



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Request: Rezone from: CC To: CPD

x ☐ NO ☐ YES¹

¹ If **YES**, submit additional fee required by LDC 2-147(A)(3)

This is a request to rezone an existing 29,498 sq. ft. office building from CC to CPD to permit the building to be converted to Public Warehouse.

PART 1
APPLICANT/AGENT INFORMATION

2. **Additional Agent(s):** Provide the names of other agents that the County may contact concerning this application. **[34-202(a)(4)]**

Page 1

PHONE (239) 533-8585

PART 2
PROPERTY OWNERSHIP

- A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]**

Name: SS Building LLC

Address: 4099 Tamiami Trail N, Suite 403

City, State, Zip: Naples, FL 34103

Phone Number: 239-263-2324

Email: km@fmdc.us

- B. Disclosure of Interest [34-202(a)(2)]:**

☒ Attach Disclosure of Interest Form.

☐

- C. Multiple parcels:**

☒ Property owners list. [34-202(a)(8)]

☐

☒ Property owners map. [34-202(a)(8)]

☐

- D. Certification of Title and Encumbrances [34-202(a)(7)]**

1. Title certification document, no greater than 90 days old.

2. Date property was acquired by present owner(s): 7/1/93

PART 3
PROPERTY INFORMATION

- A. STRAP Number(s): [Attach extra sheets if additional space is needed.] [34-203(a)(5)]**

05-45-25-00-00001.0020

- B. Street Address of Property:** 3650 Colonial Blvd.

- C. Legal Description (must submit) [34-202(a)(5)]:**

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

☐

OR

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)

AND

Boundary Survey [34-202(a)(6)]:

☒ A Boundary survey, tied to the state plane coordinate system.

☐

OR

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

- D. Surrounding property owners (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):**

1. ☒ List of surrounding property owners. [34-202(a)(9)]

☐

2. ☒ Map of surrounding property owners. [34-202(a)(9)]

☐

3. ☒ One set of mailing labels. [34-202(a)(9)]

☐

Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

- E. Current Zoning of Property:** CC

☐ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

F. Use(s) of Property:

1. Current uses of property are: Office Building
2. Intended uses of property are: Public Warehouse and Office Building

G. Future Land Use Classification (Lee Plan):

Intensive Development	<u>2.58</u>	Acres	<u>100</u>	% of Total
		Acres		% of Total
		Acres		% of Total

H. Property Dimensions:

1. Width (average if irregular parcel):	<u>239</u>	Feet		
2. Depth (average if irregular parcel):	<u>350</u>	Feet		
3. Total area:	<u>2.58</u>	Acres or square feet		
4. Frontage on road or street:	<u>163</u>	Feet on	<u>Colonial</u>	Street
2 nd Frontage on road or street:	<u>536</u>	Feet on	<u>Deer Run Farms</u>	Street

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

☒ Not Applicable

- ☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
- ☐ North (Upper) Captiva Community Plan area. [33-1711]
- ☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
- ☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
- ☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
- ☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
- ☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]
- ☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
- ☐ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
- ☐ North Fort Myers Planning Community. [33-1532(a)&(b)]
- ☐ North Olga Community Plan area. [33-1663(a)&(b)]

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. [34-201(c)]

PART 4
TYPES OF LAND AREA ON PROPERTY

A. Gross Acres (total area within described parcel)

1. Submerged land subject to tidal influence		<u>2.58</u>	Acres
2. a. Preserved freshwater wetlands	<u>0</u>	Acres	
b. Impacted wetlands		Acres	
c. Preserved saltwater wetlands		Acres	
d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)		Acres	
3. R-O-W providing access to non-residential uses		Acres	
4. Non-residential use areas ^{(1) (2)}		Acres	

B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).

N/A Acres

C. Gross residential acres. (A minus B) ⁽³⁾

N/A Acres

D. Gross residential acres (by Land Use Category)

1. a. Intensive Development – upland		Acres
b. Intensive Development – preserved freshwater wetlands		Acres
c. Intensive Development – impacted wetlands		Acres
2. a. Central Urban – upland		Acres
b. Central Urban – preserved freshwater wetlands		Acres
c. Central Urban – impacted wetlands		Acres
3. a. Urban Community or Suburban – upland		Acres

- b. Urban Community or Suburban – preserved freshwater wetlands _____ Acres
- c. Urban Community or Suburban – impacted wetlands _____ Acres

4.	a.	Suburban – upland	_____	Acres
	b.	Suburban – preserved freshwater wetlands	_____	Acres
	c.	Suburban – impacted wetlands	_____	Acres
5.	a.	Outlying Suburban – upland	_____	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Outlying Suburban – impacted wetlands	_____	Acres
6.	a.	Sub-Outlying Suburban – upland	_____	Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Sub-Outlying Suburban – impacted wetlands	_____	Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland	_____	Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands	_____	Acres
8.	a.	Open Lands – upland	_____	Acres
	b.	Open Lands – wetlands	_____	Acres
9.	a.	Resource – upland	_____	Acres
	b.	Resource – wetlands	_____	Acres
10.	a.	Wetlands	_____	Acres
11.	a.	New Community – upland	_____	Acres
	b.	New Community – wetlands	_____	Acres
12.	a.	University Community – upland	_____	Acres
	b.	University Community – wetlands	_____	Acres
13.	a.	Coastal Rural – upland	_____	Acres
	b.	Coastal Rural – wetlands	_____	Acres
TOTAL (should equal "C" above)			_____	Acres

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5 RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: _____

		Lee Plan Table 1(a)		
		Max. standard density		Units
1.	Standard Units			
	a. Total upland acres (from Part 4, D.)	_____ x _____	equals	_____
	b. Total preserved freshwater wetlands acres (from Part 4, D.)	_____ x _____	equals	_____
	c. Total impacted wetlands acres (from Part 4, D.)	_____ x _____	equals	_____
	d. Total Allowed Standard Units ⁽¹⁾			_____
2.	Bonus Units [2-143]			
	a. Site-built Affordable Housing			_____
	b. Transferrable Dwelling Units			_____
	c. Sub-total			_____
3.	Total Permitted Units ⁽¹⁾			_____

Note:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

PART 6
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY INTENSITY CALCUATIONS

A. Commercial 1. Medical 2. General Office 3. Retail 4. Other: _____ Public Warehouse 5. TOTAL FLOOR AREA	Height 	Total Floor Area (Square Feet)
	35'	29,498 29,498
B. Industrial 1. Under Roof 2. Not Under Roof 3. TOTAL FLOOR AREA	Height 	Total Floor Area (Square Feet)
C. Mining 1. Area to be excavated	Depth 	Total Acres
D. Assisted Living Facilities 1. Dependent Living Units 2. Independent Living Units 3. TOTAL BEDS/UNITS	Height 	Total Beds/Units
E. Hotels/Motels (Room Size) 1. < 425 sq. ft. 2. 426-725 sq. ft. 3. 725 < sq. ft. 4. TOTAL UNITS	Height 	Total Rental Units

PART 7
ACTION REQUESTED

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
- 1. Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**
 - 2. Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. [34-373(a)(9)]

D. **Bonus Density:** [34-202(a)(11)]

☒ Not Applicable

☐

☐ Bonus Density will be used. Provide the number of Bonus Density units being requested and a narrative of how the request meets the requirements of LDC Section 2-146.

**PART 8
ENVIRONMENTAL REQUIREMENTS**

- A. **Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)b.iv.]
N/A
-
- B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473(f)].
N/A
-
- C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
N/A
-
- D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
N/A
-
- E. **Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)b.i.] N/A
- F. **FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)c.] N/A
- G. **Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)b.iii.] N/A
- H. **Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)b.v.] N/A

**PART 9
SANITARY SEWER & POTABLE WATER FACILITIES**

- A. **Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:
-
- B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:
1. Method and degree of treatment:

 2. Quality of the effluent:

3. Expected life of the facility:

4. Who will operate and maintain the internal collection and treatment facilities:

5. Receiving bodies or other means of effluent disposal:

C. Spray Irrigation: If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

2. Current water table conditions:

3. Proposed rate of application:

4. Back-up system capacity:

**PART 10
ADDITIONAL REQUIREMENTS**

A. Major Planned Developments:

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

- B. Amendments to Built Planned Developments:** The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. Attach proof of notice to other property. **[34-373(c)]**

- C. Development of Regional Impact:** Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(9)]**

D. Private Recreational Facility Planned Developments (PRFPDs):

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)(1)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1)]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**

5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**
6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**
- E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ YES (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(a)(10)]**
- ☐ NO (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(a)(10)]**
- F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(a)(12)]**
- G. **Flood Hazard:**
- ☒ Not applicable
- ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)
- H. **Excavations/Blasting:**
- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Hazardous Materials Emergency Plan for Port Facilities:** **[12-110(a)(16)]**
- ☒ Not Applicable
- ☐ Provide a Hazardous materials emergency plan.
- J. **Mobile Home Park:** **[34-174(h)]**
- ☒ Not Applicable
- ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- K. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
- ☒ Not Applicable
- ☐ Property is located within _____ Airport Noise Zone: **[34-1104]**
- ☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
- ☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
- ☐ A Tall Structures Permit is required. **[34-1108]**

PART 5
SUBMITTAL REQUIREMENT CHECKLIST

Clearly label your attachments as noted in bold below

Copies Required	SUBMITTAL ITEMS
3	☐ Completed application for Public Hearing [34-202(a)(1)]
1	☐ Filing Fee - [34-201(d)]
1	☐ Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
3	☐ Affidavit of Authorization (notarized) Form [34-202(a)(3)]
3	☐ Additional Agents [34-202(a)(4)]
3	☐ Multiple Owners List (if applicable) [34-202(a)(2)]
3	☐ Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
3	☐ Legal description (must submit) [34-202(a)(5)]
	☐ Legal description (metes and bounds) and sealed sketch of legal description
	OR
	☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
3	☐ Boundary Survey – not required if platted lot (2 originals required) [34-202(a)(6)]
3	☐ Property Owners list (if applicable) [34-202(a)(8)]
3	☐ Property Owners map (if applicable) [34-202(a)(8)]
3	☐ Confirmation of Ownership/Title Certification [34-202(a)(7)]
3	☐ STRAP Numbers (if additional sheet is required) [34-202(a)(5)]
1	☐ List of Surrounding Property Owners [34-202(a)(9)]
1	☐ Map of Surrounding Property Owners [34-202(a)(9)]
1	☐ Mailing labels [34-202(a)(9)]
3	☐ List of Zoning Resolutions and Approvals
3	☐ Summary of Public Informational Session (if applicable)
3	☐ Waivers from Application Submission Requirements (if applicable) [34-201(c)]
3	☐ Preliminary Density Calculations (if applicable)
3	☐ Request Statement [34-373(a)(5)]
3	☐ Traffic Impact Statement (TIS) (not required for existing development) [34-373(a)(7)]
3	☐ Master Concept Plan (MCP), Non-PRFPD [34-373(a)(6)]
3	☐ Schedule of Uses [34-373(a)(8)]
3	☐ Schedule of Deviations and Written Justification [34-373(a)(9)]
3	☐ Topography (if available) [34-373(a)(4)b.iv.]
3	☐ Soils Map [34-373(a)(4)b.9.]
3	☐ FLUCCS Map [34-373(a)(4)c.]
3	☐ Rare & Unique Upland Habitat Map [34-373(a)(4)b.iii.]
3	☐ Existing and Historic Flow-Ways Map [34-373(a)(4)b.v.]
3	☐ Surface Water Management Plan (if applicable) [34-373(b)(1)]
3	☐ Phasing Program (if applicable) [34-373(b)(3)]
3	☐ Protected Species Survey (if applicable) [34-373(b)(2)]
3	☐ Proof of Notice (if applicable) [34-373(c)]

3	☐	Binding Letter from DCA (if applicable) [34-373(d)(9)]
3	☐	Master Concept Plan (MCP), PRFPD (if applicable) [34-941(g)(1)]
3	☐	Conceptual Surface Water Management Plan (if applicable) [34-941(d)(3)b.i.1)]
3	☐	Well Drawdown Information (if applicable) [34-941(d)(3)d.]
3	☐	Preliminary Indigenous Restoration Plan (if applicable) [34-941(e)(5)f.iii.]
3	☐	Environmental Assessment (if applicable) [34-941(g)(2)]
3	☐	Demonstration of Compatibility (if applicable) [34-941(g)(4)]
3	☐	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
3	☐	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
3	☐	Information Regarding Proposed Blasting (if applicable).
3	☐	Hazardous Materials Emergency Plan (if applicable)
3	☐	Mobile Home Park Dislocated Owners Information (if applicable) [34-202(b)(4)]
3	☐	Tall Structures Permit (if applicable) [34-1108]

**DISCLOSURE OF INTEREST
AFFIDAVIT**

BEFORE ME this day appeared MICHAEL ROEDER, 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 2550 COLONIAL BLVD, FM 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

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.

Michael Roder

Property Owner

MICHAEL Roder

Print Name

*****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, on 6/6/22 (date) by Michael Roder (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL



Melanie C. Legare
Signature of Notary Public

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared KHOSROW MOAVENI, 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 3650 COLONIAL BLVD. 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.]

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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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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.

K. Moaveni

Property Owner

KHOSROW MOAVENI

Print Name

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

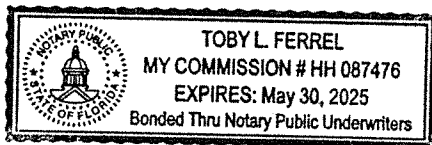
STATE OF FLORIDA
COUNTY OF ~~LEE~~ Collier

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on 7/14/22 (date) by Khosrow Moaveni (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Toby L Ferrel

Signature of Notary Public

STAMP/SEAL



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, Michael Roeder (name), as authorized representative (owner/title) of SS Building LLC (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.

Michael Roeder
Signature

6/6/22
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 June, 2022, by Michael Roeder (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL



Melanie C. Legare
Signature of Notary Public

GEN2022-00117

**REQUEST FOR
SUBMITTAL REQUIREMENT WAIVER
FOR UNINCORPORATED AREAS ONLY**

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

**APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS
(indicate the appropriate application type)**

- ☒ Public Hearing - General Requirements (34-202)
- ☐ Public Hearing - Mining Excavation Planned Development (12-110)
- ☒ Public Hearing - Additional Requirements for:
- ☐ Development of Regional Impact (34-202(b)(1))
- ☒ Planned Developments (34-202(b)(2))
- ☐ Planned Development Amendment (34-202(b)(2))
- ☐ Rezoning other than Planned Developments (34-202(b)(3))
- ☐ Special Exceptions (34-202(b)(5))
- ☐ Variances (34-202(b)(6))
- ☐ Limited Amendment to Existing Mine Zoning Approval [12-121(j)]
- ☐ Private Recreational Facilities Planned Development (34-941(g))
- ☐ Development Order - Submittal Requirements (10-152)
- ☐ Application Form and Contents (10-153)
- ☐ Additional Required Submittals (10-154)
- ☐ Limited Review Development Order - Submittal Requirements (10-152)
- ☐ Required Submittals (10-175)
- ☐ Administrative Action Application Requirements [34-203]
- State the Type of Administrative Application: _____

PLEASE PRINT OR TYPE:

STRAP Number: 05-45-25-00-00001.0020

Name of Project: SS Building

Name of Agent: Michael Roeder

Street Address: 1625 Hendry St.

City, State, Zip: Ft. Myers, FL. 33901

Phone Number: 239-334-2722 Email Address: mroeder@knott-law.com

Name of Applicant*: SS Building, LLC

Street Address: 4099 Tamiami Tr., Suite 403

City, State, Zip: Naples, FL 34103

Phone Number: 239-263-2324 Email Address: km@fmdc.us

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

LEE COUNTY COMMUNITY DEVELOPMENT

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

Section Number	Requirement
#1 34-373(a)(7)	TIS
#2 34-373(a)(4)b.iv.	Topography
#3 34-373(a)(4)b.9.	Soils Map
#4 34-373(a)(4)c.	FLUCCS Map
#5 34-373(a)(4)b.iii	Upland Habitat Map
#6 34-373(a)(4)b.v.	Flow-Ways Map
#7 34-202(a)(10)	Potable Water and Sanitary Sewer
#8	
#9	

B. SCOPE OF PROJECT AND REASON(S) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

This is a request to rezone an existing office building from CC to CPD to allow for the ground floor to be converted to Public Warehouse use. There has been an office building at this location since 1986 and for the past thirty years it served as the public service center for the Social Security Administration. This use generated much traffic, but now their offices have moved. The new use of Public Warehouse will generate significantly less traffic, as well as less water and sewer demand. Since the site has been developed with an office building and related parking for the past 36 years, the normal environmental maps would not be appropriate.

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

Michael Roder Signature of Applicant 3/15/22 Date

.....
 FOR STAFF USE ONLY

DIRECTOR'S DECISION:

- ☐ Request Denied
☒ Request Approved
☐ Request Approved Per Attached Comments

Electronically signed on 4/6/2022 by
 Anthony R. Rodriguez, AICP, Zoning Manager
 Lee County Department of Community Development

 Director Signature Date

PART 6
SUBMITTAL REQUIREMENT CHECKLIST

Two copies required for submittal
Clearly label your attachments as noted in bold below

☐	Completed application for Public Hearing [34-202(a)(1)]
☐	Filing Fee - [34-201(d)]
☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
☐	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
☐	Additional Agents [34-202(a)(4)]
☐	Multiple Owners List (if applicable) [34-202(a)(2)]
☐	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
☐	Legal description (must submit one) [34-202(a)(1)]
☐	Legal description (metes and bounds) and sealed sketch of legal description
	OR
☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
☐	Boundary Survey (not required if platted lot) [34-202(a)(2); 34-373(a)(4)a.]
☐	Property Owners list (if applicable) [34-202(a)(5)]
☐	Property Owners map (if applicable) [34-202(a)(5)]
☐	Confirmation of Ownership/Title Certification [34-202(a)(3)]
☐	STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
☐	List of Surrounding Property Owners [34-202(a)(6)]
☐	Map of Surrounding Property Owners [34-202(a)(7)]
☐	Mailing labels [34-202(a)(9)]
☐	List of Zoning Resolutions and Approvals
☐	Summary of Public Informational Session (if applicable)
☐	Waivers from Application Submission Requirements [34-201(c)]
☐	Request Statement [34-202(b)(5)(a)]
☐	Traffic Impact Statement (TIS) [34-202(b)(5)(b)]
☐	Site Plan [34-202(b)(5)(c)]
☐	Additional Information (if applicable) [34-202(b)(5)(d)]
☐	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
☐	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
☐	Excavations/Blasting (if applicable)
☐	Tall Structures Permit (if applicable) [34-1108]
☐	Solar or Wind Energy Modifications (if applicable) [34-202(b)(5)(d)1.]
☐	Consumption on Premises (COP) (if applicable) [34-202(b)(5)(d)2.]
☐	Private Aircraft Landing Facilities (if applicable) [34-202(b)(5)(d)3.]
☐	Wireless Communication Facilities (if applicable) [34-1441 et. seq.]
☐	Model Homes (if applicable) [34-1954(a)(2) & (b)]

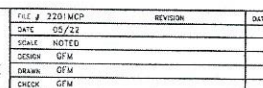
SS Building CPD

Statement of Request

This is a request to change the zoning for the existing office building located at 3650 Colonial Blvd. from CC to CPD. There is only one reason for this request and that is that the CC zoning does not permit Public Warehouse, which is the new use the owner desires at this time. For the past twenty-five years this building functioned as the main service center in Lee County for the Social Security Administration. When that office relocated several months ago, the owner determined that indoor storage (Public Warehouse) would be the next best use for this older building. Since the Social Security Use generated much traffic on a daily basis, this new use will actually represent a down zoning in terms of traffic and utility impacts, as well as parking demand.

The 2.58 acre parcel is designated Intensive Development on the Future Land Use Map, and is surrounded by other commercial uses. There should be no Lee Plan or zoning issues since the proposed use will be much less intense than before, and for a building that has been in this location since 1988. Although the intent would be to devote the entire building to Public Warehouse at some point in the future, we are requesting to also retain the currently approved CC uses to allow for some office use in the interim.

There are no sensitive environmental features on the site, and the proposed use is compatible with neighboring properties. The request is consistent with the Intensive Development land use category and the zoning regulations.



SS Building CPD

Permitted Uses

All uses allowed in CC

Public Warehouse

Property Development Regulations

Site area: 2.58 acres

Building Size: 30,000 sq. ft.

Maximum Building Height: 35 ft.

Setbacks: Front 25', Side 15', Rear 20'.

SURVEYOR'S CERTIFICATION

The undersigned, being a duly licensed and qualified surveyor in and for the state of Florida, does hereby certify to Khosrow Moaveni, Knott Ebelini Hart, Attorneys At Law and Lee County Board of County Commissioners as follows:

1. This survey was prepared by me and was actually made upon the ground on February 3, 2007, and updated on April 12, 2022, and is based on an inspection of the following described real estate (the "Mortgaged Property").

Description:

DESCRIPTION AS SUPPLIED BY CLIENT
Description of a Parcel of Land Lying in the Northwest 1/4 of Section 5, T-45-S, R-25-E, Lee County, Florida (Easterly Parcel)

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the northwest one quarter (NW 1/4) of Section 5, Township 45 South, Range 25 East, and more particularly described as follows:

Starting at the northwest corner of said Section 5 thence S00°08'44"W along the west line of said Section 5 for 124.08 feet to the southerly right-of-way line of Colonial Boulevard; thence N89°55'48"E along said right-of-way line for 157.51 feet to the Point of Beginning of the herein described parcel; thence continue N89°55'48"E along said right-of-way line for 57.66 feet to the beginning of a curve concave to the north having a radius of 2889.79 feet thence easterly along said curve and said right-of-way line through a central angle of 02°01'11" for 105.39 feet to an intersection with the west line of the westerly 670.00 feet of the easterly 1000.00 feet of the north one half (N 1/2) of the northwest one quarter (NW 1/4) of the northwest one quarter (NW 1/4) of said Section 5; thence S00°27'26"W along a line not tangent to said curve and along said west line for 635.94 feet; thence S89°27'53"W along the south line of said fraction for 317.84 feet; thence N00°08'44"E along the aforesaid west line of said Section 5 for 163.01 feet; thence N89°27'53"E for 155.50 feet; thence N00°27'26"E for 372.38 feet to the point of Beginning.

Said parcel contains 2.58 acres, more or less.

Said parcel subject to a roadway easement over and across the easterly 20.00 feet.

Said parcel subject to the following described frontage road easement:

Starting at the northwest corner of said Section 5; thence S00°08'44"W along the west of said Section 5 for 124.08 feet to the southerly right-of-way line of Colonial Boulevard; thence N89°55'48"E along said right-of-way line for 157.51 feet to the Point of Beginning of the herein described parcel; thence continue N89°55'48"E along said right-of-way line for 57.66 feet to the beginning of a curve concave to the north having a radius of 2889.79 feet thence easterly along said curve and said right-of-way line through a central angle of 02°01'11" for 105.39 feet; thence S89°27'53"W along a line not tangent to said curve for 82.92 feet; thence S00°27'26"W for 42.12 feet; thence N71°18'27"W for 89.47 feet; thence S89°55'48"W parallel with said right-of-way line for 58.03 feet; thence N00°27'26"E for 40.00 feet to the Point of Beginning.

Said parcel subject to all easements, rights-of-way and restrictions of record.

2. that it and the information, courses and distances shown thereon have been measured and calculated within the precision and position tolerance requirements stated in the 2005 ALTA/ACSM Minimum Standard Detail Requirements;

3. that the title lines and lines of actual possession are the same, except as shown;

4. that the size, location and type of buildings and improvements are as shown and all are within the boundary lines and applicable set-back lines of the Mortgaged Property, except as shown;

5. that the mortgage Property described hereon is the same as the property described in Title Company's Commitment No. (C-4759), dated 2/22/07 ("Commitment");

6. that the location and recording data of all easements, rights-of-way and other matters of record located on (or otherwise affecting) the Mortgaged Property and shown in the Commitment, or apparent from a physical inspection of the Mortgaged Property or otherwise known to me, have been plotted hereon or otherwise noted as to their effect on the Mortgaged Property;

7. that there are no visible party walls, encroachments or overhangs, affecting the Mortgaged property;

8. that, with respect to party walls, adequate access was given to the buildings on the surveyed premises;

9. that all utility services required for the operation of the Mortgaged Property either the Mortgaged Property through adjoining public streets, or the survey shows the point of entry and location of any utilities which pass through or are located on adjoining private land;

10. that the Mortgaged Property "does" lie within a Special Flood Hazard Area as defined by the Federal Emergency Management Agency; the Mortgaged Property lies within Zone "B" of the Flood Insurance Rate Map identified as Community Panel No. 125124 0350 B bearing an effective date of September 19, 1984;

11. that the Mortgaged Property has direct access by way of the Access Easement recorded in O.R. Book: 601 Page: 434;

12. that the total number of striped parking spaces on the Mortgaged Property is 112, including 7 designated handicap spaces, all which have been properly located and shown on the survey;

13. Unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Mapper, this map/report is for informational purposes only and is not valid.

14. The land description hereon is based on the instrument of record.

15. No underground foundations or utilities were located.

16. Bearings shown hereon are based on DEED, the south right-of-way line of Colonial Boulevard, bearing N 89°55'48" E. 17. Property Address: 10100 Deer Run Farm Road, Fort Myers, Florida;

17. State Plane Coordinates are based on horizontal Datum N.A.D.83 (2007), FLORIDA WEST ZONE.

This survey and any survey upon which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly adopted by the American Land Title Association on October 20, 2005, the American Congress on Surveyors and Mapping on October 24, 2005, and meets the requirements contained therein, including Table A, Optional Items 1-4, 7(c), 7(b)(1), 7(c), 8-10, 11(c) and 13-14, 16-18.

Certification:

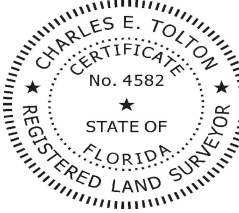
I hereby certify that the attached Boundary Survey of the herein described property as surveyed in the field under my direction on April 12, 2022, I further certify that this Boundary Survey meets the Standards of Practice set forth in chapter SJ-17.05 Florida Administrative Code, pursuant to section 472.027, Florida Statutes. There are no above ground encroachments other than those shown hereon, subject to the qualifications noted hereon.

Charles E. Tolton

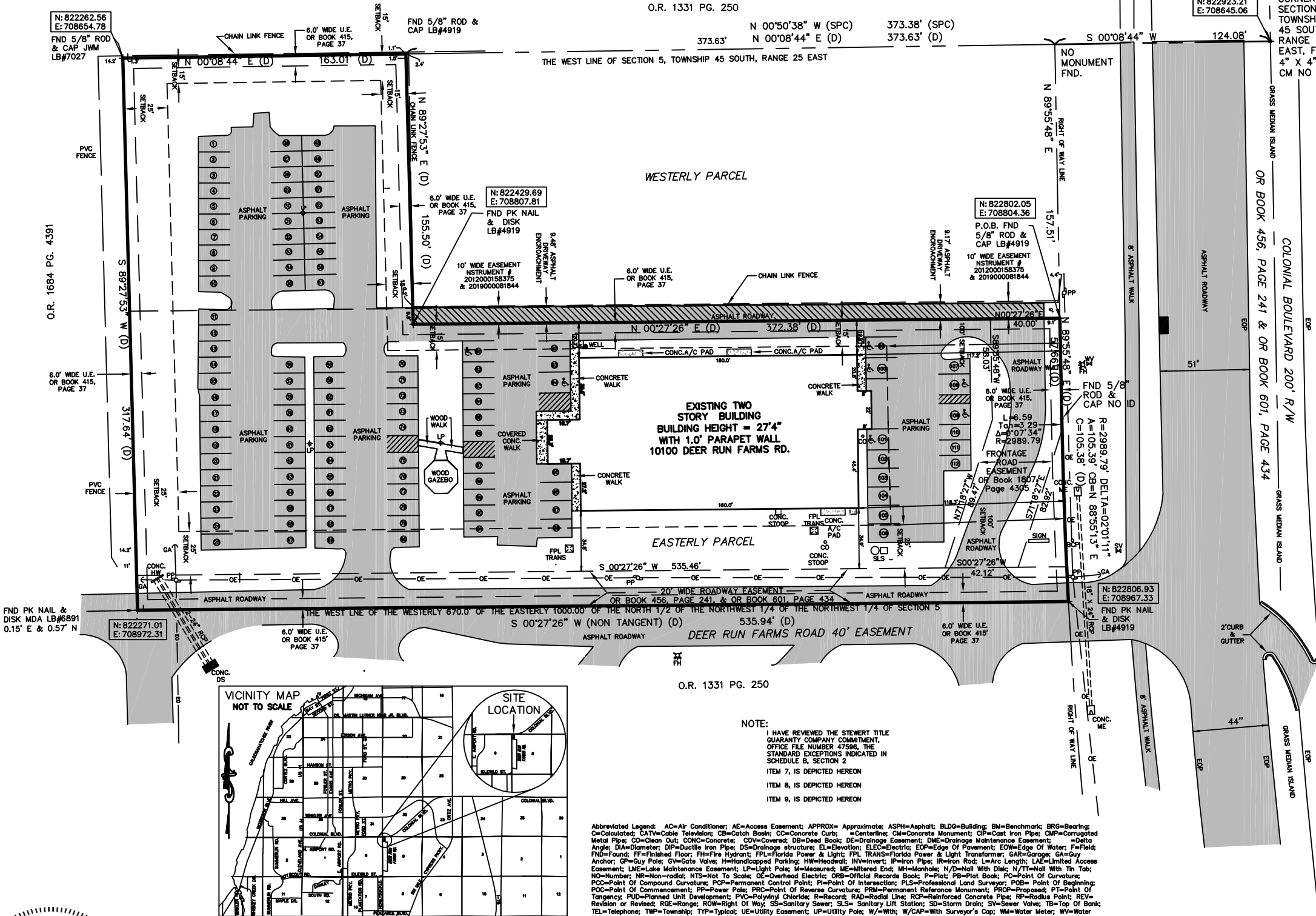
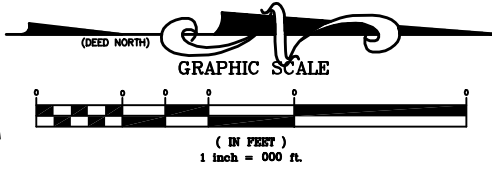
Digitally signed by Charles E. Tolton
DN: cn=Charles E. Tolton, o=Charles E. Tolton and Assoc., Inc., ou=Surveying, email=charles@ctasurveying.com, c=US

Date: 05/10/2022

Charles E. Tolton, P.S.M.
Florida Registration No. 4582



ALTA/ACSM
LAND TITLE SURVEY
IN SECTION 5, TOWNSHIP 45 SOUTH, RANGE 25 LEE COUNTY, FLORIDA



NOTE:

- I HAVE REVIEWED THE STEWART TITLE GUARANTY COMPANY COMMITMENT, OFFICE FILE NUMBER 47596, THE STANDARD EXCEPTIONS INDICATED IN SCHEDULE B, SECTION 2
- ITEM 7, IS DEPICTED HEREON
- ITEM 8, IS DEPICTED HEREON
- ITEM 9, IS DEPICTED HEREON

Abbreviated Legend: AC=Air Conditioner; AE=Access Easement; APPROX=Approximate; ASPH=Asphalt; BLDG=Building; BM=Benchmark; BRG=Bearing; C=Calculated; CATV=Cable Television; CB=Catch Basin; CC=Concrete Curb; C=Centerline; CM=Concrete Monument; COP=Cast Iron Pipe; CMP=Corrugated Metal Pipe; CO=Clean Out; CONC=Concrete; COV=Covered; DB=Dead Book; DE=Drainage Easement; DME=Drainage Maintenance Easement; DIA=Diameter; DIP=Ductile Iron Pipe; DS=Drainage Structure; EL=Elevation; ELEC=Electric; EOP=Edge Of Pavement; EOW=Edge Of Water; F=Field; FND=Found; FTR=Fire Hydrant; FPL=Florida Power & Light; FPL TRANS=Florida Power & Light Transformer; GAR=Garage; GA=Guy Anchor; GV=Guy Pole; GV=Gate Valve; H=Handicapped Parking; HW=Headwall; INV=Invert; IP=Iron Pipe; IR=Iron Rod; L=Arc Length; LAE=Limited Access Easement; LME=Lake Maintenance Easement; LP=Light Pole; M=Measured; ME=Mitered End; MH=Manhole; N/D=Nail With Disk; N/TT=Nail With Tin Tab; NO=Number; NR=Non-radial; NTS=Not To Scale; OE=Overhead Electric; ORB=Official Record Book; P=Plot; PB=Plot Book; PC=Point Of Curvature; POC=Point Of Commencement; POP=Point Of Intersection; PLS=Professional Land Surveyor; POS=Point Of Beginning; PRC=Point Of Curvature; PRC=Point Of Reverse Curvature; PRM=Permanent Reference Monument; PROP=Proposed; PT=Point Of Tangency; PUD=Planned Unit Development; PVC=Polyvinyl Chloride; R=Record; RAD=Radial Line; RCP=Reinforced Concrete Pipe; RP=Radius Point; REV=Revision or Release; RGE=Range; ROW=Right Of Way; SS=Sanitary Sewer; SLS=Sanitary Lift Station; SD=Storm Drain; SV=Sewer Valve; TD=Top Of Bank; TEL=Telephone; TWP=Township; TYP=Typical; UE=Utility Easement; UP=Utility Pole; W=Width; W/CAP=With Surveyor's Cap; WM=Water Meter; WV=Water Valve;

SCALE:	1" = 30'
DATE:	04/12/22
DWN. BY:	R.G.F.
CHK. BY:	C.E.T.
DWG. No.	CTA 07007
F.B. 138 PG.	37-38
JOB NO.:	CTA07007

CHARLES TOLTON & ASSOCIATES, INC.
ENGINEERING LAND SURVEYING
3508 RADIO ROAD SUITE E
NAPLES, FLORIDA 34104
(239)793-6633
EMAIL: c.tolton@ctasurveying.com

REVISIONS	DATE	DWN.	CHK.
ORIGINAL SURVEY	02/23/2007		
REVISED	04/12/22	UP-DATE	
SURVEY AND CONVERT TO STATE PLANE COORDINATES			

BOUNDARY SURVEY
KHOSROW MOAVENI

SHEET:	1
OF	1

Knott · Ebelini · Hart

Attorneys At Law

George H. Knott**
Mark A. Ebelini
Thomas B. Hart□

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

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

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THart@Knott-Law.com

Asher E. Knipe
George W. Gift, III

James T. Humphrey
Of Counsel

Michael E. Roeder, AICP
Director of Land Use

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

March 21, 2022

OPINION OF TITLE

Thomas B. Hart, Esq.
Knott Ebelini Hart
1625 Hendy St., Third Floor
Fort Myers, FL 33901

Development Order No. DCI2022-00015

Effective Date of Title Opinion: March 4, 2022

Certified to: Lee County Board of County Commissioners

I am an attorney licensed and eligible to practice law in the State of Florida and I have searched the Public Records of Lee County, Florida, and have examined the title to the real property more particularly described in the metes and bounds description attached hereto as **Exhibit "A."** I have made a careful examination of the Public Records of Lee County, Florida, with respect to the real property described in attached **Exhibit "A."** This Opinion of Title is provided to satisfy the requirements of Florida Statutes Section 177.041 and Lee County Land Administrative Code AC-13-19. Based on the foregoing, I am of the opinion that:

Title to the property, as of the Effective Date of the Opinion of Title set forth above, is vested in:
SS Building, LLC, a Florida limited liability company

The following are all of those persons or entities holding a mortgage secured by the property:

1. Mortgage to NationsBank of Florida, N.A., mortgagee(s), recorded in O. R. Book 2407, Page 4104; Assignment of Notes, Mortgages and other Loan Documents recorded in O. R. Book 2695, Page 2375, as modified by Real Estate Mortgage and Security Agreement Modification Agreement recorded in O. R. Book 2754, Page 2768; as affected by Certificate of Satisfaction/Discharge of Mortgage recorded under Instrument Number 2007000202002 and as affected by Affidavit of Cancellation in Error as recorded under Instrument Number 2008000011810, Public Records of Lee County, Florida.

2. Mortgage to Wells Fargo Bank, National Association, mortgagee(s), recorded under Instrument Number 2017000094221, Public Records of Lee County, Florida.

The following are all easements and right of ways affecting the property to be platted, whether recorded or unrecorded:

TYPE OF EASEMENT	RECORDING INFORMATION
Road Easement	Warranty Deeds recorded in O. R. Book <u>456</u> , Page <u>241</u> and O. R. Book <u>601</u> , Page <u>434</u> , Public Records of Lee County, Florida.
Frontage Road Easement Grant	O. R. Book <u>1807</u> , Page <u>4305</u> , Public Records of Lee County, Florida.
Easement	Instrument Number <u>2012000158375</u> and re-recorded under Instrument Number <u>2019000081844</u> , Public Records of Lee County, Florida.

KNOTT EBELINI HART

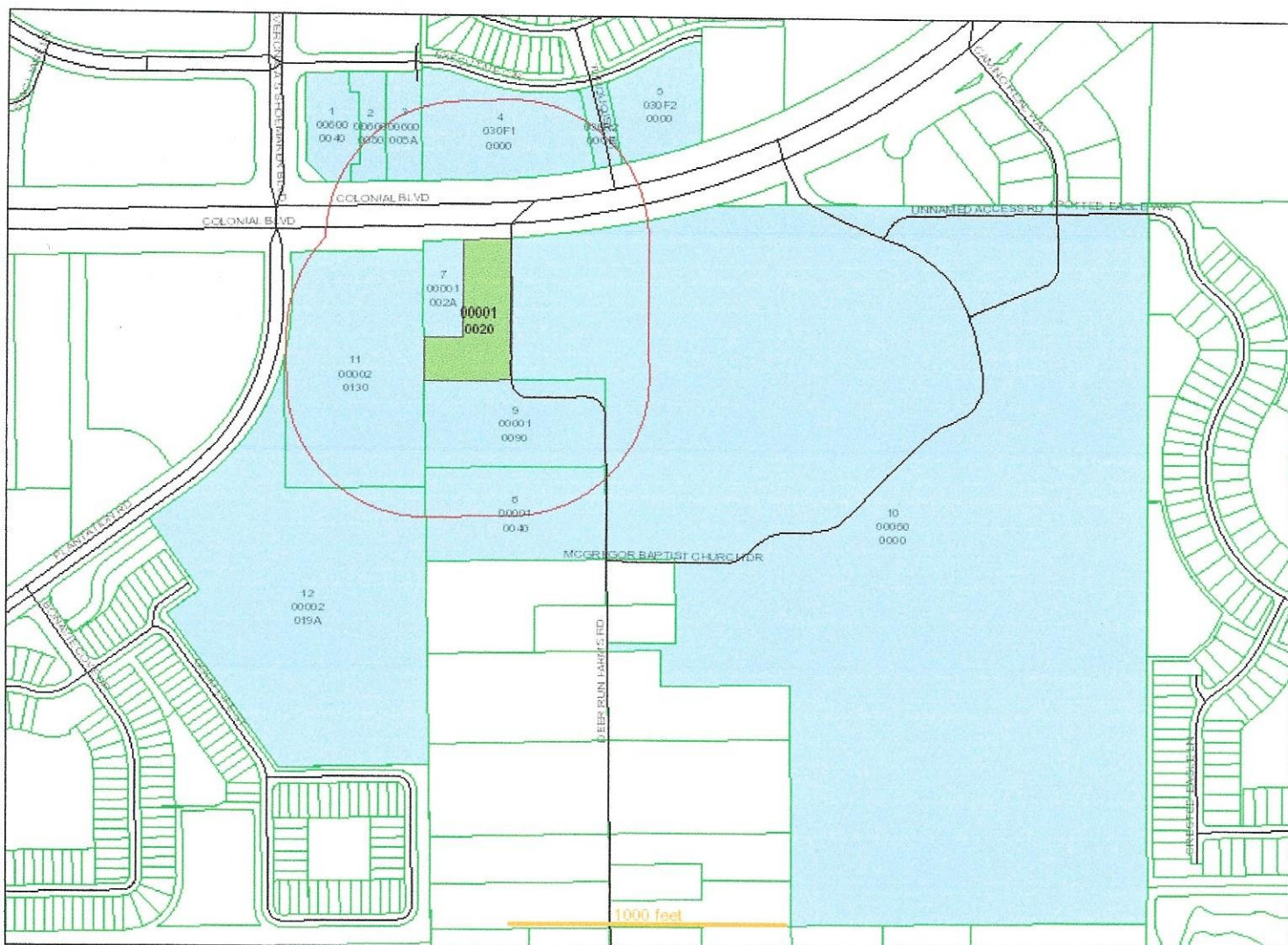


Thomas B. Hart
TBH/jrt

EXHIBIT "A"

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Northwest One-Quarter (NW 1/4) of Section 5, Township 45 South, Range 25 East, and more particularly described as follows:

Starting at the Northwest corner of said Section 5; thence S00°08'44"W along the West line of said Section 5 for 124.08 feet to the Southerly right-of-way line of Colonial Boulevard; thence N89°55'48"E along said right-of way line for 157.51 feet to the Point of Beginning of the herein described parcel; thence continue N89°55'48"E along said right-of-way line for 57.66 feet to the beginning of a curve concave to the North having a radius of 2989.79 feet; thence Easterly along said curve and said right-of-way line through a central angle of 02 °01'11" for 105.39 feet to an intersection with the West line of the Westerly 670.00 feet of the Easterly 1000.00 feet of the North One-Half (N 1/2) of the Northwest One-Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4) of said Section 5; thence S00°27'26"W along a line not tangent to said curve and along said West line for 535.94 feet; thence S89°27'53"W along the South line of said fraction for 317.64 feet; thence N00°08'44"E along the aforesaid West line of said Section 5 for 163.01 feet; thence N89°27'53"E for 155.50 feet; thence N00°27'26"E for 372.38 feet to the Point of Beginning.



Date of Report: June 06, 2022

Buffer Distance: 500 feet

Parcels Affected: 12

Subject Parcel: **05-45-25-00-00001.0020**

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
BRIARPATCH III LLC 15941 CINDY CT FORT MYERS FL 33908	31-44-25-P3-00600.0040 4451 VERONICA S SHOEMAKER BLVD FORT MYERS FL 33916	COLONIAL PROPERTIES PH-2 PB 51 PGS 71-73 LOT 4 + W 25FT OF LOT 5 + INST#2005-101782	1
SUN & SUDS CAR WASH LLC 1126 CASTLETOWN CT SEWICKLEY PA 15143	31-44-25-P3-00600.0050 4410 EXECUTIVE CIR FORT MYERS FL 33916	COLONIAL PROPERTIES PH-2 PB 51 PGS 71-73 LOT 5 LESS E PORTION DESC IN OR 4214 PG 24 + LESS OR 4249/1180 + LESS INST# 2005-101782	2
ARBII LLC 1207 SW 52ND TER CAPE CORAL FL 33914	31-44-25-P3-00600.005A 4420 EXECUTIVE CIR FORT MYERS FL 33916	COLONIAL PROPERTIES PH-2 PB 51 PGS 71-73 E POR LOT 5 DESC IN OR 4214 PG 24	3
COLONIAL HAMMOCK SWFL LLC 6810 INTERNATIONAL CENTER BLVD FORT MYERS FL 33912	32-44-25-P4-030F1.0000 4440 EXECUTIVE CIR FORT MYERS FL 33916	CASTALINA TRACT F-1 AS DESC IN INST 2018000043406	4
FT MYERS ESA HOTEL LLC	32-44-25-P4-030F2.0000	CASTALINA TRACT F-2 AS DESC	5

6800 BIRD RD #133 MIAMI FL 33155	CASTALINA C/E FORT MYERS FL 33916	IN INST 2018000043406	
CASTALINA COMMERCIAL PROPERTY 4215 E 60TH ST STE 6 DAVENPORT IA 52807	32-44-25-P4-030R2.00CE RIGHT OF WAY FORT MYERS FL 33916	CASTALINA TRACT R-2 AS DESC IN INST 2018000043406	6
L H TRADE CORP PO BOX 101700 CAPE CORAL FL 33910	05-45-25-00-00001.002A 3620 COLONIAL BLVD FORT MYERS FL 33966	PARL IN NW 1/4 OF NW 1/4 AS DESC IN OR 1813 PG 145	7
ROY MANAWENDRA 10200 DEER RUN FARMS RD FORT MYERS FL 33966	05-45-25-00-00001.0040 10200 DEER RUN FARMS RD FORT MYERS FL 33966	COM NW COR SEC 5 TH S 990.6 FT TO POB CON S 330.22 FT TH E 656.5 FT TH N 330.11 FT TH W 657.32 FT TO POB	8
SALUSCARE INC 3763 EVANS AVE FORT MYERS FL 33901	05-45-25-00-00001.0090 10140 DEER RUN FARMS RD FORT MYERS FL 33966	N 1/2 OF SW 1/4 OF NW 1/4 OF NW 1/4	9
MCGREGOR BAPTIST CHURCH INC 3750 COLONIAL BLVD FORT MYERS FL 33966	05-45-25-P1-00060.0000 3750 COLONIAL BLVD FORT MYERS FL 33966	E1000 FT OF N1/2 OF NW1/4 OF NW 1/4 + SE1/4 OF NW 1/4 OF NW1/4 + E 1/2 OF NW1/4 + PARL DESC OR 1331/235 + OR3146/4781 LESS OR1822 PG 1524	10
FORT MYERS H AUTOMOTIVE MANAGE HARBORVIEW PLAZA STE 770 3031 NORTH ROCKY POINT DR W TAMPA FL 33607	06-45-25-00-00002.0130 3550 COLONIAL BLVD FORT MYERS FL 33966	PARL IN NE1/4 OF NE1/4 DESC IN OR 1606 PG 0687 LESS R/W INST#2007000346356	11
NEW HOPE PRESBYTERIAN CHURCH O 10051 PLANTATION RD FORT MYERS FL 33966	06-45-25-P2-00002.019A 10051 PLANTATION RD FORT MYERS FL 33966	PAR IN NE 1/4 AS DESC IN INST #2010000188738	12

BRIARPATCH III LLC
15941 CINDY CT
FORT MYERS FL 33908

SUN & SUDS CAR WASH LLC
1126 CASTLETOWN CT
SEWICKLEY PA 15143

ARBII LLC
1207 SW 52ND TER
CAPE CORAL FL 33914

COLONIAL HAMMOCK SWFL LLC
6810 INTERNATIONAL CENTER BLVD
FORT MYERS FL 33912

FT MYERS ESA HOTEL LLC
6800 BIRD RD #133
MIAMI FL 33155

CASTALINA COMMERCIAL PROPERTY
4215 E 60TH ST STE 6
DAVENPORT IA 52807

L H TRADE CORP
PO BOX 101700
CAPE CORAL FL 33910

ROY MANAWENDRA
10200 DEER RUN FARMS RD
FORT MYERS FL 33966

SALUSCARE INC
3763 EVANS AVE
FORT MYERS FL 33901

MCGREGOR BAPTIST CHURCH INC
3750 COLONIAL BLVD
FORT MYERS FL 33966

FORT MYERS H AUTOMOTIVE MANAGE
HARBORVIEW PLAZA STE 770
3031 NORTH ROCKY POINT DR W
TAMPA FL 33607

NEW HOPE PRESBYTERIAN CHURCH O
10051 PLANTATION RD
FORT MYERS FL 33966