Names of all persons or entities holding a mortgage secured by the Property are:** None

3. **All Easements Affecting the Properties are:**

1. A six-foot (6') public utility and drainage easement along all sides of lot as stated on the Plat of the property.

2. Easement Agreement between Lehigh Acres Development Corp., and Community Television Cable Corporation of Lee County, dated September 19, 1964, recorded October 9, 1964, in O.R. Book 269, Page 704, Public Records of Lee County, Florida.

This opinion is limited to the ownership of property, names of any persons or entity holding a mortgage lien against the property, and any easement affecting the property and, further, is furnished solely for the benefit of the Lee County Board of County Commissioners with regard to the certification of apparent title as referenced above and may not be relied upon by nor copies delivered to any other person without prior written consent of the undersigned.

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Sincerely,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

George L. Consoer, Jr.
GLC/tlc

G:\GLC\OSullivan Zoning\title cert letter.wpd

EXHIBIT "A"

PARCEL 1:
Lot 1, Block 55, Lehigh Acres, Unit 5, Section 28, Township 44 South, Range 26 East, according to the map or plat thereof as recorded in Plat Book 15, Page 78, Public Records of Lee County, Florida.

PARCEL 2:
Lot 2, Block 55, Lehigh Acres, Unit 5, Section 28, Township 44 South, Range 26 East, according to the map or plat thereof as recorded in Plat Book 15, Page 78, Public Records of Lee County, Florida.

PARCEL 3:
Lot 3, Block 55, Lehigh Acres, Unit 5, Section 28, Township 44 South, Range 26 East, according to the map or plat thereof as recorded in Plat Book 15, Page 78, Public Records of Lee County, Florida, LESS that portion of Lot 3 deeded to Lee County in Warranty Deed recorded in O.R. Book 2845, Page 1965, Public Records of Lee County, Florida.

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PRE2010-00301

LEE COUNTY
SOUTHWEST FLORIDA

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))**
_x_ Planned Developments **(34-203(b))**
_____ Master Concept Plan Extension **(34-381(c))**
_____ Master Concept Plan Reinstatement **(34-381(d))**
_____ Rezonings 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

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C.F.H.
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PLEASE PRINT OR TYPE:

STRAP Number: 28-44-26-05-00055.0030
Name of Project: O'Sullivan CPD

Name of Agent: Mike Roeder
Street Address: 1625 Hendry St.
City: Ft. Myers State: FL Zip: 33901
Phone #: 239-334-2722 Fax #: 239-334-8548
E-mail: mroeder@knott-law.com

Name of Applicant*: Cornelius O'Sullivan
Street Address: 15643 Carriedale Ln.
City: Ft. Myers State: FL Zip: 33912
Phone #: 239-561-6697 Fax #:
E-mail:

*** If applicant is not the owner, a letter of authorization from the owner must be submitted.**

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LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

	Section Number	Requirement
#1	34-202(a)(2)	requirement that the survey be tied to the state plane coordinate sy
#2		
#3		
#4		
#5		
#6		
#7		
#8		
#9		

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)

This is a single platted lot in Lehigh Acres, Lot 3, Block 55, Lehigh Acres, Unit 5 that is found in Plat Book15, Page 78. While this is a platted lot, the applicant has obtained an updated survey at some expense because it is a Planned Development as required by the Lehigh Acres Community Plan. However, the surveyor does not have the GPS capability to tie this into the state plane coordinate system, and the requirement would be an unnecessarily expensive burden for a platted lot.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Mike Roeder — 12/13/10

Signature of Applicant

Directors Decision: ✓ **Request Approved** ____ **Request Denied**

Comments:

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Signature: Pam Houder Date: 12-16-10

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EXHIBIT D-7-P

SCHEDULE OF USES

Administrative offices (all plans)
ATM (all plans)
Automobile repair and service, all groups (plans 1 and 2 only)
Banks and financial establishments, Group I (all plans)
Business services, Groups I and II (plans 1 and 2 only)
Bus station (plans 1 and 2 only)
Cleaning and maintenance services (plans 1 and 2 only)
Clothing stores (plans 1 and 2 only)
Clubs, private (plans 1 and 2 only)
Consumption on premises (plans 1 and 2 only)
Convenience food and beverage store (plan 4 only)
Day care center, child, adult (plans 1 and 2 only)
Drive-Through (plan 3 only)
Drugstore, pharmacy (all plans)
Essential services (all plans)
Fences, walls (all plans)
Food stores, Groups I and II (plans 1 and 2 only)
Hardware store (plans 1 and 2 only)
Health care facilities, Group III (plans 1 and 2 only)
Hobby, toy and game shops (plans 1 and 2 only)
Household and office furnishings, Groups I and II (plans 1 and 2 only)
Laundry or dry cleaning, Group I (plans 1 and 2 only)
Lawn and garden supply stores (plans 1 and 2 only)
Medical office (plans 1 and 2 only)
Package store (plans 1 and 2 only)
Paint, glass and wallpaper (plans 1 and 2 only)
Personal services, Group I (plans 1 and 2 only)
Real estate sales office (plans 1 and 2 only)
Rental and leasing establishments, Groups I and II (plans 1 and 2 only)
Repair shops, Groups I and II (plans 1 and 2 only)
Restaurant, Groups I, II & III (plans 1 and 2 only)
Schools, commercial (plans 1 and 2 only)
Signage, in accordance with Chapter 30 (all plans)
Social services, Groups I and II (plans 1 and 2 only)
Specialty Retail, Groups I, II, and III (plans 1 and 2 only)
Studios (plans 1 and 2 only)
Used merchandise stores, Groups I and II (plans 1 and 2 only)
Variety store (plans 1 and 2 only)

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To: Nettie Richardson

From: Matt Uhle

Date: November 15, 2010

Re: O'Sullivan CPD/Meeting with Lehigh Planning Panel

I met with the panel on September 8. Approximately 15 members of the public attended the meeting, although several of them left before my item was called. The only public comments regarding the project came from the owners of the parcel immediately to the west of the drainage conveyance located just west of the site. They were concerned that the zoning application might in some way require them to sell their property to the developer. I, and some of the members of the panel, provided them with reassurance on this point.

The most significant concerns identified by the panel members were as follows:

1. The parking for the bank scenario is inadequate.

   RESPONSE: The parking is consistent with the applicable LDC requirements.

2. The convenience store scenario does not work, because the plan does not include an adequate turning radius for tanker trucks.

   RESPONSE: Gary Muller reviewed the plan after receiving this input and concluded that the property could, in fact, accommodate the tanker trucks. The plan has been modified slightly to address this concern.

3. An agreement should be reached with the East County Water Control District to permit the use of the drainage conveyance for parking.

   RESPONSE: Assuming, for purposes of argument, that the District would agree to permit its property to be used for parking, this would require revisions to the survey, the legal description, and the title opinion, as well as to the MCP. In addition, the County would prohibit the use of this area for required spaces if the District retained the right to remove the spaces, even temporarily, for maintenance.

4. The building in the first two scenarios should be brought closer to Gunnery Road in order to permit a loop drive around the building and thus avoid dead-end parking lots.

   RESPONSE: The parking lots, as proposed, do not violate any LDC requirements. Given the setbacks and buffering standards in the LDC, there is not enough room on the site to

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accommodate a driveway around all sides of the building without reducing the size of the building.

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Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS-AT-LAW

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

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

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Facsimile (239) 334-1446

Natly Torres-Alvarado
David A. Burt
David L. Ciccarello
Madeline Ebelini

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

November 17, 2010

Mr. Edd Weiner
20048 Lake Vista Cir.
Lehigh Acres, FL 33936

Re: O'Sullivan CPD Application

Dear Edd:

Attached please find the notes from the meeting on September 8th which were prepared by Matt Uhle and Gary Mueller. I am enclosing a copy of the turning movement analysis prepared by Gary that is in response to item number 2 on this summary sheet.

As you will see, after consulting with our client, it was concluded that no further changes were necessary or advisable regarding the proposed plans. In particular, to try to obtain control of the property now owned by East Lee County Water Control District would be very time consuming and expensive, and would require significant modifications to the current site plan.

The client does not have a budget for us to attend any additional meetings in Lehigh, so we would respectively request that you accept this attached memo as the applicants response to the panel's questions and concerns.

Please do not hesitate to contact me should you have any questions.

Very truly yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Mike Roeder

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

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1482 Argyle Drive
Fort Myers, FL 33919
(239) 939-0111
Fax: (239) 939-0611

Gary F. Muller, AICP

LETTER OF TRANSMITTAL

To: Mike Roeder

Date: 10/11/10

Re: O'Sullivan CPD

The following items are being transmitted:

Copies	Description
4	Turning Movement Diagram
1	AASHTO Design Criteria

☐ **As Requested** ☐ **For Your Use** ☐ **For Review and Comment**

Remarks: Based on a semi-trailer with a 40 foot wheelbase. Minimum inside turning radius of 19.3 feet and minimum outside turning radius of 40 feet per attached AASHTO design criteria.

Copy To: Matt Uhle

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Signed:

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CHAPTER 2

DESIGN FOR NON-ORGANIZATIONAL OR PRIVATELY OWNED VEHICLE SITE CIRCULATION AND PARKING

2-1. GENERAL. This chapter provides the criteria, guidelines, and standards for determining the design vehicle, turning radii, circulation functional relationships, and parking layout. The chapter covers access and service drives; parking areas; and special vehicle -use areas including gateways, drop-offs, dumpsters, deliveries, and drive -in facilities. This chapter also addresses methods for mitigating the visual impact of parking and other vehicle use areas.

2-2. DESIGN VEHICLES. The American Association of State Highway and Transportation Officials (AASHTO) places vehicles into two general classes: passenger cars and trucks. The passenger car class includes passenger cars, and ligh t delivery trucks such as vans and pick - ups. The truck class includes single -unit trucks, recreation vehicles, buses, trucks semi -tractor trailer combinations, and trucks or truck tractors with semi -trailers in combination with full trailers (AASHTO, 1984). The design vehicles for this section include both the passenger car and the truck classification.

a. Vehicle Dimensions and Turning Radii. Design circulation and parking to provide the maneuverability and traffic safety required by the vehicles that utilize the facility. Table 2 -1 lists dimensions for some of the more common vehicles. Table 2 -2 lists minimum turning radii for the same vehicles. AASHTO provides an expanded list with additional dimensions and information.

b. Design Vehicle Template. The AASHTO passenger car is equivalent to a non - organizational or privately owned vehicle. Figure 2 -1 illustrates a template showing the turning paths and radii of a passenger car. Templates showing the turning movements for other design vehicles are provided by AASHTO.

Table 2-1. Dimensions for Design Vehicles

	Vehicle Dimension		*Bumper Overhang*	
	Width	*Length*	*Front*	*Rear*
Passenger Car (P)	2.1 (7.0)	5.8 (19.0)	0.9 (3.0)	1.5 (5.0)
Single Unit Truck (SU)	2.6 (8.5)	9.2 (30.0)	1.2 (4.0)	1.8 (6.0)
Intermediate Semi-trailer (WB-40)	2.6 (8.5)	15.3 (50.0)	1.2 (4.0)	1.8 (6.0)
Large Semi-trailer (WB-50)	2.6 (8.5)	16.8 (55.0)	0.9 (3.0)	0.6 (2.0)
Single Unit Bus (BUS)	2.6 (8.5)	12.2 (40.0)	2.1 (7.0)	2.4 (8.0)
Motor Home (MH)	2.4 (8.0)	9.2 (30.0)	1.2 (4.0)	1.8 (6.0)

Table 2-2. Minimum Turning Radii for Design Vehicles

Design Vehicle	*Minimum Design Turning Radius m (ft)*	*Minimum Inside Radius m (ft)*

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Passenger Car	7.3 (24.0)	4.7 (15.3)
Single Unit Truck	12.8 (42.0)	8.7 (28.4)
Intermediate Semi-trailer	12.2 (40.0)	6.1 (19.9)
Large Semi-trailer	13.7 (45.0)	6.1 (19.8)
Single Unit Bus	12.8 (42.0)	7.1 (23.2)
Motor Home	12.8 (42.0)	8.7 (284)

2-3. ACCESS AND SERVICE DRIVES. Design site entrances and exits, services drives, and other areas with special requirements (e.g., parking lots or loading docks) to accommodate the largest vehicle that will use the facility. This procedure s hould assure that traffic safety will be accommodated.

a. Spacing. Locate access drives according to the following spacing guidelines:

(1) Maintain 61 m (200 ft) or more between access drives on arterial roads. Table 2 -3 provides acceptable minimum spacing when frontage along an arterial road is limited.

Table 2-3. Minimum Driveway Spacing for Streets serving more than 5,000 Vehicles per Day.

Arterial Speed kph (mph)	*Minimum Separation m (ft)*
32 (20)	25.9 (85.0)
40 (25)	32 (105.0)
48 (30)	38 (125.0)
56 (35)	45.8 (150.0)
64 (40)	56.4 (185.0)
72 (45)	70.2 (230.0)
81 (50)	83.9 (275.0)

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(2) Maintain a minimum spacing of 366m to 457m (1,200 to 1,500 ft) between a signaled drive and adjacent signaled intersection. If the sign aled drive is a T-intersection, 183m (600 ft) is an acceptable minimum spacing when frontage is limited.

(3) Coordinate drive signals within 762m (2,500 ft) of adjacent signals.

(4) Maintain a minimum spacing of 10.5m to 15.5m (35 to 50 ft) on low-volume (5,000 vehicles per day), low-speed (48 kph (30 mph)) roads.

b. Corner Clearances. Access drives near major intersections adversely affect traffic operations. They may result in unexpected conflicts with vehicles turning at the intersection. Maintain a minimum clearance of 15.2m (50 ft) between access drives and major intersections.

c. Sight Distances. Provide safe sight distance for vehicles entering and exiting an access drive. This sight distance increases according to the design speed of the t hrough road. The relationships of speed to sight distances are provided in table 2 -4 and illustrated in figure 2 -2. When a safe sight distance cannot be met, consider the following alternatives:

(1) Removal of sight obstructions.

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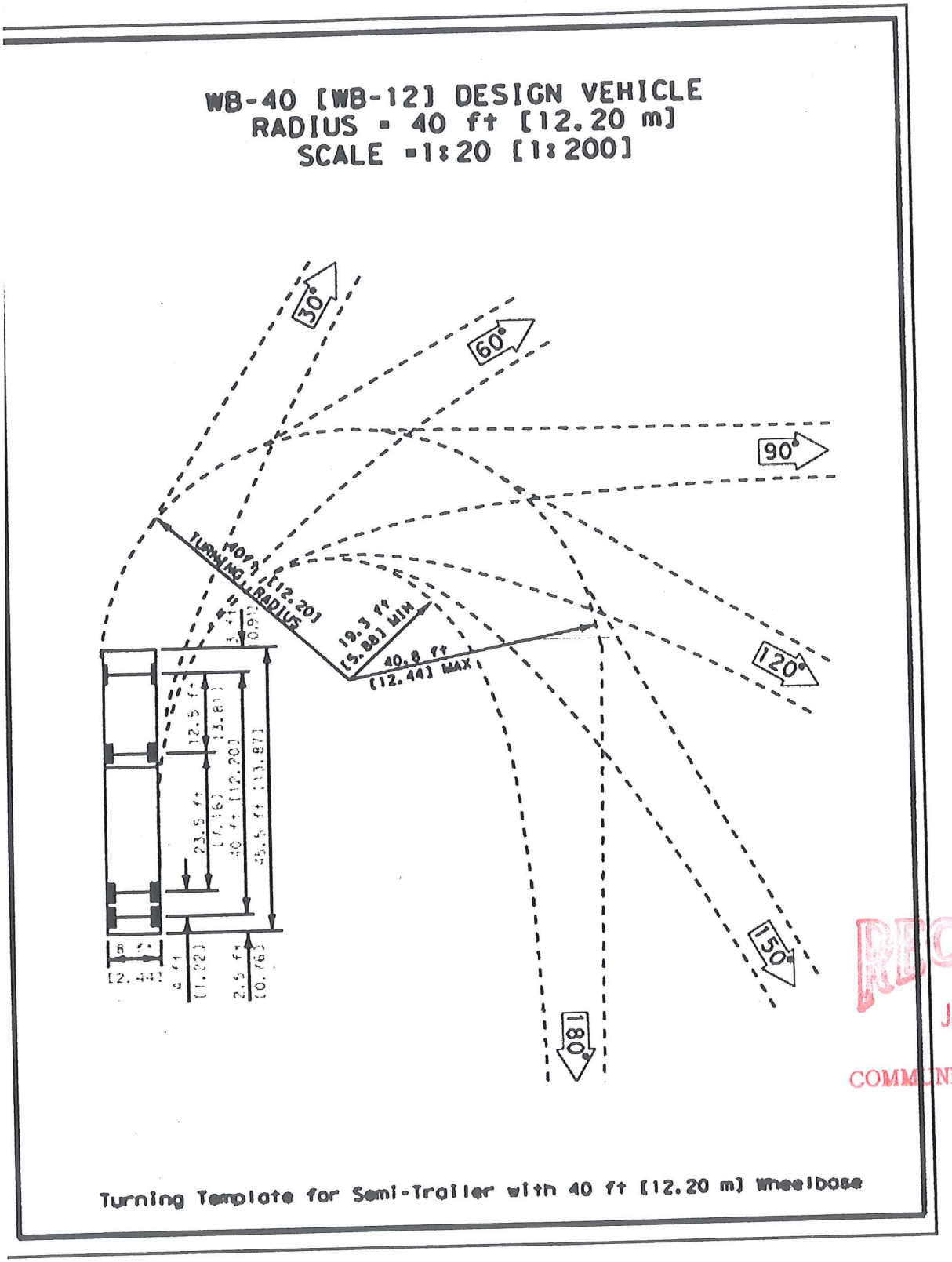

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Figure 7-2. Turning Template for Semi-Trailer with 40 ft [12.20 m] Wheelbase, (not to scale). Click here to see a PDF of th image.

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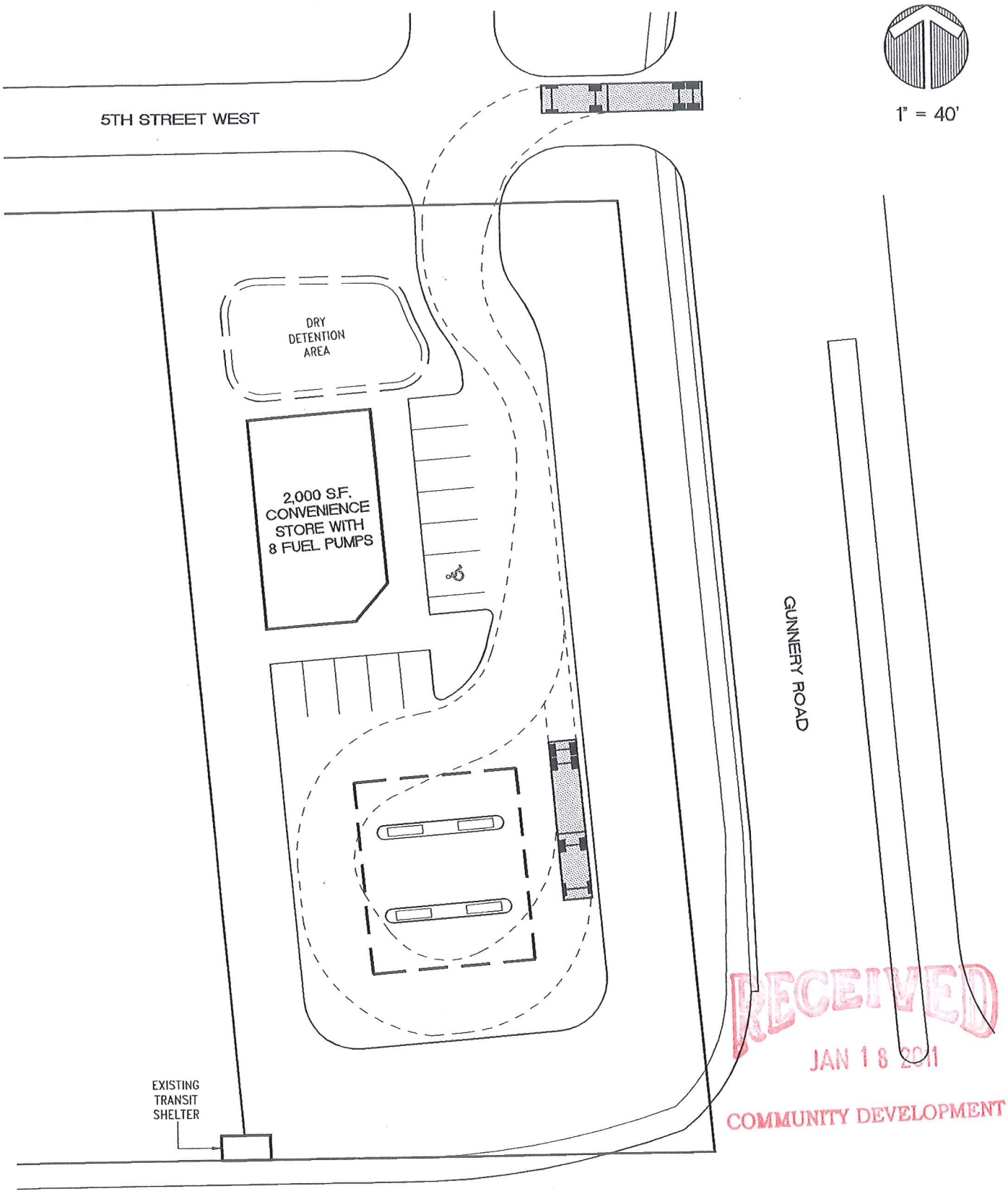

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TURNING MOVEMENT DIAGRAM

FOR SEMI-TRAILER WITH 40 FOOT WHEELBASE

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 26, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 55, UNIT 5, SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEHIGH ACRES, PLAT BOOK 15, PAGE 78, LEE COUNTY PUBLIC RECORDS; THENCE N4°46'35"W FOR 272.98 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 55 AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LINE OF 5TH STREET W; THENCE N89°23'44"E ALONG THE NORTH LINE OF LOT 3 AND ALONG THE SOUTH RIGHT-OF WAY LINE OF 5TH STREET W FOR 131.86 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF GUNNERY ROAD AND THE NORTHEAST CORNER OF SAID LOT 3, BLOCK 55; THENCE S4°45'31"E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID GUNNERY ROAD FOR 218.88 FEET; THENCE S38°36'03"W FOR 64.39 FEET; THENCE S85°33'02"W FOR 59.98 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LEE BOULEVARD; THENCE S89°23'44"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF LEE BOULEVARD FOR 27.36 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.79 ACRES MORE OR LESS.

BEARINGS BASED ON THE NORTH RIGHT-OF-WAY LINE OF LEE BOULEVARD BEING S89°23'44"W (PLAT BEARING).

1-18-11

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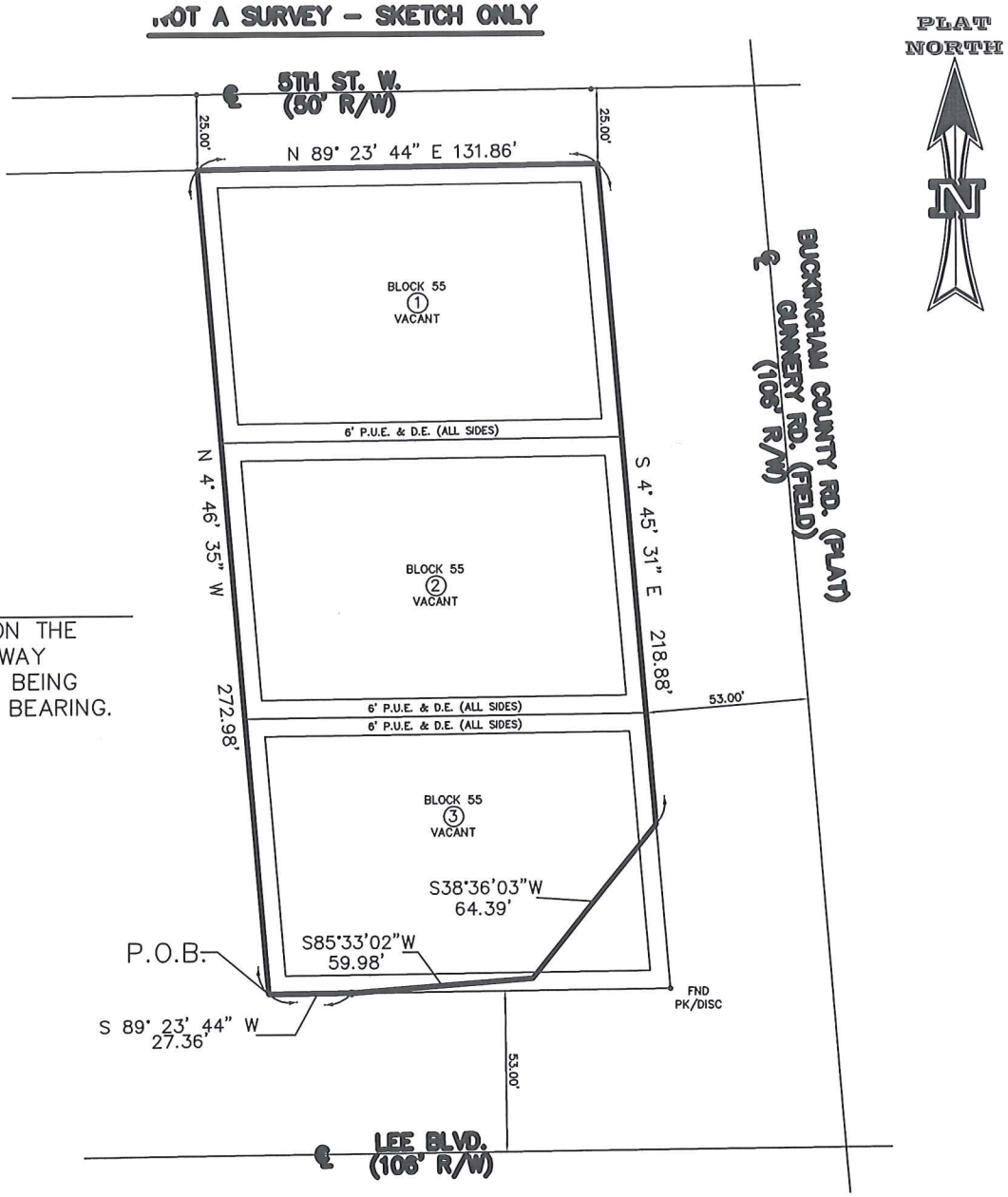
NOT A SURVEY – SKETCH ONLY



NOTE:
BEARINGS BASED ON THE NORTH RIGHT-OF-WAY LINE OF LEE BLVD. BEING S89°23'44"W. PLAT BEARING.

405/407/409 GUNNERY RD. N
LOTS 1-2-3, BLOCK 55, UNIT 5
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 15, PAGE 78, OF THE
OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

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LEHIGH SURVEYING, INC.
LB7462
715 GREENWOOD AVENUE
LEHIGH ACRES, FLORIDA 33972
239-368-7400 239-368-7685 (FAX)

1-7-10

CHRISTOPHER B. STILL
REGISTERED LAND SURVEYOR NO. 5941

SHEET 1 OF 2
SCALE: 1" = 60'
FILE NO. 06162-5

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ELEVATIONS SHOWN ARE BASED ON DATA FROM THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, UNLESS OTHERWISE NOTED.

THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN SHOWN.

ONLY IMPROVEMENTS SHOWN WERE FIELD LOCATED.

BEARINGS BASED ON PLAT, DEED OR ASSUMED DATUM.

UNDERGROUND IMPROVEMENTS SUCH AS SEPTIC TANKS, DRAINFIELDS, ETC. ARE APPROXIMATE ONLY AND MUST BE VERIFIED BY ANOTHER SOURCE.

LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE SHOWN.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

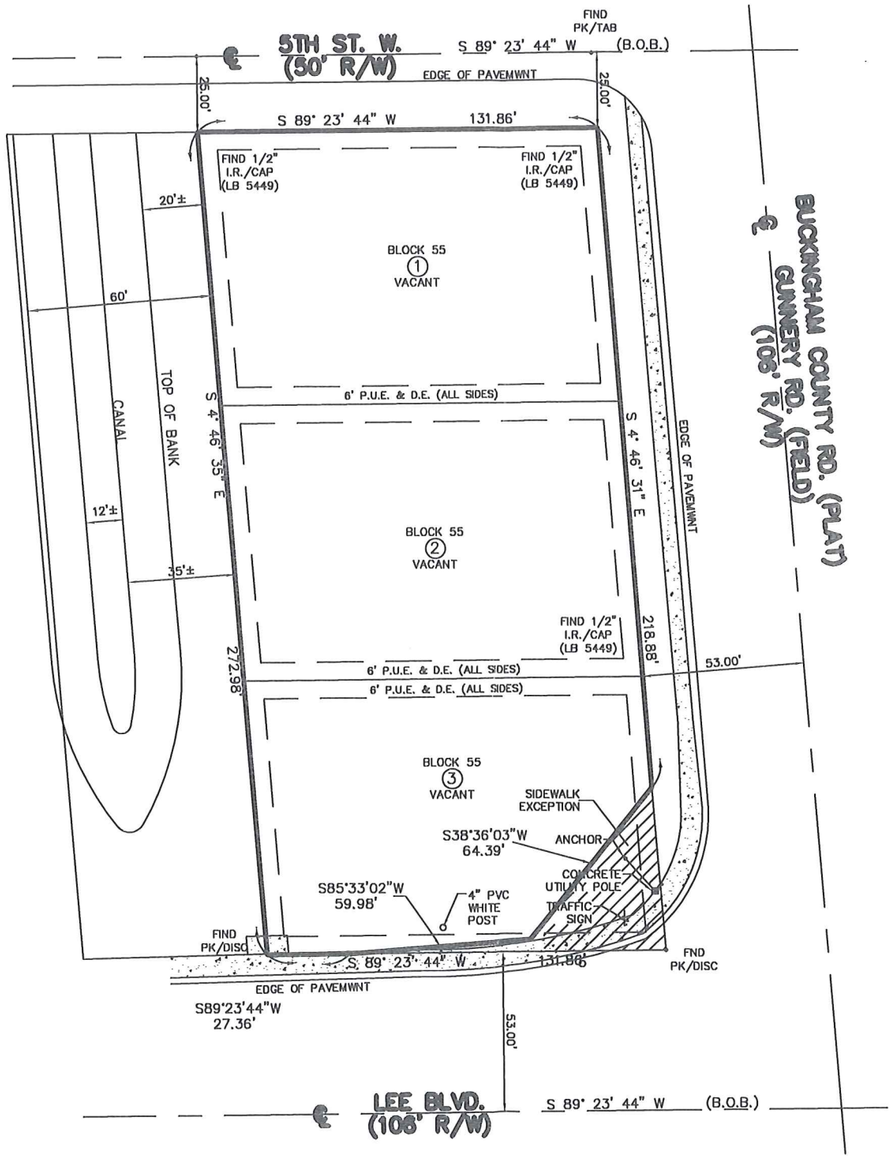
ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.

TITLE OPINION WAS FURNISHED BY GEORGE CONSOER DATED JANUARY 6, 2011.

LEGEND:

A	– ARC LENGTH
A/C	– AIR CONDITIONER
Ⓒ	– CABLE TV
(C)	– CALCULATED
CB	– CHORD BEARING
CE	– COVERED ENTRY
CH	– CHORD DISTANCE
C.M.	– CONC. MONUMENT
COR.	– CORNER
(D)	– DEED
B.O.B.	– BASIS OF BEARINGS
D.E.	– DRAINAGE EASEMENT
D.H.	– DRILL HOLE
EL.	– ELEVATION
ENC.	– ENCROACHMENT
E.O.P.	– EDGE OF PAVEMENT
FND.	– FOUND
I.R.	– IRON ROD
(M)	– MEASURED
N&T	– NAIL & TAB
N.T.S.	– NOT TO SCALE
(NR)	– NOT RADIAL
O.R.	– OFFICIAL RECORD
(P)	– PLAT
P.B.	– PLAT BOOK
P.C.	– POINT OF CURVATURE
P.C.C.	– POINT OF COMPOUND CURVATURE
P.C.P.	– PERMANENT CONTROL POINT
P.E.	– POOL ENCLOSURE
PG.	– PAGE
P.O.B.	– POINT OF BEGINNING
P.O.C.	– POINT OF COMMENCEMENT
P.P.	– POWER POLE
P.R.C.	– POINT OF REVERSE CURVATURE
P.R.M.	– PERMANENT REFERENCE MONUMENT
P.T.	– POINT OF TANGENCY
P.U.E.	– PUBLIC UTILITY EASEMENT
R	– RADIUS
(R)	– RADIAL
RNG.	– RANGE
R/W	– RIGHT OF WAY
SEC.	– SECTION
SET I.R.	– SET 1/2" IRON ROD LB7462
S.E.	– SCREEN ENCLOSURE
S.T.	– SEPTIC TANK
Ⓣ	– TELEPHONE BOX
TWP.	– TOWNSHIP
(PR)	– PRORATED
T.B.M.	– TEMPORARY BENCHMARK
U.P.	– UTILITY PEDESTAL
Ⓦ	– WATER METER
△	– DELTA ANGLE
	– POWER POLE
	– FIRE HYDRANT
	– TEMPORARY BENCHMARK
℄	– CENTERLINE
	– WIRE FENCE
	– WOOD FENCE
P	– OVERHEAD WIRES
	– CONCRETE PAD
100X00	– EXISTING ELEVATION
(XX)	– LOT NUMBER



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FIELD SURVEY:	11-2-10
CREW CHIEF:	C. CORDISCO
DRAWN BY:	J. KNORR
SCALE:	1" = 50'
SHEET:	1 OF 1
JOB NO:	06162-5
FIELD BOOK:	XX PAGE: XX

LEHIGH SURVEYING, INC.
LB7462
1130-E LEE BOULEVARD
LEHIGH ACRES, FLORIDA 33936
239-368-7400 239-368-7685 (FAX)

11-8-10

CHRISTOPHER B. STILL
REGISTERED LAND SURVEYOR NO. 5941

PLATTED DATE:	AUGUST 1958	COMMUNITY PANEL NUMBER:	125124 0375 B	DATE OF MAP:	NOT PRINTED	FLOOD ZONE:	B	ELEVATION:	N/A

PLAT NORTH

BOUNDARY SURVEY
405/407/409 GUNNERY RD. N
LOTS 1-2-3, BLOCK 55, UNIT 5
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 15, PAGE 78, OF THE
OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

CERTIFIED TO:

CORNELIUS P. O'SULLIVAN AND ESTELLE O'SULLIVAN
TRUSTEES OF THE CORNELIUS P. O'SULIVAN LIVING TRUST
KNOTT, CONSOER, EBELINI, HART & SWETT, P.A.
ATTORNEYS' TITLE INSURANCE SERVICES, LLC

NOT VALID UNLESS SIGNED AND RAISED SEAL

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ALTERNATIVE PLAN #1

N

0 20 40 60 120
SCALE FEET

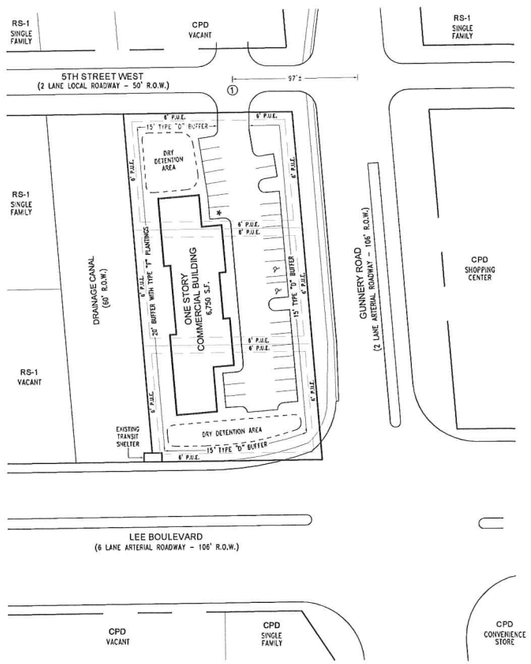
SITE DATA
TOTAL SITE AREA: 0.82 ACRES
COMMERCIAL BUILDING AREA: 6,750 S.F.
MAXIMUM BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 27 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.82 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.43 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: (#)

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

ALTERNATIVE PLAN #2

N

0 20 40 60 120
SCALE FEET

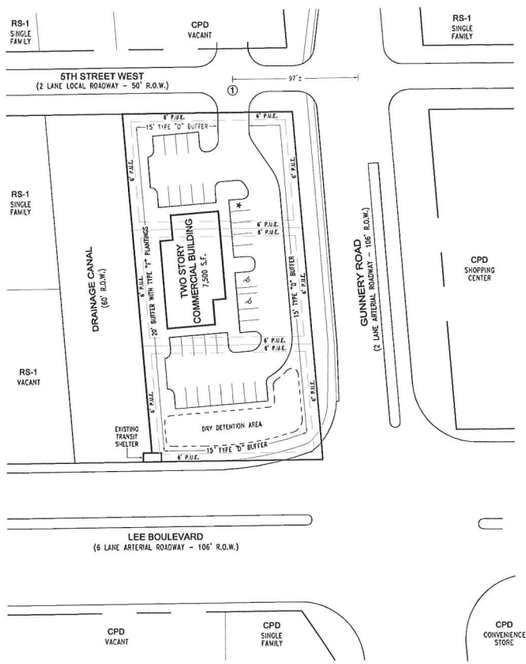
SITE DATA
TOTAL SITE AREA: 0.82 ACRES
COMMERCIAL BUILDING AREA: 7,500 S.F.
MAXIMUM BUILDING HEIGHT: 35 FEET
PARKING PROVIDED: 30 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.82 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.43 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: (#)

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

ALTERNATIVE PLAN #3

N

0 20 40 60 120
SCALE FEET

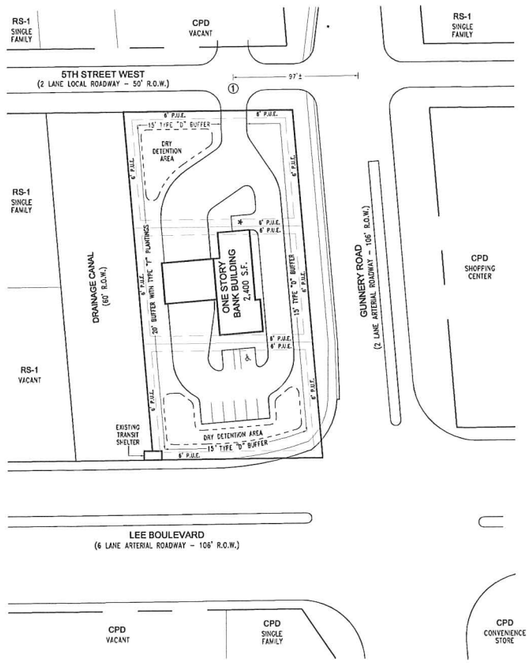
SITE DATA
TOTAL SITE AREA: 0.82 ACRES
COMMERCIAL BUILDING AREA: 2,400 S.F.
MAXIMUM BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 8 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.82 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.44 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: (#)

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

SUPERSEDED
BY PLAN DATED Feb. 7, 2011

ALTERNATIVE PLAN #4

N

0 20 40 60 120
SCALE FEET

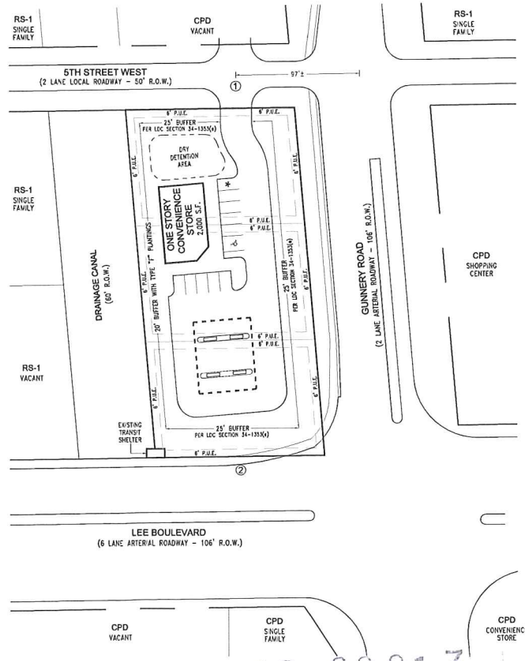
SITE DATA
TOTAL SITE AREA: 0.82 ACRES
COMMERCIAL BUILDING AREA: 2,000 S.F.
MAXIMUM BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 10 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.82 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.47 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: (#)

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

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EXHIBIT D-7-M.2

FILE #	1002MCP2
DATE	08/10
SCALE	NOTED
DESIGN	GFM
DRAWN	GFM
CHECK	GFM

GARY F. MULLER, AICP
1482 ARGYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 939-0111

SEC 28, TWP 44S., RGE 26E.
LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN
O'SULLIVAN CPD

DWG. NO.
1002

jmb transportation engineering, inc.
traffic/transportation engineering & planning

TRAFFIC IMPACT STATEMENT

FOR

O'Sullivan CPD
(Northwest corner of Lee Blvd @ Gunnery Rd)

(Project No. 100414)
Revised August 30, 2010

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Prepared By:

JMB TRANSPORTATION ENGINEERING, INC.
761 21ST Street NW
Naples, Florida 34120
239-919-2767

James M. Banks, P.E.
Reg. No. 43860

8-30-2010
Date

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CONCLUSIONS

Road Impact Mitigation Requirements

Based upon the findings and conclusions of this Report, it was determined that the O'Sullivan CPD will not have a significant impact upon the surrounding road network. It was verified that all roadways, within the project's area of influence, currently have a surplus of capacity and can accommodate the additional traffic associated with the CPD's proposed commercial uses, and the network will continue to operate at acceptable levels of service for 2014 project build-out conditions. Also, the Report concludes that the project will not create any transportation deficiencies that need to be mitigated.

Site-Related Roadway Improvements

Turn Lane - It was concluded that turn lanes will not be warranted at the project's access on 5th Street West. Turn lane warrants were based upon the standards set forth by the Lee County Turn Lane Policy AC 11-4.

Signal Warrants - A cursory review of signal warrants for the site access was performed by the Report. It was determined that the approach volumes that can be expected for 2014/2015 project build-out conditions will be substantially below the thresholds that would satisfy signal warrants as set forth by the Manual on Uniform Traffic Control Devices. Therefore, the need for signal control at the site access is not warranted.

Concurrency Review – Gunnery Road is classified as a two-lane arterial and Lee Boulevard is a six-lane divided arterial. Both corridors have an adopted minimum performance standard of LOS "E". As defined by the Lee County Concurrency Management Report, Gunnery Road and Lee Boulevard have a maximum service capacity of 970 and 2,970 vph during the 100th highest hour peak direction, respectively. As determined, Gunnery Road will have a project build-out demand of 703 vph and a *v/c* ratio of 0.72, and Lee Boulevard will have a demand of 2,297 vph and a *v/c* ratio of 0.77. As such, this project will be compliant with the Concurrency Management Policy.

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PURPOSE OF REPORT

The following Report has been prepared pursuant to the criteria set forth by the Traffic Impact Statement Guidelines as adopted by the Lee County Government for project's seeking approval of a zoning and/or CPD applications. More specifically, this Report examines the potential transportation related impacts which may occur as a result of the completion of the O'Sullivan CPD.

SCOPE OF PROJECT

The project (referred to O'Sullivan CPD) is a proposed commercial development that is located on the northwest corner of Lee Boulevard @ Gunnery Road, within Lehigh, Florida. The CPD is proposing several potential end-users for the site, such as, a drive-thru bank, general commercial, and a gas-n-convenience that will have a market store of 2,000 square feet in size and eight (8) fueling positions. Access to the site will be one driveway on 5th Avenue West. The commercial development is expected to be completed by 2014.

PROJECT GENERATED TRAFFIC

The O'Sullivan CPD is proposing several potential end users for the site. In order to evaluate the project's greatest potential impact, the Report reviewed the most intense land use, which was determined to be a gas-n-convenience store.

Traffic which can be expected to be generated by the project was estimated based upon the guidelines established by the Institute of Transportation Engineers, Trip Generation Manual, 8th Edition. That is, historical traffic data collected at similar developments was relied upon in estimating the project's traffic. In referencing the Trip Generation Manual, it was concluded that Land Use Code "Gasoline/Service Station with Convenience Market" (LUC 945) was most appropriate use in order to estimate the project traffic.

Table 1 of this report provides a detail of the calculations that were performed in estimating the trip generations, which has been summarized below.

Land Use	**Build-out**	**New Trips Daily (ADT)**	**New Trips AM Peak (VPH)**	**New Trips PM Peak (VPH)**
LUC 945	8 Fueling positions	573 ADT	35 VPH	47 VPH

The Report finds that the project will generate less than 100 trip ends during the highest peak hour. As such, the Report will investigate the traffic impacts based upon the criteria set forth by the Lee County Traffic Impact Statement Guidelines for developments generating "Less Than 100 Trips".

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EXISTING ROADWAY CONDITIONS

Gunnery Road is classified as a two-lane arterial and Lee Boulevard is a six-lane divided arterial. Both corridors have an adopted minimum performance standard of LOS "E". As defined by the Lee County Concurrency Management Report, Gunnery Road and Lee Boulevard have a maximum service capacity of 970 and 2,970 vph during the 100th highest hour peak direction, respectively.

PROJECT GENERATED TRAFFIC DISTRIBUTION

The project's traffic was distributed to the surrounding roadway network based upon logical means of ingress/egress; current and future traffic patterns in the area; demographics; business opportunities and competing markets; as well as, growth trends for the surrounding areas. Table 2A provides a detail of the traffic distributions.

AREA OF SIGNIFICANT IMPACT

The area of significant impact was determined based upon Lee County's 10% criteria (i.e., if the project's traffic is 10% or more of a roadway's adopted level of service LOS C capacity, then the project has a significant impact upon that link). Table 2A describes the project traffic distributions and the level of impact on the surrounding roadways. As shown, no roadways were found to be impacted by 10% or greater than its adopted level of service volume.

2014/2015 PROJECT BUILD-OUT CONDITIONS

In order to establish 2015 project build-out traffic conditions, traffic count data was adjusted for peak season conditions, peak hour conditions, peak direction, and an annual growth rate was then applied. The peak season/peak hour/peak direction factors as shown on Table 2B were derived from the 2009 Lee County Traffic Count Report. The annual growth rate was derived from historical traffic counts also described in the Traffic Count Report. After the correct adjustments were computed, the project generated traffic was then added to the 2015 Background Traffic.

SITE ACCESS ANAYLSIS

The following turn lane warrant analysis was performed for the project's site access pursuant to the guidelines set forth by the Lee County Turn Lane Policy.

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Site Access Turning Movement Volumes

Entering movements - Peak hour right turn volume = 0 vph
- Peak hour left turn volume = 54 vph

Exiting movements - Peak hour right turn volume = 53 vph
- Peak hour left turn volume = 0 vph

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Site Access @ 5th Avenue South
Decel/Left Turn Lane Warrants for a Two Lane Local Road

		Yes	No
IV.C.1.	Posted Speed warrant is 30 MPH or greater & Left Turn is 60 vph or more	X	
IV.C.2.b.	Left Turn Volume exceeds 60 vph and the Opposing Volume exceeds 500 vph		X
IV.A.3.	Available Site Distance (There are no site distance constraints)		X

Left Turn Lane Warrant Satisfied: **NO**

Site Access @ @ 5th Avenue South
Decel/Right Turn Lane Warrants for a Two Lane Local Road

		Yes	No
V.C.1.	Posted Speed warrant is 30 MPH or greater & Right Turn is 60 vph or more		X
V.C.2.	Right Turn Volume equal or greater than 60 vph		X
V.A.3.	Available Site Distance (There are no site distance constraints)		X

Right Turn Lane Warrant Satisfied: **NO**

CONCURRENCY REVIEW

Gunnery Road is classified as a two-lane arterial and Lee Boulevard is a six-lane divided arterial. Both corridors have an adopted minimum performance standard of LOS "E". As defined by the Lee County Concurrency Management Report, Gunnery Road and Lee Boulevard have a maximum service capacity of 970 and 2,970 vph during the 100th highest hour peak direction, respectively. As determined, Gunnery Road will have a project build-out demand of 703 vph and a *v/c* ratio of 0.72, and Lee Boulevard will have a demand of 2,297 vph and a *v/c* ratio of 0.77. As such, this project will be compliant with the Concurrency Management Policy.

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APPENDIX

TABLES 1 thru 2C

SUPPORT DOCUMENTS

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TABLE 1
O'Sullivan CPD - Lee Boulevard @ Gunnery Road
Trip Generation Computations

Land Use Code	**Land Use Code Description**	**Build-out Schedule**
LUC 945	Gasoline/Service Station with Convenience Market	2,000 Square Feet, 8 Fueling Stations

DAILY TRAFFIC (ADT)
Daily Traffic = T=162.78(X) = 162.78(8) = **1,302 ADT**

AM PEAK HOUR TRAFFIC (VPH)
AM Peak Hour = T = 10.06(X) = 10.06(8) = **80 vph**
50%Enter/50%Exit = 40/40 vph

PM PEAK HOUR TRAFFIC (VPH)
PM Peak Hour = T = 13.38(X) = 13.38(8) = **107 vph**
50%Enter/50%Exit = 54/53 vph

****

PASS-BY ADJUSTMENT (see table 5.30 of ITE Trip Generation Handbook)

Pass By Percentage = 56 %

NEW DAILY TRAFFIC (ADT)
Daily Traffic = (1,302 ADT) * 44% = **573 ADT**

NEW AM PEAK HOUR TRAFFIC (VPH)
AM Peak Hour = (80 vph) * 44% = **35 vph**
50%Enter/50%Exit = 18/17 vph

NEW PM PEAK HOUR TRAFFIC (VPH)
PM Peak Hour = (107 vph) * 44% = **47 vph**
50%Enter/50%Exit = 24/23 vph

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TABLE 2A
PROJECT'S AREA OF IMPACT

Project Traffic Peak Direction (vph) = 24

		Road Class	Project Traffic % Distribution	Project Traffic PK Direction Volume (vph)	LOS "C" Service Volume Pk Direction (vphpd)	Project's Percentage Impact	Significant Impact	Service Volume LOS Standard	LOS Standard PK Direction Volume (vphpd)
Gunnery Road	S.R. 82 to Lee Blvd	4LD	20%	5	1900	0.25%	NO	E	1950
	Lee Blvd to Buckingham	2LU	10%	2	950	0.25%	NO	E	970
Lee Boulevard	W. of Gunnery Road	6LD	35%	8	2970	0.28%	NO	E	2970
	E. of Gunnery Road	6LD	35%	8	2970	0.28%	NO	E	2970

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TABLE 2B
ROADWAY LINK VOLUMES

	K100 Factor	Directional Factor
P.C.S. 21	0.0876	70%

		Station Adjustment	1st Year Traffic Count (ADT)	2009 Traffic Count (ADT)	Years of Growth	Growth Rate	K100 Factor	Directional Factor	2009 Peak Hour PK Direction (VPH)	2010 Peak Hour PK Direction (VPH)	2015 Peak Hour PK Direction (VPH)
Gunnery Road	S.R. 82 to Lee Blvd	21	9900	14900	6	7.05%	0.0876	70%	914	978	1375
	Lee Blvd to Buckingham	21	7200	9500	9	3.13%	0.0876	70%	583	601	701
Lee Boulevard	W. of Gunnery Road	21	20900	28600	9	3.55%	0.0876	70%	1754	1816	2162
	E. of Gunnery Road	21	22900	30700	9	3.31%	0.0876	70%	1883	1945	2289

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TABLE 2C
ROADWAY LINK VOLUME & CAPACITY ANALYSIS

		2010 Peak Hour PK Direction (vphpd)	2010 Peak Hour PK Direction LOS	2015 Peak Hour PK Direction Background (vphpd)	2015 Peak Hour PK Direction Background LOS	Project Peak Hour PK Direction (vphpd)	2015 Build-Out Peak Hour PK Direction (vphpd)	Service Vol. Peak Hour PK Direction (vphpd)	v/c Ratio	2015 Build-Out Peak Hour PK Direction LOS
Gunnery Road	S.R. 82 to Lee Blvd	978	C	1375	C	5	1380	1950	0.71	C
	Lee Blvd to Buckingham	601	C	701	C	2	703	970	0.72	C
Lee Boulevard	W. of Gunnery Road	1816	C	2162	C	8	2170	2970	0.73	C
	E. of Gunnery Road	1945	C	2289	C	8	2297	2970	0.77	C

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ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2009 100th HIGHEST HR		EST 2010 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
DEL PRADO BL	CORONADO PKWY	CORNWALLIS PKWY	6LD	E	2,750	D	1,882	D	1,882	D	1,882		09000
DEL PRADO BL	CORNWALLIS PKWY	VETERANS MEM PKWY	6LD	E	2,750	E	2,232	E	2,232	E	2,232		09100
DEL PRADO BL	VETERANS MEM PKWY	CORAL POINT DR	6LD	E	2,750	D	2,276	D	2,276	D	2,276		09150
DEL PRADO BL	CORAL POINT DR	HANCOCK BR PKWY	6LD	E	2,750	D	1,890	D	1,890	D	1,890		09200
DEL PRADO BL	HANCOCK BR PKWY	SR 78	6LD	E	2,880	C	1,313	C	1,313	C	1,313		09300
DEL PRADO BL	US 41	SLATER RD	2LU	E	920	B	208	B	208	C	702		09400
DR ML KING BL (SR 82)	CRANFORD AVE	HIGHLAND AVE	4LD	D	1,920	C	1,462	C	1,462	C	1,462		09470
DR ML KING BL (SR 82)	HIGHLAND AVE	MICHIGAN LINK	4LD	D	1,920	C	1,462	C	1,462	C	1,462		09480
DR ML KINK BL (SR 82)	MICHIGAN LINK	ORTIZ AVE	4LD	D	1,920	C	1,462	C	1,462	C	1,462		09490
DR ML KING BL (SR 82)	ORTIZ AVE	I-75	6LD	D	2,900	C	1,668	C	1,670	C	1,670	6 Ln underway	09500
EAST 21st ST	JOEL BL	GRANT AVE	2LU	E	860	B	23	B	23	B	23		09700
ESTERO BL	BIG CARLOS PASS	AVENIDA PESCADORA	2LN	E	726	A	295	A	295	A	304	Constrained; v/c = 0.41	09800
ESTERO BL	AVENIDA PESCADORA	VOORHIS ST	2LN	E	726	A	545	A	545	A	545	Constrained; v/c = 0.75	09900
ESTERO BL	VOORHIS ST	TROPICAL SHORES WAY	2LD	E	671	E	645	E	645	E	645	Constrained; v/c = 0.96; Interim improvements in 2010/11	10000
ESTERO BL	TROPICAL SHORES WAY	CENTER ST	2LD	E	671	F	758	F	767	F	839	Constrained; v/c = 1.13; Interim improvements in 2010/11	10100
ESTERO PKWY	US 41	THREE OAKS PKWY	4LD	E	1,970	B	357	B	366	B	671		14400
ESTERO PKWY	THREE OAKS PKWY	BEN HILL GRIFFIN PKWY	4LD	E	1,970	B	391	B	391	B	391		14450
EVERGREEN RD	US 41	BUS 41	2LU	E	860	B	98	B	98	B	98		10200
FIDDLESTICKS BL	GUARDHOUSE	DANIELS PKWY	2LD	E	860	C	386	C	386	C	418		10300
FOWLER ST	US 41	N AIRPORT RD	6LD	E	2,760	D	965	D	965	D	965		10400
FOWLER ST	N AIRPORT RD	COLONIAL BL	6LD	E	2,760	D	956	D	956	D	956		10500
FOWLER ST	COLONIAL BL	WINKLER AVE	4LD	E	1,890	D	952	D	952	D	952		10600
FOWLER ST	WINKLER AVE	HANSON ST	4LD	E	1,890	D	1,123	D	1,123	D	1,123		10700
FOWLER ST (SR 739)	HANSON ST	DR ML KING BL (SR 82)	4LD	E	1,890	C	859	C	859	C	859		10730
GASPARILLA BL	FIFTH ST	CHARLOTTE COUNTY LINE	2LU	E	860	C	298	C	302	C	302	Constrained v/c = 0.35	10800
GLADIOLUS DR	McGREGOR BL	PINE RIDGE RD	4LD	E	1,970	B	338	B	338	B	396		10900
GLADIOLUS DR	PINE RIDGE RD	BASS RD	4LD	E	1,970	B	728	B	742	B	830	4 Ln under construction	11000
GLADIOLUS DR	BASS RD	WINKLER RD	6LD	E	2,960	B	680	B	683	B	773	6 Ln under construction	11100
GLADIOLUS DR	WINKLER RD	SUMMERLIN RD	6LD	E	3,090	B	728	B	728	C	737		11200
GLADIOLUS RD	SUMMERLIN RD	US 41	6LD	E	3,090	C	1,703	C	1,703	C	1,859		11300
GREENBRIAR BL	RICHMOND AVE	JOEL BL	2LU	E	860	B	61	B	66	B	66		11400
GUNNERY RD	IMMOKALEE RD (SR 82)	LEE BL	4LD	E	2,020	B	759	B	768	B	786		11500
GUNNERY RD	LEE BL	BUCKINGHAM RD	2LU	E	970	A	429	A	433	A	564		11600
HANCOCK BRIDGE PKWY	DEL PRADO BL	NE 24th AVE	4LD	E	2,020	B	1,124	B	1,124	B	1,124		11700

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ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2009 100th HIGHEST HR		EST 2010 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
HANCOCK BRIDGE PKWY	NE 24th AVE	ORANGE GROVE BL	4LD	E	2,020	B	1,345	B	1,345	B	1,358		11800
HANCOCK BRIDGE PKWY	ORANGE GROVE BL	MOODY RD	4LD	E	2,020	B	1,273	B	1,274	C	1,449		11900
HANCOCK BRIDGE PKWY	MOODY RD	U.S. 41	4LD	E	2,020	B	1,357	B	1,391	C	1,549		12000
HART RD	BAYSHORE RD (SR 78)	TUCKER LN	2LU	E	860	C	428	C	440	C	440		12100
HICKORY BL	BONITA BEACH RD	McLAUGHLIN BL	2LU	E	940	C	454	C	454	C	454	Constrained; v/c = 0.48	12200
HICKORY BL	McLAUGHLIN BL	MELODY LN	2LU	E	940	C	381	C	381	C	381	Constrained; v/c = 0.41	12300
HICKORY BL	MELODY LN	BIG CARLOS PASS	2LU	E	940	B	286	B	286	B	286	Constrained; v/c = 0.30	12400
HOMESTEAD RD	IMMOKALEE RD (SR 82)	MILWAUKEE BL	2LN	E	990	A	61	A	63	A	63		12480
HOMESTEAD RD	MILWAUKEE BL	SUNRISE BL	2LN	E	990	B	195	B	195	B	341		12490
HOMESTEAD RD	SUNRISE BL	LEELAND HEIGHTS BL	2LN	E	990	C	406	C	407	D	701	4 Ln under design. ROW in 2009/10 & 2010/11	12500
HOMESTEAD RD	LEELAND HEIGHTS BL	LEE BL	4LN	E	1,810	E	1,125	E	1,125	E	1,465		12600
IDLEWILD ST	METRO PKWY	RANCHETTE RD	2LU	E	860	C	216	C	217	C	217		12700
IMMOKALEE RD (SR 82)	I-75	BUCKINGHAM RD	6LD	D	2,960	B	1,325	B	1,325	B	1,325	6 Ln underway	12800
IMMOKALEE RD (SR 82)	BUCKINGHAM RD	COLONIAL BL	6LD	D	2,960	B	1,097	B	1,098	B	1,098	6 Ln underway	12900
IMMOKALEE RD (SR 82)	COLONIAL BL	GATEWAY BL	2LN	D	910	E	1,091	E	1,094	E	1,113	6 Ln design in 2010/11 by FDOT	13000
IMMOKALEE RD (SR 82)	GATEWAY BL	GUNNERY RD	2LN	C	650	C	581	C	585	C	585	6 Ln design in 2010/11 by FDOT	13100
IMMOKALEE RD (SR 82)	GUNNERY RD	ALABAMA RD	2LN	C	650	E	982	E	1,083	E	1,083		13200
IMMOKALEE RD (SR 82)	ALABAMA RD	ALEX BELL BL	2LN	C	650	C	474	C	475	C	639		13300
IMMOKALEE RD (SR 82)	ALEX BELL BL	HENDRY COUNTY LINE	2LN	C	650	C	474	C	475	C	534		13400
IMPERIAL PKWY	COLLIER COUNTY LINE	BONITA BEACH RD	4LD	E	2,060	B	784	B	784	B	784		13500
IMPERIAL PKWY	BONITA BEACH RD	EAST TERRY ST	4LD	E	2,060	N/A	N/A	N/A	N/A	N/A	N/A		13520
IMPERIAL PKWY	EAST TERRY ST	COCONUT RD	4LD	E	2,060	A	488	A	488	A	488		13550
IONA RD	DAVIS RD	McGREGOR BL	2LU	E	860	C	403	C	407	C	528		13600
ISLAND PARK RD	PARK RD	US 41	2LU	E	860	C	433	C	439	C	599		13700
JOEL BL	LEELAND HEIGHTS BL	18th ST	4LN	E	2,090	B	637	B	644	B	787		13800
JOEL BL	18th ST	PALM BEACH BL (SR 80)	2LN	E	1,080	B	336	B	339	B	339		13900
JOHN MORRIS RD	BUNCHE BCH RD	SUMMERLIN RD	2LU	E	860	B	69	B	71	B	78		14000
JOHN MORRIS RD	SUMMERLIN RD	IONA RD	2LU	E	860	C	224	C	224	C	231		14100
KELLY RD	McGREGOR BL	SAN CARLOS BL	2LU	E	860	C	231	C	231	C	237		14200
KELLY RD	SAN CARLOS BL	PINE RIDGE RD	2LU	E	860	B	102	B	102	B	102		14300
LAUREL DR	BUS 41	BREEZE DR	2LU	E	860	C	364	C	364	C	364		14500
LEE BL	IMMOKALEE RD (SR 82)	ALVIN AVE	6LD	E	2,970	B	2,102	B	2,102	B	2,157		14600
LEE BL	ALVIN AVE	GUNNERY RD	6LD	E	2,970	B	1,384	B	1,387	B	1,492		14700
LEE BL	GUNNERY RD	HOMESTEAD RD	6LD	E	2,970	B	1,388	B	1,458	B	1,589		14800
LEE BL	HOMESTEAD RD	WILLIAMS AVE	4LD	E	2,120	C	452	C	452	C	486		14900

DCI 2010-00013
COMMUNITY DEVELOPMENT
JAN 18 2011

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

December 14, 2010

MICHAEL E. ROEDER
KNOTT, CONSOER, EBELINI, HART
1625 HENDRY STREET
#301
FORT MYERS, FL 33901

RE: O'SULLIVAN CPD
DCI2010-00013 - PDS Application (Minor PD)

Dear MICHAEL E. ROEDER :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 30 day extension expiring on January 13, 2011. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Nettie Richardson

Nettie M Richardson
Principal Planner

cc: Pam Houck, Director Zoning Division
Michael Jacob, CAO
Tina Boone, Legal Administrative Secretary
Robert Price, TIS Reviewer
Becky Penfield, Development Services
Paul O'Connor, Planning Division
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Jamie Princing, DCD Admin
Billie Jacoby
Zoning File

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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County Attorney

Diana M. Parker
County Hearing Examiner

November 10, 2010

MICHAEL E. ROEDER
KNOTT, CONSOER, EBELINI, HART
1625 HENDRY STREET
#301
FORT MYERS, FL 33901

RE: O'SULLIVAN CPD
DCI2010-00013 - PDS Application (Minor PD)

Dear MICHAEL E. ROEDER :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 30 day extension expiring on December 10, 2010. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Nettie M Richardson
Principal Planner

cc: Pam Houck, Director Zoning Division
Michael Jacob, CAO
Tina Boone, Legal Administrative Secretary
Robert Price, TIS Reviewer
Becky Penfield, Development Services
Paul O'Connor, Planning Division
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
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Billie Jacoby
Zoning File

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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District Two

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Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

September 14, 2010

MICHAEL E. ROEDER
KNOTT, CONSOER, EBELINI, HART
1625 HENDRY STREET
#301
FORT MYERS, FL 33901

RE: O'SULLIVAN CPD
DCI2010-00013 - PDS Application (Minor PD)

Dear MICHAEL E. ROEDER :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on November 13, 2010. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Nettie M Richardson
Principal Planner

cc: Pam Houck, Director Zoning Division
Michael Jacob, CAO
Tina Boone, Legal Administrative Secretary
Robert Price, TIS Reviewer
Becky Penfield, Development Services
Paul O'Connor, Planning Division
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Jamie Princing, DCD Admin
Billie Jacoby
Zoning File

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

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District Two

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Tammy Hall
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Frank Mann
District Five

Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

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

July 14, 2010

MICHAEL E. ROEDER
KNOTT, CONSOER, EBELINI, HART
1625 HENDRY STREET
#301
FORT MYERS, FL 33901

Re: O'SULLIVAN CPD
DCI2010-00013 - PDS Application (Minor PD)

Dear MICHAEL E. ROEDER :

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

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

LC Zoning Action Legal Requirements Checklist (Ord 07-24)

9) Legal Description. A metes and bounds legal description, prepared by a Florida Licensed Surveyor and Mapper, must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.C.}. [34-202(a)(1)]

A metes and bounds legal description will be required since Lot 3 contains "Less and Except Language" Please proved a metes and bounds legal description, with accurate bearings and distances for each call out, describing the complete perimeter of the property being acted upon.

9a) Sealed Sketch to Accompany Legal Description. In accordance with Rule 61G-17, F.A.C., the legal description must be accompanied by a sealed sketch of the legal description. The sketch must be in recordable form and printed on a sheet no greater than 8 ½ x 14 inches in size. [34-202(a)(1)]

The Land Development Code requires a sealed sketch be provided with all applications appearing before the Hearing Examiner. Please provide

9b) If the subject property is one contiguous parcel, the legal description must specifically describe the entire continuous perimeter boundary of the property subject to the zoning action, with accurate bearings and distances for every line. [34-202(a)(1)]

Will review upon submittal of requested metes and bounds legal description.

10a) The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. [34-202(a)(2)]

The boundary survey does not meet the requirements set fort in LDC Sec 34-202(a)(2). Recent changes to the Land Development Code as of July 1, 2009 requires a Title Certificate/Opinion, no greater than 90 days old at the time of initial zoning application be submitted to establish the following information concerning title to the subject property: (a) the owner of owners of the fee title: (b) all easements encumbering the property; (c) the legal description of the property. The title certification submittal must be either an opinion of title meeting the Florida Bar Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company. The certification must be unequivocal. A title binder/commitment, an O and E Report or title insurance policy is not acceptable to meet this requirement. Per LDC Sec 34-202(a)(2)

Please submit a copy to the surveyor as the survey must be tied to it and submit a copy of the title opinion/title certificate to this office as required by LDC SEC 34-202(a)(3).

10c) The survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner. [34-202(a)(2)]

LDC Sec 34-202(a)(2) requires the boundary survey be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustments with
two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner. Please supply this information on the survey.

10e) A boundary survey is required for all Planned Development Applications {see LC Public Hearing Application Form, Part 3 and Planned Development Application Form Supplement D, MCP Extension Application Supplement E, and MCP Reinstatement Application Supplement F}. [34-202(a)(2); 34-373(a)(4)]

Will review for compliance when corrections are made, as described above, and resubmitted.

11) Miscellaneous items.

The following notes on the boundary survey are in conflict with the Land Development Code and must be removed.
1) "This map of survey is only for the lands described and is not an instrument of title...etc"
2) "The legal description was furnished by client"
3) "No title search was conducted by this office"
4) "Survey was based on information provided by client"
5) "Parcel subject to easements, restrictions, reservations...etc."

12) Contact. The reviewer may be contacted regarding any questions on the LC Zoning Action Legal Requirements Checklist.

For questions concerning the legal description, sealed sketch and boundary survey contact Chick Jakacki at 239-533-8578.

LC ZTIS PD Application Sufficiency Checklist (Ord 07-24)

1) Description of Development & ITE Land Use Code. The TIS must contain a general description of each type of use proposed, the units of development (i.e. number of dwelling units, square feet of building floor area, etc.) and the Land Use Code for each type of use utilized in the trip generation (e.g. Single family detached housing (200 lots), Land Use Code 210). [AC-13-17]

The Schedule of Uses includes uses such as Day Care Center, Convenience food and beverage store, restaurants, etc. in addition to the Bank use analyzed in the TIS. As a result, Staff is unsure that the analysis actually represents a worst case new trip generation to the adjacent roadway network. For instance, how many Day Care students are proposed? This use doesn't result in much pass-by traffic, if any, so it may have a greater impact on the adjacent roadway network. Please advise.

2a) Trip generation must be based on the combination of uses shown in the Schedule of Uses on the Master Concept Plan which generates the highest total number of trips during the A.M. and P.M. peak hour of the generator(s). [AC-13-17]

Trip generation for a bank must be performed based on the number of drive through lanes in addition to the building floor area, and the higher trip generator used.

LC Environmental Sciences PD Application Sufficiency Checklist (Ord 07-24)

10) Environmental Issues. Certain property and environmental issues must be addressed and information provided (see Supplement D Form, Part 5.A. - 5.D.).

Pending site inspection.

12a) Easements. The exact location and explanation of all existing easements, whether or not those easements are recorded, must be shown on the Master Concept Plan. [34-373(a)(6)a.]

Please revise the MCP to show the location of all easements.

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 seperate open space diagram exhibit.

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 clarify the schedule of uses lists gas stations and fast food resteraunts which now require specific site conditions and buffers per LDC34-1353, how will the site be able to accomodate these requirements?

Please note that the buffer proposed along the west property line may not have sufficient width to allow type F plantings, given the 6' UE. It appears there is 20' between the property line and building which would allow for more space. Staff suggests changing the label from a 15' buffer to a 20' buffer.

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 the following policies: Policy 6.1.3, Policy 6.1.6, Goal 77, Objective 77.2, Objective 60.5 Policy 60.5.1, Policy 61.2.4. The policies regarding green infrastructure can be achieved through the planting of the dry detention areas which is also supported by Policy 32.11.4.

19) Miscellaneous items.

Please clarify has a meeting been held with the local planning community? If so please provide minutes from that meeting.

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

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

LC Development Review PD Application Sufficiency Checklist (Ord 07-24)

4) Miscellaneous items.

Please show any easements that exist on the parcel.

5) Contact. The Staff reviewer may be contacted regarding any questions on the LC Development Review Planned Development Application Sufficiency Checklist.

Becky Penfield 239-533-8587 extension 48802 or rpenfield@leegov.com

LC Public Hearing for Planned Development Application-Supplement D Checklist (Ord 07-24)

24) Miscellaneous items.

The proposed project is located within the Lehigh Acres Planning Community. According to Lee Plan Policy 31.12.2, a public informational meeting must be held prior to finding the application sufficient. Provide a meeting summary of the date, time and location, list of atendees, a summary of the concerns or issues raised at the meeting and a proposal of how the applicant will respond to the issues raised.

Please see the atteached email comments from Michael Jacob, Assistant County Atorney.

25) Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for Planned Development Application-Supplement D Checklist.

Contact Nettie Richardson at 533-8786.

LC Public Works Short Checklist

1) Miscellaneous Items.

Although the Master Concept Plan incorporates facilities for solid waste/recycling storage and pick-up, the location(s) of these facilities may present accessibility problems for the waste hauler. The applicant should redesign the proposed locations as depicted in Alternatives #1 and #2. In addition, please dimension the proposed facilities including total area.

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 pavesemp@leegov.com if there are any questions regarding these review comments.

Richardson, Nettie

From: Jacob, Michael
Sent: Friday, July 09, 2010 2:34 PM
To: Richardson, Nettie
Subject: O'Sullivan CPD (DCI2010-00013)

Nettie,

I have reviewed the initial submittal for the above referenced case. I offer the following comments:

1. Title Certification has not been provided in accordance with § 34-202.
2. Survey fails to identify that it is based on an appropriate Title Opinion or Certification meeting the requirements of § 34-202.
3. The Survey note indicating that the "Parcel is subject to easements, restrictions, reservations and rights of way (recorded and unrecorded, written and unwritten) must be removed.
4. Please have the Applicant verify if Cornelius and Estelle O'Sullivan are the sole, individual beneficiaries of the Trust identified in the Disclosure of Interest Form. If the Trust includes additional beneficiaries, the Disclosure of Interest Form must be updated to include the additional names.

I have no further comments regarding the documents submitted with the initial packet. If you need anything further, let me know.

Michael D. Jacob
Assistant County Attorney
Lee County Attorney's Office
(239) 533-2236 (telephone)
(239) 485-2106 (facsimile)
mjacob@leegov.com

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, e-mail 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.

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

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

FROM: Nettie M Richardson

DATE: 07/13/2010

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

PROJECT NAME: O'SULLIVAN CPD

CASE #: DCI2010-00013

INFORMATION SUMMARY:

RESUBMITTAL

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

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: Jamie Princing

Date: 07/14/2010

July 2, 2010

Cornelius P. O'Sullivan, Trustee
Estelle O'Sullivan, Trustee
1564 Carriedale Ln
Ft. Myers, Fl 33912

% Michael E. Roeder, AICP
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street, Suite 301
Ft. Myers, Fl 33901

RE: Water and Wastewater Availability
Strap # 28-44-26-05-00055.0030; .0020; .0010
Address: 405, 407 & 409 Gunnery Road, Lehigh Acres
O'Sullivan CPD

Dear Mr. Roeder:

Potable water lines and wastewater lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of a(n) retail/office building with an estimated flow demand of 1,000 GPD for water and 1,000 GPD for wastewater. FGUA presently has sufficient capacity to provide potable water and sanitary sewer as estimated above.

Prior to beginning design work on this project, a meeting may be scheduled with Pradeep Sethi to determine the best point of connection and discuss requirements for construction. He can be reached at 407-629-6900 ext. 122 or via e-mail at psethi@govmserv.com .

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Lehigh Acres Water Treatment Plant # 1 and the Mirror Lakes Water Treatment Plant.

Sanitary sewer service will be provided by the recently upgraded Lehigh Acres Wastewater Treatment Plant. The FGUA Utilities' Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system. A site map showing the approximate location of the utilities is included for your reference as well as list of the next steps to be taken in order to move your project forward.

LEA ANN THOMAS, CHAIR
Polk County

JIM LAVENDER
Lee County

ROBERT KNIGHT
Citrus County

SHANE PARKER
Hendry County

MICHELE BAKER
Pasco County

CHRIS M. ROGERS
DeSoto County

RECEIVED
JUL 13 2010
COMMUNITY DEVELOPMENT

FGUA OPERATIONS OFFICE
Government Services Group, Inc.
280 Wekiva Springs Rd., Ste 2000
Longwood FL 32779

877/552-3482 Toll Free
407/629-6900 Tel
407/629-6963 Fax

EXHIBIT PH 4-I.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date hereof. Florida Governmental Utility Authority will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of water and wastewater service is to be utilized for development review for this project only. Individual letters of availability will be required for the purpose of obtaining building permits.

When you are ready to move forward with your project, please submit a copy of this letter along with four (4) sets of plans for review, an engineer's opinion of probable construction cost (EOPCC) and a check to cover plan review fees in the amount of $300 for the first nine (9) sheets (or less) and an additional $25 for every sheet over 9 sheets.

If you should have any further questions please feel free to contact our development review team at 407-629-6900.

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Tarek Fahmy
Director of Operations

TMF/jdk

RECEIVED
JUL 13 2010
COMMUNITY DEVELOPMENT

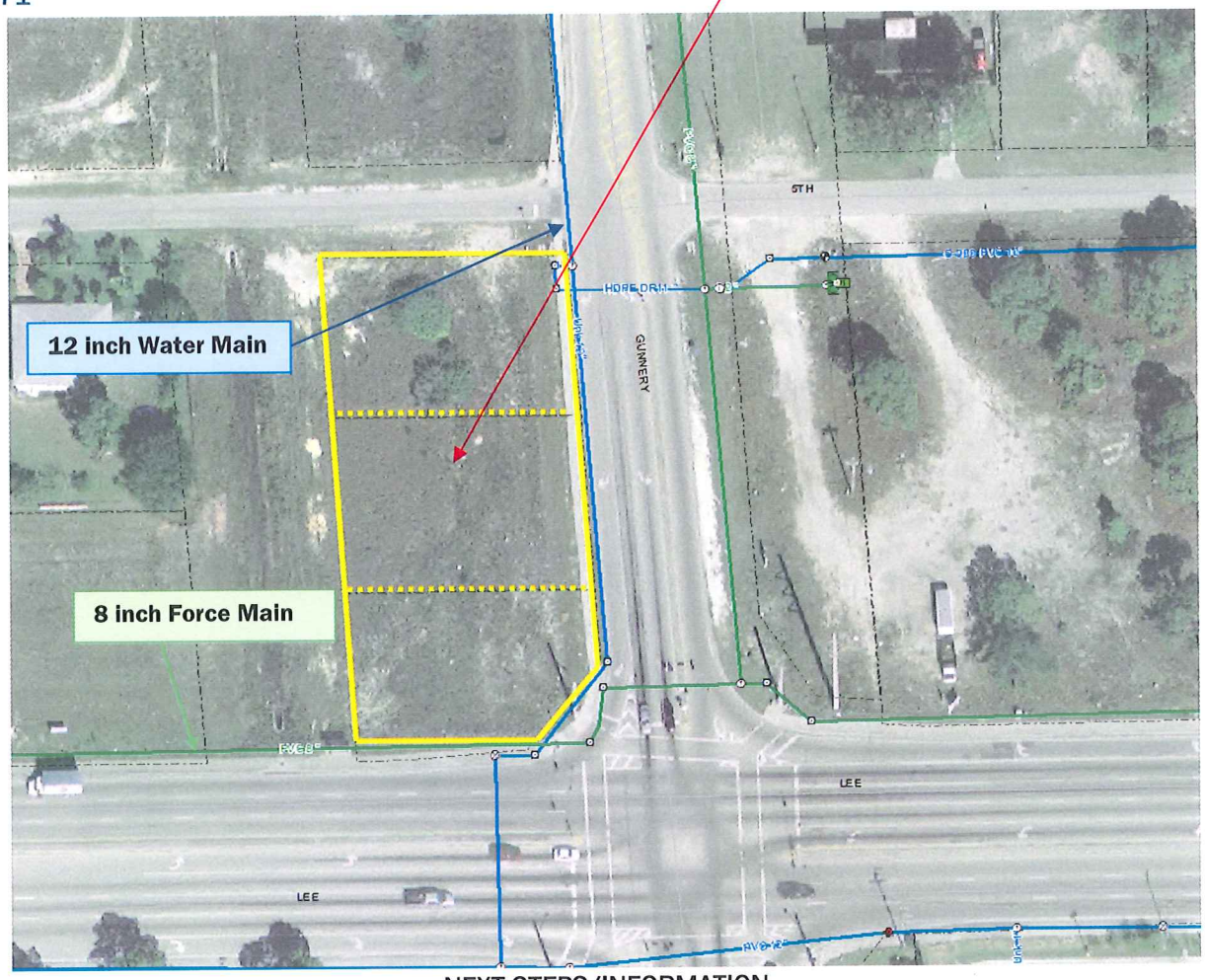
ADD 2010-00013

ADD 2010-00013

June 21, 2010

O'Sullivan CPD

STRAP #: 28-44-26-05-00055.0030, 0020 & 0010: Address: 405, 407 & 409 Gunnery Road, Lehigh Acres FL 33971



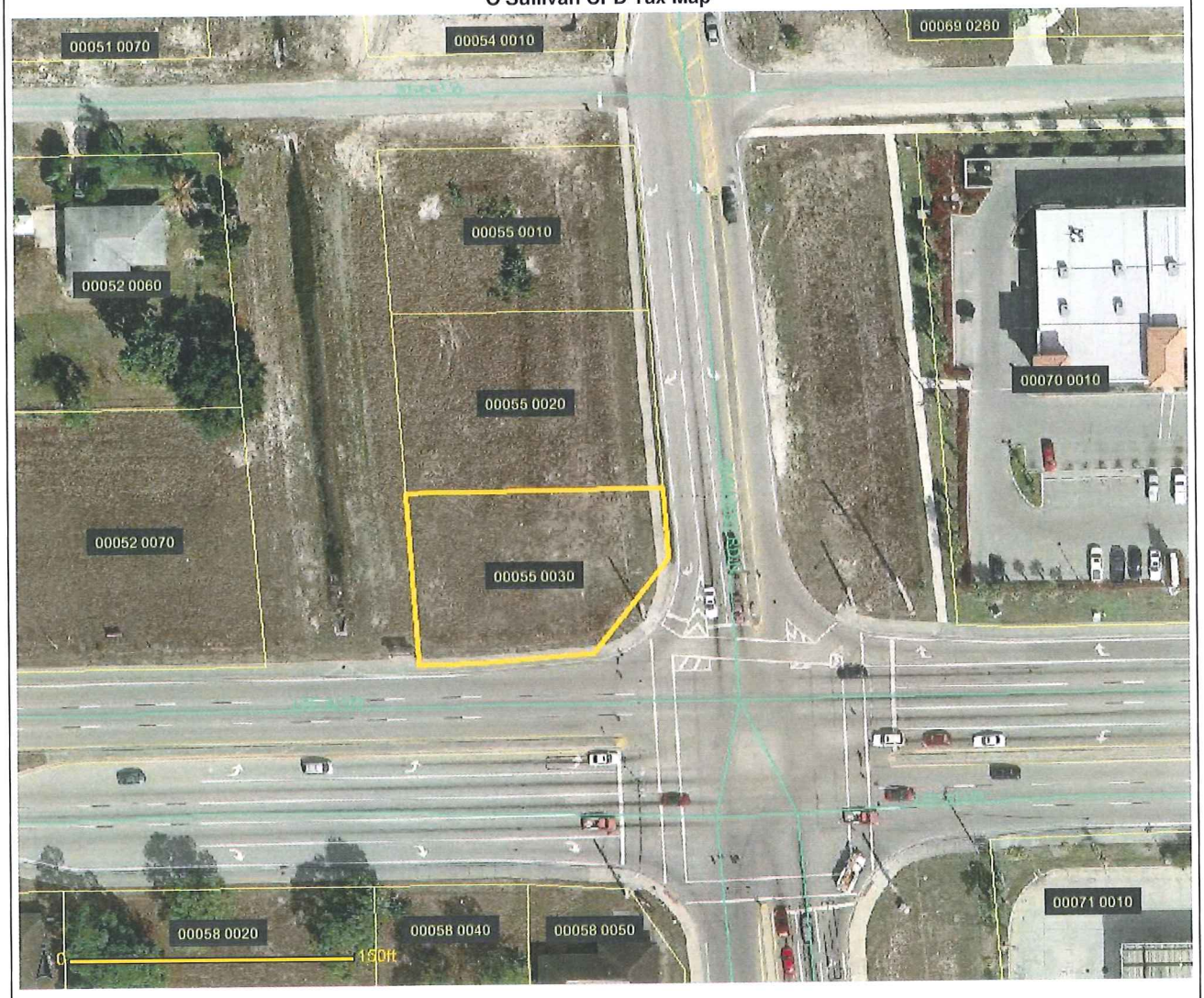
NEXT STEPS/INFORMATION

1. Four Sets of signed and sealed Construction Plans With a Plan review Check for $ 300.00 for the first 9 sheets and additional $ 25.00 for each additional sheet
   a. Construction plans to show property lines clearly marked
   b. Identify the connecting points to the FGUA mains
   c. Locate the Water meters, fire meters (preferably) outside property limits within ROW
   d. Identify easements to be provided to FGUA
2. Submit the EOPCC (Engineer's Opinion of Probable Cost of Construction)
3. On receipt of this information as identified at 1 & 2 above FGUA will submit the following for your prompt attention
   a. The fee estimate which must be paid upfront
   b. The Conveyance and Service Agreement (CSA) which must be executed by the owner or authorized person to sign contracts as legal entity.
4. This CSA has to be accepted by the FGUA board.
5. The FDEP apps for construction will be signed by FGUA after Fees is paid and the CSA is accepted by the FGUA Board.
6. The capacity fees will be charged and paid for each unit based on its actual use.

All Utility Locations shown here are approximate and Engineer's surveyor to determine the exact locations and determine the feasibility to connect

RECEIVED
JUL 13 2010
COMMUNITY DEVELOPMENT

O'Sullivan CPD Tax Map



Tax Map Legend

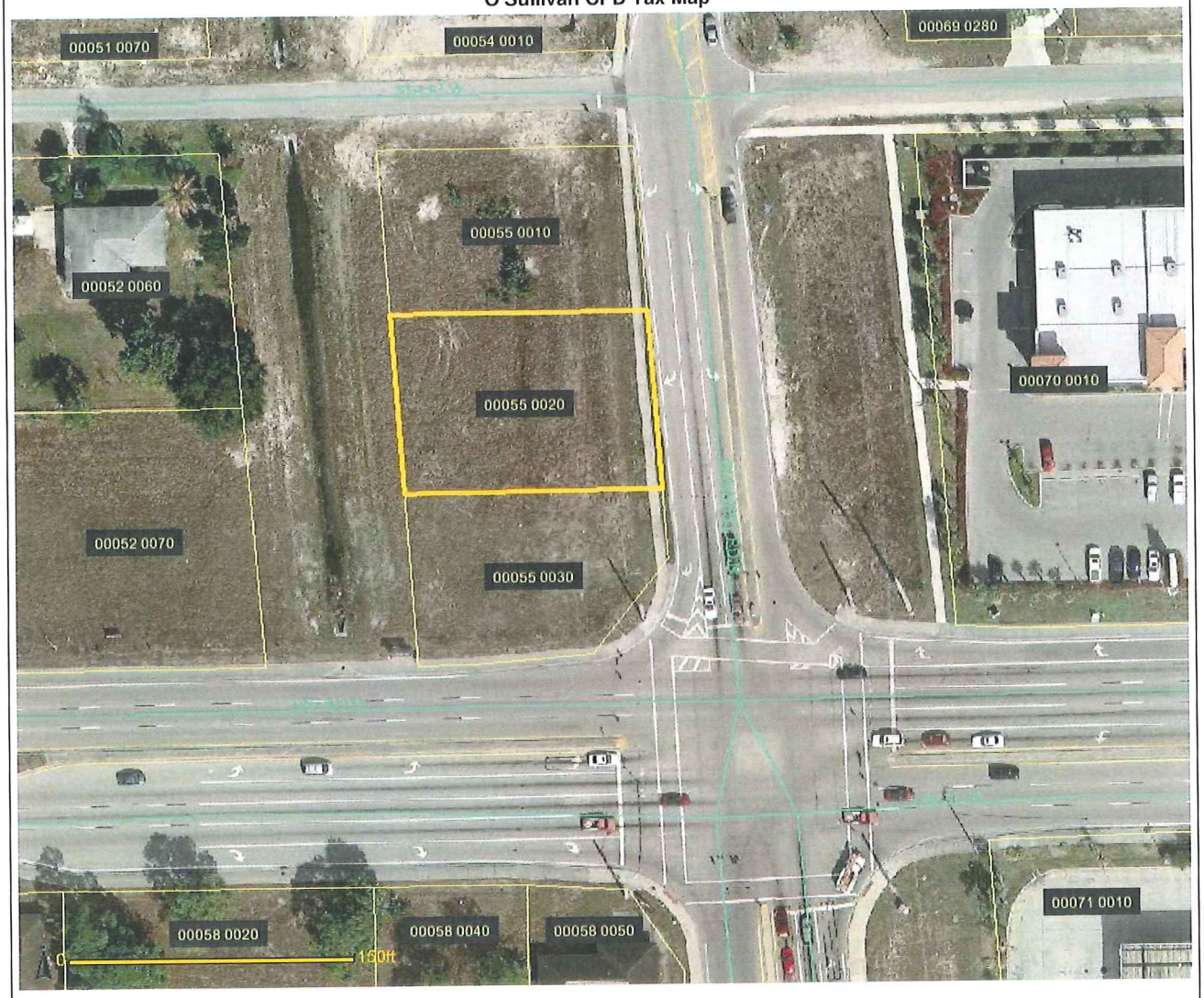
Selected Parcel | Road Centerlines | Parcels | Easements

Aerial Image Set	2010 Hi-Res (1/2 foot)	**Map Currency Date**	6/21/2010 4:59:52 PM
Selected Parcel	28-44-26-05-00055.0030	**Legal Description**	LEHIGH ACRES UNIT 5 BLK.55 PB 15 PG 78 LOT 3 LESS ROW DESC IN OR 2845/1965
Parcel Owner	OSULLIVAN CORNELIUS P TR + OSULLIVAN ESTELLE TR FOR CORNELIUS P OSULLIVAN TRUST 15643 CARRIEDALE LN FORT MYERS FL 33912	**Property Address**	405 Gunnery Rd N Lehigh Acres, FL 33971

RECEIVED
JUL 13 2010
COMMUNITY DEVELOPMENT

ADD 2010-00013

O'Sullivan CPD Tax Map



Tax Map Legend

Selected Parcel | Road Centerlines | Parcels | Easements

Aerial Image Set	2010 Hi-Res (1/2 foot)	**Map Currency Date**	6/21/2010 5:02:14 PM
Selected Parcel	28-44-26-05-00055.0020	**Legal Description**	LEHIGH ACRES UNIT 5 BLK 55 PB 15 PG 78 LOT 2
Parcel Owner	OSULLIVAN CORNELIUS P TR + OSULLIVAN ESTELLE TR + FOR CORNELIUS P OSULLIVAN TRUST 15643 CARRIEDALE LN FORT MYERS FL 33912	**Property Address**	407 Gunnery Rd N Lehigh Acres, FL 33971

RECEIVED
JUL 13 2010
COMMUNITY DEVELOPMENT

ADD 2010-00013

O'Sullivan CPD Tax Map

Tax Map Legend

Selected Parcel | Road Centerlines | Parcels | Easements

Aerial Image Set	2010 Hi-Res (1/2 foot)	**Map Currency Date**	6/21/2010 5:03:17 PM
Selected Parcel	28-44-26-05-00055.0010	**Legal Description**	LEHIGH ACRES UNIT 5 BLK 55 PB 15 PG 78 LOT 1
Parcel Owner	OSULLIVAN CORNELIUS P TR + OSULLIVAN ESTELLE TR FOR CORNELIUS P OSULLIVAN TRUST 15643 CARRIEDALE LN FORT MYERS FL 33912	**Property Address**	409 Gunnery Rd N Lehigh Acres, FL 33971

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JUL 13 2010
COMMUNITY DEVELOPMENT

ADD 2010-00013

Florida Governmental Utility Authority
(F.G.U.A.) @ www.fgua.com

Instructions for Plan submission

System:	Water & Wastewater
Project Name:	O'Sullivan CPD
County:	Lee County
Engineer:	Knott, Consoer, Ebelini, Hart & Swett P.A. 1625 Hendry St, Fort Myers FL 33901

Submit Four (4) signed and sealed plans with complete details like a cover sheet and standard details etc.

ADD THE FOLLOWING TO GENERAL NOTES:

1. All construction shall meet Lee County/~~Collier County/Pasco County~~ Standards and Specifications as applicable.
2. A FGUA representative is to be present during connections to existing facilities with 72 hour notification.
3. All utilities within the property lines to be owned and maintained by the owner
4. Any utilities (Pipes, Valves, Backflow preventors and associated hardware) to be conveyed to FGUA will be on the ROW and/or a specific utility easement will be provided to FGUA.
5. Any Real property (Lift Stations, pump houses, wells etc) will not be on ROW and will be conveyed to FGUA via a specific warranty deed to FGUA.
6. Low Pressure Air Test, and TVing are required (gravity system)
7. Install 3M Magnetic Markers at each valve. Markers to be installed beside valve box 12" min – 18" max and over all bends and every 50' over centerline of water mains and force Mains at a depth of 12" min - 18" max below final grade.
8. All water/wastewater FM crossing LCDOT rights of way to be constructed with a casing.
9. A Reduced Pressure Zone (RPZ), Backflow Prevention Assembly (BFP) is required. Acceptable models Febco 825Y, Watts 909, Wilkins 975XL, or Conbraco 400.
10. Stainless steel tapping sleeve and valve for proposed water and force main connections to be used.
11. Water tapping saddles to be Brass
12. All fire flow lines will have a fire detection meter or a full sized flow meter and a Fire Line Backflow Prevention Assembly (BFP) assembly shall include a low flow BY-PASS meter w/ RPZ
13. Manhole Frames & Covers, and CO Caps are to be water tight, if needed existing Man hole tops are to be adjusted to proposed grade
14. All FM lines to be min 4 inches PVC
15. A ball check valve followed by a Plug Valve will be provided on force mains leaving from privately owned Lift Stations connecting into the Utility mains
16. Connection to existing manholes and/or lift stations shall be by core bore with Kor-N-Seal connectors.

ENSURE THAT THE DRAWINGS INCLUDE TO SHOW

1. The Utility Plans to clearly delineate the proposed and/or existing side walks to all meter boxes valve pads, hydrant branch Valves and assemblies, preferably by 2 feet. Meter boxes cannot be located in side walks or driveways. Please show the property line distinctly on the Utility Plans.
2. All fire lines (for sprinkler systems and Fire hydrants) will be metered (Fire rated compound meter) and will run separate from the water lines and will follow specifications as per Florida statutes and to the Fire Marshal's specifications.
3. Clearly delineate on every utility plan sheet the limits and extent of existing and/or proposed ROW(s), PUE(s) and FGUA existing or proposed Utility Easements
4. If the Project has multiple units than each unit will have a separate meter to be located within the ROW or abutting the Property line. Separate lines of size min 1 inch will be laid to each business unit. Or the water line will run through a master meter to be installed at the point of entry to the property.

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ADD 2010-00013

LEE COUNTY
SOUTHWEST FLORIDA

COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

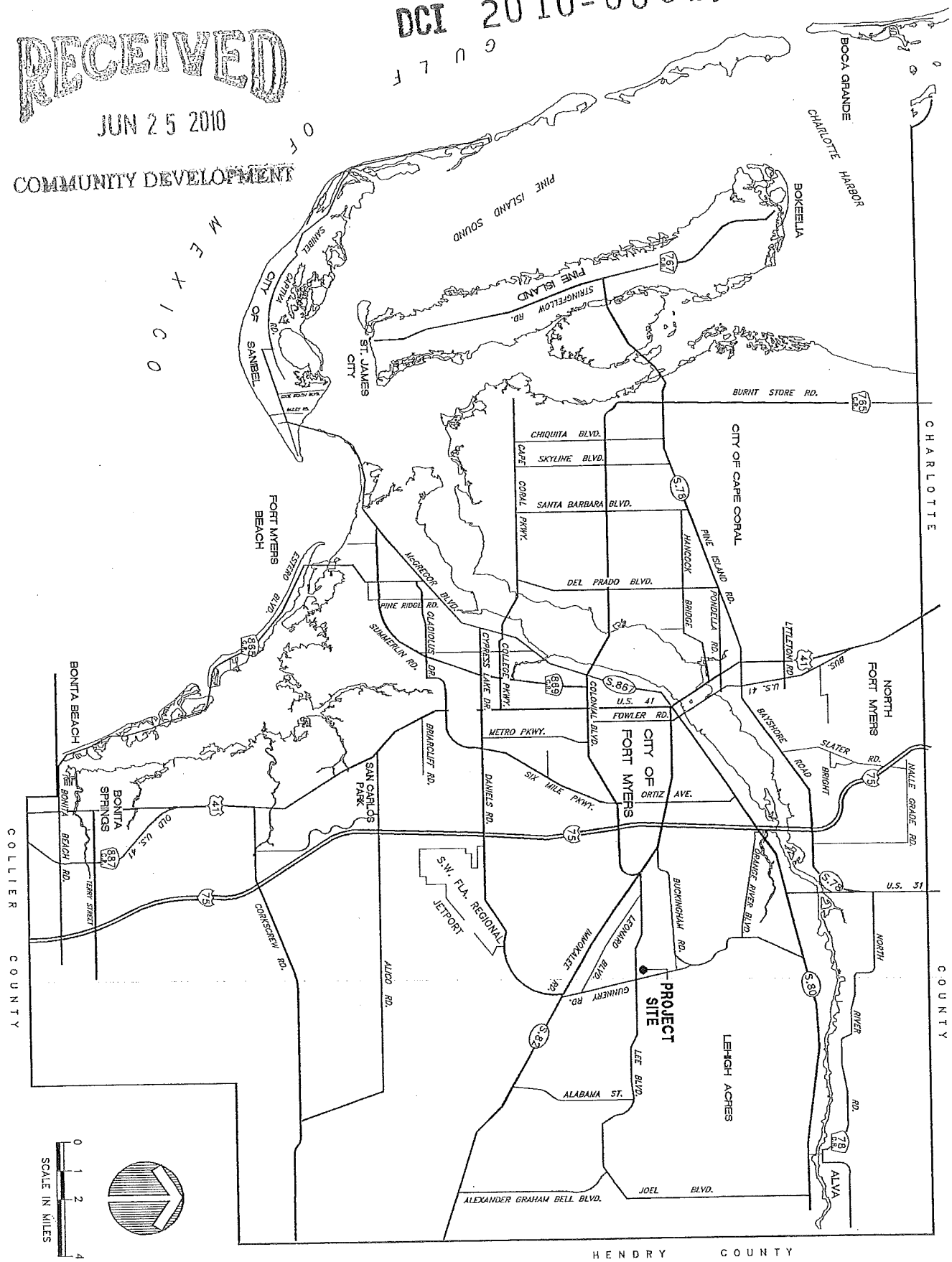
Date:	July 12, 2010
Case Number:	DCI2010-00013
Case Name:	O'SULLIVAN CPD
Request:	Rezone 0.82+/- acres from RS-1 to CPD to allow up to a 7,500 square foot commercial building with a height of 35 feet located at 405, 407 and 409 Gunnery Road North.
Location:	405, 407, and 409 Gunnery Road North, Lehigh Acres Planning Community, Lee County, FL.
Location Map:	SEE REVERSE
PROPERTY OWNER'S REPRESENTATIVE:	MICHAEL E ROEDER KNOTT, CONSOER, EBELINI, HART 239-334-2722
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.

RECEIVED
JUN 25 2010
COMMUNITY DEVELOPMENT

DCI 2010-00013



DWG. NO. 1002 FILE: 1002ALM	AREA LOCATION MAP O'SULLIVAN CPD	SEC 28, TWP 44S, RGE 26E LEE COUNTY, FLORIDA	GARY F. MULLER, AICP 1482 ARGYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 939-0111	DATE 04/10 SCALE NOTED DESIGN GFM DRAWN GFM CHECK APPROVED	EXHIBIT D-7-B

28-44-26-05-00050.0070
UNIVERSAL MORTGAGE CORP
12080 N CORPORATE PKWY
MEQUON, WI 53092

28-44-26-05-00050.0080
PARAJON KEYLA
4404 6TH ST W
LEHIGH ACRES, FL 33971

28-44-26-05-00050.0090
CADRETTE JOSEPH J +
N87W16459 APPLETON AVE
MENOMONEE FALLS, WI 53051

28-44-26-05-00051.0020
MAULT JAMES
13430 LITTLE GEM CIR
FORT MYERS, FL 33913

28-44-26-05-00051.0030
BOKTOR NADER W
4409 6TH ST W
LEHIGH ACRES, FL 33971

28-44-26-05-00051.0040
DIAZ ALEX A + MAUREEN
4407 6TH ST W
LEHIGH ACRES, FL 33971

28-44-26-05-00051.0050
HENDERSON R A + JOANN G
630 SHORELINE DR
NAPLES, FL 34119

28-44-26-05-00051.0060
HERNANDEZ EQUITY INVESTMENT
1458 WASHINGTON AVE
MIAMI BEACH, FL 33139

28-44-26-05-00051.0070
HERNANDEZ EQUITY INVESTMENT
1458 WASHINGTON AVE
MIAMI BEACH, FL 33139

28-44-26-05-00051.0080
PRETICO VICENTE
1409 ALWYNNE DR S
LEHIGH ACRES, FL 33936

28-44-26-05-00051.0090
BARTHOLOMEW ROBIN C + SUSAN +
30556 DEPOT ST
NEW CHURCH, VA 23415

28-44-26-05-00051.0100
MADUSSA LLC
11796 METRO PKWY STE C
FORT MYERS, FL 33966

28-44-26-05-00051.0110
TERAN GUSTAVO + SCHEHEREZADE
4412 5TH ST W
LEHIGH ACRES, FL 33971

28-44-26-05-00052.0020
THOMAS BILLY E + PATRICIA D
4413 5TH ST W
LEHIGH ACRES, FL 33971

28-44-26-05-00052.0030
PUNWASI SHARDA
1003 CARDINAL ST
NAPLES, FL 34104

28-44-26-05-00052.0040
PEREZ LUIS +
7627 BRISTOL CIR
NAPLES, FL 34120

28-44-26-05-00052.0050
KELLEY THERESA F
4407 5TH ST W
LEHIGH ACRES, FL 33971

28-44-26-05-00052.0060
VALLEJO PABLO + MARIA
706 OTTO AVE
LEHIGH ACRES, FL 33971

28-44-26-05-00052.0070
MAYOR RODOLFO
910 MOON CT
MARCO ISLAND, FL 34145

28-44-26-05-00052.0080
LANDOLFI STEVEN
22 VETO ST
PROVIDENCE, RI 02908

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28-44-26-05-00052.0090
LANDOLFI STEVEN J
5781 LEE BLVD STE 208
BOX 247
LEHIGH ACRES, FL 33970

28-44-26-05-00052.0100
MILLER THERESA 1/2 +
4980 TAMIAMI TRAIL STE 200
NAPLES, FL 34103

28-44-26-05-00052.0120
BETKE ALEXANDER + HEIDI
984 HAMPTON CIR
NAPLES, FL 34105

28-44-26-05-00053.0020
BANK OF AMERICA NA
ANDREA DEVIN PIDALA
9119 CORPORATE LAKE DR STE 300
TAMPA, FL 33634

28-44-26-05-00053.0030
ANGLICKIS RICHARD A TR
PO BOX 111
LEHIGH ACRES, FL 33970

28-44-26-05-00054.0010
PHAM BAO H +
9877 WEATHER STONE PL
FORT MYERS, FL 33913

28-44-26-06-00056.0080
MATABEEK VIJAY +
4701 BRIXTON CT
LEHIGH ACRES, FL 33973

28-44-26-06-00056.0090
MATABEEK VIJAY +
4701 BRIXTON CT
LEHIGH ACRES, FL 33973

28-44-26-06-00056.0100
STURZL JOHN + SHELLY
7846 REGAL LN
PULASKI, WI 54162

28-44-26-06-00056.0110
STURZL JOHN + SHELLY
7846 REGAL LN
PULASKI, WI 54162

28-44-26-06-00056.0120
STURZL JOHN + SHELLY
7846 REGAL LN
PULASKI, WI 54162

28-44-26-06-00058.0010
DK INVESTMENT PROPERTIES INC
521 THIRD ST NW
NAPLES, FL 34120

28-44-26-06-00058.0020
DK INVESTMENT PROPERTIES INC
521 THIRD ST NW
NAPLES, FL 34120

28-44-26-06-00058.0040
DK INVESTMENT PROPERTIES INC
521 THIRD ST NW
NAPLES, FL 34120

28-44-26-06-00058.0050
DK INVESTMENT PROPERTIES INC
521 THIRD ST NW
NAPLES, FL 34120

28-44-26-06-00058.0060
DK INVESTMENT PROPERTIES INC
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NAPLES, FL 34120

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521 THIRD ST NW
NAPLES, FL 34120

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DK INVESTMENT PROPERTIES INC
521 THIRD ST NW
NAPLES, FL 34120

28-44-26-06-00058.0100
DK INVESTMENT PROPERTIES INC
521 THIRD ST NW
NAPLES, FL 34120

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28-44-26-06-00059.0010
ESQUIRE INTERNATIONAL PROP INC
PO BOX 611174
NORTH MIAMI, FL 33261

28-44-26-06-00059.0020
WHITLOCK GREGORY A
4407 4TH ST W
LEHIGH ACRES, FL 33971

28-44-26-06-00059.0030
PARRACK WILLIAM E + BARBARA
4405 W 4TH ST
LEHIGH ACRES, FL 33971

28-44-26-06-00059.0050
UCHYTIL-HEINEN PAT J
3409 TALLY HO LN
MADISON, WI 53705

28-44-26-07-00068.0260
KASHSHIAN A + NORA
5427 ELM DR
LEWISTON, NY 14092

28-44-26-07-00068.0270
HERNANDEZ ISMAEL + LUZ N
4324 6TH ST W
LEHIGH ACRES, FL 33971

28-44-26-07-00068.0280
LEHIGH INVESTMENT GROUP LLC
20900 NE 30TH AVE 8TH FL
AVENTURA, FL 33180

28-44-26-07-00069.0010
GARTNER JOHN M +
4326 5TH ST W
LEHIGH ACRES, FL 33971

28-44-26-07-00069.0020
RIGGS HAROLD W
4325 6TH ST W
LEHIGH ACRES, FL 33971

28-44-26-07-00069.0030
CHAVEZ PABLO + ISMARA
4323 6TH ST W
LEHIGH ACRES, FL 33971

28-44-26-07-00069.0040
VICKERS W J + WILMA P
303 BUFFALO CREEK RD
KENOVA, WV 25530

28-44-26-07-00069.0240
LAWRENCE RICHARD + JOAN
JOAN MOLZON
2413 BEECH ST
MANASQUAN, NJ 08736

28-44-26-07-00069.0250
AUGUSTIN ANGELET + ARNOLD
4320 5TH ST W
LEHIGH ACRES, FL 33971

28-44-26-07-00069.0260
BULLOCK INELDA +
1410 SEMINOLE PALMS DR
GREEN ACRES
LAKE WORTH, FL 33463

28-44-26-07-00069.0270
GARTNER JOHN M
4326 5TH ST W
LEHIGH ACRES, FL 33971

28-44-26-07-00069.0280
GARTNER JOHN M
628 GRASSY KNOB RD
RUTHERFORDTON, NC 28139

28-44-26-07-00070.0010
D SAM ENTERPRISES LLC
1831 HURRICANE HARBOR
NAPLES, FL 34102

28-44-26-08-00071.0010
7-ELEVEN INC
TAX DEPT 32291
PO BOX 711
DALLAS, TX 75221

28-44-26-08-00071.0030
WONG NYET Y + KIM K
305 GREENWOOD AV
LEHIGH ACRES, FL 33936

28-44-26-08-00071.0040
ERRICO THOMAS
25 HOMESTEAD RD N STE 42
LEHIGH ACRES, FL 33936

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15643 CARRIEDALE LN
FORT MYERS FL 33912

CORNELIUS P O'SULLIVAN
15643 CARRIEDALE LANE
FORT MYERS FL 33912

MICHAEL E ROEDER
KNOTT, CONSOER, EBELINI, HART
1625 HENDRY STREET
#301
FORT MYERS FL 33901

MRS. NETTI RICHARDSON

28-44-26-08-00072.0010
MERTILUS SALANGE
4325 4TH ST W
LEHIGH ACRES, FL 33971

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Page 4 of 4

Robert Anderson
Lehigh Acres Watchdog Inc.
PO Box 1778
Lehigh Acres, FL 33970

Lehigh Acres Community Planning Assoc.
536 Whispering Wind Bend
Lehigh Acres, FL 33936

Charlie DiFelice
Lehigh Acres Community Planning Assoc.
702 Willow Drive
Lehigh Acres, FL 33936

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ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

FROM: Nettie M Richardson DATE: 06/25/2010

TO: Distribution
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: O'SULLIVAN CPD CASE #: DCI2010-00013

INFORMATION SUMMARY:

NEW SUBMITTAL

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

RESPONSE REQUIRED BY: 07/09/2010

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: Jamie Princing Date: 06/30/2010

Reset Form | Print Form

LEE COUNTY
SOUTHWEST FLORIDA

APPLICATION FOR PUBLIC HEARING FOR ZONING ACTION UNINCORPORATED AREAS ONLY

Applicant's Name: Cornelius P. O'Sullivan, Trustee

Project Name: O'SULLIVAN CPD

STRAP Number(s): 28-44-26-05-00055.0010; 28-44-26-05-00055.0020; 28-44-26-05-00055.0030

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TYPE OF APPLICATION

_____ Special Exception **(attach Supplement A)**
_____ Variance **(attach Supplement B)**
_____ Conventional Zoning **(attach Supplement C)**
X 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 2010-00013 Commission District: 5
Current Zoning: RS1 Fee Amount: $5,000
Land Use Classification: Central urban Intake by: DLL
Planning Community: Lehigh Acres

****

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

DCI 2010-00013

PART 1
APPLICANT\AGENT INFORMATION

A. **Name of applicant:** CORNELIUS P. O'SULLIVAN, Trustee

Address: Street : 15643 Carriedale Lane

City, State, Zip: Fort Myers, FL 33912

Phone Number: 239-561-6697 Fax: _____

E-mail address: _____

B. **Relationship of Applicant to owner (check one):**

__X__ 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: KNOTT, CONSOER, EBELINI, HART & SWETT, P.A.

Contact Person: Michael E. Roeder, AICP

Address: Street : 1625 Hendry street

City, State, Zip: Fort Myers, FL 33901

Phone Number: 239-334-2722 Fax: 239-334-1446

E-mail address: mroeder@knott-law.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.]

PART 2
PROPERTY OWNERSHIP

A. Property Ownership: Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]

A.1. Name: _____

Mailing Address: Street: _____

City, State, Zip: _____

Phone Number: _____ Fax Number: _____

E-mail: _____

B. Property Ownership: Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].

B.1. X Disclosure of (Ownership) Interests Form is attached as **Exhibit PH-2.B.1.** [34-201(b)2]

C. Multiple parcels

C.1. _____ Property owners list is attached as **Exhibit PH-2.C.1.** [34-202(a)(5)]

C.2. _____ Property owners map is attached as **Exhibit PH-2.C.2.** [34-202(a)(5)]

D. Date property was acquired by present owner(s): 2/29/2008 (recorded 4/24/2008)

PART 3
PROPERTY INFORMATION

A. STRAP Number(s): 28-44-26-05-00055.0030 (405 Gunnery)

28-44-26-05-00055.0020 (407 Gunnery)

28-44-26-05-00055.0010 (409 Gunnery)

B. Street Address of Property: 405, 407 and 409 Gunnery Road North, Lehigh Acres, FL 33971

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)]

_____ 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)]

E. Planning Community: Lehigh Acres

F. General Location of Property:

F.1. X 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 [34-373(a)(4)b.]}

F.2. Directions to property:

From Downtown Ft. Myers: Take Martin Luther King Jr. Blvd. east for 6.5 miles. Turn left onto Lee Blvd. and continue for approximately 3.5 miles to Gunnery Road North and turn left. Subject property is on the left at corner of Lee Blvd. & Gunnery Rd. N.

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: RS-1

H.1. NA Copies of all Zoning Resolutions and Zoning Approvals applicable to the subject property are 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:

Vacant Residential

I.2. NA 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)]

I.3. NA 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)]

J. Land Use Classification:

Central Urban	.82	Acres	100 % of total
		Acres	% of total
		Acres	% of total
		Acres	% of total

K. Flood Hazard (write NA if not applicable) [34-202(a)(8)]

NA The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.

NA The minimum elevation required for the first habitable floor is _____ NGVD (MSL)

L. Deed Restrictions [34-202(b)(2)]

L.1. NA There are no deed restrictions or other covenants on this property that affect this request. [34-202(b)(2)]

L.2. NA Deed restrictions\ covenants that may affect this request are attached as **Exhibit PH-3.L .2.** [34-202(b)(2)]

L.3. NA 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): 130 Feet
2. Depth (average if irregular parcel): 272 Feet
3. Total area: .82 Acres or square feet
4. Frontage on road or street: 272 Feet on Gunnery Rd N ~~Street~~

   2nd Frontage on road or street: 130 Feet on Lee Blvd ~~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 RS-1 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**

B. **Blasting:**

NA No blasting will be used in the excavation of lakes or other site elements.

NA 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)

NA Bonus density will be used. Attached is 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)

NA 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)

NA 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)

NA Property is subject to Airport Hazard District regulations. Attached is **Exhibit PH-4.F** [34-1001 et seq]

NA A tall structures permit will be required.

X Property is located within Airport Noise Zone: Zone 2 (Ordinance 89-31)

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]

NA **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
34-373(a)(4)(e)	Maps (Soils/FLUCCS/Habitat/Topographic/Historic Flowways)
34-373(a)(4)f	FLUCCS Map
34-373(a)(4)h	Historical/Archaelogical Map

I. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property? __X__YES. _____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]

PART 6
SUBMITTAL REQUIREMENTS

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. TO BE SUBMITTED FOR EACH OF THE FOLLOWING EXHIBITS IS AS FOLLOWS:

Number of Copies*			Exhibit Number	SUBMITTAL ITEMS
Var. or Spe. Exc.	Conv. Rez.	PDs		
1	3	15X		Completed application for Public Hearing [34-201(b)]
1	1	1X		Filing Fee - [34-202(a)(9)]

Var. or Spe. Exc.	Conv. Rez.	PDs	SUP	SUPPLEMENTAL FORMS (select applicable request/form)
1	0	0	SUP A	Special Exception request
1	0	0	SUP B	Variance request
0	3	0	SUP C	Conventional Rezoning request
0	0	15X	SUP D	Planned Development Rezoning request
0	0	15	SUP D	Planned Development Amendment request
0	0	15	SUP D	PRFPD in in Overlay Area Rezoning request
0	0	8	SUP E	Master Concept Plan Extension request
0	0	8	SUP F	Master Concept Plan Reinstatement request
0	0	15	SUP G	Limited Amendment to Special Exception or Planned Development

Var. or Spe. Exc.	Conv. Rez.	PDs	Exhibit Number	SUBMITTAL ITEMS
1	3	3X	PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1	3	1	PH-1.B.3	BOCC authorization (if applicable)
1	3	15	PH-1.C.2	Additional Agents [34-202(b)(1)c.]
1	3	3X	PH-2.B.1	Disclosure of Interest Form [34-201(b)(2)a]
1	3	3	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	3	3	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
1	3	15	PH-3.A.1	List of STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
2	2	5X	PH-3.C.1	Legal Description **(2 originals required)** [34-202(a)(1)]
2	2	5	PH-3.C.2	Sealed Sketch of the Legal Description **(2 originals required)** [34-202(a)(1)]
1	3	5X	PH-3.D.1	Boundary Survey (tied to State Plane Coordinate System) **(2 originals required)** [34-202(a)(2)] {NOTE: This is a required submittal for all Planned Development Applications (see Supplement D)} [34-373(a)(4)a.]}
1	3	N/A	PH-3.D.2	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	3	0	PH-3.F	Area Location Map on 8" by 11" size paper pursuant to LCLDC Section 34-202(a)(4).(Non Planned Developments) [34-202(a)(4)]
0	0	15X	PH-3.F	Area Location Map for Planned Developments - see Supplement D [34-373(a)(4)b.]
1	1	3X	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	1	3X	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	2	2X	PH-3.G.3	Mailing labels [34-202(a)(6)]
1	1	3	PH-3.H.1	Zoning Resolutions and Zoning Approvals [34-202(a)8)]

Number of Copies*			Exhibit Number	SUBMITTAL ITEMS
Var. or Spe. Exc.	Conv. Rez.	PDs		
1	3	3	PH-3.I.2.	Structure Affidavit (if applicable) [34-202(b)(3)]
1	3	3	PH-3.I.3.	Affidavit entitled "Existing Agricultural Uses at Time of Zoning Application" (if applicable) [34-202(b)(7)]
1	3	3	PH-3.L.2	Deed Restrictions\Covenants (if applicable) [34-202(b)(2)]
1	3	3	PH-3.L.3	Narrative addressing effect of Deed Restrictions (if applicable) [34-202(b)(2)]
1	3	15	PH-4.B	Information Regarding Proposed Blasting (if applicable). [34-202(b)(6)]
0	0	4	PH-4.C	Bonus Density Application (if applicable) [34-202(b)(5)]
1	3	4	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	3	4	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	3	4	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
1	3	4	PH-4.G.1	Summary of Public Informational Session for Planned Development Applications, Special Exceptions and Variance Requests and Conventional Rezoning Actions located within Estero Planning Community (if applicable) [33-54; Lee Plan Policy 19.5.3]
1	3	4	PH-4.G.2	Summary of Public Informational Session for Rezoning Actions, Special Exception and Variance Applications located within Captiva Planning Community and/or North Captiva Community Plan area (if applicable) [Lee Plan Policy 13.1.7 & 25.1.1)]
1	3	0	PH-4.G.3	Summary of Public Informational Session for Rezoning Actions, Special Exception and Variance Applications located within Boca Grande Planning Community (if applicable) [Lee Plan Policy 22.1.5]
0	0	4	PH-4.G.4	Summary of Public Informational Session for Planned Development Applications located within Caloosahatchee Shores Community Plan area (if applicable) [Lee Plan Policy 21.6.3]
0	0	4	PH-4.G.5	Summary of Public Informational Session for Planned Development Applications located within Page Park Community Plan area (if applicable) [Lee Plan Policy 27.11.2]
0	0	4	PH-4.G.6	Summary of Public Informational Session for Planned Development Applications located within Palm Beach Boulevard Community Plan area (if applicable) [Lee Plan Policy 23.5.2]
0	0	4	PH-4.G.7	Summary of Public Informational Session for Planned Development Applications, Special Exceptions and Variance Requests and Conventional Rezoning Actions located within or adjacent to the Buckingham Planning Community or with access to Buckingham Road (if applicable) [Lee Plan Policy 17.7.2]
0	0	4	PH-4.G.8	Summary of Public Informational Session for Planned Development Applications, Special Exceptions and Variance Requests and Conventional Rezoning Actions located within Pine Island Planning Community(if applicable) [Lee Plan Policy 14.7.1]
0	0	4	PH-4.G.9	Summary of Public Informational Session for Planned Development Applications, Special Exceptions and Variance Requests and Conventional Rezoning Actions located within Lehigh Acres Planning Community(if applicable) [Lee Plan Policy 32.12.2]
1	3	15X	PH-4.H	Approved Waivers.(if applicable) [34-202(a)]
0	0	4	PH-4.I	Potable Water & Sanitary Sewer. If the answer to Item 4.I was YES, provide a letter from the appropriate utility entity confirming availability of service. If the answer to Item 4.I was NO, an explanation must be attached providing the reason(s) why connection to potable water and sanitary sewer system is not proposed as part of any development of the parcel subject to the request along with an explanation as to the means proposed to meet the water and sewer needs for the project. [34-202(b)(8)]

*** At least one copy must be an original.**

RECEIVED
JUN 25 2010
COMMUNITY DEVELOPMENT

PART 1 AFFIDAVIT A2
(EXHIBIT PH-1.B.2)

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, * CORNELIUS P. O'SULLIVAN as TRUSTEE
of Cornelius P. O'Sullivan Living Trust dated 2/25/08, 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 am hereby authorizing 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.

Cornelius P. O'Sullivan Living Trust dated 2/25/08
*Name of Entity (corporation, partnership, LLP, LC, etc)

Cornelius P. O'Sullivan
Signature

CORNELIUS P. O'SULLIVAN
(Type or printed name)

TRUSTEE
(title of signatory)

STATE OF New Jersey
COUNTY OF Cape May

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 6-21-2010 (date) by Cornelius P. O'Sullivan (name of person providing oath or affirmation), who is personally known to me or who has produced FLORIDA DRIVER'S LICENSE (type of identification) as identification.

Barbara Wahl
Signature of person taking oath or affirmation

BARBARA WAHL
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES NOV. 17, 2014
Name

Assistant Branch Manager
Title or rank

Serial number, if any

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then the they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

DCI 2010-00013

RECEIVED
JUN 25 2010
COMMUNITY DEVELOPMENT

PART 1 AFFIDAVIT A2
(EXHIBIT PH-1.B.2)

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, * ESTELLE O'SULLIVAN as TRUSTEE

of Cornelius P. O'Sullivan Living Trust dated 2/25/08, 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 am hereby authorizing 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.

Cornelius P. O'Sullivan Living Trust dated 2/25/08
*Name of Entity (corporation, partnership, LLP, LC, etc)

Estelle O'Sullivan
Signature

ESTELLE O'SULLIVAN
(Type or printed name)

TRUSTEE
(title of signatory)

STATE OF New Jersey
COUNTY OF Cape May

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 4-21-2010 (date) by Estelle O'Sullivan (name of person providing oath or affirmation), who is personally known to me or who has produced FLORIDA DRIVER LICENSE (type of identification) as identification.

Barbara Wahl
Signature of person taking oath or affirmation

BARBARA WAHL
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES NOV. 13, 2014
Name typed, printed or stamped

Assistant Branch Manager
Title or rank

Serial number, if any

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then the they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

DCI 2010-00013

EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 28-44-26-05-00055.0010; .0020 & .0030 **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
Cornelius P. O'Sullivan and Estelle O'Sullivan, Trustees of Cornelius P. O'Sullivan Living Trust dated 2/25/08	100%

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

DCI 2010-00013

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JUN 25 2010
COMMUNITY DEVELOPMENT

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	Percentage of Stock

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: Cornelius P. O'Sullivan
(Applicant)

Cornelius P. O'Sullivan, Trustee
(Printed or typed name of applicant)

STATE OF ~~FLORIDA~~ New Jersey
COUNTY OF ~~LEE~~ Cape May

The foregoing instrument was acknowledged before me this 6-21-2010 (date) by Cornelius P. O'Sullivan who is personally known to me or who has produced FLORIDA DRIVER LICENSE as identification. .

Barbara Wahl
Signature of Notary Public

(SEAL) BARBARA WAHL NOTARY PUBLIC OF NEW JERSEY MY COMMISSION EXPIRES NOV. 17, 2014

Barbara Wahl
Printed Name of Notary Public

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JUN 25 2010
COMMUNITY DEVELOPMENT
DCI 2010-00013

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	Percentage of Stock

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: Estelle O'Sullivan
(Applicant)

RECEIVED
JUN 25 2010
COMMUNITY DEVELOPMENT

ESTELLE, Trustee
(Printed or typed name of applicant)

DCI 2010-00013

STATE OF ~~FLORIDA~~ New Jersey
COUNTY OF ~~LEE~~ Cape May

The foregoing instrument was acknowledged before me this 6-21-2010 (date) by Estelle O'Sullivan who is personally known to me or who has produced FLORIDA DRIVER LICENSE as identification. .

Barbara Wahl
Signature of Notary Public

(SEAL) BARBARA WAHL NOTARY PUBLIC OF NEW JERSEY MY COMMISSION EXPIRES NOV. 17, 2014

Barbara Wahl
Printed Name of Notary Public

LEE COUNTY
SOUTHWEST FLORIDA

RECEIVED
JUN 25 2010
COMMUNITY DEVELOPMENT

PUBLIC HEARING SUPPLEMENT D

ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

Case Number: DCI 2010-00013

Project Name: O'SULLIVAN CPD

Applicant's Name: Cornelius P. O'Sullivan, Trustee

STRAP Number(s): 28-44-26-05-00055.0010; 28-44-26-05-00055.0020; 28-44-26-05-00055.0030

Brief Summary of Project:

A request to rezone three platted lots to CPD to permit a variety of small scale commercial activities. Three alternative site plans are being submitted.

Select one application type only

_____ DRI (rezoning required)
_____ DCI-Major
X 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)]

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) Rezonings 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) Rezonings 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

A. Comprehensive Plan Amendments (check one):

X 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):

X 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.

X 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

X 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	_____	Proposed dwelling units

PART 2
TYPES OF LAND AREA ON PROPERTY

A. Gross Acres (total area within described parcel) .82 **Acres**

1. Submerged land subject to tidal influence: _____ Acres
2. Other non-freshwater Wetlands: _____ Acres
3. R-O-W providing access to non-residential uses: .82 Acres
4. Non-residential use areas (1) .82 Acres

B. Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4. .82 **Acres**

C. Gross residential acres. (A minus B) (2) -0- **Acres**

D. Gross residential acres by Land Use Category

1.	a.	Intensive development - upland	_____ Acres
	b.	Intensive development - freshwater wetland	_____ Acres
2.	a.	Central Urban - upland	_____ Acres
	b.	Central Urban - freshwater wetland	_____ Acres
3.	a.	Urban Community or Suburban - upland	_____ Acres
	b.	Urban Community or Suburban freshwater wetland	_____ Acres
4.	a.	Outlying Suburban - upland	_____ Acres
	b.	Outlying Suburban - freshwater wetland	_____ Acres
5.	a.	Rural, Outer Island, Rural Community Preserve - upland	_____ Acres
	b.	Rural, Outer Island, Rural Community Preserve -	_____ Acres
6.	a.	Open Lands - upland	_____ Acres
	b.	Open Lands - freshwater wetland	_____ Acres
7.	a.	DR/GR - upland	_____ Acres
	b.	DR/GR - freshwater wetland	_____ Acres
8.	a.	Wetlands - freshwater	_____ Acres
	b.	Wetlands - not freshwater	_____ Acres
9.	a.	New Community - Upland	_____ Acres
	b.	New Community - freshwater wetland	_____ Acres
10.	a.	University Community - upland	_____ Acres
	b.	University Community - freshwater wetland	_____ Acres
11.	a.	Coastal Rural-Upland	_____ Acres
	b.	Coastal Rural-freshwater wetland	_____ Acres

TOTAL (should equal "C" above) _____ 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.

PART 3
RESIDENTIAL DEVELOPMENTS
PRELIMINARY DENSITY CALCULATIONS*

* 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.

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.)	_____	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 (D.1.c. or D.2.a., whichever is less)**			_____

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

		Habitable Stories	Height	Total Floor Area
A.	**Commercial**			
A.1.	Medical			Sq. Ft.
A.2.	General Office			3,750 Sq. Ft.
A.3.	Retail			3,750 Sq. Ft.
A.4.	Other			Sq. Ft.
A.5.	**TOTAL FLOOR AREA**			Sq. Ft.

		Habitable Stories	Height	Total Floor Area
B.	**Industrial**			
B.1.	Under Roof			Sq. Ft.
B.2.	Not under Roof	NA		Sq. Ft.
B.3.	**TOTAL FLOOR AREA**			Sq. Ft.

			Depth	Total Acres
C.	**Mining**			
C1.	Area to be excavated	NA		Acres

		Habitable Stories	Height	Total Number of Beds/Units
D.	**Assisted Living Facilities**			
D.1.	Dependent Living Units			Beds/Units
D.2.	Independent Living Units			Beds/Units
D.3.	**TOTAL BEDS/UNITS**			Beds/Units

	Room Size	Habitable Stories	Height	Number of Rental Units
E.	**Hotels/Motels**			
E.1.	< 425 sq. ft.			Units
E.2.	426-725 sq. ft.			Units
E.3.	725 < sq. ft.			Units
E.4.	**TOTAL UNITS**			Units

PART 5
ENVIRONMENTAL ISSUES

A. **Topography:** Describe the range of surface elevations of the property:

NA

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].

NA

continued

C. **Preservation/Conserva of Natural Features**: Describe how the ds listed in PART 4.B. above will be protected by the completed project:

NA

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

NA

PART 6
SANITARY SEWER & POTABLE WATER FACILITIES

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:

NA

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:

NA

2. Quality of the effluent:

NA

3. Expected life of the facility:

NA

4. Who will operate and maintain the internal collection and treatment facilities:

NA

5. Receiving bodies or other means of effluent disposal:

NA

continued

C. **Spray Irrigation:** If spra igation will be used, specify:

1. The location and approximate area of the spray fields:

NA

2. Current water table conditions:

NA

3. Proposed rate of application:

NA

4. Back-up system capacity:

NA

PART 7 - SUBMITTAL REQUIREMENTS

Copies* Required	Exhibits	Item
		PUBLIC HEARING APPLICATION FORM
15✔		**Public Hearing Application Form (Application for Public Hearing for Zoning Action Form, OR, if a DRI with Rezoning, submit Application for Public Hearing for a DRI Form). [34-373(a)(1)]**
1 ✔		**Application Fee. [34-373(a)(2)]**
		DESCRIPTION OF EXISTING CONDITIONS
4Waived	D-1-B	**Historical or Archaeological sites:** The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. **[34-373(a)(4)h.]**
15✔	D-1-C	**Public Transit.** A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. **[34-373(a)(4)g.]**
5✔	D-7-A	**A Boundary Survey**, prepared and sealed by a professional surveyor, that meets the minimum technical standards set forth in chapter 61G-17-6, F.A.C. The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection.**(2 originals required) [34-373(a)(4)a.]**
15✔	D-7-B	**Area Location Map** (on 8.5" x 11" paper). A map marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. **[34-373(a)(4)b.]**
15✔	D-7-C	**Existing Zoning and Current Land Uses**. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. **[34-373(a)(4)c.]**
15✔	D-7-D	**Aerial Photograph** with the site clearly delineated. **[34-373(a)(4)d.] Originals only - photocopies are not acceptable.**
4Waived	D-7-E	**Soils Map.** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. **[34-373(a)(4)e.i.]**
4Waived	D-7-F	**FLUCCS Map.** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. **[34-373(a)(4)e.ii.]**
4Waived	D-7-G	**Rare & Unique Upland Habitat Map.** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. **[34-373(a)(4)e.iii.]**
4Waived	D-7-H	**Topographic Map.** A County topographic map (if available) or a USGS quadrangle map showing the subject property. **[34-373(a)(4)e.iv.]**
4Waived	D-7-I	**Existing and Historic Flow-Ways Map**. Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. **[34-373(a)(4)e.v.]**

Copies* Required	Exhibits	Item
		NARRATIVE COMPLIANCE STATEMENTS
15✔	D-7-J	**LEE Plan Compliance.** A narrative explanation as to how the proposed development complies with the LEE Plan. **[34-373(a)(5)]**
3✔	D-7-K	**Design Standards Compliance.** A narrative explanation as to how the proposed development complies with the Design Standards set forth in LCLDC Section 34-411. **[34-373(a)(5)]**
3✔	D-7-L	**Decision-Making Compliance.** A narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in LCLDC Sections 34-145(c)(2)a & e. and 34-145(d)(3). **[34-373(a)(5)]**
		MASTER CONCEPT PLAN
2 & 15 ✔	D-7-M.1 (24X 36) & D-7-M.2 (11X17)	**Master Concept Plan, Non-PRFPD** . A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a - i. Copies of the Master Concept Plan must be provided in two sizes, 24" x 36" (2 copies), and 11" x 17" (15 copies - **2 originals required**) in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the required information. {See Instructions, Part 7, below.} **[34-373(a)(6)]**
2 & 15	D-7-N.1 (24X36) & D-7.N.2 (11X17)	**Master Concept Plan, PRFPD :** A clearly legible and properly scaled drawing (Master Concept Plan) showing and identifying the information required by LCLDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24" x 36" (2 copies), and 11" x 17" (15 copies - **2 originals required**) in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the required information. {See Instructions, Part 7, below.} **[34-941(g)]**
5✔	D-7-O	**Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. **[34-373(a)(7)]** TIS is not required for an existing development. **[34-341(b)(2)d.1.]**
15✔	D-7-P	**Schedule of Uses.** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**
15✔	D-7-Q	**Schedule of Deviations and Written Justification.** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan. The location of each requested deviation must be located/shown on the Master Concept Plan. Deviation documentation and detail drawings including sample detail drawings must be provided illustrating how each deviation will operate to the benefit, or at least not to the detriment, of the public interest. **[34-373(a)(9); 34-412(a)]**
		ADDITIONAL REQUIREMENTS FOR MAJOR PDs
4	D-7-R	**Surface Water Management Plan** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1)a. - e. **[34-373(b)(1)]**
15	D-7-S	**Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
		ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS
4	D-7-T	**Protected species survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**
		ADDITIONAL REQUIREMENTS FOR AMENDMENTS TO BUILT PLANNED DEVELOPMENTS
4	D-7-U	**Proof of Notice to Other Property Owners.** The consent of the owners of the remainder of the original planned development is not required, but 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. **[34-373(c)]**

Copies* Required	Exhibits	Item
		ADDITIONAL REQUIREMENTS FOR DRIs
15	D-7-V	**Binding letter of interpretation from DCA or a complete and sufficient ADA (See also Application for Public Hearing for DRI Form) [34-373(d)(2)]**
		ADDITIONAL EXHIBITS - PRFPDs
4	D-7-W	**Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1)]**
15	D-7-X	**Well Drawdown Information**. If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
15	D-7-Y	**Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**
15	D-7-Z	**Environmental Assessment**. An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**
15+	D-7-AA	**Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**

*** At least one copy must be an original.**

EXHIBIT PH-3.C.1.

LEGAL DESCRIPTION

Address & Strap #	409 Gunnery Road, Lehigh Acres, FL 33971	28-44-26-05-00055.0010
	407 Gunnery Road, Lehigh Acres, FL 33971	28-44-26-05-00055.0020
	405 Gunnery Road, Lehigh Acres, FL 33971	28-44-26-05-00055.0030

Legal

Lots 1, 2 and 3, Block 55 Unit 5, Lehigh Acres, Section 28, Township 44 South, Range 26 East, according to the plat thereof, as recorded in Plat Book, 15, Page 78, of the Public Records of Lee County, Florida, LESS that portion of Lot 3 deeded to Lee County in Warranty Deed recorded in Official Records Book 2845, Page 1965.

DCI 2010-00013

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JUN 25 2010

COMMUNITY DEVELOPMENT

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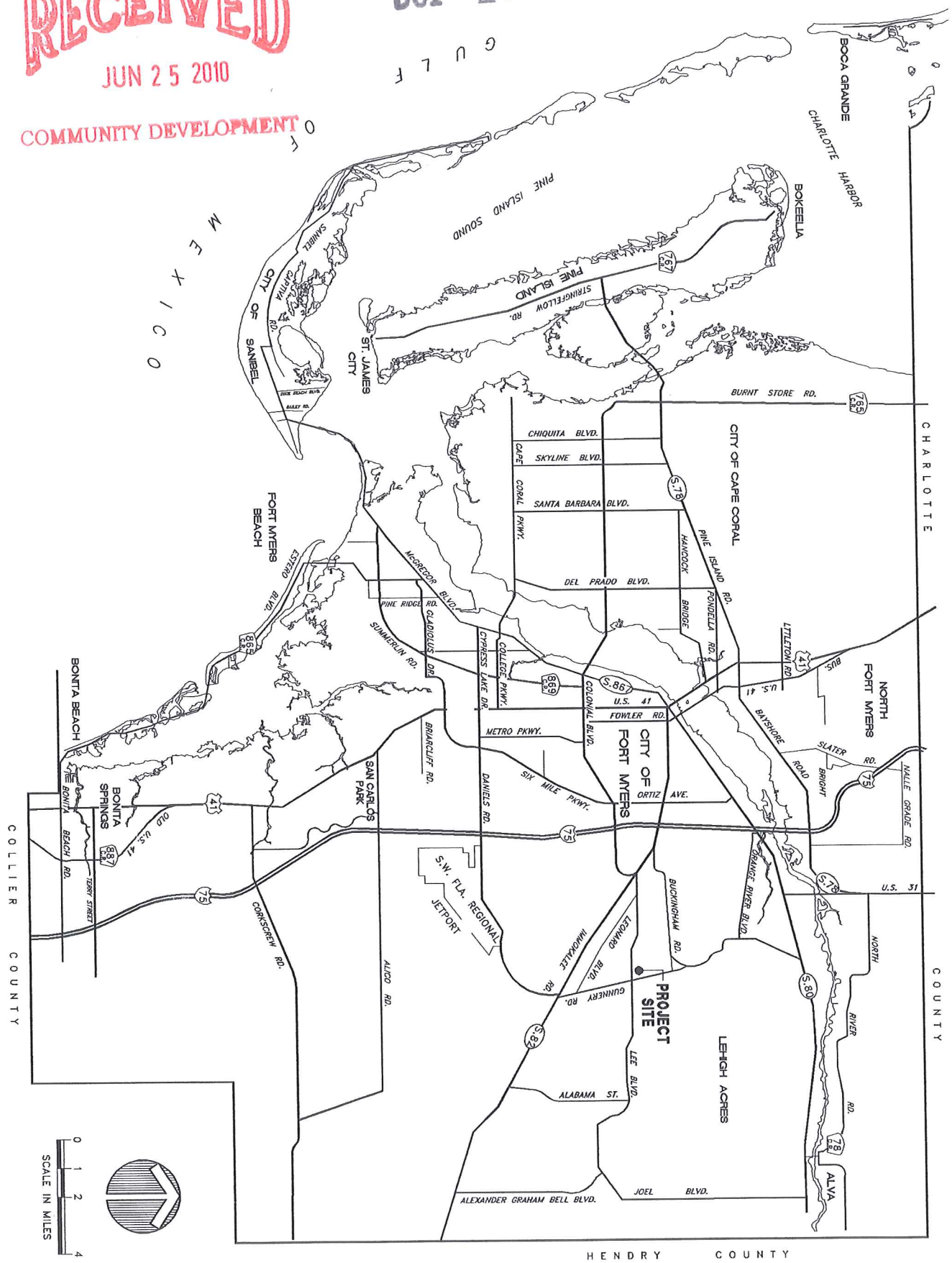
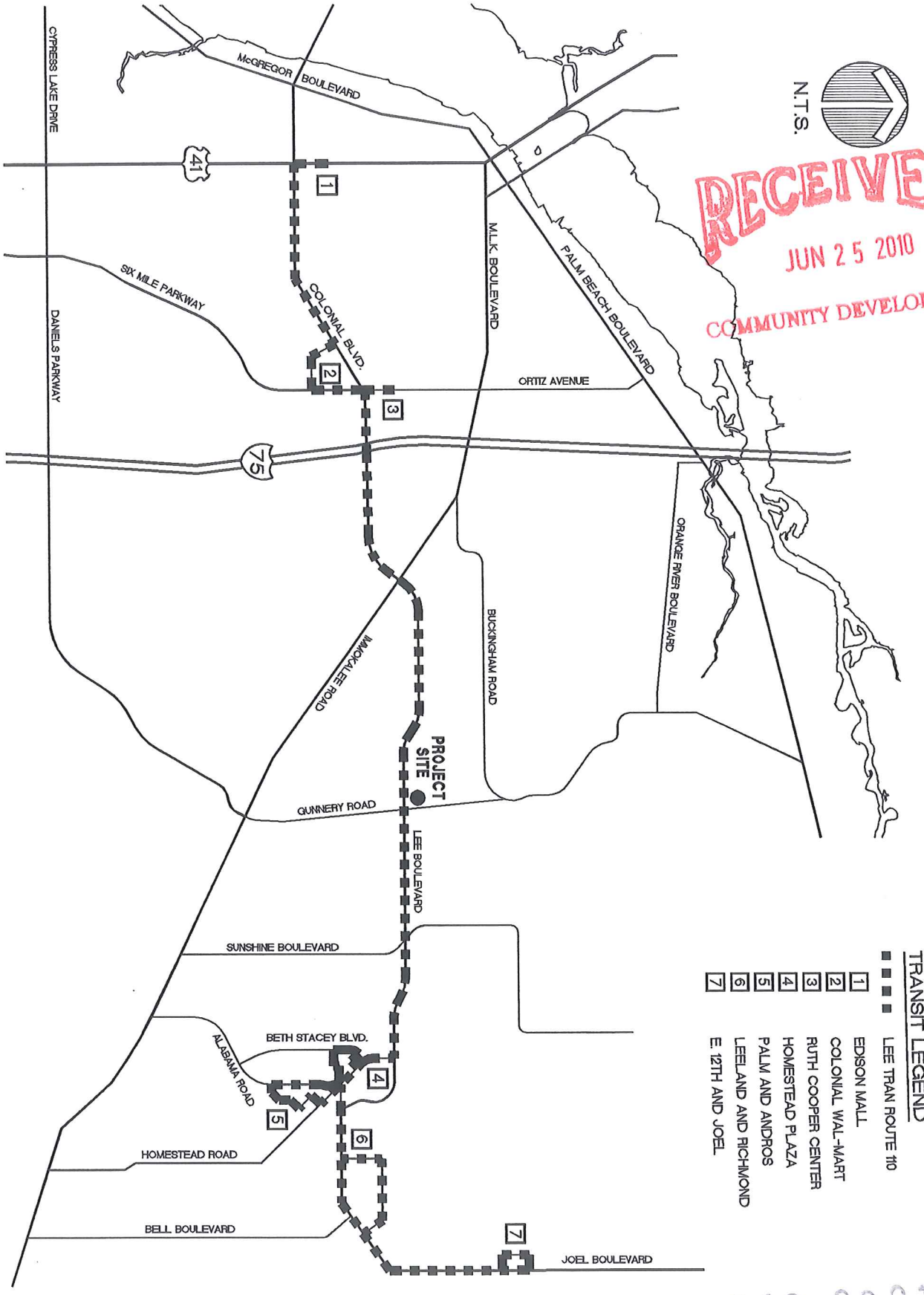
JUN 25 2010
COMMUNITY DEVELOPMENT

DCI 2010-00013



DWG. NO. 1002 FILE : 1002LM	AREA LOCATION MAP O'SULLIVAN CPD	SEC 28, TWP 44S, RGE 26E LEE COUNTY, FLORIDA	GARY F. MULLER, AICP 1462 ARGYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 939-0111	DATE 04/10 SCALE NOTED DESIGN GFM DRAWN GFM CHECK APPROVED	EXHIBIT D-7-B



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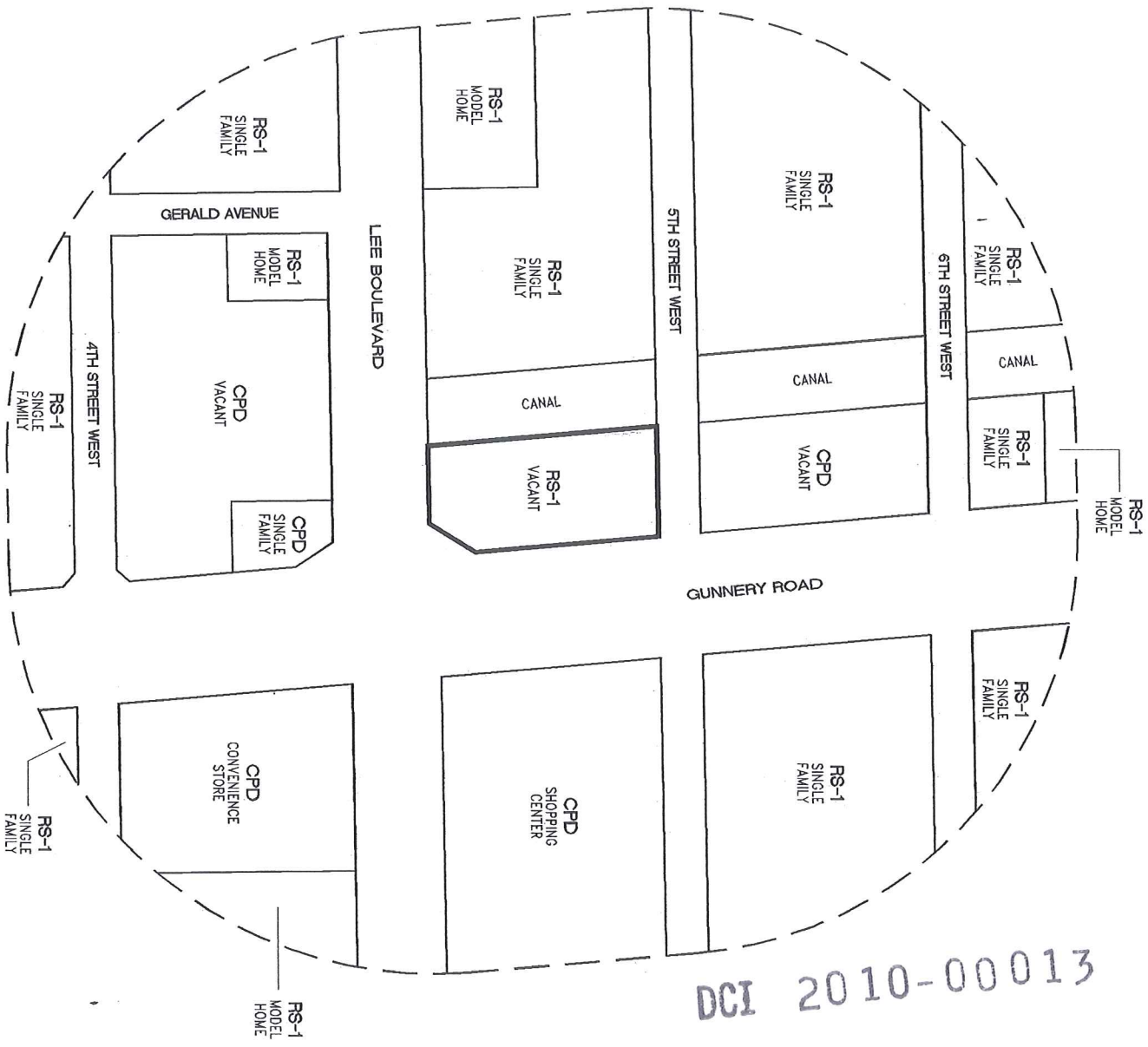
DCI 2010-00013

DWG. NO. 1002 FILE: 1002TPM	PUBLIC TRANSIT MAP O'SULLIVAN CPD	SEC 28, TWP 44S., RGE 26E. LEE COUNTY, FLORIDA	GARY F. MULLER, AICP 1462 ARGYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 939-0111	DATE 04/10 SCALE NOTED DESIGN GFM DRAWN GFM CHECK APPROVED	EXHIBIT D-1-C

1" = 200'



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DWG. NO. 1002 FILE: 1002LUM	EXISTING LAND USE MAP O'SULLIVAN CPD	SEC 23, TWP 43S, RGE 26E. LEE COUNTY, FLORIDA	GARY F. MULLER, AICP 1462 ARGYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 939-0111	DATE 04/10 SCALE NOTED DESGN GFM DRAWN GFM CHECK APPROVED	EXHIBIT D-7-C

EXHIBIT D-7-K

DESIGN STANDARDS NARRATIVE

The standards in subsections (k), (l), (m), (n), and (p) of LDC section 34-411 do not apply to this small commercial rezoning. The applicant responds to the remaining standards as follows:

1. (a): The requested rezoning is consistent with the Lee Plan, as noted in the Lee Plan Narrative.

2. (b): The rezoning complies with all of the requirements in the LDC. Only one deviation is being requested, and it is necessary to create an interconnection with the approved CPD to the north.

3. (c): The parcel does not abut any residential uses and will accommodate the proposed project with only the one deviation described above.

4. (d): The project will have access to 5th Street. It also abuts Lee Boulevard and Gunnery Road, both of which currently operate at LOS B. The project will not generate industrial traffic.

5. (e): The project can be accessed by Lee Tran.

6. (f): The project does not abut any residential uses and will not create any hazards or nuisances to the neighborhood.

7. (g): There are no significant natural features existing on the site.

8. (h): The project will comply with the open space requirements in the LDC.

9. (i): The project abuts a drainage feature on one side and roads on the other three sides. It will not have any negative impacts on the surrounding uses.

10. (j): The project's access has been designed to create an interconnection with the approved CPD to the north.

11. (o): The project will comply with the LDC parking requirements.

12. (q): Internal aesthetic consistency will be maintained throughout the project.

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EXHIBITS D-7-J & D-7-L

LEE PLAN NARRATIVE/JUSTIFICATION FOR REZONING

The requested rezoning from RS-1 to CPD is consistent with the Lee Plan in general, and the following objectives and policies in particular:

1. Policy 1.1.3: The proposed use and project intensity are consistent with the Central Urban FLUM category.

2. Objective 2.1: The development of property located at an arterial/arterial intersection that has been designated as a Neighborhood Mixed-Use Activity Center will promote a compact growth pattern.

3. Objective 2.2: Lee Boulevard operates at LOS B at this location. Gunnery Road also currently operates at LOS B. Public water and sewer are available at the site. The project will, therefore, be served by adequate public facilities.

4. Policy 5.1.5: The property does not directly abut any residentially-zoned parcels.

5. Policy 6.1.2: The property is located at the intersection of two arterials and consequently meets the commercial site location standard for a minor commercial center.

6. Standards 11.1 and 11.2: The project will be served by public water and sewer facilities, as noted above.

7. Policy 32.1.1: The subject property is located within a specialized mixed use node in which the County has pledged to incentivize development.

8. Policy 32.1.10: The property is located in Tier 1.

9. Policy 32.2.2: The applicant is requesting a planned development, as required by the policy. The proposed schedule of uses includes both office and retail uses.

10. Policy 32.2.3: The applicant is requesting the most intense level of development that will fit on the site, given open space requirements and parking constraints.

11. Policy 32.2.7: The project's access point has been aligned to match up with the CPD to the north, thus promoting a connection to the only possible development adjacent to the site.

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12. Objective 32.5: The schedule of uses includes retail, office, and medical uses.

13. Policy 32.5.1: The scale of the project will promote uses oriented to serve the neighborhood.

14. Policy 32.5.3: The project will utilize the existing street network.

15. Policy 32.9.1: The project's only access will be on Fifth Street.

16. Policy 32.10.1: The project will be served by public water and sewer facilities.

In compliance with LDC sections 34-373 and 34-145, the applicant further states the following:

1. The request is consistent with the Lee Plan, as noted above.

2. The request complies with all LDC requirements except the standard for intersection spacing. A deviation from this section is necessary to promote an interconnection with the property to the north, as mandated by the Lee Plan.

3. The project will be served by adequate public facilities, as noted above.

4. The project is compatible with the neighborhood, as it does not directly abut any residential uses.

5. There are no environmentally sensitive areas on the site.

N

0 10 20 30 40 50 100
SCALE FEET

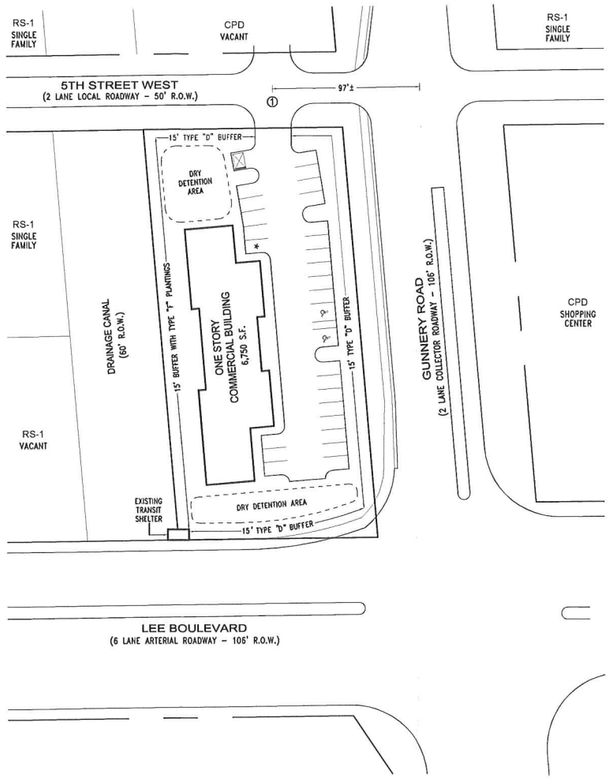
SITE DATA
TOTAL SITE AREA: 0.82 ACRES
COMMERCIAL BUILDING AREA: 6,750 S.F.
MAXIMUM BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 27 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.82 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.43 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.

LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: ⑪



ALTERNATIVE PLAN #1

N

0 10 20 30 40 50 100
SCALE FEET

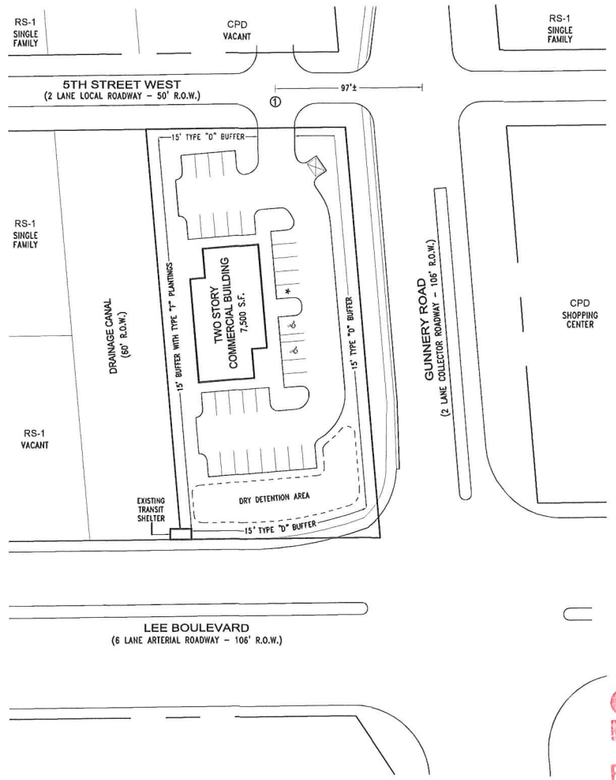
SITE DATA
TOTAL SITE AREA: 0.82 ACRES
COMMERCIAL BUILDING AREA: 7,500 S.F.
MAXIMUM BUILDING HEIGHT: 35 FEET
PARKING PROVIDED: 30 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.82 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.43 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.

LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: ⑪



ALTERNATIVE PLAN #2

N

0 10 20 30 40 50 100
SCALE FEET

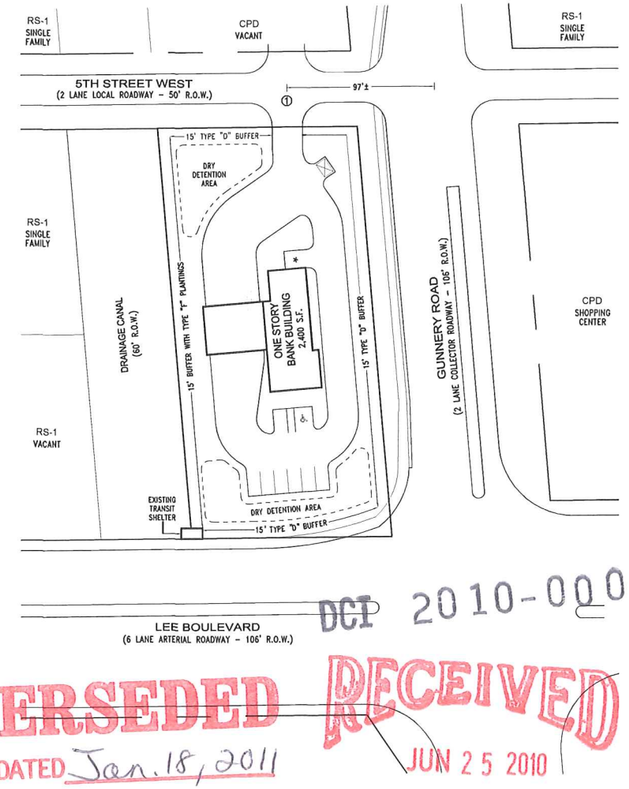
SITE DATA
TOTAL SITE AREA: 0.82 ACRES
COMMERCIAL BUILDING AREA: 2,400 S.F.
MAXIMUM BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 8 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.82 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.44 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.

LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: ⑪



DCI 2010-00013

SUPERSEDED BY PLAN DATED Jan. 18, 2011

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ALTERNATIVE PLAN #3

EXHIBIT D-7-M.2

FILE #	1002MCP
DATE	05/10
SCALE	NOTED
DESIGN	GFM
DRAWN	GFM
CHECK	GFM

GARY F. MULLER, AICP
gfm
1482 ARGYLE DRIVE • FT. MYERS, FLORIDA 33919 • (239) 939-0111

SEC 28, TWP 44S., RGE 26E.
LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN
O'SULLIVAN CPD

DWG. NO.
1002

jmb transportation engineering, inc.
traffic/transportation engineering & planning

TRAFFIC IMPACT STATEMENT

FOR

O'Sullivan CPD
(Northwest corner of Lee Boulevard @ Gunnery Road)

(Project No. 100414)
May 5, 2010

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Prepared By:

JMB TRANSPORTATION ENGINEERING, INC.
761 21ST Street NW
Naples, Florida 34120
239-919-2767

DCI 2010-00013

James M. Banks, P.E.
Reg. No. 43860

5-5-2010
Date

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CONCLUSIONS

Off-Site Road Impact Mitigation

Based upon the analyses conducted by this Report, it has been concluded that the O'Sullivan CPD will not have any negative impact upon the surrounding roadway infrastructure that warrant special mitigation. This conclusion is primarily based upon the finding that the project will not significantly degrade the operation of the surrounding road network and those roadways that provide direct access to the project will continue to operate at acceptable levels of service.

Site-Related Roadway Improvements

Turn Lane - Based upon the analyses conducted by this Report, it was concluded that turn lanes will not be warranted at the project's site access on 5th Street West. Turn lane warrants were determined based upon the standards set forth by the Lee County Turn Lane Policy AC 11-4.

Concurrency Review – Gunnery Road is classified as a two-lane arterial and Lee Boulevard is classified as a six-lane divided arterial. Both roadways have a performance standard of LOS E. As defined by the Lee County Concurrency Management Report, Gunnery Road and Lee Boulevard have a maximum service capacity of 950 & 3,140 vph during the 100th highest peak hour peak direction, respectively. As determined, Gunnery Road will have a 2015 project build-out traffic demand of 703 vph (i.e., *v/c* ratio of 0.74) and Lee Boulevard will have a demand of 2,297 (i.e., a *v/c* ratio of 0.73). As such, this project will be compliant with the Lee County Government's Concurrency Management Policy.

PURPOSE OF REPORT

The following Report has been prepared pursuant to the criteria set forth by the Traffic Impact Statement Guidelines as adopted by the Lee County Government for projects requesting zoning approval. This Report examines the potential transportation related impacts that may occur as a result of the completion of this project.

SCOPE OF PROJECT

The project (referred to as O'Sullivan CPD) is a proposed small-scale rezoning of a lot that is 0.82 acres in size, which is located on the northwest corner of Gunnery Road @ Lee Boulevard within Lehigh Acres. The zoning request is for the development of

approximately 7,800 square feet of commercial use or as an alternative a drive-thru bank. If developed as a bank, it would be 2,400 square feet in size with three drive thru lanes.

It is being proposed that ingress/egress for the site will be provided via one driveway connection on 5th Avenue West. Additional site development details are shown on the project's Master Concept Plan, which was prepared by Gary F. Muller, AICP.

PROJECT GENERATED TRAFFIC

In order to evaluate the project's greatest potential impact to the road system, the most intense land use was assumed by the Report. It was determined that a drive-thru bank would be the most intense land use for this site.

Traffic which can be expected to be generated the O'Sullivan CPD has been estimated based upon the guidelines established by the Institute of Transportation Engineers, Trip Generation Manual, 8th Edition. Traffic data collected at similar developments was relied upon in estimating the project's traffic. In referencing the information provided by the ITE Trip Generation Manual, it was concluded that land use code "Drive-in Bank" (LUC 912) was most appropriate in estimating the traffic.

Table 1 of this report provides a detail of the calculations which were performed in estimating the project's anticipated trip generations, as summarized below.

Land Use	Build-out	New Trips Daily (ADT)	New Trips AM Peak (VPH)	New Trips PM Peak (VPH)
LUC 912	2,400 S.F. w/ 3 drive-thrus	222 ADT	15 VPH	43 VPH

The Report concludes that the project will generate less than 100 trip ends during the highest peak hour. As such, the Report investigated the traffic impacts based upon the criteria set forth by the Lee County Traffic Impact Statement Guidelines for developments generating "Less Than 100 Trips".

EXISTING ROADWAY CONDITIONS

Gunnery Road is classified as a two-lane arterial and Lee Boulevard is classified as a six-lane divided arterial. Both roadways have a performance standard of LOS E. As defined by the Lee County Concurrency Management Report, Gunnery Road and Lee Boulevard have a maximum service capacity of 950 & 3,140 vph during the 100th highest peak hour peak direction, respectively.

AREA OF SIGNIFICANT IMPACT

The area of significant impact was determined based upon Lee County's 10% criteria (i.e., if the project's traffic is 10% or more of a roadway's adopted level of service LOS "C" capacity, then the project has a significant impact upon that link). Table 2A describes the project traffic distributions and the level of impact on the surrounding roadways. As shown, no roadways were found to be impacted by 10% or greater than its adopted level of service volume.

2015 PROJECT BUILD-OUT CONDITIONS

In order to establish 2015 project build-out traffic conditions, traffic count data was adjusted for peak season conditions, peak hour conditions, peak direction, and an annual growth rate was then applied. The peak season/peak hour/peak direction factors as shown on Table 2B were derived from the 2009 Lee County Traffic Count Report. The annual growth rate was derived from historical traffic counts also described in the Traffic Count Report. After the correct adjustments were computed, the project generated traffic was then added to the 2015 Background Traffic. Table 2C provides a detail of the 2015 background plus project traffic conditions. As shown, Gunnery Road and Lee Boulevard will operate at acceptable levels of service for 2015 project build-out conditions.

TURN LANE WARRANTS ANAYLSIS

The following turn lane warrant analysis was performed for the project's site access pursuant to the guidelines set forth by the Lee County Turn Lane Policy. Figure 1 provides a depiction of the tuning movement volumes at the project's access on 5th Street West.

Site access turning movement volumes

Entering movements - Peak hour right turn volume is 0 vph
Peak hour left turn volume is 21 vph

Exiting movements - Peak hour left turn is 0 vph
Peak hour right turn is 22vph

Site Access @ 5th Street West
Decel/Left Turn Lane Warrants for a Two Lane Local Street

		Yes	No
IV.C.1.	Posted Speed warrant is 30 MPH or greater & Left Turn is 60 vph or more *(Left Turn Volume = 21 vph)*		X
IV.C.2.b	Left Turn Volume exceeds 60 vph and the Opposing Volume exceeds 500 vph *(Left Turn Volume = 21 vph and the Opposing Volume = assumed to be less than 500 vph)*		X

IV.C.3.	Available Sight Distance (There are no sight distance constraints)	X

Left Turn Lane Warrant Satisfied: **NO**

Site Access @ 5th Street West
Decel/Right Turn Lane Warrants for a Two Lane Local Street

		Yes	No
V.C.1.	Posted Speed warrant is 30 MPH or greater	X	
V.C.2.	Right Turn Volume equal or greater than 60 vph (Right Turn Volume = 0 vph)		X
V.C.3.	Available Sight Distance (There are no sight distance constraints)		X

Right Turn Lane Warrant Satisfied: **NO**

CONCURRENCY REVIEW

Gunnery Road is classified as a two-lane arterial and Lee Boulevard is classified as a six-lane divided arterial. Both roadways have a performance standard of LOS E. As defined by the Lee County Concurrency Management Report, Gunnery Road and Lee Boulevard have a maximum service capacity of 950 & 3,140 vph during the 100th highest peak hour peak direction, respectively. As determined, Gunnery Road will have a 2015 project build-out traffic demand of 703 vph (i.e., *v/c* ratio of 0.74) and Lee Boulevard will have a demand of 2,297 (i.e., a *v/c* ratio of 0.73). As such, this project will be compliant with the Lee County Government's Concurrency Management Policy.

APPENDIX

TABLES 1 thru 2C

SUPPORT DOCUMENTS

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TABLE 1
O'Sullivan CPD – Lee/Gunnery
Trip Generation Computations

Land Use Code	**Land Use Code Description**	**Build-out Schedule**
LUC 912	Drive-in Bank	2,400 Square Feet w/ three (3) drive-thrus

DAILY TRAFFIC (ADT)
Daily Traffic = T = 139.25(X) = 139.25(3) = **418 ADT**

AM PEAK HOUR TRAFFIC (VPH)
AM Peak Hour = T = 9.44(X) = 9.44(3) = **28 vph**
58%Enter/42%Exit = 16/12 vph

PM PEAK HOUR TRAFFIC (VPH)
PM Peak Hour = T = 27.41(X) = 27.41(3) = **82 vph**
49%Enter/51%Exit = 40/42 vph

Pass-By Trips Adjustment

The ITE Trip Generation Handbook, Second Edition, has established a 47% pass-by rate for LUC 912.

DAILY TRAFFIC (ADT)
New Daily Traffic = T = 53%(X) = 53%(418) = **222 ADT**

AM PEAK HOUR TRAFFIC (VPH)
New AM Peak Hour = T = 53%(X) = 53%(28) = **15 vph**
58%Enter/42%Exit = 8/7 vph

PM PEAK HOUR TRAFFIC (VPH)
New PM Peak Hour = T = 53%(X) = 53%(82) = **43 vph**
49%Enter/51%Exit = 21/22 vph

TABLE 2A
PROJECT'S AREA OF IMPACT

Project Traffic Peak Direction (vph) = **22**

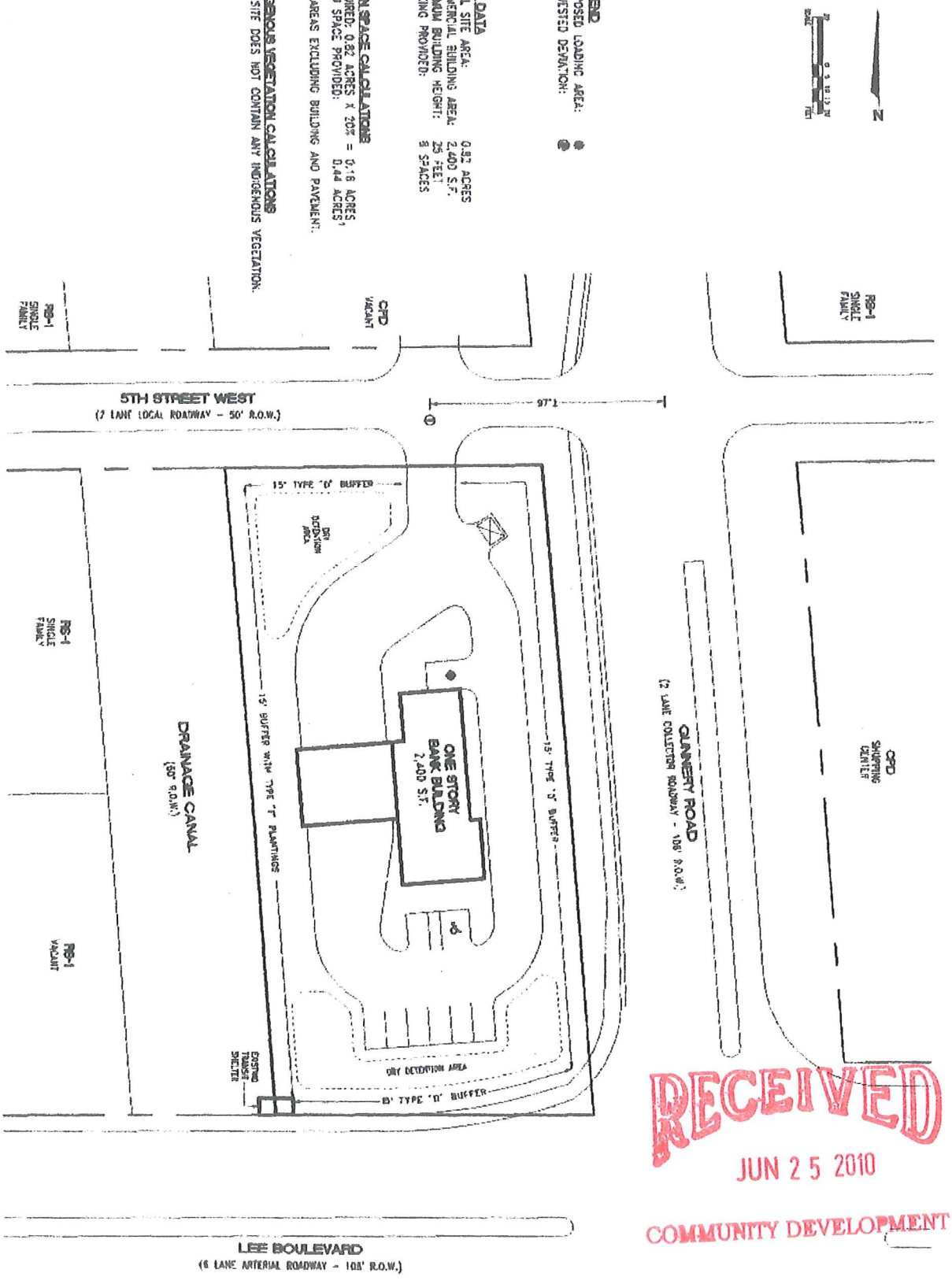
		Road Class	Project Traffic % Distribution	Project Traffic PK Direction Volume (vph)	LOS "C" Service Volume	Project's Percentage Impact	Significant Impact	Service Volume LOS Standard	LOS Standard PK Direction Volume (vph)
Gunnery Road	Leonard Blvd to Lee Blvd	4LD	20%	4	1900	0.23%	NO	E	1950
	Lee Blvd to Buckingham	2LU	10%	2	950	0.23%	NO	E	950
Lee Boulevard	W. of Gunnery Road	6LD	35%	8	3060	0.25%	NO	E	3140
	E. of Gunnery Road	6LD	35%	8	3060	0.25%	NO	E	3140

TABLE 2B
ROADWAY LINK VOLUME & CAPACITY ANALYSIS

			K100 Factor	Directional Factor		K100 Factor	Directional Factor				
		P.C.S. 21	0.0876	70%							
		Station Adjustmen	1st Year Traffic Count (ADT)	2009 Traffic Count (ADT)	Years of Growth	Growth Rate	K100 Factor	Directional Factor	2009 Peak Hour PK Direction (VPH)	2010 Peak Hour PK Direction (VPH)	201? Peak Hour PK Direction (VPH)
Gunnery Road	Leonard Blvd to Lee Blvd	21	9900	14900	6	7.05%	0.0876	70%	914	978	1375
	Lee Blvd to Buckingham	21	7200	9500	9	3.13%	0.0876	70%	583	601	701
Lee Boulevard	W. of Gunnery Road	21	20900	28600	9	3.55%	0.0876	70%	1754	1816	2162
	E. of Gunnery Road	21	22900	30700	9	3.31%	0.0876	70%	1883	1945	2289

TABLE 2C
ROADWAY LINK VOLUME & CAPACITY ANALYSIS

		2010 Peak Hour PK Direction (VPH)	2010 Peak Hour PK Direction LOS	2015 Peak Hour PK Direction Background (VPH)	2015 Peak Hour PK Direction Background LOS	Project Peak Hour PK Direction (VPH)	2015 Build-Out Peak Hour PK Direction (VPH)	LOS Standard PK Direction Volume (vph) (VPH)	v/c Ratio	2015 Build-Out Peak Hour PK Direction LOS
Gunnery Road	Leonard Blvd to Lee Blvd	978	C	1375	C	4	1380	1950	0.71	C
	Lee Blvd to Buckingham	601	C	701	C	2	703	950	0.74	C
Lee Boulevard	W. of Gunnery Road	1816	C	2162	C	8	2169	3140	0.69	C
	E. of Gunnery Road	1945	C	2289	C	8	2297	3140	0.73	C



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1002	MASTER CONCEPT PLAN O'SULLIVAN CPD	SEC 28, TWP 44S, RGE 24E LEE COUNTY, FLORIDA	GARY F. MULLER, AICP	EXHIBIT D-7-M.1

EXHIBIT D-7-P

SCHEDULE OF USES

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Administrative offices (all plans)
ATM (all plans)
Automobile repair and service, all groups (plans 1 and 2 only)
Banks and financial establishments, Group I (all plans)
Business services, Groups I and II (plans 1 and 2 only)
Bus station (plans 1 and 2 only)
Cleaning and maintenance services (plans 1 and 2 only)
Clothing stores (plans 1 and 2 only)
Clubs, private (plans 1 and 2 only)
Consumption on premises (plans 1 and 2 only)
Convenience food and beverage store (plans 1 and 2 only)
Day care center, child, adult (plans 1 and 2 only)
Drive-Through (plan 3 only)
Drugstore, pharmacy (all plans)
Essential services (all plans)
Fences, walls (all plans)
Food stores, Groups I and II (plans 1 and 2 only)
Hardware store (plans 1 and 2 only)
Health care facilities, Group III (plans 1 and 2 only)
Hobby, toy and game shops (plans 1 and 2 only)
Household and office furnishings, Groups I and II (plans 1 and 2 only)
Laundry or dry cleaning, Group I (plans 1 and 2 only)
Lawn and garden supply stores (plans 1 and 2 only)
Medical office (plans 1 and 2 only)
Package store (plans 1 and 2 only)
Paint, glass and wallpaper (plans 1 and 2 only)
Personal services, Group I (plans 1 and 2 only)
Real estate sales office (plans 1 and 2 only)
Rental and leasing establishments, Groups I and II (plans 1 and 2 only)
Repair shops, Groups I and II (plans 1 and 2 only)
Restaurant, fast food (plans 1 and 2 only)
Restaurant, all groups (plans 1 and 2 only)
Schools, commercial (plans 1 and 2 only)
Signage, in accordance with Chapter 30 (all plans)
Social services, Groups I and II (plans 1 and 2 only)
Specialty Retail, Groups I, II, and III (plans 1 and 2 only)
Studios (plans 1 and 2 only)
Used merchandise stores, Groups I and II (plans 1 and 2 only)
Variety store (plans 1 and 2 only)

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EXHIBIT D-7-P.1

PROPERTY DEVELOPMENT REGULATIONS

Minimum Lot Width:	130 feet
Minimum Lot Depth:	272 feet
Minimum Lot Area:	0.82 acres
Maximum Building Height:	35 feet (two stories)
Minimum Setbacks:	
Street:	25 feet
Water body:	20 feet
Maximum lot coverage:	40%
Minimum open space:	20%

EXHIBIT D-7-Q

PROPOSED SCHEDULE OF DEVIATIONS

1) Deviation from the requirement that the connection separation along local streets must be a minimum centerline distance of 125 feet, per LDC Section 10-285(a), to allow a connection separation distance of 97 feet along Fifth Street West.

JUSTIFICATION: The subject property is a 0.82 acre parcel located along the west side of Gunnery Road between the intersection with Lee Boulevard and the intersection with Fifth Street West. The subject property has frontage on all three of these existing roadways, however, cannot meet the required access separation standards due to its limited size and the location of a previously approved access point along Fifth Street West. The parcel has only 132 feet of frontage on Lee Boulevard (a six lane divided arterial roadway requiring an intersection separation distance of 660 feet) and only 273 feet of frontage along Gunnery Road (a two lane collector roadway requiring an intersection separation distance of 330 feet). The parcel also has 132 feet of frontage on Fifth Street West, however, a deviation that was previously granted for the Varsity Commercial Center CPD (approved pursuant to Zoning Resolution Z-99-055), to allow an access point on the north side of Fifth Street West located 97 feet west of the intersection with Gunnery Road, makes it impossible to provide the 125 foot connection separation distance required along local roadways.

In support of this request, please note that the granting of this deviation will not be detrimental to the general health, safety and welfare of the public due to the fact that it will allow the access for the proposed development to line up with the previously approved access point for the proposed Varsity Commercial Center CPD to the north which should enhance future traffic circulation patterns by providing an interconnection between the two projects.

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LEE COUNTY
SOUTHWEST FLORIDA

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)

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- √ 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))**
  - ___ Rezonings 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

PLEASE PRINT OR TYPE:

STRAP Number: 28-44-26-05-00055.0010; 28-44-26-05-00055.0020; 28-44-26-05-00055.0030

Name of Project: O'SULLIVAN CPD

Name of Agent: Matthew D. Uhle, Esq., Knott, Consoer, Ebelini, Hart & Swett, P.A.

Street Address: 1625 Hendry Street, Suite 301

City: Fort Myers State: FL Zip: 33901

Phone #: 239-334-2722 Fax #: 239-334-1446

E-mail: muhle@knott-law.com

Name of Applicant*: Cornelius P. O'Sullivan, Trustee

Street Address: 15643 Carriedale Lane

City: Fort Myers State: FL Zip: 33912

Phone #: 239-541-6697 Fax #:

E-mail:

*** 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

PRE2010-00095

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EXHIBIT PH-4.H

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

	Section Number	Requirement
#1	34-373(a)(4)(e)	Maps
#2	34-373(a)(4)f	FLUCCS Map
#3	34-373(a)(4)h	Historical/Archaelogical Map
#4	34-373(a)(7)	TIS
#5		
#6		
#7		
#8		
#9		

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 requested rezoning contemplates a commercial use of approximately 8,000 square feet on the site. The project will generate less than 100 new PM peak hour trips. There are no environmentally sensitive areas on these three vacant Lehigh Acres lots.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Matthew D. Uhle

Signature of Applicant's Agent , Matthew D. Uhle, Esq.

Directors Decision: ✓ **Request Approved** for 1-3 ✓ **Request Denied** for 4

Comments: per attached conditions & comments

Signature: Tom Hawk Date: 3-22-10

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DCI 2010-00013

LEE COUNTY

Case Activity Listing

Case #: PRE2010-00095

Description	Activity Enter Date	Target Date	Activity Completed Date	Status	Assigned To	Done By	Notes
Development Services Comments	3/17/2010		3/18/2010	DEN	RYP	RYP	Rob Price - A TIS waiver cannot be approved for the proposed rezoning. The site is at the corner of Gunnery Road and Lee Boulevard, one of the busiest intersections in Lehigh Acres. While Staff understands that the project will be less than 8,000 square feet, there are several uses of that size that could generate a significant amount of traffic. A TIS will be required.
Zoning Comments	3/17/2010						
Submittal Waiver Request	3/17/2010		3/17/2010	DONE		JZC	
Final Document Imported	3/17/2010						
Environmental Review Comments	3/17/2010		3/18/2010	APPR	SMD	SMD	Susie D - Maps-soil, Fluccs-habitat, FLUCCS-state and federal wetlands, rare and unique habitat, topography, historic flowways The site has been historically cleared and altered due to surrounding development. No native vegetation exist onsite. ES staff recommends approval of the waiver with the following condition: If an on-site inspection reveals any listed species utilization or potential jurisdictional wetlands/OSW than surveys may be requested by ES staff during the sufficiency review process.
Planning Notes			3/18/2010	APPR		GMS	Condition: If objects, artifacts, sites or human remains are uncovered, STOP all ground disturbing activity and call Lee County 533-8585

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Spatial District Query Report

STRAP Number: 28-44-26-05-00055.0010

District Name	District Value		Pct of Parcel in District (if fractional)	Notes
Airport Noise Zone			NOT FOUND	
Airspace Notification			NOT FOUND	
Census Tract	Tract ID	401.01	62.24%	
	Tract ID	401.02	37.8%	
Coastal Building Zone			NOT FOUND	
Coastal High Hazard Area			NOT FOUND	
Fire District	Fire District	Lehigh Acres		
	Taxing Authority	088		
Flood Insurance Zone	Flood Zone	X		1
	Assigned Number	100		
Flood Insurance Zone - Old	Flood Zone	B		
FIRM Floodway	Floodway	OUTSIDE		
FIRM Floodway - Old			NOT FOUND	
Flood Insurance Panel	Community	125124		
	Panel	0475		
	Map Number	12071C0475F		
	Effective Date	8/28/2008 12:00:00 AM		
Flood Insurance Panel - Old	Community	125124		
	Panel	0375		
	Version	B		
	Date	NotPrinted		
(DNR Flood Zones) Zone A BFE			NOT FOUND	
DNR Flood Zones - Old			NOT FOUND	
Flood Insurance Coastal Barrier			NOT FOUND	
Flood Insurance Coastal Barrier - Old			NOT FOUND	
Lighting District/MSTBU	Authority Number	055		
	Taxing Authority	Lehigh Acres Light MSTU		
Preliminary MSTBU Districts			NOT FOUND	
Planning Community	ID	17		
	Plan Community	Lehigh Acres		
Planning Land Use 2010	Landuse	Central Urban		
Sanibel/County Agreement			NOT FOUND	
School Board District	District	5		
	School Board Member	Elinor Scricca, Ph.D.		
School Choice Zone	Choice Zones	East Zone 2		
	Choice Zones	East Zone		
Solid Waste District	District Area	Area 4		
Storm Surge	Category	4/5		
Subdivisions	Subdivision No.	28442605		
	Subdivision Name	LEHIGH ACRES		
	Book Page 1	UNIT 5		
	Book Page 2			

	Book Page 3			
Traffic Analysis Zone				
Archaeological Sensitivity			NOT FOUND	
Sea Turtle Lighting Zone			NOT FOUND	
Watersheds	Shed ID	Orange River		
FLUCCS1999				
Vegetation Permit Required			NOT FOUND	
Soil	Map Symbol Soil Name	26 PINEDA FINE SAND		2
Panther Habitat			NOT FOUND	
Eagle Nesting Site Buffer			NOT FOUND	
Commissioner District	District Commissioner	5 Frank Mann		
Unincorporated Lee County Zoning	Zoning Designation	RS-1		Zoning Notes
Development Orders			NOT FOUND	
Road Impact Fee Districts	District Tidemark ID Name	3 53 CENTRAL		
Water Franchise	Franchise Name	Florida Governmental Utility Authority		
Water Treatment Plant Service Area			NOT FOUND	
Wastewater Franchise	Franchise Name	Florida Governmental Utility Authority		
Wastewater Treatment Plant Service Area			NOT FOUND	
Res. Garbage Collection Day	Hauling Day	Wednesday		
Res. Recycling Collection Day	Hauling Day	Monday		
Res. Horticulture Collection Day	Hauling Day	Friday		
Microwave Radio Relay Path	In 300 Ft Wide Relay Path Of:	EOC to LEHIGH	100.04%	

[Modify Report Settings]

Note	Details
1	The Flood Zone with the highest corresponding assigned number is the recognized flood zone designation for this property. Residents of unincorporated Lee County may call Zoning Review at (239) 533-8597 (option #4) with additional questions. Residents of incorporated areas should call the city in which they reside to verify flood zone status.
2	Contact DEP (239) 332-6975 for wetland determination

VARIANCE REPORT

6/15/2010

Subject Parcels : 3 Affected Parcels : 61 Buffer Distance : 500 ft

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JUN 25 2010
DCI 2010-00013
COMMUNITY DEVELOPMENT

28-44-26-05-00055.0010 et al.

300 150 0 300 Feet

EXHIBIT PH-3.G.2

Lee County Propert, 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

EXHIBIT PH-3.G.1

RECEIVED
JUN 25 2010
COMMUNITY DEVELOPMENT

Date of Report: June 15, 2010
Buffer Distance: 500 ft
Parcels Affected: 61
Subject Parcel: 28-44-26-05-00055.0010, 28-44-26-05-00055.0020, 28-44-26-05-00055.0030

DCI 2010-00013

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
UNIVERSAL MORTGAGE CORP 12080 N CORPORATE PKWY MEQUON WI 53092	**28-44-26-05-00050.0070** 4402 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK.50 PB 15 PG 78 LOT 7	1
PARAJON KEYLA 4404 6TH ST W LEHIGH ACRES FL 33971	**28-44-26-05-00050.0080** 4404 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 50 PB 15 PG 78 LOT 8	2
CADRETTE JOSEPH J + N87W16459 APPLETON AVE MENOMONEE FALLS WI 53051	**28-44-26-05-00050.0090** 4406 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 50 PB 15 PG 78 LOT 9	3
MAULT JAMES 13430 LITTLE GEM CIR FORT MYERS FL 33913	**28-44-26-05-00051.0020** 4411 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 51 PB 15 PG 78 LOT 2	4
BOKTOR NADER W 4409 6TH ST W LEHIGH ACRES FL 33971	**28-44-26-05-00051.0030** 4409 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 51 PB 15 PG 78 LOT 3	5
DIAZ ALEX A + MAUREEN 4407 6TH ST W LEHIGH ACRES FL 33971	**28-44-26-05-00051.0040** 4407 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK.51 PB 15 PG 78 LOT 4	6
HENDERSON R A + JOANN G 630 SHORELINE DR NAPLES FL 34119	**28-44-26-05-00051.0050** 4405 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK.51 PB 15 PG 78 LOT 5	7
HERNANDEZ EQUITY INVESTMENT 1458 WASHINGTON AVE MIAMI BEACH FL 33139	**28-44-26-05-00051.0060** 4403 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 51 PB 15 PG 78 LOT 6	8
HERNANDEZ EQUITY INVESTMENT 1458 WASHINGTON AVE MIAMI BEACH FL 33139	**28-44-26-05-00051.0070** 4404 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 51 PB 15 PG 78 LOT 7	9
PRETICO VICENTE 1409 ALWYNNE DR S LEHIGH ACRES FL 33936	**28-44-26-05-00051.0080** 4406 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK.51 PB 15 PG 78 LOT 8	10
BARTHOLOMEW ROBIN C + SUSAN + 30556 DEPOT ST NEW CHURCH VA 23415	**28-44-26-05-00051.0090** 4408 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 51 PB 15 PG 78 LOT 9	11
MADUSSA LLC 11796 METRO PKWY STE C FORT MYERS FL 33966	**28-44-26-05-00051.0100** 4410 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 51 PB 15 PG 78 LOT 10	12
TERAN GUSTAVO + SCHEHEREZADE 4412 5TH ST W LEHIGH ACRES FL 33971	**28-44-26-05-00051.0110** 4412 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 51 PB 15 PG 78 LOT 11	13
THOMAS BILLY E + PATRICIA D 4413 5TH ST W LEHIGH ACRES FL 33971	**28-44-26-05-00052.0020** 4413 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK.52 PB 15 PG 78 LOT 2	14

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
PUNWASI SHARDA 1003 CARDINAL ST NAPLES FL 34104	**28-44-26-05-00052.0030** 4411 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK.52 PB 15 PG 78 LOT 3	15
PEREZ LUIS + 7627 BRISTOL CIR NAPLES FL 34120	**28-44-26-05-00052.0040** 4409 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 52 PB 15 PG 78 LOT 4	16
KELLEY THERESA F 4407 5TH ST W LEHIGH ACRES FL 33971	**28-44-26-05-00052.0050** 4407 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 52 PB 15 PG 78 LOT 5	17
VALLEJO PABLO + MARIA 706 OTTO AVE LEHIGH ACRES FL 33971	**28-44-26-05-00052.0060** 4405 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK.52 PB 15 PG 78 LOT 6	18
MAYOR RODOLFO 910 MOON CT MARCO ISLAND FL 34145	**28-44-26-05-00052.0070** 4406 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK.52 PB 15 PG 78 LOT 7	19
LANDOLFI STEVEN 22 VETO ST PROVIDENCE RI 02908	**28-44-26-05-00052.0080** 4408 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 52 PB 15 PG 78 LOT 8	20
LANDOLFI STEVEN J 5781 LEE BLVD STE 208 BOX 247 LEHIGH ACRES FL 33970	**28-44-26-05-00052.0090** 4410 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 52 PB 15 PG 78 LOT 9	21
MILLER THERESA 1/2 + 4980 TAMIAMI TRAIL STE 200 NAPLES FL 34103	**28-44-26-05-00052.0100** 4412 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 52 PB 15 PG 78 LOT 10	22
BETKE ALEXANDER + HEIDI 984 HAMPTON CIR NAPLES FL 34105	**28-44-26-05-00052.0120** 4416 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 52 PB 15 PG 78 LOTS 11 + 12	23
BANK OF AMERICA NA ANDREA DEVIN PIDALA 9119 CORPORATE LAKE DR STE 300 TAMPA FL 33634	**28-44-26-05-00053.0020** 603 GUNNERY RD N LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 53 PB 15 PG 78 LOT 2	24
ANGLICKIS RICHARD A TR PO BOX 111 LEHIGH ACRES FL 33970	**28-44-26-05-00053.0030** 601 GUNNERY RD N LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 53 PB 15 PG 78 LOT 3	25
PHAM BAO H + 9877 WEATHER STONE PL FORT MYERS FL 33913	**28-44-26-05-00054.0010** 505 GUNNERY RD N LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 5 BLK 54 PB 15 PG 78 LOTS 1 THRU 3	26
MATABEEK VIJAY + 4701 BRIXTON CT LEHIGH ACRES FL 33973	**28-44-26-06-00056.0080** 4415 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 56 PB 15 PG 78 LOT 8	27
MATABEEK VIJAY + 4701 BRIXTON CT LEHIGH ACRES FL 33973	**28-44-26-06-00056.0090** 4413 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 56 PB 15 PG 78 LOT 9	28
STURZL JOHN + SHELLY 7846 REGAL LN PULASKI WI 54162	**28-44-26-06-00056.0100** 4411 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 56 PB 15 PG 78 LOT 10	29
STURZL JOHN + SHELLY 7846 REGAL LN PULASKI WI 54162	**28-44-26-06-00056.0110** 4500 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK.56 PB 15 PG 78 LOT 11	30
STURZL JOHN + SHELLY 7846 REGAL LN PULASKI WI 54162	**28-44-26-06-00056.0120** 4502 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 56 PB 15 PG 78 LOT 12	31
DK INVESTMENT PROPERTIES INC 521 THIRD ST NW NAPLES FL 34120	**28-44-26-06-00058.0010** 4409 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK.58 PB 15 PG 78 LOT 1 LESS ROW OR 2944 PG 1696	32
DK INVESTMENT PROPERTIES INC 521 THIRD ST NW NAPLES FL 34120	**28-44-26-06-00058.0020** 4407 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 58 PB 15 PG 78 LOTS 2 + 3 LESS ROW OR 2944 PG 1697	33

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
DK INVESTMENT PROPERTIES INC 521 THIRD ST NW NAPLES FL 34120	**28-44-26-06-00058.0040** 4403 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 58 PB 15 PG 78 LOT 4 LESS ROW OR 2943 PG 1394	34
DK INVESTMENT PROPERTIES INC 521 THIRD ST NW NAPLES FL 34120	**28-44-26-06-00058.0050** 4401 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 58 PB 15 PG 78 LOT 5 LESS ROW OR 2943 PG 1733	35
DK INVESTMENT PROPERTIES INC 521 THIRD ST NW NAPLES FL 34120	**28-44-26-06-00058.0060** 4400 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK.58 PB 15 PG 78 LOT 6	36
DK INVESTMENT PROPERTIES INC 521 THIRD ST NW NAPLES FL 34120	**28-44-26-06-00058.0070** 4402 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK.58 PB 15 PG 78 LOT 7	37
DK INVESTMENT PROPERTIES INC 521 THIRD ST NW NAPLES FL 34120	**28-44-26-06-00058.0080** 4404 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 58 PB 15 PG 78 LOT 8	38
DK INVESTMENT PROPERTIES INC 521 THIRD ST NW NAPLES FL 34120	**28-44-26-06-00058.0090** 4406 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 58 PB 15 PG 78 LOT 9	39
DK INVESTMENT PROPERTIES INC 521 THIRD ST NW NAPLES FL 34120	**28-44-26-06-00058.0100** 4408 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 58 PB 15 PG 78 LOT 10	40
ESQUIRE INTERNATIONAL PROP INC PO BOX 611174 NORTH MIAMI FL 33261	**28-44-26-06-00059.0010** 4409 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK.59 PB 15 PG 78 LOT 1	41
WHITLOCK GREGORY A 4407 4TH ST W LEHIGH ACRES FL 33971	**28-44-26-06-00059.0020** 4407 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 59 PB 15 PG 78 LOT 2	42
PARRACK WILLIAM E + BARBARA 4405 W 4TH ST LEHIGH ACRES FL 33971	**28-44-26-06-00059.0030** 4405 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK 59 PB 15 PG 78 LOTS 3 + 4	43
UCHYTIL-HEINEN PAT J 3409 TALLY HO LN MADISON WI 53705	**28-44-26-06-00059.0050** 4401 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 6 BLK.59 PB 15 PG 78 LOT 5 LESS OR 4764 PG 801	44
KASHSHIAN A + NORA 5427 ELM DR LEWISTON NY 14092	**28-44-26-07-00068.0260** 4322 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.68 PB 15 PG 78 LOT 26	45
HERNANDEZ ISMAEL + LUZ N 4324 6TH ST W LEHIGH ACRES FL 33971	**28-44-26-07-00068.0270** 4324 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.68 PB 15 PG 78 LOT 27	46
LEHIGH INVESTMENT GROUP LLC 20900 NE 30TH AVE 8TH FL AVENTURA FL 33180	**28-44-26-07-00068.0280** 4326 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.68 PB 15 PG 78 LOT 28	47
GARTNER JOHN M + 4326 5TH ST W LEHIGH ACRES FL 33971	**28-44-26-07-00069.0010** 4327 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.69 PB 15 PG 78 LOT 1	48
RIGGS HAROLD W 4325 6TH ST W LEHIGH ACRES FL 33971	**28-44-26-07-00069.0020** 4325 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.69 PB 15 PG 78 LOT 2	49
CHAVEZ PABLO + ISMARA 4323 6TH ST W LEHIGH ACRES FL 33971	**28-44-26-07-00069.0030** 4323 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK 69 PB 15 PG 78 LOT 3	50
VICKERS W J + WILMA P 303 BUFFALO CREEK RD KENOVA WV 25530	**28-44-26-07-00069.0040** 4321 6TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.69 PB 15 PG 78 LOT 4	51
LAWRENCE RICHARD + JOAN JOAN MOLZON 2413 BEECH ST MANASQUAN NJ 08736	**28-44-26-07-00069.0240** 4318 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK 69 PB 15 PG 78 LOT 24	52

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
AUGUSTIN ANGELET + ARNOLD 4320 5TH ST W LEHIGH ACRES FL 33971	**28-44-26-07-00069.0250** 4320 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK 69 PB 15 PG 78 LOT 25	53
BULLOCK INELDA + 1410 SEMINOLE PALMS DR GREEN ACRES LAKE WORTH FL 33463	**28-44-26-07-00069.0260** 4322 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.69 PB 15 PG 78 LOT 26	54
GARTNER JOHN M 4326 5TH ST W LEHIGH ACRES FL 33971	**28-44-26-07-00069.0270** 4324 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.69 PB 15 PG 78 LOT 27	55
GARTNER JOHN M 628 GRASSY KNOB RD RUTHERFORDTON NC 28139	**28-44-26-07-00069.0280** 4326 5TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK.69 PB 15 PG 78 LOT 28	56
D SAM ENTERPRISES LLC 1831 HURRICANE HARBOR NAPLES FL 34102	**28-44-26-07-00070.0010** 4316 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 7 BLK 70 PB 15 PG 78 LOTS 1 THRU 6 + 22 THRU 26	57
7-ELEVEN INC TAX DEPT 32291 PO BOX 711 DALLAS TX 75221	**28-44-26-08-00071.0010** 4325 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 8 BLK.71 PB 15 PG 78 LOTS 1 + 2 + 25 + 26	58
WONG NYET Y + KIM K 305 GREENWOOD AV LEHIGH ACRES FL 33936	**28-44-26-08-00071.0030** 4321 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 8 BLK 71 PB 15 PG 78 LOTS 3 + 24	59
ERRICO THOMAS 25 HOMESTEAD RD N STE 42 LEHIGH ACRES FL 33936	**28-44-26-08-00071.0040** 4319 LEE BLVD LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 8 BLK 71 PB 15 PG 78 LOT 4	60
MERTILUS SALANGE 4325 4TH ST W LEHIGH ACRES FL 33971	**28-44-26-08-00072.0010** 4325 4TH ST W LEHIGH ACRES FL 33971	LEHIGH ACRES UNIT 8 BLK 72 PB 15 PG 78 LOT 1	61

61 RECORDS PRINTED

THIS MAP OF SURVEY IS ONLY FOR THE LANDS DESCRIBED AND IS NOT AN INSTRUMENT OF TITLE, ZONING, OR FREEDOM OF ENCUMBRANCES.

THE LEGAL DESCRIPTION WAS FURNISHED BY THE CLIENT OR THEIR AGENT.

NO TITLE SEARCH WAS CONDUCTED BY THIS OFFICE.

ELEVATIONS SHOWN ARE BASED ON DATA FROM THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, UNLESS OTHERWISE NOTED.

THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN SHOWN.

ONLY IMPROVEMENTS SHOWN WERE FIELD LOCATED.

BEARINGS BASED ON PLAT, DEED OR ASSUMED DATUM.

UNDERGROUND IMPROVEMENTS SUCH AS SEPTIC TANKS, DRAINFIELDS, ETC. ARE APPROXIMATE ONLY AND MUST BE VERIFIED BY ANOTHER SOURCE.

LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE SHOWN.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

SURVEY WAS BASED ON INFORMATION PROVIDED BY CLIENT AND EXISTING MONUMENTATION.

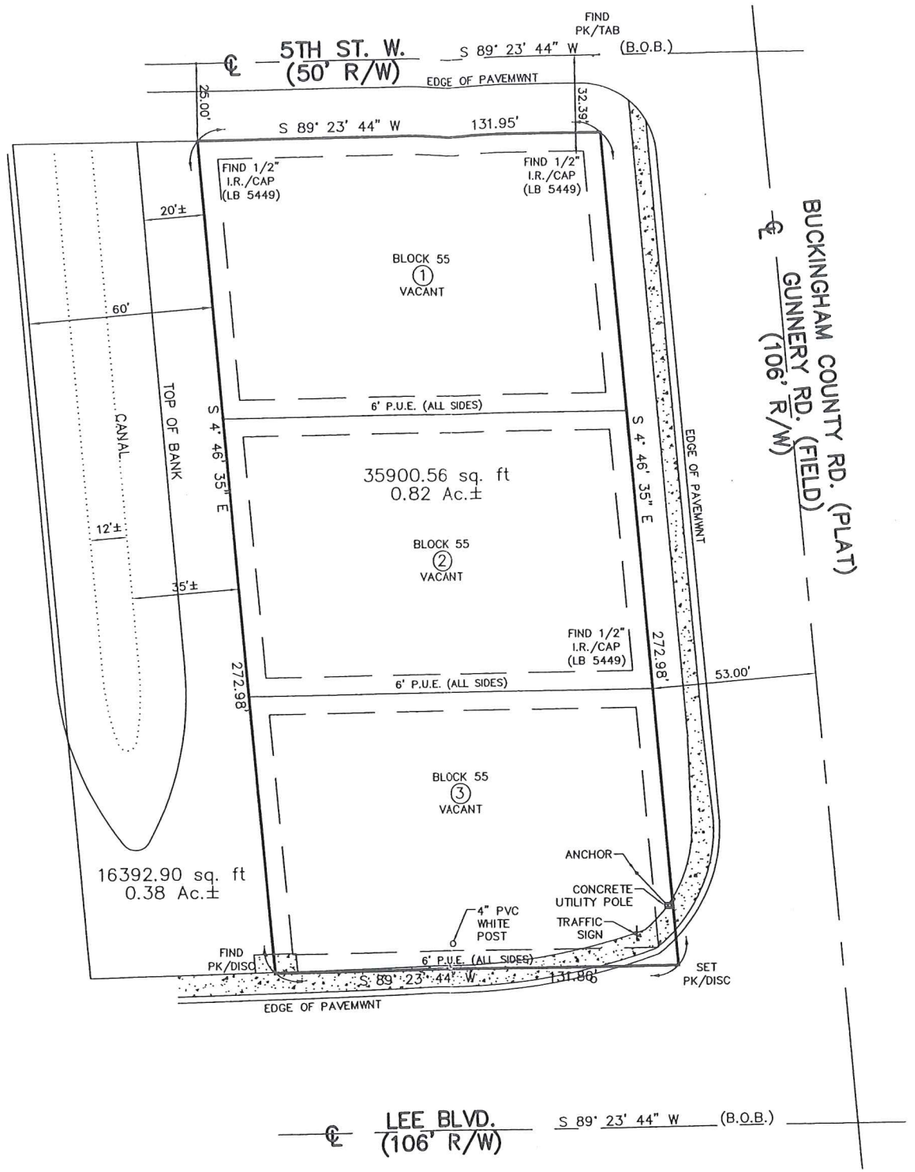
PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.

LEGEND:

A	– ARC LENGTH
A/C	– AIR CONDITIONER
Ⓒ	– CABLE TV
(C)	– CALCULATED
CB	– CHORD BEARING
CE	– COVERED ENTRY
CH	– CHORD DISTANCE
C.M.	– CONC. MONUMENT
COR.	– CORNER
(D)	– DEED
B.O.B.	– BASIS OF BEARINGS
D.E.	– DRAINAGE EASEMENT
D.H.	– DRILL HOLE
EL.	– ELEVATION
ENC.	– ENCROACHMENT
E.O.P.	– EDGE OF PAVEMENT
FND.	– FOUND
I.R.	– IRON ROD
(M)	– MEASURED
N&T	– NAIL & TAB
N.T.S.	– NOT TO SCALE
(NR)	– NOT RADIAL
O.R.	– OFFICIAL RECORD
(P)	– PLAT
P.B.	– PLAT BOOK
P.C.	– POINT OF CURVATURE
P.C.C.	– POINT OF COMPOUND CURVATURE
P.C.P.	– PERMANENT CONTROL POINT
P.E.	– POOL ENCLOSURE
PG.	– PAGE
P.O.B.	– POINT OF BEGINNING
P.O.C.	– POINT OF COMMENCEMENT
P.P.	– POWER POLE
P.R.C.	– POINT OF REVERSE CURVATURE
P.R.M.	– PERMANENT REFERENCE MONUMENT
P.T.	– POINT OF TANGENCY
P.U.E.	– PUBLIC UTILITY EASEMENT
R	– RADIUS
(R)	– RADIAL
RNG.	– RANGE
R/W	– RIGHT OF WAY
SEC.	– SECTION
SET I.R.	– SET 1/2" IRON ROD LB7462
S.E.	– SCREEN ENCLOSURE
S.T.	– SEPTIC TANK
Ⓣ	– TELEPHONE BOX
TWP.	– TOWNSHIP
(PR)	– PRORATED
T.B.M.	– TEMPORARY BENCHMARK
U.P.	– UTILITY PEDESTAL
Ⓦ	– WATER METER
△	– DELTA ANGLE
	– POWER POLE
	– FIRE HYDRANT
	– TEMPORARY BENCHMARK
℄	– CENTERLINE
-x-x-	– WIRE FENCE
-//-//-	– WOOD FENCE
-P-P-	– OVERHEAD WIRES
	– CONCRETE PAD
100X00	– EXISTING ELEVATION
(XX)	– LOT NUMBER

SUPERSEDED
PLAN DATED Jan. 18, 2011



RECEIVED
JUN 25 2010
COMMUNITY DEVELOPMENT

DCI 2010-00013

FIELD SURVEY:	03-18-08
CREW CHIEF:	C. CORDISCO
DRAWN BY:	J. KNORR
SCALE:	1" = 50'
SHEET:	1 OF 1
JOB NO:	06162-5
FIELD BOOK:	XX PAGE: XX

LEHIGH SURVEYING, INC.
LB7462
1130-E LEE BOULEVARD
LEHIGH ACRES, FLORIDA 33936
239-368-7685 (FAX)
239-368-7400

03/19/08

CHRISTOPHER B. STILL
REGISTERED LAND SURVEYOR NO. 5941

PLATTED DATE: AUGUST 1958	COMMUNITY PANEL NUMBER: 125124 0375 B	DATE OF MAP: NOT PRINTED	FLOOD ZONE: B	ELEVATION: N/A

PLAT NORTH

BOUNDARY SURVEY
405/407/409 GUNNERY RD. N
LOTS 1-2-3, BLOCK 55, UNIT 5
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 15, PAGE 78, OF THE
OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

NOT VALID UNLESS SIGNED AND RAISED SEAL

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DCI 2010·00013
RECEIVED
APR 2 8 2011
COMMUNITY DEVELOPMENT

EXHIBIT D-7-M.2

ALTERNATIVE PLAN #1

N

0 10 20 30 40 50 100
SCALE FEET

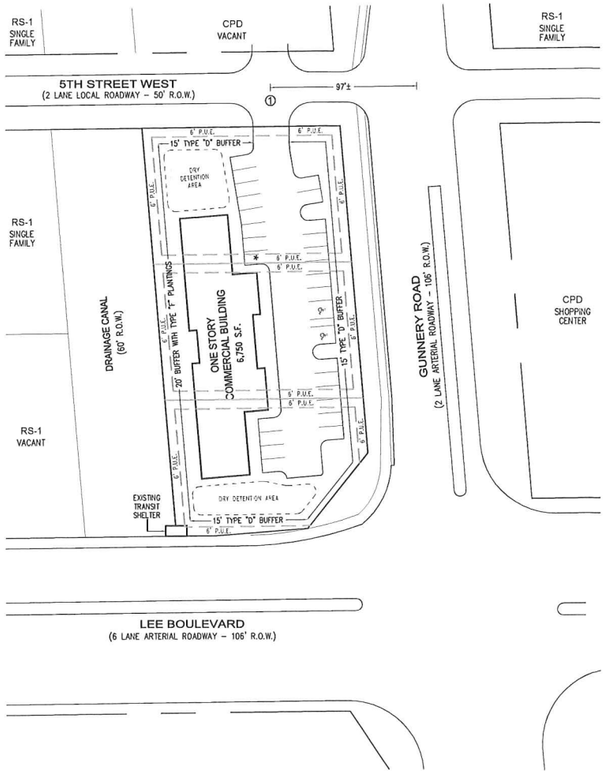
SITE DATA
TOTAL SITE AREA: 0.79 ACRES
COMMERCIAL BUILDING AREA: 6,750 S.F.
MAXIMUM BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 27 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.79 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.41 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.

LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: ⑪



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

ALTERNATIVE PLAN #2

N

0 10 20 30 40 50 100
SCALE FEET

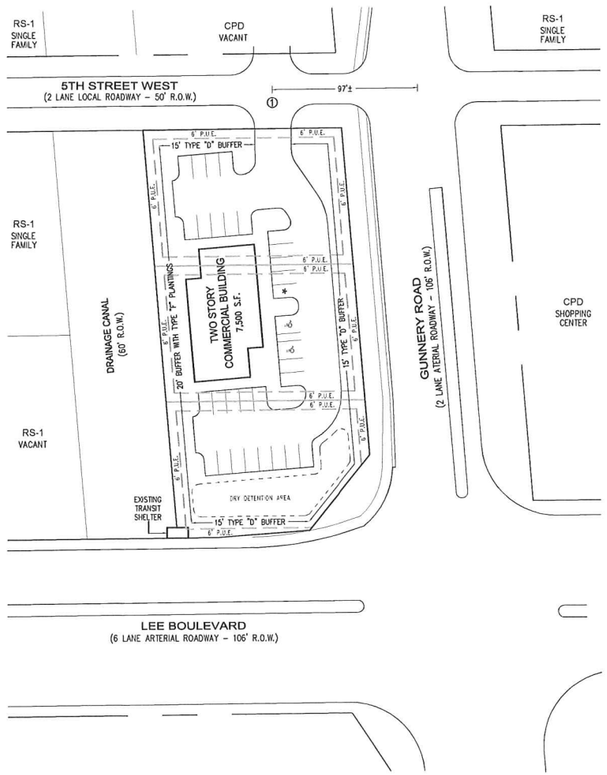
SITE DATA
TOTAL SITE AREA: 0.79 ACRES
COMMERCIAL BUILDING AREA: 7,500 S.F.
MAXIMUM BUILDING HEIGHT: 35 FEET
PARKING PROVIDED: 30 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.79 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.41 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.

LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: ⑪



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

ALTERNATIVE PLAN #3

N

0 10 20 30 40 50 100
SCALE FEET

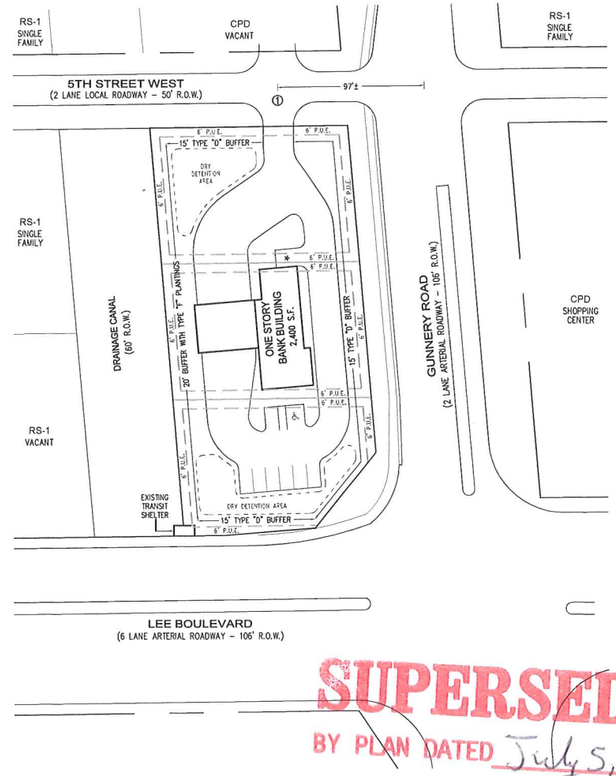
SITE DATA
TOTAL SITE AREA: 0.79 ACRES
COMMERCIAL BUILDING AREA: 2,400 S.F.
MAXIMUM BUILDING HEIGHT: 25 FEET
PARKING PROVIDED: 8 SPACES

OPEN SPACE CALCULATIONS
REQUIRED: 0.79 ACRES X 20% = 0.16 ACRES
OPEN SPACE PROVIDED: 0.39 ACRES[1]

[1] ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.

LEGEND
PROPOSED LOADING AREA: *
REQUESTED DEVIATION: ⑪



NOTES
1) EXISTING PUBLIC UTILITY EASEMENTS ALONG INTERNAL LOT LINES WILL BE VACATED PRIOR TO DEVELOPMENT ORDER APPROVAL.
2) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.

SUPERSEDED
BY PLAN DATED July 5, 2011

FILE #	1002MCP4
DATE	04/11
SCALE	NOTED
DESIGN	GFM
DRAWN	GFM
CHECK	GFM

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SEC 28, TWP 44S., RGE 26E.
LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN
O'SULLIVAN CPD

DWG. NO.
1002