

CPA 2021-00010

September 1, 2021

Lee County Community Development
Planning Section
1500 Monroe Street
Fort Myer, FL 33908

RECEIVED
SEP 13 2021

COMMUNITY DEVELOPMENT

S: 3640 SW PINE ISLAND CPA
Lee County Comprehensive Plan Amendment (Map) Application

Dear Planner:

Ted Allen ("Applicant") is proposing a small-scale Comprehensive Plan Amendment (Map) on the 1.4+/- acres located at 3640 SW Pine Island Road in unincorporated Lee County, Florida, generally one mile west of SW Pine Island and Veteran's Parkway intersection abutting the City of Cape Coral boundary to the north.

Specifically, the Applicant seeks a map change for the parcel from Rural to the Commercial Future Land Use Category (FLUC).

This application is a companion application to DCI2021-00029 – a request for a Commercial Planned Development rezoning.

Enclosed please find a completed CPA application. We look forward to working with you.

Sincerely,

WALDROP ENGINEERING, P.A.

Fred Drovdic, AICP
Planning Manager – Fort Myers



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

ProjectName: 3640 SW Pine Island Road CPA

ProjectDescription: Amending the future land use designation the property from Rural to Commercial

Map(s) to Be Amended: Lee Plan Map 1 – Future Land Use Map

State Review Process: N/A ☐ Small-Scale Review ☐ State Coordinated Review ☐ Expedited State Review

1. Name of Applicant: Ted Allen

Address: 141 W Wexford Ave

City, State, Zip: Buckley, MI 49620

Phone Number: 231-269-3210

E-mail: Ted@storyroofing.com

2. Name of Contact: Fred Drovdlc, AICP, Waldrop Engineering

Address: 1514 Broadway, Suite 201

City, State, Zip: Fort Myers, FL 39901

Phone Number: 239-318-6707

E-mail: fred.drovdlc@waldropengineering.com

3. Owner(s) of Record: Ted Allen

Address: 141 W Wexford Ave

City, State, Zip: Buckley, MI 49620

Phone Number: 231-269-3210

E-mail: Ted@storyroofing.com

4. Property Location:

1. SiteAddress: 3640 SW Pine Island Road, Cape Coral, FL33991

2. STRAP(s): 19-44-23-00-00007.0010

5. Property Information:

Total Acreage of Property: 1.4 acres

Total Acreage Included in Request: 1.4 acres

Total Uplands: 1.4 acres

Total Wetlands: N/A

Current Zoning: AG-2

Current Future Land Use Category(ies): Rural

Area in Each Future Land Use Category: 1.4 acres

Existing Land Use: Office

6. Calculation of maximum allowable development under current Lee Plan:

Residential Units/Density: 1 du

Commercial Intensity: per LDC for commercial that supports the rural area

Industrial Intensity: None

7. Calculation of maximum allowable development with proposed amendments:

Residential Units/Density: 0

Commercial Intensity: per LDC (2,000 square feet and vehicle dealership per

zoning requested)

Industrial Intensity: None

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COMMUNITY DEVELOPMENT

Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on the maximum development.

1. Traffic Circulation Analysis: The analysis is intended to determine the affect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon).

Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.

- a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
 - i. Total peak hour trip generation less than 50 total trip ends – trip generation.
 - ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
 - iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.
- b. Map amendment - greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.

2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):

- a. Sanitary Sewer
- b. Potable Water
- c. Surface Water/Drainage Basins
- d. Parks, Recreation, and Open Space
- e. Public Schools

Analysis for each of the above should include (but is not limited to) the following (see the Lee County Concurrency Management Report):

- a Franchise Area, Basin, or District in which the property is located
- b Current LOS, and LOS standard of facilities serving the site
- c Projected 2030 LOS under existing designation
- d Projected 2030 LOS under proposed designation
- e Existing infrastructure, if any, in the immediate area with the potential to serve the subject property
- f Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- g Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water

In addition to the above analysis, provide the following for potable water:

- a. Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- b. Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- c. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- d. Include any other water conservation measures that will be applied to the site (see Goal 54).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:

- a. Fire protection with adequate response times
- b. Emergency medical service (EMS) provisions
- c. Law enforcement
- d. Solid Waste
- e. Mass Transit
- f. Schools

In reference to above, the applicant must supply the responding agency with the information from application items 5, 6, and 7 for their evaluation. This application must include the applicant's correspondence/request to the responding agency.

Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed change based upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating the property boundaries on the most recent Flood Insurance Rate Map.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites listed on the Florida Master Site File which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment or that affect the subject property. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

State Policy Plan and Regional Policy Plan

List State Policy Plan and Regional Policy Plan goals, strategies and actions, and policies which are relevant to this plan amendment.

Justify the proposed amendment based upon sound planning principles

Support all conclusions made in this justification with adequate data and analysis.

Planning Communities/Community Plan Area Requirements

If located within a planning community/community plan area, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

Sketch and Legal Description

The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

SUBMITTAL REQUIREMENTS

Clearly label all submittal documents with the exhibit name indicated below.

For each map submitted, the applicant will be required to submit a 24"x36" version and 8.5"x11" reduced map for inclusion in public hearing packets.

MINIMUM SUBMITTAL ITEMS (3 Copies)

<input checked="" type="checkbox"/>	Completed Application (Exhibit – M1)
<input type="checkbox"/>	Filing Fee (Exhibit – M2)
<input checked="" type="checkbox"/>	Disclosure of Interest (Exhibit – M3)
<input checked="" type="checkbox"/>	Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)
<input checked="" type="checkbox"/>	Future Land Use Map - Existing and Proposed (Exhibit – M4)
<input checked="" type="checkbox"/>	Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5)
<input checked="" type="checkbox"/>	Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)
<input checked="" type="checkbox"/>	Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)
<input checked="" type="checkbox"/>	Copy of the Deed(s) of the Subject Property (Exhibit – M8)
<input checked="" type="checkbox"/>	Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)
<input checked="" type="checkbox"/>	Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – M11)
<input checked="" type="checkbox"/>	Environmental Impacts Analysis (Exhibit – M12)
<input checked="" type="checkbox"/>	Historic Resources Impact Analysis (Exhibit – M13)
<input checked="" type="checkbox"/>	Public Facilities Impacts Analysis (Exhibit – M14)
<input checked="" type="checkbox"/>	Traffic Circulation Analysis (Exhibit – M15)
<input checked="" type="checkbox"/>	Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M16)
<input checked="" type="checkbox"/>	Letter of Determination For the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M17)
<input checked="" type="checkbox"/>	State Policy Plan and Regional Policy Plan (Exhibit – M18)
<input checked="" type="checkbox"/>	Justification of Proposed Amendment (Exhibit – M19)
<input checked="" type="checkbox"/>	Planning Communities/Community Plan Area Requirements (Exhibit – M20)

APPLICANT – PLEASE NOTE:

Once staff has determined the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency hearings, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239)533-8585.

AFFIDAVIT

I, Theodore Allen, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize 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 through this application.

9/01/2021

Signature of Applicant

Date

Theodore Allen

Printed Name of Applicant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ onlinenotarization on _____ (date) by (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Signature of Notary Public

(Name typed, printed or stamped)

**DISCLOSURE OF INTEREST
AFFIDAVIT**

BEFORE ME this day appeared Ted Allen, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 3640 SW Pine Island Road and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
Ted Allen	100%

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.



Property Owner

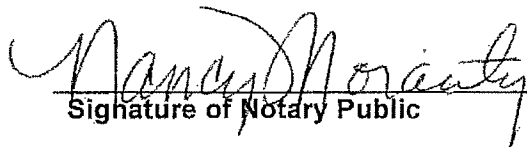
Ted Allen
Print Name

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF ~~FLORIDA~~ Michigan
COUNTY OF ~~LEE~~ Wexford

- The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on Aug. 19, 2021 (date) by Ted Allen (name of person providing oath or affirmation), who is personally known to me or who has produced Drivers License (type of identification) as identification.

STAMP/SEAL



Signature of Notary Public

NANCY MORAIRTY
NOTARY PUBLIC, STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
My Commission Exp. Dec. 18, 2023
Acting in the County of Wexford

Buffer: 500 Date: 8/12/2021 12:00:00 A List Size: 41

FolioId	STRAP	OwnerName	OwnerName2	MailAddress	MailCity	MailStat	MailZip	MailCountry	SiteNumbe	SiteStreet	SiteCity	SiteZip	Legal
10073363	15-44-23-00-00007.0010	THEODORE R TR		141 W WEXFORD AVE	BUCKLEY	MI	49620		3640	SW PINE ISLAND RD	CAPE CORAL	33991	W 200 FT OF TH N 333 FT OF<CR>TH NW 1/4 OF NE 1/4<CR>LESS RD R/W
10071977	18-44-23-00-00003.0000	HUSKER FLORIDIAN LLC		605 N BROAD ST	FREMONT	NE	68025			ACCESS UNDETERMINED	CAPE CORAL	33991	PARL IN S 1/2 OF SW 1/4<CR>S OF ST RD 78
10071981	18-44-23-03-00001.0010	GOLDSTEIN RONALD J TR		10001 YORK THETA DR	NORTH ROYALTON	OH	44133		12055	MATLACHA BLVD	MATLACHA ISLES	33991	MATLACHA ISLES UNIT 1<CR>BLK 1 PB 16 PG 132<CR>LOTS 1 + 1A
10071982	18-44-23-03-00001.0018	GOLDSTEIN RONALD J TR		10001 YORK THETA DR	NORTH ROYALTON	OH	44133			RIGHT OF WAY	MATLACHA ISLES	33991	MATLACHA ISLES UNIT 1<CR>BLK 1 PB 16 PG 132<CR>LOT 1B
10071983	18-44-23-03-00001.0020	SMITH FRED + JO-LYNN		1224 HYDE SHAFFER RD	BRISTOLVILLE	OH	44402		12069	MATLACHA BLVD	MATLACHA ISLES	33991	MATLACHA ISLES UNIT 1<CR>BLK 1 PB 16 PG 132<CR>LOT 2 + 5 20 FT OF LOT 3
10071997	18-44-23-03-00002.0010	ML FACILITY LLC		12016 MATLACHA BLVD	CAPE CORAL	FL	33991		12016	MATLACHA BLVD	MATLACHA ISLES	33991	MATLACHA ISLES UNIT 1<CR>BLK 2 PB 16 PG 132<CR>LOT 1
10071999	18-44-23-03-00002.0020	SPARGO DAVID &		4189 PINWOOD LN	WESTON	FL	33931				MATLACHA ISLES	33991	MATLACHA ISLES UNIT 1<CR>BLK 2 PB 16 PG 132 LOT 2<CR>LESS OR 1371 PG 675
10575959	18-44-23-03-00002.003A	NICOTRA JOSEPH ROBERT		2609 SE 21ST PL	CAPE CORAL	FL	33904		12048	MATLACHA BLVD	MATLACHA ISLES	33991	MATLACHA ISLES UNIT 1<CR>BLK 2 PB 16 PG 132 <CR>PT LOT 2 + LOT 3 DESC IN<CR>OR 1766/888 + OR 1371/675
10575960	18-44-23-03-00002.0040	MALLERY CARL R JR +		PO BOX 254	ALEXANDRIA	KY	41001		12068	MATLACHA BLVD	MATLACHA ISLES	33991	MATLACHA ISLES UNIT 1<CR>BLK 2 PB 16 PG 132 <CR>LOT 4 + DESC IN<CR>OR 1766/888 + OR 1371/675
10072002	18-44-23-03-00002.0050	HIGGINS PAUL HUGH &		12082 MATLACHA BLVD	CAPE CORAL	FL	33991		12082	MATLACHA BLVD	MATLACHA ISLES	33991	MATLACHA ISLES UNIT 1<CR>BLK 2 PB 16 PG 133 LOT 5<CR>+ THE S 1/2 OF LOT 6
10071998	18-44-23-03-00002.1ACE	JOFFE ALLEN		17242 WHITEWATER CT	FORT MYERS BEACH	FL	33951			PINE ISLAND RD NW	CAPE CORAL	33991	MATLACHA ISLES UNIT 1<CR>BLK 2 PB 16 PG 132<CR>LOT 1A
10072699	18-44-23-C3-05334.0100	POLLA MARCO	DIETHELM BAUMANN	ATTORNEY AT LAW PO BOX 220	8027 ZURICH			SWITZERLAND	3507	SW 8TH ST	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5394 PB 23 PG 129<CR>LOTS 10 + 11
10072900	18-44-23-C3-05334.0120	FERRER RUBIN L & MARIE E		3503 SW 8TH ST	CAPE CORAL	FL	33991		3503	SW 8TH ST	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5394 PB 23 PG 129<CR>LOTS 12 + 13
10072901	18-44-23-C3-05334.0140	BRUSSARD NIELS		3439 SW 8TH ST	CAPE CORAL	FL	33991		3439	SW 8TH ST	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5394 PB 23 PG 129<CR>LOTS 14 + 15
10072902	18-44-23-C3-05334.0160	WALL RICHARD J +		604 SCHWAB RD	HATFIELD	PA	19440		3435	SW 8TH ST	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5394 PB 23 PG 129<CR>LOTS 16 + 17
10072920	18-44-23-C3-05335.0010	BONANNINO AMY J		3508 SW 8TH ST	CAPE CORAL	FL	33991		3508	SW 8TH ST	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5395 PB 23 PG 129<CR>LOTS 1 + 2
10072921	18-44-23-C3-05335.0030	HCT 7TH LLC		1091 NE PINE ISLAND RD STE A	CAPE CORAL	FL	33909		3504	SW 8TH ST	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5395 PB 23 PG 129<CR>LOTS 3 + 4
10072922	18-44-23-C3-05335.0050	MALDONADO D JR + LUZ STELLA		950 E 3RD ST	BROOKLYN	NY	11230		3440	SW 8TH ST	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5395 PB 23 PG 129<CR>LOTS 5 + 6
10072923	18-44-23-C3-05335.0070	FREY MICHAEL E		2844 VALENCIA WAY	FORT MYERS	FL	33901		3436	SW 8TH ST	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5395 PB 23 PG 129<CR>LOTS 7 + 8
10072924	18-44-23-C3-05335.0090	SE HOME IMPROVEMENT LLC		1837 SW 40TH ST	CAPE CORAL	FL	33914		3432	SW 8TH ST	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5395 PB 23 PG 129<CR>LOTS 9 + 10
10072925	18-44-23-C3-05335.0110	GLOREL PROPERTIES LLC		2260 CROSS CREEK TRL	CUYAHOGA FALLS	OH	44223		3428	SW 8TH ST	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5395 PB 23 PG 129<CR>LOTS 11 + 12
10072954	18-44-23-C3-05335.0710	STATE OF FL DOT		PO BOX 1249	BARTOW	FL	33831		3423	SW PINE ISLAND RD	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5395 PB 23 PG 129<CR>LOTS 71 + 72
10072955	18-44-23-C3-05335.0730	STATE OF FL DOT		PO BOX 1249	BARTOW	FL	33831		3427	SW PINE ISLAND RD	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5395 PB 23 PG 129<CR>LOTS 73 + 74
10072956	18-44-23-C3-05335.0750	STATE OF FL DOT		PO BOX 1249	BARTOW	FL	33831		3431	SW PINE ISLAND RD	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5395 PB 23 PG 129<CR>LOTS 75 + 76
10072957	18-44-23-C3-05335.0770	STATE OF FL DOT		PO BOX 1249	BARTOW	FL	33831		3435	SW PINE ISLAND RD	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5395 PB 23 PG 129<CR>LOTS 77 AND 78
10072958	18-44-23-C3-05335.0790	STATE OF FL DOT		PO BOX 1249	BARTOW	FL	33831		3439	SW PINE ISLAND RD	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5395 PB 23 PG 129<CR>LOTS 79 AND 80
10072959	18-44-23-C3-05335.0810	STATE OF FL DOT		PO BOX 1249	BARTOW	FL	33831		3503	SW PINE ISLAND RD	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5395 PB 23 PG 129<CR>LOTS 81 AND 82
10072960	18-44-23-C3-05335.0830	AYALA SILFIDES R		PO BOX 214	SAINT JAMES CITY	FL	33956		3507	SW PINE ISLAND RD	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5395 PB 23 PG 129<CR>LOTS 83 AND 84
10470249	18-44-23-C4-05334.0020	A&B CUSTOM DEVELOPMENT LLC		3263 NW 132ND PLACE	MIAMI	FL	33175		810	SW 35TH PL	CAPE CORAL	33991	CAPE CORAL UNIT 58 <CR>BLK 5394 PB 23 PG 129 <CR>LOTS 2 + 3 LESS 5 5 FT LOT 2
10470250	18-44-23-C4-05334.0040	LEFEBRE JOSEPH A &		2121 SW 20TH AVE	CAPE CORAL	FL	33911		806	SW 35TH PL	CAPE CORAL	33991	CAPE CORAL UNIT 58 <CR>BLK 5394 PB 23 PG 129 <CR>LOTS 4 + 5
10596593	18-44-23-C4-05334.0060	BESAW BART J TR		PO BOX 10	LUXEMBURG	WI	54217		802	SW 35TH PL	CAPE CORAL	33991	CAPE CORAL UNIT 58<CR>BLK 5394 PB 23 PG 129<CR>LOTS 6 THRU 9
10578080	18-44-23-L4-03000.00A0	CITY OF CAPE CORAL	REAL ESTATE DIVISION	PO BOX 150027	CAPE CORAL	FL	33915			ACCESS UNDETERMINED	MATLACHA	33993	MATLACHA ISLES UNIT 1<CR>PB 16 PG 132<CR>LOT A LESS INST #2016000264490
10073355	19-44-23-00-00001.0000	TITF STATE OF FLORIDA	FLA DEP DIV OF STATE LANDS	3900 COMMONWEALTH BLVD	TALLAHASSEE	FL	32399			ACCESS UNDETERMINED	CAPE CORAL	33991	ALL SEC 19 LESS<CR>N 1/2 OF NE 1/4<CR>+ LESS PAR 1.1000 + 1.2000
10073362	19-44-23-00-00007.0000	TARPON IV LLC		18305 BISCAVNE BLVD STE 400	AVENTURA	FL	33160		3600	SW PINE ISLAND RD	CAPE CORAL	33991	PARL IN W 1/2 OF N W 1/4<CR>OF N E 1/4 DESC OR 1241<CR>PG 0230 LESS RD R/W
10073367	19-44-23-01-0000A.0030	UNKNOWN HEIRS OF		13042 125TH AVE	LARGO	FL	33774		11971	GLONER LN	CAPE CORAL	33991	WOODLAND PARK<CR>BLK A PB 9 PG 89<CR>LOTS 1 THRU 6 LESS N 17 FT ROW OR 2105 PG 3909<CR>AKA LE G TRAILER PARK
10073369	19-44-23-01-0000A.0070	CAPRISTO GARY JON TR		1122 NE JUANITA PL	CAPE CORAL	FL	33909		11931	SCALLOP DR	CAPE CORAL	33991	WOODLAND PARK<CR>BLK A PB 9 PG 89<CR>LOTS 7 THRU 10
10073373	19-44-23-01-0000A.0160	GREATER PINE ISLAND WATER ASSN		5281 PINE ISLAND RD	BOKEELIA	FL	33922		11841	SCALLOP DR	CAPE CORAL	33991	WOODLAND PARK<CR>BLK A PB 9 PG 89<CR>LOTS 11 THRU 16
10602058	19-44-23-01-0000B.0010	MATLACHA-PINE ISLAND FIRE CONT		5700 PINE ISLAND RD	BOKEELIA	FL	33922		3500	SW PINE ISLAND RD	CAPE CORAL	33991	WOODLAND PARK<CR>BLK B PB 9 PG 89<CR>LOTS 1 THRU 7 +<CR>LOTS 40 THRU 42 LESS RD R/W OR 2106 PG 150
10073396	19-44-23-01-0000B.0360	NEWCOMB BECKY L		46 KNOLL ST	NEWPORT	NH	3773		11930	SCALLOP DR	CAPE CORAL	33991	WOODLAND PARK<CR>BLK B PB 9 PG 89<CR>LOTS 36 + 37 + 34 + 35
10451876	19-44-23-01-0000B.0380	HAMMOND FRED D + TAMRA C		PO BOX 417	CANAAN	NH	3741		11934	SCALLOP DR	CAPE CORAL	33991	WOODLAND PARK <CR>BLK B PB 9 PG 29 <CR>LOT 38
10073398	19-44-23-01-0000B.0390	HAMMOND FRED D + TAMRA C		PO BOX 417	CANAAN	NH	3741		11940	SCALLOP DR	CAPE CORAL	33991	WOODLAND PARK<CR>BLK B PB 9 PG 89<CR>LOT 39

HUSKER FLORIDIAN LLC
605 N BROAD ST
FREMONT NE 68025

GOLDSTEIN RONALD J TR
10001 YORK THETA DR
NORTH ROYALTON OH 44133

GOLDSTEIN RONALD J TR
10001 YORK THETA DR
NORTH ROYALTON OH 44133

SMITH FRED + JO-LYNN
1224 HYDE SHAFFER RD
BRISTOLVILLE OH 44402

ML FACILITY LLC
12016 MATLACHA BLVD
CAPE CORAL FL 33991

SPARGO DAVID &
4189 PINEWOOD LN
WESTON FL 33331

NICOTRA JOSEPH ROBERT
2609 SE 21ST PL
CAPE CORAL FL 33904

MALLERY CARL R JR +
PO BOX 254
ALEXANDRIA KY 41001

HIGGINS PAUL HUGH &
12082 MATLACHA BLVD
CAPE CORAL FL 33991

JOFFE ALLEN
17242 WHITEWATER CT
FORT MYERS BEACH FL 33931

POLLA MARCO
DIETHELM BAUMANN
ATTORNEY AT LAW PO BOX 220
8027 ZURICH
SWITZERLAND

FERRER RUBIN L & MARIE E
3503 SW 8TH ST
CAPE CORAL FL 33991

BRUSGAARD NIELS
3439 SW 8TH ST
CAPE CORAL FL 33991

WALL RICHARD J +
604 SCHWAB RD
HATFIELD PA 19440

BONANNO AMY J
3508 SW 8TH ST
CAPE CORAL FL 33991

HCT 7TH LLC
1091 NE PINE ISLAND RD STE A
CAPE CORAL FL 33909

MALDONADO D JR + LUZ STELLA
950 E 3RD ST
BROOKLYN NY 11230

FREY MICHAEL E
2844 VALENCIA WAY
FORT MYERS FL 33901

SE HOME IMPROVEMENT LLC
1837 SW 40TH ST
CAPE CORAL FL 33914

GLOREL PROPERTIES LLC
2260 CROSS CREEK TRL
CUYAHOGA FALLS OH 44223

STATE OF FL DOT
PO BOX 1249
BARTOW FL 33831

STATE OF FL DOT
PO BOX 1249
BARTOW FL 33831

STATE OF FL DOT
PO BOX 1249
BARTOW FL 33831

STATE OF FL DOT
PO BOX 1249
BARTOW FL 33831

STATE OF FL DOT
PO BOX 1249
BARTOW FL 33831

STATE OF FL DOT
PO BOX 1249
BARTOW FL 33831

AYALA SILFIDES R
PO BOX 214
SAINT JAMES CITY FL 33956

A&B CUSTOM DEVELOPMENT LLC
3263 NW 132ND PLACE
MIAMI FL 33175

LEFEBRE JOSEPH A &
2121 SW 20TH AVE
CAPE CORAL FL 33991

BESAW BART J TR
PO BOX 10
LUXEMBURG WI 54217

CITY OF CAPE CORAL
REAL ESTATE DIVISION
PO BOX 150027
CAPE CORAL FL 33915

TIITF STATE OF FLORIDA
FLA DEP DIV OF STATE LANDS
3900 COMMONWEALTH BLVD
MAIL STATION 115
TALLAHASSEE FL 32399

TARPON IV LLC
18305 BISCAYNE BLVD STE 400
AVENTURA FL 33160

UNKNOWN HEIRS OF
13042 125TH AVE
LARGO FL 33774

CAPRISTO GARY JON TR
1122 NE JUANITA PL
CAPE CORAL FL 33909

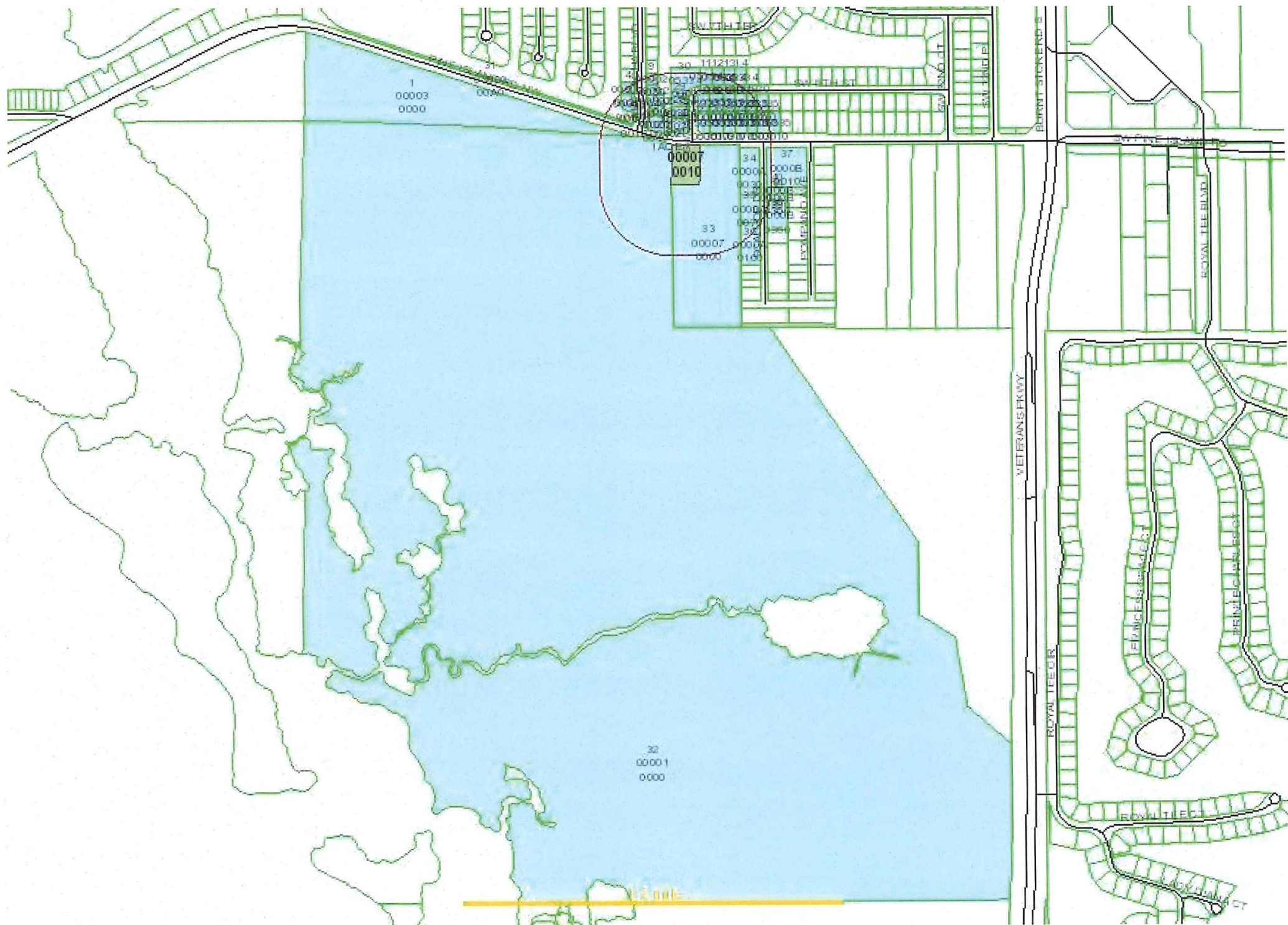
GREATER PINE ISLAND WATER ASSN
5281 PINE ISLAND RD
BOKEELIA FL 33922

MATLACHA-PINE ISLAND FIRE CONT
5700 PINE ISLAND RD
BOKEELIA FL 33922

NEWCOMB BECKY L
46 KNOLL ST
NEWPORT NH 03773

HAMMOND FRED D + TAMRA C
PO BOX 417
CANAAAN NH 03741

HAMMOND FRED D + TAMRA C
PO BOX 417
CANAAAN NH 03741






3640 SW PINE ISLAND ROAD

EXISTING FUTURE LAND
USE MAP

Prepared For:
TED ALLEN

LEGEND

 Subject Property

 City of Cape Coral

Lee County Future Land Use

-  Conservation Lands Upland
-  Conservation Lands Wetland
-  Rural
-  Urban Community
-  Wetlands

Cape Coral Future Land Use

-  Single Family Residential

Feet
0 195 390 780

**WALDROP
ENGINEERING**
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE



3640 SW PINE ISLAND ROAD


PROPOSED
FUTURE LAND
USE MAP

Prepared For:
TED ALLEN


LEGEND

 Subject Property

Lee County Future Land Use

-  Conservation Lands Upland
-  Conservation Lands Wetland
-  Rural
-  Urban Community
-  Wetlands
-  Commercial

Cape Coral Future Land Use

-  Single Family Residential

Feet
0 195 390 780



**WALDROP
ENGINEERING**
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE

3600-3640 SW PINE ISLAND ROAD CPA





















EXISTING LAND
USES

Prepared For:
TED ALLEN

LEGEND

-  Subject Property
-  City of Cape Coral

Land Use Description

-  ACREAGE, BUFFER - CONSERVATION, WATER RETENTION
-  ACREAGE, NON-AGRICULTURAL
-  ACREAGE, NON-AGRICULTURAL, 20 ACRES OR MORE
-  COMMERCIAL, VACANT
-  GARAGE, REPAIR
-  MANGROVE
-  MARKET VALUE AGRICULTURAL
-  MOBILE HOME SUBDIVISION
-  MOBILE HOME, SINGLE FAMILY RES., CANAL
-  MOBILE HOME, SINGLE FAMILY RESIDENTIAL
-  MUNICIPALLY OWNED, OFFICES, LIBRARY, GOVERNMENT BLDG
-  NONPROFIT SERVICES
-  SINGLE FAMILY RESIDENTIAL
-  SINGLE FAMILY RESIDENTIAL, CANAL
-  SINGLE FAMILY RESIDENTIAL, LAKE
-  STORE, OFFICE, RESIDENTIAL COMBINATIONS
-  UTILITIES
-  VACANT GOVERNMENTAL
-  VACANT RESIDENTIAL
-  WAREHOUSING

PINE ISLAND RD NW

Feet
0 195 390 780



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PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE

3640 SW PINE ISLAND ROAD

EXISTING ZONING
MAP

Prepared For:
TED ALLEN


LEGEND

-  Subject Property
-  City of Cape Coral

Lee County Zoning

-  AG-2
-  C-1
-  C-1A
-  MH-2
-  RS-1
-  RSC-1

Cape Coral Zoning

-  R1

Feet
0 195 390 780



W WALDROP
ENGINEERING
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE

3640 SW PINE ISLAND ROAD

PROPOSED ZONING
MAP

Prepared For:
TED ALLEN


LEGEND

-  Subject_Property
-  City of Cape Coral

Lee County Zoning

-  AG-2
-  C-1
-  C-1A
-  CPD
-  MH-2
-  RS-1
-  RSC-1

Cape Coral Zoning

-  R1

Feet
0 195 390 780

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN,
and the GIS User Community

W WALDROP
ENGINEERING
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE

Curve number 1

Radius= 1187.43'
Delta= 08°51'19"
Arc= 183.52'
Tangent= 91.94'
Chord= 183.34'
Chord Brg.= S.85°25'02"E.

S.W. 35TH PLACE
ASPHALT ROADWAY (66' R/W)
CAPE CORAL, UNIT 58
PLAT BOOK 23, PAGES 128-147

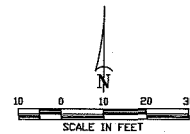
N. 1/4 CORNER
SEC 19-44-23
STATE PLANE COORDINATES
FLORIDA WEST ZONE NAD83
N=837422.23
E=640425.54

S.R. 78, PINE ISLAND ROAD

ASPHALT ROADWAY (66' R/W)
LESS NORTHERLY 17' OF THE WEST 200, NORTH 333°

SOUTH LINE SECTION 19-44-23
NORTH LINE SECTION 19-44-23

AS-BUILT SURVEY OF A PARCEL OF LAND LYING IN NORTHWEST 1/4, OF THE NORTHEAST 1/4 SECTION 19 TOWNSHIP 44 SOUTH, RANGE 23 EAST LEE COUNTY, FLORIDA



DESCRIPTION: INSTRUMENT No. 202100001031

THE WEST 200 FEET OF THE NORTH 333 FEET OF THE NW 1/4 OF THE NE 1/4 OF SECTION 19, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LESS THE ROAD RIGHT-OF-WAY, AS RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LESS THE NORTHERLY 17 FEET OF THE FOLLOWING DESCRIBED PARCEL AS MEASURED PERPENDICULAR, PARALLEL AND CONCENTRIC WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF C.R. 78, PINE ISLAND ROAD.

THE WEST 200' OF THE NORTH 329' OF THE NW 1/4 OF THE NE 1/4 OF SECTION 19, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LESS THE ROAD RIGHT-OF-WAY, AS RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS OF RECORD, IF ANY, AND TAXES SUBSEQUENT TO 2020.

NORTH 333.00' W. 300.00' (S)
S.00°17'13" W. 300.00' (S)
CLR. BOOK 2730, PAGE 3922

LEGEND:

- SET 84 IRON ROD (CAP LB 9692)
- FOUND IRON ROD (CAP LB 9692)
- P.B.M. CONCRETE MONUMENT (C&D)
- P.C.P. PERMANENT REFERENCE MONUMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- L.M.E. LAKE MAINTENANCE EASEMENT
- P.C. POINT OF CURVATURE
- P.T. POINT OF TANGENCY
- O.F. OFFICIAL RECORDS BOOK
- (S) AS PER SURVEY
- OH AS MEASURED
- (P) AS PER PLAT
- CD AS PER DEED
- (S) CURVE NUMBER
- LI LINE NUMBER
- R/W RIGHT-OF-WAY
- C CENTERLINE
- N.E.S. MITERED END SECTION
- R.V.B. RECLAIM WATER BOX
- W.M. WATER METER
- W.V. WATER VALVE
- F.H. FIRE HYDRANT
- D/H OVERHEAD POWER
- P.P. POWER POLE
- G.A.W. GUY ANCHOR & WIRE
- E.B. ELECTRIC BOX
- C.T.B. CABLE TELEVISION BOX
- T.S.B. TELEPHONE SERVICE BOX
- N&D NAIL & DISK
- N/T.NAIL & TINTAB
- ELEV. ELEVATION
- B.M. BENCHMARK
- A/C AIR CONDITIONER
- TYP. TYPICAL ELEVATION
- W.S. WATER SYSTEM
- P.E. POND EQUIPMENT
- F.B. FIBER BOX
- S.R. STATE ROAD
- L.P. LIGHT POLE

SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREIN TAKEN FROM THE NORTH RIGHT-OF-WAY LINE OF PINE ISLAND ROAD, AS BEING "ASSUMED" S.89°50'39"E.
2. FIELD NOTES IN NW 1/4 OF THE NE 1/4, SECTION 19-44-23.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREIN. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.30; FS 472.025; S.J.17-022; FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 1824, 20 SCALE DRAWING.
10. BENCHMARK DERIVED FROM GPS FIX RTK NETWORK FROM 0103, ELEVATION 257.7 NAVD83.
11. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83).

FLOOD ZONE: "AE" ELEVATION 7.00' NAVD83
COMMUNITY NO. 125124 PANEL NO. 0245
SUFFIX -- F REVISION DATE: 8/28/08
MAP NUMBER: 120710245F

THIS SURVEY IS CERTIFIED TO
VALDRUP ENGINEERING

REVISED	DESCRIPTION	BY:
		Phillip M Mould, P.S.M. 6515 State of Florida Date: 2021.09.03 10:45:59 -0400
		PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER LS65015 - STATE OF FLORIDA
DATE OF LAST FIELD WORK: 8/27/2021		
DRAWN: RLB	CHECK: P.M.	SCALE: 1"=20'
		PROJ. #: 3640 SV PJR
SURVEY DATE: 8/27/2021	FILE NO.: 44-23-19	SHT.: 1 OF - 1
		HARRIS-JORGENSEN, LLC 3948 DEL PRADO BLVD., SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-8624 FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

CLR. BOOK 2730, PAGE 3922

SUBJECT PARCEL
WEST 200' OF THE NORTH 333'
NW 1/4, NE 1/4
SECTION 19-44-23

WEST 200.00' (D)
N.89°50'39"W. 200.00' (S)

STATE PLANE COORDINATES
FLORIDA WEST ZONE NAD83
N=837086.69
E=640627.87

LANDS OF STATE OF FLORIDA
INSTRUMENT No. 2010000154573
N.00°17'13" E. 314.15' (S)

WEST LINE OF NE 1/4 SECTION 19-44-23

This Document Prepared By and Return to:

Melville Brinson, Esquire
Melville G. Brinson III P.A.
8359 Stringfellow Road
St. James City, FL 33956
(239) 282-0551

Parcel ID Number: 19-44-23-00-00007.0010

Warranty Deed

This Indenture, Made this 21st day of December, 2020 A.D., Between Greater Pine Island Chamber of Commerce, Inc., a corporation existing under the laws of the State of Florida

of the County of LEE, State of Florida, grantor, and Theodore R. Allen, Trustee of the Theodore R. Allen Revocable Trust dated January 24, 2018 whose address is: 141 W. Wexford Avenue, Buckley, MI 49620

of the County of Wexford, State of Michigan, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of LEE State of Florida to wit:

The West 200 feet of the North 333 feet of the NW 1/4 of the NE 1/4 of Section 19, Township 44 South, Range 23 East, Less the road right-of-way, as recorded in the Public Records of Lee County, Florida.

Less the northerly 17 feet of the following described parcel as measured perpendicular, parallel and concentric with the southerly right-of-way line of C.R. 78, Pine Island Road:

The West 200' of the North 333' of the NW 1/4 of the NE 1/4 of Section 19, Township 44 South, Range 23 East, Less the road right-of-way, as recorded in the Public Records of Lee County, Florida.

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 2020.

Warranty Deed - Page 2

Parcel ID Number: 19-44-23-00-00007.0010

In Witness Whereof, the grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Greater Pine Island Chamber of
Commerce, Inc.

Paul D. Barwick
Printed Name: PAUL D BARWICK
Witness

By: Larry Solinger (Seal)
Larry Solinger, President
P.O. Address: P.O. Box 325, MATLACHA, FL 33993

Melville G. Brinson III
Printed Name: Melville Brinson
Witness

(Corporate Seal)

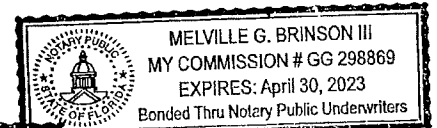
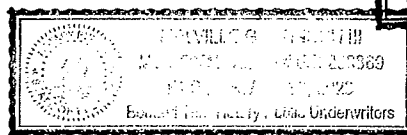
STATE OF Florida
COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of X physical presence or _____ online
notarization, this 21st day of December, 2020 by
Larry Solinger, President of Greater Pine Island Chamber of Commerce,
Inc., a Florida Corporation, on behalf of the corporation
who is personally known to me or who has produced his Florida driver's license as identification.

Melville G. Brinson III
Printed Name:

Notary Public

My Commission Expires:







3640 SW PINE ISLAND ROAD

AERIAL MAP

Prepared For:

TED ALLEN

LEGEND

-  Subject Property
-  City of Cape Coral

Feet
0 185 370 740

W WALDROP
ENGINEERING
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Theodore Allen (name), as Trustee (owner/title) of Theodore R Allen Trust (company/property), 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.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

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

Theodore Allen

Signature

8/6/21

Date

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 6th day of August, 2021, by Theodore R Allen (name of person providing oath or affirmation), who is personally known to me or who has produced Drivers License (type of identification) as identification.

STAMP/SEAL

Nancy Morarty
Signature of Notary Public

NANCY MORARTY
NOTARY PUBLIC, STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
My Commission Exp. Dec. 18, 2023

3640 SW PINE ISLAND CPA

Request Statement and Lee Plan Analysis

I. REQUEST

Property owner Ted Allen ("Applicant") is requesting to rezone a 1.4+/- acre parcel on the south side of SW Pine Island Road approximately ½ mile west of the SW Pine Island Road and Veteran's Parkway intersection from the RURAL to COMMERCIAL Future Land Use Category.

Additionally, there is a companion zoning action assigned case DCI2021-00029, to rezone from AG-2 to Commercial Planned Development (CPD).

The intent is to use the parcel for office, small retail and similar uses but the primary use will be a vehicle dealership to sell used cars and rent vehicles for tourist use. The intent is to use the existing structure for the sales and administrative office and allow for slight expansion requesting 2,000 sf maximum building.

II. PROPERTY HISTORY

The Property has never been rezoned since Lee County first established zoning and designated the Property Agricultural (AG-2) and the land use category has been Rural since the establishment of the LeePlan.

It was used as the Pine Sland Chamber of Commerce office for years but has not been in operation or occupied for over a year. The current owner is dealing with and cooperating with the Chamber to address violations and release the lien from the property for the violation regarding improper landscaping on Pine Island Road. The client also created a violation by filling a small portion of the property behind the existing building and paving a portion without a permit. Waldrop has been contracted to address the violations by amending LDO2019-00520. The submittal for the LDO amendment will be before the end of August.

Below are the violations and process:

- VIO2019-07706: Protected trees have been removed without a permit. Exotic vegetation has not been removed. Vehicle stops for the required parking spaces are missing. Lien recorded 02/06/2020.
- LDO2019-00520: Greater Pine Island Chamber of Commerce landscape plans to correct violations VIO2019-07706, VIO2019-10913. Issued, never finalized.
- VIO2019-10913: Missing required ROW buffer shrubs. Lien recorded 03/17/2020.
- VIO2021-00679: LDC Chapter #10-7 and 10-101A, Work Without Development Order. Consisting of but not limited to repaving parking lot without obtaining an approved issued developmental order. No lien, no hearing. Resulted from CPL2021-00320.

III. EXISTING CONDITIONS

The property is located south of SW Pine Island Road, south of the intersection of SW 35th Place and SW Pine Island Road. The STRAP number is 19442300000070010. The 1.4 acre property is zoned AG-2 and in the Rural FULC located outside of the boundary of a planning community. The Property has historically been used by the Pine Island Chamber of Commerce as an office location and has been unused for over a year.

The property is surrounded on the east and south sides by a vacant 12.56 acre parcel zoned C-1A, Commercial. The property is bordered on the north by SW Pine Island Road right-of-way and across the road is SW 35th Place and R1 zoned properties in the City of Cape Coral. One of the parcels to the north has an existing home and the remaining properties are part of Florida DOT as drainage for Pine Island Road. To the west is a large tract of land zoned AG-2 and designated as Conservation Lands Wetland and Upland future land use in the Lee Plan dedicated to the State of Florida.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USE
NORTH	SF (Single Family Residential)	R-1 (Cape Coral)	Vacant; Single-Family Residential
SOUTH	Conservation Lands Wetland	AG-2 (Agricultural)	Conservation (FL)
EAST	Rural	C-1A	Vacant
WEST	Conservation Lands Wetland and Upland	AG-2	Conservation (FL)

The general area contains is scattered development with residential lots and homes north while west is vacant land, a fire station, some homes and a nursery. The property is part of a stretch of land on the southside of Pine Island Road that abuts an intensely zoned large parcel at the SW corner of Veteran's and Pine Island that will likely be developed as a mixed-use property.

The Property has two existing access point onto SW Pine Island Road and it is the desire and significant part of the functionality of the site to keep both access points During the pre-application meeting Lee County DOT mentioned removing the western entrance and aligning the eastern entrance with SW 35th Place as well as allowing for an interconnection to the 12.56 acre property to the west.

IV. LEE PLAN CONSISTENCY

The following is an analysis of the Comprehensive Plan Amendment and the companion Commercial Planned Development's (DCI2021-00029) consistency with goals, objectives and policies of the Lee County Comprehensive Plan (Lee Plan).

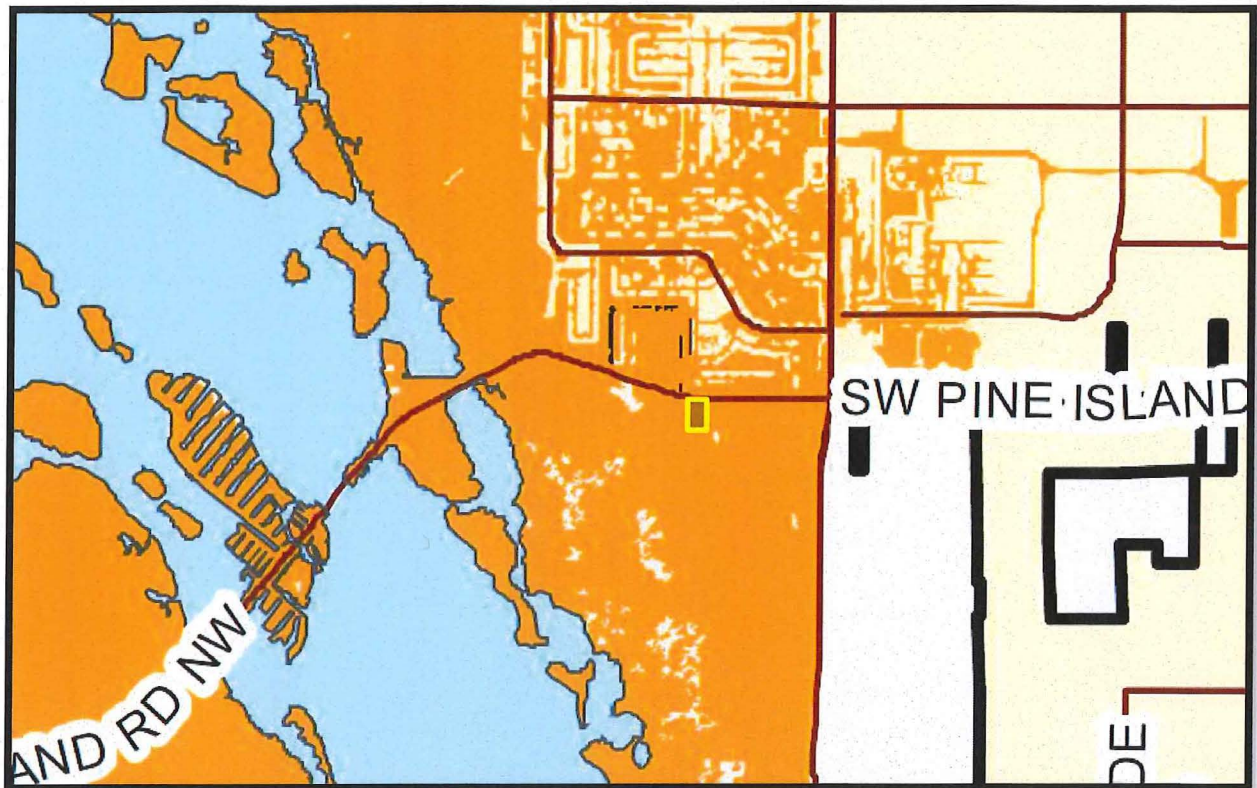
POLICY 1.4.1: The Rural areas are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

The Property is located in the Rural FLUC and in the Coastal High Hazard area (Lee Plan Map 5 below). The zoning request and proposed uses such as office, medical office, business services and vehicle dealership are not consistent with this land use category. The zoning application will have a companion Comprehensive Plan Amendment seeking a change from Rural to Commercial.

The amendment from Rural to Commercial FLUC is consistent with the desire of the County to reduce density in the Coastal High Hazard area.

The area is also a transitional corridor that is in close proximity to denser residential and commercial zoning both north across SW Pine Island Road in the City of Cape Coral and to the west abutting a large parcel (12.5+/- acres) zoned C-1A. Continuing west is a fire station, nursery, several vacant larger parcels and then large parcels in the City of Cape Coral on the SW corner of Veteran's and Pine Island that is zoned and in a future land use category that permits intense mixed-use development all less than ½ mile from the subject property.

This corridor in the Commercial FLUC can provide needed non-residential services to Cape Coral and those on Pine Island where commercial development is very restricted.



POLICY 1.1.10: The Commercial future land use category is located in close proximity to existing commercial areas or corridors accommodating employment centers, tourist oriented areas, and where commercial services are necessary to meet the projected needs of the residential areas of the county. These areas are specifically designated for commercial uses.

The property is within ½ mile of the Veteran's and Pine Island Road intersection where intense commercial development will occur in the future. The property is south of commercially zoned property in Lee County across SW Pine Island Road. Both Pine Island and this section of the City of Cape Coral are growing rapidly, particularly in the City because of demand and that sewer and water services have been completed in the last year. Upon completion dozens of homes have begun construction in the immediate area.

The City of Cape Coral was developed as part of a lot sales scheme by the Rosen Brothers. It was platted, the canals dug, and homes went up. There was no planning or designation of non-residential services for the people who would move into the City. As such the need for

non-residential land is important to provide needed services for the projected needs of the residential areas in this region.

Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category. The Commercial future land use category is in areas where residential uses are not expected or compatible due to the nature of the surrounding land uses and their location along major travel corridors. The commercial category is intended for use where residential development would increase densities in areas such as the Coastal High Hazard Areas (Lee Plan Map 5) of the county or areas such as Lehigh Acres where residential uses are abundant and existing commercial areas serving the residential needs are extremely limited.

The property abuts large swaths of conservation lands dedicated to the State of Florida. The conservation lands are tidal and designated as Coastal High Hazard. Local and statewide policies restrict and even prohibit increases in density due to homesites being construction in these areas. In response the amending of the FLUC from Rural to Commercial is consistent with this policy as residential development is not permitted in the Commercial FLUC.

The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will be predominant in the Commercial future land use category. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Any redesignation of land to the Commercial land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site.

Water service is available from the Greater Pine Island Water Association. A letter of service availability is attached.

Sanitary sewer is available from LCU although it will require the applicant to extend to the source on the north side of SW Pine Island Road. A letter of service availability is attached.

The redesignation to the Commercial FLUC is consistent as it is along a major transportation corridor – a 2-lane arterial.

The required Commercial Planned Development rezoning is being sought in case DCI2021-00029.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The proposed rezoning will allow for the property to continue as a commercial parcel with expansion that will better serve the dense residential population of the City of Cape Coral. The Pine Island Chamber of Commerce housed its office in this location for years. It has been over a year since a business has occupied the location. The rezoning wishes to allow for

business services such as real estate and other office uses as well as a vehicle dealership and reuse the existing building and limit the total footprint of commercial uses to 2,000 sf.

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.*

The Applicant has provided letters of availability from Lee County for wastewater and Great Pine Island Water Association as part of the potable water service franchise to this corridor.

POLICY 2.2.1: Rezonings and Development of Regional Impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

The roadway has capacity, and the commercial development will be required to connect to sewer and water services. Fire protection is ¼ of mile east.

GOAL 4

Standard 4.1.1 & 4.1.2: Water & Sewer

Potable water and sanitary sewer services are available to service the development as outlined in the attached Availability Letter provided by Lee County Utilities and the Greater Pine Island Water Association franchise area.

Standard 11.3. Transportation

Approval of the request will not have a significant impact upon the surrounding roadway network by creating new deficiencies. The project will require development order approvals prior to site development activities. The project's impacts will be evaluated at that time, depending up on the square footage requested and trips generated, in accordance with the LDC.

GOAL 6 (Commercial and Uses)

POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated as to:

a. Traffic and access impacts;

The current building will be used for the offices and sales center for business services and ultimately a vehicle dealership. The trips associated with the use will increase slightly over past use as a Chamber of Commerce office, but many trips have already been included in SW Pine Island capacity studies.

c. Screening and buffering;

The vehicle dealership requires an enhanced buffer abutting SW Pine Island Road. The site plan has requested a deviation on the roadway buffer of 7 feet of depth between the

entranceways to accommodate two rows of parking in front of the existing building. Otherwise, all required buffering will be met according to the LDC.

d. Availability and adequacy of services and facilities;

This property is on an arterial roadway with capacity. It has operated as an office for the Chamber of Commerce for Pine Island in the past so some trips are vested. There will be additional trips based on the vehicle dealership retail use but the roadway has capacity.

e. Impact on adjacent land uses and surrounding neighborhoods;

The zoning conditions and LDC requirements have adequately addressed impacts on adjacent uses. Impacts are minimal due to the proximity of similar uses or more intense industrial uses. All surrounding zonings and land uses are similar in intent and intensity.

f. Proximity to other similar centers; and

To the North of the subject property is an IPD. To the East is an MPD. Directly to the west along Lee Road are IPD's. Finally, to the West abutting Oriole Road and Three Oaks Parkway is an MPD. This is an industrial corridor with a master plan setup for an industrial park as consistent with the FLUC and past zoning and development orders issued by the County.

g. Environmental considerations.

The site was assessed to determine the presence of rare and unique uplands, aquifer recharge areas, and the presence of wetlands on the site. There were none of the above noted on this site as the site is a 1.4-acre area of historic filled wetlands to support the existing building and parking lot with spill over spoil that supports the growth of the Australian pine.

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.

This was addressed in policy 6.1.1 in detail.

POLICY 6.1.5: The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements.

The request is for a 2,000 sf commercial operation. A 1,250 sf building exists which will be used as an office and sales center. The traffic created will be limited due to the small size of the operation. Turn-lanes have not be required for the previous operation and will not be required for this small operation.

POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

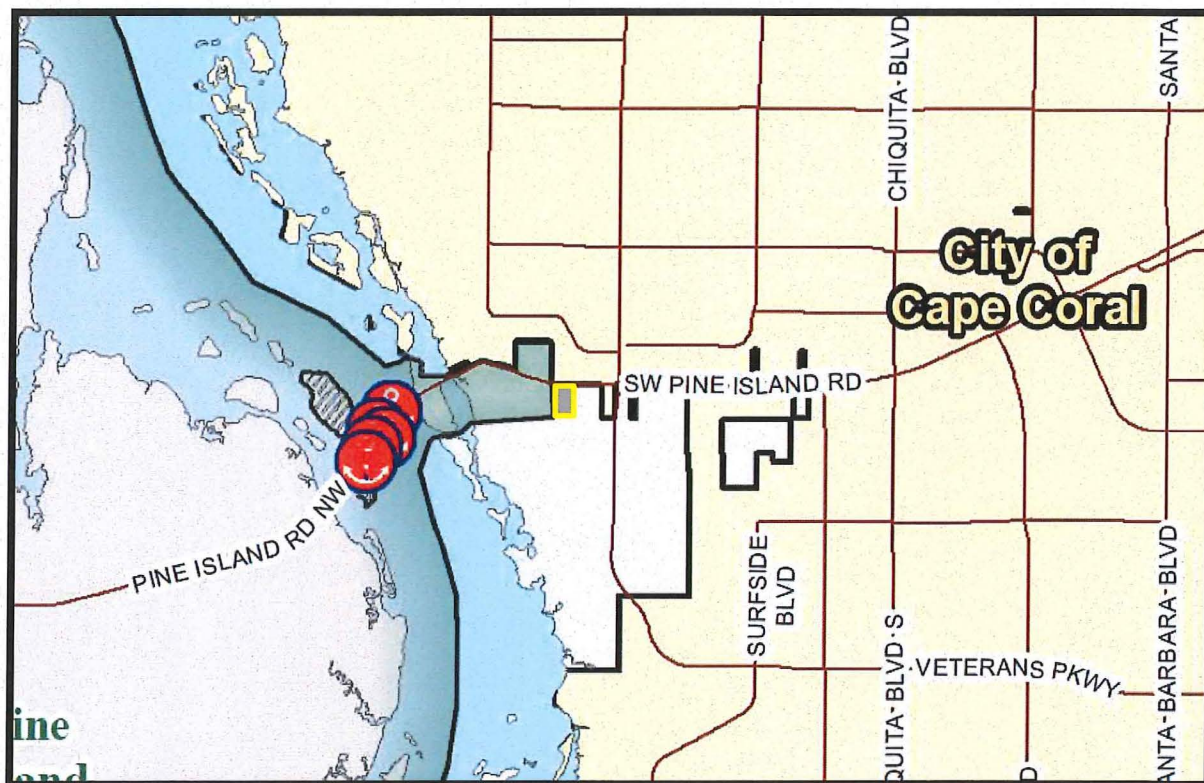
The site has already existed as a small commercial operation.

POLICY 61.1.1: Lee County recognizes that all fresh waters are a resource to be managed and allocated wisely, and will support allocations of the resource on the basis 1) of ensuring that sufficient water is available to maintain or restore valued natural systems, and 2) of assigning to any specified use or user the lowest quality freshwater compatible with that use, consistent with financial and technical constraints.

The property has been agriculturally zoned releasing many responsibilities that will now need to be met through the LDC requirements of a development order.

Lee Plan Goal 17

Lee Plan Map 1 (page 2 of 7) – Special Treatment Areas – shows the parcel abutting but outside of the Greater Pine Island planning community (Goal 24). The parcel is not in a planning community so it does not have to meet the requirements of Lee Plan Goal 17.



Lee Plan Goal 54

To ensure that future populations have access to potable water supplies and services at a reasonable price by using and encouraging conservation and resource management measures to reduce consumption of potable water.

POLICY 54.1.2: In developing and implementing local landscape regulations including the preservation, reforestation, and wetlands restoration requirements, preference will be given to native species which are adapted to the region's climatic regime.

The development will be required to bring the landscaping up to current code and will comply with all native vegetation requirements as agreed to in conditions for the Commercial Planned Development.

POLICY 54.1.6: Maintain development regulations that require new development to connect to a reuse water system if a system is near the development and has sufficient capacity.

Reuse is not available at this location according to the Greater Pine Island Water Association.

POLICY 95.1.3: LOS standards will be the basis for planning and provision of required public facilities and services within Lee County. Regulatory LOS standards will be the basis for determining the adequacy of public facilities for the purposes of permitting new development. Compliance with non-regulatory LOS standards will not be a requirement for continued development permitting, but will be used for facility planning purposes. The LOS will be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).

- a. Sanitary Sewer – The site has been historically been on a septic system. Policy 1.1.10 of the Lee Plan requires properties in the Commercial FLUC to connect to sanitary sewer. Lee County Utilities has stated in a letter of availability that they have capacity to service the project. The developer will need to extend service to the LCU lines on the north side of SW Pine Island Road.
- b. Potable Water – The Greater Pine Island Water Association currently serves the site and the past office use. The GPIWA has stated in a letter of availability that they have capacity to continue service.
- c. Surface Water/Drainage Basins – The property is being redeveloped as part of a Commercial Planned Development. The project will be required to meet all LDC provisions for surface water management, pre-treatment, storage and treatment.
- d. Parks, Recreation, and Open Space – The density is being eliminated as the Commercial FLUC does not allow for residential dwelling units so there is no provision needed for parks, recreation or open space.
- e. Public Schools – The density is being eliminated as the Commercial FLUC does not allow for residential dwelling units so there is no provision needed for public schools.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

As mentioned, because it is being rezoned to a commercial planned development the site will now have to comply with water quality requirements according to the LDC at the time of local development order.

POLICY 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.

As mentioned, because it is being rezoned to a commercial planned development the site will now have to comply with water quality requirements according to the LDC at the time of local development order.

V. CONCLUSION

The use of this site will bring the former Chamber of Commerce office up to current code while reusing the existing building as an office and sales center for business services and a small vehicle dealership. The use will require a land use change from Rural to Commercial and will only be able to be approved if the comprehensive plan amendment is granted. The site has current violations that are being address by the owner and the redevelopment of this property will bring the site into compliance with code and be a significant improvement to this corridor. The site is agriculturally zoned and in the Rural land use which allows for residential density in a Coastal High Hazard area. The requested Commercial FLUC and commercial will prohibit residential density therefore supporting the Lee Plan's intent to reduce residential density in these areas. It abuts a commercially zoned property of 12.5+/- acres and is less than ½ mile from a major potential commercial corner at Veteran's Parkway and SW Pine Island Road. The redevelopment of this property to commercial uses will serve the dense City of Coral residential development that is quickly growing in this area.



6/4/2021

Environmental Review

Folio ID 10073363

3640 SW Pine Island Road
Cape Coral, Florida
33991

Introduction

The following is an Environmental Review of the above referenced parcel in support of the Lee County Comprehensive Land Use and zoning change application. The site is a total of 1.26 acres MOL located on Pine Island Road. See attached Location Map. On site investigation and research was conducted into various aspects of the property and is presented below.

Property Description

The property is located on the south side of Pine Island Road adjacent to the SRPSV, FNAI Charlotte Harbor Preserve State Park in western unincorporated Lee County in Cape Coral. The property currently has a building in place however appears to be idle as far as any identifiable use is concerned. The site consists of a building, parking lot, and a small open area towards the back of the building. There is also a small storage shed to the southwest of the building in the immediate area of the lot. In assessing the parcel boundary of the site from the Lee County Property Appraisers office, the boundaries of the lot extend to the east into an exotic monoculture of Australian pine and to the south to a lesser degree also into an exotic monoculture of Australian pine. These areas commonly represent "overflow spoil" areas that become exotic infested and idle. See attached aerial. There are a couple of ditches associated with the site in the parking lot and on the western boundary, both of inconsequential significance.

The site was assessed to determine the presence of rare and unique uplands, aquifer recharge areas, and the presence of wetlands on the site. There were none of the above noted on this site as the site is a 1.26-acre area of historic filled wetlands to support the existing building and parking lot with spill over spoil that supports the growth of the Australian pine.

The only wildlife noted on the site was an Osprey, *Pandion haliaetus*, common to the area occupying a nest perch just west of the building. In 1983, the USFWS downgraded the Osprey to Threatened from

its 1976 listing as Endangered, and in 1999, downgraded it again to a Species of Special Concern. No other wildlife was noted on the site.

FLUCCS Map

Attached is the Level III FLUCCS Map of the property which contains the following land use cover designations. See Attached FLUCCS Map.

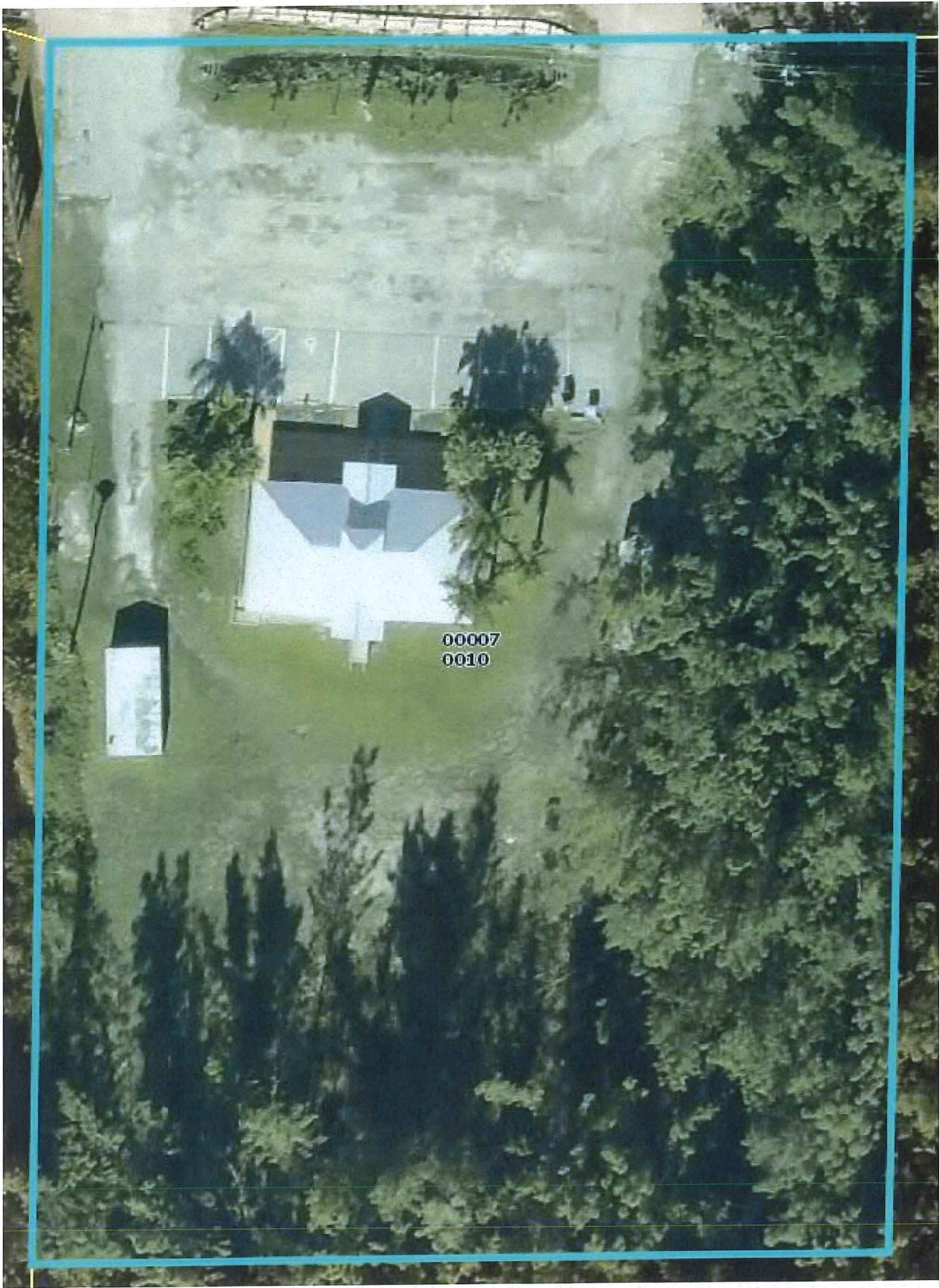
<u>FLUCCS Code *</u>		<u>Area</u>
100	Urban	1.1
437	Australian pine	.2
Total		1.3

*Source: Florida Department of Transportation, Surveying and Mapping Office. 1999. Florida land use, cover, and forms classification system - handbook. Tallahassee, FL, USA.

Soils

The SCS maps were consulted to assess soil types on the property. See attached Soils Map. The site contains two types of soil. Soil Type No.13, Boca fine sand, and Soil Type No. 57, Boca fine sand, tidal. Both soils are hydric however as described above the site is either developed into a parking lot and building with associated open area or is historic overflow spoil when the site was originally constructed.





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W. David Key, LLC
4231 SE 19th Ave
Cape Coral, FL 33904
239-738-3453

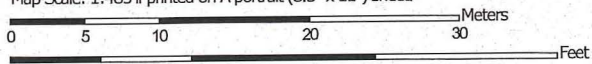
FLUCCS Map

Soil Map—Lee County, Florida



Soil Map may not be valid at this scale.

Map Scale: 1:485 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84







































Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

6/3/2021
Page 1 of 3

Soil Map—Lee County, Florida

MAP LEGEND

Area of Interest (AOI)		Area of Interest (AOI)		Spoil Area
Soils		Soil Map Unit Polygons		Stony Spot
		Soil Map Unit Lines		Very Stony Spot
		Soil Map Unit Points		Wet Spot
Special Point Features				Other
		Blowout		Special Line Features
		Borrow Pit	Water Features	
		Clay Spot		Streams and Canals
		Closed Depression	Transportation	
		Gravel Pit		Rails
		Gravelly Spot		Interstate Highways
		Landfill		US Routes
		Lava Flow		Major Roads
		Marsh or swamp		Local Roads
		Mine or Quarry	Background	
		Miscellaneous Water		Aerial Photography
		Perennial Water		
		Rock Outcrop		
		Saline Spot		
		Sandy Spot		
		Severely Eroded Spot		
		Sinkhole		
		Slide or Slip		
		Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lee County, Florida
Survey Area Data: Version 18, Jun 9, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Feb 3, 2020—Feb 23, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
13	Boca fine sand, 0 to 2 percent slopes	0.3	24.9%
57	Boca fine sand, tidal, 0 to 1 percent slopes	1.0	75.1%
Totals for Area of Interest		1.3	100.0%

3640 SW PINE ISLAND CPA

Historic Resources Impact Analysis

I. REQUEST

Property owner Ted Allen ("Applicant") is requesting to rezone a 1.4+/- acre parcel on the south side of SW Pine Island Road approximately ½ mile west of the SW Pine Island Road and Veteran's Parkway intersection from the RURAL to COMMERCIAL Future Land Use Category.

Additionally, there is a companion zoning action assigned case DCI2021-00029, to rezone from AG-2 to Commercial Planned Development (CPD).

The intent is to use the parcel for office, small retail and similar uses but the primary use will be a vehicle dealership to sell used cars and rent vehicles for tourist use. The intent is to use the existing structure for the sales and administrative office and allow for slight expansion requesting 2,000 sf maximum building.

II. HISTORIC RESOURCES IMPACT ANALYSIS

The property does not contain any historic resources (including structure, districts, and/or archaeologically sensitive areas).

3640 SW PINE ISLAND CPA

Public Facilities Impacts Analysis

I. REQUEST

Property owner Ted Allen ("Applicant") is requesting to rezone a 1.4+/- acre parcel on the south side of SW Pine Island Road approximately ½ mile west of the SW Pine Island Road and Veteran's Parkway intersection from the RURAL to COMMERCIAL Future Land Use Category.

Additionally, there is a companion zoning action assigned case DCI2021-00029, to rezone from AG-2 to Commercial Planned Development (CPD).

The intent is to use the parcel for office, small retail and similar uses but the primary use will be a vehicle dealership to sell used cars and rent vehicles for tourist use. The intent is to use the existing structure for the sales and administrative office and allow for slight expansion requesting 2,000 sf maximum building.

II. PUBLIC INFRASTRUCTURE

As outlined in the enclosed application, the Property is currently serviced by the Greater Pine Island Water Association for potable water service and on a septic system. Sanitary sewer public infrastructure to accommodate the office uses is available to the Property by Lee County Utilities with owner made extensions across Pine Island Road. Please see the attached letters of availability from both utility providers.

There are adequate public facilities and services in the immediate vicinity of the project to serve the proposed development in terms of fire by the Matlacha-Pine Island FD, Lee County EMS and Sheriff's protection, Solid Waste and Lee Tran service as evidenced by the letters of availability included in the submittal.

- a. Sanitary Sewer – The site has been historically been on a septic system. Policy 1.1.10 of the Lee Plan requires properties in the Commercial FLUC to connect to sanitary sewer. Lee County Utilities has stated in a letter of availability that they have capacity to service the project. The developer will need to extend service to the LCU lines on the north side of SW Pine Island Road.
- b. Potable Water – The Greater Pine Island Water Association currently serves the site and the past office use. The GPIWA has stated in a letter of availability that they have capacity to continue service.
- c. Surface Water/Drainage Basins – The property is being redeveloped as part of a Commercial Planned Development. The project will be required to meet all LDC provisions for surface water management, pre-treatment, storage and treatment including the System Requirement: Prevent the flooding of designated evacuation routes on The Lee Plan Map 15 from the 25-year, 3-day storm event (rainfall) for more than 24 hours.
- d. Parks, Recreation, and Open Space – The density is being eliminated as the Commercial FLUC does not allow for residential dwelling units so there is no provision needed for parks, recreation or open space. Regardless, the County exceeds the available capacity needs:
 - Required Capacity - 5,202 acres of regional parks and 289 acres of community parks.
 - Available Capacity - 7,051 acres of regional parks and 832 acres of community parks.

- e. Public Schools – The density is being eliminated as the Commercial FLUC does not allow for residential dwelling units so there is no provision needed for public schools in the West Zone.

3640 SW PINE ISLAND CPA

Existing and Future Conditions Analysis

I. REQUEST

Property owner Ted Allen ("Applicant") is requesting to rezone a 1.4+/- acre parcel on the south side of SW Pine Island Road approximately ½ mile west of the SW Pine Island Road and Veteran's Parkway intersection from the RURAL to COMMERCIAL Future Land Use Category.

Additionally, there is a companion zoning action assigned case DCI2021-00029, to rezone from AG-2 to Commercial Planned Development (CPD).

The intent is to use the parcel for office, small retail and similar uses but the primary use will be a vehicle dealership to sell used cars and rent vehicles for tourist use. The intent is to use the existing structure for the sales and administrative office and allow for slight expansion requesting 2,000 sf maximum building.

II. PROPERTY HISTORY

The Property has never been rezoned since Lee County first established zoning and designated the Property Agricultural (AG-2) and the land use category has been Rural since the establishment of the LeePlan.

It was used as the Pine Sland Chamber of Commerce office for years but has not been in operation or occupied for over a year. The current owner is dealing with and cooperating with the Chamber to address violations and release the lien from the property for the violation regarding improper landscaping on Pine Island Road. The client also created a violation by filling a small portion of the property behind the existing building and paving a portion without a permit. Waldrop has been contracted to address the violations by amending LDO2019-00520. The submittal for the LDO amendment will be before the end of August.

Below are the violations and process:

- VIO2019-07706: Protected trees have been removed without a permit. Exotic vegetation has not been removed. Vehicle stops for the required parking spaces are missing. Lien recorded 02/06/2020.
- LDO2019-00520: Greater Pine Island Chamber of Commerce landscape plans to correct violations VIO2019-07706, VIO2019-10913. Issued, never finalized.
- VIO2019-10913: Missing required ROW buffer shrubs. Lien recorded 03/17/2020.
- VIO2021-00679: LDC Chapter #10-7 and 10-101A, Work Without Development Order. Consisting of but not limited to repaving parking lot without obtaining an approved issued developmental order. No lien, no hearing. Resulted from CPL2021-00320.

II. EXISTING CONDITIONS

The property is located south of SW Pine Island Road, south of the intersection of SW 35th Place and SW Pine Island Road. The STRAP number is 19442300000070010. The 1.4 acre property is zoned AG-2 and in the Rural FULC located outside of the boundary of a planning community. The Property has historically been used by the Pine Island Chamber of Commerce as an office location and has been unused for over a year.

The property is surrounded on the east and south sides by a vacant 12.56 acre parcel zoned C-1A, Commercial. The property is bordered on the north by SW Pine Island Road right-of-way and across the road is SW 35th Place and R1 zoned properties in the City of Cape Coral. One of the parcels to the north has an existing home and the remaining properties are part of Florida DOT as drainage for Pine Island Road. To the west is a large tract of land zoned AG-2 and designated as Conservation Lands Wetland and Upland future land use in the Lee Plan dedicated to the State of Florida.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USE
NORTH	SF (Single Family Residential)	R-1 (Cape Coral)	Vacant; Single-Family Residential
SOUTH	Conservation Lands Wetland	AG-2 (Agricultural)	Conservation (FL)
EAST	Rural	C-1A	Vacant
WEST	Conservation Lands Wetland and Upland	AG-2	Conservation (FL)

The general area contains is scattered development with residential lots and homes north while west is vacant land, a fire station, some homes and a nursery. The property is part of a stretch of land on the southside of Pine Island Road that abuts an intensely zoned large parcel at the SW corner of Veteran's and Pine Island that will likely be developed as a mixed-use property.

The Property has two existing access point onto SW Pine Island Road and it is the desire and significant part of the functionality of the site to keep both access points During the pre-application meeting Lee County DOT mentioned removing the western entrance and aligning the eastern entrance with SW 35th Place as well as allowing for an interconnection to the 12.56 acre property to the west.

IV. FUTURE CONDITIONS

The MCP that accompanies the zoning shows a commercial development that uses the existing building as office and sales center. The current building is a little less than 1,250 sf and the request allows for a small expansion to 2,000 sf but the initial DO will be to use the existing building as it stands.

The lot will be designed for the vehicle dealership. The parking for the use will include the 7 required spaces for the use plus ample parking for deliveries and display of vehicles for sale.

Access to the site is important that both entrances from Pine Island Road remain. Delivery trucks will need to arrive and enter the widest western access and circle the building and exit the eastern access.

The site is small and constrained by a large buffer on Pine Island Road as required for vehicle sales (LDC 34-1352) and a required Type "F" buffer abutting the State Conservation lands to the west. Additionally, the site is dealing with

There are four deviations:

1. LDC §34-1352(g)(1)a. requiring landscaping in addition to the requirements of section 10-416 for right-of-way buffers easement that is a minimum of 25 feet in width; to allow an 18-

foot right-of-way buffer easement between the entrance drives that otherwise meets all requirements of this section.

2. LDC §34-1352(g)(2)b. requiring the rear property boundaries to be planted with a single hedge row a minimum of 24 inches in height at planting; to allow no hedge row on the rear boundary.
3. LDC §34-1352(c)(2) requiring all items covered by this section which are displayed or offered for sale or rent must be set back a minimum of 20 feet from any property line; to allow items displayed or offered for sale or rent to be setback 5 feet from the eastern property line.
4. LDC §10-416(d)(3) requiring a 30-foot Type "F" buffer abutting public preserve lands for conservation (PRE); to allow a 20-foot Type "F" buffer on the western boundary that otherwise meets all buffer requirements.

V. PUBLIC INFRASTRUCTURE

As outlined in the enclosed application, the Property is currently serviced by the Greater Pine Island Water Association for potable water service and on a septic system. Sanitary sewer public infrastructure to accommodate the office uses is available to the Property by Lee County Utilities with owner made extensions across Pine Island Road. Please see the attached letters of availability from both utility providers.

There are adequate public facilities and services in the immediate vicinity of the project to serve the proposed development in terms of fire by the Matlacha-Pine Island FD, Lee County EMS and Sheriff's protection, Solid Waste and Lee Tran service as evidenced by the letters of availability included in the submittal.

VI. FLUC CHANGE JUSTIFICATION

The change from the Rural Future FLUC to the Commercial FLUC is consistent with the use in the area and trends in the SW Pine Island Corridor.

1. The parcel has historically been an office for the Pine Island Chamber of Commerce. The requested use is for similar business services and a car dealership of limited size. The abutting parcel that is over 12 acres is zoned commercially. Across Pine Island Road are vacant commercially zoned properties and small single-family lots that would be supported by this land use change. To the east, less than 1/3 mile, are City of Cape Coral lots that are nearly 15 acres that would allow for significant mixed-use development of high intensity. To the west is conservation area. This is the last parcel on the corridor west of Veteran's Parkway with an opportunity to support the significant number of residential houses in the City of Cape Coral and in the Matlacha area of Lee County with commercial services.
2. The area is developing rapidly residentially as the City has completed the North Phase I and II sanitary sewer and water connections in the region north of SW Pine Island Road. New housing starts have risen significantly in the area creating the need for more commercial services.
3. Historically, Cape Coral is in need of commercial parcels and services to reduce commuting times for the primarily residential pre-platted area. The conversion of this parcel to fully commercial under the Future Land Use Map and with limited CPD zoning would serve the

area residents and not negatively impact or develop to such an extent that would change the character of the area.

4. The change is consistent with the Commercial FLUC that is intended for use where residential development would increase densities in areas such as the Coastal High Hazard Areas. According to LeePlan Map 5 the subject property is in the CHHA. The past use has been commercial and to allow it to revert to housing would be inconsistent with intent of reducing residential units in the CHHA.

The proposed rezoning requests allows the Property to be developed in a similar manner to the surrounding properties. The Alico Road corridor has experienced rapid growth and development of several industrial planned developments. The current AG-2 zoning will not allow intense development suitable for the Property's central location for transportation and workforce housing.

August 24, 2021

Mr. Benjamin Abes
Director of Lee County Public Safety
2000 Main Street, Suite 100
Fort Myers, FL 33901
Benjamin.Abes@leegov.com

**RE: COMMERCIAL PLANNED DEVELOPMENT (CPD) AND
SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT (CPA)
Letter of Service Availability**

Dear Mr. Abes,

Waldrop Engineering, P.A. is preparing a Zoning and Small-scale Comprehensive Plan Amendment application for a project at 3640 SW Pine Island Road, STRAP #19442300000070010. The property consists of 1.4+/-acres and is located on the south side of SW Pine Island Road and SW 35th Place in unincorporated Lee County, south of the Cape Coral city limits. A location map depicting the subject property has been attached for your review.

The Applicant is proposing to amend the property's Future Land Use Designation from "Rural" to "Commercial" and rezoning from AG-2 to CPD. The amendment will allow for the option to develop a car lot and other commercial uses.

To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities are capable of serving this future project. I greatly appreciate your time and consideration of this matter.

If you should have any questions or require further information, please do not hesitate to contact me directly at (239) 318-6707 or fred.drovdllic@waldropengineering.com.

Sincerely,

WALDROP ENGINEERING, P.A.



Fred Drovdllic, AICP
Planning Manager – Fort Myers





3640 SW PINE ISLAND ROAD

PROPOSED ZONING
MAP

Prepared For:
TED ALLEN


LEGEND

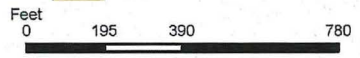
-  Subject Property
-  City of Cape Coral

Lee County Zoning

-  AG-2
-  C-1
-  C-1A
-  CPD
-  MH-2
-  RS-1
-  RSC-1

Cape Coral Zoning

-  R1



Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN,
and the GIS User Community



August 24, 2021

Ms. Erin Gaston, SPHR
Greater Pine Island Water Association
5281 Pine Island Rd
Bokeelia, FL 33922
egaston@pineislandwater.com

**RE: COMMERCIAL PLANNED DEVELOPMENT (CPD) AND
SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT (CPA)
Letter of Service Availability**

Dear Ms. Gaston,

Waldrop Engineering, P.A. is preparing a Zoning and Small-scale Comprehensive Plan Amendment application for a project at 3640 SW Pine Island Road, STRAP #19442300000070010. The property consists of 1.4+/-acres and is located on the south side of SW Pine Island Road and SW 35th Place in unincorporated Lee County, south of the Cape Coral city limits. A location map depicting the subject property has been attached for your review.

The Applicant is proposing to amend the property's Future Land Use Designation from "Rural" to "Commercial" and rezoning from AG-2 to CPD. The amendment will allow for the option to develop a car lot and other commercial uses.

To complete the application process, we are required to secure a service availability letter from your agency stating whether the GPIWA is capable of providing water service to this project that was once the Pine Island Chamber of Commerce. I greatly appreciate your time and consideration of this matter.

If you should have any questions or require further information, please do not hesitate to contact me directly at (239) 318-6707 or fred.drovdllic@waldropengineering.com.

Sincerely,

WALDROP ENGINEERING, P.A.



Fred Drovdllic, AICP
Planning Manager – Fort Myers





3640 SW PINE ISLAND ROAD








PROPOSED ZONING
MAP

Prepared For:
TED ALLEN


LEGEND

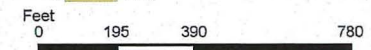
-  Subject Property
-  City of Cape Coral

Lee County Zoning

-  AG-2
-  C-1
-  C-1A
-  CPD
-  MH-2
-  RS-1
-  RSC-1

Cape Coral Zoning

-  R1



Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN,
and the GIS User Community

August 24, 2021

Mrs. Bridget Kantor
Manager, Public Utilities
Lee County Solid Waste Division
P.O. Box 398
Fort Myers, FL 33902-0398
BKantor@leegov.com

**RE: COMMERCIAL PLANNED DEVELOPMENT (CPD) AND
SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT (CPA)
Letter of Service Availability**

Dear Ms. Kantor,

Waldrop Engineering, P.A. is preparing a Zoning and Small-scale Comprehensive Plan Amendment application for a project at 3640 SW Pine Island Road, STRAP #19442300000070010. The property consists of 1.4+/- acres and is located on the south side of SW Pine Island Road and SW 35th Place in unincorporated Lee County, south of the Cape Coral city limits. A location map depicting the subject property has been attached for your review.

The Applicant is proposing to amend the property's Future Land Use Designation from "Rural" to "Commercial" and rezoning from AG-2 to CPD. The amendment will allow for the option to develop a car lot and other commercial uses.

To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities are capable of serving this future project. I greatly appreciate your time and consideration of this matter.

If you should have any questions or require further information, please do not hesitate to contact me directly at (239) 318-6707 or fred.drovdlic@waldropengineering.com.

Sincerely,

WALDROP ENGINEERING, P.A.



Fred Drovdllic, AICP
Planning Manager – Fort Myers





3640 SW PINE ISLAND ROAD








PROPOSED ZONING
MAP

Prepared For:
TED ALLEN

LEGEND

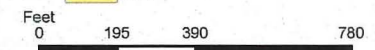
-  Subject Property
-  City of Cape Coral

Lee County Zoning

-  AG-2
-  C-1
-  C-1A
-  CPD
-  MH-2
-  RS-1
-  RSC-1

Cape Coral Zoning

-  R1



Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN,
and the GIS User Community

**WALDROP
ENGINEERING**
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE

August 24, 2021

Mr. Stanley Nelson
Lee County Sheriff's Office
Planning And Research Director
14750 Six Mile Cypress
Fort Myers, FL 33912
SNelson@sheriffleefl.org

**RE: COMMERCIAL PLANNED DEVELOPMENT (CPD) AND
SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT (CPA)
Letter of Service Availability**

Dear Mr. Nelson,

Waldrop Engineering, P.A. is preparing a Zoning and Small-scale Comprehensive Plan Amendment application for a project at 3640 SW Pine Island Road, STRAP #19442300000070010. The property consists of 1.4+/-acres and is located on the south side of SW Pine Island Road and SW 35th Place in unincorporated Lee County, south of the Cape Coral city limits. A location map depicting the subject property has been attached for your review.

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To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities are capable of serving this future project. I greatly appreciate your time and consideration of this matter.

If you should have any questions or require further information, please do not hesitate to contact me directly at (239) 318-6707 or fred.drovdlic@waldropengineering.com.

Sincerely,

WALDROP ENGINEERING, P.A.



Fred Drovdlic, AICP
Planning Manager – Fort Myers





3640 SW PINE ISLAND ROAD








PROPOSED ZONING
MAP

Prepared For:
TED ALLEN

LEGEND

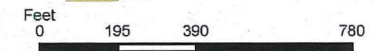
-  Subject Property
-  City of Cape Coral

Lee County Zoning

-  AG-2
-  C-1
-  C-1A
-  CPD
-  MH-2
-  RS-1
-  RSC-1

Cape Coral Zoning

-  R1



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Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN,
and the GIS User Community

**WALDROP
ENGINEERING**
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE



LEE COUNTY UTILITIES
REQUEST FOR LETTERS OF AVAILABILITY

DATE: AUGUST 24, 2021

TO: MARY MCCORMIC
Technician Senior

FROM: FRED DROVDLIC, AICP

FIRM: WALDROP ENGINEERING, INC.

ADDRESS: 28100 BONITA GRANDE DR, SUITE 305

ADDRESS: BONITA SPRINGS, FL 34135 -

PHONE#: (239)319-0026 FAX: (239)405-7899

E-MAIL ADDRESS:

FRED.DROVDLIC@WALDROPENGINEERING.COM

PROJECT NAME: 3600-3640 SW PINE ISLAND ROAD

PREVIOUS PROJECT NAME(S): NA

STRAP NUMBER(S): 19-44-23-00-00007.0010

PRIOR STRAP NUMBER(S) (IF ANY): NA

LOCATION/SITE ADDRESS: SOUTH CORNER OF SW PINE ISLAND ROAD AND SW 35TH PLACE

PURPOSE OF LETTER:

- ☐ DEVELOPMENT ORDER SUBMITTAL ☐ FINANCING ☐ EFFLUENT REUSE
☐ PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)
☒ OTHER: (PLEASE SPECIFY) COMMERCIAL PLANNED DEVELOPMENT REZONING

PLANNED USE:

- ☒ COMMERCIAL ☐ INDUSTRIAL ☐ RESIDENTIAL - (☐ SINGLE-FAMILY ☐ MULTI-FAMILY)
☐ OTHER: (PLEASE SPECIFY) _____

PLANNED # OF COMMERCIAL/INDUSTRIAL BUILDINGS: TOTAL SQUARE FOOTAGE: 2,000 SF

RESIDENTIAL UNITS: SINGLE-FAMILY: 0 MULTI-FAMILY: 0

AVERAGE ESTIMATED DAILY FLOW (GPD): (☐ WATER ☒ WASTE-WATER) (GPD): 300 ☐ REUSE

PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA SET FORTH IN LEE COUNTY UTILITIES DESIGN MANUAL: CHAPTER 64E-6 OF THE FLORIDA ADMINISTRATIVE CODE GUIDELINES

Office building 15 GPD per 100 square feet of floor space = 8971 sf = 1,346 GPD

Food operations (a) Restaurant operating 16 hours or less per day per seat 40 GPD = 1,000 sf or 30 seats x 40 = 1,200 GPD

Shopping centers without food or laundry per square foot of floor space = 0.1 GPD per sf

Please e-mail the completed form at mmccormic@leegov.com.

If you should have any questions or require assistance, please feel free to call our office at (239) 533-8532.



August 24, 2021

Mr. Jorge J. Puente
Service Planner, LeeTran
3401 Metro Parkway
Fort Myers, FL 33901
JPuente@leegov.com

**RE: COMMERCIAL PLANNED DEVELOPMENT (CPD) AND
SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT (CPA)
Letter of Service Availability**

Dear Mr. Puente,

Waldrop Engineering, P.A. is preparing a Zoning and Small-scale Comprehensive Plan Amendment application for a project at 3640 SW Pine Island Road, STRAP #19442300000070010. The property consists of 1.4+/-acres and is located on the south side of SW Pine Island Road and SW 35th Place in unincorporated Lee County, south of the Cape Coral city limits. A location map depicting the subject property has been attached for your review.

The Applicant is proposing to amend the property's Future Land Use Designation from "Rural" to "Commercial" and rezoning from AG-2 to CPD. The amendment will allow for the option to develop a car lot and other commercial uses.

To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities are capable of serving this future project. I greatly appreciate your time and consideration of this matter.

If you should have any questions or require further information, please do not hesitate to contact me directly at (239) 318-6707 or fred.drovdllic@waldropengineering.com.

Sincerely,

WALDROP ENGINEERING, P.A.



Fred Drovdllic, AICP
Planning Manager – Fort Myers





3640 SW PINE ISLAND ROAD

PROPOSED ZONING
MAP

Prepared For:
TED ALLEN

LEGEND

 Subject Property

 City of Cape Coral

Lee County Zoning

 AG-2

 C-1

 C-1A

 CPD

 MH-2

 RS-1

 RSC-1

Cape Coral Zoning

 R1

Feet
0 195 390 780

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN,
and the GIS User Community

WALDROP
ENGINEERING
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE

August 24, 2021

Chief Benjamin Mickuleit
Matlacha/Pine Island Fire Control District
5700 Pine Island Rd.
Bokeelia, FL 33922
(239) 283-0030
mickuleit@pineislandfire.org
fireinspector@pineislandfire.org

**RE: COMMERCIAL PLANNED DEVELOPMENT (CPD) AND
SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT (CPA)
Letter of Service Availability**

Dear Chief Mickuleit,

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If you should have any questions or require further information, please do not hesitate to contact me directly at (239) 318-6707 or fred.drovdllic@waldropengineering.com.

Sincerely,

WALDROP ENGINEERING, P.A.



Fred Drovdllic, AICP
Planning Manager – Fort Myers





3640 SW PINE ISLAND ROAD








PROPOSED ZONING
MAP

Prepared For:
TED ALLEN


LEGEND

-  Subject Property
-  City of Cape Coral

Lee County Zoning

-  AG-2
-  C-1
-  C-1A
-  CPD
-  MH-2
-  RS-1
-  RSC-1

Cape Coral Zoning

-  R1

Feet
0 195 390 780

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN,
and the GIS User Community

**WALDROP
ENGINEERING**
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE



Board of County Commissioners

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

September 1, 2021

Fred Drovdic, AICP
Waldrop Engineering
1514 Broadway #201
Fort Myers, Florida 33901

Re: Letter of Service Availability – 3640 Pine Island Road

Mr. Drovdic,

I am in receipt of your letter requesting a Letter of Service Availability for the commercial development located at 3640 SW Pine Island Road. This property is identified as STRAP 19442300000070010.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response.

The primary ambulance for this location is Medic 41, located 2.9 miles north; there are two additional EMS stations within 5 miles of the proposed location. These locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16, and no additional impacts are anticipated at this time.

It is our opinion that the service availability for the proposed development of this property is adequate at this time. Should the plans change, especially the density, a new analysis of this impact would be required.

Sincerely,

Benjamin Abes
Director, Public Safety

Reprinted Billing Statement

Greater Pine Island Water
5281 Pine Island Rd
Bokeelia, FL 33922-3252
(239) 283-1071

THEODORE ALLEN
141 W WEXFORD AVE
BUCKLEY MI 49620-8600

Current Meter Reading	58,000	8/12/2021
Prior Meter Reading	58,000	Not Found
Usage Amount	<u>0</u>	

Due Date:09/15/21

<u>Service</u>	<u>Charges</u>
Base Fee	5.52
Ready to Serve	13.76
Balance Due:	\$19.28

Customer Name: ALLEN, THEODORE
Service Address: 3640 PINE ISLAND RD
Account 2-13-00763-01 Route Number: 7

Please return this portion of the bill with your payment.

THEODORE ALLEN
3640 PINE ISLAND RD

Account #: 2-13-00763-01

Billing Date: 8/26/2021

Balance **19.28**

Due Date: 09/15/21

Amount Enclosed: _____

Reprinted Billing Statement

Carmine Marceno
Sheriff



"Proud to Serve"

**State of Florida
County of Lee**

August 25, 2021

Fred Drovdllic
Waldrop Engineering
1514 Broadway, Suite 201
Fort Myers, FL 33901

Mr. Drovdllic,

The Lee County Sheriff's Office has reviewed your Zoning and Small-scale Comprehensive Plan amendment for a project at 3640 SW Pine Island Road in unincorporated Lee County, STRAP #19-44-23-00-00007.0010.

Amending the property's Future Land Use Designation from Rural to Commercial and rezoning from AG-2 to CPD will not affect this Agency's ability to provide law enforcement service to this location.

Respectfully,

A handwritten signature in cursive script that reads "Stan Nelson".

Stan Nelson
Director, Planning and Research



"The Lee County Sheriff's Office is an Equal Opportunity Employer"
14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000



Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Raymond Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

August 25, 2021

Via E-Mail

Fred Drovdlc, AICP
Waldrop Engineering, Inc.
28100 Bonita Grande Drive
Bonita Sprints, FL 34135

**RE: Wastewater Availability
3600-3640 SW Pine Island Road
STRAP # 19-44-23-00-00007.0010**

Dear Mr. Drovdlc:

The subject property is not located within Lee County Utilities Future Service Area as depicted on Maps 7 of the Lee County Comprehensive Land Use Plan. A sanitary sewer line is in operation adjacent to the property mentioned above. In order to provide service to the subject parcel, a comprehensive plan amendment and developer funded system enhancements such as line extensions will be required.

Your firm has indicated that this project will consist of 1 shopping plaza with an estimated flow demand of approximately 2,546 gallons per day. Lee County Utilities presently has sufficient capacity to provide sanitary sewer service as estimated above.

Availability of sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Sanitary sewer service will be provided by Pine Island Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

There are no reuse mains in the vicinity of this parcel.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

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.

August 25, 2021

Page 2

Further, this letter of availability of sanitary sewer service is to be utilized for Zoning only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING



Matlacha/Pine Island Fire Control District

5700 Pine Island Road, Bokeelia, FL 33922
Phone: 239-283-0030 Fax: 239-283-3313

RE: Fire Service Availability

(3640 SW Pine Island Road, STRAP #19442300000070010)

Dear Mr. Drovdlie

The subject property as identified above is located within the Matlacha Pine Island Fire Control District (District) service area.

Your firm has indicated that this project will consist of 1.4 acres for a car lot and other commercial uses. The District presently has sufficient capacity to provide fire service to the Subject Property

This letter of availability for fire service is to be used for a comprehensive plan amendment from Rural to Commercial and for your application to rezone to CPD. Upon filing your application for CPD please provide a copy of the application to the District including the Master Concept Plan, property development regulations and the proposed schedule of uses. This letter does not include any review or comment on the application of fire codes or site design regarding emergency vehicle access.

Respectfully,

Chief Benjamin Mickuleit

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State Policy Plan and Regional Policy Plan

I. STATE COMPREHENSIVE PLAN

Although the Community Planning Act of 2011 eliminated the requirement for consistency of the local comprehensive plan with the state comprehensive plan, the following analysis is included for further justification of the request. The plan amendment is consistent and furthers the adopted State Comprehensive Plan. Relevant portions are discussed below.

187.201(6) PUBLIC SAFETY.—

(a) Goal.—*Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.*

(b) Policies:

9. Increase crime prevention efforts to enhance the protection of individual personal safety and property.

CONSISTENCY: The Lee County Sheriff's has provided a letter of service availability for this site.

(b) Policies:

22. Require local governments, in cooperation with regional and state agencies, to prepare advance plans for the safe evacuation of coastal residents.

23. Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters.

CONSISTENCY: The map amendment from Rural to Commercial prevents housing from being developed on this parcel that is in the Coastal High Hazard Zone lessening the population that would be in need of evacuation.

187.201(7) WATER RESOURCES.—

(a) Goal.—*Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.*

(b) Policies:

5. Ensure that new development is compatible with existing local and regional water supplies.

CONSISTENCY: The Greater Pine Island Water Association has the service franchise over this parcel and currently serves the site with adequate capacity of expansion of commercial activities according to the letter of service availability.

10. Protect surface and groundwater quality and quantity in the state.

CONSISTENCY: The site will reuse the existing building but will redevelop the layout and paving of the site triggering adherence to all water treatment and storm water management policies in the Lee County LDC which are consistent with State policies.

187.201(9) NATURAL SYSTEMS AND RECREATIONAL LANDS.—

(a) Goal.—*Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.*

(b) Policies:

- 1. Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.**
- 3. Prohibit the destruction of endangered species and protect their habitats.**
- 4. Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state.**

CONSISTENCY: The Project site has been disturbed and previously developed. There is no indigenous or native vegetation to preserve. Redeveloped of the site will result in the removal of invasive exotics on site and establishment of native buffers and general trees improving the natural vegetation quality.

There were no endangered species found on site according to David Key's PSS.

187.201(12) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE.—

(a) Goal.—*All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.*

(b) Policies:

- 2. By 1994, provide in all counties a countywide solid waste collection system to discourage littering and the illegal dumping of solid waste.**

CONSISTENCY: The site is serviced by the Lee County Solid Waste Department with adequate capacity.

(15) LAND USE.—

(a) Goal.—*In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.*

(b) Policies:

- 1. Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.**

2. Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.

CONSISTENCY: Redevelopment of this site and allowing an increased intensity of commercial uses through this land use change will serve western Cape Coral with much needed commercial services while bringing the site up to modern land development code requirements for protection of ground water by replacing the septic system with connection to public utilities.

(17) PUBLIC FACILITIES.—

(a) Goal.—Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

(b) Policies:

- 1. Provide incentives for developing land in a way that maximizes the uses of existing public facilities.**
- 2. Promote rehabilitation and reuse of existing facilities, structures, and buildings as an alternative to new construction.**
- 3. Allocate the costs of new public facilities on the basis of the benefits received by existing and future residents.**

CONSISTENCY: The Commercial FLUC requires new commercial development to connect to public water and sanitary sewer. Public water services the site currently and will continue through the Greater Pine Island Water Association. The site is currently on septic but will be required to connect to Lee County Utilities who has proved a letter of service capacity availability.

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Justification of Proposed Amendment

I. REQUEST

Property owner Ted Allen ("Applicant") is requesting to rezone a 1.4+/- acre parcel on the south side of SW Pine Island Road approximately ½ mile west of the SW Pine Island Road and Veteran's Parkway intersection from the RURAL to COMMERCIAL Future Land Use Category.

Additionally, there is a companion zoning action assigned case DCI2021-00029, to rezone from AG-2 to Commercial Planned Development (CPD).

The intent is to use the parcel for office, small retail and similar uses but the primary use will be a vehicle dealership to sell used cars and rent vehicles for tourist use. The intent is to use the existing structure for the sales and administrative office and allow for slight expansion requesting 2,000 sf maximum building.

II. FLUC CHANGE JUSTIFICATION

The change from the Rural Future FLUC to the Commercial FLUC is consistent with the use in the area and trends in the SW Pine Island Corridor.

1. The parcel has historically been an office for the Pine Island Chamber of Commerce. The requested use is for similar business services and a car dealership of limited size. The abutting parcel that is over 12 acres is zoned commercially. Across Pine Island Road are vacant commercially zoned properties and small single-family lots that would be supported by this land use change. To the east, less than 1/3 mile, are City of Cape Coral lots that are nearly 15 acres that would allow for significant mixed-use development of high intensity. To the west is conservation area. This is the last parcel on the corridor west of Veteran's Parkway with an opportunity to support the significant number of residential houses in the City of Cape Coral and in the Matlacha area of Lee County with commercial services.
2. The area is developing rapidly residentially as the City has completed the North Phase I and II sanitary sewer and water connections in the region north of SW Pine Island Road. New housing starts have risen significantly in the area creating the need for more commercial services.
3. Historically, Cape Coral is in need of commercial parcels and services to reduce commuting times for the primarily residential pre-platted area. The conversion of this parcel to fully commercial under the Future Land Use Map and with limited CPD zoning would serve the area residents and not negatively impact or develop to such an extent that would change the character of the area.
4. The change is consistent with the Commercial FLUC that is intended for use where residential development would increase densities in areas such as the Coastal High Hazard Areas. According to LeePlan Map 5 the subject property is in the CHHA. The past use has been commercial and to allow it to revert to housing would be inconsistent with intent of reducing residential units in the CHHA.

The proposed rezoning requests allows the Property to be developed in a similar manner to the surrounding properties. The Alico Road corridor has experienced rapid growth and development of

several industrial planned developments. The current AG-2 zoning will not allow intense development suitable for the Property's central location for transportation and workforce housing.

III. CONCLUSION

The use of this site will bring the former Chamber of Commerce office up to current code while reusing the existing building as an office and sales center for business services and a small vehicle dealership. The use will require a land use change from Rural to Commercial and will only be able to be approved if the comprehensive plan amendment is granted. The site has current violations that are being address by the owner and the redevelopment of this property will bring the site into compliance with code and be a significant improvement to this corridor. The site is agriculturally zoned and in the Rural land use which allows for residential density in a Coastal High Hazard area. The requested Commercial FLUC and commercial will prohibit residential density therefore supporting the Lee Plan's intent to reduce residential density in these areas. It abuts a commercially zoned property of 12.5+/- acres and is less than ½ mile from a major potential commercial corner at Veteran's Parkway and SW Pine Island Road. The redevelopment of this property to commercial uses will serve the dense City of Coral residential development that is quickly growing in this area.

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Planning Communities/Community Plan Area Requirements

I. LEE PLAN GOAL 17

Lee Plan Map 1 (page 2 of 7) – Special Treatment Areas – shows the parcel abutting but outside of the Greater Pine Island planning community (Goal 24). The parcel is not a planning community and does not have to meet the requirements of Lee Plan Goal 17.

