



September 1, 2023

Lee County Development Services
DEPARTMENT OF COMMUNITY DEVELOPMENT

MarySue Groth, Planner
Zoning Section

RE: Response to 1st Review Comments
New Post Road – Self Storage Facility
DCI2023-00013

The following is our response to staff's 1st review comments for above referenced project:

Zoning

1. Application checked off "Minor Planned Development Amendment". Please revise pg. 1 checking "Minor Planned Development" and resubmit the whole document.

Response: Please see the revised application.

2. Per LDC 33-1532 for the North Ft. Myers Planning Community, a public informational meeting is required for a Planned Development. Please submit proof of meeting advertisement and other meeting requirements as referenced in this section.

Response: Please see included public info meeting narrative and advertisement order receipt.

3. An analysis of LDC codes from Chapters 33 and 34 must be provided per LDC 34-373. Zoning case review consists of documents provided within the immediate submittal. Staff does not reference other active or withdrawn cases for document requirements.

Response: Acknowledged. Please see revised Policy Analysis including applicable LDC codes from Chapters 33 and 34.

4. Please combine revised LDC and Lee Plan analysis into one per LDC 34-373(a)(5).

Response: Please see revised Policy Analysis now containing assessments for both the Lee Plan policies as well as applicable LDC Sections.

5. Submitted Letter of Request references a closed/withdrawn REZ2023-00025 case. Please update analysis to current DCI2023-00013 case number.

Response: Please see revised letter of request.

6. If deviations are requested, please submit a Schedule of Deviations.

Response: Please see Master Concept Plan describing no deviations are proposed for this development.

7. Additional review may be required upon resubmittal.

Response: Acknowledged.

Legal

§34-202(a). Submittal requirements for applications requiring public hearing.

1. (5) Please provide a legal description and sketch in accordance with the requirements of Lee County LDC §34-202(a)(5).
 - No legal description and sketch to accompany legal description was submitted.

Response: Please see included Legal Description and accompanying Sketch.

2. (6) Please provide a boundary survey in accordance with the requirements of Lee County LDC §34-202(a)(6).
 - The survey must be based upon the title certification submitted in accord with §34-201(a)(7). When the Title Certification is submitted, the legal description on the boundary survey must match that which is shown on the title.
 - The boundary survey lists easements on the property not show on the survey and one of the easements mapped on the survey is not included on the list of incumbrances.
 - The boundary survey is based on a May 17, 2022 Title commitment which is not an acceptable form for the title of certification document

Response: Please see revised Boundary Survey and included Title Commitment Certificate. The new Survey is based upon the Title Certification and all easements present are shown and listed.

3. (7) Please provide a title certification in accordance with the requirements of Lee County LDC §34-202(a)(7).
 - Document submitted needs to be one of the forms listed in LDC §34-202(a)(7)(a) with required content included. Please provide a legal description, updated boundary survey, and Title Certification.

Response: Please see included Title Commitment Certificate, Legal Description & Sketch and revised Boundary Survey.

Planning

1. Please provide a schedule of uses that demonstrates compliance with the appropriate future land use category for the subject property.

Response: Please see Master Concept Plan showing a description of the proposed building uses.

Development Services

1. The submittal included site development plans. Please provide a Master Concept Plan meeting the requirements in LDC 34-373(a)(6). The site construction plans contain information that isn't necessary for the zoning phase and may limit the flexibility of the site design in the future.

Response: Acknowledged. Please see included Master Concept Plan.

2. The survey shows a 40' drainage easement in the area of the proposed building footprint. Please show all easements on the MCP with the required recording information.

Response: Please see revised Boundary Survey showing the 40' Drainage easement as "Vacated."

3. Please provide a schedule of uses and property development regulations with your resubmittal.

Response: Please see Master Concept Plan showing a description of the proposed building uses and property development regulations.

4. NOTE: New Post Road is a county-maintained minor collector roadway. At time of development order the applicant must demonstrate compliance with LDC 10-291(2) and LDC 10-296.

Response: Acknowledged.

5. The proposed access point does not appear to align with the median opening or the access across New Post Road. Please confirm that the access line up or redesign the access as this will create a crash prone intersection.

Response: Please see Master Concept Plan showing the project's access point aligned with the median opening. The access across New Post Road is instead misaligned with the opening.

6. Are the proposed storm water management areas wet/dry detention/retention. Please clarify.

Response: Please see Master Concept Plan proposing a dry detention water management system.

7. [10-610(e)] Parking Lot Interconnections. Adjacent commercial uses must provide parking lot interconnections for automobile, bicycle and pedestrian traffic. Interconnections are not intended to satisfy the criteria for site location standards as outlined in Lee Plan Policy 6.1.2 (5). Please provide the required connection to the northern parcel or request the appropriate deviation.

Response: Please see Master Concept Plan showing the Interconnection stub-out and required easement.

8. Does the proposed dumpster enclosure meet the requirements of LDC 10-261? Is a deviation required?

Response: Please see Master Concept Plan showing updated dumpster enclosure calculations. No deviations are proposed for this development.

Environmental

1. Please provide a FLUCCS map per 34-373 submittal requirements. Additional comments may follow.

Response: Please see Master Concept Plan showing the site's respective FLUCCS information.

2. Please label all buffers per LDC 34-373 submittal requirements. Please refer to LDC 10-416(d) and 10-416(d)(6). Please also refer to LDC 33-1543 for landscape criteria for the North Fort Myers Community Planning area.

Response: Please see Master Concept Plan with labels for all required buffers and landscaping criteria.

3. LDC 10-416(d)(6) states, "If roads, drives, or parking areas associated with residential subdivisions or with a multi-family or non-residential use are located less than 125 feet from an existing single-family residential subdivision or single-family residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet or a 30-foot wide Type F buffer with the hedge planted a minimum

of 20 feet from the abutting property." Please label and provide the required buffer. Additional comments may follow.

Response: Please see Master Concept Plan providing a 25-foot buffer beside the neighboring single-family residential lots along with the required shrub and tree plantings per the specifications listed in this section.

4. North Fort Myers requires the protection of native existing trees per LDC 33-1582. Please provide an analysis for Lee Plan policies 330.5.3 and 123.2.9.

Response: Please see revised Policy Analysis describing the project's compliance with Lee Plan policies 330.5.3 & 123.2.9.

5. The acreage on the MCP appears to be different than what was submitted in the environmental survey. Please revise for consistency

Response: Please see revised Environmental Assessment Survey showing the corrected project acreage.

6. The applicant did not provide an open space table/chart per LDC 34-373 submittal requirements. Please provide an open space table depicting 20% (LDC 10-415) open space if there is less than 2 acres of impervious surface. Please refer to LDC 10-415(c) for the minimum dimensions of open space. Additional comments may follow.

Response: Please see Master Concept Plan showing an open space table with at least 20% open space.

7. If deviations are being requested, please label the deviation location on the MCP per LDC 34-373.

Response: Please see Master Concept Plan describing no deviations are proposed for this development

Lee Tran

1. The proposed development is within one-quarter mile of a fixed-route corridor and the closest bus stop is # 10495. If this becomes a DO or LDO type D, the developer must provide an 8' x 30', landing pad within the road right-of-way or dedicated easement, however, there is a sidewalk that can be considered within these dimensions; a pedestrian walkway, a bicycle storage rack, the sidewalk will need to meet the curb, and unsure if curbing meets the code, and will need to be determined by the developers' engineer. Therefore, the developer would be required to make the necessary improvements based on the current Lee County Transit LDC section 10-442 (b)(1) and 10-296 (4)(a) but will be reassessed at the time of DO/LDO.

Response: Please see Master Concept Plan showing the required improvements to the Lee Tran bus stop approximately 0.2 miles away from the project site along Bayshore Road.

TIS

1. In the project application summary, the subject parcel size was stated as approximately 127,817 square feet. However, upon careful examination of the most recent property appraisal details, it has been discovered that the actual size of the parcel is 118,962 square feet. This discrepancy raises the need for clarification regarding the inconsistency between the initially reported size and the findings from the property appraisal.

Response: Please see included email correspondence with David Reycraft, GIS Manager with the Lee County Property Appraiser, stating that the linework and area listed on the Property Appraiser's website needs to be adjusted. Please see included Boundary & topographic survey showing the correct parcel area.

DOT

1. Is the proposed development authorized to utilize the driveway of the northerly abutting property for accessing New Post Rd via a cross-access easement?

Response: Please see Master Concept Plan showing the proposed parking lot interconnection stub-out and required cross-access easement.

Please contact our office if you have any questions,

Sincerely,

Andres Boral, PE, MBA
Florida License Number: 80373
Boral Engineering & Design, Inc.
andres@boralengineering.com



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: New Post Rd. Self-Storage Facility

Request: Rezone from: C-1A To: MPD

Type: ☐ Major PD ☒ Minor PD ☐ DRI w/Rezoning ☐ PRFPD
☐ Major PD Amendment ☐ Minor PD Amendment

Bonus Density included? ☒ NO ☐ YES¹ for: _____ Bonus Units

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

Summary of Project:

This subject parcel is ±127,817 sq. ft. (2.93 ac.) and is currently a vacant uncleared parcel.

The project proposes (1) Self-Storage Warehouse bldg. and other site improvements such as a parking lot, solid waste enclosure, a storm-water management system, potable water and sanitary sewer utility connections, site landscaping, buffering and site lighting.

PART 1 APPLICANT/AGENT INFORMATION

- A. Name of Applicant:** Andres Boral
Address: 23150 Fashion Drive Ste 230
City, State, Zip: Estero, Florida 33928
Phone Number: 239-692-0509
E-mail Address: Andres@Boralengineering.com
- B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:**
☐ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]
☒ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]
☐ Application is County initiated. Attach BOCC authorization.
- C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]**
1. Company Name: Boral Engineering & Design, Inc.
Contact Person: Andres Boral
Address: 23150 Fashion Drive Ste 230
City, State, Zip: Estero, Florida 33928
Phone Number: 239-692-0509 **Email:** Andres@Boralengineering.com
- 2. [Additional Agent\(s\)](#): Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]**

LEE COUNTY COMMUNITY DEVELOPMENT
 PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
 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: Michael Essig

Address: 5593 Foxlake Drive

City, State, Zip: North Fort Myers, Florida 33917

Phone Number: 239-470-1986

Email: Michaelessig@yahoo.com

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): August 9, 2022

PART 3
PROPERTY INFORMATION

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

36-43-24-00-00013.003A

B. Street Address of Property: 2833 New Post Rd, North Fort Myers, FL 33917

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: C-1A

☐ 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: Vacant

2. Intended uses of property are: Self-Storage/Mini-Warehouse

G. Future Land Use Classification (Lee Plan):

Moderate Density Residential	<u>2.93</u>	Acres	<u>100</u>	% of Total
		Acres		% of Total
		Acres		% of Total

H. Property Dimensions:

1. Width (average if irregular parcel):	<u>±282</u>	Feet		
2. Depth (average if irregular parcel):	<u>±452</u>	Feet		
3. Total area:	<u>127,817</u>	Acres or square feet		
4. Frontage on road or street:	<u>262.3</u>	Feet on	<u>New Post Road</u>	Street
2 nd Frontage on road or street:		Feet on		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)		<u>2.93</u>	Acres
1. Submerged land subject to tidal influence		<u>0</u>	Acres
2. a. Preserved freshwater wetlands	<u>0</u>	Acres	
b. Impacted wetlands	<u>0</u>	Acres	
c. Preserved saltwater wetlands	<u>0</u>	Acres	
d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)		<u>0</u>	Acres
3. R-O-W providing access to non-residential uses		<u>0</u>	Acres
4. Non-residential use areas ^{(1) (2)}		<u>2.93</u>	Acres
B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).		<u>2.93</u>	Acres
C. Gross residential acres. (A minus B) ⁽³⁾		<u>0</u>	Acres
D. Gross residential acres (by Land Use Category)			
1. a. Intensive Development – upland		<u>0</u>	Acres
b. Intensive Development – preserved freshwater wetlands		<u>0</u>	Acres
c. Intensive Development – impacted wetlands		<u>0</u>	Acres
2. a. Central Urban – upland		<u>0</u>	Acres
b. Central Urban – preserved freshwater wetlands		<u>0</u>	Acres
c. Central Urban – impacted wetlands		<u>0</u>	Acres
3. a. Urban Community or Suburban – upland		<u>0</u>	Acres
b. Urban Community or Suburban – preserved freshwater wetlands		<u>0</u>	Acres
c. Urban Community or Suburban – impacted wetlands		<u>0</u>	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)

0 **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

		Height	Total Floor Area (Square Feet)
A. Commercial			
1.	Medical	_____	_____
2.	General Office	_____	_____
3.	Retail	_____	_____
4.	Other: <u>Self-Storage</u>	3-stories	117,776 sqft
5.	TOTAL FLOOR AREA		117,776 sqft
B. Industrial			
		Height	Total Floor Area (Square Feet)
1.	Under Roof	_____	_____
2.	Not Under Roof	_____	_____
3.	TOTAL FLOOR AREA		0
C. Mining			
		Depth	Total Acres
1.	Area to be excavated	_____	0
D. Assisted Living Facilities			
		Height	Total Beds/Units
1.	Dependent Living Units	_____	_____
2.	Independent Living Units	_____	_____
3.	TOTAL BEDS/UNITS		0/0
E. Hotels/Motels (Room Size)			
		Height	Total Rental Units
1.	< 425 sq. ft.	_____	_____
2.	426-725 sq. ft.	_____	_____
3.	725 < sq. ft.	_____	_____
4.	TOTAL UNITS		0

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:**
- 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)]**
 - 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.]**
 Existing surface elevations range from ± 5.0 to ± 8.5 NAVD.
-
- 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)].
 No wetlands exist on the property. An existing county drainage easement is present.
-
- C. Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
 Not applicable.
-
- D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
 Not applicable.
-
- 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.]**
- 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.]**
- 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.]**
- 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.]**

**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:
 Not applicable. Project will connect to existing sanitary sewer system in right-of-way.
-
- 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:
 Not applicable.
 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:
Not applicable.
-

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		
<i>Clearly label your attachments as noted in bold below</i>		
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]



September 5, 2023

MarySue Groth, Planner
Zoning Section
Lee County Community Development
PO Box 398 (1500 Monroe Street)
Fort Myers, Florida 33902

**PROJECT: NEW POST ROAD – SELF-STORAGE FACILITY
DCI2023-00013**

SUBJECT: MINOR PLANNED DEVELOPMENT POLICY ANALYSIS

Dear MarySue Groth,

It is the intent of the property owner, Michael Essig, to request a Minor Planned Development Application Public Hearing for the site construction of a Self-Storage facility on the subject property above referenced.

PROJECT SCOPE:

The New Post Road – Self-Storage Facility MPD is a total of 2.93 acres that proposes a single 34,074 square foot three-story building along New Post Road in North Fort Myers. The proposed multi-story building has a total of 102,222 square feet of gross floor area to be classified as a Mini-Warehouse use. There is currently an existing 0.35-acre FDOT drainage easement that runs parallel to the West boundary line within the property that will remain undisturbed. This leaves the site with a total of 2.58 acres of project area to be developed.

The following uses proposed in this development are:

- Mini-Warehouse

The following is an analysis of the applicable Land Development codes from sections 33 and 34 of the Lee County LDC, followed by an analysis of applicable Policies, Goals and Objectives from the Lee County Lee Plan.

Lee County LDC Section §33- Article VIII: North Fort Myers Planning Community Regulations

Based on the Lee County LDC Section referenced above, this development is compliant with the following.

1. §33-1542 – Location and Site Standards.
 - a. Any structure other than a single-family, two-family attached or duplex or its associated accessory structure(s) must have a minimum setback of 50 feet between the nearest points on the building and/or structure and an existing large lot residential subdivision.

Response: See included Master Concept Plan showing compliance with this section, providing a 50-foot setback to the nearest points of the proposed building from the residential developments South of the subject property. Said setback is also proposed with an 8-foot-high perimeter wall 25' feet away and decorative buffer plantings to properly screen the development from the adjacent properties.

2. §33-1543 – Landscaping.
 - a. Landscape buffers for high density or high intensity development abutting a subdivided lot in an existing large lot residential subdivision must utilize, at a minimum, a 30-foot buffer width.

- b. Landscape berms without walls may be used for multi-family developments. (Not applicable)
- c. The required trees and palms must be clustered in double rows with a minimum of three trees per cluster. Canopy trees must be planted a maximum of 20 feet on center within a cluster. The use of palms within the buffer must be limited to areas adjacent to vehicular access points, as appropriate, for sight clearances. Palms must be planted in staggered heights to a minimum of three palms per cluster, spaced at a maximum of eight feet on-center, with a minimum of a four-foot difference in height between each tree. A maximum spacing of 25 feet between all types of tree clusters must be maintained.
- d. All required shrubs must be a minimum of ten gallons, four feet in height with a three-foot spread, planted four feet on center at installation.

Response: See included Master Concept Plan showing compliance with requirements in LDC Section §10-416(d)(6) by proposing a 25-foot buffer with an 8-foot-high perimeter wall adjacent to the residential developments South of the subject property. The buffer also includes a 4-foot-high shrub hedge and clustered canopy and palm tree plantings along the vehicular drive that meet the specifications listed in this section, as required to properly screen the development from the adjacent properties.

- 3. §33-1544 – Entrances, Exits, and Parking Spaces.
 - a. Vehicular entrances and exits are permitted within the 50-foot setback between the high density or high intensity use building and the required 30-foot landscape buffer. Parking spaces, which are not loading, unloading, or servicing the high density or high intensity use, may be placed within the 50-foot setback and may encroach a maximum of 20 feet into the 50-foot setback which is not occupied by any high density or high intensity use building or structure.

Response: See included Master Concept Plan showing a vehicular entrance/exit along the East property boundary but encroaching into the 50-foot setback, to align the driveway with the respective median opening directly adjacent, along New Post Road.

- 4. §33-1548 – Interconnections and shared access for new development and redevelopment.
 - a. Commercial and mixed-use development adjacent to one another must provide interconnections for automobile, bicycle, and pedestrian traffic. These regulations apply to new development or redevelopment involving alteration of, or the addition of building square footage, equal to 30 percent or more of existing square footage.

Response: See included Master Concept Plan showing a proposed 24-foot-wide Cross-Access Easement, drive aisle, and pavement stub-out to allow for future cross-access connection to the adjacent – commercially zoned – parcel, North of the subject property.

- 5. §33-1582 – Tree Preservation.
 - a. In addition to the requirements to section §10-415(b) all projects with existing native trees must be preserved regardless of project size as follows:
 - i. All development projects must be clustered to preserve open spaces.
 - ii. Preservation of indigenous tree clusters is preferred over individual tree protection. Reasonable efforts to retain individual trees must be made. It is recognized that site design requirements (e.g. fill) may limit the ability to retain some individual trees, and in that case the County will allow the removal of those trees.
 - iii. Healthy sabal palms with eight-foot clear trunk must be relocated in a manner that utilizes appropriate horticulture practices in accordance with Lee County Extension Services brochure Lee 8/2000A and clustered within open space areas.

- iv. Native trees (four- to 15-inch caliper dbh) may be relocated to open space areas when proper horticulture methods (e.g. root pruning; use of anti-transpirants) are utilized to insure the survivability of the trees, and a vegetation removal permit is obtained.
- v. Effort must be made to preserve heritage trees with at least a 20-inch caliper dbh, including but not limited to live oak, South Florida slash pine, or longleaf pine. If a heritage tree must be removed from a site then a replacement tree with a minimum 20-foot height must be planted within an appropriate open space area.
- vi. Native tree preservation must incorporate techniques as established in section §10-420(j).
- vii. Surface water management systems may overlap with native tree preservation areas only where it can be clearly demonstrated that the effects of water management system construction or operation will not cause death or harm to the preserved tree and indigenous plant community of protected species.

Response: See included Master Concept Plan showing the proposed existing trees to be preserved and protected during construction, as well as replacement trees (20-inch caliper) for the existing Heritage trees affected by the proposed development.

- b. Infrastructure design must integrate existing trees and the natural character of the land to the greatest extent feasible.

Response: See included Master Concept Plan showing the proposed site landscaping canopy tree, palms and shrub locations on-site including buffers plantings and locations of existing trees to be preserved.

Lee County LDC Section §34-145(d)(4): Zoning Matters, Findings / Review Criteria

Based on the Lee County LDC Section referenced above, this development is compliant with the following.

- 1. Rezoning. The Hearing Examiner must find the request:
 - a. Complies with the Lee Plan;

Response: See further below included Analysis demonstrating this development remains consist with the applicable policies and objectives found in the Lee County Lee Plan.

- b. Meets this Code and other applicable County regulations or qualifies for deviations;

Response: See included Master Concept Plan demonstrating this development's compliance with general Lee County LDC code regulations for commercial developments. No deviations are proposed.

- c. Is compatible with existing and planned uses in the surrounding area;

Response: The subject property is located within the Central Urban Future Land Use classification area and has a C-1A Zoning designation. Therefore, the development of a Self-Storage Facility will serve to emphasize the intent for this Future Land Use category to provide the greatest range and highest levels of public services available to the community.

- d. Will provide access sufficient to support the proposed development intensity;

Response: This development proposes a vehicular driveway connection onto New Post Rd, as well as a sidewalk extension along New Post Rd right-of-way to support pedestrian traffic. A cross-access easement is also proposed on-site for a future cross-access connection, North of the subject property.

e. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

Response: See included Master Concept Plan showing proposed improvements to an existing transportation facility at a nearby LeeTran bus stop location, as well as a new ±270-foot sidewalk extension along New Post Rd right-of-way to reinforce pedestrian traffic infrastructure.

f. Will not adversely affect environmentally critical or sensitive areas and natural resources;

Response: This development does not propose impacts to any wetlands, waterbodies or any environmentally critical or sensitive areas and/or natural resources. Furthermore, this project proposes a stormwater dry detention system on-site that has been designed in compliance with S.F.W.M.D. criteria. See included Water Quality and Attenuation Calculations pdf for more information.

g. Will be served by urban services, defined in the Lee Plan. (Located in a Future Urban area category)

Response: The subject property is located within the Central Urban Future Land Use classification area and has a C-1A Zoning designation. This Future Land Use category facilitates developments for residential, public, commercial, and limited light industrial including mixed use. Thus, the development of a Self-Storage Facility is entitled to be considered as it remains consistent with the intent as defined in Lee County's Lee Plan, as well as the North Fort Myers Community Plan.

2. Planned Development Rezonings. The Hearing Examiner must also find:

a. The proposed use or mix of uses is appropriate at the proposed location;

Response: According to the North Fort Myers Community Plan, the Central Urban Future Land Use classification expresses interest in commercial developments that serve to enhance streetscape, sidewalk amenities and interconnections for cross-access traffic within neighborhood centers. Although this development does not have frontage along the main corridor of Bayshore Road the proposed Mini-Warehouse use will serve the neighboring community with a commercial use while also providing attractive landscaping, accessible pedestrian sidewalk and crosswalk paths and improve the connectivity to adjacent commercial developments.

b. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

Response: This development proposes improvements to a nearby LeeTran bus stop location, as well as a new ±270-foot sidewalk extension along New Post Rd right-of-way to support pedestrian movement and expected impacts to existing transportation facilities. Also proposed is a 50-foot setback with a 25-foot-wide buffer containing an 8-foot-high perimeter wall and appropriate buffer plantings to properly screen the development and safeguard aesthetic conditions adjacent to residential parcels to the South.

c. If the application includes deviations pursuant to section 34-373(a)(9):

Response: No deviations are proposed in this development.

- d. Mine excavation planned developments: **(Not Applicable)**
- 3. Rezoning to the Environmentally Critical (EC) district. **(Not Applicable)**

The Lee Plan: Goal 1 – Future Land Use Map

To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl. (Ord. No. 94-30)

Objective 1.1: Designate areas with varying intensities on the Future Land Use Map (Map 1-A) that provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. (Ord. No. 17-13)

Response: Currently, the site resides in the Central Urban Future Land Use category and is also listed with a C-1A zoning designation. Based on Policy 1.1.3, developments in areas under the Central Urban Future Land Use category are intended to have the greatest range and highest levels of public services. It facilitates developments for residential, public, commercial, and limited light industrial including mixed use. Therefore, the development of a Self-Storage Facility is entitled to be considered and remains consistent with the objectives of Lee Plan Goal 1.

The Lee Plan: Goal 2 – Growth Management

To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

Objective 2.1: 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, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Ord. No. 94-30, 00-22)

Objective 2.2: 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 §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC. (Ord. No. 94-30, 00-22, 17-19)

Response: Goal 2 of the Lee Plan evaluates location and timing of new developments in future urban areas to assure adequate public facilities are provided and contiguous development patterns can be created. The Planning Districts Map and Acreage Allocation Table (see map 16, Table 1-B and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Considering the site is located within the Central Urban Future Land Use category with a C-1A zoning designation and the current availability of public facilities in the surrounding neighborhood, the request for this commercial development is found consistent with objectives in Lee Plan Goal 2.

The Lee Plan: Goal 4 – General Development Standards

Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources. (Ord. No. 94-30, 07-15, 17-13)

Objective 4.1: Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order. (Ord. No. 17-13)

Response: In accordance with Standard 4.1.1 and 4.1.2, this development proposes connections to public potable water and sewer utility infrastructure. Therefore, this development is designed to be consistent with the objectives of Lee Plan Goal 4. The site proposes a building with GLFA in excess of 30,000 sqft. and has already obtained confirmation with the appropriate local utility franchisees that sufficient availability and capacity is available to adequately provide the projected potable water and sanitary sewer demands.

The Lee Plan: Goal 6 – Commercial Land Uses

To permit orderly and well-planned commercial development at appropriate locations within the County. (Ord. No. 94-30)

Objective 6.1: Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan. (Ord. No. 94-30, 11-18)

Response: Goal 6 of the Lee Plan establishes objectives and policies to facilitate the permitting of commercial developments in an orderly and well-planned manner. The proposed project will be required and proposes to adhere to the development order process, its guidelines and demonstrate the subject property is compliant with the regulations required for commercial developments in Lee County.

The Lee Plan: Goal 30 – North Fort Myers Community Plan

Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing existing neighborhoods; and preserving natural resources. (Ord. No. 09-11, 18-18)

Objective 30.4: To provide community facilities and services within the Town Centers, Neighborhood Centers and Corridor Overlay Districts. (Ord. No. 09-11, 18-18)

Response: The subject property is located within the North Fort Myers Planning Community area and is proposed to abide by the local guidelines, criteria and policies for commercial developments listed in the North Fort Myers Community Plan. In addition, this development is proposed to enrich and compliment the current land uses in the surrounding area. This intention is consistent with the objectives in Lee Plan Goal 30.

The Lee Plan: Goal 123 – Resource Protection

Manage coastal, wetland and upland ecosystems and natural resources in order to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

Objective 123.1: Continue to implement resource management policies and regulations that ensure the long-term protection and enhancement of the natural upland and wetland habitats by retaining the interconnectedness and functionality of the hydroecological systems in order to progress towards a more ecologically productive and sustainable environment. (Ord. No. 94-30, 00-22, 18-28)

Objective 123.2: Maintain and enhance the biodiversity of the natural plant communities within Lee County to create a more resilient and sustainable ecosystem. (Ord. No. 94-30, 18-28)

Policy 123.2.9: Maintain regulations, incentives, and programs for preserving and planting native plant species and for controlling invasive exotic plants, particularly within environmentally sensitive areas. (Ord. No. 94-30, 18-28)

Response: There are no wetlands present on-site, and the development does not propose disturbances to any existing environmentally critical or sensitive areas or natural resources. No impacts to existing endangered or protected species are expected per the Environmental Assessment Survey provided. The site has been designed in accordance with S.F.W.M.D. criteria, Lee County land development code requirements and intent has been made to preserve the site's natural upland habitats per the existing pre-development conditions. Also, all landscaping canopy trees, palms and shrubs proposed are Florida native species to preserve and enhance the existing biodiversity on-site. The proposed development plans include language to control and/or remove invasive exotic plant and tree species found on-site.

The Lee Plan: Goal 125 – Water Quality

To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County. (Ord. No. 17-19, 18-28)

Objective 125.1: Maintain high water quality, meeting or exceeding state and federal water quality standards. (Ord. No.18-28)

Response: The proposed project is consistent with the objectives of Lee Plan Goal 125 by providing the required water quality and attenuations per the S.F.W.M.D. criteria and Lee County land development code requirements. The proposed project stormwater discharge is regulated per a proposed control structure to ensure water treatment prior to its discharge into County maintained stormwater drainage systems. As per Policy 125.1.2, this development will not degrade surface and ground water quality.

The Lee Plan: Goal 126 – Water Resources

Conserve, manage, and protect and natural hydrologic systems of Lee County to ensure continued water resource availability. (Ord. No. 94-30, 18-28)

Objective 126.1: Ensure water supplies of sufficient quantity and quality to meet the present and projected demands of consumers based on the capacity of the environment. (Ord. No. 18-28)

Response: The proposed project is consistent with the objectives of Lee Plan Goal 126 by proposing a stormwater dry detention system on-site – compliant with S.F.W.M.D. criteria and Lee County land development code requirements – that conveys stormwater runoff via a system of berms, swales and an outfall control structure that discharges below the dry detention system bottom. As per Policy

126.1.4, this development provides a system that regulates and maintains surface water flows and groundwater levels at or above the existing conditions.

Overall, the proposed request complies with the applicable Land Development provisions found in sections §33 & 34 of the Lee County LDC, as well as the intents of applicable Policies & Goals listed in the Lee County Lee Plan.

Sincerely,

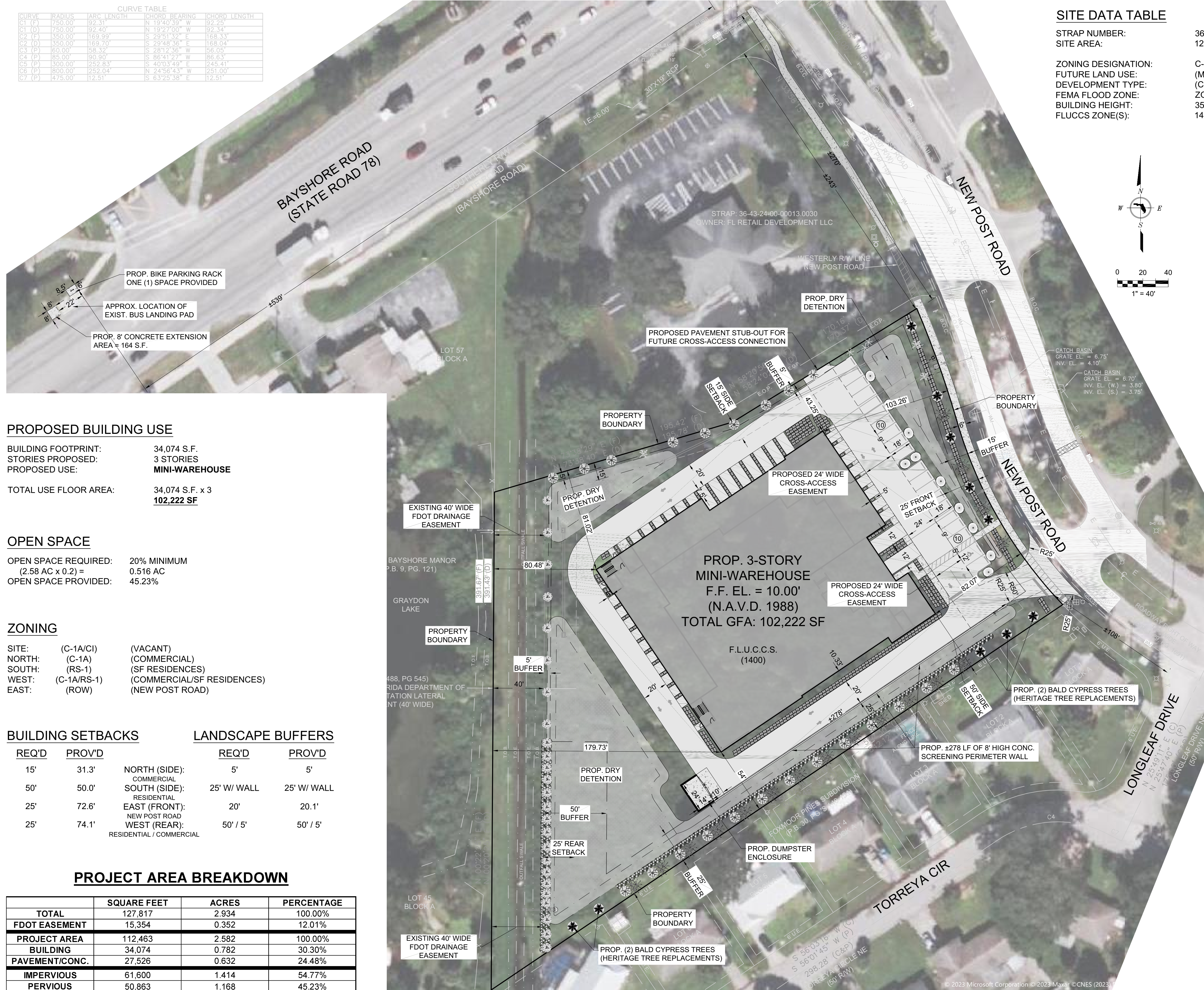
Boral Engineering & Design, Inc.

Andres Boral, P.E.

Florida License Number: 80373

Andres Boral Digitally signed by Andres Boral
Date: 2023.09.06 11:23:44 -04'00'

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1 (F)	750.00'	92.31'	N 19°40'39" W	92.25'
C1 (D)	750.00'	92.40'	N 19°27'00" W	92.34'
C2 (F)	1350.00'	169.99'	S 29°51'39" E	168.33'
C2 (D)	1350.00'	169.70'	S 29°48'36" E	168.04'
C3 (P)	60.00'	58.32'	S 28°12'36" W	56.05'
C4 (P)	85.00'	90.90'	S 66°41'27" W	86.63'
C5 (P)	300.00'	252.83'	S 40°03'49" E	245.41'
C6 (P)	800.00'	252.04'	N 24°56'43" W	251.00'
C7 (P)	1475.00'	12.51'	S 63°25'38" E	12.51'



SITE DATA TABLE

STRAP NUMBER:
SITE AREA:

36-43-24-00-00013.003A
127,817 SF (±2.93 AC)

ZONING DESIGNATION:
FUTURE LAND USE:
DEVELOPMENT TYPE:
FEMA FLOOD ZONE:
BUILDING HEIGHT:
FLUCCS ZONE(S):

C-1A (EXIST.) / C1 (PROP.)
(MOD. DENSITY RESIDENTIAL)
(COMMERCIAL)
ZONE 'X'
35'
1400 - COMMERCIAL & SERVICES

Andres Boral
Digitally signed by Andres Boral
Date: 2023.09.06 10:02:52
-04'00'

PROPOSED PLANT LIST

NATIVE	SYMBOL	QTY	SPECIES	SIZE & SPEC.
Y		532	COCOPLUM (#3 SHRUBS) <i>Chrysobalanus icaco</i> OR APPROVED EQUAL	3 GAL @ 36" OC 24" HEIGHT MIN
Y		173	COCOPLUM (#10 SHRUBS) <i>Chrysobalanus icaco</i> OR APPROVED EQUAL	10 GAL @ 48" OC 48" HEIGHT MIN
Y		10	EAGLESTON HOLLY <i>Ilex x attenuata 'Eagleston'</i>	2.0" DBH MIN 10' HEIGHT MIN 4' SPREAD MIN
Y		22	GUMBO LIMBO <i>Bursera simaruba</i>	2.0" DBH MIN 10' HEIGHT MIN 4' SPREAD MIN
Y		10	BALD CYPRESS <i>Taxodium distichum</i>	2.0" DBH MIN 10' HEIGHT MIN & 20' HEIGHT MIN 4' SPREAD MIN
Y		25	FLORIDA SLASH PINE <i>Pinus Elliottii</i>	2.0" DBH MIN 10' HEIGHT MIN
Y		51	SABAL PALM <i>Sabal Palmetto</i>	2.0" DBH MIN 10' HEIGHT MIN 10' CLEAR TRUNK MIN.

EXISTING PLANT LIST

NATIVE	SYMBOL	QTY	SPECIES	SIZE & SPEC.
Y		2	PINE TREE	15" DIAMETER
Y		1	PINE TREE	18" DIAMETER
Y		4	SABAL PALM	12" DIAMETER

PROPOSED DEVIATIONS

NONE

LAND DEVELOPMENT REGULATIONS

THIS DEVELOPMENT HAS BEEN DESIGNED IN ACCORDANCE WITH THE FOLLOWING SECTION;

- LEE COUNTY LDC CHAPTER 33, ARTICLE VIII:
NORTH FORT MYERS PLANNING COMMUNITY
DIVISION 2. - NORTH FORT MYERS COMMUNITY WIDE LAND
DEVELOPMENT PROVISIONS

REFUSE & SOLID WASTE CALCULATIONS

COMMERCIAL BUSINESS BUILDING SQ. FT.	MINIMUM SQ. FT. FOR GARBAGE COLLECTION	MINIMUM SQ. FT. FOR RECYCLABLE COLLECTION
5,001-10,000	80	48
	TOTAL REQUIRED = 80 + 48 = 128 SQ. FT.	
	TOTAL PROVIDED = 12.00' X 11.00' = 132.00 SQ. FT.	

PROPOSED BUILDING USE

BUILDING FOOTPRINT: 34,074 S.F.
STORIES PROPOSED: 3 STORIES
PROPOSED USE: MINI-WAREHOUSE

TOTAL USE FLOOR AREA: 34,074 S.F. x 3
102,222 SF

OPEN SPACE

OPEN SPACE REQUIRED: 20% MINIMUM
(2.58 AC x 0.2) = 0.516 AC
OPEN SPACE PROVIDED: 45.23%

ZONING

SITE: (C-1A/C1) (VACANT)
NORTH: (C-1A) (COMMERCIAL)
SOUTH: (RS-1) (SF RESIDENCES)
WEST: (C-1A/RS-1) (COMMERCIAL/SF RESIDENCES)
EAST: (ROW) (NEW POST ROAD)

BUILDING SETBACKS

REQ'D	PROV'D		REQ'D	PROV'D
15'	31.3'	NORTH (SIDE): COMMERCIAL	5'	5'
50'	50.0'	SOUTH (SIDE): RESIDENTIAL	25' W/ WALL	25' W/ WALL
25'	72.6'	EAST (FRONT): NEW POST ROAD	20'	20.1'
25'	74.1'	WEST (REAR): RESIDENTIAL / COMMERCIAL	50' / 5'	50' / 5'

LANDSCAPE BUFFERS

PROJECT AREA BREAKDOWN

	SQUARE FEET	ACRES	PERCENTAGE
TOTAL	127,817	2.934	100.00%
FDOT EASEMENT	15,354	0.352	12.01%
PROJECT AREA	112,463	2.582	100.00%
BUILDING	34,074	0.782	30.30%
PAVEMENT/CONC.	27,526	0.632	24.48%
IMPERVIOUS	61,600	1.414	54.77%
PERVIOUS	50,863	1.168	45.23%

PROJECT:	22-122
DATE:	09/22
ANDRES BORAL, P.E. M.B.A.	LICENSE # 80372 F.P.E. # 31552
23150 FASHION DR., SUITE 200, ESTERO FL 33928	ANDRES@BORALENGINEERING.COM
	(P) 239-692-0509
BORAL	ENGINEERING
WWW.BORALENGINEERING.COM	
OWNER:	MICHAEL ESSIG NORTH FORT MYERS, FL 33917
REVISION DESCRIPTION	
BY:	
DATE	
NEW POST ROAD SELF-STORAGE FACILITY NORTH FORT MYERS, FLORIDA 33917	
MASTER CONCEPT	PLAN
SHEET 1 OF 1	



DATE: June 21, 2022

TO: Michael Essig

FROM: David Mason, Senior Ecologist, V.E.S.

RE: New Post Road Parcel, North Fort Myers, FL 33917 Environmental Assessment Survey

PID: 36-43-24-00-00013.003A

Introduction

On June 20, 2022, an environmental ecologist from Veritas Environmental Solutions conducted a site visit at a vacant parcel located on New Post Road in North Fort Myers, Florida. The field survey was to determine the presence or absence of Florida Department of Environmental Protection (FLDEP) jurisdictional wetlands and protected species such as the gopher tortoise (*Gopherus polyphemus*) and burrowing owl (*Athene cunicularia*). During the field investigation of the subject property, information regarding vegetation, soils and hydrological evidence was gathered to determine if the site would qualify as a wetland under the state and federal methodology.

Property Description

The property is an undeveloped, heavily vegetated commercial lot, approximately 2.93 acres located in North Fort Myers, Florida. Additionally, it is located within Section 36, Township 43 South, and Range 24 East. It is bordered on the east by New Post Road, on the south by single family residences, on the north by a vacated commercial bank and on the west by a manmade ditch.

Vegetation Cover and Listed Soils Type

Onsite vegetation consisted of oak species (*Quercus spp.*), slash pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), earleaf acacia (*Acacia auriculiformis*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), saw palmetto (*Serenoa repens*), grapevine (*Vitis rotundifolia*), common ragweed (*Ambrosia artemisiifolia*), Spanish needles (*Bidens alba*), air potato (*Dioscorea bulbifera*), dog fennel (*Upatorium capillifolium*), and tickseed (*Coreopsis spp.*).

These species are not considered wetland dependent and hydrophytic vegetation was not observed. The Natural Resources Conservation Service lists underlain mapped soils as Immokalee fine sand (Soil Unit 36), classified as a non-hydric soil group. Lastly, no hydrological indicators (e.g. adventitious rooting, leaf litter staining, lichen lines or algal matting) were observed during the site survey.



NRCS Soil Survey

Methodology

Pedestrian transects were conducted at approximately 15-foot widths and covered 100 percent of the site. The transects and survey were conducted in accordance with Florida Fish and Wildlife Conservation Commission (FWC) and FLDEP protected species and wetlands survey protocols.

Summation

Based on these collective field data findings, no potentially jurisdictional wetlands were determined to be present onsite. Additionally, no protected species or burrows were identified during the survey. *



Subject Parcel Aerial (Lee County Property Appraiser)

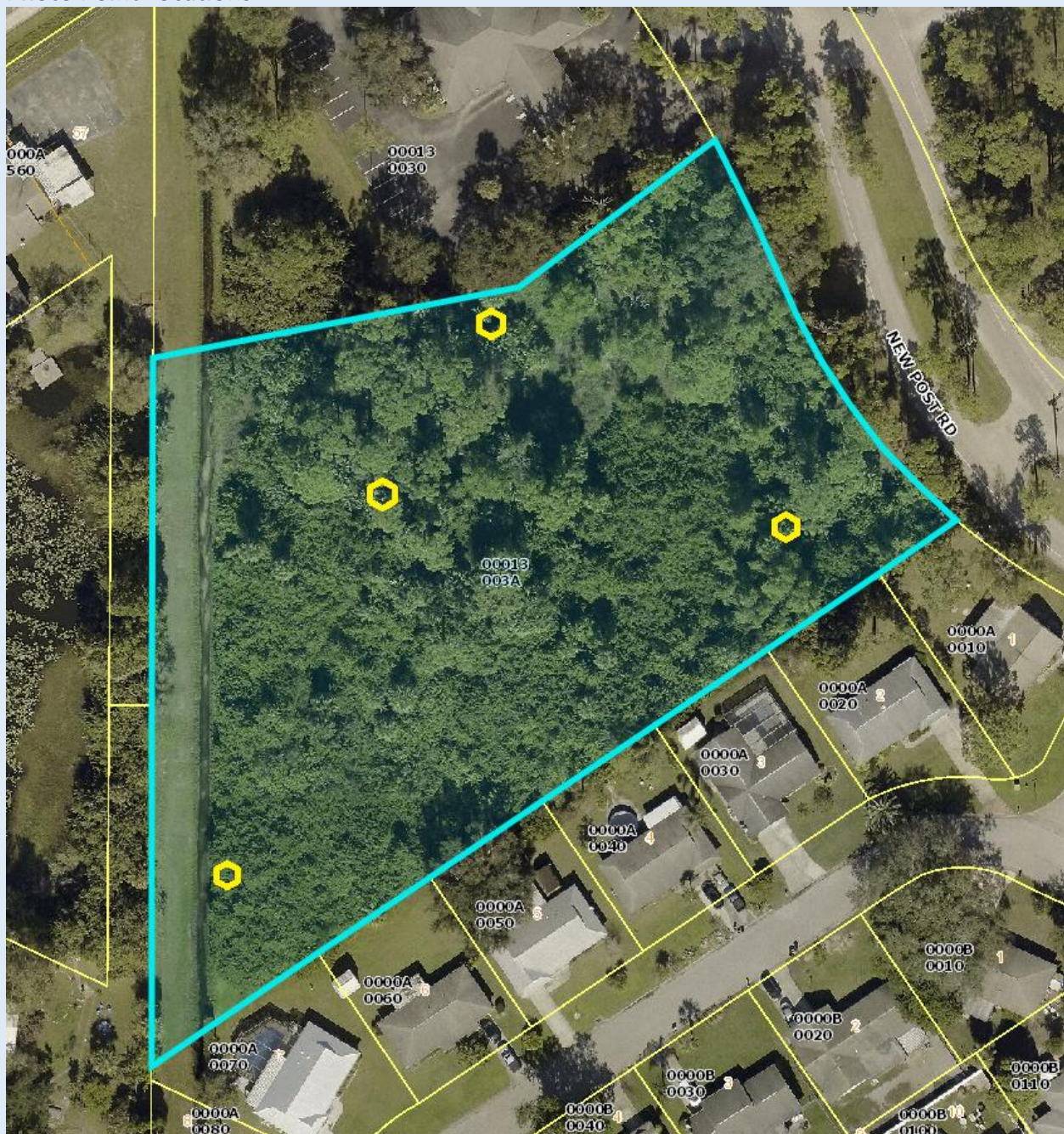
Subject Parcel Photo Facing South



Subject Parcel Photo Facing Southeast



Subject Parcel Facing Southwest**Subject Parcel Photo Facing West**

Photo Point Locations

***Report findings guaranteed only on date of survey due to fluctuating wildlife behaviors and environmental dynamics.**

javier boralengineering.com

From: Gabriel Mejia
Sent: Tuesday, August 1, 2023 1:12 PM
To: javier boralengineering.com
Subject: FW: 2833 NEW POST RD - 3643240000013003A
Attachments: New Post Road REVISED SURVEY.pdf; New Post Road LEGAL AND SKETCH.pdf; LCPA PROPERTY INFO.pdf; Michael Pratt CFE.vcf

Gabriel Mejia

Senior Project Manager
Boral Engineering & Design, Inc.
gabriel@boralengineering.com
(P) 239-465-8570

From: GISTeam <GISTeam@leepa.org>
Sent: Tuesday, August 1, 2023 12:37 PM
To: Gabriel Mejia <gabriel@boralengineering.com>
Subject: FW: 2833 NEW POST RD - 3643240000013003A

I took a look at the attachments and the previous deed and I would agree that our linework needs to be adjusted. If you need anything else please let me know.

Thanks,
Dave

David Reycraft
GIS Manager
Lee County Property Appraiser
P: (239) 533-6278 F: (239) 533-6160
W: www.leepa.org E: reycraftd@leepa.org

From: field services <fieldservices@leepa.org>
Sent: Friday, July 28, 2023 4:11 PM
To: GISTeam <GISTeam@leepa.org>
Cc: gabriel@boralengineering.com
Subject: FW: 2833 NEW POST RD - 3643240000013003A

Javier,

Most likely a GIS issue, not Field Services. They should be contacting you directly.

Mike Pratt



From: javier boralengineering.com <javier@boralengineering.com>

Sent: Tuesday, July 18, 2023 4:15 PM

To: field services <fieldservices@leepa.org>

Cc: Gabriel Mejia <gabriel@boralengineering.com>

Subject: 2833 NEW POST RD - 3643240000013003A

Good afternoon,

We are in the midst of Permitting this Site as an Minor Planned Development. One of the comments we are addressing is to correct a discrepancy in the listed Square Footage between the Boundary & Topographic Survey and the listed area on the LCPA data page. Please see the attached Survey and pdf from the Lee County Property Appraiser data page for this site.

Let us know if you require any additional information to correct this small error.
Thank you!

Sincerely,

Javier Boral

Director of Operations

Boral Engineering & Design, Inc.

Javier@Boralengineering.com

(P) 239-200-5512

23150 Fashion Dr, Suite 230

Estero, FL 33928

www.boralengineering.com



How did we do? We want to hear from you!

<http://www.leepa.org/Feedback/Feedback.aspx>

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send email to the Lee County Property Appraiser Office. Instead, contact this office by phone or in writing.

[Lee County Property Appraiser Office](#)

KP Surveying, Inc.
LB NUMBER 8152
2802 W. Cypress Avenue S.E.
Fort Myers, Florida 33905
(239) 462-1901
www.kpsurveying.com

A PARCEL OF LAND
LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 36, THENCE RUN NORTH 00° 20' 25" EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER (SE 1/4) FOR 1123.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00° 20' 25" EAST ALONG SAID WEST LINE FOR 391.43 FEET; THENCE RUN NORTH 73° 38' 40" EAST FOR 195.78 FEET; THENCE RUN NORTH 58° 24' 02" EAST FOR 170.37 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF NEW POST ROAD; THENCE RUN SOUTHEASTERLY FOR 92.42 FEET ALONG SAID WESTERLY LINE ON THE ARC OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 750.00 FEET (CHORD BEARING SOUTH 19° 27' 00" EAST, CHORD DISTANCE OF 92.34 (FEET) TO A POINT OF REVERSE CURVATURE; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE FOR 169.70 FEET ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 350.00 FEET (CHORD BEARING SOUTH 29° 48' 36" EAST, CHORD DISTANCE OF 168.04 FEET) THENCE RUN SOUTH 56° 01' 45" WEST 542.12 FEET TO THE POINT OF BEGINNING.

KENNETH PUFAHL Digitally signed by KENNETH PUFAHL
Date: 2023.02.23 15:17:41 -05'00'

Ken Pufahl, P.S.M.

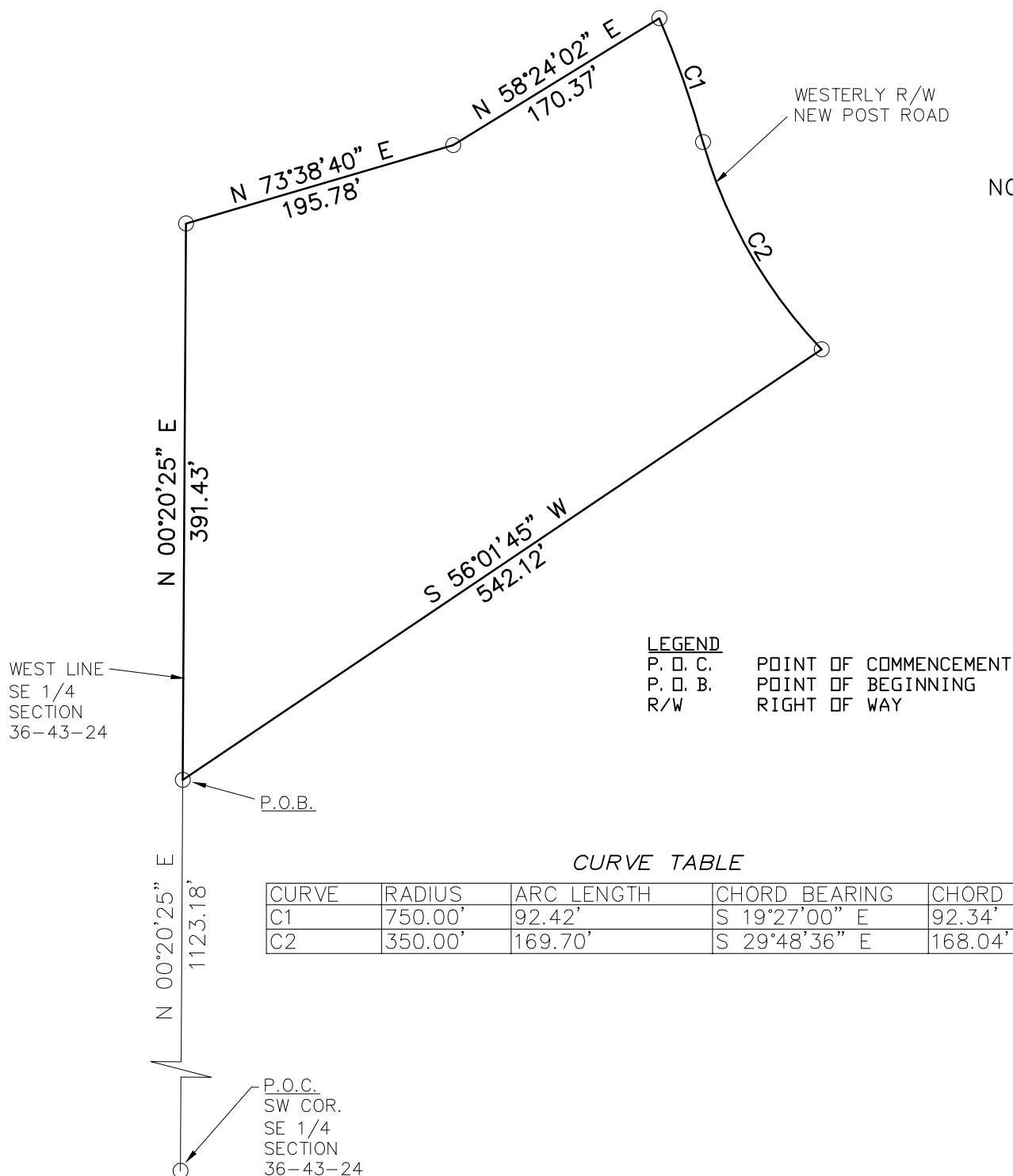
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. 6126

SKETCH TO ACCOMPANY DESCRIPTION

A PARCEL OF LAND
LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



NOT TO SCALE



KP Surveying, Inc.
LB NUMBER 8152
2802 W. Cypress Avenue S.E.
Fort Myers, Florida 33905
(239) 462-1901
www.kpsurveying.com

PROJECT No: 22-0142
DATE: 02/23/2023
SHEET 2 OF 2

*** THIS IS NOT A SURVEY ***

KENNETH PUFAHL Digitally signed by KENNETH PUFAHL
Date: 2023.02.23 15:18:07 -05'00'

Ken Pufahl, P.S.M.

PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. 6126

[illegible]

APPROVED

KENNETH PUFAHL Digitally signed by KENNETH PUFAHL
Date: 2023.03.05 12:03:26 -0500

KENNETH PUFAHL
REGISTERED LAND SURVEYOR PSM #6126
STATE OF FLORIDA
2802 WEST CYPRESS AVENUE
FORT MYERS, FL 33905

VALID ONLY WITH EMBOSSED SEAL OR DIGITAL SIGNATURE



American Land Title Association COMMITMENT FOR TITLE INSURANCE

Issued by: *Alliant National Title Insurance Company*

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Alliant National Title Insurance Company, a Colorado company (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

(h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
 - (a) the Notice;
 - (b) the Commitment to Issue Policy;
 - (c) the Commitment Conditions;
 - (d) Schedule A;
 - (e) Schedule B, Part I—Requirements;
 - (f) Schedule B, Part II—Exceptions; and
 - (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I—Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

- (e) Any amendment or endorsement to this Commitment must be in writing [and authenticated by a person authorized by the Company].
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

Issued through the Office of:
Florida Gulf Coast Title Specialists, LLC

BY: 
Authorized Signatory

ALLIANT NATIONAL TITLE INSURANCE COMPANY



By:



President

Attest:



Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.



ALLIANT NATIONAL
TITLE INSURANCE COMPANY

Alliant National File #20076132

Agent File #2022-1816

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

Transaction Identification Data for reference only:

Issuing Agent:
Florida Gulf Coast Title Specialists, LLC

ALTA Universal ID:

Commitment Number:
20076132

Issuing Office File Number:
2022-1816

Issuing Office:
2164B West First Street, Fort Myers, Florida
33901

Loan Number:

Revision Number:

Property Address:
New Post Rd, North Fort Myers,
Florida 33917

SCHEDULE A

1. Commitment Date: July 14, 2022 at 06:00 AM
2. Policy to be issued:
 - A. ALTA 2006 OWNER'S POLICY Proposed Policy Amount: **\$325,000.00**
(with Florida Modifications)
Proposed Insured: **Michael Essig**
 - B. ALTA 2006 LOAN POLICY Proposed Policy Amount: **\$0.00**
(with Florida Modifications)
Proposed Insured:
3. The estate or interest in the Land described or referred to in this Commitment is: **Fee Simple**
4. Title to the estate or interest in the Land is at the Commitment Date vested in:
Andy's Investments, Inc., a Florida corporation
5. The Land is described as follows:

See Attached Schedule A Continuation for Legal Description

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.

**ALLIANT NATIONAL**
TITLE INSURANCE COMPANY

Alliant National File #20076132

Agent File #2022-1816

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

SCHEDULE A Continuation

A Tract of land lying in the Southeast Quarter (SE 1/4) of Section 36, Township 43 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter (SE 1/4) of said Section 36, thence run North 00° 20' 25" East along the West line of said Southeast Quarter (SE 1/4) for 1123.18 feet to the Point of Beginning; thence continue North 00° 20' 25" East along said West line for 391.43 feet; thence run North 73° 38' 40" East for 195.78 feet; thence run North 58° 24' 02" East for 170.37 feet to a point on the Westerly right of way line of New Post Road; thence run Southeasterly for 92.42 feet along said Westerly line on the arc of a curve concave Southwesterly having a radius of 750.00 feet (chord bearing South 19° 27' 00" East, chord distance of 92.34 (feet) to a point of reverse curvature; thence Southeasterly along said Westerly line for 169.70 feet on the arc of a curve to the left having a radius of 350.00 feet (chord bearing South 29° 48' 36" East, chord distance of 168.04 feet) thence run South 56° 01' 45" West 542.12 feet to the Point of Beginning.

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.



ALLIANT NATIONAL
TITLE INSURANCE COMPANY

Alliant National File #20076132

Agent File #2022-1816

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

SCHEDULE B, PART I

REQUIREMENTS:

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
 - a. Warranty Deed from Andy's Investments, Inc., a Florida corporation to Michael Essig conveying the property as described in Schedule A of this Commitment.
5. Satisfactory proof, acceptable to the company, must be furnished showing the following corporation(s) to be existing and in good standing under the laws of the State of its incorporation: Andy's Investments, Inc..
6. Affidavit(s) in recordable form properly executed by the seller(s) and/or mortgagor(s) evidencing no other parties in possession, no claims or rights to a lien for services, labor or materials in connection with any repairs, alterations or improvements on the subject property, any adverse claims, no pending claims or court cases, or other matters. As to matters which may be disclosed by said Affidavit(s), the Company reserves the right to make such further requirements and/or exceptions as it may deem necessary.
7. Submit proof from the County of Lee that any outstanding municipal assessments due have been paid
8. Payment of any delinquent water, sewer and/or gas, garbage removal service charges due and payable to Lee County, Florida.
9. Payment of water, sewer and or gas, garbage removal service charges due and payable to Lee County, Florida.

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.



ALLIANT NATIONAL
TITLE INSURANCE COMPANY

Alliant National File #20076132

Agent File #2022-1816

Note: The following is for informational purposes only and will not appear in the policy to be issued hereunder:

The following deed(s) affecting the land described in Schedule A hereof cover a minimum twenty four month period to the effective date of this commitment.

Warranty Deed recorded in Official Records Instrument No. 2005000074662, of said Public Records of Lee County, Florida.

Taxes for the year 2021 have been paid in the amount of \$ 1261.85. The Parcel No. is 36-43-24-00-00013.003A.

NOTE: A search of the public records reveals no open mortgage. Closer should confirm with owner that property is free and clear.

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.

Sch.- ALTA Commitment for Title Insurance Schedules A & B
with Florida modifications
ANTIC # 1423

Copyright 2006-2016 American Land Title Association. All rights reserved.
The use of this Form is restricted to ALTA licensees and ALTA members
in good standing as of the date of use. All other uses are prohibited.
Reprinted under license from the American Land Title Association.





ALLIANT NATIONAL
TITLE INSURANCE COMPANY

Alliant National File #20076132

Agent File #2022-1816

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

SCHEDULE B, PART II

EXCEPTIONS:

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Rights or Claims of parties in possession not shown by the public records.
3. Easements or claims of easements not shown by the public records.
4. Discrepancies, conflicts in boundary lines, encroachments, overlaps, variations or shortage in area or content, party walls and any other matters that would be disclosed by a correct survey and/or physical inspection of the land.
5. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. All taxes, assessments, levies and charges, which constitute liens or are due or payable including unredeemed tax sales.
7. Taxes and assessments for the year 2022 and subsequent years which are not yet due and payable.
8. Any lien provided by Chapter 159, Florida Statutes, in favor of any city, town, village, or port authority for unpaid service charges for service by any water systems, sewer systems or gas systems serving the lands described herein.
9. Drainage Easement granted and recorded in Deed Book 283, page 290, as affected by Resolution of Vacation of Drainage Easement (retaining a Six foot utility easement along each boundary) as recorded in Official Records Book 1334, page 1150, Public Records of Lee County, Florida.

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.



ALLIANT NATIONAL
TITLE INSURANCE COMPANY

Alliant National File #20076132

Agent File #2022-1816

10. Easement Agreement for Ingress-Egress as recorded in Official Records Book 1129 page 1685, Official Records Book 1129, page 1691, Public Records of Lee County, Florida.
11. Sewage Treatment Service Agreement recorded in Official Records Book 1172, page 2068, Public Records of Lee County, Florida.
12. Lee County Electric Cooperative Easement granted and recorded in Official Records Book 1507, page 1091, Public Records of Lee County, Florida.
13. Reservation of Lateral Easement (ditch right of way) along Westerly 40 feet in Official Records Book 1488, page 545, Public Records of Lee County, Florida.

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.



Meeting Narrative

SITE ADDRESS: New Post Road,
North Fort Myers, FL 33917

PROJECT #: 22-122

PROJECT: New Post Road
Self-Service Storage

DATE: October 21, 2022

The community public meeting was held at the North Fort Myers Public Library located at 2001 N Tamiami Trail, North Fort Myers, FL 33903. The meeting started at 10:00 AM and concluded at 11:00 AM. This meeting was advertised in the "The News-Press" daily newspaper on October 18th, 2022. Prior to the meeting I created a power point presentation to display and explain what it is we are developing.

The day of the meeting I arrived fifteen minutes early to set up the meeting location. Besides I, the property owner, Michael Essig, and his wife were present at the meeting. We had one citizen attend the meeting; her name was Linda. She asked a lot of questions about the development like if it was going to be indoor or outdoor storage, was there going to be a gate for entrance, what type of construction the building will be, and more. Between the owner and I, we answered all her questions, and she left the meeting satisfied with our responses. Besides Linda, we did not have any other citizens attend the meeting.

Sincerely,

Andres Boral, P.E.
Boral Engineering & Design, Inc.

The News-Press

media group

news-press.com A GANNETT COMPANY

Classified Ad Receipt (For Info Only - NOT A BILL)

Customer: BORAL ENGINEERING & DESIGN, INC.

Ad No.: 0005452095

Address: 23150 FASHION DR., SUITE 230
ESTERO FL 33928
USA

Net Amt : 127.46

Run Times: 1

No. of Affidavits: 1

Run Dates: 10/18/22

Text of Ad:

COMMUNITY REVIEW MEETING

The community is invited to attend a neighborhood meeting held by Gabriel Mejia, project manager of Boral Engineering & Design, Inc., representing Michael Essig.

Friday, October 21st at 10:00 AM
North Fort Myers Public Library
2001 N Tamiami Trail,
North Fort Myers, FL 33903

Subject Property: New Post Road, North Fort Myers, FL 33917
The property purchaser is wanting to construct a 400-Unit Self-Service Warehouse south of the corner of Bayshore Road and New Post Road. The property will consist of a parking lot design, landscaping, storm drainage and connection to existing utilities.
AD# 5452095

10/18/22

Friday, October 14, 2022

Transaction Type: Payment

Order Number: 0005452095

Payment Method: Credit Card

Bad Debt: -

Credit Card Number: XXXXXXXXXXXXX3032

Credit Card Expire Date: 8/28/2026

Payment Amount: 127.46

Reference Number: 205458

Charge to Company: **FNP-Fort Myers**

Category: Classified

Credit to Transaction Number: P1146872

Invoice Text:

Invoice Notes:

Customer Type: Transient

Customer Category:

Customer Status:

Customer Group:

Customer Trade:

Account Number:

Phone Number: 2394658570

Company / Individual: **Company**

Customer Name: BORAL ENGINEERING & DESIGN, INC.

Customer Address: 23150 FASHION DR., SUITE 230

ESTERO

FL

Check Number:

Routing Number: