



GIS Tracking Sheet

Case No.:

REZ2005-00002

Intake Date:

3-2-05

Project Name:

Pagliaro Rezoning

STRAP Number(s):

10-44-24-01-00034.0000

Planner Name:

Ext.

Shawn Lamey

8484

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 3/10/2005

ARC GIS

INTAKE: REZ05002

LEGAL SUFFICIENT☒ YES☐ NO

Initials: LGM

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 30 MAR 06

☐ Hearing Examiner Decision☒ Board of County Commissioner's Resolution☐ Administrative Approval☐ Blue Sheet

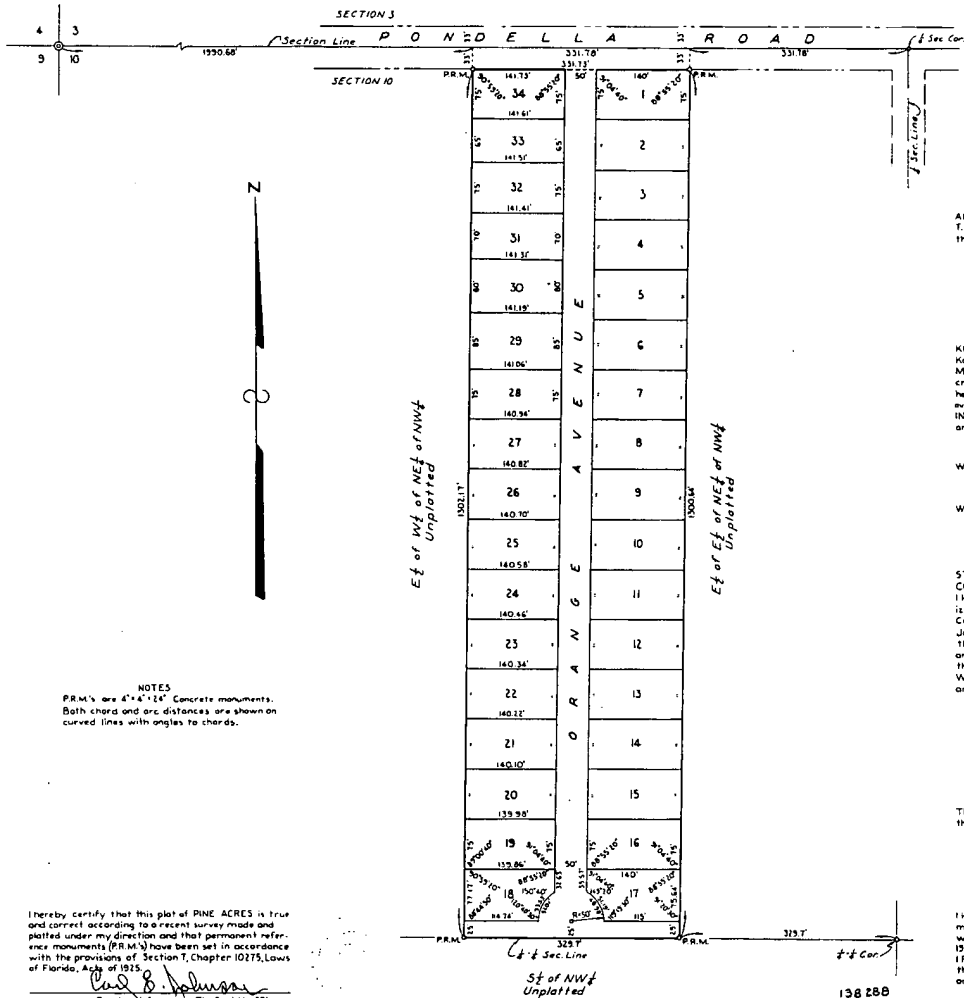
Zoning Notes: Z-05-097, REZ2005-00002, 20MAR06, REZONE A 1.0 ACRE PARCEL FROM RS-1 AND C-1 TO CS-1 (AMENDED AT PUBLIC HEARING).

MAP UPDATED☒ YES☐ NO

Initials: JJJ

If not, give brief explanation:

CREATED CS:1:501277



All of the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, T.44S., R.24E.; except the north 33 feet for the right-of-way of the Pandella (County) Road.

KNOW ALL MENBY THESE PRESENTS, that Edward L. Cassels and Katherine M. Cassels, husband and wife; and J. Edmond Jones and Marcello D. Jones, husband and wife, the owners of the heren described lands have caused this plat of PINE ACRES to be made and do hereby dedicate to the perpetual use of the public all streets, roads, and/or avenues shown hereon.

IN WITNESS WHEREOF, the owners have hereunto set their hands and seals this 12th day of March, A.D. 1952.

WITNESS: George B. Page Katherine H. Gooden
WITNESS: Cyrus P. Stewart Edmund Jones SEAL
Marcella D. Jones SEAL

STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared Edward L. Cassels and Katherine M. Cassels, husband and wife, and J. Edmond Jones and Marcelle D. Jones, husband and wife, to me known to be the persons named in and who executed the foregoing dedication and they acknowledged before me that they executed the same for the purposes and uses therein mentioned.
WITNESS my hand and official seal at Fort Myers, said County and State this 17 day of March, A. D. 1952.

Cyrus D. Stewart
Notary Public, State of Florida at large
My Commission expires *Nov 18, 1968*

This plat accepted this 12th day of March, A.D. 1952 in open meeting of the Board of County Commissioners of Lee County, Florida.

Approved: [Signature]
Chairman

[Signature]
Clerk

I FURTHER CERTIFY that said plot was filed for record at 11 A.M. this 23rd day of March, A.D. 1952 and duly recorded in Plat Book 9 on Page 42 of the public records of Lee County, Florida.

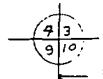
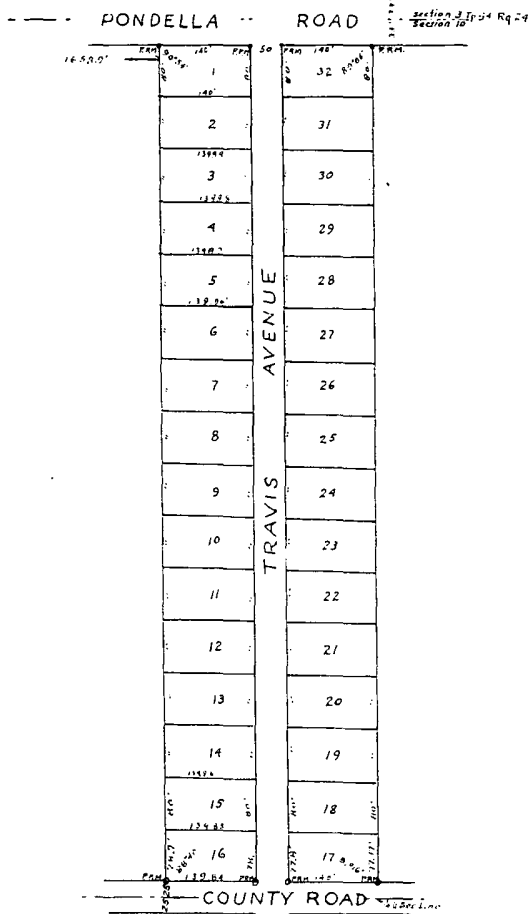
Clerk of the Circuit Court in and for Lee County

RECEIVED
MAR 02 2005
ZONING

REZ 2005-00002

TRAVIS SUBDIVISION.

A Resubdivision of Lot 3 of SOUTH FLORIDA FARMS.
as recorded in Deed Book 236 Page 60 Lee County Fla.



Correctly surveyed and permanent reference monuments set as shown according to the Statutes of the State of Florida, Feb. 14, 1955.

Earl & Roger Alva, Fla.
Civil Engineers #680 Surveyor #673

Scale 1"=100'

We, the undersigned sole owners of lands hereby subdivided into lots, have caused this plat and survey to be made in accordance with our desire and wish, and we hereby do dedicate all streets, avenue, or roads to public use as indicated.

Witness: Harold W. Travis Signed: Harold W. Travis
James P. Baker Clerk

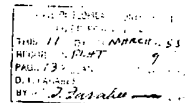
State of Florida S.S. Greetings. The above named Harold W. Travis, County of Lee and Edith A. Travis, his wife, to me known, today, appeared before me and acknowledged the signing of this instrument for the purpose indicated in my capacity as an authority in and said State and county. In testimony whereof I affix my signature this 16th day of February, 1955, at Ft. Myers, Fla.
Harold W. Travis
My commission expires Jan. 11, 1958

Approved by the board of Commissioners of Lee County Florida in open session February 23rd 1955.

Attest: J. J. Baker Signed: Walter C. Smith
Clerk Chairman

This plat was examined by me and found to comply with the laws of Florida. Received for March 1955

J. J. Baker
Clerk of Circuit Court for Lee Co. Fla.



Recorded in Plat Book 9 Page 132

RECEIVED

MAR 02 2005

ZONING

REZ 2005-00002

LEGAL DESCRIPTION

RECEIVED

(OFFICIAL RECORDS BOOK 4019, PAGE 1695)
STRAP # 10-44-24-01-00034.0000

OCT 03 2005

LOTS 33 AND 34, LESS SR-78A RIGHT-OF-WAY, PINE ACRES SUBDIVISION,
ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9,
PAGE 42, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

COMMUNITY DEVELOPMENT

Applicant's Legal Checked

by Lgon 10/04/2005

AND

LOTS 31 AND 32, TRAVIS SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 132,
OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (LESS PONDELLA ROAD
RIGHT-OF-WAY).

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REZ 2005-00002

(METES AND BOUNDS PREPARED BY THIS SURVEYOR)

BEGIN AT THE SOUTHWEST CORNER OF LOT 31 OF TRAVIS SUBDIVISION,
ACCORDING TO THE PLAT THEREOF, AS RECODED IN PLAT BOOK 9 AT PAGE 132
OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N 00°05'20" W
ALONG THE WEST LINE OF LOTS 31 AND 32 OF SAID TRAVIS SUBDIVISION, FOR A
DISTANCE OF 140.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF
PONDELLA ROAD; THENCE RUN N 89°00'40" E, ALONG SAID SOUTH RIGHT-OFWAY
LINE, FOR A DISTANCE OF 281.73 FEET TO A POINT ON THE EAST LINE OF
LOT 34 OF PINE ACRES, A PLATTED SUBDIVISION RECORDED IN PLAT BOOK 9 AT
PAGE 42 OF THE PUBLIC RECORDS OF LEE COUNTY, FLOIRDA; THENCE RUN
S 00°05'20" W, ALONG THE EAST LINE OF LOTS 34 AND 33 OF SAID PINE ACRES
PLAT, FOR A DISTANCE OF 120.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT
33; THENCE RUN S 89°00'40" W, ALONG THE SOUTH LINE OF SAID LOT 33, FOR A
DISTANCE OF 141.51 FEET TO THE SOUTHWEST CORNER OF SAID LOT 33, THE
SAME BEING A POINT ON THE EAST LINE OF LOT 31 OF THE SAID TRAVIS
SUBDIVISION PLAT; THENCE RUN S 00°42'40" E, ALONG SAID EAST LINE OF LOT 31,
FOR A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 31;
THENCE RUN S 89°00'40" W, ALONG SAID SOUTH LINE, FOR A DISTANCE OF 140.00
FEET TO THE SOUTHWEST CORNER OF SAID LOT 31 AND THE **POINT OF**
BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, CONTAINING 0.839
ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND OR RESERVATIONS OF RECORD.
BEARINGS ARE BASED ON THE WEST LINE OF LOTS 31 AND 32 OF THE TRAVIS
SUBDIVISION PLAT AS BEING N 00°05'20" W.

DATE

9-29-05

Eric V. Sandoval R.S.M. # 5223 State of Florida

TKW
CONSULTING ENGINEERS, INC.

environmental - civil - structural survey

5621 Bonner Drive
Fort Myers, Florida 33912
(239) 278-1992 • FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Survey Certification # 734

DRAWN BY: EVS JOB NO.: 05562.00 SHEET 1 OF 2

LEGAL DESCRIPTION

A PORTION OF LOTS 31 & 32, TRAVIS SUBDIVISION
A PORTION OF LOTS 33 & 34, PINE ACRES SUBDIVISION
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

DATE: SEPTEMBER 2005

DRAWING: PONDELLA

RECEIVED

OCT. 03 2005



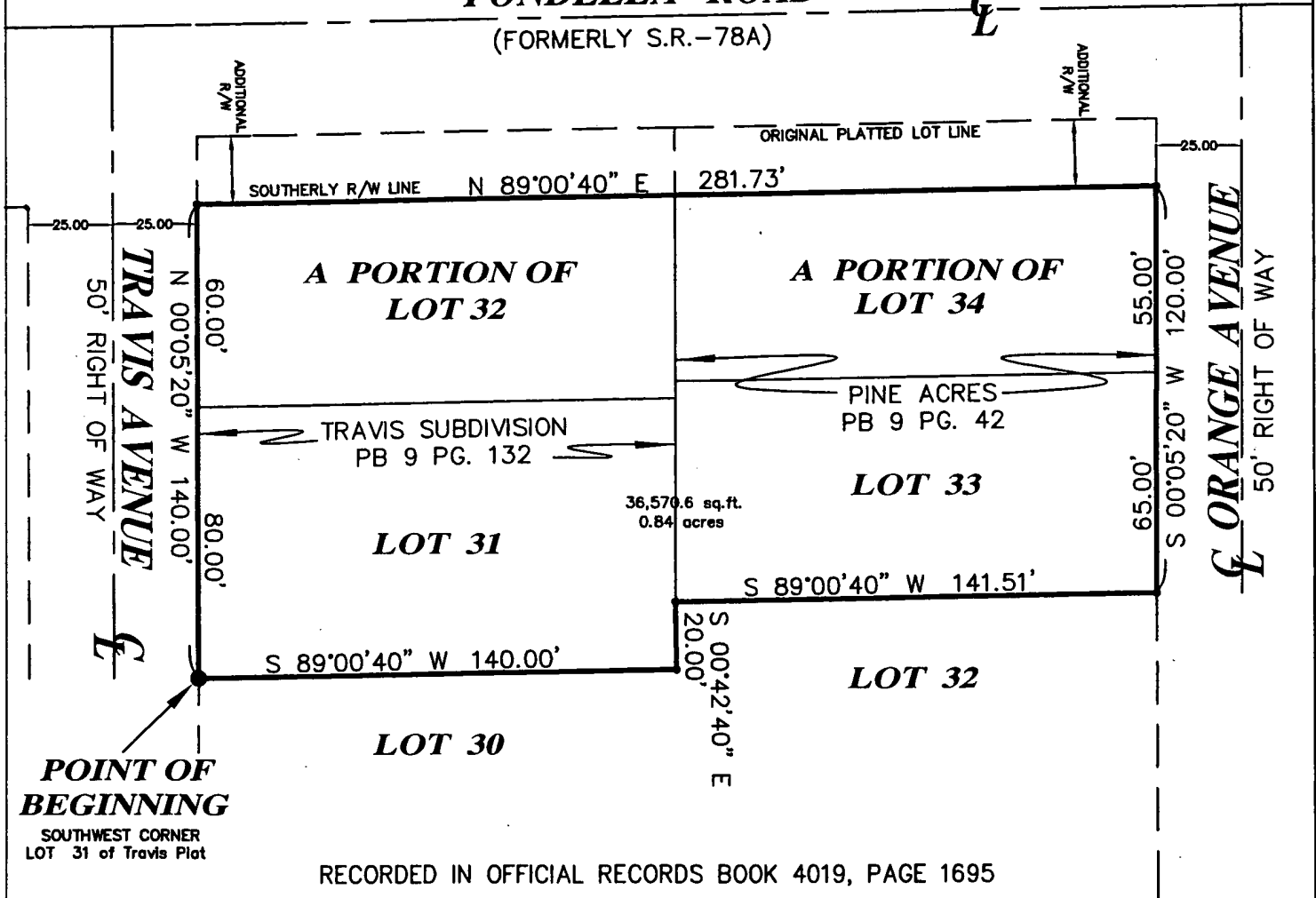
Sketch
cf
Applicant's Legal Checked
by Lgm 10/04/2005.

COMMUNITY DEVELOPMENT

0' 25' 50'
SCALE: 1" = 50'

PONDELLA ROAD

(FORMERLY S.R.-78A)



RECORDED IN OFFICIAL RECORDS BOOK 4019, PAGE 1695

STRAP # 10-44-24-01-00034.0000

1205 ORANGE AVENUE

NORTH FORT MYERS, FLORIDA 33903

LEGEND

R/W RIGHT-OF-WAY
PB PLAT BOOK
PG. PAGE

*** THIS IS NOT A SURVEY ***

TKW
CONSULTING ENGINEERS, INC.

environmental civil structural survey

5621 Banner Drive
Fort Myers, Florida 33912
(239) 278-1992 • FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Survey Certification # 734

DRAWN BY: EVS JOB NO.: 05562.00 SHEET 2 OF 2

SKETCH TO ACCOMPANY

A PORTION OF LOTS 31 & 32, TRAVIS SUBDIVISION
A PORTION OF LOTS 33 & 34, PINE ACRES SUBDIVISION
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

DATE: SEPTEMBER 2005

DRAWING: PONDELLA

REZ 2005-00002

SCALE: 1" = 40'

LOTS 33 AND 34 LESS SR-764 RIGHT-OF-WAY PEGS SUBMISSIONS ACCORDING TO THE MAP OR
 THEREFOR AS RECORDED IN PLAT BOOK 9, PAGE(S) 42, PUBLIC RECORDS OF LEE COUNTY, FLORIDA
 PARCEL IDENTIFICATION NUMBER: 10-44-24-01-00034.0000
 PARCEL IDENTIFICATION NUMBER: 10-44-24-01-00033.0000
 LOT 31 AND 32 TRAYS SUBMISSION, AS RECORDED IN PLAT BOOK 9, PAGE 132, PUBLIC RECORDS OF LEE
 COUNTY, FLORIDA
 PARCEL IDENTIFICATION NUMBER: 10-44-24-03-00031.000

LOTS 33 AND 34 LESS SR-764 RIGHT-OF-WAY PEGS SUBMISSIONS ACCORDING TO THE MAP OR
 THEREFOR AS RECORDED IN PLAT BOOK 9, PAGE(S) 42, PUBLIC RECORDS OF LEE COUNTY, FLORIDA
 PARCEL IDENTIFICATION NUMBER: 10-44-24-01-00034.0000
 PARCEL IDENTIFICATION NUMBER: 10-44-24-01-00033.0000
 LOT 31 AND 32 TRAYS SUBMISSION, AS RECORDED IN PLAT BOOK 9, PAGE 132, PUBLIC RECORDS OF LEE
 COUNTY, FLORIDA
 PARCEL IDENTIFICATION NUMBER: 10-44-24-03-00031.000

ASPHALT ROAD 65.50

ASPHALT ROAD 65.50

AMIDEO G. AND PATRICIA C. PAGLIARO,
PRINCIPAL RESIDENTIAL MORTGAGE, INC.
EXECUTIVE TITLE INSURANCE SERVICES, INC.
STEWART TITLE GUARANTY.

CERTIFIED TO:

1205 ORANGE AVENUE NORTH FORT MYERS, FL 33903

PERMIT COUNTER**PROPERTY ADDRESS:**

MAR 02 2005

Applicant's Survey Checked
By lgn 10/04/2005.

~~REF 2005-00002~~

[illegible]

ORANGE AVE

NORTH

SURVEYORS NOTES:

1-ONNASHIP IS SUBJECT TO OPINION OF TITLE
2-EXAMINATION OF THE ABSTRACT OF TITLE WILL
HAVE TO BE MADE TO DETERMINE RECORDED
INSTRUMENTS. IF ANY, AFFECTING THIS PROPERTY
3-NO UNDERGROUND IMPROVEMENTS WERE LOCATED
4-ELEMENTS ARE REFERRED TO NATIONAL GEODETIC
VERTICAL DATUM OF 1928 (UNLESS ASSUMED).
5-THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN
IN THIS SURVEY THAT MAY BE FOUND IN THE COUNTY
PUBLIC RECORDS
6-LEGAL DESCRIPTION PROVIDED BY CLIENT
7-UNLESS OTHERWISE NOTED RECORDED AND MEASURED
DATA ARE IN SUBSTANTIAL AGREEMENTS.
8-BEFORE ANY CONSTRUCTION THE SET BACKS
MUST BE CHECKED
9. LIABILITY OF THIS SURVEY IS LIMITED TO THE COST
OF THE SURVEY
10. THIS SURVEY IS INTENDED FOR MORTGAGE OR
RETAINANCE PURPOSES ONLY EXCEPTED FOR THE
USE BY THOSE TO WHOM IT IS CERTIFIED. THIS
SURVEY IS NOT TO BE USED FOR CONSTRUCTION
PERMITTING, DESIGN OR OTHER USE WITHOUT THE
WRITTEN CONSENT OF THIS COMPANY.
11-FLOOD ZONE A-B BASE 6.0' PAINT 0200
12- DATE OF FIELD WORK 07-15-03

 CHAIN BLUSH
 UTILITY POLE
 WOOD FENCE
 WIRE HYDRANT
 ELEVATION
 TITLE
 ASPHALT
 GOALS
 WATER VALVE
 UTILITY POLE ANCHOR
 CONCRETE
 CHAIN LINK FENCE
 C.B.S. WALL
 HEAVY CEMENT
 DIRECTION

I HEREBY CERTIFY THAT THE FOREGOING SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AS RECENTLY SURVEYED UNDER MY DIRECTION. IT IS ALSO MY PROFESSIONAL OPINION THAT THIS SURVEY MEETS THE USUAL TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61-17-6 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472-027 OF THE FLORIDA STATUTES.

THE SURVEY SHOWN HEREON IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER

De la Cruz

CARIBBEAN INSPECTIONS & SURVEYS		
7911 NW 72nd AVE., SUITE 105, MEDLEY, FL 33166	JOB # W-1205-0	DRAWN: C.L. REV: N.A.
EASTCOAST OPERATIONS		
MIAMI BEACH/NORRONE	BROWARD	
(905) 889-1100	(854) 435-0220	
FAX (305) 888-2800	FAX (305) 438-7272	
PALM BEACH		
(561) 741-4860	MARTIN/ST. LUCIE/INDIAN RIVER	
FAX (561) 741-4259	(772) 398-6653	
WESTCOAST OPERATIONS		
COLLIER/LEE (239) 549-6311/FAX: (239) 548-5811		
TOLL FREE STATE WIDE 1-866-261-CBIC		
WWW.CBICOSP.COM		

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

WHEREAS, an application was filed by the property owner, Amideo G. and Patricia C. Pagliaro, to rezone a 1.0-acre parcel from the Residential Single Family (RS-1) and Commercial (C-1) zoning district to Special Commercial Office (CS-1) zoning district (amended at the public hearing), in reference to Pagliaro Rezoning; and,

WHEREAS, a public hearing was advertised and held on December 7, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #REZ2005-00002; and

WHEREAS, a second public hearing was advertised and held on March 20, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 1.0-acre parcel from the RS-1 and C-1 to CS-1 zoning district (amended at the public hearing). The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED.

SECTION B. EXHIBITS AND STRAP NUMBER:

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)

The applicant has indicated that the STRAP number for the subject property is:
10-44-24-01-00034.0000

SECTION C. 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. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Douglas R. St. Cerny, seconded by Commissioner John E. Albion and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 20th day of March 2006.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Michelle D. Cooper
Deputy Clerk

BY: Tammara Hall
Chairwoman

Approved as to form by:

Robert St. Cerny
County Attorney's Office



CASE NO: REZ2005-00002

RECEIVED
MINUTES OFFICE
2006 MAR 29 AM 11:32

Z-05-097
Page 2 of 2

LEGAL DESCRIPTION

RECEIVED

(OFFICIAL RECORDS BOOK 4019, PAGE 1695)
STRAP # 10-44-24-01-00034.0000

OCT 03 2005

LOTS 33 AND 34, LESS SR-78A RIGHT-OF-WAY, PINE ACRES SUBDIVISION,
ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9,
PAGE 42, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

COMMUNITY DEVELOPMENT

AND

Applicant's Legal Checked

by Lgin 10/04/2005

LOTS 31 AND 32, TRAVIS SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 132,
OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (LESS PONDELLA ROAD
RIGHT-OF-WAY).

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REZ 2005-00002

(METES AND BOUNDS PREPARED BY THIS SURVEYOR)

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BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, CONTAINING 0.839
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BEARINGS ARE BASED ON THE WEST LINE OF LOTS 31 AND 32 OF THE TRAVIS
SUBDIVISION PLAT AS BEING N 00°05'20" W.

Eric V. Sandoval

DATE 9-29-05

Eric V. Sandoval, P.S.M. # 5223 State of Florida

T&W
CONSULTING ENGINEERS, INC.
environmental • civil • structural • survey

5621 Bonner Drive
Fort Myers, Florida 33912
(239) 278-1992 • FAX (239) 278-0991
E-MAIL tkw@tkwonline.com
Survey Certification # 734

EXHIBIT A
(Page 1 of 2)

DRAWN BY: EVS	JOB NO.: 05562.00	SHEET 1 OF 2
LEGAL DESCRIPTION		
A PORTION OF LOTS 31 & 32, TRAVIS SUBDIVISION A PORTION OF LOTS 33 & 34, PINE ACRES SUBDIVISION SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA		
DATE: SEPTEMBER 2005	DRAWING: PONDELLA	

RECEIVED

OCT. 03 2005



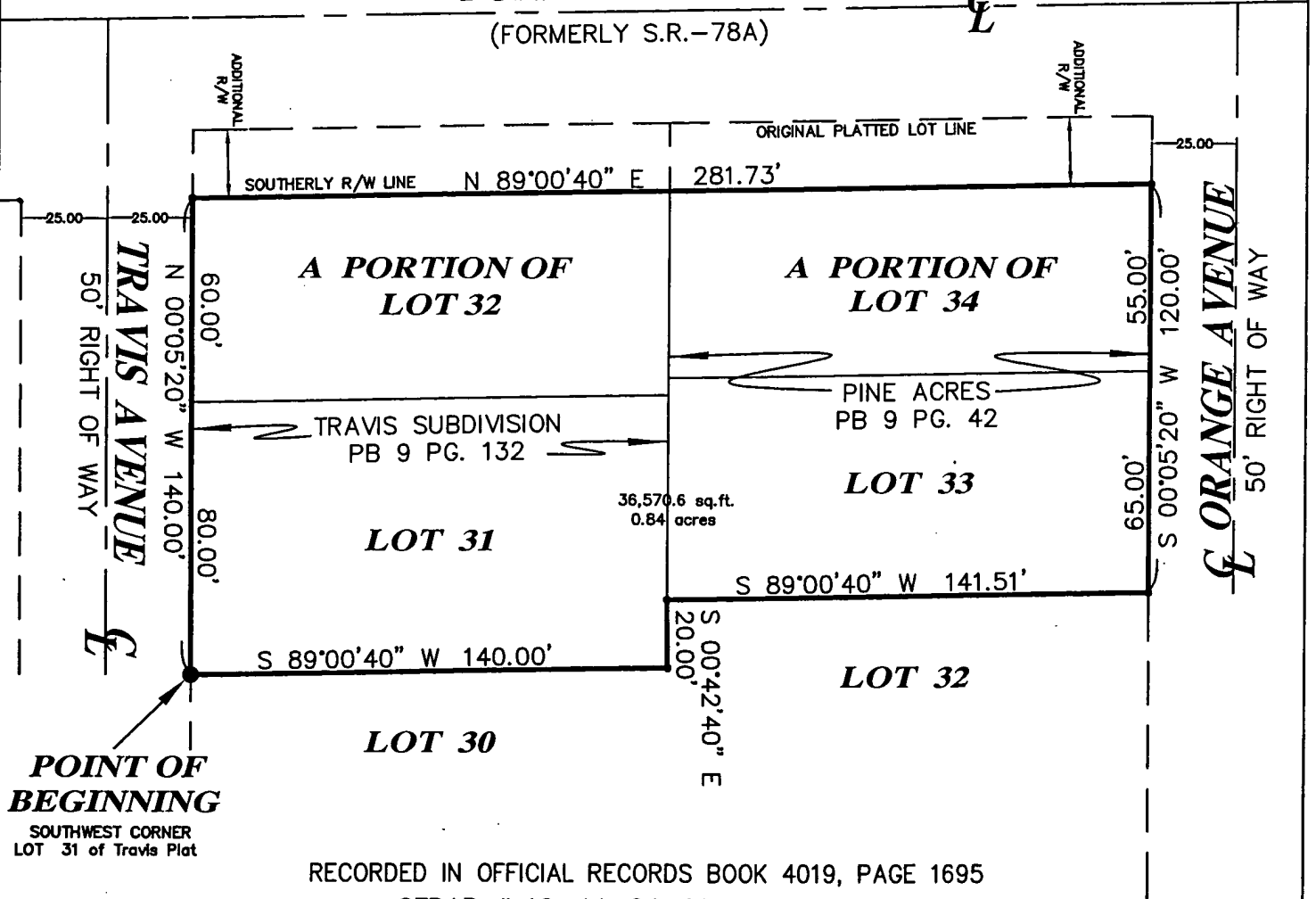
COMMUNITY DEVELOPMENT

0' 25' 50'
SCALE: 1" = 50'

Sketch
Applicant's Legal Checked
by Lgm 10/04/2005

PONDELLA ROAD

(FORMERLY S.R.-78A)



RECORDED IN OFFICIAL RECORDS BOOK 4019, PAGE 1695

STRAP # 10-44-24-01-00034.0000

1205 ORANGE AVENUE

NORTH FORT MYERS, FLORIDA 33903

LEGEND

R/W RIGHT-OF-WAY
PB PLAT BOOK
PG. PAGE

*** THIS IS NOT A SURVEY ***

TKW
CONSULTING ENGINEERS, INC.

environmental civil structural survey

5621 Banner Drive
Fort Myers, Florida 33912
(239) 278-1992 • FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Survey Certification # 73

DRAWN BY: EVS JOB NO.: 05562.00 SHEET 2 OF 2

SKETCH TO ACCOMPANY

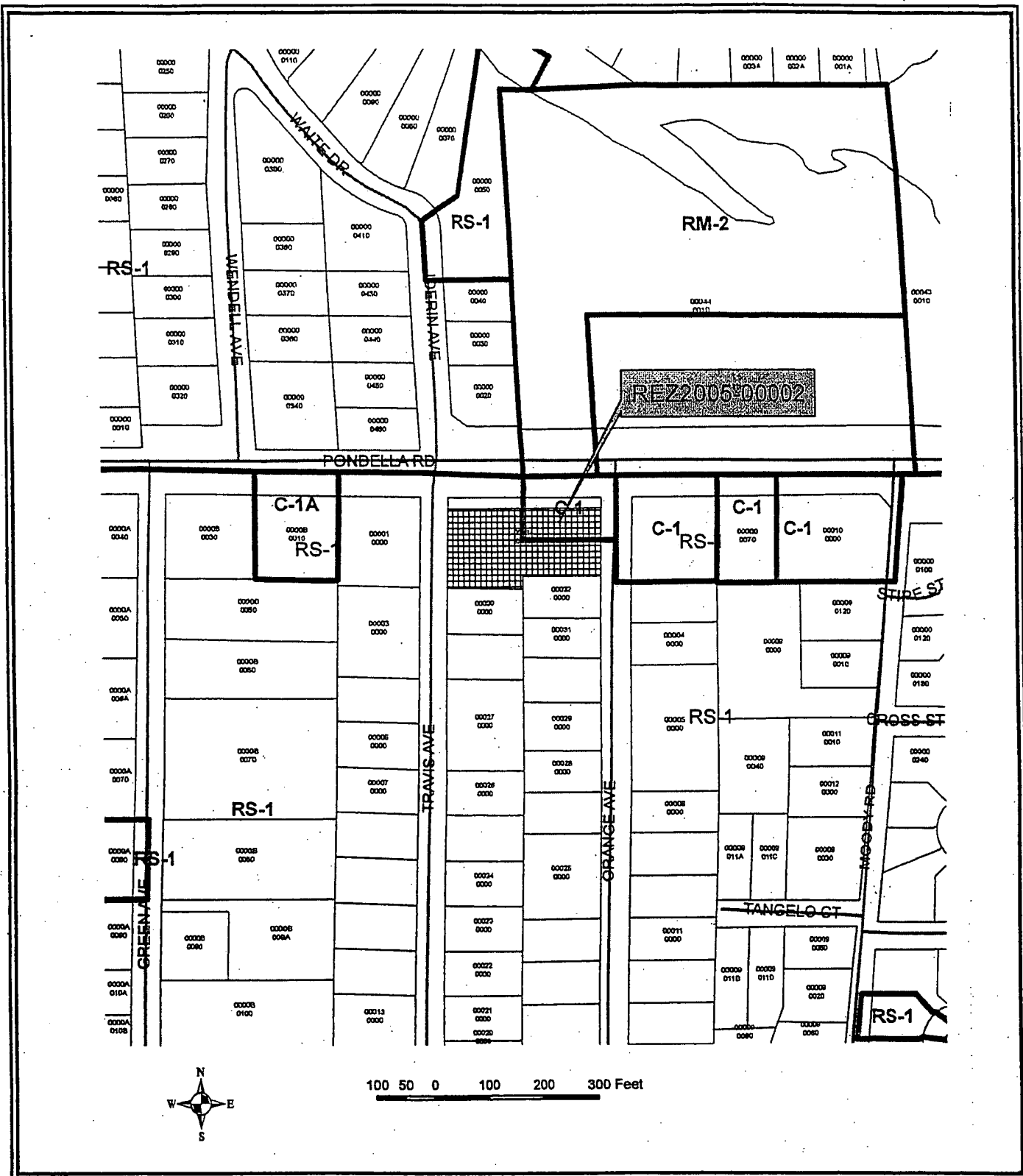
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A PORTION OF LOTS 33 & 34, PINE ACRES SUBDIVISION
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

DATE: SEPTEMBER 2005

DRAWING: PONDELLA

EXHIBIT A
(Page 2 of 2)

REZ 2005-00002



ZONING
LEE COUNTY
 SOUTHWEST FLORIDA

1205 Orange Ave
 File # REZ2005-00002

EXHIBIT "B"
 (Zoning Map)

NORTH FORT MYERS, FLORIDA
 11/21/05

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: REZ2005-00002
APPLICANT: AMIDEO G. & PATRICIA C. PAGLIARO
HEARING DATE: DECEMBER 7, 2005

I. APPLICATION:

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

Filed by AMIDEO G. & PATRICIA C. PAGLIARO, 928 Diplomat Parkway West, Cape Coral, Florida 33993 (Applicant/Owner); MATTHEW D. UHLE, ESQUIRE, c/o KNOTT, CONSOER, EBELINI, HART & SWETT, P.A., 1625 Hendry Street, Fort Myers, Florida 33901 (Agent).

Request is to rezone a 1.0-acre parcel from the Residential Single Family (RS-1) and Commercial (C-1) zoning district to ~~(CC) Community Commercial~~ Special Commercial Office (CS-1) zoning district (amended at the public hearing).

The subject property is located at 1205 Orange Avenue, N. Ft. Myers (take U.S. 41 North and turn left onto Pondella Road. Drive about 0.6 miles and turn left onto Orange Avenue), Florida 33903, in Section 10, Township 44 South, Range 24 East, Lee County, Florida (District #4).

II. STAFF REPORT AND RECOMMENDATION: APPROVAL OF CS-1

The Department of Community Development Staff Report was prepared by Shawn Lamey. The Staff Report is incorporated herein by this reference.

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request for a rezoning from C-1 and RS-1 to CS-1 for the real estate described in Section IX. Legal Description.

IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone a 1.0-acre parcel, located on the south side of Pondella Road, between Travis and Orange Avenues, from C-1 and RS-1 to CS-1 (Special Commercial Office District). The subject property is generally rectangular in shape, and has about 282 feet of frontage on Pondella Road, 120 feet of frontage on Orange Avenue, and about 140 feet of frontage on Travis Avenue. The property to the east is zoned C-1 and developed with a convenience food and beverage store, to the west is a vacant RS-1 zoned parcel (across Travis Avenue), to the south are single-family units in RS-1 zoning, and to the north (across Pondella Road) is a mixture of residential units in RS-1 and RM-2 zoning districts. There are a number of commercial uses in properties fronting on Pondella Road, both to the east and west of the subject property. The subject property is designated Suburban in the Lee Plan.

ISSUES - None between Staff and Applicant, but the residents of the abutting neighborhood expressed concerns that any commercial development on the subject property would have adverse impacts on their community. See Public synopsis below.

Background

In amending their request from a rezoning of CC to rezone to the CS-1 district, Applicant indicated that they had no immediate plans for development of the subject property. They would be satisfied with the office uses allowed in the CS-1 zoning district, even though they believed that more intensive commercial uses would also be appropriate for this site. They pointed out that the subject property fronted on a 5-laned arterial roadway, which clearly made it inappropriate for residential uses, especially given the current traffic load on that roadway.

They did not believe that the uses allowed in the CS-1 district would result in any adverse impacts on the adjacent dwelling units or their roadways. They stressed that the standard buffers required between commercial and residential property would be sufficient to protect the nearby single-family dwelling units from the lights, noises, and activities associated with the requested office type uses.

Staff recommended approval of the CS-1 district, instead of the initially requested CC district, finding that the restricted, low intensity office-type uses allowed in the CS-1 district were more compatible and appropriate in this location than those uses allowed in the CC district. They understood that a portion of the subject property was already zoned C-1, which allowed some very intensive commercial uses, but pointed out that the C-1 area was too small to accommodate a commercial use. They conceded that residential uses were not really appropriate on this parcel because of its proximity to Pondella Road, but believed that the more intensive commercial uses would not be compatible with the adjoining residential neighborhood.

Staff has suggested that, if they really wanted the CC zoning, Applicant could present the request as a planned development, which would give Staff more comfort in the location of such things as the buildings, access point(s), parking lots, etc. Applicant chose to accept Staff's proposal of the rezoning to the CS-1 district, in lieu of the CC district, noting that they were not in a position to prepare a planned development at this time.

Staff did note a mixture of commercial uses, ranging from office types to convenience food and beverage stores, in the immediate vicinity of the subject property. All those commercial uses fronted on Pondella Road, and were abutted to the south by residential uses. Staff found that the CS-1 (low density commercial office) development of this site would be compatible with the other commercial uses, and, with buffers, setbacks and compliance with the regulations in the Land Development Code, would be compatible with the residential uses to the south. In addition, they believed that the CS-1 uses would protect the residential neighborhood from the noise and impacts resulting from the 5-laned Pondella Road.

Public

Several residents of the residential community attended the public hearing to express concerns about commercial traffic using their streets, safety of their children and other family members, noise lights and commotion in the parking lot, security and potential crime attracted by the commercial uses.

Hearing Examiner Discussion

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval of the rezoning to CS-1, finding that the request meets the criteria for approval set out in LDC Section 34-145, and is consistent with the intent and provisions of the Lee Plan and the Land Development Code. She also finds that the CS-1 uses will be compatible with the mixture of commercial and residential uses, and will not be detrimental or injurious to the persons or properties in the adjoining residential neighborhood.

It is the opinion of the Hearing Examiner that the office type uses allowed in the CS-1 zoning district will not create intensive traffic, noise, lighting or nuisance impacts on the adjacent residential uses.

The Hearing Examiner understands some of the concerns raised by the neighbors, but points out that the office-type uses will actually protect them from the impacts associated with the use of Pondella Road. In addition, she understands that the neighbors would like to see this property developed with only residential uses, but that is not likely to happen, given its proximity to Pondella Road and the other commercial uses fronting on Pondella Road. The property owner must be given some reasonable use of his property, and it is the Hearing Examiner's opinion that the office-type uses allowed in the CS-1 zoning district are an appropriate "reasonable use."

She points out that, as this is a conventional rezoning, no conditions may be imposed on the approval of this zoning district, and, in her opinion, no conditions are necessary as the Applicant must comply with the requirements and regulations in the Land Development Code. It is her opinion that the land development regulations set out in the Land Development Code will adequately protect the health, safety and welfare of the nearby residents and the general public

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. That the Applicant has proved entitlement to the CS-1 zoning district by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
- B. That the requested development will meet or exceed all performance and locational standards set forth for the uses allowed in the CS-1 zoning district.
- C. That the proposed development will be consistent with the densities, intensities and general uses set forth in the Lee Plan.
- D. That the proposed uses, developed in compliance with the Lee County Land Development Code regulations, will be compatible with existing or planned uses in the surrounding area.
- E. That approval of the CS-1 rezoning will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates.

F. That the CS-1 uses will not adversely affect environmentally critical areas and natural resources.

G. That urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.

H. That the land development regulations set out in the Land Development Code will adequately protect the health, safety and welfare of the nearby residents and the general public from any impacts associated with the development of this site with CS-1 uses.

VI. LIST OF EXHIBITS:

STAFF'S EXHIBITS

- 1 Aerial Photograph, dated 2005, with subject property identified in red [color]
- 2 Colored Photographs of Subject Property, dated 12/06/05 [color]
- 3 Commercial Location Map, dated 12/05/05 [color]

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

APPLICANT'S EXHIBITS

- 1 Composite of five (5) photographs of views around the subject property [color]

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

VII. PRESENTATION SUMMARY:

The Hearing Examiner explained the hearing process and placed all the participants under oath. Then, Robert Spickerman, Assistant County Attorney, introduced himself and indicated that he was a representative of the Board of County Commissioners (BOCC). He was also present to assist Staff, the Applicant, and the Hearing Examiner to insure that the record for this case is complete. Anyone present who wished to participate in the public hearing or obtain a copy of the Hearing Examiner's recommendation needed to fill out one of the white forms provided by the Hearing Examiner's office. At the conclusion of the Staff's presentation, the Hearing Examiner will open the floor for public participation, at which time the public will have the opportunity to address the Hearing Examiner from the podium. He asked that they remember to state their names and addresses for the record when they come up to speak, and explain where their properties were located in reference to the subject property.

Continuing, Mr. Spickerman explained that this public hearing was not the final action on this matter. The Hearing Examiner's recommendation will be considered by the BOCC at a final public hearing in a few weeks. If they would like to have their thoughts considered in this matter, they would need to speak before the Hearing Examiner today. Also, if they wished to speak at the hearing before the BOCC, they would need to speak here today to preserve your right to address the BOCC.

Mr. Spickerman then asked the participants at the table to introduce themselves to the audience. First to speak was Shawn Lamey, Zoning Department; and then Attorney Matthew Uhle and Planner Michael Roeder, representing the Applicant, introduced themselves. The Hearing Examiner stated that before they got started she would swear in all persons who will be testifying in this hearing.

Having sworn in those who would be speaking, the Hearing Examiner explained that the Applicant will be making their presentation first, and then Staff would make a presentation explaining the Staff Report, their reasoning in the Staff Report, and their recommendation. After Staff has concluded their presentation, the floor would be open for public comment, and she instructed them to keep their comments and questions germane to the rezoning matter; not to stray into personality differences or neighborhood conflicts.

Attorney Matthew Uhle re-introduced himself and noted he would be making some brief introductory remarks, and then would turn the rest of the presentation over to Michael Roeder, the planner. To put the case in context, Mr. Uhle said the Hearing Examiner will note that this case is framed as a request for CC rezoning. However, Staff is recommending denial of CC, but approval for CS-1. The reason they asked for CC was because it was his professional judgment, as well as Mr. Roeder's, that CC was an appropriate district for this particular property - for several reasons.

First of all, they believe that CC is clearly consistent with the Suburban land use category. He mentioned that largely because the Staff Report contains some discussion that CC can have retail uses that will attract people from outside the neighborhood, and that was inconsistent with the Suburban land use category. He noted that they had seen that argument on a couple of occasions, and they wanted to make it clear, for the record, that they were in complete disagreement with Staff, and do not believe that is included in the Suburban land use category or that it should be considered to be part of the standard.

Furthermore, the property complies with the commercial site location standards. It was at the location of two intersections, an arterial and a local road. It clearly meets the standard for minor commercial. A portion of the property is already zoned C-1, which is very similar to the CC zoning category. Parcels to the east are already zoned C-1 and are used for such things as a convenience store and a used car dealership. He pointed out that Mr. Lamey had posted a picture of the convenience store located on the opposite side of Orange Avenue, and that there would be other photos to view during the hearing.

Referring to the Staff's Commercial Location Map (Staff Exhibit 1), he noted that it showed, in red, the commercial areas west of the subject property, and the subject property in hashed markings. He pointed out, on their overlay aerial photo, the portion of this site that is zoned C-1. He called the Hearing Examiner's attention to the fact that the boundary actually appears to go all the way up to the center line of Pondella Road, but that was relatively meaningless. The vacant property immediately to the west is zoned RS-1, but he thought it was reasonable to speculate that the likelihood of this developing with a single-family residence was poor, especially in light of the fact that the property was located on a multi-lane arterial highway. Also, the property immediately west of that parcel was another existing commercial development zoned C-1A. For those reasons, they believed that the CC proposal was consistent with the uses that already exist in the area.

However, when they presented this information to the Staff, Staff did not agree with them. Mr. Uhle made that information available to the client, advising that, if they went forward with the CC, there was a possibility that they might end up with a denial. He suggested that they have a back-up plan, just in case the Hearing Examiner and the BOCC thought the CC plan was incompatible, then they would not have to start all over again.

As a result, they had discussions with the Staff to try to come to an agreement on a category that the Applicant could live with and the Staff would find compatible. Ultimately, those discussions resulted in the Staff recommending approval of the CS-1. Therefore, Mr. Uhle said his presentation will be relative to CS-1 rather than CC. The Hearing Examiner inquired if they were willing to accept Staff's recommendation of approval of the CS-1 category, and Mr. Uhle said they were. He pointed out, for the benefit of those present, that there was a significant difference between the two commercial categories. The CS-1 zoning was primarily an office district.

The Hearing Examiner questioned why they had not chosen one of the Neighborhood Commercial (CN) zoning districts, and asked if the CN was more intensive than the CC zoning district. Mr. Uhle said it was not more intensive than CC, and they had considered CN-1, which was lower intensity commercial use, with some retail uses, but Staff was not willing to consider that district either.

Michael Roeder, with the Knott Consoer law firm, re-introduced himself, noting his resume was on file in the Hearing Examiner's office. He requested to be accepted as an expert in land use planning and zoning. Hearing no objections from the Staff, he was accepted as such by the Hearing Examiner.

Mr. Roeder explained that this was a 1-acre parcel on the south side of Pondella Road between Orange Boulevard and Travis Avenue. It was located west of the Moody and Pondella Road signalized intersection. He indicated the photos on the board, noting that the picture to the left showed part of this property. Looking eastward from Travis Avenue, the convenience store could be seen. He also pointed to the rear of the property, noting that it was very helpful that Mr. Lamey had prepared the map of the existing zoning (Staff Exhibit 3). He had a few additional photos to give the Hearing Examiner a little more of the flavor of the area (Applicant's Exhibit 1), and proceeded to describe each photo and the location in relationship to the subject property.

Given what was depicted in those photos, the Applicant had thought the CC zoning was a reasonable use because of what was happening in the area. While they agreed with the CS-1 recommendation, they did not want to concede to the findings in the Staff Report about the inappropriateness of the uses, or that the uses were too intense, or that the request was inconsistent with the Lee Plan.

Speaking frankly, the Applicant does not have any particular plans for the property; they would probably market it, and the subsequent owner might want to revisit the zoning matter. They did not want to prejudge that situation in this hearing. Basically, for the CS-1 zoning, given its location on the 5-lane arterial and the surrounding land uses, they believed it was very consistent with the definition of the Suburban land use category. With the buffering that was required in the LDC, the uses will be consistent with Policy 5.1.5 of the Lee Plan.

Staff also found the CS-1 zoning consistent with Objective 2.1 and 2.2 of the Lee Plan, relating to location and timing policies. The property also has all required urban services available to it. As a CS-1 case, Mr. Roeder thought it was very straightforward. They could not imagine that anyone would build a new house in this location on Pondella Road, and that was also true for the vacant property to the west. He felt CS-1 uses were more than reasonable for this site. They would have been happy to come and make a case for CN-1 or even CN-2, but their client wanted them to take the safest acceptable way and not have any doubt about it.

The Hearing Examiner inquired what potential building size would fit on this 1-acre parcel. Mr. Roeder stated if it were 1-story, they would be looking at 7,500 to 8,000 square feet. If it was built as a 2-story, it would be 10,000 to 12,000 square feet. They would have to work out the parking and the water management. The Hearing Examiner suggested a typical small office space would be 2,000 square feet, but Mr. Roeder indicated that was a fairly large office. He thought a small one would be more like 800 to 1,000 square feet. If that were the case, the Hearing Examiner noted there could be 12 offices in that 2-story building. Mr. Lamey noted that would require about 40 parking spaces. Mr. Roeder said those were just estimates on his part, as they would have to do the engineering before he could be sure that all that would fit on the subject property.

At Mr. Uhle's request to briefly describe the kind of uses that would be permitted in a CS-1 zoning category, Mr. Roeder advised it would be the typical doctor, lawyer, or real estate office. It could be an appraiser's office, insurance agent, or business services, etc. Mr. Uhle inquired if these businesses were large trip generators, to which Mr. Roeder said they were not usually, and it would also be very unusual if any of the business had 24-hour operations or evening hours. Mr. Uhle inquired if there would be any outdoor storage involved with any of these businesses, and Mr. Roeder responded that would not be allowed. Mr. Uhle asked about required buffering between the proposed use and any existing single-family residential. It was determined that buffering would be required. Mr. Roeder's closing remark was that they would like to say that they accepted Staff's recommendation, but they did not accept the rationale.

Shawn Lamey, a Planner with the Department of Community Development, re-introduced himself, and noted he had previously been accepted as an expert witness in land use, planning, and zoning. His resume was on file in the Hearing Examiner's office. He requested to be accepted as such for this hearing. Hearing no objections from the Applicant, he was accepted as such.

Mr. Lamey noted his Staff Report for this case was numbered REZ2005-00002, and was dated November 22, 2005. He asked that it be incorporated as part of the record, and it was accepted by the Hearing Examiner.

Mr. Lamey located the 1-acre subject property on the south side of Pondella Road, in North Fort Myers, just west of Moody Road. The original request involved the rezoning from RS-1 and C-1 to Community Commercial (CC). The site fronts on Pondella Road, and it is surrounded with nearby commercial uses and zoning. Residential uses and zoning are found south of the subject property. The photos posted on the board indicate the nature of these uses. Staff evaluated the proposed rezoning in the context of the Applicant's written narrative proposal, and the impacts on the surrounding development pattern and zoning designation.

After conducting a complete review and analysis of the proposed case, Staff had to insure that the request qualified for a rezoning by compliance with all regulations of the Lee County Comprehensive Plan (Lee Plan). Staff concluded that the impact of the proposed zoning change to CC, an intensive commercial zoning district, near residential properties is not compatible with the low density residential development to the south. They found that the rezoning request from RS-1 and C-1 does not comply with all the policies and objectives of the Lee Plan, which the Applicant is required to meet for approval. In particular, Lee Plan Policy 5.1.5 and Policy 100.9.5 discourage commercial intrusion into residential neighborhoods.

Additionally, concerns were expressed by the public to Staff that indicated the surrounding land uses could be adversely affected.

Mr. Lamey noted, although Staff recommends denial of the CC zoning district, they have offered approval of an alternative zoning district - Special Commercial Office District (CS-1). Staff feels that this alternate zoning district is compatible with and will not intrude into the adjacent residential neighborhood. However, Staff has heard from the public after the Staff Report was finalized, that there would be several people speaking at this hearing on behalf of the public in their neighborhood. These residents believed that the commercial zoning would be harmful to the neighborhood. Mr. Lamey said the Staff would listen to the public concerns and will try to address these concerns after the public spoke.

The Hearing Examiner commented that, in looking at the map, the property is zoned C-1 on the east, which Mr. Lamey confirmed. The Hearing Examiner noted the Staff had determined that the CC uses were just too intense for the site, and asked why something a little less intense - like CN-1, CN-2, or CN-3 - was not looked at for the property. Mr. Lamey said he spoke to Mr. Roeder and his client, and they had tried to get an idea of what could happen on the property. He noted he could not get a firm answer from the Applicant, about a particular use, and, because of that concern alone, they suggested the possibility of doing a Planned Development. However, the Applicant was not able to provide Staff with a Planned Development at this time. Therefore, due to the unknown possibilities of what could occur on the property, Staff took a hard line to approve the least intensive commercial district that was available.

The Hearing Examiner noted her only concern was whether CS-1 uses are appropriate on a 5-laned arterial. It was her understanding that CS-1 was supposed to buffer the more intensive uses from the less intensive uses. In this instance, they had no major use; they had the roadway, the proposed CS-1 site, and then the residential district. She inquired if he had a different understanding of the purposes of CS-1. Mr. Lamey said he agreed with her statement, but Staff's main concern was to limit the intensive commercial uses that may ultimately affect the residents to the south. He did realize that the CS-1 option was a transition, and agreed that Pondella Road had commercial uses on it that were very close to residential uses. That was the reason for the hard line, with the least intensive uses that were available.

The Hearing Examiner surmised, from his statements, that the CS-1 district, in this instance, was going to buffer the residential unit to the south from some of the noise and traffic associated with that 5-laned roadway. Mr. Lamey agreed, adding that he thought it was a good in-fill parcel, and was consistent with smart growth goals, where local residents could just drive to a local office without having to drive a long distance. The Hearing Examiner questioned if there was a possibility of an access point onto both of these roads (Orange and

Travis). Mr. Lamey stated that would be addressed in the Development Order process. He thought there was an access at this time onto Pondella Road. Mr. Uhle said there was access onto both Pondella Road and Orange Avenue, but not onto Travis Avenue.

Mr. Uhle addressed Mr. Lamey, noting he had indicated that the residential development in the area was low density. He inquired if he had done a density calculation to establish what the density was in the area. Mr. Lamey said he had not; it was more from just looking at the map and realizing that each home sits on a fairly large piece of land. Mr. Uhle estimated the density was around three units per acre, while Mr. Lamey thought it was between three and four units per acre.

The hearing was then opened for public comments. The Hearing Examiner invited Julie Sansone to speak. Ms. Sansone introduced herself, noting she resided at 1134 Orange Avenue, North Fort Myers, Florida 33903. She said she was against the proposal, because it would affect her family. Traffic was her biggest concern because she lived at the corner of Orange Avenue and Woodruff (to the south of this site). Traffic was already heavily congested in this area during the morning and evening rush hours. Additional traffic generated by new construction would only add to the danger.

She thought CS-1 zoning would be less offensive with less traffic, but wanted the access strictly onto Pondella Road. She was also concerned about children who play on the side of the road, and the danger posed by the horticulture and trash trucks. Other areas of concern were the environmental build-up, noise and air pollution, along with septic problems and the existing drainage problems in that area. Lastly, she was afraid that the commercial traffic would use their roads to get to Moody Road from the subject property. She pointed out her property on the aerial photograph.

Next, Gaetano Sansone introduced himself and stated he did not want any type of commercial use approved on the subject property. He did not want any more traffic. His concerns reflected those of his wife, who had just spoken.

Alice McKeeman introduced herself and stated she lived at 1175 Travis Avenue, North Fort Myers, Florida 33903. Her house was the fourth house down Travis Avenue. She, too, noted the traffic was a big issue. She had just bought her home there, and the property had doubled in value for her in the past year. She felt that value could bottom out if commercial was built in the subject property, and she wanted her investment to go up - not down. Also, she was concerned about an increase in crime. She identified the location of her home on the aerial photograph.

Ms. Linda Hodges was the next speaker called upon by the Hearing Examiner. Ms. Hodges advised that she lived at 1164 Travis Avenue, North Fort Myers, Florida 33903, and had lived there for 35 years. She has seen a lot of change during that time. She explained she had a family day care in her home, and two of her children catch the bus at the corner of Pondella Road and Travis Avenue. She was mostly concerned about the traffic. Anything that would be built on the subject property would increase traffic, especially if it had an access onto Travis. She noted that Travis was a dead end street, and there was still traffic that went up and down that road, so any kind of use on this property would be a major concern. The Hearing Examiner asked her to mark the location of her house on the map.

Ralph Rush introduced himself as a resident of 1205 Travis Avenue, North Fort Myers, Florida 33903. His house was catty-corner from the subject property. Mr. Rush already had problems with flooding, septic back-up, traffic, and trash trucks that have to back down the street or back out because there was no way to turn around. He said any commercial development on the subject property would affect his property value.

Mr. Uhle asked Mr. Roeder to reiterate for the record, if a commercial project was built on the property, would it require a buffer along its southern boundary. Mr. Roeder noted that Chapter 10 of the LDC would require an 8-foot-high wall between commercial and residential uses. The Hearing Examiner added that they would have to put in some landscaping to buffer the wall, and Mr. Lamey assured those present that the Applicant would be required to plant a vegetative buffer in front of the wall on the residential side.

Mr. Uhle asked about the Level of Service (LOS) on Pondella Road, according to the most recent analysis, to which Mr. Roeder responded that east of Orange Grove Boulevard, it was LOS "C." And to the west of Orange Grove Boulevard, it was LOS "B". Mr. Roeder noted the roadway was quite good, according to the Lee Plan standards. Mr. Uhle questioned him if he would expect that to change if this project were developed to its maximum as an office project. Mr. Roeder said it would not change.

Mr. Uhle drew Mr. Roeder's attention to the sketch that was attached to the Staff Report, and asked him to tell the Hearing Examiner what the right-of-way width was for Travis Avenue and Orange Avenue. Mr. Roeder stated that the right-of-way width for both streets was 50 feet.

Mr. Uhle's last question was that one of the members of the public had expressed a desire for a residential use in the C-1 district. He requested that Mr. Roeder explain what the rights were to use C-1 for residential purposes. Mr. Roeder stated that C-1 district included residential uses to begin with, and, typically, an existing home that is zoned C-1 but is being used as a home, would not change the zoning district. He clarified that the C-1 zoning district allows residential uses. However, Mr. Roeder did not believe that mixed use developments for such a small site were an easy sell in planning circles.

Mr. Lamey stated they had heard about the traffic issues. This is a conventional rezoning request, and, because of that, Staff cannot tell the public with confidence that the only access granted would be from Pondella Road. He noted the issue at hand was a planned development and had been a concern for Staff since day one. They thought the less intensive commercial zoning district would lessen the traffic impacts on the residential community. There was some talk about safety of the children when going to the bus stop. It was his understanding that issues with the busing would be handled by the School Board probably moving the bus stop.

There had been some discussion about the commercial runoff flowing onto a neighboring property. Under the current LDC standards, that water runoff would have to be contained on the property; it would have to be self-contained and drained within the commercial site. Therefore, it would not be permitted to flow onto adjacent properties. It was unfortunate that the older properties that are zoned C-1 or RS-1 do not have drainage in place at this time. The older properties were built before the existing conditions went into effect.

Mr. Lamey noted that the concerns by the public had been made known to Staff. He had contacted Lee County DOT regarding possible signage on Orange Avenue that would discourage thru traffic. He thought some of the issues that had been brought up in the hearing were perhaps outside of the scope of the zoning request today. He noted he would provide the public with information on how to contact Brian Miller of DOT and discuss the problems in order to perhaps resolve the traffic issues in their community.

Ms. Hodges returned to the podium to talk about the bus stop. She said if the bus stop was moved the children would have to walk down Pondella Road, and she noted that would be very dangerous in the morning. So even if the School Board moved the bus stop, it would not solve the problem with the traffic.

The Hearing Examiner noted she was not familiar with the area at all and that she would conduct a site visit of the subject property and surrounding area prior to issuing her recommendation. She understood that the public participants in the hearing would like to have the property kept residential, but if it was kept residential there was a good chance that it would never be developed. No one would want to live on a 5-laned road. That was the problem facing the property owners at this time. She said she was inclined right now to follow Staff's recommendation for the office uses only.

She would send all the hearing participants a copy of her recommendation to the BOCC and, if they did not like her recommendation, they could come and speak to the BOCC when the final hearing is held, which would probably be sometime in February 2006. The hearing was then closed.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Matthew Uhle, Attorney, Knott, Consoer Law Firm, 1625 Hendry Street, Fort Myers, Florida 33901
2. Michael Roeder, Planner, Knott, Consoer Law Firm, 1625 Hendry Street, Fort Myers, Florida 33901

ADDITIONAL COUNTY STAFF:

1. Robert Spickerman, 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: NONE

Against:

1. Linda Hodges, 1164 Travis Avenue, North Fort Myers, Florida 33903
2. Alcie McKeeman, 1175 Travis Avenue, North Fort Myers, Florida 33903
3. Ralph Rush, 1205 Travis Avenue, North Fort Myers, Florida 33903
4. Mr. Gaetano Sansone, 1134 Orange Avenue, North Fort Myers, Florida 33903
5. Mrs. Julie Sansone, 1134 Orange Avenue, North Fort Myers, Florida 33903

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

For: NONE

Against: 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. . . . [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]. . . . [LDC 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. [LDC 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. [LDC Section 1-5(c)]

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 30th day of January, 2006. 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.



DIANA M. PARKER
LEE COUNTY CHIEF HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100
Facsimile: 239/479-8106

LEGAL DESCRIPTION

(OFFICIAL RECORDS BOOK 4019, PAGE 1695)
STRAP # 10-44-24-01-00034.0000

RECEIVED

OCT. 03 2005

LOTS 33 AND 34, LESS SR-78A RIGHT-OF-WAY, PINE ACRES SUBDIVISION,
ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9,
PAGE 42, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

COMMUNITY DEVELOPMENT
Applicant's Legal Checked

AND

by Lgm 10/04/2005.

LOTS 31 AND 32, TRAVIS SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 132,
OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (LESS PONDELLA ROAD
RIGHT-OF-WAY).
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

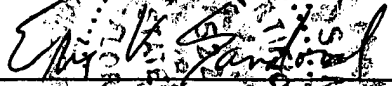
(METES AND BOUNDS PREPARED BY THIS SURVEYOR)

REZ 2005-00002

BEGIN AT THE SOUTHWEST CORNER OF LOT 31 OF TRAVIS SUBDIVISION,
ACCORDING TO THE PLAT THEREOF, AS RECODED IN PLAT BOOK 9 AT PAGE 132
OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N 00°05'20" W
ALONG THE WEST LINE OF LOTS 31 AND 32 OF SAID TRAVIS SUBDIVISION, FOR A
DISTANCE OF 140.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF
PONDELLA ROAD; THENCE RUN N 89°00'40" E, ALONG SAID SOUTH RIGHT-OFWAY
LINE, FOR A DISTANCE OF 281.73 FEET TO A POINT ON THE EAST LINE OF
LOT 34 OF PINE ACRES, A PLATTED SUBDIVISION RECORDED IN PLAT BOOK 9 AT
PAGE 42 OF THE PUBLIC RECORDS OF LEE COUNTY, FLOIRDA; THENCE RUN
S 00°05'20" W, ALONG THE EAST LINE OF LOTS 34 AND 33 OF SAID PINE ACRES
PLAT, FOR A DISTANCE OF 120.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT
33; THENCE RUN S 89°00'40" W, ALONG THE SOUTH LINE OF SAID LOT 33, FOR A
DISTANCE OF 141.51 FEET TO THE SOUTHWEST CORNER OF SAID LOT 33, THE
SAME BEING A POINT ON THE EAST LINE OF LOT 31 OF THE SAID TRAVIS
SUBDIVISION PLAT; THENCE RUN S 00°42'40" E, ALONG SAID EAST LINE OF LOT 31,
FOR A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 31;
THENCE RUN S 89°00'40" W, ALONG SAID SOUTH LINE, FOR A DISTANCE OF 140.00
FEET TO THE SOUTHWEST CORNER OF SAID LOT 31 AND THE **POINT OF**

BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, CONTAINING 0.839
ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND OR RESERVATIONS OF RECORD.
BEARINGS ARE BASED ON THE WEST LINE OF LOTS 31 AND 32 OF THE TRAVIS
SUBDIVISION PLAT AS BEING N 00°05'20" W.


Eric V. Sandoval, P.S.M. # 5223 State of Florida

DATE

9-29-05

T&W
CONSULTING ENGINEERS, INC.
environmental - civil - structural - survey

(239) 278
E-
Sui

EXHIBIT A

DRAWN BY: EVS JOB NO.: 05562.00 SHEET 1 OF 2

LEGAL DESCRIPTION

A PORTION OF LOTS 31 & 32, TRAVIS SUBDIVISION
A PORTION OF LOTS 33 & 34, PINE ACRES SUBDIVISION
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
COUNTY, FLORIDA

105

DRAWING: PONDELLA

RECEIVED

OCT. 03 2005



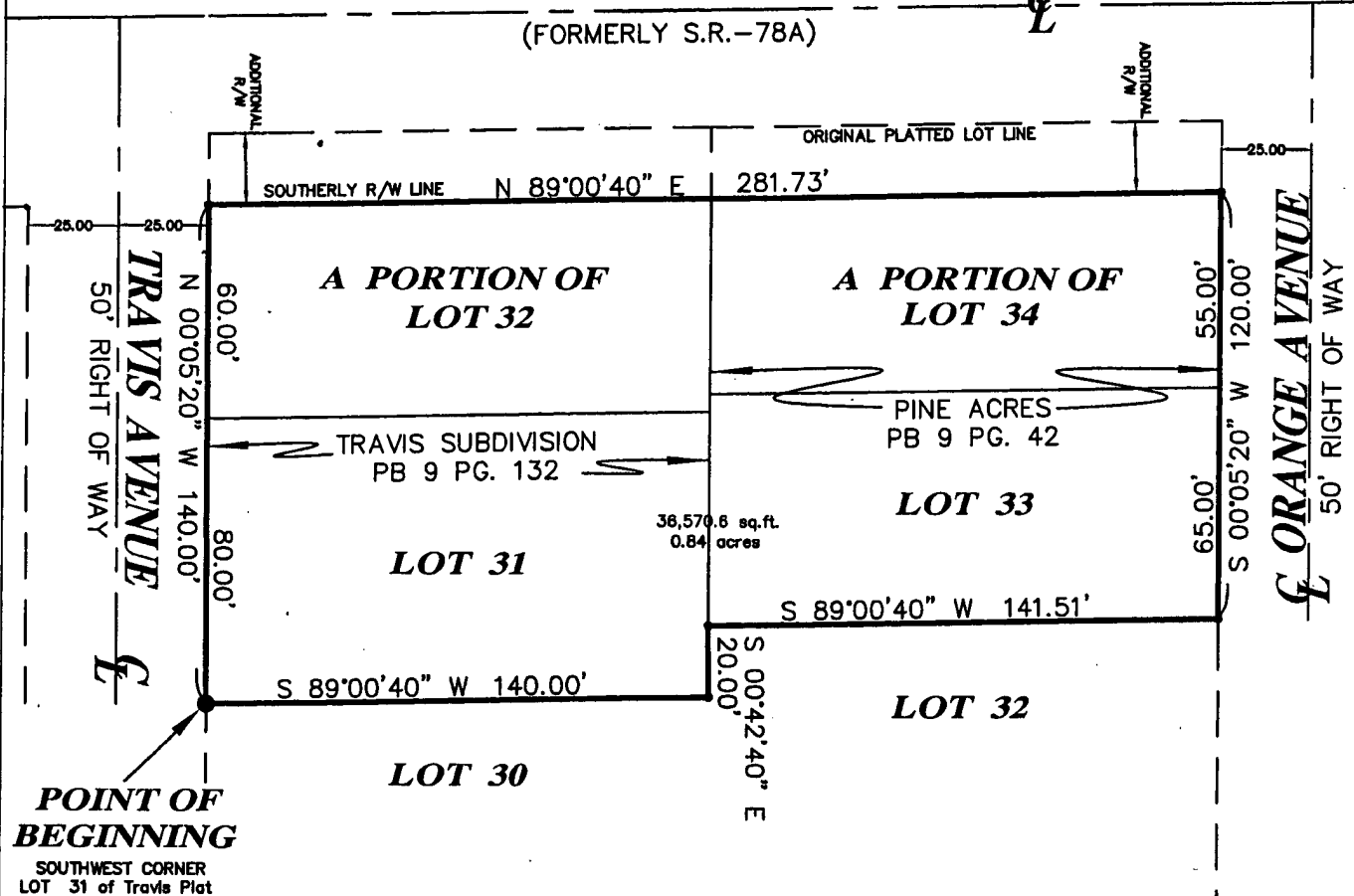
SKETCH
of
Applicant's Legal Checked
by lgm 10/04/2005

COMMUNITY DEVELOPMENT

0' 25' 50'
SCALE: 1" = 50'

PONDELLA ROAD

(FORMERLY S.R.-78A)



RECORDED IN OFFICIAL RECORDS BOOK 4019, PAGE 1695

STRAP # 10-44-24-01-00034.0000

1205 ORANGE AVENUE

NORTH FORT MYERS, FLORIDA 33903

*** THIS IS NOT A SURVEY ***

TKW CONSULTING ENGINEERS, INC.

environmental civil structural survey

5621 Banner Drive
Fort Myers, Florida 33912
(239) 278-1992 • FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Survey Certification # 734

DRAWN BY: EVS JOB NO.: 05562.00 SHEET 2 OF 2

SKETCH TO ACCOMPANY

A PORTION OF LOTS 31 & 32, TRAVIS SUBDIVISION
A PORTION OF LOTS 33 & 34, PINE ACRES SUBDIVISION
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

DATE: SEPTEMBER 2005

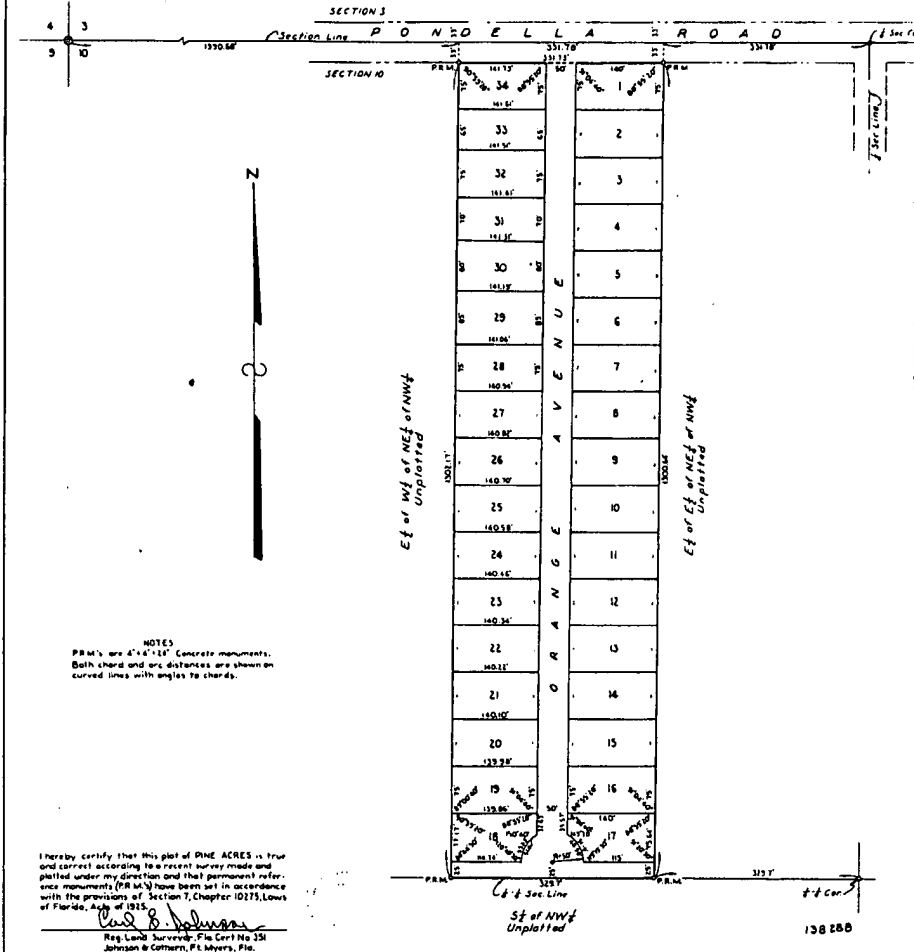
DRAWING: PONDELLA

REZ 2005-00002

A SUBDIVISION OF,
THE W $\frac{1}{2}$ OF THE E $\frac{1}{2}$ OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$
SECTION 10, T44S, R24E
LEE COUNTY, FLORIDA
Scale 1"=100' March, 1951

Scale: 1" = 100'

March, 1951



All of the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, T.46S, R.24E.; except the north 33 feet for the right-of-way of the Pandella (County) Road.

KNOW ALL MEN BY THESE PRESENTS that Edward L. Cossels and Katherine H. Cossels, husband and wife, and J. Edmund Jones and Marcella D. Jones, husband and wife, the owners of the hereto described lands have caused this plat of PINE ACRES to be made and do hereby dedicate to the perpetual use of the public all streets, roads, and/or avenues shown hereon.

IN WITNESS WHEREOF, the owners have hereunto set their hands and seals this 12th day of March, A.D. 1952.

IN WITNESS WHEREOF, the owners have hereunto set their hands and seals this 12th day of March, A.D. 1952.

WITNESS: George B. Pope Richard H. Cascardi SEAL
WITNESS: Lyons R. H. [unclear] Edmund L. Jones SEAL
Marshall Jones SEAL

STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY that on this day, before me, an officer duly author-
ized to take acknowledgments, personally appeared Edward L
Cossels and Katherine M Cossels, husband and wife, and J Edward
Jones and Martellie D Jones, husband and wife, to me known to be
the persons whose names are on and who executed the foregoing declaration
and they acknowledged before me that they executed the same for
the purposes and uses therein mentioned.
WITNESS my hand and official seal at Fort Myers, said County
and State this 21 day of March, A D 1932

Cyrus D. Stewart
Notary Public, State of Florida at large.
My Commission expires Nov 18, 1947.

This plot accepted this 12th day of March, A D 1952 in open meeting of the Board of County Commissioners of Lee County, Florida.

Approved: [Signature]
Chairman
[Signature]
Chair

I HEREBY CERTIFY that this plot of PINE ACRES has been examined by me and from my examination I find that said plot complies in form with the requirements of Chapter 1275, Laws of Florida, Acts of 1925.

I FURTHER CERTIFY that said plot was filed for record at 11 A.M. on the 22nd day of March, A.D. 1931, and duly recorded in Plat Book 5 on page 22 of the public records of Lee County, Florida.

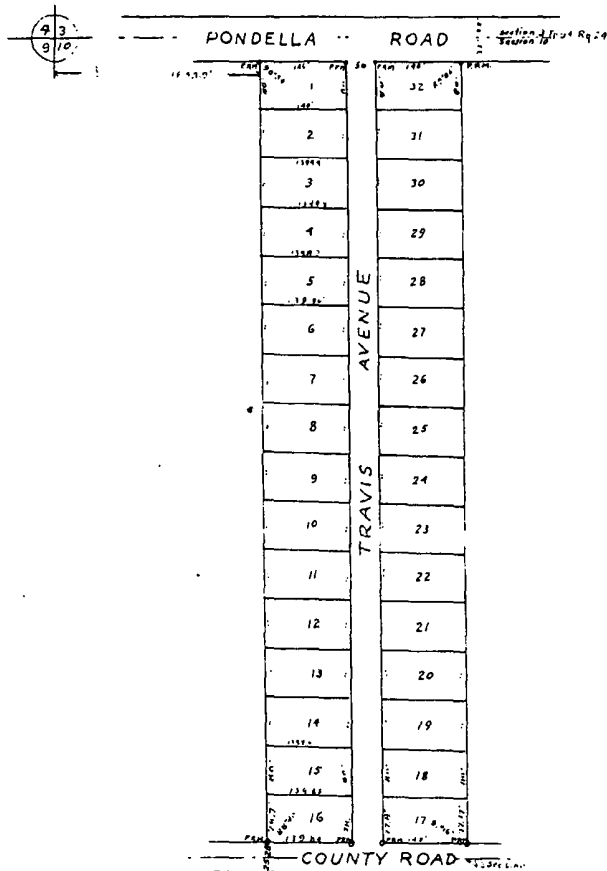
L. J. Hatcher
Clerk of the Circuit Court in and for Lee County

RECEIVED
MAR 02 2005
ZONING

REZ 2005-00002

TRAVIS SUBDIVISION.

A Resubdivision of Lot 3 of SOUTH FLORIDA FARMS.
as recorded in Deed Book 236 Page 60 Lee County Fla.



Correctly surveyed and permanent reference monuments set as shown according to the Statutes of the State of Florida Feb. 14, 1955.
Carl R. Ryan, Alva, Fla.
Civil Engineer #680 Surveyor #673

We, the undersigned sole owners of lands hereby subdivided into lots, have caused this plat and survey to be made in accordance with our desire and wish and we hereby do dedicate all streets, avenue or roads to public use as indicated.

Witness Harold W. Travis Signed Harold W. Travis
Edith A. Travis Carl R. Ryan

State of Florida ss. Greetings. The above named Harold W. Travis, County of Lee and Edith A. Travis, his wife, to me known, today appeared before me and acknowledged the signing of this instrument for the purpose indicated in my capacity as an authority in and said state and county in testimony whereof I affix my signature this 16th day of February, 1955 at Ft. Myers, Fla.
Carl R. Ryan
My Commission expires Jan. 11, 1958

Approved by the board of Commissioners of Lee County Florida in open session February 23rd 1955.
Attest W. J. Zanker Signed W. J. Zanker
Clerk Clerk of Circuit Court

This plat was examined by me and found to comply with the laws of Florida Received for March 1955 W. J. Zanker
Clerk of Circuit Court for Lee County

FILED	11	MARCH	1955
RECORDED	11	MARCH	1955
INDEXED	11	MARCH	1955
SERIALIZED	11	MARCH	1955

Recorded in Plat Book 9 Page 132

RECEIVED
MAR 02 2005
ZONING

REZ 2005-00002

**MEMORANDUM
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER**

DATE: January 30, 2006

TO: Board of County Commissioners

**FROM: Diana M. Parker
County Hearing Examiner**

RE: Hearing Examiner Recommendation

Enclosed you will find the following Examiner Recommendation:

HEARING DATE: DECEMBER 7, 2005

REZ2005-00002 AMIDEO G. & PATRICIA C. PAGLIARO REZONING

The above referenced Hearing Examiner Recommendation has been rendered as of this date. The Development Services Division has advised that the BOCC Zoning Hearing is tentatively scheduled for **Monday, March 6, 2006**. Development Services will forward a copy of the Recommendation to the Board prior to that time in the pink zoning notebooks.

If you have any procedural questions, please let our office know.

cc: Tim Jones / CAO
Jamie Princing / Community Development
Andy Getch / LCDOT
Pam Houck / Zoning Division
Sue Noe / Economic Development
Matt Noble / Community Development

REZ2005-00002
Shawn Lamey/ Community Dev.
Robert Spickerman / CAO

**JAMIE PRINCING
COMMUNITY DEVELOPMENT**

**LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION
STAFF REPORT**

TYPE OF CASE: CONVENTIONAL ZONING DISTRICT

CASE NUMBER: REZ2005-00002

HEARING EXAMINER DATE: December 7, 2005

I. APPLICATION SUMMARY:

A. Applicant: Mr. & Mrs. Amideo G. and Patricia C. Pagliaro in ref to Pagliaro Rezoning

B. Request: Application to rezone a 1.0 +/- acre parcel from (RS-1) Residential Single Family and (C-1) Commercial to (CC) Community Commercial at 1205 Orange Ave, North Fort Myers.

C. Location: The subject property is located at 1205 Orange Avenue, N. Ft. Myers (take US 41 North and turn left onto Pondella Road. Drive about 0.6 miles and turn left onto Orange Ave) , FL 33903, in S10-T44S-R24E, Lee County, FL. (District #4)

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

Future Land Use: Suburban
Current Zoning: Residential (RS-1) and Commercial (C-1)
Current use: Single-Family Residential

E. Surrounding Land Use:

Existing Zoning & Land Use

Future Land Use Map

North: Single-Family Residential with RS-1 Zoning and
Vacant Land with RM-2 Zoning

Suburban

East: Convenience Store with C-1 Zoning

Suburban

South: Single-Family Residential with RS-1 Zoning

Suburban

West: Vacant Land with RS-1 Zoning

Suburban

F. Size of Property: 1.0 Acre ±

II. RECOMMENDATION:

Staff recommends **DENIAL** to rezone 1.0 ± Acre from Residential Single-Family (RS-1) and Commercial (C-1) to Community Commercial (CC). As an alternative Staff recommends **APPROVAL** to rezone to Special Commercial Office District (CS-1).

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of conventional rezonings, staff makes the following findings and conclusions:

1. The applicant has **NOT PROVEN** entitlement to rezoning to **Community Commercial (CC)** because the request fails to demonstrate compliance with Lee Plan Policy 5.1.5., Policy 100.9.5 and Policy 1.1.5.

Entitlement is better served by an alternative rezoning to Special Commercial Office District (CS-1) rezoning by demonstrating compliance with the Lee Plan, the Land Development Code and other applicable codes and regulations.

2. Approval of rezoning to **Community Commercial (CC)** and **Special Commercial Office District (CS-1)** 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; however, access for intensive commercial uses may generate large volumes of traffic onto Travis and Orange Avenue thus becoming intrusive to the residential neighborhood.
3. Urban services, as defined in the Lee Plan are available and adequate to serve the proposed land use.
4. The requested **Community Commercial (CC)** zoning district:
 - a) does not meet locational standards set forth in the Lee Plan for the potential uses allowed by the request;
 - b) is inconsistent with the intensities and general uses set forth in the Lee Plan;
 - c) is incompatible with existing or planned uses in the surrounding area; and
 - d) will not adversely affect environmentally critical areas and natural resources.

The alternative zoning district Special Commercial Office District (CS-1).

- 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; and

- d) will not adversely affect environmentally critical areas and natural resources.

III. **BACKGROUND AND ANALYSIS**

Introduction/Synopsis

Located on the south side of Pondella Road, this 1 acre site is located in North Fort Myers just west of Moody Road. The request involves a rezoning from RS-1 and C-1 to CC. The site fronts Pondella Road and is comprised of 4 platted lots originally intended for use as Single-Family residences.

Surrounding Zoning

The subject property is zoned Residential Single Family (RS-1) and Commercial (C-1). Directly to the west of the subject site is a vacant parcel with RS-1 zoning. To the north of the subject property is Pondella Road then a Single-Family Residence with RS-1 Zoning and vacant land on a RM-2 zoned parcel. Single-Family Residences with RS-1 zoning is found directly to the south. To the east is a convenience food and beverage store with C-1 zoning. Refer to Attachment "A".

Existing Site Conditions

Existing on-site uses include a one-story, 2,486 square foot single-family residence located on the north east portion of the property. Approximately 3/4 of the property remains as vacant land. Although, there are several other nearby commercial parcels, the request to rezone to CC, may result in the establishment of uses such as restaurants, convenience stores and drug stores with late hours that are incompatible with the nearby residential structures south of the property. Staff believes the alternative Special Commercial Office District (CS-1) zoning district reduces the potential scale and intensity of future commercial development, resulting in more compatibility with the surrounding residential development.

Lee Plan Considerations

1. Development in the Suburban Land Use Designation.

The site is designated Suburban in the Lee Plan. Neighboring residential properties share this land use designation.

The Suburban land use category is described in the Lee Plan as follows:

POLICY 1.1.5: The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)

In general, lands designated Suburban are intended to provide locations for a wide range of residential uses and limited commercial uses. Residential neighborhoods are protected from the intrusion of commercial uses in this land use category. The number of complaints and phone calls by the neighborhood would suggest an expansion of this use is not appropriate at this location. Additionally, permitted uses in the CC zoning district such as restaurants, auto repair and service stations serve a wide geographic area, therefore are in conflict with this land use designation.

Staff finds the request inconsistent with Policy 1.1.5.

The alternative Special Commercial Office District (CS-1) which will insure less intensive commercial uses.

Staff finds the request consistent with Policy 1.1.5. if rezoned to CS-1

2. Efficient Commercial Development in the Suburban Land Use Category.

The Lee Plan encourages efficient use of existing infrastructure in urban areas.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns shall 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.*

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)) shall 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.*

The proposed rezoning is consistent with Objective 2.1 and Objective 2.2 of the Lee County Comprehensive Plan by locating commercial land uses near existing infrastructure such as built roads and utilities.

Staff finds the rezoning request consistent with Objective 2.1 and Objective 2.2.

3. Buffering and screening from residential uses.

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. If such uses are proposed in the form of a planned development and generally applicable development regulations are deemed to be inadequate, conditions shall be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application shall be denied altogether.*

Staff can not support providing an access point to the subject property from Orange and Travis Avenue in an effort to maintain compatibility with residential development to the north. The Community Commercial (CC) zoning district allows for relatively intense

commercial activity, which can not be conditioned with addition buffers, and staff therefore finds this to be potentially harmful to the surrounding residential neighborhood.

Staff finds the rezoning request inconsistent with Policy 5.1.5.

The alternative Special Commercial Office District (CS-1) which will insure commercial uses be compatibility with and not intrude onto the adjacent residential uses. Chapter 10 buffer requirements will adequately provide protection from the less intensive commercial uses found in the CS-1 zoning district. Further, given the small size of the subject parcel and the limited intensive uses permitted in the CS-1 zoning district, it is unlikely this rezoning would adversely affect neighboring properties.

Staff finds the request consistent with Policy 5.1.5. if rezoned to CS-1

4. Commercial compatibility with residential uses.

***POLICY 100.9.5.** New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character. (Amended by Ordinance No. 00-22)*

Although the applicant is proposing office buildings, there is no assurance that once the land is rezoned that more potentially incompatible uses could locate on the site. Restaurants for example are permitted in the CC zoning district and often have late hours and create large traffic volumes. Staff can not support encroachment of commercial uses into residential areas.

Staff finds the rezoning request inconsistent with Policy 100.9.5

The alternative Special Commercial Office District (CS-1) which will insure commercial uses be compatibility with and not intrude onto the adjacent residential uses. Chapter 10 buffer requirements will adequately provide protection from the less intensive commercial uses found in the CS-1 zoning district.

Staff finds the request consistent with Policy 100.9.5. if rezoned to CS-1

Neighborhood Compatibility

The current character of neighboring properties is residential with commercial zoning and uses fronting on Pondella Road. The impact of the proposed zoning change to CC near residential properties is not compatible with the low density development found to the south of the subject property. Additionally, several phone calls were received with concerns over the possible of commercial uses with late hours at this location. Without the ability to limit potential uses or requirements for additional buffers, in this conventional rezoning request, Staff finds that the requested CC rezoning incompatible with the surrounding residential development. Attachment "B" is a letter received expressing concern over this request.

Limited low intensity office and/or retail uses found in the Special Commercial Office District (CS-1) support the surrounding neighborhood and can be sufficiently buffered from adjacent residential property. Such non-residential uses found in this proposed alternative zoning district are compatible with and not intrusive to the adjacent residential uses.

Environmental Issues

There are no environmental issues on this property.

Conclusion

The possible list of uses that could occur in a tradition rezoning could allow commercial uses that are not appropriate at this location. Staff finds that the potential uses would be detrimental to the character of the residential neighborhood. The surrounding land use is low density residential therefore staff find the rezoning request is inconsistent with the Lee County Comprehensive Plan. Therefore, staff recommends **DENIAL** to rezone 1.0 acre from Residential Single-Family (RS-1) and Commercial (C-1) to Community Commercial (CC) but as an alternative Staff recommends **APPROVAL** to rezone to Special Commercial Office District (CS-1).

IV. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Letter of concern

V. SUBJECT PROPERTY:

- A. STRAP: The applicant indicates the STRAP number is: 10-44-24-01-00034.0000
- B. LEGAL DESCRIPTION: See Exhibit A

cc: Applicant
County Attorney
Zoning File

LEGAL DESCRIPTION**RECEIVED**(OFFICIAL RECORDS BOOK 4019, PAGE 1695)
STRAP # 10-44-24-01-00034.0000

OCT. 03 2005

LOTS 33 AND 34, LESS SR-78A RIGHT-OF-WAY, PINE ACRES SUBDIVISION,
ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9,
PAGE 42, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Applicant's Legal Checkedby Lgm 10/04/2005.

AND

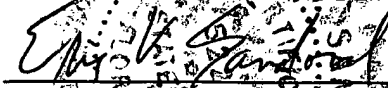
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BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(METES AND BOUNDS PREPARED BY THIS SURVEYOR)

REZ 2005-00002

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SUBJECT TO EASEMENTS, RESTRICTIONS AND OR RESERVATIONS OF RECORD.
BEARINGS ARE BASED ON THE WEST LINE OF LOTS 31 AND 32 OF THE TRAVIS
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DATE

9-29-05

Eric V. Sandoval, P.S.M. # 5223 State of Florida

TKW
CONSULTING ENGINEERS, INC.

environmental • civil • structural survey
5621 Bonner Drive
Fort Myers, Florida 33912
(239) 278-1992 • FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Survey Certification # 734

DRAWN BY: EVS

JOB NO.: 05562.00

SHEET 1 OF 2

LEGAL DESCRIPTION

A PORTION OF LOTS 31 & 32, TRAVIS SUBDIVISION
A PORTION OF LOTS 33 & 34, PINE ACRES SUBDIVISION
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

DATE: SEPTEMBER 2005

DRAWING: PONDELLA

RECEIVED

OCT. 03 2005



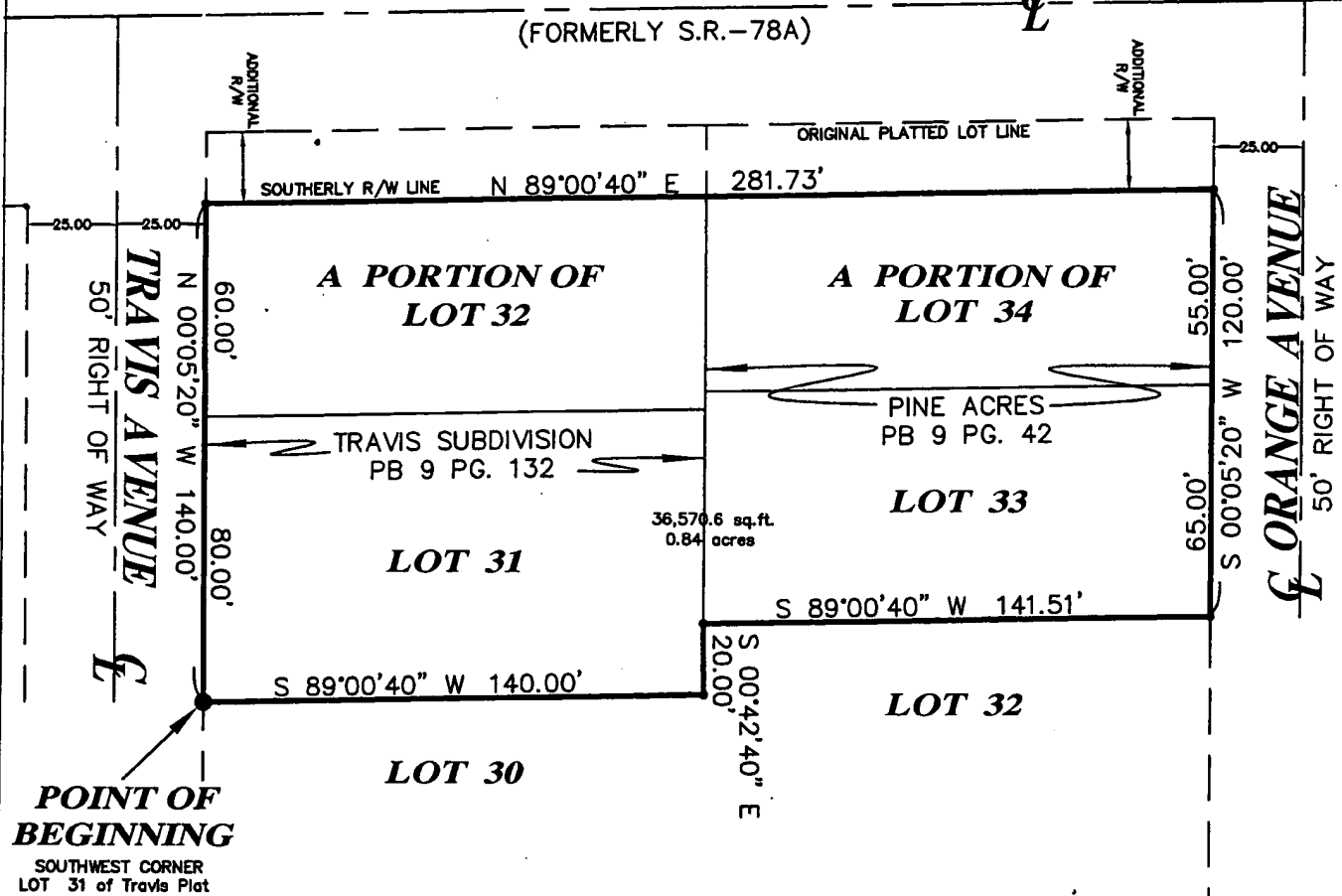
Sketch of
Applicant's Legal Checked
by Lgm 10/04/2005

COMMUNITY DEVELOPMENT

0' 25' 50'
SCALE: 1" = 50'

PONDELLA ROAD

(FORMERLY S.R.-78A)



RECORDED IN OFFICIAL RECORDS BOOK 4019, PAGE 1695

STRAP # 10-44-24-01-00034.0000

1205 ORANGE AVENUE

NORTH FORT MYERS, FLORIDA 33903

LEGEND

R/W RIGHT-OF-WAY
PB PLAT BOOK
PG. PAGE

*** THIS IS NOT A SURVEY ***

TKW

CONSULTING ENGINEERS, INC.

environmental civil - structural survey

5621 Banner Drive

Fort Myers, Florida 33912

(239) 278-1992 • FAX (239) 278-0922

E-MAIL tkw@tkwonline.com

Survey Certification # 734

DRAWN BY: EVS JOB NO.: 05562.00 SHEET 2 OF 2

SKETCH TO ACCOMPANY

A PORTION OF LOTS 31 & 32, TRAVIS SUBDIVISION
A PORTION OF LOTS 33 & 34, PINE ACRES SUBDIVISION
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

DATE: SEPTEMBER 2005

DRAWING: PONDELLA

REZ 2005-00002

BOUNDARY SURVEY
SCALE: 1" = 40'

LEGAL DESCRIPTION:

LOTS 33 AND 34, LESS SR-78A RIGHT-OF-WAY PINE ACRES SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE(S) 42, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL IDENTIFICATION NUMBER: 10-44-24-01-00031.0000
AND
PARCEL IDENTIFICATION NUMBER: 10-44-24-01-00033.0000
LOT 31 AND 32 TRAVIS SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 132, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
PARCEL IDENTIFICATION NUMBER: 10-44-24-03-00031.000

RECEIVED
Applicant's Survey Checked
By lgm 10/04/2005
MAR 02 2005

PERMIT COUNTER

1205 ORANGE AVENUE NORTH FORT MYERS, FL 33903

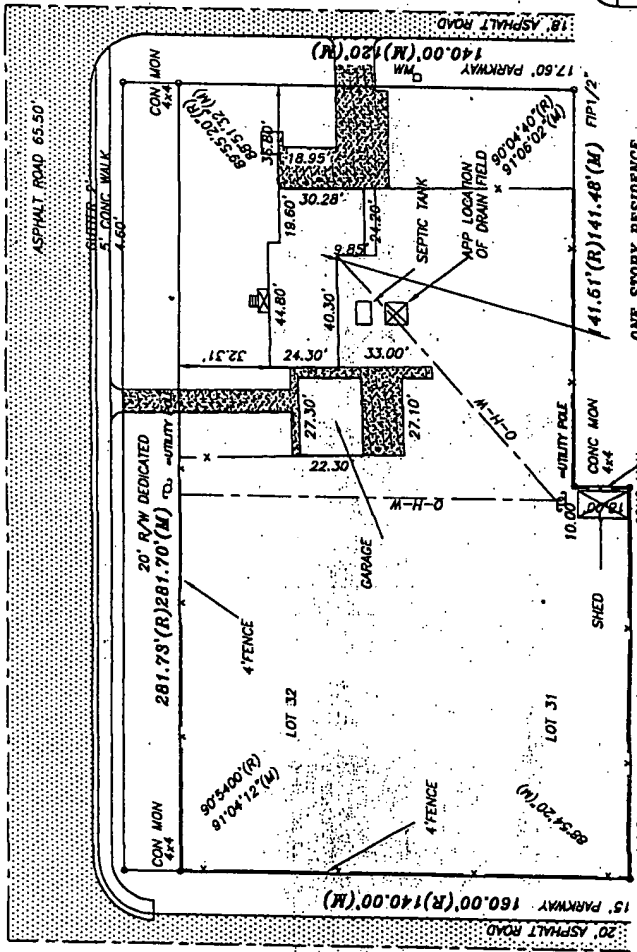
CERTIFIED TO:

AMIDEO G. AND PATRICIA C. PAGLIARO
PRINCIPAL, RESIDENTIAL MORTGAGE, INC.
EXECUTIVE TITLE INSURANCE SERVICES, INC.
STEWART TITLE GUARANTY

SURVEYOR'S NOTES:

- 1-OWNERSHIP IS SUBJECT TO OPINION OF TITLE
- 2-EXAMINATION OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE THIS PROPERTY INSTRUMENTS, IF ANY, AFFECTING THIS PROPERTY
- 3-NO UNDERGROUND IMPROVEMENTS WERE LOCATED
- 4-ELEVATIONS ARE REFERRED TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (UNLESS ASSUMED)
- 5-THERE MAY BE ADDITIONAL RESURVEYS NOT SHOWN IN THIS SURVEY THAT MAY BE FOUND IN THE COUNTY PUBLIC RECORDS
- 6-LEGAL DESCRIPTION PROVIDED BY CLIENT
- 7-UNLESS OTHERWISE NOTED, RECORDED AND MEASURED DATA ARE IN SUBSTANTIAL AGREEMENTS
- 8-BEFORE ANY CONSTRUCTION THE SET BACKS MUST BE CHECKED
- 9-LIABILITY OF THIS SURVEY IS LIMITED TO THE COST OF THE SURVEY
- 10-THIS SURVEY IS INTENDED FOR MORTGAGE OR PERFORMANCE PURPOSES ONLY EXCLUSIVELY FOR THE USE BY THOSE TO WHOM IT IS CERTIFIED. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PERMITTING, DESIGN OR OTHER USE WITHOUT THE WRITTEN CONSENT OF THIS COMPANY.
- 11-FLOOD ZONE: A-8 BASE: 8.0' PANEL: 0200
- 12-DATE OF FIELD WORK: 07-15-03

ORANGE AVE NORTH



ONE STORY RESIDENCE
#1205
LOT 33-34

20.00'(R)19.92'(M)

Signature
PROFESSIONAL LAND SURVEYOR & MAPPER
STATE OF FLORIDA
CERTIFICATE NO. 4571

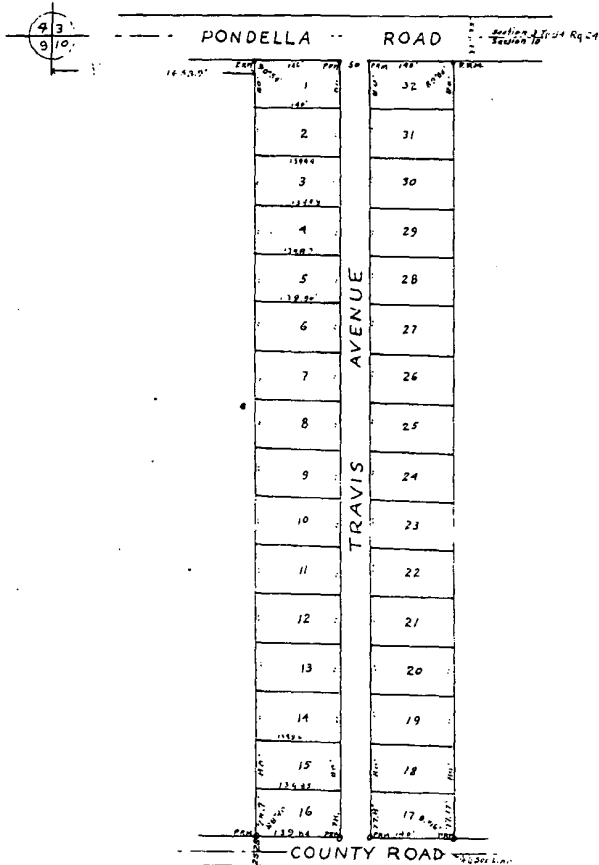
THE SURVEY SHOWN HEREON IS A FIELD SURVEY AND NOT A MAP. THE ORIGINAL, BASED SEAL OF A FLORIDA SURVEYOR AND MAPPER

I HEREBY CERTIFY: THAT THE BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AS RECENTLY SURVEYED UNDER MY PERSONAL SUPERVISION AND THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN THE FLORIDA SURVEYING AND MAPPING ACT, CHAPTER 47, F.S. 47-17-4 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 47-17-4 OF THE FLORIDA STATUTES.

CARIBBEAN INSPECTIONS & SURVEYS			
7911 NW 72nd AVE., SUITE 105	MEDLEY, FL 33166	REV: N.A.	
JOB # W-1205-0	DRAWN: G.L.		
EASTCOAST OPERATIONS			
MIAMI DADE/MONROE	(854) 436-0220		
FAX (305) 889-1100	FAX (854) 436-7272		
PALM BEACH	MARTIN/ST. LUCIE/INDIAN RIVER		
(561) 741-4260	(772) 398-6533		
FAX (561) 741-4259	FAX (772) 398-6532		
WESTCOAST OPERATIONS			
COLLIER/LEE (239) 548-5911/FAX: (239) 548-5811			
TOLL FREE STATE WIDE 1-866-281-CBIC			
WWW.CBICORP.COM			

TRAVIS SUBDIVISION.

A Resubdivision of Lot 3 of SOUTH FLORIDA FARMS.
as recorded in Deed Book 236 Page 60 Lee County, Fla.



Correctly surveyed and permanent reference monuments set as shown according to the Statutes of the State of Florida, Feb. 16, 1955.

Carl A. Ryan, Alva, Fla.
Civil Engineer #680 Surveyor #673



Scale 1"=100'

We, the undersigned sole owners of lands hereby subdivided into lots, have caused this plat and survey to be made in accordance with our desire and wish and we hereby do dedicate all streets, avenue, or roads to public use as indicated.

Witness: James J. White Signed: Harold W. Travis
James P. Baker Edith A. Travis

State of Florida S.S. Greetings. The above named Harold W. Travis, County of Lee and Edith A. Travis, his wife, to me known, today appeared before me and acknowledged the signing of this instrument for the purpose indicated in my capacity as an authority in and said state and county. In testimony whereof I affix my signature this 16th day of February, 1955 at Ft. Myers, Fla.

James J. White
My commission expires Dec. 11, 1958

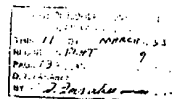
Approved by the board of Commissioners of Lee County Florida in open session February 23rd 1955.

Attest: W. J. Farabee Signed: W. J. Farabee
Clerk Chairman

17-10-55

This plat was examined by me and found to comply with the laws of Florida. Received for March 1955.

W. J. Farabee
Clerk of Circuit Court for Lee Co. Fla.

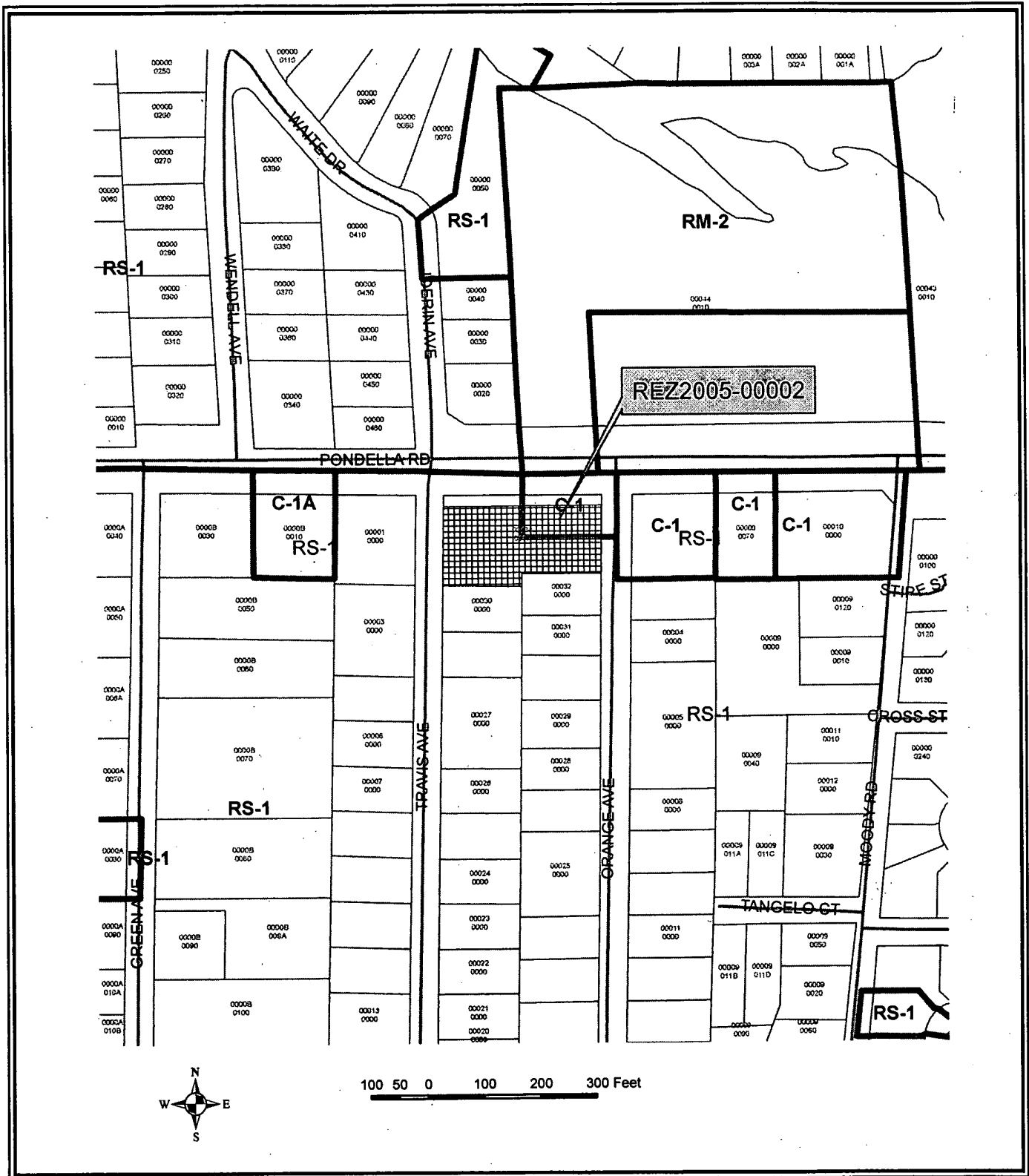


Recorded in Plat Book 9 Page 132

RECEIVED
MAR 02 2005
ZONING

REZ 2005-00002

ATTACHMENT A: ZONING



ATTACHMENT B: LETTER OF CONCERN

SHAW

RECEIVED
APR 28 2005

4/27/05

COMMUNITY DEVELOPMENT

TO WHOM IT MAY CONCERN:

We are writing this letter concerning case number REZ 2005-0002 Pagliaro Re-zoning.

We live on Travis Avenue which is the street to the west of Orange. We are greatly concerned for the changes that this re-zoning would bring to our residential neighborhood. We do not feel that it would be in the best interests of our neighborhood to add more traffic (either automobile or pedestrian) when it is difficult enough now to turn onto Boddella Road from Travis or Orange. We have a nice residential neighborhood and would like to keep it that way.

Please do not allow this re-zoning to occur.

Thomas Hodges

LINDA Hodges

1164 TRAVIS Avenue

No. FORT MYERS, 33903

Thank you,

Thom S. Hodges

Linda Hodges

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:

- Signs for case #REZ2005-00002 must be posted by **Tuesday, November 22, 2005**.
- The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
- If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

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

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

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

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

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Mike Nation
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 REFERENCE
BELOW:

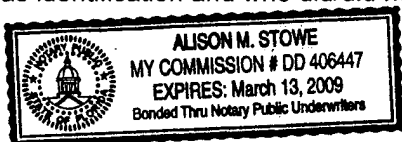
Mike Nation
SIGNATURE OF APPLICANT OR AGENT
Signs In Ord day of Cape Coral Mike Nation
NAME (TYPED OR PRINTED)
4408 Del Prado Blvd.
ST. OR PO BOX
Cape Coral, 33904
CITY, STATE & ZIP

date posted: 11/18/05

#REZ2005-00002/PAGLIARO RE-ZONING/12/07/2005/JSS

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 18th day of November
2005, by Mike Nation personally known to me or who produced _____
as identification and who did/did not take an oath.



Alison M. Stowe
Signature of Notary Public
Alison M. Stowe
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)

RECEIVED
NOV 23 2005
COMMUNITY DEVELOPMENT



LEE COUNTY
SOUTHWEST FLORIDA

APPLICATION FOR PUBLIC HEARING
FOR
UNINCORPORATED AREAS ONLY

Applicant's Name: Amideo G. and Patricia C. Pagliaro

Project Name: Pagliaro Rezoning

STRAP Number(s): 10-44-24-01-00034.0000

TYPE OF APPLICATION

- ☐ Special Exception (attach Supplement A)
☐ Variance (attach Supplement B)
☒ Conventional Zoning (attach Supplement C)
☐ Planned Development (not PRFPD) (attach Supplement D)
☐ Amendment to built Planned Development (Supplement D may be required)
☐ Private Recreational Facilities Planned Development (attach Supplement D)
☐ DRI - with rezoning (attach Supplement D and completed DRI Application)
☐ DRI - without rezoning (attach copy of ADA)

RECEIVED
4:00 PM
MAR 02 2005
PERMIT COUNTER

IS THIS PROJECT LOCATED IN THE ESTERO OR CAPTIVA PLANNING COMMUNITY? ☐ Yes* ☐ No
*If yes, please provide the meeting summary document and label accordingly.

STAFF USE ONLY

Case Number: REZ 2005-00002 Commission District: 4
Current Zoning: BS-1 & C-1 Fee Amount: 2500
Land Use Classification: Suburban Intake by:
Planning Community: N Ft Myers.

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

REZ 2005-00002

PART 1
APPLICANT/AGENT INFORMATION

A. Name of applicant: Amideo G. and Patricia C. Pagliaro

Address: Street : 928 Diplomat Parkway West

City: Cape Coral State: FL Zip: 33993

Phone: Area Code: 239 Number: 772-9520 Ext:

Fax: Area Code: Number:

E-mail address:

B. Relationship of Applicant to owner (check one):

☒ Applicant (individual or husband & wife) is the sole owner of the property. [34-201(a)(1)a.1.]

☐ NA 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.** [34-202(b)(1)c.]

☐ NA 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.]

☐ NA 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

Address Street : 1625 Hendry Street, Suite 301

City: Ft. Myers State: FL Zip: 33901

Phone: Area Code: 239 Number: 334-2722 Ext:

Fax: Area Code: 239 Number: 334-1446

E-mail address: MRoeder@knott-law.com

C.2. ☐ NA 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: Amideo G. And Patricia C. Pagliaro

Mailing Address: Street: 928 Diplomat Parkway West

City: Cape Coral State: FL Zip: 33993

Phone: Area Code: 239 Number: 772-9520 Ext:

Fax: Area Code: Number:

E-mail:

B. Property Ownership: Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].

B.1. ☒ **Disclosure Form** is attached as **Exhibit PH-2.B.1.** [34-201(b)2]

C. Multiple parcels

C.1. NA **Property owners list** is attached as **Exhibit PH-2.C.1.** [34-202(a)(5)]

C.2. NA **Property owners map** is attached as **Exhibit PH-2.C.2.** [34-202(a)(5)]

D. Date property was acquired by present owner(s): 07/29/2003

**PART 3
PROPERTY INFORMATION**

A. STRAP Number(s): 10-44-24-01-00034.0000

B. Street Address of Property: 1205 Orange Avenue, N. Ft. Myers, FL 33903

C. Legal Description

☒ **Legal description** (on 8 1/2" by 11" paper) is attached as **Exhibit PH-3.C.1.** [34-202(a)(1)]

☒ **Electronic version of the legal description** is attached as **Exhibit PH-3.C.2.**

D. Boundary Survey or certified sketch of description: (check appropriate response)

NA 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 is attached as **Exhibit PH-3.D.1.** [34-202(a)(2)]

☒ The request is for a conventional rezoning, special exception, or variance on a parcel less than ten acres in area. Attached is a (check one) ☐ Certified sketch of description attached as **Exhibit PH-3.D.2.** or a ☒ Boundary survey attached as **Exhibit PH-3.D.2.** [34-202(a)(2)]

NA The request is for a Planned Development or consists of ten or more acres. A Boundary survey, tied to the state plane coordinate system, is attached as **Exhibit PH-3.D.3.** [34-202(a)(2)]

E. Planning Community: North Ft. Myers

F. General Location of Property:

F.1. ☒ Area location map is attached as Exhibit PH-3.F. [34-202(a)(4)]

F.2. Directions to property: Take US 41 North and turn left onto Pondella road. Drive about 0.6 of a mile and turn left onto Orange Avenue.

G. Surrounding property owners:

G.1. ☒ List of surrounding property owners is attached as Exhibit PH.3.G.1. [34-202(a)(6)]

G.2. ☒ Map of surrounding property owners is attached as Exhibit PH.3.G.2. [34-202(a)(7)]

G.3. ☒ 2 sets of mailing labels are attached as Exhibit PH.3.G.3. [34-202(a)(6)]

H. Current Zoning of Property: RS-1 and C-1

I. Current use of property:

☒ Current Non-agricultural uses of the property are: single-family residential

NA Current Agricultural uses on the property are shown in Exhibit PH-3.I. [34-202(b)(7)]

J. Land Use Classification:

<u>Suburban</u>	<u>approx. 1</u>	<u>Acres</u>	<u>100</u>	<u>% of total</u>
		<u>Acres</u>		<u>% of total</u>
		<u>Acres</u>		<u>% of total</u>
		<u>Acres</u>		<u>% of total</u>

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

- L.1. ✓ There are no deed restrictions or other covenants on this property that affect this request.
- L.2. NA Deed restrictions\ covenants that may affect this request are attached as **Exhibit PH-3.L.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): | <u>approx. 281</u> | Feet | | |
| 2. | Depth (average if irregular parcel): | <u>approx. 150</u> | Feet | | |
| 3. | Total area: | <u>42, 300 sq. ft.</u> | Acres or square feet | | |
| 4. | Frontage on road or street: | <u>approx. 281</u> | Feet on | <u>Pondella</u> | <u>Street Road</u> |
| | 2 nd Frontage on road or street: | <u>approx. 150</u> | Feet on | <u>Orange</u> | <u>Street Avenue</u> |

**PART 4
ACTION REQUESTED**

A. Action Requested: [check applicable action(s)]

- NA **Special Exception** for _____ **Attached is Supplement A**
- NA **Variance** for _____ **Attached is Supplement B**
- ✓ **Conventional Rezoning from:** RS-1 and C-1 **to** CC **Attached is Sup. C**
- NA **Planned Development rezoning from** _____ **to** _____
- _____ **DCI - Major: Attached is Supplement D**
- _____ **DCI - Minor: Attached is Supplement D**
- _____ **Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area. Attached is Supplement D**
- NA **Planned Development Amendment. Attached is the Supplement D**
- NA **Public Hearing for DRI**
- _____ **No rezoning is required.**
- _____ **Rezoning is required. Attached is the Supplement D**

B. Excavations:

- ✓ No blasting will be used in the excavation of lakes or other site elements.
- NA A map indicating the general location of the proposed blasting locations 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 **Exhibit PH-4.C** showing calculations. [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.

NA Property is located within Noise zone: _____

G. Estero Planning Community (put NA if not applicable)

A summary of public informational session. **Attached is Exhibit PH-4.G** [34-373(a)(10)]
NA

H. Captiva Planning Community (put NA if not applicable)

NA A summary of public informational session. **Attached is Exhibit PH-4.H** [Lee Plan Policy 21.7]

I. Waivers from Application Submission Requirements: The following waivers have been approved by the Director of Zoning Services and are attached as **Exhibit PH-4.I** [Section 34-202(a)]

Section Number	Name of item
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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:

			Exhibits	SUBMITTAL ITEMS
Var.	Conv. Rez. or Spe. Exc.	PDs & DRIs		
1	✓ 1	12		Completed application for Public Hearing [34-201(b)]
1	✓ 1	1		Filing Fee - [34-202(a)(9)]
				SUPPLEMENTAL FORMS (select applicable form)
0	1	0	SUP A	Special Exception supplement
1	0	0	SUP B	Variance supplement
0	✓ 1	0	SUP C	Conventional rezoning
0	0	12	SUP D	Planned Development Rezoning or DRI with PD Rezoning requested
0	0	12	SUP-D	Planned Development Amendment
0	0	12	SUP D	PRFPD in in Overlay Area Rezoning supplement
0	0	12	ADA	DRI no rezoning requested
				EXHIBITS
1	✓ 1	3	PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1	NA 1	1	PH-1.B.3	BOCC authorization (if applicable)
1	NA 1	12	PH-1.C.2	Additional agents
1	✓ 1	3	PH-2.B.1.	Disclosure Form [34-201(b)(2)a]
1	NA 1	3	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	NA 1	3	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
2	✓ 2	3	PH-3.C.1	Legal Description [34-202(a)(1)]
1	✓ 1	1	PH-3.C.2	Electronic version of legal description (if available)
1	✓ 1	4	PH-3.D.1	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	✓ 1	4	PH-3.D.2	Certified sketch of description (less than ten acres) [34-202(a)(2)]
1	NA 1	4	PH-3.D.3	Boundary survey (all PDs and anything ten acres or more) [34-202(a)(2) & [34-373(a)(4)a.]
1	✓ 1	0	PH-3.F	Area Location Map on 8 by 11 paper pursuant to sec. 34-202(a)(4). (Non Planned Developments)
0	NA 0	0		Area Location Map for Planned Developments - see Supplement D
1	✓ 1	3	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	✓ 1	3	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	✓ 2	2	PH-3.G.3	Mailing labels [34-202(a)(6)]
0	NA 1	12	PH-3.I	Agricultural uses at time of zoning application. [34-202(b)(7)]
1	NA 1	3	PH-3.L.2	Deed Restrictions\Covenants [34-202(b)(2)]
1	NA 1	3	PH-3.L.3	Narrative addressing effect of Deed Restrictions [34-202(b)(2)]

			Exhibits	SUBMITTAL ITEMS
1	NA 1	12	PH-4.B	Location of proposed blasting (if applicable). [34-202(b)(6)]
0	0	4	PH-4.C	Bonus Density units (if applicable) [34-202(b)(5)]
1	NA 1	4	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	NA 1	4	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	NA 1	4	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
1	NA 1	4	PH-4.G	Developments located within Estero Planning District [34-373-(a)(10)]
1	NA 1	4	PH-4.H	Developments located within Captiva Planning District [Lee Plan Policy 21.7]
1	NA 1	12	PH-4.I	Approved Waivers [34-202(a)]
				ADDITIONAL REQUIREMENTS FOR DRIs NOT INVOLVING A REZONING
0	0	12		Notice of proposed change Substantial Deviations Form RPM-BSP-Proposed Change - 1 pursuant to Section 380.06(19) F.S.
0	0	12		DRI, AMDA, FQD Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
0	0	12		Abandonment Form RPM-BSP-Abandonment-DRI-1. Application for abandonment of a DRI.

**EXHIBIT PH-1.C.2
ADDITIONAL AGENTS**

Company Name: _____

Contact Person: _____

Address: **Street :** _____

City: _____ **State:** _____ **Zip:** _____

Phone: **Area Code:** _____ **Number:** _____ **Ext:** _____

Fax: **Area Code:** _____ **Number:** _____

E-mail address: _____

Company Name: _____

Contact Person: _____

Address: **Street :** _____

City: _____ **State:** _____ **Zip:** _____

Phone: **Area Code:** _____ **Number:** _____ **Ext:** _____

Fax: **Area Code:** _____ **Number:** _____

E-mail address: _____

Company Name: _____

Contact Person: _____

Address: **Street :** _____

City: _____ **State:** _____ **Zip:** _____

Phone: **Area Code:** _____ **Number:** _____ **Ext:** _____

Fax: **Area Code:** _____ **Number:** _____

E-mail address: _____

Company Name: _____

Contact Person: _____

Address: **Street :** _____

City: _____ **State:** _____ **Zip:** _____

Phone: **Area Code:** _____ **Number:** _____ **Ext:** _____

Fax: **Area Code:** _____ **Number:** _____

E-mail address: _____

GUIDE FOR FILING AN APPLICATION FOR A PUBLIC HEARING

If questions of interpretations arise as a result of our attempt to provide easy-to-understand instructions for completing the application form(s), the provisions of the Land Development Code will be the final authority.

GENERAL INSTRUCTIONS

1. All properties within a single application must be abutting. However, the director may, at his discretion, allow a single application to cover non-abutting properties where it is in the public interest due to the size or scope and nature of the request, and there is a rational continuity to the properties in question.
2. An application for a conventional zoning district or planned development rezoning, special exception, or variance may be initiated by a landowner, or his authorized agent, for his own property, or by the Board of County Commissioners.
3. Except for County-initiated applications, if there is more than one owner, either legal or equitable, then all owners must jointly initiate the application or petition except that:
 - a. If a husband and wife own the property, only one of them needs to sign the application;
 - b. If the property is subject to a land trust agreement, the trustee may initiate the application;
 - c. If the fee owner is a corporation, any duly authorized corporate official may initiate the application;
 - d. If the fee owner is a partnership, a general partner may initiate the application;
 - e. If the owner is an association, the association or its governing body may appoint an agent to initiate the application on behalf of the association;
 - f. If the owner is a condominium, timeshare condominium, or a subdivision, please refer to Section 34-201(a)(1)b. and c. for information on who may initiate the application. .
4. Before an application may be accepted, it must fully comply with all information requirements enumerated in section 34-202 et seq., unless specifically stated otherwise in Chapter 34 of the Lee County Land Development Code.

Upon written request, the director may modify the submittal requirements contained in this section if the applicant clearly demonstrates that the submission will have no bearing on the review and processing of the application. The request to the director must be submitted prior to submitting this application. Multiple waiver requests must be made on individual request forms indicating each separate request. The director's written response must accompany the application submitted and will become a part of the permanent file.
5. The applicant is responsible for the accuracy and completeness of the application. Any additional time delays or expenses necessitated because of inaccurate or incomplete information will be the responsibility of the applicant.
6. Applications must be submitted in person. Mailed-in applications will not be processed.
7. Unless specifically stated to the contrary, all attachments and exhibits must be of a size that will fit or conveniently fold to fit into a letter size (8 1/2" x 11") folder.
8. All applicants must pay an application fee as set forth in the county External Fees and Charges Manual.

INSTRUCTIONS FOR COMPLETING PART 1: APPLICANT/AGENT INFORMATION

- A. Name of applicant:** Insert the name of the applicant (the name of the person signing the application form).
- B. Relationship of Applicant to owner:** Indicate whether the applicant is the sole owner of the property (individual or husband and wife).

If the applicant is not the sole owner of the property but has been authorized to submit this application on behalf of the owner(s), or a contract purchaser/vendee, check the appropriate response and submit a Notarized Affidavit of Authorization Form.

- C. Authorized Agent:** Indicate the name of the individual (or contact person if a company) who is to receive all county-initiated correspondence regarding the application. This may be the owner, the applicant, or an agent authorized by the owner or applicant to receive all county-initiated correspondence.
- D. Additional Agent(s):** List the names of other agents (consultants) that the county may contact concerning the application that are in addition to the authorized agent..

INSTRUCTIONS FOR COMPLETING PART 2: PROPERTY OWNERSHIP

A. Property Ownership:

1. If the property is owned by an individual or husband and wife, complete the form with the name, address, etc., of the owner.
2. If the property is owned by more than one person (corporation, partnership, trust, association, etc.) submit an executed copy of Exhibit PH-2.B.1 "Disclosure Form."

A *Disclosure Form* is a list of the names of all owners, stockholders and trust beneficiaries, (including percentages of interest) of the property. It is required for all corporations, trusts and partnerships, as well as for contract purchases. Disclosure is not required for any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interests are solely equity interests which are regularly traded on an established securities market in the United States or another country.

3. If the property covered by the application consists of more than one parcel, submit a list of all of the owners and their mailing address, keyed to a map illustrating the individual owners interest in the property.
4. Indicate the date the property was purchased by the current owner(s).

INSTRUCTIONS FOR COMPLETING PART 3: PROPERTY INFORMATION

- A. STRAP number(s):** The STRAP (Section, Township, Range, Area, Parcel) number is the 17- digit number used by the Property Appraiser to identify specific parcels.
- B. Street Address of Property.** May be obtained from Property Appraiser if unknown by applicant.
- C. &**
- D. Legal Description, Certified sketch of description, & Boundary surveys:** The director has the right to reject any legal description which is not sufficiently detailed so as to locate the property on county maps.

1. **Undivided Platted Lots:** If the property consists of one or more undivided platted lots in a subdivision recorded in the Official Plat Books, the legal description must include the name of the subdivision, the Book and Page number of the Plat Book, and the Block (if applicable) and Lot number(s) of the property. In addition, copies of the plat page showing the lot(s) must be submitted as well as the individual STRAP numbers..
2. **Certified sketch of description - total area less than ten acres:** If the application is for conventional rezoning, special exception or variance on a total land area of ten acres or less, the applicant must submit a "*certified sketch of description*" along with a legal description. The legal description must specifically describe the perimeter boundary of the total property, by metes and bounds, with accurate bearings and distances for every line. It does not need to describe each individual parcel but must include the individual STRAP numbers.

The director may require a boundary survey where there is a question regarding the accuracy of the legal description of the property or a question regarding the location of structure(s) or easement(s), relevant to the review of the application.

3. **Boundary survey:** If the application is for property encompassing 10 acres or more or for a Planned Development, a boundary survey is required.
 4. **Minimum Standards:** All certified sketches and boundary surveys must meet the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, F.A.C. If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). The perimeter boundary must be clearly marked with a heavy line and must include the entire area to be developed.
- E. **Planning Community:** If the property is within a Planning Community (such as Estero, Pine Island, Fort Myers Shores, etc.) please indicate. Otherwise enter "NA" Not applicable.
- F. **General Location of Property:** Submit a map, at suitable scale, drawn on an 8½ inch by 11 inch size sheet of paper, that depicts the property described in the legal description in relation to the surrounding neighborhood. The map must be sufficiently referenced to known major streets or other physical boundaries so as to be clearly identifiable to the general public.

Also submit a brief set of directions showing how a person could find the property. Reference at least one major Road such as U.S. 41, Allico Road, Bayshore, Pondella, etc

- G. **Surrounding Property Owners:** A complete list, map, and two sets of mailing labels, of all property owners, and their mailing addresses, for all property within 500* feet of the perimeter of the subject parcel or the portion thereof that is the subject of the request. The list and mailing labels may be obtained from the Property Appraisers office. The map must reference by number or other symbol the names on the surrounding property owners list. The applicant is responsible for the accuracy of the list and map.

*In those instances where fewer than 10 owners of property would be notified, the distance must be expanded to include all owners of property within 750 feet.

- H. **Current Zoning of Property:** Indicate the current zoning on the property.
- I. **Current Use of Property:**

Provide a brief description of what uses are currently on the property.

If any portion of the property is used for bonafide agricultural uses, provide a statement describing the type and intensity of agricultural uses in existence on the property on the date of the application. The statement must include acreage figures for each use and must also include an exhibit depicting the location of the uses on a copy of the boundary sketch. The exhibit should be entitled "Agricultural Uses at time of Zoning Application."

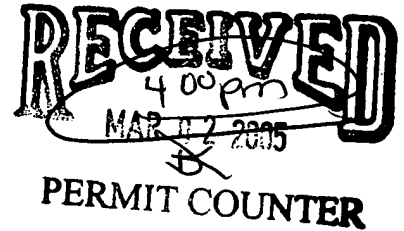
- J. Land Use Classification:** Indicate the land use category (ies) of the property as indicated on the Future Land Use Map of Lee County.
- K. Flood Hazard:** Indicate whether or not the property is located within an area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRMS). If it is within such an area, indicate the minimum elevation required for the first habitable floor. This information may be obtained from the Residential Building Plans review at (239) 479-8597.
- L. Deed Restrictions:** Indicate whether or not there are any deed restrictions or other covenants that may affect the requested action. If there are deed restrictions or covenants that may affect the requested action, provide a written explanation as to how they may affect it.
- M. Property Dimensions:** Self explanatory. If the property is adjacent to more than one street, provide length of frontage on both streets.

INSTRUCTIONS FOR COMPLETING PART 4: ACTION REQUESTED

- A. Action Requested:** Check the applicable action.
- If the request is for a special exception, indicate the type of special exception (proposed use) requested and attach a completed Supplement A.
- If the request is for a variance, indicate the type of variance (setback, height, parking, etc.) and attach a completed Supplement B.
- If the request is for a conventional rezoning, indicate the current zoning of the property as well as the requested rezoning and attach a completed Supplement C.
- If the request is for a Planned Development, indicate whether it is a major or minor DCI or for a PRFPD or a Planned Development Amendment or DRI and attach a completed Supplement D.
- B. Excavations:** Indicate whether or not blasting will be used in the excavation of lakes or other site elements. If blasting is proposed, provide information and data with the application showing the location of the proposed blasting and demonstrating what measures will be implemented to ameliorate the potential negative impacts. This information must include soil borings that demonstrate the necessity for blasting, drawings showing the location(s) of proposed blasting, and other information deemed necessary by the director to allow full and complete analysis of compatibility issues associated with the proposed blasting activity.
- C. Bonus Density:** If the applicant is proposing to use bonus density, complete and submit Exhibit PH-4.C.
- D. Hazardous materials:** If the request for rezoning includes a private port facility, the applicant must submit a hazardous materials emergency plan, which will be subject to the approval of the county divisions of emergency management, water resources and planning, and of the appropriate fire district. The plan must provide for annual monitoring for capacity and effectiveness of implementation. At the minimum, the plan must comply with the spill prevention control and countermeasure plan (SPCC) called for in the federal oil pollution prevention regulations, 40 CFR 112, as amended.
- E. Mobile Home Park:** If the request involves the rezoning of an existing mobile home park as defined in F.S. § 723.003, would result in the removal or relocation of mobile home owners, then the application must include facts sufficient to allow staff to conclude that adequate mobile home parks or other suitable facilities exist for the relocation of displaced owners. The facts to be provided are intended to meet the requirements of F.S. § 723.083 (1995). Therefore, the statutory definitions will prevail to the extent there is conflict with terms of this Code.

- (1) Facts to be provided may typically include: STRAP number and street addresses of properties where mobile homes are to be removed from, and relocated to (i.e., the "relocation site"); and any building permit numbers issued for placement of the mobile home on the relocation site.
 - (2) If the relocation site is not within the legal description of the subject rezoning, then the property owner of property proposed for relocation must submit an affidavit stating that suitable facilities exist at the relocation site to accommodate the mobile home proposed to be relocated there.
- F. Aviation Hazard.** Indicate whether or not the property is subject to Section 34-1001 et seq. and whether or not a Tall Structures permit will be required. If the property is located within a noise zone, indicate which noise zone..
- G. Estero Planning Community.** If the proposed development is located within the Estero Planning Community, a meeting is required with the community and a copy of the Estero Planning Community Meeting Summary Document must be submitted. You may contact Neal Neothlich, Chairman of the Estero Community Planning Panel by email at nen13@aol.com or Bill Brown, Secretary of the Estero Community Planning Panel by email at aquilla@ix.netcom.com.
- H. Captiva Planning Community.** If the proposed development is located within the Captiva Planning Community, a meeting is required with the community and a copy of the Captiva Planning Community Meeting Summary Document must be submitted.
- I. Waivers from Application Submission Requirements:** Upon written request, on a form prepared by the county, the director may modify the submittal requirements contained in this section where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request for a waiver or modification must be submitted to the Director prior to submitting the application. A copy of the request and the director's written response must accompany the application and will become a part of the permanent file.

Indicate on the application form the section(s) of the Land Development Code for which the Director has granted a waiver. Attach the waiver(s) to the application as Exhibit PH-4.I.



SUPPLEMENT C

ADDITIONAL REQUIRED INFORMATION FOR A CONVENTIONAL REZONING APPLICATION UNINCORPORATED LEE COUNTY

Case Number: _____

Project Name: Pagliari Rezoning

Authorized agent: Michael E. Roeder

STRAP Number(s): 10-44-24-01-00034.0000

☒ Rezoning from RS-1 and C-1 to CC

NA Variances included?(check one) ☐ No ☐ Yes for _____

NA Special Exception included? (check one) ☐ No ☐ Yes for _____

REASON(S) FOR REQUEST

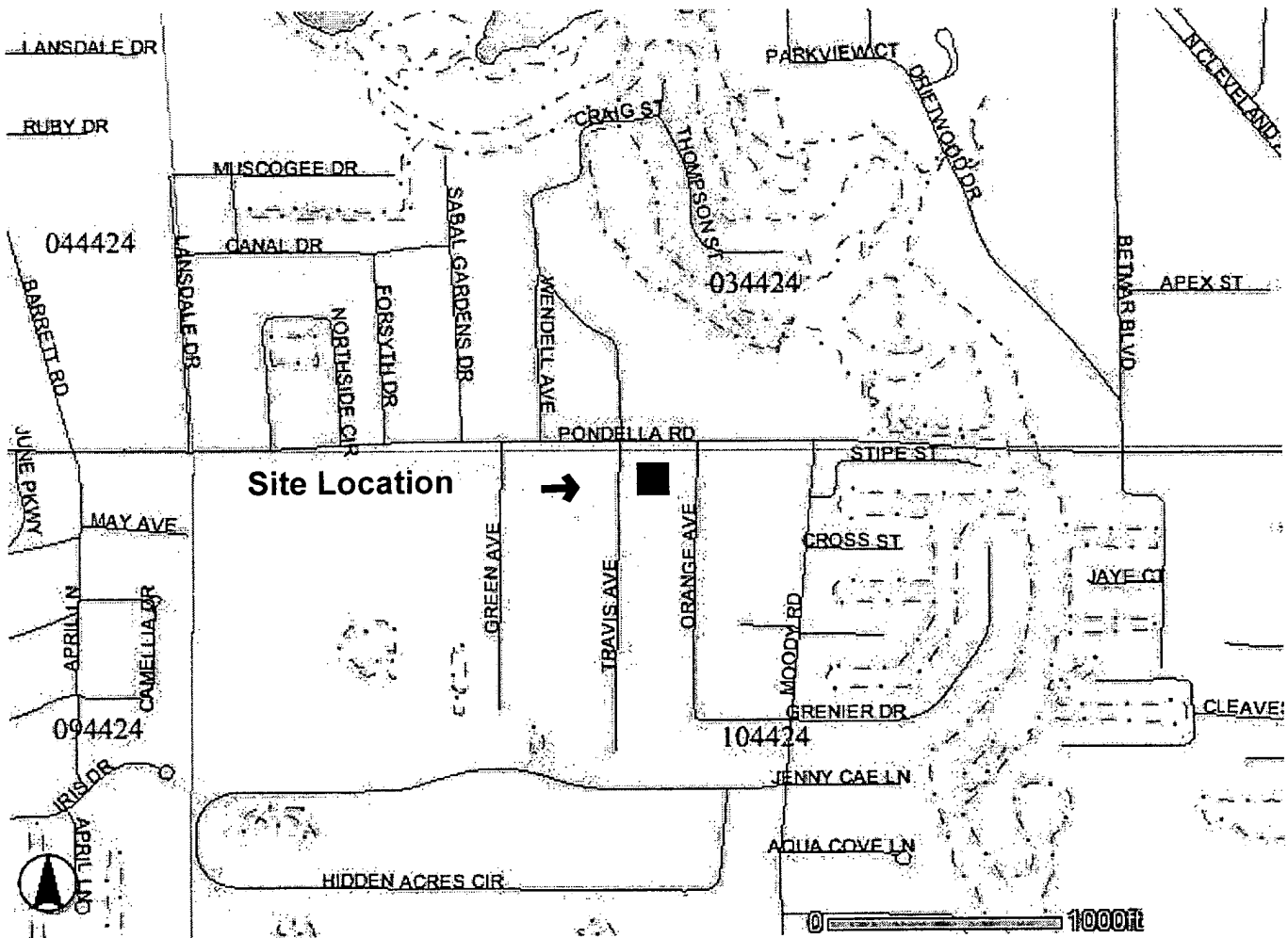
CASE NUMBER: _____ **PROJECT NAME:** Pagliaro Rezoning

Requests for rezonings, other than planned developments and those determined to be development of regional impact must include a statement of the basis or reason for the rezoning. The statement must be directed to the guidelines for decision-making embodied in sections 34-145(c)(2)a., e., i., and j., 34-145(d)(2) a. and b., and 34-145(d)(3). This statement may be utilized by the Board of County Commissioners, hearing examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-203(C)]**

This is a request to rezone one lot totaling approximately 42,300 square feet which fronts on Pondella Road from RS-1 and C-1 to CC. The property lies between Travis Avenue and Orange Avenue and is part of a developing commercial frontage along Pondella Road. The portion of lot 34 which is zoned C-1 has dimensions of 142' x 75' which is not conforming with the C-1 regulations. Given the trend of development along Pondella Road, it is extremely unlikely that anyone would construct a single-family home on the vacant property, and it was clearly the intent to convert the existing house to some type of commercial use when the original C-1 zoning was granted. The property is located in the Suburban land use category, and the request would be consistent with the Lee Plan. It complies with the site location standards of Policy 6.2.1.1, and also Objectives 2.1 and 2.2 relating to the development location and timing. All necessary Urban services are available to the site, and Pondella Road operates at Level of Service "C". It will not cause damage or nuisance to other properties when developed in compliance with Chapter 10 in the LDC and it will be in compliance with all other provisions of the zoning regulations in the LDC. There is a clarification error with the existing zoning, since the C-1 zoned portion does not conform to the requirements of the C-1 district and the potential for commercial activity there makes the remaining portions of this project inappropriate for residential development.

The request is consistent with the Lee Plan, the Land Development Code and other applicable codes and regulations; it will meet or exceed all performance locational standards; it is compatible with existing uses in the surrounding area when developed in compliance with Chapter 10; and will not place undue burden on existing transportation or planned infrastructure.

Area Location Map
EXHIBIT PH-3.F



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MAR 02 2005

PERMIT COUNTER

RF7 2005-00002

LEGAL DESCRIPTION

(OFFICIAL RECORDS BOOK 4019, PAGE 1695)
STRAP # 10-44-24-01-00034.0000

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OCT. 03 2005

LOTS 33 AND 34, LESS SR-78A RIGHT-OF-WAY, PINE ACRES SUBDIVISION,
ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9,
PAGE 42, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

AND

Applicant's Legal Checked

by Lgm 10/04/2005

LOTS 31 AND 32, TRAVIS SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 132,
OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (LESS PONDELLA ROAD
RIGHT-OF-WAY).

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REZ 2005-00002

(METES AND BOUNDS PREPARED BY THIS SURVEYOR)

BEGIN AT THE SOUTHWEST CORNER OF LOT 31 OF TRAVIS SUBDIVISION,
ACCORDING TO THE PLAT THEREOF, AS RECODED IN PLAT BOOK 9 AT PAGE 132
OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N 00°05'20" W
ALONG THE WEST LINE OF LOTS 31 AND 32 OF SAID TRAVIS SUBDIVISION, FOR A
DISTANCE OF 140.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF
PONDELLA ROAD; THENCE RUN N 89°00'40" E, ALONG SAID SOUTH RIGHT-OFWAY
LINE, FOR A DISTANCE OF 281.73 FEET TO A POINT ON THE EAST LINE OF
LOT 34 OF PINE ACRES, A PLATTED SUBDIVISION RECORDED IN PLAT BOOK 9 AT
PAGE 42 OF THE PUBLIC RECORDS OF LEE COUNTY, FLOIRDA; THENCE RUN
S 00°05'20" W, ALONG THE EAST LINE OF LOTS 34 AND 33 OF SAID PINE ACRES
PLAT, FOR A DISTANCE OF 120.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT
33; THENCE RUN S 89°00'40" W, ALONG THE SOUTH LINE OF SAID LOT 33, FOR A
DISTANCE OF 141.51 FEET TO THE SOUTHWEST CORNER OF SAID LOT 33, THE
SAME BEING A POINT ON THE EAST LINE OF LOT 31 OF THE SAID TRAVIS
SUBDIVISION PLAT; THENCE RUN S 00°42'40" E, ALONG SAID EAST LINE OF LOT 31,
FOR A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 31;
THENCE RUN S 89°00'40" W, ALONG SAID SOUTH LINE, FOR A DISTANCE OF 140.00
FEET TO THE SOUTHWEST CORNER OF SAID LOT 31 AND THE **POINT OF**

BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, CONTAINING 0.839
ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND OR RESERVATIONS OF RECORD.
BEARINGS ARE BASED ON THE WEST LINE OF LOTS 31 AND 32 OF THE TRAVIS
SUBDIVISION PLAT AS BEING N 00°05'20" W.

[Signature]

DATE 9-29-05

Eric V. Sandoval, P.S.M. # 5223 State of Florida

TKW
CONSULTING ENGINEERS, INC.

environmental • civil • structural survey

5621 Banner Drive

Fort Myers, Florida 33912

(239) 278-1992 • FAX (239) 278-0922

E-MAIL tkw@tkwonline.com

Survey Certification # 734

DRAWN BY: EVS JOB NO.: 05562.00 SHEET 1 OF 2

LEGAL DESCRIPTION

A PORTION OF LOTS 31 & 32, TRAVIS SUBDIVISION
A PORTION OF LOTS 33 & 34, PINE ACRES SUBDIVISION
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

DATE: SEPTEMBER 2005

DRAWING: PONDELLA

RECEIVED

OCT. 03 2005



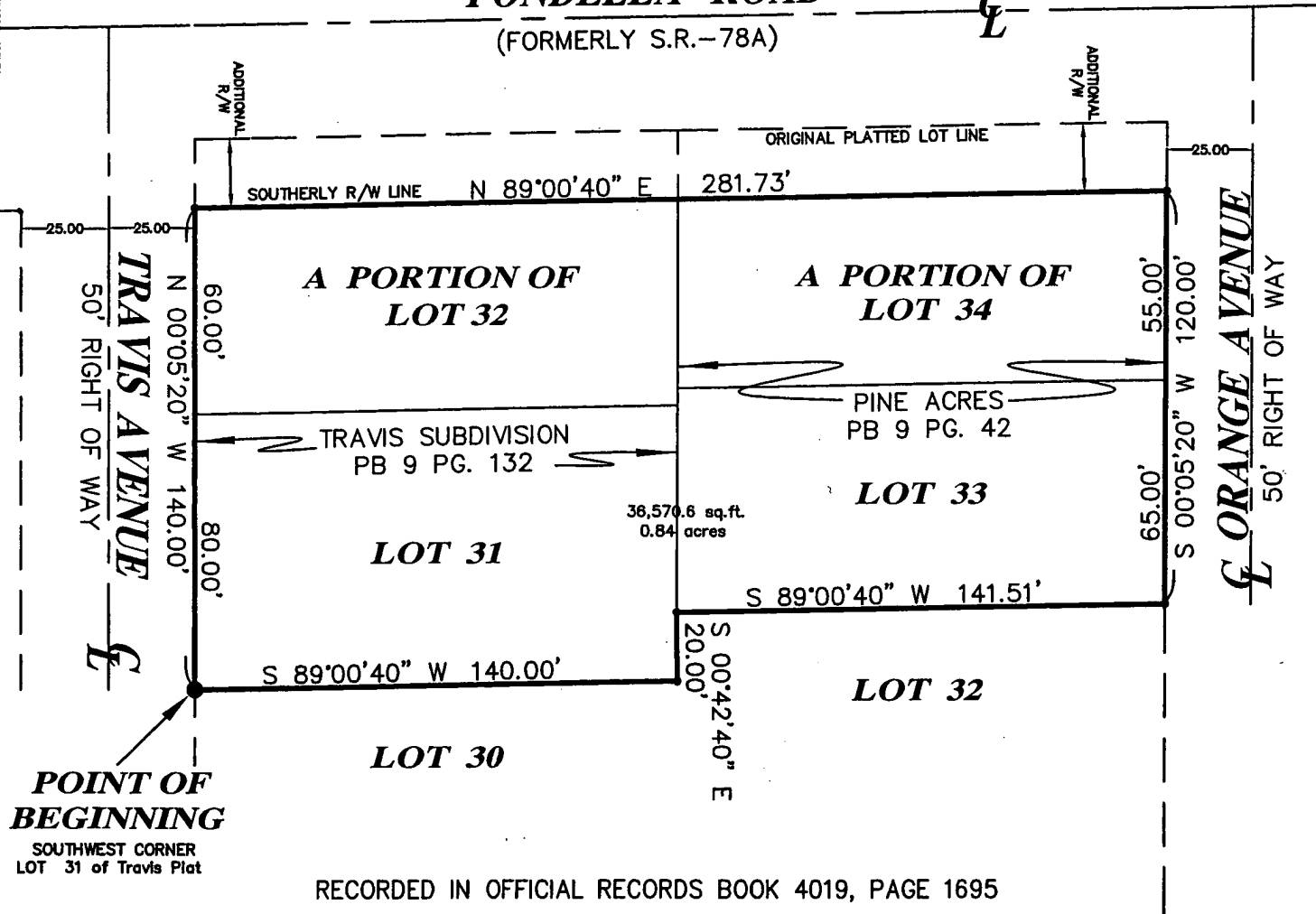
Sketch
of
Applicant's Legal Checked
by Lgm 10/04/2005

COMMUNITY DEVELOPMENT

0' 25' 50'
SCALE: 1" = 50'

PONDELLA ROAD

(FORMERLY S.R.-78A)



RECORDED IN OFFICIAL RECORDS BOOK 4019, PAGE 1695

STRAP # 10-44-24-01-00034.0000

1205 ORANGE AVENUE

NORTH FORT MYERS, FLORIDA 33903

LEGEND

R/W RIGHT-OF-WAY
PB PLAT BOOK
PG. PAGE

*** THIS IS NOT A SURVEY ***

TKW
CONSULTING ENGINEERS, INC.

environmental • civil • structural • survey

5621 Banner Drive
Fort Myers, Florida 33912
(239) 278-1992 • FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Survey Certification # 734

DRAWN BY: EVS JOB NO.: 05562.00 SHEET 2 OF 2

SKETCH TO ACCOMPANY

A PORTION OF LOTS 31 & 32, TRAVIS SUBDIVISION
A PORTION OF LOTS 33 & 34, PINE ACRES SUBDIVISION
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

DATE: SEPTEMBER 2005

DRAWING: PONDELLA

REZ 2005-00002

TRAVIS SUBDIVISION.

A Resubdivision of Lot 3 of SOUTH FLORIDA FARMS.
as recorded in Deed Book 236 Page 60 Lee County, Fla.

N
↑

Scale 1"=100'

Correctly surveyed and permanent reference monuments set as shown according to the Statutes of the State of Florida, Feb. 16, 1955.

Earl S. Royer, Alva, Fla.
Civil Engineer #680 Surveyor #673

We, the undersigned sole owners of lands here by subdivided into lots, have caused this plat and survey to be made in accordance with our desire and wish, and we hereby do dedicate all streets, avenue, or roads to public use as indicated.

Witness Harold W. Travis signed Harold W. Travis
James Parker Edith A. Travis

State of Florida S.S. Greetings. The above named Harold W. Travis, County of Lee and Edith A. Travis, his wife, to me known today, appeared before me and acknowledged the signing of this instrument for the purpose indicated in my capacity as an authority in and said state and county. In testimony whereof I affix my signature this 16th day of February, 1955, at Ft Myers, Fla.

Harold W. Travis
My commission expires Jan. 11, 1958

Approved by the board of Commissioners of Lee County Florida in open session February 23rd 1955.

Attest W. J. Farabee signed Walter C. Jett
Clerk Chairman

17-24-54

This plat was examined by me and found to comply with the laws of Fla. Received for March 1955

W. J. Farabee
Clerk of Circuit Court for Lee Co. Fla.

FILED	INDEXED
RECORDED	FILED
FEB 23 1955	
Ft. Myers, Fla.	
BY <u>W. J. Farabee</u>	

Recorded in Plat Book 9 Page 132

RECEIVED

MAR 02 2005

ZONING

REZ 2005-00002

[illegible]

1525. I FURTHER CERTIFY that said plat was filed for record at 11 A.M. this 29th day of March, A.D. 1952 and duly recorded in Plat Book 9 on Page 42 of the public records of Lee County, Florida.

Clerk of the Circuit Court in and for Lee County

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MAR 02 2005
ZONING

REZ 2005-00002

PART V AFFIDAVIT A1
(EXHIBIT PH-1.B.2)

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MAR 02 2005

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT PERMIT COUNTER

I, Amideo G. Pagliaro, owner, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Amideo G. Pagliaro
Signature

Amideo G. Pagliaro, owner
(Type or printed name)

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this Jan 25, 2005 (date) by Amideo G. Pagliaro, owner (name of person providing oath or affirmation), who is personally known to me or who has produced FDL P246007373910 (type of identification) as identification.

Stephen A. Moore
Signature of person taking oath or affirmation

Stephen Moore
Name typed, printed or stamped

Notary Public
Title or rank

DD178837
Serial number, if any

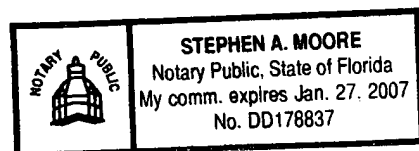


EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:

RECEIVED
MAR 02 2005

STRAP NO. 10-44-24-01-00034.0000 CASE NO. _____ **PERMIT COUNTER**

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
Amideo G. and Patricia C. Pagliaro	100%
c/o 928 Diplomat Pkwy. West	
Cape Coral, FL 33993	

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

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

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.

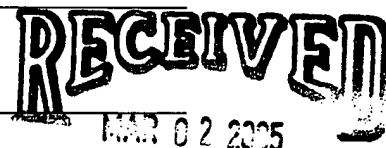
Name and Address	

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: Amideo G. Pagliaro
(Applicant)

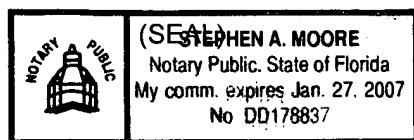
Amideo G. Pagliaro
(Printed or typed name of applicant)



STATE OF FLORIDA
COUNTY OF LEE

PERMIT COUNTER

The foregoing instrument was acknowledged before me this 28th day of Jun 20 05
by Amideo G. Pagliaro, owner who is personally known to me or who has produced
FDL P246 007 37 3910 as identification.



Stephen A. Moore
Signature of Notary Public
Stephen A. Moore
Printed Name of Notary Public

REZ 2005-00002 Page 2 of 2

AFFIDAVIT

STATE OF FLORIDA)
)
COUNTY OF LEE)

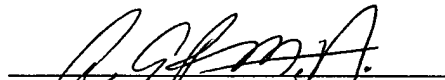
RECEIVED
MAR 16 2006
PERMIT COUNTER

Before me this day appeared AMIDEO PAGLIARO who, being first duly sworn, deposes and says:

1. He is an applicant in case REZ2005-00002.
2. There is an existing structure on the parcel that is the subject of case REZ2005-00002.
3. In the event the rezoning is approved, either the buildings will be removed, or the proposed use of the buildings, structures, and land will be in compliance with all applicable requirements of the Land Development Code (as it may be amended from time to time), including the definition of "nonconforming building or structure, lot or use" in LDC Section 34-2.

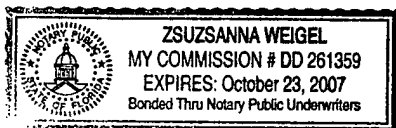
FURTHER, AFFIANT SAYETH NAUGHT.

Done and executed this 15th day of March, 2006.


AMIDEO PAGLIARO

The foregoing instrument was acknowledged before me this 15th day of March, 2006, by AMIDEO PAGLIARO, who is personally known to me ☒, or has produced _____ as identification ☐, and did/did not take an oath.

My Commission Expires:




Notary Public
ZSUZSANNA WEIGEL
Printed Name

REZ 2005-00002

Legal Description
EXHIBIT PH-3.C.1

LOTS 33 AND 34, LESS SR-78A RIGHT-OF-WAY PINE ACRES SUBDIVISION.
ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 9,
PAGE(S) 42, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL IDENTIFICATION NUMBER: 10-44-24-01-00034.0000

AND

PARCEL IDENTIFICATION NUMBER: 10-44-24-01-00033.0000

AND

LOTS 31 AND 32 TRAVIS SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 132,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL IDENTIFICATION NUMBER: 10-44-24-03-00031.0000

REZ 2005-00002

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MAR 02 2005

PERMIT COUNTER

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

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OCT. 03 2005
am kw
COMMUNITY DEVELOPMENT

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

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

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

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

MRoeder@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Naty Torres-Alvarado

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

MEMORANDUM

TO: Shawn Lamey
FROM: Mike Roeder
DATE: October 3, 2005
RE: Pagliaro Rezoning / REZ2005-00002

Attached please find a revised copy of the sketch and legal description for the above referenced case. If you have any questions or request additional information, please do not hesitate to contact me. Thank you.

MER/ams
Attachments

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

DATE: November 22, 2005

TO: File -

FROM: Jessica Smith
Secretary, Internal Services

RE: Notice of Public Hearing - December 7, 2005 HEX

I, Jessica Smith, 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 PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER: REZ2005-00002

CASE NAME: PAGLIARO RE-ZONING

REQUEST: Application to rezone a 1.0 +/- acre parcel from (RS-1) Residential Single Family and (C-1) Commercial to (CC) Community Commercial at 1205 Orange Ave, North Fort Myers.

LOCATION: The subject property is located at 1205 Orange Avenue, N. Ft. Myers (take US 41 North and turn left onto Pondella Road. Drive about 0.6 miles and turn left onto Orange Ave) , FL 33903, in S10-T44S-R24E, Lee County, FL. (District #4)

SIZE OF PROPERTY: 1.00 Acres ±

STAFF REPORT: Direct inquiries to Shawn Lamey, Planner, at (239) 479-8484, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE: MR. 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 3:00PM PM on 12/07/2005 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 239/479-8585 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 Jessica M Smith at 239/479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

03-44-24-00-00044.0010
LOFFRENO STEVEN P
83 GLENMONT DR W APT 0
NORTH FORT MYERS, FL 33917

03-44-24-04-00000.0020
WAGNER LILLIAN ALICE TR
1234 JOERIN AV
N FT MYERS, FL 33903

03-44-24-04-00000.0030
GAMM FRANK E + PHYLLIS J
1244 JOERIN AV
N FT MYERS, FL 33903

03-44-24-04-00000.0040
MAY WILLIAM C
1250 JOERIN AVE
NORTH FORT MYERS, FL 33903

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GORDY BRITT A + COLLEEN T
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PRECHTEL C E JR + CYNTHIA L
1241 WENDELL AV
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03-44-24-04-00000.0320
HOWELL RAMONA L
P O BOX 1690
FT MYERS, FL 33902

03-44-24-04-00000.0340
LEE COUNTY
P O BOX 398
FORT MYERS, FL 33902

03-44-24-04-00000.0360
ORAMA ARSENIO + SHERRY
1240 WENDELL AV
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LANG MICHAEL J + SUSAN P
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03-44-24-04-00000.0380
VASILJEVIC STANLEY +
1248 WENDELL AVE
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LAIN LINDA GAY
1245 JOERIN AV
NORTH FORT MYERS, FL 33903

03-44-24-04-00000.0450
GOOD JULIE L
1235 JOERIN AVE
NORTH FORT MYERS, FL 33903

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LEE COUNTY
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FORT MYERS, FL 33902

10-44-24-00-00009.0000
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C/O JUDY ROYAL
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1201 BETMAR BLVD
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SMITH DONALD + LISA
P O BOX 51601
FORT MYERS, FL 33994

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10-44-24-01-00004.0000
JOHNSON HORACE R
1188 ORANGE AV
N FT MYERS, FL 33903

10-44-24-01-00008.0000
EDWARDS JEFFREY + ROSE
1166 ORANGE AVE
NORTH FORT MYERS, FL 33903

10-44-24-01-00025.0000
FERNSTROM HARRIET M
1159 ORANGE AVE
NORTH FORT MYERS, FL 33903

10-44-24-01-00028.0000
DAVIDSON PATRICIA
1173 ORANGE AVE
N FT MYERS, FL 33903

10-44-24-01-00030.0000
WINEGARDNER P R + KAREN
PO BOX 122
LORIDA, FL 33857

10-44-24-01-00032.0000
HALL LEE W +
P O BOX 2789
FT MYERS, FL 33902

10-44-24-00-00009.011C
HALL MICHAEL T + TRACY A
568 TANGELO CT
N FT MYERS, FL 33903

10-44-24-00-00010.0000
ROYAL ROBERT D JR + JUDITH
8964 CROWN BRIDGE WAY
FT MYERS, FL 33908

10-44-24-00-00012.0000
MILLER JOHN D SR COTR +
430 INDIAN ROCK DAM RD
YORK, PA 17403

10-44-24-01-00003.0000
BURROWS LESLEY
1194 ORANGE AV
N FT MYERS, FL 33903

10-44-24-01-00005.0000
ARTHURS S O + DORIS
1170 ORANGE AVE
N FT MYERS, FL 33903

10-44-24-01-00009.0000
SMITH CARRIE P
1164 ORANGE AVE
NORTH FORT MYERS, FL 33903

10-44-24-01-00027.0000
MORELAND ANNIE MAE
1169 ORANGE AVE
N FT MYERS, FL 33903

10-44-24-01-00029.0000
MORGAN JAMES JONATHAN
1179 ORANGE AVE
N FT MYERS, FL 33903

10-44-24-01-00031.0000
MERCHANT JOHN J
1191 ORANGE AV
N FT MYERS, FL 33903

10-44-24-02-0000B.0010
MARTES JOSE 80% +
1317 SE 21ST ST
CAPE CORAL, FL 33990

10-44-24-02-0000B.0030
LONGBRAKE BRUCE T + DEBORAH L
1246 GREEN AV
NORTH FORT MYERS, FL 33903

10-44-24-02-0000B.0060
WARNER THEODORE
1200 GREEN AV
N FT MYERS, FL 33903

10-44-24-02-0000B.0080
BENNICK THOMAS HARLEY
1160 GREEN AVE
NORTH FORT MYERS, FL 33903

10-44-24-03-00003.0000
RUSH RALPH P + CONNIE S
1203 TRAVIS AVE
N FT MYERS, FL 33903

10-44-24-03-00006.0000
MARINELL PAUL
1181 TRAVIS AVE
N FT MYERS, FL 33903

10-44-24-03-00008.0000
BARANECKY WALTER D + TERESA J
1167 TRAVIS AV
N FT MYERS, FL 33903

10-44-24-03-00024.0000
COWAN LAWRENCE H SR + DORIS A
1160 TRAVIS AV
N FT MYERS, FL 33903

10-44-24-03-00026.0000
HODGES THOMAS + LINDA
1164 TRAVIS AVE
N FT MYERS, FL 33903

10-44-24-03-00028.0000
AUBEL IZETTA
1180 TRAVIS AV
NORTH FORT MYERS, FL 33903

10-44-24-03-00030.0000
KING RAYMOND E + DEBORAH A
1204 TRAVIS AV
N FT MYERS, FL 33903

10-44-24-02-0000B.0050
ALFORD HAZEL J
1240 GREEN AVE
N FT MYERS, FL 33903

10-44-24-02-0000B.0070
ADAMS ANDREW E +
1219 CARLENE AVE
FORT MYERS, FL 33901

10-44-24-03-00001.0000
CALDERON JOSE + GLADYS
1100 PONDELLA RD STE 413
N FORT MYERS, FL 33903

10-44-24-03-00005.0000
POWERS NOAH M III + JILL L
1185 TRAVIS AV
NORTH FORT MYERS, FL 33903

10-44-24-03-00007.0000
MCKEEMAN RANDALL K + ALCIE
1175 TRAVIS AVE
NORTH FORT MYERS, FL 33903

10-44-24-03-00009.0000
MORADAN JEMMA C
408 LOUIS JOLIETTE
CHATEAUQUAY, QC J6K 2E9
CANADA

10-44-24-03-00025.0000
FAGERSTROM JESSICA A +
1162 TRAVIS AV
NORTH FORT MYERS, FL 33903

10-44-24-03-00027.0000
AUBEL IZETTA F
1180 TRAVIS AVE
N FT MYERS, FL 33903

10-44-24-03-00029.0000
SANCHEZ DANIEL G +
1188 TRAVIS AVE
N FT MYERS, FL 33903

Mr. Michael E. Roeder
1625 Hendry St. Suite 301
Fort Myers, FL 33901

*agent

Mr. & Mrs. Amideo G. Patricia Pagliaro *appl./owner
1517 NW 10th Ave
Cape Coral FL 33993

Mr. & Mrs. Amideo G. & Patricia Pagliaro
928 Diplomat Parkway West
Cape Coral, FL 33993

Nina Paight
Nominating Civic Assn
20150 Keola Lane
North Fort Myers, FL 33917



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

March 01, 2006

479-8585

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

MR. MICHAEL E. ROEDER
KNOTT, CONSOER, EBELINI, HART
1625 HENDRY ST
SUITE 301
FT MYERS, FL 33901

RE: **Agenda Schedule for PAGLIARO RE-ZONING**
Case No. REZ2005-00002

Dear MR. MICHAEL E. ROEDER :

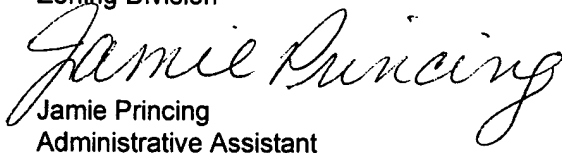
Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: Monday, March 20, 2006. Meeting commences at 9:30 a.m.

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

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Jamie Prancing
Administrative Assistant

cc: MR & MRS. AMIDEO & PATRICIA PAGLIARO
MR & MRS. AMIDEO G & PATRICIA C PAGLIARO
Shawn Lamey, Planner
Zoning File

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8181

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

February 28, 2006

Shawn Lamey
Lee County
1500 Monroe Street
Fort Myers, Fl. 33901

RE: POTABLE WATER AVAILABILITY
1205 ORANGE AVE. NORTH FORT MYERS
Strap #: 10-44-24-01-00034.0000

Dear Mr. Lamey:

Potable water 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.

Availability of potable water service is contingent upon final acceptance of the infrastructure to be constructed by the developer.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities 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 POTABLE WATER SERVICE IS TO BE UTILIZED FOR GENERAL PURPOSES ONLY. INDIVIDUAL LETTERS OF AVAILABILITY WILL BE REQUIRED FOR THE PURPOSE OF OBTAINING BUILDING PERMITS.

Sincerely;

LEE COUNTY UTILITIES



Mary McCormic
Senior Engineering Tech.
UTILITIES ENGINEERING

VIA FACSIMILE
Original Mailed

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
A T T O R N E Y S - A T - L A W

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

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

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

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

MUhle@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Nady Torres-Alvarado
David A. Burt

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

M E M O R A N D U M

TO: Sean Lamey

FROM: Matt Uhle

DATE: March 15, 2006

RE: PAGLIARO - REZ2005-00002

Attached please find Affidavit of proposed use.

MDU/zw
Enclosure

RECEIVED
MAR 16 2006

PERMIT COUNTER

REZ 2005-00002

 LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
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District Three

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District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: (239) 335-2236
Facsimile (239) 335-2606

February 7, 2006

RECEIVED
FEB 08 2006

COMMUNITY DEVELOPMENT

Mr. Matt Uhle, Esquire
Knott, Consoer, Ebelini,
Hart & Swett P.A.
1625 Hendry Street
Fort Myers, FL 33901

Re: Pagliaro Rezoning
Zoning Case #REZ2005-00002
Resolution No. Z-05-097

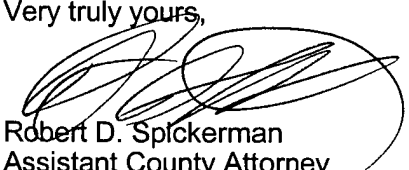
Dear Mr. Uhle:

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

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

Please contact me if you have any questions.

Very truly yours,


Robert D. Spickerman
Assistant County Attorney

RDS/tmv
Enclosure

cc: w/ enclosure
Dawn Perry-Lehnert, Assistant County Attorney
Pam Houck, Director, Zoning Division
Shawn Lamey, Senior Planner, Zoning
Kim Trebatoski, Senior Environmental Planner
Billie Jacoby, Administrative Assistant, DCD Administration

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

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Tammy Hall
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County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

February 15, 2006

Mr. Matt Uhle, Esquire
Knott, Consoer, Ebelini,
Hart & Swett P.A.
1625 Hendry Street
Fort Myers, FL 33901

Re: Pagliaro Rezoning
Zoning Case #REZ2005-00002
Resolution No. Z-05-097

(239) 335-2236
Facsimile (239) 335-2606
Writer's Direct Dial Number: _____

RECEIVED
FEB 16 2006

COMMUNITY DEVELOPMENT

Dear Mr. Uhle:

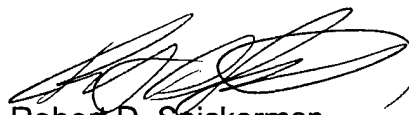
Thank you for your correspondence dated February 10, 2006 concerning Pagliaro Rezoning (Draft Resolution Z-05-097). Your letter states that "the legal description attached to the draft resolution is correct".

The County's purpose in requesting that you verify the legal description is part of the County's effort to avoid potential errors in the Resolution. Accordingly, the County will consider the above statement your verification that the legal description attached to the draft resolution accurately and correctly describes no more or no less than the parcel your client intends to rezone under the pending action.

If this was not the intent of your statement as quoted above, please notify our office.

Should you have any questions concerning the above, please do not hesitate to contact me.

Very truly yours,


Robert D. Spickerman
Assistant County Attorney

RDS/tmv

cc: Dawn E. Perry-Lehnert, Assistant County Attorney
Billie Jacoby, Development Services Division

S:\LUZoning-2005\05-097 Pagliaro Rezoning\Verification2 reply.wpd



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8484

Bob Janes
District One

Douglas R. St.
Cerny

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

October 12, 2005

MR. MICHAEL E. ROEDER
KNOTT, CONSOER,EBELINI, HART
1625 HENDRY ST
SUITE 301
FT MYERS, FL 33901

Re: PAGLIARO RE-ZONING
REZ2005-00002 - REZ Application (conv rezone)

Dear MR. MICHAEL E. ROEDER :

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

Application to rezone a 1.0 +/- acre parcel from (RS-1) Residential Single Family and (C-1) Commercial to (CC) Community Commercial at 1205 Orange Ave, North Fort Myers.

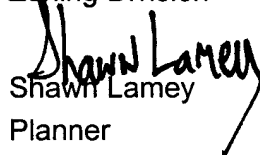
Please review this language carefully, and notify me in writing by October 26, 2005 whether or not this wording is satisfactory. The Staff Report is now being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on December 7, 2005. However, 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.

MR. MICHAEL E. ROEDER
KNOTT, CONSOER,EBELINI, HART
RE: PAGLIARO RE-ZONING
REZ2005-00002
October 12, 2005
Page 2

Please 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


Shawn Lamey
Planner

copy w/o attachments:
Dawn Lehnert, Assistant County Attorney
Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Jamie Princing, DCD Administration
Tina Silcox, Lee County School District
Zoning/REZ Files

SHAW

RECEIVED

APR 28 2005

4/27/05

COMMUNITY DEVELOPMENT

TO WHOM IT MAY CONCERN:

We are writing this letter concerning case number REZ 2005-0002-Pagliari Re-zoning.

We live on Travis Avenue which is the street to the west of Orange. We are greatly concerned for the changes that this re-zoning would bring to our residential neighborhood. We do not feel that it would be in the best interests of our neighborhood to add more traffic (either automobile or pedestrian) when it is difficult enough now to turn onto Bodella Road from Travis or Orange. We have a nice residential neighborhood and would like to keep it that way.

Please do not allow this re-zoning to occur.

Thomas Hodges
Linda Hodges
1164 TRAVIS Avenue
No. Fort Myers, 33903

Thank you,
Thom S. Hodges
Linda Hodges



COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date: March 7, 2005

Case Number: REZ2005-00002

Case Name: PAGLIARO RE-ZONING

Request: Application to rezone a 1.0 +/- acre parcel from (RS-1) Residential Single Family and (C-1) Commercial to (CC) Community Commercial at 1205 Orange Ave, North Fort Myers.

Location: 1205 Orange Avenue, N. Ft. Myers, FL 33903

Location Map: SEE REVERSE

PROPERTY OWNER'S REPRESENTATIVE: MR. MICHAEL E. ROEDER
KNOTT, CONSOER, EBELINI, HART
239-334-2722

Lee County Planner: Shawn Lamey
(239) 479-8484

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 239/479-8585 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.

JMP

03-44-24-00-00044.0010
LOFFRENO STEVEN P
83 GLENMONT DR W APT 0
NORTH FORT MYERS, FL 33917

03-44-24-04-00000.0030
GAMM FRANK E + PHYLLIS J
1244 JOERIN AV
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N FT MYERS, FL 33903

10-44-24-01-00008.0000
EDWARDS JEFFREY + ROSE
1166 ORANGE AVE
NORTH FORT MYERS, FL 33903

10-44-24-01-00025.0000
FERNSTROM HARRIET M
1159 ORANGE AVE
NORTH FORT MYERS, FL 33903

10-44-24-01-00028.0000
DAVIDSON PATRICIA
1173 ORANGE AVE
N FT MYERS, FL 33903

10-44-24-01-00030.0000
WINEGARDNER P R + KAREN
PO BOX 122
LORIDA, FL 33857

10-44-24-01-00032.0000
HALL LEE W +
P O BOX 2789
FT MYERS, FL 33902

10-44-24-00-00009.011C
HALL MICHAEL T + TRACY A
568 TANGELO CT
N FT MYERS, FL 33903

10-44-24-00-00010.0000
ROYAL ROBERT D JR + JUDITH
8964 CROWN BRIDGE WAY
FT MYERS, FL 33908

10-44-24-00-00012.0000
MILLER JOHN D SR COTR +
430 INDIAN ROCK DAM RD
YORK, PA 17403

10-44-24-01-00003.0000
BURROWS LESLEY
1194 ORANGE AV
N FT MYERS, FL 33903

10-44-24-01-00005.0000
ARTHURS S O + DORIS
1170 ORANGE AVE
N FT MYERS, FL 33903

10-44-24-01-00009.0000
SMITH CARRIE P
1164 ORANGE AVE
NORTH FORT MYERS, FL 33903

10-44-24-01-00027.0000
MORELAND ANNIE MAE
1169 ORANGE AVE
N FT MYERS, FL 33903

10-44-24-01-00029.0000
MORGAN JAMES JONATHAN
1179 ORANGE AVE
N FT MYERS, FL 33903

10-44-24-01-00031.0000
MERCHANT JOHN J
1191 ORANGE AV
N FT MYERS, FL 33903

10-44-24-02-0000B.0010
MARTES JOSE 80% +
1317 SE 21ST ST
CAPE CORAL, FL 33990

10-44-24-02-0000B.0030
LONGBRAKE BRUCE T + DEBORAH L
1246 GREEN AV
NORTH FORT MYERS, FL 33903

10-44-24-02-0000B.0060
WARNER THEODORE
1200 GREEN AV
N FT MYERS, FL 33903

10-44-24-02-0000B.0080
BENNICK THOMAS HARLEY
1160 GREEN AVE
NORTH FORT MYERS, FL 33903

10-44-24-03-00003.0000
RUSH RALPH P + CONNIE S
1203 TRAVIS AVE
N FT MYERS, FL 33903

10-44-24-03-00006.0000
MARINELL PAUL
1181 TRAVIS AVE
N FT MYERS, FL 33903

10-44-24-03-00008.0000
BARANECKY WALTER D + TERESA J
1167 TRAVIS AV
N FT MYERS, FL 33903

10-44-24-03-00024.0000
COWAN LAWRENCE H SR + DORIS A
1160 TRAVIS AV
N FT MYERS, FL 33903

10-44-24-03-00026.0000
HODGES THOMAS + LINDA
1164 TRAVIS AVE
N FT MYERS, FL 33903

10-44-24-03-00028.0000
AUBEL IZETTA
1180 TRAVIS AV
NORTH FORT MYERS, FL 33903

10-44-24-03-00030.0000
KING RAYMOND E + DEBORAH A
1204 TRAVIS AV
N FT MYERS, FL 33903

10-44-24-02-0000B.0050
ALFORD HAZEL J
1240 GREEN AVE
N FT MYERS, FL 33903

10-44-24-02-0000B.0070
ADAMS ANDREW E +
1219 CARLENE AVE
FORT MYERS, FL 33901

10-44-24-03-00001.0000
CALDERON JOSE + GLADYS
1100 PONDELLA RD STE 413
N FORT MYERS, FL 33903

10-44-24-03-00005.0000
POWERS NOAH M III + JILL L
1185 TRAVIS AV
NORTH FORT MYERS, FL 33903

10-44-24-03-00007.0000
MCKEEMAN RANDALL K + ALCIE
1175 TRAVIS AVE
NORTH FORT MYERS, FL 33903

10-44-24-03-00009.0000
MORADAN JEMMA C
408 LOUIS JOLIETTE
CHATEAUQUAY, QC J6K 2E9
CANADA

10-44-24-03-00025.0000
FAGERSTROM JESSICA A +
1162 TRAVIS AV
NORTH FORT MYERS, FL 33903

10-44-24-03-00027.0000
AUBEL IZETTA F
1180 TRAVIS AVE
N FT MYERS, FL 33903

10-44-24-03-00029.0000
SANCHEZ DANIEL G +
1188 TRAVIS AVE
N FT MYERS, FL 33903

Nina Paigh
Nominating Civic Association
20150 Keola Lane
North Fort Myers, FL 33917

(*North Ft. Myers)

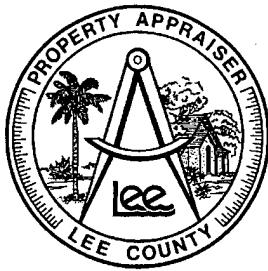


EXHIBIT PH-36.1
Lee County Property Appraiser

Kenneth M. Wilkinson, C

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMap Room: (239) 339-6139

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VARIANCE REPORT

Date of Report: February 14, 2005
Buffer Distance: 500 ft
Parcels Affected: 59
Subject Parcel: 10-44-24-01-00034.0000

REZ 2005-00002

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
LOFFRENO STEVEN P 83 GLENMONT DR W APT 0 NORTH FORT MYERS FL 33917	03-44-24-00-00044.0010 460 PONDELLA RD NORTH FORT MYERS FL 33903	SE 1/4 OF SE 1/4 OF SW 1/4 LESS R/W OR 2325 PG 775	1
WAGNER LILLIAN ALICE TR 1234 JOERIN AV N FT MYERS FL 33903	03-44-24-04-00000.0020 1234 JOERIN AVE NORTH FORT MYERS FL 33903	BELLE AIRE LAGOON PB 9 PG 72PT LT 1+ LT 2 + 2/31 INT 15 LES R/W OR 2325 PG 775	2
GAMM FRANK E + PHYLLIS J 1244 JOERIN AV N FT MYERS FL 33903	03-44-24-04-00000.0030 1244 JOERIN AVE NORTH FORT MYERS FL 33903	BELLE AIRE LAGOON PB 9 PG 72 LT 3 + 1/31 INT 15 DESC DB 222 PG 363	3
MAY WILLIAM C 1250 JOERIN AVE NORTH FORT MYERS FL 33903	03-44-24-04-00000.0040 1250 JOERIN AVE NORTH FORT MYERS FL 33903	BELLE AIRE LAGOON PB 9 PG 72 PT 4 S 70 FT & 1/31 INT 15	4
GORDY BRITT A + COLLEEN T 1260 JOERIN AVE NORTH FORT MYERS FL 33903	03-44-24-04-00000.0050 1260 JOERIN AVE #62 NORTH FORT MYERS FL 33903	BELLE AIRE LAGOON PB 9 P 72 LOTS 5 + 6 + N 10 FT LOT 4 + POR LOT 7 + LOT C + 1/31 IN LT 15	5
PRECHTEL C E JR + CYNTHIA L 1241 WENDELL AV N FT MYERS FL 33903	03-44-24-04-00000.0310 1241 WENDELL AVE NORTH FORT MYERS FL 33903	BELLE AIRE LAGOON PB 9 PG 72 LOT 31 + 1/31 INT 15	6
HOWELL RAMONA L P O BOX 1690 FT MYERS FL 33902	03-44-24-04-00000.0320 590 PONDELLA RD NORTH FORT MYERS FL 33903	BELLE AIRE LAGOON PB 9 PG 72 LTS 32+33 + 2/31 INT LT 15 LES R/W OR 2288/2391R/W	7
LEE COUNTY P O BOX 398 FORT MYERS FL 33902	03-44-24-04-00000.0340 1230 WENDELL AVE NORTH FORT MYERS FL 33903	BELLE AIRE LAGOON PB 9 PG 72 LTS 34 + 35 + 2/31 INT LT 15 LES RD R/W	8
ORAMA ARSENIO + SHERRY 1240 WENDELL AV NORTH FORT MYERS FL 33903	03-44-24-04-00000.0360 1240 WENDELL AVE NORTH FORT MYERS FL 33903	BELLE AIRE LAGOON PB 9 PG 72 LOT 36 + 1/31 INT 15	9
LANG MICHAEL J + SUSAN P 1244 WENDELL AVE N FT MYERS FL 33903	03-44-24-04-00000.0370 1244 WENDELL AVE NORTH FORT MYERS FL 33903	BELLE AIRE LAGOON PB 9 PG 72 LOT 37 + 1/31 INT 15	10
VASILJEVIC STANLEY + 1248 WENDELL AVE N FT MYERS FL 33903	03-44-24-04-00000.0380 1248 WENDELL AVE NORTH FORT MYERS FL 33903	BELLE AIRE LAGOON PB 9 PG 72 LOT 38 + 1/31 INT IN LOT 15	11
WRIGHT GORDON A + JEAN B 1263 JOERIN AV N FT MYERS FL 33903	03-44-24-04-00000.0410 1263 JOERIN AVE NORTH FORT MYERS FL 33903	BELLE AIRE LAGOON PB 9 PG 72 LOTS 41 + 42 + 2/31 INT 15	12
RIDDLING BARBARA A L/E 1253 JOERIN AV N FT MYERS FL 33903	03-44-24-04-00000.0430 1253 JOERIN AVE NORTH FORT MYERS FL 33903	BELLE AIRE LAGOON PB 9 PG 72 LOT 43 + 1/31 INT 15	13
LAIN LINDA GAY 1245 JOERIN AV NORTH FORT MYERS FL 33903	03-44-24-04-00000.0440 1245 JOERIN AVE NORTH FORT MYERS FL 33903	BELLE AIRE LAGOON PB 9 PG 72 LOT 44 + 1/31 INT 15	14

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
GOOD JULIE L 1235 JOERIN AVE NORTH FORT MYERS FL 33903	03-44-24-04-00000.0450 1235 JOERIN AVE NORTH FORT MYERS FL 33903	BELLE AIRE LAGOON PB 9 PG 72 LT 45 + 1/31 IN DESC DB 222 PG 561	15
LEE COUNTY P O BOX 398 FORT MYERS FL 33902	03-44-24-04-00000.0460 1231 JOERIN AVE NORTH FORT MYERS FL 33903	BELLE AIRE LAGOON PB 9 PG 72 LOT 46 + 1/31 INT LT 15 LESS RD R/W	16
ROYAL AMERICAN MORTGAGE CO C/O JUDY ROYAL 8964 CROWN BRIDGE WAY FT MYERS FL 33908	10-44-24-00-00009.0000 1181 MOODY RD NORTH FORT MYERS FL 33903	E 330 FT OF S 244 FT OF N 434 FT OF NW 1/4 LESS RD R/W + PAR 9.001 + 9.012	17
HERBOLD DONALD A + BETH A 1201 BETMAR BLVD N FT MYERS FL 33903	10-44-24-00-00009.0010 1189 MOODY RD NORTH FORT MYERS FL 33903	E 190 FT OF S 85 FT OF N 382 FT OF NW 1/4 LESS RD R/W	18
SMITH DONALD + LISA P O BOX 51601 FORT MYERS FL 33994	10-44-24-00-00009.0040 1175 MOODY RD NORTH FORT MYERS FL 33903	W120 FT OF E 330 FT OF S 172 FT OF N 604 FT OF NW 1/4	19
ROWLEY RUSTY 511 PONDELLA RD N FT MYERS FL 33903	10-44-24-00-00009.0070 511 PONDELLA RD NORTH FORT MYERS FL 33903	W 100 FT OF E 330 FT OF S 150 FT OF N 190 FT OF NW 1/4	20
VIANO MAE EST 572 TANGELO CT N FT MYERS FL 33903	10-44-24-00-00009.011A 572 TANGELO CT NORTH FORT MYERS FL 33903	S 151 FT OF N 757 FT OF W 60 FT OF E 330 FT OF NW 1/4	21
HALL MICHAEL T + TRACY A 568 TANGELO CT N FT MYERS FL 33903	10-44-24-00-00009.011 568 TANGELO CT NORTH FORT MYERS FL 33903	S 151 FT OF N 757 FT OF W 60 FT OF E 270 FT OF NW 1/4	22
SCHRAM ETHEL MAY 1199 MOODY RD NORTH FORT MYERS FL 33903	10-44-24-00-00009.012 1199 MOODY RD NORTH FORT MYERS FL 33903	S 108 FT OF N 297 FT OF E 150 FT OF NW 1/4 DESC OR 1878/2294	23
ROYAL ROBERT D JR + JUDITH 8964 CROWN BRIDGE WAY FT MYERS FL 33908	10-44-24-00-00010.0000 505 PONDELLA RD #07 NORTH FORT MYERS FL 33903	S 150 FT OF N 190 FT OF E 199.57 FT OF NW 1/4 LESS RD R/W OR 2325 PG 762	24
MILLER JACOB L + ARLENE M 1124 LAKE RD SPRING GROVE PA 17362	10-44-24-00-00011.0010 1179 MOODY RD NORTH FORT MYERS FL 33903	S 87 FT OF N 521 FT OF E 153 FT OF NW 1/4 LESS RD R/W	25
MILLER JOHN D SR COTR + 430 INDIAN ROCK DAM RD YORK PA 17403	10-44-24-00-00012.0000 1171 MOODY RD NORTH FORT MYERS FL 33903	S 91 FT OF N 610 FT OF E 143 FT OF NW 1/4 LESS RD R/W	26
HORKAY JAMES D PER REP 1421 MORENO AV FT MYERS FL 33901	10-44-24-01-00001.0000 529 PONDELLA RD NORTH FORT MYERS FL 33903	PINE ACRES PB 9 PG 42 LOTS 1 + 2	27
BURROWS LESLEY 1194 ORANGE AV N FT MYERS FL 33903	10-44-24-01-00003.0000 1194 ORANGE AVE NORTH FORT MYERS FL 33903	PINE ACRES PB 9 PG 42 LOT 3	28
JOHNSON HORACE R 1188 ORANGE AV N FT MYERS FL 33903	10-44-24-01-00004.0000 1188 ORANGE AVE NORTH FORT MYERS FL 33903	PINE ACRES PB 9 PG 42 LOT 4	29
ARTHURS S O + DORIS 1170 ORANGE AVE N FT MYERS FL 33903	10-44-24-01-00005.0000 1170 ORANGE AVE NORTH FORT MYERS FL 33903	PINE ACRES PB 9 PG 42 LOTS 5 THRU 7	30
EDWARDS JEFFREY + ROSE 1166 ORANGE AVE NORTH FORT MYERS FL 33903	10-44-24-01-00008.0000 1166 ORANGE AVE NORTH FORT MYERS FL 33903	PINE ACRES PB 9 PG 42 LOT 8	31
SMITH CARRIE P 1164 ORANGE AVE NORTH FORT MYERS FL 33903	10-44-24-01-00009.0000 1164 ORANGE AVE NORTH FORT MYERS FL 33903	PINE ACRES PB 9 PG 42 LOT 9	32

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MAR 02 2005
PERMIT COUNTER

EXHIBIT PH-3.G.1

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
BARANECKY WALTER D + TERESA J 1167 TRAVIS AV N FT MYERS FL 33903	10-44-24-03-00008.0000 1167 TRAVIS AVE N FT MYERS FL 33903	TRAVIS SUBD PB 9 PG 132 LOT 8	51
MORADAN JEMMA C 408 LOUIS JOLIETTE CHATEAUQUAY QC J6K 2E9 CANADA	10-44-24-03-00009.0000 1161 TRAVIS AVE N FT MYERS FL 33903	TRAVIS SUBD PB 9 PG 132 LOT 9	52
COWAN LAWRENCE H SR + DORIS A 1160 TRAVIS AV N FT MYERS FL 33903	10-44-24-03-00024.0000 1160 TRAVIS AVE N FT MYERS FL 33903	TRAVIS SUBD PB 9 PG 132 LOT 24	53
FAGERSTROM JESSICA A + 1162 TRAVIS AV NORTH FORT MYERS FL 33903	10-44-24-03-00025.0000 1162 TRAVIS AVE N FT MYERS FL 33903	TRAVIS SUBD. PB 9 PG 132 LOT 25	54
HODGES THOMAS + LINDA 1164 TRAVIS AVE N FT MYERS FL 33903	10-44-24-03-00026.0000 1164 TRAVIS AVE N FT MYERS FL 33903	TRAVIS SUBD. PB 9 PG 132 LOT 26	55
AUBEL IZETTA F 1180 TRAVIS AVE N FT MYERS FL 33903	10-44-24-03-00027.0000 1180 TRAVIS AVE N FT MYERS FL 33903	TRAVIS SUBD. PB 9 PG 132 LOT 27	56
AUBEL IZETTA 1180 TRAVIS AV NORTH FORT MYERS FL 33903	10-44-24-03-00028.0000 1184 TRAVIS AVE N FT MYERS FL 33903	TRAVIS SUBD PB 9 PG 132 LOT 28	57
SANCHEZ DANIEL G + 1188 TRAVIS AVE N FT MYERS FL 33903	10-44-24-03-00029.0000 1188 TRAVIS AVE N FT MYERS FL 33903	TRAVIS SUBD. PB 9 PG 132 LOTS 29	58
KING RAYMOND E + DEBORAH A 1204 TRAVIS AV N FT MYERS FL 33903	10-44-24-03-00030.0000 1204 TRAVIS AVE N FT MYERS FL 33903	TRAVIS SUB. PB 9 PG 132 LOT 30	59

59 RECORDS PRINTED

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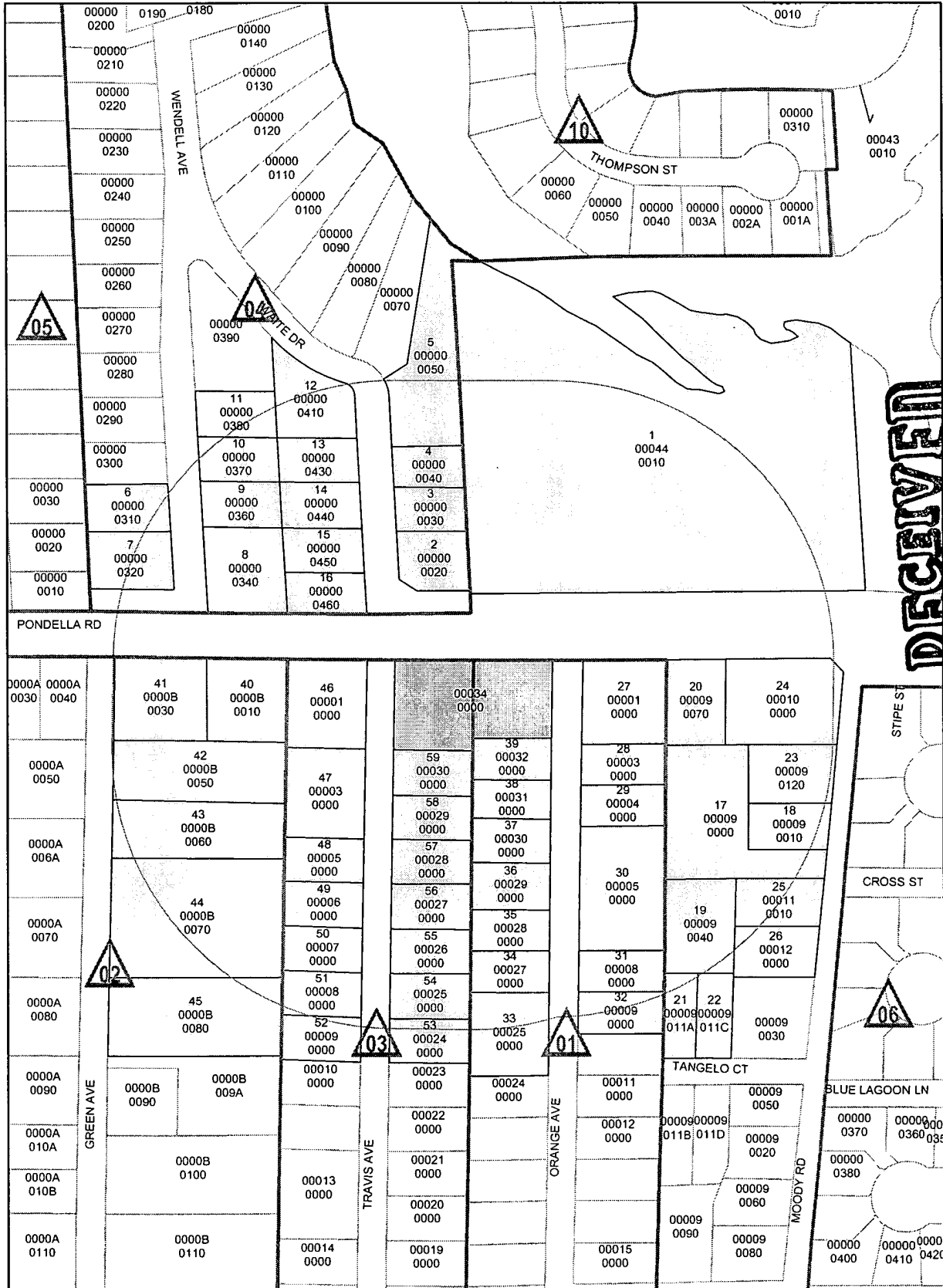
PERMIT COUNTER

REZ 2005-00002

VARIANCE REPORT

2/14/2005

Subject Parcels : 1 Affected Parcels : 59 Buffer Distance : 500 ft



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REZ 2005-00002



10-44-24-01-00034.0000

300 150 0 300 Feet