



# APPLICATION TO AMEND A PLANNED DEVELOPMENT OR PUD and/or

## APPLICATION FOR FINAL PLAN APPROVAL IN UNINCORPORATED AREAS ONLY

ADD 2013-00115

**Project Name:** Burnt Store Acres

**Current Zoning:** RPD

Amendment to a PD or PUD to allow:



Request approval of a modification to the Master Concept Plan approved within Resolution Number Z-07-013 to reduce the ROW width from 60 feet to 40 feet in order to maintain the minimum lot square footage of 39,900 and to provide a 20' wide lake maintenance area between the rear of the lots and the lake. Request approval to modify the language within Resolution Z-07-013 to provide an average upland buffer width of 50' adjacent to the wetland preserves in lieu of a minimum buffer width of 50 feet, and as shown on the Upland Exhibit provided and modified on the Master Concept Plan. Request a deviation to Section 10.329 to extend the time period allowed to remove excess spoil from the site from 1 year to 3 years.

☐ Final Plan Approval for: \_\_\_\_\_

1. **Name of Applicant:** Burnt Store Mine & Fill, LLC, Property Owner,  
By: Michael D. Shrigley, Manager/Member

**RECEIVED**  
AUG 20 2013

Address: 1924 Santa Barbara Boulevard, Suite 1

City, State, Zip: Naples, Florida 34116

Phone Number: (239)348-7741

E-mail Address: lwgraziani@gmail.com

COMMUNITY DEVELOPMENT

2. **Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form. Attach as Exhibit 1:**

- ☒ Applicant is the sole owner of the property. [34-201(a)(1)a.1.; 34-204(a)(5)]  
☐ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(b)(1)c.; 34-204(a)(5)]

3. **Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(b)(1)c.; 34-204(a)(5)]**

a. **Company Name:** Avalon Engineering, Inc.

Contact Person: Tom Giles, P.E.

Address: 2503 Del Prado Boulevard South, Suite 200

City, State, Zip: Cape Coral, Florida 33904

Phone Number: 239-573-2077

Email: lbrosks@avaloneng.com

- b. **Additional Agent(s):** The names of other agents that the County may contact concerning this application are attached as **Exhibit 2.** [34-202(b)(1)c.; 34-204(a)(5)]

4. **Single owner (if different than applicant): [34-201(a)(1)a.1.; 34-204(a)(5)]**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

5. **Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1); 34-204(a)(5)]:**

☒ Disclosure of (Ownership) Interests Form is attached as **Exhibit 3.** [34-201(b)(2); 34-204(a)(5)]

6. **STRAP Number(s) [34-204(a)(2)]:**

08-43-23-00-00002.0000; 08-43-23-00-00003.0000

08-43-23-00-00005.0010

7. **Street Address of Property:** 4751 Burnt Store Road N., Cape Coral, 33993

LEE COUNTY COMMUNITY DEVELOPMENT

PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902

PHONE (239) 533-8585

RPD/ Open Lands  
Wetlands

**10. Legal Description:**

- ☒ Legal description (on 8½"x11" paper) and sealed sketch of the legal description. (Attach as **Exhibit A** – 2 copies needed if not submitted electronically) **[34-204(a)(1)]**

**OR**

- ☐ The property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records (or Plat Books) of Lee County. **[34-204(a)(1)]**

Plat Book: \_\_\_\_\_ Page (or instrument): \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

**9. Boundary Survey (Attach as Exhibit B):**

- ☒ A Boundary survey, tied to the state plane coordinate system. **[34-202(a)(2); 34-204(a)(5)]**

**OR**

- ☐ A copy of the subdivision plat if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records (or Plat Books) of Lee County. **[34-202(a)(2); 34-204(a)(5)]**

**10. Lee Plan (Future Land Use) Designation:** Open Lands/Wetlands**11. Original Project Name:** Burnt Store Acres**12. Original Rezoning Resolution Number:** Z-04-009**13. Subsequent Zoning Action Resolution/Case Numbers** (if any): Please list all previous zoning and administrative actions (approvals and denials) on this project subsequent to original rezoning including Resolution Numbers and Case Numbers (provide added sheets, if necessary; label as **Exhibit 4.**)Z-04-009Z-07-013**14. Development Order Numbers** (if any): List all local development orders approved on this project. Please indicate the status of each development order (provide added sheets, if necessary; label as **Exhibit 5.**)LDO2004-00393 Expired**15. Written Narrative:** Provide a written narrative statement explaining exactly what is proposed. Label as **Exhibit 6.****16. Deviations:** If any relief is requested from the provisions of the Lee County Land Development Code (LCLDC), provide a **written narrative statement** explaining the specific relief requested (a schedule of deviations). Include specific references to any section (number{s}) and name{s}) of the LCLDC from which relief is sought including why the requested relief is necessary and how it will affect the project. Explain what conditions currently exist which warrant this request for relief from the regulations (a written justification for each of the requested deviations). All deviation requests must be specifically keyed to the location on the Master Concept Plan or Final Plan. Label as **Exhibit 7. [34-373(a)(9)]****17. Planning Community or Community Plan Area\*:** Burnt Store

\*If in Caloosahatchee Shores **[33-1482]**, Captiva **[33-1612]**, Estero **[33-64]**, Lehigh Acres **[33-1401]**, North Fort Myers **[33-1532]**, or Page Park **[33-1203]**, attach meeting summary from informational meeting. Label as **Exhibit 8.**

**18. Approved Master Concept Plan (MCP):** Provide an APPROVED MCP and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED at a size of 24"x36" and 11"x17". Label as **Exhibit 9. [34-204(a)(5); 34-373(a)(6)]****19. Proposed Final Plan (for Final Plan Approval applications only):** Provide a copy of the proposed Final Plan consistent with the approved Master Concept Plan and the approved Zoning Resolution at a size of 24"x36" and 11"x17". This proposed Final Plan must show any DEVIATION(s) keyed on the plan to identify the location of the specific deviation. Label as **Exhibit 10. [34-204(a)(5)]**

### SUBMITTAL REQUIREMENTS

**Residential: One copy is required for submittal (unless otherwise noted)**  
**Commercial: Three copies are required for submittal (unless submitted electronically)**

**Clearly label your exhibits with the corresponding exhibit number**

**NOTE: When submitting electronically, please name your exhibits as noted in bold below.**

| EXHIBIT | SUBMITTAL ITEMS                                                                                                                                                |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         | Completed application [34-204(a)]                                                                                                                              |
|         | Filing Fee - [34-204(a)(8)]                                                                                                                                    |
|         | <b>ADDITIONAL SUBMITTAL ITEMS</b>                                                                                                                              |
| 1       | <b>Affidavit of Authorization</b> Form [34-204(a)(5); 34-202(b)(1)c]                                                                                           |
| 2       | <b>Additional Agents</b> [34-204(a)(5); 34-202(b)(1)c.]                                                                                                        |
| 3       | <b>Disclosure of Interest</b> Form [34-204(a)(5); 34-201(b)(2)a]                                                                                               |
| 4       | Subsequent <b>Zoning Action</b> Resolution/Case Numbers (if applicable)                                                                                        |
| 5       | Development Order ( <b>DO</b> ) <b>Numbers</b> for Project (if applicable)                                                                                     |
| 6       | <b>Written Narrative</b> [34-204(a)(5)]                                                                                                                        |
| 7       | <b>Schedule of Deviations</b> and Written Narrative Statement (if applicable) [34-373(a)(9)]                                                                   |
| 8       | Community <b>Meeting Summary</b> document (if applicable) [34-204(a)(5)]                                                                                       |
| 9       | Approved Master Concept Plan ( <b>MCP</b> ) and detailed drawings of any proposed deviations (24"x36" and 11"x17"). [34-205(a)(5)]                             |
| 10      | <b>Proposed Final Plat</b> including Deviations keyed to the plan (24"x36" and 11"x17"). [34-205(a)(5)]                                                        |
| A       | <b>Legal description</b> and sealed sketch of legal description (not required if platted lot) – 2 copies needed if not submitted electronically [34-204(a)(1)] |
| B       | <b>Boundary Survey <u>OR</u> Plat</b> [34-202(a)(2); 34-204(a)(5)]                                                                                             |

**Note:** All information submitted with the application becomes a part of the public record and will be a permanent part of the file. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

Acceptance of an application for an administrative amendment in no way guarantees its approval. If the Director determines that the requested amendment is beyond the scope of Land Development Code Section 34-380 or 34-1036 and that a public hearing is necessary, then all fees paid toward the administrative application may be applied toward an application for public hearing.

The Director's decision on an administrative amendment is final and can not be appealed. In the event the Director denies the request, the applicant's only recourse is to apply for a public hearing. No fees paid for the administrative application will be refunded or applied towards the public hearing.

If it is determined that inaccurate or misleading information was provided to the county or the decision does not comply with the Land Development Code when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.